



NOTICE OF MEETING

Planning Committee

Thursday 23 March 2017, 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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If you require further information, please contact: Hannah Stevenson
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Email: hannah.stevenson@bracknell-forest.gov.uk
Published: 13 March 2017



Planning Committee
Thursday 23 March 2017, 7.30 pm
Council Chamber, Fourth Floor, Easthampstead House,
Bracknell

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

AGENDA

Page No

1. **Apologies for Absence**

To receive apologies for absence.

2. **Minutes**

To approve as a correct record the minutes of the meeting of the Committee held on 23 February 2017.

5 - 12

3. **Declarations of Interest**

Members are asked to declare any disclosable pecuniary or affected interests in respect of any matter to be considered at this meeting.

Any Member with a Disclosable Pecuniary 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 Disclosable Pecuniary Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days.

Any Member with an affected Interest in a matter must disclose the interest to the meeting and must not participate in discussion of the matter or vote on the matter unless granted a dispensation by the Monitoring officer or by the Governance and Audit Committee. There is no requirement to withdraw from the meeting when the interest is only an affected interest, but the Monitoring Officer should be notified of the interest, if not previously notified of it, within 28 days of the meeting.

4. **Urgent Items of Business**

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

PLANNING APPLICATIONS

(Head of Development Management)

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

5. **PS 16/01004/OUT Land North Of Newhurst Gardens, Warfield, Bracknell**

Outline planning application for the erection of up to 50 residential dwellings (including up to 25% affordable housing), parking, open space and landscaping with access from Newhurst Gardens. 17 - 44
6. **PS 17/00080/PAA Land West Of Prince Albert Drive, Ascot, Berkshire**

Application for prior approval change of use of Agricultural Building to a dwelling house (C3). 45 - 56
7. **16/00889/FUL Land At Sterling Court The Redwood Building and Chiltern House, Broad Lane, Bracknell RG12 9GU**

Erection of 99 apartments (including affordable dwellings), provision of car parking and communal amenity space following demolition of existing office buildings. 57 - 76
8. **17/00170/PAC 2 The Braccans, London Road, Bracknell RG12 2XH**

Prior approval change of use application for offices (Class B1a) to form 36 apartments. 77 - 84
9. **17/00136/PAC Century Court, Millennium Way, Bracknell RG12 2XT**

Application for prior approval for change of use from offices (B1) to 65 no. 1 bedroom and 6 no. studio apartments (C3). 85 - 90
10. **17/00165/PAC Century Court, Millennium Way, Bracknell RG12 2XT**

Application for prior approval for change of use from offices (B1) to 47 no. 1 bedroom, 12 no. 2 bedroom and 6 no. studio apartments (C3). 91 - 96

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**PLANNING COMMITTEE
23 FEBRUARY 2017
7.30 - 10.01 PM**

Present:

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

Also Present:

Councillors Barnard and Phillips

Apologies for absence were received from:

Councillors Angell

87. Minutes

RESOLVED that the minutes from the meeting held on the 19 January 2017 be approved as a correct record and signed by the Chairman.

88. Declarations of Interest

Councillor Birch declared that he had an interest in item 5: Application 16/00159/FUL The Blue Lion, Broad Lane, Bracknell. He stated that he would be leaving the room for the duration of this item.

89. Urgent Items of Business

There were no urgent items of business.

90. PS 16/00159/FUL The Blue Lion, Broad Lane, Bracknell

A site visit had been held on Saturday 18 February 2017 which had been attended by Councillors Angell, Mrs Angell, Brossard, Dudley, Ms Gaw, Hill, Mrs Mattick, Mrs McKenzie, Mrs McKenzie-Boyle, Thompson and Turrell.

The Committee noted:

- The Supplementary report of the Head of Planning tabled at the meeting.
- The comments of Bracknell Town Council objecting to the proposal.
- The 15 letters of objections and 1 letter of representation received as summarised in the agenda papers and the additional objections received from Ranelagh School and residents from Ranelagh Drive as summarised in the supplementary report.

The criteria for public speaking had been met in respect of this application and the committee was addressed by the registered speaker Mrs Rachel Phillips objector to the application and Jeremy Heppell representing the applicant.

RESOLVED that application 16/00159/FUL be **REFUSED** for the following reasons:

01. The proposal by reason of increased traffic movements to and from the site would lead to an intensification of the site which would result in an adverse impact on highway safety. The proposed development would therefore be contrary to Policy CS23 of the Core Strategy Development Plan Document and the National Planning Policy Framework.
02. The proposal would not comply with the Local Planning Authority's standards in respect of vehicle parking. This would be likely to encourage on-street parking and therefore have a detrimental impact upon road safety and the flow of traffic. The 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, the Bracknell Forest Borough Parking Standards (Supplementary Planning Document approved March 2016) and the National Planning Policy Framework.
03. The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impacts in this respect. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (2012).

91. **PS 16/00918/FUL Land adjacent to Hayley Green Farm, Hayley Green, Warfield**

The Committee noted:

- The Supplementary report of the Head of Planning tabled at the meeting.
- The comments of Winkfield Parish Council objecting to the proposal.
- The 101 letters of support received for the application as summarised in the agenda papers.
- The 12 letters of objections from 11 addresses as summarised in the agenda papers.
- The 2 letters neither objecting to or supporting the application as summarised in the agenda papers.
- The 2 additional objection letters as summarised in the supplementary papers.

The criteria for public speaking had been met in respect of this application and the committee was addressed by the registered speaker Nick Kirby objector to the application and Steven Hinds representing the applicant.

RESOLVED that application 16/00918/FUL be **REFUSED** for the following reasons:

01. Due to its location outside the settlement boundary and the impact of the development on the countryside, including the principle of the extension to the building and the proposed change of use is contrary to Policies CP1 of the Strategic Allocations Local Plan and Policies EN8 and EN9 of the Bracknell Forest Core Strategy Development Plan Document, and the NPPF.

02. The proposed parking area by reason of its siting and proximity to the boundary with neighbouring occupiers would result in an unacceptable level of noise and disturbance to the detriment of the living conditions of the occupiers neighbouring properties by means of noise of patrons arriving at and leaving the premises and disturbance from vehicles. The proposed development would therefore be contrary to Policy EN20 of the Bracknell Forest Borough Local Plan.

92. **16/01185/A Manhattan House, 140 High Street, Crowthorne**

The Committee noted:

- The Supplementary report of the Head of Planning tabled at the meeting.
- The comments of Crowthorne Parish Council recommending approval of the proposal.
- The 10 letters of objections from 8 households received as summarised in the agenda papers.

RESOLVED that the application be **APPROVED** subject to the standard 5 conditions, plus the following condition:

01. The advertisement hereby granted consent shall be displayed in accordance with the following plans and other submitted details received by the Local Planning Authority on 1 December 2016:

Sign A side elevation

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

93. **16/01122/FUL 414 Yorktown Road, College Town, Sandhurst**

The Committee noted:

- The Supplementary report of the Head of Planning tabled at the meeting.
- The comments of Sandhurst Town Council recommending refusal of the proposal.
- The 5 letters of objections received as summarised in the agenda papers.
- The additional comments received from Greenford Park Homes as summarised in the supplementary report.

RESOLVED that application 16/01122/FUL be **REFUSED** for the following reason:

The proposed removal of the condition restricting the hours of use of the gym would result in unacceptable harm to the living conditions of the neighbouring occupiers due to an increase in noise and disturbance from the use of the car park. The proposal would therefore be contrary to 'Saved' Policies EN20 and EN25 of the Bracknell Forest Borough Local Plan and the National Planning Policy Framework.

94. **16/01252/FUL Bentalls 57-67 and McDonalds, Unit 14, High Street, Bracknell**

The Committee noted:

- The Supplementary report of the Head of Planning tabled at the meeting.
- The letter received from the Bracknell Forest Society as summarised in the agenda papers

- The letter of support received as summarised in the agenda papers.

Following the completion of a planning obligation under S106 of the Town and Country Planning Act 1990 relating to:-

- the securing of a Travel Plan

RESOLVED 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 received by the Local Planning Authority on 19.12.2016:-

PWA-00-00-DR-A-1000-G1

P10228-00-003-100/D00

PWA-00-00-DR-A-2001-G1

PWA-00-00-DR-A-2010-G1

PWA-00-02-DR-A-2013-G1

PWA-00-00-DR-A-2011-G1

PWA-00-01-DR-A-2012-G1

PWA-00-ZZ-DR-A-2100-G1

PWA-00-ZZ-DR-A-2101-G1

PWA-00-ZZ-DR-A-2102-G1

PWA-00-ZZ-DR-A-2103-G1

PWA-00-ZZ-DR-A-2104-G1

PWA-00-ZZ-DR-A-2200-G1

PWA-00-ZZ-DR-A-2201-G1

PWA-00-ZZ-DR-A-2202-G1

PWA-00-ZZ-DR-A-2203-G1

PWA-00-ZZ-DR-A-2204-G1

PWA-00-ZZ-DR-A-2205-G1

PWA-00-ZZ-DR-A-2206-G1

PWA-00-ZZ-DR-A-2207-G1

Bentalls Redevelopment, Demolition Method & Waste Minimisation Statement.
(14 December 2016)

Drainage Strategy Campbell Reith (December 2016)

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

03. No development shall take place (other than erection of temporary means of enclosure, demolition, stripping out, highway works, enabling works and utility diversion) until samples of the materials, to include paving materials, timber cladding, metal cladding, steps, handrails, balustrades and roof materials, to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

04. The development hereby permitted shall not be begun (other than erection of temporary means of enclosure, demolition, stripping out, highway works, enabling works and utility diversion) 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]
05. The development hereby permitted shall not be begun (other than erection of temporary means of enclosure and enabling works) until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:
- (a) Parking of vehicles of site personnel, operatives and visitors
 - (b) Loading and unloading of plant and vehicles
 - (c) Storage of plant and materials used in constructing the development
 - (d) Wheel cleaning facilities
 - (e) Temporary portacabins and welfare for site operatives
- and each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (e) above without the prior written permission of the Local Planning Authority.
REASON: In the interests of amenity and road safety.
06. No demolition or construction work shall take place outside the hours of 8:00 am and 6:00pm Monday to Friday; 8:00 am and 1:00pm Saturday and not at all on Sundays and Public Holidays.
REASON: In the interests of the amenities of the area.
[Relevant Policies: BFBLP EN25]
07. Units approved for sui generis night club uses should be designed so that the L10 noise level should not exceed the representative background noise level L90 (without entertainment noise) in any 1/3 octave band between 40Hz and 160Hz when measured at one metre from the nearest noise-sensitive façade. In addition, the LAeq of the entertainment noise should not exceed the representative background noise level LA90 (without entertainment noise) when measured at one metre from the nearest noise-sensitive façade.
REASON: In the interests of the amenities of the occupiers of the building.
[Relevant Policies: BFBLP EN25]
08. Noise from plant, including extraction, ventilation and air conditioning units, shall not cause the existing background level (as at the date of this permission) to increase, when measured at one metre from the nearest noise sensitive façade, whilst in operation.
REASON: In the interests of the amenities of the occupiers of the building.
[Relevant Policies: BFBLP EN25]
09. Before the installation of any external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme. The development shall be carried out in accordance with the approved scheme.
REASON: In the interests of the amenity of neighbouring property and the character of the area.

[Relevant Policies: BFBLP EN20 and EN25]

10. No works in connection with the construction of the areas of Bull Square public realm identified in red as 'Public Realm Proposals for Bull Square to be dealt with via Planning Condition' on plan numbered P10228-00-003-100/D00 shall be begun until details of the areas of Bull Square public realm have been submitted to and approved in writing by the Local Planning Authority. These details shall include:-

- a) Paving,
- b) Recycling/refuse or other storage units,
- c) Details and positions of seating
- d) Details of any cycle parking
- e) Details of any planters

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]

11. Other than demolition, erection of temporary means of enclosure, stripping out, highway works, enabling works and utility diversion no works in connection with the construction of the development shall commence until details of the lift provision to include lift speed and capacity 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: To ensure that the lifts can accommodate peak pedestrian traffic

[Relevant Policies: Core Strategy DPD CS7]

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

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

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

13. The development hereby permitted shall be implemented in accordance with the submitted Sustainability Statement and shall be retained in accordance therewith.

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

[Relevant Policy: Core Strategy DPD CS10]

14. Following occupation of any part of the development hereby permitted the sustainable drainage scheme serving that building shall be operated and maintained in accordance with the agreed Drainage Strategy for the lifetime of the development.
REASON: To prevent the increased risk of flooding
[Relevant Policies: CSDPD CS1, BFBLP EN25]
15. The development hereby permitted shall not be begun (except erection of any means of temporary enclosure and enabling works) until a Demolition Programme which shall show the phases in which the demolition is to be carried out, is approved by the Local Planning Authority. The Demolition Programme shall include the following details:
- a) A demolition programme which shall set out the anticipated sequence of the commencement and order in which demolition works will be carried out.
 - b) Phasing diagram which shall include the following details:
 - i. Phasing of demolition
 - ii. Access for vehicles and pedestrians
 - iii. Proposals for maintaining access to the retained development
 - iv. Scaffolding and hoarding lines
 - v. Provision of new, and alteration of existing utilities,
 - vi. Access arrangements for existing and new premises.
- The demolition shall only be carried out in accordance with the approved Demolition Programme.
REASON: In the interests of the visual amenities of the area.
[Relevant Policies: BFBLP EN25]
16. The development hereby permitted shall not be begun (other than erection of temporary means of enclosure, demolition, stripping out, highway works, enabling works and utility diversion) until a Construction Programme which shall show the phases in which the construction of development is to be carried out, is approved by the Local Planning Authority.
The Construction Programme which shall set out the anticipated sequence of commencement and the order in which the following works will be carried out:
- i) Construction works
 - ii) Public realm works
 - ii) Landscaping works
 - iv) Highways works
 - v) utility works
- REASON: In the interests of the visual amenities of the area.
[Relevant Policies: BFBLP EN20, CSDPD CS7]
17. Before the commencement of development (other than erection of temporary means of enclosure, demolition, stripping out, highway works, enabling works and utility diversion) a scheme for the provision of public art within the proposed public realm, landscaping and lighting should be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed schedule.
REASON: In the interests of the visual amenities of the area.
[Relevant Policies: BFBLP EN20, CSDPD CS7]
18. Prior to the installation of external shopfronts, full details of the proposed shopfronts shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed schedule.
REASON: In the interests of the visual amenities of the area.
[Relevant Policies: BFBLP EN20, CSDPD CS7]

95. **17/00041/PAC Building 2, Technology House, The Boulevard, Cain Road**
This item was withdrawn from the agenda as it was dealt with under delegated powers.
96. **17/00060/PAC Buiding A, Berkshire Court, Western Road**
This item was withdrawn from the agenda as it was dealt with under delegated powers.

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
23rd March 2017**

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

| | | Case Officer | Reporting Officer |
|---|---|-------------------------|------------------------------|
| 5 | <p>16/01004/OUT Land North Of Newhurst Gardens Newhurst Gardens Warfield (Binfield With Warfield Ward) Outline planning application for the erection of up to 50 residential dwellings (including up to 25% affordable housing), parking, open space and landscaping with access from Newhurst Gardens. All matters reserved apart from access details. Recommendation:</p> | Sarah Fryer | Martin Bourne |
| 6 | <p>17/00080/PAA Land West Of Prince Albert Drive Prince Albert Drive Ascot (Ascot Ward) Application for prior approval change of use of Agricultural Building to a dwelling house (C3). Recommendation: Approve.</p> | | |
| 7 | <p>16/00889/FUL Land At Sterling Court, The Redwood Building and Chiltern House Broad Lane Bracknell (Bullbrook Ward) Erection of 99 apartments (including affordable dwellings), provision of car parking and communal amenity space following demolition of existing office buildings. Recommendation: Approve.</p> | Simon Roskilly | Martin Bourne |

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|----|--|--------------|--------------|
| 8 | <p>17/00170/PAC 2 The Braccans London Road Bracknell (Bullbrook Ward) Prior approval change of use application for offices (Class B1a) to form 36 apartments. Recommendation: Approve.</p> | Katie Walker | Basia Polnik |
| 9 | <p>17/00136/PAC Century Court Millennium Way Bracknell (Priestwood And Garth Ward) Application for prior approval for change of use from offices (B1) to 65 no. 1 bedroom and 6 no. studio apartments (C3). Recommendation: Approve.</p> | Katie Walker | Basia Polnik |
| 10 | <p>17/00165/PAC Century Court Millennium Way Bracknell (Priestwood And Garth Ward) Application for prior approval for change of use from offices (B1) to 47 no. 1 bedroom, 12 no. 2 bedroom and 6 no. studio apartments (C3). Recommendation: Approve.</p> | Katie Walker | Basia Polnik |

Background Papers

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

PLANNING COMMITTEE - POLICY REFERENCES

Key to abbreviations used in the following planning reports.

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.

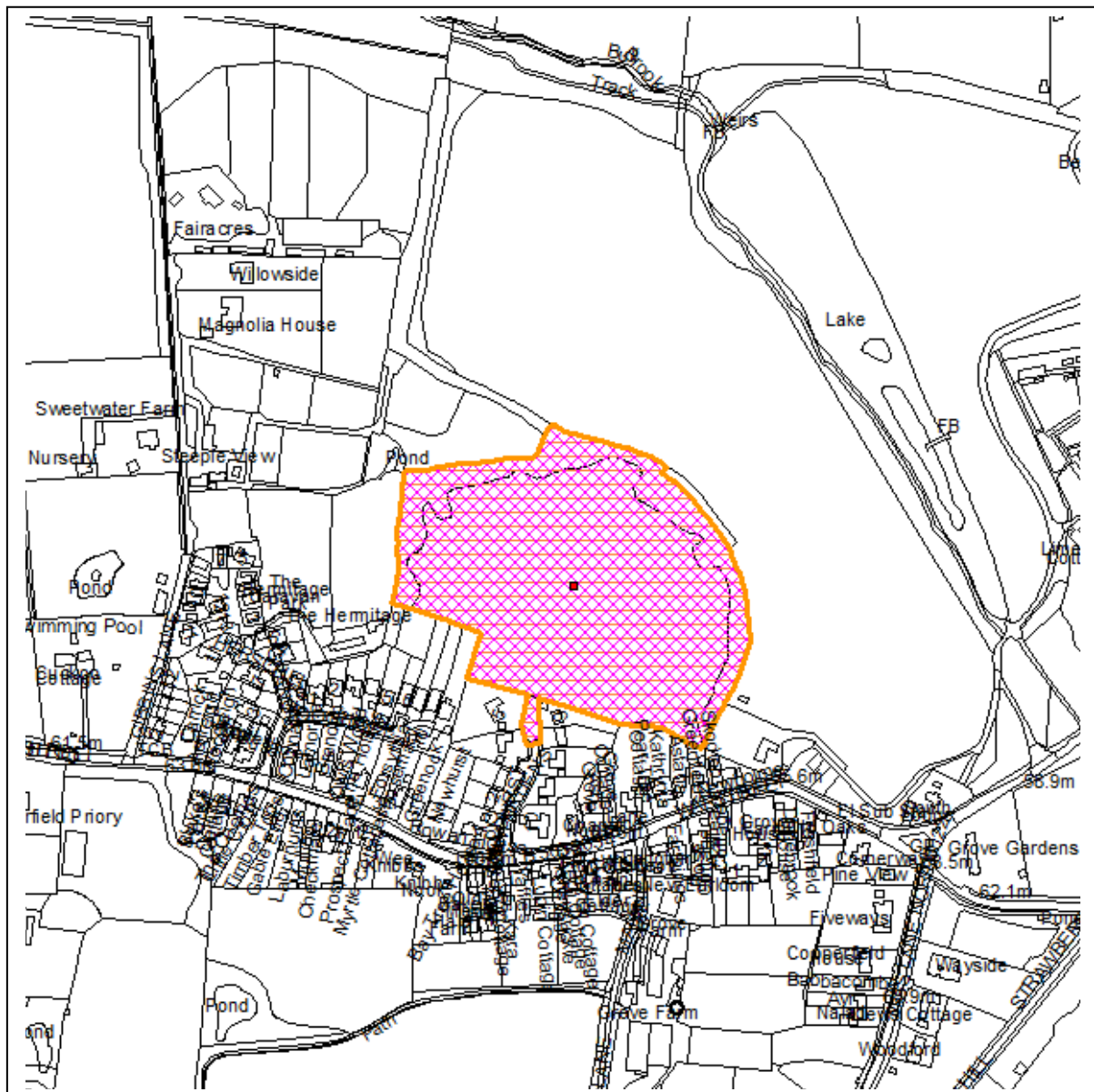
The provisions of the Human Rights Act 1998 have been taken into account in the preparation of the reports contained in this agenda.

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. | Ward: | Date Registered: | Target Decision Date: |
| 16/01004/OUT | Binfield With Warfield | 4 October 2016 | 3 January 2017 |
| Site Address: | Land North Of Newhurst Gardens Newhurst Gardens Warfield Bracknell Berkshire | | |
| Proposal: | Outline planning application for the erection of up to 50 residential dwellings (including up to 25% affordable housing), parking, open space and landscaping with access from Newhurst Gardens. All matters reserved apart from access details. | | |
| Applicant: | Mr Mark Whitaker | | |
| Agent: | Mrs Emily Temple | | |
| Case Officer: | Sarah Fryer, 01344 352000 development.control@bracknell-forest.gov.uk | | |

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



1. SUMMARY

1.1 The application would deliver up to 50 dwellings, including affordable housing, on land adjacent to the settlement boundary of Warfield Street within a well contained and defined site. The proposal would also deliver ecological benefits through improving the bio-diversity of the open space retained within the site. Concerns raised regarding highway safety and drainage have been overcome by the applicant, to the satisfaction of the relevant consultees. Whilst it is acknowledged that the proposal would have an impact upon the character and appearance of the field subject to the application, it is concluded that there would be no significant impact from views obtained from public viewpoints surrounding the site, or any other impacts in this instance, which would significantly and demonstrably outweigh the benefits of housing.

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| RECOMMENDATION |
| Approve subject to 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 5 objections.

3. PLANNING STATUS AND SITE DESCRIPTION

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|------------------------|
| PLANNING STATUS |
| Countryside |

3.1 The 4.4ha application site consists of a field under grass situated to the north of and with access from Newhurst Gardens. The site is surrounded by mature hedgerows with individual semi-mature trees dotted within the site. It is generally flat with a slight fall towards the north-east.

3.2 The site abuts the urban edge and defined settlement boundary of Warfield which lies along the southern boundary. Newhurst Gardens is a cul-de-sac containing 10 detached properties comprising a mixture of bungalows and two storey dwellings. The eastern and northern boundaries of the site adjoin the grounds of Warfield House, a Grade II listed dwelling, whilst to the west the site abuts pastures and the rear gardens of properties within Toogood Place. Apart from Warfield House, Pear Tree Cottage and Lane End – a building occupied as two dwellings located to the south of the site - are also Grade II Listed. The curtilages of these dwellings abut the southern boundary of the application site.

3.3 There are several trees subject to Tree Preservation Orders close to, but not within, the site. None of the trees within the site are protected.

4. RELEVANT SITE HISTORY

4.1 None relevant to the application site.

4.2 Newhurst Gardens History:-

606081 Application for erection of 18 houses and construction of access road (appeal dismissed). Refused: 17.09.1981.

605652 Outline application for erection of 10 dwellings and new access. Approved: 05.10.1981.

607362 Reserved matters application for the erection of 4 bungalows and 6 houses all with double garages and construction of new access. Refused: 28.01.1983.

607541 Construction of access and erection of 5 bungalows and 5 houses all with double garages. Approved: 10.03.1983.

5. THE PROPOSAL

5.1 The proposal seeks outline planning permission, with all matters reserved apart from access, for the construction of up to 50 dwellings, including up to 25% affordable housing, and access details. The application includes an indicative layout showing provision of parking, public open space and landscaping, however details of layout, landscaping, appearance and scale are all matters reserved for future approval.

6. REPRESENTATIONS RECEIVED

6.1 A total of 38 representations have been received from residents of surrounding properties. The comments can be summarised as follows:-

- The proposal would result in an additional 100 vehicle movements which would ruin our village atmosphere due to traffic, noise and pollution.
- There is restricted visibility due to bend in Warfield Street when existing Newhurst Gardens which would result in highway safety issues. This is exacerbated by parked cars along Warfield Street and evidenced by the number of collisions here already.
- Street lighting will detrimentally affect village character.
- Displacement of deer, bats, owls, and other wildlife has not been adequately explored within the ecological survey.
- Proposal would be detrimental to the character of the area.
- Access is not wide enough to enable two cars to pass.
- Traffic survey cannot accurately predict what the effect of 2,200 homes south of Warfield would have on Warfield Street.
- Proposal is outside the designated settlement boundary and is designated as agricultural land
- Proposal would jut out into the countryside and away from the village boundary.
- Building adjacent to boundary, blocking views and resulting in overlooking of private gardens.
- Warfield Parish Council is in the process of creating a Neighbourhood Plan which outlines the provision of housing within the Parish to meet housing need. This land is not included within this plan. *[Officer comment: the emerging Warfield Neighbourhood Plan is not yet at a stage at which any weight can be attached to its policies]*
- Proposal is not in keeping with the character of the area, specifically in terms of number of storeys being proposed as most properties in the area are bungalows.
- Development would be overbearing due to height of houses, size and scale of development itself and additional traffic load on Warfield Street and Newhurst Gardens.
- There are no benefits associated with the proposal for the local community.
- In conflict with the historical character of the area.
- Set an unacceptable precedent
- Completely at odds with the promises and assurances made in allowing the planning development to south of Warfield. The north of Warfield should be kept as it is.
- Brownfield land should be developed first in accordance with Government policy

- Not allocated within the Bracknell Forest Council Strategic planning documents, in particular the Site Allocations Local Plan (SALP) and therefore is above and beyond what the residents and environment of Parish of Warfield can be expected to accommodate.
- There is an undersupply of housing especially affordable housing, the scheme appears to be well thought out and designed.

Warfield Parish Council

6.2 Recommends refusal due to the proposal being outside the settlement and traffic concerns associated with the development (access to Warfield Street).

Warfield Village Action Group

6.3 Objects on the following grounds:

- The proposal is contrary to both local and national planning policies.
- The site location is within the open countryside on an unallocated site.
- The proposed development is not aligned with and therefore contrary to the proposed Warfield Neighbourhood Plan.
- The proposed development would significantly alter the semi-rural character of the existing northern boundary of the village of Warfield
- The proposed development would impact negatively upon Warfield Street, resulting in increased highway safety implications.
- The proposed development would increase known congestion issues on Warfield Street, impacting upon all road users.
- The access arrangements to the site itself would impact upon existing properties located on Newhurst Gardens.
- The indicative layout and form of the residential aspects of the application is not reflective of the existing mix and design of neighbouring residential areas.
- The proposed open space would encourage visitors to the development and this increases congestion and parking problems.
- The location of the proposed development would impact on adjacent designated heritage assets.
- The developers would have a detrimental impact on existing wildlife populations, some of which have not necessarily been accounted for within ecological surveys submitted alongside the application.
- The proposed development would negatively impact existing mature trees and shrubs.
- The proposed development will add to the existing planned new development of Warfield (2,200 dwellings south of the application site) leading to overdevelopment of a relatively small semi-rural area.
- The proposed development is opposed by Warfield Parish Council because it is outside the Defined Settlement boundary and due to traffic safety and congestion concerns.

7. SUMMARY OF CONSULTATION RESPONSES

Highways

7.1 Initially raised concerns about the access to the site from Newhurst Gardens and the visibility splays at the junction between Newhurst Gardens/Warfield Street. Following the

submission of further details there are no objection subject to conditions from the Highways Officer.

Lead Local Flood Authority

7.2 Following submission of amended information, no objection subject to conditions.

Bio-diversity Officer

7.3 The existing grassland of the site is of low ecological value, however there will be a loss of grassland and this could be mitigated through improvements to the retained grassland. Application acceptable subject to conditions.

SPA

7.4 There is insufficient capacity within any of the Council’s SANGs to accommodate the increase in population generated by this application. The applicant has made private arrangements to secure SANG capacity and providing this can be secured, this would mitigate the impact of the proposal on the SPA.

Landscape Officer

7.5 The site will be visible from various public vantage points surrounding the site (e.g. Gibbins Lane) but this would be limited to roofs of the proposal. Overall there would be limited visual impact from surrounding areas. The indicative layout shows a density similar to that of Newhurst Gardens, however the layout should be reconsidered to reflect better the character of Newhurst Gardens.

Berkshire Archaeology

7.6 No objection subject to conditions.

Conservation Advisor

7.7 No objection.

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: Presumption in favour of sustainable development CS1 of CSDPD: Sustainable Development Principles CS2 of the CSDPD: Locational Principles | Consistent. (Para. 14 of the NPPF) |
| Housing | CS15 of the CSDPD: overall housing provision | Not consistent with the NPPF as it does not represent an ‘objective assessment of need’, and therefore carries |

| | | |
|---|--|--|
| | | little weight. |
| Affordable housing/ Mix | CS16 of the CSDPD: Housing Needs of the Community CS17 of the CSDPD: Affordable Housing | Consistent. (Para. 50 of the NPPF). |
| Design & Character | CS1 (viii) of the CSDPD CS7 (i) & (iii) of CSDPD: Design Saved policy EN20 (i) of BFBLP: Design considerations in new development | Consistent with para. 17, 56, and 109 of the NPPF. |
| Open Space provision | CSDPD Policy CS8: Recreation and Culture Saved Policy R4 of the BFBLP: Provision of open space of public value | Consistent with paras. 72 & 74 of the NPPF. Consistent with the NPPF Chapter 8. |
| Noise | Saved Policy EN25 of the BFBLP: Noise and other pollution | This is considered to be consistent with paras. 17(4), 17(7) and 109(4) of the NPPF. |
| SPA | SEP Policy NRM6: Thames Basin Heaths Special Protection Area CSDPD Policy CS14: Thames Basin Heaths Special Protection Area Saved Policy EN3 of the BFBLP: Nature Conservation | Consistent with the NPPF (Chapter 11) |
| Supplementary Planning Documents (SPD) | | |
| Parking Standards SPD 2016 | | |
| Other publications | | |
| National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) Character Area Assessments SPD (Chapter 4- Northern Villages) Bracknell Forest Borough Landscape Character Assessment (LUC) 2015 | | |

9. PLANNING CONSIDERATIONS

9. 1 The key issues for consideration are:

- i Principle of development
- ii. Impact on character and appearance of the area, including landscape impact
- iii. Impact on the setting of listed buildings
- iv. Residential Amenity
- v Transportation
- vi Ecology
- vii Drainage
- viii Archaeology

- ix Trees and landscaping
- x Securing necessary infrastructure / CIL
- xi Thames Basin Heaths Special Protection Areas (SPA)
- xii Affordable Housing
- xiii Sustainability Issues

i. Principle of Development

9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration.

9.3 Paragraph 14 of the NPPF sets out that for decision takers this means:

- approving development proposals that accord with the development plan without delay, and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits assessed against the policies in this Framework taken as a whole: or
 - specific policies in this Framework indicate development should be restricted.

9.4 Paragraph 49 of the NPPF states that 'relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'.

9.5 The site is located outside the defined settlement boundary and as such is directly contrary to Policy CS9 of the CSDPD, Policy EN8 and Policy H5 of the BFBLP. All of these policies restrict the development of residential dwellings in the countryside, seeking to protect the countryside for its own sake, unless specific criteria are met. The proposal does not comply with the stated criteria.

9.6 However, Bracknell Forest Council is currently unable to demonstrate that it has a 5 year supply of deliverable housing sites. Accordingly, policies which have a presumption against residential development in the countryside are considered out of date and, whilst still a consideration, the weight that can be attributed to them decreases.

9.7 The application therefore should be considered in relation to the presumption in favour of sustainable development, as set out in SALP Policy CP1 and paragraph 14 of the NPPF. Permission should only be refused where the harm arising from the application would significantly and demonstrably outweigh the benefits of the scheme. The benefits and harm of the development are considered in the following sections of the report.

ii. Impact on character and appearance of the area, including landscape impact

9.8 Policy CS7 of the CSDPD seeks a high quality of design for all development In Bracknell Forest. This should be achieved by building upon the local character, respecting local patterns of development and enhancing the landscape. The application is for outline permission only with matters including layout, scale, siting and appearance to be reserved for approval at a later date.

9.9 The LUC Landscape Character Appraisal 2015 defines the site as being located within Landscape Character Area (LCA) C1: Binfield and Warfield Clay Farmland. This area is characterised by an open and rural character with hedgerows forming a key feature within the landscape. Overall the area has a quiet rural character.

9.10 The LUC report states that the landscape strategy for this LCA should be to protect the valued features and characteristics of the area. Examples given include:-

- Hedgerows and hedgerow standard oak trees which form a distinctive feature within the farmland;
- The parkland landscapes associated with old country manor houses, many of which are listed;
- The open and rural character of this landscape which provides a rural buffer to the settlements of Binfield and north Bracknell;
- Quiet and rural character and a sense of openness, including the rural character of villages and the pattern of individual properties that appear well-integrated into the landscape.

9.11 This report identifies that this area could be vulnerable to forces for change including the continued pressure of urban expansion, particularly on the outskirts of Bracknell. Of the valued features and characteristics listed in this report the main impact of the proposed development is on rural character, parkland landscapes associated with manor houses and the rural character of villages. The hedgerows around the site are shown to be retained.

9.12 The application site adjoins Warfield Street, (Northern Villages: Area B1) in the Character Areas Assessment SPD. This states that the landscape character of these villages includes:-

- Linear development with modern spurs off Warfield Street
- Views out to the wider landscape (e.g. Newhurst Gardens, Toogood Place)
- Mature hedgerows/ tree lines mounted on banks adjacent to ditches

9.13 The townscape and built form consist of:-

- The townscape character is one of ribbon development with houses on both sides of the road
- Small to medium plots, becoming larger in modern developments
- Building lines are generally consistent
- Development form varies, with predominately detached houses
- Densities vary within settlements, depending upon location.

9.14 Overall the character of Warfield Street is that of a linear settlement either side a public highway broken up by a small number of cul-de-sac infill developments. These, the SPD concludes, do not impact on the overall character. Importantly, it states, the settlements that make up area D are clearly defined and approached through the surrounding landscape.

9.15 The accompanying drawing in the SPD notes:-

- Views to open countryside from Newhurst Gardens;
- Cul-de-sac developments do not form part of the overall character, but have relatively little influence on the area.

9.16 Within the recommendations section, the SPD states that any infill development on backland sites in the form of cul-de-sacs must be designed so that the impact upon the streetscene is minimal.

9.17 The SPD does not, therefore, rule out cul-de-sac development. Being accessed from Newhurst Gardens this proposal would not result in an additional cul-de-sac and it is considered that the harm to the built character of Warfield Street is reduced by the proposal comprising an extension to an existing cul-de-sac in an area where there is development behind Warfield Street already in the form of Newhurst Gardens, Herschel Grange and Toogood Place. Whilst views of the open countryside from Newhurst Gardens are noted in the SPD, these views are through, and in the context of, a residential setting. The proposed development will affect these views but it may be possible to retain elements of them at the detailed design stage if the principle of developing the application site is found to be acceptable

9.18 The indicative layout demonstrates that the proposed number of units can be accommodated within the site, whilst maintaining the hedgerows and semi-mature trees which are an important characteristic of the wider landscape. If outline planning permission is granted any detailed housing layout should reflect the character and layout of the properties in Newhurst Gardens.

9.19 The applicant has supported the application with a Landscape Appraisal (LA). This considers the effect of the proposal on the landscape elements, landscape character and visual amenity. This seeks to identify the visual receptors including residential properties, public highways and public rights of way.

9.20 In summary the LA acknowledges that the proposal would 'result in a physical effect of the site through the removal of pastoral/ rough grassland, however, the surrounding mature tree cover would be retained and reinforced with native tree and shrub planting...therefore [the proposal] would result in a moderate to minor or negligible effects on the landscape character. The effect on landscape character diminishes beyond the site boundaries due to low lying topography and the mature tree cover surrounding the residential layout' (p30, para 11.3).

9.21 The LA demonstrates that there are limited public views of the site from the surrounding area. The LA and Landscape Officer both conclude that the proposal would be partially visible from some surrounding public vantage points, in particularly Newhurst Gardens and Gibbins Lane, resulting in a minor to moderate to negligible effect (pg 30 para, 11.9). From Gibbins Lane the site would be viewed in the context of a semi-rural lane from which other parts of Warfield are visible. It is concluded that the proposal would only have a limited impact upon the surrounding landscape.

9.22 Objections have been received that the scale and appearance of the proposed dwellings is not in keeping with the character and appearance of the general area. As this application is for outline permission only, scale and appearance are features for approval at a later stage. Notwithstanding this, Newhurst Gardens is a mixture of single and two storey properties. Toogood Place is a modern development of detached two storey dwellings, with steep pitches enabling the roof space to be used for accommodation. Warfield Street contains a mixture of single and two storey dwellings consisting of older dwellings and modern infill plots. Accordingly it is not considered that the number of dwellings proposed would necessarily result in a form of built development that would be out of keeping with the surrounding area.

9.23 The proposal seeks outline consent only, so at this stage the layout is indicative. The proposal would result in the loss of the open and rural character of the site through the development of the field. However, the low density of the proposal (22-23 dph) allows for spacious groups of residential dwellings reflecting the character of Newhurst Gardens.

9.24 Warfield Street and Newhurst Gardens are not lit by regularly-spaced street lights. Whilst Herschel Grange and Toogood Place are street lit, it is considered that regular street lighting would be out of keeping with the wider character of the area. A proposal of this size could generate significant light pollution if it is not controlled which would have a detrimental impact upon the character of the area. It is therefore recommended that a condition is imposed that controls the amount of external lighting, including street lighting.

9.25 In conclusion it is considered that the proposal would have an impact upon the character and appearance of the current open field. However, the important features that contribute to the character and appearance of the area, through a sensitive layout, can either be retained or mitigated against to reduce their impact.

iii. Impact on the setting of listed buildings

9.26 With respect to the application, the applicable statutory provisions are:-

Section 66(1) the determination of applications affecting the setting of a Listed Building.

9.27 Section 66(1) provides: ‘in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.’

9.28 Recent legal cases relating to issues of the setting of listed buildings have established that under section 70(3) the general power to grant planning permission under section 70(1) is expressly subject to sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9.29 Historic England has published the document The Setting of Heritage Assets (Historic England, 2015) which includes their views on the assessment of the impact on the settings of Listed Buildings. In particular they give a methodology for assessing the implications of development proposals. They suggest the following process:-

- Step 1: identify which heritage assets and their settings are affected;
- Step 2: assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s);
- Step 3: assess the effects of the proposed development, whether beneficial or harmful, on that significance; and
- Step 4: explore the way maximizing the benefits

9.30 The site is relatively level and there are a number of listed buildings around the site. Approximately 60m to the south of the site is Pear Tree and Lane End Cottage, a Grade II Listed Building, which originally formed a single house dating from the mid-16th century, which was altered and extended in the 19th and 20th centuries. The property is built of timber framing encased in brick under a plain tile hipped roof with an L-shaped plan. Lane End has a 20th century two storey rear extension. Pear Tree Cottage has an early 19th century low two storey pent extension at rear. The building is of two storeys with a tall chimney with corniced head and clay pots externally, at each gable end. The right bay of Pear Tree Cottage was rebuilt in the mid-20th century in similar style after a fire. The interior contains some timber framing visible on first floor and a queen post roof with arch braces from posts to roof ties.

9.31 Pear Tree and Lane End Cottage are set back from the road, with large back gardens. The setting of the Listed Buildings at the front is now largely sub-urban with a row of bungalows to the right and larger, and larger two storey properties to the left hand side. The rear of the property, which includes the development site, remains is primarily semi-rural in character but is largely screened from the site by existing vegetation and a number of mature trees with Tree Preservation Orders.

9.32 Approximately 420m to the north-east is Warfield House. The site is within the landscape setting of Warfield House to northeast and there are intermittent views through to the Grade II listed building. Warfield House is a Georgian country house located in an estate containing five small cottages. It dates from the early 18th century and was extended in the 19th with further alterations in the mid-20th century. It is built of red brick with some bays of white-painted brick, under low-pitched hipped roofs with plain tiles, behind parapet walls. Given the intermittent views and distance to the Warfield House from the site the provision of landscape planting could screen the development from the listed building.

9.33 The site was previously used as a plant nursery and has a different character to the more formal park landscape around Warfield House. The trees within the site date from the use as nursery and the strong and mature hedgerow further separates the site from the parkland

associated with a country house. In conclusion the site does not share the character of parkland and could be adequately screened to reduce the impact on the parkland surrounding Warfield House.

9.34 Warfield Conservation Area is located approximately 580m to the north of the site and contains the Grade II* Listed church of St Michael and all the Angels as well as the Grade II Rectory, Parish Rooms and St Michael's cottage. Given the distance to the Conservation Area there is limited potential for visual impacts on the setting if adequate landscape planting is provided as a screen.

9.35 In view of the largely screened nature of the site and the potential for additional landscape planting around the buffer area of the proposed housing, and subject to the correct layout, house design and conditioning of materials, there is no objection in principle to the proposed development. Accordingly the proposal is considered to comply with NPPF section 12 and Historic England guidance.

iv. Residential amenity.

9.36 Saved Policy EN20 of the BFBLP seeks to protect the amenity of surrounding properties. This policy requires the Council to have regard to ensuring that new development does not adversely affect the amenity of surrounding properties and adjoining areas.

9.37 Objections have been received on the basis that the proposal would result in overlooking and overbearing development to the properties located within Toogood Place, Newhurst Gardens and Warfield Street.

9.38 The proposed development would increase the number of vehicles using Newhurst Gardens. Using the TRIC's data base it is estimated that the proposal would result in an additional one vehicle every 2 minutes during peak time. Additional vehicle movements can increase noise and disturbance to existing residents, however, given the volume of anticipated movements arising from this development, it is not considered that significant noise and disturbance will result which would result in a detrimental impact on the amenities of neighbouring residents.

9.39 The layout submitted is indicative only and at this stage can not be used to inform a reason for refusal. Should a reserved matters application for layout and siting be submitted, the impacts upon the amenities of neighbouring owners would be assessed at this point. In any event, the properties at Toogood Place benefit from long gardens and those in Newhurst gardens are orientated facing the public highway. Given this relationship there is no reason to suggest that the application site could not be developed without affecting amenities of existing residents.

v. Transportation

Access

9.40 This residential development would take access off Newhurst Gardens via Warfield Street, a classified road which is subject to a 30mph speed limit. The applicant has carried out a speed survey along Warfield Street and 85th percentile speeds of 36mph westbound and 35.2mph eastbound were recorded equating to visibility splay requirements of at least 2.4m by 60m. A drawing has been provided showing visibility splays of 2.4m by 55m to the kerb-line, though 60m can be achieved for drivers looking to their left when exiting the junction towards westbound traffic on the other side of the road and to the centre of the road to take account of any overtaking vehicles. The existing hedge across the Chapel House frontage does not interfere with this sight-line.

9.41 The highway boundary includes grass verges to either side of Newhurst Gardens and there are trees on the verge to the west of the junction which limit visibility for drivers looking to their right towards eastbound traffic approaching around a bend. The trees appear to have been planted by the local community and the Highway Authority is concerned that some of these trees interfere with the sight-line shown on the applicant's drawing. The Highway Authority has visited the site and measured a visibility splay of 2.4m by 43m as being available in accordance with the minimum requirements for a residential access onto a 30mph speed limit road. The 55m visibility splay specified by the applicant takes account of those vehicles recorded to exceed the speed limit, though the Highway Authority notes that average speeds are 30.2mph and there are two existing vehicles activated signs highlighting the speed limit through Warfield Street. This is an existing junction with one recorded accident and in any event, the trees have been planted on the highway verge and the Highway Authority has the power to relocate/remove them, if necessary.

9.42 Newhurst Gardens is an adopted residential cul-de-sac with a road width of around 5.5m and the Council's Highway Guide for Development indicates this could accommodate at least 50 new dwellings plus the 10 existing properties. Newhurst Gardens has separate footways and some street lighting. There is adequate forward visibility and the Highway Authority observed no on-street parking at around 7am (when residential parking demand is likely to be at its peak) during a site visit on the 2nd November 2016 and no parking during a further visit at mid-day on the 7th November. Existing properties appear to have adequate on-plot parking.

9.43 The extent of the adopted highway is the crossover/margin around the turning head before the shared private driveway leading to no. 5 Newhurst Gardens and the Transport Statement notes, 'the existing access to the site will be modified in order to provide a more suitable access to the proposed development'. Also, 'the proposed site access would be 5.5 metres in width with a 2 metre footway provided along the eastern side of the carriageway connecting to the exiting footway on Newhurst Gardens'. This would be adequate for this scale of development.

9.44 Drawing SCP/16275/F04 includes land ownership and this indicates that no. 6 Newhurst Gardens also takes access across the shared private driveway. Access to this property would need to be maintained with this development proposal and the driveway access may need to be altered slightly for access across a new footway onto a new adopted access road. The Highway Authority is satisfied that there is sufficient space within the red line for a minimum margin of 800mm adjacent to no. 5 Newhurst Gardens (though generally a wider margin can be achieved) and provide a 5.5m wide road and 2m wide footway on the eastern side (which could accommodate services/utilities). A narrower 300mm margin would be permissible and enable a 2.5m wide footway to be provided on the eastern side of the access for enhanced pedestrian access. A no-dig footway construction is proposed (to protect an existing tree within the garden of no. 6 Newhurst Gardens) and these have been accepted by the Highway Authority on other sites across the Borough.

9.45 An Indicative Layout has been provided and this indicates that the internal road layout could be designed to comply with the Council's Highway Guide for Development. The detail of the internal layout could be dealt with under a reserved matters application further to securing outline planning permission.

9.46 The Highway Authority would seek to adopt an estate road serving up-to 50 houses to secure access, including for refuse collection and adequate turning is required for this with properties no greater than 55 metres from the adopted highway. Adoption of the estate roads as highway should be secured via s106 agreement.

9.47 The Transport Statement notes that, 'within the Site it is proposed to provide either low intensity or no street lighting. This is in response to comments made by local residents during public consultation requesting that we consider a no lighting approach in order to integrate with the existing settlement'. The Highway Authority understands that the Planning Authority may seek to

limit the amount of street lighting within the development in keeping with the surrounding area. While the internal estate roads do not need to be lit to be adopted highway, the Highway Authority considers that some street lighting should be provided within the site to encourage walking and cycling. There are a couple of existing street lights along Newhurst Gardens.

9.48 The Transport Statement notes, 'having regard to sustainable travel opportunities and comments received from local residents at public consultation regarding speed pedestrian movements subject to agreement with the local highway authority, in order to maximise the opportunity to travel by foot and bicycle traffic management measures are proposed on Warfield Street. It is proposed that these take the form of two raised table crossings which would serve the dual function of providing level crossing points for pedestrians and slowing traffic down within the settlement'.

9.49 The applicant has proposed two options, including the provision of a raised table to reduce vehicle speeds and assist pedestrians crossing or a basic tactile pedestrian crossing point to enable pedestrians to cross to the south side of Warfield Street. The Highway Authority notes that Warfield Street is a classified road and the first option for a raised table would be inappropriate given its wider traffic functions as a distributor road for through-traffic, including access by larger vehicles and emergency services. Also, this raised pedestrian feature is likely to create conflict being isolated, unlit and not part of a wider traffic-calming scheme. The second option for a tactile crossing point would be acceptable.

9.50 The tactile crossing point is shown indicatively on drawing SCP/16275/SK03 around 20m to the west of the Newhurst Gardens Junction with pedestrian crossings to 'The Mill'. The exact location could be determined by the Highway Authority via planning condition with some consideration to a potential pedestrian desire line to Maize Lane. Also, there could be merit in enhancing pedestrian access around the junction of Warfield Street and Maize Lane with alterations to the footway and dropped kerb etc... A scheme should be secured via planning condition or within the s106 agreement.

9.51 The applicant has indicated a willingness to provide cycle direction signs to link in to the existing cycle infrastructure to direct new (and existing) residents to/from Bracknell Town centre and this would be of benefit. These works should be secured by s106 agreement.

Parking

9.52 The Transport Statement notes that car and cycle parking provision will comply with the Council's parking standards (2016) and the indicative housing mix of 13 x 2-bed units, 24 x 3-bed units, 9 x 4-bed units and 4 x 5-bed units identified within the Planning Statement would require 123 parking spaces, including 10 visitor spaces.

9.53 The Indicative Layout shows on-plot parking and in general parking provision appears to be adequate. Parking may well include garages and these will need to have internal dimensions of 3.5 metres by 6 metres to be counted as parking spaces (plus a separate 1.5 metre length for general storage). Pedestrian paths to front doors are required and side/rear access to parking spaces where applicable. Also, separate cycle parking in garden sheds or similar is required.

Trips

9.54 The Transport Statement identifies that up-to 50 new dwellings is likely to generate around 234 two-way vehicle movements per day, including 25 movements in the morning peak and 23 movements in the evening peak. The applicant has assessed the traffic impacts of the proposed development at the junction of Newhurst Gardens with Warfield Street using existing traffic flows surveyed on site and adding in the potential development traffic to an industry-standard computer model. This assessment also takes account of the wider Warfield development in the future year

(2026) assessments and concludes that the junction currently operates well below capacity and would continue to operate effectively with this residential development. The survey data records a total of 4 vehicles exiting and 4 vehicles entering Newhurst Gardens during the morning peak hour (8am to 9am), at present. Thus the addition of 19 departures and 6 arrivals in the morning peak as a result of this development would result an average of one vehicle every 2 minutes using Newhurst Gardens during a peak hour. Similar results are likely during the evening peak period.

9.55 The potential 25 vehicle movements generated during the morning peak hour would represent around an 8% increase on the observed two-way peak hour flow of 289 vehicles along Warfield Street. It is noted that the Warfield development will provide a new north-south link road connecting Forest Road and Harvest Ride and this is expected to result in a 40% reduction in average daily traffic on Warfield Street. This development would therefore add traffic to Warfield Street contrary to the wider Warfield development which has been designed to draw people towards Bracknell. This development does not form part of the Warfield development and is in a relatively unsustainable location. However, the additional traffic would not be so great as to result in severe harm and pedestrian enhancements are proposed commensurate with the scale of development. Also, the Warfield development will bring forward primary schools etc... which would be accessible by non-car modes and the development would be CIL liable which may provide some funds for local transport improvements to mitigate the wider transport impacts of development.

9.56 A number of objections have been received on the basis that the increase in traffic from the site would increase congestion along Warfield Street which residents have often described as a lane. Whilst it may be a country road, and therefore used by dog walkers and horse riders, Warfield Street is a 'B' classified road. Road classification is described by the Government as 'the system of roads classification is intended to direct motorists towards the most suitable routes for reaching their destination. It does this by identifying roads that are best suited for traffic'.

9.57 B classified roads are the second in the hierarchy of 4 classifications of road (A, B, classified and local) and are considered to be roads intended to connect different areas, and to feed traffic between A classified roads and smaller roads on the network.

9.58 As originally conceived, these four classes form a hierarchy. Large volumes of traffic and traffic travelling long distances should be using higher classes of road; smaller amounts of traffic travelling at lower speeds over shorter distances should be using lower classes of road.

9.59 Warfield Street consists of a single carriageway, with white lines down the centre and footpaths defined with kerbstones on either side. Given the nature of the road and its high designation it is not considered that the additional trips generated by up to 50 new dwellings would result in sufficient additional congestion to warrant a refusal of planning permission.

9.60 Accordingly, the Highway Authority has no objection in terms of highway safety and considers that the proposal would comply with Policy CS23 of the CSDPD and recommends that this planning application be approved, subject to suggested planning conditions.

Sustainability of location

9.61 The facilities at the Whitegrove Neighbourhood Centre (including the Tesco superstore, doctor's surgery and library) are around 1.2km from the site. There are footways along Warfield Street heading in both directions and Maize Lane is a no-through traffic route which would provide a good link for pedestrians and cyclists towards these facilities. It is acknowledged that these facilities lie beyond the preferred maximum walking distances to amenities given in the Chartered Institution of Highways and Transportation [CIHT] document "Providing for Journeys on Foot" (2000) (these guidelines indicate a walking distance of 400m for trips to local shops, with 800m

being the preferred maximum). It is also noted that much of the route is unlit which would reduce its attractiveness to pedestrians and cyclists during the hours of darkness.

9.62 Warfield Street is a bus route and there are existing bus stops close to Newhurst Gardens served by an hourly service (no. 53), Monday to Saturday between Wexham Park Hospital (Slough) and Bracknell Town Centre via Whitegrove. There are no services on Sunday and as this is a supported service, this could be subject to funding cuts in the future. The development would be CIL liable and this could provide some funds for local transport improvements.

9.63 The wider Warfield development, to the south of the site is to include a primary school, a community hub and open spaces which would be accessible by non-car modes. Maize Lane is to become a primary north-south pedestrian route and a strategic east-west strategic leisure link is proposed along a similar route to Hedge Lane. When these have been provided, residents of any development on the application site would be able more easily to access facilities by modes of transport other than the car. In the meantime, however, it is concluded that the site is not in a sustainable location and in this respect its development would be contrary to CSDPD Policies CS1(ii), CS23(i) and the NPPF.

vi. Ecology

9.64 The application was submitted with an Ecological Impact Assessment which provides an assessment of the habitats and species present on the site and recommends:

- Enhancement of remaining grasslands to increase species diversity,
- Bat boxes installed on trees and buildings
- Creation of two wildlife ponds
- Wetland planting around the attenuation ponds
- Native planting within the landscape scheme
- Sensitive lighting strategy

9.65 While the existing grassland at the site is of low ecological value this is still likely to provide resources for a range of species. The net developed area is shown as 2.24ha which represents the area of grassland lost to development. Therefore, to ensure no net loss of biodiversity, the area of species rich grassland should be maximised within the new development layout to compensate for this loss. This issue can be addressed through the detained design of the public open space.

9.66 Conditions are requested to secure:

1. Works to be carried out in accordance with submitted Ecological Impact Assessment.
2. Biodiversity Construction Management Plan
3. Ecological management plan
4. Bio-diversity enhancements

9.67 Accordingly subject to conditions above, the application would result in a net gain in biodiversity, and is considered to comply with Policy CS1 and CS7 supported by NPPF paragraphs 9 and 109.

vii. Drainage

9.68 The site is not situated within a Flood Zone and is not shown to be at risk of surface water flooding.

9.69 A scheme of this density would provide opportunity for the use of roadside swales, permeable paving, bio-retention areas and balancing ponds all of which could be considered for adoption by BFC. We would expect to see several treatment stages incorporated in this scheme, in order to mitigate the increase in pollution potential to the Bull Brook River.

9.70 Following a meeting with the LLFA and comments on the original FRA the Applicant has revised the calculations and report to demonstrate that the site can mitigate any impacts on surface water flooding with respect to the estimated greenfield runoff rates and has provided a preliminary strategy which demonstrates that the site would not cause an increase in surface water flooding off site.

9.71 The FRA sets out that the preferred option for the development is to drain via infiltration which would be welcomed by the authority. However the Applicant has not undertaken any infiltration testing at the site to confirm the viability of this approach. An alternative scheme has therefore been provided utilising the Thames Water sewer present on site with attenuation provided in the balancing ponds, the developer has also indicated where swales could be utilised across the site which is welcomed.

9.72 Objections relating to drainage have been received as the area has suffered in the past from surface water flooding. The water table in the area is high and this has been taken into account when considering the drainage scheme. The details submitted have satisfied that the site can be appropriately drained without increasing flooding in the immediate area.

9.73 Accordingly subject to a suitably worded condition requiring details of a surface water drainage scheme the proposals would not result in any increase in surface water flooding off the site and is considered to comply with Chapter 10 of the NPPF and Planning Practice Guidance.

viii. Archaeology

9.74 The application has been supported by an archaeological desk-based assessment of the application area (BSA Heritage, December 2016).

9.75 The archaeological desk-based assessment is a concise but fair assessment of the archaeological potential of the application area. No known heritage assets are known within the application area and there are few known monuments and finds spots in the vicinity of the site. However within the wider area the assessment notes a widespread but persistent presence of prehistoric, Roman and medieval remains.

9.76 Therefore, while the report concludes that the site overall has a low archaeological potential, the presence of currently unknown buried remains cannot be discounted and it therefore states (Paragraph 5.6) that 'it would be appropriate to deal with such remains through further investigation ahead of construction'.

9.77 The report goes on (Paragraph 5.7) to recommend that 'it would be reasonable for further evaluation to be completed as a planning condition. Geophysical survey could be completed initially across the areas of the site where new development is proposed. Trial trenching could then test the results of the geophysical survey and clarify where and if further investigation would be appropriate ahead of or during development'.

9.78 Berkshire Archaeology is content that sufficient information has now been provided with the application and concurs with the report's recommendations, namely that further archaeological investigation can be secured by condition should the scheme be permitted. Exploratory investigation (evaluation) would best be undertaken prior to the finalisation of reserved matters applications so that an archaeological mitigation strategy can be devised and agreed in advance to the layout being finalised.

9.79 Subject to a condition, the proposal is subject to comply with Policy EN7 of the BFBLP.

ix. Trees and Landscaping

9.80 Policy EN1 of the BFBLP, seeks to retain trees and hedges which are important in either:

- The character and appearance of the landscape, or
- Habitats for local wildlife.

9.81 The application has been supported by a trees survey. There are several semi-mature trees within the site, trees protected by a TPO around the site, but not within, and hedgerows along the boundaries.

9.82 The hedgerows are identified as being an important feature contributing to the character and appearance of the area. The protected trees have been assessed as contributing to the amenity and character of the area. The indicative layout shows how these and the semi-mature trees within the site could be accommodated and any detailed proposal should seek to protect these features by showing suitable root protection areas and locating development at a sufficient distance.

9.83 The access would pass under the canopy of an unprotected oak tree within the curtilage of number 6 Newhurst Gardens. The applicants have proposed a no-dig construction of the footpath within the RPA of the tree. As the highway would be adopted this would need to be of standard construction and would encroach into the RPA of the tree. As the proposed access would be on top of the existing hard surfaces access to the site, it is not considered that the proposal would result in significant harm to the tree. A condition is recommended specifying how the new access and footpath, including details of services, will be constructed so as to minimise the harm on the tree.

9.84 Landscaping is a matter reserved for approval at a later date. However, the indicative layout suggested additional planting within the areas of open space and this would be welcomed to increase the screening, reduce the impact upon the landscape and for the benefit for bio-diversity.

9.85 The proposal is considered to comply with Policy EN1 of the BFBLP.

x. Securing necessary infrastructure / CIL

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

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

9.87 Guidance in the Planning Obligations SPD, which came into effect (with CIL) on 6 April 2015, is relevant.

9.88 If this application were to be approved, CIL payments would be collected following commencement of the development. CIL receipts could be spent on infrastructure projects or types of infrastructure identified in the Council's Regulation 123 list of infrastructure that it intends will be wholly or partly funded by CIL. These comprise:-

- Provision and enhancement of land to Suitable alternative Natural Greenspace (SANG) standard (part of Special Protection Area (SPA) Avoidance and Mitigation measures)
- specified Local Road Network capacity improvements (this includes capacity improvements on Locks Ride/Long Hill Road)
- strategic road network improvement outside the borough

- specified footpath and cycleway improvements
- bus service subsidies
- specified educational projects
- libraries
- built sports facilities

9.89 CIL receipts could be spent on items not listed on the Regulation 123 list that meet the government criteria on CIL spending.

xi. Thames Basin Heaths Special Protection Areas (SPA)

9.90 The Council, in consultation with Natural England, has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath Special Protection Area (SPA) is likely to have a significant effect on the integrity of the SPA, either alone or in-combination with other plans or projects. This site is located approximately 4.7 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.

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

9.92 In accordance with the SPA SPD, the development will be required to provide alternative land to attract new residents away from the SPA. The term given to this alternative land is Suitable Alternative Natural Greenspace (SANG).

9.93 For developments which accord with the Development Plan and lead to a net increase of less than 109 dwellings, the Council usually allow the developer to make a payment contribution towards strategic SANGs (subject to SANG capacity in the right location within Bracknell Forest). Unfortunately, due to pressure from unforeseen and unallocated sites such as Prior Approval schemes and the need to accommodate allocated sites, current Strategic SANG capacity is dwindling. This means that the Council cannot offer a strategic SANG solution to this development.

9.94 This development will therefore need to provide bespoke SANG as part of its SPA avoidance and mitigation measures. The SANG must be of adequate size to provide at least 8ha per 1000 new population for all dwellings within 400m to 5km of the SPA based upon an average dwelling occupancy in Bracknell Forest of 2.31 persons per dwelling. It must be demonstrated that the SANG area is of a sufficient quantum to meet the requirements of a particular proposal. The formula for this calculation is as follows:-

- 50 (net increase in) dwellings x 2.31 persons per dwelling (average) = 115 new residents
- 50 dwellings x 2.31 persons / 1000 x 8ha = 0.924 ha SANG required (minimum)

9.95 The applicants have indicated that they are willing to enter into an agreement and have indicated that they have an agreement in principle with a landowner to purchase the required SANG area to mitigate the impact of the proposed development on the SPA. This is acceptable in principle; appropriate provision would need to be secured by a S106 agreement and delivered prior to the occupation of the first dwelling in the development. A contribution to cover the SAMM payment (monitoring) and SANG maintenance payments will need to be paid to the Council. Again these will be secured through a S106 agreement.

xii. Affordable Housing

9.96 Policies CS16 and CS17 of the CSPD (in relation to housing needs and affordable housing). The Councils affordable housing policy currently applies to proposals involving 15 net dwellings or more. On these sites there is a requirement for 25% of the proposal to be affordable housing of

which 70% to be affordable rent and 30% to be intermediate housing.

9.97 The applicant has indicated that this requirement will be met and a S106 will be required to secure the affordable housing provision. Subject to the S106 agreement being completed the proposal complies with Policy CS17 of the CSDPD.

xiii. Sustainability issues

9.98 CSDPD Policy CS10 requires the submission of a Sustainability Statement demonstrating how the proposals meet current best practice standards. Information regarding water usage has been submitted which demonstrates that the average water used per person per year is 105 litres, well below the 110 litres target.

9.99 CSDPD Policy CS12 seeks a reduction in the potential emissions and energy usage. The Sustainability and Energy Statement seeks to demonstrate how the development can achieve 10% reduction in carbon dioxide emissions and provide at least 20% of their energy requirements from on-site renewable energy generation.

9.100 Both of these can be secured by a condition will be imposed requiring the submission of the energy statement.

10. PLANNING BALANCE

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

10.2 The application is considered first by having regard to the Development Plan and then whether there are any material consideration that should be taken into account.

10.3 The site is located outside the defined settlement boundary and as such is directly contrary to Policy CS9 of the CSDPD, Policy EN8 and Policy H5 of the BFBLP. All of these policies restrict the development of residential dwellings in the countryside, seeking to protect the countryside for its own sake, unless specific criteria are met. The proposal does not comply with the stated criteria.

10.4 It is acknowledged, that the proposal would have an impact upon the character and appearance of the current open field, resulting in a localised change of character and appearance within the landscape. Policy CS9 protects land for its own sake, particularly from development that would adversely affect the character, appearance or function of the land. However, the site is visually well contained and the limited impacts could be reduced and mitigated through a suitable layout and design.

10.5 Until the facilities and infrastructure works associated with the Warfield development have been provided it is not considered that the site is located in a sustainable location. Its development for residential purposes would therefore be contrary to CSDPD Policies CS1(ii), CS23(i) and the NPPF.

10.6 The balancing exercise is thus:-

Economic

10.7 In terms of economic benefits the development will create construction jobs in the short term as the development is built and added expenditure by future residents in the local economy. There will also be CIL contributions and New Homes Bonus payments. It is considered that in the context of the current health of the Borough's economy and the amount of building taking place and provided for in allocated schemes, economic benefits should be given little weight in favour of the proposal.

Social

10.8 The proposal would result in the net gain of up to 50 dwellings on a windfall site, which as the Council cannot demonstrate an up-to-date five-year supply of housing land, carries significant weight in favour of the proposal. Added weight can be given to the provision of affordable dwellings as part of those units. In terms of the delivery of the site and contribution to the 5 year supply, the supporting planning statement states that 'The application site is available now, and is viable such that it could be built out within 5 years, contributing to the deliverable supply of sites within the current shortfall 5 year time period to 2021.' (p25). Whilst a reserved matters application will be required before development can commence, there is no evidence to dispute this statement.

10.9 The site adjoins the settlement boundary, but there are limited services within recommended walking distances to the site. There is an hourly bus service along Warfield Street but no Sunday service. Further local services will be provided within the planned development located to the south of the site, which will improve the services available within proximity to the application site and the applicant has proposed highway features to slow vehicles down and provide safer crossing places to enable pedestrians better access of the development to the south. Notwithstanding, this at the present time the development is not considered to be in a sustainable location which weighs against the proposal.

Environmental

10.10 There is identified harm related to the change in character of the application site, however these impacts can be mitigated against and are localised and therefore the weight attributed to this harm and to the conflict with CSDPD policies CS1, CS7 and CS9 and policies EN8, EN9, EN20 and H5 of the BFBLP are reduced. It is not considered that the proposal would significantly change the character of the wider landscape in which the proposal sits.

10.11 The site is well contained by mature hedgerows, and the indicative layout demonstrates that up to 50 dwellings could be accommodated whilst maintaining the amenities of neighboring residents.

10.12 The proposal would result in a slight improvement in the quality of the retained areas of open space from an ecological perspective. Slight weight in favour of the proposal can be attributed to this.

Conclusion

10.13 In summary, whilst contrary to the development plan, the proposal would add up to 50 dwellings to the housing land supply, up to 25% of them affordable. This is considered to be a significant benefit. There would also be more limited ecological and economic benefits. Against this needs to be weighed the current unsustainability of the site's location – access to a wider range of facilities will improve with the completion of the Warfield development – and the moderate harm to the character and appearance of the area.

10.14 In conclusion, whilst there is some harm arising from the proposal, it is not considered that

in this instance that harm significantly and demonstrable outweighs the benefits of the proposal. The application is therefore recommended for approval.

RECOMMENDATION

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

01. Measures to avoid and mitigate the impact of residential development upon the Thames Basins Heath Special Protection Area (SPA).
02. Provision of on-site affordable housing
03. Scheme of cycle path signage

that the Head of Planning be authorized to APPROVE the application subject to the following conditions:

1. Approval of the details of the scale of the buildings, the layout, appearance and landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced. The plans and particulars in relation to the Reserved Matters shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details:-

Site Local Plan

Site Survey Plan 01

Site Survey Plan 02

Site Survey Plan 03

Potential Access Including Land Ownership Option 2 (SCP/16275/F04 Rev B)

Proposed Pedestrian Arrangement for Existing Junction Newhurst Gardens/ Warfield Street (SCP/16275/SK03).

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

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

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

[Relevant Policies: BFBLP EN20, CSDPD CS7]

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

REASON: In the interests of highway safety.

[Relevant Policies: CSDPD CS23]

7. No dwelling shall be occupied until a plan showing visibility splays, including Nos 5 and 6 Newhurst Gardens with the proposed access road, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the adjacent carriageway.

REASON: In the interests of highway safety.

[Relevant Policies: CSDPD CS23]

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

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

[Relevant Policies: BFBLP M9, CSDPD CS23]

9. No dwelling shall be occupied until covered and secure cycle parking facilities serving it have been provided in accordance a scheme that has been submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be retained as approved.

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

[Relevant Policies: BFBLP M9, CSDPD CS23]

10. No dwelling shall be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for off-site highway works comprising a tactile crossing point on Warfield Street.

The development shall not be occupied until these off-site highway works have been completed in accordance with the approved scheme.

REASON: In the interests of highway safety.

[Relevant Policy: BFBLP M4, CSDPD CS1 and CS23]

11. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:

- (a) Parking of vehicles of site personnel, operatives and visitors
- (b) Loading and unloading of plant and vehicles
- (c) Storage of plant and materials used in constructing the development
- (d) Wheel cleaning facilities
- (e) Temporary portacabins and welfare for site 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.

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

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

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

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

[Relevant policies: BFBLP EN25]

13. Development shall not commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- o Results of BRE 365 Compliant Infiltration tests to inform the drainage strategy
- o Discharge Rates
- o Discharge Volumes
- o Confirmation from Thames Water of agreement to proposed discharge rates
- o Maintenance and management of SUDS features
- o Sizing of features - attenuation volume
- o Detailed drainage layout with pipe numbers
- o Full details of the SUDS Balancing Ponds, and conveyance swales as set out in the drainage strategy
- o Network drainage calculations
- o Phasing plans

REASON: To prevent surface water flooding.

[Relevant Policies: Section 10 NPPF]

14. All ecological measures and/or works shall be carried out in accordance with the details contained in Grassroots Ecology Ecological Impact Assessment dated September 2016 as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1]

15. No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

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

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the development period strictly in accordance with the approved details.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1]

16. The development, nor any part thereof shall be occupied until an ecological management plan has been submitted to and approved by the Local Planning Authority prior to the occupation of the development. The plan shall include:

- i) description and evaluation of the features to be managed
- ii) description of target habitats and species

- iii) ecological potential and constraints on the site
- iv) aims and objectives of management
- v) appropriate management options including location and method statements
- vi) prescriptions for management actions
- vii) preparation of a work schedule indicating the timing of works
- viii) personnel responsible for implementation of the plan
- ix) monitoring and remedial measures triggered by monitoring

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

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1]

17. The development 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]

18. 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, as required under optional Building Regulation Part G, 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]

19. 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]

20. Prior to the submission of reserved matters applications, the applicant will implement a programme of archaeological field evaluation in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The results of the evaluation will inform the preparation of a mitigation strategy which will be submitted by the applicant and approved in writing by the Local Planning Authority prior to the commencement of the development. The mitigation strategy shall be implemented in accordance with the approved details.

REASON: The site lies within an area of archaeological potential. A programme of works is required to mitigate the impact of development and to record any surviving remains so as to advance our understanding of their significance

[Relevant Policies: Paragraph 141 of the NPPF, BFBLP EN7]

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that order, no freestanding external lighting shall be installed on the site except in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of nature conservation and visual amenity.

[Relevant policies: CSDPD CS1 and CS7, BFBLP EN20]

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

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

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

23. All existing trees, hedgerows and groups of shrubs shown to be retained on the approved drawings shall be protected by 2.3 metres high (minimum) protective barriers, supported by a metal scaffold framework, constructed in accordance with Section 9 (Figure 2) of British Standard 5837:2005, or any subsequent revision. The development shall be carried out in accordance with the approved drawings.

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

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

24. The protective fencing and other protection measures specified by the previous condition shall be erected in the locations agreed in writing by the Local Planning Authority prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site. No activity of any description must occur at any time within these protected areas including but not restricted to the following:-

a) No mixing of cement or any other materials.

b) Storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description.

c) Siting of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, porta-loos, storage compounds or hard standing areas of any other description.

d) Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ ground conditions of any other description.

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

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

Informatives

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

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

- 02. Time reserved matters
- 03. Implementation
- 04. Plans considered
- 14. Ecology
- 21. External lighting
- 23. Tree protection fencing
- 24. Implementation of tree protection

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

- 01. Approval of reserved matters
- 05. Finished floor levels
- 11. Site management
- 12. Working Method Statement
- 13. Drainage
- 15. CEMP: Biodiversity
- 17. Bio-diversity enhancements
- 18. Sustainability statement
- 19. Energy demand
- 20. Archaeology

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

- 06. Access
- 07. Visibility splays
- 08. Parking and turning
- 09. Cycle parking
- 10. Off site highway works
- 16. Ecological management plan
- 22. Landscaping implementation

03. To implement works within the highway an agreement under S278 of the Highways Act will be required.

In the event of the s106 planning obligations not being completed by 23.05.2017 the Head of Planning be authorised to REFUSE the application for the following reasons:-

1. 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).

2. In the absence of a planning obligation to secure affordable housing in terms that are satisfactory to the Local Planning Authority, the proposal is contrary to Policy H8 of the Bracknell Forest Borough Local Plan, Policies CS16 and CS17 of the Core Strategy Development Plan

Document, the Planning Obligations SPD and the resolution on affordable housing made by BFC Executive on 29 March 2011.

3. In the absence of a planning obligation to secure a scheme to enhance the cycle path signage and a tactile crossing in the area, the proposal would not promote alternative modes of transport in accordance with Policy CS23 of the Core Strategy Development Plan Document.

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ITEM NO:

Application No.
17/00080/PAA

Site Address:

Ward:
Ascot

Date Registered:
30 January 2017

Target Decision Date:
27 March 2017

**Land West Of Prince Albert Drive Prince Albert Drive
Ascot Berkshire**

Proposal: **Application for prior approval change of use of Agricultural Building to a dwelling house (C3).**

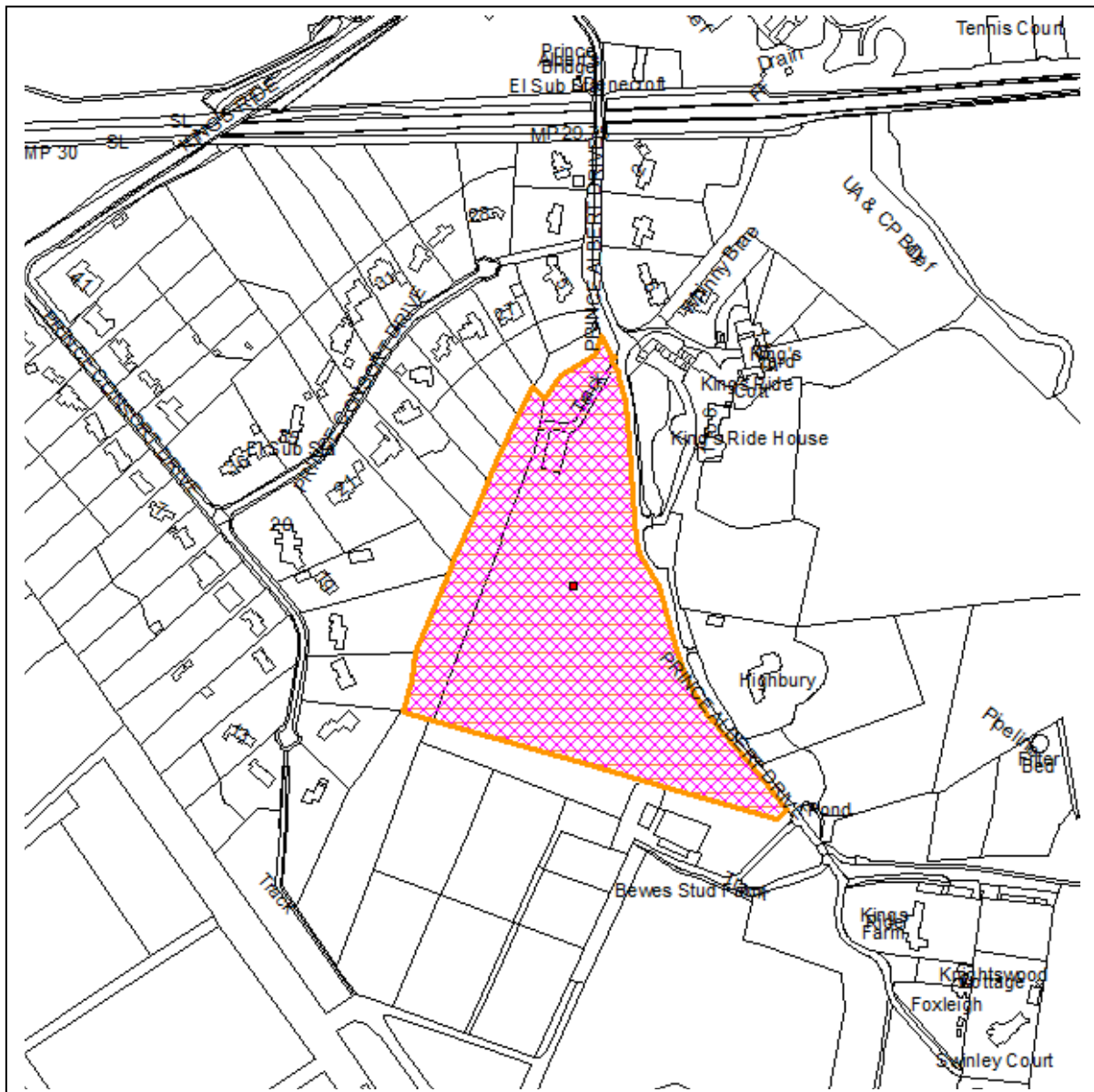
Applicant: Mr Richard Stanley

Agent: Ascot Design Ltd

Case Officer: Katie Walker, 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 an agricultural building to a dwelling House (Class C3).

1.2 The proposal complies with the criteria set within Paragraph Q.1 of Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Furthermore the proposal satisfies the conditions in Paragraph Q.2 of the same legislation. As such, prior approval can be granted.

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| RECOMMENDATION |
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| Approval be granted as per the recommendation in Section 11 of this report. |
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2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 This application is being reported to Planning Committee as more than 5 objections have been received.

3. PLANNING STATUS AND SITE DESCRIPTION

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|------------------------|
| PLANNING STATUS |
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| Outside defined settlement, within Green Belt |
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| Within 5km of the SPA |
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3.1 The site is the barn on land west of Prince Albert Drive. It is bounded to the north by residential properties and gardens of houses on Prince Albert Drive and Prince Consort Drive; to the east by Prince Albert Drive; to the south by open field; and to the west by the rear gardens of properties on Prince Consort Drive.

3.2 The site is currently occupied by one vacant, single storey, open fronted barn with a pitched roof. It is situated in a large field, and there is boundary screening to all sides. The trees to the boundaries are subject to TPOs.

3.3 The site is within 5 kilometers of the Thames Basin Heath Special Protection Area (SPA).

4. RELEVANT SITE HISTORY

4.1 The relevant site history can be summarised as follows:

4380: Application for fifteen dwelling houses – refused 1957, appeal dismissed.

16100: Outline application for low density housing – refused 1970, appeal dismissed.

16/00994/PAA: Prior approval notification for the proposed change of use and building operations of an agricultural building to form a 4 no. bedroom dwelling (C3) – withdrawn 2016.

5. THE PROPOSAL

5.1 Prior approval is sought for the change the use of the barn to a four bedroom dwelling house (Use Class C3) in accordance with class Q and section W of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as

amended). The applicant has submitted details to show the location of the building and existing and proposed plans of the building to demonstrate the change in its appearance.

5.2 The barn would be converted into a single family dwelling comprising 4 bedrooms with en-suites; an open plan kitchen/breakfast/family room; drawing room; dining room and boot/utility room. The elevational changes to the building would comprise the insertion of windows and doors and, at the front of the property which is currently open, oak cladding would sit behind the existing frame of the building. The existing asbestos roof would also be replaced. The existing building has a floor space of 448.38 sq.m and the proposals would reduce this due to the insertion of cladding inside the existing steel frame to the front of the barn.

5.3 A similar proposal was made and withdrawn in 2016. This proposal included a chimney, and sought to replace the 3 existing walls as well as the roof, and also had a large defined curtilage. This application has been amended to exclude the chimney. The curtilage has been significantly reduced to be no larger than the footprint of the existing building, and the three existing walls are being retained in the current proposal.

6. REPRESENTATIONS RECEIVED

Winkfield Parish Council:

6.1 Recommend refusal of the application as they do not believe that the proposal is acceptable within the Green Belt and it would be detrimental to the character of the area, resulting in a loss of openness [*officer note: the application can be considered against Prior Approval legislation only*].

Other representations:

6.2 Sixteen letters of objection were received from eleven households. The issues raised are summarised below:

- Inappropriate development in the Green Belt [*office note: the prior approval process does not allow wider policy issues such as the principle of development in the Green Belt to be taken into account*];
- Neighbours have not witnessed any agricultural activity;
- The works described do not constitute agriculture [*officer note: the use of the site is discussed in the relevant section of this report*];
- The field is quoted in the witness statement as being 45 hectares, whereas it is 6 hectares. As this aspect is incorrect, concerns over how much reliance can be placed on the rest of the statement;
- Should the application be approved, this could lead to further development of the field within the Green Belt [*officer note: the prior approval applies only to the change of use of the building and its curtilage, not to the whole field. Any proposals for development on the wider field would require a full planning application which would be assessed against Green Belt policy*];
- The barn has been used to construct caravans and for a carpentry venture and other activities unrelated to agricultural use [*officer note: legislation only requires that the site was in agricultural use on 20 March 2013*];
- The proposed dwelling is out of keeping with the surrounding properties [*officer note: this cannot be considered under Prior Approval legislation*];
- There is no evidence soil sampling has been carried out and no information has been given regarding the thermal or acoustic insulation of the proposed building to make it energy efficient and habitable as a dwelling [*officer note: this information is not required for a Prior Approval application*];

- Invoices in exhibit M31 were not marked as paid [*officer note: the assessment of the use has been made on the balance of probabilities and is discussed in the relevant section of this report*];
- The supply of machinery on 22 March 2013 falls after the requisite date [*officer note: the assessment of the use has been made on the balance of probabilities and is discussed in the relevant section of this report*];
- The photo of the car is not dated;
- The Agricultural License Agreement of Sept 2012/2013 states that the premises are to be used for "storage and small scale projects" and the latter was not undertaken as part of such agreement [*officer note: use is discussed in the relevant section of this report*].

6.3 Two letters neither supporting or objection to the application were received, and are summarised below:

- the neighbour has no objection to the proposed change of use but that there have not been signs of agricultural activity on the site.
- Reassurance is sought that the bulk of the land would retain Green Belt status and that there would be no further building or housing development on the remaining land [*officer note: any further development would require a full planning application, which would be assessed against Green Belt policy. The prior approval relates only to the barn and its curtilage and does not set a precedent for further residential development on the site*].
- one storey replacing the current building is acceptable but two storeys would overlook neighbouring properties [*officer note: the proposal is to convert the existing, single storey building*].

6.4 Two letters supporting the application were received from one household, are summarised as follows:

- the proposal is reasonable, within the rules and will protect and enhance the surroundings;
- agricultural activity has taken place.

7. SUMMARY OF CONSULTATION RESPONSES

Highway Officer:

7.1 No objections.

Drainage:

7.2 No objections.

Environmental Health

7.3 No objections on grounds of noise from commercial premises in the vicinity of the proposed development; and no objection on grounds of contamination.

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

8. RELEVANT LEGISLATION

8.1 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows 'development consisting of -

(a) a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Class Order; and

(b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.'

8.2 Paragraph Q.1 states: Development is not permitted by Class Q if:

- (a) the site was not used solely for an agricultural use, as part of an established agricultural unit -
 - (i) on 20th March 2013;
 - (ii) if the site was not in use on that date, when it was last in use; or
 - (iii) if the site was brought into use after that date, for ten years before the date the development begins
- (b) the cumulative floor space of the existing building or buildings changing use under Class Q within an established agricultural unit exceeds 450 square metres;
- (c) the cumulative number of separate dwellinghouses developed under Class Q within an established agricultural unit exceeds three;
- (d) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;
- (e) less than one year before the date development begins -
 - (i) an agricultural tenancy over the site has been terminated, and
 - (ii) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;
- (f) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit -
 - (i) since 20th March 2013, or
 - (ii) where development under Class Q begins after 20 March 2023, during the period which is 10 years before the date development under Class Q begins;
- (g) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;
- (h) the development under Class Q (together with any previous development under Class Q) would result in a building or buildings having more than 450 square metres of floor space having a use falling within Class C3 (dwellinghouses);
 - (i) the development under Class Q(b) would consist of building operations other than -
 - (i) the installation or replacement of -
 - (aa) windows, doors, roofs, or exterior walls, or
 - (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and
 - (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);
- (j) the site is on article 2(3) land;
- (k) the site is or forms part of -
 - (i) a site of special scientific interest;
 - (ii) a safety hazard area;
 - (iii) a military explosives storage area;
- (l) the site is, or contains, a scheduled monument;
- (m) the building is a listed building.

8.3 Paragraph Q.2 (1) states that Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer shall 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) noise impacts of the development,
- (c) contamination risks on the site,
- (d) flooding risks on the site, or
- (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and
- (f) the design or external appearance of the building,

and the provisions of paragraph W (prior approval) of this Part shall apply in relation to any such application.

8.4 Paragraph Q.2 (2) states that Class Q(a) development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items referred to in sub-paragraphs (1) (a) to (e) and the provisions of paragraph W (prior approval).

8.5 Paragraph Q.2 (3) states that development under Class Q is permitted subject to the condition that development under Class Q(a) and under Class Q(b) must be completed within a period of 3 years starting with the prior approval date.

8.6 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.

9. ASSESSMENT

(a) a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Class Order; and

(b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Paragraph X of Part 3 of the GPDO sets out the interpretation of curtilage in relation to Part Q. This states that it is

“(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with or serving the purposes of the agricultural building; or

(b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building,

whichever is the lesser”.

The previous, withdrawn scheme proposed a curtilage of 0.43ha which was contrary to the provisions of the GPDO. However, the proposed curtilage for the current scheme is 464 sq.m.. This does not exceed the external footprint of the building, in this case 465 sq.m.

(a) A number of residents have raised concerns, stating that the building has never been in agricultural use. For the previous, withdrawn, application, insufficient information was provided to support the applicant's statement that the building was in use for agricultural purposes on 20 March 2013.

For the current proposal, the applicant has submitted two signed statutory declarations. The first is that of Mr Albert Elvis Cave Presgrave. This sets out that:

- Mr Presgrave assisted Mr Mark Burton to get the field and barn ready for livestock that he wanted to graze on the field. Mr Presgrave began work at the site in September 2012 and carried out maintenance tasks to make the property useable and helped Mr Burton pull out ragwort from the field.
- A delivery of grass seed and fertilizer was received from Shorts Agricultural Services Limited on 12 September 2012, which was unloaded and stored in the barn.
- In February 2013 Mr Burton told Mr Presgrave that he had asked for a quote to improve the quality of the field, and continued work on the top part of the field. A fence was removed and the ground was cleared of fallen trees and branches.
- More grass seed and fertilizer was delivered by Shorts on 3 March 2013 and stored in the barn. Drainage ditches were dug over the next few weeks.
- Shorts arrived on 19 March 2013 and flattened the ground and that afternoon Mr Presgrave and Mr Burton helped Shorts load the tractor and spreader with fertilizer and grass seed from the barn which was then spread on the field.
- On 20 March 2013, Mr Presgrave and Mr Burton raked the grass seed and spread some more by hand.
- On 26 March 2013 Shorts returned with a tractor and roller to roll the field.
- Throughout the rest of March and April Mr Presgrave and Mr Burton continued to rake in fresh seed and Mr Presgrave helped with clearing out the field and the general up keep of the barn.
- Mr Presgrave stopped helping Mr Burton over the summer and understands that the tenancy was not renewed in September 2013.

The second statutory declaration, of Mr Mark Burton, sets out the following:

- Mr Burton took out a tenancy of the site, pursuant to the tenancy agreement dated 1 September 2012. The purpose of taking on this agreement was to see if the land and barn could be used for livestock and another small agricultural venture;
- Mr Burton began clearance of the field and barn assisted by Mr Presgrave and Mr Clarke. Ragwort was removed and rabbit holes filled in. The barn was cleared out with discarded waste burned. A corner storage unit was built in the corner of the barn and a delivery of fertilizer and grass was received and stored in the barn;
- In the months before Christmas 2012, Mr Burton, Mr Presgrave and Mr Clarke continued the weeding and burning process and sprayed weed killer, and cleared and cut the hedges around the access. Areas were reseeded and fertilized by hand;
- Over the winter, Mr Presgrave and Mr Burton cut water trenches;
- The barn was used for storing trailers loaded with bags of pellets and fertilizer and grass seed and tools being used to clear the field and spread fertilizer;
- In the New Year, Mr Burton sought advice from Shorts in relation to work that would need doing to the field before the summer. On February 2013 a quote was provided for the hire of a tractor and machinery for flattening, harrowing, fertilizing and seeding the field. Due to the price of the quote, Mr Burton decided to work on the top part of the field;
- More fertilizer and grass seed was delivered by Shorts on 3 March 2013;
- The field was harrowed using the tractor and machinery supplied by Shorts on 19 March 2013. In the afternoon of 19 March 2013, Mr Burton and Mr Presgrave loaded

the tractor and spreader with the fertilizer and grass seed stored in the barn which was then spread on the field;

- On 20 March 2013, Mr Presgrave and Mr Burton raked the grass seed and spread some more by hand;
- Mr Presgrave continued to help Mr Burton re-seed the field when necessary, clearing other parts of the field of bracken, filling in rabbit holes and general maintenance of the barn up until the summer;
- Mr Burton had intended to keep livestock in the barn and use the field for grazing, but because the barn was open sided in view of the road, with no possibility of having someone to protect the animals from theft, he was informed that it would not be safe or economical to do so and therefore did not renew the tenancy in September 2013.

The statements are supported by Exhibit MB1. This includes the agricultural tenancy agreement as well as receipts from Shorts Agricultural Services that are referenced in the statutory declarations.

The definition of agriculture, as set out in Section 336 of the Town and Country Planning Act, includes seed sowing. While residents have stated they have not seen any agricultural use take place on the field, the site only has to have been in use for agriculture on one date, i.e. 20 March 2013. Given that there was an agricultural tenancy agreement covering this date, and the statements that the field was used for seed sowing is supported by receipts and statutory declarations, it is considered that, on the balance of probability and based on the evidence provided, the site was in use solely for the purposes of agriculture on the requisite date.

(b) The cumulative floor space of the existing buildings changing use under Class Q within an established agricultural unit would not exceed 450 square metres (being 417.82 sq.m);

(c) The cumulative number of separate dwellinghouses developed under Class Q within the established agricultural unit would be 1 and would therefore not exceed 3, and no other dwelling houses within the agricultural unit have been granted through the prior approval process;

(d) The site is not occupied under an agricultural tenancy;

(e) The site was occupied under an agricultural tenancy and this was terminated on 1 September 2013 and therefore an agricultural tenancy has not been terminated less than 1 year before the date the development would begin;

(f) No development under Class A(a) or Class B(a) of Part 6 of the schedule (agricultural buildings and operations) has been carried out on the established agricultural unit within the timescale;

(g) The proposal would not extend beyond the external dimensions of the existing building at any given point;

(h) The development under Class Q (together with any previous development under Class Q) would not result in a building or buildings having more than 450 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order as the development would result in 417.82 square metres of floorspace in C3 use and no other floorspace within the agricultural unit has changed use to residential under the prior approval process (while the footprint of the building exceeds 450 sq.m, the Development Management Procedure (England) Order 2015 defines floorspace as the total floorspace in a building);

(i) (aa) The development would consist of only of the installation of windows, doors, roofs and exterior walls: The proposal would result in the replacement of the existing roof, which contains asbestos and therefore the replacement of the roof is considered reasonably necessary. The existing walls would be retained, and an additional wall would be inserted to the front of the barn, which is currently open, within the existing frame. The insertion of windows and doors is reasonable.

(bb) and would also be connected to relevant utilities and services.

(j) The site is not on article 2(3) land;

(k) The site is not an SSSI, safety hazard area or a military explosives storage area;

(l) The site is not a scheduled monument and the site does not contain any scheduled monuments;

(m) The building is not listed.

9.1 With regard to the conditions listed in paragraph Q2:

a) Transport and Highways Impacts of the Development:

The proposed dwelling would take access off Prince Albert Drive, a private road which is not a public right of way. The road has a tarmac surface, speed humps and passing opportunities.

It is proposed to utilise an existing gated field access which currently serves the agricultural building and the Proposed Site Plan (drawing 15-P1238-201 Rev A) indicates that an existing track across the field would be used. It is difficult to see a track on site as the field is overgrown and this may indicate that the building and field have limited use, at present.

While a residential dwelling could generate a consistent pattern of 6 to 8 two-way vehicle trips per day compared to the infrequent movements (subject to seasonal variations) generated by an agricultural building, this would represent a modest increase in traffic along a private road already serving around 15 properties with access off King's Ride.

Drawing: 15-P1238-201 Rev A shows 2 parking spaces and while this would be one space below the parking standards for the 4-bed dwelling shown on drawing: 15-P1238-203, there would be adequate space around the proposed dwelling (within the red line) for 3 parking spaces plus turning.

No details of cycle storage have been provided, however this would not merit a reason for refusal of this prior approval application.

An informative is recommended to advise the applicant of the Council's waste collection policy.

b) Noise Impacts of the Development:

The site is not located close to any noise generating uses.

c) Contamination Risks on the Site:

The site is not located on any known contaminated land.

d) Flooding Risks on the Site:

The site is not located in flood zone 2 or 3 and is not in an area of critical drainage problems which has been notified to the Local Planning Authority by the Environment Agency.

e) Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order:

Planning Practice Guidance with regard to this condition was published on 5 March 2015. This states that 'Impractical reflects that the location and siting would 'not be sensible or realistic', and undesirable reflects that it would be 'harmful or objectionable'.

When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development rights grant planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.' Therefore the siting of this dwelling in an isolated Green Belt location, a considerable distance away from important local facilities such as schools, shops, health centres and public transport, is not a reason to refuse prior approval.

The guidance goes on to state "There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building is on top of a hill with no road access, power source or other services its conversion is impractical." As the site is located adjacent to the public highway and has access to services it is not considered that the proposed conversion would be impractical.

The guidance also states "Additionally the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines and chemicals.' The building would not be adjacent to any such uses, and in this respect it would not be harmful or objectionable to site a building in this location. It is therefore not considered that the siting of a building in this location would be undesirable, for the purposes of this condition.

Finally, the guidance states "When a local authority considers location and siting it should not therefore be applying tests from the National Planning Policy Framework except to the extent these are relevant to the subject matter of the prior approval." Therefore although the NPPF seeks to avoid isolated homes in the countryside other than in particular circumstances, this is not relevant to an application for prior approval.

It is therefore not considered that the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.

Other matters

9.2 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. As 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 include an informative advising the applicant that they will need to apply for approval under the Habitats Regulations 2010.

10. CONCLUSIONS

10.1 An assessment has been made of the proposal and it is considered that prior approval is required for the change of use of the building and land from an agricultural use to a C3 (dwellinghouse) use.

10.2 The proposal complies with the criteria set within Paragraph Q.1 of Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Furthermore the proposal satisfies the conditions in Paragraph Q.2 of the same legislation. As such, prior approval can be granted.

11.0 RECOMMENDATION

This decision is based on the following plans and information received by the Local Planning Authority on 25 January 2017:

15-P1238-200 Existing Site Plan
15-P1238-202 Existing Layout
15-P1238-203 Proposed Conversion

And the following plan received by the Local Planning Authority on 03 March 2017:

15-P1238-LP Rev A: Location Plan
15-P1238-201 Rev A: Proposed Site Plan

Informative(s):

01. The applicant is advised that this development is subject to Regulation 64 of the Community Infrastructure Levy Regulations 2010 (as amended).

02. Such a building in a rural area may support roosting bats or nesting birds. The legislation protecting these species overrides Permitted Development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification). As such the building should be surveyed for such species prior to any works taking place at the site. Any works that result in a harm to such species may be liable to prosecution.

03. It is a condition of the consent given by the General Permitted 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 (the Council) has given written approval under the Habitats Regulations 2010. This Prior Approval Notice does NOT constitute approval under the Habitats Regulations. The Council and Natural England are of the view that any residential development between 400 metres and 5 kilometres of the boundary of the Thames Basin Heaths Special Protection Area or residential development of 50 or more dwellings between 5 kilometres and 7 kilometres of such boundary cannot be approved under the Habitats Regulations unless a planning obligation is entered into under Section 106 of the Town & Country Planning Act 1990 to ensure that the development has no adverse impact upon the Special Protection Area. Your development falls within one of the two types of development referred to above.

04. Information and advice on refuse and recycling arrangements can be found at: <http://www.bracknell-forest.gov.uk/guidance-notes-for-new-developments-waste.pdf>

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| ITEM NO: | | | |
| Application No. | Ward: | Date Registered: | Target Decision Date: |
| 16/00889/FUL | Bullbrook | 19 September 2016 | 19 December 2016 |
| Site Address: | Land At Sterling Court, The Redwood Building and Chiltern House Broad Lane Bracknell Berkshire RG12 9GU | | |
| Proposal: | Erection of 99 apartments (including affordable dwellings), provision of car parking and communal amenity space following demolition of existing office buildings. | | |
| Applicant: | Bellway Homes | | |
| Agent: | Miss Claire Cook | | |
| Case Officer: | Simon Roskilly, 01344 352000 development.control@bracknell-forest.gov.uk | | |

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



OFFICER REPORT

1. SUMMARY

1.1 The application provides for the erection of 4no. blocks of apartments providing a total of 99 apartments (40no. 1 bedroom and 59no. 2 bedroom apartments), along with parking, amenity space and landscaping.

1.2 The site is allocated for residential development in the Site Allocations Local Plan. With appropriate materials and finishes the proposed buildings are considered to be in keeping with the area. The relationship with adjoining properties is acceptable and the car parking proposed, although below the Council's standard, is considered adequate for the location and form of development proposed. There are no over-riding highway safety implications.

| RECOMMENDATION |
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| Planning permission be granted subject to conditions in Section 11 of this report and a Section 106 legal agreement. |
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2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application has been reported to the Planning Committee at the request of Cllr Dudley as the proposal does not meet the Council's parking standards.

3. PLANNING STATUS AND SITE DESCRIPTION

| PLANNING STATUS |
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| Within settlement boundary- |
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| Allocated site- SALP Policy SA1- Chiltern House & Redwood Building (SHLAA site 318) |
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| Within 5km buffer to the Thames Basin Heaths Special Protection Area |
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3.1 The site occupies a 0.89 ha area, and is located in an urban setting within a defined settlement as shown on the Bracknell Forest Policies Map.

3.2 The site comprises of two vacant office blocks with surface parking, a single entry point from Broad Lane and the remnants of a service road with a planted bund. There is treed screening running the whole length of the boundary with properties at Sycamore Rise, running along the frontage of the site with the service road and also along the full length of the boundary with Ogden Park.

3.3 The site lies between two sites, Ogden Park and Sycamore Rise that have been developed in the last 15 years or so with a mixture of town houses and apartments.

3.4 The adjoining Ogden Park site, located east of the site, is mainly comprised of 3-4 storey blocks with both driveway parking and parking courts.

3.5 Sycamore Rise comprises of 2 storey dwellings fronting Broad Lane with 3 storey flatted buildings further back from the frontage. Land at the application site is significantly lower (about a storey height) than land at Sycamore Rise.

3.6 To the north of the site is the Eastern Industrial Area whereby there are a number of two storey warehouse buildings with associated parking. There are two warehouse buildings located side on to the development site with parking along the northern boundary

3.7 The site is the subject of an easement securing a right of way from Broad Lane to an existing electricity substation located within the north east corner of the site. The right of way needs to be retained.

3.8 The application site includes a redundant service strip adjacent to Broad Lane which is currently stopped up at each end.

4. RELEVANT SITE HISTORY

4.1 The site is in commercial use although the buildings are currently vacant. Redevelopment of the site to provide 2 office buildings was granted in 1989 by application 614896 (c. 3,700sqm of B1 floor space).

4.2 14/01217/OUT- Outline planning application for the erection of 71 no. apartments (18no. 1 bed, 47 no. 2 bed and 6no. 3 bed) following demolition of Chiltern House and The Redwood Building (including 18 No. affordable apartments). Outline application to consider means of access and layout. (All matters reserved). WITHDRAWN March 2016.

5. THE PROPOSAL

5.1 Full planning permission is sought for the erection of 99 apartments, car parking and communal amenity spaces. The development will take the form of 4no. blocks (Blocks A-D). All blocks will be 4 storeys high; Blocks A and D also have 2 and 3 storey elements. The blocks are intended to house 40no. 1 bedroom and 59no. 2 bedroom apartments.

5.2 The proposed buildings are of a contemporary flat roof design, with elements of the top floor set back comprising a glazed lightweight construction. There is a variation in the height of the parapet walls and enclosed balconies. Materials have not as yet been stated but the elevation drawings suggest that the blocks will be built of buff bricks with some render. A condition is recommended to be imposed requiring full details of materials to be submitted for approval.

5.3 The existing trees to the front will be removed as will some on the north-eastern boundary of the site. However new planting is proposed along the boundary with Ogden Park and to the front of the site along Broad Lane. The existing trees along the south-western boundary with Sycamore Rise will be retained.

5.4 An area of public amenity space will be created within the centre of the site, accessible to all four blocks, with there also being areas of open space/landscaping located to the east of Blocks C and D and west of Block D on the Broad Lane frontage.

5.5 Access to the site comes via the existing access that will be widened to provide a safer access for both cars and pedestrians. The access road largely follows the existing service easement route to a substation within the north east corner of the site.

5.6 The proposal has been revised over the course of its consideration to address layout, residential amenity and highway safety concerns. This has resulted in the reduction of one apartment and the increase of one parking space.

6. REPRESENTATIONS RECEIVED

Bracknell Town Council:

6.1 Recommend Refusal for the following reason:-

Not enough parking provision. Ratio is not .69 if visitor parking is incorporated as well. More parking required to include more disabled and visitor spaces. [Officer Comment: These concerns are addressed in section 9 - Transport Implications]

Other representations:

6.2 Four objections have been received. The concerns raised have been summarised below:-

- Adverse impact upon surrounding residential amenity [Officer Comment: These concerns are addressed under section 9 - Residential Amenity.]
- Lack of parking, traffic and highway safety. [Officer Comment: These concerns are addressed in section 9 - Transport Implications]
- Noise and Dust [Officer Comment: Any issues regarding noise and dust will be picked up by condition with the requirement to provide a demolition and construction management plan to be agreed with Environmental Health and the Local Highway Authority. Any future problems can also be dealt with under separate health and safety legislation.]
- Boundary treatment and levels and how the development affects residential amenity [Officer Comment: These concerns are addressed in section 9 –Residential Amenity]
- Impact upon GP facilities and Schools in the area [Officer Comment: It is not for this application to determine whether there are sufficient health or school facilities in the area it is for other bodies to provide health facilities and for the Local Education Authority to provide schools that meet the needs of the population.

7. SUMMARY OF CONSULTATION RESPONSES

Environmental Health

Recommends conditional approval.

Transportation Officer

Recommend approval subject to conditions and obligations secured by way of a Section 106 Legal Agreement.

Tree Officer

No comments to make

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

| | Development Plan | NPPF |
|------------------|---|-------------|
| General policies | CP1 of SALP, CS1 & CS2 of CSDPD | Consistent |
| Design | CS7 of CSDPD, Saved policy EN20 of BFBLP | Consistent |
| Housing | CS16, CS17 of CSDPD, Saved policy H8 of BFBLP | Consistent |

| | | |
|--|--|---|
| Parking | Saved policy M9 of BFBLP | Consistent NPPF refers to LAs setting their own parking standards for residential development, this policy is considered to be consistent. |
| Transport | CS23 and CS24 of CSDPD | Consistent |
| Trees, Landscape and Biodiversity | Saved policies EN1, EN2 and EN20 (ii) of BFBLP, CS1 and CS7 (iii) of CSDPD | Consistent |
| SPA | CS14 of CSDPD, NRM6 of SEP, Saved policy E3 of BFBLP | Consistent |
| Sustainability (resources) | CS10 and CS12 of CSDPD | Consistent |
| Archaeology | Saved policies BFBLP EN6 and EN7 of BFBLP | Consistent |
| Supplementary Planning Documents (SPD) | | |
| Parking standards SPD | | |
| Planning Obligations SPD | | |
| Thames Basin Heath Special Protection Area (SPD) | | |
| Other publications | | |
| National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) | | |
| Bracknell Forest Community Infrastructure Levy Charging Schedule (2015) | | |
| The House of Commons: Written Statement (HCWS161) Sustainable Drainage Systems | | |

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:-

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

i. PRINCIPLE OF DEVELOPMENT

Site Allocations Local Plan (SALP)

9.2 The application site relates to land included within Policy SA1 - previously developed land within the defined settlement, Chiltern House & Redwood Building (SHLAA site 318).

9.3 Prior to the site's allocation in the SALP the site was designated as employment land. Any issues regarding the loss of employment land were assessed at the time the SALP was examined. As such residential development on this site is acceptable in principle.

9.4 A profile for this site is contained in Appendix 3 of the adopted SALP. The capacity of the site is shown as 71 units, based on a density of 80 dwellings per hectare, although if a greater number of units were to be acceptable on site this would not conflict with the policy. The site profile contains the following requirements:-

- Investigation and remediation of any land contamination;
- Provision of affordable housing;
- Transport Assessment to assess the impact of the development upon the local road network, junctions and roundabouts;
- Appropriate ecological surveys and mitigation of any impacts;
- Demonstrate that there is adequate waste water capacity both on and off site to serve the development and that it would not lead to problems for existing or new users. In some circumstances it may be necessary for developers to fund studies to ascertain whether the proposed development will lead to overloading of existing waste water infrastructure;
- Mitigation of impacts in accordance with Limiting the Impact of Development SPD, and/or other relevant legislation/policy/guidance;
- Make financial contributions towards existing Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring and take any other measures that are required to satisfy Habitats Regulations, the Council's Thames Basin Heaths SPA Avoidance and Mitigation Strategy and relevant guidance in agreement with Natural England;

9.5 This is not a comprehensive list, and there may be other requirements.

9.6 An assessment, of the proposal in relation to the site profile requirements can be found within the 'assessment of other issues' below.

Other development plan policies relevant to the principle of development

9.7 Core Strategy DPD Policy CS2 sets out a number of locational principles for new development within Bracknell Forest, including a sequence of allocation, directing development to the Town Centre first, followed by previously developed and other land within defined settlements. The site is within a defined settlement and is previously developed land. Policy CS2 states that development will be permitted within defined settlements and on allocated sites. The proposed development is therefore in accordance with Policy CS2.

Conclusion on the principle of development

9.8 The relevant Development Plan policies outlined above relating to the principle of the proposed development are considered to be up to date, and consistent with the NPPF. For the reasons set out above it is concluded that the proposed residential development is acceptable in principle as the site is located within the settlement. Therefore the principle of the proposal is considered in accordance with Policy CS2 (insofar as it relates to locational principles) and CS15 of the Core Strategy and the NPPF.

ii. IMPACT ON CHARACTER AND APPEARANCE OF AREA

(i) Site Layout

9.9 As noted above the application site currently contains two vacant office blocks with surface parking.

9.10 The four blocks of apartments (A-D) are proposed broadly within the four corners of the site with a central area of amenity space which will be visible upon accessing the site.

9.11 The layout is considered to have achieved the right balance between built form, hardstanding and amenity space/landscaping.

9.12 Although trees to the front of the site will be removed an area of land to the east of the site access will be landscaped with some new tree planting. The area to the front of the site, that is outside of the applicant's ownership, will also allow for landscaping including some trees to be planted depending on the level of services that lie beneath the former service road. This can be secured by condition and S106 obligation.

9.13 A number of trees along the site's eastern boundary with Ogden Park will be removed however a significant number of trees will be retained close to no. 9 Ogden Park, with areas closer to the front of the site being earmarked for new planting. Although there will be new hardstanding in places along the eastern side of the development site it is considered that the number of trees to be retained, and the proposed landscaping, will provide an adequate green gap between the proposed buildings and properties at Ogden Park.

9.14 On the western boundary of the site, with Sycamore Rise, a substantial number of the existing trees will be retained along a bank. The bank of trees, again like that on the eastern boundary, helps to screen properties at Sycamore Rise from the application site. When entering the site from Broad Lane the trees being retained on the western boundary will create a green softer edge to the front of Block A.

9.15 In order to provide car parking the site will contain a substantial amount of hardstanding, although where possible undercroft parking has been provided. However parking areas have been broken up with landscaping which will also create a better outlook for residents. Where possible ground floor apartments look onto areas of landscaping which can be accessed via private entrances.

9.16 The central area of landscaped amenity space is accessible to all and will give the site a focal point when approaching the centre of the site from Broad Lane.

9.17 Overall the site is considered to be laid out sympathetically creating a development that will have a sense of place and provide a pleasant outlook for future residents.

(ii) External appearance of the buildings

9.18 As highlighted earlier in this report the 4no. buildings will be predominately 4 storey. It is considered important that an acceptable transition in storey height/bulk and massing is achieved when the development is read within the Broad Lane streetscene.

9.19 There are two storey properties to the front of Sycamore Rise on Broad Lane and a 4 storey apartment block at the front of Ogden Park. The applicant has designed the bulk and massing of blocks A and D so that it acknowledges this transition from 2 storey (west) through to 4 storey (east). Blocks A and D both have western elements that start off as two storey, then move to 3 storey and then eventually to 4 storeys, equivalent to the bulk and massing of the apartments at Ogden Park.

9.20 Blocks B and C are both predominantly 4 storey in height, and with both blocks backing onto an existing employment area with larger buildings, the bulk and massing of these buildings is considered in keeping with their surroundings.

9.21 The external appearance of the buildings has been designed in such a way that the 4 storey elements are broken up with the inclusion of recessed features. The features give the elevations a vertical emphasis. This, along with the use of suitable materials, will provide interesting elevations

when read within the streetscene and provide the height required to deliver the amount of accommodation commensurate with this sustainable location.

9.22 Overall, subject to the imposition of suitable conditions, it is considered that the proposal would not adversely affect the character and appearance of the area. The application is therefore considered to be in accordance with BFBLP Policies EN20 and CSDPD Policies CS1 and CS7 and the NPPF.

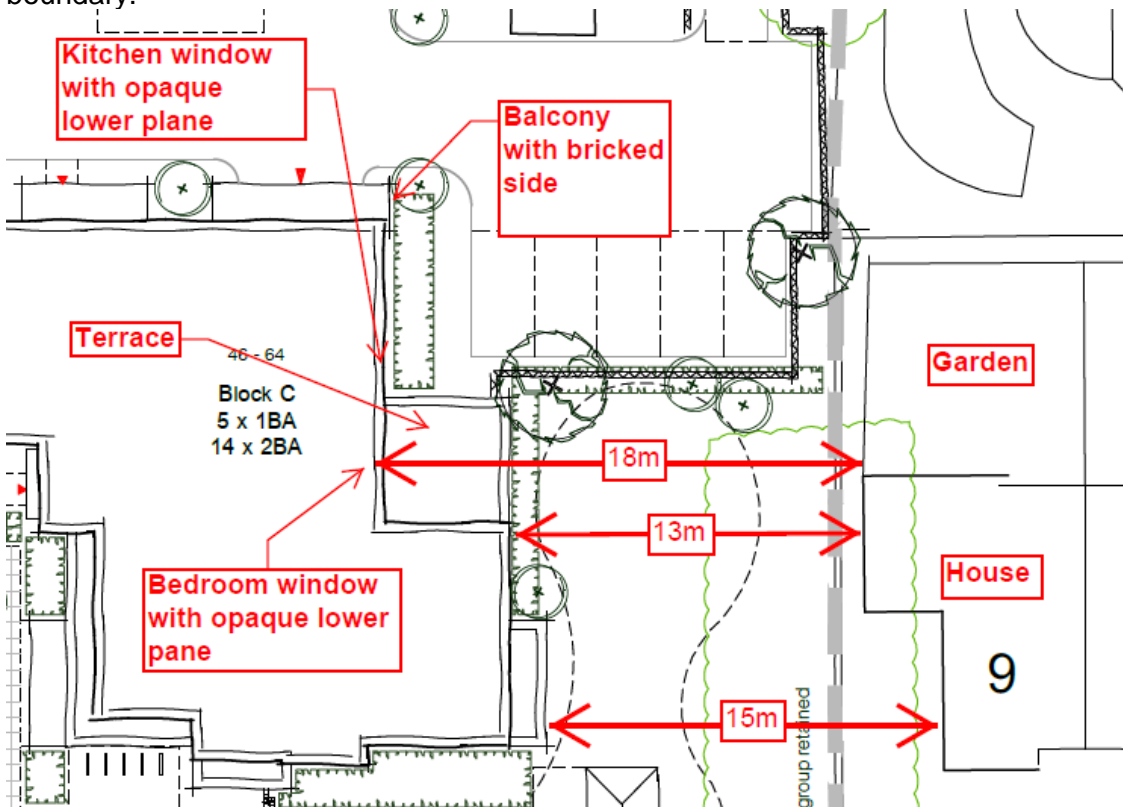
iii. RESIDENTIAL AMENITY

(i) Impact upon the living conditions of adjoining properties

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

9 Ogden Park

9.24 The 4 storey block of apartments (Block C) would be located a minimum of 13m from the boundary with no. 9 Ogden Park. There are no side-facing habitable windows in no. 9 Ogden Park facing the application site. The side elevation of the rear element of Block C contains bedroom and kitchen windows at first, second and third-floor level that would face towards the side of the rear garden at no.9 Ogden Park. As this part of Block C is set away from the eastern boundary the distance from the windows to the side boundary fence is 18m which is considered adequate to avoid any unacceptable loss of privacy. To lessen any perceived overlooking, however, the lower panels of the facing windows above first-floor level will be opaque. With these design features it is not considered that the rear garden of no. 9 Ogden Park will be unacceptably overlooked or suffer any undue overbearing effect or loss of light given the distance of the proposed flats from the boundary.



1-8 Ogden Park

9.25 Apartments 1-8 at Ogden Park have no habitable windows in the west elevation facing the application site and, being apartments there are no private garden areas that could be overlooked. Therefore it is not considered that the proposed development will result in any adverse impacts upon the residential amenity of 1-8 Ogden Park.

Kenley House, Sycamore Rise

9.26 Kenley House has no habitable windows looking directly towards the application site. Due to its orientation the proposed kitchen and lounge windows in the side of Block B would not directly look into any habitable rooms at Kenley House. Block B would also not appear overbearing.

Debden House, Sycamore Rise

9.27 Debden House contains habitable windows that look north and south and not east towards the application site. Due to the orientation of Blocks A and B there would be no direct loss of privacy. The application site is approximately one storey lower than land at Sycamore Rise, hence there is a treed bank that rises within the development site towards the boundary with both Kenley House and Debden House. The development is also not considered to appear overbearing.

6 Tangmere Mews, Sycamore Rise

9.28 Again, like that of the two apartment blocks at Sycamore Rise, no. 6 Tangmere Mews does not directly look out onto the tallest (4 storey) part of Block A. The western corner of Block A consists of 2 and 3 storey elements that, when read in the context of the site levels, are approximately one storey lower than the residential property at Tangmere Mews. The fact that there is no direct overlooking, and that there are significant differences with levels, means that there will be no significant loss of privacy nor would Block A, due to its design, appear overbearing when viewed from these houses or their gardens.

(ii) Living conditions of future residents

9.29 Due to its orientation and design the proposed development does not result in any adverse overlooking and/or overbearing impacts between any of the proposed residential units. However in order to prevent any noise from the employment area north of the site adversely affecting units that face north (Blocks B and C) a condition will be imposed seeking details of noise mitigation measures to be submitted, approved and implemented as such.

Conclusion on residential amenity:

9.30 Given the assessment made above the proposal, subject to conditions, is not considered to result in any significantly harmful impacts upon residential amenity. As such is considered to comply with saved BFBLP Policy EN20 criterion (vii) and the NPPF.

iv. TRANSPORT IMPLICATIONS

Access

9.31 The proposal seeks to utilise the existing access to the development to serve the proposal. The current access is wide at around 5.8m wide at the entrance to the site. However the junction has large radii making the access even wider at its intersection with Broad Lane. The current access has good visibility in either direction and is adequate for the speed of the road. The applicant has proposed a 2m footway on the western side of the access and a 3m wide section of cycleway on the eastern side of the junction which terminates within the site. This will link up with works to be carried out on land to the front of the site which is currently a redundant service road.

9.32 The access road would follow a similar line to the existing road but with alterations to improve the curvature of the road to improve access for all users. The applicant has provided vehicle tracking demonstrating that larger vehicles leave sufficient road space for cars entering and exiting the development.

9.33 An indicative scheme has been submitted to show the potential changes that could take place on land to the front of the site occupied by a former service road. This indicates how an improvement to the existing pedestrian and cycle infrastructure can be achieved and this will help integrate the proposal into the local area. It is advised that a S106 is required to either:

- secure the ability for the applicant to undertake works to Broad Lane and service road under licence (with the Council and Highway Authority); or,
 - pay an agreed sum for such works to be carried out by the council prior to occupation of the site.
- It is understood that positive discussions over the land outside the site are on-going with the council.

Parking

9.34 The applicant has undertaken surveys of developments in close proximity of this proposal namely Ogden Park and Sycamore Rise to evaluate likely parking demand for this proposal. Comparisons have also been made with other more recently consented schemes in the area (Foundation House). The Highway Authority has also undertaken inspections of the sites surveyed. These inspections have verified the results that were presented in the applicant's surveys.

9.35 The survey work indicates that an average provision of parking at a ratio of 1.16 spaces per dwelling would be appropriate to cater for the demand for this site. This ratio takes into consideration a worse case scenario with the inclusion of on street parking from the surveys being included in the demand. The on street parking that was observed could be partially being used by surrounding dwellings or the non-flatted element of the sites surveyed.

9.36 The site provides a ratio of 1.16 spaces per dwelling (115 spaces for 99 units) and this is deemed acceptable in light of the observations made on the surveyed sites and the surrounding area.

9.37 If parking were provided to current standards a total provision of 178 spaces would be required and this would include visitor provision. The site currently provides 63 spaces fewer than the full standard but the evidence provided by the applicant, coupled with the observations made on site by Highways Officers, supports a lesser provision. This approach accords with the Parking Standards SPD which allows some flexibility in the application of requirements where robust evidence demonstrates that this is appropriate (paragraph 1.7). There is no evidence therefore that the level of parking proposed would have any adverse impact on road safety and certainly not any severe impacts that would justify refusal on transport grounds in accordance with paragraph 32 of the NPPF.

9.38 It is advised that parking should be allocated at 1 space per unit with the remaining visitor spaces being kept as such and signed accordingly. A car park management plan will be required for the site by condition to ensure parking areas are controlled adequately.

9.39 Vehicle tracking has been provided demonstrating how on-site parking will work on site. The tracking demonstrates that the spaces, shown within open parking courts and undercroft areas, can be satisfactorily accessed and there are no signs of conflict.

9.40 10% of the parking spaces will be suitable for disabled use which complies with the borough parking standards. This could include visitor parking.

9.41 The applicant highlights that cycle parking will be to current standards and this will be achieved under and outside the building. It appears that the covered spaces under each building will comply with the number required for the number of units within it. The outdoor spaces will be available for visitors. Such facilities should be covered to provide some level of protection. The applicant will need to supply details of the cycle stands to ensure they are adequate and suitable for the space provided. These details can be conditioned.

Traffic Impact

9.42 The applicant has looked at the existing use of the site and compared it with trip rates for a typical flatted residential development. Furthermore, as an additional comparison, a trip rates analysis of the Sycamore Rise and Ogden Park flatted elements of the development has been assessed. The results indicate that the number of two way trips in the peak hours, and over the day, will reduce compared to the existing office use.

The proposed use will generate in the region of 43 two-way trip in the AM peak and 31 two way trips in the PM peak hour respectively. This compares to 72 two-way trips and 64 two way trips in the AM and PM peak hours for the office use.

9.43 Due to the proposed change in use, the general direction of traffic flow will change in either peak hour with the majority of traffic exiting in the morning peak associated with residential use and the majority of traffic associated with an office use would be entering the site. The reverse is expected in the evening peak hour. However the increases are quite small (additional 26 trips out in AM peak and 11 in during the evening peak) and these need to be seen in the context of other trips by these uses during those hours, i.e. incoming trips in the AM peak and outgoing trips in the PM peak hours. Furthermore any such increases would be spread across the peak hours. Overall it is felt that the traffic impact from the site will reduce but at worst be no greater than the existing lawful use of the site.

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

v. BIODIVERSITY

9.45 There will be a loss of trees on site in order to deliver an allocated site for residential development. However adequate trees will remain, and with additional planting, there will be on-site green infrastructure in order to sustain the ecology of the site. The proposal is therefore considered acceptable in terms of biodiversity and therefore accords with Core Strategy Policies CS1 and CS7 and the NPPF.

vi. SUSTAINABILITY (RESOURCES)

9.46 Since the Government's Ministerial statement of the 26th March 2015 for residential development CSDPD Policy CS10 is only taken to require the submission of a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day. An adequate Sustainability Statement has been received therefore a condition is recommended to be imposed in order to secure this.

9.47 Policy CS12 requires the submission of an Energy Demand Assessment demonstrating how the development's potential carbon dioxide emissions will be reduced by at least 10% and how 20% of the development's energy requirements will be met from on-site renewable energy generation. An acceptable Energy Demand Assessment has been submitted therefore again a condition is recommended to be imposed in-order to secure this.

vii. AFFORDABLE HOUSING

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

9.49 The applicant has confirmed that they are willing to provide 25% of the apartments as affordable housing. Therefore subject to securing suitable on-site affordable housing provision the applicant has met with the requirements of CSDPD Policy CS17 and BFBLP Policy H8.

viii. THAMES BASIN HEATHS SPECIAL PROTECTION AREA (SPA)

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

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

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

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

Strategic Access Management and Monitoring (SAMM) Contribution

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

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

Conclusion

9.55 A Habitats Regulations Assessment is required for this development in accordance with the Habitats Regulations 2010 (as amended). In the absence of any appropriate avoidance and mitigation measures the Habitats Regulations Assessment will conclude that the development is likely to have a significant effect upon the integrity of the SPA with the result that the Council would be required to refuse a planning application.

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

9.57 The Council is convinced, following consultation with Natural England, that the above measures will prevent an adverse effect on the integrity of the SPA. Pursuant to Article 6(3) of the

Habitats Directive (Council Directive 92/43/EEC) and Regulation 61(5) of the Conservation of Habitats and Species Regulations (2010) as amended, and permission may be granted.

ix. DRAINAGE

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

9.59 The submitted Flood Risk Assessment sets out that this is a redevelopment of an existing site, and as such the amount of hardstanding present will decrease post development. The applicant has identified the need to undertake infiltration tests at the site, if infiltration is not viable the applicant has liaised with Thames Water to agree a discharge rate from the site. The Applicant has provided preliminary calculations to demonstrate that the permeable paving provided across the site will provide sufficient storage to meet the required discharge rates. Some surcharging is shown in the 1 in 1year event which is not acceptable but this is likely due to the controls used and can be reviewed as detailed design progress. This can be conditioned.

x. PLANNING OBLIGATIONS

9.60 The proposal would be CIL liable however the site lies within the Central Bracknell Charging Zone in which the CIL rate is zero.

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

- Provision of affordable Housing;
- Thames Basin Heaths SPA mitigation;
- Securing highway improvement works to the front of the site

10. CONCLUSIONS

10.1 This site is an allocated site located within the settlement and therefore the proposed development is considered to be acceptable in principle. The 99 apartments, of which 25% will be affordable, contribute to the Council's housing supply which is a material consideration.

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

10.3 In terms of visual character, and subject to appropriate materials and finishes, the development is considered to be sympathetic within the streetscene. The layout, bulk, massing and design are considered to again provide a development in keeping with its surroundings that provides a sense of place.

10.4 The proposed vehicular access to the site, parking layout and number of on-site spaces (which have been assessed in the light of surveys of adjoining sites) are acceptable to the Highway Authority subject to conditions and a Section 106 securing off site highway works.

10.5 The impact of the proposal on the living conditions of the occupiers of nearby properties, in terms of the proposed apartments themselves, parking and access, has been carefully considered. The scheme is considered acceptable in this regard.

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

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 secure on-site affordable Housing;
02. mitigation of impacts on the Thames Basin Heaths SPA;
03. securing improvement works to the front of the site.

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 documents:-

081506-BEL-TV-01 Rev E Planning Layout
081506-BEL-TV-02 Rev C Information Layout
081506-BEL-TV-03 Rev C Storey Heights
081506-BEL-TV-04 Rev D Tenure Layout
081506-BEL-TV-05 Rev C Unit Type Layout
081506-BEL-TV-06 Location Plan received
081506-BEL-TV-07 Rev B Existing Building Overlay

081506-A-E1 Rev A Apartment Block A Elevation 1
081506-A-E2 Rev A Apartment Block A Elevation 2
081506-A-E3 Rev A Apartment Block A Elevation 3
081506-A-E4 Rev A Apartment Block A Elevation 4
081506-A-P1 Rev A Apartment Block A Ground Floor Plan
081506-A-P2 Rev A Apartment Block A First Floor Plan
081506-A-P3 Rev A Apartment Block A Second Floor Plan
081506-A-P4 Rev A Apartment Block A Third Floor Plan

081506-C-E1 Rev A Apartment Block C Elevation 1
081506-C-E2 Rev A Apartment Block C Elevation 2
081506-C-E3 Rev A Apartment Block C Elevation 3
081506-C-E4 Rev A Apartment Block C Elevation 4
081506-C-P1 Rev A Apartment Block C Ground Floor Plan
081506-C-P2 Rev B Apartment Block C First Floor Plan
081506-C-P3 Rev B Apartment Block C Second Floor Plan
081506-C-P4 Rev B Apartment Block C Third Floor Plan

081506-D-E1 Apartment Block D Elevations 1
081506-D-E2 Apartment Block D Elevations 2
081506-D-E3 Apartment Block D Elevations 3
081506-D-E4 Apartment Block D Elevations 4
081506-D-P1 Apartment Block D Ground Floor Plan
081506-D-P2 Apartment Block D First Floor Plan
081506-D-P3 Apartment Block D Second Floor Plan
081506-D-P4 Apartment Block D Third Floor Plan

081506-B-E1 Rev A Apartment Block B Elevation 1

081506-B-E2 Rev Apartment Block B Elevation 2
081506-B-E3 Rev A Apartment Block B Elevation 3
081506-B-E4 Rev A Apartment Block B Elevation 4
081506-B-P1 Rev B Apartment Block B Ground Floor Plan
081506-B-P2 Rev B Apartment Block B First Floor Plan
081506-B-P3 Rev B Apartment Block B Second Floor Plan
081506-B-P4 Rev C Apartment Block B Third Floor Plan

081506-A-CS01 Cycle Store 01 Plan and Elevations

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

03. 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]

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

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

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

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

- a) Comprehensive planting plans of an appropriate scale and level of detail that provides adequate clarity including details of ground preparation and all other operations associated with plant and grass establishment, full schedules of plants, noting species, and detailed plant sizes/root stock specifications, planting layout, proposed numbers/densities locations.
- b) Details of semi mature tree planting.
- c) Comprehensive 5 year post planting maintenance schedule.
- d) Underground service and external lighting layout (drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.), both existing reused and proposed new routes.
- e) Means of enclosure (walls and fences etc) including fencing that is permeable to badgers at the end of both the existing and propose badger corridors.
- f) Paving including pedestrian open spaces, paths, patios, proposed materials and construction methods, cycle routes, parking courts, play areas etc.

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

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

REASON: In the interests of good landscape design, visual amenity of the area and biodiversity.
[Relevant Policies: BFBLP EN2 and EN20, CSDPD CS1 and CS7]

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

REASON: In the interests of nature conservation
[Relevant Plans and Policies: BFBLP EN3 CS1, CS7]

07. No development shall begin until details of a scheme (Working Method Statement) to control the environmental effects of construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include control of dust, smell, and other effluvia and also vehicle routing and delivery times. The approved scheme shall be performed, observed and complied with.

REASON: In the interest of amenity.

08. Demolition or construction work shall take place at the site only between 08:00hrs and 18:00hrs Monday - Friday, between 08:00hrs and 13:00hrs on Saturdays, and not at all on Sundays. The measures included in the approved scheme shall be implemented prior to the first occupation and use of the building that they relate to and thereafter the measures shall be operated in accordance with the approved scheme.

REASON: In the interest of amenity.

09. If ventilation equipment or air conditioning equipment is to be installed, no development shall begin until a scheme has been submitted to and approved in writing by the Local Planning Authority for the control of noise emanating from noise sources. The measures included in the approved scheme shall be implemented prior to the first occupation and use of the building that they relate to and thereafter the measures shall be operated in accordance with the approved scheme.

REASON: In the interest of residential amenity.

10. No development shall take place until details in respect of measures to:

- (a) Minimise, re-use and re-cycle waste, including materials and waste arising from demolition;
- (b) Minimise the pollution potential of unavoidable waste;
- (c) Dispose of unavoidable waste in an environmentally acceptable manner;

have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented during the course of all building operations.

REASON: In the interest of amenity.

11. The development hereby permitted shall be implemented in accordance with the submitted Energy Demand and Sustainability Statement (August 2016) and thereafter the buildings constructed by the carrying out of the development shall be operated in accordance with the submitted Energy Demand and Sustainability Statement (August 2016).

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

[Relevant Policy: Core Strategy DPD CS10 and CS12]

12. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. If the results of infiltration testing show that this is unviable the strategy should proceed on the rates agreed with Thames Water and set out in the Banners Gate Flood Risk Assessment.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Discharge Rates
 - Discharge Volumes
 - Details of the measures to secure the maintenance and management of SUDS features
 - Sizing of features – attenuation volume
 - Infiltration tests to be undertaken in accordance with BRE365
 - Detailed drainage layout with pipe numbers
 - The provisions of SUDS permeable paving in accordance with the Banners Gate FRA
- REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

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

- (a) Parking of vehicles of site personnel, operatives and visitors
- (b) Loading and unloading of plant and vehicles
- (c) Storage of plant and materials used in constructing the development
- (d) Wheel cleaning facilities
- (e) Temporary portacabins and welfare for site operatives

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

REASON: In the interests of amenity and road safety.

14. Prior to the commencement of the development, a scheme to demonstrate that the internal noise levels within the residential units, especially those closest to the rear boundary of the site, will conform to the “indoor ambient noise levels for dwellings” guideline values specified within BS 8233: 2014, Guidance on Sound Insulation and Noise Reduction for Buildings, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

REASON: In the interest of residential amenity.

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

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

16. The development hereby permitted shall not be begun until details of the junction for the area outside of the site has been approved in writing by the Local Planning Authority; and the building shall not be occupied until that junction has been constructed in accordance with the approved details.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

17. No unit shall be occupied until a plan showing visibility splays within the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The visibility splays shall at all times thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the adjacent carriageway.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

18. The development hereby permitted shall not be begun until a scheme for the internal design of the car parking has been submitted to and approved in writing by the Local Planning Authority and shall include details of:

- (a) directional signs and their locations
- (b) surface markings
- (c) pedestrian routes within the car park
- (d) location and design of cycle parking
- (e) car parking for people with disabilities including signage
- (f) gradients of the pedestrian and access routes

The approved scheme shall be implemented prior to the car park being first brought into use and shall thereafter be retained.

REASON: In the interests of the accessibility and safety of the car park users.

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

19. No unit shall be occupied until the associated vehicle parking and turning space has been surfaced and marked out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include layout of spaces and allocation of no more than 1 space per unit.

The spaces shall not thereafter be used for any purpose other than parking and turning.

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

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

20. The development hereby permitted shall not be begun until

- (a) details of the location of 16no.visitor car parking spaces, and
- (b) details of the signing for the spaces

have been submitted to and approved in writing by the Local Planning Authority. The car parking spaces shall be provided and signed in accordance with the approved details and the spaces and signage shall thereafter be retained.

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]

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

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

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

22. The car parking indicated on the approved plans as car parking for people with disabilities shall be marked out, signed and provided prior to the first occupation of the building that the parking relates to and shall thereafter be retained, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that people with disabilities have adequate access to the development.

[Relevant Policy BFBLP M7]

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

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

24. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority for off site highway works including the following:

- Alterations to provide access to the site and any improvement works

The buildings provided by the carrying out of the development shall not be occupied/open for trade until the off site highway works have been completed in accordance with the scheme.

REASON: In the interests of highway safety.

[Relevant Policy: BFBLP M4]

25. No unit shall be occupied until a Car Park Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Car Park Management Plan shall be performed, observed and complied with.

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]

26. The bedroom windows in the east side facing elevation of Block C at second floor level and above shall have an oblique lower pane.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

Informatives:

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

02. No details are required to be submitted in relation to the following conditions: 1, 2, 6, 8, 9, 11, 23 and 26.

03. The applicant is advised that the following conditions require discharging prior to commencement of works: 3, 4, 5, 7, 10, 12, 13, 14, 16, 18, 20, 21 and 24.

04. The following conditions require discharge prior to the occupation of the dwellings hereby approved: 15, 17, 19, 22 and 25.

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

In the event of the S106 planning obligation(s) not being completed by 23rd May 2017 the Head of Planning be authorised to **REFUSE** the application on the grounds of:-

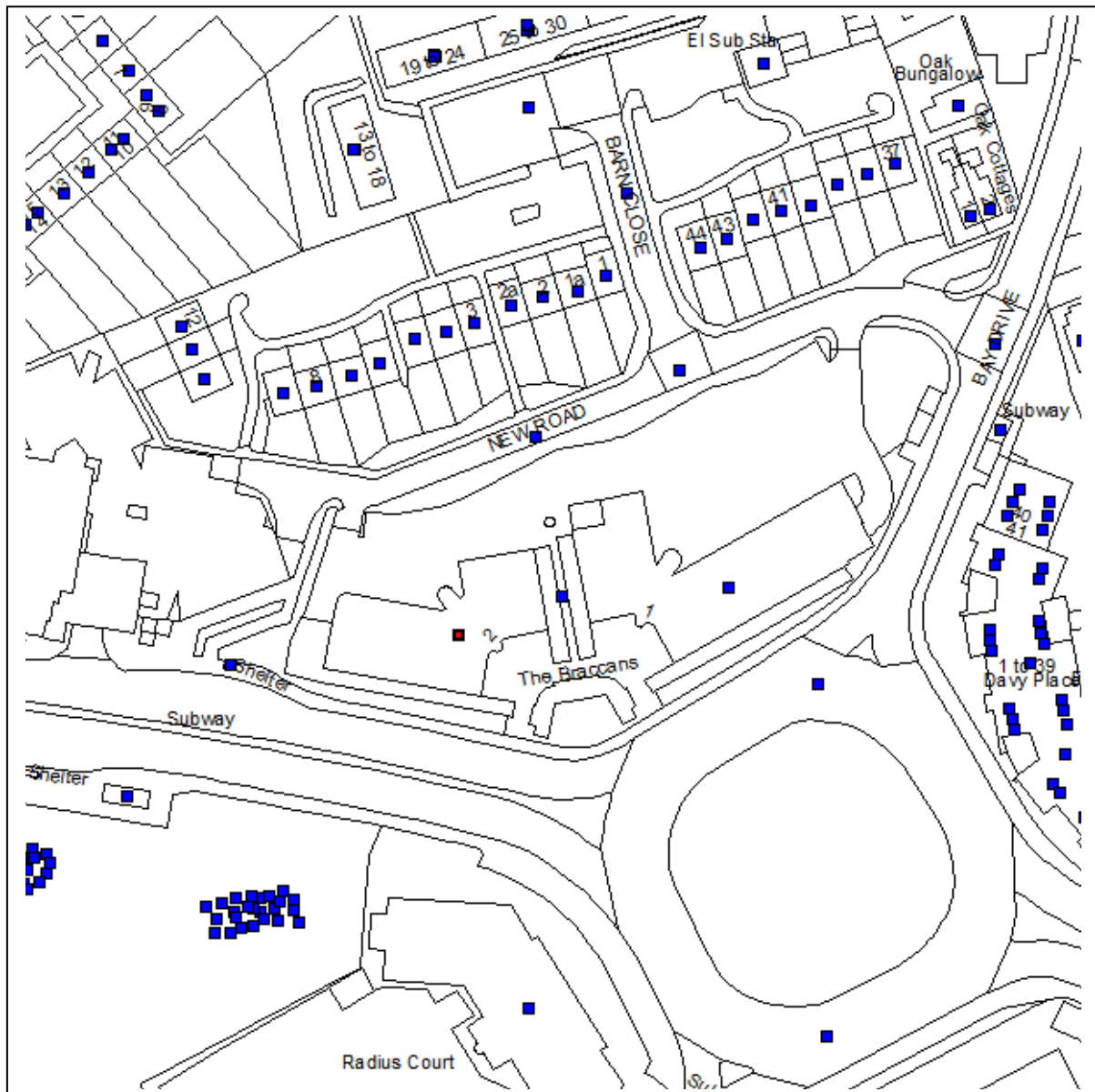
01. In the absence of a planning obligation to secure affordable housing provision in terms that are satisfactory to the Local Planning Authority, the proposal is contrary to Policy H8 of the Bracknell Forest Borough Local Plan, Policy CS16 of the Core Strategy Development Plan Document and to Supplementary Planning Guidance on Affordable Housing (adopted September 2003),

02. The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the applicants have not satisfactorily mitigated the development to comply with the Thames Basin Heaths Special Protection Area Avoidance and Mitigation

Supplementary Planning Document (SPD) 2012. In the absence of a section 106 planning obligation to secure suitable mitigation measures, the proposal would therefore be contrary to Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and to the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPD) 2012.

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|---------------------|--|------------------|-----------------------|
| ITEM NO: | | | |
| Application No. | Ward: | Date Registered: | Target Decision Date: |
| 17/00170/PAC | Bullbrook | 16 February 2017 | 13 April 2017 |
| Site Address: | 2 The Braccans London Road Bracknell Berkshire RG12 2XH | | |
| Proposal: | Prior approval change of use application for offices (Class B1a) to form 36 apartments. | | |
| Applicant: | Mr U Eisenstein | | |
| Agent: | Mr A Allen | | |
| Case Officer: | Katie Walker, 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 The Braccans from office (B1) to 36 residential dwellings (C3).

1.2 The proposal complies with the criteria set within Paragraph O.1 of Class O of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Furthermore the proposal satisfies the conditions in Paragraph O.2 of the same legislation. As such, prior approval can be granted.

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| RECOMMENDATION |
| Approval be granted as per the recommendation in Section 11 of this report. |

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 [Subject to objections being received]

3. PLANNING STATUS AND SITE DESCRIPTION

| |
|------------------------|
| PLANNING STATUS |
| Within settlement |
| Within 5km of SPA |

3.1 The site is known as The Braccans 2, and is a large office building, forming a pair of office buildings with The Braccans 1. It is bounded: to the south by London Road; to the east by Braccans 1, beyond which is Bay Drive; to the north by New Road; and to the west by a car park associated with the adjacent commercial development, Summit House. This property has permission for conversion into apartment-hotel use (C1).

3.2 The building is three storeys, and is currently in office use. The surrounding area is a mix of residential and commercial.

3.3 The site benefits from two prior approval consents for conversion to residential development; one for 33 dwellings and one for 36 dwellings. The building also has planning permission for external alterations.

3.4 The site is within 5 kilometres of the Thames Basin Heath Special Protection Area (SPA).

4. RELEVANT SITE HISTORY

4.1 The relevant site history can be summarised as follows:

613355: Erection of a 4650 sq.m. office buildings (Use Class B1 Business Use) with 205 car parking spaces – approved 1989.

615455: Reserved matters. Erection of 55,000 sq.ft. office building and 205 parking spaces – approved 1989.

16/00299/PAC: Prior approval notification for the change of use of offices (B1a) to 33 apartments (C3) – approved 2016.

16/00982/FUL: External alterations comprising new windows and roof lights – approved 2016.

16/00995/PAC: Prior approval notification for the change of use of offices (B1a) to 36 apartments (C3) – approved 2016.

5. THE PROPOSAL

5.1 Prior approval is sought for the change the use of the existing building known as The Braccans 2 from Class B1(a) (offices) to Class C3 (dwelling houses) in accordance with Class O of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Pursuant to paragraph W of the same legislation, the applicant is applying for prior approval for this change of use. The proposal comprises the creation of 36 apartments.

5.2 No external alterations are proposed as part of this application to facilitate the change of use.

5.3 This application would retain the existing parking layout which provides 68 parking spaces and a plan has been provided to show where these are located.

5.4 The site has two prior approval consents; one for 33 dwellings and one for 36 dwellings. This application comprises layout changes to the previous consent.

6. REPRESENTATIONS RECEIVED

Bracknell Town Council:

6.1 No response received to date.

Other representations:

6.2 One letter of objection has been received. The issues raised can be summarised as follows:

- The applicant's letter states there are 2 spaces per flat, but there are not. Insufficient parking will mean that residents/visitors will seek nearby ob-site parking in areas already under pressure, particularly the adjacent Bay Road [*Officer note: the parking provision exceeds the Council's requirements*];
- The cumulative impacts of this application with the bigger picture of multiple applications for flats along the London Road, all of which will create greater pressure on local parking, will be severe [*Officer note: as the proposal would provide parking in excess of parking standards, it is not considered that this application would contribute to parking pressure*].

7. SUMMARY OF CONSULTATION RESPONSES

Environmental Health

7.1 No concerns with regards to either contaminated land or the impacts of noise from commercial premises on the intended occupiers of the development.

Highway Officer:

7.2 No objections and recommends approval.

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

8. RELEVANT LEGISLATION

Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) 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.

Paragraph O.1 states: Development is not permitted by Class O if:

- (a) the building is on article 2(5) land;
- (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.

Paragraph O.2 states that 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, or
- (d) impacts of noise from commercial premises on the intended occupiers of the development,

and the provisions of paragraph W (prior approval) of this Part shall apply in relation to that application.

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.

9. ASSESSMENT

- (a) The building is not on article 2(5) land and an application under paragraph O.2(1) was received on 14 February 2017.
- (b) The building was last used for a use falling within Class B1(a) offices.
- (c) The site does not form part of a safety hazard area.
- (d) The site does not form part of a military explosives storage area.
- (e) The building is not Listed or within the curtilage of a Listed Building.
- (f) The building is not listed or a scheduled monument.

With regard to the conditions listed in paragraph O2:

a) Transport and Highways Impacts of the Development:

(1) (a) Transport and highways impacts of the development

Access

The Braccans is located on London Road at the Eastern Road Roundabout. Pedestrian access is from the London Road frontage and the car park takes access off New Road, an adopted road. Also, there is an existing footpath to the side of the building for access between the car park and the building. No changes are proposed to the existing access arrangements serving this office and approved as the access for 36 apartments (16/00995/PAC).

Parking

The Council's parking standards require 53 parking spaces, including 7 visitor spaces for the 26 no. one-bed flats and 10 no. two-bed flats. 68 parking spaces are currently provided and therefore parking provision exceeds the parking standards.

44 spaces are within a basement car park and 24 spaces are in an open parking area. This is the existing parking provision and no changes are proposed to this.

64 cycle spaces are to be provided within a double stacked bike store and this exceeds the parking standards which would require 53 cycle spaces. An informative regarding the Council's waste collection is recommended.

Trips

36 flats could generate in the region of 144 two-way trips over the course of a typical day with 15 or 16 movements in both the morning and evening peak periods. The proposed residential use is likely to generate fewer movements than the current permitted office use.

In conclusion the proposal provides sufficient on-site parking and the access is considered to be suitable, given that the number of trips is likely to be reduced. There are no objections to the proposal from a highways and transportation perspective.

(b) Contamination risks on the site

The Braccans is not situated on land that has been indicated as a potential contaminated land site, and there is no other information available that would indicate that The Braccans is situated on contaminated land as described in part 2A of the Environmental Protection Act 1990.

(c) Flooding risks on the site

The site is not located within flood zones 2 or 3 and is not in an area of critical drainage problems which has been notified to the Local Planning Authority by the Environment Agency.

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

The Environment and Communities Team has no concerns with the application in relation to the impact of noise from commercial premises in the vicinity of the proposed development.

(2) The development must be completed within 3 years starting with the prior approval date.

Other matters

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. As 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 include an informative advising the applicant that they will need to apply for approval under the Habitats Regulations 2010.

10. CONCLUSIONS

10.1 An assessment has been made of the proposal and it is considered that prior approval is required for the change of use of the building from an office use (B1) to 36 apartments (C3).

10.2 The proposal complies with the criteria set within Paragraph O.1 of Class O of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Furthermore the proposal satisfies the conditions in Paragraph O.2 of the same legislation, provided the permission is implemented within 3 years of the date of this prior approval. As such, prior approval can be granted.

11. RECOMMENDATION

11.1 That Prior Approval is required and that Prior Approval be granted. The proposal therefore complies with Class O of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Informatives

01. It is a condition of the consent given by the General Permitted 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 (the Council) has given written approval under the Habitats Regulations 2010. This Prior Approval Notice does **NOT** constitute approval under the Habitats Regulations. The Council and Natural England are of the view that any residential development between 400 metres and 5 kilometres of the boundary of the Thames Basin Heaths Special Protection Area or residential development of 50 or more dwellings between 5 kilometres and 7 kilometres of such boundary cannot be approved under the Habitats Regulations unless a planning obligation is entered into under Section 106 of the Town & Country Planning Act 1990 to ensure that the development has no adverse impact upon the Special Protection Area. Your development falls within one of the two types of development referred to above.

02. This decision is based on the following plans and information received by the Local Planning Authority on 16 February 2017:

JW810/100: Site and Block Plan, Existing Plans

50: Proposed Ground Floor

51: Proposed First Floor

52: Proposed Second Floor

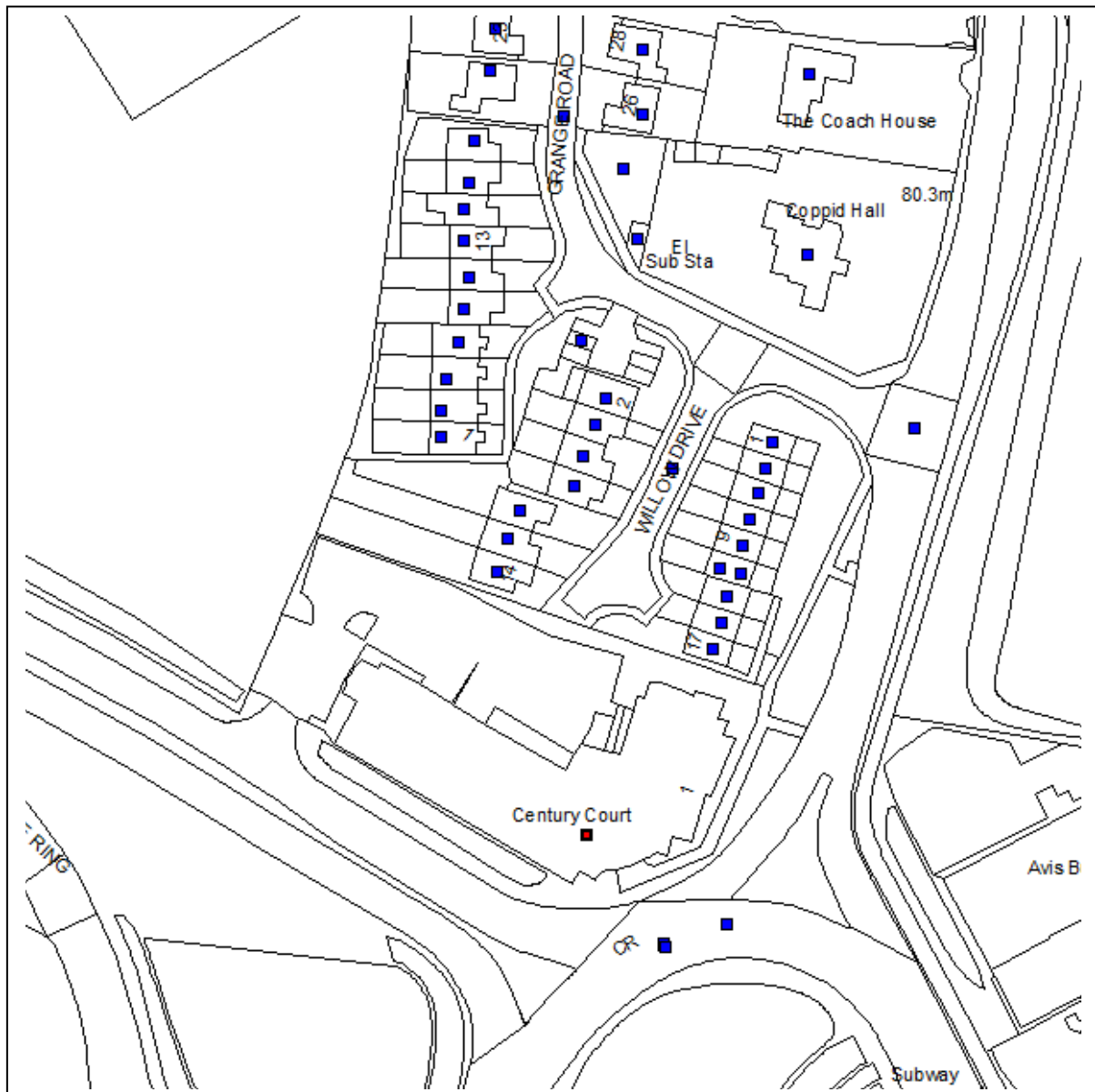
53: Proposed Third Floor

03. Information and advice on refuse and recycling arrangements can be found at:
<http://www.bracknell-forest.gov.uk/guidance-notes-for-new-developments-waste.pdf>

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| ITEM NO: | | | |
| Application No. | Ward: | Date Registered: | Target Decision Date: |
| 17/00136/PAC | Priestwood And Garth | 3 February 2017 | 31 March 2017 |
| Site Address: | Century Court Millennium Way Bracknell Berkshire RG12 2XT | | |
| Proposal: | Application for prior approval for change of use from offices (B1) to 65 no. 1 bedroom and 6 no. studio apartments (C3). | | |
| Applicant: | Mason Property Ltd | | |
| Agent: | Mr Daniel Rose | | |
| Case Officer: | Katie Walker, 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 Century Court from office (B1) to 71 residential dwellings (C3).

1.2 The proposal complies with the criteria set within Paragraph O.1 of Class O of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Furthermore the proposal satisfies the conditions in Paragraph O.2 of the same legislation. As such, prior approval can be granted.

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| RECOMMENDATION |
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| Approval be granted as per the recommendation in Section 11 of this report. |
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2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 [Subject to objections being received]

3. PLANNING STATUS AND SITE DESCRIPTION

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|------------------------|
| PLANNING STATUS |
|------------------------|

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|-------------------|
| Within settlement |
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|-----------------------|
| Within 5km of the SPA |
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3.1 The site is known as Century Court, and is a large office building of mainly three storeys, with plant on the third floor. It also has a basement car park. It is bounded: to the south by the Met Office roundabout and Millennium Way; to the east by Warfield Road, beyond which is Avis Budget House; to the north by Willow Drive; and to the west by playing fields. The surrounding area is a mix of residential and commercial.

3.2 There is a concurrent prior approval application currently pending a decision. This is also for the conversion of the building to residential development, for 65 units.

3.3 The site is within 5 kilometres of the Thames Basin Heath Special Protection Area (SPA).

4. RELEVANT SITE HISTORY

4.1 The relevant site history can be summarised as follows:

611077: Erection of 3 storey building forming 3930 sq.m. of offices with basement car parking – approved 1988.

614088: Reserved matters for the erection of 3 storey office (Class B1) building with basement car parking – approved 1989.

17/00165/PAC: Application for prior approval for change of use from offices (B1) to 47 no. 1 bedroom, 12 no. 2 bedroom and 6 no. studio apartments (C3) – decision pending.

5. THE PROPOSAL

5.1 Prior approval is sought for the change the use of the existing building known as century Court from Class B1(a) (offices) to Class C3 (dwelling houses) in accordance with Class O of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Pursuant to paragraph W of the same legislation, the

applicant is applying for prior approval for this change of use. The proposal comprises the creation of 71 apartments. The unit mix would be 65 x one-bedroom apartments and 6 x studio apartments.

5.2 No external alterations are proposed as part of this application to facilitate the change of use.

5.3 This application would retain the existing parking layout which provides 157 parking spaces at surface level and in the basement.

6. REPRESENTATIONS RECEIVED

Bracknell Town Council:

6.1 Bracknell Town Council considered the application and have no objection.

Other representations:

6.2 No other representations have been received at the time of writing.

7. SUMMARY OF CONSULTATION RESPONSES

Environmental Health

7.1 No concerns raised.

Highway Officer:

7.2 No objections and recommends approval.

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

8. RELEVANT LEGISLATION

Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) 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.

Paragraph O.1 states: Development is not permitted by Class O if:

(a) the building is on article 2(5) land;

(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 if, 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.

Paragraph O.2 states that 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, or
- (d) impacts of noise from commercial premises on the intended occupiers of the development,

and the provisions of paragraph W (prior approval) of this Part shall apply in relation to that application.

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.

9. ASSESSMENT

- (a) The building is not on article 2(5) land and an application under paragraph O.2(1) was received on 3 February 2017.
- (b) The building was last used for a use falling within Class B1(a) offices.
- (c) The site does not form part of a safety hazard area.
- (d) The site does not form part of a military explosives storage area.
- (e) The building is not Listed or within the curtilage of a Listed Building.
- (f) The building is not listed and the site does not contain a scheduled monument.

With regard to the conditions listed in paragraph O2:

a)Transport and Highways Impacts of the Development:

- (1) (a) Transport and highways impacts of the development

Access

Century Court takes access off Millennium Way via a left-in and left-out onto the dual carriageway which is subject to a 40mph speed limit and no alterations are proposed or are indeed necessary given the permitted office use could generate more traffic than the proposed residential use. These flats/apartments would be located close to Town Centre shops, facilities and the train and bus station. An informative is recommended to advise the applicant to investigate the Council's waste collection requirements for residential flats.

Parking

The site includes 157 existing car parking spaces and this would exceed the Council's parking standards of 64 residents' parking spaces for 71 residential units in this Town Centre location (0.9 spaces per unit). Also, there is no requirement for visitor parking for new residential developments in the Town Centre. 71 cycle spaces are to be provided to comply with the parking standards and the Transport Note states, 'In order to achieve the cycle spaces at surface level, the loss of some car parking spaces may be necessary'. While the

number of lost spaces has not been specified, there would not be an issue with parking provision.

Trips

The Transport Note indicates that 71 apartments would generate 124 two-way trips per day and while this seems low, the current permitted office use could generate in the region of 392 two-way trips per day.

The Highway Authority has no objection and recommends that prior approval be granted.

(b) Contamination risks on the site

Century Court is not situated on land that has been indicated as a potential contaminated land site, and there is no other information available that would indicate that Century Court is situated on contaminated land as described in part 2A of the Environmental Protection Act 1990.

(c) Flooding risks on the site

The site is not located within flood zones 2 or 3 and is not in an area of critical drainage problems which has been notified to the Local Planning Authority by the Environment Agency.

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

The Environment and Communities Team has no concerns with the application in relation to the impact of noise from commercial premises in the vicinity of the proposed development.

(2) The development must be completed within 3 years starting with the prior approval date.

Other matters

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. As 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 include an informative advising the applicant that they will need to apply for approval under the Habitats Regulations 2010.

10. CONCLUSIONS

10.1 An assessment has been made of the proposal and it is considered that prior approval is required for the change of use of the building from an office use (B1) to 71 apartments (C3).

10.2 The proposal complies with the criteria set within Paragraph O.1 of Class O of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Furthermore the proposal satisfies the conditions in Paragraph O.2 of the same legislation, provided the permission is implemented within 3 years of the date of this prior approval. As such, prior approval can be granted.

11. RECOMMENDATION

11.1 That Prior Approval is required and that Prior Approval be granted. The proposal therefore complies with Class O of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Informatives

01. It is a condition of the consent given by the General Permitted 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 (the Council) has given written approval under the Habitats Regulations 2010. This Prior Approval Notice does **NOT** constitute approval under the Habitats Regulations. The Council and Natural England are of the view that any residential development between 400 metres and 5 kilometres of the boundary of the Thames Basin Heaths Special Protection Area or residential development of 50 or more dwellings between 5 kilometres and 7 kilometres of such boundary cannot be approved under the Habitats Regulations unless a planning obligation is entered into under Section 106 of the Town & Country Planning Act 1990 to ensure that the development has no adverse impact upon the Special Protection Area. Your development falls within one of the two types of development referred to above.

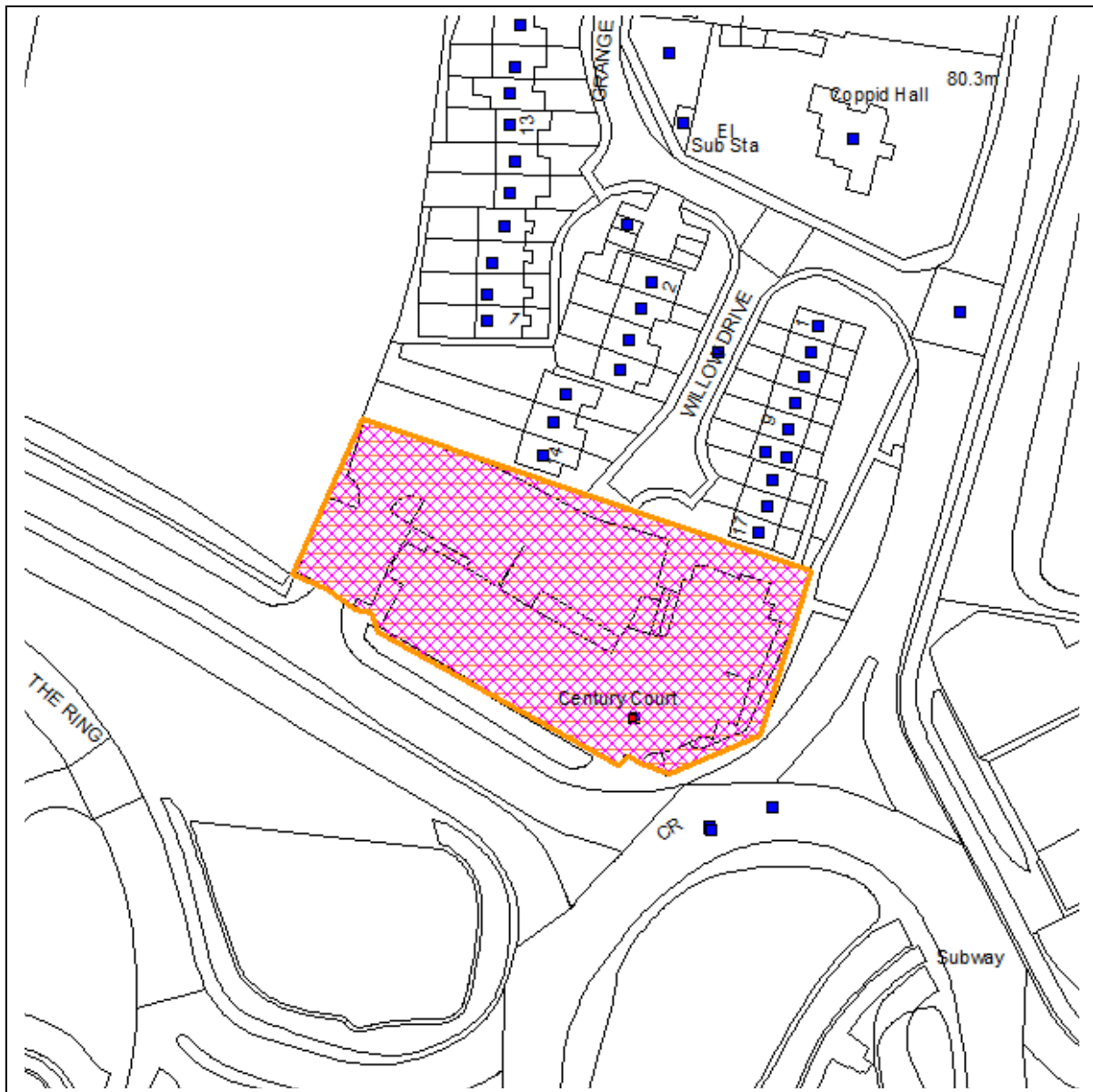
02. This decision is based on the following plans and information received by the Local Planning Authority on 03 February 2017:
 - L0911-SKE-170203-01: Location Plan
 - L0911-SKE-170203-09: Proposed floor plans, lower ground floor plan
 - L0911-SKE-170203-09: Proposed floor plans, ground floor plan
 - L0911-SKE-170203-11: Proposed floor plans, first floor plan
 - L0911-SKE-170203-12: Proposed floor plans, second floor plan
 - L0911-SKE-170203-13: Proposed floor plans, third floor plan

03. Information and advice on refuse and recycling arrangements can be found at:
<http://www.bracknell-forest.gov.uk/guidance-notes-for-new-developments-waste.pdf>

04. The applicant is advised that the internal noise levels within the residential units should conform to the "indoor ambient noise levels for dwellings" guideline values specified within BS 8233: 2014, Guidance on Sound Insulation and Noise Reduction for Buildings.

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|--|--|-------------------------------------|---------------------------------------|
| ITEM NO: Application No. 17/00165/PAC Site Address: | Ward: Priestwood And Garth | Date Registered: 8 February 2017 | Target Decision Date: 5 April 2017 |
| Proposal: | Century Court Millennium Way Bracknell Berkshire RG12 2XT | | |
| Applicant: | Application for prior approval for change of use from offices (B1) to 47 no. 1 bedroom, 12 no. 2 bedroom and 6 no. studio apartments (C3). | | |
| Agent: | Mason Property Ltd | | |
| Case Officer: | Mr Daniel Rose | | |
| | Katie Walker, 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 Century Court from office (B1) to 65 residential dwellings (C3).

1.2 The proposal complies with the criteria set within Paragraph O.1 of Class O of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Furthermore the proposal satisfies the conditions in Paragraph O.2 of the same legislation. As such, prior approval can be granted.

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| RECOMMENDATION |
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| Approval be granted as per the recommendation in Section 11 of this report. |
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2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 [Subject to objections being received]

3. PLANNING STATUS AND SITE DESCRIPTION

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|------------------------|
| PLANNING STATUS |
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|-------------------|
| Within settlement |
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|-----------------------|
| Within 5km of the SPA |
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3.1 The site is known as Century Court, and is a large office building of mainly three storeys, with plant on the third floor. It also has a basement car park. It is bounded: to the south by the Met Office roundabout and Millennium Way; to the east by Warfield Road, beyond which is Avis Budget House; to the north by Willow Drive; and to the west by playing fields. The surrounding area is a mix of residential and commercial.

3.2 There is a concurrent prior approval application currently pending a decision. This is also for the conversion of the building to residential development, for 71 units.

3.3 The site is within 5 kilometres of the Thames Basin Heath Special Protection Area (SPA).

4. RELEVANT SITE HISTORY

4.1 The relevant site history can be summarised as follows:

611077: Erection of 3 storey building forming 3930 sq.m. of offices with basement car parking – approved 1988.

614088: Reserved matters for the erection of 3 storey office (Class B1) building with basement car parking – approved 1989.

17/00136/PAC: Application for prior approval for change of use from offices (B1) to 65 no. 1 bedroom and 6 no. studio apartments (C3) – decision pending.

5. THE PROPOSAL

5.1 Prior approval is sought for the change the use of the existing building known as century Court from Class B1(a) (offices) to Class C3 (dwelling houses) in accordance with Class O of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Pursuant to paragraph W of the same legislation, the

applicant is applying for prior approval for this change of use. The proposal comprises the creation of 65 apartments. The unit mix would be 47 x one-bedroom apartments; 12 x two-bedroom apartments; and 6 x studio apartments.

5.2 No external alterations are proposed as part of this application to facilitate the change of use.

5.3 This application would retain the existing parking layout which provides 157 parking spaces at surface level and in the basement.

6. REPRESENTATIONS RECEIVED

Bracknell Town Council:

6.1 No response has been received at the time of writing.

Other representations:

6.2 No other representations have been received at time of writing.

7. SUMMARY OF CONSULTATION RESPONSES

Environmental Health

7.1 No concerns raised.

Highway Officer:

7.2 No objections and recommends approval.

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

8. RELEVANT LEGISLATION

Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) 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.

Paragraph O.1 states: Development is not permitted by Class O if:

(a) the building is on article 2(5) land;

(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 if, 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.

Paragraph O.2 states that 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, or
- (d) impacts of noise from commercial premises on the intended occupiers of the development,

and the provisions of paragraph W (prior approval) of this Part shall apply in relation to that application.

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.

9. ASSESSMENT

- (a) The building is not on article 2(5) land and an application under paragraph O.2(1) was received on 3 February 2017.
- (b) The building was last used for a use falling within Class B1(a) offices.
- (c) The site does not form part of a safety hazard area.
- (d) The site does not form part of a military explosives storage area.
- (e) The building is not Listed or within the curtilage of a Listed Building.
- (f) The building is not listed and the site does not contain a scheduled monument.

With regard to the conditions listed in paragraph O2:

a)Transport and Highways Impacts of the Development:

(1) (a) Transport and highways impacts of the development

Access

Century Court takes access off Millennium Way via a left-in and left-out onto the dual carriageway which is subject to a 40mph speed limit and no alterations are proposed or are indeed necessary given the permitted office use could generate more traffic than the proposed residential use. These flats/apartments would be located close to Town Centre shops, facilities and the train and bus station. An informative is recommended to advise the applicant to investigate the Council's waste collection requirements for residential flats.

Parking

The site includes 157 existing car parking spaces and this would exceed the Council's parking standards of 59 residents' parking spaces for 65 residential units in this Town Centre location (0.9 spaces per unit). Also, there is no requirement for visitor parking for new residential developments in the Town Centre. 77 cycle spaces are to be provided to comply with the parking standards and the Transport Note states, 'In order to achieve the cycle spaces at surface level, the loss of some car parking spaces may be necessary'. While the

number of lost spaces has not been specified, there would not be an issue with parking provision.

Trips

The Transport Note indicates that 65 apartments would generate 113 two-way trips per day and while this seems low, the current permitted office use could generate in the region of 392 two-way trips per day.

The Highway Authority has no objection and recommends that prior approval be granted.

(b) Contamination risks on the site

Century Court is not situated on land that has been indicated as a potential contaminated land site, and there is no other information available that would indicate that Century Court is situated on contaminated land as described in part 2A of the Environmental Protection Act 1990.

(c) Flooding risks on the site

The site is not located within flood zones 2 or 3 and is not in an area of critical drainage problems which has been notified to the Local Planning Authority by the Environment Agency.

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

The Environment and Communities Team has no concerns with the application in relation to the impact of noise from commercial premises in the vicinity of the proposed development.

(2) The development must be completed within 3 years starting with the prior approval date.

Other matters

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. As 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 include an informative advising the applicant that they will need to apply for approval under the Habitats Regulations 2010.

10. CONCLUSIONS

10.1 An assessment has been made of the proposal and it is considered that prior approval is required for the change of use of the building from an office use (B1) to 65 apartments (C3).

10.2 The proposal complies with the criteria set within Paragraph O.1 of Class O of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Furthermore the proposal satisfies the conditions in Paragraph O.2 of the same legislation, provided the permission is implemented within 3 years of the date of this prior approval. As such, prior approval can be granted.

11. RECOMMENDATION

11.1 That Prior Approval is required and that Prior Approval be granted. The proposal therefore complies with Class O of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Informatives

01. It is a condition of the consent given by the General Permitted 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 (the Council) has given written approval under the Habitats Regulations 2010. This Prior Approval Notice does **NOT** constitute approval under the Habitats Regulations. The Council and Natural England are of the view that any residential development between 400 metres and 5 kilometres of the boundary of the Thames Basin Heaths Special Protection Area or residential development of 50 or more dwellings between 5 kilometres and 7 kilometres of such boundary cannot be approved under the Habitats Regulations unless a planning obligation is entered into under Section 106 of the Town & Country Planning Act 1990 to ensure that the development has no adverse impact upon the Special Protection Area. Your development falls within one of the two types of development referred to above.

02. This decision is based on the following plans and information received by the Local Planning Authority on 08 February 2017:
 - L0911-SKE-170203-01: Location Plan
 - L0911-SKE-170208-01: Proposed floor plans, basement floor plan
 - L0911-SKE-170208-02: Proposed floor plans, lower ground floor plan
 - L0911-SKE-170208-03: Proposed floor plans, ground floor plan
 - L0911-SKE-170208-04: Proposed floor plans, first floor plan
 - L0911-SKE-170208-05: Proposed floor plans, second floor plan
 - L0911-SKE-170208-06: Proposed floor plans, third floor plan

03. Information and advice on refuse and recycling arrangements can be found at:
<http://www.bracknell-forest.gov.uk/guidance-notes-for-new-developments-waste.pdf>

04. The applicant is advised that the internal noise levels within the residential units should conform to the “indoor ambient noise levels for dwellings” guideline values specified within BS 8233: 2014, Guidance on Sound Insulation and Noise Reduction for Buildings.