
Appeal Decision

Site visit made on 2 May 2017

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

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

Decision date: 24 May 2017

Appeal Ref: APP/R0335/W/17/3167208

9 Albert Road, Bracknell RG42 2AG

- 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 Bancroft Developments Ltd against the decision of Bracknell Forest Borough Council.
 - The application Ref 16/00321/FUL, dated 7 April 2016, was refused by notice dated 13 October 2016.
 - The development proposed is construction of a residential building containing 6 flats together with parking, bin and cycle store, after demolition of existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a residential building containing 6 flats together with parking, bin and cycle store, after demolition of existing dwelling at 9 Albert Road, Bracknell RG42 2AG in accordance with the terms of the application, Ref 16/00321/FUL, dated 7 April 2016, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The proposal was amended during consideration of the planning application by the Council. I determine the appeal on the basis of the amended scheme.
3. A completed section 106 agreement dated 31 March 2017, signed by the main parties has been submitted with the appeal. This is a material consideration which I will consider in respect of the third main issue as identified below.

Main Issues

4. The main issues are:
 - The effect of the development on the character and appearance of the surrounding area;
 - The effect of the development on highway safety particularly in relation to the level of vehicle parking; and
 - Whether the proposal mitigates the effects on the Thames Basin Heaths Special Protection Area.
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Reasons

Character and appearance

5. The appeal site comprises a detached bungalow and separate garage located on a relatively large plot within the defined settlement boundary of Bracknell. The character of the surrounding area is mixed due to its edge of town centre location. The site faces towards but does not have access to the adjacent Millennium Way dual carriageway. Immediately beyond this carriageway to the south lies the town centre which is currently going through large-scale regeneration and has some existing prominent commercial buildings visible from within the locality.
6. To the east of the site on the opposite side of Daventry Court are predominantly large and detached residential properties of variable styles and designs. No 11 Albert Road, a bungalow, lies opposite the proposed eastern elevation of the development on the other side of Daventry Court. The residential development off this road to the north and west comprises a significant number of smaller terraced properties and associated private car parking areas.
7. I recognise that the proposal would introduce a detached two and a half storey building within the appeal site, which would be taller and larger than the existing bungalow within the site. However whilst this would change the appearance of the site it does not necessarily follow that this would be detrimental. Indeed its overall design, height and scale would not be significantly out of keeping with the mixed character of the locality. Furthermore the design of the development would include communal open space to the north and south of the building as well as a vehicle parking court; features which are not uncharacteristic within the area.
8. Taking account of the context of the surrounding built form, I consider that the proposal, due to its overall design, scale, mass and location would not appear unsympathetic or unduly prominent when viewed within the street scene. Consequently I conclude that the proposal would not result in material harm to the character and appearance of the surrounding area. As such the scheme would comply with Policy EN20 of the Bracknell Forest Local Plan (2002) (LP) and Policy CS7 of the Core Strategy Development Plan Document (2008) (CS) which both seek development that accords with design criteria.

Highway safety

9. LP Policy M9 seeks satisfactory parking provision for vehicles and cycles in accordance with the Council's parking standards. These are set out in the Bracknell Forest Borough Parking Standards Supplementary Planning Document (2007) (SPD1). The justification text for Policy M9 states that there may be circumstances where a more flexible approach to parking standards may be justified.
10. The appeal site is located on the edge of the Bracknell Town Centre area as defined in SPD1. The parking standards for residential development outside the town centre area would require the provision of 11 spaces for the scheme. However in this instance, taking into account the immediate proximity of the site to the town centre, the adjacent public footpath and the ease of access to services and facilities within the centre by means other than the private car,

the provision of spaces in accordance with the town centre parking standards would be justified. In this regard the scheme would provide 8 spaces in accordance with this standard.

11. In addition the proposal would provide a purpose-built secure cycle store. Using a two tier stacking system this could provide storage for 12 cycles which would accord with the required parking standards. This level of provision could be secured by a suitably worded condition as suggested by the Appellant.
12. I note local residents' concerns on the impact the additional traffic from the development and insufficient parking would have on existing on-street parking pressures and the safety of pedestrians and other road users within the locality. In this regard I saw on my site visit that there are already on-street parking restrictions and a residents parking scheme in operation in the area. This ensures that there is sufficient space on the roads for the free flow of traffic and the provision of gaps for passing vehicles. These measures would remain in place.
13. Whilst I accept that the proposal would increase traffic using the adjacent roads to some degree, I have no substantive evidence to demonstrate that this would be significantly adverse. Furthermore whilst new vehicle access points would be created off Daventry Court, the visibility splays would be acceptable and the new footpath along the site boundary would allow safe passage of pedestrians along both sides of the road.
14. Consequently taking the above into account, I conclude that the proposal would provide sufficient parking spaces for the size of development proposed taking into account its proximity and accessibility to the town centre. As such the proposal would not have a detrimental impact on road safety or the flow of traffic.
15. Consequently I conclude that subject to the imposition of suitable conditions the proposal would not result in material harm to highway safety. The proposal would therefore comply with LP Policy M9 and SPD1 and would also accord with CS Policy CS23 which includes seeking development that reduces the need to travel and promotes alternative modes of travel.

Effect on the Special Protection Area

16. Policy NRM6 of the South East Plan (2009) (SEP), LP Policy EN3, CS Policy CS14 and the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (2012) (SPD2), relate to the effect of additional residential development within a defined area on the Thames Basin Heaths Special Protection Area (SPA). In addition the Council's Planning Obligations Supplementary Planning Document (2015) (SPD3) seeks relevant contributions through legal agreement.
17. The site is located within this defined area and there would be a net increase in residential development. As such the proposal would be likely to result in an adverse effect on the SPA, unless specific avoidance or mitigation measures were put in place. To achieve this, the Council advises that financial contributions would be necessary.
18. A completed section 106 agreement dated 31 March 2017 has been signed by the main parties, including the Appellant and Council. From the evidence

submitted I am satisfied that the contributions specified are necessary to ensure that the adverse effect of the proposal on the SPA would be mitigated, directly related to the development and fairly related in scale and in kind. The provision of this section 106 agreement therefore accords with SEP Policy NMR6; LP Policy EN3; CS Policy CS14, SPD2, SPD3 and overcomes the Council's third reason for refusal.

Other Matters

19. The appeal site is located adjacent to the town centre and there is no dispute that the site is accessible to local facilities by sustainable transport means.
20. The Framework aims to boost the supply of housing and the Council is unable to demonstrate a 5 year supply of deliverable housing sites. The proposal would result in a net increase of five dwellings within the site. The contribution this would make towards the supply of housing carries significant weight in support of the appeal.
21. I have considered other local concerns raised about the impact of the proposal including noise and disruption during the demolition and construction phases. Clearly building work often involves some form of disturbance, but it would be for a temporary period and some aspects could be mitigated by conditions to require a management scheme and restrictions on site operating hours during demolition and construction.
22. With regard to the impact on the sewerage and drainage systems, whilst I note the concerns of local residents in this respect, there is no substantive evidence before me to demonstrate that development would exacerbate any existing problems in respect of these issues. I also note that the statutory agencies for these matters have not objected to the development and a relevant condition could be imposed to any planning permission.
23. As regards outlook and the potential for the bin store area to produce unacceptable smells and noise, the Council does not object on these grounds and I am satisfied that the proposed separation distances between the development and neighbouring properties would not result in materially adverse impacts in these regards. Consequently the living conditions of neighbours would not be prejudiced. This therefore carries no weight against the proposal.
24. It has also been suggested that the development would set a precedent for the redevelopment of other sites within the locality. I am mindful that each appeal must be considered on its own individual merits and other sites within the locality would be likely to be different. Therefore if proposals were to come forward they would need to be assessed in light of the factors relevant to each case. Therefore I consider the concern about precedent does not offer a basis for resisting the scheme and I give this no weight.

The Planning Balance

25. I have found that the development would be accessible to services and facilities. In addition, as the Council is unable to demonstrate a 5YHLS the provision of six flats carries significant weight in favour of the proposal.
26. I have given careful consideration to the local representations submitted including the petition against the development. However I have concluded on

the evidence before me that there would be no significant material harm arising from the proposal in relation to the main issues or any other matters. Consequently there would be no adverse impacts that would significantly or demonstrably outweigh the benefits of the proposal. Subject to the implementation of the section 106 planning obligation and the conditions set out in the attached schedule, the appeal proposal would be sustainable development and would accord with the provisions of the Framework and development plan when read as a whole.

Conditions

27. I have considered the conditions suggested by the Council in light of the advice given in the Planning Practice Guidance (PPG). As such I impose all but one of them with some slight amendments where necessary in the interests of precision and enforceability. I am satisfied that the conditions set out in my decision meet the tests within the PPG.
28. I attach a condition specifying the approved plans to ensure certainty. A condition requiring details on the materials to be used for the development is necessary in the interests of the character and appearance of the area. Furthermore I impose conditions in relation to landscaping to ensure that appropriate planting is provided and boundary treatments are appropriate, also in the interests of the character and appearance of the area.
29. A condition on floor levels is imposed to protect the character of the area and the living conditions of neighbouring residents. Conditions requiring a demolition and construction management scheme and restrictions on the hours of site operations during demolition and construction of the development are necessary to safeguard both the living conditions of existing neighbours and highway safety.
30. In the interests of sustainability, the efficient use of resources and to prevent increased risk of flooding and to protect water quality, conditions on drainage, water efficiency and energy are imposed.
31. To ensure highway safety I attach conditions requiring the provision of a footway, parking and turning spaces and vehicular access prior to occupation of the development. A condition restricting the installation of gates at the vehicular access point is also imposed. To facilitate access to and from the development by cyclists and pedestrians a condition is necessary. In addition it is also necessary to ensure cycle storage spaces and bin storage facilities are secured by appropriate conditions in the interests of encouraging sustainable travel and protecting the living conditions of local residents respectively. To ensure that the development accords with the Council's parking standards I have increased the provision of cycle spaces to 12.
32. I attach conditions requiring the inclusion of biodiversity enhancements and restrictions on site clearance during bird nesting season in the interests of conserving and enhancing nature conservation.
33. As I have found that the proposal would not result in unacceptable harm to living conditions for neighbouring occupiers in relation to outlook, I do not consider it necessary to impose a condition requiring the obscure glazing of the first floor windows on the eastern elevation of the development or restricting the height of the opening parts. I therefore do not attach such a condition.

34. The PPG indicates that the removal of permitted development rights should be exceptional. It appears to me that further windows could be added at first floor level or above on the eastern side elevation that could affect the privacy of neighbours through overlooking. The development restrictions suggested by the Council would therefore be appropriate to ensure that the privacy of neighbours is protected from overlooking. I therefore attach this condition.

Conclusion

35. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be allowed.

Y Wright

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out only in accordance with the following approved plans: 2307 02F, 2307 03E, 2307 04D and 2307 06.
- 3) No development shall take place until samples of the materials to include brick sample panel, roof tiles, windows, doors, boundary enclosures and other hard surfaces 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 sample details.
- 4) The development hereby permitted shall not be begun until details showing the finished floor levels of the building hereby approved in relation to a fixed datum point 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.
- 5) The development shall not be begun until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule. All planting comprised in the soft landscaping works shall be carried out and completed in full Standard 4428:1989 'Code Of Practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well-formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications for Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, 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.

- 6) The development hereby permitted shall not be begun 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.
- 7) 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.
- 8) During the construction phase, no deliveries shall be taken at or dispatched from the site 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.
- 9) 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.
- 10) 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 that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 20%). The buildings thereafter constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith.
- 11) The development shall incorporate surface water drainage that is SuDS compliant and in accordance with DEFRA "Sustainable Drainage Systems - Non-statutory technical standards for sustainable drainage systems" (March 2015). It shall be operated and maintained as such thereafter for the lifetime of the development.
- 12) No site clearance shall take place during the main bird-nesting period of 1st March to 31st 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) The development shall not be begun until a scheme for the provision of biodiversity enhancements (not mitigation), 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 implemented in accordance with the approved details.

- 14) No accommodation shall be occupied until the existing access serving the bungalow off Albert Road has been closed and a footway is provided over the closed access in accordance with details to be submitted to and approved in writing by the Local Planning Authority; the footway shall be retained thereafter.
- 15) No accommodation shall be occupied until means of vehicular access from Daventry Court has been constructed in accordance with details to be submitted to and approved by the Local Planning Authority.
- 16) No accommodation shall be occupied until a means of access for pedestrians and cyclists has been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- 17) No accommodation shall be occupied until the associated vehicle parking and turning spaces has been surfaced and marked out in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.
- 18) There shall be no restrictions on the use of the visitor parking spaces shown on the approved plan for the occupiers of, or visitors to, the building hereby permitted.
- 19) No accommodation shall be occupied until the area shown for parking on the approved plan has been drained and surfaced in accordance with details to be submitted to and approved by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking of vehicles.
- 20) No part of the development shall be occupied until provision for the secure storage of 12 cycles has been provided within the approved cycle store building identified on the approved plans, in accordance with details that shall have been submitted to and approved by the local planning authority. The cycle parking spaces and facilities shall thereafter be retained.
- 21) No gates shall be provided at the vehicular access to the site off Daventry Court.
- 22) The development hereby permitted shall not be occupied until details of a scheme of walls, fences and any other means of enclosure has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of any of the buildings approved in this permission.
- 23) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no additional windows, similar openings or enlargement thereof shall be constructed in the eastern side elevations of the flats at first floor level or above hereby permitted except for any which may be shown on the approved drawings.

- 24) The approved bin storage facilities shall be implemented prior to the first occupation of the building and as such thereafter retained.