
Appeal Decision

Site visit made on 11 October 2016

by Nick Fagan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 October 2016

Appeal Ref: APP/R0335/W/16/3152339

1-9 High Street, Crowthorne, Berkshire RG45 7AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Apricot Properties Ltd against the decision of Bracknell Forest Borough Council.
 - The application Ref 15/01261/FUL, dated 22 December 2015, was refused by notice dated 21 April 2016.
 - The development proposed is a mixed use development comprising 2 retail units (A1/A2) and 13 one and two bedroom residential flats (C3), together with associated access, car parking, cycle storage, landscaping and drainage, following the demolition of all existing buildings.
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Decision

1. The appeal is allowed and planning permission is granted for a mixed use development comprising 2 retail units (A1/A2) and 13 one and two bedroom residential flats (C3), together with associated access, car parking, cycle storage, landscaping and drainage, following the demolition of all existing buildings at 1-9 High Street, Crowthorne, Berkshire RG45 7AD in accordance with the terms of the application, Ref 15/01261/FUL, dated 22 December 2015, subject to the conditions in the Schedule below.

Procedural Matter

2. During the course of the appeal the appellant submitted a signed S106 Unilateral Undertaking (UU) dated 16 August 2016 obligating it to pay a financial contribution towards the cost of works and measures designed to mitigate the impact of the development on the Thames Basin Heaths Special Protection Area (SPA). The SPA was designated in 2005 to protect three species of rare breeding birds of European importance.
 3. This obligation provides a contribution towards strategic access management and monitoring (SAMM) and towards a Suitable Alternative Natural Green Space (SANG), in this case likely to be the one proposed at Ambarrow Hill/Court. The financial contribution has been calculated based on the formula in the Council's adopted *Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document*.
 4. The Council agrees that the UU overcomes its fifth refusal reason and that it will prevent an adverse effect on the integrity of the SPA, and therefore comply with the *Conservation of Habitats and Species Regulations 2010*. For the reasons given above it will also comply with the *Community Infrastructure Levy Regulations 2010*.
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5. The Council also confirmed in its appeal statement that the appellant had submitted additional information with the appeal sufficient to overcome its third and fourth refusal reasons, relating respectively to surface water drainage and refuse storage and collection.

Main Issues

6. The main issues are consequently the effect of the development on the character and appearance of the area, whether living conditions of future occupiers would be acceptable, and whether sufficient off-street parking would be provided.

Reasons

Character and Appearance

7. I acknowledge that the area is generally characterised by buildings fronting the highway. But there are examples of buildings extending far back into their sites and some free standing rear buildings on some of the High Street linear plots. I can see no objection in principle to the proposed location of Block B because it would not harm the character or appearance of this mixed commercial and residential central area of Crowthorne.
8. The site is clearly deep and wide enough to accommodate a second building whilst maintaining good access from the High Street. The Council does not have any concerns about the specific design or appearance of either Blocks A or B.
9. For these reasons the proposed development would not conflict with Policy EN20 of the Bracknell Forest Borough Local Plan (BFBLP) or Policy CS7 of the Core Strategy (CS), which together require development to be in sympathy with the character and appearance of the local environment.

Living Conditions

10. The Council's principal objections to Block B appear to be that the living conditions of future occupiers would be unacceptable. I acknowledge that the outlook from the rear windows and French doors of the ground floor flats in Block B would not be ideal because Unit B1's windows are close to Block A's parking spaces and Units B2 and B3 would be close to the HSBC Bank's boundary fence.
11. But there would be a landscaped strip between Unit B1 and the car parking spaces and the rear area to Units B2 and B3 would give them a small area of outdoor private space and these design shortcomings are not sufficiently significant to warrant dismissal of the appeal. People buying or renting these units would be exercising their preference for the convenience of a central location close to shops and good public transport links over that of private garden areas. There would be a reasonably sized shared outside amenity area for all the residents adjacent to Block B. The Council has not pointed to any specific standards for outdoor amenity space that the proposal would breach.
12. The soft landscaping in the development would, I acknowledge, be fairly minimal but would, subject to a condition regarding its detailed design and provision, be adequate to provide acceptable living conditions for the residents of the proposed flats in this town centre location. There is no suggestion by

the Council that the windows of the flats in Block B would overlook or be overlooked by the surrounding properties.

13. Consequently I conclude that the living conditions of future occupiers would be acceptable. The development would provide satisfactory amenity space and adequate visual amenity for occupiers as required by BFBLP Policy EN20.

Parking

14. The Council states that there is a requirement for 23 on-site parking spaces, whereas only 15 are provided for residents of the proposed scheme. I am slightly unclear where this requirement originates from since I have not been provided with any specific car parking standards, despite mention of an SPD in the Council's second refusal reason and in BFBLP Policy M9. Nonetheless, I consider this issue based on the assumption that the car parking standards set out in the Table in paragraph 5.22 of the appellant's appeal statement are the correct minimum standards.
15. I inspected the surrounding roads during my visit. I observed that all the nearby roads had plenty of spare capacity: Upper Broadmoor Road, Forest Road, Napier Road, Cambridge Road and Kings Road. I acknowledge that these roads may well be more heavily parked in the evening when people are at home but the Council points out that high parking levels within nearby flatted developments suggests that people may travel by train or bus and leave their cars at home during the day. I also acknowledge that I may have conducted my visit on a day when these roads were untypically uncongested.
16. However, the appellant has conducted parking surveys using the Lambeth Methodology that demonstrate that there is overnight capacity on Upper Broadmoor Road and in the Napier Road and New Road public car parks.
17. For these reasons it appears to me that there is likely to be sufficient spare capacity near the site to accommodate any overspill parking from the development, should that be necessary.
18. Other factors should also be taken into account in assessing whether there would be sufficient parking. People looking to live in this area would look at the one space per flat offered in the development and choose whether this would be sufficient, taking into account the number of vehicles they owned. This small town centre is well connected by bus routes including to Crowthorne railway station 1.2 miles away to the west. People living in the development would be less likely to need a car for day to day purposes because the site is accessible by public transport and lies in the heart of the town centre where a range of shops and other facilities are available by a short walk.
19. For these reasons the Council's parking standards should not be applied in a rigid and inflexible way. Rather they should be applied flexibly taking into account the above factors. Consequently I conclude that sufficient off-street parking would be provided in the proposed development and it would therefore comply with BFBLP Policy M9 and CS Policy CS23.

Conditions

20. The Council has suggested a number of conditions. All but one of these are necessary although I have amalgamated some and changed some of the wording to better reflect the tests in the National Planning Policy Framework and Planning Practice Guidance. The condition requiring biodiversity enhancements on such a small urban previously developed site is disproportionate and unreasonable.
21. A condition listing the approved plans and documents is necessary to provide certainty. Conditions requiring prior approval of external facing materials, levels and landscaping provision and retention are all necessary in the interests of harmonising the development with the character and appearance of the area and providing satisfactory living conditions for residents. Conditions relating to water efficiency and provision of on-site renewable energy are necessary to comply with adopted policy in the development plan and minimise the development's impact on climate change.
22. A condition to control the impact of construction activity on surrounding occupiers is necessary in their interests. The potential for impacts on protected species and breeding birds needs to be mitigated by suitable conditions. Conditions are required to ensure that the parking spaces are laid out prior to first occupation of the flats in order to prevent parking congestion on nearby streets as well as to provide adequate covered cycle storage in order to provide a choice of transport modes for residents. And finally, in order to prevent flooding it is necessary that the amended sustainable drainage scheme is completed prior to the flats' occupation.

Conclusion

23. For the reasons given above I conclude that the appeal should be allowed, subject to the conditions below.

Nick Fagan

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 15.156-A-LP; 15.156-A-BP; 15.156-P-SL Revision A; 15.156-P-01 Revision A; 15.156-P-02; 15.156-P-CS; 12148-SK11/P1; 12148-CD012/P2; and amended Drainage Strategy Report dated 14 March 2016.
- 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) The development hereby permitted shall not be commenced until details showing the finished floor levels of the buildings in relation to a fixed

datum point have been submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

- 5) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
- i) boundary treatments;
 - ii) hard surfacing materials;
 - iii) external lighting.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied.

- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) No flat shall be occupied until space has been laid out within the site in accordance with drawing no. 15.156-P-SL Revision A for 14 bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 8) The development shall not be begun until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres per person per day has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the Sustainability Statement as approved and retained as such thereafter.
- 9) 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:-
- i) That before taking account of any on-site renewable energy production the proposed development will reduce CO² emissions by at least 10% against the appropriate target Emission Rate as set out in the Building Regulations 2006, and
 - ii) That at least 20% of the development's energy requirements will be provided from on-site renewable energy production.

The buildings shall be constructed in accordance with the approved Assessment and retained in accordance with it thereafter.

- 10) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- i) the erection and maintenance of security hoardings;
 - ii) measures to control the emission of dust and dirt during construction;
 - iii) delivery, demolition and construction working hours

- iv) specifications of the control of noise arrangements for demolition and construction
- v) proposed methods of piling for foundations
- vi) construction and demolition methodology
- vii) parking of vehicles of site personnel, operatives and visitors
- viii) loading and unloading of plant and materials
- ix) storage of plant and materials
- x) wheel cleaning facilities
- xi) temporary portacabins and welfare for site operatives

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 11) The development (including site clearance and demolition) shall not commence until:-
 - i) All the buildings on the site have been further surveyed for the presence of bats, such survey to have been submitted to and approved by the Local Planning Authority, and
 - ii) Either the Local Planning Authority has agreed that no relocation of bats is necessary or a scheme for their relocation has been submitted to and approved by the Local Planning Authority. The scheme shall thereafter be complied with. And
 - iii) A method statement for the sensitive clearance of the site to avoid the potential of harm to reptiles has been submitted to and approved by the Local Planning Authority.
- 12) No site clearance shall take place during the main bird-nesting season (1 March to 31 August inclusive) unless a scheme to minimise the impact on nesting birds during the construction of the development has been submitted to and approved by the Local Planning Authority.
- 13) No flat shall be occupied until space has been laid out within the site in accordance with drawing 15.156-P-SL for 15 cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 14) None of the dwellings hereby permitted shall be occupied until the sustainable drainage scheme serving that building has been completed in accordance with the submitted and approved details. Following occupation of either building the drainage scheme serving that building shall be operated and maintained in accordance with the agreed management plan for the lifetime of the development.

End of Conditions