

## Unrestricted Report

### ITEM NO: 8

Application No.  
**13/00851/FUL**

Ward:  
Priestwood And Garth

Date Registered:  
26 September  
2013

Target Decision Date:  
21 November 2013

Site Address:

**Block B Christine Ingram Gardens Bracknell  
Berkshire**

Proposal:

**Creation of 1no. two bedroom flat in roof space, with associated installation of 3no. dormer windows and alterations to car park layout (total number number of units to remain at 26).**

**Note for clarification: This application is for alterations to planning permission 12/00830/FUL, to change the number of bedrooms in the the approved roof space apartment from one to two.**

Applicant:

Cover Homes Ltd.

Agent:

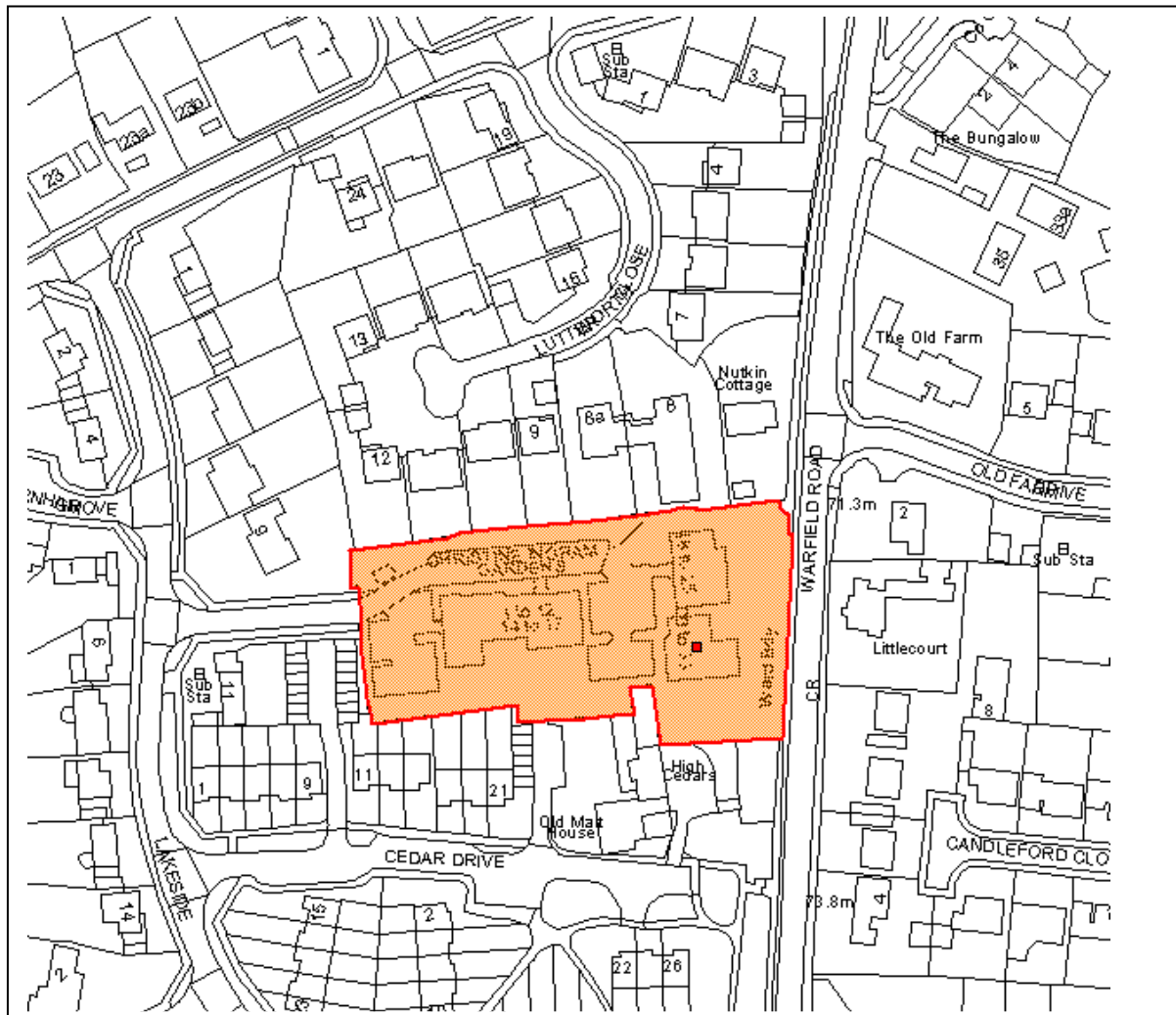
Mr Peter Salmon

Case Officer:

Sarah Horwood, 01344 352000

[environment@bracknell-forest.gov.uk](mailto:environment@bracknell-forest.gov.uk)

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



## 1 **RELEVANT PLANNING HISTORY** (If Any)

See under Section 5 - Officer Report

## 2 **RELEVANT PLANNING POLICIES**

<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	CS2	Locational Principles
BFBCS	CS7	Design
BFBCS	CS23	Transport
SALP	CP1	Presumption in Favour of Sustainable Development

## 3 **CONSULTATIONS**

(Comments may be abbreviated)

Bracknell Town Council

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

## 4 **REPRESENTATIONS**

4no. letters of objection received to the application which state the following:

- Ensure conditions attached to planning permission 12/00874/FUL are carried over to any consent [officer comment: conditions will be recommended appropriate to the proposal].
- Application should be viewed in conjunction with 13/00491/PAC which would increase the number of units to 27 so that the applicants are not able to avoid providing for affordable housing as made clear in previous appeal decisions on this site [officer comment: this proposal does not result in a net increase in residential units on site and therefore affordable housing is not a material consideration of this application].
- This retrospective application building work was completed on 1.8.13 - this work was done contrary to approved plans [officer comment: creation of 2 bedroom flat as opposed to 1 bedroom flat is noted, however this is not considered to be a material change of use]
- It has been clear since June that creating a 2 bed flat rather than a 1 bed flat on this site would require providing additional car parking but the applicant seems to have tried to avoid that clear requirement [officer comment: an additional parking space is proposed as part of this application].
- Similar applications were raised in June 13 for 2 roofspace flats in Block A, and this flat in B has the same footprint. The applications for Block A were approved by the BFC Planning Committee in August with additional planning conditions for provision of car and cycle parking, giving 9 conditions in all [officer comment: the history of these applications are noted].
- The new application is overdevelopment [officer note: proposal does not create additional residential units of accommodation].

- The extra parking space is required to avoid harm to local residents from overspill parking. Ensure that the additional parking space is completed and marked out to the standard required prior to occupation of the 2 bed flat in Block B (Flat 32) [officer comment: appropriate conditions are recommended relating to parking provision].
- This work was carried out prior to submission of this application. Therefore this application should be submitted to the Planning Committee for evaluation to ensure that all previous conditions relating to parking and low cost housing requirements have been fully complied with [officer comment: the application is reported to the Planning Committee for determination to assess planning merits of case].
- The current occupancy of Christine Ingram Gardens is far greater than originally approved [officer comment: increase in number of bedrooms is acknowledged although no net increase in number of residential units on site].
- Increased traffic leads to more overflow vehicle parking that already obstructs neighbouring streets and places local pedestrians at risk [officer comment: proposal would provide satisfactory parking which would not in itself displace traffic onto the surrounding highway].
- This application seeks to remedy the discovery of a non-compliant development. It is one of many failures at this site to comply with conditions defined by councillors and issued by the Head of Planning [officer comment: works maybe retrospective but this application seeks to remedy the matter].
- It would be advisable for Councillors to consider this application in the context of all recent and proposed changes at this site. It would be reasonable to ask officers to provide a consolidated statement of all relevant applications stating whether or not implemented and whether or not compliance with planning conditions has been verified [officer comment: the history of relevant applications is set out in the report].

## **5 OFFICER REPORT**

This application has been reported to the Planning Committee as more than 3 objections have been received to the proposal.

### **i) BACKGROUND AND SITE HISTORY:**

The planning history relating to the site is as follows:

03/01129/OUT refused March 2004 for outline application (including details of siting and means of access) for the erection of 2no. two storey buildings each accommodating 6 flats and 1no. building accommodating 12 flats with associated parking and access onto Lakeside. Allowed at appeal.

05/00069/REM approved May 2005 for submission of details of design, external appearance, landscaping and means of access for the erection of 2 x two storey blocks of 6 flats and 1 x block of 12 flats pursuant to outline planning 03/01129 approved under appeal.

This site has been the subject of 6 previous applications to provide residential accommodation in the roof spaces of existing blocks of flats:-

05/00707/OUT refused for addition of 2no. additional flats in the roof of Building C at second floor level with 2no. additional car parking spaces and revised bin store locations). Allowed on appeal. Inspector did not consider that the proposal would result in overlooking of neighbouring properties or unacceptable increase in traffic.

08/00511/FUL refused for Conversion of roof space of blocks A and B to provide 6no. additional flats (3no. one bedroom flats and 1no. two bedroom flat in Block A, 2no. one

bedroom flats in Block B). Provision of 9 additional car parking spaces and 10 additional cycle spaces and relocation of visitor cycle store. Dismissed on appeal. The Inspector considered that there would be no harm to residential amenity as a result of the insertion of velux windows or dormer windows and that changes to the parking area would have little overall effect on the visual amenity of the area. The Inspector considered that the additional 6 units would result in a net increase of 30 residential units on the site. This exceeds the threshold where affordable housing should be provided as part of the development and no affordable housing provision had been made.

08/00789/FUL refused for conversion of roof space of blocks A and B to provide 6no. additional flats (3no. one bedroom flats and 1no. two bedroom flat in Block A, 2no. one bedroom flats in Block B). Provision of 9 additional car parking spaces and 10 additional cycle spaces and relocation of visitor cycle store.

09/00180/FUL refused for conversion of roof space of blocks A and B to provide 6no. additional flats (3no. one bedroom flats and 1no. two bedroom flat in Block A, 2no. one bedroom flats in Block B). Provision of 9 additional car parking spaces and 10 additional cycle spaces and relocation of visitor cycle store. Appeal dismissed. The Inspector agreed with the inspector determining application 08/00511/FUL that there would be no harm to the character or appearance of the site or wider area and no significant overlooking or loss of privacy for neighbouring properties. The Inspector considered that the contribution offered by the applicant towards affordable housing provision was inadequate and that the Council's approach to considering viability in assessing the proposal and the affordable housing requirement was appropriate and to be preferred to the appellants' approach.

11/00015/FUL refused for conversion of roof space of blocks A and B to provide 6no. additional flats (3no. one bedroom flats and 1no. two bedroom flat in Block A, 2no. one bedroom flats in Block B). Provision of 9 additional car parking spaces and 10 additional cycle spaces and relocation of visitor cycle store.

Other relevant applications relating to Block B are as follows:

11/00630/CLPUD approved for Application for a certificate of lawfulness for the proposed use of roof space of Block B for residential purposes ancillary to Nos: 29 and 31 and the insertion of 4 velux windows.

12/00211/FUL approved for Installation of 6no. dormer windows in roof of Block B.

12/00830/FUL approved for Creation of 1no. one bedroom flat in roof space of Block B and merging of units 26 and 27 to form three bed flat and installation of dormer windows.

12/00958/FUL approved for Creation of 1no. one bedroom flat in roof space of Block B with installation of 3 dormer windows and reduction of number of units in Block C by altering 3 no. two bedroom flats to 1 no. three bedroom and 1 no. two bedroom flat. Total number of units remains at 26.

## **ii) PROPOSAL**

An application has been made for the creation of 1no. two bedroom flat in the roof space of Block B following the merging of flat nos. 26 and 27 (both 2 bedroom flats at ground floor level) in Block B to form one 3 bedroom flat, the installation of 3no. dormer windows serving the roof space flat and the creation of 1no. additional parking space.

The principle of merging flat nos. 26 and 27 into 1no. 3 bedroom flat and the creation of 1no. 1 bedroom flat in the roof space of Block B was established by application 12/00830/FUL. This proposal would increase the number of bedrooms in the roof space flat from 1 to 2 bedrooms. 3no. dormer windows exist in the east, south and west elevations of the building, these windows serve the kitchen/living room and the 2no. bedrooms of the flat. The principle of dormer windows on Block B has already been established by planning permission ref: 12/00211/FUL for the installation of 6no. dormer windows in roof of Block B. For information, the dormer windows constructed to serve the roof space flat are sited in the same position as that approved by application 12/00211/FUL. Both these proposals were considered to comply with the development plan and the NPPF.

The dormer windows, merger of the flats and creation of the 2no. bedroom flat in the roof space have been completed.

The creation of an additional bedroom within an existing flat does not constitute development in accordance with Section 55 of the Town and Country Planning Act 1990 (as amended). Section 55 provides the meaning of "development" and "new development" and states "development means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land".

Section 55 (2) goes on to state:

"The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land-

(a) the carrying out for the maintenance, improvement or other alteration of any building of works which-

(i) affect only the interior of the building

Given no further external alterations are required to be made to Block B and the provision of an additional bedroom has required only internal alterations, the increase in the number of bedrooms in the roof space flat does not in itself require planning permission.

However, the applicant is proposing the creation of an additional parking space which would require planning permission to serve the 2 bedroom roof space flat. This would result in an existing parking space which runs parallel to the existing access road serving the development being re-orientated 90 degrees to the road so that an additional parking space would be created alongside it. The additional parking space would be 2.4m wide and 4.8m long and the re-orientated parking space (space 17 on the site layout plan) would also be the same dimensions.

Additional provision for cycle parking would also be provided.

For information, the total number of residential units on site within the 3 blocks of flats (Blocks A, B and C) would remain at 26.

As it has been ascertained that the only elements of the development which require planning permission are the creation of an additional parking space and additional cycle provision, this report will focus solely on the acceptability of these elements of the proposal.

### **iii) SITE**

The site comprises 3 blocks of flats with associated car parking and landscaped areas. The access into the site is from Lakeside and is bound to the north and south by housing and to the east by Warfield Road. The site is located within a defined settlement as shown on the Bracknell Forest Borough Policies Map.

### **iv) PLANNING CONSIDERATIONS**

#### **(1) Principle of development**

Policy CP1 of the Site Allocations Local Plan sets out that a positive approach to considering development proposals which reflect in the presumption in favour of sustainable development as set out in the NPPF should be taken, and that planning applications that accord with the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise. This is in conformity with the NPPF.

The application site is located within a defined settlement as designated by the Bracknell Forest Borough Policies Map. Development within a defined settlement is considered to be in accordance with Core Strategy Policies CS1 (Sustainable Development), CS2 (Locational Principles) and the NPPF subject to no adverse impacts upon residential amenities of neighbouring properties, character and appearance of surrounding area, highway safety implications, etc. These matters are assessed below.

#### **(2) Effect on residential amenities of neighbouring properties**

Policy EN20 of the BFBLP states that developments should not adversely affect the amenity of surrounding properties. This is consistent with the NPPF.

The provision of an additional parking space and reorientation of an existing parking space sited along the northern boundary of the site would not impact upon surrounding properties both on or off the site. Parking already exists along the northern boundary and therefore the alterations proposed to the parking layout would not appear visually prominent to properties within the development which have views over and across the parking area or to other properties outside of the site. Furthermore, the proposed alterations to the parking spaces would not result in increased noise and disturbance to properties both on and off the site.

The proposed extension of the existing cycle store on the southern boundary of the site would not appear visually prominent to properties both on and off the site.

As such, the proposal would not be considered to affect the residential amenities of neighbouring properties both on and off the site and would be in accordance with Policy EN20 of the Bracknell Forest Borough Local Plan and the National Planning Policy Framework.

#### **(3) Impact on character and appearance of surrounding area**

Policy EN20 of the BFBLP and Policy CS7 of the CSDPD relate to design considerations in new proposals and are relevant considerations. These policies seek to ensure that developments are sympathetic to the character of the area and are of a high design. This is consistent with the NPPF.

The proposed alterations to the parking layout would result in an existing parking space which runs parallel to the access road serving the development (space 17) being re-orientated 90 degrees to the road so that an additional parking space can be created alongside it (space 45 as shown on drawing no. 171013a). Two applications were approved at the Planning Committee in August 2013 (refs: 13/00505 and 13/00506/FUL) relating to Block A for the creation of 2 bedroom flats in the roof space of that block as opposed to one bedroom flats following the merger of existing flats. These applications also required the provision of additional parking spaces due to an increase in number of bedrooms which followed the same principle as that proposed here - the reorientation of existing parking spaces 90 degrees to the access road to create additional parking. The proposed alterations would have nominal impact upon the existing hard and soft landscaping on site and the alterations to the parking layout would not appear visible from outside of the site.

The proposed extension of the existing cycle store on the southern boundary of the site would not appear obtrusive within the wider area as it would be a modest extension to an existing facility already on site.

As such, the proposal would not adversely affect the character and appearance of the surrounding area and would be in accordance with Policy EN20 of the Bracknell Forest Borough Local Plan, Policy CS7 of the Core Strategy DPD and the National Planning Policy Framework.

#### **(4) Highway implications**

Policy M9 of the BFBLP ensures that development provides satisfactory parking provision for vehicles and cycles. A further material consideration for parking provision for vehicles and cycles is provided in the Council's adopted Parking Standards SPD. The NPPF refers to local authorities setting their own parking standards for residential development and these policies are in conformity.

The application would not result in an increase in the number of residential units within the development which would remain at 26; however there would be an increase in the number of bedrooms in the roof space flat over and above that approved by previous permission 12/00830/FUL - from 1 bedroom to 2 bedrooms, resulting in a requirement for 1no. additional parking space in accordance with the Parking Standards SPD. Although the increase in number of bedrooms in the flat does not in itself require planning permission, the applicant is providing an additional parking space in accordance with the Parking Standards SPD.

The additional parking space would be 2.4m wide and 4.8m long in accordance with Council Standards and the re-orientated parking space (space 17 on the site layout plan) would also be the same dimensions. These parking spaces would not impact upon any existing parking spaces on site and would not affect the access road serving the site. As such, no adverse highway implications would result from the proposal.

Additional cycle parking would be provided by the applicant due to an increase in the number of bedrooms in the roof space flat from 1 to 2. As part of permissions 13/00505 and 13/00506/FUL relating to Block A, the existing cycle store on site was approved to be extended to create 4no. additional cycle parking spaces in total (by providing 2no. additional hoops). This was 2no. cycle spaces more than what was required by the Parking Standards SPD so this proposal would have 1no. cycle space provided in the extended cycle store and there would be 1no. surplus cycle space.

For the reasons given above the proposal is considered to be in accordance with Policy M9 of the Bracknell Forest Borough Local Plan and the NPPF.

## **v) CONCLUSION**

The creation of an additional bedroom in the roof space flat does not require planning permission as it is an internal alteration that does not constitute development. However, the creation of an additional car parking space and cycle space require planning permission and have been assessed to not adversely impact upon the residential amenities of neighbouring properties, character and appearance of surrounding area and highway safety implications.

As such, the proposal is considered to be in accordance with Policies EN20 and M9 of the Bracknell Forest Borough Local Plan, Policies CS1, CS2, CS7 and CS23 of the Core Strategy DPD, Policy CP1 of the Site Allocations Local Plan and National Planning Policy Framework.

The application is therefore recommended for approval.

## **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 approved plans received by the Local Planning Authority on 26 September 2013:  
drawing no. 29-5-2C  
drawing no. 171013a  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
03. The flat at second floor level in Block B, Christine Ingram Gardens shall not be occupied until the two vehicle parking spaces have been surfaced and marked out in accordance with the approved drawing(s). The two parking spaces shall thereafter be kept available for parking at all times.  
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]
04. The flat at second floor level in Block B, Christine Ingram Gardens shall not be occupied until secure and covered parking for bicycles has been provided in accordance with the approved drawing. The cycle parking spaces and facilities shall thereafter be retained and kept available for cycle parking at all times.  
REASON: To ensure provision of adequate cycle parking to encourage non-car based modes of transport.  
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]



05. There shall be no restrictions on the use of the car parking spaces shown on the approved plan for the occupiers of, or visitors to, any of the buildings hereby permitted.  
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 Plans and Policies: BFBLP M9]

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:
1. Time limit
  2. Approved plans
  3. Parking spaces
  4. Cycle parking
  5. No restrictions on car parking

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](http://www.bracknell-forest.gov.uk)