

ITEM NO:Application No.
15/00835/FULWard:
Binfield With WarfieldDate Registered:
18 September
2015Target Decision Date:
13 November 2015

Site Address:

**Daruchini Forest Road Binfield Bracknell Berkshire
RG42 4HP**

Proposal:

**Installation of 3 no. air conditioning units, plant equipment and fan
condenser unit (Re-submission of 15/00572/FUL).**

Applicant:

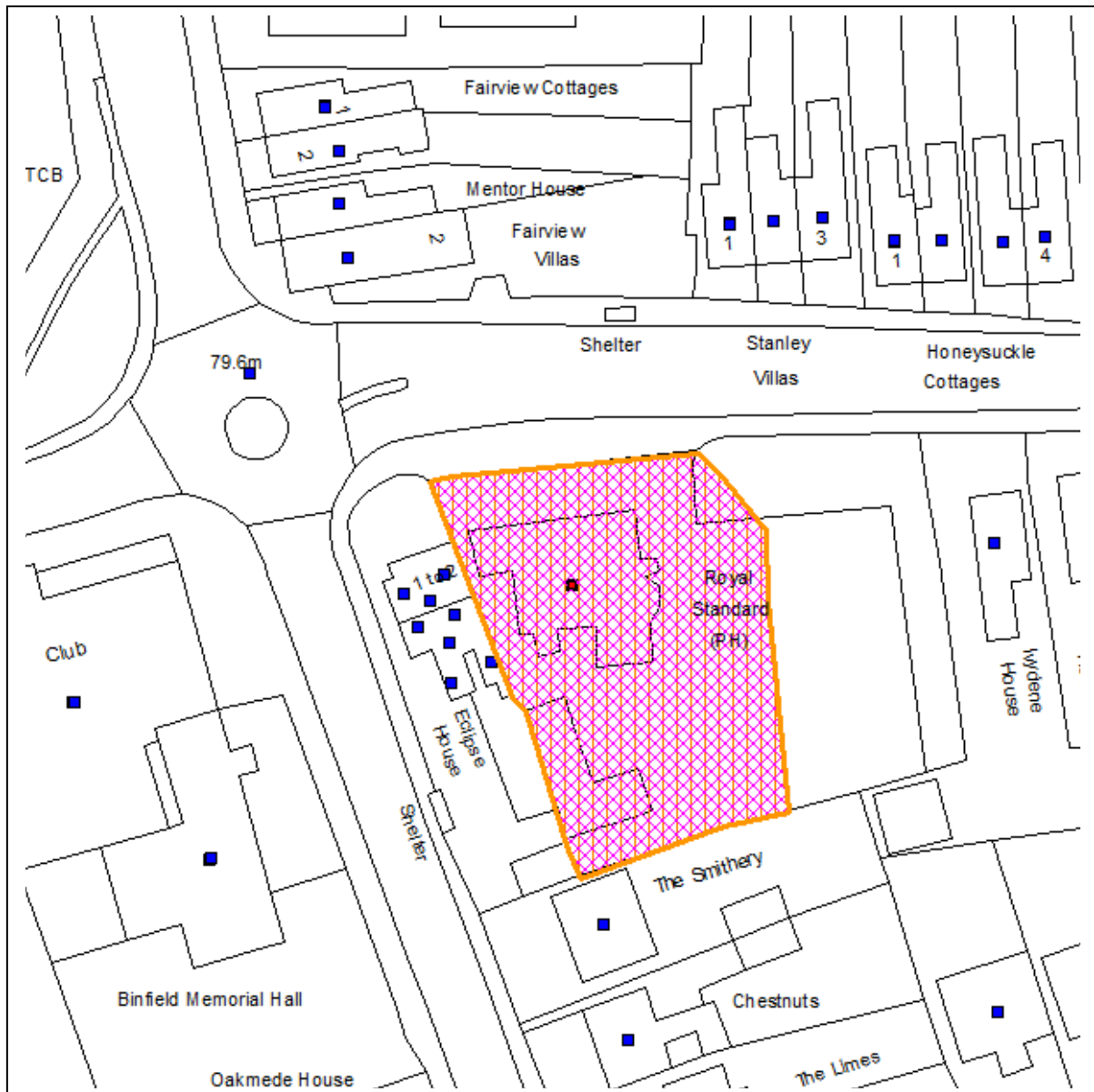
The Southern Co-operative Ltd

Agent:

Chapman Lily Planning Ltd

Case Officer:

Michael Ruddock, 01344 352000

development.control@bracknell-forest.gov.uk**Site Location Plan** (for identification purposes only, not to scale)

OFFICER REPORT

1. SUMMARY

1.1 The proposal is for the installation of plant equipment consisting of three air conditioning units and a fan condenser unit.

1.2 Due to the location of the units within the site there would be no adverse impact on the streetscene or character of the area. The relationship with adjoining properties is acceptable subject to a condition requiring the submission of additional information. There are no highway safety implications.

RECOMMENDATION
Planning permission be granted subject to conditions in Section 11 of this report

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application has been reported to the Planning Committee following the receipt of more than 3 objections.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
A Village Centre location within the settlement boundary

3.1 Daruchini is a former restaurant located within Binfield Village Centre. The building is currently vacant, although the Local Planning Authority have previously received notification that the site will be changing from a restaurant (Class A4) use to retail (Class A1) use under Class A of Part 3 of Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015.

3.2 The site consists of the main building fronting Forest Road with parking spaces forward of the building. To the rear of the main building is a paved area and ancillary outbuilding. Under the previous restaurant use, a car park was sited to the east of the main building, however this part of the site has been sold off and is part of a separate application (ref. 15/00905/FUL) for the erection of two new dwellings.

3.3 The site is bordered to the west and south by residential dwellings at Standard Corner, Eclipse House and The Smithery.

4. RELEVANT SITE HISTORY

4.1 Application 14/01242/FUL - Proposed ground floor extension to existing restaurant including demolition and alterations works to building. Construction of side access serving upper floor. This application was approved in April 2015 and is yet to be implemented.

4.2 Two further applications are under consideration at this site and are yet to be determined. As mentioned above, application 15/00905/FUL is for the erection of two dwellings on the former Daruchini car park to the east of the main building. Application 15/00836/A is for the display of various signs at the site.

5. THE PROPOSAL

5.1 The proposed development is for the installation of plant equipment consisting of three air conditioning units and a fan condenser unit.

5.2 The three air conditioning units would be located to the rear of the existing building within two service areas. Each service area would have a length of 1.62m and a width of 1.5m. As confirmed in an email received from the applicants agent on 21 October 2015, two units would be located in one service area and one unit in the other. The unit marked SP2244 would be the largest with a height of 1.54m and would have its own service area. The other units, marked SP1404 and SP564 would share the same service area, with the smaller unit (SP564) placed on top of the larger unit. The two units would have a combined height of 1.9m.

5.3 The fan condenser unit would be located to the rear of the site, close to the boundary with the neighbouring property to the south at The Smithery in an area that is currently soft landscaping. The unit would have a height of 1.35m with a width of 2.92m and a depth of 0.89m. It would be secured by fencing with a height of 1.8m.

5.4 It is noted that the plans show an extension to the rear of the building. This is the extension that was approved under application 14/01242/FUL, however it is yet to be implemented. This extension is not relevant to this application as the units could be sited in the locations shown whether or not it is implemented.

6. REPRESENTATIONS RECEIVED

Binfield Parish Council:

6.1 Binfield Parish Council raise no objection.

Other representations:

6.2 A total of 7 objections have been received from residents of surrounding properties. The objections can be summarised as follows:

- Concerns that the air conditioning units would result in an unacceptable increase in noise and disturbance, to the detriment of the amenities of neighbouring residents.
- Parking and traffic concerns that relate to the change of use of the shop.
- Concerns that a retail unit would attract crime.
- Concerns regarding the need for an additional retail unit in Binfield.

[OFFICER NOTE: With the exception of the concern regarding noise and disturbance, which is considered elsewhere in this report, these concerns relate to the change of use to a retail unit which is not the proposed development. As discussed above, the change of use from A4 (restaurant) use to A1 (retail) use is Permitted Development under Class A of Part 3 of Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 and therefore does not require planning permission.]

7. SUMMARY OF CONSULTATION RESPONSES

Environmental Health Officer

7.1 The Environmental Health Officer recommends conditional approval.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

8.1 The key policies and associated guidance applying to the site are:

	Development Plan	NPPF
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	consistent
Residential Amenity	Saved policies EN20 and EN25 of BFBLP	Consistent Paragraph 123 of the NPPF refers to noise. NPPG states hat 'noise needs to be considered...when new developments would be sensitive to the prevailing acoustic environment.'
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- I Principle of the Development
- ii Impact on character and appearance of the area
- iii Impact on residential amenity
- iv Community Infrastructure Levy

i. PRINCIPLE OF THE DEVELOPMENT

9.2 The site is located within a defined settlement as designated by the Bracknell Forest Borough Policies Map. Due to its location and nature, the proposal is considered to be acceptable in principle and in accordance with CSDPD CS1 (Sustainable Development), CS2 (Locational Principles) and the NPPF subject to no adverse impacts upon character and appearance of surrounding area, residential amenities of neighbouring properties, etc. These matters are assessed below.

ii. IMPACT ON CHARACTER AND APPEARANCE OF AREA

9.3 The air conditioning units would be located to the rear of the existing building and as such would appear prominently in the streetscene. In any case, they would cover a small area of the site and with a maximum height of 1.9m would not appear excessive in terms of their size. It is not considered that such an addition to the site would result in a significant impact on the character and appearance of the area.

9.4 The fan condenser unit would be visible in the streetscene at the rear of the site, however due to its location it would be set 35m back from the highway at the front of the property. It is not considered that a unit of the size proposed in such a location would result a significant addition to the site that would appear overly prominent in the streetscene.

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

iii. IMPACT ON RESIDENTIAL AMENITY

9.6 Due to the size of the air conditioning units and the fan condenser units, it is not considered that this would result in any significant impact on neighbouring properties as a result of loss of light or being overbearing.

9.7 With regard to noise and disturbance, the applicants have submitted an 'Environmental Acoustic Test' dated July 2015. This document sets out in accordance with British Standard 4142:2014 (Methods for rating and assessing industrial and commercial sound) that the proposal will be unlikely to have a significant or adverse impact on local residents.

9.8 The document sets out that during daytime the noise level from the plant at 45dB would be 1dB lower than the background noise level of 46dB. At night time the noise level at 27dB would be 11dB lower than the background noise level of 38dB. As the existing background noise level will not be exceeded, it is not considered that the proposed development would result in an unacceptable level of noise and disturbance, to the detriment of the residents of the neighbouring properties.

9.9 A condition will be imposed to ensure that the existing background noise level is not exceeded, in accordance with the findings of the noise survey. As such, it is not considered that the proposed development would result in a detrimental effect on the amenities of the residents of the neighbouring properties. The development would therefore not be contrary to BFBLP 'Saved' Policies EN20 and EN25 or the NPPF.

iv. COMMUNITY INFRASTRUCTURE LEVY (CIL)

9.10 Bracknell Forest Council introduced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the borough and the type of development.

9.11 CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted), including extensions of 100 square metres of gross internal floor space, or more, or new build that involves the creation of additional dwellings. The addition of plant equipment to this site is not development that is CIL liable.

10. CONCLUSIONS

10.1 It is not considered that the development would result in an adverse impact on the character and appearance of the host dwelling or local area or the amenities of the residents of the neighbouring properties, subject to the recommended condition. It is therefore considered that the proposed development complies with Development Plan Policy SALP Policy CP1, CSDPD Policies CS1, CS2 and CS7, BFBLP 'Saved' Policies EN20 and EN25 and the NPPF.

11. 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 18 September 2015:

DN17881-1 (Revision B) – Refrigeration Plant and AC layout for Planning
15-XXX-101 (Revision A)

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

03. The level of noise emitted from the approved plant equipment shall not exceed the existing background noise level, in accordance with the document 'Environmental Acoustic Test' dated July 2015.

REASON: In the interests of the amenity of the residents of neighbouring properties.
[Relevant Policies: BFBLP 'Saved' Policy EN20, EN25]

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 subject to conditions, 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. Commencement
 2. Approved Plan
 3. Background Noise Level