

## DEVELOPMENT CONTROL PANEL

3 July 2019

Item: 2

<b>Application No.:</b>	19/00897/FULL
<b>Location:</b>	One Stop Shop 1 - 3 High Street Sunninghill Ascot SL5 9NQ
<b>Proposal:</b>	Change of use of part first floor from (D1) (Chiropractor) and (B1a) (Office) to (C3) (2 bedroom apartment) with associated bin/cycle store and additional parking
<b>Applicant:</b>	Mr Holdcroft
<b>Agent:</b>	Not Applicable
<b>Parish/Ward:</b>	Sunninghill And Ascot Parish/Sunninghill And South Ascot Ward

**If you have a question about this report, please contact:** Adam Jackson on 01628 796660 or at [adam.jackson@rbwm.gov.uk](mailto:adam.jackson@rbwm.gov.uk)

### 1. SUMMARY

- 1.1 The proposed development would result in the loss of a use which currently provides jobs in conflict with policy NP/E1.1 of the Neighbourhood Plan and the loss of a community facility (D1 use) in conflict with policy CF1 of the RBWM Local Plan, however, the harm this would cause in this instance is given only limited weight and is considered to be outweighed by the benefit of providing an additional residential unit.
- 1.2 It is considered that the proposed development would provide its future occupiers with an acceptable standard of amenity and the development would not result in harm to the amenity of existing residents.
- 1.3 The proposal would be provided with sufficient parking in accordance with the standards set out in the Borough's adopted parking standards. The scheme would also be provided with dedicated refuse and cycle stores.

<b>It is recommended the Panel authorises the Head of Planning:</b>	
1.	<b>To grant planning permission on the satisfactory completion of an undertaking to secure the necessary SPA mitigation in regards to the impact on the Thames Basin Heaths as referenced in Section 9 of this report and with the conditions listed in Section 13 of this report.</b>
2.	<b>To refuse planning permission if an undertaking to secure the necessary mitigation as referenced in Section 9 of this report has not been satisfactorily completed for the reason that the proposed development would have an unacceptable impact on the SPA.</b>

### 2. REASON FOR PANEL DETERMINATION

- The application has been called in by Councillor Hilton at the request of Sunninghill Parish Council due to concerns with the amenity standard of the flats and the lack of outdoor amenity space, the impact on bin/storage area for the shop, a conflict between access to the flats and the retail unit, the lack of parking, and the loss of an employment use. The application was called to panel only if the Head of Planning was minded to grant the application.

### 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is the first floor above the One Stop Shop in Sunninghill High Street. The existing use of the first floor is a mix of C3 (residential), B1 (office) and D1 (chiropractor). The ground floor is A1 (retail). The application site is served by a small car parking area to the rear

with access to this being gained to the side of the property directly off of the High Street. The application site is within 5km of the Thames Basin Heaths Special Protection Area.

#### 4. KEY CONSTRAINTS

4.1 The key constraints of the application site are:

- Thames Basin Heath Special Protection Area

#### 5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

5.1 The existing use of the first floor is a mix of C3 (residential), B1 (office) and D1 (chiropractor). The existing flat will be refurbished only and most of the office has been approved for residential use already under 19/00867/CLASSO. The remainder of the office and the chiropractors is proposed to be converted to residential under this application. The application is for a 2 bedroom flat with a floor space of 80sqm. To the rear a parking area with 6 spaces is to be provided, 2 of which will be allocated to this flat. The development will also be provided with a bike and bin store in this area.

Reference	Description	Decision
07/01586/FULL	Reconfiguration of ground floor retail floor space with rear and side extensions plus reconfiguration of first floor office and flat with rear extension.	Refused – 24.07.2007
08/01012/FULL	Reconfiguration of ground floor retail floor space with rear and side extensions plus reconfiguration of first floor office and flat with rear extension and creation of dedicated servicing/car parking area.	Refused – 12.06.2008
08/02350/FULL	Reconfiguration of ground floor retail floor space with rear and side extensions plus reconfiguration of first floor office and flat with rear extensions, creation of dedicated servicing/car parking area.	Refused – 31.10.2008
19/00867/CLASSO	Class O: Change of use from B1 (a) (Office) (part first floor) to C3 (dwelling).	Prior approval granted – 17.05.2019

#### 6 DEVELOPMENT PLAN

##### Adopted Royal Borough Local Plan (2003)

6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10, H11
Highways	P4, T5
Protection of community facilities	CF1

These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

## Adopted Ascot Sunninghill and Sunningdale Neighbourhood Plan (2011-2026)

Issue	Neighbourhood Plan Policy
Design in keeping with character and appearance of area	DG3
Highways	T1
Retaining and encouraging employment	E1
Sunninghill village centre policy	SV1

These policies can be found at

[https://www3.rbwm.gov.uk/info/200209/planning\\_policy/477/neighbourhood\\_plans/2](https://www3.rbwm.gov.uk/info/200209/planning_policy/477/neighbourhood_plans/2)

## Adopted the South East Plan – Regional Spatial Strategy

Issue	Plan Policy
Thames Basin Heaths Special Protection Area	NRM6

## 7. MATERIAL PLANNING CONSIDERATIONS

### National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 8 – Promoting healthy and safe communities

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

### Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Community facilities	IF7
Thames Basin Heaths Special Protection Area	NR4

7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below.

7.2 This document can be found at:

[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

## Supplementary Planning Documents

- RBWM Thames Basin Health's SPA

### Other Local Strategies or Publications

7.3 Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

9 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 16.04.2019.

2 letters were received commenting on the application, summarised as:

Comment	Officer response
1. A concealed area/bin store is required for the One Stop Shop	See paragraph 9.4
2. Parking outside of the One Stop Shop causes many issues and cars often park on double yellow lines and in front of driveways.	See paragraph 9.7
3. No delivery lorries should be allowed to use School Road as this causes highway safety issues and the noise causes nuisance between 5am and 9pm – delivery hours should be restricted.	The application is for a residential unit only and not the shop – it is not necessary or reasonable therefore to restrict delivery hours. Noise complaints relating to delivery vehicles for the existing shop should be directed to Environmental Protection.
4. The vents on the side of the One Stop building are a noise hazard and are visible. Planning permission was never sought to install.	Any development undertaken without planning permission is a matter for Planning Enforcement.

### Statutory consultees

Consultee	Comment	Officer response
Natural England	Natural England have been consulted on the Appropriate Assessment for the application in accordance with Paragraph 63 (3) of the Conservation of Habitats and Species Regulations 2017. Natural England have no comments to make on this application, as long as the relevant avoidance and mitigation measures specified in the Appropriate Assessment are secured.	See paragraph 9.8

## Consultees

Consultee	Comment	Officer response
Parish Council	<p>Objects on the following grounds:</p> <ul style="list-style-type: none"> <li>• Doesn't promote high quality interior space and light (Flats 2 &amp;3).</li> <li>• No storage area for the cages and bins to the retail area.</li> <li>• Access to flat 1 is not safe due to conflicts with the back of house access to the retail unit</li> <li>• There is no external amenity space</li> <li>• There is no green landscaping and staff parking is not surfaced and looks a mess</li> <li>• Contrary to neighbourhood plan policy NP E1.1 – retaining employment</li> <li>• Noise issues from the AC units</li> <li>• Contrary to borough parking standards</li> </ul>	<p>The principle of the change of use and design issues are considered in paragraphs 9.2 to 9.4. Residential amenity issues are considered in paragraphs 9.5 and 9.6. Parking and highway safety issues are considered in paragraph 9.7.</p>
Highways	<p>No objections subject to the inclusion of conditions relating to parking, cycle parking and bin storage.</p>	<p>See paragraph 9.7</p>
Environmental Protection	<p>No objections subject to the inclusion of conditions relating to internal noise levels, sound insulation, construction working hours and collection and delivery hours.</p>	<p>The condition relating to noise insulation is considered necessary, however, it is not considered necessary to restrict construction working hours and collection and delivery hours during construction as these are not a material planning considerations and any noise or nuisance complaints should be forwarded to Environmental Protection. A condition limiting internal noise levels is also not considered necessary as this can be covered by the noise insulation details.</p>

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i The principle of the change of use
- ii Residential amenity
- iii Parking and highway safety

### The principle of the change of use

- 9.2 The proposed area for the flat currently spans across 2 existing uses, with the majority of the existing floor space being used as a Chiropractors, which falls within the D1 use class (Non-residential institutions) and the remainder in use as an office (B1 use class). A prior approval application has recently been approved under reference number 19/00867/CLASSO which proposes to convert the majority of the office space into residential (2 x bedroom flat) with the remainder proposed for conversion under this application. Policy NP/E1.1 of the Ascot Sunninghill and Sunningdale Neighbourhood Plan sets out that applications will not be permitted where it is proposed to change the use from one that provides jobs to one that does not. Whilst there is conflict with this policy the majority of the office space has already been granted prior approval for conversion into residential and the remainder of the space, which amounts to just 18sqm would not be viable for use as an office once this permission is implemented. It is also possible to convert the whole of the office space under the prior approval process if desired.
- 9.3 Local Plan policy CF1 also sets out that the Council will not permit the loss of existing community facilities unless it is satisfied that there is no longer a need for them; or an acceptable alternative provision is to be made elsewhere. A D1 use typically can be considered to be a community facility or have the potential to provide one due to uses such as health centres, schools, nurseries, libraries and places of worship all falling within this use class. Paragraph 92 of the National Planning Policy Framework (NPPF) also guards against the loss of valued facilities and services, particularly where this would reduce the ability of the community to meet its day to day needs. Whilst the current use as a Chiropractor could be classed as a community facility it is not considered a service required in meeting the communities day to day needs. Due to the size of the D1 use, which is just 50sqm, its proximity to existing and approved residential units and the highway issues experienced in the area, it would also not lend itself towards other more traditional community facility uses. Whilst there is some conflict with policy D1 this is considered to be outweighed by other considerations, as set out in the planning balance section below.
- 9.4 The proposal does not involve any external alterations to the building and as such there will be no direct impact on the street scene. To the rear of the property there is an area of hardstanding which will be marked out for parking and where cycle and refuse facilities for the flats will be provided within dedicated stores. This will improve the appearance of this area, which appeared run down during the site visit. During the site visit it was also noted that there is a separate area of hardstanding to the rear, which is accessed via School Road and is used to store cages and refuse facilities for the One Stop Shop. The proposal does not impact on this area and as such it can be continued to be used as existing. It is noted that one of the neighbours has raised concerns about the upkeep of this area, however this is an existing situation and would not be impacted by the proposed development which relates to the first floor only and not the One Stop Shop itself. The proposal is considered to comply with the design principles set out in policy DG1, H10 and H11 of the Local Plan and NP/DG3 of the Neighbourhood Plan as well as policies SP2 and SP3 of the submission version of the emerging Borough Local Plan.

### **Residential amenity**

- 9.5 Paragraph 127 (f) of the NPPF requires planning to create places that are safe, inclusive and accessible, which promote health and wellbeing, with a high standard of amenity for existing and future occupiers. The proposed flat has a floor space of approximately 69sqm or 80sqm including the storage area within the loft, making it in line with the standards set out in the technical housing standards. The flat would also receive high levels of light with the main bedroom and the kitchen/living area both being multi-aspect with good sized windows serving all rooms. The One Stop Shop has air conditioning units which are outside of the kitchen/living area windows, however the Environmental Protection Officer is satisfied that any noise from this can be mitigated through the use of suitable sound insulation measures and has suggested conditions to secure this. No outdoor space is provided for the flat, however given its village centre location and the higher density of development within such areas, future occupiers would not necessarily expect a garden area. The flat would also be in a highly sustainable location in close proximity to shops and other services and is only 800m from Victory Fields which is a public park. It is noted that the Parish Council have objected as the access to the flat is unsafe due to conflicts with the back of house access to the shop, however, there is a large area to the rear which is considered

sufficient to serve the needs of both the residential and retail uses and the flat will be accessed directly from the car park for the residential units. Overall it is considered that the future occupiers would be provided with a satisfactory standard of living and amenity standards and the proposal would accord with the NPPF.

- 9.6 The proposed development would not impact on the amenity of existing occupiers due to no external alterations being proposed. Any noise generated from the property is also unlikely to cause disturbances to neighbours due to the area being built up and containing a large number of noise generating properties already.

### **Parking and highway safety**

- 9.7 Policy P4 and the Borough's adopted parking standards set out that 2 bedroom properties should be provided with 2 car parking spaces. Policy NP/T1 of the Neighbourhood Plan also sets out that development proposals must make adequate provision for parking and access for deliveries, service vehicles, tradesmen and residents and their visitors. To the rear of the site is an area of hardstanding which will be marked out to provide 6 car parking spaces, 2 for each flat (existing flat, flat approved under prior approval application and the proposed flat). There is not much room on site for delivery vehicles etc. however, the existing use as an office and chiropractor would generate more traffic movements than the flat and as such this is considered acceptable. A neighbour has raised an issue with parking along School Road, however this is an existing situation and given that the development would be provided with sufficient on site car parking and would result in a reduction in vehicle movements compared to a B1 and D1 use the development will not worsen parking and highway safety issues. The flat will make use of the existing access off of the High Street which has good visibility in both directions. The proposal complies with policies P4 of the local plan, NP/T1 of the Neighbourhood plan as well as IF2 of the submission version of the emerging Borough Local Plan.

### **Other Material Considerations**

#### Thames Basin Heaths Special Protection Area

- 9.8 Part of this Borough lies within the development management remit of a Special Protection Area (The Thames Basin Heaths Special Protection Area) (TBH SPA). Natural England has demonstrated that the new population arising from residential development at a distance of up to 5km from the TBH SPA can have a "significant effect" by causing disturbance to the breeding of rare bird populations due to the impact of residents' recreational activities, particularly walking and walking with dogs. As such mitigation against the likely significant impacts upon the TBH SPA is required and it is normal for this to be secured via financial contributions towards the Council's SANG (Suitable Alternative Natural Greenspace) (Allen's Field) and SAMM (Strategic Access Management and Monitoring) to encourage people to use the recreation ground Allen's Field rather than the TBH SPA. The Council's Legal Officers have been instructed to draft an agreement which secures the required mitigation, however at the time of writing this has not been secured. It is recommended that the panel defer the application back to the Head of Planning to determine the application following the completion of this agreement.

#### Housing Land Supply

- 9.9 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

*For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- 1 *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

- 2 *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

9.10 Footnote 7 of the NPPF (2019) clarifies that:

*'Out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).'*

9.11 The BLPSV is not yet adopted planning policy and the Council's adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply (5hyr hls) is the 'standard method' as set out in the NPPF (2019).

9.12 At the time of writing, the Council is able to demonstrate 4.62 years of housing land supply. Therefore, for the purpose of this planning application the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).

9.13 Whilst the application site is within 5km of the Thames Basin Heaths Special Protection Area it is considered following the application of the appropriate assessment and consultation with Natural England that subject to the securing of mitigation as set out in paragraph 9.8 above that the development proposal would not have an adverse effect on this protected area as identified in footnote 6 of paragraph 11 d(i) of the NPPF. As such there is no clear reason for refusing the application as per paragraph 11 d(i) and paragraph d(ii) commonly known as the 'Tilted Balance' is engaged. The assessment of this and the wider balancing exercise is set out below in the conclusion.

## **10. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

10.1 The development is CIL liable. The proposed floor space of the dwellings is 80sqm

## **11. PLANNING BALANCE AND CONCLUSION**

11.1 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out in paragraphs 9.9 to 9.13 for the purpose of considering this planning application the Council cannot currently demonstrate a rolling five years housing land supply against the NPPF (2019) and in this instance the so-called tilted balance is engaged. For decision making this means approving development proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

11.2 The proposal would result in some harm and a conflict with policy NP/E1.1 of the Neighbourhood Plan and policy CF1 of the Local Plan due to the loss of an employment use and a community facility. More detail on this harm is set out in paragraphs 9.2 and 9.3 above, however, in conclusion this harm is given limited weight. This is due to the viability of the office should the prior approval to convert the rest of the office be implemented as well as the low value the chiropractor has in terms of meeting the day to day needs of the community and its appropriateness for use by other community facilities. The entire office space could also be converted to a residential use under a prior approval application without the need to consider the loss of employment. Furthermore paragraph 14 of the NPPF sets out that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided that the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made and the neighbourhood plan contains policies and allocations to meet its identified housing



requirement. The Ascot Sunninghill and Sunningdale Neighbourhood Plan fails on both accounts and as such policy NP/E1.1 which aims to retain employment uses within Sunninghill is afforded limited weight in this instance.

- 11.3 In favour of the scheme the proposal will provide an additional unit towards the Borough's Housing stock in a sustainable location which is afforded moderate weight. There would also be some limited economic benefits, however, as the scheme is only for one unit the impact of this additional spend in the local economy would be limited. The economic benefits of the proposal are only given limited weight.
- 11.4 Paragraphs 11.2 and 11.3 identify the benefits of this proposed development, along with the harm. Overall and having due regard for the tilted balance, it is, in this instance, not considered that the identified harm would significantly and demonstrably outweigh the benefits and the application is therefore recommended for approval.

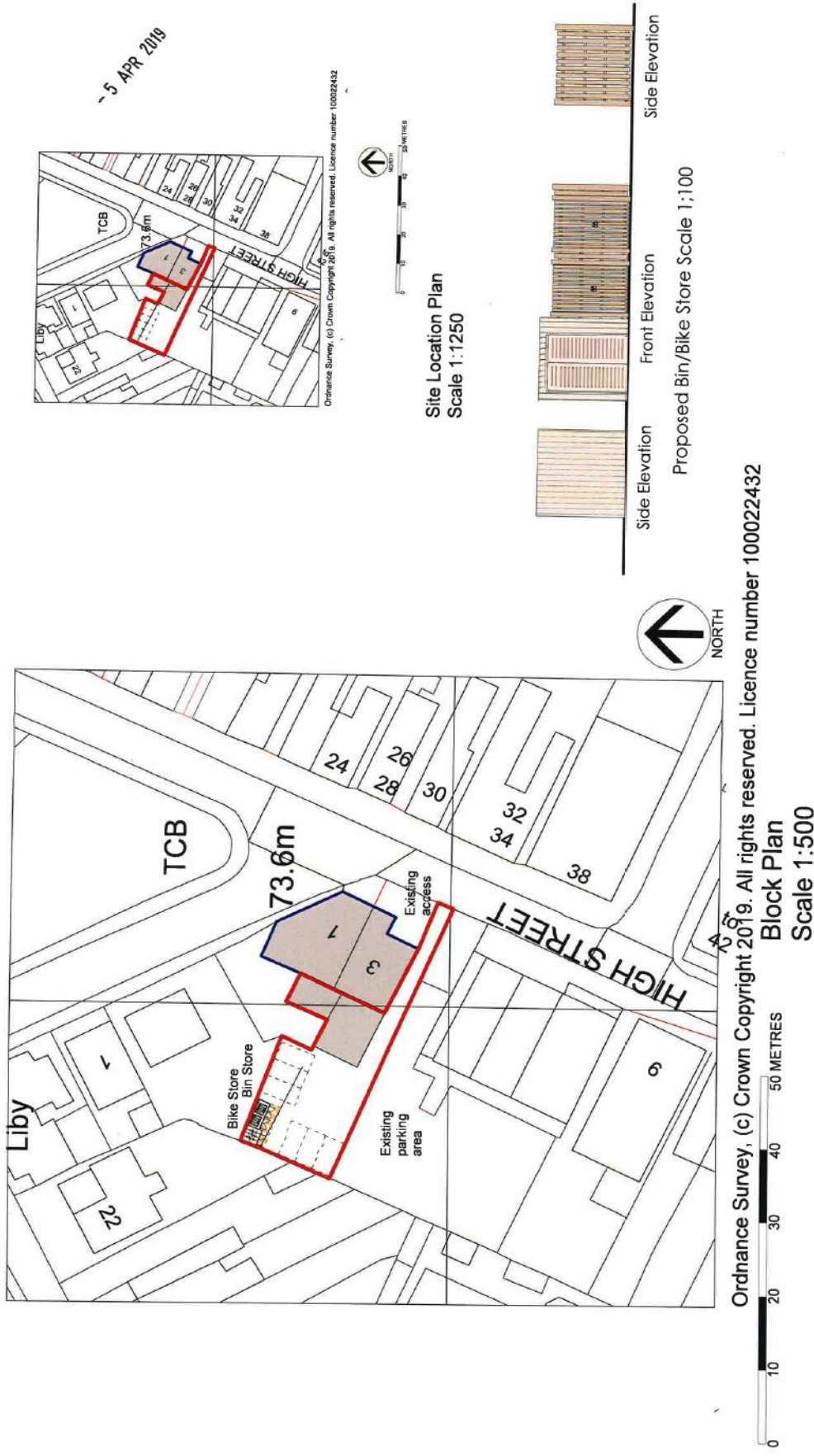
## 12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and layout
- Appendix B – Proposed floor plan

## 13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No part of the new development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.  
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.
- 3 No part of the new development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.  
Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1.
- 4 No part of the new development 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.  
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
- 5 Details of all the measures to be taken to acoustically insulate all habitable rooms of the residential development hereby permitted against commercial noise from the A1 unit on the ground floor and its plant equipment, together with details of the methods of providing acoustic ventilation to habitable rooms shall be submitted to the Local Planning Authority and approved in writing before development commences.  
Reason: To protect the residential amenities of the development and to accord with the Local Plan Policy NAP3.
- 6 The development hereby permitted shall be carried out in accordance with the approved plans listed below.  
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

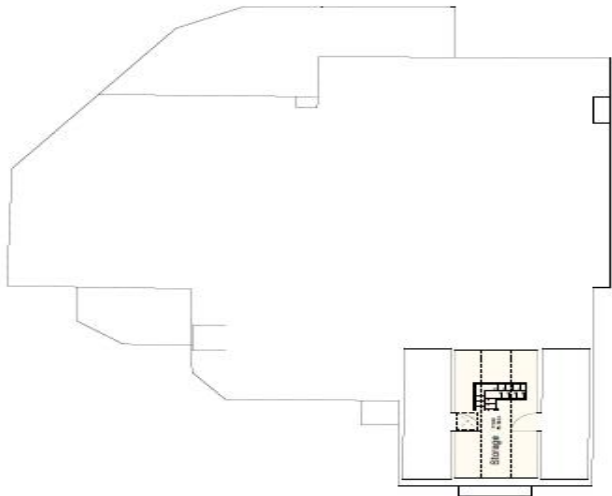
Appendix A – Site location plan and layout



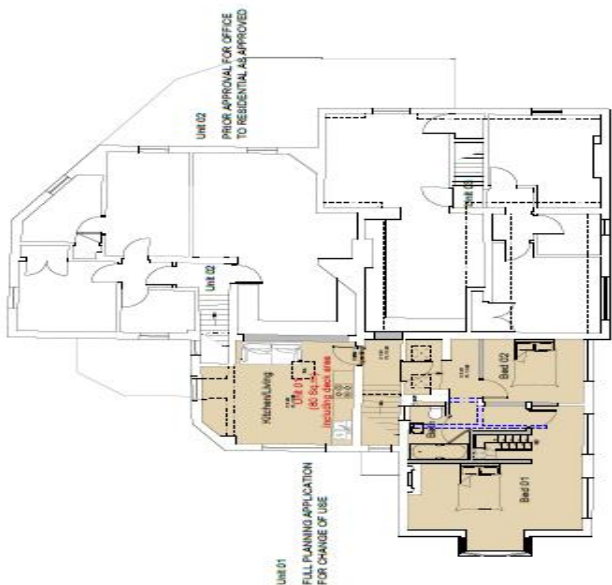
Ordnance Survey, (c) Crown Copyright 2019. All rights reserved. Licence number 100022432  
 Block Plan  
 Scale 1:500

CLIENT	PROJECT	13 High Street Sunninghill	HURRELL ARCHITECTURE
	DRAWING	Block & Location Plans	
DATE		Feb 2019	HURRELL ARCHITECTURE 24 Broad Street Alresford SO24 9AQ t 01962 736 761 e mail@hurrellarchitecture.co.uk
SCALE @ A3		1:500 & 1:250	
WORKSTAGE		REVISION	
Dimensions to be checked on site. All in millimetres unless stated otherwise. For any other dimensions, please refer to the written permission of HURRELL ARCHITECTURE LIMITED.			

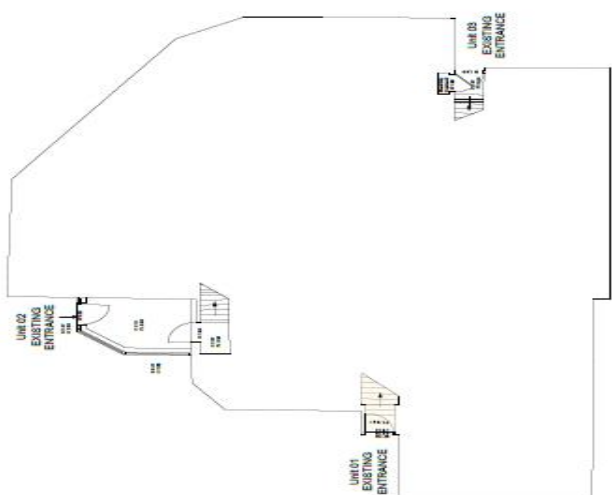
# Appendix B – Proposed floor plan



Loft Plan



First Floor



Ground Floor