



NOTICE OF MEETING

Planning Committee

Thursday 21 July 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, Ms Gaw, Mrs Hayes MBE, Heydon, Hill, Mrs Ingham, Leake, Mrs Mattick, Mrs McKenzie, Mrs McKenzie-Boyle, Skinner, Thompson and Worrall

ALISON SANDERS
Director of Corporate Services

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Telephone: 01344 352308
Email: hannah.stevenson@bracknell-forest.gov.uk
Published: 11 July 2016



Planning Committee
Thursday 21 July 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 21 June 2016. | 5 - 8 |
| 3. Declarations of Interest
Any Member with a Disclosable Pecuniary Interest or an Affected Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days. | |
| 4. Urgent Items of Business
Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent. | |

PLANNING APPLICATIONS

(Head of Development Management)

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

- | | |
|---|---------|
| 5. Application 15/00403/FUL Jolly Farmer, Yorktown Road, College Town
Erection of building comprising 42no. sheltered apartments for the elderly with a retail unit/tea shop (use class A3) and associated parking following demolition of existing building. | 13 - 32 |
|---|---------|

6. **Application 15/00428/FUL 90 New Road, Ascot, Berkshire**
Demolition of existing bungalow and erection of two semi-detached dwellings. 33 - 48

7. **Application 16/00639/PAC Apex House, London Road, Bracknell**
Application for prior approval for the change of use of existing office (Class B1a) to residential use (Class C3) comprising 28 apartments. 49 - 54

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**PLANNING COMMITTEE
21 JUNE 2016
7.30 - 8.40 PM**



Present:

Councillors Brossard (Vice-Chairman), Angell, Mrs Angell, Finnie, Ms Gaw, Mrs Hayes MBE, Heydon, Hill, Mrs Ingham, Mrs McKenzie, Thompson and Worrall

Also Present:

Councillors Turrell

19. Apologies for Absence

Councillors Dudley, Leake, Mrs Mattick, Mrs Mckenzie-Boyle, Skinner

20. Minutes

RESOLVED that the minutes from the meeting held on 26 May 2016 be approved as a correct record and signed by the Chairman.

21. Declarations of Interest

There were no declarations of interest.

22. Urgent Items of Business

There were no urgent items of business.

23. Application 15/01081/FUL Old Whitelock, Garson Lane, Warfield

This item was withdrawn from the agenda.

24. Application 16/00339/FUL 117-119 College Road, College Town, Sandhurst

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- Three letters of objections received in respect of the proposal, as summarised in the agenda papers.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 13 April and 8 June 2016:

drawing no. 433-01 C

drawing no. RS1501 Rev 6

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

3. The number of children present at the nursery at 117 and 119 College Road during the nursery's operational hours shall not in total exceed 45 at any one time.
REASON: To enable the Local Planning Authority to maintain control over the use of the site in the interests of the amenities of adjoining residents.
[Relevant Plans and Policies: CSDPD CS1]
4. The hours of operation of 117 and 119 College Road connected to the nursery use shall be restricted to 08.00 to 18.00 hours (for up to a maximum of 27 children) and 09.15 to 16.00 hours (for up to a maximum of 45 children) Mondays to Fridays for a maximum of 46 weeks in any calendar year and the premises at 117 College Road shall not be used for the purposes of a nursery at any other time.
REASON: To enable the Local Planning Authority to maintain control over the use of the site in the interests of the amenities of adjoining residents.
[Relevant Plans and Policies: CSDPD CS1]
5. The Nursery Travel Plan, Update 2015 received 7 July 2015 by the Local Planning Authority shall be operated in accordance with the details submitted and approved under discharge of condition application 15/00124/COND and shall continue in operation thereafter.
REASON: To enable the Local Planning Authority to maintain control over the use of the site.
[Relevant Plans and Policies: CSDPD CS1]
6. The times of the nursery school sessions shall be staggered as set out in table 1 at page 5 of the Planning and Access Statement by Scott Planning Associates Ltd submitted with the application and received by the Local Planning Authority on 13 April 2016.
REASON: To enable the Local Planning Authority to maintain control over the use of the site in the interests of the amenities of adjoining residents.
[Relevant Plans and Policies: CSDPD CS1]
7. The use of the rear garden of 117 College Road in connection with the nursery shall be limited to the enclosed swimming pool and changing room and the covered outdoor play area in accordance with paragraph 4.10 of the Planning Statement by Scott Planning Associates Ltd submitted with the application as additional information and received by the local planning authority on 24 September 2014 connected to application 14/01043/FUL. No part of the rear garden of 119 College Road shall be used in connection with the nursery operations and shall only be used for C3 residential purposes.
REASON: To enable the Local Planning Authority to maintain control over the use of the site.
[Relevant Plans and Policies: CSDPD CS1]
8. Use of 119 College Road as a D1 nursery shall not commence until the associated vehicle parking and turning space has been surfaced and marked out in accordance with the approved drawing. The spaces shall thereafter be retained and 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]

9. The nursery use of 119 College Road shall at no time be split from the operation and use of 117 College Road as a nursery, and 119 College Road shall at no time operate as an independent nursery D1 unit.
REASON: To enable the Local Planning Authority to maintain control over the use of the site.
[Relevant Plans and Policies: CSDPD CS1]
10. No other D1 use (other than nursery) shall take place at 117 and 119 College Road outside of the operational hours of the nursery.
REASON: To enable the Local Planning Authority to maintain control over the use of the site.
[Relevant Plans and Policies: CSDPD CS1]
11. In the event that the D1 (nursery) use of 117 College Road ceases, the D1 (nursery) use of 119 College Road shall also cease and the use of 119 College Road revert back to sole use as a single dwellinghouse.
REASON: To enable the Local Planning Authority to maintain control over the use of the site.
[Relevant Plans and Policies: CSDPD CS1]
12. Outside of the operational hours of the nursery, 119 College Road shall return to sole C3 (residential) use and shall solely be used for C3 (residential) use at weekends and bank holidays.
REASON: To enable the Local Planning Authority to maintain control over the use of the site.
[Relevant Plans and Policies: CSDPD CS1]
13. The part of the ground floor and the first floor of 119 College Road identified in red for C3 (residential) use on drawing no. 433-01 C received by the Local Planning Authority on 13 April 2016 shall be used solely for C3 (residential) use at all times.
REASON: To enable the Local Planning Authority to maintain control over the use of the site.
[Relevant Plans and Policies: CSDPD CS1]

25. **Application 16/00375/FUL Raj Bhawan, 58 Harmans Water Road, Bracknell**

A site visit had been held on Saturday 18 June 2016 which had been attended by Councillors Finnie, Mrs Hayes, Mrs Ingram, Mrs Mattick, Ms Gaw and Thompson.

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- The comments of Bracknell Town Council.
- The letter of objection from 56 Harmans Water Road as summarised in the agenda papers.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details:
Proposed Floor Plan, Elevations and Block Plan, Drawing number: D1564-02, received 17.09.2015
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in appearance those of the existing dwelling.
REASON: In the interests of the visual amenities of the area.
[Relevant Policies: BFBLP EN20, CSDPD CS7]
4. The development hereby permitted shall be carried out only in accordance with the submitted Tree Protection Plan. All existing tree(s) shown to be retained on the approved drawing (Reference BFC/HR/TPP) 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 5837:2012, or any subsequent revision.
REASON: - In order to safeguard trees considered to be worthy of retention, and to alleviate any adverse impact on the root systems and the long term health of retained trees, in the interests of the visual amenity of the area.
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

26. **Application 16/00509/PAC 32 Wellington Business Park, Dukes Ride, Crowthorne**

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- The comments of Crowthorne Parish Council objecting to the proposal.
- Seven letters of objection received in respect of the proposal, as summarised in the supplementary report.

RESOLVED that planning application 16/00509/PAC be **REFUSED** for the following reason:

The proposed development provides insufficient parking and would have an adverse effect on highways safety.

27. **Application 15/01082/FUL 48 - 50 Dukes Ride, Crowthorne, Berkshire**

The members noted the information contained in the report and the conclusion reached.

NB – Cllr Finnie asked to be recorded as voting against the decision to note the report and conclusion.

CHAIRMAN

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

**PLANNING COMMITTEE
21st July 2016**

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

		Case Officer	Reporting Officer
5	15/00403/FUL Jolly Farmer Yorktown Road College Town (College Town Ward) Erection of building comprising 42no. sheltered apartments for the elderly with a retail unit/tea shop (use class A3) and associated parking, following demolition of existing building. (Resubmission of 13/00800/FUL) Recommendation: Approve Subject To The Completion Of Planning Obligation(s).	Sarah Fryer	Martin Bourne
6	15/00428/FUL 90 New Road Ascot Berkshire (Ascot Ward) Demolition of existing bungalow and erection of two semi-detached dwellings Recommendation: Approve.	Sarah Horwood	Basia Polnik
7	16/00639/PAC Apex House London Road Bracknell (Bullbrook Ward) Application for prior approval for the change of use of existing office (Class B1a) to residential use (Class C3) comprising 28 apartments. Recommendation: Prior Approval is required and Prior Approval can be granted.	Margaret McEvit	Martin Bourne

Background Papers

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

PLANNING COMMITTEE - POLICY REFERENCES

Key to abbreviations used in the following planning reports.

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

SPG Supplementary Planning Guidance
SPD Supplementary Planning Document

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

NPPF National Planning Policy Framework (Published by DCLG)
NPPG National Planning Policy Guidance (Published by DCLG)
PPS (No.) Planning Policy Statement (Published by DCLG)
MPG Minerals Planning Guidance
DCLG Department for Communities and Local Government

SITE LOCATION PLAN

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

THE HUMAN RIGHTS ACT 1998

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

Those rights include:-

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

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

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

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

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

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

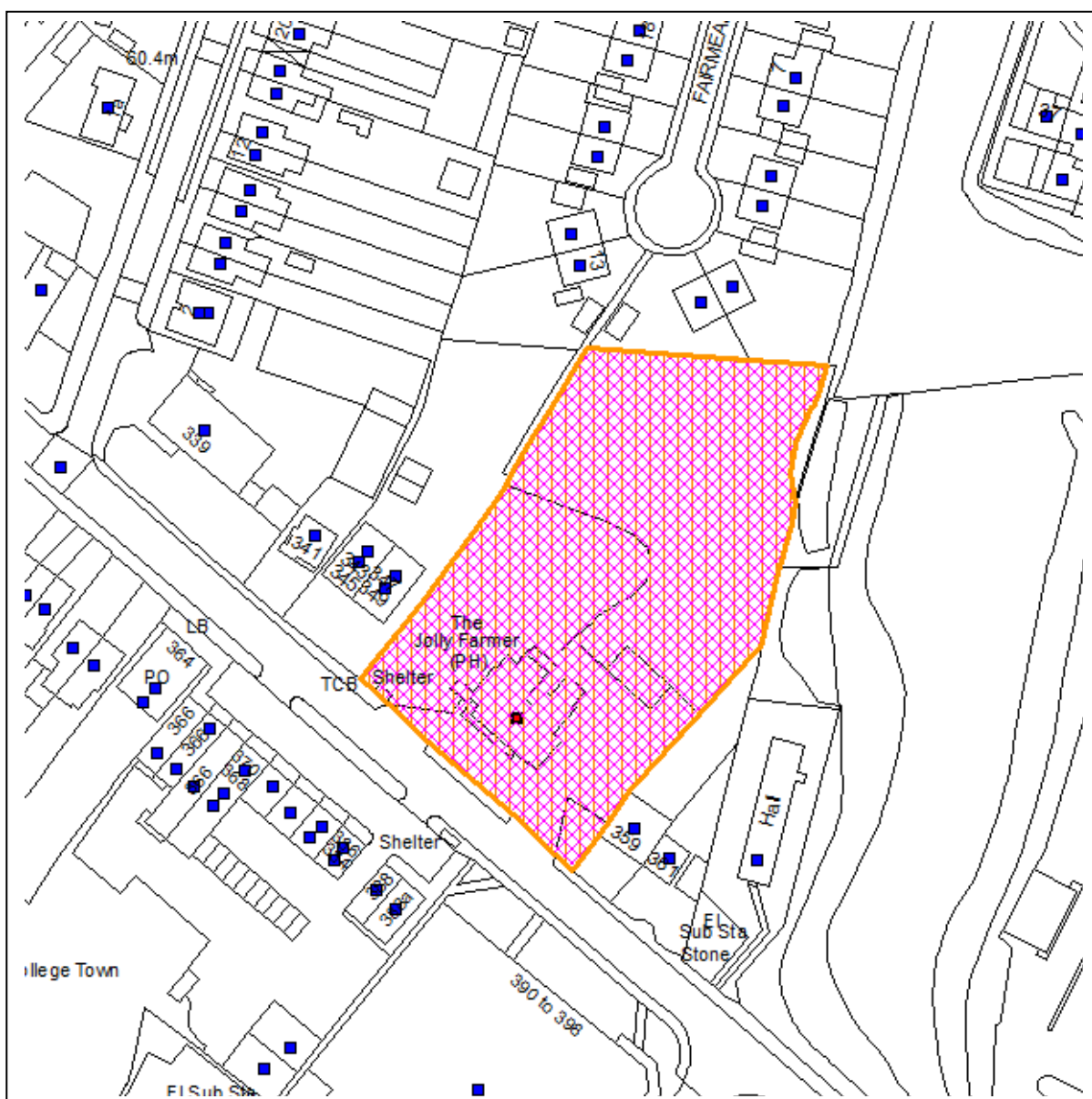
The Human Rights Act will not be specifically referred to elsewhere [in the Agenda] beyond this general statement, unless there are exceptional circumstances which require a more

detailed consideration of any Convention Rights affected.

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ITEM NO:			
Application No. 15/00403/FUL	Ward: College Town	Date Registered: 2 June 2015	Target Decision Date: 1 September 2015
Site Address:	Jolly Farmer Yorktown Road College Town Sandhurst Berkshire GU47 0PX		
Proposal:	Erection of building comprising 42no. sheltered apartments for the elderly with a retail unit/tea shop (use class A3) and associated parking, following demolition of existing building. (Resubmission of 13/00800/FUL)		
Applicant:	Renaissance Retirement Ltd		
Agent:	Mr Peter Tanner		
Case Officer:	Sarah Fryer, 01344 352000 development.control@bracknell-forest.gov.uk		

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



OFFICER REPORT

1. SUMMARY

1.1 This is an application for full planning permission which proposes the erection of a building comprising 42no. sheltered apartments for the elderly with a retail unit/coffee shop (use class A3) at ground floor level with associated parking following demolition of the existing building on site. As no element of care is to be provided, the units are considered to be C3 dwellings however will be marketed at the over 70's.

RECOMMENDATION
Approve subject to the completion of a S106 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
Within settlement boundary
Site contains individual and group Tree Preservation Orders (TPO)
Site partially identified as former landfill
Local Shopping Parade
Part of site within Flood Zone 2

3.1 The site currently comprises of a vacant late-Victorian 2-storey public house built with a mix of white painted and red facing brickwork. The building has been extended to the side and rear. A large detached storeroom (believed to have been a former coach house) also exists on the site. There is also an outdoor seating area (beer garden to the public house) located on the north-west side of the public house.

3.2 The rear third of the site consists of a small wooded area of semi-mature and mature self-sown trees. This separates the site from the 2-storey residential properties at Fairmead Close. A public footpath runs along the north west boundary of the site and links Yorktown Road to Fairmead Close to the rear of the site.

3.3 The application site is situated on the north side of Yorktown Road opposite a parade of local shops, a local bus stop. A Waitrose Supermarket is located some 100metres from the site.

4. RELEVANT SITE HISTORY

4.1 13/00800/FUL Erection of building comprising 42no. sheltered apartments for the elderly with a retail unit/coffee shop (use class A3), and erection of outbuilding for storage, with associated parking following demolition of existing building. Refused 31.10 2014

5. THE PROPOSAL

5.1 The application seeks consent for a three and half storey detached building, which reduces in scale to two and a half storeys to the rear on the existing site of the Jolly Farmer Public House, Yorktown Road, Sandhurst. This will provide 42 self contained 1 and 2 bedroomed apartments, owners lounge, and tea rooms. The apartments will be marketed as

retirement living with a concierge on site between the hours of 9am to 5pm to assist the occupiers with taking out waste to the communal bins, carrying shopping etc. No individual care is to be provided and therefore the units fall into Class C3, dwellings of the Town and Country Planning (Use Classes) Order 1995 as amended.

5.2 The building is of modern design with Juliet balconies serving the main habitable rooms of the apartments. There are also 6 balconies proposed on the northwestern and northeastern elevations. The roof would be hipped with rendered gables breaking up the long elevations.

5.3 Parking for the proposal is provided within a basement carpark beneath the structure and accessed via a ramp located along the northwestern elevation, and surface parking to the southeast of the building. Parking for battery mobility scooters and cycles is provided adjacent to the main access with additional cycle parking bays located to the front of the building. Around the proposal landscaped amenity grounds would be provided.

6. REPRESENTATIONS RECEIVED

6.1 Four representations have been received, three of them, whilst not objecting to the principle of the proposal, raise the following concerns:

- The foul drains on Yorktown Road are constantly blocked and consideration should be given to this.
- Concerned that the Environment Agency has down graded the area to now falling within flood zone 1. The water course flows in to the Blackwater River through a culverted channel. When the Blackwater River floods the water backs up through the culvert, flooding the wooded area to the rear of the proposed site which acts as a flood plain.
- Concerns regarding the amount of parking on the site, questioning if this would be sufficient to the proposal.

6.2 One letter objects to the proposal on the following grounds:

- The proposed building is too large for the plot. A three storey building in this location would be detrimental to the village feel of College Town.
- Increase in volume of traffic and lack of proposed on site parking would result in increase in on-street parking issues for existing local residents.
- There is an abundance of sheltered housing available locally.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Consultation responses can be summarised as follows:

7.2 External Consultees:

7.3 Environment Agency: The Environment Agency undertook a model review with regards to planning application reference 13/00800/FUL. The review demonstrated that the application site lies within flood zone 1. Therefore, the Flood Map for Planning has been updated, which now shows the proposed development noted above to be located within flood zone 1.

7.4 The site lies above the Head drift deposits over the Windlesham Formation (Secondary A Aquifer). Their records also suggest that the land north of the Public House is an historic landfill site (Fairmead Close) accepting industrial, inert wastes.

7.5 They note from the information submitted within this planning application that sustainable drainage systems (SUDS) are proposed for the disposal of surface water. Infiltration systems

should not be used in areas where contamination is present as they can cause contaminants to become mobile and lead to the pollution of groundwater.

7.6 However it is noted that the email from Peter Tanner (dated 23rd March 2016), indicates that all waste material encountered from this pit has now been removed and validation sampling shows that surrounding soils are not impacted by the contaminated infill material. The Environment Agency are therefore satisfied with the investigation of this site and have no objection to the use of this area for Stormbloc create infiltration system, subject to the imposition of conditions.

7.7 Internal Consultees:

Biodiversity Officer

7.8 Comments included within Section 9.

Housing Enabling Officer:

7.9 Comments included in report at section 9.

Highway Authority:

7.10 Comments included within section 9.

Tree Service:

7.11 Tree Officer notes that certain trees on this site are protected by a TPO (TPO Ref: 1147 relating to 11 individual trees and three groups) which was confirmed in 21st. August 2013. During the consideration of the application, T10 (poplar) of TPO 1147 (applicant's reference T31) was damaged during a storm and an application for its removal subsequently received. The tree was inspected February 2016 and found to be structurally unsound and therefore its removal was consented subject to a replacement oak being re-planted.

7.12 Following the submission of the revised Arboricultural Impact Assessments and Method Statement, the Tree Officer has no objection to the proposal.

Environmental Health Officer:

7.13 No comments received to date.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

8.1 The primary strategic planning considerations applying to the application and the associated policies 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, CS16, CS17 of CSDPD	Consistent
Transportation	CS23, CS24 of CSDPD 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.
Trees	CS1 of CSDPD, Saved Policy EN1	Consistent
Biodiversity	CS1 of CSDPD, Saved Policy EN1, EN3 of	Consistent

	BFBLP	
SPA	Saved Policy NRM6 of SEP, CS14 of CSDPD, Saved policy EN3 of BFBLP	Consistent
Local shopping parade	CS21 of CSDPD, Saved Policy E5 and E7 of the BFBLP	Consistent
Drainage	CS1	Consistent
CIL	CS6 of CSDPD	Consistent
Sustainable Resources and Renewable energy	CS10 and CS12 of CSDPD	Consistent
Supplementary Planning Documents (SPD)		
Parking Standards SPD		
Planning Obligations SPD		
Thames Basin Heaths Special Protection Area (SPD)		
Other publications		
National Planning Policy Framework (NPPF)		
National Planning Policy Guidance (NPPG)		
Bracknell Forest Community Infrastructure Levy Charging Schedule (2015)		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i Principle of development
- ii Housing issues
- iii Impact on character and appearance of area
- iv Residential amenity
- v Trees and Landscaping
- vi Bio-diversity and ecology
- vii Flooding and drainage
- viii Transportation implications
- ix Sustainability and energy Demand
- x Impact upon Thames Basin Heaths SPA
- xi Community infrastructure levy (CIL)

i Principle of Development

9.2 The application proposes the demolition of a now vacant public house (Use Class A4) which falls partially within the boundary of a defined local shopping parade (College Town) and within a defined settlement. The redevelopment would comprise a residential scheme in the form of 42 x sheltered apartments marketed at the retirement market.

9.3 The development proposal raises a number of land use issues; the principle of redevelopment; the loss of the existing use (public house) and its impact on the vitality and viability of the existing retail parade, together with the loss of the community function and the principle of the residential development on this site.

9.4 Bracknell Forest Borough Council has a sustainable approach to managing the location of new development, with a focus on town centres, then previously developed land and then other defined settlements. As the site constitutes previously development land, partially within a town centre, and within a defined settlement, the re-development of the site is acceptable.

9.5 Consideration has also been given to the loss of a public house within an existing local parade. Policy CS21 of the Core Strategy directs retail development to identified town centres, and also states that applications involving the loss of a retail use that perform an important community role will only be permitted if it does not conflict with other elements of the Core Strategy. The supporting text to the policy (para. 235) sets out that units performing an important community role include pubs, should be protected. In addition, Core Strategy Policy CS21 and BFBLP Policy SC3 both seek to protect community uses. It is considered that the part of Policy CS21 relating to loss of retail uses performing an important community role can be afforded full weight (in relation to para. 215 of the NPPF) as it is consistent with para. 70 of the NPPF. The pub use is however vacant and cannot be considered as providing an active community function at present. A marketing report (dated July 2013) has been submitted in support of the application proposal and this sets out that the site has been marketed unsuccessfully for in excess of a year, and that there are other public houses within a reasonable distance of the site, within one mile along Yorktown Road (The White Swan, The Village Inn and The Wellington Arms). With this in mind, the loss of the existing public house and the loss of this community facility is considered to be justified based on the information submitted, therefore officers have no objections to the loss of the pub, in this instance.

9.6 However, the proposal still represents the loss of a retail unit in a defined retail area (local parade) and this has been given due consideration. The boundary of the designated local shopping parade at College Town was expanded in recent years to include the Jolly Farmer Pub site. This was due to the site and its use being considered to function as part of the parade as it is linked to the rest of the centre by a pedestrian crossing. This recent amendment to the Council's adopted Policies Map further emphasises the importance of the site to College Town Local Parade and the potential for this site to continue to contribute towards the function of the shopping parade.

9.7 The application proposes an A3 retail space to replace the 229sqm of former A4 floorspace. Considering the vacant nature of the existing site and its current lack of contribution to the retail parade, officers are of the view that the provision of 80sqm is acceptable, as it will provide an active frontage for the site, so that it contributes to the activity of the retail parade. The supporting statements from the applicant also suggest that a retail unit of this scale (75sqm) is more viable in this location than a larger retail space.

9.8 To conclude, officers raise no objections to the principle of the development proposed and as guided by the NPPF and Policy CP1 of the Council's SALP, consideration has also been given to the presumption in favour of sustainable development. This guidance sets out that planning applications that accord with the development plan should be approved without delay, unless material considerations indicate otherwise.

ii Housing Issues

9.9 In terms of the residential aspect of this proposal, the site does not fall within one of the Council's site allocations as set out in the adopted Site Allocations Local Plan (SALP). However, the site can be considered as a windfall site. Policy CS15 of the Core Strategy sets out a housing requirement of 10,780 dwellings across the plan period and as a windfall site on previously developed land, this proposal would contribute towards the Council's 5 year supply of housing land and is supported in principle.

9.10 The type of development proposed is considered to be Use Class C3, but targeted solely to elderly people requiring sheltered accommodation and no element of care is proposed. The Bracknell Forest Housing Market Assessment (BFHMA DTZ, October 2011) and the 2011 Census both highlight the ageing of the population of the Borough's residents

and as such, this proposal would therefore help meet the housing needs of older people. As such, this form of housing is supported in principle.

Housing Tenure & Mix

9.11 Policy CS16 of the Core Strategy deals with the housing needs of the Borough and states that development will be permitted which contributes to meeting the identified housing needs of all sectors of the community through the provision on suitable development sites of one or more of the following;

- i. a range of housing types, sizes and tenure; and
- ii. some dwellings for those with special needs; and
- iii. some dwellings designed to meet mobility needs and accessibility principles in line with best practice; and
- iv. affordable housing.

9.12 Policies CS16 & CS17 of the Core Strategy (in relation to housing needs and affordable housing) can be afforded full weight (in relation to para. 215 of the NPPF) as they are consistent with para. 50 of the NPPF which relates to delivering a wider choice of homes, a mix of housing and affordable housing.

9.13 The application seek to deliver a mix of small 1 and 2 bed units for sheltered housing purposes and as such, this would partly accord with Policy CS16. The plans also indicate that some if not all of the units would be wheelchair accessible.

9.14 In relation to Affordable Housing, Policy CS17 of the Core Strategy requires residential developments to provide affordable housing on suitable sites which are accessible to local people. In line with Bracknell Forest Council's March 2011 Executive Decision, up to 25% Affordable Housing is sought on such sites based on the national indicative minimum site size (15 net) subject to viability. As the application creates more than 15 units (42), up to 25% of affordable housing is sought. This would equate to 11 affordable housing units.

9.15 The supporting Design & Access Statement makes reference (para. 7.10) to a financial payment towards off-site affordable housing as opposed to an on-site provision.

9.16 A viability report has been submitted and independently assessed. In consultation with the Housing Enabling Officer, an off-site contribution towards affordable housing of £100,000.00 was agreed with the applicant.

9.17 Therefore, the contribution is considered to meet the requirements for an affordable housing contribution and the application is considered to comply with Policy CS17 of the CSDPD having regard to para.50 of the NPPF.

iii Impact on character and appearance of area

9.18 The proposal seeks to demolish the existing public house and whilst the pub is not located within a conservation area, nor considered to have any particular architectural merit, its position on the site and its setting do contribute positively to the existing streetscene.. Officers have no objection to the demolition of the existing building in principle but consideration has been given to the quality of the replacement building to ensure it is of a form and function that contributes actively to the local shopping parade building on the existing pedestrian connections across the street and of a scale and height that complements the existing streetscene.

9.19 The active retail frontage protects and enhances the site's relationship with the street and its location within the local shopping parade. Access to the retail unit from the principal elevation fronting Yorktown Road provides an active streetscene, and improves the legibility of the building.



9.20 The proposal was originally submitted taking inspiration from an arts and craft style. This was considered to result in an overly cluttered and fussy building out of character with the comparatively plain and unassuming modern architecture surrounding the site. The application has been amended, simplifying the design. The revised design is considered to much more in keeping with the surrounding functional architecture and accordingly respects the character of Yorktown Road.

9.21 The overall height of the proposed development has been reduced by 0.5m since the 2013 application. Whilst the existing public house and the adjoining properties are two storeys in height, the buildings opposite are three storeys in height. A three and a half storey development is now proposed which utilises the roof space. It is not considered that a building of this scale would harm unacceptably the character and appearance of the area. The mature trees along the side boundaries of the application site also assist in framing the development and separating the site from the adjoining two storey developments.

9.22 The proposal also seeks to bring the existing building line forward slightly towards Yorktown Road and consideration has been given to the impact of this. At present, the existing building line of the public house sits between the residential properties to the south (No. 359-361 Yorktown Rd) and the retail units to the north (No. 343-349 Yorktown Rd) and provides an appropriate setting for the public house. Bringing this forward slightly is not considered to adversely affect the setting of the site or the streetscene. Again, this will help frame the local shopping parade.

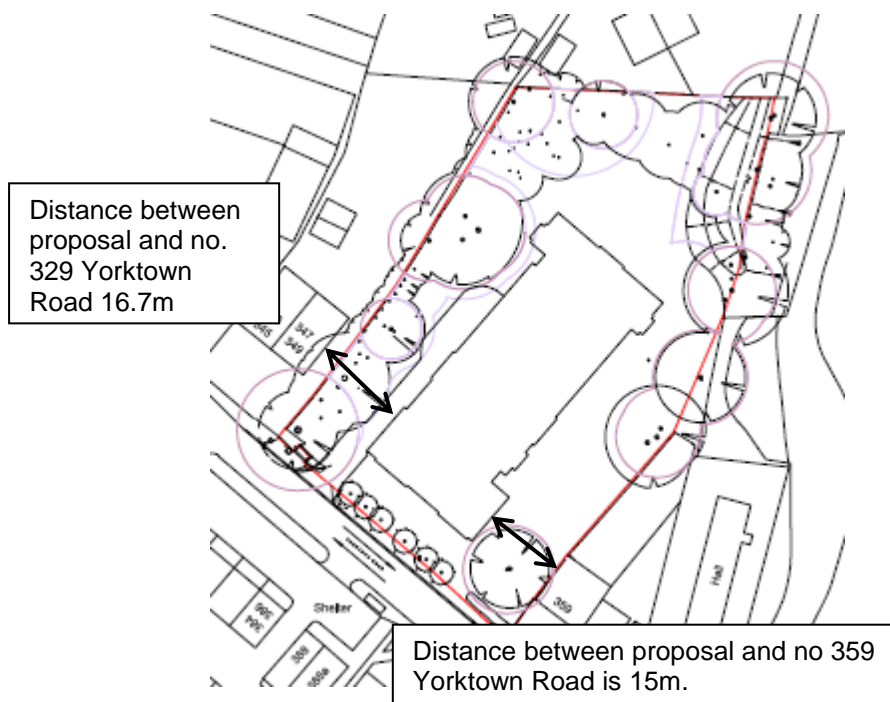
9.23 Concerns were raised regarding the scale, bulk and depth of the 2013 application. Since then the proposal has been amended, reducing the highest ridge height by 0.5m, reducing the depth of the proposal by 9.2m and reducing the height by a storey for the final 24.5m of the building (the ridge height for this element reduces from 13m to 9m). Whilst there is still a significant increase in the built form over the existing, the site is within the settlement boundary where there is a presumption in favour of development. The reduction in depth, maintains more of the woodland to the rear of the site, and results in a proposed footprint of development that is better suited to the plot, subject to the applicant being able to demonstrate that the proposal would not harm the protected trees on the site to an unacceptable degree. This is discussed later in the report.

9.24 To conclude, it is considered that the design and appearance of the proposed building complements the existing townscape of Yorktown Road and therefore complies with Core Strategy Development Plan Document Policies CS1 and CS7 and 'Saved' Policy EN20 of the Bracknell Forest Borough Local Plan, alongside the objectives of the National Planning Policy Framework.

Iv Residential amenity

9.25 Consideration has been given to the proximity of the proposed building to the adjoining occupiers and in particular, Nos. 347-349 and No. 359 Yorktown Road as well as the residents at Fairmead Close to the rear. The proposed building is considered to be set back sufficiently from these boundaries, for example, there is a 15m distance between the proposal and side boundary with No. 359 and a 16.7m distance between the proposal and side boundary with No. 349, increasing to 18m as the building steps in. Both of these distances are in excess of the minimal 10m advised between first floor windows in a new building with adjoining boundaries, within the Councils Leaflet 'Extending you home: a householders guide'.

9.26 Views of the properties on Yorktown Road are at an oblique angle further reducing any overlooking. It is considered that with the screening provided by the existing protected trees, the relationship between the development and surrounding properties, and distances to the boundaries, the proposal is not considered to overlook neighbouring properties to the detriment of that residential amenity. However, the scale of these properties varies as the neighboring dwellings are two storeys in height and the proposed development would rise to 3 ½ storeys measuring 13m in height. Therefore, consideration has been given to this relationship and potential impact.



9.27 As noted in earlier sections of this report, the majority of properties along Yorktown Road extend to approximately 10-13m in depth in this area and are two stories in height. The proposal has been amended since the previous application and now proposes an extension of 31.5m depth at 3 ½ stories in height, after which the development reduces to 9m, with an overall reduction in the depth of 9.2m. It is considered that these changes reduce the impact on the visual amenities of the adjoining residents. The design incorporates rendered gable features which breaks up the bulk of the elevations and along with the reduction in depth and height it is now considered that the application would not result in a proposal, detrimental to the amenities of the occupiers at Nos. 359 and 361 Yorktown Road. The proposal is therefore considered to comply with Policy CS7 of the Core Strategy DPD and Saved Policy EN20, criterion vii, of the BFBLP.

vi Trees and landscaping

9.28 As summarised in the consultation section of this report, the Council's Tree Officer has confirmed that certain trees on the application site are protected by a TPO (TPO Ref: 1147, relating to 11 individual trees and 3 groups).

9.29 The applicant has submitted a revised Arboricultural Impact Assessment, including further information on how the hard surfaces areas and retaining wall to the underground car-park will be constructed. In light of this information, the Tree Officer is satisfied that the proposal can be undertaken without harming the health of the trees and has no objection to the proposal.

9.30 The rear of the proposed building lies within a ring of protected trees which will shade a number of the proposed living units. The Tree Service has carefully applied height measurements to the trees that are to remain within closest proximity to the proposed building. It has been concluded that after removal of a number of trees not subject to the TPO and the landscaping of the grounds are completed the views and aspect of the living units will not be unduly affected by shadowing.

9.31 Accordingly, it is not considered that the proposal would have a detrimental impact upon the protected trees within the site. The proposal is considered to be in accordance with Core Strategy Development Plan Document Policies CS1 and CS7 and Saved Policies EN1, EN2 and EN20 of the Bracknell Forest Borough Local Plan.

vii Bio-diversity and ecology

9.32 Whilst the presence of neither bats nor reptiles were found to be on the site, the development encroaches into an area of woodland. The proposal would only require the removal of a limited number of trees, but it would result in the loss of a area of woodland habitat which currently has an element of biodiversity value. The site supports an area of woodland which forms a stepping stone of habitat for wildlife moving through the residential area of Sandhurst.

9.33 Whilst the loss of woodland and habitat is contrary to Policies CS1 and CS7 of the CSDPD, and 'Saved' Policy EN1 of the BFBLP it is considered that the impact could be partially mitigated by a landscape proposal which creates a woodland style garden to the rear of the property and through a mitigation plan to propose bat boxes, tree nesting boxes and native species planting to enhance foraging opportunities for invertebrates and birds. It is recommended that a condition be imposed to this effect.

viii Flooding and drainage

9.34 Following the previous application in 2013, the Environment Agency (EA) undertook a model review which demonstrated that the site now falls within Flood Zone 1. This has been confirmed by the Environment Agency's consultation response.

9.35 The site lies above the Windlesham Formation aquifer and a historic landfill. The EA raised concerns that infiltration of surface water back into the ground waters could pollute the water within the aquifer. The applicant has undertaken works, including trial pits to establish the extent of the landfill within the infiltration area. Following testing of the soil samples, it was concluded the landfill pit has been emptied or did not extend within the area where the surface water storage crates are proposed to be located. The use of an infiltration based scheme to deal with the surface water would not therefore pollute the surrounding soils. The Environment Agency has no objection to infiltration of the surface water.

9.36 Since the 2013 application was considered Bracknell Forest has become the Lead Local Flood Authority (LLFA) with ultimate responsibility for surface water drainage within their area. The legislation requires all major developments to use sustainable drainage (SuDs) techniques unless it is demonstrated that it is not possible. The NPPF para.103 states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and it gives priority to the use of sustainable drainage systems unless material considerations indicate otherwise.

9.37 The submitted drainage strategy proposes a sustainable solution to dealing with surface water close to source. The LLFA is satisfied with the details that have been submitted and therefore, subject to conditions requiring the maintenance and management of the SuDs scheme over the life of the development, there is no objection on drainage or flooding grounds. Accordingly the proposal complies with the objectives of the NPPF and CS1 of the CSDPD supported by para. 103 of the NPPF.

ix Transportation implications

9.38 In relation to impacts on highway safety, these policies are considered to be consistent with the core planning principles of the NPPF.

9.39 A number of issues have been taken into consideration with regard to the acceptability of the proposal from a transportation perspective. These relate primarily to access, parking, highway safety and capacity.

Impact/Capacity:

9.40 The applicant has provided an indication of the likely demand that such a facility would create in peak hours and over the day, with around 5 trips expected in both peak hours and around 70 trips per day. The use of the former public house would have generated more daily trips with similar numbers expected in the peak hours. However in the evenings and weekends trips to the current use would be expected to be greater and more concentrated than the proposed use. Overall, the proposal raises no objections in terms of network capacity as overall, the daily trip levels are likely to be lower than the existing (former) use.

Access:

9.41 The site is located on Yorktown Road, an important local distributor road located in the centre of Sandhurst. The current access to the site is via an in/out arrangement running parallel to the main road. It is thought that this type of design was proposed to allow service vehicles (beer deliveries etc.) to get into the former public house safely.

9.42 The proposal seeks to utilise the two entry points with slight modifications to serve two new proposed parking areas, one of which would be contained within a proposed basement with a surface level parking area located to the eastern side of the building which would also serve as off street parking and turning for delivery vehicles. The parking areas would not be connected.

9.43 The eastern access provides vehicular access to 9 spaces at ground level and off street delivery parking. It is noted that the amendments propose changes to this access and tracking information for a 7.5t box van have been provided. Changes to the entrance have also been made by including radii to help vehicles manoeuvre. Whilst tight the proposals are considered to be acceptable.

9.44 The visibility out of the access points complies with that expected for a 30mph road. The existing telephone box that is currently located within the footway is shown to be relocated to a position outside of the 2.4m x 43m sightline. It is anticipated that this would be secured via S278 agreement.

9.45 The western access serving the basement parking has been amended with a proposed width of 5.4m for the first 8m, which then reduces to 3m before widening again to 5.4m before a 90 degree corner into the parking area. A 1 in 10 gradient access ramp starting 12m behind the highway boundary and extending for 25m. Acco drains are shown at both the start and end of the ramp with a pump located within the basement to pump surface water back to ground level to be incorporated within the surface water drainage for the site.

9.46 Following concerns raised by the Transportation Officer regarding the safety of vehicles entering and existing the basement car park, the access has been lengthened and widened with the resulting narrow section 15m long. This enables inter car visibility to be achieved and a one way priority system can be implemented. Vehicles entering the site will have priority over vehicles leaving the site. The potential for the conflict of vehicle movements at the junction of Yorktown Road and therefore the danger to users of the highway decreases.

9.47 In conclusion it is considered that the applicant has sufficiently demonstrated that the proposed basement parking could work and that subject to conditions requiring details of the signage to manage the traffic priority, the accesses would not result in severe harm to highway safety. The proposal therefore complies with 'Saved' Policy M9 of the BFBLP and Policies CS23 and CS24 of the CSDPD.

Parking:

9.48 The application proposes a total of 37 spaces split between a basement carpark and a surface car park containing 9 spaces, one of which would be reserved for disabled parking.

9.49 The parking standards SPD includes standards for both 'sheltered housing' and 'retirement housing' requiring 39 and 51 spaces respectively. As a retail unit is proposed, this generates a requirement for 3 spaces making total requirements of 42 and 54 spaces for the two different standards.

9.50 As explained previously in the report, this proposal is considered to fit within Use Class C3 (Residential) as the flats would be independent units. However, given the nature of the use and the evidence put forward, in terms of parking requirements, it is considered appropriate to apply the standard for sheltered housing as the starting point. The building has a communal lounge and grounds, a concierge service and residents will be restricted so that no one under the age of 65 years would reside in the flats. This restriction has been accepted by the applicant as this is the type of person that is seen to occupy this type of accommodation.

9.51 The starting point when assessing any proposal is to refer to the relevant standards, and considered relaxation of the standard where evidence or other material considerations indicate that a lower level of provision could be acceptable. For the reasons set out below, relaxation of the standard is considered suitable where the proposed parking provision is 5 spaces below the standard guideline level of 42. The evidence included data supplied by the applicant of other similar sites around the country which indicated a far lower likely demand for parking.

9.52 The Highway Authority also carried out parking surveys at the following sheltered accommodation sites in the Borough, which confirmed that parking provision and demand was less than the adopted standards would indicate:-

9.53 Winterbourne Court, Tebbit Close, Bracknell

This site has 21 parking spaces serving 40 sheltered apartments plus a warden's flat (planning permission; 612605). The car park was observed to be around 50% full (12 parked

vehicles) during an early morning survey at 7.30am on Tuesday 13th October 2015. The car park was around 80% (17 parked vehicles) during a further survey carried out at 10.30am on the same day.

9.54 McKernan Court, High Street, Sandhurst

This site has 26 parking spaces serving 54 sheltered apartments plus a warden's flat (planning permission; 611538). The car park was observed to be around 60% full (16 parked vehicles) during a mid-morning survey at around 11.00am on Tuesday 13th October 2015.

9.55 Warner Court, Yorktown Road, College Town

This site has 12 parking spaces serving 33 sheltered apartments plus manager's accommodation (planning permission; 624392). The car park was observed to be around 75% full (9 parked vehicles) during a mid-morning survey at around 11.30am on Tuesday 13th October 2015.

9.56 Wyatt Court, Yorktown Road, College Town

This site has 15 parking spaces serving 32 sheltered flats plus a manager's flat (planning permission; 02/00513/FUL). The car park was observed to be around 60% full (9 parked vehicles) during a mid-morning survey at around 11.15am on Tuesday 13th October 2015.

9.57 There is also some shopping parking in the vicinity of the site, which provide further areas in which short term parking could occur at certain times of the day if the site were full. This would help deal with further demand from visitors, especially in the evening.

9.58 It is advised that parking for the concierge (1 space) and 2 spaces for the shop (staff) are allocated/ designated and the remainder should be kept communal for all residents and visitors. This would maximise the use of parking on the site.

9.59 It is noted that buggy parking, with capacity for 6 is also proposed and this will also support those who wish to travel by non-car modes.

9.60 In conclusion a relaxation from the guideline standard for sheltered housing is considered acceptable for the following reasons:

- The sustainable location of the site close to local facilities and public transport.
- The evidence provided by the applicant on how the development would operate including the age restriction and that the proposed level of parking is appropriate.
- Highway Authority officers observations of car parking levels and usage at similar developments in the area as detailed above.
- The availability of alternative short term parking in the vicinity of the site.
- The lack of any evidence that the level of parking proposed would have any severe residual cumulative impacts.

x Sustainability and energy demand

9.61 The NPPF outlines how the impacts of climate change and the delivery of renewable and low carbon energy and associated infrastructure is central to the economic, social and environmental dimensions of sustainable development. Para 96 of the Framework states that in determining planning applications, LPAs should expect new development to comply with adopted Local Plan policies on local requirements for decentralised energy supply, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

9.62 This application has been considered against the objectives of the NPPF and in the context of the Borough's energy and sustainability policies (set out below) which are considered to be consistent with the NPPF.

9.63 Policy CS10 of the Core Strategy requires the submission of a sustainability statement demonstrating how the proposals meet current best practice standards.

9.64 Policy CS12 of the Core Strategy requires the submission of an energy demand assessment demonstrating how the development's potential CO2 emissions will be reduced by at least 10% and how 20% of the development's energy requirements will be met from on-site renewables.

9.65 The application as submitted is not supported by an energy or sustainability statement. However, at the time of the previous application the applicant confirmed via e-mail that the valley roof construction of the proposed building will enable the applicant to provide southerly facing photo-voltaic panels to the inner roof slopes. The current design also has a valley roof construction and therefore there is no reason to suppose that the current design can not accommodate photo-voltaic panels on the southerly facing roof slopes. Furthermore, the applicant previously confirmed that the development will be fitted throughout with low energy light fittings and the heating to the apartments and to the common areas of the building will be individually thermostatically controlled with programmable timers. The apartments and common areas will be fitted with a heat recovery system as standard. Again these can be applied to the current proposal.

9.66 Whilst no specific details have been submitted, this will be implemented via conditions if the application was recommended for approval.

xi Impact on Thames Basin Heaths SPA

9.67 The site is located 1.44km from the Thames Basin Heaths Special Protection Area (SPA) and the proposal would increase the number of residential units on the site.

9.68 The Council, in consultation with Natural England, has formed the view that that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath SPA is likely to have a significant effect on the SPA, either alone or in combination with other plans or projects. This site is located approximately 1.44 km from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

9.69 In summary, the total SPA related financial contribution for this proposal would amount to £71,749 (i.e. £54,051 for SANG + £17,749 for SAMM). This is based on 42 no. one and two bedroom dwellings proposed and includes a discount provided by the existing three bedroom unit that is provided above the public house.

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

xii Community Infrastructure Levy (CIL)

9.71 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.

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

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

9.74 CIL replaces the requirement for planning obligations to secure contributions towards certain services. However, should the application be considered acceptable, an obligation under S106 will be required to secure a payment in lieu of on-site affordable housing, restricting the age of occupiers and SPA mitigation.

9.75 The planning obligations considered necessary in relation to the application proposal accord with the tests set out in the Community Infrastructure Regulations 2010 (Regulation 122) and paragraph 204 of the NPPF in that they are (a) necessary to make development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

9.76 A non-financial obligation relating to highway matters would also be anticipated (S38 and/or S278 of the Highway Act) in order to undertake the works along Yorktown Road.

9.77 As outlined in the Housing section of this report, a viability report was submitted in support of this application titled 'Planning Obligation Statement including Affordable Housing Statement' (dated August 2015). This document concluded that whilst the development could contribute towards CIL of up to £350,047.50 and SPA of £47,289.00, it could not contribute towards any on-site affordable housing without rendering the development unviable. It has been accepted in this instance and a contribution in lieu of the onsite provision was agreed.

9.78 Therefore, a Section 106 agreement will be sought to secure the following:

- Contribution to mitigate the impact of the proposal on the Thames Basin Heaths SPA.
- Contribution in lieu of an on site affordable housing provision.
- An occupancy restriction so that minimum age for occupancy of the flats is 65 years.

10. CONCLUSION

10.1 The thrust of this assessment has taken into account Section 38(6) of the Planning and Compulsory Purchase Act 2004 which 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). As set out in this report, the relevant policies, their status and their weight have been duly assessed.

10.2 Policy CP1 of the Council's SALP, sets out a positive approach to considering development proposals which reflect the presumption in favour of sustainable development. It also requires that planning applications that accord with the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate

otherwise. As set out in this report, the relevant policies have been assessed in accordance with their consistency with the NPPF.

10.3 The proposal would result in a windfall of 42 (41 net) residential units, a significant benefit of the proposal given the Councils current 5 year housing land supply shortfall. The applicant through extensive negotiations has demonstrated that the proposal can be accommodated within the site without detriment to the protected trees. Whilst the bio-diversity officer has concerns regarding the loss of woodland, only a few trees, lying outside the protection areas are to be removed and it is considered that a woodland understorey can be built into the landscaping scheme which is required by condition. Accordingly it is considered that the loss of woodland habitat can be mitigated sufficiently to reduce the harm the development would have to the bio-diversity within the area and any resulting harm is considered not sufficient to outweigh the benefit of the additional housing units.

10.4 The applicant has also demonstrated that appropriate accesses to the site can be achieved without detrimentally affecting highway safety on Yorktown Road, and subject to conditions there is no objection to the proposal from a highway safety perspective. The on-site parking provision is 5 spaces below the maximum amount of the amount allowed for by the Parking SPD. The SPD allows evidence to be submitted by applicants on a case by case basis, and the information submitted by the applicant and verified by the Highways Officers for this type of development results in a lower demand for parking. [this is sufficient to justify a condition restricting the occupation of the units to over 65's only].

10.5 The design and principle of the proposal is considered acceptable and an appropriate drainage strategy has been submitted. Accordingly the proposal is considered to comply with policies contained within the CSDPD and the saved policies of the BFBLP. Subject to a completion of a S106 the application is therefore recommended for approval with delegated powers to the Head of Planning.

11. RECOMMENDATION

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

01. a financial contribution to the off-site provision of affordable Housing;
02. mitigation of impacts on the Thames Basin Heaths SPA; and
03. an occupancy restriction so that minimum age for occupancy of the flats is 65 years.

That the Head of Planning be authorised to **APPROVE** the application subject to the following conditions amended, added to or deleted as the Head of Planning considers necessary:-

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

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

02. The development hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details received by the Local Planning Authority.

Received 05.07.2016

ASP.13.024.001 REV D (Location and block plan)

ASP.15.037.002 REV L (Site plan)

ASP.15.037.003 REV J (Car park layout)

ASP.15.037.100 REV J (Proposed ground floor plan)

ASP.15.037.101 REV H (Proposed first floor plan)
ASP.15.037.102 REV H (Proposed second floor plan)
ASP.15.037.103 REV G (Proposed third floor plan)
ASP.15.037.105 REV I (Proposed basement plan)
ASP.15.037.201 REV E (Proposed elevations)
ASP.14.037.203 REV D (Proposed car park section and retaining wall elevation)

Received 03.06.2016

4753/290 (Swept path analysis car park basement)
4753/205 REV C (Swept path analysis proposed car park entrance)
4753/206 (Swept path analysis proposed service vehicle access Sheet 1 of 2)
4753/207 (Swept path analysis proposed service vehicle access Sheet 2 of 2)

Received 26.01.2016

Construction method statement prepared by Hackwood Group.

Received 11.01.2016

ASP.15.037.202 REV E (Proposed streetscene)
ASP.15.037.104 REV E (Proposed roof plan and sections)

Received 28.10.2015

ASP.15.037.106 (Existing floor plans)

Received 22.09.2015

ASP.15.037.200 REV E (Proposed elevations)
ASP.14.037.204 REV A (Mezzanine section)
Planning obligation statement including affordable housing statement.

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

3. No superstructure works 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]

4. The development hereby permitted shall not be begun until details showing the finished floor level of the building hereby approved, and surrounding external hard landscaped surfaces, 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]

5. The development hereby permitted shall not be begun until an updated construction method statement, including an updated tree protection plan showing the construction exclusion zones, has been submitted to and approved in writing by the Local Planning Authority. The proposal shall be carried out in accordance with approved method statement details and the submitted Arboricultural Impact Assessment (ref: Barrel Tree Report dated 13th January 2016).

REASON: In the interest of protecting the trees subject to the TPO and shown to be retained on the site.

[Relevant Policies: BFBLP EN1, Core Strategy DPD CS1, CS7)

7. 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]

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

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

(b) that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be at least 20%).

The 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]

9. The development hereby permitted shall not be occupied until a scheme to enhance the biodiversity and ecology within the site has been submitted and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the first occupation of the development.

REASON: In the interest of biodiversity.

[Relevant Plans and Policies: CSDPD Policy CS1, BFLP Policy EN1]

10. The development hereby permitted shall not be occupied 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) Means of enclosure (walls and fences etc)

e) Paving including pedestrian open spaces, paths, patios, proposed materials..

f) Other landscape features (water features, seating, trellis and pergolas etc).

All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the 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. 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]

12. The development hereby approved shall not be occupied until signage to be installed on the access ramp to the basement parking, and directional signage, has been submitted to and approved in writing by the Local Planning Authority. The signage shall be installed in accordance with the approved details prior to the first occupation of the development and thereafter retained.

REASON: In the interests of highway safety.

[Relevant Plans and Policies: CS23 of the CSDPD].

13 No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the approved Drainage Strategy prepared by Rushby Brewster, Rev A, dated 18.01.16 and drawing RRL013500/P2 received 27th May 2016. Thereafter the on-going maintenance and operation of the approved sustainable drainage scheme following construction shall be in accordance with section 3.2 of the aforementioned report.

.REASON: To ensure that the site is properly drained and does not increase the risk of flooding

[Relevant Plans and Policies: CSDPD CS1]

14. No dwelling shall be occupied until the associated vehicle parking and on-site turning 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]

Informative:

1. 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.

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

1. Time Period
2. Approved details and plans
11. Age restriction
13. Drainage maintenance

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

3. Materials
4. Finished floor levels
5. Construction method statement
6. Tree protection details
7. Sustainability statement
8. Energy demand assessment

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

9. Biodiversity
10. Landscaping

12. Access signage.

3. Superstructure works refers to works carried out above ground and therefore does not include demolition of a building or the digging of foundations.

Should the applicant fail to complete the required Section 106 agreement by 30.09.2015 then the application shall be refused for the following reasons:

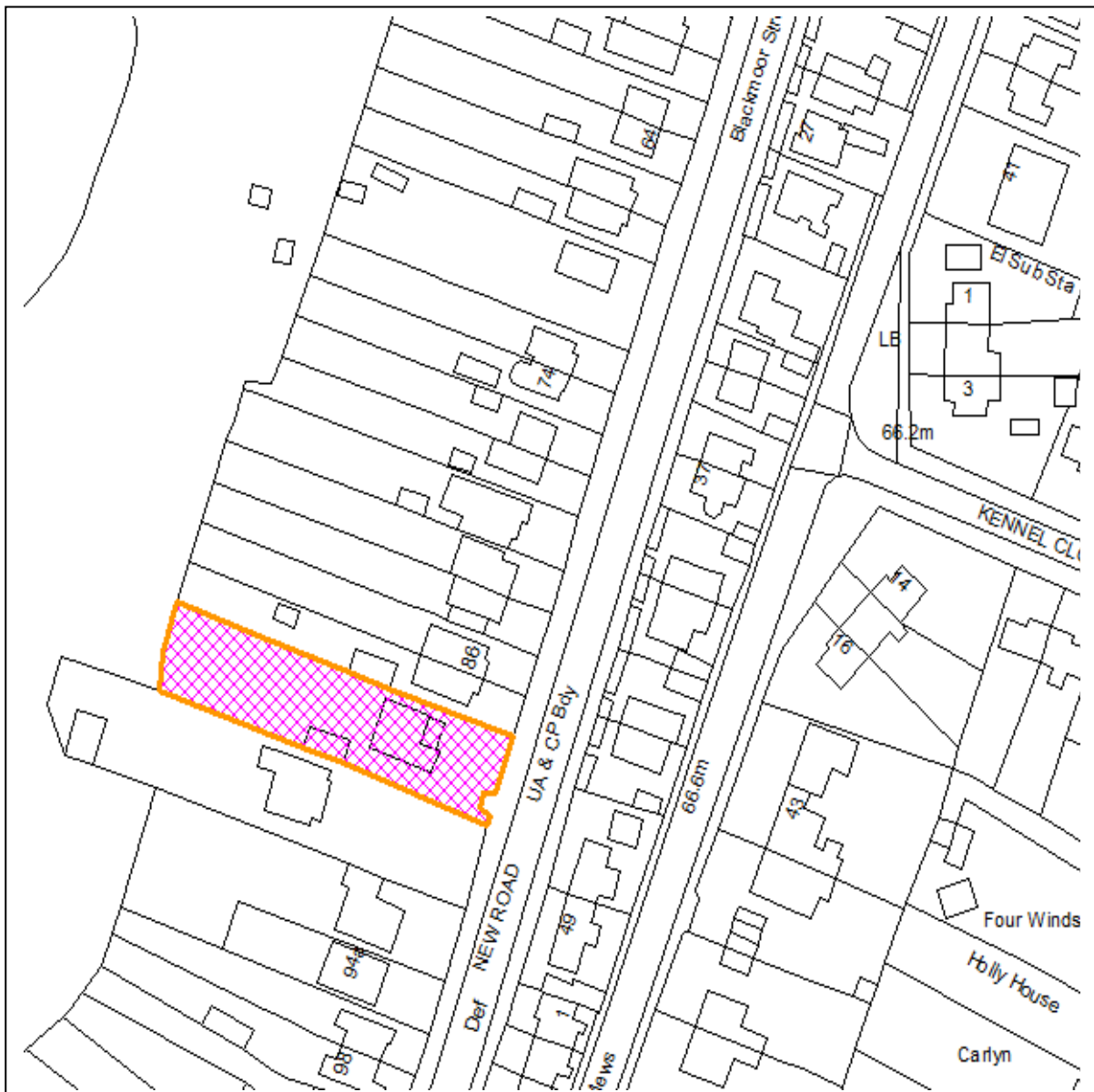
01. The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impacts in this respect. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management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

02. The applicant has failed to provide affordable housing in accordance with Policy CS17 of the CSDPD.

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

ITEM NO: Application No. 15/00428/FUL Site Address:	Ward: Ascot	Date Registered: 22 May 2015	Target Decision Date: 17 July 2015
Proposal:	Demolition of existing bungalow and erection of two semi-detached dwellings		
Applicant:	Mr S Ziegelman		
Agent:	Mr Neil Jones		
Case Officer:	Sarah Horwood, 01344 352000 development.control@bracknell-forest.gov.uk		

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



1. SUMMARY

1.1 The proposed development is for two semi-detached dwellings following demolition of an existing bungalow.

1.2 The site is within the settlement boundary. It would not adversely affect the residential amenities of neighbouring properties or character and appearance of the surrounding area. No adverse highway safety implications would result. The development is not considered to increase flooding elsewhere and the future occupants of the development would be safe from flood risk. Relevant conditions will be imposed in relation to biodiversity and sustainability. The scheme is CIL liable.

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 settlement boundary

Within Flood zone 3

3.1 90 New Road is a detached bungalow located on the western side of New Road. There is a detached garage to the rear of the dwelling located on the boundary with 92 New Road. The front boundary of the site is denoted by a 1m high brick wall and there are low level wrought iron gates at the vehicular access.

3.2 The dwelling is set back from the front elevation of no. 88 New Road but set forward from the front elevation of no. 92 New Road.

3.3 New Road is characterised by a mix of styles of houses. The site backs onto an area known as "The Rough".

4. RELEVANT SITE HISTORY

1879 approved for bungalow (1952)

604825 approved for single storey front extension to form bedroom and single storey rear extension to enlarge existing lounge, kitchen and bedroom (1980).

605416 approved for single storey front extension to form bedroom and single storey rear extension to enlarge existing lounge, kitchen and bedroom (1980).

14/01346/OUT refused for outline application for the erection of two detached and two semi detached dwellings following the demolition of existing dwelling and outbuildings (all matters reserved) for the following reasons:

1. It has not been demonstrated that the proposal would not result in a cramped form of development not in keeping with the surrounding pattern and form of development and having potential adverse impacts on the residential amenities of adjoining properties through overbearing impact, overlooking and loss of privacy. The proposed development would therefore be contrary to Saved Policy EN20 of the Bracknell Forest Borough Local Plan, Policy CS7 of the Core Strategy Development Plan Document and National Planning Policy Framework 2012.
2. It has not been demonstrated to the satisfaction of the Local Planning Authority that sufficient on site vehicle parking and turning can be provided. Failure to provide sufficient on site parking would encourage on-street parking and therefore have a detrimental impact upon road safety and the flow of traffic. The proposed development would therefore be contrary to Policy M9 of the Bracknell Forest Borough Local Plan, Policy CS23 of the Core Strategy Development Plan Document, Bracknell Forest Borough Parking Standards (Supplementary Planning Document approved July 2007) and the National Planning Policy Framework 2012.
3. It has not been demonstrated that the proposed new access would not affect road safety and the flow of traffic due to the proximity of an existing bus stop on New Road. Furthermore, it has not been demonstrated that the proposed internal access road within the site is of sufficient width so to allow the safe movement of vehicles and pedestrians within the site, impacting upon the circulation of vehicles and pedestrians within the site and therefore having a detrimental impact upon vehicle and pedestrian safety. The proposed development would therefore be contrary to Policy M9 of the Bracknell Forest Borough Local Plan, Policy CS23 of the Core Strategy Development Plan Document, Bracknell Forest Borough Parking Standards (Supplementary Planning Document approved July 2007) and the National Planning Policy Framework 2012.
4. The proposed development would be sited within an area at medium and high risk from flooding. The proposed development is considered likely to be at direct risk of flooding and may increase flood risk elsewhere. It has not been demonstrated to the satisfaction of the Local Planning Authority that this flood risk could be mitigated against and would not increase the flood risk to people and properties in the site and the surrounding area. As such, the proposal would be contrary to the Section 10 of the National Planning Policy Framework 2012.
5. In the absence of a survey and appropriate mitigation, it has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development would not have an adverse impact upon bats, which are protected species. As such, the development would be contrary to Saved Policies EN3 and EN20 of the Bracknell Forest Borough Local Plan and Policies CS1 and CS7 of the Core Strategy Development Plan Document.

5. THE PROPOSAL

5.1 Full permission is sought for the demolition of existing bungalow and erection of two semi-detached dwellings.

5.2 Both of the proposed dwellings would have the following layout:

GROUND FLOOR: WC, cloakroom, lounge, utility, larder, kitchen

FIRST FLOOR: 3no. bedrooms, 1 with en-suite, bathroom, study (the study could also be used as a bedroom).

SECOND FLOOR: 1no. bedroom, dressing room, bathroom

5.3 The design of the proposed pair of semi-detached dwellings includes gable features, dormer windows and projecting bay windows.

5.4 The proposed pair of semi-detached dwellings would be 13.5m wide and 13.3m deep at the deepest point. They would have an eaves height of 4.9m and ridge height of 8.8m.

5.5 3no. parking spaces are proposed to the front of each of the dwellings (6 in total), accessed from a central access point from New Road.

5.6 The scheme has been amended during the course of the application to address issues over design, highways, biodiversity and flooding.

6. REPRESENTATIONS RECEIVED

Winkfield Parish Council:

6.1 Made the following observations: Ensure there is no loss of amenity to the neighbouring properties and the parking provision is sufficient.

Other representations:

6.2 4no. letters of objection received which raise the following matters:

- Insufficient parking provided. Will result in more cars parked in road or on grass verges, with increased risk of accidents and footpath being impassable.
- Increase in vehicular traffic.
- Recent developments in New Road have all been passed with little consideration to the impact of vehicle parking and the high density of dwellings.
- A three storey development is not in keeping with existing houses on a similar building line.
- Overlooking to properties and loss of privacy.
- An 'in' / 'out' driveway is not in keeping with existing properties.
- Houses are very close to the road, suggest resiting back to allow for additional parking and maintain the privacy of opposite neighbours.
- 3-bed semis are more appropriate on this plot.
- Adding second floor will make the building taller which will overshadow the garden and patio of 88 New Road.
- Concern about increased noise and disturbance from vehicles due to increased vehicular movements to and from the site.
- Flood risk assessment is not accurate. There is an underground system of pipes and manholes which serve an underground system carrying excess rainwater. Development will have an unacceptable effect on this, leading to local flooding elsewhere.
- If pipes are damaged they should be repaired or enhanced/diverted into a culvert in New Road.

7. SUMMARY OF CONSULTATION RESPONSES

Highways Officer:

7.1 No objection subject to conditions.

Biodiversity Officer:

7.2 No objection subject to conditions.

Environment Agency:

7.3 No objection.

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
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Parking	Saved policy M9 of BFBLP	Consistent NPPF refers to LA's setting their own parking standards for residential development, this policy is considered to be consistent.
Transport	CS23 and CS24 of CSDPD	Consistent
Energy 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		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of development
- ii. Impact on character and appearance of surrounding area
- iii. Impact on residential amenity
- iv. Impact on highway safety
- v. Biodiversity
- vi. Flooding

- vii. Thames Basin Heath SPA
- viii. Community Infrastructure Levy (CIL)
- ix. Sustainability

i Principle of development

9.2 The site is located within the settlement boundary where the principle of development is acceptable subject to no adverse impact upon residential amenities of neighbouring properties, character and appearance of surrounding area, highway safety implications, etc.

ii Impact on character and appearance of surrounding area

9.3 The proposed dwellings would not result in a cramped form of development given adequate space would be retained between the proposed dwellings and adjoining buildings, along with each dwelling having appropriate sized rear gardens. The proposal would represent an efficient use of the land and would not be dissimilar in plot size to surrounding dwellings, in particular the pairs of semi-detached dwellings to the north. The NPPF refers to the effective use of land and it is considered that this proposal would comply with this objective.

9.4 The existing bungalow is set back approximately 14m from the front boundary of the site, set back from the front elevation of nos. 86 and 88 New Road but set forward of the front elevation of no. 92 New Road. The proposed dwellings would sit on a similar building line to the existing bungalow, assimilating well in the street scene. Further, the dwelling at two and a half storeys high would be a similar height to other properties within the street scene, sitting at a height between the two adjoining properties either side. Further, given its staggered siting between the adjoining properties at nos. 88 and 92 New Road and set back from the highway, the proposed dwellings would not appear so unduly prominent in the street scene.

9.5 The design of the proposed dwellings would reflect the characteristics of other properties along New Road with gables, dormer windows and projecting bay windows. In particular the design would reflect the design of the pairs of semi-detached dwellings constructed at 18 and 164 New Road under permissions 11/00720/REM and 12/00513/FUL.

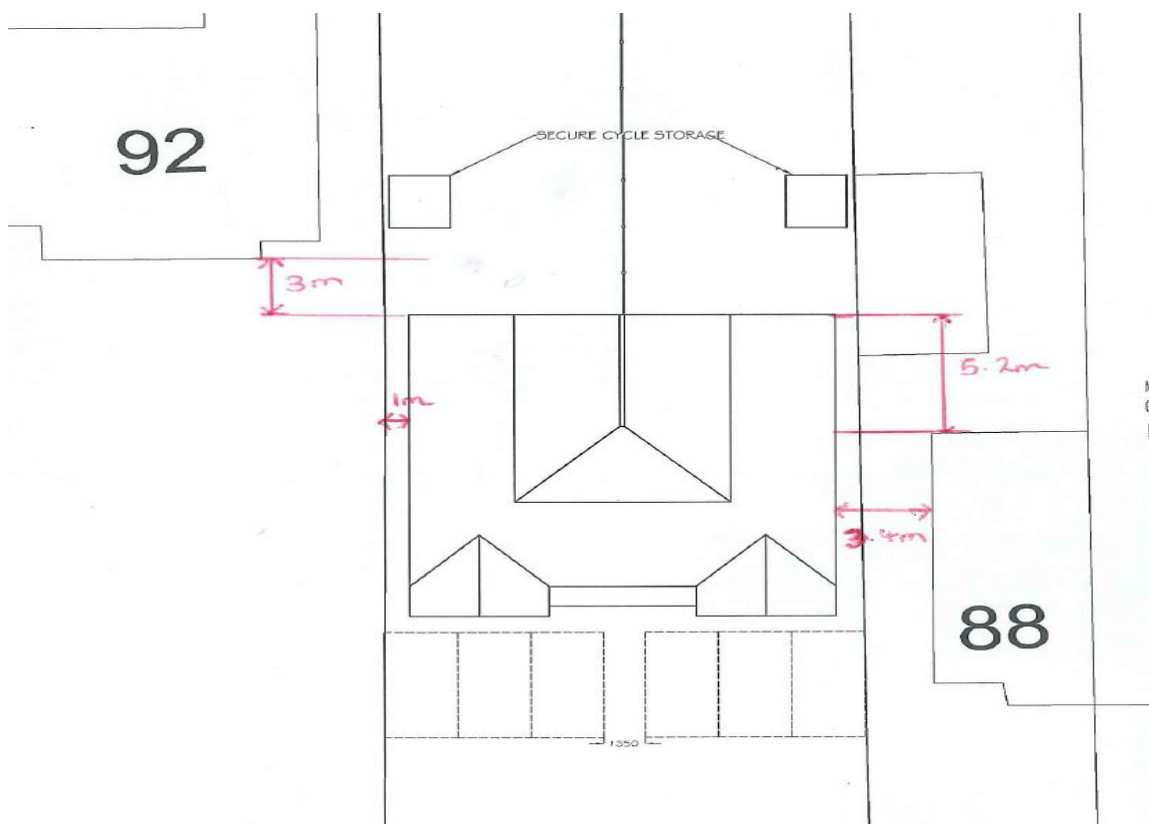


9.6 Details of materials for the external finishes of the proposed dwellings have been specified as brick at ground floor level and render above with a slate roof. There are examples of brick and render in the street scene along with the use of slate roofs; however a planning condition is recommended requiring details of materials to be submitted for approval prior to commencement of development. Architectural detailing including soldier courses above the windows, projecting bay windows and dormer windows would add design interest to the dwellings.

9.7 The frontages of the proposed dwellings would be dominated by parking for 6no. vehicles. There are however examples along New Road where the frontages of dwellings are given over to parking and turning and therefore the provision of hard surfacing for parking across the whole front of the site would not be out of keeping in the street scene or have a harmful impact upon the visual amenities of the area. Details of landscaping and boundary treatment are required by condition in the interests of the visual amenities of the area.

9.8 As such, the development would not result in an adverse impact on the character and appearance of the area and would be in accordance with Saved Policy EN20 of the BFBLP, Policy CS7 of CSDPD and the NPPF.

iii Residential amenity



9.9 The proposed dwellings would be set approximately 1m from the boundary with no. 88 New Road with a 3.4m separation distance between the flank wall of the proposed dwellings and the flank wall of no. 88 at the closest point. The front elevations of the proposed dwellings would be set back from the front elevation of no. 88. The rear elevations of the proposed dwellings would project 5.2m beyond the rear elevation of no. 88 at a distance of 3.4m from the flank wall of no. 88. There is a driveway at no. 88 that runs alongside the boundary with the application site leading to a detached garage in the rear garden of no. 88. The height of the proposed new dwellings, taken with the intervening features of the driveway and garage with the roof of the proposed dwelling pitching away from the boundary with no. 88 means the proposed dwellings would not be so overbearing as to be detrimental to the residential amenities of the occupiers of no. 88.

9.10 Further, the proposed dwellings would not result in undue loss of daylight to the rear of no. 88. At ground floor level on the rear elevation, there is a door serving the kitchen closest to the

boundary with the application site, along with a kitchen window. The proposed dwellings would not infringe on a 45 degree angle on the horizontal plane taken from the mid point of the kitchen window at no. 88 in accordance with BRE standards and therefore no undue loss of daylight would occur to the kitchen at no. 88 which contains a dining table.

9.11 There are side facing ground floor and first floor windows at no. 88 facing towards the application site. However these windows are not primary sources of light to habitable rooms but are secondary light sources with the primary light source being located in the rear elevation; or they are windows serving non-habitable rooms including a WC and hallway. As such, the proposed semi-detached dwellings would not result in unacceptable loss of daylight to the occupiers of no. 88 that would be considered so adverse to warrant refusal.

9.12 2no. windows are proposed at first floor level in the northern flank wall facing towards no. 88 serving a bathroom and en-suite. It is recommended these windows be obscure glazed and fixed shut with the exception of fanlights in the interests of the privacy of no. 88. 2no. roof lights are proposed in the northern roof slope and a planning condition is recommended to ensure that the bases of these windows are more than 1.7m above internal floor level in the interests of the privacy of the adjoining property at no. 88.

9.13 The proposed dwellings would be set approximately 1m from the boundary with no. 92 New Road with the rear elevation of the proposed dwellings set 3m from the front elevation of no. 92 at the closest point. The flank wall of the proposed dwellings would be set alongside the front garden of no. 92. Whilst the proposed dwellings at two and a half storeys high would be visible from the front elevation and in particular the front garden of no. 92, this is not the most private, useable amenity space serving the dwelling and therefore the proposed dwellings would not be so overbearing as to be detrimental to the residential amenities of the occupiers of no. 92. Given the siting of the proposed dwellings in relation to no. 92, the rear facing windows proposed at first and second floor level would have oblique views onto the flank wall of no. 92 but would not result in undue overlooking and loss of privacy to no. 92.

9.14 2no. windows are proposed at first floor level in the southern flank wall facing onto the front garden of no. 92 serving a bathroom and en-suite. It is recommended that these windows be obscure glazed and fixed shut with the exception of fanlights in the interests of the privacy of no. 92. 2no. roof lights are proposed in the southern roof slope and a planning condition is recommended to ensure these windows are more than 1.7m above internal floor level in the interests of the privacy of no. 92.

9.15 The front elevations of the proposed dwellings would be set approximately 35m from the front elevations of the dwellings opposite at nos. 45 and 47 New Road. In view of these separation distances, no adverse overlooking or loss of privacy would result to the dwellings opposite and the proposed dwellings would not appear unduly prominent.

9.16 The rear gardens serving the proposed dwellings back onto an area of woodland known as the Rough, as such no impact would result on land to the rear of the site.

9.17 The future occupiers of the proposed dwellings would have acceptable living conditions in terms of useable room sizes, acceptable daylighting, etc, along with each plot having substantial private garden space and on site parking and turning.

9.18 As such, the proposal is not considered to have an unacceptable impact on the residential amenities of neighbouring properties and the residential amenities of the future occupiers of the proposed dwellings would be acceptable. The proposal would therefore be in accordance with Saved Policy EN20 of the BFBLP and the NPPF.

iv Impact on highway safety

9.19 6no. parking spaces are proposed for the 2no. 4/5 bedroom dwellings (4 bedrooms and study at first floor level which would be counted as a bedroom) which complies with the Council's Parking Standards SPD. The spaces are each 2.4m wide by 4.8m deep and therefore comply with the size requirements of the Parking Standards SPD. Sufficient access/manoeuvring space is provided to the front of the parking spaces to enable vehicles to turn on plot and exit onto New Road in a forward gear.

9.20 A shared access is proposed to serve the proposed dwellings. This will be 5m wide which would enable vehicles to pass each other.

9.21 Acceptable shared pedestrian access is proposed to access the front doors of the dwellings along with appropriate access to the rear of the dwellings for bin and cycle storage.

9.22 Subject to the imposition of conditions, the proposal is considered to be in accordance with CS23 of the CSDPD, Saved Policy M9 of the BFBLP and the NPPF and would not result in highway implications.

v Biodiversity

9.23 As this application involves the demolition of the existing building in an area supporting many trees and woodland patches, a bat survey of the buildings and trees on the site will be required to determine whether these European protected species will be affected. All bat species and their roosts are protected under section 41 of the Conservation of Habitats and Species Regulations 2010. As a signatory to the Bonn Convention (Agreement on the Conservation of Bats in Europe) the UK is also required to protect their habitats.

9.24 If European protected species are identified on the site, evidence must be provided with the application to demonstrate how the development meets the three tests under regulation 3(4) of the Conservation (Natural Habitats & C) Regulations 1994 (now implemented under the Conservation of Habitats and Species Regulations 2010).

9.25 A bat survey was undertaken where it was found the building to be demolished is an active bat roost. As such demolition will need to be carried out under licence for Natural England (or the Low Impact Class licence system), subject to suitable mitigation measures being agreed. Conditions are recommended to protect and enhance biodiversity including a condition to mitigate the impact of development on bats and a condition for the provision of biodiversity enhancements. 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 Flooding

9.26 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.

9.27 The Environment Agency (EA) were consulted on the application as the site is located within flood zone 3b defined as having a high probability of flooding.

9.28 Initially an objection was raised by the EA as an acceptable Flood Risk Assessment (FRA) was not submitted with the application. A subsequent updated Flood Risk Assessment and

Drainage Statement was submitted which the EA considered acceptable and addressed previous concerns. The development is not considered to increase the risk of flooding elsewhere and the future occupants of the development would be safe from flood risk.

vii Thames Basin Heath SPA

9.29 The site is located approximately 5.36km from the Thames Basin Heaths Special Protection Area and is for less than 50 dwellings. Therefore there are no SPA implications for this development.

viii Community Infrastructure Levy

9.30 Bracknell Forest Council commenced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL applies to any new build including those that involve the creation of additional dwellings.

9.31 The proposal would be CIL liable.

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

ix Energy sustainability

9.33 Policy CS10 requires the submission of a Sustainability Statement relating to water usage. No Sustainability Statement has been submitted with the application.

9.34 Policy CS12 requires the submission of an Energy Demand Assessment demonstrating how 10% of the development's energy requirements will be met from on-site renewable energy generation. No Energy Demand Assessment has been submitted.

9.35 These matters can be addressed by the imposition of planning conditions requiring the submission of a Sustainability Statement and Energy Demand Assessment.

10. CONCLUSIONS

10.1 The proposed development relates to a site within the settlement boundary and is therefore acceptable in principle. It would not unacceptably affect the residential amenities of neighbouring properties and would not unacceptably impact upon the character and appearance of the surrounding area. No adverse highway safety implications would result. The development is not considered to increase flood risk elsewhere and the future occupants of the development would be safe from flood risk. Relevant conditions will be imposed in relation to biodiversity and sustainability. The scheme is CIL liable.

10.2 The proposal is therefore considered to be in accordance with retained SEP Policy NRM6, 'Saved' Policies EN2, EN3, EN20 and M9 of the BFBLP, CS1, CS2, CS7, CS10, CS12,

CS14,CS23, CS24 of the CSDPD, Policy CP1 of the SALP, the Parking Standards SPD and the SPA SPD, all in accordance with the NPPF.

11 RECOMMENDATION

11.1 The application is recommended to be **APPROVED** subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 26 November 2015, 4 July 2016:

drawing no. 15/04/21 Rev A

drawing no. 15/04/22 Rev A

drawing no. 15/04/23 Rev A

drawing no. 15/04/24 Rev B

drawing no. 15/04/25 Rev A

drawing no. 15/04/28

drawing no. 15/04/29

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

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

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

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

4. The first floor windows in the side (north and south) elevations 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]

5. 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 side elevations (north and south elevations) 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]

6. The base of the rooflights in the roof slopes facing north and south 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]

7. The development hereby permitted shall not be begun until details showing the finished floor levels of the building hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

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

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

8. The development shall not be begun until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule. All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the occupation of any part of the approved development, whichever is sooner. All hard landscaping works shall be carried and completed prior to the occupation of any part of the approved development. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved. The areas shown for landscaping shall thereafter be retained.

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

[Relevant Policies: BFBLP EN20, CSDPD CS7]

9. No development shall be begun until details of a scheme of walls, fences and any other means of enclosure has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of the new dwellings and retained as such thereafter.

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

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

10. 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]

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

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

[Relevant Plans and Policies: CSDPD Policy CS12]

12. The dwellings hereby permitted shall not be occupied until the associated vehicle parking and turning space has been surfaced 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]

13. The dwellings hereby permitted shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans received by the Local Planning Authority on

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

14. The new access shall not be brought into use until the existing access to the site has been closed and a 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 prior to the occupation of the dwellings hereby permitted; the verge shall be retained thereafter.

REASON: In the interests of highway safety.

[Relevant Policies: 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. No dwelling shall be occupied until secure and covered parking for bicycles has been provided in accordance with the approved drawings.

REASON: In order to ensure bicycle facilities are provided.

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

17. No site clearance shall take place during the main bird-nesting period of 1st March to 31st August inclusive, unless a scheme to minimise the impact on nesting birds during the construction of the development has been submitted to and approved by the Local Planning Authority. The scheme, if required, shall be implemented in accordance with the approved details.

REASON: In the interests of nature conservation

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

18. The development (including site clearance and demolition) shall not begin until a scheme to mitigate the impact of the development on bats has been submitted to and approved in writing by the local planning authority. The scheme shall include details of:

- details of methods to avoid killing, injury or disturbance to bats during development

- details of the provision of temporary roosts during construction
- details of the provision of replacement roosts
- details of habitat management and enhancement, e.g. suitable lighting and planting
- details of appropriate post construction monitoring

The mitigation scheme shall be implemented in accordance with the approved details. An ecological site inspection report shall be submitted 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]

19. If more than 2 years elapse between the previous bat survey and the due commencement date of works, an updated bat survey shall be carried out by a suitably qualified ecologist. A report confirming the results and implications of the assessment, including any revised mitigation measures, shall be submitted to the Local Planning Authority before construction works commence on site. The report, if required, shall be implemented in accordance with the approved details.

Reason: To ensure the status of bats on site has not changed since the last survey.
[Relevant Plans and Policies: CSDPD CS1]

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), 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.

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

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

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

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]

23. The dwellings hereby permitted shall be constructed in accordance with the details contained in the Flood Risk Assessment and Drainage Statement received 22 May 2015, email from Neil Jones dated 11 February 2016 and 23 March 2016 in relation to flood levels and topographical survey levels and drawing nos. 15/04/26 Rev A and B received 4 July 2016 by the Local Planning Authority.

REASON: To prevent increased risk of flooding
[Relevant Policies: CSDPD CS1, BFBLP EN25]

Informatives

1. 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.

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

01. Time limit
02. Approved plans
04. Obscure glazing and top opening fanlight
05. Restrictions on windows
06. Height of skylights above floor level
12. Parking and turning
13. Access
16. Cycle parking
17. No site clearance during bird nesting season
19. Updated bat survey
20. No external lighting
22. SuDS compliance
23. Flood risk compliance

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

03. Materials
07. Finished floor level
08. Hard and soft landscaping
09. Boundary treatment
10. Sustainability statement
11. Energy demand assessment
15. Site organisation
18. Bats
21. Biodiversity enhancements

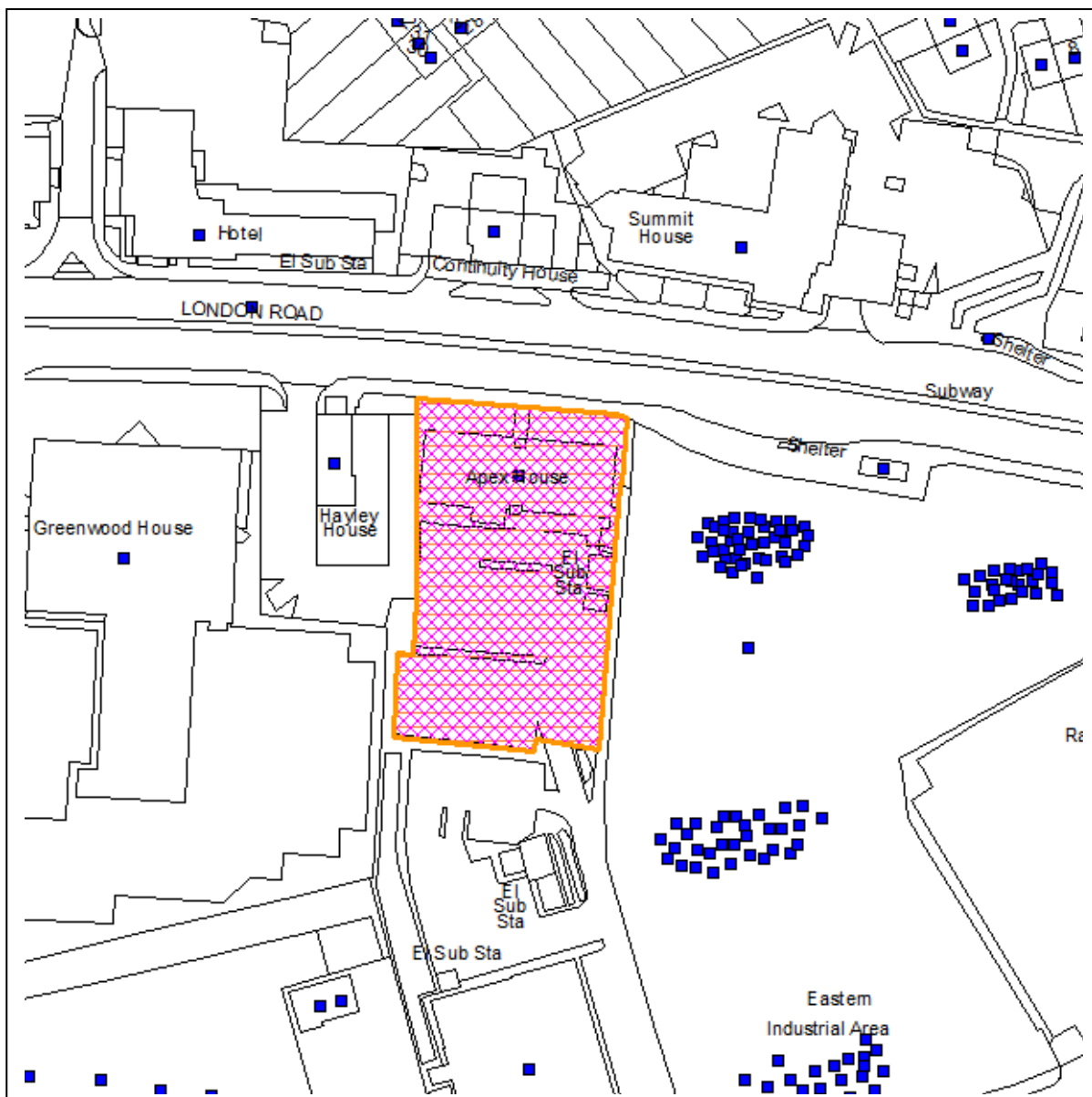
The following conditions require discharge prior to the occupation of the dwellings hereby approved:

14. Existing access

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ITEM NO:			
Application No. 16/00639/PAC	Ward: Bullbrook	Date Registered: 24 June 2016	Target Decision Date: 19 August 2016
Site Address:	Apex House London Road Bracknell Berkshire RG12 2XH		
Proposal:	Application for prior approval for the change of use of existing office (Class B1a) to residential use (Class C3) comprising 28 apartments.		
Applicant:	Skyright Ltd		
Agent:	Allen Planning Ltd		
Case Officer:	Margaret McEvit, 01344 352000 development.control@bracknell-forest.gov.uk		

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



1. SUMMARY

1.1 Prior approval is sought for the change of use of the site from Class B1 (a) (offices) to 28 apartments comprising 10no. 1 bedroom flats and 18no. 2 bedroom flats.

1.2 The proposal would not result in contamination issues or flood issues. There would not be an adverse effect on future residents of noise from nearby commercial premises and there would be no adverse transport and highway implications.

1.3 Prior approval can therefore be granted.

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 This prior approval must be determined and a decision issued accordingly within 56 days.

3. PLANNING STATUS AND SITE DESCRIPTION

3.1 Apex House is a three storey vacant office building and is situated to the south of London Road, with courtyard parking to the rear of the building. Whilst the site fronts on to London Road, where the main pedestrian access is, the vehicular access point to the site is off Eastern Road (to the rear). The site lies within the defined settlement. The site is in a landfill 250 metre buffer zone and is located within 5km of the Thames Basin Heaths Special Protection Area.

4. RELEVANT SITE HISTORY

13/01054/PAC	Application for Prior Approval for the change of use from Office (B1a use class) to Residential (C3 use class) providing 39 no. dwellings consisting of 3 no. 2 bedroom apartments, 13 no. 1 bedroom apartments and 23 no. 1 bedroom studio apartments.	Prior approval granted
16/00310/PAC	Application for prior approval for the change of use of existing office (Class B1a) to residential use (Class C3) comprising 28 apartments.	Prior approval refused.

5. THE PROPOSAL

5.1 Prior approval is sought for the change of use Apex House from Class B1(a) (offices) to C3 (dwellinghouses) in accordance with Class O, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

5.2 It is proposed to convert the office floor space into 28no. flats – 10 no. 1 bedroom flats. 18no. 2 bedroom flats within the four storey building.

6. SUMMARY OF CONSULTATION RESPONSES

Highways

6.1 The Transportation Officer has no objection to the proposal and recommends that prior approval for the proposed change of use is granted.

7. PRINCIPLE OF DEVELOPMENT

7.1 In assessing this type of prior approval application the Council can only assess whether the proposal is likely to result in transport and highway implications, contamination issues, flooding issues and impacts of noise from commercial premises on the intended occupiers of development.

7.2 If there are no implications associated with these matters, the development is considered to be permitted development.

8. ASSESSMENT

8.1 Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 allows 'development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.'

8.2 The legislation is set out as follows:

O.1

Development is not permitted by Class O if:

- (a) the building is on article 2(5) land and an application under paragraph O.2 (1) in respect of the development is received by the local planning authority on or before 30th May 2019;
- (b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order—
 - (i) on 29th May 2013, or
 - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;
- (c) the site is, or forms part of, a safety hazard area;
- (d) the site is, or forms part of, a military explosives storage area;
- (e) the building is a listed building or is within the curtilage of a listed building; or
- (f) the site is, or contains, a scheduled monument.

O.2

1. Development under Class O is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport and highways impacts of the development,
- (b) contamination risks on the site,
- (c) flooding risks on the site, and
- (d) impacts of noise from commercial premises on the intended occupiers of the development, and the provisions of paragraph W (prior approval) apply in relation to that application.

2. Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

Section W sets out the procedure to be followed where a developer is required to apply for prior approval to the Local Planning Authority under any class falling within Part 3. This paragraph

states that the Local Planning Authority may refuse an application where, in the opinion of the Authority, the proposed development does not comply with or the developer has provided insufficient information to enable the Authority to establish whether the proposed development complies with any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.

8.3 The assessment of the proposed development in accordance with the above legislation is as follows:

- The building is not on article 2(5) land and an application in respect of the development was received by the local planning authority on 24th June 2016;
- The building was used for a use falling within Class B1(a) (offices) of the Schedule to Use Classes Order on the 29th May 2013.
- The site does not form part of a safety hazard area.
- The site does not form part of a military explosives storage area.
- The building is not listed.
- The site does not contain a scheduled monument.

Transport and highways impacts of the development

8.4 The Highway Officer considers that the proposed prior approval for change of use is acceptable. The Council's adopted parking standards require 46 parking spaces, and 6 visitor spaces for 10 no. one bed apartments and 18 no. two bed apartments. 56 parking spaces are provided to the rear of the building at present and therefore the existing parking provision on site complies with the current parking standards.

8.5 A total of 46 cycle spaces are to be provided within a double stacked bike store plus a further 15 cycle spaces for visitors (Sheffield stands) to the rear of the site. This also complies with the parking standards.

8.6 Bin storage is to be provided within the rear car park. This would be over 55 metres from the public highway at Eastern Road. A Council refuse vehicle is unlikely to access the private car park along a private access road where there is limited or no turning. Also, there does not appear to be any pedestrian access through to London Road for a refuse collector to access bins on foot from London Road. Advice should be sought from the Council's Waste Collection Team on this matter. This is not a matter that can appropriately be considered as part of a prior approval application.

8.7 The provision of 28 flats could generate in the region of 112 two-way trips over the course of a typical day with 11 or 12 movements in both the morning and evening peak periods. The current permitted office use is likely to generate greater movements than the proposed residential use.

Flooding risks on the site

8.8 The site is not within flood zone 2 or 3 and therefore is in flood zone 1. The site also does not have a critical drainage problem which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Impacts of noise from commercial premises on the intended occupiers of the development.

8.9 The Environmental Health Officer who commented on the application has no concerns with the application in relation to the impact of noise from commercial premises in the vicinity of the proposed development, on the proposed future occupiers.

Other matters

8.10. The site is located within 5km of the Thames Basin Heaths Special Protection Area. It is a condition of any planning permission granted by a general development order that any development which is likely to have a significant effect upon a Special Protection Area cannot proceed unless the Local Planning Authority has given written approval under the Habitats Regulations 2010. The prior approval process does not in itself constitute approval under these Regulations.

8.11 This proposal would create additional dwellings and is located within an area where additional dwellings would lead to a significant impact on the SPA, if not mitigated. The decision notice should therefore include an informative advising the applicant how to apply for approval under the Habitats Regulations 2010 and that a Section 106 Agreement must be entered into in the event of prior approval being granted.

8.12 Further, this prior approval relates only to the use of the building. Any external alterations would require the submission of a full planning application.

9. CONCLUSION

9.1 The proposed prior approval for change of use is considered to be acceptable as adequate vehicle parking would be provided on site and the proposal would generate an acceptable amount of traffic movements. The proposal includes information to confirm that no ground disturbance would take place to enable the change of use, so no contamination issues are considered to arise as a result of the proposal. It is not considered that future residents would be adversely affected by noise from commercial properties in the area. The site is not in an area at risk of flooding.

10. RECOMMENDATION

10.1 Delegate to the Head of Planning to grant prior approval. Prior Approval is required and Prior Approval can be granted. The proposal complies with Class O of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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