



NOTICE OF MEETING

Planning Committee

Thursday 21 July 2011, 7.30 pm

Council Chamber, Fourth Floor, Easthampstead House, Bracknell

To: The Planning Committee

Councillor Dudley (Chairman), Councillor Brossard (Vice-Chairman), Councillors Mrs Angell, Mrs Barnard, Birch, Blatchford, Ms Brown, Davison, Finch, Finnie, Gbadebo, Heydon, Kendall, Leake, Mrs Pile, Sargeant, Thompson, Virgo and Worrall

ALISON SANDERS
Director of Corporate Services

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Telephone: 01344 352060
Email: sue.hills@bracknell-forest.gov.uk
Published: 11 July 2011



Planning Committee
Thursday 21 July 2011, 7.30 pm
Council Chamber, Fourth Floor, Easthampstead House,
Bracknell

AGENDA

Page No

1. **Apologies for Absence**

To receive apologies for absence.

2. **Minutes**

To approve as a correct record the minutes of the meeting of the Committee held on 23 June 2011.

1 - 24

3. **Declarations of Interest**

Members are required to declare any personal or prejudicial interests and the nature of that interest, in respect of any matter to be considered at this meeting.

4. **Urgent Items of Business**

Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.

PLANNING APPLICATIONS

25-28

(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.

5. **10/00643/FUL - The Little Red House Nursery, 59 - 61 Dukes Ride, Crowthorne**

Erection of part single storey, part two storey rear and side extension, loft conversion, dormers and porch.

29 - 38

6. **11/00187/FUL - 96 Bucklebury Bracknell Berkshire**

Erection of single storey front extension and single storey rear extension.

39 - 44

7. **11/00283/EXT - Land At 127A-131 Fernbank Road Ascot**

Erection of block comprising 9no. two bedroom and 8no. one bedroom flats with associated parking, access and landscaping following demolition of existing dwellings.

45 - 60

Note for clarification: This application is for an extension of the time limit to implement an existing planning permission (08/00263/FUL).

8. **11/00336/OUT - Land Adjacent Wayside, Osborne Lane, Warfield**
Outline application for the erection of a four bedroom detached house following demolition of existing builders store. 61 - 72

9. **PS 11/00354/FUL - Land Adjacent To 62 King Edwards Road, Ascot**
Erection of 1 no. two bedroom detached house with associated parking and construction of dormer window to existing dwelling. 73 - 84

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**PLANNING COMMITTEE
23 JUNE 2011
7.30 - 9.40 PM**

Present:

Councillors Dudley (Chairman), Brossard (Vice-Chairman), Mrs Angell, Mrs Barnard, Birch, Blatchford, Ms Brown, Davison, Finch, Finnie, Heydon, Leake, Mrs Pile, Sargeant, Thompson, Virgo and Worrall

Also Present:

Councillors Mrs Ballin and McLean

Apologies for absence were received from:

Councillor Kendall

1. Minutes

RESOLVED that the minutes of the meeting of the Committee held on 26 May 2011 be approved as a correct record and signed by the Chairman.

2. Declarations of Interest

There were no declarations of interest.

3. Urgent Items of Business

There were no urgent items of business.

4. 11/00137/3 - Kennel Lane School Kennel Lane Warfield

Erection of single-storey extension to form early years department, siting of modular building providing classrooms for secondary age children, re-siting of existing modular building (the Garnet Building) and erection of single storey shed (Regulation 3 application).

A site visit had been held on Saturday 18 June 2011 which had been attended by Councillors Mrs Angell, Mrs Barnard, Birch, Blatchford, Brossard, Ms Brown, Davison, Dudley, Finnie, Gbadebo, Sargeant, Thompson, and Mrs Birch.

The Committee noted:

- The additional information contained within the supplementary report of the Head of Development Management tabled at the meeting.
- The comments of Warfield Parish Council.
- Nine representations (including one signed by 8 people) expressing concerns about traffic and parking and thirty one representations, in support of the application including letters from the Head Teacher and the Chair of Governors.

Members expressed concerns in relation to a potential increase in traffic and parking problems, and the impact on residents living near to the development where there were existing traffic and parking problems. A further concern was whether there would be scope for additional off street parking. Concern was raised in relation to condition 11 in that if the number of part time pupils increased, as long as the number of full time equivalent pupils at any one time remained the same, there could be an increase in the overall number of pupils attending the school.

RESOLVED that the application be **approved** subject to the following conditions:-

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 1 March 2011.
PD1005, 1008, 1010, 1012, 1020, 1200, 1201, 1300, 1310, 8520,
10-0215 INF 11 P1, 10 P3, 10 P4
W10562L02, W105642L04, W105642R05
2821 007 002
(or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).
03. The development (including site clearance and demolition) shall not be begun until:-
 - (i) the riverbank has been surveyed for the potential to support protected species and its value to biodiversity
 - (ii) the survey has been submitted to and approved by the Local Planning Authority, and
 - (iii) a scheme to minimise the impact on biodiversity during the construction of the development, to mitigate the impact of the development, and to improve habitat (to include timetables) has been submitted to and approved by the Local Planning Authority.The scheme shall thereafter be implemented in full accordance with the approved details.
04. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that order, no external lighting shall be installed on the site or affixed to any buildings on the site except in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
05. The development shall not be begun until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule.
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.

06. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as indicated on the approved drawings or otherwise as agreed in writing by the Local Planning Authority.
07. The development shall not be begun until a Sustainability Statement demonstrating how the development meets current best practice standards in the sustainable use of natural resources has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include either a Design Stage Report and BRE Interim Certificate or a pre-assessment estimator carried out by an independent assessor licensed by the Building Research Establishment demonstrating that the development meets a minimum standard of a "Very Good" or "Excellent" BREEAM rating. The development shall be implemented in accordance with the Sustainability Statement and shall be retained in accordance therewith unless the Local Planning Authority gives prior written consent to any variation.
08. Within one month of the first occupation of the development hereby permitted (or, where the development is phased, within one month of the first occupation of the final phase of that development), a Post Construction Review Report shall be carried out by an independent assessor licensed by the Building Research Establishment and a Final Code Certificate shall be submitted to the Local Planning Authority which demonstrates that the development has been constructed to meet a minimum standard of a "Very Good" or "Excellent" BREEAM rating.
09. The development shall not be begun until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. The buildings shall thereafter be constructed in accordance with the approved assessment and retained in accordance therewith, unless the Local Planning Authority gives prior written consent to any variation.
10. The development hereby permitted shall not commence until a phasing scheme has been submitted to and approved in writing by the Local Planning Authority. For each phase details of site organisation during construction shall be submitted and approved in writing by the Local Planning Authority. These details shall include, for that phase:
 - (a) Parking of vehicles of site personnel, operatives and visitors
 - (b) Loading and unloading of plant and vehicles
 - (c) Storage of plant and materials used in constructing the development
 - (d) Wheel cleaning facilities
 - (e) Temporary portacabins and welfare for site operativesand each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (e) above without the prior written permission of the Local Planning Authority.

11. The number of children on the school roll of Kennel Lane School shall not exceed 188 Full Time Equivalent pupils at any one time.
12. The development hereby permitted (including initial site clearance) shall not be begun until:
 - 1) an updated tree survey has been submitted to the Local Planning Authority that includes those trees and other vegetation that will be affected by the new playing field hereby permitted. The tree survey shall be in accordance with Section 4 of British Standard 5837:2005 'Trees In Relation to Construction Recommendations' (or any subsequent revision),
 - 2) a detailed scheme, and programme for its implementation for the protection of existing trees, hedgerows and groups of mature shrubs to be retained, in accordance with British Standard 5837:2005 'Trees In Relation To Construction Recommendations' (or any subsequent revision), has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include proposals for the phasing of its implementation so that protection is provided from the commencement of demolition or site clearance works (whichever is the sooner), through to the construction works and the completion of hard landscaping works. The submitted scheme shall include the following:
 - a) Accurate trunk positions and canopy spreads of all existing trees within the site and on adjoining land adjacent to the development.
 - b) Positions and spreads of existing hedgerows and groups of mature shrubs.
 - c) All proposed tree, hedge, shrub removal and retention.
 - d) Minimum 'Root Protection Areas' of all existing retained trees within the site and on neighbouring land adjacent to the approved development, calculated in accordance with BS 5837 recommendations.
 - e) Plans of a minimum scale of 1:200 (unless agreed otherwise by the Local Authority) showing the proposed locations of 2.3m high protective barrier/s, supported by a metal scaffold framework, constructed in accordance with Section 9 (Figure 2) of BS 5837:2005, to include appropriate weatherproof tree protection area signage (such as "Keep Out - Construction Exclusion Zone") securely fixed to the outside of the protective fencing structure at regular intervals.
 - f) Proposed ground protection measures in accordance with Section 9 (Figure 3) of BS 5837:2005.
 - g) Annotated minimum distances between fencing and trunks of retained trees at regular intervals.
 - h) Illustration/s of the proposed fencing structure/s to be erected.
 The development shall be carried out in accordance with the approved scheme and programme.
13. Prior to the commencement of development a scheme for the provision and management of a buffer zone alongside the development hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority.
14. The new playing field shall be constructed in accordance with standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, May 2011), and laid out in accordance Drawing No. PD1005 and made available for use prior to the occupation of the modular building.
15. No site clearance shall take place during the main bird-nesting period of 1st March to 31st August inclusive, unless a scheme to minimise the impact on nesting birds during the construction of the development has been submitted to and approved by the Local Planning Authority.
16. No development on any phase of the development hereby permitted shall take place until details of a scheme (Working Method Statement) to control the environmental effects of the demolition and construction work for that phase

has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include:

- (i) control of noise
- (ii) control of dust, smell and other effluvia
- (iii) control of surface water run off
- (iv) site security arrangements including hoardings
- (v) proposed method of piling for foundations
- (vi) construction and demolition working hours
- (vii) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site

The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the Local Planning Authority.

17. Prior to the first occupation of the development hereby permitted a travel plan shall be submitted to, and approved in writing by the Local Planning Authority. The travel plan shall include a programme of implementation and proposals to promote alternative forms of transport to and from the site, other than by the private car, a scheme of monitoring and provide for periodic review. The travel plan shall be implemented as agreed, unless otherwise agreed in writing by the Local Planning Authority.
18. The development hereby permitted shall not be occupied until the traffic management measures and additional on-site parking spaces have been provided in full accordance with drawing 2821 007 002 unless otherwise agreed in writing by the Local Planning Authority. The parking spaces shall thereafter be kept available for parking at all times.

Summary Of Reason(s) For Decision:

The proposal accords with the following Policy of the Regional Spatial Strategy for the South East of England:

S3 which seeks to ensure that adequate provision is made for school learning facilities.

The proposal accords with the following Core Strategy Development Plan Document Policies:

CS1 – which seeks to ensure that development makes efficient use of land and buildings, reduces the need for travel, promotes a mix of uses, conserves water and energy use, supports the economic wellbeing of the population, protects and enhances safety, natural resources, character of local landscape and historic and cultural features.

CS2 – which seeks to ensure that land will be allocated for development in the following order: Bracknell Town Centre; previously developed land and buildings in defined settlement; other land within defined settlements where there is no conflict with other policies; extensions to defined settlements with good public transport links.

CS7 – which seeks to ensure that developments are of high quality design.

CS8 – which seeks to retain, improve and maintain existing recreational facilities and provide and maintain new recreational facilities.

CS9 – which seeks to protect land outside of settlement for its own sake, particularly from development that would adversely affect the character, appearance or function of the land.

CS10 – which requires development proposals to be accompanied by a Sustainability Statement.

CS12 – which requires development proposals to be accompanied by an Energy Demand Assessment

The proposal accords with the following saved policies of the Bracknell Forest Borough Local Plan:

EN1 – which seeks to protect tree and hedgerow cover.

EN8 – which only permits development on land outside settlements where it would not adversely affect the character, appearance or function of the land, and would not damage its landscape quality, or where conspicuous from the Green Belt, would not injure the visual amenities of the Green Belt.

EN20 – as it would be acceptable in terms of its impact upon the character of the area, and amenity of surrounding properties and adjoining area.

EN22 – which seeks to ensure there will be convenient access, parking space and facilities for people with disabilities.

(Please note that this is not intended to be an exhaustive list).

The following material considerations have been taken into account:

The proposal is considered to comply with the above policies.

The proposed development is not intended to accommodate an increase in the number of pupils or staff at the school, but only to rectify existing deficiencies in the existing accommodation.

The proposed extension to the primary department does not have the character of open countryside and therefore the proposed extension would not adversely affect the character or appearance of the countryside.

The proposed modular building for the secondary department is large and would extend built development beyond the existing built envelope of the school into part of the site that has a predominantly open character which could be adversely affected by the proposed development. However extensive screening, the single storey height of the modular building and its siting close to the boundary will help to reduce this impact, and on balance it is considered that this building would result in a serious adverse affect upon its character and appearance.

This proposal would result in the loss of playing field land and open space of public value. However in view of the proposed retention of a playing field of a size that is acceptable to Sport England and the need for the additional modular accommodation it is considered that, on balance, these considerations outweigh any harm arising from the loss of some of the existing open space on the site.

Due to the siting and scale of the proposed development it is not considered that the proposed extensions would result in a detrimental impact on the amenities of any neighbouring properties.

This is a very constrained site which currently experiences problems when transport for pupils arrive and depart at the peak school times of the day. Any proposals which resulted in increasing capacity at this school would therefore be unlikely to be acceptable as such problems would be exacerbated unless alternative access or parking arrangements could be found. However no increase in capacity is proposed and this can be controlled by way of a condition.

The majority of the site falls within Flood Zones 3 and 2 (high and medium risk of flooding). However the Environment Agency has confirmed that it has no objections to the proposed development on flood risk grounds because the applicant has demonstrated with supporting hydraulic modelling, that the proposed development

will be located outside of the 1 in 100 year plus climate change flood extent and it is therefore compliant with PPS25.

It is likely that The Cut river provides valuable habitat but no ecological surveys have been submitted for this area. In view of this a condition is suggested requiring further ecological surveys and a drainage impact assessment to ensure the protection and enhancement of biodiversity.

The objections received do not object to the proposed development as such, but raise concerns that existing problems relating to traffic and parking would be exacerbated if pupil numbers increase. The applicant has stated that it is not the intention to increase pupil numbers at this school, and a condition is suggested limiting numbers to the existing level. In addition conditions are suggested controlling details of site management during construction and the concerns raised by the Parish Council with respect to the reduction of carbon dioxide emissions.

Although there are many constraints on this site, the applicant has attempted to address these as far as possible in the design and siting of the proposed development. There is an urgent need for the proposed additional accommodation to meet existing deficiencies and the applicant has agreed to a condition limiting pupil numbers to the current levels. On balance it is concluded that these factors outweigh any harm that the development may cause.

The planning application is therefore approved.

5. **11/00187/FUL - 96 Bucklebury Bracknell Berkshire**

Erection of single storey front extension and single storey rear extension.

This planning application was deferred to a future meeting of the Committee in order to resolve a discrepancy in the plans.

6. **11/00194/FUL - Montagu Farm North Street Winkfield**

Erection of 2 no. blocks comprising 8no. two bedroom flats with associated parking and access arrangements (revision to development approved under planning permission 07/00190/FUL with creation of lightwells and insertion of windows, together with associated internal alterations to ground floor flats, to utilise existing basement for accommodation).

The Committee noted:

- The additional information contained within the supplementary report of the Head of Development Management tabled at the meeting.
- The comments of Winkfield Parish Council.
- Five letters of objection.

Members expressed concerns regarding compliance with the existing planning permission, the extra rooms being converted to self contained accommodation, building regulations, the impact on the Green Belt, and a possible increase in traffic problems.

RESOLVED that, subject to the completion of planning obligations under Section 106 of the Town and Country Planning Act 1990 relating to:-

- a) off site highway works
- b) highways and transport infrastructure

the Head of Development Management be **authorised to approve** the application subject to the following condition(s):-

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
02. The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:
TP-619-P100 Rev G, 103 Rev L, 105 Rev L, P03 Rev I, P04, E02 Rev H, E03 Rev A, E03 Rev A,
(or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).
03. No development shall take place until details of a scheme of screen walls and fences has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of any of the buildings approved in this permission.
04. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
05. All existing trees, hedgerows and groups of mature shrubs shown to be retained on the approved drawings shall be protected by 2.3m high (minimum) protective barriers, supported by a metal scaffold framework, constructed in accordance with Section 9 (Figure 2) of British Standard 5837:2005, or any subsequent revision. The development shall be carried out in accordance with the approved drawings.
06. The protective fencing and other protection measures specified by condition 05 shall be erected in the locations agreed in writing by the Local Planning Authority prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site (unless agreed otherwise in writing by the Local Planning Authority). Where phased protection measures have been approved, no works shall commence on the next phase of the development until the protective fencing barriers and other protective measures have been repositioned for that phase in full accordance with the approved details. No activity of any description must occur at any time within these areas including but not restricted to the following: -
 - a) No mixing of cement or any other materials.
 - b) Storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description.
 - c) Siting of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, porta-loos, storage compounds or hard standing areas of any other description.
 - d) Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ ground conditions of any other description.
 - e) Installation/siting of any underground services, temporary or otherwise including; drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting.
 - f) Parking/use of tracked or wheeled machinery or vehicles of any description.
07. If within a period of 5 years from the completion of the development: -
 - a) No retained tree, hedgerow or groups of shrubs (as specified as being retained on the approved details as part of this permission) shall be cut down,

uprooted or destroyed without the prior written consent of the Local Planning Authority.

b) Any trees, hedgerows or groups of shrubs shown to be retained on the approved plans submitted in accordance with other conditions of this consent, which die are removed or irreparably damaged during the course of the development within a period of 5 years of the completion of the development, another tree, hedgerow or group of shrubs of the same species and size as that originally planted shall be planted at the same time, unless the Local Planning Authority gives it written consent for any variation.

08. No development shall take place 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 semi mature 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) 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.
09. No development shall commence until a detailed site specific construction method statement for all hard surfaced areas of any description within the minimum root protection areas of retained trees calculated in accordance with British Standard 5837:2005 'Trees In Relation To Construction Recommendations', or any subsequent revision, has been submitted to and approved in writing by the Local Planning Authority. Details shall be based on a porous 'No-Dig' principle of construction, avoiding any excavation of existing levels in all areas concerned, and shall include: -
- a) An approved development layout plan identifying all areas where special construction measures are to be undertaken.
 - b) Materials including porous surface finish.

- c) Construction profile/s showing existing /proposed finished levels together with any grading of levels proposed adjacent to the footprint in each respective structure.
- d) Programme and method of implementation.
The Construction Method Statement shall be observed, performed and complied with.
10. No development shall commence until a site specific method statement for the removal of all existing hard surfaced areas and structures of any other description, located within the minimum Root Protection Areas (RPAs) of trees to be retained, has been submitted to and approved in writing by the Local Planning Authority. Details shall include:-
- a) A site plan identifying all areas where such work is to be undertaken.
 - b) Reinstatement to soft landscape area including proposed ground de-compaction works.
 - c) Timing and phasing of works.
- The Construction Method Statement shall be observed, performed and complied with.
11. The gradient of private drives shall not exceed 1 in 8.
12. No dwelling unit shall be occupied until vehicle parking spaces have been surfaced and marked out in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.
13. The open space indicated on plan TP-619-P100 Revision G is to be retained and managed as such for future use by residents.
14. No dwelling shall be occupied until a 2m high brick wall has been erected between the site and Hernes Keep where Block A is to be erected, a 2.5m high brick wall has been erected along the shared boundary with Hernes Keep where parking is proposed, and a further 2m high close boarded fence erected beyond, in accordance with details submitted to and approved in writing by the Local Planning Authority.
15. No development shall take place until details in respect of measures to:
- a) Minimise, re-use and re-cycle waste, including materials and waste arising from demolition;
 - b) Minimise the pollution potential of unavoidable waste;
 - c) Dispose of unavoidable waste in an environmentally acceptable manner;
 - d) There should be no site bonfires.
 - e) Have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented during the course of building operations and the subsequent use of the buildings
16. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme.
17. No development shall take place until the access has been constructed in accordance with the details to be submitted to and approved in writing by the Local Planning Authority.
18. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of covered and secure cycle parking spaces. The cycle parking shall be provided prior to the first occupation of the flats hereby approved in accordance with the approved details and shall thereafter be retained.
19. No development shall take place until a scheme has been submitted and approved in writing by the Local Planning Authority, to accommodate:
- (a) parking of vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and vehicles
 - (c) storage of plant and materials used in constructing the development

(d) wheel cleaning facilities
and each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (d) above without the prior written permission of the Local Planning Authority.

Summary Of Reason(s) For Decision:

The proposal accords with the following saved policies of the Bracknell Forest Borough Local Plan:

- * EN1 – which seeks to protect tree and hedgerow cover.
- * EN2 – which seeks to supplement tree and hedgerow cover.
- * EN20 – as it would be acceptable in terms of its impact upon the character of the area, and amenity of surrounding properties and adjoining area.
- * GB3 – which permits residential development within Green Belt Villages where it relates to infilling, subdivision of an existing dwellings, accommodation for domestic staff or aged relative in a subordinate unit, replacement, alteration or limited extension to an existing dwelling, where it would not adversely affect the character of the area or road safety.
- * M6 – which seeks to ensure that development will provide for safe, direct and well signed cycle and pedestrian routes.
- * M7 – which seeks to ensure that new development will access for all, and the use of highway and footpath networks, parking and public transport.
- * M8 – which seeks to ensure new development facilitates and promotes the use of public transport.
- * M9 – which seeks satisfactory parking provision for vehicles and cycles.

The proposal accords with the following Core Strategy Development Plan Document Policies:

- * CS1 – which seeks to ensure that development makes efficient use of land and buildings, reduces the need for travel, promotes a mix of uses, conserves water and energy use, supports the economic wellbeing of the population, protects and enhances safety, natural resources, character of local landscape and historic and cultural features.
- * CS6 – which seeks to ensure that development will mitigate adverse impacts upon communities, transport and the environment.
- * CS7 – which seeks to ensure that developments are of high quality design.
- * * CS24 – which seeks to ensure that development will mitigate any transport impacts which may arise from the development H5 – which seeks positive measures to raise the quality of new housing, reduce its environmental impact, and make good use of land.

or cumulatively with other proposals.

The South East Plan, Regional Spatial Strategy for the South East of England (May 2009)

- * CC6 – which seeks development that will respect and enhance the character and distinctiveness of settlements and landscapes, and use innovative design to create a high quality built environment which promotes a sense of place.
- * CC7 – which requires sufficient capacity to be available in existing infrastructure to meet the needs of new development, and where this cannot be demonstrated, that additional capacity be released through demand management measures, better

management of existing or provision of new infrastructure.

* H5 – which seeks positive measures to raise the quality of new housing, reduce its environmental impact, and make good use of land.

Planning Policy Statements

* PPS3: 'Housing', which seeks to achieve high quality and well-designed housing; a mix of housing, both market and affordable; housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure; a flexible, responsive supply of land; and effective use of land, including re-use of previously-developed land, where appropriate.

Supplementary Planning Documents

* Limiting the Impact of Development Supplementary Planning Document (July 2007), which provides guidance on planning obligations which may be required to satisfy planning policies, and aimed at making development more sustainable.

(Please note that this is not intended to be an exhaustive list).

The following material considerations have been taken into account:

Third party representations were received on grounds that the proposal would exacerbate highway safety issues, result in increased noise and disturbance and provide inadequate living conditions for future residents. These comments have been taken into consideration, however it is considered that the proposal would not result in increased loss of amenity to nearby residents, adversely affect highway safety or result in inadequate living conditions for future residents. The proposal is considered to be acceptable in relation to impact upon the character of the area, neighbouring properties and highway safety. As.106 will be required to mitigate the impact of the development upon local infrastructure and to secure off site highway works. The application is therefore approved.

In the event of the S106 planning obligation(s) not being completed by 31 August 2011 the Head of Development Management be **authorised to refuse** the application on the grounds of:-

01. The proposed development would unacceptably increase the pressure on highways and transportation infrastructure . In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which secure contributions towards integrated transport and highway safety measures the proposal is contrary to Policy CC7 of the South East Plan, Policy M4 of the Bracknell Forest Borough Local Plan and CS24 of the Core Strategy Development Plan Document and to Supplementary Planning Document Limiting the Impact of Development (adopted July 2007).
02. In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority to secure off site highway works the proposal is contrary to Policy M4 of the Bracknell Forest Borough Local Plan and Policy CS24 of the Core Strategy Development Plan Document.

7. **11/00223/OUT - 18 New Road Ascot Berkshire**

Outline application with all matters reserved for the erection of two no. three bedroom dwellings following demolition of existing building containing retail unit with two residential flats above.

The Committee noted:

- The additional information contained within the supplementary report of the Head of Development Management tabled at the meeting.
- No objections from Winkfield Parish Council.
- No representations received.

Councillor Worrall expressed concern in relation to the advertising and marketing of the commercial property.

RESOLVED that the application be **approved** subject to the following conditions:-

01. Approval of the details of the scale of the buildings, the access for and the layout, appearance and landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced. The plans and particulars in relation to the Reserved Matters shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
03. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.
04. The development hereby permitted shall be carried out only in accordance with the following plans:
 - Drg No P10/17/101 Rev A received by Local Planning Authority 29.03.2011 (or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).
05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional windows, similar openings or enlargement thereof shall be constructed in the first floor level or above of the north and south facing side elevations of the dwellings hereby permitted except for any which may be shown on the approved drawing(s).
06. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
07. The development hereby permitted shall not be begun until details of a scheme of walls, fences and any other means of enclosure has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of any of the buildings approved in this permission or as may otherwise be agreed in writing by the Local planning Authority.
08. The development hereby permitted shall not be begun until details showing the finished floor levels of the buildings hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
09. The development shall not be begun until a Sustainability Statement demonstrating how the development meets current best practice standards in the sustainable use of natural resources has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include either a Design Stage Report and BRE Interim Certificate or a pre-assessment

estimator carried out by an independent assessor licensed by the Building Research Establishment demonstrating that the development meets a minimum standard of Level 3 of the Code for Sustainable Homes or a "Very Good" or "Excellent" BREEAM rating. The development shall be implemented in accordance with the Sustainability Statement and shall be retained in accordance therewith unless the Local Planning Authority gives prior written consent to any variation.

10. The development shall not be occupied until a Post Construction Review Report carried out by an independent assessor licensed by the Building Research Establishment and a Final Code Certificate has been submitted to the Local Planning Authority which demonstrates that the development has been constructed to meet a minimum standard of Level 3 of the Code for Sustainable Homes or a "Very Good" or "Excellent" BREEAM rating.
11. The development hereby permitted shall not be begun until:
 - 1) a scheme depicting hard and soft landscaping and
 - 2) a three year post planting maintenance schemehave been submitted to and approved in writing by the Local Planning Authority. The approved post-planting maintenance schedule shall be performed and complied with.

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 out 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.
12. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for covered and secure cycle parking facilities. The building shall not be occupied until the approved scheme has been implemented. The facilities save as otherwise agreed in writing by the Local Planning Authority shall be retained.
13. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:
 - (a) Parking of vehicles of site personnel, operatives and visitors
 - (b) Loading and unloading of plant and vehicles
 - (c) Storage of plant and materials used in constructing the development
 - (d) Wheel cleaning facilities
 - (e) Temporary portacabins and welfare for site operativesand each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (e) above without the prior written permission of the Local Planning Authority.

14. No gates shall be provided at the vehicular access to the site.
15. No development shall take place until a plan showing visibility splays has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the adjacent carriageway.
16. The dwelling(s) shall not be occupied until visibility splays of 2.0 metres by 2.0 metres have been provided at the junction of the driveway and the adjacent footway. The dimensions shall be measured along the edge of the drive and the back of the footway from their point of intersection. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the carriageway.
17. No dwelling shall be occupied until a means of vehicular access has been constructed in accordance with details which have been submitted to and approved by the Local Planning Authority.
18. The scheme hereby permitted shall be carried out in accordance with the mitigation measures outlined in the letter received from AAe Environmental Consultants, dated 28 January 2011, unless otherwise agreed in writing by the Local Planning Authority.
19. The demolition should not be begun until a scheme for the installation of bird and bat boxes has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be performed, observed and complied with.
20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that order, no external lighting shall be installed on the site or affixed to any buildings on the site except in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
21. The areas shown for soft landscaping purposes to the front of the proposed development on the approved Reserved Matters plans shall thereafter be retained as such and shall not be used for any other purpose without the prior written permission of the Local Planning Authority.

Summary Of Reason(s) For Decision:

The following development plan policies have been taken into account in determining this planning application:

Bracknell Forest Borough Local Plan: Policy EN15 which seeks to avoid lighting schemes outside of settlements which would have an adverse effect upon the character of the surrounding land, residential amenity or wildlife.

Policy EN20 as it would be acceptable in terms of its impact upon the character of the area, and amenity of surrounding properties and adjoining area.

Policy EN25 which seeks to avoid development which would generate unacceptable levels of noise, smoke, gases, fumes, effluent, vibration, dust or other environment effects which would adversely added the amenities of occupiers or buildings, or users of outdoor space.

Policy E5 which seeks development to be consistent with the hierarchy of shopping centres (major town centre, small town centres, village and neighbourhood centres, local parades).

Policy E11 which permits changes of use to A2 or A3 uses where it would not adversely affect local retail provision and amenities of neighbouring properties in

Village and neighbourhood centres and local parades.

Policy M9 which seeks satisfactory parking provision for vehicles and cycles.

Core Strategy Development Plan Document: Policy CS1 which seeks to ensure that development makes efficient use of land and buildings, reduces the need for travel, promotes a mix of uses, conserves water and energy use, supports the economic wellbeing of the population, protects and enhances safety, natural resources, character of local landscape and historic and cultural features.

Policy Policy CS7 which seeks to ensure that developments are of high quality design.

Policy CS10 which requires development proposals to be accompanied by a Sustainability Statement.

Policy CS23 which seeks to ensure the Council will use its powers to reduce the need to travel, and promote alternative modes, increase safety of travel and maintain and improve the local road network.

South East Plan: Policy CC6 which seeks development that will respect and enhance the character and distinctiveness of settlements and landscapes, and use innovative design to create a high quality built environment which promotes a sense of place.

Policy T4 which seeks an appropriate level of parking.

Policy NRM4 which seeks to avoid inappropriate development within flood zones 2 and 3, areas at risk of surface water flooding (critical drainage areas) or areas with a history of groundwater flooding, or where it would increase flood risk elsewhere, unless there is over-riding need and absence of suitable alternatives, and require incorporation and management of Sustainable Drainage Systems (SuDS), other water retention and flood storage measures to minimise direct surface run-off.

Planning Policy Statement 25 'Development and Flood Risk', which sets out the need to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk, and ensure that applications are supported by site specific Flood Risk Assessments where appropriate.

The following material considerations have been taken into account:

The proposal is considered to comply with BFBLP Policies EN15, EN20, EN25, E5, E11 and M9, CSDPD Policies CS1, CS7, CS10 and CS23, SEP Policies CC6, T4 and NRM4, and PPS25. The proposal will not adversely affect the character of the building, neighbouring property or area or significantly affect the amenities of neighbouring property. The planning application is therefore approved.

Informative(s):

01. In dealing with the detailed design of the building the applicant is advised that the first floor window in the side elevation of No.16 New Road needs to be taken into account. This should include a hipped roof design as indicated in the Design and Access Statement.
02. The applicant is advised that the Reserved Matters submission should not show a parking area with a depth of more than 6m from the front boundary of the site, in order to prevent vehicles from parking in tandem. Areas of landscaping to the front of the dwellings which should be shown on the

Reserved Matters submission should be provided to the front of the parking spaces.

8. **PS 11/00248/FUL - Tesco Stores Ltd 17 County Lane Warfield**

Section 73 application to vary condition 13 (This condition restricts opening hours to 08.30 -20.00 Monday - Thursday, 08.30 - 21.00 Friday, 08.30 - 20.00 Saturday and 10.00 - 16.00 Sunday) of Planning Permission 00/01055/FUL to extend the opening hours to 07.00 to 22.00 Monday to Saturday and 10.00 to 16.00 Sundays.

The Committee noted:

- The additional information contained within the supplementary report of the Head of Development Management tabled at the meeting.
- No objections from Warfield Parish Council.
- Twenty one letters of objection.

The criteria for public speaking had been met in respect of this application and the Committee was addressed by the registered speaker, Mr Silavant and Mr Chris Green, the agent for the applicant.

Members expressed concerns in relation to the travel plan for people travelling to the store, an increase in noise particularly at the start and end of the day, possible changes to delivery hours or an increase in the number of deliveries, an increase in the number of people visiting the store, and litter.

RESOLVED that the application be **approved** subject to the following conditions:-

01. The opening hours of the large store shall be limited to 07.00 - 22.00 Monday to Saturday and 10.00 - 16.00 Sunday and at no other times unless expressly authorised by another planning permission(s).
02. The opening hours of the petrol filling station shall be limited to 07.30 to 21.00 Monday to Thursday, 07.30 -22.00 Friday, 07.30 - 21.00 Saturday and 08.00 - 21.00 Sunday and at no other times unless expressly authorised by another planning permission(s).
03. No deliveries shall be made to the store between 24.00 hours and 05.00 hours on any day.
04. Noise from any source on site measured on a Leq(1-hour) basis shall not exceed by more than 5 dB(A) the background L90(1-hour) (excluding noise from the development) between 0630 and 2300 hours; and as measured on a Leq(5-minute) basis, shall not exceed by more than 5dB(A) the background L90(1-hour) between 2300 and 0630 hours, outside any dwelling.
05. Noise from the fixed plant associated with the development on the site shall not exceed a rating noise level, as defined in BS 4142:1990 of 35 dB(A) on a 5 minute Leq basis, outside any existing or future dwelling between 2300 and 0630 hours.
06. The net sales area of the store (as defined in DPP's letter dated 29 May 2001 as the retail sales area, checkouts and customer services) shall not exceed 3850 sq m.
07. No more than 18% of the retail sales area of the store as extended (as defined in DPP's letter dated 29 May 2001) shall be used for the sale or display of comparison goods. For the purposes of this condition, comparison goods are as defined in the URPI Information Brief 98/1 but shall exclude health and beauty and pharmaceutical goods.

08. The unit shops approved under planning application 00/01055/FUL shall not be used for ancillary storage in association with the large store or amalgamated into larger units.

Summary Of Reason(s) For Decision:

The following development plan policies have been taken into account in determining this planning application:

PPG24: 'Planning and Noise', which sets out considerations to be taken into account for noise-sensitive developments and for those activities which generate noise.

Bracknell Forest Borough Local Plan: Policy EN20 as it would be acceptable in terms of its impact upon the character of the area, and amenity of surrounding properties and adjoining area.

Policy E7 which seeks to avoid B1 business use at ground floor levels within Crowthorne retail area, Sandhurst Centre, Village and Neighbourhood Centres and Local Parades, and at ground and first floor within Bracknell Town Centre retail area.

Core Strategy Development Plan Document: Policy CS7 which seeks to ensure that developments are of high quality design.

Policy CS21 which seeks to ensure that new retail development is directed to identified town centres, and the scale and nature of the retail uses is consistent with the role and function of the centre.

Policy CS23 which seeks to ensure the Council will use its powers to reduce the need to travel, and promote alternative modes, increase safety of travel and maintain and improve the local road network.

South East Plan: Policy CC6 which seeks development that will respect and enhance the character and distinctiveness of settlements and landscapes, and use innovative design to create a high quality built environment which promotes a sense of place.

Policy NRM10 which seeks development to include measures to address and reduce noise pollution.

The following material considerations have been taken into account:

The proposal is considered to comply with PPG24, BFBLP Policies EN20 and E7, CSDPD Policies CS7, CS21 and CS23, and SEP Policies CC6 and NRM10. The proposal will not adversely affect the character of the building, neighbouring property or area or significantly affect the amenities of neighbouring property. The planning application is therefore approved.

Informative(s):

01. The car park barrier should be lowered following the ceasing of trading each evening to avoid antisocial behaviour as Environmental Health have received complaints relating to cars causing a disturbance.
02. The management of waste and litter in the area should be commensurate with the increase in opening hours.
03. Within three months of this permission or prior to the change of operating

hours (whichever is the sooner) the existing Travel Plan should be updated with details of the action the applicants will be taking to ensure its staff can still travel sustainably to the store at these revised opening times.

9. **11/00275/FUL - Perchance Ryehurst Lane Binfield**

Erection of detached dwelling following partial demolition of existing dwelling.

The Committee noted:

- The additional information contained within the supplementary report of the Head of Development Management tabled at the meeting.
- The comments of Binfield Parish Council.
- One letter of objection.

Members expressed concerns regarding the distance of the dwelling from Millstream Cottage and the increase in the size of the building.

RESOLVED that the application be **approved** subject to the following conditions:-

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 15 April 2011 and 10 May 2011:
drawing no. 1034/1A
drawing no. 1034/2B
drawing no. 1034/3B
drawing no. 1034/4B
drawing no. 1034/5B
drawing no. 1034/6B
(or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).
03. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
04. The garage accommodation shall be retained for the use of the parking of vehicles at all times, unless otherwise agreed in writing by the Local Planning Authority.
05. No development (including initial site-clearance) shall commence until a detailed scheme for the protection of existing trees, hedgerows and groups of mature shrubs to be retained, in accordance with British Standard 5837:2005 'Trees In Relation To Construction Recommendations' (or any subsequent revision), has been submitted to and approved in writing by the Local Planning Authority. Protection measures shall be phased as necessary to take into account and provide protection during all construction works. Details shall include the following: -
 - a) Accurate trunk positions and canopy spreads of all existing trees within the site and on adjoining land adjacent to the development.
 - b) Positions and spreads of existing hedgerows and groups of mature shrubs.
 - c) All proposed tree, hedge, shrub removal and retention.
 - d) Minimum 'Root Protection Areas' of all existing retained trees within the site and on neighbouring land adjacent to the approved development, calculated in accordance with BS 5837 recommendations.

- e) Plans of a minimum scale of 1:200 (unless agreed otherwise by the Local Authority) showing the proposed locations of 2.3m high protective barrier/s, supported by a metal scaffold framework, constructed in accordance with Section 9 (Figure 2), to include appropriate weatherproof tree protection area signage (such as "Keep Out - Construction Exclusion Zone") securely fixed to the outside of the protective fencing structure at regular intervals.
 - f) Proposed ground protection measures in accordance with Section 9 (Figure 3)
 - g) Annotated minimum distances between fencing and trunks of retained trees at regular intervals.
 - h) Illustration/s of the proposed fencing structure/s to be erected.
- The development shall be carried out in accordance with the approved scheme.
06. The protective fencing and other protection measures specified by condition 5 shall be erected in the locations agreed in writing by the Local Planning Authority prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site (unless agreed otherwise in writing by the Local Planning Authority). Where phased protection measures have been approved, no works shall commence on the next phase of the development until the protective fencing barriers and other protective measures have been repositioned for that phase in full accordance with the approved details. No activity of any description must occur at any time within these areas including but not restricted to the following: -
- a) No mixing of cement or any other materials.
 - b) Storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description.
 - c) Siting of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, porta-loos, storage compounds or hard standing areas of any other description.
 - d) Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ ground conditions of any other description.
 - e) Installation/siting of any underground services, temporary or otherwise including; drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting.
 - f) Parking/use of tracked or wheeled machinery or vehicles of any description.
- In addition to the protection measures specified above,
- a) No fires shall be lit within 20 metres of the trunks of any trees or the centre line of any hedgerow shown to be retained.
 - b) No signs, cables, fixtures or fittings of any other description shall be attached to any part of any retained tree.
07. No development shall commence until:
- (i) a site layout plan of showing the proposed layout of all underground services and external lighting and
 - (ii) a programme for the phasing and timing of works
- have been submitted to and approved in writing by the Local Planning Authority. Details of the site layout plan shall include: -
- a) Accurate trunk positions and canopy spreads of all retained trees/hedgerows and mature groups of shrubs.
 - b) Surface water/ foul drainage and associated inspection chambers (existing reused and new)
 - c) Soak-aways (where applicable)
 - d) Gas, electricity, telecom and cable television.
 - e) Lighting columns and all associated ducting for power supply.
 - f) Phasing and timing of works.

- The development shall be carried out in accordance with the approved site layout plan and the approved programme.
08. No development shall take place until:
 - (i) details of all proposed alterations to the ground levels within the site within 5 metres of the minimum 'Root Protection Areas' calculated in accordance with BS 5837 (2005) recommendations (or any subsequent revision), for all existing retained trees within the site and on neighbouring land adjacent to the approved development. The details to include:
 - a) Existing and proposed finished levels.
 - b) Any proposed soil level re-grading in relation to existing retained trees, hedges and other vegetation.
 - c) Proposed retaining structures required to address level differences adjacent to retained trees and hedges and other vegetation, and
 - (ii) a programme and method of implementation have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved site layout plan and the approved programme.
 09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no enlargement, addition, improvement or other alteration permitted by Classes A, B, C, D and E of Part 1 of the Second Schedule of the 1995 Order shall be carried out.
 10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no hard surface as permitted by Class F of Part 1 of the Second schedule of the 1995 Order shall be provided for any purpose incidental to the enjoyment of a dwelling house
 11. The demolition phase of the existing dwelling shall not be begun until a scheme for the installation bat boxes has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be performed, observed and complied with.
 12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that order, no external lighting shall be installed on the site or affixed to any buildings on the site except in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
 13. The scheme hereby permitted shall be carried out in accordance with the mitigation measures outlined in the Bat Survey dated May 2011 unless otherwise agreed in writing by the Local Planning Authority.

Summary Of Reason(s) For Decision:

The following development plan policies have been taken into account in determining this planning application:

Bracknell Forest Borough Local Plan: Policies

EN1 which seeks to protect tree and hedgerow cover.

EN2 which seeks to supplement tree and hedgerow cover.

EN8 which only permits development on land outside settlements where it would not adversely affect the character, appearance or function of the land, and would not damage its landscape quality, or where conspicuous from the Green Belt, would not injure the visual amenities of the Green Belt.

EN20 as it would be acceptable in terms of its impact upon the character of the area, and amenity of surrounding properties and adjoining area.

H6 which permits replacement of existing dwellings, subdivision, and extensions of an existing dwelling or ancillary outbuilding in the countryside, (outside the Green

Belt), where it would not adversely affect the character of the area, danger to the public highway.

M9 which seeks satisfactory parking provision for vehicles and cycles.

Core Strategy Development Plan Document:

CS7 which seeks to ensure that developments are of high quality design.

CS9 which seeks to protect land outside of settlement for its own sake, particularly from development that would adversely affect the character, appearance or function of the land.

South East Plan:

CC6 which seeks development that will respect and enhance the character and distinctiveness of settlements and landscapes, and use innovative design to create a high quality built environment which promotes a sense of place.

The following material considerations have been taken into account:

The proposal is considered to comply with BFBLP Policies EN1, EN2, EN8, EN20, H6, M9, CSDPD CS7, CS9, SEP CC6. The proposal will not adversely affect the character of the building, neighbouring property or area or significantly affect the amenities of neighbouring property. The proposed replacement dwelling would not have an adverse impact upon the residential amenities of neighbouring properties by virtue of overlooking or overbearing impact and the proposed dwelling would be acceptable in respect of its design and floor area increase. The proposal would not impact upon the protected oak tree on site. The planning application is therefore approved.

10. **11/00283/EXT - Land At 127A-131 Fernbank Road Ascot**

Erection of block comprising 9no. two bedroom and 8no. one bedroom flats with associated parking, access and landscaping following demolition of existing dwellings.

Note for clarification: This application is for an extension of the time limit to implement an existing planning permission (08/00263/FUL).

This planning application would be deferred to a future meeting of the Committee as ecology surveys, covering bats and great crested newts, needed to be undertaken before the application could be determined.

11. **11/00318/3 - 0 Oakengates Bracknell Berkshire**

Formation of 3 no. parking bays on existing grassed area in front of 1-3 Oakengates (Regulation 3 application).

The Committee noted:

- The additional information contained within the supplementary report of the Head of Development Management tabled at the meeting.
- No objections from Bracknell Town Council.
- No neighbour representations received.

RESOLVED that the application be **approved** subject to the following conditions:-

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

02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 07 June 2011:
Amended plan number 4817-019 Rev A 'Residential Street Parking Improvements'
(or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).
03. The development shall not be begun until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule.
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 as may otherwise be agreed in writing by the Local Planning Authority. All hard landscaping works shall be carried and completed prior to first use 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.

Summary Of Reason(s) For Decision:

The following development plan policies have been taken into account in determining this planning application:

Bracknell Forest Borough Local Plan (BFBLP):
EN20 - Design considerations in new development
M9 - Vehicle and cycle parking

Core Strategy Development Plan Document (CSDPD):
CS7 - Design

South East Plan (SEP):
CC6 - Sustainable Communities and Character of the Environment

(Please note that this is not intended to be an exhaustive list).

The following material considerations have been taken into account:

The proposal is considered to comply with BFBLP Policies EN20 and M9; CSDPD Policy CS7; and SEP Policy CC6. The proposal would provide additional parking facilities in an area where there is currently a shortfall of parking. The proposal would not unduly detract from the character of the area or significantly affect the amenities of neighbouring property. The planning application is therefore approved.

12. **MISCELLANEOUS REPORT ON APPEAL DECISION
REF: APP/R0335/A/10/2139947 FOR PLOTS 4, 17, 24, 54 AND 62 ON LAND
PARCEL H3, JENNETT'S PARK (FORMERLY KNOWN AS PEACOCK FARM),
PEACOCK LANE, BRACKNELL, BERKSHIRE. RG12 8AT**

A site visit had been held on Saturday 18 June 2011 which had been attended by Councillors Mrs Angell, Mrs Barnard, Blatchford, Brossard, Ms Brown, Davison, Dudley, Finnie, Gbadebo, Sargeant, and Thompson.

This appeal was made under Section 78 of the Town and Country Planning Act 1990 against the refusal to grant planning permission under Section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted (10/00273/FUL refers).

The appeal was made by Persimmon Homes Ltd against the refusal notice for 10/00273/FUL (dated 22 April 2010) which was refused by notice dated 18 June 2010.

The application sought planning permission for the erection of 68 dwellings without complying with condition 01 which states that : The development hereby permitted shall be carried out only in accordance with the approved plans.

The approved plans show the width of each of the garages to be 2.8m. However, the garages have been built with a width of only 2.5m. The Council's concern was that the narrow width of the garages makes them unusable for some makes of car and will discourage use of the garages. The Inspector agreed that from his site inspection and own experience that this was indeed the case.

The Town and Country Planning Act sets out a 4 year period in relation to residential properties after which enforcement action cannot be taken. Any building, engineering or other works which have taken place without the benefit of planning permission, and that have remained unchallenged by enforcement action for 4 years or more, become immune from enforcement action.

Appropriate enforcement action will be taken within the four year timescale which expires in October 2011 in order to protect the Council's position.

The Committee noted the report on the appeal decision and the follow up action being taken in respect of the breach of planning on Land Parcel H3 Jennett's Park (formerly known as Peacock Farm).

CHAIRMAN

**PLEASE NOTE PLANS FOR ALL OF THE APPLICATIONS ON THIS
AGENDA CAN BE FOUND ON OUR WEBSITE
www.bracknell-forest.gov.uk**

**PLANNING COMMITTEE
21st July 2011**

**REPORTS ON PLANNING APPLICATIONS RECEIVED
(Head of Development Management)**

		Case Officer	Reporting Officer
5	10/00643/FUL The Little Red House Nursery 59 - 61 Dukes Ride Crowthorne (Crowthorne Ward) Erection of part single storey, part two storey rear and side extension, loft conversion, dormers and porch. Recommendation: Approve.	Alison Ind	Basia Polnik
6	11/00187/FUL 96 Bucklebury Bracknell Berkshire (Hanworth Ward) Erection of single storey front extension and single storey rear extension. Recommendation: Approve.	Michael Ruddock	Basia Polnik
7	11/00283/EXT Land At 127A-131 Fernbank Road Ascot (Ascot Ward) Erection of block comprising 9no. two bedroom and 8no. one bedroom flats with associated parking, access and landscaping following demolition of existing dwellings. Note for clarification: This application is for an extension of the time limit to implement an existing planning permission (08/00263/FUL). Recommendation: Approve Subject To The Completion Of Planning Obligation(s).	Margaret McEvit	Martin Bourne
8	11/00336/OUT Land Adjacent Wayside Osborne Lane Warfield (Binfield With Warfield Ward) Outline application for the erection of a four bedroom detached house following demolition of existing builders store. Recommendation: Refuse.	Paul Corbett	Basia Polnik

9	11/00354/FUL Land Adjacent To 62 King Edwards Road Ascot (Ascot Ward) Erection of 1 no. two bedroom detached house with associated parking and construction of dormer window to existing dwelling. Recommendation: Approve Subject To The Completion Of Planning Obligation(s).	Nick Kirby	Basia Polnik
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Background Papers

Background papers comprise the relevant planning application file and any document therein with the exception of any document which would lead to disclosure of confidential or exempt information as defined in section 100 of the Local Government Act 1972 as amended.

PLANNING COMMITTEE - POLICY REFERENCES

Key to abbreviations used in the following planning reports.

BSP	Berkshire Structure Plan 2001 – 2016
BFBLP	Bracknell Forest Borough Local Plan
BFBCS	Core Strategy Development Plan Document (Submission)
RMLP	Replacement Minerals Local Plan
WLP	Waste Local Plan for Berkshire
SPG	Supplementary Planning Guidance
SPD	Supplementary Planning Document
RPG	Regional Planning Guidance
RSS	Regional Spatial Strategy (also known as the South East Plan)
PPG (No.)	Planning Policy Guidance (Published by DCLG)
PPS (No.)	Planning Policy Statement (Published by DCLG)
MPG	Minerals Planning Guidance
DCLG	Department for Communities and Local Government

THE HUMAN RIGHTS ACT 1998

The Human Rights Act 1998 (“the HRA”) makes it unlawful for a public authority to act in a way that is incompatible with the rights set out in the European Convention of Human Rights.

Those rights include:-

Article 8 – “Everyone has the right to respect for his private and family life, his home.....”

Article 1 - First Protocol “Every natural or legal person is entitled to the peaceful enjoyment of his possessions”.

In some circumstances a local authority may be under an obligation to take positive action to protect an individuals interests under Article 8.

The relevant Convention Rights are not absolute. A Council may take action even though it interferes with private and family life, home and enjoyment of possessions, if it is for a legitimate purpose, necessary and proportionate. In effect a balancing exercise has to be conducted between the interests of the individual and the wider public interest.

Such a test very largely replicates the balancing exercise which the Council conducts under domestic planning legislation.

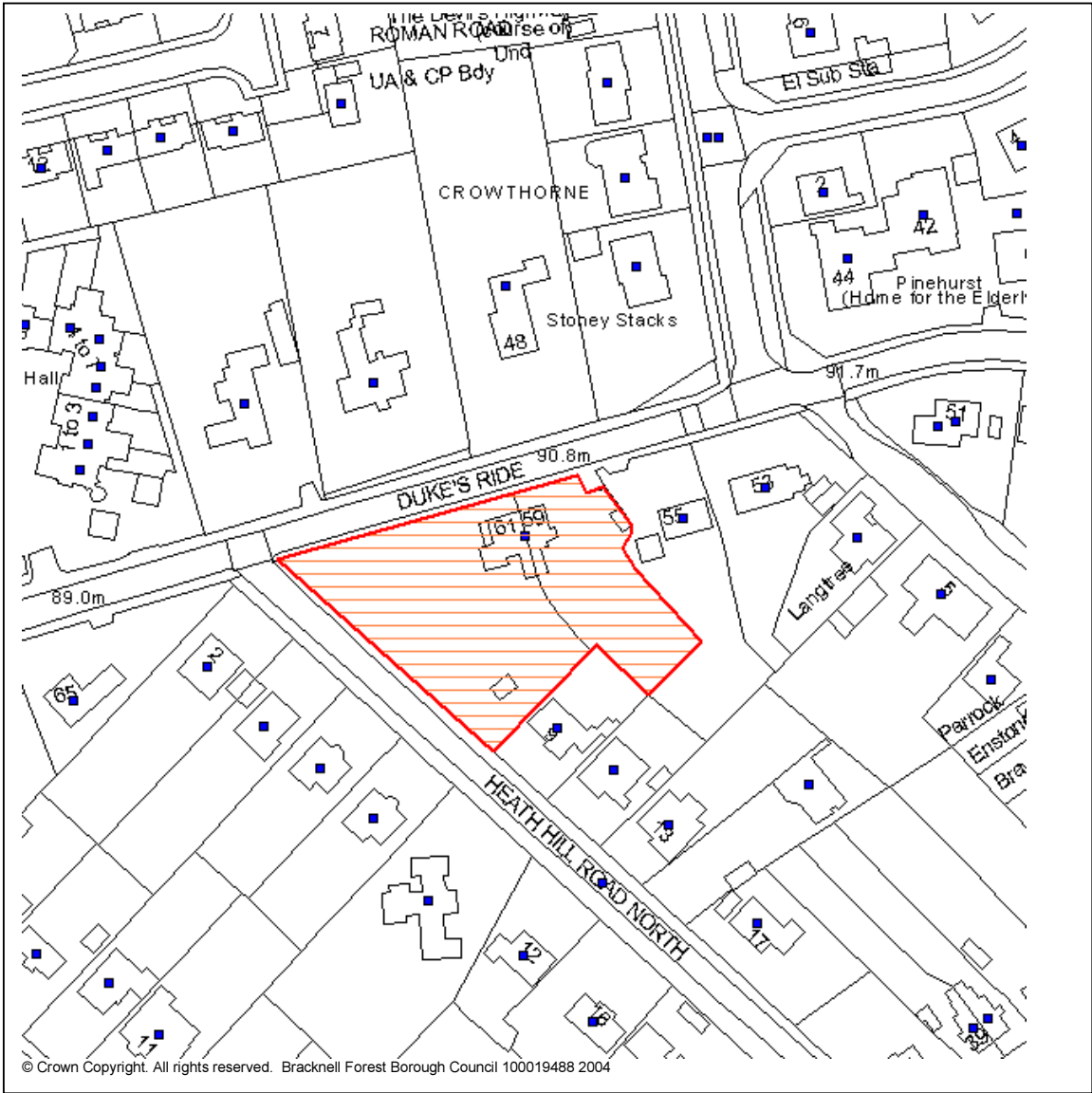
The provisions of the Human Rights Act 1998 have been taken into account in the preparation of the reports contained in this agenda.

The Human Rights Act will not be specifically referred to elsewhere [in the Agenda] beyond this general statement, unless there are exceptional circumstances which require a more detailed consideration of any Convention Rights affected.

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ITEM NO: 5			
Application No. 10/00643/FUL	Ward: Crowthorne	Date Registered: 30 September 2010	Target Decision Date: 25 November 2010
Site Address:	The Little Red House Nursery 59 - 61 Dukes Ride Crowthorne Berkshire RG45 6NS		
Proposal:	Erection of part single storey, part two storey rear and side extension, loft conversion, dormers and porch.		
Applicant:	Select Enterprises		
Agent:	C Nebechi		
Case Officer:	Alison Ind, 01344 352000 environment@bracknell-forest.gov.uk		

Site Location Plan (for identification purposes only, not to scale)



1 **RELEVANT PLANNING HISTORY** (If Any)

01/01227/FUL Validation Date: 17.12.2001
Change of use from residential to nursery use, to form an extension of the existing nursery at no.61 Dukes Ride.
Approved With A Legal Agreement

624255 Validation Date: 04.11.1998
Section 73 application to increase number of children attending nursery from 44 to 50 and to amend car parking layout without compliance with conditions 7 and 8 of planning permission 622705.
Approved

601176 Validation Date: 03.09.1975
Application for erection of 6 feet larch lap fence at front of property.
Approved

606802 Validation Date: 08.04.1982
Erection of one dwelling
Approved

608232 Validation Date: 12.10.1983
First floor side and rear extensions forming bedroom and bathroom.
Approved

EUC/024/76 Validation Date: 01.01.1976
Use of ground floor and garden for nursery school
Approved

622705 Validation Date: 02.06.1997
Single storey side and rear extension to nursery school to provide nursery school and day care nursery on ground floor and change of use of first floor from residential use to nursery use.
Approved

10/00608/FUL Validation Date: 08.09.2010
Erection of part single storey, part two storey rear and side extension, loft conversion, dormers and porch.

2 **RELEVANT PLANNING POLICIES**

Key to abbreviations

BFBCS	Core Strategy Development Plan Document
BFBLP	Bracknell Forest Borough Local Plan
RMLP	Replacement Minerals Local Plan
WLP	Waste Local Plan for Berkshire
SPG	Supplementary Planning Guidance
SPD	Supplementary Planning Document
PPG (No.)	Planning Policy Guidance (Published by DCLG)
PPS (No.)	Planning Policy Statement (Published by DCLG)
MPG	Minerals Planning Guidance
DCLG	Department for Communities and Local Government
SEP	South East Plan

<u>Plan</u>	<u>Policy</u>	<u>Description</u> (May be abbreviated)
BFBLP	EN20	Design Considerations In New Development
BFBLP	EN22	Designing For Accessibility
BFBLP	M9	Vehicle And Cycle Parking
BFBCS	CC7	Infrastructure and Implementation
BFBCS	CS23	Transport
SEP	T4	Parking
SEP	CC6	Sustainable Communities & Character of Environment

3 CONSULTATIONS

(Comments may be abbreviated)

Crowthorne Parish Council

Recommend approval

Landscape Officer

Amended plans have been received but these details do not provide sufficient information. Therefore a condition requiring further details of hard and soft landscaping is recommended.

Transportation Officer

It appears that the alterations to the building are minor, as long as the number of children is maintained at the same level as the previous condition on the last permission.

In respect of the main car park the plans indicate that the spaces will be set out in accordance with the last permission which is acceptable but advise that in any permission condition is attached to ensure that parking should be in accordance with the previous plan of the last permission which shows that parking layout. If any of the proposals on the current plans conflict with the previous parking layout then they should be altered now, this could include the gates access and the detached garden area at the rear of the site.

Tree Officer

During the course of the application, consent has been given to remove some of the trees. It is recommended that conditions any planning permission be conditional to the submission of a landscaping scheme and it's subsequent implementation.

4 REPRESENTATIONS

Written objections have been received from occupiers of 3 properties in Heath Hill Road. One of the objections enclosed a petition bearing 20 signatures. The main concerns raised were:

- the impact on the surface of the private road. *[Officer comment: Heath Hill Road is a private road; the proposal does not include works to the private road; the objection is not a planning issue.]*
- the loss of established landscaping which created a natural screening of the nursery building. *[Officer comment: The Landscaping Officer has advised that a landscaping scheme should be submitted for approval via planning condition].*

5 OFFICER REPORT

Summary Of Key Aspects Of The Proposal (If Any)

SUMMARY OF KEY ASPECTS OF PROPOSAL

Proposed floor area (non-residential): 90 sq.m
Proposed number of parking spaces: 25 spaces
Proposed number of residential units: 0

This application is reported to the Planning Committee as more than 3 objections, including a petition bearing 20 signatures, have been received

i) PROPOSAL

The proposal is to raise the ridge height of the roof of part of the existing building by 2.2m and to create various small extensions to the premises, totalling 90sq.m. new floor area to the day nursery. A first floor balcony is proposed which faces into the site. No additional children are proposed as a result of the extensions.

ii) SITE AND RELEVANT PLANNING HISTORY

The site is on the south side of Dukes Ride at the junction with Heath Hill Road North. The plot is angular in shape and has two road frontages. Heath Hill Road is a private road with mainly residential premises. The location is characterised by trees and hedges which create a suburban environment. The landscaping at the site has been cleared in many places to make way for a compound and for construction vehicles to enter and leave the site. Some of the trees on the site are covered by Tree Preservation Order 781A (dated 8 October 2010) .

A children's day nursery was at number 59 Dukes Ride was extended into number 61 Dukes Ride under approval 01/01227/FUL in 2001. The number of children allowed and the car parking layout were the subject of planning conditions.

iii) PLANNING CONSIDERATIONS

(1) Principle of the development

The site has an existing planning permission for use as a children's nursery. The proposal is merely to extend the nursery building. The principle of extending the existing building is acceptable subject to normal development management criteria, including, highway, residential amenity and environmental issues, and subject to there being no other, over-riding material planning issues.

(2) Transport issues

The amended plan LDP/253/C/08/B shows that vehicle parking space will be provided in accordance with the layout approved under 01/01227/FUL. Whilst this is generally

acceptable in respect of the number of spaces required, the precise location of the proposed access and gates has now varied. An up-to-date parking layout, based on the general principle of the previously approved plan, should therefore be submitted for approval. The number of children attending the nursery will remain as previously approved. The access gates should be kept open during the daytime for, in particular, parents to drop off and pick up children at various times of the day (the applicant may need to devise a scheme which allows for this whilst maintaining security at the site). Details of surfacing of the car park and also of the access (which is existing but should be surfaced with tarmac) should be submitted for approval. No changes in levels are proposed. Revised plans have been sought throughout the course of the planning application, hence the delay in dealing with the application. The revised details which have been received are sufficient to enable officers to support the application. Further details are still required but these can be dealt with by planning condition.

(3) Impact on character and appearance of the area

The property is set in a location which is characterised by trees and hedges and established landscaping. At the time of the site visit, some of the landscaping had been lost through works associated with the development which is now partly retrospective. The Landscaping Officer had requested landscaping details. These still have not been received. It is therefore recommended that a landscaping scheme should be submitted for approval to include details of planting and of boundary enclosures/fencing to ensure that appropriate landscaping is provided.

(4) Impact on trees

There are a number of trees within site, some of which are protected by a Tree Preservation Order. Since the planning application was submitted two applications under Tree Preservation Order legislation have been submitted. Permission has been granted for the removal of several trees subject to conditions requiring replacement planting of 10 trees in total. It is therefore recommended that any approval of the extension includes conditions in respect of the existing trees, proposed additional landscaping for the site and further details of hard landscaping..

(5) Effect on the amenity of neighbouring residential property

There is a gap in excess of 8m distance between the nursery building and the nearest residential dwelling (which shares a common boundary to the east of the site). There is an outbuilding in this gap. It is not considered that the extension will impact upon the residential amenities of the neighbouring dwelling at 55 Dukes Ride. A garden is annotated on the submitted layout drawing. It is recommended that, consistent with the previous approval 01/01227/FUL, a condition controlling the hours of use of the garden is applied to any approval.

(6) Access implications

The scheme will need to comply with Part "M" of the Building Regulations.

CONCLUSIONS

The extensions are acceptable in that they comply with the development plan and there are no over-riding material planning issues.

6 **RECOMMENDATION**

That the application be **APPROVED** subject to the following conditions:-

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.
02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 23.03.11
LDP/253/C/01/B EXISTING PLANS
LDP/253/C/02/B EXISTING ELEVATIONS
LDP/253/C/03/B EXISTING ROOF PLAN
LDP/253/C/04/B EXISTING SITE PLAN
LDP/253/C/06/B PROPOSED FLOOR PLANS
LDP/253/C/06/B PROPOSED FLOOR PLANS
LDP/253/C/07/B PROPOSED ELEVATIONS
LDP/253/C/08/B PROPOSED SITE PLAN
(or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
03. Within three months of this permission, details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenities of the area.
[Relevant Policies: SEP CC6, BFBLP EN20, Core Strategy DPD CS7]
04. The number of children at the nursery 59-61 Dukes Ride shall not exceed 82 pupils at any one time.
REASON: To enable the Local Planning Authority to maintain control over the use of the site in the interests of the amenities of the adjoining residents.
Policies: BFBLP EN20, M9, CSDPD CS7, CS23.
05. The hours of operation shall be restricted to 08.00 - 18.00 hours Monday to Friday and at no other times.
REASON: In the interests of the residential amenities of neighbouring properties.
06. The extension shall not be occupied until the associated vehicle parking and turning space has been surfaced and marked out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The plan shall include existing car park to the front of the site (off Dukes Ride) and the proposed car park to the rear of the site (off Heath Hill Road). The car park to the rear of the site (and shown on drawing LDP/253/C/08/B) shall include 25 vehicle parking spaces. The spaces in both car parks shall not thereafter be used for any purpose other than parking and turning.
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.
[Relevant Policies: SEP T4, BFBLP M9, Core Strategy DPD CS23]

07. The vehicle access gates shall be kept open at all times during the approved operational hours of the nursery, for vehicles to enter and exit the site, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To enable parents to drop off and collect children without creating traffic congestion on Heath Hill Road.
[Plans and policies: BFBLP EN20, CSDPD CS7]
08. Within 2 months of this permission:
- 1) a scheme depicting hard surfacing (including boundary fencing and all areas to be paved or hard surfaced, such as the vehicle parking and turning areas and the paved area around the building) and soft landscaping, and
 - 2) a three year post planting maintenance scheme
- shall be submitted to and approved in writing by the Local Planning Authority. The approved post-planting maintenance schedule shall be performed and complied with.
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 out 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]
09. The areas shown for soft landscaping purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose without the prior written permission of the Local Planning Authority.
REASON: - In the interests of good landscape design and the visual amenity of the area.
[Relevant Policies: BFBLP EN2 and EN20, CSDPD CS7]
10. Within two months of this permission, the access shall be surfaced with a bonded material across the entire width of the access for a distance of 5m measured from the back edge of the carriageway.
REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]
11. Within two months of this permission, details of a scheme of walls, fences and any other means of enclosure shall be submitted, for approval in writing by the Local Planning Authority. The approved scheme shall be implemented in full

before the occupation of any of the buildings approved in this permission or as may otherwise be agreed in writing by the Local planning Authority.

REASON: - In the interests of the visual amenities of the area and to safeguard existing retained trees, hedges and shrubs.

[Relevant Plans and Policies: BFBLP EN20, Core Strategy DPD CS7]

Summary Of Reason(s) For Decision:

The following development plan policies that have been taken into account in determining this planning application:

BFBLP Policies EN20, EN22, EN9

CSDPD Policies CS07, CS23

SEP Policies CC6,T4.

The following material considerations have been taken into account:

Bracknell Forest Borough Local Plan: Policies EN20, EN22, M9: It is considered that the proposed extensions will not cause material planning harm to the street scene or to the residential amenities of the neighbouring dwellings, it is considered that there is sufficient space within the scheme to accommodate access for disabled people, and it is considered that adequate space for vehicle parking can be achieved at the site.

Core Strategy Development Plan CS7, CS23 : It is considered that the proposed extensions will not cause material planning harm to the street scene or to the residential amenities of the neighbouring dwellings, and it is considered that there is adequate space for vehicle parking and turning to be provided at the site.

The South East Plan CC6 and T4: It is considered that the extension is well designed and is an appropriate form of development for this location and will provide adequate on site vehicle parking space.

The proposal is considered to comply with BFBLP Policies EN20, EN22 and M9, and Core Strategy Development Plan Policy CS7, CS23, South East Plan: T4,CC6.

The proposal will not adversely affect the character of the building, neighbouring property or area or significantly affect the amenities of neighbouring property. A landscaping scheme will be submitted to enhance the appearance of the development where trees have needed to be removed. The planning application is therefore approved.

Informative(s):

01. The proposal shows a proposed illuminated sign. No details of the sign have been submitted and it has therefore not been considered and it is not included in this approval. Furthermore, any illuminated sign will require Advertisement Consent and will be considered on its merits.
02. The replacement tree planting required as a result of the permission granted separately under TPO legislation, should be shown on the landscaping details required pursuant to condition 8.

Doc. Ref: Uniform 7/DC/Agenda

The application file to which this report relates can be viewed at the Council's Time Square office during office hours or online at www.bracknell-forest.gov.uk

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ITEM NO: 6Application No.
11/00187/FUL

Site Address:

Ward:
HanworthDate Registered:
30 March 2011Target Decision Date:
25 May 2011**96 Bucklebury Bracknell Berkshire RG12 7YJ**

Proposal:

Erection of single storey front extension and single storey rear extension.

Applicant:

Mr Steven Plummer

Agent:

(There is no agent for this application)

Case Officer:

Michael Ruddock, 01344 352000

environment@bracknell-forest.gov.uk**Site Location Plan** (for identification purposes only, not to scale)

1 **RELEVANT PLANNING HISTORY** (If Any)

603556

Validation Date: 11.08.1978

Two storey side extension forming new store/study and lounge with two new bedrooms over, together with repositioning of fence to enclose amenity open space.

Approved

2 **RELEVANT PLANNING POLICIES**

Key to abbreviations

<i>BFBCS</i>	<i>Core Strategy Development Plan Document</i>
<i>BFBLP</i>	<i>Bracknell Forest Borough Local Plan</i>
<i>RMLP</i>	<i>Replacement Minerals Local Plan</i>
<i>WLP</i>	<i>Waste Local Plan for Berkshire</i>
<i>SPG</i>	<i>Supplementary Planning Guidance</i>
<i>SPD</i>	<i>Supplementary Planning Document</i>
<i>PPG (No.)</i>	<i>Planning Policy Guidance (Published by DCLG)</i>
<i>PPS (No.)</i>	<i>Planning Policy Statement (Published by DCLG)</i>
<i>MPG</i>	<i>Minerals Planning Guidance</i>
<i>DCLG</i>	<i>Department for Communities and Local Government</i>
<i>SEP</i>	<i>South East Plan</i>

<u>Plan</u>	<u>Policy</u>	<u>Description</u> (May be abbreviated)
BFBLP	EN20	Design Considerations In New Development
BFBCS	CS7	Design
SEP	CC6	Sustainable Communities & Character of Environment

3 **CONSULTATIONS**

(Comments may be abbreviated)

Bracknell Town Council

Recommend refusal, for the reasons set out below:
Out of keeping / unneighbourly overdevelopment of property.

4 **REPRESENTATIONS**

Two letters of objection were received, which can be summarised as follows:

- The proposed extensions would result in an unacceptable loss of light to the front and rear facing windows of No.95 Bucklebury, to the detriment of the amenities of the residents of that property.
- The proposed extensions would appear unduly overbearing when viewed from No.95 Bucklebury.
- The proposed extensions would result in a loss of privacy to the occupants of No.95 Bucklebury.
- The development would be out of keeping with the character and appearance of the area.

A further letter of representation was received, which detailed concerns about the quality of the submitted drawings.

5 OFFICER REPORT

Summary Of Key Aspects Of The Proposal (If Any)

This application has been reported to the Planning Committee at the request of Councillor Baily and Councillor Mrs Birch due to concerns that the proposed development would result in a detrimental effect on the amenities of the residents of the neighbouring property.

i) PROPOSAL AND BACKGROUND

The proposed development is for the erection of single storey extensions to the front and the rear of the dwelling. The front extension would project 2.2m forward of the front elevation of the dwelling with a width of 7.0 m and a height of 3.2m. It would be set off the boundary with the neighbouring property at No.95 by 2.5m. The additional gabled canopy originally proposed has now been deleted from the scheme.

The rear extension would project 3.1m to the rear of the property with a width of 7.9m and a height of 3.1m. It would be set off the neighbouring boundary with No.95 by 1.6m.

ii) SITE

No.96 Bucklebury is an end of terrace dwelling with a private garden to the rear. The western boundary of the site fronts Hanworth Road, and the site borders No.95 Bucklebury to the east. An area of land to the front of the dwelling has previously been enclosed, and the applicants have also extended their garden to the rear. The fence to the side of the property fronting Hanworth Road has previously been extended out towards the highway, under application no. 603556 which gave permission for a two storey extension to the west side of the property, and the enclosure of the previously amenity land at the side of the property to form residential curtilage.

iii) PLANNING CONSIDERATIONS

1) Principle of the Development

The site is located in a residential area that is defined as settlement on the Bracknell Forest Borough Proposals Map, and as such the proposed development is considered acceptable in principle, subject to no adverse impact on the street scene, amenity of neighbouring occupiers, highway safety, trees etc.

2) Highways Considerations

The proposed development would not result in any additional bedrooms and would not encroach upon any existing parking. Furthermore there would not be any encroachment on to the adopted highway land and amenity land at the side of the property. The Highways Officer has therefore raised no objection to the proposed development.

3) Impact on the Character and Appearance of the Area

Both extensions would be visible in the street scene from the side of the property along Hanworth Road, and the front extension would be visually prominent in the street scene at the front of the property. In terms of the rear extension, it would not project any closer to Hanworth Road than the side elevation of the existing property, and

would be single storey. It is therefore not considered that it would be overly prominent in the street scene.

With regard to the front extension, this would project 2.2m forward of the front elevation of the dwelling with a width of 7.0m and a height of 3.2m. As No.96 and No.95 are set back by approx 2.8m from the rest of the properties on the terrace, the front extension would not extend forward of the general building line at these properties. Furthermore it is not considered that a single storey extension with a front projection of 2.2m would represent a disproportionate addition to the property that would be overly prominent in the street scene.

It is therefore not considered that the development would be out of keeping with the character and appearance of the area.

4) Effect on the Amenities of the Residents of the Neighbouring Properties

In terms of the rear extension, it would project 3.1m beyond the rear elevation of the neighbouring property at No.95, and would be set off the boundary between the two properties by 1.6m. The extension would not encroach upon a 45 degree line drawn from the midpoint of the nearest rear facing window at No.95. Furthermore it is not considered that an extension with a rear projection of 3.2m with a maximum height of 3.2m, set off the boundary between the two properties by 1.6m would be unduly overbearing on the neighbouring property.

With regard to the front extension, it would project 2.2m beyond the front elevation of No.95 and would be set off the boundary between the two properties by 2.5m. The extension would not encroach upon a 45 degree line drawn from the midpoint of the nearest front facing window at No.95. Furthermore it is not considered that an extension with a front projection of 2.2m with a maximum height of 3.2m, set off the boundary between the two properties by 2.5m would be unduly overbearing on the neighbouring property. The design has now been improved with the omission of the gabled canopy from the scheme.

There would be no side facing windows in either extension, and there would be no encroachment over the boundary with No.95. It is therefore not considered that there would be a loss of privacy to the neighbouring dwelling.

It is therefore not considered that the proposed development would result in a detrimental effect on the amenities of the residents of the neighbouring properties.

CONCLUSIONS

In light of the above comments, the proposed development would not result in an adverse impact on the character and appearance of the area or a detrimental effect on the amenities of the residents of the neighbouring properties. It is therefore not considered that the proposal would be contrary to BFBLP Policy EN20, CSDPD Policy CS7 or SEP Policy CC6 and the application is recommended for approval.

6 RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:-

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

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 16th March 2011:

'Proposed Front and Rear Single Storey Extension'
'Proposed Front Extension'
'Proposed Front Extension from adjoining property'
'Proposed Rear Extension'
'Proposed Rear Extension from adjoining property'

(or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).

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

03. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the visual amenities of the area.

[Relevant Policies: SEP CC6, BFBLP EN20, Core Strategy DPD CS7]

Summary Of Reason(s) For Decision:

The following development plan policies have been taken into account in determining this planning application:

Bracknell Forest Borough Local Plan: Policy EN20 as it would be acceptable in terms of its impact upon the character of the area, and amenity of surrounding properties and adjoining area.

Core Strategy Development Plan Document: Policy CS7 which seeks to ensure that developments are of high quality design.

South East Plan: Policy CC6 which seeks development that will respect and enhance the character and distinctiveness of settlements and landscapes, and use innovative design to create a high quality built environment which promotes a sense of place.

The following material considerations have been taken into account:

The proposal is considered to comply with BFBLP Policy EN20, CSDPD Policy CS7 and SEP Policy CC6. The proposal will not adversely affect the character of the building, neighbouring property or area or significantly affect the amenities of neighbouring property. Specifically it is not considered that the proposed development would result in an unacceptable loss of light or unduly overbearing effect to the detriment of the amenities of the residents of No.95 Bucklebury. The planning application is therefore approved.

Informative(s):

01. The Applicant is advised that this permission does not convey any authorisation to enter onto land or to carry out works on land not within the Applicant's ownership.

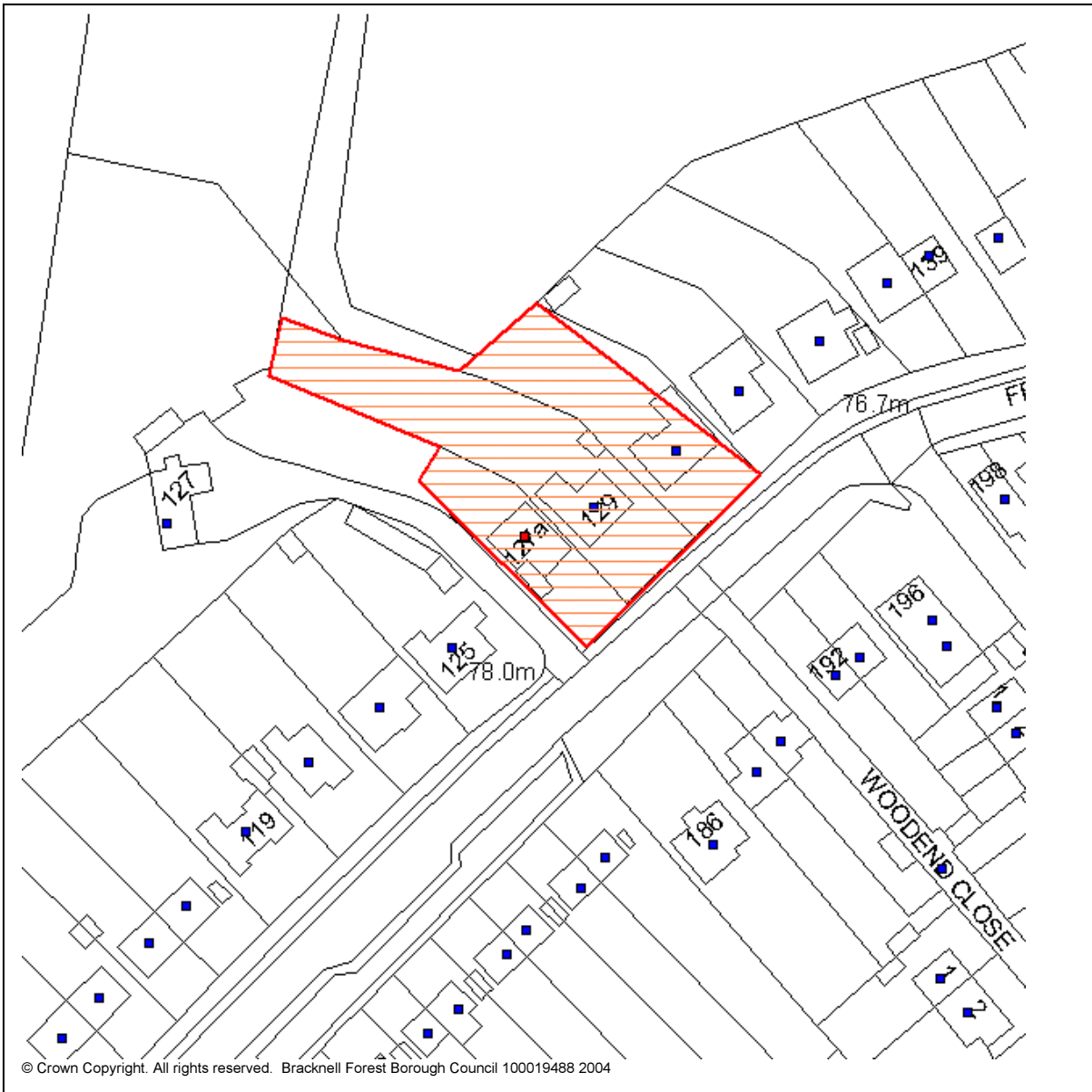
02. The applicant is advised that the red line does not indicate the extent of the residential curtilage, and planning permission would be required for the land to the front and rear for ancillary residential use.

Doc. Ref: Uniform 7/DC/Agenda

The application file to which this report relates can be viewed at the Council's Time Square office during office hours or online at www.bracknell-forest.gov.uk

ITEM NO: 7			
Application No. 11/00283/EXT	Ward: Ascot	Date Registered: 13 April 2011	Target Decision Date: 13 July 2011
Site Address:	Land At 127A-131 Fernbank Road Ascot Berkshire		
Proposal:	Erection of block comprising 9no. two bedroom and 8no. one bedroom flats with associated parking, access and landscaping following demolition of existing dwellings. Note for clarification: This application is for an extension of the time limit to implement an existing planning permission (08/00263/FUL).		
Applicant:	Kebbell Developements Ltd		
Agent:	Maze Planning Ltd		
Case Officer:	Margaret McEvit, 01344 352000 environment@bracknell-forest.gov.uk		

Site Location Plan (for identification purposes only, not to scale)



1 RELEVANT PLANNING HISTORY (If Any)

04/00450/FUL Validation Date: 09.06.2004
Erection of part 3 storey building comprising 11no. 2 bedroomed flats and 4no. 1 bed roomed flats with associated parking following demolition of existing dwellings.
Refused

05/00019/FUL Validation Date: 10.01.2005
Erection of 2 no. two and a half storey buildings forming 10no. 2 bed flats and 4 no. 1 bed flats after demolition of existing bungalows.
Refused

05/01077/FUL Validation Date: 15.11.2005
Erection of block comprising 11no. two bedroom and 4no. one bedroom flats with associated parking and bin store following demolition of existing dwellings
Refused

08/00263/FUL Validation date : 20.03.2008
Erection of block comprising 9no. Two bedroom and 8no. One bedroom flats with associated parking, access and landscaping following demolition of existing dwellings
Approved with a Legal Agreement

AMD1/08/00263/ Validation Date: 11.11.2010
Erection of block comprising 9no. Two bedroom and 8no. One bedroom flats with associated parking, access and landscaping following demolition of existing dwellings
Approved

Additional Planning &/ Appeal History

Appeal Erection of part 3 storey building comprising 11no. 2 bed roomed flats and 4no. 1 bed roomed flats with associated parking following demolition of existing dwellings.
Validation Date: 16.11.2004
Appeal Dismissed
Reference: 04/00072/REF

Appeal Erection of 2 no. two and a half storey buildings forming 10no. 2 bed flats and 4 no. 1 bed flats after demolition of existing bungalows.
Validation Date: 07.04.2005
Appeal Dismissed
Reference: 05/00027/REF

Appeal Erection of block comprising 11no. two bedroom and 4no. one bedroom flats with associated parking and bin store following demolition of existing dwellings
Validation Date: 29.09.2006
Reference: 06/00072/REF

2 **RELEVANT PLANNING POLICIES**

Key to abbreviations

<i>BFBCS</i>	<i>Core Strategy Development Plan Document</i>
<i>BFBLP</i>	<i>Bracknell Forest Borough Local Plan</i>
<i>RMLP</i>	<i>Replacement Minerals Local Plan</i>
<i>WLP</i>	<i>Waste Local Plan for Berkshire</i>
<i>SPG</i>	<i>Supplementary Planning Guidance</i>
<i>SPD</i>	<i>Supplementary Planning Document</i>
<i>PPG (No.)</i>	<i>Planning Policy Guidance (Published by DCLG)</i>
<i>PPS (No.)</i>	<i>Planning Policy Statement (Published by DCLG)</i>
<i>MPG</i>	<i>Minerals Planning Guidance</i>
<i>DCLG</i>	<i>Department for Communities and Local Government</i>

<u>Plan</u>	<u>Policy</u>	<u>Description</u> (May be abbreviated)
BFBLP	EN1L	Protecting Tree And Hedgerow Cover
BFBLP	EN2L	Supplementing Tree And Hedgerow Cover
BFBLP	EN3L	Nature Conservation
BFBLP	EN20	Design Considerations In New Development
BFBLP	M6	Cycling And Walking
BFBLP	M7	Access For People With Disabilities
BFBLP	M8	Public Transport
BFBLP	M9	Vehicle And Cycle Parking
BFBLP	R5	Publicly Usable OS For Small Sites
BFBCS	CS1	Sustainable Development Principles
BFBCS	CS6	Limiting the Impact of Development
BFBCS	CS7	Design
BFBCS	CS10	Sustainable Resources
BFBCS	CS12	Renewable Energy
BFBCS	CS14	Thames Basin Heaths Special Protection Area
BFBCS	CS24	Transport and New Development

3 **CONSULTATIONS**

(Comments may be abbreviated)

Biodiversity Officer

(No comments received at time of producing this report).

Winkfield Parish Council

Observations

Although Planning Permission has been granted, in view of the strong opposition by local residents previously, Winkfield Parish Council would recommend a time limit on the extension of 1 year.

Biodiversity Officer

(No comments received at time of producing this report).

Environmental Health and Safety

No comments.

Transportation Officer

No objection.

Landscape Officer

No objection to proposal subject to conditions.

Tree Officer

No grounds to refuse the extension of time on arboricultural grounds subject to conditions.

4 REPRESENTATIONS

6 letters have been received raising the following considerations:-

- proposed flats would adversely affect the character of the area
- the land behind the site is Green Belt and would be affected by the development
- flats are not required in the area
- development would impact on the infrastructure of the area
- development not needed to meet housing allocation
- inadequate parking provision
- use of the site access would be dangerous to pedestrians and highway users
- impact on the SPA
- revised PPS3 guidance means that the site is not suitable for development
- changes in the Fernbank Rd area since the 2008 permission was granted mean that the extension of time should not be granted

5 OFFICER REPORT

Summary Of Key Aspects Of The Proposal (If Any)

This application is reported to committee because more than 3 objections have been received. This application was withdrawn from the June committee to allow Ecological Survey work to be undertaken.

i) PROPOSAL

This is an application to extend the time limits for implementing the existing planning permission 08/00263/FUL which relates to the erection of block comprising 9no. two

bedroom and 8no. one bedroom flats with associated parking, access and landscaping following demolition of existing dwellings.

The procedure to allow extensions of time limits on planning permissions was brought into force on 1 October 2009 by the Town and Country Planning (General Development Procedure) (Amendment No.3) (England) Order 2009 (SI No. 2261) (the Order) and the Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2009 (SI 2009 No. 2262).

The procedure allows applicants to apply for a new planning permission to replace an existing planning permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development. The measure was introduced in order to make it easier for planning permissions to be kept alive for longer during the economic downturn. Guidance issued advises that decisions on extending the life of planning permissions should focus on development plan policies and other material considerations which may have changed significantly since the original grant of planning permission.

It is proposed to extend the life of the planning permission 08/00263/FUL by creating a new planning consent to include conditions imposed on the extant consent but amending condition 1 of the original consent to extend the time period for the implementation of the development for a period of 3 years.

ii) SITE

The site currently comprises 3 bungalows fronting Fernbank Road. The adjoining property (no. 133) is also a bungalow. Bungalows and chalet bungalows adjoin the site to the west. A builder's yard is located behind no. 127a, which is accessed along the side of that property. The site is predominantly in the settlement area, but the area shown as amenity area is on Green Belt land. This land is currently part of the garden of no. 129. Opposite the site are 2 storey houses set back some 10 metres from front boundaries. The site is unchanged since the extant planning permission was granted and there are no significant changes to the immediate vicinity of the site.

iii) PLANNING CONSIDERATIONS

(1) History of site

Planning permission was granted in 2008 for erection of a block comprising 9no. two bedroom and 8no. one bedroom flats with associated parking, access and landscaping following demolition of existing dwellings.

Prior to planning permission being granted in 2008, a previous application on the site (04/00450/FUL) for the erection of 11 no. 2 bed roomed flats and 4 no. 1 bed roomed flats in a two and a half storey building was dismissed on appeal. It had been refused on the grounds that the flats would adversely affect the amenities of adjoining properties and the character of the area, lack of contributions towards services and infrastructure, unsuitable vehicular and pedestrian access to the car park at the rear of the site and overlooking of neighbouring properties.

Another application (05/00019/FUL) was dismissed at the same appeal as the application referred to above. This application was for the erection of 10 no. 2 bed flats and 4 no. 1 bed flats within 2 separate buildings of two and a half storeys.

Although the appeals were dismissed, the inspector considered that the character of the area was changing with new development on plots which had been combined to provide larger sites. This had resulted in development different to the original pattern of development in both height and scale. The Inspector considered that "Nevertheless, in my opinion, the increased masses of these new developments and their two and a half storey concept is not out of keeping with the general pattern of surrounding development. In fact I find that the undulating roof lines add interest to the streetscape."

Both appeals were dismissed solely on the ground of the failure to secure contributions towards facilities and services.

A further application (05/01077/FUL) for the erection of a block comprising 11no. two bed and 4no. one bed flats was refused in March 2006. The reasons for refusal were that the proposal failed to secure contributions towards services and infrastructure and the proposal would adversely affect the Thames Basin Heaths SPA.

(2) Principle of development.

The principle of redevelopment of this site for flatted development has been established in the granting of application 08/00263/FUL and associated S.106 agreement.

The red line application site and description of development remains as per the previous application, and therefore the development is considered to be acceptable in principle.

The main change in circumstances since the planning application on this site was approved is the issuing of a revised Planning Policy Statement 3: Housing in June 2010. The revised PPS3 redefines previously developed land to remove garden areas from the definition. This reclassification was intended to remove the presumption in favour of development of garden sites which was applied to all brownfield sites in earlier versions of PPS3. The revised definition of previously developed land is set out in Annex B of PPS3:

"Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.

The definition includes defence buildings, but excludes:

- Land that is or has been occupied by agricultural or forestry buildings.
- Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures.
- Land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.
- Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings).

There is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed."

This site is occupied by permanent structures and their curtilages. Within the revised PPS3 the majority of the site would still be classified as previously developed land with the garden areas excluded from the definition of previously developed land. There is not considered to be a significant material change in policy affecting this site since planning permission was granted for development of the site in 2008. Although part of the site is now excluded from the definition of previously developed land, the site is within a defined settlement area and its development is still acceptable in principle under Policy CS2 of the Core Strategy DPD which sets out the following sequence of how land is to be allocated for development.-

- 1 Bracknell town centre
- 2 Previously developed land and buildings in defined settlements
- 3 Other land within defined settlements where this does not conflict with other policies;
- 4 Extensions to defined settlements with good public transport links to the rest of the urban area or with firm proposals to provide such links.

The majority of the site is considered to fall within category 2, with the remaining area within category 3. The site comprises 3 residential properties and their curtilage areas, it is within a defined settlement and development was previously considered to be appropriate in terms of residential amenity, the character of the area and other planning considerations. No changes to the site or significant changes to the policy framework have taken place since 2008 which would prevent an extension of time being granted to the existing planning permission on the site.

(3) Highways Issues

The parking arrangements for the proposal are unchanged since the 2008 planning permission for the site. A total of 26 parking spaces are to be provided to include 2 disabled parking spaces. No visitor parking is proposed in this proposal or in the planning approval for the site. Adopted car parking standards have not changed since the 2008 planning permission for this site was granted.

(4) Infrastructure, services and amenities

A S.106 Agreement was completed as part of the approved planning permission on the site to secure contributions towards open space, built sports facilities, library facilities, youth facilities, transport and highway safety measures and SPA mitigation measures. The SPA contribution has been paid. A deed of variation is being prepared to ensure that S106 matters secured under planning permission 08/00263/FUL are linked to the extension of time application.

(5) Biodiversity

The site is within 250m of a pond known to support great crested newts (Mill Ride Golf Course). Since the original planning application was determined, Natural England's Standing Advice on Protected Species has been issued, which requires that any applications within 500m of a pond require a great crested newt survey. Any proposals involving the demolition of existing buildings require a bat survey. The survey information must be included within the application submission.

The required surveys have been submitted and are being considered by the Biodiversity Officer. The findings will be set out in the supplementary report.

iv) CONCLUSIONS

This application is for an extension of time to permit an additional 3 years to implement planning permission 08/00263/FUL which was approved by this Committee in 2008. Currently, condition 1 of planning permission 08/00263/FUL requires development to commence by 4 July 2011.

Since planning permission was granted in 2008, revised PPS3 "Housing" (June 2009) has been issued. This changes the definition of previously developed land whereby garden areas were classified as previously developed land. The revised definition excludes private residential gardens from the definition of previously developed land. Land occupied by a permanent structure, including the curtilage of the developed land is still classified as previously developed land. This site includes 3 residential properties and their gardens. When considered against the revised PPS3 guidance, the majority of the site, comprising the area of the existing properties would be classed as previously developed land. The garden areas of the existing properties would be excluded from the definition of previously developed land. When considering policy CS2 of the Core Strategy DPD, the site is still considered to be acceptable in principle for residential development comprising as it does 3 properties and their curtilages and garden areas which fall within the settlement area. Part of the site shown to be used as an amenity area is within the Green Belt. This is unchanged since planning permission was granted in 2008. There is not considered to have been any significant change in policy background or other material considerations since 2008 which would prevent this extension of time being granted.

Since the 2008 planning permission on this site was approved, Natural England's Standing Advice on Protected Species has been issued. This requires ecological surveys to cover potential habitats of great crested newts and bats to be included within the application submission. Survey work has now been carried out and the response of the Council's Biodiversity Officer will be reported to members.

6 RECOMMENDATION

- (i) **Following the completion of planning obligation(s) under Section 106** of the Town and Country Planning Act 1990 relating to:-
- a) highways and transportation infrastructure
 - b) open space/ recreational facilities
 - c) built sports facilities
 - d) library facilities
 - e) youth facilities
 - f) SPA mitigation measures

the Head of Development Management be authorised to **APPROVE** the application subject to the following condition(s):-

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.
02. The development hereby permitted shall be carried out only in accordance with the following plans:
Drawing nos. 1515/01, 02, 03, 04, 05, 06 _ 07.
(or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).

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

03. No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenities of the area.
[Relevant Policies: BFBLP EN20, CSDPD CS7]
04. No development shall take place until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of the visual amenities of the area.
[Relevant Plans and Policies: BFBLP EN20, CSDPD CS7]
05. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the practical completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
REASON: To ensure that the works are carried out as approved in the interests of the visual amenities of the area.
[Relevant Plans and Policies: BFBLP EN20, CSDPD CS7]
06. All hard landscaping works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.
REASON: To ensure that the works are carried out as approved in the interests of the visual amenities of the area.
[Relevant Plans and Policies: BFBLP EN20, CSDPD CS7]
07. No development shall take place until details of a scheme of screen walls and fences has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of any of the buildings approved in this permission.
REASON: In the interests of the visual amenities of the area.
[Relevant Plans and Policies: BFBLP EN20, CSDPD CS7]
08. No development shall take place until details of a means of vehicular access to the site have been submitted to and approved by the Local Planning Authority. No flat shall be occupied until the vehicular access has been constructed in accordance with the approved details.
REASON: In the interests of road safety.
[Relevant plans and policies: CSDPD CS23]
09. No dwelling shall be occupied until vehicle parking spaces have been surfaced and marked out in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.
[Relevant Plans and Policies: BFBLP M9, CSDPD CS23]

10. There shall be no restrictions on the use of the car parking spaces shown on the approved plan for the occupiers of, or visitors to, any of the buildings hereby permitted.
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.
[Relevant Policies: BFBLP M9, CSDPD CS23]
11. No dwelling shall be occupied until 26 secure cycle parking spaces for residents and 3 for visitors have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall thereafter be retained.
REASON: In the interests of accessibility of the development to cyclists.
[Relevant Policies: BFBLP M9, CSDPD CS23]
12. No dwelling shall be occupied until visibility splays of 2.4 metres by 2.4 metres have been provided at the junction of the driveway and the adjacent footway. The dimensions shall be measured along the edge of the drive and the back of the footway from their point of intersection. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the carriageway.
REASON: In the interests of road safety.
[Relevant Policies: CSDPD CS23]
13. No development shall take place until a scheme has been submitted and approved in writing by the Local Planning Authority, to accommodate:
(a) parking of vehicles of site personnel, operatives and visitors
(b) loading and unloading of plant and vehicles
(c) storage of plant and materials used in constructing the development
(d) wheel cleaning facilities
and each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (d) above without the prior written permission of the Local Planning Authority.
REASON: In the interests of amenity and road safety.
14. No development shall take place until details in respect of measures to:
a) minimise, re-use and recycle waste, including materials and waste arising from demolition;
b) minimise the pollution potential of unavoidable waste;
c) dispose of unavoidable waste in an environmentally acceptable manner;
have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented during the course of building operations and the subsequent use of the building.
REASON: To protect the amenities of the area.
[Relevant Plans and Policies: BWLP WLP6]
15. The bathroom windows in the side elevations of the proposed building hereby permitted shall not be glazed at any time other than with obscure glass. They shall be fixed shut with the exception of a top hung openable fanlight and be permanently retained thereafter.
REASON: To prevent the overlooking of neighbouring properties.
[Relevant Plans and policies: BFBLP EN20]

16. No development shall take commence until details of appropriate balcony privacy screening for all proposed balconies have been submitted to and approved in writing by the Local Planning Authority. The details shall include plan and elevation drawings and materials to be used. No dwelling shall be occupied until the approved screening has been installed. It shall thereafter be retained.
REASON: To protect the amenities of occupiers of adjoining properties.
[Relevant plans and policies: BFBLP EN20]
17. No development shall take place until details of a scheme (Working Method Statement) to control the environmental effects of the demolition and construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- (i) control of noise
 - (ii) control of dust, smell and other effluvia
 - (iii) control of surface water run off
 - (iv) site security arrangements including hoardings
 - (v) proposed method of piling for foundations
 - (vi) construction and demolition working hours
 - (vii) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site
- The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the Local Planning Authority.
REASON: In the interests of the amenities of the area.
[Relevant Plans and Policies: BFBLP EN25]
18. No development shall take place until a scheme for protecting the proposed dwellings/gardens from noise from Fernbank Road traffic has been submitted to and approved by the Local Planning Authority. Any works which form part of the scheme approved by the Local Planning Authority shall be completed before any permitted dwelling is occupied unless an alternative period is agreed in writing by the Local Planning Authority.

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	35 dB(A)
2300-0700	Habitable rooms	30 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.

REASON: To ensure that the amenities of the future residents is not adversely affected by noise.

[Relevant Plans and Policies: BFBLP EN25]

19. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No

lighting shall be provided at the site other than in accordance with the approved scheme.

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

[Relevant Plans and Policies: BFBLP EN20 and EN25]

20. No development shall commence until a Sustainability Statement demonstrating how the development meets current best practice standards in the sustainable use of natural resources has been submitted to and approved in writing by the Local Planning Authority. The Statement shall be accompanied by evidence of certification from an independent assessor licensed by the Building Research Establishment that the development meets a minimum standard of Level 3 of the Code for Sustainable Homes or a "Very Good" or "Excellent" BREEAM rating. The evidence shall include a breakdown of the rating and thereafter the development shall be implemented in accordance with the rating and retained as such unless the local planning authority gives prior written consent to any variation.

REASON: In the interests of sustainability and the efficient use of resources.

[Relevant Plans and Policy: CSDPD CS10]

21. No development shall commence until an energy demand assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate:

(a) that the proposed development will reduce carbon dioxide emissions by at least 10% against the appropriate Target Emission Rate as set out in Part L of the Building regulations (2006), and

(b) that at least 20% of the development's energy requirements will be provided from on-site renewable energy production.

The development shall be carried out in accordance with the approved assessment and retained as such unless the local planning authority gives prior written consent to any variation.

REASON: In the interests of the sustainability and the efficient use of resources.

[Relevant Plans and Policies: CSDPD Policy CS12]

22. The development hereby permitted shall not begin until details showing the finished floor levels of the building hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

REASON: In the interests of the character of the area.

[Relevant Policies: BFBLP EN20, CSDPD CS7]

23. The development (including site clearance and demolition) shall not be begun until a wildlife protection plan for construction has been submitted to and approved in writing by the local planning authority. The plan shall include:

i) an appropriate scale plan showing where construction activities are restricted and protective measures

ii) details of protective measures to avoid impacts during construction

iii) a timetable to show phasing of construction activities

iv) persons responsible for compliance with legal consents, planning conditions, installation of protective measures, inspection and maintenance.

The approved wildlife protection shall be performed , observed and complied with.

REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1]

Summary Of Reason(s) For Decision:

The proposal accords with the following saved policies of the Bracknell Forest Borough Local Plan:

- * EN1 – which seeks to protect tree and hedgerow cover.
- * EN2 – which seeks to supplement tree and hedgerow cover.
- * EN3 – which seeks to ensure that the special value and character of SPAs, SACs and SSSIs are protected.
- * EN20 – as it would be acceptable in terms of its impact upon the character of the area, and amenity of surrounding properties and adjoining area.
- * M6 – which seeks to ensure that development will provide for safe, direct and well signed cycle and pedestrian routes.
- * M7 – which seeks to ensure that new development will access for all, and the use of highway and footpath networks, parking and public transport.
- * M8 – which seeks to ensure new development facilitates and promotes the use of public transport.
- * M9 – which seeks satisfactory parking provision for vehicles and cycles.
- * R5 – which requires that residential development of a net increase in five or more dwellings on sites less than one hectare will enter into a planning obligation for a contribution towards recreational facilities in the area.

The proposal accords with the following Core Strategy Development Plan Document Policies:

- * CS1 – which seeks to ensure that development makes efficient use of land and buildings, reduces the need for travel, promotes a mix of uses, conserves water and energy use, supports the economic wellbeing of the population, protects and enhances safety, natural resources, character of local landscape and historic and cultural features.
- * CS6 – which seeks to ensure that development will mitigate adverse impacts upon communities, transport and the environment.
- * CS7 – which seeks to ensure that developments are of high quality design.
- * CS10 – which requires development proposals to be accompanied by a Sustainability Statement.
- * CS12 – which requires development proposals to be accompanied by an Energy Demand Assessment
- * CS14 – which seeks to avoid an adverse impact upon the integrity of the Thames Basins Heaths Special Protection Area.
- * CS24 – which seeks to ensure that development will mitigate any transport impacts which may arise from the development or cumulatively with other proposals.

The South East Plan, Regional Spatial Strategy for the South East of England (May 2009)

- * CC4 – which seeks the design and construction of all new development, and the redevelopment and refurbishment of existing building stock to incorporate sustainable construction standards and techniques.
- * CC6 – which seeks development that will respect and enhance the character and

distinctiveness of settlements and landscapes, and use innovative design to create a high quality built environment which promotes a sense of place.

* CC7 – which requires sufficient capacity to be available in existing infrastructure to meet the needs of new development, and where this cannot be demonstrated, that additional capacity be released through demand management measures, better management of existing or provision of new infrastructure.

* H5 – which seeks positive measures to raise the quality of new housing, reduce its environmental impact, and make good use of land.

Planning Policy Statements

* PPS3: 'Housing', which seeks to achieve high quality and well-designed housing; a mix of housing, both market and affordable; housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure; a flexible, responsive supply of land; and effective use of land, including re-use of previously-developed land, where appropriate.

Supplementary Planning Documents

* Limiting the Impact of Development Supplementary Planning Document (July 2007), which provides guidance on planning obligations which may be required to satisfy planning policies, and aimed at making development more sustainable.

(Please note that this is not intended to be an exhaustive list).

The following material considerations have been taken into account:

Third party representations were received on grounds that the proposal would be contrary to local and national policies, out of character and overdevelopment, overbearing impact upon local properties, insufficient parking, highway safety issues, increased traffic and impact upon the SPA. These comments have been taken into consideration, however it is considered that the proposal would be in accordance with the development plan, and would not result in a form of development out of keeping with the character and appearance of the area, and would be designed and sited so as to avoid an adverse impact upon the residential amenities of neighbouring properties. The impact upon the SPA can be resolved through an appropriate planning obligation. This is an extension of time application and it is not considered that there have been significant changes to development plan and national guidance since the original planning application was approved.

The proposal is considered to be acceptable in relation to impact upon the character of the area, neighbouring properties and highway safety. A s.106 will be required to mitigate the impact of the development upon local infrastructure and the Thames Basin Heaths SPA. The application is therefore approved.

(ii) In the event of the S106 planning obligation(s) not being completed by 31 August 2011, the Head of Development Management be authorised to **REFUSE** the application for the following reasons:-

01. The proposed development would unacceptably increase the pressure on highways and transportation infrastructure, public open space, built sports facilities, library facilities and youth facilities. In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which secure contributions towards integrated transport and highway safety measures, open space, built sports facilities, library facilities and youth facilities the proposal

is contrary to Policy CC7 of the South East Plan, Policies R5 and M4 of the Bracknell Forest Borough Local Plan and CS6, CS8, and CS24 of the Core Strategy Development Plan Document and to Supplementary Planning Document Limiting the Impact of Development (adopted July 2007).

02. The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the applicants have not satisfactorily mitigated the development to comply with Limiting the Impact of Development Supplementary Planning Document (July 2007). In the absence of a section 106 planning obligation to secure suitable mitigation measures, the proposal would therefore be contrary to Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan and Policy CS14 of the Core Strategy Development Plan Document.

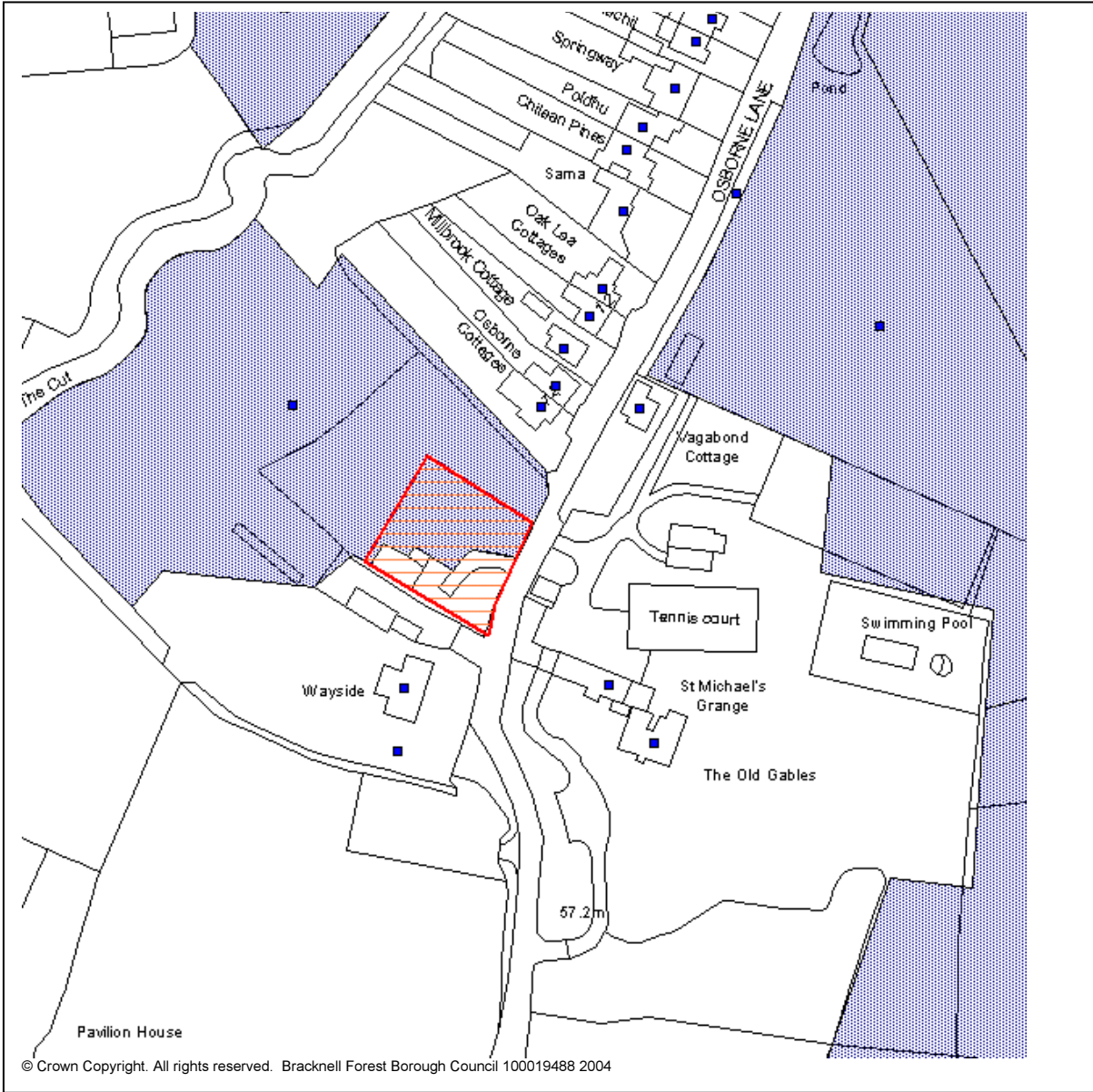
Doc. Ref: Uniform 7/DC/Agenda

The application file to which this report relates can be viewed at the Council's Time Square office during office hours or online at www.bracknell-forest.gov.uk

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ITEM NO: 8	Ward:	Date Registered:	Target Decision Date:
Application No. 11/00336/OUT	Binfield With Warfield	9 May 2011	4 July 2011
Site Address:	Land Adjacent Wayside Osborne Lane Warfield Bracknell Berkshire RG42 6DY		
Proposal:	Outline application for the erection of a four bedroom detached house following demolition of existing builders store.		
Applicant:	Mr Peter Sargeant		
Agent:	Mr William Munday		
Case Officer:	Paul Corbett, 01344 352000 environment@bracknell-forest.gov.uk		

Site Location Plan (for identification purposes only, not to scale)



1 RELEVANT PLANNING HISTORY (If Any)

621596 Validation Date: 22.04.1996
Land adjacent to Wayside Osborne Lane Warfield
Application for a Certificate of Lawful Use,
for use of land as builders yard.
Refused

623106 Validation Date: 29.09.1997
Application under Section 191(1)(a) for
Certificate of Lawful Use for use of land for
storage of builders materials.
Approved

2 RELEVANT PLANNING POLICIES

Key to abbreviations

<i>BFBCS</i>	<i>Core Strategy Development Plan Document</i>
<i>BFBLP</i>	<i>Bracknell Forest Borough Local Plan</i>
<i>RMLP</i>	<i>Replacement Minerals Local Plan</i>
<i>WLP</i>	<i>Waste Local Plan for Berkshire</i>
<i>SPG</i>	<i>Supplementary Planning Guidance</i>
<i>SPD</i>	<i>Supplementary Planning Document</i>
<i>PPG (No.)</i>	<i>Planning Policy Guidance (Published by DCLG)</i>
<i>PPS (No.)</i>	<i>Planning Policy Statement (Published by DCLG)</i>
<i>MPG</i>	<i>Minerals Planning Guidance</i>
<i>DCLG</i>	<i>Department for Communities and Local Government</i>
<i>SEP</i>	<i>South East Plan</i>

<u>Plan</u>	<u>Policy</u>	<u>Description</u> (May be abbreviated)
BFBLP	EN3L	Nature Conservation
BFBLP	EN14	River Quality
BFBLP	EN20	Design Considerations In New Development
BFBLP	H14	Accessible Housing
BFBLP	M4L	Highway Measures New Development
BFBLP	M6	Cycling And Walking
BFBLP	M7	Access For People With Disabilities
BFBLP	M9	Vehicle And Cycle Parking
BFBCS	CS1	Sustainable Development Principles
BFBCS	CS6	Limiting the Impact of Development
BFBCS	CS7	Design
BFBCS	CS9	Development on Land Outside Settlements
BFBCS	CS10	Sustainable Resources
BFBCS	CS12	Renewable Energy

BFBCS	CS14	Thames Basin Heaths Special Protection Area
SEP	CC4	Sustainable Design and Construction
SEP	CC6	Sustainable Communities. & Character of Environment.

3 **CONSULTATIONS**

(Comments may be abbreviated)

Transportation Officer

Objection raised - see highway comments within the report.

Biodiversity Officer

Conditional Approval.

Landscape Officer

Objection raised - see landscape comments within the report.

Warfield Parish Council

Observations

We note the Inspector's recommendations with regards to a previous proposal for the erection of 2 houses however, we have no objection to this proposal provided permission is subject to the following conditions:

1. There is no alienation of the plot and no vehicle access through the plot.

4 **REPRESENTATIONS**

Representations received comprise 1 objection and 1 letter of support.

The following are the issues raised by the objector (1 Resident) -

1. Impact on the character of the area
2. Impact of the siting of the proposal close to the boundary with Wayside and potential of overlooking.
3. Concerns over the use of the remainder of the site

Warfield Parish Council make the following Observation -

We note the Inspector's recommendations with regards to a previous proposal for the erection of 2 houses however, we have no objection to this proposal provided permission is subject to the following conditions:

1. There is no alienation of the plot and no vehicle access through the plot.

5 **OFFICER REPORT**

Proposed site area: 0.09ha

Proposed number of parking spaces: 3

Proposed number of residential units: 1

Net gain: 1
Proposed density: 11 dwellings per hectare

This application is reported to Planning Committee at the request of Councillor Leake on the grounds of considerable local interest and a request for members to undertake a site visit to assess the effect on the overall location and street scene.

PROPOSAL

The accompanying planning statement sets out that given the government has published the Localism Bill, which seeks to promote a move to decision-making on planning matters at community level, which actively encourages site owners and developers to promote engagement with the local community in the design and content of any development proposals. The applicant is able to confirm that such an exercise was undertaken to engage with the local community before submitting this proposal. In summary the applicants planning statement states this resulted in 10 local residents responding out of 22 originally consulted. Of those that did express any preference over the form of development, four favoured a single detached house, whilst three others indicated that one or two houses would be preferably and the others range from no development to allotment gardens.

The proposal is for the erection of a four bedroom detached house and garage following demolition of existing builders store. The proposed extent of the residential curtilage proposed would comprise only the land currently benefiting from the Certificate of Lawful Use as a builders storage area.

This application is an outline proposal only for permission to establish that a development is acceptable in principle, subject to subsequent approval of all other detailed matters later referred to as reserved matters.

For avoidance of doubt paragraph 52 of DCLG Circular 01/2006 sets out what information should be submitted with an Outline Application. As such detailed consideration will always be required on the use and amount of development. In addition, even if layout, scale and access are reserved, an application will still require a basic level of information on these issues in the application. As a minimum, therefore, applications should always include information on:

- Use – the use or uses proposed for the development and any distinct development zones within the site identified.

The Planning Statement submitted with the application defines the use as a single residential detached dwelling with attached garage and proposes the cessation of the previous lawful use a builders storage area.

- Amount of development – the amount of development proposed for each use.

The amount of development proposed is for a single detached residential dwelling and attached garage and associated residential curtilage shown on the drawings submitted

- Indicative layout – an indicative layout with separate development zones proposed within the site boundary where appropriate.

The submitted drawings clearly show the indicate site arrangements.

- Scale parameters – an indication of the upper and lower limits for height, width and length of each building within the site boundary.

Other than the submitted scaled drawings the applicant has been requested to submit the upper and lower limits for height (maximum ridge height is 7.5m as set out in the

Planning Statement), width and length of each building to ensure certainty as to the scale parameters of the built form being proposed.

- Indicative access points – an area or areas in which the access point or points to the site will be situated.

The single vehicle access point to the site proposes to utilise the existing site access and the visibility splays shown are only indicative.

The drawings show a dwelling with the following dimensions 14m wide x 8.5m deep and a ridge height of 63.05m above sea level for the house and 61.05 m above sea level for the attached garage.

SITE

The site is located approximately 2km north of Bracknell Town Centre just north of the defined settlement of Newell Green along a narrow country lane, Osborne Lane is accessed off the junction with Forest Road, Warfield Street and Newell Green. The site itself is some 250m north of the junction and lies on the west side of the lane.

The site is within a gap of approximately 50 metres between the boundaries of a detached house and buildings known as Wayside to the south and Osborne Cottages to the north. The character is rural in nature at this point with much of the site's front boundary screened by a hedge except for a small vehicular access leading to a large concrete built building with a corrugated steel pitched roof forming a barn/storage facility located close to the common boundary with Wayside. The existing building is only visible from the small entrance in the hedge and from Osborne Cottage further north.

The site has lawful use as builders storage of materials however it would appear it has not been used as such for many years.

To the west side of the lane, there are some 15 houses and bungalows from Wayside, to the south, to Brook House to the north, all arranged on a fairly regular building line. Wayside lies immediately to the south of the application site. This is a detached, two-storey house with a long and substantial outbuilding, which includes loft windows, on its northern side. To the north are two pairs of semi-detached houses, between which a more modern detached house has been erected. Opposite are The Old Gables and St. Michael's Grange and associated outbuildings which front eastern margin of the lane and noted to be classified as Grade II Listed Buildings.

To the north and west of the site there is a small, roughly L-shaped meadow, which is in the same ownership as the application site. The applicant proposes that this meadow would be retained in its present form (other than any minor works required to provide sight lines), and not included within the residential curtilage of the proposed dwelling.

iii) PLANNING CONSIDERATIONS

(1) Principle of the development

The principle of the redevelopment of the site between Wayside and Osborne Cottages with 1 detached house would not be considered acceptable and contrary to Policies EN8 of the Bracknell Forest Borough Local Plan and CS9 of the Core Strategy Development Plan Document.

The key policy for assessing this proposal is BFBLP Policy EN8 which sets out what types of development would be permissible within the countryside which are as follows:

- (i) development required for agriculture and forestry;
 - (ii) essential utilities and cemeteries which cannot be sited within settlement boundaries;
 - (iii) minor extensions to, replacement of, or subdivision of, existing buildings,
 - (iv) the re-use of permanent buildings which are in keeping with their surroundings, or of buildings of special architectural or historic interest,
- And
- (v) proposals which are acceptable in terms of other policies in this plan for:
 - (a) recreation development suitable in the countryside;
 - (b) the disposal, recycling or treatment of waste.

Furthermore the site also falls within land classified as a river corridor BFBLP Policy EN14 and planning permission will not be granted for development that would have an adverse effect on nature conservation interests, fisheries or the open character of the landscape.

The principle of allowing a dwelling on this site does not meet any of the criteria as set out under BFBLP Policy EN8 (i) –(v) and CSDPD Policy CS9 which restricts new residential development on land outside defined settlements and it would also have an impact upon the open character of the landscape. It is not considered that the applicant's circumstances or the future use of the land is sufficient to outweigh this restrictive policy.

(2) Transportation Considerations

No information was submitted with the application to demonstrate how the site operated in the past as a builder's storage area for materials. Until such time it can be demonstrated by how much or how little the site was actually used as part of its lawful use of the land, the Highways Officer has confirmed he will not be able to ascertain what if any highways contributions would be required. Therefore the standard infrastructure mitigation contribution will be applied for a net increase of one dwelling.

In respect of the layout, the visibility splays shown at the existing access to the site will result in the whole of the hedge having to be removed which would affect the visual appearance of this part of the lane and the area in general. The Highways Officer confirms given the road is narrow in the vicinity of the site, full visibility across the entire width of the site (to the left) is required. The splay to the right can be taken to the bend as speeds will be expected to be lower.

It should also be noted that there is a disused gate at the eastern end of the site (blue land) and the levels of the verge at this point are such that access at this entrance is difficult with very poor visibility which is probably why it has not been used for many years. It appears that this proposal will lead to this having to be brought back into service to be able to access the land to the rear of the site. It would appear from on site observations the main access currently serves both the builders storage area and paddock beyond. The applicant confirms that this gate could be brought back into use at any time as it is outside the red line area. The applicant would however be willing to negotiate on improving highway safety by incorporating a single access to both the proposed dwelling and paddock if the application were to be considered favourably.

In terms of the layout the garage appears to be just below standard but there is sufficient space on the drive to park and turn 3 vehicles which would be required for a house of this size. This can easily be secured by condition.

Given the hedge to the front of the site needs to be retained as it contributes to the character of the area the visibility at both the existing access points (i) the access for the proposed house and (ii) the existing field gated access would be substandard and therefore represent a hazard to other road users to the detriment of highway safety. The development would therefore be contrary to Policy CS23 of the Core Strategy Development Plan Document.

(3) Impact upon the character and appearance of the area

The applicant makes reference to the previous appeal decision which was for two houses on the site broadly positioned equidistant between Wayside and Osborne Cottages which was dismissed.

The Inspector stated "In my opinion the construction of two houses, close to the road would restrict these views far more than does the existing single storey barn, set towards the back of the site, and the small amounts of building material that are stored on the site. Moreover the construction of two closely spaced houses together with the creation of their access ways and the legitimate expectation of any future occupiers of these houses to layout and use their gardens as they saw fit would, I consider give the site a more developed, suburban character than it currently possesses. "

It is on this basis that the applicant has decided it is an important determining factor in the design concept for the site that this smaller residential development would still enable views through and beyond the site and therefore has sought to retain these views by siting a single dwelling broadly in place of the single storey barn nearer to the common boundary with Wayside.

The application site is within the Northern Villages study area A: Newell Green of the Bracknell Forest Character Area Assessment SPD.

The existing building on the site is single storey pitched roof building with a height of approximately 4.8m and orientated broadly on an east-west axis in terms of its longest elevation which is approximately 12m x 6m with a set back within the site of approximately 20m. Whereas the proposed house will be two storey in height of no more 7.5m and orientated broadly on an north-south axis in terms of its longest elevation which is approximately 14m x 8m with a set back within the site of approximately of 12m. In comparison the proposed dwelling would therefore be some 8 metres further forward, approximately 2.7m higher and more than twice the width of the existing building which makes for a more prominent built form than that of the existing building within the site.

It should also be noted that opposite the site fronting Osborne Lane is a Barn and Cottage, St Michaels Grange a Grade II Listed Building. Whilst it is acknowledged that part of the building fronts directly onto Osborne directly opposite to the site it is not considered that this proposal would have detrimental affect upon this listed buildings setting.

However it is considered that a new dwelling on this site would be far more prominent and urbanising in character which would be further exacerbated by the fact that hedge would be lost in order to achieve the necessary site lines for the existing access to be made safer. Whilst the other access remains outside the application site it is very likely that this access would be brought back into use to facilitate access to the paddock beyond if this application were to be approved. But most importantly there appears to be no overriding circumstances other than the existing building and associated land

falling into disrepair through it not been used lawfully for builder's storage over many years, is in its self not sufficient justification to outweigh the policy which seeks to protect such land from residential development.

(4) Effect on the amenity of neighbouring residential property

The neighbouring building at Wayside to south is likely to be the most affected by the proposed siting of this house which the illustrative plans show it to be positioned approximately 2.5m off the common boundary. The existing building is 1.5m from this boundary. It would appear from the floor plan drawings ref:1016/21A that no windows are proposed within the first floor side elevation to be a cause for concern but given the drawings are illustrative this matter would need to be secured by condition. However the residents of Wayside do also express some concern with regards to the siting of this proposal so close to their boundary as well as concerns that if this were approved it would enable the remaining land to be built upon in the near future for more housing. It was verbally communicated that they would prefer the proposed dwelling to be more centrally positioned and all of the land conveyed to a single owner.

The proposed dwelling is show to have a maximum height of 7.5m and would be positioned within 2.5m of the common boundary with Wayside whereby the ancillary outbuildings at Wayside adjacent to the site boundary have ridge heights of 3.5m and 4.7m respectively. The lower of the buildings comprise a garage and a barn like building behind used as home office accommodation with rooflights in the roof. Whilst it is acknowledged that the proposal would result in it being a little overbearing and could be better sited it is not considered so harmful as to warrant a reason for refusal as the intervening distance between the building at Wayside and the proposal dwelling would still retain an approximate 10m gap with no significant privacy issues between buildings.

(5) Biodiversity

The Biodiversity Officer has some concerns however states that this proposal could be supported subject to a number of conditions.

It is noted that the submitted ecological appraisal does not identify any protected species and does not identify any impacts that would prevent the development from being acceptable in principle. However the mixed species hedgerow to the front boundary is very likely to be largely in part lost in order to achieve the necessary sightline requirements. This is considered a Habitat of Principal Importance under the NERC Act 2006. Therefore, it should be retained and extended in the design of the development.

In the event of planning permission being granted a number of conditions would be recommended relating to nesting birds, a construction mitigation plan and biodiversity supporting habitat features (bat boxes for example).

(6) Limiting the Impact of Development: Community Infrastructure Mitigation

In accordance with the Community Infrastructure Levy regulations which came into force on 6 April 2010, the following obligations to be secured by the means of a S106 are considered necessary to make the development acceptable in planning terms and are directly, fairly and reasonably related to the proposed development.

A Supplementary Planning Document entitled 'Limiting the Impact Upon Development' was adopted in July 2007. This document recommends that contributions are sought

for any net gain in dwelling depending upon their impact upon the local services and infrastructure. The document forms part of the Councils ongoing Local Development Framework process.

In line with the Borough Council's policies of seeking to limit the impact of development and make it more sustainable, at this point in time the following obstacles to the development going ahead should be addressed.

1. An agreed financial contribution towards -

- (a) Transportation infrastructure
- (b) Open space & recreational facilities
- (b) Educational facilities

Whilst it is acknowledged that the applicant did submit a draft S106 with the application this was not progressed to avoid burdening the applicant with any unnecessary costs as through discussions with Planning Policy it was confirmed that this proposal could not be supported in principle.

On the basis of not securing a S106 Legal Agreement with this proposal due to other material determining factors the proposed development would unacceptably increase the pressure on highways and transportation infrastructure, public open space, community, and educational facilities. This matter can easily be resolved should the applicant wish to appeal the Councils decision by the applicant formally submitting a Unilateral Undertaking securing the identified contributions in advance of any subsequent appeal.

Therefore in the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which secure contributions towards integrated transport and highway safety measures, open space, community and educational facilities, the proposal is contrary to Policy CC7 of the South East Plan, Policies R5 and M4 of the Bracknell Forest Borough Local Plan and CS6, CS8, and CS24 of the Core Strategy Development Plan Document and to Supplementary Planning Document Limiting the Impact of Development (adopted July 2007).

(7) Thames Basin Heaths SPA

This proposal is unaffected by the Thames Basin Heaths Special Protection Area as it falls outside the 5km buffer zone.

(8) Trees/Landscaping Implications:

An objection is raised in that the a large proportion of the existing hedgerow would need to be removed to facilitate the necessary visibility splays at the access to the site to improve highway safety and as a result would have a detrimental impact upon the character of the area and would be contrary to the Character Area Assessment SPD.

However in the event of planning permission being approved a hard and soft landscape condition will need to be imposed that at least secures compensatory native planting to offset the loss of the hedgerow.

(9) Sustainability Statement and Energy Demand

For residential development policy CS10 requires the submission of a Sustainability Statement demonstrating how the proposals meet current best practice standards, i.e.

Code for Sustainable Homes Level 3. Formal assessment of dwellings against the Code for Sustainable Homes must be carried out by an accredited assessor (accredited by BRE). The assessment has several stages: Pre-assessment Estimator, Design Stage Assessment, and Post Construction Review. All stages should be covered, and the assessments submitted to the Council.

No Sustainability Statement has been provided although some thought has been given to sustainability in the Design and Access Statement. Similarly no Energy Demand Assessment has been submitted.

In the event of planning permission being granted a number of conditions would be recommended to secure a Sustainability Statement, a Post Construction Review Report and an Energy Demand Assessment in order to comply with CSDPD Policies CS10 and CS12.

(v) CONCLUSIONS

A new dwelling on this site would be far more prominent and urbanising in character which would be further exacerbated by the fact that hedge would be lost in order to achieve the necessary site lines to improve the safety of the vehicular access. But most importantly there appears to be no overriding circumstances other than the existing building and associated land falling into disrepair through it not been used lawfully for builder's storage over many years, is not in itself sufficient justification to outweigh the policy which seeks to protect such land from residential development.

Additionally in the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which secure contributions towards integrated transport and highway safety measures, open space, community and educational facilities, the proposal is contrary to the local plan policies.

It is for these reasons this proposal cannot therefore be supported.

6 RECOMMENDATION

That the application be **REFUSED** for the following reason(s):-

01. The change of use of the land to residential use is not acceptable in principle and the proposal for a new dwelling would result in an urbanising and detrimental impact upon the open and rural character of the area. The development is therefore contrary to Policy CC6 of the South East Plan, Policies EN8, EN20 and H5 of the Bracknell Forest Borough Local Plan and Policy CS9 of the Core Strategy Development Plan Document and Streetscene Supplementary Planning Document (April 2011) and Bracknell Forest Character Area Assessment SPD.
02. Given the hedge to the front of the site needs to be retained as it contributes to the character of the area the visibility at both the existing access points (i) for the proposed house and (ii) the existing field gated access would be substandard and therefore represent a hazard to other road users to the detriment of highway safety. The development would therefore be contrary to Policy CS23 of the Core Strategy Development Plan Document.
03. The proposed development would unacceptably increase the pressure on highways and transportation infrastructure, public open space, community, and educational facilities. In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which secure contributions towards integrated transport

and highway safety measures, open space, community and educational facilities, the proposal is contrary to Policy CC7 of the South East Plan, Policies R5 and M4 of the Bracknell Forest Borough Local Plan and CS6, CS8, and CS24 of the Core Strategy Development Plan Document and to Supplementary Planning Document Limiting the Impact of Development (adopted July 2007).

Informative(s):

01. This refusal is in respect of Drawing No's 1016/20A and 21A received by the LPA on 09.05.2011.
02. The applicant is advised that reason for refusal 3. in relation to failing to provide adequate service, amenity and infrastructure contributions could be addressed by planning obligations, formulated in terms which are acceptable to the Local Planning Authority and entered into as provided for by Section 106 of the Town & Country Planning Act. Please see www.bracknell-forest.gov.uk/env-spd-lid.htm for further information.

Doc. Ref: Uniform 7/DC/Agenda

The application file to which this report relates can be viewed at the Council's Time Square office during office hours or online at www.bracknell-forest.gov.uk

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ITEM NO: 9

Application No.
11/00354/FUL

Site Address:

Ward:
Ascot

Date Registered:
23 May 2011

Target Decision Date:
18 July 2011

**Land Adjacent To 62 King Edwards Road Ascot
Berkshire**

Proposal: **Erection of 1 no. two bedroom detached house with associated parking and construction of dormer window to existing dwelling.**

Applicant: Gilbert Homes

Agent: (There is no agent for this application)

Case Officer: Nick Kirby, 01344 352000

environment@bracknell-forest.gov.uk

Site Location Plan (for identification purposes only, not to scale)



1 RELEVANT PLANNING HISTORY (If Any)

09/00655/FUL Validation Date: 20.10.2009
Erection of 1no. four bedroom detached house to side of existing dwelling.
Refused

10/00446/FUL Validation Date: 09.07.2010
Erection of 1 no. three bedroom detached house with associated parking.
Refused

Appeal Erection of 1 no. three bedroom detached house with
Validation Date: associated parking.
18.11.2010 **Appeal Dismissed**

Reference:
10/00039/REF

2 RELEVANT PLANNING POLICIES

Key to abbreviations

<i>BFBCS</i>	<i>Core Strategy Development Plan Document</i>
<i>BFBLP</i>	<i>Bracknell Forest Borough Local Plan</i>
<i>RMLP</i>	<i>Replacement Minerals Local Plan</i>
<i>WLP</i>	<i>Waste Local Plan for Berkshire</i>
<i>SPG</i>	<i>Supplementary Planning Guidance</i>
<i>SPD</i>	<i>Supplementary Planning Document</i>
<i>PPG (No.)</i>	<i>Planning Policy Guidance (Published by DCLG)</i>
<i>PPS (No.)</i>	<i>Planning Policy Statement (Published by DCLG)</i>
<i>MPG</i>	<i>Minerals Planning Guidance</i>
<i>DCLG</i>	<i>Department for Communities and Local Government</i>
<i>SEP</i>	<i>South East Plan</i>

<u>Plan</u>	<u>Policy</u>	<u>Description</u> (May be abbreviated)
BFBLP	EN1L	Protecting Tree And Hedgerow Cover
BFBLP	EN20	Design Considerations In New Development
BFBLP	M9	Vehicle And Cycle Parking
BFBCS	CC7	Infrastructure and Implementation
BFBCS	CS10	Sustainable Resources
BFBCS	CS12	Renewable Energy
BFBCS	CS23	Transport
SEP	CC6	Sustainable Communities & Character of Environment

3 CONSULTATIONS

(Comments may be abbreviated)

Transportation Officer

The Council's Highways Officer requested the comments from the previous application 10/00446/FUL were used for the current application. In summary it was requested that

conditions be attached covering issues of the position of the access and the provision of cycle parking.

(OFFICER COMMENT- *the position of the access is addressed in the officer report and a condition is not applied in this respect. A condition is applied as recommended regarding cycle storage.*)

Landscape Officer

The Council's Landscape Officer requested the comments from the previous application 10/00446/FUL were used for the current application. In summary it was requested that conditions be attached covering issues of details of hard and soft landscaping and the retention of soft landscaped areas.

(OFFICER COMMENTS - *suggested conditions attached*)

Winkfield Parish Council

Winkfield Parish Council recommend refusal for the reasons;

The development is out of keeping with the local street scene. It is an overdevelopment of the site, and by reason of its proximity, is unacceptable to adjacent houses.

4 REPRESENTATIONS

13 Letters of objection were received in total in connection with the scheme as originally proposed by this application and the amended proposal from 10 different households covering the following issues:

- The proposal would adversely affect the neighbouring properties in terms of a reduction in daylight, overlooking and through overbearing appearance
- The net increase of a dwelling would put pressure on local services particularly schools
- The dwelling does not have enough parking and there are existing issues of congestion
- The proposed access would reduce on street parking and is very close to an existing junction
- The proposal would provide insufficient amenity space for the proposed dwelling and no. 62 King Edwards Road.
- The proposal represents overdevelopment of the site which would be detrimental to the character and appearance of the area
- The proposal represents 'garden grabbing'

5 OFFICER REPORT

SUMMARY OF KEY ASPECTS OF PROPOSAL

Proposed site area: 0.03ha
Proposed number of parking spaces: 2
Proposed number of residential units: 1
Net gain: 1
Proposed density: 33 dwellings per hectare

This application is reported to the Planning Committee as more than 3 objections have been received.

i) PROPOSAL

Erection of 1 no. two bedroom detached house with associated parking and construction of dormer window to the existing dwelling. An appeal was dismissed for previous application 10/00446/FUL for the erection of a new dwelling on grounds that the proposal would have an overbearing appearance to the neighbouring properties and that the application had not demonstrated the proposal would have an acceptable daylighting relationship with neighbouring dwellings. This scheme aims to overcome the Inspectors concerns.

ii) SITE

The site forms part of the southern section of King Edwards Road which links to Jubilee Avenue. No. 62 is a two storey dwelling with a cat slide roof and ground floor front projection. The existing dwelling has a garden to the north east, hardstanding to the front and gated entrance. Also of note is a tall (approx. 2m in height) dense hedge to the north side boundary and the east front boundary of the site.

iii) PLANNING CONSIDERATIONS

(1) Principle of the development

The site lies within the area defined as settlement on the Bracknell Forest Borough proposals map (Feb. 2008) and is therefore acceptable in principle, subject to no adverse impact on the amenity of the neighbours, future occupiers, character of the area, highway safety etc.

It is noted that an objection has been received in respect of the classification of the garden land in relation to its development for residential housing and national policy requirements. Firstly it is noted that at the time of application 10/00446/FUL, the principle of the development was not a reason for refusal and was not raised as an issue of concern by the Inspector.

PPS3 is a Planning Policy Statement on housing and it removed gardens from the definition of brownfield land and the requirement for a minimum density target for housing. However, this does not mean that garden land is not developable or should not be considered as appropriate for development – it simply removes the presumption that it is brownfield. This Council's own Core Strategy supports appropriate sustainable development within the settlement area which, when appropriate, may include garden land (Core Strategy Policies CS1 and CS2). While there has been a change to PPS3 which takes away a presumption of garden land as brownfield, this application is not considered to be contrary to PPS3 in this regard and indeed is still very much consistent with it. As well, it is consistent with the Council's Development Plan in that it attempts to use land efficiently and for site development close to existing infrastructure which lessens the burden of developing Greenfield land outside of settlements.

(2) Transport considerations

The access and parking arrangements currently proposed for the new dwelling are the same as the previous application 10/00446/FUL. At appeal the Inspector made the following comments in respect of highway safety in relation to the previous application:

'The loss of one or two [car parking] spaces should not cause any significant increase in on street pressures in a locality where most dwellings have off street parking available. Regarding the access location, whilst not unsafe as proposed, it could be moved towards the other side of the plot's frontage and thus further away from the

junction. This would improve visibility to and from the entrance for drivers in the event that a new dwelling is permitted.'

In light of the Inspector's comments above, it is not considered either the access or parking arrangement for the new dwelling would be significantly detrimental to highway safety. Furthermore the proposed dormer in the existing dwelling of no. 62 King Edwards Road would not create any additional bedrooms and therefore is not considered to have any highway implications through increased parking demand.

(3) Impact on character and appearance of the area

The design of the proposed dwelling is very similar to that previously proposed under application 10/00446/FUL where the Inspector found the dwelling to have an acceptable impact on the character and appearance of the area. The main difference is that the current proposal of a new dwelling has a lower ridge height than the previous scheme and the first floor window above the front door has been removed. The ridge height current proposal is 6.9m, 0.6m lower than the 7.5m proposed under the previous scheme meaning the dwelling will be more in keeping with the ridge heights of the adjacent dwellings as shown in the streetscene elevation 389/P/007. The removal of the window in the front elevation is not considered to be detrimental to the character of the area. Furthermore the siting of the dwelling is similar to the appealed scheme maintaining sufficient separation distances with neighbouring dwellings and is considered acceptable in terms of visual appearance.

The proposed dormer in the front elevation of no. 62 King Edwards Road is in sympathy with the size, style and design of the surrounding dwellings in the streetscene.

(4) Impact on the amenity of neighbouring residents

Previous application 10/00446/FUL was refused for having an adverse impact on the amenity of neighbouring residents through an overbearing appearance (no. 62 and 60a) and a loss of daylight to no. 60a King Edwards road.

With regards to the overbearing appearance, the Inspector made the following comments about the appearance of the proposed dwelling when viewed from the first floor window of no. 60a which is the primary source of daylight/outlook for a habitable bedroom. *'The proximity is such that not only would the bulk, height and depth of the new building appear overbearing from each of these bedrooms, it would also give rise to a material loss of light to each window, despite the "catslide" roof form at the front.'*

The design of the proposal has been amended so the built form of the proposed dwelling that is opposite the window of no. 60a is of single storey height. No. 60a's first floor window will remain opposite the flank wall of the proposed dwelling although will be set off the two storey part (forming bedroom 2) by 6.4m as shown on drawing number 389/P/003A. Given this separation distance, it is not considered the proposed dwelling would have an unduly overbearing appearance when viewed from the first floor of no. 60a King Edwards Road. The outlook from the ground floor windows of no. 60a is not significant due to the existing boundary treatment opposite. Therefore the proposal will not be significantly overbearing when viewed from the ground floor of 60a King Edwards Road.

With regards to a loss of daylight, the Inspector made the following comments: 'I share the Council's concern that the appellant's lighting report has not fully clarified the degree to which each of those particular first floor windows would be affected'. The current application includes an amended daylighting report and also plans for a proposed dormer window in the front elevation of no. 62 King Edwards following the

bricking up of the window in its north east elevation serving bedroom 1. This proposal is secured by a condition.

The daylighting report submitted uses tests from the Building Research Establishment report entitled 'Planning for daylight and sunlight'. This guidance document suggests that the daylight of an existing building may be adversely affected if 'the vertical sky component measured at the centre of an existing main window is less than 27%, and less than 8 times its former value.' The submitted daylighting report states that the light reaching the first floor window of no. 60a would comply with and exceed both of these standards and therefore the proposed daylighting relationship is considered acceptable.

The side facing ground floor windows of no. 62 did not meet the vertical sky component standard meaning the daylighting could be adversely affected. However it is noted that these side facing windows provide a secondary source of light to the rooms they serve, one to the living room and one to the kitchen/dining room. As each room is served by an unaffected window, this daylighting relationship is considered acceptable.

With regards to privacy, due to the position of windows, the level of existing boundary treatment and the orientation of the dwelling, it is not considered the proposal would give rise to a detrimental level of overlooking. This was also the view of the Inspector at the time of the previous appeal.

(5) Access Implications

There are no accessibility issues for disabled people relating to this application

(6) Thames Basin Heaths Special Protection Area (SPA)

The Council, in consultation with Natural England, has formed the view that that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath SPA is likely to have a significant effect on the SPA, either alone or in-combination with other plans or projects.

This site is located within 5km of the SPA (but not within 400m) and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

Therefore, an Appropriate Assessment must consider whether compliance with conditions or restrictions, such as a planning obligation, can enable it to be ascertained that the proposal would not adversely affect the integrity of the site.

(7) Infrastructure, services and amenities

The Council has adopted detailed guidance on the interpretation of relevant planning policies and the mitigation of the impact of development. This guidance is set out in a Supplementary Planning Document called 'Limiting the Impact of Development' (adopted July 2007). For a development such as this, it seeks financial contributions towards improvements to local provision where a need is identified. These are secured by means of planning obligations set out in a Legal Agreement (S106 Agreement).

This proposal would require contributions towards:

- Transportation facilities
- Open space and recreational facilities
- Primary and nursery educational facilities
- Libraries facilities

- Thames Basin Heaths Special Protection Area

A draft S106 agreement has been submitted with this application.

iv) CONCLUSIONS

It is not considered the proposed dwelling would have a significant detrimental impact on the amenity of the neighbouring property through overlooking, a loss of daylight or an overbearing appearance and as such it overcomes the concerns raised by the previous appeal Inspector. Furthermore the proposed dormer to no. 62 King Edwards Road will not create overlooking or have an adverse impact on the character of the area.

6 RECOMMENDATION

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

- a) Transport facilities
 - b) Open space and recreation facilities
 - c) Primary and nursery education facilities
 - d) Library facilities
 - e) Thames Basin Heath Special Protection Area,
- the Head of Development Management be authorised to **APPROVE** the application subject to the following condition(s):-

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

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 23/05/11:

389/P/001, 389/P/007, 389/P/008, 389/P/009, 389/P/0010, 389/P/009A, 01 and Design and Access Statement

Amended plans 389/P/003A, 389/P/006A, 389/P/005B received by the Local Planning Authority on 14/06/11

(or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).

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

03. No development shall take place in connection with the new dwelling hereby permitted shall take place until samples of the materials to include bricks and roof tiles to be used in the construction of the external surfaces of the new dwelling on land adjacent to no. 62 King Edwards Road hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenities of the area.

[Relevant Policies: SEP CC6, BFBLP EN20, Core Strategy DPD CS7]

04. The materials to be used in the construction of the external surfaces of the development to the existing dwelling at number 62 King Edwards Road hereby

permitted shall match those of the existing building unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the visual amenities of the area.

[Relevant Policies: SEP CC6, BFBLP EN20, Core Strategy DPD CS7]

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional windows, similar openings or enlargement thereof shall be constructed at first floor level or above in the north east or south west elevation of the new dwelling hereby permitted except for any which may be shown on the approved drawing(s).
REASON: To prevent the overlooking of neighbouring property.
[Relevant Policies: BFBLP EN20]
06. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no enlargement, addition, improvement or other alteration permitted by Class A or B of Part 1 of the Second Schedule of the 1995 Order shall be carried out to the new dwelling hereby permitted.
07. The new dwelling hereby permitted shall not be occupied until the associated vehicle parking has been surfaced in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.
[Relevant Policies: SEP T4, BFBLP M9, Core Strategy DPD CS23]
08. No development in connection with the new dwelling hereby permitted shall take place until details showing the finished floor levels of the buildings hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
REASON: In the interests of the character of the area.
[Relevant Policies: SEP CC6, BFBLP EN20, Core Strategy DPD CS7]
09. No development in connection with the new dwelling hereby permitted shall take place until a Sustainability Statement demonstrating how the development meets current best practice standards in the sustainable use of natural resources has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include either a Design Stage Report and BRE Interim Certificate or a pre-assessment estimator carried out by an independent assessor licensed by the Building Research Establishment demonstrating that the development meets a minimum standard of Level 3 of the Code for Sustainable Homes or a "Very Good" or "Excellent" BREEAM rating. The development shall be implemented in accordance with the Sustainability Statement and shall be retained in accordance therewith unless the Local Planning Authority gives prior written consent to any variation.
REASON: In the interests of sustainability and the efficient use of resource
[Relevant Policy: Core Strategy DPD CS10]
10. The new dwelling hereby permitted shall not be occupied until a Post Construction Review Report carried out by an independent assessor licensed by the Building Research Establishment and a Final Code Certificate has been

submitted to the Local Planning Authority which demonstrates that the development has been constructed to meet a minimum standard of Level 3 of the Code for Sustainable Homes or a “Very Good” or “Excellent” BREEAM rating.

REASON: In the interests of sustainability and the efficient use of resources
[Relevant Policy: Core Strategy DPD CS10]

11. The new dwelling hereby permitted shall not be occupied until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 10% unless otherwise agreed in writing by the Local Planning Authority). The buildings thereafter constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith, unless the Local Planning Authority gives prior written consent to any variation.

REASON: In the interests of the sustainability and the efficient use of resour
[Relevant Plans and Policies: CSDPD Policy CS12]

12. No development in connection with the new dwelling hereby permitted shall take place except for the laying of foundations until the proposed dormer window in the front elevation of no. 62 King Edwards Road has been substantially completed and the first floor window in the north east elevation has been bricked up, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of the residents of no. 62 King Edwards Road.
[Relevant Plans and Policies: BFBLP EN20, CSDPD CS7]

13. All existing trees, hedgerows and groups of shrubs shown to be retained on the approved drawings shall be protected by 2.3m high (minimum) protective barriers, supported by a metal scaffold framework, constructed in accordance with Section 9 (Figure 2) of British Standard 5837:2005, or any subsequent revision. The development shall be carried out in accordance with the approved drawings.

REASON: - In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area.

[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

14. The protective fencing and other protection measures specified by condition 13 shall be erected in the locations agreed in writing by the Local Planning Authority prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site (unless agreed otherwise in writing by the Local Planning Authority). No activity of any description must occur at any time within these protected areas including but not restricted to the following: -

- a) No mixing of cement or any other materials.
- b) Storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description.
- c) Siting of any temporary structures of any description including temporary car parking facilities, porta-loos, storage compounds or hard standing areas of any other description.
- d) Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ ground conditions of any other description.

- e) Installation/siting of any underground services, temporary or otherwise including; drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting.
- f) Parking/use of tracked or wheeled machinery or vehicles of any description

REASON: - In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area.

[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

15. No development in connection with the new dwelling hereby permitted shall take place until:

- 1) a scheme depicting hard and soft landscaping and
- 2) a three year post planting maintenance scheme

have been submitted to and approved in writing by the Local Planning Authority. The approved post-planting maintenance schedule shall be performed and complied with.

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 out 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]

16. The areas shown for soft landscaping purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose without the prior written permission of the Local Planning Authority.

REASON: - In the interests of good landscape design and the visual amenity of the area.

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

17. No development in connection with the new dwelling hereby permitted shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for covered and secure cycle parking facilities. The new dwelling shall not be occupied until the approved scheme has been implemented. The facilities save as otherwise agreed in writing by the Local Planning Authority shall be retained.

REASON: In the interests of accessibility of the development to cyclists.

[Relevant Policies: SEP T4, BFBLP M9, Core Strategy DPD CS23]

Summary Of Reason(s) For Decision:

The following development plan policies have been taken into account in determining this planning application:

Bracknell Forest Borough Local Plan:

EN20 as it would be acceptable in terms of its impact upon the character of the area, and amenity of surrounding properties and adjoining area

M9 which seeks satisfactory parking provision for vehicles and cycles.

EN1 which seeks to protect tree and hedgerow cover.

Core Strategy Development Plan Document:

CS7 which seeks to ensure that developments are of high quality design.

CS10 which requires development proposals to be accompanied by a Sustainability Statement.

CS12 which requires development proposals to be accompanied by an Energy Demand Assessment

CS23 which seeks to ensure the Council will use its powers to reduce the need to travel, and promote alternative modes, increase safety of travel and maintain and improve the local road network.

South East Plan:

CC6 which seeks development that will respect and enhance the character and distinctiveness of settlements and landscapes, and the innovative design to create a high quality built environment which promotes a sense of place.

Planning Policy Statements:

* PPS3: 'Housing', which seeks to achieve high quality and well-designed housing; a mix of housing, both market and affordable; housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure; a flexible, responsive supply of land; and effective use of land, including re-use of previously-developed land, where appropriate.

Supplementary Planning Documents

* Limiting the Impact of Development Supplementary Planning Document (July 2007), which provides guidance on planning obligations which may be required to satisfy planning policies, and aimed at making development more sustainable.

(Please note that this is not intended to be an exhaustive list).

The following considerations have been taken into account:

The proposal will not adversely affect the character or visual amenity of the area given the existing pattern of development and the remaining separation distances with neighbouring dwellings or the amenity of neighbouring residents given the submitted daylighting report and alterations proposed to no. 62 King Edwards Road. The proposal will not adversely affect highway safety given the position of the proposed access and will not overburden local services subject to the completion of a satisfactory S106 agreement. Objections have been received about the location of the development within an existing garden, although the principle of the development is considered acceptable in accordance with PPS3 given the sustainability of the location.

The planning application is therefore approved.

(ii) In the event of the S106 planning obligation(s) not being completed by

30.09.2011, the Head of Development Management be authorized to **REFUSE** the application for the following reason:-

01. The proposed development would unacceptably increase the pressure on highways and transportation infrastructure, open space and outdoor recreation facilities, primary and nursery education facilities, library facilities and the Thames Basin Heath Special Protection Area. In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which secure contributions towards integrated transport and highway safety measures the proposal is contrary to Policy CC7 of the South East Plan, Policy M4 of the Bracknell Forest Borough Local Plan and CS24 of the Core Strategy Development Plan Document and to Supplementary Planning Document Limiting the Impact of Development (adopted July 2007)

Doc. Ref: Uniform 7/DC/Agenda

The application file to which this report relates can be viewed at the Council's Time Square office during office hours or online at www.bracknell-forest.gov.uk