

Date Published: 28 January 2014



PLANNING COMMITTEE

23 JANUARY 2014

SUPPLEMENTARY PAPERS

TO: ALL MEMBERS OF THE PLANNING COMMITTEE

The following papers were circulated at the above meeting.

Alison Sanders
Director of Corporate Services

Supplementary Report tabled at the meeting

Page No

PLANNING APPLICATIONS

(Head of Development Management)

**The conditions for public speaking have been met in the applications marked 'PS'.
For further information or to register for public speaking, please contact Customer
Services 01344 352000.**

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Agenda Annex

BRACKNELL FOREST BOROUGH COUNCIL
PLANNING COMMITTEE
23rd January 2014
SUPPLEMENTARY REPORT

Correspondence received and matters arising following preparation of the agenda.

Item No: 5
13/00575/OUT

Land At Former TRL Site Nine Mile Ride Crowthorne Berkshire RG40 3GA

ISSUE DATE 23rd January 2014

Additional Representations(attached)received from:

1) RSPB

2) E-mail from Cllr Bruce McKenzie-Boyle - Crowthorne Parish Council and Andy Holley – Crowthorne Village Action Group dated 22.01.2014 and attached “Review of Planning Submission” by Keystone Environmental Limited

[Officer comment: On the 22.01.2014 Cllr Bruce McKenzie-Boyle (Crowthorne Parish Council) and Andy Holley (Crowthorne Village Action Group) submitted a document which purports to cast doubt on the analysis of the impact upon the SPA set out in the Environmental Statement. The appropriate Statutory Consultee, Natural England, has considered this document and responded: “I can confirm this note (“Review of Planning Submission” by Keystone Environmental Limited) does not affect Natural England’s stance on the Thames Basin Heaths SPA at all. There is nothing in that document that worries me, or will lead to us changing our opinion on the SPA.” However there has not been sufficient time to give detailed consideration to the report submitted by Cllr Bruce McKenzie-Boyle and Andy Holley, such consideration will be required before any final determination can be made. This is addressed through an amended to the Officer’s recommendation.

In addition the e-mail notes that the additional information submitted to the Council on 20th December 2013 refers to a technical note not being available on the Council’s website, and therefore could not be considered in the subsequent public consultation, which expired on the 7th January. Cllr Bruce McKenzie-Boyle and Andy Holley therefore submit that the Council cannot determine the application, until all the submitted information is made available for public comment for a period of at least 14 days, in accordance with the General Development Procedure Order 1995. If submitted information is not made publically available then the Council will leave themselves (sic) vulnerable to a judicial review of any decision taken at this week’s planning committee. In response the technical highways note (TN08-TB-W110015-OWR_NMR – Jct Appraisal), is a detailed technical note on junction capacity at the Old Wokingham Road/ Nine Mile Ride Junction that the applicant’s highway consultants provided to BFC and WBC Highways Officers for information purposes. It analyses alternative options for this junction to assist discussion with the two Highway Authorities in the formulation of the most effective improvement scheme for this junction. Ultimately the alternative options were rejected and not taken forward for consideration as part of this planning application. Once the details of the proposed junction works had been agreed with the Highways Authorities, an update was included in the technical note submitted to the Local Planning Authority(LPA) on 20 December 2013 (TN12-ID-W110015-Post Application Transport Discussion Summary). On 20 December, a plan showing the off-site works that had been agreed for the junction (drawing 110015/B/17 Rev C) was also submitted to the LPA for information purposes. Both of these documents were uploaded onto the BFC website on 20 December for public

consultation. In conclusion, the proposed works and the technical information contained in the note do not form part of the planning application and do not, therefore, need to be the subject of public consultation.]

The e-mail concludes that the redevelopment of the TRL represents a significant opportunity for Bracknell Forest to plan and deliver future development in a positive manner that fosters community involvement and confidence, and which enhances existing local infrastructure and natural environments. A previous application for the development of this site has already been taken to appeal at considerable expense to the Council. It is therefore exceptionally important this time that the Council and Planning Committee get it right, and assess the application thoroughly and transparently, so that this development can be held up to the local and wider community as an exemplary case for how development can be planned for positively, proactively, and soundly, and that it can be integrated into the wider community of Crowthorne in the sure and certain knowledge that all the factors that are outstanding have a fulfilment strategy that is appropriate, deliverable and budgeted.[Officer note: The previous appeal related to a very different development and planning policy context. The Council's decision on that application was vindicated at appeal by the Inspector and the Secretary of State. However the fact that that application was ultimately refused does not set a precedent for the determination of this application which must be considered on its own merits in the context of a very different policy framework.]

3) Letter from Mr J Cheal & Mrs A O'Dwyer-Cheal dated 22.01.2014

4) E-mail from Janet Rogers dated 22.01.2014

Additional Consultee responses received:

Environmental Health Officer:

At the time of the EH Officer's original comments the Pavement Testing Facility (PTF) at the TRL site was not in operation and therefore he was unable to assess the noise implications of this facility until it recommenced operations in January. He has now re-visited the PTF in order to observe and take noise measurements of it in action. Noise measurements were taken at intervals of 32, 50, 75, 100 and 300 m South of the building containing the PTF with the PTF off and then the PTF on. This took place between 10.30 am and 11.30 am on 15 Jan 2014.

The PTF was clearly audible at distances of 32, 50 and 75 m South. The sound is similar to the sound of waves crashing onto a stony beach, which some people may like but others may not like. Admittedly once houses have been built this noise may not be audible inside the properties (provided windows and doors are shut.) However there is potential for a statutory nuisance to exist in periods of warmer weather (where future residents would be likely to open windows) or at night (where background noise levels will be significantly lower.)

Since it would be unreasonable to expect future residents to have windows closed at night as a way of not being affected by noise from the PTF, I believe that the best solution would be to require mitigation measures. Paragraph 10.79 of the Environmental Statement and the PTF assessment report suggest:

Locating less noise sensitive buildings in the vicinity of the PTF to screen noise emissions to proposed residential areas;

Provide noise insulation and mechanical ventilation for proposed properties closest to the PTF, with solid fencing / walls around gardens to protect amenity and,

Reduce noise break-out from the PTF by improving the acoustic performance of the walls and roof of the building.

The EH Officer is satisfied with the measures proposed in the Report and has recommended a further condition and informative.

In respect to air quality, the EH Officer believe that measures proposed in the application such as the travel plan and public transport will help to prevent NOx levels from rising beyond a negligible level. There is nothing within the Environmental Statement that suggests that the impact on NOx levels locally will be more than negligible and therefore no objection is made to the application on the basis of Air Quality.

Additional Information from applicant

The applicant has provided the following update on recent discussions with bus operators and Wokingham Borough Council (WBC) about the 122 bus service and connections between the site, Crowthorne Station and to Wokingham

Route – to ensure a good connection from the site to Crowthorne railway station and Wokingham, but to seek to serve during off peak period Lower Wokingham Road and Duke's Ride.

Frequency/Length of Service

- 30 minute frequency between 0600 and 2100 at least between Wokingham and the TRL site and on Sundays an hourly frequency 0700 and 2100.
- evening peak services to align with the train timetable at Crowthorne.

These will be the basic criteria on which detailed discussion about the contribution needed to subsidise this route will take place as part of the detailed discussions to finalise the S106 agreement.

This takes account of confirmation from WBC that they would accept the diversion of the route away from Lower Wokingham Road and Nine Mile Ride as the level of passengers using this section of the route is low. WBC want the possibility of an off peak service being maintained from 1000 to 1600 if this is feasible.

Amendment to Recommendation

1) That subject to the Head of Development Management being satisfied that there is no basis as to why planning permission should be refused by virtue of the matters raised by the RSPB in its letter dated 22nd January 2014 or in the report submitted by Cllr Bruce McKenzie-Boyle and Andy Holley on 22nd January 2014, and in particular that the proposed development will not be likely to adversely affect the integrity of the Thames Basin Heaths SPA, authority to determine the application be delegated to the Head of Development Management upon the completion of planning obligation(s) under Section 106 of the Town and Country Planning Act 1990 relating to:-

1. The provision of an appropriate level of affordable housing;
2. Measures to avoid and mitigate the impact of residential development upon the Thames Basins Heath Special Protection Area (SPA), including the provision in perpetuity of on-site bespoke SANG; a financial contribution towards Strategic Access Management and Monitoring; and any other measures that are required to satisfy Habitat Regulations, the Council's Thames Basins Heaths SPA Avoidance and Mitigation Strategy and relevant guidance.
3. Securing the timely provision of, and contributions to, local facilities and services including:
 - A comprehensive package of on and off-site transport measures (either through provision in kind or a financial contribution towards provision by others) to mitigate the development's impact on roads and encourage sustainable modes of transport;
 - On-site in-kind provision of a Primary School, on sufficient land to allow expansion;
 - Financial contributions towards the provision by others of Secondary education, post-16 education and Special Educational Needs places;

- On-site in-kind provision of a multi-functional community hub;
- A financial contribution towards the provision by others of improvements to existing library facilities;
- A financial contribution towards the provision by others of improvements to existing built sport facilities
- A comprehensive package of on-site, in-kind Open Space of Public Value, in accordance with standards;
- Either the provision in kind, or a financial contribution towards the provision by others of waste recycling facilities.

Where on site and in kind provision is made for infrastructure or services where the intention is that the responsibility for long term management is to be transferred to the Council or other body, in addition a financial contribution towards commuted maintenance and management costs will be sought.

And subject to the following conditions or amendments, additions and deletions thereto as may be necessary....

2) Amended wording is proposed to condition 17 to address concerns that the proposed off-site highway works would run concurrently with the construction of houses. This condition now requires the phasing of these works to be in accordance with phasing strategy to be agreed with BFC under condition 4. In addition it requires that the works to the Old Wokingham Road/ Nine Mile Ride junction and the Old Wokingham Road/ Bracknell Road junction be completed before the occupation of any dwellings.

17. Off-site highway works shall be completed in accordance with phasing set out in the Demolition Construction and Phasing Strategy approved by the Local Planning Authority pursuant to condition 04. No dwelling hereby permitted shall be occupied until the following highway works have been completed:

- i. Improvements to the Old Wokingham Road/ Nine Mile Ride roundabout junction in general accordance with the works shown on drawing 110015/B/17 Rev C;
- ii. Improvements to the Old Wokingham Road/ Bracknell Road junction in general accordance with the improvement identified in Section 7.2 and Table 6.1 of the Local Planning Authority's Infrastructure Delivery Plan (October 2012) or similar works agreed with the Local Planning Authority;
- iii. A new footway / cycleway adjacent to Old Wokingham Road between the site boundary and Bracknell Road as shown on parameter plan 007 and in general accordance with the works shown drawing 110015/B/03 Rev E.

In addition to the above improvements to the Nine Mile Ride/ A3095 junction (Golden Retriever) in general accordance with the improvement identified in Section 7.2 and Table 6.1 of the Local Planning Authority's Infrastructure Delivery Plan (October 2012) shall be completed in accordance with phasing set out in the Demolition Construction and Phasing Strategy approved by the Local Planning Authority pursuant to condition 04.

REASON: In the interests of road safety and the amenities of the locality.
[Relevant Policy: CS CS23; BFBLP M4]

3) An additional condition and associated informative is recommended.

35. The development hereby permitted shall not be begun until a scheme for protecting the proposed dwellings/gardens from noise from the Pavement Testing Facility has been implemented in accordance with the mitigation measures which are to be approved by the Local Planning Authority.

REASON: To ensure that the amenities of the future residents is not adversely affected by noise.
[Relevant Policies: BFBLP EN25]

Informative:

Matters requiring consideration by the scheme will need to include sound attenuation, landscaping, building orientation and design. The scheme should demonstrate that the following noise levels expressed as LAeq.tdB are to be achieved:

Time	Location	Noise Level
0700-2300	Habitable rooms	40 dB(A)
2300-0700	Habitable rooms	35 dB(A)
0700-2300	Garden	55 dB(A)

If fixed shut glazing forms part of the scheme, dwellings should incorporate a specifically designed artificial ventilation system capable of meeting the requirements of the Building Regulations.

Item No: 7

13/00831/FUL

Land At Manor Farm Binfield Road Binfield Bracknell Berkshire

ISSUE DATE 21.01.2014

Correction to Officer Report

p99: The comments are from Warfield, not Binfield, Parish Council

Amendment to Recommendation

Additional matter to be covered by planning obligation:

- on the implementation of the 27 unit scheme the applicant to submit a Notice of Implementation stating which Permission will be implemented and carry out no further works under the earlier permission

(Officer comment: the reason for this is that if planning permission 13/00831/FUL is approved there will be two overlapping extant planning permissions on the site)

ISSUE DATE 23.01.2014

Amendment to Recommendation

Change to wording of one of the matters to be covered by planning obligation:-

- suitable avoidance and mitigation measures and access management monitoring measures to mitigate extra pressure on the Thames Basin Heaths Special Protection Area (to include management of the SANG in accordance with the agreed management plan until it is transferred to Council ownership);

The following conditions should be updated as follows:-

02. The development hereby permitted shall be carried out only in accordance with the following approved plans:-

Site location plan LP-101

Site Layout MF-SL-100A

Materials layout ML-101

Proposed SANG Extension Plan SEP-101

House Type A Elev (Plot 4) A-01

House Type A Plans (Plot 4) A-02

House Type B Plans (Plots 14, 15, 19 and 20) B-01

House Type B Elev (Plots 14, 15, 19 and 20) B-02
 Double car port (Plots 14 and 15) B-03
 House Type C Plans (Plot 16) MF-C-01
 House Type C Elev (Plot 16) MF-C-02A
 House Type F Plans (Plots 17 and 18) F-01
 House Type F Elev (Plots 17 and 18) F-02
 House Type D, E and F1 - Plans (Plots 21, 22, 23-27) MF-AH-01 and 02A
 House Type D, E and F1 - Elev (Plots 21, 22, 23-27) AH-03 and 04A
 Bin & Cycle Store AH-05A
 House Type G Plans G-01A
 House Type G1 Elev (Plots 1, 6, 7 and 13) G-02
 House Type G2 Elev (Plots 8 and 5) G-03A
 House Type G3 Elev (Plot 10) G-04
 House Type H Plans (plots 2 and 12) MF-H-01
 House Type H Elev (plots 2 and 12) MF-H-02
 House Type J Plans J-01A
 House Type J Elev (Plots 3 and 9) J-02
 House Type J Elev (Plot 11) J-03
 Soft Landscape Proposals SLC101TTL2B (off-site tree planting details only)
 Site entrance 19723 DL-101 Rev D
 Buffer zone 19723 DL-102A
 Street elevations SEC101 and 102
 Proposed parking court lighting MFB-1002 Rev A
 External lighting plan 4494.012
 Parking court lamp-post - Luma IP66 (details received 14.01.2014)
 Levels 4494.505 C5 and 505 C4
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

10. There shall be no restrictions on the use of the car parking spaces for visitors shown on the approved plan (Drawing 19723-MF-SLC-101B) for visitors to the dwellings hereby permitted.

REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street parking which would be a danger to other road users.

[Relevant Policy: BFBLP M9]

14. The approved external site lighting serving the parking court to the east of plots 19-27 shown on drawings MFB-1002 Rev A/Luma IP66 shall be installed before the first occupation of plots 19-27 and thereafter retained.

REASON: In the interests of the amenity of the neighbouring property and the character of the area.

[Relevant Plans and Policies: BFBLP EN20, CSDPD CS7]

15. The development hereby permitted shall not be begun until comprehensive details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:-

- a) Comprehensive planting plans of an appropriate scale and level of detail that provides adequate clarity including details of ground preparation and all other operations associated with plant and grass establishment, full schedules of plants, noting species, and detailed plant sizes/root stock specifications, planting layout, proposed numbers/densities locations.
- b) Details of tree planting.
- c) Comprehensive 5 year post planting maintenance schedule.
- d) Underground service and external lighting layout (drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.), both existing reused and proposed new routes.
- e) Means of enclosure (walls and fences etc)
- f) Paving including pedestrian open spaces, paths, patios, proposed materials and construction methods, cycle routes, parking courts, play areas etc.

All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the occupation of any part of the approved development, whichever is sooner, or as may otherwise be agreed in writing by the Local Planning Authority. All hard landscaping works shall be carried and completed prior to the occupation of any part of the approved development. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British 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, unless the Local Planning Authority gives written consent to any variation.

REASON: In the interests of good landscape design and the visual amenity of the area.
[Relevant Policies: BFBLP EN2 and EN20, CSDPD CS7]

24. The development hereby permitted shall not be begun until a scheme for the disposal of surface water on and adjacent to the site affecting Manor Close has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be carried out before work is started on the construction of the houses hereby approved on plots 6-13 (inclusive) and subsequently maintained in accordance with arrangements embodied within the scheme.

REASON: In order to ensure that the development does not adversely affect the provision of adequate surface water drainage to serve Manor Close.

New condition:-

32. No dwelling shall be occupied until the off-site tree planting on land between Manor Farm house and Plot 1 shown on drawing SLC101TTL2B has been undertaken. Any trees 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.

REASON: In the interests of the visual amenity of the area and the setting of Manor Farm as a listed building.

[Relevant Policies: BFBLP EN2 and EN20, CSDPD CS7]

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