

**ITEM NO:**

Application No.  
**19/00102/OUT**  
Site Address:

Ward:  
College Town

Date Registered:  
27 February 2019

Target Decision Date:  
24 April 2019

**414 Yorktown Road College Town Sandhurst  
Berkshire GU47 0PR**

Proposal:

Outline application (including details of access, appearance, layout & scale) for the erection of dormer roof extensions, rear extensions (including demolition of existing elements) and a change of use of gym (D2) to residential (C3) to provide 13no. residential apartments.

Applicant:

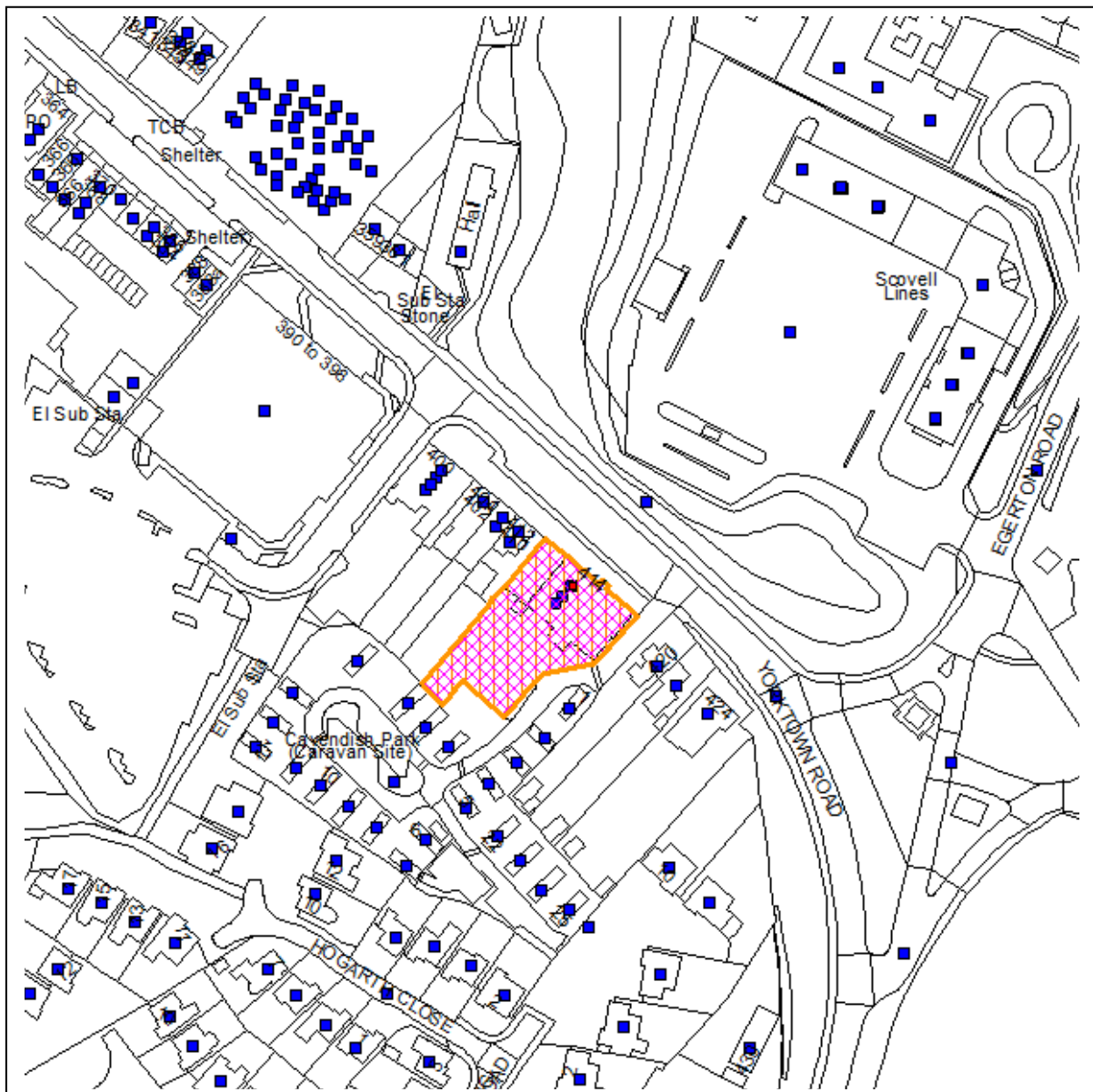
Mr M Weller

Agent:

Mr David Holmes

Case Officer:

Matthew Miller, 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. SUMMARY**

- 1.1 The proposed development relates to a site within the defined town centre of Sandhurst and the change of use of a gymnasium to residential is acceptable in principle. The proposal would result in the addition of 9no. one bedroom and 4no. two bedroom apartments to contribute to the Council's housing supply.
- 1.2 The proposal would not adversely impact upon the character and appearance of the surrounding area. It would not adversely affect the residential amenities of the occupants of neighbouring properties, which include residential units, and acceptable living conditions would be provided for prospective occupants of the proposed apartments. The proposals would also be acceptable in terms of highway safety and parking, subject to proposed conditions.
- 1.3 Relevant conditions will be imposed in relation to biodiversity and sustainability. A legal agreement is required to secure contributions for SPA mitigation and off-site public open space.

<b>RECOMMENDATION</b>
Delegate to the Head of Planning to grant planning permission following the completion of a s106 agreement and subject to conditions in Section 11 of this report

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

- 2.1 The application is being considered by the Planning Committee following the receipt of 6no. objections.

### **3. PLANNING STATUS AND SITE DESCRIPTION**

<b>PLANNING STATUS</b>
Land within defined settlement, and within a defined town centre
Within 5km of the Thames Basin Heath SPA

- 3.1 414 Yorktown Road is a two storey building approximately 30 metres in width, fronting Yorktown Road. It consists of a two storey gymnasium with an ancillary dance studio, two ground floor retail units and, two first floor residential apartments,. The site contains a car park to the rear, accessed via a covered driveway connecting to Yorktown Road, which provides parking both to the gymnasium and to the ground floor retail units. The existing apartments do not have allocated parking. Parking spaces are also located to the front of the site however these lie outside the application boundary.
- 3.2 To the north of the site on the opposite side of Yorktown Road is the Royal Military Academy, Sandhurst (RMA). The site is bordered to the south by Cavendish Park, a mobile home park consisting of 25no. mobile homes. To the eastern side of the property is a row of terraced buildings with commercial/retail at ground floor and residential apartments at first floor, and to the western side is the access to Cavendish Park, with the residential property of 420 Yorktown Road beyond this.
- 3.3 The surrounding area is characterised by a mix of use, with a variety of retail, commercial and residential properties on the southern side of Yorktown Road as well as to the northeast,

and is also strongly influenced by the wire fencing and treed grass bund of the RMA to the north.

#### 4. RELEVANT SITE HISTORY

##### 4.1 The relevant planning history is as follows:

614171

Erection of a three storey building comprising 300m<sup>2</sup> retail and 500m<sup>2</sup> (A2) office floor space, with car parking at rear.

Approved (1989)

[Officer Comment: the building was erected to have the appearance of being two storeys, especially as the roof space was not utilised].

00/00539/FUL

Erection of two storey side and single storey rear extensions to form enlarged gym (at ground and first floor level), new ground floor shop unit and new 2 bedroomed flat at first floor level with car parking to rear involving removal of existing detached building to rear.

Approved (2000)

01/00605/FUL

Retention of first floor rear extension forming office and staff room ancillary to gym, 8no. rooflights and changes to fenestration and door design from those approved under planning permission 00/00539/FUL..

Approved (2001)

02/01018/FUL

Erection of two storey side extension forming dance studio at first floor level with existing access to car park, and car parking, below.

Approved (2004)

16/01122/FUL

Section 73 application for the removal of condition 14 (opening hours) to planning permission 00/00539/FUL for the erection of two storey side and single storey rear extensions to form enlarged gym (at ground and first floor level), new ground floor shop unit and new 2 bedroomed flat at first floor level with car parking to rear involving removal of existing detached building to rear.

Refused (2017) (Appeal Dismissed)

17/00888/FUL

Section 73 application for the removal of condition 14 (opening hours) of planning permission 00/00539/FUL, which states the gym "shall not be open to customers outside the following times: 1100 to 2100 hours Monday to Friday and 1100 to 1800 hours on Saturdays" to allow for a 24 hour gym.

Refused, Appeal Allowed (2017)

18/00258/FUL

Section 73 application for the removal of condition 14 (opening hours) of planning permission 00/00539/FUL, which states the gym "shall not be open to customers outside the following times: 1100 to 2100 hours Monday to Friday and 1100 to 1800 hours on Saturdays" to allow for a 24 hour gym.

Withdrawn (2018)

##### 4.2 The building was originally built for use as ground floor retail and first floor offices, with a rear car park. Over time the building has been enlarged through extensions to both its sides

(including the resulting undercroft access element) and to the rear, with a partial change of use to form the two residential units and gymnasium now present with the retail units.

## **5. THE PROPOSAL**

- 5.1 An Outline application, for details of access, appearance, layout and scale, has been submitted for the erection of a roof extension (through the addition of dormers), and the change of use of the gymnasium and ancillary dance studio to form 13no. residential apartments. Matters regarding landscaping are reserved. Following the receipt of amendments, the unit mix would comprise 9no. one bedroom apartments and 4no. two bedroom apartments.
- 5.2 The existing two ground floor units and the two residential apartments on the front of the first floor are proposed to be retained. Access to the proposed residential units would be from a combination of front and rear entrances to the building, with the access to the retained existing retail and residential units unaffected.
- 5.3 The proposed roof extension would not increase the total height of the existing building (9.0 metres) but would include the formation of dormers to both the front and rear elevations, to enable habitable accommodation in the roof space.
- 5.4 The proposed rear extensions would involve demolition of some of the existing projecting elements on the rear elevation and form infills to provide a linear two storey appearance.
- 5.5 During the course of the application amendments have been received to the proposed siting of side windows and the rooms they would serve, and to the proposed car parking layout. This has resulted in a change in the residential unit mix from 7no. one bedroom and 6no. two bedroom to the mix stated in para. 5.1 above.

## **6. REPRESENTATIONS RECEIVED**

### Sandhurst Town Council

- 6.1 Sandhurst Town Council raise no objection. However it does request that a management plan be imposed during the construction period to ensure that there is no obstruction to access to Cavendish Park. [Officer Comment: a construction management plan is recommended to be secured via condition].

### Representations from Members of the Public

- 6.2 6no. objections have been received from members of the public, from addresses within Cavendish Park and Yorktown Road, wider Sandhurst, and one from outside the Borough. They are summarised as follows:
  - the proposal would result in an adverse loss of privacy and be overbearing to residents within Cavendish Park, due to the direct line of sight that would result from proposed window placements, and from the increase in height of the building [Officer Comment: no increase in the total height of the building is proposed];
  - the loss of the existing gymnasium would result in a loss of services, which, combined with other residential development taking place in the area, would result in a lack of local facilities for residents. This is also evidenced by the fact that the current gym has approximately 1,000 members;
  - while the site has planning permission for the use of the gym over 24 hours, these hours of operations have not been implemented. It is therefore unreasonable to compare the impacts of the proposal to a 24 hour gymnasium;

- the proposal undermines wider national health goals through the removal of a gymnasium;
- the proposal constitutes overdevelopment of the site, and this is evidenced by the lack of amenity space provided;
- there is an absence of information regarding proposed landscaping and boundary treatments [Officer Comment: the proposal is an Outline application with matters of landscaping reserved];
- the proposal would give rise to light pollution impacts;
- the proposed construction works could give rise to obstruction to access to residents of Cavendish Park, and this is based on previous experience of development on this site;
- not enough proposed parking has been provided, and this in combination with other developments taking place would lead to over-spill parking which would be detrimental to highway safety. The proposed parking for the application also has to be considered in combination with the retained retail and residential units;
- the proposed residential nature of the parking would give rise to harm;
- the submitted Transport Statement is based on outdated 2011 Census data [Officer Comment: the most recent Census was in 2011], and contains inaccuracies especially in terms of how many bedrooms are proposed;
- the proposal would result in an adverse impact on drainage to the wider area, and
- objection over the target market for the sale of these flats [Officer Comment: it has not been explained on what grounds an objection is made on this matter, however it does not relate to any relevant planning considerations].

6.3 3no. support comments have been received from members of the public, from addresses within Yorktown Road. It is noted that two of the addresses are 414 Yorktown Road however these relate to units that are not part of the application. They are summarised as follows:

- there is significant national demand for the creation of additional houses;
- the proposal through the creation of additional residential units would support the local economy, especially the immediate surrounding retail units;
- the proposal would make effective use of the space available and the proposal is neither overly cramped or bulky;
- the design of the additional physical elements of proposal would result in a positive improvement to the character of the area, with the existing building appearing tired and run down;
- the proposal is considered to make more effective use of the building in comparison to a 24 hour gymnasium, and
- the proposal would provide an acceptable level of parking and is sustainably located being within both the town centre and with access to public transport.

6.4 The above matters (except for the matter regarding the target market of the proposed residential units) are considered in the report below.

## **7. SUMMARY OF CONSULTATION RESPONSES**

### Highway Officer

Following revisions made to the proposed car parking layout, as well as a change to the proposed number of bedrooms, the Highway Officer raises no objection subject to conditions.

### Biodiversity Officer

No objection subject to a condition requiring biodiversity enhancements.

### Environmental Health Officer

No objection.

Lead Local Flood Authority (LLFA)

Following the receipt of a Flood Risk Assessment the LLFA raise no objection.

Waste & Recycling Officer

Concerns have been raised with regards to the size of the proposed bin store area. It is considered however that an acceptable store can be feasibly achieved, and details of this are recommended to be secured by condition.

**8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO DECISION**

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

	<b>Development Plan</b>	<b>NPPF</b>
General Policies	SALP Policy CP1 CSDPD Policy CS1 CSDPD Policy CS2	Consistent (Paras. 7, 11, 12, & 117 - 119)  Consistent (Para. 17 & 117 - 119).
Development in a Town Centre	CSDPD Policy CS21 BFBLP 'Saved' Policy E5	Consistent
Recreational facilities	CSDPD Policy CS8	Consistent
Design & Character	CSDPD Policy CS7 BFBLP 'Saved' Policy EN20	Consistent (Chapter 12)
Residential Amenity & Pollution	'Saved' Policies EN20 & EN25 of BFBLP	Consistent (paras. 127, 170 & 180)
Transport	CSDPD Policies C23 & CS24 BFBLP 'Saved' Policy M9	Consistent (Chapter 9)
Drainage	CS1 of CSDPD	Consistent (paras. 163 & 165)
Biodiversity	CSDPD Policies CS1 & CS7	Consistent (paras. 170 & 175)
Sustainability (Renewable Energy and Water Use)	CSDPD Policies CS10 & 12	Consistent (para. 149)
SPA	CS14 of CSDPD BFBLP 'Saved' Policy EN3	Consistent

	SEP 'Retained' Policy NRM6	
Open Space Provision	CSDPD Policy CS8 'Saved' Policy R4 of the BFBLP	Consistent (paras. 92 & 97 of the NPPF)
Securing Necessary Infrastructure	CSDPD Policy CS6	Consistent (para. 54 to 56, 92 and 94)
<b>Supplementary Planning Documents (SPD)</b>		
Design SPD (2017) Parking Standards SPD (2016) Planning Obligations SPD (2015) Sustainable Resource Management SPD (2008) Thames Basin Heaths SPA SPD (2018)		
<b>Other publications</b>		
National Planning Policy Framework (NPPF) (2019) National Planning Policy Guidance (NPPG) (2019) BFC CIL Charging Schedule		

## 9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of Development
- ii. Impact on Character and Appearance of Surrounding Area
- iii. Impact on Residential Amenity
- iv. Transport and Highways Considerations
- v. Waste & Recycling
- vi. Drainage Implications
- vii. Biodiversity Implications
- viii. Sustainability Implications
- ix. Other Considerations
- x. Thames Basin Heaths Special Protection Area (SPA)
- xi. Securing Necessary Infrastructure

### i. Principle of development

#### Locational principles

9.2 The site is located within a defined Town Centre, and within the defined settlement of Sandhurst. It is not however located within a defined Employment Area.

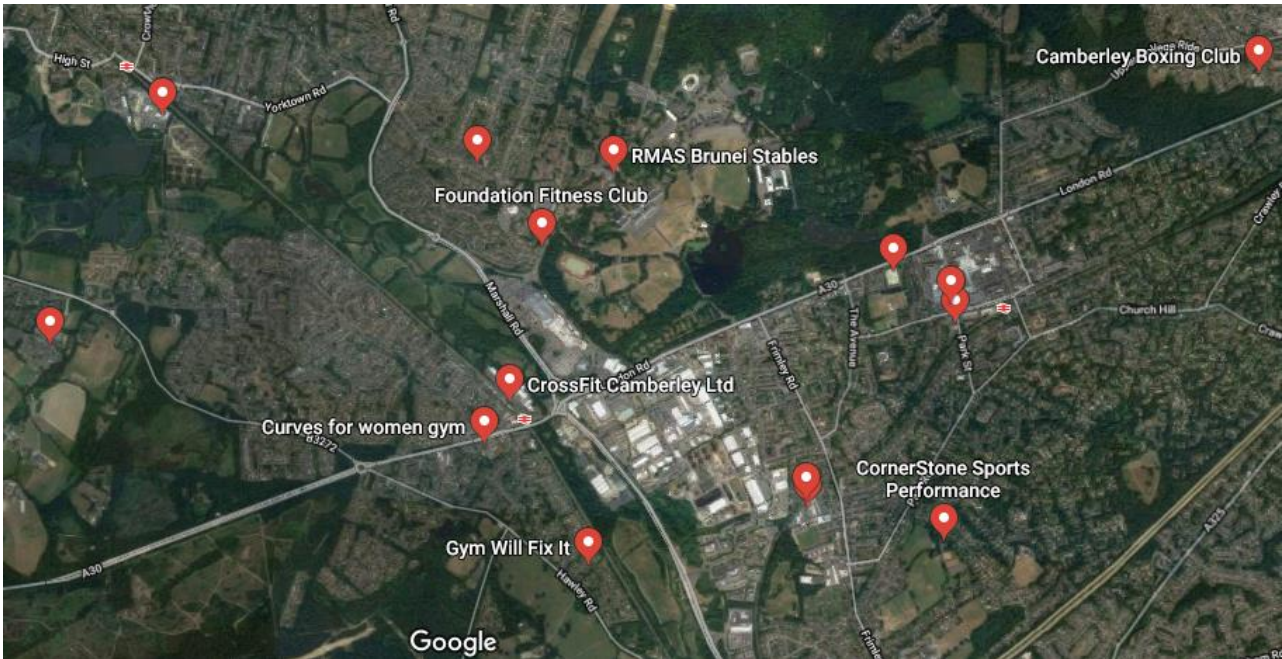
9.3 The Council is currently able to demonstrate a five year housing land supply, with a figure of 6.04 years relating to the monitoring period 2018/19. However, irrespective of this the provision of housing within a defined settlement is acceptable in principle, and there remains benefit in the provision of boosting the housing supply for the Borough irrespective of the housing land supply figure. Therefore positive weight must be given to the provision of additional housing.

- 9.4 The site is located within a defined Town Centre location. CSDPD Policy CS21 states that planning applications involving the loss by redevelopment or change of use of retail units that perform an important community role will only be allowed where they do not conflict with planning policy. BFBLP 'Saved' Policy E5 states that the identified shopping locations perform an important function in order to maintain the vitality and viability of the Borough's shopping facilities. It goes on to state that that smaller town centres and shopping parades provide a range of services which reduce the need to travel, and such centres should be promoted and maintained.
- 9.5 However, the proposal would involve the loss of a gymnasium and ancillary dance studio, with the existing retail units to be retained. The loss of a gymnasium (D2 planning use class) does not therefore constitute the loss of a retail facility under the Town and Country Planning (Use Classes) Order 1987 (as amended), nor does a gymnasium classify as a retail facility under general definition. Furthermore, the floorspace involved in the application has never been under retail use, as it was initially formed as office space and later converted to its current use (see section 4 of the report).
- 9.6. In view of the above, the proposal would comply with CSDPD Policy CS21 and BFBLP 'Saved' Policy E5, as well as SALP Policy CP1 and CSDPD Policies CS1 and CS2.

#### Loss of the recreational facility

- 9.7 CSDPD Policy CS8 states that development will be permitted which retains, improves and maintains existing recreational facilities.
- 9.8 Objections have been received from residents raising concerns over the loss of what is considered an important recreational facility. Furthermore, paras. 85 and 104 of the NPPF state that appropriate leisure uses can contribute to the vitality of town centres and should be situated in locations to limit the numbers and length of journeys.
- 9.9 The applicant has provided both a Planning & Economic Impact Assessment and a Marketing Background Report in support of the development.
- 9.10 These documents state that the reason for seeking to extend the opening hours of the gymnasium in planning applications submitted between 2016 and 2018 (see section 4 of the report) was as an attempt to make the gymnasium more marketable and attractive for a greater range of users in view of the business struggling to remain viable. Despite these attempts it has become apparent that the business has become commercially unviable. This is primarily because other significantly sized gymnasiums operate within the wider vicinity of Sandhurst, and this has resulted in a saturation of the market, and this is evidenced by the below map provided by the applicant.





- 9.11 While not labelled on the above plan, the local alternative gymnasiums also include Snap Fitness at 1 Vulcan Way, Sandhurst, which also offers a 24 hour access with more substantial facilities.
- 9.12 While marketing billboards have not been placed at the site, the site has been actively marketed to prospective owners. The site was initially marketed to other gym operators, included Snap Fitness. This was unsuccessful and Snap Fitness chose alternative premises (see para. 9.11).
- 9.13 The site owner has also considered other development opportunities for the site, including office use. However with the current slow uptake of office floor space apparent within surrounding office buildings and parks, both within Bracknell Forest and Surrey Heath (namely Camberley), this was not considered a viable option for the site. The decision was therefore made to seek to redevelop the gymnasium for residential use.
- 9.14 The submitted Planning & Economic Impact Assessment and Marketing Background Report are therefore considered to provide justification and evidence that a gymnasium use continuing to operate on this premises is currently unviable, and would continue to be so for the foreseeable future. Furthermore residential development also brings social and economic benefits to its location.
- 9.15 Therefore while the loss of a such a facility in a sustainable town centre location is undesirable, the applicant has demonstrated that the redevelopment of the site for residential is supported for the reasons set out above, and is therefore acceptable in principle. This is also supported by the fact that the gymnasium is a private facility and therefore makes limited contribution to wider community recreation.

## ii. Impact on character and appearance of surrounding area

### Change of use

- 9.16 The area surrounding the application site is characteristically one of mixed use, and this character pervades along a significant section of Yorktown Road. The proposed change of the majority of the building to residential would therefore not be out of character with the

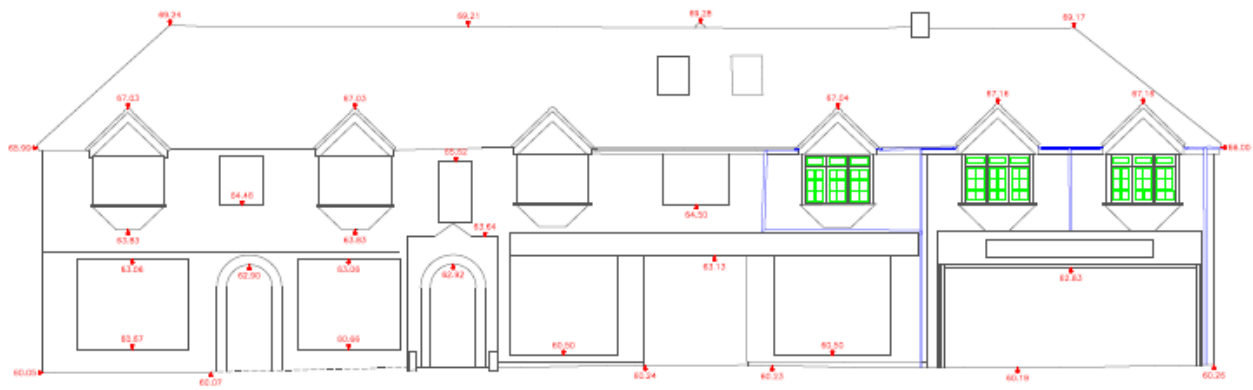
area, which contains a many different residential properties, including dwellings, mobile homes and apartments. Furthermore, the building currently hosts two residential apartments.

- 9.17 The existing ground floor retail frontage of the building is not proposed to be altered, and as a result would retain its contribution to defining the area as part of a Town Centre location.

Proposed external changes

- 9.18 While it is not proposed to raise the total height of the building, it is proposed to install a number of dormers to the front and rear elevations of the building. The only changes proposed to the external appearance of the retained ground and first floors on the front elevation are the removal of the gable elements above the existing windows on the first floor. The below images demonstrate this.

*Existing:*



*Proposed:*



- 9.19 It is apparent from the above plans that the existing front elevation of the building is one dominated by asymmetrical window features, and the proposed addition of dormers would not detract from this overall pattern, or result in a detrimental impact on the character of the host building.

- 9.20 Roof dormers are noticeably present on the neighbouring terraced buildings of 400 – 412 Yorktown Road to the west. These buildings, as with the proposal, are two storey in height but with additional roof space provided by these dormers. It is therefore not considered that

the proposal, especially in view of it not increasing in total height, would detract from the established character of the street scene.

- 9.21 The demolition of various existing elements and the erection of two storey infill extensions to the rear elevation are proposed. The existing rear elevation has a discordant appearance in view of the various enlargements and alterations that have been made to the existing building over time. However, this appearance is limited by its lack of visibility from public vantage points along Yorktown Road.
- 9.22 The proposal, by comparison, is considered to result in a net improvement to the design and physical appearance of this rear elevation, by standardising and organising the elevational layout to bring greater coherency.
- 9.23 It is recommended that a condition be imposed to secure details of proposed materials in order to ensure that they match those used on the existing building.
- 9.24 Matters of landscaping and boundary treatments are to be assessed under Reserved Matters. Furthermore, there are no protected trees present either within or adjacent to the site.
- 9.25 It is therefore considered that the proposed development would not result in an adverse impact on the amenities of neighbouring residents, in accordance with CSDPD Policy CS7, 'Saved' BFBLP Policy EN20, the Design SPD, and the NPPF.

### **iii. Impact on Residential Amenity**

#### Impact on occupants of neighbouring properties

- 9.26 The proposed extensions, including roof dormers, are considered to have a minimal impact on the occupants of the surrounding properties in terms of loss of light impacts, and would not be overbearing, and this is in view of the comparative footprint and height of the existing building compared to that proposed.
- 9.27 The primary considerations therefore relate to the impact of proposed additional window placements in terms of impacts on privacy and overlooking to neighbouring properties, which are both commercial and residential in nature.
- 9.28 The proposal would have a window-to-boundary separation distance of 26.5 metres, and a window-to-window distance of 35.8 metres (both measurements taken at the shortest point), to the properties of 18, 19 and 20 Cavendish Park to the south. The proposed new windows would be at a greater height than existing as they would be inserted into the proposed second floor. However, the distances proposed are not considered to give rise to adverse impacts on privacy or overlooking, and would exceed the separation distances advised by the Design SPD (2017).
- 9.29 The proposal would also have an angled relationship to the properties of 1, 2 and 3 Cavendish Park, with further mobile homes beyond. 1 Cavendish Park would have a window-to-window separation distance of 11.4 metres, however this must be considered in the context that it is an angled relationship and straight line views from the proposed windows would not intersect these properties. Any additional harm must also be considered in the context of existing windows being present on the first floor of the building. The window-to-window separation distance increases to 23.5 metres to 2 Cavendish Park. It is concluded that in view of the above the proposal would not result in an adverse impact on the residential amenities of the occupants of these mobile homes.

- 9.30 The proposal would involve the installation of one west-facing side window and four at first floor level along with four roof windows on this elevation. The existing building of 410-412 Yorktown Road immediately to the west has no east-facing side windows, and the rear of the property beyond the building line falls under commercial use. As a result it is not considered that the proposal would give rise to any harm to the amenities of the occupants of this neighbouring building.
- 9.31 On the east-facing side elevation of the proposal an additional first floor window is proposed, along with two roof windows. Two existing first floor windows are present on this elevation, and the windows would face the residential dwelling of 420 Yorktown Road which has no west-facing side windows. Views from the proposed additional window to the rear garden of no.420 would also be restricted by the specific placement of the proposed window and the overall rear projection of no.420.
- 9.32 In terms of noise and light pollution generation it is not considered that the proposal would give rise to additional harm particularly as it relates to an existing building within a defined settlement, and with acceptable window relationships to neighbouring properties as explained above.
- 9.33 It is recommended that a construction management plan be secured via planning condition to ensure that acceptable construction management is undertaken, including limiting hours of works and ensuring all storage and construction works take place within the boundaries of the site.

#### Impacts on prospective residents

- 9.34 Initially it was proposed to install a west-facing side window to the ground floor apartment sited closest to the covered access drive, and to install an east-facing side window to the ground floor apartment on the opposite side of the building, facing a boundary wall. These windows would have served bedrooms, and would have been considered to result in substandard light penetration in view of their relationship to the covered driveway and boundary wall, respectively, as well as loss of privacy to the window onto the covered driveway
- 9.35 Subsequently the window to the covered driveway has been removed, along with the removal of these bedrooms, and therefore the total number of bedrooms proposed has reduced accordingly.
- 9.36 Following these amendments, proposed habitable rooms would be adequately served by windows. While the proposed first floor side west-facing window has a limited separation of 3.2 metres to the neighbouring building of 410-412 Yorktown Road, this relationship is not considered to be unacceptable especially in view of the development as a whole. The ground floor rear-facing windows of the eastern-most apartment face onto an angled boundary wall. However, this angled relationship means that the windows would still receive sufficient light penetration, particularly in view of their south-facing orientation.
- 9.37 The south-facing ground floor windows of the development would face on to a car park area however there is satisfactory separation distance and the relationship is not considered to give rise to harm.
- 9.38 While matters concerning landscaping are not subject to this outline application, it is acknowledged that the proposed residential units would have limited amenity space. However this is a commonly accepted situation for apartment buildings, and the existing residential apartments in this building currently have no amenity space. Prospective occupants would have access to wider public open space facilities, and a monetary

contribution is sought towards of their long-term maintenance as part of this application. As a result, it is not considered that this would justify a reason for refusal.

- 9.39 It is therefore considered that the proposed development would not result in an adverse impact on the amenities of neighbouring or prospective occupants, in accordance with 'Saved' BFBLP Policies EN20 and EN25, the Design SPD, and the NPPF.

#### **iv. Transport and Highways considerations**

##### Access

- 9.40 It is proposed to utilise the existing access point from Yorktown Road, which involves passing through a covered driveway to the rear car park. Historically the allocated parking provision to provision to the site has included vehicles to park down one side of this covered driveway.
- 9.41 The proposal seeks to adjust this historic arrangement by reducing the number of spaces to a single visitor space. As part of the siting of this space, a 'give way' arrangement is also proposed for vehicles entering the site where the access narrows. It is noted that the existing rear access to the covered driveway is 4.5 metres in width and this restricts two vehicles from passing at the same time. The proposed arrangements are therefore considered to be of a net benefit to highway safety in comparison to the existing access situation. The Highway Officer raises no objection to this arrangement.

##### Parking and layout

- 9.42 In accordance with the guidance within the Parking Standards SPD (2017), the proposal rise to an advised allocation of 17no. parking spaces for the proposed apartments, as well as 3no. visitor parking spaces.
- 9.43 In addition four retail parking spaces have been historically allocated to the two ground floor retail units. The two existing residential apartments do not benefit from existing parking allocation, and this would not be changed as part of the proposal.
- 9.44 An amended parking plan has been provided demonstrating that 17no. parking spaces are to be provided as allocated to the proposed apartments, along with two retail spaces and a single visitor space. This forms a shortfall of two visitor spaces to the proposed development, and also two fewer retail spaces than historically provided. The proposed layout is shown below.



9.45 Para. 109 of the NPPF requires any refusal on highway safety grounds to be on the basis of an demonstrably unacceptable and severe impact on highway safety. In view of the sustainable location of the application site, combined with the lay-by parking area to the front of the site which provides parking for the retail units (especially for customers), this minor shortfall of parking is considered to only result in a limited impact on highway safety.

9.47 Furthermore, the retail parking spaces could be utilised as visitor parking spaces outside the operating hours of the retail uses. It is recommended that a condition be imposed to secure a scheme of signage to indicate these arrangements.

9.48 The access and sizes of the proposed spaces are considered acceptable, and while some tandem parking arrangements are proposed, these would serve the same apartments (i.e. two tandem for a two bedroom) and can therefore be managed. It is recommended that a condition be imposed to secure a final parking plan, including details of disabled parking.

9.49 Dedicated cycle stores are also proposed to the rear car park, which would meet Council standards. It is recommended that a condition be imposed to secure this cycle storage.

#### Traffic & Sustainability of Location

9.50 The proposed addition of 13 apartments would have a limited impact on the wider transport network, and this is considered in the context of the comparison to the existing gymnasium use, as well as the sustainability of the location being within a defined town centre with good transport links. This includes links to public transport, most particularly the bus network.

9.51 It is recommended that a construction management plan be secured by condition to ensure that no harm arises to highway safety in terms of vehicle parking or general construction implications.

#### Conclusion

9.52 It is therefore considered that the development would not result in an adverse impact on highway safety, in accordance with Policy CS23 of the CSDPD, 'Saved' Policy M9 of the

BFBLP, the Parking Standards SPD (2016), and the NPPF, subject to the recommended conditions.

**v. Waste and Recycling**

9.52 A bin storage area was initially proposed to be provided within the covered driveway of the building, however this would potentially affect access. As a consequence a bin storage area for the proposed apartments is to be provided within the rear car park of the site, and its indicative size is acceptable for the number of existing and proposed apartments. Full details of the bin store, including details of enclosure, are recommended to be secured by planning condition.

9.53 The bin storage for the retail uses is to be provided within the covered driveway, as the size requirements for this storage are lesser than that for the residential use. As with the residential bins, full details of the bin store are recommended to be secured by planning condition.

**vi. Drainage Implications**

9.54 The site is not located in Flood Zones 2 or 3 and is previously developed land, almost all of which is hardsurfaced. However, the site is located within an area at risk of surface water flooding, based on historical Environment Agency data. This in combination with the development proposed which may increase the number and nature of individuals at risk during a flood event means that a Flood Risk Assessment (FRA) has been provided.

9.55 The LLFA has been consulted on the submitted information and raises no objection to the conclusions and mitigation measures provided by the FRA. It is therefore recommended that a condition be imposed to ensure that the mitigation measures are undertaken.

9.56 It is therefore not considered that the proposed development would result in an adverse impact on surface water drainage, in accordance with CSDPD Policy CS1 and the NPPF, subject to the recommended conditions.

**vii. Biodiversity Implications**

9.57 The Biodiversity Officer has been consulted on the proposal and advises that the building is of low potential for roosting bats due to its (relatively) modern construction and urban setting. Therefore, no ecological surveys have been required to be undertaken.

9.58 However, in accordance with the CSDPD Policies CS1 and CS7, and para. 175 of the NPPF, opportunities for wildlife should be incorporated in the development. It is therefore recommended that a condition be imposed to require the provision of biodiversity enhancements, primarily including bird and bat boxes.

9.59 It is therefore not considered that the proposed development would result in an adverse impact on biodiversity, in accordance with CSDPD Policies CS1 and CS7, and the NPPF, subject to the recommended condition.

**viii. Sustainability Implications**

9.60 Policy CS10 of the CSDPD requires the submission of a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day. No Sustainability Statement has been submitted. Therefore a planning condition is recommended requiring the submission of a Sustainability Statement to satisfy the requirements of Policy CS10 of the CSDPD.



9.61 For residential development of more than five dwellings CSDPD Policy CS12 requires the submission of an Energy Demand Assessment demonstrating how the development's potential carbon dioxide emissions will be reduced by at least 10% and how 20% of the development's energy requirements will be met from on-site renewable energy generation. This is again consistent with section 15 of the NPPF. Again, as no details of the above have been submitted for consideration, it is recommended that a condition be imposed to require this.

**ix. Other Considerations**

9.62 While the application site is located within 250 metres of a landfill site, no mitigation measures are required to be provided in view of the nature and extent of additional building works proposed. The Environmental Health Officer raises no objection.

9.63 Due to the previously developed nature and extent of hardsurfacing on site, no mitigation measures are required in relation to Archaeological constraints.

**x. Thames Basin Heaths Special Protection Area (SPA)**

9.64 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 Heaths 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. An Appropriate Assessment has been carried out including mitigation requirements.

9.65 This site is located approximately 1.4km 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.

9.66 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. 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.

9.67 In this instance, the development would result in a net increase of 9 X 1 bedroom and 4 X 2 bedroom units which results in a total SANG contribution of £60,339.

9.68 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 £5,695.

9.69 The total SPA related financial contribution for this proposal is £66,094. 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. The Applicant has agreed to enter into a S106 agreement to secure these contributions.

**xi. Securing Necessary Infrastructure**

9.70 The following matters would be secured by means of a Section 106 Legal Agreement:

Affordable Housing

As the proposal is for 13 residential units, it does not meet the Council's threshold for Affordable Housing.

Public Open Space

Further to para. 9.38 of the report, a contribution of £39,000 will be sought towards off-site maintenance and improvement works at the Memorial Park, Sandhurst.

SPA

See section 9.(x) of the report.

Community Infrastructure Levy (CIL)

Bracknell Forest Council commenced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL applies to new builds including those that involve the creation of additional dwellings.

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. The charging schedule states how much CIL will be charged (in pounds per square metre of net additional floorspace) based on the development type and location within the borough.

**10. CONCLUSIONS**

- 10.1 The proposed development relates to a site within the settlement boundary and within a defined town centre. As the existing use of the floor space subject to the proposal is not retail, the proposal does not conflict with the Council's planning policies on development in town centre locations.
- 10.2 However, CSDPD Policy CS8 encourages the retention and maintenance of recreational facilities. Furthermore, the NPPF recognises the value of siting leisure development within town centre locations, as part of maintaining their viability.
- 10.3 The applicant has therefore provided information demonstrating that the current use is unviable and the redevelopment of the floor space in question to residential represents a reasonable option. Furthermore, as the existing facility is a private business, its contribution to wider community recreation is lessened.
- 10.4 Furthermore, while the Council can demonstrate a five year's supply of housing, positive weight must still be applied to the benefits of providing additional residential units, including in terms of their social and economic benefits.

- 10.5 It is not considered that the proposal would result in an adverse impact on the character and appearance of the area, on the residential amenity of the occupiers of the neighbouring properties or on prospective occupants, on highway safety, biodiversity, or drainage, subject to the recommended conditions and the completion of a Section 106 Legal Agreement relating to SPA mitigation and contributions towards public open space.
- 10.6 It is therefore considered that the development complies with SALP Policy CP1, 'Saved' Policies E5, EN3, EN20, EN25 and M9 of the BFBLP, Policies CS1, CS2, CS6, CS7, CS14, CS21 and CS23 of the CSDPD, 'Retained' Policy NRM6 of the South East Plan, the Design SPD, the Parking Standards SPD, the Planning Obligations SPD, Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD, 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 the following measures:

- avoidance and mitigation of the impact of residential development upon the Thames Basin Heaths Special Protection Area (SPA) and
- financial contribution towards off-site areas of public open space.

that the Head of Planning be authorised to **APPROVE** the application subject to the following condition(s):-

01. Approval of the details of the landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced. The plans and particulars in relation to the Reserved Matters shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990.

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990.

03. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990.

04. The development hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details received by the Local Planning Authority on 4 July 2019:

P1568.01 Rev.F 'Planning Layout & Location Plan'

P1568.SK.01 Rev.B 'Proposed Ground Floor Plan'

P1568.SK.02 Rev.A 'Proposed First Floor Plan'

P1568.SK.03 Rev.A 'Proposed Second Floor Plan'

P1568.SK.04 Rev.A 'Proposed Roof Plan'

P1568.SK.05 Rev.B 'Proposed Front & Side Elevations'

P1568.SK.06 Rev.A 'Proposed Rear & Side Elevations'

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

05. No above-ground construction works shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been 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 area.

[Relevant Policies: BFBLP 'Saved' Policy EN20; Core Strategy DPD CS7]

06. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:

- (a) Parking of vehicles of site personnel, operatives and visitors
- (b) Loading and unloading of plant and vehicles
- (c) Storage of plant and materials used in constructing the development
- (d) Wheel cleaning facilities
- (e) Temporary portacabins and welfare for site operatives

and each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (e) above.

REASON: In the interests of amenity and road safety.

[Relevant Policies: BFBLP EN20 & EN25, Core Strategy DPD CS23]

07. No demolition or construction work shall take place outside the hours of 8:00 am and 6:00 pm Monday to Friday; 8:00 am and 1:00 pm Saturday and not at all on Sundays and Public Holidays.

REASON: In the interests of the amenities of the occupants of neighbouring residential properties.

[Relevant Policies: BFBLP 'Saved' Policies EN20, EN25]

08. Notwithstanding the approved plans, the development shall not be occupied until details have been submitted to and approved by the Local Planning Authority demonstrating the proposed parking layout and allocation to the development including the provision for disabled parking space/s. The parking layout shall thereafter be surfaced and marked out in accordance with the approved details, and shall thereafter be kept available for parking, along with access and turning (where relevant) 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. Notwithstanding the submitted information, the development hereby approved shall not be occupied until a scheme for signage including the give-way access arrangements and the hours of reservation of the retail parking spaces, has been submitted to and approved in writing by the Local Planning Authority. The signage shall be installed in accordance with the approved details prior to the first occupation of the development and thereafter retained.

REASON: In the interests of highway safety.

[Relevant Plans and Policies: CS23 of the CSDPD].

10. The apartments hereby permitted shall not be occupied until their associated cycle store and access have been implemented in accordance with details to be submitted to, and approved by, the Local Planning Authority. The stores and access shall thereafter be kept available for cycle parking at all times.

REASON: In order to ensure adequate bicycle facilities are provided, in the interests of highway safety.

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

11. The apartments hereby permitted shall not be occupied until their associated bin storage and access has been implemented in accordance with details to be submitted to, and

approved in writing by, the Local Planning Authority. The storage and access shall thereafter be kept available for refuse storage at all times.

REASON: In order to ensure adequate bin storage facilities are provided, in the interests of the character of the area and highway safety.

[Relevant Policies: CSDPD Policy CS7 and CS23, BFBLP 'Saved' Policy EN20]

12. The development hereby approved shall be carried out in accordance with the conclusions and mitigation measures outlined within document CRM.1676.001.HY.R.001 'Flood Risk Assessment' received by the Local Planning Authority on 20 May 2019. The relevant measures shall thereafter be retained for the lifetime of the development.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding.

[Relevant Policies: CSDPD CS1, NPPF]

13. No development shall commence until a scheme for the provision of bird and bat boxes, including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be performed, observed and complied with.

REASON: In the interests of nature conservation

[Relevant Policy: CSDPD CS1, CS7]

14. The development shall not be occupied until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new residential units (that form part of the approved development) of 110 litres/person/day, has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved Sustainability Statement.

REASON: In the interests of sustainability and the efficient use of resources.

[Relevant Policy: Core Strategy DPD CS10]

15. The development shall not be begun until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate:-

- (a) that before taking account of any on-site renewable energy production the proposed development will reduce carbon dioxide emissions by at least 10% against the appropriate Target Emission Rate as set out in Part L of the Building Regulations (2006), and
- (b) that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be at least 20%).

The enlargement of the building hereby approved shall be undertaken in accordance with the approved assessment and thereafter operated in accordance with it.

REASON: In the interests of the sustainability and the efficient use of resources.

[Relevant Plans and Policies: CSDPD Policy CS12]

#### Informative(s)

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant, acceptable amendments to the proposal to address those concerns. The proposal has been assessed against all relevant material considerations, including planning policies and any representations that may have been received. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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. Reserved Matters
2. Expiry i
3. Expiry ii
4. Approved Plans
7. Hours of Construction
12. FRA Compliance

Details will be required in respect of the following conditions before the commencement of above-ground works:

5. Materials

Details will be required in respect of the following conditions before the commencement of development:

6. Construction Management
13. Biodiversity Enhancement
15. Energy Demand

Details will be required in respect of the following conditions before the occupation of dwellings:

8. Parking Layout & Allocation
9. Parking & Access Signage
10. Cycle Parking
11. Bin Storage
14. Water Use

03. The applicant should note that this permission does not convey any authorisation to enter on to land or to carry out works on land not within the applicant's ownership.

04. Thames Water have provided the following comments:

Waste Comments:

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>.

Should the applicant fail to complete the required S106 agreement by 18 September 2019 the Head of Planning be authorised to **REFUSE** the application for the following reasons: -

1. 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), and the NPPF.
2. The proposed development would unacceptably increase the pressure on open space of public value. In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which secures the off-site provision of open space of public value, the proposal is contrary to 'Saved' Policy R4 of the Bracknell Forest Borough Local

Plan, Policies CS6 and CS8 of the Core Strategy Development Plan Document, the Planning Obligations Supplementary Planning Document (adopted February 2015), and the NPPF.