



Appeal Decision

Site visit made on 11 October 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2023

Appeal Ref: APP/R0335/W/22/3307948

Abbey House, Grenville Place, Bracknell RG12 1AN

- 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 Equinox Living against the decision of Bracknell Forest Council.
 - The application Ref 21/01090/FUL, dated 15 November 2021, was refused by notice dated 25 May 2022.
 - The development proposed is the erection of an additional third floor storey to the existing building together with extension at second floor level to create a further six residential units (4 x 2 bedroom and 2 x 1 bedroom) and ancillary development.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an additional third floor storey to the existing building together with extension at second floor level to create a further six residential units (4 x 2 bedroom and 2 x 1 bedroom) and ancillary development at Abbey House, Grenville Place, Bracknell RG12 1AN in accordance with the terms of the application Ref 21/01090/FUL, dated 15 November 2021, subject to the conditions appended to this decision.

Applications for costs

1. An application for costs was made by Equinox Living against the Council. This application is the subject of a separate decision.

Preliminary Matters

2. During the appeal, the Council withdrew its second reason for refusal. Based on the evidence before me, I have no reason to disagree with those findings.
3. A signed Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990, dated 23 March 2023, has been submitted. I deal with this matter further below.

Main Issue

4. The main issue is the effect of the proposed development on parking provision and highway safety.

Reasons

5. The existing car park contains 37 parking spaces, of which 8 are dedicated to the adjoining Holy Trinity Church. Therefore, 29 spaces are available to the occupants of Abbey House. The car park is privately managed, with an electronically controlled barrier at the site entrance. It is not proposed to

- increase the number of parking spaces at the site as part of the proposed development.
6. Policy M9 of the Bracknell Forest Borough Local Plan (LP, 2002) requires that satisfactory parking provision for vehicles is provided in new development, referencing the Council's Parking Standards Supplementary Planning Guidance (SPG, 2016). The policy goes on to state that there may be circumstances where a more flexible approach to parking standards is justified, including where existing public transport services are provided. This is consistent with the SPG, which sets out that there is some flexibility, in certain situations, where robust evidence demonstrates that this is appropriate.
 7. The parking standards in town centre locations are set out in Table 5 of the SPD. For residential uses, 0.9 spaces per dwelling are required 'as an average'. The SPD also sets out that parking standards for town centres will be applied 'as a starting point for consideration rather than as minimum standards'.
 8. The appeal site has a current parking ratio of 0.725 spaces per unit. The proposed development would reduce this to 0.63. Whilst this number falls below the guidance within the SPD, parking surveys of the site have been undertaken and provided in support of the appeal. The results of those surveys show that during two weekday nights, between 7 and 8 spaces were available for use (not occupied). This is in the knowledge that the building is fully occupied. During my mid-week, daytime site visit, I observed that a total of 8 spaces were occupied. Although I acknowledge that both the parking surveys and my site visit were only snapshots in time, I have no evidence before me to demonstrate that the car park is typically, or has previously been, at full capacity.
 9. The Council's highways specialists confirm that they are satisfied that sufficient information has been submitted in order to demonstrate that there is likely capacity within the existing car park to accommodate an increase in parking as a result of the proposed development. Based on the evidence before me and my own observations, I have no reason to disagree.
 10. In any case, the roads surrounding the appeal site are subject to parking restrictions in the form of double yellow lines. As these restrictions are in operation, I am not in a position to question their enforcement. Car parking on the opposite side of The Ring is either pay and display, or privately managed. Moreover, the evidence before me confirms that annual season tickets are available at nearby public car parks should these become necessary.
 11. Overall, I conclude that the appeal site is located in a highly sustainable location, a short walk away from the town centre and alternative means of public transport. Moreover, the car park at the site is not at full capacity, despite the residential units being fully occupied. Consequently, I am satisfied that the proposed development would not lead to harmful levels of on-site congestion or displacement of vehicles onto surrounding roads. It would accord with the relevant provisions of LP Policy M9, which in summary seeks that development provides sufficient parking standards. This is in a similar vein to the objectives of the SPD.

Other Matters

12. The appeal site lies near to Whynscar¹, Old Manor House Hotel² and Holy Trinity Church³, each forming grade II listed buildings. There is no dispute between the Council and appellant that either the significance or settings of the listed buildings would be harmed by the proposal. In exercising my duty to have special regard to the desirability of preserving those heritage assets⁴, I have no reason to disagree with the Council in this respect. The listed buildings are perceived as relatively discrete entities, separate and functionally and visually removed from the appeal site. I find that the proposal would preserve the grade II listed buildings, or any features of special architectural or historic interest which they possess, and their settings. Consequently, the proposal would preserve the significance of these designated heritage assets.
13. I note that a number of representations have been received, including from occupiers of Abbey House. Matters raised include parking demand, damage to boundary walls from signage, disruption during construction and the management of the appeal site generally. I also note the withdrawal of an objection citing an improvement to car parking conditions. Whilst these points are noted, I have dealt with matters of parking under the main issue. Matters relating to damage to property and maintenance are private matters that lie outside the remit of this appeal. Matters relating to disruption during construction would be short-term and, in any case, controlled by condition.

Unilateral Undertaking

14. A signed Unilateral Undertaking has been submitted by the appellant. This would secure the provision of financial contributions towards the mitigation measures set out within the SAMM, and SANG enhancement works.
15. Paragraph 57 of the National Planning Policy Framework (the Framework) and Regulation 122 of the CIL Regulations sets out three tests that planning obligations must meet. Firstly, they must be necessary to make the development acceptable in planning terms. Secondly, they must be directly related to the development. Thirdly, they must be fairly and reasonably related in scale and kind to the development.
16. I am satisfied that the planning obligations would meet the requirements of the Framework and CIL Regulations.

Conditions

17. The Council has provided a list of conditions that it suggests should be applied in the eventuality that the appeal is allowed. I have assessed those with reference to the advice in the Framework and Planning Practice Guidance, and have amended the wording of some, and combined provisions of others, without altering their fundamental aims.
18. I have included the standard condition requiring commencement within the relevant statutory period. I have imposed a condition requiring adherence to the relevant plans for certainty. A materials condition is necessary to protect the character and appearance of the area.

¹ List Entry Number: 1390342

² List Entry Number: 1390339

³ List Entry Number: 1393561

⁴ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

19. I have imposed a condition in respect of noise mitigation in the interests of protecting the living conditions of future residents. I have imposed a condition relating to a construction management plan (CMP) in the interests of the protection of the living conditions of existing residents. A separate construction times condition is unnecessary as this is covered under the CMP condition.
20. Conditions relating to cycle parking and refuse are necessary to ensure that appropriate provisions are made for dedicated storage. A Car Parking Management Plan condition is required to ensure certainty and a mechanism by which to control the management of the on-site car parking. I have imposed a condition relating to energy demand in the interests of sustainability.
21. A condition requiring that the development meets water efficiency standards is unnecessary in my view as this matter would be dealt with under Building Regulations.
22. I note that the appellant has also agreed to the terms of conditions 3, 4 and 5 (my numbering). Those conditions must necessarily apply before any development hereby permitted is undertaken as any works related to those conditions have the potential to adversely affect the character and appearance of the area (3) and living conditions of neighbouring occupiers (4). In respect of Condition 5, it is necessary to ensure that those measures are properly designed in prior to the commencement of development.

Conclusion

23. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

A Price

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: Site Location and Block Plan 01-P-S000 P1; Proposed North Elevation 03-E-300 P2; Proposed South Elevation 03-E-302 P2; Proposed East Elevation 01-E-301 P1; Proposed West Elevation 01-E-303 P2; Proposed Ground Floor 03-P-0G0 P2; Proposed Roof Plan 03-P-0R0 P1; Proposed Second Floor 03-P-002 P1; Proposed Third Floor 03-P-003 P2; Proposed Section 03-X-300 P1; Proposed First Floor Plan 03-P-001 P3.
- 3) No part of the development hereby permitted shall commence until details and samples of the materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No part of the development hereby permitted shall commence, including any works of demolition, until a Construction Method Plan has been submitted to and approved in writing by the local planning authority. The Plan shall provide for:
 - i) the parking and manoeuvring of vehicles;
 - ii) staff numbers and facilities for operatives;
 - iii) loading and unloading of plant and materials, including holding areas;
 - iv) storage of plant and materials used in constructing the development;
 - v) delivery, demolition and construction working hours.

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

- 5) No part of the development hereby permitted shall commence until an Energy Demand Statement has been submitted to and approved in writing by the local planning authority. This shall demonstrate that before taking account of any on-site renewable energy the proposed development will reduce carbon dioxide emissions by at least 10% against the appropriate Target Emission Rate as set out in Part L of the Building Regulations, and that a proportion of the development's energy requirements will be provided from on-site renewable Energy productions which shall be at least 20%. The statement shall include a plan showing the location of any proposed renewable energy and elevations. The development shall be carried out and maintained in accordance with the approved details.
- 6) No part of the development hereby permitted shall be occupied until noise mitigation measures for protecting the proposed dwellings from noise from external noise sources, which shall have included a noise assessment, have been implemented in full in accordance with a scheme that has been submitted to and approved in writing by the local planning

authority. The noise mitigation measures shall be retained and maintained thereafter in accordance with the approved scheme.

- 7) No part of the development hereby permitted shall be occupied until 10 additional covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the local planning authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
- 8) No part of the development hereby approved shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.
- 9) No part of the development hereby permitted shall be occupied until a car parking allocation and management plan, showing how the car parking facilities within the site will be allocated and managed, has been submitted to and approved in writing by the local planning authority. The development shall be carried out and maintained in accordance with the approved plan.