

Unrestricted Report

ITEM NO: 5

Application No.
14/00111/FUL
Site Address:

Ward:
Crown Wood

Date Registered:
27 March 2014

Target Decision Date:
22 May 2014

7-11 Crown Row Bracknell Berkshire RG12 0TH

Proposal:

Erection of a first floor rear extension, change of use from offices to 4no. self contained flats (3no 2-bed and 1no 3-bed) and erection of bin store and cycle store.

Applicant:

Mr M Hasnaini

Agent:

ADS Property Services

Case Officer:

Laura Rain, 01344 352000

Development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

This application is presented to the Planning Committee at the request of Councillor Brunel-Walker due to concerns over the parking and access to the site.

1. SITE DESCRIPTION

7-11 Crown Row is a two storey building with car parking to the front. The ground floor units are occupied by a shop, an estate agents and a dental practice.

There is a single storey element to the rear.

To the front is a Council owned car park serving the parade. To the rear is a wooded area with footpaths running through it. To the north is a public house and school.

2. RELEVANT SITE HISTORY

13/00465/PAC Change of use from office to residential. Refused for the following reasons:

01. The proposal includes a first floor rear extension and does not therefore accord with Class J of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order (as amended May 2013) which only allows for the change of use from B1(a) offices to C3 (dwellinghouses)

02 . The proposal would not comply with the Local Planning Authority's standards in respect of vehicle parking and cycle parking. This would be likely to encourage on-street parking and therefore have a detrimental impact upon road safety and the flow of traffic. The proposal does not therefore comply with Class J of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order (as amended May 2013)

12/00868/FUL Erection of a first floor rear extension and change of use from offices to 4 self contained flats. Refused on the following ground:

01. The proposal would not comply with the Local Planning Authority's standards in respect of vehicle parking and cycle parking. This would be likely to encourage on-street parking and therefore have a detrimental impact upon road safety and the flow of traffic. The proposed development would therefore be contrary to Policy T4 of the South East Plan, Policy M9 of the Bracknell Forest Borough Local Plan, Policy CS23 of the Core Strategy Development Plan Document and Bracknell Forest Borough Parking Standards (Supplementary Planning Document approved July 2007).

02. The proposed use of the spiral staircase and balcony as an access point would result in an unacceptable loss of privacy to the detriment of the living conditions of the future occupiers of the three bedroomed unit. The proposed development would therefore be contrary to Policy EN20 of the Bracknell Forest Borough Local Plan.

03. The proposed development would unacceptably increase the pressure on public open space. 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 and open space the proposal is contrary to Policies CC7 of the South East Plan, Policies R5 of the Bracknell Forest Borough Local Plan and CS6 and CS8 of the Core Strategy Development Plan Document and to Supplementary Planning Document Limiting the Impact of Development (adopted July 2007).

04. The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impacts in this respect. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (2012).

This refusal was appealed and the appeal dismissed due to lack of S106 to offset the impact upon the Thames Basin Heath SPA and upon open space and recreation.

In terms of reason for refusal 01 the Inspector commented that the 8 car spaces were needed for the proposed development which would be less than the requirements of the existing offices.

The Inspector noted that the car park became busy for school drop off and pick up times however he states that this is unlikely to be the times that the residents of the flats leave and return and in addition if cars were forced to park on neighbouring roads there would be no clear harm in this.

In respect of reason for refusal 02 the Inspector states that this could easily be overcome by a screen on the balcony and wall.

The current application differs from that dismissed at appeal only in that screening is incorporated, as per the Inspector's comments, along the balcony and parapet wall.

The applicant has submitted a draft S106 to secure contributions and mitigation.

3. THE PROPOSAL

The proposal is for the change of use of the first floor of 7-11 Crown Row from offices to flats. At present the first floor is divided into 5 offices with associated stores and WCs.

Three 2no bedroomed units and one 3no bedroomed unit is proposed. In addition to the bedrooms each unit would have a kitchen, living/dining room and bathroom. 2 of the units would each have private access. 2 units would have a shared access by way of the existing spiral staircase and balcony. Screens are proposed on the balcony.

To facilitate this a first floor extension is proposed to the rear 4.5m deep and 9.6m wide.

4. REPRESENTATIONS RECEIVED

Bracknell Town Council recommend refusal: Parking concerns.

No letters of objection have been received from neighbouring properties.

5. SUMMARY OF CONSULTATION RESPONSES

Transportation: The Highway Authority does not wish to restrict the grant of permission given the Inspector's comments in respect of car parking and highway safety under the decision on 12/00868/FUL.

SPA: Contributions required in the form of a S06 agreement.

6. DEVELOPMENT PLAN

The Development Plan for this Borough includes the following:

Site Allocations Local Plan 2013 (SALP)

'Retained' Policies of the South East Plan 2009 (SEP)

Core Strategy Development Plan Document 2008 (CSDPD)

'Saved' Policies of the Bracknell Forest Borough Local Plan 2002 (BFBLP)

Bracknell Forest Borough Policies Map 2013

7. PRINCIPLE OF DEVELOPMENT

SALP Policy CP1 sets out that a positive approach to considering development proposals will be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The development plan is the statutory starting point for decision making and planning applications which accord with the policies in the development plan will be approved without delay, unless material considerations indicate otherwise, and that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or where specific policies in the NPPF indicate development should be restricted.

Paragraph 47 of the NPPF requires Councils to identify a five year supply of housing land and paragraph 49 sets out that housing applications should be considered in the context of the presumption in favour of sustainable development and that where a Council cannot demonstrate a five year supply of land for housing, policies relevant to the supply of housing should not be considered up to date. Following the adoption of the SALP the Council is now considered to have a 5 year land supply.

CSDPD Policy CS15 sets out the overall housing provision targets for the Borough from 2006 to 2026 and states that deliverable and developable sites will be allocated and phased to meet this provision in accordance with the sequential order set out in CSDPD Policy CS2. The SALP allocates sufficient sites to provide a five-year housing land supply (including a 20% buffer) based on the figure provided in Policy CS15. The Inspector's report on the SALP, dated 17 June 2013, endorses the Council's approach to calculating the five year housing land supply, that it is justified and that a five year supply can be demonstrated. If permitted this proposal would contribute to the small sites windfall allowance within the 5 year housing land supply. As such it is considered that, for the purposes of the NPPF, policies relevant to the supply of land for housing are up to date and the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The site is located within the a Neighbourhood Centre surrounded by defined settlement as shown on the Bracknell Forest Borough Policies Map 2013.

CSDPD Policy CS1 states that development will be permitted which makes efficient use of land, buildings and infrastructure, is located so as to reduce the need to travel and protects and enhances the character and quality of natural resources, landscapes and countryside. This is considered to be consistent with the NPPF.

CSDPD Policy CS2 sets out the sequence in which the Council will allocate land for development and states that development will be permitted within defined settlements and on allocated sites. This is considered to be consistent with the NPPF which "seeks to be

genuinely plan led and encourage the effective use of land by re-using land that has been previously developed."

SALP Policy CP1, alongside CSDPD Policies CS1 and CS2 and the NPPF take a positive approach to development with the defined settlement. As such it is considered that the proposal for the conversion of offices to residential within this area is considered to be acceptable in principle. This is 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.

There are a number of policies within the CSDPD and the BFBLP that relate to Neighbourhood Centres, namely, CSDPD Policy 21, 'Saved' BFBLP Policies E5, E7 and E11. These policies relate to retail development and the protection of retail uses (particularly at ground floor) to ensure the ongoing vitality and viability of Neighbourhood Centres and Local Parades. These policies are considered not entirely consistent with the NPPF which states in Paragraph 22 "Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."

However this proposal is for the first floor units and does not result in a loss of retail units. As such it is not considered that the proposal is contrary to the above policies which seek to protect retail uses within Neighbourhood Centres. In addition the principle of the development was established as acceptable under the appeal decision for 12/00868/FUL.

It is therefore considered that the principle of the change of use would be acceptable and as such the proposal complies with SALP policy CP1, CSDPD policies CS1, CS2 and CS21 'Saved' Policies E5, E7 and E11 of the BFBLP and the NPPF

8. IMPACT ON CHARACTER AND APPEARANCE OF AREA

CSDPD Policy CS7 states that development will be permitted which builds upon the local character of the area, provides safe communities and enhances the local landscape where possible. BFBLP 'Saved' Policy EN20 states that development should be in sympathy with the appearance and character of the local area.

These policies are considered to be consistent with the objectives set out within the NPPF. In addition para. 56 of the NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people to live. Furthermore para. 64 of the NPPF states that development should only be granted when the design takes the opportunities where available to improve the character and quality of an area and the way it functions.

The design of the extension is considered to match the host building and is considered to be acceptable. It would not be visually prominent within the street scene or out of keeping with the character of the area.

It is therefore considered that the development would not result in an adverse impact on the character and appearance of the area and would be in accordance with CSDPD Policy CS7, BFBLP 'Saved' Policy EN20 and the NPPF.

9. RESIDENTIAL AMENITY

BFPLP 'Saved' Policy EN20 refers to the need to not adversely affect the amenity of the surrounding properties and adjoining areas. In addition to this, part of the requirement for a development to provide a satisfactory design as stated in BFPLP Policy 'Saved' EN20 is for the development to be sympathetic to the visual amenity of neighbouring properties through its design implications. This is considered to be consistent with the core principle relating to design in paragraph 17 of the NPPF, which states that LPAs should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and consistent with the general design principles laid out in paras. 56 to 66 of the NPPF.

The proposed extension would not have a detrimental impact upon the amenities of nearby neighbouring residential properties.

A screen is proposed on the balcony and on the parapet wall in order to prevent overlooking from the staircase and balcony to bedroom 3 of the three bedroomed unit, as recommended by the Inspector in the appeal decision for 12/00868/FUL.

The proposed staircase is a spiral staircase that would be located opposite the 3 bedroomed unit. This would be opposite the bedroom window at a distance of 6m. The Inspector states that a good standard of amenity is required for all existing and future occupiers as advised by the NPPF. The Inspector's decision states: "overlooking could be prevented by the addition of a screen to the side wall of the balcony and to the stairwell, which, were the appeal to have been allowed, could have been the subject of a condition." Whilst details of screening on the balcony have been provided, screening has not been shown on the stairwell. In line with the Inspector's decision a condition is recommended.

It is therefore considered that the development would not result in an adverse impact on the amenity of neighbouring properties, and is therefore in accordance with BFBLP 'Saved' Policy EN20 and the NPPF.

10. TRANSPORT IMPLICATIONS

CSDPD Policy CS23 states that the LPA will seek to increase the safety of travel. BFBLP 'Saved' Policy M9 seeks to ensure that new development has sufficient car parking. To supplement this policy the adopted Parking Standards SPD (2007) sets out the advised levels and size of parking spaces for residential dwellings. For a dwelling that has 2 or 3 bedrooms, a minimum of two allocated parking spaces should be provided in accordance with the minimum measurements stated within the document. The NPPF allows for LPAs to set their own parking standards for residential development and therefore the above policies are considered to be consistent with the NPPF.

The Inspector in his assessment of identical scheme 12/00868/FUL concluded that there would be no adverse impact upon highway safety from this proposal. The Inspector's decision states: "The Council has identified a need for 8 car parking spaces to serve the proposed flats. This is 2 spaces fewer than would be required to cater for the lawful office use, so the proposal would reduce pressure on the adjacent Council owned car park, which is aimed at serving staff and customers of the commercial units in Crown Row."

In addition the Inspector also stated that if during busier times (i.e. school dropping off and picking up times.) the residents of the proposed flats "find the car park full, and were forced to park of adjacent streets, I am not convinced that this would result in clear harm to highway safety."

A cycle store to the rear of the units, adjacent to the stairwell is proposed.

For the reasons given above the proposal is considered to be in accordance with CSDPD Policy CS23, BFBLP 'Saved' Policy M9 and the NPPF. Furthermore it would meet the requirement of the Parking Standards SPD (2007) subject to the recommended conditions being imposed.

11. 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.

12. PLANNING OBLIGATIONS

Developments are required to comply fully with Core Strategy Policy CS6, Supplementary Planning Documents 'Limiting the Impact of Development' (LID) and 'Thames Basin Heaths Special Protection Area Avoidance and Mitigation' and the Community Infrastructure Levy (CIL) Regulations, to offset the impacts of the development and make the development acceptable in planning terms. The requested planning obligations are considered to be in accordance with the tests set out in the CIL Regulations, in that they are:

- i) necessary to make the development acceptable in planning terms,
- ii) directly related to the development, and
- iii) fairly and reasonably related in scale and kind to the development.

This is considered to be consistent with the NPPF which states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."

As set out in the Limited the Impact of Development SPD and the SPA SPD the following contributions are sought for the proposal:-

Open Space and Recreation (£8,000)
Thames Basin Hearth SPA (£9,999)

A draft S106 has been submitted.

It is considered that the obligations in the S106 are necessary to make the development acceptable in planning terms and are directly, fairly and reasonably related to the proposed development and are therefore consistent with Policy CS6 and the NPPF.

13. SPA

In accordance with 'retained' South East Plan Policy NRM6 and Core Strategy Policy CS14, developments must avoid or mitigate any impacts on the SPA. These Policies are consistent with the NPPF and therefore carry full weight. The Council adopted the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPA SPD) on 29 March 2012

The Council adopted the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPA SPD) on 29 March 2012. This replaces 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). Therefore, all applications validated on or after 29 March 2012 will be considered under the SPA SPD.

South East Plan 'retained' Policy NRM6 and Core Strategy DPD Policy CS14 are consistent with the NPPF and should therefore be given full weight as Development Plan policies.

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 0.6 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 SPA.

In line with the Council's SPA SPD (March 2012), the project as proposed would not adversely impact on the integrity of the SPA provided:

Prior to the permission being granted an applicant enters into a Section 106 Agreement based upon the Template S106 Agreement.

The SPA 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. In this instance, this application is for a 3X 2 bedroom and a 1 X 3 bedroom dwelling. The SANG costs are as follows:

- 3 x 2 bedroomed units: Aggregate SANG Contribution of £5,310 (3 X 1770)
- 1 x 3 bedroomed unit: Aggregate SANG Contribution of £2,400
- Total SANG Contribution: £7,710

The open space works at The Cut Countryside Corridor 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. This application is for 3 x 2 bedroom and a 1 x 3 bedroom flat. The SAMM costs are as follows:

- 3 x 2 bedroomed units: Aggregate SAMM Contribution of £1,578 (3 X 526)
- 1 x 3 bedroomed unit: Aggregate SAMM Contribution of £711
- Total SAMM Contribution: £2,289

In summary, the total SPA related financial contribution including a contribution towards the SAMM project for this proposal is £7,710 + £2,289 = £9,999.

Furthermore, there is a need to include an occupation restriction which is included in the Template s106 agreement. The occupation restriction is necessary to ensure that the SANGs works are in place before occupation thereby giving the certainty required to satisfy the Habitats Regulations in accordance with South East Plan Policy NRM6 (iii) and the Thames Basin Heaths Special Protection Area SPD paragraph 4.4.2.

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 affect 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) as amended, permission may be granted.

14. CONCLUSION

The proposal for the change of use of offices to 4no. flats with a first floor rear extension within the defined settlement is considered to be acceptable in principle.

It is not considered that the development would result in an adverse impact on the character and appearance of the area, the amenities of the residents of the neighbouring properties, or on highway safety. All other issues addressed in this report can be secured by condition or in the case of contributions (towards open space and recreation and to mitigate the impact upon the Thames Basin SPA) by a S106 agreement.

It is therefore considered that the proposed development complies with the Development Plan Policies SALP Policy CP1, CSDPD Policies CS1, CS2, CS6, CS7, CS14 and CS23, BFBLP 'Saved' Policies EN20 and M9, SEP 'retained' Policy NRM6 and with the Limiting the Impact of Development SPD, the SPA SPD and the NPPF.

15. RECOMMENDATION

The proposal is recommended for conditional approval subject to the successful completion of a S106.

RECOMMENDATION

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

01. Open space and recreation.
Thames Basin Heath SPA.

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 plans:

- Drg No 12/311/02 Rev D received by LPA 27.03.2014
- Drg No 12/311/11 received by LPA 27.03.2014
- Drg No 12/311/11 received by LPA 27.03.2014
- Drg No 12/311/05 Rev A received by LPA 27.03.2014

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

03.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]

04.No dwelling shall be occupied until the privacy screen on the balcony has been constructed in accordance with the approved plans Drg no 12/311/02 D and these screens shall be retained as such.

REASON: To prevent the loss of privacy to 'bedroom 3' of the 3 bedroomed unit.

[Relevant Policies: BFBLP EN20]

05.No dwelling shall be occupied until the privacy screen on the stairwell has been constructed in accordance with details to be submitted and approved in writing by the Local planning Authority. The approved screens shall be retained as such.

REASON: To prevent the loss of privacy to 'bedroom 3' of the 3 bedroomed unit.

[Relevant Policies: BFBLP EN20]

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. There are no conditions which require the formal submission of details to the LPA.

In the event of the S106 planning obligation(s) not being completed by 31st July 2014

the Head of Development Management be authorised to **REFUSE** the application on the grounds of:-

01.The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impacts in this respect. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (2012).

02.The proposed development would unacceptably increase the pressure on public open space. In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which secure contributions towards open space the proposal is contrary to Policies CC7 of the South East Plan, Policies R5 of the Bracknell Forest Borough Local Plan and CS6 and CS8 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

