



NOTICE OF MEETING

Planning Committee

Thursday 21 January 2016, 7.30 pm

Council Chamber, Fourth Floor, Easthampstead House, Bracknell

To: The Planning Committee

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

ALISON SANDERS
Director of Corporate Services

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Published: 12 January 2016



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Thursday 21 January 2016, 7.30 pm
Council Chamber, Fourth Floor, Easthampstead House,
Bracknell

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AGENDA

Page No

1. **Apologies for Absence**

To receive apologies for absence.

2. **Minutes**

To approve as a correct record the minutes of the meeting of the Committee held on 17 December 2015.

5 - 34

3. **Declarations of Interest**

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

4. **Urgent Items of Business**

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

PLANNING APPLICATIONS

(Head of Development Management)

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

5. **PS Application 15/00440/FUL The Waterloo Hotel, 99 Dukes Ride, Crowthorne**

Demolition of existing buildings and redevelopment to form 51 Assisted Living apartments (C2 use) for frail older persons including communal facilities, parking provision and associated landscaping.

39 - 58

6. **PS Application 15/01137/T Unit 7, Forest Park Business Units, 22 Horndean Road, Bracknell**
Change of use of an existing office (Class B1A) to a place of worship (Class D1). 59 - 68
7. **Application 15/00567/FUL 10 Lyndhurst Close, Bracknell**
Erection of part two storey, part single storey front and side extensions and formation of basement, following demolition of front and side elements of the dwelling (part retrospective). 69 - 78
8. **Application 15/00856/FUL 33 Saffron Road, Bracknell**
Conversion of existing garage into habitable accommodation, erection of a first floor extension, external alterations to enable sub-division of existing four bedroom dwelling to create 1no. three bedroom and 1no. two bedroom dwellings. 79 - 90
9. **Application 15/00923/FUL 5 Kings Ride, Ascot**
Change of use from storage and distribution (ClassB8) to research and development (Class B1b) and light industrial (class B1c) use. Installation of new mezzanine floor. 91 - 98
10. **Application 15/01041/FUL The Gold Cup, 102 Fernbank Road, Ascot**
Erection of 5No. residential dwellings following the demolition of the existing buildings. 99 - 116
11. **Confirmation of Tree Preservation Order (TPO 1193), Land at 38 Isis Way, Sandhurst GU47 9RD - 2015**
The Committee is asked to approve the Confirmation of this Tree Preservation Order. 117 - 120
12. **Confirmation of Tree Preservation Order (TPO 1200), Land Fronting London Road and Adjoining Allsmoor Lane 2015**
The Committee is asked to approve the Confirmation of this Tree Preservation Order. 121 - 124

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**PLANNING COMMITTEE
17 DECEMBER 2015
7.30 - 9.35 PM**



Present:

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

Also Present:

Councillors King and Turrell.

Apologies for absence were received from:

Councillors Mrs Hayes MBE and Mrs McKenzie

93. Minutes

RESOLVED that the minutes of the meeting of the Committee held on 12 November 2015 be approved as a correct record and signed by the Chairman.

94. Declarations of Interest

Councillor Mrs McKenzie Boyle declared that she had an affected interest in item 13: Application 15/00955/FUL 6 Sherring Close. She stated that she would be leaving the room for the duration of this item.

95. Urgent Items of Business

There were no items of urgent business.

96. Application 15/00445/FUL - 77-79 Deepfield Road, Bracknell

Erection of 7no 3 bed and 2no 4bed houses and 1 no 3 bed chalet bungalow at 77-79 Deepfield Road and land to the rear of 73-75 and 81-87 Deepfield Road and the creation of a new access road following demolition of 77 and 79.

This application was withdrawn.

97. Application 15/00718/FUL Jomar, 60 College Road, College Town

Erection of 4 no 3 bed semi detached dwellings with associated access and parking.

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- The comments of Sandhurst Town Council
- Seven objections were received summarised as follows:
 - Detrimental effect on the area (The Breech), which is currently a quiet location looking onto a green;

- Impact on character of the area;
- Overlooking, overshadowing and overbearing impacts to neighbouring properties;
- Impact on trees;
- Access road will cut through the green;
- Flooding;
- Traffic, parking and access;
- Road safety;
- Out of character with surrounding properties due to building line and shared parking area;
- Noise and disturbance to The Breech;
- Pedestrian safety;
- Biodiversity.

It was **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 no objection from the Environment Agency and 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 received by the Local Planning Authority on 15 July 2015:

2205 02 Plans and elevations, Plots 1 and 2, received 15 July 2015

2205 03 Plans and elevations, Plots 3 and 4, received 15 July 2015

2205 04 B Site Plan, received 24 September 2015

Arboricultural Impact Assessment and Method Statement, prepared by ACD Arboriculture, dated 24.07.2015, received 24 July 2015

Extended Phase 1 Habitat Survey Ref:1215/a, prepared by John Newman ecological consultancy and dated September 2015, received 22 October 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 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 proposed bathroom window in the northern (side) elevation of the dwelling on plot 1 hereby permitted shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent).

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

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional windows, similar openings or enlargement thereof shall be constructed in the first floor of the northern (side) elevation of house 1 hereby permitted except for any which may be shown on the approved drawing(s).

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

06. All ecological measures and/or works shall be carried out in accordance with the details contained in John Wenman Ecological Consultancy's report dated September 2015 as submitted with the planning application.

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

07. The development hereby permitted (including initial site-clearance) shall not be begun until a detailed scheme, and programme for its implementation for the protection of existing trees in accordance with British Standard 5837:2012 'Trees In Relation To Construction Recommendations' (or any subsequent revision), has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include proposals for the phasing of its implementation so that protection is provided from the commencement of demolition or site clearance works (whichever is the sooner), through to the construction works and the completion of hard landscaping works. The submitted scheme shall include the following:

- a) Accurate trunk positions and canopy spreads of all existing trees
- b) Minimum 'Root Protection Areas' of all existing trees
- c) Plans of a minimum scale of 1:200 showing the proposed locations of protective barrier/s, constructed in accordance with Section 6 (Figures 2 or 3) of BS 5837:2012, to include appropriate weatherproof tree protection area signage (such as "Keep Out - Construction Exclusion Zone") securely fixed to the outside of the protective fencing structure at regular intervals.
- d) Proposed ground protection measures in accordance with Section 6 (Figure 3) of BS 5837:2012.
- e) Annotated minimum distances between fencing and trunks of retained trees at regular intervals.
- f) Illustration/s of the proposed fencing structure/s to be erected.

The development shall be carried out in accordance with the approved scheme and programme.

REASON: In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area.
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

08. 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 dwellings 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]

09. 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]

10. 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]

11. 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]

12. No dwelling shall be occupied until vehicular access as shown on drawing 2205 04B has been constructed.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

13. 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]

14. 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 dwellings 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 M9, Core Strategy DPD CS23]

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

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. No construction shall take place until details of a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the proposed slab levels shall be set at minimum of 450mm above local ground level. It shall also demonstrate that any surface water from the development shall be attenuated to greenfield runoff rates, using SuDS where possible in accordance with DEFRA "Sustainable Drainage Systems - Non-statutory technical standards for sustainable drainage systems" (March 2015) and with a minimum of 21m³ storage.

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]

In the event of the S106 agreement not being completed by 25 February 2016, the Head of Planning be authorised to extend this period or 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).

98. **PS Application 15/00826/OUT The Hideout, West Road, Wokingham**

Outline application for the erection of 112 no. dwellings (Class C3), family respite, family treatment and outreach hub (Class C2/D1 Use), open space, SANG, new footpaths and new vehicular access off Old Wokingham Road.

A site visit had been held on Saturday 12 December 2015 which had been attended by Councillors Brossard, Dudley, Hill, Mrs Ingham, Mrs McKenzie-Boyle, Peacey and Thompson.

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- The comments of Crowthorne Parish Council and Wokingham Without Parish Council raising objections to the proposed development.
- Objections from Crowthorne Village Action Group and 36 letters of objection raising concerns around:
 - traffic, parking, air pollution, loss of woodland and local wildlife
 - pressure on local services
 - location inappropriate
 - further reduction of the green gap between Bracknell and Crowthorne
- 117 letters of support raising the following points:

The criteria for public speaking had been met in respect of this application and the Committee was addressed by the registered speakers Andy Holly representing the Crowthorne Village Action Group and Jane Gates, representing the applicant.

The Committee expressed concern around; the sustainability of the proposed development, the proposed location being outside existing settlement boundaries, the proximity of the sewerage treatment works, vehicular and pedestrian access/safety and drainage. The Committee also expressed disappointment that the applicant had failed to engage with the local authority on any of these issues and that the proposed development contravened numerous of the Council's planning policies.

In accordance with the Council's Constitution Part 4, a recorded vote was requested:

Councillors Angell, D. Birch, Finnie, Heydon, Hill, Mrs Ingham, Mrs Mattick, Mrs McKenzie-Boyle, Peacey, Mrs Phillips, Skinner, Thompson, Worrall, Dudley and Brossard voted in favour of the recommendation in the report proposing that the application be refused.

Councillor Mrs Angell voted against the recommendation in the report.

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

1. The proposed development would be poorly located with regard to services and facilities with inadequate accessibility to non-car borne modes of transport which would leave future residents with no real choice about how they travel. The proposal is therefore not sustainable development and the application is contrary to Core Strategy Development Plan Document Policies CS1, CS7 and CS23, Bracknell Forest Borough Local Plan Policy EN20 and the NPPF.
2. The proposed location of the proposal within a defined gap outside and not adjoining the settlement boundaries is considered to adversely affect the physical and visual separation of the two settlements and the character, appearance and function of the land. The proposal is therefore considered to be contrary to Policies CS9, CS1 and CS7 of the Core Strategy Development Plan Document, supported by the Landscape Character Area Assessment 2015.
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 is 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).
4. In the absence of a planning obligation to secure affordable housing in terms that are satisfactory to the Local Planning Authority, the proposal is contrary to Policy H8 of the Bracknell Forest Borough Local Plan, Policies CS16 and CS17 of the Core Strategy Development Plan Document, the Planning Obligations SPD and the resolution on affordable housing made by BFC Executive on 29 March 2011.
5. The applicants have failed to demonstrate to the satisfaction of the Local Planning Authority that the impact of the odour from the adjoining sewage treatment plant would not detrimentally affect the amenities of future occupiers of the site in accordance with Policy EN20 of the Bracknell Forest Borough Local Plan supported by paragraph 17 of the National Planning Policy Framework.
6. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the proposed pedestrian and vehicular access would provide a safe access for all users into the site resulting in inadequate connections onto the wider road network and a severe highway danger to users of the highway. This is contrary to Policy CS23 of the Core Strategy Development Plan Document, supported by paragraph 32 of the National Planning Policy Framework.

7. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the additional traffic flows created by the proposal would not result in a severe impact on the capacity and safety of junctions within the area and the wider road network. The proposal is therefore contrary to Policy CS23 of the Core Strategy Development Plan Document supported by paragraph 32 of the National Planning Policy Framework.
8. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the site can be effectively drained through the use of a sustainable drainage system thereby increasing the risk of flooding in the locality of the site. In addition the proposed sustainable drainage strategy has not demonstrated that the proposed solution is economically proportionate to the lifetime of the development. The proposal is therefore contrary to Paragraph 103 of the NPPF, the guidance contained within Planning Practice Guidance and Ministerial Statement HCWS161 on Sustainable Drainage Systems.

99. **Application 15/00836/A Daruchini, Forest Road, Binfield**

Display of 4 no. illuminated fascia signs, 1 no. non illuminated projecting sign, 4 no. non illuminated poster signs, 4 no. non illuminated window signs and 1 no. replacement illuminated hanging sign on existing totem at the front of the site.

A site visit had been held on Saturday 12 December 2015 which had been attended by Councillors Brossard, Dudley, Hill, Mrs Ingham, Mrs McKenzie-Boyle, Peacey and Thompson.

The Committee noted:

- The comments of Binfield Parish Council recommending refusal.
- Nine objections which can be summarised as follows:
 - Impact on the neighbouring residential properties through light pollution.
 - The signage would be excessive and not in keeping with other businesses on the road.
 - Insufficient parking

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

01. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
02. No advertisement shall be sited or displayed so as to:
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
03. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

04. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
05. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
REASON: Standard conditions 1-5 are imposed in accordance with Schedule 2 of the Town and Country Planning (Control of Advertisements) Regulations 2007.
06. The advertisement hereby granted consent shall be displayed in accordance with the following approved plans received by the Local Planning Authority on 27 August and 3 September 2015:
001-FRB-101 (C)
001-FRB-102 (C)
001-FRB-103 (C)
001-FRB-104 (C)
001-FRB-105 (C)
001-FRB-107 (C)
001-FRB-108 (C)
REASON: To ensure that the consent is carried out only as approved by the Local Planning Authority.
07. The illumination level of the illuminated advertisements hereby granted consent shall not exceed 200 cd/sqm.
REASON: In the interest of the character and appearance of the area.
[Relevant Policies: BFBLP 'Saved' Policy EN20, CSDPD CS7].
08. The signage hereby permitted shall not be illuminated before 06.00 hours or after 23.00 hours at any time.
REASON: In the interests of the amenities of the neighbouring properties.
[Relevant Policy: BFBLP EN20]

100. **PS Application 15/00855/FUL Brackworth, Broad Lane**

Erection of 6 no 2 bedroom and 2 no 1 bedroom flats with associated parking, cycle shed, amenity space, bin store and access following demolition of existing dwelling.

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- That Bracknell Town Council had raised no objections.
- Twelve letters of objection raising concerns around:
 - Overdevelopment of the site.
 - Bulk, scale, height and massing.
 - Out of character with surrounding dwellings.
 - Overlooking and privacy impacts.
 - Overbearing impacts.
 - Loss of light.
 - Broad Lane should not be used to serve parking spaces [*officer note: the revised site plan demonstrates that this access will be closed off*].
 - Increase in traffic on Broad Lane and associated highway safety implications.
 - Safety concerns for pedestrians and cyclists.

- Concerns over visibility from Broad Lane to Larges Bridge Drive.
- Concerns over new access. Access should be from Broad Lane only.
- Noise impacts.
- Loss of green space.
- Impact on water and sewer service.
- Impact on Grade II listed building.
- Evergreen trees should be reinstated.
- Access to Broad Lane should not be closed off.

It was **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 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:
2014/03 rev C: Proposed Elevations (received 27/11/2015)
2014/02 rev E: Proposed Plans (received 03/12/2015)
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

- 03 No development shall take place until 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 dwellings 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, or as may otherwise be agreed in writing

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

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

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

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

The approved scheme shall be implemented and maintained.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

- 07 No development shall take place (including demolition, ground works and site clearance) until a method statement for the sensitive demolition and construction of any buildings on site to avoid the potential of harm to badgers has been submitted to and approved by the Local Planning Authority. The content of the method statement shall include:

- the purpose and objectives for the proposed works
- detailed designs and/or working methods to achieve the stated objectives
- extent and location of the proposed works shown on an appropriate plan
- a timetable for implementation
- details of persons responsible for implementing the works

The works shall be carried out strictly in accordance with the approved details.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

- 08 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]

- 09 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]

10 The development hereby permitted (including any demolition) shall not be begun until details of a scheme of control during 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 – in particular details of noisy equipment or activities and how disturbance will be minimised where there are noise sensitive neighbours
- (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
- (viii) Parking of vehicles of site personnel, operatives and visitors
- (ix) Loading and unloading of plant and vehicles
- (x) Storage of plant and materials used in constructing the development
- (xi) Wheel cleaning facilities
- (xii) 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 (viii) to (xii) above.

REASON: In the interests of the amenity of the area amenity and road safety.

[Relevant Policies: BFBLP EN25 and CS DPD CS23]

11 Prior to the commencement of development, details of any proposed plant, including ventilation/air conditioning/heating systems, including details of location and noise, should be submitted to the Local Planning Authority. No plant equipment shall be installed until details have been approved in writing by the Local Planning Authority.

REASON: in the interests of residential amenities of the area

[Relevant policies: BFBLP EN20 and EN25].

12 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.

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

13 No dwelling shall be occupied until the existing access to the site from Broad Lane 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/vergeshall be retained thereafter.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

14 No dwelling shall be occupied until vehicular access as shown on drawing 2014/02 Rev E has been constructed.

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

- 15 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]

- 16 No dwelling shall be occupied until the associated vehicle parking and turning spaces have 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 thereafter be kept available for parking and turning 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]

- 17 No dwelling shall be occupied until a detailed scheme has been submitted to and approved in writing by the Local Planning Authority for the cycle parking facility. The dwellings 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 M9, Core Strategy DPD CS23]

- 18 The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority for the off site highway works to create the new access and create the new access and undertake footway and verge works adjacent to the site frontage with Larges Bridge Drive. 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]

- 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.

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

[Relevant Policy: Core Strategy DPD CS10]

- 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 carbon emission will be reduced by at least 10% and 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.

21 The access, footpaths and parking areas as shown on the approved plans shall be constructed from permeable concrete block paving.

REASON: To prevent the increased risk of flooding

22 The development hereby permitted shall not be begun until infiltration tests in accordance with BRE Digest 365 have been carried out at the proposed locations and depths of the soakaways and infiltration systems to be used for the development, and the results of such tests have been submitted to and approved in writing by the local planning authority.

REASON: To prevent the increased risk of flooding

23 The development hereby permitted shall not be begun until details for the proposed surface water soakaways and infiltration systems to be used for the approved development, have been submitted to and approved in writing by the local planning authority. Such details shall include:

- Designs and specifications for the soakaways and infiltration systems;
- Calculations for the surface water storage requirements in respect of a 1 in 30 year rainfall event;
- Calculations for the design of the soakaways and infiltration systems in accordance with the infiltration test results submitted pursuant to the approved details of condition 21;
- Geotechnical ground investigation results to show that the proposed soakaways and infiltration systems will function as designed.

REASON: To prevent the increased risk of flooding.

In the event of the S106 agreement not being completed by 25 February 2016, the Head of Planning be authorised to extend this period or 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).

101. Application 15/00856/FUL 33 Saffron Road

Conversion of existing garage into habitable accommodation, erection of a first floor extension, external alterations to enable sub-division of existing four bedroom dwelling to create 1no. three bedroom and 1no. two bedroom dwellings.

This item was deferred to the 21 January 2016 Planning Committee to enable a site visit for Councillors to be undertaken.

102. **PS Application 15/00888/FUL Green Acres, Warfield Road**

The erection of 8 new dwellings with associated garages and parking with the access off existing bell mouth on Atte Lane following demolition of existing outbuilding.

A site visit had been held on Saturday 12 December 2015 which had been attended by Councillors Brossard, Dudley, Hill, Mrs Ingham, Mrs McKenzie-Boyle, Peacey and Thompson.

The Committee noted:

- The comments of Warfield Parish Council, raising a number of concerns.
- Objections were received from 15 households for the original plans. An additional seven letters, from the same households, were received for the revised plans. The issues raised are summarised below:
 - Consultation was not carried out appropriately
 - Maintenance of existing planting
 - Insufficient car parking
 - Concerns that Atte Lane will be used for overspill parking, which would result in congestion and highway safety issues.
 - Congestion on Atte Lane and associated noise and disturbance.
 - Access should be from Warfield Road.
 - Road safety of Atte Lane and surrounding roads.
 - Insufficient visitor parking.
 - Concerns over construction vehicles, dust carts, delivery vehicles, fire engines and ambulances being able to access the site.
 - Overdevelopment of the site.
 - The terraced houses do not have garages and are out of keeping with the surrounding houses.
 - Removal of hedging would affect the character of Atte Lane.
 - There should be replacement planting and landscaping to ensure character and privacy are maintained.
 - The other side of the site is more appropriate for redevelopment.
 - Noise and disturbance to surrounding properties from additional houses.
 - Biodiversity concerns.
 - Security risk and health and safety risk from pathway to the rear of the houses for bin storage.
 - Sets a precedent for high density development on eastern part of Green Acres site.
 - No school places.
 - The design and size of the houses is out of character with the surrounding development.

It was **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 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 received by the Local Planning Authority on 9 November 2015:

P15/32/101/E: Proposed site layout
P15/32/110/D: Plots 1-3 Floor Plans
P15/32/120/A: Plots 1-6 Elevations sheet 1 of 2
P15/32/121/A: Plots 1-6 Elevations sheet 2 of 2
P15/32/210/C: Plot 7 Plans and Elevations
P15/32/310/A: Plot 8 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 proposed bathroom windows in the northern (rear) elevations of the dwellings on plots 2 and 5 hereby permitted shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent).

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional windows, similar openings or enlargement thereof shall be constructed in the first floor of the houses hereby permitted except for any which may be shown on the approved drawing(s).

REASON: To prevent the overlooking of neighbouring property.

[Relevant Policies: BFBLP EN20]

06. No site clearance shall take place during the main bird-nesting period of 1st March to 31st August inclusive.

REASON: In the interests of nature conservation

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

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

The approved scheme shall be implemented and maintained.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

08. The development hereby permitted (including initial site-clearance) shall not be begun until a detailed scheme, and programme for its implementation for the

protection of existing trees in accordance with British Standard 5837:2012 'Trees In Relation To Construction Recommendations' (or any subsequent revision), has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include proposals for the phasing of its implementation so that protection is provided from the commencement of demolition or site clearance works (whichever is the sooner), through to the construction works and the completion of hard landscaping works. The submitted scheme shall include the following:

- a) Accurate trunk positions and canopy spreads of all existing trees
- b) Minimum 'Root Protection Areas' of all existing trees
- c) Plans of a minimum scale of 1:200 showing the proposed locations of protective barrier/s, constructed in accordance with Section 6 (Figures 2 or 3) of BS 5837:2012, to include appropriate weatherproof tree protection area signage (such as "Keep Out - Construction Exclusion Zone") securely fixed to the outside of the protective fencing structure at regular intervals.
- d) Proposed ground protection measures in accordance with Section 6 (Figure 3) of BS 5837:2012.
- e) Annotated minimum distances between fencing and trunks of retained trees at regular intervals.
- f) Illustration/s of the proposed fencing structure/s to be erected.

The development shall be carried out in accordance with the approved scheme and programme.

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

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

09. The protective fencing and other protection measures specified by condition 8 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.

10. 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 dwellings 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]

11. 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.

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.

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

12. 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]
13. 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]
14. No dwelling shall be occupied until vehicular access as shown on drawing P15/32/101-D has been constructed.
REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]
15. The dwellings shall not be occupied until visibility splays of 2.0 metres by 2.0 metres have been provided at the junction of the driveway and the adjacent 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]
16. No dwelling shall be occupied until the associated vehicle parking and turning space has been surfaced and marked out in accordance with drawing P15/32/101-D. 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]
17. 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 dwellings 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 M9, Core Strategy DPD CS23]
18. The garage accommodation shall be retained for the use of the parking of vehicles at all times.
REASON: To ensure that the Local Planning Authority's vehicle parking standards are met.
[Relevant Policy: BFBLP M9]
19. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority, 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.

20. 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]

21. 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 carbon emission will be reduced by at least 10% and 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]

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.

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]

In the event of the S106 agreement not being completed by 25 March 2016, the Head of Planning be authorised to extend this period or 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).

103. **Application 15/00905/FUL Daruchini, Forest Road, Binfield**

Erection of 2 x three bed dwellings on land adjacent to former Daruchini and formation of new access onto Forest Road.

A site visit had been held on Saturday 12 December 2015 which had been attended by Councillors Brossard, Dudley, Hill, Mrs Ingham, Mrs McKenzie-Boyle, Peacey and Thompson.

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- The comments of Binfield Parish Council recommending refusal.
- Five objections from surrounding properties summarised as follows:
 - The development would result in a loss of light and loss of privacy to the properties opposite the site.
 - Loss of privacy to the properties at the rear of the site.
 - Increase in traffic causing a highway safety issue.
 - Lack of visibility due to the hedging at the front causing a highway safety issue.
 - Concern that there would be an overflow of cars to the area, as visitor spaces are not provided.
 - Parking provision being taken away from the community, as the car parking supported the parents of Binfield Primary School for a safe drop off and collection of children.
 - Parking would be reduced for the former Daruchini building.

The Committee agreed to a minor amendment of Condition 9 as set out below and the addition of Condition 18 as detailed below.

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

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.
02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 16 September 2015:
14-2050-151-P2
14-2050-152-P2
14-2050-153-P2
14-2050-154-P2
14-2050-155-P2
14-2050-156-P2
14-2050-157-P2
14-2050-158-P2
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
03. No construction works shall take place until brick and tile samples to be used in the construction of the external surfaces of the development

hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

04. No construction works shall take place until details showing the finished floor levels of the dwelling hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

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

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

05. The first floor landing windows in the side elevations of the dwellings 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 facing side elevations of the dwellings 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. No dwelling shall be occupied until a means of vehicular access has been constructed in accordance with the approved plan site layout.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

08. 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]

09. No dwelling shall be occupied until the associated vehicle parking and turning space has been set out in accordance with the approved drawing. The spaces shall thereafter be kept available for parking and turning 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. No dwelling shall be occupied until secure and covered parking and storage for bicycles and bins has been provided in accordance with the approved drawings.
REASON: In order to ensure bicycle and refuse facilities are provided.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
11. No construction works 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.
REASON: In the interests of amenity and road safety.
[Relevant Policies: BFBLP EN20, M9, Core Strategy DPD CS23]
12. No site clearance shall take place during the main bird-nesting period of 1st March to 31st August inclusive, unless a scheme to minimise the impact on nesting birds during the construction of the development has been submitted to and approved by the Local Planning Authority.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1, CS7]
13. No part of the dwelling shall be occupied until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day, has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the Sustainability Statement, as approved, and retained as such thereafter.
REASON: In the interests of sustainability and the efficient use of resources.
[Relevant Policy: Core Strategy DPD CS10]
14. No construction works shall take place until an Energy Demand Assessment demonstrating that at least 10% of the development's energy requirements will be provided from on-site renewable energy production, has been submitted to and approved in writing by the Local Planning Authority. The dwelling as constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith.
REASON: In the interests of the sustainability and the efficient use of resources.
[Relevant Plans and Policies: CSDPD Policy CS12]
15. 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]

16. 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]

17. 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]

18. No construction shall take place until details of noise attenuation treatment to the proposed western boundary has been submitted to and approved in writing by the Local Planning Authority. The dwelling on Plot 1 shall not be occupied until the noise attenuation treatment has been implemented in accordance with the approved scheme and maintained as such thereafter.

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

[Relevant Policies: BFBLP EN25]

104. **Application 15/00955/FUL 6 Sherring Close**

Erection of two storey side extension with chimney, installation of dormer windows to front and rear and single storey rear extension with provision of balcony and s/s front extension following demolition of existing garage and utility room.

Remove existing roof and provide new roof to main house with two rooms in roof space.

New detached double garage with room over.

Change materials of dwelling to have rendered walls with slate tiled roof.

Councillor Mrs McKenzie Boyle declared that she had an affected interest in this item and left the room for the duration of this item.

A site visit had been held on Saturday 12 December 2015 which had been attended by Councillors Brossard, Dudley, Hill, Mrs Ingham, Mrs McKenzie-Boyle, Peacey and Thompson.

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- The comments of Bracknell Town Council objecting to the proposed development
- Four objections from surrounding properties which can be summarised as follows:
 - Loss of privacy and overlooking from additional first and second floor windows.
 - Design and size of the dwelling house being out of keeping in the close.

- Overbearing nature.
- Size and scale of the garage.
- Commercial/business use of the garage.

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

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.
02. The development hereby permitted shall be carried out only in accordance with the following approved plans:
15/16/050/2 Rev D 'Proposed Plans'
15/16/050/4 Rev C 'Detached Garage Plans'
15/16/050/5 Rev A 'House and Garage Elevations'
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
03. 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 north-east side elevation of the garage and the north-west and south-east side elevation of the dwellinghouse hereby permitted except for any which may be shown on the approved drawing(s).
REASON: To prevent the overlooking of neighbouring property.
[Relevant Policies: BFBLP EN20]
04. The garage accommodation hereby permitted 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]
05. The first floor of the garage hereby permitted shall be used only for purposes ancillary to the use of the premises (as outlined in red on the submitted site plan) as a dwelling house.
REASON: To ensure no commercial use of the premises.
06. The roof area of the single storey rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.
REASON: In the interests of the privacy of nearby dwellings.
[Relevant Policies: BFBLP EN20, Core Strategy CS7]

105. **Application 15/01014/FUL Land at the Limes, Forest Road, Hayley Green, Warfield**

Erection of 4 no. houses with new vehicular access to The Limes. [Note for clarification: these are in place of 2 no. houses approved at appeal under reference APP/R0335/W/14/2228002].

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.

- The comments of Warfield Parish Council objecting to the proposed development.
- Five objections summarised as follows:
 - The recent appeal decision was based on eight dwellings.
 - The additional units will increase traffic onto an already busy and dangerous road.
 - If approved, the developer may make further applications to increase the number of units beyond 10.
 - Parking for the additional units may overspill into The Limes.
 - The Limes cannot accommodate additional traffic. The existing road is narrow, with a sharp bend.
 - The proposed footpath link from the development across Westmorland Park will result in parking within The Limes by users of the park.
 - Loss of animal habitats.
 - Loss of open green space.
 - Local services are already strained and cannot accommodate additional residents.
 - Difficulties with accommodating construction vehicles and deliveries to the site.

It was **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 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 14.10.2015:

55711-PL-01A-SITEPLAN

AH55711/PL/01/A
 AH55711/PL/20
 AH55711/PL/21/B
 AH55711/PL/22/A
 AH55711/PL/23/B
 AH55711/PL/24/B
 AH55711/PL/25

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. None of the dwellings hereby permitted shall be occupied until the means of access, including access for pedestrians and cyclists, has been constructed in accordance with the approved plans.
REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]
05. Prior to the commencement of construction of any of the approved dwellings a vehicular turning head shall be constructed within the application site, in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure that the development is provided with adequate turning for vehicles within the site .
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
06. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v) wheel washing facilities
 - vi) measures to control the emission of dust and dirt during construction
 - vii) temporary portacabins and welfare for site operatives
- REASON: In the interests of amenity and road safety.
07. No dwelling shall be occupied until the vehicular parking and/or turning space associated with that dwelling has been laid out in accordance with the approved plans and surfaced in a material, details of which shall have first been submitted to and approved in writing by the local planning authority.
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
08. The garages shown on the approved plans shall be retained for the use of parking vehicles 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]

09. Notwithstanding any details shown on the approved drawings, the garage doors shall be a minimum width of 2.4m and a minimum height of 2.1m.
- 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. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority.
- REASON: In the interests of good landscape design and the visual amenity of the area.
[Relevant Policies: BFBLP EN2 and EN20, CSDPD CS7]
11. All planting comprised in the soft landscaping works shall be carried out in accordance with the approved details in the first planting season (1st October to 31st March) following the completion of the development or in accordance with the a programme that shall first be agreed in writing with the local planning authority prior to the commencement of work on the development. All hard landscaping works shall be completed prior to the occupation of any part of the 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.
- REASON: In the interests of good landscape design and the visual amenity of the area.
[Relevant Policies: BFBLP EN2 and EN20, CSDPD CS7]
12. Notwithstanding the information submitted with this application, the development hereby permitted shall not be begun until a plan showing trees and hedgerows to be retained has been submitted to and approved in writing by the Local Planning Authority. No retained tree or hedgerow (as specified as being retained on the approved details as part of this permission) shall be cut down, uprooted or destroyed without the prior written consent of the Local Planning Authority. If any trees or hedgerows shown to be retained on the approved plans, are removed, uprooted, destroyed, die or become diseased during the course of the development within a period of 5 years of the completion of the development, another tree, or hedgerow of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives it written consent for any variation.
- REASON: In order to assess the impact of the development upon existing vegetation.
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

13. All existing trees and hedgerows to be retained in accordance with details approved under condition 12 shall be protected by 2.3m high (minimum) protective barriers, supported by a metal scaffold framework, constructed in accordance with Section 9 (Figure 2) of British Standard 5837:2005, or any subsequent revision. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.
REASON: In order to assess the impact of the development upon existing vegetation.
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

14. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before any of the dwellings are first occupied or in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.
REASON: - In the interests of the visual amenities of the area.
[Relevant Plans and Policies: BFBLP EN20, Core Strategy DPD CS7]

In the event of the S106 planning obligation(s) not being completed by 28th February 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).

106. **Application 15/01095/RTD Land At Rear Of Shell Garage, Bagshot Road**
Replacement of existing 12 metre pole supporting 3no. antennas (overall height 14.9 metres) with a new 16 metre pole supporting 3no. shrouded antennas (overall height 16 metres), replacement of 1no. equipment cabinet, installation of 1no. equipment cabinet, with ancillary development.

This application was removed from the agenda.

CHAIRMAN

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

**PLANNING COMMITTEE
21st January 2016**

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

		Case Officer	Reporting Officer
5	<p>15/00440/FUL The Waterloo Hotel 99 Dukes Ride Crowthorne (Crowthorne Ward) Demolition of existing buildings and redevelopment to form 51 Assisted Living apartments (C2 use) for frail older persons including communal facilities, parking provision and associated landscaping. Recommendation: Approve.</p>	Simon Roskilly	Martin Bourne
6	<p>15/01137/T Unit 7 Forest Park Business Units 22 Horndean Road Bracknell (Crown Wood Ward) Change of use of an existing office (Class B1A) to a place of worship (Class D1). Recommendation: Approve.</p>	Katie Walker	Basia Polnik
7	<p>15/00567/FUL 10 Lyndhurst Close Bracknell Berkshire (Harmans Water Ward) Erection of part two storey, part single storey front and side extensions and formation of basement, following demolition of front and side elements of the dwelling (part retrospective). Recommendation: Approve.</p>	Matthew Miller	Basia Polnik
8	<p>15/00856/FUL 33 Saffron Road Bracknell Berkshire (Wildridings And Central Ward) Conversion of existing garage into habitable accommodation, erection of a first floor extension, external alterations to enable sub- division of existing four bedroom dwelling to create 1no. three bedroom and 1no. two bedroom dwellings. Recommendation: Approve Subject To The Completion Of Planning Obligation(s).</p>	Matthew Miller	Basia Polnik

- | | | | |
|----|---|---------------|--------------|
| 9 | 15/00923/FUL
5 Kings Ride Park Kings Ride Ascot
(Ascot Ward)
Change of use from storage and distribution
(ClassB8) to research and development (Class
B1b) and light industrial (class B1c) use.
Installation of new mezzanine floor.
Recommendation: Approve. | Katie Walker | Basia Polnik |
| 10 | 15/01041/FUL
The Gold Cup 102 Fernbank Road Ascot
(Ascot Ward)
Erection of 5No. residential dwellings following
the demolition of the existing buildings
Recommendation: Approve Subject To The
Completion Of Planning Obligation(s). | Sarah Horwood | Basia Polnik |

Miscellaneous Items

Confirmation of TPO 1193 – Land At 38 Isis Way, Sandhurst

Confirmation of TPO 1200 – Land Fronting London Road and Adjoining Allsmoor Lane

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.

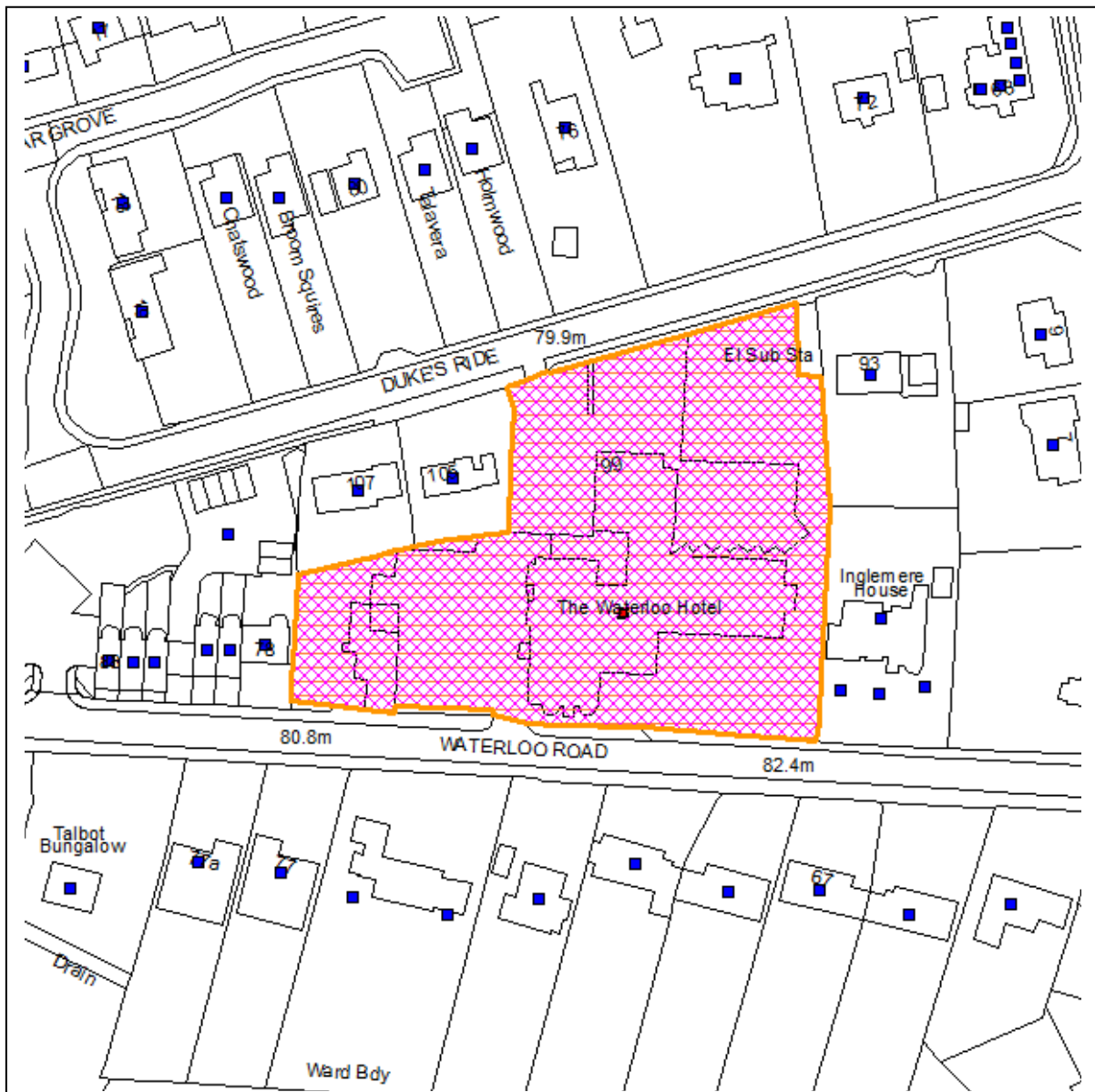
The provisions of the Human Rights Act 1998 have been taken into account in the preparation of the reports contained in this agenda.

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.

ITEM NO:			
Application No.	Ward:	Date Registered:	Target Decision Date:
15/00440/FUL	Crowthorne	3 June 2015	2 September 2015
Site Address:	The Waterloo Hotel 99 Dukes Ride Crowthorne Berkshire RG45 6DW		
Proposal:	Demolition of existing buildings and redevelopment to form 51 Assisted Living apartments (C2 use) for frail older persons including communal facilities, parking provision and associated landscaping.		
Applicant:	Your Life Management Services Ltd		
Agent:	Matthew Shellum		
Case Officer:	Simon Roskilly, 01344 352000 development.control@bracknell-forest.gov.uk		

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



OFFICER REPORT

1. SUMMARY

1.1 The application provides for the demolition of existing buildings on the site associated with its former use a hotel and the erection of a new building accommodating 51 Assisted Living apartments (C2 use) for frail older persons including communal facilities, parking provision and associated landscaping.

RECOMMENDATION
Planning permission be granted subject to agreeing an acceptable drainage strategy, conditions in Section 11 of this report and a Section 106 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

PLANNING STATUS

PLANNING STATUS
Within settlement boundary Trees on site protected by TPO Within 5km buffer to the Thames Basin Heaths Special Protection Area Within Area B (West Crowthorne) of the Crowthorne Area Character Assessment

3.1 The site is the former Waterloo Hotel which is now closed. It is irregularly shaped and covers approximately 0.55 hectares. It is located between Duke's Ride (B3348) and Waterloo Road in the south-western part of Crowthorne village, with vehicular access available from both roads. Houses lying between these two roads bound the site to the west and the east.

3.2 The hotel building is brick-built with pitched slate roofs. It is largely 2-storey with some accommodation at second-floor level. The original Victorian building fronts Waterloo Road with more modern extensions to the north and east. The hotel occupies most of the eastern part of the site with parking areas to the west and north.

3.3 A detached, two-storey building lies on the western part of the site, most recently used as staff accommodation.

3.4 The site, which is relatively flat, contains a number of trees principally on its eastern and southern boundaries, some of which are protected by a Tree Preservation Order. There is a hedge along the site's boundary with Dukes Ride.

3.5 The site is located within the settlement boundary, and is located within 5km of the Thames Basin Heaths Special Protection Area and within 2km of a Site of Special Scientific Interest, as shown on the Bracknell Forest Borough Policies Map (2013). The site is also located within the Crowthorne Study Area B (West Crowthorne) in the Character Area Assessments Supplementary Planning Document (2010).

4. RELEVANT SITE HISTORY

4.1 11/00626/FUL - Conversion of former staff quarters into 2 no. 3 bed dwellings and erection of detached double garage, associated landscape and external works and car parking modifications to hotel including new vehicular access onto a classified road. Application withdrawn October 2011.

4.2 00/00239/FUL - Three-storey extension forming 24 additional bedrooms and new parking areas. Approved May 2000.

4.3 Various extensions etc during the 1950s-1990s.

4.4 For information, planning permission 14/00386/FUL was recently granted for the redevelopment of Inglemere House (the site next door) for three houses and is currently being built out.

5. THE PROPOSAL

5.1 Full planning permission is sought for the erection of a block of 51 Assisted Living apartments (C2 use) for frail older persons including communal facilities, parking provision and associated landscaping.

5.2 Information provided with the application explains that the McCarthy & Stone Your Life 'Assisted Living' product constitutes Extra Care Accommodation and is aimed at providing independent living for the frail elderly, with day to day care in the form of assistance and domiciliary care tailored to the owners' individual needs. It is described by the provider as purpose-built, specifically designed accommodation in a safe and secure environment including companionship whilst allowing an independent lifestyle. Safety, security and companionship reduces anxieties and maintains health and general well being. It also provides a form of housing which meets better the on-set and increasing problems of mobility/frailty while maintaining an independent lifestyle.

5.3 The 'Assistant Living' concept possesses a number of "enhanced" facilities when compared to a typical "Sheltered / Retirement" development, sometimes referred to as Category II developments. The proposed development provides:

- residents' lounge.
- community (hobbies) room.
- restaurant (with catering kitchen).
- internal refuse room.
- laundry.
- battery car charging store.
- guest suite.
- accommodation to allow for 24 hour staffing.
- two lifts
- a building with level access throughout.
- a building that provides for wheelchair accessible housing standards.

5.4 The application has been amended in the course of its consideration.

5.5 The building although one continuous form spread-out within the site can, for the purposes of describing it, be separated into three sections. These consist of a part 2.5/part 3 storey section fronting Dukes Ride, a middle section that looks west out over a carpark and east over an area of communal amenity space and a larger element of 2.5/3 storey building running along the Waterloo Road frontage.

5.6 The building has been designed with accommodation at 2nd floor level within the roof space, hence the term 2.5 storey, and 3 storey accommodation in the form of gable sections that help to break up the massing of the building.

5.7 The building will have a maximum height of 11m at the roof ridge.

5.8 The main entrance to the building will be within the centre of the site facing west out over what will be an area of parking.

5.9 Landscaping is proposed to both street frontages and also within an area of private amenity space.

5.10 There would be one vehicular access to the site off Dukes Ride with the existing access on Waterloo Road being closed off and developed upon.

5.11 Pedestrian access to the main building entrance will come via Dukes Ride with a secondary entrance within the south eastern corner of the site being accessed from Waterloo Road.

6. REPRESENTATIONS RECEIVED

Crowthorne Parish Council:

6.1 Crowthorne Parish Council has considered the application and approval is recommended subject to adequate parking provision.

Other representations:

6.2 Seventeen objections were received at the time this report was written from separate addresses.

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]

- Concern that the development will not adequately deal with the existing drainage concerns on site. [Officer Comment: These concerns are addressed in section 9 - Drainage]

-The location of the development is not considered to be sustainable when assessed against local public transport links and facilities such as shops. [Officer Comment: The site is located within the settlement and as the site is within a 15 minute walk of shops and the railway station it is considered a sustainable location]

- Adverse impact upon the character and appearance of the area through inappropriate scale, massing, design, density and loss of character buildings. [Officer Comment: These concerns are

addressed under section 9 - Impact Upon Character and Appearance of the Area. However regarding the loss of the existing buildings it can be confirmed that the current buildings are not nationally or locally listed, are not within a conservation area and are not considered to represent non designated historic assets. The fall back position is that a Prior Approval for Demolition of the buildings could be submitted and within 28 days the buildings could be demolished.]

- Impact upon the Thames Basin Heaths SPA. [Officer Comment: These concerns are addressed in section 9 - Biodiversity and The Thames Basin Heaths SPA.]

- The loss of the hotel would represent a loss of a community facility. [Officer Comment: The hotel has not been in operation as a hotel for some months. When the hotel was in use members of the public could access the bar. However, looking at the number of other facilities that are located within the area, the loss of such a facility is not considered of over-riding concern. This subject is considered further in this report when weighing up the benefits of the scheme.]

- Is there a need for this type of accommodation? [Officer Comment: If an organisation such as McCarthy & Stone, who are well versed in such provision, are willing to establish a care home on the site then we do not feel that we are in a position to dispute need.]

- The development when operational will increase the level of traffic noise in the area. [Officer Comment: The development is one that is acceptable in principle within the settlement and as a result additional traffic will be generated.]

- Impact upon GP facilities in the area [Officer Comment: It is not for this application to determine whether there are sufficient health facilities in the area it is for other bodies to provide health facilities to meet the needs of the population and the Council can allocate CIL funds towards such provision if appropriate].

6.3 Nine letters of support were received at the time this report was written from separate addresses.

The comments have been summarised below:-

- The site is an ideal location for a care home. Good to see a vacant site developed.
- The site is considered sustainable.
- Design is in-keeping with the area.
- Parking considered adequate as the type of use will result in a lower car ownership.

7. SUMMARY OF CONSULTATION RESPONSES

Environmental Health

Recommends conditional approval.

Transportation Officer

Recommends conditional approval.

Biodiversity Officer

Recommends conditional approval.

Local Lead Flood Authority

Awaiting submission of a satisfactory drainage strategy. Update to follow in a supplementary report.

Tree Officer

Awaiting confirmation that the proposed drainage strategy does not conflict with protected trees on site. An update will follow in a supplementary report.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	consistent
Housing	CS16, CS17 of CSDPD, Saved policy H8 of BFBLP.	consistent
Design	CS7 of CSDPD, Saved policies EN1, EN2 and EN20 of BFBLP.	consistent
Residential Amenity	Saved policies EN20 and EN25 of BFBLP	consistent
Highway Safety	CS23 and CS24 of CSDPD, Saved policy M9 of BFBLP	consistent
Biodiversity	CS1 and CS7 of CSDPD	consistent
Sustainability	CS10 and CS12 of CSDPD	consistent
Thames Basin Heaths SPA	SPA CS14 of CSDPD, NRM6 of SEP, Saved policy E3 of BFBLP.	consistent
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). Character Area Assessment SPD, Parking Standards SPD, Planning Obligations SPD, Thames Basin Heath Special Protection Area (SPA), Bracknell Forest Community Infrastructure Levy Charging Schedule (2015) and the 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 therefore considered to be acceptable in principle complying with CSDPD Policies CS1 and CS16 and the NPPF. The remainder of this report considers matters of detail.

ii. Impact On Character and Appearance Of Area

(i) Site Layout

9.3 As noted earlier in the report the application site currently contains one large building with a modern extension and a detached smaller building amongst an area of existing hardstanding. The site can be seen from both Dukes Ride and Waterloo Road with there currently being a vehicular access onto both roads.

9.4 The application site lies in Area B (West Crowthorne) of the Crowthorne study area. A number of points in the Character Areas SPD are relevant to development in Dukes Ride including the importance of boundary treatments in blending different plot sizes and buildings styles into a cohesive character. In this regard hedges and low walls are identified as the predominant boundary treatment. Building materials are noted to be predominantly red brick, with the occasional use of yellow brick and render.

9.5 Elements of the proposed building on the Dukes Ride frontage come further forward when compared with the existing building line. However there are examples within Dukes Ride where this happens.

9.6 The building has been designed with elements of the frontage having been set back, therefore breaking up the bulk and massing of the building on the frontage. This avoids a continuous line of built form on the Dukes Ride frontage. These elements will also have adequate landscaping to soften the frontage.

9.7 The original plans have been amended so what was a continuous line of built form along the Waterloo Road frontage has now changed. The expanse of built form along the Waterloo Road frontage has been decreased with the building no longer extending up to the boundary with 78 Waterloo Road. The layout has also seen the setting back of parts of the building from Waterloo Road so that there is no longer a large expanse of built form on the road frontage. There is also substantial landscaping, in particular, within the south east corner of the site where there are protected trees. As on the Dukes Ride frontage this provides a well treed edge to the development which helps to soften its appearance within the streetscene.

9.8 Amenity space is proposed within the eastern side of the site that will be partially shaded. Whilst this will be in shade for certain times of the day the applicant considers that this would work well for their residents and therefore there is no planning objection.

9.9 The layout of the proposed scheme is considered to represent a sympathetic development that respects the pattern of built form surrounding the site and the existing building lines along

Dukes Ride and Waterloo Road. It provides a suitable balance between built-form, amenity space and parking for the type of use it represents.

(ii) External appearance of the building

9.10 The older buildings on site make a positive contribution to the character of this part of Crowthorne. They are not listed and do not fall within a designated conservation area however if they are to be demolished then it is considered that what replaces them needs to be of a high quality and sympathetic both in scale, massing and finish.

9.11 Through the submission of amended plans the applicant has set out to address early concerns expressed by officers regarding the design of the building including the bulk and massing and proximity to the Waterloo Road frontage. The applicant has reduced the number of units and amended the layout thereby reducing the bulk and massing on the Waterloo Road frontage. They have also amended part of the building that fronts Dukes Ride so that it is less tall yet at the same time retaining a gable feature that will mark the entrance to the site.

9.12 The architectural design of the building is considered to provide a contemporary building of interest to the streetscene yet at the same time sympathetic to the character and appearance of the area.

9.13 Overall it is considered that the building has an attractive design in keeping with the character and appearance of the area.

9.14 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

9.15 The only trees on this site that warrant consideration are a group on the south boundary of the site along Waterloo Road; now protected by TPO 1192. The applicant's plan shows their retention and subsequent protection by fencing.

9.16 Confirmation is awaited that the proposed drainage strategy does not conflict with protected trees on site. An update will follow in a supplementary report.

9.17 Overall, subject to an acceptable drainage strategy being agreed and the imposition of suitable 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. The application is therefore considered to be in accordance with BFBLP Policies EN1 and EN20 and CSDPD Policies CS1 and CS7.

iv. Residential Amenity

(i) Impact upon the living conditions of adjoining properties

9.18 The impact on the following properties, considered to be those most affected by the proposal, has been assessed as follows:

107 and 105 Dukes Ride

9.19 No. 107 Dukes Ride is located north of the site and backs onto the development site. There are habitable windows at 107 facing south towards the site that could be affected by the proposal in terms of daylight and overlooking. Although the building facing no. 107 Dukes Ride would be 2.5

stories there is only 1no. first floor window that could directly affect the neighbouring property, other windows are set at an oblique angle. This rear facing first floor window would be 11m from the boundary and 21m from the rear of the property. Council guidelines seek a distance to the boundary for first floor windows be 10m and the back to back distance be 22m. As the window would be 1m short of the acceptable distance this bathroom window would be conditioned to be obscure glazed and fixed shut so as to avoid any loss of privacy. There are velux windows at second floor level that could also overlook however these could be conditioned so that the cil level is no lower than 1.7m from floor level.

9.20 No. 105 Dukes Ride is also located to the north of the development site and has recently received planning permission for a two storey side/rear extension (15/00506/FUL) that would take habitable windows south to within 15.5m of the proposed development. To respond to this the developer has amended the plans to show windows at first floor level facing north now being obscured glazed and fixed shut. This does not include windows that are not directly facing the dwelling however as these are at an oblique angle it is not considered that it would result in any unacceptable loss of privacy.

9.21 Overall the proximity of the proposed building to both 105 and 107 Dukes Ride, including the approved extension at 107, would allow for adequate south facing daylight to any habitable windows. It is also considered that the development would not appear overbearing.

9.22 The layout of the site would provide parking close to the boundary with nos. 105 and 107. However as parking and hardstanding already exists on site it is considered that no significant impact upon adjoining residential amenity would result.

93 Dukes Ride

9.23 No. 93 Dukes Ride is a two storey dwelling located north-east of the site. There is a sub station and treed screening located between the Waterloo Hotel and no. 93 Dukes Ride. There would be a 2.5 storey flank wall located 8m from the side of the property and a less bulky projecting stair well 7m from the rear corner of no. 93.

9.24 There would be no side facing windows proposed that could potentially overlook no. 93. There is a window present in the side of no. 93 which is a secondary window, however due to the distance and the current level of screening present on the boundary, the proposed building is not considered to appear overbearing nor would it significantly overshadow.

9.25 There are first and second floor windows proposed that face east over an area of proposed amenity space towards the rear boundary with no. 93. However these windows at 16m from the boundary fall outside of the current first and second-floor window to boundary Council guideline distances of 10m and 15m respectively.

3 Inglemere Mews

9.26 No. 3 Inglemere Mews will, when it is completed, be a 2.5 storey end terrace dwelling located south-east of the development site and fronting Waterloo Road, one of a block of 3 terraced dwellings. There will be 2no. windows in the west facing side elevation of this adjoining property, lighting stairwells on both the first and second floors. Both these windows will be obscure glazed and fixed shut and are not considered to be habitable. There are no side facing windows in the proposed building.

9.27 As with no. 93 Dukes Ride there are first and second floor habitable rooms proposed with windows facing east towards the rear boundary with no. 3 Inglemere Mews. However these windows at 17.8m from the boundary fall outside of the current first and second floor window to boundary guideline distances of 10m and 15m respectively.

9.28 The proposed building is not considered to appear overbearing, would not result in any loss of privacy and would not overshadow no. 3 Ingelmere Mews.

78 Waterloo Road

9.29 No. 78 Waterloo Road is a two storey dwelling located to the west of the site fronting Waterloo Road. There are currently no side facing windows in the east facing side elevation at no. 78. The closest part of the proposed building would be 13m from no. 78 with two side facing habitable windows. Parking is proposed between the building and no. 78 Waterloo Road. The proposed development is not considered to result in any loss of privacy, appear overbearing nor would it overshadow amenity at no. 78 Waterloo Road. The proposed parking, due to there being hardstanding already present, would not result in any unacceptable impacts upon adjoining residential amenity.

(ii) Living conditions of future residents

9.30 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 is provided around the proposed building to accommodate the C2 care use.

Conclusion on residential amenity:

9.31 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

9.32 In terms of its transportation impacts this 'McCarthy & Stone 'Your Life' C2 Use Class scheme has been assessed as a scheme that provides care to the frail and elderly on the same basis as a care home/nursing home, albeit individuals can buy into tailored care packages that suit their needs.

9.33 According to the applicant, care needs are assessed prior to entry and residents select the most appropriate level of care for their needs and the level of care provided can be modified in response to the changing needs of the residents.

9.34 Staff provide 24 hour cover for the benefit of the residents, and typically consist of a Manager, assisted by a team of Deputy Managers and support staff who provide assistance with daily activities and care to residents, as well as a chef and grounds management.

9.35 The Transport Statement notes that, 'extensive research undertaken by McCarthy and Stone on their Assisted Living developments shows an average age of entry for residents at 81'.

9.36 Through the submission of amended plans the number of apartments has been reduced from 54 to 51. The revised proposal provides a mix of 23 x 2 bedroom units and 28 x 1 bedroom units.

(i) Parking

9.37 The 'tailored care' concept of accommodation for the frail and elderly, as it would represent a similar use to that of a standard care home/nursing home- albeit more flexible- is likely to result in little on-site parking being required for residents. Instead the requirement is for parking for staff and visitors. This is consistent with the Council's parking requirements for nursing homes whereby parking is required for staff and visitors and not for residents.

9.38 Thirty-one parking spaces are proposed to serve the 51 apartments and associated staff and visitors.

9.39 For a development of this size the Bracknell Forest Parking Standards for a Nursing Home (C2 use) require 24 on-site parking spaces. This provision comprises 18 visitor spaces (based on 1 space per 4 beds of which there are 72) plus 6 spaces for staff (based on 1 space per 3 associated staff, of which there are around 18 full-time staff equivalents). The proposed parking provision of 31 spaces therefore exceeds the parking standard's requirement.

9.40 To provide maximum flexibility of use it is recommended that spaces be unallocated for unrestricted use by residents, staff and visitors. This can be secured by condition

9.41 A Travel Plan has been submitted setting out how facilities and information will be provided to both residents and staff in order to encourage sustainable means of travel. This will assist with reducing staff and visitor car parking demand. The travel plan and appropriate monitoring can be secured via a S106 Legal Agreement.

9.42 Two disabled parking spaces are proposed which complies with the Council's parking standards which seek 1 space or 6% of the total number of spaces(whichever is greater) as disabled parking.

9.43 A revised parking layout is shown on the latest Ground Floor Plan (drawing AA5348/SE-2073-003-AC-B) and spaces are shown to have minimum dimensions of 2.4 metres by 4.8 metres and at least 6 metres of clear reversing space to the rear for access. These spaces are considered to be practical and useable and vehicles can exit the site in a forward gear. It would be advisable to have kerb separation between spaces which are perpendicular to each other (to enable access to car doors).

9.44 The car park will need to be appropriately surfaced, marked, drained and should be lit. The parking spaces and pedestrian routes will need to be un-obstructed and planting/landscaping should be set-back at least 0.5 metres from these and maintained to avoid conflict with parking spaces and pedestrian accesses.

9.45 Formal cycle spaces should be provided and 10 cycle spaces would be appropriate for staff at the least and for visitors who may cycle. The matters referred to above can be secured by condition.

(ii) Deliveries and Servicing

9.46 As the internal vehicular layout is not to be adopted it is unlikely that a Council refuse vehicle will enter the site. Therefore the applicant is to provide bin pick up points within 25m of Dukes Ride. The provision of these can be secured by condition.

9.47 The applicant has confirmed that as the site will be managed, and will have staff based on-site, bins will be brought to the temporary collection point from the proposed internal refuse stores by members of staff and not residents. This approach is consistent with other McCarthy & Stone sites and is therefore considered appropriate for the proposed use and location.

9.48 The applicant has provided an internal vehicle tracking plan indicating that a small domestic delivery vehicle, mini-bus or ambulance would be able to access and turn within the car park.

9.49 To conclude, given the nature of the use, with suitable conditions and planning obligations 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 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 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 As the proposal would represent a C2 Care Home no affordable housing is required.

ix. Thames Basin Heaths Special Protection Area (SPA)

Introduction

9.55 The Council, in agreement with Natural England, has formed the view that that any net increase in residential development within 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.

9.56 This site is located approximately 1km from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures. Therefore, a Habitats Regulations Assessment must consider whether compliance with conditions or restrictions can enable it to be ascertained that the proposal would not adversely affect the integrity of the site.

9.57 Guidance on SPA avoidance and mitigation measures for C2 care homes between 400m and 5km of the SPA is contained in the Thames Basin Heaths Special Protection Area (SPA) Avoidance and Mitigation Supplementary Planning Document (SPD) section 3.6.3. These

developments will be dealt with on a case by case basis at the planning application stage, in agreement with Natural England.

9.58 Certain avoidance and mitigation measures will need to be put in place in order to reach a conclusion of no adverse effect on the integrity of the SPA. In this case, the use class of the property should be limited to that of C2 and the occupants will only be of limited mobility. This will ensure that the proposal does not increase recreational pressure on the Thames Basin Heaths SPA. If this restriction cannot be achieved then it will be necessary to re-consult as the development will have to be assessed on a basis that it would provide accommodation for active people.

9.59 The following condition has been applied to similar developments in Bracknell Forest:

The premises shall be used for a residential care home for elderly people requiring personal care (including those with dementia) only (without any on-site staff residential accommodation) and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: to ensure that the proposal does not increase recreational pressure on the Thames Basin Heaths SPA.

9.60 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.
[Relevant Policies: SEP NRM6, BFBLP EN3, CSDPD CS1, CS7, CS14]

x. Drainage

9.61 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.

9.62 The applicant is currently in discussions with the Local Lead Flood Authority with the aim of providing an acceptable Drainage Strategy prior to Committee meeting in January. An update will be provided via a supplementary report; however the application will not be determined unless a strategy has been agreed and then it should be conditioned so that it is fully implemented on site.

xi. Planning Obligations

9.63 The proposal would be CIL liable. The application site lies within the zone of Sandhurst/Crowthorne. In the event of planning permission being granted, a CIL Liability Notice (CLN) will be issued for the development.

9.64 The following obligations will be included within a Section 106 Legal Agreement:-

- Secure a Travel Plan and associated monitoring.

10. CONCLUSIONS

10.1 This site is located within the settlement and therefore the proposed development is considered to be acceptable in principle. The 51 apartments contribute to the Council's housing supply which is a material consideration.

10.2 A significant number of objections were received. The report has addressed each of these.

10.3 In terms of visual character, and subject to appropriate materials and finish, the development is considered to be sympathetic within the streetscene when viewed from both Dukes Ride and Waterloo Road. The layout, bulk, massing and design are considered to have addressed concerns previously raised by the case officer.

10.4 The proposed vehicular access to the site and parking layout are acceptable to the Highway Authority subject to conditions and a Section 106 obligation securing a Travel Plan along with associated monitoring.

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

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 an appropriate drainage strategy being agreed prior to Committee, 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 a planning obligation under Section 106 of the Town and Country Planning Act 1990 relating to:-

01. Secure a Travel Plan with associated monitoring.

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:-

AA5438/SE-2073-001-AC-A-Site Location Plan 03.06.15
AA5348/SE-2073-003-AC-D Ground Floor Plan 18.11.15
AA5348/SE-2073-004-AC-D First Floor Plan 18.11.15
AA5348/SE-2073-005-AC-D Second Floor Plan 18.11.15
AA5348/SE-2073-006-AC-B Roof Plan 08.09.15
AA5348/SE-2073-010-AC-B Elevation Sheet 1 18.11.15
AA5348/SE-2073-011-AC-B Elevation Sheet 2 18.11.15
AA5348/SE-2073-012-AC-B Elevation Sheet 3 18.11.15

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

03. The premises shall be used for a residential care home for elderly people requiring personal care (including those with dementia) only (without any on-site staff residential accommodation) and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: to ensure that the proposal does not increase recreational pressure on the Thames Basin Heaths SPA.

04. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

05. The first floor windows shown in elevation 5 on the approved Elevation Sheet 1 hereby permitted shall not have the lower half of the 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]

06. All rooflights at second floor level shall be installed so that the lower cill is 1.7m above floor level.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

07. No windows at first floor level or above other than those shown on the approved drawings shall be inserted in the north elevation facing towards nos. 105 and 107 Dukes Ride.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

08. The development hereby permitted shall not be begun until details showing the finished floor levels of the building, bin/scooter store and 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]

09. 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]

10. No site clearance shall take place during the main bird-nesting period of 1st March to 31st August inclusive, unless a scheme to minimise the impact on nesting birds during the construction of the development has been submitted to and approved by the Local Planning Authority. 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]

11. 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:

- methods to avoid killing, injury or disturbance to bats during development
- the provision of temporary roosts during construction
- the provision of replacement roosts
- habitat management and enhancement, e.g. suitable lighting and planting
- appropriate post construction monitoring

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

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

12. 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]

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

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

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 implemented, observed and complied with.

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

15. 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) specifications of control of noise arrangements for construction and demolition.
- (ii) methodology of controlling dust, smell and other effluvia
- (iii) site security arrangements including hoardings
- (iv) proposed method of piling for foundations
- (v) Methods for noise monitoring on the site during construction
- (vi) construction and demolition methodology
- (vii) construction and demolition working hours
- (viii) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site.

The development shall be carried out in accordance with the approved scheme.

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

16. If ventilation equipment or air conditioning equipment is to be installed, no development shall begin until a scheme has been submitted to and approved in writing by the Local Planning Authority for the control of noise emanating from such equipment. 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 residential amenity.

17. 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]

18. 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]

19. No dwelling shall be occupied until the existing access to the site from Waterloo Road has been closed and the footways/verges are 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/verge shall be retained thereafter.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

20. No dwelling shall be occupied until the vehicular and pedestrian access from Dukes Ride has been constructed in accordance with drawing AA5348/SE-2073-003-AC-B.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

21. No dwelling shall be occupied until a means of access for pedestrians onto Waterloo Road has been constructed in accordance with the approved plans.

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

[Relevant Policies: Core Strategy DPD CS23]

22. No dwelling shall be occupied until all the visibility splays as shown on drawing 047.0037.001 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]

23. No dwellings shall be occupied until the associated vehicle parking 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.

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 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 M9, Core Strategy DPD CS23]

25. 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.
26. The development hereby permitted shall not be begun until a waste service management plan, including details of the bin pick up points within 25 metres of Dukes Ride and the site management measures for bins to be brought to the temporary collection point(s) by members of staff and not residents, has been submitted to and approved in writing by the Local Planning Authority.' Such management practices 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.

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, 3, 5, 6, 7, 10, 12, 13 and 16.
03. The applicant is advised that the following conditions require discharging prior to commencement of works:
- 4, 8, 9, 11, 14, 15, 17, 18, 24, 25, and 26.
04. The following conditions require discharge prior to the occupation of the dwellings hereby approved:
- 19, 20, 21, 22 and 23.
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.

06. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality

07. It is advised that no demolition or construction work shall take place outside the hours of 08:00 and 18:00 Monday to Friday; 08:00 and 13:00 Saturday and not at all on Sundays and Public Holidays.

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

In the event of the S106 planning obligation(s) not being completed by 21st March 2016 the Head of Planning be authorised to **REFUSE** the application on the grounds of:-

01. The applicant has failed to secure a Travel Plan and associated monitoring 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.

ITEM NO:

Application No.

15/01137/T

Site Address:

Ward:

Crown Wood

Date Registered:

3 December 2015

Target Decision Date:

28 January 2016

**Unit 7 Forest Park Business Units 22 Horndean Road
Bracknell Berkshire RG12 0XQ**

Proposal:

Change of use of an existing office (Class B1A) to a place of worship (Class D1).

Applicant:

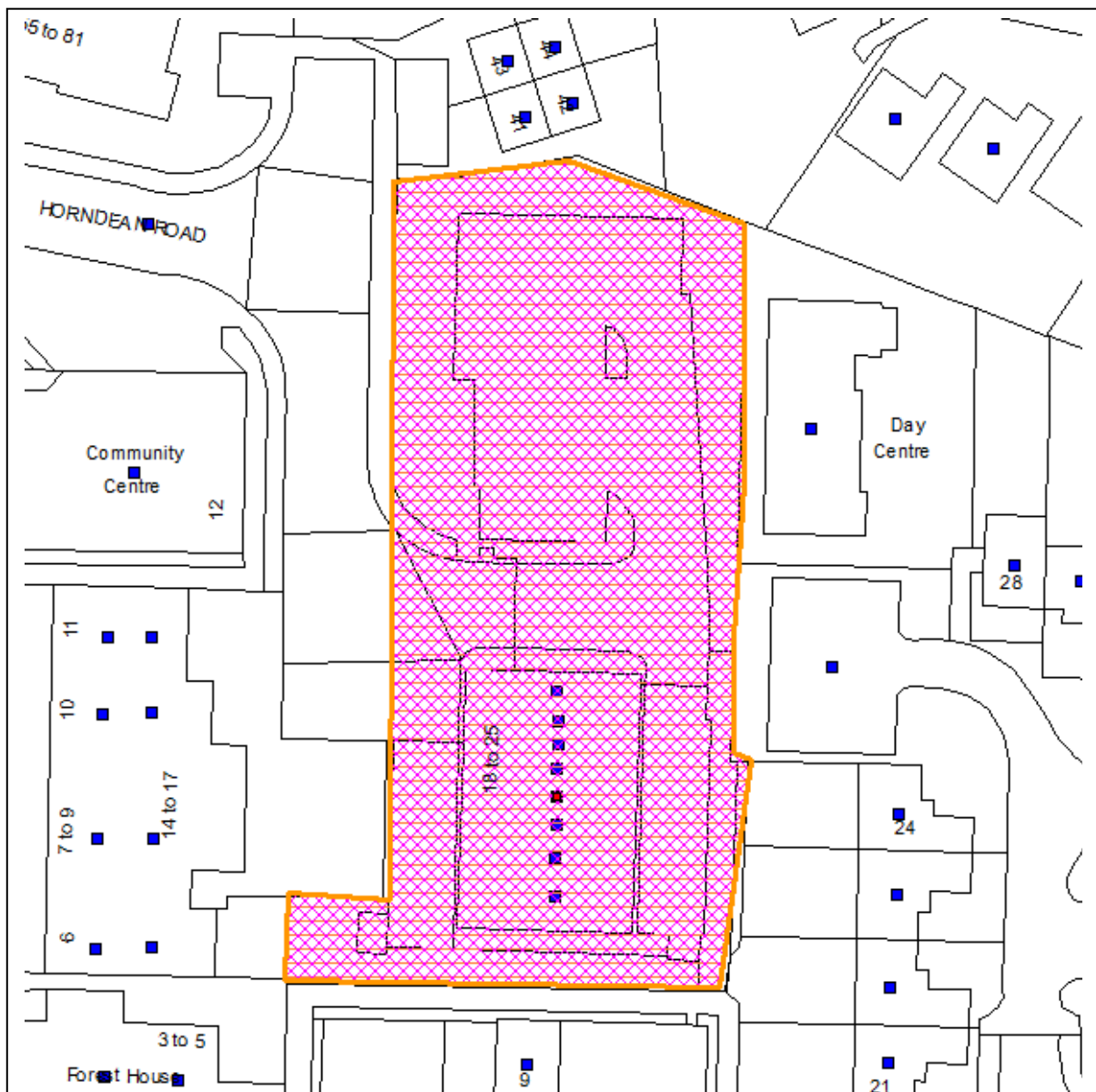
Mr Basit Kiki-iyii

Agent:

(There is no agent for this application)

Case Officer:

Katie Walker, 01344 352000

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 change of use of the existing office (Use Class B1a) at unit 7, Forest Park to a place of worship (Use Class D1) for a temporary period of 2 years.

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. Relevant conditions will be imposed in relation to residential amenity.

RECOMMENDATION

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 The application is being reported to planning committee following the receipt of more than 3 objections.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within settlement boundary

3.1 The site comprises unit 7 of the Forest Park business units on Horndean Road. Forest Park business units building is bounded to the north by a car park, to the east by an access road, beyond which is planting with steps leading up to World's End Hill, to the south by residential properties on World's End Hill and to the west by a parade of shops and a community centre. Unit 7 is on the first floor of the building.

3.2 The site takes access off Horndean Road, a 30mph limit adopted road which also provides access to the Forest Park Community Centre and adjacent shops/takeaways, nursery and public house, as well as a number of residential properties.

3.3 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 14/00295/FUL: Change of use of Unit 6 Forest Park Business Units from office (Use Class B1) to a chiropody clinic (Use Class D1).- Approved 2014.

5. THE PROPOSAL

5.1 The proposal is for the change of use of unit 7 from offices to a place of worship for a temporary period of 2 years. The place of worship would be used by the Bracknell Islamic Cultural Society (BICS) for prayers. The place of worship would be used by 5-10 people at each prayer session. There would be 5 prayer sessions a day, ranging from 3:00 am to 11:00 pm in the summer months and 6:00 until 10:00 pm in the winter months. Each prayer session would last for between 30 minutes and one hour.

6. REPRESENTATIONS RECEIVED

Other Letters of Representation

6.1 Winkfield Parish Council objected to the application on the following grounds:

- Unsuitable location
- There are parking issues during the daytime in this location.
- The carpark is secured at night and therefore unavailable for visitors to use.
- Close proximity to residential area.
- Unsociable hours would cause noise nuisance to the local residents.
- WPC would urge BFC to assist with a suitable alternative location.

Other Letters of Representation

6.2 Sixteen letters of objection were received from thirteen different properties. The issues raised are summarised as follows:

- Unsociable hours of worship will create noise and disturbance to nearby residential properties
- Traffic implications for Savernake Road
- Proximity to public house
- Facility should be within the town centre or on the edge of an estate
- Area already busy enough
- 2 years is not a temporary period
- If the community of the church grows the area will become even busier
- Disturbance to residential properties from traffic noise
- Frequent comings and goings would be disruptive to adjacent businesses
- Insufficient parking
- Office premises is unsuitable for proposed facility
- Developments in Bracknell should benefit everyone, not just a religious minority
- Not adequate need for a new mosque [*officer note: a mosque is not proposed. The application is for the change of use of an existing office unit*]
- Security risks to other business units through people accessing the building out of normal office hours
- Concerns that other business uses would have to amend their normal practices to avoid disturbing other during prayers or contemplation
- Community centre would be more appropriate
- Times of worship could clash with activities at the community centre
- The proposal could lead to activities such as weddings and fundraisers in the unit [*officer note: the proposal is for a place of worship only and weddings etc would not be licensed on the premises*]
- Potential for vandalism if the security gates are opened in the night
- Potential antisocial behaviour
- Health and safety concerns

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Transportation Officer: No objection. See section 9 of this report for full details.

7.2 Environmental Health: No comments.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
General	CP1 of SALP, CS1 and CS2 of	Consistent

policies	CSDPD	
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Employment	Saved Policy E5 of BFBLP, policy CS19 of CSDPD	E5 is not entirely consistent as the NPPF as a neighbourhood centre falls outside the NPPF definition of a town centre.
Parking	Saved policy M9 of BFBLP	Consistent
Transport	CS23 of CSDPD and Saved policy M9 of BFBLP.	Consistent
Supplementary Planning Documents (SPD)		
Parking standards SPD		
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		

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 Community Infrastructure Levy

i. Principle of development

9.1 Core Strategy Policies CS1 (Sustainable Development) and CS2 (Locational Principles) are relevant and consistent with the objectives of the NPPF, and can be afforded full weight. In particular, Policy CS2 permits development within defined settlements. The application site is located within a defined settlement as designated by the Bracknell Forest Borough Policies Map. Therefore, the principle of the change of use of the unit is acceptable.

9.2 The application site is located within a defined settlement as designated by the Bracknell Forest Borough Policies Map. It is also a defined village and neighbourhood centre, known as Horndean Road, Forest Park as set out in 'Saved' policy E5 of the BFBLP and inset map 15 of the SALP. This is not entirely consistent with the NPPF when applied to this site as the definition of a town centre in the NPPF glossary does not include neighbourhood centres. The proposal should therefore be assessed against Policy CS19 of the CSDPD, which states that small business uses will be protected, and that planning permission will only be granted if the proposal does not conflict with other elements of this strategy. It should be noted that this proposal is for a temporary change of use for two years, and therefore the business unit would not be lost in perpetuity.

9.3 Furthermore, paragraph 70 of the NPPF sets out that planning decisions should plan positively for the provision and use of community facilities, including places of worship, to enhance the sustainability of communities and residential environments. The principle of the change of use is therefore acceptable subject to no conflict with policies regarding the character and appearance of the area, impact on residential amenity and transport matters. These matters are assessed below.

ii. Impact on Character and Appearance of Area

9.4 The proposed application is for a change of use of a commercial unit within an existing building, with no external alterations proposed. The proposed use is D1 and, as set out above, is appropriate to the neighbourhood centre designation of the site as outlined in the NPPF. It would not, therefore, significantly alter the character of the area. 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' Policy EN20, and the NPPF.

iii. Impact on Residential Amenity

9.5 The proposed change of use would not result in any changes to the external appearance or the footprint of the existing buildings and would not, therefore, have any impacts on neighbouring properties in terms of overshadowing, loss of light or overbearing impacts.

9.6 The proposals would result in an increase in people arriving to and leaving the premises. However, it is anticipated that only 5-10 people would be coming to or from the premises, for a short period of time – for approximately 15 minutes, 5 times per day. This is comparable to people visiting the adjacent community centre for a fitness class or social session. On balance, the proposed change of use is unlikely to cause undue disturbance to the other business users in the building, or the surrounding commercial and community uses. While there are some residential units near the site, on World's End Hill, as stated above, the use is not likely to cause disturbance over and above the surrounding uses. It should be noted that while the Forest Park Business Units are approximately 9 metres from the nearest residential properties to the south and east, the main entrance to the business units is on the north elevation of the building, facing the car park.

9.7 There would be some early morning and late evening prayers, especially in the summer months. However, no external audio equipment is proposed, and a condition is recommended to secure this as well as restricting hours that amplified audio equipment can be used within the building. Subject to these conditions, and given the small number of worshippers that would attend each session, it is not considered that this would give rise to undue noise and disturbance to nearby residents.

9.8 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.

iv. Transport implications

Access

9.9 There are no parking/waiting restrictions currently in operation along Horndean Road, and while the Highway Authority (HA) has observed a few vehicles being parked on-street within the turning head at the end of the road and close to the business units' car park access at various times of the day, this does not affect highway safety. Horndean Road is relatively wide at around 7 metres and on-street parking does not currently affect two-way access nor does it appear to present access problems within the relatively generous turning head.

9.10 There is adequate footway and lighting and dedicated cycle routes, as well as bus

services operating in the local area for this site to be considered accessible, though the catchment of the site will affect its attractiveness to non-car modes. The existing footways along Horndean Road and a footpath to the side of the community centre lead pedestrians across the road towards the main entrance of the building via a block paved path. Unit 7 is on the first floor of the building.

9.11 The car park serving the business units is accessed adjacent to a servicing yard to the rear of the shops and adequate sight-lines are currently available between vehicles accessing/exiting the car park and passing traffic/other road users. The car park has a gated access and there are gates to either side of the building for deliveries/servicing of units.

9.12 The Bracknell Islamic Cultural Society is re-locating from their current home at the Harmans Water Community Centre, approximately a kilometre to the north, and given this relatively short distance between the two sites, the accessibility of this new site for current users could be expected to be similar.

Parking

9.13 The Council's parking standards note that one parking space is required per 10 seats for a place of worship. While the nature of the proposed user, the Bracknell Islamic Cultural Society, would not be a function of the number of seats, the applicant has indicated that between 5 and 10 worshippers would attend at any given time.

9.14 A number of local comments raise concern that the unit could accommodate more than 10 worshippers with resulting traffic and parking impacts. By way of reference; in 2005, planning permission was granted for a change of use of an office to an Islamic education and community facility at Technor House, Shirley Avenue, Windsor (planning application no. 05/00759/FUL). The Windsor site is larger and the provision of various classrooms, in addition to the prayer room make the Windsor site a more intense site than this. Nonetheless, the planning application indicated that it would be possible for around 80 worshippers to be accommodated in a prayer room of 120 square metres for Friday prayers. Unit 7 (the application site) is 50 square metres (with some of the area shown on plans as w/c and store) and applying the same principles, 30 worshippers could potentially be accommodated at any given time.

9.15 Applying the Council's current parking standards to the maximum 10 worshippers, as indicated by the applicant themselves would result in the requirement for one parking space and if the unit had 30 worshippers, as explained previously, then this would give rise to a requirement for 3 parking spaces. It should be noted, though, that this is not the intention of the applicant who, as set out above, anticipates up to ten worshippers. Friday prayers are not proposed at this premises as these will continue to be held at Bracknell Leisure Centre.

9.16 The car park serving the business units provides 25 spaces for the 8 units, a ratio of around 3 spaces per unit, and as such the potential parking requirements for this place of worship ranging from one space to three spaces when assessed against the Council's current parking standards could be accommodated within the car park. It should be noted that the current/potential office use could generate a requirement for at least one space to comply with the parking standard. While spaces are not marked out as allocated to a specific unit, the application form indicates that Unit 7 has access to 2 parking spaces within the car park which is within the red line area. The car park is adequately surfaced and is lit.

9.17 The HA visited the site at 8am on 22 December 2015 to assess the local parking

situation and observed there to be 4 vehicles in the car park serving the business units (around 15% full). One vehicle was parked close to the car park access and a further vehicle was parked on-street in front of the community centre. Also, 16 vehicles were parked in the public car park (around 30% full). Similar observations were made on 4 January 2016.

9.18 The HA carried out further parking surveys on 4 January 2016 and at around 11.00am observed 13 vehicles in the business units' car park (around 50% full). Two vehicles were parked close to the car park access and 19 vehicles were parked in the public car park (around 35% full). At around 2.30pm (on the same day), 11 vehicles were parked in the business units car park. Also, 3 vehicles were parked on-street and 24 vehicles were parked in the public car park.

9.19 The public car park serving the community centre and adjacent shops, nursery and public house has around 53 spaces and there are no restrictions on its general use.

Trips

9.20 The applicant has indicated that between 5 and 10 worshippers would attend at any given time, at potentially 5 different half-hourly and hourly intervals across the course of a day. On the basis of this information, the use of this unit as a place of worship could generate in the region of 100 two-way trips over the course of a typical day. The current/potential use of Unit 7 as an office could generate 10 to 12 two-way trips over the course of a typical day with the majority of movements during the morning and evening peak commuter traffic periods. The proposal is therefore likely to generate more traffic than the current/potential office use.

9.21 The HA notes the local comments that the car park gate is locked during the evening and early hours/mornings (outside of office hours) to restrict unwanted access/anti-social behaviour. Clearly, if the gates are locked then vehicles would park on-street or in the public car park, but this is unlikely to create risks to highway safety when there would be few pedestrians/cyclists around during these late hours. Presumably, current occupiers of the business units are able to access the building and the car park outside of hours, subject to the agreement of the owner/manager of the premises.

9.22 Temporary permission is being sought for a period of 2 years and this would enable the HA to monitor the impacts of this proposal. Overall, there is adequate parking for the proposal and it would not pose a risk to highway safety. The proposal is therefore in accordance with CSDPD Policy CS23 and 'Saved' policyM9 of the BFBLP.

v. Community Infrastructure Levy (CIL)

9.23 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.

9.24 CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted). In this case, the proposal would be CIL liable as the proposal comprises more than 100 sq.m. of floorspace. However, as the proposal is for a change of use to a place of worship, the CIL charge would be nil.

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. As the proposal does not conflict with any other policies in the development plan, the principal of the loss of the small business unit for a temporary period of two years is acceptable. The proposal is therefore considered to be in accordance with 'Saved' Policies E5, E11, EN20 and M9 of the BFBLP, CS1, CS7, CS19 and CS23 of the CSDPD and Policy CP1 of the SALP, all in accordance with the NPPF.

11. RECOMMENDATION

APPROVE the application subject to the following condition(s):-

01. The use hereby permitted shall be discontinued on or before two years from the date of this permission.
REASON: To allow the Local Planning Authority to retain the original use of the building once the place of worship use ceases.
02. The use hereby permitted shall be carried on only by the Bracknell Islamic Cultural Society and when the premises cease to be occupied by the Bracknell Islamic Cultural Society the use shall cease.
REASON: To allow the Local Planning Authority to retain control over the use of the premises.
03. The development hereby permitted shall be carried out only in accordance with the following approved plans and documents received by the Local Planning Authority on 3 December 2015:
Block Plan
First Floor Plan
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
04. No external audio equipment shall be installed on the building at any time.
REASON: In the interests of the amenities of the occupiers of nearby residential premises.
[Relevant Policies: BFBLP EN25]
05. No amplified audio equipment shall be used in the premises outside the hours of 08:00 and 18:00 Monday to Friday; 08:00 and 13:00 Saturday and not at all on Sundays and Bank Holidays.
REASON: In the interests of the amenities of the occupiers of nearby residential premises.
[Relevant Policies: BFBLP EN25]

Informative(s)

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

02. The following conditions do not require the submission of details, but must be complied with:

1. Temporary permission
2. Use only by BICS
3. Approved plans
4. External audio equipment
5. Amplified audio equipment

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ITEM NO:

Application No.

15/00567/FUL

Site Address:

Ward:

Harmans Water

Date Registered:

17 June 2015

Target Decision Date:

12 August 2015

10 Lyndhurst Close Bracknell Berkshire RG12 9QP

Proposal:

Erection of part two storey, part single storey front and side extensions and formation of basement, following demolition of front and side elements of the dwelling (part retrospective).

Applicant:

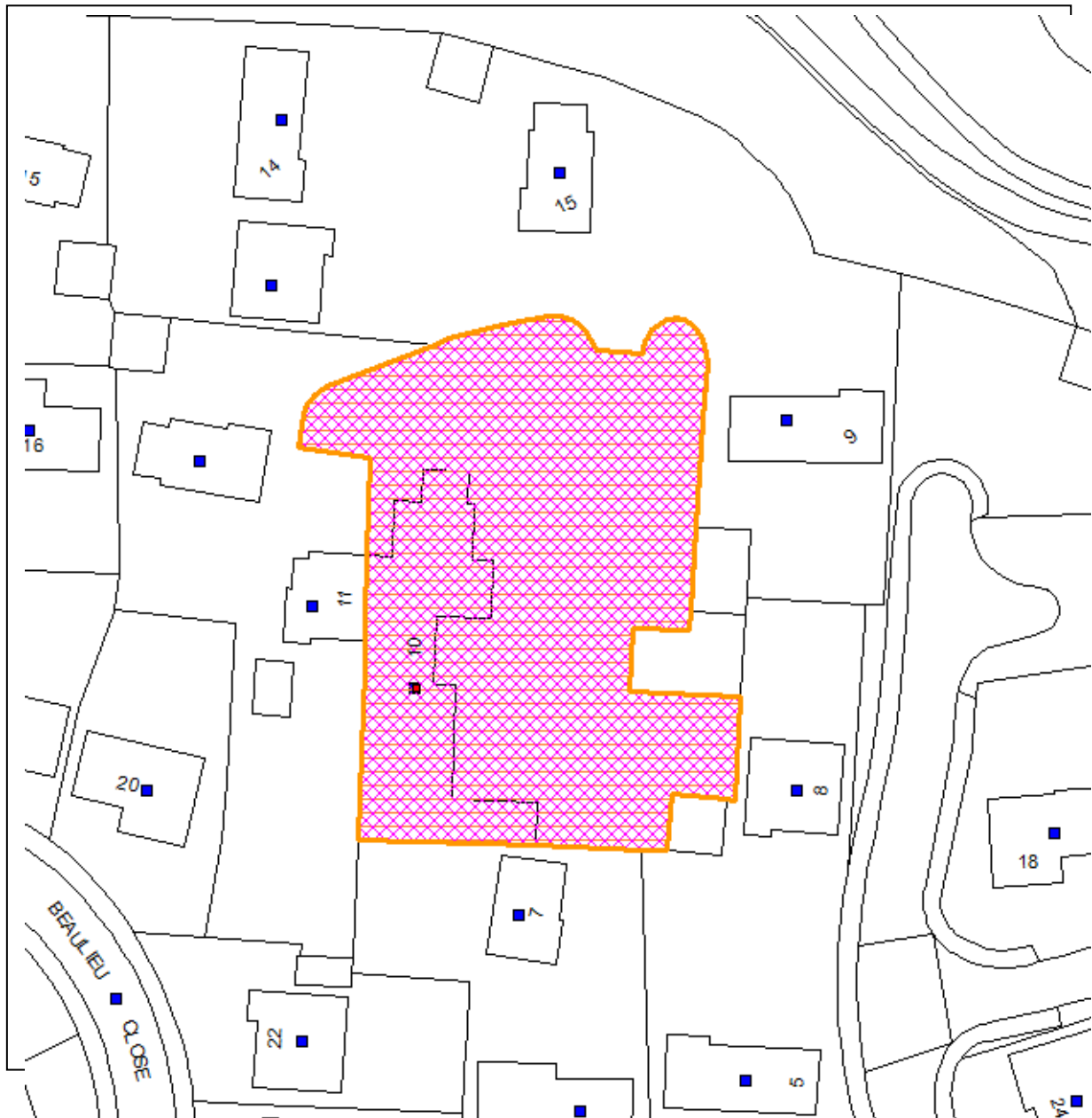
Mr P Norris

Agent:

Day Tanner Partnership Ltd

Case Officer:

Matthew Miller, 01344 352000

development.control@bracknell-forest.gov.uk**Site Location Plan** (for identification purposes only, not to scale)

OFFICER REPORT

1. SUMMARY

1.1 The application is for the erection of part two storey, part single storey front and side extensions and the formation of a basement, following the demolition of front and side elements of the dwelling. The application is partly retrospective as works have commenced involving the demolition of sections of the dwelling, and the commencement of the basement works.

1.2 The 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 development would be acceptable in terms of highway safety and parking, and would not adversely impact the health of protected trees subject to proposed conditions.

RECOMMENDATION

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 at the request of Councillor Mrs Mattick over concerns that the development constitutes overdevelopment of the site.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within settlement boundary

TPO trees within property

3.1 Prior to the demolition works 10 Lyndhurst Close was a five bedroom dwellinghouse with a significant single storey extension on the southern side. At the time of writing a significant section of the dwellinghouse has been demolished as part of the development subject to this application.

3.2 The property is sited within a predominately residential area, within a defined settlement. It is accessed from a private cul-de-sac linking to the adopted highway of Lyndhurst Close. The property is significant in size, with gated access, and contains a separate single storey building that has planning permission for use as a dwelling in its own right (12/00402/FUL). The dwellinghouse known as no.10 occupies the entire western boundary of the property. The property contains a combination of hardsurfaced access areas and soft landscaping, with trees subject to Tree Preservation Orders (TPOs) ref: TPO 133 and TPO 1070A located in the middle and on the northern boundary of the site.

4. RELEVANT SITE HISTORY

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

9636

Application for extension.

Approved (1964)

608406

Single storey extension to garage block forming additional garage and workshop
Approved (1983)

608667

First floor extension forming bedroom and bathroom, s/s side extension forming swimming pool, changing rooms, sauna and lounge and erection of new porch.
Approved (1984)

609554

Demolition of existing barn and erection of first floor extension forming bedroom, ensuite bathroom and dressing room, s/s rear extension forming swimming pool, lounge, sauna, changing rooms WC and plant room and porch.
Approved (1985)

12/00402/FUL

Change of use of existing residential garage to separate residential dwelling with garage and erection of raised platform forming decking.
Approved (2012)

14/00554/FUL

Erection of two storey front and two storey side extension and internal alterations.
Approved (2014)

5. THE PROPOSAL

5.1 The development comprises the erection of part two storey, part single storey front and side extensions and the formation of a basement, following the demolition of front and side elements of the dwelling. There would be no net increase in bedrooms (five).

5.2 The northern side extensions would extend the depth of the dwelling on the northern side by 3.4 metres, with a single storey height of 3.5 metres, and a balcony above (described on the submitted plans as a terrace).

5.3 The development would form an infill extension between the main dwelling and the large southern extension on the front elevation of the middle section of the built form. It would have a depth of 7.4 metres (projecting forward of the existing front elevation by 1.4 metres), with a width of 6.8 metres and a two storey height of 6.7 metres, with a south-facing balcony.

5.4 In addition to the above the development comprises the formation of a 3.0 metre deep basement beneath the main dwelling, measuring a total of 6.4 metres in length and 8.8 metres in width.

5.5 The application is partly retrospective as works have commenced involving the demolition of sections of the dwelling, and the commencement of the basement works.

5.6 The application was initially submitted as an amendment to planning permission 14/00554/FUL, to incorporate the aforementioned basement. However demolition and rebuilding works have also occurred to the main dwelling. Therefore during the course of the application additional plans have been received to clarify the extent of demolition works that have already taken place to the main dwelling, and therefore the additional information details the total replacement space and additional extensions.

6. REPRESENTATIONS RECEIVED

Bracknell Town Council:

6.1 Winkfield Parish Council object to the application on the grounds that it constitutes overdevelopment of the site, and the access route to the property has limited capacity. *[Officer Comment: These matters are assessed in the report below].*

Other representations:

6.2 A total of 3no. representations have been received from the residents of the neighbouring properties of 9, 12 and 14 Lyndhurst Close. The residents of 14 Lyndhurst Close initially objected to the application, however following the receipt of additional plans this objection has been withdrawn. The representations can be summarised as follows:

- (i) The initially submitted plans did not reflect the actual development taking place in respect of demolition works occurring. *[Officer Comment: see section 5.6 of the report].*
- (ii) There are concerns regarding the impact of the development on protected trees present on site, however no overall objection has been raised to this. *[Officer Comment: The impact of the development on these trees is assessed in the report below].*
- (iii) There are concerns over the noise that would be generated through construction work, including the movement of construction vehicles. *[Officer Comment: Such activity is subject to separate Environmental Health legislation with regards to activity occurring during unsociable hours].*

7. SUMMARY OF CONSULTATION RESPONSES

Tree Officer

7.1 No objection raised subject to the imposition of conditions.

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

	Development Plan	NPPF
General policies	CP1 of SALP, CS1 and CS2 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
Trees	'Saved' Policy EN1 of BFBLP, CS1 and CS7 of CSDPD.	Consistent
Supplementary Planning Documents (SPD)		
Parking Standards SPD (2007)		
Other publications		
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. Impact on trees
- v. Impact on highway safety
- vi. Community Infrastructure Levy

i. Principle of Development

9.2 10 Lyndhurst Close 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, highway safety, etc. These matters are assessed below.

ii. Impact on Character and Appearance of Area

9.3 The design of the development is not considered to be out of character with the host dwelling (prior to its part demolition) in view of the use of a gable roof design and pitch, the rectangular layout of the additional extensions, and the layout of fenestration. It is considered that the overall design of the development is of good quality.

9.4 The external design of the development would be identical to the development granted permission 14/00554/FUL.

9.5 The development would not be readily visible in the street scene of Lyndhurst Close to the north, or from other public vantage points as it is set back within the site and obscured by a high density of boundary treatments formed by trees and other planting, and boundary fencing and walls.

9.6 Although the development in terms of both the rebuilding of sections of the main dwelling and the additional extensions represent a reasonable enlargement to the dwelling, in comparison to the overall size of the dwelling on site prior to the commencement of demolition this is not considered to be overdevelopment. Furthermore, the dwelling benefits from a large plot and minimal soft landscaping would be lost, as the extensions would be sited on existing hardstanding. The overall footprint of the development would not exceed that approved under planning permission 14/00554/FUL.

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

iii. Impact on trees

9.8 Trees subject to TPOs 133 and 1070A are present in the middle of the site and on its northern boundary. A Tree Survey and Arboricultural Report was undertaken in support of planning permission 14/00554/FUL, and this remains applicable to the development subject to this application.

9.9 With the exception of the basement, the siting and massing of the development is identical to that approved under planning permission 14/00554/FUL. The tree assessment undertaken in relation to 14/00554/FUL identified that there would be no adverse harm to the nearest protected trees to the east, in view of the presence of the existing dwelling and a significant level of intervening hardsurfacing, subject to conditions imposed within the planning permission.

9.10 Although the condition has not been formally discharged, the protective tree measures outlined within condition 04 of planning permission 14/00554/FUL have been followed, as protective fencing has been installed and materials are not being stored within the root protection areas (RPAs) of the protected trees.

9.11 The Tree Officer has been consulted on the development in respect of the additional basement, and advises that as the majority of tree roots are sited directly beneath the surface, the 3 metre deep basement is not likely to have detrimentally impacted the health of the nearest trees. This is because the basement is sited underneath the footprint of the main dwelling (prior to its part demolition), and therefore the root constraints were already present in this location. Furthermore tree protection measures have been utilised on site in respect of the additional basement works. It is recommended that the tree protection conditions be carried forward within this development.

9.12 It is therefore considered that the development would not result in an adverse impact on protected trees, in accordance with CSDPD Policy CS7, BFBLP 'Saved' Policy EN1, and the NPPF, subject to the recommended conditions.

iv. Impact on Residential Amenity

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

9.14 It is not considered that the proposed two storey front extensions would result in any loss of light or overbearing impacts to neighbouring properties in view of their siting and separation distances to the neighbouring properties. These extensions would not be visible from the adjoining dwelling of 11 Lyndhurst Close to the west as they would be obscured by the host dwelling.

9.15 The single storey side extension would be sited 2.5m from the boundary with 11 Lyndhurst Close. In view of this distance, its single storey height, and the impact of the main dwelling on no.11, it is not considered that this extension would result in an overbearing impact, and it would comply with BRE (2011) light standards.

9.16 A north-facing balcony/terrace is proposed to be formed on the northern side of the dwelling. This balcony would extend past the rear (northern) boundary of 11 Lyndhurst Close and would be heavily screened from this property by an existing tree. The balcony would face northwards and would be at an oblique angle to no.11. Furthermore this balcony has previously been granted planning permission under 14/00554/FUL.

9.17 A south-facing balcony is proposed to be formed, however it would have a separation distance of 15 metres to the boundary with 7 Lyndhurst Close to the south. In view of this distance and the presence of intervening boundary screening formed by planting, it is not considered that the balcony would result in an adverse loss of privacy to the occupants of no.7.

9.18 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.

v. Impact on Highway Safety

9.19 The development would not involve a net increase in bedrooms or affect existing parking arrangements. The existing hardstanding present on site provides adequate capacity for at least 3no. off-street parking spaces of acceptable size.

9.20 It is not considered that the development would result in a notable increase in traffic using the access road in comparison to the existing situation, and in any case this is a private cul-de-sac serving 7no. properties (including the application site).

vi. Community Infrastructure Levy (CIL)

9.21 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 developments of 1-14 dwellings. The amount payable varies depending on the location of the development within the borough and the type of development.

9.22 The development would not result in net additional dwellings and therefore is not 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, on protected trees, the amenities of the residents of the neighbouring properties, or on highway safety, subject to the recommended conditions. It is therefore considered that the proposed development complies with Development Plan Policies SALP Policy CP1, CSDPD Policies CS1, CS2 and CS7, BFBLP 'Saved' Policy EN1, EN20 and M9, and the NPPF.

11. RECOMMENDATION

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

01. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority:

3171/401 'Proposed Floor Plans And Elevations' received on 17 June 2015

3171/402 'Site & Location Plan' received on 17 June 2015

3171/502 'Floor Plans As On Site' received on 26 October 2015

3171/504 'Proposed Floor Plans' received on 26 October 2015

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

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

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

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

03. No development (including any additional site-clearance) shall continue until a detailed scheme for the protection of existing trees, hedgerows and groups of mature shrubs to be retained has been submitted to and approved in writing by the Local Planning Authority, in accordance with British Standard 5837:2012 'Trees in relation to design, demolition and construction - Recommendations'. Protection measures shall be phased as necessary to take into account and provide protection during demolition/site clearance works/building construction works/hard landscaping works. Details shall

include an approved development layout plan at a minimum scale of 1:200 and show 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 locations of protective barriers, that are a minimum height of 2.0 metres and supported by a metal scaffold framework, constructed in accordance with Section 6 (Figure 2) and which include appropriate weatherproof signage (such as "Keep Out - Construction Exclusion Zone") affixed at regular intervals to the outside of the protective fencing structure.
- e) Illustrations of the proposed protective barriers to be erected.
- f) Proposed location and illustration of ground protection measures associated with the 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) Annotations at regular intervals, of the minimum protective distances between barriers and trunks of retained trees.
- 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: CSDPD Policy CS7, BFBLP 'Saved' Policies EN1 and EN20]

04. The protective fencing and other protection measures specified by condition 03 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) No storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description;
- c) No installation of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, portable-toilets, storage compounds or hard standing areas of any other description;
- d) No soil/turf-stripping; raising or lowering of existing levels; excavation or alterations to the existing surfaces/ground conditions of any other description;
- e) No installation of any underground services, temporary or otherwise, including; drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting;
- f) No parking or use of tracked or wheeled machinery or vehicles of any description;

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

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

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

Informative(s):

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

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

- 1. Approved Plans
- 2. Materials
- 4. Tree Protection Measures

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

- 3. Tree Protection Scheme

Doc. Ref: Uniform 7/DC/Agenda

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

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ITEM NO:

Application No.
15/00856/FUL

Ward:
Wildridings And Central

Date Registered:
23 September 2015

Target Decision Date:
18 November 2015

Site Address:

33 Saffron Road Bracknell Berkshire RG12 7BT

Proposal:

Conversion of existing garage into habitable accommodation, erection of a first floor extension, external alterations to enable sub-division of existing four bedroom dwelling to create 1no. three bedroom and 1no. two bedroom dwellings.

Applicant:

Mrs Zuzana Pollakova

Agent:

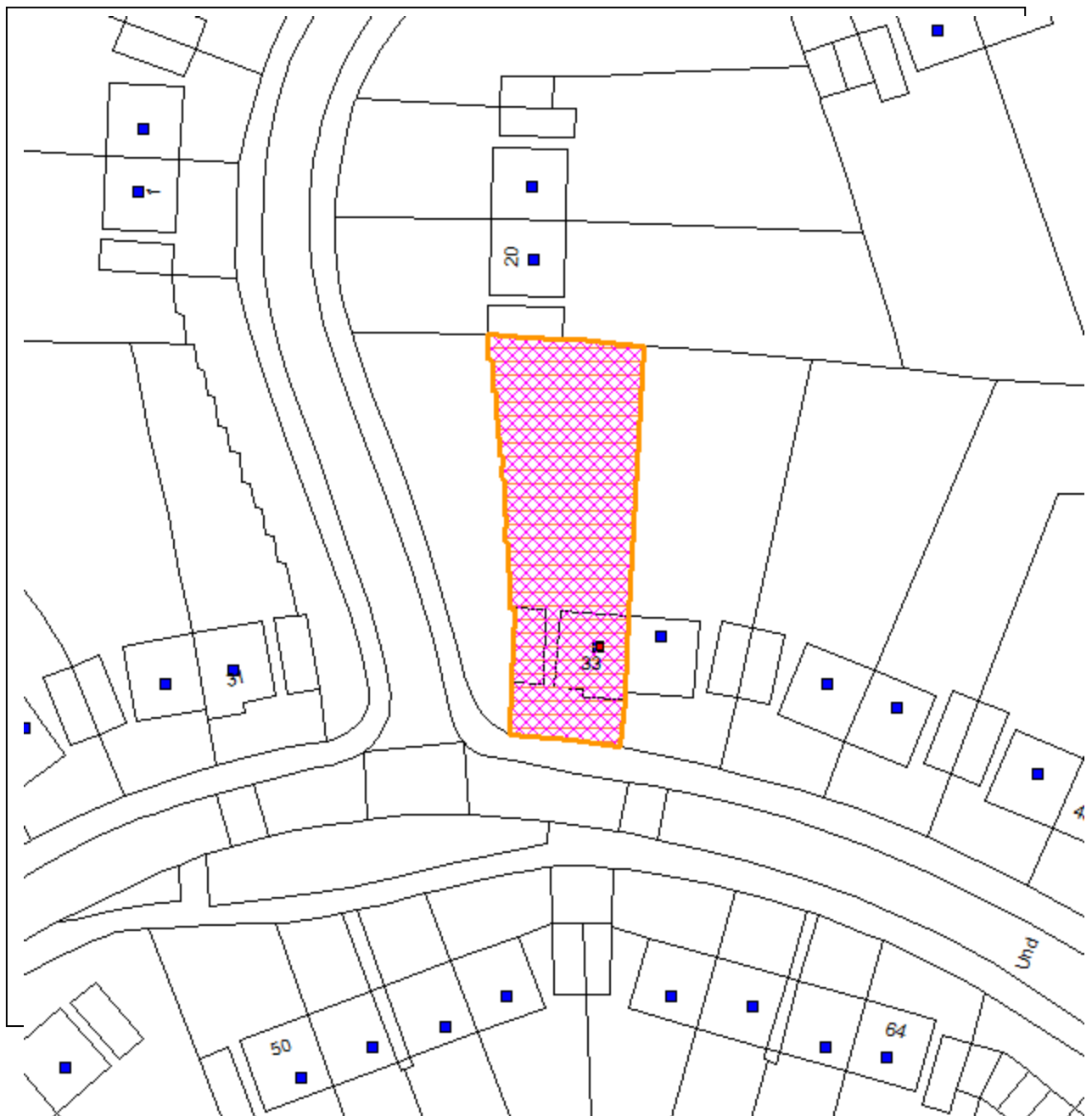
Mr Stephen Vaughan

Case Officer:

Matthew Miller, 01344 352000

development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

1.1 The proposal is the conversion of the existing garage into habitable accommodation, and the erection of a first floor extension above the garage with associated external alterations, to enable a sub-division of the existing four bedroom dwelling to create 1no. three bedroom and 1no. two bedroom dwellings.

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 proposed conditions. Relevant conditions will also be imposed in relation to detailed design, biodiversity, trees and sustainability and a section 106 agreement will be entered into in relation to impacts on the SPA.

RECOMMENDATION

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.
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2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application has been reported to Planning Committee as four objections have been received to the proposal.

[Officer Comment: Prior to the receipt of the fourth objection the application was also called in by Cllr Dudley over concerns of the impact of the proposal on highway safety and on trees to the west].

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within settlement boundary

Within 5km of the SPA

3.1 33 Saffron Road is a four bedroom, two storey semi-detached dwelling located in a predominately residential area. The dwelling contains an attached single garage on the western side elevation with habitable first floor accommodation above. The front of the dwelling contains a soft landscaped front garden with a hardsurfaced driveway leading to the attached garage. The property benefits from an enclosed rear garden. The dwellinghouse has not been previously extended.

3.2 Trees are sited on a section of amenity land located between the application site and the highway of Dundas Close to the west. However these trees are not subject to formal protection.

4. RELEVANT SITE HISTORY

4.1 No planning applications received.

5. THE PROPOSAL

5.1 The proposed development is the sub-division of the existing four bedroom dwelling into 1.no. three bedroom, and 1.no two bedroom dwellings, including a first floor extension above the attached garage, and the conversion of the garage to habitable accommodation with associated external alterations. In association with this it is proposed to sub-divide the existing rear garden.

5.2 The ground floor of the existing garage would not be increased in width or depth.

5.3 The proposed first floor extension to the existing garage would measure 4.3 metres in width, 9.3 metres in depth, and 8.1 metres in height from ground level.

5.4 It is also proposed to enlarge the existing hardsurfaced driveway across the frontage of the property to provide additional parking.

5.5 During the course of the application amended plans have been received to increase the height of the proposed side extension, and to clarify the parking capacity of the proposed driveway enlargement.

6. REPRESENTATIONS RECEIVED

Bracknell Town Council:

6.1 Bracknell Town Council object to the proposal on the grounds that the proposal would not have adequate provision for parking, and also raise concerns over the proposed access point to the proposed parking layout.

Other representations:

6.2 A total of 3no. objections have been received from residents of surrounding properties within Dundas Close to the west and north. The objections can be summarised as follows:

(i) The proposal would result in an adverse impact on highway safety as an acceptable level of parking provision has not been demonstrated, and the proposed access to the additional spaces would be unsafe, particularly in view of existing indiscriminate on-street parking that occurs.

(ii) Furthermore in conjunction with the approved development for two dwellings to the rear of 1 Dundas Close (14/00813/FUL) it is considered that the cumulative impact of the developments would result in an intensification of on-street parking. Concerns have also been raised as to the impact of the vehicle movements that the proposal would create on the existing 'speed humps' and bus route within Saffron Road, and to visibility and access within the junction of Saffron Road and Dundas Close.

(iii) The proposal would set a precedent for similar development in the surrounding area.

[Officer Comment: With regards to the potential for setting a precedent, every application must be assessed on its own merits, and is assessed in relation to the impact of the character of the area etc. as detailed in the report below. The remaining above matters are also assessed in the report below].

7. SUMMARY OF CONSULTATION RESPONSES

Highway Officer

7.1. Following the receipt of amended plans clarifying that the frontage of the property would provide capacity for four parking spaces with associated pedestrian access, the Highway Officer raises no objection.

Biodiversity Officer

7.2 The Biodiversity Officer raises no objection subject to the imposition of conditions concerning the protection of bird-nesting periods and potential bat roosts.

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

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:

	Development Plan	NPPF
General policies	CP1 of SALP, CS1 and CS2 of CSDPD	Consistent
Housing and sub-division of dwellings	CS15 and CS16 of CSDPD, 'Saved' Policy H3 of BFBLP	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 BFBLP, and Policy CS14 of CSDPD	Consistent
Trees and biodiversity	'Saved' Policy EN1 of BFBLP, CS1 and CS7 of CSDPD.	Consistent
Supplementary Planning Documents (SPD)		
Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD (2012)		
Parking Standards SPD (2007)		
Other publications		
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, including trees
- 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 proposal would provide a net increase of one dwelling, 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, including Trees

9.3 The existing attached garage with first floor accommodation has a total height of 5.6 metres, subordinate in height to the 8.1 metre height of the main dwelling. The initially submitted plans proposed to increase the height of the existing side element to 7.8 metres, which would remain subordinate to the host dwelling. It was recommended that the height of the proposal be increased to 8.1 metres, matching the height of the host dwelling, and extending the dual-pitched roof line, as this would provide a design and character to the additional dwelling of an independent dwellinghouse rather than as an extension.

9.4 The proposal would therefore effectively create a short terrace of three dwellings. Terraced properties are characteristic of Saffron Road, including the terraced properties immediately south of the application site. In view of this it is not considered that the revised proposal would be incongruous in the street scene, and would be appropriate to the urban context. Furthermore the proposal would result in the existing front-projecting gable feature of the host dwelling being sited in the middle of the terraced dwellings, thereby providing a symmetrical appearance to the overall combined structure, to which the proposed development would be harmoniously integrated.

9.5 It is not considered that the proposed external alterations to the existing garage, involving replacing the garage door with windows and a front door, would result in an adverse impact on the character of the area considering the nature and extent of the proposed works.

9.6 Although the proposal would involve the loss of the soft landscaped front garden of the property, hardsurfaced frontages are a common feature of properties within Saffron Road, and the applicant would be entitled to undertake this work without requiring planning permission, subject to the use of permeable materials or a soakaway drain.

9.7 The rear garden of the property in its existing form would be uniformly sub-divided in line with the established plot layouts of the surrounding properties.

9.8 The proposal would not contain allowance for external access to the rear of the properties for bin or cycle storage. It is noted that the existing property has an informal access point to the rear garden through a side gate accessed via a section of amenity land (to which the applicant has no formal control over). This informal access would be retained for the western proposed dwellinghouse. The absence of external access to the rear of properties is a common feature within Saffron Road. Particularly as there is no practical means to provide such additional access within the proposal, it is not considered that the absence of such access would result in such an adverse impact on the character of the surrounding area as to justify a refusal of planning permission, when applying the balancing exercises of the NPPF.

9.9 Trees are sited on a section of amenity land between the application site and the highway of Dundas Close to the west. These trees do not benefit from Tree Preservation Orders (TPOs). As the ground floor of the existing garage would not be enlarged in width or length, the existing built footprint of the current dwelling would be retained. The Tree Officer has commented that although the foundations of the existing garage structure may need to be deepened, it is not considered that this would adversely impact the roots of the nearby trees in comparison to any existing harm that may have been caused. It is therefore considered in view of the above that the proposal would not result in an adverse impact on the character of the surrounding area through any potential tree impacts.

9.10 It is therefore considered that the development would not result in an adverse impact on the character and appearance of the area, in accordance with CSDPD Policy CS7,

BFBLP 'Saved' Policies EN1 and EN20, and the NPPF, subject to a condition requiring matching materials.

iii. Impact on Residential Amenity

9.11 The proposal would not be readily visible from the adjoining dwelling of 35 Saffron Road to the east due to its siting on the western side of the current host dwelling.

9.12 The proposal would be visible from the residential properties to the front and rear (south and north, respectively). In view of the existing separation distances, which would be retained, and the presence of existing front- and rear-facing first floor windows on the current host dwelling, it is not considered that the proposal would result in an adverse impact on the residential amenity of the occupants of these properties.

9.13 The proposal would be visible from the dwelling of 31 Saffron Road to the west. There is an intervening feature consisting of the highway of Dundas Close, and existing intervening planting provides a degree of screening. Furthermore the existing first floor accommodation above the garage contains a west-facing side window. No such side windows are proposed to be installed on the proposal, but in any case in view of the existing window and the separation features, any such windows would not be considered to result in an adverse impact on the amenity of the residents of no.31.

9.14 Although the garden serving the existing residents of the host dwelling would be reduced in width, the proposed sub-division of the garden would retain significant depths for the individual dwellings. The resulting rear gardens are not considered to be so small as to detrimentally impact the living conditions of any future occupants of the proposal.

9.15 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.

iv. Impact on Highway Safety

9.16 The proposal as initially submitted provided two parking spaces to the three bedroom dwelling and one parking space to the two bedroom dwelling. In accordance with the Parking Standards SPD, a two or three bedroom dwelling requires the provision of a minimum of two acceptable off-street parking spaces. Therefore there was a shortfall of one parking space.

9.17 The Highway Officer was consulted on the initially submitted plans and raised concerns over the shortfall in parking provision. Concerns were also raised as to the provision of unobstructed pedestrian access as this had not been indicated on the submitted plans.

9.18 Following the receipt of the Highway Officer's comments, amended plans have been received to clarify that the proposed hardsurfacing to the front of the property would provide capacity for four off-street parking spaces of acceptable size (two to each dwelling), thereby providing adequate parking provision. The amended plans have also shown that 0.9 metre wide unobstructed pedestrian access could be provided to the dwellings.

9.19 The proposal would require the enlargement of the existing dropped kerb eastwards, however this would therefore result in the kerb being enlarged away from the junction between Saffron Road and Dundas Close to the west. Although a raised traffic calming feature (a 'speed hump') is present on Saffron Road to the east of the application site, the enlarged dropped kerb would not intersect this feature. Furthermore as Saffron Road is not a classified road, planning permission is not required for the enlargement to the dropped kerb in isolation. However, the applicant would need to contact the Council's Street Care team in

order to implement the dropped kerb works. The applicant is therefore to be advised of this by informative.

9.20 As Saffron Road is not a classified road, there is no requirement for vehicles to be able to enter or egress the property in forward gear. Reversing onto Saffron Road is therefore considered acceptable, especially considering its nature as a residential road. The traffic calming features would serve to assist in encouraging passing vehicles to pass the property entrance at low speed.

9.21 As the proposal would provide adequate off-street parking provision, it is not considered that the proposal would detrimentally add to any indiscriminate vehicular parking that may occur. In respect of objections received, it is also noted that development 14/00763/FUL (rear of 1 Dundas Close) was also approved with adequate allocated off-street parking, and in any case every proposal must be considered on its own individual merits. It is therefore not considered that the proposal would intensify existing on-street parking, including any parking in the vicinity of highway junctions, on pedestrian footpaths or traffic calming features, and would therefore not be detrimental to highway safety. As a result of this it is also not considered that the proposal would interfere with the established bus route passing through Saffron Road.

9.22 Furthermore the proposal is considered to be sited in a sustainable location in respect of highway safety considerations, as it is served by public transport via the bus route, and is sited within an established residential area.

9.23 In the event of granting planning permission it is recommended that a condition be imposed to provide and retain the proposed parking layout, in the interests of highway safety.

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

v. Biodiversity implications

9.25 The proposal would involve demolition of sections of the existing garage. The Biodiversity Officer has been consulted on the proposal and considers that this garage has negligible potential for the roosting of bats due to its structure. The Biodiversity Officer has recommended that a condition be imposed to restrict site clearance of demolition during the main bird-nesting periods, in the interests of nature conservation.

9.26 The Biodiversity Officer also suggested that conditions be included to provide bird and bat boxes, and to provide a bat survey before commencing any works to the existing roof. It is however considered that these conditions are onerous in respect of the extent of the external building works proposed, and do not meet the test of being reasonable. However an informative is to be included with respect to potential bat roosting.

9.27 It is therefore considered that the proposed development would not result in an adverse impact on biodiversity, in accordance with CSDPD Policies CS1 and CS7, BFBLP 'Saved' Policy EN1, and the NPPF, subject to the imposition of the recommended conditions.

vi. SPA implications

9.28 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 2.13 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.

9.29 On commencement of development, 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 two bedroom dwelling. The total SANG contribution is therefore £1,303.

9.30 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which is also calculated on a per bedroom basis. Taking account of the per bedroom contribution whilst netting off the existing 4 bedroom dwelling results in a total SAMM contribution of £430.

9.31 The total SPA related financial contribution for this proposal is £1,733. 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 implications

9.32 CSDPD 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 is therefore recommended to be imposed which would 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.

9.33 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)

9.34 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 floor space for new dwellinghouses. The amount payable varies depending on the location of the development within the borough and the type of development.

9.35 CIL is not chargeable for the conversion (sub-division) of a dwelling into more than one new dwelling. However, the proposal would involve the formation of additional floor space through the proposed extension, which would contribute to the net additional dwelling. As a result this additional floor space created is CIL-liable.

9.36 The site falls within the CIL charging zone of 'Outer Bracknell', for which the charge is £75 per square metre for 1-14 additional dwellings.

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 Policy CP1 of the SALP, Policies CS1, CS2, CS7, CS10, CS12, CS15, CS16 and CS23 of the CSDPD, 'Saved' Policies EN1, EN3, EN20, H3 and M9 of BFBLP, Retained Policy NRM6 of the SEP, the Parking Standards SPD, and the Thames Basin Heaths Special Protection Area Avoidance and Mitigation 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 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 4 November 2015:
002 'All Plans, All Elevations & Plot Map As Proposed' [Amended]
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
03. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be of similar appearance to those of the existing dwelling known as 33 Saffron Road, Bracknell.
REASON: In the interests of the visual amenities of the area.
[Relevant Policies: Core Strategy DPD CS7, BFBLP 'Saved' Policy EN20]
04. The additional two bedroom dwelling hereby approved shall not be occupied until the 4no. off-street parking spaces as shown on drawing 002 'All Plans, All Elevations & Plot Map As Proposed' [Amended] received by the Local Planning Authority on 4 November 2015 has been provided in accordance with the approved plans. The parking spaces shall thereafter be retained for the use of the parking of vehicles at all times.
REASON: To ensure that an acceptable level of off-street parking is provided to the property, in the interests of highway safety.
[Relevant Policies: CSDPD Policy CS23, BFBLP 'Saved' Policy M9]
05. The additional two bedroom dwelling hereby approved shall not be occupied until vehicular access as shown on drawing 002 'All Plans, All Elevations & Plot Map As Proposed' [Amended] received by the Local Planning Authority on 4 November 2015 has been constructed.
REASON: In the interests of highway safety.
[Relevant Policies: CSDPD Policy CS23, BFBLP 'Saved' Policy M9]
06. 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]

07. The development shall not be begun until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day, has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the Sustainability Statement, as approved, and retained as such thereafter.

REASON: In the interests of sustainability and the efficient use of resources.
[Relevant Policy: Core Strategy DPD CS10]

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

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

09. 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant, acceptable amendments to the proposal to address those concerns. The proposal has been assessed against all relevant material considerations, including planning policies and any representations that may have been received. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

1. Commencement
2. Approved Plans
3. Materials
4. Parking provision
5. Access provision
6. Bird-nesting period
9. Drainage

Details will be required in respect of the following conditions before the commencement of development:

- 7. Sustainability Statement
- 8. Energy Demand Assessment

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. The applicant is reminded that all bat species are protected under section 41 of the Conservation of Habitats and Species Regulations 2010, the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to obstruct, disturb, damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. Planning consent for a development does not provide a defence against prosecution under this legislation. If you are aware that bats roost in the trees or buildings for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300 228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England (0845 600 3078) for advice before continuing.

05. The Applicant is advised 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.

In the event of the S106 agreement not being completed by 17 March 2016, the Head of Planning be authorised to extend the timescale for completion or 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).

Doc. Ref: Uniform 7/DC/Agenda

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

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ITEM NO:

Application No.
15/00923/FUL

Site Address:

Ward:
Ascot

Date Registered:
26 October 2015

Target Decision Date:
21 December 2015

**5 Kings Ride Park Kings Ride Ascot Berkshire SL5
8BP**

Proposal:

**Change of use from storage and distribution (Class B8) to research and development (Class B1b) and light industrial (class B1c) use.
Installation of new mezzanine floor.**

Applicant:

BioChek

Agent:

Novex Solution

Case Officer:

Katie Walker, 01344 352000

development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

1.1 The proposed development relates to an appropriate use on an established business park within the Green Belt 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.

RECOMMENDATION
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

PLANNING STATUS
Within Green Belt.

3.1 The Kings Ride Park is a small industrial/warehousing park set within the Green Belt and accessed from Kings Ride. There are currently six units on site with allocated parking and a shared overflow car park. The surrounding area is predominantly rural and open with the closest residential properties set over 150m to the north east. Units 2,4 and 6 are located to the west of the site, and units 1, 3 and 5 are located to the east. There is car parking in between the two blocks of units, as well as to the south of the site.

4. RELEVANT SITE HISTORY

625149: Outline application for the erection of a 555 square metre extension to unit 5 for storage and distribution use (Use Class B8) - Refused 1999.

5. THE PROPOSAL

5.1 The proposal is for the change of use of unit 5 Kings Ride Park from storage and distribution (Use Class B8) to research and development (Use Class B1b) and light industrial (Use Class B1c) use. BioChek, who would occupy the unit, is a veterinary diagnostics company specialising in the production of diagnostic kits for the poultry and swine industry.

5.2 The proposals also include the insertion of a mezzanine floor, however no external changes are proposed to the unit.

6. REPRESENTATIONS RECEIVED

6.2 Ten letters of objection were received from nine households, including one on behalf of the Kings Ride Residents Association. The issues raised are summarised as follows:

- Proposal does not accord with local policy in terms of being an appropriate change of use in the Green Belt.

- Impact on residential amenity of neighbouring properties in Prince Consort Drive. Kings Ride Park was categorised as warehousing to eliminate impacts on neighbouring properties.
- Increase in noise.
- Potential exposure of residents to harmful substances as the proposed occupant of the site manufactures diagnostic test kits for poultry and pigs. This has the potential to generate airborne emissions which could be harmful to residents. The Council should assess the risks involved to ensure the protection of residents. *[Officer note: the applicant has confirmed that the business comprises working with inactivated viruses and bacteria and that these products are used all over the world, also in the UK, and no specific precautions need to be taken when working with these materials. The control of specific operations falls outside of planning].*
- No details of refuse collection or drainage
- The fire brigade should be consulted to assess the risk of smoke or fire
- The mezzanine should be removed once the current occupier vacates.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Environmental Health: No objection subject to conditions.

7.2 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:

	Development Plan	NPPF
General policies	CP1 of SALP, CS1, CS2 of CSDPD	Consistent
Green Belt	CS19 of CSDPD, Saved policies GB1 and GB4 of BFBLP	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Parking	Saved policy M9 of BFBLP	Consistent
Transport	CS23 of CSDPD	Consistent
Noise and pollution	Saved policy EN25 of BFBLP	Consistent
Supplementary Planning Documents (SPD)		
Parking standards SPD		
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		

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

9.3 CSDPD Policy CS1 sets out a number of sustainable development principles including making efficient use of land and buildings where it protects the character and quality of local landscapes. This is consistent with the NPPF and as such can be afforded full weight.

9.4 The site is for the change of use of a building located in the Green Belt, as defined on the Bracknell Forest Borough Policies Map, and therefore Policy CS9 of the Core Strategy DPD and saved Policies GB1 and GB4 of the BFBLP apply. These policies seek to protect the Green Belt from inappropriate development.

Change of use

9.5 'Saved' Policy GB4 of the BFBLP sets out that the change of use and adaptation of buildings in the Green Belt will only be acceptable where:

- i) The impact of the proposal on the existing open, rural and undeveloped character of the Green Belt will not be materially greater than that of the present use;
- ii) Strict control is exercised over the extension and re-use of buildings and the associated land around them which might conflict with the existing open, rural and undeveloped character of the Green Belt;
- iii) The building is of permanent construction and its scale, design, bulk and form are in keeping with its surroundings;
- iv) The proposed change of use or adaptation would not be detrimental to the character of the building, its surroundings and landscape setting;
- v) The proposed change of use, within any individual building or complex of buildings within a close proximity, would not result in a net increase of more than 500 square metres of use classes B1-B8 floorspace;
- vi) The proposed would not cause significant environmental, road safety or traffic generation problems; and
- vii) The proposed change of use of the building is small scale and appropriate to a rural area.

9.6 Unit 5 of Kings Ride Park is a permanent building already in B8 use, and the entire of Kings Ride Park is within B1 - B8 uses. As such, the change of use of unit 5 from B8 to B1 would not result in a net increase of B1-B8 uses within the complex and its impact on the existing open, rural and undeveloped character of the Green Belt would not be materially greater than the present use. Therefore the proposed change of use from B8 to B1 is considered to be acceptable and in line with Green Belt policy.

Insertion of mezzanine floor

9.7 The proposals include a mezzanine floor, which would increase the floorspace of Unit 5 from 814 square metres to 1,394 square metres, resulting in a net increase of 580 square metres.

9.8 The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraphs 87-89 advise that inappropriate development is by definition harmful to the Green Belt. It is important to note that the mezzanine floor does not constitute development under section 55 of the Town and Country Planning Act 1990 unless it relates to retail units of over 200 sq.m. The insertion of the mezzanine floor cannot, therefore, be considered to be inappropriate development in the Green Belt and does not require planning permission. Notwithstanding this, an assessment of the impact of the proposal as a whole on the openness of the Green Belt is set out below.

Impact on openness

9.9 As the proposal would not increase the built form or footprint of the building, it is not considered to have an impact on the openness of the Green Belt in this respect. However, the potential staffing numbers that could be accommodated in a building of 1,394 square metres of Use Classes B1(b) and B1(c) could potentially impact on the openness of the Green Belt. The applicant has explained that staffing levels are anticipated to be a maximum of 40 members of staff. This is considerably lower than the number of staff which could be accommodated within a building of this size and would ensure that the proposals would not have a significant adverse impact on the openness of the Green Belt. A condition is recommended to restrict staffing levels to 40 members of staff to prevent an adverse impact on the Green Belt both now and in the future.

9.10 Subject to this condition, the proposal would not conflict with the purposes of including land within the Green Belt, or detract from its openness. The principle of development would therefore be in line with Policy CP1 of the SALP, Policies CS1 and CS9 of the CSDPD, 'Saved' policies GB1 and GB4 of the BFBLP and the NPPF.

ii. Impact on Character and Appearance of Area

9.11 While the site is within the Green Belt, the character of the existing site is commercial. Unit 5 is a large brick container-style building with a corrugated roof. The application does not include any external changes to Unit 5 and would not, therefore, impact on the character and appearance of the area.

9.12 As such the proposal is in line with CSDPD Policies CS9 and CS7, 'Saved' BFBLP Policies GB1 and EN20, and the NPPF.

iii. Impact on Residential Amenity

9.13 There is one residential unit on the site, within 36 metres of unit 5. It is understood, however, that this house is associated with the industrial estate. The closest residential properties to the site are those on Prince Consort Drive. These are approximately 150 metres away, to the east of the site. As there are no external changes proposed to unit 5, and given the distance between unit 5 and the closest properties, there would be no overbearing, overshadowing or privacy impacts arising from the proposals.

9.14 To ensure that there would be no impacts on residential properties in terms of noise and disturbance, a condition is recommended to restrict construction hours. In addition, conditions and informatives are recommended requiring details of plant and machinery

and requiring any vents to be situated on the western elevation of the building (i.e. facing into the site).

9.15 Subject to the recommended conditions, the proposal would be acceptable in accordance with 'Saved' BFBLP Policies EN20 and EN25, and the NPPF.

iv Transport implications

9.16 The site is located within a business/industrial estate which takes access off the A332 King's Ride, a 40mph speed limit road with no parking restrictions. The proposed change of use of Unit 5 from B8 storage and distribution to research and development (class B1b) and light industrial (class B1c) use would increase vehicle movements and parking demand.

9.17 The parking standards indicate that around 13 parking spaces are required for 814 square metres of B8 storage and distribution. There is no specific parking standard for research and development/light industrial and whilst 47 parking spaces are required for 1394 square metres of B1 use, this is aimed at an office and therefore this proposed use is unlikely to be this intense, particularly given the proposed condition to restrict staff numbers to a maximum of 40 people.

9.18 Similar changes of use within Kings Ride Park have been granted permission previously, (01/00569/FUL and 03/00855/FUL). The parking ratio for these sites was approximately one space per 50 square metres of B1 floorspace. Applying this approach to the application site would result in a requirement for 28 spaces. A parking plan has been provided and around 24 parking spaces are shown within the red line area, including 17 spaces to the front of unit 5 and seven spaces in the overflow car park.

9.19 The Highway Authority carried out a site visit at around 10.30am on Tuesday 10 November 2015 and it appears that only half of the units (units 2, 4 and 6) are currently occupied. There were around 30 spaces available within the overflow car park and, as explained above, the proposals would require a maximum of approximately seven of these. Therefore there is spare capacity and in addition to the spaces allocated to each unit (1, 3 and 5) there would be adequate parking provision to support this planning application. There would also be spaces left in the overflow car park should the units that are currently vacant become occupied, in addition to the spaces allocated to those units.

9.20 The proposed development is therefore acceptable in terms of BFBLP 'Saved' policy M9 and Policy CS23 of the CSDPD.

ix Community Infrastructure Levy (CIL)

9.21 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.

9.22 CIL applies to new build. In this case, the proposal would be CIL liable as the proposal comprises the change of use of over 100 sq.m. of floorspace. However, as the proposal is for a light industrial use, there would be a nil charge per square metre of floorspace.

10. CONCLUSIONS

10.1 The proposed development relates to an appropriate change of use on an existing

industrial and warehousing site within the Green Belt 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. The proposal is therefore considered to be in accordance with 'Saved' Policies GB1, GB4, EN20, EN25 and M9 of the BFBLP, CS1, CS7, and CS23 of the CSDPD and Policy CP1 of the SALP, all in accordance with the NPPF.

11. RECOMMENDATION

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 received by the Local Planning Authority :
Site Plan (received 5 October 2015)
Initial Proposed Mezzanine, ref 1800.10 (received 26 October 2015)
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
03. The number of employees working within Unit 5, Kings Ride Park, shall not exceed 40 at any one time.
REASON: In order to control the intensity of the use of the site in the interests of the rural character of the Green Belt, the amenities of local residents and to ensure that there is sufficient on-site parking in the interests of road safety.
[Relevant Plans and Policies: BFBLP EN25, GB4, M9]
04. No construction work shall take place outside the hours of 08:00 and 18:00 Monday to Friday; 08:00 and 13:00 Saturday and not at all on Sundays and Bank Holidays.
Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties
05. The development hereby permitted shall not be begun until details of any plant and associated vents have been submitted to and approved in writing by the Local Planning Authority. The noise emitted by the plant shall not cause the existing background level (as at the date of this permission) to increase whilst in operation. The plant system shall be installed and operated in accordance with the approved scheme.
Reason: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties.

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. Any vents should be installed on the western elevation of the building, facing the car park, to minimise noise impacts on nearby residential properties.

03. The following conditions do not require the submission of details, but must be complied with:

1. Time limit
2. Approved plans
3. Number of employees
4. Construction hours

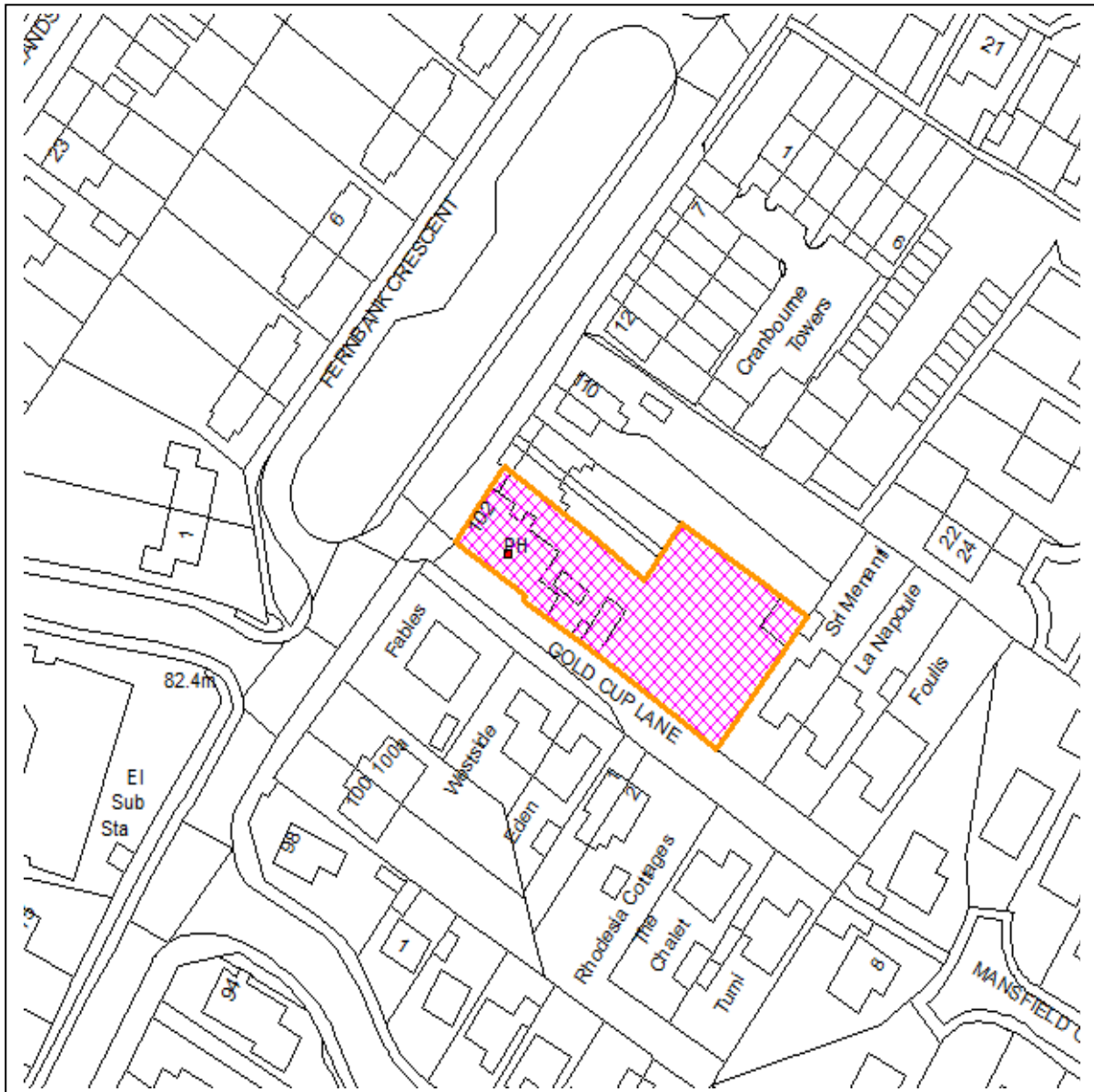
The following condition requires details to be submitted prior to the commencement of development:

5. Details of plant

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

ITEM NO:			
Application No. 15/01041/FUL	Ward: Ascot	Date Registered: 12 November 2015	Target Decision Date: 7 January 2016
Site Address:	The Gold Cup 102 Fernbank Road Ascot Berkshire SL5 8JN		
Proposal:	Erection of 5No. residential dwellings following the demolition of the existing buildings		
Applicant:	Mr David Kirkby		
Agent:	Mr Jason O'Donnell		
Case Officer:	Sarah Horwood, 01344 352000 development.control@bracknell-forest.gov.uk		

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



OFFICER REPORT

1. SUMMARY

1.1 The proposal is for the erection of 5no. dwellings, car port and garage following demolition of the former public house on site along with associated outbuildings.

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. The redevelopment of the site has been established by a previous planning permission granted in July 2014. No adverse highway safety implications would result. Relevant conditions will be imposed in relation to biodiversity and sustainability. A legal agreement will secure contributions for SPA mitigation and the scheme is CIL liable.

RECOMMENDATION
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.

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

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

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Within Defined Settlement
Within 5km of the SPA

3.1 The site is located on the eastern side of Fernbank Road, immediately north of its junction with Gold Cup Lane, in a predominantly residential area.

3.2 The site covers approximately 0.11 hectares and contained a public house (Use Class A5) and associated outbuildings, which have now been demolished. The site had previously been vacant since December 2011.

3.3 The former public house building was two storey (the first floor providing residential accommodation ancillary to the public house) with single storey rear extensions, with the site access running along its northern side and Gold Cup Lane running along its southern side. Gold Cup Lane is a private residential cul-de-sac.

3.4 Adjoining the site along its northern boundary are the residential plots of 104, 106 and 108 Fernbank Road, which all contain two storey dwellings. To the rear is Sri Menanti, a bungalow fronting Gold Cup Lane. On the opposite side of Gold Cup Lane facing the side of the site are residential plots of Fables, Westside, Eden and 1 and 2 Rhodesia Cottages. On the opposite side

of Fernbank Road, separated by a large highway verge as well as the carriageway, are further dwellings along Fernbank Crescent.

4. RELEVANT SITE HISTORY

4.1 Members considered a scheme (ref: 13/01037/FUL) for redevelopment of the site for 5 houses following demolition of the existing public house and associated outbuildings in April 2014 when it was resolved to grant planning permission subject to the completion of a Section 106 agreement to secure SPA mitigation. The agreement was completed and planning permission issued in July 2014.

5. THE PROPOSAL

5.1 The proposed development is for the erection of 5no. dwellings.

5.2 Plots 1 and 2 would be semi-detached dwellings fronting Fernbank Road, and would be two and a half storeys containing three bedrooms. Plots 1 and 2 would have an eaves height of 5.1m and ridge height of 8.9m. Plots 1 and 2 would have a total width of 9.6m at the widest part and a depth of 10.6m at the deepest part. A small area of front garden is proposed to the front of the dwellings facing out onto Fernbank Road. To the rear, private gardens are proposed which are approximately 10m deep.

5.3 Plots 3-5 would be a row of three terraced properties located towards the rear of the site, facing towards Fernbank Road but fronting into the site. These dwellings would be two storeys, each containing three bedrooms. They would have an eaves height of 4.8m and ridge height of 8.6m and would have a total width of 19.1m and a maximum depth of 10.2m. A small area of front garden is proposed to the front of the dwellings facing into the site. To the rear, private gardens are proposed which are approximately 10m deep.

5.4 In relation to parking provision, a car port is proposed along the rear boundaries of plots 1 and 2 with additional parking provision in front. This would provide a total of 6no. parking spaces.

5.5 A detached garage with additional parking space is proposed to serve plot 3 and 2no. parking spaces are proposed at 90 degrees to plot 5.

5.6 Cycle storage would be provided for the dwellings, in sheds in the rear gardens of plots 1-4 and in the proposed garage for plot 3.

5.7 A bin collection point would be provided adjacent to plot 1.

5.8 The site would be served by an internal access road between the side of plot 1 and the side of no. 104 Fernbank Road with turning area to the fronts of plots 3-5.

5.9 The current application differs to planning permission 13/01037/FUL as follows:

- modest changes to external appearance of dwellings including size and relocation of windows
- erection of car port to rear of plots 1-2 with parking in front.
- Plots 3-5 have been shifted towards the northern boundary with 108 Fernbank Road with the relocation of the garage from alongside the boundary with 108 Fernbank Road to alongside the boundary with Gold Cup Lane.

5.10 For clarification the ridge heights of the dwellings are the same as that approved by permission 13/01037/FUL.

6. REPRESENTATIONS RECEIVED

Winkfield Parish Council

6.1 Objects to the application on the following grounds - parking provision and access from Fernbank Road - access should be from Gold Cup Lane.

Other representations

6.2 4 objections received (2 from the same postal address) which raise the following:

- Proposal differs to previous application and therefore has impact on adjoining property and their privacy – the dwelling closest to the boundary with 108 Fernbank Road is no longer a garage but a two storey dwelling closer to the boundary. This will be overbearing and overshadowing to no. 108 Fernbank Road and will affect light.
- The boundary treatment between no. 108 Fernbank Road and the application site belongs to no. 108 therefore cannot be altered without negotiation.
- Previous application approved on site should be implemented.
- Area saturated with overdevelopment without the infrastructure to cope (GP surgeries and local schools).
- Object to the access onto Fernbank Road, should use Gold Cup Lane instead for highway safety reasons.

7. SUMMARY OF CONSULTATION RESPONSES

Highways Officer

7.1 No objection subject to conditions.

Environmental Health Officer

7.2 No objection subject to conditions.

Biodiversity Officer

7.3 No objection subject to conditions.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Housing	CS15 of CSDPD	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	Consistent

Sustainability	CS10 & CS12 of CSDPD	Consistent
SPA	SEP Saved Policy NRM6, CS14 of CSDPD	Consistent
Trees, biodiversity and landscaping	Saved policy EN1, EN2 and EN3 of BFBLP, CS1 of CSDPD.	Consistent
Supplementary Planning Documents (SPD)		
Thames Basin Heath Special Protection Area (SPD)		
Parking standards SPD		
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		
BRE – site layout planning for daylight and sunlight		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of development
- ii. Impact on residential amenity
- iii. Impact on character and appearance of the area,
- iv. Impact on highway safety
- v. Impact on biodiversity
- vi. Thames Basin Heath SPA
- vii. Community Infrastructure Levy
- viii. Energy sustainability
- ix. Drainage

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 dwellings would comprise 3 bedrooms and would add to the housing stock by providing 5no. additional family homes within the Borough.

9.4 The site is considered to constitute previously developed land (PDL) within the settlement. The NPPF (glossary) defines PDL as "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure". As the site comprises previously developed land within a settlement, close to services and facilities, it is considered to be a sustainable site and suitable for residential development.

9.5 The existing building on site has been demolished – the former public house (PH). As part of permission 13/01037/FUL, the loss of the PH as a community asset was assessed. At that time it was considered that the marketing information submitted along with a viability report, concluded the PH was unviable and due to the fact that the site is not located with a defined town- or retail- centre, there was no objection to the loss of the PH on this site.

9.6 The proposal is therefore considered acceptable in principle subject to other material considerations including impact on residential amenity, character and appearance of surrounding area, highway safety implications, etc.

ii. Impact on Residential Amenity

9.7 104 Fernbank Road

This two-storey property is adjacent to the site access therefore its side and rear boundaries adjoin the application site and Plot 1 would be parallel to this dwelling, on the other side of the access road. There would be a 4.8m separation distance between the flank wall of plot 1 and the flank wall of 104 at the closest point. Due to the siting and layout, plot 1 would not appear overbearing or result in loss of daylight to no. 104. 1no. window is proposed in the flank wall of plot 1 at first floor level facing no. 104 serving a bathroom. It is recommended that this window be obscure glazed and fixed shut to prevent overlooking and loss of privacy to no. 104. Whilst the proposed dwellings at Plots 1 and 2 would be 0.8m taller than the former PH building, as they would be in similar position to the former PH, the height increase would not appear overbearing or result in overshadowing to no. 104. This application would utilise the existing access from Fernbank Road which served the former PH. The access road serving the new development would run alongside the boundary with no. 104, however this was as per the existing layout of the former PH. The proposed redevelopment of the site for housing would generate fewer traffic movements per day than the former use and therefore no undue noise and disturbance would result to no. 104. The rear garden of no.104 is between 18m and 21m long and Plots 3-5 would be sited 24m from the rear elevation of no. 104 at the closest point. In view of these separation distances, plots 3-5 would not result in overlooking or loss of privacy to no. 104.

9.8 106 Fernbank Road

This two-storey property adjoins the application site only along its rear boundary. The dwelling at no. 106 is sited some 17m from the application site boundary, with some 24m separation distance between the rear elevation of no. 106 and the front elevations of plots 3-5 at the closest point. No. 106 is considered to be sufficiently far away from the proposed dwellings that no significant overlooking, loss of privacy, overshadowing, overbearing impact or loss of light would occur. The area of land directly to the rear of the boundary of no. 106 would be utilised for 2no. parking spaces, which was its former use when the site was in operation as a PH. There would be fewer vehicular movements to and from the site which would be beneficial to this existing dwelling.

9.9 108 Fernbank Road

This two-storey property adjoins the application site only along the rear part of its garden. There would be a 28m separation distance between the rear elevation of no. 28 and the front elevation of the dwelling proposed at plot 5. Due to the separation distance of the dwelling from the proposed development it is not considered that any significant overbearing, overshadowing or loss of light would result from the proposals. The flank wall of Plot 5 would be 1.2m-1.4m from the boundary with no.108 and would contain a first floor window serving an en-suite bathroom. It is recommended that this window be obscure glazed and fixed shut to prevent overlooking and loss of privacy to the rear most part of the garden of no. 108. A further condition restricting the installation of windows in the flank wall of plot 3 facing no. 108 is recommended. The flank wall of plot 5 would be 1.4m from the boundary with no. 108, however given it would be sited along the rear most part of the garden of no. 108 and 28m from the rear elevation of no. 108 itself, it would not appear unduly overbearing to the detriment of no. 108 as to constitute a reason to refuse the application. It is acknowledged that the previous permission granted for the site, LPA ref: 13/01037/FUL, plot 5 had a single storey garage located alongside the boundary with no. 108 with the flank wall of the dwelling set 4.2m from the boundary. This permission is extant and could be implemented, however this revised application must be assessed on its own merits and as part of this application, the flank wall of plot 5 is sited closer to the boundary with no. 108, however due to

it being the rear most part of the garden of no. 108 being located alongside plot 5 (not their most private, useable amenity space), any potential overbearing and overshadowing impact would not be so harmful to the adjoining property as to make the proposal unacceptable.

9.10 Sri Menanti, Gold Cup Lane

This bungalow runs perpendicular to the application site along its rear boundary, and fronts onto Gold Cup Lane. Plots 3-5 would all back on to Sri Menanti with rear gardens 10m long. In view of these garden lengths and the siting of the dwellings at plots 3-5, they would not appear unduly overbearing to Sri Menanti. The rear boundary treatment would be a total of 2.1m high (1.8m close boarded fence topped by 0.3m trellis) with new screen planting within the application site to provide some screening to the development. Further, due to the siting of the dwellings they would not result in a detrimental level of overshadowing or loss of daylight to Sri Menanti.

9.11 Plots 3-5 have been sited so that they primarily overlook the sides and front of Sri Menanti. Plot 3 would have a view into the rear garden of Sri Menanti but this would be mitigated by the presence of an outbuilding adjacent to the site boundary at Sri Menanti, therefore any overlooking would be minimal and would not be significant to the detriment of the adjoining property.

9.12 Fables, Westside, Eden and 1 and 2 Rhodesia Cottages

These dwellings all front Gold Cup Lane. There would be between 12m and 19m separation distance between the front elevations of these existing dwellings and the flank walls of the proposed new dwellings. Due to the siting of the proposed dwellings within the plot and the separation distance, and the side-to front relationship between proposed and existing dwellings, it is not considered that any significant detriment to residential amenity would occur through overlooking, loss of privacy, overbearing, overshadowing or loss of light.

9.13 Fernbank Crescent properties

These dwellings are all at least 35m away from the application site and in view of these separation distances, the proposal would not have a detrimental impact upon the residential amenity of these properties to the north/west of the site.

9.14 The Council's Environmental Health Officer has recommended that conditions should be attached to any grant of planning permission to restrict the hours of construction.

9.15 The layout of the proposed dwellings is considered to provide adequate residential amenity to future occupiers in terms of outlook, privacy and layout.

9.16 As such, the proposal is not considered to significantly adversely 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.

iii. Impact on Character and Appearance of Area

9.17 The site lies in a predominantly residential area with a mix of housing age, type and style. Immediately adjacent to the site on Fernbank Road are two pairs of two-storey semi-detached dwellings, with a row of 2-3 storey terraced dwellings beyond. The house on the corner of Fernbank Road on the opposite side of Gold Cup Lane is a detached dwelling, with a pair of two-storey semi-detached dwellings beyond. To the rear of the site, fronting Gold Cup Lane, is a pair of semi-detached bungalows, whilst other dwellings fronting Gold Cup Lane are a mix of detached and semi-detached, including bungalows and two-storey dwellings. The dwellings on the opposite side of Fernbank Road fronting Fernbank Crescent are two storeys, set well back from the highway by a deep verge. Therefore whilst the area is residential in character there is no predominant pattern of development or housing style in the local area.

9.18 The land levels in the local area rise along Fernbank Road, so the application site is higher than 104 Fernbank Road but lower than Fables, Gold Cup Lane. Levels fall towards the rear of the site and Sri Menanti is set at a lower level than the rear of the application site.

9.19 A pair of semi-detached dwellings is proposed on the site frontage, in a similar position to the existing public house. These dwellings would be 2.5 storeys. A terrace of three two-storey dwellings is proposed within the site to the rear. The density of the proposal would be 45 dwellings per hectare which is considered to be an efficient use of land whilst retaining a similar density to the local area. The level of development proposed is not considered to represent overdevelopment of the site.

9.20 Plots 1 and 2 would have small front gardens with soft landscaping contained by 0.9m high railings which would be in keeping with the character of the streetscene. These plots would comprise front facing gables and a flat roofed dormer to plot 2 with tile hanging, string coursing and soldier coursing over the windows at first floor level. The flank elevations would be fairly simple but would incorporate windows and doors and string coursing and soldier coursing over first floor windows to provide some design interest and break up the expanse of brick wall. The design of the dwellings would be sympathetic to the character of the area, similar in appearance to the adjacent dwellings and also to dwellings elsewhere in the streetscene. The ridge heights of plots 1 and 2 would be 8.9m – the same as that approved by permission 13/01037/FUL. Given site levels increase from north-east to south-west along Fernbank Road, the proposed dwellings would be approximately 0.3m higher than nos. 104 and 106 Fernbank Road but this height increase would not be considered excessive within the area and would not result in the buildings on plots 1 and 2 appearing so visually prominent that significant harm would result to the visual amenities of the surrounding area. Further, ridge heights of 8.9m for plots 1 and 2 have been considered by previous permission 13/01037/FUL.

9.21 Plots 3-5 would constitute backland development but have been sited to broadly align with the building line of Gold Cup Lane. Plot 3 would be double fronted so that it would face onto Gold Cup Lane and respect the siting of existing dwellings along the Lane. These plots would have hipped roofs with front facing gables, tile hanging, string coursing and soldier coursing. These plots would therefore relate well in design terms to the front facing pair of semi-detached dwellings facing Fernbank Road. Plot 3 facing onto Gold Cup Lane would comprise a smaller gable feature, the entrance door into the property and windows to give the appearance of the dwelling fronting onto Gold Cup Lane so as to assimilate into the street scene. Plot 3 would be set approximately 5m from Gold Cup Lane, with parking, the garage of plot 3 and soft landscaping providing a visual and physical buffer between plot 3 and the highway to soften the built form and mitigate visual prominence when viewed along Gold Cup Lane. The ridge heights of plots 3-5 would be the same as that approved by permission 13/01037/FUL.

9.22 The dwellings would have gardens approximately 10m deep. These garden sizes are considered proportionate to the size of the dwellings proposed.

9.23 The proposals present an opportunity to improve the soft landscaping on the site. Conditions are recommended to secure the submission of a landscaping plan. Boundary treatments are also recommended to be secured by condition. There are no trees or other notable vegetation on the site. There are some trees on neighbouring sites and along Gold Cup Lane but none are protected by TPO or merit such protection. As such there are no trees present which are considered to present a constraint to development and no tree protection measures are required to be secured by condition.

9.24 The frontages of plots 1 and 2 facing onto Fernbank Road would comprise 0.9m high metal railings, characteristic of the area. The southern boundary of the application site facing onto Gold Cup Lane would comprise a mix of 0.9m high railings and 1.8m high close boarded fencing (along

the rear gardens of plots 2 and 5). This would help to provide an active frontage and integration into the local area.

9.25 The communal parking area to serve the proposed dwellings would be sited almost central in the plot, along the rear boundaries of plots 1 and 2 and to the front of plots 3-5. These hard landscaped parking areas and access road within the site would be softened by soft landscaping. The car port proposed to the rear of plots 1 and 2 would be set nearly 2m from the site boundary and some 3m to Gold Cup Lane. Soft landscaping is proposed between the side of the car port and the boundary with Gold Cup Lane to provide some softening. It would be nearly 5m in height, however due to its design being open on the front and side elevations, the car port would not appear so visually prominent in the street scene, further mitigated by its hipped roof design.

9.26 A bin collection point is proposed alongside the boundary of plot 1's rear garden. This would be screened by soft landscaping either side to mitigate its prominence viewed internally within the site.

9.27 For the reasons given above, the development would not result in an adverse impact on the character and appearance of the area and would be in accordance with Saved Policy EN20 of the BFBLP, Policy CS7 of CSDPD and the NPPF.

iv. Transport

Access

9.28 The site would take access off Fernbank Road a local distributor road which is subject to a 30mph speed limit in the same location as the previous pub car park access.

9.29 The existing access is to be altered to include a 4.8 metre wide access road and 4 metre wide radii and this would enable two vehicles to pass each other at the access with Fernbank Road. The means of access should be secured by planning condition. Any highway works to alter the access will require the consent of the Highway Authority under license and the applicant should be advised of this by way of informative.

9.30 On-street parking occurs on Fernbank Road adjacent to the site access, as some residential properties have no off-street parking. Bollards are proposed along the footway fronting the site to restrict vehicles from parking too close to the site access and to ensure that a suitable sight-line can be achieved behind any parked cars in either direction along Fernbank Road. Parking for existing residents will not be restricted by such a proposal, as vehicles will simply be prevented from blocking the footway and on-street parking aids in controlling speeds on this stretch of Fernbank Road. The exact location of the bollards will need to be agreed with the Highway Authority.

9.31 The proposed planting to the front of plot 1 should be kept below 600mm in height to ensure adequate sight-lines are achieved between vehicles exiting the site and pedestrians using the footway.

9.32 A 4.1 metre wide shared surface is proposed further into the site and this would enable vehicles and pedestrian to pass each other safely at low speed on this straight access road. This proposed access is appropriate for this scale of residential development. The access road and parking areas are proposed to be permeable block paving which complies with the latest drainage requirements.

9.33 A turning head is being provided within the site and this would enable domestic delivery vehicles e.g. online shopping to turn on site and exit onto Fernbank Road in a forward gear. A

refuse vehicle would not enter the site and a temporary bin collection point is being provided within 25 metres of Fernbank Road to comply with the Council's requirements for waste collection from a private road.

9.34 Plots 1 and 2 would take primary pedestrian access via a path leading from the back of the footway fronting Fernbank Road and these plots are to have a rear access gate for access to car ports/parking spaces, cycles and bins. Plot 3 is accessed across a wider driveway and plots 4 and 5 are to have a path accessed off the internal access road. Plot 4 has a rear gated access.

Parking

9.35 2 parking spaces are proposed for each of these 3-bed dwellings and this complies with the parking standards. The use of garages and car ports for vehicle parking should be secured by planning condition to ensure adequate parking provision for this development, as should the open parking spaces.

9.36 No visitor parking is proposed and as such one visitor space should be provided to comply with the parking standards for 5 new dwellings. This potential level of visitor parking could be accommodated on Fernbank Road or other local residential roads, such as Fernbank Crescent for infrequent short periods of time without detriment to highway safety.

9.37 The driveway space serving plot 3 is wider than usual to provide pedestrian access to the main door of the dwelling and this wider width would assist a disabled user. All other open parking spaces have minimum dimensions of 2.4 metres by 4.8 metres.

9.38 The proposed car ports are 5 metres in length and the open parking spaces in front of the car ports are 4.8 metres long. There is around 6.2 metres of access/reversing space between the open parking spaces and the driveway/kerb-line to the front of plot 3. The access width to the car ports between posts is 2.2 metres and this would be accessible for a standard car at low speed. The car ports are open to the front and sides and enclosed to the rear.

9.39 Cycle parking is to be provided in rear garden sheds and the garage in the case of plot 3. Cycle parking should be secured by planning condition.

Trips

9.40 This proposal is likely to generate in the region of 30 two-way vehicle movements over the course of a typical day with 3 or 4 of these in both morning and evening peak periods. This is much less than that likely to have been generated by the previous public house, though this residential use will create peak vehicular movements which will coincide with peak traffic on Fernbank Road and surrounding local roads.

9.41 Subject to the imposition of conditions, the proposal would not result in any detrimental traffic or highway implications, in accordance with Policy CS23 of the CSDPD, Saved Policy M9 of the BFBLP and the NPPF.

v. Biodiversity

9.42 The former buildings on site have now been demolished. Previous ecological surveys had been undertaken during the course of determination of permission 13/01037/FUL which found no evidence of bats or nesting birds and the site in general was considered to have very little ecological value. The Council's Biodiversity Officer has recommended conditions which would enhance biodiversity on the site including the installation of bird and bat boxes.

9.43 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.

vi. Thames Basin Heath Special Protection Area (SPA)

9.44 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 4km 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.

9.45 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 4 dwellings comprising 5 X 3 bedroom dwellings minus the existing single 4 bedroom dwelling which results in a total SANG contribution of £8,386.

9.46 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which is also calculated on a per bedroom basis. Taking account of the per bedroom contributions, this results in a total SAMM contribution of £2,748.

9.47 The total SPA related financial contribution for this proposal is £11,134. 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, Saved Policy EN3 of the BFBLP, CS14 of CSDPD, the SPA SPD and the NPPF.

vii. Community Infrastructure Levy (CIL)

9.48 Bracknell Forest Council commenced charging for its Community Infrastructure Levy (CIL) on 6th April 2015.

9.49 CIL applies to any new build including that which involves the creation of additional dwellings.

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

viii. Energy Sustainability

9.51 Policy CS10 of the CSDPD requires the submission of a Sustainability Statement. No Sustainability Statement has been submitted. A planning condition is recommended in relation to the submission of a Sustainability Statement to satisfy the requirements of Policy CS10 of the CSDPD.

9.52 Policy CS12 requires the submission of an Energy Demand Assessment. No Energy Demand Assessment has been submitted. A planning condition is recommended in relation to the submission of an Energy Demand Assessment to satisfy the requirements of Policy CS12 of the CSDPD.

ix. Drainage and Flood Risk

9.53 The NPPF encourages developers to take full account of flood risk. Paragraph 103 states that Local Planning Authorities should ensure that flood risk is not increased elsewhere as a result of development, and only consider development appropriate in areas at risk of flooding, informed by a site-specific flood risk assessment.

9.54 The site is located within Flood Zone 1 (low probability of flooding). The application form states that foul sewage would be disposed of via connections to the mains sewer and that surface water would be disposed of by sustainable drainage systems including soakaways. The Design and Access Statement also refers to the use of soakaways and permeable driveway surfaces. A condition will be imposed to ensure the development is SuDs compliant.

10. CONCLUSIONS

10.1 The proposed development relates to a site within the settlement boundary and is therefore acceptable in principle. The redevelopment of the site for 5 dwellings has been established by previous planning permission 13/01037/FUL. 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 would result. Relevant conditions will be imposed in relation to 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 SEP Policy NRM6, 'Saved' Policies EN1, EN2, EN3, EN20 and M9 of the BFBLP, CS1, CS2, CS7, CS10, CS12, CS14, CS15, CS23, CS24 of the CSDPD and Policy CP1 of the SALP, all in accordance with the NPPF.

10.2 The application is therefore recommended for approval.

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 21 October 2015: drawing no. P14/35/S/301

drawing no. P14/35/S/310

drawing no. P14/35/S/320

drawing no. P14/35/S/330

drawing no. P14/35/S/340

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 first floor windows in the side elevations of plots 1 and 3 facing north 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]

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or 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 northern side-facing elevation and roof slopes of Plot 1 and Plot 3 except for those shown on the approved drawings.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

06. The rooflights in the roof slopes facing east on plots 1 and 2 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]

07. No development shall take place until a measured survey of the site and a plan, prepared to a scale not less than 1:500 showing details of existing and proposed finished floor levels of the dwellings hereby permitted in relation to a fixed datum point and the nearest buildings on adjacent sites, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details prior to first occupation of the development.

REASON: In order to ensure a satisfactory form of development relative to surrounding buildings and the local landscape.

[Relevant Policies: BFBLP EN20, CSDPD CS7]

08. No demolition or construction work shall take place outside the hours of 0800 - 1800 Mondays to Fridays and 0800 - 1300 on Saturdays, and not at all on Sundays and Bank Holidays.

REASON: In the interests of the amenity of the area and neighbouring residents.

[Relevant Policies: BFBLP EN20]

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

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

REASON: In the interests of good landscape design and the visual amenity of the area.
[Relevant Policies: BFBLP EN2 and EN20, CSDPD CS7]

10. The areas shown for soft landscaping purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose.

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

11. The development hereby permitted shall not be begun until details of a scheme of walls, fences and any other means of enclosure has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of any of the buildings approved in this permission.

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

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

12. The development shall not be begun until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day, has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the Sustainability Statement, as approved, and retained as such thereafter.

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

[Relevant Policy: Core Strategy DPD CS10]

13. 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]

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

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

15. No dwelling shall be occupied until visibility splays of 2.0 metres by 2.0 metres have been provided at the junction of the driveway and the adjacent footway. The dimensions shall be measured along the edge of the drive and the back of the footway from their point of intersection. The visibility splays shall at all times thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the carriageway.
REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]
16. No dwelling shall be occupied until the 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]
17. The garage accommodation shall be retained for the use of the parking of vehicles at all times.
REASON: To ensure that the Local Planning Authority's vehicle parking standards are met.
[Relevant Policy: BFBLP M9]
18. The car port 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) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no enlargements, improvements or alterations shall be made to the car port, and no gate or door shall be erected to the front of the car port.
REASON: To ensure that the development is provided with adequate parking to prevent the likelihood of on-street parking which could be a danger to other road users.
[Relevant Policy: BFBLP M9]
19. No dwelling shall be occupied until secure and covered parking for bicycles has been provided in accordance with the approved drawing.
REASON: In order to ensure bicycle facilities are provided.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
20. 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.
21. No development shall be begun until a scheme for the provision of bird and bat boxes (and other biodiversity enhancements), including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented, observed and complied with.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1, CS7]

22. 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.

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

23. 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 in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

1. Time limit
2. Approved plans
4. Obscure glass
5. Restrictions on windows
6. Rooflights
8. Hours of construction
10. Retention of soft landscaping
15. Visibility
16. Parking and turning
17. Retention of garage
18. Retention of car port
19. Cycle parking
22. No lighting
23. SuDs

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

3. Materials
7. Floor levels
9. Landscaping
11. Boundary treatment
12. Sustainability statement
13. Energy demand assessment
20. Site organisation
21. Biodiversity enhancements

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

14. Vehicular access

03. The Street Care Team should be contacted at 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 29 April 2016, the Head of Planning be authorised to extend the timescale for completion or 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, the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (2012) and the Planning Obligations Supplementary Planning Document (February 2015).

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PLANNING COMMITTEE

21 January 2016

CONFIRMATION OF TREE PRESERVATION ORDER (TPO 1193) LAND AT 38 ISIS WAY, SANDHURST, GU47 9RD – 2015 (Director of Environment, Culture & Communities)

1. PURPOSE OF DECISION

- 1.1 Under section 198 of the Town and Country Planning Act 1990, the Council has made a Tree Preservation Order (TPO) to retain and protect trees that are assessed to be of amenity value 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 has noted the report.

4. **BACKGROUND**

4.1. On the 22nd. July 2015 the owner of 38 Isis Way made an enquiry in respect of a Restrictive Covenant on the property and requested consent to remove the Oak in the front garden.

4.2. A visual assessment of the tree revealed that the tree has significant amenity impact on the landscape and there were no obvious signs that the tree was causing damage or nuisance to adjoining property. After consultation, Development Management accepted that the tree had amenity merit and warranted consideration for protection.

4.3. Existing trees, that is individuals, groups, areas and woodlands are 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.

4.4. 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.

4.5. On the 5th. August 2015 the Oak was protected by TPO 1193

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

5. **DETAILS OF RESIDENTS' OBJECTIONS**

5.1. There were two letters of objection lodged by residents of 38 and 40 Isis Way and a petition titled 'I hereby agree with the opposition of the Tree Preservation Order: TPO 1193 in the attached letter...' which was signed by 17 other residents in Isis Way, in support of the objection from the resident of 40 Isis Way.

5.2. TPO 1193 protects one mature Oak in the front garden of 38 Isis Way, Sandhurst.

5.3. The issues raised by the owner of the Oak (No. 38) as part of the objection to this particular tree relate to: -

- Challenging the amenity value of the tree;

- Concerns about potential damage to the adjoining neighbours driveway;
- Concerns about the potential for the tree to cause subsidence damage to sewer pipes;
- Concerns about sap ('honeydew') which falls onto parked cars;
- Concerns about the risk to persons and property by falling branches;
- The maintenance implications caused by falling leaves, fruit, sticky sap/honeydew, blocked gutters etc.;
- Concerns about shading and the subsequent loss of sunlight & ambient light to the garden and house.

5.4. The issues raised by the adjoining neighbour (No. 40) as part of the objection and subsequently supported by 17 other residents to this particular tree relate to: -

- Concerns about the risk to persons and property by falling branches;
- Concerns about potential damage to their driveway structure;
- The maintenance implications caused by falling leaves and twigs blocking gutters;
- The maintenance implications caused by falling sticky sap ('Honeydew'), onto parked cars and doors/windows;
- Concerns about shading and the subsequent loss of sunlight & ambient light to the house.

6. TREE SERVICE PROCEDURE

6.1. The Tree Service acknowledges any communications and provides advice and guidance in respect of the correspondent's right to make an application to manage the tree by using an application form and how to source Government advice on TPO procedures. The correspondence is reviewed in respect of Council policies and to address the issues raised, a report is compiled and subsequently brought before Committee.

6.2. In the case of multiple communications that raise similar points or issues, the report contains the Council's response to address the range of issues raised.

6.3. The Council's response to the objections include: -

- The amenity assessment undertaken on the tree has been developed by the Council and is based on Central Government Guidelines, industry 'best practice' and the Council's own tree policy.
- The tree is visible from public vantage points along Isis Way and there are few amenity trees of the same quality and impact in the immediate landscape.
- The Council's amenity assessment is not a full & detailed tree-survey; and although now protected, this does not remove any legal responsibility from the tree-owner to ensure its safe condition. It is therefore strongly advised that if the objector/tree-owner considers the tree to be in any way dangerous, hazardous or unsafe, that they seek independent professional advice.
- Falling debris from the tree (such as leaves, seed & fruit, twigs and small branches etc) is the natural consequence of tree growth. Whilst sympathising with the difficulty encountered in maintaining a property; the sort of debris described is not recognised in English Law as a 'legal nuisance, and the judiciary regard falling leaves; fruit etc. as 'incidental to nature'. These matters can be addressed effectively by regular inspection and maintenance of the tree.
- In respect of potential or actual damage to any property by the Oak's roots; no evidence was visible nor any presented in respect of root damage to property. If the objector believes they are experiencing problems with tree-roots damaging

any structures on their property, they are advised to provide supporting evidence as part of a 'TPO application' in order for the Tree Service to re-assess the situation taking in to account that information.

- The underlying soil-type in the Sandhurst area is sand, which is not a shrinkable soil (this all but removes the risk of subsidence to the house foundations).
- The tree is located to the West of the frontage of 38 Isis Way and South of the frontage of 40 Isis Way; accordingly the Oak will prevent direct sunlight from falling onto 38 in the afternoon and for most of the day over the frontage of 40 Isis Way. In respect of ambient light to both properties; the situation could be improved by modest pruning of the Oak to increase ambient light levels underneath the crown of the tree. This would require a 'TPO application' to obtain a grant of permission.
- The proximity of the tree to the adjoining houses is considered to be manageable by having the tree routinely inspected and any appropriate maintenance carried-out. The distance between tree and house is not exceptional as the Council confirmed TPO 1176 (Oxford Rd, Sandhurst) where a number of Oak were in positions similar to this Oak.

7. SUPPORTING PLANNING INFORMATION

- 7.1. Development Management support for TPO 1193 provided on 21st. July 2015 subject to consideration of proximity of tree to properties.

8. CONCLUSION

- 8.1. The Council has followed due legislative process, procedure and policy and has stated the reasons for protecting the tree. The various objections and specific issues raised by correspondents have been addressed within this report.

End of Report

Contact for further information: -

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PLANNING COMMITTEE 21st. January 2016

CONFIRMATION OF TREE PRESERVATION ORDER (TPO 1200) 'LAND FRONTING LONDON ROAD AND ADJOINING ALLSMOOR LANE – 2015' (Director of Environment, Culture & Communities)

1. PURPOSE OF DECISION

- 1.1 Under section 198 of the Town and Country Planning Act 1990, the Council has made a Tree Preservation Order (TPO) to retain and protect trees that are assessed to be of amenity value 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/s 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 trees in the 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 has noted the report.

4. **BACKGROUND**

- 4.1. In April 2007, immediately prior to submitting a planning application, the owners of this site felled all the unprotected trees. A group of trees along the eastern boundary of the site (bordering Allsmoor Lane) were left untouched as they are protected by TPO 133. However the Council alerted the Forestry Commission which investigated the removal of volumes of timber for which a grant of a Felling License would have been required under the Forestry Act 1967.
- 4.2. Subsequently the Forestry Commission imposed a Re-stocking Notice in December 2007 requiring the planting of a specific number of trees to aid the re-colonisation of the site back to its woodland character. This Notice is in force until 2020 and the site has been inspected by the Forestry Commission which is satisfied the site is now an emerging woodland, albeit now more reliant on natural re-generation.
- 4.3. Further to development applications PRE/15/00015 & 15/00294/FUL which related to a proposal for 10 detached houses; the view of the Tree Service and Development Management concluded that the development proposal was incompatible with planning policy, that a number of trees presented considerable constraints and that the re-stocked and emerging woodland was under threat. Accordingly, in April 2015 the Council made TPO 1186 which in detail protected various individuals, groups and woodland on this site.
- 4.4. Existing trees, that is individuals, groups, areas and woodlands were viewed and assessed for their amenity impact using a system to evaluate the suitability of trees for a TPO. This system is based on factors that assess: -
 - Their health & condition
 - Their remaining longevity
 - Their relative public visibility
 - Specialist considerations such as 'veteran' status, historical interest etc.
 - The known (or perceived) 'threat' to their health & condition or existence
 - The impact of the trees on the landscape
 - Special factors such as proximity and orientation to the nearest habitable structure.
- 4.5. 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.
- 4.6. Once the new TPO is served, affected residents have 28 days in which to make representation to the Council. Some representations are letters of support whilst others request clarification, but more commonly they are objections to the making of the Order. Objections can be made on any grounds; if objections are duly made, the Local Planning Authority cannot confirm the TPO unless those objections have first been considered.
- 4.7. TPO 1186 lapsed in October 2015 and was replaced by TPO 1200 (which expires in April 2016).

- 4.8. TPO 1200 is formed of: -
- Four individual Oak;
 - Two Groups (incorporating 25 Oak, 2 Beech, 2 Sycamore and 2 Holly;
 - Two Woodland areas which cover the majority of the site.

5. DETAILS OF RESIDENTS' OBJECTIONS

5.1. The Council received seven expressions of support from residents of Old Tollgate Close which adjoins the site of the TPO and one objection from an agent on behalf of the developer.

- Expressions of support included the retention and protection of existing and emerging trees & woodland;
- Protecting landscape features that enhance public visual amenity and reinforce the 'green corridor' effect along London Road;
- Protection of the environment and wildlife habitats;
- The TPO will protect the Forestry Commission 'Re-Stocking Notice intended to establish woodland.

5.2. The issues raised in the objection relate to: -

- The use of 'blanket' woodland designation without surveying the actual extent of the woodlands;
- The Council's system and approach to identifying trees for protection which has included 'small, in a poor condition or have significant defects';
- Although a number of trees in the Order are not of sufficient condition and/or amenity value to warrant inclusion in the TPO; there are other trees that the objector considers do warrant a TPO;
- The land owner would enter into discussions to agree a modification of the TPO and implementation of a long-term management plan to retain tree-cover on this site.

6. TREE SERVICE PROCEDURE

6.1. The Tree Service acknowledges any communications and provides advice and guidance in respect of the resident's right to make an application to manage protected trees by using an application form and how to source Government advice on TPO procedures. The correspondence is reviewed in respect of Council policies and to address the issues raised, a report is compiled and subsequently brought before Committee.

6.2. The Council's response to the objections include: -

- The amenity assessment undertaken on the trees has been developed by the Council and is based on Central Government Guidelines, industry 'best practice' and the Council's own policy;
- Apart from its own site-assessment, the Council considered data from the Forestry Commission in respect of the re-stocked woodland in its consideration for making the TPO. In making the TPO, the Council's assessment of the two 'woodland' areas is considered consistent with the definition of a woodland as described in the Town & Country Planning Act;
- Orders covering a woodland protect the trees and saplings of whatever size within the identified area, including those planted or growing naturally after the Order was made. While some trees may lack individual merit, the purpose of the

Order is to safeguard the woodland as a whole, which depends on regeneration or new planting.

- The objection specifically identifies T3 (Beech) as a specimen unfit for a TPO due to its apparent condition. The tree was identified as having individual amenity merit as it is a prominent feature on this site and because of its age & condition represents a wildlife habitat in itself. The tree has a defect in its stem with decay evident. The defect in itself is not imminently hazardous but warrants detailed investigation of its wood structure to advise of appropriate management.
- The Council's amenity assessment is not a full & detailed tree-survey; and although now protected, this does not remove any legal responsibility from the tree-owner to ensure their safe condition. It is therefore strongly advised that if the objector/tree-owner considers any of the trees to be in any way dangerous, hazardous or unsafe, that they seek independent professional advice and consider making TPO application to manage the tree.
- The woodland category should not hinder beneficial woodland management. Whether or not they make an Order, authorities can consider encouraging landowners to bring their woodlands into proper management under the grant schemes run by the Forestry Commission. If a woodland subject to an Order is not brought into such a scheme, authorities can still encourage applications to manage the trees in ways that would benefit the woodland without making a serious impact on local amenity, for example by making a single application for regularly repeated operations.

7. SUPPORTING PLANNING INFORMATION

7.1. Relevant planning history includes:-

07/01215/OUT: Outline application (including layout and access) for the erection of 13 dwellings with access from London Road. Refused 22.02.2008.

15/00294/FUL: Erection of 8no 4 bedroom dwellings and 2no 5 bedroom dwellings with associated access from London Road, landscaping and car parking. Refused 25.06.2015 – subject of current appeal.

15/01252/FUL: Erection of 5no. 4 bedroom and 2no. 5 bedroom dwellings with associated access, landscaping and car parking. Application currently under consideration.

8. CONCLUSION

- 8.1. The Council has followed due legislative process, procedure and policy and has stated the reasons for protecting the trees. The various objections and specific issues raised by correspondents have been addressed within this report.

End of Report

Contact for further information: -

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