

ITEM NO: 7

Application No.
15/01269/FUL

Site Address:

Ward:
Crowthorne

Date Registered:
6 January 2016

Target Decision Date:
2 March 2016

**The Mango Tree 63 Church Street Crowthorne
Berkshire RG45 7AW**

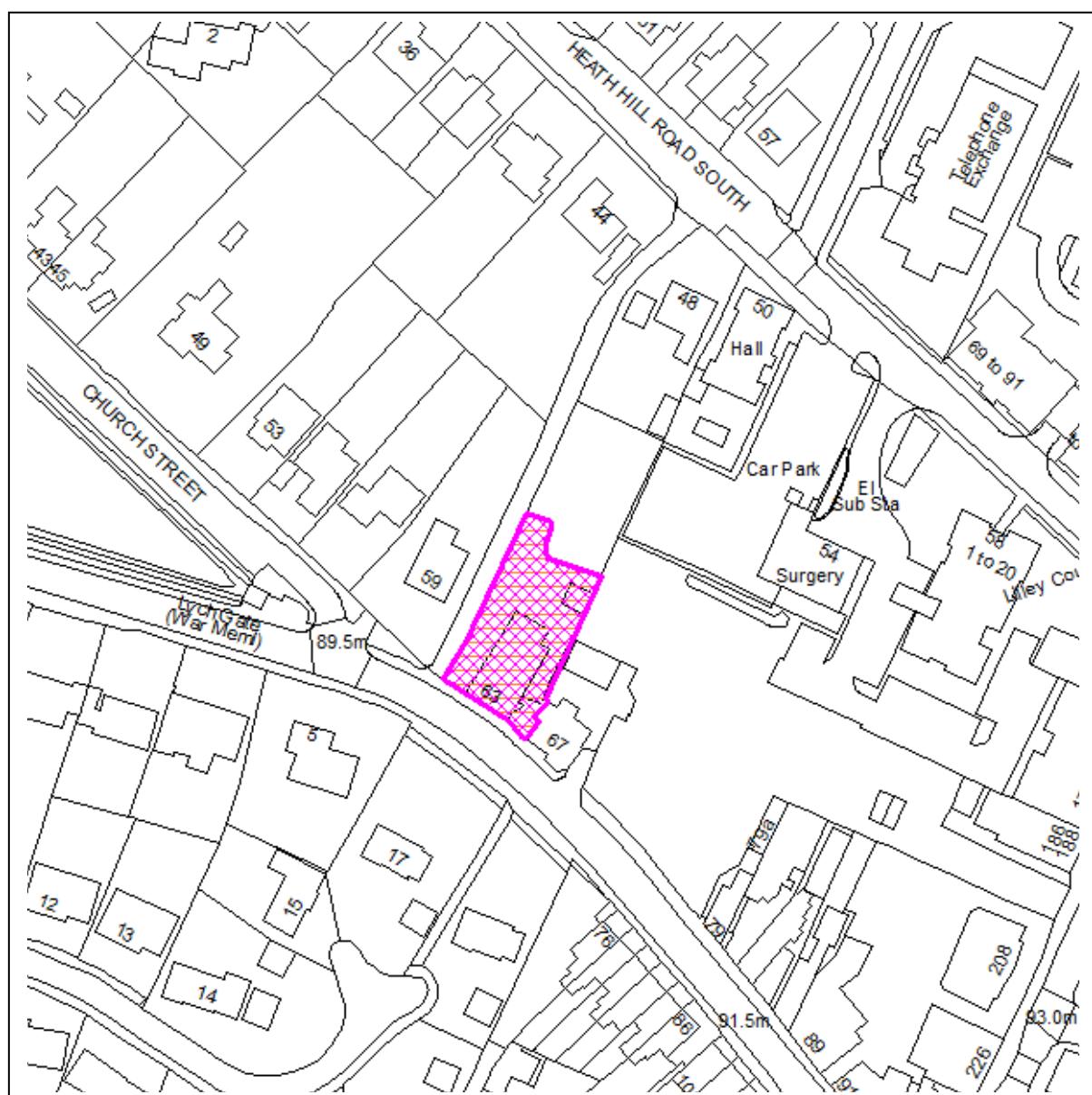
Proposal:

Change of use from a restaurant with residential flat over to residential flats providing 2 no two bedroom units at the ground floor level and 2 no one bedroom units at first floor level with shared amenity space.

Applicant:
Mr A Mohammed

Agent:
Mr Carlo Criscuolo

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 proposed development is for the change of use of the existing restaurant with residential flat above to four residential flats, providing 2no. two bedroom flats at ground floor level with 1no. two bedroom flat and 1no. one bedroom flat at first floor level. Flat 1 would have its own amenity area to the side of the building with a shared amenity area for the other flats to the rear. Parking would be provided to the side and rear of the site, with the existing access utilised.

1.2 The proposed development relates to a site within the settlement boundary. It is not considered that the development would result in an adverse impact on the streetscene, the character of the area or the Conservation Area. The relationship with adjoining properties is acceptable and it is not considered that the development would result in an unacceptable impact on highway safety. Relevant conditions will be imposed in relation to biodiversity and sustainability. A legal agreement will secure contributions for SPA mitigation and the scheme is CIL liable.

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 is reported to the Planning Committee at the request of Councillor Wade due to concerns that the development would result in an adverse impact on the streetscene within a Conservation Area.

2.2 In addition, subsequent to Councillor Wade's request for the application to be heard at Committee, more than three objections have now been received.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within Defined Settlement

Area B of the Character Area Assessment SPD for Crowthorne
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Within the Crowthorne Conservation Area

Within 5km of the SPA

3.1 As existing, the Mango Tree is a detached building forming a restaurant with A3 use at ground floor level and a three bedroom flat at first floor level. The site has an existing access to the side which leads to a parking area at the rear. As shown on the existing site plan, the application site is edged in red and extends as far as an existing detached garage at the rear of the property, therefore the parking area beyond this is not part of the application site.

3.2 The site is located close to Crowthorne High Street but is not within Crowthorne Village Centre as defined by the Bracknell Forest Borough Policies Map, which borders the site to the east. It is located within the Crowthorne Conservation Area which extends to High Street to the east and along Church Street around St John the Baptist Church to the west.

3.3 The site is bordered by No.59 Church Street to the west and No.67 Church Street to the east. It is noted that No.67 Church Street was granted planning permission in February 2015 for the change of use of a ground floor fish and chip shop (A5 use) and first floor flat to a single family dwellinghouse. This permission appears to have been implemented.

4. RELEVANT SITE HISTORY

4.1 Application 18964 - Outline - For the erection of two houses, conversion of existing shop to dwelling house and renovation of existing dwelling - APPROVED 1973

4.2 Application 604893 - Change of use from D.I.Y shop to restaurant/snack bar - APPROVED 1980

4.3 Application 605493 - Construction of new vehicular access - APPROVED 1980

4.4 Application 607603 - Formation of car park and erection of garages and store to rear of premises - APPROVED 1983

5. THE PROPOSAL

5.1 The proposed development is for the change of use of the existing building to provide four flats, two at ground floor level and two at first floor level. The building would not be extended in order to accommodate the development, with the only changes to the external appearance being to the doors and windows.

5.2 The existing building incorporates a shop front which is associated with the existing use, which would be replaced with two sash windows. The first floor windows on the front elevation would also be replaced. To the west facing side elevation, seven existing windows at ground floor and first floor level would be replaced with new windows in the same positions as the existing. To the rear, three windows would be replaced with two windows and a rear door in the same position as the existing.

5.3 The east elevation would be altered, with new ground floor and first floor windows on an existing flank wall which currently has no windows. Two new rooflights are also proposed, and four existing windows would be replaced.

5.4 The ground floor flats would both have two bedrooms, a living/kitchen/dining area and a bathroom. In addition, Flat 2 would have an en suite. The first floor flats would both have one bedroom, a living/dining/kitchen area and a bathroom. In addition, Flat 3 would also have a study and as such has been considered as a two bedroom unit.

5.5 Flat 1 would have its own amenity area to the eastern side of the building, with the other three flats having a shared amenity area to the rear.

5.6 Six parking spaces to the rear of the amenity area and one parking space to the western side of the building. The six spaces at the rear would serve Flats 1, 2 and 3 and with two tandem spaces serving each flat. The space to the side of the building would serve Flat 4. The spaces would be accessed by utilising the existing access to the western side of the building. Refuse storage and cycle parking is also shown to the rear of the application site.

6. REPRESENTATIONS RECEIVED

Crowthorne Parish Council:

6.1 Recommend refusal for the reasons that parking provision is not clear, loss of amenity, impact on the streetscene and loss of heritage.

Other representations:

6.2 Three neighbour objections were received to the proposed development. The reasons for objection can be summarised as follows:

- Building is in a Conservation Area and needs to be kept looking as close to the original as possible.
- No reference to parking within the Design and Access Statement.
- The development would likely result in an adverse impact on the Thames Basin Heath SPA.
- The development would result in additional traffic which could be a hazard.

7. SUMMARY OF CONSULTATION RESPONSES

Highways Officer

7.1 Recommend conditional approval.

Principal Heritage Specialist

7.2 No objection subject to conditions.

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
Conservation	CS1 of CSDPD	consistent
Residential Amenity	Saved policy EN20 of BFBLP	consistent
Highway Safety	CS23 of CSDPD, Saved policy M9 of BFBLP	consistent
Sustainability	CS10, CS12 of CSDPD	consistent
SPA	NRM6 of SEP, CS14 of CSDPD, EN3 of BFBLP	consistent
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). Character Area Assessment SPD, Parking Standards SPD, Thames Basin Heaths SPA Avoidance and Mitigation SPD, Planning Obligations SPD.		

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 the Crowthorne Conservation Area
- iv Impact on residential amenity
- v Transport implications
- vi Sustainability
- vii SPA
- viii 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 the character and appearance of the surrounding area, residential amenities of neighbouring properties, highway safety etc. These matters are assessed below.

ii. Impact on the character and appearance of the area

9.3 The development would not result in any additional built form, with the only alterations to the external appearance being the replacement and additional windows and doors. The proposed fenestration would be of a similar size and appearance to the existing, and it is therefore considered that it would be in keeping with the appearance of the existing dwelling.

9.4 The development would involve the loss of a shop front, however it is noted that this has also taken place at the neighbouring dwelling to the east at No.67 Church Street. Given that all of the surrounding properties are now residential and the site is not located within the Crowthorne Village Centre retail area it is not considered that the loss of the shop front would appear out of keeping with the streetscene in this location.

9.5 With the exception of the parking space to the side of the building the proposed vehicular parking, the refuse store and the cycle parking would all be located to the rear of the site and as such would not be prominent features in the streetscene. Given the extant use of the site as a restaurant with one flat above, it is not considered that the development would result in the intensification of the site.

9.6 The Character Area Assessment for this area states that this area is a high quality townscape setting with high architectural quality. Building materials are predominantly red brick, with the odd use of yellow brick and render. Any re-design should ensure that this is reflected.

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

iii. Impact on the Crowthorne Conservation Area

9.8 The Mango Tree is in quite a prominent position within the Crowthorne Conservation Area, at the junction of Church Street and Waterloo Road. Therefore the area is considered to have special architectural and historic interest. Any proposals would need to be of high quality and be seen as an enhancement of the Conservation Area. The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires under Section 72 that special attention be paid in the exercise of planning functions in a Conservation Area, to the 'desirability of preserving or enhancing the character or appearance of the area'.

9.9 As part of the designation of the conservation area in Crowthorne, an appraisal of the area was undertaken by Jacob's consultancy which is titled "Conservation Area Appraisal, Church Street, Crowthorne". With regard to The Mango Tree, paragraph 7.5.21 of the appraisal report sets out the character and importance of No.63 Church Street within the Conservation Area streetscene and details the existing building as of "red brick construction in Flemish bond and hipped roof finished with tiles. The front elevation is symmetrical with a shop front style entrance central door flanked by plate glass of vertical emphasis fixed

between timber mullions. The shop front design appears chunky in relation to the design of the building but the fascia is of appropriate proportions and is painted. Green glazed tiles relating to the earlier shop front survive below the black paint. The first floor windows are casements with a vertical emphasis."

9.10 Comments were received from the Council's Principal Heritage Specialist in respect of the application. The Consultant considers that The Mango Tree is of local historic interests and enhances the Crowthorne Conservation Area. The removal of the existing large shop front window on the front elevation and its replacement with brickwork and windows would reinforce the residential character of the Crowthorne Conservation Area. Furthermore the consultant considers that a wholly residential use would enhance the Conservation Area.

9.11 The Principal Heritage Specialist is concerned that refuse and recycling storage to the front would result in an unsightly build up of bins at the front of the building from multiple users. However refuse storage is shown to the rear of the building, around 25m from the adopted highway which is acceptable for bin collection. It is therefore not considered that there would be an unsightly build up of bins and the front of the site.

9.12 Conditions will be imposed requiring details of new brickwork, windows and doors to be submitted to the Local Planning Authority for approval. This would ensure that the development would be in keeping with the character and appearance of the existing building, and the wider Conservation Area.

9.13 It is considered that the development would enhance the residential character of the Conservation Area, and as such would comply with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). The development would not be contrary to the Jacobs Conservation Area Appraisal as it would be in keeping with the description of the building given within that document, the only exception being the removal of the shop front which is described as 'chunky in relation to the design of the building.' It is therefore not considered that the development would be contrary to CSDPD Policy CS1 or the NPPF.

iv. Impact on residential amenity

9.14 As the development would not result in any additional built form, it would not result in any loss of light or overbearing issues to neighbouring properties. Given the existing use of the ground floor as a restaurant, it is not considered that a wholly residential use would result in an unacceptable level of noise and disturbance that would warrant refusal of the application, when compared with the existing situation.

9.15 The only new side facing windows would be to the east facing side elevation of the building that would face towards No.67 Church Street. The two windows that would serve Flats 1 and 3 to the front of the building would not face directly towards any side facing windows at the neighbouring property and as such it is not considered that they would result in a loss of privacy to that property. However the two new rooflights would face towards a bedroom window, and as these are not shown to be high level windows a condition will be imposed requiring these windows to be glazed with obscure glass and fixed shut, in order to ensure that they would not overlook the neighbouring property.

9.16 The four flats would either be served by front or rear facing windows along with side facing windows which would provide an acceptable level of light to all four flats. It is not considered that the obscure glazing condition referred to above would result in an adverse impact on the amenities of the occupiers of the flats involved, as this would not affect any habitable rooms. Flat 1 would have a separate amenity area with the three other flats having a shared amenity area to the rear. Such a provision is considered acceptable for flats.

9.17 As such it is not considered that the development would result in a detrimental effect on the amenities of the residents of the neighbouring properties, and the level of amenity for future occupiers is considered acceptable. The development would therefore not be contrary to BFBLP 'Saved' Policy EN20 or the NPPF.

v. Transport implications

9.17 The site takes access off Church Street, a continuation of Waterloo Road leading to High Street which is subject to a 30mph speed limit. There is a footway fronting the site and an adopted footpath to the side leading towards Heath Hill Road South. The area is lit.

9.18 An existing vehicular access off Church Street on the western side of the site is to be retained for access to parking for the four flats and pedestrian access to Flats 2, 3 and 4. Pedestrian access to Flat 1 would be to the other side of the building off Church Street.

9.19 As existing there is a large area of hard standing and a garage to the rear. The existing vehicular access is therefore likely to have been well used for restaurant staff and customer parking, and by the existing flat. Therefore, while it is acknowledged that two vehicles are unable to pass each other along the access and pedestrian visibility is sub-standard for vehicles exiting the site, the proposal is likely to generate fewer vehicle movements than which could be created by a restaurant and as such would not result in any additional harm upon highway safety. Some trimming of the foliage adjacent to the access may improve safety, and the Proposed Site Plan indicates that a demarcated pedestrian route is proposed adjacent to the building which may assist with pedestrian visibility as vehicles may not exit too close to the building.

9.20 The access road is shown on the Proposed Site Plan as being 3.5m wide with a 1.5m wide pedestrian route and this is considered acceptable for this scale of development. On street parking is restricted to either side of the vehicular access enabling adequate sight lines to be achieved to passing traffic. Bin storage is to be provided to the rear of the building around 25m from Church Road which is acceptable for bin collection.

9.21 Seven parking spaces are proposed, with two spaces each for Flats 1, 2 and 3 and one space for Flat 4. Flats 1 and 2 are two bedroom flats, and two spaces are sufficient for these units to comply with the Parking Standards. Flat 3 is shown with one bedroom and a study, which could potentially be used as a bedroom, and in that event two spaces are sufficient for that unit to comply with the Parking Standards. One space is sufficient for Flat 4 to comply with the Parking Standards.

9.22 Two tandem spaces are proposed for each of the two bedroom flats which would be workable for the same flat. The spaces are shown on the Proposed Site Plan as 2.4m by 4.8m with 6.5m of access/manoeuvring space which complies with the Parking Standards.

9.23 A parallel parking bay is proposed adjacent to the access road for Flat 4. This space is shown on the Proposed Site Plan as 2m by 6m which is the size of a typical on street parallel parking bay. While a vehicle may not park so tight to the building, an access width of 3m would still be retained which would enable a vehicle to pass a parked vehicle.

9.24 Cycle parking is proposed, and its provision along with the vehicular parking provision will be secured by planning condition.

9.25 As such, it is not considered that the impact of the development upon highway safety would be any greater than as existing and sufficient parking would be provided. The proposed development would therefore comply with CSDPD Policy CS23, BFBLP 'Saved' Policy M9, the Bracknell Forest Borough Parking Standards and the NPPF.

vi. Sustainability

9.26 The application is for a change of use and would not result in any additional built form. As such CSDPD Policies CS10 and CS12 do not apply to this proposal.

vii. SPA

9.27 The Council, in consultation with Natural England, has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath Special Protection Area (SPA) is likely to have a significant effect on the integrity of the SPA, either alone or in-combination with other plans or projects. This site is located approximately 0.65km 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.

9.28 On commencement of the development, a contribution (calculated on a per-bedroom basis) is to be paid to the Council towards the cost of measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Council's Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPD) and the Planning Obligations SPD. The strategy is for relevant developments to make financial contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the SPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures which Natural England will spend upon the SPA land. The Council will also make a contribution towards SANG enhancement works through Community Infrastructure Levy (CIL) payments whether or not this development is liable to CIL.

9.29 In this instance, the development would result in a net increase of dwelling units which results in a total SANG contribution of £3,853. The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which is also calculated on a per bedroom basis. Taking account of the per bedroom contributions this results in a total SAMM contribution of £1,266.

9.30 The total SPA related financial contribution for this proposal is therefore £5,119. A draft Section 106 agreement to secure this contribution and a restriction on the occupation of each dwelling until the Council has confirmed that open space enhancement works to a SANG is completed has been submitted. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP 'Saved' Policy NRM6, 'Saved' Policy EN3 of the BFBLP and CS14 of CSDPD, the Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD, the Planning Obligations SPD and the NPPF.

viii. Community Infrastructure Levy (CIL)

9.31 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.

9.32 CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted) including new build that involves the creation of additional dwellings. The proposed development involves the creation of three additional dwelling units through a change of use. Whilst the first floor is already residential and would be sub-divided, the change of use of the ground floor

restaurant element would result in a net increase in residential floorspace and would therefore be 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 local area including the Crowthorne Conservation Area or the amenities of the residents of the neighbouring properties. The proposed parking arrangements are considered acceptable, and the development would not result in an adverse impact on highway safety.

10.2 It is therefore considered that the proposed development complies with Development Plan Policies SALP Policy CP1, CSDPD Policies CS1, CS2, CS7, CS14 and CS23, BFBLP 'Saved' Policies EN3, EN20 and M9, SEP Policy NRM6 and the NPPF.

11. RECOMMENDATION

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

- Measures to avoid and mitigate the impact of residential development upon the Thames Basin Heaths Special Protection Area (SPA).

That the Head of Planning be authorised to **APPROVE** the application subject to the following conditions amended, added to or deleted as the Head of Planning considers necessary:-

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 submitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 06.01.16 and 18.02.16:

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

03. Any areas of external brickwork required to be reinstated in accordance with the approved plans shall match the existing adjacent brickwork in brick colour and size, mortar colour and pointing, and bonding detail.

REASON: In the interests of the visual amenities of the Conservation Area.

[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]

04. No works to the building shall commence until details of all new windows and doors at a minimum scale of 1:20 are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of the visual amenities of the Conservation Area.

[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]

05. No works to the building shall commence until details of the type of rooflights to be used are submitted to and approved in writing by the Local Planning Authority. The rooflights shall be conservation type, fitted flush with or below the roof covering. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenities of the Conservation Area.
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]
06. The first floor rooflights in the east facing side elevation of Flats 3 and 4 hereby permitted shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent). They shall at all times be fixed shut.
REASON: To prevent the overlooking of neighbouring properties.
[Relevant Policies: BFBLP EN20]
07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no additional windows, similar openings or enlargement thereof shall be constructed at first floor level or above in the east facing side elevation of the first floor flats hereby permitted except for any which may be shown on the approved drawings.
REASON: To prevent the overlooking of neighbouring properties.
[Relevant Policies: BFBLP EN20]
08. No additional flat shall be occupied until the associated vehicle parking has been set out in accordance with the approved drawing. The 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]
09. No additional flat shall be occupied until secure and covered parking for bicycles has been provided in accordance with the approved drawing. It shall be retained as such thereafter.
REASON: In order to ensure bicycle facilities are provided.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
10. The development shall incorporate surface water drainage that is SuDS compliant and in accordance with DEFRA "Sustainable Drainage Systems - Non-statutory technical standards for sustainable drainage systems" (March 2015). It shall be operated and maintained as such thereafter.
REASON: To prevent increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage scheme.
[Relevant Policies: CSDPD CS1, BFBLP 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. Brickwork
6. Obscure glazing
7. Side facing windows
8. Vehicular parking
9. Cycle Parking
10. SuDS

The applicant is advised that the following conditions require discharging prior to commencement of construction works:

4. Windows and Doors
5. Rooflights

In the event of the S106 agreement not being completed by 29 July 2016, the Head of Planning be authorised to either extend the period further or 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).

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