

Unrestricted Report

ITEM NO: 05

Application No.
20/00202/FUL
Site Address:

Ward:
College Town

Date Registered:
25 March 2020

Target Decision Date:
20 May 2020

Waitrose 390 Yorktown Road College Town Sandhurst Berkshire GU47 0HL

Proposal: **Part change of use from A1 (retail) to D2 (gym) involving the sub-division of existing unit.**

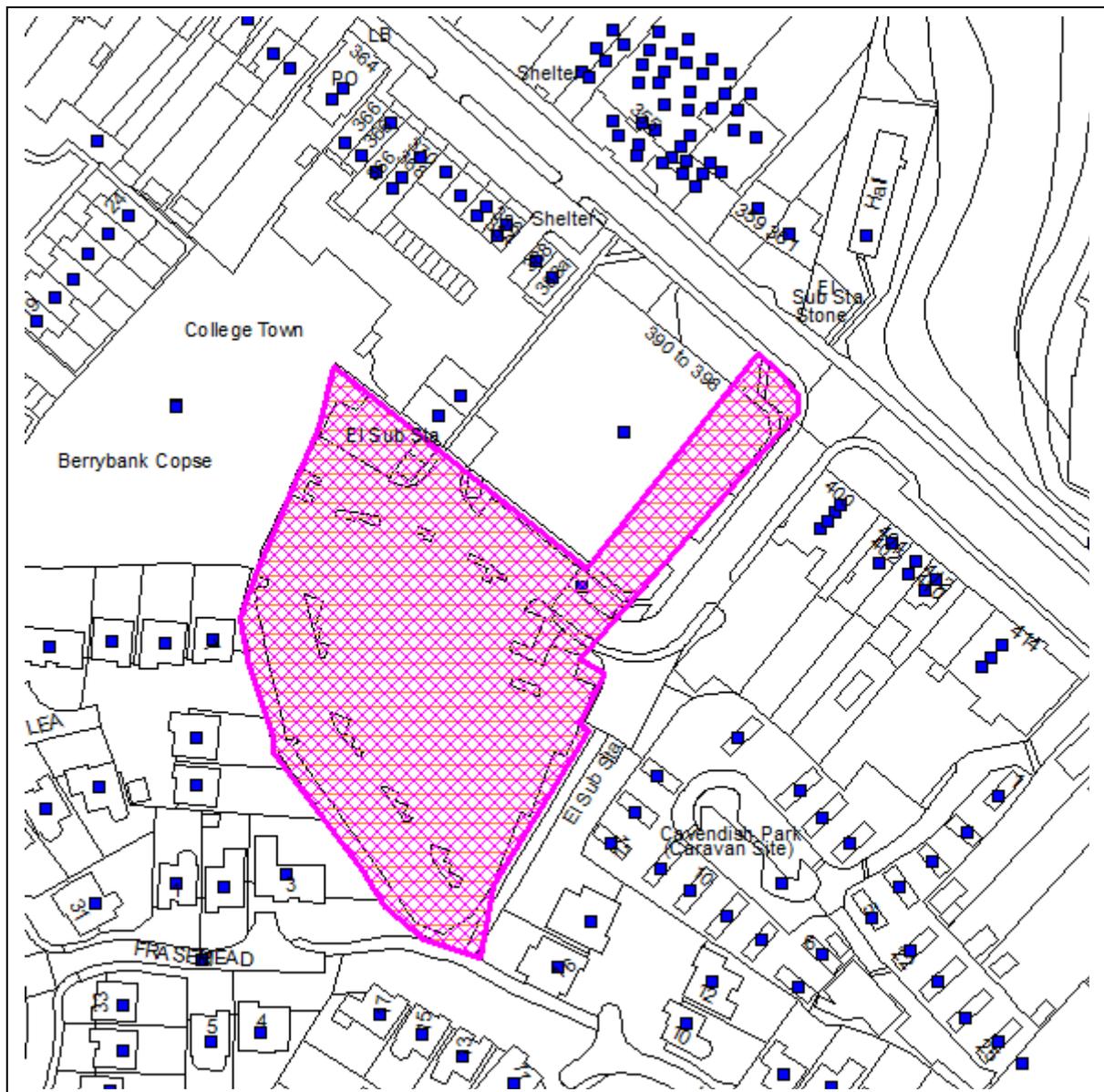
Applicant: Energie Property (UK) Ltd

Agent: Mr Sam Deegan

Case Officer: Alys Tatum, 01344 352000

Development.control@bracknell-forest.gov.uk

Site Location Plan (for identification purposes only, not to scale)



OFFICER REPORT

1. SUMMARY

1.1 The proposed development relates to a site within the settlement boundary and within a local shopping parade and is therefore acceptable in principle.

1.2 The proposal would not adversely impact upon the character and appearance of the surrounding area. The proposal would not adversely affect the residential amenities of neighbouring residential units. There would be no adverse highway safety implications.

1.3 Relevant conditions will be imposed. The scheme is not CIL liable.

RECOMMENDATION

Planning permission be granted subject to the 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 as it has received more than 5 objections.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within a defined settlement boundary

Within local shopping parade of Yorktown Road (College Town)
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3.1 The proposal site is located to the south west of Yorktown Road and currently comprises an A1 unit, previously occupied by Waitrose. Parking to serve the existing A1 use is located to the south west of the unit.

3.2 The site is situated within the settlement boundary of Sandhurst and forms part of the local parade within the small retail centre as identified under policy CS21 of the CSDPD.

4. RELEVANT SITE HISTORY

4.1 The most recent applications relating to the site are:

20/00185/FUL - Proposed external alterations and amendments to site layout in association with a proposed foodstore. Pending consideration.

09/01089/A – Display of non-illuminated directional signs within the car park area. Approved 24.04.2009

08/00205/FUL – Installation of roller shutters. Approved 02.05.2008

07/01240/FUL – Retrospective application for the siting of 2 no. ambient storage units. Approved 22.01.2008

07/1017/A – Display of illuminated and non-illuminated wall mounted and free-standing signage. 19.12.3007

07/01016/FUL – Alterations to emergency exits and main entrance. Installation of ATM and air conditioning units. Approved 10.12.2007

03/00675/FUL – Section 73 application to allow for the deliveries between 0700 hrs and 2030hrs Mondays to Fridays, 0730 hrs to 1930 hrs Saturdays and Bank Holidays and 0900 hrs to 1200hrs Sundays without compliance 1 of planning permission 624293 (current permitted hours are 0700 to 1930 Mondays to Fridays (not Bank Holidays), 0730-1930 on Saturdays and Bank Holidays and 0930-1130 on Sundays). Withdrawn 26.02.2004

02/00675/FUL - Section 73 application to allow for deliveries between 0700 and 2030 Mondays to Fridays, 0730 and 1930 Saturdays and Bank Holidays and 0930 and 1200 on Sundays without compliance with condition 1 of planning permission 624293 (current permitted hours are 0700 to 1930 Mondays to Fridays (not Bank Holidays), 0730-1930 on Saturdays and Bank Holidays and 0930-1130 on Sundays). Part PD removed. Approved 24.10.2003

02/00027/FUL - Section 73 application to allow service yard to be used for storage purposes without compliance with condition 11 of planning permission 608527. Withdrawn 01.03.2002

624293 – Section 73 application to allow goods deliveries to the store between 0700 and 1930 hours Mondays to Fridays, between 0730 and 1930 hours on Saturdays and between 0930 and 1600 hours on Sundays. Approved 01.01.1999

623041 - ADVERT Upgrading of existing signage comprising display of 2 no. internally illuminated name signs (max. height of letters 760mm) and 1 no. internally illuminated box sign on building a. Approved 05.11.1997

620102 - Installation of 1.8m diameter roof mounted satellite antenna for the purpose of two-way data communications. Approval 27.09.1994

611374 – For the provision of an additional 16 spaces one existing car parking. Approved 28.07.1987

608527 – Construction of new supermarket with car parking to the rear and loading/unloading bay. Approved 04.04.1984.

607397 – Application for erection of 29,000 sq ft of supermarket and ancillary works. (outline). Refusal 21.01.1983

607250 - Demolition of existing building and erection of retail supermarket with ancillary storage and car parking and construction of access. Approval 17.05.1983

607239 - Dem of existing buildings and erection of supermarket with ancillary offices and storage with access road and car park. Refusal 01.01.1982

5. THE PROPOSAL

5.1 Full planning permission is sought for the change of use of part of the existing A1 retail unit, approximately 646.46sqm, to D2 gym use. The remainder of the A1 unit will remain in A1 use.

5.2 The proposed D2 use would accommodate a gym with proposed opening hours of:

Monday to Friday: 06:00hrs till 23:00hrs

Saturday, Sundays and Public Holidays: 08:00hrs till 22:00hrs

5.3 Parking would be accommodated in the existing car park, which would be serving both the existing retail unit and the proposed D2 unit.

6. REPRESENTATIONS RECEIVED

Sandhurst Town Council

6.1 No comments received.

Other Representations

6.2 23 objections have been received from neighbouring properties. The concerns raised can be summarised as follows:

- Noise and disturbance caused to other shop keepers and residents
- Result in anti-social behaviour
- Insufficient parking for customers
- Harm other local businesses
- Insufficient waste capacity
- Impact traffic on surrounding road network
- Opening hours

7. SUMMARY OF CONSULTATIONS RESPONSES

Highways Officer

7.1 The Highway Authority has requested that amendments are made to the application which includes separating the parking for the existing retail and the proposed gym, a barrier to close the car par when not in use, and alterations to the proposed layout of the carpark to provide a pedestrian/cycle link.

Environmental Health

7.2 No objection

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:

	Development Plan	NPPF
General policies	CS1 & CS2 of CSDPD E5 and E11 of the BFBLP	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Amenity	'Saved' policy 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 of CSDPD	Consistent
Supplementary Planning Documents (SPD)		
Design SPD		
Parking standards SPD		
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 considerations are:

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

i) Principle of Development

9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, which is supported by the NPPF (para. 2).

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 Policy CS1 of the CSDPD sets out a number of sustainable development principles including making efficient use of land and buildings where it protects the character and quality of local landscapes. This is consistent with the NPPF and as such can be afforded full weight.

9.5 Policy CS2 of the CSDPD 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 Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. It states that significant weight should be placed on the need to support economic growth and productivity, taking

into account both local business needs and wider opportunities for development. Paragraph 85 of the NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

9.7 Yorktown Road, College Town, Sandhurst is identified under policy E5 of the CSDPD as a local parade and states that development proposals should generally be consistent with the role of the centre having regard to the hierarchy of shopping centres. Whilst the NPPF excludes local parades from the definition of Town Centres, it should be noted here that in order to be consistent with the NPPF and to prevent development that would undermine the function of this shopping centre, emerging local plan policy is re-designating this shopping centre as a local centre to fit within the NPPF's definition of a town centre. This is so that the centre can be considered against policies in the NPPF ensuring that vitality of town centres. As the NPPF has changed the way that town centres are defined, policies SA13 of the SALP and E5 of the BFBLP cannot be afforded full weight.

9.8 Policy E11 of the BFBLP states that within village and neighbourhood centres; and local parades; the change of use of existing shops or the occupation of new premises for non-retail uses will only be permitted where the proposal:

- i) would result in a change to uses within use classes A1 (financial and professional services) or A3(food and drink) and
- ii) would not adversely affect the standard of local retail provision; and
- iii) would not adversely affect the amenities of neighbouring residents.

9.9 In the supporting text for policy E11 it is noted that the change of use of shops to non-retail uses will be resisted in the centres defined in this policy, where this would adversely affect the level and standard of local shopping provision. Policy E11 can however be afforded limited weight, as the NPPF provides for greater flexibility for changes of use in town centres, stating that 'Planning policies and decisions should support the role that town centres play at the heart of the local communities, by taking a positive approach to their growth, management and adaptation. The NPPF goes on to state that allowing them to grow and diversify is a way that can respond to rapid changes in the retail and leisure industries.

9.10 The local centre currently provides a wide variety of services and historically has suffered from low vacancy rates; therefore, it is considered to be a centre in 'good health'. Prior to the closure of Waitrose, the 20 units included A1: 10 (50% of total), A2: 1 (5%), A3: 1 (5%), A5: 4 (20%) D2:1 (5%), Sui Gen:1 (5%), and vacant unit: 2 (10%).

9.11 The proposal would result in a reduction in the amount of A1 floorspaces however the proposal would not result in a material reduction in the centre's A1 retail offering. The addition of another unit has the potential to positively add to the diversity of services available at the centre that could increase footfall and further the centre's vitality and viability.

9.12 As such, due to the proposal consisting of additional units, the proposed subdivision and change of use to D2 would not undermine the existing services on offer. The proposed D2 gym use would also help to meet the NPPF's objective for promoting healthy lifestyles and increasing accessibility to this service.

9.13 A number of the objection letters received raised concern over the fact that there is already a gym within the shopping parade and that an additional gym would impact on the business of the existing gym. As outlined above, from a planning policy perspective, the introduction of an additional D2 use is not considered to undermine the existing services on

offer. The potential impact that the new proposed gym might have on an existing business and the competition between these businesses is not a material planning consideration.

9.14 Based on the above assessment, the proposal is considered to be acceptable in principle subject to no adverse impact on highway safety, character of the area and neighbouring amenities which will be assessed as follows.

ii) Impact on Character and Appearance of Surrounding Area

9.15 'Saved' Policy EN20 of the BFBLP states that development should be in sympathy with the appearance and character of the local environment and appropriate in scale, mass, design, materials etc. Policy CS7 of the CSDPD states that the council would require high quality design for all development in Bracknell Forest. Development proposals would be permitted which build on the urban local character, respecting local patterns of development. Paragraph 124 of the NPPF emphasises the importance of good design as key to making places better for people to live. Additionally, paragraph 130 of the NPPF states that the design of development should help improve the character and quality of an area and the way it functions.

9.16. No alterations are proposed to the external appearance of the building under this change of use application. Under application 20/00185/FUL, alterations are proposed to the entrance of this unit which includes replacement doors. The introduction of the D2 use in this location is not considered to be harmful to the character of the area as the site is situated within a retail compound. Any proposed signage to facilitate the change of use would need to be applied for under a separate advertisement consent.

9.17 Based on the above, 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

9.18 'Saved' policy EN20 of the BFBLP states that development will not adversely affect the amenity of surrounding properties and adjoining area. Paragraph 127 of the NPPF states that the Local Planning Authority should ensure high quality amenity for all existing and future occupants of land and buildings.

9.19 Policy EN25 of the BFBLP states that development will not be permitted if it would generate unacceptable levels of noise, smoke, gases, fumes, effluent, vibration, dust or other environmental pollution which would adversely affect the amenities of the occupiers of building, or persons using outdoor space.

9.20 The building subject of the change of use, does not adjoin any residential units however there are nearby residential units. The residential units situated close the building include those situated above commercial units along Yorktown Road, dwellings situated on the opposite side of Yorktown Road, and mobile homes situated within Cavendish Park Caravan Site. The entrance to the proposed D2 unit would be situated on the south western corner of the building, in the same location as the entrance to the previous foodstore that occupied the site. This would be the only entrance into the facility and the nearest residential uses to this entrance are those situated within Cavendish Park Caravan site with a separation distance of 25m when measured from the entrance of the gym to the nearest point of the boundary of Cavendish Park Caravan Site.

9.21 An Acoustic Survey, produced by dBc Consultation Ltd, has been submitted to support the application. An Environmental Health Officer has reviewed the survey and based on the

findings of the noise assessment as well as taking into consideration that nearby residential dwellings are detached from the building, the Officer has come to the conclusion that it is unlikely that local residents would be adversely impacted by noise breakout from the gym premises. This is subject to the development being carried out in accordance with the measures outlined in the survey which can be conditioned.

9.22 The proposed opening hours for the gym are:

Monday to Friday: 06:00hrs till 23:00hrs

Saturday, Sundays and Public Holidays: 08:00hrs till 22:00hrs.

9.23 Environmental Health has not raised an objection to these proposed opening hours and whilst there are nearby residential uses, it is not considered that the coming and going of the customers of the proposed gym from this existing car park would have a significant impact in terms of noise and disturbance which would warrant a refusal on this basis. The nearest parking spaces do not directly adjoin Cavendish Park and are set back by approximately 15m. The car park does adjoin the rear garden of dwellings situated along Cruikshank Lea to the west. However it is not anticipated that the number of coming and goings that the proposed gym would generate later in the evenings would on its own cause an unacceptable level of disturbance to these nearby residents, in particular when taking into consideration the overall size of the car park and subsequent availability of parking spaces.

9.24 The agent has also confirmed that the windows of the proposed gym are non-opening as there is an existing ventilation system in place. A condition can be included to ensure that the windows remain non-opening. The entrance doors would be fitted with a self-closing device which ensures that the doors close as soon as someone enters or leaves the gym.

9.25 It should also be noted that a proposal for a 24-hour gym at 414 Yortkown Road, reference 17/00888/FUL, was refused but was later allowed at appeal. The Inspector concluded that, in view of the mitigation measures put forward by the appellant, the proposal had sufficient safeguards, controllable by planning conditions, to ensure that the relaxation of hours would not cause undue noise and disturbance.

9.26 Some of the objection letters received have raised concern regarding anti-social behaviour occurring on the site. The Environmental Health team has confirmed that it has not received any complaints regarding anti-social behaviour on this site. It is not considered that the proposed introduction of a gym would significantly increase the opportunity for anti-social behaviour to occur on site. Furthermore, the proposed openings hours of the gym would facilitate a greater level of natural surveillance in the area during these hours from the gym users.

9.27 Based on the above assessment, the proposal would not be considered to affect the residential amenities of neighbouring properties and would be in accordance with 'Saved' policies EN20 and EN25 of the BFBLP and the NPPF.

iv) Impact on Highways Safety

9.28 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy CS23 of the Core Strategy states that development will be permitted where mitigation against the transport impacts which may arise from that development or cumulatively with other proposals is provided.

9.29 Parking for the proposed D2 use is to be provided within the existing carpark serving the existing A1 use. The Bracknell Forest Council Parking SPD, March 2016, provides parking and cycle parking requirements for proposed developments. Based on the proposed floorspace of 646sqm, the proposed D2 gym use would be required to provide 30 spaces (1:22sqm). Combined with the parking requirement for the remainder of the A1 unit, which is approximately 1232sqm in floorspace, 72 spaces (1:17sqm) would be required resulting in a total of 102 spaces.

9.30 The existing car park has 189 space which would be sufficient to accommodate both the proposed D2 use and the remaining A1 use. Another material consideration is the planning application pending determination, reference 20/00185/FUL, which proposes to amend the layout of the existing car park. The proposed alterations under 20/00185/FUL would result in a reduction of 12 spaces bringing the total of remaining spaces to 177. Therefore, if approved and implemented, the amended layout would also provide sufficient parking spaces for both uses combined, in accordance with the Parking Standards SPD. The remaining 75 surplus spaces would be available to serve a wider function in terms of providing parking for the neighbouring shopping parade.

9.31 20 cycle parking spaces will also be provided on site which would be sufficient to accommodate both the existing retail use and the proposed D2 use as they have a combined total requirement of 19 cycle parking spaces in accordance with the Parking Standard SPD. It has been confirmed that the proposed gym will share the bin store with the existing A1 unit and a private waste collection service will be arranged.

9.32 In terms of the number of trips generated by the proposed use, this would not be dissimilar to the existing A1 use. No alterations are proposed to the vehicular or pedestrian access to the site. The Highway Authority have requested that the pedestrian routes to the site are included in the red outline on the location plan so that conditions ensuring free and unobstructed access along these routes can be included. The Highway Authority have also requested that amendments are made to the site layout to improve the pedestrian link. Advice was sought from the Legal Department on this matter in which they confirmed that the Council cannot make the applicant change the red line of the application unless it agrees to do so, especially if no works are proposed on the relevant area. Furthermore, the car park is privately owned meaning that the Council cannot insist on a wider pedestrian access if there are no Highway Safety reasons for doing so.

9.33 The agent has clarified that the existing barrier at the entrance of the site would not be retained as the car park would need to be kept open after closing to provide access to staff to service the A1 unit as well as to allow use of the car park to serve the proposed D2 use. The Highways Authority have requested that the parking for the A1 and D2 use is separated and that the barrier is retained to close off the carpark for the A1 use outside of opening hours as they have concerns regarding anti-social behaviour occurring at the site. Firstly, whilst there is an existing barrier, there is no evidence to show that this was previously being used to close off the car park. Furthermore, as already mentioned above, the Environmental Health team has confirmed that they have no record of any complaints being made to them regarding anti-social behaviour occurring on the site. It is not therefore considered reasonable to insist that the barrier to the site is retained as there is no highway safety reason to support this request.

9.34 Based on the above, the proposed change of use is not considered to result in highway safety issues and therefore complies with 'Saved' Policy M9 of the BFBLP, Policy CS23 of the Core Strategy, and the NPPF.

vi) Community Infrastructure Levy (CIL)

9.35 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.

9.36 CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted) including new build that involves the creation of additional dwellings. The proposal is not therefore CIL liable as no new floorspace is proposed.

10. CONCLUSIONS

10.1 It is considered that the development would be acceptable in principle. It would not result in an adverse impact on the character and appearance of the street scene or wider surrounding area, highway safety, nor would the development result in an adverse impact on the residential amenity of the occupiers of the neighbouring properties. It is therefore considered that the proposed development complies with 'Saved' policies EN5 and EN20 of the BFBLP, Policies CS1, CS2, CS7 and CS9 of the CSDPD and the NPPF.

10.2 Therefore the application is recommended for conditional approval.

11. RECOMMENDATION

11.1 That the application be APPROVED subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out only in accordance with the following approved plans:

Location Plan, drawing no. 2906-001 Rev C, received 01.07.2020

Proposed ground floor plan, drawing no. 2906-002, received 25.03.2020

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

3. The use hereby permitted shall not be open to customers outside the following times:

- Monday to Friday: 06:00hrs till 23:00hrs
- Saturday, Sundays and Public Holidays: 08:00hrs till 22:00hrs

Reason: in the interests of the amenities of the occupiers of nearby residential premises. [Relevant Policies: BFBLP EN25]

4. The development hereby approved shall not be implemented until all the works and measures contained in the acoustic survey (dBc, 26 February, reference dBc 10123) have been implemented in full. Any subsequent alteration or repair to the building shall be in compliance with this report.

Reasons: In the interest of the amenities of the occupiers of nearby residential premises. [Relevant Policies: BFBLP EN25]

5. All windows serving the gym hereby approved shall be fixed shut at all times.

Reasons: In the interest of amenities of the occupiers of nearby residential premises.
[Relevant Policies: BFBLP 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. 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. Opening hours
5. Windows

The following condition requires discharge prior to the occupation of the development hereby approved:

4. Acoustic measures