



## **NOTICE OF MEETING**

### **Planning Committee**

**Thursday 12 November 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: 2 November 2015



**Planning Committee**  
**Thursday 12 November 2015, 7.30 pm**  
**Council Chamber, Fourth Floor, Easthampstead House,**  
**Bracknell**

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**AGENDA**

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| 1. <b>Apologies for Absence</b><br>To receive apologies for absence.  |         |
| 2. <b>Minutes</b><br>To approve as a correct record the minutes of the meeting of the Committee held on 15 October 2015.  | 5 - 26  |
| 3. <b>Declarations of Interest</b><br>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. <b>Urgent Items of Business</b><br>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. <b>Application No 15/00004/FUL - Edenfield, Larges Lane, Bracknell</b><br>Erection of 48 no. dwellings (41 no. apartments and 7 no. terraced houses) with associated parking and vehicular access from Larges Lane following demolition of existing office building. | 33 - 52 |
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| 6.  | <b>Application No 15/00401/FUL - Jack O'Newbury, Terrace Road North, Binfield</b><br>Conversion of redundant listed barn and adjacent ancillary building to dwelling including the construction of a new link and alteration and extension to parking for the Jack O' Newbury public house.                           | 53 - 68   |
| 7.  | <b>Application No 15/00536/FUL - Post Office, 6 High Street, Bracknell</b><br>Erection of 7 storey building (with undercroft for parking/storage) accommodating A1 (retail) use at ground floor (170 sq m) and 14 residential units over following demolition of Post Office building - resubmission of 14/01015/FUL. | 69 - 82   |
| 8.  | <b>Application No 15/00662/FUL - 27 Butler Drive, Bracknell</b><br>Erection of a single story rear extension.   | 83 - 88   |
| 9.  | <b>Application No 15/00717/FUL - Jomar, 60 College Road, College Town</b><br>Erection of two semidetached 3 no bed dwellings following the demolition of the existing dwelling and outbuilding.   | 89 - 102  |
| 10. | <b>Application No 15/00747/FUL - Victoria Cottage, 81A Binfield Road, Bracknell</b><br>Erection of a single storey rear and part side extension.  | 103 - 108 |
| 11. | <b>Application No 15/00763/FUL - St Katherines, Church Lane, Warfield</b><br>Erection of a two storey front extension following demolition of front porch and canopy, and single storey extension to detached garage (re-submission of withdrawn application 15/00055/FUL).   | 109 - 120 |
| 12. | <b>Application No 15/00765/FUL - 45 Wentworth Avenue, Ascot</b><br>Retention of raised decking and handrail, with screen to the northern end, to enable disabled access to garden.  | 121 - 126 |
| 13. | <b>Application No 15/00789/FUL - Land At Rear Of Oaklands and St Margarets, London Road, Binfield</b><br>Construction of 3 detached houses, garages and access road, together with alteration, rear extension and new garage at "Oaklands", following demolition of the dwelling known as "St Margarets"              | 127 - 148 |
| 14. | <b>Application No 15/00835/FUL - Daruchini, Forest Road, Binfield</b><br>Installation of 3 no. air conditioning units, plant equipment and fan condenser unit (Re-submission of 15/00572/FUL).  | 149 - 154 |
| 15. | <b>Application No 15/01038/RTD - Telecommunications Mast, Savernake Way, Bracknell</b>  |           |

Replacement of existing 11.7m phase 3 monopole with 12.5m phase 5 monopole and 1no. additional equipment cabinet. 155 - 162

16. **Application No 15/01060/RTD - Telecommunications Mast (T-Mobile 51470), London Road, Bracknell**

Replacement of 12M phase 3 monopole with 12M phase 4 monopole and additional equipment cabinet. 163 - 170

**Miscellaneous Item**

17. **Confirmation of TPO 1192 - Land At The Royal Hunt Public House, New Road, Ascot**

To consider whether to confirm TPO 1192. 171 - 174



**PLANNING COMMITTEE  
15 OCTOBER 2015  
7.30 - 9.57 PM**

**Present:**

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

**Also Present:**

Councillor Turrell

**Apologies for absence were received from:**

Councillors D Birch and Heydon

**66. Minutes**

**RESOLVED** that the minutes of the meeting of the Committee held on 17 September 2015 be approved as a correct record and signed by the Chairman.

**67. Declarations of Interest**

Councillor Mrs McKenzie-Boyle declared an Affected Interest in Agenda item no. 6 [Application No 15/01073/FUL – 48-50 Dukes Ride, Crowthorne, RG45 6NX].

**68. Urgent Items of Business**

There were no items of urgent business.

**69. PS Application No 14/00863/FUL - Land At Rear Of 4 Hayley Green Cottages, Forest Road, Hayley Green, Warfield.**

**Erection of 3 no. dwellings including associated parking, access and amenity space.**

This application had been deferred at the last meeting as there were concerns about whether a fire and rescue service vehicle would be able to access the development.

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- Warfield Parish Council had recommended refusal for the following reasons:
  1. The site of the proposed development is not identified as a site for future housing development in Bracknell Forest Council's Site Allocation Local Plan (July 2013) and is not within the settlement boundary identified therein.
  2. The proposed access road and car parking is close to the boundaries of adjacent dwellings and so the proposal would be detrimental to the living conditions of occupiers of the neighbouring properties because of noise and disturbance caused by increased traffic and the multiple manoeuvres required to access car parking spaces.

3. The proposal will generate additional traffic movements into and out of Forest Road where vehicle speeds are known to be high and this would adversely affect road safety and impede the free flow of traffic.
- A total 14 objections from 10 households had been received, summarised as follows:
    - The land is outside the settlement boundary and therefore inappropriate development.
    - The development would have a detrimental impact upon the rural character of the area.
    - The land has never been built on.
    - The design of the dwellings is not in keeping with the character of the area.
    - The density is out of keeping with the character of the area.
    - By removing part of the dwelling at no. 4 this would result in noise, hygiene concerns from bins and overlooking to neighbouring properties.
    - The proposed dwelling would result in a reduction in natural light to neighbouring properties.
    - There is a high level of housing planned in north of the borough so this site is not necessary.
    - The backland development is out of keeping and would threaten the peaceful rear gardens of neighbouring properties.
    - The amenity land left for 4 Hayley Green Cottages is not acceptable.
    - Concern over noise and disturbance of construction vehicles.
    - There will be a significant increase in noise and light pollution created by the additional dwellings.
    - Approving this would set a precedent for back land development.
    - The storage of caravans generates very little traffic.
    - The access to the site is inappropriate and impractical and has poor visibility.
    - There have been a number of crashes along Forest Road; cars regularly exceed the 30mph speed limit.
    - There is not enough parking proposed.
    - There is no space for visitors to park.
    - There is no street lighting on Forest Road.
    - Residents of Hayley Green Cottages park their cars on the land that will be used for access.
    - The proposal for internal circulation and vehicular movements would therefore create a safety hazard.
    - The additional vehicles entering onto Forest Road would increase the risk of accidents on the highway.
    - There would be a significant increase in traffic.
    - The introduction of double white lines in the middle of the road would be unsightly.
    - Neighbouring property has a Right of Easement across the land.
    - The proposal would reduce the security to the rear of the neighbouring properties.
    - Refuse bins would clog up the frontage and create a visibility issue.
    - Concerns over impact upon trees.
    - Concerns over the impact upon footings of 1-4 Hayley Green Cottages which were built 1830 - 1850.
    - Concerns over the capacity of the drainage system.
    - Concerns over the impact upon biodiversity and that Ecology Report is out of date
    - Goose Corner floods as there is a stream at the front. This development would make it worse.

- amendments do nothing to alleviate safety dangers to and from the site
  - The residents of Hayley Green Cottages and the New House have been parking on the piece of land between 4 Hayley Green Cottages and the New House for a number of years. The proposed development plan shows the track being widened to encompass more of this land. This will encourage on street parking and lead to vehicles waiting in the highway to pass parked cars or to access the site.
- The impact of this will:
- Reduce the visibility splays either side of the exit on to the Forest Road
  - Create additional traffic problems on the Forest Road with the width of the Forest Road being reduced to a single lane due to parked cars
  - Adversely impact pedestrians and cyclists using the Forest Road as cars often park partially on the pavement that runs alongside the Forest Road.
  - The driveway from the proposed development to the Forest Road does not include a pedestrian walkway which means anyone walking on foot from the new development to the Forest Road will be walking on the gravel driveway, which will put these individuals in danger from traffic travelling to and from the development.
  - The residents from Hayley Green Cottages 1 -3 have a right of easement across the back of No 4 and along the track at the side. There will be a safety issue with the increased traffic flow to and from the development, which will put the residents of Hayley Green Cottages at risk for their safety when using the pedestrian access.
  - The current development does not comply with the 12 core planning principles outlined in NPPF para. 17.
  - There is no evidence that the design of the development will be of a high quality and a good standard as evidenced by the development work completed at No 4.
  - urbanising impact on semi-rural area.
  - The increase in cars that will be travelling the properties of Hayley Green and Goose Corner will impact increase carbon emissions in close proximity of the existing residents' gardens.
  - The applicant has failed to acknowledge 3 Hayley Green Cottages' vehicular access in its latest application.
  - Under the Fire Access safety, Building Regulations requires access for a fire engine with a minimum road and gateway widths and turn space. The minimum width for access road is 3.7 metres.
  - Road surface noise: The access road will be made of gravel which will be noisy and I note that this will adversely affect the amenities of the nearby occupiers using outdoor space which will be located very close to the access track. The increase in traffic in the access road will create fumes to nearby houses.
- Two further letters had been received from persons who had previously objected containing comments as set out in the supplementary report.

The criteria for public speaking had been met in respect of this application and the Committee was addressed by the registered speaker Lindsay Prendergast who

represented the objections of local residents to the proposed development and Stephen Brown representing the agent on behalf of the applicant.

The Committee considered the application in the light of economic, social and environmental factors set out in the NPPF and had regard to the presumption in favour of sustainable development. It concluded that the harm that would arise from the proposal did not significantly outweigh the benefits. A solution to overcome whether a fire engine could navigate the internal access road could be provided by the installation of a dry riser at the entrance to the site and an outlet to the front of the proposed dwellings.

Affected residents at The Old Nursery, immediately opposite the planned development access road, who had not previously been consulted, were consulted on the day of the meeting, 15 October 2015, and had been given 21 days to respond.

**RESOLVED** that authority be delegated to the Head of Planning to **APPROVE** the application, subject to no new material consideration being raised in the further consultation, and subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out only in accordance with the following approved plans  
Drg No 13/SP-HGC-03 received by LPA 01.08.2014  
Drg No 13/SP-HGC-04 received by LPA 01.08.2014  
Drg No 13/SP-HGC-05 received by LPA 01.08.2014  
Drg No 13/SP-HGC-06 received by LPA 01.08.2014  
Drg No 13/SP-HGC-07 received by LPA 01.08.2014  
Drg No 13/SP-HGC-08 received by LPA 01.08.2014  
Drg No 13/SP-HGC-09 received by LPA 01.08.2014  
Drg No 13/SP-HGC-10 Rev B received by LPA 06.07.2015
3. No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
4. The development hereby permitted shall not be begun until:
  - 1) a scheme depicting hard and soft landscaping and
  - 2) a three year post planting maintenance schemehave been submitted to and approved in writing by the Local Planning Authority. The approved post-planting maintenance schedule shall be implemented and complied with.

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

5. 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.
6. 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.
7. 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.
8. No development shall take place until the vehicular access has been constructed in accordance with the approved drawings.
9. No dwelling shall be occupied until the associated vehicle parking and turning space has been surfaced and marked out in accordance with the approved drawings. The spaces shall not thereafter be used for any purpose other than parking and turning.
10. The garage accommodation shall be retained for the use of the parking of vehicles at all times.
11. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:
  - (a) Parking of vehicles of site personnel, operatives and visitors
  - (b) Loading and unloading of plant and vehicles
  - (c) Storage of plant and materials used in constructing the development
  - (d) Wheel cleaning facilities
  - (e) Temporary portacabins and welfare for site operativesand each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (e) above.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no additional windows, similar openings or enlargement thereof shall be constructed in the east or west elevation of the dwellings hereby permitted except for any which may be shown on the approved drawing(s).

13. The first floor en-suite windows of the dwellings shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent) to a height of 1.7m from floor level. The windows shall at all times be fixed to a height of 1.7m from floor level.
14. No development shall take place until details showing the slab level of the buildings in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved drawing.
15. 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 the dwellings approved in this permission.
16. No demolition or construction work shall take place outside the hours of 08:00 hours and 18:00 hours Monday to Friday; 08:00 hours and 13:00 hours Saturday and not at all on Sundays and Public Holidays.
17. No development (including initial site-clearance) shall commence until a detailed scheme for the protection of existing trees, hedgerows, groups of mature shrubs and structural planting areas 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 2m high (minimum) 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 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.The development shall be carried out in full accordance with the approved scheme.

18. The protective fencing and other protection measures specified by condition 17 shall be erected in the locations agreed in writing by the Local Planning Authority prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site (unless agreed otherwise in writing by the Local Planning Authority). Where phased protection measures have been approved, no works shall commence on the next phase of the development until the protective fencing barriers and other protective measures have been repositioned for that phase in full accordance with the approved details. No activity of any description must occur at any time within these areas including but not restricted to the following: -
- a) No mixing of cement or any other materials.
  - b) Storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description.
  - c) Siting of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, porta-loos, storage compounds or hard standing areas of any other description.
  - d) Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ ground conditions of any other description.
  - e) Installation/siting of any underground services, temporary or otherwise including; drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting.
  - f) Parking/use of tracked or wheeled machinery or vehicles of any description.

In addition to the protection measures specified above,

- a) No fires shall be lit within 20 metres of the trunks of any trees or the centre line of any hedgerow shown to be retained.
  - b) No signs, cables, fixtures or fittings of any other description shall be attached to any part of any retained tree.
19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no external lighting shall be installed on the site or affixed to any buildings on the site.
20. Prior to the commencement of development a scheme for the provision of 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.
21. No site clearance shall take place during the main bird-nesting period of 1st March to 31st August inclusive.
22. No development shall take place until any trees to be felled have been surveyed for the presence of bats, and
- (ii) the 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 bats has been achieved in accordance with proposals previously submitted in writing to and approved by the Local Planning Authority.
23. No development shall take place until the visibility splays shown on the approved drawings have been provided. These areas shall thereafter be kept

free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the adjacent carriageway.

24. 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 access road and the adjacent carriageway with Forest Road; and at the junction of the driveways and the shared access surface to the front of the dwellings. The dimensions shall be measured along the edge of the access road and the edge of the carriageway from their point of intersection; and the edge of the drive and back of the shared access surface. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the carriageway.
25. 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 dwellings shall not be occupied until the approved scheme has been implemented. The facilities shall thereafter be retained.
26. No gates shall be provided at the vehicular access to the site.
27. The existing hedge located along the eastern boundary of the site with 1 Goose Corner shall be cut back to the boundary and retained as such thereafter to ensure that it does not overhang the access road serving the development and provides the necessary visibility for pedestrians and vehicles.
28. No dwelling shall be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for the installation of a dry riser including details of maintenance. The approved scheme shall be implemented in full before any of the dwellings hereby approved are occupied and shall thereafter be retained.
29. The development shall incorporate surface water drainage that is SuDS compliant and in accordance with DEFRA "Sustainable Drainage Systems - Non-statutory technical standards for sustainable drainage systems" (March 2015). It shall be operated and maintained as such thereafter.

70. **PS Application No 14/01073/FUL - 48-50 Dukes Ride, Crowthorne, RG45 6NX  
Erection of a block of 32no. sheltered apartments for the elderly with detached  
binstore/cycle/electric buggy store; modification of existing access (to No.50)  
and closure of existing access to No.48 following the demolition of existing  
buildings.**

A site visit had been held on Saturday 10 October 2015 which had been attended by Councillors Brossard, Dudley, Mrs Ingham, Mrs Mattick, Mrs McKenzie, Mrs McKenzie-Boyle, Thompson and Turrell.

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- Crowthorne Parish Council had considered the application as amended and had recommended refusal on the following grounds:
  1. Insufficient parking provision

- 2. Overbearing and out of character with neighbouring properties
- 3. Light pollution to 52 Dukes Ride
- Wokingham Without Parish Council had raised concerns including:
  - Harmful impact on character of area
  - Impact on living conditions of nearby residents
  - Inadequate car parking
- 76 objections to the development had been received from separate addresses. The main reasons for objection are summarised below (each having been addressed in the officer report):
  - Inappropriate development on greenfield land that has not been allocated.
  - Adverse impact upon surrounding residential amenity
  - Lack of parking, traffic and highway safety
  - Adverse impact upon the character and appearance of the area through inappropriate scale, massing, design, density and loss of character buildings.
  - Impact upon local wildlife and the Thames Basin Heaths SPA
  - Impact upon Trees.
  - Is there a need for this type of accommodation?
  - Waste and Odour
  - Impact upon GP facilities in the area
  - No public consultation from the developer.

The criteria for public speaking had been met in respect of this application and the Committee was addressed by the registered speaker Parish Councillor Bruce McKenzie-Boyle, who represented the objections of local residents to the proposed development, and Peter Tanner, representing the agent on behalf of the applicant.

A motion to authorise the Head of Planning to approve the application subject to conditions (and following the completion of a planning obligation) as recommended in the Officer report was put to the vote and was lost. An alternative motion to refuse planning permission was put to the vote and was carried.

**RESOLVED** that planning application 14/01073/FUL be **REFUSED** for the following reasons:

01. The development as proposed would provide inadequate on-site parking provision to serve the 32 sheltered apartments. This is likely to lead to increased on-street parking on surrounding roads to the detriment of highway safety. The proposed development is therefore contrary to Bracknell Forest Borough Local Plan Policy M9 and Core Strategy Development Plan Document Policy CS23 and the NPPF.

02. In the absence of a planning obligation to secure contributions towards 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, Policy CS16 of the Core Strategy Development Plan Document and to the Planning Obligations SPD (2015)

03. The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the applicants have not satisfactorily mitigated the development to comply with the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPD) 2012. In the absence of a section 106 planning obligation to secure suitable mitigation measures, the proposal would therefore be contrary to Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and to the Thames Basin

Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPD) 2012.

04. The applicant has failed to provide an adequate and safe parking layout for the unrestricted C3 Residential Use and this could lead to vehicles parking on the highways to the detriment of road safety. The proposed development is therefore contrary to Local Plan Policy M9 and Core Strategy Policy CS23 and the NPPF.

05. The applicant has failed to secure contributions in order to implement Traffic Regulation Orders needed to prevent on-street parking in inappropriate locations that would lead to highway safety implications. The proposed development is therefore contrary to Local Plan Policy M9 and Core Strategy Policy CS23 and the NPPF.

*Cllr Mrs McKenzie-Boyle, having declared an Affected Interest in this item, withdrew from the meeting and took no part in the consideration of it.*

71. **Application No 15/00082/FUL - 92 High Street, Sandhurst**

**Erection of 3no two-storey terraced houses and a three-storey building containing 6no flats provision of vehicle parking and circulation areas; cycle and bin storage, private gardens and communal amenity space following the demolition of existing buildings.**

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- Observations from Sandhurst Town Council to the effect that no objection be made but it be requested that plans be amended to include:
  - i) a flat roof over the bin/cycle store
  - ii) obscure glass on the first floor landing of the flats
  - iii) some form of noise attenuation for the eight parking spaces in front of No. 96 and the two in front of No. 88
- Four letters of objection received raising the following points:
  - Loss of privacy
  - Overlooking
  - Noise and disturbance due to parking spaces proposed
  - Vehicles displaced onto Valley View if not enough parking provided
  - Loss of retail units – a retail use could be incorporated into any new build to retain businesses
  - Bin/cycle store will cause smells/overshadowing/loss of daylight
  - Responsibility of boundary fence between application site and no. 96 High Street
  - Tree plotted incorrectly in garden of no. 96 High Street
  - Proximity of plots 7-9 to boundary with 88 High Street
  - Proximity of parking spaces to boundary with 88 High Street would result in petrol fumes from cars and oil smells
  - Plots 7-9 do not follow building line of the area

**RESOLVED** that authority be delegated to the Head of Planning to APPROVE the application, subject to the completion of planning obligation(s) under Section 106 of the Town and Country Planning Act 1990 relating to measures to avoid and mitigate the impact of residential development upon the Thames Basins Heath Special Protection Area (SPA); an additional condition requiring a noise attenuation fencing panel for the two parking spaces proposed to abut 88 High Street, Sandhurst, and following the 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 21 August and 2 October 2015:  
drawing no. 01 H  
drawing no. 02 B  
drawing no. 03 B  
drawing no. 04 D  
drawing no. 05 C  
drawing no. 06 C  
drawing no. 07 C  
drawing no. 08 C  
drawing no. 14 B
03. No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
04. The windows in the eastern elevation of the flatted development (plots 1-6), the window in the eastern elevation of plot 7 and the first floor window in the northern elevation of plot 7 serving the bathroom and the window in the western elevation of plot 9 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 with the exception of a top hung openable fanlight.
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 in the east elevation of plots 1-6 (the flatted development) and in the east and west elevations of plots 7 and 9 at first floor level in the buildings hereby permitted except for any which may be shown on the approved drawings.
06. The development hereby permitted shall not be begun until details showing the finished floor levels of the buildings hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
07. The development hereby permitted shall not be begun until:
  - 1) a scheme depicting hard and soft landscaping and
  - 2) a three year post planting maintenance schemehave been submitted to and approved in writing by the Local Planning Authority. The approved post-planting maintenance schedule shall be implemented and complied with. All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the occupation of any part of

the approved development, whichever is sooner. 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.

08. 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.
09. The development hereby permitted shall be implemented in accordance with the submitted Pre-assessment estimator contained within the 'Sustainability and Energy Demand Statement' January 2015 and shall be retained in accordance therewith.
10. The development shall not be begun until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate:
  - (a) that before taking account of any on-site renewable energy production the proposed development will reduce carbon dioxide emissions by at least 10% against the appropriate Target Emission Rate as set out in Part L of the Building Regulations (2006), and
  - (b) that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 20%).The buildings thereafter constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith.
11. 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.
12. The development hereby permitted (including any demolition) shall not be begun until details of a scheme (Working Method Statement) to control the environmental effects of the demolition and construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
  - (i) control of noise
  - (ii) control of dust, smell and other effluvia
  - (iii) control of surface water run off
  - (iv) site security arrangements including hoardings
  - (v) proposed method of piling for foundations
  - (vi) 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



13. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination direction of illumination, and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme.
14. 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 the dwellings approved in this permission.
15. All ecological measures and/or works shall be carried out in accordance with the details contained in John Wenman Ecological Consultancy's report dated April 2015. The scheme shall be implemented as approved and thereafter retained.
16. The demolition shall not be begun until a scheme for the provision of bird and bat boxes (and other biodiversity enhancements), including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.  
The approved scheme shall be performed, observed and complied with.
17. 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 scheme shall be implemented as approved and thereafter retained.
18. No site clearance or demolition 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 development has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented as approved and thereafter retained.
19. No part of the 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.
20. No part of the development shall be occupied until all the visibility splays shown 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 metres measured from the surface of the adjacent carriageway.
21. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:
  - (a) Parking of vehicles of site personnel, operatives and visitors
  - (b) Loading and unloading of plant and vehicles
  - (c) Storage of plant and materials used in constructing the development
  - (d) Wheel cleaning facilities
  - (e) Temporary portacabins and welfare for site operativesand each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas

on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (e) above.

22. The development 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 approved scheme shall be implemented and thereafter retained.
23. No part of the development shall be occupied until the associated vehicle parking and turning space has been surfaced and marked out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The spaces shall not thereafter be used for any purpose other than parking and turning.
24. The development hereby permitted (including initial site-clearance) shall not be begun until a detailed scheme, and programme for its implementation for the protection of existing trees in accordance with British Standard 5837:2012 'Trees In Relation To Construction Recommendations' (or any subsequent revision), has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include proposals for the phasing of its implementation so that protection is provided from the commencement of demolition or site clearance works (whichever is the sooner), through to the construction works and the completion of hard landscaping works. The submitted scheme shall include the following:
  - a) Accurate trunk positions and canopy spreads of all existing trees
  - b) Minimum 'Root Protection Areas' of all existing trees
  - c) Plans of a minimum scale of 1:200 showing the proposed locations of protective barrier/s, constructed in accordance with Section 6 (Figures 2 or 3) of BS 5837:2012, to include appropriate weatherproof tree protection area signage (such as "Keep Out - Construction Exclusion Zone") securely fixed to the outside of the protective fencing structure at regular intervals.
  - d) Proposed ground protection measures in accordance with Section 6 (Figure 3) of BS 5837:2012.
  - e) Annotated minimum distances between fencing and trunks of retained trees at regular intervals.
  - f) Illustration/s of the proposed fencing structure/s to be erected.The development shall be carried out in accordance with the approved scheme and programme.
25. No development shall commence until a detailed site specific construction method statement for all hard surfaced areas of any description within the minimum root protection areas of retained trees calculated in accordance with British Standard 5837:2012 'Trees In Relation To Construction Recommendations', or any subsequent revision, has been submitted to and approved in writing by the Local Planning Authority. Details shall be based on a porous 'No-Dig' principle of construction, avoiding any excavation of existing levels in all areas concerned, and shall include: -
  - a) An approved development layout plan identifying all areas where special construction measures are to be undertaken.
  - b) Materials including porous surface finish.
  - c) Construction profile/s showing existing /proposed finished levels together with any grading of levels proposed adjacent to the footprint in each respective structure.
  - d) Program and method of implementation and arboricultural supervision.The Construction Method Statement shall be implemented in full accordance with the approved scheme, under arboricultural supervision, prior to the

occupation of the dwelling. The No Dig structure shall be retained in perpetuity thereafter.

26. The development shall incorporate surface water drainage that is SuDS compliant and in accordance with DEFRA "Sustainable Drainage Systems - Non-statutory technical standards for sustainable drainage systems" (March 2015). It shall be operated and maintained as such thereafter.

In the event of the S106 agreement not being completed by 15 January 2016, the Head of Planning be authorised to **REFUSE** the application on the grounds of:

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 (February 2015).

72. **PS Application No 15/00172/COND - Binfield House Nursery, Terrace Road North, Binfield**

**Details pursuant to condition 16 (Fencing) of planning permission 13/00966/FUL.**

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- A total of 13 objections received from residents of surrounding properties, summarised as follows:
  - The proposal does not take into consideration the character of the Grade II Listed House.
  - The proposal is in conflict with the NPPF which states new developments should respect existing boundaries.
  - The proposal shows the fence up against ours- leaving no room for us to maintain our fence or trim the plants growing up the back of it.
  - The land to the rear is a lot higher resulting in the proposed fence feeling overbearing and overshadowing our garden.
  - According to the plan there is a large pipe which runs along the rear of the boundary fence to 54-56 Knox Green. If fencing is installed in this area it could burst any underground pipes.
  - To install the fence would mean removing a lot of shrubs- which is in conflict with the Core Strategy and the NPPF which states trees and hedges should be protected. In fact the trees and hedges are protected under tree protection plan approved under application 13/00966/FUL.
  - The proposed fence is not required due to the natural green boundary of hedges and trees that have been established for 30 years.
  - The plan is totally unsuitable and leaves the elderly accommodation with large open plan gardens (four times larger than any other garden on the proposed development, with no demarcation for land registry or ownership.
  - Plots 22-24 should have a decent size garden (similar to plots 19-21) suitable for elderly people, and delineated by fences if necessary.

- The applicant has indicated that the rear gardens to plots 22, 23 and 24 will be managed by a management company, however practically this is not going to work.
- The reason for the condition includes 'the amenities of properties adjoining the site' which appears to have been totally omitted.
- Given the likelihood of the site flooding, what chance has a timber structure got for long term survival?
- The amended plan proposes a strange combination of minimum run of brick walls and maximum runs of timber fencing.
- Neither the desk revision or the original submission appear to have paid any regard for or attention to the adjacent properties or existing natural features
- The proposed fencing is sterile, characterless and prevents ground based wildlife from accessing territory.
- Since publication of the Officer report, the applicant had met with local residents resulting in the submission of a revised plan and additional supporting information, which had lead to the withdrawal of a number of the objections.

**RESOLVED** that condition 16 attached to planning application 13/00966/FUL be discharged.

Approved details:-

Site layout plan PC-2001- REV E received 07.10.2015

Estate railing details PC-2009 received 07.10.2015

Fencing details PC-2008 received 30.09.2015.

**73. PS Application No 15/00536/FUL - Post Office, 6 High Street, Bracknell**

**Erection of 7 storey building (with undercroft for parking/storage) accommodating A1 (retail) use at ground floor (170 sq m) and 14 residential units over following demolition of Post Office building - resubmission of 14/01015/FUL.**

This application was **WITHDRAWN** from the agenda to allow for further consideration of the terms of the proposed planning obligation.

**74. Application No 15/00660/FUL - Oak Cottage, St Marks Road, Binfield**

**Erection of 2no. 4 bedroom detached dwellings with access and parking following demolition of existing dwelling and outbuilding.**

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- Binfield Parish Council had recommended refusal for the following reasons:
  1. This is overdevelopment of the plot.
  2. There is insufficient parking on the site as what is proposed looks impractical and won't be used.
  3. The second floor window overlooking the rear neighbours should perhaps be on the front elevation.
- Three letters of objection had been received, summarised as follows:
  - Proposal is shoe-horning 2 large houses on a relatively narrow site which are unlike other properties in style and height
  - Accommodation in the roof space with dormer window contrary to design of surrounding properties

- Overlooking and loss of privacy
- Loss of daylight

**RESOLVED** that following the completion of planning obligation(s) under Section 106 of the Town and Country Planning Act 1990 relating to 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 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 23 July 2015 and 26 August 2015:  
drawing no. 21506-2/01  
drawing no. 21506-2/02 Rev A  
drawing no. 21506-2/03 Rev B  
drawing no. 21506-2/04 Rev B
03. No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
04. The first floor windows in the side elevations of plots 1 and 2 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 with the exception of a top hung openable fanlight.
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 north and south elevations of the dwellings hereby permitted except for any which may be shown on the approved drawings.
06. The rooflights in the roof slopes facing north and south of the proposed development shall at all times be no less than 1.7 metres above internal floor level.
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.
08. The development shall not be begun until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule. All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved

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

09. No development shall 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 the new dwellings and retained as such thereafter.
10. The dwellings hereby permitted shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans received by the Local Planning Authority on 26 August 2015.
11. The dwellings hereby approved shall not be occupied until the associated vehicle parking and turning space has been surfaced and marked out in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.
12. The garage accommodation shall be retained for the use of the parking of vehicles at all times.
13. No gates shall be provided at the vehicular accesses to the site.
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 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.
15. No site clearance shall take place during the main bird-nesting period of 1st March to 31st August inclusive, unless a scheme to minimise the impact on nesting birds during the construction of the development has been submitted to and approved by the Local Planning Authority. The scheme, if required, shall be implemented in accordance with the approved details.

16. The demolition shall not be begun until a scheme for the provision of bird and bat boxes (and other biodiversity enhancements), including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be performed, observed and complied with.
17. 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 scheme, if required, shall be implemented in accordance with the approved details
18. No development shall take place (including demolition, ground works and site clearance) until a method statement for the sensitive demolition to avoid the potential of harm to bats of any buildings on site has been submitted to and approved by the Local Planning Authority. The content of the method statement shall include:
  - o the purpose and objectives for the proposed works
  - o detailed designs and/or working methods to achieve the stated objectives
  - o extent and location of the proposed works shown on an appropriate plan
  - o a timetable for implementation
  - o details of persons responsible for implementing the worksThe works shall be carried out strictly in accordance with the approved details.
19. 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.
20. The development shall not be begun until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 10%). The buildings thereafter constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith.
21. The dwellings 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 scheme shall be implemented and retained thereafter.
22. The development shall incorporate surface water drainage that is SuDS compliant and in accordance with DEFRA "Sustainable Drainage Systems - Non-statutory technical standards for sustainable drainage systems" (March 2015). It shall be operated and maintained as such thereafter.

In the event of the S106 agreement not being completed by 15 January 2016, the Head of Planning be authorised to refuse the application on the grounds of:

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 (February 2015).

75. **Application No 15/00674/FUL - 31 Mill Ride, Ascot**

**Raise main ridge of existing house by 415mm, erection of two storey front extension, two storey side extension, single storey rear extension, installation of rear dormer and alterations to include render (white) and timber cladding.**

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- Winkfield Parish Council had objected to the proposal on the grounds that it would be overdevelopment of the site, out of keeping with the street scene and impacted the residential amenity of neighbouring properties.
- A total of 3 objections had been received from residents of surrounding properties, summarised as follows:
  - Overlooking and loss of privacy from the second floor dormer windows.
  - Overbearing scale of the alterations to the rear.
  - Out of character for 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, received by the Local Planning Authority on 18 September 2015:  
1501-MillRide-03 'Proposed Elevations – Revision P2 Cladding and Gable Windows Amended'  
1501-MillRide-02 'Proposed Floor Plans'
03. Those windows shown on the approved drawings as having obscured glazing in part or full shall at all times be so fitted with a minimum of Pilkington Level 3 obscure glass (or equivalent). They shall at all times be fixed with the exception of a top hung openable fanlight.
04. 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 in the first floor and above of the east and west side



elevation and rear elevation hereby permitted except for any which may be shown on the approved drawing(s).

76. **Application No 15/00760/FUL - 73 Wroxham, Bracknell**

**Retention of external solid wall insulation with silicone render finish**

The Committee noted:

- Bracknell Town Council had raised no objection.
- Four letters of objection had been received, summarised as follows:
  - the colour is very strong and is out of keeping with the adjoining properties.
  - the chosen render finish will devalue property prices and is an eyesore.

**RESOLVED** that the application be **APPROVED**.

**CHAIRMAN**

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

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

**PLANNING COMMITTEE  
12th November 2015**

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

		<b>Case Officer</b>	<b>Reporting Officer</b>
5	<p>15/00004/FUL Edenfield Larges Lane Bracknell (Bullbrook Ward) Erection of 48 no. dwellings (41 no. apartments and 7 no. terraced houses) with associated parking and vehicular access from Larges Lane following demolition of existing office building. Recommendation: Approve.</p>	Simon Roskilly	Martin Bourne
6	<p>15/00401/FUL Jack O'Newbury Terrace Road North Binfield (Binfield With Warfield Ward) Conversion of redundant listed barn and adjacent ancillary building to dwelling including the construction of a new link and alteration and extension to parking for the Jack O' Newbury public house. Recommendation: Approve.</p>	Paul Corbett	Basia Polnik
7	<p>15/00536/FUL Post Office 6 High Street Bracknell (Wildridings And Central Ward) Erection of 7 storey building (with undercroft for parking/storage) accommodating A1 (retail) use at ground floor (170 sq m) and 14 residential units over following demolition of Post Office building - resubmission of 14/01015/FUL. Recommendation: Approve.</p>	Simon Roskilly	Martin Bourne
8	<p>15/00662/FUL 27 Butler Drive Bracknell Berkshire (Binfield With Warfield Ward) Erection of a single story rear extension Recommendation: Approve.</p>	Shannon Kimber	Basia Polnik
9	<p>15/00717/FUL Jomar 60 College Road College Town (College Town Ward)</p>	Katie Walker	Basia Polnik

	Erection of two semidetached 3 no bed dwellings following the demolition of the existing dwelling and outbuilding. Recommendation: Approve Subject To The Completion Of Planning Obligation(s).		
10	15/00747/FUL Victoria Cottage 81A Binfield Road Bracknell (Priestwood And Garth Ward) Erection of a single storey rear and part side extension Recommendation: Approve.	Shannon Kimber	Basia Polnik
11	15/00763/FUL St Katherines Church Lane Warfield (Binfield With Warfield Ward) Erection of a two storey front extension following demolition of front porch and canopy, and single storey extension to detached garage (re-submission of withdrawn application 15/00055/FUL). Recommendation: Refuse.	Matthew Miller	Basia Polnik
12	15/00765/FUL 45 Wentworth Avenue Ascot Berkshire (Ascot Ward) Retention of raised decking and handrail, with screen to the northern end, to enable disabled access to garden. Recommendation: Approve.	Shannon Kimber	Basia Polnik
13	15/00789/FUL Land At Rear Of Oaklands and St Margarets London Road Binfield (Binfield With Warfield Ward) Construction of 3 detached houses, garages and access road, together with alteration, rear extension and new garage at "Oaklands", following demolition of the dwelling known as "St Margarets" Recommendation: Approve Subject To The Completion Of Planning Obligation(s).	Sarah Horwood	Basia Polnik
14	15/00835/FUL Daruchini Forest Road Binfield (Binfield With Warfield Ward) Installation of 3 no. air conditioning units, plant equipment and fan condenser unit (Re-submission of 15/00572/FUL). Recommendation: Approve.	Michael Ruddock	Basia Polnik
15	15/01038/RTD Telecommunications Mast Savernake Way Bracknell (Crown Wood Ward)	Matthew Miller	Basia Polnik

Replacement of existing 11.7m phase 3 monopole with 12.5m phase 5 monopole and 1no. additional equipment cabinet.  
Recommendation: Approve.

- |    |  |                              |
|----|--|------------------------------|
| 16 | 15/01060/RTD<br>Telecommunications Mast (T-Mobile 51470)<br>London Road Bracknell<br>(Bullbrook Ward)<br>Replacement of 12M phase 3 monopole with<br>12M phase 4 monopole and additional<br>equipment cabinet.<br>Recommendation: Approve. | Sarah Horwood   Basia Polnik |
|----|--|------------------------------|

#### Miscellaneous Items

Confirmation of TPO 1192 – Land At The Royal Hunt Public House, New Road, Ascot

#### 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.

BFBLP Bracknell Forest Borough Local Plan  
CSDPD Core Strategy Development Plan Document  
SALP Site Allocations Local Plan  
RMLP Replacement Minerals Local Plan  
WLP Waste Local Plan for Berkshire

SPG Supplementary Planning Guidance  
SPD Supplementary Planning Document

RSS Regional Spatial Strategy (also known as the SEP South East Plan)

NPPF National Planning Policy Framework (Published by DCLG)  
NPPG National 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

## **SITE LOCATION PLAN**

For information the plans are orientated so that north is always at the top of the page.

## **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

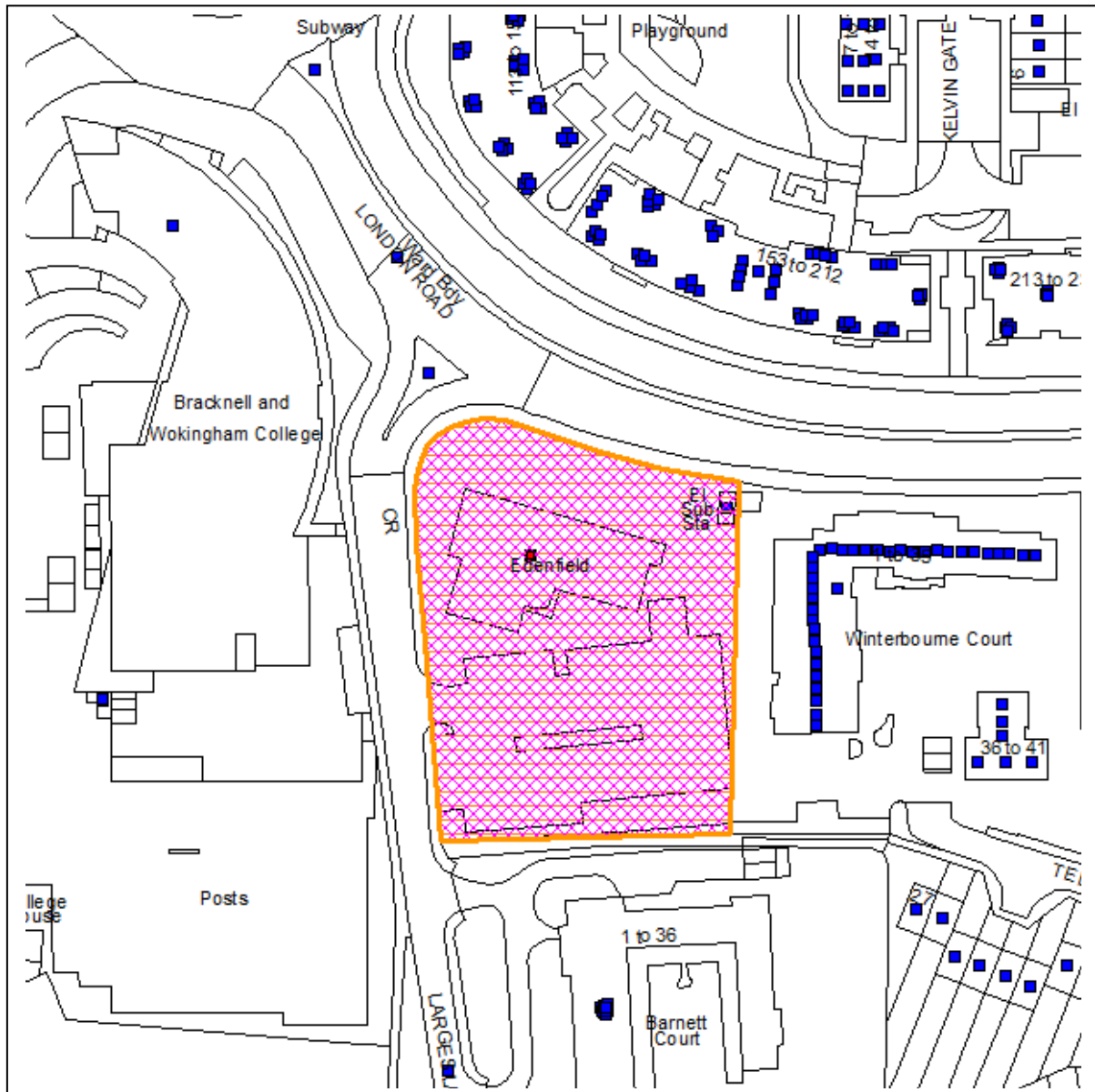
detailed consideration of any Convention Rights affected.

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<b>ITEM NO:</b>			
Application No.	Ward:	Date Registered:	Target Decision Date:
<b>15/00004/FUL</b>	Bullbrook	13 January 2015	14 April 2015
Site Address:	<b>Edenfield Larges Lane Bracknell Berkshire RG12 9AT</b>		
Proposal:	<b>Erection of 48 no. dwellings (41 no. apartments and 7 no. terraced houses) with associated parking and vehicular access from Larges Lane following demolition of existing office building.</b>		
Applicant:	Raglan Housing		
Agent:	(There is no agent for this application)		
Case Officer:	Simon Roskilly, 01344 352000 <a href="mailto:development.control@bracknell-forest.gov.uk">development.control@bracknell-forest.gov.uk</a>		

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



## **OFFICER REPORT**

### **1. SUMMARY**

1.1 The erection of 48 no. dwellings (41 no. apartments and 7 no. terraced houses) with associated parking and vehicular access from Larges Lane is proposed following demolition of an existing office building.

1.2 With appropriate materials and finishes the proposed buildings are considered to be in keeping with the area. The relationship with adjoining properties is acceptable and there are no over-riding highway safety implications.

<b>RECOMMENDATION</b>
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Planning permission be granted subject to conditions in Section 11 of this report and a Section 106 legal agreement.
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### **2. REASON FOR REPORTING APPLICATION TO COMMITTEE**

2.1 The application has been reported to the Planning Committee following the receipt of more than 3 objections.

### **3. PLANNING STATUS AND SITE DESCRIPTION**

<b>PLANNING STATUS</b>
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Within settlement boundary
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Trees on site protected by TPO
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Within 5km buffer to the Thames Basin Heaths Special Protection Area
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Opposite a Character Area: Area A of Bracknell Study- Church Road/Larges Lane
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3.1 The site occupies a 0.428 ha area, and is located in an urban setting within a defined settlement as shown on the Bracknell Forest Policies Map. The site is on the corner of Larges Lane and London Road with access currently off Larges Lane. There are protected trees on site covered by TPO 251.

3.2 The site currently hosts office accommodation (Use Class B1a) albeit empty and is served by 88 parking spaces. The current office building is a 3 storey yellow brick building located towards the north of the site with vehicle parking and access from Larges Lane taking up the southern half of the site

3.3 The site benefits from Prior Approval Change of use of offices to 35 residential units.

3.4 North of the site is the former Met Office site (Kelvin Gate) where there are residential flats. South of the site is Barnett Court a residential use comprising 27 self-contained units (23 bedsits and 4 one bedroom flats). There is also a self-contained warden's bungalow. There is a planning application in to demolish the buildings at the Barnett Court site and erect a building containing 28no. affordable flats (15/00284/FUL).

3.5 West of the site is the main Bracknell and Wokingham College building.

3.6 East of the site is Winterbourne Court a 3 storey flatted building with flats for the elderly. The main entrance to this building is located within the centre of the site facing south where there is an internal area of amenity space.

3.7 The site is in a sustainable location whereby there is easy pedestrian access to the Town Centre, Railway and Bus stations.

#### **4. RELEVANT SITE HISTORY**

4.1 614528- Erection of a 2100 sq.m. building for business use with associated car parking (Use Class B1). APPROVED.

4.2 13/00539/PAC- Application for prior approval for the change of use of office building from class B1(a) to class C3, for the development of up to 35no. residential units. PRIOR APPROVAL GRANTED.

#### **5. THE PROPOSAL**

5.1 Erection of 48 no. affordable dwellings (41 no. apartments and 7 no. terraced houses) with associated parking and vehicular access from Larges Lane following demolition of existing office building.

5.2 The mix would consist of 15no. 1 bedroom and 26no. 2 bedroom apartments and 7no. 3 bedroom terraced houses.

5.3 To the north of the site along the London Road frontage and continuing round the corner into Larges Lane would be a 3-7 storey flatted building with flat roofs. The building would be 3 storeys (8.5m high) opposite Winterbourne Court increasing to 7 storeys (20.5m high) on the corner of London Road and Larges Lane then decreasing down to 4 storeys (11.2m high) next to the proposed vehicular access off Larges Lane.

5.4 The external appearance of the flatted building consists of a mixture of brickwork with the majority of the building being light red in colour with areas broken up with darker red brick features. Windows will consist of bronze aluminum frames.

5.5 Proposed along the southern boundary of the site would be 7no. 3 storey (9.8m high) 3 bedroom dwellings with integral garages fronting north and rear gardens to the south. The external appearance of the houses will consist of a light red brick with areas broken up with a darker red brick, like that of the flatted building. Again the windows will consist of bronze aluminum frames.

5.6 Within the centre of the site there would be a parking court broken up with tree planting and a communal courtyard for the residents of the flats.

5.7 The proposed development has undergone a number of revisions in the course of its consideration.

#### **6. REPRESENTATIONS RECEIVED**

##### Bracknell Town Council:

6.1 Bracknell Town Council objects to the planning application on the following grounds:-

- Access and inadequate parking concerns
- Visible amenity
- Out of keeping with adjacent buildings.
- Overdevelopment of site to the detriment of adjacent neighbours.

##### Other representations:

6.2 Seven objections were received at the time this report was written from separate addresses. This included the following petition submitted by the Winterbourne Residents Association that had 31 signatures:-

'Dear Sir, I am writing this letter on behalf of the members of this Association. As you probably know this is a block of retirement flats and is entirely occupied by elderly people. It was bad enough to be informed that the offices know as Edenfield in Larges Lane were to be demolished and would be replaced by flats as this is right next door to Winterbourne Court but we were even more dismayed to learn that the adjoining building, Barnett Court was also going to be demolished and rebuilt as flats.

The unavoidable noise and the congestion caused by construction vehicles is bound to have an effect on our residents because of the close proximity of the developments. To exit Tebbit Close we have to pass both these sites.

Assuming potential occupants of the new flats will possess at least one or two cars each, it would mean possibly over one hundred extra cars would be using the existing roads and with other vehicles making deliveries it can only add to the congestion.

Residents of Winterbourne Court who live in flats facing Edenfield are bound to have their present outlook obscured by the new houses erected in the existing car park. It is feared that this would devalue their property.

I would appreciate that this is only at a planning stage but we sincerely hope more thought will be given before the decisions are made.'

6.3 The concerns raised have been summarised below:-

- Adverse impact upon surrounding residential amenity [*Officer Comment: These concerns are addressed under section 9 - Residential Amenity.*]

- Lack of parking, traffic and highway safety. [*Officer Comment: These concerns are addressed in section 9 - Transport Implications*]

- Adverse impact upon the character and appearance of the area. [*Officer Comment: These concerns are addressed under section 9 - Impact Upon Character and Appearance of the Area*]

- Impact upon Trees. [*Officer Comment: This concern is addressed in section 9 - Trees.*]

- Concerns regarding existing utilities. [*Officer Comment: It is the responsibility of the Utilities companies to respond to development. There are no obvious concerns given the settlement location of the development site*]

## **7. SUMMARY OF CONSULTATION RESPONSES**

### Environmental Health

Recommends conditional approval.

### Transportation Officer

No objections subject to amendments and suitable conditions.

### Biodiversity Officer

Recommends conditional approval.

### Tree Officer

Concerns regarding the removal of trees to the front of the site however the proposed replacement species are considered adequate. This will be covered in section 9 of the report. Conditions also suggested.

## 8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

8.1 The primary planning policies and associated guidance applying to this site are:-

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Housing	CS16, CS17 of CSDPD, Saved policy H8 of BFBLP that has been the subject of executive changes.	Consistent
Parking	Saved policy M9 of BFBLP	Consistent NPPF refers to LA's setting their own parking standards for residential development, this policy is considered to be consistent.
Transport	CS23 and CS24 of CSDPD, Saved policy M4 of the BFBLP.	Consistent
Trees, Landscape and Biodiversity	Saved policies EN1, EN2 and EN20 (ii) of BFBLP, CS1 and CS7 (iii) of CSDPD	Consistent
SPA	CS14 of CSDPD, NRM6 of SEP, Saved policy E3 of BFBLP	Consistent
Sustainability (resources)	CS10 and CS12 of CSDPD	Consistent
Archaeology	Saved policies BFBLP EN6 and EN7 of BFBLP	Consistent
Previously Developed Land/Efficient Use of Land	CS1 of CSDPD.	Consistent
<b>Supplementary Planning Documents (SPD)</b>		
Parking standards SPD		
Planning Obligations SPD		
Thames Basin Heath Special Protection Area (SPD)		
<b>Other publications</b>		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
Bracknell Forest Community Infrastructure Levy Charging Schedule (2015)		
The House of Commons: Written Statement (HCWS161) Sustainable Drainage Systems		

## 9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:-

- i. Principle of development

- ii. Impact on character and appearance of the area
- iii. Trees
- iv. Impact on residential amenity
- v. Transport implications
- vi. Biodiversity
- vii. Sustainability (resources)
- viii. Affordable Housing
- ix. Thames Basin Heaths Special Protection Area
- x. Drainage
- xi. Planning obligations

## **i. PRINCIPLE OF DEVELOPMENT**

9.2 The site lies within a settlement and will contribute to meeting the housing needs of the community. It is also considered to represent previously developed land and therefore makes efficient use of land. It is therefore considered to be acceptable in principle complying with CSDPD Policies CS1, CS2 and CS16 and the NPPF. The remainder of this report considered matters of detail.

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

### **(i) Site Layout**

9.3 As stated earlier in this report the application site currently contains 1no. large empty office building with a large carpark and a number of protected trees with access off Larges Lane.

9.4 The site is located opposite Character Area A - Church Road, Larges Lane, Bracknell (Character Areas SPD). Although this site is not shown to be within Character Area A text associated with this character area mentions the following:-

- Development along Larges Lane should consist of houses and smaller blocks of flats to create a transition to the residential areas to the east.

9.5 This is a material consideration when assessing this site.

9.6 On the northern part of the site which fronts London Road, a busy dual-carriageway at this point, the applicant's approach in providing the tallest (7 storey) element on the London Road/Larges Lane corner with the height reducing to three storeys next to Winterbourne Court is considered in-keeping with this area. It is felt that the development responds satisfactorily to the context provided by nearby buildings, framing the London Road 'gateway' that currently contains tall buildings such as the former Met Office site and the Bracknell and Wokingham College.

9.7 The continuous built-form on this part of the site helps screen the rear of the flats, the centre of the site and the proposed houses on the southern part of the site from traffic noise from London Road.

9.8 The 3 storey terraced houses proposed on the southern part of the site allow for an acceptable transition in height in relation to Winterbourne Court to the east and Barnett Court to the south.

9.9 Amenity space for the flats is provided in the form of a communal courtyard. This is of a modest size but the site is within walking distance, via a safe subway route, of The Elms recreational ground off Warfield Road.

9.10 The proposed town houses on the south of the site have rear gardens and raised terraces that provide adequate useable amenity space for future occupants that, at the same time, allow for trees on the southern boundary of the site to be retained.

9.11 The proposal would mean the removal of trees to the front of the site along the London Road frontage that are considered to play an important role within the visual amenity of the streetscene. Their loss will be detrimental to the character and appearance of the area. However it should be noted that the Prior Approval that could be implemented to change the office building to residential is likely to put pressure on the trees at the front being removed. Trees are currently close to the front elevation and do significantly block out daylight to north facing windows. If the building were to be converted to flats the removal of the unprotected trees is highly likely.

9.12 The proposed layout allows for adequate landscaping to be incorporated to the front of the flatted building in order to replace the trees that would be removed and soften the development along London Road. An assessment of the replacement planting will be made under Section 9-Trees.

9.13 Within the centre of the site trees will be planted to break up the car parking and to soften views of future town house occupants. Again these will need to be able to flourish within a large area of hardstanding of which species details can be conditioned.

9.14 In conclusion on the siting of the proposed buildings, the flats are considered in-keeping with the London Road frontage while the terraced housing on the southern part of the site provides a transition to the buildings on the east side of Larges Lane in line with the Character Areas SPD.

9.15 Overall the layout in this case is considered acceptable as it represents an acceptable balance between built form, parking and amenity space, yet at the same time providing a layout that respects the site's visually prominent location.

(ii) External appearance of the dwellings

9.16 The external appearance of the development would consist of a mixture of brickwork with the majority of the building being light red in colour with areas broken up with darker red brick features. Windows will consist of bronze aluminum frames.

9.17 There are various styles of buildings located within close proximity of the site however the scale, bulk, massing and finish are considered sympathetic, especially given the use of different materials that break up the massing. This characteristic of the area.

9.18 The proposed contemporary design of the flatted building and houses, subject to agreeing suitable detailing, are considered in-keeping with the London Road/Larges Lane streetscene.

9.19 It is therefore considered that the development would not result in an adverse impact on the character and appearance of the area and would accord with CSDPD Policy CS7, BFBLP 'Saved' Policy EN20, and the NPPF.

**iii. TREES**

9.20 TPO 251 protects three trees on this site: T2, T3 and T4 (all Oak)(these relate to trees T8, T2 and T1 (respectively) of the applicant's tree survey).

9.21 T2 (applicant's T8) is moribund and there is no objection to its removal (subject to a new tree being planted as part of an approved landscaping scheme).

9.22 Trees T3 and T4 (applicants T2 and T1) are shown to be retained and any grant of permission should include a condition to protect them prior to and during the period of construction.

9.23 As noted at 9.11 above, the proposed development will involve the removal of a significant group of trees along the London Road frontage which are not protected by a TPO and were planted in the 1980s as part of the landscaping for the office building. These are to be replaced with 6no. Acer 'Globosum' which are considered to be suitable replacements that will provide adequate long-term softening to the London Road frontage.

9.24 It is noted the applicant has provided rooting volume recommendations for the proposed trees; these rooting volumes may yet be compromised by any services routed through any of the proposed planting areas indicated. The Planning Authority should satisfy itself that the developer will not compromise that planting area.

9.25 In respect of the car-parking areas; given the constraints on available planting space, any tree planting in this area will require detailed consideration of underground soil-volume requirements to ensure the planting achieves its best growth potential with reduced risk of tree-roots causing nuisance to surfacing and infrastructure (i.e. large constructed tree-pits, root-barriers and grilles to support the final finish surface).

9.26 The above concerns can be addressed and have been put to the applicant. However should they not be clarified prior to Committee they can be conditioned. Any additional conditions will be provided by way of a supplementary report.

9.27 Overall, subject to the imposition of suitable amendments and/or conditions, it is considered that the proposal would not adversely affect protected trees on and adjoining the site which are important in the street scene and would provide adequate landscaping. The application is therefore considered to be in accordance with BFBLP Policies EN1, EN2 and EN20 and CSDPD Policies CS1 and CS7 and the Characters Area SPD.

#### **iv. RESIDENTIAL AMENITY**

(i) Impact upon the living conditions of adjoining properties

9.28 Existing residential accommodation lies to the east and south of the application site. The following considers the impacts of the proposed development on this accommodation.

##### *Winterbourne Court (2.5 storey elderly persons flatted accommodation)*

9.29 Winterbourne Court, a residential flatted development, is located to the east of the development site. It lies at a slightly lower level than the application site. The main Winterbourne Court building comprises an L-shaped block with one element fronting London Road and a second located parallel to the eastern boundary of the application site. This part of Winterbourne Court lies some 7m from the boundary. The current office building on the application site lies a minimum of about 20m from the nearest part of Winterbourne Court.

##### Impact of proposed flats

9.30 The eastern end of the proposed flats lies about 14m from the western elevation of Winterbourne Court. At this point the proposed flats are 3 storeys in height (8.5m). The building steps up heightwise to the west with a four storey element some 22m from Winterbourne Court.



9.31 Winterbourne Court has habitable windows facing west towards the application site. Notwithstanding the levels difference it is not considered that the eastern end of the proposed flats would appear unacceptably visually overbearing when viewed from these windows.

9.32 The proposal will result in the loss of some daylight/sunlight to west-facing windows in Winterbourne Court but given the siting relationships of the buildings this impact is not considered to be so great as to justify refusing the application.

9.33 The end (east-facing) elevation of the flats contains windows. The proposed secondary living room windows would lie at an oblique angle to the nearest windows in Winterbourne Court and the proposed bathroom windows could be conditioned to be obscure glazed and fixed shut. It is not considered, therefore, that any unacceptable overlooking/loss of privacy would result.

#### Impact of proposed houses

9.34 The flank wall of the eastern-most terraced house would be located some 8m from the flats at the southwestern corner of Winterbourne Court. It is not considered that it would appear unacceptably overbearing or significantly overshadow any rooms. It is felt that an adequate level of daylight would be received by windows at Winterbourne Court due to the separation between the existing and proposed buildings.

9.35 The proposed flank wall to the end terrace facing east will have no windows present and can be conditioned so that none are installed in the future so as to avoid any future overlooking. Windows facing north are considered to be orientated at an angle that would not result in any direct overlooking of Winterbourne Court.

#### *Barnett Court (2 storey elderly persons flatted accommodation)*

9.36 Currently with there being trees, a footpath, vehicular access and parking between the proposed terraced houses and Barnett Court south of the site there would be no loss of privacy, no overshadowing and no overbearing impacts upon either residential amenity. It is considered that this would also be the case with the scheme for a flatted residential development at Barnett Court which is the subject of a current planning application.

#### (ii) Living conditions of future residents

9.37 Due to its orientation and design the proposed development does not result in any adverse overlooking and/or overbearing impacts upon any of proposed residential units. It is considered that adequate amenity space/landscaping is provided around the proposed building.

#### Conclusion on residential amenity:

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

## **v. TRANSPORT IMPLICATIONS**

### **Access**

9.39 A 15m wide vehicular access onto Larges Lane will be created in an almost identical location to the current vehicular access.

9.40 In terms of access to the site this is acceptable in principle but the current design appears to not clearly delineate the full width required for vehicles to pass each other. Changes to the permeable paving colours have been sought to help address this. Furthermore there is no protection to the edge of the parking spaces which means that additional parking may occur on the end of each row which would restrict access from the parking to the houses opposite. The applicant has been advised that a planted strip 1m wide could be introduced on the end of the bays to overcome this issue. Such a change would allow the bin collection point to move forward and provide better separation between the parking space adjacent. This change has been sought.

9.41 The current design of the road is a shared surface but hard paving across the first three houses will direct pedestrians to walk along this route and this could lead to conflict with vehicles reversing out of the car ports. The applicant has been advised that the shared surface commences nearer to the junction and this could be achieved by increasing the planted areas currently shown.

9.42 With the above suggestions there may also be an opportunity to smooth out the road alignment within the site slightly. The applicant has again been made aware of this and alterations have been sought.

9.43 Refuse collection points for the houses will be located within the site north of the houses but close enough to the vehicular access off Larges Lane to be collected by a refuse vehicle. Refuse storage for the flats will be located within the ground floor of the building on the Larges Lane frontage, again close enough to be collected by a refuse vehicle.

## **Parking**

9.44 A total of 44 parking spaces are proposed for the flats in the form of undercroft and parking courts, giving an average of 1.07 spaces per flat. The 7 houses have two spaces each within car ports. The level of parking for the flats is acceptable considering the location of the site, the current parking restrictions in the area and the survey and census information provided by the applicant with the application. Census data (2011) for this ward (Bullbrook) indicates average ownership of 1.2 cars per unit and the adjacent ward (Wildridings and central) indicates average car ownership of 1.1 cars per dwelling. The applicant has investigated census data for the area and this would support such a provision. Furthermore the proposal is for completely affordable units and typically car ownership is slightly lower for this type of residential accommodation. Surveys of the recent Bay Road development have supported a provision of 1 space per unit and with a condition to make all outside space communal this should ensure that parking demand is kept within the site.

9.45 The site is located within a control parking zone whereby we would not want to encourage residents of this site applying for permits. A S106 should be used to restrict residents from applying for permits within the controlled parking zone. As the site falls within a control parking zone a restriction along the lines suggested is considered reasonable and enforceable.

9.46 Disabled parking has been provided to the required standard.

9.47 Cycle parking locations have been shown but no exact details have been given, conditions for cycle parking will be required.

## **Vehicle Movements / per day**

9.48 The applicant has investigated the likely traffic generation from the proposal and compared it to the recently consented prior approval residential use by using information from the TRICS database. This has indicated the additional traffic that is likely from the new proposal. The proposal itself will generate 19 two way movements in the a.m. peak and 20 two way movements in the PM peak hours. The actual increase over the prior approval is 6 two way movements and 7 two way movements in the a.m. and p.m. peak hours respectively. This level of traffic is nominal

and will have a limited impact on the local road network. Furthermore the existing use of the site as an office would have generated significantly more traffic than the proposal in the peak hours and over the day.

## **Summary**

9.49 Subject to conditions and a planning obligation to restrict residents from applying for permits within the controlled parking zone the proposal is not considered to result in any unacceptable highway safety implications and is therefore considered to comply with BFBLP Policies M4, M9 and CSDPD Policies CS23 and CS24 and the NPPF.

### **vi. BIODIVERSITY**

9.50 The proposal, subject to conditions, is considered acceptable in terms of biodiversity and therefore accords with Core Strategy Policies CS1 and CS7 and Parking Standards SPD and the NPPF.

### **vii. SUSTAINABILITY (RESOURCES)**

9.51 Since the Government's Ministerial statement of the 26th March 2015 for residential development CSDPD Policy CS10 is only taken to require the submission of a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day. An adequate Sustainability Statement has not as yet been received therefore a condition is recommended to be imposed in order to secure this.

9.52 Policy CS12 requires the submission of an Energy Demand Assessment demonstrating how the development's potential carbon dioxide emissions will be reduced by at least 10% and how 20% of the development's energy requirements will be met from on-site renewable energy generation. No Energy Demand Assessment has been submitted therefore again a condition is recommended to be imposed in order to secure this.

### **viii. AFFORDABLE HOUSING**

9.53 CSDPD Policy CS17 and BFBLP Policy H8 seek the provision of a level of affordable housing on suitable development sites, taking account of the economics of provision. The policies are consistent with the NPPF.

9.54 The proposal is for a 100% affordable housing scheme and therefore more than meets with the requirements of the relevant policies. A Section 106 obligation would be required to ensure this provision is met.

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

9.55 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 SPA is likely to have a significant effect on the SPA, either alone or in combination with other plans or projects.

9.56 This site is located approximately 2.44 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.

9.57 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.

SPA Avoidance and Mitigation Measures required will comprise:

a) The provision of Suitable Alternative Natural Greenspace (SANG) and its on-going maintenance in perpetuity.

9.58 In accordance with the SPA SPD, the development will be required to provide alternative land (SANG) to attract new residents away from the SPA. As this development leads to a net increase of less than 109 dwellings, the developer may make a payment contribution towards strategic SANGs (subject to SANGs capacity in the right location within Bracknell Forest).

9.59 The cost of the SANG enhancement works will be funded through the Community Infrastructure Levy (CIL) whether or not this development is liable for CIL. This is equal to 9.5% of the total SANG contributions set out in the SPA SPD Summary Table 1. The remaining SANG contributions will be taken through Section 106 contributions.

9.60 The enhancement of open space works at Englemere Pond SANG is the most appropriate to this proposal (although it may be necessary to allocate the contribution to another SANG).

9.61 An occupation restriction will be included in the Section 106 Agreement. This is to ensure that the SANGs enhancement works to be secured by the CIL 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

b) Strategic Access Management and Monitoring (SAMM) Contribution

9.62 The development will also be required to make a contribution towards SAMM. This project funds strategic visitor access management measures on the SPA to mitigate the effects of new development on it

Conclusion on SPA mitigation

9.63 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.

9.64 Provided that the applicant is prepared to make a financial contribution towards the costs of SPA avoidance and mitigation measures, the application will be in accordance with the SPA mitigation requirements as set out in the relevant policies above.

9.65 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. Therefore the proposal would accord with CSDPD Policy CS14, BFBLP 'Saved' Policy EN3, South East Plan Saved Policy NRM6, the Thames Basin Heaths SPA SPD and the NPPF.

## **x. DRAINAGE**

9.66 The Planning Practice Guidance 'Flood Risk and Coastal Change' as amended 15/04/2015 advises under para. 079 that when considering major development, as defined under the Town

and Country Planning (Development Management Procedure) (England) Order 2015, sustainable drainage systems should be provided unless demonstrated to be inappropriate.

9.67 The applicant has submitted a Drainage Strategy which the Council's Drainage Engineer considers acceptable and should be conditioned so that it is fully implemented on site.

#### **xi. PLANNING OBLIGATIONS**

9.68 The proposal would not be CIL liable as the site is located within the Town Centre zone which has a zero rate for CIL. Therefore no CIL Liability Notice will be issued. As the site is for affordable housing it is likely that an exemption from CIL would have been secured even if the CIL rate was zero.

9.69 A S106 is required to restrict new residents applying for parking permits in the controlled parking zone and to secure SPA mitigation and affordable housing.

#### **10. CONCLUSIONS**

10.1 This site is located within the settlement and would result in the development of previously developed land; and therefore the proposed development is considered to be acceptable in principle. The 48 units (48 net increase in dwellings) contribute to the Council's housing supply which is a material consideration.

10.2 A number of objections were received. The report has sought to address these.

10.3 In terms of visual character, and subject to appropriate materials and finishes, the development is considered to be sympathetic within the streetscene when viewed from London Road and Larges Lane. The layout, bulk, massing and design are considered to respect the pattern and character of built form in the area yet provide a high quality design required in such a visually prominent gateway location.

10.4 The proposed vehicular access to the site and parking layout are acceptable to the Highway Authority subject to suitable amendments and/or conditions. As such the proposal would not result in any over-riding highway safety concerns.

10.5 The impact of the proposal on the living conditions of the occupiers of nearby flats, in terms of the proposed flats and housing, parking and access, has been carefully considered. The scheme, as amended, is now considered acceptable in this regard.

10.6 It is concluded that the proposed development provides housing without compromising the character and appearance of the area, residential amenity or highway safety. The application is therefore recommended for approval subject to appropriate conditions and the completion of a Section 106 legal agreement to secure the matters referred to in Section 9(xi).

#### **11. RECOMMENDATION**

**Following the completion of planning obligations under Section 106 of the Town and Country Planning Act 1990 relating to:-**

01. mitigation of impacts on the Thames Basin Heaths SPA
02. restricting new residents applying for parking permits in the controlled parking zone.
03. 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.

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:-

AHR-AR-LL-10-001 - Existing Site Location Plan 13.01.15  
AHR-AR-LL-10-100 - Proposed Site Plan F 20.10.15  
AHR-AR-LL-20-100 - Ground Floor Plan E 16.09.15  
AHR-AR-LL-20-101 - First Floor Plan C 16.09.15  
AHR-AR-LL-20-102 - Second Floor Plan C 16.09.15  
AHR-AR-LL-20-103 - Third Floor Plan D 20.10.15  
AHR-AR-LL-20-104 - Fourth Floor Plan C 20.10.15  
AHR-AR-LL-20-105 - Fifth Floor Plan B 17.06.15  
AHR-AR-LL-20-106 - Sixth Floor Plan B 17.06.15  
AHR-AR-LL-20-107 - Housing Floor Plans C 16.09.15  
AHR-AR-LL-20-300 Proposed East Elevation Apartments C 20.10.15  
AHR-AR-LL-20-301 Proposed North Elevation Apartments C 20.10.15  
AHR-AR-LL-20-302 Proposed West Elevation Apartments B 17.06.15  
AHR-AR-LL-20-303 Proposed South Elevation Apartments D 20.10.15  
AHR-AR-LL-20-304 Proposed Housing Elevations B 17.06.15  
AHR-AR-LL-90-001 Landscape Site Plan 02  
AHR-AR-LL-90-002 Concept Planting Plan 02  
AHR-AR-LL-90-003 Tree Protection and Removal Plan  
Vehicle Tracking AHR-AR-LL-90-004  
Communal Space AHR-AR-LL-90-011  
AHR-AR-LL-90-021 Tree Pit Area 02

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 bathroom windows in the east facing flank wall elevation of the flats hereby permitted shall not have windows glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent). The windows shall be fixed shut with the exception of the top half being openable.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

05. No windows at first floor level or above, other than those shown on the approved plans shall be inserted in the east flank elevation of the terraced houses and the east flank wall of the flats both facing Winterbourne Court.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

06. The development hereby permitted shall not be begun until details showing the finished floor levels of the building the levels of the road and parking hereby approved in relation to a fixed datum point 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 character of the area.

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

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

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

b) Details of semi mature tree planting.

c) Comprehensive 5 year post planting maintenance schedule.

d) Underground service and external lighting layout (drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.), both existing reused and proposed new routes.

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

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

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

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

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

08. 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. Any site clearance during this period shall be undertaken in compliance with the approved scheme.

REASON: In the interests of nature conservation

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

09. The demolition shall not be begun until a scheme for the provision of bird (swift) and bat boxes (and other biodiversity enhancements), including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the local planning authority.

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

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

10. 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.

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

11. 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 (if applicable)
- (v) Construction, demolition and piling (if applicable) working hours
- (vi) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site

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

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

12. Demolition or 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. The measures included in the approved scheme shall be implemented prior to the first occupation and use of the building that they relate to and thereafter the measures shall be operated in accordance with the approved scheme.

REASON: In the interest of amenity.

13. No development shall take place until details of on-site refuse storage for any waste (arising from the legitimate use of the development) awaiting disposal have been submitted to and approved in writing by the Local Planning Authority. The details should include the method used to determine the size/capacity of the proposed covered bin store, and whether any additional bin storage areas will be required, and whether any such additional bin storage areas will be open air storage. Such facilities shall be provided in accordance with the approved details prior to the first occupation of the development and thereafter permanently retained.

REASON: In the interest of amenity.

14. 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]

15. The development shall not be begun until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate:-  
(a) that before taking account of any on-site renewable energy production the proposed development will reduce carbon dioxide emissions by at least 10% against the appropriate Target Emission Rate as set out in Part L of the Building Regulations (2006), and  
(b) that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 20%). The buildings thereafter constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith.

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

16. The development hereby approved shall be implemented in accordance with the approved Drainage Strategy submitted 25.06.15.

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.

17. Thereafter the on-going maintenance and operation of the sustainable drainage scheme, following construction, shall be in accordance with the agreed Drainage Strategy submitted 25.06.15.

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 .

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

REASON: In the interests of highway safety.  
[Relevant Policies: Core Strategy DPD CS23]

19. No dwelling shall be occupied until all the visibility splays shown 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 metres measured from the surface of the adjacent carriageway.

REASON: In the interests of highway safety.  
[Relevant Policies: Core Strategy DPD CS23]

20. No dwelling shall be occupied until the associated vehicle parking and turning space has been surfaced and marked out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The spaces shall not thereafter be used for any purpose other than parking and turning.

REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.  
[Relevant Policies: SEP T4, BFBLP M9, Core Strategy DPD CS23]

21. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority, 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.

22. There shall be no restrictions on the use of the car parking spaces shown on the approved plan for the occupiers of, or visitors to, any of the buildings hereby permitted, with the exception of the terrace houses that have parking on plot.

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]

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

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

[Relevant Policy: BFBLP M9]

24. The dwellings provided by the carrying out of the development shall not be occupied until adequate secure and covered cycle parking spaces have been provided in the location identified for cycle parking on the approved plans within the development. The cycle parking spaces and facilities shall thereafter be retained.

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

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

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

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

26. 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:

Highway works relating to the access to the site with Large 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]

27. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority for external site lighting including lighting units, levels of illumination and hours of use including lighting for the parking courts. No lighting shall be provided at the site other than in accordance with the approved scheme. The development shall be carried out in accordance with the approved details.

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

[Relevant Policies: BFBLP EN20 and EN25]

#### Informatives:

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: 1, 2, 4, 5, 8, 10, 12, 16, 17, 22, 23 and 25.

03. The applicant is advised that the following conditions require discharging prior to commencement of works: 3, 6, 7, 9, 11, 13, 14, 15, 21, 26 and 27.

04. The following conditions require discharge prior to the occupation of the dwellings hereby approved: 18, 19, 20 and 24.

05. The Chief Engineer (Highways) should be contacted at Department of Transport & Transportation, Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 351668, to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks notice to obtain details of underground services on the applicant's behalf.

In the event of the S106 planning obligation(s) not being completed by 12th January 2016 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 applicants have not satisfactorily mitigated the development to comply with the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPD) 2012. In the absence of a section 106 planning obligation to secure suitable mitigation measures, the proposal would therefore be contrary to Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and to the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPD) 2012.

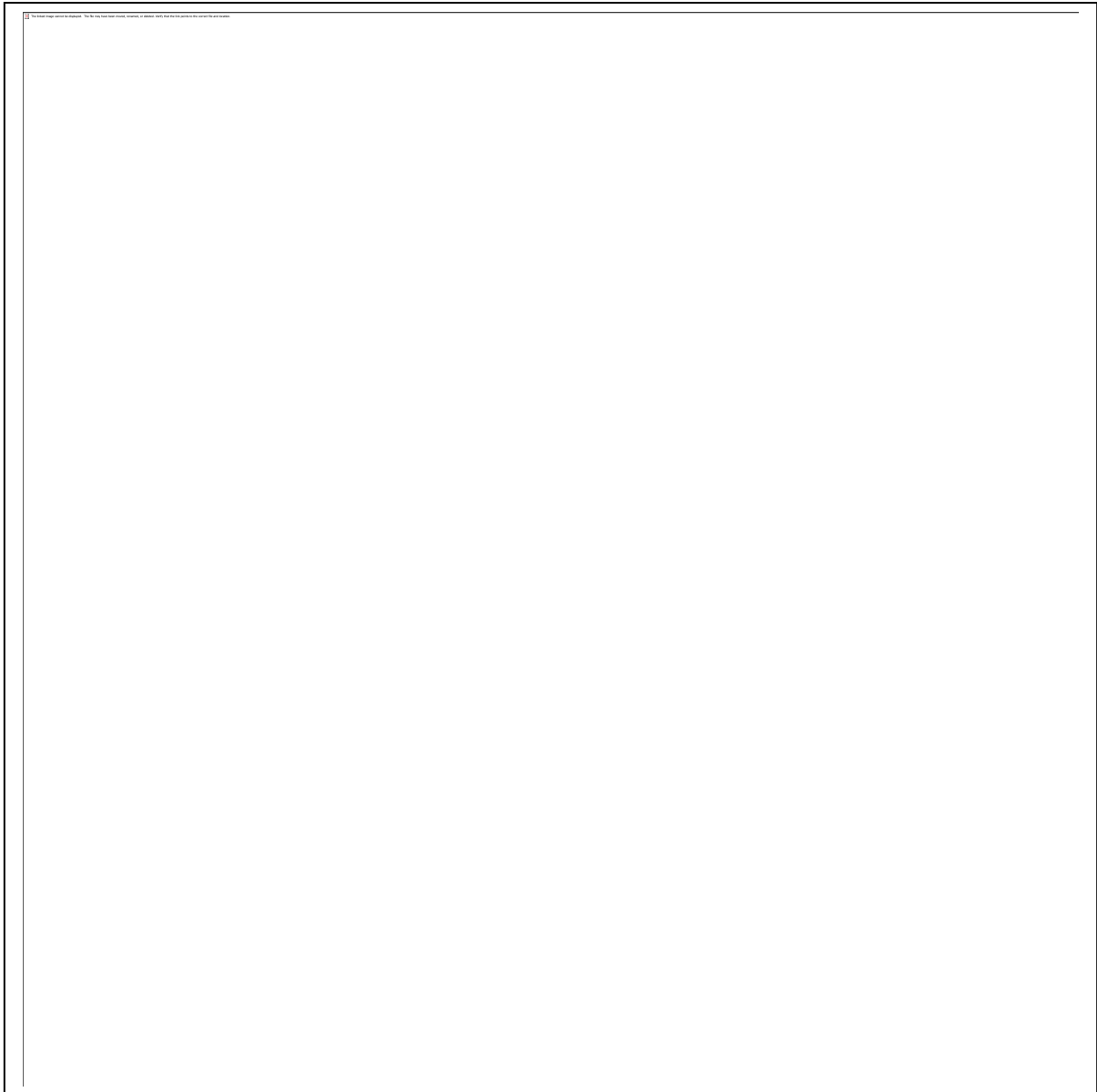
02. The applicant has failed to secure restrictions on future occupiers of the development so that no parking permits can be obtained. In the absence of such a restriction this would encourage unsuitable on street parking to the detriment of highways safety. The proposed development is therefore contrary to Local Plan Policy M9 and Core Strategy Policy CS23 and the NPPF.

03. In the absence of a planning obligation to secure 25% on-site 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, Policy CS16 of the Core Strategy Development Plan Document and to Supplementary Planning Guidance on Affordable Housing (adopted September 2003)

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<b>ITEM NO:</b>			
Application No.	Ward:	Date Registered:	Target Decision Date:
<b>15/00401/FUL</b>	Binfield With Warfield	3 July 2015	28 August 2015
Site Address:	<b>Jack O'Newbury Terrace Road North Binfield Bracknell Berkshire RG42 5PH</b>		
Proposal:	<b>Conversion of redundant listed barn and adjacent ancillary building to dwelling including the construction of a new link and alteration and extension to parking for the Jack O' Newbury public house.</b>		
Applicant:	Jack O Newbury Barn Limited		
Agent:	Mr John Letton		
Case Officer:	Paul Corbett, 01344 352000 <a href="mailto:development.control@bracknell-forest.gov.uk">development.control@bracknell-forest.gov.uk</a>		

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



## **OFFICER REPORT**

### **1.SUMMARY**

1.1 This proposal is identical in scale and nature to a previous planning permission that was approved in 2011 reference 11/00671/FUL.

1.2 The proposal to change the use and adapt the existing barn and adjacent ancillary building to residential with its own vehicular access and reconfiguration of the the public house car park. is considered acceptable, this has being balanced against the desirability of preserving the listed grade II barn which has special architectural merit.

1.3 This proposal would also contribute to the Council's current need to meet its 5 year housing land supply where such small sites assist in providing a variety of homes that are in need across the borough.

1.4 The proposal would not adversely impact upon the character of the listed building, its surroundings, landscape setting, or the amenities of the adjoining properties or protected species.

1.5 This proposal would also result in the reconfiguration of the existing public house parking provision which is considered acceptable.

<b>RECOMMENDATION</b>
Planning permission be granted subject to conditions in Section 11 of this report

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

2.1 The application has been reported to the Planning Committee following the receipt of more than 3 objections.

### **3. PLANNING STATUS AND SITE DESCRIPTION**

<b>PLANNING STATUS</b>
Land outside of defined settlement - Countryside
Listed Building Grade II
Character Area A - Binfield

3.1 The proposal site lies outside the settlement of Binfield to the northern end of Terrace Road North.

3.2 The public house known as the Jack O’Newbury is located on the western side of Terrace Road North between the residential properties of ‘The Red House’ to the north and ‘Millgate Court’ to the south. To the rear of the site is open countryside.

3.3 The site slopes up from the road (south east elevation) towards the skittle alley – a rise of about 1m. There is an Ordnance Survey bench mark on the south east corner.

3.4 The overall site area, including the pub and car park is 0.294 Ha. The proposed site is 0.066 Ha.

3.5 The barn is located in front of the Jack O'Newbury public house within the car-park of the Jack O'Newbury and to the rear of the barn is a Victorian single storey brick-built building which is used as an ancillary function room and a skittle alley.

3.6 The barn was listed in 1990 and consists of a small hay barn, formerly used as skittle alley and most recently used for storage. It dates from the 17th century and is built of oak timber framing with part brick infill and part weather-boarded exterior under an old tile gabled roof.

#### **4. RELEVANT SITE HISTORY**

4.1 11/00671/FUL Status: APPROVED (with a Legal Agreement)

Conversion of redundant listed barn and adjacent ancillary building to dwelling including the construction of a new link and alteration and extension to parking for the Jack O' Newbury public house.

4.2 11/00672/LB | Status: APPROVED

Application for listed building consent for conversion of redundant listed barn and adjacent ancillary building to dwelling including the construction of a new link and alteration and extension to parking for the Jack O' Newbury public house

4.3 15/00402/LB | Status: Current Listed Building application under consideration

Application for listed building consent for the conversion of redundant listed barn and adjacent ancillary building to dwelling, including the construction of a new link and alteration and extension to parking for the Jack O' Newbury Public House.

#### **5. THE PROPOSAL**

5.1 This application seeks to convert two ancillary buildings adjacent to the existing Jack O Newbury public house to a 4 bedroomed dwelling with its own residential curtilage .

5.2 The ancillary buildings comprise a redundant listed barn and adjacent skittle alley building which are to be cojoined by a new link between the two buildings.

5.3 The proposal also comprises the reconfiguration of the adjacent Jack O' Newbury public house car park.

5.4 The proposal also makes provision to create a private garden area to the rear of the buildings immediately adjacent to the existing private garden of the existing public house which has its own integral living accommodation.

5.5 This proposal is a resubmission of planning approval 11/00671/FUL as this permission expired before the development could be implemented.

#### **6. REPRESENTATIONS RECEIVED**

##### Binfield Parish Council:

6.1 Binfield Parish Council makes the following observation:

In light of recent public representation the Parish Council wish to request Highways to look at the risk of incidents arising on Terrace Road North if there was to be regular increased parking on the road. The Parish Council also request that, a condition be put in place that no further parking be removed from the Jack O'Newbury site by any future planning application.

Other representations:

6.2 Four letters of representation have been received raising the following material considerations:

- The development of the barn, itself, remains totally inappropriate, intrusive and ugly. It adds absolutely nothing towards an improvement of the site.
- A reduction of available car parking spaces for the pub
- Vehicles are parking on street which is detrimental to highway safety
- A delivery vehicle would not be able to enter/exit the car park if vehicles were parked in bays 23 & 24.
  - The number of car parking spaces does not accord with Bracknell Forest Council Supplementary Parking document (2007) for class A4 drinking establishments.
- The owner of the Red House bordering the site is concerned that the developer requires access onto his property to carry out the building work.
- Noise from the public house would be impact upon the future occupiers of the new dwelling.

The above concerns are addressed within the report.

## **7. SUMMARY OF CONSULTATION RESPONSES**

7.1 No statutory or non-statutory consultations have been required in respect of this planning application..

Highways Officer:

7.2 No objection subject to conditions

Conservation Officer:

7.3 Supportive of the conversion of the listed barn and ancillary building to a dwelling and subdivision of the site from the existing public house car park with a wall.

## **8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION**

8.1 The primary planning policies and associated guidance applying to this site are:-

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Parking	CS23 of CSDPD, Saved policy M4 and M9 of BFBLP	Consistent
Countryside	CS9 of CSDPD, Saved Policy EN8, and EN9 of BFBLP	Consistent
Housing	CS16 of CSDPD	Consistent
Accessibility	CS7 of CSDPD, Saved Policy EN22	Consistent
Biodiversity	CS1(vii) and CS7 (iii) of CSDPD	Consistent
Sustainability (resources)	CS10 and CS12 of CSDPD	Consistent
Noise	Saved Policy EN25 of BFBLP	Consistent
SPA	Retained SEP Policy NRM6 and CS14	Consistent



	of CSDPD	
Heritage	CS1 and CS7 of CSPDPD	Consistent
<b>Supplementary Planning Documents (SPD)</b>		
Parking standards SPD		
Character Area Assessment SPD ( Area A: Binfield)		
Thames Basin Heath Special Protection Area (SPD)		
<b>Other publications</b>		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
Bracknell Forest Community Infrastructure Levy Charging Schedule (2015)		
Binfield Neighbourhood Development Plan		

## 9. PLANNING CONSIDERATIONS

9. 1 The key issues for consideration are:

- i Principle of proposal
- ii Heritage Asset Considerations
- iii Impact on character and appearance of the area
- iv Impact on residential amenity
- v Impact on highway safety
- vi Biodiversity Implications
- vii Impact on Accessibility
- viii Impact on SPA
- ix Community Infrastructure Levy

### i. PRINCIPLE OF THE PROPOSAL

9.2 The Council is unable to currently demonstrate a 5 year housing land supply and therefore the Councils restrictive policies preventing any form of housing within the countryside are considered out of date. In this case this would apply to BFBLP Saved Polices EN8, and CSDPD Policy CS9. 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).

9.3 There are other development plan polices which are relevant to the consideration of this application which are not out of date as they are not relevant policies that apply to the supply of land for housing. This includes: BFBLP Policy EN9 allows for the change of use of existing non-residential buildings whereby the building is of permanent construction and the change of use or adaptation would not require extensive alteration or rebuilding without adversely impacting upon the character of the building, its surroundings and landscape setting.

9.4 The public house and its integral residential accommodation are to be retained and this proposal only proposes to change the use of the ancillary buildings to the public house namely the storage barn and skittle alley and therefore does not conflict with NPPF (para 70) which seeks to retain such local community facilities.

9.5 CSDPD Policy CS16 also makes provision a range of housing types, sizes and tenure which is applicable to this proposal.

9.6 As a result the proposed development is considered to be acceptable in principle, subject to no adverse impact upon the listed building, its setting, the character of the area, amenity of neighbouring occupiers, highway safety, trees, etc. These issues together with

the presumption in favour of sustainable development are addressed elsewhere in this report.

## **ii. HERITAGE ASSET CONSIDERATIONS**

9.7 In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority have a duty under section 66 of Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest, which it possesses.

9.8 The proposal comprises in the main the conversion of an existing Grade II Listed Barn currently used for storage and another Victorian outbuilding currently used as an ancillary function room (skittle alley) to the pub itself. It is proposed to link the two buildings with a new a single storey glazed linked corridor and subdivide the site with a wall to separate it from the existing public house car park with its own vehicular access.

9.9 This proposal is identical in scale and nature to a previous proposal which was approved in 2011 and the Conservation Officer is supportive of the conversion of the listed barn and ancillary building to a dwelling and subdivision of the site from the existing public house car park with a wall.

9.10 CSDPD Policy CS1(ix) is also supportive of development which protects and enhances the historic and cultural features of acknowledged importance.

9.11 NPPF (para 129) states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

9.12 NPPF (para 132) states - when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

9.13 NPPF (para 133) states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent.

9.14 The barn was listed in 1990 and consists of a small hay barn, which has in latter years been used as ancillary storage to the public house. It dates from the 17th century and is built of oak timber framing with part brick infill and part weather-boarded exterior under an old tile gabled roof. The plan is rectangular of three framed bays with a projecting brick plinth. The roadside (south-east) front is symmetrical with a platband at first floor level. The barn has a 20th century casement with square leading. The listing refers to a central six-panel door, with the top two panels glazed, under a tiled, gabled porch. However, this appears to have been lost or removed.

9.15 The barn has a queen-post roof with clasped purlins with internal arch bracing and wind bracing. The east elevation is weather-boarded externally and the west elevation has timber framing infilled with brickwork. There are double doors on the roadside (south-east) front and a further set of doors in the car-park (north-west) front with a loading window above within roof truss level. These doors are located adjacent to the remains of a former door opening which has been filled with timber-framing and brickwork in the 20th century. A window is found in the north-west gable. Much of the infilling consists of 19th century brickwork

9.16 It is acknowledged that some harm will inevitably arise from the conversion of the barn. The harm arises from the partial sub-division of the single internal space of the barn, the various new windows and the new chimney flue. However it is considered that the applicants schedule of works demonstrate that this will be undertaken sympathetically as for example the timber framing in particular will be repaired and any new joinery will have "traditional" sections to avoid a domestic appearance and the new floor will be supported independently of the existing structure. The works to the interior of the listed barn will also allow for the retention of open voids at first floor level to two of the barn's three bays.

9.17 The proposal to move the public house car parking away from the barn is considered to better enhance its setting. The erection of a wall does not necessarily preserve the historic setting of the listed building. However, this setting has already been eroded to a significant degree and it is acknowledged that it is reasonable for residential amenity to separate the new residential curtilage around the building from that of the public house car park.

9.18 Whilst it is acknowledged that the best use for a listed building is normally the one for which it was originally designed and wherever possible this use should continue. However, it is recognised that in some cases, this is no longer viable or practical. In such cases, it will be necessary to find appropriate, alternative uses to prevent deterioration through vacancy and lack of maintenance, and thus secure the building's future. The issue of conservation and economic viability in the use of historic buildings is supported in the NPPF. The two objectives need not conflict. Since economic activity changes over time, new uses are very often the key to a building's conservation and will assist in giving the building a new lease of life.

9.19 It is considered that on balance the re-use of this redundant listed barn building and its separation from the public house and car park will lead to an enhancement to the condition of the buildings which are in need of repair and the change of use should ensure the ongoing maintenance and preservation of this heritage asset.

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

9.20 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. BFBLP 'Saved' Policy EN9 states that a proposed change of use or adaption of an existing building should not adversely impact upon the building itself, its surroundings and landscape setting.

9.21 The site lies within the Character Area of Binfield where it is recognised that the townscape is characterised by relatively small scale cottage-like terraces and groups of development that sit close to the street frontage along the orthogonal street pattern of Terrace Road North. This proposal would not be considered to conflict with the character of the area as the buildings already exist and the external appearance will in the main be retained.

9.22 The site is also affected by The Binfield Neighbourhood Area designated by Bracknell Forest Council in February 2014. The Parish Council undertook a pre-submission consultation of the draft plan in August 2015, however the document is not formally adopted and therefore little weight can be afforded to it in assessment of this application.

9.23 It is therefore considered that this proposal accords with the principles of Core Strategy Policy CS7, 'Saved' BFBLP Policy EN20, Character Area Assessment SPD ( Area A: Binfield) and the NPPF.

#### **iv. IMPACT ON RESIDENTIAL AMENITY**

9.24 BFBLP 'Saved' Policy EN20 and EN 25 refers to the need to not adversely affect the amenity of the surrounding properties and adjoining areas. BFBLP 'Saved' Policy EN20 and CSDPD Policy CS7, require the development to be sympathetic to the visual amenity of neighbouring properties through its design implications. These requirements are considered to be consistent with the general design principles in paras. 56 to 66 of the NPPF.

9.25 The most affected residential property would be that of 'The Red House' to the north as the existing buildings form the common boundary with this property.

9.26 The owner of the Red House bordering the site is concerned that the developer has approached him stating that the applicant requires access onto his property to carry out the building work. The site red line does not extend onto the adjoining land and should access be required this would be a civil matter that would need to be negotiated separately between the applicant and adjacent land owner.

9.27 It is acknowledged that future occupants of the new dwelling could experience disturbance from the activities at the public house, however it is considered that this would not be any different to the existing relationship between that of the existing dwelling The Red House and the public house. However this proposal does make provision for a large area of private amenity space to the rear of the ancillary building which is immediately adjacent to the private garden of the Jack O'Newbury public house. In any case future residents would no doubt take this into consideration if they were to choose to live in such close proximity to a public house.

9.28 It is therefore considered that besides the actual disturbance whilst any works are undertaken the proposed change of use is unlikely to be a cause for concern with regards to the amenities of this immediate neighbour or any others.

9.29 It is considered that the proposed change of use of the buildings to a new dwelling with its own private amenity area would not result in any adverse impacts on the amenities of nearby residents or the public house itself and is therefore compliant with CSDPD Policy CS7 and saved BFBLP Policy EN20 of the BFBLP and the NPPF.

#### **v IMPACT ON HIGHWAY SAFETY**

9.30 CSDPD CS23 states that the Local Planning Authority will use its powers to reduce the need to travel and increase the safety of travel, while simultaneously promoting alternative modes of travel. Saved Policies M4, M9 and EN9(v) of the BFBLP ensure that development provides satisfactory highway measures and parking provision. To supplement this policy, the Local Planning Authority's Parking Standards SPD (2007) sets out the advised levels and size of parking spaces for residential dwellings so can be afforded significant weight. The NPPF allows for LPAs to set their own parking standards for residential development. The quoted policies are considered to be consistent with the NPPF.

9.31 The public house car park is being reconfigured to allow the conversion of the barn to form a new dwelling that will be segregated from the public house with its own vehicular access.

9.32 The reconfigured public car park will result in the retention of two access points and 24 formal car parking spaces which is considered sufficient for the existing use and it should be noted that the existing floorspace is being reduced by the conversion of the adjacent

ancillary building which has previously been used for private functions including a skittle alley.

9.33 The Council's car parking standards are not applicable to the public house as the proposal is not increasing floorspace for the A4 use but actually results in a loss of floor area.

9.34 Third party comments have questioned whether the number of car parking spaces is now sufficient to serve the public house and whether a delivery vehicle would still be able to enter and exit the site without conflicting with the car parking spaces as shown.

9.35 The Highways Officer considers that a delivery vehicle could manoeuvre within the site without impacting upon the parking spaces shown to be provided. In any case it is unlikely that a delivery vehicle would be scheduled to arrive at a time when the car park is full.

9.36 The proposed provision of 3 car parking spaces and onsite turning for the new dwelling complies with the Councils Car Parking standards.

9.37 The Highways Officer is satisfied with the proposal.

9.38 For the reasons given above the proposal is considered to accord with Saved Policies M4, M9 and EN9(v) of the BFBLP, Policy CS23 of the Core Strategy DPD and the NPPF.

## **vi BIODIVERSITY IMPLICATIONS**

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

9.40 The supporting report confirms that the roof space is used intermittently as a bat roost and recommends mitigation measures such as ensuring the building incorporates a replacement roosting void within the roof to mitigate the loss of the brown long eared roosting bats, a number external crevice roosting features to provide roosting habitat for the common and soprano pipistrelle bats.

9.41 The applicant also demonstrates that the development would meet the three tests under regulation 3 (4) of the Conservation (Natural Habitats &C) regulations 1994 (now implemented by regulation 53 of the Conservation of Habitats and Species Regulations 2010). These tests are:

- the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range;
- a licence can be granted for the purposes of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"; and
- that there is no satisfactory alternative.

9.42 The Council's Biodiversity Officer is satisfied that the information submitted meets these tests and conditions are recommended to ensure that the proposals would protect and enhance biodiversity through sensitive demolition of the building to avoid harm to bats, and through appropriate mitigation measures.

9.43 As such the proposal, subject to appropriate conditions to secure mitigation is therefore acceptable in terms of biodiversity and therefore accords with Core Strategy Policies CS1 and CS7 and the NPPF.

#### **vii IMPACT ON ACCESSIBILITY**

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

9.45 The current proposal will need to comply with building regulations in respect of the new dwelling; it is therefore considered that the proposal would comply with the requirements of the Development Plan and the NPPF.

#### **viii IMPACT ON SPA**

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

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

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

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

9.50 This site is located more than 5 km from the boundary of the SPA and therefore falls outside the threshold of having to provide any mitigation.

#### **ix COMMUNITY INFRASTRUCTURE LEVY (CIL)**

9.51 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.

9.52 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.

#### **10. CONCLUSIONS**

10.1 The proposed conversion of a redundant listed barn and adjacent ancillary building (skittle alley) to a dwelling including the construction of a new link between the buildings, a new wall and reconfiguration of the adjacent Jack O' Newbury public house car park would adversely impact upon the listed building itself, its surroundings or its landscape setting in

the manner described in the heritage considerations section above. However, the following benefits have been identified which are considered to outweigh the harm to the heritage asset:

- securing repairs to the listed building;
- allowing a residential use that is likely to ensure the ongoing maintenance of the building; and,
- the creation of an additional dwelling.

10.2 The public house and its integral residential accommodation are to be retained and this proposal is only to change the use of the ancillary buildings to the public house namely the storage barn and skittle alley and therefore does not conflict with NPPF (para 70) which seeks to retain such local community facilities.

10.3 A further social benefit of this scheme is the creation of a new dwelling which contributes to the Council's current need to meet its 5 year housing land supply where such small sites assist in providing a variety of homes that are in need across the borough balances the retention of the existing public house a local community asset with the conversion of the two existing ancillary out buildings of which the barn is a listed to create a new dwelling

10.4 This proposal would not result in any loss of the car parking for the existing public house.

10.5 Therefore the adverse impacts arising from this proposal are clearly outweighed by its benefits such that there is no reason not to grant planning permission. It is therefore considered that the proposed development complies with Development Plan Policies SALP Policy CP1, CSDPD Policies CS1, CS2, CS7, CS23, BFBLP 'Saved' Policy EN20, EN8, EN9, EN25, M4 and M9, and the NPPF.

## 11. RECOMMENDATION

11.1 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 on 07.05.15.

J1103-003-FR PROPOSED SCHEME FRAME REPAIR DETAILS

J1103-003-JD#1 PROPOSED SCHEME JOINERY DETAILS #1

J1103-003-JD#2 PROPOSED SCHEME JOINERY DETAILS #2

J1103-003-JD#3 PROPOSED SCHEME JOINERY DETAILS #3

J1103-003-JD#4 PROPOSED SCHEME JOINERY DETAILS #4

J1103-003 Rev J Block plan 1-200

J1103-003 DETAIL 1 Rev B - PROPOSED SCHEME CONSTRUCTION DETAILS #1

J1103-003 DETAIL 2 Rev A - PROPOSED SCHEME CONSTRUCTION DETAILS #2

J1103-003 SCHEME 1 Rev F - PROPOSED SCHEME FLOOR PLANS & SECTION

J1103-003 SCHEME 2 Rev C - PROPOSED SCHEME BARN ELEVATIONS

J1103-003 SCHEME 3 Rev C - PROPOSED SCHEME BARN & SKITTLE ALLEY

J1103-003 SCHEME 4 Rev A - PROPOSED SCHEME ROOF PLAN

J1103-003 SCHEME 5 Rev D - PROPOSAL - BARN SECTIONS

J1103-003 SLP SITE LOCATION PLAN

Structural Engineers Report by Sinclair Johnston & Partners Limited August 2011  
Bat Survey by Wychwood Environmental September 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 include brick sample panel, roof tiles, windows and doors 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 preserving the external appearance of the listed building and the visual amenities of the area.  
[Relevant Policies: BFBLP Saved Policy EN20, CSDPD CS7]
04. The development hereby permitted shall not be begun until a plan showing visibility splays has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the adjacent carriageway.  
REASON: In the interests of highway safety.  
[Relevant Policies: CSDPD Policy CS23]
05. The development hereby permitted shall not be occupied until the associated vehicle parking or vehicle parking and turning space has been surfaced and marked out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The spaces shall not thereafter be used for any purpose other than parking and turning.  
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.  
[Relevant Policies: BFBLP Saved Policy M9, Core Strategy DPD CS23]
06. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority for covered and secure cycle parking facilities. The building shall not be occupied until the approved scheme has been implemented. The facilities shall be retained.  
REASON: In the interests of accessibility of the development to cyclists.  
[Relevant Policies: BFBLP Saved Policy M9, CSDPD Policy CS23]
07. The development hereby permitted shall not be begun until details of the wall and gates 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 setting of the listed building, visual amenities of the area and onsite parking and turning.  
[Relevant Plans and Policies: BFBLP Saved Policy EN20, CSDPD Policy CS7]
08. The development shall not be begun until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule. All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the



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

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

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

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 approved scheme shall be implemented.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

10. The development (including site clearance and demolition) shall not begin until a scheme to mitigate the impact of the development on bats has been submitted to and approved in writing by the local planning authority. The scheme shall include details of:
- details of methods to avoid killing, injury or disturbance to bats during development
  - details of the provision of temporary roosts during construction
  - details of the provision of replacement roosts
  - details of habitat management and enhancement, e.g. suitable lighting and planting
  - details of appropriate post construction monitoring

The mitigation scheme shall be implemented in accordance with the approved details,. An ecological site inspection report shall be submitted to the Local Planning Authority for approval within three months of the first occupation of the dwelling hereby approved.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1]

11. 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 to written consent from the Local Planning Authority.  
REASON: In the interests of nature conservation  
[Relevant Plans and Policies: CSDPD CS1, CS7]

12. The buildings shall not be occupied until a scheme for the provision of bird and bat boxes (and other biodiversity enhancements, not mitigation), including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the Local Planning Authority.  
The approved scheme shall be performed, observed and complied with.  
REASON: In the interests of nature conservation  
[Relevant Plans and Policies: CSDPD Policy CS1, CS7]
13. The barn skylight in the roof slope facing north of the proposed development shall be no less than 1.8 metres above internal floor level. Any alternative design shall first be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the occupation of the barn building.  
REASON: The barn is a Listed Building and to prevent the overlooking of the neighbouring property.  
[Relevant Policies: BFBLP Saved Policy EN20]
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 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 located outside of a settlement where strict controls over the form, scale and nature of development apply.  
[Relevant Policies: BFBLP Saved Policy EN8, Core Strategy DPD Policy CS9]
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.  
REASON: In the interests of amenity and road safety.  
[Relevant Policies: BFBLP Saved Policy Saved Policy M9, Core Strategy DPD Policy CS23]

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission 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: 1, 2, and 14,
03. The applicant is advised that the following conditions require discharging prior to commencement of works: 3, 4, 5, 6, 7, 8, 9, 10, 11 and 15
04. The following conditions require discharge prior to the occupation of the dwelling hereby approved: 12

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<b>ITEM NO:</b>			
Application No.	Ward:	Date Registered:	Target Decision Date:
<b>15/00536/FUL</b>	Wildridings And Central	22 June 2015	21 September 2015
Site Address:	<b>Post Office 6 High Street Bracknell Berkshire RG12 1AA</b>		
Proposal:	<b>Erection of 7 storey building (with undercroft for parking/storage) accommodating A1 (retail) use at ground floor (170 sq m) and 14 residential units over following demolition of Post Office building - resubmission of 14/01015/FUL.</b>		
Applicant:	Bradiston Real Estate Inc.		
Agent:	Carter Jonas		
Case Officer:	Simon Roskilly, 01344 352000 <a href="mailto:development.control@bracknell-forest.gov.uk">development.control@bracknell-forest.gov.uk</a>		

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



## **OFFICER REPORT**

### **1. SUMMARY**

1.1 The proposal is to demolish the existing single-storey Post Office building and construct a seven-storey building accommodating 14 flats (6no. 1 bedroom, 7no. 2 bedroom and 1no. 3 bedroom) with a retail unit at ground floor level fronting the pedestrianised High Street. Five parking spaces, cycle parking and bin storage are proposed at undercroft level with rear vehicular access from The Ring via an existing service road. The proposal does not affect the former Post Office building (currently a vacant restaurant) which adjoins the site to the east.

1.2 The application site is previously developed land located within Bracknell Town Centre. The development has been designed so as not to result in any adverse impacts upon neighbouring premises and to be in keeping with the streetscene. The proposed car parking arrangements are considered to be satisfactory for this town centre location and the proposal and would not result in any highway safety implications subject to conditions and the completion of a Section 106 Legal Agreement.

<b>RECOMMENDATION</b>
Planning permission be granted subject to conditions in Section 11 of this report and the completion of a S106 Legal Agreement.

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

2.1 The application has been reported to the Planning Committee following the receipt of more than 3 objections.

### **3. PLANNING STATUS AND SITE DESCRIPTION**

<b>PLANNING STATUS</b>
Within the Town Centre primary retail area
Within 5km of Thames Basin Heaths SPA

3.1 The site is the current Post Office building located on the north side of the High Street, Bracknell. It adjoins a building to the east which was formerly in Post Office use. The permitted use of this building is now as a restaurant although it is currently empty. This building is not directly affected by the proposal and will remain.

3.2 The building fronts onto the main pedestrianised High Street and has vehicular access, including parking, located to the rear. It is surrounded by taller buildings with the adjoining former Post Office building predominantly two storeys in height and other buildings nearby (including the former Enid Wood House) up to 8 storeys high. Nearby buildings, the majority of which are of post-war design, are constructed of a variety of facing materials.

### **4. RELEVANT SITE HISTORY**

4.1 624171- Erection of side and rear extensions to Post Office building following demolition of sorting office to rear. Retention of Post Office Counters and change of use of remainder of building to Class A3. REFUSED. (Appeal Withdrawn)

4.2 624173 - Outline application for the erection of office building (1950 sq m) in yard to rear of Post Office with associated parking & alterations to access following demolition of part of sorting office building. REFUSED (Appeal Withdrawn)

4.3 625358 - Erection of rear extensions (140 sq m) to Post Office following demolition of the sorting office. Retention of Post Office counters use and change of use of remaining building to Class A3 (food and drink) use. Alterations to pedestrian area in High Street. Provision of a walkway to the rear of the building including installation of an external staircase adjacent to the Post Office counters extension. Formation of a new footpath link between The Ring and High Street. Provision of new servicing area to the rear with a new access onto the service road. APPROVED WITH LEGAL AGREEMENT.

4.4 14/01015/FUL - Erection of 7 storey building (with undercroft for parking/storage) accommodating A1 (shops) use at ground floor (170 sq m) and 14 flats above following demolition of Post Office building. WITHDRAWN.

4.5 This submission forms a resubmission of application 14/1015/FUL along with updated Transport information.

## **5. THE PROPOSAL**

5.1 Erection of 7 storey building (with undercroft for parking/storage) accommodating A1 (retail) use at ground floor (170 sq m) and 14 residential units over following demolition of Post Office building - resubmission of 14/01015/FUL.

## **6. REPRESENTATIONS RECEIVED**

### Bracknell Town Council:

6.1 Observations:- Bracknell Town Council has concerns regarding car parking provision and the loss of one of the few remaining old buildings in Bracknell.

### Other representations:

6.2 Twenty-three letters of objection were received making the following points:-

- Loss of historic building would have a detrimental impact upon the character of the Town Centre. *[Officer Comment: This concern is addressed in section 9 under 'Impact upon the character and appearance'. However it should be noted that this application does not involve the loss of the larger former Post Office building that adjoins the site and is currently empty. This application solely involves the demolition of the current single-storey Post Office building.]*
- Do we need more residential flats? *[Officer Comment: Bracknell Forest Council currently does not have a 5 year housing land supply and to have a proposal for housing that is located within the Town Centre, a sustainable location, is welcomed in principle subject to other considerations.]*
- There would not be adequate parking provision. *[Officer Comment: This is addressed in section 9 below under 'Transport Implications'.]*

## **7. SUMMARY OF CONSULTATION RESPONSES**

### Lead Local Flood Authority (LLFA)

The LLFA have no objection subject to a condition.

### Highway Officer

Recommend approval subject to conditions and the completion of a Section 106 Legal Agreement relating to parking.

### Environmental Health Officer

No objection subject to conditions.

### Biodiversity Officer

No objection subject to conditions.

## **8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION**

8.1 The primary planning policies and associated guidance applying to this site are:

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CP1 of SALP, CS1, CS2 of CSDPD	Consistent
Town Centre	SA11 of SALP, CS3 and CS21 of CSDPD and saved policies E1, E9 and E10 and Proposal PE1i of BFBLP	Consistent
Design	CS1, CS7 of CSDPD, saved policy EN20 of BFBLP	Consistent
Access for disabled people	Saved policies EN22 and M7 of BFBLP	Consistent
Housing	CS16 of CSDPD	Consistent
Parking	Saved policy M9 of BFBLP	Consistent NPPF refers to LAs setting their own parking standards for residential development, this policy is considered to be consistent.
Highways	CS23 and CS24 of CSDPD, Saved Policy M4, M6, M9 of BFBLP	Consistent
Sustainability (resources)	CS10 and CS12 of CSDPD	Consistent
SPA and Biodiversity	CS1, 7 and 14 of CSDPD, Saved Policy EN3 of BFBLP, Policy NRM6 of the South East Plan	Consistent
<b>Supplementary Planning Documents (SPD)</b>		
Parking standards SPD Thames Basin Heaths SPD Planning Obligations SPD		



<b>Other publications</b>
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)
Bracknell Forest Community Infrastructure Levy Charging Schedule (2015)

## 9. PLANNING CONSIDERATIONS

9. 1 The key issues for consideration are:-

- i. Principle of development
- ii. Impact on character and appearance of the area
- iii. Impact on residential amenity
- iv. Transport implications
- v. Biodiversity
- vi. Sustainability (resources)
- vii. Planning obligations
- viii. Affordable Housing
- ix. Thames Basin Heaths Special Protection Area
- x. Drainage

### i. PRINCIPLE OF DEVELOPMENT

9.2 The proposal involves development on a previously developed site within a settlement. The proposed mixed use development comprising a replacement retail unit at ground floor level, with residential accommodation above, is considered to comply with relevant development plan policies covering this part of Bracknell town centre including BFBLP Policies E1, E9 and E10 and Proposal PE1i, CSDPD Policies CS3 and CS21 and SALP Policy SA11. It will not prejudice the wider redevelopment of Bracknell town centre approved under 12/00476/OUT and associated permissions. Overall the principle of the proposed development is therefore considered to be acceptable. The remainder of the report considers matters of detail.

### ii. IMPACT ON CHARACTER AND APPEARANCE OF AREA

9.3 The current building on the site probably dates from the inter-war period and is single-storey with a flat roof. The elevation fronting on to High Street is of red brick with 3no large sash windows and a door with a neo-classical surround in stone.

9.4 The façade of the proposed retail unit facing High Street would be largely glazed. At undercroft and ground levels the building is across the full width of the plot. There is a step back from first-floor upwards and above to the western face of the southern half of the building to allow light into existing neighbouring windows. A further set back at levels four and five to the north of the building helps to break up the mass. The sixth floor is further recessed on three sides to minimise the building mass and provide external amenity space for the three bed penthouse. It also acts as a 'cap' to the development. All residential units are provided with balconies and terraces of varying sizes to both principal facades (north and south). The materials proposed comprise reconstituted stone, terracotta and mosaic tile cladding. The flat roof would be light grey. The building would be about 22m tall on its High Street frontage.

9.5 The submission includes an analysis of the existing building and how the proposed redevelopment of the site would fit within its surroundings. There are multi-storey buildings in the area and in this context the seven storey building proposed is not considered out of keeping with the surrounding area.

9.6 Overall the design of the building and its overall bulk and massing is not considered to detract from both the character, appearance and function of the Town Centre location.

9.7 The existing building on the site is not listed and is not located within a conservation area and whilst it is one of the older buildings in the town centre its loss is not considered to be overriding. The two-storey former Post Office building that adjoins the site is considered to play a more important role within the streetscene of High Street. As mentioned above this is not directly affected as part of this application.

9.8 It is therefore considered that the development would not result in an adverse impact on the character and appearance of the Town Centre area and is felt to accord with CSDPD Policy CS7, BFBLP 'Saved' Policy EN20, and the NPPF, subject to a condition requiring the submission and approval of details of materials to be used.

### **iii. RESIDENTIAL AMENITY**

9.9 There are no residential units nearby that would be affected by the proposed redevelopment of this site and the layout of the flats is considered acceptable in terms of the amenity of future residents. The proposals are therefore considered to accord with the relevant provisions of BFBLP 'Saved' Policy EN20 and the NPPF.

### **iv. TRANSPORT IMPLICATIONS**

#### Access:

9.10 The site is located on High Street which is part of the pedestrianised area within the town centre. Vehicular access is to the rear of the site via the access road to service yard C.

9.11 Pedestrian access to the front is to be maintained via the existing ramp although alterations may occur to it during demolition. The ramp is outside the red line of the application and may be within the adopted highway and thus any alterations to it may be required to be carried out under a highways agreement. A condition is also recommended to be imposed to secure access for disabled people.

9.12 The rear access to the development provides some delivery access for the ground floor of the proposed building. This is via a stepped entrance to the rear of the building as per the current arrangement.

9.13 The access to the car park, which is proposed to have a security gate, is only suitable for one vehicle to use at a time. The limited amount of parking and the ability for vehicle drivers to be able to see vehicles exiting, as well as approach speeds being low, mean that this is not an over-riding issue.

#### Car Parking:

9.14 The proposal provides a total of 5 car parking spaces in the undercroft, one of which would be a disabled space. One space would be allocated to the ground floor retail unit. It is proposed that the other four parking bays would be allocated to four of the dwellings and the remaining ten dwellings would be marketed as being car-free.

#### *Car Free Development*

9.15 Car-free developments are where car parking provision is not provided on-site and when planning permission is granted for the development it limits the parking provision for any additional vehicles. There are several variations of parking controls. Examples include:-

- *Car-free (CF)*: A development with no on-site provision for car parking. With the housing stock having no on-site parking, relying on off-site and on-street car parking;
- *Part Car-Free (PCF)*: Limited numbers of parking provision are available to allocated units, with remaining dwellings being CF;
- *Permit-free (PF)*: The removal of the right to a Residents' Parking Permit from residents of certain named new developments (on-site parking may be available);
- *Car-free plus permit-free (CPF)*: A development with no on-site provision for car parking and where the residents have no right to a Residents' Parking Permit.

9.16 The redevelopment of Bracknell Post Office will incorporate a *part car-free* approach with ten of the 14 proposed dwellings being marketed as car-free.

9.17 The application site is well located to promote sustainable travel using the extensive network of pedestrian and cycle routes, as well as the nearby public transport. The areas surrounding the site are all subject to various parking controls, minimising any potential parking overspill from the development. The very fact that the development site would have no legal on-street parking within close proximity means that it would clearly operate as a *part car free* development without any inappropriate on street parking.

9.18 The use of car-free developments has been widely accepted to encourage sustainable based travel. Examples in Berkshire include:-

<b>Development</b>	<b>Proposals</b>	<b>Details</b>
The Old Bakehouse, Hemdean Road, Caversham, Reading	Existing building replaced with residential development comprising seven 1 bedroom flats.	The development is situated in a very sustainable location and has no private parking spaces. Parking on adjacent roads is controlled by a resident parking permit scheme.
Kennet House, Reading	Remodelled existing building and converted to 103 flats.	The development retains a basement car park, utilising the existing access to provide 45 car parking spaces, including 3 dedicated disabled parking spaces. The car park provision is 0.44 per dwelling. The site is located in Zone 1 of the Reading Council Parking SDP. On-street parking in the vicinity of the site is restricted and future occupiers would not be eligible for parking permits.

9.19 For residents not having any on-site parking there is nothing currently preventing them from parking legally within the Town Centre car parks. The nearest Town Centre parking area would be the Charles Square car park which is within 100m walking distance (1½ minute walk) from the application site.

9.20 Concerns regarding any cumulative impact of residential parking within Town Centre car parks, given the future parking demands of a regenerated Town Centre, have been carefully considered. Given that the Council is in a position to introduce future controls and limits on car park season tickets, should this be necessary, the risks are considered to be minimal. Therefore, no specific actions would be needed in this case but the developer should be required to inform purchasers that no guarantee of future access to public car parks can be provided.

9.21 In line with BFC Town Centre Parking Standards, the development will include a total of 30 secure cycle spaces in the undercroft area.

9.22 There is no direct vehicular access to the front of the building as it is located within the pedestrianised area of the town centre. The access to the site is via Service Road C and local roads near to the site have, in general, parking restrictions including areas that have time limited parking, which restricts or controls long-stay parking that would be more likely to occur from residents.

### Servicing

9.23 The access road serving Service Yard C will be used to maintain the servicing and refuse access for the site. Provision for the storage of both commercial and residential waste is proposed internally however it is preferred to have waste storage outside of the building to the rear. A condition (07) is recommended to be imposed so that this can be achieved and secured.

### Vehicle Movements

9.24 The proposal is likely to lead to an increase in daily activity due to the residential element of the proposal. The existing retail element would be comparable to the existing retail floor space. The proposal could generate in the region of 4-6 two way trips in either peak hour with a daily increase in the region of 56 two way trips per day. This level of traffic will have a nominal impact on the highway.

9.25 The development is considered to be acceptable subject to conditions. As such the development complies with CSDPD Policies CS23 and CS24 and Saved BFBLP policies M4 and M9 and the NPPF.

## **v. BIODIVERSITY**

9.26 The submitted Code for Sustainable Homes report states that the site has been assessed by an ecologist as being of low ecological value. Therefore it is recommended that an informative is added to any permission advising that before undertaking demolition works, appropriate action must be taken to check the building or structure for evidence of bats and reasonable efforts must be taken to ensure no bird nests are present.

9.27 The proposed redevelopment has the potential to contribute to the Bracknell Forest Biodiversity Action Plan by providing nesting opportunities for swifts as part of the design of the scheme. The installation of these swift boxes can be secured by condition.

9.28 In view of the above it is considered that the development, subject to conditions, accords with Core Strategy Policies CS1 and CS7 and the NPPF.

## **vi. SUSTAINABILITY (RESOURCES)**

9.29 Since the Governments Ministerial statement of the 26th March 2015 for residential development Policy CS10 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. An adequate Sustainability Statement has been received addressing this matter.

9.30 Policy CS12 requires the submission of an Energy Demand Assessment demonstrating how the development's potential carbon dioxide emissions will be reduced by at least 10% and how 20% of the development's energy requirements will be met from on-site renewable energy generation. An energy demand assessment has been provided demonstrating that 25% of the development's Carbon emissions would be reduced through passive design.

However the applicant has failed to confirm which measures will be implemented in-order to provide 20% of the development's on-site energy generation offset. These details can be secured by condition.

#### **vii. PLANNING OBLIGATIONS**

9.31 This application is for CIL chargeable development but, as the site lies within the Town Centre CIL Charging Zone where the chargeable rate is zero, no CIL will be levied.

9.32 Matters to be secured by S106 Agreement comprise:-

- Thames Basins Heath Special Protection Area (SPA) mitigation (see section 9(ix) below).

#### **viii. AFFORDABLE HOUSING**

9.33 The number of dwellings provided (14) lies below the threshold for the provision of affordable housing.

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

9.34 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.

9.35 This site is located approximately 3 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.

9.36 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.

#### SPA Avoidance and Mitigation Measures

a) The provision of Suitable Alternative Natural Greenspace (SANG) and its ongoing maintenance in perpetuity.

9.37 In accordance with the SPA SPD, the development will be required to provide alternative land (SANG) to attract new residents away from the SPA. As this development leads to a net increase of less than 109 dwellings, the developer may make a payment contribution towards strategic SANGs (subject to SANGs capacity in the right location within Bracknell Forest).

9.38 The cost of the SANG enhancement works will be funded through the Community Infrastructure Levy (CIL) whether or not this development is liable for CIL. This is equal to 9.46% of the total SANG contributions set out in the SPA SPD Summary Table 1. The remaining SANG contributions will be taken through Section 106 contributions.

9.39 The enhancement of open space works at The Cut Countryside Corridor SANG is the most appropriate to this proposal.

9.40 An occupation restriction will be included in the Section 106 Agreement. This serves to ensure that the SANGs enhancement works to be secured by the CIL 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

b. Strategic Access Management and Monitoring (SAMM) Contribution

9.41 The development will also be required to make a contribution towards SAMM. This project funds strategic visitor access management measures on the SPA to mitigate the effects of new development on it.

9.42 The level of contributions is calculated on a per bedroom basis as set out in the SPA SPD Summary Table 1.

Conclusion on SPA

9.43 A Habitats Regulations Assessment is required for this development in accordance with the Habitats Regulations 2010 (as amended). In the absence of 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.

9.44 Provided that the applicant is prepared to make a financial contribution towards the costs of SPA avoidance and mitigation measures, the application will be in accordance with the SPA mitigation requirements as set out in the relevant policies above.

9.45 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.

**x. DRAINAGE**

9.46 The Planning Practice Guidance 'Flood Risk and Coastal Change' as amended 15/04/2015 advises under para. 079 that when considering major development, as defined under the Town and Country Planning (Development Management Procedure) (England) Order 2015, sustainable drainage systems should be provided unless demonstrated to be inappropriate.

9.47 Due to the constrained nature of the proposed development it would not be reasonably practicable to constrain the peak runoff rate to the greenfield runoff rate from the development.

9.48 Due to the constrained nature of the proposed development it would not be reasonably practicable to constrain the volume of runoff to the greenfield runoff volume from the development.

9.49 A drainage assessment (REC Report: 45669 September 2014) for the proposed development has been submitted in support of the application. This concludes that the surface water rates and volumes leaving the proposed development must not exceed pre-developed values for the 1 in 1 year and 1 in 100 year period events.

9.50 In addition, post-development rates and volumes will be increased due to climate change. Therefore the surface water runoff rates and volumes should be suitably offset to allow for a 30% increase due to climate change over the lifetime of the development.

9.51 The LLFA consider the information acceptable as long as a condition is included that seeks to implement the details as submitted in the applicant's drainage assessment

## 10. CONCLUSIONS

10.1 It is not considered that the development would result in an adverse impact on the character and appearance of this part of Bracknell town centre, or on the amenities of the residents of the nearby properties. It is considered that highway/parking matters can be satisfactorily addressed by conditions. It is therefore considered that the proposed development complies with relevant Development Plan policies and proposals and the NPPF.

## 11. 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 Basin Heaths Special Protection Area (SPA).

The Head of Planning be given delegated authority, subject to confirmation by the LLFA that an acceptable drainage strategy has been submitted, to **APPROVE** the application 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 documents:-

PL/05 Proposed Site Plan received 22.06.15.

PL/06 Proposed Ground Floorplan received 22.06.15.

PL/07 Proposed 1<sup>st</sup> and 2<sup>nd</sup> Floorplan received 22.06.15.

PL/08 Proposed 3<sup>rd</sup> and 4<sup>th</sup> Floorplan received 22.06.15.

PL/09 Proposed 5<sup>th</sup> and 6<sup>th</sup> Floorplan received 22.06.15.

PL/10 Proposed North and South Elevations received 22.06.15.

PL/11 Proposed West and East Elevations received 22.06.15.

PL/12 Proposed 3D Views received 22.06.15.

Drainage Assessment received 22.06.15.

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 building 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 be implemented in accordance with the submitted Sustainability Statement and shall be retained in accordance therewith.

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

[Relevant Policy: Core Strategy DPD CS10]

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

(a) that before taking account of any on-site renewable energy production the proposed development will reduce carbon dioxide emissions by at least 10% against the appropriate Target Emission Rate as set out in Part L of the Building Regulations (2006), and

(b) that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 20% unless otherwise agreed in writing by the Local Planning Authority).

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

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

[Relevant Plans and Policies: CSDPD Policy CS12]

07. The development hereby permitted shall not be begun until details of on-site refuse storage for waste material awaiting disposal have been submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided in accordance with the approved details prior to the first occupation of the development and thereafter permanently retained.

REASON: To ensure the provision of satisfactory waste collection facilities in the interests of amenity.

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

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

09. No part of the development shall be occupied until the associated vehicle parking and turning space has been surfaced and marked out in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.

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

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

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 for covered and secure cycle parking facilities. The building shall not be occupied until the approved scheme has been implemented. The facilities save as otherwise agreed in writing by the Local Planning Authority shall be retained.

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

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

11. No development shall take place until a scheme indicating the provision to be made for disabled people to gain access to the retail unit and flats has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be



implemented before the building provided by the carrying out of the development is occupied.

REASON: To ensure that people with disabilities have access to the development [Relevant Policy BFBLP EN22 and M7]

12. The development hereby permitted (including any demolition) shall not be begun until details of a scheme (Working Method Statement) to control the environmental effects of the demolition and construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

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

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

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

[Relevant Policies: BFBLP EN25]

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, 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.

14. The development hereby permitted shall incorporate a surface water drainage system designed and thereafter be maintained in accordance with the approved drainage assessment (September 2014).

REASON: In the interest of amenity.

### Informatives

- 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. Before undertaking demolition works, appropriate action must be taken to check the building or structure for evidence of bats as a European protected species. Reasonable effort must also be taken to ensure no bird nests are present as these are protected under the Wildlife and Countryside Act 1981.

03. No details are required to be submitted in relation to the following conditions: 01, 02, 05 and 14.
04. The applicant is advised that the following conditions require discharging prior to commencement of construction works: 03, 04, 06, 07, 08, 10 and 11, 12, 13.
05. The following condition requires discharge prior to the occupation of the dwellings hereby approved: 09.
06. The developer should inform purchasers that there is no guarantee of future access to public car parks.

In the event of the S106 planning obligation(s) not being completed by 12th January 2016 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).

**ITEM NO:**

Application No.  
**15/00662/FUL**

Ward:  
Binfield With Warfield

Date Registered:  
10 September  
2015

Target Decision Date:  
5 November 2015

Site Address:

**27 Butler Drive Bracknell Berkshire RG12 8DA**

Proposal:

**Erection of a single story rear extension**

Applicant:

Mr Manhar Patel

Agent:

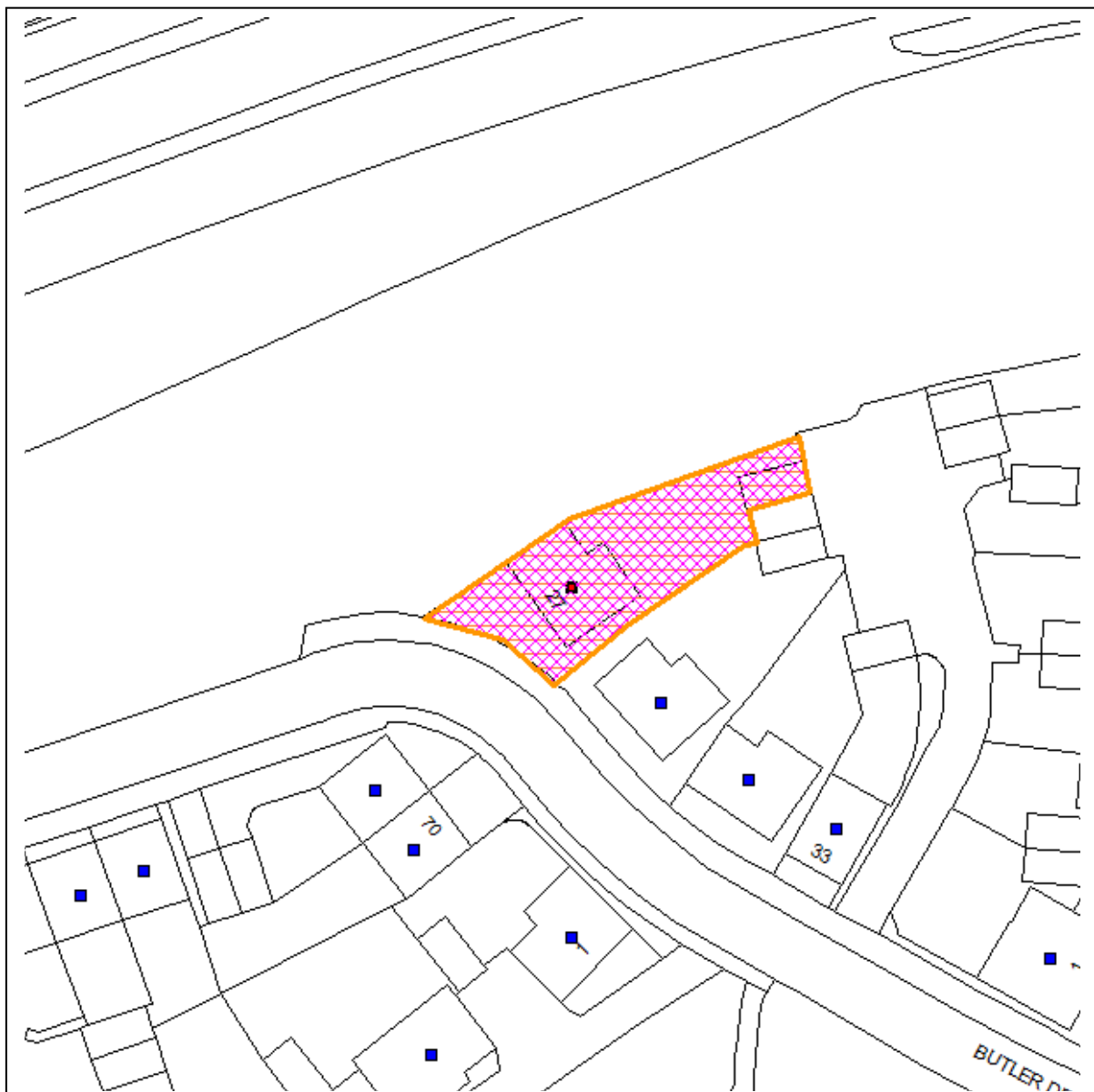
Mr Anil Hallan

Case Officer:

Shannon Kimber, 01344 352000

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

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



## **OFFICER REPORT**

### **1. SUMMARY**

1.1 The proposal is for the erection of a single story rear extension.

1.2 This proposal would comply with parking standards and there is no requirement for an additional parking space. The proposal is considered acceptable in relation to the amenity of the occupiers of the neighbouring property. There would be no significant effect on the streetscene and the development would be in keeping with the host dwelling and with the character of the surrounding area.

<b>RECOMMENDATION</b>
Planning permission be granted subject to conditions in Section 11 of this report

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

2.1 Following the receipt of two objections, the Local Authority's 1-3 Objection Procedure was undertaken. Councillor Leake has requested that the application be considered by the planning committee due to **XXX [insert reason]**

### **3. PLANNING STATUS AND SITE DESCRIPTION**

<b>PLANNING STATUS</b>
Within settlement boundary

3.1 No. 27 is a two storey, detached dwelling located on the north east side of Butlers Drive sited within Jennetts Park. It is a corner dwelling, fronting Butler Drive to the west, with amenity space and planting to the north, beyond which is Berkshire Way. To the south are other residential properties in Butler Drive, beyond which is Wykery Copse.

### **4. RELEVANT SITE HISTORY**

#### 4.1 02/01041/OUT

Outline application (including details of means of access) for residential development with associated infrastructure served by vehicular access onto Peacock Lane and Beehive Road. Approved (with Legal Agreement) 2004

#### 4.2 08/00269/REM

Submission of details of layout, scale, appearance and landscaping for the erection of 149 dwellings and associated roads, footpaths and cycleways, garages, bin stores, underground recycling facility, pumping station and open spaces pursuant to outline planning permission 02/01041/OUT. Approved (with Legal Agreement) 2008

### **5. THE PROPOSAL**

5.1 The proposed single storey rear extension would have a hipped roof and would provide a family room, downstairs shower room and an extended kitchen/dining room. Due to an existing staggered rear elevation, the proposed development would have a depth of 6 metres on the northern side and a depth of 4.15 metres to the southern side. It would have a width of 8.7 metres and a maximum height of 3.7 metres with the eaves at a height of 2.3 metres.

## 6. REPRESENTATIONS RECEIVED

### 6.1 Binfield Parish Council:

Binfield Parish Council recommend refusal due to insufficient information being submitted regarding the number of bedrooms. The application site, as defined by the red edge only identifies one parking space. The Parish Council states that the Parking Standards must be adhered to.

6.2 [Officer Note: The application as originally submitted showed the rear extension was to provide an extended kitchen/dining room, a downstairs shower room and a 'granny' room. The application has since been altered and now there is no additional bedroom so there is no requirement for an additional parking space]

6.3 [Officer Note: A second version of the site location plan included a blue edge which showed provision for the three parking spaces required to meet the Parking Standards]

### Neighbouring Property:

6.4 An objection was received by a neighbour at 29 Butler Drive, which shares a boundary with the application site to the south east, raising concerns regarding overshadowing and overbearing impacts. Concerns were also raised regarding the accuracy of the plans and whether there is sufficient parking.

6.5 [Officer Note: The overshadowing and overbearing impacts of this development are included in section 9 of this report and the agent has confirmed that the drawings are accurate]

## 7. SUMMARY OF CONSULTATION RESPONSES

### Highway Authority:

7.1 No objections.

7.2 No other statutory or non-statutory consultations have been required.

## 8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

8.1 The key planning policies and guidance applying to the site are:

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CS1 and CS2 of the CSDPD	Consistent
Design	CS7 of the CSDPD,	Consistent
Amenity	'Saved' policy EN20 of the BFBLP	Consistent
Highways	'Saved' policy M9 of the BFBLP CS23 of the CSDPD	Consistent - Para. 39 refers to LPA's setting their own parking standards for residential development
<b>Supplementary Planning Documents (SPD)</b>		
Bracknell Forest Borough Parking Standards, Supplementary Planning Document 2007		
<b>Other publications</b>		
National Planning Policy Framework (NPPF)		
Bracknell Forest Borough Council 'Extending your home: A Householder's Guide' (2003)		
Building Research Establishment (BRE) Site Layout Planning for Daylight and		

## **9. PLANNING CONSIDERATIONS**

9.1 The key issues for consideration are:

- i. Principle of Development
- ii. Impact on Character and Appearance of Surrounding Area
- iii. Impact on Residential Amenity
- iv. Transport and Highways Considerations
- v. Community Infrastructure Levy

### **i. PRINCIPLE OF DEVELOPMENT**

9.2 No. 27 Bulter Drive is located within a defined settlement as designated by the Bracknell Forest Borough Polices Map. Due to its location and nature, the proposal is considered to be acceptable in principle and in accordance with CSDPD CS1 (Sustainable Development), SC2 (Location Principles) and the NPPF subject to no adverse impacts upon character and appearance of surrounding area, residential amenities of neighbouring properties, highway safety, etc. These matters are assessed below.

### **ii. IMPACT ON CHARACTER AND APPEARANCE OF SURROUNDING AREA**

9.3 Whilst no similar developments are noted in the surrounding area, there are several rear extensions in the form of conservatories. The existing dwelling is constructed from red facing brickwork and flat tiles to the roof, with white uPVC windows. The proposed extension would be constructed from materials to match the external appearance of the existing building. Therefore this development would be considered as in keeping with host dwelling.

9.4 The proposed development would not be visible from the highway, therefore it cannot be considered as having a negative impact on the streetscene.

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

### **iii. IMPACT ON RESIDENTIAL AMENITY**

9.6 There are no windows on the side elevation of the proposed rear extension, with the exception of the rooflights. These would be inserted 2.9 metres above the internal floor level, at the lowest point, so they would allow light to enter but would not present any overlooking impacts.

9.7 Following the comments received from the neighbouring property a loss of light assessment was carried out. The BRE SLPDS is used as a guideline for assessing potential loss of light and the acceptable levels of loss of light. A 45 degree line was drawn on the horizontal plane from the midpoint of the closest window serving a habitable room at the affected residential property. As this line intersects the development, a 45 degree line was drawn on the vertical plane from the point of intersection towards this window. As this line did not intersect the affected window at all, it would be considered that the development would not result in an adverse impact on the neighbouring property with regards to loss of light.

9.8 There is a separation distance of 2 metres between the application site and the neighbouring property to the south east at the closest point. The boundary between these two properties is denoted by a 2 metre high fence. The rear garden at number 27 Butler Drive extends for 15 metres to the south east. The proposed extension would project into the

garden by less than a third of its total length. Therefore the proposed development would not be considered unduly overbearing by virtue of its design and relationship with the neighbouring property.

9.9 The existing rear element has a mono-pitched roof, with a gable end facing the neighbouring property. This projection has a maximum height of 3.4 metres, 0.6 metres from the boundary (at the closest point). The proposed extension has a hipped roof which means that there are only eaves close to the boundary, at a height of 2.3 metres, with the ridgeline of the extension 4.9 metres from the boundary with the neighbouring property. The height of the proposed extension is therefore not considered to significantly impact upon the occupiers of the neighbouring property.

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

#### **iv. TRANSPORT AND HIGHWAYS CONSIDERATIONS**

9.11 The residential standards in the SPD state that a four or more bedroomed dwelling requires 3 parking spaces. The standard size of a parking space is 4.8 metres in length and 2.4 metres in width.

9.12 This dwelling takes access off a residential road which is under an adoption agreement to become public highway in the future.

9.13 This 5-bed dwelling was granted as part of a wider planning permission, with a garage parking space accessed off a shared parking courtyard to the rear of the property. Although only the garage was included with the application site, as denoted by the red edge, a second version of the site location plan included a blue edge, which showed the ownership of a section of the forecourt area. As the property has provision of 3 spaces; it complies with the parking standards.

#### **v. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

9.14 Following the introduction on the 6<sup>th</sup> April 2015 of the Community Infrastructure Levy (CIL), all applications for planning permission will be assessed as to whether they are liable. As this development is a householder application, for a proposal under 100 sq.m. this application will not be liable for a charge.

### **10. CONCLUSIONS**

10.1 It is considered that the development is acceptable in principle and would not result in an adverse impact on the character and appearance of the host dwelling or surrounding area, nor would the development result in an unduly negative impact on the residential amenity or the neighbouring properties. It is therefore considered that the proposed development complies with 'Saved' policies M9 and EN20 of the BFBLP, Policies CS2, CS7 and CS23 of the CSDPD and the NPPF.

### **11. RECOMMENDATION**

11.1 The application is recommended to 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:  
Block Plan, Drawing number: 781-D, Received 09.07.2015  
Proposed and Existing GF Floor Plans, Drawing number: 781-A, Received 01.10.2015  
Proposed and Existing Elevations (Left Side and Rear), Drawing number: 781-C, Received 09.07.2015  
Proposed and Existing Elevations (Front and Right Side), Drawing number: 781-C, Received 09.07.2015  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:
1. Time limit
  2. Approved plans
  3. Materials match existing
03. The applicant should note that this permission does not convey any authorisation to enter onto land or to carry out works on land not within the applicant's ownership.

Doc. Ref:

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



<b>ITEM NO:</b>			
Application No. <b>15/00717/FUL</b>	Ward: College Town	Date Registered: 6 August 2015	Target Decision Date: 1 October 2015
Site Address:	<b>Jomar 60 College Road College Town Sandhurst Berkshire GU47 0QZ</b>		
Proposal:	<b>Erection of two semidetached 3 no bed dwellings following the demolition of the existing dwelling and outbuilding.</b>		
Applicant:	Knightswood Homes Ltd		
Agent:	The Edwards Irish Partnership LLP		
Case Officer:	Katie Walker, 01344 352000 <a href="mailto:development.control@bracknell-forest.gov.uk">development.control@bracknell-forest.gov.uk</a>		

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



## **OFFICER REPORT**

### **1. SUMMARY**

1.1 The proposal is for the demolition of the existing bungalow at 60 College Road and its replacement with a pair of three bedroom semi detached houses, with parking to the front. These 2 new dwellings would take access off College Road.

1.2 The proposed development relates to a site within the settlement boundary and is therefore acceptable in principle. It would not adversely affect the residential amenities of neighbouring properties and would not adversely impact upon the character and appearance of the surrounding area. The proposals would be acceptable in terms of highway safety and parking subject to the recommended conditions. Relevant conditions will be imposed in relation to detailed design, biodiversity and sustainability and a section 106 agreement will be entered into in relation to impacts on the SPA.

<b>RECOMMENDATION</b>
Planning permission be granted subject to conditions in Section 11 of this report and a section 106 agreement relating to mitigation measures for the SPA.

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

2.1 The application has been reported to the Planning Committee following the receipt of more than 3 objections.

### **3. PLANNING STATUS AND SITE DESCRIPTION**

<b>PLANNING STATUS</b>
Within settlement boundary
Character Areas SPD, Sandhurst Study Area, Area E
Within 5km of the SPA

3.2 The 0.04 ha site is occupied by the bungalow Jomar, at 60 College Road. The existing dwelling has been vacant for some time, with overgrown planting around and within the house itself and to the front of it. It is bounded to the north by 62 College Road (which forms a pair of semi detached houses with number 64 College Road), to the south by 58 College Road (which forms a pair of semi detached houses with number 56 College Road), to the west by College Road itself and to the east by a long strip of vacant land, which is the subject of a separate application for four semi detached houses (ref. 15/00718/FUL). The majority of the houses on College Road are two storeys, including the houses next to and opposite the site. On-street parking is generally un-restricted on College Road in the local area, though parking is restricted around the junction with The Breech and along The Breech itself.

3.3 While there are a number of Tree Preservation Order (TPO) trees to the east of the site, this proposal is in excess of 35 metres from these and will have no impact on them.

3.4 The site is located in an urban setting within a defined settlement as shown on the Bracknell Forest Policies Map.

### **4. RELEVANT SITE HISTORY**

4.1 Application 2420: Bungalow. Unconditional approval granted 1954

Application 4955: Additions. Unconditional approval granted 1958

There is also an application for 4 houses to the rear of 60 College Road, reference 15/00718/FUL.

## **5. THE PROPOSAL**

5.1 The proposal is for the demolition of the existing dwelling and the erection of a pair of three bedroom semi-detached houses. The houses would be constructed of facing brick with contrasting brick string courses. The proposed roofs would have concrete interlocking tiles. The dwellings would face and be accessed directly from College Road, with four on-site parking spaces provided outside the front of the dwellings.

## **6. REPRESENTATIONS RECEIVED**

### Town Council

6.1 Sandhurst Town Council raised no objections to the application.

### Other Letters of Representation

6.2 Five letters of objection were received. The issues raised are summarised as follows [Officer note: Some objection letters were written to apply to both this application and the application to the rear of College Road, ref. 15/00718/FUL. The objections relating specifically to the 4 houses have been recorded in the report for that application]:

- Insufficient parking when considered cumulatively with the proposals for 4 houses.
- The existing bungalow should be replaced with one house and the access road to the 4 house development should be alongside it
- Access should be provided directly onto College Road for the larger 4 house scheme, and it therefore follows that this application should be refused.
- What is the plan for asbestos in the current building.
- Highway safety concerns as there have been 3 serious rear-end collisions within the last 3 years due to poor visibility at the junction of College Road and The Breech
- Consideration should be given to improved parking and vehicle access.
- How will vermin be contained and removed during demolition
- Biodiversity with regards to bats, barn owls, slow worms and reptiles.
- Tree protection
- Parking stress

## **7. SUMMARY OF CONSULTATION RESPONSES**

7.1 The following consultees have provided comments on the application, summarised below and within the report:

Tree Service: The planning officer should consider the information provided by the applicant alongside the potential impact that the development may have on trees and landscape.

Biodiversity Officer: No objections subject to conditions.

Environmental Health: Conditions recommended.

Transportation Officer: No objection subject to conditions.

## **8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION**

8.1 The primary strategic planning considerations applying to the site and the associated policies are:

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CP1 of SALP, CS1 and CS2 of CSDPD	Consistent
Housing	CS15 of CSDPD	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Parking	Saved policy M9 of BFBLP	Consistent
Transport	CS23 of CSDPD	Consistent
Sustainability	CS10 and CS12 of CSDPD	Consistent
SPA	SEP Retained Policy NRM6, Saved Policy EN3 of CSDPD and Policy CS14 of CSDPD	Consistent
Trees, biodiversity and landscaping	Saved policy EN1 and EN2 of BFBLP, CS1 of CSDPD.	Consistent
Noise and pollution	Saved policy EN25 of BFBLP	Consistent
<b>Supplementary Planning Documents (SPD)</b>		
Thames Basin Heath Special Protection Area (SPD)		
Character Areas (SPD)		
Parking standards (SPD)		
<b>Other publications</b>		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		
BRE Site Layout planning for Daylight and Sunlight: A Guide to Good Practice 2011.		

## 9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i Principle of development
- ii Impact on character and appearance of the area
- iii Impact on residential amenity
- iv Transport implications
- v Biodiversity considerations
- vi SPA
- vii Sustainability
- viii Community Infrastructure Levy

### i. PRINCIPLE OF DEVELOPMENT

9.2 The application site is located within a defined settlement as designated by the Bracknell Forest Borough Policies Map and is a previously developed site. The proposals would provide two new dwellings, which is a net increase of one, contributing to the supply of housing within the Borough. Therefore, the principle of development on this site is acceptable.

### ii. IMPACT ON CHARACTER AND APPEARANCE OF AREA

9.3 The Sandhurst Study Area E (College Town) of the Character Areas SPD sets out, in

summary, that the character area is defined by its distinct street and plot pattern and is distinguished by its long straight roads. The following relevant recommendations are set out in the SPD:

- Small infill development and redevelopment of individual plots may not be detrimental to the character of this area;
- Infill development should be in character and set out around an orthogonal street pattern (i.e. not designed around typical highways requirements);
- Along the street frontage plots should be developed separately for housing;
- Road frontage treatment should be enhanced;
- The road alignment and dominance of plot pattern should be maintained.

9.4 The site fronts College Road, in between two pairs of semi detached houses. Its replacement with a pair of semi detached houses would be in keeping with these, and would be of a comparative plot size to the neighbouring properties. Numbers 62 and 64 College Road have a combined width of 7.5 metres. Number 58 and 56 College Road have a combined width of 10 metres. The proposed houses would have a combined width of 9.55 metres, as do numbers 39 and 41, opposite the site. The layout of the proposals would therefore be in keeping with the urban grain of the surrounding area, and would be in line with the recommendation of the Character Area SPD in terms of the redevelopment of an individual plot and maintaining the road alignment and plot pattern.

9.5 The existing dwelling is detrimental to the appearance of the College Road, as it is vacant, derelict and very overgrown with vegetation. The proposals would remove the existing house and associated overgrown vegetation. The proposed houses would be constructed from brick, with brick courses above the windows. They would have interlocking concrete roof tiles and open porches. Each house would have a gable to the rear with patio doors to the garden. Examples of these features can be seen elsewhere in College Road. The floorplans of the houses would mirror each other. Each would have a kitchen and WC accessed from the hallway, with a dining/living room to the rear at ground floor. The first floors would comprise three bedrooms, one with en-suite, and a bathroom.

9.6 The proposals are in keeping with the surrounding residential development in terms of plot pattern and design, in line with the Character Area SPD. It is therefore considered that the development would not result in an adverse impact on the character and appearance of the area and the removal of the existing bungalow and associated overgrown vegetation would have a positive impact on the streetscene. It would therefore not be contrary to CSDPD Policy CS7, BFBLP 'Saved' Policy EN20 or the NPPF.

### **iii. IMPACT ON RESIDENTIAL AMENITY**

9.7 The proposed pair of semi detached houses would replace an existing bungalow in a residential road. Number 62 is approximately 2.4 metres from the proposed dwelling on Plot 1, which is the same distance as the existing bungalow. Number 62 has two windows in its southern elevation, which would face on to the side elevation of the proposed dwelling on Plot 1. One serves the porch and the other is a high level, frosted window serving a kitchen/dining room. A loss of light exercise to this window was carried out in relation to both the existing bungalow (which is 7.3 metres tall and 4.9 metres tall at its closest point to 62 College Road) and the proposed houses (which would be 8.5 metres tall), and the line at a 25 degree angle intersected the proposals in both cases. This demonstrates that the proposed houses would not significantly worsen the existing situation to this window. This room, however, has a secondary source of light to the rear of the house. A 45 degree angle drawn on plan marginally intersected the very edge of the proposed house, and therefore a loss of light assessment was also carried out on this window. Approximately 50% of the window would be covered. This is considered to be an

acceptable level of loss of light. The proposed dwelling would therefore not have a significantly more adverse impact on the side facing kitchen/dining room window of number 62 College Road than the existing bungalow and would not have an unacceptable loss of light to the rear kitchen/dining room window. In addition, the removal of the wild, overgrown planting on the existing bungalow and its boundaries as a result of the proposals is likely to improve the residential amenity of the neighbouring properties.

9.8 One window is proposed at ground floor of the northern elevation of the proposed development, closest to number 62, serving a dining room, as well as a kitchen door. While the kitchen window of the proposed dwelling would overlap with this window, the window in number 62 College Road is a high level window, whereas the windows in the proposed dwelling would be standard level windows and as such no overlooking would occur as a result of the proposed windows. According to the approved plans for 07/00007, number 62 also has a window and door to a utility room in the southern elevation. This is set back from the main eastern elevation. The proposed house would also be set back from the main northern elevation towards the rear, minimising overshadowing at this point. The proposed dwelling is shorter than the existing bungalow and together with the set back element to the rear, would not result in overshadowing or overbearing impacts which are significantly more adverse than the existing bungalow.

9.9 The dwelling to the south of the proposals, number 58 College Road, has no windows in its northern elevation, which faces the proposed dwelling on Plot 2. Therefore no loss of light or privacy concerns would occur as a result of the proposals. The proposed dwelling would be taller than the existing garage which is closest to number 58, however the removal of the overgrown planting and redevelopment of a derelict site is likely to have a positive impact on the residential amenities of the neighbouring properties. As the proposals are not as deep as 58 College Road, they cannot be considered overbearing to number 58.

9.10 The proposed dwellings have been provided with back gardens of sufficient size, and due to the layout and siting of the proposed dwellings, the amenity of future occupiers would be acceptable.

9.11 Given the proximity of the proposed development to the adjacent dwellings, there is the potential for noise and disturbance to neighbouring properties during the demolition of the existing dwelling and the construction of the proposed houses. To mitigate these impacts, conditions are recommended to restrict the hours of construction and demolition works which are audible beyond the site's boundary and to restrict delivery and collection hours to the construction and demolition site.

9.12 Due to the design and layout of the proposed houses and the positioning of the windows it is not considered that the development would result in a detrimental effect on the amenities of the residents of the neighbouring properties. The development would therefore not be contrary to BFBLP 'Saved' Policy EN20 or the NPPF.

#### **iv TRANSPORT IMPLICATIONS**

##### **Access**

9.13 These 2 new dwellings would take access off College Road, a local distributor road which is subject to a 30mph speed limit and is traffic-calmed with road humps. On-street parking is generally un-restricted on College Road in the local area, though parking is restricted around the junction with The Breech and along The Breech itself.

9.14 Considerable on-street parking was observed to occur on College Road with some

vehicles parked on verges/crossovers. A number of adjacent properties to the site (Jomar) have limited or no off-street parking. There is an existing dropped kerb which serves the existing property (Jomar) and this is proposed to be extended across the site frontage to serve the 2 new dwellings. Whilst this will result in the loss of an on-street parking space, this will improve sight-lines to the north for vehicles exiting the existing driveway. The applicant has provided drawings to demonstrate that adequate sight-lines can be achieved for vehicles exiting the two driveways due to the double yellow lines and the bollards on the verge.

9.15 The proposed parking area is within one metre of the adjacent property boundaries and therefore boundary treatments will need to be no greater than 600mm to ensure a visibility splay can be achieved between vehicles exiting driveways and pedestrians using the adjacent footway. A condition is recommended to secure this.

9.16 A shared pedestrian access (footpath) is proposed between the parking spaces for access from the adopted footway to the main front doors of the dwellings. This is shown on the Site Plans drawing (2205-06-A) as being 900mm wide which is acceptable. Each of the properties is proposed to have access through to the rear for access to bin and cycle storage.

### **Parking**

9.17 Each of these 3-bed dwellings would have 2 driveway parking spaces and these are shown on the Site Plans drawing (2205-06-A) as being 2.4 metres by 4.8 metres. The parking spaces are considered to be practical and useable and 2 spaces for a 3 bedroom house complies with parking standards.

### **Trips**

9.18 These 2 new dwellings could generate in the region of 12 two-way trips over the course of a typical day with 2 of these in both the morning and evening peak periods. The development, if permitted, would be liable for CIL charges and financial contributions could be used to fund general transport improvements in the area to mitigate the highway impacts of this development.

9.19 Subject to the proposed conditions, the application is in line with CSDPD Policy CS23 and Saved Policy M9 of the BFBLP.

## **v BIODIVERSITY IMPLICATIONS**

### **Bats**

9.20 The ecological reports submitted with the application show that the existing building is not currently a bat roost. Conditions are recommended to secure protection for biodiversity and biodiversity improvements in line with the NPPF, including: avoiding site clearance and demolition during the main bird-nesting period; securing a scheme of bird and bat boxes; and requiring an additional bat survey should the works commence 2 years or more from the date of the previous bat survey.

9.21 Subject to these conditions, the Council's Biodiversity Officer is satisfied that the proposals would protect and enhance biodiversity and the proposals would be acceptable in biodiversity terms, in line with CSDPD Policies CS1 and CS7, and 'Saved' BFBLP policy EN3.

### **vi SPA**

9.22 The Council, in consultation with Natural England, has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath SPA is likely to have a significant effect on the SPA, either alone or in-combination with other plans or projects. This site is located approximately 1.27 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.

9.23 A contribution is calculated on a per-bedroom basis to be paid to the Council towards the cost of works and measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Council's Avoidance and Mitigation Strategy including a contribution to Suitable Alternative Natural Greenspace (SANG). In this instance, the development would result in a net increase of one 3-bedroom dwelling. 3 bedroom dwellings require a contribution of £2,171. The total SANG contribution is therefore £2,171.

9.24 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which will also be calculated on a per bedroom basis. 3 bedroom dwellings require a contribution of £711. The total SAMM contribution is therefore £711.

9.25 The total SPA related financial contribution for this proposal is £2,882. The applicant has agreed to enter into a S106 agreement to secure this contribution. Subject to the completion of the S106 agreement, the proposal would not have an unacceptable impact on the SPA and would comply with SEP Retained Policy NRM6, CS14 of CSDPD and the NPPF.

#### **vii SUSTAINABILITY**

9.26 CS Policy CS10 seeks to ensure the best use of natural resources, and CS12 requires 10% of energy requirements for 5 or fewer dwellings to be generated from on-site renewables. This is in line with paragraph 97 of the NPPF, which seeks to promote energy from renewable and low carbon sources. A condition will secure the submission of a sustainability statement to demonstrate that the proposals can meet these requirements. A condition will also be included to ensure that the development will be SuDS compliant, in line with the NPPF and CSDPD Policy CS1.

9.27 Subject to these conditions, the application is acceptable with regards to CSDPD Policies CS10, CS12 and the provisions of the NPPF.

#### **viii COMMUNITY INFRASTRUCTURE LEVY (CIL)**

9.28 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.

9.29 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.

9.30 In this case, the proposal would be CIL liable as it comprises the creation of 2 new dwellings, totalling 152.2 sq.m. of floorspace (GIA). The building to be demolished was last used in 2010 and therefore has not been occupied for 6 months



continuously in its lawful use in the last 3 years and as such no off-set of floorspace can be applied. The entire amount of new floorspace may therefore be CIL liable.

## 10. CONCLUSIONS

10.1 The proposed development relates to a site within the settlement boundary and is therefore acceptable in principle. It would not adversely affect the residential amenities of neighbouring properties and would not adversely impact upon the character and appearance of the surrounding area. No highway safety implications will arise subject to the imposition of conditions. Relevant conditions will be imposed in relation to detailed design, biodiversity and sustainability. A legal agreement will secure contributions for SPA mitigation and the scheme is CIL liable. The proposal is therefore considered to be in accordance with 'Saved' Policies EN20 and M9 of the BFBLP, CS1, CS2, CS7 and CS23 of the CSDPD and Policy CP1 of the SALP, all in accordance with the NPPF.

## 11. RECOMMENDATION

**Following the completion of planning obligation(s) under Section 106** of the Town and Country Planning Act 1990 relating to 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 on 15 July 2015:  
  
2205 06 A Site Plans  
2205 05 A Plans and Elevations  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03 No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
REASON: In the interests of the visual amenities of the area.  
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]
- 04 The development hereby permitted shall not be begun until details 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]

- 05 The development shall not be begun until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule. All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the occupation of any part of the approved development, whichever is sooner. 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 No demolition or construction work shall take place outside the hours of 8:00 am and 6:00 pm Monday to Friday; 8:00 am and 1:00 pm Saturday and not at all on Sundays and Public Holidays.  
REASON: In the interests of the amenities of the area.  
[Relevant Policies: BFBLP EN25]
- 07 During the demolition and construction phases, no deliveries shall be taken at or dispatched from the site outside the hours of 8:00 am and 6:00 pm Monday to Friday; 8:00 am and 1:00 pm Saturday and not at all on Sundays and Public Holidays.  
REASON: In the interests of the amenities of the occupiers of nearby residential premises.  
[Relevant Policies: BFBLP EN25]
- 08 No dwelling shall be occupied until vehicular access as shown on drawing 2205 06 A has been constructed.  
REASON: In the interests of highway safety.  
[Relevant Policies: Core Strategy DPD CS23]
- 09 No dwelling shall be occupied until a plan showing visibility splays has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The visibility splays shall at all times thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the adjacent carriageway.  
REASON: In the interests of highway safety.  
[Relevant Policies: Core Strategy DPD CS23]
- 10 No dwelling shall be occupied until the associated vehicle parking has been surfaced and marked out in accordance with the approved drawings. The spaces shall thereafter be kept available for parking at all times.

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

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

- 11 No dwelling shall be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for cycle parking facilities. The approved scheme shall be implemented prior to the occupation of any dwelling. The facilities shall be retained.

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

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

- 12 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 (e) above.

REASON: In the interests of amenity and road safety.

- 13 No site clearance or demolition 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. The scheme shall be implemented.

REASON: In the interests of nature conservation

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

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

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

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

- 15 If more than 2 years elapse between the previous bat survey and the due commencement date of works, an updated bat survey shall be carried out by a suitably qualified ecologist. 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 revised mitigation measures shall be implemented.

Reason: To ensure the status of bats on site has not changed since the last survey.

- 16 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]

- 17 The development shall not be begun until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 10%). The buildings thereafter constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith.

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

- 18 The development shall incorporate surface water drainage that is SuDS compliant and in accordance with DEFRA "Sustainable Drainage Systems - Non-statutory technical standards for sustainable drainage systems" (March 2015). It shall be operated and maintained as such thereafter.

REASON: To prevent increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage scheme.  
[Relevant Policies: CSDPD CS1, BFBLP EN25]

Informative(s):

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

02. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:

1. Commencement
2. Approved Plans
6. Construction hours
7. Delivery hours
8. Vehicular access
10. Parking

Details are required to be submitted in relation to the following conditions:

3. Materials
4. Means of enclosure
5. Hard and soft landscaping
9. Visibility splays
11. Cycle parking
12. Construction management plan
13. Impact on birds
14. Bird and bat boxes
15. Updated bat survey
16. Sustainability Statement
17. Energy Demand Assessment
18. SuDS

- 03 The Streetcare Team should be contacted at Department of Transport & Transportation, Time Square, Market Street, Bracknell, RG12 1JD, telephone

01344 352000, to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks notice to obtain details of underground services on the applicant's behalf.

#### 04 Thames Water comments:

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes it is recommended that you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit [www.thameswater.co.uk](http://www.thameswater.co.uk).

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

With regard to water supply, this comes within the area covered by the South East Water Company. For your information the address to write to is - South East Water Company, Rocfort Road, Snodland, Kent, ME6 5AH, Tel: 01444-448200

#### **In the event of the S106 agreement not being completed by 25 January 2016, the Head of Planning be authorised to refuse the application on the grounds of:**

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).

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

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**ITEM NO:**

Application No.  
**15/00747/FUL**  
Site Address:

Ward:  
Priestwood And Garth

Date Registered:  
10 August 2015

Target Decision Date:  
5 October 2015

**Victoria Cottage 81A Binfield Road Bracknell  
Berkshire RG42 2AW**

Proposal: **Erection of a single storey rear and part side extension**

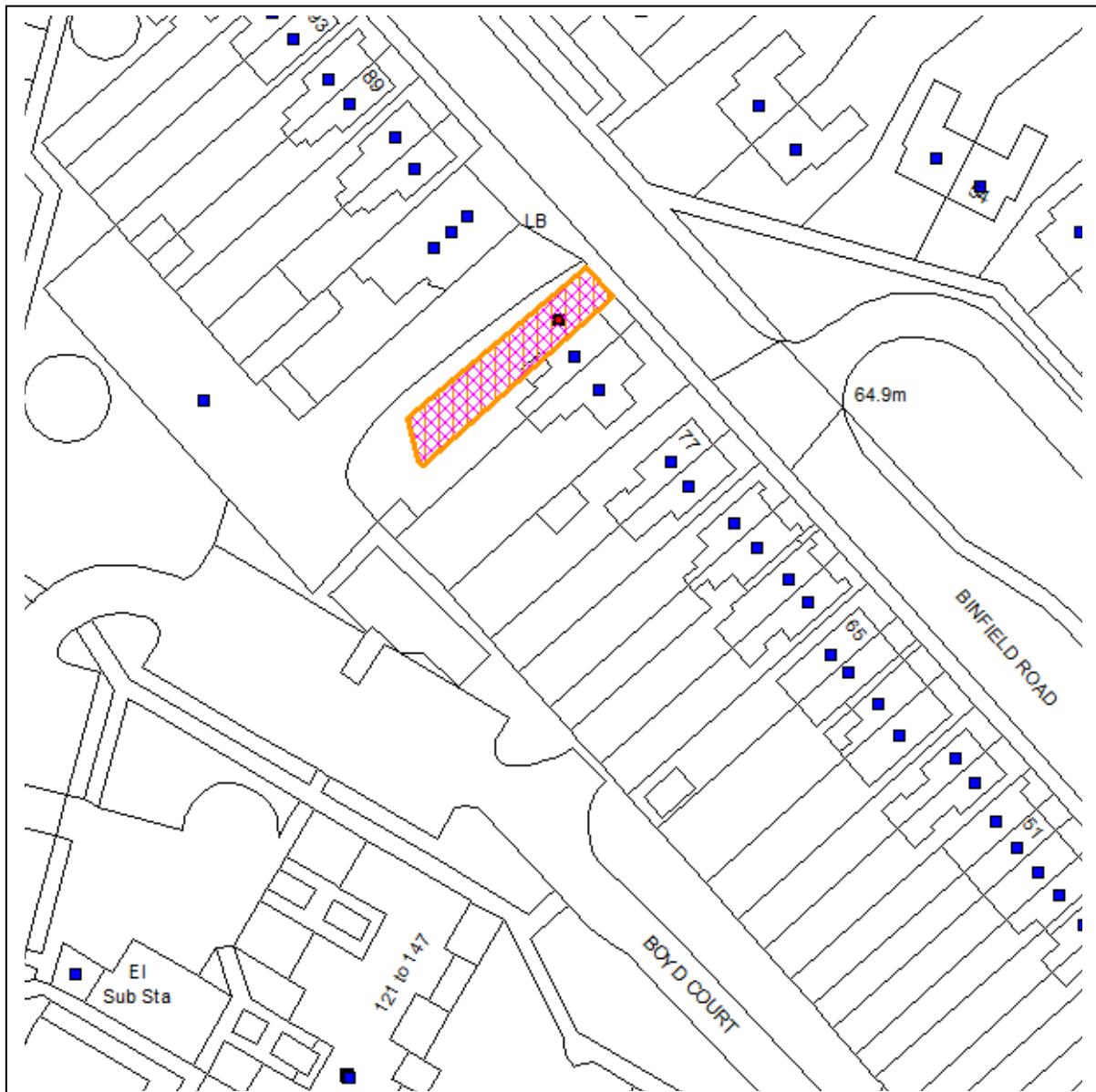
Applicant: Mr Darren Donnison

Agent: Mr Dave Gill

Case Officer: Shannon Kimber, 01344 352000

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

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



## **OFFICER REPORT**

### **1. SUMMARY**

1.1 The proposal is for the erection of a single storey rear and part side extension.

1.2 The overshadowing caused as a result of this development would not exacerbate the existing situation. There would be no significant effect on the streetscene nor on the occupier of the neighbouring property. The development would be in keeping with the host dwelling and with the character of the surrounding area.

<b>RECOMMENDATION</b>
Planning permission be granted subject to conditions in Section 11 of this report

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

2.1 Following the receipt of two objections, the Local Authority's 1-3 Objection Procedure was undertaken. Councillor Finch has requested that the application be considered by the planning committee due to its size, depth, width, height and massing would have an unacceptably adverse impact on the amenities of the property immediately adjacent to the site by reason of overlooking, loss of privacy and visually overbearing impact.

### **3. PLANNING STATUS AND SITE DESCRIPTION**

<b>PLANNING STATUS</b>
Within settlement boundary

3.1 Victoria Cottage is a two storey, end of terrace dwelling located on the south western side of Binfield Road. The dwelling is attached to Trollheim, 81 Binfield Road to the south east. Immediately to the north west there is a short private road which leads to an informal parking area. Beyond this access road and to the north and east are other residential properties in Binfield Road.

### **4. RELEVANT SITE HISTORY**

4.1 613491

Erection of 1 - two bedroom dwelling to form enlarged terrace.

Approved 1988

4.2 614714

Application for first floor rear extension to previously approved new dwelling.

Approved 1989

### **5. THE PROPOSAL**

5.1 The proposed single storey rear and side extension would have a dual-pitched roof with a gable end and would provide a dining room and downstairs toilet and utility room. It would have a maximum depth of 6.3 metres, a width of 3.65 metres and a maximum height of 3.6 metres with the eaves at a height of 2.3 metres.

5.2 The design of the extension has been amended during the course of the application.

### **6. REPRESENTATIONS RECEIVED**



Bracknell Town Council:

6.1 Bracknell Town Council recommend refusal as the proposal would be overbearing and unneighbourly.

6.2 Following these comments, an amended scheme was submitted and the Parish Council neighbours were reconsulted. The Parish Council still had concerns and recommend refusal for the same reasons.

Neighbouring Property:

6.3 An objection was received by a neighbour at Trollheim, 81 Binfield Road. In the objection, concerns were raised regarding loss of light to the main living room. The neighbour commented that there were no objections to the rear element of the proposal.

6.4 No other representations were received.

**7. SUMMARY OF CONSULTATION RESPONSES**

Thames Water:

7.1 Thames Water commented and raised no objection. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. Thames Water would advise that with regard to sewerage infrastructure capacity, they would not have any objection to the above planning application

7.2 [Officer Note: an informative is proposed regarding surface water]

7.3 No other statutory or non-statutory consultations have been required.

**8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION**

8.1 The key planning policies and guidance applying to the site are:

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CS1 and CS2 of the CSDPD	Consistent
Design	CS7 of the CSDPD,	Consistent
Amenity	'Saved' policy EN20 of the BFBLP	Consistent
Highways	'Saved' policy M9 of the BFBLP CS23 of the CSDPD	Consistent - Para. 39 refers to LPA's setting their own parking standards for residential development
<b>Supplementary Planning Documents (SPD)</b>		
Bracknell Forest Borough Parking Standards, Supplementary Planning Document 2007		
<b>Other publications</b>		
National Planning Policy Framework (NPPF) Bracknell Forest Borough Council 'Extending your home: A Householder's Guide' (2003) Building Research Establishment (BRE) Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice 2011 (SLPDS)		

**9. PLANNING CONSIDERATIONS**

9.1 The key issues for consideration are:

- i. Principle of Development

- ii. Impact on Character and Appearance of Surrounding Area
- iii. Impact on Residential Amenity
- iv. Community Infrastructure Levy

## **i. PRINCIPLE OF DEVELOPMENT**

9.2 Victoria Cottage is located within a defined settlement as designated by the Bracknell Forest Borough Policies Map. Due to its location and nature, the proposal is considered to be acceptable in principle and in accordance with CSDPD CS1 (Sustainable Development), SC2 (Location Principles) and the NPPF subject to no adverse impacts upon character and appearance of surrounding area, residential amenities of neighbouring properties, highway safety, etc. These matters are assessed below.

## **ii. IMPACT ON CHARACTER AND APPEARANCE OF SURROUNDING AREA**

9.3 The existing dwelling is covered with a cream render to the ground floor, and un-painted pebble dash to the upper storey, with interlocking concrete tiles to the roof. The windows and doors are white uPVC. The proposed extension would have painted render to the wall, uPVC windows and interlocking roof tiles to match the existing building. Therefore this proposal would be considered as in keeping with the host dwelling.

9.4 It has been noted that there are similar developments in the surrounding area, including a rear extension at number 81 Binfield Road, the attached neighbouring property, as well as 77 Binfield Road and 85 Binfield Road. As such this development would not be considered as out of keeping with the character of the surrounding area.

9.5 There is a private road to the north west of the application site, as such a section of the rear extension would be visible from the highway. However as this proposal is for an addition to an existing built form there would not be a significant effect on the streetscene as a result of this development.

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

## **iii. IMPACT ON RESIDENTIAL AMENITY**

9.7 There are no windows in the side elevations of the proposed development, with the exception of the two rooflights. These would be inserted 2.7 metres above the internal floor level, at the lowest point, so they would allow light to enter but would not present any overlooking impact of no. 81.

9.8 The initial proposal included a flat roof section to the side extension at a height of 3.6 metres. This would have been unacceptable due to the overbearing nature on the occupiers of the neighbouring property. The amended scheme has a pitched roof over this section, sloping towards the neighbouring property with eaves at a height of 2.3 metres. This reduction in height reduces the overbearing nature and the proposal would now be considered acceptable.

9.9 A loss of light assessment was conducted for the proposed side extension. The BRE SLPDS is used as a guideline for assessing potential loss of light and the acceptable levels of loss to light. A 45 degree line was drawn on the horizontal plane from the midpoint of the closest window serving a habitable room at the affected residential property. As this line intersected the development, a 45 degree line was drawn on the vertical plane from the point of intersection towards this window. This intersected the affected window by more than half

of the window. Therefore it would be considered that the development would result in an adverse impact on the property with regards to loss of light. However there is an existing two storey rear element on the application site. The loss of light assessment was conducted against this element, and on the vertical plane the entire affected window would be overshadowed, as such this proposal does not exacerbate the existing situation. Therefore this proposal would not have any additional impact on the occupiers of the neighbouring property.

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

#### **iv. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

9.11 Following the introduction on the 6<sup>th</sup> April 2015 of the Community Infrastructure Levy (CIL), all applications for planning permission will be assessed as to whether they are liable. As this development is a householder application, for a proposal under 100 sq.m. this application will not be liable for a charge.

### **10. CONCLUSIONS**

10.1 It is considered that the development is acceptable in principle and would not result in an adverse impact on the character and appearance of the host dwelling or surrounding area, nor would the development result in an additional negative impact on the residential amenity or the neighbouring properties so as to warrant refusal. It is therefore considered that the proposed development complies with 'Saved' policy EN20 of the BFBLP, Policies CS2 and CS7 of the CSDPD and the NPPF.

### **11. RECOMMENDATION**

11.1 The application is recommended to 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:

Proposed Floor Plan, Elevations and Block Plan, Drawing number: D1564-02, received 17.09.2015

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

03. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in appearance those of the existing dwelling.

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

[Relevant Policies: BFBLP EN20, CSDPD CS7]

#### **Informative(s):**

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

Planning Policy Framework.

02. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:
  1. Time limit
  2. Approved plans
  3. Materials match existing
03. The applicant should note that this permission does not convey any authorisation to enter onto land or to carry out works on land not within the applicant's ownership.
04. This is a planning permission. Before beginning any development you may also need separate permission(s) under Building Regulations or other legislation. It is your responsibility to check that there are no covenants or other restrictions that apply to your property.
05. Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes it is recommended that you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. Thames Water can be contacted on 0800 009 3921 or for more information please visit [www.thameswater.co.uk](http://www.thameswater.co.uk)

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

Doc. Ref:

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

<b>ITEM NO:</b>			
Application No.	Ward:	Date Registered:	Target Decision Date:
<b>15/00763/FUL</b>	Binfield With Warfield	18 August 2015	13 October 2015
Site Address:	<b>St Katherines Church Lane Warfield Bracknell</b>		
	<b>Berkshire RG42 6EG</b>		
Proposal:	<b>Erection of a two storey front extension and single storey extension to detached garage (re-submission of withdrawn application 15/00055/FUL).</b>		
Applicant:	Mr B Norton		
Agent:	Mr Tony Grover		
Case Officer:	Matthew Miller, 01344 352000		
	<a href="mailto:development.control@bracknell-forest.gov.uk">development.control@bracknell-forest.gov.uk</a>		

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



## **OFFICER REPORT**

### **1. SUMMARY**

1.1 Erection of a two storey front extension following demolition of front porch and canopy, and single storey extension to detached garage. The application is an identical re-submission of withdrawn application 15/00055/FUL.

1.2 The proposed development, in combination with the existing enlargements to the original dwelling, would result in a disproportionate increase in the size of the dwellinghouse and garage outbuilding, over and above the size of the dwellinghouse and garage as originally constructed. It is therefore considered that the proposed development constitutes inappropriate development within the Green Belt which by definition is harmful. The implementation of permitted development rights as an alternative to the proposal are not considered to represent 'very special circumstances', for the reasons detailed in the full report.

<b>RECOMMENDATION</b>
Planning permission be refused for the reason given in Section 11 of this report

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

2.1 The application has been reported to the Planning Committee by Cllr Leake in response to the case officer's recommendation of refusal, for consideration in view of the alternative permitted development rights of the property.

### **3. PLANNING STATUS AND SITE DESCRIPTION**

<b>PLANNING STATUS</b>
Outside defined settlement, and within Green Belt
TPO to northeast of property

3.1 'St Katherines', Church Lane is a two storey, four bedroom, detached dwellinghouse located in rural surroundings. The property contains a detached single garage to the northeast of the dwellinghouse, and an outbuilding to the north. The property contains a hardsurfaced frontage and benefits from landscaped side and rear gardens. The dwellinghouse has been previously extended through part single storey, part two storey front extensions, and through single storey side and rear extensions.

3.2 The property is accessed via an unadopted shingle track road which connects to the adopted highway of Church Lane to the south.

3.3 A tree subject to a Tree Preservation Order (TPO) reference: TPO 343 is sited to the northeast of the property.

### **4. RELEVANT SITE HISTORY**

4.1 The planning application history of the property can be summarised as follows:

19113

Application for renovations and alterations to dwelling [including single storey side extension] Approved (1973) [side extension demolished following planning approval 06/00063/FUL].

19746

Erection of new stables and storage sheds.  
Approved (1973)

612397

Part single, part two storey front extension forming study, hall and cloakroom with bedroom over. Construction of new chimneys, alterations to roof line and installation of new windows.  
Erection of detached garage.  
Approved (1987)

621976

Erection of single storey rear extension.  
Approved (1996)

06/00063/FUL

Erection of single storey side extension forming garden room.  
Approved (2006)

15/00055/FUL

Erection of a two storey front extension and single storey extension to detached garage.  
Withdrawn (2015)

*[Officer Comment: The above withdrawn application is identical to the proposed development, but was withdrawn at the request of the applicant following the case officer's recommendation of refusal].*

## **5. THE PROPOSAL**

5.1 The proposed development is for the erection of a two storey front extension to the host dwelling following the demolition of the front porch, canopy and first floor gable elements, and the erection of a single storey side extension to the detached garage.

5.2 The front extension to the dwelling would project a total of 4.2 metres in depth from the principal elevation, and project 4.5 metres in width from the side of the existing front-projecting two storey gable element. It would have a height of 7.1 metres, with a hip-to-gable roof, and would be set back 0.4 metres from the front elevation of the aforementioned gable element. It would form an enlargement to the hallway and a WC at ground floor level, and a bedroom with an en-suite bathroom at first floor level.

5.3 The extension to the garage would project 4.4 metres in width, and measure 6.0 metres in depth and 5.1 metres in total height, with a hipped dual-pitched roof. It would enlarge the garage from being single to triple.

## **6. REPRESENTATIONS RECEIVED**

### Warfield Parish Council:

6.1 Warfield Parish Council object to the proposal on the grounds that the substantial cumulative nature of the extension proposed when added to previous extensions to this dwelling, and representing an overall increase of greater than 40% on the original floorspace of the dwelling, would materially alter the scale and character of the dwelling within this Green Belt area and so would be inappropriate development in the Green Belt.

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

### Other representations:

6.2 No representations have been received from neighbouring properties.

## 7. SUMMARY OF CONSULTATION RESPONSES

### Thames Water:

7.1 Thames Water as the Water Authority have provided comments on the proposal. The applicant is to be advised of these by way of informative.

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

## 8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

8.1 The key policies and guidance applying to the site are:

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	Consistent
Green Belt	CS9 of CSDPD, Saved policies EN8 & GB1 of BFBLP,	Mostly consistent (refer to section 9.i. of report)
Design	CS7 & CS9 of CSDPD, Saved policies EN8 & EN20 of BFBLP	Consistent
Trees	Saved policy EN1 of BFBLP	Consistent
Parking	CS23 of CSDPD, Saved policy M9 of BFBLP	Consistent
<b>Supplementary Planning Documents (SPD)</b>		
Parking standards SPD		
<b>Other publications</b>		
National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG) Community Infrastructure Levy (CIL)		

## 9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of development
- ii. Impact on character and appearance of the area, including trees
- iii. Impact on residential amenity
- iv. Impact on highway safety
- v. Community Infrastructure Levy

### **i. PRINCIPLE OF DEVELOPMENT**

9.2 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).

9.3 Site Allocations Local Plan (SALP) Policy CP1 refers to the presumption in favour of sustainable development as outlined in 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 Development Plan for Bracknell Forest Council shall be



approved without delay unless material considerations indicated otherwise. Where there are no policies relevant to the application or the relevant policies are considered to be out of date, then permission shall be granted unless material considerations indicate otherwise. It further states that where there are no policies relevant to the application or relevant policies are out-of-date at the time of making the decision, then permission will be granted unless material considerations indicate otherwise, taking into account whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies in the NPPF indicate that development should be restricted.

9.4 The site is located on land outside of a defined settlement and within the Green Belt, as shown on the Bracknell Forest Borough Policies Map (2013).

9.5 CSDPD Policy CS1 sets out the sustainable development principles expected in new developments. It states that development should protect and enhance the character and quality of local landscapes and the wider countryside.

9.6 CSDPD Policy CS2 sets out that the LPA will allocate land for development sequentially (in the order of Bracknell Town Centre first, then previously developed land and buildings within defined settlements, then other land within defined settlements where this does not conflict with other policies, and lastly extensions to defined settlements with good public transport links to the rest of the urban area). It further states that development will be permitted within defined settlements and on allocated sites, where it is consistent with the character, accessibility and provision of infrastructure and services within that settlement.

9.7 CSDPD Policy CS9 refers to the development on land outside defined settlements, and states that the Council will protect land outside settlements for its own sake, particularly from development that would adversely affect the character, appearance or function of the land, and will protect the Green Belt from inappropriate development. BFBLP 'Saved' Policy EN8 also states that the countryside will be protected for its own sake, and that development will be permitted outside the defined settlement boundaries only where it would not adversely affect the character, appearance or function of the land, would not damage its landscape quality and would not injure the visual amenities of the Green Belt.

9.8 BFBLP 'Saved' Policy GB1 states that approval will not be given, except in very special circumstances, for any new building within the Green Belt unless it is acceptable in scale, form, effect, character and siting, would not cause road safety or traffic generation problems, and is for one of a list of purposes. Sub-section (iv) of the policy makes provision for replacement, alteration or limited extension of existing dwellings. Para. 4.38 states that extensions to existing dwellings should be located sympathetically and designed so that they do not have an adverse impact on the rural character of the area. An extension would not be considered to be inappropriate in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building. Any increase would be considered "disproportionate" if it exceeds 40% of the gross floor area of the original building. However an extension of 40% or less will not automatically be considered appropriate. Account will also be taken of the design and siting of the proposed extension, the visual character of the surrounding area, the prominence, visual and physical impact of the extension, the effect of the proposal on the open and rural character of the area in general, and of the overall scale of the development on the site.

9.9 Sub-section (v) of BFBLP 'Saved' Policy GB1 makes provision for the construction of domestic outbuildings incidental to the enjoyment of an existing dwelling, and states that consideration be provided to the scale, siting, design and materials employed in any new building to ensure that no harm is caused to the undeveloped character of the Green Belt.

The policy further states that account will be taken of the cumulative impact of any existing domestic outbuildings.

9.10 Para 4.39 of BFBLP 'Saved' Policy GB1 (iv) states that the term "original" shall mean in the context of this proposal the building as it existed on or before 12 May 1980.

9.11 However BFBLP 'Saved' Policy GB1 is not fully consistent with the NPPF in relation to the definition of an 'original building'. The NPPF states the term "original building" is as the building stood on 1 July 1948 (as stated in Annex 2: Glossary), as opposed to BFBLP 'Saved' Policy GB1 which provides a date of 12 May 1980.

9.12 Section 9 of the NPPF contains specific policies relating to development within the Green Belt. Para. 87-88 set out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Local Planning Authority should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

9.13 NPPF para. 89 clearly sets out that a local planning authority should regard the construction of new buildings (with no separate distinction made to domestic outbuildings) as inappropriate in Green Belt. However it sets out exceptions to this which includes, 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'. As per Annex 2: Glossary of the NPPF, this is the building as it stood in 1948.

9.14 As a result it must be demonstrated that the proposed development would not result in disproportionate additions over and above the original buildings, otherwise it would be considered inappropriate development, unless 'very special circumstances' have been demonstrated by the applicant.

9.15 The earliest recorded planning history for 'St Katherines' consists of an approval in 1973 for 'renovations and alterations' to the dwellinghouse (including a single storey side extension) (reference: 19113). The original dwellinghouse appears to have been erected prior to when Local Authority records began. As a result the dwellinghouse prior to the development undertaken as part of permission 19113, as shown on the submitted information for application 19113, is taken to be the original dwellinghouse.

9.16 The original dwellinghouse had a net floor space of approximately 163.8 square metres. As the side extension granted approval under 19113 has since been demolished it is not considered. The following extensions have been implemented and are present:

- A part single storey, part two storey front extension and first floor front dormer (under permission 612397), adding 45.5 square metres in net floor space.
- A single storey rear extension (under permission 621976), adding 7.9 square metres in net floor space.
- A single storey side extension (under permission 06/00063/FUL), adding 9.2 square metres in net floor space.

In total, the above extensions provide an additional floor space to the original dwelling of 62.6 square metres. This represents an enlargement to the dwellinghouse of 38.2%.

*[Officer Comment: these figures differ from the calculations made in assessing application 06/00063/FUL, as the definition of what constitutes the 'original dwellinghouse' has changed].*

9.17 The proposed front extension, taking account of the demolition of the existing front porch, canopy and front gable elements, would provide a further additional floor space of 22.0 square metres. This would therefore result in a cumulative enlargement of the dwellinghouse of 84.6 square metres, representing a 51.6% increase.

9.18 The existing garage (erected under permission 612397 in 1987) has a net floor space of 31.5 square metres. The proposed enlargement (with the associated alterations to the existing floor space) would add an additional 24.5 square metres in floor space. This would result in the outbuilding having a total floor space of 56.0 square metres, representing a 77.8% increase.

9.19 It is therefore clear that the proposed development would result in disproportionate additions over and above the size of the original dwellinghouse and outbuilding. However, the applicant states in their submitted Planning Statement that the 'fall-back' position of implementing the permitted development rights of the property would constitute 'very special circumstances'. The Planning Statement suggests that rear extensions could be implemented to the dwellinghouse, but does not provide explicit figures of the potential floor space that could be provided through permitted development rights.

9.20 The existing garage outbuilding could not be enlarged under permitted development rights as the height of the existing structure exceeds 4.0 metres. Therefore no 'very special circumstances' have been demonstrated in respect of the garage enlargement.

9.21 With respect to the proposed front extension, attention is drawn to appeal APP/R0335/D/15/3003567 for the erection of a single storey rear extension at 'Jasmine Cottage', Ascot Road, Warfield, which related to the erection of a single storey rear extension at a dwellinghouse within the Green Belt within the Local Authority. This appealed application was similar to the proposed development in that the applicant used their 'fall-back' position of a granted Notification of Prior Approval for a Larger Householder Extension which would have been larger than the extension subject to the application as 'very special circumstances'. The Inspector noted in their report that the suggested benefits of the fall-back position would be limited, and that as the extension under Prior Approval had not been implemented, and that there was no assurance that it would be, limited weight was given to the fall-back position.

9.22 Significant weight is attached to appeal decision APP/R0335/D/15/3003567 considering its publication in 2015 and that the appeal related to the same Local Authority, assessed under identical Development Plan Policies.

9.23 Further to the above, appeal decision reference APP/R0335/A/2198480 related to a replacement dwellinghouse in the Green Belt, within Bracknell Forest Borough. This appeal decision provided minimal weight to an extant planning permission for a two storey extension and Lawful Development Certificate for a detached outbuilding (both of which hadn't been implemented) relating to the existing dwellinghouse, in relation to justifying the increase in the size of the proposed replacement dwellinghouse, due to the loss of openness to the Green Belt that would result. Therefore the appeal was dismissed.

9.24 In addition appeal decision APP/R0335/A/14/2219044, also relating to a replacement dwelling in the Green Belt within Bracknell Forest Borough, was dismissed where the Planning Inspector provided little weight to a Certificate of Proposed Lawful Use of Development for a part two storey rear extension and single storey side extension, and a notification of prior approval for a single storey rear extension. The Inspector ruled that despite the size of these unimplemented extensions to the original dwelling compared to the proposed replacement dwelling, they would not outweigh the harm that would be produced

from the proposed development on the openness of the Green Belt, and the Inspector did not consider the granted certificate of lawfulness and prior approval notification to be 'very special circumstances' (para. 17 of the appeal decision). Weight must therefore be attached to the above appeal decisions.

9.25 Furthermore, the Local Planning Authority must operate a consistent approach to decision-making. The importance of consistency in determining planning applications has been acknowledged in court cases including 'North Wiltshire District Council vs. SOS and Glover (1992)', as case which was also upheld in the Court of Appeal. This need for consistency becomes apparent when considering the similarity of this planning application compared to the proposal at Jasmine Cottage, among other refusals issued by the Local Planning Authority relating to Green Belt extensions post-NPPF publication.

9.26 Para. 5.3 of the applicant's Planning Statement states that the permitted development rights of the property do not allow the dwellinghouse to be extended 'in the most organised or efficient of ways'. This provides strong indication that the applicant would not be prepared to realistically implement the permitted development rights of the property as an alternative to the proposal. This view taken by the Local Planning Authority is consistent with appeal decision APP/R0335/D/15/3003567 (Jasmine Cottage). Furthermore appeal decision APP/R0335/A/14/2219044 (referred to above) states that '...to construct an extension simply to achieve uplift in the floor area...would be illogical, economically unviable and unsustainable. It would not, therefore, represent a realistic failback position in any event' (Para.15).

9.27 For the above reasons and on balance of the weight attached to the various appeal decisions and court case stated above, the principle of development is therefore not considered to be acceptable, and the proposal is contrary to SALP Policy CP1, CSDPD Policies CS1, CS2 and CS9, BFBLP 'Saved' Policies EN8 and GB1, and section 9 of the NPPF.

## **ii. IMPACT ON OPENNESS, CHARACTER AND APPEARANCE OF AREA (INCLUDING TREES)**

9.28 The proposed massing and form of the extensions, in conjunction with the previous enlargements to the original dwellinghouse, would form a significant addition to the host dwelling and garage outbuilding. Although the proposal would not be readily visible in the street scene of Church Lane, the cumulative development with the previous extensions would nonetheless have an impact on the wider character of the area and the openness of the Green Belt.

9.29 A tree subject to TPO 343 is sited to the northeast of the property. As the tree would have a separation distance of approximately 17 metres to the proposed extension of the garage, with a further separation distance to the host dwelling, it is not considered that the proposal would result in an adverse impact on the health of this tree.

9.30 The proposed development when considered cumulatively is therefore considered to be out of character with the countryside setting, and would form inappropriate development due to the impact of the size of the extension, in relation to the openness of the Green Belt. The proposal would therefore be contrary to CSDPD Policies CS7 and CS9, BFBLP 'Saved' Policies EN1, EN8, EN20 and GB1, and the NPPF.

## **iii. IMPACT ON RESIDENTIAL AMENITY**

9.31 As the proposed extension to the dwellinghouse and the garage would be sited to the front of the main dwelling, they would be obscured by the host dwelling when viewed from

the neighbouring residential properties of 'Glebe House' and 'The Willows', Church Lane to the south. As a result it is not considered that the proposal would result in an adverse impact on the amenity of the occupants of these properties in view of its massing and siting.

9.32 The host property is bordered by undeveloped open fields to the north, west and east, with a grave yard to the southwest.

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

#### **iv. IMPACT ON HIGHWAY SAFETY**

9.34 The proposal would result in a net increase in bedrooms from four to five, and would also alter existing parking arrangements through enlarging the detached garage.

9.35 In accordance with the guidance contained within the Parking Standards SPD, a dwellinghouse that contains four or more bedrooms requires the provision of a minimum of three acceptable off-street parking spaces. Therefore the proposal does not give rise to additional parking requirements.

9.36 Although the existing garage is being enlarged, it would not provide additional allocated parking as the internal depth of the garage is substandard. The Parking Standards SPD requires a minimum internal depth of 6.0 metres, whereas the proposal would provide 5.1 metres.

9.37 In any case, the retained hardsurfaced driveway to the front of the dwelling provides capacity for at least three off-street parking spaces, as existing.

9.38 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.

#### **v. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

9.39 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.

9.40 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. In this case the extension does not exceed 100m<sup>2</sup> and therefore is not CIL liable.

### **10. CONCLUSIONS**

10.1 The proposed development, in combination with the existing enlargements to the original dwelling, would result in a significant increase in the size of the dwellinghouse and garage outbuilding, over and above the size of the dwellinghouse and garage as originally constructed. The proposed development is therefore considered to be inappropriate development within the Green Belt which by definition is harmful, and is contrary to SALP Policy CP1, CSDPD Policies CS1, CS2 and CS9, BFBLP 'Saved' Policies EN8 and GB1, and section 9 of the NPPF. On balance of the weight attached to the various appeal

decisions and court cases stated above, it is not considered that the dwellinghouse's permitted development rights represent 'very special circumstances' that would outweigh the harm that would be produced from the proposed development.

10.2 Notwithstanding the above, the proposed development is not considered to result in an adverse impact on the amenities of the residents of the neighbouring properties, or on highway safety, in accordance with CSDPD Policies CS23, BFBLP 'Saved' Policies M9 and EN20, the Parking Standards SPD, and the NPPF. However this would not outweigh, or form 'very special circumstances' in relation to the potential harm to the Green Belt by reason of its inappropriateness. Therefore it is recommended that the application be refused as a matter of principle.

## 11. RECOMMENDATION

That the application be **REFUSED** for the following reason:

01. The proposed development by reason of its size and its cumulative increase when combined with existing enlargements would result in disproportionate additions to the original dwelling and garage outbuilding, which is by definition inappropriate development in the Green Belt, to the detriment of the open and rural character of the Green Belt, and the purposes of including land within it. The development would be contrary to the development plan and it is not considered that there are any 'very special circumstances' or other material considerations which indicate that planning permission should be granted for the development. The proposed development is therefore contrary to Policies CP1 of the Site Allocations Local Plan, CS1, CS2 and CS9 of the Core Strategy Development Plan Document, 'Saved' Policies EN8 and GB1 of the Bracknell Forest Borough Local Plan, and Section 9 of the National Planning Policy Framework.

### Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant, including during the course of the previously withdrawn application (reference: 15/00055/FUL), and also by giving due weight to the information provided within the applicant's Planning Statement. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

02. This refusal is in respect of the following plans and other submitted details received by the Local Planning Authority on 18 August 2015:

6361:14:1 'Plans & Elevations'  
Planning Statement (Prepared by Boyer)

03. Thames Water as the Water Authority have provided the following comments:

#### Waste Comments:

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater.

Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

Thames Water would advise that with regard to sewerage infrastructure capacity, there is no objection to the above planning application.

**Water Comments:**

With regard to water supply, this comes within the area covered by the South East Water Company. For your information the address to write to is - South East Water Company, 3 Church Road, Haywards Heath, West Sussex. RH16 3NY. Tel: 01444-448200

**Doc. Ref: Uniform 7/DC/Agenda**

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

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**ITEM NO:**

Application No.  
**15/00765/FUL**

Site Address:

Ward:  
Ascot

Date Registered:  
26 August 2015

Target Decision Date:  
21 October 2015

**45 Wentworth Avenue Ascot Berkshire SL5 8HX**

Proposal:

**Retention of raised decking and handrail, with screen to the northern end, to enable disabled access to garden.**

Applicant:

Mrs Gillian Bailey

Agent:

Mr David Bailey

Case Officer:

Shannon Kimber, 01344 352000

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

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



## **OFFICER REPORT**

### **1. SUMMARY**

1.1 The proposal is for the retention of raised decking and handrail, and for the erection of a screen to the northern end, to the rear of the existing rear extension.

1.2 The current situation presents an unacceptable level of overlooking from the application site to the neighbouring property to the north, however with the erection of a screen on the northern boundary of the raised decking, overlooking would be reduced. There would be no significant effect on the streetscene nor on the character of the surrounding area.

<b>RECOMMENDATION</b>
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Planning permission be granted subject to conditions in Section 11 of this report
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### **2. REASON FOR REPORTING APPLICATION TO COMMITTEE**

2.1 Following the receipt of two objections, the Local Authority's 1-3 Objection Procedure was undertaken. Councillor Virgo has requested that the application be considered by the Planning Committee due to an overbearing and unacceptable adverse effect on the resident of number 47.

### **3. PLANNING STATUS AND SITE DESCRIPTION**

<b>PLANNING STATUS</b>
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Within settlement boundary (The area to the west is outside of the settlement boundary and is within the Green Belt)
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3.1 No. 45 is a semi-detached bungalow with accommodation in the roof, located on the west side of Wentworth Avenue. The dwelling is attached to no. 47 Wentworth Avenue on the northern side. To the north, east and south are other residential properties. There is woodland to the west, beyond which is St. Christopher's Care Home, part of Ascot Residential Homes, accessed from Priory Road.

### **4. RELEVANT SITE HISTORY**

4.1 14/00425/FUL

Erection of a single storey rear extension, and loft conversion with installation roof lights to front of dwelling, and formation of rear dormer.

Approved 2014

### **5. THE PROPOSAL**

5.1 The raised decking to the rear of the existing dwelling is in place and has a depth of 2.87 metres and a total width of 11 metres. The decking has a maximum height of 1.03 metres, and the handrail has a maximum height of 1.2 metres. The proposed screen would have a height of 1.8 metres (from the level of the decking) and project for 2.87 metres along the northern end of the raised decking from the rear elevation of the existing extension.

5.2 The application has been amended during the planning process. The decking and handrail is retrospective, the screen at the northern end is proposed. This screen would protect the amenities of the occupiers of the attached neighbouring property.

## 6. REPRESENTATIONS RECEIVED

### Winkfield Parish Council:

6.1 Winkfield Parish Council recommended refusal. However the Parish Council also made a comment that if the application were to be approved, there should no loss of amenity to the neighbouring property.

### Neighbouring Property:

6.2 An objection was received by John Andrews Associates on behalf of the owner/occupier of 47 Wentworth Avenue, raising concerns regarding the invasion of privacy resulting in the loss of private amenity space and views into the living room of number 47. It would be an unneighbourly development in terms of its siting and design, and contrary to the NPPF. The development would be visually overpowering and would overshadow the garden. The disabled person who will benefit from this development is not an occupier of the application site.

*[Officer Note: the screen would protect the amenities of number 47. The overlooking, overshadowing and overbearing impacts of this development are assessed in part 9 of this report]*

6.3 Following the submission of an amended scheme with the proposed screen a second objection was received from John Andrews Associates on behalf of the owner/occupier of 47 Wentworth Avenue. This comment raised concerns of overbearing and visually unacceptable impacts.

*[Officer Note: The John Andrews Associates second objection also referred to prior approval and permitted development, however limited weight can be given to this as the screen forms part of this application which will be considered on its own merits]*

## 7. SUMMARY OF CONSULTATION RESPONSES

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

## 8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

8.1 The key planning policies and guidance applying to the site are:

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CS1 and CS2 of the CSDPD	Consistent
Design	CS7 of the CSDPD,	Consistent
Amenity	'Saved' policy EN20 of the BFBLP	Consistent
Highways	'Saved' policy M9 of the BFBLP CS23 of the CSDPD	Consistent - Para. 39 refers to LPA's setting their own parking standards for residential development
<b>Supplementary Planning Documents (SPD)</b>		
Bracknell Forest Borough Parking Standards, Supplementary Planning Document 2007		
<b>Other publications</b>		
National Planning Policy Framework (NPPF)		
Bracknell Forest Borough Council 'Extending your home: A Householder's Guide' (2003)		
Building Research Establishment (BRE) Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice 2011 (SLPDS)		

## **9. PLANNING CONSIDERATIONS**

9.1 The key issues for consideration are:

- i. Principle of Development
- ii. Impact on Character and Appearance of Surrounding Area
- iii. Impact on Residential Amenity
- iv. Community Infrastructure Levy

### **i. PRINCIPLE OF DEVELOPMENT**

9.2 No. 45 Wentworth Avenue is located within a defined settlement as designated by the Bracknell Forest Borough Polices Map. Due to its location and nature, the proposal is considered to be acceptable in principle and in accordance with CSDPD CS1 (Sustainable Development), SC2 (Location Principles) and the NPPF subject to no adverse impacts upon character and appearance of surrounding area, residential amenities of neighbouring occupiers etc. These matters are assessed below.

### **ii. IMPACT ON CHARACTER AND APPEARANCE OF SURROUNDING AREA**

9.3 Number 45 Wentworth Avenue is level with the neighbouring properties to the north, and slightly elevated in comparison to the properties to the south. The application site slopes steeply downhill to the west. There is a 1.03 metre difference from the patio doors to the rear of the existing rear extension to the ground level. This development offers a solution for means of access to and from the extension.

9.4 The development is to the rear of the property and is therefore not visible from the highway as it is screened by the dwelling, as such there would be no negative effects on the streetscene. It is noted that there is a similar decking development to the rear number 43 Wentworth Avenue. It would therefore not be considered out of keeping with character of the surrounding area.

9.5 Before the rear extension was built there was a raised patio area. The raised decking is a similar structure. In addition, it is noted that the neighbouring property to the south has a similar raised decking area.

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

### **iii. IMPACT ON RESIDENTIAL AMENITY**

9.7 There is a separation distance of approximately 7 metres from the decking to the neighbouring dwelling to the south, 43 Wentworth Avenue, at the closest point. The decking adjacent to the boundary with number 43 ranges from 0.6 metres to 0.15 metres in height. This development would not have a negative impact on the residential amenity of the occupiers of number 43 Wentworth Avenue.

9.8 Whilst the existing decking does present an unacceptable level of overlooking into the private amenity space and living room of the neighbouring property to the north, 47 Wentworth Avenue, the proposed screen would prevent a person standing on the decking from seeing to the north or north east therefore protecting the privacy of the occupiers of number 47 Wentworth Avenue.

9.9 Due to the height of the existing boundary divide between these two properties, approximately 1.2 metre high staggered timber fence, both gardens and the rear of both properties can be seen from the garden of the neighbouring property. Number 47 does not have any existing private amenity space that is not overlooked and if the decking were to be removed there would still be views into the rear garden and rear windows, of number 47, due to the fence height. With the proposed screen, views would be restricted and as such the proposed screen would result in a reduction of overlooking.

9.10 Following a comment from the occupiers of the neighbouring property to the north, a loss of light assessment was conducted. The guidance set out in the SLPDS is used as a guide for assessing potential loss of light.

9.11 A loss of light assessment was conducted during the 2014 application and concluded that there would be no adverse loss of light impact on number 47 Wentworth Avenue. A loss of light assessment has also been conducted to assess the potential loss of light to the living room of number 47. A 45 degree line was drawn on the horizontal plane from the midpoint of the closest window serving a habitable room at the affected residential property. This line intersected the existing rear extension, therefore a 45 degree line was drawn on the vertical plane from the highest point of the proposed screen towards this window. This line does not intersect the window, therefore it would be considered that this development does not encroach any further in the vertical plane than the recently constructed extension. As such it would not result in an adverse impact on the property with regards to loss of light.

9.12 It is also acknowledged that the screen will result in some additional overshadowing of the garden, but not significantly enough to warrant a refusal on those grounds.

9.13 Due to the existing rear extension, the decking will project 6.8 metres from the original rear elevation of the application site. The proposal has been amended during the course of the application. The initial proposed screen would have been a horizontal timber structure, similar in appearance to the existing 1.2 metre high timber fence that currently denotes the boundary between the two dwellings. However this was then altered so that the screen would be constructed by frosted Perspex within a wooden frame.

9.14 This proposal would allow for a limited amount of light to enter the garden of number 47 Wentworth Avenue, whilst still protecting the privacy of the occupiers. The total height of the development adjacent to number 47 Wentworth Avenue, including both the decking and the screen, would be 2.8 metres from ground level. The screen would be 0.4 metres lower than the eaves of the existing rear extension; it is not considered that the overbearing situation would be exacerbated by the proposed development.

9.15 As such, the proposal would not be considered to have a significant adverse affect the residential amenities of neighbouring properties and would have a positive impact in terms of privacy. It would therefore be in accordance with 'Saved' policy EN20 of the BFBLP and the NPPF.

#### **v. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

9.16 Following the introduction on the 6<sup>th</sup> April 2015 of the Community Infrastructure Levy (CIL), all applications for planning permission will be assessed as to whether they are liable. In this instance the proposal is not CIL liable.

### **10. CONCLUSIONS**

10.1 It is considered that the development is acceptable in principle and would not result in an adverse impact on the character and appearance of the host dwelling or surrounding

area, nor would the development result in a negative impact on the residential amenity of the neighbouring properties so as to warrant refusal with the screen providing mitigation. It is therefore considered that the development, including the proposed screen, complies with 'Saved' policy EN20 of the BFBLP, Policies CS2 and CS7 of the CSDPD and the NPPF.

## 11. RECOMMENDATION

11.1 The application is recommended to be **APPROVED** subject to the following conditions:-

01. Within one month of the date of this permission, the screen at the northern end of the raised decking (as shown on approved drawing 1589 [113]-8A received by the Local Planning Authority on 12.10.2015) shall be implemented in accordance with the approved plan at a height of 1.8m above the height of the decking and retained as such thereafter.

REASON: In the interests of the privacy of the residents of the neighbouring property.

[Relevant Policy: 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 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. Implementation and retention of the screen

03. The applicant should note that this permission does not convey any authorisation to enter onto land or to carry out works on land not within the applicant's ownership.

### Doc. Ref:

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

**ITEM NO:**

Application No.  
**15/00789/FUL**

Ward:  
Binfield With Warfield

Date Registered:  
27 August 2015

Target Decision Date:  
22 October 2015

Site Address:

**Land At Rear Of Oaklands and St Margarets London Road Binfield Bracknell Berkshire**

Proposal:

**Construction of 3 detached houses, garages and access road, together with alteration, rear extension and new garage at "Oaklands", following demolition of the dwelling known as "St Margarets"**

Applicant:

Bancroft Developments Ltd

Agent:

Mr Rob Huntley

Case Officer:

Sarah Horwood, 01344 352000

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

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



## **OFFICER REPORT**

### **1. SUMMARY**

1.1 The proposal is for the erection of 3no. detached houses with garages and access road following demolition of the existing dwelling at St Margarets and the retention of an existing dwelling at Oaklands where a rear extension and detached garage are proposed. Overall, the scheme represents a net increase of 2no. dwellings.

1.2 The proposed development relates to a site within the settlement boundary. It would not adversely affect the residential amenities of neighbouring properties and would not adversely impact upon the character and appearance of the surrounding area. No adverse highway safety implications would result. Relevant conditions will be imposed in relation to trees, biodiversity and sustainability. A legal agreement will secure contributions for SPA mitigation and the scheme is CIL liable.

<b>RECOMMENDATION</b>
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Planning permission be granted subject to the conditions in Section 11 of this report and a section 106 agreement relating to mitigation measures for the SPA.
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### **2. REASON FOR REPORTING APPLICATION TO COMMITTEE**

2.1 The application has been reported to the Planning Committee following receipt of more than 3 objections.

### **3. PLANNING STATUS AND SITE DESCRIPTION**

<b>PLANNING STATUS</b>
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Land within defined settlement
--------------------------------

Character Area Assessment - Area C - Popeswood South
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Area of special housing character
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Tree Preservation Orders (TPOs) on site
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Within 5km of buffer of SPA
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3.1 The application site relates to the curtilages of existing properties at Oakland's and St Margarets, comprising an area of land of 0.38ha, located to the north of London Road.

3.2 Oaklands is a two storey detached dwelling and St Margarets is a detached bungalow. To the front of Oaklands is a white rendered wall and to the front of St Margarets is a hedge. There are existing trees along the front of the application site, 3 of which are covered by TPOs and there are further trees within the rear gardens of the site, 2 of which are covered by TPOs.

3.4 To the north of the site are detached dwellings at Lawrence Grove, to the east of the site is Triona, a detached two storey dwelling and to the west is Glenask Court (a small flatted development) and Rose Cottage, a detached two storey dwelling.

3.5 The site falls within Area C: Popeswood South of the Character Areas Assessments SPD and within the northern triangle where gardens are described as medium sized with strong mature vegetation boundaries. Gardens vary in shape and pattern creating a complex matrix to the rear of the houses, with good sized front gardens with mature hedgerow boundaries. Villas along London Road are substantial in scale and visually prominent and give a strong sense of place with many fronting London Road with some houses to the north of London Road set around segregated cul-de-sacs forming distinct clusters of houses.



3.6 The application site boundary with London Road is marked by a significant white rendered wall which reinforces the character of Oaklands.

#### **4. RELEVANT SITE HISTORY**

4.1 15/00288/FUL refused May 2015 for erection of 3no. 5 bedroom detached houses, garages and access road following the demolition of "St Margarets". Erection of single-storey rear extension to "Oaklands" for the following reasons:

1. The size of the proposed dwellings in relation to the proposed plot sizes and limited space for landscaping within the layout would result in a cramped layout which would be out of character with the surrounding area and would not provide suitable amenity space for family sized dwellings resulting in an overdevelopment of the site. This would be contrary to Area C of the Binfield and Popeswood Area Character Area Assessment SPD 2010, Saved Policy EN20 of the Bracknell Forest Borough Local Plan (2002) and Policy CS7 of the Core Strategy Development Plan Document (2008) and the National Planning Policy Framework (2012)
2. It has not been demonstrated that the proposed development would not harm the long term retention, health and consequent survival of trees that contribute to the visual amenity of the area. As such the proposal would be contrary to Policies EN1, EN20 and H4 of the Bracknell Forest Borough Local Plan 2002 and Policy CS7 of the Core Strategy Development Plan Document 2008.
3. 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, the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (2012) and the Planning Obligations Supplementary Planning Document (February 2015).

#### **5. THE PROPOSAL**

5.1 Full permission is sought for the erection of 3no. detached houses with garages and access road following demolition of the existing dwelling at St Margarets.

5.2 A single storey rear extension and detached garage is proposed for the existing dwelling to be retained at Oaklands.

5.3 The proposed layout would retain the existing dwelling at Oaklands (plot 1), albeit with an extension and garage proposed, and replace the existing bungalow at St Margarets with a detached two storey dwelling facing London Road (plot 4). 2no. dwellings are proposed to the rear of the site (plots 2 and 3), with an access road from London Road sited between Oaklands and the proposed dwelling on plot 4.

5.4 The dwellings on plots 2 to 4 would have 5 bedrooms each and range in height between 8.6m and 9m to the ridge.

#### **6. REPRESENTATIONS RECEIVED**

### Binfield Parish Council

6.1 Recommend refusal for the following reasons:

1. The development is not in keeping with the street scene
2. It is overdevelopment of the plot
3. It would set a precedent and encourage more development out of keeping with the street scene
4. There would be an increase of traffic onto what is already a very busy road
5. The density of the Popeswood Triangle should be restricted to 10 dwelling per hectare as per policy H4 5.28 a in the Local Plan
6. There should be no backland development as per policy HB1 of the draft Binfield Neighbourhood Plan.

### Other representations

6.2 3no. letters of objection received which raise the following:

- Inappropriate to the Special Character and purpose of the Popeswood Triangle Residential Area with respect to backland development
- Exceeds the density requirements of a designated Special Residential Area
- Disturbance to wildlife & mature trees
- Result in two of the proposed properties (Plots 2 and 3) directly overlooking the house of 4 Lawrence Grove and the gardens of both 4 and 5 Lawrence Grove
- Over development
- Increase in traffic generation onto what is already a very busy road
- Reduce important transitional area between Bracknell town and Binfield village.
- The attraction of the houses in the Popeswood triangle is their relatively large gardens, which allow residents to carry out their normal activities without impacting their neighbours. Infilling is creating more people, more cars, more traffic, more pets, more music played through open windows, more lawnmowers, more bonfires, with less trees & less wildlife. All this contributes to the continual reduction in the quality of life.

6.3 1no. general comment received which raises the following

- Possible impact to trees. Important to retain trees as they are attractive and will provide privacy to adjoining properties.

## **7. SUMMARY OF CONSULTATION RESPONSES**

### Highway Officer

7.1 No objection subject to conditions

### Biodiversity Officer

7.2 No objection subject to conditions

### Tree Officer

7.3 No objection subject to conditions

## **8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO DECISION**

8.1 The key policies and guidance applying to the site and the associated policies are:

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent

Parking	Saved policy M9 of BFBLP	Consistent NPPF refers to LA's setting their own parking standards for residential development, this policy is considered to be consistent.
Housing	Saved Policy H4	Not entirely consistent as NPPF refers to effective use of land.
Transport	CS23 and CS24 of CSDPD	Consistent
Sustainability	CS10 & CS12 of CSDPD	Consistent
SPA	SEP Saved Policy NRM6, CS14 of CSDPD	Consistent
Trees, biodiversity and landscaping	Saved policy EN1, EN2, EN3, EN20 (ii) of BFBLP, CS1 and CS7 (iii) of CSDPD.	Consistent
<b>Supplementary Planning Documents (SPD)</b>		
Thames Basin Heath Special Protection Area (SPD)		
Character Areas (SPD)		
Parking standards SPD		
<b>Other publications</b>		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		
Binfield Neighbourhood Development Plan		

## 9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of development
- ii. Impact on character and appearance of surrounding area
- iii. Impact on residential amenity
- iv. Impact on highway safety
- v. Trees
- vi. Biodiversity
- vii. Thames Basin Heath Special Protection Area (SPA)

viii. Community Infrastructure Levy (CIL)

ix. Energy sustainability

### i. PRINCIPLE OF DEVELOPMENT

9.2 The site is located within the settlement boundary where the principle of development is acceptable subject to no adverse impact upon residential amenities of neighbouring properties, character and appearance of surrounding area, highway safety implications, etc.

9.3 The 3no. proposed dwellings on plots 2, 3 and 4 would each contain 5 bedrooms and would result in a net gain of 2no. houses to the housing stock by providing family homes within the Borough. The demolition of St Margarets would be acceptable as the property is of modern construction and not of specific architectural merit.

## **ii. IMPACT ON CHARACTER AND APPEARANCE OF SURROUNDING AREA**

9.4 BFBLP Policy H4 refers to 'Areas of Special Housing Character'. The Policy states that residential development will be permitted only where 'it would not undermine the quality of the area as a low density development with dwellings generally set in spacious surroundings'. Para. 5.31 of the Local Plan goes further and describes how the overall density in the Popeswood Triangle is low at approximately 9 dwellings per hectare (dph) and in recognising the vulnerability of the area, states that the Council will resist proposals which exceed a maximum density of 10dph. However, this policy is not considered to be entirely consistent with the NPPF and particularly with respect to making the most efficient use of land.

9.5 The site is also located within a Character Area – Area C – Popeswood Triangle, as identified by the Council's Character Area Assessment SPD (adopted 2010) which provides a more up to date description of the character of Popewood Triangle. The SPD identifies the northern triangle as being defined by larger plots and more substantial buildings along London Road and a number of separate cul-de-sac developments set behind the principal street frontages.

9.6 The redevelopment of the plot with the erection of 3no. new dwellings following demolition of the existing dwelling at St Margerets and the retention of existing dwelling at Oaklands would result in a housing density of 10.53 dwellings per hectare. Policy H4 of the BFBLP refers to low density development in the Popeswood area and the proposal would respect the low density of the area whilst resulting in an overall net gain of 2no. dwellings in the Borough. In general terms the proposed density is low. Given the nature of the area, guidance contained in the Character Area SPD and Policy H4 of thee BFBLP, it is considered that the proposed density (being marginally over the maximum density referred to in the supporting text to Policy H4) could be argued to meet the NPPF requirements. The NPPF refers to the effective use of land and it is considered that this proposal would comply with this objective.

9.7 Application 15/00288/FUL was refused on the grounds that the layout was cramped with the proposed dwellings in relation to the proposed plot sizes not resulting in suitable amenity space for family sized dwellings and limited space for landscaping within the site. Amendments have been made to the layout to address this reason for refusal. The existing garage/outbuilding associated with Oaklands is proposed to be demolished and replaced with a single storey garage to the side of Oaklands. This would provide a better sized amenity space to the rear for the retained dwelling. Adequate space would be retained between the proposed dwellings and adjoining buildings, along with adequate separation distance between the proposed plots themselves and each having appropriate sized rear gardens.

9.8 The plot sizes for the dwellings would not be dissimilar to dwellings within the surrounding area, including those on the eastern side of Nevelle Close and some of the dwellings on London Road and Popeswood Road including Stable Cottage, Mulberry Lodge and Well House Lodge. Further, soft landscaping would be provided along the proposed internal access road as well as to the fronts/sides of the proposed dwellings on plots 2, 3 and 4. A planning condition is recommended requiring details of hard and soft landscaping to be submitted for approval in the interests of the visual amenities of the area.

9.9 Backland development is not considered to be out of character within the surrounding area with examples at Mulberry Lodge and Richmond House on Popeswood Road to the north-east of the site and small cul-de-sac developments at Lawrence Grove, Nevelle Close and Broomfield all in close proximity to the application site.

9.10 The proposed layout would retain Oaklands which is welcomed as this property forms an important villa within the street scene of London Road. The existing white rendered wall to the front of Oaklands would be largely retained although a section would be demolished to allow the construction of the internal access road to serve plots 2, 3 and 4. It is not considered that the provision of the internal access road would appear unduly prominent in the street scene given the majority of the front boundary wall to Oaklands would be retained along with the retention of existing trees/vegetation which is a specific characteristic of this area identified by the Character Area Assessment SPD.

9.11 The design of the proposed dwellings would reflect the characteristics of other properties within the surrounding area which include gables, hipped roofs and dormer windows. Whilst the design of the proposed dwellings would differ to that of the dwelling at Oaklands which would be retained, the dwellings would incorporate hipped roofs, gables and small dormer windows which are evident within the surrounding area and would also identify the dwellings as more recent additions within the street scene. The design would therefore fit into the context of the street scene when viewed as a whole.

9.12 The ridge lines of the proposed dwellings would assimilate with adjoining properties. The ridge line of plot 4 facing onto London Road would be higher than the adjoining property at Triona but would not exceed the ridge height of Oaklands. Plots 2 and 3 to the rear of the site would be set back some 48m from the highway. The ridge heights of these 2 plots would not exceed the ridge height of Glenask Court to the west. As such, the dwellings would assimilate well into the street scene.

9.13 The dwellings would be constructed from multi-stock face brickwork and plain clay roof tiles and other design detailing including brick plinths and stone string coursing. A planning condition is recommended requiring samples of materials to be submitted to the LPA for approval in light of the mix of external finishes on dwellings within the immediate area.

9.14 The single storey rear extension proposed to Oaklands due to its siting, height and modest size, along with the proposed single garage would not appear prominent in the street scene.

9.15 The site is located in Binfield. The Binfield Neighbourhood Area was designated by Bracknell Forest Council in February 2014. The Parish Council undertook a pre-submission consultation of the Neighbourhood Development Plan in August 2015 and Bracknell Forest Council is currently undertaking a 'submission consultation' before the Plan is submitted to an Examiner for independent review. The document is not formally adopted and therefore little weight can be afforded to it in assessment of this application. However, the Plan contains a policy relating to infill and backland development (Policy BF1). Notwithstanding the limited weight that the Binfield NDP can presently be afforded, it is not considered that the proposal conflicts significantly with any of the requirements of Policy BF1 as the proposal is only marginally over the density requirements outlined in Policy H4 of the BFBLP and addresses a previous reason for refusal of application 15/00288/FUL in relation to the development being cramped in layout (discussed at para 9.7).

9.16 As such, the development would not result in an adverse impact on the character and appearance of the area and would be in accordance with Saved Policies EN20 and H4 of the BFBLP, Policy CS7 of CSDPD, the Character Area SPD and the NPPF.

### **iii. IMPACT ON RESIDENTIAL AMENITY**

#### **Plot 1 – Oaklands**

9.17 A single storey side/rear extension forming utility room is proposed to the existing dwelling at Oaklands which is to be retained. Given the modest size of the extension, siting

and height, it would not impact upon existing dwellings nor would it impact upon the future occupiers of the proposed dwellings within the site at plots 2, 3 and 4.

9.18 A large existing outbuilding forming a garage/workshop within the garden of Oaklands would be demolished as part of the proposal to provide a larger garden area for the retained property. It is considered that sufficient amenity space is proposed for Oaklands following demolition of the outbuilding.

9.19 A single detached garage is proposed to the side of Oaklands set 2m from the western boundary of the site with Rose Cottage and Glenask Court. The garage would be set forward of the front elevation of Rose Cottage, however the garage would be single storey, 4m to the ridge and would therefore not appear unduly overbearing to Rose Cottage.

9.20 In view of the separation distances between Oaklands and plot 2 (11m), plot 3 (17m) and plot 4 (9m), the proposed dwellings would not appear unduly overbearing or result in loss of daylight to Oaklands.

## **Plot 2**

9.21 To the western boundary, plot 2 would lie next to Rose Cottage and Glenask Court. 2no. windows and a door are proposed in the western elevation at ground floor level. In view of the existing boundary treatment of 1.8m high fencing and hedging being retained along this boundary, these windows and door would not result in overlooking to Rose Cottage and Glenask Court. 2no. windows are proposed at first floor level in the western elevation serving en-suite bathrooms. These windows would be conditioned to be obscure glazed and fixed shut with the exception of top opening fanlights to prevent overlooking to the adjoining properties. Windows proposed in the front elevation of plot 2 would not result in overlooking to Rose Cottage and Glenask Court in view of the relationship between the dwellings and siting of windows.

9.22 Plot 2 would be set behind Rose Cottage set in 3m from the boundary and set 3m from the rear of Rose Cottage at the closest point. A single storey garage with hipped roof design would be set closest to the rear of Rose Cottage, with the two storey part of plot 2 set 9m from the rear of Rose Cottage, again with a hipped roof design. In view of the separation distances between Rose Cottage and the two storey part of plot 2, along with the hipped roof, plot 2 would not be considered to appear unduly overbearing as to be detrimental to Rose Cottage. At present, Rose Cottage is obscured by a large outbuilding to the rear of Oaklands which would be demolished and plot 2 sited further away from the rear of Rose Cottage. Further, no undue loss of daylight would result to rear facing windows at Rose Cottage as a result of plot 2 in view of the separation distances between the buildings. Plot 2 is not considered to result in a loss of light or an overbearing impact on Glenask Court due to a separation distance of 16m between the properties and their positions.

9.23 Whilst it is noted that plot 2 would run alongside the shared amenity area for Glenask Court/Rose Cottage, in view of the garage being closest to the adjoining properties and the roof design and taking into account the size of the shared amenity space, plot 2 would not be considered to appear overbearing when viewed from the shared garden.

9.24 Plot 2 would be set in excess of 30m from the boundary with Popeswood End to the north-west with in excess of 40m separation distance between the rear of plot 2 and Popeswood End at the closest point. In view of these separation distances and that the north-western corner of this site is well screened by existing trees to be retained, the proposed Juliet balconies serving bedroom 1 would not result in overlooking and loss of privacy to the adjoining dwelling. Further, plot 2 would not appear overbearing to Popeswood End.

9.25 Plot 2 would be set between 10m and 13.5m from the boundary with 4 Lawrence Grove with in excess of 25m to the dwelling at no. 4 at the closest point. In view of these separation distances, windows proposed in the rear elevation of plot 2 at first floor level would not result in undue overlooking to the rear garden of no. 4 and further the dwelling would not appear overbearing to no. 4.

9.26 1no. window is proposed in the side elevation of the garage on plot 2 at ground floor level facing south. This window would not result in overlooking to Oaklands given a 2m high wall is proposed to the side/rear of Oaklands. Front facing first floor windows would be set 11m from the rear boundary of Oaklands with 20m separation distance between the front elevation of plot 2 and the rear of Oaklands. Given these separation distances, plot 2 would not result in overlooking to Oaklands.

### **Plot 3**

9.27 To the northern boundary, plot 3 would back onto the side/rear gardens of nos. 3 and 4 Lawrence Grove. The rear elevation of plot 3 would be set between 11m and 13.5m from the boundary with nos. 3 and 4, with some 22m separation distance between the proposed dwelling and nos. 3 and 4 at the closest point. In view of these separation distances, windows proposed at first floor level in the rear elevation of plot 3 would not result in undue overlooking or loss of privacy to nos. 3 and 4 Lawrence Grove. Further, given these separation distances, plot 3 would not appear unduly overbearing to these properties.

9.28 Plot 3 would be set 2m from the eastern boundary with Triona. 1no. window is proposed at ground floor level serving the garage facing east. An existing 1.8m high fence would be retained along this boundary to prevent overlooking from the proposed ground floor window. No windows are proposed at first floor level in the flank wall of plot 3 facing east and a planning condition is recommended restricting installation of windows in the eastern elevation at first floor level and above in the interests of Triona. Plot 3 would be set some 20m from the rear elevation of Triona at the closest point and in view of this separation distance, would not appear overbearing to the adjoining property.

### **Plot 4**

9.29 To the eastern boundary, plot 4 would lie next to Triona. 2no. windows and a door are proposed at ground floor level in the side elevation facing Triona. There is a low level brick wall and 1.8m high fence denoting the eastern boundary. In view of the boundary treatment, the proposed windows and door would not result in overlooking to the adjoining property. An en-suite bathroom window is proposed at first floor level in the side elevation along with a velux window serving an en-suite in the roof of the garage. The first floor window in the flank wall would be conditioned to be obscure glazed and fixed shut with the exception of a top opening fanlight to prevent overlooking to the adjoining property. The proposed velux window would be conditioned to be 1.7m above internal floor area to prevent overlooking to the adjoining property.

9.30 Plot 4 would be set 2m from the eastern boundary with Triona, with a 4m separation distance between the two flank walls. The rear elevation of plot 4 would not project beyond the rear elevation of Triona and therefore would not result in loss of daylight or appear overbearing when viewed from the rear elevation or rear garden of Triona. To the front, plot 4 would project 7m beyond the front most part of Triona, however, this would be the single storey double garage with accommodation in the roof space with the roof hipped away from the boundary with Triona so the proposal would not appear so unduly overbearing to the adjoining property. Further, the proposal would not result in significant loss of daylight to front facing windows at Triona in view of the single storey height of the garage and roof design.

9.31 Plot 4 would be set 9m from the flank wall of Oaklands to the west. A bay window is proposed at ground floor level serving the lounge and at first floor level, a bathroom is proposed in the western elevation. The proposed bay window would not result in overlooking to Oaklands given a 2m high boundary wall is proposed to enclose the side/rear garden of the retained dwelling. The first floor bathroom window would be conditioned to be obscure glazed and fixed shut with the exception of a top opening fanlight to prevent overlooking. The dormer window proposed over the garage would be set 16m from Oaklands at the closest point and would face onto the front garden of Oaklands and the parking area, however existing hedging and shrubs would be retained and given this would not be the most private amenity space serving Oaklands, the level of overlooking from the proposed dormer window would not be so significant to the detriment of the adjoining property.

9.32 Plot 4 would be set some 50m from the nearest dwelling opposite the site to the south on Golden Orb Wood with London Road as an intervening feature between. In view of the separation distances, plot 4 would not result in overlooking or appear visually intrusive to any dwellings opposite the south to the south.

#### **Residential amenity of future occupiers**

9.33 Plots 2, 3 and 4 would be provided with adequate sized gardens proportionate to the size of the dwellings proposed.

9.34 Due to the siting of the proposed dwellings and separation distances between them, no overbearing impact, loss of daylight or overlooking would result.

9.35 As such, the proposal would not be considered to significantly affect the residential amenities of neighbouring properties and the residential amenities of the future occupiers of the proposed dwellings would be acceptable. The proposal would therefore be in accordance with Saved Policy EN20 of the BFBLP and the NPPF.

#### **iv. IMPACT ON HIGHWAY SAFETY**

##### **Access**

9.36 The site takes access off the B3408 London Road, an important distributor road into Bracknell from the A329 (M) and to Wokingham. It is subject of a 40mph speed limit and there is a highway verge and footway across the frontage. There is a shared footway/cycleway on the opposite side of London Road.

9.37 The existing access to St Margarets is to be removed and a new access is to be created to serve the 3 new dwellings. This new access would be sited further from the existing pedestrian/cycle refuge and the additional vehicles accessing/egressing the site will therefore avoid conflict with the refuge. Sight-lines of at least 160 metres can be achieved in either direction at a set-back of 2.4 metres from the edge of the carriageway which would be acceptable for highway safety. Also, the highway verge to either side of the new access separates vehicles exiting the site from pedestrians and enables acceptable sight-lines between vehicles and pedestrians to be achieved for safety.

9.38 Details of the new access and removal of the existing access should be secured by planning condition.

9.39 The proposed access road would be a shared surface with an initial width of 4.8 metres for the first 10 metres. This would enable two vehicles to pass each other at the access and be clear of London Road. The access road width reduces to 4.1 metres thereafter and whilst this does not comply with adoptable highway standards, two standard cars could pass each other at low speed and pedestrian movements for this scale of development could be



accommodated safely. The access layout incorporates a short narrowing to 3.75 metres over a distance of around 10 metres to the side of plot 4.

9.40 The site layout includes a turning area at the end of the access road which would be sufficient to enable domestic delivery vehicles to turn within the site to exit onto London Road in a forward gear.

9.41 As a refuse vehicle would not enter the site, a temporary refuse collection point for use on bin day is being provided. Given this is within 25 metres of London Road and 30 metres of properties, this would comply with the requirements for collection of waste by the Council. The access road would be a minimum of 3.7m which would allow access to the site by a fire and rescue vehicle.

### **Parking**

9.42 Each of these 3 new 5-bed dwellings will have 4 on-plot parking spaces, including integral double garages and two driveway parking spaces in-front. On-plot parking and vehicle turning for the Oaklands is unaffected by this proposal.

9.43 The double garages are shown on the individual plot plans to have internal dimensions of 6 metres by 6 metres which complies with the Council's adopted standards. The use of garages for vehicular parking would be secured by planning condition to ensure adequate parking provision. The garages could be used for cycle storage.

9.44 The parking areas to the front of the garages are 5.2 metres wide and therefore 2 vehicles could park side-by-side with adequate pedestrian access to the front door of dwellings.

9.45 A garage roller shutter door is required for plot 4 to ensure vehicles parked in front of garages do not affect access for vehicles and pedestrians on the shared surface access road.

### **Trips**

9.46 3 new dwellings could generate in the region of 18 two-way trips over the course of a typical day with 2 trips in both the morning and evening peak periods. This net additional trip generation is likely to be 12 trips, given the existing property, 'St Margarets' is being removed.

### **Other Matters**

9.47 A construction management plan should be secured by planning condition for highway safety and residential amenity.

9.48 Subject to the imposition of conditions, the proposal is considered to be in accordance with CS23 of the CSDPD, Saved Policy M9 of the BFBLP and the NPPF and would not result in an adverse impact on highway safety.

### **v. TREES**

9.49 The most important trees within the site boundaries are protected by confirmed Tree Preservation Order 1188.

9.50 The site is generally open in character. Whilst there is a significant holly hedge within the central area of the site, trees within the middle area have already been removed. All significant remaining trees are located around the boundaries, on and off site.

9.51 The trees which have been identified in the TMC Tree Survey are considered to contribute (or have the potential to contribute), to the landscape character and appearance the area and as such constitute a planning constraint which merits careful consideration.

9.52 Trees 20 and 22 are of reasonable health, form and quality. Combined with the fact that the trees are off site and their management is outside the control of the applicants these also represent a constraint to development on site and as such should also be safeguarded from development activities.

9.53 Plot 1 – As a general advisory, the proposed building relationship with the existing Tibetan Cherry (survey Ref T14) in the north east corner of this plot, would not be sustainable given its close proximity (just 1.8m) from the tree's trunk. Therefore its retention should not be relied upon to soften redevelopment.

9.54 Plots 2 and 3 – Generally, the relationship of plots 2 and 4 to retained trees is acceptable in principle.

9.55 For clarity, many of the trees along the rear boundary of plot 2 consist of dwarf apple trees or other wall growing fruit so if retained would not be out of keeping with the garden area.

9.56 Plot 3 – The relationship of the garage to trees 21/22 off site in the survey is acceptable, but the foundation structure of the proposed garage on this plot should be designed to take full account of the future growth of these trees to avoid any risk of subsidence pressures on them in the future.

9.57 The proposal is therefore recommended for approval subject to the imposition of necessary conditions to safeguard trees to ensure accordance with Policy EN1 of the Bracknell Forest Borough Local Plan and the NPPF.

#### **vi. BIODIVERSITY**

9.58 The ecological report identifies that the site has limited value for wildlife and recommends some mitigation measures to reduce the risk to wildlife to a minimum.

9.59 It is therefore recommended conditions be imposed in relation to no site clearance during the bird nesting season, all ecological measures shall be undertaken in accordance with the submitted ecological report and no demolition shall commence until a scheme of biodiversity enhancements have been submitted. Subject to the imposition of the above conditions, the proposal would be in accordance with Policies CS1 and CS7 of the CSDPD and the NPPF.

#### **vii. THAMES BASIN HEATH SPECIAL PROTECTION AREA (SPA)**

9.60 The Council, in consultation with Natural England, has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath SPA is likely to have a significant effect on the SPA, either alone or in combination with other plans or projects. This site is located approximately 3.8km 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.

9.61 A contribution is calculated on a per-bedroom basis to be paid to the Council towards the cost of works and measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Council's Avoidance and Mitigation Strategy. In this

instance, the development will result in a net increase of 3 x 5 bed dwellings replacing a single 4 bed dwelling. The total SANG contribution is therefore £7,164.

9.62 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which will also be calculated on a per bedroom basis. The application for this development is for a 3 x 5 bed dwellings replacing a single 4 bed dwelling. The SAMM contribution is therefore £2,349.

9.63 The total SPA related financial contribution for this proposal is £9,513. The applicant has agreed to enter into a S106 agreement to secure this contribution and to overcome refusal reason no. 3 of previous application 15/00288/FUL. Subject to the completion of the S106 agreement, the proposal would not have an unacceptable impact on the SPA and would comply with SEP retained Policy NRM6, Saved Policy EN3 of the BFBLP, CS14 of CSDPD, the SPA SPD and the NPPF.

#### **viii. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

9.64 Bracknell Forest Council commenced charging for its Community Infrastructure Levy (CIL) on 6th April 2015.

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

9.66 The proposal would be CIL liable.

9.67 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. 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.

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

9.69 Mitigation towards the Thames Basin Heath SPA will continue to be secured through a Section 106 agreement as outlined above.

#### **ix. ENERGY SUSTAINABILITY**

9.70 A sustainability statement has been submitted with the application and it is considered that this could be required to be complied with by an appropriate planning condition. This would satisfy the requirements of Policy CS10 of the CSDPD.

9.71 An Energy Demand Assessment has been submitted however it fails to demonstrate exactly which on-site renewable energy measure will be used. It is however considered that this could be achieved by a planning condition. This would satisfy the requirements of Policy CS12 of the CSDPD.

#### **10. CONCLUSIONS**

10.1 The proposed development relates to a site within the settlement boundary and is therefore acceptable in principle. It would not adversely affect the residential amenities of neighbouring properties and would not adversely impact upon the character and appearance

of the surrounding area. No adverse highway safety implications would result. Relevant conditions will be imposed in relation to trees, biodiversity and sustainability. A legal agreement will secure contributions for SPA mitigation and the scheme is CIL liable. The proposal is therefore considered to be in accordance with retained SEP Policy NRM6, 'Saved' Policies EN1, EN2, EN3, EN20, H4 and M9 of the BFBLP, CS1, CS2, CS7, CS10, CS12, CS14, CS23, CS24 of the CSDPD, Policy CP1 of the SALP, the Character Area SPD and the SPA SPD, all in accordance with the NPPF.

## 11. RECOMMENDATION

**Following the completion of planning obligation(s) under Section 106** of the Town and Country Planning Act 1990 relating to 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 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 27 August 2015:  
drawing 07A  
drawing 10A  
drawing 17A  
drawing 18  
drawing 19A  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
03. No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted at plots 2 , 3 and 4 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 materials to be used in the construction of the external surfaces of the single storey extension to Oaklands and the detached garage to Oaklands shall be similar in appearance to those of the existing building at Oaklands.  
REASON: In the interests of the visual amenities of the area.  
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]
05. The first floor windows in the western elevations of plot 2 and plot 3 and the first floor windows in the eastern and western elevations of plot 4 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 with the exception of a top hung openable fanlight.  
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 east and west elevations of plots 2, 3 and 4 hereby permitted except for any which may be shown on the approved drawings.  
REASON: To prevent the overlooking of neighbouring properties.  
[Relevant Policies: BFBLP EN20]
07. The rooflight in the roof slope facing east on plot 4 shall at all times be no less than 1.7 metres above internal floor level.  
REASON: To prevent the overlooking of neighbouring properties.  
[Relevant Policies: BFBLP EN20]
08. No development shall take place until comprehensive details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: -
- a) Comprehensive planting plans of an appropriate scale and level of detail that provides adequate clarity including details of ground preparation and all other operations associated with plant and grass establishment, full schedules of plants, noting species, and detailed plant sizes/root stock specifications, planting layout, proposed numbers/densities locations.
  - b) Details of semi mature tree planting.
  - c) Comprehensive 5 year post planting maintenance schedule.
  - d) Underground service and external lighting layout (drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.), both existing reused and proposed new routes.
  - e) Means of enclosure (walls and fences etc)
  - f) Paving including pedestrian open spaces, paths, patios, proposed materials and construction methods, cycle routes, parking courts, play areas etc.
  - g) Recycling/refuse or other storage units, play equipment
  - h) Other landscape features (water features, seating, trellis and pergolas etc).

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

09. The areas shown for soft landscaping purposes on the approved plans shall thereafter be retained. If within a 5 year period of the completion of the development any soft landscaped area which is removed, uprooted, or is destroyed or dies shall

be replaced by plants of the same species and size as that originally planted at the same place.

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

10. The development hereby permitted shall be implemented in accordance with the submitted Sustainability Statement and shall be retained in accordance therewith.  
REASON: In the interests of sustainability and the efficient use of resources.  
[Relevant Policies: CSDPD CS10]
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 that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 10%). The buildings thereafter constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith.  
REASON: In the interests of the sustainability and the efficient use of resources.  
[Relevant Plans and Policies: CSDPD Policy CS12]
12. The development shall be undertaken in accordance with the details of the finished floor levels of the buildings as shown on drawing no. received 27 August 2015 by the Local Planning Authority.  
REASON: In the interests of the character of the area.  
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]
13. No site clearance shall take place during the main bird-nesting period of 1st March to 31st August inclusive, unless a scheme to minimise the impact on nesting birds during the construction of the development has been submitted to and approved by the Local Planning Authority.  
REASON: In the interests of nature conservation  
[Relevant Plans and Policies: BFBLP EN3 CS1, CS7]
14. All ecological measures and/or works shall be carried out in accordance with the details contained in AA Environmental Ltd's report dated 13th March 2015 as already submitted with the planning application.  
REASON: In the interests of nature conservation  
[Relevant Plans and Policies: CSDPD CS1]
15. The demolition shall not be begun until a scheme for the provision of bird and bat boxes (and other biodiversity enhancements), including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the Local Planning Authority.  
The approved scheme shall be performed, observed and complied with.  
REASON: In the interests of nature conservation  
[Relevant Plans and Policies: CSDPD CS1, CS7]
16. 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 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.

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

17. The protective fencing and other protection measures specified by condition 16 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.

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

18. No development (including initial site clearance) shall commence until a programme of supervision/monitoring for all arboricultural protection measures, has been submitted to and approved in writing by the Local Planning Authority. Details shall include: -
- a) Induction and personnel awareness of arboricultural matters.
  - b) Identification of individual responsibilities and key personnel.
  - c) Statement of delegated powers.
  - d) Timing and methods of site visiting and record keeping.
  - e) Procedures for dealing with variations and incidents.

The program of arboricultural monitoring shall be undertaken in full compliance with the approved details. A copy of the signed inspection report shall be sent to the Local Authority following each visit.

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]

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.

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

20. No development shall commence until a detailed site specific construction method statement for all hard surfaced areas of any description within the minimum root protection areas of retained trees calculated in accordance with British Standard 5837:2012 'Trees In Relation To Construction Recommendations', or any subsequent revision, has been submitted to and approved in writing by the Local Planning Authority. Details shall be based on a porous 'No-Dig' principle of construction, avoiding any excavation of existing levels in all areas concerned, and shall include: -
- a) An approved development layout plan identifying all areas where special construction measures are to be undertaken.
  - b) Materials including porous surface finish.



- c) Construction profile/s showing existing /proposed finished levels together with any grading of levels proposed adjacent to the footprint in each respective structure.
- d) Program and method of implementation and arboricultural supervision.

The Construction Method Statement shall be implemented in full accordance with the approved scheme, under arboricultural supervision, prior to the occupation of the dwelling. The No Dig structure shall be retained in perpetuity thereafter.

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]

- 21. No dwelling shall be occupied until the existing access to the site has been closed and a footway/ verge is provided over the closed access in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The footway/verges shall be retained thereafter.  
REASON: In the interests of highway safety.  
[Relevant Policies: Core Strategy DPD CS23]
- 22. No dwelling shall be occupied until a means of vehicular access has been constructed in accordance with the approved plans.  
REASON: In the interests of highway safety.  
[Relevant Policies: Core Strategy DPD CS23]
- 23. 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. 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]
- 24. The garages shall be retained for the use of the parking of vehicles at all times.  
REASON: To ensure that the Local Planning Authority's vehicle parking standards are met.  
[Relevant Policy: BFBLP M9]
- 25. The garage door on plot 4 hereby approved shall be of a roller shutter design. Any replacement or repair shall only be with a roller shutter type garage door.  
REASON: To ensure that the garage is still accessible while a car is parked to the front of the properties avoiding inappropriately parked cars comprising the communal access road.  
[Relevant Policy: BFBLP M9]
- 26. No dwelling shall not be occupied until visibility splays of 2.0 metres by 2.0 metres have been provided at the junction of the driveway and the adjacent carriageway. The dimensions shall be measured along the edge of the drive and the edge of the carriageway 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]

27. 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 (e) above without the prior written permission of the Local Planning Authority.  
REASON: In the interests of amenity and road safety.

### Informatives

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

2. 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
04. Materials for extension and garage to Oaklands
05. Obscure glass
06. Restrictions on windows
07. Roof light
09. Retention of soft landscaping
10. Sustainability statement
12. Finished floor levels
13. Site clearance
- 14.. Ecological survey
17. Tree protection
22. New access
23. Parking and turning
24. Retention of garage
25. Roller shutter door on plot 4

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

03. Materials
08. Landscaping
11. Energy Demand Statement
15. Bird and bat boxes
16. Tree protection
18. Supervision/monitoring for all arboricultural protection measures
19. Site layout
20. Construction method statement for hard surfaced areas
27. Site organisation

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

- 21. Closure of access
- 26. Visibility

3.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.

4.Trees on and adjacent to this site are protected by a Tree Preservation. 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.

5.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) (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.

6.The Street Care team should be contacted at the Environment, Culture and Communities Department, Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 352000, to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks notice to obtain details of underground services on the applicant's behalf.

**In the event of the S106 agreement not being completed by 26 February 2016, the Head of Planning be authorised to refuse the application on the grounds of:**

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 (February 2015).

<b>ITEM NO:</b>			
Application No.	Ward:	Date Registered:	Target Decision Date:
<b>15/00835/FUL</b>	Binfield With Warfield	18 September 2015	13 November 2015
Site Address:	<b>Daruchini Forest Road Binfield Bracknell Berkshire RG42 4HP</b>		
Proposal:	<b>Installation of 3 no. air conditioning units, plant equipment and fan condenser unit (Re-submission of 15/00572/FUL).</b>		
Applicant:	The Southern Co-operative Ltd		
Agent:	Chapman Lily Planning Ltd		
Case Officer:	Michael Ruddock, 01344 352000 <a href="mailto:development.control@bracknell-forest.gov.uk">development.control@bracknell-forest.gov.uk</a>		

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



## **OFFICER REPORT**

### **1. SUMMARY**

1.1 The proposal is for the installation of plant equipment consisting of three air conditioning units and a fan condenser unit.

1.2 Due to the location of the units within the site there would be no adverse impact on the streetscene or character of the area. The relationship with adjoining properties is acceptable subject to a condition requiring the submission of additional information. There are no highway safety implications.

<b>RECOMMENDATION</b>
Planning permission be granted subject to conditions in Section 11 of this report

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

2.1 The application has been reported to the Planning Committee following the receipt of more than 3 objections.

### **3. PLANNING STATUS AND SITE DESCRIPTION**

<b>PLANNING STATUS</b>
A Village Centre location within the settlement boundary

3.1 Daruchini is a former restaurant located within Binfield Village Centre. The building is currently vacant, although the Local Planning Authority have previously received notification that the site will be changing from a restaurant (Class A4) use to retail (Class A1) use under Class A of Part 3 of Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015.

3.2 The site consists of the main building fronting Forest Road with parking spaces forward of the building. To the rear of the main building is a paved area and ancillary outbuilding. Under the previous restaurant use, a car park was sited to the east of the main building, however this part of the site has been sold off and is part of a separate application (ref. 15/00905/FUL) for the erection of two new dwellings.

3.3 The site is bordered to the west and south by residential dwellings at Standard Corner, Eclipse House and The Smithery.

### **4. RELEVANT SITE HISTORY**

4.1 Application 14/01242/FUL - Proposed ground floor extension to existing restaurant including demolition and alterations works to building. Construction of side access serving upper floor. This application was approved in April 2015 and is yet to be implemented.

4.2 Two further applications are under consideration at this site and are yet to be determined. As mentioned above, application 15/00905/FUL is for the erection of two dwellings on the former Daruchini car park to the east of the main building. Application 15/00836/A is for the display of various signs at the site.

### **5. THE PROPOSAL**

5.1 The proposed development is for the installation of plant equipment consisting of three air conditioning units and a fan condenser unit.

5.2 The three air conditioning units would be located to the rear of the existing building within two service areas. Each service area would have a length of 1.62m and a width of 1.5m. As confirmed in an email received from the applicants agent on 21 October 2015, two units would be located in one service area and one unit in the other. The unit marked SP2244 would be the largest with a height of 1.54m and would have its own service area. The other units, marked SP1404 and SP564 would share the same service area, with the smaller unit (SP564) placed on top of the larger unit. The two units would have a combined height of 1.9m.

5.3 The fan condenser unit would be located to the rear of the site, close to the boundary with the neighbouring property to the south at The Smithery in an area that is currently soft landscaping. The unit would have a height of 1.35m with a width of 2.92m and a depth of 0.89m. It would be secured by fencing with a height of 1.8m.

5.4 It is noted that the plans show an extension to the rear of the building. This is the extension that was approved under application 14/01242/FUL, however it is yet to be implemented. This extension is not relevant to this application as the units could be sited in the locations shown whether or not it is implemented.

## **6. REPRESENTATIONS RECEIVED**

### Binfield Parish Council:

6.1 Binfield Parish Council raise no objection.

### Other representations:

6.2 A total of 7 objections have been received from residents of surrounding properties. The objections can be summarised as follows:

- Concerns that the air conditioning units would result in an unacceptable increase in noise and disturbance, to the detriment of the amenities of neighbouring residents.
- Parking and traffic concerns that relate to the change of use of the shop.
- Concerns that a retail unit would attract crime.
- Concerns regarding the need for an additional retail unit in Binfield.

*[OFFICER NOTE: With the exception of the concern regarding noise and disturbance, which is considered elsewhere in this report, these concerns relate to the change of use to a retail unit which is not the proposed development. As discussed above, the change of use from A4 (restaurant) use to A1 (retail) use is Permitted Development under Class A of Part 3 of Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 and therefore does not require planning permission.]*

## **7. SUMMARY OF CONSULTATION RESPONSES**

### Environmental Health Officer

7.1 The Environmental Health Officer recommends conditional approval.

## **8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION**

8.1 The key policies and associated guidance applying to the site are:

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	consistent
Residential Amenity	Saved policies EN20 and EN25 of BFBLP	Consistent Paragraph 123 of the NPPF refers to noise. NPPG states hat 'noise needs to be considered...when new developments would be sensitive to the prevailing acoustic environment.'
<b>Other publications</b>		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		

## **9. PLANNING CONSIDERATIONS**

9.1 The key issues for consideration are:

- I Principle of the Development
- ii Impact on character and appearance of the area
- iii Impact on residential amenity
- iv Community Infrastructure Levy

### **i. PRINCIPLE OF THE DEVELOPMENT**

9.2 The site is located within a defined settlement as designated by the Bracknell Forest Borough Policies Map. Due to its location and nature, the proposal is considered to be acceptable in principle and in accordance with CSDPD CS1 (Sustainable Development), CS2 (Locational Principles) and the NPPF subject to no adverse impacts upon character and appearance of surrounding area, residential amenities of neighbouring properties, etc. These matters are assessed below.

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

9.3 The air conditioning units would be located to the rear of the existing building and as such would appear prominently in the streetscene. In any case, they would cover a small area of the site and with a maximum height of 1.9m would not appear excessive in terms of their size. It is not considered that such an addition to the site would result in a significant impact on the character and appearance of the area.

9.4 The fan condenser unit would be visible in the streetscene at the rear of the site, however due to its location it would be set 35m back from the highway at the front of the property. It is not considered that a unit of the size proposed in such a location would result a significant addition to the site that would appear overly prominent in the streetscene.

9.5 It is therefore not considered that the development would result in an adverse impact on the character and appearance of the area. The development would therefore not be contrary to CSDPD Policy CS7, BFBLP 'Saved' Policy EN20 or the NPPF.

### **iii. IMPACT ON RESIDENTIAL AMENITY**



9.6 Due to the size of the air conditioning units and the fan condenser units, it is not considered that this would result in any significant impact on neighbouring properties as a result of loss of light or being overbearing.

9.7 With regard to noise and disturbance, the applicants have submitted an 'Environmental Acoustic Test' dated July 2015. This document sets out in accordance with British Standard 4142:2014 (Methods for rating and assessing industrial and commercial sound) that the proposal will be unlikely to have a significant or adverse impact on local residents.

9.8 The document sets out that during daytime the noise level from the plant at 45dB would be 1dB lower than the background noise level of 46dB. At night time the noise level at 27dB would be 11dB lower than the background noise level of 38dB. As the existing background noise level will not be exceeded, it is not considered that the proposed development would result in an unacceptable level of noise and disturbance, to the detriment of the residents of the neighbouring properties.

9.9 A condition will be imposed to ensure that the existing background noise level is not exceeded, in accordance with the findings of the noise survey. As such, it is not considered that the proposed development would result in a detrimental effect on the amenities of the residents of the neighbouring properties. The development would therefore not be contrary to BFBLP 'Saved' Policies EN20 and EN25 or the NPPF.

#### **iv. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

9.10 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.

9.11 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 addition of plant equipment to this site is not development that is CIL liable.

### **10. CONCLUSIONS**

10.1 It is not considered that the development would result in an adverse impact on the character and appearance of the host dwelling or local area or the amenities of the residents of the neighbouring properties, subject to the recommended condition. It is therefore considered that the proposed development complies with Development Plan Policy SALP Policy CP1, CSDPD Policies CS1, CS2 and CS7, BFBLP 'Saved' Policies EN20 and EN25 and the NPPF.

### **11. RECOMMENDATION**

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

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.
02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 18 September 2015:

DN17881-1 (Revision B) – Refrigeration Plant and AC layout for Planning  
15-XXX-101 (Revision A)

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

03. The level of noise emitted from the approved plant equipment shall not exceed the existing background noise level, in accordance with the document 'Environmental Acoustic Test' dated July 2015.

REASON: In the interests of the amenity of the residents of neighbouring properties.  
[Relevant Policies: BFBLP 'Saved' Policy EN20, EN25]

Informative(s):

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

**ITEM NO:**

Application No.  
**15/01038/RTD**  
Site Address:

Ward:  
Crown Wood

Date Registered:  
16 October 2015

Target Decision Date:  
10 December 2015

## **Telecommunications Mast Savernake Way Bracknell Berkshire**

Proposal: **Replacement of existing 11.7M phase 3 monopole with 12.5M phase 5 monopole and 1 no. additional equipment cabinet.**

Applicant: H3G Ltd and EE Ltd

Agent: JN Planning Consultants

Case Officer: Matthew Miller, 01344 352000

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

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



## **OFFICER REPORT**

### **1. SUMMARY**

1.1 Prior Approval is sought for a 12.5 metre high telecommunications mast, to replace an existing 11.7 metre high mast.

1.2 The proposal is not considered to result in an adverse impact on the character of the surrounding area due to the nominal increase in size and its setting adjoining an area of woodland. It would not result in an adverse impact on the amenity of the neighbouring properties due to the separation distance involved. It is not considered that the proposal would result in an adverse impact on highway safety in comparison to the existing situation, which does not create a risk to highway safety. Furthermore it is not considered that there are any grounds for refusal of the proposal based on perceived health risks.

1.3 It is therefore recommended that the siting and appearance of the development proposed be approved.

<b>RECOMMENDATION</b>
Delegate to the Head of Planning to grant Prior Approval as per the recommendation in Section 12 of this report following the expiration of the consultation period.

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

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

### **3. PERMITTED DEVELOPMENT RIGHTS FOR TELECOMMUNICATIONS DEVELOPMENT**

3.1 Class A(a), Part 16, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 deals with permitted development for telecommunications development.

3.2 Class A(a) relates to the installation, alteration or replacement of any telecommunications apparatus. Sub-section A.1 states that development is not permitted by Class A (a) if-

(c) in the case of the alteration or replacement of an existing mast (other than on a building or other structure), on article 2(3) land or on any land which is, or is within, a site of special scientific interest)-

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

(aa) exceed a height of 20 metres above ground level

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

(ii) where antenna support structures are altered or replaced, the combined width of the mast and any antenna support structures would exceed the combined width of the existing mast and any support structures by more than one third.

3.3 The proposed mast would not exceed 20 metres, and at any given height would not exceed the width of the existing mast at the same height by more than a third. As such the proposal complies with the above. The GPDO also allows for cabinets where they do not exceed 1.5 square metres in ground area. The ground area of the additional proposed cabinet would not exceed 0.65 square metres.

3.4 However as the proposal is sited in close proximity to the highway it is considered necessary to assess the siting of the mast in terms of highway safety, and as such Prior Approval is required to ensure that there is no detrimental impact upon highway safety.

#### **4. PLANNING STATUS AND SITE DESCRIPTION**

<b>PLANNING STATUS</b>
Within defined settlement
Blanket TPO surrounding site

4.1 The site is located within a predominately residential area, to the immediate south of the roundabout connecting the highways of Savernake Way, Mendip Road, and the access to Savernake Park. An existing 11.7 metre high telecommunications mast is present, bordering pedestrian footways to the front (west) and northern sides. Two telecommunications cabinets are sited immediately behind (east) of the mast.

4.2 The site is bordered to the north and south by trees which form part of a larger woodland area. The trees immediately surrounding the site are subject to a blanket Tree Preservation Order (TPO) (reference: TPO 106).

4.3 The nearest dwellings are sited within the highway of Draycott to the west. There is a minimum separation distance of 17.5 metres to the rear boundaries of these properties, and 25 metres to the dwellinghouses proper.

#### **5. RELEVANT SITE HISTORY**

5.1 The site history can be summarised as follows:

05/00207/RTD

Submission of details of siting and appearance for the erection of 11.7m. high telecommunications mast with 3no. antennae and 1no. associated equipment cabin.  
Refused (2005)

05/00873/RTD

Details of siting and external appearance for the installation of 11.7m telecommunications mast with three antennas and associated equipment cabin.  
Refused (Appeal Allowed) (2006)

5.2 In addition to the above additional telecommunications cabinets have been installed within the site in 2012, under permitted development rights.

#### **6. THE PROPOSAL**

6.1 This application seeks Prior Approval for a replacement telecommunications mast, measuring 12.5 metres in height and 0.3 metres in diameter. The replacement mast would be sited 1.3 metres to the south of the existing mast.

6.2 In addition an equipment cabinet is proposed to be installed to the east of the mast, measuring 1.3m (l) x 0.5m (w) x 1.5m (h).

6.4 The proposed replacement mast constitutes 'permitted development', but the developer must apply to the Local Planning Authority (LPA) to ascertain whether prior approval is required for the siting and appearance of the development. In this instance the applicant has submitted these details for approval and the Council has 56 days in which to consider them. If no decision is made within the timeframe the application will be deemed as approved.

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

6.6 The applicant has stated that an increase in the mast height is required to upgrade existing coverage to provide 4G services, and to continue to provide adequate service to more than one telecommunications operator.

## 7. REPRESENTATIONS RECEIVED

### Bracknell Town Council:

7.1 No comments received at time of writing.

### Other representations:

7.2 No representations have been received at time of writing.

*[Officer Comment: The consultation period expires on 16 November 2015. Any further comments received past the deadline of the Committee Report will be included on the Supplementary Report. The application will then be delegated to the Head of Planning in view of any comments received between the Planning Committee of 12 November and the 16 November deadline].*

## 8. SUMMARY OF CONSULTATION RESPONSES

### Highway Officer

8.1 The Highway Officer raises no objection.

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

## 9. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

9.1 The key policies and guidance applying to the site are:

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	Consistent
Design	CS7 of CSDPD, Saved policy EN20 and SC4 of BFBLP	Consistent (SC4 consistent with regards to character and appearance considerations)
Trees	Saved policy EN1 of BFBLP	Consistent
Highway safety	CS23 of CSDPD	Consistent
Telecommunications Provision	Saved policy SC4 of BFBLP	Not consistent in terms of need(see sections 10.24 – 10.26 of report).
<b>Supplementary Planning Documents (SPD)</b>		
(None)		
<b>Other publications</b>		
National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG) Community Infrastructure Levy.		

## 10. PLANNING CONSIDERATIONS

- 10.1 The key issues for consideration are:
- i. Impact on character and appearance of the area
  - ii. Impact on residential amenity
  - iii. Impact on highway safety
  - iv. Health implications
  - v. Need
  - vi. Community Infrastructure Levy

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

10.2 As stated within section 6.6 of the report, a taller replacement telecommunications mast is required to improve and upgrade existing coverage. No alternative sites have been considered in view of the proposal being an upgrade to an existing site.

10.3 The proposed mast would be taller than the existing mast by 0.8 metre, and would be increased in diameter by 0.1 metre. The increase in diameter and height of the replacement mast would nominally increase its visual prominence in the street scene when viewed from Savernake Way and Mendip Way; however the increases are modest and therefore it is considered that it would not appear unduly prominent in the street scene, in comparison to the existing mast.

10.4 Although the proposed mast would be adjacent to an existing roundabout, its visual prominence would be mitigated by the presence of existing trees on either side which form part of a larger amenity woodland area. These existing trees would allow for the proposed mast to be partly screened and assimilated into the street scene.

10.5 As the existing mast is not externally treated (i.e. through colour finishing) it is not considered necessary that the proposed replacement mast be treated in view of its nominal increase in dimensions.

10.6 The proposed additional telecommunications cabinet would not appear visually prominent in the street scene, due to the siting of the cabinet within an existing compound set away from the highway some 25 metres.

10.7 Trees subject to TPO 106 adjoin the site. The proposed cabinet would be sited on existing hardstanding, however the proposed mast would be sited closer to existing trees to the south. Although the proposed mast would occupy a small ground area, further tree protection details have been requested in order to fully assess the impact of the proposal on protected trees. The assessment of this will be included in the Supplementary Report.

10.8 Given the relocation of the replacement mast in an alternative location to that of the existing mast, a planning condition would be required in the event of prior approval being granted for the replacement mast that the existing mast is removed once the new mast is operational.

10.9 It is therefore considered that the development would not result in an adverse impact on the character and appearance of the area, including its Green Belt setting, in accordance with CSDPD Policy CS7, BFBLP 'Saved' Policies EN20 and SC4, and the NPPF, subject to tree protection details.

## **ii IMPACT ON RESIDENTIAL AMENITY**

10.10 It is not considered that the proposed mast and associated equipment cabinet would have a detrimental impact on neighbouring properties within Draycott to the west, considering the separation distance of 17.5 metres to the rear boundaries of these properties

(at the shortest point), the presence of the intervening highway of Savernake Way, and the presence of the existing mast.

10.11 Furthermore it is not considered that the proposal would have a detrimental impact on the residential properties to the east within East Stratton Close, as it would be significantly screened by existing trees.

10.12 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' Policy EN20 and the NPPF.

### **iii. IMPACT ON HIGHWAY SAFETY**

10.13 Savernake Way is a residential distributor road which is subject to a 30 miles per hour speed limit.

10.14 The Highway Officer has been consulted on the proposal, and advises that as the proposed mast would be 0.8 metre higher and 0.1 metres wider in diameter than the existing mast, it is not considered that it would result in an adverse impact on highway safety. Furthermore, no risk to highway safety has been evidenced through the siting of the existing mast.

10.15 The mast would be relocated southwards, resulting in it being sited further away from the neighbouring footway to the north, and from the roundabout.

10.16 It is noted that two previous applications on the site for telecommunications masts were refused in 2005 (references 05/00207/RTD and 05/00873/RTD), on grounds of impacts on highway safety. However, application 05/00873/RTD was allowed at appeal on the grounds that the development would not have resulted in an adverse impact on highway safety as to have justified the refusal of the application, and this forms a significant material consideration. The Highway Officer has taken a view consistent with this appeal decision.

10.17 The proposed additional cabinet would be sited at the back of the adjoining footpath in line with existing cabinets.

10.18 The Highway Officer advises that the applicant seek consent from the Council's Traffic Manager for conducting any works that may be required on the public highway. The applicant is to be advised of this by way of informative.

10.19 It is therefore considered that the development would not result in an adverse impact on highway safety, in accordance with CSDPD Policy CS23 and the NPPF.

### **iv. HEALTH IMPLICATIONS**

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

10.21 The ICNIRP is an independent scientific body which has produced an international set of guidelines for public exposure to radio frequency waves.

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

10.23 It is therefore considered that there are no grounds for refusal of the proposal based on perceived health risks, and as a result the proposal complies with the NPPF.



## **v. NEED**

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

10.25 However, para. 46 of the NPPF states that 'Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, [or] question the need for the telecommunication systems'.

10.26 The applicants have outlined the need to provide improved telecommunications services in this location in sections 6.6 and 10.1 of this report. However, the issue of need is not a planning consideration and therefore in this respect 'Saved' Policy SC4 is inconsistent with national policy.

## **vi. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

10.27 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.

10.28 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. In this case the proposal is not CIL liable as it would not constitute the creation of internal floor space.

## **11. CONCLUSIONS**

11.1 It is considered that the proposal would not result in an adverse impact on the character of the surrounding area, the amenity of the surrounding properties, on highway safety, or on public health. 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' Policy EN20, and the NPPF. With regard to 'Saved' Policy SC4 limited weight is given to this policy for the reason given in section 10.26 of the report.

## **12. RECOMMENDATION**

That the application be delegated to the Head of Planning to grant Prior Approval following the expiration of the consultation period for the siting and appearance of the development subject to compliance with 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 16 October 2015:

BRF003 -001 Rev. B 'Site Location'  
BRF003 -002 Rev. B 'Proposed Site Plan'  
BRF003 -003 Rev. B 'Proposed Elevation A'  
BRF003 -004 Rev. B 'Antenna Details & Config'

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

02. The existing 11.7 metre high mast shall immediately be removed following the installation of the replacement mast hereby permitted once it is operational.

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

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

Informative(s):

01. The applicant is advised to seek consent from the Council's Traffic Manager for any works on the highway. The Traffic Manager can be contacted at the Environment Department, Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 352000.
02. The applicant is advised that consideration should be given to the use of anti-graffiti paint on the proposed cabinet.
03. The National Joint Utilities Group (NJUG) publish clear guidance on the work methods required to minimise damage to trees in the execution of excavations and works of the type required by the installation of phone masts. The publications are available as free downloads from the following website: [www.njug.org.uk/category/3/pageid/5/](http://www.njug.org.uk/category/3/pageid/5/)  
These standards should be applied to the execution of approved works.

Doc. Ref: Uniform 7/DC/Agenda

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

**ITEM NO:**

Application No.  
**15/01060/RTD**  
 Site Address:

Ward:  
 Bullbrook

Date Registered:  
 23 October 2015

Target Decision Date:  
 17 December 2015

**Telecommunications Mast (T-Mobile 51470) London Road Bracknell Berkshire**

Proposal: **Replacement of 12M phase 3 monopole with 12M phase 4 monopole and additional equipment cabinet.**

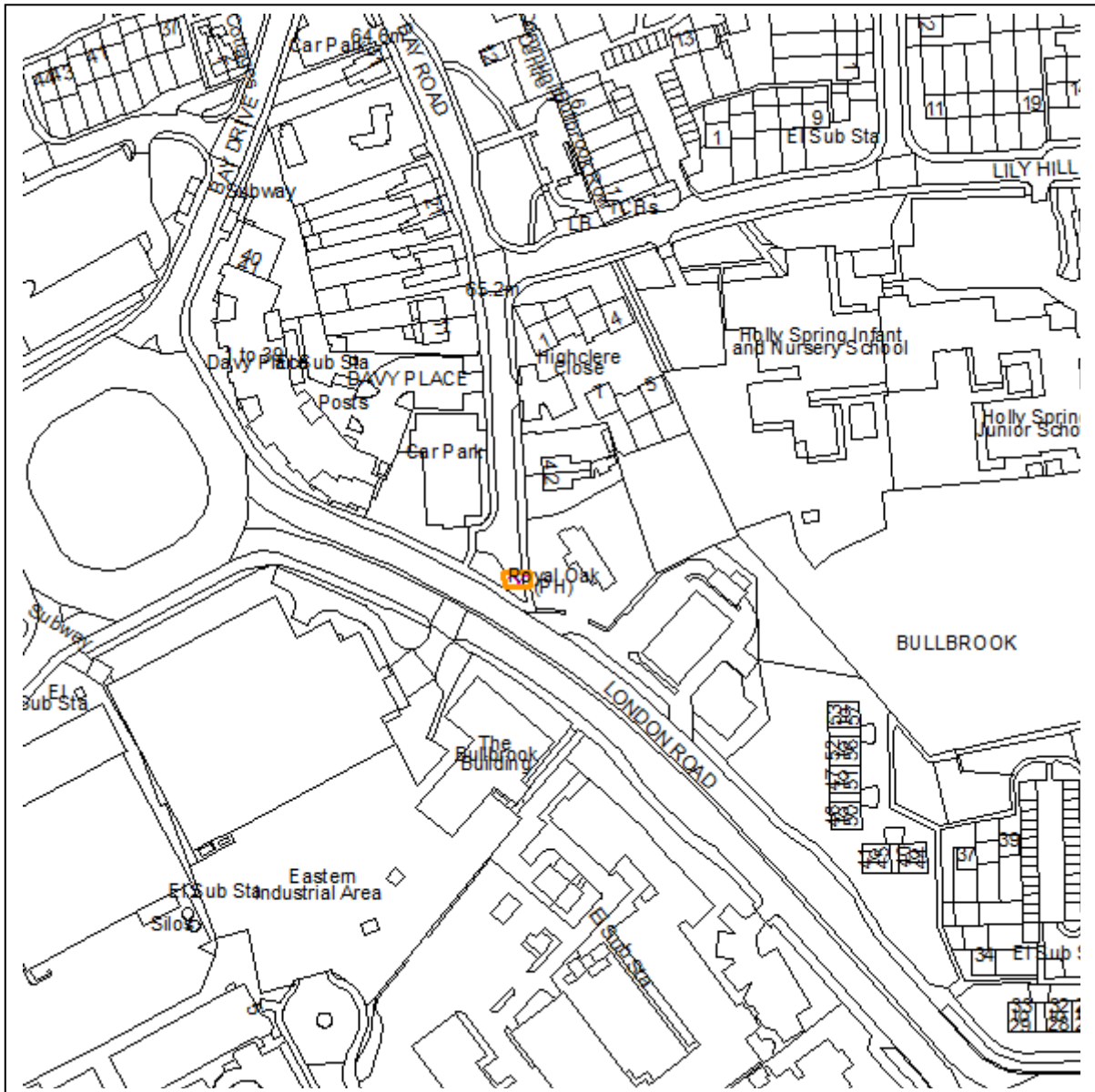
Applicant: H3G and EE Ltd

Agent: JN Planning Consultants

Case Officer: Sarah Horwood, 01344 352000

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

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



## **OFFICER REPORT**

### **1. SUMMARY**

1.1 Prior Approval is sought for a 12 metre high telecommunications mast to replace an existing 12m metre high mast. 1 no. additional cabinet is also proposed. The replacement mast and additional cabinet would provide improved 2G and 3G coverage for the EE and H3G network and also provide 4G coverage.

1.2 The proposed replacement mast would not have an adverse impact on the character of the surrounding area and would not adversely impact upon the amenity of the neighbouring properties. Further, there would be no adverse impact to highway safety. There are no grounds for refusal based on perceived health risks.

1.3 It is therefore recommended that prior approval be granted for the replacement mast and cabinet.

<b>RECOMMENDATION</b>
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Delegate to the Head of Planning to grant Prior Approval as per the recommendation in Section 12 of this report following the expiration of the consultation period.
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### **2. REASON FOR REPORTING APPLICATION TO COMMITTEE**

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

### **3. PERMITTED DEVELOPMENT RIGHTS FOR TELECOMMUNICATIONS DEVELOPMENT**

3.1 Class (a) A, Part 16, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 deals with permitted development for telecommunications development.

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

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

(c) in the case of the alteration or replacement of an existing mast (other than on a building or other structure, on article 2(3) land or on any land which is, or is within, a site of special scientific interest)-

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

(aa) exceed a height of 20 metres above ground level

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

3.3 The proposed replacement mast would not exceed 20m and as such the mast complies with this. The GPDO also allows for cabinets where they do not exceed 1.5sqm. The ground area of the proposed additional cabinet would be under this size criteria.

3.4 Due to the close proximity of the replacement mast and additional cabinet to the highway, it is considered necessary to assess their siting in terms of highway safety and as such Prior Approval is required to ensure that there is no detrimental impact upon highway safety.

#### 4. PLANNING STATUS AND SITE DESCRIPTION

<b>PLANNING STATUS</b>
Land within defined settlement

4.1 The application site is located to the north of London Road, close to the Royal Hunt public house. The existing mast and associated equipment are located on an area of grass between London Road and Bay Road.

4.2 There are residential properties to the north, north-east and north-west of the site. To the east is a BP filling station and to the south is the Bullbrook Building and a Honda car sales showroom.

4.3 The nearest school to the site is Holly Spring Infant and Nursery School and Junior School on Lily Hill Road. The replacement mast would be sited some 100m from the school building at the closest point.

#### 5. RELEVANT SITE HISTORY

5.1 07/00539/RTD approved for erection of 11.7m high monopole with integral antennae and associated equipment cabinets (July 2007).

#### 6. THE PROPOSAL

6.1 This application seeks prior approval to erect a 12m high phase 4 monopole sited in the same position as the existing monopole. The proposed replacement monopole would be galvanised steel in colour and the antenna shroud would be grey in colour. 1no. additional Pagona cabinet is proposed which would be 0.77m wide x 0.77m deep x height of 2.1m. The cabinet would be green in colour.

6.2 The proposed antenna would be located on the same bearings as the existing antenna.

6.3 The proposed mast would be upgraded to provide improved 2G and 3G coverage for the EE and H3G network and also provide 4G (fast service) data.

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

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

#### 7. REPRESENTATIONS RECEIVED

##### Bracknell Town Council:

7.1 No comments received at time of writing.

##### Other representations:

7.2 No representations have been received at time of writing.

7.3 Officer Comment: The consultation period expires on 16 November 2015. Any further comments received past the deadline of the Committee Report will be included on the Supplementary Report. The application will then be delegated to the Head of Planning in

view of any comments received between the Planning Committee of 12 November and the 16 November deadline.

## 8. SUMMARY OF CONSULTATION RESPONSES

Highway Officer

8.1 No objection.

## 9. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

9.1 The key policies and guidance applying to the site are:

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Transport and highway safety	CS23 of CSDPD	Consistent
Telecommunications provision	Saved policy SC4 of BFBLP	Not consistent in terms of need
<b>Supplementary Planning Documents (SPD)</b>		
None		
<b>Other publications</b>		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		

## 10. PLANNING CONSIDERATIONS

10.1 The key issues for consideration are:

- i. Impact on character and appearance of the area
- ii. Impact on residential amenity
- iii. Impact on highway safety
- iv. Health implications
- v. Need
- vi. Community Infrastructure Levy

### i. IMPACT ON CHARACTER AND APPEARANCE OF AREA

10.2 The replacement mast would be sited in the same location as the existing mast which has been in situ since 2007 and would be the same height as the mast it would replace at 12m. Based on these parameters, the replacement mast would not result in additional harm to the visual amenities of the surrounding area over and above that of the existing mast. Further, the replacement mast would be the same colour as the existing mast which would also mitigate its visual prominence in the street scene.

10.3 The replacement mast would be 0.2m wide on the column itself, with the antenna shroud being 0.5m wide. The mast would be mounted on a diplexer cabinet which would be 0.6m wide. Given the height and siting of the replacement mast would not differ to that of the existing mast along with the replacement mast being the same colour as that of the existing mast, any increase in width of the mast would not appear so prominent in the street scene and the replacement mast would remain slim-line in design.

10.4 The mast is located on a heavily trafficked 'A' road with numerous street furniture including street lighting columns, bus stop and another telecommunications monopole to the south-east of the mast subject to this application which is approximately 15m high. There are a mix of uses within the immediate area, including residential, businesses, a public house and offices. Given the mix of uses in the area, the replacement mast would not detract from the character of the area.

10.5 1no. additional cabinet is proposed along with the retention of existing cabinet. The additional cabinet would not appear visually cluttered to the detriment of the surrounding area when viewed in conjunction with the existing cabinets on site. The additional cabinet would be painted green to match the existing cabinets on site.

10.6 A replacement telecommunications mast is required to improve and upgrade existing network coverage. No alternative sites have been considered in view of the proposal being an upgrade to an existing site.

10.7 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 EN20 and SC4, and the NPPF.

## **ii IMPACT ON RESIDENTIAL AMENITY**

10.8 The replacement mast and additional cabinet would be sited some 15m from the Royal Hunt PH to the north-east, 35m from nos. 2 and 4 Bay Road, 55m from the flatted development at Davy Place to the north-west and some 30m from the Bullbrook Building to the south. In view of these separation distances to the nearest residential dwellings and existing business premises, along with the height of the replacement mast being the same height as the existing mast and being sited in the same location as the existing mast, the proposed replacement mast and additional cabinet would not have a detrimental impact to the residential amenities of surrounding dwellings and businesses. Further, the proposed antenna would be located on the same bearings as the existing antenna.

10.9 It is therefore considered that the development would not result in an adverse impact on the amenity of neighbouring properties or businesses in accordance with BFBLP 'Saved' Policy EN20 and the NPPF.

## **iii. IMPACT ON HIGHWAY SAFETY**

10.10 This existing site is on London Road, but can be accessed off Bay Road, an adopted highway with a turning area.

10.11 This like-for-like replacement mast would not result in risks to highway safety. The new pole would be in the same position as the existing pole which would be removed.

10.12 A new cabinet is proposed and this would be sited on the verge in line with existing cabinets. This would not affect access or highway safety.

10.13 There would be no changes to current routine maintenance arrangements arising from this proposal.

10.14 It is therefore considered that the development would not result in an adverse impact on highway safety, in accordance with CSDPD Policy CS23 and the NPPF.

## **iv. HEALTH IMPLICATIONS**

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

10.16 The ICNIRP is an independent scientific body which has produced an international set of guidelines for public exposure to radio frequency waves.

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

10.18 It is therefore considered that there are no grounds for refusal of the proposal based on perceived health risks, and as a result the proposal complies with the NPPF.

#### **v. NEED**

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

10.20 However, para. 46 of the NPPF states that 'Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, [or] question the need for the telecommunication systems'.

10.21 The applicants have outlined the need to provide improved telecommunications services in this location. However, the issue of need is not a planning consideration and therefore in this respect, 'Saved' Policy SC4 is inconsistent with national policy.

#### **vi. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

10.22 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.

10.23 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. In this case the proposal is not CIL liable as it would not constitute the creation of internal floor space.

### **11. CONCLUSIONS**

11.1 It is considered that the proposal would not result in an adverse impact on the character of the surrounding area, the amenity of surrounding properties/businesses, on highway safety, or on public health. 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' Policy EN20, and the NPPF. With regard to 'Saved' Policy SC4 limited weight is given to this policy for the reason given in paras. 10.19 to 10.21 of this report.

### **12. RECOMMENDATION**

12.1 Delegate to the Head of Planning to grant Prior Approval following the expiration of the consultation period for the siting and appearance of the development subject to compliance with the following conditions:

1. Drawing no. BRF005 01 Rev A received by Local Planning Authority on 23 October 2015



Drawing no. BRF005 002 Rev A received by Local Planning Authority on 23 October 2015  
Drawing no. BRF005 003 Rev A received by Local Planning Authority on 23 October 2015  
Drawing no. BRF005 004 Rev A received by Local Planning Authority on 23 October 2015

2. The 1no. additional cabinet hereby approved shall be painted Green RAL 6009.

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

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

Informative

1. The applicant is advised to seek consent from the Council's Traffic Manager for any traffic management works. The Traffic Manager can be contacted at the Environment Department, Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 352000.

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**PLANNING COMMITTEE**  
**12<sup>th</sup>. November 2015**

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**CONFIRMATION OF TREE PRESERVATION ORDER (TPO 1192)**  
**‘LAND AT THE ROYAL HUNT PUBLIC HOUSE, NEW ROAD, ASCOT – 2015’.**

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

**1. PURPOSE OF DECISION**

- 1.1 Under section 198 of the Town and Country Planning Act 1990 and section 200 of Town & Country Planning (Tree Preservation) (England) Regulations 2012 the Council has made a Tree Preservation Order (TPO) to retain and protect trees that are assessed to be of public amenity value and were judged to be at expedient risk of removal or other adverse affect. Objections have been raised and they are the subject of this Committee report.

**2. RECOMMENDATION**

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

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

3.1. Borough Solicitor

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

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

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

3.2. Borough Treasurer

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

3.3. Equalities Impact Assessment

3.3.1. Not applicable

3.4. Strategic Risk Management Issues

3.4.1. Not applicable

### 3.5. Other Officers

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

## 4. **BACKGROUND**

- 4.1. Following submission of Planning Application 15/00349/FUL to extend the existing property, construct additional parking and create a new access, which requires the removal of trees considered to be important to the landscape character and appearance of the area, Tree Preservation Order 1192 was served on 18 June 2015 to protect the most important trees within the site.
- 4.2. Two notable existing individual trees, namely a semi mature Scots Pine (TPO plan ref T1) and semi mature Sycamore (TPO plan ref T2), proposed for removal, were viewed and assessed for their amenity impact using a system to evaluate the suitability of trees for a TPO. This system is based on factors that assess: -
  - Their health & condition
  - Their remaining longevity
  - Their relative public visibility
  - Specialist considerations such as 'veteran' status, historical interest etc.
  - The known (or perceived) 'threat' to their health & condition or existence
  - The impact of the trees on the landscape
  - Special factors such as proximity and orientation to the nearest habitable structure.
- 4.3. These factors follow criteria based on government guidance and 'best-practice' and the assessment system follows policy developed by the Tree Policy Review Group (2007). The assessment gives a value that informs the Tree Service in considering whether or not to make a TPO.
- 4.4. Once the new TPO is served, affected residents/ land owners have 28 days in which to make representation to the Council. Objections can be made on any grounds; if objections are duly made, the Local Planning Authority cannot confirm the TPO unless those objections have first been considered.

## 5. **DETAILS OF OBJECTOR'S COMMENTS**

5.1 Following service of the Order, the Council has received one letter of objection from Eco Urban Ltd (Arboricultural Consultant) on behalf of PLC Architects (representatives of the site owners), dated 9 July 2015, on the following grounds. The issues raised relate primarily to the public amenity value of the trees and include the following: -

- T1 Scots Pine is relatively small in size. It is set back into the site from the New Road pavement by approximately 30m. The tree does not appear to be visible from the highway, apart from when you are stand directly in front of the access into the site. The tree is barely visible from a single vantage point in King Edwards Road, being positioned between a house and an existing offsite tree. In addition, the tree appears to be only partially visible from the residential scheme to the north-west of the site. As such it is considered that the tree has limited public amenity value.
- T2 Sycamore - is also quite small in size and appears to be a self-sown specimen. It is visible in King Edwards Road, but only in the vicinity of the nearby road Junction. This tree cannot be seen from any other locations in the public

realm. Whilst the tree is visible in King Edwards Road when you stand directly in front of it, for the most part it is obscured/buffered in terms of longer views in the road by the position of the large Birch tree to its south and another poor quality sycamore to the north of its position

- As such both trees are considered to have limited public amenity value.
- Trees should only be considered for protection if their loss would have a significant impact on the local landscape and its enjoyment by members of the public. This is because the imposition of a TPO places significant restrictions on a landowner's right to manage land and property without interference by third parties. It is therefore felt that the amenity afforded by any protected tree has to be so great that this outweighs the land management restrictions suffered by the tree owner. In this instance, it is considered that neither of the trees is sufficiently valuable enough to be included in a TPO and indeed if they were to be removed, their size/positioning suggests that their loss would have limited landscape or amenity implications.
- The TPO appears to have been served in response to the recent planning application on the site (Reference 15/00349/FUL) for a side and rear extension to the existing property. The protection of the two trees and prohibition on their removal to facilitate the development is likely to inhibit the scheme from going ahead in its current form. In the objector's experience, the placing of TPOs on trees that do not warrant protection in order to resist planning applications only leads to resentment and invariably increases the propensity for pre-emptive tree felling on future sites.

## **6. CONSIDERATION OF ISSUES**

- 6.1. The site and its trees were brought to the attention of the Tree Service as a result of a planning application (15/00349/FUL). The trees were assessed in accordance with legislation and guidance as described in section 4.1 & 4.2 of this report. In doing so it was possible to view and assess the trees in detail from various perspectives. The results of this assessment confirmed that the trees merited protection.
- 6.2. Based on the objector's own submission's, which include photos of the trees together with the Tree Service's own assessment, both trees are clearly visible from several public vantage points along King Edwards Road and also from New Road. As such both trees contribute to the visual amenity of the area and satisfy key criteria in considering the protection of these trees.
- 6.3. Both trees are currently semi mature specimens at approximately 11 metres in height. They are in general good health & condition and considered to be sustainable in their present growing environments. On this basis, both specimens are considered to make a significant and valuable contribution to the present landscape character and appearance of the area.
- 6.4. This contribution is likely to be further enhanced in the long term as the trees continue to mature. The protection of such specimens is an integral and fundamental objective of the Tree Preservation Order process, in the interests of helping to safeguard both the present and future amenity of the area.
- 6.5. The objection to the inclusion of T2, on the basis that its amenity value is compromised due to the presence of an adjacent tree to the North, is undermined by the applicant's own acknowledgment that this particular tree is of poor quality. Therefore the visual amenity of T2, will only be enhanced should this poor quality tree continue to decline or be removed. Another tree referred to in the objection, a Silver Birch located in the

front garden of the property to the East, has no significant impact in terms of obscuring the contribution and prominence of T2 in the street scene.

- 6.6. Under the above circumstances objections on the grounds that the trees have limited amenity value are not considered to be supported by any compelling evidence.
- 6.7. Protection of important trees in relation to the development process is a standard and a responsibility of Local Authorities under section 197 of the Town & Country Planning Act 1990. The protection of these trees, given current development pressures, is also supported by the following government best practice guidance.

*Extract Tree Preservation Orders and trees in conservation areas - Planning Practice Guidance\_ID 36-010-20140306*

*'It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.'*

- 6.8. The proposed removal of these trees as part of the current planning application, highlights the existing development pressures and endorses the importance of their protection to ensure they are carefully considered as a part of the planning application process. It is also considered important to help ensure longer term protection in the event that any development proposals on this property are considered unsuitable.
- 6.9. It is important to highlight that under the legislation protecting these specimens, the tree owner has the right to make an application to fell or prune protected trees as part of their management & maintenance. Furthermore in the event that the Council were to refuse to grant consent to carry-out any works that might be applied for, the owner has a right of appeal to the Secretary of State. Therefore setting aside the owner's development aspirations for the site (which are being considered as part of 15/00349/FUL) and in the absence of any planning consent, the protection of these trees is not considered to place unreasonable or onerous restrictions in managing these trees in accordance with good arboricultural practice.

## **7. CONCLUSION**

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

End of Report

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