



## **NOTICE OF MEETING**

### **Planning Committee**

**Thursday 13 November 2014, 7.30 pm**

**Council Chamber, Fourth Floor, Easthampstead House, Bracknell**

### **To: The Planning Committee**

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

ALISON SANDERS  
Director of Corporate Services

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Published: 4 November 2014



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**Council Chamber, Fourth Floor, Easthampstead House,**  
**Bracknell**

Sound recording, photographing, filming and use of social media at meetings which are held in public are permitted. Those wishing to record proceedings at a meeting are however advised to contact the Democratic Services Officer named as the contact for further information on the front of this agenda as early as possible before the start of the meeting so that any special arrangements can be made.

**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 16 October 2014.

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3. **Declarations of Interest**

Any Member with a Disclosable Pecuniary Interest or an Affected Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days.

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**

(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. **Application 14/00511/FUL 75 Trevelyan, Bracknell**

Change of use of amenity land to private garden enclosed by 2m high hedging to the side of the dwelling.

19 - 26

- |     |                                                                                                                                                                                                 |          |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 6.  | <b>PS Application 14/00580/FUL 94 to 96 College Road, College Town, Sandhurst</b>                                                                                                               |          |
|     | Erection of four no. 3 bedroom semi detached houses and one no.4 bedroom semi detached house with associated parking and access.                                                                | 27 - 44  |
| 7.  | <b>Application 14/00844/FUL 49 Carnation Drive, Winkfield Row, Bracknell</b>                                                                                                                    |          |
|     | Erection of a two storey side extension following the part demolition of existing garage.                                                                                                       | 45 - 52  |
| 8.  | <b>Application 14/00858/FUL Popeswood Garage and Hillcrest, London Road, Binfield</b>                                                                                                           |          |
|     | Erection of 11 no. terraced and semi-detached houses with garaging and landscaping following demolition of existing car sales building, car repair workshops and detached dwelling (Hillcrest). | 53 - 72  |
| 9.  | <b>Application 14/00898/FUL 36 Pakenham Road, Bracknell</b>                                                                                                                                     |          |
|     | Erection of a first floor extension to side elevation and single storey extension with canopy roof to front elevation.                                                                          | 73 - 80  |
| 10. | <b>Application 14/01008/FUL Street Record, Drovers Way, Bracknell</b>                                                                                                                           |          |
|     | Convert grass area into four parking spaces.                                                                                                                                                    | 81 - 86  |
| 11. | <b>Application 14/01026/FUL Street Record, Deepdale, Bracknell</b>                                                                                                                              |          |
|     | Convert amenity area into parking spaces.                                                                                                                                                       | 87 - 94  |
| 12. | <b>Miscellaneous Item: Application 13/00094/COND - Details Pursuant to Condition 18 (Lighting) of Planning Permission 12/00911/FUL</b>                                                          |          |
|     | The Committee is asked to determine the details submitted pursuant to Condition 18 of Planning Permission 12/00911/FUL in the light of an objection received from local residents.              | 95 - 98  |
| 13. | <b>Miscellaneous Item: Confirmation of Tree Preservation Order (TPO) Land at 5A Faringdon Drive, Bracknell, RG12 9NT - 2014</b>                                                                 |          |
|     | The Committee is asked to approve the confirmation of this tree preservation order.                                                                                                             | 99 - 102 |

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**PLANNING COMMITTEE  
16 OCTOBER 2014  
7.30 - 10.25 PM**



**Present:**

Councillors Dudley (Chairman), Brossard (Vice-Chairman), Mrs Angell, Mrs Barnard, Birch, Blatchford, Ms Brown, Davison, Finch, Gbadebo, Heydon, Kensall, Leake, Mrs Phillips and Thompson

**Apologies for Absence were received from:**

Councillors Angell, Finnie, Virgo and Worrall

**50. Minutes**

**RESOLVED** that the minutes of the Committee held on 18 September 2014 be agreed as a correct record and signed by the Chairman.

**51. Declarations of Interest**

There were no declarations of interest.

**52. Urgent Items of Business**

There were no urgent items of business.

**53. PS Application 13/00966/FUL Binfield House Nursery, Terrace Road North, Binfield**

A site visit was held on Saturday 11 October 2014 which was attended by Councillors Angell, Mrs Barnard, Birch, Blatchford, Ms Brown, Brossard, Davison, Dudley, Gbadebo, Heydon, Thompson.

The Committee noted:

- The supplementary report of the Head of Development Management tabled at the meeting.
- The comments of Binfield Parish Council, the Victorian Society, the Georgian Group and English Heritage
- A petition with 60 signatories raising objection to the access to the proposed development being from Knox Green. 88 objections and an objection from Binfield Village Protection Society and Binfield Surgery raising concerns around numerous aspects of the proposed development which are summarised in the agenda papers.

The criteria for public speaking had been met in respect of this application and the Committee was addressed by the registered speakers Mr Trinder raising objections to the proposed development and Mr Killoran, the applicant.

Upon being put to the vote, it was **RESOLVED** that **following the completion of planning obligation(s) under Section 106** of the Town and Country Planning Act 1990 relating to:-

01. - mitigation of increased pressure on highways and transportation infrastructure, education, open space and built sports facilities;
- long-term management/maintenance of C19th garden wall and trees to south-east of Binfield House;
- provision of affordable housing;
- a S38/S278 agreement for the adoption of roads/footpaths on the site and to secure turning facilities

That 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:-

- PL-1000 Location Plan
- PL-1002AM Proposed Block Plan
- PL-1003AN Proposed Information Layout
- PL-1009A Proposed Listed wall elevations
- PL-101Plot 1 - Floor Plan
- PL-102Plot 1 - Elevations
- PL-103A Plot 2 - Ground and first floor plan
- PL-104Plot 2 - Second floor and roof plan
- PL-105Plot 2 - Elevations
- PL-106Plot 3 - Ground and first floor plan
- PL-107Plot 3 - Second floor plan and roof plan
- PL-108Plot 3 - Elevations
- PL-109Plot 4 - Floor Plan
- PL-110Plot 4 - Elevations
- PL-111Plot 5 - Floor plans and elevations
- PL-112Plot 6 - Floor plans and elevations
- PL-113Plot 7 - Floor Plan
- PL-114Plot 7 - Elevations
- PL-115Plot 8 - Floor Plan
- PL-116Plot 8 - Elevations
- PL-117A Plot 9 - Ground and first floor plan
- PL-118A Plot 9 - Second floor plan and roof plan
- PL-119A Plot 9 - Elevations
- PL-120A Plot 10 - Floor Plan
- PL-121A Plot 10 - Elevations
- PL-122A Plot 11 - Floor Plan
- PL-123A Plot 11 - Elevations
- PL-124Plot 12 - Floor Plans
- PL-125Plot 12 - Elevations and roof plan
- PL-125A Plot 12 - Elevations

PL-126A Plots 13 & 18 Elevations  
PL-127B Plot 13 & 18 Floor Plans  
PL-128Plot 14-17 Floor Plans  
PL-129Plot 14-17 Elevations  
PL-130Plot 14-17 Roof Plan and Elevations  
PL-131B Plots 19,20,21 Floor Plans  
PL-132B Plots 19,20,21 Floor Plans  
PL-133A Plots 22,23,24 Floor Plans  
PL-134A Plots 22,23,24 Elevations  
PL-135Bin Store plans and elevations  
PL-21A Double garage for No. 64 Knox Green  
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, Core Strategy DPD CS7]

04. 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.

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

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

05. No development (other than the construction of the access and the provision of replacement parking for Nos 64 and 65 Knox Green) shall take place until the access from Knox Green including a turning head within the site has been constructed in accordance with the details to be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

06. No dwelling shall be occupied until a means of vehicular access to it has been constructed in accordance with the approved plans.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

07. No dwelling shall be occupied until a means of access to it for pedestrians and/or cyclists has been constructed in accordance with the approved plans.

REASON: In the interests of accessibility and to facilitate access by cyclists and/or pedestrians.

[Relevant Policies: BFBLP M6, Core Strategy DPD CS23]

08. No dwelling shall 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 at all times 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 highway safety.

[Relevant Policies: Core Strategy DPD CS23]

09. No dwelling shall be occupied until the associated vehicle parking and turning space serving it has been surfaced in accordance with the approved drawings. 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: BFBLP M9, Core Strategy DPD CS23]

10. The garage accommodation shall be retained for the use of the parking of vehicles at all times.

REASON: To ensure that the Local Planning Authority's vehicle parking standards are met.

[Relevant Policy: BFBLP M9]

11. There shall be at least 6.0 metres between the garage door (when shut) and the highway boundary.

REASON: In order to ensure that adequate off street vehicle parking is provided in accordance with the Borough Councils vehicle parking standards.

[Relevant Policy: BFBLP M9]

12. There shall be no restrictions on the use of the visitor parking spaces shown on the approved plan for visitors to the buildings hereby permitted.

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

[Relevant Policy: BFBLP M9]

13. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority for off site highway works including the following:-

- alterations to Knox Green to form the vehicular access
- works on the section of the existing drive to Binfield House between Terrace Road North and the footpath link to Stevenson Drive to provide safe pedestrian and cyclist access.

None of the buildings provided by the carrying out of the development shall be occupied until the off-site highway works have been completed in accordance with the scheme.

REASON: In the interests of highway safety.

[Relevant Policy: BFBLP M4]

14. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority for external site lighting for the parking courts serving plots 13-18 and 19-24, including lighting units and levels of illumination. The approved scheme shall be implemented before the first use of each parking court and the lighting retained in accordance therewith.

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

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

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that order, no freestanding external lighting shall be installed on the site except in



accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of nature conservation

[Relevant Policies: BFBLP EN15, EN20 and EN25]

16. The development hereby permitted shall not be begun until details of a scheme of walls, fences and any other means of enclosure, including a new boundary to the side of plot 22, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme associated with each building shall be implemented in full insofar as it relates to that building before its occupation and the means of enclosure shall thereafter be retained.

REASON: In the interests of the visual amenities of the area the amenities of properties adjoining the site.

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

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

- a) Comprehensive planting plans of an appropriate scale and level of detail that provides adequate clarity including details of ground preparation and all other operations associated with plant and grass establishment, full schedules of plants, noting species, and detailed plant sizes/root stock specifications, planting layout, proposed numbers/densities locations
- b) Details of semi-mature tree planting to mitigate for the loss of Tree T5
- 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.
- f) Other landscape features (water features, seating, trellis and pergolas 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 plot to which it relates or the completion of the development as a whole, whichever is sooner. All hard landscaping works shall be carried and completed prior to the occupation of any part of the approved development. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved, unless the Local Planning Authority gives written consent to any variation.

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

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

18. 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.

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

[Relevant Policies: BFBLP EN2 and EN20, Core Strategy DPD CS7]

19. 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]

20. The protective fencing and other protection measures specified by the previous condition 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 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.

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]

21. The development hereby permitted shall not be begun until a Management and Maintenance Plan for the area of trees lying to the west of plots 7-9 has been submitted to and approved in writing by the Local Planning Authority. This area of trees shall be managed and maintained in accordance with the approved plan.

REASON: To ensure this area of retained trees is maintained in the interests of the visual amenities of the area.

[Relevant Plans and Policies: BFBLP EN1, EN20]

22. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority for steps and works to secure the long-term safety and stability of the garden wall, including measures to strengthen it as necessary. No dwelling shall be occupied until the approved scheme has been implemented.

REASON: To protect and preserve the garden wall in the interests of the visual amenities of the area.

[Relevant Policies: Core Strategy DPD CS1]

23. The development hereby permitted shall not be begun until a scheme for the protection, during demolition/construction works, of the C19th garden wall has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be performed and complied with.

REASON: To protect and preserve the garden wall in the interests of the visual amenities of the area.

[Relevant Policies: Core Strategy DPD CS1]

24. The development hereby permitted shall not be begun until details of the design, implementation, maintenance and management of a sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:-

- a) Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control the surface water discharged from the site and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- b) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- c) Flood water exceedance routes, both on and off site;
- d) A timetable for its implementation, and
- e) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Once approved, the scheme shall be implemented, retained, managed and maintained in accordance with the approved details.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system

25. 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. The development shall be implemented in accordance with the Sustainability Statement and shall be retained in accordance therewith.

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

[Relevant Policy: Core Strategy DPD CS10]

26. 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 level 3 of the Code for Sustainable Homes.

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

[Relevant Policy: Core Strategy DPD CS10]

27. The development shall not be begun until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate:-

(a) that before taking account of any on-site renewable energy production 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 a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 20% unless otherwise agreed 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.

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

[Relevant Plans and Policies: CSDPD Policy CS12]

28. The development hereby permitted (including any demolition) shall not be begun 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) site security arrangements including hoardings

(iv) proposed method of piling for foundations

(v) construction and demolition working hours

(vi) 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.

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

29. The development hereby permitted shall not be begun 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 operatives

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.

30. The development hereby permitted shall not be begun until a Construction Traffic Management Plan has been submitted to and approved by the Local Planning Authority. The approved Management Plan shall be performed, observed and complied with for the duration of the construction of the development hereby approved.

REASON: In the interests of road safety and the amenity of nearby residents.

[Relevant Policies: BFBLP EN25, CSDPD CS23]

31. Notwithstanding the provisions of Class G of Part 17 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 development by statutory undertakers for the generation, transmission or supply of electricity shall be installed or constructed.

REASON: In the interests of the visual amenities of the area  
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]

32. 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.

REASON: In the interests of nature conservation  
[Relevant Plans and Policies: BFBLP EN3, CSDPD CS1 and CS7]

33. The development (including site clearance and demolition) shall not begin until a scheme to mitigate the impact of the development on biodiversity has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:- -----measures to avoid harm to biodiversity

- features provided to mitigate the loss of habitat (e.g. ponds, hibernacula)
- habitat enhancements (not mitigation)
- on-going management of new features/habitat

The mitigation scheme shall be implemented in accordance with the approved details. An ecological site inspection report shall be submitted within three months of the first occupation of any dwelling hereby approved.

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

34. The development (including site clearance and demolition) shall not be begun until a scheme to minimise harm to bats, mitigate the loss of a bat roost, provide compensatory roosts and improve their habitat has been submitted to and approved by the Local Planning Authority. The approved scheme shall be performed and complied with.

REASON: In the interests of nature conservation  
[Relevant Plans and Policies: BFBLP EN2]

35. An ecological site inspection report shall be submitted within three months of the first occupation of any dwelling hereby approved.

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

36. The following windows shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent):-

- Plot 1: 1st floor north-facing en-suite
- Plot 2: 1st floor north and east-facing en-suites
- Plot 3: 1st floor north-facing landing
- Plot 5: 1st floor south-facing landing
- Plot 20: 1st floor east-facing bathroom
- Plot 21: 1st floor east-facing bathroom.

They shall at all times be fixed shut with the exception of a top-hung openable fanlight.

REASON: To prevent the overlooking of neighbouring properties.  
[Relevant Policies: BFBLP EN20]

37. No development shall take place until a contaminated land Phase I report (Desk Top Study) has been carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The Desk Top Study shall be submitted to, and approved in

writing by, the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11". Following approval of the Desk Top Study, a Phase II report (and intrusive site investigation) shall be carried out, if required by the Local Planning Authority, by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The development shall not be begun until proposals for the method and extent of this site investigation have been agreed with the Local Planning Authority. The site investigation shall be carried out in accordance with the agreed proposals which shall be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

REASON: The proposed development is located on a potentially contaminated site, due to its historic land use. To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding area

[Relevant Policies: BFBLP EN25]

38. Following completion of the desk top study and site investigation required by the above condition, a remediation scheme to deal with any contaminants identified must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include an implementation timetable, monitoring proposals and a remediation verification methodology. Development shall not be begun until the remedial scheme has been carried out.

Should any unforeseen contamination (i.e. contamination not identified in the desk-top study and site investigation) be encountered during the development, the Local Planning Authority shall be informed immediately. The development shall cease until further investigation/remedial/protective works have been approved by the Local Planning Authority. The further investigation/remedial/protective works shall be carried out to agreed timescales and approved by the Local Planning Authority in writing.

A Site Completion Report shall be submitted to, and approved in writing by, the Local Planning Authority. The report must detail the conclusions, actions taken and verification methodology at each stage of the works and shall include a sampling and analysis programme to confirm the adequacy of decontamination. An appropriately qualified person shall oversee the implementation of all remediation. The construction of buildings shall not commence until the investigator has provided a report, which shall include confirmation that all remediation measures have been carried out fully in accordance with the remediation scheme. The report shall also include results of the verification programme of post-remediation sampling and monitoring in order to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting requirements shall also be detailed in the report.

If no contamination is encountered during the development, a letter confirming this fact shall be submitted to the Local Planning Authority upon completion of the development.

REASON: To enable to the Local Planning Authority to ensure that appropriate measures are taken to avoid any threat which the proposed development might pose to health and safety and/or the environment.

[Relevant Policies: BFBLP EN25]

39. 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 to the dwellings on plots 1, 5, 6, 12, 13, 14 and 15.

REASON: To control development which might have an adverse impact on the C19th garden wall.

40. The dwellings on plots 19-24 (inclusive) shall only be occupied by persons:-

(a) who are aged 60 years or over requiring facilities which consist of the services of a non-resident warden, and

(b) provided that they are aged 55 years or more, the spouse or a partner of a person falling within (a) above who is in occupation of the accommodation.

REASON: To ensure that the special nature of the proposed development is properly controlled and to ensure adequate vehicle parking is provided.

[Relevant Plans and Policies: BFBLP M9, CSDPD CS16)

54. **PS Application 13/00967/LB Binfield House Nursery, Terrace Road North, Binfield**

A site visit was held on Saturday 11 October 2014 which was attended by Councillors Angell, Mrs Barnard, Birch, Blatchford, Ms Brown, Brossard, Davison, Dudley, Gbadebo, Heydon, Thompson.

The Committee noted:

- The comments of Binfield Parish Council, the Victorian Society and the Georgian Group
- An objection from Binfield Village Protection Society, Binfield Surgery and 16 individual objections from individuals raising concerns that the walled garden formed an important and integral part of the curtilage of the Grade II listed building, Binfield House.

The criteria for public speaking had been met in respect of this application and the Committee was addressed by the registered speakers Mr Trinder raising objections to the proposed development and Mr Jouanides, who spoke on behalf of the applicant.

Upon being put to the vote it was **RESOLVED** that the application be **APPROVED** subject to the following conditions:-

01. The works hereby approved shall be begun before the expiry of three years from the date of this permission.

REASON: To comply with Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

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

8278 PL-1000

8278 PL-1008

8278 PL-1009 Rev A

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

03. The works hereby approved shall not be begun until drawings showing details of the section of wall to be rebuilt at the northern end of the opening in the western wall and the infilling of the archway on the southern wall, at a scale of not less than 1:20 and including elevation, plan and section details, have been submitted to and

approved in writing by the Local Planning Authority. The works shall be carried out as approved in accordance with the timescale approved under condition 04.

REASON: The submitted drawings are inadequate in this matter and further information is needed in order to protect and preserve the character of the listed building.

[Relevant Policies: Core Strategy CS1]

04. The works hereby approved shall not be begun until a scheme, including a timetable for works, has been submitted to and approved in writing by the Local Planning Authority for steps and works to be taken to secure the safety and stability of the wall, including measures to strengthen it and to provide protection to it from weather, during the progress of works. The works shall be undertaken in accordance with the approved scheme.

REASON: To protect and preserve the listed building

[Relevant Policies: Core Strategy DPD CS1]

05. The works hereby approved shall not be begun until a scheme has been submitted to and approved in writing for the removal and storage of materials for their re-use in the northern end of the opening in the western wall and the infilling of the archway on the southern wall. The works shall only be carried out in accordance with the approved scheme.

REASON: To protect and preserve the character of the listed building

[Relevant Policies: Core Strategy CS1]

06. The works hereby approved shall not be begun until a sample panel of brickwork showing the proposed brick, method of bonding, colour of mortar and type of pointing to be used in the rebuilding of northern end of the opening in the western wall and the infilling of the archway on the southern wall has been prepared on site and approved by the Local Planning Authority in writing. The works shall only be carried out in accordance with the approved details.

REASON: To protect and preserve the character of the listed building.

[Relevant Policies: Core Strategy CS1]

07. Any areas of external brickwork required to be reinstated following the removal of the outbuildings shall match the existing adjacent brickwork in brick colour and size, mortar colour and pointing and bonding detail.

REASON: To protect and preserve the character of the listed building

[Relevant Policies: Core Strategy CS1]

08. No external brickwork shall be re-pointed until a sample area has been prepared on site to show the proposed mortar composition and colour, and method of pointing, and has been approved in writing by the Local Planning Authority. The works shall only be carried out in accordance with approved details.

REASON: To protect and preserve the character of the listed building.

[Relevant Policies: Core Strategy CS1]

**55. Application 14/00900/FUL 2 Hathaway Cottages, Shakespeare Way, Warfield**

A site visit was held on Saturday 11 October 2014 which was attended by Councillors Angell, Mrs Barnard, Blatchford, Ms Brown, Brossard, Davison, Dudley, Gbadebo, Heydon, Thompson.

The Committee noted:

- The comments of Warfield Parish Council



- An objection raising concerns around the proposed development leading to a further loss of light to 3 Hathaway Cottages.

On the proposition of Councillor Thompson, seconded by Councillor Mrs Barnard a motion was put forward to defer this application given that Members had been unable to gain access to 3 Hathaway Cottages during their site visit. Upon being put to the vote the motion was **LOST**.

The Committee were confident that the photographs presented by officers gave them a good representation of the impact of the proposed development on neighbouring properties.

Upon being put to the vote it was **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.

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:

1393/00/01 'Elevations, Floor Plans and Site Plan', received on 04 August 2014

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 be of similar appearance to those of the existing dwelling.

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

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

#### 56. **Application 14/01000/PAC Guildgate House, High Street, Crowthorne**

The Committee noted:

- The supplementary report of the Head of Development Management tabled at the meeting.
- The comments of Crowthorne Parish Council.
- 14 objections raising concerns around an increase in traffic, conflict between pedestrians and vehicles, insufficient parking, noise and disturbance and overlooking. One letter of support has also been received.

Upon being put to the vote it was **RESOLVED** that Prior Approval be **REFUSED**.

REASON: It has not been demonstrated that the proposal complies with the Local Planning Authority's standards in respect of vehicle parking and cycle parking. This would be likely to encourage on-street parking and therefore have a detrimental impact upon road safety and the flow of traffic. The proposal does not therefore comply with Class J of the Town and Country Planning (General Permitted Development) Order. (as amended).

#### 57. **Fire Safety in the Design of New Homes**

A presentation was delivered by Paul Southern, Dave Phillips and Chris Bunyan of the Royal Berkshire Fire and Rescue Service (RBFRS).

The following points were made:

- RBFRS were entering a comprehensive spending review which was likely to affect the emergency cover provision across Berkshire, this would include Bracknell Forest. This created an opportunity to 'design out' the risk of fire at the pre-construction stage. This was particularly poignant as Bracknell Forest was currently undergoing a significant phase of development.
- RBFRS officers were keen to encourage officers, councillors and developers to start an early dialogue with RBFRS to allow the design of any new/refurbished buildings to include fire suppression systems. In addition, to fit fire suppression systems in premises housing vulnerable people.
- In an ideal world, all buildings would be fitted with sprinkler systems. Sprinkler systems reduced death and injury from fire, reduced risk to fire fighters, protected property and heritage, reduced the effects of arson, reduced the environmental impact of fire and permitted design freedoms that encouraged innovative, inclusive and sustainable architecture.

The Committee agreed that a discussion with Planning Officers would be necessary to ascertain the extent to which fire suppression systems could be built into the Planning process if at all. Building Regulations and costs would also need to be explored further to establish feasibility.

It was noted that the cost of installing sprinkler systems could be cost neutral in new builds as often these systems reduced the need for fire escape stairwells.

RBFRS officers agreed to provide the Committee with costs of maintaining sprinkler systems.

**58. Government Consultations on 'Planning and Travellers' and 'Housing Standards'**

The Head of Development Management delivered a presentation outlining the main changes proposed to planning regulations set out in three current Government consultations. The Consultations centred on:

- Delivering Sustainable Drainage Systems (closing date: 21 October 2014)
- Planning and Travellers
- Housing Standards (closing date: early November 2014)

Each consultation had been previously circulated to Members and Members were asked to feed in their comments to the Head of Development Management before each consultation closed.

**CHAIRMAN**

**PLEASE NOTE PLANS FOR ALL OF THE APPLICATIONS ON THIS  
AGENDA CAN BE FOUND ON OUR WEBSITE**

**[www.bracknell-forest.gov.uk](http://www.bracknell-forest.gov.uk)**

**PLANNING COMMITTEE  
13th November 2014**

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

		<b>Case Officer</b>	<b>Reporting Officer</b>
5	14/00511/FUL 75 Trevelyan Bracknell Berkshire (Great Hollands South Ward) Change of use of amenity land to private garden enclosed by 2m high hedging to the side of the dwelling Recommendation: Approve.	Sarah Horwood	Basia Polnik
6	14/00580/FUL 94 To 96 College Road College Town Sandhurst (College Town Ward) Erection of 4 no. 3 bedroom semi detached houses and 1 no. 4 bedroom semi detached house with associated parking and access. Recommendation: Approve Subject To The Completion Of Planning Obligation(s).	Paul Corbett	Basia Polnik
7	14/00844/FUL 49 Carnation Drive Winkfield Row Bracknell (Winkfield And Cranbourne Ward) Erection of a 2 storey side extension following the part demolition of existing garage Recommendation: Approve.	Michael Ruddock	Basia Polnik
8	14/00858/FUL Popeswood Garage and Hillcrest London Road Binfield (Binfield With Warfield Ward) Erection of 11 no. terraced and semi-detached houses with garaging and landscaping following demolition of existing car sales building, car repair workshops and detached dwelling (Hillcrest) Recommendation: Approve Subject To The Completion Of Planning Obligation(s).	Simon Roskilly	Martin Bourne
9	14/00898/FUL 36 Pakenham Road Bracknell Berkshire	Matthew Miller	Basia Polnik

(Hanworth Ward)  
Erection of a first floor extension to side elevation and single storey extension with canopy roof to front elevation.  
Recommendation: Approve.

- |    |                                                                                                                                                                      |               |              |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------|
| 10 | 14/01008/FUL<br>Street Record Drovers Way Bracknell Berkshire<br>(Harmans Water Ward)<br>Convert grass area into 4 parking spaces<br>Recommendation: Approve.        | Sarah Horwood | Basia Polnik |
| 11 | 14/01026/FUL<br>Street Record Deepdale Bracknell Berkshire<br>(Wildridings And Central Ward)<br>Convert amenity area into parking spaces<br>Recommendation: Approve. | Sarah Horwood | Basia Polnik |

#### 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 100A 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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## Unrestricted Report

### ITEM NO: 05

Application No.  
**14/00511/FUL**  
Site Address:

Ward:  
Great Hollands South  
**75 Trevelyan Bracknell Berkshire RG12 8YD**

Date Registered:  
23 June 2014  
Target Decision Date:  
18 August 2014

Proposal: **Change of use of amenity land to private garden enclosed by 2m high hedging to the side of the dwelling**

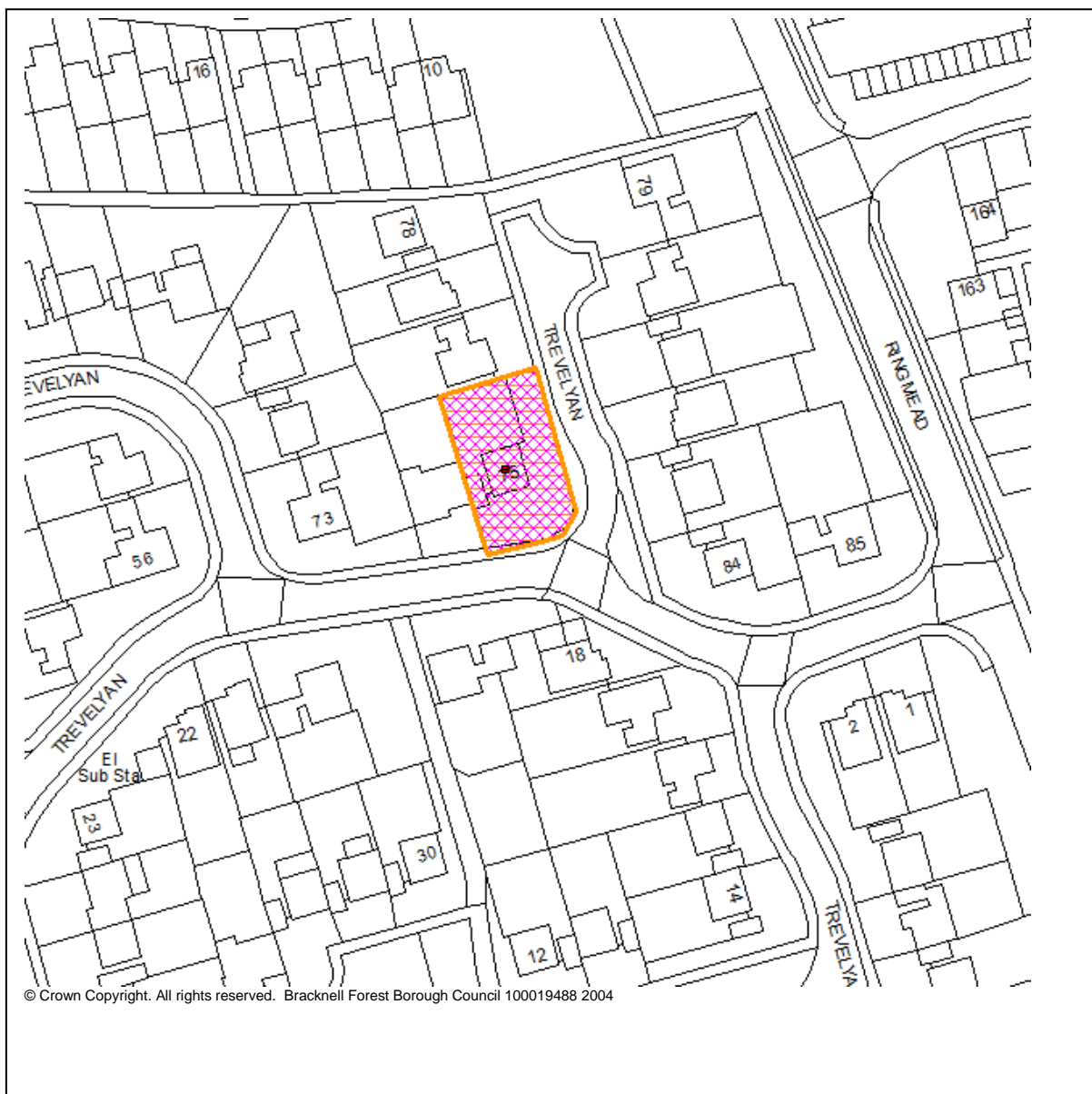
Applicant: Mr David Makin

Agent: Mr Matthew Jouanides

Case Officer: Sarah Horwood, 01344 352000

[Development.control@bracknell-forest.gov.uk](mailto:Development.control@bracknell-forest.gov.uk)

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



## **OFFICER REPORT**

### **1. REASON FOR REPORTING APPLICATION TO COMMITTEE**

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

### **2. SITE DESCRIPTION**

75 Trevelyan is a two storey detached dwelling set on a corner plot location. There are solar panels on the southern roof plane of the dwelling facing the highway. The property has a single garage set on the boundary with no. 74 and parking in front. The property is unscreened to the frontage. The side boundary wall enclosing the rear garden is denoted by a brick wall approximately 2m high.

### **3. RELEVANT SITE HISTORY**

No relevant planning history relating to the site.

### **4. THE PROPOSAL**

Full permission is sought for the change of use of amenity land to enclosed private garden.

The existing rear garden is enclosed along the eastern boundary by an existing brick wall. It is proposed to remove the brick wall and to extend the rear garden of the site by enclosing an area of land of approximately 40sqm into private garden by 2m high cherry laurel hedging. The proposed hedge would be set 3m from the back edge of the footpath to the east of the site.

The proposed laurel hedge would be planted at 1m intervals, grown in 12/15 litre pots at a height of 2m.

Notwithstanding that the area of amenity land outside of the existing boundary wall is under the control of the applicant, to enclose the land requires planning permission as it changes its use from amenity land to private garden, taking it out of the public realm into the private garden of the site.

For information, the original scheme as submitted to the Local Planning Authority (LPA) was for the enclosure of an area of amenity land of approximately 75sqm by a 2m fence which ran for a length of 18m and was set 0.8m from the public footpath. This proposal as originally submitted was considered to have a detrimental impact upon the visual amenities of the area due to the loss of a large area of open amenity land which would detract from the original landscape layout of the estate and the means of enclosure comprising 2m high fencing was considered incongruous and out of keeping in the immediate area on a corner plot location. The LPA has acted positively and proactively by identifying these concerns with the applicant and negotiating a revised scheme. Amended plans were received by the LPA on 1 October where a smaller area of amenity land is proposed to be enclosed into the private garden of the application site and the land would be enclosed by laurel hedging.



## 5. REPRESENTATIONS RECEIVED

7no. letters of objection received to the proposal (4 from the same postal address) which can be summarised as follows:

- Open plan estate
- Proposal would impact on character of area if land is enclosed
- Outlook will be affected
- Overshadowing
- Covenants on deeds that fences cannot be put on open land
- Erection of fence away from existing brick wall
- Will set a precedent for other properties to do the same
- Obstruct a drain cover
- Loss of daylight to kitchen window

*Officer note: covenants/deeds are a civil matter and not within the control of the LPA.*

These objections were received to the original scheme as submitted for the enclosure of an area of amenity land by a 2m fence which ran for a length of 18m and was set 0.8m from the public footpath.

The original proposal as submitted was not acceptable and amended plans were submitted on 1 October 2014. Consultations were undertaken to neighbours on the amended plans and the original objections were not withdrawn.

2 general comments were made on the amended plans which raise the following:

- Evergreen hedge would not impinge too dramatically on cul-de-sac
- Hedge will not impede access to shared drain cover
- Section of wall with no. 76 will remain
- Cherry laurel is poisonous/aggressive

A letter of objection was received to the amended scheme, however no postal address was provided and therefore the objection is not formal. It raises issues about the land being amenity land, openness and loss of greenery.

## 6. SUMMARY OF CONSULTATION RESPONSES

### Bracknell Town Council

- recommended refusal on the application as originally submitted for the following reasons:
- the retention of the open vista is an important part of the visual amenity of the area.
- loss of the open green space would be out of keeping.

## 7. DEVELOPMENT PLAN

The Development Plan for this Borough includes the following:

Site Allocations Local Plan 2013 (SALP)  
Retained Policies of the South East Plan 2009 (SEP)  
Core Strategy Development Plan Document 2008 (CSDPD)  
Saved Policies of the Bracknell Forest Borough Local Plan 2002 (BFBLP)  
Bracknell Forest Borough Policies Map 2013

## **8. PRINCIPLE OF DEVELOPMENT**

SALP Policy CP1 refers to the presumption in favour of sustainable development as outlined within the National Planning Policy Framework (NPPF). SALP Policy CP1 states that the Council will act proactively and positively with applicants to seek solutions which mean that proposals can be approved wherever possible, and to improve the economic, social and environmental conditions within the area. Planning applications that accord with the policies in the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise.

CSDPD Policy CS1 sets out a number of sustainable development principles including making efficient use of land and buildings and locating development in locations that reduce the need to travel.

CSDPD Policy CS2 states that development will be permitted within defined settlements and on allocated sites. Development that is consistent with the character, accessibility and provision of infrastructure and services within that settlement will be permitted, unless material considerations indicate otherwise.

The site is located in a residential area that is within a defined settlement on the Bracknell Forest Borough Policies Map (2013). As a result the proposed development is considered to be acceptable in principle, subject to no adverse impact on the street scene, amenity of neighbouring occupiers, highway safety, trees, etc. These matters are assessed below.

## **9. IMPACT ON CHARACTER AND APPEARANCE OF AREA**

Saved Policy EN20 of the BFBLP and Policy CS7 of the CSDPD relate to design considerations in new proposals and are relevant considerations. These policies seek to ensure that developments are sympathetic to the character of the area and are of a high design. This is consistent with the NPPF.

Saved Policy H12 of the Bracknell Forest Borough Local Plan - Enclosure of open land in residential areas states: "The enclosure or change of use of landscaping and amenity strips for residential purposes will not be permitted except where:

- the use and location of the land does not significantly contribute to the character or amenity of the area;
- the proposed means of enclosure would not adversely affect the character or amenity of the area".

This policy is considered to be consistent with the objectives set out within the NPPF. Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people to live. Furthermore paragraph 64 of the NPPF states that the design of developments should take the opportunities where available to improve the character and quality of an area and the way it functions.

It is considered that the area of land to be used as private garden enclosed by 2m high hedging forms part of the original design of the estate development. Many of the estates within the Borough incorporate areas of landscaping and grass verges in order to provide visual interest and these areas are considered to contribute to the overall character of the estate.

The area of land subject to this application runs along the eastern boundary of the site. Approximately 40sqm of open grassland would be enclosed into the rear garden of 75 Trevelyan by a 2m high laurel hedge. It is not considered that the enclosure of this area of land into the private garden of the application site would have a detrimental impact upon the visual amenities of the surrounding area given a 3m wide area of grass would be retained between the hedge and the footpath along with an existing tree remaining within the public realm to create a soft landscaped buffer between the hedge and footpath.

There are examples of properties within close proximity to the application site which have extended their rear gardens by enclosing amenity land, most notably nos. 73 and 84 Trevelyan. No. 73 is a poor example of this, where a new brick wall has been erected to enclose amenity land, sited no more than 1m from the back edge of the footpath, approved by permission 620136 in 1994. No. 84 is a better example where a new brick wall has enclosed amenity land and a large area of open grass between 3m and 6m wide remains between the relocated brick wall and footpath, approved by permission 06/01158/FUL in 2007. The proposed enclosure of land to the side of no. 75 with a hedge set 3m from the footpath would therefore be acceptable as a sufficient area of soft landscaping would be retained between the hedge and footpath.

The hedge would be planted forwards towards the front elevation of the dwelling, however the front garden of the application site would remain open plan which is characteristic of the estate and the enclosure of some of the area of land to the side of the dwelling would be similar to that undertaken at no. 84 Trevelyan opposite the site.

The area of land would be enclosed by 2m high laurel hedging planted at 1m intervals running for a length of 18m. This means of enclosure by soft landscaping would be acceptable and would be less visually intrusive than a wall or fence in the street scene. A dense boundary screening would be quickly provided given the height of the plants. Cherry laurel is an evergreen hedge and therefore would be in leaf all year round.

As such, the proposal would not adversely affect the character and appearance of the surrounding area and would be in accordance with Saved Policies EN20 and H12 of the BFBLP, Policy CS7 of CSDPD and the NPPF.

## **10. RESIDENTIAL AMENITY**

Saved Policy EN20 of the BFBLP states that developments should not adversely affect the amenity of surrounding properties. This is further reinforced in Saved Policy H12 of the BFBLP which states development for change of use or enclosure of amenity land should not adversely impact upon residential amenity. Saved Policies EN20 and H12 of the BFBLP are therefore consistent with the NPPF.

The proposed enclosure of amenity land into private garden by means of 2m high hedging would not adversely affect the residential amenities of adjoining properties by virtue of loss of daylight or visual prominence.

As such, the proposal would not be considered to affect the residential amenities of neighbouring properties and would be in accordance with Saved Policies EN20 and H12 of the BFBLP and the NPPF.

## 11. TRANSPORT IMPLICATIONS

Policy CS23 of the CSDPD seeks to increase the safety of travel. Saved Policy H12 of the BFBLP states development for change of use or enclosure of amenity land should not have an adverse effect on highway safety. These policies are consistent with the NPPF.

Given the set back of the hedge from the footpath of 3m, there would be no obstruction to the public footpath and no impact to sightlines from the driveway of the adjoining property at no. 76 Trevelyan.

For the reasons given above the proposal is considered to be in accordance with Policy CS23 of the CSDPD, Saved Policy H12 of the BFBLP and the NPPF and would not result in highway implications.

## 12. CONCLUSIONS

The proposed change of use of amenity land to private garden enclosed by 2m high hedging would not adversely impact upon the visual amenities of the surrounding area and would not impact upon any adjoining residential properties. Further, no highway safety implications would result. As such, the proposal is considered to be in accordance with CS7 and CS23 of the CSDPD, Saved Policies EN20 and H12 of the BFBLP and Policy CP1 of the Site Allocations Local Plan, all in accordance with the NPPF.

The application is therefore recommended for approval.

## 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 1 October 2014:  
drawing no. PL-03 Rev D  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
03. The hedge as shown on the approved plans shall be retained at a height not exceeding 2m and shall thereafter be retained as such. If within a 5 year period of the completion of the development the hedge is removed, uprooted, or is destroyed or dies, it shall be replaced by plants of the same species and size as that originally planted at the same place  
REASON: In the interests of good landscape design and the visual amenity of the area.  
[Relevant Policies: BFBLP EN20, CSDPD CS7]

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
  
02. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:
  1. Time limit
  2. Approved plans
  3. Retention of hedge

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](http://www.bracknell-forest.gov.uk)

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## Unrestricted Report

### ITEM NO: 06

Application No.  
**14/00580/FUL**  
Site Address:

Ward:  
College Town

Date Registered:  
3 June 2014

Target Decision Date:  
29 July 2014

**94 To 96 College Road College Town Sandhurst  
Berkshire GU47 0QZ**

Proposal: **Erection of 4 no. 3 bedroom houses and 1 no. 4 bedroom house with associated landscaping, parking and access off Academy Place on land to the rear of 94 and 96 College Road.**

Applicant: Townside Homes (Camberley) Ltd

Agent: Mrs Rebekah Jubb

Case Officer: Paul Corbett, 01344 352000

[Development.control@bracknell-forest.gov.uk](mailto:Development.control@bracknell-forest.gov.uk)

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



## **OFFICER REPORT**

### **1. REASON FOR REPORTING APPLICATION TO COMMITTEE**

This application is reported to the Planning Committee as it has attracted more than 3 objections.

### **2. SITE DESCRIPTION**

The application site is located within the settlement of College Town on the eastern side of College Road. The land to be developed currently comprises the rear gardens of two existing semi-detached houses namely no's 94 and 96 College Road.

The site is surrounded on three sides by other residential development and to the east is an undeveloped area of land.

The area is characterised by a mix of detached, semi-detached and terraced housing, the majority of which is two storeys in height. There has been some intensification of development in the area in recent years, through redevelopment and the introduction of cul de sacs.

### **3. RELEVANT SITE HISTORY**

Erection of 4 semi detached dwellings comprising of 3 No 3 bed houses and 1 No 4 bed house together with associated access, parking / garaging, landscaping and cycle storage following demolition of garage to the side of 94 College Road. Ref. No: 13/01008/FUL | Status: Withdrawn

The above proposal gave rise to concerns with general layout and how this would relate to the character of the area; and the relationship between trees and houses on the site and therefore the scheme was withdrawn.

The development now proposed relates to the same application site as the previous scheme but involves a change to the orientation of the houses and the location of the access road.

The previous scheme was reliant on access being provided via College Road, with an access road running to the side of the existing houses and through the site to serve the houses at the rear. The proposed houses previously all faced towards College Road.

The applicant has now secured access into the site via the adjacent development at Academy Place, which it has been established does have an adopted highway up to the site boundary at the rear. The proposed development can now incorporate a continuation of that adopted highway to serve the proposed houses.

As a result of this there is no longer a need for any vehicular access directly from College Road past the new houses. There will be no alterations to the front part of the site and the existing parking arrangements for the existing houses will remain unchanged.

### **4. THE PROPOSAL**

Erection of 4 no. 3 bedroom houses and 1 no. 4 bedroom house with associated landscaping, parking and access off Academy Place on land to the rear of 94 and 96 College Road.



The proposed development comprises two distinct elements:

- (i) A terrace of 3 x 3 bed houses (plots 1-3) with 2 car parking spaces each; and a visitor space and
- (ii) a pair of semi's 1 x 3 bed house (plot 4) and 1 x 4bed house (plot 5) with 2 and 3 car parking spaces respectively.

The site is measured as having a total area of 0.2085 ha which equates to an approximate density of 24 dph.

## **5. REPRESENTATIONS RECEIVED**

This application has resulted in 16 objections and the concerns are summarised as follows:

- Impact upon the character of the area
- Over development resulting in a visually cramped appearance
- Impact upon the neighbours amenities (overbearing, overshadowing of gardens and overlooking)
- Increase in vehicle movements and lack of parking
- Parking pressures from non-residents parking in Academy Place
- Impact upon wildlife
- Loss of trees

## **6. SUMMARY OF CONSULTATION RESPONSES**

### Sandhurst Town Council

Raises an objection to the revised proposal for the following reasons:

- i) the reconfiguration of plots 1 to 3 still poses a cramped development with plot 3 causing overlooking, shadowing and light issues with the south facing properties in Academy Place, in particular Nos. 58 and 59.
- ii) the additional parking space is welcomed for visitors but we can only see one, not two additional parking spaces as suggested.
- iii) the reduction of 3 spaces in the Academy Place parking bay, leading to 1 space remaining has not been addressed, exacerbating the on street parking problem.

### Highway Authority:

The Highways Officer supports this proposal subject to some minor amendments, the imposition of a number of conditions, and securing by a legal agreement the highways related financial contributions and adoption of the road as identified.

### Biodiversity Officer

The Biodiversity Officer supports this proposal subject to the imposition of a number of conditions such as securing a reptile mitigation strategy and a scheme for the provision of bird and bat boxes (and other biodiversity enhancements).

### Tree Officer

The Councils Tree Officer supports the proposal as amended subject to securing the tree protection before works commence on the site and this can be secured by condition.

## Drainage Engineer

No comments had been received at the time of writing this report and any comments received will be reported in the supplementary report.

## **7. DEVELOPMENT PLAN**

The Development Plan for this Borough includes the following:

Core Strategy DPD (February 2008)  
Site Allocations Local Plan (July 2013)  
Policy NRM6 of the South East Plan (May 2009)  
Bracknell Forest Borough Local Plan (January 2002) (saved policies)  
Bracknell Forest Borough Policies Map 2013

## **8. PRINCIPLE OF DEVELOPMENT**

SALP Policy CP1 refers to the presumption in favour of sustainable development as outlined within the National Planning Policy Framework (NPPF). SALP Policy CP1 states that the Council will act proactively and positively with applicants to seek solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions within the area. Planning applications that accord with the policies in the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise.

CSDPD Policy CS1 sets out a number of sustainable development principles including making efficient use of land and buildings where it protects the character and quality of local landscapes.

CSDPD Policy CS2 states that development will be permitted within defined settlements and on allocated sites. Development that is consistent with the character, accessibility and provision of infrastructure and services within that settlement will be permitted, unless material considerations indicate otherwise.

The site is located in a residential area that is within a defined settlement on the Bracknell Forest Borough Policies Map (2013).

CSDPD Policy CS15 requires the provision of 11,139 dwellings in the Borough over the Plan period.

CSDPD Policy CS16 requires a range of housing types, sizes and tenures.

These policies are considered to be consistent with the need for sustainable development including the need to boost the supply of housing delivering a wide choice of homes as set out in the NPPF. As a consequence they are considered to carry significant weight.

The proposal involves a net gain of 5 units (4x 3beds and 1 x 4bed). In terms of the Council's housing provision the proposal constitutes a 'small' site and would therefore contribute to the 'small' sites allowance. It would also add to the Borough's stock of family housing.

As the proposal involves the development of private residential gardens, it is a greenfield site. Whilst the NPPF (para 111) encourages the use of previously developed land, it does not prohibit the use of greenfield sites. In such situations it is important to respond to local character and the existing pattern of development.

As a result the proposed development is considered to be acceptable in principle, subject to no adverse impact on the character of the area, amenity of neighbouring occupiers, highway safety, trees, etc. These issues are addressed elsewhere in this report.

## **9. IMPACT ON CHARACTER AND APPEARANCE OF AREA**

CSDPD Policy CS7 states that development will be permitted which builds upon the local character of the area, provides safe communities and enhances the local landscape where possible. BFBLP 'Saved' Policy EN20 states that development should be in sympathy with the appearance and character of the local area. The Character Area Assessments SPD provides guidance to help implement these policies. Saved Policy EN1 of the BFBLP seeks to retain trees and hedgerow which are important to the character and appearance of the townscape and act as green links between open spaces. These policies are consistent with the objectives set out within the NPPF.

College Town is identified as a distinct area (Area E) in the Character Areas SPD with recognition that the original rectilinear plot layout and regular development rhythm has been disrupted by cul de sacs, particularly to the east of College Road. The SPD refers to the need to limit further fragmentation and retain/enhance the street frontage and wooded links.

This proposal responds more positively to the local area than the previous proposal (withdrawn). As access is now to be gained off Academy Place, and there will be little change to nos 94 and 96 College Road when viewed from the highway, the streetscene will not be disrupted and the pattern of development will appear similar. The proposed houses are now all orientated to face the extension of Academy Place, which will be offered for adoption. This results in a more natural layout and a natural continuation of the adjacent pattern of development. The new houses in the centre of the site will back on to the existing houses on the College Road frontage, namely no's 94 and 96.

In terms of density the number of units proposed is considered to be an appropriate number of dwellings when compared to the local established density. Furthermore, the scheme accords with the NPPF in that it makes efficient use of the land given the constraints of the trees on the sites boundaries. It is considered that to accommodate a greater number of dwellings would be out of keeping with the wider visual appearance of the area, and likely to adversely impact upon the protected trees on the boundaries of the site, and would not deliver high quality, well designed development in accordance with NPPF.

Objections received refer to this proposal being an over development of the site, but having regard to the form of the surrounding area the proposed density of approximately 24 dwellings per hectare and the scale, massing and appearance this development is not considered to be out of keeping with its surroundings.

In conclusion, it is considered that the proposal accords with the principles of Core Strategy Policy CS7, 'Saved' BFBLP Policies EN1 and EN20 and the NPPF.

## **10. RESIDENTIAL AMENITY**

BFBLP 'Saved' Policy EN20 refers to the need to not adversely affect the amenity of the surrounding properties and adjoining areas. In addition to this, part of the requirement for a development to provide a satisfactory design as stated in BFPLP 'Saved' Policy EN20 and CSDPD Policy CS7, is for the development to be sympathetic to the visual amenity of neighbouring properties through its design implications. This is considered to be consistent with the general design principles laid out in paras. 56 to 66 of the NPPF.

Objections refer to the proposed development being overbearing in relation to adjoining properties (no's. 58 and 59 Academy Place) with significant overshadowing of a number of the adjacent gardens.

Proposed plots 1-3 have been designed such that they have roofs that are hipped away from the boundaries with a ridge height that has been reduced to 8.5m (previously 9.2m) and a side to back distance of just over 13m to the rear elevations of no's. 58 and 59 Academy Place

Whilst it is acknowledged that this development will have some impact it is important to strike a balance between protecting the neighbours' amenities as well as making the most efficient use of land within settlements. It is considered that the scale of this development and the intervening distances are sufficient to ensure that the buildings will not be overly overbearing or result in overshadowing that would be so significant as to warrant refusal. It is felt that the proposal has been treated consistently with other developments in ensuring that it does not result in such an adverse impact upon the living conditions of the adjacent dwellings.

The BRE Site Layout Planning for Daylight and Sunlight guidance recommends that, for a garden or amenity area to appear adequately sunlit throughout the year, at least half of it should receive at least 2 hours of sunlight on 21 March. If as a result of a new development the garden or amenity area does not achieve this and the area which can receive 2 hours of sun on 21 March is less than 0.8 times its former value then the loss of sunlight is likely to be noticeable. As recommended by the BRE's guidance all the gardens of 57, 58 and 59 remain adequately lit throughout the year. 50% of all the gardens receive at least 2 hours of sunlight on the 21st March and no garden receives more than 50 % shadows. It follows that if some sun is received on 21st March, there will be sun over the summer months. The gardens in Academy Place would not be in permanent shadow as a result of this proposal.

Another most notable point is that as the site is at a lower level (approx.1m) than existing development at Academy Place, the potential impact of the new development on the existing houses is reduced.

The relationship between the habitable room windows of the proposed dwellings and the neighbouring houses and their gardens will all be at oblique angles and will not be at all unusual in a built up area such as this. The only windows facing the neighbouring properties will be first floor bathroom or stairwell windows, which are all shown to be obscure glazed.

It is considered that the scheme as now amended is designed so as not to create any adverse impacts on the amenities of nearby residents and it is therefore in accordance with the Development Plan Policy CS7 BFPLP, 'Saved' Policy EN20 of the BFBLP and NPPF.

## **11. TRANSPORT IMPLICATIONS**

CSDPD CS23 states that the Local Planning Authority will seek to reduce the need to travel and increase the safety of travel, while simultaneously promoting alternative modes of travel. Saved Policies M4 and M9 of the BFBLP ensure that development provides satisfactory highway measures and parking provision. To supplement this policy, the Local Planning Authority's Parking Standards SPD sets out the advised levels and size of parking spaces for residential dwellings. The NPPF allows for LPAs to set their own parking standards for residential development. The quoted policies are considered to be consistent with the NPPF.

The Highways Officer supports this revised proposal subject to securing the road adoption of the extended part of Academy Place via a s106 legal agreement in accordance with the design principles identified on the applicant's site layout drawing accompanying the application.

The existing road was designed to accommodate all types of predicted traffic movements by private vehicles, residential service vehicles (including those for waste collection and emergency vehicles), pedestrians and disabled persons. Whilst it would have been desirable to incorporate a better turning head into this development to facilitate extending the road in the future, it was felt the additional widths required would have impacted on a tree covered by a TPO.

The access would include provision of a 2m footway to the southern side of the entrance to provide safe and direct pedestrian access into the site. This footpath is no longer compromised by either Plot 10 or the entrance piers as they have been set back from the back edge of the footpath. The change in surface to the access road has been relocated further back into the development and the initial section of road and turning head would now be adopted.

Service margins have been provided along the extent of the adopted section of the access road with each of the dwellings having clearly defined pedestrian access to each plot.

Each dwelling would be provided with parking spaces, 2 parking spaces for the 3 beds and 3 parking spaces for the 4 bed which accords with the Council's residential car parking standards. Given the number of dwellings proposed there is no requirement for any visitor parking provision, however the applicant is aware of a number of representations received that raise parking as an issue and has therefore included 1 additional space into the scheme as a visitor space. The Highways Officer is satisfied with this parking provision.

Cycle parking is located within sheds in gardens of all properties.

In respect of refuse storage/collection the number and types of refuse and recycling bins would comply with the requirements of the Highway Authority. The proposed residential site would accommodate a turning area for refuse vehicles. The refuse provision would be in the form of bins kept in the rear gardens, which all have external access. A number of bin collection points have been identified on the site layout plan and these are considered to adhere to the Council's thresholds in terms of carry distance for both refuse operatives and future residents.

The proposal would generate about 37 movements per day with a peak hour increase of approximately 4 movements per day at the Junction with College Road which is considered acceptable. This would cumulatively with other the developments within the area have an impact upon the wider highway network. Therefore mitigating contributions would be sought to offset this impact to provide for improvements to the wider highway network within close proximity to the site.

Construction traffic will need to be controlled by condition but Academy Place is wide enough to accommodate such vehicles.

For the reasons given above the proposal is considered to be in accordance with Saved Policies M4 and M9 of the BFBLP, Policy CS23 of the Core Strategy DPD and the NPPF.

## **12. ACCESSIBILITY**

BFBLP Saved Policy EN22 and CSDPDP Policy CS7 states that the Local Planning Authority (LPA) will ensure that new development provides convenient access, parking space and facilities for people with disabilities. These policies are considered to be consistent with the NPPF which states that LPA's should take into account the accessibility of the development.

Given the proposal will need to comply with Part M of the Building Regulations with respect to access to and within the building as well as general access arrangements, it is therefore considered that the proposal would comply with the requirements of Development Plan and the NPPF.

### **13. TREES AND LANDSCAPING IMPLICATIONS**

BFBLP Saved Policies EN1 and EN2 state that the LPA will seek to protect tree and hedgerow cover. This is also supported by CSDPD Policy CS1 which seeks to protect the character of the local landscape. These policies are considered to be consistent with the NPPF section 11 which encourages LPAs to conserve and enhance the natural environment by protecting and enhancing valued landscapes.

The tree survey and report submitted with the application demonstrates how the trees to be retained on the site will be protected, including the Horse Chestnut which is the subject of a Tree Preservation Order. A large landscaped area is shown to encircle the tree and this space will be protected by a knee high rail.

A number of the lower quality trees will be removed however the majority of the boundary hedging and trees are shown to be retained.

The proposed retention of the existing trees and hedgerows on the boundaries of the site and proposed soft landscaping are considered to comply with Saved BFBLP Policy EN1 which make an important visual contribution to the area overall.

The Council's Tree Officer supports the proposal as amended subject to the tree protection being implemented before works commence on the site and this can be secured by condition.

The proposed landscaping is considered acceptable in principle and this will be secured by condition.

Therefore, subject to conditions, the proposal would comply with the relevant policies quoted and the NPPF.

### **14. BIODIVERSITY IMPLICATIONS**

CSDPD Policy CS1 seeks to protect and enhance biodiversity and CS7 seeks to enhance and promote biodiversity. This is considered to be consistent with the NPPF which states that planning should contribute to "minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures."

The supporting reports, namely the reptile survey and the updated phase 1 survey report, are considered sufficient to demonstrate how this proposal will minimise its impacts on biodiversity.

The Biodiversity Officer supports this proposal subject to the imposition of a number of conditions such as securing a reptile mitigation strategy and a scheme for the provision of bird and bat boxes (and other biodiversity enhancements) which would protect and enhance the wildlife value of the development. Subject to conditions the proposal would comply with the quoted policies and the NPPF.

## **15. DRAINAGE**

CSDPD Policy CS10 seeks to secure the use of sustainable drainage systems in the management of surface water run-off which is considered to be consistent with the NPPF (para. 103) which states that new development should ensure that risks from flooding can be managed through suitable adaptation measures, including through the planning of green infrastructure and the use of sustainable drainage systems to reduce the causes and impacts of flooding.

The Council's Sud's Engineers have not objected but have recommended conditions to secure these details before any development may commence.

Subject to conditions, the proposal would comply with CSDPD Policy CS10 and the NPPF.

## **16. SUSTAINABILITY AND ENERGY DEMAND**

CSDPD 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. This is considered to be consistent with the NPPF. 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.

A Sustainability Statement has been provided demonstrating that the development as a whole is likely to meet with Code for Sustainable Homes Level 3. Conditions are therefore recommended to secure the details proposed.

CSDPD Policy CS12 requires the submission of an Energy Demand Assessment demonstrating how the development's potential carbon dioxide emissions will be reduced by at least 10% and how 20% of the development's energy requirements will be met from on-site renewable energy generation. This is considered to be consistent with the NPPF.

The applicant has submitted an Energy Statement demonstrating that they would more than meet with the 10% reduction in carbon emissions. As for generating 20% of the development's energy demand through the implementation of renewables the applicant has stated that they can't make the 20%. Going on the applicant's approach of a far greater initial reduction in carbon emissions, a lesser energy demand offset would be accepted however the applicant has not confirmed which technology they would implement. It is therefore considered this can be secured by condition.

Subject to conditions the proposal would comply with the requirements of CSDPD Policies CS10 and CS12 and the NPPF.

## **17. WASTE AND RECYCLING ISSUES**

Any new residential development needs to provide a bin collection point within 25m of the highway with a carry distance for residents not exceeding 30m. Given this site will result in 5 dwellings the Council will seek to adopt either all or a proportion of the site access road to facilitate the servicing of this site by a 10m refuse vehicle.

The houses are shown to be designed such that up to three wheeled bins can easily be stored away from the street scene usually by providing a gate or similar to enable owner/occupiers to store the bins within their rear gardens. A number of bin collection points have been identified on the site layout plan and these are considered to adhere to the Council's

thresholds in terms of carry distance for both refuse operatives and future residents. The access road has also been designed to facilitate turning if refuse vehicles enter the site.

## **18. THAMES BASIN HEATHS SPECIAL PROTECTION AREA (SPA)**

Retained South East Plan Policy NRM6 and Core Strategy DPD Policy CS14 seek to avoid an adverse impact upon the integrity of the Thames Basins Heaths Special Protection Area. The Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPA SPD) (March 2012) provides guidance on implementing these policies.

NPPF para 118 states that when determining planning applications, LPAs should aim to conserve and enhance biodiversity.

The Development Plan policies are considered to be consistent with the NPPF and should therefore be given full weight.

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 approximately 1.km from the boundary of the SPA 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.

A contribution is calculated on a per bedroom basis to be paid to the Council towards the cost of works and measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Council's Avoidance and Mitigation Strategy. In this instance, this application is for 4 X 3 bedroom and 1 x 4 bedroom dwellings. The SANG costs are as follows:

Total SANG Contribution - 3 bedrooms (£2400) = £9,600 (4X 2400)  
4 bedrooms (£2730) = £2,730 (1 x 2730)

The open space works at Shepherd Meadow is the most appropriate to this proposal (although it may be necessary to allocate the contribution to another SANG). The legal agreement will also incorporate a clause requiring occupancy to be restricted until the works and measures are in place.

The Council has also signed a legal agreement to secure financial contributions towards Strategic Access Management and Monitoring (SAMM) which will be calculated on a per bedroom basis as follows:

Total SAMM Contribution - 3 bedrooms (£711) = £2,844 (4 X 711)  
4 bedrooms (£807) = £807 (1 X 807)

In summary, the total SPA related financial contribution including a contribution towards the SAMM project for this proposal is £15,981 (i.e. £12,330 + £3,651).that will need to be secured by S106 Legal Agreement.

Therefore subject to the completion of a S106 the proposal would comply with the quoted policies and the NPPF



## **19. PLANNING OBLIGATIONS**

Developments are required to comply fully with Core Strategy Policy CS6, 'Limiting the Impact of Development' SPD (LID), 'Thames Basin Heaths Special Protection Area Avoidance and Mitigation' SPD and the Community Infrastructure Levy (CIL) Regulations, to offset the impacts of the development and make the development acceptable in planning terms. The requested planning obligations are considered to be in accordance with the tests set out in the CIL Regulations, in that they are:

- i) necessary to make the development acceptable in planning terms,
- ii) directly related to the development, and
- iii) fairly and reasonably related in scale and kind to the development.

This is considered to be consistent with the NPPF which states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."

As set out in the LID SPD and SPA SPD the following contributions are sought for the proposal:-

- (i) An Open Space and recreation contribution
- (ii) A built sports contribution
- (iii) Educational facilities
- (iv) Community Facilities
- (v) SPA Mitigation (referred to in the previous section)
- (vi) Dedication of part of the site access as public highway
- (vii) Maintenance of public areas

The applicant is willing to secure the above identified mitigating contributions via S106 legal agreement before planning permission is granted.

It is considered that the obligations in the S106 are necessary to make the development acceptable in planning terms and are directly, fairly and reasonably related to the proposed development and are therefore consistent with Policy CS6 of the CSDPD and the NPPF.

## **20. CONCLUSIONS**

It is considered that this proposal provides a scale of development within the settlement that not only seeks to make efficient use of the land but which is also sympathetic in terms of the form and layout of development. It does not compromise the streetscene, pattern of development and character of the local area. The proposed dwellings are considered appropriate in scale, mass, design, materials, layout and siting, in terms of the scheme itself and in relation to adjoining buildings, spaces and views.

The proposal is considered to be in accordance with the Development Plan policies and the NPPF.

The development proposal is therefore recommended for approval subject to conditions and completion of a S106 legal agreement.

## **RECOMMENDATION**

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

- (i) An Open Space and recreation contribution
- (ii) A built sports contribution
- (iii) Educational facilities
- (iv) Community Facilities
- (v) SPA Mitigation
- (vi) Dedication of part of the site access as public highway
- (vii) Maintenance of public areas

That 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 and other submitted details.

- 12065-02-100 - Location Plan received 02.06.14
- 12065-02-106 Rev.B - Proposed Block Plan Ground Floor received 27.10.14
- 12065-02-107 Rev.B - Proposed Block Plan First Floor received 27.10.14
- 12065-02-108 Rev.B - Proposed Block Plan Roof Plan received 27.10.14
- 12065-02-109 Rev.A - Proposed Elevations Plot 1, 2 & 3 received 12.09.14
- 12065-02-110 Rev.A - Proposed Elevations Plot 4 & 5 received 12.09.14
- 12065-02-112 Rev.A - Proposed Elevations & Sections received 12.09.14
- 12065-02-113 Rev.B - Plot 1, 2 & 3 Ground Floor received 27.10.14
- 12065-02-114 Rev.B - Plot 1, 2 & 3 First Floor received 27.10.14
- 12065-02-115 Rev.A - Plot 4 & 5 Ground Floor received 12.09.14
- 12065-02-116 Rev.A - Plot 4 & 5 First Floor received 12.09.14
- 12065-02-117 Rev.A - 94 & 96 College Road received 12.09.14
- 12065-02-118 Rev.A - Cycle Storage received 12.09.14
- 12065-02-119 Rev.B - Refuse Collection received 27.10.14
- 12065-02-121 - Typical Shed Elevations received 02.06.14
- 12065-02-122 - Knee Rail Fencing received 12.09.14
- 12065-02-123 Rev A - Extent of Road Adoption received 27.10.14
- Arboricultural Survey and Implications Assessment Revised 12 September 2014
- 13-137-260 813 TC Revision 2 Arboricultural survey and constraints plan received 15.09.14
- Reptile Survey Report by Lilacs Land Consultants LLP Received 28.09.14

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

03. No development shall take place until samples of the materials to include bricks and roof tiles and other hard surfaces 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 Saved Policy EN20, Core Strategy DPD Policy CS7]

04. The development hereby permitted shall not be begun until details showing the finished slab 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: BFBLP Saved Policies EN20, Core Strategy DPD Policy CS7]

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (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.

REASON: The site is affected by a Tree Preservation Order/contains trees which are a feature of the site where strict control over development is required by the policies of the development to ensure their protection and safeguard the residential and visual amenities of the occupiers and adjoining properties

[Relevant Policies: BFBLP Saved Policies EN1 & EN20 Core Strategy DPD Policy CS7]

06. The development hereby permitted shall be implemented in accordance with the submitted 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 resources.

[Relevant Policy: Core Strategy DPD Policy CS10]

07. 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 level 3 of the Code for Sustainable Homes.

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

Relevant Policy: Core Strategy DPD Policy CS10]

08. The development shall not be begun until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate:

(a) that before taking account of any on-site renewable energy production 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 a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 20% 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 resources.

[Relevant Plans and Policies: Core Strategy DPD Policy CS12]

09. No development (other than the construction of the access) 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.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD Policy CS23]

10. No dwelling shall be occupied until a means of access for pedestrians has been constructed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of accessibility and to facilitate access by cyclists and/or pedestrians.

[Relevant Policies: BEBLP Saved Policy M6, Core Strategy DPD Policy CS23]

11. The dwellings 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 at all times 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 highway safety.

[Relevant Policies: Core Strategy DPD Policy CS23]

12. The gradient of private drives shall not exceed 1 in 12.

REASON: To ensure that adequate access to parking spaces and garages is provided.

[Relevant Policies: Core Strategy DPD Policy CS23]

13. No dwelling shall be occupied until the associated vehicle parking and turning space including drainage has been constructed and surfaced and marked out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The vehicle parking and turning spaces 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: BFBLP Saved Policy M9, Core Strategy DPD Policy CS23]

14. The development hereby permitted shall not be begun until details of the signing for the visitor car parking space has been submitted to and approved in writing by the Local Planning Authority. The visitor car parking space shall be provided and signed in accordance with the approved details and the space and signage shall thereafter be retained.

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 Saved Policy M9, Core Strategy DPD Policy CS23]

15. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority for covered and secure cycle parking facilities. The dwellings shall not be occupied until the approved scheme has been implemented and the facilities shall thereafter be retained.

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

[Relevant Policies: BFBLP Saved Policy M9, Core Strategy DPD Policy CS23]

16. No gates shall be provided at the vehicular access to the site.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD Policy CS23]

17. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority for off site highway works including the following:

- to form an access into the site

The buildings provided by the carrying out of the development shall not be occupied until the off site highway works have been completed in accordance with the approved scheme.

REASON: In the interests of highway safety.  
[Relevant Policy: BFBLP Saved Policy M4]

18. The development hereby permitted shall not be begun 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 operatives
- (f) Construction management plan setting out measures to minimise impacts of this development upon the existing residents

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 (f) above without the prior written permission of the Local Planning Authority.

REASON: In the interests of amenity and road safety.

[Relevant Policies: BFBLP Saved Policy Saved Policy M9, Core Strategy DPD Policy CS23]

19. 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.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: BFBLP Saved Policy EN3, Core Strategy DPD Policies CS1, CS7]

20. No development shall take place until a reptile mitigation strategy has been submitted to and approved by the Council. The strategy should include the following:

- i. Details of measures taken to avoid harm to reptiles on site during development
- ii. Details of a suitable translocation receptor site
- iii. Details of any enhancements required of the receptor site
- iv. Details of management and maintenance requirements of the receptor site
- v. Details of monitoring

A close out report will be submitted to the council within 3 months of the occupation of the first dwelling

REASON: In the interests of nature conservation

[Relevant Plans and Policies: BFBLP Saved Policy EN3 Core Strategy DPD Policies CS1, CS7]

21. The scheme hereby permitted shall be carried out in accordance with the reptile mitigation measures outlined in information submitted under condition 20 (above). An ecological site inspection report shall be submitted for approval within three months of the first occupation of any dwelling hereby approved.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: Core Strategy DPD Policy CS1]

22. No development shall commence until a scheme for the installation of bird and bat boxes, including a plan or drawing showing the location of the boxes, has been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be performed, observed and complied with.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: Core Strategy DPD Policies CS1, CS7]

23. If more than 2 years elapse between the previous reptile survey and the due commencement date of works, an updated reptile survey shall be carried out by a suitably qualified ecologist. A report confirming the results and implications of the assessment, including any revised mitigation measures, shall be submitted to the Local Planning Authority before construction works commence on site. The scheme shall be implemented in accordance with the mitigation measures.

REASON: To ensure the status of reptiles on site has not changed since the last survey.  
[Relevant Plans and Policies: Core Strategy DPD Policies CS1, CS7]

24. 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.

REASON: In the interests of good landscape design and the visual amenity of the area.  
[Relevant Policies: BFBLP Saved Policies EN2 and EN20, Core Strategy DPD Policy CS7]

25. All existing trees, hedgerows and groups of shrubs shown to be retained on the approved drawings shall be protected by 2m high (minimum) welded mesh panels, supported by a metal scaffold framework, constructed in accordance with Section 6.2 of British Standard 5837:2012, 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 Saved Policy EN1 and EN20, Core Strategy DPD Policy CS7]

26. The development hereby permitted (including initial site-clearance) shall not be begun until a detailed scheme, and programme for its implementation for the protection of existing trees in accordance with British Standard 5837:2012 '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
- b) Minimum 'Root Protection Areas' of all existing trees
- c) Plans of a minimum scale of 1:200 showing the proposed locations of protective barrier/s, constructed in accordance with Section 6 (Figures 2 or 3) of BS 5837:2012, 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.

d) Proposed ground protection measures in accordance with Section 6 (Figure 3) of BS 5837:2012.

e) Annotated minimum distances between fencing and trunks of retained trees at regular intervals.

f) 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.

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 Saved Policy EN1 and EN20, Core Strategy DPD Policy CS7]

27. No building work or deliveries shall take place during the construction of the development hereby approved outside the hours of 08.00 hours and 18.00 hours Monday to Friday; 08.00 hours and 13.00 hours Saturday and not at all on Sundays and Public Holidays.

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

[Relevant Policies: BFBLP Saved Policy EN25]

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal subject to conditions, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**In the event of the S106 planning agreement not being completed by 31 January 2015 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 public open space, recreational facilities, 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 open space, recreation and educational facilities and libraries, the proposal is contrary to Policies CC7 and NRM6 of the South East Plan, Policies R5 and M4 of the Bracknell Forest Borough Local Plan and CS6, CS8, CS14 and CS24 of the Core Strategy Development Plan Document and to Supplementary Planning Document Limiting the Impact of Development (adopted July 2007) and Supplementary Planning Document Thames Basin Heaths Special Protection Area Avoidance and Mitigation (adopted March 2012).

02. The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impacts in this respect. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (2012).

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](http://www.bracknell-forest.gov.uk)



## Unrestricted Report

### ITEM NO: 07

Application No.  
**14/00844/FUL**

Ward:  
Winkfield And  
Cranbourne

Date Registered:  
30 July 2014

Target Decision Date:  
24 September 2014

Site Address:

**49 Carnation Drive Winkfield Row Bracknell  
Berkshire RG42 7NT**

Proposal:

**Erection of a 2 storey side extension following the part demolition  
of existing garage**

Applicant:

Mr & Mrs Jahromi

Agent:

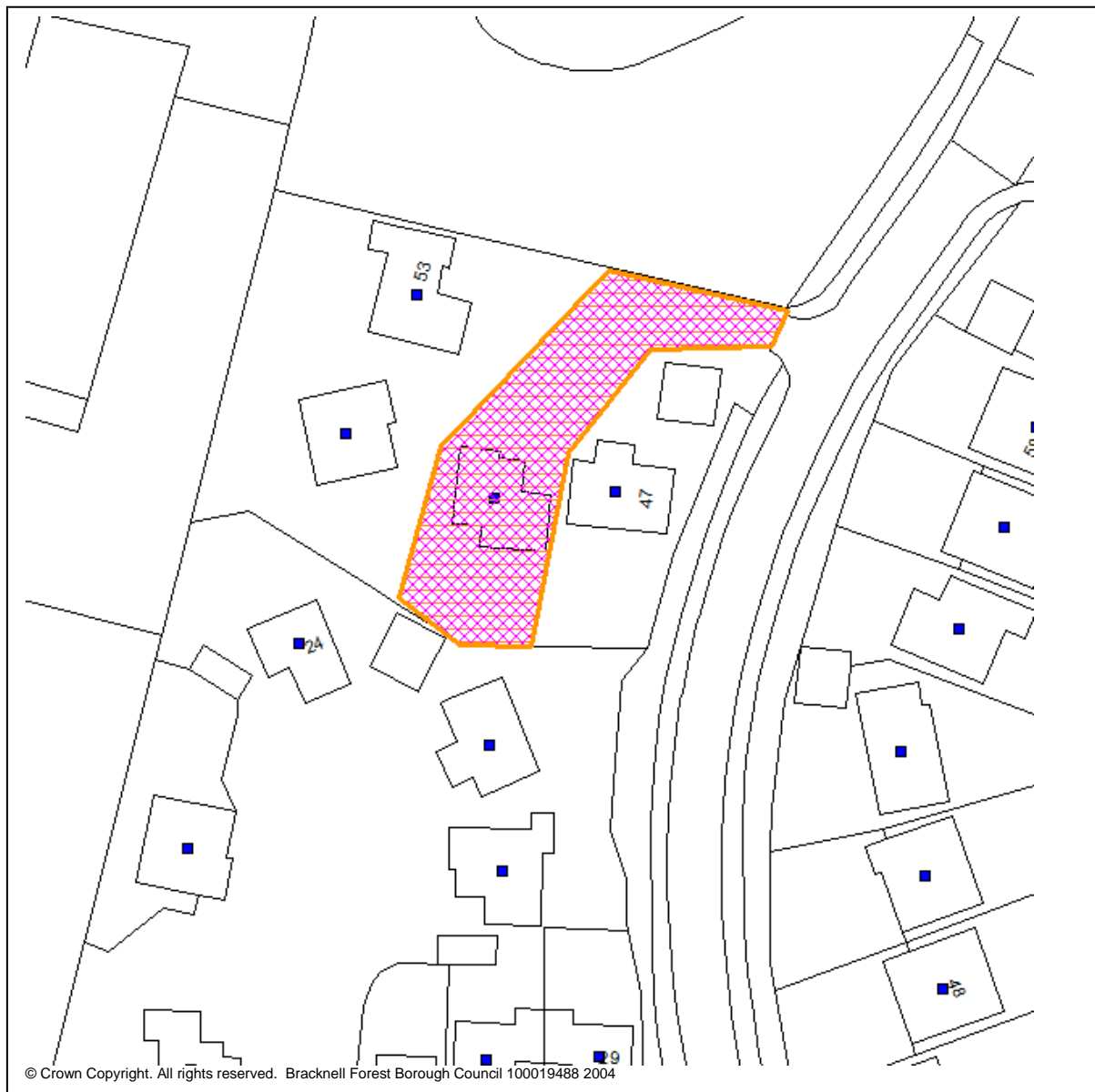
Mr Alistair Lloyd

Case Officer:

Michael Ruddock, 01344 352000

[Development.control@bracknell-forest.gov.uk](mailto:Development.control@bracknell-forest.gov.uk)

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



## **OFFICER REPORT**

### **1. REASON FOR REPORTING APPLICATION TO COMMITTEE**

The application is reported to the Planning Committee as more than three objections have been received.

### **2. SITE DESCRIPTION**

No.49 Carnation Drive is one of a group of four detached dwellings accessed along a private drive off Carnation Drive. It has an integral garage to the side which is set back from the front elevation of the dwelling by 3.0m. Parking is located forward of the garage and the front elevation of the dwelling with a private garden to the rear. The site is bordered by No.47 Carnation Drive to the east and No.51 Carnation Drive to the west. It is noted that No.49 is set further to the rear than No.47. No.25 Foxglove Close borders the site to the south at the rear.

### **3. RELEVANT SITE HISTORY**

No relevant planning history.

### **4. THE PROPOSAL**

The proposed development is for the erection of a two storey extension to the side of the dwelling following the partial demolition of the existing garage. The extension would match the width of the existing garage of 2.95m with a depth of 10.1m. At ground floor level it would project 0.4m forward of the existing front projection and would incorporate a roof over the front entrance to form an open porch. The first floor element would have the same front projection as the adjacent elevation, set back 0.8m from the furthest front projection. To the rear the extension would project no further at ground floor level, and match the existing rear projection at first floor level. The extension would have a height of 8.1m which would match the height of the existing dwelling.

The extension would form a new integral garage at ground floor level which would have the same internal dimensions as the existing garage. An enlarged living room would be formed to the rear of the garage. At first floor level two additional bedrooms would be provided, increasing the number of bedrooms from three to five.

Since the application was submitted it has been amended to ensure that sufficient parking can be provided at the front of the site. The front projection of the extension has been reduced and a roller shutter door is now shown on the garage. Additional information has also been submitted to demonstrate how the parking would be accommodated.

It is noted that the roof of the extension would project over the boundary with No.47. As such, notice has been served on the neighbouring property.

### **5. REPRESENTATIONS RECEIVED**

Three neighbour objections have been submitted and can be summarised as follows:

- The extension would be visually imposing and out of keeping with the surrounding properties.

- Insufficient parking for a five bedroom house. The space in front of the garage encroaches upon a shared turning area which is un-neighbourly.
- The development would be detrimental to the amenities of No.47 Carnation Drive and No.25 Foxglove Close.
- Concerns about the proximity of the extension to the boundary with No.47 in respect of the foundations.

## **6. SUMMARY OF CONSULTATION RESPONSES**

### Winkfield Parish Council

- WPC considers this an overdevelopment of the site, insufficient parking for a five bedroomed house as the third space encroaches upon a shared turning point. The development is unneighbourly causing access and egress conflict. The development will cause loss of light to No 47 at the front and side. WPC also has concerns with the accuracy of the submitted plans.

### Highway Authority

- The Highways Officer recommends conditional approval.

## **7. DEVELOPMENT PLAN**

The Development Plan for this Borough includes the following:

Site Allocations Local Plan 2013 (SALP)  
 'Retained' Policies of the South East Plan 2009 (SEP)  
 Core Strategy Development Plan Document 2008 (CSDPD)  
 'Saved' Policies of the Bracknell Forest Borough Local Plan 2002 (BFBLP)  
 Bracknell Forest Borough Policies Map 2013

## **8. PRINCIPLE OF DEVELOPMENT**

Policy CP1 of the Site Allocations Local Plan sets out that a positive approach to considering development proposals which reflect in the presumption in favour of sustainable development as set out in the NPPF should be taken, and that planning applications that accord with the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise.

Core Strategy Policies CS1 (Sustainable Development) and CS2 (Locational Principles) are relevant and consistent with the objectives of the NPPF. In particular, Policy CS2 permits development within defined settlements. No.49 Carnation Drive is located within a defined settlement as designated by the Bracknell Forest Borough Policies Map. Therefore, the principle of development on this site is acceptable. Due to its location and nature, the proposal is considered to be in accordance with Core Strategy Policies CS1 (Sustainable Development), CS2 (Locational Principles) and the NPPF but details such as no adverse impacts upon residential amenities of neighbouring properties, character and appearance of surrounding area, highway safety implications, remain to be assessed below.

## **9. IMPACT ON CHARACTER AND APPEARANCE OF AREA**

CSDPD Policy CS7 states that development will be permitted which builds upon the local character of the area, provides safe communities and enhances the local

landscape where possible. BFBLP 'Saved' Policy EN20 states that development should be in sympathy with the appearance and character of the local area.

These policies are considered to be consistent with the objectives set out within the NPPF. In addition paragraph 56 of the NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people to live.

The extension would project to the side of the main dwelling and forward of the garage and as such it would be visible in the streetscene. It would also be visible from the adopted highway outside the site to the east. The extension would have the same height as the main dwelling and would project slightly forward of the main front elevation at ground floor level. Such an extension would not appear subordinate to the host dwelling. However as it would not increase the height of the dwelling or increase the front projection at first floor level it is not considered that it would result in a disproportionate addition to the property. Furthermore as at first floor level it would not project forward or rear of the existing projection it is not considered that it would appear overly prominent in the streetscene.

The gap to No.47 would be narrowed at first floor level, however as a gap of approximately 1.8m would remain it is not considered that it would result in an undesirable terracing effect. Furthermore it is noted that the nearby property of No.53 has been extended at first floor level, and in any case it is not considered that the development would result in a dwelling that would appear out of keeping with the neighbouring properties or an overdevelopment of the site.

As such it is considered that the proposed garage builds upon and would be in sympathy with the character and appearance of the local area, and would therefore not be contrary to CSDPD Policy CS7, BFBLP 'Saved' Policy EN20 or the NPPF.

## 10. RESIDENTIAL AMENITY

BFBLP 'Saved' Policy EN20 refers to the need to not adversely affect the amenity of the surrounding properties and adjoining areas. In addition to this, part of the requirement for a development to provide a satisfactory design as stated in BFBLP 'Saved' Policy EN20 is for the development to be sympathetic to the visual amenity of neighbouring properties through its design implications. This is considered to be consistent with the core principle relating to design in paragraph 17 of the NPPF, which states that LPAs should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and consistent with the general design principles laid out in paragraphs 56 to 66 of the NPPF.

The extension would project approximately 0.7m forward of the nearest front facing ground floor window of No.47 Carnation Drive at ground floor level, and it is not considered that such a front projection would result in an unacceptable loss of light to the front facing windows at that property. It would be visible from a side facing living room window, however this window is the secondary source of light to this room and a loss of light would therefore not warrant refusal of the application.

As No.49 is set further to the rear than No.47, the extension would project beyond the rear elevation of the neighbouring property and be visible from the private amenity area to the rear of the neighbouring property. The extension would project approximately 3m beyond the rear elevation of No.47, set off the side elevation of that property by 1.8m. A 45 degree line drawn on the horizontal plane from the nearest rear facing window at No.47 would not intersect the extension, and as a result it is not considered that it

would result in an unacceptable loss of light to the rear facing windows at that property. The extension would be set on the boundary with the neighbouring property, and would increase the height and bulk over and above the existing garage. However it is not considered that such an extension with a depth of 3m would appear so unduly overbearing that refusal of the application is warranted.

Concerns have been raised with regard to the privacy of the neighbouring properties at No.47 Carnation Drive and No.25 Foxglove Close. The new rear facing first floor window would face away from the private amenity area at No.47 and would not result in an unacceptable loss of privacy to this property. A new landing window would face towards that property, however this window would not serve a habitable room. As such a condition will be imposed requiring this window to be obscure glazed and fixed shut, to ensure that it would not result in a loss of privacy to No.47. A further condition will restrict any further side facing windows in this elevation.

In respect of No.25 Foxglove Close, the extension would project no closer to the rear boundary with the neighbouring property than the existing rear element. In any case, the BFC guidance contained within 'Extending Your Home - A Householders Guide' suggests that first floor windows should be set no less than 10m off the boundary with the neighbouring property. The window would be located over 10m from the boundary and as such would comply with this guidance. Furthermore there are no side facing windows at this property that would be affected.

Finally, concerns have been raised with respect to the foundations as the extension would be in close proximity to the property boundary with No.47 Carnation Drive. This is not a material planning consideration and will be considered under Building Regulations, and notice has been served in relation to the encroachment of the roof.

As such it is not considered that the development would result in a detrimental effect on the amenities of the residents of the neighbouring properties, and the development would therefore not be contrary to BFBLP 'Saved' Policy EN20 or the NPPF.

## **11. TRANSPORT IMPLICATIONS**

CSDPD Policy CS23 states that the LPA will seek to increase the safety of travel. BFBLP 'Saved' Policy M9 seeks to ensure that new development has sufficient car parking. To supplement this policy the adopted Parking Standards SPD (2007) sets out the advised levels and size of parking spaces for residential dwellings. The NPPF allows for LPAs to set their own parking standards for residential development and therefore the above policies are considered to be consistent with the NPPF.

For a dwelling that has or exceeds four bedrooms (as is the case with No.49 Carnation Drive), a minimum of three allocated parking spaces should be provided in accordance with the minimum measurements stated within the SPD.

The proposed garage would not meet the size criteria set out within the Parking Standards SPD, however as it would be the same size as the existing garage it is considered acceptable on this occasion. Two further spaces are shown to the front of the site. Concerns have been raised that it would not be possible to park a car to the front of the garage without it overhanging a shared turning area, shown as a hatched area on the submitted Land Registry plan. Although this area is within the curtilage of the site it needs to remain available for turning for the neighbouring properties.

Initially there was not room to park a car in this location without it overhanging the turning area. However the plans have been amended to set the front elevation further

back, which results in a gap of between 4.86m and 5.442m from the front elevation of the garage to the hatched area. Usually this would not be sufficient for a space forward of the garage, however as a roller shutter door is shown on the submitted plans such a space is acceptable on this occasion.

A third space is shown to the side of the space in front of the garage, on the existing brick paving. It is considered that there is sufficient area for a parking space in this location, whilst maintaining a clear pedestrian access between the dwelling and the adopted highway. The Highways Officer has confirmed no objection to the application, subject to a condition retaining the garage and hard standing areas for parking, to ensure that the Parking Standards are complied with.

It is therefore not considered that the development would result in an adverse impact on highway safety and would provide an acceptable level of parking. The development would therefore not be contrary to CSDPD Policy CS23, BFBLP 'Saved' Policy M9 or the NPPF.

## 12. CONCLUSIONS

The development is considered acceptable in principle and it is not considered that it would result in an adverse impact on the character and appearance of the area, the amenities of the residents of the neighbouring properties or highway safety. Conditions will be included to ensure that the proposed soft landscaping is retained thereafter, and that the garage is retained for parking at all times. As such the development would not be contrary to CSDPD Policies CS1, CS2, CS7 and CS23, BFBLP 'Saved' Policies EN20 and M9 or the NPPF. It also complies with the Parking Standards SPD.

## 13. RECOMMENDATION

The application is recommended for conditional approval.

## **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 26th September 2014:

JAH/02 (Rev C)

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 be of similar appearance to those of the existing dwelling.

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

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

04. The first floor landing window in the east facing side elevation of the extension hereby permitted shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent). It shall at all times be fixed shut with the exception of a top hung openable fanlight.  
REASON: To prevent the overlooking of neighbouring properties.  
[Relevant Policies: BFBLP EN20]
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 east facing side elevation of the extension 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. The areas for parking shown on the approved layout, including that within the garage, shall be retained for the use of the parking of vehicles at all times.  
REASON: To ensure that the Local Planning Authority's vehicle parking standards are met.  
[Relevant Policy: BFBLP M9]
07. The garage doors hereby approved shall be of a roller shutter design. Any replacement or repair shall only be with a roller shutter type garage door.  
REASON: To ensure that the garage is still accessible while a car is parked to the front of the property avoiding inappropriately parked cars comprising the communal reversing/turning area.  
[Relevant Policy: BFBLP M9]

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission subject to conditions, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:
- 01. Time Limit
  - 02. Approved Plan
  - 03. Materials
  - 04. Obscure Glazing
  - 05. Restrictions on side facing windows
  - 06. Parking
  - 07. Roller Shutter Door

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](http://www.bracknell-forest.gov.uk)



## Unrestricted Report

### ITEM NO: 08

Application No. 14/00858/FUL      Ward: Binfield With Warfield      Date Registered: 29 July 2014      Target Decision Date: 28 October 2014

Site Address:

**Popeswood Garage and Hillcrest London Road  
Binfield Bracknell Berkshire RG42 4AA**

Proposal:

**Erection of 11 no. terraced and semi-detached houses with garaging and landscaping following demolition of existing car sales building, car repair workshops and detached dwelling (Hillcrest)**

Applicant:

Halebourne Developments Ltd

Agent:

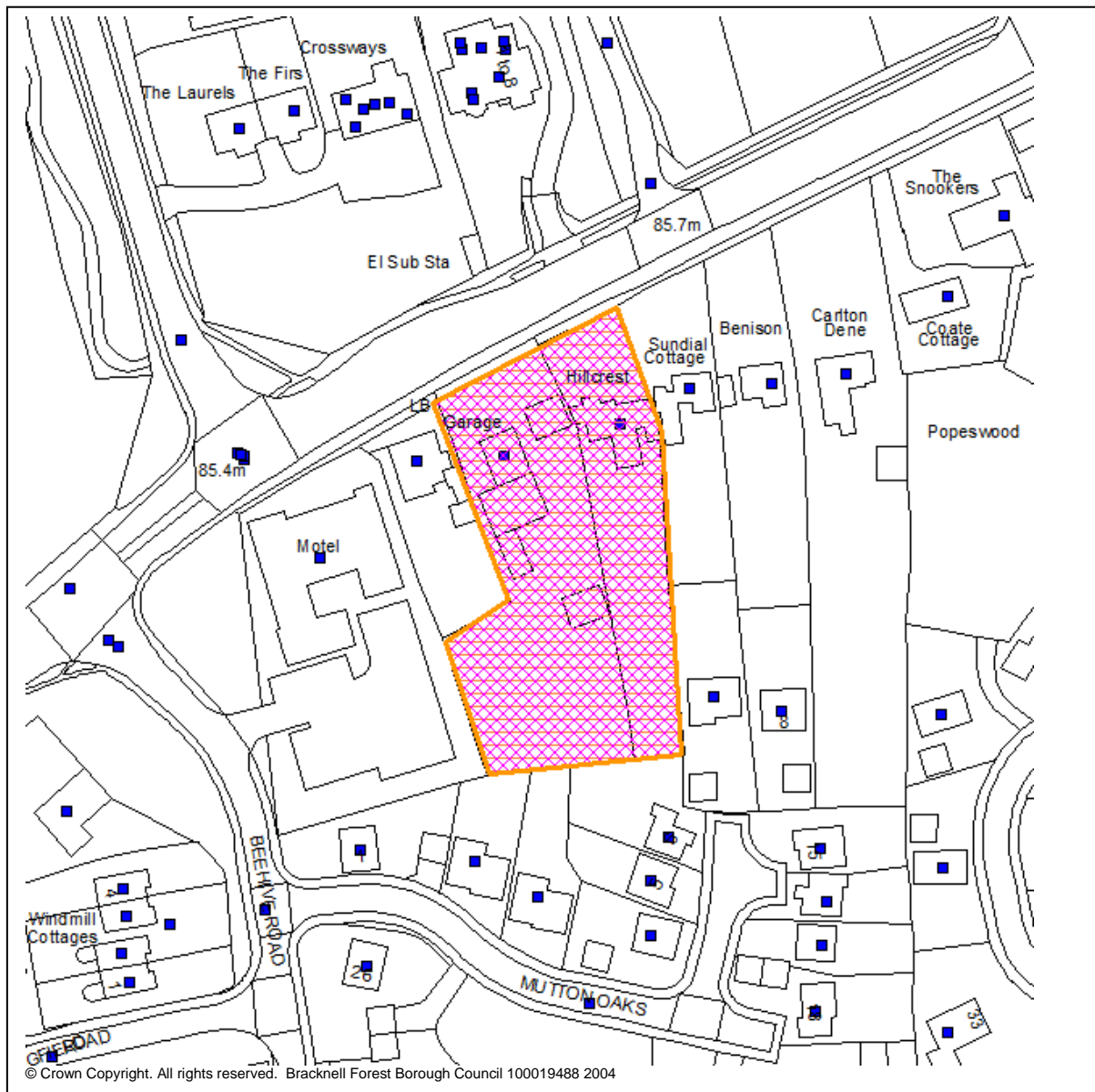
Mr Paul Dickinson

Case Officer:

Simon Roskilly, 01344 352000

[Development.control@bracknell-forest.gov.uk](mailto:Development.control@bracknell-forest.gov.uk)

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



## **OFFICER REPORT**

### **1. REASON FOR REPORTING APPLICATION TO COMMITTEE**

The application has been reported to the Planning Committee as more than 3 letters of objection have been received.

### **2. SITE DESCRIPTION**

The site is currently used as a car sales business, car repairs (including paint spraying) and a taxi business (Popeswood Garage) and a detached dwelling (Hillcrest). The site area is 0.35 ha.

The site is located on the south side of the B3408 London Road and immediately east of the traffic signal junction with St Marks Road. The B3408 London Road is a key transport corridor into the west side of Bracknell Town. It forms a link to the A329M motorway and to Wokingham. Bracknell town centre is approximately 2.2km to the east. Regular bus services link the site to the town centre (via St Marks Road) with bus stops located adjacent to the traffic signal junction to the west of the site.

There are residential properties east of the site including Sundial Cottage and no. 7 Mutton Oaks. There are also residential properties south of the site including nos. 2, 3 and 6 Mutton Oaks. West of the site is a building that contains commercial units at ground floor level fronting London Road and residential flats at first floor level.

Part of the site also adjoins car parking serving a hotel which is accessed off Beehive Road.

There is a significant difference in the level of the land with the site sloping down from London Road to Mutton Oaks.

### **3. RELEVANT SITE HISTORY**

14/00161/FUL- Erection of 13 no. terraced and semi-detached houses with garaging and landscaping following demolition of existing car sales building, car repair workshops and detached dwelling (Hillcrest). WITHDRAWN

### **4. THE PROPOSAL**

Erection of 11 no. dwellings consisting of a mix of terraced and semi detached housing with garaging and landscaping following demolition of existing car sales building, car repair workshops and detached dwelling (Hillcrest)

The proposed mix would consist of:-

1no. 2 bed dwelling.  
10no. 3 bed dwellings.

A total of 24 private car parking spaces are proposed including 2 visitor parking spaces with one point of vehicular access onto London Road.

The scheme has undergone amendments in-order to address concern expressed early on by the case officer. A 14 day consultation period was entered into with neighbouring residents and the Parish Council following receipt of the amended plans.

## 5. REPRESENTATIONS RECEIVED

5no. objections and 1no. letter of support were received from separate addresses.

The following concerns were expressed in the letters of objection:-

- The proposal does not represent an appropriate density and the access points within the site allowing future development should be changed and/or removed. [Officer Comment: The applicant has revised the scheme so that a net of 10 dwellings are proposed for the site. The application site does not include all the land allocated in the Site Allocation Local Plan (SALP). The SALP refers to the wider site as having the capacity for a net gain of 14 dwellings. The applicant has allowed for areas outside the red line, allocated for residential development in the SALP, to be developed at a later date if need be. The density as proposed is considered acceptable and access to allocated areas outside the red line should not be prevented as this would be contrary to the SALP.]
- Adverse impact upon the character and appearance of the area. [Officer Comment: This is addressed under section 9]
- Noise concerns. [Officer Comment: The site is allocated for residential development. Any noise concerns arising from future residents can be addressed by the Council's Environmental Health department.]
- Traffic and parking concerns. [Officer Comment: This is addressed under section 12]
- Overshadowing. [Officer Comment: This is addressed under section 11]
- Loss of privacy. [Officer Comment: This is addressed under section 11]
- Overbearing. [Officer Comment: This is addressed under section 11]
- Lack of affordable housing. [Officer Comment: This is addressed under section 15]
- Location of bin store considered inappropriate. [Officer Comment: The bin store will be in a location whereby it will serve residents. Its location is not considered to have an adverse impact upon any residential amenity. Any issues regarding odour can be dealt with under separate Environmental Health legislation.]
- Screening and boundary treatment concerns. [Officer Comment: Details of screening and boundary treatment will be conditioned to be submitted and approved by the Local Planning Authority. The applicant intends to retain existing screening present along the boundaries with 2, 3, 6 and 7 Mutton Oaks]
- Biodiversity. [Officer Comment: This is addressed under section 10]

## 6. SUMMARY OF CONSULTATION RESPONSES

### Binfield Parish Council

Comments on application as submitted:-

Recommend refusal,

- 1 The six dwellings at the back of the site are an overdevelopment.
- 2 The site density is too high.
3. The adjacent property, Sundial could be developed to worsen this situation.
- 4 There is insufficient parking for both residents and their visitors.
- 5 Traffic movements to and from the site onto the London Road where there are traffic lights will further worsen the situation on London Road.

### Environmental Health

Recommend conditional approval.

### Transportation Officer

Recommends some minor amendments and subject to these being achieved conditional approval. An update will be provided via a supplementary report.

### Biodiversity Officer

There is some concern that data provided is not appropriate however the Biodiversity Officer has confirmed that he is in discussions with the applicant and is satisfied that this will be rectified and would not materially alter the proposal as submitted. This will be confirmed in an update to Committee via a supplementary report. However previous concerns regarding badgers and badger corridors have now been addressed in the applicant's most recent revision to the proposal.

As such the Council's Biodiversity Officer recommends conditional approval.

### Binfield Badger Group

The Binfield Badger Group no longer object to the proposal given the inclusion of an appropriate badger foraging area within the development. *[Officer Comment: This can be secured by condition].*

## **7. DEVELOPMENT PLAN**

The Development Plan includes the following:-

- Policy NRM6 of the South East Plan (SEP) (May 2009)
- Core Strategy DPD (CS) (February 2008)
- Site Allocations Local Plan (SALP) (July 2013)
- Bracknell Forest Borough Local Plan (BFBLP) (January 2002)
- Bracknell Forest Borough Policies Map 2013

## **8. PRINCIPLE OF DEVELOPMENT**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, which is supported by the NPPF (paras. 2 and 12). This is also reflected in SALP Policy CP1, which sets out that planning applications which accord with the Development Plan should be approved without delay, unless material considerations indicate otherwise. Policy CP1 also sets out a positive approach to considering development proposed that reflects the presumption in favour of sustainable development contained in the NPPF (which in turn contains caveats regarding specific policies within the NPPF which indicate development should be restricted).

The site is within a defined settlement, and is also part of a site allocated (in the SALP, Policy SA2) for housing development which establishes the principle for development, in relation to Policy CS2. The SALP Inspector concluded (para. 122) that the site specific policies in the SALP were in accordance with national guidance. Therefore, they can be considered to be consistent with the NPPF, and afforded full weight.

The site is also predominantly previously developed land (being in commercial use at Popeswood Garage) within a defined settlement, and therefore is also acceptable and supported by the NPPF (in relation to paras. 17 and 111, provided the land is not of high environmental value).

(NB: In terms of loss of existing employment generating uses, the site has been allocated for residential development through the SALP. The loss of employment uses on this site has therefore already been accepted).

Following adoption of the SALP, the Council has a 5 year supply of land - this site forms part of an allocated site, and would contribute towards the supply of land for housing.

As such the proposal is considered acceptable in principle.

However an assessment of the proposal in relation to the site profile requirements can be found later within this report. This assessment will take into account relevant Saved BFBLP policies, CS DPD policies and the SALP policies/site profile requirements as set out below:-

- Investigation and remediation of any land contamination;
- Have regard to the location of the site opposite Binfield Area C of the Character Area Assessment Supplementary Planning Document;
- Provision of affordable housing;
- Appropriate ecological surveys and mitigation of any impacts;
- Transport Assessment to assess the impact of the proposals upon the local road network and junctions;
- Demonstrate that there is adequate waste water capacity both on and off site to serve the development and that it would not lead to problems for existing or new users. In some circumstances it may be necessary for developers to fund studies to ascertain whether the proposed development will lead to overloading of existing waste water infrastructure;
- Mitigation of impacts in accordance with Limiting the Impact of Development SPD, and/or other relevant legislation/policy/guidance;
- Make financial contributions towards existing Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring and take any other measures that are required to satisfy Habitats Regulations, the Council's Thames Basin Heaths SPA Avoidance and Mitigation Strategy and relevant guidance in agreement with Natural England;

Detailed matters are considered below.

## **9. IMPACT ON CHARACTER AND APPEARANCE OF AREA**

The NPPF at paragraphs 56 and 57 confirms that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. It is therefore important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

CS Policy CS7 and saved BFBLP Policy EN20 set out various design considerations to be taken into account in new development. Policy CS7 requires a high quality of design which builds on local character and respects local patterns of development. Of particular relevance to the current application is that it expects development proposals to promote safe communities; enhance the landscape and promote biodiversity; aid movement through accessibility, connectivity, permeability and legibility and to provide high quality useable open

spaces and public realm. Saved BFBLP Policy EN20 requires development to be in sympathy with the appearance and character of the local environment and appropriate in scale, mass, design, materials, layout and siting, both within itself and in relation to adjoining buildings, spaces and views. Proviso (ii) seeks the retention of beneficial landscape or ecological features. Proviso (iii) seeks to ensure that the design promotes, or creates local character and a sense of local identity. Proviso (vi) seeks to avoid the loss of natural features such as trees.

Saved BFBLP Policy EN1 seeks to prevent the loss of trees which are important to the retention of, inter alia, the character and appearance of the landscape or townscape.

These policies are considered to have significant weight, as they are consistent with sections 7 & 11 of the NPPF.

The elements of these policies that have been highlighted above are picked up in the assessment below.

(i) Site Layout

The layout of the proposed development is considered to represent a sympathetic development that delivers the housing required of an allocated site. The layout, orientation and design of the dwellings provides a scheme that fits well within the site constraints such as existing development east, west and south of the site and level changes with the site sloping from north to south.

Plots 1-5 provide built form that respects the existing building line with properties fronting onto London Road. The height of the proposed dwellings, being no taller than both the existing car sales building that is to be demolished and Sundial Cottage, further highlights the fact that the character and appearance of the streetscene has influenced the design of the scheme.

(ii) External appearance of the dwellings

Through the submission of amended plans dwellings on plots 1-5 have had their height reduced, front facing dormer windows removed and the materials changed so that their appearance would be more in-keeping with what is already present along this part of the London Road frontage.

On plots 1-5 the applicant intends to use red bricks, in-keeping with red brick used elsewhere along London Road, along with white wood framed sash windows and on plot 1 weatherboarding that would be stained to pick up weatherboarding at the Hotel west of the site. Plots fronting London Road are to have suitable natural screening as a result of planting, which occurs elsewhere along the London Road frontage. This approach is considered to provide a development that when viewed from the road is in-keeping with the streetscene.

The proposed development located further within the site (plots 6-11) is of a slightly different design to that of the dwellings fronting London Road that are considered to be more visually prominent. The design incorporates materials such as render to be used in combination with red brick. With the site sloping down the dwellings are not considered to be as prominent as dwellings on plots 1-5 and for this reason a slightly different approach in finish is not considered to be a concern.

One part of the development which will be seen upon entering the site, over the top of the highest point, will be a single garage attached to plot 11. Due to the location of this garage,

the external appearance has been designed in such a way that makes it an interesting focal point through its inclusion of a dovecote feature.

Further screening and landscaping will be established within the site to soften the development's appearance.

Overall the external appearance of the dwellings and garages, subject to materials and finish which can be conditioned, is considered sympathetic to the site and the surrounding area.

(iii) Impacts upon trees

A desk-top assessment of the application; referring to data submitted by the applicant and other resources (GIS, Aerial Photos & Google Maps) indicates that the arboricultural matters related to this application do not warrant detailed comments for the following reasons: -

- There are no trees within the application site or on adjoining land that merit protection by TPO.
- The Arboricultural Impact Assessment & Arboricultural Method Statement are acceptable.

Summary

There are no trees within the application site that would merit protection by a TPO. There is little opportunity for any strategic tree planting for public amenity purposes due to the density of units.

(iv) Conclusion on the issue of impact upon character and appearance

The proposal, with suitable conditions securing suitable landscaping, materials and screening, is considered to provide a development that would be acceptable in terms of its impact upon the character and appearance of both the site and the surrounding area. As such the proposal is considered to comply with BFBLP Policies EN1 and EN20 and CSDPD Policy CS7 and the NPPF.

**10. BIODIVERSITY**

The proposal, subject to conditions, adequately addresses ecological issues such as the presence of badgers and bats within the area to the satisfaction of the Council's Biodiversity Officer.

There are some issues regarding survey data provided by the applicant however the Council's Biodiversity Officer has confirmed that this is to be addressed by the applicant and does not influence the proposal. Subsequently the officer has recommended conditional approval.

As such, with appropriate conditions, the proposal is considered to comply with both Policies CS1 and CS7 as overall it would enhance and safeguard existing on-site ecology.

**11. RESIDENTIAL AMENITY**

Saved BFBLP Policy EN20 proviso (vii) seeks to prevent development that would adversely affect the amenity of surrounding properties. This is consistent with the NPPF.

(i) Impact upon the living conditions of adjoining properties

The site is heavily influenced by level changes with the site sloping north to south. This could result in potential overbearing and overlooking issues if the scheme is not appropriately designed.

East of the site is Sundial Cottage. Plot 1 which would be closest to Sundial Cottage, has no windows present in the east-facing flank elevation and therefore subject to a condition precluding the installation of a window at first floor level or above in the east elevation, there would be no overlooking of Sundial Cottage. Due to there being a single-storey element at Sundial Cottage close to the boundary with the application site there would be no unacceptable overbearing impacts and/or overshadowing impacts upon residential amenity at Sundial Cottage.

West of the site is a building that at ground floor level houses boiler servicing and computer repair businesses, with residential accommodation in the form of a flat at first floor level. Plot 5 would be the closest to the adjoining building. Again due to the orientation of built form at the adjoining site the proposed development on plot 5 would not overlook, overshadow or appear overbearing upon any residential amenity adjoining the site.

Plots 6-11, 3 storey terraced dwellings, face east towards the side of 7 Mutton Oaks and Sundial Cottage. Plot 11 has been orientated so that it is side-on to 2, 3 and 6 Mutton Oaks. The site does slope from north to south whereby the proposed dwellings will be higher than dwellings at Mutton Oaks. However plots 6-11 will be 15m from the boundary with no. 7 Mutton Oaks at its closest point and 23m at its furthest point. Council guidelines seek a minimum gap of 10m from a window at first floor level to the boundary of a garden and 15m from a second floor window to a garden boundary. In this case the closest second floor window to no. 7 Mutton Oaks would be 15m away. Therefore the distance from the proposed 3 storey terraced dwellings at plots 6-11 from residential amenity space at no. 7 Mutton Oaks would meet this guidance. There will be an element of overlooking as expected within an urban area but it is not considered so significant as to warrant refusal.

Single-storey garages on the boundaries of the site are considered to have been designed so that they would not appear overbearing nor would they overshadow any private amenity space.

Whilst assessing potential impacts upon no. 7 Mutton Oaks the gap of 15m at its closest point, the level of existing screening and the fact that private amenity space closest to the rear of the neighbouring property is sunken into the ground by approximately half a metre, means that the terraced dwellings would not appear unduly overbearing nor would they significantly overshadow the rear of the adjoining property. There is a bathroom window in the side of no. 7 Mutton Oaks. However due to screening and the fact that the window serves a non-habitable room this is not considered to be a concern that warrants refusal.

The remaining adjoining residential properties that could be affected by the proposal are nos. 2, 3 and 6 Mutton Oaks that are positioned on land lower than the application site. Plot 11 would house an end terrace dwelling side-on to these properties on Mutton Oaks. There is significant leylandi hedging, approximately 6m high, along the southern boundary with nos. 2, 3 and 6 Mutton Oaks. The end terrace at plot 11 has a roof that hips down towards properties on Mutton Oaks. The applicant has demonstrated in their proposed streetscene plan that residents at nos. 2, 3 and 6 Mutton Oaks when standing in their gardens will, due to the existing screening and level differences, not in reality see the proposed terraced dwellings. Therefore it is considered that the block of terraced dwellings will not overshadow nor would they appear unduly overbearing on adjoining residential amenity space.

Due to the orientation of the dwelling at plot 11 and the lack of windows in the flank wall there would be no significant overlooking of nos. 2, 3 and 6 Mutton Oaks.



West of the site is a hotel with rooms a significant distance from the application site due to there being a car park between rooms at the hotel and the proposed dwellings.

(ii) Living conditions of future residents

Due to its orientation and design the proposed development does not result in any adverse overlooking and/or overbearing impacts upon any proposed residential amenity.

(iii) Conclusion on residential amenity

Given the assessment made above the proposal as a whole is not considered to result in any significant impacts upon residential amenity. As such the proposal is considered to comply with saved BFBLP Policy EN20 proviso (vii) and the NPPF.

## 12. TRANSPORT IMPLICATIONS

BFBLP Policies M4 and M9 and CSDPD Policies CS23 and CS24 seek to promote or retain safe highway access and suitable off-road parking provisions, thus avoiding highway safety implications. To supplement this policy the adopted Parking Standards SPD (2007) sets out the advised levels and size of parking spaces for residential dwellings. These policies are consistent with the objectives of the NPPF.

Transportation Officer comments:

An updated site plan with the design of the right turn lane included should be provided. Previous comments in regard to this should be taken on board.

The land required to secure access to the land either side of the development needs to be secured via s106. It should be noted that any landscape treatment to these areas may only be short term and thus this should be reflected in the design. The land that has been left is of adequate width so as not to preclude access to enable development.

As the site slopes it will be important to ensure the levels of the road and dwellings complement each other so that flooding of property including parking areas does not occur. It is advised that a condition relating to levels of the buildings and roads should be agreed prior to commencement of the development.

The applicant has provided parking in accordance with the standards set out in the Parking Standards SPD.

The revised plans have combined three garages into three carports behind plots 4 and 5 and two of these serve plots 4 and 5. The remaining carport is thought to serve plot 7.

Cycle parking for each unit can be accommodated on plot.

The current proposal will generate in the region of 60-70 movements per day with around 6-7 movements in each peak hour. The net increase is likely to be around 40-50 movements per day with a likely similar demand to the existing use in the peak hours, however movements are likely to be in the opposite direction in either peak hour. The alterations to the access will provide an improvement for all movement into and out of the site.

S106 contributions towards integrated transport and highway safety measures within 3km of the site should be sought (£13760 (43 trips from TS x £320)). The S106 will also need to

secure the adoption of the road and dedication of land to the boundary to facilitate future development of the remainder of the SALP site.

To conclude, along with suitable conditions, the proposal is not considered to result in any highway safety implications and is therefore considered to comply with saved BFBLP Policies M4, M9 and CSDPD Policies CS23 and CS24 and the NPPF.

### **13. ACCESSIBILITY**

There are no real concerns regarding accessibility that could not be conditioned. Therefore subject to a suitable condition the proposal is considered to be in accordance with the requirements of Policy CS7 of the CS and saved BFBLP Policies EN22 and H14.

### **14. PLANNING OBLIGATIONS**

CSDPD Policy CS6 states that development is expected to contribute to the delivery of:-

- (a) infrastructure needed to support growth (this site is part of planned growth in the Borough) and;
- (b) infrastructure needed to mitigate impacts upon communities, transport and the environment.

Infrastructure requirements are set out in the Council's "Limiting the Impact of Development" (LID) SPD.

Provision should be made to mitigate the impact from the proposed development on the following infrastructure requirements:-

- Open space and recreation
- Built Sports facilities
- Primary and Nursery Educational Facilities
- Secondary Education
- Libraries
- Community Facilities
- Youth Facilities
- Transport
- Thames Basin Heaths SPA (see below)

The above heads of terms are subject to negotiations and viability and therefore could change.

As such, it is recommended that this permission is subject to the completion of a s106 agreement and that the negotiation and final agreement be delegated to the Head of Development Management.

### **15. AFFORDABLE HOUSING**

CSDPD Policies CS16 and CS17 form the basis for seeking a level of affordable housing on suitable development sites. The policies are consistent with para 50 of the NPPF.

The current proposal does not exceed the Council's 15 net dwelling threshold for seeking affordable housing. Even if areas of the allocated site, not sought for development under this submission, were developed, it is unlikely that the total on the entire SALP site would reach 15 net, taking into account that there is a loss of 1 no. dwelling.

As such it is not considered reasonable to seek affordable housing under this submission to provide a net addition of 10 dwellings.

## **16. THAMES BASIN HEATHS SPECIAL PROTECTION AREA (SPA)**

South East Plan Policy NRM6 and Core Strategy DPD Policy CS14 are consistent with the NPPF and should therefore be given full weight as Development Plan polices.

The Council adopted the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPA SPD) on 29 March 2012.

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 approximately 3.68 km from the boundary of the SPA 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. In line with the Council's SPA SPD (March 2012), the project as proposed would not adversely impact on the integrity of the site provided:

- Prior to the permission being granted the applicant enters into a Section 106 Agreement based upon the Template S106 Agreement.

The SPA SPD Table 1 requires a contribution which is calculated on a per bedroom basis to be paid to the Council towards the cost of works and measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Council's Avoidance and Mitigation Strategy. In this instance, this application comprises 1 X 2 bedroom and 10 X3 bedroom dwellings replacing a single 4 bedroom dwelling. Therefore the SANG costs would be £23,040.

The open space works at The Cut Countryside Corridor is the most appropriate to this proposal (although it may be necessary to allocate the contribution to another SANG). The Template S106 also requires occupancy to be restricted until the works and measures are in place.

The Council has also signed a legal agreement to secure financial contributions towards Strategic Access Management and Monitoring (SAMM) which will be calculated on a per bedroom basis. This application comprising 1 X 2 bedroom and 10 X3 bedroom dwellings replacing a single 4 bedroom dwelling requires an additional financial contribution of £6,829.

In summary, the total SPA related financial contribution including a contribution towards the SAMM project for this proposal is £29,869 (i.e. 23,040 + 6,829).

Furthermore, there is a need to include an occupation restriction which is included in the Template s106 agreement. The occupation restriction is necessary to ensure that the SANG works are in place before occupation thereby giving the certainty required to satisfy the Habitats Regulations in accordance with South East Plan Policy NRM6 (iii) and the Thames Basin Heaths Special Protection Area SPD paragraph 4.4.2.

Natural England has agreed that if the plans are implemented as stated in the SPA Avoidance and Mitigation Strategy and the Strategic Access Management and Monitoring

Agreement, with certain monitoring requirements, Natural England "will stop objecting to consultations on housing applications in those areas of the Borough which have mitigation in line with the avoidance strategy."

Therefore, the Council is convinced, following consultation with Natural England, that the above measures will prevent an adverse affect on the integrity of the SPA. Pursuant to Article 6(3) of the Habitats Directive (Council Directive 92/43/EEC) and Regulation 61(5) of the Conservation of Habitats and Species Regulations (2010) as amended permission may be granted.

Subject to securing suitable S106 contributions and restrictions the proposal would adequately mitigate impacts upon the Thames Basin Heaths SPA and therefore meet the requirements of South East Plan Policy NRM6 and Core Strategy DPD Policy CS14.

## **17. SUSTAINABLE CONSTRUCTION**

The NPPF outlines how the impacts of climate change and the delivery of renewable and low carbon energy and associated infrastructure is central to the economic, social and environmental dimensions of sustainable development. Para 96 of the Framework states that in determining planning applications, LPAs should expect new development to comply with adopted Local Plan policies on local requirements for decentralised energy supply, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. This application has been considered against the objectives of the NPPF and in the context of the Borough's energy and sustainability policies. Both CSDPD Policies CS10 and CS12 are considered consistent with the NPPF.

CSDPD Policy CS10 is likely to be complied with as a Pre-assessment Estimator has been provided demonstrating that the dwellings are likely to meet with Code for Sustainable Homes Level 3. A condition is recommended to be imposed in-order to secure this.

Policy CS12 requires the submission of an Energy Demand Assessment demonstrating how the development's potential carbon dioxide emissions will be reduced by at least 10% and how 20% of the development's energy requirements will be met from on-site renewable energy generation.

The applicant has submitted an 'Energy Statement'. This sets out the applicants approach in meeting the requirements of Policy CS12. This does not fully meet with the requirement of policy CS12. So a condition is recommended to be imposed to address this matter.

## **18. CONCLUSIONS**

This site is allocated for residential development in the SALP. The proposed development is considered to be in accordance with Policy SA2 of that plan.

A number of objections have been received raising issues including whether development is in-keeping with the character of the area, whether the access to the site will be safe and raising concerns regarding the living conditions of local residents.

These matters have been considered above.

In terms of visual character, and subject to appropriate materials and finish, the development is considered to be sympathetic to both the streetscene when viewed from London Road and adjoining properties when viewed from within the site.

The proposed vehicular access to the site is acceptable to the Highway Authority.

Impacts on drainage and wildlife are not considered to be overriding. The impact of the proposal on the living conditions of the occupiers of nearby houses, in terms of the proposed dwellings, parking and accesses, has been carefully considered. The scheme, as amended, is now considered acceptable in this regard.

It is concluded that the proposed development provides housing as required under SALP Policy SA2 without compromising the character and appearance of the area, residential amenity and highway safety.

The application is therefore recommended for approval subject to appropriate conditions and the completion of a s106 agreement to secure the matters referred to in sections 14 and 16 including the mitigation of off-site impacts including the SPA and securing contributions to local facilities and services.

### **RECOMMENDATION**

That the Head of Development Management be authorised to:

**A) APPROVE** the application upon the completion of planning obligation(s) under Section 106 of the Town and Country Planning Act 1990 broadly relating, but not restricted to:-

01. Open space and recreation
  - Built Sports facilities
  - Primary and Nursery Educational Facilities
  - Secondary Education
  - Libraries
  - Community Facilities
  - Youth Facilities
  - Thames Basin Heaths SPA
  - Integrated Transport and Highways Safety Measures
  - Secure Adoption of the Road
  - Dedication of Land to the Boundary

**B) 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 and documents

13-P946-LP received 29.07.14  
13-P946- 10.1B received 27.10.14  
13-P946-10/B received 24.10.14  
13-P946- 11/A received 01.10.14  
13-P946- 12/A received 01.10.14  
13-P946- 13/B received 24.10.14  
13-P946- 14/B received 24.10.14

13-P946- 15/B received 24.10.14  
13-P946-16/ received 29.07.14  
13-P946-17/B received 24.10.14  
13-P946-18/A received 24.10.14  
13-P946-19 received 24.10.14

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

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.

REASON: In the interests of the visual amenities of the area.  
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]

04. The first floor window in the east facing side elevation of the terrace dwelling hereby permitted on plot 5 shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent). It shall at all times be fixed with the exception of a top-hung openable fanlight.

REASON: To prevent the overlooking of neighbouring properties.  
[Relevant Policies: BFBLP EN20]

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that order, no side facing windows at first floor level or above other than those already shown shall be inserted in the side elevations of dwellings hereby approved on plots 1, 5 and 11.

REASON: To prevent the overlooking of neighbouring properties.  
[Relevant Policies: BFBLP EN20]

06. The development hereby permitted shall not be begun until details showing the finished floor levels of the dwellings, garages and the levels of the roads 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, Core Strategy DPD CS7]

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

a) Comprehensive planting plans of an appropriate scale and level of detail that provides adequate clarity including details of ground preparation and all other operations associated with plant and grass establishment, full schedules of plants, noting species, and detailed plant sizes/root stock specifications, planting layout, proposed numbers/densities locations.

b) Details of 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) Means of enclosure (walls and fences etc) including fencing that is permeable to badgers at the end of both the existing and propose badger corridors.

f) Paving including pedestrian open spaces, paths, patios, proposed materials and construction methods, cycle routes, parking courts, play areas etc.

All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the occupation of any part

of the approved development, whichever is sooner, or as may otherwise be agreed in writing by the Local Planning Authority. All hard landscaping works shall be carried and completed prior to the occupation of any part of the approved development. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved, unless the Local Planning Authority gives written consent to any variation. REASON: - In the interests of good landscape design, visual amenity of the area and biodiversity.

[Relevant Policies: BFBLP EN2 and EN20, CSDPD CS1 and CS7]

08. The development hereby permitted shall be implemented in accordance with the submitted Pre-assessment Estimator and shall be retained in accordance therewith.

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

[Relevant Policy: Core Strategy DPD CS10]

09. 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 level 3 of the Code for Sustainable Homes.

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

[Relevant Policy: Core Strategy DPD CS10]

10. The development shall not be begun until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate:

- (a) that before taking account of any on-site renewable energy production 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 a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 20%).

The buildings thereafter constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith.

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

[Relevant Plans and Policies: CSDPD Policy CS12]

11. 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 within the frontages of plots 6-11 or attached to the fronts of plots 6-11, the side of plot 11 and carports that serve plots 8, 9, 10 and 11, except in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

[Relevant Policies: BFBLP EN15, EN20 and EN25]

12. No development shall take place until a working method statement for the protection of badgers during construction has been submitted to and approved by the Local Planning Authority. This shall include details on:

- The retention of badger access during the works
- Details of methods to prevent badgers becoming trapped in trenches, open excavations, culverts or pipes
- The location for the storage of materials and equipment during construction
- Details of methods for ground works

The approved working method statement shall be performed, observed and complied with.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

13. No removal of vegetation or building that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation and buildings or active birds' nests immediately before the vegetation is cleared or building demolished and provided written confirmation to the Local Planning Authority that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

14. The development shall not be begun until a scheme for the provision of bird and bat boxes (and other biodiversity enhancements), including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be performed, observed and complied with.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

15. No dwellings shall be occupied until the existing accesses to the site have been closed and the footways/verges are provided over the closed accesses in accordance with details which have been submitted to and approved in writing by the Local Planning Authority; the footway/verge shall be retained thereafter.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

16. No dwelling shall be occupied until a means of vehicular access to it has been constructed in accordance with details which have been submitted to and approved by the Local Planning Authority.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

17. No dwelling shall be occupied until a means of access to it for pedestrians has been constructed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of accessibility and to facilitate access by cyclists and/or pedestrians.

[Relevant Policies: BFBLP M6, Core Strategy DPD CS23]

18. The gradient of private drives shall not exceed 1 in 12.

REASON: To ensure that adequate access to parking spaces and garages is provided.

[Relevant Policies: Core Strategy DPD CS23]



19. No dwellings shall be occupied until the associated vehicle parking, turning space and drainage 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 spaces 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: BFBLP M9, Core Strategy DPD CS23]

20. The car ports hereby approved shall be retained for the use of the parking of vehicles at all times and, notwithstanding the provisions of the Town and Country (general Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no enlargements, improvements or alterations shall be made to the car port, and no gate or door shall be erected to the front of the car port, unless otherwise agreed in writing by the Local Planning Authority.

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

[Relevant Policy: BFBLP M9]

21. No dwellings shall be occupied until secure and covered parking for bicycles has been provided in accordance with the approved drawings.

REASON: In order to ensure bicycle facilities are provided.

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

22. No gates shall be provided at the vehicular access to the site.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

23. The development hereby permitted shall not be begun until a scheme for off-site highway works showing access to the site from London Road and closure of the existing accesses has been submitted to and approved in writing by the Local Planning Authority. The buildings provided by the carrying out of the development shall not be occupied until the off site highway works have been completed in accordance with the scheme.

REASON: In the interests of highway safety.

[Relevant Policy: BFBLP M4]

24. The development hereby permitted shall not be begun 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 operatives
- (f) Construction Management Plan

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.

25. No development shall take place until a contaminated land Phase I report (Desk Top Study) has been carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The Desk Top Study shall be submitted to, and approved in writing by, the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11". Following

approval of the Desk Top Study, a Phase II report (and intrusive site investigation) shall be carried out, if required by the Local Planning Authority, by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The development shall not be begun until proposals for the method and extent of this site investigation have been agreed with the Local Planning Authority. The site investigation shall be carried out in accordance with the agreed proposals which shall be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

REASON: The proposed development is located on a potentially contaminated site, due to its historic land use. To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas. [Relevant Policies: BFBLP EN25]

26. Following completion of the desk top study and site investigation required by the above condition, a remediation scheme to deal with any contaminants identified must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include an implementation timetable, monitoring proposals and a remediation verification methodology. Development shall not be begun until the remedial scheme has been carried out.

Should any unforeseen contamination (i.e. contamination not identified in the desk-top study and site investigation) be encountered during the development, the Local Planning Authority shall be informed immediately. The development shall cease until further investigation/remedial/protective works have been approved by the Local Planning Authority. The further investigation/remedial/protective works shall be carried out to agreed timescales and approved by the Local Planning Authority in writing.

A Site Completion Report shall be submitted to, and approved in writing by, the Local Planning Authority. The report must detail the conclusions, actions taken and verification methodology at each stage of the works and shall include a sampling and analysis programme to confirm the adequacy of decontamination. An appropriately qualified person shall oversee the implementation of all remediation. The construction of buildings shall not commence until the investigator has provided a report, which shall include confirmation that all remediation measures have been carried out fully in accordance with the remediation scheme. The report shall also include results of the verification programme of post-remediation sampling and monitoring in order to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting requirements shall also be detailed in the report.

If no contamination is encountered during the development, a letter confirming this fact shall be submitted to the Local Planning Authority upon completion of the development.

REASON: To enable to the Local Planning Authority to ensure that appropriate measures are taken to avoid any threat which the proposed development might pose to health and safety and/or the environment.

[Relevant Policies: BFBLP EN25]

27. The development hereby permitted (including any demolition) shall not be begun 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 Policies: BFBLP EN25]

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

02. No further details need to be submitted in respect of conditions 1, 2, 4, 5, 8, 9, 11, 13, 18, 20 and 22 although they need to be complied with. However further details need to be submitted to address conditions 3, 6, 7, 10, 12, 14, 15, 16, 17, 19, 21, 23, 24, 25, 26 and 27.

**In the event of the S106 planning obligation(s) not being completed by 13th January 2015 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 the transportation network, education facilities, community facilities, public open space, built sports facilities and libraries. In the absence of planning obligations in terms that are satisfactory to the Local Planning Authority, and which secure contributions towards the transportation network, education facilities, community facilities, public open space, built sports facilities and libraries, the proposal is contrary to Policy SA1 of the Site Allocations Local Plan, Policies CS6 and CS24 of the Bracknell Forest Core Strategy.

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 the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPD) 2012. 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, Policy CS14 of the Core Strategy Development Plan Document and to the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPD) 2012.

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](http://www.bracknell-forest.gov.uk)

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## Unrestricted Report

**ITEM NO: 09**

Application No.  
**14/00898/FUL**

Ward:  
Hanworth

Date Registered:  
11 August 2014

Target Decision Date:  
6 October 2014

Site Address:

**36 Pakenham Road Bracknell Berkshire RG12 7FB**

Proposal:

**Erection of a first floor extension to side elevation and single storey extension with canopy roof to front elevation.**

Applicant:

Mr and Mrs Ritch

Agent:

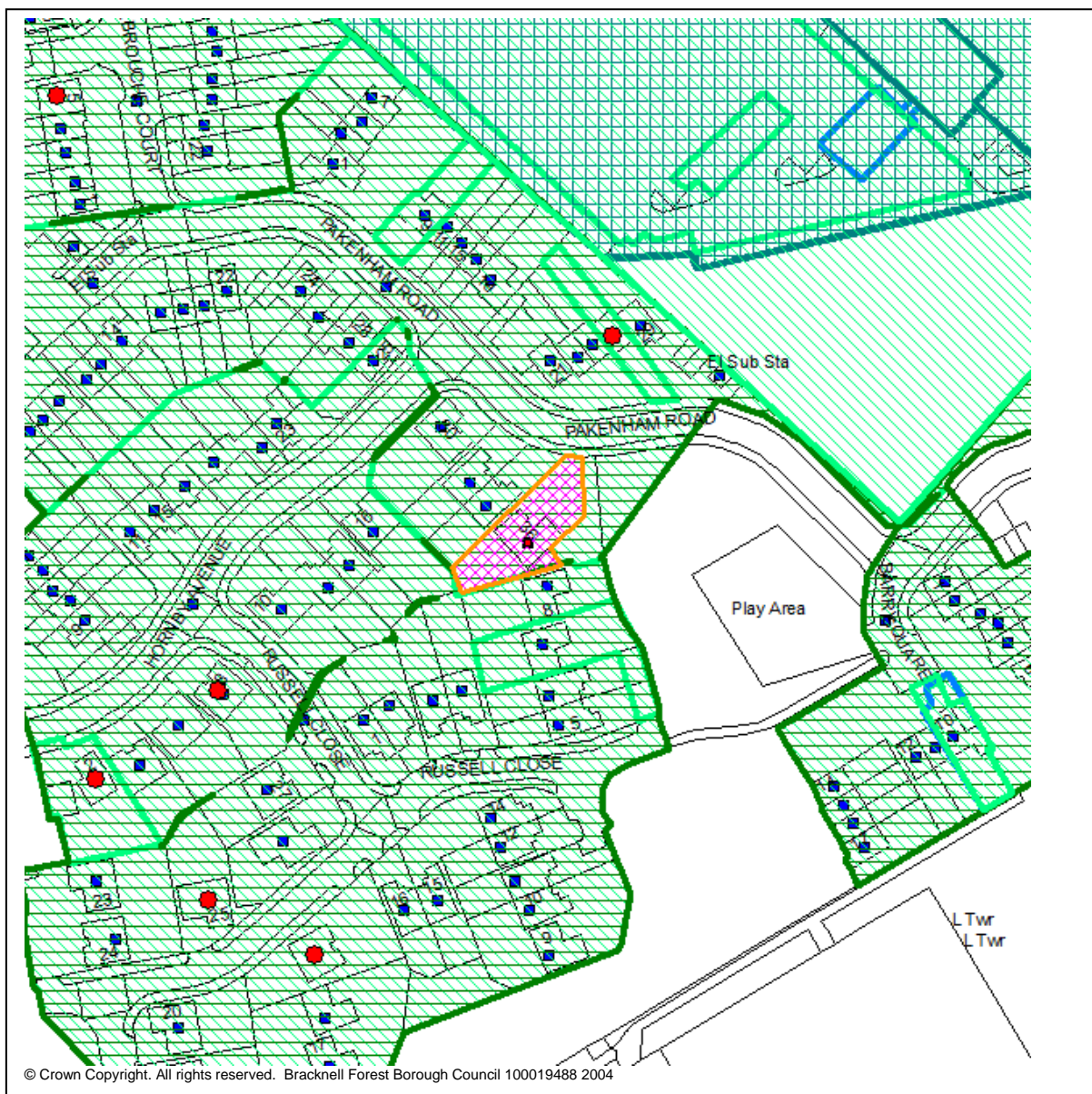
Mr C Brench

Case Officer:

Matthew Miller, 01344 352000

[Development.control@bracknell-forest.gov.uk](mailto:Development.control@bracknell-forest.gov.uk)

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



## **OFFICER REPORT**

### **1. REASON FOR REPORTING APPLICATION TO COMMITTEE**

The application has been reported to the Planning Committee at the request of Councillor Davison due to concerns that the proposed development would be out of keeping in the street scene and the character of the surrounding area.

### **2. SITE DESCRIPTION**

Pakenham Road consists of predominately residential properties, of a varying design and architectural layout. 36 Pakenham Road is a four bedroom two storey detached dwellinghouse with an attached single garage sited on the northwestern elevation. The front of the property contains a hardsurfaced driveway providing access and additional off-street parking, with a modest soft landscaped front garden. The property benefits from an enclosed rear garden which contains two outbuildings forming garden storage.

The property is bordered by the residential properties of 34 Pakenham Road and 16 Hornby Avenue to the northwest, 8 Russell Close to the southeast, and 4 Russell Close to the south. A public park which includes children's play equipment is located to the east.

### **3. RELEVANT SITE HISTORY**

None

### **4. THE PROPOSAL**

The proposed development is the erection of a first floor extension on the northeastern side elevation, above the existing attached garage (which would result in the garage becoming integral). The extension would result in an enlarged existing bedroom and one additional bedroom, with associated internal alterations to the first floor layout, and would have a gable roof. It would project a total of 5.0 metres in width at the front and 2.7 metres at the rear, and would measure 7.2 metres in depth. The proposed gable roof feature would measure 7.9 metres in total height, connecting to the enlarged roof which would have the same height as the existing roof ridge (8.4 metres).

In addition the proposed development involves the erection of a single storey front extension and canopy roof, projecting forwards of the existing attached garage and front door. The proposed extension would have a mono-pitched roof and would form a cupboard and provide an enlarged existing garage, projecting 1.1 metres in depth and measuring 5.0 metres in width and 3.5 metres in total height. The proposed canopy would be sited to the front of this front extension, and would have a mono-pitched roof positioned perpendicular to the front extension, and would project 1.2 metres in depth and measure 1.5 metres in width and 3.8 metres in total height.

### **5. REPRESENTATIONS RECEIVED**

An objection has been received from the residents of the neighbouring property of 34 Pakenham Road to the northwest. The residents object to the proposal on the grounds that the proposed first floor extension would result in an adverse loss of light to the south-eastern facing side window serving the dwelling of 34 Pakenham Road, which faces the proposed extensions.

*[Officer Note: This matter is assessed in the report below].*

No further representations were received from neighbouring properties.

## **6. SUMMARY OF CONSULTATION RESPONSES**

### Bracknell Town Council

- raises no objection to the proposal.

## **7. DEVELOPMENT PLAN**

The development plan for this Borough includes the following:

Site Allocations Local Plan (2013) (SALP)  
Core Strategy Development Plan Document (2008) (CSDPD)  
Bracknell Forest Borough Local Plan (2002) (BFBLP)  
Bracknell Forest Borough Policies Map (2013)

## **8. PRINCIPLE OF DEVELOPMENT**

SALP Policy CP1 refers to the presumption in favour of sustainable development as outlined within the National Planning Policy Framework (NPPF). SALP Policy CP1 states that the Council will act proactively and positively with applicants to seek solutions which mean that proposals can be approved wherever possible, and to improve the economic, social and environmental conditions within the area. Planning applications that accord with the policies in the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise.

CSDPD Policy CS1 sets out a number of sustainable development principles, including making efficient use of land and buildings, locating development in locations that reduce the need to travel and protecting and enhancing the character and quality of local landscapes.

CSDPD Policy CS2 states that development will be permitted within defined settlements and on allocated sites. Development that is consistent with the character, accessibility and provision of infrastructure and services within that settlement will be permitted, unless material considerations indicate otherwise.

These policies are considered to be consistent with the National Planning Policy Framework (NPPF), and as a consequence are considered to carry significant weight.

The site is located in a residential area that is within a defined settlement as designated on the Bracknell Forest Borough Policies Map (2013). As a result the development is considered to be acceptable in principle, subject to no adverse impact on the street scene, amenity of neighbouring occupiers, highway safety, and trees. These matters are assessed below.

## **9. IMPACT ON CHARACTER AND APPEARANCE OF AREA**

CSDPD Policy CS7 states that development will be permitted which builds upon the local character of the area, provides safe communities and enhances the local landscape where possible. BFBLP 'Saved' Policy EN20 states that development should be in sympathy with the appearance and character of the local area. It further states

that the design of the development should promote local character and a sense of local identity.

These policies are considered to be consistent with the objectives set out within the NPPF. Para. 56 the NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people to live. Furthermore para. 64 of the NPPF states that the design of developments should take the opportunities where available to improve the character and quality of an area and the way it functions.

The proposed gable roof of the first floor extension would be lower than the primary roof ridge height of the host dwelling, and the proposed first floor extension would be set back from the front elevation of the existing gable feature, which would result in the extension being subordinate in appearance to the host dwelling. The proposed gable design would be similar to that of the existing gable feature. The northwestern side of the roof of the dwelling would be extended to the northwestern side to accommodate the proposed first floor extension, but would retain its hipped layout and would not increase in overall height. As a result of the above factors it is not considered that the proposed first floor extension would be out of character with the host dwelling. Furthermore, it is not considered that the proposed single storey front extension and canopy roof would be adversely out of character with the host dwelling, considering its scale, design and siting. Replacement garage doors would be provided on the front elevation, which would remain in keeping with the character the appearance of the host dwelling.

The street scene of Pakenham Road consists of a mix of residential properties which vary in size and design. Gable features are present both on the host dwelling and on various properties within the immediate surroundings. Although the inclusion of a second gable structure would form a unique feature in the street scene, considering the subordinate nature of the extension, its overall high quality design and its linkage to the original dwelling, would not result in it being adversely out of character with the surrounding area, to the detriment of the visual amenities of the area.

Projecting front porches with mono-pitched roofs are present on various properties within the surrounding area. It is not considered that the proposed single storey front extension and front canopy would result in an adverse impact on the character of the host dwelling considering its overall scale and massing, its mono-pitched roof design, and its connection to the host dwelling and proposed first floor extension.

It is therefore considered that the development would not result in an adverse impact on the character and appearance of the area or the host dwelling, in accordance with CSDPD Policy CS7, BFBLP 'Saved' Policy EN20, and the NPPF, subject to the imposition of a condition requiring matching materials.

#### **10. IMPACT ON RESIDENTIAL AMENITY**

BFPLP 'Saved' Policy EN20 refers to the need to not adversely affect the amenity of the surrounding properties and adjoining areas, through ensuring that development would not result in an adverse impact on neighbouring properties through loss of light, loss of privacy or overbearing impacts. This is considered to be consistent with the core design principle set out in paragraph 17 of the NPPF, which states that LPAs should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.



In association with the assessment of potential loss of light and overshadowing, guidance within the Building Research Establishment (BRE) Report "Site layout planning for daylight and sunlight: a guide to good practice" (2011) is utilised as a standard for assessing acceptable levels of visual amenity in respect of loss of light.

The proposed development would be visible from the south-eastern facing side window at 34 Pakenham Road to the northwest. This affected window does not serve a habitable room, as it serves the ground and first floor hallways, and therefore would not warrant refusal on the grounds of loss of light. The proposed first floor extension would not extend beyond the front and rear elevations of 34 Pakenham Road, and the single storey front extension would be obscured from no. 34 at ground floor level by the projecting single storey element of no. 34 forming a garage. No windows are proposed to be installed on the northwestern side facing elevation at first floor level. In the interests of preventing an adverse loss of privacy or overlooking impact on no. 34, it is recommended that a condition be imposed to restrict the formation of first floor windows in this elevation.

Considering the siting of the proposed development, its distance to the other neighbouring properties, and the presence of existing first floor windows on both the front and rear elevations of the host dwelling, it is not considered that the proposed development would result in an adverse impact on the residential amenity of the other surrounding properties.

It is therefore considered that the development would not result in an adverse impact on the amenity of the occupiers of the neighbouring properties, in accordance with BFBLP 'Saved' Policy EN20 and the NPPF, subject to the imposition of the recommended condition.

## **11. TRANSPORT IMPLICATIONS**

CSDPD CS23 states that the Local Planning Authority will seek to reduce the need to travel and increase the safety of travel, while simultaneously promoting alternative modes of travel. BFBLP 'Saved' Policy M9 states that development will not be permitted unless satisfactory parking provision is made for vehicles. To supplement the above policies the adopted Parking Standards Supplementary Planning Document (SPD) (2007) sets out the advised levels and size of parking spaces for residential dwellings.

These policies are considered to be consistent with the NPPF, which states that transport policies should contribute in facilitating sustainable development through reducing the need to travel and promoting public transport, and take into account local car ownership levels.

The proposal would involve a net increase in bedrooms from four to five, and would also affect existing parking arrangements by altering the size of the existing garage. In accordance with the guidance contained within the Parking Standards SPD (2007), three parking spaces should be provided for a four-bedroom property or above. The proposal does not therefore give rise to additional on-plot parking requirements.

The property benefits from three existing off-street parking spaces, one space provided by the existing garage (which is to be increased in internal size), and two spaces provided by the hardsurfaced driveway to the front, along with an acceptable pedestrian access route. The reserved matters planning permission for the original dwellinghouse (reference: 622032) contains a condition (condition 04) restricting the conversion of garages to habitable accommodation. In view of the proposed alterations

to the garage it is recommended that a condition be imposed to confirm the restriction of the conversion of the garage.

As a result it is not considered that the proposed development would result in an adverse impact on highway safety, in accordance with CSDPD Policy CS23, BFBLP 'Saved' Policy M9, the Parking Standards SPD, and the NPPF, subject to the imposition of the recommended condition.

## 12. CONCLUSIONS

It is not considered that the development would result in an adverse impact on the character and appearance of the host dwelling or local area, the amenities of the residents of the neighbouring properties, or on highway safety, subject to the recommended conditions. It is therefore considered that the proposed development complies with Development Plan Policies SALP Policy CP1, CSDPD Policies CS1, CS2, CS7 and CS23, BFBLP 'Saved' Policies EN1, EN20 and M9, the Parking Standards SPD, and the NPPF.

## **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 11 August 2014:

2014/36/P2 'Plans and Elevations as Proposed'  
2014/36/P3 'Block Plan'

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 be of similar appearance to those of the existing dwelling.

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

[Relevant Policies: Core Strategy DPD CS7, BFBLP 'Saved' Policy EN20]

04. 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 windows at first floor level or above shall be installed on the northwestern facing side elevation of the first floor side extension hereby permitted.

REASON: In the interests of the residential amenity of the neighbouring property of 34 Pakenham Road, Bracknell.

[Relevant Policy: BFBLP 'Saved' Policy EN20].

05. The development hereby permitted shall not be occupied until the parking within the garage has been provided in accordance with drawing 2014/36/P2 'Plans and Elevations as Proposed' received by the Local Planning Authority on 11 August 2014. The garage shall, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking or re-enacting that Order with or without modification), thereafter be retained for the use of the parking of vehicles at all times.  
REASON: To ensure that the Local Planning Authority's vehicle parking standards are met.  
[Relevant Policy: BFBLP 'Saved' Policy M9, Core Strategy DPD CS23]

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission subject to conditions, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:
1. Time Limit
  2. Approved Plans
  3. Materials
  4. Side-facing windows
  5. Garage retention

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](http://www.bracknell-forest.gov.uk)

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## Unrestricted Report

### ITEM NO: 10

Application No.  
**14/01008/FUL**

Ward:  
Harmans Water

Date Registered:  
15 September  
2014

Target Decision Date:  
10 November 2014

Site Address:

**Street Record Drovers Way Bracknell Berkshire**

Proposal:

**Convert grass area into 4 parking spaces**

Applicant:

Mr David Humphrey

Agent:

(There is no agent for this application)

Case Officer:

Sarah Horwood, 01344 352000

[Development.control@bracknell-forest.gov.uk](mailto:Development.control@bracknell-forest.gov.uk)

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



## **OFFICER REPORT**

### **1. REASON FOR REPORTING APPLICATION TO COMMITTEE**

This application is reported to the Planning Committee because the application has been submitted by the Planning and Transport Division.

### **2. SITE DESCRIPTION**

The proposed parking bays are located to the south of the highway at Drovers Way, a residential area, characterised by terraced properties. The proposed bays would be located between the boundary of no. 64 Drovers Way and a public footpath. There are areas of open grassland to the south and east of the proposed parking bays. To the north of the site is a further area of open land with trees on where there is evidence that informal parking is taking place.

### **3. RELEVANT SITE HISTORY**

There is no relevant planning history relating to the area of land subject to this application.

### **4. THE PROPOSAL**

Full permission is sought for the formation of 4 parking bays to the southern side of Drovers Way, adjacent to no. 64. The proposed parking bays would be constructed from porous blocks.

For information, the provision of the dropped kerb to facilitate access to the parking bays would not require planning permission as Drovers Way is not a classified road.

Soft landscaping is proposed around the parking bays.

The original plans proposed a knee rail fence to an area of land to the north of Drovers Way where informal parking has been occurring. Following concerns from local residents, this knee rail fence has been omitted as shown on amended plan 210/R received on 22 October 2014 by the LPA.

### **5. REPRESENTATIONS RECEIVED**

A petition has been received to the application with 19 signatures. In summary, the petition raises no objection to the parking spaces but does raise objection to the knee high fencing opposite the site which will remove parking for up to 6 cars. The petition also requests the Council work in conjunction with Bracknell Forest Homes to create more parking in the area.

Officer note: the application must be assessed on its own merits and the scheme as submitted is for the provision of 4no. parking spaces.

## 6. SUMMARY OF CONSULTATION RESPONSES

Bracknell Town Council were consulted on the application and recommend refusal for the reasons set out below:

"Bracknell Town Council would like to recommend that the Borough Council listen to the residents concerns regarding how the layout of the proposed new parking spaces will actually reduce available parking and to ask BFC to liaise with Bracknell Forest Homes to see if a joint venture could result in more car parking spaces being available for residents".

### Highways Authority

- no objection.

### Landscape Officer

- recommends a planning condition relating to landscaping.

## 7. DEVELOPMENT PLAN

The Development Plan for this Borough includes the following:

Site Allocations Local Plan 2013 (SALP)  
Retained Policies of the South East Plan 2009 (SEP)  
Core Strategy Development Plan Document 2008 (CSDPD)  
Saved Policies of the Bracknell Forest Borough Local Plan 2002 (BFBLP)  
Bracknell Forest Borough Policies Map 2013

## 8. PRINCIPLE OF DEVELOPMENT

SALP Policy CP1 refers to the presumption in favour of sustainable development as outlined within the National Planning Policy Framework (NPPF). SALP Policy CP1 states that the Council will act proactively and positively with applicants to seek solutions which mean that proposals can be approved wherever possible, and to improve the economic, social and environmental conditions within the area. Planning applications that accord with the policies in the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise.

CSDPD Policy CS1 sets out a number of sustainable development principles including making efficient use of land and buildings and locating development in locations that reduce the need to travel.

CSDPD Policy CS2 states that development will be permitted within defined settlements and on allocated sites. Development that is consistent with the character, accessibility and provision of infrastructure and services within that settlement will be permitted, unless material considerations indicate otherwise.

These policies are considered to be consistent with the sustainable development principles of the National Planning Policy Framework (NPPF), and as a consequence are considered to carry significant weight.

The site is located in a residential area that is within a defined settlement on the Bracknell Forest Borough Policies Map (2013). As a result the proposed development

is considered to be acceptable in principle, subject to no adverse impact on the street scene, amenity of neighbouring occupiers, highway safety, trees, etc. These matters are assessed below.

## **9. IMPACT ON CHARACTER AND APPEARANCE OF AREA**

Saved Policy EN20 of the BFBLP and Policy CS7 of the CSDPD relate to design considerations in new proposals and are relevant considerations. These policies seek to ensure that developments are sympathetic to the character of the area and are of a high design. This is consistent with the NPPF.

The 4no. parking bays would be located to the south of the highway and would result in the loss of an area of open grass of approximately 50sqm.

The visual prominence of the proposed parking bays in the street scene would however be mitigated by open grassland being retained to the rear of the proposed bays and to the east of the bays where a further area of public amenity land of open grass exists. In addition, soft landscaping would be planted around the proposed parking bays to further mitigate their visual appearance in the street scene. A planning condition is recommended requiring details of soft landscaping to be submitted for approval.

There is a demand for off road parking in Drovers Way. Whilst the proposal would result in the loss of some soft landscaping which is not desirable, there are existing areas of open amenity land that would be retained in the street and additional planting would be undertaken around the proposed parking bays and therefore, on balance, the requirement for off road parking at the expense of the loss of an area of amenity land is justified in this instance.

As such, the proposal would not adversely affect the character and appearance of the surrounding area and would be in accordance with Saved Policy EN20 of the BFBLP, Policy CS7 of CSDPD and the NPPF.

## **10. RESIDENTIAL AMENITY**

BFPLP 'Saved' Policy EN20 refers to the need to not adversely affect the amenity of the surrounding properties and adjoining areas. This is consistent with the NPPF.

The proposed 4no. parking bays would be located 7m from the front elevation of no. 64 Drovers Way and approximately 25m from the front elevations of nos. 61-63 Drovers Way. In view of these separation distances, the proposed parking bays would not result in undue noise and disturbance to these residential properties closest to the proposed bays.

Additional soft landscaping would be planted around the parking bays to screen their visual prominence to surrounding residential properties.

As such, the proposal would not be considered to affect the residential amenities of neighbouring properties and would be in accordance with Saved Policy EN20 of the BFBLP and the NPPF.

## **11. TRANSPORT IMPLICATIONS**



Saved Policy M9 of the BFBLP ensures that development provides satisfactory parking provision. A further material consideration for parking provision is provided in the Council's adopted Parking Standards. The NPPF refers to local authorities setting their own parking standards for residential development.

Policy CS23 of the CSDPD seeks to increase the safety of travel. This is consistent with the NPPF.

Drovers Way is an adopted residential cul-de-sac. The Highway Authority raises no objection to the provision of additional off-street parking in an area subject to a high incidence of indiscriminate on-street parking. The parking bays are to be constructed using a SUDs compliant system which is acceptable to the Highway Authority.

The hedge between the proposed parking bays and no. 64 Drovers Way will need to be removed to ensure pedestrian visibility is achieved for egress from parking bays across a footway.

It is understood that vehicular access is required to the electricity sub-station located to the rear of the garages and this access is to be maintained.

For the reasons given above the proposal is considered to be in accordance with Policy CS23 of the CSDPD, Saved Policy M9 of the BFBLP and the NPPF and would not result in highway implications.

## 12. CONCLUSIONS

The proposed formation of 4no. parking bays would not result in adverse impacts to the residential amenities of adjoining properties, would not adversely affect the character and appearance of the surrounding area and would provide off road parking provision in an area where there is a high level of indiscriminate on-street parking. As such, the proposal is considered to be in accordance with Saved Policies EN20 and M9 of the BFBLP, CS1, CS2, CS7 and CS23 of the CSDPD and Policy CP1 of the Site Allocations Local Plan, all in accordance with the NPPF.

The application is therefore recommended for approval.

## **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 22 October 2014:  
drawing no. 210/R  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

03. The development shall not be begun until a scheme depicting 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. 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.  
REASON: In the interests of good landscape design and the visual amenity of the area.  
[Relevant Policies: BFBLP EN2 and EN20, CSDPD CS7]

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:
1. Time limit
  2. Approved plans
- The applicant is advised that the following conditions require discharging prior to commencement of development:
3. Soft landscaping

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](http://www.bracknell-forest.gov.uk)

## Unrestricted Report

### ITEM NO: 11

Application No.  
**14/01026/FUL**

Ward:  
Wildridings And Central

Date Registered:  
18 September  
2014

Target Decision Date:  
13 November 2014

Site Address:

**Street Record Deepdale Bracknell Berkshire**

Proposal:

**Convert amenity area into parking spaces**

Applicant:

Mr David Humphrey

Agent:

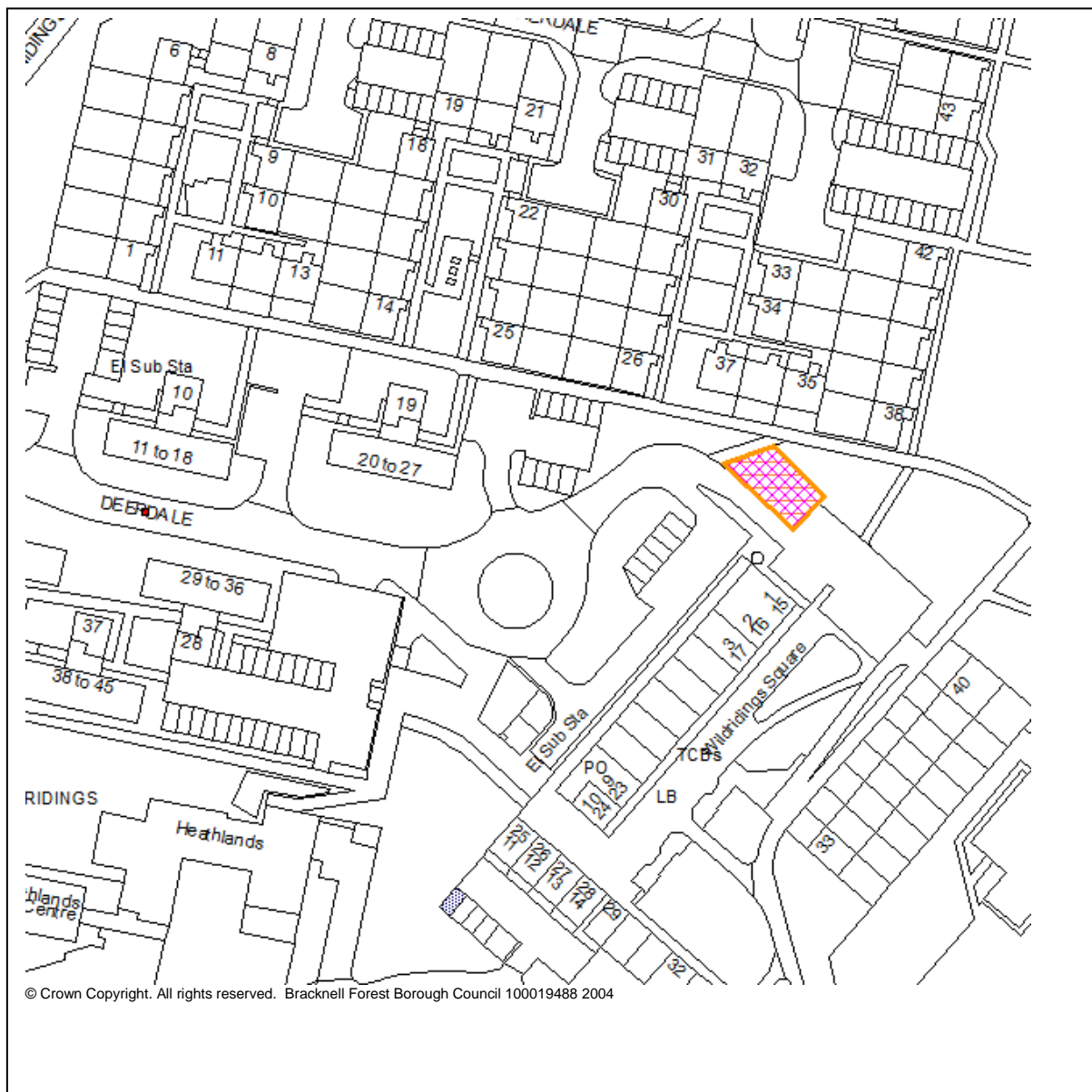
(There is no agent for this application)

Case Officer:

Sarah Horwood, 01344 352000

[Development.control@bracknell-forest.gov.uk](mailto:Development.control@bracknell-forest.gov.uk)

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



## **OFFICER REPORT**

### **1. REASON FOR REPORTING APPLICATION TO COMMITTEE**

This application is reported to the Planning Committee because the application has been submitted by the Planning and Transport Division.

### **2. SITE DESCRIPTION**

The proposed parking bays are located to the north of the highway on Deepdale, close to Wildridings Square. There are existing parking bays located to the east/south-east of the site. An area of open grassland exists to the north of the site where the proposed parking bays would be sited.

### **3. RELEVANT SITE HISTORY**

There is no relevant planning history relating to the area of land subject to this application.

### **4. THE PROPOSAL**

Full permission is sought for the formation of 5 parking bays to the northern side of Deepdale. The proposed parking bays would be constructed from porous blocks.

For information, the provision of the dropped kerb to facilitate access to the parking bays would not require planning permission as Deepdale is not a classified road.

Soft landscaping is proposed around the parking bays.

### **5. REPRESENTATIONS RECEIVED**

No further representations have been received to the application at the time of printing of this report.

### **6. SUMMARY OF CONSULTATION RESPONSES**

#### **Bracknell Town Council**

- no objection to the proposal.

#### **Highways Authority**

- no objection to the proposal.

#### **Landscape Officer**

- no objection subject to conditions relating to landscaping and tree protection.

## **7. DEVELOPMENT PLAN**

The Development Plan for this Borough includes the following:

Site Allocations Local Plan 2013 (SALP)  
Retained Policies of the South East Plan 2009 (SEP)  
Core Strategy Development Plan Document 2008 (CSDPD)  
Saved Policies of the Bracknell Forest Borough Local Plan 2002 (BFBLP)  
Bracknell Forest Borough Policies Map 2013

## **8. PRINCIPLE OF DEVELOPMENT**

SALP Policy CP1 refers to the presumption in favour of sustainable development as outlined within the National Planning Policy Framework (NPPF). SALP Policy CP1 states that the Council will act proactively and positively with applicants to seek solutions which mean that proposals can be approved wherever possible, and to improve the economic, social and environmental conditions within the area. Planning applications that accord with the policies in the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise.

CSDPD Policy CS1 sets out a number of sustainable development principles including making efficient use of land and buildings and locating development in locations that reduce the need to travel.

CSDPD Policy CS2 states that development will be permitted within defined settlements and on allocated sites. Development that is consistent with the character, accessibility and provision of infrastructure and services within that settlement will be permitted, unless material considerations indicate otherwise.

These policies are considered to be consistent with the sustainable development principles of the National Planning Policy Framework (NPPF), and as a consequence are considered to carry significant weight.

The site is located in a residential area that is within a defined settlement on the Bracknell Forest Borough Policies Map (2013). As a result the proposed development is considered to be acceptable in principle, subject to no adverse impact on the street scene, amenity of neighbouring occupiers, highway safety, trees, etc. These matters are assessed below.

## **9. IMPACT ON CHARACTER AND APPEARANCE OF AREA**

Saved Policy EN20 of the BFBLP and Policy CS7 of the CSDPD relate to design considerations in new proposals and are relevant considerations. These policies seek to ensure that developments are sympathetic to the character of the area and are of a high design. This is consistent with the NPPF.

The 5no. parking bays would be located to the north of the highway and would result in the loss of an area of open grass of approximately 60sqm. The visual prominence of the proposed parking bays would however be mitigated by open grassland being retained to the rear of the proposed bays and to the north-east of the bays.

In addition, soft landscaping would be planted around the proposed parking bays to further mitigate their visual appearance in the street scene. A planning condition is recommended requiring details of soft landscaping to be submitted for approval.

The proposed parking bays would be located close to existing parking bays, however the cumulative impact of the proposed bays in conjunction with existing bays would not be considered to have such an adverse impact upon the visual amenities of the area given the large area of open grassland which would remain to the north and north-east of the bays. Soft landscaping would be planted at both ends of the new parking bays to soften the visual appearance of parked vehicles and separate the parking bays from existing bays to the east.

The existing tree to the north of the proposed bays maybe affected by the proposed works. The tree would need to be adequately protected during the construction works and a planning condition is recommended requiring details to be submitted to the LPA for approval.

As such, the proposal would not adversely affect the character and appearance of the surrounding area and would be in accordance with Saved Policy EN20 of the BFBLP, Policy CS7 of CSDPD and the NPPF.

#### **10. RESIDENTIAL AMENITY**

BFPLP 'Saved' Policy EN20 refers to the need to not adversely affect the amenity of the surrounding properties and adjoining areas. This is consistent with the NPPF.

The proposed parking bays would be located some 10m from nos. 35 to 38 Ennerdale to the north of the site and some 15m from Wildridings Square to the south. In view of these separation distances, the proposed parking bays would not result in undue noise and disturbance to these residential properties closest to the proposed bays.

As such, the proposal would not be considered to affect the residential amenities of neighbouring properties and would be in accordance with Saved Policy EN20 of the BFBLP and the NPPF.

#### **11. TRANSPORT IMPLICATIONS**

Saved Policy M9 of the BFBLP ensures that development provides satisfactory parking provision. A further material consideration for parking provision is provided in the Council's adopted Parking Standards SPD. The NPPF refers to local authorities setting their own parking standards for residential development.

Policy CS23 of the CSDPD seeks to increase the safety of travel. This is consistent with the NPPF.

Deepdale is an adopted residential road. The Highway Authority has no objection to the provision of additional off-street parking in an area subject to a high incidence of indiscriminate on-street parking. The proposed parking will extend the existing car park which serves local shops and facilities.

The parking bays are to be constructed using a SUDs compliant system which is acceptable to the Highway Authority. The provision of a knee rail fence offset from the front of the parking bays is to protect the remaining grassed area.

For the reasons given above the proposal is considered to be in accordance with policy CS23 of the CSDPD, Saved Policy M9 of the BFBLP and the NPPF and would not result in highway implications.

## 12. CONCLUSIONS

The proposed formation of 5no. parking bays would not result in adverse impacts to the residential amenities of adjoining properties, would not adversely affect the character and appearance of the surrounding area and would provide off road parking provision in an area where there is a high level of indiscriminate on-street parking. As such, the proposal is considered to be in accordance with Saved Policies EN20 and M9 of the BFBLP, CS1, CS2, CS7 and CS23 of the CSDPD and Policy CP1 of the Site Allocations Local Plan, all in accordance with the NPPF.

The application is therefore recommended for approval.

## **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 18 September 2014:  
drawing no. 219  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
03. The development shall not be begun until a scheme depicting 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. 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.

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

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

04. The development hereby permitted (including initial site-clearance) shall not be begun until a detailed scheme, and programme for its implementation for the protection of existing trees in accordance with British Standard 5837:2012 '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
  - b) Minimum 'Root Protection Areas' of all existing trees
  - c) Plans of a minimum scale of 1:200 showing the proposed locations of protective barrier/s, constructed in accordance with Section 6 (Figures 2 or 3) of BS 5837:2012, 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.
  - d) Proposed ground protection measures in accordance with Section 6 (Figure 3) of BS 5837:2012.
  - e) Annotated minimum distances between fencing and trunks of retained trees at regular intervals.
  - f) 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.

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]

05. The protective fencing and other protection measures specified by condition 4 shall be erected 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. 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.

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.

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:
  1. Time limit
  2. Approved plans
  5. Tree protection measures

The applicant is advised that the following conditions require discharging prior to commencement of development:

3. Soft landscaping
4. Tree protection

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](http://www.bracknell-forest.gov.uk)

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TO: **PLANNING COMMITTEE**  
**13 November 2014**

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**Application 13/00094/COND - details pursuant to Condition 18 (Lighting) of Planning  
Permission 12/00911/FUL  
Head of Development Management**

**1 PURPOSE OF DECISION**

- 1.1 To determine the details submitted pursuant to Condition 18 of Planning Permission 12/00911/FUL in the light of an objection received from local residents.

**2 RECOMMENDATION**

- 2.1 That the following details submitted pursuant to condition 18 of Planning Permission 12/00911/FUL under reference 13/00094/COND:-  
- Site finishes plan 40-06 P7  
- Lamp: Iridium SGS253 - SON-T - 100 W - Closed CT-POT - Glass bowl cover on 5m column  
be **APPROVED**.

**3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

3.1 Highway Officer

Comments on application as submitted:-

The applicant proposes to use bollard lighting and it appears from the plots that there are areas where light is very limited. Clearly bollard lighting provides very limited spread of light and is not considered suitable for this development and could lead to security issues for residents. A more conventional approach with columns should be followed, these do not need to be BFC standard columns but columns of other designs could be used if an effect is required by the developer. The use of columns would lead to a reduced number of light sources which may also help with positioning. It will be noted that planting on the verges will restrict the flow of light from bollards.

Comments on application as amended:-

The proposed lighting is satisfactory.

3.2 Biodiversity Officer

Satisfied that the lighting scheme, as amended, will not adversely affect bats using the corridor on the site's southern edge. Raises no objection.

3.3 Crime Prevention Design Advisor (Thames Valley Police)

Comments on application as submitted:-

Recommends that normal street columns with appropriate lighting heads are used and the illuminations levels as set in BS 5489, etc for the type of road are fitted rather than bollard lighting.

He notes that bollard lighting has various disadvantages which are:-

a. It creates pools of light which then also creates areas of darkness, and is thus likely to cause a fear of crime with lone persons returning home during the hours of darkness.

b. If a pedestrian is walking towards another pedestrian at night time, due to the low height level of light, they are unable to see each other's faces to know whether that person is friendly or not.

c. The bollards due to their height and location also have a tendency to be damaged by vehicles reversing, and children of all ages like leapfrogging over them, so unless they are quality posts securely anchored into the ground they are quickly left laying damaged on the ground.

d. Bollard lighting is good within private grounds to assist with way-finding, but not to the public domain even if it is a private road.

#### **4 REPRESENTATIONS RECEIVED**

A letter has been received from the occupier of a neighbouring property on behalf of 13 other properties in Roughgrove Copse and Foxley Lane objecting to street lights and supporting bollard lighting for the following reasons:-

- street lights would urbanise this settlement edge location
- increasing light pollution would harm the rural character of the area
- there are ecological considerations - impact on bats
- the site is at the end of a cul-de-sac and comprises only 14 dwellings - Foxley Lane has as many houses with no street lighting for two-thirds of its length.

It is concluded that low-level bollard lighting is the best option for the site.

#### **4 SUPPORTING INFORMATION**

- 4.1 Planning permission 12/00911/FUL, approved in May last year, provides for the erection of 14 houses with associated garages, access road, footpaths, open space and landscaping with vehicular access from Roughgrove Copse Condition 18 of the planning permission states:-

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 serving the access road and the parking court serving plots 3-5, including lighting units and levels of illumination. The approved scheme shall be implemented before the completion of the development and the lighting retained in accordance therewith.

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

- 4.2 As originally submitted the details submitted pursuant to this condition showed the use of 14no. 1m high bollard lights to light the private road and the parking court on the site. In the light of the concerns of the Highway Officer and the Crime Prevention Design Advisor the applicant was asked to revise the scheme to provide column-mounted lights. This has been done and the proposal is now to light the private road and the parking court with 9no. 100W lights on 5m columns. Column-

mounted lamps would light the adopted element of the access road leading to Roughgrove Copse.

- 4.3 Information on light-spill has been submitted. This has satisfied the Biodiversity Officer that there would be no materially harmful effect on bats on the site and on the wildlife corridor that runs along the southern boundary which is an important commuting route for bats and is likely to be used by other nocturnal wildlife.
- 4.4 As well as the possible impact on wildlife the letter of objection draws attention to the impact of lighting on the character of the application site which is on the edge of Binfield with rural land to the north and west. Your officers consider that a balance has to be struck between the impact of lighting on the character of the area and the safety and living conditions of the residents of the new housing. It is considered that information accompanying the proposed lighting scheme, as amended, demonstrates that it will provide adequate lighting without having an unacceptable impact on the wider area from light spill. The proposed lamps on 5m columns will focus the light where it is required. The new houses and existing vegetation on the site's boundaries will further reduce light spill outside the site, particularly when the trees are in leaf.
- 4.5 It is considered that the details, as amended, are acceptable, and application 13/00094/COND is therefore recommended for approval.

Background Papers

Application 13/00094/COND

Contact for further information

Martin Bourne 01344 352000

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**PLANNING COMMITTEE**  
**13 November 2014**

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**CONFIRMATION OF TREE PRESERVATION ORDER (TPO)**  
**LAND AT 5A FARINGDON DRIVE, BRACKNELL, RG12 9NT - 2014**

**(Director of Environment, Culture & Communities)**

**1. PURPOSE OF DECISION**

- 1.1 Under section 198 [201] and 203 of the Town and Country Planning Act 1990, the Council has made a Tree Preservation Order (TPO) to retain and protect trees that are assessed to be of public amenity value and were judged to be at expedient risk of removal or other adverse affect. Objections have been raised and they are the subject of this Committee report.

**2. RECOMMENDATION**

- 2.1. That the Committee approves the Confirmation of this Tree Preservation Order

**3. ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

3.1. Borough Solicitor

3.1.1. Guidance on Tree Preservation Orders and their making and confirmation has been provided in a Communities and Local Government (CLG) booklet titled "Tree Preservation Orders: A Guide to the Law and Practice". That guidance indicates that in the Secretary of State's view TPO's should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and it's enjoyment by the public. Local Planning Authorities should be able to show that a reasonable degree of public benefit would accrue before TPO's are made or confirmed.

3.1.2. The guidance advises that three factors in particular are of relevance, namely:-

- Visibility - the extent to which the tree can be seen by the public
- Individual impact -The Local Planning Authority should assess a tree's particular importance by reference to it's size and form, it's future potential as an amenity taking into account any special factors
- Wider impact - the significance of the tree in it's local surrounding should be assessed

3.2. Borough Treasurer

3.2.1. The Borough Treasurer has noted the report. There are no significant financial implications arising from the recommendation in this report.

3.3. Equalities Impact Assessment

3.3.1. Not applicable

3.4. Strategic Risk Management Issues

3.4.1. Not applicable

3.5. Other Officers

3.5.1. Head of Planning Development Management has noted the report.

**4. BACKGROUND**

4.1. Existing trees, that is individuals, groups, areas and woodlands were viewed and assessed for their amenity impact using a system to evaluate the suitability of trees for a TPO. This system is based on factors that assess: -

- Their health & condition
- Their remaining longevity
- Their relative public visibility
- Specialist considerations such as 'veteran' status, historical interest etc.
- The known (or perceived) 'threat' to their health & condition or existence
- The impact of the trees on the landscape
- Special factors such as proximity and orientation to the nearest habitable structure.

4.2. These factors follow criteria based on government guidance and 'best-practice' and the assessment system follows policy developed by the Tree Policy Review Group (2007). The assessment gives a value that informs the Tree Service in considering whether or not to make a TPO.

4.3. Once the new TPO is served, affected residents have 28 days in which to make representation to the Council. Some representations are letters of support whilst others request clarification, but more commonly they are objections to the making of the Order. Objections can be made on any grounds; if objections are duly made, the Local Planning Authority cannot confirm the TPO unless those objections have first been considered.

**5. DETAILS OF RESIDENTS' COMMENTS**

5.1. The Order protects: -

T1 - Individual Cypress;

G1 - One Pine and one Oak;

G2 - Three Pine;

G3 - Five Pine;

G4 - Six Pine and three Oak;

G5 - Two Cypress.

5.2. The Council has received one letter of support for the TPO from 80 Harmanwater Road; citing the benefit of their screening and intrinsic amenity.

5.3. The Council also received one objection from one of the co-owners of the property (currently residing in Harmanwater Road).



- 5.4. The issues raised as part of the objection to this particular tree relate to: -
- Challenging the amenity value of the trees; in that they do not meet the criteria as a visual amenity and are only visible from limited vantage points.
  - That the TPO discriminates against the property owner as it only protects trees on that land and not of adjoining land.
  - That the Council should have considered the need for tree-protection in the time that it owned the site and during the planning process, on previous applications to develop.
  - The past lack of tree-maintenance has rendered the trees of poor quality and that they require proper arboricultural care.
  - That the required arboricultural care would be impeded by the continued presence of the TPO.
  - That the height of the trees renders them a hazard to the property and lives of adjoining neighbours.

## **6. CONSIDERATION OF ISSUES**

- 6.1. The site and its trees were brought to the attention of the Tree Service as a result of a planning application (13/00298/FUL) and enquiries from the public. The trees were assessed in accordance with legislation and guidance as described in section 4.1 & 4.2 of this report. In doing so was able to view the site from various perspectives and recorded its findings from ten public vantage points (displayed on the presentation accompanying this report).
- 6.2. The trees are visible from a number of public vantage points and along with other trees in surrounding properties provide for maturity and quality of landscape within the immediate surroundings. A number of surrounding properties and an extent of open space is managed by Bracknell Forest Homes and along with the protected trees provides contiguous tree cover and visual amenity which is consistent with the character of the area.
- 6.3. In 2012 the site was sold by the Council; prior to that the site was under Council management, including the trees. In accordance with the Council's tree policy, there is no requirement for the Council to protect trees under its direct management. In 2013 a planning application was determined that involved modest changes to the existing building. As part of the planning process the Development Management team would have considered if those proposals put the trees at risk and to consider making a TPO. At that time the Planning Authority took the view that was not the case.
- 6.4. The protected trees were subject to the Council's amenity assessment and not a full & detailed tree-survey; and although they are now protected, this does not remove any legal responsibility that the tree-owner has in ensuring they are in safe condition.
- 6.5. The tree owner has the right to make an application to fell or prune the protected trees as part of their management & maintenance. In the event that the Council should refuse a grant of permission, the owner has a right of appeal to the Secretary of State.
- 6.6. The height alone does not make a tree dangerous in itself; but tree-owners should have their trees inspected by appropriate professionals as part of a management & maintenance regime to ensure they have done what is possible to ensure they are in good health & condition..

## **7. CONCLUSION**

The Council has followed due legislative process, procedure and policy. This report explains its position in respect of the reasons for the TPO and also addresses the specific issues raised.

End of Report

Contact for further information: -

Jan Polnik  
Principal Tree Officer 01344 354115  
[jan.polnik@bracknell-forest.gov.uk](mailto:jan.polnik@bracknell-forest.gov.uk)

## **APPENDIX**

- Letter of objection;
- Letter in support of the TPO;
- Copy of TPO and site plan