



NOTICE OF MEETING

Planning Committee

Thursday 26 February 2015, 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

EMERGENCY EVACUATION INSTRUCTIONS

- 1 If you hear the alarm, leave the building immediately.
- 2 Follow the green signs.
- 3 Use the stairs not the lifts.
- 4 Do not re-enter the building until told to do so.

If you require further information, please contact: Greg O'Brien
Telephone: 01344 352044
Email: committee@bracknell-forest.gov.uk
Published: 17 February 2015



Planning Committee
Thursday 26 February 2015, 7.30 pm
Council Chamber, Fourth Floor, Easthampstead House,
Bracknell

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

AGENDA

- | | Page No |
|---|---------|
| 1. Apologies for Absence
To receive apologies for absence. | |
| 2. Minutes
To approve as a correct record the minutes of the meeting of the Committee held on 22 January 2015. | 1 - 20 |
| 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 No 14/00813/FUL - 1 Dundas Close, Bracknell.
Erection of 2no. 4 bedroom dwellings with attached garages with associated parking and bin store and access. (This application is a resubmission of 13/01041/FUL). | 25 - 40 |
|---|---------|

6. **Application No 14/00877/FUL - 1 Ringwood, Bracknell.**
Change of use of land adjacent to 1 Ringwood from amenity land to residential land forming residential curtilage, including alterations to existing fence line to increase the rear garden amenity space. 41 - 48
7. **Application No 14/00968/FUL - Cavaliers, Downshire Way, Bracknell**
Erection of a two storey side extension with a part flat roof and part pitched roof, including alterations to main roof ridge and alterations to existing doors and windows. 49 - 56
8. **Application No 14/01095/FUL - Photon House/Blueprint House, Old Bracknell Lane West, Bracknell.**
Redevelopment of site to provide 20no. 1 bedroom and 46no. 2 bedroom flats with associated car parking. 57 - 80
9. **Application No 14/01266/FUL - Woodside, Woodside Road, Winkfield.**
Erection of a detached 4-bed house with part basement, self-contained annexe and detached 4-bay garage; demolition of existing dwelling, outbuildings and other free-standing buildings
(This application is a resubmission of 14/00695/FUL) 81 - 102
10. **Application No 14/01316/FUL - Babbacombe, Jigs Lane North, Warfield.**
Erection of a two storey rear extension, roof extension and side dormer. 103 - 108
11. **Application No 15/00015/RTD - MAST 3028, High Street, Crowthorne.**
Installation of new 4.5 head frame with 6no replacement antenna on existing monopole, raising its height to 18.4m. New remote radio unit to head frame and 1 no. equipment unit plus ancillary works. 109 - 114
12. **Application No 15/00030/3 - Stoney Road, Bracknell.**
Conversion of two areas of amenity land to form 8no. parking bays. 115 - 122
13. **PS Application No 13/00966/FUL - Binfield House Nursery, Terrace Road North, Binfield.**
Erection of 5 no. five bedroom, 7 no. four bedroom, 2 no. three bedroom and 10 no. two bedroom dwellings with associated landscaping and vehicular access from Knox Green following demolition of existing buildings, and alterations to wall within the curtilage of a listed building. 123 - 176

NB: There is a confidential Annex attached to this report. If the Committee wishes to discuss this, it is invited to RESOLVE that pursuant to Section 100A of the Local Government Act 1972, as amended, and having regard to the public interest, members of

the public and press be excluded from the meeting for the consideration of item 13 which involves the likely disclosure of exempt information under the following category of Schedule 12A of that Act:

- (3) *Information relating to the financial or business affairs of any particular person.*

Miscellaneous Items

14. Confirmation of Tree Preservation Order (TPO 118)) - Land at Arden Close, Bracknell

To seek confirmation of TPO 1180.

177 - 180

15. Date of Next Meeting

To agree the date of the next meeting.

181 - 182

**PLANNING COMMITTEE
22 JANUARY 2015
7.30 - 10.15 PM**



Present:

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

Also Present:

Councillors Mrs Hayes, Mrs McCracken (substitute), McCracken, Turrell

Apologies for absence were received from:

Councillors Angell, Mrs Angell, Birch, Finnie, Heydon, Kensall and Virgo

82. Minutes

RESOLVED that the minutes of the Committee held on 18 December 2014 be agreed and signed by the Chairman.

83. Declarations of Interest

Councillor Gbadebo declared an interest in Items 8 and 9 in relation to 91 Staplehurst and 90 Staplehurst but confirmed that he was unable to see the sites from where he lived. He withdrew from the meeting for these items.

84. Urgent Items of Business

There were no urgent items of business.

85. PS Application 13/00966/FUL - Binfield House Nursery, Terrace Road North, Binfield

Erection of 5 no. five bedroom, 7 no. four bedroom, 2 no. three bedroom and 10 no. two bedroom dwellings with associated landscaping and vehicular access from Knox Green following demolition of existing buildings, and alterations to wall within the curtilage of a listed building.

This application, which had been considered by Planning Committee at its meeting on 16 October 2014, was reported back to the Committee as the applicant did not consider that the scheme was financially viable if the affordable housing required under the Committee resolution was to be provided.

The Committee noted:

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

The criteria for public speaking had been met in respect of this application and the Committee was addressed by the registered speaker Mr Trinder, who represented his

objections to the proposed development, and Mr Jouanides, who represented the Agent in the case, MGI Architecture Limited, on behalf of the Applicant.

Members expressed concern in making a decision on this application before seeing the viability study submitted by the applicant and the independent assessment of this study prepared for the Council. The viability reports were currently considered to be commercially sensitive and would need to be brought to a future meeting of the Committee in closed session (or if deemed to not be commercially sensitive, in open session). Members also queried at what point a lower number of affordable housing units was viable on the site.

A motion to **DEFER** the application was moved and seconded. On being put to the vote the motion was **CARRIED** and this application was deferred to a future meeting of the Committee.

86. **Application 14/00857/FUL - 1 Cornbunting Close, College Town, Sandhurst
Erection of outbuilding forming workshop.**

The Committee noted:

- The supplementary report of the Head of Development Management tabled at the meeting.
- The comments of Sandhurst Town Council.
- Four letters of objection had been received in relation to the amended plans, from the original objectors to the scheme and raised the following matters: it would set a precedent and was an eyesore, noise issues, height and size of building, disposal of rainwater still a concern, other outbuildings could be erected by neighbours to maintain privacy and block out height of proposed outbuilding.

Members noted that the workshop would be used for private purposes and would be ancillary to the residential dwelling. The workshop could be used as a habitable room but was not for commercial purposes.

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

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 5 January 2015:
drawing no JSD-14-69/01
03. The outbuilding hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwellinghouse, known as 1 Cornbunting Close Sandhurst GU47 0XZ.
04. The dormer window in the north elevation of the development 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 with the exception of a top hung openable fanlight.

05. The window in the western elevation of the proposed development shall at all times be a high level window having a sill height of not less than 1.7 metres above internal floor level.
06. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional windows, similar openings or enlargement thereof shall be constructed in the northern, eastern, southern and western elevations of the outbuilding except for any which may be shown on the approved drawings.

87. **Application 14/01001/FUL - Heathfield School, London Road, Ascot**

Erection of 7 staff houses in form of two detached houses and a terrace with associated car parking following demolition of the Head and Deputy Headmistresses houses; erection of Junior Boarding House for 60 pupils (including 3no. 1 bedroom and 1no. 2 bedroom duplex level staff flats) with alterations/extension to existing car park; and extension to Phoenix Boarding House to provide accommodation for 14 pupils.

The Committee noted:

- The supplementary report of the Head of Development Management tabled at the meeting.
- The comments of Winkfield Parish Council.
- Four objections were received: i) The application represents a departure from the development plan as it is development within the countryside; ii) Why is there a need for staff housing on site when there is staff housing on North Street and why is the housing of the size and layout proposed.

Members noted that there would be no change to the number of staff or maximum number of 250 pupils on site. Members noted that 30 car parking spaces would be removed and 34 car parking spaces would be added.

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

01. Restricting the occupancy of the staff housing and flats to persons employed at the site (& their dependants).

Contributions towards the Thames Basin Heaths SPA mitigation.

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.
02. The development hereby permitted shall be carried out only in accordance with the following approved plans and documents:
 Transport Statement received 29.09.14
 Landscape and Visual Impact Assessment received 29.09.14
 Arboricultural Impact Assessment received 29.09.14
 Extended Phase 1 Habitat Assessment received 29.09.14
 5165/1100 Site Location Plan (Red line for Planning) 1:2500 received 29.09.14
 5098/1100 Existing Site Plan 1:500 received 29.09.14

5098/1110A Proposed Site Plan 1:500 received 29.09.14
 5098/1120 Staff Housing Existing Site Survey 1:200 received 29.09.14
 5098/1130 Staff Housing Block Plan 1:200 received 29.09.14
 5098/1200 Staff Housing HM's House 1:100 received 29.09.14
 5098/1201A Staff Housing Director of Boarding's House 1:100 received 29.09.14
 5098/1202/A Staff Housing Terraced Plans 1:100 received 29.09.14
 5098/1300 Staff Housing Terraced Elevations 1:100 received 29.09.14
 4985/1100 JBH and Car Park Existing Site Plan received 29.09.14
 4985/1101 JBH and Car Park Proposed Site Plan received 29.09.14
 4985/1200 JBH Plans 1:100 received 29.09.14
 4985/1201 JBH Plans 1:100 received 29.09.14
 4985/1300 JBH Elevations 1:100 received 29.09.14
 4985/1301A JBH Elevations 1:100 received 29.09.14
 5165/110A Phoenix House Existing Plan and Elevations 1:100 received 29.09.14
 5165/1111 Phoenix House Extension Proposed Site Plan 1:100 received 29.09.14
 5165/1200 Phoenix House Extension Floor Plans 1:100 received 29.09.14

 5165/1300 Phoenix House Extension Elevations 1:100 received 29.09.14

 4985/1102 Junior Building Drainage Plan 1:200 received 18.11.14
 5098/1135 Staff Housing Drainage Plan 1:200 received 18.11.14
 5165/1201 Phoenix House Drainage Plan 1:200 received 18.11.14

03. The number of staff employed by Heathfield School shall be restricted to no more than 135 and the number of pupils on the school role shall be restricted to no more than 250.
04. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
05. 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.
06. 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 out and completed prior to the occupation of any part of the approved development. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved, unless the Local Planning Authority gives written consent to any variation.

- 07. The development shall not be begun until a Sustainability Statement demonstrating how the development meets current best practice standards in the sustainable use of natural resources has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include either a Design Stage Report and BRE Interim Certificate or a pre-assessment estimator carried out by an independent assessor licensed by the Building Research Establishment demonstrating that the development meets a minimum standard of Level 3 of the Code for Sustainable Homes or a "Very Good" or "Excellent" BREEAM rating. The development shall be implemented in accordance with the Sustainability Statement and shall be retained in accordance therewith.
- 08. Within one month of the first occupation of the development hereby permitted (or, where the development is phased, within one month of the first occupation of the final phase of that development), a Post Construction Review Report shall be carried out by an independent assessor licensed by the Building Research Establishment and a Final Code Certificate shall be submitted to the Local Planning Authority which demonstrates that the development has been constructed to meet a minimum standard of level 3 of the Code for Sustainable Homes.
- 09. The development shall not be begun until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. 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.

10. No site clearance shall take place during the main bird-nesting period of 1st March to 31st August inclusive, unless a scheme to minimise the impact on nesting birds during the construction of the development has been submitted to and approved by the Local Planning Authority.
11. All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecosulis Precautionary Method of Working statement dated August 2014 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
12. The demolition of building B2 as identified in Ecosulis' bat survey report dated August 2014 shall not in any circumstances commence unless the local planning authority has been provided with either:
 - a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity to go ahead; or
 - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity will require a licence.
13. The areas shown for bat roost purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose without the prior written permission of the Local Planning Authority.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that order, no external lighting shall be installed on the site or affixed to any buildings on the site except in accordance with details set out in a lighting design strategy for biodiversity that has first been submitted to and approved in writing by the Local Planning Authority. The strategy shall:
 - a) identify those area/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

15. If more than 2 years elapse between the previous bat survey and the due commencement date of works, an updated bat survey shall be carried out by a suitably qualified ecologist, unless otherwise agreed in writing by the Local Planning Authority. A report confirming the results and implications of the assessment, including any revised mitigation measures, shall be submitted to the Local Planning Authority before construction works commence on site.

16. The demolition 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.

17. 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 (Site investigation) may be carried out if required by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The method and extent of this site investigation shall be agreed with the Local Planning Authority prior to commencement of the work and shall then proceed in strict accordance with the measures approved.
This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

18. 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. The remedial scheme must be carried out before the development commences unless otherwise agreed in writing by the local planning authority.

Should any unforeseen contamination be encountered during the development, the Local Planning Authority shall be informed immediately. Any 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 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.

19. No development approved by this permission shall be commenced until a ground gas risk assessment has been submitted to an approved in writing by the Local Planning Authority. Where a risk from migrating gas is identified, appropriate works to mitigate the effects of gas shall be incorporated in detailed plans to be approved by the Local Planning Authority.
20. No demolition or construction work shall take place outside the hours of 08:00 and 18:00 Monday to Friday; 08:00 and 13:00 Saturday and not at all on Sundays and Public Holidays.
21. No building work to the Junior Boarding House shall take place until the associated vehicle parking and turning space has been surfaced and marked out in accordance with drawing 4985/1101- JBH and Car Park Proposed Site Plan dated 29.09.14 . The spaces shall not thereafter be used for any purpose other than parking and turning.
22. The car ports shall be retained for the use of the parking of vehicles at all times, unless otherwise agreed in writing by the Local Planning Authority.
23. 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 Planand 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.

RESOLVED In the event of the S106 planning obligation not being completed by the 23 March 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 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.

02. The proposed additional dwellings, the occupation of which is not restricted to school staff and their dependants, are considered to be inappropriate development in the countryside which would result in an adverse urbanising impact and unacceptably increase the pressure on open space, education facilities, public open space, built sports facilities, libraries and community facilities. In the absence of a section 106 planning obligation restricting the occupancy of the proposed dwellings to persons employed at the school on the site (and their dependants), the proposal is considered to be contrary to BFBLP Policies EN8, H5 and EN20 and CSDPD Policies CS1, CS6, CS7 and CS9 and the NPPF.

88. Application 14/01021/FUL - 91 Staplehurst, Bracknell

Garage extension and the erection of a pitched roof.

A site visit had been held on Saturday 17 January 2015 which had been attended by Councillors Mrs Angell, Ms Brown, Brossard, Davison, Dudley, Heydon, Thompson and Mrs McCracken.

The Committee noted:

- The supplementary report of the Head of Development Management tabled at the meeting.
- Four objections were received:
 - i. The proposed height, massing and pitched roof layout of the development would be adversely out of character with the surrounding area.
 - ii. The cumulative length of the garage would result in an adverse overbearing impact on the neighbouring residential properties.
 - iii. Insufficient information has been submitted concerning details of surface water drainage.

Members noted that Item 8: 91 Staplehurst and Item 9: 90 Staplehurst would need to be considered together, as the outcome of one application would directly impact on the outcome of the other application, but that decisions on the applications would be made separately.

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

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 29 October 2014 and 20 January 2015:
Location Plan scale 1:1250
Drg. NO: GO/042013/01 Issue 3
Drg No: GO/042013/20
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.

04. The development hereby permitted shall be constructed and substantially finished concurrently with the development at 90 Staplehurst, Bracknell (reference: 14/01022/FUL).

89. **Application 14/01022/FUL - 90 Staplehurst, Bracknell**
Garage extension and the erection of a pitched roof.

A site visit had been held on Saturday 17 January 2015 which had been attended by Councillors Mrs Angell, Ms Brown, Brossard, Davison, Dudley, Heydon, Thompson and Mrs McCracken.

The Committee noted:

- The supplementary report of the Head of Development Management tabled at the meeting.
- Two objections were received: insufficient information has been submitted concerning details of surface water drainage.

Members noted that Item 8: 91 Staplehurst and Item 9: 90 Staplehurst would need to be considered together, as the outcome of one application would directly impact on the outcome of the other application, but that decisions on the applications would be made separately.

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

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 29 October 2014 and 20 January 2015:
Location Plan scale 1:1250
Drg. NO: GO/042013/01 Issue 3
Drg No: GO/042013/20
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.
04. The development hereby permitted shall be constructed and substantially finished concurrently with the development at 91 Staplehurst, Bracknell (reference: 14/01021/FUL).

90. **Application 14/01114/FUL - 24 Beaulieu Close, Bracknell**
Erection of a part two storey, part first floor side extension (Re-submission of planning application 14/00633/FUL).

The Committee noted:

- The comments of Winkfield Parish Council.
- Two objections were received and are summarised as follows:
 - The design and massing of the development is out of character with the surrounding area, including the use of a single wide garage access door, and has resulted in overdevelopment of the site and a terracing effect.

Furthermore the wooden beams as shown on the approved plans for 14/00633/FUL have not been installed.

- The development results in an adverse loss of light to the residents of the neighbouring property of 'Springhill', 23 Beaulieu Close.
- The development does not provide adequate parking provision for vehicles.

Members noted that the extension was 0.4 metres further forward and amendments had been made to the garage as per the report in the agenda papers. The garage was not classified as a double garage as it was not wide enough. Members expressed concern regarding the resident being able to access the driveway via the dropped curb on the corner which was for pedestrian use. Members suggested that a condition be added to prevent the resident from doing this.

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

01. The development hereby permitted shall be retained in accordance with the following plans received by the Local Planning Authority:
2814-2 Issue F 'Proposed elevations' received on 10 December 2014
2817-3 Issue F 'Existing and proposed floor plans' received on 10 December 2014
2814-7 Issue C 'Parking Plan' received on 10 December 2014
2814-10 Issue D 'Site Plan' received on 16 October 2014
02. 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.
03. 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 north facing side elevation of the first floor rear extension hereby permitted.
04. Within three months of the date of this permission the 2no. off-street parking spaces as shown on drawing 2814-7 Issue C 'Parking Plan' received by the Local Planning Authority on 10 December 2014 shall provided in accordance with the approved plans. The parking spaces shall thereafter be retained for the use of the parking vehicles at all times.
05. Within three months of the date of this permission the parking within the garage, shall be provided in accordance with drawing 2814-7 Issue C 'Parking Plan' received by the Local Planning Authority on 10 December 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.
06. Within three months of the date of this permission the 2no. roller shutter doors shall be installed to the garage in accordance with drawing 2814-2 Issue F 'Proposed elevations' received by the Local Planning Authority on 10 December 2014. The roller shutter doors shall thereafter be retained in this location at all times, and any replacement or repair shall only be with roller shutter type garage doors.
07. Within one month of the date of this permission details of landscaping treatments for preventing access/egress for vehicles to or from the hard

surfaced area serving 24 Beaulieu Close through the pedestrian footway crossing, sited on the southwestern corner of the property within the highway junction of Beaulieu Close with Brockenhurst Road, shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented within month of written approval, and shall thereafter be retained for the purposes of preventing vehicular access/egress across the footway at all times.

91. **Application 14/01174/FUL - Tesco Stores Ltd, Whitton Road, Bracknell
Installation of Key Cutting, Shoe & Watch Repairs Pod to Class 1 Retail Premises.**

The Committee noted:

- The supplementary report of the Head of Development Management tabled at the meeting.
- One letter of objection concerning a separate retail pod being in danger of turning the site into a disjointed retail park and the expansion of the site being out of keeping with its location at the centre of a residential area.

Members noted that the security of the cash point on the site was not a planning issue and that there was no indication of car parking spaces being lost due to the location of the proposed pod. The door next to the cash point was a fire exit and would not be blocked by the pod.

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

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 7th November 2014 and 20th January 2015:

12861-001 (Rev C4)
12861-060 (Rev C2)
TSQP3 01
03. The opening hours of the pod shall be limited to 09.00 hours to 18.00 hours Monday to Saturday and 10.00 hours to 16.00 hours Sunday and at no other times.
04. No deliveries shall be made to the site before 07.00 hours or after 22.00 hours Monday to Saturday and not before 09.00 hours or after 17.00 hours on Sundays.

92. **Application 14/01175/A - Tesco Stores Ltd, Whitton Road, Bracknell
Display of 3no. illuminated wall mounted signs and 4no. non-illuminated wall mounted signs**

The Committee noted:

- The comments of Winkfield Parish Council.
- Two letters of objection were received concerning the illuminated signs resulting in light pollution and posing an adverse impact on visual amenity, and being out of keeping with the location of the store.

RESOLVED that **ADVERTISEMENT CONSENT be granted** subject to the following condition(s):-

01. The advertisements hereby granted consent shall be displayed in accordance with the following plans and other submitted details received by the Local Planning Authority on 20th January 2015:

TSQP3 01

02. The signage hereby permitted shall not be illuminated before 09.00 hours or after 18.00 hours Monday to Saturday and shall not be illuminated before 10.00 hours or after 16.00 hours on Sunday.

93. **Application 14/01228/FUL - 94 To 96 College Road, College Town, Sandhurst**
Erection of 3 no. 4 bedroom houses and 1 no. 3 bedroom house with associated bin and cycle storage, landscaping, parking and vehicular access off Academy Place on land to the rear of 94 and 96 College Road.(revision to 14/00580/FUL).

The Committee noted:

- The supplementary report of the Head of Development Management tabled at the meeting.
- The comments of Sandhurst Town Council.
- 8 Objections were received and the concerns were summarised as follows:
 - Impact upon the character of the area
 - Over development resulting in a visually cramped appearance
 - Impact upon the neighbours amenities (overbearing, overshadowing of gardens and overlooking)
 - Increase in vehicle movements and lack of parking
 - Parking pressures from non-residents parking in Academy Place
 - Impact upon wildlife
 - Loss of trees
- 3 Additional Objections had been received and the concerns raised were summarised as follows: i) Concerns were raised that the development would significantly impact upon the amenities of the adjacent private gardens in Academy Place; ii) Concerns were raised that the applicant's assessment was inaccurate and the overshadowing problem had not been solved. The suggestion that a house had been removed (from 3 to 2 houses) to alleviate overbearing impact had also done little to improve the situation as the height and depth has increased to incorporate 2 x 4bed houses (previously 3 beds); iii) It was also alleged that inadequate public consultation was undertaken relating to this revised proposal.

Members expressed concern regarding the proximity of the site to nearby properties and the potential for the land between the fence and the back of the properties in Academy Place to be built on however it was noted that condition 5 required a planning application for such development. Members noted that this was an amended application with one property removed from the plans, the remaining properties

moved back a further 3 metres, and the proposal complied with light parameters for the other properties nearby.

Given the neighbours were re-consulted on the 15 January 2015 with regards to the amendments received, the expiry date of this consultation will expire on 29 January 2015, one week after the Planning Committee Meeting and it is therefore standard practice for the recommendation to be amended to reflect this as follows:

RESOLVED that subject to:

- 1 No new material objections being received by 29 January 2015 which have not been already considered; and,
- 2 Following the completion of planning obligation(s) under Section 106 of the Town and Country Planning Act 1990 relating to:-
 - (i) SPA Mitigation
 - (ii) Dedication of part of the site access as public highway
 - (iii) Maintenance of public areas

The Head of Development Management be authorised to **APPROVE** the application subject to the conditions recommended in the Committee report.

Condition(s):-

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
02. The development hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details.

12065-02-200 Rev.A - Location Plan received 08.12.14

12065-02-206 - Proposed Block Plan Ground Floor received 27.11.14

12065-02-207 - Proposed Block Plan First Floor received 27.11.14

12065-02-208 - Proposed Block Plan Roof Plan received 27.11.14

12065-02-209 - Proposed Elevations Plot 1, 2 received 27.11.14

12065-02-210 - Proposed Elevations Plot 3 & 4 received 27.11.14

12065-02-211 - Proposed Elevations & Sections received 27.11.14

12065-02-212 - Proposed Plot 1, 2 Ground Floor received 27.11.14

12065-02-214 - Proposed Plot 3 & 4 Ground Floor received 27.11.14

12065-02-215 - Proposed Plot 3 & 4 First Floor received 27.11.14

12065-02-217 – Proposed Cycle Storage received 27.11.14.09.14

12065-02-218 - Refuse Collection received 27.11.14

12065-02-220 - Typical Shed Elevations received 27.11.14

12065-02-221 - Knee Rail Fencing received 27.11.14

12065-02-222 - Extent of Road Adoption received 27.11.14

12065-02-224 - Sunlight & Day Assessment received 27.11.14

Arboricultural Survey and Implications Assessment Revised received
27.11.14

13-137-260 813 TC Revision 2 Arboricultural survey and constraints plan
received 27.11.14

Reptile Survey Report by Lilacs Land Consultants LLP received 27.11.14

Sustainability Statement by The Blewburton Partnership (November 2014)
received 27.11.14

Transport Statement by Dermot McCaffery (November 2014) received
27.11.14

03. No development shall take place until samples of the materials to include bricks and roof tiles and other hard surfaces to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
04. The development hereby permitted shall not be begun until details showing the finished slab levels of the buildings hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that order with or without modification) no enlargement, addition, improvement or other alteration permitted by Classes A, B, C, D and E of Part 1 of the Second Schedule of the 1995 Order shall be carried out.
06. The development hereby permitted shall be implemented in accordance with the submitted Sustainability Statement and shall be retained in accordance therewith unless the Local Planning Authority gives prior written consent to any variation.
07. Within one month of the first occupation of the development hereby permitted (or, where the development is phased, within one month of the first occupation of the final phase of that development), a Post Construction Review Report shall be carried out by an independent assessor licensed by the Building Research Establishment and a Final Code Certificate shall be submitted to the Local Planning Authority which demonstrates that the development has been constructed to meet a minimum standard of level 3 of the Code for Sustainable Homes.
08. The development shall not be begun until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate:
 - (a) that before taking account of any on-site renewable energy production the proposed development will reduce carbon dioxide emissions by at least 10% against the appropriate Target Emission Rate as set out in Part L of the Building Regulations (2006), and
 - (b) that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 20% unless otherwise agreed in writing by the Local Planning Authority).

The buildings thereafter constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith, unless the Local Planning Authority gives prior written consent to any variation.

09. No development (other than the construction of the access) shall take place until the access has been constructed in accordance with the details to be submitted to and approved in writing by the Local Planning Authority.
10. No dwelling shall be occupied until a means of access for pedestrians has been constructed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.
11. The dwellings shall not be occupied until visibility splays of 2.0 metres by 2.0 metres have been provided at the junction of the driveway and the adjacent footway. The dimensions shall be measured along the edge of the drive and the back of the footway from their point of intersection. The visibility splays shall at all times thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the carriageway.
12. The gradient of private drives shall not exceed 1 in 12.
13. No dwelling shall be occupied until the associated vehicle parking and turning space including drainage has been constructed and surfaced and marked out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The vehicle parking and turning spaces shall not thereafter be used for any purpose other than parking and turning.
14. No dwelling shall be occupied until details of the signing for the visitor car parking space has been submitted to and approved in writing by the Local Planning Authority. The visitor car parking space shall be provided and signed in accordance with the approved details and the space and signage shall thereafter be retained.
15. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority for covered and secure cycle parking facilities. The dwellings shall not be occupied until the approved scheme has been implemented and the facilities shall thereafter be retained.
16. No gates shall be provided at the vehicular access to the site.
17. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority for off site highway works including the following:
 - to form an access into the siteThe buildings provided by the carrying out of the development shall not be occupied until the off site highway works have been completed in accordance with the approved scheme.
18. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:
 - (a) Parking of vehicles of site personnel, operatives and visitors
 - (b) Loading and unloading of plant and vehicles
 - (c) Storage of plant and materials used in constructing the development
 - (d) Wheel cleaning facilities
 - (e) Temporary portacabins and welfare for site operatives
 - (f) Construction management plan setting out measures to minimise impacts of this development upon the existing residents

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

19. No site clearance shall take place during the main bird-nesting period of 1st March to 31st August inclusive, unless a scheme to minimise the impact on nesting birds during the construction of the development has been submitted to and approved by the Local Planning Authority.
20. No development shall take place until a reptile mitigation strategy has been submitted to and approved by the Council. The strategy should include the following:
 - i. Details of measures taken to avoid harm to reptiles on site during development
 - ii. Details of a suitable translocation receptor site
 - iii. Details of any enhancements required of the receptor site
 - iv. Details of management and maintenance requirements of the receptor site
 - v. Details of monitoringA close out report will be submitted to the council within 3 months of the occupation of the first dwelling
21. The scheme hereby permitted shall be carried out in accordance with the reptile mitigation measures outlined in information submitted under condition 20 (above). An ecological site inspection report shall be submitted for approval within three months of the first occupation of any dwelling hereby approved.
22. No development shall commence until a scheme for the installation of bird and bat boxes, including a plan or drawing showing the location of the boxes, has been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be performed, observed and complied with.
23. If more than 2 years elapse between the previous reptile survey and the due commencement date of works, an updated reptile survey shall be carried out by a suitably qualified ecologist. A report confirming the results and implications of the assessment, including any revised mitigation measures, shall be submitted to the Local Planning Authority before construction works commence on site. The scheme shall be implemented in accordance with the mitigation measures.
24. The development shall not be begun until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule.

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

development. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.

25. All existing trees, hedgerows and groups of shrubs shown to be retained on the approved drawings shall be protected by 2m high (minimum) welded mesh panels, supported by a metal scaffold framework, constructed in accordance with Section 6.2 of British Standard 5837:2012, or any subsequent revision. The development shall be carried out in accordance with the approved drawings.
26. The development hereby permitted (including initial site-clearance) shall not be begun until a detailed scheme, and programme for its implementation for the protection of existing trees in accordance with British Standard 5837:2012 'Trees In Relation To Construction Recommendations' (or any subsequent revision), has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include proposals for the phasing of its implementation so that protection is provided from the commencement of demolition or site clearance works (whichever is the sooner), through to the construction works and the completion of hard landscaping works. The submitted scheme shall include the following:
 - a) Accurate trunk positions and canopy spreads of all existing trees
 - b) Minimum 'Root Protection Areas' of all existing trees
 - c) Plans of a minimum scale of 1:200 showing the proposed locations of protective barrier/s, constructed in accordance with Section 6 (Figures 2 or 3) of BS 5837:2012, to include appropriate weatherproof tree protection area signage (such as "Keep Out - Construction Exclusion Zone") securely fixed to the outside of the protective fencing structure at regular intervals.
 - d) Proposed ground protection measures in accordance with Section 6 (Figure 3) of BS 5837:2012.
 - e) Annotated minimum distances between fencing and trunks of retained trees at regular intervals.
 - f) Illustration/s of the proposed fencing structure/s to be erected. The development shall be carried out in accordance with the approved scheme and programme.
27. No building work or deliveries shall take place during the construction of the development hereby approved outside the hours of 08.00 hours and 18.00 hours Monday to Friday; 08.00 hours and 13.00 hours Saturday and not at all on Sundays and Public Holidays.

RESOLVED In the event of the S106 planning agreement not being completed by 22 March 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).

94. **PS Application 14/01274/RTD - Telecommunications Mast Opposite Great Oaks Cottage, Crouch Lane, Winkfield**

Installation of 10 metre tall dual-operator telecom's monopole complete with 1 no. antenna within a GRP shroud , 1 no. equipment unit plus ancillary works.

The criteria for public speaking had been met in respect of this application and the Committee was addressed by the registered speakers Mr Wigzell and Mr Kingdom, who represented their objections to the proposed development.

The Committee noted:

- The supplementary report of the Head of Development Management tabled at the meeting.
- The comments of Winkfield Parish Council.
- 12 letters of objection had been received and raised the following issues:
 - The pole would be visually prominent within the Green Belt.
 - The siting is an accident hot spot.
 - The siting is on the only dangerous, narrow stretch of Crouch Lane which is 60 mph.
 - Crouch Lane is not salted in the winter.
 - The applicant has incorrectly stated it is a 30mph road.
 - Alternative sites have also not been fully explored for example the pumping station and owners of adjacent fields have not been approached.
 - A more urban location would be more suitable, for example, North Street.
 - A site with tree cover would be more suitable. There was no tree on site although one was show on the plans.
- An additional letter of objection had been received which increased the total number to 13, and raised the following issues:
 - i. The lane was old and never originally intended for large vehicle use therefore traffic had increased over the years.
 - ii. With the exception of a few hundred yards at one end of the lane the speed limit was 60 mph and there were many large horse boxes using the lane.
 - iii. Due to the highways definition of the lane there was no maintenance on the surface and there was no camber, also the ditch was deep and combined with the bend could be a very real danger to cars meeting a large horse box coming in the opposite direction.
 - iv. Many local residents had experienced a "nowhere to go situation" and a mast and cabinet would make a bad situation worse.
 - v. Visually the mast would be a dangerous distraction.
 - vi. Neighbourhood Watch was not aware of any large increase in stabling and horse traffic but were aware that there was much larger traffic in the lane in recent years.

Members expressed concern regarding the siting of the mast and the potential impact on vehicles coming from both directions on the road and noted that the mast would be sited on a grass verge and any maintenance vehicles should be parked off road.

Members noted that there had been just one accident on the road in the past ten years and it was not related to the bend in the road. Members noted that the mast would be erected to replace another mast and suggested that there be an additional condition requiring the removal of the mast to be replaced. Members noted that the application complied with Highway Safety standards and that an application for the erection of a mast could only be refused on grounds of highway safety or visual amenity.

RESOLVED that the siting and appearance of the development proposed be **APPROVED** in accordance with the plans as stated below:-

01. Drg no 100 Issue D received by LPA 20.01.2015
Drg no 200 Issue D received by LPA 20.01.2015
Drg no 300 Issue B received by LPA 20.01.2015
02. The existing 15m high mast and associated cabinet approved and implemented under application 00/01019/RTD shall, within 3 months of the installation of the mast hereby permitted, be decommissioned and removed from the land on which it is currently installed.

CHAIRMAN

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

www.bracknell-forest.gov.uk

**PLANNING COMMITTEE
26th February 2015**

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

		Case Officer	Reporting Officer
5	14/00813/FUL 1 Dundas Close Bracknell Berkshire (Wildridings And Central Ward) Erection of 2no. 4 bedroom dwellings with attached garages with associated parking and bin store and access. (This application is a resubmission of 13/01041/FUL). Recommendation: Approve Subject To The Completion Of Planning Obligation(s).	Paul Corbett	Basia Polnik
6	14/00877/FUL 1 Ringwood Bracknell Berkshire (Great Hollands South Ward) Change of use of land adjacent to 1 Ringwood from amenity land to residential land forming residential curtilage, including alterations to existing fence line to increase the rear garden amenity space. Recommendation: Approve.	Sarah Horwood	Basia Polnik
7	14/00968/FUL Cavaliers Downshire Way Bracknell (Priestwood And Garth Ward) Erection of a two storey side extension with a part flat roof and part pitched roof, including alterations to main roof ridge and alterations to existing doors and windows. Recommendation: Approve.	Michael Ruddock	Basia Polnik
8	14/01095/FUL Photon House/Blueprint House Old Bracknell Lane West Bracknell (Wildridings And Central Ward) Redevelopment of site to provide 20no. 1 bedroom and 46no. 2 bedroom flats with associated car parking. Recommendation: Approve Subject To The Completion Of Planning Obligation(s).	Trevor Yerworth	Martin Bourne

9	<p>14/01266/FUL Woodside Woodside Road Winkfield (Winkfield And Cranbourne Ward) Erection of a detached 4-bed house with part basement, self-contained annexe and detached 4-bay garage; demolition of existing dwelling, outbuildings and other free-standing buildings (This application is a resubmission of 14/00695/FUL) Recommendation: Refuse.</p>	Simon Roskilly	Basia Polnik
10	<p>14/01316/FUL Babbacombe Jigs Lane North Warfield (Binfield With Warfield Ward) Erection of a two storey rear extension, roof extension and side dormer. Recommendation: Approve.</p>	Michael Ruddock	Basia Polnik
11	<p>15/00015/RTD MAST 3028 High Street Crowthorne (Crowthorne Ward) Installation of new 4.5 head frame with 6no replacement antenna on existing monopole, raising its height to 18.4m. New remote radio unit to head frame and 1 no. equipment unit plus ancillary works. Recommendation: Approve.</p>	Michael Ruddock	Basia Polnik
12	<p>15/00030/3 Street Record Stoney Road Bracknell Berkshire (Priestwood And Garth Ward) Conversion of two areas of amenity land to form 8no. parking bays. Recommendation: Approve.</p>	Matthew Miller	Basia Polnik
13	<p>13/00966/FUL Binfield House Nursery Terrace Road North Binfield (Binfield With Warfield Ward) Erection of 5 no. five bedroom, 7 no. four bedroom, 2 no. three bedroom and 10 no. two bedroom dwellings with associated landscaping and vehicular access from Knox Green following demolition of existing buildings, and alterations to wall within the curtilage of a listed building. Recommendation: Approve Subject To The Completion Of Planning Obligation(s).</p>	Martin Bourne	Martin Bourne

Miscellaneous Items

CONFIRMATION OF TREE PRESERVATION
ORDER (TPO 1180)
Land at 1 Arden Close Bracknell

To Agree the Date of Next Committee Meeting

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.

ITEM NO: 5

Application No.
14/00813/FUL
Site Address:

Ward:
Wildridings And Central

Date Registered:
17 July 2014

Target Decision Date:
11 September 2014

1 Dundas Close Bracknell Berkshire RG12 7BX

Proposal:

Erection of 2no. 4 bedroom dwellings with attached garages with associated parking and bin store and access. (This application is a resubmission of 13/01041/FUL).

Applicant:

Mr O Hicks

Agent:

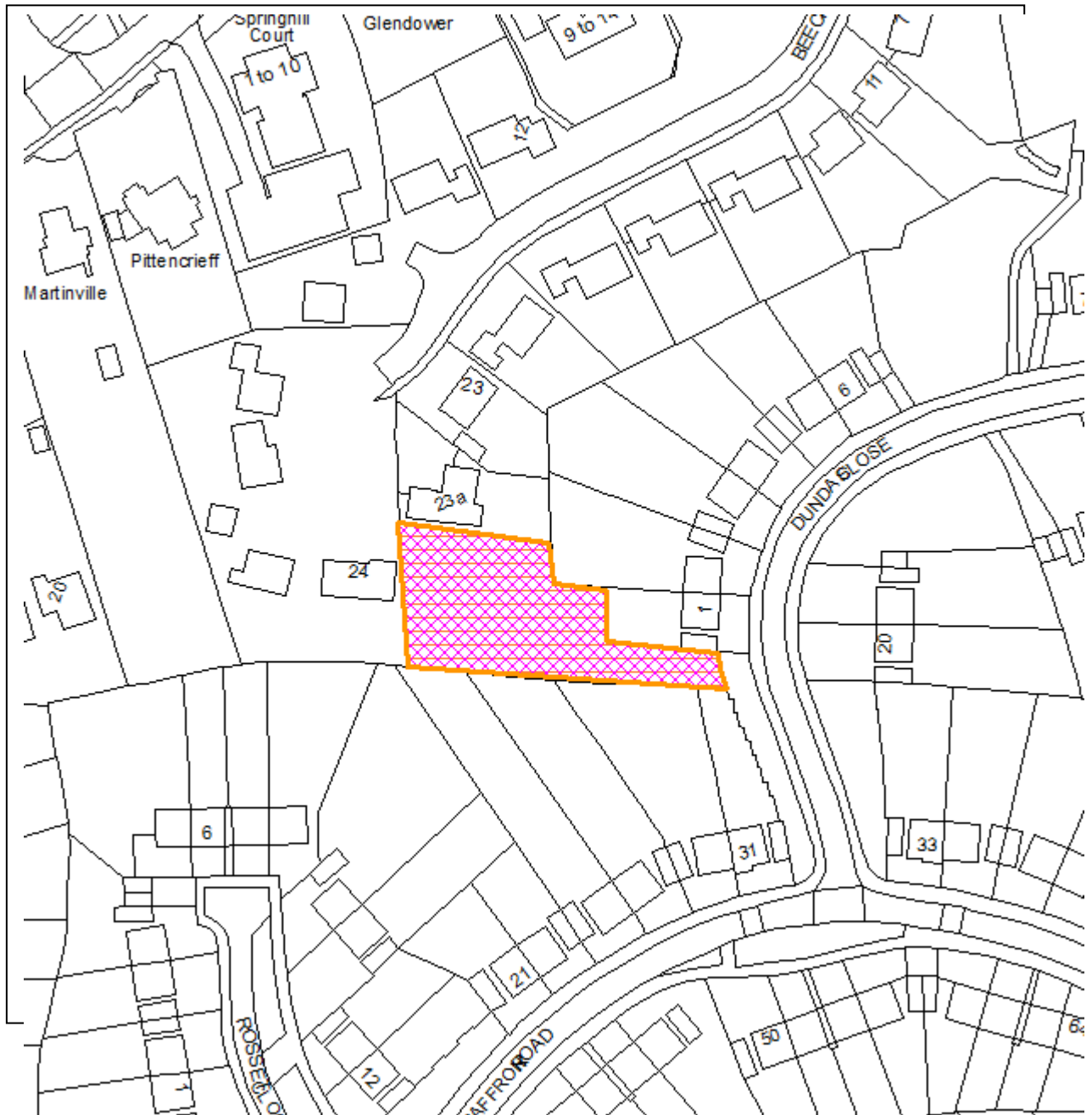
Mr Warren Joseph

Case Officer:

Paul Corbett, 01344 352000

environment@bracknell-forest.gov.uk

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



OFFICER REPORT

1. REASON FOR REPORTING APPLICATION TO COMMITTEE

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

2. SITE DESCRIPTION

The application site is located within the settlement of Bracknell on the western side of Dundas Close. The land currently forms the side and rear garden of 1 Dundas Close.

The site is surrounded by other residential development on all its boundaries.

The area is characterised by a mix of detached, semi-detached and terraced housing, the majority of which is two storeys in height.

3. RELEVANT SITE HISTORY

This application follows the withdrawal of a previous application (13/01041/FUL) which was for the erection of 4 no. 2 bedroom flats with associated cycle and bin store buildings.

615262 (1989)

Planning Permission was granted for a change of use from public open space to private garden and construction of a new vehicular access to the occupiers of 1 Dundas Close in 1989.[The land has a restrictive covenant on it which restricts the building of any new dwellings on the land]

4. THE PROPOSAL

This revised proposal comprises the erection of 2no. 4 bedroom dwellings with attached garages with associated parking and bin store and site access off Dundas Close.

The application as originally submitted comprised the erection of 3no. 3 bedroom terraced dwellings with attached garages with associated parking and bin store however it was felt this would result in a cramped form of development and the applicant agreed to revise the proposal accordingly.

The site area is 0.12 ha and this proposal would yield a housing density of 16 dph.

5. REPRESENTATIONS RECEIVED

This application has resulted in 19 objections and the concerns are summarised as follows:

- Impact upon the character of the area
- Over development of the site
- Impact upon the neighbours' amenities
- Increase in vehicle movements and lack of parking in Dundas Close
- Impact upon wildlife
- Boundary treatment and security

6. SUMMARY OF CONSULTATION RESPONSES

Bracknell Town Council

The Town Council makes the following objection:

Concerned with narrow width of the access road into the site and the amount of parking available which result in on street parking in the adjacent roads to the detriment of local residents. It is considered this proposal is representative of an unneighbourly over development of the site

Highway Authority

The Highway Officer supports this proposal subject to some minor amendments to demonstrate that the onsite parking turning works and the imposition of a number of conditions.

Biodiversity Officer

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

Drainage Engineer

The Drainage Engineer has no objection subject to securing the drainage by condition.

7. DEVELOPMENT PLAN

The Development Plan for this Borough includes the following:

Core Strategy (CSDPD) (February 2008)
Site Allocations Local Plan (SALP) (July 2013)
Policy NRM6 of the South East Plan (SEP) (May 2009)
Bracknell Forest Borough Local Plan (BFBLP) (January 2002) (saved policies)
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 National Planning Policy Framework (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 sets out a number of sustainable development principles including making efficient use of land and buildings where it protects the character and quality of local landscapes.

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

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

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

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

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

This amended proposal now results in 1 less unit than as originally submitted involving a net gain of 2 detached 4 bedroomed houses. In terms of the Council's housing provision the proposal constitutes a 'small' site and would therefore contribute to the 'small' sites allowance. It would also add to the Borough's stock of family housing within the settlement.

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

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

9. IMPACT ON CHARACTER AND APPEARANCE OF AREA

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

Access to the site will be created off Dundas Close with little disruption to the existing street scene. With the exception of the site access, the pattern of development will appear broadly proportionate to the surrounding area. The proposed houses are orientated at a slight angle to the common boundaries with the neighbouring properties specifically

In terms of the proposed density (16 dph) the number of units is considered to be an appropriate number of dwellings when compared to the local established density. Furthermore, the scheme accords with the NPPF in that it makes efficient use of the land given the constraints of the trees on the sites boundaries. It is considered that to accommodate a greater number of dwellings would be out of keeping with the wider visual appearance of the area, and likely to adversely impact upon the trees on the boundaries of the site, and would not deliver high quality, well designed development in accordance with NPPF.

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

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

10. RESIDENTIAL AMENITY

BFBLP 'Saved' Policy EN20 refers to the need to not adversely affect the amenity of the surrounding properties and adjoining areas. In addition to this, part of the requirement for a development to provide a satisfactory design as stated in BFBLP '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.

The site access will be created alongside the side elevation and garden boundary of 1 Dundas Close and rear garden boundaries of 27, 29 and 31 Saffron Road. Plot 1 backs onto the side elevation and garden of 24 Beech Glen and retains an offset of 11m from the common boundary. The siting of the proposed dwelling Plot 1 and the retention of the existing boundary screening (3m high) is considered sufficient to avoid any adverse impact upon the amenities of 24 Beech Glen. To ensure the boundary screen is kept in situ a condition is recommended.

The proposed dwelling on Plot 1 is positioned a significant distance (approx. 46m) from the rear building elevations of 27, 29 and 31 Saffron Road and therefore does not create any material amenity impacts.

The proposed dwelling on Plot 2 is positioned so that an offset of 11m is retained from the common boundary with the front garden area of 24 Beech Glen to avoid creating any adverse amenity issues. This plot also shares a common boundary with the side elevation and garden of 23a Beech Glen.

The front to back distances between the new dwellings and the rear of 1 Dundas Close is approximately 38m.

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

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

11. TRANSPORT IMPLICATIONS

CSDPD Policy CS23 states that the Local Planning Authority (LPA) will seek to reduce the need to travel and increase the safety of travel, while simultaneously promoting alternative modes of travel. 'Saved' Policies M4 and M9 of the BFBLP ensure that development

provides satisfactory highway measures and parking provision. To supplement this policy, the LPA's Parking Standards SPD sets out the advised levels and size of parking spaces for residential dwellings. The NPPF allows for LPAs to set their own parking standards for residential development. The quoted policies are considered to be consistent with the NPPF.

The proposed vehicular access is shown immediately adjacent to number 1 Dundas Close and would adjoin the vehicular access to that property. The access provides sufficient space within the first part of the access (approx. 10m) to allow two vehicles to pass whilst narrowing down to 3.7m within the site.

Sight lines of 2.4m by 33m are shown to be provided along with 2m by 2m pedestrian visibility splays at the back edge of the footpath which is considered acceptable.

The applicant proposes the provision of 3 parking spaces per dwelling in the form of a garage with a space to the front and a further frontage space. The garages are measured to have internal dimensions of a minimum of 6m by 3m which accord with the Council's Parking standards.

Cycle parking will be accommodated within the proposed garages of each of the properties.

The Highways Officer supports this revised proposal subject to the applicant demonstrating that the vehicles can adequately turn on the site without conflicting with the proposed parking arrangement or landscaped areas. Given this is clearly achievable within the site it is considered appropriate to secure this requirement by condition if this detail cannot be secured before the Planning Committee.

Whilst it is considered that this proposal would generate an increase in trip rates of 9 for a four bedroom unit the cumulative impact of just two units and the fact that sufficient onsite parking has been provided means that the impact would be relatively small and as such would not adversely impact upon Dundas Close such as to warrant a reason for refusal.

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

12. ACCESSIBILITY

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

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

13. TREES AND LANDSCAPING IMPLICATIONS

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

All tree protection measures as submitted are shown on the tree protection plan (AIA3). An Arboricultural Method Statement (AMS) would be prepared detailing the methodology for the implementation of hard surface areas and special foundations within the RPA of retained trees and will be secured by condition.

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

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

14. BIODIVERSITY IMPLICATIONS

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

The supporting report is considered sufficient to demonstrate how this proposal will minimise its impacts on biodiversity.

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

15. DRAINAGE

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

The Council's Sustainable Drainage Engineer has not objected but has recommended conditions to secure these details before any development may commence.

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

16. SUSTAINABILITY AND ENERGY DEMAND

CSDPD Policy CS10 requires the submission of a Sustainability Statement demonstrating how the proposals meet current best practice standards, i.e. Code for Sustainable Homes Level 3. This is considered to be consistent with the NPPF. Formal assessment of dwellings against the Code for Sustainable Homes must be carried out by an accredited assessor (accredited by BRE). The assessment has several stages: Pre-assessment Estimator, Design Stage Assessment, and Post Construction Review. All stages should be covered, and the assessments submitted to the Council.

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

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

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

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

17. WASTE AND RECYCLING ISSUES

Any new residential development needs to provide a bin collection point within 25m of the highway with a carry distance for residents not exceeding 30m. Given this site will result in only 2 dwellings the Council will not seek to adopt either all or a proportion of the site access road to facilitate the servicing of this site by a 10m refuse vehicle.

The houses are shown to be designed such that up to three wheeled bins can easily be stored away from the fronts of the properties by providing a gate or similar to enable owner/occupiers to store the bins within their rear gardens. A single bin collection point has been identified on the site layout plan and this is considered to adhere to the Council's thresholds in terms of carry distance for both refuse operatives and future residents. Given the scale and nature of this development it is considered reasonable to service the two additional dwellings off the existing adopted highway by the existing waste collection service to Dundas Close without adversely impacting upon the existing refuse vehicle arrangements.

18. THAMES BASIN HEATHS SPECIAL PROTECTION AREA (SPA)

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

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

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

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

This site is located approximately 1.km from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

A contribution is calculated on a per bedroom basis to be paid to the Council towards the cost of works and measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Council's Avoidance and Mitigation Strategy. In this instance, this application is for 2 x 4 bedroom dwellings. The SANG costs are as follows:

Total SANG Contribution - 4 bedrooms (£2,730) = £5,460 (2 x £2,730)

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

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

Total SAMM Contribution - 4 bedrooms (£807) = £1,614 (2 X £807)

In summary, the total SPA related financial contribution including a contribution towards the SAMM project for this proposal is £7,074 (i.e. £5,460 + £1,614) that will need to be secured by S106 Legal Agreement.

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

19. PLANNING OBLIGATIONS

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

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

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

It should be noted that the Government has recently published changes (in the National Planning Practice Guidance) stating Local Planning Authorities shall no longer seek contributions for residential development of 10 or less dwellings where the combined gross floorspace is less than 1,000m². In respect of this proposal the only financial contribution that will be sought relates to the SPA mitigating payment as set out in the previous section.

The following will be sought to be secured within the S106:-

(i) SPA Mitigation (referred to in the previous section)

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

Bracknell Forest Council at its Council meeting on 25 February 2015 will be considering the proposal to commence charging for its Community Infrastructure Levy (CIL) on 6th April 2015. If this planning application is determined on or after 6th April 2015 it may be liable to pay the Levy.

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

20. CONCLUSIONS

The proposal relates to a green field site within a defined settlement and is acceptable in principle. As it involves a net increase of two dwellings, it would also form part of the Council's housing land supply in that it would contribute to the small sites allowance. The proposal provides a scale of development within the settlement that seeks to make efficient use of land and is also in sympathy with the surrounding development in terms of its form and layout, as amended. It is not considered to compromise the streetscene, pattern of development, trees and character of the local area. The proposed dwellings are considered appropriate in scale, mass, design, materials, layout and siting, in terms of the scheme itself and in relation to adjoining buildings, spaces and views. Access and parking arrangements are also in accordance with policy and guidance, subject to the requirements of the specified conditions.

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

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

6 RECOMMENDATION

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

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

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990
02. The development hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details.

14-P1020-100 Rev C - Proposed Site Layout received 10.02.15

14-P1020-102 - Proposed Elevations and Floor Layouts received 05.12.14

14-P1020-103 - Site Sections received 10.02.15

Ecology Letter Dated 23 January 2015 received 28.01.15

Arboricultural Impact Assessment received 30.07.14

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

03. No development shall take place until samples of the materials to include bricks and roof tiles and other hard surfaces to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenities of the area.
[Relevant Policies: BFBLP Saved Policy EN20, Core Strategy DPD Policy CS7]
04. The development hereby permitted shall not be begun until details showing the finished slab levels of the buildings hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
REASON: In the interests of the character of the area.
[Relevant Policies: BFBLP Saved Policies EN20, Core Strategy DPD Policy CS7]
05. The development hereby permitted shall be implemented in accordance with the submitted 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 Policy CS10]
06. Within one month of the first occupation of the development hereby permitted (or, where the development is phased, within one month of the first occupation of the final phase of that development), a Post Construction Review Report shall be carried out by an independent assessor licensed by the Building Research Establishment and a Final Code Certificate shall be submitted to the Local Planning Authority which demonstrates that the development has been constructed to meet a minimum standard of level 3 of the Code for Sustainable Homes.
REASON: In the interests of sustainability and the efficient use of resources.
Relevant Policy: Core Strategy DPD Policy CS10]
07. 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: Core Strategy DPD Policy CS12]
08. No development (other than the construction of the access) shall take place until the access has been constructed in accordance with the details to be submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD Policy CS23]

09. No dwelling shall be occupied until a means of access for pedestrians has been constructed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.
 REASON: In the interests of accessibility and to facilitate access by cyclists and/or pedestrians.
 [Relevant Policies: BFBLP Saved Policy M6, Core Strategy DPD Policy CS23]
10. No dwelling shall be occupied until the associated vehicle parking and turning space including drainage has been constructed and surfaced and marked out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The vehicle parking and turning spaces shall not thereafter be used for any purpose other than parking and turning.
 REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.
 [Relevant Policies: Core Strategy DPD Policy CS23, BFBLP Saved Policy M9]
11. 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 Policies: Core Strategy DPD Policy CS23, BFBLP Saved Policy M9]
12. No gates shall be provided at the vehicular access to the site.
 REASON: In the interests of highway safety.
 [Relevant Policies: Core Strategy DPD Policy CS23]
13. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority for off site highway works including the following:
 - to form an access into the site
 The buildings provided by the carrying out of the development shall not be occupied until the off site highway works have been completed in accordance with the approved scheme.
 REASON: In the interests of highway safety.
 [Relevant Policy: BFBLP Saved Policy M4]
14. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:
 (a) Parking of vehicles of site personnel, operatives and visitors
 (b) Loading and unloading of plant and vehicles
 (c) Storage of plant and materials used in constructing the development
 (d) Wheel cleaning facilities
 (e) Temporary portacabins and welfare for site operatives
 (f) Construction management plan setting out measures to minimise impacts of this development upon the existing residents
 and each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (f) above.
 REASON: In the interests of amenity and road safety.
 [Relevant Policies: BFBLP Saved Policy Saved Policy M9, Core Strategy DPD Policy CS23]

15. No site clearance shall take place during the main bird-nesting period of 1st March to 31st August inclusive, unless a scheme to minimise the impact on nesting birds during the construction of the development has been submitted to and approved by the Local Planning Authority. The approved scheme shall be complied with.
 REASON: In the interests of nature conservation
 [Relevant Plans and Policies: BFBLP Saved Policy EN3, Core Strategy DPD Policies CS1, CS7]
16. No development shall commence until a scheme for the installation of bird and bat boxes, including a plan or drawing showing the location of the boxes, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be performed, observed and complied with.
 REASON: In the interests of nature conservation
 [Relevant Plans and Policies: Core Strategy DPD Policies CS1, CS7]
17. The development hereby permitted (including any initial site-clearance works) shall not be begun until details of the foundation structure/s, of the approved building/s, so designed to minimise their adverse impact on tree roots, have been submitted to and approved in writing by the Local Planning Authority. Details shall be site specific and include:
- a) An approved layout plan to 1:200 scale, showing the accurate trunk positions and branch spreads of existing retained trees in relation to the proposals.
 - b) Layout and construction profile drawing/s.
 - c) Construction implementation method statement including timing/ phasing of works.

The foundation structure shall be carried out in full accordance with the approved details.

REASON: - In order to safeguard tree roots and thereby safeguard trees considered worthy of retention in the interests of visual amenity of the area.

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

18. The development shall not be begun until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule.

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

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

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

19. All existing trees, hedgerows and groups of shrubs shown to be retained on the approved drawings shall be protected by 2m high (minimum) welded mesh panels, supported by a metal scaffold framework, constructed in accordance with Section 6.2 of British Standard 5837:2012, or any subsequent revision. The development shall be carried out in accordance with the approved drawings.
REASON: - In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area.
[Relevant Policies: BFBLP Saved Policy EN1 and EN20, Core Strategy DPD Policy CS7]
20. The creation of a continuous solid landscaped screen or hedge of 3.0m in height shall be created and maintained along the entire length of the boundary of the site with 24 Beech Glen. In the event that the screen ceases to be continuous or solid, by reason of death, disease or otherwise, then replacement landscaping shall be planted to achieve 3.0m high screen within the next planting season.
REASON: - In the interests of residential amenity and to ensure the protection of the privacy for the occupiers of no, 24 Beech Glen.
[Relevant Policies: Core Strategy DPD Policy CS7, BFBLP Saved Policy EN1 and EN20,]
21. The development hereby permitted (including initial site-clearance) shall not be begun until a detailed scheme, and programme for its implementation for the protection of existing trees in accordance with British Standard 5837:2012 'Trees In Relation To Construction Recommendations' (or any subsequent revision), has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include proposals for the phasing of its implementation so that protection is provided from the commencement of demolition or site clearance works (whichever is the sooner), through to the construction works and the completion of hard landscaping works. The submitted scheme shall include the following:
- a) Accurate trunk positions and canopy spreads of all existing trees
 - b) Minimum 'Root Protection Areas' of all existing trees
 - c) Plans of a minimum scale of 1:200 showing the proposed locations of protective barrier/s, constructed in accordance with Section 6 (Figures 2 or 3) of BS 5837:2012, to include appropriate weatherproof tree protection area signage (such as "Keep Out - Construction Exclusion Zone") securely fixed to the outside of the protective fencing structure at regular intervals.
 - d) Proposed ground protection measures in accordance with Section 6 (Figure 3) of BS 5837:2012.
 - e) Annotated minimum distances between fencing and trunks of retained trees at regular intervals.
 - f) Illustration/s of the proposed fencing structure/s to be erected.
- The development shall be carried out in accordance with the approved scheme and programme.
REASON: - In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area.
[Relevant Policies: BFBLP Saved Policy EN1 and EN20, Core Strategy DPD Policy CS7]
22. No building work or deliveries shall take place during the construction of the development hereby approved outside the hours of 08.00 hours and 18.00 hours Monday to Friday; 08.00 hours and 13.00 hours Saturday and not at all on Sundays and Public Holidays.

REASON: In the interests of the amenities of the area.
[Relevant Policies: BFBLP Saved Policy EN25]

In the event of the S106 planning agreement not being completed by 31 March 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).

Informative:

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

This page is intentionally left blank

Unrestricted Report

ITEM NO: 6

Application No.
14/00877/FUL
Site Address:

Ward: Great Hollands South
1 Ringwood Bracknell Berkshire RG12 8YG

Date Registered: 12 August 2014
Target Decision Date: 7 October 2014

Proposal:

Change of use of land adjacent to 1 Ringwood from amenity land to residential land forming residential curtilage, including alterations to existing fence line to increase the rear garden amenity space.

Applicant:

Mr N Bridgland

Agent:

Mr Nick Kirby

Case Officer:

Sarah Horwood, 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 at the request of Councillor Dudley and Councillor Angell over concerns about the enclosure of amenity land in this location.

2. SITE DESCRIPTION

1 Ringwood is an end of terrace two storey dwelling which has been extended by a two storey side extension. There is a block of garages to the west/north-west of the flank wall of the dwelling. The surrounding area is residential in character. There is a block of flats to the north-west of the site. The site is located on a corner plot between Ringwood and Ringmead.

There is a Maple tree located on an area of land to the north-west of the site under the control of Bracknell Forest Council which is covered by a Tree Preservation Order - ref: 1181.

3. RELEVANT SITE HISTORY

623465 approved in 1998 for change of use of open space to private garden by means of the erection of a 1.8m high timber fence.

04/00509/FUL approved in 2004 for erection of two storey side extension following demolition of existing garage.

4. THE PROPOSAL

Full permission is sought for the change of use of amenity land to residential garden. The area of land is sited behind a communal garage block serving surrounding properties. It is proposed to enclose this area of land into the garden of 1 Ringwood by 1.8m high fencing.

An area of land of 55sqm would be enclosed into the rear garden of 1 Ringwood. The revised fence line would be relocated out 5.5m from its current position westwards. The new fenceline would be set 13.7m from Ringwood to the west and set 4m from Ringmead to the south.

The scheme as originally submitted was for the change of use and enclosure of an area of land of over 100sqm, with the new fence set some 5.5m from the highway at Ringwood. This would have resulted in the enclosure of 2 trees into the garden of 1 Ringwood. This scheme as originally submitted was considered unacceptable as it would have resulted in the loss of a large area of amenity land which would be harmful to the visual amenities of the area. The LPA has acted positively and proactively by identifying these concerns with the applicant and negotiating a revised scheme for the enclosure of 55sqm of land into private garden.

The proposal requires planning permission as it would take the land out of the public realm and enclose it into the garden of 1 Ringwood for use for residential purposes.

Notice has been served on Bracknell Forest Council as the landowners under Certificate B.

5. REPRESENTATIONS RECEIVED

No representations received.

6. SUMMARY OF CONSULTATION RESPONSES

Bracknell Town Council

Bracknell Town Council was consulted on the application and recommend refusal for the following reasons:

"The area is an integral part of the overall design and layout of the estate contributing to the appearance and character. The loss of this visual amenity will be detrimental to the area. Bracknell Town Council has concerns regarding highway safety if this area of land adjacent to a junction is enclosed. Bracknell Town Council is opposed to the sale of amenity land".

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

1 Ringwood is located within a defined settlement as designated on the Bracknell Forest Borough Policies Map which establishes the principle for development, in relation to Policy CS2 of the CSDPD. Due to its location and nature, the proposal is considered to be in accordance with Policies CS1 (Sustainable Development) and CS2 (Locational Principles) of the CSDPD 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.

For clarification, the land subject to this application is not considered to be land defined as 'Open Space of Public Value' in accordance with Policy CS8 of the CSDPD i.e. it is not a green corridor, play area, country park and therefore does not need to be considered in accordance with Policy CS8 of the CSDPD.

9. IMPACT ON CHARACTER AND APPEARANCE OF AREA

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

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

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

This policy is considered to be consistent with the objectives set out within the NPPF. 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 the design of developments should take the opportunities where available to improve the character and quality of an area and the way it functions.

It is considered that the area of land to be used as private garden enclosed by 1.8m high fencing forms part of the original landscape layout of the estate. Many of the estates within the Borough incorporate areas of landscaping and grass verges in order to provide visual interest and these areas are considered to contribute to the overall character of the area.

The area of land subject to this application runs along the western boundary of the site. Approximately 55sqm of open grassland would be enclosed into the rear garden of 1 Ringwood by 1.8m high fencing. It is not considered that the enclosure of this area of land into the private garden of the application site would have a detrimental impact upon the visual amenities of the surrounding area given the revised fenceline would be set back 13.7m from the highway at Ringwood and 4m from the highway at Ringmead to the south, bringing the rear of the new fenceline in line with the existing fenceline of 1 Ringwood and adjoining properties at nos. 2 to 4 Ringwood. A large area of open grassland including two existing trees would be retained in the public realm to mitigate the enclosure of land into the private garden of 1 Ringwood.

The area of soft landscaping to the rear and side of the garage blocks adjacent to no. 1 Ringwood provides an area of greenery leading into Ringwood from the main highway at Ringmead. There is also a large area of open grassland and trees opposite the site adjacent to the block of flats at 118 to 126 Ringwood. This creates some landscape symmetry leading into Ringwood. Given an area of open grassland some 14m wide would be retained between the highway and the new fenceline at 1 Ringwood and the existing trees would remain within the public realm, the proposal would not be considered to unduly detract from the visual amenities of the surrounding area.

The land would be enclosed into the garden of 1 Ringwood by 1.8m high featheredge fencing. This is a typical means of boundary treatment within the surrounding area and therefore the proposed means of enclosure would be in keeping in the street scene.

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

10. RESIDENTIAL AMENITY

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

The enclosure of land into the residential garden of 1 Ringwood with erection of 1.8m high fencing would not have an adverse impact upon the residential amenities of neighbouring properties due to the positioning of the area of land and separation distance to surrounding properties.

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

11. TRANSPORT IMPLICATIONS

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

The application site is on a corner plot with Ringwood and Ringmead. The revised location of the fenceline set 13.7m from Ringwood would not affect visibility splays at the junction of these two roads and no highway safety issues would therefore result.

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

12. TREE IMPLICATIONS

'Saved' Policy EN1 of the BFBLP ensures that the Borough's trees are protected. The NPPF refers to conserving the natural environment; therefore this policy is consistent with the NPPF.

The fence proposed to enclose the area of amenity land into the private garden of 1 Ringwood would be relocated outwards towards an existing Maple tree. In order to minimise the impact to the roots of this existing tree, a planning condition is recommended as suggested by the Tree Officer to ensure that the holes for the fence posts are hand dug where they would be under the canopy of the tree.

Further, it is recommended that permitted development rights be removed for the erection of outbuildings and laying of hardstanding within the area of land to be enclosed into the private garden of 1 Ringwood in order to protect the root protection area of the existing tree.

The Maple tree has been protected by a Tree Preservation Order (ref: 1181) as it is considered to be an important landscape feature within the street scene which contributes to the visual amenity of the area.

Subject to the above conditions, the proposal is therefore considered to be in accordance with 'Saved' Policy EN1 of the BFBLP and the NPPF and would not result in an adverse impact on existing trees.

13. CONCLUSIONS

The proposed change of use of amenity land to private garden enclosed by 1.8m high fencing would not adversely impact upon the visual amenities of the surrounding area and would not impact upon any adjoining residential properties. Further, no highway safety implications or tree implications would result. As such, the proposal is considered to be in accordance with CS7 and CS23 of the CSDPD, 'Saved' Policies EN1, EN20 and H12 of the BFBLP and Policy CP1 of the SALP, all in accordance with the NPPF.

The application is therefore recommended for approval.

RECOMMENDATION

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

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.
02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 12 August 2014 and 10 December 2014:
details of fence
block plan
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
03. The excavation works for the proposed position of the fence posts which are located within the root protection area of an existing tree shall be undertaken only by hand.
REASON: In order to safeguard tree roots and thereby safeguard trees considered worthy of retention in the interests of visual amenity of the area.
[Relevant Policies: BFBLP EN1 and EN20, CSDPD 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 development as permitted by Class E of Part 1 of the Second Schedule of the 1995 Order shall be carried out.
REASON: In the interests of the health of nearby trees.
[Relevant Policies: BFBLP EN1, Core Strategy DPD CS7]
05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no hard surface as permitted by Class F of Part 1 of the Second schedule of the 1995 Order shall be provided for any purpose incidental to the enjoyment of the dwelling house.
REASON: In the interests of the health of nearby trees.
[Relevant Policies: BFBLP EN1, Core Strategy DPD CS7]

Informative(s):

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

02. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:
 1. Time limit
 2. Approved plans
 3. Fence post excavations by hand
 4. Removal of permitted development rights for outbuildings, etc
 5. Removal of permitted development rights for hard surfacing

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

This page is intentionally left blank

Unrestricted Report

ITEM NO: 7

Application No.
14/00968/FUL
Site Address:

Ward:
Priestwood And Garth

Date Registered:
29 August 2014

Target Decision Date:
24 October 2014

Cavaliers Downshire Way Bracknell Berkshire RG42 1XT

Proposal:

Erection of a two storey side extension with a part flat roof and part pitched roof, including alterations to main roof ridge and alterations to existing doors and windows.

Applicant:

Mr Glen Follett-Smith

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 Committee as the request of Councillor Ms Brown due to concerns that the development would result in a detrimental effect on the amenities of the residents of the neighbouring property by reason of an unduly overbearing effect and a loss of privacy which would be greater than the existing situation.

2. SITE DESCRIPTION

Cavaliers is a detached dwelling with a vehicular access onto Downshire Way to the east. The site is unusual in that the dwelling is orientated away from the road and as a result the principal elevation faces towards the side elevation of the neighbouring property to the south at Tarnwell. Cavaliers is set further to the rear of the site than Tarnwell, meaning that the main windows in the principal elevation face towards the garden at the rear of Tarnwell. A driveway runs across the front of the dwelling in between the front elevation of Cavaliers and the side elevation and rear garden of Tarnwell.

3. RELEVANT SITE HISTORY

Application 213 - Application for extensions and renovations. Amended elevations - APPROVED 1948

4. THE PROPOSAL

The proposed development is to extend the site to the east towards Downshire Way with a two storey extension with alterations made to the roof. Although the extension would project further towards the front of the property, it would project to the side of the existing dwelling when facing the property towards the principal elevation. The extension would increase the width of the dwelling by 3.75m and would match its depth of 7.23m and height of 8.3m. Alterations would be made to the roof design, with the existing dual pitched roof being changed to part pitched and part flat roof. Alterations would also be made to the existing doors and windows on the existing elevations. The majority would remain in the same locations, although one south facing window would be set back in line with the main elevation.

The extension would provide an enlarged kitchen and dining room at ground floor level and an additional bedroom with en suite at first floor level. As a result of changes to the internal layout, the number of bedrooms would remain at four. A Juliet balcony would be provided to the new front facing side elevation, with a larger window at ground floor level.

The application as originally submitted included an extension that projected forward of the principal elevation towards the boundary with Tarnwell. It was considered that this element would have exacerbated the existing situation and would have resulted in a more unduly overbearing effect and increased loss of privacy than the existing situation, to the detriment of the living conditions of the residents of the neighbouring property. As such, this element has been removed from the proposal.

5. REPRESENTATIONS RECEIVED

Objection letters have been received from the neighbouring property at Tarnwell, both in respect of the application as originally submitted and as now currently proposed. The letters raise concerns that the development would result in a loss of light to a side facing kitchen/dining room window, and would increase overlooking and overshadowing to that property. The letter states that the position of Cavaliers would not be given planning permission today, and that it is not acceptable to extend this property with further windows facing towards Tarnwell.

The letter also raises concerns that the extension would encroach over the existing turning bay at the front of the property.

6. SUMMARY OF CONSULTATION RESPONSES

Bracknell Town Council provided a response on the application as originally submitted, and has no objection to the proposed development.

No internal consultations were required.

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 SALP which sets out that a positive approach to considering development proposals should be taken which reflect in the presumption in favour of sustainable development as set out in the NPPF, 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. Cavaliers 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 impacts upon residential amenities of neighbouring properties, character and appearance of the surrounding area and 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 further towards the front of the site than the existing dwelling and would therefore be visible in the streetscene. As existing Cavaliers is set approximately 3.8m further back from the highway than the neighbouring dwelling at Tarnwell, and as a result the extension would project no further towards the highway than this dwelling. It is therefore not considered that the development would appear overly prominent in the streetscene.

In respect of its design, the existing dual pitched roof would be replaced by a part pitched, part flat roof. Such a design would increase the bulk of the roof when viewing the dwelling from the front of the site, but not the height. Although there are no further examples of such designs in the immediate surrounding area, it is not considered that such a design would appear so incongruous that refusal of the application would be warranted. Furthermore, there are a variety of roof designs on the flats opposite the site on Boyd Court, and it is therefore not considered that such an extension would appear out of keeping with the streetscene.

It is therefore not considered that the development would result in an adverse impact on the character and appearance of the area, and the development 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.

In respect of the neighbouring property to the south at Tarnwell, no part of the extension would project any further to the rear than the existing dwelling. The extension would therefore not be visible from the rear facing windows of that property. The extension would be visible from a side facing window at Tarnwell however this window serves a kitchen that is also served by a rear facing window which is the primary source of light to the room. A loss of light to the side facing window is therefore not considered to be unacceptable as this window is not the primary source of light to the room. The extension would not project forward of Tarnwell and would therefore not result in an unacceptable loss of light to the front facing windows at that property.

Regarding the issues raised by the residents of Tarnwell in respect of the extension, it is acknowledged that the existing situation is not ideal and that the dwelling at Cavaliers results in an unduly overbearing effect on the rear of the neighbouring property. Furthermore the windows on the principal elevation offer direct views into the rear garden of that property. The original submission included a two storey side element that was considered unacceptable as it would have exacerbated an already unacceptable situation by bringing the dwelling and windows closer to the boundary with Tarnwell. However this element has been removed from the proposal so that the only enlargement is to the side elevation of the dwelling, towards Downshire Way.

The extension as now proposed would be further away from the garden than the existing dwelling, and it is not considered that it would exacerbate the existing situation. The dwelling would not be brought any closer to the boundary with Tarnwell and the alterations to the roof will not result in any additional impact as the eaves height will be the same as the existing dormers. An existing element above the porch would be set back in line with the main elevation. It is therefore not considered that the proposed development would result in any additional overbearing impact on the rear of the neighbouring property.

As existing, three front facing windows at Cavaliers offer views into the garden at the neighbouring property of Tarnwell. Two of these windows would remain and the other would be set further back, and as none of the windows would be set any closer to the boundary with the neighbouring property it is not considered that the existing effect from these windows would be exacerbated. An additional side facing window would be included on the extension, and as this window would be located further away from the rear of Tarnwell than the existing windows it would not offer direct views into the rear of that property and would face towards the side elevation of the dwelling. However due to its location it may offer views into the existing side facing kitchen window at Tarnwell, and as such it is considered that the new window should be glazed with obscure glass and fixed shut. As the room it serves would also be served by a larger window facing towards Downshire Way, such a condition would not be contrary to Building Regulations. A further condition would be imposed to restrict any further windows in this elevation at first floor level or above, to ensure that the existing situation cannot be exacerbated in the future.

With regard to the neighbouring dwelling to the north at The Laurels, this dwelling has a similar front projection to Tarnwell and the extension would therefore not result in a loss of light to the front facing windows of that property. Furthermore there are no side facing windows that would be affected.

It is therefore not considered that the development would result in a detrimental effect on the amenities of the residents of the neighbouring properties. It would therefore not be contrary to 'Saved' BFBLP 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). 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 Cavaliers), a minimum of three allocated parking spaces should be provided in accordance with the minimum measurements stated within the SPD.

Parking as existing is to the side of the dwelling, with a detached garage to the rear. As the extension would not project over this driveway it would not result in the loss of any parking and no additional bedrooms are proposed. However it would result in the loss of a turning area that exists at the front of the site, beyond the east facing side elevation. As Downshire Way is a classified 'C' road, on site turning is required. The extended dwelling would be set back 16m from the highway, therefore there is space to provide a turning area forward of the dwelling as existing. As such a condition will be imposed requiring a parking and turning layout to be submitted to the Local Planning Authority and implemented before occupation of the extension.

Subject to compliance with this condition, it is not considered that the development would result in an adverse impact on highway safety. It is therefore not considered that the development would be contrary to CSDPD Policy CS23, BFBLP 'Saved' Policy M9 or the NPPF.

12. CONCLUSIONS

It is not considered that the development would result in an adverse impact on the character and appearance of the area, residential amenity or highway safety. Conditions will be imposed to ensure that there will be no additional overlooking of the neighbouring property at Tarnwell, and that the existing turning area will remain. Subject to compliance with these conditions, it is not considered that the development is contrary to CSDPD Policies CS7 and CS23, BFBLP 'Saved' Policies EN20 and M9 or the NPPF.

13. RECOMMENDATION

The application is recommended for conditional approval.

RECOMMENDATION

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

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

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

02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 19th November 2014 :

GFS/CAV/01

GFS/CAV/02

GFS/CAV/03

GFS/CAV/05

GFS/CAV/06

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 bedroom window in the south 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 south 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. No development shall be occupied until the associated vehicle parking and turning space has been set 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]

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:
- 01. Time Limit
 - 02. Approved Plans
 - 03. Materials
 - 04. Obscure glazing
 - 05. Restrictions on side facing windows
03. The applicant is advised that the following condition requires discharging prior to occupation of the development:
- 06: Parking and Turning

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: 8

Application No.
14/01095/FUL
Site Address:

Ward:
Wildridings And Central

Date Registered:
16 October 2014

Target Decision Date:
15 January 2015

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

Proposal: **Redevelopment of site to provide 20no. 1 bedroom and 46no. 2 bedroom flats with associated car parking.**

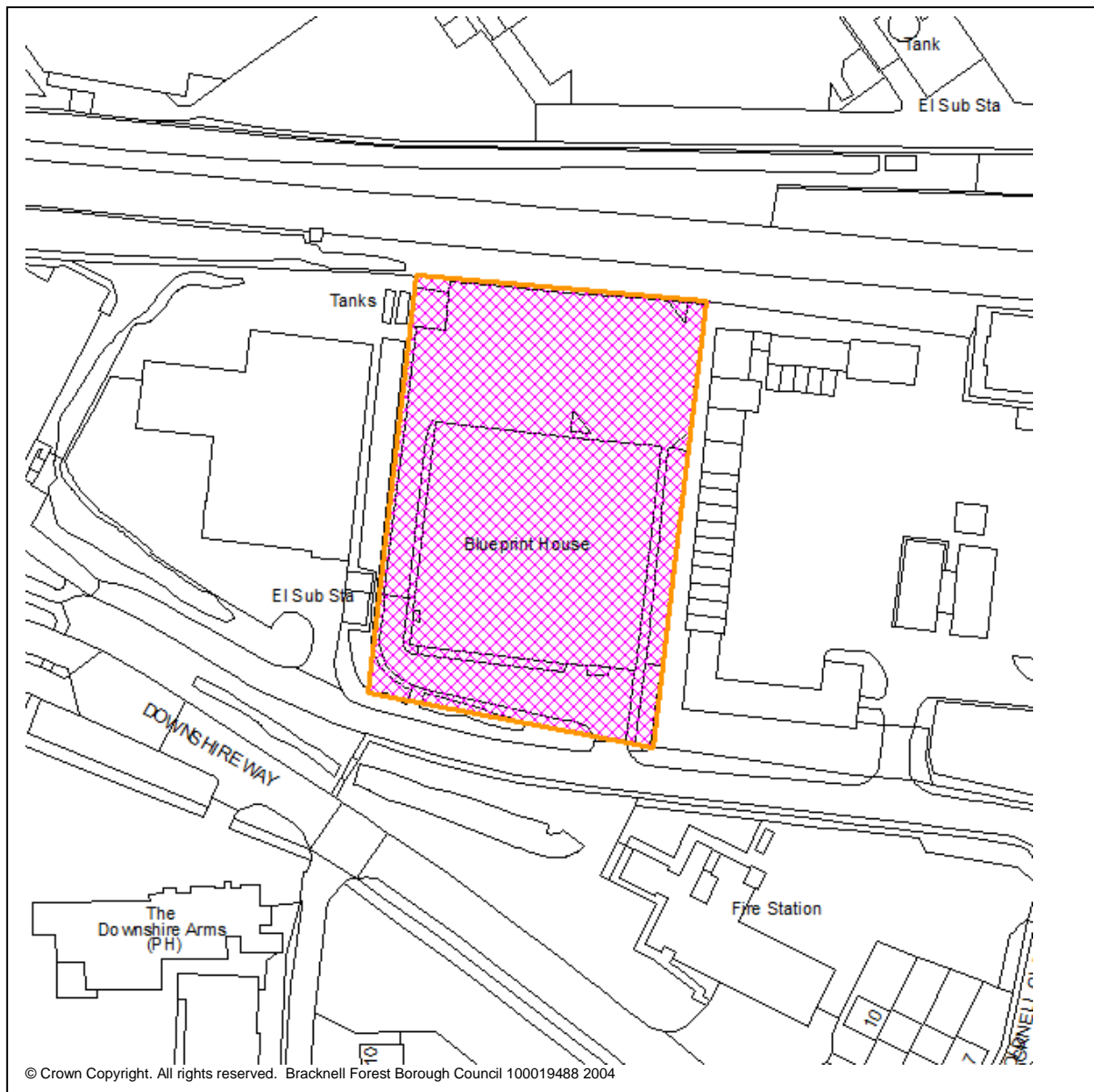
Applicant: Bracknell Projects LLP, Glencarron Developments Limited and

Agent: Mr Duncan Gibson

Case Officer: Trevor Yerworth, 01344 352000

Development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. INTRODUCTION

This application seeks full planning permission for the redevelopment of the site to provide 20 no. 1 bedroom and 46 no. 2 bedroom flats with associated car parking and landscaping. It forms part of a larger site that includes the Council's depot that is formally allocated for housing under Policy SA1 of the adopted Site Allocations Local Plan (SALP). The Council has recently agreed a brief for the development of this larger allocation site.

The application is reported to committee as more than three objections have been received.

2. SITE DESCRIPTION

The 0.5ha site lies within an existing employment area approximately 500 metres from Bracknell town centre and stations. The site fronts onto Old Bracknell Lane West on its southern boundary from which it takes vehicular and pedestrian access. Beyond this is an open landscaped area dropping down to the busy Downshire Way to the south. It is bounded by the Waterloo-Reading railway line on its northern boundary, beyond which lies the Peel Centre. The Council's depot site lies to its east beyond which is a modern business park, Bracknell Beeches. Bracknell Fire Station and Ambulance Station lie a short distance away to the east and further commercial premises adjoin the site to the west. On the south side of Old Bracknell Lane West between the Fire and Ambulance stations is a small residential development of ten dwellings. Further residential development is found on Old Bracknell Lane East 200m to the east.

The site itself is relatively level, but forms part of a steeply sloping area where the large buildings occupy level terraced areas with steep drops to adjacent properties east and west. The site is elevated two to three metres above Old Bracknell Lane West at the front which drops steeply in front of the site towards the Twin Bridges roundabout. A number of large mature Oak trees form this boundary, screening the existing building from public views. The site is presently occupied by Blueprint House, comprising 2,639 sq m floorspace in mixed office, storage and distribution use.

3. RELEVANT SITE HISTORY

There have been a number of planning applications relating to the current and previous uses of the site. However the only relevant planning history was an approval in 2011 for the redevelopment of the site for office use (planning application 11/00358/FUL). Planning permission was granted on 2nd April 2013 (following the completion of a legal agreement) for the redevelopment of the application for office (class B1) use. The approved building was to be 19 metres high with five storeys and a gross external floor area of 5,763 square metres. The scheme retained the existing access position from Old Bracknell Lane, an access road then ran along the eastern side of the building to a decked 153 space car park.

4. THE PROPOSAL

Full permission is sought to demolish the existing building on the site and to redevelop it to provide 66 flats comprising 20 x No. 1 bedroom flats and 46 x No. 2 bedroom flats. The flats would be accommodated within two blocks. The front block (block A) would be six storeys with a maximum height of 19m which is the same as the extant approved office scheme. It would be sited prominently at the front of the site fronting Old

Bracknell Lane West. This building has been designed to sit on the existing building line and would be the same height as the extant office building approved in 2011. Behind this, and positioned broadly centrally in the site is block B which although having a substantially larger footprint than block A would be only five storeys with a maximum height of 16.3m. This block would be largely hidden by block A. The two blocks would be linked by an open, part glazed walkway at each floor level.

The proposal would re-use the existing access position but, unlike the existing arrangement, proposes to locate the majority of the car parking underground in a 74 space basement car park. An additional 5 spaces (included some disabled spaces) would be provided at ground level. Double hooped cycle spaces are to be provided within the basement car park making them safe, secure and weather proof.

At the rear of the site a landscaped margin approximately 9 metres wide is to be provided which will provide a buffer to the railway line and serve both as a pleasant setting to the rear of the building. It is proposed that this land is safeguarded for a future pedestrian and cycle link to adjacent sites which when complete will provide a safe link through the wider allocated site to the station and town centre.

5. REPRESENTATIONS RECEIVED

One letter of objection signed by residents from all the properties on Old Bracknell Lane (17 signatures) has been received raising the following points:

- The development would result in additional traffic (approximately 90 cars) on Old Bracknell Lane West. This would exacerbate existing problems getting to and from Downshire Way and increase pollution.
- Consider that the gate separating Old Bracknell Lane West into residential and commercial areas should be removed and cars permitted to travel through to Old Bracknell Lane East.

6. SUMMARY OF CONSULTATION RESPONSES

Bracknell Town Council

Objects to application on the following grounds:

- Not in keeping with area.
- Overdevelopment of site.
- Highway concerns regarding the access into and out of the site from Downshire Way.

Highway Officer

At present the Highway Authority are concerned over the level of parking proposed for the site and the effects overspill parking could have on highway safety. A parking survey of neighbouring developments has been requested to demonstrate that the proposed level of parking would be adequate.

Cycle parking enhancements should also be investigated to increase provision on site to meet current standards. Detailed comments incorporated in report.

Amended comments following receipt of parking survey:

I have looked at the sites surveyed and visited in the evening myself and it the results do seem to coincide with my observations. The consultant for the applicant advises

that this survey is robust and the revised parking proposal on site would provide a parking ratio slightly higher than the survey results. The applicant has indicated that the revised proposal would provide a ratio of 1.29 spaces per unit. If this were to be provided then it is likely that parking capacity would be close to saturation. However access to the town centre is slightly better which may also help reduce the level of car ownership sufficiently to bring it within this ratio (1.29 spaces per unit).

Taken into consideration all of the above I am content that the provision of a parking ratio of 1.29 spaces per unit is likely to be adequate for the demand of the site, however I would advise that all spaces are communal and not allocated to ensure maximum flexibility over the day for both occupiers and visitors. Such an arrangement will lead to the most efficient use of the parking on site.

Environmental Health Officer

No objection subject to conditions.

Sustainable Drainage Officer

This is a full application and a flood risk assessment has been submitted which indicates a probability of low risk of flooding. But no drainage design, information has been submitted. Reference is made in the flood risk assessment to proposed site drainage at section 8.0 and the use of SuDs in the conclusion section 9.0.

The conclusions states that surface water runoff will be controlled to be no more than existing flows and that the drainage strategy proposed takes account of climate change and goes on to say that the proposed development will not increase the amount of surface water runoff and will provide a reduction and that this will lead to betterment.

The drainage layout drawings do not tie in with the FRA, which refers to the use of SuDS and no calculations have been submitted to show that there is any reduction in runoff as referred to in the FRA.

Due to the underground car parking the use of vegetated SuDs may not be possible, so hard landscaped SuDS may be required. The applicant should therefore supply further details which show how the SuDS (referred to in the FRA) will be delivered, together with details of flow rates, volumes maintenance and exceedance routes.

The applicant has submitted a revised FRA and a Drainage Strategy in response to these comments.

Biodiversity Officer

The ecological report shows that the building does not host roosting bats and that the site has limited value for wildlife. However, there are opportunities to enhance the site for wildlife. This includes planting native species where possible and otherwise planting species that have a known value for wildlife. Some of the proposed grassland on site could be native species rich grassland and managed appropriately. Details of these enhancements and the landscaping can be secured by condition.

Housing Enabling Officer

The following issues should be sought for a policy-compliant scheme.

25% of the total of 66 flats (17) should be affordable dwellings. The tenure mix should be 70% (12) for Affordable Rent and 30% (5) for Intermediate Housing which meets the council's stated intentions for addressing local housing need. The affordable homes should be properly integrated into the development with no difference in external appearance compared to market housing. This can be achieved by vertical or horizontal segregation.

A Registered Provider will need to pay a price to the developer at a level which ensures the proposal will deliver the affordable housing as stated above.

Waste Recycling Officer

The proposed site plan for this development shows that the bin store is of an adequate size to accommodate bins for refuse weekly collection and bins for recycling on a fortnightly collection. The path leading from the access road to the bin store needs to be wide enough for the large bins to be moved along and the path also needs to be level with no slopes, the surface also needs to be smooth - no gravel.

The access roads need to be made up to adopted standard to support the waste collection vehicle.

Landscape Officer

The proposed residential development appears acceptable and the layout has improved the external areas creating more useable open space.

The soft landscape proposal is acceptable in principle and works well within the site. It may be possible to include some native species hedges / screen planting along the site boundaries. Similarly if there is adequate space some native species trees could also be included to the rear of the site. This would help to promote biodiversity and provide links to the local landscape character.

The proposed drainage connections are shown to link to the existing foul and surface water sewers through the existing tree belt along the front boundary. Further details and necessary method statements should be provided to ensure that the important mature trees are adequately protected.

A landscape condition should be included if the application is recommended for approval.

7. DEVELOPMENT PLAN

The Development Plan includes the following:-

- Policy NRM6 of the South East Plan (May 2009)
- Core Strategy DPD (February 2008)
- Site Allocations Local Plan (July 2013)
- Bracknell Forest Borough Policies Map 2013
- Bracknell Forest Borough Local Plan (January 2002) (Saved Policies)
- Waste Local Plan for Berkshire (1998)

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.

Site Allocations Local Plan (SALP)

The SALP and Policies Map were adopted in 2013. Policy CP1 sets out the presumption in favour of sustainable development. This requires that development proposals should be approved that accord with the development plan. Where this is absent, silent or relevant policies are out of date, development proposals should be approved unless material considerations indicate otherwise, taking into account whether any adverse impacts of granting permission 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.

The adopted SALP is an integral part of delivering the Council's housing requirement of 11,139 dwellings (as contained in Core Strategy Policy CS15) across the plan period until 2026. It allocates sites for housing development, and also includes changes to the defined boundaries of employment areas in the Borough, including the removal of the Old Bracknell Lane West defined employment area that previously covered this site.

As part of the background evidence supporting the SALP consideration was given to the Employment Land Review (Dec 2009) which identified an oversupply of office floorspace in the Borough, and found no evidence of qualitative deficiencies. Data from subsequent commitments exercises and reports of the amount of office floor space on the market supported this conclusion. It was therefore decided that the continued protection of this site for employment uses was no longer required.

SALP Policy SA1 formally allocates land at 'Old Bracknell Lane West, Bracknell' for residential development with an estimated capacity of 203 units. This site forms the eastern part of 'Area' 1, which was estimated to have a capacity of 88 units. Should permission be granted for the residential development proposed in this application, further certainty will be given to the ability of this site to contribute to the five year supply of housing land. The principle of the proposed development is therefore in accordance with SALP Policy SA1.

Weight to be given to Development Plan Policies

The principle of the proposed development falls to be determined in accordance with the above Development Plan policies, taking account of their consistency with the NPPF (in relation to para. 215). The Inspector who undertook the SALP Examination concluded (para. 122) that the site specific policies in the SALP were in accordance with national guidance. Therefore, they are considered to be consistent with the NPPF, and afforded full weight.

Other Material Considerations Relevant to the Principle of Development

It is necessary to also consider whether there are any other material considerations that would apply to the principle of the proposed development. In this case the site is already developed and contains a large office building and associated car parking. The NPPF is a material consideration in the determination of planning applications. At paragraph 17 it sets out core planning principles. Of relevance to this application are

the following: that planning should be plan led (bullet 1); proactively drive and support sustainable economic development to deliver the homes, business and infrastructure that the country needs (bullet 3); and encourage the effective use of land by reusing land that has been previously developed, provided it is not of high environmental value (bullet 8).

The use of the site for residential purposes has been considered through a plan led process. It comprises previously developed land (being in commercial use) within a defined settlement, and therefore the proposed development is also acceptable and supported by these paragraphs of NPPF.

Conclusion on the Principle of Development

The relevant Development Plan policies outlined above relating to the principle of the proposed development are considered to be consistent with the NPPF. For the reasons set out above it is concluded that the proposed development would be in accordance with Policy SA1 of the SALP and the Core Strategy. As the principle of the proposed development is in accordance with the Development Plan and other relevant material considerations the proposed development is therefore acceptable in principle and the presumption in favour of sustainable development requires that the application proposals should be approved, unless other material considerations indicate otherwise.

The following sections of this report will consider whether there are other material considerations that indicate a determination should be made otherwise.

9. URBAN DESIGN AND IMPACT ON THE CHARACTER OF THE SURROUNDING AREA

Core Strategy Policy CS7 and 'Saved' Local Plan Policy EN20 set out various design considerations to be taken into account in new development. Development should be in sympathy with the appearance and character of the local environment and appropriate in scale, mass, design, materials, layout and siting, both within itself and in relation to adjoining buildings, spaces and views. It should seek to promote, or create local character and a sense of local identity and seek to avoid the loss of natural features such as trees. These policies are considered to have significant weight in relation to para. 215 of the NPPF, as they are consistent with Chapter 7 of the NPPF. The site contains a number of significant trees, and therefore 'saved' Policy EN1 of the BFLP is also relevant. This policy is also considered to be consistent with the NPPF, in particular para. 118, and can therefore be afforded significant weight in relation to para. 215 of the NPPF.

NPPF para. 57 refers to the need to plan positively for the achievement of high quality and inclusive design for all development. Para. 58 refers to the need for planning decisions to ensure that development optimises the potential of a site to accommodate development and refers to the functioning and overall quality of the area.

The proposed buildings would be sited on previously developed land comprising the existing commercial buildings and existing surface car park to the front and rear. The proposed buildings would be five and six storeys, with the sixth storey of block A set back from the main building line. It would be 19m in height which is the same as the extant approved office scheme. The building would be set back from the front of the site on the existing building line and have a reduced footprint compared to both the existing building and the extant office scheme. The proposed buildings would also provide a greater separation to the side boundaries than the existing or approved schemes. The buildings would be set approximately 15 metres away from the eastern

boundary providing a substantial space for communal gardens and landscaping. A gap of approximately 7 metres would be left to the western boundary.

A comprehensive landscape scheme has been developed for the site to provide a softer setting for the proposed buildings compared to the existing large areas of hardstanding. A link pathway has also been shown to connect the garden area with the safeguarded land and the future east-west footpath/ cycleway. The Oak trees on the Old Bracknell Lane West frontage are of significant importance in streetscene terms. Their retention and the replacement of existing adjacent hardstanding with new soft landscaping will further enhance the setting of these trees and the attractiveness of the street scene.

The applicant has provided 3D CGI images in the Design and Access Statement, which give a good impression as to how the buildings will appear and sit on the site. These are more representative of the bulk and massing and design of the buildings and how they will appear in reality than the 2D drawings. This proposal is relatively high density for Bracknell Forest, however, the design of the blocks and open walkway links help to break up any sense of excessive bulk and massing.

It is therefore considered that in view of its context within a generally commercial urban area, close to the town centre and a busy main road and railway line, a modern high quality building of the height and scale proposed would be appropriate on this site. The inclusion of basement car parking enables sufficient space to be provided around the large buildings proposed to secure a high quality landscaping scheme at the front and sides of the site which is presently used for car parking or roadways, ensuring that the site does not have the appearance of being overdeveloped or the street scene being dominated by parked cars. This also assists greatly in achieving active frontages to the blocks, enabling residential units with windows at ground floor level to provide natural surveillance. This is a significant positive element of this design and layout, which will also make more efficient use of urban land, enabling a higher density of development to be built without compromising good design.

Although the buildings would be substantial and visible from a number of public places, in particular the south west corner of block A which would be quite visible from Twin Bridges roundabout and within the Old Bracknell Lane West streetscene, they would be set back behind a landscaped area and existing trees. As such it is considered that there would be a positive impact on the street scene compared to the existing building.

The external appearance, including the massing of the building, its elevational treatment and proposed materials, while overtly modern and as such out of keeping with the somewhat tired and nondescript existing commercial buildings surrounding it, are considered to be of a high quality and appropriate to the type of development proposed. It is considered the proposed development would enhance the site and the surrounding area and would be in accordance with Core Strategy Policy CS7 and saved BFBLP Policy EN20.

As noted above, this site forms part of a larger development site, as identified in the SALP 2013. Proviso viii of Policy EN20 seeks to ensure that development is not prejudicial to the proper future development of a larger area in a comprehensive manner. To guide development across the larger area allocated under Policy SA1 the Council has commissioned a masterplan study for the allocated site. This is due to be considered by Members Steering Group on 18th February 2015 and if agreed will provide non statutory guidance for the development of this area. It represents a co-ordinated view of how the site should be developed and therefore it is appropriate to

have regard to it. Although this does not have the same weight as the Development Plan it is a material consideration in the determination of this application. Therefore there is a need to ensure that new development here conforms to the design principles set out in the masterplan for the wider site, enabling the delivery of a comprehensive development for the whole area over time.

A key requirement of the masterplan is for an east-west footpath/cycleway towards the northern part of the site to improve pedestrian and cycle links to the town centre and stations. In recognition of this the application identifies a strip of land, between 8 and 9 metres wide adjoining the northern boundary of the site which is allocated as a pedestrian/ cycle route. As this is the first site to come forward it is not possible to link into either of the adjacent sites to the east or west at present, and therefore all that this site can be expected to do is safeguard this route so when these adjacent sites come forward in the future for development it will be possible to construct a pedestrian/cycle path linking these sites. It will be necessary to put in place a mechanism for securing easements across this land (without ransom strips) as part of a s106 agreement. It is likely that it will be necessary to change the levels on this rear part of the site in order to provide reasonable gradients to the sites either side. However it is not possible to carry out detailed design work at this stage as it not known how or when the adjacent sites would be developed.

Although this site will sit within a commercial area for the time being, there is a need to secure the boundaries of this site, the close board fencing proposed may not be appropriate once proposals come forward for the neighbouring future residential sites. Although from a design perspective more open boundary treatments would represent an enhancement, this would not be appropriate while the adjacent sites remain in commercial use. The proposed boundary treatments are considered appropriate for the existing situation and it is not considered reasonable to expect the future owners to have to change these if the neighbouring sites are developed. However it may be possible to achieve this through mutual agreement with the developers of the adjacent sites when these come forward for development.

In conclusion on this issue, it is considered that the principles set out in the DAS, and the proposed high quality design, would enable a development to be created on this site with a distinct and attractive character, making good use of the opportunities provided by the site. It has also been designed to ensure that this site can come forward as a stand-alone development without prejudicing the principles set out in the masterplan for the wider site. Therefore the proposal is in accordance with the relevant sections of CS Policy CS7 and saved BFBLP Policies EN1 and EN20.

10. RESIDENTIAL AMENITY

BFBLP 'Saved' Policy EN20 proviso (vii) seeks to prevent development that would adversely affect the amenity of surrounding properties. This is consistent with the NPPF This site is self-contained with very little risk of any direct impact on existing residential properties. The nearest residential properties to the site are on the opposite side of Downshire Way at 109 metres distance. Properties on Old Bracknell Close to the east of the site are approximately 143 metres away. In view of the distances involved, the intervention of Downshire Way to the nearest property, the proposed substantial landscaping along the Old Bracknell Lane West boundary, and the fact that an existing two storey office/storage and distribution building with associated car parking and servicing already exists on this site it is not considered that the proposed development would result in a serious increase in noise or disturbance to residential neighbours.

In terms of the amenities of future residents of the proposed development, the site presently does not lie in a residential area but sits between two commercial properties, including the Council depot. It is also next to a main railway line and close to busy main roads. BFBLP saved policy EN25 seeks to ensure that residential development is not located in locations close to existing uses which generate incompatible levels of pollution. This is consistent with NPPF paragraph 120 which seeks to prevent unacceptable risks from pollution by ensuring that new development is appropriate for its location and that the effects of pollution are taken into account.

It is acknowledged that, in the short to medium term, these commercial neighbours may not provide the most attractive of environments for residential development. However this is part of an allocated housing site, with the intention being that over time this whole area will become residential. In view of potential concerns about noise the Environmental Health Officer has advised that a noise survey together with appropriate mitigation measures be conditioned. It is also recognised that the present and previous commercial uses on the site may have resulted in ground contamination. In view of this the Environmental Health Officer has advised that a condition requiring the submission and approval of a site investigation report into the nature and extent of any land and/or groundwater contamination and the implementation of any remedial or mitigating measures recommended before the premises are inhabited. These measures should protect future residents from any adverse impacts on their amenities arising from noise or pollution, particularly in the period until the adjacent sites are redeveloped.

In conclusion, no existing properties are considered likely to suffer any significant adverse impacts on their residential amenity, and it is considered that the scheme has been designed so that it provide acceptable living conditions for future residents of the development. Therefore the proposal is considered to be in accordance with saved BFBLP Policies EN20 proviso (vii) and EN25.

11. TRANSPORT IMPLICATIONS

Access:

Policy CS23 of the CSDPD seeks to increase the safety of travel. This is consistent with the NPPF. The site is located on Old Bracknell Lane West, an adopted road serving a mix of uses including an industrial estate and a small residential development. It also provides rear access to the fire and ambulance stations although both of these have their main egress for emergency vehicles direct onto Downshire Way. The road is subject to a 30mph speed limit although at this location speeds are expected to be below this limit due to the presence of parked vehicles and the fact that the road terminates shortly after the site boundary. The end of the road joins into an existing footway/cycleway leading to the town centre, the Southern and Western Industrial Areas and the residential neighbourhood of Wildridings. Old Bracknell Lane West forms a junction with the A322 Downshire Way at its south eastern end. Downshire Way experiences large volumes of traffic during the day and is congested at peak times, this is due to its important role in distributing traffic from the M4 towards the M3 and vice versa as one of the main strategic routes within the borough.

The position of the site entrance is not proposed to alter under this application. The main obstruction to visibility is from cars parked along the road, this is likely to occur from overspill parking from the offices or from commuters using the rail station. There are existing double yellow lines that restrict parking adjacent to the access and these protect access and provide some visibility. Such lines could be extended if necessary

in the future but adequate parking should be provided within the site to reduce the need to park on street.

The access road within the site is wide enough for the scale of development (5.5m). However the existing boundary planting along the frontage restricts visibility in both directions. Some of the planting along the frontage could be removed to enhance visibility; this will not impact on the significant trees on the site. This matter can be addressed through a landscaping scheme to be required by condition. The applicant has provided information of tracking of a refuse vehicle which indicates that safe and adequate turning can be provided.

Saved BFBLP Policy M4 encourages new developments to provide appropriate pedestrian and cycle routes and facilities and Saved Policy M6 seeks the provision of safe, direct and well signed cycle and pedestrian routes. There is an area of land at the rear of the site that the submitted drawings indicate as being reserved for the inclusion of a new footway/cycleway that could link through the wider development of the area and provide better access to local transport nodes such as the rail station. This land should be secured through a legal agreement with easement rights and the dedication of the land as public highway or as part of an adopted open space maintained by the Council, to enable the provision of the route at a later date when the adjacent sites are brought forward for development.

Parking Requirements:

'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. It provides guidance to supplement 'saved' BFBLP Policy M9. The NPPF refers to local authorities being able to set their own parking standards for residential development. The applicant has provided parking for the development as part of the design of the building. Parking is contained underneath the building with a limited amount of additional spaces at ground level adjacent to the access road.

The applicant has provided a total of 79 spaces, 74 under the building and 5 at grade, this equates to a ratio of 1.2 spaces per dwelling. This level of parking is below the current borough parking standards but considering the position of the site to the town and rail station then a lower level of parking may be applicable. Furthermore this site would form part of the wider development of the area which is intended to deliver more residential flats.

In order to justify the level of parking the applicant has utilised 2011 census data for Bracknell. Interrogation of the census data for the local wards around the site (Wildridings and Old Bracknell) indicate that average car ownership is in the region of 1.1-1.2 cars per household. This is in line with the level of provision provided in this application but it should be recognised that these wards contain a varied amount of housing and tenure which may not be that comparable to the development proposed. The applicant has also referred to a parking survey of a newly developed site in Bay Road which indicated that parking provision of around 1 space per unit was adequate. It should be noted that the surveyed site had 100% affordable housing with a fairly even split of 1 and 2 bedroom units. There is also a public car park adjacent that could cater for visitors. However it is also noted that at approximately 830m distant this site is considerably further away from the town centre and stations than the current site.

Surveys on a new development known as Windermere Gate on Crowthorne Road have indicated a peak demand of 1.4-1.5 spaces per unit. This development is mixed but

predominantly flatted with some affordable units, and is also considerably further away from the town centre and stations than the current site.

When this application was originally submitted the Highway Authority advised that in order to provide justification for the proposed ratio the applicant was asked to undertake surveys of flatted schemes in close proximity of the site to provide further supporting information for this proposal. The applicant subsequently carried out a survey of various flatted developments on Old Bracknell Lane East following advice from the Highway Officer. The surveys were conducted on Friday and Saturday nights (23rd & 24th January) between 22:00hrs and 01:00hrs. The intention was to record the maximum parking demand. The survey results record the number of parking spaces available, the number of vehicles parked and the percentage parking stress. The survey results were:

Broome Court

Broome Court has 20 flats and 39 parking spaces. The maximum occupancy occurred on Friday when 19 vehicles were parked. This is a ratio of 0.95 cars per flat.

Friendship Way

There are 12 flats and 25 parking spaces at Friendship Way. The maximum occupancy was 15 vehicles which occurred late on Saturday night. This is a ratio of 1.25 cars per flat.

The report of the survey concluded that if the parking demand at Friendship Way is taken as the worst case then it would be reasonable to seek a parking ratio of 1.25 spaces per flat for the proposed development. The survey provides evidence that the proposed development is not likely to result in demand for on-street parking in the vicinity of the site.

The applicant has submitted an amendment to the proposal that reduces the number of flats by one to 65 and increases the number of basement parking spaces by 5, resulting in 84 spaces in total. This increases the parking ratio to 1.29 spaces per flat, in excess of the worst case scenario found in the parking survey. The Highway Authority has advised that it considers a parking ratio of 1.29 spaces per unit is likely to be adequate for the demand of the site, provided all spaces are communal and not allocated to individual flats to ensure maximum flexibility over the day for both occupiers and visitors. It is therefore considered that, as amended, the proposal makes adequate car parking provision for this centrally located site.

The Highway Authority originally commented that the 83 cycle parking spaces proposed was below the current standards and this does not help support and promote alternative modes to the car increasing the chance of a greater number of car journeys. In response the applicant has provided an additional 44 cycle parking spaces to bring the number provided up to the required standard.

Vehicle Movements / per day:

The applicant has provided information relating to trip rates for the existing use as well as the proposed flats. Trip rates for the more recently consented larger B1 use has also been included for comparison. The level of two way traffic that the existing use would generate in the peak hours is greater than the proposed use. However the direction of traffic in either peak hour is different for each use with the residential element generating more outbound trips in the AM peak and more inbound trips in the

PM peak compared to the existing use but the likely increase is not so substantial that it would put a significant demand on the network. It should be noted that the trip rates used for the proposed flats may be higher than predicted due to the fact that the location of the site is well placed for access onto the strategic road network as well as access to the town. Trip rates could be in the region of 20% higher than quoted, which will have some impact on the level of traffic that seeks to exit onto Downshire Way and in time as the wider development on the allocation site occurs this will increase. Any increases will need to be set in the context of existing demands on the junction. Overall the level of traffic generated by the proposal compared to the existing use is expected to be lower in peak hours and over the day.

For the reasons given above the proposal is considered to be in accordance with Policy CS23 of the CSDPD, 'Saved' Policies M4, M6 and M9 of the BFBLP and the NPPF and would not result in highway implications.

12. LANDSCAPE, BIODIVERSITY AND TREE ISSUES

Core Strategy Policy CS1 supports development that protects and enhances the quality of natural resources including water, air, land and biodiversity. Policy CS7 supports development proposals which enhance the landscape and promote biodiversity. Saved BFBLP policies EN1 and EN20(vi) seek the protection of trees important to the retention of the character and appearance of the townscape. Policy EN2 seeks the inclusion of indigenous trees and other plants appropriate to the setting and character of the area within the landscaping schemes of new developments. These policies are consistent with para. 118 of the NPPF which states that LPAs should aim to conserve and enhance biodiversity.

The Council's Landscape Officer has assessed the landscape proposals and considers that the proposed layout will enhance the external areas of the site creating more useable open space. The soft landscape proposals are considered to be acceptable in principle and work well within the site.

The ecological report submitted with the application shows that the existing building does not host roosting bats and that the site has limited value for wildlife. However, there are opportunities to enhance the site for wildlife, for example by planting native species or species that have a known value for wildlife. Some of the proposed grassland on site could be native species rich grassland. It may also be possible to include some native species hedges / screen planting along the site boundaries or to the rear of the site. These measures would help to promote biodiversity and provide links to the local landscape character.

The proposed drainage connections are shown to link to the existing foul and surface water sewers through the existing tree belt along the front boundary. Further details and method statements should be provided to ensure that the important mature trees are adequately protected.

These matters are covered by the suggested conditions. Subject to securing the implementation of these protection and mitigation measures, the proposed development is considered to secure the protection and enhancement of the landscape and biodiversity in accordance with CS Policies CS1 and CS7.

13. AIR QUALITY, GROUND CONTAMINATION AND NOISE IMPACTS

BFBLP saved policy EN25 seeks to prevent development that would generate unacceptable levels of pollution. This is consistent with NPPF paragraph 120 which

seeks to prevent unacceptable risks from pollution by ensuring that new development is appropriate for its location and that the effects of pollution are taken into account. The Council's Environmental Health Officer has raised no objections on these issues subject to appropriate conditions being imposed. In respect of the objection comment that the development would result in additional traffic pollution it is evident from the comments of the Highway Authority discussed earlier that the development would actually result in a reduction in traffic. This is therefore considered to have a positive impact on pollution levels within the adjoining Air Quality Management Area along Downshire Way.

14. THAMES BASIN HEATHS SPECIAL PROTECTION AREA (SPA)

Policy NRM6 of the South East Plan (SEP) and Policy CS14 relate to consideration of and mitigation of impacts upon the SPA. These establish a general presumption against new residential development within a 400m straight line distance of the boundary of the SPA, and require appropriate avoidance and mitigation measures in respect of development within a 5km straight line distance of the SPA. This aspect of the proposal is dealt with later in the report.

These policies are considered to be consistent with paras. 113 and 119 of the NPPF which require LPAs to set criteria based policies against which proposals for any development affecting protected wildlife will be judged.

The Council, in agreement with Natural England (NE), 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 2.7km 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, a Habitats Regulations Assessment (HRA) 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 relevant policies the project as proposed would not adversely impact on the integrity of the site provided the following avoidance and mitigation measures are provided and prior to permission being granted an applicant enters into a Section 106 Agreement.

i) The provision of bespoke Suitable Alternative Natural Greenspace (SANG) at Longhill Park, and / or another bespoke SANG to be identified. This will be provided at a minimum of 8ha per 1,000 new population. This site with others in an around the town centre cannot reasonably provide on-site SANG and therefore the Council intends to provide the necessary SANG(s) to serve this and other similar developments identified in SALP Policy SA1. Such sites will therefore be expected to make a financial contribution towards the identified bespoke SANGs. The Longhill Park element of the SANG solution has a limited capacity and cannot accommodate all the large Policy SA1 sites and therefore, the Council is working to identify further additions to the bespoke SANG suite such as Bill Hill and other land. This process is underway but may take some time to complete. However, to date, the Longhill Park element has capacity to accommodate this particular development. A SANG contribution of £108,420 will therefore be sought.

ii) A S106 agreement will be required to prevent occupation until the SANG works and measures are in place.

iii) Strategic Access Management and Monitoring (SAMM) contributions

A Strategic Access Management and Monitoring (SAMM) contribution of £32,176 must be paid on commencement of the development in accordance with the SPA SPD.

In conclusion it is considered that the development would not adversely affect the integrity of the Thames Basin Heaths SPA provided that the above measures are put in place. These measures will prevent a significant adverse effect on the integrity of the SPA. It is considered that these matters could be addressed through appropriate obligations within a s106 agreement. Therefore 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 (Amendment) Regulations (2012) permission may be granted.

15. FLOODING AND DRAINAGE ISSUES

Paragraph 103 of the NPPF seeks to avoid inappropriate development in areas at risk of flooding by directing development away from areas at highest risk of flooding and gives priority to the use of sustainable drainage systems. This site lies within Flood Zone 1 (low risk) and is therefore an appropriate site for development in terms of flood risk.

The applicant has submitted a Flood Risk Assessment and a Drainage Strategy. This demonstrates that there would be no increase in peak flows of rainfall runoff compared to the existing situation. The existing land use is comprised of impermeable areas of tarmac and concrete, including car parking areas and roofed accommodation, with small grassed areas. The proposed development includes impermeable buildings and car parking / roadways with permeable areas of green space. Overall there would be an approximate decrease of 1994m² (42%) in impermeable areas at the site. Therefore the off-site surface water flow rate would be reduced by 42% compared to the existing situation.

The FRA states that the surface water run-off from the development site will be discharged into Thames Water sewers at a reduced flow rate from the existing flow rate using SUDs techniques including flow attenuation if required. However as the applicant is awaiting confirmation from Thames Water of an off-site flow rate it is not in a position to determine whether attenuation or any other SUDs technique will need to be incorporated into the surface water drainage scheme. It is therefore recommended that a detailed drainage strategy be secured through condition.

16. SUSTAINABILITY STATEMENT AND ENERGY DEMAND

Policy CS10 requires the submission of a Sustainability Statement demonstrating how the proposals meet current best practice standards, i.e. Code for Sustainable Homes Level 3. This policy is consistent with the NPPF and therefore can be afforded significant weight. Formal assessment of dwellings against the Code for Sustainable Homes must be carried out by an accredited assessor (accredited by BRE). The assessment has several stages: Pre-assessment Estimator, Design Stage Assessment, and Post Construction Review. All stages should be covered, and the assessments submitted to the Council.

A sustainability statement should address the following:-

- Energy and Carbon Dioxide;
- Water;

- Materials;
- Surface water runoff;
- Waste;
- Pollution;
- Health and wellbeing;
- Management; and
- Ecology.

No Sustainability Statement/ Pre-assessment Estimator has been provided demonstrating likely compliance with Code for Sustainable Homes Level 3. As such it is recommended that conditions are imposed.

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

Although the applicant has looked at alternative measures to offset energy demand there are no calculations provided and no firm commitment as to which approach will be taken. As it stands the applicant has not met with the requirements of Policy CS12 and it is recommended that a condition should be imposed.

17. AFFORDABLE HOUSING

Core Strategy Policies CS16 and CS17 (in relation to housing needs and affordable housing) can be afforded full weight in relation to para. 215 of the NPPF as they are consistent with para. 50 of the NPPF which relates to delivering a wider choice of homes, a mix of housing and affordable housing. The Council's affordable housing policy currently applies to proposals involving 15 net dwellings or more. In such circumstances, 25 per cent affordable housing is sought, subject to viability.

Paragraph 178 of the NPPF states that to ensure the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

The applicant has submitted a viability report that concludes that the proposals cannot viably support the provision of affordable housing. This report has been independently assessed for the Council by the Valuation Office (DVS). This concluded that the policy level of affordable housing was not viable for this site but there is a surplus available for S106 costs. The applicants have indicated that they are willing to accept a reduced profit margin and are willing to make a contribution to infrastructure and SANGS on the basis that no affordable housing contribution would be provided. DVS recommend this to the Council as reasonable, taking account of viability, and propose that the sum sought should be £200,000. However if the scheme does not commence and completion is not achieved within an agreed timescale there should be a review of the viability since any concession by the Council is in the current market.

18. INFRASTRUCTURE AND COMMUNITY FACILITY REQUIREMENTS

NPPF para. 70 refers to delivering the social, recreational, cultural facilities and services communities need, including the need to plan positively for the provision and shared use of space, community facilities (including shops etc), and the need to ensure

an integrated approach to considering the location of housing, economic uses, community facilities and services.

Core Strategy Policy CS6 expects development to contribute to the delivery of:-

1. infrastructure needed to support growth and
2. infrastructure needed to mitigate impacts upon infrastructure.

In accordance with the Limiting the Impact of Development Supplementary Planning Document (LID) which provides guidance on the implementation of Core Strategy Policy CS6, this application should make contributions to mitigate adverse impacts on local open space and outdoor recreation, primary education, community facilities, youth facilities and built sports facilities.

As noted above the applicant has provided a viability report that demonstrates that the above requirements for infrastructure and community facilities would make the development unviable. The independent advice from the DVS is that the development should be capable of generating a surplus available for S106 costs of £200,000. However from this figure it is necessary to deduct the non-negotiable SPA mitigation as detailed in section 14 above. The combined SANG and SAMM contribution for this development would be £140,596 leaving a surplus of just £59,404 for other s106 contributions.

Since the viability appraisal was carried out, as noted above, the applicant has amended the scheme by increasing the size of the basement car park in order to improve the parking ratio. This has considerably added to the construction costs of the scheme wiping out this surplus.

Another material consideration is that the Council is likely to introduce the Community Infrastructure Levy (CIL) on 6th April 2015. Once CIL takes effect there will be legal restrictions on using S106 to secure contributions for pooling towards infrastructure to support development.

This application lies within the town centre CIL charging zone which is zero rated. Therefore after the 6th April (if approved at the Council meeting on 25 February 2015) this development would not be required to pay any contribution towards infrastructure or community facilities other than affordable housing and the non-negotiable SPA mitigation contribution which is not affected by CIL. Although this application is being reported to committee before CIL comes into effect, in view of the short time before this becomes operative, and the time required to complete a s106 agreement, it is reasonable to assume that there is a possibility that a decision will not be issued until after CIL becomes operative. In this scenario SPA mitigation and affordable housing would still be required as these are not covered by CIL. The applicant accepts that SPA mitigation payments will have to be made, and has demonstrated that the provisions of affordable housing on this site would make the development unviable.

It is therefore recommended that if Members are minded to grant permission, this is subject to the completion of a s106 agreement to secure the mitigation of adverse impacts on the SPA and as noted in section 11, the safeguarding of land at the rear of the site for a future pedestrian/ cycle route linking to adjacent sites.

19. CONCLUSIONS

SALP Policy CP1 sets out the presumption in favour of sustainable development. This requires that development proposals should be approved that accord with the

development plan. Where this is absent, silent or relevant policies out of date, development proposals should be approved unless material considerations indicate otherwise, taking into account whether any adverse impacts of granting permission 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.

The application site was considered in the preparation of the SALP and ultimately it was allocated for development by SALP Policy SA1 when the Local Plan was adopted last year.

Representations have been received from the residents of Old Bracknell Close and Bracknell Town Council which raise a number of other material considerations, including concerns about additional traffic, overdevelopment and out of keeping with the area. As noted in this report the concerns about additional traffic are misplaced as this proposal would actually result in less traffic than the existing use of the site. The building would be the same height and have a smaller footprint than the approved replacement office scheme. It is therefore not considered to represent an overdevelopment of the site. While clearly a residential development would result in a different character to this area than the current commercial uses which predominate, given that this site together with those adjacent has been formally allocated for housing in a recent adopted Local Plan, this change in the character of the area from commercial uses to residential has already been accepted by the Council.

This report has considered the proposal against relevant policies in the development plan and other material considerations, including the NPPF. For the reasons set out in the report it is concluded that the principle of the proposed development is acceptable as it would be in accordance with the NPPF, Policy NRM6 of the South East Plan, Policy SA1 of the SALP, Policies CS1, CS2, CS7, CS10, CS12, CS14, CS15, CS23 and CS24 of the Core Strategy and Policies EN1, EN2, EN20, EN25, M4, M6 and M9 of the BFBLP. The proposal is therefore in accordance with development plan policies to which substantial weight should be given. As the principle of the proposed development is in accordance with the development plan and therefore acceptable, the presumption in favour of sustainable development requires that the application proposals should be approved, unless other material considerations indicate otherwise. No other material considerations are considered to outweigh this presumption in favour of sustainable development.

However, in the absence of suitable planning conditions and obligations, the application would fail to mitigate the impact of the proposed development on the SPA or to deliver comprehensive development across the larger allocation site. Therefore the application is recommended for approval subject to appropriate conditions and the completion of a s106 agreement to secure the mitigation of adverse impacts on the SPA and the safeguarding of land at the rear of the site for a future pedestrian/ cycle route linking to adjacent sites.

RECOMMENDATION

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

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

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

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 in accordance with the following plans received 10.10.2014:
BPL001 - DP-0-001 - Proposed Apartment Layouts
BPL001 - DP-0-002 - Proposed Apartment Layouts
BPL001 - DP-0-003 - Proposed Apartment Layouts
BPL001 - DP-0-004 - Proposed Apartment Layouts
BPL001 - DP-0-005 - Proposed Apartment Layouts
BPL001 - DP-0-006 - Proposed Apartment Layouts
BPL001 - DP-0-007 - Proposed Apartment Layouts
BPL001 - DP-0-010 - Proposed Demolition Plan
BPL001 - DP-0-011C - Proposed Floor Plans
BPL001 - DP-0-012E - Proposed Floor Plans
BPL001 - DP-0-013F - Proposed Floor Plans
BPL001 - DP-0-014E - Proposed Floor Plans
BPL001 - DP-0-015A - Proposed Floor Plans
BPL001 - DP-2-070A - Proposed Elevations
BPL001 - DP-2-071A - Proposed Elevations
BPL001 - DP-2-072A - Proposed Elevations
BPL001 - DP-2-073A - Proposed Elevations
BPL001 - DP-2-074 - Proposed Elevations
BPL001 - DP-2-075 - Proposed Elevations
BPL001 - DP-9-900D - Proposed Site Plan
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 development hereby permitted shall be carried out in full accordance with the tree protection measures and method statements set out in the arboricultural impact assessment by Barton Howe Associates Ltd. dated October 2014 unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of tree protection
[Relevant Plans and policies: Core Strategy DPD CS1; BFBLP EN1, EN20]
05. No development shall take place until comprehensive details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - a) Comprehensive planting plans (including native species and species that have a known value for wildlife where possible) 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)
- f) Paving including pedestrian open spaces, paths, patios, proposed materials and construction methods, cycle routes, parking courts, play areas etc.
- g) Recycling/refuse or other storage units, play equipment
- h) Other landscape features (water features, seating, trellis and pergolas etc).

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

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

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

06. No retained tree or hedgerow (as specified as being retained on the approved details as part of this permission) shall be cut down, uprooted or destroyed without the prior written consent of the Local Planning Authority. If any trees or hedgerows shown to be retained on the approved plans are removed, uprooted, destroyed, die or become diseased during the course of the development or within a period of 5 years of the completion of the development, another tree or hedgerow of the same species and size as that originally planted shall be planted at the same place unless the Local Planning Authority gives it written consent for any variation.

REASON: In the interests safeguarding visual amenity.

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

07. The development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include as a minimum:

- (i) a Demolition and Construction Logistics/ Site Organisation Plan
- (iv) Details of the parking of vehicles of site operatives and visitors

- (v) Areas for loading and unloading of plant and materials
 - (vi) Areas for the storage of plant and materials used in the demolition and construction of the development
 - (vii) The erection and maintenance of security hoarding
 - (viii) External lighting of the site
 - (ix) Method of piling for foundations
 - (x) Measures to control the emission of dust, dirt, noise and odour during demolition and construction
 - (xi) Measures to control surface water run-off during demolition and construction
 - (xii) Measures to prevent ground and water pollution from contaminants on-site during demolition and construction
 - (xiii) Demolition and construction working hours and hours during the construction and demolition phase during which delivery vehicles or vehicles taking materials away are allowed to enter or leave the site;
 - (xiv) Details of wheel-washing facilities;
 - (xv) details in respect of measures to minimise, re-use and re-cycle waste; minimise the pollution potential of unavoidable waste; and dispose of unavoidable waste in an environmentally acceptable manner; and
 - (xvii) Details of a monitoring regime to demonstrate compliance with the CEMP including timings for reports to be submitted to the Local Planning Authority.
- The approved Construction Environmental Management Plans shall be adhered to throughout the demolition and construction period.

REASON: To mitigate and control environmental effects during the construction phases

[Relevant Policies: BFBLP EN25]

08. 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]
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% unless otherwise agreed in writing by the Local Planning Authority).

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

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

[Relevant Plans and Policies: CSDPD Policy CS12]

11. No development shall take place until:
 - i) Details of the proposed method and extent of a phase II investigation (Site investigation) has been submitted to and approved in writing by the Local Planning Authority;
 - ii) a Phase II report (Site investigation) in accordance with the agreed details of method and extent has been submitted to and approved in writing by the Local Planning Authority; and
 - iii) Any remedial or mitigating measures recommended by the findings from the Phase II report shall be approved by the local planning authority and implemented before the premises are inhabited. This must 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]
12. No demolition or construction work shall take place outside the hours of 08:00 and 18:00 Monday to Friday; 08:00 and 14:00 Saturday and not at all on Sundays and Public Holidays.
REASON: In the interests of the amenities of the area.
13. The development hereby permitted shall not be begun until a noise survey has been submitted to and approved in writing by the Local Planning Authority. The noise survey shall include the proposed method of mitigation to be used to ensure reasonable noise levels can be experienced by the future occupiers of the residential dwellings and users of the outside spaces. This noise monitoring should be conducted over a minimum of a 24 hour period. Any noise mitigation works recommended by the approved noise survey shall be completed before any permitted dwelling is occupied.
REASON: To ensure that the amenities of the future residents is not adversely affected by noise.
[Relevant Policies: BFBLP EN25]
14. No dwelling shall be occupied until a means of vehicular access has been constructed in accordance with details which have been submitted to and approved by the Local Planning Authority.
REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]
15. No dwelling shall be occupied until a means of access for pedestrians has been constructed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of accessibility and to facilitate access by pedestrians.
[Relevant Policies: BFBLP M6, Core Strategy DPD CS23]

16. No dwelling shall be occupied until a plan showing visibility splays has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The visibility splays shall at all times thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the adjacent carriageway.
REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]
17. No dwelling shall be occupied until the associated vehicle parking and turning space has been surfaced and marked out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The 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]
18. There shall be no restrictions on the use of the car parking spaces shown on the approved plan for the occupiers of, or visitors to, any of the buildings hereby permitted.
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
19. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority for covered and secure cycle parking facilities. The building shall not be occupied until the approved scheme has been implemented. The facilities save as otherwise agreed in writing by the Local Planning Authority shall be retained.
REASON: In the interests of accessibility of the development to cyclists.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
20. 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]
21. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority for off site highway works forming the access from the site to Old Bracknell Lane West. 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]

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.

In the event of the S106 planning obligation(s) not being completed by 26.5.2015 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 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.
02. The development would prejudice the comprehensive development of the wider site allocated under Policy SA1 of the Site Allocations Local Plan by not making adequate provision for the safeguarding of the route for a future footway/ cycleway linking this site to those adjacent. In the absence of a section 106 planning obligation to secure suitable safeguarding of this route, the proposal would therefore be contrary to Policies EN20 and M6 of the Bracknell Forest Borough Local Plan, and Policies CS23 and CS24 of the Core Strategy Development Plan Document.

Doc. Ref: Uniform 7/DC/Agenda

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

Unrestricted Report

ITEM NO: 9

Application No. 14/01266/FUL Ward: Winkfield And Cranbourne Date Registered: 5 December 2014 Target Decision Date: 30 January 2015

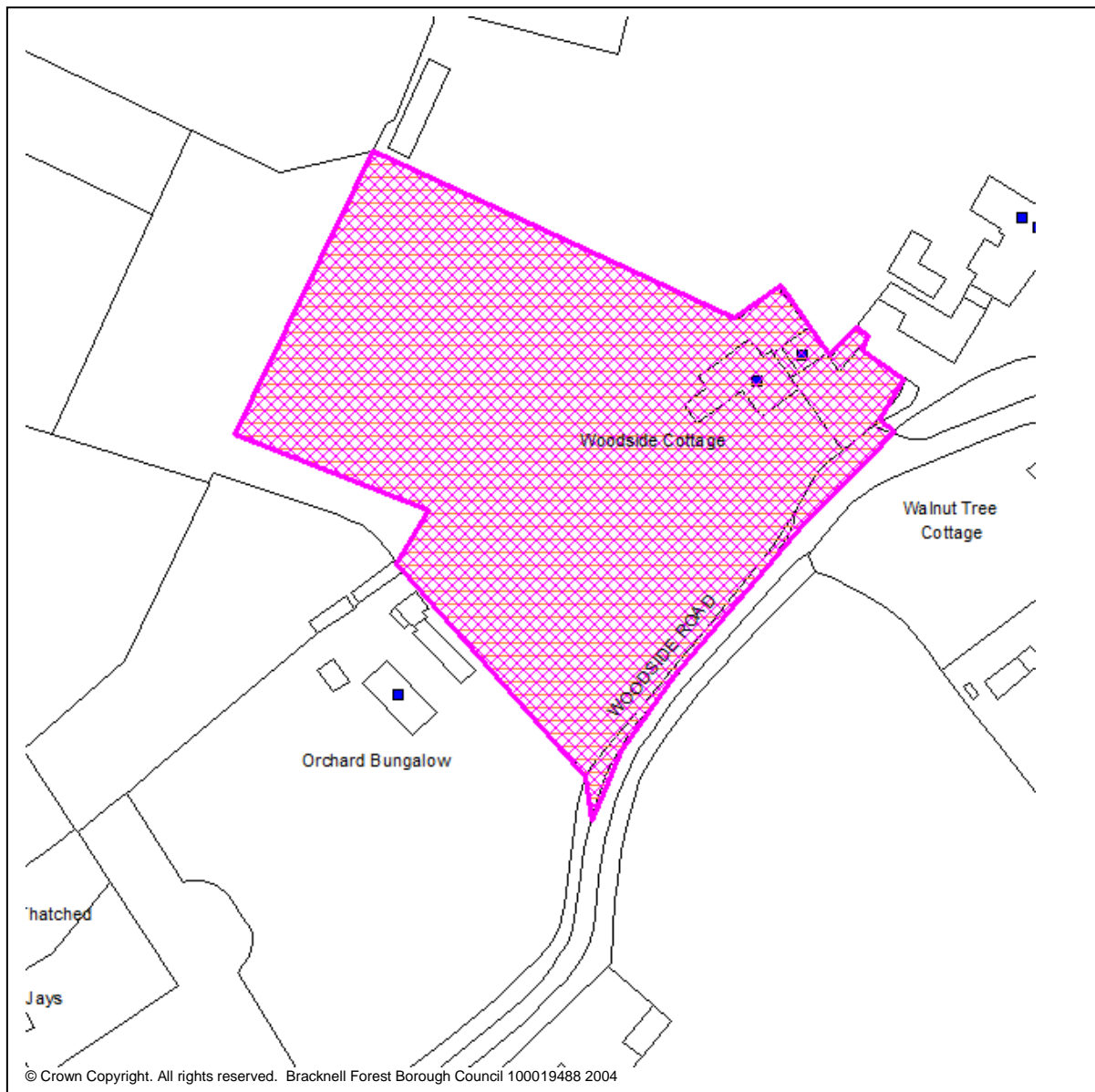
Site Address: **Woodside Woodside Road Winkfield Windsor
Berkshire SL4 2DP**

Proposal: **Erection of a detached 4-bed house with part basement, self-contained annexe and detached 4-bay garage; demolition of existing dwelling, outbuildings and other free-standing buildings (This application is a resubmission of 14/00695/FUL)**

Applicant: Dr Simon Bellamy
Agent: Ridsdale Planning
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 has been called in to Planning Committee by Councillor Virgo and Councillor Angell for the following reason:-

There are 'Very Special Circumstances' that outweigh the fact that the application is contrary to policy' and in this case should be approved.

The re-siting of the swimming pool to under the house will not affect our original Committee decision.

2. SITE DESCRIPTION

The site is located to the north-east of Bracknell set within a rural part of the Borough. The site lies south of Lovel Lane and is accessed from Woodside Road. As shown on the Bracknell Forest Borough Policies Map (2013) the site is located on land outside settlements, within the Green Belt. The site covers approximately 0.93 hectares but is part of a larger estate which includes the adjacent dwelling known as Orchard Bungalow, a large forestry/logging area to the rear comprising 12 hectares (also designated as a Wildlife Heritage Site) and fields/paddocks on the opposite side of Woodside Road. There is a belt of Oak and Ash trees running across part of the front of the site which is covered by Tree Preservation order No 706.

The site contains a two storey brick-built dwelling on the north-eastern part of the site including a self-contained annexe and detached garage, and a number of non-residential buildings on the western part of the site adjacent to Orchard Cottage, which were formerly stables and a garage but some of which have more recently been in unauthorised use as offices. The majority of these buildings appear to have been vacant and unused, other than for storage, for some time although it is understood that the current lessee of the paddocks also has access to some of the buildings. The rest of the site comprises extensive gardens and grounds.

The site is located within 500m of ancient woodland, within 7km of the Thames Basin Heaths Special Protection Area and within 2km of a Site of Special Scientific Interest. However due to the nature of the proposals it is not considered likely to have any impact on these designated sites.

3. RELEVANT SITE HISTORY

- 08/01103/FUL, Erection of 7 bedroom detached dwelling, detached garage and detached conservatory following demolition of existing dwellings and outbuildings of Woodside Cottage and Orchard Bungalow. WITHDRAWN.
- 09/00629/FUL, Erection of 5 bedroom detached dwelling with self-contained one bedroom annex and detached garage following demolition of existing dwellings and outbuildings of Woodside Cottage and Orchard Bungalow. REFUSED. .
- 11/00329/FUL, Erection of 4 bedroom detached house including self-contained annex and garage, following demolition of existing dwelling and outbuildings. WITHDRAWN.
- 12/00352/FUL, Erection of two storey rear extension. APPROVED.

- 12/00363/CLPUD, Application for a certificate of lawfulness for the proposed erection of single storey front, side and rear extensions. WITHDRAWN.
- 12/00768/FUL, Erection of 4 bedroom detached house including self-contained annex, detached garage and open-air swimming pool, following demolition of existing dwelling and outbuildings. REFUSED. APPEAL DISMISSED.
- 13/00312/CLPUD, Application for a certificate of lawfulness for the proposed erection of detached 4-bay garage with new access route/hardstanding within site (unaltered access from Woodside Road). APPROVED.
- 13/00317/FUL, Erection of 4 bedroom detached dwelling including self-contained annexe, detached garage and open-air swimming pool, including demolition of existing dwelling and outbuildings and demolition of other free standing buildings. APPROVED.
- 14/00695/FUL, Erection of a detached 4-bed house, including basement, self-contained annexe, detached 4-bay garage and open-air swimming pool, and the demolition of existing dwelling, outbuildings and other free-standing buildings. WITHDRAWN.

Although all the history listed above is relevant to this submission, applications 12/00768/FUL and 13/00317/FUL are considered most important. Application 12/00768/FUL sought permission for a replacement dwelling almost identical to that of the proposal that is the subject of this report, apart from a garage in a different location and the inclusion of an outside swimming pool that is now proposed to be accommodated within a basement. This application was refused by Committee in November 2012 for the following reason:-

The proposed replacement dwelling by virtue of its size and scale would be materially larger than the original dwelling on the site which is not acceptable in principle. Together with the positioning of the replacement house it is considered that the proposal would result in an inappropriate form of development and would adversely affect the rural character, openness and visual amenities of this Green Belt location. The proposal would therefore be contrary to the NPPF, Policy CC6 of the South East Plan, Policies GB1 and H5 of the Bracknell Forest Borough Local Plan and Policy CS9 of the Core Strategy Development Plan Document.

Application 13/00317/FUL sought permission for a replacement dwelling almost identical to that of the proposal that is the subject of this report, apart from the inclusion of an outside pool that would now, in the current submission, be housed in the basement. This application was approved by Committee as Members considered there to be 'very special circumstances' that outweighed the harm to the Green Belt. This approval was also the subject of a signed legal agreement.

Following the approval by Committee of application 13/00317/FUL an appeal decision on application 12/00768/FUL was received from the Planning Inspectorate dismissing the appeal. The appeal was dismissed on the grounds that the replacement dwelling would be materially larger in floor area and volume than the dwelling it replaced and that no 'very special circumstances' existed that could outweigh the harm to the Green Belt through the weight the Inspector attached to inappropriate development. A copy of the appeal decision will be appended to this report.

4. THE PROPOSAL

This is a full planning application for the erection of a four-bedroom detached dwelling with a basement swimming pool, including a self-contained annexe, detached four-bay garage and the associated demolition of the existing dwelling with self-contained annexe, detached garage and a number of non-residential buildings across the site. The existing access from Woodside Road, shared with Lovel Dene, would be retained and a new driveway would be constructed across the site to create a new access to Woodside via an existing access adjacent to Orchard Cottage. Orchard Cottage would be retained. The existing dwelling has a maximum ridge height of 8.04m with the replacement dwelling having a maximum ridge height of 9.9m.

As noted above the proposal is very similar to the scheme that was refused under application 12/00768/FUL, and subsequently dismissed as appeal. The size, design and siting of the dwelling above ground itself is identical to the refused scheme. The main difference is the relocation of the detached garage from the eastern to western side of the site, with an associated extension of the proposed driveway, and inclusion of a basement housing a swimming pool.

5. REPRESENTATIONS RECEIVED

A letter has been received from a neighbour saying they have no objection.

6. SUMMARY OF CONSULTATION RESPONSES

Winkfield Parish Council

No objection provided this conforms to Green Belt policy.

Biodiversity

No objection subject to conditions

Environmental Health

No objection subject to conditions

Landscape

No objection subject to conditions

Transportation

No objection subject to conditions

7. DEVELOPMENT PLAN

The Development Plan includes the following:-

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

8. PRINCIPLE OF DEVELOPMENT

(i) Policy context

Site Allocations Local Plan (SALP) Policy CP1 requires planning applications to be considered in a positive manner which reflects the presumption in favour of sustainable development in the NPPF. However the Policy does not require planning applications to be determined in accordance with the presumption in favour of sustainable development where specific policies within the NPPF indicate that development should be restricted - development within the Green Belt is one such area where the presumption does not apply and instead the guidance within Section 9 of the NPPF is the relevant test.

The site is located outside of a defined settlement, in the Green Belt.

Core Strategy Development Plan Document (CSDPD) Policy CS2 is relevant to this proposal. Whilst this Policy primarily relates to land that is to be allocated for development by the Council, the text of the Policy states 'Development will be permitted within defined settlements and Allocated Sites.' As the application site is not within a defined settlement and is not within an allocated site, development on this site is therefore contrary to Policy CS2.

CSDPD Policy CS9 (Development on Land Outside Settlements) 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. The Council will also maintain the Green Belt boundary and protect the Green Belt from inappropriate development.

BFBLP 'saved' Policy GB1 (Building in the Green Belt) states that 'approval will not be given, except in very special circumstances, for any new building in the Green Belt unless it is acceptable in scale, form, effect, character and siting, would not cause road safety or traffic generation problems' and is for one of a specified number of purposes, which includes the replacement of an existing dwelling provided it would not be materially larger than the one it replaces. In the supporting text of the Policy, at paragraph 4.21, it is stated that the inclusion of a use within the potential exceptions list does not mean that planning permission will automatically be given. The supporting text further explains, at paragraph 4.22, that 'proposals should be for buildings which are small and unobtrusive and have no detrimental effect on the open, rural and undeveloped character of the Green Belt'. The introductory text to the Policy also explains, at paragraph 4.10, that 'inappropriate development is, by definition, harmful to the Green Belt. Where inappropriate development is proposed it is for the applicant to demonstrate that very special circumstances exist so that permission should be granted. To justify granting planning permission very special circumstances should clearly outweigh other considerations, such as harm to the open, rural and undeveloped character of the Green Belt.'

No scale parameters are set out in Policy GB1, but the supporting text explains at paragraph 4.35 that when assessing a proposal for a replacement dwelling, a number of factors are taken into account when determining whether the proposed dwelling would be materially larger than the existing dwelling. These factors include: bulk; height; gross floor space; impact on the openness and character of the Green Belt and whether the proposal would enhance the visual character of the site. Paragraph 4.36 states that ancillary buildings are not normally taken into account when considering a one for one replacement of a dwelling. The supporting text also sets out at paragraph 4.37 that additional buildings, including extensions and garages, can cause a

substantial increase in the amount of built form in the Green Belt and the Local Planning Authority should consider removing permitted development rights from new dwellings permitted under Policy GB1 where they could cause adverse impacts on the open, rural and undeveloped character of the Green Belt.

Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to protect urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and their permanence. Paragraphs 87-89 advise that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. A Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. In relation to replacement dwellings, the NPPF says at paragraph 89 bullet point four 'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'.

In view of the above, the quoted Development Plan Policies are considered to be generally consistent with the NPPF in the context that they apply to this proposal. Whilst Policy GB1 contains exceptions to inappropriateness which are more restrictive than the NPPF, it is consistent in relation to assessment for replacement dwellings.

(ii) Inappropriate Development

In accordance with the policies and guidance set out above, the main issue to be dealt with first is whether the proposed dwelling would be materially larger than the one it would replace.

An identical proposal above ground for a replacement dwelling at Woodside, not including the proposed basement, was considered by an Inspector at the appeal of application 12/00768/FUL. (See appended appeal decision). The Inspector took the opportunity to calculate the floor area and volume for both the existing and replacement dwellings. For consistency these figures have been used although the appeal did not involve the creation of a basement.

It will be noted that the Inspector when considering the appeal for a replacement dwelling at Woodside did not consider including an extant planning permission for extensions as contributing to the floor area or volume of the existing dwelling.

The existing dwelling has a floorspace of 588 square metres including the attached garage. The floor space of the proposed dwelling as calculated by the Inspector, when assessing the appeal for 12/00768/FUL, came to 715 square metres. This appeal case did not have a basement. An Inspector, when considering a recent appeal (APP/R0335/A/14/2219044) for a replacement dwelling at Hill Farm Binfield including a basement, confirmed that the floor area created as a result of the basement should be taken into consideration when assessing whether the replacement dwelling would be materially larger than the existing. Therefore if the approximate floor area of the basement (293 square metres) is added to the floor area of the dwelling above ground, the gross floor area of the new dwelling comes to approximately 1008 square metres, which equates to a 71.4% floor area increase. The Inspector went on to calculate the cubic content of the dwelling with the replacement dwelling above ground having a volume of 3060 cubic metres, a 34.8% increase in comparison with the existing dwelling and garage. Having assessed the floor area and cubic content increase

without taking into account the basement, the proposed dwelling would be much greater in overall size and would therefore be materially larger than the existing dwelling.

The Inspector also considered the height of the proposed dwelling under application 12/00768/FUL compared with the existing dwelling. As the current scheme is identical this is also the case. The current plans have been measured with the maximum height of the existing dwelling being 8.04m and the replacement dwelling being 9.9m

Taking into account the form, scale, bulk, massing and greater height of the proposed dwelling compared to the existing, it is considered that the proposed dwelling would be materially larger than the existing. As such the proposal would constitute inappropriate development within the Green Belt. At the appeal of application 12/00768/FUL the Inspector gave substantial weight to the harm that would be caused to the Green Belt by such inappropriate development and the reduction of the openness of the Green Belt (see below).

(iii) Other Harm to the Green Belt

In accordance with CSDPD Policy CS9 and 'saved' BFBLP Policy GB1, together with the NPPF (para 79 and 80), it is necessary to look at impact on openness and the purposes of including land within the Green Belt. The Inspector when dealing with the appeal of application 12/00768/FUL, considered that the much greater size and scale of the proposed dwelling and garage would give rise to a significant loss of the openness to the Green Belt thereby adding to the harm by reason of inappropriateness.

The basement would add volume and floor area to the previously assessed scheme, however as it is under the ground the basement in its own right is not considered to adversely affect the openness of the Green Belt. Again this was the approach an Inspector took when assessing the Hill Farm Binfield appeal.

Overall the proposal is considered to adversely affect the openness of the Green Belt for the same reasons the Inspector stated in the appended appeal decision of application 12/00768/FUL.

9. IMPACT ON CHARACTER AND APPEARANCE OF THE AREA

CSDPD Policies CS7 and CS9 and BFBLP Policies EN20 (i) and the first part of GB1 seek to protect the land outside settlements for its own sake, particularly from development which would adversely affect the character, appearance or function of the land.

The Inspector when assessing application 12/00768/FUL, in paragraphs 12-14 of the appended appeal decision, stated that although the proposed dwelling would occupy a more prominent position within the appeal site, it is well designed and a well-proportioned building, and would complement the parkland in which it would be located, and would therefore not harm the visual amenities of the site.

As such the proposal would not be considered contrary to BFBLP Policies GB1 (first part) and EN20 (i) and CSDPD Policies CS7 and CS9 insofar as it would not adversely affect the visual amenity of the area.

10. RESIDENTIAL AMENITY

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

The proposed siting of the dwelling more centrally to the site would increase the separation distance to Lovel Dene and would retain a large separation from Orchard Bungalow, therefore it is unlikely that the proposal would have any adverse impact on neighbours through overlooking, overshadowing, overbearing or increased noise and disturbance. Whilst the proposed garage would be in closer proximity to Orchard Cottage than existing, it would be in approximately the same position as the existing outbuildings and would not generate significant amounts of noise and disturbance, and is therefore considered to be acceptable. The residential amenity of the proposed new dwelling itself would be acceptable.

The proposal is not considered to result in any significant impacts upon residential amenity. As such the proposal is considered to comply with saved BFBLP Policy EN20 proviso (vii) and the NPPF.

11. BIODIVERSITY

Policy CS1 of the CSDPD seeks to protect and enhance the quality of natural resources including biodiversity. Policy CS7 also requires the design of new development to enhance and promote biodiversity. These policies are consistent with the NPPF.

This site was identified as a roost for Brown Long Eared bats in 2008. A method statement was submitted, dated June 2011, which was based on survey data from 2008, 2009 and 2010. An updated survey was carried out in 2012, but the method statement does not appear to have been updated to reflect this additional survey. These surveys are now considered out of date in line with best practice and these need updating to reflect the current conditions.

In addition a bat roost was identified in a horse chestnut tree (section 5.1. of report 384-02-012R), but no details of the species of bat, the status of the roost or the likely impact of development on this roost has been included.

The submitted method statement does include sufficient information to ensure that sufficient works will be carried out to provide new roosting provision and to mitigate for the loss of the existing roost. However, for the proposed mitigation to be successful, the surveys will need to be updated prior to development commencing. These further surveys could be secured by the imposition of a suitably-worded condition.

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

12. TRANSPORT IMPLICATIONS

'Saved' BFBLP Policies M4 and M9 and CSDPD Policies CS23 and CS24 seek to promote or retain safe highway access and suitable off-road parking provisions, thus avoiding highway safety implications. This is consistent with the objectives of the NPPF and can be afforded weight. 'Saved' Policy M9 seeks to ensure that the 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 development.

As existing, the site is accessed via a driveway shared with Lovel Dene at the north-eastern end of the site. It is proposed to retain this access but extend a driveway across the site to link to an existing driveway currently serving Orchard Cottage and the adjacent non-residential buildings to the west, and relocate the garage from the north-eastern part of the site to opposite Orchard Bungalow.

The Highway Authority raised concerns that the garage would be located some distance from the new dwelling and would necessitate a much longer driveway than previous proposals, and increased the likelihood that the Orchard Bungalow access would be used more and the existing Lovel Dene access less frequently. The Highway Authority consider the Orchard Bungalow access to have substandard visibility and that the introduction of additional residential traffic to an access used by commercial vehicles would be detrimental to highway safety.

The Orchard Bungalow access is used by traffic accessing the non-residential buildings and the extensive forestry/logging area behind the site as well as by the residents of Orchard Bungalow. The access to the field/paddock on the other side of Woodside Road is also directly opposite this access and the lessee of that site is understood to have access to some of the non-residential buildings behind Orchard Bungalow. The application included a letter from a Highways and Transportation Consultant which advises that the non-residential uses could potentially generate additional traffic movements including larger vehicles and horse-boxes. The Consultant notes that the access to the paddocks is "severely substandard in respect of driver visibility to the north and there is clearly a risk with the simultaneous use of both accesses". Large vehicles connected with the forestry/logging site to the rear also use the Orchard Bungalow access and the Consultant notes that due to the width and alignment of the access, such vehicles need to make multiple manoeuvres on the public highway to access the site, which would "severely compromise the convenience and also safety of other road users".

The Consultant states that the removal of these buildings and their associated traffic activity would benefit road safety. Whilst this may be the case, it is noted that these uses appear to be unauthorised and have not been regularised by a Lawful Development Certificate. Furthermore whilst the application proposes the demolition of the non-residential buildings, the logging operation to the rear would remain therefore the proposal would increase the amount of residential traffic using a substandard road trafficked by large commercial vehicles. The applicant has stated that the logging traffic could cease using this entrance but has not put forward proposals to support this. The applicant has also suggested an 'in/out' operation of the new driveway but this could not be secured or enforced.

However it is acknowledged that this is an existing situation and the applicant would retain the ability to exit the site from the access adjacent to Lovel Dene and is also likely to already benefit from permitted development rights allowing the existing driveway to be extended to meet the Orchard Road access. There are no recorded injury accidents at or in the immediate vicinity of the site in the Council's accident records. Therefore whilst the concerns of the Highway Authority are acknowledged it is not considered reasonable to refuse the application on this basis. However it is considered that the highways implications of the proposals would weigh against the 'very special circumstances' put forward by the applicant as the conflict between residential and non-residential traffic on a substandard access would remain.

The garage would have four bays, although one of the spaces in the garage is marked for cycle and refuse storage. The dwelling size proposed requires three parking spaces as per the Council's adopted Parking Standards SPD. The proposed garage would have clear internal dimension in excess of the minimum requirement of 6m x 3m. Given the nature of the access roads it is considered important that the site can be entered and exited in forward gear. The forecourt and driveway area in front of the garage would provide sufficient turning space.

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

13. ACCESSIBILITY

As a new-build the proposed dwelling would be designed to meet Part M of the Building Regulations for mobility standards and to achieve Code 3 of the Code for Sustainable Homes, therefore there are not considered to be any access implications arising from the proposals. As such the proposal is considered to comply with the requirements of Policy CS7 of the CS and saved BFBLP Policies EN22 and H14.

14. SUSTAINABLE CONSTRUCTION

CS Policy CS10 requires the submission of a Sustainability Statement demonstrating how the proposals would 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.

The applicant has submitted a Pre-assessment Estimator demonstrating that the development is likely to meet Code for Sustainable Homes Level 3 and that the principles of sustainable construction have been adequately considered. As such the applicant has met with the requirements of policy CS10.

If planning permission is to be granted then conditions are recommended to ensure that the development is implemented and retained in accordance with the submitted Pre-Assessment Estimator by submission of a Design Stage Report and Interim Certificate and to require the applicant to carry out a Post Construction Review Report and submit a Final Code Certificate to the LPA to demonstrate that the development has been constructed to meet a minimum standard of Level 3 of the Code for Sustainable Homes.

15. VERY SPECIAL CIRCUMSTANCES

(i) Application 13/00317/FUL

In the submission of 13/00317/FUL the applicant considered that 'very special circumstances' existed to allow planning permission to be granted, namely the proposed demolition of the non-residential buildings on the western side of the site.

The applicant stated that the existing buildings are harmful to the Green Belt and their removal would improve openness. The buildings and uses appear to be unauthorised and have not been regularised by a Lawful Development Certificate, and in fact appear

to have been vacant other than for storage use for some time. However such buildings and uses are not considered to be incompatible with the semi-rural location of the site. In your officers' view their demolition would not reduce any existing harm to the Green Belt sufficiently to outweigh the harm that would be caused to the Green Belt by the proposed new dwelling, given that these are small scale buildings clustered towards the edge of the site and the proposed dwelling would be materially larger than the existing dwelling and located more centrally within the site. This argument is also weakened by the proposed siting of the large new garage near to the proposed demolished buildings.

The applicant also suggested that the demolition of the non-residential buildings on the western side of the site allows their floor space and volume to offset the increased size of the replacement dwelling however it is only the dwelling itself as it stands now and not the outbuildings that can be taken into consideration. In the appeal decision for application 12/00768/FUL the Inspector confirmed that outbuildings should not be taken into account when assessing replacement dwellings.

The applicant further argued that the cessation of the non-residential uses would improve highway safety. Whilst commercial vehicle trips to the site would reduce, the logging operation to the rear of the site would continue. The applicant stated that the trips associated with this use could be diverted elsewhere but has not put forward any proposals for securing this. It is therefore possible that the non-residential trips would not cease entirely but, due to the proposal for the new driveway, additional residential traffic from Woodside would start using the same access.

At the time officers recommended that if Members were minded to accept the applicant's case, planning permission should not be granted without a planning obligation secured by s106 agreement to ensure the cessation of commercial traffic on the Orchard Bungalow access.

The applicant also argued that the cessation of the non-residential uses would improve the residential amenity of Orchard Cottage and allow it to be a 'viable independent dwelling'. However it is not clear how the level of activity associated with the non-residential uses would prevent occupation of the dwelling and it is noted that the dwelling is currently occupied. This is also within the applicant's control and he could choose to cease the non-residential uses to improve the amenity of Orchard Cottage completely independently of the proposals to build a new dwelling at Woodside.

At the time of assessing application 13/00317/FUL officers did not consider it correct to refer to the lack of a direct relationship between the 'very special circumstances' claimed by the applicant and the proposed replacement dwelling. The NPPF states at paragraph 88 that 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'. However it is in the gift of the applicant to cease the non-residential uses and demolish the buildings whether or not planning permission is granted for a new dwelling. Furthermore officers did not consider that such demolition would significantly improve the openness of the Green Belt to such an extent to outweigh the harm that would be caused by the proposed replacement dwelling, particularly given that the new garage would be sited in a similar position to 'The Laundry' and 'Tractor Shed' and would be larger than these buildings.

(ii) Current application (14/01266/FUL)

The applicant states that the consolidation of the open swimming pool, along with any buildings to house essential services and storage, fencing and lighting, to a swimming pool within a basement would greatly reduce the impact upon the openness of the Green Belt. The applicant considers these are 'very special circumstances' that would outweigh the harm inappropriate development would have upon the Green Belt.

Officers are of the opinion that parts of an extant permission, along with buildings and fencing that did not form part of that permission that have not been built, cannot be taken into consideration. The proposed replacement dwelling is considered inappropriate development as it would be materially larger than the one it replaces. These matters are not considered to represent 'very special circumstances' that outweigh the harm to the Green Belt the proposal would have through inappropriate development.

The applicant lists appeal decisions that refer to basements within the Green Belt. However these appeal decisions pre-date the Hill Farm appeal decision referred to above in which the Inspector takes the view that the floor area of basements can be included when assessing whether a replacement dwelling is materially larger than the one it would replace.

The applicant also refers to other Local Planning Authority policies some of which are and some not adopted. However, Bracknell Forest Council, has adopted policies relevant to the assessment of such a Green Belt scheme and now have clear Green Belt appeal decisions that form important material considerations.

16. OVERALL CONCLUSIONS

In summary it is not considered that there are 'very special circumstances' associated with the proposed development that would outweigh its harm to the Green Belt by reason of inappropriateness, and any other harm. The proposed demolition and cessation of the use of these buildings is not considered to outweigh the harm to the Green Belt that would be caused by the proposed new dwelling through its inappropriateness. The consolidation of a swimming pool that has been given planning permission, along with fencing, lighting, plant buildings etc that do not form part of that consent, and which have not been built are not considered to constitute 'very special circumstances'.

Taking into account all of the above, the application is recommended for refusal as the proposed house is materially larger than the one it is proposed to replace and is therefore inappropriate development. This inappropriate development would by its definition harm the Green Belt and would also reduce the openness of the Green Belt. No 'very special circumstances' exist to outweigh this harm. This recommendation is consistent with previous refusals to grant planning permission for replacement dwellings on the site. It is also consistent with the recent appeal decisions at Ash Farm (12/00742/FUL), Binfield Lodge (12/00853/FUL) and Hill Farm (13/00763/FUL) all of which were refused and dismissed on appeal for similar reasons to the current application.

The proposal would therefore be contrary to Policies GB1 of the Bracknell Forest Borough Local Plan and Policy CS9 of the Core Strategy Development Plan Document. The proposal would also be contrary to guidance contained within the National Planning Policy Framework, in particular Section 9.

Whilst other matters relating to the proposals are considered to be acceptable, these would also fail to outweigh the harm to the Green Belt. As such the application is

recommended for refusal as the proposal would be contrary to the Development Plan and the National Planning Policy Framework.

RECOMMENDATION

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

01. The proposed replacement dwelling by virtue of its size and scale would be materially larger than the original dwelling on the site which is not acceptable in principle and would result in an inappropriate form of development in the Green Belt. This inappropriate development would adversely affect the openness of the Green Belt. It is not considered that 'very special circumstances' exist to outweigh this harm. The proposal would therefore be contrary to Policies GB1 and H5 of the Bracknell Forest Borough Local Plan and Policy CS9 of the Core Strategy Development Plan Document. The proposal would also be contrary to guidance contained within the National Planning Policy Framework, in particular Section 9.

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.
02. This refusal is in respect of the following plans:
 - 2011 P 026 301 (Dec 2014) - Site plan, inc. schedule of demolition/new buildings.
 - 2011 P 026 302 (Mar 2014) Location plan.
 - 2011 P 026 505 (Sep 2014) Proposed elevations.
 - 2011 P 026 406 (Nov 2014) Proposed floor plans.
 - 2011 P 026 407 (Sep 2014) Basement section.
 - 2011 P 026 104 (Jan 2011) Proposed garage.
 - 2011 P 026 109 (Apr 2011) Bat roosts.
 - 2011 P 026 002 (Mar 2012) Existing floor plans.
 - 2011 P 026 003 (Mar 2012) Existing elevations.
 - 2011 P 026 214 (Aug 2012) Section through proposed columns on facade
 - 2011 P 026 006 (Jun 12) - Existing/proposed elevation overlay
 - 2011 P 026 007 (Jun 12) - Existing/proposed footprint overlay
 - 2011 P 026 008 (Mar 12) - Front elevation comparison
 - 2011 P 026 009 (Mar 12) - Side elevation comparison

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

This page is intentionally left blank



The Planning Inspectorate

Quality Assurance Unit
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000

Sophie King
Bracknell Forest Borough Council
Planning & Transportation
Department
Time Square
Market Street
Bracknell
Berks
RG12 1JD

Your Ref: 12/00768/FUL
Our Ref: APP/R0335/A/13/2198480
Date: 15 January 2014

Dear Madam

Town and Country Planning Act 1990
Appeal by Dr S Bellamy
Site at Woodside, Woodside Road, Winkfield, Windsor, SL4 2DP

I enclose a copy of our Inspector's decision on the above appeal.

If you have queries or feedback about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at <http://www.planningportal.gov.uk/planninginspectoratefeedback>.

If you do not have internet access please write to the Quality Assurance Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

Yours sincerely

Bridie Campbell-Birch

COVERDL1



*You can use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - <http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp>
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button*



Appeal Decision

Site visit made on 13 December 2013

by Lesley Coffey BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 January 2014

Appeal Ref: APP/R0335/A/13/2198480

Woodside, Woodside Road, Winkfield, Windsor SL4 2DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dr Simon Bellamy against the decision of Bracknell Forest Borough Council.
 - The application Ref 12/00768, dated 13 September 2012, was refused by notice dated 26 November 2012.
 - The development proposed is the erection of a 4 bedroom detached house including a self contained annex, detached garage and open-air swimming pool following the demolition the existing dwelling and outbuildings.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The floorspace and volume figures shown on the submitted plans differ from those within the appellant's planning statement dated 13 September 2012. The latter were calculated at source using AutoCAD software, and as such are likely to be more accurate than those shown on the plans. I have therefore assessed the proposal on the basis of these figures.

Main Issues

3. I consider the main issue to be whether the proposal constitutes inappropriate development within the Green Belt, and if so, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate Development

4. The appeal property is a two storey dwelling within the Green Belt. It has been extended previously and comprises a 5 bedroom dwelling with a two bedroom annex on the first floor. There are a number of ancillary outbuildings, including a garage immediately adjacent to the dwelling, a detached building known as the laundry, situated adjacent to the boundary with Orchard Bungalow, and a gazebo. The dwelling forms part of a larger estate including areas of woodland which is a Wildlife Heritage Site.

5. It is proposed to replace the existing dwelling, garage and laundry building with a single dwelling and detached garage. The proposal is for a 4 bedroom dwelling with a one bedroom annex.
6. Policy CS9 of the Core Strategy Development Plan Document (2008) and the National Planning Policy Framework (The Framework) seek to protect the Green Belt from inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework provides that replacement buildings may not be inappropriate, provided the new building is in the same use, and not materially larger, than the one it replaces.
7. Policy GB1 of the Bracknell Forest Borough Local Plan (2002) has a similar presumption against new buildings within the Green Belt. Exceptions to this include replacement dwellings, where they are acceptable in scale, form, siting and would not harm the character of the Green Belt. The accompanying text explains that provided the replacement dwelling is not materially larger than the one it replaces it will normally be acceptable in principle. It also confirms that ancillary buildings are not normally taken into account when assessing proposals for replacement dwellings. In addition, policy GB1 takes account of whether an extension to the original dwelling, consistent with the policy overall, would be likely to be acceptable. Policy GB1 is broadly consistent with paragraph 89 of the Framework in so far as it relates to inappropriate development and the size of replacement dwellings within the Green Belt. I therefore accord it moderate weight.
8. The Council granted planning permission for a two storey extension to the existing dwelling in June 2012. This permission has not been implemented and therefore the floorspace it would provide does not contribute to the size of the existing dwelling for the purposes of assessing whether the proposal is inappropriate development as described by Local Plan policy GB1 or paragraph 89 of the Framework. Notwithstanding this, it is a material consideration in relation to the appeal and I consider it below.
9. The existing dwelling has a floorspace of about 588 square metres including the attached garage. The proposed dwelling would have a floorspace of about 715 square metres. This would represent a 21.61% increase in floorspace. Although the atrium and roof void area would not add to the floorspace of the proposed dwelling, they would add significantly to its overall size. The replacement dwelling would have a volume of about 3060 cubic metres, this represents an increase of about 790 cubic metres (34.8%) by comparison with the existing dwelling and garage. Due to its linear form and staggered footprint, the existing dwelling is greater in overall width and depth by comparison with the proposed dwelling. Notwithstanding this, the proposed dwelling would be much greater in overall size and would be materially larger than the existing dwelling.
10. The proposed four bay garage cannot be considered as a replacement for the garage currently on the appeal site since this has been taken into account in assessing the size of the existing dwelling. Nor can it be considered to be a replacement for the laundry building which is a different use. Furthermore, the proposed garage would be considerably larger than either the existing garage or the laundry building and would constitute inappropriate development within the Green Belt.

11. I therefore conclude that the proposed dwelling and garage would constitute inappropriate development within the Green Belt and would fail to comply Local Plan policy GB1, Core Strategy policy CS9 and the policies within the Framework.

Other Harm to Green Belt

12. The proposed dwelling would occupy an area that is currently undeveloped. The balustrade and dormer windows at roof level would give the impression of a third storey. Due to its greater height and overall size, it would be considerably greater in scale than the existing dwelling on the appeal site.
13. The proposed garage would also be a substantial building and would be situated about 30 metres from the proposed dwelling. The existing dwelling, garage and laundry building would all be removed. Notwithstanding this, due to the much greater size and scale of the proposed dwelling and garage the proposal would give rise to a significant loss of openness to the Green Belt thereby adding to the harm by reason of inappropriateness.
14. The proposed dwelling would occupy a more prominent position within the appeal site by comparison with the existing dwelling. It is a well designed and well proportioned building. It is proposed to use high quality materials including handmade bricks, Portland Stone detailing and handmade clay tiles. The proposed dwelling would be an attractive building and would complement the parkland in which it would be located, and would not harm the visual amenities of the site. The proposed garage would be situated in a similar position to the proposed dwelling and would not be obtrusive in views from within or outside of the site. I therefore conclude that the proposal would not harm the visual amenities of the Green Belt.

Other Considerations

15. The appellant states that should the appeal fail he will implement the extant planning permission for a two storey extension to the existing dwelling. The resultant dwelling would be greater in floorspace and marginally greater in volume by comparison with the proposed dwelling. Due to the piecemeal manner in which the existing dwelling has been extended, the proposed dwelling would have a more compact footprint by comparison with the extended dwelling.
16. Notwithstanding this, the appeal proposal also includes a substantial garage which is also inappropriate development. The Council recently granted a lawful development certificate for a garage in a similar position to the proposed dwelling. This would be some distance from the existing house and would require the extension of the driveway. Although it would be similar in terms of its footprint, it would be only 4 metres high at its highest point. Therefore the garage which forms part of the appeal proposal would be considerably greater in overall height and bulk.
17. Thus, even when assessed against the extended dwelling, and taking account of the garage which could be built by virtue of permitted development, the appeal proposal would give rise to a significant loss of openness. Accordingly neither the permitted extension, nor the lawful development certificate add weight in favour of the appeal proposal.

18. By comparison with the permitted scheme for the extension of the dwelling, the proposal would enhance the character of the surrounding parkland and I accord moderate weight to this matter. The proposed dwelling would be designed to be more energy efficient than the existing dwelling. Whilst this would be a benefit of the proposal, I do not consider that this is reliant on either the size or the design of the proposed dwelling. I therefore attach little weight to this matter.
19. There are a number of trees on the site protected by a Tree Preservation Order. The proposed dwelling would be situated about 22 metres from T1, a large horsechestnut tree. Whilst there would be no harm arising from the construction of the proposed dwelling, the proposed drive would encroach upon the root protection area to a limited extent. The arboricultural report submitted with the application includes measures to protect the trees during construction. I am therefore satisfied that the proposal would not have an adverse effect on the health of the tree.
20. A Phase 1 and Phase 2 Environmental Survey found evidence of bats within the roof structure of the existing dwelling. It is intended that the existing dwelling will remain in-situ until the replacement dwelling is complete. Its demolition will not occur until late October in order to limit potential harm to any maternity roosts present. In addition, four bat boxes will be provided within the vicinity of Orchard Cottage nearby, which comes within the flight path of the bats on the site. The replacement dwelling will include bat provision within the roof and it is proposed to provide a bat loft within the roof of the proposed garage. Whilst the proposal would result in the loss of the existing roost, the mitigation measures proposed would avoid any significant long-term harm to the bats on the appeal site.
21. The appellant referred to other schemes within the Green Belt where the Council has permitted an additional storey of accommodation. No evidence has been submitted to indicate the matters taken into account by the Council when granting planning permissions for these other schemes, including that at Ash Farm, Winkfield Lane. Notwithstanding this, each appeal must be considered on its merits and I do not find that these other developments weigh in favour of the appeal proposal.
22. I acknowledge that there is support from a number of local residents. However, local support or opposition for a proposal is not in itself a ground for refusing or granting planning permission and such support does not justify inappropriate development within the Green Belt.
- Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.*
23. I attach substantial weight to the harm by reason of inappropriateness. In addition, the proposal would reduce the openness of the Green Belt, and this adds to the harm.
24. The benefits of a cohesive architectural design, appropriate to its parkland setting, and the benefits in terms of energy efficiency weigh in favour of the proposal. For the reasons given above I attach little weight to the extant permission for the extension of the existing dwelling or the lawful development certificate in relation to the proposed garage.

25. Whilst I am satisfied that there would be no harm to the trees on the appeal site, or the bats within the roofspace, these matters do not weigh in favour of the proposal, they simply do not add to the harm.
26. I therefore find that these matters taken separately or together do not clearly outweigh the harm that would be caused to the Green Belt. Consequently, very special circumstances do not exist to justify the proposal.

Conclusion

27. For the reasons given above I conclude that the appeal should be dismissed.

Lesley Coffey

INSPECTOR

This page is intentionally left blank

Unrestricted Report

ITEM NO: 10

Application No. **14/01316/FUL** Ward: **Binfield With Warfield** Date Registered: **18 December 2014** Target Decision Date: **12 February 2015**

Site Address: **Babbacombe Jigs Lane North Warfield Bracknell
Berkshire RG42 3DH**

Proposal: **Erection of a two storey rear extension, roof extension and side dormer.**

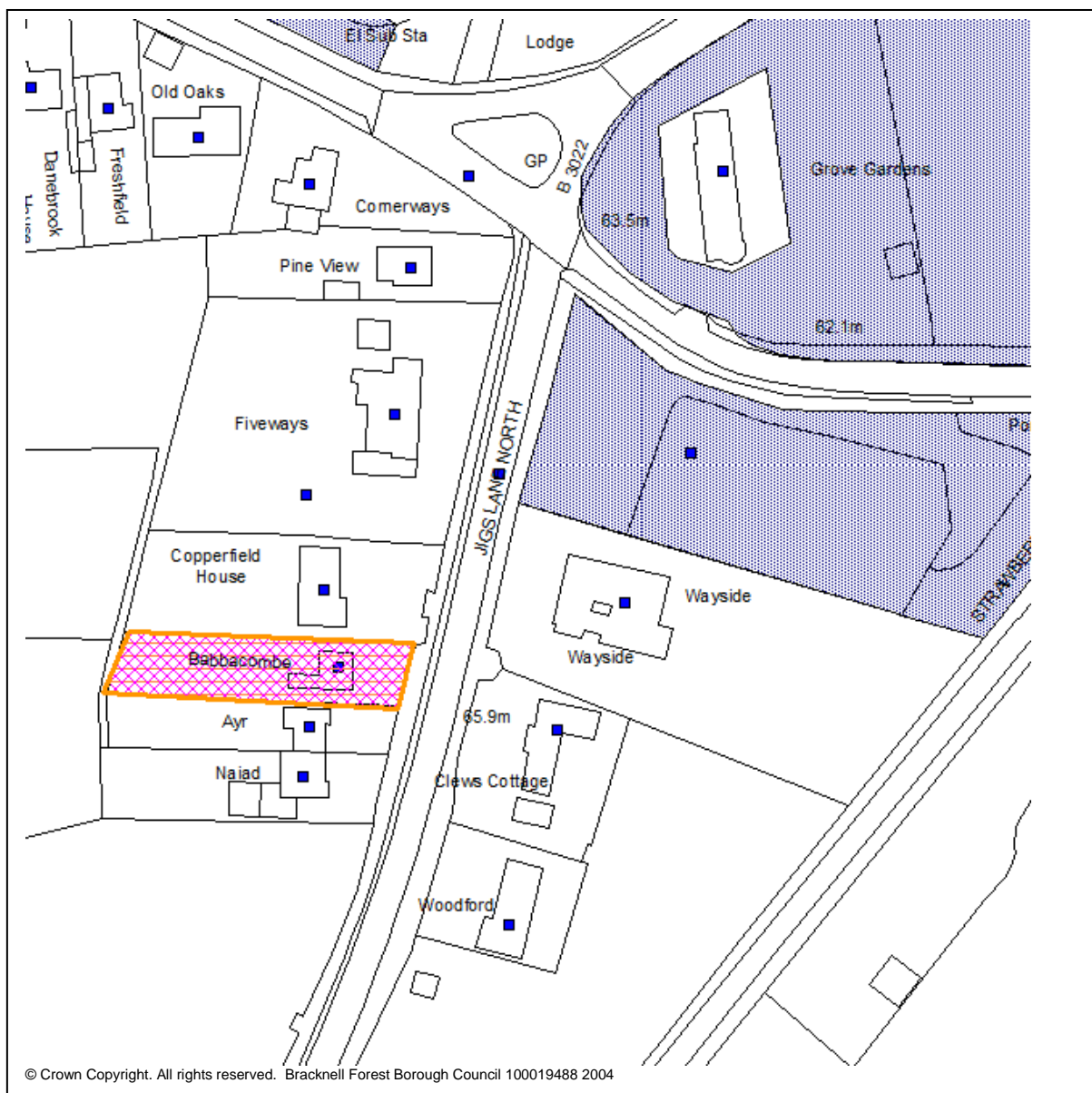
Applicant: **Mr Dow Biringh**

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

This application has been reported before the Planning Committee as the applicant is an employee of Bracknell Forest Council in the Planning and Transport Division.

2. SITE DESCRIPTION

Babbacombe is a detached dwelling with a driveway to the side of the dwelling which provides parking and access to a detached garage at the rear. The dwelling is a bungalow that has previously had the loft converted to provide rooms in the roofspace. The site is bordered by Ayr to the south and Copperfield House to the north.

3. RELEVANT SITE HISTORY

No relevant planning history.

4. THE PROPOSAL

The proposed development is for the erection of a two storey extension to the rear of the property, an extension to the roof and a dormer to the side. The rear extension would infill an area to the rear of the property between the existing kitchen and utility room, with a depth of 5.74m and a width of 5.07m. The roof extension would incorporate a mansard design, and would increase the height of the dwelling from 5.9m to 6.23m. A dormer would be located to the north facing side elevation of the dwelling with a width of 1.2m and a height of 2.52m.

The extensions would provide an enlarged kitchen/dining room at ground floor level, and four bedrooms each with an en suite at first floor level.

5. REPRESENTATIONS RECEIVED

No neighbour representations were received.

6. SUMMARY OF CONSULTATION RESPONSES

Warfield Parish Council was consulted on the application, and has no objection to the proposed development.

The Highways Officer was consulted on the application, and 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 SALP which sets out the need to take a positive approach to considering development proposals which reflect in the presumption in favour of sustainable development as set out in the NPPF, and that planning applications that accord with the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise.

CSDPD 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. Babbacombe 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 impacts upon residential amenities of neighbouring properties and character and appearance of surrounding area together with 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. The Character Area Assessment SPD (2010) provides further guidance on the implementation of this policy and is a material consideration. 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 development would increase the height of the dwelling from 5.9m to 6.23m which would have a visible impact on the streetscene. However an increase in height of 0.33m is not considered to be significant and it is not considered that this would represent a disproportionate addition to the dwelling that would appear overly prominent in the streetscene.

The site is located within Area B1 of the Character Area Assessment SPD relating to Warfield Street. This refers to small to medium scale plots, consistent building lines and that the development form varies, with predominantly detached houses. The SPD also states that there is no consistent architectural approach, with plots having been developed at different times and specifically to Warfield Street that to the east densities are lower. It is noted that there are no examples of dwellings with similar designs in this area, however as there is no consistent architectural approach in the area it is not considered that the development would be contrary to the aims of the Character Area Assessment SPD. Furthermore the development would not alter the density of the area.

The neighbouring dwellings to the south are semi-detached two storey properties, and Copperfield House to the north is a large detached two storey dwelling. It is therefore not considered that such a roof design would appear so incongruous in this area that refusal of the application would be warranted. Furthermore it is not considered that a dwelling of the size proposed would appear out of keeping with the streetscene. The extension to the rear would not be visible in the streetscene and in any case would be in keeping with the character and appearance of the existing dwelling.

It is therefore not considered that the development would result in an adverse impact on the character and appearance of the area, and the development 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 to the dwelling would enlarge the footprint but would not increase the rear projection of the dwelling. The dwelling as existing does not project beyond the rear of the ground floor of the neighbouring property to the south at Ayr, and only 1.5m beyond the rear of the first floor. It is therefore not considered that the enlargement to the roof would result in an unacceptable loss of light to or an unduly overbearing effect on the rear of that property. Furthermore there are no side facing windows that would be affected.

The existing dwelling projects approximately 2.5m beyond the rear of Copperfield House to the north, however the closest element of that dwelling to the boundary with Babbacombe is an integral garage. As a result the rear facing windows of Copperfield House are set well off the boundary, and it is not considered that the extended dwelling would result in an unacceptable loss of light to these windows, and there are no side facing windows that would be affected. Furthermore Babbacombe would remain set off the boundary with the neighbouring property by over 3m therefore it is not considered that the extensions would result in an unduly overbearing effect on the neighbouring property.

Side facing windows are proposed at first floor level in both the north and south facing side elevations of the enlarged dwelling. The south facing windows facing towards Ayr would face towards the front of the side elevation of that dwelling, as Babbacombe is set further forward towards the highway. As a result it is not considered that these windows would offer views over the rear of the neighbouring property that would result in an unacceptable loss of privacy to the rear of that property. The windows on the north elevation that would face towards Copperfield House would similarly face towards the front of the side elevation, and would not offer views over the rear of that property. There is also tree cover on the boundary between these two properties that would provide screening.

It is therefore not considered that a condition requiring these windows to be obscure glazed and fixed shut is necessary, however if side facing windows were inserted

further to the rear they could result in a loss of privacy. A condition will therefore be imposed to ensure that no additional windows could be inserted into these elevations. It is therefore not considered that the development would result in a detrimental effect on the amenities of the residents of the neighbouring properties. It would therefore not be contrary to 'Saved' BFBLP 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 Babbacombe), a minimum of three allocated parking spaces should be provided in accordance with the minimum measurements stated within the SPD.

The Highways Officer was consulted on the application, and recommends that a parking plan is submitted to demonstrate that three parking spaces along with on site turning can be provided. However it is considered that sufficient space is available on the existing driveway to the side of the dwelling for the required level of parking to be provided. On site turning is not available at present, and it is therefore not considered that the existing situation would be exacerbated.

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

12. 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 highway safety. It is therefore not considered that the development would be contrary to CSDPD Policies CS7 and CS23, BFBLP 'Saved' Policies EN20 and M9 or the NPPF.

13. RECOMMENDATION

The application is recommended for conditional approval.

RECOMMENDATION

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

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 16th December 2014:
201484-A1
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 or south facing side elevations of the enlarged dwelling hereby permitted except for any which may be shown on the approved drawing(s).
REASON: To prevent the overlooking of neighbouring property.
[Relevant Policies: BFBLP EN20]

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 Plans
 03. Materials
 04. Restrictions on side facing windows

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: 11

Application No.
15/00015/RTD
Site Address:

Ward:
Crowthorne

Date Registered:
8 January 2015

Target Decision Date:
4 March 2015

MAST 3028 High Street Crowthorne Berkshire

Proposal:

Installation of new 4.5 head frame with 6no replacement antenna on existing monopole, raising its height to 18.4m. New remote radio unit to head frame and 1 no. equipment unit plus ancillary works.

Applicant:

CTIL and Vodafone

Agent:

Damian Hosker

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

This application has been reported before the Planning Committee as the application has to be determined within 56 days.

2. PERMITTED DEVELOPMENT RIGHTS FOR TELECOMMUNICATIONS DEVELOPMENT

Class (a) A, Part 24, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (GPDO) deals with permitted development for telecommunications development.

Class (a) A relates to the installation, alteration or replacement of any telecommunications apparatus.

A.1 states that development is not permitted by Class A (a) if-

(ba) in the case of the alteration or replacement of apparatus already installed (other than on a building or other structure, on article 1(5) land or on any land which is, or is within, a site of special scientific interest) -

(i) the mast, excluding any antenna, would when altered or replaced -

(aa) exceed a height of 20m above ground level;

(bb) at any given height exceed the width of the existing mast at the same height by more than one third.

The proposed installation would not exceed a height of 20m and would not exceed the width of the existing mast by more than one third and as such the mast complies with this.

However as the proposal is adjacent to a car park and the mast would be increased in height it is necessary to assess the siting of the mast in terms of highway safety and its visual appearance and as such Prior Approval is therefore required.

3. SITE DESCRIPTION

The site is located within a car park to the rear of the Co-Operative food store which borders the car park to the west. The car park is bordered to the east by the rear of properties fronting Napier Road and Cambridge Road, and to the north by Peninsula Place which is located on Napier Road. Palgrave House is located to the south of the site, fronting Cambridge Road.

4. RELEVANT SITE HISTORY

Application 625267 - Prior determination application to replace existing monopole mast and Omni antennas with a 15m monopole mast, 3 no polar antennas, no2 dish antennas, radio equipment cabin - APPROVED 1999

5. THE PROPOSAL

This application seeks prior approval to replace the headframe on the existing 15m high mast. The new headframe would increase the height of the structure from 17.4m to 18.4m and would increase the width of the antenna from 1.2m to 1.7m. No new cabinets are proposed, and the new equipment would be housed within the existing

cabinet. The mast would be shared by two companies, Vodafone and Telefonica (commonly known as O2) and the location of the mast would remain as existing.

The proposed installation would provide an upgrade to maintain continued coverage and capacity of the existing networks for Vodafone and Telefonica but to also cater for future 4G coverage demands. For information, 4G services are intended to improve mobile broadband, allowing greater capacities of data to be shared with faster speeds.

The mast and associated antennas are 'permitted development', but the developer must apply to the Local Planning Authority (LPA) to ascertain whether prior approval is required for the siting and appearance of the development. In this instance the applicants have submitted these details for approval and the Council has 56 days in which to consider them.

The applicant has submitted a certificate, which confirms that the proposed mast meets ICNIRP (International Commission on Non-Ionising Radiation Protection) guidelines.

The mast is located over 250m from the nearest primary school - Crowthorne Church of England Primary School on Dukes Ride.

6. REPRESENTATIONS RECEIVED

Two letters of objection have been received in respect of the proposed development. The reasons for objection can be summarised as follows:

- As existing the mast has an adverse impact on the visual amenity of Crowthorne, and increasing the height of the structure and the width of the antenna would exacerbate this.
- The surrounding area is more residential than when the mast was initially approved in 1999.
- The mast would result in a detrimental impact on the residents of neighbouring properties.
- Concerns regarding the health of people living in close proximity to such masts.

7. SUMMARY OF CONSULTATION RESPONSES

Crowthorne Parish Council has provided a consultation response, and recommends approval.

No internal consultations were required.

8. 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

9. PRINCIPLE OF DEVELOPMENT

In assessing RTD applications the Council must only consider the impacts in terms of the character and appearance and highway safety of the development. As such the principle of the development is not required to be assessed.

10. 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. This is consistent with the NPPF. The Character Area Assessment SPD (adopted 2010) provides guidance to supplement Core Strategy Policy CS7 and is a material consideration.

'Saved' Policy SC4 of the BFBLP states:

"Planning permission for network telecommunications development will be permitted provided that... There is no reasonable possibility of erecting antennas in an existing building or structure or of sharing facilities...The development must be sited so as to minimise its visual impact, subject to technical and operational considerations."

This principle of mast sharing is also reinforced in the NPPF - Section 5 which relates to supporting high quality communications infrastructure.

The proposal would be for an upgrade to an existing mast and would also constitute a mast share between Vodafone and Telefonica (commonly known as O2).

The new headframe would increase the overall height of the structure by 1m. The height increase from 17.4m to 18.4m is not be considered to appear so visually intrusive within the street scene as to warrant refusal of the application given the location of the mast would remain as existing and a mast has existed in this location since 1999. The mast itself would not be widened, and the antenna would only be widened by 0.5m, from 1.2m to 1.7m. No additional cabinets are proposed, therefore the proposal would not be considered to appear visually cluttered in the street scene.

The site lies within Area C: Crowthorne Centre of the Character Area Assessment for Crowthorne, which gives recommendations regarding the building line on the High Street and keeping the public realm free of clutter. It is not considered that the replacement of a headframe on an existing phone mast would alter the scale of development in this area and as such it would not be contrary to the aims of the SPD.

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 CSDPD, 'saved' Policy EN20, the Character Area Assessment and the relevant part of 'saved' Policy SC4 of the BFBLP which is consistent with the NPPF.

BFPLP 'Saved' Policy EN20 refers to the need to not adversely affect the amenity of the surrounding properties and adjoining areas. 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 location of the mast would remain the same, approximately 17m from Peninsula Place to the north which is the closest residential property to the site. In view of this separation distance, the height increase from 17.4m to 18.4m would not be considered to appear so intrusive to surrounding properties as to warrant refusal of the application.

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

11. HIGHWAY SAFETY

CSDPD Policy CS23 states that the LPA will seek to increase highway safety.

The increase in height from 17.4m to 18.4m would not impact on highway safety. The equipment is located within a car park and would not be located within a sight line.

In summary, no highway safety issues would result from the proposal and it would be in accordance with CS23 of the CSDPD and the NPPF.

12. HEALTH IMPLICATIONS

Section 5 of the NPPF relates to supporting high quality communications infrastructure. Para 46 states "Local planning authorities must determine applications on planning grounds. They should not...determine health safeguards if the proposal meets International Commission guidelines for public exposure".

The applicant has submitted a certificate, which confirms that the proposed mast meets ICNIRP (International Commission on Non-Ionising Radiation Protection) guidelines.

The International Commission on Non-Ionizing Radiation Protection (ICNIRP) is an independent scientific body which has produced an international set of guidelines for public exposure to radio frequency waves.

These guidelines were recommended in the Stewart Report and adopted by the Government, replacing the National Radiological Protection Board (NRPB) guidelines.

It is considered; therefore, that there are no grounds for refusal based on perceived health risks.

13. NEED

'Saved' Policy SC4 of BFBLP refers to telecommunication development being permitted provided there is a need for the development.

Para 46 of the NPPF also relates to need of telecommunications infrastructure. "Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system".

As such, the issue of need is not a planning consideration and therefore in this respect 'Saved' Policy SC4 of BFBLP is inconsistent with national policy.

14. CONCLUSION

It is considered that the proposed new headframe, increasing the height of the structure from 17.4m to 18.4m would not adversely impact upon the character or appearance of the surrounding area to such a degree that refusal of the application would be warranted. Furthermore, no highway safety implications would result from the proposal. As such, the proposal is considered to be in accordance with Policy CP1 of the SALP, Policies CS7 and CS23 of the CSDPD, 'Saved' Policy EN20 of BFBLP and the NPPF. With regard to 'Saved' Policy SC4 limited weight is given to this policy for the reason given above.

Therefore it is recommended that prior approval be granted for the development.

RECOMMENDATION

The siting and appearance of the development proposed be **APPROVED** in accordance with the plans as stated below:-

Drawing entitled Proposed Location Maps no. 100 received by Local Planning Authority on 8 January 2015

Drawing entitled Proposed Location Plan no. 201 received by Local Planning Authority on 8 January 2015

Drawing entitled Proposed Elevation no. 301 received by Local Planning Authority on 8 January 2015

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.

15/00030/3

Site Address:

Ward:

Priestwood And Garth

Date Registered:

14 January 2015

Target Decision Date:

11 March 2015

Street Record Stoney Road Bracknell Berkshire

Proposal:

Conversion of two areas of amenity land to form 8no. parking bays.

Applicant:

Mr David Humphrey

Agent:

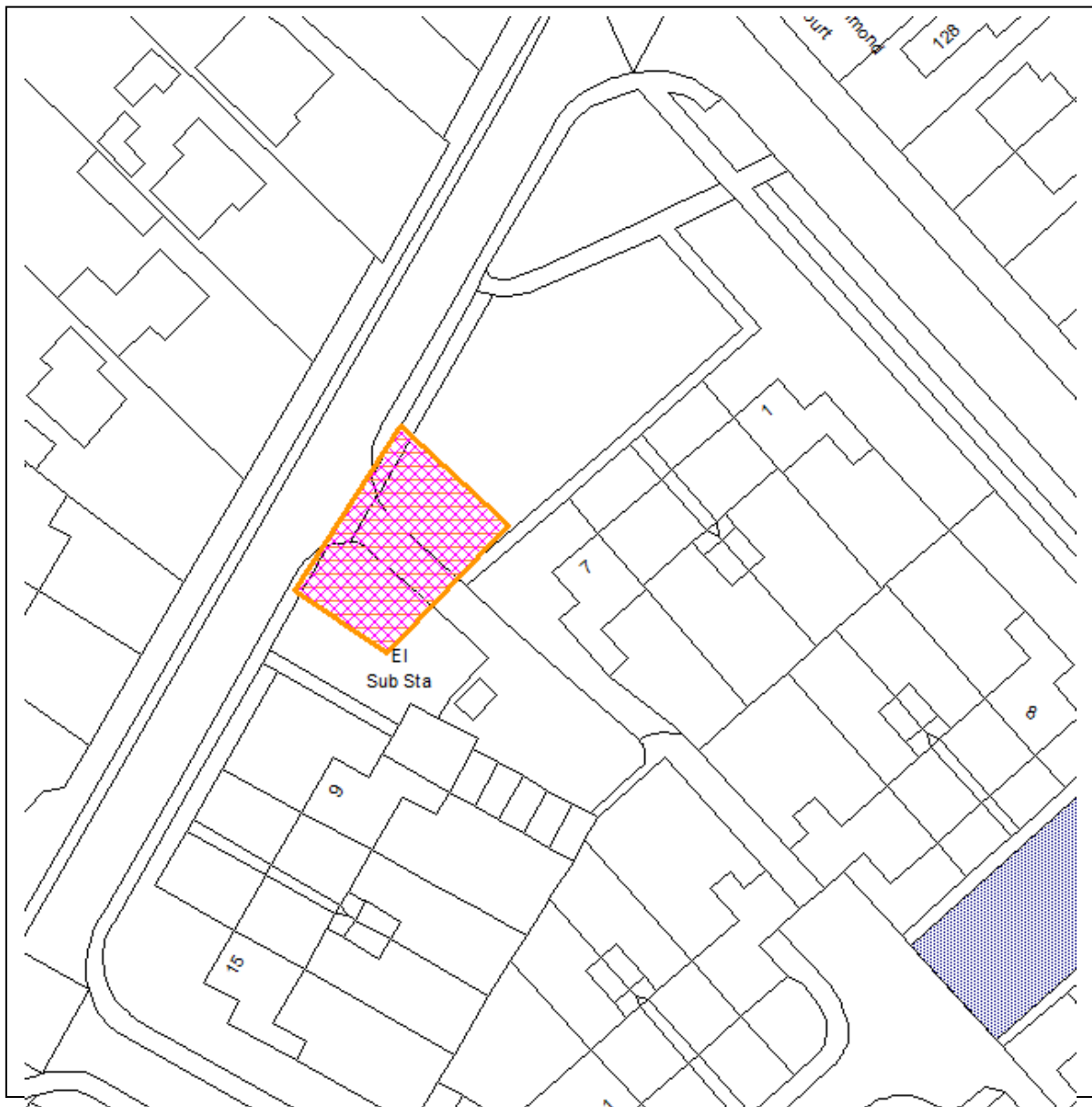
(There is no agent for this application)

Case Officer:

Matthew Miller, 01344 352000

Development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

This application is reported to the Committee because Bracknell Forest Council has an ownership interest in the land and/or is the applicant.

1. REASON FOR REPORTING APPLICATION TO COMMITTEE

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

2. SITE DESCRIPTION

The street scene of Stoney Road consists predominately of high levels of tall planting (including trees) flanking either side of the highway, with the exception of the area consisting of the application site and the land immediately to the north. This land consists of two open grassed amenity areas with limited short planting, separated by an access road to a garage forecourt to the rear (east). The application site itself consists of grassed amenity land with a low hedge sited between the southern section of the amenity land and the highway of Stoney Road. Wooden knee-rail fencing separates the northern section of the amenity land from the highway. An electricity sub-station is also sited to the immediate southeast of the application site.

3. RELEVANT SITE HISTORY

14/01032/FUL

Formation of 4no. parking spaces on amenity land to the north of No.9 Stoney Road.
Approved (04.11.2014)

4. THE PROPOSAL

The proposed development is the formation of a total of eight parking bays on two sections of amenity land, to be accessed from the service road connecting the garage block to the east of 9 Stoney Road to the main highway. Four bays are proposed to be formed on the northern side, and four on the southern side.

The northern section of amenity land falls under the ownership of the Local Authority. The southern section falls under the ownership of Bracknell Forest Homes. Certificate B of the application has been completed and notice has been served Bracknell Forest Homes.

The proposed development is a part revision of planning approval 14/01032/FUL, which approved the formation of four parking bays on the southern section of amenity land. The proposed development has therefore been revised to include parking bays on the northern section.

5. REPRESENTATIONS RECEIVED

No representations have been received from neighbouring properties. [Officer Note: The deadline for providing representations is 16 February 2015, prior to the committee meeting and therefore if any are received these will be reported in the supplementary report].

6. SUMMARY OF CONSULTATION RESPONSES

Bracknell Town Council:

Bracknell Town Council raise no objection.

Highway Officer:

The Highway Officer was consulted on the proposal and raised no objection, subject to the imposition of a planning condition concerning providing and maintaining pedestrian visibility splays.

Landscape Officer:

The Landscape Officer was consulted on the proposal and raised no objection, subject to the inclusion of an acceptable replacement soft landscaping scheme, details of which can be provided by planning condition.

7. DEVELOPMENT PLAN

The development plan for this Borough includes the following:

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

8. PRINCIPLE OF DEVELOPMENT

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 SALP which sets out that a positive approach to considering development proposals should be taken reflecting 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.

CSDPD 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. The application site is located within a defined settlement as designated by the Bracknell Forest Borough Policies Map.

CSDPD Policy CS8 states that Open Space of Public Value (OSPV), including 'passive' space such as green corridors and public amenity land, should be retained, and improved and maintained where possible. The proposal would therefore result in the loss of OSPV, and this loss must be balanced against the mitigation measures (provision of replacement landscaping) provided and the demand for additional parking, assessed in the report below.

Therefore, the principle of development on this site is acceptable, subject to the loss of the OSPV being acceptable on balance with the benefits and mitigation measures of the proposal. 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. The Streetscene Supplementary Planning Document (SPD) (2010) provides further guidance to supplement the implementation of this policy.

BFBLP 'Saved' Policy EN20 states that development should be in sympathy with the appearance and character of the local area. It further states that the design of the development should promote local character and a sense of local identity.

Section 6.6 of the Streetscene SPD (2010) states that areas of on-street car parking need to be designed so that vehicles do not visually dominate the street scene.

In order to mitigate the visual dominance of vehicles areas of soft landscaping that are large enough to sustain areas of planting should be provided. In order to mitigate the visual dominance of vehicles areas of soft landscaping that are large enough to sustain areas of planting should be provided , and therefore conditions are recommended. 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 can be afforded significant weight.

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

A communal garage block and hard surfaced forecourt is present to the rear (east of the application site). Furthermore on-site observations have shown that vehicles are currently indiscriminately parking on both sections of the amenity land, and this has led to significant erosion of the amenity land, particularly the southern side, reducing its visual value to the character of the surrounding area. Although knee-rail fencing is currently sited on the border of the northern section of amenity land to prevent parking, there is evidence that parking occurred on the land prior to the siting of this fencing.

Furthermore, a significant area of amenity land would be retained to the immediate north of the proposed development, which would serve to preserve and maintain the current character of the immediate area. It is therefore not considered that the proposal would result in a detrimental impact on the visual amenity of the area, provided that an adequate level of replacement landscaping is provided. This should include planting sited between the proposed parking bays and the main highway of Stoney Road to the west, in order to assist in screening the proposal from the primary street scene. These landscaping details can be secured by planning condition. It is further considered that the provision of formal landscaping may serve to improve the current appearance of the application site despite the loss of land, considering that the amenity land has been significantly eroded.

It is therefore considered that the development would not result in an adverse impact on the character and appearance of the area, in accordance with CSDPD Policy CS7, BFBLP 'Saved' Policies EN2 and EN20, the Streetscene SPD, and the NPPF, subject

to the imposition of a condition requiring the submission of full details of a proposed landscaping scheme.

10. IMPACT ON RESIDENTIAL AMENITY

BFBLP 'Saved' Policy EN20 refers to the need to not adversely affect the amenity of the surrounding properties and adjoining areas, through ensuring that development would not result in an adverse impact on neighbouring properties through loss of light, loss of privacy or overbearing impacts. BFBLP 'Saved' Policy EN25 states that development will not be permitted if it would generate unacceptable levels of noise, fumes or other environmental pollution which would adversely affect the amenities of the surrounding occupants. This is considered to be consistent with the core design principle set out in paragraph 17 of the NPPF, which states that Local Planning Authorities (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 as such these policies should be afforded significant weight.

There would be a separation distance of approximately 3 metres between the proposed southern bays and the residential dwellinghouse of 9 Stoney Road to the south. It is recommended that as part of the proposed landscaping details to be provided by planning condition, landscaping forming hedging or similar plant treatments be sited between the proposed southern bays and this dwellinghouse to provide screening.

The northern proposed bays would be visible from the front of the dwellinghouse of 7 Stoney Road to the east, but would be visually separated by a footpath sited to the front of no. 7. It is recommended that landscaping be provided on the eastern and northern boundaries of the proposed northern bays to screen them from this dwellinghouse and protect the retained amenity land to the north, and this can be secured by planning condition.

It is not considered that the noise pollution or other disturbance formed by the additional parking bays would be unacceptable in a built-up residential area that currently experiences high levels of on-street parking. It is also noted that vehicles are currently utilising the existing amenity land for informal parking, and this includes the northern section of amenity land prior to the siting of knee-rail fencing.

It is not considered that the proposed development would result in an adverse impact on the residential amenity of the other surrounding properties, considering the separation distance and orientation of the proposed development to these properties.

It is therefore considered that the development would not result in an adverse impact on the amenity of neighbouring properties, in accordance with BFBLP 'Saved' Policies EN20 and EN25, and the NPPF, subject to the aforementioned soft landscaping condition.

11. TRANSPORT IMPLICATIONS

CSDPD Policy CS23 states that the Council will use its powers to increase the safety of travel. BFBLP 'Saved' Policy M9 states that development will not be permitted unless satisfactory parking provision is made for vehicles. It further states that the Council will promote and provide additional residential parking areas in locations where there is a lack of sufficient car parking provision. To supplement the above policies the adopted Parking Standards Supplementary Planning Document (SPD) (2007) sets out the advised levels and size of parking spaces for residential areas.

These policies are considered to be consistent with the NPPF, which state that transport policies should contribute in facilitating sustainable development, and take into account local car ownership levels, and as such these policies should be afforded significant weight.

The Highway Officer was consulted on the proposed development, and advised that Stoney Road is a heavily utilised highway. Indiscriminate localised parking had been observed to occur on the existing sections of amenity land. A resident's parking permit scheme is currently being trialled on adjacent local roads. Therefore there is a high demand for additional off-street parking to be provided in this location.

The proposed parking bays would be constructed using a SUDs (drainage) compliant system which is acceptable to the Highway Authority. The parking bays would be set back from the access road which would assist in providing acceptable visibility between the parking bays and pedestrian users. The proposed parking bays would be acceptable in size and would have adequate manoeuvring space. It is recommended that a planning condition be provided to secure and maintain acceptable pedestrian visibility splays, which would also be imposed to ensure that any proposed landscaping would not obstruct visibility.

The existing knee-rail fencing on the northern section of amenity land would need to be removed to enable the implementation of the proposal. The provision of soft landscaping forming planting would serve as an alternative barrier to the retained amenity land further to the north, and details of this landscaping scheme can be provided by planning condition.

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

12. CONCLUSIONS

It is not considered that the development would result in an adverse impact on the character and appearance of the surrounding area, the amenities of the residents of the neighbouring properties, or on highway safety, subject to the recommended condition. It is therefore considered that the proposed development complies with Development Plan Policies SALP Policy CP1, CSDPD Policies CS1, CS2, CS7, CS8 and CS23, BFBLP 'Saved' Policies EN2, EN20, EN25 and M9, the Streetscene SPD, the Parking Standards SPD, and the NPPF.

RECOMMENDATION

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

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

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

02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 14 January 2015:

4817 225/8 'Stoney Road'

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 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.

[Core Strategy DPD CS7 and CS8, BFBLP 'Saved' Policies EN2 and EN20]

04. The parking spaces shall not be utilised until visibility splays of 2.0 metres by 2.0 metres have been provided at the junction of the parking spaces and the adjacent carriageway. The dimensions shall be measured along the edge of the parking spaces and the edge of the carriageway 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]

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern at within the application at pre-application stage and negotiating, with the applicant, acceptable amendments to the proposal to address those 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. Time Limit
 2. Approved plans
 4. Visibility splays

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

3. Landscaping scheme

03. Although notice has been served on Bracknell Forest Homes at Berkshire Court, Western Road, Bracknell, the applicant should note that this permission does not convey any authorisation to enter onto land or to carry out works on land not within the applicant's ownership.

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: 13

Application No. 13/00966/FUL Ward: Binfield With Warfield Date Registered: 21 November 2013 Target Decision Date: 20 February 2014

Site Address: **Binfield House Nursery Terrace Road North Binfield Bracknell Berkshire**

Proposal: **Erection of 5 no. five bedroom, 7 no. four bedroom, 2 no. three bedroom and 10 no. two bedroom dwellings with associated landscaping and vehicular access from Knox Green following demolition of existing buildings, and alterations to wall within the curtilage of a listed building.**

Applicant: Beaulieu Homes South Ltd

Agent: MGI Architecture Ltd

Case Officer: Martin Bourne, 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 was originally reported to Planning Committee at its meeting on 16 October last year. The report and supplementary report to that committee are attached as an annex to this report.

At that meeting Planning Committee resolved that the Head of Development Management be authorised to approve the application subject to conditions and following the completion of planning obligations under Section 106 of the Town and Country Planning Act 1990 relating to:-

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

Following this decision the applicant submitted a viability report which concludes that whilst the proposed development, including 6no. age-restricted dwellings, would be viable a scheme with 6no. social housing (affordable) dwellings is unviable and therefore undeliverable.

The applicant is therefore seeking the removal of the requirement for affordable housing to be provided as part of this development.

This matter was deferred at the meeting of the 22 January Planning Committee to enable members to see the viability study submitted by the applicant and the independent assessment of this study prepared for the Council. These are deemed to be commercially sensitive and details from them are published in Part 2 of the agenda.

2. DEVELOPMENT PLAN

The Development Plan includes the following:-

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

3. AFFORDABLE HOUSING POLICY

Relevant policy on affordable housing comprises BFBLP Policy H8, CSDPD Policy CS17 and the resolution of the 29 March 2011 BFC Executive. Taken together these seek a target of 25% affordable housing for schemes providing a net increase of 15 or more dwellings. The CSDPD (para. 194) and BFBLP Policy H8 state that consideration will be given to the economics of provision; in the Executive resolution the 25% provision is subject to viability.

Para 50 of the NPPF states, inter alia, that “local planning authorities should, where they have identified that affordable housing is needed, set policies for meeting this need on site... Such policies should be sufficiently flexible to take account of changing market conditions

over time". It is considered that the Council's policy with regard to affordable housing can be afforded full weight as it is consistent with this paragraph.

The site is allocated for housing in the SALP. It constitutes a previously developed site within a defined settlement, and as such is listed in Policy SA1. The requirements in the SALP for this site include the provision of affordable housing.

4. NATIONAL POLICY ON VIABILITY

In relation to 'ensuring viability and deliverability' para 173 of the NPPF states:-

Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

Relevant guidance in NPPG (National Planning Practice Guidance) includes the following:-

In making decisions, the local planning authority will need to understand the impact of planning obligations on the proposal. Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations.

This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability.

In relation to competitive returns to developers and land owners NPPG states:-

The National Planning Policy Framework states that viability should consider "competitive returns to a willing landowner and willing developer to enable the development to be deliverable." This return will vary significantly between projects to reflect the size and risk profile of the development and the risks to the project. A rigid approach to assumed profit levels should be avoided and comparable schemes or data sources reflected wherever possible.

A competitive return for the land owner is the price at which a reasonable land owner would be willing to sell their land for the development. The price will need to provide an incentive for the land owner to sell in comparison with the other options available. Those options may include the current use value of the land or its value for a realistic alternative use that complies with planning policy.

5. ASSESSMENT

Application 13/00966/FUL provides for the erection of 24 dwellings which exceeds the threshold (of 15 net) contained in the Executive resolution referred to above. Therefore under the Council's current affordable housing policy, 25% of the dwellings (6no. dwellings) should be affordable unless this would render the proposal unviable.

As noted above the applicant has submitted a viability report prepared by Haslams which concludes that whilst the proposed development, including 6no. age-restricted dwellings, would be viable a scheme with 6no. social housing (affordable) dwellings is unviable and undeliverable.

In line with normal practice this report has been forwarded to an independent expert assessor (in this case the District Valuer Services (DVS)) for advice on whether the conclusions of that report are sound taking into account the infrastructure requirements and other considerations. In its conclusions DVS agree with the findings of Haslams that a scheme with 6no. social rented or affordable rented units would not be viable. They agree that a scheme with 6 age restricted dwellings would be viable.

Following receipt of the DVS assessment officers asked whether some affordable housing, even if less than the policy compliant 6 units, could be provided. In its response DVS stated that based on its analysis the scheme could afford one social rented unit and remain viable. However it commented that *'at this level the result is very sensitive to any slight change in costs or values. The applicant's inputs are slightly different to mine and on their figures I don't believe that there is any ability to provide an affordable unit.'*

In relation to additional costs, the applicant has had a Geotechnical and Environmental Ground Appraisal undertaken on the site. A letter dated 13 January from a contractor giving an estimate for the costs of contaminated soils excavation and disposal, based on the ground appraisal dated 1 December, shows that these could be considerable. The letter from the contractor was forwarded to DVS for comment. DVS commented:-

"I confirm that there are currently no costs for removal of contaminated soils incorporated within my viability assessments appended to my draft report dated 15 December 2014 and even the minimum estimated cost for excavation and disposal (assuming soils are inert) will adversely affect the viability of the proposed scheme."

In its report DVS states that since its assessment takes account of current market conditions, it would recommend that should the Council decide to agree a less than policy compliant position then a viability review is triggered should development not commence and the dwellings not be delivered within an agreed timescale.

As set out above the relevant development plan policies make it clear that in seeking the provision of affordable housing consideration will be given to the economics of provision and under the Executive resolution (regarding affordable housing) the target percentage of provision of up to 25% is subject to viability. The submitted viability report demonstrates that if affordable housing is required to be provided to standard the development will not be viable and will not be implemented. Using its analysis DVS commented that the scheme might be able to provide one social rented unit and remain viable but it acknowledged that this conclusion was very sensitive to any slight change in costs and it is now apparent that there will be considerable costs – not included in the initial viability work – associated with dealing with contamination on the site. In the light of the above your officers consider that for the development to be viable and deliverable the requirement for affordable housing should be waived.

6. CONCLUSIONS

Taking account of relevant development plan policies and the Executive resolution on affordable housing, in the light of the findings of the independent assessment by DVS it recommended that the requirement for affordable housing be waived in this instance (with the condition requiring 6 dwellings to be age-restricted being retained) but that the s106

agreement contain a mechanism to trigger a viability review should the development not be completed within 3 years from the date of planning permission being granted.

7. SECTION 106 AGREEMENT

The Council is the owner of the large majority of the application site. Section 106 agreements have to be entered into with the owner of the land; it is not possible for the Council to enter into an agreement with itself. It is therefore proposed that a condition be imposed precluding commencement of the development until a Section 106 agreement is entered into, the agreement to be in the form attached to the planning permission. The completion of the transfer of the Council's land, the grant of planning permission and the completion of the Section 106 agreement will take place consecutively at the same time.

RECOMMENDATION

That:-

a) **the Borough Solicitor be authorised to complete an agreement under Section 106 of the Town and Country Planning Act 1990 relating to:-**

- mitigation of increased pressure on highways and transportation infrastructure, education, open space and built sports facilities;
- long-term management/maintenance of C19th garden wall and trees to south-east of Binfield House;
- a S38/S278 agreement for the adoption of roads/footpaths on the site and to secure turning facilities
- a viability review should the development not be completed within 3 years from the date of planning permission being granted (the purpose of this would be to assess whether changes in market conditions mean that a scheme including affordable housing would be viable, in which case such housing should be secured)

b) the Head of Development Management be authorised to **APPROVE** the application subject to the conditions/informatives imposed by Planning Committee at its meeting on 16 October 2014, with the following amendment to condition 30:-

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

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

[Relevant Policies: BFBLP EN25, CSDPD CS23]

and the following additional condition:-

41. The development shall not be begun unless and until all parties with any legal or equitable interest in the application site have entered into an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 in terms set out in the proposed Section 106 Agreement annexed to this permission, and the title to such area of land has been properly deduced to the Council.

REASON: To secure the appropriate infrastructure and housing provision appropriate for the development and to ensure that necessary provision is made to mitigate the impact of carrying out the development.

This page is intentionally left blank

BRACKNELL FOREST BOROUGH COUNCIL
PLANNING COMMITTEE
16th October 2014
SUPPLEMENTARY REPORT

Correspondence received and matters arising following preparation of the agenda.

Item No: 5

13/00966/FUL

Binfield House Nursery Terrace Road North Binfield Bracknell Berkshire

ISSUE DATE 14.10.2014

Additional information

An amended cover sheet for this item is attached with the site location plan showing the full extent of the application site.

Amendment to Recommendation

Condition 02

Replace drawing PL-127A with PL-127B.

Condition 16

Add following wording at end of condition: "...and the means of enclosure shall thereafter be retained."

Condition 18

Delete following wording at end of condition: "...without the prior written permission of the Local Planning Authority."

Condition 31

Delete following wording at end of condition: "...unless otherwise agreed in writing by the Local Planning Authority."

Delete BFBLP Policy GB1 from the 'Relevant Policies'.

Item No:

14/01000/PAC

Guildgate House High Street Crowthorne Berkshire RG45 7AP

ISSUE DATE 14 OCTOBER 2014

Correspondence received

Additional consultee comments:-

(i) Crowthorne Parish Council recommends refusal as the applicant has failed to demonstrate adequate on-site parking for the proposed change of use.

(ii) The Council's Environmental Health Department have no evidence to suggest that the site is located on contaminated land and for that reason no objections to the proposal have been raised.

Representations:

At the time the report was written a total of 12 no. objections had been received from residents at Lilley Court located to the rear of Guidgate House. Since the report was written 2no. additional objections have been received from residents at Lilley Court that raise no further concerns that have not already been addressed in the original report.

There has also been 1no. letter of support for the proposal.

ISSUE DATE 16 OCTOBER 2014

Amended plans

2no. amended plans have been received showing an alternative parking layout that the applicant believes addresses the Transportation Officer's original concerns.

Additional consultee comments

Following consultation with the Transportation Officer the following comments were received regarding the amended plans:-

The Local Highway Authority objects to the amended parking layout as follows:

- Access to parking space no. 10 will be problematic due to its position, orientation and the pillars of the undercroft. Access may require multiple manoeuvres and will affect access within the car park.

- Access to parking space 13 will be restricted by parking space 12.

- The orientation of parking spaces 10 to 12 and the lack of physical separation between these parking spaces and parking space no. 9 creates a conflict and restricts access to this parking space.

- The siting of the communal bin storage will restrict visibility for vehicles exiting parking space no. 1.

- The existing parking spaces 1 to 9 do not accord with the latest standards for practical and useable vehicular parking. A number of these spaces are 2.2 metres wide. This was the case on the existing site plan submitted previously.

To conclude the suggested parking layout has not demonstrated a parking layout which is practical and useable. The parking layout creates a safety concern. The Local Highway Authority can only object to this suggested parking layout.

As such the Council's recommendation for the refusal of Prior Approval still stands.

Amendment to the recommendation

The recommendation should read:-

It has not been demonstrated that the proposal complies with the Local Planning Authority's standards in respect of vehicle parking and cycle parking. This would be likely to encourage on-street parking and therefore have a detrimental impact upon road safety and the flow of traffic. The proposal does not therefore comply with Class

J of the Town and Country Planning (General Permitted Development) Order (as amended). As such Prior Approval is refused.

This page is intentionally left blank

Unrestricted Report

ITEM NO: 5

Application No.
13/00966/FUL
Site Address:

Ward:
Binfield With Warfield

Date Registered:
21 November 2013

Target Decision Date:
20 February 2014

Binfield House Nursery Terrace Road North Binfield Bracknell Berkshire

Proposal:

Erection of 5 no. five bedroom, 7 no. four bedroom, 2 no. three bedroom and 10 no. two bedroom dwellings with associated landscaping and vehicular access from Knox Green following demolition of existing buildings, and alterations to wall within the curtilage of a listed building.

Applicant:

Beaulieu Homes South Ltd

Agent:

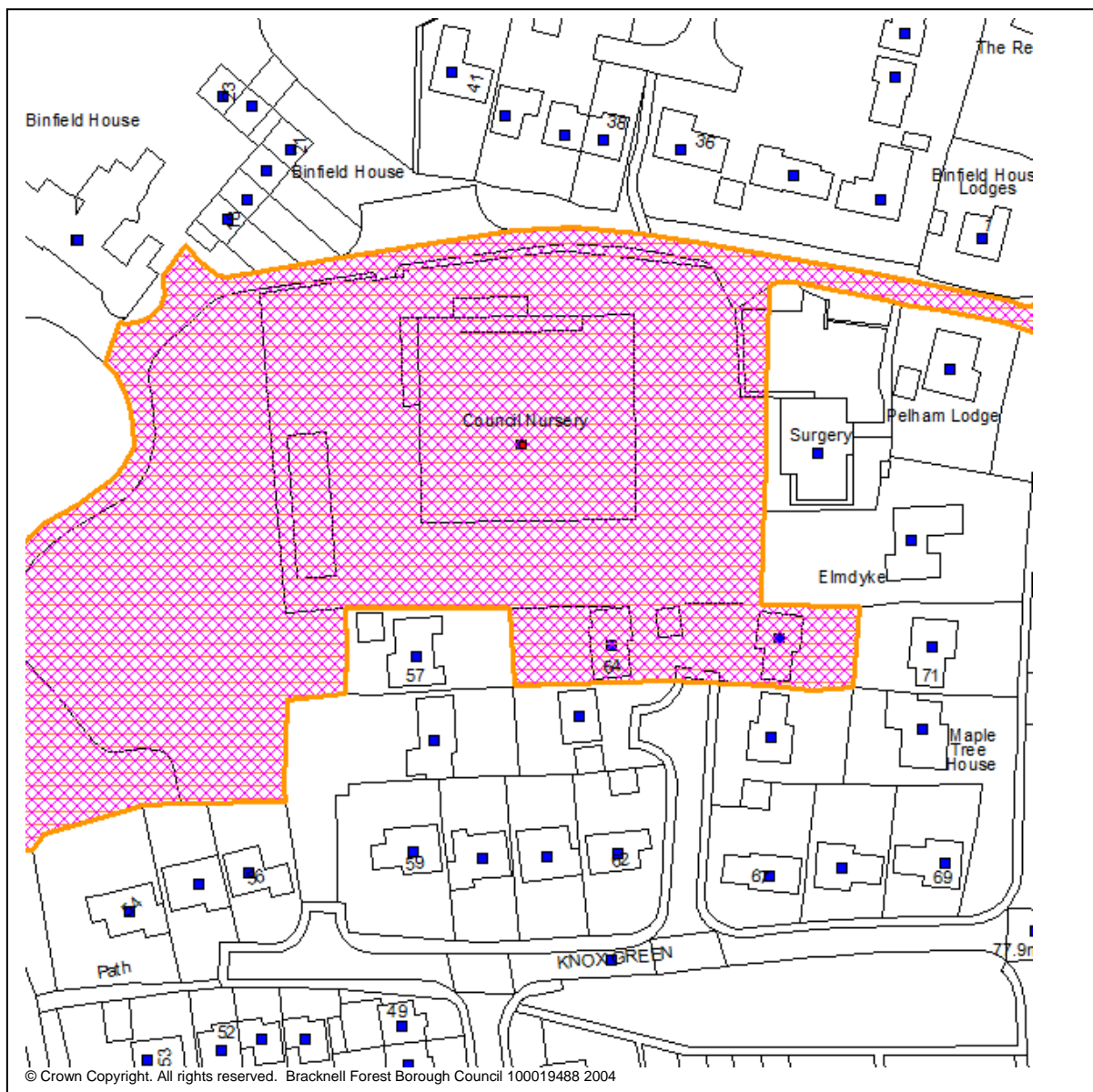
MGI Architecture Ltd

Case Officer:

Martin Bourne, 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 as more than 3 objections have been received.

2. SITE DESCRIPTION

The 1.4 ha site lies in the north-west part of Binfield. It comprises four elements:-

- in the west a grassed area, with trees, lying to the south of Binfield House;
- to the east of this the Council's former plant nursery, which contains a C19th garden wall with outbuildings, and its vehicular access comprising a metalled drive running eastwards to a junction with Terrace Road North;
- to the east of this part of the car park serving the Binfield Surgery, and
- to the south of the Council's former plant nursery, two detached two-storey houses (Nos 64 and 65 Knox Green) and their parking and garden areas.

The site is relatively flat. It contains a number of trees, principally on the western part of the site, to the south of Binfield House.

The C19th garden wall encloses a square area of land (about 42m x 44m) which was once a walled garden. The brick-built wall varies in height with the northern element having a maximum height of nearly 4m dropping down to 2m to the south. It has archways on its south and east sides (the latter being wider) and an opening on the west side. There are lean-to out buildings on the outer side of the north and the west sides of the wall. As the wall is within the curtilage of Binfield House and has been so since before 1 July 1948 it is regarded as being part of Binfield House and therefore regarded in law as a listed building. A separate application for listed building consent in respect of works to the walled garden appears on this agenda under reference 13/00967/LB.

The site is bounded to the north by dwellings fronting onto Stevenson Drive and by a terrace of bungalows lying to the east of Binfield House served by the drive to Terrace Road North. A footpath links from a turning head at the end of Stevenson Drive to this drive.

To the west is Binfield House, a grade II listed building which provides elderly persons accommodation, and its grounds. Binfield Surgery and its car park (accessed from the drive to Terrace Road North) lies to the east with Elmlyke, a detached house accessed directly from Terrace Road North, to its south.

Housing at Knox Green lies to the south of the site. The southern edge of the site meets the northern end of a cul-de-sac running north from Knox Green.

3. RELEVANT SITE HISTORY

There have been a number of applications over the years associated with the former use of the site as the Council's plant nursery including works to the C19th garden wall. More recent applications include:-

08/00527/3: Restoration of buildings at existing nursery to provide staff and visitor facilities. Restoration of original wall and installation of 2no. gates. Repositioning of sheds, polytunnels and chemical safe. Installation of water tanks. Erection of new dwarf wall with fence above. New parking layout and associated hard landscaping. Demolition of shed and removal of other structures. (Regulation 3 Application) - APPROVED

08/00528/LB: Restoration of buildings at existing nursery to provide staff and visitor facilities. Restoration of original wall and installation of 2no. gates. Erection of new dwarf wall with fence above and hard standing. Demolition of existing shed. (Regulation 3 application) - APPROVED

12/00850/FUL - Erection of 5no. two bedroom, 4no. three bedroom and 10no. four bedroom dwellings with associated landscaping and road access from Knox Green and Terrace Road North following demolition of existing buildings, and alterations to wall within the curtilage of a listed building. WITHDRAWN

12/00851/LB - Listed building consent for alterations to wall within the curtilage of a listed building, following demolition of existing buildings. WITHDRAWN

13/00967/LB - Application for listed building consent for alterations to wall within the curtilage of a listed building, following demolition of existing buildings. NOT YET DETERMINED

4. THE PROPOSAL

Full planning permission is sought for the erection of 24no. dwellings consisting of:-

Five x 5 bedroom houses, seven x 4 bedroom houses, two x 3 bedroom houses and ten x two bedroom dwellings of which two are flats over garages (FOGs). Six of the two bedroomed houses would be for occupation by elderly people. The gross density would be 17 dwellings per hectare.

Vehicular access to the development is proposed by way of an extension of a cul-de-sac from Knox Green to the south. This would cross land currently forming part of the curtilages of Nos 64 and 65 Knox Green. The proposal involves the extension northwards of the curtilages of these houses to accommodate a new double garage to the north of No 64 and an extended drive providing more parking space for No 65.

This access would serve a new access road which would describe a loop to the north of the walled garden providing access to the west of the application site and Binfield House and its associated accommodation. Part of its length would include the existing drive from Binfield House to Terrace Road North. This drive would be stopped-off to vehicles so that its eastern end would just serve Binfield Surgery and the two dwellings lying either side of the access to Terrace Road North (Pelham Lodge and Binfield House Lodge).

The proposed access road would have a footway on its western side from where it joins Knox Green upto a point where a footpath link is proposed through the walled garden. To the north and west of this the access would be a shared surface with planted margins. The existing footpath link from Stevenson Drive would be retained.

Detached two, three, four and five bedroom houses would front onto the access road. Six dwellings are proposed within the walled garden itself comprising 2 no. two bedroom flats over garages (FOGs) and 4no. four bedroom houses in the form of two pairs of semi-detached houses. These would be served by a link from the access road on the western side of the walled garden which would require the widening of the existing opening on this side of the wall to 6m. This would serve parking under and in front of the FOGs and would form part of a pedestrian route east-west through the walled garden utilising an existing archway in the eastern wall.

Finally, a private drive from the access road would serve a small parking court providing parking for 6no. two bedroomed bungalows lying to the south of Binfield House. These dwellings would have accommodation in the roof-space lit by dormer windows with a ridge

height of 6.5m. A pond is proposed on land to the west of these dwellings surrounded by a wildflower meadow to provide mitigation for Great Crested Newts.

The two and three bedroom houses on the site, and the FOGs, would be two-storey, between 7.3m and 9m in height. The four and five bedroom houses would be of 2 and 2.5 storeys, ranging in height from 7.8 to 9.3m.

The application has been amended in the course of its consideration to reduce the number of dwellings sought from 28 to 24, to make alterations to the design and siting of the proposed dwellings and associated car parking and to exclude the car park to Binfield Surgery from the proposal.

5. REPRESENTATIONS RECEIVED

The following petition with 60 signatures has been received:-

'We the residents of Knox Green, Binfield and environs OBJECT MOST STRONGLY with the proposal by Beaulieu Homes to access and egress the proposed development on the former Binfield House Nursery (Application 13/00966/FUL), the existing Binfield House and the existing Binfield House bungalows through the first cul-de-sac in Knox Green. The current estate road is UNSUITABLE for any additional traffic due to existing residents parking needs and the current DANGEROUS junction with Terrace Road North. Access to this development must be through an improved existing access NOT KNOX GREEN.'

Objections have been received from the Binfield Village Protection Society, Binfield Surgery and 88 individual addresses objecting to the application for reasons which may be summarised as follows:-

Proposed access/highway matters

- the Traffic Statement is flawed and inaccurate
- If parking restrictions are imposed in association with the use of the Knox Green access it will cause problems for residents and visitors
- the grass area close to the Knox Green junction will be less safe for children to play
- there are existing problems with on-street parking on Terrace Road North
- the Knox Green/Terrace Road junction is dangerous at present with poor visibility
- children cross Knox Green/Terrace Road North junction on way to school
- an improvement of the existing access to Binfield House would be better
- mini-roundabout on Forest Road congested
- footpath from Stevenson's Drive should not be closed
- problems for emergency vehicles accessing Binfield House and Knox Green

Impact on trees/wildlife

- harmful impact on bats and Great Crested Newts
- loss of trees
- concerns re tree report
- trees and hedge should be retained for wildlife
- proposed bungalows encroach on root protection area

Impact on heritage assets

- development out of character with listed building status of Binfield House and walled garden
- Binfield House and listed wall should be protected from inappropriate development
- no justification for removal of outbuildings attached to wall

- does not allow relationship between Binfield House and kitchen garden to be maintained
- proposed houses taller than garden wall
- no alteration should be allowed to garden wall
- former rose garden should be protected under listing

Impact on living conditions/residential amenity

- increase in noise from additional traffic using Knox Green
- impact on properties in Knox Green, especially 62-69
- will radically affect residential amenity of Binfield House and bungalows next to it
- loss of privacy to houses in Stevenson Drive and Knox Green
- increased noise and pollution
- impact on route to Binfield Surgery for less mobile residents
- construction traffic will have a harmful impact

Impact on Binfield Surgery

- the doctors would lose parking
- doctors surgery should be extended and/or more parking for it provided
- reduction of daylight to Binfield Surgery
- will prevent expansion of Binfield Surgery
- house close to Binfield Surgery will be overbearing and overlook 3 consulting rooms

Impact on infrastructure

- impact on infrastructure in Binfield
- roads, schools, surgery, parking, sewage and waste water service, library and shops under significant strain

Design of proposed development

- density too high and out of character
- affordable housing and retirement homes are needed, not 5 bedroom houses
- overdevelopment
- banks of garages shown are very unappealing
- no communal greenspace
- many gardens back on to parking areas - not secure
- cramped - small gardens
- parking too far from elderly housing
- insufficient parking
- poor design
- certain houses fail to meet Lifetime Home standards
- garages too small
- no bin store for terraced dwellings
- privacy of new residents not safeguarded with many houses and gardens overlooked
- ugly designs and design features
- parking and internal circulation within site unacceptable - conflicts between pedestrians, cyclists and vehicles - safety hazard
- parking under FoGs not suitable for all users

Drainage

- the Flood Risk Assessment does not reflect surface water drainage problems in south-west corner of site

- land drainage systems should alleviate current and future surface water run-off from site must be implemented

Other issues

- Design and Access Statement incorrect and misleading
- dwellings proposed will make no significant difference to housing land supply

Bracknell Forest Homes (owners of Binfield House) made comments which may be summarised as follows:-

- no formal approach received by Bracknell Forest Homes about potential loss of rights of way
- proposed accommodation for elderly people welcomed but must be genuinely affordable
- the parking for elderly person's accommodation is too far away from the properties for elderly people with mobility issues
- proposed pond could lead to high service charges for its maintenance
- unfenced rear gardens of elderly person's accommodation are inappropriate for security
- occupiers of new private dwellings might access land to front of Binfield House - a fence should be provided
- a safe access plan for both traffic and pedestrians to Binfield House will be needed for the construction period.

6. SUMMARY OF CONSULTATION RESPONSES

Binfield Parish Council (comments on application as amended)

Recommends refusal:

1. The parish council is deeply concerned about the handling of these applications. The plans that have been published on 14 July are so different in concept and detail from the tender document requirements that they would not have been acceptable if proffered at that time.

In the latest version of the plans there is no community provision, the bungalow accommodation for older people has been changed to 2 floors with the bathroom located on the upper floor and the number of units reduced from 8 to 6. The location of the only bathroom upstairs seems inappropriate for older people who may have problems using the stairs.

None of the plans now presented show the junction of Knox Green and Terrace Road North. The current level of parking near this junction already has site lines problems which will only be worsened if this application is approved.

The plans now presented are dated March 2014. These latest plans should have been released to the public as soon as possible to allow proper consideration. Now the residents have little time to make their comments against a tight deadline

2. The proposed development is located on land within the curtilage of the Grade II Listed Binfield House and should be protected under this listing. The building of modern houses within and around the walled garden is in conflict with NPPF policy 132 & 130a and is therefore not acceptable in principal. It would cause unacceptable harm to the character and visual amenities of the area and the rural setting of this edge of Binfield. The proposal would therefore be contrary to Policies CS, CS2, CS7 and CS9 of the Core Strategy Development

Plan, saved policies EN1, EN8, EN20 and H5 of the Bracknell Forest Borough Local Plan, the Character Areas Assessments SPD and the National Policy Framework.

3. The proposal fails to provide a safe and adequate access to the site paying regard to road conditions. This will lead to conflict on Knox Green to the detriment of road safety. The proposed development is therefore contrary to Bracknell Forest Local Plan Policy M4 and the Core Strategy Development Plan Document Policy CS23.

4. The proposal fails to provide adequately for access to/from the doctors surgery, which is contrary to the aims of sustainable development and contrary to Bracknell Forest Local Plan Policy M6 and the Core Strategy Development Plan Document Policy CS23.

5. The proposed development would unacceptably increase the pressure on the transport network, public open space, built sports facilities and education facilities. In the absence of planning obligations in terms that are satisfactory to the Local Planning Authority, and which secure contributions towards the transportation network, public open space, built sports facilities and primary education facilities, the proposal is contrary to Policies CS6 and CS24 of the Bracknell Forest Core Strategy DPD, Policies M4 and R4 of the Bracknell Forest Borough Local Plan and the Limiting the impact of Development SPD.

6. 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.

7. The applicant has failed to adequately assess the impact of the development on the local road network which could lead to capacity of junctions being affected creating unacceptable delays and queues to the detriment of road safety. The proposed development is therefore contrary to Bracknell Forest Local Plan Policy M4 and Core Strategy Development Plan Document Policy CS23.

8. The wildlife issues, although the introduction of a pond provides some mitigation, it has not been demonstrated to the satisfaction of the Parish Council that the proposed development would not have an adverse impact upon reptiles, bats and stag beetles which are a protected species. As such, the development would be contrary to Policies CS1 and CS7 of the Core Strategy Development Plan Document.

Specifically:

a. It is noted that the re-instatement of the surgery car park places is helpful. However, there is no opportunity to expand the surgery or its car park. Patients who are currently driven as passengers from Binfield House to the surgery will now have to be taken through Knox Green and Terrace Road North, adding to the traffic movements.

b. Access to and from Knox Green has not been adequately considered and takes no account of existing restrictions. The access will service traffic movements for 69 dwellings, including delivery vehicles, emergency vehicles, coaches as well as private cars.

- c. Access to and from Binfield House has not been adequately considered for elderly residents. Right of Way for access down the drive from Terrace Road North to the Binfield Surgery needs to be assured for the access by vehicles and pedestrians to the surgery site.
- d. Parking for older people dwellings is poorly considered and are remote from the units and the spaces are not overlooked by other residents who might see potential security problems.
- e. There is inadequate parking for visitors and inadequate road width for on-street parking. The development would have a detrimental effect on the Grade 2 listed building and its curtilage. As heritage assets irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm or loss of a Grade 2 listed building, park or garden should be exceptional.
- f. Inadequate provision for service vehicles, bin lorries etc.
- g. The proposal is an excessive overdevelopment and is not in keeping with the character of the village or comparable to densities within the same area.
- h. The proposal does not appear to consider adequate disposal of surface water drainage. As there is a high water table and the sink hole has been capped.
- i. Inadequate mitigation measures are shown for wildlife. The pond is too small, the crested newts are protected by European law, but there are no clearly defined plans or defined measures for their protection.
- j. Existing educational facilities in Binfield are already overcrowded. What provision has been made for additional school places for new residents
- k. The orientation of the properties on the current proposal has not been considered for a Grade II listed building.
- l. The orientation of the properties on the current proposal has not been considered for adjoining properties. An example is the dormer/velux windows facing outwards to existing dwellings rather than inwards to the proposed development.
- m. The orientation of the properties on the current proposal has not been considered for privacy of the surgery.
- n. The setting of the wall has been affected by the detrimental overdevelopment within the wall.
- o. The maintenance of the wall needs forward planning. It needs to be clear who owns the wall and who is responsible for the ongoing maintenance with guidelines or rules regarding these issues.
- p. The proposed mixed layout places families next those residents seeking a quieter setting.
- q. When developers and others were invited to bid for the site it was made clear that it is a special and sensitive site that needed particular care with a number of requirements to be met. There is no evidence that the proposed design adequately takes these requirements into account. The Design Concept Principles required that certain conditions were addressed with respect to the Walled Kitchen Garden and Layout of the site. The quotes below are from the document:
- i "Limited housing within the walled Kitchen Garden is acceptable if designed appropriately and relates to the character, former use and context of this part of the site. Smaller, bespoke

units relating more to a mews/courtyard style development would be appropriate." In the proposal, within the wall the area is closely packed with housing and parking. In this layout there is no opportunity for people to see and appreciate the retained wall as it is masked by dwellings on both sides.

ii "The retained wall should be visible, in part, within and outside the walled garden. However, private gardens can take advantage of Kitchen Garden wall as a boundary as long as some parts of the wall are open to view". In the proposal, outside the wall is visible from the road but inside there are no stretches of visible wall, except from the houses which have the wall as a boundary to their gardens. Even then, the plans for the P type dwellings within the wall have no windows at the rear through which the wall can be viewed or enjoyed.

iii "Any proposal should retain a central open space for an open garden area". In the proposal there is no garden area, in fact the 3D projection shows most of the whole central area of the garden paved for access and parking. There is no provision of even a small area for sitting or that could be described as a garden area. "A pedestrian route through the garden should be provided to give this area a more public and accessible feel to ensure all residents can benefit visually from the retention, in part, of the walled garden area." The proposal does not offer this benefit. This proposal does not deal with the Walled Garden sensitively as within the curtilage of a Grade II listed building.

iv "A suitable quantum of development should be provided to avoid a cramped urban layout that does not respond to the more organic growth of the area and context of the site." This proposal is most definitely urban in style, particularly within the wall which should have had a more garden feel to it.

r. Site contamination has been reported but not investigated. This includes contamination from coal tar (group 1 carcinogen), bitumen (group 2b carcinogen), road chippings, scalplings, insecticides, fertilisers and herbicides. It is necessary that an investigation takes place to identify, remove and take any remedial action required before the site is released for development.

s. There is no arboreal report to identify the quality, location and risk of construction damage to mature trees.

t. It appears that the majority of the 117 objections to the original plans have not been addressed in any serious manner.

Environment Agency

Comments in Surface Water Pro-Forma forwarded include the following: The FRA shows soakaways and infiltration trenches will not be suitable due to the presence of impermeable clays beneath the site. Water reuse and green roofs are not considered practical options. The only suitable solution would be based on storage and attenuation using a tank, pond or storm cells below the car parking area. The drainage layout should be considered at the detailed design stage based on the principles outlined in the FRA and these issues are usually covered by a planning condition. [Officer comment: this is included in the Recommendation].

Berkshire Archaeology

The applicant has submitted an archaeological desk-based assessment of the application site (Thames Valley Archaeological Services 2012). This report satisfactorily sets out the archaeological background and potential of the site. An assessment of the impacts of previous developments, including garden features, on the site was also undertaken by this

office. The conclusions of this research were that the site is of moderate archaeological potential but that there has been a significant level of previous disturbance, which has reduced the potential for the survival of buried archaeological remains. On this basis further archaeological investigation prior to or during construction, should the scheme be permitted, is not merited.

English Heritage

English Heritage were notified in 2013 of the schedule of Proposed Modifications to the Site Allocations DPD which included the Binfield House Nursery site. In their response they noted that only the site at Binfield Nursery would affect a designated heritage asset, being adjacent to the Grade II listed Binfield House. They commented that they were pleased to see that the requirements for this site include "Have regard to the setting of the adjacent listed building (Binfield House) and curtilage structures including the walled garden" and "Retention of the walled garden".

In relation to the current application they make the following comments:-

Binfield House was built as a country house. The first detailed map of the area, the 1881 first edition of the 25" OS map, shows a relatively small garden around the house which itself is surrounded by open fields. The 2nd edition of this map (published in 1899) shows the house enlarged to its current size along with an enlarged garden, including a drive linking the property to Wick's Green, along with the walled garden. Despite the encroachment of suburban development around the house in the later 20th century, which has included the demolition of nearby outbuildings, presumed to be a stable block, Binfield House retains enough open land around it to preserve its character as a country house. This is particularly true in views from the south, where the main frontage of the building is still set alone among extensive lawns. The walled garden enhances the historical value of the building to an extent as it forms a record of the way in which the house was serviced when at its largest extent.

Disappointingly the impact on the setting of this grade II listed building has not been considered at all in the Design and Access statement accompanying the application. The proposed development to the south of the house (units 10 and 19-24) would be visible in views from the south. Views of the principle elevation would no longer read as a country house set in extensive grounds but a house surrounded by suburbia. Thus one of the important elements of the significance of this building, the fact that it was a country house and retains much of the character of such a building, would be seriously compromised.

Furthermore, the proposal for development in and around the walled garden is so extensive that any sense of its original form and purpose would effectively be lost, along with any visual connection with the principal building.

The harm the proposed development would entail to the setting of this house, and thus its significance, is therefore relatively high. Paragraph 134 of the NPPF requires the harm to significance of a designated heritage asset to be weighed against the public benefits of the proposal. Given the relatively high level of harm involved we would suggest that the Council do not grant permission unless the proposal delivers a very high level of public benefit which would outweigh this harm and could not be delivered by other means. A public benefit of this nature is not immediately apparent from the application documents.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

The Ancient Monuments Society

No comments received.

The Council for British Archaeology

No comments received.

The Georgian Group

Binfield House began life as a comparatively modest but architecturally interesting villa in 1776 and has gothic fenestration and other detailing reminiscent of Walpole's Strawberry Hill. It has substantial later additions in a similar idiom, some by Nugent Cachemaille-Day. As the house increased in size a kitchen garden was added to the estate, presumably in the 1890s. It was listed at Grade II in 1972. It is now a nursing home but it is not inconceivable that it might one day return to single private use. After the house was sold to the Local Authority in 1974 housing developments encroached on the setting of the house but it is still legible as a house in its own grounds, assisted by the retention of the nineteenth century kitchen garden.

The proposal to build housing inside and around the kitchen garden would be damaging to the setting of the Grade II listed building and this damage would be unacceptable. The erection of polytunnels and other modern garden structures within the kitchen garden has perhaps gradually, but superficially, eroded the visual significance of this part of the historic landscape and given the impression that it might be a suitable site for more permanent development.

The Group advises that not only is this site not suitable for residential development but that the Council should further enhance this part of the historic environment by treating the assets under their care in a sympathetic and exemplary manner and reinstating as much of this historic appearance of the kitchen garden as is possible.

The Group therefore objects to the granting of consent, supports the advice given by the Victorian Society and English Heritage, and advises that the historic significance of the Binfield estate is not only preserved but enhanced by implementation of a conservation management plan. The Council has undertaken some good and encouraging work already, in the form of the 2012 Statement of Significance, which rightly concludes that the walled kitchen garden is of high significance. This approach should now be augmented by practical steps to preserve and enhance this historic estate.

The Society for the Protection of Ancient Buildings

No comments received.

The Victorian Society

The Society objects to the application to demolish existing structures within the walled garden and build several dwellings within the walls.

The walled garden forms part of the curtilage of the eighteenth century Binfield House. In the statement of significance for Binfield House produced by Bracknell Forest Council in January 2012, it is stated that "Of the 19th century, the most important surviving feature is the walled garden and its attendant (though in places derelict) outbuildings which once provided food for the house." (Executive Summary, p.2). As a walled garden, its significance is not retained merely by the preservation of the walls themselves, but relies on its openness so that it can still be clearly read as a garden. Even one dwelling would change the character of a walled garden; the scale of development in these proposals, which includes both buildings and division of land into gardens, is such that the garden would lose a large amount of its significance.

The demolition of the surviving structures in the walled garden, several of which were appraised in the statement of significance as being original to the garden, and at least one of which has been refurbished and is in use, would compound the harm caused, by removing structures which demonstrate clearly the function of the site. This harm has not been justified.

We recommend that the application is refused.

The Twentieth Century Society

No comments received.

Council's Principal Conservation Officer

No objection subject to conditions.

Highway Authority

No objection subject to conditions and a s106 agreement to ensure the applicant enters into a S38/S278 agreement and to secure contributions to mitigate the impact of increased pressure on highways and transportation infrastructure.

Tree Officer

Comments incorporated in report.

Environmental Health Officer

No objection subject to conditions including those covering site contamination.

Biodiversity Officer

No objection subject to conditions.

Crime Prevention Design Advisor

Provided detailed comments on application as originally submitted which have been taken account of in amended plans/proposed conditions.

Housing Enabling Officer

Comments incorporated in report.

7. DEVELOPMENT PLAN

The Development Plan includes the following:-

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

8. PRINCIPLE OF DEVELOPMENT

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 the Site Allocations Local Plan (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. Regard will also need to be had to Policy CS1 of the Core Strategy relating to sustainable development principles, which is considered to be consistent with the NPPF.

The site is allocated for housing in the SALP. It constitutes a previously developed site within a defined settlement, and as such is listed in Policy SA1.

The NPPF encourages the effective use of previously developed land, provided it is not of high environmental value (bullet 8 of para. 17 and para. 111).

Core Strategy Policy CS2 sets out a number of locational principles for new development within Bracknell Forest, and states that development will be permitted within defined settlements and on allocated sites. As the site is both within a defined settlement and allocated in the SALP, it accords with the locational principles contained in Policy CS2.

The application site is estimated as having a capacity for 33 dwellings in the SALP and forms part of the Council's provision to meet its overall housing requirement set out in CSDPD Policy CS15. It also forms part of the 5 year housing land supply. The SALP makes it clear that the estimated capacity is subject to a list of requirements derived from site constraints.

The application scheme proposes 9 fewer units than the estimate contained in the SALP. For the reasons set out below, this is considered acceptable in view of the constraints on this site, in particular the heritage features on and adjoining the site. The reduced number of units would also minimise any adverse impacts on the living conditions of nearby residents.

CSDPD Policy CS16 requires a range of housing types, sizes and tenures. This policy can be afforded full weight as it is considered to be consistent with para. 50 of the NPPF. The scheme would provide a mixture of sizes of dwelling, including housing for the elderly.

Overall the proposal is considered to be acceptable in principle.

The requirements in the SALP for this site include the following:-

- Have regard to the location of the site adjacent to Binfield Area A of the Character Areas assessment Supplementary Planning Document;
- Appropriate tree surveys and protection of trees;
- Retention of important trees within the site;
- Investigation and remediation of any land contamination;

- Transport Assessment to assess the impact of the proposals upon the local road network and junctions;
- Provision of affordable housing;
- Provision of open space;
- Appropriate ecological surveys and mitigation of any impacts;
- Have regard to the setting of the adjacent Listed Building (Binfield House) and curtilage structures including the walled garden;
- Retention of walled garden.

These and other matters are considered in the remainder of the report.

9. IMPACT UPON LISTED BUILDINGS AND SETTING OF LISTED BUILDINGS

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that "in considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." The effect of this section is that there is a strong statutory presumption against approving works which do not preserve the listed building or its setting.

Section 12 of the NPPF deals with conserving and enhancing the historic environment. Paras 131 to 134 state:-

'131. In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public

ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

CSDPD Policy CS1(ix) states that development will be permitted which protects and enhances historic and cultural features of acknowledged importance. Policy CS7(i) states, inter alia, that development proposals will be permitted which respect the historic environment.

Policies CS1, CS7, EN1 and EN20 are considered to have significant weight, as they are consistent with sections 7, 11 and 12 of the NPPF.

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

Impact on the setting of Binfield House

As noted stated above, under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects the setting of a listed building the LPA has to have **special regard** to the desirability of preserving its setting. Case law establishes that:-

- 'preserving' means doing no harm to the listed building or the setting of the listed building
- 'special regard' means more than merely giving weight to these matters in the planning balance
- there is a strong statutory presumption against granting planning permission for any development which fails to preserve a listed building or its setting.

Accordingly, if it is concluded that development would harm the listed building or the setting of a listed building this harm must be given considerable weight.

Binfield House is a grade II listed building. It dates from the late C18th and was altered and extended in the C19th and again in the C20th. A 'Statement of Significance' was prepared for the Council and published in January 2012. This identifies the special significance of the building and its site by considering its historical development and the value of the surviving features.

The Statement considers that the principal element is Binfield House itself, which is interesting as an example of the use of 18th century Gothic details although the interior is mostly of c1928 or later. Of the 19th century, the most important surviving feature is the walled garden and its attendant outbuildings. The Statement includes a plan showing the significance of surviving features. The house itself and the former walled garden are shown to be of 'high' significance. Trees and shrubbery which contribute to the setting of Binfield House are also identified.

The comments of English Heritage are set out above. It concludes that the harm the proposed development would entail to the setting of Binfield House is relatively high.

The proposed dwellings nearest to Binfield House are houses on plots 7-10 and chalet bungalows on plots 19-24. The houses lie between 30 and 50m from the listed building and

there is a group of trees, which are to be retained, which limit intervisibility between the proposed houses and Binfield House

The proposed L-shaped terrace of chalet bungalows for the elderly, and the parking serving these dwellings, has a greater impact on the setting of Binfield House as it is located on the open grassed area to the south of the listed building. The nearest unit is 45m from Binfield House and the nearest parking space some 30m away. The front of Binfield House faces south-west and this part of the development is to the south of the south-eastern end of the house.

The proposed terrace of chalet bungalows and the bin-store and car parking serving it would not intrude on views of the front of Binfield House from the south-west; they would, however, be apparent on the edge of such views. Given the separation of the dwellings and the parking from Binfield House and the relatively modest height of the dwellings (6.5m) it is not considered that they would be visually obtrusive. The design of the terrace is relatively simple and with careful attention to facing materials and to the surfacing of the parking area and footpaths and boundary treatments (which can be controlled by condition) any harmful impact on the setting of Binfield House can be further reduced.

In conclusion the proposed development would have an adverse impact on the setting of the grade II listed Binfield House and therefore would not preserve its setting. This matter is considered below in relation to Section 12 of the NPPF.

Impact on the former walled garden

This is not identified in the listing of Binfield House but, as a structure built before 1948 lying within the curtilage of the house, it is 'curtilage listed'. Accordingly a listed building application for works to it has been submitted (reference 13/00967/LB) which is the subject of a report elsewhere on this agenda.

The application proposes works that would affect both the fabric of the walled garden and also development that would affect its setting.

In terms of the former, the proposal involves:-

- the removal of two lean-to buildings built on the outer side of the C19th walled garden (one on the north and one on the west side),
- the widening by about 2.5m of an existing opening on the west side of the walled garden, and
- the infilling, with brickwork, of an existing archway on the south side of the walled garden.

Aside from the widening of the existing access on the western side of the wall - from 3.4m to 6m - to provide vehicular access to the area within the walls, the wall would be retained and a condition is recommended for works to secure the long-term safety and stability of the garden wall, including measures to strengthen it as necessary.

The application also proposes the erection of dwellings both within and around the walled garden which would affect its setting.

The nearest proposed building (the garage on plot 12) would lie a metre from the wall and the nearest house 2m away (plot 1) but generally greater clearances are shown. The full extent of the outer edges of the western and eastern sides of the former walled garden would be visible from the access road whilst the taller northern length of wall would be visible above the boundaries of plots 5 and 6 and across the parking area between the two houses. Views of the inner edges of the wall would be more limited because of proposed development (see below) but an adopted route east-west through the centre of the walled garden (utilising the

widened opening on the western edge and the existing archway on the eastern side) will allow some views of the wall.

The proposed buildings within the former walled garden are arranged in a symmetrical fashion with a hard-surfaced parking courtyard on the western half, overlooked by the FOGs, and a planted area between the two pairs of semi-detached houses to the east. The dwellings within the walled area, and those to the north, are a maximum of 8m tall.

Houses are proposed outside the walled garden, facing it to the west and east and side-on to the north and south. These are generally taller than those within the walled garden (2.5 storey houses are proposed to the west - plots 7, 8, 9, 10 and 11 and to the east - Plots 2 and 3) but generally lie a minimum of 12m from the wall. A tall (9.3m to ridge) two-storey house lies to the south, a minimum of 4m from the wall) but because of its location it is less prominent in the streetscene.

The dwellings proposed would be brick-built and the colour and texture of the bricks used can be chosen to complement the bricks in the wall.

The access road will also affect the setting of the wall but as a shared-surface it will have margins which can be planted with grass or low-growing shrubs which will provide a softer appearance, close to the wall, than footways. Again materials used for the surface of the roadway can be chosen to be in sympathy with the appearance of the wall.

As noted above, English Heritage is of the view that the development in and around the walled garden is so extensive that any sense of its original form and purpose would effectively be lost, along with any visual connection with the principal building.

The Victorian Society is of the opinion that the scale of development is such that the garden would lose a large amount of its significance and that the demolition of the structures would compound the harm caused.

The Georgian Group considers that the proposal to build housing inside and around the kitchen garden would be damaging to the setting of the listed building and that this damage would be unacceptable.

Overall conclusion on the impact on heritage assets

The proposed development will have adverse impacts on the listed building setting of Binfield House and on the fabric of the existing walled garden and its setting. As stated above, under the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering this application the LPA has to have special regard to the desirability of preserving the building and its setting.

In relation to the NPPF, if it considered that the proposal will lead to substantial harm to, or a total loss of significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits which outweigh that harm or loss (para 133). If the proposal will lead to less than substantial harm, that harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (para 134).

Advice in the National Planning Practice Guidance (NPPG) on how to assess if there is substantial harm includes the following:-

'Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy

Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.'

It is not considered that the proposal will lead to a total loss of significance of the designated heritage assets on and adjoining the site. The report above outlines how the application, as amended, seeks to respond to conserving heritage assets whilst providing new dwellings in accordance with the SALP. It is concluded that the harm will be 'less than substantial' and therefore, in line with para 134 of the NPPF it has to be decided whether public benefits, including securing an optimum viable use, are associated with the proposed development which would outweigh the harm to heritage assets.

In your officers' view the provision of the dwellings proposed, in accordance with the SALP, would justify the grant of planning permission notwithstanding the strong statutory presumption against development which does not preserve a listed building or the setting of a listed building. It is therefore concluded that approving the application would not be contrary to policies CS1, CS7 and EN20 (iii) and Section 12 of the NPPF.

Objectors have drawn attention to a rose garden laid out on the south-western part of the application site in the 1920s which was filled in at some point after the 1980s, none of which currently protrudes above ground level. This is not considered to be an 'object or structure' within the curtilage of a listed building. The presence of this former garden feature was acknowledged in the preparation of the Statement of Significance. That study concluded that the remains of the rose garden were of 'low significance'.

10. IMPACT ON CHARACTER AND APPEARANCE OF AREA

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

CSDPD Policy CS7 and saved BFBLP Policy EN20 set out various design considerations to be taken into account in new development. Policy CS7 requires a high quality of design which builds on local character and respects local patterns of development and the historic environment. Of particular relevance to the current application is that it expects development proposals to promote safe communities; enhance and promote biodiversity; aid movement through accessibility, connectivity, permeability and legibility and to provide high quality public realm. Saved BFBLP Policy EN20 requires that the development be in sympathy with the appearance and character of the local environment and appropriate in scale, mass, design, materials, layout and siting, both within itself and in relation to adjoining buildings, spaces and views. Proviso (ii) seeks the retention of beneficial landscape or ecological features. Proviso (iii) seeks to ensure that the design promotes, or creates local character

and a sense of local identity. Proviso (vi) seeks to avoid the loss of natural features such as trees.

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

Impact on the character and appearance of the whole site

Being set back from Terrace Road North, Wicks Green and Knox Green the site as a whole is not visually prominent when viewed from the main routes through Binfield. Looking at the site as a whole, it is considered that the proposal is in sympathy with the appearance and character of the local area and appropriate in scale, mass, design, materials, layout and siting both in itself and in relation to adjoining buildings, spaces and views as required by BFBLP Policy EN20 (i). The proposed units closest to houses and bungalows in Stevenson Drive (plots 4, 5 and 6) are two-storey and at 8m tall are of an average height for a modern house. The larger houses on the site are generally closer to the detached houses at Knox Green or the Binfield Surgery.

Within the site the proposed dwellings are front or side-on to the proposed access road, apart from the elderly person's accommodation which looks over the open area to the front of Binfield House. There is a consistent design approach with the proposed dwellings being brick-built with simple fenestration and pitched roofs with gable ends.

The siting relationships between proposed dwellings are considered to be acceptable and whilst some of the proposed gardens are modest in size they have been designed to be usable and not unacceptably overlooked.

The Character Areas Assessment SPD is a material consideration in decision making. It provides guidance to supplement Core Strategy Policy CS7 (Design). However, much of the guidance for Binfield contained in the Character Areas Assessment SPD is not directly relevant to this site, but the design of the proposed dwellings is considered to be in accordance with the comments on 'built-form' which describes Victorian development in the village as being characterised by simple building and roof forms and relatively plain elevations.

In conclusion it is considered that the proposed development would have an acceptable impact on the character and appearance of local area and as such is in accordance with policies CS7, EN20(i) the Character Areas SPD and NPPF Chapter 7.

Trees and landscaping

There is modest space for planting within the centre of the site but the development will benefit from trees along the existing drive to Binfield House and those to the south-east of Binfield House. The proposed elderly person's accommodation looks towards the green area to the south of Binfield House which contains mature trees and which will be enhanced by the formation of a pond and wildflower meadow. Further mature trees lie to the south.

The application has been amended in the course of its consideration to respond to comments made by the Tree Officer. The group of trees to the south-east of Binfield House has been removed from the back gardens of the proposed houses on plots 7-9 and the number of houses on this part of the site reduced to increase the size of the rear gardens of those closest to the trees. The house on plot 6 has been moved further from the trees on the north side of the drive to Binfield House. The elderly person's accommodation (plots 19-24) has been moved east and out of the root protection area of the mature Oak on the western

edge of the site. There is some tree loss, however, associated with the application. This comprises trees:-

- on the eastern edge of the site (to the front and side of 64 Knox Green) and to the north-west of the Binfield Surgery
- to the west of 57 Knox Green, and
- one tree on the southern edge of the group of trees to the south-east of Binfield House.

Of these, only one tree is classified as being of high quality. This is a semi-mature Red Oak (T5) lying to the west of No 57 Knox Green. The loss of this tree is unfortunate but it is considered that there is space for replacement planting on the western part of the site to compensate for its loss. The removal of the other trees on the site is not considered to be of overriding concern.

In conclusion, although there would be some tree loss, including the loss of a high quality Red Oak, on balance the proposed development is not considered to have an unacceptable impact on existing trees and landscaping subject to appropriate replacement planting and landscaping that can be secured through conditions. The proposal is therefore in accordance with policies CS1, CS7, EN1 and EN20 (ii).

Conclusion on the impact on the character and appearance of the area

The redevelopment of the site for residential purposes, in accordance with the SALP, will result in major changes to the existing character and appearance of the site. The proposed development will affect the setting of Binfield House, a listed building, and the former walled garden, a curtilage listed structure. These impacts are assessed above and it is concluded that the harm to the significance of these designated heritage assets is outweighed by public benefits. With appropriate conditions and obligations the C19th wall will be repaired and its future secured.

Notwithstanding the impact on the character and appearance of the area, which will include the loss of some trees, the proposed dwellings are considered to be well-designed and with appropriate materials will result in a development that accords with development plan policies CS1, CS7, EN1 and EN20 and sections 7, 11 and 12 of the NPPF.

11. RESIDENTIAL AMENITY

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

The possible impacts on the amenity of surrounding properties could arise from loss of privacy, loss of sunlight/daylight, visually overbearing impacts and disturbance from additional traffic. These matters are considered below in relation to the properties most likely to be affected.

54-56 Knox Green - the elderly person's accommodation on plots 22-24 backs on to the back of these houses. Given the separation of a minimum of 20m to boundaries, 30m to dwellings (cf 10m and 22m in the Council's guidelines) and screening provided by vegetation which is to be retained, this relationship is considered to be acceptable.

57 Knox Green - this house faces west and has a detached double garage to the front. A 2.5 storey house on plot 11 is proposed to the north-west and a 2 storey house to the north-east together with parking spaces at the end of a turning-head to the north. The house on plot 11 would be at right-angles to No 57 so any window-window relationships would be at an oblique angle and any overlooking of the curtilage would be across land to the front of the

house which would be partially screened by the property's garage. This relationship is considered to be acceptable.

The proposed parking at the end of the turning head will lie close to the boundary but with a suitable fence or wall (to be secured by condition) will not be unacceptably unneighbourly.

The proposed house on plot 12 would project beyond the existing back wall of No 57. The nearest element to No 57 is single-storey and is 1m from the boundary and the proposed house lies to the north of No 47. With this siting relationship it is not considered that there would be any unacceptable loss of sunlight/daylight or visually overbearing impact.

64 Knox Green - the back to back distance to the proposed house on plot 12 (some 27m at a slightly oblique angle) exceeds the Council's minimum guideline and the rear-facing first-floor windows are 10m from the garden boundary which meets the Council's guideline. This relationship is considered acceptable.

Nos.18-21 Binfield House - these single-storey elderly person's dwellings back on to the drive to Binfield House with an open amenity area in between. The 2.5 storey house on plot 7 would face towards this. The affected dwellings lie at an angle to the drive, however, so the nearest dwelling directly faced by the new house (No. 21) would be some 30m away. This complies with the Council's guidelines for such relationships and is considered acceptable. It is not considered that the proposed development would have a materially harmful impact on the living conditions of the residents of Binfield House itself.

Nos 38-41 Stevenson Drive - these houses back on to the drive to Binfield House and would be faced by the proposed 2 storey houses on plots 5 and 6. The minimum separation between the house on plot 6 and these houses is 28m (17m to the nearest garden boundary). This meets Council guidelines and is considered acceptable. Because the houses are at an angle to the drive, however, and as plot 5 sits slightly further forward on its plot the separation between this house and the nearest house in Stevenson Drive is less (a minimum of 23m between houses and some 12m to the nearest garden boundary faced). This still meets Council guidelines but to reduce any possible overlooking the nearest bedroom window on the proposed house on plot 5 has been moved to its end elevation so that it looks east over its garden rather than north towards Stevenson Drive. Overall this relationship is considered to be acceptable.

Nos. 35 and 36 Stevenson Drive - the proposed house on plot 4 lies a minimum of 18m from these bungalows. It has no side (north) facing windows above ground floor level, however, and its relationship with these bungalows is considered to be acceptable.

Binfield Surgery - this is a single-storey building with accommodation at first-floor level in a mansard style roof. The proposed 2.5 storey house on plot 3 lies to the north-west - a minimum of about 9m away - while the 2.5 storey house on plot 2 lies a minimum of about 6m away to the west. Neither of the proposed houses has habitable rooms above ground floor level facing towards the surgery. Both have bathroom/en-suite windows that face east but a condition can be imposed to ensure that these are obscure-glazed. The main impact on the surgery will be loss of sunlight/daylight. Because it lies further away and to the north-west it is not considered that the proposed house on plot 3 will have a significant impact on the surgery. The proposed house on plot 2 is closer however and will cast some shade over the surgery building at certain times of the day and impact on daylight. The rooms most affected would be those on the ground floor on the south-west part of the surgery. Two of the three rooms most affected are dual-aspect. The third, understood to be a consulting room, faces west towards the eastern elevation of the proposed house. To try and address concerns raised by the surgery this house has been moved slightly to the west and using information available it appears that with this change the amount of daylight reaching the

window (based on the 'vertical sky component' measure contained in the Building Research Establishment's 'Site layout planning for daylight and sunlight - a guide to good practice') would meet levels normally considered to be acceptable. Overall it is acknowledged that the proposed development would lead to a loss of sunlight and daylight reaching the surgery but it is not considered that the impact is so great as to justify refusing the application.

Elmdyke - this house fronts onto Terrace Road North. The south facing windows on the proposed house on plot 2 will have oblique views over the end of this property's back garden but the degree of overlooking likely to arise is not considered to give rise to significant harm.

Houses at Knox Green - the use of Knox Green as a vehicular access to serve the proposed development and existing accommodation at Binfield House will impact on properties in Knox Green, particularly Nos 62-69, as it would result in an increase in the number of vehicles passing these dwellings. This will increase the noise and disturbance experienced by these properties, especially Nos. 63-66 which at present are at the end of a cul-de-sac. The owners of Nos. 64 and 65 control land over which the proposed access will be built and so they can determine whether the development proceeds or not. The other two houses most affected, Nos 63 and 66, are set back from the road by a minimum of about 8m with mature front gardens. Whilst they will experience greater disturbance than at present, taking account of the siting of houses and the likely traffic flows it is not considered that the harm to living conditions is likely to be so great as to justify refusing the application.

Conclusions on impact on amenity of existing properties

The proposed development will impact on a number of existing properties lying close to the site, mainly dwellings but also the Binfield Surgery. The impact of the proposed development on existing living conditions is recognised, as outlined above, but it is concluded that none of the impacts would be so unacceptable as to justify refusing the application, therefore, the proposal is not considered to be contrary to Saved BFBLP Policy EN20.

12. TRANSPORT

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.

Access

Relevant policies include BFBLP saved Policy M4 and CSDPD Policy CS23.

The site is located in the centre of Binfield and it is currently accessed via a private access road that serves Binfield House. This road also serves the existing doctors surgery and is of limited width and has no footways. The proposal is to serve the site from an existing cul de sac on Knox Green. Knox Green and the cul de sac are 5.5m in width and this is wide enough to serve the proposed site.

The access via Knox Green currently serves 5 dwellings. In order to create access into the site the current turning head has been extended and the existing private drives at the end altered to allow the road to continue into the site. Car parking for the existing dwellings is proposed to be reprovided.

The new access road would be 5m wide reducing to 4.8m further into the site. This width is acceptable for the scale of the development. Turning heads have been provided on site and these can cater for deliveries and refuse collection.

The existing connection to Stevenson Drive is retained with the length of the existing drive to Binfield House between the new access road and the entrance to the Binfield Surgery car park connected to a footpath/cycleway. Whilst necessary, this is likely to encourage further pedestrian/cyclist activity along the existing route to Terrace Road North. A condition should be imposed to secure works to this route to improve safety, which could include lighting, signing and minor works to the road.

As described above, the site has good links with routes for pedestrians and cyclists north to Stevenson Drive and these combined with the internal road network create an improved link for users from this direction to travel to/from the centre of Binfield.

Parking Requirements:

The applicant has indicated parking in a variety of ways with driveway and garage parking and two parking courts. The proposed garages meet the required internal dimensions of 6m x 3m and drive lengths are acceptable. Overall sufficient parking is provided to meet Council standards with new parking provided for Nos 64 and 65 Knox Green to replace parking lost with the formation of the new vehicular access to the site. Conditions relating to the provision of parking are included in this report.

One space is provided for each of the elderly person's dwellings and this accords with parking standards for this type of accommodation. A condition is recommended to be imposed to restrict their occupation to ensure adequate parking provision.

A total of five visitor spaces are provided across the site, meeting the Council standard of one space per five dwellings.

Cycle parking can be accommodated on plot either within garages or in sheds, this should be conditioned.

Vehicle Movements

The development will generate additional movements through Knox Green and it is estimated that this would be in the region of 15 two way movements in the peak hours. Although such movements are new to Knox Green, they are spread across the peak hour periods and are a relatively small increase when considered against current users of Knox Green. Traffic associated with the current use of Binfield House and associated accommodation will also pass through Knox Green. The current housing is for elderly persons and in that regard generates less vehicle movements than general housing. It is not expected that significant additional traffic from this part of the site would be generated in the peak hours. Furthermore the proposed development also includes an element of elderly persons housing and thus level of traffic anticipated as outlined above is felt to be robust.

In respect of the wider road network, the previous trips the site could have generated must be considered and thus the actual impact would be reduced further.

Knox Green and the side arm that would serve the development is adequate in width and visibility to serve the proposal and in the view of the Highway Authority the main junction with Terrace Road North also has adequate visibility in both directions. The on-street parking that occurs on Knox Green does generally not extend up to the junction and there is adequate room for vehicles to pull into Knox Green without conflict with oncoming traffic. Vehicles entering the road have sufficient space to pull in and observe vehicles before proceeding up the road. The Highway Authority has the ability to restrict parking around the junction if necessary to ensure road safety.

The on-street parking that currently occurs along Terrace Road North, although not ideal, does help to control traffic speeds on approach to Knox Green and does not restrict visibility to such an extent that is considered dangerous. Vehicles approaching from the south move out to pass the parked vehicles and thus visibility of oncoming traffic is not compromised. Again, if necessary, the Highway Authority has the ability to impose restrictions if road safety conditions are compromised.

Matters to be covered by s106 agreement

S106 contributions should be sought to mitigate the impact of the proposed development on the local transportation network. These would be directed towards local improvements in the area which are likely to include junctions that are affected by potential development sites such as this contained within the SALP. The contributions could also be directed towards more local measures such as improvements along Terrace Road North to manage parking behaviour. An obligation should also be sought to secure the adoption of the proposed roads including the link to Knox Green.

13. BIODIVERSITY

Section 11 of the NPPF seeks to conserve and enhance the natural environment and in doing so requires the planning system to contribute to and enhance the natural and local environment in a number of ways. This includes recognising the wider benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 states the following: 'When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity'.

Policy CS1 of the CSDPD seeks to protect and enhance the quality of natural resources including biodiversity. Policy CS7 also requires the design of new development to enhance and promote biodiversity. These policies are consistent with the NPPF and therefore can be afforded significant weight.

Reports relating to Great Crested Newts, reptiles and bats have been submitted with the survey. The submitted bat report confirmed that the open-sided office building is being used by roosting bats. Further survey work was therefore carried out. Appropriate mitigation will be required for the loss of this roost. The Biodiversity Officer is happy for a mitigation scheme to be conditioned in this instance, given the low number of bats using the property. It seems very likely that this is an occasional roost used by one or two individual bats. He recommends conditions to cover the submission of a mitigation scheme and its implementation.

The Biodiversity Officer is satisfied with the other survey work and recommends the imposition of conditions to control works during the bird nesting season, to control external lighting, and to mitigate the impact on biodiversity including bats. With these conditions the impact on biodiversity is considered to be acceptable, and the proposal is not considered to be contrary to policy.

14. ACCESSIBILITY

Relevant policies include CSDPD Policy CS7 and BFBLP Policies EN22 and H14 which promote accessibility. These are considered to be consistent with Section 7 of the NPPF which requires inclusive design with accessible environments and can be afforded full weight.

On the basis of the information submitted the application is considered to be satisfactory in terms of the accessibility. In particular level routes can be provided between the proposed

elderly persons' accommodation and the parking area serving it. The parking spaces in this parking area are designed for use by people with disabilities.

15. SUSTAINABILITY STATEMENT AND ENERGY DEMAND

Policy CS10 requires the submission of a Sustainability Statement demonstrating how the proposals meet current best practice standards, i.e. Code for Sustainable Homes Level 3. This policy is consistent with the NPPF and therefore can be afforded significant weight. Formal assessment of dwellings against the Code for Sustainable Homes must be carried out by an accredited assessor (accredited by BRE). The assessment has several stages: Pre-assessment Estimator, Design Stage Assessment, and Post Construction Review. All stages should be covered, and the assessments submitted to the Council.

A sustainability statement should address the following:-

- Energy and Carbon Dioxide;
- Water;
- Materials;
- Surface water runoff;
- Waste;
- Pollution;
- Health and wellbeing;
- Management; and
- Ecology.

No Sustainability Statement/ Pre-assessment Estimator has been provided demonstrating likely compliance with Code for Sustainable Homes Level 3. As such it is recommended that conditions are imposed.

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

The applicant has submitted a Carbon Reduction and Local Energy Generation Options Report (November 2013). The report sets out options the applicant could put forward to meet the requirements of Policy CS12 however these are merely recommendations and need to be confirmed. As it stands the applicant has not met with the requirements of Policy CS12 and it is recommended that a condition should be imposed.

16. SURFACE WATER DRAINAGE

Concerns have been raised by local residents concerning existing problems with surface water drainage in the south-west corner of the site. As noted above, a flood risk assessment has been submitted which has been considered by the Environment Agency (see comments above) and the Council's Sustainable Drainage Engineer. The latter is of the opinion that the report has some shortcomings. He has therefore recommended the imposition of a condition (contained in the Recommendation below) to ensure that an appropriate sustainable drainage scheme for the site is provided and maintained.

17. PLANNING OBLIGATIONS

Affordable housing

CSDPD Policy CS17 is the basis for seeking affordable housing. This policy can be afforded full weight as it is consistent with para. 50 of the NPPF. The development exceeds the threshold (of a net increase of 15 units) for the provision of affordable housing. Six of the dwellings proposed should be affordable to accord with the Council's policy (of 25% of dwellings being affordable). It is considered that the provision of the 6no 2-bedroom chalet bungalows as affordable housing for occupation by elderly people would be appropriate.

The Housing Enabling Officer requires that there is potential to allow a future stair-lift to be incorporated in these dwellings if the needs of an elderly household require this. The stairs are a straight-run and the applicant has confirmed that the stairs will be one metre wide, so this will be possible.

The tenure of these dwellings should be for Social Rent or Affordable Rent. Their provision should be secured by planning obligations entered into by S106 Agreement.

Infrastructure Services and Amenities

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

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

This policy is consistent with the NPPF and therefore can be afforded significant weight. The Council's Limiting the Impact of Development SPD, supplements Policy CS6 and is a material consideration.

It is considered that provision should be made to mitigate the impact from the proposed development on the following infrastructure requirements:-

1. the wider transportation network - taking account of the former use of the site - including securing adoption of roads and footpaths and turning facilities
2. local open space/recreational facilities
3. built sports facilities
4. local primary school

With regard to (2) the provision of on-site open space required by LID would be too small to function as useful recreational space. It is considered that a financial contribution to upgrade local open space/recreational facilities should be sought.

Long-term management/maintenance of C19th garden wall and trees to south-east of Binfield House

A condition is recommended to be imposed to secure the long-term safety and stability of the garden wall, including measures to strengthen it as necessary. As lengths of the wall are likely to be conveyed to several householders, if the application is approved and the development built, it is considered that an obligation is required to ensure that any future owners continue to keep the wall in a good condition.

The group of trees to the south-east of Binfield House will lie outside the curtilage of proposed dwellings. Again an obligation is considered necessary to ensure that they are managed and maintained in the future.

If the Committee accepts the recommendation below the application should be approved subject to the completion of a suitable S106 legal agreement to secure the matters referred to above

18. THAMES BASIN HEATHS SPECIAL PROTECTION AREA (SPA)

The site is located more than 5km (5.4km) from the SPA and provides for less than 50 dwellings. There are, therefore, no SPA implications.

19. CONCLUSIONS

This site is allocated for residential development under Policy SA1 of the SALP. Although the application scheme proposes 9 fewer units than the estimate contained in the SALP, for the reasons set out above, this is considered acceptable in view of the constraints on this site, in particular the heritage features on and adjoining the site. The reduced number of units would also minimise any adverse impacts on the living conditions of nearby residents. The proposed development is considered to be in accordance with Policy SA1.

A large number of objections have been received raising issues including concerns over the impacts of the proposal on:-

- highway safety and convenience
- the character and appearance of the area
- heritage assets
- residential amenity
- trees and wildlife
- local services and infrastructure including drainage.

These matters have been considered above.

It is acknowledged that the proposed development will change the character and appearance of the site. The proposed development would not preserve either the setting of Binfield House, a listed building, or the setting of the former walled garden, a curtilage listed structure. Neither would it preserve the structure of the walled garden as a listed building. It is concluded, however, that notwithstanding the statutory presumption against development which does not preserve a listed building or the setting of a listed building, planning permission should be granted in order to secure the site's contribution to meeting the Borough's need for housing as provided by SALP (albeit at a reduced level from the estimated capacity contained in SALP).

A major concern raised by local residents is the adequacy of the proposed vehicular access from Knox Green. This matter has been carefully considered by the Highway Authority which has concluded that the proposed access would be safe and practicable.

The development will affect the living conditions of a number of those living or working close to the application site. The impacts are acknowledged but it is not considered that any of them are so severe as to justify refusing the application.

Finally impacts on trees and wildlife and local infrastructure have been assessed. With the changes made to the application in the course of its consideration and the proposed conditions and obligations included in the Recommendation below it is considered that these can be satisfactorily mitigated.

The application is considered to be in accordance with the relevant policies of the Development Plan and is therefore recommended for approval subject to conditions and the completion of a s106 agreement to secure the matters referred to in Section 17 above.

RECOMMENDATION

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

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

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

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

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

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

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

PL-124 Plot 12 - Floor Plans
PL-125 Plot 12 - Elevations and roof plan
PL-125A Plot 12 - Elevations
PL-126A Plots 13 & 18 Elevations
PL-127A Plot 13 & 18 Floor Plans
PL-128 Plot 14-17 Floor Plans
PL-129 Plot 14-17 Elevations
PL-130 Plot 14-17 Roof Plan and Elevations
PL-131B Plots 19,20,21 Floor Plans
PL-132B Plots 19,20,21 Floor Plans
PL-133A Plots 22,23,24 Floor Plans
PL-134A Plots 22,23,24 Elevations
PL-135 Bin Store plans and elevations
PL-21A Double garage for No. 64 Knox Green
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

03. No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

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

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

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

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

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

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

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

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

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

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

08. No dwelling shall be occupied until visibility splays of 2.0 metres by 2.0 metres have been provided at the junction of the driveway and the adjacent footway. The dimensions shall be measured along the edge of the drive and the back of the footway from their point of intersection. The visibility splays shall at all times thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the carriageway.

REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]

09. No dwelling shall be occupied until the associated vehicle parking and turning space serving it has been surfaced in accordance with the approved drawings. The spaces shall thereafter be kept available for parking at all times.

REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

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

REASON: To ensure that the Local Planning Authority's vehicle parking standards are met.
[Relevant Policy: BFBLP M9]

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

REASON: In order to ensure that adequate off street vehicle parking is provided in accordance with the Borough Councils vehicle parking standards.
[Relevant Policy: BFBLP M9]

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

REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street parking which would be a danger to other road users.
[Relevant Policy: BFBLP M9]

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

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

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

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

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

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

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

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that order, no freestanding external lighting shall be installed on the site except in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of nature conservation
[Relevant Policies: BFBLP EN15, EN20 and EN25]

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

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

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

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

- a) Comprehensive planting plans of an appropriate scale and level of detail that provides adequate clarity including details of ground preparation and all other operations associated with plant and grass establishment, full schedules of plants, noting species, and detailed plant sizes/root stock specifications, planting layout, proposed numbers/densities locations
- b) Details of semi-mature tree planting to mitigate for the loss of Tree T5
- c) Comprehensive 5 year post planting maintenance schedule.
- d) Underground service and external lighting layout (drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.), both existing reused and proposed new routes.
- e) Paving including pedestrian open spaces, paths, patios, proposed materials and construction methods, cycle routes, parking courts, play areas etc.
- f) Other landscape features (water features, seating, trellis and pergolas etc).

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

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

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

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

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

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

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

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

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

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

- a) No mixing of cement or any other materials.
- b) Storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description.
- c) Siting of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, porta-loos, storage compounds or hard standing areas of any other description.
- d) Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ ground conditions of any other description.
- e) Installation/siting of any underground services, temporary or otherwise including; drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting.
- f) Parking/use of tracked or wheeled machinery or vehicles of any description.

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

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

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

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

[Relevant Plans and Policies: BFBLP EN1, EN20]

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

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

[Relevant Policies: Core Strategy DPD CS1]

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

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

[Relevant Policies: Core Strategy DPD CS1]

24. The development hereby permitted shall not be begun until details of the design, implementation, maintenance and management of a sustainable drainage scheme have

been submitted to and approved in writing by the Local Planning Authority. Those details shall include:-

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

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

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

25. The development shall not be begun until a Sustainability Statement demonstrating how the development meets current best practice standards in the sustainable use of natural resources has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include either a Design Stage Report and BRE Interim Certificate or a pre-assessment estimator carried out by an independent assessor licensed by the Building Research Establishment demonstrating that the development meets a minimum standard of Level 3 of the Code for Sustainable Homes. The development shall be implemented in accordance with the Sustainability Statement and shall be retained in accordance therewith.

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

26. Within one month of the first occupation of the development hereby permitted (or, where the development is phased, within one month of the first occupation of the final phase of that development), a Post Construction Review Report shall be carried out by an independent assessor licensed by the Building Research Establishment and a Final Code Certificate shall be submitted to the Local Planning Authority which demonstrates that the development has been constructed to meet a minimum standard of level 3 of the Code for Sustainable Homes.

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

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

- (a) that before taking account of any on-site renewable energy production the proposed development will reduce carbon dioxide emissions by at least 10% against the appropriate Target Emission Rate as set out in Part L of the Building Regulations (2006), and
- (b) that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 20% unless otherwise agreed by the Local Planning Authority).

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

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

[Relevant Plans and Policies: CSDPD Policy CS12]

28. The development hereby permitted (including any demolition) shall not be begun until details of a scheme (Working Method Statement) to control the environmental effects of the demolition and construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

(i) control of noise

(ii) control of dust, smell and other effluvia

(iii) site security arrangements including hoardings

(iv) proposed method of piling for foundations

(v) construction and demolition working hours

(vi) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site

The development shall be carried out in accordance with the approved scheme.

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

29. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:

(a) Parking of vehicles of site personnel, operatives and visitors

(b) Loading and unloading of plant and vehicles

(c) Storage of plant and materials used in constructing the development

(d) Wheel cleaning facilities

(e) Temporary portacabins and welfare for site operatives

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

REASON: In the interests of amenity and road safety.

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

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

[Relevant Policies: BFBLP EN25, CSDPD CS23]

31. Notwithstanding the provisions of Class G of Part 17 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development by statutory undertakers for the generation, transmission or supply of electricity shall be installed or constructed unless otherwise agreed in writing by the Local Planning Authority.

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

[Relevant Policies: BFBLP EN20 and GB1, Core Strategy DPD CS7]

32. No site clearance shall take place during the main bird-nesting period of 1st March to 31st August inclusive, unless a scheme to minimise the impact on nesting birds during the construction of the development has been submitted to and approved by the Local Planning Authority.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: BFBLP EN3, CSDPD CS1 and CS7]

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

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

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

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

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

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

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

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

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

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

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

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

37. No development shall take place until a contaminated land Phase I report (Desk Top Study) has been carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The Desk Top Study shall be submitted to, and approved in writing by, the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11". Following approval of the Desk Top Study, a Phase II report (and intrusive site investigation) shall be carried out, if required by the Local Planning Authority, by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The development shall not be begun until proposals for the method and extent of this site investigation have been agreed with the Local Planning Authority. The site investigation shall be carried out in accordance with the agreed proposals which shall be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

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

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

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

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

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

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

[Relevant Policies: BFBLP EN25]

39. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no enlargement, addition, improvement or other alteration permitted by Classes A, B, C, D and E of Part 1 of the Second Schedule of the 1995 Order shall be carried out to the dwellings on plots 1, 5, 6, 12, 13, 14 and 15.

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

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

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

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

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

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

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. For the avoidance of doubt the conditions stating that 'no dwelling shall be occupied' relate to the new dwellings proposed and not to Nos. 64 and 65 Knox Green.

In the event of the S106 planning obligation(s) not being completed by 31 March 2015 the Head of Development Management be authorised to REFUSE the application on the grounds of:-

01. The proposed development would unacceptably increase pressure on the transportation network, education facilities, open space and built sports facilities and would not provide for the long-term maintenance of the C19th garden wall or the group of trees to the south-east of Binfield House. 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, and the long-term management and maintenance of the C19th garden wall and the group of trees to the south-east of Binfield House, the proposal is contrary to Policy SA1 of the Site Allocations Local Plan, Policies CS1, CS6 and CS24 of the Core Strategy Development Plan Document and Policies EN1, R4 and M4 of the Bracknell Forest Borough Local Plan.

02. In the absence of a planning obligation to secure affordable housing in terms that are satisfactory to the Local Planning Authority, the proposal is contrary to Policy CS16 of the Core Strategy Development Plan Document and to the resolution on affordable housing made by BFC Executive on 29 March 2011.

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

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

PLANNING COMMITTEE
26th. February 2015

CONFIRMATION OF TREE PRESERVATION ORDER (TPO 1180)
'Land at 1 Arden Close, Bracknell – 2015'
(Director of Environment, Culture & Communities)

1. PURPOSE OF DECISION

- 1.1 Under section 198 of the Town and Country Planning Act 1990, the Council has made a Tree Preservation Order (TPO) to retain and protect trees that are assessed to be of amenity value. Objections have been raised and they are the subject of this Committee report.

2. RECOMMENDATION

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

3. ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

3.1. Borough Solicitor

3.1.1. Guidance on Tree Preservation Orders and their making and confirmation has been provided in a Communities and Local Government (CLG) booklet titled "Tree Preservation Orders: A Guide to the Law and Practice". That guidance indicates that in the Secretary of State's view TPO's should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its 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 its size and form, its future potential as an amenity taking into account any special factors
- Wider impact - the significance of the tree in its local surrounding should be assessed

3.2. Borough Treasurer

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

3.3. Equalities Impact Assessment

3.3.1. Not applicable

3.4. Strategic Risk Management Issues

3.4.1. Not applicable

3.5. Other Officers

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

4. **BACKGROUND**

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

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

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

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

4.4. This TPO replaces TPO 1170 which was served in July 2014 but lapsed before it could be presented to the Planning Committee for consideration. The Town & Country Planning Act regulations now require any replacement TPO to have a new number in order to retain protection of the trees and until the Committee can consider it for confirmation.

4.5. As per Regulations a copy of this TPO was duly served on all affected parties and any immediate neighbour to 1 Arden Close. The grass verge alongside the garden of 1 Arden Close is not Highway but is a strip of land left as a remnant of the original development of Arden Close. In this case a Land Registry search revealed an owner in Woking but when the Order was sent it was returned as undeliverable; subsequent investigations revealed that the building contractor is no longer trading and has ceased to exist.

5. **DETAILS OF RESIDENTS' COMMENTS**

5.1. Objections

Mrs S Runham, 1 Arden Close, Bracknell
Mr S Runham, 56 Knox Green, Bracknell
Mr B Runham, 15 Nash Park, Bracknell

5.2. Support

D J Brown, 2 Arden Close, Bracknell
A & C Bird, 12 Arden Close, Bracknell
K Versluys, 7 Arden Close, Bracknell
P Gates, 4 Arden Close, Bracknell
A Lovett, 6 Arden Close, Bracknell
C Candappa, 3 Arden Close, Bracknell
A Turner, 8 Arden Close, Bracknell

5.3. The protected trees consist of: -

T1 – Cherry (in grass verge adjoining 1 Arden Close)
T2 – Pine (in grass verge adjoining 1 Arden Close)
T3 – Larch (in grass verge adjoining 1 Arden Close)
G1 – a group of two Pine & three Larch (in the rear garden of 1 Arden Close)

5.4. The issues raised as part of the objection to this particular tree relate to: -

- It is not expedient in the interests of amenity to make this TPO
- The trees are not under threat
- The trees offer no screening to houses overlooking 1 Arden Close or offer any screening of 1A Arden Close (from 1 Arden Close)
- The Group of trees are not of good quality, offer no amenity or value to the area as well as drop branches over the Highway footpath and the Larch in particular are dangerous because they lean and are therefore pre-disposed to collapse in adverse weather.
- The maintenance implications caused by falling leaves & needles and fruit
- The trees (within G1) present shade to adjoining properties
- Concerns about the potential for the tree to cause subsidence damage to house foundations.

5.5. The comments (not exhaustive) from supporters of the TPO include: -

- The TPO will maintain the current visual amenity in Arden Close (and help keep the 'Forest' in Bracknell Forest)
- The protected trees are essential to maintain the character of the road; being in a prominent position at the entrance to the road
- Residents chose to live in Arden Close because of the sylvan appearance and the trees should be protected for future generations
- The use of a TPO is appropriate in maintaining the visual amenity and character of the area.

6. COUNCIL RESPONSE

6.1. The Tree Service provides the following responses to the principal objections: -

- The amenity assessment that the trees had undergone has been developed and based on Central Government Guidelines, industry 'best practice' and Council policy.
- The Planning Authority undertook the assessment of the trees and landscape and consequently recommended this TPO to maintain the visual amenity that the trees afford to the area; it is not necessarily the case that Planning Authorities only make TPO's if trees are under imminent threat.
- The trees are visible from public vantage points along Arden Close and Lily Hill Road and are similar to other trees of the same quality and impact in the immediate landscape.
- The protected trees were subject to the Council's amenity assessment and not a full & detailed tree-survey; however the assessment takes into account any

evidence that they might be dangerous, hazardous or unsafe before the Council serves a TPO.

- Although the trees are now protected, this does not remove any legal responsibility from the tree-owner in ensuring they are in safe condition. If the objector/tree-owner considers any of the trees to be in any way dangerous, hazardous or unsafe, then they should seek independent professional advice. Regular inspection and appropriate maintenance is a matter of good practice and any such application is unlikely to be refused by the Council.
- Falling debris from the tree (such as leaves, seed & fruit and twigs described by the objectors) is a consequence of natural tree growth. That sort of debris is not recognised in English Law as a 'legal nuisance, and the judiciary regard falling leaves; fruit etc. as 'incidental to nature'.
- The matter of shade cast by trees is not a material consideration in either making or confirming a TPO.
- In respect of potential damage to property by tree-roots, no evidence was presented in respect of damage to any adjoining properties (by either objectors or any affected householder) and there is no prescriptive model that can be applied to demonstrate that any particular tree will cause subsidence damage. Any claim for damages as a result of subsidence caused by the action of tree roots is a matter of fact and investigation by the affected party.

6.2. When served a TPO, the recipients of the Order are provided with government advice and guidance in respect of the resident's right to make an application to fell/prune the tree as well as the right of appeal if the Council were to refuse such an application and where to source advice on TPO procedures and how to access Council 'Tree-work Application Forms' for their use.

7. SUPPORTING PLANNING INFORMATION

7.1. In July 2014, the Planning Authority undertook the assessment of the trees and landscape and consequently recommended this TPO

8. CONCLUSION

8.1. The Council has followed due legislative process, procedure and policy. It has explained its position in respect of the reasons for the TPO and provided a response to the objections raised by correspondents. The objections maintained are on the basis of: -

- Questionable amenity value of the trees
- The potential of hazard and nuisance presented by the trees

End of Report

Contact for further information: -

Jan Polnik
Principal Tree Officer 01344 354115
jan.polnik@bracknell-forest.gov.uk

APPENDIX

- The letters of objection to the TPO
- The letters in support of the TPO

Unrestricted

MISCELLANEOUS ITEM

PLANNING COMMITTEE 26 February 2015

DATE OF THE NEXT MEETING OF THE PLANNING COMMITTEE Head of Development Management

1 PURPOSE

- 1.1 To agree the date of the next meeting of the Committee.

2 RECOMMENDATION(S)

- 2.1 **That Member's agree that the next meeting of the Planning Committee be re-scheduled from Thursday 2 April 2015 to Wednesday 1 April 2015.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 The re-arranged Committee date falls on Maundy Thursday (2 April 2015). When this has occurred in previous years the Committee day has been brought forward to the Wednesday preceding the Easter break.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Leave the Committee at the 2 April with the risk to delays in the issue of decisions and potential complaints from applicants, particularly in relation to the need to pay CIL contributions.
- 4.2 Revert the Committee back to 26 March.
- 4.3 Sought an alternative date to either 2 April or 26 March but the Council Chamber was found to be unavailable on any suitable alternative date.

5 SUPPORTING INFORMATION

- 5.1 At the meeting of the Committee on the 17 July, Members agreed to a request from the Chairman that the meeting scheduled on 26 March 2015 be rescheduled to take place on 2 April 2015. However, moving the Committee to this date gives rise to several problems:
- As the Committee falls on Maundy Thursday there would be a delay in the issue of decisions until after the Easter Break until 6 April and;

- the Council on the 25 February is considering a recommendation to introduce the Community Infrastructure Levy (CIL) on the 6 April, if that date is confirmed then planning permissions issued on or after the 6 April will be subject to the relevant charges unless exempt.

5.2 In the past when the Committee cycle fell upon Maundy Thursday, the day of the Committee has been moved to the Wednesday and in this instance this would mean the Planning Committee moving to 1 April 2015.

6. ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

6.1 Not sought.

Borough Treasurer

6.2 No financial implications so advice not sought.

Equalities Impact Assessment

6.3 Not required.

Strategic Risk Management Issues

6.4 Potential for delay leading to complaints from the applicants of date unchanged.

Other Officers

6.5 Head of Democratic Services.

7 CONSULTATION

Principal Groups Consulted

7.1 Not applicable.

Method of Consultation

7.2 Not applicable.

Representations Received

7.3 Not applicable.

Background Papers

None.

Contact for further information

[Vincent Haines, Head of Development Management, Direct dial: 01344 351145
vincent.haines@bracknell-forest.gov.uk]