



NOTICE OF MEETING

Planning Committee

Thursday 18 December 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: 9 December 2014



Planning Committee
Thursday 18 December 2014, 7.30 pm
Council Chamber, Fourth Floor, Easthampstead House,
Bracknell

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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 13 November 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. **PS Application 13/01035/FUL Land Adjacent to Hayley Green Farm, Hayley Green, Warfield**

Change of use from agricultural building to curling rink (D2) following renovation, formation of ancillary grassed parking area, erection of extension to barn, demolition of former piggery, new vehicular access and landscaping.

23 - 38

6. **Application 14/00797/FUL Land at rear of 10 to 12 Branksome Hill Road, College Town**
Erection of 1 no. four bedroom dwelling and garage with access from Davis Gardens. 39 - 54
7. **Application 14/00969/FUL 5 Cooke Rise, Warfield, Bracknell**
Erection of a shed. 55 - 60
8. **Application 14/00994/FUL 6 Higher Alham, Bracknell**
Erection of a part first floor and part two storey side extension. 61 - 68
9. **Application 14/01043/FUL 117 College Road, College Town, Sandhurst**
Section 73 application for continued use of the property as a children's nursery without compliance with conditions 3 and 4 of planning permission 10/00599/FUL. [Note for clarification: this is an application to increase the maximum number of children who may be present at the nursery to 45 between the hours of 09.15 and 16.00]. 69 - 80
10. **Application 14/01126/FUL Land at Peacock Farm Neighbourhood Centre, Peacock Lane, Bracknell**
Section 73 application for variation of condition 10 of reserved matters approval 11/00878/REM which states: "No deliveries shall be taken at or dispatched from the site outside the hours of 8.00am – 6.00pm Mondays to Saturdays nor at any time on Sundays or public holidays", to allow deliveries to be taken at or dispatched from the site between 7.00am – 6.00pm Mondays to Saturdays and 8.00am – 6.00pm on Sundays. 81 - 88
11. **Application 14/01168/PAC Guildgate House, High Street, Crowthorne**
Application for Prior Approval for the change of use of the first and second floor of the building from B1 (a) offices to C3 (dwelling houses) in the form of 16 studios/apartments with entrances at ground and lower ground floor level and parking to the rear. (This application is a resubmission of 14/01000/PAC with additional information in the form of a car parking assessment. 89 - 94
12. **Confirmation of Tree Preservation Order (TPO) 1171 - Land at the Brackens, London Road, Ascot, SL5 8BE - 2014**
The Committee is asked to approve the confirmation of this Tree Preservation Order. 95 - 110

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**PLANNING COMMITTEE
13 NOVEMBER 2014
7.30 - 10.25 PM**



Present:

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

Also Present:

Councillors Harrison and Turrell.

Apologies for absence were received from:

Councillors Angell, Mrs Angell, Birch, Leake and Thompson

59. **Minutes**

RESOLVED that the minutes of the Committee held on 16 October 2014 be agreed subject to Councillor Turrell being added as an attendee and signed by the Chairman.

60. **Declarations of Interest**

There were no declarations of interest.

61. **Urgent Items of Business**

There were no urgent items of business.

62. **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.

The Committee noted:

- The comments of Bracknell Town Council
- Seven letters of objection raising concerns around the proposed development impacting detrimentally on the character of the area, overshadowing, loss of light and the setting of an undesirable precedent.

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 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]

63. **PS Application 14/00580/FUL 94 to 96 College Road, College Town, Sandhurst
Erection of four no. 3 bedroom semi detached houses and one no. 4 bedroom semi detached house with associated parking and access.**

A site visit was held on Saturday 8 November 2014 which was attended by Councillors Blatchford, Ms Brown, Brossard, Dudley, Gbadebo, Virgo and Mrs Phillips.

The Committee noted:

- The supplementary report of the Head of Development Management tabled at the meeting.
- The comments of Sandhurst Town Council
- 16 objections raising concerns around the proposed development impacting detrimentally on the character of the area and neighbour amenities, overdevelopment, increase in vehicle movements and lack of parking, impact on wildlife and the loss of trees. Further representations were received and included in the supplementary report.

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

Members expressed concern that the proposed two storey plots 1-3 by reason of their siting, massing and close proximity to the northern boundary would result in an unneighbourly form of development to the detriment of the amenities of the occupiers of 57-59 Academy Place.

A motion to **APPROVE** the recommendations of the Head of Development Management as set out in the report and on the supplementary report was moved and seconded. On being put to the vote the motion was **LOST**.

An alternative motion to **REFUSE** the application was moved and seconded. On being put to the vote the motion was **CARRIED**.

It was **RESOLVED** that the application be **REFUSED** for the following reasons:-

Reason 01:

The proposed two storey buildings on plots 1-3 by reason of their siting, massing and close proximity to the northern boundary would result in an unneighbourly form of development to the detriment of the amenities of the occupiers of 57-59 Academy Place. The development is therefore contrary to Policy CS7 of the Core Strategy Development Plan Document and 'Saved' Policy EN20 of the Bracknell Forest Borough Local Plan.

Reason 02:

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).

Reason 03:

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).

64. **Application 14/00844/FUL 49 Carnation Drive, Winkfield Row, Bracknell**
Erection of a two storey side extension following the part demolition of existing garage.

A site visit was held on Saturday 8 November 2014 which was attended by Councillors Ms Brown, Dudley, Gbadebo, Virgo and Mrs Phillips.

The Committee noted:

- The comments of Winkfield Parish Council
- Three objections from neighbours raising concerns around the proposed development was out of keeping with surrounding properties, would have insufficient parking and would be detrimental to the amenities of 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 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]

65. Application 14/00858/FUL Popeswood Garage and Hillcrest, London Road, Binfield

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).

The Committee noted:

- The supplementary report of the Head of Development Management tabled at the meeting.
- The comments of Binfield Parish Council
- Six letters of objection raising concerns around the proposed development impacting detrimentally on the character and appearance of the area, noise concerns, traffic and parking concerns, overshadowing, loss of privacy and concerns around the proposed development being overbearing. One letter of support had also been received.

Upon being put to the vote it was **RESOLVED** that the Head of Development Management be authorised to **APPROVE** the application upon the completion of planning obligations(s) under Section 106 of the Town and Country Planning Act 1990 broadly relating, but not restricted 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]

28. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of the badger path shown on drawing no. 13-P946-10.1B. None of the dwellings hereby approved shall be occupied until the badger path has been provided in accordance with the approved scheme. The badger path shall thereafter be retained.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

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.

66. **Application 14/00898/FUL 36 Pakenham Road, Bracknell**

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

The Committee noted:

- The comments of Bracknell Town Council
- One objection from a neighbouring property raising concerns around the proposed development leading to loss of light.

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 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]

67. **Application 14/01008/FUL Street Record, Drovers Way, Bracknell**
Convert grass area into four parking spaces.

The Committee noted:

- The comments of Bracknell Town Council
- A petition with 19 signatories raising no objections to the parking spaces however raising objections to the knee high fencing opposite the site which will remove parking for up to six cars.

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 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]

68. **Application 14/01026/FUL Street Record, Deepdale, Bracknell**
Convert amenity area into parking spaces.

The Committee noted:

- The comments of Bracknell Town Council

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 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.

69. **Miscellaneous Item: Application 13/00094/COND - Details Pursuant to Condition 18 (Lighting) of Planning Permission 12/00911/FUL**
Land at 5A Faringdon Drive, Bracknell, RG12 9NT

The Committee considered a report that determined the details submitted pursuant to Condition 18 of Planning Permission 12/00911/FUL in light of an objection received from local residents.

The Committee noted:-

- The supplementary report of the Head of Development Management tabled at the meeting.

- A letter from a neighbouring property on behalf of 13 other properties objecting to street lights and supporting bollard lighting. Concerns were raised that street lighting would increase light pollution and harm the rural character of the area.

Upon being put to the vote it was **RESOLVED** that the following details submitted pursuant to condition 18 of Planning Permission 12/00911/FUL under reference 13/00911/FUL be **APPROVED**:-

- Site finishes plan 40-06 P7
- Lamp: Iridium SGS253 – SON-T – 100W – Closed CT-POT – Glass bowl cover on 5m column.

70. **Miscellaneous Item: Confirmation of Tree Preservation Order (TPO) Land at 5A Faringdon Drive, Bracknell, RG12 9NT - 2014**

The Committee considered a report that asked them to confirm a Tree Preservation Order (TPO 1163).

The Committee noted:-

- The supplementary report of the Head of Development Management tabled at the meeting.
- One letter of support and one letter raising objections. Concerns were raised around the poor quality of the trees as a result a lack of tree maintenance, the continuation of a TPO would impede this. Concerns were raised that the height of the trees made them a hazard to neighbouring properties and the amenity of the trees was challenged.

Upon being put to the vote it was **RESOLVED** that the Tree Preservation Order TPO 1163 be confirmed and **APPROVED**.

CHAIRMAN

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

**PLANNING COMMITTEE
18th December 2014**

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

		Case Officer	Reporting Officer
5	13/01035/FUL Land Adjacent To Hayley Green Farm Hayley Green Warfield (Winkfield And Cranbourne Ward) Change of Use from Agricultural Building to Curling Rink (D2) following renovation, formation of ancillary grassed parking area, erection of extension to barn, demolition of former piggery, new vehicular access, and landscaping. Recommendation: Approve Subject To The Completion Of Planning Obligation(s).	Laura Rain	Basia Polnik
6	14/00797/FUL Land At Rear Of 10 To 12 Branksome Hill Road College Town (College Town Ward) Erection of 1 no. 4 bedroom dwelling and garage with access from Davis Gardens. Recommendation: Approve Subject To The Completion Of Planning Obligation(s).	Laura Rain	Basia Polnik
7	14/00969/FUL 5 Cooke Rise Warfield Bracknell (Warfield Harvest Ride Ward) Erection of a shed Recommendation: Approve.	Gerald Hegarty	Basia Polnik
8	14/00994/FUL 6 Higher Alham Bracknell Berkshire (Crown Wood Ward) Erection of a part first floor and part two storey side extension Recommendation: Approve.	Michael Ruddock	Basia Polnik
9	14/01043/FUL 117 College Road College Town Sandhurst (College Town Ward) Section 73 application for continued use of the	Laura Rain	Basia Polnik

property as a children's nursery without compliance with conditions 3 and 4 of planning permission 10/00599/FUL. [Note for clarification: this is an application to increase the maximum number of children who may be present at the nursery to 45 between the hours of 09.15 and 16.00].

Recommendation: Approve.

- | | | | |
|----|--|----------------|---------------|
| 10 | 14/01126/FUL
Land At Peacock Farm Neighbourhood Centre
Peacock Lane Bracknell
(Great Hollands North Ward)
Section 73 application for variation of condition 10 of reserved matters approval 11/00878/REM which states: "No deliveries shall be taken at or dispatched from the site outside the hours of 8.00 am - 6.00 pm Mondays to Saturdays nor at any time on Sundays or public holidays", to allow deliveries to be taken at or dispatched from the site between 7.00 am - 6.00 pm Mondays to Saturdays and 08.00 am - 6.00 pm on Sundays.
Recommendation: Approve. | Martin Bourne | Martin Bourne |
| 11 | 14/01168/PAC
Guildgate House High Street Crowthorne
(Crowthorne Ward)
Application for Prior Approval for the change of use of the first and second floor of the building from B1 (a) offices to C3 (dwelling houses) in the form of 16 studios/apartments with entrances at ground and lower ground floor level and parking to the rear. (This application is a resubmission of 14/01000/PAC with additional information in the form of a car parking assessment)
Recommendation: | Simon Roskilly | Martin Bourne |

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.
13/01035/FUL

Ward:
Winkfield And
Cranbourne

Date Registered:
8 January 2014

Target Decision Date:
5 March 2014

Site Address:

**Land Adjacent To Hayley Green Farm Hayley Green
Warfield Bracknell Berkshire**

Proposal:

**Change of Use from Agricultural Building to Curling Rink (D2)
following renovation, formation of ancillary grassed parking area,
erection of extension to barn, demolition of former piggery, new
vehicular access, and landscaping.**

Applicant:

English Curling Association

Agent:

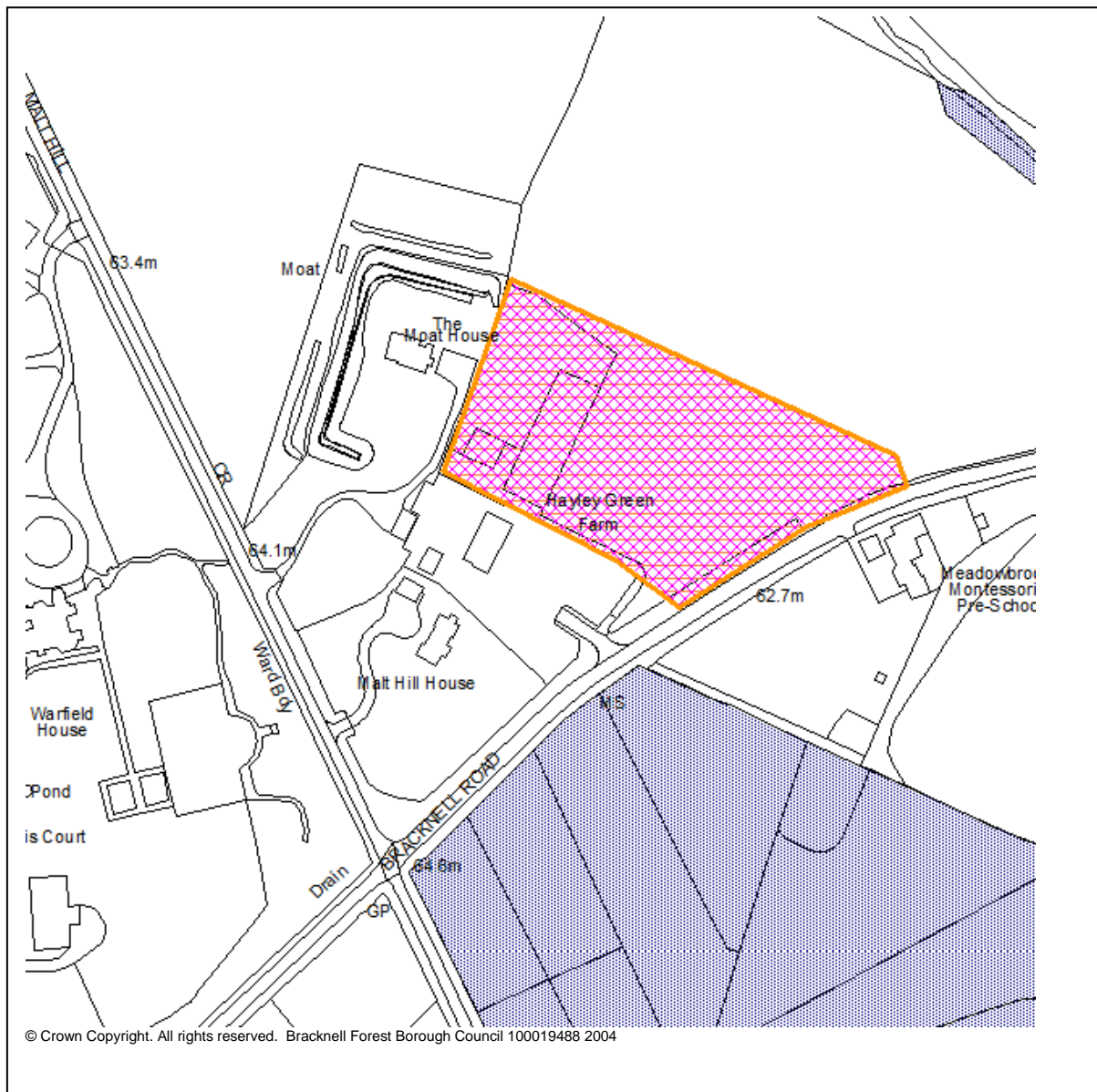
Newell Projects Ltd

Case Officer:

Laura Rain, 01344 352000

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 presented to the Planning Committee as over 3 letters of objection have been received.

2. SITE DESCRIPTION

The site extends to an area of some 1.29ha and includes a large concrete framed barn with masonry dado walls and sheet cladding situated with open fields to the north and east. To the south the site is bounded by Bracknell Road along which are 8m high conifers. The land to the east, in the applicant's ownership, remains in agricultural use.

To the south west, the neighbouring property, Hayley Green Farm is 11m from the existing barn. The boundary between the two sites has 2m high fencing and 4m high vegetation. This property is a Grade II Listed converted barn

To the west of the site is a residential dwelling, The Moat House, which is also Grade II Listed.

The barn is surrounded by hard standing and rubble from the demolished piggery building.

Access to the site is currently off the main driveway of Hayley Green Fam.

The barn has recently been re-clad under permitted development rights as the original sheet roof and walls of the barn contained asbestos. In addition internal alterations have taken place and a new concrete slab has been laid.. However as a change of use has not occurred and the extension has commenced no breach of planning has occurred.

3. RELEVANT SITE HISTORY

11/00885/FUL Erection of 1 no. detached dwelling including basement and detached garage with accommodation above including associated access and amenity space following demolition of 2 no. existing outbuildings (revised scheme following 11/00448/FUL). Refused

11/00448/FUL Erection of 1 no. 5 bedroom detached dwelling including basement and detached garage with accommodation above following demolition of 2 no. existing outbuildings. Creation of new access onto Forest Road, a classified road. Refused

02/00042/LB Listed building consent for the demolition of existing bungalow associated with the erection of 1 no. 5 bedroomed dwelling and associated double garage. Approved

02/00041/FUL. Erection of 1 no. 5 bedroomed house and detached double garage with access onto Malt Hill following demolition of existing bungalow. Approved

01/00708/FUL Erection of 1no. five bedroomed dwelling with attached triple garage and associated access from Malt Hill. Conversion of existing barn to a four bedroomed

dwelling with detached triple garage and associated access on to Bracknell Road (duplicate of 01/00361/FUL). Refused

00/00254/OUT Outline application for the erection of medical/care and retirement development comprising 60 bed medical complex, 30no. sheltered apartments, 8no. flats and 24no. houses with associated car parking with vehicular access onto Malt Hill. Refused

4. THE PROPOSAL

The proposal is for the conversion of the existing agricultural barn to a three lane curling rink. An extension, measuring 13m by 30m is proposed on the north elevation of the barn.

Internally the conversion and extension would provide:

- 3 curling lanes.
- A reception and office.
- A ground floor gallery.
- A club room.
- A cellar and bar store.
- A classroom.
- A kitchen.
- 2 shower rooms with WCs.
- 2 footwear changing room.
- A plant and equipment room and 3 store rooms.

A new access off Bracknell Road is proposed and car parking would be provided in front of the east elevation of the barn. 37 car parking spaces are proposed to the east of the barn behind a proposed strip of landscaping.

In addition the piggery building and its concrete base have been removed and the surrounding concrete yard area to the barn will be removed.

The planning statement states that 24 people would visit the rink as each lane can accommodate two teams of four players. The rink would be used for clubs, league games, private coaching and training. There is no spectator seating provided, however a viewing gallery would be provided. Peak usage would be between October to April.

5. REPRESENTATIONS RECEIVED

Warfield Parish Council recommend refusal: "The proposed development would result in increased traffic and turning movements onto the B3022 Bracknell Road which is already busy, and this would adversely affect the safety and flow of traffic on that road."

14 letters of objection have been received from persons residing or owning property within the vicinity of the site. These raise the following issues:

- The proposal is inappropriate in principle, no exceptional circumstances have been put forward and the extension is not minor in nature.
- Extensive works were required to the building to make it suitable for conversion.

Therefore the proposal is contrary to EN9.

- The proposal would detract from the character of the countryside and the Green Belt to the north contrary to 'Saved' Planning Policy EN8.

- The proposal would have a dominating, commercial, urbanising impact.
 - The bulk and mass of the extension is too big.
 - The barn is already oversized and unattractive.
 - The proposal will destroy the historic character and setting of two listed buildings and would be contrary to Planning Policy EN6 and EN20.
 - There would be a loss of privacy to neighbouring properties due to a large increase of public using this site
 - Neighbouring properties and the area will suffer from noise and light pollution.
 - The refrigeration units would have to run for 24 hours a day.
 - Neighbouring properties would suffer from fumes from the ice making equipment.
 - The children attending the school opposite will suffer noise disturbance in the classroom from the increased traffic.
 - The car parking should be moved further away from neighbouring properties, the neighbouring properties will be affected by car entering and leaving the site of a night time.
 - The doors adjacent to neighbouring properties should be removed.
 - The existing access should be blocked up.
 - There would be more screening along the boundary with neighbouring properties.
 - There would be an increased level of activity on site.
 - There is no local infrastructure to support this development.
 - The proposed development would be entirely reliant on attendees arriving by coach or car.
 - The car parking screening is inadequate.
 - There would not be enough car parking provided for Championship matches.
 - Bracknell Road is already dangerous and this will have a detrimental impact upon highway safety, especially if alcohol is served on the premises.
 - There have been accidents on the road in front.
 - There will be conflict with the traffic entering and leaving the school opposite.
 - Increased traffic would be dangerous for children in the school opposite.
- The speed limit on Bracknell Road should be reduced to 30 mph and warning signs for the school should be erected.
- At night there is no lighting on this road.
 - Any pedestrians leaving the site will have to cross the road to get to a footpath.
 - The road needs widening and street lighting.
 - Potential loss of archaeological remains.
 - This sort of commercial use should be located in Bracknell or another nearby town.
 - The barn has already been refurbished.
 - There will be pressure to expand the curling rink in the future.
 - If the curling rink does not prosper the site will be changed into a shop or a warehouse.
 - The letters of support are not from local residents.
 - The site is an unsuitable location.
 - The ancillary facilities are not essential for the sport.
 - There have been applications refused on the site before due to the impact upon Listed Buildings.
 - The applicant has not submitted a noise assessment which fully considers the acoustic impact of the proposal.
 - The proposal would set a precedent of converting agricultural buildings.
 - A new agricultural building will be needed to support the farming of the rest of the site.
 - The applicant does not have the right to access the site from the existing road serving Hayley Green Farm. Construction traffic would need to use the new access proposed.
 - The site is not comparable to the Fenton's Curling Rink in Tonbridge. This site does not have residential properties close by and is accessed off of a quieter road.

- Noise from the Fenton Curling Rink can be heard over 10m away from the building.

Conditions should include blocking up the existing access, sound proofing the building and erecting fencing and landscaping around the boundaries.

120 letters of support have been received; approximately 6.5% of the letters came from residents within the Borough, 9% from abroad and the remainder from elsewhere in the UK. The letters of support relate to there not being enough opportunities within the UK for curling and support the promotion of the sport.

6. SUMMARY OF CONSULTATION RESPONSES

Transportation Officer: The Transportation Officer has sought amendments to the scheme and recommends conditions in respect of visibility splays, access road construction and car parking details.

Environmental Health Officer: A condition is recommended to ensure that the noise level generated by the curling rink chiller shall not cause the existing background noise level to increase. This would ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties.

Listed Buildings: Conditions for landscaping are required.

7. DEVELOPMENT PLAN

The Development Plan for this Borough includes the following:

Site Allocations Location Plan 2013 (SALP)
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 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.

These policies are considered to be consistent with the sustainable development principles of the NPPF and as a consequence are considered to carry significant weight.

The site is located outside the defined settlement as shown on the Bracknell Forest Borough Policies Map 2013. The site does not fall within the Green Belt. The boundary of the Green Belt starts approx 190m to the north east.

CSDPD Policy C8 promotes new recreational facilities. This is considered consistent with the NPPF which promotes mixed use developments, and encourages multiple benefits from the use of land in urban and rural areas such as recognising that some open land can perform many functions including recreation.

CSDPD Policy CS9 states that the Council will protect land outside settlements for its own sake, particularly from development that would adversely affect the character, appearance or function of the land. This policy is considered to be consistent with the NPPF which, in paragraph 17, seeks to recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it.

BFBLP 'Saved' Policy EN8 ensures that the countryside will be protected for its own sake. Outside the defined settlement boundaries, development will be permitted only where it would not adversely affect the character, appearance or function of the land, would not damage its landscape quality. 'Saved' Policy EN8 goes on to list acceptable development within the countryside as:

- (i) development required for agriculture and forestry;
- (ii) essential utilities and cemeteries which cannot be sited within settlement boundaries;
- (iii) minor extensions to, replacement of, or subdivision of, existing buildings,
- (iv) the re-use of permanent buildings which are in keeping with their surroundings, or of buildings of special architectural or historic interest, for suitable alternative uses (including residential institutions in extensive grounds) subject to criteria defined in Policy EN9, Policy EN17, Policy EN22, Policy EN12 and Policy H11; and
- (v) proposals which are acceptable in terms of other policies in this plan for:
 - (a) recreation development suitable in the countryside;
 - (b) the disposal, recycling or treatment of waste.

BFBLP 'Saved' Policy EN9 permits change of use and adaptation of non-residential buildings outside settlements (and outside the Green Belt) where they are of permanent construction, in keeping with its surrounding, would not require extensive alteration or rebuilding, would not be detrimental to the character of the building or its landscaped setting, would not result in more than 500 sqm of business floor space, and would not cause significant environmental, road safety, traffic generation or other problems.

Paragraph 28 of the National Planning Policy Framework states:

"Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside."

In para 24 of the NPPF it states that LPAs should apply a sequential test to planning applications for main town centre uses that are not in an existing centre. In the Glossary of the NPPF indoor bowling alley or cinema are considered to be Town Centre Uses. The applicant has provided information that states that members of the public cannot turn up and play and all visitors must have prior booking. Given this and the lack of spectator seating it is considered that the use would not be of such an intensity to be classed as a Town Centre use. Therefore subject to restrictive conditions being imposed to control the level of activity, it is not considered that a Sequential Test is required.

'Saved' Policies EN8 and EN9 of the BFBLP and the NPPF take a positive approach to the conversion of buildings within the countryside. The NPPF goes further to support the re-use of these buildings for diversification and for leisure purposes. As such it is considered that BFBLP 'Saved' Policies EN8 and EN9 are consistent with the NPPF and that the proposal for the change of use of an agricultural barn for leisure facilities is acceptable in principle. This is subject to no adverse impacts upon residential amenities of neighbouring properties, character and appearance of surrounding area, highway safety implications, etc. 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. In addition 'Saved' BFBLP Policy EN8 states that development will be permitted only where it would not adversely affect the character, appearance or function of the land, would not damage its landscape quality

These policies are considered to be consistent with the objectives set out within the NPPF. In addition 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.

The design of the barn extension itself is in keeping with the existing barn in terms of its size, design and roof profile.

The extension to the barn would be set back from the highway by approximately 90m and as such would not be visually prominent within the street scene.

The increase in floor area of the barn is 407 sqm which is approximately an increase of 40%. In addition a piggery building of 161 sqm has been demolished. Therefore it is not considered that the increase in floor area represents a disproportionate addition to the building.

Landscaping is proposed around the car parking to soften the impact of the hard standing. It should be noted that there is existing hardstanding around the barn. The car park itself provides a surfaced area providing some 35 car parking spaces together with an overflow 'grass crete' area allowing for a further 16 vehicles (51 spaces in total.)

As such, the proposal would not adversely affect the character and appearance of the surrounding area and would be in accordance with Policy CS7 of the Core Strategy

DPD, 'Saved' Policy EN20 of the Bracknell Forest Borough Local Plan and the National Planning Policy Framework.

10. RESIDENTIAL AMENITY

BFPLP '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, and para. 66 in particular where applicants are expected to work closely with the surrounding community and generate designs that take into account their views

The proposed extension would be 60m from the boundary with Hayley Green Farm and 29m from the boundary with The Moat House. As such the proposed extension would not result in a loss of light or overbearing impact upon these properties.

The proposed change of use of the barn would result in an intensification of use of the site. The existing access to the barn runs along the boundary with Hayley Green Farm. This access is to be stopped up and a new access is proposed 95m away from the boundary with Hayley Green Farm. It is therefore not considered that the proposed access would not have a detrimental impact upon the amenities of Hayley Green Farm. The closest car parking space to the boundary with Hayley Green Farm would be at a distance of 5.8m, 15m from the dwellinghouse. There is an existing access track which separates the barn from the boundary with Hayley Green Farm. Given this distance it is not considered that the proposed car parking area would have a detrimental impact upon Hayley Green Farm.

The Council's Environmental Health Team have suggested a condition to ensure that the noise from the chiller unit is no greater than the background noise. This would protect the amenities of the neighbouring residential properties.

As such, the proposal would not be considered to affect the residential amenities of neighbouring properties and would be in accordance with Policy EN20 of the Bracknell Forest Borough Local Plan and the National Planning Policy Framework.

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 models of travel. Policy M9 of the BFBLP ensures that development provides satisfactory 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 amended car parking plans provide adequate car and coach parking for the curling rink proposed. A condition to restrict the D2 use to a curling rink is recommended as alternative D2 uses may be more intensive and require a higher level of car parking.

The access has been moved further north east along Bracknell Road in order to achieve adequate sight lines of 2.4m by 120m as shown on the proposed plans. These sight lines are considered to be acceptable and would be conditioned to be provided.

For the reasons given above the proposal is considered to be in accordance with Policy M9 of the Bracknell Forest Borough Local Plan, Policy CS23 of the Cores Strategy DPD and the NPPF and would not result in highway implications.

12. IMPACT UPON LISTED BUILDING

The site lies to the north east of Hayley Green Farm and to the south east of The Moat House, both of which are Grade II Listed Buildings. The site does not fall within the curtilage of either of these buildings and as they are not Grade I or II* the Council is not required to consult with English Heritage in this particular case. However, it could be said that any significant development here might affect the wider setting of these Listed Buildings. There would only be concerns raised if this impact were to have "substantial harm."

The proposed extension would be located 65m from the side boundary shared with Hayley Green Farm and will be screened from this building by the existing barn which itself has been re-clad under permitted development rights.

To the rear the extension would be located 30m from the boundary with the curtilage of The Moat House. Given the agricultural design of the extension, its neutral character and materials, and the distance to the boundary, it is considered that the resulting impact of the proposal would not pose "substantial harm" upon the neighbouring listed buildings, to a degree that would be so great as to merit a refusal. However, having said that, the attached issues of amenity will still need to be addressed. Any substantial impact could potentially be addressed by mitigation, such as tree-planting to screen the new building or use(s).

The car parking to the front of the building to serve the use would be screened from The Moat House by the building itself. The hard standing along the boundary with Hayley Green Farm currently exists. The majority of this will be removed and grassed over as a result of the proposed access being moved. At present the existing access for the site is shared with the driveway of Hayley Green Farm. This will be closed up so that the existing access only serves the listed dwelling and as such the level of activity on the driveway will reduce. Landscaping in the form of indigenous species is proposed around the car park and coach turning bay. This would soften the impact of the additional car parking. A condition is proposed to retain this landscaping and new planting could be conditioned to offer screening to the Listed Buildings, adjacent.

It is noted that the level of activity on site will increased from its current vacant use. 24 people would be the normal level of activity on site as no spectator seating is provided. It is not considered that this level of use would be so great as to have a detrimental impact upon the setting of the neighbouring listed buildings.

13. PLANNING OBLIGATIONS

Developments are required to comply fully with Core Strategy Policy CS6, Supplementary Planning Documents 'Limiting the Impact of Development' (LID) and 'Thames Basin Heaths Special Protection Area Avoidance and Mitigation' 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."

The S106 requirements have been based upon the expected levels of trips to be generated by the use. This has been informed by surveys of England's only dedicated ice curling rink (Fentons Curling Rink) near Tunbridge Wells. The S106 contributions would be put towards the following schemes:

- Maidens Green Crossroads (B3022 /A330/Winkfield Lane) - Improvements to crossroads junction (possible signalisation).
Speed Management scheme (B3022 Bracknell Road/B3017 - Brockhill) - alterations to existing road to help reduce speed.
- Capacity and safety improvements at Forest Road/Bracknell Road/Warfield Street/Jigs Lane North (Five Ways) junction alteration required including land (potential roundabout).
- Safe routes to Schools improvements- the site is located opposite a school and future improvements in this area may be sought to manage traffic (signing and lining).

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 and the NPPF.

14. CONCLUSIONS

It is not considered that the development would result in an adverse impact on the character and appearance of the area, the amenities of the residents of the neighbouring properties, or on highway safety. All other issues addressed in this report can be secured by condition and the completion of a S106.

It is therefore considered that the proposed development complies with the Development Plan Policies SALP Policy CP1, CSDPD Policies CS1, CS2, CS7, CS9, and CS23, BFBLP 'Saved' Policy EN20, EN8, EN9 and M9 and with the Parking Standards SPD and the NPPF.

15. RECOMMENDATION

The proposal is recommended for conditional approval.

RECOMMENDATION

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

01. Highways and transport infrastructure.

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 plans:

Drg no PD05 rev B received by the LPA 08.01.2014

Drg no PD06 rev B received by the LPA 08.01.2014

Drg no PD09 received by the LPA 08.01.2014

Drg no PD10 rev F received by the LPA 06.10.2014

Drg no 13.60-SK01 rev D received by the LPA 05.08.2014

Drg no PD09 received by the LPA 20.12.2013

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 building.

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

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

04. The barn and extension hereby permitted shall only be used for a curling rink with ancillary facilities and for no other uses within the Use Class D2.

REASON: Given the amount parking available on site unrestricted use would lead to parking on roads in the vicinity of the site compromising highway safety.

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

05. The use hereby permitted shall not operate outside the hours of 9am to 11pm.

Reason: in the interests of the amenities of the occupiers of nearby residential premises.

[Relevant Policies: BFBLP EN25]

06. The curling rink use shall not commence until the visibility splays of 2.4m by 120m in both directions, as shown on the approved drawings, Drg no PD10 rev D received by the LPA 05.08.2014, have been provided. These areas shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the adjacent carriageway.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

07. The curling rink use shall not commence until the associated car and coach parking and turning space has been surfaced, drained 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]
08. The curling rink use shall not commence until a scheme has been submitted to and approved in writing by the Local Planning Authority for off site highway works including the following:
 The site access with Bracknell Road
 The development shall not be occupied/open for trade 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]
09. The curling rink use shall not commence until the access road has been constructed in accordance with the approved plans.
 REASON: In the interests of highway safety.
 [Relevant Policies: Core Strategy DPD CS23]
10. The curling rink use shall not commence until 5 cycle parking spaces have been provided in the location identified for cycle parking on the approved plans and shower facilities and lockers shall be provided for cyclists within the development. The cycle parking spaces and facilities shall thereafter be retained.
 REASON: In the interests of accessibility of the development to cyclists.
 [Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
11. The noise level generated by the chiller plant while in operation shall not exceed the existing LA90 background noise level at the site boundary, measured prior to instillation of the chiller plant. If the new chiller plant shall contain any tonal or impulsive elements, the noise level generated shall not exceed 5dB below the existing LA90 background noise level at the site boundary, measured prior to the instillation of the chiller plant.
 REASON: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties.
12. 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. If within a 5 year period of the completion of the development any soft landscaped area which is removed, uprooted, or is destroyed or dies 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.
13. No development shall commence until details of a scheme of walls, fences and any other means of enclosure has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of any of the buildings approved in this permission and retained thereafter.

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

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

14. 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 "Very Good" or "Excellent" BREEAM rating. 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]

15. 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 "Very Good" or "Excellent" BREEAM rating.

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

[Relevant Policy: Core Strategy DPD CS10]

16. 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 that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 10%). 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]

17. Open days shall be limited to a maximum of 2 per calendar month, to be held between 1st October and 31st March each year and at no other times.

REASON: Given the limited parking available on site unrestricted use would lead to parking on roads in the vicinity of the site compromising highway safety.

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

18. The Curling Rink and ancillary facilities shall only be used by attendees and their associates and family who have booked to use the curling rink facilities and for members and their guests and by those employed by the curling rink. The Clubroom, kitchen and classroom shall not therefore be open to members of the public or available for public hire separate from the curling rink lanes.

Reason: in the interests of the amenities of the occupiers of nearby residential premises.

[Relevant Policies: BFBLP EN25]

19. In respect of condition 18 a record of all prior bookings and attendees, their associates and family, for members and their guests visiting the site shall be kept. This record shall include details the name of attendee, time and date of visit and shall be available at any time for viewing by the Local Planning Authority if required.

REASON: in the interests of the amenities of the occupiers of nearby residential premises.

[Relevant Policies: BFBLP EN25]

20. Prior to the commencement of development a car park management plan shall be submitted to the Local Planning Authority and approved in writing to show how traffic on the site would be controlled and managed during open days and any major competition. The management plan shall thereafter be observed and complied with.

REASON: Given the limited parking available on site unrestricted use would lead to parking on roads in the vicinity of the site compromising highway safety.

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

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. If the premises may be used to host licensable activities (such as sale of alcohol and/or regulated entertainment under the Licensing Act 2003, or gambling under the Gambling Act 2005) or if they wish to hold raffles/lotteries (including for fundraising) then they should contact the Council's licensing team for advice as to whether a licence would be required.
03. No details are required to be submitted in respect of the following conditions:
- 01. Time limit.
 - 02. Approved plans.
 - 03. Materials to match.
 - 04. Use restriction.
 - 05. Hours of operation.
 - 06. Visibility splays.
 - 09. Access road.

10. Cycle parking
11. Noise levels.
12. Landscaping.
17. Limit on open days.
18. Restriction on users of curling rink and associated facilities.
19. Record book of attendees.

The following conditions require discharge prior to the commencement of development:

07. Parking
08. Highway works.
13. Boundary treatment.
14. Sustainability Statement.
16. Energy Demand.
20. Car Park management.

The following condition requires discharging prior to 1 month after the building is used for curling rink purposes:

15. Post Construction Review Report

In the event of the S106 planning obligation(s) not being completed by 26th February 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 highways and transportation infrastructure. In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which secure contributions towards integrated transport and highway safety measures the proposal is contrary to Policies CS6 and CS24 of the Core Strategy Development Plan Document, 'Saved' Policy M4 of the Bracknell Forest Borough Local Plan and to Supplementary Planning Document Limiting the Impact of Development (adopted July 2007).

Doc. Ref: Uniform 7/DC/Agenda

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

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Unrestricted Report

ITEM NO: 06

Application No.
14/00797/FUL
Site Address:

Ward:
College Town

Date Registered:
9 July 2014

Target Decision Date:
3 September 2014

Land At Rear Of 10 To 12 Branksome Hill Road College Town Sandhurst Berkshire

Proposal:

Erection of 1 no. 4 bedroom dwelling and garage with access from Davis Gardens.

Applicant:

Bancroft Developments Ltd

Agent:

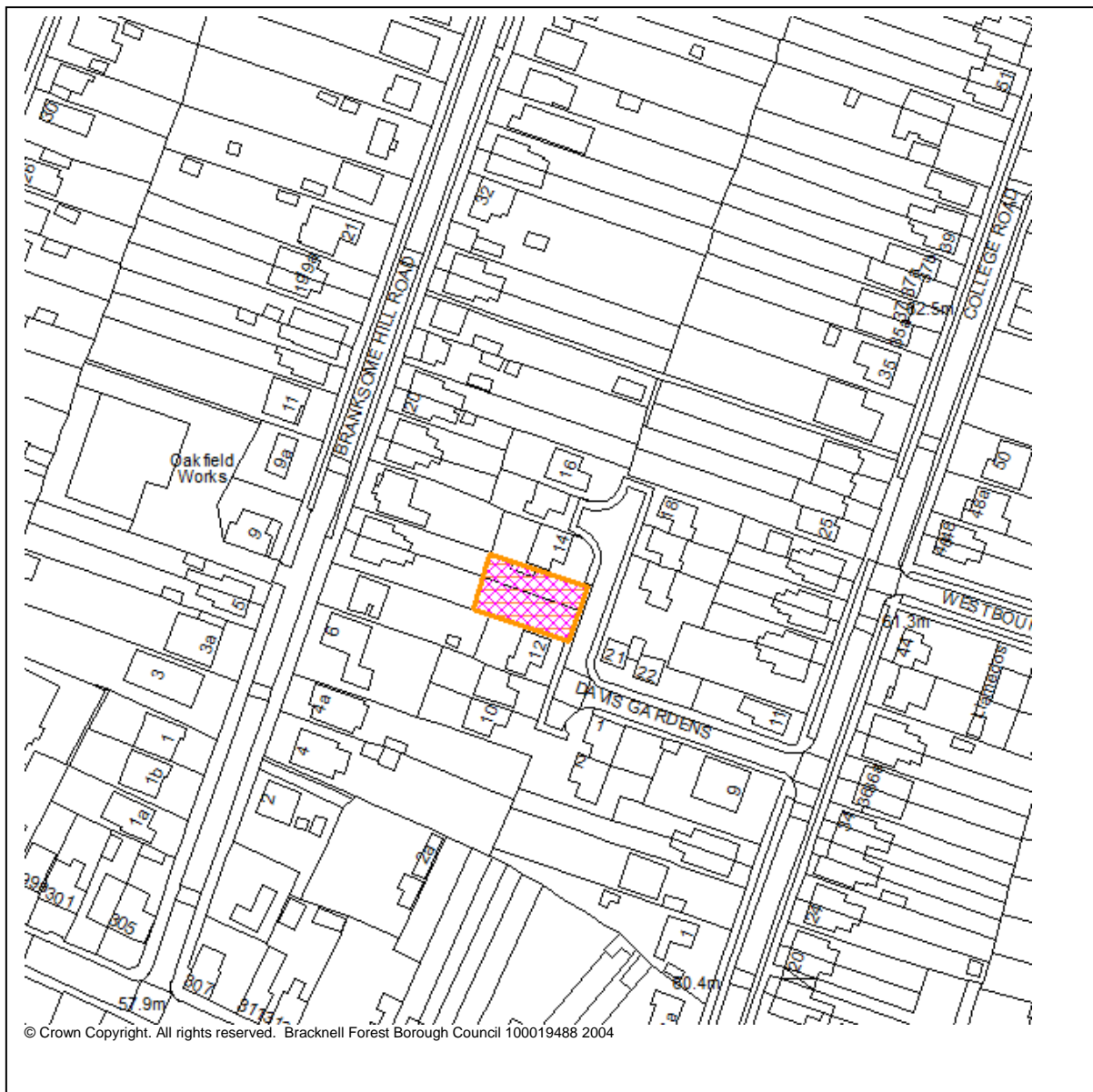
The Edwards Irish Partnership LLP

Case Officer:

Laura Rain, 01344 352000

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 over three objections have been received.

2. SITE DESCRIPTION

The rectangular plot formed part of the rear gardens for 10 to 12 Branksome Hill Road and is bounded by 2m high close boarded fencing. The site has mature vegetation on it.

The street scene is fairly uniform with two different styles of dwellings with either a gable front feature, pitched dormer or a cantilevered first floor dormer.

The cul de sac is fairly high density however the street scene does not appear cramped due to the dwellings tending to be separated by single storey garage elements.

3. RELEVANT SITE HISTORY

None.

4. THE PROPOSAL

Number of New Units: Houses: 1
Number of New Units: Flats: 0
Number of New Units: Bungalows: 0
Number of New Units: Sheltered Residences: 0
Total New Residential Units: 1
Number Demolished: 0
Net Gain: 1

Housing Density in New Units/Hectare: 25

The proposal is for a detached dwelling on the rear gardens of 10 and 12 Branksome Hill Road. The site is 0.04 ha.

At ground floor the following would be provided:

- Single garage.
- A study.
- A WC.
- A utility room.
- Open plan living room and family.
- Open plan kitchen and dining room.

At first floor the following would be provided:

- 4 bedrooms.
- 1 en-suite.
- A bathroom.

5. REPRESENTATIONS RECEIVED

6 letters of objection have been received. The objections can be summarised as follows:

- Loss of privacy to rear gardens of neighbouring properties.
- The design does not match any of the others in the cul de sac.
- The dwelling is too large.
- Loss of light to neighbouring property.
- Concerns over flooding.
- There are too many cars parked within Davis Gardens already.
- Not enough car parking.
- Concerns over drainage of site.
- A tree was removed prior to the submission of this application.
- The garden is not large enough for children to play in and therefore they will play in the road which would be noisy and dangerous.

6. SUMMARY OF CONSULTATION RESPONSES

Highway Authority:

A s106 Agreement will be required to secure financial contributions and for the dedication of the land to the front. 3 spaces can be accommodated on site in line with the Council's Parking SPD.

SPA:

A S106 is required.

Drainage Engineer:

A Flood risk assessment has been submitted and provides a drainage design that is acceptable.

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

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 a positive approach to considering development proposals will be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The development plan is the statutory starting point for decision making and planning applications which accord with the policies in the development plan will be approved without delay, unless material considerations indicate otherwise, and that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed

against the policies in the NPPF taken as a whole or where specific policies in the NPPF indicate development should be restricted.

Paragraph 47 of the NPPF requires Councils to identify a five year supply of housing land and paragraph 49 sets out that housing applications should be considered in the context of the presumption in favour of sustainable development and that where a Council cannot demonstrate a five year supply of land for housing, policies relevant to the supply of housing should not be considered up to date. Following the adoption of the SALP the Council is now considered to have a 5 year land supply.

CSDPD Policy CS15 sets out the overall housing provision (11,139) for the Borough from 2006 to 2026 and states that deliverable and developable sites will be allocated and phased to meet this provision in accordance with the sequential order set out in CSDPD Policy CS2. The SALP allocates sufficient sites to provide a five-year housing land supply (including a 20% buffer) based on the figure provided in Policy CS15. The Inspector's report on the SALP, dated 17 June 2013, endorses the Council's approach to calculating the five year housing land supply, that it is justified and that a five year supply can be demonstrated. If permitted this proposal would contribute to the small sites windfall allowance within the 5 year housing land supply. As such it is considered that, for the purposes of the NPPF, policies relevant to the supply of land for housing are up to date and the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

CSDPD Policy CS1 states that development will be permitted which makes efficient use of land, buildings and infrastructure, is located so as to reduce the need to travel and protects and enhances the character and quality of natural resources, landscapes and countryside. This is considered to be consistent with the NPPF.

CSDPD Policy CS2 sets out the sequence in which the Council will allocate land for development and states that development will be permitted within defined settlements and on allocated sites. The site is located within the defined settlement as shown on the Bracknell Forest Borough Proposals Map 2013, and is therefore acceptable in principle.. This is considered to be consistent with the NPPF which "seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it."

CSDPD Policy CS16 requires a range of housing types, sized 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 1 unit. In terms of the Council's housing provision the proposal constitutes a 'small' site and would therefore form part of the 'small' sites allowance. The new dwelling would have 4 no. bedrooms and would therefore add to the stock of family housing.

SALP Policy CP1, alongside CSDPD Policies CS1 and CS2 and the NPPF take a positive approach to development with the defined settlement. As such it is considered that the proposal for 1 new dwelling on an undeveloped plot within the defined

settlement is considered to be acceptable in principle. This is subject to no adverse impacts upon residential amenities of neighbouring properties, character and appearance of surrounding area, highway safety implications, etc. 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.

These policies are considered to be consistent with the objectives set out within the NPPF, and can be afforded significant weight. In addition para. 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 para. 64 of the NPPF states that development should only be granted when the design takes the opportunities where available to improve the character and quality of an area and the way it functions.

The site is located within the Sandhurst 'Area E' (College Town) chapter of the Council's Character Area Assessments SPD. The SPD was adopted in 2010, following public consultation, so can be afforded significant weight. It provides guidance to supplement Core Strategy Policy CS7 (Design) This document lists a number of characteristics for Area E which are of relevance:-

- Uniform long narrow plots, although some variation in plot width, with small front gardens.
- No landmark elements or focal points.
- Very varied built form with a mixture of house styles and forms;
- Houses are of great variety with little coherent character.
- Material is predominantly red/orange brick.
- Building heights 1-2 storeys.

The recommendations of this chapter are as follows:

- Small infill development and redevelopment of individual plots may not be detrimental to the character of this area.

In line with the Council's Character Area Assessments SPD it is not considered that an infill development on the plot would have a detrimental impact upon the character and appearance of the area.

The resulting plot size for the dwelling would be very similar to the plot size for both 12 and 14 Davis Gardens and as such is in keeping with the pattern of development within Davis Gardens. The resulting plot size for 10 and 12 Branksome Hill Road is also in keeping with the neighbouring properties along Branksome Hill Road.

The height of the dwelling would be 8.9m which is higher than neighbouring property no 12 but lower than no 14. As such the ridge height would fall in-between the neighbouring properties either side which is considered to be acceptable.

The width of the two storey dwelling would be 9m which is 1m wider than the properties either side. It is not considered that the additional 1m width would result in a dwelling

that is disproportionately larger than the neighbouring properties; as such the size of the dwelling is considered to be acceptable.

The two storey element would be set in from the boundary with no. 14 by 1.2m and would be separated from no. 14 by the single garage of no. 14. The proposed single garage would separate the two storey built form with no 12. This ensures that the dwelling does not appear cramped within the street scene.

The eaves height and fenestration is in keeping with the neighbouring properties. The plans have been amended to incorporate a cantilevered first floor gable so the design is more in keeping with the street scene.

The dwellings on this side of Davis Gardens have a staggered frontage and as such the proposed dwelling being closer to the highway than no 14 would not have a detrimental impact upon the street scene.

It is therefore considered that the development would not result in an adverse impact on the character and appearance of the area and would be in accordance with CSDPD Policy CS7, BFBLP 'Saved' Policy EN20, the Character Area Assessment SPD and the NPPF.

10. RESIDENTIAL AMENITY

BFPLP 'Saved' Policy EN20 (vii) 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 Policy 'Saved' 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 paras. 56 to 66 of the NPPF.

There are no first floor side facing windows proposed facing onto no. 12. The only first floor side facing window facing onto no 14 would be an en-suite window which can be conditioned to be fixed shut and obscure glazed.

To the front the two first floor bedroom windows would be 11.4m from the side boundary with no.21 Davis Gardens opposite. To the rear the first floor bedroom window closest to the boundary would be at a distance of 8.1m from the shared rear boundary with nos. 10 and 12 Branksome Hill Road. The back-to-back distance of the proposed first floor windows with the rear of nos. 10 and 12 Branksome Hill Road would be 31m. These distances are considered to be acceptable in terms of over looking and as such would not result in a detrimental impact in terms of loss of privacy.

The proposed dwelling would not extend beyond the rear of neighbouring property no.14 and would not extend beyond the conservatory of no. 12 Davies Gardens. As such it is not considered that the proposed development would result in an unduly overbearing impact upon these dwellings. The proposed dwelling would extend 7m forward from the front of the garage of neighbouring property no. 14. It is not considered that the overbearing impact upon the driveway and front garden of no. 14 Davis Gardens would be so great as to merit refusal.

There would be no light infringement to the front or rear of neighbouring properties, 12 and 14 Davis Gardens.

It is therefore considered that the development would not result in an adverse impact on the amenity of neighbouring properties, and is therefore in accordance with BFBLP 'Saved' Policy EN20 and 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 SPD was adopted following public consultation, so can be afforded significant weight. For a dwelling that has or exceeds 3 bedrooms a minimum of 3 allocated parking spaces should be provided in accordance with the minimum measurements stated within the document. 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.

The applicant will need to enter into a section 106 legal agreement with the Highway Authority, to require a section 278/38 legal agreement. This section 278/38 legal agreement will need to include for the dedication of land which is currently outside of the highway, to become highway. This will enable vehicular access to be provided to the application site and a continuous 2m wide footway to be provided across the application site frontage for pedestrian safety.

Bracknell Forest Borough Parking Standards (July 2007) notes that 3 parking spaces should be provided for a 4-bedroom property or above. The number of on-site parking spaces being provided is therefore acceptable.

The revised site plan (drawing 03A), shows a pedestrian vision splay across land controlled by no.12 Davis Gardens. Pedestrian vision splays can be achieved in the other direction for any pedestrians coming from nos. 14, 15 and 16 who are then likely to cross Davis Gardens to use the existing footway on the north side of Davis Gardens (and vice-verse). Therefore given the likely low usage of the footway for movements across the site frontage from no. 12 to no. 14 the pedestrian vision splay across no. 12 is not required, if it cannot be achieved.

For the reasons given above, and subject to the recommended conditions and a S106 agreement, the proposal is considered to be in accordance with CSDPD Policy CS23, BFBLP 'Saved' Policy M9 and the NPPF. Furthermore it would meet the requirement of the Parking Standards SPD (2007) subject to the recommended conditions being imposed.

12. SUSTAINABILITY

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. 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. This is considered to be consistent with the NPPF which states in para. 95 "To support the move to a low carbon future, local planning authorities should:

- plan for new development in locations and ways which reduce greenhouse gas emissions;
- actively support energy efficiency improvements to existing buildings; and
- when setting any local requirement for a building's sustainability, do so in a way consistent with the Government's zero carbon buildings Policy and adopt nationally described standards."

No Sustainability Statement and no Pre-assessment Estimator have been submitted demonstrating that the development is likely to meet with Code for Sustainable Homes Level 3. Therefore this will be conditioned.

CSDPD Policy CS12 requires the submission of an Energy Demand Assessment demonstrating how 10% of the development's energy requirements will be met from on-site renewable energy generation. This is consistent with the NPPF which states that the LPA should have a positive strategy to promote energy from renewable and low carbon sources.

The applicant has provided no Energy Demand Assessment detailing how 10% of the development's energy demand can be offset as a result of implementing on-site renewable energy generation. Therefore, conditions are recommended to ensure the scheme would comply with Policies CS10 and CS12 of the CSDPD and with the NPPF.

13. PLANNING OBLIGATIONS

The National Planning Policy Guidance was updated on 28th November 2014. Paragraph 12 now states that: "There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development." The criteria is listed as:

- contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm

The implications of this is that the LPA will no longer be able to seek contributions towards education, transport, public open space, libraries or community facilities for residential development on sites of 10 units or less and which have a maximum combined gross floorspace of 1,000m² or less. However S106 agreements will be still required for SPA mitigation.

14. SPA

The Council adopted the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPA SPD) on 29 March 2012. This replaces the Council's Special Protection Area Technical Background Document (June 2007) and Chapter 11 of the Limiting the Impact of Development SPD (July 2007) (LID). Therefore, all applications validated on or after 29 March 2012 will be considered under the SPA SPD. This SPD supplements Policy CS14, and was adopted following public consultation, so can be afforded significant weight

South East Plan retained 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, 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 1.1 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. 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 an 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 is for a single 4 bedroom dwelling. The SANG costs are £2,730.

The open space works at Shepherds Meadow 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 is for a single 4 bedroom dwelling which requires an additional financial contribution of £807.

In summary, the total SPA related financial contribution including a contribution towards the SAMM project for this proposal is £3,537 (i.e. 2,730 + 807).

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 SANGs works are in place before occupation thereby giving the certainty required to satisfy the Habitats Regulations in accordance with South East Plan retained 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 effect 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.

15. FLOOD RISK

The site is located within Flood Zone 2. Paragraph 100 of the NPPF states that "Inappropriate development in areas at risk of flooding should be avoided by directing

development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere". At paragraph 103, the NPPF states that "When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

* within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and

* development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems".

The Sequential Test seeks to steer new development to areas with the lowest probability of flooding. The overall aim is to steer new development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, local planning authorities should consider the vulnerability of land uses and consider reasonably available sites in Flood Zone 2. Only where there are no reasonably available sites in Flood Zones 1 and 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the vulnerability of land uses and applying the Exception Test if required. The site lies within Flood Zone 2 where more vulnerable land uses (including residential development) are permitted.

A Flood Risk Assessment has been submitted which demonstrates that risk can be mitigated against and a condition is recommended to secure this. This is consistent with NPPG para 67, table 3 which shows that 'More Vulnerable' development (dwelling houses, student accommodation, hospitals) in Flood Zone 2 is classed as 'appropriate development'. The Council's Drainage Engineer has confirmed that the flood risk is minimal on the basis that the ground floor of the proposed property is situated above the probable flood level. The foul drainage would be in accordance with Building Regulations.

16. TREES

CSDPD Policy CS1 states that development will be permitted which inter alia protects and enhances the quality of natural resources and the character and quality of local landscapes. CSDPD Policy CS7 states that development will be permitted which enhances the landscape. BFBLP 'saved' Policy EN1 supports the retention of trees which are important to the character and appearance of the landscape and BFBLP 'saved' Policy EN20 requires development to retain beneficial landscape features. These policies are consistent with the core principles of the NPPF to conserve and enhance the natural environment, and can be afforded significant weight.

There are no Tree Preservation Orders on site. The Tree Survey submitted confirms that there are no significant trees that would be affected by the development.

17. CONCLUSION

The proposal for the erection of one additional dwelling within the defined settlement is considered to be acceptable in principle.

It is not considered that the development would result in an adverse impact on the character and appearance of the area, the amenities of the residents of the neighbouring properties, or on highway safety. All other issues addressed in this report can be secured by condition or in the case of contributions, securing the land to the front and the impact upon the Thames Basin SPA by S106.

It is therefore considered that the proposed development complies with the Development Plan Policies SALP Policy CP1, CSDPD Policies CS1, CS2, CS6, CS7, CS10, CS12, CS14 and CS23, BFBLP 'Saved' Policies EN1, EN20 and M9, SEP retained Policy NRM6 and with the Parking Standards SPD, Character Areas SPD, Limiting the Impact of Development SPD, the SPA SPD and the NPPF.

18. RECOMMENDATION

The proposal is recommended for conditional approval subject to the successful completion of a S106.

RECOMMENDATION

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

01. SPA.
Dedication of a 2m wide continuous footway between 12 and 14 Davis Gardens.

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 plans:
Drg no 02A received by LPA 01.10.2014
Drg no 03A received by LPA 01.10.2014
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 Plans and Policies: BFBLP EN20, CSDPD CS7]
04. 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]

05. 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]

06. 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 that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 10%). 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]

07. The slab level of the dwelling shall be constructed in accordance with the approved drawing no 03A received by LPA 01.10.2014.

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

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

08. 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. 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 EN20, CSDPD CS7]

09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional windows, similar openings or enlargement thereof shall be constructed in the north elevation of the dwelling hereby permitted except for any which may be shown on the approved drawing(s).
REASON: To prevent the overlooking of neighbouring properties.
[Relevant Policies: BFBLP EN20]
10. The first floor window in the north elevation the en-suite of the dwelling shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent) to a height of 1.7m from floor level. The windows shall at all times be fixed to a height of 1.7m from floor level.
REASON: To prevent the overlooking of neighbouring property.
[Relevant Policies: BFBLP EN20]
11. The boundary treatment shall be erected in the locations shown on approved drawing 03 received by LPA 09.07.2014. The approved scheme shall be implemented in full before the occupation of the dwelling approved in this permission and retained thereafter.
REASON: - In the interests of the visual amenities of the area and to safeguard existing retained trees, hedges and shrubs.
[Relevant Plans and Policies: BFBLP EN20, Core Strategy DPD CS7]
12. 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]
13. The dwelling shall not be occupied until visibility splays of 2.0 metres by 2.0 metres to the north have been provided at the junction of the driveway and the adjacent footway. The dimensions shall be measured along the edge of the drive and the back of the footway from their point of intersection. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the carriageway.
REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]
14. The dwelling hereby approved shall not be occupied until the associated vehicle parking or vehicle parking and turning space [delete as appropriate] has been surfaced and marked out in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

15. The development hereby permitted shall not be begun until a drainage design in accordance with the Flood Risk assessment dated September 2014 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: The site is within the identified Area Liable to Flood where strict control over development is required by the policies of the Development Plan.

Informative(s):

01. The Council's Street Care Team should be contacted at the Environment, Culture and Communities Department, Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 352000, to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks notice to obtain details of underground services on the applicant's behalf.
02. 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.
03. The following conditions require the submission of details to the LPA prior to commencement of development:
- 03. Samples of materials
 - 04. Sustainability Statement
 - 08. Landscaping.
 - 14. Drainage design.

The applicant is requested to ensure that samples of materials are available on-site for inspection by the case officer.

The following conditions require the submission of details to the LPA prior to occupation of development:

- 13. Visibility splays to the north

No details are required in respect of the following conditions:

- 01. Time limit
- 02. Approved plans
- 07. Slab levels
- 09. No additional windows.
- 10. Obscure glazing.
- 11. Boundary treatment.
- 12. Garage restriction.

In the event of the S106 planning obligation(s) not being completed by
30th January 2015
the Head of Development Management be authorised to **REFUSE** the application on
the grounds of:-

01. 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

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Unrestricted Report

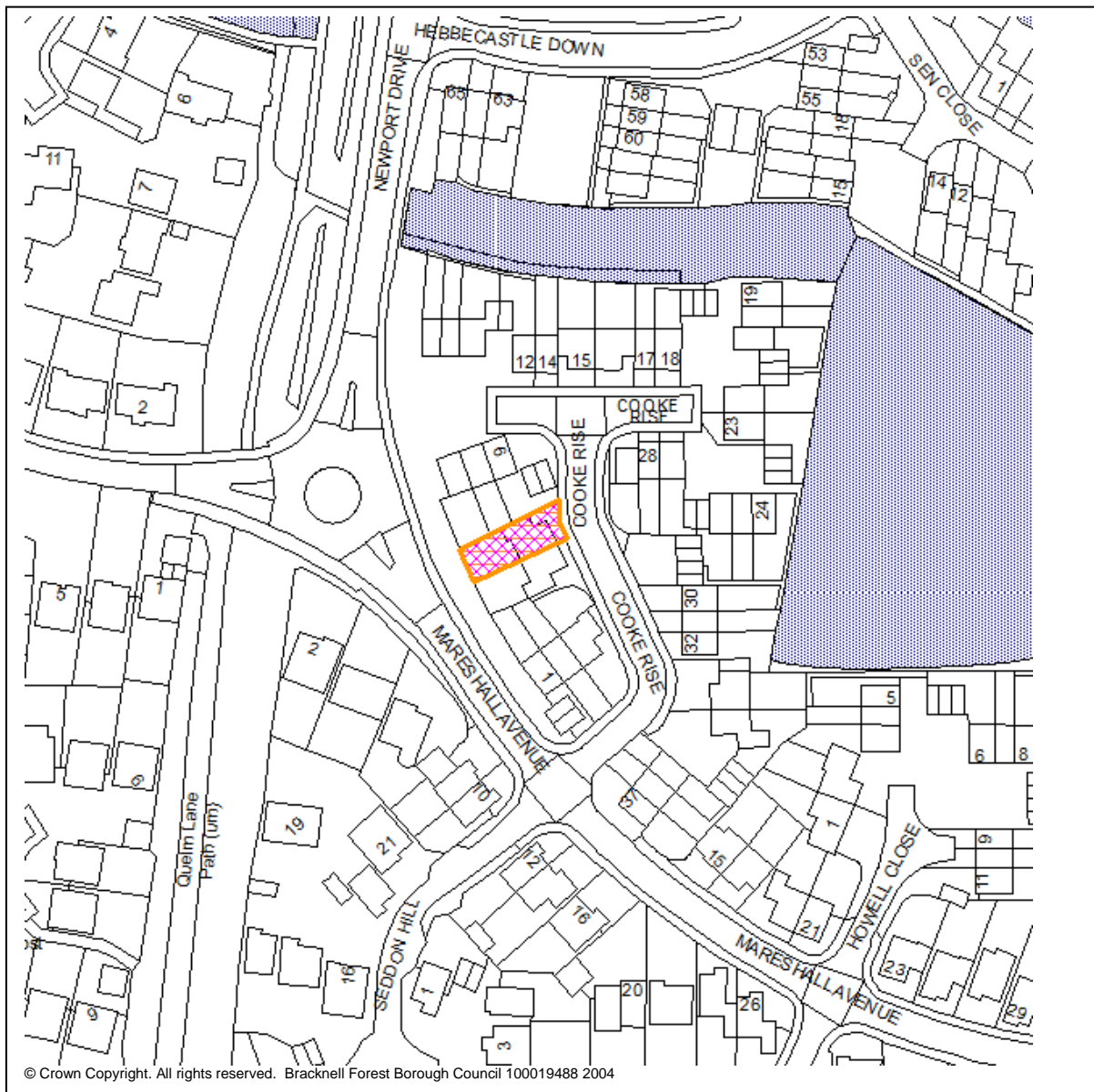
ITEM NO: 07

Application No.
14/00969/FUL
Site Address:

Ward: **Warfield Harvest Ride**
Date Registered: **3 September 2014**
Target Decision Date: **29 October 2014**
5 Cooke Rise Warfield Bracknell Berkshire RG42 2QN

Proposal: **Erection of a shed**
Applicant: **Mrs Wilgen**
Agent: **(There is no agent for this application)**
Case Officer: **Gerald Hegarty, 01344 352000**
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

Councillor Thompson has requested this application to be considered by the Planning Committee, due to concerns raised by Warfield Parish Council that the development conflicts with the pattern of development in the area and the general appearance and visual amenities of the street scene, and has also resulted in a loss of landscaping to the front of the property.

2. SITE DESCRIPTION

No. 5 is a semi-detached dwelling located on the western side of Cooke Rise. There is parking available to the front and side of the dwelling. The surrounding area is residential.

3. RELEVANT SITE HISTORY

Application 11/00414/FUL - Erection of single storey rear extension - Approved 2011

4. THE PROPOSAL

Full planning permission is sought for the retention of a front plot roofed wooden garden shed. It has a maximum width of 2 metres, depth of 2.7 metres and with a height of 1.9 metres.

5. REPRESENTATIONS RECEIVED

Nos. 1 and 16 Cooke Rise have commented in support of the development. The comments included:

"This is a very nice and a very well built shed. It looks like a quality shed too. This does not look out of place and blends in nicely within its surroundings."

6. SUMMARY OF CONSULTATIONS RESPONSES

Warfield Parish Council

A comment was received by Warfield Parish Council on 30 September 2014. They have recommended that the application be refused for the reasons that:

1. The erection of the shed forward of the building line of the associated property conflicts with the pattern of open-fronted development in the area, detracting from the general appearance of the area and the visual amenities of the street scene.
2. The installation of a concrete base for the shed has resulted in a loss of soft landscaping to the front of the property.

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

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 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. This is in conformity with the NPPF. Regard will also need to be had to Policy CS1 of the CS relating to sustainable development principles, which is considered to be consistent with the NPPF (and can be afforded full weight).

No. 5 Cooke Rise is located within a defined settlement as designated by the Bracknell Forest Borough Policies Map which establishes the principle for development, in relation to CS Policy CS2. 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 subject to no adverse impacts upon residential amenities of neighbouring properties, character and appearance of surrounding area, highway safety, etc. These matters are assessed below.

9. IMPACT ON CHARACTER AND APPEARANCE OF AREA

Policy CS7 of the CSDPD and Saved Policy EN20 of the BFBLP 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, and can therefore be afforded full weight.

The proposed development is sited to the front of the dwelling. The proposed development is visible in the street scene, however due to its positioning and modest size it would not appear unduly obtrusive.

The design and scale proposed are considered to be sympathetic to the host dwelling house and the proposed materials used, including harvest brown timber board walls, green felt roof and harvest brown timber doors, would be sympathetic and in-keeping with the appearance of the existing dwelling house, that includes brown facing brickworks walls, brown roof tiles and brown UPVC windows, and surrounding properties external materials

The proposed development has been erected on an area of land that has been previously soft and hard landscaped with a mixture of grass and gravel. The planting of trees and shrubs to the front of the proposed development is recommended, to compensate for the loss of the soft landscaping at this part of the site, and this can be secured by condition. This is in line with BFBLP Policy EN2 (supplementing tree and hedgerow cover). This policy is considered to be in accordance with the NPPF (Chapter 11), and be afforded significant weight.

The proposal therefore 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

BFBLP '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.

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

The front garden shed is approximately 8.5 metres from the boundary with No. 4 Cooke Rise. It is also approximately 7 metres from the boundaries with the row of terraced dwellings at the opposite side (North West) of Cooke Rise, including Nos. 6, 7 and 8 Cooke Rise.

It is not considered that the proposed development would result in loss of light or overshadowing to No. 4 Cooke Rise, due to its siting and modest size.

It is not considered that the proposed development would result in an adverse impact on the residential amenity of the occupiers of Nos. 6, 7 and 8 Cooke Rise, due to its siting, single storey nature and scale.

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

11. HIGHWAY CONSIDERATIONS

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, therefore these policies are considered to be consistent.

The proposed front garden shed at a depth of 2.7 metres and a width of 2 metres would not result in a reduction of the existing parking area in front of the dwelling.

As such, the proposal would not be considered to affect the existing parking provision provided and would be in accordance with Saved Policy M9 of the BFBLP and the NPPF.

12. CONCLUSIONS

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

Therefore recommend approval.

RECOMMENDATION

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

01. The development is permitted in accordance with the following plans:
WIL_002, received on 01 September 2014
REASON: To ensure that the development is in accordance with the approved plans received by the Local Planning Authority.

02. Within 2 months of this permission a scheme depicting soft landscaping shall be 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). As a minimum, the quality of all 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: BSP DP5, BFBLP EN2 and EN20, CSDPD CS7]

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern and negotiating, with the applicant, to address these concerns. The proposal has been assessed against all relevant material considerations, including planning policies and any representations that may have been received. 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. Approved plans
 2. 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

Unrestricted Report

ITEM NO: 08

Application No.
14/00994/FUL

Ward:
Crown Wood

Date Registered:
19 September
2014

Target Decision Date:
14 November 2014

Site Address:

6 Higher Alham Bracknell Berkshire RG12 0GR

Proposal:

Erection of a part first floor and part two storey side extension

Applicant:

Mrs Susan Andrews

Agent:

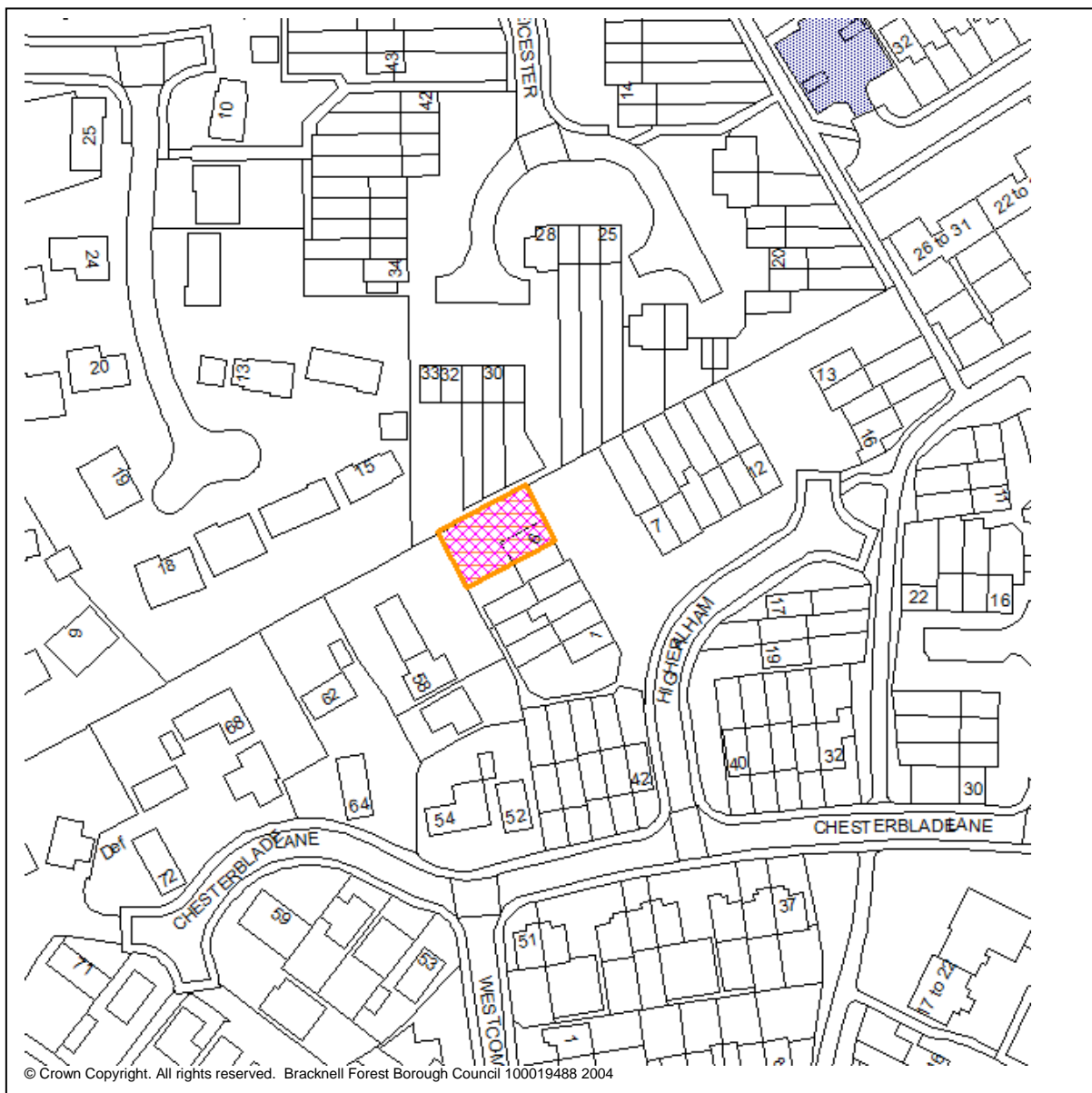
(There is no agent for this application)

Case Officer:

Michael Ruddock, 01344 352000

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.6 Higher Alham is an end of terrace dwelling with a detached garage located to the side. A parking area is located in front of the garage and a private garden to the rear. The site is bordered by the adjoining dwelling of No.5 to the south, and the rear of properties fronting Leicester (No.29-No.33) to the north. There is a row of trees along the northern boundary, however none of these are protected by Tree Preservation Orders.

3. RELEVANT SITE HISTORY

Application 09/00770/FUL - Erection of 3 no. bedroom dwelling attached to existing dwelling. This application was withdrawn after concerns were raised with regard to highways, trees and biodiversity.

Application 10/00318/FUL - Erection of 2 storey side extension. This application was refused for three reasons, these being insufficient parking, failing to protect and enhance biodiversity and it not being demonstrated that it would not result in an adverse impact on existing trees.

Application 10/00580/FUL - Erection of two storey side extension. This application was withdrawn due to similar concerns with regard to trees and biodiversity.

4. THE PROPOSAL

The proposed development is for the erection of a part first floor, part two storey extension to the side of the property. The extension would project 5.0m to the side of the dwelling with a depth of 9.2m and a height of 7.7m. The existing ground floor garage and sunroom to the rear would be incorporated into the extension.

As stated, the garage would remain at ground floor level with two bedrooms at first floor level. Due to changes to the existing internal layout, there would only be a net increase of one bedroom, from three to four.

During the course of the application its design has been amended to ensure that the eaves of the extension are the same as the host dwelling. The extension has also been set 0.4m lower in height than the host dwelling and 0.4m back from the front elevation. Finally, a new door to the garage has been moved from the front elevation of the side.

5. REPRESENTATIONS RECEIVED

Four letters of objection and one letter of representation have been received from local residents. The reasons for objection can be summarised as follows:

- The extension would result in a loss of amenity to the properties to the north due to its proximity to the boundary.

- The development would result in a loss of privacy to the properties to the east.
 - A condition of the original planning permission was that a 5m strip remain along the boundary with the properties to the north which was intended to be a private garden to No.6. The application would be contrary to this. This area provides a habitat for wildlife.
 - The size of the extension could result in it being converted to a separate dwelling, as the garage could easily be converted to habitable accommodation.
 - Insufficient parking is provided, and parking problems that are already experienced on Higher Alham would get significantly worse.
 - The proposal would be an over-development of the site which would set an undesirable precedent.
 - Concerns that a business is being run from the property, and that the development would be in support of this.
- [OFFICER COMMENT: *The subdivision of the extended dwelling into two dwellings would require planning permission.*]

6. SUMMARY OF CONSULTATION RESPONSES

Bracknell Town Council have provided a consultation response on the application, and recommend refusal on the grounds that this is an overdevelopment of the site, it is un-neighbourly, with potential loss of communal parking and further damage to existing trees and shrubs (some have already been removed). There is also a concern that there could be an alienation of the development from the main building in the future, to form a separate dwelling, with a potential lack of adequate parking.

Winkfield Parish Council also provided a consultation response on the application, and recommend refusal on the same grounds as Bracknell Town Council.

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

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 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, and can be afforded full weight. In particular, Policy CS2 permits development within defined settlements. No.6 Higher Alham 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 SALP Policy CP1, 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, and therefore these policies can be afforded significant weight.

The extension would project to the side of the property and would therefore be visible in the streetscene. The extension would be set 0.4m lower in height than the host dwelling and set back 0.4m from the front elevation, and such an extension is considered to appear subordinate. Furthermore the amendments to the design have ensured that the height of the eaves is the same as existing, and it is considered that such a design is acceptable.

Concerns have been raised with regard to the width of the extension, which would have a similar width to the main dwelling. However it is noted that the nearby dwelling of No.1 Higher Alham has also been extended to the side, and this extension has a similar width to the dwelling it serves. Although this extension is set further back from the front elevation, an extension of such a width is considered to be in keeping with the streetscene in this location. Although concerns have been raised with regards to the proximity to the boundary of the extension, it would be no closer than the existing detached garage.

With regard to the issues raised that the extension could form a separate dwelling or could support a business being run from the property, both these uses would require planning permission in their own right. A door providing access to the garage has been moved to the rear of the side elevation to reduce the likelihood of this occurring, and a condition will be imposed to ensure that the garage is retained for the parking of vehicles at all times (see below). No separate access to the new first floor accommodation, such as a staircase, is shown. At the time of the site visit, there was nothing on site to indicate that a business was being run from the dwelling.

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 (vii) 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 not project forward or rear of the existing dwelling, and it would therefore not be visible from the front or rear facing windows of the adjoining dwelling to the south at No.5 Higher Alham. Although it may be visible from No.7 to the east, due to the distance between the dwellings it is not considered that it would result in an unacceptable loss of light to the rear facing windows of that property.

The existing dwelling is set approximately 17m off the boundary with No.7, and the extension would be set slightly further away from this boundary. It is not considered that an extension with such a set off would appear unduly overbearing when viewed from the rear of this property. Furthermore it would not result in an unacceptable loss of light to the rear facing windows of this property. Guidance contained within the BFC leaflet 'Extending Your Home: A Householders Guide states that windows should not overlook boundaries less than 10m away. As the extension would be set over 17m off the boundary with No.7 it would comply with this guidance.

In respect of the properties to the north that front Leicester, the extension would be set approximately 20m off the rear elevation of the closest of these properties at No.29. As such it would not result in an unacceptable loss of light to the rear of these properties. Although the extension would be located close to the northern boundary of the site, due to this set off it is not considered that it would appear unduly overbearing when viewed from the private amenity area at the rear of the property. No windows are proposed in the side elevation of the extension, and a condition will be imposed to ensure that this remains the case, in the interests of the amenities of the residents of the neighbouring properties.

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 SPD is a material consideration, and was adopted in 2007). 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, and can be afforded significant weight.

For a dwelling that has or exceeds four bedrooms (as is the case with No.6 Higher Alham), a minimum of three allocated parking spaces should be provided in accordance with the minimum measurements stated within the SPD.

The site is located at the end of a shared driveway. A garage is proposed at ground floor level which is larger than the existing garage, and larger than the required standards being 4.5m x 7.5m internally. The new garage provides a practical and usable vehicular parking space and is of sufficient size to also accommodate bin and cycle storage. The two driveway parking spaces are as existing. It is therefore

considered that three parking spaces are provided which meet the requirements of the Parking Standards SPD.

The Highways Officer has recommended that conditions be imposed requiring the garage and driveway parking to be retained for the parking of vehicles at all times, in the interests of highway safety. As outlined above, this would also ensure that this part of the extension could not be converted to habitable accommodation without planning permission.

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. EFFECT ON TREES

BFBLP 'Saved' Policy EN1 seeks to ensure that the Borough's significant trees are protected. The NPPF refers to conserving the natural environment, therefore this policy is consistent with the NPPF, and can be afforded significant weight.

It is noted that previous applications have raised concerns with regard to the impact on trees. However the extended dwelling would not project any closer to the trees than the existing garage, and the only increase in footprint would be in the area between the dwelling and the existing garage. Furthermore the applicant has confirmed that the foundations for the existing garage are sufficient to accommodate a first floor extension above, therefore deeper foundations are not required. It is therefore not considered that there would be any additional impact on the rooting environment of these trees. In any case the trees are not protected by Tree Preservation Orders, nor is it considered that they would merit Tree Preservation Orders.

It is therefore not considered that the development would result in an adverse impact on trees worthy of retention, and the development would therefore not be contrary to BFBLP 'Saved' Policy EN1 or the NPPF.

13. BIODIVERSITY CONSIDERATIONS

Policies CS1 and CS7 of the CSDPD seek to protect and enhance the quality of natural resources including biodiversity. This is consistent with the objectives of the NPPF, in particular to para. 109 and para. 118.

It is noted that previous applications have raised concerns with regard to the impact of the development on wildlife and biodiversity, however these concerns were related to the impact on the trees which is assessed above. In any case, the main objection from the Biodiversity Officer was to application 09/00770/FUL for a new dwelling, and not the subsequent applications for extensions. Biodiversity enhancements are only sought for extensions in exceptional circumstances, such as if it would have an impact on protected species.

It is not considered that the development would result in an adverse impact on biodiversity, and as such would not be contrary to CSDPD Policies CS1 and CS7 or the NPPF.

14. CONCLUSIONS

It is not considered that the proposed development would result in an adverse impact on the character and appearance of the area, the amenities of the residents of the neighbouring properties, highway safety, trees or biodiversity. Conditions will be imposed to ensure that there would not be any loss of privacy to the neighbouring properties to the north through overlooking, and to ensure that the requirements of the Parking Standards SPD are met. A condition retaining the garage for parking at all times would also ensure that the extension could not be converted for use as a separate dwelling. It is therefore considered that the proposed development complies with Development Plan Policies SALP Policy CP1, CSDPD Policies CS1, CS2, CS7 and CS23, and BFBLP 'Saved' Policies EN1, EN20 and M9, and the NPPF.

15. 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 6th November 2014:

Proposed Layout with Parking (Rev 2)
Proposed Elevations (Rev 2)

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional windows, similar openings or enlargement thereof shall be constructed at first floor level or above in the north 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]

05. 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, and to ensure that the extension could not be converted to a separate dwelling.

[Relevant Policy: Core Strategy DPD CS23, BFBLP M9, Parking Standards SPD]

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. Restrictions on side facing windows
 05. Parking

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

Unrestricted Report

ITEM NO: 09

Application No.
14/01043/FUL

Ward:
College Town

Date Registered:
24 September
2014

Target Decision Date:
19 November 2014

Site Address: **117 College Road College Town Sandhurst Berkshire GU47 0RD**

Proposal: **Section 73 application for continued use of the property as a children's nursery without compliance with conditions 3 and 4 of planning permission 10/00599/FUL. [Note for clarification: this is an application to increase the maximum number of children who may be present at the nursery to 45 between the hours of 09.15 and 16.00].**

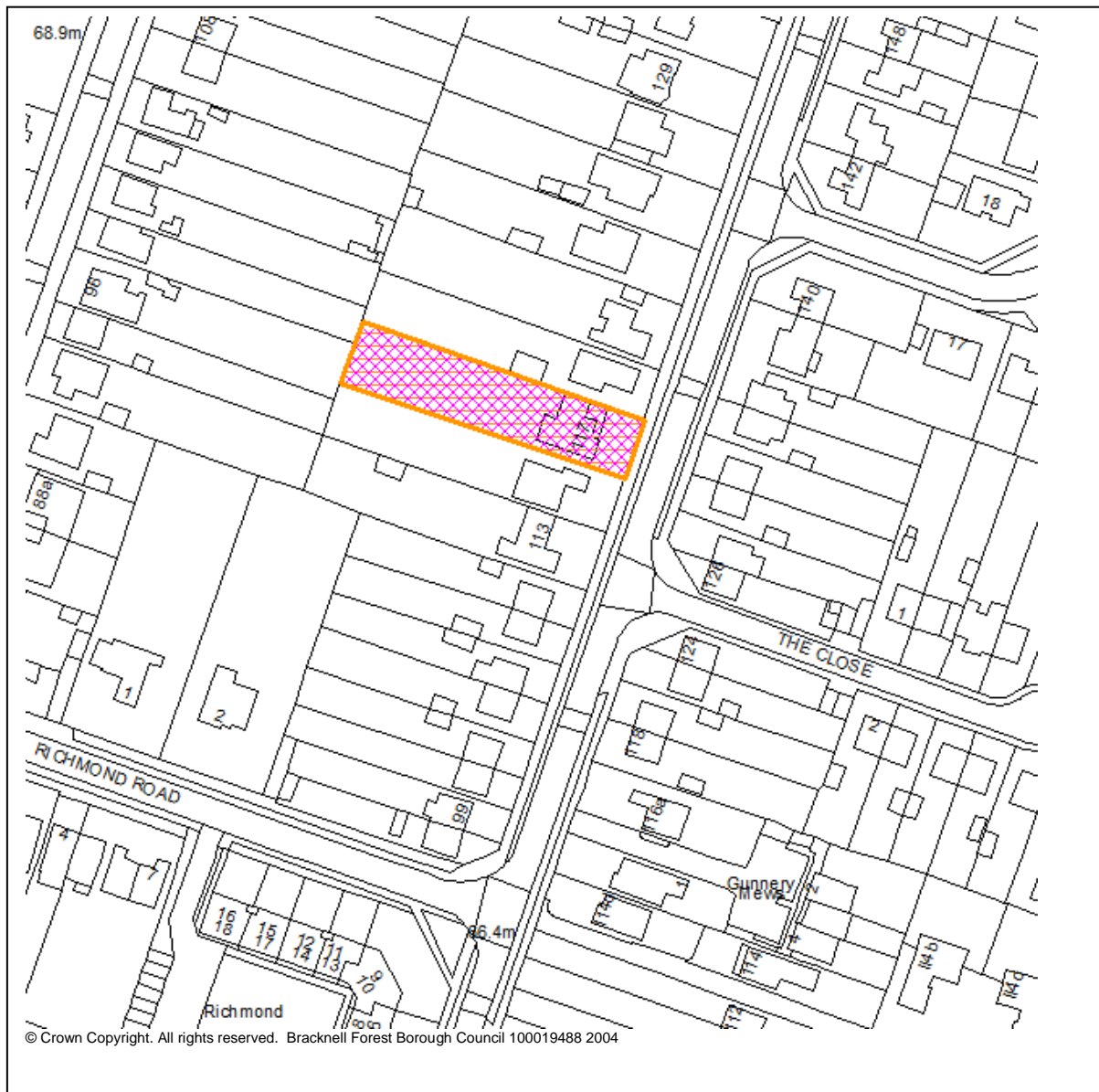
Applicant: Mr & Mrs M & L Sanderson

Agent: Mr Paul Scott

Case Officer: Laura Rain, 01344 352000

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 over 3 objections have been received.

2. SITE DESCRIPTION

The application site is a former detached chalet style dwelling sited about 7 metres back from the front boundary. Overall the site is rectangular and is approximately 60 metres long by 13 metres wide. Vehicles access to the site is via a 5 bar gate situated on the front boundary at the back edge of the public footpath, a separate gate for pedestrian access is provided, there is hard standing for staff parking. To the front is a canopied area used for the storage of buggies and car seats.

The building occupies most of the width of the site. The rear grounds are about 40 metres long and contain a wooden chalet used for storage and as a changing room, a covered swimming pool, a grassed area and at the far end adjacent to the boundary with numbers 96 and 98 Branksome Hill Road, a covered play area and a wooden building that is used as an art / craft room (the use of these buildings are restricted by conditions on 05/00047/FUL).

To the north of the nursery building at 117 College Road is the boundary with 119 College Road. There is a driveway about 2.5 metres wide from the side wall of the chalet bungalow at 119 College Road and the boundary between the properties, this leads to a garage building which is behind the bungalow and adjacent to the patio at the rear of the nursery. To the south the chalet bungalow at 115 is set back slightly in the street scene and is set away from the boundary with the application site by side access footpath. The nursery building at 117 also has a side footpath resulting in a gap of approximately 3 metres between the buildings.

The rear garden is bounded by 1.8m high close boarded fencing. The fence between no. 117 and 119 has been removed in the main. However the rear garden of no.119 is not within the red line of the planning application and cannot be lawfully used for nursery uses. The applicant confirmed on site that this area is not used for play and that the children's outdoor play is restricted to the out buildings, covered swimming pool and covered play area all which lie within the red line of the site.

3. RELEVANT SITE HISTORY

117 College Road was granted temporary permission for the change of use to nursery in 1990 for no more than 12 children. Originally it was a nursery school open only during school terms and for part of the summer holiday. Over the years a number of planning applications have been submitted and approved to:-

- increase the number of children permitted to attend the nursery at any one time
- increase the number of weeks in the year the nursery is open, and
- increase the opening hours to allow some day care provision as well as nursery school provision.
- increase the use from a mixed residential and nursery use to a nursery use of the whole building.

These are as follows:

616338 Use of 2 ground floors rooms as nursery school. Approved

617126 Relaxation of conditions 1,3,4 + 5 of 616338 to allow permanent use of part of dwelling as a nursery, no. of children attending to be increased to 16, use of 3 ground floor rooms as nursery school and to permit use between 29/7-14/8. Approved

617386 Relaxation of Conditions 1 and 2 of 617126 to allow the number of children attending the nursery to be increased from 16 to 18 and use of the garage instead of the lounge as part of teaching area. Refused

618225 Continued use as nursery school without compliance with condition 1 of 617126 to allow number of children attending to be increased to 24, also condition 2 of 617126 to include use of kitchen as part of nursery. Approved

618882 Continued use of nursery without compliance with conditions 2, 3 & 4 of application 618225 to allow permanent use by 24 children, the continued use of the kitchen as part of the nursery & to enable the nursery school. Approved

620807 Continued use of nursery without compliance with conditions 3, 4 and 6 of application 618882 to allow the continued use of part of the garden, including the swimming pool enclosure, by the nursery and to extend opening hours. Approved

01/00788/FUL Section 73 application to allow: i) continued use of covered swimming pool by nursery without compliance with condition 03 of planning permission 621463 and ii) up to 12 children to attend the nursery between the hours of 0800 and 1800 (remaining children up to an overall maximum of 24 to attend between 0915 and 1600 hours) and nursery to open for 46 rather than 39 weeks in any calendar year, without compliance with condition 04 of planning permission 621463. Approved

03/01049/FUL Section 73 application to vary conditions 02, 03, and 04 of planning permission 01/00788/FUL to increase the number of children able to attend the nursery at any one time from 24 to 30, to allow the use of the room formerly a garage to be used as part of the nursery and to increase the number of children attending the nursery between the hours of 08.00 to 18.00 Monday to Friday from 12 to 18 for a period of one year. Approved

04/01115/FUL Section 73 application to vary condition 07 of planning permission 03/01049/FUL to allow the following changes on a permanent basis: To increase the number of children able to attend the nursery at any one time from 24 to 30, use of the room formerly a garage as part of the nursery and increase the number of children attending the nursery between the hours of 08.00 to 18.00 Monday to Friday from 12 to 18 (Condition 07 gives permission for these changes for a temporary period expiring on 31 January 2005) Approved

05/00047/FUL Section 73 application to allow continued use of the first floor of the property as part of a children's nursery without compliance with condition 3 of planning permission 04/01115/FUL. (This condition restricts the nursery use to the ground floor rooms and parts of the back garden). Approved

05/00583/FUL Section 73 application to allow the maximum no. of children attending the nursery at any one time to increase by 6 (from 30-36 between 09.15 and 16.00 hours and from 18-24 between 08.00 and 18.00 hours, Monday to Friday) and for nursery to open for 48 weeks a year (at present opening restricted to a maximum of 46

weeks in any calendar year) without compliance with conditions 02 and 04 of planning permission 05/00047/FUL.

This application was refused on the following grounds:

01. Increasing the number of children from 30 to 36 will result in a proportionate increase in vehicular traffic caused by the coming and going of parents delivering and collecting children. The site is located within a predominantly residential area where occupiers could reasonable expect a level of amenity concurrent with the property. As a result of the increase in activity and the limited on-site parking available the proposal will result in additional roadside parking which is not compatible with the amenities of the occupiers of adjoining residential properties and will have a detrimental impact on other users of the highway on this bus route. Increasing the number of children extends the problems associated with the use and therefore does not fully comply with the aims and objective of policies E4 and SC2 BFBLP.

02. The site is located within a predominantly residential area. Increasing the number of opening weeks from 46 to 48 increases the time period when adjoining residents experience the coming and going of traffic associated with the activity together with the general noise, nuisance and disturbance resulting from the actives of the nursery. For these reasons extending the opening weeks has a detriment affect on the residential amenities of adjoining occupiers. Therefore the proposal therefore does not fully comply with the aims and objective of policies E4 and SC2 BFBLP.

This decision was appealed and the appeal allowed.

05/01001/FUL Section 73 application to allow the maximum no. of children attending the nursery at any one time to increase by 6 (from 30 to 36) and for 48 weeks a year (increase of 2 weeks) without compliance with conditions 2 and 4 of planning permission 05/00047/FUL.

This application was refused on the following grounds

01. Increasing the number of children from 30 to 36 is likely to result in a proportionate increase in vehicular traffic caused by the coming and going of parents delivering and collecting children together with a need for additional staff and ancillary on-site car parking. The site is located within a predominantly residential area when occupiers could reasonable expect a level of amenity concurrent with the property. The expansion of the nursery introduces a diverse element which by reason of the increase in vehicular traffic and limited on-site parking is not fully compatible with adjoining residential properties. Increasing the number of children extends the problem and therefore does not fully comply with the aims and objective of Local Plan policies E4 and H11.

02. The site is located within a predominantly residential area. Increasing the number of opening weeks from 46 to 48 increases the time period when adjoining residents experience the coming and going of traffic associated with the activity together with the general noise, nuisance and disturbance resulting from the actives of the nursery. For these reasons extending the opening weeks has a detriment affect on the residential amenities of adjoining occupiers. Therefore the proposal therefore does not fully comply with the aims and objective of Local Plan policies E4 and H11.

10/00599/FUL Section 73 application to vary Conditions 01 and 02 (Condition 01 states that the number of children present at the Nursery shall not exceed 36 at any one time, and Condition 02 - The hours of operation shall be restricted to 08.00 to 18.00 (for up

to a maximum of 27 children) and 09.15 to 16.00 hours (for up to a maximum of 36 children) Monday to Friday for a maximum of 46 weeks in any calendar year and the premises shall not be used for the purposes of a nursery at any other time) of Appeal decision APP/R0335A/06/2021678 to increase the number of children from 36 to 39. Approved.

4. THE PROPOSAL

The proposal seeks to increase the maximum number of children who may be present at the nursery from 39 to 45 between the hours of 09.15 and 16.00.

5. REPRESENTATIONS RECEIVED

3 letters of objection have been received. These raise the following concerns:

- Parents dropping children off are blocking access to neighbours drives.
- There have been incidents when parents have been rude to neighbours.
- Prior to the last 18 months the owners of the nursery put signs up and also placed a parking co-ordinator outside on the road to ensure all customers parked with respect during peak drop off periods as this had been an issue for many years as agreed by the nursery, however over the last 18 months the nursery have taken no attempts to remedy the poor parking and have taken away the parking co-ordinator and all signs.
- The survey submitted was carried out during the August school holidays where there is obviously a decreased amount of traffic due to surrounding schools such as College Town School, Owlsmoor School and Sandhurst School being closed.
- There is already a recognised problem with the amount of cars and parking issues in relation to College Road and Branksomehill Road.
- This will result in an accident if more cars are parking on the road.
- Buses and lorries have difficulty getting down the road.
- There has been an increase in noise levels since the fence between 117 and 119 was removed.
- The conditions restricting play times are being ignored.

1 letter of support has been received which states:

- Supporter has lived next to the Nursery for many years and it has never been an inconvenience or problem.
- Having a nursery next door reassures neighbour that house is safer during the daytime whilst they are at work.
- There has never been a problem with noise levels or the traffic.
- The owners of the school and parents of the children are always very respectful and friendly and they seem to arrive/depart over a period of time and not all at once so therefore the traffic is minimal.
- The property is left empty for the evening, early morning and weekends.

6. SUMMARY OF CONSULTATION RESPONSES

Sandhurst Town Council recommend refusal, for the reasons set out below: College Road is a major distributor road and an increase in car movements combined with adjacency to three road junctions would create further congestion at times of peak traffic.

Large commercial vehicles and the local bus service already have difficulty negotiating double parked cars in the vicinity of the nursery.

It was noted that the traffic survey was undertaken during the school summer holiday and would not be representative of term time road use.

Environmental Health:

No objection. There have been no noise complaints regarding this nursery since planning permission was granted in November 2010.

Highway Authority:

The Local Highway Authority has no objection and recommends that the planning application be approved.

Early Years and Child Care Manager:

No objection.

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

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 a positive approach to considering development proposals will be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The development plan is the statutory starting point for decision making and planning applications which accord with the policies in the development plan will be approved without delay, unless material considerations indicate otherwise, and that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or where specific policies in the NPPF indicate development should be restricted.

CSDPD Policy CS1 states that development will be permitted which makes efficient use of land, buildings and infrastructure, is located so as to reduce the need to travel and protects and enhances the character and quality of natural resources, landscapes and countryside. This is considered to be consistent with the NPPF.

CSDPD Policy CS2 sets out the sequence in which the Council will allocate land for development and states that development will be permitted within defined settlements and on allocated sites. (The site is located within the defined settlement as shown on the Bracknell Forest Borough Proposals Map 2013) This is considered to be consistent with the NPPF which "seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic

character and beauty of the countryside and supporting thriving rural communities within it."

SALP Policy CP1, alongside CSDPD Policies CS1 and CS2 and the NPPF take a positive approach to development with the defined settlement. As such it is considered that the proposal for the increase in children attending a well established nursery within the defined settlement is considered to be acceptable in principle. This is subject to no adverse impacts upon residential amenities of neighbouring properties, character and appearance of surrounding area, highway safety implications, etc. 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.

These policies are considered to be consistent with the objectives set out within the NPPF, and can be afforded significant weight. In addition para. 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 para. 64 of the NPPF states that development should only be granted when the design takes the opportunities where available to improve the character and quality of an area and the way it functions.

The site also lies within Area E: College Town of the Character Area Assessment Supplementary Planning Guidance. The SPD was adopted in 2010, following public consultation, so can be afforded significant weight. It provides guidance to supplement Core Strategy Policy CS7 (Design). This states that the plot pattern, very distinct in plan, is hardly visible on the ground, due to the wide variety of house types and architectural approaches. The only common denominator is the linear development pattern.

There are no external alterations proposed. Given the use of 117 College Road as an existing nursery it is not considered that the proposal would result in a detrimental impact upon the character and appearance of this residential location.

It is therefore considered that the development would not result in an adverse impact on the character and appearance of the area and would be in accordance with CSDPD Policy CS7, BFBLP 'Saved' Policy EN20, the Character Area Assessment SPD and the NPPF.

10. RESIDENTIAL AMENITY

BFPLP 'Saved' Policy EN20 (vii) 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 Policy 'Saved' 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 paras. 56 to 66 of the NPPF. 'Saved' Policy EN25 relates to proposals not adversely affecting the amenities of neighbouring

occupiers through noise and other forms of environmental pollution and this is consistent with para. 123 of the NPPF.

This nursery has operated since 1990. Originally it was a nursery school open only during school terms and for part of the summer holiday. Over the years a number of planning applications have been submitted and approved to:-

- increase the number of children permitted to attend the nursery at any one time
- increase the number of weeks in the year the nursery is open, and
- increase the opening hours to allow some day care provision as well as nursery school provision.
- increase the use from a mixed residential and nursery use to a nursery use of the whole building.

As each application has been submitted the main considerations have been to weigh potential disturbance to local residents and impact on road safety against the need for nursery school/day care provision. The main impact of the nursery on the living conditions of local people is the inconvenience and disturbance which results from on-street parking in the vicinity of the nursery, when children are dropped off and collected, and from noise from the nursery, principally when children are in the garden. However, the use of the external areas is limited to the covered play area at the far end of the grounds and use three times a day for 15 minutes, and to the use of the covered pool for up to 2 hours a day for a maximum of six children at anyone time by planning conditions imposed on previous permissions and no variation to these conditions is sought. The Council's Environmental Health Team has also raised no concerns over this proposal and has not received any noise complaints about this site in the last 4 years.

The above considerations need to be weighed against the wider benefits of increased child care provision. In this instance it is considered that, due to the very restrictive conditions on opening times, session times and play area use, any harmful effects on the living conditions of nearby residents are unlikely to be so significant over and above the existing perceptions of harm, so as to outweigh these benefits.

It is therefore considered that the development would not result in an adverse impact on the amenity of neighbouring properties, and is therefore in accordance with BFBLP 'Saved' Policies EN20 and EN25 and 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. The SPD was adopted following public consultation, so can be afforded significant weight. 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.

The application site is located on College Road, a busy local distributor road, which is unclassified. College Road is subject to a 30mph speed limit with traffic-calming in the form of road humps. There are footways and street lighting.

On-street parking is generally un-restricted in the vicinity of the site, with a few short lengths of restricted parking at junctions and at bus stops.

There are bus stops in close proximity to the site for services between Bracknell and Camberley, which are hourly in each direction.

The application notes that, 'existing building and premises will remain unaltered, the 'development' consisting merely of an increase in the authorised maximum number of children catered for, from the current 39 to 45, i.e. an increase of 6 children'. 'Of these no more than the current number of children (i.e. 27) would attend for the full hours with the additional 6 being added to the 12 others who attend between 09:15 and 16:00 hours (i.e. off peak traffic hours). No change is proposed to the current staffing level.

Existing on-site car parking provision (3 spaces) is to be retained. Existing vehicular and pedestrian access will be unaltered.

The applicant has carried out parking surveys in support of this planning application to assess the on-street parking impact of the proposed expansion of the maximum number of children at the nursery.

The parking surveys have been undertaken within a clearly defined survey area during morning and afternoon peak nursery times and a robust assessment of potential on-street parking capacity has been used to determine the parking stress created by the observed parking demand. An initial parking survey was undertaken during August when schools were on holiday. A revised parking survey was undertaken during the October school term time, to provide a more robust assessment of the on-street parking situation.

The parking study, undertaken in August 2014 concluded that, 'the nursery currently has no significant adverse impact on traffic and parking conditions, and the parking survey has demonstrated that there is always ample vacant unrestricted parking space available in the locality, particularly on College Road, at the main nursery children arrival and departure periods'. The parking study undertaken in October 2014 concluded that, 'the further survey and assessment has confirmed the nursery currently has no significant adverse impact on traffic and parking conditions'.

The Highway Authority has visited the site during a nursery morning drop-off period, to validate the parking surveys. The table below compares the applicant's survey undertaken in October 2014 with surveys undertaken by the Highway Authority in November 2014, during a morning drop-off period. On-street parking demand was observed to be similar to the parking demand identified within the surveys undertaken in support of this planning application. The exceptions are The Close, where on-street parking was much lower than the applicant's survey figures and Academy Place, where on-street parking was much higher than the applicant's survey figures.

Street	Applicant's Survey October 2014		Local Highway Authority Survey November 2014	
	Morning peak (8.00 – 8.15)	Morning peak (9.00 – 9.15)	Morning peak (8.00 – 8.15)	Morning peak (9.00 – 9.15)
College Road	5	3	4	3
Academy Place	4	2	7	5
Richmond Road	7	6	8	6
The Close	7	5	3	2
College Crescent	8	4	8	5
Brakes Rise	1	1	3	1
Range View	1	1	0	0

Bracknell Forest Borough Parking Standards (2007) notes that for a nursery, 1 car parking space should be provided to cater for every 4 children. There is currently no existing on-site car parking provision for parents/guardians of children and none is being proposed. Additional parking by parents/guardians would be on-street.

The applicant has provided a Travel Plan Statement in support of this planning application.

It is noted that since the Travel Plan was introduced in 2006 this has substantially improved the children travel modal split, from 100% unshared car in 2005, to approximately one third coming by unshared and shared car respectively, with just over a third coming on foot, in a buggy or brought by a cycling adult in 2010.

The School operates a number of measures to encourage sustainable travel, including a covered area for storing/parking cycles and buggies and the provision of waterproofs/change of clothes for children. Car seats are also loaned to parents who car share. The School has a fees policy that is geared towards incentivising car sharing and that encourages separate families to car-share.

The Travel Plan was last updated in 2010. It is noted that the Travel Plan will continue to operate and, in conjunction with the proposed expansion of the number of children, will be updated incorporating the results of a repeat survey of parent/children travel mode during 2014/5, and a review of Travel Plan targets and measures for the next few years in the light of the findings in respect of changes in travel mode split since 2010.

On the basis of the parking standards and the travel plan, it is reasonable to conclude that 6 additional children could create demand for 2 additional cars which would park on-street. The parking surveys undertaken by the applicant and the Highway Authority conclude that there is no current parking problem in the vicinity of the nursery. The Highway Authority considers that this proposed expansion would not create parking demand which would be detrimental to highway safety.

For the reasons given above, and subject to the recommended conditions, the proposal is considered to be in accordance with CSDPD Policy CS23, BFBLP 'Saved' Policy M9 and the NPPF. Furthermore it would meet the requirement of the Parking Standards SPD (2007) subject to the recommended conditions being imposed.

12. EARLY YEARS AND CHILD CARE

College Town Montessori school is currently rated as Good by OFSTED and provide very good care and education for the children who attend. The setting works very closely with Bracknell Forest Early Years team to keep up to date and continually improve practice. Early Years Officers can confirm that the setting have a member of staff outside at peak times to ensure that parents are respectful of residents and park appropriately whilst dropping off and collecting.

Space and staffing within the nursery would enable the setting to increase the number of children accessing to a maximum of 45 per day (i.e. an overall increase of 6).

13. CONCLUSION

The proposal is considered to be acceptable in principle and impacts upon the character and appearance of the area and upon the neighbouring properties. The

updated surveys indicate that there would not be a detrimental impact upon highway safety.

Subject to these conditions the proposal would be acceptable and would comply with SALP policy CP1, CSDPD policies CS1, CS2, CS7 and CS23, 'Saved' policies EN20, EN25 and M9 of the BFBLP 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:
Parking Plan received by Local Planning Authority 24.09.14
Planning Statement received by Local Planning Authority 24.09.14
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
03. The number of children present at the nursery, the subject of this permission, shall not exceed 45 at any one time.
REASON: To enable the Local Planning Authority to maintain control over the use of the site in the interests of the amenities of adjoining residents.
Relevant Plans and Policies: CSDPD CS1]
04. The hours of operation shall be restricted to 08.00 to 18.00 hours (for up to a maximum of 27 children) and 09.15 to 16.00 hours (for up to a maximum of 45 children) Monday to Friday for a maximum of 46 weeks in any calendar year and the premises shall not be used for the purposes of a nursery at any other time.

REASON: To enable the Local Planning Authority to maintain control over the use of the site in the interests of the amenities of adjoining residents.
Relevant Plans and Policies: CSDPD CS1]
05. The times of the nursery school sessions shall be staggered as set out in table 1 at page 6 of the Planning Statement by Scottplan received by the Local Planning Authority on 24.09.2014.
REASON: To enable the Local Planning Authority to maintain control over the use of the site in the interests of the amenities of adjoining residents.
[Relevant Plans and Policies: CSDPD CS1]
06. Access to the nursery shall be by the front door of the property only.
REASON: In the interests of the amenities of adjoining residents.
[Relevant Plans and Policies: BFBLP EN20]
07. No increase in children numbers shall occur until an updated Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall commence when the number of children attending the Nursery increases above 39 and shall continue in operation thereafter.

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

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

08. The use of the outdoor areas shall be restricted to 2 hours a day in accordance with the details contained within paragraph 4.10 of the Planning Statement submitted to the LPA on 24.09.2014. Outdoor play shall be restricted to the existing covered swimming pool, covered outdoor play area and the hardstanding leading to these buildings.

REASON: To enable the Local Planning Authority to maintain control over the use of the site in the interests of the amenities of adjoining residents.

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. The red line of the site does not cover the rear garden of no.119 College Road. As such this area of the garden cannot be lawfully used for the nursery.

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

Unrestricted Report

ITEM NO: 10

Application No.
14/01126/FUL
Site Address:

Ward:
Great Hollands North

Date Registered:
20 October 2014

Target Decision Date:
19 January 2015

Land At Peacock Farm Neighbourhood Centre Peacock Lane Bracknell Berkshire

Proposal:

Section 73 application for variation of condition 10 of reserved matters approval 11/00878/REM which states: "No deliveries shall be taken at or dispatched from the site outside the hours of 8.00 am - 6.00 pm Mondays to Saturdays nor at any time on Sundays or public holidays", to allow deliveries to be taken at or dispatched from the site between 7.00 am - 6.00 pm Mondays to Saturdays and 08.00 am - 6.00 pm on Sundays.

Applicant:

W. M Morrison Supermarkets PLC

Agent:

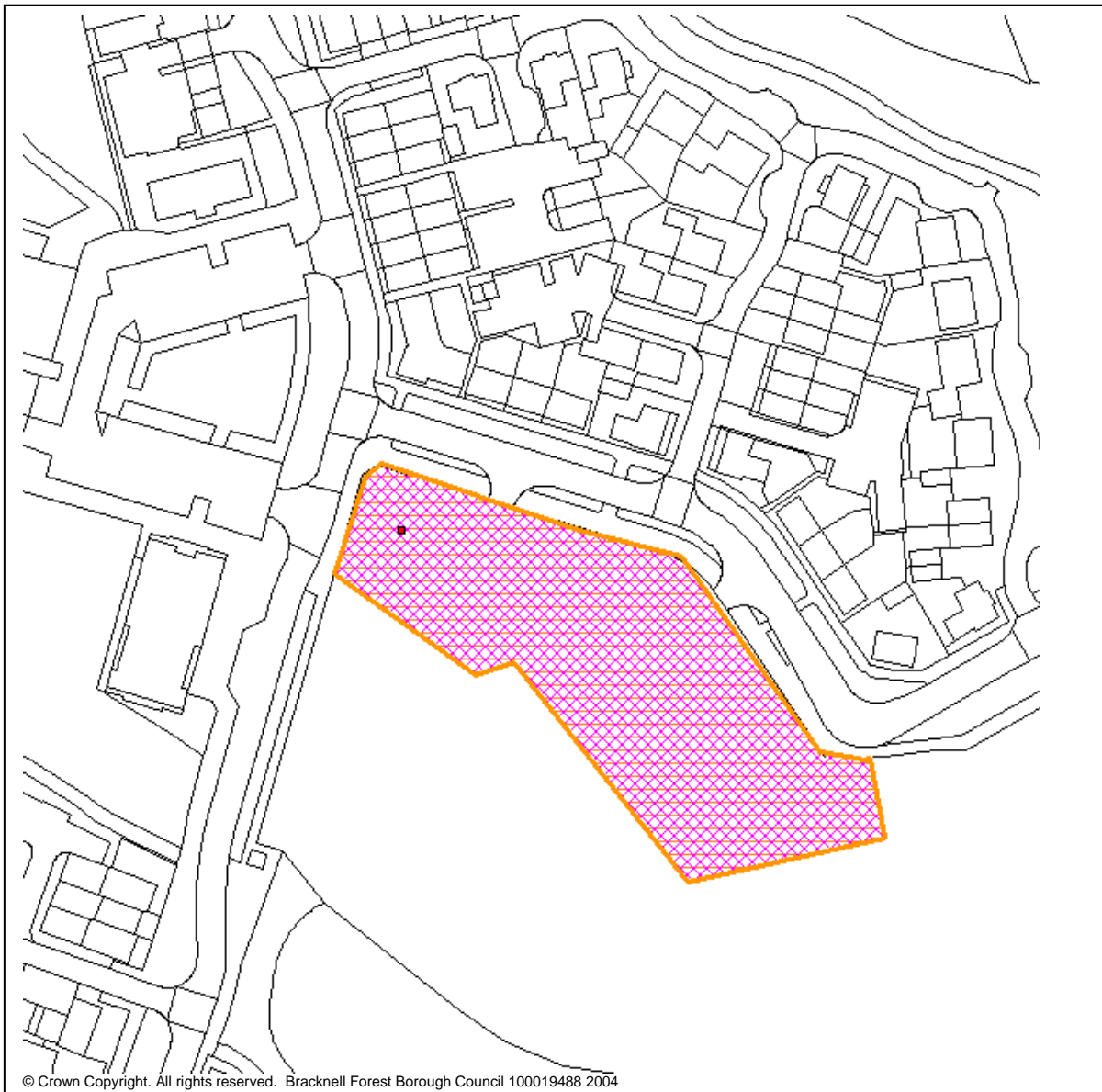
Mr Gareth Glennon

Case Officer:

Martin Bourne, 01344 352000

Development.control@bracknell-forest.gov.uk

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



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OFFICER REPORT

1. REASON FOR REPORTING APPLICATION TO COMMITTEE

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

2. SITE DESCRIPTION

The site, which is currently undeveloped and is enclosed by hoardings, lies on the east side of the Jennett's Park neighbourhood centre. It is bounded by Sparrowhawk Way to the west which in turn forms the eastern boundary of the neighbourhood square - Tawny Owl Square. The southern half of the site is opposite the community building and the northern half abuts the square itself. The site's northern boundary is bounded by Falcon Way.

The northern edge of the site lies opposite three-storey flats on the junction of Sparrowhawk Way with Falcon Way; there are two-storey terraced and detached houses further east on the other side of the road.

Land immediately to the south of the application site is reserved for a public house and associated car park. A reserved matters application to erect up to 4 no. commercial/community units and 23 no. residential units on this land, with associated car parking, is currently under consideration (14/00488/REM).

The site is generally flat and does not contain any trees.

3. RELEVANT SITE HISTORY

The site lies within the area covered by outline planning permission 98/00288/OUT (623523) which provides for the development of up to 1,500 dwellings at Jennett's Park with associated open space and other facilities. Reserved matters approval 11/00878/REM, approved in May 2012 pursuant to this outline planning permission, provides for the erection of retail accommodation (506 sq m) with flats above on this site and houses and parking to the east.

This reserved matters approval has not yet been implemented.

4. THE PROPOSAL

Condition 10 of reserved matters approval 11/00878/REM states:-

No deliveries shall be taken at or dispatched from the site outside the hours of 08:00 am 6:00 pm Mondays-Saturdays nor at any time on Sundays or public holidays.

REASON: In the interests of the amenities of the occupiers of nearby residential premises.

As submitted this application sought to amend this condition to read:-

No deliveries shall be taken at or dispatched from the site outside the hours of 05:00 am 6:00 pm Mondays- Sundays.

In a letter accompanying the application the applicant's agent stated that the reason for seeking the longer hours was that restrictions on deliveries would place a significant obstacle on the retail unit being able to operate efficiently. In particular reference was made to the need for deliveries of fresh produce, milk, bread and daily newspapers to be received before 08:00 hours.

In the light of representations received and the comments of the Environmental Health Officer the applicant has amended the application and the modified wording of this condition now sought seeks to allow deliveries to be taken at or dispatched from the site between 7.00 am - 6.00 pm Mondays to Saturdays and 08.00 am - 6.00 pm on Sundays.

5. REPRESENTATIONS RECEIVED

Letters were received in relation to the application as originally submitted from 4 local residents and Councillor Mrs Temperton objecting that:-

- 05:00 hours was unsociable and too early in a residential area
- it would lead to significant noise disturbance from vehicles, communications, reversing sensors, trolleys
- this would disturb sleep.

Councillor Mrs Temperton has no objection to the application as amended.

6. SUMMARY OF CONSULTATION RESPONSES

Bracknell Town Council (comments on application as submitted):

Recommend Refusal, for the reasons set out below:-

Bracknell Town Council recommend that condition 10 is upheld for the benefit of the local residents. To change the times would be unneighbourly and have an adverse effect on local residents. This is a residential area and starting deliveries from 5am is not acceptable.

Environmental Health Officer (comments on application as submitted):

This application raises concerns from a noise disturbance point of view. Noise sources from deliveries will include delivery vehicle traffic through the site, manoeuvring of vehicles at the store (including reversing alarms), and the actual unloading and loading of the vehicles (roll cages, personnel, etc.). Additional noise sources could include refrigeration units on the delivery vehicles. Should this activity be permitted from 5am on every day of the week (excluding public holidays), it is my opinion that there is a real risk that neighbouring residents would be subjected to serious and unacceptable noise disturbance.

I would therefore recommend refusal of the application in its current terms. A modification of the condition to allow deliveries to the store between 07.00 am and 06.00 pm Monday to Saturday, and 08.00am and 06.00pm on Sundays would be acceptable.

Transportation Officer

No objection.

7. DEVELOPMENT PLAN

The Development Plan includes the following:-

- Core Strategy (February 2008) (CS)
- Bracknell Forest Borough Local Plan (January 2002) (BFBLP)
- Site Allocations Local Plan (July 2013) (SALP)

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. This is 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.

CSDPD Policy CS1 sets out a number of sustainable development principles, including protecting the health and safety of the local population. Policy EN25 of the BFBLP states, inter alia, that development will not be permitted if it would generate unacceptable levels of noise which would adversely affect the amenities of the occupiers of buildings.

These policies are considered to be consistent with the NPPF, one of the core planning principles of which includes securing a good standard of amenity for all existing and future occupants of land and buildings, and as a consequence are considered to carry significant weight.

The site forms part of an allocated site (Jennett's Park), and is located within defined settlement, so is in accordance with CS Policy CS2, and is acceptable in principle. Development of the site is also established through the granting of application 11/00878/REM. Therefore, the proposal is in accordance with SALP Policy CP1, CS Policies CS1 and CS2, and the NPPF.

9. RESIDENTIAL AMENITY

BFBLP 'Saved' Policy EN20 (vii) refers to the need to not adversely affect the amenity of the surrounding properties and adjoining areas. Policy EN25 refers to development not being permitted if it would generate unacceptable levels of noise, smoke, gases, fumes, effluent, vibration, dust or other environmental pollution which would adversely affect the amenities of the occupiers of buildings, or persons using outdoor space. These policies are considered to be considered with the NPPF (Chapter 7 and para. 123) and can be afforded significant weight.

The proposed shop will be a valuable addition to the facilities enjoyed by residents of and visitors to Jennett's Park. It is, however, located close to where people live with existing flats and houses lying close by to the north, on the other side of Falcon Way, and when the scheme is built there will be flats above the shop and dwellings immediately to the east. As noted above there is an outstanding application including residential accommodation on the site, immediately to the south, which is currently allocated for a public house.

As stated in the representations received and the comments of the Environmental Health Officer there is scope for disturbance to those living nearby as deliveries are made to the service area behind the proposed shop, primarily from the noise of vehicles being manoeuvred and goods being moved into the shop.

The impacts on the living conditions of local residents have to be weighed against the operational needs of the retailer.

The change to delivery hours originally sought, of 05:00 am 6:00 pm Mondays-Sundays, is considered likely to give rise to an unacceptable impact on the living conditions of local residents. The hours now sought - 07.00 am and 06.00 pm Monday to Saturday, and 08.00am and 06.00pm on Sundays - will result in local residents experiencing more disturbance than if the current restrictions are retained but, giving weight to the advice of the Environmental Health Officer, are considered to strike an acceptable balance between residential amenity and the needs of the retailer.

As such, the proposal would not be considered to adversely affect the residential amenities of neighbouring properties and would be in accordance with Saved Policies EN20 and EN25 of the BFBLP and the NPPF .

10. TRANSPORT IMPLICATIONS

BFBLP Policies M4, 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. This is consistent with the objectives of the NPPF.

The Highway Officer has no objection and provided the following comment on the application as submitted:-

The TRICS database provides data on the likely trips generated by different land uses, based on surveys of existing sites. The likely trips generated by these proposed extended hours are in the region of 5 delivery trips between the hours of 05.00 - 08.00 am. In the region of 14 delivery trips are likely to be generated over the course of a typical day, given the size of retail floor-space which have been approved for this site. Therefore it is possible that in the region of 14 delivery vehicles could visit the site on a Sunday.

11. CONCLUSION

The delivery hours sought, as amended in the course of the consideration of the application, are felt to be acceptable and the application is therefore recommended for approval. As this is a s73 application the other conditions imposed on reserved matters approval 11/00878/REM are repeated in the Recommendation.

It is therefore considered that the proposed development complies with Development Plan Policies SALP Policy CP1, CSDPD Policies CS1, CS2 and CS23, BFBLP 'Saved' Policies EN20 and EN25, and the NPPF .

RECOMMENDATION

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

01. The development hereby approved shall be carried out only in accordance with

the following plans:

31668_P_001 Rev C Context & Site Location Plan
31668_P_002 Rev C Site Plan
31668_P_003 Rev B Retail Apartments Floor Plans
31668_P_004 Rev C Retail Apartments Elevations
31668_P_006 Rev B House Type A
31668_P_007 House Type B
31668_P_008 Rev B House Type C1
31668_P_009 Rev B House Type D
31668_P_015 Rev B Roof Plan
31668_P_016 Rev B House Type C2
31668_LP(90)001 Rev B Landscape General Arrangement
31668_LP(90)002 Rev B Planting Plan
31668_LP(90)003 Rev B Site Fencing Styles

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

02. There shall be no restrictions on the use of the car 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 Plans and Policies: BFBLP M9]
03. The development hereby approved shall not be begun until a scheme for the allocation of spaces to individual dwellings/shops (including appropriate signage/markings) has been submitted to and approved in writing by the Local Planning Authority. No dwelling/shop unit shall be occupied until the space(s) serving it have been provided in accordance with the approved scheme. The parking 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 M9, Core Strategy DPD CS23]
04. 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.
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]
05. Notwithstanding the submitted details the development hereby approved 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. No dwelling shall be occupied until the approved scheme has been implemented. The facilities shall be retained.
REASON: In the interests of accessibility of the development to cyclists.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

06. 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 parking courts/service yard, including lighting units and levels of illumination. The approved scheme shall be implemented before the first use of these areas 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]
07. The level of noise emitted from any air ventilation and/or refrigeration plant systems on the premises shall not exceed 41 dB(A) Laeq.t (as measured inside numbers 1-7 (odds) Falcon Way with the windows shut) between the hours of 09:00 am and 7:00 pm on Monday to Fridays and 09:00 am and 2:00 pm on Saturdays and shall not exceed 41 dB(A) Laeq.t at any other time including Sundays and public holidays.
REASON: In the interests of the amenities of the occupiers of the building.
[Relevant Policies: BFBLP EN25]
08. The development hereby approved shall not be begun until details of air ventilation systems have been submitted to and approved in writing by the planning authority. The noise level shall not cause the existing background level (as at the date of this permission) to increase whilst in operation. The new air ventilation system shall be installed and operated in accordance with the approved scheme.
REASON: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties.
[Relevant Policies: BFBLP EN25]
09. The development hereby approved shall not be begun until a scheme for limiting the transmission of noise between each residential unit of accommodation and/or any other part of the building, which is not exclusively used as a unit of accommodation, has been submitted to and approved in writing by the Local Planning Authority. No residential unit hereby permitted shall be occupied until all works that form part of the approved scheme have been completed.
REASON: In the interests of the amenities of future occupiers of the premises.

[Relevant Policies: BFBLP EN25]
10. No deliveries shall be taken at or dispatched from the site outside the hours of 7.00 am - 6.00 pm Mondays to Saturdays and 08.00 am - 6.00 pm on Sundays.

REASON: In the interests of the amenities of the occupiers of nearby residential premises.
[Relevant Policies: BFBLP EN25]
11. The development hereby approved shall not be begun until all outstanding details of external materials 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 Plans and 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.

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

Unrestricted Report

ITEM NO: 12

Application No.
14/01168/PAC
Site Address:

Ward:
Crowthorne

Date Registered:
4 November 2014

Target Decision Date:
30 December 2014

Guildgate House High Street Crowthorne Berkshire RG45 7AP

Proposal:

Application for Prior Approval for the change of use of the first and second floor of the building from B1 (a) offices to C3 (dwelling houses) in the form of 16 studios/apartments with entrances at ground and lower ground floor level and parking to the rear. (This application is a resubmission of 14/01000/PAC with additional information in the form of a car parking assessment)

Applicant:

TA Fisher Commercial Ltd

Agent:

Day Tanner Partnership

Case Officer:

Simon Roskilly, 01344 352000

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 Committee to give the application the opportunity to be determined within the 56 day period required.

2. SITE DESCRIPTION

The application site contains a 3 storey building with two of the three floors being B1(a) office use and the ground floor for shops along with an entrance lobby and stairwell for the offices. There is a car park to the rear accessed from Heath Hill Road South together with undercroft parking.

The site is located within 5km of the Thames Basin Heaths Special Protection Area.

3. RELEVANT SITE HISTORY

11/00143/FUL -Change of use of first and second floors from office to residential comprising 4no. one bedroom and 4no. two bedroom apartments and 4no. studio apartments with associated cycle and vehicle parking and bin storage and retention of ground floor retail units. APPROVED BUT NOT IMPLEMENTED.

14/00079/PAC Application for Prior Approval for the change of use of first and second floors from offices (Class B1(a)) and the lobby access from the street and rear car park to residential (Class C3) consisting of 12 no. studio apartments. PRIOR APPROVAL GRANTED.

14/01000/PAC Application for Prior Approval for the change of use of the first and second floor of the building from B1 (a) offices to C3 (Dwelling houses) in the form of 16 studios/apartments with entrances at ground and lower ground floor level and parking to the rear. PRIOR APPROVAL REQUIRED AND REFUSED.

4. THE PROPOSAL

The applicant wishes to change the use of the first and second floors from Class B1(a) (offices) to Class C3 (dwelling houses) in accordance with Class J of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Pursuant to paragraph N of the same legislation, the applicant is applying for prior approval for this change of use. The application form advises that 16no. studio apartments are proposed. The change in use would include floors 1 and 2 and the lobby access from the street and rear car park. This application does not apply to any of the ground floor shop units.

No external alterations are required to facilitate the change of use.

This application shows a parking layout similar to one of the earlier plans submitted under Prior Approval application 14/01000/PAC, which at the time was considered inadequate. This submission is accompanied by supporting statement justifying the applicant's approach in providing 17no. parking spaces.

5. REPRESENTATIONS RECEIVED

1no. objection was received at the time the report was written raising the following concerns:-

1. Major increase in traffic flow/speed of traffic using shared private pedestrian/vehicular road access. [Officer Comment: The proposed change of use from Office to Residential is not considered to result in an intensification in use of the site although the pattern of movement will change due to the nature of the intended use. This is not considered to be a concern.]
2. Proposed parking plan would block/restrict access to refuse bin room at rear of Lilley Court for refuse collection. [Officer Comment: Adequate access to the bin storage area will be provided]
3. Proposed increase in new bin storage for 16 flats/shops(from previous shops/offices) would cause possibility of increased noise/smell/waste litter etc. [Officer Comment: Environmental Health have not objected to the Prior Approval submission and any issues regarding noise, and smell can be dealt with under separate Environmental Health legislation.]
4. 'Overflow' when proposed parking plan spaces are full may cause parking elsewhere on shared private road. [Officer Comment: If the parking provision is considered by the Local Highways Authority to adequately serve the use then there would be no need to provide overflow parking provisions]

6. SUMMARY OF CONSULTATION RESPONSES

(i) Environmental Health:

No objection.

(ii) Environment Agency:

No objection.

(iii) Transportation Officer:

The applicant has failed to provide a parking plan that adequately serves the proposed 16no. flats. However there may be a solution to provide 18no. spaces that the Local Highways Authority believe would be adequate for the use proposed. The applicant has been asked to provide an amended plan showing 18no. spaces (16no. for the flats and 2no. for visitors).

(iv) Crowthorne Parish Council:

Refusal is recommended on the grounds of insufficient parking and overdevelopment.

7. DEVELOPMENT PLAN

The Development Plan for this Borough includes the following:

Policy NRM6 of the South East Plan (SEP) (May 2009)
Site Allocations Location Plan 2013 (SALP)
Core Strategy Development Plan Document 2008 (CSDPD)

8. PRINCIPLE OF DEVELOPMENT

In assessing this type of prior approval application the Council can only assess whether the proposal is likely to result in any flooding, land contamination or highways safety implications. If the development does not raise any concerns along these lines then the development is considered to be permitted development. However if relevant concerns are raised then Prior Approval will be refused and the applicant would have to submit a planning application.

9. ASSESSMENT

Paragraph J.1 compliance:

- The building is not on article 1(6A) land.
- The building was last used for a use falling within Class B1(a) offices.
- The applicant intends to commence use within Class C3 (dwelling houses) before 30 May 2016.
- The site does not form part of a safety hazard area.
- The site does not form part of a military explosives storage area.
- The building is not listed or a scheduled monument.

Paragraph J.2 conditions:

(a) Transport and highways impacts of the development

This application is a resubmission of 14/01000/PAC which was also for 16 no. 1 bed studios/apartments. Additional information in the form of a car parking assessment has been provided. The Local Highway Authority objected to 14/01000/PAC on the grounds that parking provision was below the required standards and there would be a shortfall in provision for both residents and their visitors. 19 parking spaces were required to accord with the parking standards. 17 parking spaces were proposed. This included 4 tandem parking spaces within an under-croft and 13 parking spaces in an open parking area. There was effectively over-provision of parking within the under-croft as 2 units would have had 2 tandem parking spaces each, which could not be used by other units, whilst the remaining 13 parking spaces in the open parking area would be available for 14 units. Thus parking provision was below the required parking standards.

A revised parking layout was provided by the applicant, as part of 14/01000/PAC. 19 parking spaces were proposed, with 17 open parking spaces and 2 individually accessible parking spaces within the under-croft. The Local Highway Authority objected on the grounds that this parking layout was not practical and useable and created a safety concern.

This current application (14/01168/PAC) proposes 17 parking spaces for the residential accommodation with 8 parking spaces retained for the existing ground floor retail units within an under-croft. It is noted from a site visit that a number of parking spaces in the open parking area are currently being used by existing retail units operating from Guildgate House and spaces have been signed as being used by This 'n' That and McParland. In addition, spaces within the under-croft which are proposed for use by the proposed residential accommodation are signed as being used by Lease Drive.

A Car Parking Assessment has been carried out in which it is argued that Crowthorne is a sustainable location and notwithstanding this, there is ample off-site public parking located within 5 minutes walking distance of the site. Such a statement has not been substantiated by any survey information, though a site visit made by the Local Highway Authority around midday on a Friday (a time during which this town centre is likely to be busy) supports the notion that there is space capacity. On-street parking and public car parks are there to serve a range of shops and other facilities within the town centre and it should be noted that the provision of 20 parking spaces for the office space accords with the parking standard.

Notwithstanding this the Highway Authority objects to this application for prior approval as submitted as the parking provision is below the Council's parking standards. There is a shortfall of 2 visitor parking spaces.

The application includes a parking layout (Drawing 3202/02/C). A review of the drawing and on-site observations indicate that an additional parking space could be accommodated within the block of parking bays 9 to 15 by extending these outwards slightly into the access way adjacent to parking space no. 9 and extending them slightly towards the store adjacent to parking space no. 15. A hatched marking would be required across the front of parking bays 1 to 8, as the additional parking bay will effectively project into the existing access way. Such a parking layout could be practical and useable and acceptable access could be provided. This would enable 18 parking spaces to be provided (16 resident parking spaces and 2 visitor parking spaces). Although one space less than the Council's parking standards this parking provision would be acceptable to the Highway Authority.

(b) Contamination risks on the site

Guildgate House building is not situated on land that has been indicated as a potential contaminated land site, and there is no other information available that would indicate that Guildgate House is situated on contaminated land as described in part 2A of the Environmental Protection Act 1990.

(c) Flooding risks on the site

The site is within Flood Zone 1 and for that reason the Environment Agency had no concerns regarding the proposed change of use. It is not therefore considered that there are any flooding risks on the site.

(d) Other matters

The site is located within 5km of the Thames Basin Heaths Special Protection Area. It is a condition of any planning permission granted by a general development order that any development which is likely to have a significant effect upon a Special Protection Area cannot proceed unless the Local Planning Authority has given written approval under the Habitats Regulations 2010. As this proposal would create additional dwellings and is located within an area where additional dwellings would lead to a significant impact on the SPA if not mitigated, the decision notice should include an informative advising the applicant how to apply for approval under the Habitats Regulations 2010. It is also advised that the consultation memo received in relation to the impact on the SPA be forwarded to the applicant in its entirety to inform the applicant how to proceed in this respect.

10. CONCLUSION

It can be confirmed that the proposal would result in no flood related issues. At this time it cannot be confirmed that there would not be any land contamination issues, however it will be noted that none were identified in relation to the previous prior approval application.

As described above the parking provision as submitted is considered inadequate for the number and mix of the units sought and as a result highway safety concerns arise. However the Highway Authority has suggested a possible solution to the problem and the recommendation is that Prior Approval is required and Prior Approval will be granted, subject to suitable parking provisions being submitted and approved by the Highway Authority.

RECOMMENDATION

Prior Approval is required and Prior Approval be granted, subject to suitable parking provisions being submitted and approved by the Highway Authority. The proposal, with the submission of acceptable amended plans, does therefore comply with Class J of the Town and Country Planning (General Permitted Development) Order (as amended).

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

PLANNING COMMITTEE
18 December 2014

CONFIRMATION OF TREE PRESERVATION ORDER (TPO)
1171 – LAND AT THE BRACKENS, LONDON ROAD, ASCOT, SL5 8BE - 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 as amended and in the Town and Country Planning (Tree Preservation) (England) Regulations 2012, 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 by the Department for Communities and Local Government (CLG) on their website as Planning Practice Guidance titled "Tree Preservation Orders and trees in conservation areas". 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 assessed for their amenity impact to evaluate the suitability of trees for a TPO. This assessment is based on factors including: -
- 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 OBJECTORS COMMENTS

- 5.1. There was one objection by Broad Oak Tree Consultants (See Appendix) on behalf of Rapleys Estate Agents.
- 5.2. The principal issues raised as part of the objection relate to: -
- The majority of the trees have no public visual amenity.
 - The Council has not provided justification for such a large TPO and have not defined the public amenity it affords.
 - The TPO unduly restricting the management and maintenance of the site, placing a financial burden on the owners.
 - Any appreciable tree-felling on the site would fall under the remit of the Forestry Commission as it would require a Felling License.
 - There are mistakes in the tree species identified in the Schedule.

6. CONSIDERATION OF ISSUES

- 6.1. The Brackens is located along the London Road in Ascot, close to the crossroads with Priory Road and Swinley Road. The site fronts the London Road to the North and is bounded to the West and South by land managed as plantation woodland by the

Forest Enterprise (commercial division of the Forestry Commission) and which contains the 'Lapland' site.

- 6.2. When the site was advertised for sale as a development opportunity, Ward Members, the Development Management Team, staff working on the site and professionals associated with its maintenance raised concerns about the potential risk to the extensive tree cover on this site as a result of change of ownership.
- 6.3. TPO 1171 was served on 4th. August 2014 and will expire on 4th. February 2015
- 6.4. The Governments advice on making TPO's acknowledges that there is no legal definition of 'amenity' and that a local authority should exercise judgement when deciding whether it is within their powers to make a TPO and that orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future. Other advice is such that it may be expedient to make an Order if the authority believes there is a risk of trees being felled would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider where this is in the interests of amenity, that it is expedient to make an Order.
- 6.5. In respect of 6.4 above, the amenity assessment by the Tree Service identifies existing visual amenity for parts of the TPO (for example the London Road frontage) but also acknowledges the future potential as visual amenity in the event of an as of yet unidentified form of development. The form and extent of the TPO is supported by the considerations of the heritage value of a number of individual trees as well as wildlife and nature conservation value of the site (and adjoining environment) which the Council's Bio-Diversity officer advises that it has suitable habitat for various reptiles (and possibly Great Crested Newt as a result of the pond within the southern part of the site); is likely to be used by bats for foraging and that there are records of Nightjars in the adjoining forest plantation.
- 6.6. The land surrounding The Brackens, on which the Forestry Commission manages its forestry plantations, is freely accessible to the public who are able to see Groups and Woodlands identified in this TPO.
- 6.7. Unlike the surrounding plantations managed by the Forest Enterprise under formal management (i.e. a Dedication Scheme), the trees and woodlands within The Brackens are not under any formal management plan that the Council is aware of. As such the site-managers carry-out normal and routine maintenance of the trees to ensure that they are kept in safe condition and do not present a nuisance to occupiers of neighbours. The imposition of a TPO will not impede that maintenance regime, as pruning or felling of trees that are deemed to be unsafe or that are causing (for example) damage to property can be managed as exemptions from the requirement to make a routine application to the Council (which can take up to eight weeks to process). The TPO Regulations also allows for an application to be granted (subject to condition) that will enable a grant of permission for regular and routine maintenance of trees for a period of years, without the need to make routine applications.
- 6.8. Under the Forestry Act 1967, the felling of any appreciable volume of trees (5 cubic metres in any calendar quarter) would require a Felling License from the Forestry Commission. Although that legislation would be applicable to this site their legislation

was primarily created to prevent excessive loss of tree cover; whereas the Town & Country Planning Act and TPO Regulations is primarily concerned about the visual amenity of individual trees, groups and woodlands. To rely on the Forestry Act to ensure control of the quality of trees and landscape would not be appropriate as there are significant exemptions from the requirement for a Felling License, which would have an impact on the condition and number of trees within the site. For example exemptions such as "Lopping & Topping" and the felling of trees less than 8 centimetres in diameter (or 10 centimetres if thinning woodlands).

6.9. The discrepancies within the Order that relate to incorrect species being cited in the Schedule can be corrected on confirmation of the Order: -

'T8 Cypress' to be corrected to read 'T8 Western Red Cedar';
'T9 Oak' is unsustainable; remove from Schedule due to presence of decay;
'T10 Cypress' to be corrected to read 'T10 Western Red Cedar';
'Cypress' listed in Group 2 to be re-named 'Western Red Cedar';
'Oak x 12' in Group 3 to be corrected to read 'Oak x 3';
'Purple Beech x 4' in Group 4 to be corrected to read 'Purple Beech x 5'.
'Woodland 1'; the extent of this woodland to be modified to exclude a small number of fruit trees fronting the brick wall bordering London Road.

7. SUPPORTING PLANNING INFORMATION

7.1. The Brackens site is not within the 'Green Belt' but it is close to its edge (as defined by the Swinley Road). It is outside of a defined settlement and is not identified for residential development as part of the Site Allocations Local Plan.

7.2. The building is in commercial use and is currently for sale

7.3. There have been two pre-application enquiries in the last two years regarding re-use or re-development of the site.

8. CONCLUSION

8.1. 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

APPENDIX

- Letter of objection from Broadoak Tree Consultants;
- Copy of TPO 1171

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3. OBJECTIONS TO SPECIFIC ELEMENTS OF THE TPO	3
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APPENDICES:

1. 'SCHEDULE – SPECIFICATION OF TREES'
2. TPO PLAN PRODUCED BY BRACKNELL FOREST COUNCIL

1. INTRODUCTION

- 1.1 Broad Oak Tree Consultants Ltd. have received instructed by Rapleys to produce valid objections to the placing by Bracknell Forest Council of Tree Preservation Order 1171, hereinafter referred to as 'the TPO'.
- 1.2 The TPO took effect on a provisional basis on 4th August 2014 and comprises the following:
 - 12 Individual trees.
 - 4 Groups.
 - 3 Woodlands.
- 1.3 A copy of the 'Schedule – Specification of Trees' is included in Appendix 1 for reference purposes.
- 1.4 A copy of the TPO Plan produced by Bracknell Forest Council is included in Appendix 2 for reference purposes.
- 1.5 The site was visited on Friday 22nd August 2014 by Tim Laddiman, BSc.(Hons) M.I.C.For. M.Arbor.A., Chartered Arboriculturist and Principal Consultant of Broad Oak Tree Consultants Ltd.
- 1.6 Objections are raised to the overall principle of the placing of the TPO and specific elements of its components. These are covered in this order below.

2. OBJECTIONS TO THE TPO IN PRINCIPLE

- 2.1 The site is located on the south side of London Road, with levels falling from north to south. A complex of buildings, served by extensive surfaced car parking, provides offices for a number of companies. The grounds originally formed the extensive gardens to the main house on the site and evidence of long term management and maintenance is notable within the grounds localised around the buildings and in the wider woodland areas to the east and west. The open vistas to the south of the grounds are maintained as grassland with regular maintenance of paths as well as hazard reduction of collapsed trees.
- 2.2 The extent of the trees on the site is considerable and the numbers involved sizeable with a diverse range of ages and species present. The site represents a considerable management challenge to ensure the ongoing viability of the wooded areas and to manage potential hazards to users of the site, the buildings and users of London Road.
- 2.3 The placing of the TPO covering the vast majority of the trees on the site places draconian constraints on the owners in their day to day management of the site, by requiring Council permission for such simple tasks as trimming back low hanging limbs over the drive, car parking areas or buildings. The requirement to wait up to two months from submitting an application is considered unreasonable in the context of the day to day management and maintenance in the absence of any clear justification for placing the TPO.
- 2.4 The TPO also severely restricts any normal maintenance operations that the owners may wish to undertake in the woodland areas, such as clearing fallen trees, controlling invasive weeds and rhododendron due to the fear of being prosecuted for accidentally cutting any regenerative trees of any size, which are automatically covered within the TPO Woodland designations.

- 2.5 The overall effect of the TPO is to place undue constraints and financial obligations on the client without any clear justification for the expediency of its placing.
- 2.6 Whilst the site is indicated to be available for potential development this does not immediately indicate that wholesale tree felling would occur to achieve developable area.
- 2.7 Due to the scale of the site, density of the trees and their size any cutting within the wooded areas would automatically require a Felling Licence from the Forestry Commission for any amount over 5 cubic metres per calendar quarter. For some of the larger trees on the site a single tree would exceed this quota.
- 2.8 Therefore the requirement for a TPO to control potential development related felling is negated by existing legislation controlling tree felling administered by the Forestry Commission.
- 2.9 The reason stated by the Council for the placing of the TPO is as follows:
- 'To maintain the visual amenity the tree/s afford to the area'.*
- 2.9.1 No statement has been provided by the Council to justify this reasoning or to quantify how the site provides visual amenity. Given the implications of the TPO on such a large site and resource the lack of any justification is not considered acceptable.
- 2.10 The nature of the site, the surrounding land and the topography means that the vast majority of the site affords no publicly visible amenity, either locally or in a wider context.
- 2.11 To the north the wooded frontage and glimpses along the drive entrance to several of the large redwoods could be construed as visible amenity and that is accepted. However, the majority of the trees located around the buildings, parking areas and lawns/grassed areas beyond the frontage and drive provide no visible public amenity. The nature of the surrounding land and large edge trees mean that even over greater distances no complete or even partial views of these trees are possible. As such they do not meet the basic stated criteria for the placing of a TPO that they should be visible to the public and as such should not be included.
- 2.12 To the east the site is bounded by further similar woodland without clear definition. As such no part of this boundary beyond the road frontage area has any definable public visibility locally or in a wider landscape context. To the south and west the wooded areas border further pine woodlands of varying ages divided by a ride network. The Ordnance Survey Landranger 175 'Reading, Windsor & Surrounding Area' does not indicate any public footpaths or bridleways to the south or west of the site. Inspection of the rides indicated several bicycle tracks but no significant evidence of foot traffic to suggest regular general public access. Consequently apart from the outer edges of the site contributing to the general wooded nature of the area there is no other justification on public amenity value.
- 2.13 It is therefore considered that the reason stated for placing the TPO has not been justified by the Council and in the most part is not of relevance to the site. As such the majority of the TPO has no justification within The Town and Country Planning (Tree Preservation) (England) Regulations 2012 No. 605. Only the frontage belt of trees, (W1), and the northern most section of W3 and the individually listed trees T1-T4 would be considered appropriate for inclusion in a TPO. The Council should look at revising or remaking the TPO to more accurately reflect the trees that provide public amenity.

3. OBJECTIONS TO SPECIFIC ELEMENTS OF THE TPO

3.1 The following comments and objections relate to the individual listings, groups and woodlands in the order they appear in the Schedule in Appendix 1.

3.2 *Individually listed trees*

TPO Reference	Comments
•Trees T1-T4 inclusive -	Redwood – visible to the public and important features of the entrance and drive. Inclusion considered justifiable.
•Trees T5, T6, T7 -	Redwood – not generally visible to the public outside of the site or in a wider landscape context therefore no justification for inclusion. Trees 6 and 7 inter crowded reducing any internal site amenity value with considerable growth potential.
•T8 -	Cypress – Inaccurate identification – actually a Western Red Cedar. No public visibility or wider landscape value. Of limited internal site amenity.
•T9 -	Oak – A Turkey Oak with large decaying basal wound to the west with decay fungi present. Short safe life span as Turkey Oak does not possess the rot resistant heartwood of native Oaks. Unsuitable for inclusion due to its condition. No public visibility.
•T10 -	Cypress – incorrect species – actually a Western Red Cedar. No public amenity value.
•T11 -	Redwood – No public or landscape amenity value.
•T12 -	Redwood – No public or landscape amenity value.

3.3 *Groups of trees*

TPO Reference	Comments
•Group 1 -	The 1 no. Douglas Fir and two Redwood listed are just about visible outside the site but do not provide justifiable public amenity. Internally these trees have value but should not be included in the TPO. The listed Sweet Chestnuts, yew and Cypress are low quality trees of poor form, limited size and limited contribution to internal visual amenity and have no justification.
•Group 2 -	The Monkey Puzzle is stunted and asymmetric and would not be justified even if publicly visible. The listed Cypress is a Western Red Cedar. The Cedar and Hemlock have some internal amenity value but no public or wider landscape value and the inclusion of Group 2 is not justified.
•Group 3 -	The listed 12 no. Oak are in fact one Oak with two small young Oaks of very poor form within a dense cluster of Birch. This listing is therefore incorrect. The Cedar is heavily asymmetric and limited in its internal amenity value. The Redwood is a good example and of internal site value as a feature but with no public visibility.
•Group 4 -	There are 5 Purple Beech, not 4 as listed leading to confusion as to which is covered. These and the listed Firs frame the southern part of the site in the context of potential views from the south of the site. The 3 Hornbeams are crowded and of very limited internal amenity value with no public visibility or wider landscape context and their inclusion is not justified.

3.4 Woodlands

TPO Reference	Comments
•Woodland 1 -	This forms a publicly visible belt along the northern boundary with London Road and its inclusion in the TPO is not objected to. However its western extent beyond the existing large brick wall is unjustified as only several low quality fruit trees are present and these do not constitute a woodland. The extent of Woodland 1 should be revised to terminate at the eastern end of the large frontage wall.
•Woodland 2 -	Apart from a narrow strip to the north, west and southwest this extensive area has no publicly visible amenity value and the inclusion of the whole area is not justified. Much of Woodland 2 has been managed as a commercial Pine woodland in the past and any tree felling within this area would be controlled by the Forestry Commission Felling Licence requirements. Therefore inclusion in the TPO is unnecessary and unjustified.
•Woodland 3 -	Except for the northern road frontage section and southern/southeast boundary sections there is no public amenity or wider landscape amenity to this area. Any felling within this area would be controlled by the Forestry Commission Felling Licence requirements. Therefore inclusion of the majority of this area within the TPO is unnecessary and unjustified.

4. SUMMARY

- 4.1 Objections are raised to the principle of a TPO on the site as it unduly restricts the management and maintenance of the site and places an unreasonable financial burden on the owners.
- 4.2 The vast majority of trees on the site have no public visual amenity value or wider landscape context due to the nature of the site, its surroundings and topography.
- 4.3 The risk of felling for possible development cannot be used as a justification for the TPO as the vast majority of any tree felling would require a Forestry Commission Felling Licence. The TPO represents an additional and unnecessary level of bureaucracy and places excessive restrictions on typical operations that would be reasonable within such a site and with such a large resource to manage.
- 4.4 There are specific mistakes within the listings within the TPO Schedule and in its definition on the TPO Plan.
- 4.5 The Council have provided no justification for their placing of such a large TPO and have not defined the public amenity supposedly afforded by the trees.
- 4.6 It is therefore requested and recommended that the Council do not confirm TPO 1171 for the reasons stated above.

Tim Laddiman
Chartered Arboriculturist
Broad Oak Tree Consultants Ltd.

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TOWN AND COUNTRY PLANNING ACT 1990

TREE PRESERVATION ORDER 1171

Land at The Brackens, London Road, Ascot, SL5 8BE - 2014



Bracknell Forest Borough Council, in exercise of the powers conferred on them by sections 198 of the Town and Country Planning Act 1990 make the following Order

Citation

1.0 This Order may be cited as

Land at The Brackens, London Road, Ascot, SL5 8BE - 2014

Interpretation

2. (1) In this Order "the authority" means Bracknell Forest Borough Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall -
(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 4th day of August 2014 and signed on behalf of the Bracknell Forest Borough Council: -

Signature	Name (Print)	Position (Print)
<u>Vincent Paloczka</u>	<u>Vincent Paloczka</u>	<u>Director</u>

(Authorised by the Council to sign in that behalf)

CONFIRMATION OF ORDER

This Order was confirmed by Bracknell Forest Borough Council without modification on the: -
[OR]

This Order was confirmed by Bracknell Forest Borough Council subject to the modifications

As indicated by, on the day of

Signed on behalf of the Bracknell Forest Council

Signature	Name (Print)	Position (Print)
.....

(Authorised by the Council to sign in that behalf)

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by Bracknell Forest Borough Council on the: -
.....day of

Signed on behalf of the Bracknell Forest Council

Signature	Name (Print)	Position (Print)
.....

(Authorised by the Council to sign in that behalf)

VARIATION OF ORDER

This Order was varied by Bracknell Forest Borough Council on theday ofby a variation order under reference number (*insert reference number to the variation order*)a copy of which is attached.

Signed on behalf of Bracknell Forest Borough Council

Signature	Name (Print)	Position (Print)
.....

(Authorised by the Council to sign in that behalf)

REVOCATION OF ORDER

This Order was revoked by Bracknell Forest Borough Council on theday of

Signed on behalf of Bracknell Forest Borough Council

Signature	Name (Print)	Position (Print)
.....

(Authorised by the Council to sign in that behalf)

**SCHEDULE
SPECIFICATION OF TREES**

Trees specified individually (encircled in solid black on the map)

Reference on map	Description	Situation
T1	Redwood	Near Lodge (North-east)
T2	Redwood	Near North-east entrance
T3	Redwood	Near North-east entrance
T4	Redwood	Near North-east entrance
T5	Redwood	North of The Brackens
T6	Redwood	North of The Brackens
T7	Redwood	North of The Brackens
T8	Cypress	North of The Brackens
T9	Oak	West of The Brackens
T10	Cypress	South of The Brackens
T11	Redwood	South of The Brackens
T12	Redwood	Near North-east entrance

Trees specified by reference to an area (within a dotted black line on the map)

None	None	None
------	------	------

Groups of trees (within a broken black line on the map)

G1	Cypress x 2; Redwood x 2; Douglas Fir x1, Sweet Chestnut x 5; Yew x 2.	Near North-east entrance
G2	Cypress x 1; Hemlock x 1; Monkey Puzzle x 1.	South of The Brackens
G3	Oak x 12; Redwood x 1; Cedar x 1.	South of The Brackens
G4	Purple Beech x 4; Hornbeam x 3; Fir x 3.	Southern boundary of site

Woodlands (within a continuous black line on the map)

W1	Mixed woodland: -All species, including Oak, Beech, Hornbeam, Sycamore and Yew.	North boundary fronting London Road
W2	Mixed woodland: - All species including Sweet- Chestnut, Fir, Oak, Silver Birch, Yew and Scots Pine.	West boundary (entire from North to South)
W3	Mixed woodland: - All species, including Scots Pine, Silver Birch, Beech, Oak and Sweet-Chestnut	East boundary (entire from North to South)

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**TREE PRESERVATION ORDER
1171**

**Land at The Brackens, London Road,
Ascot, SL5 8BE - 2014**

Key		
Trees specified individually (T): -		
T1 - Redwood	T7 - Redwood	
T2 - Redwood	T8 - Cypress	
T3 - Redwood	T9 - Oak	
T4 - Redwood	T10 - Cypress	
T5 - Redwood	T11 - Redwood	
T6 - Redwood	T12 - Redwood	
Groups of trees (G): -		
G1 - Cypress x 2; Redwood x 2; Douglas Fir x1, Sweet Chestnut x 5; Yew x 2.		
G2 - Cypress x 1; Hemlock x 1; Monkey Puzzle x 1.		
G3 - Oak x 12; Redwood x 1; Cedar x 1.		
G4 - Purple Beech x 4; Hornbeam x 3; Fir x 3.		
Woodlands (W): -		
W1 - Mixed woodland: -All species, including Oak, Beech, Hornbeam, Sycamore and Yew.		
W2 - Mixed woodland: - All species including Sweet-Chestnut, Fir, Oak, Silver Birch, Yew and Scots Pine.		
W3 - Mixed woodland: - All species, including Scots Pine, Silver Birch, Beech, Oak and Sweet-Chestnut		
Areas (A): - None		
Drawing No. TPO 1171		
Drawn By	Date	Scale @ A3
J Polnik	04/08/2014	(Original) 1:1250
OS co-ordinates (Centre of plan) 489762/168775		

Important
Please note that anyone wishing to carry out any form of work to the trees affected by this Order (including any work which may affect their roots in any way) must first seek written consent from this Authority. The legislation protecting these trees overrides Common Law and Permitted Development Rights.

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