



Appeal Decision

Site visit made on 23 March 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th June 2020

Appeal Ref: APP/R0335/W/19/3242505

L'Avenir, Opladen Way, Bracknell RG12 0PH

- 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 Mountley Limited (Mr H Schneck) against the decision of Bracknell Forest Borough Council.
 - The application Ref 17/00805/FUL, dated 21 July 2017, was refused by notice dated 16 August 2019.
 - The development proposed is construct a new third floor storey together with a fourth floor mansard roof extension over the existing building to create new residential accommodation comprising 45no. one and two bedroom flats.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The evidence makes reference to a potential legal agreement under Section 106 of the Town and Country Planning Act 1990 (S106 Agreement) and includes an undated and unsigned draft version of such a document. However, so far as I am aware, no S106 Agreement has been completed for the appeal development. Consequently, I have considered and determined the appeal on that basis.

Main Issues

3. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area, with particular regard to the height, bulk and massing of the proposed building;
 - The effect of the proposed development on the integrity of the Thames Basin Heath Special Protection Area (the SPA); and
 - Whether the proposal makes adequate provision for affordable housing.

Reasons

Character and appearance

4. The appeal site consists of a standalone, three storey former office building which is in the process of being converted to a C3 residential use. The building is in a prominent location, and fronts onto a junction of Bagshot Road (A322), which is an important transport interchange within Bracknell. To the west of the site, on the opposite side of the traffic intersection is Bracknell Leisure

Centre, which is a mix of two and three storeys, spread over a large area, with surface car parking to the front. To the east are the residential properties of Harmans Water, which are predominately two storey, although within the estate there is a flatted development which is three storeys in height. The surrounding area is relatively verdant, with a number of substantial mature trees, both within the appeal site and surrounding it.

5. The existing building has a commercial appearance. It is brick built with stone horizontal cornice detailing and visually strong glazing elements. Vehicular access is from Opladen Way, with car parking to the rear and within an existing basement.
6. The appeal proposal would create two new floors on the current building and provide an additional 45 dwellings. The design of the fourth floor would match the existing appearance of the building, with the fifth floor provided in the form of a mansard roof.
7. Whilst occupying a prominent location, the surrounding landscaping and mature trees, mean that the site is only generally visible from close distance and within its own locality. Views from the west are limited by existing landscaping. The proposal would undoubtedly increase the visual presence of the building in these views, however, given the sylvan nature of the area to the west of the appeal site, views would be substantially filtered by existing trees. The presence of the busy road junction gives the western side of the building a very urban feel. Given the commercial aspect of the western side of the appeal site, with the presence of the leisure centre and the busy traffic interchange, the impact of the additional height, massing and scale would cause no harm to the character and appearance of the area when seen from the west.
8. Whilst views of the proposal from the west of the appeal site would be relatively well screened by landscaping, the same cannot be said to the east. The rear of the building, and in particular from Opladen Way is relatively open. Whilst there is some landscaping along the boundaries and within the site, it provides only limited screening. To the east the character of the area is predominately residential, with a mix of detached and semi-detached properties, set within relatively generous plots. Along with the tree planting, this gives the area a suburban feel.
9. The existing building on the appeal site is set back from Opladen Way. At present, this set back, along with the boundary planting, provides a clear transition from the larger, standalone building, to the lower scale residential development. When viewed from the surrounding residential properties and streets, the additional height, bulk and massing of the building would disrupt the existing transition. It would introduce a form of development that would discordantly rise above the existing domestic properties on the eastern side of the appeal site. As a result, when viewed from the east, the proposed development would introduce a form of development that would appear out of scale with and harmful to the character and appearance of the surrounding area.
10. I note the content of the Streetscene DPD which supports the approach of using the scale and design of buildings to emphasise a significant corner or junction. Whilst the design approach in this instance would serve to create a more prominent building on this junction when seen from the west, for the

reasons set out above, this approach would be to the detriment of the area, when viewed from the east.

11. For these reasons, the proposed development would harm the character and appearance of the area and, in this respect is contrary to Policy CS7 of the Core Strategy Development Plan Document, and Policy EN7 of the Bracknell Forest Borough Local Plan and paragraph 124 and 127 of the National Planning Policy Framework (the Framework). These Policies, amongst other things require development proposals to build on the urban, suburban and local character and to respect local patterns of development.

The SPA

12. The SPA is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). The appeal site is not within the SPA, however given its proximity, the main parties agree that the proposed development would be likely to have significant effects on the features of interest of the SPA, due to the increased recreational use arising from the appeal development in combination with other development. I have found no reason to disagree. In these circumstances, the Habitats Regulations require that an Appropriate Assessment is carried out. In this regard, I note that Natural England were consulted and provided comments during the course of the application.
13. The Habitats Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of the SPA. Due to the nature of the proposed development and the constraints of the appeal site, there appears to be no scope for the provision for on-site mitigation. To mitigate the impact of the scheme upon the SPA, the appellant has confirmed measures in the form of the provision of an off-site Suitable Alternative Natural Greenspace (SANG) capacity, together with a financial contribution to the Thames Basin Heaths Strategic Access Management and Monitoring (SAMM) project. Were they to be secured, these measures would appear to provide appropriate mitigation in this regard for the proposed development.
14. However, delivery of these mitigation measures requires the completion of a S106 Agreement. Therefore, without a suitable mechanism in place I cannot be satisfied that the scheme would deliver adequate measures to avoid or mitigate potential adverse effects on the integrity of the SPA. As such, there can be no guarantee that these mitigation measures would be provided or retained and therefore they carry very little weight.
15. For these reasons, the proposed development would harm the integrity of the SPA and, in this respect is contrary to Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and the Thames Basin Heaths Special Protection Area avoidance and mitigation Supplementary Planning Document (2012) and the Framework. These Policies, amongst other things seek to ensure development respects the integrity of the SPA and that appropriate mitigation measures are delivered.

Affordable Housing

16. Policy CS17 of the Core Strategy Development Plan Document sets out the Council's affordable housing policy. It is common ground between the parties

that the proposed development would require the provision of affordable housing. During the course of the appeal application a level of provision was agreed between the main parties. Having reviewed the submitted evidence, I have found no reason to disagree with this position.

17. Nonetheless, in the absence of a completed S106 Agreement to secure the delivery of the requisite provision of affordable housing, I am not satisfied that the effect of the development on local infrastructure would be adequately offset. For these reasons, the proposed development would conflict with Policy H8 of the Bracknell Forest Borough Local Plan, Policies CS16 and CS17 of the Core Strategy Development Plan Document, the Planning Obligations SPD and the resolution on affordable housing made by Bracknell Forest Council Executive on 29th of March 2011. These Policies, amongst other things seek to ensure the provision of adequate affordable homes to meet the identified need.

Conclusion

18. The proposed development would conflict with the development plan as a whole. Given the extent and nature of the identified harm and development plan conflict, these substantial considerations would not be outweighed by the benefits of the scheme, including the provision of additional housing in a sustainable location. Therefore, the appeal should be dismissed.

Adrian Hunter

INSPECTOR