



NOTICE OF MEETING

Planning Committee

Thursday 20 August 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, D Birch, Finnie, Mrs Hayes MBE, Heydon, Hill, Mrs Ingham, Mrs Mattick, Mrs McKenzie, Mrs McKenzie-Boyle, Peacey, Phillips, Skinner, Thompson and Worrall

ALISON SANDERS
Director of Corporate Services

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Published: 12 August 2015



Planning Committee
Thursday 20 August 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 16 July 2015.

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3. **Declarations of Interest**

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

4. **Urgent Items of Business**

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

PLANNING APPLICATIONS

(Head of Development Management)

The conditions for public speaking have been met in the applications marked 'PS'. For further information or to register for public speaking, please contact Customer Services 01344 352000.

5. **Application 14/01295/FUL - Wildwoods, 24 Prince Consort Drive, Ascot, SL5 8AW**

Erection of a detached 2-storey dwelling with associated garages, following the demolition of the existing buildings.

27 - 44

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|-----|--|--|-----------|
| 6. | Application 15/00209/FUL - Land To Rear Of Murrell Cottage, Murrell Hill Lane, Binfield | Erection of 5no. 5 bedroom dwellings with new access off Murrell Hill Lane with associated parking and new garage to Murrell Cottage. | 45 - 70 |
| 7. | Application 15/00426/FUL - Land Rear Of Royal Hunt House, Fernbank Road, Ascot | Erection of 2no 3 bed semi-detached dwellings with car parking. | 71 - 84 |
| 8. | Application 15/00474/A - Greenoaks, Mercedes-Benz of Ascot, London Road, Bracknell | Display of 3no. illuminated fascia signs, 1no. illuminated wall-mounted sign, 2no. illuminated free-standing signs, 3no. non-illuminated free-standing signs, and 3no. flag pole signs. | 85 - 92 |
| 9. | Application 15/00484/FUL - 23 Brookers Corner, Crowthorne, RG45 7DU | Erection of a single storey side extension, two storey rear extension and a rear dormer following demolition of existing two storey rear extension. | 93 - 100 |
| 10. | PS Application 15/00518/FUL - Fishing Lakes, Yateley Road, Sandhurst | Erection of 8 no. fishing yurts and timber platforms with ancillary facilities blocks, reception block and improvements to existing access road and car park. | 101 - 112 |
| 11. | Application 15/00608/3 - Hoffman Close Warfield | Conversion of existing grass verge into a lay-by providing 3no. parking spaces. | 113 - 120 |
| 12. | Application 15/00663/PAS - Garth Hill College, Bull Lane, Bracknell, RG42 2AD | Application for prior approval for the installation of 2 no. photovoltaics (PV) solar arrays on sports block roofs, one consisting of 136 no. frame mounted panes and other consisting of 56 no. frame mounted panels. | 121 - 126 |

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PLANNING COMMITTEE
16 JULY 2015
7.30 - 11.18 PM



Present:

Councillors Dudley (Chairman), Brossard (Vice-Chairman), Angell, Mrs Angell, D Birch, Finnie, Mrs Hayes MBE, Heydon, Hill, Mrs Ingham, Mrs Mattick, Mrs McKenzie, Mrs McKenzie-Boyle, Peacey, Phillips, Skinner, Thompson and Worrall

Also Present:

Councillors Ms Gaw and Turrell

23. Minutes

RESOLVED that the minutes of the meeting of the Committee held on 18 June 2015 be approved as a correct record and signed by the Chairman.

24. Declarations of Interest

Councillor Mrs Angell declared a disclosable pecuniary interest in Agenda item no. 7 [Application No 15/00216/FUL – Oakwood, Waterloo Road, Wokingham, RG40 3DA] as a contributor to the proposed development from her initiative funding.

Councillor Angell declared an affected interest in Agenda item no. 7 [Application No 15/00216/FUL – Oakwood, Waterloo Road, Wokingham, RG40 3DA] by virtue of the interest of his spouse.

Councillor Heydon declared a disclosable pecuniary interest in Agenda item no. 7 [Application No 15/00216/FUL – Oakwood, Waterloo Road, Wokingham, RG40 3DA] as a contributor to the proposed development from his initiative funding.

Councillor Mrs Mattick declared a non-pecuniary interest in Agenda item no. 9 [Application no. 15/00248/FUL – 9 Vickers Row, Bracknell, RG12 9PQ] which did not disable her from taking part in consideration of the item but precluded her from voting.

Councillor Mrs Hayes declared an interest in Agenda item no. 12 [Application No 15/00416/T – Locks Ride Playing Fields, Forest Road, Winkfield Row, Bracknell] as a member of Winkfield Parish Council.

Councillor Mrs Phillips declared an interest in Agenda item no. 12 [Application No 15/00416/T – Locks Ride Playing Fields, Forest Road, Winkfield Row, Bracknell] as a member of Winkfield Parish Council.

Councillor Ms Gaw declared an interest in Agenda item no. 12 [Application No 15/00416/T – Locks Ride Playing Fields, Forest Road, Winkfield Row, Bracknell] as a member of Winkfield Parish Council.

Councillor Skinner declared an Affected Interest in Agenda Item no. 13 [Application 15/00436/3 – Street Record, Pendlebury, Bracknell] since he lived in close proximity to the site of this application.

25. Urgent Items of Business

There were no items of urgent business.

26. **PS Application No 14/01333/OUT - Land To The West Of Locks Ride, Locks Ride, Ascot**

Outline application for a residential development of up to 88 dwellings with vehicular access from Locks Ride, open space and associated works.

(All matters reserved apart from access)

A site visit had been held on Saturday 11 July which had been attended by Councillors Angell, Birch, Brossard, Dudley, Finnie, Hill, Mrs Ingham, Mrs Mattick, Mrs McKenzie, Mrs McKenzie-Boyle, Ms Peacey, Mrs Phillips, Thompson and Turrell.

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- The observations of Winkfield Parish Council which had strongly objected to the application for the following reasons:
 1. This site is not in BFC's approved and adopted SADPD and therefore should be given no further consideration. It is incredulous that developers are given the opportunity to challenge a Government Planning Inspector's decision.
 2. The local infrastructure, doctors, schools, highways, public transport will NOT support an additional 88 dwellings.
 3. The development is totally out of character with the area.
 4. Local utility infrastructure (water, drainage, sewage) is already stretched and under great strain - adding 88 more homes will cause it to fail.
- A petition containing 222 signatories opposing use of the land for housing development.
- The comments of the Society for the protection of Ascot and Environs objecting to the proposal.
- 123 individual objections to the proposal on a substantial number of reasons, grouped around the following main headings:
 - principle of development and impact on character of the area
 - transport
 - services and infrastructure
 - impact on living conditions of local residents
 - trees and wildlife
- Thames Valley Chamber of Commerce Group and 2no. individuals had submitted representations in support of the application.
- A revised Flood Risk Assessment/Drainage Strategy had been received and that in the light of this, and the advice of the Council's Senior Engineer (SuDS and Highway Adoption), a reason for refusal relating to sustainable drainage was withdrawn.

The criteria for public speaking had been met in respect of this application and the Committee was addressed by the registered speaker Mrs Ruth Lyes, who represented her objections to the proposed development.

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

01. The proposed development would be poorly located with regard to services and facilities with inadequate accessibility to non-car borne modes of transport which would leave future residents with no real choice about how they travel. Furthermore it would detract from the character and appearance of the countryside. The proposal is therefore not sustainable development and the application is contrary to Core Strategy Development

Plan Document Policies CS1, CS7 and CS23, Bracknell Forest Borough Local Plan Policy EN20, the Character Areas Assessment Supplementary Planning Document and the NPPF.

02. It has not been demonstrated that the impact of the proposed development on the local road network can be fully mitigated. As it could adversely affect road safety and the flow of traffic the proposal is therefore contrary to Policy CS23 of the Core Strategy Development Plan Document.
03. The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impacts in this respect. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (2012).
04. 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 H8 of the Bracknell Forest Borough Local Plan, Policies CS16 and CS17 of the Core Strategy Development Plan Document, the Planning Obligations SPD and the resolution on affordable housing made by BFC Executive on 29 March 2011.

27. Application No 15/00203/FUL - 41 Ludlow, Bracknell, RG12 7BZ

Proposed single storey ground floor extension, conversion of garage into habitable accommodation.

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- An objection from Bracknell Town Council on the grounds that the loss of parking will have a negative effect on the area.

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:
121/AS/12 F 'Proposed Ground Floor Plan'
121/AS/13 B 'Proposed First Floor Plan'
121/AS/14 C 'Proposed Elevations'
03. The materials to be used in the construction of the external surfaces of the garage conversion and extension hereby permitted shall be similar in appearance to those of the existing building.

28. Application No 15/00216/FUL - Oakwood, Waterloo Road, Wokingham, RG40 3DA

Erection of a detached building to be used as an Indoor Climbing Centre, the creation of an access for cycles and pedestrians directly opposite the end of the cycle path on Waterloo Road and the creation of 50no. parking spaces within the north-east corner of the site.

A site visit had been held on Saturday 11 July which had been attended by Councillors Angell, Birch, Brossard, Dudley, Finnie, Hill, Mrs Ingham, Mrs Mattick, Mrs McKenzie, Mrs McKenzie-Boyle, Ms Peacey, Mrs Phillips, Thompson and Turrell.

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- The comments of Bracknell Town Council who would like to be assured that the building will be in keeping with the area and its use restricted to that of an indoor climbing centre. No further lighting should be added to the site to ensure the amenity of the area is not compromised.
- Letters of support from the MP for Bracknell and four local schools.
- Two letters of objection expressing the following concerns:
 - The proposal represents an overdevelopment of the site that is out of keeping with the character and appearance of the area when viewed from outside the site.
 - Inappropriate development on green belt land.
 - The proposal is a commercial activity and should not be given any special consideration.

Following discussion, a motion to refuse the application as recommended in the officer report was put to the vote. As there was an equal number of votes for and against, the motion was defeated on the casting vote of the Chairman.

An alternative motion, as set out on a sheet tabled at the meeting, proposing conditional permission, was moved and seconded. Arising from discussion, amendments were accepted to the effect that the standard drainage condition be added together with a further condition detailing the operational hours as set out in the information submitted by the applicant be added. The alternative motion was put to the vote and was carried.

The Committee took the view that given the existing use of the site as a Youth Activity Centre, the proposed development comprised a complementary use that would not adversely affect the residential amenity of the area or the function or character of the countryside. Provision within the proposals for cycle route and pedestrian access, the proposed use by schools and youth groups where travel by minibus or car-sharing would be utilised, together with the additional parking proposed sought to address the question of sustainable development. Further details of adequate drainage arrangements for the development would be covered by imposition of a suitable condition. In the Committee's view these were material considerations which outweighed the proposal's conflict with the Development Plan

RESOLVED that planning application 15/00216/FUL 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 plans:

Revised Site Location Plan received 27.03.15
Elevations and Floor Plans received 06.03.15
Proposed Layout Plan received 06.05.15
GPM Ecology's report dated July 2015

03. The building hereby permitted shall only be used for an indoor climbing centre with ancillary facilities and for no other uses within the Use Class D2.
04. No superstructure works shall be carried out until samples of all external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details and retained as such thereafter.
05. The building hereby approved shall not be constructed until the existing climbing tower, high wire and supporting posts have been demolished. The existing climbing tower, high wire and supporting posts shall not be reinstated elsewhere on site.
06. The development hereby permitted shall not be begun until details showing the finished floor levels of the building hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
07. Notwithstanding the parking shown on the approved plans, the indoor climbing centre use shall not commence until the associated car and coach parking and turning space for both the existing Oakwood Youth Activity Centre and proposed independent climbing centre has been surfaced, drained and marked out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The spaces shall not thereafter be used for any purpose other than parking and turning.
08. The indoor climbing centre use shall not commence until the pedestrian/cycle access has been surfaced, drained and marked out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The pedestrian/cycle access shall be retained thereafter.
09. The indoor climbing centre use shall not commence until a scheme for on site directional signage has been submitted to and approved in writing by the Local Planning Authority. The agreed signage shall be displayed prior to the first use of the indoor climbing centre and thereafter displayed at all times.
10. The building hereby approved shall not be operated as a climbing centre until a car park management plan, setting out how traffic on the site would be controlled and managed, has been submitted to and approved in writing by the Local Planning Authority. The Climbing Centre shall thereafter be operated in accordance with the approved management plan.
11. 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 at least 20%).

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

12. 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.
13. All ecological measures and/or works shall be carried out in accordance with the details contained in GPM Ecology's report dated July 2015 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
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. The development hereby permitted shall not be begun until a detailed site specific construction method statement for all hard surfaced areas of any description within the minimum root protection areas of retained trees calculated in accordance with British Standard 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', or any subsequent revision, has been submitted to and approved in writing by the Local Planning Authority. Details shall be based on a porous 'No-Dig' principle of construction, avoiding where possible any excavation of existing levels in all areas concerned, and shall include: -
 - a) An approved development layout plan identifying all areas where special construction measures are to be undertaken.
 - b) Materials including porous surface finish.
 - c) Construction profile/s showing existing /proposed finished levels together with any grading of levels proposed adjacent to the footprint in each respective structure.
 - d) Program and method of implementation.

The Construction Method Statement shall be observed, performed and complied with.

16. 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 operativesand each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (d) above without the prior written permission of the Local Planning Authority.
17. The building hereby approved shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The building shall thereafter be operated in accordance with the approved Travel Plan.
18. The Climbing Centre hereby approved shall operate in accordance with the following hours of operation:
 - (i) School term time Monday to Friday 10:00 to 17:00 arranged appointment children only and 17:00 to 21:00 open to the public Monday, Wednesday, Thursday and Fridays only with Tuesdays being used by the Oakwood Youth Club.
 - (ii) Outside of school term time (school holidays) Monday to Friday 10:00 to 21:00 open to the public.
 - (iii) Saturdays 10:00 to 13:00 arranged appointment children only and 13:00 to 18:00 open to the public.
 - (iv) Sundays 10:00 to 18:00 open to the public.The Climbing centre shall not operate outside of the hours stated above unless otherwise agreed in writing by the Local Planning Authority.
19. 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.

Councillors Angell, Mrs Angell and Heydon, having declared an interest in this item withdrew from the meeting and took no part in the consideration of it.

29. **Application No 15/00248/FUL - Land Adjacent To 23 Darwall Drive, Ascot, SL5 8NB**

Erection of a detached bungalow on land adjacent to 23 Darwall Drive with parking to the rear following demolition of existing garage

A site visit had been held on Saturday 11 July which had been attended by Councillors Angell, Birch, Brossard, Dudley, Finnie, Hill, Mrs Ingham, Mrs Mattick, Mrs McKenzie, Mrs McKenzie-Boyle, Ms Peacey, Mrs Phillips, Thompson and Turrell.

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- Winkfield Parish Town Council had recommended refusal due to concerns that the proposal would be an overdevelopment of the site, and were concerned that insufficient parking would be provided. The proposal would set a precedent for this type of application in this area.
- Six letters of objection had been received from neighbouring residents. The reasons for objection were summarised as follows:
 - The erection of a dwelling in this location would result in an adverse impact on the character and appearance of the area, and would be an overdevelopment of the site.
 - The dwelling would appear out of keeping with the streetscene and would be a cramped form of development.
 - Detrimental impact on neighbouring properties through loss of privacy.
 - Highway safety concerns due to additional cars and poor access.

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

01. Thames Basin Heath Special Protection Area

That the Head of Planning 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 received by the Local Planning Authority on 10th April and 3rd June 2015:
P14/50/S/101/A
P14/50/S/110
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 at No.23 Darwall Drive.

04. No construction works shall take place until details showing the finished floor levels of the dwelling 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. No development 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.
06. No development shall be occupied until the visibility splays shown to the north east of the access on the approved drawings have been provided. Those areas shall at all times thereafter be kept free of all obstructions to visibility over a height of 0.6 meters measured from the surface of the adjacent carriageway.
07. No development shall be occupied until a plan showing the visibility splay to the south west of the access has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 meters measured from the surface of the adjacent carriageway.
08. The dwelling hereby approved shall not be occupied until the associated vehicle parking for both the existing dwelling and proposed dwelling has been set out in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.
09. The development hereby permitted shall not be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for covered and secure cycle parking facilities. The development shall be carried out in accordance with the approved plans.
10. 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 operativesand each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (e) above without the prior written permission of the Local Planning Authority.
11. No part of the dwelling shall be occupied until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day, has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the Sustainability Statement, as approved, and retained as such thereafter.
12. No construction works shall take place until an Energy Demand Assessment demonstrating that at least 10% of the development's energy

requirements will be provided from on-site renewable energy production, has been submitted to and approved in writing by the Local Planning Authority. The dwelling as constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith.

In the event of the S106 planning obligation(s) not being completed by 30 September 2015 the Head of Planning 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).

30. **Application No 15/00281/FUL - 9 Vickers Row, Bracknell, RG12 9PQ**

Erection of a single storey rear extension and conversion of garage into habitable accommodation

The Committee noted:

- Bracknell Town Council had recommended that the application be refused as there is a condition on application 03/00567/OUT for the dwelling, which states that all garage accommodation should be retained for the use of parking at all times.
- 2 letters of objection had been received which can be summarised as follows:
 - Size of the extension is not in keeping with the size of the plot.
 - Loss of light to their back garden.
 - Increased traffic and congestion in this part of Vickers Row during the construction period. Increased congestion during construction is not a material consideration.

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:
 - BFC/VR-01 'Block Plan', received on 25 March 2015
 - BFC/VR-02R 'Proposed Ground Floor Plan', received on 02 May 2015
 - BRF/VR-03R 'Proposed Elevations', received on 02 May 2015
03. Prior to the occupation of the garage conversion hereby approved a roller shutter door shall be inserted to the front of the cycle/storage area. Any replacement or repair shall only be with a roller shutter type garage door

04. The development hereby approved shall not be occupied until details of the associated vehicle parking has been provided 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.

Councillor Mrs Mattick took part in consideration of this item but did not vote thereon.

**31. PS Application No 15/00312/FUL - Ramslade House, Austin Way, Bracknell
Erection of 12no. three bedroom houses with associated parking (including 7no. visitor spaces to the south of nos. 11 and 12 Typhoon Close and 1no to south of 10 Tempest Mews), provision of a vehicle turning head on Tempest Mews, landscaping and laying out of commemorative garden, following demolition of Ramslade House.**

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- Warfield Parish Council did not support the loss of historic buildings which were being rapidly eroded from Bracknell's history. Bracknell Town Council had recommended refusal, pointing out that potential buyers of property on the Parks Estate had been told that Ramslade House would be preserved as a community facility.
- Objections from 25 individuals raising the following concerns:
 - Loss of Ramslade House
 - there are few old or historic buildings remaining in Bracknell
 - Ramslade House is a beautiful old building, with original architecture and features and links to the RAF - the applicant has neglected it: money should have been spent on it instead of public art.
 - it should be put to a community or education use
 - Ramslade House is a focus for views on the site - only old building in a sea of new
 - Highways and parking
 - the planned parking bays are on land already used by residents and visitors
 - their use will lead to increased parking on the narrow roads/on bends/on footways which is a safety concern and already an issue
 - insufficient parking spaces for residents of new properties
 - existing garages in Tempest Mews and Typhoon Close are too small
 - loss of proposed disabled spaces
 - there are better and fairer parking solutions
 - the 7 parking spaces adjacent to no 11/12 Typhoon Close will be used by people visiting the park rather than residents and their visitors
 - Tempest Mews is a private road which residents maintain - if residents withdraw consent for access to this road all traffic and parking will focus on Typhoon Close
 - children play in Tempest Mews in summer months - their safety will be affected
 - no need for the proposed bin store in Tempest Mews - it will increase traffic on a private road: who will pay for damage to the road?
 - Tempest Mews cannot accommodate 2 passing vehicles without crossing the frontage owned by residents
 - Increased traffic in the estate and local roads to detriment of road safety
 - Residential amenity/impact on character
 - 12 properties is excessive - they should have integral garages and driveways as per Tempest Mews

- concerns about health and safety due to proximity of properties, highway and pedestrians
- loss of sunlight from tall houses
- density and overdevelopment - adverse effect on character of neighbourhood and residential amenity of neighbours
- total footprint substantially greater than current and out of character - will block off views of green space
- disturbance from more cars - more noise, dust and fumes
- proposal would represent overdevelopment
- loss of green space to area

Nearby play area and community centre

- increased traffic and parking will adversely affect safety of children using nearby playground
- the Community Centre is being built nearby, this will also increase the traffic loads and parking in the area
- The number of houses will now exceed the original promised number of 730
- extra housing already being built next to the railway.
- The new community centre has reduced the amount of green space from that originally agreed. Converting Ramslade House site to green space/wooded area/allotments would offset some of this

Other points

- The commemorative garden takes away even more open park space
- impact of the proposal on the biodiversity, including bats, on the site
- no real difference from scheme dismissed at appeal.

The criteria for public speaking had been met in respect of this application and the Committee was addressed by the registered speaker Paul Regan, Chair of the Parks Association, who represented the objectors to the proposed development, and Henny Handley of Boyer Planning, agents for the applicant.

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

01.
 - provision of an artwork in the commemorative garden
 - a financial contribution to cover that long-term maintenance of the commemorative garden (to reflect the higher level of horticultural maintenance required compared with the informal open space it will replace)
 - the applicant entering into an appropriate S38/S278 agreement to provide adopted routes to serve the development
 - the main measures to avoid and mitigate the impact of residential development upon the Thames Basins Heath Special Protection Area (SPA)
 - The provision of affordable housing

That the Head of Planning 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:-
 - AA3120/2.1/001H: Site Layout
 - AA3120/2.1/002B: Roof Plan
 - AA3120/2.1/003: Elevations & Views

AA3120/2.1/004: Site Location Plan
AA3120/2.1/008A: House Type 3BA & 3BAv1
AA3120/2.1/009A: House Type 3BB & 3BBv1
AA3120/2.1/011: Street Elevations
AA3120/2.1/012: Street Elevations
CSA/2262/100E: External Works Plan
CSA/2262/101E: Planting Plan
CSA/2262/102A: Detailed Landscape Plan
Surface Water Drainage Strategy ref: ST290572/DB/DW/221

03. The development hereby permitted shall not be begun 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.
04. None of the dwellings hereby permitted shall be occupied until the turning head on Tempest Mews has (a) been constructed in accordance with the approved plans and (b) is available for use. It shall thereafter be retained and kept available for turning.
05. None of the dwellings hereby permitted shall be occupied until a means of access to it for pedestrians and/or cyclists has been constructed in accordance with the approved plans.
06. None of the dwellings hereby permitted shall be occupied until the associated vehicle parking spaces serving the development, including visitor parking, have been provided in accordance with the approved drawings. The spaces shall thereafter be kept available for parking at all times.
07. There shall be no restrictions on the use of the car parking spaces shown on the approved plan as visitor parking for visitors to the dwellings hereby permitted.
08. The dwellings hereby permitted shall not be occupied until cycle parking facilities have been provided in accordance with the approved plans. The cycle parking spaces and facilities shall thereafter be retained.
09. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for external site lighting serving the parking areas, including lighting units and levels of illumination. The approved scheme shall be implemented before the first use of that area and the lighting retained in accordance therewith.
10. 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, unless the Local Planning Authority gives written consent to any variation.

11. No dwelling shall be occupied until all works that form part of the approved surface water drainage strategy have been carried out.
12. The development shall not be begun until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day, has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the Sustainability Statement, as approved, and retained as such thereafter.
13. The development hereby permitted shall be implemented in accordance with the Energy Statement prepared by FES (dated September 2013) and thereafter the buildings constructed by the carrying out of the development shall be operated in accordance with the submitted Energy Statement.
14. 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 siteThe development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the Local Planning Authority.
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, to accommodate:
 - (a) Parking of vehicles of site personnel, operatives and visitors
 - (b) Loading and unloading of plant and vehicles
 - (c) Storage of plant and materials used in constructing the development
 - (d) Wheel cleaning facilities
 - (e) Temporary portacabins and welfare for site operativesand each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (e) above without the prior written permission of the Local Planning Authority.

16. The areas shown for soft landscaping purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose without the prior written permission of the Local Planning Authority.
17. The development hereby permitted (including site clearance and demolition) shall not be begun until:-
 - (i) all the buildings/structures on the site and any trees to be felled have been further surveyed for the presence of bats, and
 - (ii) the further survey has been submitted to and approved by the Local Planning Authority, and
 - (iii) either the Local Planning Authority have agreed that no relocation of bats is necessary or the relocation of any bats has been achieved in accordance with mitigation and monitoring proposals previously submitted in writing to and approved by the Local Planning Authority.
18. The development hereby permitted shall not be begun until a scheme for on-site provisions to encourage wildlife has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the provision of bird boxes and planting of value to wildlife and a timetable for implementation. The approved scheme shall be observed, performed and complied with.
19. The development (including site clearance and demolition) shall be undertaken in full accordance with the WSP Bat Mitigation report dated 13.07.2015 which includes:-
 - o measures to avoid harm to bats
 - o features provided to mitigate the loss of habitat (e.g. bat boxes)
 - o habitat enhancements
 - o on-going management of new features/habitat
 An ecological site inspection report shall be submitted to the Local Planning Authority for approval within three months of the first occupation of any dwelling hereby approved.

In the event of the S106 planning obligation(s) not being completed by 28 August 2015 the Head of Planning 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).
02. The occupants of the proposed development would unacceptably increase pressure on the transportation network and upon local open spaces. In the absence of provision being made, in terms that are satisfactory to the Local Planning Authority to secure suitable adopted routes to serve the development and the long-term maintenance of the commemorative garden, the proposal is contrary to Policies R4 and M4 of the Bracknell Forest

32. **Application No 15/00331/FUL - White Cottage, Devils Highway, Crowthorne, RG45 6SR**

Erection of a new 4 bedroom dwelling house following the demolition of the existing bungalow (part retrospective as bungalow has already been demolished)

A site visit had been held on Saturday 11 July which had been attended by Councillors Angell, Brossard, Dudley, Finnie, Hill, Mrs Ingham, Mrs Mattick, Mrs McKenzie, Mrs McKenzie-Boyle, Ms Peacey, Mrs Phillips, Thompson and Turrell.

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- Crowthorne Parish Council had recommended approval of the application.
- 2 letters of objection had been received raising the following:
 - New dwelling imposing and eyesore
 - Out of character with surrounding area and other properties
 - New build has destroyed views of woodland from garden of 3 Brookers Corner
 - Overlooking
 - Overbearing due to size compared to that of former bungalow
 - Noise due to construction work including early mornings and weekends
 - Is an investment and property will be sold on after built
 - Build not approved by LPA but has not delayed construction
 - Works are retrospective
 - The applicant has undertaken retrospective works on a property in Wokingham without first obtaining planning permission.
 - White Cottage appears on historic maps in around 1870 and was second oldest property in Crowthorne. The former property was poorly modernised over recent decades with extensions. Just because of the age of a dwelling, they are not all of substandard construction.
 - Replacement dwelling is double the height of original bungalow, is the equivalent of a two storey dwelling at the apex
 - White Cottage once had land that extended to Brookers Corner but half of it was sold for construction of a pair of semi-detached properties on Brookers Corner which turned the front garden into a small back garden with the access moved to make the front garden of the site today. The site whilst in a good size plot the area of land which can be built on is restricted by the settlement boundary and SPA.
 - Whilst attempts have been made to make the dwelling less imposing, the following are concerns:
 - Velux windows result in overlooking
 - Side facing window looks into garden
 - Dwelling maybe partially well screened but due to shrubs/trees on neighbours land and are deciduous
 - Could do planting or erect fence to screen the dwelling
 - Single storey element is tall and imposing
 - Replacement dwelling will have permitted development rights intact
 - Storm drainage ditch runs along settlement boundary and ensures run off from forest does not flood gardens of Brookers Corner, Upper Broadmoor

Road and White Cottage itself. Any blockage of the storm drain will cause flooding to surrounding properties

- Object to proposal due to excessive roof height and resultant bulk, detrimental to visual amenities of surrounding area
- Proposal should be considered as additional housing not permissible under SPA legislation.
- Dwelling is incoherent. Dwelling design is more befitting of Edgumbe Park.
- No valid documentation in relation to tree protection. Has been no ground or tree protection barriers in place.
- Privacy impacted both in size and outlook

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

01. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 22 April 2015 and 1 June 2015:

proposed layout block plan
proposed layout block plan showing tree protection measures
drawing no. NB/002
drawing no. NB/004
Document entitled Tree Protection Barrier Specification
Document entitled Ground Protection Specification
02. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those outlined in the planning application form received 22 April 2015 and emails received 13 May 2015 and 9 June 2015 - use of smooth white render and Natural Spanish slate roof tiles
03. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 side elevations of the building hereby permitted except for any which may be shown on the approved drawings.
04. The first floor side facing window in the eastern 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 4no. skylight in the roof slope facing south of the proposed development shall at all times be no less than 1.7 metres above internal floor level.
06. No part of the dwelling shall be occupied 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) prior to the occupation of any part of the approved development. 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. The areas shown for landscaping shall thereafter be retained.

07. No part of the dwelling shall be occupied until a scheme of walls, fences and any other means of enclosure has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of any of the buildings approved in this permission.
08. No part of the dwelling shall be occupied until the associated vehicle parking space has been surfaced 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.
09. No part of the dwelling shall be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for covered and secure cycle parking facilities. The dwelling shall not be occupied until the approved scheme has been implemented. The facilities shall thereafter be retained.
10. The protective fencing and other protection measures as shown on drawing entitled proposed layout received 1 June 2015, document entitled Tree Protection Barrier Specification received 1 June 2015 and Ground Protection Specification received 15 May 2015 shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site. No activity of any description must occur at any time within these areas including but not restricted to the following: -
 - a) No mixing of cement or any other materials.
 - b) Storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description.
 - c) Siting of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, porta-loos, storage compounds or hard standing areas of any other description.
 - d) Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ ground conditions of any other description.
 - e) Installation/siting of any underground services, temporary or otherwise including; drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting.
 - f) Parking/use of tracked or wheeled machinery or vehicles of any description.

In addition to the protection measures specified above,

a) No fires shall be lit within 20 metres of the trunks of any trees or the centre line of any hedgerow shown to be retained.

b) No signs, cables, fixtures or fittings of any other description shall be attached to any part of any retained tree.

11. No part of the dwelling shall be occupied until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day, has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the Sustainability Statement, as approved, and retained as such thereafter.

12. No part of the dwelling shall be occupied 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 thereafter be performed, observed and complied with.

33. **Application No 15/00416/T - Locks Ride Playing Fields, Forest Road, Winkfield Row, Bracknell**

Temporary siting of a mobile catering unit

The Committee noted:

- Winkfield Parish Council had made the application and therefore they had not commented on it.
- 2 letters of objection had been received raising the following:
 - Impact on character of area
 - Cause traffic congestion and parking issues
 - Object to any cooking which would generate smells (eg. onions/burgers/hot dogs) especially as the proposal is for 7 days a week from 9am to 6pm
 - Increase in rubbish may lead to increase in rats, etc
 - There are barbecues already on site
 - Increase in noise
 - No need for a monstrosity

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

01. The catering unit should trade from site from the time of granting planning permission until 30 September 2015 and thereafter be removed from site and be brought back onto site and commence trading again from 1 May 2016 until 30 September 2016 from where it shall be removed and the land restored to its former condition on or before 30 September 2016.
02. The development hereby permitted shall be carried out only in accordance with the approved plans/photographs received by the Local Planning Authority on 15 May 2015.
03. Notwithstanding the details submitted, the catering unit shall not be brought onto the site until details of the catering unit including its measurements and siting have been submitted to and approved in writing by the Local Planning Authority. The catering unit shall be sited on the land in accordance with the approved details.

Councillors Mrs Hayes and Mrs Phillips, having declared an interest in this item withdrew from the meeting and took no part in the consideration of it. Councillor Ms Gaw had left the meeting prior to consideration of this item.

34. **Application No 15/00436/3 - Street Record, Pendlebury, Bracknell**
Convert grass amenity area into 3 parking spaces

The Committee noted:

- Bracknell Town Council had raised no objection to the proposed development.
- No neighbour objections had been received.

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

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 15th May 2015:
4817 80 - Pendlebury
03. The development shall not be begun until a scheme depicting hard and soft landscaping, including the provision of knee-rail fencing and the proposed maximum heights of planting, 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.

35. **Application No 15/00455/NMA - 2 Grove Farm Cottages, Lower Sandhurst Road, Sandhurst, GU47 8JG**

Non-material amendment to planning permission 14/00917/FUL for larger roof lanterns and additional first floor window to rear.

The Committee noted:

- The occupiers of the adjoining property have objected on the following grounds:
 - Works have not been undertaken in accordance with the approved planning permission
 - Materials are inappropriate and out of keeping with the character of the cottages
 - Size and scale of roof lanterns has detrimental impact on area
 - Impact to privacy - clear line of sight from the bedroom window of no. 1 Grove Farm Cottage into both the orangery and kitchen areas of No.2 and vice versa through overlooking.
 - Appear that the intent was always to build the apertures at this size and scale given the continuation of the roof build despite the intervention of the Council.
 - The scale of the works are overbearing
 - First floor window would impact privacy of rear garden of no. 1.
 - The submitted drawings show different detail for the porch arrangement, than is currently approved but the revised planning application makes no mention of this. The roof overhang is greater in depth in the now 'as-built status' than detailed on the drawings and as such increases the bulk nature of the new build as viewed from both the highway, and No.1 Grove Farm Cottage.
 - Works have not been monitored by the Council
 - Window at first floor level in the rear forming part of the NMA has now been installed.
 - Is in line of sight from kitchen to window of no. 1
 - As built revisions are unacceptable
 - Overbearing
 - Intrusive
 - Out of character with surrounding buildings and environment
 - Overlooking and loss of privacy
 - No other buildings in immediate area which have UPVC
 - Conditions imposed should be monitored
 - Installation of flue - should be removed
 - Conditions imposed trees should be protected and no bonfires lit

A motion was moved and seconded, to approve the non-material amendment, as recommended in the officer report. An amendment was moved and seconded that an additional condition be imposed to the effect that obscure glazing be installed on the eastern side of the roof lantern over the orangery. Having been put to the vote, the amendment was carried. The substantive motion was then put and carried.

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

01. Non-Material Amendment 15/00455/NMA relates only to the following approved plans received by the Local Planning Authority on 1 May 2015:

drawing no. PUL/15/02

02. Within 1 month of the date of this permission being granted, the eastern elevation of the roof lantern located closest to the rear elevation of the original dwelling shall be glazed with a minimum of Pilkington Level 3 obscure glass (or equivalent). It shall be retained as such thereafter.

36. **Application No 15/00542/RTD - Telecommunications Mast, Waterside House, Longshot Lane, Bracknell**

Removal of existing 14.7 metre high Phase 3 monopole mast and the installation of a 15 metre high Phase 5 monopole and Samoa cabinet.

The Committee noted:

- No objection from Binfield Parish Council.
- No neighbour objections had been received.

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

01. Drawing entitled site location received by Local Planning Authority on 10 June 2015
Drawing entitled site layout received by Local Planning Authority on 10 June 2015
Drawing entitled equipment layout received by Local Planning Authority on 10 June 2015
Drawing entitled site elevation received by Local Planning Authority on 10 June 2015
Drawing entitled antenna details received by Local Planning Authority on 10 June 2015
02. The existing 14.7m high mast shall immediately be removed following the installation of the replacement mast hereby permitted once it is operational.

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
20th August 2015**

**REPORTS ON PLANNING APPLICATIONS RECEIVED
(Head of Planning)**

		Case Officer	Reporting Officer
5	14/01295/FUL Wildwoods 24 Prince Consort Drive Ascot (Ascot Ward) Erection of a detached 2-storey dwelling with associated garages, following the demolition of the existing buildings. Recommendation: Approve.	Michael Ruddock	Basia Polnik
6	15/00209/FUL Land To Rear Of Murrell Cottage Murrell Hill Lane Binfield (Binfield With Warfield Ward) Erection of 5no. 5 bedroom dwellings with new access off Murrell Hill Lane with associated parking and new garage to Murrell Cottage. Recommendation: Approve Subject To The Completion Of Planning Obligation(s).	Simon Roskilly	Martin Bourne
7	15/00426/FUL Land Rear Of Royal Hunt House Fernbank Road Ascot (Ascot Ward) Erection of 2no 3 bed semi-detached dwellings with car parking. Recommendation: Approve Subject To The Completion Of Planning Obligation(s).	Sarah Fryer	Basia Polnik
8	15/00474/A Greenoaks Mercedes-Benz Of Ascot London Road Bracknell (Ascot Ward) Display of 3no. illuminated fascia signs, 1no. illuminated wall-mounted sign, 2no. illuminated free-standing signs, 3no. non-illuminated free- standing signs, and 3no. flag pole signs. Recommendation: Conditional Advertisement Consent	Matthew Miller	Basia Polnik

9	15/00484/FUL 23 Brookers Corner Crowthorne Berkshire (Crowthorne Ward) Erection of a single storey side extension, two storey rear extension and a rear dormer following demolition of existing two storey rear extension Recommendation: Approve.	Michael Ruddock	Basia Polnik
10	15/00518/FUL Fishing Lakes Yateley Road Sandhurst (Little Sandhurst And Wellington Ward) Erection of 8 no. fishing yurts and timber platforms with ancillary facilities blocks, reception block and improvements to existing access road and car park. Recommendation: Approve.	Sarah Fryer	Basia Polnik
11	15/00608/3 Hoffman Close Warfield Bracknell (Warfield Harvest Ride Ward) Conversion of existing grass verge into a lay-by providing 3no. parking spaces. Recommendation: Approve.	Matthew Miller	Basia Polnik
12	15/00663/PAS Garth Hill College Bull Lane Bracknell (Priestwood And Garth Ward) Application for prior approval for the installation of 2 no. photovoltaics (PV) solar arrays on sports block roofs, one consisting of 136 no. frame mounted panes and other consisting of 56 no. frame mounted panels. Recommendation:	Michael Ruddock	Basia Polnik

Background Papers

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

PLANNING COMMITTEE - POLICY REFERENCES

Key to abbreviations used in the following planning reports.

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

THE HUMAN RIGHTS ACT 1998

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

Those rights include:-

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

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

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

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

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

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

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

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Unrestricted Report

ITEM NO: 5

Application No.
14/01295/FUL
Site Address:

Ward:
Ascot

Date Registered:
15 December 2014

Target Decision Date:
9 February 2015

**Wildwoods 24 Prince Consort Drive Ascot Berkshire
SL5 8AW**

Proposal: **Erection of a detached 2-storey dwelling with associated garages,
following the demolition of the existing buildings.**

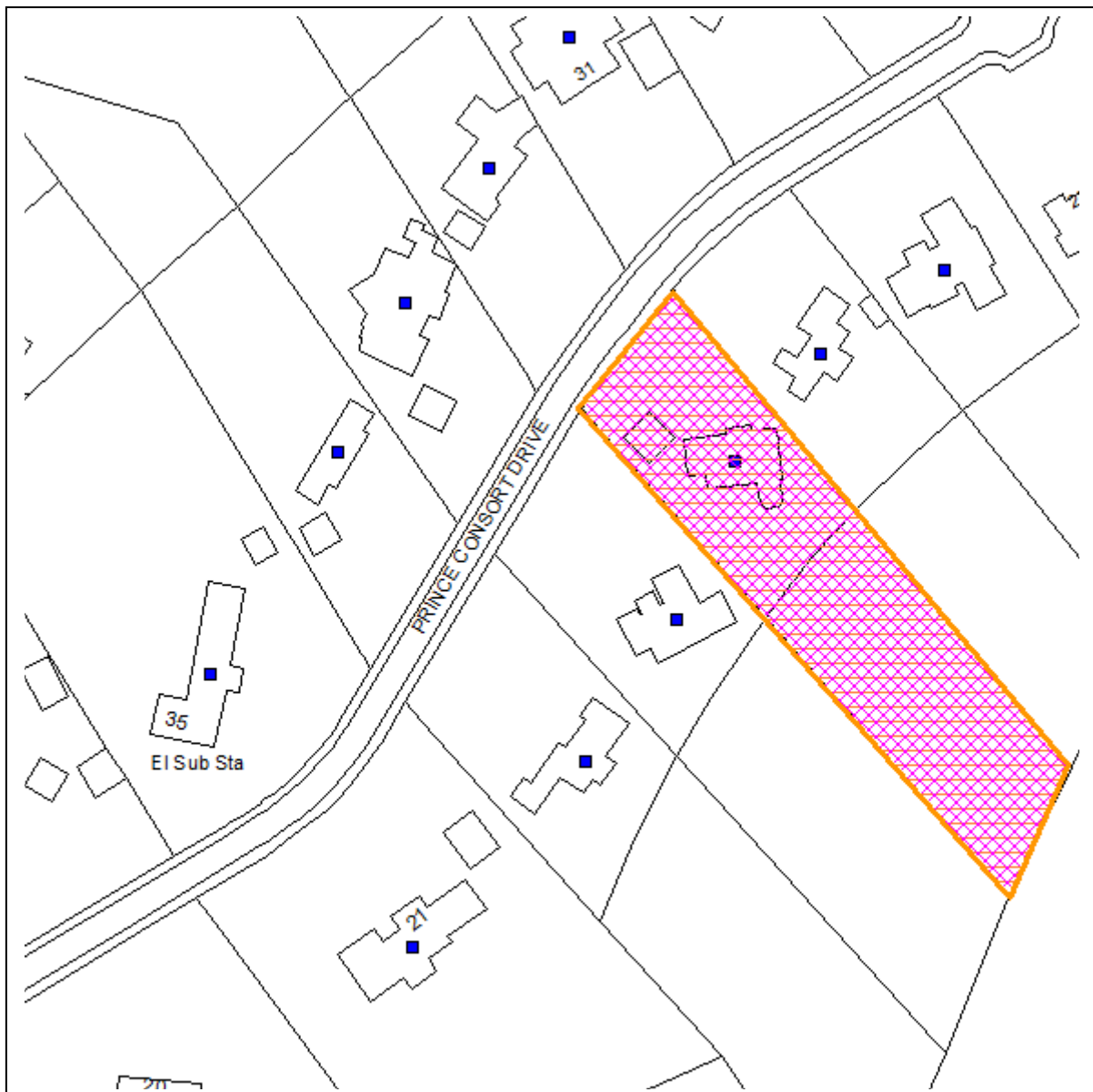
Applicant: Mr & Mrs J Hall

Agent: Mr Jason O'Donnell

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 Committee as more than three objections have been received.

2. SITE DESCRIPTION

No.24 Prince Consort Drive is a detached dwelling with a double garage to the front of the property and a private garden to the rear. The site is bordered by No.25 Prince Consort Drive to the north east and No.23 to the south west. The existing dwelling is set at an angle within the site so that the front elevation faces towards the boundary with No.25 rather than the highway at the front of the site, and the dwelling faces away from No.23. The trees at the front of the site are protected by Tree Preservation Orders (TPOs 111 and 1182) and the site is located within the Green Belt, in a Green Belt Village on the Bracknell Forest Borough Policies Map. The site is also within Area C of the Character Area Assessment SPD for East of Bracknell.

3. RELEVANT SITE HISTORY

Application 19788 - Two storey extension forming study, garage and bedroom. Convert existing garage to dining room and existing bedroom to bathroom - APPROVED 1973

Application 609639 - Two storey side extension forming new kitchen with new bathroom over and two storey rear extension forming enlarged lounge with 2 enlarged bedrooms over - APPROVED 1985

Application 619003 - Demolition of existing addition and erection of two storey side and rear extensions, first floor side extension, single storey conservatory to rear and detached garage - APPROVED 1993

Application 624340 - Erection of single storey front extension - APPROVED 1998

Application 01/00439/FUL - Erection of single storey side and rear extensions to form annexe for aged person and games room - APPROVED 2001

Application 04/00617/FUL - Erection of single storey rear extension forming conservatory following demolition of existing conservatory - APPROVED 2004

4. THE PROPOSAL

The proposed development is for the erection of a replacement detached dwelling following the demolition of the existing. The main dwelling would have a width of 15.57m with a depth of 12.37m and a height of 9.12m. A detached garage would be located forward of the dwelling with a width of 10.6m and a depth of 6.69m and a height of 6.4m.

The dwelling would be set 2.65m off the south west boundary of the site. To the north west, the garage and dwelling would both be set 1.68m off the boundary, although at this point the dwelling would be single storey with a flat roof and a height of 3.2m. The main body of the dwelling would be set 7.5m off this boundary.

At ground floor level the following would be provided:

- Entrance Hall
- Family Room
- Breakfast Area / Kitchen

- Dining Room
- Drawing Room
- Study
- Utility / Boot Room

At first floor level the following would be provided:

- Four bedrooms, all with dressing rooms and en suite
- Gallery Landing
- A balcony to the rear of the Master Bedroom

During the course of the application, various amendments have been made in response to concerns raised. Initially a new in-and-out driveway was proposed with a gravel finish. Due to concerns with regard to the impact on the trees at the front of the site, this element has been removed from the scheme and the driveway would remain as existing. Furthermore the garage has been separated from the dwelling, which has resulted in a reduction of the bulk of the garage roof.

5. REPRESENTATIONS RECEIVED

Winkfield Parish Council

Recommend refusal for the reasons that the development would be unacceptable in the Green Belt, it would not preserve the trees on the site and would result in a loss of amenity to the neighbouring properties.

[OFFICER COMMENT: This comment was in response to the plans originally submitted with the application, which have been amended as outlined above.]

Other Representations

Letters of objection have been received from five neighbouring residential properties, both in relation to the original and the amended plans. The reasons for objection can be summarised as follows:

- The size of the proposed dwelling would be unacceptable and would dwarf the neighbouring properties.
- The development would result in an unacceptable loss of light to No.25 Prince Consort Drive.
- The development would result in an unduly overbearing effect on the private amenity area at the rear of No.25 Prince Consort Drive due to its set back within the plot.
- The development would result in an unacceptable loss of privacy to the rear of No.25 Prince Consort Drive, through a side facing en suite window and a balcony. Concerns have also been raised with regard to the impact of the balcony on No.26.
- The dwelling would be set well back into the site relative to the footprint of the existing house, and would be further from the road than any other house in the neighbourhood, and inappropriate staggering of alignment that would be particularly prominent from No.25.
- The width of the plot does not comfortably accommodate the development.
- The amendments would not make any tangible difference to the impact of the development on No.25 Prince Consort Drive.

6. SUMMARY OF CONSULTATION RESPONSES

Tree Officer

In response to the original submission, concerns were raised regarding the eastern access and the new driveway that have since been removed. Further detail was required to demonstrate the full arboricultural impact of the development. The amended plans overcame the majority of the concerns of the Tree Officer, and the majority of the remaining issues can be covered by conditions - this assessment is made below.

Highways Officer

Recommend conditional approval.

Biodiversity Officer

Recommend 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 that a positive approach to considering development proposals which reflect 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 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. This is consistent with the NPPF and as such can be afforded full weight.

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.

No.24 Prince Consort Drive is located within the Green Belt, as defined on the adopted Policies Map, and therefore Policy CS9 of the CSDPD and 'Saved' Policy GB1 of the BFBLP are relevant. These policies seek to protect the Green Belt from inappropriate development. 'Saved' Policy GB1 lists certain types of buildings that might be acceptable depending on their scale, form, effect, character, siting and transport considerations. These include the replacement of existing dwellings.

The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraphs 87-89 advise that inappropriate development is

by definition harmful to the Green Belt. Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. The construction of new buildings is to be regarded as inappropriate in the Green Belt with certain exceptions. These include the replacement of a building provided that the new building is in the same use and not materially larger than the one it replaces. Consequently the policies referred to above are considered to be consistent with the NPPF in the context of this proposal.

'Saved' Policy GB3 of the BFBLP relates to residential development in Green Belt Villages, as defined on the Policies Map. As indicated earlier, this site is in a Green Belt Village. The policy states "Within the Green Belt Villages...there is a general presumption against proposals for the erection of dwellings and other residential development except where such proposals constitute...

... (iv) Replacement, alteration or limited extension to existing dwellings."

The concept of a Green Belt Village no longer exists in the NPPF and as such very little weight should be given to Policy GB3 in accordance with paragraph 215 of the NPPF.

The proposal involves a replacement dwelling and therefore potentially falls within criteria (iv) of 'Saved' BFBLP Policy GB1 and paragraph 89, bullet point 4 of the NPPF. However, there is a need to look at other factors including the scale of the proposed building to assess whether it would be materially larger than the building it replaces. It is not necessary to look at whether there are very special circumstances.

The new dwelling would have a ridge height of 9.12m, which would be 1.1m greater than the existing. The overall floor area of the proposed new dwelling would be 471.08 square metres which would be an increase of 121.97 square metres over the existing floor area of 349.11 square metres. Proportionately this would be an increase of 34.9% over and above the original dwelling. It is not considered that such an increase in height and gross floorspace is so significant that it would result in a dwelling that is 'materially larger' than the dwelling it replaces, for the purposes of considering the principle of the development.

In terms of impact on openness, the proposed dwelling would be greater in height and bulk than the existing, however it is not considered that the increases are so significant that there would be an adverse impact on the openness of the Green Belt as a result of the development. It would be set further back into the site than the existing building, and would have similar set offs to the side boundary. The new garage would replace an existing building, and as such no additional buildings would be constructed on the site.

The proposal is not considered to constitute inappropriate development in the Green Belt and does not conflict with the purposes of including land within the Green Belt and detract from its openness, contrary to CSDPD Policy CS9, BFBLP 'saved' Policy GB1 and the provisions of the NPPF.

9. IMPACT ON CHARACTER AND APPEARANCE OF AREA

CSDPD Policy CS9 and the first part of 'Saved' BFBLP Policy GB1 seeks to protect land outside settlements for its own sake, particularly from development which would adversely affect the character, appearance or function of the land. CSDPD Policy CS7 states that development will be permitted which builds upon the local character of the area, and enhances the local landscape where possible. 'Saved' BFBLP Policy EN20 (i) refers to development being in sympathy with the appearance and character of the local environment. The Character Area Assessment SPD (2010) provides further guidance on the implementation of CSDPD Policy CS7 and is a material consideration.

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

The new dwelling would have a height of 9.12m with a gross external floor area of 471.08 square metres. In terms of its size and bulk, such a dwelling would not appear out of keeping with other replacement dwellings that have previously been allowed on Prince Consort Drive. Close to the site, replacement dwellings have previously been allowed at No.9, No.10, No.22 No.3, No.36 and No.37 Prince Consort Drive. The dwelling at No.10 will provide 695.34 square metres of floor area with a ridge height of 8.9m and would be significantly greater in scale than that proposed at No.24. More recently the dwelling at No.37 was approved at the Planning Committee on 1st April 2015 and will provide 482.22 square metres of floor area with a height of 9.2m. It is therefore not considered that a dwelling with the bulk and mass of that proposed would appear out of keeping with the streetscene in this location.

The site is located within Area C of the Character Area Assessment SPD for East of Bracknell relating to Prince Consort Drive and Prince Albert Drive. This refers to the character of Prince Consort Drive being detached houses set in large plots, with a consistent architectural approach. It is considered that a dwelling of the size proposed fits comfortably in the plot with reasonable set-offs on both sides. The dwelling would be set off the south west boundary by 2.65m which is considered acceptable. Although this would be closer to the north east, the set off of 1.68m only applies to the garage and a single storey element, with the main body of the dwelling set 7.5m off the boundary which is acceptable. The proposed development is therefore not considered to be contrary to the SPD. The SPD also makes reference to the open character of Prince Consort Drive due to limited boundary treatments, and to ensure that the development continues to comply with this element of the SPD a condition will be imposed to restrict gates from being installed to the front boundary of the site.

With regard to its design, the dwelling would be in keeping with other dwellings that have been approved on Prince Consort Drive, for example No.22, No.30 and No.37. It would be set significantly further back into the site than the existing at 22.54m from the road, with the new garage set approximately as far forward as the existing dwelling. It is therefore not considered that it would appear overly prominent in the streetscene. Concerns have been raised that a dwelling set this far back into the site would be out of keeping with the streetscene as it would appear staggered when viewed with the neighbouring properties. Although it would be set further to the rear of No.25, it would remain set forward of No.23 and it is therefore not considered that the set back would have an adverse impact on the streetscene. Furthermore it would not be set as far back into the site as the nearby dwelling at No.22 Prince Consort Drive, and it is not considered that such a set back would be out of keeping with the character and appearance of the area.

The new garage would be set further back into the site than the existing, and it is considered that it would appear less prominent in the streetscene. The overall bulk of the garage has been reduced during the course of the application, and it is not considered that such an addition would appear out of keeping with the streetscene in this location.

It is therefore considered that the development would not result in an adverse impact on the character and appearance of the area in a Green Belt location. The proposed development therefore accords with CSDPD Policies CS7 and CS9, BFBLP 'Saved' Policies EN20 and GB1 and 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.

A number of concerns have been raised with regard to the impact of the development on the neighbouring property at No.25 Prince Consort Drive, which will be considered in turn. The dwelling would project to the rear of the neighbouring dwelling, and as such would be visible from the rear facing windows of that property. However, in accordance with the guidance contained within the British Research Establishment Document 'Site Layout Planning For Daylight and Sunlight: A Guide to Good Practice (2011)' a 45 degree line drawn on the horizontal plane from the midpoint of any of the rear facing windows at No.25 would not intersect the dwelling. There are two ground floor side facing windows at No.25 however neither is the primary source of light to a habitable room, therefore a loss of light to these windows would not warrant refusal of the application.

The garage and single storey elements would be close to the boundary with No.25. The garage would not project beyond the rear elevation of the neighbouring dwelling, and it is therefore not considered that it would result in an unduly overbearing effect on the private amenity area to the rear of the neighbouring property. Although the single storey element would project beyond the rear of the neighbouring property and would be set close to the boundary, it is not considered that such an element with a height of 3.2m and a flat roof would result in an unduly overbearing effect on the rear of the neighbouring property.

The main body of the dwelling would also be visible from the rear of No.25 Prince Consort Drive, however as would be set 7.5m off the boundary with the neighbouring property. It is acknowledged that it would have a greater impact than the existing dwelling due to the replacement being set further back into the site, however due to this set off it is not considered that the dwelling would appear so unduly overbearing when viewed from the rear of the neighbouring property that refusal of the application would be warranted.

Concerns have also been raised that the side facing en suite window and the balcony would result in an unacceptable loss of privacy on No.25 Prince Consort Drive, and the concerns regarding the balcony have also been raised by No.26. In terms of the window, it would be located 7.5m from the boundary with No.25, and as such would have the potential to overlook the rear of the neighbouring property, resulting in an unacceptable loss of privacy to that property. As such, a condition will be imposed requiring this window to be glazed with obscure glass and fixed shut to a level 1.7m above the floor level of the en suite. It is considered that such a condition would overcome this concern, and a further condition will restrict any additional first floor windows on this elevation.

With regard to the balcony, it would be set over 12m off the north eastern boundary of the property. Guidance contained within the BFC leaflet 'Extending Your Home: A Householders Guide' states that first floor windows should not overlook a boundary less than 10m away or a dwelling less than 22m away. It is considered that this guidance is also applicable to a balcony. As the balcony would be located over 12m from the boundary it would not be contrary to the guidance and would therefore not result in an unacceptable loss of privacy to

the neighbouring property that would warrant refusal of the application. Due to the location of the balcony within the site it would not be possible to view the rear facing windows of No.25 from this element, and in any case it would be located over 22m from the rear of the neighbouring property.

In respect of the neighbouring dwelling to the south west at No.23, the dwelling would not project beyond the rear elevation of the neighbouring property. As such it is not considered that the development would result in an unacceptable loss of light to or unduly overbearing effect on the rear of that property. It would project slightly beyond the front elevation of the neighbouring property, however it would not result in an unacceptable loss of light to the front facing windows of that property. There are no side facing windows that are the primary source of light to a habitable room that would be affected.

Two side facing en suite windows would face towards No.23 Prince Consort Drive, and the condition referred to above requiring side facing windows to be obscure glazed and fixed shut will also apply to these windows, as will the condition restricting any further side facing windows. The balcony would be closer to the boundary with No.23, approximately 5.6m, however as this would not be located beyond the rear elevation of the neighbouring property it would not result in an unacceptable loss of privacy to the rear of the neighbouring property.

It is therefore considered that the development would not result in a detrimental effect on the amenities of the residents of the neighbouring properties. The development would therefore accord with BFBLP 'Saved' Policy EN20 and the NPPF.

11. TRANSPORT IMPLICATIONS

'Saved' Policy M9 of the BFBLP ensures that development provides satisfactory parking provision. The Council's adopted Parking Standards SPD provides further guidance on the implementation of this policy and is a material consideration. The NPPF refers to local authorities setting their own parking standards for residential development and therefore the policy is considered to be consistent.

The proposed replacement dwelling would not give rise to any additional vehicle movements. The Highways Officer commented in respect of the original plans that the proposed in and out access was not necessary and had no highway safety benefit. The Highways Officer was also concerned that the construction of the new driveway would not comply with the highway standards. The new driveway has been removed from the scheme, and the driveway would now remain as existing.

Three on plot parking spaces are required to accord with the Parking Standards SPD. The proposed garage would provide at least two practical and usable parking spaces, and can also be used for cycle storage. The private driveway provides at least three parking spaces. A more than sufficient level of parking would therefore be provided.

It is therefore considered that the development would not result in an adverse impact on highway safety. The proposal therefore accords with BFBLP 'Saved' Policy M9 and the NPPF.

12. EFFECT ON TREES

'Saved' Policy EN1 of the BFBLP ensures that the Borough's significant trees are protected. Section 11 of the NPPF refers to conserving the natural environment, therefore this policy is consistent with the NPPF.

The original plans showed a driveway which would have been located adjacent to a Blue Spruce, protected by Tree Preservation Order 1182. The driveway would have encroached significantly into the trees root protection area, resulting in significant root damage which was not acceptable. This element was withdrawn from the scheme. The Tree Officer was also concerned regarding the works to the existing drive, however these have also now been withdrawn from the scheme with the driveway remaining as existing.

The Tree Officer has commented that the proximity of the proposed construction to the group of Birch trees in the rear garden to the adjacent property would be cramped and likely to be unsustainable. However the Tree Officer states that these are not of outstanding quality, and they are not protected by a TPO. It is therefore not considered that an adverse effect on these trees would warrant refusal of the application. Whilst it is acknowledged that these trees would provide a level of screening between the new dwelling and the neighbouring property, it is not considered that the relationship between the properties without these trees would be unacceptable and the application has been considered on this basis.

With regard to Tree Protection during construction, the Tree Officer has commented that the Tree/Vegetation Protection Plan needs to be amended to include additional details. These include separately phased protection measures which are required for the demolition and construction phases based on the current layout drawings, ground protection measures, all tree protection/construction exclusion zones to be clearly annotated and diagrams of the protective barriers and their respective locations. A detailed underground service layout is required to clarify any arboricultural impact, and a demolition method statement for the existing buildings within the root protection areas is required. Conditions will be imposed to ensure that these details are submitted prior to works taking place on site. Subject to compliance with these conditions it is considered that the development would accord with BFBLP 'Saved' Policy EN1 and the NPPF.

13. BIODIVERSITY CONSIDERATIONS

CSDPD Policy CS1 says development will be permitted which protects and enhances the quality of natural resources including biodiversity. This is consistent with the NPPF which states in para 109 that planning should contribute to "minimising impacts on biodiversity and providing net gains in biodiversity where possible." Paragraph 118 states that "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity".

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

The Ecological Report confirms the presence of bats using the existing building as a roost. Therefore the demolition of the building will need to be carried out under licence from Natural England. There are no other ecological constraints to the site

The report also provides information to address the three derogation tests under the Habitats Regulations 2010. Having due regard to the EC Habitats Directive 1992 and the Conservation (Natural Habitats &c.) Regulations 1994 (as amended) it is considered that this application passes the tests set out therein. The Council's ecologist is satisfied that subject to conditions the actions authorised will not be detrimental to the maintenance of the species concerned at a Favourable Conservation Status in their natural range. These conditions are outlined as follows:

- No site clearance should take place during the main bird nesting season, in the interests of nature conservation.

- The ecological measures should be carried out in accordance with the submitted Ecological Report.
- 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.
- No external lighting shall be installed on the site unless a lighting design strategy is submitted and approved.
- If more than two years elapse between the bat survey and commencement of works, an updated bat survey should be carried out and submitted.
- The demolition of the building shall not commence until a licence issued by Natural England authorising the development to go ahead is submitted to the Local Planning Authority, or a statement from the relevant licencing body is submitted to the effect that it does not consider that the specified activity would require a licence.
- No development shall take place until a method statement for the sensitive demolition to avoid the potential of harm to bats has been submitted and approved.

Subject to compliance with these conditions, the development would not result in an adverse impact on biodiversity. The proposal would therefore not be contrary to CSDPD Policies CS1 and CS7 or the NPPF.

14. SUSTAINABILITY

CSDPD Policy CS10 requires the submission of a Sustainability Statement demonstrating how the proposals meet current best practice standards, cover water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day. This is considered to be consistent with the NPPF which states in para 95 "To support the move to a low carbon future, local planning authorities should actively support energy efficiency improvements to existing buildings.

No such statement has been submitted in support of the application, therefore in the event of an approval a condition would be included requiring the submission of a Sustainability Statement prior to the occupation of the development in accordance with CSDPD Policy CS10 and the NPPF.

15. COMMUNITY INFRASTRUCTURE LEVY

Bracknell Forest Council introduced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the borough and the type of development.

CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted) including extensions of 100 square metres of gross internal floor space, or more, or new build that involves the creation of additional dwellings. The proposal involves the creation of a new dwelling and garage following the demolition of the existing.

The proposal would be CIL liable. CIL is applied as a charge on each internal square metre of new development, and the internal floor area of the existing buildings will be offset against the new floor area for the purposes of calculating the CIL charge. The amount payable varies depending on the location of the development within the borough and the type of development. The charging schedule states how much CIL will be charged (in pounds per square metre of net additional floorspace) based on the development type and location within the borough. The five zones are based around Central Bracknell, Outer Bracknell, Sandhurst/Crowthorne, Northern Parishes, and Warfield Strategic Development.

The application site lies within the Northern Parishes zone, and a CIL Liability Notice will be issued with any planning permission given.

15. CONCLUSIONS

The amended scheme is not considered to constitute inappropriate development in the Green Belt and does not detract from openness and the purposes of including land within the Green Belt. Furthermore, the amended scheme has overcome the concerns regarding the impact of the development on protected trees. It is not considered that the development would result in an adverse impact on the character and appearance of the area, residential amenity, highway safety or biodiversity. As such the development is considered to comply with CSDPD Policies CS1, CS7 and CS9, BFBLP 'Saved' Policies EN1, EN20, GB1 and M9 and the National Planning Policy Framework.

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 July 2015:

P14/19/S/101 (Rev C)
P14/19/S/110 (Rev A)

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 not be begun until details of a scheme of walls, fences and any other means of enclosure has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of any of the buildings approved in this permission.
REASON: - In the interests of the visual amenities of the area.
[Relevant Plans and Policies: BFBLP EN20, Core Strategy DPD CS7]

05. The en suite windows in the north east and south west facing side elevations of the dwelling hereby permitted shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent). They shall at all times be fixed shut up to a height of 1.7m from the floor level.
REASON: To prevent the overlooking of neighbouring properties.
[Relevant Policies: BFBLP EN20]

06. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional windows, similar openings or enlargement thereof shall be constructed at first floor level or above in the north east or south west facing side elevations of the 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]
07. The development hereby permitted shall not be begun until details showing the finished floor levels of the building hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
REASON: In the interests of the character of the area.
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]
08. No part of the dwelling shall be occupied until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day, has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the Sustainability Statement, as approved, and retained as such thereafter.
REASON: In the interests of sustainability and the efficient use of resources.
[Relevant Policy: Core Strategy DPD CS10]
09. No gates shall be provided at the vehicular access to the site.
REASON: In the interests of the visual amenities of the area.
[Relevant Policies: BFBLP EN20]
10. 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, hedgerows and groups of mature shrubs to be retained, in accordance with British Standard 5837:2012 'Trees In Relation To Construction Recommendations' (or any subsequent revision), has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include proposals for the phasing of its implementation so that protection is provided from the commencement of demolition or site clearance works (whichever is the sooner), through to the construction works and the completion of hard landscaping works. The submitted scheme shall include the following: -
- a) Accurate trunk positions and canopy spreads of all existing trees
 - b) Minimum 'Root Protection Areas' of all existing trees
 - c) Plans of a minimum scale of 1:200 showing the proposed locations of protective barrier/s, constructed in accordance with Section 6 (Figures 2 or 3) of BS 5837:2012, to include appropriate weatherproof tree protection area signage (such as "Keep Out - Construction Exclusion Zone") securely fixed to the outside of the protective fencing structure at regular intervals.
 - d) Proposed ground protection measures in accordance with Section 6 (Figure 3) of BS 5837:2012.
 - e) Annotated minimum distances between fencing and trunks of retained trees at regular intervals.
 - f) Illustration/s of the proposed fencing structure/s to be erected.
- The development shall be carried out in accordance with the approved scheme and programme.

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

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

11. The protective fencing and other protection measures specified by condition 10 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.
- In addition to the protection measures specified above,
- g) No fires shall be lit within 20 metres of the trunks of any trees or the centre line of any hedgerow shown to be retained.
 - h) No signs, cables, fixtures or fittings of any other description shall be attached to any part of any retained tree.

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

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

12. No development hereby permitted shall be begun until a site specific method statement for demolition of the existing structures, located within the minimum Root Protection Areas (RPA's) of trees to be retained, has been submitted to and approved in writing by the Local Planning Authority. Details shall include: -
- a) A site plan identifying all areas where such work is to be undertaken.
 - b) Reinstatement to soft landscape area including proposed ground de-compaction works.
 - c) Timing and phasing of works.

The approved Method Statement shall be observed, performed and complied with.

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

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

13. The development hereby permitted shall not be begun until:
- (i) a site layout plan showing the proposed layout of all underground services and external lighting and
 - (ii) a programme for the phasing and timing of works
- have been submitted to and approved in writing by the Local Planning Authority. Details of the site layout plan shall include: -
- a) Accurate trunk positions and canopy spreads of all retained trees/hedgerows and mature groups of shrubs.

- b) Surface water/ foul drainage and associated inspection chambers (existing reused and new)
- c) Soak-aways (where applicable)
- d) Gas, electricity, telecom and cable television.
- e) Lighting columns and all associated ducting for power supply.
- f) Phasing and timing of works.

The development shall be carried out in accordance with the approved site layout plan and the approved programme.

REASON: - In order to safeguard tree roots and thereby safeguard existing trees and other vegetation considered worthy of retention and to ensure new soft landscape planting areas are not adversely affected and can be used for their approved purpose, in the interests of the visual amenity of the area.

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

14. 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 EN20, CSDPD CS7]
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 or E of Part 1 of the Second Schedule of the 2015 Order shall be carried out.
REASON: The site is located within the designated Green Belt where strict controls over the form, scale and nature of development apply, and the site is affected by a Tree Preservation Order where strict control over development is required by the policies of the development to ensure their protection.
[Relevant Policies: BFBLP EN1, GB1, Core Strategy DPD CS7, CS9]
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 2015 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]
17. 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 CS1, CS7]
18. All ecological measures and/or works shall be carried out in full accordance with the details contained in AA Environmental Ltd.'s report dated December 2014.
REASON: In the interests of nature conservation.
[Relevant Plans and Policies: CSDPD CS1]
19. 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.
REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 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:
- 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
 - 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.
- REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1, CS7]
21. 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. 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 development shall be carried out in accordance with the approved scheme.
- REASON: To ensure the status of bats on site has not changed since the last survey.
[Relevant Plans and Policies: CSDPD CS1, CS7]
22. The demolition of any and all buildings on site shall not in any circumstances commence unless the Local Planning Authority has been provided with either:
- 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
 - 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.
- REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1, 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:
- 01. Time Limit
 - 02. Approved Plans
 - 05. Obscure Glazing
 - 06. Restrictions on side facing windows
 - 09. No Gates
 - 11. Restriction within protected area
 - 14. Retention of soft landscaping
 - 15. Removal of PD Rights (Class A-E)
 - 16. Removal of PD Rights (Class F)
 - 17. Site Clearance
 - 18. Ecological Measures
 - 19. Bat roost
 - 20. No external lighting (unless scheme submitted)
 - 21. Bat Survey (unless 2 years elapse)

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

- 03. Samples of Materials
- 04. Means of enclosure
- 07. Finished Floor Levels

The applicant is advised that the following conditions require discharging prior to the commencement of any works on site:

- 10. Tree Protection
- 12. Demolition Method Statement
- 13. Underground Services
- 22. Site Licence

The following conditions require discharge prior to the occupation of the dwelling hereby approved:

- 08. Sustainability Statement

03. This planning permission contains certain conditions that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site (including any initial clearance works). Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice. If the conditions have not been subsequently satisfactorily discharged within the time allowed to implement the permission then the development will remain unauthorised. This may be highlighted in any subsequent search carried out on the property/ properties.
04. Trees on and adjacent to this site are to be protected by Tree Preservation Order legislation. In simple terms, detailed written consent must be therefore obtained from the Council's Tree Section before undertaking any form of work to such trees (including any work affecting their root systems), unless detailed works to such trees have been specifically approved in writing as a part of this planning permission. Any pruning or removal of trees without the necessary consent or any damage arising from non compliance with other conditions of this permission or otherwise may be liable to prosecution by the Council. This may be in addition to any enforcement action deemed appropriate for non

compliance with relevant planning conditions. Property owners, developers and/ or any other relevant persons are therefore advised to take appropriate measures to ensure that all persons responsible for overseeing works approved under this permission are suitably briefed on this matter.

05. Please note that trees on and adjacent to this site are protected by Tree Preservation Orders. The legislation protecting these trees overrides Permitted Development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification). Prior written consent must be obtained from the Council's Tree Service before undertaking any works which require the removal/ and or pruning of a protected tree or may affect / cause damage of any description to its canopy, trunk or root system and subsequent health, stability and survival in any way. Typically such works include but are not limited to the laying of hard surfaces of any description, foundations for garden structures, construction of retaining walls, topsoil stripping, excavation/ alterations to existing ground conditions of any other description near trees. Any pruning, removal of a protected tree as a result of such works, without the necessary consent or any damage arising from non compliance with this requirement may be liable to prosecution by the Council.
06. Having due regard to the EC Habitats Directive 1992 and the Conservation (Natural Habitats &c.) Regulations 1994 (as amended) it is considered that this application provides sufficient information to demonstrate that it passes the tests set out therein. In this instance it is considered that the application is: -

For an imperative reason of overriding public interest of :-

- A social reason
- An economic nature
- A beneficial consequence of primary importance for the environment, as alternative roosting opportunities for bats will be provided, in the form of four bat boxes installed on the mature trees located in the rear garden of the site. In addition, two bat tubes will be installed in suitable locations on the new build to provide additional roosting opportunities.

It is also considered that there are no satisfactory alternatives to the development because the existing property is in need of repair and modernisation. The costs of these works would be expensive and still not meet energy efficiencies and modern living standards that can be achieved with a new build.

The Local Planning Authority are satisfied that the actions authorised will not be detrimental to the maintenance of the species concerned at a Favourable Conservation Status in their natural range.

Doc. Ref: Uniform 7/DC/Agenda

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

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Unrestricted Report

ITEM NO: 6

Application No. 15/00209/FUL Ward: Binfield With Warfield Date Registered: 5 March 2015 Target Decision Date: 30 April 2015

Site Address: **Land To Rear Of Murrell Cottage Murrell Hill Lane
Binfield Bracknell Berkshire**

Proposal: **Erection of 5no. 5 bedroom dwellings with new access off Murrell Hill Lane with associated parking and new garage to Murrell Cottage.**

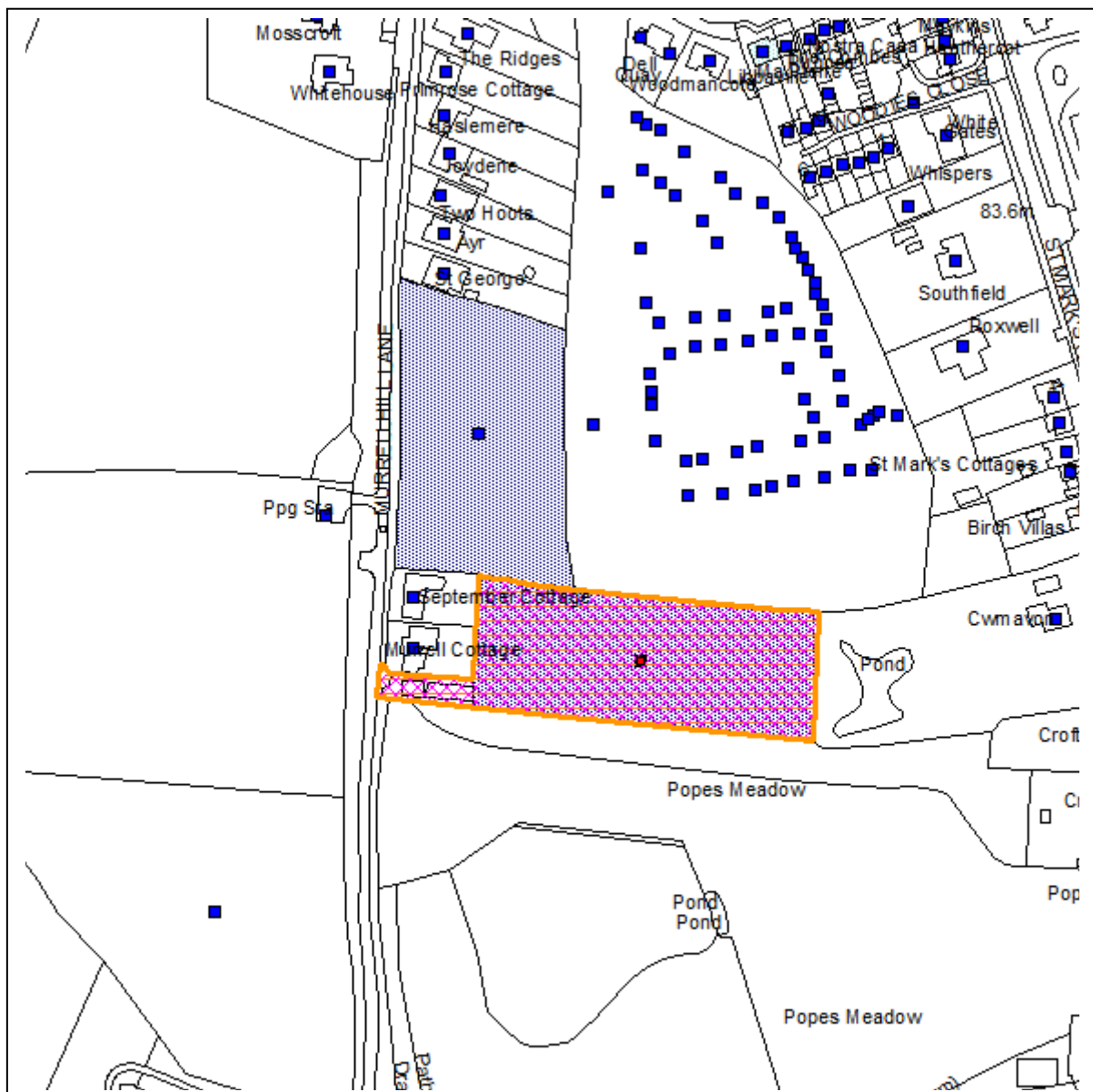
Applicant: Mr & Mrs B Cardy

Agent: Mr D Bond

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

This application is reported to committee at the request of Councillors Harrison and Ms Peacey due to concerns regarding the adverse affect on highways safety, the rural landscape and character of the area including an adjoining wildlife site and that the site is not considered to be a sustainable location.

2. SITE DESCRIPTION

The site comprises the rear garden of Murrell Cottage, Murrell Hill Lane Binfield. The site is 0.589ha in area. The site is approx 155m long and 45m wide. There is an even gradient from the west to the east where the ground rises by approx. 5m.

The site is a residential rear garden laid mainly to grass with perimeter trees and bushes. A few fruit trees are located on the site in the north west corner. The site is situated between a recently approved residential scheme for 67 units (an allocated SALP site) to the North and a country park, Popes Meadow and Local Wildlife Site, to the south. To the east is a single dwelling, Cwmavon. To the West the site is bounded by Murrell Cottage (two storey) and September Cottage (single storey), two dwellings which in turn front Murrell Hill Lane

The trees along the northern boundary of the site that are protected under TPO 519. There are also protected trees (TPO 570 and TPO 137) along the eastern and southern boundaries of the site outside of the red line.

3. RELEVANT SITE HISTORY

13/00748/LDC- Application for a certificate of lawfulness for change of use of land from paddock to residential garden. APPROVED February 2014.

4. THE PROPOSAL

Erection of 5no. 5 bedroom dwellings with new access off Murrell Hill Lane with associated parking and new garage to Murrell Cottage.

The detached dwellings would be orientated so that they front onto a proposed shared access road that runs along the southern boundary of the site. Each dwelling would have a double garage with 3 of the dwellings having detached garages and the remaining 2 would have attached double garages. The garage to Murrell Cottage would a single garage.

The properties would have a maximum ridge height of 9.2m with an eaves height of 5.5m apart from a gable feature on the fronts of the dwellings.

The application has been the subject of a minor amendment to the location of some dwellings to address concerns raised earlier in the process. A view was taken at the time that, as these were minor changes and they only minimised impacts, further consultation was not required.

5. REPRESENTATIONS RECEIVED.

Binfield Parish Council

The Binfield Parish Council recommend refusal of this planning application for the following reasons:

- This site is outside the settlement boundary. *[Officer Comment: This point is addressed throughout the report.]*

Other representations

1no. letter of objection was received following the 1-3 objection procedure from a local resident expressing the following concerns:-

- the land is outside the settlement boundary *[Officer Comment: This point is addressed throughout the report.]*

- the development, and in particular the extra vehicles from these houses which will have to use this part of Murrell Hill Lane, will disturb the use of the recognised and very well used rural route along Murrell Hill Lane from Pope's Meadow because the exit from Pope's Meadow is immediately next to the entrance to the land. *[Officer Comment: The number of dwellings is not considered to result in a level of activity that will adversely affect the rural character of the lane.]*

- the extra traffic from the development will be a very significant danger to the many walkers who use this rural route. *[Officer comments: This point is addressed by the Highway Officer whereby he considered the proposal would not result in any highway safety implications, subject to conditions and off site highway works to provide passing points along the lane.]*

- this development is out of character and will disturb the use of the land next to it, Pope's Meadow, an open green peaceful area used by many people. *[Officer Comment: Subject to conditions the Council's Biodiversity is content that the development as proposed would not result in any adverse impacts upon Popes Meadow as a Local Wildlife Site]*

6. SUMMARY OF CONSULTATION RESPONSES

Lead Local Flood Authority

No objection to the proposed plans subject to conditions.

Highway Officer

No objection to the proposed plans subject to conditions and a S106 to secure off site highway works.

Environmental Health Officer

No objection.

Biodiversity Officer

No objection subject to conditions.

Tree Officer

No objection subject to conditions.

Berkshire Archaeology

No objection subject to a condition.

7. DEVELOPMENT PLAN

The Development Plan includes the following:-

- Replacement Minerals Local Plan for Berkshire (incorporating the alterations adopted in December 1997 and May 2001)
- 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

Relevant policies in terms of the principle of development include the following (note this list is not exhaustive):-

South East Plan

Policy NRM6: Thames Basin Heaths Special Protection Area (see Section 17 below)

Core Strategy Development Plan Document (Feb 2008)

CS1: Sustainable Development Principles
CS2: Locational Principles
CS7: Design
CS9: Development on Land outside settlements
CS14: Thames Basins Heath Special Protection Area
Policy CS15: Overall housing provision
Policy CS16: Housing Needs of the Community
Policy CS17: Affordable Housing
Policy CS23: Transport

Bracknell Forest Borough Local Plan (Jan 2002) (BFBLP) - saved policies

EN1: Protecting tree and hedgerow cover
EN3: Nature conservation
EN8: Development on land outside settlements
EN20: Design considerations in new development
H5: New dwellings outside settlements

Site Allocations Local Plan (SALP) (July 2013)

Policy CP1 - Presumption in Favour of Sustainable Development

Material considerations

These include:-

- The 5 year supply of housing land

The lack of a five year supply of deliverable sites is a material consideration (in relation to para. 49 of the NPPF and Policy CP1 of SALP together with para. 14 of the NPPF in relation to the presumption in favour of sustainable development).

- The National Planning Policy Framework (NPPF)

Assessment

The application site is located outside of the defined settlement boundary, and proposes new residential development. This is not consistent with the provisions in saved BFBLP policies EN8 and H5 which relate to development on land outside of settlements and new dwellings outside settlements. It is also contrary to CSDPD Policies CS2 and CS9 (relating to locational principles and development on land outside of settlements).

In relation to the five year housing land supply the Inspectors in two recent appeals (land north of Tilehurst Lane, Binfield - dismissed 2 February 2015 - and land to the south of The Limes, Warfield - allowed 17 June 2015) concluded that the Council could not demonstrate a five year supply of land for housing. These appeal decisions are a material consideration in the decision-taking process.

The implications of these appeal decisions is that, as the Council cannot demonstrate a five year land supply, in accordance with para. 49 of the NPPF relevant policies for the supply of housing should not be considered up to date and the weight to be attached to them reduces. Of particular relevance is the presumption against development in the countryside (outside of the Green Belt) which can no longer be applied to housing development. This would apply to the following Development Plan policies:

- CSDPD Policies CS2 and CS9
- 'Saved' BFBLP Policies EN8 and H5.

This was confirmed by the Inspectors in the two appeals referred to above who stated that relevant policies for the supply of housing should not be considered up to date - that would include any policies which seek to place a 'blanket ban' on development outside settlement boundaries, such as CSDPD Policy CS9 and BFBLP Policy H5 - but would not include more general policies which seek to protect the character and appearance of an area.

It therefore falls for this application to be considered in relation to the presumption in favour of sustainable development as set out in SALP Policy CP1 (and para. 14 of the NPPF). This requires a balancing exercise to be undertaken which considers any harm arising against any benefits of the proposal in relation to the three dimensions of sustainable development set out in the NPPF (economic, social, and environmental). Where policies are out of date, permission should be granted unless the adverse impacts (harm) would significantly and demonstrably outweigh the benefits.

The remainder of the report outlines relevant considerations and the final section of this report contains the 'balancing' exercise.

9. IMPACT ON THE CHARACTER AND APPEARANCE OF AREA

Core Strategy Policy CS1 seeks to protect and enhance the character and quality of local landscapes and the wider countryside. Core Strategy Policy CS9 and BFBLP Policy EN8 also seek to safeguard against development which would adversely affect the character, appearance and function of land outside settlements. The weight to be afforded to these policies in relation to impact on the character and appearance of the countryside was considered by 'The Limes' Inspector. In his view:

"...insofar as they are relevant to the proposal before me, policies EN8 and H5 of the Local Plan and CS9 of the CS are relevant to the supply of housing and should not be considered up-to-date. I give the conflict with the policies limited weight accordingly... That is not to say that the effect on the intrinsic character and beauty of the countryside is not material to my decision. Those impacts need to be weighed in the planning balance when considering the presumption in favour of sustainable development under paragraph 14 of the Framework."

Regard can be had to Policies EN20 and CS7, (which are considered to have significant weight in relation to para. 215 of the NPPF, as they are consistent with Chapter 7 of the NPPF). As the site contains protected trees, regard can also be had to Policy EN1 of the BFBLP (see below). This policy is considered to be consistent with the NPPF, in particular para. 118, and can therefore be afforded significant weight.

Layout of the development

The application site currently comprises a well contained residential garden associated with Murrell Cottage which was given lawful consent in February 2014 under a Lawful Development Certificate (13/00748/LDC). A garden area would be retained to the rear of Murrell Cottage the size of which is considered in-keeping with the grain of development within the area.

Following comments from both the Biodiversity Officer and Tree Officer the scheme has been the subject of minor amendments to maintain sufficient distance from trees on all boundaries. The Council's Tree Officer is now content that, subject to conditions, the scheme will not adversely impact upon the trees on the boundaries of the site considered important as they currently constrain the site.

To the south of the site is a designated Local Wildlife site forming a buffer to the site and preventing any further development south along Murrell Hill Lane.

The proposed plot sizes are considered to be larger than plots on the recently developed site north of the site (Foxley Lane/Murrell Hill Lane). However the lower density would provide a suitable edge to the settlement, allowing a transition between the allocated site and the Local Wildlife Site.

Soft landscaping would be provided in front gardens along the access road. As a result the development is considered to have the right balance of built form, hardstanding and soft landscaping to provide a suitable extension to the settlement as already defined to the north of the site.

The site does not fall within a designated Character Area however the fact that the site is well constrained by trees, that can be retained, means that it is considered not to have a significant impact upon the character and appearance of the area.

Overall the site is considered to relate well to the existing settlement, and form an acceptable extension to it.

Design

The proposed design of the dwellings and associated garages, with tall roofs but low eaves, along with appropriate materials to the Binfield location, are considered in-keeping with the area given the site abuts a recently developed allocated site and that there are dwellings west of the site.

To conclude

Overall, due to the fact the site is well contained, landscaped and the design is in-keeping, changes to the character and appearance of the site are not considered contrary to the development plan policies referred to above and to the NPPF (para. 17, bullet 5).

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.

Impact upon existing properties

Plot 1 is located east of the rear gardens at September Cottage and Murrell Cottage. There is a first floor bathroom window facing west towards Murrell Cottage, however this window would be over 10m to the boundary and over 22m to the rear of Murrell Cottage. This complies with Council guidelines.

There is a balcony proposed on the rear of plot 1 that would be 9m from the rear boundary with September Cottage and 30m to the rear elevation of the neighbouring property. It would also be 11m to the boundary with Murrell Cottage and 23m to the rear elevation of the neighbouring property. Although the distance to the boundary with September Cottage is 1m short of the Council guidelines this is not considered to cause any significant overlooking of September Cottage as its private amenity space is some distance further west from the proposed dwelling.

Plots 1-5, when assessed against the dwellings that are currently being built on the adjoining allocated site, would result in no loss of privacy as the distances to boundaries and rear elevations are all beyond the current guidelines and there is also screening in the form of trees.

None of the properties are considered to appear overbearing nor would they result in significant overshadowing.

Impact upon residential amenity of future occupants of the development

All five of the proposed properties have been designed so that they would not result in any loss of privacy, would not appear overbearing nor would they significantly overshadow any proposed property.

As such the proposal is not considered to result in any adverse impacts upon any existing and/or proposed residential amenity and would therefore comply with Saved BFBLP Policy EN20 proviso (vii) and the NPPF.

11. TRANSPORT IMPLICATIONS

BFBLP Policies M4, M9 and CSDPD Policies CS23 and CS24 seek to promote or retain safe highway access and suitable off-road parking provisions, thus avoiding highway safety implications. This is consistent with the objectives of the NPPF.

The following comments were provided by the Council's Transportation Officer following the submission of the applicant's response to the original comments:-

Whilst Murrell Hill Lane may currently operate safely as a rural lane and widening the road may have a detrimental impact on the nature of the lane, the proposed development could generate in the region of 40 additional vehicular movements (over the course of a typical day) along this narrow section. Two vehicles are unable to pass each other between the site and White House and the intensification of vehicular use can only create risks to highway safety, including pedestrians, cyclists and horse-riders currently using the lane.

Widening the lane along the entire length between the site and White House may as indicated in the applicant's response, increase speeds by up to 6mph, however, the fact remains that two vehicles are unable to pass each other. The Local Highway Authority (LHA) would advise that localised widening is required to provide passing places.

At least two passing places should be provided between the site and White House and it would be sensible for these to be provided 50 metres to the south of the site and 50 metres to the north of White House. The lane should be widened to 4.8 metres at these passing places and it would appear that this could be achieved within the existing lane to the boundary of the ancient highway (the road side edge of ditches).

Widening the lane to 4.8 metres at the new site access should be considered to improve access and egress for vehicles, including refuse vehicles, given the swept path analysis shown on drawing 6111-ATR-001-A is likely to result in refuse vehicles traversing the verges and damaging these.

The provision of a turning head within the site is likely to improve access for refuse vehicles to existing properties, given the lack of turning at the end of Murrell Hill Lane.

Whilst the development does not meet the criteria for the adoption of estate roads (6 dwellings or more), the LHA may consider adoption, to include the turning head adjacent to plot 2 (as shown on drawing 2208-01-A: Site Plan). Adoption of the road to this point would provide for access by refuse vehicles to comply with the guidance for collection of waste by the Council.

The LHA is satisfied with the location of the visitor parking space, noting that 4 spaces are to be provided for each dwelling and short-term infrequent parking could occur further into the site on the 'private road'

Previously the LHA confirmed that that they were happy with the level of parking as proposed on site, on driveways and within proposed garages, of which this does also include a new garage for the existing 'Murrell Cottage'.

Therefore the Local Highway Authority recommends approval subject to conditions and a Section 106 Legal Agreement to secure offsite highways works.

Consideration of the site as a sustainable location

The Core Strategy's Vision to 2026 states that the Borough will continue to grow sustainably, in a planned manner, with new development being directed to sustainable locations and having good access to a range of local facilities, services, housing and employment. New development will be located so as to maximise the opportunity to travel by all modes and to improve relative accessibility for all.

This vision is reflected in Policy CS1: Sustainable Development Principles. This states at (ii) that development will be permitted which is located so as to reduce the need to travel.

In the accompanying text at Para 46 it is stated:-

"One of the overarching contributors to sustainable development is the need to ensure that development is located so that people are close to a range of services and facilities, thereby reducing the need to travel. In addition to the implications of reducing travel on air quality/climate change, there are benefits to the health and wellbeing of local residents through increased opportunities to walk or cycle..."

CSDPD Policy CS23(i) also states that the Council will use its planning and transport powers to reduce the need to travel.

These policies are considered to be consistent with the guidance contained in the NPPF (core planning principle bullet point 11 and Chapter 4) that people should be given a real choice about how they travel; priority should be given pedestrian and cycle movements and access should be provided to high quality public transport facilities.

The site would form an extension to an already allocated housing site which when formally allocated was considered to be a sustainable location. The application site is approximately 700m as the crow flies from Binfield Village. This would allow people to access Binfield Village by foot. The site is also 650m as the crow flies from London Road and bus stops. This would also allow people to access Bracknell Town Centre by cycle and/or bus. Binfield village has a doctors surgery, shops, library and schools and is within walking distance of the site. The site is also close to both the recently allocated sites at Amen Corner North and South, which are also considered sustainable. Both sites will provide schools, with Amen Corner South also providing a neighbourhood centre with shops and a public house. Both Amen Corner North and South are considered to be within walking/cycling distance of the application site. Therefore the preferred method of transport may not necessarily be the car.

The application site is considered well located with regard to most necessary services and facilities. The proposal is therefore considered to comply with CSDPD Policies CS1 and CS23(i) which are considered to be consistent with the NPPF, in particular paras. 29 and 35, and can therefore be afforded significant weight.

12. BIODIVERSITY

Chapter 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. Para 114 specifically requires Local Planning Authorities

to set out a strategic approach (in Local Plans) to plan positively for the creation, protection, enhancement and management of networks of 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.

As a result of minor amendments, concerns regarding the proximity of plot 5 to trees south of the site and the Local Wildlife Site have now been resolved and the Council's Biodiversity Officer raises no objection to the proposal subject to conditions.

As such the proposal, subject to conditions, is considered to comply with Policies CS1, CS7 and Chapter 11 of the NPPF.

13. SECURING NECESSARY INFRASTRUCTURE

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

- (a) infrastructure needed to support growth and;
- (b) infrastructure needed to mitigate impacts upon communities, transport and the environment.

Guidance in the Planning Obligations SPD, which came into effect (with CIL) on 6 April, is relevant.

Bracknell Forest Council introduced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the borough and the type of development. It applies to any new build but in the case of outline applications is calculated when reserved matters are submitted.

The proposal is CIL liable and a CIL liability notice would be served upon any grant of planning permission.

14. AFFORDABLE HOUSING

CSDPD Policies CS16 and CS17, BFBLP Policy H8, the Planning Obligations SPD and the resolution on affordable housing made by BFC Executive on 29 March 2011 seek to provide affordable housing when a scheme provides 15 or more net additional dwellings on a site. As this proposed scheme represents a net gain in 5 dwellings there is no requirement to provide affordable housing. However as the scheme falls below the affordable housing threshold a higher rate of CIL will be charged.

15. THAMES BASIN HEATHS SPECIAL PROTECTION AREA (SPA)

The Council, in consultation with Natural England (NE), has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath Special Protection Area (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 4.25 km from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

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

The development will result in a net increase of 5 x 5 bed dwellings. The level of SANG payment would be £16,055.

The enhancement of open space works at Horseshoe Lake SANG is the most appropriate project to mitigate this proposal (although it may be necessary to allocate the contribution to another SANG).

An occupation restriction will be included in the Section 106 Agreement. This serves to ensure that the SANGs enhancement works have been carried out before occupation of the dwellings. This gives the certainty required to satisfy the Habitats Regulations in accordance with South East Plan Policy NRM6 (iii) and the Thames Basin Heaths Special Protection Area SPD paragraph 4.4.2

The development will also be required to make a contribution towards Strategic Access Management and Monitoring (SAMM). This project funds strategic visitor access management measures on the SPA to mitigate the effects of new development on it. See section 3.4 in the SPA SPD for more information.

The level of contributions is calculated on a per bedroom basis as set out in the SPA SPD Summary Table 1. The application for this development is for 5 x 5 bedroom dwellings for which the level of SAMM payment is £5,260.

In summary, the total SPA related financial contribution applied through a section 106 agreement for this proposal is £21,315 (i.e. £16,055 + £5,260). CIL contributions, where relevant, will be applied separately.

A Habitats Regulations Assessment is required for this development in accordance with the Habitats Regulations 2010 (as amended). Without any appropriate avoidance and mitigation measures the Habitats Regulations Assessment will conclude that the development is likely to have a significant effect upon the integrity of the SPA with the result that the Council would be required to refuse a planning application.

Provided that the applicant is prepared to make a financial contribution (see paragraph 3. above) towards the costs of SPA avoidance and mitigation measures, the application will accord with the SPA mitigation requirements as set out in the relevant policies above.

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

16. SUSTAINABLE RESOURCES AND RENEWABLE ENERGY

The NPPF outlines how the impacts of climate change and the delivery of renewable and low carbon energy and associated infrastructure is central to the economic, social

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

Policy CS10 requires the submission of a Sustainability Statement demonstrating how the residential aspect of the development meets current best practice standards. This used to require that dwellings are built to Code for Sustainable Homes Level 3. However, as a result of a recent Ministerial Statement published 25th March 2015, the Rt. Hon. Eric Pickles withdrew CfSH as current best practice and therefore the LPA can now only ask for the applicant to demonstrate an average water use in new dwellings of 110 litres/person/day. The applicant has provided a Code for Sustainable Homes Pre-assessment Estimator which demonstrates that this is achievable.

Therefore the applicant has met with the current requirements of Policy CS10.

Policy CS12 requires development proposals for five or more net additional dwellings to be accompanied by an energy demand assessment demonstrating how (potential) carbon dioxide emissions will be reduced by at least 10% and will provide at least 20% of their energy requirements from on-site renewable energy generation.

The applicant has provided an Energy Statement however it fails to set out the correct approach in achieving a 10% reduction in carbon emissions through a fabric first approach and then on top of this on-site renewable energy generation that would offset 20% of the development's energy demand.

If the application is to be approved an appropriately worded condition can secure this policy requirement.

17. CONCLUSIONS

As noted above the Council is unable to demonstrate a 5 year supply of land for housing. It therefore falls for the application to be considered in relation to the presumption in favour of sustainable development as set in SALP Policy CP1 (and para. 14 of the NPPF). This requires a balancing exercise to be undertaken which considers any harm arising against any benefits of the proposal, in relation to the three dimensions of sustainable development set out in the NPPF (economic, social, and environmental). Where policies are out of date, permission should be granted unless the adverse impacts (harm) would significantly and demonstrably outweigh the benefits.

Consideration of benefits of the proposal

The applicant has set out what they believe to be the benefits of the proposal. The case officer has considered these against the economic, social, and environmental dimensions, in the following ways:-

An Economic Role:

There are economic benefits associated with the development proposals. Although only a low number of houses are proposed (5no. net) house building is a recognised important provider of economic growth and therefore in turn indirect economic benefits to the construction industry would result. The new development will create construction jobs, homes for local business employees and gross added expenditure by future residents in Binfield and Bracknell. Providing additional housing will enable the local economy to function with sufficient housing provided in the right locations. Binfield is one such location.

The Council will benefit from the New Homes Bonus, CIL and additional Council Tax revenue.

A Social Role:

The proposal will contribute towards making up the current shortfall of housing provision and will therefore contribute towards the Council's national requirement to maintain a 5 year housing land supply which it presently does not have.

Meeting these needs is a form of economic as well social sustainable development, consistent with the NPPF 3rd Core Principle: that every effort should be made to meet housing needs whilst also being consistent with the aim set out in paragraph 47 of the NPPF of "Boosting significantly the supply of housing".

The site is considered to be in a sustainable location being well related to Bracknell and its sub regional facilities.

The application site lies within walking distance of some local services and facilities, bus stops and future planned educational, recreational and community facilities.

The new residents resulting from the scheme will help sustain the existing services in Binfield including the local bus services and other facilities nearby.

An Environmental Role:

The application will contribute to protecting and enhancing the natural environment. The existing trees, both protected and non protected, along the boundaries of the site will be retained. This therefore protects the existing biodiversity and amenity value these trees currently hold and the existing Local Wildlife Site, Popes Meadow, will also not be harmed. Enhancement across the site will be through new landscaping that will allow for there to be more variation in flora species thus enhancing the site's biodiversity potential.

The proposal will have limited impact on the character and appearance of the countryside beyond the site or from wider views within the countryside area due to the well contained nature of the site.

The proposed development is located beyond the Green Belt and more sensitive identified strategic and local gaps thereby being consistent with NPPF Core Principle 7 of preferring land of lesser environmental value.

The proposal also avoids any impact on Listed Buildings, Conservation Areas and local historic parks, again characteristics of an environmentally sustainable form of development.

The site is considered to be a sustainable location and new homes on site will be built to the latest building regulation standards.

Weight to be afforded to benefits associated with the application

In making a decision it has to be decided what weight to apportion to the benefits identified above.

It is considered that the main benefit of the proposal is the provision of housing.

The NPPF is a material consideration, and this seeks (para. 47) to 'boost significantly the supply of housing'. In considering this aspect, a proposal for housing needs to be deliverable.

The NPPF (footnote 11) is clear that for a site to be deliverable, it should:-

- o be available now;
- o offer a suitable location for development now; and,
- o be achievable, with a reasonable prospect that housing will be delivered on the site within five years, and in particular that development of the site is viable.

To represent a benefit in terms of the presumption in favour of sustainable development, a site should be capable of delivering housing completions within the next 5 years.

JJP, the applicant are the developer and will build out the scheme. The site is available now and developable. The conditional contract between JJP and the current land owner confirms this. There are no other constraints impeding the implementation of the scheme, other than the grant of a planning permission. Following the grant of this application, completion of a S106 and resolution of pre commencement conditions it is anticipated that the scheme will be built out within 2016. The site is well constrained and would not adversely harm the character and appearance and therefore is considered a suitable site.

For the reasons given above the site is considered to be deliverable as set out in footnote 11 of the NPPF.

Another benefit, is that the site is considered to be located in a sustainable location whereby it is easily accessible to essential facilities both by foot, cycle and bus; and as such the car will not necessarily be the preferred choice of transport. The development will help to maintain existing services.

The proposal will also provide benefits in terms of its contributions to the local economy through job creations and housing of local people employed at local business as well as making a national contribution towards the house building industry.

The proposal will protect and enhance the biodiversity and/or amenity value of the site through the protection of existing and inclusion of new planting and landscaping.

The proposal will provide housing that will not adversely impact upon the character and appearance of the area.

The proposal will result in New Homes Bonus and CIL contributions of which some money will go to then Parish Council and will therefore benefit the locality.

The proposal would result in lower carbon emissions.

Consideration of the adverse impacts of the proposal

The proposal is not required to provide affordable housing and therefore the higher cost executive homes will not be within reach of most first time buyers and/or lower earners.

Overall conclusion

This section has outlined the economic, social and environmental benefits put forward in relation to this application. In your officers' view there are benefits associated with this application. The proposal would provide 5 dwellings that are deliverable and would therefore make a contribution towards the current lack of 5 years housing land supply through a 'windfall site'. The proposal would provide local jobs and would contribute towards the local economy. The site is considered to be a sustainable location assessable to existing and proposed facilities. The proposal could be built out without having a detrimental impact upon the character and appearance of the area; and the amenity and biodiversity value of both the application site and adjoining Local Wildlife Site.

There are other benefits including increased Council tax, CIL, New Homes Bonus revenue, and would result in lower carbon emissions; however these should be given less weight than those expressed above.

Weighed against these benefits is the lack of affordable housing. This lack of provision is not considered to significantly and demonstrably outweigh the benefits of the development. Overall it is considered, therefore, that the proposed development can be regarded as sustainable.

As the proposal is considered to be sustainable and would contribute towards meeting the need to boost the supply of housing as set out in the NPPF, the application is recommended for conditional approval subject to the completion of a Section 106.

RECOMMENDATION

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

01. Measures to avoid and mitigate the impact of residential development upon the Thames Basins Heath Special Protection Area (SPA).
02. Measures to secure off site highway works in order to provide localised widening of Murrell Hill Lane.

That the Head of Planning 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 documents:-
- 2208/01A received 23.06.15.
 - 2208/02 received 05.03.15.
 - 2208/03 received 05.03.15.
 - 2208/04 received 05.03.15.
 - 2208/05 received 05.03.15.
 - 2208/06 received 05.03.15.
 - 2208/07 received 05.03.15.
 - 2208/08 received 05.03.15.
 - 2208/09 received 05.03.15.
 - 2208/10 received 05.03.15.
 - 2208/11 received 05.03.15.
 - 2208/12 received 05.03.15.
 - 2208/13 received 05.03.15.
 - 2208/14 Location Plan received 05.03.15.
 - 6111-SK-001-A Site Access received 05.03.15.
 - Amended Arboricultural Impact Assessment received 23.06.15.
 - Amended Tree Report received 23.06.15.
 - Amended Surface Water Drainage Strategy received 23.06.15.
- 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 not be begun until details showing the finished floor levels of the dwellings, garages, bin stores and the levels of the roads hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
REASON: In the interests of the character of the area.
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]
05. 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 proposed 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.

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

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

- 06. The development shall not be begun until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate:-
 - (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 sustainability and the efficient use of resources.
[Relevant Plans and Policies: CSDPD Policy CS12]
- 07. No dwellings shall be occupied until a means of vehicular access has been constructed in accordance with details shown on drawing no. 2208-01-A: Site Plan. The means of access as shown on drawing 2208-01-A shall remain thereafter.

REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]
- 08. The development hereby permitted shall not be begun until all the visibility splays shown on the approved drawing 6111-SK-001-A: Site Access have been provided. Those areas 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]

09. 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 driveways 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]

10. No dwelling shall be occupied until the associated vehicle parking and turning space has been surfaced and marked out in accordance with the approved drawing 2208-01-A: Site Plan. The spaces shall thereafter be kept available for parking at all times.

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

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

11. The garage accommodation shall be retained for the use of the parking of vehicles at all times, unless otherwise agreed in writing by the Local Planning Authority.

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

[Relevant Policy: BFBLP M9]

12. No dwelling shall be occupied until secure and covered parking for bicycles has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be kept available for cycles at all times.

REASON: In order to ensure bicycle facilities are provided.

[Relevant Policies: BFBLP M9, Core Strategy DPD 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:

- localised widening of Murrell Hill Lane

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]

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

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.

15. No development (including initial site-clearance) shall commence until a detailed scheme for the protection of existing trees, hedgerows and groups of mature shrubs to be retained, in accordance with British Standard 5837 (2012) 'Trees In Relation To Construction Recommendations' (or any subsequent revision), has been submitted to and approved in writing by the Local Planning Authority. Protection measures shall be phased as necessary to take into account and provide protection during demolition/site clearance works - all construction works - hard landscaping works. Details shall include an approved development layout plan at a minimum scale of 1:200, showing the following:
- a) Accurate trunk positions and canopy spreads of all existing trees within the site and on adjoining land adjacent to the development within influencing distance of the development.
 - b) Positions and spreads of existing hedgerows and groups of mature shrubs.
 - c) All proposed tree, hedge or shrub removal. Shown clearly with a broken line.
 - d) Proposed location/s of 2.4m high protective barrier/s, supported by a metal scaffold framework, constructed as a minimum in accordance with Section 6 (Figure 2), to include appropriate weatherproof tree protection area signage (such as "Keep Out - Construction Exclusion Zone") securely fixed to the outside of the protective fencing structure at regular intervals.
 - e) Illustration/s of the proposed protective barriers to be erected.
 - f) Proposed location/s and illustration/s of ground protection measures within the main root protection areas of retained trees, designed as necessary for pedestrian light traffic or heavy plant machinery, as necessary to prevent contamination and ground compaction.
 - g) Annotated minimum distances between protective barriers and trunks of retained trees at regular intervals.
 - h) All fenced off areas clearly annotated as Tree Protection Areas/Construction Exclusion Zones.
 - i) Notes regarding restrictions which apply to Tree Protection Areas/Construction Exclusion Zones.
 - j) Proposed protection method to prevent run off of toxic substances, liquids cement washings etc of any description from the construction area, into the construction exclusion zones approved around retained trees.
- The development shall be carried out in full accordance with the approved scheme.
- 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.
16. The protective fencing and other protection measures specified by condition 15 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. Where phased protection measures have been approved, no works shall commence on the next phase of the development until the protective fencing barriers and other protective measures have been repositioned for that phase in full accordance with the approved details. No activity of any

description must occur at any time within these areas including but not restricted to the following: -

- a) No mixing of cement or any other materials.
- b) Storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description.
- c) Siting of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, porta-loos, storage compounds or hard standing areas of any other description.
- d) Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ ground conditions of any other description.
- e) Installation/siting of any underground services, temporary or otherwise including; drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting.
- f) Parking/use of tracked or wheeled machinery or vehicles of any description.

In addition to the protection measures specified above,

- a) No fires shall be lit within 20 metres of the trunks of any trees or the centre line of any hedgerow shown to be retained.
- b) No signs, cables, fixtures or fittings of any other description shall be attached to any part of any retained tree.

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.

17. No development shall commence until a site specific design for the construction of the access road has been submitted to and approved in writing by the Local Planning Authority. Details shall include: -
 - a) 1:200 scale construction profiles at regular intervals along its length showing existing /proposed finished levels in relation to existing retained tree trunk locations, together with any grading of levels proposed to the south side of its footprint.

The Construction Method Statement shall be implemented in full accordance with the approved scheme, prior to the occupation of the dwelling.

REASON: In order to alleviate any adverse impact on the root systems and the long term health of retained trees, in the interests of the visual amenity of the area.

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

18. No development shall commence until a site specific method statement for the removal of all existing hard surfaced areas and/or structures of any other description, located within the minimum Root Protection Areas (RPA's) of trees to be retained, has been submitted to and approved in writing by the Local Planning Authority. Details shall include: -
 - a) A site plan at a minimum scale of 1:200, identifying all areas where such work is to be undertaken.
 - b) Reinstatement to soft landscape area including proposed ground de-compaction works.
 - c) Timing and phasing of works.

The Construction Method Statement shall be observed, performed and complied with in full accordance with the approved details.

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

19. No development shall commence until:
- (i) a site layout plan at a minimum scale of 1:200 showing the proposed layout of all underground services and external lighting and
 - (ii) a programme for the phasing and timing of works
- have been submitted to and approved in writing by the Local Planning Authority. Details of the site layout plan shall include: -
- a) Accurate trunk positions and canopy spreads of all retained trees/hedgerows and mature groups of shrubs.
 - b) Surface water/ foul drainage and associated inspection chambers (existing reused and new)
 - c) Soak-aways (where applicable)
 - d) Gas, electricity, telecom and cable television.
 - e) Lighting columns and all associated ducting for power supply.
 - f) Phasing and timing of works.

The development shall be carried out in full accordance with the approved site layout and the approved programme.

REASON: - In order to safeguard tree roots and thereby safeguard existing trees and other vegetation considered worthy of retention and to ensure new soft landscape planting areas are not adversely affected and can be used for their approved purpose, in the interests of the visual amenity of the area.

20. No development shall take place until:
- (i) details of all proposed alterations to the ground levels within the site within 5 metres of the minimum 'Root Protection Areas' calculated in accordance with BS 5837 (2012) recommendations (or any subsequent revision), for all existing retained trees within the site and on neighbouring land adjacent to the approved development. The details to include:
 - a) Existing and proposed finished levels.
 - b) Any proposed soil level re-grading in relation to existing retained trees, hedges and other vegetation.
 - c) Proposed retaining structures required to address level differences adjacent to retained trees and hedges and other vegetation, and
 - (ii) a programme and method of implementation have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved site layout plan and the approved programme.

REASON: In the interests of safeguarding the long term health and survival of retained trees, hedges and other vegetation considered worthy of retention.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) England Order 2015 (or any order revoking and re-enacting that order with or without modification) no enlargement, addition, improvement or other alteration permitted by Classes A, B, C, D and E of Part 1 of the Second Schedule of the 1995 Order shall be carried out.
- REASON: The site is affected by a Tree Preservation Order/contains trees which are a feature of the site where strict control over development is required by the policies of the development plan to ensure their protection.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) England Order 2015 (or any order revoking and re-enacting that Order with or without modification), no hard surface as permitted by Class F of Part 1 of the Second schedule of the 1995 Order shall be provided for any purpose incidental to the enjoyment of a dwelling house
- REASON: In the interests of the health of nearby trees.

23. 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 in writing by the Local Planning Authority. Any such study will have to be complied with during construction.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: BFBLP EN3 CS1, CS7]
24. All ecological measures and/or works shall be carried out in accordance with the details contained in PJC Ecology's report dated September 2014 and shall be retained thereafter.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1]
25. 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 implemented, observed and complied with.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1, CS7]
26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) England Order 2015 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 written consent from the local planning authority
REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1, CS7]
27. On the development hereby permitted no property shall be occupied until details of the maintenance and management of a sustainable drainage scheme designed in accordance with the approved Surface Water Drainage Strategy June 2015 have been submitted to and approved in writing by the local planning authority. Those details shall include:

A management and maintenance plan 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 for the lifetime of the development .

Once approved, the scheme shall be managed and maintained thereafter in accordance with the approved management and maintenance plan for the lifetime of the development.

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.

28. On the development hereby permitted no property shall be occupied until a sustainable drainage scheme which serves the property has been constructed in accordance with the approved Surface Water Drainage Strategy June 2015 and will be retained thereafter.

REASON: To prevent the increased risk of flooding.

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

- a) Details for the permeable paving design
- b) Details for the function and design of the storage system pipework
- c) Details for the connection of the properties to the sustainable drainage system
- d) Details for the connection of the sustainable drainage system to the final outfall

The sustainable drainage scheme shall be implemented as approved prior to the occupation of the dwellings and shall be retained thereafter.

REASON: To prevent the increased risk of flooding from the development.

30. No development shall take place until the applicant or their agents or successors in title have secured the implementation of a programme of archaeological work (which may comprise more than one phase of work) in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the planning authority.

REASON: The site lies within an area of archaeological potential, principally for prehistoric and Roman remains. The programme of work will mitigate the impacts of development and ensure an appropriate record and advance understanding of the significance of any heritage assets in accordance with national and local policy.

31. No development shall commence until details of a scheme of walls, fences and any other means of enclosure has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of any of the buildings approved in this permission.

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

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

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. Trees on and adjacent to this site are/may be protected by Tree Preservation Orders and/ or Conservation Area legislation. In simple terms, detailed written consent must therefore be obtained from the Council's Tree Section before undertaking any form of work to such trees (including any work affecting their root systems), unless detailed works to such trees have been specifically approved in writing as a part of this planning permission. Any pruning or removal of trees without the necessary consent or any damage arising from non compliance with other conditions of this permission or otherwise may be liable to prosecution by the Council. This may be in addition to any enforcement action deemed appropriate for non compliance with relevant planning conditions. Property owners, developers and/ or any other relevant persons are therefore advised to take appropriate measures to ensure that all persons responsible for overseeing works approved under this permission are suitably briefed on this matter.
03. Please note that trees on and/or adjacent to this site are protected by Tree Preservation Orders. The legislation protecting these trees overrides Permitted Development under the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification). Prior written consent must be obtained from the Council's Tree Service before undertaking any works which require the removal/ and or pruning of a protected tree or may affect / cause damage of any description to its canopy, trunk or root system and subsequent health, stability and survival in any way. Typically such works include but are not limited to the laying of hard surfaces of any description, foundations for garden structures, construction of retaining walls, topsoil stripping, excavation/ alterations to existing ground conditions of any other description near trees. Any pruning, removal of a protected tree as a result of such works, without the necessary consent or any damage arising from non compliance with this requirement may be liable to prosecution by the Council.
04. No details are required to be submitted in relation to the following conditions:

1 ,2 ,7 ,8 ,9, 10, 11, 16, 21, 22, 23, 24, 26 and 28.

The applicant is advised that the following conditions require discharging prior to commencement of construction works:
3, 4, 5, 6, 13, 14, 15, 17, 18, 19, 20, 25, 29, 30 and 31.

The following conditions require discharge prior to the occupation of the dwellings hereby approved:
12 and 27.

In the event of the S106 planning obligation(s) not being completed by 20th October 2015.

the Head of Planning 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).
02. In the absence of a planning obligation to secure localised widening of Murrell Hill Lane the proposal would have an adverse impact on highway safety. The proposed development is therefore contrary to Local Plan Policy M4, Core Strategy Policy CS23 and the NPPF.

Doc. Ref: Uniform 7/DC/Agenda

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

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Unrestricted Report

ITEM NO: 7

Application No.
15/00426/FUL
Site Address:

Ward:
Ascot

Date Registered:
18 May 2015

Target Decision Date:
13 July 2015

Land Rear Of Royal Hunt House Fernbank Road Ascot Berkshire

Proposal: **Erection of 2no 3 bed semi-detached dwellings with car parking.**

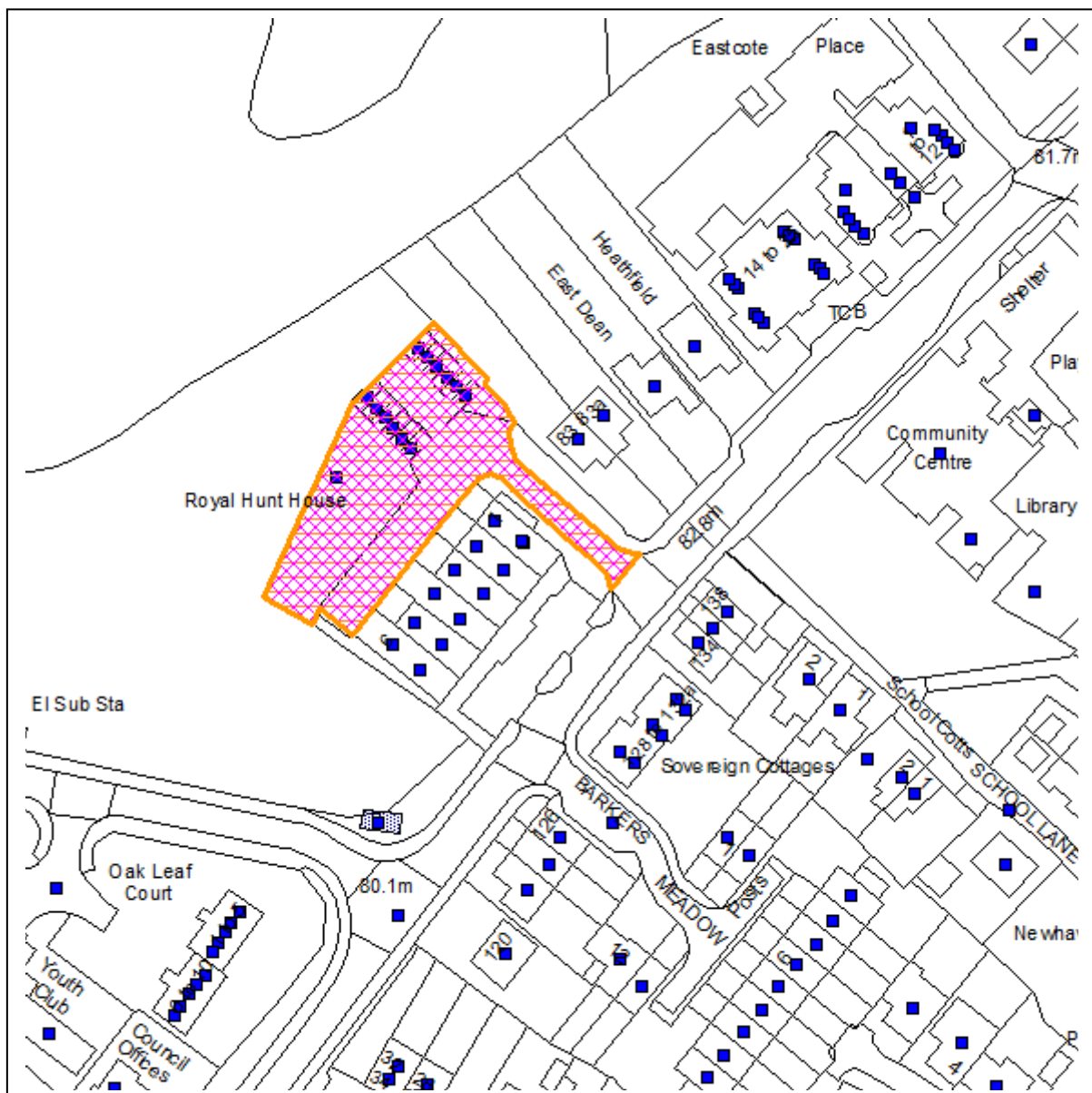
Applicant: W.J Channing

Agent: Mr Stephen Harrison

Case Officer: Sarah Fryer, 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 being reported to committee as more than 3 objections have been received.

2. SITE DESCRIPTION

The application relates to a site to the rear of Royal Hunt House, Fernbank Road, Ascot. Royal Hunt House is a three storey detached building with commercial units (shops, restaurants, travel agents) on the ground floor with maisonettes above. Access to the service yards to the rear is via a road sited to the north of the building which also provides shared access to a garage court. The site is located to the north west of Royal Hunt House across the shared service road and south of the garage court. The land is enclosed by a 2m close boarded fence and is overgrown with vegetation and several large trees to the south-western and north-western boundaries of the site.

To the west, the site borders the Mill Ride Golf and Country Club and is undeveloped. This area of Fernbank Road is mainly residential in character with small local service centres. The majority of the built form consists of two storey properties.

3. RELEVANT SITE HISTORY

14/00259/FUL Erection of two storey building comprising of 4 no. two bed flats with associated parking and communal area with bin store- Application withdrawn

12/00170/FUL Erection of two storey building comprising of 4 no. two bed flats with associated parking and communal area with bin store- Application withdrawn

10/00027/FUL Erection of a two storey building comprising of 5 no. one bed flats and 4 no. two beds flats with associated parking and communal areas with bin store. Refused and appeal dismissed

Whilst the appeal was dismissed, with the Inspector finding that the proposal would result in overdevelopment of the site and that there was insufficient space for the required off -street parking and service vehicles to be accommodated, he did consider that the access drive was wide enough to allow two cars to pass and visibility splays at the junction of Fernbank Road were adequate.

4. THE PROPOSAL

Planning permission is sought for the erection of two semi-detached three bedroomed dwellings, with associated off street parking and private amenity areas.

Amended plans have been received, extending the red line to the highway to provide access, rotating the dwellings by 90 degrees and amending the layout of the parking area to reduce the required amount of hard surfacing, following comments from the case officer.

The dwellings would be two storey in height with a hipped roof and enclosed projecting porch to the front, with a covered canopy extending across the width of the dwelling. The front of the proposed dwellings would face the rear of Royal Hunt House, with enclosed rear gardens. A shared parking area is proposed to be provided to the south of the dwellings with access from the service driveway to the rear of Royal Hunt House.

5. REPRESENTATIONS RECEIVED

Winkfield Parish Council

Winkfield Parish Council objects to the proposal for the following reasons:

Over development on an unsuitable site for housing

The proposed 'tarmac' parking area would be impermeable and would affect trees behind the site and drainage

Deliveries to the shops would be adversely affect the access and egress to the houses

The development would cause damage to the badger and newt population.

Other Representations

A total of 7 representations from different addresses have been received objecting to the proposal on the following grounds:

- There has been too much development in recent times without increasing local amenities. The local infants and junior schools and GP surgery are all at capacity.
- Proposal would result in conflicts between cars and service vehicles throughout the day.
- The land is used as a soakaway for the 6 flats and shops- has this been checked [*Officer comment; this is not a planning consideration and can be overcome with an engineering solution*].
- Parking in the area is already a problem
- The access road is not within the ownership of the applicant who only has a right of access on the service road and therefore the plans are misleading [*Officer Comment: the applicant has signed certificate 'B' on the application form stating that they do not own the whole of the site*].
- Disruption and noise from the building work
- Could the new houses overlook our garden?
- Access is too narrow and often blocked by lorries and cannot support further traffic.
- Proposal could result in traffic waiting within the highway to enter the site.
- Development could negatively impact on the local businesses and is considered to be unneighbourly
- Development would have a negative impact upon protected wildlife and ecology in the area.
- Restaurants within close proximity to the flats expel odours resulting in an unpleasant living environment.
- Waste bins used by the businesses are left on the access road as there is no where else to put them. The position of these has not been taken into account by the applicant.

6. SUMMARY OF CONSULTATION RESPONSES

Environmental Health

No objection subject to conditions covering dust during construction, working method statement, hours of construction and external lighting.

Bio-diversity Officer

No objections subject to conditions concerning mitigation strategy for great crested newts, reptile mitigation strategy, method statement to prevent disturbance to the nearby badger sett during works, and no works during bird nesting period.

Tree Officer

There do not appear to be any trees within the application site or on adjacent land that merit protection and therefore no comments to make.

Highways Officer

The Local Highway Authority suggests that a scheme to improve the access on the private road be sought which would involve the parking layby located to the north of the access road. As this is outside the red line of the site, it cannot be conditioned. However should the LPA be minded to approve this planning application conditions and informatives are recommended.

7. DEVELOPMENT PLAN

The Development Plan for this Borough includes the following:

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

8. PRINCIPLE OF DEVELOPMENT

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

The site is located in within the Settlement Boundary as defined on the Bracknell Forest Borough Policies Map (2013).

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 Inspector on the Tilehurst Lane appeal concluded that Bracknell Forest Council are unable to demonstrate a 5 year supply of housing land. Therefore relevant policies relating to the supply of housing should not be considered up to date and the weight afforded to them reduces. Of particular relevance is the presumption against development in the countryside which can no longer be applied to housing development. However since the application is located within the settlement boundary, the principle of residential development is generally acceptable and therefore the 5 year housing land issue is not a significant factor in the determination of this application.

This site is located within the settlement boundary, close to services, amenity and the public transport network, and therefore the principle of development is acceptable, subject to the proposal complying with other relevant policies of the development plan.

9. IMPACT ON CHARACTER AND APPEARANCE OF AREA

Policy CS7 of the CSDPD considers the design of development and supports that which builds on urban, suburban and rural local character of the site, enhances the landscape, promotes bio-diversity and enables a mix of uses. 'Saved' Policy EN20 requires proposal to be in sympathy with the appearance and character of the local environment and be appropriate in scale, mass, design, materials, layout and siting. The NPPF sees good design as a key aspect of sustainable development, and therefore both Policy CS7 and EN20 are considered to conform with the NPPF and can be afforded full weight.

The proposal would result in the erection of a two storey pair of semi-detached dwellings, on a site to the rear of Royal Hunt House, which is overgrown with vegetation and enclosed by a 2m close boarded fence and a block of garages. The site is private and therefore has limited amenity value. Whilst on the edge of the built form, the site is within the settlement boundary and therefore the principle of its development for housing is acceptable. The dwellings have been carefully sited and the amount of hardsurfacing minimised to assist with the transition between the built form and more open character of the Green Belt immediately to the west of the application site. The dwellings have been sited away from the south western boundary and group of trees along this boundary, and therefore limiting the impact of the proposal on these trees.

The siting of the dwellings has been re-orientated so that they are on the same alignment as Royal Hunt House and therefore are considered to be in keeping with the form of surrounding developments. The dwellings would have a hipped roof with the front elevations broken up with a projecting porch and canopy over the window to the front. Fernbank Road contains a mix of styles of properties, including dwellings with hipped roofs. The two storey scale of the proposal is considered to be in keeping with the scale of the domestic dwellings on Fernbank Road.

Accordingly the proposal is considered to have been appropriately designed, to reflect the surrounding area and therefore is considered to accord with Policy CS7 of the CSDPD and 'Saved' Policy EN20 of the BFBLP.

10. RESIDENTIAL AMENITY

'Saved' Policy EN20, criterion vii, seeks to protect the amenities of surrounding properties and the adjoining area. Paragraph 17 of the NPPF seeks a 'good standard of amenity for all existing and future occupants of land and buildings' and therefore 'Saved' Policy EN20, criterion vii, is considered to be consistent with the NPPF and can be afforded full weight.

The nearest residential dwellings to the proposal are the maisonettes within Royal Hunt House and no. 83 Fernbank Road, located to the north of the shared driveway into the site.

The rear of Royal Hunt House has a shared terrace area, serving as outdoor amenity space and giving access to the maisonettes located above the commercial units. Access to this is via a brick staircase located at the northern end of the block. The forward most edge of this would be located 13m from the front elevation of the dwellings, and 18m from the first floor windows. At this distance it is not considered that the proposal would result in overlooking and consequentially lead to a loss of amenity to the residents of the maisonettes.

No. 83 Fernbank Road is located to the northeast of the proposed dwellings with access from Fernbank Road. The proposal has been amended to include a side facing bedroom window at first floor level. The boundary to No. 83 would be located in excess of 20m from this side facing window, considered sufficient distance to protect the amenities of occupiers of no 83. Views between the existing rear windows of No 83 and the proposed window would be at a greater distance and at an obscure angle reducing significantly the possibilities of overlooking and a loss of privacy. It is not considered that the proposal would adversely affect the privacy of occupiers of no. 83 Fernbank Road.

The proposed dwellings have been designed with private amenity space to the rear of the dwellings. Objections have been received raising concerns about the proximity to the restaurants within the Royal Hunt House. However, there are residential units above these uses and therefore closer than the proposed dwellings. Given this existing relationship, it is not considered that it would be possible to refuse the application on the harm to amenities of future occupiers, adjoining uses would have on this area, and consequentially there is no objection from Environmental Health.

In light of the above it is considered that the proposal would not detrimentally affect the amenities of existing occupiers and provides sufficient amenity space for future occupiers and therefore, complies with 'Saved' Policy EN20 of the BFBLP.

11. TRANSPORT IMPLICATIONS

Policy CS23 of the CSDPD seeks to reduce the need to travel and increase the safety of travel. 'Saved' Policy M9 of the BFBLP seeks adequate vehicle and cycle parking within new development. Both policies are considered to be consistent with the NPPF that seeks a safe and suitable access to the site for all. However, the NPPF notes that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe' (paragraph 32 pt. 3).

The site would have access from a private road that serves as a service road to the rear of the retail units, and joins Fernbank Road to the north of Royal Hunt House. This road to the north of Royal Hunt House, has a layby along the northern kerb and informal parking along the southern kerb. This road is hard surfaced and to the rear of Royal Hunt House has a width of over 7m. Objections have been received on highway safety grounds that the proposal would result in conflicts between delivery lorries and cars and the private road cannot support any more vehicle movements.

The Bracknell Forest Parking Standards 2007 (SPD), require a three bedroom dwelling to have access to two off street parking spaces. The proposal includes the provision of four off street parking spaces and turning area sited to the south west of the proposed dwellings, which would be overlooked by both the flats above the shops and the side facing windows to the left hand of the two plots. The proposal provides adequate off street parking in accordance with the current adopted parking standards and therefore it can not be demonstrated that the proposal would result in additional on street parking to the detriment of highway safety.

The site has a long history of applications mostly seeking a more intensive form of development. In 2010 (10/00027/FUL) a proposal for 9 flats was refused and dismissed at appeal. However, in considering highway issues the Inspector found that the 'drive was wide enough for two cars to pass and visibility splays at the junction with Fernbank Road appear to be adequate. Traffic speeds on Fernbank Road are relatively low as the road is traffic calmed'. The inspector found that the proposal did not provide adequate parking and due to the parking layout would result in 'unacceptable conflict

between the delivery vehicles servicing the commercial units', the scheme now under consideration is for considerably fewer units resulting in a significant reduction in the number of trips (a three bedroomed dwelling is expected to result in 8 trips per day) when compared with the appeal scheme. In addition the scheme now proposes one access which vehicles can exit in a forward gear. However, the appeal decision is now 4 years old and parking pressures in the area may have increased, although there is no evidence to support this.

It has been observed through various visits to the site by the Highways Officer and Planning Officer that the access road to the north of Royal Hunt House has parking along both the southern and northern edges, restricting the width to the extent that two cars would find it difficult to pass. Concern has been expressed by the Highways Officer that at busy times this could result in cars reversing back on to Fernbank Road to enable a car to exit. However Fernbank Road at the point of the junction is subject to yellow lines restricting parking and these restrictions extend into the radii of the junction. As such parking within these radii can be dealt with via enforcement of the existing parking restrictions providing more space for vehicles to pull clear of Fernbank road to enable another car to exit.

The service road to the rear of the units is 7.5m wide at its narrowest point. At the time of the site visit, rubbish bins were located to the rear of the commercial units and a skip was positioned against the fence. Even with these obstacles there was sufficient space for vehicles to access the rear of the commercial units.

Whilst there is an issue with vehicles parking along the access road and sometimes close to the junction with Fernbank Road, the NPPF states that development should only be refused if the residual cumulative impacts of development are severe.

There is a parking problem within the private road, however due to adequate off street parking being provided, the proposal would not increase this. The two dwellings would result in an additional 16 trips spread out over the course of a day. The service road already serves 6 commercial units and 6 flats above which are likely to result in 48 trips per day. It is considered that it would not be possible to demonstrate that the increase in trips to and from the site would result in a 'severe' impact on highway safety. Accordingly it is considered that it would not be possible to sustain a reason for refusal on highway grounds, and the proposal is considered to comply with Policy CS23 of the CSDPD and 'Saved' Policy M9 of the BFBLP.

12. BIODIVERSITY

Policy CS1 of the CSDPD seeks development that protects and enhances the quality of natural resources including bio-diversity (criterion vii). Policy CS7 seeks a high standard of design, that enhances the landscape and promotes bio-diversity. The NPPF seeks to conserve the natural environment (paragraph 17) by minimising impacts on bio-diversity and providing net gains in bio-diversity (paragraph 109). The policies are considered to be consistent with the NPPF and therefore can be afforded full weight.

The application was submitted with a Badger and Reptile Surveys and a Great Crested Newt Survey. These have been reviewed by the Councils Biodiversity Officer. Great Crested Newts have been found to be present in two ponds within the adjacent golf course and it is likely that they use the site during their terrestrial phase. As such the site clearance will need to take place under license from Natural England. The reptile report shows a good population of slow worms and a small population of grass snakes.

A badger sett has been identified within the area, however disturbance from the proposed development is likely to be minimal. Accordingly it is recommended that conditions are imposed requiring the following;

- Mitigation strategy for Great crested Newts and a copy of the licence to Natural England,
- Reptile mitigation Strategy, including habitat enhancement)
- Method statement for works to avoid disturbing the badge sett.
- No site clearance during bird nesting season
- Hard and Soft Landscaping
- Bat and bird boxes

A condition has been requested to secure an external lighting scheme to control the light spill onto the bat foraging grounds. The proposal is located in close proximity to other developments which are not controlled, to the front of the dwellings. However, to the rear the proposals would face towards tree cover and possible foraging grounds and it is considered necessary and reasonable to control the lighting to this elevation.

13. THAMES BASIN HEATHS SPECIAL PROTECTION AREA (SPA)

The site is located 4.3km from the boundary with the SPA and therefore is likely to have an adverse impact on the SPA unless it is carried out together with appropriate avoidance and mitigation.

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

The following policies apply:

South East Plan (May 2009) Policy NRM6 (Thames Basin Heaths Special Protection Area)

'Saved' Policy EN3 of BFBLP sets out the approach the Council will take in order to protect European nature Conservation sites.

CS14 of the CSDPD Thames Basin Heaths SPA.

The Thames Basin Heaths SPA Avoidance and Mitigation SPD is also relevant and sets out the Council's strategy for dealing with development in this area.

The development will result in a net increase of two, 3 bedroom dwellings. Accordingly the level of SANG payments are set out as follows:

Total SANG Contribution	£4,342
Total SAMM Contribution	£1422
Total contribution required	£5,764.00 (i.e. £4342+ £1422)

This should be secured through a legal agreement. Without such an undertaking in place the proposal would result in harm on the SPA and therefore would be contrary to Policies CS14 of the CSDPD and 'Saved' Policy EN3 of the BFBLP.

14. COMMUNITY INFRASTRUCTURE LEVY (CIL)

Bracknell Forest Council introduced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the borough and the type of development.

CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted) including extensions of 100 square metres of gross internal floor space, or more, or new build that involves the creation of additional dwellings.

The application site lies within the Northern Parishes charging zone. In the event of planning permission being granted, a CIL Liability Notice (CLN) will be issued for the development.

15. SUSTAINABILITY

Policy CS10 of the CSDPD requires the submission of a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day. No Sustainability Statement has been submitted. A planning condition is recommended in relation to the submission of a Sustainability Statement to satisfy the requirements of Policy CS10 of the CSDPD.

Policy CS12 requires an Energy Demand Assessment to be submitted. No Assessment has been submitted and therefore a planning condition is recommended requiring an Energy Demand Assessment to demonstrate that 10% of the developments energy demands would be off set as a result of implementing renewable energy measure.

16. CONCLUSIONS

The application site is located within the defined settlement boundary, close to services and public transport routes. The proposal is not considered to detrimentally affect the character of the area, the amenities of nearby residents or the bio-diversity value of the site. It is acknowledged that there is an existing parking problem in the area. However, the scheme provides sufficient off-street parking and therefore would not result in additional on street parking worsening the situation. It is considered that the trips created by the proposed two dwellings would not be sufficient to demonstrate that the residual cumulative impacts of development are severe and therefore a sustainable reason for refusal. The proposal is therefore considered to be acceptable and in conformity with Policies CS2, CS7, CS23, CS14, CS10 and CS12 and CS23 of the CSDPD and 'Saved' Policies EN20 and M9 of the BFBLP.

RECOMMENDATION

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

01. Measures to avoid and mitigate the impact of residential development upon the Thames Basins Heath Special Protection Area (SPA).

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

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

02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority:
 Site location plan (received 09.07.2015)
 1A (Plans and elevations) received 09.07.2015
 2A (Block Plan) received 09.07.2015
 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. No dwelling shall be occupied until the associated vehicle parking and turning space has been surfaced and marked out in accordance with the approved drawing 2A received 09.07.2015. 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]
05. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for covered and secure cycle parking facilities. The building shall not be occupied until the approved scheme has been implemented. The facilities shall be retained as approved.
 REASON: In the interests of accessibility of the development to cyclists.
 [Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
06. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority, 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 (e) above.
 REASON: In the interests of amenity and road safety.
 [Relevant Plans and Policies: CSDPD CS23]
07. The development shall not be begun until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day, has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the Sustainability Statement, as approved, and retained as such thereafter.
 REASON: In the interests of sustainability and the efficient use of resources.
 [Relevant Policy: Core Strategy DPD CS10]
08. The development shall not be begun until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This

shall demonstrate that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be at least 10%). The buildings thereafter constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith.

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

09. 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 proposed development shall be implemented in accordance with the approved details.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: BFBLP EN3 CS1, CS7]
10. The development (including site clearance and demolition) shall not be begun until:-
(i) the site has been surveyed for the presence of badgers
(ii) the survey has been submitted to and approved by the Local Planning Authority, and
(iii) a scheme to minimise disturbance to badgers during the construction of the development, to mitigate the impact of the development upon them, and to improve their habitat has been submitted to and approved by the Local Planning Authority .
The scheme shall be performed, observed and complied with.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: BFBLP EN2]
11. The development (including site clearance and demolition) shall not begin until a scheme to mitigate the impact of the development on reptiles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:
o measures to avoid harm to biodiversity
o features provided to mitigate the loss of habitat (e.g. ponds, hibernacula)
o habitat enhancements (not mitigation)
o 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 for approval within three months of the first occupation of any dwelling hereby approved.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1]
12. The development (including site clearance and demolition) shall not begin until a scheme to mitigate the impact of the development on Great Crested Newts has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:
o measures to avoid harm to biodiversity
o features provided to mitigate the loss of habitat (e.g. ponds, hibernacula)
o habitat enhancements (not mitigation)
o 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 for approval within three months of the first occupation of any dwelling hereby approved.
REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1]

13. The development, including site clearance, 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.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 or any Order revoking and re-enacting that order, no external lighting shall be installed within the parking area or affixed to the northwestern, or south western elevation of the dwellings hereby permitted 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.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

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

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

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

planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.

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

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

16. The development shall not be occupied 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 prior to the occupation of the dwellings.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

17. Demolition and construction work shall take place at the site only between 08:00hrs and 18:00hrs Monday - Friday, between 08:00hrs and 13:00hrs on Saturdays, and not at all on Sundays or Bank Holidays."

REASON: To safeguard the amenities of the area and the occupiers of neighbouring properties

[Relevant Policies; BFBLP EN20, EN25]

18. Should evidence of any land contamination be discovered at any point during the construction, then work will cease until a scheme to deal with the contamination has been submitted to and approved in writing by the Local Planning Authority. The development shall continue in accordance with the approved mitigation scheme.

REASON: To protect the amenities of future occupiers.

[Relevant Policies: BFBLP EN25]

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. Your attention is drawn to the conditions attached to this application. You are advised that all conditions must be complied with and that conditions 3, 4, 6, 7, 8, 9, 11, 12, 13, and 14 require further details to be submitted.

In the event of the S106 planning obligation(s) not being completed by 25 August 2015 the Head of Planning be authorised to **REFUSE** the application on the grounds of:-

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

Doc. Ref: Uniform 7/DC/Agenda

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

Unrestricted Report

ITEM NO: 8

Application No.
15/00474/A

Site Address:

Ward:
Ascot

Date Registered:
25 May 2015

Target Decision Date:
20 July 2015

Greenoaks Mercedes-Benz Of Ascot London Road Bracknell Berkshire RG12 9FR

Proposal:

Display of 3no. illuminated fascia signs, 1no. illuminated wall-mounted sign, 2no. illuminated free-standing signs, 3no. non-illuminated free-standing signs, and 3no. flag pole signs.

Applicant:

Mercedes Benz

Agent:

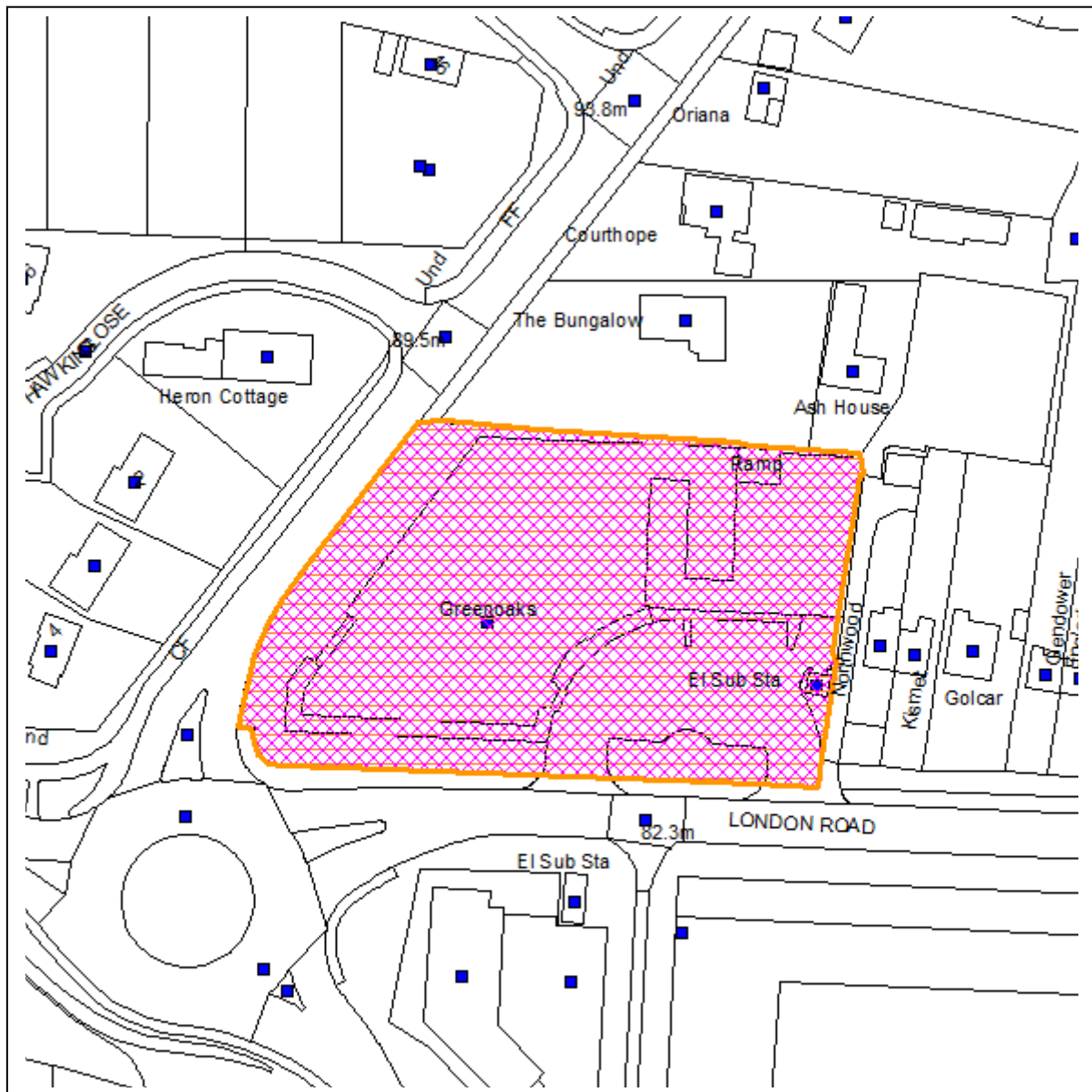
Omega Signs Limited

Case Officer:

Matthew Miller, 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 reported to Planning Committee by Councillor Mrs Hayes over concerns regarding the impact of the proposal on highway safety.

2. SITE DESCRIPTION

'Greenoaks Mercedes Benz of Ascot', London Road is a commercial car dealership located to the immediate northeast of the roundabout between London Road, Long Hill Road, and New Forest Ride. The site is located within the settlement boundary, in a transitional area between the settlements of Bracknell and Ascot, with a commercial unit to the south and residential dwellings to the north, east and west.

The site consists of a primary three storey detached sales building, with a car park to the front providing both customer parking and vehicle sale display. A secondary staff building is located to the rear, with an enclosed staff car park. Grass verges are present to the front (south) and west of the main site. Various existing non-illuminated and illuminated signage is present including consisting of three free-standing flagpoles, and fascia and free-standing signage.

3. RELEVANT SITE HISTORY

04/00773/FUL

Erection of part single, two and three storey building comprising car showroom, workshop and associated facilities, following demolition of existing buildings.
Approved (2004)

06/00192/A

Display of illuminated and non-illuminated wall mounted and free standing signage and erection of 8no. flagpoles.
Consent Granted (2006)

11/00141/A

Display of illuminated fascia sign
Consent Granted (2011)

4. PROPOSAL

The proposed advertisements comprise the formation of the following:

- 1no. illuminated circular wall-mounted sign (identified as sign A on the submitted plans), displaying the silver Mercedes Benz trademark. It would have a diameter of 2.5 metres.
- 1no. internally illuminated fascia sign displaying the text 'Mercedes Benz' with a white colour finish and black runner bars (sign B). It would measure 0.8 metres in height and 7.4 metres in width.
- 1no. internally illuminated fascia sign displaying the text 'Ascot' with a white colour finish and black runner bars (sign C). It would measure 0.7 metres in height and 2.2 metres in width.
- 1no. internally illuminated fascia sign displaying the white 'AMG' trademark, with black runner bars (sign D). It would measure 0.6 metres in height and 6.0 metres in width.

- 1no. internally illuminated free-standing sign with a silver and black finish providing directional signage within the property (sign E). It would measure 3.1 metres in height, 1.6 metres in width, and 0.2 metres in depth.
- 1no. internally illuminated free-standing pylon sign displaying the Mercedes Benz trademark on a black background (sign F). It would measure 6.1 metres in height, 1.2 metres in width, and 0.3 metres in depth.
- 3no. flags with supporting poles displaying the Mercedes Benz trademark on white, silver and black backgrounds (signage G). The individual advertisements would measure 8.0 metres in height.
- 2no. non-illuminated free-standing signs with silver and black finishing indicating parking area and an area of no entry (signs H and I). They would each measure 1.6 metres in height, 0.5 metres in width, and 0.2 metres in depth.
- 1no. non- illuminated free-standing sign with a silver and black finish providing directional signage within the property (sign J). It would measure 2.1 metres in height, 1.0 metres in width, and 0.2 metres in depth).

All the proposed illuminated signage would be illuminated to a level of 400 cd/sqm (candela per square metre).

During the course of the application a revised Block Plan has been received to relocate signage B, C, D, E, F, G and I from the highway verge to further north within the property itself. Two formerly proposed signs have also been removed from the proposal, as they would have been sited within existing car parking spaces.

The proposed signage would replace signage currently present on the property.

The proposal is not CIL liable due to its nature as the display of advertisements.

5. REPRESENTATIONS RECEIVED

Winkfield Parish Council:

Winkfield Parish Council objected to the initially submitted proposal on the grounds that the proposed siting of the signage close to the highway of London Road would result in an adverse impact on highway safety, and the illuminated signage would be out of character with the surrounding area.

Other representations:

One objection has been received from the occupant of 7 Prince Consort Drive, who objects to the initially submitted proposal on the grounds that the proposal would result in an adverse impact on highway safety and the proposed flag signage would be out of character in the street scene.

[Officer Note: The above matters are assessed in the report below].

Following the receipt of 2no. objections, the Local Planning Authority's 1-3 Objection procedure was undertaken.

6. SUMMARY OF CONSULTATION RESPONSES

Highway Officer:

The Highway Officer objected to the initially submitted proposal on the grounds that signs B, C, D, E, F, G and I would be sited on the highway verge, and outside the property boundary. It was considered that the siting of the proposed signs in such a location would disrupt vehicular and pedestrian sight lines, and interrupt the interpretation of traffic signs relating to the roundabout to the west. *[Officer Note:*

Following the receipt of these comments an amended plan was provided which amended the proposed siting of the above-mentioned signage to further back within the property].

No further statutory or non-statutory consultations have been required.

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

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

Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 states that applications for advertisement consent should be assessed in respect of factors relevant to amenity, including the general characteristics of the local area, and in respect of factors relevant to public safety, including whether the proposed signage would adversely obscure or hinder visibility or the interpretation of traffic signs. The proposal is therefore considered acceptable in principle subject to the above considerations.

9. IMPACT ON CHARACTER AND APPEARANCE OF AREA, AND ON RESIDENTIAL AMENITY

CSDPD Policy CS7 states that development (and by extension to this, proposed advertisements) will be permitted which builds upon the local character of the area, provides safe communities and enhances the local landscape where possible. Bracknell Forest Borough Local Plan (BFBLP) 'Saved' Policy EN20 states that development should be in sympathy with the appearance and character of the local area, and should not adversely impact the amenity of surrounding properties.

These policies are considered to be consistent with the NPPF, where Para. 67 of the NPPF states that advertisements which will have an appreciable impact on a building or its surroundings should be subject to a detailed assessment by the Local Planning Authority. Advertisements should be subject to control only in the interests of amenity and public safety, taking into account any relevant cumulative impacts. Poorly placed advertisements can have a negative impact on the appearance of the surrounding built and natural environment.

The proposed signage would be visible in the street scene of London Road to the south, and some of the western-most signage would be visible from Long Hill Road to the west. It is not considered that the proposed signage would be out of character with either the host property or the surrounding area, considering the overall design of the individual signage, and the usage of standard white, silver and black colour finishes, which would be in keeping with the appearance of the primary sales building.

Furthermore similar signage is currently sited within the frontage of the property, and this includes existing flag signage. In view of this alongside the commercial nature of

the property and the transitional nature of the surrounding area, it is not considered that the proposed signage would be adversely out of character with the surrounding area. Although a significant amount of signage is proposed, it is noted that there is a significant amount of signage currently present on site (to be removed), and for an established commercial property forming a car dealership the amount proposed is not considered to be harmful to the character of the area.

Some of the proposed signage would potentially be visible from residential properties to the east and west, though significant screening would be provided by existing planting, including trees. The proposed signage would be obscured from the residential properties to the north by the host property. In accordance with the guidance contained within The Institution of Lighting Engineers (ILM) Technical Report No. 5 'Brightness of Illuminated Advertisements (Third Edition) (2001), the proposed illumination level of a maximum of 400 cd/sqm is considered to be reasonable in an area that contains residential dwellings. The illumination is proposed to be static, however considering its low illumination level this is considered to be acceptable. It is recommended that a condition be imposed to restrict the illumination of the signage to no greater than 400 cd/sqm, in the interests of both the character and appearance of the area, and public safety.

It is therefore not considered that the proposed signage would result in an adverse impact on amenity, in accordance with Town and Country Planning (Control of Advertisements) (England) Regulations 2007, and in association with this, CSDPD Policy CS7, BFBLP 'Saved' Policy EN20, and the NPPF, subject to the recommended condition.

10. TRANSPORT IMPLICATIONS

CSDPD Policy CS23 states that the Council will use its powers to increase the safety of travel and maintain and improve the local road network. This policy is considered to be consistent with the NPPF, which state that transport policies should contribute in facilitating sustainable development.

The Highway Officer was consulted on the initially submitted proposal, and raised concerns that signs B, C, D, E, F, G and I would be sited on the highway verge, and outside the property boundary. It was considered that the siting of the proposed signs in such a location would disrupt vehicular and pedestrian sight lines, and interrupt the interpretation of traffic signs relating to the roundabout to the west.

As a result the proposed siting of signs B, C, D, E, F, G and I have been amended so that they are sited within boundary of the host property. The signs would be sited 5.5 metres from the edge of the pedestrian footway (at the shortest point), which would be a similar distance from the highway as the existing signage on site. Therefore at the revised distance it is not considered that the proposal would result in an adverse impact on highway safety through the disruption of sight lines or the ability to interpret traffic signs (including the new traffic signage proposed to be installed to the roundabout to the west).

Furthermore two signs have been removed from the proposal as they were to be sited on existing customer car park spaces. On-site observations from the case officer identified that the customer car park spaces are in high demand, and therefore any loss of these spaces could potentially impact highway safety through a parking shortfall. As a result the signage of the revised proposal would not impact the existing customer parking spaces.

The proposed illumination level of 400 cd/sqm is not considered to result in an adverse impact on highway safety through potential distraction to highway users considering the setback of the proposed signage from the highway, and in accordance with the guidance contained within The Institution of Lighting Engineers (ILM) Technical Report No. 5 'Brightness of Illuminated Advertisements (Third Edition) (2001). It is recommended that a condition be imposed to restrict the illumination to this stated level, in order to restrict an increased illumination level that may impact highway safety.

Therefore it is considered that the proposed signage would not result in a detrimental impact on public safety, in accordance with CSDPD Policy CS23, and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, subject to the recommended condition.

11. CONCLUSIONS

It is not considered that the proposed signage would result in an adverse impact on the character and appearance of the local area, or on public safety, subject to the recommended condition. It is therefore considered that the proposed signage is in accordance with Development Plan Policies CSDPD Policies CS1 and CS23, BFBLP 'Saved' Policy EN20, the NPPF, and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

RECOMMENDATION

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

01. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
02. No advertisement shall be sited or displayed so as to:
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
03. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
04. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
05. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
REASON: Standard conditions 1-5 are imposed in accordance with Schedule 2 of the Town and Country Planning (Control of Advertisements) Regulations 2007.

06. The advertisement hereby granted consent shall be displayed in accordance with the following approved plans received by the Local Planning Authority:

Block Plan [Amended] scale 1:500 received on 22 July 2015

'22265v01 Issue 3 Page 2 of 6' received on 25 May 2015

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

07. The illumination level of the illuminated advertisements hereby granted consent shall not exceed 400 cd/sqm.

REASON: In the interest of the character and appearance of the area, and in the interests of public safety.

[Relevant Policies: BFBLP 'Saved' Policy EN20, CSDPD CS7 and CS23].

Doc. Ref: Uniform 7/DC/Agenda

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

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Unrestricted Report

ITEM NO: 9

Application No.
15/00484/FUL
Site Address:

Ward:
Crowthorne

Date Registered:
4 June 2015

Target Decision Date:
30 July 2015

23 Brookers Corner Crowthorne Berkshire RG45 7DU

Proposal:

Erection of a single storey side extension, two storey rear extension and a rear dormer following demolition of existing two storey rear extension

Applicant:

Mrs Jennifer Knowles

Agent:

Mrs Ivana Kutsch

Case Officer:

Michael Ruddock, 01344 352000

Development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. REASON FOR REPORTING APPLICATION TO COMMITTEE

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

2. SITE DESCRIPTION

No.23 Brookers Corner is one of a group of three terraced dwellings and is located on the eastern end of the terrace. An area of hardstanding that could be used for parking is located at the front of the property with a private garden to the rear. The site is bordered by the adjoining dwelling of No.21 Brookers Corner to the west and No.25 Brookers Corner to the east.

3. RELEVANT SITE HISTORY

No relevant planning history.

4. THE PROPOSAL

The proposed development is for the erection of a single storey extension to the side of the property and the erection of a two storey rear extension and a roof dormer to the rear of the property. The single storey element would project 1.1m to the side of the property with a depth of 5.3m and a height of 3.3m. It would form a new entrance to the property at the front, and a WC at the rear.

To the rear the new extension would replace a two storey rear extension. The new extension would have a depth of 6.5m with a width of 3.8m and a height of 6.0m. It would form a kitchen and dining room at ground floor level and a new bedroom, bathroom and en suite at first floor level. A new bedroom would also be formed at second floor level with the addition of a rear facing dormer which would have a height of 1.3m and a width of 2.3m. Although only three bedrooms are marked, the first floor study is large enough to be used as a bedroom and therefore for the purposes of this application it is considered that the number of bedrooms would be increased from three to four.

The existing two storey rear extension would be demolished, and this is linked to a similar extension at the rear of No.21. A new supporting structure within the ownership of that property is shown, and as such notice has been served on the owners of that property and Certificate B of the application form signed. The applicants have stated that a Party Wall Agreement will be undertaken and should any damage be caused this will be repaired by the contractor.

5. REPRESENTATIONS RECEIVED

Crowthorne Parish Council
Recommend Approval.

Other Representations

Four letters of objection were received from neighbouring residential properties. The reasons for objection can be summarised as follows:

- The development would result in an unacceptable loss of privacy to the side and rear of No.25 Brookers Corner, and would overshadow the rear of that property.
- Limited on street parking is available, and the property has no off street parking.

- The development would be out of keeping with the streetscene and too close to No.25.
- The proposed wood cladding on the extension would not be in keeping with the streetscene.
- The plans are incorrect as they show a walkway between the side element and the boundary. In reality no such gap exists.
[OFFICER COMMENT: The applicants have responded to state that the plans were prepared in accordance with current Ordnance Survey maps. These correspond with Council records, and there is a sufficient gap to the side of the property to accommodate the extension. Ordnance Survey records shown the dwelling to have a width of 3.5m rather than 4.0m, and as such an amended plan has been submitted to show the dwelling with the correct width.]
- Concerns about damage to No.21 Brookers Corner, and noise and disturbance to that property.
[OFFICER COMMENT: The applicants will enter into a Party Wall Agreement with the neighbouring property and have stated that any damage would be made good. Any noise and disturbance during construction is not a material planning consideration, and would be a matter for Environmental Health in the event of this becoming an issue.]

Finally, a comment has been raised stating that guidelines for planning are that side extensions should be single storey with a maximum height of four metres with a width no greater than half the width of the dwellinghouse, and that two storey extensions should be no closer than seven metres to the rear boundary. These are not guidelines but regulations for what can be constructed under 'Permitted Development' without the requirement for planning permission.

6. SUMMARY OF CONSULTATION RESPONSES

Highways Officer
 Recommend 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. No.23 Brookers Corner 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. 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 single storey element would project to the side of the property and would therefore be visible in the streetscene. However it is not considered that such an extension with a width of 1.1m would result in a disproportionate addition to the property that would appear incongruous in the streetscene. It is not considered that such an extension would result in a terracing effect, and a gap would remain between the properties regardless. The rear element would not be visible in the streetscene and although it would increase the width and height from the existing extension it would not increase the overall depth of the dwelling. The sloping roof design would be in keeping with the design of the rear extension at the neighbouring property of No.21.

A concern has been raised that the materials proposed would appear out of keeping with the streetscene with regard to the wooden cladding. Although it is noted that wooden cladding has not been used on the dwellings in the local area, Brookers Corner does not have a uniform streetscene in terms of materials, with a variety used such a red brick, white and cream painted render and hung tiles on different properties. There is no predominant set of materials therefore it is not considered that a different material would appear out of keeping with the streetscene in this location.

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 side extension would not project forward or rear of the existing dwelling and would therefore not be visible from the front or rear facing windows at the neighbouring dwellings. A side facing window at No.25 Brookers Corner faces onto the flank wall of No.23, however it is not considered that the additional impact that would result from a single storey extension projecting 1.1m closer to the window would be so unacceptable that refusal of the application would be warranted.

The rear extension would not project beyond the rear elevation of No.21 Brookers Corner and would therefore not be visible from the rear facing windows of that property. It would not project beyond the rear of No.25 either, although as there is a single storey element to the rear of that property it would be visible from a rear facing first floor window. However this window is an obscure glazed window that is not the primary source of light to a habitable room, therefore a loss of light to this window would not be unacceptable. In any case there would not be an unacceptable loss of light to this window.

Concerns have been raised that the additional windows would result in an unacceptable loss of privacy to the rear of No.25 Brookers Corner. The three side facing first floor windows are all shown to be glazed with obscure glass and fixed shut to a height 1.7m above the floor level. This will be secured by condition, and as such it is not considered that these would result in an unacceptable loss of privacy to the neighbouring property. A further condition restricting any additional windows on this elevation will also be imposed.

Concerns have also been raised that the new rear facing windows would result in a loss of privacy to the neighbouring property. Two new windows are proposed, in the extension and the dormer. However these windows would face towards the rear of No.23 and would not directly overlook the neighbouring property. It is noted that rear facing windows could be added to the existing rear elevations without the requirement for planning permission, and in any case this it is not uncommon to have larger windows in the rear elevation of a property. It is not considered that the effect of these windows would be so unacceptable that refusal of the application is warranted.

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 three bedrooms (as is the case with No.23 Brookers Corner as existing), a parking requirement of two off street spaces is set out. For a dwelling that has four bedrooms (as is the case with No.23 Brookers Corner as proposed), a parking requirement of three off street spaces is set out. The increase in the number of bedrooms from three to four therefore gives rise to an additional parking requirement of one space.

The dwelling takes access off an adopted road where on street parking is unrestricted. On street parking occurs on Brookers Corner as many properties have limited or no off street parking, and the Highways Officer considers that whilst kerb space is limited across the frontage of No.23 there is capacity on street to accommodate demand for one additional vehicle which may occur for a fourth bedroom. Furthermore, the applicant intends to install permeable paving across the frontage which may result in a vehicle being parked on the frontage. Whilst a parking space may be difficult to access, this could occur at present and the Local Planning Authority have no control over the matter.

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. COMMUNITY INFRASTRUCTURE LEVY

Bracknell Forest Council introduced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the borough and the type of development.

CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted) including extensions of 100 square metres of gross internal floor space, or more, or new build that involves the creation of additional dwellings.

As the proposal would involve an existing dwelling and at 20.36 square metres of additional floor area it would not result in an extension of over 100 square metres of gross internal floor space, the development is therefore not CIL liable.

13. 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.

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 4th June 2015 and 22nd July 2015:

1506/101

1506/120 (A)

1506/121 (A)

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 rendered elements 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 en suite, bathroom and study windows in the east facing side elevation of the extension hereby permitted shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent). They shall at all times be fixed shut up to a height of 1.7m from the floor level.
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) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional windows, similar openings or enlargement thereof shall be constructed at first floor level or above in the east facing side elevation of the extension hereby permitted except for any which may be shown on the approved drawing(s).
REASON: To prevent the overlooking of neighbouring property.
[Relevant Policies: BFBLP EN20]

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. Obscure Glazing
 05. 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

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Unrestricted Report

ITEM NO: 10

Application No. 15/00518/FUL	Ward: Little Sandhurst And Wellington	Date Registered: 12 June 2015	Target Decision Date: 7 August 2015
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Site Address: **Fishing Lakes Yateley Road Sandhurst Berkshire**

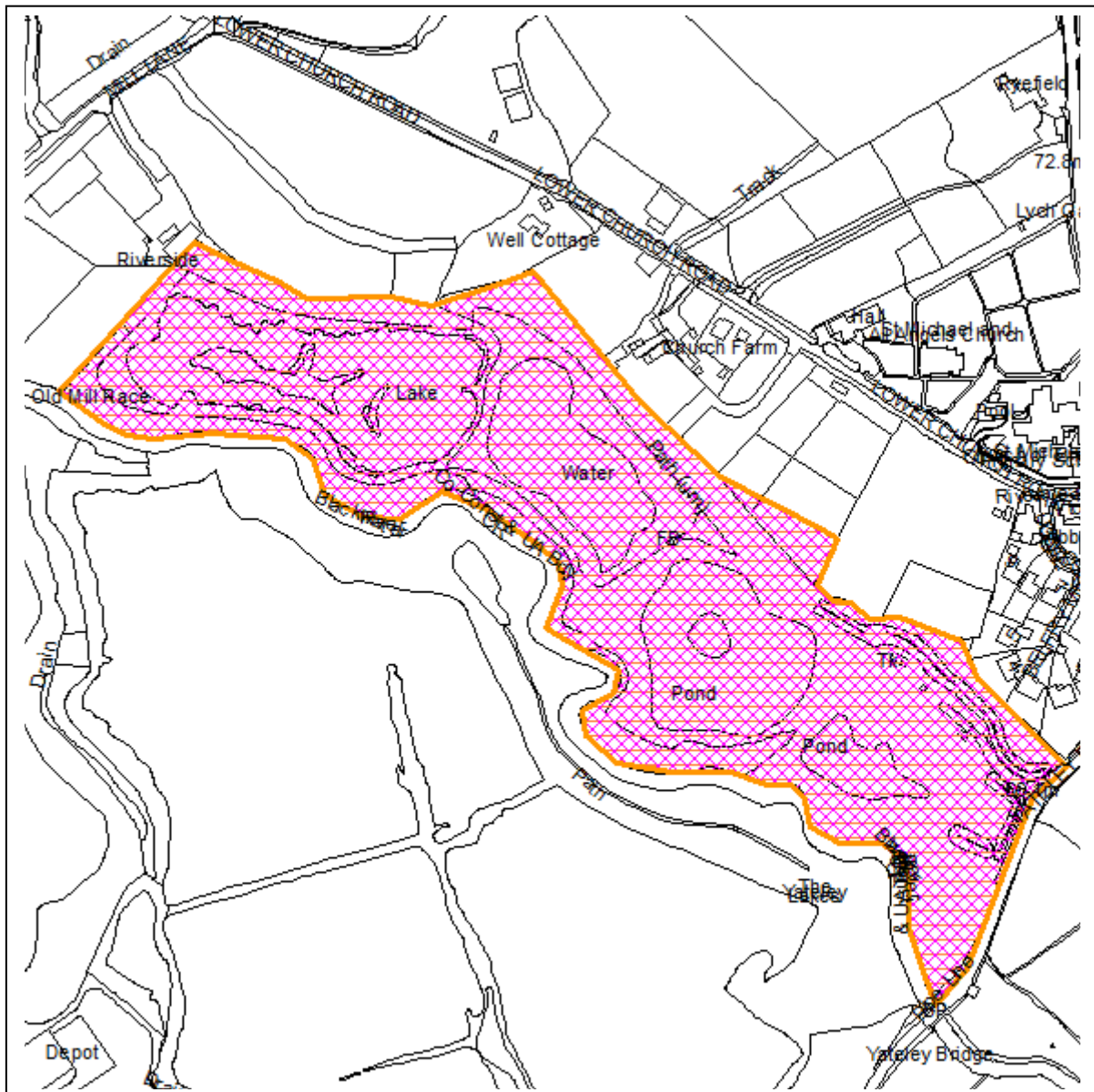
Proposal: **Erection of 8 no. fishing yurts and timber platforms with ancillary facilities blocks, reception block and improvements to existing access road and car park.**

Applicant: Thorney Farm Developments

Agent: JSA Architects

Case Officer: Sarah Fryer, 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 being reported to committee as more than 3 objections have been received.

2. SITE DESCRIPTION

This application relates to a series of 4 fishing lakes located to the south of Lower Church Lane, Sandhurst, within the Blackwater Valley. Vehicle access is from Yateley Road which leads to a small parking area within the site. The site is landscaped with mature trees and shrubs to the perimeters of the site, substantial clumps within the site, and around the edges of the lakes.

The site was a former mineral extraction site, which following decommissioning was converted into amenity lakes and leased to a fishing club. The lake is provided with a number of fishing stations providing access to the waters edge.

The site is located within the countryside, with residential properties of Belfry Mews and Lower Church Road abutting the northern boundary of the site. The borough boundary following the Blackwater River forms the southern boundary of the site, with open countryside beyond.

3. RELEVANT SITE HISTORY

13/00444/FUL Erection of 10 no. fishing yurts and timber platforms with ancillary facility blocks, reception block and improvements to existing access road and carpark-
Withdrawn

4. THE PROPOSAL

Planning permission is sought for the erection of 8 fishing yurts on timber platforms, two facility blocks, containing toilets, showers, and sinks, and one reception block with improvements to the existing carpark and access road.

The proposed yurts would be located on the northern side of the two middle lakes, known as the Middle Lake and Doughnut Lake (4 to each lake). These would consist of a timber platform which in most cases would overhang the lake, on which a timber framed canvas finished, circular 'yurt' would be sited. The yurts would have a diameter of 6m and have a maximum height, including the platform of 3.76m with a height at the eaves of 2.3m.

The proposed two facilities blocks are to be of timber construction with a shallow pitched roof which overhangs the verandas on the front and rear elevations. Each of these contain two toilets and two showers with two external sinks situated within the rear veranda. These would be sited to the north of Middle Lake, between yurts 7 and 8 and one to the south of the path from the carpark to the Doughnut Lake.

The proposals also include works to the access road to upgrade the surface, an extension to the existing parking area to provide a total of 21 spaces, and re-grading of the banks to the lakes where the yurts would be located.

5. REPRESENTATIONS RECEIVED

Sandhurst Town Council

Sandhurst Town Council objects to the proposal on the following grounds:

- The mass and scale of the proposed yurts creates a visual impact
- The siting of the reception block and extended carpark in close proximity to the boundary to be detrimental to the resident's privacy and amenity.
- Should the application be granted then a condition is requested ensuring that a public right of way is installed along the River Blackwater.

Other Representations

11 Objections have been received objecting to the proposal on the following grounds:

- The planning proposal would be a complete change of use to an unregulated campsite
- Proposal would be contrary to Policy EN10 as the proposal would harm the open, rural or undeveloped character of this site.
- The proposal would be detrimental to the amenities of the residents of Belfry Mews.
- Additional traffic and people visiting the site will generate additional noise and nuisance
- The proposed reception block will become a gathering point and as a result will become a centre of noise and nuisance. The reception block should be moved away from the boundary with the properties on Belfry Mews. (Officer Comment: revised plans have been received amending the siting of this block)
- This proposal if approved may contravene legislation to protect noise and nuisance.
- The existing carpark is already oversubscribed with 25-30 vehicles parked there at the weekends.
- Fishermen urinate around the carpark in view of the properties.
- Currently there is no height/weight restriction in place allowing for large commercial vehicles to enter the site.
- No mention has been made of waste or recycling facilities
- Blackwater Valley is a protected conservation area for wildlife and this application will have detrimental effect on the protection and enhancements of wildlife.
- Proposal is located within Flood Zones 2 and 3 which could adversely affect adjacent areas.
- The yurts will reduce the swims available for existing users of the club.
- Opening up the footpath will reduce the security of the site.
- No restrictions on the fishing lakes are being proposed.
- The current site is not adequately managed at the moment so why should this application change things?

6. SUMMARY OF CONSULTATION RESPONSES

Environment Agency-- No objection subject to conditions

Natural England - No comments

Bio-diversity Officer - No objection subject to conditions

Highways Officer - No comments subject to conditions

Landscape Officer- No comments subject to conditions

Environmental Heath- No comments

Blackwater Valley Countryside Partnership Association- Objects to the proposal as it does not include provision for the Blackwater

7. DEVELOPMENT PLAN

The Development Plan for this Borough includes the following:

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

8. PRINCIPLE OF DEVELOPMENT

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

The site is located outside the settlement boundary within an area defined as being countryside. Therefore Policies CS9 of the CSDPD, and 'saved' Policy EN8 of the BFBLP are relevant in the first instance. These policies seek to protect the countryside for its own sake and 'Saved' Policy EN8 of the BFBLP lists acceptable development which include 'recreational development suitable in the Countryside' (criterion v). Both of these policies are considered to be consistent with the NPPF which recognises the intrinsic character of the countryside (paragraph 17, p.t.5) and promotes mixed use developments on land that can provide many functions including recreation and bio-diversity enhancements (paragraph 17, pt. 9). These policies also seek to protect the function of defined gaps which includes land between Sandhurst and Yateley.

More specifically to recreational uses, Policy CS8 of the CSDPD permits development which retains, improves and maintains existing recreational facilities. This is considered to be in accordance with the NPPF which seeks to support sustainable rural leisure developments that benefit business in rural areas (paragraph 28 pt. 3).

Objections have been received on the grounds that the proposal is tantamount to an unregulated campsite. The yurts are only acceptable in this location to support the existing and appropriate use of fishing lakes. It is therefore considered relevant and necessary to impose a condition restricting the length an individual can occupy the yurt for and tying the use to members of the fishing club only.

The proposal for 8 yurts which would provide overnight accommodation for users of the fishing lakes is considered to constitute suitable recreational development and as such it would enhance the existing fishing facility at the lakes. The proposal would also support the rural economy and, subject to the development being acceptable in terms of character, appearance, landscape quality, function environmental issues, residential amenity and highway matters the proposal is considered to be acceptable in principle.

9. IMPACT ON CHARACTER AND APPEARANCE OF AREA

The site is located within the Blackwater Valley Area of Special Landscape and in the countryside. The relevant policies regarding the character are therefore Policy CS7 of the CSDPD which seeks to permit development that builds on the rural local character

and enhances the landscape, 'saved' Policies of the BFBLP EN10 (areas of landscape importance), EN20 (Design considerations) and R10 which specifically relates to the Blackwater Valley. These policies are considered to be in accordance with the NPPF which seek to conserve and enhance the natural environment (paragraph 17 pt. 7) and consider that good design is a key aspect of sustainable development (paragraph 56).

The proposal would see the construction of timber platforms at the waters edge on which timber framed canvas structures would be erected. The yurts would be sited on the northern banks of Middle and Doughnut lakes.

The site is heavily vegetated and the northern banks of the lakes are generally enclosed by trees that overhang the waters edge, the only exception being a number of clearings made and managed by the fisherman and the fishing club enabling access to the lakes. A grass pathway runs around the lakes providing access to these fishing pegs. The northern boundary of the site is mainly screened by mature trees, screening the site from the surrounding properties within Belfry Mews and along the south site of Lower Church Road. The proposed position of the yurts utilises the existing vegetation to screen the proposals reducing the impact on the setting of the lakes. The yurts and platforms are spread out with the gaps between them varying from 6m to 16m mimising the mass and bulk of the proposal. Where required, additional planting is shown, ensuring that all the yurts assimilate into the landscape, reducing the impact as much as possible and a landscaping condition is recommended. The height of the proposed yurts of under 4m including the wooden platforms results in development that due to its low profile would not be unduly dominant and preserves the open character of the site. The materials of wood and canvas, which are of natural tones would blend into the landscape. This can be controlled with a suitably worded condition.

The facilities blocks and reception building are proposed within areas which also benefit from existing landscape screening. These buildings would be constructed from timber with pitched roofs resulting in a maximum height of 3.4m to the ridge. The natural materials assist in the proposals assimilating into their surroundings and reducing the impact on the natural open character and setting of the area. Again, additional planting is proposed where necessary to complement the existing vegetation within the site.

It is considered that the gaps between the yurts, reception block and facilities blocks, the heights and materials, in addition to the siting utilising the existing vegetation within the site all assist to assimilate the proposed yurts into the setting, and not harm the open character or appearance of the Blackwater Valley. Accordingly it is not considered that the proposal detracts significantly from the rural and undeveloped character, the function or character of the countryside or would diminish the gap between Sandhurst and Yatley. The proposal is therefore considered to comply with Policy CS7 of the CSDPD, and 'saved' Policies EN10, EN20, and R10 of the BFBLP.

10. RESIDENTIAL AMENITY

'Saved' BFBLP Policy EN20, criterion vii, states that in determining applications the Borough Council will have regard to the proposal not adversely affecting the amenity of surrounding properties. The NPPF seeks a good standard of amenity for all existing and future occupiers (paragraph 17, point 4). The policy is therefore considered to comply with the NPPF and can be afforded full weight.

The nearest residential properties to the application site are 2, 3 and 4 Belfry Mews located to the north of the entrance road and whose garden boundaries adjoin part of the northern site boundary. Objections have been received regarding noise and

nuisance from the car park when fishermen arrive and depart which tends to become a point of congregation. Objections have also been received relating to anti-social behaviour and rubbish being left on the site and unrestricted parking within the site adjacent to the boundaries with the residential properties. These complaints are all associated with the existing uses of the site.

The proposal does not seek a change of use and neither would it result in additional operational hours. The site currently has no restrictions governing what hours the site can be used for fishing. The yurts are proposed as ancillary accommodation to existing users of the site, and would not be let out independently of the fisheries. The application is only acceptable on this basis and therefore a condition is recommended tying the occupation of the yurts to the use of the fisheries and limiting the duration of each individual stay to 4 nights. It is therefore not considered that the proposal would result in any additional noise or disturbance which would be of detriment to the amenities of neighbouring residents, or result in an unregulated camping site.

It is considered that the provision of toilet blocks and a manned reception building will result in some of the anti-social behaviours complained about ceasing. Should these events continue then Environmental Health have powers under nuisance legislation to investigate and control.

Accordingly it is not considered that the proposal would adversely affect the amenities of surrounding properties and complies with 'Saved' Policy EN20, criterion vii, of the BFBLP.

11. FLOOD RISK

Parts of the site fall with Flood zones 2 (defined as having between 1 in 100 and 1 in 1000 annual probability of flooding) and 3 (defined as having a flood risk of greater than 1 in 100 risk of flooding), and therefore the application has been submitted with a Flood Risk Assessment (FRA). The NPPF states that the planning should take account of flood risk, (paragraph 17, bullet point 6) and that ensuring flood risk is not increased elsewhere (paragraph 103).

The Environment Agency were consulted and have commented that the proposed yurts and ancillary facilities would be located within Flood Zone 1. The report notes that the re-grading of the banks creates additional floodplain capacity, an improvement in floodplain storage capacity within the site. Subject to several conditions requiring the development to be carried out in accordance with the approved FRA, a survey for otters prior to the commencement of development, a construction environmental plan and a landscape management plan, the Environment Agency have no objection to the proposal. The proposal is therefore considered to comply with Paragraph 103 of the NPPF.

12. TRANSPORT IMPLICATIONS

Policy CS23 of the CSDPD seeks to reduce the need to travel and increase the safety of travel. 'Saved' Policy M9 of the BFBLP seeks adequate vehicle and cycle parking within new development. Both policies are considered to be consistent with the NPPF that seeks a safe and suitable access to the site for all.

A transport statement has been submitted in support of the planning application which includes the results of a transport survey which indicates that the 85th percentile speeds are 34mph, well below the national speed limit that Yateley Road is subject to.

The site has a 5.75m wide access road, although there is an existing fence restricting the width to approximately 3 m. This is set back 10m from the give way line with the highway. It is not considered that the proposal would result in additional demand which would justify a change to the access. The application seeks to formalise and extend the existing parking and as no layout has been submitted it is recommended that details be secured by a condition.

The proposal is not considered to significantly increase the number of trips to and from the site that would result in a detriment to highway safety or require alterations to the access. The parking provision is considered adequate subject to details prior to the occupation of the site. The proposal is therefore considered to comply with Policy CS23 of the CSDPD and Policy M9 of the BFBLP.

11. BIODIVERSITY

Policy CS1 of the CSDPD seeks development that protects and enhances the quality of natural resources including bio-diversity (criterion vii). Policy CS7 seeks a high standard of design, that enhances the landscape and promotes bio-diversity. The NPPF seeks to conserve the natural environment (paragraph 17) by minimising impacts on bio-diversity and providing net gains in bio-diversity (paragraph 109). The policies are considered to be consistent with the NPPF and therefore can be afforded full weight.

An ecology report was submitted in support of the application which found that there was a low population of grass snakes on the site, dormice are presumed to be absent, the site has a high potential to support breeding birds but a low potential to support Great Crested Newts. There were a number of trees with a high potential to support roosting bats and Japanese Knotweed and Indian Balsam (invasive species included on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) were found to be present.

It was concluded that the impact of the proposal on wildlife was likely to be low, and any potential impacts can be controlled and mitigated through appropriate conditions, including a Construction Environment Management Plan, lighting strategy, ecological enhancements, invasive species protocol and a hard and soft landscaping plan. Subject to the imposition of such conditions the proposal is considered to be in accordance with Policies CS1 and CS7 of CSDPD.

12. COMMUNITY INFRASTRUCTURE LEVY (CIL)

Bracknell Forest Council introduced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the borough and the type of development.

CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted) including extensions of 100 square metres of gross internal floor space, or more, or new build that involves the creation of additional dwellings.

The proposed yurts whilst constituting development are proposed with canvas sides that can be removed. Therefore they do not constitute a building and are not CIL liable. The reception block and facilities buildings, whilst development do not constitute development that is CIL liable. .

13. FOOTPATH

An objection has been received on the grounds that the proposal does not contain provision for the Blackwater Valley Riverside Path. It is understood that this project seeks to create a path along the Blackwater Valley in accordance with 'Saved' Policy PR10 of the BFBLP. Conditions have to meet certain tests including being relevant, and necessary. It is considered that a condition to secure a footpath to the southern boundary of the site, not connected to the proposed development is not relevant or necessary to the acceptability of this application. It is therefore not considered to be appropriate to request the provision of the footpath through this application.

14. CONCLUSIONS

The proposal of 8 yurts, with ancillary amenity blocks and reception building are considered an appropriate use to support the existing fishing lakes, a suitable use within the countryside. The NPPF supports proposals that support economic growth in rural areas and recognises that land can support multiple uses, i.e recreation and ecological functions. The proposals are not considered to be detrimental to the character or appearance of the area or to the undeveloped character of the special landscape of the Blackwater Valley. The proposals would not result in an adverse impact on the amenities of adjoining occupiers or harm the bio-diversity of the area, and no objections have been received from Natural England, Environment Agency, Landscape Officer, Highways Officer, or Environmental Health. Accordingly the development of 8 yurts, reception block and two facilities blocks are considered to accord with Policies CS1, CS7, CS8 and CS23 of the CSDPD and 'Saved' Policies EN10, EN20 R10 and M9 of the BFBLP supported by 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 and other submitted details received by the Local Planning Authority:

PL-104 Received 01.07.2015
PL-101-B Received 01.07.2015
Barrell Plan Ref: 13109-BT2 received 12.06.2015
Flood Risk Assessment - 27237/001/001 received 12.06.2015
PL- 100 (Site location plan) received 12.06.2015
PL-202 (Ancillary Fishing Accommodation Proposed Floor Plans and Elevations (Facilities Block)) Received 12.06.2015
PL-102 (Yurt F Block 1,2) Received 12.06.2015
PL-200 (Fishing Yurt and Platform) Received 12.06.2015
PL-103 (Yurt 2, 3) Received 12.06.2015
PL-105 (Yurt 8 and F. Block 2) Received 12.06.2015
PL-201 (Reception Block) Received 12.06.2015
PL-401 (Reception block - Elevations) 12.06.2015
PL-101-C (Proposed Site Plan) received 29.07.2015

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

03. Prior to the commencement of development, the external materials to be used on the yurts, admin block and facilities block shall be submitted to and approved in writing by the Local Planning Authority. The proposal shall be implemented in accordance with the proposed materials.

REASON: to ensure the proposal assimilates with the surrounding vegetation [Relevant Plans and Policies: CS7 CSDPD and EN10, EN20 of BFBLP]

04. The yurts hereby approved shall be occupied only by members of the fishing club in possession of a current yearly membership, and shall not be occupied by any individual person for any period exceeding 4 consecutive nights. Starting from the date of first use, a record of all occupiers shall be kept within a log book(s). The Log book(s) will be kept within the reception block, shown on plan PL-101-C received 29.07.2015 and log books for the preceding 5 years shall be made available for inspection at the request of officers of the Local Planning Authority during office hours.

REASON: To ensure the yurts are used ancillary to the fisheries. [Relevant Plan and Policies: R10 of BFBLP].

05. No yurts shall be occupied until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule. All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the occupation of any part of the approved development, whichever is sooner. All hard landscaping works shall be carried and completed prior to the occupation of any part of the approved development. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.

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

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

06. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the Local Planning Authority, detailing the containment, control and removal of Japanese Knotweed (*Fallopia japonica*) and Indian Balsam (*Impatiens glandulifera*) on site. The measures shall be carried out strictly in accordance with the approved scheme.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

07. No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP:

Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging development activities
- b) identification of "biodiversity protection zones"
- c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during development (may be provided as a set of method statements)
- d) the location and timing of sensitive works to avoid harm to biodiversity features
- e) the times during development when specialist ecologists need to be present on site to oversee works
- f) responsible persons and lines of communication
- g) the role and responsibilities on site of an ecological clerk of works or similarly competent person
- h) the use of protective fences, exclusion barriers and warning signs

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the development period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1]

08. 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 proposed development shall be implemented in accordance with the approved scheme.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: BFBLP EN3 CS1, CS7]

09. No yurt shall be occupied until details of the vehicle parking and turning space have been submitted to and approved in writing by the Local Planning Authority. The approved parking areas shall be surfaced and marked out in accordance with the approved drawing prior to the occupation of the first yurt. 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 development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) reference 27237/001 Revision A, dated March 2015 and prepared by Peter Brett Associates, drawing number PL-101-B dated September 2012 and the following mitigation measures detailed within the FRA:
- o 8 Yurts to be located within flood zone 1 as shown in drawing number PL-101-B dated September 2012.
 - o Identification and provision of safe route(s) into and out of the site to an appropriate safe haven by locating the yurts in Flood Zone 1 as shown in drawing no. 27237/001/001 - Rev B dated 10 May 2013.
- The mitigation measures shall be fully implemented prior to occupation and maintained as such for the life time of the development.
- REASON: To ensure that the proposed development is located in the area at lowest flood risk and to ensure safe access and egress from and to the site, in accordance with paragraph 103 of the National Planning Policy Framework (NPPF).

11. No construction or ground clearance shall take place until a survey for otters has been conducted. If otter holts or other otter refuge sites are found to be present, a plan detailing the protection and/or mitigation of damage to them, and/or prevention of disturbance of otters occupying them, should be submitted to and agreed in writing with the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
REASON: Otters are a European Protected Species and they are also fully protected under Schedule 5 of the Wildlife and Countryside Act 1981. Therefore this condition is sought in accordance with paragraph 109 of the NPPF to ensure that the presence of otters is fully assessed and that protection measures are on site prior development. Paragraph 109 of the NPPF states that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.
12. The yurts hereby approved shall not be occupied by a person or persons as their primary residence.
REASON: To ensure the yurts are used only ancillary to the use of the fisheries and to ensure there is no detrimental the impact on the SPA.
[Relevant Plans and Policies CS14 CSDPD, Policy R10 BFBLP,

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. Your attention is drawn to the conditions attached to this consent. All conditions must be complied with. Before development commences you must discharge conditions 3 (materials), 5 (landscaping), 6 (invasive non-native species protocol), 7 (CEMP: bio-diversity), 9 (parking and turning), 11 (otter survey),
03. Under the terms of the Water Resources Act 1991, and the Thames Region Land Drainage Byelaws 1981, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Blackwater designated as 'main river' and the bank of the Middle Lake and Doughnut Lake.

04. Under Section 30 of the Salmon and Freshwater Fisheries Act 1975 you will require a site permit from the Environment Agency to stock your fishery and need to be registered with CEFAS (Centre for Environment, Fisheries and Aquaculture Science). This is to prevent the spread of fish diseases and to minimise damage to fisheries or the environment that may be caused by unregulated or inappropriate fish movements. Application forms can be found on <https://www.gov.uk/permission-to-move-live-fish-to-or-from-a-fishery>
05. The Fisheries, Biodiversity and Geomorphology team can be contacted for further advice via our National Customer Contact Centre (enquiries@environment-agency.gov.uk, telephone: 08708 506 506). A series of fisheries advisory publications can be downloaded free from our website <http://www.environment-agency.gov.uk>. The Institute of Fisheries Management is another good source of information <http://www.ifm.org.uk/>. Angling is a popular sport amongst the disabled and fisheries can be designed to be accessible to all. Further information is available from the British Disabled Angling Association <http://www.bdaa.co.uk/>.
06. Groundwater in the River Terrace Deposits and alluvium in this location is very shallow. A suitable management plan should be in place for the maintenance and emptying of chemical toilets within the reception area and facilities blocks, to ensure that no sewage effluent or chemicals are directly discharged into groundwater.
07. Although the yurts are to be situated within an area outside of the 1% Annual Exceedance Probability (AEP) plus 20% allowance for climate change flood extent, they are still close the edge of the floodplain. Therefore the applicant is advised that the floor levels of the yurts are raised 300mm above the 1% AEP plus 20% allowance for climate change flood level to provide further resilience in a flood event.
08. The log book should record the yurt being occupied occupiers name, normal contact address (primary residence), and membership details of the club, dates of occupation (start and end) for each period of occupation.

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.
15/00608/3

Site Address:

Ward:
Warfield Harvest Ride

Date Registered:
20 July 2015

Target Decision Date:
14 September 2015

**Street Record Hoffman Close Warfield Bracknell
Berkshire**

Proposal: **Conversion of existing grass verge into a lay-by providing 3no. parking spaces.**

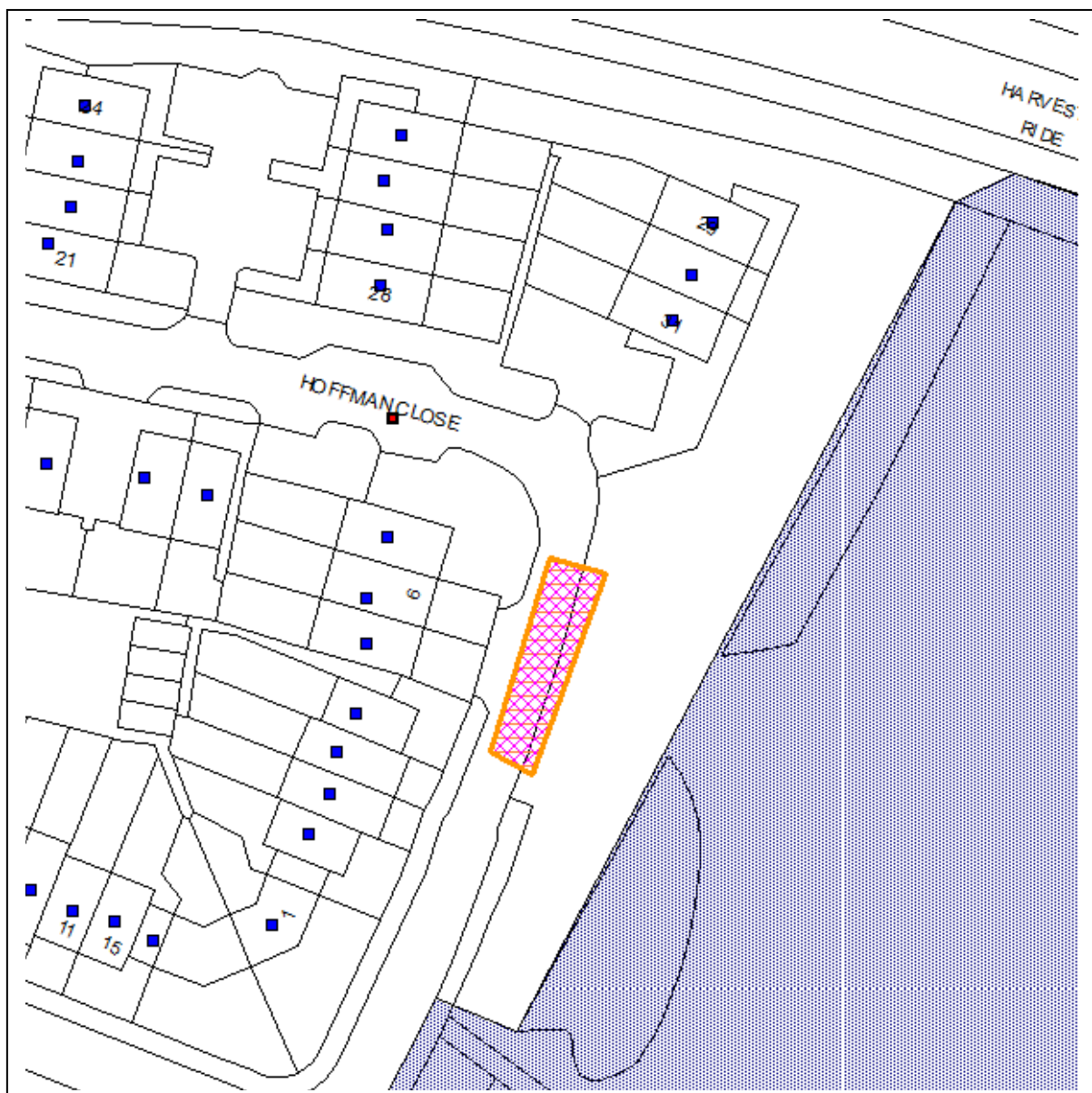
Applicant: Bracknell Forest Council

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 Hoffman Close consists of predominately two storey semi-detached and terraced residential dwellings, with the exception of two three storey terraced townhouses sited directly west of the application site. Various communal parking courts are present within Hoffman Close, and an existing parking lay-by is sited to the north of the application site, and these provide off-street parking in addition to residential driveways and garages. A large area of landscaped public amenity land, known as Goddard Way, borders Hoffman Close to the east.

The application site itself consists of a section of grassed amenity land that has been eroded through indiscriminate vehicular parking. Dense planting including trees are sited further to the east.

The application site falls under the ownership of the Local Authority.

3. RELEVANT SITE HISTORY

None relevant.

4. PROPOSAL

The proposed development is the formation of a lay-by providing 3no. off-street parking spaces on a section of amenity land sited on the opposite side of the highway of Hoffman Close (east) to the residential properties of 5-8 Hoffman Close.

The proposal is not CIL liable as it consists of external hard standing.

5. REPRESENTATIONS RECEIVED

No representations have been received from Warfield Parish Council, or from residents of neighbouring properties at time of writing. [Officer Note: The consultation period expires on 17 August 2015. Any comments received past the deadline of the Committee Report will be included and assessed on the Supplementary Report].

6. SUMMARY OF CONSULTATION RESPONSES

Highway Officer:

None received at time of writing. [Officer Comment: Any comments received will be reported in the supplementary report].

Landscape Officer:

The Landscape Officer was consulted on the proposal during pre-application discussions. The Landscape Officer raises no objection, subject to the provision of an

acceptable replacement soft landscaping scheme, full details of which can be secured and provided by 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 Site Allocations Local Plan which sets out that a positive approach to considering development proposals which reflect the presumption in favour of sustainable development as set out in the NPPF should be taken, and that planning applications that accord with the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise.

Core Strategy Policies CS1 (Sustainable Development) and CS2 (Locational Principles) are relevant and consistent with the objectives of the NPPF, and can be afforded full weight. In particular, Policy CS2 permits development within defined settlements. The application site is located within a defined settlement as designated by the Bracknell Forest Borough Policies Map. Therefore, the principle of development on this site is acceptable. Due to its location and nature, the proposal is considered to be in accordance with SALP Policy CP1, Core Strategy Policies CS1 (Sustainable Development), CS2 (Locational Principles) and the NPPF but details such as no adverse impacts upon residential amenities of neighbouring properties, character and appearance of surrounding area, highway safety implications, remain to be assessed below.

9. IMPACT ON CHARACTER AND APPEARANCE OF AREA, INCLUDING TREES

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 EN1 states that planning permission should not be granted for development that would result in the destruction of trees and hedgerows which are considered to be important to the retention of the character and appearance of the landscape or townscape. 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 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.

The section of amenity land subject to the proposal has been significantly eroded through indiscriminate vehicular parking, and as a result its contribution to the character of the surrounding area has been diminished. However despite this, the open undeveloped nature of the land does form some contribution to the open character of the surrounding area. In view of this it is considered that the proposal would not result in an adverse impact on the character of the surrounding area provided that replacement soft landscaping be planted, particularly on the eastern boundary of the proposed lay-by, to limit the visual impact of the proposed hardstanding. The provision of planting in this area may also serve to improve the overall character of the area by removing the eroded land and adding additional planting. It could also serve to provide a barrier to prevent further indiscriminate parking within this section of land.

Dense planting including trees is sited to the east of the application site, approximately 9 metres from the eastern extent of the hardstanding (at the shortest point). These trees are not subject to tree preservation orders (TPOs) but as they are sited on Council land they are in the Council's control. The applicant has provided an amended plan indicating that the proposed hardsurfacing would be installed using no-dig methods, and that temporary protective fencing would be provided between the proposal and the trees. These measures would aid in preserving the health of these trees during the construction period, and in the long-term, and taking into account the separation distance to these trees, it is considered that these proposed tree protection methods are adequate.

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 EN1, EN2 and EN20, the Streetscene SPD, and the NPPF, subject to the imposition of a condition requiring the submission of full details of the 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.

The proposed lay-by would be visible from the front of the dwellings of 5 - 8 Hoffman Close to the west. Although there would not be any screening between the proposal and these properties, the proposal would be separated by the main highway of Hoffman Close. It is not considered that the formation of additional hardstanding and parking in this location would result in an adverse impact on the residential amenity of the occupants of these properties considering the presence of the existing highway and the nature of the proposal.

Furthermore it is not considered that the noise pollution or other disturbance produced as a result of the additional parking spaces would be unacceptable in a built-up residential area that currently experiences high levels of on-street parking.

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 states 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.

Hoffman Close is an adopted residential road where on-street parking is unrestricted. Although residential properties within this area do benefit from allocated off-street parking, there remains a high demand for additional off-street parking to be provided in this area, as evidenced by the erosion of sections of amenity land and highway verge through indiscriminate parking, including the application site.

The proposed depth and width of the individual parking spaces, and the associated access and manoeuvring space would comply with the guidance contained within the Parking Standards SPD (2007). The parking bays are to be SuDS compliant which would be acceptable to the Highway Authority, and would also address existing drainage issues present on the eroded land.

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 and CS23, BFBLP 'Saved' Policies EN1, 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:

4817 327 'Hoffman Close' received on 20 July 2015

4817 327L 'Hoffman Close - Tree protection details' received on 29 July 2015

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, including the provision of knee-rail fencing and the proposed maximum heights of planting, 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, BFBLP 'Saved' Policies EN2 and EN20]

04. The tree protection measures shall be carried out in accordance with approved plan[TO BE PROVIDED], received by the Local Planning Authority on [DATE] . The protection measures 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 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 'Saved' Policy EN1, CSDPD Policy CS7]

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern and negotiating, with the applicant, 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. Tree protection

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

3. Landscaping scheme

Doc. Ref: Uniform 7/DC/Agenda

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

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Unrestricted Report

ITEM NO: 12

Application No.
15/00663/PAS
Site Address:

Ward:
Priestwood And Garth

Date Registered:
14 July 2015

Target Decision Date:
8 September 2015

**Garth Hill College Bull Lane Bracknell Berkshire
RG42 2AD**

Proposal:

Application for prior approval for the installation of 2 no. photovoltaics (PV) solar arrays on sports block roofs, one consisting of 136 no. frame mounted panes and other consisting of 56 no. frame mounted panels.

Applicant:

Garth Hill College

Agent:

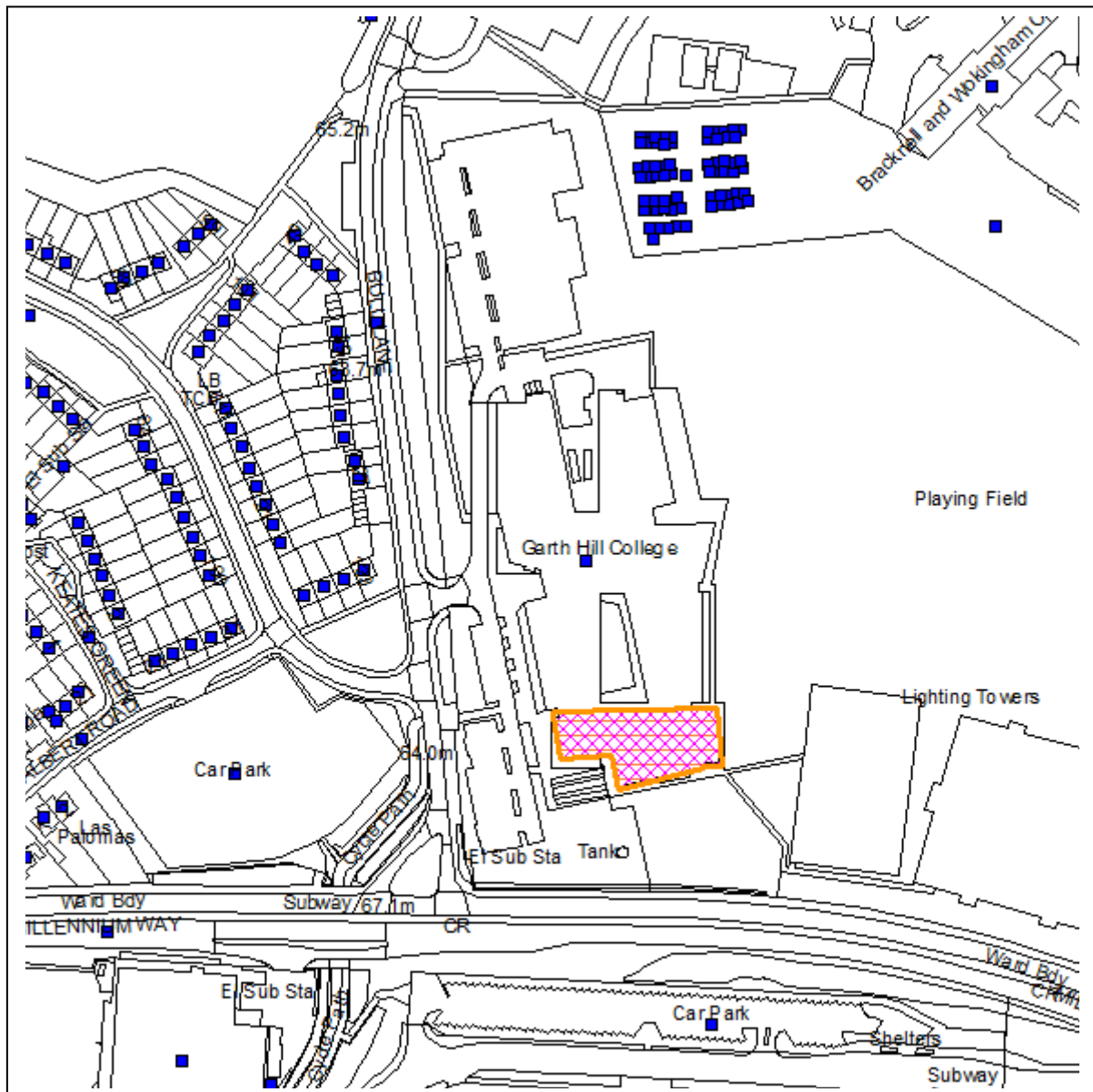
Bracknell Forest Council

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 THE APPLICATION TO COMMITTEE

The application is reported to the Planning Committee as it has to be determined within 56 days.

2. SITE DESCRIPTION

Garth Hill College is located north of Millennium Way which forms part of the ringroad around Bracknell town centre. South of Millennium Way is Bracknell town centre, where demolition is currently taking place as part of the regeneration of Bracknell town centre. The areas north, west and east of Garth Hill College are predominantly residential, with Sandy Lane primary school north of the site. A residential extra care development is located on land immediately east of the site.

Two buildings are the subject of this application, forming the sports block. They are located towards the south of the site, approximately 40m north of Millennium Way and 35m east of Bull Lane.

3. RELEVANT SITE HISTORY

Application 08/00759/3 - Redevelopment to provide a replacement three storey building for Garth Hill College with new access arrangements from Bull Lane, associated parking for 173 vehicles, 160 cycle spaces with provision for an additional 42 cycle spaces, and other associated works, including landscaping, provision of a floodlit multi use games area and floodlit synthetic turf pitch and reorganisation and re-grading of the playing fields - APPROVED 2008

Application 15/00690/FUL has been submitted for the Installation of safety fencing to roof, however this application has not been decided at the time of writing the report.

4. THE PROPOSAL

The applicant wishes to install two photovoltaics solar arrays on the roofs of the two buildings forming the sports block in accordance with Class J(c) of Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. Pursuant to paragraph J.4 of the same legislation, the applicant is applying for Prior Approval for this development. Paragraph J.4 states that the Class J(c) development 'is permitted subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land.'

The development would consist of one array with 136 frame mounted panels, and one array with 56 frame mounted panels. The would be tilted with a maximum height of 0.297m with a depth of 1.027m and would be located on the two flat roofs of the sports block buildings, towards the south of the site.

5. REPRESENTATIONS RECEIVED

Bracknell Town Council

No objection.

Other Representations

No neighbour representations were received at the time of writing the report. Any representations that are subsequently received will be included within the Supplementary Report.

6. ASSESSMENT

Part 14, Class J of the General Permitted Development Order (2015) allows 'The installation, alteration or replacement of -

- a) microgeneration solar thermal equipment on a building;
- (b) microgeneration solar PV equipment on a building; or
- (c) other solar PV equipment on the roof of a building,

other than a dwellinghouse or a block of flats.

Paragraph J.1 states that development is not permitted if:

(a) the solar PV equipment or solar thermal equipment would be installed on a pitched roof and would protrude more than 0.2 metres beyond the plane of the roof slope when measured from the perpendicular with the external surface of the roof slope;

(b) the solar PV equipment or solar thermal equipment would be installed on a flat roof, where the highest part of solar PV equipment would be higher than 1 metre above the highest part of the roof (excluding any chimney);

(c) the solar PV equipment or solar thermal equipment would be installed within 1 metre of the external edge of the roof;

(d) in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a roof slope which fronts a highway;

(e) the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; or

(f) the solar PV equipment or solar thermal equipment would be installed on a listed building or on a building within the curtilage of a listed building.

Development is not permitted by Class J(c) if the capacity of the solar PV equipment installed (together with any solar PV equipment installed under Class J(b)) to generate electricity exceeds 1 megawatt.

Development under Class J is permitted subject to the following conditions:

(a) the solar PV equipment or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building and the amenity of the area; and

(b) the solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

Class J(c) development is permitted subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land.

In respect of the Paragraph J.1 legislation

(a) the solar PV equipment would not be installed on a pitched roof.

(b) the solar PV equipment would be installed on a flat roof, however the highest part of solar PV equipment would not be higher than 1 metre above the highest part of the roof at a height of 0.297m.

(c) the solar PV equipment would not be installed within 1 metre of the external edge of the roof, at a closest point to the edge of 1.6 metres.

(d) the building is not located on article 2(3) land.

(e) the site is not designated as a scheduled monument.

(f) solar PV equipment would not be installed on a listed building nor on a building within the curtilage of a listed building.

The capacity of the system would be 50kW, which equates to 0.05 Megawatts.

Paragraph J conditions:

(a) as the solar PV equipment would be installed on the top of a flat roofed building it is considered that it would be sited as to minimise its effect on the external appearance of the building and the amenity of the area.

(b) an informative would be included to state that the solar PV equipment should be removed as soon as reasonably practicable when no longer needed.

Assessment as to whether the prior approval of the authority will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land:

Given that the proposed solar arrays would be located on two flat roofed buildings with a maximum height of 0.297m it is unlikely that they would be visible from ground level. In any case it is not considered that development with such a height would be visually prominent in the streetscene or would have a significant impact on the design and appearance of the development.

The closest neighbouring dwellings are located on Horseneile Lane, approximately 82m north west of the site. It is not considered that development at that distance would result in an adverse impact on the occupiers of these properties through glare, and in any case the panels would face south towards Bracknell Town Centre. The closest existing residential properties to the south are located approximately 240m from the sports block, and due to this distance it is considered that they would have minimal impact on these properties through glare. Although new residential units will be included closer to Garth Hill College within the Regeneration of Bracknell Town Centre, these would still be located approximately 150m away from the sports block, and it is not considered that the development would result in an adverse impact on these properties through glare.

It is therefore not considered that the prior approval of the authority is required as to the design or external appearance of the development.

7. PROPOSED OPERATIONAL DEVELOPMENT.

Submitted plans show that a safety rail will be installed around the roof of the building with a height of 1.1m. This is considered to constitute operational development which can not be approved under Class J and requires planning permission. It is noted that a planning application for this development has been submitted and validated (ref. 15/00690/FUL).

8. PUBLICITY

A site notice was displayed adjacent to the site entrance on Bull Lane. No objections were received at the time of writing the report.

9. CONCLUSION

The proposed development complies with the caveats listed under Class J of Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. Prior approval is not required as to the design and external appearance of the development.

10. RECOMMENDATION

It is recommended that prior approval for the development is not required, subject to the standard conditions listed within Class J of Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

RECOMMENDATION

Prior approval for Solar Panels is not required.

Informative(s):

01. The solar PV equipment should be removed as soon as reasonably practicable when no longer needed.

Doc. Ref: Uniform 7/DC/Agenda

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