

ITEM NO: 6Application No.
16/00395/FUL

Site Address:

Ward:
AscotDate Registered:
4 May 2016Target Decision Date:
29 June 2016**Palm Hills Guest House Palm Hills Estate London
Road Bracknell Berkshire RG12 9FR**

Proposal:

Change of use of building from C1 (Guesthouse) and C3 (Residential dwelling) to C3 (Residential) to create a six bedroom detached dwelling.

Applicant:

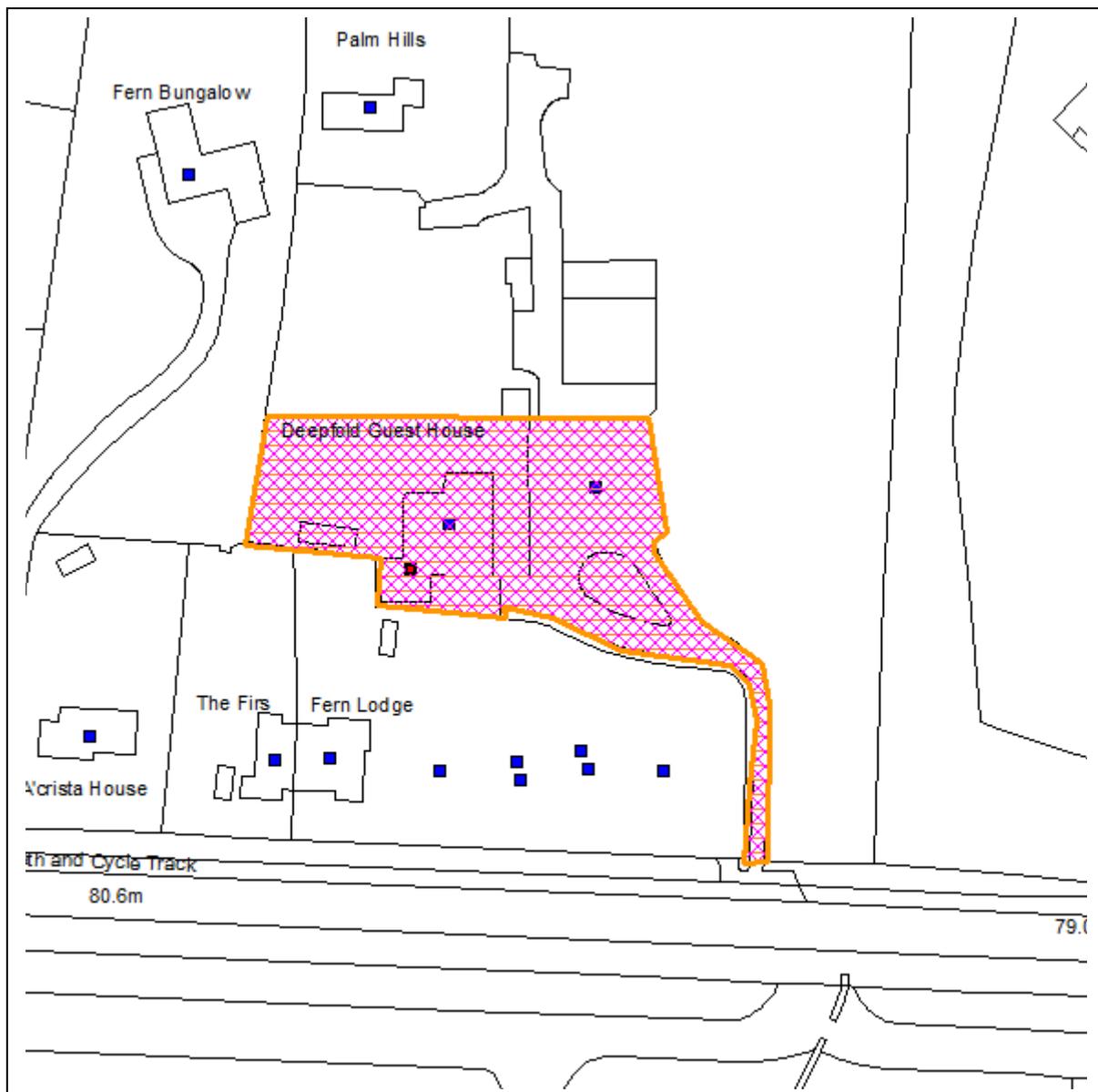
Mr David Holmes

Agent:

(There is no agent for this application)

Case Officer:

Sarah Horwood, 01344 352000

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

1. SUMMARY

1.1 It is not considered that the proposed change of use from C1 and C3 to C3 use would have any adverse impact upon the character and appearance of the surrounding area or residential amenities of neighbouring properties. There would be no highway safety implications. A section 106 agreement is to be entered into to secure SPA mitigation. The proposal is not 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 has been reported to the Planning Committee at the request of Councillor Mrs Hayes over highway safety concerns relating to the use of the access for residential purposes along with the same access being used for B1 and D2 purposes as proposed by a separate application, ref: 16/00396/FUL and the number of vehicular movements on the access.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Within settlement boundary
250m buffer zone of landfill
Within 5km buffer of Thames Basin Heath Special Protection Area (SPA)

3.1 The guest house is located to the north of London Road and comprises a two storey building with a large area of hardstanding for parking to the east of the building. There is a collection of other buildings on site including a dwelling at Palm Hills.

3.2 Land levels rise from south to north through the site. There are numerous trees on site, none of which are covered by Tree Preservation Orders (TPOs).

4. RELEVANT SITE HISTORY

4.1 618493 approved 1992 for change of use from residential to residential and guest house.

4.2 Permission 618493 was approved subject to conditions which restricted the number of guest bedrooms connected to the C1 use to 7 (condition 2) and that the premises should be retained for C1 and C3 use and shall not be used as a hotel (condition 3). The permission permitted the use of the building therefore as a 7 bedroom guest house with a separate residential unit of accommodation.

4.3 From the floor plans submitted with the application, the existing layout of the building shows 6 bedrooms, however there is no distinction made between what rooms were given

over to C1 use and what rooms were given over to C3 use. It has been confirmed by the agent that the building was used as a guest house and also contained residential accommodation which was occupied by the owner of the guest house, however it cannot be confirmed how the building was operated prior to the site being purchased. For information, the C1 and C3 use ceased in August 2015 and since that date, the building has not been in use.

4.4 It is uncertain whether the building whilst in operation was being lawfully used in accordance with permission 618493 or whether more or fewer rooms within the building were in C1 use in breach with the requirements of the aforementioned permission. The Council has no records to confirm or deny whether the premises were being lawfully operated in accordance with permission 618493, however the building ceased being used for C1 and C3 purposes in August 2015 and has been vacant since that date. Notwithstanding how the premises formerly operated connected to the C1 and C3 use, that use has since ceased and this application proposes to change the use of the whole building to a 6 bedroom residential dwellinghouse for sole C3 use.

5. THE PROPOSAL

5.1 Full permission is sought for a change of use of building from C1 (Guesthouse) and C3 (Residential dwelling) to C3 (Residential dwelling) to create a six bedroom detached dwelling.

5.2 No external alterations are proposed to the building to facilitate the change of use from mixed C1 and C3 use to C3 use.

5.3 The use of the building as a mixed use guest house and residential dwelling (C1 and C3) use ceased in August 2015.

6. REPRESENTATIONS RECEIVED

Winkfield Parish Council

6.1 No objection to the application.

Other representations:

6.2 No further representations.

7. SUMMARY OF CONSULTATION RESPONSES

Highways Officer

7.1 No objection

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

8.1 The primary strategic planning considerations applying to the site and the associated policies are:

	Development Plan	NPPF
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	consistent
Parking	Saved policy M9 of BFBLP, CS23 of the CSDPD	Consistent NPPF refers to LA's setting their own parking standards for residential development, this policy is considered to be consistent.
Supplementary Planning Documents (SPD)		
Parking standards SPD		
Thames Basin Heath SPA SPD		
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 development
- ii. Impact on character and appearance of the area
- iii. Impact on residential amenity
- iv. Impact on highway safety
- v. Thames Basin Heath Special Protection Area (SPA)
- vi. Community Infrastructure Levy
- vii. Sustainability

i. Principle of development

9.2 The site is located within the defined settlement boundary as designated by the Bracknell Forest Borough Policies Map (2013).

9.3 SALP Policy CP1 refers to the presumption in favour of sustainable development as outlined within the National Planning Policy Framework (NPPF). SALP Policy CP1 states that the Council will act proactively and positively with applicants to seek solutions which mean that proposals can be approved wherever possible, and to improve the economic, social and environmental conditions within the area. Planning applications that accord with the policies in the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise.

9.4 CSDPD Policy CS1 sets out a number of sustainable development principles including making efficient use of land and buildings and locating development in locations that reduce the need to travel.

9.5 CSDPD Policy CS2 states that development will be permitted within defined settlements and on allocated sites. Development that is consistent with the character, accessibility and provision of infrastructure and services within that settlement will be permitted, unless material considerations indicate otherwise.

9.6 The premises used as a guesthouse and dwellinghouse is located on land that is part of a larger site allocated for housing development through the adopted Site Allocations Local Plan (SALP July 2013). The site has the potential to provide 49 dwellings as stated in the SALP.

9.7 The adopted SALP is an integral part of delivering the Council's housing requirement of 11,139 dwellings (as contained in Core Strategy Policy CS15) across the plan period until 2026. It amends the boundaries of settlements where this is required as a result of the allocation of edge of settlement sites such as the Palm Hills Estate and subsequently relevant changes are incorporated into the adopted Policies Map.

9.8 The SALP does not include an illustrative concept plan for the site.

9.9 An application for the redevelopment of the site for 62 dwellings was refused in December 2014, LPA ref: 14/00569/FUL. There have been no subsequent applications for the redevelopment of the site.

9.10 The proposed change of use from mixed C1 and C3 use to C3 use for 1no. residential dwelling located within the settlement boundary is acceptable in principle.

9.11 The building has been vacant since August 2015. The guest house element of the use is located on the edge of settlement, not within a town centre location or a designated retail or employment area. Further, it is not considered that the C1 use is a community facility used by members of the public as it contained no restaurant, bar, tea room, etc. open to non staying guests. The guest house use would be lost in the event of the redevelopment of the site for housing as part of the SALP. It is not considered that the loss of the guest house due to its location and not being a community facility would be harmful to the surrounding area and therefore no objection is raised to its loss.

9.12 As such the proposal is acceptable subject to no adverse impacts upon residential amenities of neighbouring properties, character and appearance of surrounding area, highway safety implications, etc.

ii. Impact on Character and Appearance of the Area

9.13 No external alterations are proposed to the building itself to facilitate the change of use from mixed C1 and C3 use to sole C3 use. The site is bounded to the south and west by residential dwellings and therefore the sole use of the building for residential purposes would be in keeping with the character and appearance of the surrounding area.

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

iii. Impact on Residential Amenity

9.15 The proposed change of use from mixed C1 and C3 use to C3 use would be a less intensive use than the former mixed C1 and C3 use with a reduction in movements to and from the site, therefore resulting in a reduction in noise and disturbance to the benefit of adjoining residential properties.

9.16 No external changes are proposed to the building to facilitate the change of use and therefore no additional impact would result to adjoining residential properties from overlooking, loss of privacy, etc. The proposed dwelling would have its own rear garden to provide adequate private amenity space for the future occupiers of the dwelling.

9.17 The site is located within a 250m buffer zone of the London Road Chavey Down landfill. However the proposal relates solely to the change of use of an existing building to residential use where part of that building was previously in use for residential purposes when the building was in operation as a guest house. No other external changes are proposed to facilitate the change of use and therefore it is not considered that any measures are required to mitigate this impact.

9.18 As such, 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.

iv. Impact on highway safety

9.19 The proposed change of use from mixed C1 and C3 use to C3 use would result in a reduction in vehicular movements at the site as the use would be less intensive.

9.20 No external alterations are proposed to the building to affect its existing vehicular access or parking layout. Further, no alterations are required to the access or parking to facilitate the proposed change of use.

9.21 For the reasons given above the proposal is considered to be in accordance with Saved Policy M9 of the BFBLP, CS23 of the CSDPD and the NPPF and would not result in highway implications.

v. Thames Basin Heath SPA

9.22 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 2.6km 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.

9.23 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.

9.24 In this instance, the development would result in a net increase of 1 X six bedroom dwelling which results in a total SANG contribution of £3,211 (the agent has agreed to pay

the SPA contribution based on the creation of 1 no. 6 bedroom dwelling as it cannot be determined what the original layout of the premises was when it was operating as a C1 and C3 use prior to that use ceasing in August 2015 and therefore they have suggested this application be assessed as if it were a new residential dwelling).

9.25 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which will also be calculated on a per bedroom basis. Taking account of the per bedroom contributions this results in a total SAMM contribution of £1,052.

9.26 The total SPA related financial contribution for this proposal is £4,263. The applicant must agree to enter into a S106 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. 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.

9.27 Given the site is allocated for housing development as part of the Site Allocations Local Plan, in the event of planning permission being granted for the redevelopment of the site for housing, the SPA contribution required as part of this application will be sought and this contribution will then be deducted from the SPA contribution for the overall redevelopment of the site.

9.28 A legal agreement is to be submitted to the LPA to secure the above SPA contributions.

vi. Community Infrastructure Levy (CIL)

9.29 Bracknell Forest Council commenced charging for its Community Infrastructure Levy (CIL) on 6th April 2015.

9.30 CIL applies to any new build (except outline applications and some reserved matters applications) including the creation of additional dwellings. The proposed change of use of the building from mixed C1 and C3 use to sole C3 residential use would not involve the creation of additional floorspace and the building has been in continuous use for C1 and C3 use for at least six months in the last three years (with that mixed use ceasing in August 2015). Therefore, the proposed change of use is not CIL liable.

vii. Sustainability

9.31 With regard to the requirements of Core Strategy Policies CS10 and CS12, the application is to convert an existing building to residential use. Paragraph 2.6 of the Sustainable Resource Management SPD states that proposals to convert or change the use of a building are excluded from Core Strategy Policies CS10 and CS12. Therefore no submission is required with regard to Policies CS10 and CS12 of the CSDPD.

10. CONCLUSIONS

10.1 It is not considered that the proposed change of use from C1 to C3 use would have any adverse impact upon the character and appearance of the surrounding area or residential amenities of neighbouring properties. There would be no highway safety implications. A draft section 106 agreement to secure SPA mitigation is forthcoming. The proposal is not CIL liable.

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

11. RECOMMENDATION

That, 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 Basins Heath Special Protection Area (SPA);

The Head of Planning be authorised to **APPROVE** the application subject to the following conditions:-

01. The use 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 4 May and 31 August 2016:

drawing no. PHA/COU/100

drawing no. PHA/COU/102

drawing no. PHA/COU/103

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

03. The dwelling hereby permitted shall not be occupied until the associated vehicle parking and turning space has been surfaced and marked out in accordance with the approved drawing. The spaces shall thereafter be kept available for parking and turning at all times.

REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street parking which would be a danger to other road users.

[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

In the event of the S106 agreement not being completed by 15 December 2016, the Head of Planning be authorised to either extend the period further or refuse the application on the grounds of:

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 (February 2015).

Informatives

1. 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.

2. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:

1. Time limit
2. Approved plans
3. Parking