

## Unrestricted Report

### ITEM NO: 12

Application No.  
**15/00416/T**

Ward:  
Winkfield And  
Cranbourne

Date Registered:  
15 May 2015

Target Decision Date:  
10 July 2015

Site Address:

**Locks Ride Playing Fields Forest Road Winkfield  
Row Bracknell Berkshire**

Proposal:

**Temporary siting of a mobile catering unit**

Applicant:

Mrs Annemarie Edwards

Agent:

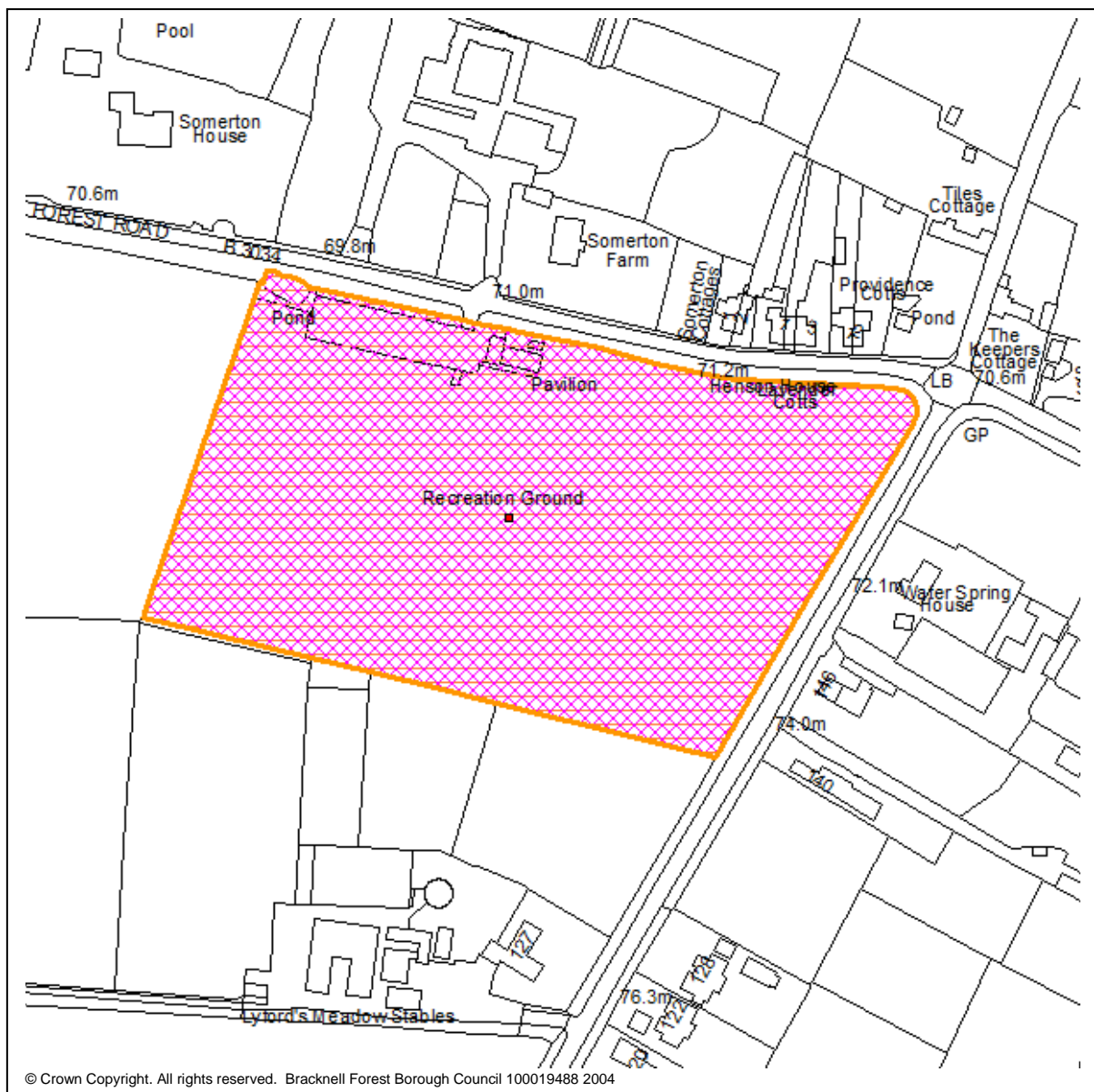
(There is no agent for this application)

Case Officer:

Sarah Horwood, 01344 352000

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

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



## **OFFICER REPORT**

### **1. REASON FOR REPORTING APPLICATION TO COMMITTEE**

This application has been reported to the Planning Committee at the request of Councillor Dudley over concerns about the proposed use on the application site and odour issues.

### **2. SITE DESCRIPTION**

Locks Ride Playing Fields are located to the south of Forest Road and to the west of Locks Ride and covers an area of 3.2ha. Vehicular access to the site is off Forest Road. The site comprises a pavilion and changing rooms located on the northern boundary, the public car park is located to the west of the pavilion and there are 2 full sized football pitches and a cricket square. The children's play area is located along the northern and eastern boundaries of the site.

### **3. RELEVANT SITE HISTORY**

There is an extensive history relating to the site which has been used for recreational purposes since the 1960s. The most recent applications relating to the site are:

12/00806/FUL approved January 2013 for retention of sanded play area and associated play equipment and works.

12/00807/LDC granted January 2013 for certificate of lawfulness for the retention of recreational equipment.

13/00789/FUL approved in November 2013 for installation of 2m high palisade fencing and gate to replace existing wooden fencing and gate on south eastern corner of playing fields facing Locks Ride.

14/01255/FUL approved in February 2015 for pedestrian safety scheme comprising a new footpath link into the site from Forest Road at the western end of the car park. Culverting of ditch. New footpath around the outside perimeter of the car park. New gate and fencing.

### **4. THE PROPOSAL**

Planning permission is sought for the temporary siting of a mobile catering unit between May and September which would trade 7 days a week between the hours of 9am and 6pm at Locks Ride Playing Fields. The applicant is applying for the catering unit to be sited on the land from the time of granting permission up until the end of September 2015 and then annually from May until September thereafter.

The catering unit would be towed to site and left in situ for the relevant trading periods. It would be sited close to the sports pavilion on site.

The catering unit would sell breakfast baps, hot and cold drinks, sandwiches, sweets, crisps, etc.

The catering unit would not exceed the following dimensions of 5m wide x 2.5m deep x 3.5m in height.

## **5. REPRESENTATIONS RECEIVED**

The application has been made by Winkfield Parish Council and therefore they have not commented on the application.

2no. letters of objection received which raise the following:

- Impact on character of area
- Cause traffic congestion and parking issues
- Object to any cooking which would generate smells (eg. onions/burgers/hot dogs) especially as the proposal is for 7 days a week from 9am to 6pm
- Increase in rubbish may lead to increase in rats, etc
- There are bbqs already on site
- Increase in noise
- No need for a monstrosity

Officer comment: issues of impact to character of the area, visual impact, highway safety, noise and odour are dealt with in the report.

## **6. SUMMARY OF CONSULTATION RESPONSES**

### Highways Officer:

No objection

### Environmental Health:

No objection, although odour could be an issue. Informatives recommended in relation to food business operators and health and safety.

### Licensing:

Informatives recommended in relation to street trader permits and premises licence.

## **7. 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

## **8. 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 site is located on "Land outside of Defined Settlement" as designated by the Bracknell Forest Borough Policies Map. Policy EN8 of the BFBLP and Policy CS9 of the CSDPD refer to developments within the Countryside and developments in this location maybe acceptable where there is no adverse impact to the function, character and appearance of the land.

Policy EN8 of the BFBLP states that any development in the Countryside outside the Green Belt may include "recreation development suitable in the Countryside". Further, policy R7 of the BFBLP refers to countryside recreation and states: "Outside the settlements, proposals to improve access to, or increase the recreational use of, the countryside will be permitted provided that they would not adversely affect:

- (i) residential amenity; or
- (ii) the function or character of the countryside".

Locks Ride Playing Fields is located within a Countryside location and has been established for recreational use since the 1960's. The site is also designated as an open space of public value (OSPV). OSPV is defined in para 99 of the CSDPD and this site would be classed as active OSPV which includes sports pitches, childrens play areas, tennis courts, etc. Policy CS8 of the CSDPD refers to recreation and culture and states "development will be permitted which retains, improves and maintains existing recreational facilities".

The NPPF at para 28 also supports leisure developments that benefit visitors in rural areas.

Any further development of the Playing Fields would have to be assessed against the relevant planning policies at local level - policies EN8 and R7 of the BFBLP and CS8 and CS9 of the CSDPD, along with the NPPF to establish the acceptability of the development in respect of impact on character and appearance of surrounding area and impact upon the residential amenity of neighbouring properties.

The proposed catering unit would provide a service to visitors of the playing fields, providing them with an opportunity to purchase food and drink on the site. It would therefore compliment the use of the site for recreational purposes and enhance the facilities provided to recreational users visiting the playing fields. Further, the unit due to its modest size and that it would not be a permanent fixture on the land, it would only be sited on the land for a temporary period of time, it would not result in harm to the Countryside setting of the site.

The proposal is therefore acceptable in principle subject to no adverse impact upon the residential amenities of neighbouring properties, character and appearance of surrounding area, highway implications, etc.

## **9. IMPACT ON CHARACTER AND APPEARANCE OF AREA**

Saved 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.

Policy EN8 of the BFBLP and Policy CS9 of the CSDPD refer to developments within the Countryside and developments in this location maybe acceptable where there is no adverse impact to the function, character and appearance of the land.

The catering unit would be sited within the grounds of Locks Ride playing fields, close to the sports pavilion. It would be sited for a temporary period between the months of May and September. The unit would be a maximum of 5m x 2.5m and 3.5m high. The catering unit would appear visible within the grounds of the playing fields; however it would not appear obtrusive within the site due to its size and would not be a structure which would be at odds within a site used for recreational purposes. Given the exact dimensions of the catering unit have not been specified, a planning condition will be

imposed requiring details of the size of the catering unit to be submitted to the LPA for approval.

The unit may appear visible when viewed from Forest Road, however due to the modest dimensions and existing screening along the boundary of the site with Forest Road (trees and vegetation), the unit would not appear unduly prominent viewed from outside the site.

The unit would be sited at the playing fields for a temporary period so would not result in irreversible harm to the landscape.

It would be sited close to the existing sports pavilion and car park, thereby in an area already containing built form and hard landscaping and would not erode the rural character of the area.

As such, the proposal would not adversely affect the character and appearance of the surrounding area and would be in accordance with Saved Policies EN8 and EN20 of the BFBLP, Policies CS7 and CS9 of CSDPD and the NPPF.

## **10. RESIDENTIAL AMENITY**

BFPLP 'Saved' Policy EN20 refers to the need to not adversely affect the amenity of the surrounding properties and adjoining areas. This is consistent with the NPPF.

BFBLP Saved Policy EN25 refers to development which should not generate unacceptable levels of noise or other environmental pollution which would adversely affect the amenities of surrounding buildings or outdoor space. The NPPF states that developments should "avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development...mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions". Saved Policy EN25 therefore is consistent with the NPPF.

### **NOISE**

Taking into account the following:

- i. the proposed hours of operation of the catering unit (09:00-18:00hrs, 7 days per week) and;
- ii. the proposal to operate during summer months only;
- iii. the proposed siting of the unit and its distance from neighbouring residential properties; and
- iv. the existing use of the site as a sports facility and play area,

The additional noise from the increased number of vehicles and people on site that may occur as a result of the proposal is unlikely to result in significant noise disturbance to neighbouring residential properties. Whilst it is noted that reference has been made to the proposed catering unit not resulting in noise and disturbance to surrounding residential properties due to the proposed trading hours of 09:00-18:00hours, it is not considered reasonable that a condition is imposed restricting the hours of operation given this would be within the remit of Environmental Health to control if it became a nuisance. Further, the enforceability of such a condition would be difficult if the catering unit was being stocked up/set up for a days trading before 09:00hours, as an example, as it would have to be demonstrated what harm was being caused. As such, the imposition of a condition relating to operational hours would not be required given it would be covered under other statutory powers of other Council departments and could result in difficulties in enforcing such a condition.

## ODOUR

Whether the proposal will result in odour problems to neighbouring residential properties will depend, in part, on the type of "snacks" being prepared/sold. The site already has barbecue facilities for use by members of the public. It has been confirmed that the catering unit would sell breakfast baps, hot and cold drinks, sandwiches, sweets, crisps, etc.

The sale of breakfast baps which could mean grilled/fried bacon, eggs, sausages, etc could result in complaints of odour, particularly if sold throughout the day. It is likely that the proposed sale of such food items could therefore result in a significant increase in cooking odours at the site over the current levels produced by bbqs on the site, however it is difficult to ascertain if this would be problematic to properties to the north and east of the site, as factors such as wind direction or speed would play a part.

If the issue of odour were to become problematical, it could be considered a Statutory Nuisance and could be dealt with by the Council's Environmental Health department under their statutory powers.

Given the catering unit would be a temporary structure which would be on site only during the busy summer periods, it is recommended that a temporary permission is granted to monitor whether any issues arise in relation to odour. It is considered that the granting of a temporary permission until the end of September 2016 would permit the catering unit to trade from the grant of planning permission until the end of September 2015, be removed from the site and then brought back to the site from 1 May 2016 to trade until September 2016 - this would allow the unit to trade on site for a period of 8 months in total (with a break between October and April).

## REFUSE CONTROL

Refuse generated by the proposed development could, in theory, result in loss of amenity and the encouragement of rodents and other pests if not controlled adequately. However, the persons responsible for operating such a unit have legal duties to ensure that it is properly controlled to prevent these undesirable consequences.

## VISUAL IMPACT

The proposed catering unit would be sited some 50m from the nearest residential dwellings to the north on Forest Road, including Somerton Farm and Somerton Cottages. Given the separation distances to adjoining residential properties and the dimensions of the catering unit, along with existing screening along the northern boundary, it would not appear obtrusive to surrounding properties.

Subject to the granting of a temporary permission until September 2016 to monitor whether issues of odour arise, the proposal would not be considered to affect the residential amenities of neighbouring properties and would be in accordance with Saved Policy EN20 of the BFBLP and the NPPF.

## 11. TRANSPORT IMPLICATIONS

Policy CS23 of the CSDPD seeks to increase the safety of travel. This is consistent with the NPPF.

The proposed mobile catering unit would be sited to the east of the pavilion, adjacent to a footpath leading to a playing area.

Temporary permission is being sought until September 2015 to coincide with the busy summer months and thus trade would be mainly by young families already using the playing fields. The applicant has not specified the provider and the range of food/snacks on offer and a hot-food take-away could attract more outside users and increase trips.

It is difficult to estimate the potential trips generated by a mobile catering unit with certainty, though the parking standards of 1 space per 5m<sup>2</sup> of takeaway could be taken as a guide of the potential parking demand which could be generated by a hot food takeaway. Acceptable sight-lines are available at the existing vehicular access to the car park.

No details of vehicular access for the proposed mobile catering unit have been provided. There is a gated access through to the playing field close to the pavilion and an additional gated access in the south-west corner of the car park (for access to over-flow parking). Whilst this could be secured by planning condition it is advised that details of access be provided by the applicant now. The applicant will need to ensure that the operator of the mobile catering unit has unfettered access (keys to gates etc) otherwise this may result in the mobile catering unit being sited in the car park. This would reduce available car parking and could create circulation problems within the car park. Details of access should be provided now.

Following the above, it has been confirmed that the catering unit would remain on site during the relevant trading period and would not be transported to and from the site on a daily basis. As such, it would not be sited in the car park waiting to gain access to the playing fields and therefore details of access as requested by the Highways Officer would not be required.

Further, the granting of a temporary consent until September 2016 would allow the parking to be monitored on site over the 8 month trading period (from granting of planning permission until September 2015 and from May until September 2016) and to assess how well used the catering unit would be on site during the relevant periods.

## **12. OTHER ISSUES**

The Council's Licensing section states that a street trader permit will be required for the proposed catering unit. A premises licence will also be required if hot food or drink will be available between the hours of 23:00-05:00 (however the unit would not trade between these hours and therefore would not be applicable). An informative can be imposed to address the above.

The Council's Environmental Health Section requests that informatives are imposed on any forthcoming planning permission to cover matters including food hygiene and health and safety.

## **13. CONCLUSION**

The proposed catering unit would not result in significant adverse impacts to the residential amenities of adjoining properties or result in highway implications, however a temporary permission is recommended until September 2016 to monitor whether any odour complaints are received from surrounding residential properties and whether any parking implications result. The proposal would not adversely affect the character and appearance of the surrounding area.

As such, the proposal is considered to be in accordance with CS7, CS8, CS9 and CS23 of the CSDPD, Saved Policies EN8, EN20, EN25 and R7 of the BFBLP and Policy CP1 of the Site Allocations Local Plan, all in accordance with the NPPF.

It is therefore recommended that a temporary planning permission be granted.

## **RECOMMENDATION**

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

01. The catering unit should trade from site from the time of granting planning permission until 30 September 2015 and thereafter be removed from site and be brought back onto site and commence trading again from 1 May 2016 until 30 September 2016 from where it shall be removed and the land restored to its former condition on or before 30 September 2016.  
REASON: In the interests of the visual amenities of the area.  
[Relevant Policies: BFBLP EN20, CSDPD CS7]
02. The development hereby permitted shall be carried out only in accordance with the approved plans/photographs received by the Local Planning Authority on 15 May 2015.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
03. Notwithstanding the details submitted, the catering unit shall not be brought onto the site until details of the catering unit including its measurements and siting have been submitted to and approved in writing by the Local Planning Authority. The catering unit shall be sited on the land in accordance with the approved details.  
REASON: In the interests of the visual amenities of the area.  
[Relevant Policies: BFBLP EN20, CSDPD CS7]

## **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. Temporary permission
  2. Approved plans

The applicant is advised that the following conditions require discharging prior to the catering unit being brought onto site:



### 3. Details of catering unit

03. A street trader permit will be required. The applicant is advised to contact the Licensing team for further information. If hot food or drink is to be available between the hours of 23.00 hours and 05.00 hours, a premises licence will also be required.
04. Before catering operations commence the Food Business Operator will be required to Register details with Bracknell Forest Council and have them placed on a Public Register, in accordance with Article 6 (2) of Regulation (EC) No 852/2004. Details relating to registration can be found at <http://www.bracknell-forest.gov.uk/registrationfoodbusinesses> You may request a copy of the Application by ringing our Customer Service Centre on 01344 352000, which is open from 8.30am to 5.00pm, Mondays to Fridays, or by emailing [Environmental.Health@bracknell-forest.gov.uk](mailto:Environmental.Health@bracknell-forest.gov.uk).

Should the applicant be successful, and the catering operators/Food Business Operator are registered with another Local Authority and not Bracknell Forest Borough Council, we would ask that the successful caterers please contact our Customer Service Centre or email [Environmental.Health@bracknell-forest.gov.uk](mailto:Environmental.Health@bracknell-forest.gov.uk) to discuss the proposed location, siting and operation of the mobile catering unit at Locks Ride Playing Fields prior to commencing operations, in order to minimise the risk of non compliance with the relevant food hygiene legislation.

Bracknell Forest Council are the responsible Authority for the regulation of Health and Safety in catering establishments. Further information on Employer duties and responsibilities can be found to the Health and Safety Executive website, available at <http://www.hse.gov.uk>

### 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)