

ITEM NO:

Application No.

19/00310/FUL

Site Address:

Ward:

Crown Wood

Date Registered:

1 April 2019

Target Decision Date:

27 May 2019

11 Horndean Road Bracknell Berkshire RG12 0XQ

Proposal:

Installation of extraction chimney on rear elevation of building

Applicant:

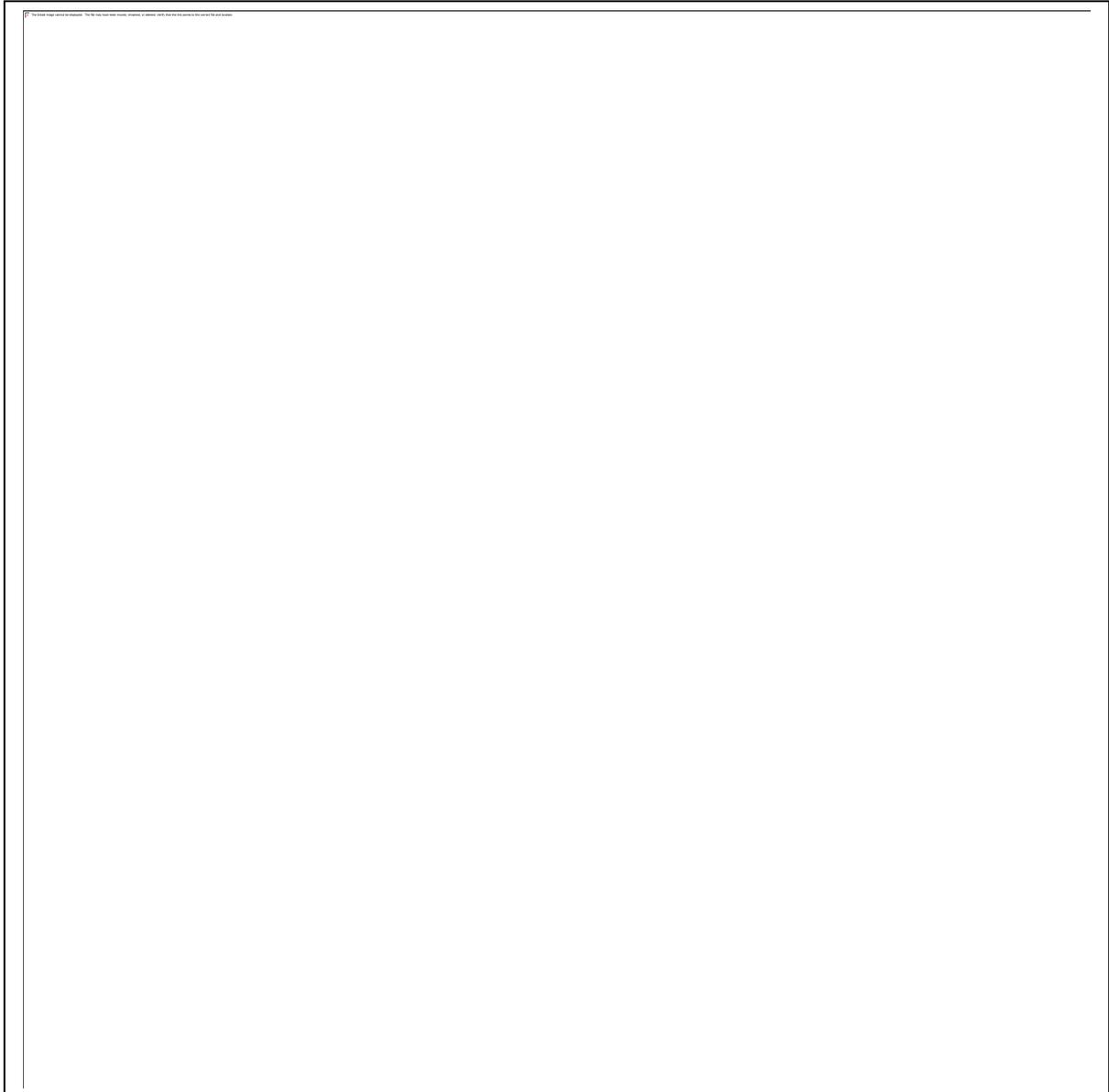
Mr Jian Quan Chen

Agent:

Mr Stuart Butcher

Case Officer:

Sarah Horwood, 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 application is for the retention of an extraction chimney on the rear (eastern) elevation of the building at 11 Horndean Road.

1.2 The extractor unit does not result in adverse impacts to the residential amenities of adjoining flats/dwellings and does not adversely affect the character and appearance of the surrounding area. Further, the development does not result in highway implications.

RECOMMENDATION

Planning permission be granted subject to the conditions in Section 11 of this report.
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2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application has been reported to the Planning Committee at the requests of Councillor Dudley and Councillor Brunel-Walker in light of the comments raised by objectors.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within defined settlement

Within a neighbourhood centre known as Forest Park.

3.1 11 Horndean Road is a ground floor unit located within a local parade. There are residential units at first floor level above the commercial units. To the rear of the units is a service yard.

3.2 There is a public car park to the west of the building. Directly to the north of the site is a community centre and to the south is a medical centre.

4. RELEVANT SITE HISTORY

4.1 The most relevant applications relating to the site are:

608606 approved for neighbourhood centre comprising Community centre, doctor's surgery, 17 flats 3 houses, 3 shops, 8 workshops and associated parking.

15/00751/PAR granted for prior approval change of use from A1 (Retail) to A3 (Restaurants and Cafes) under permitted development rights. Not implemented and expired.

18/00727/FUL withdrawn for change of use of existing A1 (Retail) unit to A5 (Hot Food Takeaway) and installation of flue.

19/00014/FUL withdrawn for change of use of existing A1 (Retail) unit to A5 (Hot Food Takeaway) and installation of flue.

19/00464/PAR is under consideration for a prior approval for change of use of the building from A1 retail use to A3 restaurant use.

5. THE PROPOSAL

5.1 Full permission is sought for the installation of an extraction chimney on the rear (eastern) elevation of the building at 11 Horndean Road.

5.2 The extractor unit is already in situ on the building and has a steel finish. It contains a carbon filter and 2no. silencers. The height of the extractor unit does not exceed the ridge height of the building.

5.3 This application relates solely to the retention of the extractor unit and does not relate to the use/proposed use of the building. A separate application, LPA ref: 19/00464/PAR is under consideration for a prior approval for change of use of the building from A1 retail use to A3 restaurant use.

6. REPRESENTATIONS RECEIVED

Winkfield Parish Council

6.1 Recommend refusal of the application for the following reasons: "The structure is very imposing and creates a large shadow over the window of the flat above the shop, resulting in an unacceptable loss of amenity to the residents. Photographic evidence is provided to the officer. Enforcement are asked to apply sanctions appropriately".

Other representations

6.2 3no. letters of objection received which state the following:

- Applications have already been submitted for the change of use of the building from A1 retail to A5 hot food takeaway. This would be detrimental to the diversity of shops in the parade and the business of existing hot food takeaways, cause parking issues, compete with other businesses;
- Installation of extraction chimney shows intention of owner/occupier to change the use of the building as an extractor chimney is needed for A5 use;
- Is more unsightly and polluting for the local area;
- They are wasting tax payers' money;
- Extraction chimney installed without permission
- Previous applications withdrawn for change of use from A1 to A5. The application form states it is now intention to open a fish and chip restaurant;
- Prior approval ref: 15/00751/PAR must have expired by now;
- It is impossible to run an A3 use on site given the layout of the shop;
- Clear precedent has been set with signage and previous applications that an A5 use is what the owner/occupier wants;
- Applying for flue separately seems like an attempt to get around planning after being told 2 previous applications would not get approval;
- Flue was erected at night causing disturbance to neighbours;
- Is an open enforcement case on the site, ref: EN/18/00425/UCOU.

Officer comment: this application relates solely to the retention of the extractor unit and does not relate to the use/change of use of the building. The extractor unit was installed without the necessary planning permission, however this application has been submitted in an attempt to regularise the unauthorised works. There is an open enforcement case relating to the alleged use of the unit and the unauthorised extractor unit.

6.3 1no. letter of support received which states the following:

- The extractor unit is located to the rear of the building.
- This structure is almost identical to that installed to the rear of the neighbouring unit.
- It is a necessary practical fixture to meet environmental health requirements.

6.4 1no. general comment which states the following:

- Support the idea of having a fish and chip shop in local parade of shops in Forest Park and think that it would be a welcome addition to the neighbourhood, and therefore do not object to the proposals per se. It has been about 6 years since Blockbusters closed down and it would be great to see the unit back in use. However, don't support the provision of a Chinese takeaway at the site as there are currently two other Chinese takeaways in the same parade and this would be detrimental to their trade. Therefore ask that the planning office seek a restriction to limit the takeaway to only serving as a fish and chip shop.

7. SUMMARY OF CONSULTATION RESPONSES

Environmental Heath

7.1 No objection subject to planning 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:

General policies	CP1 of SALP, CS1 & CS2 of CSDPD	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Residential amenity and noise	EN20 and EN25 of BFBLP.	Consistent
Parking	Saved policy M9 of BFBLP	Consistent NPPF refers to LA's setting their own parking standards for residential development, this policy is considered to be consistent.
Transport	CS23 and CS24 of CSDPD	Consistent
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of development
- ii. Impact on residential amenity
- iii. Impact on character and appearance of surrounding area
- iv. Impact on highway safety
- v. Community Infrastructure Levy (CIL)

i. Principle of development

9.2 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.

9.3 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.

9.4 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.

9.5 The site is located in the defined settlement as shown on the Bracknell Forest Borough Policies Map (2013). The site is also located in a neighbourhood centre known as Forest Park. Development within a defined settlement is considered to accord with Core Strategy Policies CS1 (Sustainable Development) and CS2 (Locational Principles). Core Strategy Policy CS21 (Retail Development in Town Centres) and Bracknell Forest Borough Local Plan 'Saved' Policies E5 (Hierarchy of Shopping Centres), E7 (business development in shopping areas) and E11 (Village and Neighbourhood Centres and Local Parades) are also considered relevant to sites located in neighbourhood centres.

9.6 CSDPD Policy CS21 states that 'Retail development will be directed to the identified Town Centres. The scale and nature of the retail uses will be consistent with the role and function of the centre.' The policy also gives guidance with regard to the scale and function of development, its impact on vitality and viability of other Town Centres, whether it is accessible by a choice of means of transport and potential environmental impacts. This policy is not considered applicable to the determination of this application as there is no retail development proposed.

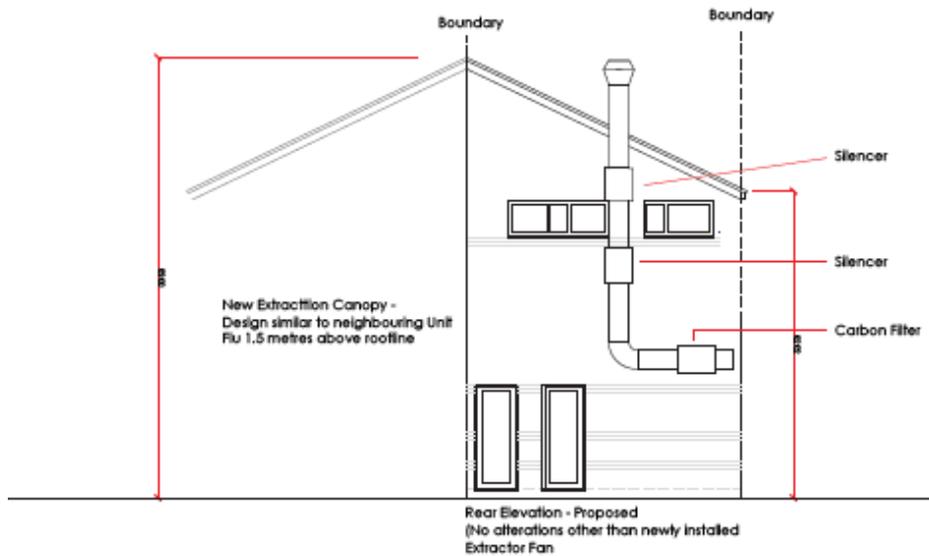
9.7 Saved Policy E5 refers to the hierarchy of shopping centres in the Borough. Saved Policy E7 refers to business development in shopping areas and refers to changes of use of retail units to Class B1 business uses. Saved Policy E11 refers to village and neighbourhood centres and local parades and refers to the change of use of existing shops or occupation of new premises for non-retail uses. The development subject to this application does not relate to a change of use of the unit and the above policies are therefore not applicable to the determination of this application.

9.8 As Policy CS21 and Policies E5, E7 and E11 are not applicable to this application and as the site lies within the defined settlement, the proposal is considered acceptable in principle subject to no adverse impact to the residential amenities of neighbouring properties, character and appearance of surrounding area, highway safety implications, etc. These matters are discussed below.

ii. Residential amenity

9.9 11 Horndean Road is a two storey unit which was formerly in A1 retail use, with residential accommodation above. The extractor unit is sited on the rear elevation of the building and is positioned between first floor windows serving the residential flat. Due to the positioning of the extractor unit and its depth, it does project beyond the first floor windows, however the projection is

not considered to appear overbearing or oppressive to the owner/occupier of the first floor flat or result in loss of daylight or overshadowing impact. It is noted that the extractor units that are in situ on the rear elevations of nos. 6 and 10 Horndean Road have a similar relationship with existing first floor windows serving the residential flats and any owner/occupier or future owner/occupier would be aware of the extractor unit on the building and that the building is sited in an existing commercial area.



9.10 The extractor unit as installed comprises 2no. silencers, one directly below first floor windows sited on the rear elevation of the building serving the residential flat and one directly above the window. The Council's Environmental Health Officer was consulted on the application and acknowledge that the extractor unit includes 2no. silencers. The Officer recommends that a planning condition be imposed relating to the sound rating level of the extractor unit to ensure it does not exceed prevailing background noise levels by a specified amount. Should noise issues become problematical in the future, this could be dealt with by the statutory powers of the Council's Environmental Health Section.

9.11 Subject to the imposition of the above condition, the development is not considered to adversely affect the residential amenities of neighbouring properties and would be in accordance with Saved Policy EN20 of the BFBLP and the NPPF.

iii. Impact on character and appearance of surrounding area

9.12 11 Horndean Road is located in a neighbourhood centre where there are a mix of uses, including A1 and A5 uses, an A4 public house and D1 uses of a medical centre and community centre.

9.13 The extractor unit is located on the rear (eastern) elevation of the building which faces out onto a small service yard serving the existing units. There is an existing extractor unit sited on the rear elevation of the adjoining unit at 10 Horndean Road (which is lawful by the passage of time as it has been in existence for a period in excess of 10 years), along with a further extractor unit on the rear elevation of 6 Horndean Road (granted permission by LPA ref: 625197 for a change of use from retail (A1) to hot food and drink (A3) and construction of extraction flue on rear elevation) - see photograph below showing the units at nos. 6 and 10 Horndean Road. The rear elevations of nos. 10 and 11 Horndean Road comprise other paraphernalia including satellite dishes, aerials

and alarm boxes. The extractor unit at no. 11 is considered to be in keeping with the commercial nature of the site and therefore does not have an adverse impact on the character and appearance of the area and the street scene.



9.14 The extractor unit projects 1.5m above the roof of the building and due to its positioning on the building and its size, it is visible when viewed directly from the east, north-east and south-east of the site. The rear elevation of the building faces onto a no through road leading to further commercial units to the east/south-east and a service yard so is not located on an elevation which is a busy thoroughfare with passing traffic and footfall. Given the siting of the extractor unit and that it would be viewed against existing extractor units at nos. 6 and 10, it would be unreasonable to refuse this application on the grounds of visual prominence given the existence of similar equipment of a similar scale and height in close proximity to the application site, the commercial nature of the immediate area and that it is not facing onto a main highway/busy public vantage point. Further, the extractor unit is finished in steel which also mitigates its visual impact against the skyline.

9.15 The extractor unit does not project beyond the ridge line of the building and therefore does not appear visible when viewed from the front (western) elevation of the building.

9.16 As such, the development is not considered to 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.

iv. Transport implications

9.17 The extractor unit is sited on the rear (western) elevation of the building and therefore does not impact upon parking provision, vehicular or pedestrian access to the unit.

v. Community Infrastructure Levy (CIL)

9.18 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.

9.19 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.

9.20 The development is not CIL liable.

10. CONCLUSION

10.1 The extractor unit does not result in adverse impacts to the residential amenities of adjoining flats/dwellings and does not adversely affect the character and appearance of the surrounding area.

10.2 The development does not result in highway implications.

10.3 As such, the proposal is considered to be in accordance with CS7 of the CSDPD, Saved Policy EN20 of the BFBLP and Policy CP1 of the Site Allocations Local Plan, all of which accord with the NPPF. Therefore approval of the application is recommended.

11. RECOMMENDATION

11.1 The application is recommended to be approved subject to the following condition:-

1. The sound rating level (established in accordance with BS4142:2014) of the extraction unit hereby approved shall not exceed at any time a level of 5dB[A] below the prevailing background sound level (or 10dBA if there is a particular tonal quality or is intermittent in nature) at the nearest residential or noise sensitive property.

REASON: To protect the occupants of nearby residential properties from noise
[Relevant Policies: BFBLP EN20, EN25]

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. Noise levels

3. This approval is in relation to drawing nos. HR005 and HR006 received 1 April 2019 by the Local Planning Authority.