

Unrestricted Report

ITEM NO: 6

Application No.
23/00838/FUL

Ward:
Binfield South
Jennett's Park

Date Registered:
15 December 2023

Target Decision Date:
15 March 2024

Site Address:

**Land At Former Blue Mountain Clubhouse Wood Lane
Binfield Bracknell Berkshire**

Proposal:

Section 73 application to vary condition 08 of planning permission 21/00459/3 for the construction of new two-storey community and health centre with associated external landscaping, car parking, cycle storage and roof level plant enclosure. [For clarification this application seeks to vary the opening hours from 08:00-23:00 to 07:00-00:00 7 days a week.]

Applicant:

Mrs Ceri Rance

Agent:

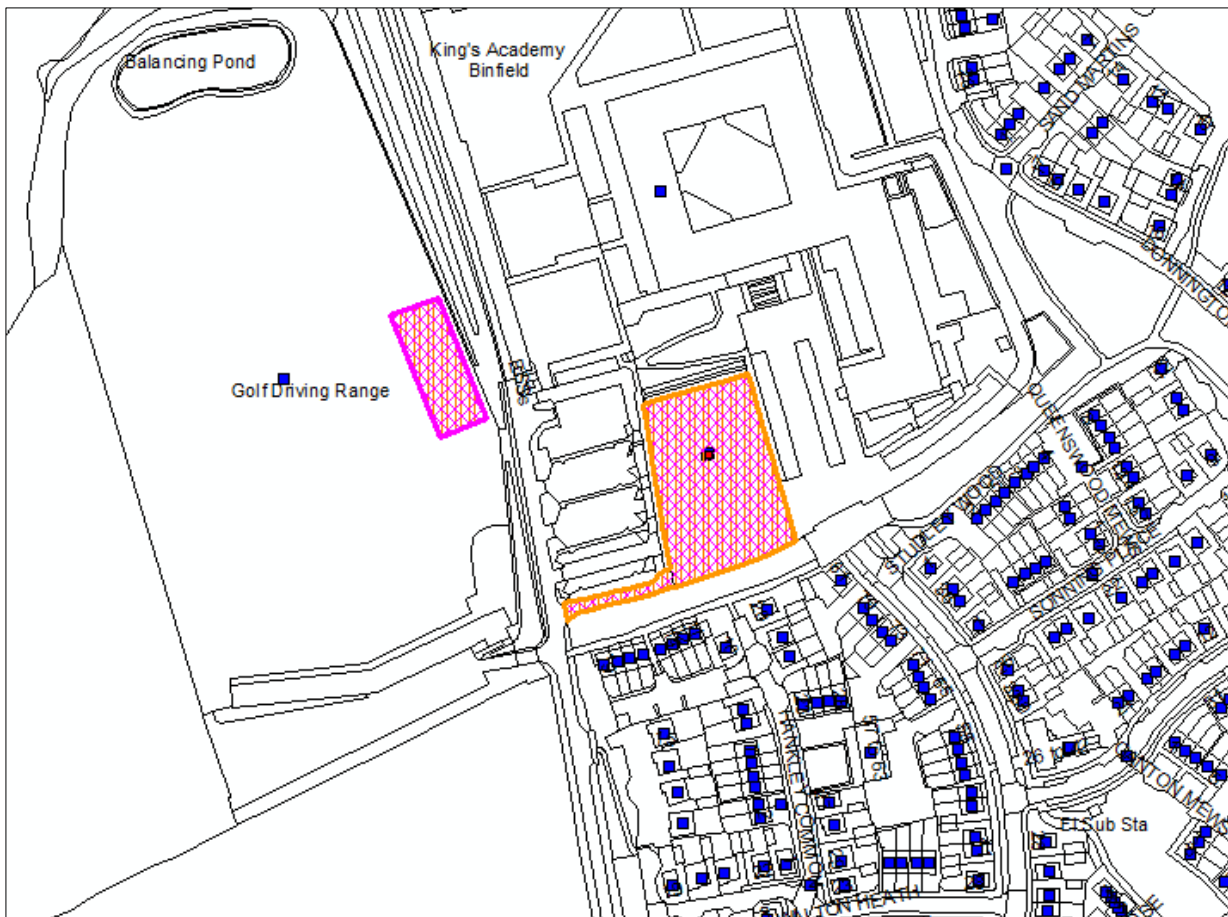
(There is no agent for this application)

Case Officer:

Olivia Jones, 01344 352000

Development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. PROPOSAL

- 1.1 Full planning permission was granted under reference 21/00459/3 for the construction of a new two-storey community and health centre with associated external landscaping, car parking, cycle storage and roof level plant enclosure.
- 1.2 This application seeks an amendment under Section 73 of the Town and Country Planning Act 1990 to vary condition 8 of this permission to vary the opening hours of the community centre from the approved 08:00-23:00 to 07:00-00:00.
- 1.3 All other relevant conditions imposed on planning permission 21/00459/3 would be re-imposed or suitably amended.

RECOMMENDATION

Planning permission be granted subject to the conditions set out in Section 11 of this report.
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2. REASON FOR APPLICATION TO BE HEARD AT COMMITTEE

- 2.1 The application has been called to the Planning Committee by Councillor Brown over concerns regarding the impact on amenity of the occupiers of surrounding properties.

3. SITE DESCRIPTION

PLANNING STATUS

Within Settlement Boundary

Within 5km of SPA

- 3.1 Binfield Health and Community Centre is located within the Temple Park housing estate. The building is flanked by King's Academy Binfield to the north and east, 'Golfplex' golf course to the west, and the residential properties of Hankley Common to the south.
- 3.2 The application site is accessed from Wood Lane, and there is a car park to the west of the building.

4. RELEVANT SITE HISTORY

- 4.1 The site history can be summarised as follows:

16/00020/OUT: Hybrid planning application seeking (a) outline planning permission for up to 400 additional dwellings, a community facility of up to 1,077 sq m, sports provision and open space (all matters reserved except for means of access) and (b) full planning permission for an all-through school (Learning Village) providing nursery, primary, secondary, post 16 and SEN facilities, approximately 13 ha of Suitable Alternative Natural Greenspace (SANG) land, two vehicular accesses from Temple Way, a spine road through the development and a school drop-off/SANG car park. APPROVED.

20/00044/DEM: Application for prior approval for demolition of former clubhouse to Blue Mountain Golf Club. Prior approval not required.

21/00459/3: Construction of new two-storey community and health centre with associated external landscaping, car parking, cycle storage and roof level plant enclosure. APPROVED

5. THE PROPOSAL

5.1 It is proposed to extend the opening hours of the Binfield Health and Community Centre to 07:00 – 00:00 every day of the week. This would be one hour earlier and one hour later than the approved opening hours of 08:00 – 23:00.

5.2 In association with this amendment, condition 07 of the original permission would be amended to allow the car park to be illuminated until 00:00. This alters the original wording of the condition which limits hours of illumination to 23:30 in the evening.

5.3 As the building as approved has been constructed and brought into use, a number of pre-commencement conditions can be removed from the original permission. All conditions which require continued maintenance or retention would be re-imposed on this consent.

6. REPRESENTATIONS RECEIVED

Parish Council

6.1 Binfield Parish Council is the applicant for this scheme.

Other Representations

6.2 There have been no representations submitted by members of the public.

7. SUMMARY OF CONSULTATION RESPONSES

Environmental Health Officer

7.1 No objection

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

National Planning Policy Framework (NPPF) (2023)

Bracknell Forest Local Plan (2024):

LP28: Design Principles

LP50: Design

LP58: Pollution and hazards

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of development
- ii. Impact on residential amenity

(i) Principle of development

- 9.2 The National Planning Policy Framework (NPPF) (2023) sets out the presumption in favour of sustainable development. BFLP (2024) Policy LP2 sets out the settlement hierarchy and states that development within the defined settlement boundaries is acceptable in principle but should be proportionate to the scale, role and function of the settlement.
- 9.3 The site is located within a defined settlement on the Bracknell Forest Borough Policies Map (2024). As a result the proposed development is considered acceptable in principle.
- (ii) Impact on residential amenity
- 9.4 Binfield Health and Community Centre has planning consent for the opening hours of 08:00 – 23:00. The applicants have applied to extend these opening hours to allow for earlier activities and later events. This extra time would allow for setting up in the morning and packing up in the evening.
- 9.5 The application site is flanked by King’s Academy Binfield to the north and east, ‘Golfplex’ golf course to the west, and the residential properties of Hankley Common to the south.
- 9.6 It is not considered that the extended opening hours would affect King’s Academy Binfield or ‘Golfplex’ due to the nature of these uses. However, the effect on the residential properties to the south of the application site should be considered.
- 9.7 There are no conditions on the planning consent for ‘Golfplex’ (17/00031/REM) restricting the hours of operation. However, the golf facilities are restricted from illumination after 22:00 hours on any day. There are no conditions on the planning consent for King’s Academy Binfield (16/00020/OUT) restricting the hours of operation.
- 9.8 The application site faces onto the residential properties of Hankley Common, approximately 40 metres away.
- 9.9 A Noise Management Plan has been submitted with this application which includes a noise assessment and measures proposed to minimise noise impacts should they arise.
- 9.10 The Noise Management Plan includes a test of noise levels from the multiuse room and the hall within the Binfield Health and Community Centre. This test found that noise from the multiuse room would be ‘Present but not Intrusive’ and noise from the Hall would be ‘Present and Intrusive’ with the doors open. The Noise Mitigation Plan therefore requires that the doors to the Hall which face towards the residential properties would be closed for the duration of any event.
- 9.11 The Noise Management Plan states that a smoking area for the building would be available at the rear of the hall (away from residential properties) to limit noise from conversation.
- 9.12 Under the Environmental Protection Act 1990, the Council has the power to require that any statutory noise nuisance is stopped or restricted. Given this power under Environmental Protection legislation, it is considered reasonable under a planning application to consider whether reasonable noise levels could be achieved by a development. If reasonable noise levels can be achieved, planning permission can be

granted and unexpected noise or other disturbance should be reviewed under the Environmental Protection Act 1990.

9.13 The Environmental Health Officer has reviewed the Noise Management Plan and considers that the management of noise proposed is achievable. As such, it is considered that planning permission can be granted for the extended opening hours, with a condition securing the Noise Management Plan.

9.14 Regarding the extension to car park illuminance hours, the Environmental Health Officer has reviewed the proposal and considers that an additional 30 minutes is not expected to have a significant impact from a nuisance perspective.

10. CONCLUSIONS AND PLANNING BALANCE

10.1 It is considered that the amended scheme is acceptable in principle and would not result in an adverse impact on the amenity of neighbouring occupiers. It is therefore considered that the proposed development complies with the BFLP 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:

01. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority:

Noise Management Plan

and the following plans approved under consent 21/00459/3:
(received on 18.05.2021, 25.05.2021, 08.06.2021 and 07.07.2021)

CMU-21145 REV A
001241-ADP-00-ZZ-DR-A-1202/S2P2
001241-ADP-00-ZZ-DR-A-1201/S2P4
001241-ADP-00-ZZ-DR-A-1200/S2P4
001241-ADP-00-01-DR-A-1026/S2P15
001241-ADP-00-00-DR-A-1025/S2P16
001241 - ADP-00-ZZ-DR-A-1301 REV S2 P2
001241 - ADP-00-ZZ-DR-A-1300 REV S2 P2
001241 - ADP-00-ZZ-DR-A-1211 REV S2 P2
001241 - ADP-00-00-DR-L-1901 REV S2 P1
001241 - ADP-00-00-DR-L-1900 REV S2 P1
001241 - ADP-00-00-DR-A-1025 REV S2 P14
001241 - ADP-00-00-DR-A-0904 REV D1P9
001241 - ADP-00-00-DR-A-0902 REV S2 P2
001241 - ADP-00-00-DR-A-0900 REV S2 P2
CD0321 - CRD-ZZ-XX-DR-E-7201 REV D1-P02

Arboricultural Impact Assessment May 2021

And the plans and other documents approved under the following consent(s):
21/00113/COND
21/00151/COND
21/00164/COND

23/00003/COND
23/00049/COND
23/00075/COND

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

02. All tree-planting and hedgerow planting shall be carried out in full accordance with the landscaping scheme approved under reference 23/00003/COND in the nearest planting season (1st October to 31st March inclusive) to the completion of the approved development. The quality of all approved landscape works shall be in accordance with British Standard 4428:1989 'Code of Practice For General Landscape Operations' or any subsequent revision. All trees included within the approved scheme shall be healthy, well formed specimens with single leading shoots and shall be of a minimum quality compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees which within a period of 5 years from the completion of all tree planting die, are removed, uprooted are significantly damaged, become diseased or malformed shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.

REASON: - In the interests of good landscape design and the visual amenity of the area.

[Relevant Policies: BFLP LP54]

03. The car parks hereby permitted shall not be illuminated after 00:00 or before 07:00 on any day.

REASON: In the interests of the neighbouring properties.

[Relevant Policies: BFLP LP58]

04. The health and community facilities hereby permitted shall not be open to members of the public outside the following times 07:00-00:00 hours. The 'Action to Mitigate Impact on Residents' set out in the approved Noise Management Plan shall be complied with.

REASON: In the interests of the amenities of the occupiers of nearby residential premises.

[Relevant Policies: BFLP LP58]

05. The Car Park Management Plan approved under reference 23/00049/COND shall be complied with and maintained.

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: BFLP LP25 and LP62]

06. The Travel Plan (approved under reference 23/00049/COND) shall be implemented and maintained as approved.

REASON: To promote walking, cycling and use of public transport by users of the site.

[Relevant Policies: BFLP LP25 and LP62]

07. Visibility splays of 2.4m x 43m to the right and 2.4m x 10m to the left at the off site car park access shall be retained. The land within the visibility splays shall be cleared of any obstruction exceeding 0.6 metres in height measured from the surface of the adjacent carriageway and at all times maintained clear of any obstruction exceeding 0.6 metres in height.

REASON: In the interests of highway safety.

[Relevant Policies: BFLP LP25]

08. Visibility splays of 2.4m x 43m to the right and 2.4m x 10m in both directions from the access to the main site shall be retained. The land within the visibility splays shall be cleared of any obstruction exceeding 0.6 metres in height measured from the surface of the adjacent carriageway and at all times maintained clear of any obstruction exceeding 0.6 metres in height.
REASON: In the interests of highway safety.
[Relevant Policies: BFLP LP25]
09. The internal design of the car parking shall be implemented in accordance with the details approved under reference 23/00049/COND prior to the car park being first brought into use and shall thereafter be retained.
REASON: In the interests of the accessibility and safety of the car park users.
[Relevant Policies: BFLP LP25 and LP62]
10. The cycle parking facilities shall be provided in accordance with the details approved under reference 23/00003/COND and shall be retained as such thereafter.
REASON: In the interests of accessibility of the development to cyclists.
[Relevant Policies: BFLP LP25 and LP62]
11. The number of consulting rooms shall not exceed 15.
REASON: In order to control the intensity of the use in relation to the amount of car parking in the interests of road safety.
[Relevant Policy: BFLP LP25]
12. No lighting shall be provided at the site other than in accordance with the details approved under reference 23/00049/COND. The development shall be carried out in accordance with the approved scheme.
REASON: In the interests of the amenity of neighbouring property, nature conservation and the character of the area.
[Relevant Policies: BFLP LP58]
13. The Drainage System(s) shall be maintained in accordance with the details approved under reference 21/00151/COND and 23/00075/COND.
REASON: To ensure that the site is properly drained and does not increase the risk of flooding.
[Relevant Policies: BFLP LP57]
14. A replacement bat roost shall be provided in accordance with the details approved under reference 23/00003/COND. The roost shall thereafter be retained.
REASON: In the interests of nature conservation.
[Relevant Policies: BFLP LP53]

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. 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. Planning permission 21/00459/3 was granted consent subject to conditions requiring the submission of various details prior to construction. These details were approved under the following reference numbers:

21/00113/COND
21/00151/COND
21/00164/COND
23/00003/COND
23/00049/COND
23/00075/COND