

Agenda Item 10.

Application Number	Expiry Date	Parish	Ward
201050	10/07/2020	Wokingham	Wescott

Applicant	Wokingham Borough Council
Site Address	Spin Bar, Alexandra House, Alexandra Court, Wokingham, RG40 2LD
Proposal	Full planning application for the change of use of night club on the ground floor of Alexandra House to a flexible mixed use comprising A1 (Retail), A2 (Financial and Professional Services), A3 (Cafes and Restaurants), A4 (Drinking Establishments), and/or A5 (Hot Food Takeaways) and B1(a) (Office) plus changes to fenestration at ground floor. Part retrospective.
Type	Full
PS Category	20
Officer	Natalie Jarman
Reason for determination by committee	Applicant is Wokingham Borough Council

FOR CONSIDERATION BY	Planning Committee on Wednesday, 10 June 2020
REPORT PREPARED BY	Assistant Director – Place

SUMMARY
<p>This planning application is before the planning committee as the application is made and the land is owned by Wokingham Borough Council and involves an increase in staff numbers.</p> <p>This is a proposal for change of use to a flexible mixed use comprising A1 (Retail), A2 (Financial and Professional Services), A3 (Cafes and Restaurants), A4 (Drinking Establishments), and/or A5 (Hot Food Takeaways) and B1a (Office) plus changes to fenestration at ground floor. Part retrospective.</p> <p>Members may recall considering an application at the building in May 2019 for change of use of the ground floor from 'Spin and Night club' to a mixed use comprising retail (use class A1) and Business (use class B1a), plus changes to fenestration to ground floor.</p> <p>The proposal would provide 264 square metres of additional office floor space and four retail (A1/A2/A3/A4 and/or A5) units ranging between 46 to 47 square metres. The proposed office and retail use classes are considered acceptable given the site's town centre location. The proposal would not result in the loss of any Use Class B floor space.</p> <p>The proposed external changes would respect the character and appearance of the application building and the surrounding Conservation Area, subject to a condition being secured requiring the external finishes to match those on the building. The proposed change of use would not cause undue harm upon the amenities enjoyed by neighbouring occupiers.</p> <p>This planning application does not provide any allocated parking. However, given its town centre location and close proximity to Elms Road Car Park, this arrangement is considered acceptable and is unlikely to cause parking stress on the surrounding streets.</p>

The proposal would comply with development plan policy and is recommended for approval, subject to conditions.

PLANNING STATUS

- Major Development Location: Wokingham
- Town Centre
- Primary Shopping Area
- Conservation Area
- Archaeological Site
- Wokingham Borough Council owned land
- Nitrate Vulnerable Zones Groundwater and Surfacewater: Emmbrook
- Bat Roost Habitat Suitability
- SSSI Impact Risk Zone
- Thames Basin Heath: Special Protection Zone (7km)
- Aerodrome Safeguarding: Heathrow
- Submitted Site Local Plan Update
- Affordable Housing Thresholds

RECOMMENDATION

That the committee authorise the GRANT OF PLANNING PERMISSION subject to the following conditions and informatives:

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of s.91 of the Town and Country Planning Act 1990 (as amended by s.51 of the Planning and Compulsory Purchase Act 2004).

2. This permission is in respect of the submitted application plans and drawings numbered Floor Plans (existing) (4075.1002 PL1), Elevations (proposed) (4075.2001 PL1), Floor Plans (proposed) (4075.1003 PL1), Elevations (proposed) 4075.2002 PL1), Location and Site Plans (4075.9001 PL2), Design and Access Statement prepared by David Smith 28/04/20 and Planning Statement prepared by David Smith 28/04/20 received by the local planning authority on 29th April 2020. The development shall be carried out in accordance with the approved details unless other minor variations are agreed in writing after the date of this permission and before implementation with the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the application form and associated details hereby approved.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be of a similar appearance to those used in the existing building unless other minor variations are agreed in writing after the date of this permission and before implementation with the Local Planning Authority.

Reason: To ensure that the external appearance of the building is satisfactory. Relevant policy: Policies CP1 and CP3 of the adopted Wokingham Borough Core Strategy (2010).

4. Restriction of use - 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), the units as shown on the approved proposed ground floor plan shall only be used for A1/A2/A3/A4 and/or A5 and the remainder of the ground floor as B1(a) office purposes as defined by the Town and Country Planning [Use Classes] Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In granting this permission the local planning authority has had regard to the special circumstances of this case and wishes to have the opportunity of exercising control over any subsequent alternative use in the interests of the amenities of the area. Relevant policy: Core Strategy policies CP1, CP3 & CP13, and Managing Development Delivery Local Plan policy TB15.

5. No customer shall be permitted on any Class A3 restaurant and cafe, A4 drinking establishments or A5 hot food takeaways premises hereby permitted outside the hours of 07:00 and 24:00.

Reason: To safeguard residential amenities Relevant Policies: Core Strategy policies CP1, CP3 and CP14 and Managing Development Delivery Local Plan policy CC06.

6. The sound rating level (established in accordance with BS4142:2014) of any plant, machinery and equipment installed or operated in connection with this permission shall not exceed, at any time, the prevailing background sound level at the nearest residential or noise sensitive property. If the plant, machinery or equipment is to be enclosed details of the enclosure shall be sent to the local planning authority for their approval before the use of the unit commences.

Reason: To protect the occupants of nearby residential properties from noise.

7. Prior to the installation of any fume extraction, mechanical ventilation or filtration equipment which may be required as part of the use hereby approved, details including the height, position, design and materials of such equipment shall be submitted to and approved in writing by the local planning authority. The equipment shall thereafter be retained, operated and maintained in its approved form and in accordance with the manufacturer's recommendations for so long as the use hereby permitted remains on site.

Reason: In order to safeguard the amenities of adjoining properties and to ensure the satisfactory appearance of any mechanical equipment. Relevant policy: Core Strategy policy CP3.

8. Prior to the commencement of any A3/A4/A5 use, a scheme of works to minimise the emission of cooking odours shall be submitted to the Local Planning Authority for written approval. The permitted use shall not commence until the odour mitigation measures, as set out in the approved scheme, have been implemented. The odour mitigation measures shall be maintained and retained for the duration of the development.

Reason: In the interests of the amenities of neighbouring occupiers. Relevant policy: Core Strategy policy CP3.

Informatives:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant. The decision to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the NPPF is considered to be a positive outcome of these discussions.

2. This permission does not convey or imply any approval or consent that may be required for the display of advertisements on the site for which a separate Advertisement Consent application may be required. You should be aware that the display of advertisements without the necessary consent is a criminal offence liable to criminal prosecution proceedings through the courts.

RELEVANT PLANNING HISTORY		
Application Number	Proposal	Decision
192004	Full application for the proposed erection of a single storey rear extension to form a boiler room, following the demolition of existing smoking shelter at Alexandria House.	Approved on 22 nd October 2019.
190395	Full planning application for the proposed change of use of ground floor from 'Spin and Night club' to mixed use comprising retail (use class A1) and Business (use class B1a), plus changes to fenestration to ground floor.	Approved on 08 th May 2019
170695	Full planning application for the part change of ground floor night club from A5 back to Sui Generis.	Not proceeded with
121789	Application for the proposed part change of use of ground floor nightclub to A5 takeaway to serve internal and external customers.	Approved on 5 th April 2013.
VAR/2010/0984	Application for variation of Condition 1 of appeal planning consent F/2008/1976 to extend opening hours from 02.30 to 03.30 daily (at Spin Bar Exa House).	Approved on 22 nd July 2010

F/2008/1976	Proposed change of use from A4 (drinking establishments) to Sui Generis (nightclub) including extension of hours (at Exa House).	Refused on 4 th September 2008 Allowed at appeal on 29 th April 2009
VAR/2008/1257	Proposed variation to condition 9 of consent F/2002/4915 to extend opening hours for the supply of food and drink from 9:00-23:20 to 9.00 to 2.30 (at Exa House)	Withdrawn
VAR/2007/1073	Application for variation to condition 9 of approval F/2002/4915 to extend opening hours for the supply or consumption of food or drink from 09:00 - 23.20 on any day to 09:00 - 02:30 on any day.	Refused on 11 th June 2007.
F/2005/4915	Proposed extension to office building (B1a) and change of use of ground floor from B1a office use to A1, A2, A3 & A4 (shops, financial and professional service, restaurants and pub/bar) use (at Exa House).	Approved on 14 th December 2005.
F/2001/3437	Proposed three storey extension to office building for (B1) office use (at Exa House).	Withdrawn

SUMMARY INFORMATION

For Commercial

Site Area	887m ²
Previous land use(s) and floorspace(s)	Sui Generis (418m ²) and Office Entrance (41m ²)
Proposed floorspace of each use	Office (264m ²) and (195m ²)
Change in floorspace (+/-)	No increase in floor space
Number of jobs created/lost	10 full time jobs created
Existing parking spaces	None
Proposed parking spaces	None

CONSULTATION RESPONSES	
WBC Environmental Health	Recommend approval with conditions.
WBC Drainage	Recommend approval with no conditions.
WBC Highways	Recommend approval with no conditions.
WBC Growth & Delivery	Broadly supported by the town centre development plan policies, particularly CP14 of the Core Strategy and TB15 of the MDD.
WBC Cleaner & Greener (Waste Services)	No comments received.
WBC Conservation	Recommend approval with no conditions.

REPRESENTATIONS
<p>Town/Parish Council: Wokingham Town Council: If one or more the units is a restaurant / bar Wokingham Town Council would not support anything opening later than the Giggling Squid.</p> <p><i>Officer Comment: The Giggling Squid has planning permission to be open 09:00-23:20 (LPA ref: VAR/2002/6859). It should also be noted that the previous occupier of the building, Spin Bar had permission to 03.30.</i></p> <p>Local Members: No comments received</p> <p>Neighbours: No comments received</p>

APPLICANTS POINTS
<ul style="list-style-type: none"> • Application supported by a Planning Statement and Design and Access Statement. • Works commenced 21st October 2019. • Substantially implemented planning permission granted in May 2019 (LPA ref: 190395). • Physical works as approved. • Parking area to the west. • Elms Field planning permission (LPA ref: 153125) included use of units A3-A5 and included a condition restricting hours of operation, applicant willing to accept the same with this proposal.

PLANNING POLICY		
National Policy	NPPF	National Planning Policy Framework
Adopted Core Strategy DPD 2010	CP1	Sustainable Development
	CP2	Inclusive Communities
	CP3	General Principles for Development
	CP6	Managing Travel Demand
	CP7	Biodiversity
	CP8	Thames Basin Heaths Special Protection Area
	CP9	Scale and Location of Development Proposals
	CP13	Town Centres and Shopping
	CP14	Growth and Renaissance of Wokingham Town Centre
	CP15	Employment Development
Adopted Managing Development Delivery Local Plan 2014	CC01	Presumption in Favour of Sustainable Development
	CC02	Development Limits
	CC03	Green Infrastructure, Trees and Landscaping
	CC04	Sustainable Design and Construction
	CC05	Renewable energy and decentralised energy networks
	CC06	Noise
	CC07	Parking
	CC09	Development and Flood Risk (from all sources)
	CC10	Sustainable Drainage
	TB15	Major Town, and Small Town/District Centre Development
	TB16	Development for Town Centre Uses
	TB20	Service Arrangements and Deliveries for Employment and Retail Use
	TB21	Landscape Character
	TB23	Biodiversity and Development
	TB24	Designated Heritage Assets
Supplementary Planning Documents (SPD)	BDG	Borough Design Guide – Section 4

PLANNING ISSUES

Site and Surroundings:

1. The application site comprises a three storey building known as Alexandra House. The building is currently being refurbished, prior to that the building was occupied by Spin Club and Night Club (sui generis use) on the ground floor and office space on the first and second floor.
2. The building is located within Wokingham Town Centre and Primary Shopping Area. The property is located within Wokingham Town Centre Conservation Area.
3. The application site is located within Alexandra Court where there are other commercial units including a Hairdressers, Restaurant and Public House.

Description of Development:

4. Full planning permission is sought for the change of use of the night club located on the ground floor of Alexandra House to a flexible mixed use comprising A1 (Retail), A2 (Financial and Professional Services), A3 (Cafes and Restaurants), A4 (Drinking Establishments), and/or A5 (Hot Food Takeaways) and Business B1(a) (Office) plus changes to fenestration at ground floor. The application is part retrospective as the changes to the fenestration have already taken place.
5. The proposal intends a dual-use permission (granted under permitted development Class V of Part 3 of Schedule 2 of the General Permitted Development (England) Order (2015) (Changes of Use) whereby planning permission for separate uses that can be used flexibly and interchanged over a 10 year period can be applied for. Whichever use is in operation at the end of that 10 year period becomes the established lawful use of the property.
6. The proposed office space at the rear of the ground floor measures 264 square metres to serve as a reception area, meeting rooms, kitchenette and store room. Four retail units are proposed measuring between 46 and 47 square metres with flexible mixed use comprising A1 (Retail), A2 (Financial and Professional Services), A3 (Cafes and Restaurants), A4 (Drinking Establishments), and/or A5 (Hot Food Takeaways) is sought.
7. Access to the retail units would be from the northern elevation facing the courtyard. There would be a separate entrance to the office accommodation at the eastern end of the building. Changes to the fenestration and door arrangements are proposed in order to facilitate the proposed new access points to the building.
8. The proposal would create 10 full-time job opportunities.

Planning History :

9. Planning permission was granted in May 2019 for change of use of ground floor from 'Spin and Night club' to mixed use comprising retail (use class A1) and Business (use class B1a), plus changes to fenestration to ground floor. The proposed office space measured 264 square metres to serve as a reception area, meeting rooms, kitchenette and store room. Four A1 retail units were proposed measuring between 46 and 47 square metres.

10. Planning permission was granted at appeal in April 2009 for change of use from A4 (drinking establishments) to Sui Generis (Night Club) including extension of hours.
11. In considering the May 2019 application the view was taken that the ground floor of Alexandra House was sui generis.

Principle of Development:

12. On the 23rd March 2020 the Chief Planning Officer gave initial advice on the implications for local planning authorities, including to support pubs and restaurants and ensure access to food during the emergency period. There are new national permitted development rights that will enable pubs, restaurants and cafes to operate temporarily as hot food takeaways (A5 use class). To give greater flexibility, the permitted development rights will also seek to cover cold and pre prepared food and will allow for takeaway and delivery. The pub, restaurant or café will remain in its current use class during this period. The permitted development rights will be time limited to 12 months. Beyond this time, a planning application would be required for continued use as a takeaway.
13. The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan (MDD) Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.
14. Policy CC02 of the MDD sets out the development limits for each settlement as defined on the policies map and therefore replaces the proposals map adopted through the Core Strategy, as per the requirement of policy CP9. Policy CP9 sets out that development proposals located within development limits will be acceptable in principle, having regard to the service provisions associated with the major, modest and limited categories. As the site is within a major development location, the proposal is acceptable in principle.
15. Policy CP13 of the Core Strategy states that Wokingham town centre, in conjunction with other town centres, district centres and village centres within the Borough are suitable in principle to accommodate town centre uses. The supporting text defines town centre uses as retailing, entertainment, arts and culture, indoor recreation, leisure, health, community and office uses. Policy CP14 of the Core Strategy states that Wokingham, as a major town centre in Berkshire, is considered suitable for growth.
16. Policy TB15 of the MDD establishes that proposals for main town centre uses (as defined in the NPPF) should demonstrate that they are “of a scale and form that is compatible with the retail character of the centre and its role in the hierarchy of retail centres”. They should also demonstrate that “they contribute to the provision of day and evening/night-time uses” and are compatible with other uses and “enhance vitality and viability”. The property is not designated as Primary or Secondary Shopping Frontage. The policy also supports the provision of office uses in vacant or under used units above ground-floor town centre uses where a suitable/appropriate level of amenity for occupants can be provided.

17. The proposed use of the ground floor space for retail (use class A1, A2, A3, A4 and/or A5) and office (use class B1a) purposes would provide an appropriate town centre use within a building that is situated in a town centre location. Prior to the building being refurbished the building was last in use as a night club, a sui generis use, however, the nightclub was not in operation and the building had been vacant for a period of time. Planning permission has been granted for change of use to A1, this use has not yet been implemented. Notwithstanding the planning permission for use of the ground in A1 has been implemented through the alterations to the ground floor fenestrations. The May 2019 permission also granted permission for the office use at the rear of the building, similar to the current proposal.
18. There are no policies set out in the Development Plan which seeks the protection of nightclubs, and it should be noted that there is an existing Public House in close proximity to the application site (i.e. The Gig House). It is therefore considered that the proposed office and retail uses would complement the surrounding context, particularly noting the strategic mixed use scheme currently being constructed to the south of the application site at 'Land between Wellington Road and Shute End (Elms Field and Paddocks Car Park)'.
19. The proposed office accommodation is proposed to be located to the rear of the building and the proposed access to the existing office accommodation has already been established. The proposed retail units are considered to be of a scale and form that is compatible with the retail character of the centre. The proposal is for flexible mixed use comprising A1 (Retail), A2 (Financial and Professional Services), A3 (Cafes and Restaurants), A4 (Drinking Establishments), and/or A5 (Hot Food Takeaways) which would contribute to the provision of day and evening/night time uses. The proposal would introduce retail floor space into floor space which was formerly a night club, a sui generis use enhancing the vitality and viability of the area.
20. The applicant seeks flexible planning permission to allow the site to be occupied within five 'A' uses to secure occupiers for the four units. Given that the use would fall within class 'A', it is considered this would be of an appropriate scale and form in relation to the wider Wokingham town centre which benefits from retail units of varying types and scales. Whilst the application site does have permission to be in A1 use, the use has not yet been implemented and the previous use was sui generis as a Night Club. The flexibility of the permission could be controlled by condition.
21. Uses including A3/A4/A5 can satisfactorily contribute to day and night-time economies. Furthermore, the units would still encourage visits to the site which may lead to linked trips in order to visit other units. The proposal includes the provision of A1 with a flexibility that would allow the site to be occupied even when there is a lack of interest for A1 retail use, it is considered that it would enhance the vitality and viability of the town centre.
22. Given the above, it is considered that the principle of the proposed change of use is acceptable in planning policy terms.

Character of the Area:

23. Policy CP1 of the Core Strategy states that planning permission will be granted for development proposals that maintain or enhance the high quality of the environment. Policy CP3 of the Core Strategy states planning permission will be granted if development is of an appropriate scale of activity, mass, layout, built form, height, materials and character to the area together with a high quality of design without detriment to the amenities of adjoining land users including open spaces or occupiers and their quality of life.
24. Policy TB24 of the Managing Development Delivery Local Plan (MDD) states that the Borough Council will conserve and seek the enhancement of designated heritage assets in the Borough and their setting.
25. Alexandra House is not a designated heritage asset, but it is located within the Wokingham Town Centre Conservation Area. It is noted that the site is also located near to a number of neighbouring listed buildings. The subject building is a modern building set back from Denmark Street to the rear of a block of listed buildings. The proposed changes involves new door openings and fenestration changes along the northern and eastern elevations. It is considered that the proposed external changes would be in-keeping with the architectural style of the application building, and would respect the overall character and appearance of the Conservation Area.
26. The Council's Conservation Officer has raised no objection to this application. The previously recommended condition requiring the materials to match those on the building has been carried forward.
27. The Conservation Officer did note that further consideration perhaps needs be given to the fenestration form of the retail units to accommodate an expected need for signage for each retail unit. The Conservation Officer raised concern that the proposals do not cater for signage to be incorporated into the frontages or be housed in a defined space over. Concern is raised by the Conservation Officer expected need for signage it may end up as an ad hoc approach to the form size and location of signage that could be to the diminishment of the overall appearance of Alexandra House. However, these are the proposals submitted and the units take a similar form to those within the Elms Field development and these elements already have permission in May 2019. Signage proposals would be considered on their own merit. An informative is recommended advising of a need for the need to obtain Advertisement Consent for signage. The subject site is located within a modern retail development and the proposed aluminium shopfront is considered to be in keeping with the character of the Alexandra Court. As such, it is considered that the proposal would not have a harmful impact upon the character and appearance of the building or surrounding Conservation Area. This would be compliant with policies CP1 and CP3 of the Core Strategy and Policy TB24 of the MDD.
28. The proposed change of use to flexible A1/2/3/4/5 is not considered to have any additional impact on the character of the town centre since other ground floor units are of mixed retail use including banks, restaurants and takeaways. As such, the proposal is considered to be in keeping with the general retail character of the area.

Residential Amenities:

29. Policy CP3 of the Core Strategy aims to ensure that there is no detrimental impact upon neighbour amenity. Policy CC06 of the MDD states that the noise impact of the development must be assessed. The application site prior to being refurbished was a Night Club, a Sui Generis use. It is also noted that the site is within close proximity to other commercial units and business premises, notably a Public House, hairdressers, offices and restaurants.
30. The nearest residential development are the flats located at The Plaza and Regent Court. However, given the surrounding context and the previous occupier of the application site, it is considered that the proposed mixed retail (A1/2/3/4/5) and office (use class B1a) uses would not result in an unacceptable impact upon the living conditions of neighbouring occupiers in terms of noise and disturbance, and would be reflective of the other uses nearby.
31. If approved, a condition would be secured restricting the hours of operation of the proposed retail units.
32. The only physical changes to the building is to the accesses to the building, it is not considered that these changes would have any harmful impact on residential amenity in terms of loss of light, overbearing or overlooking.
33. There is the potential for all of the units to be occupied by restaurant / take-away premises which may have greater potential for adverse impact than the permitted A1 use. However, arguably the proposed used are less likely to impact local residents than the previous use as a bar and nightclub. The Environmental Health Officer has been consulted on the application who has recommended a restriction on hours of operation in line with nearby building recently consented to prevent operation between 00:00 and 07:00 hours to minimise potential impacts. The condition is suggested in the applicant's accompanying planning statement.
34. The Environmental Health Officer also recommends a condition that the sound rating level (established in accordance with BS4142:2010) of any plant, machinery and equipment installed or operated in connection with this permission shall not exceed, at any time, the prevailing background sound level at the nearest residential or noise sensitive property. If the plant, machinery or equipment is to be enclosed details of the enclosure shall be sent to the local planning authority for their approval before the development commences, to protect occupants of nearby residential properties from noise.
35. In addition it is recommended that a conditions requiring details of any fume extraction, mechanical ventilation or filtration equipment be submitted and agreed nd a scheme of works to minimise the emission of cooking odours for any units in A3/A4 or A5 use.
36. Overall, it is considered that the proposal would not cause undue harm upon the living conditions of neighbouring occupiers, in accordance with policy CP3 of the Core Strategy and Policy CC06 of the MDD.

Access and Movement:

37. Policy CP6 of the Core Strategy seeks to manage travel demand with sustainable travel modes, appropriate vehicle parking and minimisation of traffic impacts. Policy CC07 and Appendix 2 of the MDD sets out the minimum parking requirements for development proposals.
38. It is acknowledged that no parking provision would be provided as part of this planning application. However, consideration must be given to the location of the site.
39. The site is located in the town centre meaning that potential customers of the proposed retail units and users of the office space would have good access to public transport, and would not necessarily be reliant upon driving. For those customers or employees who wish to drive, it is noted that 'Elms Road Car Park' is within a relatively short walking distance to the site. With regards to servicing, there is an existing vehicular access point along Elms Road that other commercial units currently use for deliveries and servicing.
40. The Council's Highway Officer has raised no objection to this application on parking or highway grounds.
41. On this basis, it is considered that proposal would not result in unacceptable parking pressures on surrounding streets or prejudice highway safety.

Flooding and Drainage:

42. The existing building is within flood zone 1 with no increase in the existing building footprint. The application has been reviewed by the Council's Drainage Engineer who has no objection to the principle of the development, as proposed.

Community Infrastructure Levy (CIL), Special Protection Area (SPA) & Affordable Housing:

43. *Community Infrastructure Levy:* As the proposal is for the change of use and there is no additional floorspace proposed, the development is not CIL liable in accordance with the adopted CIL charging schedule.
44. *Special Protection Area:* The Thames Basin Heaths Special Protection Area (SPA) was designated under European Directive due to its importance for heathland bird species. Policy CP8 of the Core Strategy specifies proposals that provide 50 or more residential units within 7km (linear) will be individually assessed for whether a significant effect upon the SPA is likely to occur in this regard, the site is within the 7km buffer of the Thames Basin Heath Special Protection Area but given the nature of the development, the proposal does not trigger further mitigation or assessment.

The Public Sector Equality Duty (Equality Act 2010)

In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts upon protected groups as a result of the development.

The proposed retail units and office space would be accessible to wheelchair users from the ramp on Denmark Road or the relatively flat pavement on Elms Road. The proposed door entrances would be at least 1.5 metres wide, which would provide sufficient clearance for wheel chairs. Furthermore, there is a lift on the ground floor level of the building for those requiring its service to the first and second floor offices.

CONCLUSION

The proposal complies with the relevant development plan policies and is consistent with the provisions of the NPPF specifically in relation to promoting sustainable development, conserving the environment, protecting neighbouring amenity and highway safety. In the absence of any material considerations of sufficient weight, it is recommended that the proposal be approved subject to conditions.