

Unrestricted Report

ITEM NO: 10

Application No.
12/00394/FUL

Site Address:

Ward: **Ascot**
Date Registered: **16 May 2012**
Target Decision Date: **11 July 2012**
20 and 22 New Road Ascot Berkshire SL5 8QQ

Proposal:

Erection of 2no., three bed semi-detached dwellings following demolition of existing building containing 2No. retail units with 2No. residential units.

Applicant:

Mr David Kirkby

Agent:

Mr Jason O'Donnell

Case Officer:

Laura Rain, 01344 352000

environment@bracknell-forest.gov.uk

Site Location Plan (for identification purposes only, not to scale)



1 RELEVANT PLANNING HISTORY (If Any)

03/00710/FUL

Validation Date: 15.07.2003

Erection of a three storey building to provide 20no. 2 bedroomed flats, 2no. 1 bedroomed flats and 5 no. retail units with associated car parking and access from New Road, following demolition of existing buildings.

Deemed Refused

04/00026/FUL

Validation Date: 08.01.2004

Erection of 17 no. 2 bedroomed and 7 no. 1 bedroomed flats and 5 no shop units with associated parking, access and landscaping following demolition of existing properties.

Refused

2 RELEVANT PLANNING POLICIES

Key to abbreviations

<i>BFBCS</i>	<i>Core Strategy Development Plan Document</i>
<i>BFBLP</i>	<i>Bracknell Forest Borough Local Plan</i>
<i>RMLP</i>	<i>Replacement Minerals Local Plan</i>
<i>WLP</i>	<i>Waste Local Plan for Berkshire</i>
<i>SPG</i>	<i>Supplementary Planning Guidance</i>
<i>SPD</i>	<i>Supplementary Planning Document</i>
<i>MPG</i>	<i>Minerals Planning Guidance</i>
<i>DCLG</i>	<i>Department for Communities and Local Government</i>
<i>NPPF</i>	<i>National Planning Policy Framework</i>
<i>SEP</i>	<i>South East Plan</i>

<u>Plan</u>	<u>Policy</u>	<u>Description</u> (May be abbreviated)
BFBLP	EN20	Design Considerations In New Development
BFBLP	E5	Hierarchy Of Shopping Centres
BFBLP	E11	Village Neighbourhood Centres Local Parades
BFBLP	M9	Vehicle And Cycle Parking
BFBCS	CS1	Sustainable Development Principles
BFBCS	CS7	Design
BFBCS	CS23	Transport
BFBCS	CS10	Sustainable Resources
BFBCS	CS12	Renewable Energy

BFBCS	CS10	Sustainable Resources
SEP	H5	Housing Design and Density
SEP	CC4	Sustainable Design and Construction
SEP	CC6	Sustainable Communities and Character of Environment
SEP	CC7	Infrastructure and Implementation
SEP	T4	Parking

3 CONSULTATIONS

(Comments may be abbreviated)

The Environment Agency

(No comments received at time of producing this report).

Biodiversity Officer

The Biodiversity Officer's comments are detailed in section 6 of the report.

Winkfield Parish Council

(No comments received at time of producing this report).

4 REPRESENTATIONS

No letters of objection have been received.

5 OFFICER REPORT

Proposed site area: 0.08ha
Proposed number of parking spaces: 4
Proposed number of residential units: 2
Net gain: 0
Proposed density: 24 dwellings per hectare

This application is reported to the Planning Committee at the request of the Head of Development Management, as the proposal is contrary to Policy E11 of the Bracknell Forest Borough Local Plan.

i) PROPOSAL AND BACKGROUND

The proposed development is for the erection of a pair of semi detached three bedroom dwellings following the demolition of the two existing retail units with two residential flats above.

At ground floor both dwellings would have a kitchen/breakfast room, utility room, WC and lounge. In addition the dwelling on Plot 1 would have a playroom. At first floor both

dwellings would have 2 bedrooms, both with en-suite. At second floor both dwellings would have the third bedroom and a bathroom.

To the front the dwellings would be set back from the highway by 9.5m with each unit having 2 car parking spaces and an area of landscaping. To the rear both dwellings would have 20m long rear gardens with sheds providing covered and secure cycle parking. The rear gardens would be bounded by 1.8m high close boarded fencing.

The properties under construction at adjoining property, 18 New Road, were granted outline planning permission under at the Planning Committee under reference 11/00223/OUT in June 2011 with reserved matters being approved in December 2011 under 11/00720/REM. These applications are a material planning consideration.

ii) SITE

The existing site comprises one building with a width of 11m with two derelict retail stores at ground floor level and two residential flats at first floor level. Parking is located at the front, with a dropped kerb extending along the front of the site which is laid to hard standing.

The site is bordered by no.18b to the north which previously was an A1 use at ground floor level with flat above but is now being redeveloped into a pair of semi detached dwellings.

To the south is no. 24 New Road which is occupied by a pharmacy with flat above.

20 and 22 New Road are located within a Local Parade as defined by the Bracknell Forest Council Proposals Map. The site is located within Flood Zones 2 and 3, and a Flood Risk Assessment has been submitted in support of the application. There is an extensive area of land to the rear with potential for Biodiversity, and a Phase 1 ecological survey carried out in 2008 for an application at 16-24 New Road identified the potential for a number of protected species. However at the time of the site visit for the current application there was no vegetation or grass on site.

iii) PLANNING CONSIDERATIONS

1) Principle of the Development

The application is reported to committee as it is contrary to policies E5 and E11 of the Bracknell Forest Borough Local Plan.

The application site is designated as a local parade in the Core Strategy as shown on the Proposals Map. However through the Draft Submission Site Allocations Development Plan Document, it is proposed to de-designate this centre as it has become too small to meet the criteria for designation.

The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications. At the heart of the Framework is a presumption in favour of sustainable development, for decision-taking this means:

- o Approving development proposals that accord with the development plan without delay; and
- o Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or Specific policies in this Framework indicate development should be restricted.

- Implementation of NPPF (Annex 1):

o Para 214 indicates that for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.

- Core Strategy Development Plan Document (CSDPD)

Core Strategy Policy CS 21 para 240 states that planning applications involving the loss by redevelopment or change of use of retail units that perform an important community role will only be allowed if they do not conflict with other elements of this strategy.

The design and access statement states that the unit has been vacant since April 2011; however the latest retail survey that was undertaken shows that although 20 New Road was vacant, 22 New Road was occupied by Navson, Soft Drinks Suppliers. The last Retail Survey was undertaken in September 2011. The Retail Survey shows that 20 New Road was occupied in September 2010 by Pedlars Place.

Para 235 of the Core Strategy states ' Units that perform an important community role including post offices, convenience stores, chemists and pubs will be protected . Planning applications involving their loss by redevelopment or change of use will not be allowed unless exceptional circumstances have been proven and an equivalent or better replacement facility has been secured.' 20 and 22 New Road are not considered to perform an important community role.

- Saved Bracknell Forest Council Local Plan

Policy E5 designates New Road as a Local Parade, as delineated on Inset Map 3. Policy E11 states that change of use for existing shops within local parades would only be permitted where the proposal:

- o Would result in a change of use within use classes A2 or A3 and;
- o Would not adversely affect the standard of local retail provision and;
- o Would not adversely affect the amenities of neighbouring residents.

As this proposal is not concerning a change of use to either A2 (financial and professional services) or A3 (food and drink) it is contrary to Policy E11 of Bracknell Forest Council Local Plan.

- Retail Survey Bracknell Forest Council

The Retail Survey is conducted once a year and shows in September 2011 22 New Road was occupied whilst 20 New Road was vacant. New Road in general is not showing signs of vitality and viability, which many of the local policies seek to protect. At the time of the 2002 (February) retail survey (at about the time of the Adoption of the CSDPD), five properties were in retail use and two in A2 use. At the time of the 2007 (February) retail survey, three properties were in retail use and four vacant. At the time of the 2008 (February) retail survey, one property in retail use and six were vacant. At the time of the 2011 survey two properties were occupied and five were vacant.

Whilst there has not been a general change of use to unacceptable alternative uses, neither has there been a move towards change of use to acceptable uses. The vacated shops have generally tended to remain vacant. This may be due to changes in the way the general population shops and the economic climate.

The CSDPD (para 3.16) expects that other parades and individual shops will continue to provide for the day to day needs of the locality, for example a grocers or a post office. This is unlikely to be the case at New Road and to perpetuate a use (retail) which market (recession) and other forces (change in shopping habits) do not support may be illogical. There are two other local centres as defined in the BFBLP in this area (Fernbank Road and Warren Road). As New Road is not currently performing as a local centre it is likely that Fernbank Road and Warren Road are performing this role for the neighbourhood.

Whilst the proposal is contrary to certain policies in the development plan, it is also necessary to consider other material considerations. The NPPF seeks to protect local shops. However, this is primarily driven by the wish to ensure that the day to day needs of local communities can be met locally in a sustainable manner. As has been demonstrated above, it is not considered that these shops have fulfilled that role for some time. There are other shops in the vicinity that serve that purpose. Furthermore SADPD proposes to remove the designation as a retail 'centre'.

On 7th June 2012 the Government published 'Parades to be Proud of: Strategies to support local shops'. This document states parades of shops:

- are largely defined by how people use them and their relation to other centres: this means that the number of shops in a parade can vary from 5 up to as many as 70 shops;
- have a mainly local customer base, with strong local links and local visibility, rather than being somewhere people would travel significant distance to shop at;
- have a high number of independent small or micro-businesses with some multiples (such as Tesco Metro, Sainsbury's Local, Boots) and symbol affiliates (including Spar, Londis, Budgens etc.); and
- have a mixture of retail based shops (convenience stores, newsagents, greengrocers, bakers etc) and some local service businesses (hairdressers, café etc).

Given that the retail surveys for this area show no signs of vitality or viability along with high levels of vacancy rates and the fact that local people are using other local shops within the area is not considered that the retail units at 20 and 22 New Road have the characteristics outlined above. Therefore it is not considered that the proposal would be contrary to guidance contained within 'Parades to be Proud of: Strategies to support local shops.'

2) Highways Considerations

Access to the site would be via an existing dropped kerb that runs along the frontage.

It will need to be ensured that any boundary treatment along the front of the site and down the sides of the properties in the car parking area does not exceed 0.6m in height in order to provide safe visibility.

The site does not provide on site turning, and New Road is a classified road. However the current situation allows vehicles to reverse onto the road and as the proposed use is unlikely to generate any more activity than the extant use, it is not considered that turning is required.

However the current drives are quite long and coupled with the width of the footway outside the site could lead to vehicles parking in tandem, blocking the footway for pedestrians. In order to overcome this concern a condition will be applied to any permission given requiring the length of the parking area to be no longer than 6m in depth from the front boundary of the site.

In terms of the site, the parking provision is acceptable for two three bedroomed dwellings. Access for pedestrians has been provided to the side of the parking spaces which is acceptable.

Cycle parking is required and will be covered by condition, although it is noted that the applicants have stated that cycle storage would be provided within sheds located in the rear gardens.

Subject to compliance with conditions, the Highways Officer is satisfied that there would be no highways issues arising as a result of the proposed development.

3) Impact on the Character and Appearance of the Area

The existing site comprises of an 11m wide unit with a hard surface forward of the front elevation that is used for parking. The proposed development would result in two dwellings with a width of 13.0m; however there would be areas of landscaping to the front that would soften the impact of the built form.

The dwellings would be of 2.5 storeys with hipped roofs. They would have a maximum ridge height of 8.8m and eaves height of 5.2m. The dwellings would have red brickwork and plain clay tiles with feature gable on the front elevation.

The dwellings under construction at the adjoining site 18 New Road are of very similar designs and scale parameters (although handed) and as such the dwellings proposed would be in keeping with these properties and the character of the area.

In addition the front wall of the proposed dwellings would be in line with the frontage of neighbouring properties on either side, therefore the proposal respects the pattern of development within the area.

4) Effect on the Amenities of the Residents of the Neighbouring Properties

The dwellings would not project forward of the front elevation or past the rear elevation of either no.18b or no.24. As such there would be no loss of light upon the windows in these elevations of the neighbouring properties.

No 24 has an element that is set back from the frontage with a bedroom window facing east. The light infringement created by the proposal to this bedroom window would be 61 degrees on the horizontal plane. The light infringement created by the highest part of the roof on the vertical plane would not exceed 45 degrees as the roof hips away from the window which is set in from the boundary by 2m. As such the light infringement would not be so great as to merit a refusal.

There is also a side facing dormer window in no. 24 that would look onto the flank wall of Plot 2. However as it is at a distance of 5.6m from the proposed flank wall and serves a hallway in no. 24 it is not considered that the development would be unduly over bearing when viewed from this window.

The side facing windows on both units would serve en-suites and as such can be conditioned to be fixed shut and obscure glazed in order to prevent any loss of privacy to neighbouring properties.

5) Flood Risk Assessment

As the application site is located within Flood Zones 2 and 3, a Flood Risk Assessment has been submitted in support of the application. The Environment Agency was consulted on the Flood Risk Assessment and the comments received will be reported in the Supplementary Report. However it should be noted that the Flood Risk Assessment submitted is an updated version of the report submitted for the development at the adjoining property.

6) Biodiversity Considerations

The Council's Biodiversity Officer commented that the updated survey letter indicates that the site is of low ecological value and the existing buildings are unlikely to provide opportunities for roosting bats. However, it does recommend a precautionary approach for demolition of the building and inclusion of planting to benefit wildlife in a landscape scheme and new bird or bat boxes. Therefore conditions should be applied to secure the protection and enhancement of biodiversity in accordance with policies CS1 and CS7.

7) Sustainability Issues

Policy CS10 requires the submission of a Sustainability Statement demonstrating how the proposals meet current best practice standards, i.e. Code for Sustainable Homes Level 3. Formal assessment of dwellings against the Code for Sustainable Homes must be carried out by an accredited assessor. The assessment has several stages, all of which must be covered and assessments submitted to the council. No sustainability statement has been submitted, and in the event of an approval conditions will be included to secure this and a Post-Construction Review Report.

Policy CS12 does not apply in this case as there would be no net gain in dwellings.

CONCLUSIONS

The proposed development would not result in an adverse impact on the character and appearance of the area or a detrimental effect on the amenities of the residents of the neighbouring properties. Furthermore conditions will be included to satisfy the issues raised by the Highways Officer and Biodiversity Officer.

Whilst the proposal is contrary to policy it is considered that the loss of two A1 units in this location would be acceptable due to the poor functioning of the Local Parade.

6 RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:-

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.
02. The development hereby permitted shall be carried out only in accordance with the following plans:
Drg No P11/05/201 received 16.05.2012
Drg No P11/05/S/220 received 16.05.2012

Drg No P11/05/S/221 received 16.05.2012

Drg No P11/05/S/210 received 16.05.2012

Drg No P11/05/S/211 received 16.05.2012

Drg No P11/05/S/212 received 16.05.2012

Drg No P11/05/S/213 received 16.05.2012

REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

03. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenities of the area.
[Relevant Plans and Policies: BFBLP EN20, CSDPD CS7]
04. The development shall not be begun until a Sustainability Statement demonstrating how the development meets current best practice standards in the sustainable use of natural resources has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include either a Design Stage Report and BRE Interim Certificate or a pre-assessment estimator carried out by an independent assessor licensed by the Building Research Establishment demonstrating that the development meets a minimum standard of Level 3 of the Code for Sustainable Homes or a "Very Good" or "Excellent" BREEAM rating. The development shall be implemented in accordance with the Sustainability Statement and shall be retained in accordance therewith unless the Local Planning Authority gives prior written consent to any variation.
REASON: In the interests of sustainability and the efficient use of resources.

[Relevant Policy: SEP CC4 , Core Strategy DPD CS10]
05. The development shall not be occupied until a Post Construction Review Report carried out by an independent assessor licensed by the Building Research Establishment and a Final Code Certificate has been submitted to the Local Planning Authority which demonstrates that the development has been constructed to meet a minimum standard of Level 3 of the Code for Sustainable Homes or a "Very Good" or "Excellent" BREEAM rating.
REASON: In the interests of sustainability and the efficient use of resources.

[Relevant Policy:SEP CC4, Core Strategy DPD CS10]
06. No development shall take place until details showing the slab level of the buildings in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved drawing.
REASON: In the interests of the character of the area.
[Relevant Plans and Policies: BFBLP EN20, GB3 and CSDPD CS7, CS9]
07. The side facing windows serving ensembles in the south elevation shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent) to a height of 1.7m from floor level. The windows shall at all times be fixed to a height of 1.7m from floor level.
REASON: To prevent the overlooking of neighbouring property.
[Relevant Policies: BFBLP EN20]

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional windows, similar openings or enlargement thereof shall be constructed in the first floor level or above of the north and south facing side elevations of the dwellings hereby permitted except for any which may be shown on the approved drawing(s).
REASON: To prevent the overlooking of neighbouring property.
[Relevant Policies: SEP CC6, BFBLP EN20]
09. The development hereby permitted shall not be begun until:
1) a scheme depicting hard and soft landscaping and
2) a three year post planting maintenance scheme
have been submitted to and approved in writing by the Local Planning Authority. The approved post-planting maintenance schedule shall be performed and complied with.
All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the occupation of any part of the approved development, whichever is sooner, or as may otherwise be agreed in writing by the Local Planning Authority. All hard landscaping works shall be carried out and completed prior to the occupation of any part of the approved development. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved, unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of good landscape design and the visual amenity of the area.
[Relevant Policies: BFBLP EN2 and EN20, CSDPD CS7]
10. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:
(a) Parking of vehicles of site personnel, operatives and visitors
(b) Loading and unloading of plant and vehicles
(c) Storage of plant and materials used in constructing the development
(d) Wheel cleaning facilities
(e) Temporary portacabins and welfare for site operatives
and each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (e) above without the prior written permission of the Local Planning Authority.
REASON: In the interests of amenity and road safety.
[Relevant Policies: Core Strategy DPD CS23]
11. No gates shall be provided at the vehicular access to the site.

REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]

12. The dwellings shall not be occupied until visibility splays of 2.0 metres by 2.0 metres have been provided at the junction of the driveway and the adjacent footway. The dimensions shall be measured along the edge of the drive and the back of the footway from their point of intersection. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the carriageway.

REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]

13. No dwelling shall be occupied until a means of vehicular access has been constructed in accordance with the details which have been submitted to and approved by the Local Planning Authority.

REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]

14. No development shall take place until a plan showing visibility splays has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the adjacent carriageway.

REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]

15. The scheme hereby permitted shall be carried out in accordance with the mitigation measures outlined in the letter received from AAe Environmental Consultants, dated 11th April 2012, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1]

16. The demolition should not be begun until a scheme for the installation of bird and bat boxes has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be performed, observed and complied with.

REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1, CS7]

17. No dwelling shall be occupied until secure and covered parking for bicycles has been provided in accordance with the approved drawing.

REASON: In order to ensure bicycle facilities are provided.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

Summary Of Reason(s) For Decision:

The following development plan policies have been taken into account in determining this planning application:

Bracknell Forest Borough Local Plan:

EN20 as it would be acceptable in terms of its impact upon the character of the area,

and amenity of surrounding properties and adjoining area
M9 which seeks satisfactory parking provision for vehicles and cycles

Core Strategy Development Plan Document:

CS1 which seeks to ensure that development makes efficient use of land and buildings, reduces the need for travel, promotes a mix of uses, conserves water and energy use, supports the economic wellbeing of the population, protects and enhances safety, natural resources, character of local landscape and historic and cultural features.

CS2 which seeks to ensure that land will be allocated for development in the following order: Bracknell Town Centre; previously developed land and buildings in defined settlement; other land within defined settlements where there is no conflict with other policies; extensions to defined settlements with good public transport links

CS6 which seeks to ensure that development will mitigate adverse impacts upon communities, transport and the environment

CS7 which seeks to ensure that developments are of high quality design.

CS23 which seeks to ensure the Council will use its powers to reduce the need to travel, and promote alternative modes, increase safety of travel and maintain and improve the local road network.

South East Plan:

CC4 which seeks the design and construction of all new development, and the redevelopment and refurbishment of existing building stock to incorporate sustainable construction standards and techniques.

CC6 which seeks development that will respect and enhance the character and distinctiveness of settlements and landscapes, and use innovative design to create a high quality built environment which promotes a sense of place.

T4 which seeks an appropriate level of parking.

CC7 which requires sufficient capacity to be available in existing infrastructure to meet the needs of new development, and where this cannot be demonstrated, that additional capacity be released through demand management measures, better management of existing or provision of new infrastructure.

H5 which seeks positive measures to raise the quality of new housing, reduce its environmental impact, and make good use of land.

NRM5 which seeks to conserve and improve biodiversity.

NRM6 which requires new residential development which is likely to have a significant effect on the ecological integrity of Thames Basin Heaths Special Protection Area (SPA) to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects.

Guidance contained within the NPPF has been taken into account. This does not alter officer recommendation.

(Please note that this is not intended to be an exhaustive list).

The following considerations have been taken into account:

The proposal will not adversely affect the character or visual amenity of the area, the amenity of neighbouring residents, highway safety, trees or protected species. The planning application is therefore approved.

The application file to which this report relates can be viewed at the Council's Time Square office during office hours or online at www.bracknell-forest.gov.uk