

Unrestricted

Date Published: 14 April 2015



**PLANNING COMMITTEE**

**26 FEBRUARY 2015**

**SUPPLEMENTARY REPORT – 26 FEBRUARY 2015**

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**BRACKNELL FOREST BOROUGH COUNCIL**  
**PLANNING COMMITTEE**  
**26th February 2015**  
**SUPPLEMENTARY REPORT**

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**Correspondence received and matters arising following preparation of the agenda.**

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**Item No: 5**  
**14/00813/FUL**  
**1 Dundas Close Bracknell Berkshire RG12 7BX**

ISSUE DATE: 24 February 2015

**Additional Information (page 26/27)**

(i) Highway Authority

The applicant has now addressed the Highway Officer's concerns by submitting vehicle tracking plans for both plots demonstrating that the onsite parking and turning works.

(ii) Berkshire Archaeology

There are some potential archaeological implications with the proposed construction of these dwellings. The site is located in an area with known prehistoric monuments as recorded on the Berkshire Archaeology Historic Environment Record. Any impact can be mitigated by the imposition of a condition that secures a program of works that seeks to record and preserve any archaeological remains that maybe uncovered during the construction of this development.

**Correspondence Received (page 26)**

A further representation was received and the points are summarised and addressed as follows:

1. Concerns raised with the number of amendments to the current planning application.

*OFFICERS COMMENT: Whilst it is acknowledged that the description of development has been amended various times the quantum of development has only changed once from 3no. 3bed houses down to 2no. 4 bed houses. This is acknowledged within the officer's report under section 4 The Proposal (page 26). Furthermore Officers have the discretion to pursue changes where there is a reduction in a proposal such as this case that could be supported.*

2. Concerns raised in respect of the restrictive covenants placed on the land when the land was sold to the applicant in 1989 to enlarge their garden.

*OFFICERS COMMENT: It is acknowledged that the land forming the application site was once public open space before it was sold to the applicant in 1989. A restrictive covenant was imposed on the land however it should be noted that planning permission does not override the validity of the covenants. Issues of planning and issues of restrictive covenants are separate matters and therefore do not form a material consideration to this planning application.*

3. Concerns raised that the site is a private residential garden and therefore it is a greenfield site.

*OFFICERS COMMENT: This is addressed in the Officers report under section 8 Principle of Development (page 28).*

4. Concerned that the site is within different land parcels and not necessarily with the ownership of the applicant.

*OFFICERS COMMENT: The planning application form confirms that that the applicant in this case Mr Warren Joseph of Ascot Design is not the owner of the application site and therefore has correctly served notice on the owner of the land Mr Smale. Land Registry Titles confirm that the application site is owned by Mr Smale.*

5. Concerned that the materials such as bricks and roof tile are not submitted now for consideration.

*OFFICERS COMMENT: Such matters do not need to be submitted and this stage and are therefore conditioned.*

6. Does not agree with the description of land been described as land falling within defined settlements or as private garden.

*OFFICERS COMMENT: The land does not have any other designation and all land as covered by the development plan is either within the settlement or outside settlement. Other designations could for example be a conservation area. The accepted use of the land is a private residential garden.*

7. Berkshire Archaeology's recommended condition should be imposed

*OFFICERS COMMENT: Berkshire Archaeology's comments are noted and now reported and the condition as recommended will be inserted into the Officer recommendation.*

8. The Council should try and secure as part of the planning application additional parking spaces in Dundas Close to alleviate on street parking.

*OFFICERS COMMENT: Given the site has satisfactory onsite parking provision it is not considered that any such additional parking provision outside the site could be reasonably be secured.*

#### **AMENDMENTS TO THE RECOMMENDATION (page 34)**

Following the completion of planning obligation(s) under Section 106 of the Town and Country Planning Act 1990 relating to:-  
INSERT '(i) SPA Mitigation'

Replace Condition 02 (approved drawings) as follows:

02. The development hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details.

14-P1020-02 - Site Location Plan received 16.07.14  
14-P1020-100C - Proposed Site Layout received 10.02.15  
14-P1020-102 - Proposed Elevations and Floor Layouts received 05.12.14  
14-P1020-103 - Site Sections received 10.02.15  
14-P1020-105B - Site Tracking Plot 2 received 10.02.15  
14-P1020-106 - Site Tracking Plot 1 received 03.02.15  
Ecology Letter Dated 23 January 2015 received 28.01.15  
Arboricultural Impact Assessment received 30.07.14

REASON: To ensure that the development is carried out only as approved by the local Planning Authority.

Insert a new condition no.23 (archaeological programme of works)

No development shall take place within the site, including any works of demolition or ground preparation, until the applicant, or their agents or <sup>2</sup>their successors in title, has secured and

implemented a programme of archaeological work (which may comprise more than one phase of work) in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition. REASON: To ensure that any archaeological remains within the site are adequately investigated and recorded or preserved in situ in the interest of protecting the archaeological heritage of the borough.  
[Relevant Policies: BFBLP Saved Policies EN6, EN7]

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**Item No: 8  
14/01095/FUL**

**Photon House/Blueprint House Old Bracknell Lane West Bracknell Berkshire RG12  
7FS**

ISSUE DATE 24th February 2015

### **Amendment to Application**

In order to comply with the parking standard agreed with the Highway Officer the applicant has amended the proposal by reducing the number of flats applied for from 66 to 65 and by increasing the size of the basement car park to accommodate a further five parking spaces.

If the full parking standards set out in the Bracknell Forest Borough Parking Standards SPD July 2007 were to be applied to the amended scheme a total of 124 spaces (1.9 spaces per flat) would be required (including visitor spaces). However, in the light of the further parking surveys carried out by the applicant as noted in the main report, the Highway Officer has advised that a standard of 1.29 spaces per flat would be acceptable in this location. The amended scheme provides a total of 84 spaces for 65 flats which equates to a standard of 1.29 spaces per flat.

ISSUE DATE 26th February 2015

### **Amendment to Recommendation**

**An additional obligation is recommended to make provision for a review of the viability appraisal if the scheme does not commence and completion is not achieved within three years since any concession by the Council in respect of affordable housing provision is in the current market which may change in the future.**

**The Recommendation is therefore amended as follows:**

**Following the completion of planning obligation(s) under Section 106 of the Town and Country Planning Act 1990 relating to:-**

**1. Measures to avoid and mitigate the impact of residential development upon the Thames Basins Heath Special Protection Area (SPA), including a financial contribution towards off site SANG and Strategic Access Management and Monitoring. Planning Committee 26th February 2015**

**2. Measures to safeguard land at the rear of the site for a future pedestrian/ cycle route linking to adjacent sites.**

**3. A viability review should the development not be completed within 3 years from the date of planning permission being granted (the purpose of this would be to assess whether changes in market conditions mean that a scheme including affordable housing would be viable, in which case such housing should be secured)....**

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**Item No: 9**  
**14/01266/FUL**  
**Woodside, Woodside Road Winkfield Windsor Berkshire SL4 2DP**

ISSUE DATE: 24 February 2015

Application Withdrawn from Committee

**ISSUE DATE 26.02.15**

**Application WITHDRAWN**

**Following receipt of an email from the applicant's agent dated 24.02.15 the application has been withdrawn.**

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**Item No: 13**  
**13/00966/FUL**  
**Binfield House Nursery Terrace Road North Binfield Bracknell Berkshire**

**ISSUE DATE 26.02.2105**

**Correspondence received**

**A letter of objection has been received expressing concern at the loss of the affordable housing.**

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**Supplementary Report – Planning Committee 26<sup>th</sup>. February 2015**

The following objection was received on 16/2/15 in respect of TPO 1180  
Officer responses are contained within.

**Ref: TPO 1170 & TPO 1180**

We have received the new TPO for the trees at 1 Arden Close. Our objections to the original TPO 1170 apply to this new TPO 1180 and also include: -

The Council did not follow the procedural requirements of the regulations by making the decision on the first TPO 1170 order within the six month timescale.

*Response - TPO 1180 replaces TPO 1170 (which was served in July 2014 but lapsed before it could be presented to the Planning Committee for consideration). The Town & Country Planning Act regulations require any replacement TPO to have a new number in order to retain protection of the trees and until the Committee can consider it for confirmation and is permissible under the Town & Country Planning Act.*

We had to chase up the Council for a decision and because we contacted the Council they realised their error and quickly put in this new TPO 1180.

*Response – The Council served the new TPO in order that protection of the trees was retained until the Committee had opportunity to consider confirmation.*

This TPO is not necessary and a waste of Council time and public money as we have no intention of developing this site. It is not expedient in the interests of amenity to make a TPO - because the trees are not under threat from development.

*Response – The Planning Authority received an expression of concern from an interested party and undertook an assessment of the value of the tree, irrespective of whether there would or would not be any development on the site.*

The Larch trees included which are to the rear of 1 Arden Close (G1) are leaning over and are probably dying and may become dangerous - so should not be included in new TPO.

*Response - The trees were assessed and found to be in safe condition. The Planning Authority assessed the trees to have amenity value. Maintenance is the responsibility of the tree-owner.*

The two large Pine in the rear of 1 Arden Close (G1) do not offer any amenity value as they are such tall trees and do not offer any screening for the houses behind. The large Pine on the left to the rear of 1 Arden Close is extremely close to the property behind "Wisteria" and may cause damage to the foundations of the house.

*Response - Any damage to property by the action of trees is a matter of fact. In respect of the potential for roots to cause subsidence damage; there is no prescriptive model that can be applied to demonstrate that any particular tree will cause such damage to a property.*

The other trees on the grass verge do not belong to 1 Arden Close (T1 Cherry, T2 Pine and T3 Larch - so that we have no say on these trees and are not concerned what happens to these trees. If they become dangerous they are the responsibility of the owners of this land. The Larch trees are not in a good condition and the Pine tree roots are cracking the pavement. (We understand the Council could not contact the owners of this strip of land. So we want it to go on record that we have mentioned to the Council that these trees on the strip of land T1, T2 and T3 are not our responsibility and may become dangerous).

*Response – Noted. In the event of any expedient hazard to the Highway or private property; the Council has powers to take action to make the trees safe.*

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