

Unrestricted Report

ITEM NO: 11

Application No.
12/00402/FUL

Site Address:

Ward:
Harmans Water

Date Registered:
3 May 2012

Target Decision Date:
28 June 2012

10 Lyndhurst Close Bracknell Berkshire RG12 9QP

Proposal:

Change of use of existing residential garage to separate residential dwelling with garage and erection of raised platform forming decking.

Applicant:

Mrs M Hill

Agent:

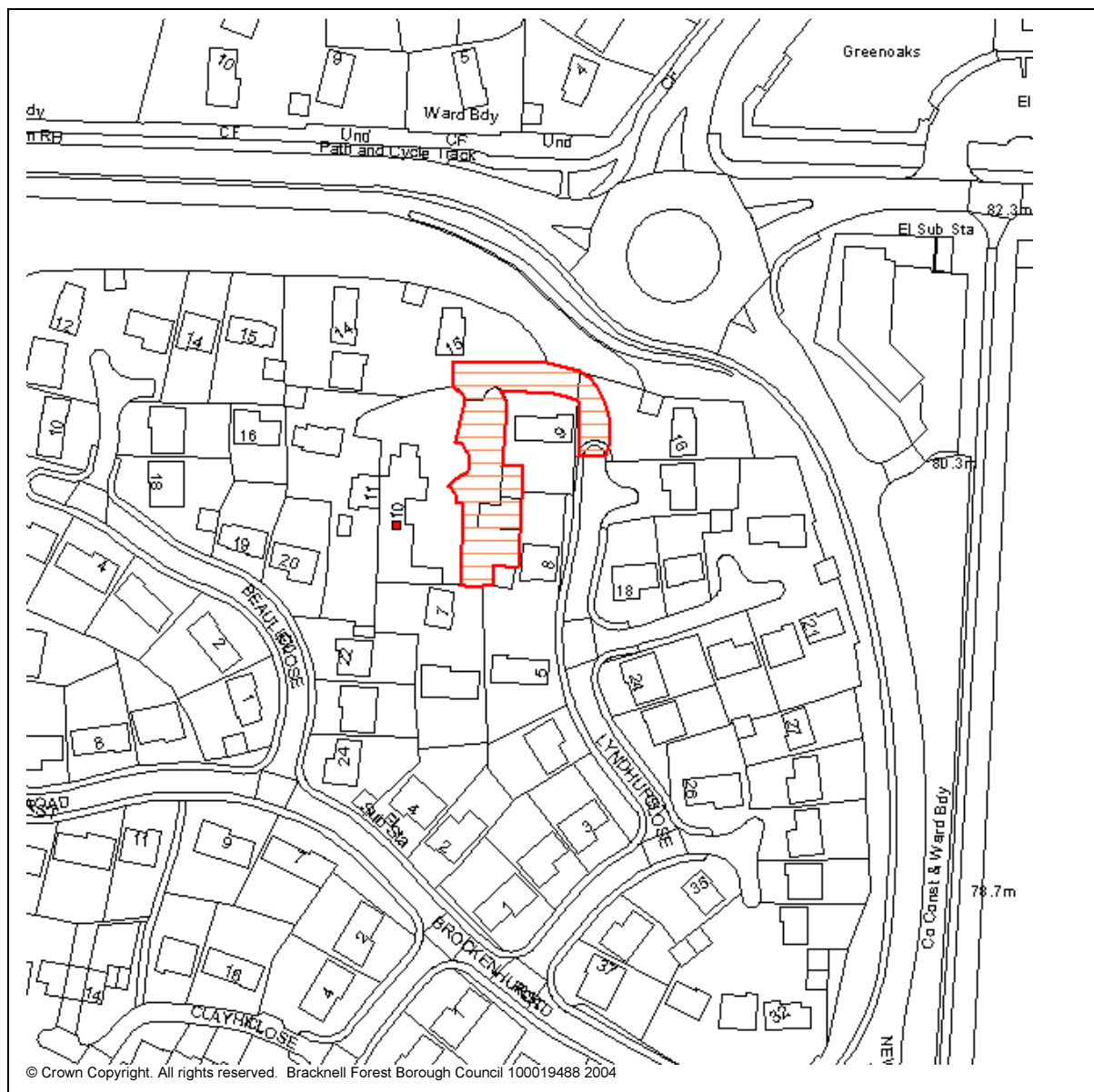
The Edwards Irish Partnership LLP

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)

609554 Validation Date: 18.03.1985
Demolition of existing barn and erection of first floor extension forming bedroom, ensuite bathroom and dressing room, s/s rear extension forming swimming pool, lounge, sauna, changing rooms WC and plant room and Porch.
Approved

9636 Validation Date: 09.06.1964
Application for extension.
Approved

608406 Validation Date: 28.12.1983
Single storey extension to garage block forming additional garage and workshop
Approved

608667 Validation Date: 10.04.1984
First floor extension forming bedroom and bathroom, s/s side extension forming swimming pool, changing rooms, sauna and lounge and erection of new porch.
Approved

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	M9	Vehicle And Cycle Parking
BFBCS	CS1	Sustainable Development Principles
BFBCS	CS6	Limiting the Impact of Development
BFBCS	CS7	Design

BFBCS	CS23	Transport
SEP	CC4	Sustainable Design and Construction
SEP	T4	Parking
SEP	CC7	Infrastructure and Implementation
SEP	H5	Housing Design and Density
SEP	CC6	Sustainable Communities and Character of Environment
SEP	NRM6	Conservation and Improvement of Biodiversity

3 CONSULTATIONS

(Comments may be abbreviated)

Winkfield Parish Council

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

Transportation Officer

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

4 REPRESENTATIONS

5 letters of objection has been received. These raise the following concerns:

1. Loss of amenity by way of:

- Increase in noise disturbance
- Loss of privacy
- Over looking
- Overshadowing
- Increase in activity on site

2. The proposal is over development

3. Concerns over parking and the increase in traffic created by the new dwelling.

4. Concerns that the access road/drive is dangerous

5. The proposal could lead to a further future development (extension or photovoltaics)

5 OFFICER REPORT

This application is reported to the Planning Committee at the request of Councillor Turrell due to concerns that the proposal would result in a loss of amenity by way of noise, loss of privacy, over looking, overshadowing, over development, increase in traffic in addition to concerns over parking.

i) PROPOSAL

Number of New Units: Houses: 1

Number of New Units: Flats: 0
Number of New Units: Bungalows: 0
Number of New Units: Sheltered Residences: 0
Total New Residential Units: 1
Number Demolished: 0
Net Gain: 1
Site area: 0.107 ha
Density per hectare: 10

The proposal is for the conversion of the existing single storey garage into a separate 2 bedroom dwelling. The building is being used as a triple garage and workshop ancillary to the main detached dwelling, 10 Lyndhurst Close, however the applicant now wishes to split the plot and convert the single storey garage into a 2 bedroomed self contained unit.

The proposed ground floor accommodation consists of a living room, kitchen-diner, bathroom, two bedrooms, an en-suite and a single garage.

At present the west elevation has a door, a single garage door and a double garage door. The single garage door would be retained. The double garage door would be replaced by a window serving bedroom 1. The door would be replaced by a standard window serving bedroom 2.

The north elevation has a double garage door. This would be replaced by a pedestrian door and a standard window serving the proposed living room.

There are no changes proposed on the east flank wall which has no openings.

The south elevation currently has two standard windows serving the garage and workshop. These would be replaced by patio doors serving the living room and dining area. An additional standard size window is proposed in this elevation to serve the kitchen.

The area to the south of the garage would be fenced off with 1.8m high close boarded fencing in order to provide a private 15m long rear garden.

An area of decking is proposed to the rear of the proposed dwelling. Due to the level differences on site this would be approximately 350mm high and as such requires planning permission. There is a beech tree on site which is covered by a Tree Preservation Order.

ii) SITE

The site is accessed via a private driveway with gated access. The main dwelling has been significantly extended to the rear and covers the length of the west boundary.

The garage building is single storey with a fully hipped roof. To the front is a driveway and hard standing for the parking of vehicles.

The garage lies hard up against the boundary with 8 and 9 Lyndhurst Close.

The main dwelling at 10 Lyndhurst Drive would maintain a parking area to the front and a large garden to the side.

iii) PLANNING CONSIDERATIONS

(1) Principle of the development

The site is located within the defined settlement as is subject to the policies for the control of development as set out in the Bracknell Forest Borough Local Plan (BFBLP) adopted January 2002, the Core Strategy Development Plan Document adopted February 2008 and the South East Plan adopted May 2009.

Policy CS2 of the Bracknell Forest Borough Plan Core Strategy Development Plan Document states: "Development will be permitted within defined settlements." Therefore the principle of development is acceptable.

(2) Impact upon the character and appearance of the area

The proposal does not involve any external additions to the garage block and as such there would be no significant impact upon the character and appearance of the area.

The proposed garden for the proposed dwelling would be comparable in size to neighbouring properties, as would the resulting garden for 10 Lyndhurst Close. As such it is not considered that the proposal would be out of keeping with the pattern of development within the immediate area.

(3) Effect on the amenity of neighbouring residential property

There would be no loss of light or overbearing impact created by this proposal as there are no alterations other than doors and fenestration to the built form proposed. As the building is wholly single storey and no windows are proposed along the boundary with 8 and 9 Lyndhurst Close it is considered that the proposal would not result in a loss of privacy to neighbouring properties.

(4) Transport Considerations

The Council's Transportation Officer has been consulted. These comments will be reported in the Supplementary Report prior to Committee.

(5) Limiting the Impact of Development

The Council has adopted detailed guidance on the interpretation of relevant planning policies and the mitigation of the impact of development. This guidance is set out in a Supplementary Planning Document entitled 'Limiting the Impact of Development' (adopted July 2007). For a development such as this, it seeks financial contributions towards improvements to local provision where a need is identified. These are secured by means of planning obligations set out in a Legal Agreement (S106 Agreement).

This proposal would require contributions towards integrated transport and highway safety measures, open space, primary school education (Holly Spring Junior), library facilities and the Thames Basin Heath SPA.

(6) The Thames Basin Heath Special Protection Area

The Council, in consultation with Natural England, has formed the view that that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath SPA is likely to have a significant effect on the SPA, either alone or in-combination with other plans or projects.

This site is located approximately 2.48 km from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

Therefore, an Appropriate Assessment must consider whether compliance with conditions or restrictions, such as a planning obligation, can enable it to be ascertained that the proposal would not adversely affect the integrity of the site.

In line with the Council's Special Protection Area Technical Background Document (June 2007) and Chapter 11 of the Limiting the Impact of Development SPD (July 2007) (LID), the project as proposed would not adversely impact on the integrity of the site provided:

Prior to the permission being granted an applicant enters into a Section 106 Agreement based upon the Template S106 Agreement. The Council's Special Protection Area SPD Table 1 requires a contribution which is calculated on a per bedroom basis to be paid to the Council towards the cost of works and measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Council's Avoidance and Mitigation Strategy.

The open space works at Englemere Pond is the most appropriate to this proposal (although it may be necessary to allocate the contribution to another SANG). The Template S106 also requires occupancy to be restricted until the works and measures are in place.

The Council has also signed a legal agreement to secure financial contributions towards Strategic Access Management and Monitoring (SAMM) which will be calculated on a per bedroom basis.

In summary, the total SPA related financial contribution including a contribution towards the SAMM project for this proposal is £2,296 (i.e. 1770 + 526).

Natural England has agreed that if the plans are implemented as stated in the SPA Avoidance and Mitigation Strategy and the Strategic Access Management and Monitoring Agreement, with certain monitoring requirements, Natural England "will stop objecting to consultations on housing applications in those areas of the Borough which have mitigation in line with the avoidance strategy."

Therefore, the Council is convinced, following consultation with Natural England, that the above measures will prevent an adverse effect on the integrity of the SPA. Pursuant to Article 6(3) of the Habitats Directive (Council Directive 92/43/EEC) and Regulation 61(5) of the Conservation of Habitats and Species Regulations (2010) permission may be granted.

(7) Sustainability

Page 15, paragraph 2.6 of the Sustainable Resource Management SPD confirms that change of use applications are excluded, therefore no sustainability or energy demand conditions are required.

(8) Trees

In order to prevent any damage to trees on site created by the construction of the decked area a condition requiring a method statement is proposed.

iv) CONCLUSION

It is not considered that the proposal would have a detrimental impact upon highway safety, the character and appearance of the area and upon the amenities of the neighbouring properties subject to conditions relating to glazing.

The proposal is therefore recommended for approval subject to no objections being raised by the Transportation Officer in addition to the successful completion of a S106 agreement to secure contributions for the wider area and SPA mitigation.

6 RECOMMENDATION

Following the completion of planning obligation(s) under Section 106 of the Town and Country Planning Act 1990 relating to:-

01. a) Transport facilities
- b) Open space and recreation facilities
- c) Primary and nursery education
- d) Library facilities
- e) Thames Basin Heath Special Protection Area

That the Head of Development Management be authorised to **APPROVE** the application subject to the following condition(s):-

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 approved plans:
Drg No Job 2073 DWG 03 received by LPA 03.05.2012
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
03. 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 north or east elevations of the dwelling hereby permitted except for any which may be shown on the approved drawing(s).
REASON: To prevent the overlooking of neighbouring properties.
[Relevant Policies: BFBLP EN20]
04. 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 enlargement, addition, improvement or other alteration permitted by Classes A or B of Part 1 of the Second Schedule of the 1995 Order shall be carried out.

REASONS: To safeguard the character of the premises and the residential and visual amenities of the occupiers and adjoining properties
[Relevant Policies: BEBLP EN20]

05. No dwelling shall be occupied until the associated vehicle parking for the dwelling hereby permitted and for the dwelling known as 10 Lyndhurst Close has been surfaced and marked out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The spaces shall not thereafter be used for any purpose other than parking and turning.

REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.

[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

06. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for covered and secure cycle parking facilities. The building shall not be occupied until the approved scheme has been implemented. The facilities save as otherwise agreed in writing by the Local Planning Authority shall be retained. REASON: In the interests of accessibility of the development to cyclists.

[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

07. No development shall commence until a detailed site specific construction method statement for all hard surfaced areas of any description within the minimum root protection areas of retained trees calculated in accordance with British Standard 5837:2012 'Trees In Relation To Construction Recommendations', or any subsequent revision, has been submitted to and approved in writing by the Local Planning Authority. Details shall be based on a porous 'No-Dig' principle of construction, avoiding any excavation of existing levels in all areas concerned, and shall include: -

- a) An approved development layout plan identifying all areas where special construction measures are to be undertaken.
- b) Materials including porous surface finish.
- c) Construction profile/s showing existing /proposed finished levels together with any grading of levels proposed adjacent to the footprint in each respective structure.
- d) Program and method of implementation.

The Construction Method Statement shall be observed, performed and complied with.

REASON: In order to alleviate any adverse impact on the root systems and the long term health of retained trees, in the interests of the visual amenity of the area.

[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

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.

M4 which seeks to ensure that development which would result in a material increase in the use of the existing highway will provide appropriate pedestrian, cycling and public transport routes

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.

CS14 which seeks to avoid an adverse impact upon the integrity of the Thames Basins Heaths Special Protection Area.

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.

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 or highway safety. The planning application is therefore approved.

In the event of the S106 planning obligation(s) not being completed by 28th June 2012, the Head of Development Management be authorized to **REFUSE** the application on the grounds of:-

01. The proposed development would unacceptably increase the pressure on highways and transportation infrastructure, public open space, primary and nursery education. library facilities and the Thames Basin Heath Special Protection Area. In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which secure contributions towards integrated transport and highway safety measures, public open space, primary and nursery education. library facilities and the Thames Basin Heath Special Protection Area the proposal is contrary to Policy CC7 of the South East Plan, Policy M4 of the Bracknell Forest Borough Local Plan and CS6, CS14 and CS24 of the Core Strategy Development Plan Document and to Supplementary Planning Document Limiting the Impact of Development (adopted July 2007).

Doc. Ref: Uniform 7/DC/Agenda

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