

## **NOTICE OF MEETING**

### **Planning Committee**

**Thursday 18 January 2018, 7.30 pm**

**Council Chamber, Fourth Floor, Easthampstead House, Town Square,  
Bracknell - Easthampstead House, Town Square, Bracknell, RG12  
1AQ**

### **To: The Planning Committee**

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

ALISON SANDERS  
Director of Resources

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Published: 8 January 2018



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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 14 December 2017 .

5 - 10

**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. 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 17/00160/OUT Furze Bank, 89 Locks Ride, Ascot, Berkshire SL5 8QZ**

Erection of 6 no. dwellings with associated access, parking and landscaping following demolition of existing dwelling and outbuilding. 15 - 36
6. **PS 17/00948/FUL Fox and Hounds, Hancombe Road, Sandhurst, Berkshire GU47 8NP**

Extension and conversion of existing public house to 2 no. dwellings following demolition of existing single storey extensions and erection of 2 no. dwellings with associated parking and landscaping. 37 - 54
7. **17/00337/OUT Amen Corner (North), Popes Farm, Murrell Hill Lane, Binfield, Bracknell, Berkshire RG42 4BY**

Outline planning application for the erection of 53 dwellings, associated vehicular and pedestrian access, car parking, drainage works and landscaping, including provision of open space, and alterations to existing outbuilding to provide a car barn and cycle store following removal of existing dwelling (means of access, appearance, layout and scale to be considered, landscaping reserved for future consideration). 55 - 82
8. **17/00656/OUT North Lodge Farm, Forest Road, Hayley Green, Warfield, Bracknell, Berkshire RG42 6DD**

Outline application for the residential development of 19 no. dwellings (including affordable housing) including associated access, open space and landscaping following demolition of existing buildings, structures and hardstanding. (All matters reserved except access). 83 - 108
9. **17/01098/FUL Raj Bhawan, 58 Harmans Water Road, Bracknell, Berkshire RG12 9PT**

Conversion of single dwelling house to three self-contained flats with raising of garage roof, side porch, front extension to garage and addition of balcony in front elevation. (Part retrospective) (Re-submission of 17/00659/FUL). 109 - 122

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**PLANNING COMMITTEE  
14 DECEMBER 2017  
7.30 - 8.20 PM**



**Present:**

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

**Apologies for absence were received from:**

Councillors Mrs Angell, Finnie, Leake, Mrs McKenzie-Boyle and Worrall

**60. Minutes**

**RESOLVED** that the minutes of the meeting of the Committee held on 9 November 2017 be approved as a correct record and signed by the Chairman, subject to the addition of Councillor Skinner to the list of apologies for absence from the meeting.

**61. Declarations of Interest**

There were no declarations of interest.

**62. Urgent Items of Business**

The Chairman allowed an item of urgent business relating to a matter which had arisen since the agenda for the meeting was published.

The Head of Planning informed the Committee of a recent judgement of the Supreme Court relating to a decision of a local planning authority (taken by the Planning Committee) to grant planning permission for a development against the officer's recommendation given to the Committee. In such circumstances, the Supreme Court had ruled that there was an explicit duty on the authority to set out the reasons for taking the decision, in order that there should be no doubt as to why planning permission had been approved. The judgement included some guidance on the standard of reasons that should be given. In commenting on the case a leading law firm had advised that such reasons should be recorded in writing.

The Committee recognised the value of the adopted local practice of arranging for the preparation of a 'blue sheet' in advance of a meeting of the Planning Committee where there was a possibility that consideration may be given to a motion to take a decision contrary to officer advice. This should ensure that any such decision taken in Bracknell Forest would have well formulated reasons set out in full and would comply with the principle of the Supreme Court ruling.

**63. PS 17/00753/FUL Bewes Stud, Prince Albert Drive, Ascot, Berkshire SL5 8AQ  
Erection of replacement dwelling with a detached garage following the  
demolition of existing dwelling, stables, barn and manège.**

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- The comments of Winkfield Parish Council.
- Eleven objections received as summarised in the Agenda papers.

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

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

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

02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 14 November 2017:

LR/RES/01 Rev. B 'Site Plan'

LR/RES/01 Rev. B 'Floor Plan And Elevation'

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

03. No development shall take place until details of the materials including external finishes to the walls and roof to be used in the construction of the external surfaces of the dwellinghouse and detached garage 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: Core Strategy DPD CS7, BFBLP 'Saved' Policy EN20]

04. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) no further extension, enlargement, addition, improvement or other alteration permitted by Class A, B, D or E of Schedule 2, Part 1 of the above Order shall be constructed to the dwellinghouse, with the exception of the formation or replacement of windows, doors or similar openings.

REASON: Any further development shall be restricted in order to protect the openness of the green belt.

[Relevant Policies: CSDPD Policies CS1, CS2, CS7, CS9; BFBLP 'Saved' Policies EN8, EN20, GB1]

05. No development shall commence until details of the boundary treatments (fencing, hedges, walls) have been submitted to and approved by the Local Planning Authority. The approved details shall thereafter be implemented prior to the occupation of the development, and retained as such.

REASON: In the interests of the openness and setting of the Green Belt.

[Relevant Policies: CSDPD Policies CS1, CS2, CS7, CS9; BFBLP 'Saved' Policies EN8, EN20, GB1]

06. The development shall not be occupied until the existing buildings as identified on drawing LR/RES/01 'Site Plan' [Amended], received by the Local Planning Authority on 21 August 2017, have been demolished.

REASON: In the interests of the openness and setting of the Green Belt.

[Relevant Policies: CSDPD Policies CS1, CS2, CS7, CS9; BFBLP 'Saved' Policies EN8, EN20, GB1]

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

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

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

08. The protection measures and associated methodology of works specified by document reference P.2293/TS AIA TPP/MR/ 10.01.17 'Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan', received by the Local Planning Authority on 10 October 2017, shall be carried out prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site. Where phased protection measures have been approved, no works shall commence on the next phase of the development until the protective fencing barriers and other protective measures have been repositioned for that phase in full accordance with the approved details. No activity of any description must occur at any time within these areas including but not restricted to the following: -

- a) No mixing of cement or any other materials;
- b) No storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description;
- c) No installation of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, portable-toilets, storage compounds or hard standing areas of any other description;
- d) No soil/turf-stripping; raising or lowering of existing levels; excavation or alterations to the existing surfaces/ground conditions of any other description;
- e) No installation of any underground services, temporary or otherwise, including; drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting;
- f) No parking or use of tracked or wheeled machinery or vehicles of any description;
- g) No fires shall be lit within 20 metres of the trunks of any trees or the centre line of any hedgerow shown to be retained;
- h) No signs, cables, fixtures or fittings of any other description shall be attached to any part of any retained tree.

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

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

09. The development hereby permitted shall not be begun until a site specific method statement for the storage of materials and the associated construction works undertaken in respect of the development located within the minimum Root Protection Areas (RPA's) of the protected tree to the front of the property, has been submitted to and approved in writing by the Local Planning Authority. Details shall include: -

- a) The mixing of cement or any other materials.
- b) Storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description.
- c) Siting of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, porta-loos, storage compounds or hard standing areas of any other description.
- d) Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ ground conditions of any other description.
- e) Installation/siting of any underground services, temporary or otherwise including; drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting.
- f) Parking/use of tracked or wheeled machinery or vehicles of any description.
- g) A site plan identifying all areas where such work is to be undertaken.
- h) The timing and phasing of the above works.

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

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

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

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

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

[Relevant Policy: Core Strategy DPD CS10]

11. No development (including site clearance and demolition) shall commence until a wildlife protection plan for construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- i) An appropriate scale plan showing where construction activities are restricted and protective measures;
- ii) Details of protective measures to avoid impacts during construction;
- iii) A timetable to show phasing of construction activities; and
- iv) Persons responsible for compliance with legal consents, planning conditions, installation of protective measures, inspection and maintenance.

The approved scheme shall be performed prior to the demolition, observed and complied with.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]



12. No demolition shall commence 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 prior to the demolition, observed and complied with.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

13. The garage outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwellinghouse, known as Bewes Stud, Prince Albert Drive, SL5 8AQ, and shall at no time form a separate dwelling or any non-residential use.

REASON: The creation of a separate unit would require mitigation measures and would involve intensification of the site to the detriment of the Green Belt setting.

[Relevant Policies: CSDPD Policies CS1, CS2, CS7, CS9; BFBLP 'Saved' Policies EN8, EN20, GB1]

64. **17/00524/FUL Land Adjacent To 6 Parkland Drive, Bracknell, Berkshire**  
**Erection of a 2 bedroom dwelling adjoining to no. 6 Parkland Drive.**

A site visit had been held on Saturday 9 December 2017 which had been attended by Councillors Angell, Mrs Angell, Brossard, Dudley and Thompson.

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- The comments of Bracknell Town Council recommending refusal.
- Three objections received as summarised in the Agenda papers.

A motion to approve the recommendation in the officer report was not considered since it failed to be seconded.

An alternative motion to refuse the application was proposed and seconded and on being put to the vote was **CARRIED**.

**RESOLVED** that application 17/00524/FUL be **REFUSED** for the following reasons:

(1) By reason of its layout, the proposed development would result in an overdevelopment of the site that would be out of keeping with the surrounding pattern of development to the detriment of the character and visual amenities of the area.

The proposed development would therefore be contrary to Policy CS7 of the Core Strategy Development Plan Document, 'Saved' Policy EN20 of the Bracknell Forest Borough Local Plan, the Design Supplementary Planning Document and the National Planning Policy Framework.

(2) The occupants of the additional dwelling 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 retained Policy NRM6 of the South East Plan, Policy CS14 of the Core Strategy Development Plan Document, the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (2012) and the National Planning Policy Framework.

**CHAIRMAN**

**PLEASE NOTE PLANS FOR ALL OF THE APPLICATIONS ON THIS  
AGENDA CAN BE FOUND ON OUR WEBSITE  
[www.bracknell-forest.gov.uk](http://www.bracknell-forest.gov.uk)**

**PLANNING COMMITTEE  
18th January 2018**

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

		<b>Case Officer</b>	<b>Reporting Officer</b>
5	17/00160/OUT Furze Bank 89 Locks Ride Ascot (Winkfield And Cranbourne Ward) Erection of 6 no. dwellings with associated access, parking and landscaping following demolition of existing dwelling and outbuilding. Recommendation: Approve Subject To The Completion Of Planning Obligation(s).	Paul Corbett	Basia Polnik
6	17/00948/FUL Fox and Hounds Hancombe Road Sandhurst (Little Sandhurst And Wellington Ward) Extension and conversion of existing public house to 2 no. dwellings following demolition of existing single storey extensions and erection of 2 no. dwellings with associated parking and landscaping. Recommendation:	Michael Ruddock	Basia Polnik
7	17/00337/OUT Amen Corner (North) Popes Farm Murrell Hill Lane Binfield (Binfield With Warfield Ward) Outline planning application for the erection of 53 dwellings, associated vehicular and pedestrian access, car parking, drainage works and landscaping, including provision of open space, and alterations to existing outbuilding to provide a car barn and cycle store following removal of existing dwelling (means of access, appearance, layout and scale to be considered, landscaping reserved for future consideration) Recommendation:	Martin Bourne	Martin Bourne
8	17/00656/OUT North Lodge Farm Forest Road Hayley Green Warfield (Winkfield And Cranbourne Ward)	Katie Andrews	Martin Bourne

Outline application for the residential development of 19 no. dwellings (including affordable housing) including associated access, open space and landscaping following demolition of existing buildings, structures and hardstanding. (All matters reserved except access). (Amended to revise position of access and removal of garages from plots 12,13,14)  
Recommendation: Approve.

- |   |   |                |              |
|---|---|----------------|--------------|
| 9 | <p>17/01098/FUL<br/>Raj Bhawan 58 Harmans Water Road Bracknell (Harmans Water Ward)<br/>Conversion of single dwelling house to three self-contained flats with raising of garage roof, side porch, front extension to garage and addition of balcony in front elevation. (Part retrospective) (Re-submission of 17/00659/FUL).<br/>Recommendation: Approve Subject To The Completion Of Planning Obligation(s).</p> | Matthew Miller | 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.

<b>ITEM NO:</b>			
Application No.	Ward:	Date Registered:	Target Decision Date:
<b>17/00160/OUT</b>	Winkfield And Cranbourne	20 February 2017	17 April 2017
Site Address:	<b>Furze Bank 89 Locks Ride Ascot Berkshire SL5 8QZ</b>		
Proposal:	<b>Erection of 6 no. dwellings with associated access, parking and landscaping following demolition of existing dwelling and outbuilding.</b>		
Applicant:	Lee-Uff		
Agent:	Mr Tim Spencer		
Case Officer:	Paul Corbett, 01344 352000		
	<a href="mailto:development.control@bracknell-forest.gov.uk">development.control@bracknell-forest.gov.uk</a>		

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



## 1. SUMMARY

1.1 The applicant is seeking outline planning consent (matters relating to 'access' and 'layout' only) for the erection 6no dwellings comprising a mix of 4no three beds and 2no.four beds with associated access and parking arrangements following demolition of existing dwelling no.89 Locks Ride.

1.2 The applicant proposes to redevelop the whole of the site which currently comprises a large two-storey five bedroomed dwelling with a large garden.

1.3 Whilst the majority of the site is within the defined settlement a small proportion of the site to the rear falls outside the settlement boundary resulting in one of the 6 dwellings (plot 6) and part of plot 5 falling to land defined as land outside settlement which has always been used as garden area associated with 89 Locks Ride.

1.4 Whilst a small proportion of the site is located on land outside the settlement it comprises a brownfield site in the main and the whole of the plot has always fallen to residential use and as such could be built upon under unrestricted permitted development rights that currently exist at 89 Locks Ride.

1.5 It is considered that this proposal is of a comparative density (28 dph) to the general locality that would not detract from the overall character of the area.

1.6 One of the core principles contained within the NPPF (para17) is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value (such as the majority of this site).

1.7 The current proposal if approved would make a contribution to the local supply of housing which is a significant positive factor in its favour, taking account of the shortfall in the five-year supply housing land supply in the borough at this time.

1.8 The NPPF sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

1.9 Whilst it is acknowledged that this proposal would result in some harm it is not on balance considered to outweigh the benefits of providing much needed housing

RECOMMENDATION
Planning permission be granted subject to conditions in Section 11 of this report and a section 106 agreement relating to mitigation measures for the SPA before any works commence on the site.

## 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

PLANNING STATUS
Part Outside settlement boundary
Within 5km of the SPA



3.1 The site is located on the western side of Locks Ride and is within the settlement of Chavey Down with the exception of a small proportion to the rear of the site.

3.3 The site comprises a large two-storey five bedroomed dwelling with a large garden.

#### **4. RELEVANT PLANNING HISTORY**

4.1 Ref. No: 18655 Status: Approved 1972  
Formation of utility room, playroom and double garage.  
Furze Bank 89 Locks Ride Ascot Berkshire SL5 8QZ

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

5.1 This application is for outline planning permission for the erection 6no dwellings comprising a mix of 4no three beds and 2no.four beds with associated access and parking arrangements following demolition of existing dwelling no.89 Locks Ride.

5.2 The application includes details of 'access' and 'layout' only and all other matters (Appearance, Landscaping, and Scale) are reserved for consideration at the reserved matters stage.

5.3 The application scheme has also been shown in the context of a proposal on the adjacent site to the rear (Plan 2) for which application reference 17/01300/FUL sought permission to erect 5no. five bedroomed dwellings with its own proposed vehicular access running parallel to the northern boundary of this site.

5.4 The current proposal comprises 6no two storey dwellings with associated car parking spaces. The proposed ridge heights are between 8.2m to 9m.

5.5 The proposed access road has not been designed to accommodate the Council's refuse vehicle and as such a bin collection point has been incorporated within close proximity of the adopted highway.

PLAN 1. Proposed layout for 4no three bedroom and 2no.four bedroom dwellings and relationship to the existing settlement boundary.



PLAN 2: Proposed Locks Ride Street Scene



PLAN 3: Proposed Internal Street Scene



## 6. REPRESENTATIONS RECEIVED

### Parish Council

6.1 Winkfield Parish Council is concerned that this backland infill is an overdevelopment which will have a detrimental effect on the character of the area, overburden the infrastructure, has insufficient parking, is unsustainable with regard to drainage and sewage and would set a precedent in this sensitive area.

### Other Letters of Representation

6.2 60no. objections have been received. The concerns raised have been summarised below:-

- Adverse impact upon the character and appearance of the area *[Officer Comment: These concerns are addressed under section 9 - Impact on character and appearance of the area.]*
- Adverse impact upon surrounding residential amenity *[Officer Comment: These concerns are addressed under section 9 - Residential Amenity.]*
- Inadequate access, traffic and highway safety implications. *[Officer Comment: These concerns are addressed in section 9 - Transport Implications]*
- Adverse environmental impacts such as noise and lighting *[Officer Comment: Any issues regarding environmental concerns are addressed in section 9 - Transport Implications. Any future issues can also be dealt with under separate health and safety legislation.]*
- Adverse impact upon wildlife. *[Officer Comment: These concerns are addressed under section 9 - Biodiversity]*
- Adverse impact upon drainage. *[Officer Comment: These concerns are addressed under section 9 - Drainage]*

## 7. SUMMARY OF CONSULTATION RESPONSES

7.1 The following consultees have provided advice on the application that is summarised below and expanded upon within the report

### Biodiversity Officer:

7.2 Recommends conditional approval.

### Tree Officer

7.3 The Tree service is unable to fully assess the impact of the proposal due to its outline nature but considers that sufficient information has been submitted to consider whether the layout in principle can be achieved.

### Transportation Officer:

7.4 Recommends conditional approval.

### Lead Local Flood Authority:

7.5 Recommends conditional approval.

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

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

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CP1 of SALP, CS1 and CS2 of CSDPD	Consistent
Land Outside Settlement	CS9 of CSDPD, Saved policy EN8 of BFBLP	Not consistent
Housing	CS15 of CSDPD	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Parking	Saved policy M9 of BFBLP	Consistent
Transport	CS23 of CSDPD	Consistent
Sustainability	CS10 and CS12 of CSDPD	Consistent
SPA	SEP Retained Policy NRM6, Saved Policy EN3 of CSDPD and Policy CS14 of CSDPD	Consistent
Trees, biodiversity and landscaping	Saved policy EN1 and EN2 of BFBLP, CS1 of CSDPD.	Consistent
Waste	CSDPD CS13	Consistent
<b>Supplementary Planning Documents (SPD)</b>		
Thames Basin Heath Special Protection Area (SPD)		
Character Area Assessments (SPD)		
Parking standards (SPD)		
Design (SPD)		
<b>Other publications</b>		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		
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## 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 Trees and biodiversity
- vi SPA
- vii Sustainability
- viii Drainage
- ix Community Infrastructure Levy

### i. PRINCIPLE OF DEVELOPMENT

9.2 The principle of redevelopment of this site for housing is acceptable with the exception of a small proportion of the land to the rear of the site which falls just outside the settlement boundary.

9.3 Whilst a small proportion of the site is located on land outside the settlement it comprises a brownfield site in the main and the whole of the plot has always fallen to residential use

and as such could be built upon under unrestricted permitted development rights that currently exist at 89 Locks Ride.

9.4 When considering such proposals on land outside settlements BFBLP Policies EN8 and H5 states that development should not cause harm to the character of the area or result in any environmental damage or inconvenience or danger on the public highway.

9.5 This proposal would make a contribution to the local supply of housing and this is a significant benefit in support of this proposal, taking account of the shortfall in the five-year supply housing land supply in the borough at this time.

9.6 These points are addressed in the sections that follow.

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

9.7 The current proposal comprises the erection of no dwellings comprising a mix of 4 no three beds and 2 no four beds with associated new access and parking arrangements following demolition of existing large 5 bed dwelling no. 89 Locks Ride.

9.8 The scheme comprises one detached 4 bedroomed dwelling (plot 1) and a pair of 3 bedroomed semis (plots 2 & 3) are proposed fronting Locks Ride with a further pair of 3 bedroomed semis (plots 4 & 5) and one detached 4 bedroomed dwelling (plot 6) positioned to the rear off the extended vehicular access.

9.9 This outline application is submitted for consideration of the principle of the development with the only detailed matters being access and layout. These matters can be defined as the way in which buildings, access routes etc. and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development. Other matters relating to scale, appearance and landscaping are reserved for later consideration through reserved matters. Therefore much of the information submitted is illustrative as the applicant has sought to demonstrate how the development could be developed.

9.10 Concerns have been raised in respect of the conservation and heritage of Locks Ride, and the loss of a building with some local value. The building is not listed and is not situated within a conservation area. The existing building is a late 19th century house constructed of red brick with a slate roof. The house is not considered to be of any particular local or historic interest and no submissions have been made which highlight any notable interest in the building. The house has been extended significantly in the past, with a two-storey side and rear extension and a large double garage, utility room and play room. The dwelling has also been extensively altered internally over the years.

9.11 The proposal is considered to be in keeping with the local character of two storey development and a number of examples of development to the rear of properties fronting the established roads in the area, such as Alderson Close, which is opposite the site. A further consented example is 'Land to the rear of Neuchatel', Chavey Down Road, Winkfield Row, which has permission for 5 no five bed dwellings.

9.12 Comments have been raised in relation to the layout and design of the proposal including the assertion that the development will break the linear pattern of Locks Ride, and will introduce terraced housing onto a road comprised solely of detached houses.

9.13 The proposed development has been designed to reflect the existing pattern of development to the south along Locks Ride, with the height, spacing and appearance of the two buildings fronting onto Locks Ride reflecting the form of development to the south.

Furthermore the applicant has purposely designed the housing fronting Locks Ride to give the appearance of two large detached dwellings which are set back approximately 15m from Locks Ride.

9.14 The proposed development is considered to be consistent with the Character Area Assessment for the area, as is evident by the development's defined frontage onto Locks Ride. The proposed dwellings will retain and strengthen the linear pattern along the road and will not erode the street landscape and allow for further soft landscaping immediately adjacent to the street frontage

9.15 It is considered that this proposal is of a comparable density (28 dph) to the general locality and as such would not detract from the overall character of the area.

9.16 It is considered that this proposal for 6no. dwellings, subject to the recommended conditions, would not result in an adverse impact on the character and appearance of the area to warrant a refusal. It would therefore not be contrary to CSDPD Policy CS7, BFBLP 'Saved' Policy EN20 or the NPPF.

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

9.17 This proposal has greatest potential to impact upon the amenities of the nearest residential property namely no.85 Locks Ride that shares the sites southern boundary.

9.18 The proposed 4 bedroomed dwelling (plot 1) is positioned on a similar alignment to no 85 Locks Ride and retains a building separation distance of between 5m and 7m. The indicative floor plans and elevations indicate a single first floor side facing window serving a stairway which the applicant has annotated to be obscure glazed therefore avoiding any privacy issues arising from the positioning of a window in the upper side elevation immediately adjacent to no.85.

9.19 A key concern raised is the right angled positioning of plots 4-6 to the common boundary forming the rear garden to no.85 Locks Ride. It is generally accepted that the most private area that should be afforded privacy is the area immediately to the rear elevation of any dwelling and the accepted back to back separation distance normally sought between two storey dwellings is 22m. It is noted as shown on the proposed layout drawing that plot 4 does maintain a separation distance of at least a 22m so this cannot be considered so harmful as to warrant a reason for refusal. The applicant has also indicated that at least two existing trees are to be retained and some additional soft landscape screening is also proposed along this common boundary to help mitigate the impacts.

9.20 As such, the proposal is not considered to have any unacceptable impacts upon the existing residential amenities of neighbouring properties or the residential amenities of the future occupiers of the new homes proposed. The proposal would therefore be in accordance with BFBLP 'Saved' Policy EN20 and the NPPF.

### **iv. TRANSPORT IMPLICATIONS**

9.21 The provision of 2 car parking spaces per 3 bed dwelling and 3 car parking spaces per 4 bed dwelling which complies with the Council's current Parking Standards.

9.22 The applicant has also shown that each plot will include a rear shed sufficient to provide secure cycle storage for each property which complies with the Council's current Parking Standards.

9.23 This proposal is likely to generate 35 two-way trips per day, including four or five movements in both peak periods based on trip rates for family dwellings.

9.24 One visitor parking space is provided just off the access road opposite to plot 3.

9.25 The development is acknowledged as being in a relatively unsustainable location as the only nearby facilities are a community hall and primary school and bus services are infrequent.

9.26 In terms of access to services for future occupants the nearest bus stops are located within 160m to the south of the development site along Locks Ride, which is an acceptable walking distance to a bus stop. These stops are served by the 162 and 162a bus services between Bracknell (via Whitegrove, including the Tesco superstore), Winkfield Row and Ascot. Services are infrequent (every one and half hours) and do not operate during evenings and on Sunday. Also, local facilities are limited.

9.27 The relative unsustainability of the site needs to be considered in the planning balance. Notwithstanding this, the Highway Authority is satisfied that the proposed access off Locks Ride, would suitably mitigate the traffic and safety impacts of the 6 new dwellings being created on this site.

9.28 The Highways Officer is content to support this proposal on the basis of the site layout as submitted.

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

## **v. TREES AND BIODIVERSITY**

9.30 The site comprises a large protected large Oak Tree (T14) which is positioned to the south east corner of the site fronting Locks Ride (TPO 81 Tree No. T14). A further 2 TPO trees are located just off site however their respective Root Protection Areas (RPAs) marginally encroach into the northern part of the site but are not considered to be impacted upon by the proposed layout.

9.31 The Tree Service is not convinced that the associated RPA of the protected Oak Tree (T14) located to the south east corner is accurately shown as it is not considered it takes full account of the road infrastructure to the east. Therefore the proposed plot 1 is not shown to result in any encroachment of this tree's RPA on the current layout drawing and is noted to have an intervening distance of 13.65m. This may need in part to incorporate special foundations to avoid adversely impacting upon this trees long term survival. It is considered on balance that such detail can be secured by condition.

9.32 T14's RPA is encroached by hard-surfacing as a result of 1 car-parking bay (a reduction from that as originally submitted) and a footpath, and the plan states that the car-park surfacing is to be specialist 'no-dig' construction however details will need to be secured by condition as to how this will marry-up with the levels of the remainder of the proposed surfacing.

9.33 The Tree Service is not willing to support this proposal until the applicant submits further supporting information including routing of services, however it is considered that sufficient information has been submitted in relation to an outline application to consider whether the layout in principle can be achieved.

9.34 In respect of Biodiversity matters, paragraph 99 of the Government Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System (NB this document has not been revoked by the National Planning Policy Framework) states that: *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted."*

9.35 The applicant has demonstrated by undertaking an ecological assessment of the site that 89 Locks Ride does not currently host a bat roost (either in the buildings or in the false acacia tree), and that subject to a precautionary method statement, reptiles and great crested newts will not be harmed by the proposals, the application would comply with the above planning policy.

9.36 Surveys carried out in May 2017 have shown that the buildings and or trees do not host a bat roost and, as such, there should be no bat related constraints to the proposals to redevelop the site.

9.37 Great crested newts have been recorded in terrestrial habitat 70m from the application site but it is considered unlikely that they are present within the application site itself. However, as a precaution, it is recommended that the site is cleared carefully under the supervision of a suitably qualified ecologist to minimise this risk further (the method statement will ensure that reptiles are also not harmed in the unlikely event that they are present on the site).

9.38 Care would also need to be taken to ensure that nesting birds are not harmed during works and new planting should comprise predominantly native and wildlife friendly species.

9.39 The Biodiversity Officer is supportive of this proposal on the basis of the applicant's submitted Ecological Assessment dated 02 June 2017 and its findings subject to a number of conditions.

9.40 In terms of common access (pathways and vehicle turning areas) and landscaping areas the applicant has confirmed such areas will be managed on a communal basis (i.e. by a management company) and not subdivided into private ownership.

9.41 Therefore subject to suitably worded conditions, the proposal is considered to comply with CSDPD Policies CS1 and CS7, BFBLP Policies EN2 and EN20, and the NPPF.

## **vi. SPA**

9.42 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 4.65km 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.

9.43 On commencement of the development, a contribution (calculated on a per-bedroom basis) is to be paid to the Council towards the cost of measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Council's Thames



Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPD) and the Planning Obligations SPD. The strategy is for relevant developments to make financial contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the SPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures which Natural England will spend upon the SPA land. The Council will also make a contribution towards SANG enhancement works through Community Infrastructure Levy (CIL) payments whether or not this development is liable to CIL.

9.44 In this instance, the development would result in an increase of 4no. 3 beds and 2no. 4 bed dwellings minus the existing 5 bed dwelling to be demolished resulting in a total SANG contribution of £10,411.

9.45 The development is also required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which will also be calculated on a per bedroom basis. Taking account of the per bedroom contributions this results in a total SAMM contribution of £3,406.

9.46 The total SPA (SANG +SAMM) related financial contribution for this proposal is £13,817.

9.47 The applicant will need to secure this contribution and a restriction on the occupation of each unit of accommodation until the open space enhancement works to a SANG is completed.

9.48 Subject to the satisfactory completion of a S106 agreement securing the SPA Mitigation this proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP Saved Policy NRM6, Saved policy EN3 of the BFBLP and CS14 of CSDPD, the Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD, the Planning Obligations SPD and the NPPF.

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

9.49 Since the Government's Ministerial statement of the 26th March 2015 for residential development CSDPD Policy CS10 requires the submission of a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day. The applicant has not submitted a Sustainability Statement covering water usage .

9.50 CSDPD Policy CS12 requires the submission of an Energy Demand Assessment demonstrating that a proportion of the development's energy requirements will be provided from on-site renewable energy production which the proportion shall be at least 20% for 6 new dwellings including an explanation of the proposed choice of renewable energy to be installed. It should also be demonstrated how the development's potential carbon dioxide emissions will be reduced by at least 10%.

9.51 These matters are therefore recommended to be secured by conditions, to ensure this proposal would not conflict with CSDPD Policies CS10, CS12 and the provisions of the NPPF.

9.52 Further guidance on how to address the requirements of policies CS10 and CS12 can be found in the Council's Sustainable Resource Management SPD- 2008 (<http://www.bracknell-forest.gov.uk/srm>)

## **viii. DRAINAGE**

9.53 As this proposal is under 1 Ha and comprises fewer than 10 dwellings (6 in this case); it would not normally require a SUDS scheme under national policy, however the Applicant is still required to demonstrate that the increase in hardstanding associated with the scheme will not increase flood risk off-site.

9.54 The site is situated in Flood Zone 1, and currently comprises a single dwelling on a relatively large plot with associated outbuildings and hard standing. Following discussions with the Council's Drainage Engineer the Applicant has undertaken a detailed survey of the existing site drainage and has identified existing connections from the development to a ditch situated outside of the property and both surface and foul water connections to the Thames Water foul sewer in Locks Ride. The Applicant has stated that legal rights exist for the existing surface water connection to be used and that no off site works to ditches on third party land are required to be carried out. The Applicant has gone on to state that given that the existing storm water connections serving the site are proven and legal, that any works proposed on the third party land would be required to take account of these existing connections by those proposing the works. Therefore any works to the potential access to the development site to the rear of 89 Locks ride would need to consider and protect the existing storm water rights. In terms of riparian rights the third party owner would also be responsible for current and future maintenance liabilities.

9.55 Notwithstanding that the Applicant has proven that existing connections are present to the ditch, there is also a proven connection of surface water to the Foul Sewer. Whilst the Council's Drainage Engineer would normally oppose connecting surface water to foul sewers, we acknowledge that the Developer currently has a right to connect and as such, subject to confirmation with Thames Water that the development would not increase flood risk off site, the developer would be able to seek connection for combined drainage to the existing public sewer as an alternative.

9.56 The Applicant is proposing to pump surface water which again is not the preference for the Council's Drainage Engineer. However levels are such that the Applicant has demonstrated that this is likely to be the only viable solution. In the event of a failure of the pumping station exceedance routing would be towards the ditch to the north or contained within the site given the flat nature of the permeable paving.

9.57 The developer has provided a drainage strategy showing that permeable paving under the private driveways, and access road would provide the necessary storage volume to attenuate the site to the existing greenfield runoff rates.

9.58 The Applicant has modelled the permeable paving as a tank representing the volume of permeable paving present across the site. The model has included an area of storage above ground to represent the flooded volume that would be contained within the site during the 1 in 100 year + 40% storm event. The results show only 8mm of flooding across the site during the extreme event which the Applicant has confirmed would not pose any risk to properties.

9.59 The Council's Drainage Engineer is therefore satisfied on the basis of the accuracy and completeness of the data submitted to date that this proposal can be supported subject to a number of conditions securing a full surface water drainage scheme detailing any on- and off-site drainage infrastructure works and how the surface water drainage shall be maintained and managed after completion to avoid conflicting with CSDPD Policy CS1 and and the NPPF.

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

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

9.61 CIL is only applicable to any new build that involves the creation of additional dwellings, and in this case the creation of 6no. dwellings is CIL liable.

## **x. PLANNING BALANCE**

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

### Consideration of benefits of the proposal

#### *Economic Role*

9.63 Given the small scale nature of this proposal, the fact that the applicant is a small developer increases the likelihood that this scheme could be completed within the next 3-5 year period. As the Council does not currently have a 5 year supply the provision of these dwellings carries significant positive weight.

9.64 This development would also result in a reasonable infrastructure contribution as the development falls within the Winkfield CIL chargeable area amounting to moderate positive weight.

9.65 It is considered that the economic benefits aside from the provision of additional dwellings, such as supporting the local economy through the creation of construction jobs and people spending at local shops once the dwellings are occupied, carry more limited weight given Bracknell's strong economy.

#### *Social Role*

9.66 The proposal provides for 6 good quality family homes of mixed tenure that would make a small contribution to the boroughs demand for new homes. It is considered that this is a matter to which significant positive weight can be afforded.

#### *Environmental Role*

9.67 The proposal involves development on a site which, in part lies outside of the settlement of Chavey Down. A small proportion of the development site to the west forming the most rear part of the existing dwellings garden area would result in the positioning of 1no. complete dwelling and part of another to be built on land just outside the settlement boundary. This element of the proposal would conflict with development plan policies which seek to protect the character, appearance and function of the countryside. However this small proportion of the site has always fallen to residential use and as such could be built upon under unrestricted permitted development rights that currently exist. It is therefore considered this would only amount moderate negative harm.

9.68 New housing would result in more energy efficient homes comparable with much older housing. It is considered that this is a matter to which moderate positive weight can be afforded.

9.69 The proposal seeks to retain the only protect tree within the site and further seeks as part of the proposal mitigate the impacts of the development itself by proposing an extensive soft landscaping scheme to green the site so far as possible. The retention of vegetation on the site's boundaries, coupled with parts of the site having a further setback from Locks Ride, will mitigate the visual impact of the proposal when viewed from outside the site.

9.70 It is not considered that this development proposal would be unreasonably isolated from the surrounding community and still would be within a short walking distance of a local bus service albeit noted to be an infrequent service. Therefore future occupants are likely to be reliant upon a private motor vehicle. However, given the relatively short distances to local services and scale of this development this element is only given moderate negative weight.

9.71 Overall it is not considered given the proportion of the site falling outside the settlement boundary against its existing use as garden associated with the residential dwelling itself and its location to the settlement and the scale of this particular proposal it is not considered that the adverse impacts (harm) arising would significantly and demonstrably outweigh the benefits.

## **10. CONCLUSIONS**

10.1 Whilst the majority of the site is within the defined settlement a small proportion of the site to the rear falls outside the settlement boundary resulting in one of the 6 dwellings (plot 6) and part of plot 5 falling to land defined as land outside settlement which has always been used as garden area associated with 89 Locks Ride. This element of the proposal would be contrary to the development plan and would cause some harm to the character and appearance to wider countryside to the rear of the site.

10.2 As set out at the start of this report the Council cannot currently demonstrate a 5 year supply of housing land. It therefore falls for a recommendation to be made by weighing up the benefits associated with this application against the harm. In this instance it is considered that the adverse impacts identified above would not significantly and demonstrably outweigh the benefits of the proposal in providing 5 (net) dwellings.

10.3 It is therefore considered that this proposal should be approved subject to appropriate conditions relating to highways, biodiversity, sustainability, tree protection, landscaping, drainage and the satisfactory completion a legal agreement to secure SPA contributions. The proposal is considered to accord with 'Saved' Policies EN20 and M9 of the BFBLP, CS1, CS2, CS7 and CS23 of the CSDPD and Policy CP1 of the SALP, all in accordance with the NPPF.

## **11. RECOMMENDATION**

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

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

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

01. Application for approval of the details of the landscaping of the development (hereinafter called "the reserved matters") shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. 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

02. 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.

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

17- J1758 - LP01 Site Location Plan - received 22.12.17

17-J1758 - 101H - Site Layout - received 04.01.18

17-J1758 - 102B - Plots 1-6 Floor Plans & Front Elevations - received 04.01.18

17-J1758 -103B - Site Section & Street Scene - received 09.10.17

17-J1758 -105 - Proposed Indicative Elevations - received 04.01.18

Ecology Assessment and bat survey (02 June 2017) - received 02.06.17

Proposed surface water drainage layout 'for planning use only' reference FC2730/02

ABMH Microdrainage calculations Date 18/12/2017 14:43 Designed by MH File FC2730 89  
Locks Ride

ABMH Drainage Strategy letter dated 09/11/2017 Ref: FC2730/MH

Emails from Mark Hobbs to Julia Greene Dated 18th December 2018, 1st December and 30th November

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

03. 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]

04. No development shall take place until samples of the materials to include bricks and roof tiles and other hard surfaces 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 Saved Policy EN20, Core Strategy DPD Policy CS7]

05. 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.

[Relevant Policies: BFBLP EN25 and EN20, CSDPD CS7]

06. 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 or public holidays. 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.

[Relevant Policies: BFBLP EN25 and EN20, CSDPD CS7]

07. No development shall take place until a full surface water drainage scheme (SWDS) 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 assessment shall include BRE365 Compliant Infiltration tests to establish whether infiltration is viable on the site. The drainage strategy shall be informed by the geotechnical investigation and demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm with a suitable allowance for climate change and allowances for urban creep included (results for 1 in 1, 1 in 2, 1 in 30, 1 in 100 and 1 in 100 + 40%), will not exceed the run-off rates and volumes from the existing site and that flood risk will not be increased elsewhere. The strategy should include detailed levels design to demonstrate exceedence routing throughout the development in the event of a failure of the pumping station, and calculations demonstrating sufficient water quality treatment times are provided within the SUDS scheme.

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

[Relevant Policies: Core Strategy DPD Policy CS1]

08. Development shall not commence until a drainage strategy detailing any on- and off-site drainage works required to improve the capacity of the existing drainage infrastructure, along with proposed points of connection, has been submitted to and approved by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

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

[Relevant Policies: Core Strategy DPD Policy CS1]

09. No development shall take place until full details of the Drainage System(s) have been submitted to and approved in writing by the Local Planning Authority. These shall include: Full details of all components of the proposed drainage system including

- dimensions, locations, gradients,
- invert and cover levels,
- headwall details,
- collector pipes,
- catchpit locations and filter specifications,
- Services locations in private areas
- Constructions details for permeable paving, including check dam locations and service crossings,
- Surface water pumping station specification and measures securing longterm ownership and responsibility for maintenance.

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

[Relevant Policies: Core Strategy DPD Policy CS1]

10. No development shall commence until details of how the surface water drainage shall be maintained and managed after completion have been submitted to and approved in writing by the Local Planning Authority. The details shall include confirmation of the required

maintenance activities with expected frequency, together with site specific assessments included to demonstrate that health and safety has been fully considered in the design and that access and egress for future residents will be maintained during any operations to repair or replace drainage features.

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

[Relevant Policies: Core Strategy DPD Policy CS1]

11. No building or use hereby permitted shall be occupied or the use commenced until the sustainable urban drainage scheme for this site has been completed in accordance with the submitted details. The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. Written confirmation of agreements for the management and maintenance of the drainage scheme shall be submitted and approved by the local planning authority.

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

[Relevant Policies: Core Strategy DPD Policy CS1]

12. No development shall commence until a detailed site specific construction method statement for all hard surfaced areas of any description within the minimum root protection areas of retained trees calculated in accordance with British Standard 5837:2012 'Trees In Relation To Construction Recommendations', or any subsequent revision, has been submitted to and approved in writing by the Local Planning Authority. Details shall be based on a porous 'No-Dig' principle of construction, avoiding any excavation of existing levels in all areas concerned, and shall include: -

- a) An approved development layout plan identifying all areas where special construction measures are to be undertaken including special foundations
- b) Materials including porous surface finish.
- c) Construction profile/s showing existing /proposed finished levels together with any grading of levels proposed adjacent to the footprint in each respective structure.
- d) Programme and method of implementation and arboricultural supervision.

The Construction Method Statement shall be implemented in full accordance with the approved scheme, under arboricultural supervision, prior to the occupation of any of the dwellings hereby permitted. The No Dig structure shall be retained in perpetuity thereafter.

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

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

13. No development shall take place until:

(i) details of all proposed alterations to the ground levels within the site within 5 metres of the minimum 'Root Protection Areas' calculated in accordance with BS 5837 (2012)

recommendations (or any subsequent revision), for all existing retained trees within the site and on neighbouring land adjacent to the approved development. The details shall include:

- a) Existing and proposed finished levels.
- b) Any proposed soil level re-grading in relation to existing retained trees, hedges and other vegetation.
- c) Proposed retaining structures required to address level differences adjacent to retained trees and hedges and other vegetation, and
- (ii) a programme and method of implementation have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

15. 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.
- e) Installation/siting of any underground services, temporary or otherwise including; drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting.
- f) Parking/use of tracked or wheeled machinery or vehicles of any description.

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

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

16. 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]

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

18. No development shall take place (including demolition, ground works and site clearance) until a method statement for sensitive site clearance to avoid the potential of harm to great crested newts and reptiles has been submitted to and approved by the local planning authority. The content of the method statement shall include:

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

The method statement shall be implemented as approved.

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

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

REASON To ensure the status of protected species on site has not changed since the last survey.

[Relevant Plans and Policies: CSDPD CS1, CS7]

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

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

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

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

- (a) Parking of vehicles of site personnel, operatives and visitors
- (b) Loading and unloading of plant and vehicles

- (c) Storage of plant and materials used in constructing the development
- (d) Wheel cleaning facilities
- (e) Temporary portacabins and welfare for site operatives

and each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (e) above.

REASON: In the interests of amenity and road safety.

22. 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 comprising:-

- The access works shown on drawing 17-J1758-101 H

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

REASON: In the interests of highway safety.

[Relevant Plans and Policies: BFBLP M4]

23. No development (other than the construction of the access) shall take place until the access has been constructed in accordance with the details to be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

24. No dwelling shall be occupied until the secure cycle parking stores as approved have been provided in the location identified for cycle parking on the approved plans within the development. The cycle parking spaces and facilities shall thereafter be retained.

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

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

25. No development shall take place until details of the signing for visitor car parking spaces has 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]

26. No gates shall be provided at any point along the proposed vehicular access.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

27. No dwelling shall be occupied until the associated vehicle parking and turning areas have been surfaced and drained as marked out in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.

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

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

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

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

[Relevant Policy: Core Strategy DPD Policy CS10]

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

- (a) that before taking account of any on-site renewable energy production the proposed development will reduce carbon dioxide emissions by at least 10% against the appropriate Target Emission Rate as set out in Part L of the Building Regulations (2006), and
- (b) that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 20%).

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

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

[Relevant Plans and Policies: CSDPD Policy CS12]

**Informative(s):**

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

02. The applicant will need to enter into a Section 278 agreement with the Highway Authority for off-site highway works.

**Alternative Recommendation:**

In the event of the S106 agreement not being completed by 31 March 2018, the Head of Planning be authorised to either extend the period further or refuse the application on the grounds of:

01. The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impacts in this respect. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document, the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (2012) and the Planning Obligations Supplementary Planning Document (February 2015).

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**ITEM NO:**

Application No.  
**17/00948/FUL**

Ward:  
Little Sandhurst And  
Wellington

Date Registered:  
4 September 2017

Target Decision Date:  
30 October 2017

Site Address:

**Fox and Hounds Hancombe Road Sandhurst  
Berkshire GU47 8NP**

Proposal:

**Extension and conversion of existing public house to 2 no. dwellings following demolition of existing single storey extensions and erection of 2 no. dwellings with associated parking and landscaping.**

Applicant:

WPD 5 Ltd.

Agent:

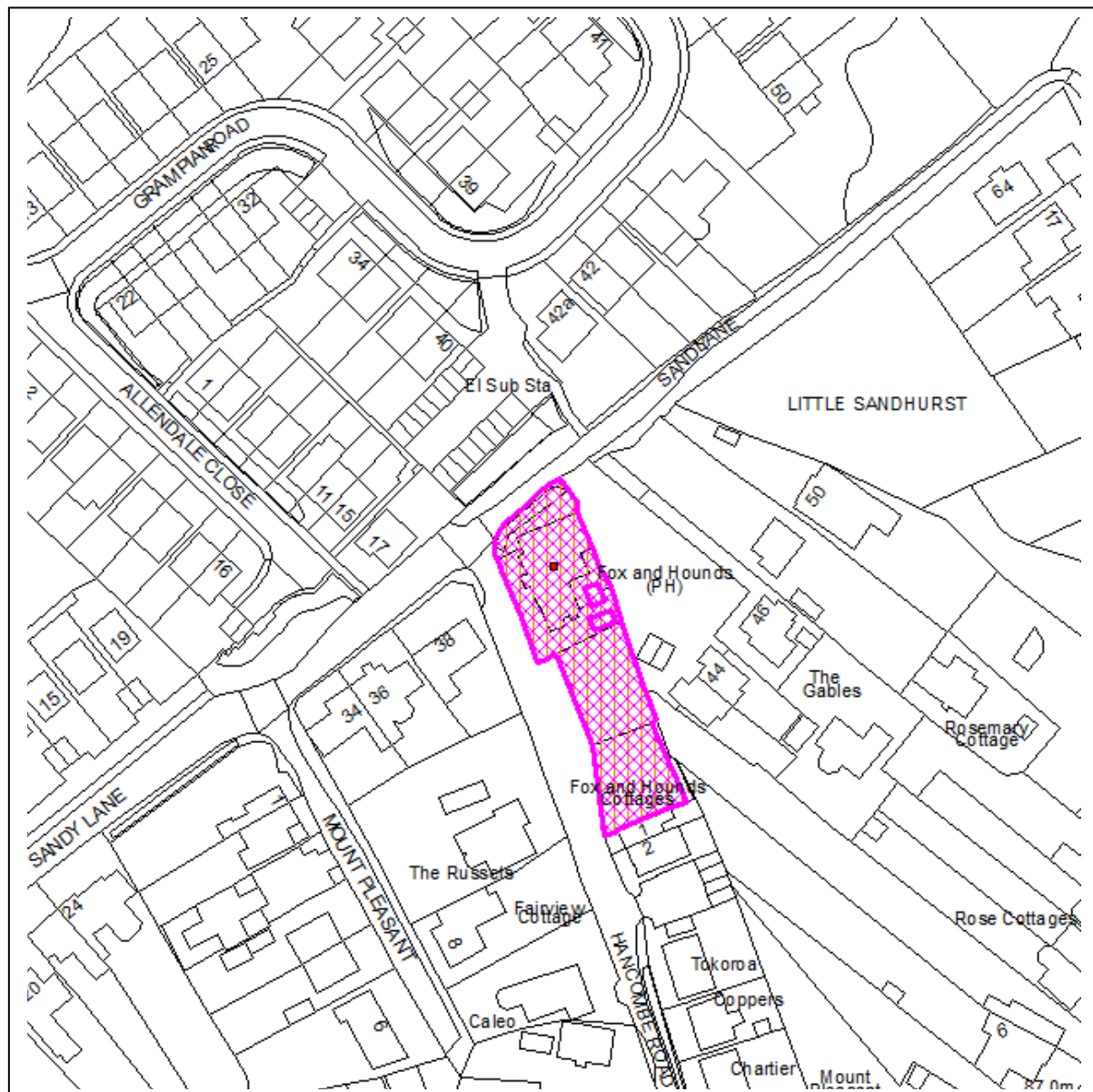
Wakelin Associates

Case Officer:

Michael Ruddock, 01344 352000

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

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



## **OFFICER REPORT**

### **1. SUMMARY**

1.1 The proposed development is for the conversion and extension of the existing public house to form two dwellings, and the erection of two additional dwellings to the side of the existing building. The development would consist of 3no. three bedroom dwellings and a four bedroom dwelling. Parking spaces would be provided adjacent to the highway and each dwelling would be provided with a garage.

1.2 The proposed development relates to a site within the settlement boundary. It is not considered that the development would result in an adverse impact on the streetscene or the character and appearance of the area. The relationship with adjoining properties is acceptable and it is not considered that the development would result in an unacceptable impact on highway safety or biodiversity. Relevant conditions will be imposed in relation to sustainability. A Section 106 legal agreement will secure contributions for SPA mitigation and the scheme is CIL liable.

<b>RECOMMENDATION</b>
Delegate to Head of Planning subject to the conditions in Section 11 of this report and the completion of a Section 106 Agreement.

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

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

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

<b>PLANNING STATUS</b>
Within Defined Settlement
Within 5km of the SPA

3.1 The existing site consists of the Fox and Hounds, a vacant public house with two bedroom dwelling at first floor level and a beer garden and car park to the side with additional parking to the front of the beer garden. It has a width of approximately 60m and depth of approximately 20m. The site fronts Hancombe Road and runs north to south with the existing building at the north of the site and the garden and car park to the south. The site is bordered by Fox and Hounds Cottages to the south and by 42 Sandy Lane to the east at the rear. Properties facing towards Sandy Lane to the north are located west of the site as well as The Russets, a property fronting Hancombe Road.

3.2 The site has vehicular access onto Hancombe Road and can also be accessed by Sandy Lane. Both roads are private unadopted highway. Consequently the 'red line' marking the application site has been drawn to up to the boundary with the adopted highway on both Hancombe Road and Sandy Lane to demonstrate access. Notice has been served on any property with an access onto these roads where the red line has been drawn. The site is not affected by any Tree Preservation Orders.

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

4.1 Planning history for the site consists of extensions and alterations to the public house only:

Application 18207 - Application for erection of ladies toilets, off existing porch - APPROVED 1972

Application 18471 - Saloon bar extension - APPROVED 1972

Application 18763 - Demolition of existing lean-to and formation of car park - APPROVED 1973

Application 19822 - Erection of precast concrete garage - APPROVED 1973

Application 606553 - Single storey side extension forming toilet block - APPROVED 1981

## **5. THE PROPOSAL**

5.1 The proposed development is for the extension of the existing building and its conversion to form two residential dwellings following the demolition of two existing single storey extensions, and the erection of two further dwellings on land to the south of the existing building along with associated garages, parking and landscaping.

5.2 The two extensions to be demolished are either side of the existing building. They would be replaced with two new pitched roof extensions. The extension to the north of the building would have a width of 4.0m and a depth of 6.0m, and the extension to the south would have a width of 3.8m and a depth of 6.2m. Both extensions would have a height of approximately 6m, with dormers in the rear elevations. An extension would also be constructed to the rear of the existing building with a depth of 2.7m, a width of 7.4m and a height of 7.8m matching the height of the existing dwelling. This extension would form part of each of the new dwellings within the converted public house.

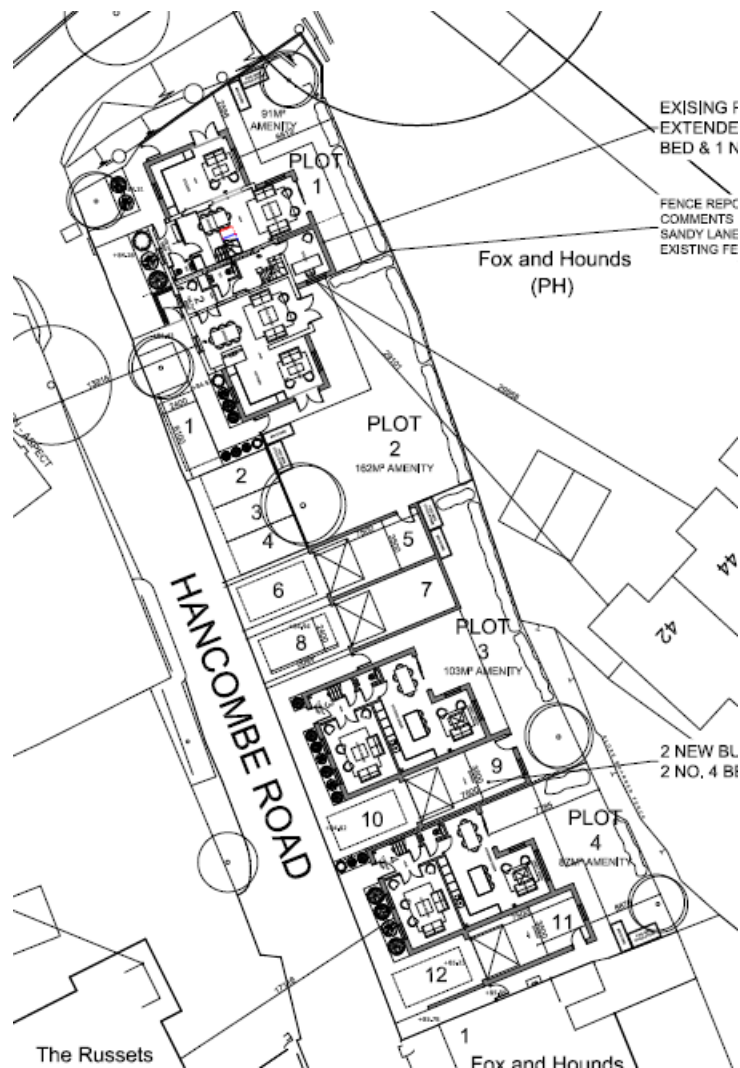
5.3 The converted building would consist of two plots, Plot 1 to the north and Plot 2 to the south. Plot 1 would be a three bedroom dwelling with a dining room, kitchen, family room, living room and bathroom. It would have an amenity area to the rear of the existing building and a new 1.8m close boarded fence would be sited on property boundary to the north of Plot 1. Plot 2 would be a four bedroom dwelling with a dining room, living room, kitchen, family room, study, bathroom and two en suites. It would have an amenity area to the side of the existing building. Parking would be located forward of Plot 2 and its amenity area, with a garage for each dwelling located to the south between Plot 2 and Plot 3. These would be a hipped roof double garage structure with a height of 5m. Further parking spaces would be located forward of the garages.

5.4 The two new build dwellings (Plots 3 and 4) would be constructed to the south of the existing building, on land that was formerly a beer garden and car park serving the pub. Both dwellings would have a width of 7.5m and a ridge height of 8.0m with a hipped roof design. They would have a main two storey element with a depth of 7.8m with an additional single storey element to the rear. Both dwellings would have integral single storey garages to the side. The single storey elements would all have flat roofs with a height of 3.2m.

5.5 Plots 3 and 4 would both be three bedroom dwellings. They would both have a living room, kitchen/diner and family room at ground floor level and a bathroom and en suite at first floor level. Both dwellings would have an amenity area to the rear, with parking in the integral garage with an additional space forward of the garage.

5.6 All four dwellings would have a bin store and cycle store in the rear garden. The bin stores would have a height of 1.29m and the cycle stores a height of 1.34m. Twelve parking spaces would be provided overall four in garages and eight on hardstanding and driveways.

New fencing is shown between the amenity areas at the rear of the plots and also to the side of Plot 1 fronting Sandy Lane. Areas of landscaping are shown forward of all four properties.



5.7 During the course of the application a number of amendments have been made. Originally Plots 3 and 4 were semi detached dwellings with four bedrooms, therefore the size and bulk of these dwellings have been reduced. These amendments included a reduction to the height and bulk of the main roof, and the removal of bedrooms above the garages. The dwellings have also been set back in line with the building line to the south. The four garages have been enlarged and the rear boundary fence re-positioned to ensure no encroachment onto No.42 Sandy Lane at the rear.

## 6. REPRESENTATIONS RECEIVED

### Sandhurst Town Council

6.1 Comments were provided on the application as originally submitted, and refusal was recommended for the following reasons:

- The size and scale of the proposed new dwellings would be out of keeping with the design of nearby dwellings and would have an undesirable and unneighbourly impact on the overall appearance of the area.



- The proposal as a whole represents a cramped development taken to the boundary of the plot which would be out of keeping with the existing pattern of development in the area, and in particular would be detrimental to the amenities of adjoining dwellings.

Should the local planning authority be minded to approve the application, the members request the following be considered:

- Preclusion of development in the loft space of the 2 no. new dwellings.
- That during the development phase, due respect is given to access and buried utilities of neighbouring properties who have collective responsibility for 50% of the unadopted Hancombe Road.

*[OFFICER COMMENT: The size and scale of the development has been reduced since these comments were made, which included a reduction to the overall volume of the roofs. Access is considered below.]*

#### Other representations:

6.2 In response to the application as originally submitted, seventeen objections were received from local residents. The applicants then undertook a consultation with local residents, which resulted in the submission of the amended plans which are now under consideration. Following the submission of the amended plans, eight of these objections have been withdrawn however nine objections remain. The concerns raised can be summarised as follows:

- Scale of the development excessive and out of character with the area. Development would be out of keeping with the area.
- Concerns with regard to access to the site for construction vehicles along the private, unmade road.
- Concerns with regard to parking and an increase in traffic. Road is used by school children.
- Loss of privacy to neighbouring properties due to overlooking.
- Impact on visibility due to fencing and shrubs around the junction between Sandy Lane and Handcombe Road.
- Potential for disruption to electricity and phone lines which cross the site.

*[OFFICER COMMENT: This is not a material planning consideration.]*

6.3 Originally concerns were raised with regard to the height of the dwellings, a loss of light to the property to the west opposite the site, and the rooms above the garage, however the neighbours that raised these concerns have confirmed that they have been addressed.

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

### Highways Officer

7.1 The proposed development would not cause an increase in traffic movements and following amendments the parking acceptable. Concerns were raised with regard to access for construction vehicles, however these have been addressed through the submission of a draft Construction Management Plan and the use of conditions.

### Biodiversity Officer

7.2 Recommend conditional approval.

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

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

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	consistent
Residential Amenity	Saved policy EN20 of BFBLP	consistent
Highway Safety	CS23 of CSDPD, Saved policy M9 of BFBLP	consistent
Biodiversity	CS1 and CS7 of CSDPD	consistent
Sustainability	CS10, CS12 of CSDPD	consistent
SPA	NRM6 of SEP, CS14 of CSDPD, EN3 of BFBLP	consistent
<b>Other publications</b>	National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). Design SPD, Character Area Assessments SPD, Parking Standards SPD, Thames Basin Heaths SPA Avoidance and Mitigation SPD, Planning Obligations SPD.	

9.1 The key issues for consideration are:

- I Principle of the Development
- ii Loss of a Public House
- iii Impact on character and appearance of the area
- iv Impact on residential amenity
- v Transport implications
- vi Biodiversity Considerations
- vii Sustainability
- viii SPA
- ix Community Infrastructure Levy

### i. Principle of the development

9.2 The Fox and Hounds is located within a defined settlement as designated by the Bracknell Forest Borough Policies Map. Due to its location and nature, the proposal is considered to be acceptable in principle and in accordance with CSDPD CS1 (Sustainable Development), CS2 (Locational Principles) and the NPPF subject to no adverse impacts upon the character and appearance of the surrounding area, residential amenities of neighbouring properties, highway safety etc. These matters are assessed below.

### ii. Loss of a Public House

9.3 Para 235 of the CSDPD refers to community functions. It states that "many retail units are hubs of the community...Units that perform an important community role including post offices, convenience stores, chemists and pubs will be protected. Planning applications involving their loss by redevelopment or change of use will not be allowed unless exceptional circumstances have been proven and an equivalent or better replacement facility has been

secured". Paragraph 70 of the NPPF requires Local Authorities to plan positively for the provision of community facilities such as public houses to enhance the sustainability of communities and residential environments. This infers a presumption against a proposal resulting in the loss of such a facility which is not justified.

9.4 The application is accompanied by a Viability Report prepared by Neil King of Andrew Crease and Co which sets out justification for the loss of the existing public house, the Fox and Hounds. This sets out that the property was acquired by the applicant in March 2017 vacant and has remained so since. It had been acquired by Enterprise Inns in 2002 and remained under their ownership prior to its closure and subsequent sale. Enterprise Inns is one of the largest pub owning companies in the UK with 4,470 pubs owned nationwide at the end of the accounting year of 2016. The pub was operating on a tied tenancy basis with the tenant tied to a specific product range. Responsibility was on the tenant to maintain the building and to make improvements at their own expense.

9.5 The pub became vacant when it was given up by the existing tenant. A new tenant was sought for the business when it was marketed by specialist leisure agents, Fleurets, for lease. Having failed to secure a letting in the market, the property was placed with a local commercial property agent who sold the property to the applicant. Since then, some informal attempts have been made to find a temporary tenant for the property without success.

9.6 The report sets out that the level of assessment required to bring the property back into beneficial use as a public house is prohibitive. Such investment is considered unworkable by reason of poor trading prospects and the physical circumstances of the site. Furthermore there are number of alternative public houses within a 0.5 – 1 mile (0.8-1.6km) radius of the site which offer a diverse range of mixed food and beverage options, in particular the Bird in Hand which is located a five minute walk from the site on High Street.

9.7 For these reasons, the report sets out that the property is unlikely to attract interest from potential public house operators going forward, and that the most likely purchaser of the property would be a developer looking to undertake a small scale redevelopment for residential purposes.

9.8 It is considered that the findings and the conclusions of the report are an accurate reflection of the site and the area and are not disputed. As such it is agreed that the extant use of the site as a public house is not viable. Furthermore, based on the existing provision in the locality, it is not considered that the community would be disadvantaged by the loss of the property as a public house. It is relevant here that no objections have been received at any stage relating to the loss of the public house facility, which suggests that it was not previously used extensively by the local community. It is therefore not considered that the development would be contrary to Paragraph 235 of the CSDPD or Paragraph 70 of the NPPF.

### **iii. Impact on the character and appearance of the area**

9.9 The site is within Area A: Little Sandhurst of the Sandhurst Study Area within the Character Area Assessments SPD. This states that building heights are two storey, with a variety of architectural approaches and little consistency between buildings in terms of form, style and size. The quality of the area is established by the informal plot pattern, boundary treatments and landscape rather than a distinctive form of development and/or architecture. The SPD recommends that development should be in the form of short terraces and detached houses and their orientation can vary i.e. sides of buildings can also face streets.

9.10 The majority of the existing building would remain, with the only demolition being two single storey extensions. It is not considered that the demolition of these extensions would

be unacceptable. The additional extensions to the side would be visible in the streetscene, however they would appear subordinate to main building and would be in keeping with the design of the building. The dormers would be to the rear and due to their size and location they would not result in a significant impact on the character of the area.

9.11 The rear extension would be a larger feature, however given its location within the site it would not appear overly prominent in the streetscene. As with the main dwelling, this extension would have a pitched roof and it is considered that such a design would be in keeping with the character of the existing building. It is not considered that such an extension with a depth of 2.7m would result in a disproportionate addition to the existing building.

9.12 The new dwellings would be located to the south of the main building and would be sited within a current 40m gap between the existing Fox and Hounds public house and Fox and Hounds Cottages. The dwellings would reflect the building line of the cottages to the south, and their hipped roof design would be similar to the design of these cottages. It is not considered that these dwellings would be excessive in terms of their size and bulk which has been reduced during the course of the application with a change to the roof design and the removal of first floor accommodation above the garages.



9.13 The Design SPD sets out a number of recommendations that are relevant to the proposed development. Of particular relevance are the following recommendations:

- Frontages should relate to the context of the area, in particular the relationships between existing building lines, set backs, landscaping and the continuity of the frontage.
- The design of built form should be specific to its location and role. The height, shape and form of buildings should be considered at the scale of the street frontage. New buildings should have a coherent design approach.
- Heights of buildings should respond to existing heights in the local context.

9.14 The building line and set back of the new development would reflect the existing. The design would be in keeping with existing residential development and it is considered that the development would have a coherent design approach and provide continuity to the frontage. The height of the buildings would be in keeping with the existing heights in the local context. As such it is not considered that the development would be contrary to the recommendations of the Design SPD.

9.15 In addition, the development would also provide garage accommodation for all the dwellings. A detached double garage would be provided between Plot 2 and Plot 3 which would serve Plot 1 and Plot 2. Although it would have a significant height of 5m, it would appear subordinate to the nearby dwellings and as a result of its hipped roof design it would not appear overly bulky. It would be set further back from the highway than the dwellings. The flat roof garages that would serve Plots 3 and 4 would not appear overly prominent in the streetscene.

9.16 All four dwellings would be provided with amenity areas to the rear which are considered acceptable. The spacing between the plots is considered acceptable and it is noted that there are sufficient set offs to the side to ensure that side access is provided for

all plots. The Design SPD sets out that development should reflect the existing pattern of development in terms of size and configuration, and it is considered that this is the case. Parking is provided along the frontage along with areas of soft landscaping which will break up the hardstanding. Taking account of the significant 60m width of the site, it is considered that the development would fit comfortably into the site and would not result in a cramped overdevelopment.

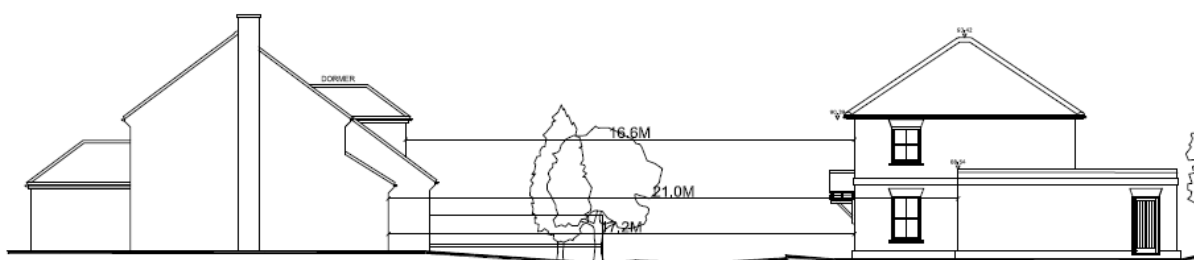
9.17 In addition to the garages, cycle and refuse storage areas would be provided to the rear of each plot. Due to their size and siting, none of these would be a significant addition to the streetscene. The new fence to the north would be visible in the streetscene however it is not considered that a 1.8m high fence set a minimum of 3m back from the highway would be an overly prominent addition to the streetscene.

9.18 As such it is considered that the development appropriately reflects the character and appearance of the area. The development therefore complies with CSDPD Policy CS7, BFBLP 'Saved' Policy EN20 and the NPPF.

#### **iv. Impact on residential amenity**

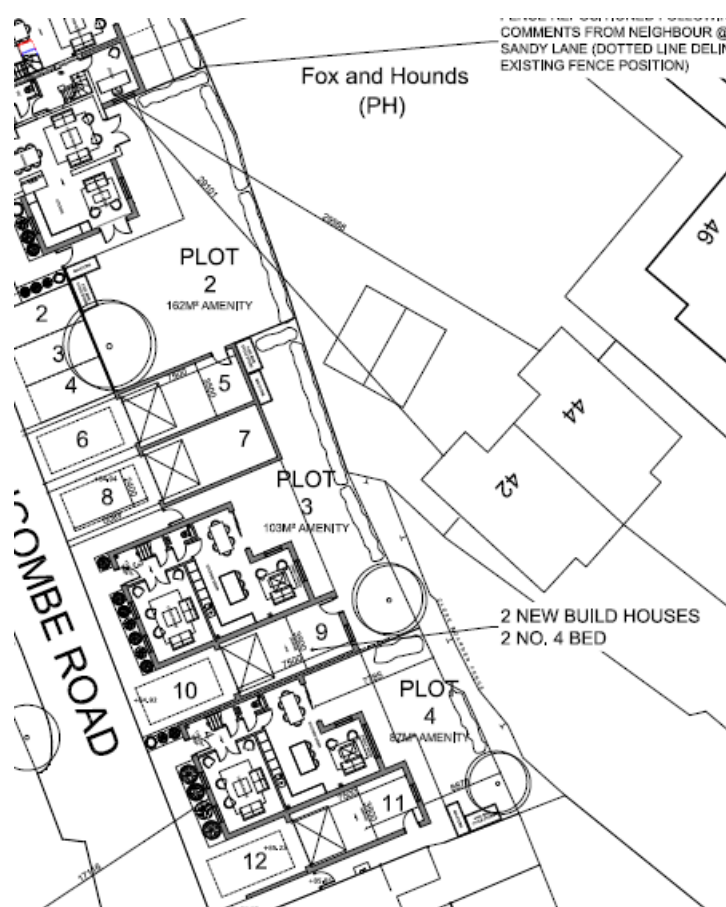
9.19 Due to the large width of the plot, the development has the potential to impact on a significant number of dwellings to the front, side and rear of the site. To the front, the development would face towards No.38 Sandy Lane and The Russets. The side elevation of No.38 Sandy Lane would face towards the site however there are no side facing windows that would be affected. The development would not result in any additional impact with regard to overlooking or overbearing, with front facing windows in the same position as existing and the only additional visible built form being the smaller additions to the side.

9.20 The Russets would face towards the new build plots, with a gap of approximately 17m at the closest point. A section drawing has been submitted to demonstrate the relationship between the properties, and such a front-to-front relationship is typical of a residential area. Furthermore the Design SPD recommends a minimum separation distance of 12m between the fronts of dwellings across streets. As such it is not considered that the development would result in an unacceptable loss of privacy or be unduly overbearing. A 25 degree line drawn on the vertical from the midpoint of the front facing window towards the nearest dwelling would not intersect the new development, and as such it is not considered that there would be an unacceptable loss of light to the front facing windows of that property.



9.21 The closest dwelling to the side is No.1 Fox and Hounds Cottages. The development would not project significantly beyond the rear elevation of that dwelling and as such would not result in an unacceptable loss of light to, or have an unduly overbearing effect on, the rear of that property. The development would be visible from a side facing kitchen window, however this room also has a rear facing window and as such the development would not result in an unacceptable loss of light to the room. A side facing bedroom window in Plot 4 would face towards the neighbouring property, and a condition is proposed to ensure that this is obscure glazed so that it does not result in an unacceptable loss of privacy to the adjacent property.

9.22 To the east, No.42 and No.44 Sandy Lane are set at an angle facing towards the site. As annotated on the Site Plan, the additional two storey rear extension would be set over 29m from the front elevation of both properties and as such would not result in an unacceptable loss of light to the front facing windows. It would be set close to the rear boundary of the site. However, as this part of the neighbouring properties is a front driveway it would not result in an unduly overbearing effect on the private amenity areas of those properties. Similarly, the dormer windows overlooking this area are not unacceptable. The side facing windows proposed in the rear and side extensions would face towards No.42 and No.44 Sandy Lane, however given the separation distances involved of 24m and 29m between windows they would not result in an unacceptable loss of privacy to those properties.



9.23 The new build dwellings would be located closer to these properties. Plot 3 would face towards the side elevation of No.42 Sandy Lane however ground floor windows face directly onto a fence and would not be affected. As such the only side facing window that could be affected is a first floor shower room window that is glazed in Pilkington Grade 1 obscure glass and this is not considered a habitable room. A loss of light to this window would not be unacceptable. The rear facing first floor windows in Plots 3 and 4 would face towards No.42 at a distance of 13m and 16m from the side elevation respectively. Whilst it is acknowledged that there could be an element of overlooking to this window, as it does not serve a habitable room it is not considered that this would warrant refusal of a planning application. Furthermore the overlooking effect is reduced by the new windows being set at an angle from the neighbouring property. The rear facing windows in Plot 4 would face towards the rear garden of No.42 Sandy Lane, however at a distance of 16m it is not considered that these would result in an unacceptable loss of privacy to that property through overlooking.

9.24 With regard to the relationships between the new dwellings, the development has been designed to ensure no loss of light or overlooking would occur between properties. Side facing windows would only overlook the amenity area of the same plot. It is considered that additional side facing windows should be restricted in the south facing side elevation of Plot 3 and both side elevations of Plot 4 to protect the amenity of future occupiers as well as the amenity of No.1 Fox and Hounds Cottages. Acceptable private amenity areas are provided for the four dwellings. As such the amenity of future occupiers would be acceptable.

9.25 The garage would be lower in height and it is not considered that it would result in an unacceptable loss of light to or have an unduly overbearing effect on the neighbouring properties. Due to the size of the cycle and refuse storage facilities it is not considered that these would result in a significant impact on residential amenity.

9.26 It is therefore not considered that the development would result in a detrimental effect on the amenity of the residents of the neighbouring properties. The development would therefore not be contrary to BFBLP 'Saved' Policy EN20 or the NPPF.

## **v. Transport implications**

9.27 The application has been accompanied by the Milestone Transport Planning document 'Transport Planning Statement' dated August 2017. This sets out that the extant use of the site as a public house could potentially demonstrate more trips, an more vehicular traffic, than the proposed use as four residential dwellings. It is agreed that this is the case, and as such the development would not result in an increase in traffic generation in comparison with the extant use.

9.28 Twelve parking spaces would be provided for the proposed development, which includes four garages with internal dimensions of 7.5m x 3.5m with a height in excess of 2.4m. As such these would comply with the size requirements for garages set out in the Parking Standards SPD. The eight driveway parking spaces also comply with the requirements of the SPD.

9.29 The development to provide 3no. three bedroom dwellings and a four bedroom dwelling would have an overall parking requirement of nine spaces. Twelve spaces is in excess of what is required by the SPD for the development, however three visitor spaces would be available. As these could be used to visitors to the new dwellings or the existing, this would be a benefit as it could result in a reduction of on street parking. Given the level of parking that would be provided by the development, it is not considered that it would result in any parking concerns.

9.30 Three of the garages would be adjacent to the property they would serve and would also provide an access door to the amenity area. The garage to serve Plot 1 (space 7) is not adjacent to that dwelling and as such it is considered likely that this would be under-utilised. However, given the level of parking that would be provided elsewhere within the development, including spaces much closer to Plot 1, this is not a significant concern.

9.31 Concerns were originally raised by the Highways Officer with regard to access for construction and service vehicles, given that the site is located along a narrow, unmade road. As a result, a draft Construction Management Plan has been submitted. There is a concern that construction traffic could damage sub layers of the existing road, as it is not built for heavy loads. The applicant has set out potential measures, such as the installation of a temporary surface, to protect the unmade surface from damage and it has been agreed with the Highways Officer that such measures, together with a condition requiring any damage to the highway to be repaired, would overcome this issue. Such a condition can be

imposed as the 'red line' for the site includes the unmade sections of Hancombe Road and Sandy Lane which are a concern.

9.32 The draft Construction Management Plan also sets out a number of mitigation measures to reduce the impact of the development during the construction phase. As this document is in draft form at present, a further condition will be imposed to secure a formal, final version of this document. The draft plan also provides swept path diagrams for construction vehicles which are acceptable, although a low wall to the front of the existing pub would need to be removed to accommodate this. Refuse storage is provided along with rear access, and collection arrangements would be the same as for the existing residential properties. Cycle storage would be available both in sheds in the rear gardens and the garages.

9.33 Visibility for access to the parking areas is acceptable as Hancombe Road is generally straight and vehicle speeds would be low given the unmade nature of the road. Side access is provided for all properties with bin and cycle storage facilities to the rear. Whilst it is noted that side access would no longer be possible to No.1 Fox and Hounds Cottages, as this existing access is over the applicant's land this is not considered unacceptable.

9.34 A concern has been raised with regard to the new fence to the northern boundary of Plot 1 and the impact that this would have on visibility, however given that this would be set a minimum of 3m back from the highway this is not considered to be a significant concern especially taking account of vehicle speeds for this area. The Highways Officer has not raised any issues with regard to this element of the development.

9.35 As such it is not considered that the development would result in an adverse impact on highway safety. The development would therefore comply with CSDPD Policy CS23, BFBLP 'Saved' Policy M9 and the NPPF.

## **vi. Biodiversity Considerations**

9.36 The application has been accompanied by a Bat Roost Assessment dated August 2017 and a further Bat Survey conducted in October 2017. These identify some evidence of bats on the existing pub and conclude that it is likely to be used by a small number of non-breeding soprano pipistrelles. The report gives a description of mitigation requirements and bat boxes on the rear elevations of the new dwellings have been shown.

9.37 The mitigation shall be secured by condition, and a further condition will restrict external lighting at the property. Subject to compliance with these conditions it is not considered that the development would result in an adverse impact on protected species. The development would therefore not be contrary to CSDPD Policies CS1 and CS7 or the NPPF.

## **vii. Sustainability**

9.38 CSDPD Policy CS10 requires the submission of a Sustainability Statement demonstrating how the proposals meet current best practice standards for water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day. The submitted Sustainability Statement (dated 11<sup>th</sup> May 2016) confirms that this would be the case, and the document will be conditioned to be complied with.

9.39 SDPD Policy CS12 requires the submission of an Energy Demand Assessment demonstrating how 10% of the development's energy requirements will be met from on-site renewable energy generation. As highlighted in the Council's Sustainable Resource Management Supplementary Planning Document (<http://www.bracknell-forest.gov.uk/srm>), an energy demand assessment should be submitted and include the following:



- A prediction of the energy demand (in kWh) and carbon emissions (in kg/CO<sub>2</sub>) for the site;
- List of assumptions used i.e. whether these have come from Building Regulations or benchmarks;
- Details of energy efficiency measures;
- A prediction of the energy demand and carbon emissions for the site taking into account energy efficiency measures;
- A feasibility study for all relevant renewable energy technologies;
- The choice of renewable energy systems proposed and the associated energy and carbon savings.

#### **viii. SPA**

9.40 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 0.6km 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.

9.41 On commencement of the development, a contribution (calculated on a per-bedroom basis) is to be paid to the Council towards the cost of measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Council's Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPD) and the Planning Obligations SPD. The strategy is for relevant developments to make financial contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the SPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures which Natural England will spend upon the SPA land. The Council will also make a contribution towards SANG enhancement works through Community Infrastructure Levy (CIL) payments whether or not this development is liable to CIL.

9.42 In this instance, the development would result in a net increase of 3no. three bedroom dwellings and a four bedroom dwelling replacing the existing two bedroom dwelling which results in a total SANG contribution of £7,381. The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which is also calculated on a per bedroom basis. Taking account of the per bedroom contributions this results in a total SAMM contribution of £2,414.

9.43 The total SPA related financial contribution for this proposal is therefore £9,795. A draft Section 106 agreement to secure this contribution and a restriction on the occupation of each dwelling until the Council has confirmed that open space enhancement works to a SANG is completed will need to be submitted. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP 'Saved' Policy NRM6, 'Saved' Policy EN3 of the BFBLP and CS14 of CSDPD, the Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD, the Planning Obligations SPD and the NPPF.

#### **ix. Community Infrastructure Levy (CIL)**

9.44 Bracknell Forest Council introduced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL is applied as a charge on each square metre of new

development. The amount payable varies depending on the location of the development within the borough and the type of development.

9.45 CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted) including new build that involves the creation of additional dwellings. The proposed development involves the creation of additional dwellings, and the development is therefore CIL liable.

## 10. CONCLUSIONS

10.1 It is not considered that the development would result in an adverse impact on the character and appearance of the local area or the amenities of the residents of the neighbouring properties. The proposed parking arrangements are considered acceptable, and the development would not result in an adverse impact on highway safety or protected species.

10.2 It is therefore considered that the proposed development complies with Development Plan Policies SALP Policy CP1, CSDPD Policies CS1, CS2, CS7, CS10, CS12, CS14 and CS23, BFBLP 'Saved' Policies EN3, EN20 and M9, SEP Policy NRM6 and the NPPF.

## 11. RECOMMENDATION

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

- Measures to avoid and mitigate the impact of residential development upon the Thames Basin Heaths Special Protection Area (SPA).

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 submitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 13.07.17, 13.10.17, 14.11.17, 18.12.17 and 04.01.18:

FH/17/PL/LP03, FH/17/PL/L01F, FH/17/PL/L02D, FH/17/PL/L10, FH/17/PL/L11, FH/17/PL/L12/E, FH/17/PL/L13/D, FH/17/PL/L20, FH/17/PL/L21, FH/17/PL/L22/E, FH/17/PL/L23D, FH/17/PL/L30A, FH/17/PL/L40E, FH/17/PL/L41/C, FH/18/PL/L50

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

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

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

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

04. No construction works shall take place until details showing the finished floor levels of the dwelling hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority. 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. No construction works shall take place until details of a scheme of walls, fences and any other means of enclosure has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of the building approved in this permission.

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

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

06. The first floor guest bedroom window in the south facing side elevation of the development hereby permitted shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent). It shall at all times be fixed shut with the exception of a top hung openable fanlight.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional windows, similar openings or enlargement thereof shall be constructed at first floor level and above in the south facing side elevation of Plot 3 and the north or south facing side elevations of the Plot 4 hereby permitted except for any which may be shown on the approved drawings.

REASON: To prevent the overlooking of neighbouring property.

[Relevant Policies: BFBLP EN20]

08. No dwelling shall be occupied until its means of vehicular access has been constructed in accordance with the approved site plan.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

09. No dwelling shall be occupied until the associated vehicle parking has been set out in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.

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

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

10. The garage accommodation shall be retained for the use of the parking at all times.

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

[Relevant Policy: BFBLP M9]

11. No dwelling shall be occupied until secure and covered parking for bicycles and storage for refuse has been provided in accordance with the approved drawings. They shall be retained as such thereafter.

REASON: In order to ensure bicycle and refuse storage facilities are provided.

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

12. Any damage to Sandy Lane or Hancombe Road that occurs as a result of construction of the proposed development shall be repaired and restored to its former condition in

accordance with a scheme to be 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 amenity and road safety.

[Relevant Policies Core Strategy CS23, BFBLP EN20]

13. The development hereby permitted shall not be begun until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- (a) Parking of vehicles of site personnel, operatives and visitors
- (b) Loading and unloading of materials
- (c) Access to the site for construction vehicles
- (d) Storage of plant and materials used in constructing the development
- (e) Wheel Cleaning facilities
- (f) 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 (f) above.

REASON: In the interests of amenity and road safety.

[Relevant Policies Core Strategy CS23, BFBLP EN20]

14. All ecological measures and/or work shall be carried out in accordance with the BSG Bat Roost Assessment dated August 2017 and the BSG Further Bat Survey received on 30 October 2017.

REASON: In the interests of nature conservation.

[Relevant Policies Core Strategy CS1, CS7]

15. The areas shown for bat roost purposes on the approved plans shall thereafter not be used for any other purpose.

REASON: In the interests of nature conservation.

[Relevant Policies Core Strategy CS1, CS7]

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and re-enacting that order, no external lighting shall be installed on the site or affixed to any buildings on the site except in accordance with details set out in a lighting design strategy for biodiversity that has first been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those area/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

REASON: In the interests of nature conservation.

[Relevant Policies Core Strategy CS1, CS7]

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

REASON: To prevent increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage scheme.

[Relevant Policies: CSDPD CS1, BFBLP EN25]

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

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

[Relevant Policy: Core Strategy DPD CS10]

19. No construction works shall take place until an Energy Demand Assessment demonstrating that at least 10% of the development's energy will be provided from on-site renewable energy production, has been submitted to and approved in writing by the Local Planning Authority. The dwelling as constructed shall be carried out in accordance with the approved assessment and retained as such thereafter.

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

[Relevant Policy: Core Strategy DPD CS12]

Informative(s):

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

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

1. Commencement
2. Approved Plans
6. Obscure glazing
7. Side facing windows
8. Access
9. Parking
10. Garages
11. Cycle parking and refuse storage
12. Damage to Sandy Lane (unless scheme needs to be submitted)
14. Ecology
15. Bat roost
16. External lighting (unless scheme submitted)
17. SuDS

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

3. Materials
4. Finished Floor Level
5. Means of enclosure
13. Construction Management Plan
19. Energy Demand Assessment

The applicant is advised that the following conditions requires discharging prior to occupation of the dwelling:

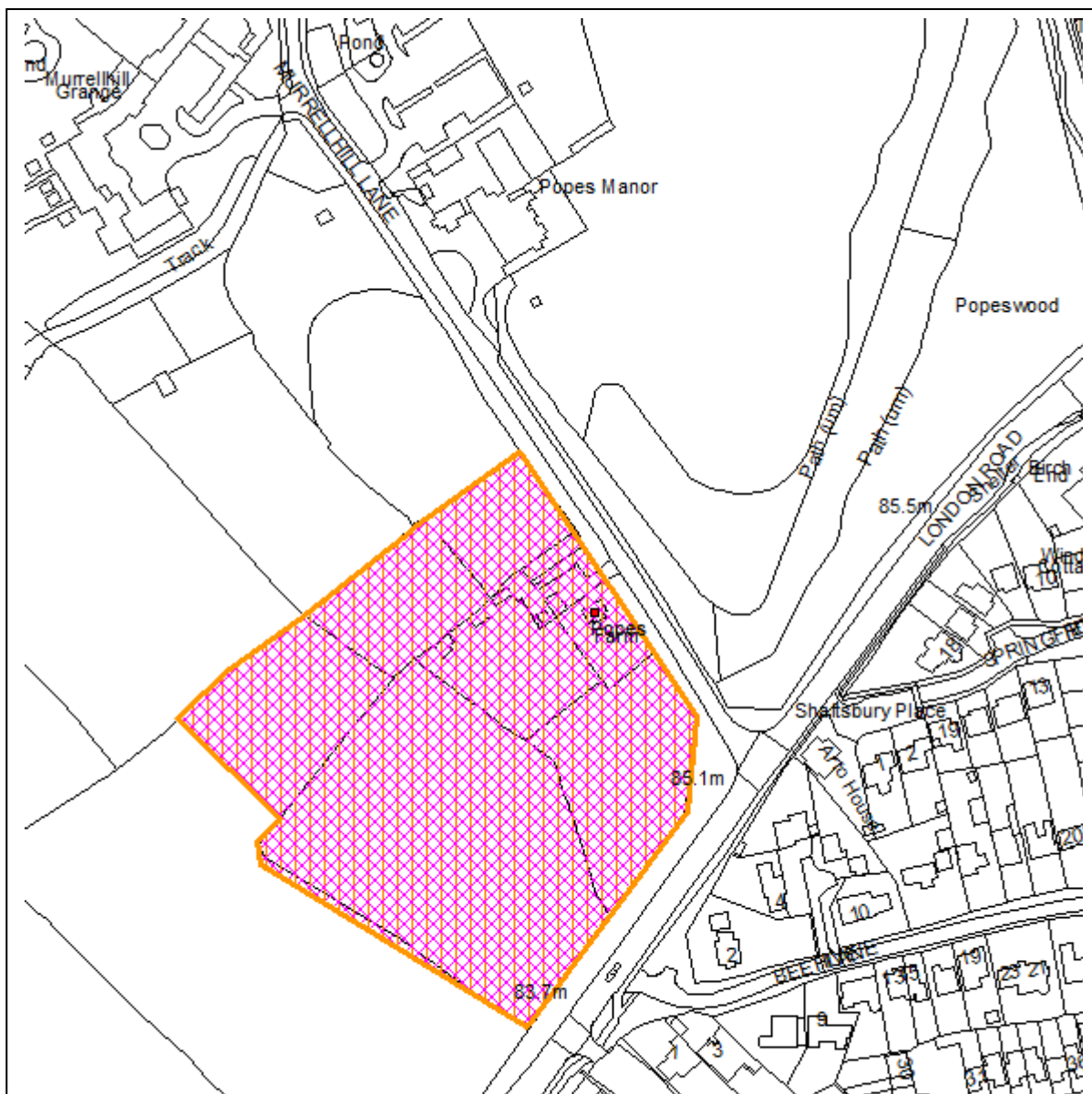
18. Sustainability Statement

**In the event of the S106 agreement not being completed by 30 April 2018, the Head of Planning be authorised to either extend the period further or refuse the application on the grounds of:**

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

<b>ITEM NO:</b>			
Application No.	Ward:	Date Registered:	Target Decision Date:
<b>17/00337/OUT</b>	Binfield With Warfield	3 April 2017	3 July 2017
Site Address:	<b>Amen Corner (North) Popes Farm Murrell Hill Lane Binfield Bracknell Berkshire RG42 4BY</b>		
Proposal:	Outline planning application for the erection of 53 dwellings, associated vehicular and pedestrian access, car parking, drainage works and landscaping, including provision of open space, and alterations to existing outbuilding to provide a car barn and cycle store following removal of existing dwelling (means of access, appearance, layout and scale to be considered, landscaping reserved for future consideration)		
Applicant:	Shanly Homes		
Agent:	Mrs Ellen Timmins		
Case Officer:	Martin Bourne, 01344 352000 <a href="mailto:development.control@bracknell-forest.gov.uk">development.control@bracknell-forest.gov.uk</a>		

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



## 1. SUMMARY

1.1 Outline planning permission is sought for the erection of 53 dwellings, associated vehicular and pedestrian access, car parking, drainage works and landscaping, including provision of open space, and alterations to existing outbuilding to provide a car barn and cycle store following the demolition of the existing dwelling on the site (means of access, appearance, layout and scale to be considered, landscaping reserved for future consideration).

1.2 The development of the western part of the site is acceptable in principle as it forms part of the Amen Corner North allocation (Policy SA6 of the SALP refers). The eastern part of the site lies outside a defined settlement. Issues associated with the proposal include whether it forms a comprehensive development with the Bellway Homes scheme to the west, the impact on the setting of Popes Manor (a listed building) and its impact on the character and appearance of the area. It is concluded that any adverse impacts associated with the development would not significantly and demonstrably outweigh the benefits of the proposal.

<b>RECOMMENDATION</b>
Following completion of a legal agreement outline planning permission be granted subject to conditions contained in Section 12 of this report.

## 2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application is reported to Planning Committee following the receipt of more than 5 objections.

## 3. PLANNING STATUS AND SITE DESCRIPTION

<b>PLANNING STATUS</b>
Land part within, part outside a defined settlement
Part of site identified for residential development in SALP (Policy SA6)
Within 250m of a landfill site (part of site)
Trees on/adjoining site covered by TPOs 1223 and 130
Within 5km of SPA

3.1 The application site, which has an area of about 1.8ha, lies to the south-west of Murrell Hill Lane and north-west of London Road. A detached two storey house with outbuildings, including a timber barn with a pitched, tiled roof, accessed from Murrell Hill Lane is situated on the north-eastern part of the site. The remainder of the site comprises five small parcels of pasture currently used to graze sheep. The site generally falls from the north-east down to the south-west.

3.2 There are a number of trees, mainly mature Oaks, on or adjoining the site's boundary and within the site. The principal trees on the site are covered by TPO 1223. An Oak on the northernmost point of the site, adjoining Murrell Hill Lane, is covered by TPO 130. The trees on the site's boundaries with London Road and Murrell Hill Lane comprise a mix of species including wild cherry, sycamore, holly and ash as well as oak.

3.3 Land to the west of the site is currently under construction for 377 dwellings. An area of Ancient Woodland adjoins part of the site's north-western boundary. The grounds of Popes Manor, a listed building, lie to the north-east on the other side of Murrell Hill Lane. Housing off Beehive Lane lies beyond London Road to the south-east of the site.

## 4. RELEVANT SITE HISTORY



4.1 16/00717/OUT: Outline planning application for the erection of 54 dwellings, associated vehicular and pedestrian access, car parking, drainage works and landscaping, including provision of open space, following removal of existing dwelling and outbuildings (access, appearance, layout and scale to be considered, landscaping reserved for future consideration) – REFUSED October 2016.

## **5. THE PROPOSAL**

5.1 The proposal relates to an outline application (landscaping reserved for future consideration) for the erection of 53 dwellings following the demolition of the existing house on the site (a net increase of 52 dwellings).

5.2 Vehicular access is proposed from Murrell Hill Lane, broadly in the position of the existing access. An additional ramped pedestrian link to London Road is proposed.

5.3 A total of 53 dwellings are proposed of which 13 units are to affordable (25% of the net increase of 52 dwellings). The mix of dwelling size comprises:-

- 3 no. one bedroom
- 25 no. 2 bedroom
- 16 no. 3 bedroom
- 9 no. 4 bedroom

5.4 The proposed dwellings are in the form of flats (21 flats in 3 blocks plus 3 flats over garages [FoGs]) and houses (29 units). The houses and flats are two and 2.5 storeys in height. The existing timber barn on the site is proposed to be retained and converted into a car barn/store.

5.5 Three areas of informal open space are proposed allowing for the retention of groups of mature Oaks on the site and for a buffer to ancient woodland on adjoining land. The northernmost of these areas is proposed to accommodate a pond, part of the SuDS for the site.

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

## **6. REPRESENTATIONS RECEIVED**

### Binfield Parish Council:

6.1 Recommends refusal:-

- 1) This development would have a negative impact to the setting of the three Grade II listed assets (Pope's Manor, Forecourt and Garden Wall to Pope's Manor and the Forecourt Wall of Pope's Manor). This development would be detrimental to the significance of these heritage assets.
- 2) The access onto Murrell Hill Lane would be an urbanising of a rural lane and will harm the character of the area.
- 3) This development is outside of the Settlement Boundary.

### Other representations:

6.2 Six objections have been received raising concerns which may be summarised as follows:-

- would harm character of Binfield which is losing its identity
- limited green spaces being diminished
- infrastructure can't cope with increase in development

- high density housing not in keeping with Murrell Hill Lane: should be fewer houses on lane with higher density elements accessed from Bellway site
- site should have been planned with Bellway development
- Murrell Hill Lane not designed for this level of traffic (possible office traffic from Popes Manor)
- lack of provision along lane for cyclists and pedestrians
- no proposals to make right-turn out of lane onto London Road safer
- contractor parking will be dangerous

## 7. SUMMARY OF CONSULTATION RESPONSES

### Highways Officer:

7.1 Comments reported in section 9(vi) below.

### Environment and Public Protection:

7.2 No objection subject to the imposition of conditions. Comments on noise, air quality and contaminated land summarised later in report.

### Lead Local Flood Authority

7.3 No objection subject to conditions

### Biodiversity Officer

7.4 No objection subject to conditions.

### Waste and Recycling Officer

7.6 No objection.

### Conservation advisor

7.7 No objection.

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

8.1 The main planning policies and associated guidance applying to this application are:-

	<b>Development Plan Policy</b>	<b>NPPF</b>
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	Consistent
Countryside	CS9 of CSDPD, EN8 of BFBLP	Consistent
Design	CS7 of CSDPD, EN1 and EN20 of BFBLP	Consistent
Parking	CS23 of CSDPD, M4 and M9 of BFBLP	Consistent
Highway Safety	CS23 and CS24 of CSDPD, M9 of BFBLP	Consistent
Cycling and pedestrians	CS23 and CS24 of CSDPD, M6 of the BFBLP, TC1 of the BNP	Consistent
Residential Amenity	EN20 and EN25 of BFBLP, ENV2 of BNP	Consistent
Housing	CS16, CS17 of CSDPD, H5 of BFBLP,	Consistent

	SA6 of SALP.	
Accessibility	CS7 of CSDPD, EN22 of BFBLP	Consistent
Biodiversity	CS1(vii) and CS7 (iii) of CSDPD	Consistent
Sustainability	CS10 and CS12 of CSDPD	Consistent
Noise	EN25 of BFBLP	Consistent
SPA	SEP NRM6, CS14 of CSDPD and EN3 of BFBLP	Consistent
Heritage	CS7 of CSDPD, BF2 of BNP	Consistent
<b>Supplementary Planning Documents (SPD)</b>		
Design SPD		
Streetscene SPD		
Parking Standards SPD		
Thames Basin Heaths Special Protection Area SPD		
Planning Obligations SPD		
Character Area Assessments SPD		
<b>Other publications</b>		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
Bracknell Forest Borough Landscape Character Assessment		

## 9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i Principle of development
- ii Comprehensive development
- iii Impact on character and appearance of the area
- iv Impact on the setting of listed buildings at Peacock Farm
- v Impact on residential amenity
- vi Transportation considerations
- vii Trees
- viii Biodiversity
- ix Thames Basin Heaths Special Protection Area (SPA)
- x Infrastructure contributions
- xi Affordable Housing
- xii Sustainability
- xiii Drainage
- xiv Noise and air quality

### i. Principle of Development

#### Land within the defined settlement

9.2 The western half of the site lies within land forming part of the Amen Corner North allocation. Development of this land is acceptable in principle as it forms part of the allocation under Policy SA6 of the SALP.

#### Land outside of the defined settlement

9.3 Land on the application site adjoining Murrell Hill Lane is not covered by the allocation and lies outside any defined settlement. Part of this land is previously developed, as it contains a house and a barn, but its development would be contrary to BFBLP Policies EN8 and H5 and CSDPD Policies CS2 and CS9.

9.4 However, the Council is currently unable to demonstrate a 5 year supply of land for housing which means that policies for the supply of housing are out of date (by virtue of paragraph 49 of the NPPF). As such the 'tilted balance' provided for in paragraph 14 of the NPPF applies which means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

9.5 The remainder of the report assesses the benefits and harm associated with this application and then applies the planning balance.

## **ii. Comprehensive Development**

9.6 As noted above part of the application site lies within the area allocated by SALP Policy SA6 for 400 dwellings, SANG and related infrastructure. The Illustrative Concept Plan in the SALP shows vehicular access for this wider area being taken from London Road. This being the case it would be expected that vehicular access to the development the subject of this application would be from the remainder of the Amen Corner North scheme currently being built by Bellway Homes. This would have the benefits of:-

- providing better integration with the remainder of the Amen Corner North development
- providing more convenient routes for pedestrians and cyclists, as well as vehicles, to new facilities to the west (SANG and other open space and primary school)
- reducing any harmful impacts on Murrell Hill Lane.

9.7 The approved reserved matters application for the rest of the Amen Corner North allocation (application 15/00873/REM refers) includes vehicular and pedestrian routes running to the boundary of that site. Unfortunately Bellway Home's land ownership does not extend right up to the boundary of the Popes Farm site itself; a 'ransom strip' of land was retained by a third-party which currently precludes a physical connection between the two sites.

9.8 The result of this is that if the outstanding eastern element of the Amen Corner North allocation is to be built, vehicular access has to be taken from Murrell Hill Lane since a further access onto London Road to serve the development would not be acceptable. The development proposed in the current application seeks to address the consequences of this, as discussed in the remainder of this report.

## **iii. Impact on Character and Appearance of Area**

### Character Area Assessments SPD and Bracknell Forest Borough Landscape Character Assessment

9.9 The site lies to the north of Character Area Assessments SPD Binfield - Popeswood Study Area C. This SPD makes reference to important roadside trees along London Road.

9.10 The part of the site which falls outside the SALP allocation is covered by the Bracknell Forest Borough Landscape Character Assessment (LCA). It forms part of Landscape Character Area C1: Binfield and Warfield Clay Farmland. 'Valued features and characteristics' for this character area include:-

- hedgerows and hedgerow standard oak trees
- the open and rural character
- rural lanes

9.11 The LCA's strategy is to protect valued attributes, manage existing positive attributes to ensure their survival and plan for the replacement of features. Drawing on this, examples include:-

- protecting ancient woodlands, copses and remnant mature and standard trees;

- conserving the open and rural qualities of the landscape to the west of Binfield that create a sense of separation or 'gap' between the settlements of Binfield and Wokingham to the west;
- protecting the rural character of villages through appropriate planning and design of new development and conservation and enhancement of locally distinctive features or material; avoiding urbanising features that will erode the rural character;
- managing hedgerows;
- maintaining the character of the rural lanes through incorporating characteristic features – such as grass verges, hedgerow trees and hedges
  - minimising the introduction of inappropriate signage, line painting and deep kerbs;
- improving biodiversity; and
- planning for the successful integration of potential new development in the landscape through sensitive design and siting.

### Assessment

9.12 It is proposed to serve the development from the existing vehicular access on to Murrell Hill Lane which would be upgraded. The existing barn lying to the north of this access, which forms a visually prominent feature on this part of the lane, would be retained and converted for storage and car parking purposes, with two new buildings accommodating flats constructed to the north-west and south-west served by a new parking court. A row of mature oaks lying further to the south-west would be retained within an open area (which includes the 15m no-build buffer around off-site ancient woodland to the north-west) and would close views into the site from the access on Murrell Hill Lane.

9.13 A new detached house fronting the lane is proposed in place of the existing house. A group of new houses and a FoG to the west and south of this property would be largely screened from direct views from the lane by this house and by existing vegetation on the site's boundary which would be retained.

9.14 The south-western part of the site, the part covered by the SALP allocation, is proposed to accommodate further houses, FoGs and a flat block. The dwellings on the eastern side of this part of the site face towards two lines of retained mature trees set in open space. On the western side the dwellings generally face towards proposed houses on the Bellway site to the west. This part of the site lies at a lower level than London Road and views of it from the road will be partly screened and filtered by existing vegetation on the north-west side of London Road. This vegetation screen has recently been thinned to provide for a new footpath/cycleway linking west to the Bellway development, but new understorey planting should, over time, restore some of the screening of land to the north.

9.15 The construction of 53 dwellings on the application site, in place of the existing house and barn, will clearly change its character and appearance. The part of the site most clearly visible from London Road, the southern and western fields, is the part allocated for development in the SALP. Its context is already changing with the development of the Bellway development to the west. In the light of this the development proposed on this part of the application site is considered to be acceptable in terms of its character and appearance. In the course of the consideration of the application the layout of the corner closest to London Road, which contains a pumping station and parking as well as houses and flats, has been amended. It now provides space for more planting to supplement existing vegetation on the site's boundary and it is considered that it will have an acceptable relationship, in visual terms, with the adjoining Bellway development.

9.16 As direct pedestrian links to the Bellway development are not currently achievable, a pedestrian link to the London Road is proposed from the centre of the application site. This will provide a shorter pedestrian route from parts of the site to destinations to the west including the primary school proposed on the Bellway site (the alternative is to use the main access on Murrell Hill Lane, walk south to London Road and then head west).

9.17 Because at this point the site lies at a lower level than London Road, the footpath will be on a gently sloping ramp. This will have a retaining wall on its eastern side and an embankment on the west with hand rails for the safety and convenience of users. It will be a visually prominent structure from some viewpoints within the site, and it will have to be carefully designed to avoid harming nearby trees, but its contribution towards pedestrian accessibility to the London Road and points west is considered to outweigh any visual harm.

9.18 The impact of the proposed development on Murrell Hill Lane is an important factor in the consideration of this application. Whilst the lane's southern end is affected by the busy London Road and existing built development on the south side of that road, the lane retains a pleasant rural character particularly as one moves northwards away from the main road. Further north along the lane the presence of Pope's Manor is an important consideration (see section (iv) below).

9.19 As noted above because it is not possible to take vehicular access from the Bellway site the existing vehicular access to Popes Farm is to be amended to serve the proposed development. Works associated with the Bellway development, in the form of a new footpath/cycleway on the northern side of London Road, are being undertaken which will affect the junction of Murrell Hill Lane with London Road. As part of the current proposal a footway is proposed on the west side of Murrell Hill Lane up to the site access which will further impact on the appearance of the lane at this point. All these highway works will have an urbanising impact on the character of the southern end of Murrell Hill Lane which currently has grass verges.

9.20 New built development proposed on the eastern side of the application site will be visible from the lane. New buildings, with the exception of the detached house proposed to replace the current farmhouse, will however be set back from the lane. Existing vegetation on the west side of Murrell Hill Lane will be retained and this will continue to provide a good degree of screening, particularly when deciduous trees and hedges are in leaf. As noted above levels on the site generally fall to the west, away from the lane.

9.21 Taking all this together it is considered that whilst the development of this part of the site will result in harm to the character and appearance of the southern end of Murrell Hill Lane, contrary to development plan policies, this harm will be moderate. This matter is considered further in the planning balance section at the end of this report.

### Scale and appearance

9.22 Two of the apartment blocks are 2.5 storey (maximum height 9.5m) and the third two-storey (maximum height 9.0m). A number of house designs are proposed with detached houses, pairs of semis and short terraces. Most of the houses are two storey, with some with 2.5 storeys, and a maximum height of about 8.5m. This scale reflects that of the buildings approved on the Bellway development to the west and is considered to be acceptable taking account of the site's location and the character of the area, including built development on adjoining sites, site levels and boundary screening.

9.23 The proposed buildings have traditional designs. Those on the northern part of the site have taken design references from local vernacular agricultural buildings and have been arranged around a courtyard area, which also includes the retained/converted timber barn adjoining Murrell Hill Lane. The building designs generally incorporate gables with visual interest being provided by dormers and porches, brick detailing and the use of render and timber boarding as well as brickwork. The proposed designs are considered appropriate for this location. A condition is recommended to secure full details of materials.

### Landscaping

9.24 Details of landscaping are reserved for subsequent approval should this outline application be approved. The site layout drawing shows adequate space within the layout for new planting. Careful attention will need to be paid to hard landscaping details including ensuring that any hard-surfaces within the root protection areas of retained trees are suitably designed and that the surface of the large parking-court in the north-east corner of the site complements the appearance of the retained barn and the apartment blocks adjoining it.

#### Conclusions on impact on the character and appearance of the area

9.25 It is considered that this is a well-designed scheme which successfully incorporates the retained oak trees within and on the edge of the site and responds positively to the new housing area being constructed to the west. It is recognised, however, that development on the eastern part of the site will adversely affect its existing semi-rural character, a matter which needs to be considered in the planning balance.

#### **iv. Impact on the Setting of Listed Buildings at Popes Manor**

##### Listed Building Description

9.26 The grounds of Popes Manor lie on the east side of Murrell Hill Lane with the main house located about 70m to the north of the northern edge of the application site. Popes Manor dates from the late 17th century to early 18th century and was altered and extended late 19th century. The building was restored in the 1980s as an office building.

9.27 In addition to the house, the following structures are Grade II Listed:-

- the garden walls adjoining the northeast front.
- the forecourt wall to the northwest.
- the forecourt and garden walls to the south comprising a forecourt and garden wall dating from the early 19th century, it is built of red brick with a plain brick top defining right side of the forecourt and extending along road in front of garden for approximately 30 metres. The wall is approximately 2 metres high.

##### Application site

9.28 The application site contains two buildings, a main dwelling and a large 'L-shaped' outbuilding with associated utility buildings. The main house is a two storey brick-built structure originating from the late 19<sup>th</sup> century. Whilst the building has been altered to the rear, the front elevation along Murrell Hill Lane retains its Victorian character and detailing. The 19th century part of the building reflects the local vernacular architecture.

9.29 The associated outbuilding is a timber framed structure with clay tile, hipped-roof which is clad in timber weatherboarding. The building has a small cupola surmounted by a weathervane representing a local vernacular range of agricultural buildings.

9.30 Whilst the farm buildings are not considered to be of suitable architectural or historic quality for statutory protection as Listed Buildings they do make a positive contribution to the overall character and appearance of the lane and the setting of Popes Manor as it is approached along Murrell Hill Lane.

#### Planning (Listed Buildings and Conservation Areas) Act 1990: Consideration of the Setting of the Listed Buildings and NPPF

9.31 With respect to the determination of applications affecting the setting of a Listed Building, the applicable statutory provisions are detailed in Section 66(1) of the Act. Section 66(1) states:-

*'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.'*

9.32 Relevant extracts from the NPPF include:-

Paragraph 128: this requires applicants, *'to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance'*.

Paragraph 131: this states that, local planning authorities should take into account *'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'*.

Paragraph 132: this states: *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.*

Paragraph 133 states:-

*Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use.*

Paragraph 134 of the NPPF states: *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*

9.33 Advice is also provided in the Planning Practice Guide (PPG) for the NPPF.

### Proposals

9.34 The proposals include alterations to the existing Popes Farm outbuilding to provide a car barn and cycle store and demolition of the existing dwelling. The proposed new dwellings are defined as 'traditionally styled' and are 2 storeys in height with some 2 ½ storey dwellings.

### Setting



9.35 The proposed development site is divided into several smaller field parcels, with a number of trees along the edge of the site and field boundaries. The site location is within 40m of the closest Grade II Listed structures at Popes Manor (the forecourt and garden walls to the south).

9.36 The Grade II Listed Popes Manor and its associated walls have a considerable presence along Murrell Hill Lane and benefit significantly from the current setting which is characterised by the semi-rural Murrell Hill Lane. The setting of Popes Manor is further enhanced by the associated walls and walled garden to the north and the parkland with specimen trees and the lake to the rear (northeast). The garden walls have a group value with the main house which adds to the overall significance of the individual elements.

#### Heritage recommendations

9.37 In relation to the previous application on the site (16/00717/OUT) Murrell Hill Lane was assessed as retaining a semi-rural character and the extent of the proposed development as well as the demolition of Popes Farm was identified as having a potentially detrimental effect on the setting of the Grade II Listed Popes Manor.

9.38 Previous comments therefore recommended that a greater degree of separation should be maintained between the Grade II Listed Popes Manor and the proposed residential development which could be accomplished by retaining Popes Farm as a transitional area around the development which would act in mitigation of the potential effect on the setting. A subsequent detailed Historic Building Assessment by the application ascribed a low level of significance to the farmhouse in terms of its architectural and historic interest. However, the existing barn was assessed as having local architectural and historic significance as a good example of the local vernacular building tradition.

9.39 Therefore, the current proposals seek to retain and convert the existing barn as part of the revised application. Whilst this would result in some small loss of original fabric of the barn, its long-term future would be secured by its conversion to a car barn and cycle store as part of the scheme.

9.40 The farmhouse which was ascribed negligible architectural and historic interest in the Historic Building Assessment is proposed for demolition and replacement with a single detached house in a traditional farmhouse style.

9.41 In addition in the revised scheme, the northern part of the site has been redesigned to include a courtyard to resemble a traditional stable yard which would respect the semi-rural character of Murrell Hill Lane and provide a transitional area between the new development and the setting of Popes Manor to the north.

#### Heritage conclusions

9.42 The proposed development is located to the south of Popes Manor and its listed garden walls. Whilst the proposed demolition of Popes Farm farmhouse is considered harmful, the gist of previous comments was that the existing barn should be retained, that a greater buffer towards Popes Manor should be provided and that the semi-rural character of its setting should be respected. The main essence of historic building objections to the previous scheme are therefore considered to have been resolved by the amended scheme; no other over-riding historic building objections to the scheme remain in principle. It is therefore recommended that the proposals should be weighed against the benefits of scheme, including securing the long-term viable use of the barn, consistent with its conservation and the wider benefits of the proposals as described in paragraph 135 of the NPPF.

9.43 It will be important to secure good quality materials for the development to ensure that the significance of the heritage assets are preserved.

#### **v. Impact on Residential Amenity**

9.44 Housing to the south-east of the site is separated by the London Road. Given the separation and the existence of screening vegetation on the northern side of the road it is not considered that there will be any material impact on this housing.

9.45 The proposed development will adjoin housing which is currently under construction to the west on the Bellway site. The impact on this housing is considered to be acceptable with no unacceptable effects likely through overlooking or overbearing effects or loss of sunlight/daylight.

9.46 The siting relationships between the dwellings proposed are considered to acceptable and unlikely to give rise to any unacceptable impacts on residential amenity.

#### **vi. Transportation Considerations**

##### Access

9.47 Access to the site is proposed via Murrell Hill Lane using the access position of the current property. Murrell Hill Lane is a rural, narrow and unlit road subject to a 60mph speed limit. However due to the width of the road speeds are below this limit. The applicant has provided speed survey information that indicates 85th percentile speeds in the region of 28mph in the vicinity of the site.

9.48 The nature of Murrell Hill Lane in its current form means that it is not conducive to a safe intensification of use by all types of traffic and, to ensure that vehicles and other road users along the route are safeguarded, Murrell Hill Lane will require some more formal changes to address these concerns. It will need to be widened to at least the existing width of the lane when entering from the junction with London Road (5.1m). Such an improvement will need to extend up to and including the site entrance and at least 10m beyond. This would lead to significant improvements in highway safety.

9.49 In addition a new footway from the site access southwards to the footpath/cycleway being undertaken on London Road should also be introduced to provide a safe route for pedestrians. Ideally this route would be 2m wide but due to the ditch adjacent to the lane this may be problematic. Given the scale of the proposed development, and alternative routes that could serve pedestrians heading westwards, the footway could be of a lesser width (1.2m). Protection to the ditch would also need to be considered together with lighting to the site access from London Road.

9.50 An additional pedestrian link is proposed from the middle of the site to London Road. This link is proposed to be ramped as the London Road is at a higher level than the site at this point.

9.51 Whilst it is acknowledged that this site is not being served from the adjacent Bellway Homes site (see above), future pedestrian connections may be possible. As noted above a pedestrian route from the site to London Road is also proposed. However the further changes to the southern end of Murrell Hill Lane outlined above are also required to mitigate the impact of all the development using this route and to connect it suitably to the wider road network.

9.52 The internal road is 5.5m wide with 4.8m wide accessways and private drives. This is in line with standards for this scale of development.

9.53 Ideally, adoption of the main access road to the site should be secured by s106. If this cannot be achieved then permissive routes across the site and to its boundaries will need to be secured

by s106 agreement so that if future direct links to the Bellway site are possible then they can be implemented. The development will provide an opportunity for the wider public to pass through it and such routes need to be secured in perpetuity.

9.54 There is a pumping station close to the southern edge of the site. Access to this has been amended and is now acceptable.

9.55 The drainage of the roads within the site is an important factor and the advice of the drainage officer has been sought.

9.56 Bin collection points have been shown where necessary together with bin stores for the flats.

#### Parking

9.57 The level of parking on the site equates to the required standards, with a mixture of car ports and garages for some plots. The visitor parking is reasonably balanced across the site.

9.58 Convenient rear access to all properties is proposed.

#### Traffic Impact

9.59 The applicant has obtained information from the Bracknell Forest Traffic Multi Modal Model to help investigate the impact of the development in the future year 2026. In relation to traffic impacts the Transport Assessment provides detail in relation to the flows assessed in the future year which show that in 2026 the junction will operate within capacity. Murrell Hill Lane current witnesses very low levels of traffic and while the increase from this development will be large in percentage terms the overall number of trips is still very low and in that regard the capacity of the junction is unlikely to be compromised in the interim period between now and 2026 as the site gets developed.

#### S106

9.60 A section 106 will be required to secure S278 and S38 matters associated with the development and the required infrastructure. If the road is to remain private then the legal agreement will need to cover issues relating to the private nature of the road and to allow public access across the site in perpetuity to provide safe and sustainable access to the site and the wider area. It should also provide for the Council to step in and create a link(s) to the adjacent Bellway development should this become possible in time. Clauses should also be included to protect the Council from future residents wanting the road to be adopted.

#### Conclusion on highway matters

9.61 The application as amended is considered to address satisfactorily concerns raised by the Highway Officer.

#### **vii. Trees**

9.62 As noted above the site contains a number of trees of importance to the character and appearance of the area which are covered by TPOs. The Tree Officer had concerns about the proximity of development to certain trees which have been overcome with amendments to the layout. No objection is now raised to the application subject to the imposition of a condition to secure special measures to install and construct an appropriate footpath through the RPAs of protected trees T4 and T27 to minimise any adverse impact on their health and condition (*Officer comment: this is included in the Recommendation*).

9.63 As noted above an area of ancient woodland lies on the site's north-western boundary. Standing advice from the Forestry Commission and Natural England state that a 15m wide buffer should be provided between ancient woodland and development. This is provided for in the proposed layout.

#### **viii. Biodiversity**

9.67 The applicant has provided additional information to address concerns raised by the Biodiversity Officer.

9.68 Bat roosts exist within the main house, barn and two trees. Four bat bricks and four access tiles will be included within the roofs of new garages to compensate for the loss of roosts. The proposed locations of these new roost features are shown on amended drawings. This is acceptable subject to their provision and retention which can be secured by condition.

9.69 Survey work shows the presence of several birds of conservation concern breeding or foraging on site. Appropriate details of mitigation have been provided. The provision of bird boxes can be secured by condition (biodiversity enhancements). Wildflower areas will need to form part of the landscape scheme at the reserved matters stage.

9.70 Survey work also confirms the presence of Stag beetles. The stumps of trees T1 and T2 could be retained but alternatives are suggested should this not be possible. All opportunities to retain these features in-situ should be pursued and therefore further details of stag beetle protection should be provided within a construction management plan secured by condition and in the landscape scheme as part of reserved matters.

9.71 Other conditions to protect biodiversity are recommended below including those relating to tree protection to protect the 15m wide buffer adjoining the ancient woodland during construction.

#### **ix. Impact on SPA**

9.72 This site is located approximately 3.7 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.

9.73 Whilst the development can provide its own bespoke SANG solution in accordance with policy and guidance, the development could utilise spare SANG capacity provided by the Amen Corner North planning approval (reference 14/00315/OUT). This means that the development would not have to provide any SANG enhancement works as they are secured by the planning approval above but it would have to make a financial contribution towards the other SANG elements such as in-perpetuity maintenance because this element for the spare SANG capacity is to be secured from development which will utilise this capacity. However, the development would not be able to be occupied until the SANG is in place, available for public use and is transferred to Council ownership. The Amen Corner North SANG will be transferred by s106 obligation prior to the completion of the 100<sup>th</sup> dwelling of the Amen Corner North dwelling as permitted in application 14/00315/OUT.

9.74 The above contribution is to be secured by a Section 106 Agreement. This Agreement must also have an occupation restriction to ensure that the Amen Corner North SANGs enhancement works have been carried out and that the land is transferred to Council ownership *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.

9.75 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.

9.76 A Habitats Regulations Assessment is required for this development in accordance with the Habitats Regulations 2010 (as amended). Absent 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.

9.77 Provided that the applicant is prepared to enter into a Section 106 Agreement which:

1. makes a financial contribution (see paragraph 3. above) towards the costs of the Amen Corner North SANG and Strategic Access Management and Monitoring (SAMM) measures (including administration and monitoring); and
2. enters into an obligation which restricts the occupation of the development until the Amen Corner North SANG is fully enhanced to SANG status and available for public use

the application will be in accordance with the SPA mitigation requirements as set out in the relevant policies above.

9.78 Alternatively the development could provide its own bespoke SANG with a contribution towards SAMM both to be secured by Section 106 Agreement. Further advice and help on what is required can be discussed with the applicant if requested.

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

## **x. Infrastructure Contributions**

9.80 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.
- The Planning Obligations SPD (6 April 2015) is also relevant.

9.81 If this outline application were to be approved then, at the reserved matters stage, CIL collected could go towards infrastructure projects or types 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
- strategic road network improvement outside the borough
- specified footpath and cycleway improvements
- bus service subsidies
- specified educational projects
- libraries
- built sports facilities.

9.82 If the application were to be approved planning obligations should be sought to secure:-

Primary/nursery education – a financial contribution may be required towards nursery and primary facilities in the area in line with Planning Obligations SPD Para 5.4.4 this would be subject to confirmation on capacity of primary schools in the designated areas from the

LEA as per Planning Obligations SPD Paragraphs 5.4.15 to 5.4.17. Secondary and SEN provision is secured through CIL for the Blue Mountain facilities.

Community Facilities – a financial contribution will be required towards provision, expansion or improvement of the Community Facilities at Farley Moor or other Community Facility serving the site. See Planning Obligation SPD Para 5.5.5 this obligation is also covered by SALP Policy SA6.

Open Space of Public Value (OSPV) – the site lies partly within the SALP allocation where Policy SA6 applies and on-site in-kind open space at a standard of 4.3ha per 1000 population falls is sought. However, given the small size of the application site (1.8ha) the on-site provision of OSPV to a standard of 30m<sup>2</sup> per dwelling and a contribution towards the improvement of off-site facilities at Foxley Fields or other suitable off-site OSPV serving the development as per Planning Obligations SPD para 5.11.4 is considered appropriate. A commuted sum would be required to cover the maintenance of any OSPV transferred to the Council for 20 years.

Transport – A financial contribution of £15,000 towards enhancing crossing facilities adjacent to the junction of St Marks Road/Foxley Lane and 'real time' information at bus stops serving residents of the development as per Paragraph 5.2.4 of the Planning Obligations SPD.

9.83 Other matters to be covered by s106 comprise:-

- provision of on-site affordable housing (see section (xi) below)
- S278 and S38 agreement matters associated with the development and the required highway infrastructure provide for safe and sustainable access to the site and the wider area (see section (vi) above)
- necessary SPA mitigation (see section (ix) above, and
- long-term management and maintenance of SuDS on the site (see section (xiii) below).

#### **xi. Affordable Housing**

9.84 Thirteen of the dwellings proposed are to be affordable which complies with the Council's affordable housing policy (25% of 52 (net) dwellings). These comprise 8no flats and 5no houses as per the table below.

	1 bed flat	2 bed flat	2 bed house	3 bed house	Total
Affordable rent	3	5	-	1	9
Shared ownership	-	-	2	2	4
<b>Total</b>	<b>3</b>	<b>5</b>	<b>2</b>	<b>3</b>	<b>13</b>

9.85 These dwellings are in a cluster in the south of the site formed by a terrace of three dwellings, a pair of semi-detached houses and an apartment block. The Council's Welfare and Housing Project Officer considers that the location, form of development and tenure split is acceptable. It is recommended that the provision of this affordable housing be secured by planning obligations.

#### **xii. Sustainability**

9.86 A Sustainability and Energy Statement accompanied the application. With regards to CSDPD Policy CS10 it confirms that the water efficiency measures incorporated within the dwellings will ensure the water use is less than 105 litres per person per day which is acceptable. In terms of

CSDPD Policy CS12 the Sustainable Energy Officer has confirmed that the use of air source heat pumps proposed is acceptable. Both matters can be secured by condition.

### **xiii. Drainage**

9.80 The site is situated within Flood Zone 1 with a small area affected by surface water flooding during an extreme event. A Flood Risk Assessment (FRA) has been prepared to support the application and a number of recommendations are made in the report.

9.87 The FRA draws conclusions from a ground investigation undertaken by Aviron in January. The report recommends that suitable works methods statements are agreed with the EA and Local Authority for construction and temporary works, and if their recommendations are implemented the flood risk from groundwater will be adequately mitigated.

9.88 Following discussions a revised drainage strategy and accompanying model has been submitted. The Drainage strategy incorporates permeable paving, geocellular storage and an online detention basin. Several gullies from the London Road drainage discharge into the site currently to the existing land drainage system and the consultant has made an allowance for this inflow both in the discharge rate and the design of the system. The highway drainage provision will need further detail and confirmation from Thames Water that the highway drainage will be able to discharge directly to adoptable sewers.

9.89 The earthworks around the pond and the detail of the permeable paving will require further refinement, together with confirmation that sufficient treatment times exist within the system. As the Applicant has demonstrated that sufficient storage has been provided within the site the LLFA is satisfied that further details can be submitted as detailed design progresses.

9.90 The receiving ditch for the drainage network is situated outside of the redline and has not been identified on the topographical survey. The LLFA has raised concerns about this issue and the Applicant has confirmed in writing that the ditch is within their ownership and that they have Riparian right to discharge.

9.91 The FRA does not include any correspondence with Thames Water regarding the proposed foul connection. Given the scale of development in the area a 'Grampian style' condition should be utilised with regard to the proposed foul drainage connections.

9.92 The Applicant has confirmed that the majority of the piped system is to be adopted by Thames Water with the geocellular storage, permeable paving and detention basin being privately maintained. As such it is recommended that proposals for the management and maintenance of the SUDS are secured through Section 106 Obligations.

9.93 In conclusion, the LLFA recommends approval subject to conditions.

### **xiv. Noise, Air Quality and Contaminated Land**

9.94 The Environmental Health Section has no objections to the proposed development on the grounds of noise, but would recommend a condition be imposed on any permission requiring the provision of alternative means of ventilation (acoustic trickle vents, background ventilation, in accordance with Building Regulations, etc.) in those properties adjoining London Road in order to achieve the required noise level reduction within those properties without compromising adequate ventilation.

9.95 In terms of air quality, as London Road carries heavy traffic, particularly at peak periods, it recommends that deliveries to and from the site should only take place outside of peak periods (between the hours of 9:30am and 3:30pm Monday to Friday) to ensure that delivery vehicles are

not caught in slow moving traffic, or contributing to traffic congestion at peak times, and thereby contributing to the production of NOx.

9.96 No information has been submitted regarding potential existing contamination of the site with harmful substances. A significant proportion of the proposed development lies within 250m of the boundary of a former landfill site and the Environmental Health Section therefore recommends the imposition of conditions to address this matter.

## **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.

### Consideration of harm/benefits associated with the proposal

#### *Economic Role*

10.2 The proposal would provide an additional 52 net dwellings. Those over and above the balance of 23 for the SALP Policy SA6 allocation at Amen Corner North (400 dwellings less 377 approved in Bellway scheme = 23), i.e. 29 dwellings, can be seen as a windfall contribution towards the five year housing land supply. Given the scale of the proposed development, the fact that the applicant is a house-building company and that the only outstanding reserved matter is for details of landscaping it is considered that the dwellings could be completed within the 5 year period. As the Council does not currently have a 5 year supply the provision of these dwellings carries significant weight.

10.3 As noted above the development is CIL liable.

10.4 It is considered that the economic benefits aside from the provision of additional dwellings, such as supporting the local economy through the creation of construction jobs and people spending at local shops once the dwellings are occupied, carry more limited weight given Bracknell's strong economy.

#### *Social Role*

10.5 The proposal provides for 25% of the net dwellings (13 dwellings) to be affordable. It is considered that this is a matter to which significant weight can be afforded.

#### *Environmental Role*

10.6 The proposal involves development on a site which, aside from the existing dwelling and barn, is a greenfield site part of which lies outside any settlement. The development of the eastern part of the site – and associated development on Murrell Hill Lane - conflicts with development plan policies which seek to protect the character, appearance and function of the countryside.

10.7 The proposal retains mature trees within and on the boundaries of the site in a landscaped setting and provides a buffer to an area of ancient woodland. The retention of vegetation on the site's boundaries, coupled with parts of the site lying at a lower level than adjoining roads, will mitigate the visual impact of the proposal from view outside the site.



10.8 In terms of heritage matters whilst the proposed demolition of Popes Farm farmhouse is considered harmful, the main historic building objections to the previous scheme have been resolved by the retention of the existing barn and a greater buffer towards Popes Manor.

10.9 Because of a ransom strip the development does not link as well to the Bellway Homes development to the west as it might otherwise have done. This impacts adversely on its accessibility to non-car modes of transport.

10.10 Overall it is considered that these environmental effects would result in moderate harm.

## 11. CONCLUSION

11.1 The development of the western part of the application site is in accordance with the SALP. The development of the eastern part, which is not allocated in SALP, would be contrary to the development plan and would cause some harm to the character and appearance of the southern end of Murrell Hill Lane. Because of the presence of a ransom strip the development of this part of the site would, however, facilitate the development of the allocated area by providing a safe vehicular access (on to Murrell Hill Lane). Subject to the matters to be covered by a s106 and conditions the details of the scheme, including layout and design, are considered to be acceptable.

11.2 As set out at the start of this report the Council cannot currently demonstrate a 5 year supply of housing land. It therefore falls for a recommendation to be made by weighing up the benefits associated with this application against the harm. In this instance it is considered that the adverse impacts identified above would not significantly and demonstrably outweigh the benefits of the proposal in providing 52 (net) dwellings, 25% of them affordable. The application is therefore recommended for approval.

## 12 RECOMMENDATION

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

- SPA mitigation measures
- the provision of on-site affordable housing
- long-term management and maintenance of SuDS on the site
- a financial contribution to community facilities
- the on-site provision of OSPV and a contribution towards the improvement of off-site facilities
- a financial contribution towards enhancing crossing facilities adjacent to the junction of St Marks Road/Foxley Lane and 'real time' information at bus stops
- securing permissive pedestrian routes on and across the site in perpetuity
- securing S278 and S38 matters associated with the development
- provision for permissive pedestrian and cycle access to the Bellway development on the application site's western and northern boundaries should agreement with third parties be reached;
- the developer informing all future purchasers of the private status of the roads and footways within the site and that they, not the Council, are responsible for them in perpetuity.

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

01. Application for approval of the details of the landscaping of the development (hereinafter called "the reserved matters") shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. 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

02. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters.

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

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

1313.PLN.SL.100 Location Plan  
1313.PLN.201 Rev J Site Layout  
1313.PLN.202 Rev K Information Plan  
1313.PLN.204 Rev A Plots 1 – 7 Elevations  
1313.PLN.205 Rev A Plots 1 – 7 Floor Plans  
1313.PLN.206 Rev B Plots 8 – 13 Elevations and Floor Plans  
1313.PLN.207 Rev A Plot 14 Elevations and Floor Plans  
1313.PLN.208 Rev D Plots 15 – 19 Elevations  
1313.PLN.209 Rev D Plots 15 – 19 Floor Plans  
1313.PLN.210 Rev A Plots 20 & 21 Elevations and Floor Plans  
1313.PLN.211 Rev A Plots 22 – 24 Elevations and Floor Plans  
1313.PLN.212 Rev B Plots 25 – 29 Elevations and Floor Plans  
1313.PLN.216 Rev B Plots 41 – 43 Elevations and Floor Plans  
1313.PLN.217 Plots 44 – 46 Elevations and Floor Plans  
1313.PLN.218 Plot 47 Elevations and Floor Plans  
1313.PLN.219 Plot 48 Elevations and Floor Plans  
1313.PLN.220 Rev A Plots 49 & 50 Elevations and Floor Plans  
1313.PLN.221 Rev B Plots 51 & 52 Elevations and Floor Plans  
1313.PLN.222 Rev A Plot 53 Elevations and Floor Plans  
1313.PLN.223 Rev A Car Barn Elevations and Floor Plans  
1313.PLN.224 Rev A Barn – Proposed Elevations and Floor Plans  
1313.PLN.225 Rev B Street Section 1  
1313.PLN.226 Rev A Street Section 2  
1313.PLN.228 Rev C Plots 33-40 Elevations  
1313.PLN.229 Rev C Plots 33-40 Floor Plans  
1313.PLN.230 Rev C Plots 30-32 Elevations and Floor Plans  
1313.PLN.233 Proposed Sections  
1313.PLN.237 Proposed Sections  
15-T124 08 Rev B Proposed Widening on Murrell Hill Lane  
17-T124 10 Rev C Pedestrian Ramp Detail  
17-T124 11 Pedestrian Minor Ramp Section

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

04. The development hereby permitted shall not be begun until details showing the finished floor levels of the proposed buildings hereby approved in relation to fixed datum points showing the land levels across the site 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. No superstructure works shall be commenced until all outstanding details of external materials 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 Plans and Policies: BFBLP EN20, CSDPD CS7]

06. No dwelling shall be occupied until means of pedestrian and vehicular access to it have been constructed in accordance with the approved drawings.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

07. No dwelling shall be occupied until a plan showing visibility splays has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The visibility splays shall 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]

08. No dwelling shall be occupied until the associated vehicle parking and turning space has been surfaced and marked out in accordance with the approved drawings. The spaces shall not thereafter be used for any purpose other than parking and turning.

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

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

09. The garage accommodation hereby approved shall be retained for the use of the parking of vehicles at all times.

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

[Relevant Policy: BFBLP M9]

10. The car ports hereby approved shall be retained for the use of the parking of vehicles at all times and, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and re-enacting that order, no enlargements, improvements or alterations shall be made to the car port, and no gate or door shall be erected to the front of the car port.

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

[Relevant Policy: BFBLP M9]

11. The car parking spaces shown on the approved plans as 'v' (visitor parking) shall be marked as such before they are brought in to use. Thereafter there shall be no restrictions at any time on their use by the occupiers of, or visitors to, any of the buildings hereby approved

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]

12. No dwelling shall be occupied until associated approved cycle parking facilities have been provided in accordance with the approved drawings. The facilities shall be retained as approved.

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

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

13. 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:-

- widening of the carriageway of Murrell Hill Lane in the vicinity of the site
- formation of a footway on the west side of Murrell Hill Lane in the vicinity of the site
- works to link the footpath from the centre of the site to the footway on the north side of London Road

No dwelling shall 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 CS23]

14. 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.

15. No development shall take place until a drainage strategy detailing on and off-site drainage works has been submitted to and approved by the Local Planning Authority in consultation with the sewerage undertaker.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding In accordance with Policy CS1 of the Core Strategy Development Plan Document.

16. No dwelling hereby permitted shall be occupied until any necessary works to improve the existing public foul sewerage network so that it is able to cope with the flows from the proposed development have been completed

REASON: To ensure that the site is properly drained and does not increase the risk of flooding In accordance with Policy CS1 of the Core Strategy Development Plan Document.

17. A minimum 3 month period of groundwater monitoring shall be undertaken during the winter/spring months, as appropriate, to inform the groundwater protection scheme referred to in the Clarke Bond FRA, encompassing both construction temporary works and post development features, to ensure adequate land drainage is provided and that SUDS features and tanks are adequately designed. The monitoring data together with an Interpretative report prepared by a Chartered Geotechnical Engineer and the detailed scheme shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted takes place. The approved scheme shall be implemented in accordance with the approved details before the development is completed.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding in accordance with Policy CS1 of the Core Strategy Development Plan Document.

18. No development shall take place until a detailed scheme for the management of the existing highway drainage demonstrating that the highway drainage from London Road will discharge to adoptable sewers, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details before the development is completed.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding In accordance with Policy CS1 of the Core Strategy Development Plan Document.

19. No development shall take place until full details of the Drainage System(s) have been submitted to and approved in writing by the Local Planning Authority. These shall include:-

- full details of all components of the proposed drainage system including dimensions, locations, gradients, invert and cover levels, headwall details, collector pipes;
- construction details for permeable paving, including check dam locations and service crossings;

- construction details for geocellular storage demonstrating access for maintenance planting and drawings as appropriate taking into account the groundwater table;
- detailed design of the pond, including liner design, planting, side slopes, headwall details, sediment forebay design and RoSPA Assessment.

Calculations supporting the detailed design shall be submitted demonstrating that the scheme meets the existing 1 in 1 greenfield rates for the site in accordance with the Opus Surface water drainage strategy OEC Surface water drainage report dated December 2017 and revised Drainage Strategy Drawing OEC Dwg No. SH.39.202 revision P10 for all events up to the 1 in 100 year + 40% storm including 10% allowance for urban creep. The strategy should include details of exceedance routing throughout the development. The drainage strategy shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding In accordance with Policy CS1 of the Core Strategy Development Plan Document.

20. No development shall take place until details of how the surface water drainage shall be maintained and managed after completion have been submitted to and approved in writing by the Local Planning Authority. The details shall include confirmation of the required maintenance activities with expected frequency, with site specific assessments included to demonstrate that health and safety has been fully considered in the design and that access and egress for future residents will be maintained during any operations to repair or replace drainage features.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding In accordance with Policy CS1 of the Core Strategy Development Plan Document.

21. All ecological measures and/or works shall be carried out in accordance with the details contained in Ethos Environmental Planning Ecological Assessment dated March 2017, and the document prepared by Ethos Environmental Planning addressing comments made by the Biodiversity Officer for Bracknell Forest Council in relation to the site, submitted on 23 June 2017. An ecological site inspection report shall be submitted for approval within three months of the first occupation of any dwelling hereby approved.

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

22. The areas shown for bat roost purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose.

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

23. No dwelling shall be occupied until a habitat management plan has been submitted to and approved by the Local Planning Authority. 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, CS7]

24. 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, CS7]

25. No development shall commence until a detailed site specific construction method statement for all hard surfaced areas of any description within the minimum root protection areas of retained trees calculated in accordance with British Standard 5837:2012 'Trees In Relation To Construction Recommendations', or any subsequent revision, has been submitted to and approved in writing by the Local Planning Authority. Details shall be based on a porous 'No-Dig' principle of construction, avoiding any excavation of existing levels in all areas concerned, and shall include: -

- a) An approved development layout plan identifying all areas where special construction measures are to be undertaken.
- b) Materials including porous surface finish.
- c) Construction profile/s showing existing /proposed finished levels together with any grading of levels proposed adjacent to the footprint in each respective structure.
- d) Programme and method of implementation and arboricultural supervision.

The Construction Method Statement shall be implemented in full accordance with the approved scheme, under arboricultural supervision, prior to occupation of any dwelling hereby permitted.

The No Dig structure shall be retained in perpetuity thereafter.

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

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

26. No development shall take place until:

(i) details of all proposed alterations to the ground levels within the site within 5 metres of the minimum 'Root Protection Areas' calculated in accordance with BS 5837 (2012) recommendations (or any subsequent revision), for all existing retained trees within the site and on neighbouring land adjacent to the approved development. The details shall include:

- a) Existing and proposed finished levels.
  - b) Any proposed soil level re-grading in relation to existing retained trees, hedges and other vegetation.
  - c) Proposed retaining structures required to address level differences adjacent to retained trees and hedges and other vegetation, and
- (ii) a programme and method of implementation have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

28. All planting comprised in the approved 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 approved 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 bio-diversity and visual amenity of the site

[Relevant Plans and Policies: CSDPD CS1, CS7]

29. No development approved by this permission shall be commenced until a landfill gas risk assessment has been submitted to and approved in writing by the local Planning Authority. Where a risk from migrating gas is identified, appropriate works to mitigate the effects of gas shall be incorporated in detailed plans to be approved by the Local Planning Authority.

REASON: The proposed development is located near a former landfill site, the contents of which are not known. To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers and users of the development.

30. No development shall take place until a contaminated land Phase I report (Desk Top Study) has been carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The Desk Top Study shall be submitted to, and approved in writing by, the local planning authority.

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

Following approval of the Desk Top Study, a Phase II report (Site investigation) may be necessary, depending on the findings of the Phase I report. This should be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. If required, the method and extent of this site investigation shall be agreed with the Local Planning Authority prior to commencement of the work and shall then proceed in strict accordance with the measures approved.

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

Any remedial or mitigating measures recommended by the findings from the Phase II report shall be approved by the Local Planning Authority and implemented before any dwelling is occupied.

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

REASON: The proposed development is located near a former landfill site, the contents of which are not known. To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers and users of the development.

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

The scheme shall include:

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

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

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

32. No demolition or construction work shall take place outside the hours of 08:00 and 18:00 Monday to Friday; 08:00 and 13:00 Saturday and not at all on Sundays or Public Holidays.

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

33. No above ground development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for external site lighting, including that serving car parking areas and pedestrian footpaths, including details of lighting units and levels of illumination. The approved scheme for each area shall be implemented before the first use of that area and the lighting retained in accordance therewith.

REASON: In the interests of the character of the area and to ensure the safe use of pedestrian routes and parking courts.

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

34. No dwelling adjoining London Road shall be occupied until appropriate means of ventilation (such as acoustic trickle vents in accordance with Building Regulations) have been installed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority (affects plots 30-32 and 41-43).

REASON: To ensure that the future occupiers of dwellings are protected from road traffic noise in the dwellings.

[Relevant Plans and Policies: BFBLP EN25]

35. In the course of construction no deliveries to and from the site shall take place outside of the hours of 9:30am and 3:30pm Monday to Friday.

REASON: To ensure that delivery vehicles are not caught in slow moving traffic, or contribute to traffic congestion at peak times, thereby contributing to the production of NOx

36. The buildings hereby approved shall be constructed in accordance with the Sustainability & Energy Statement: Land at Popes Farm, Murrell Hill Lane, Binfield prepared by Bluesky Unlimited, dated 15th March 2017.

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

[Relevant Plans and Policies: CSDPD Policy CS10 and CS12]

37. Prior to the commencement of development, the applicant, their agents or successors in title, will secure the implementation of a programme of archaeological field evaluation in accordance with a written scheme of investigation, which has been submitted by the applicant and approved 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 by the Local Planning Authority prior to the commencement of the development. The mitigation strategy will be undertaken in accordance with the approved document.



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]

38. Bin storage associated with the flats hereby approved shall be provided before the flats it serves have been occupied, and shall thereafter be retained available for use.

REASON: In the interests of residential amenity.

### Informatives

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

02. Land Drainage Act Consent will be required for the construction of the outfall from the development site.

03. Section 278 Approval will be required for alterations to the London Road Drainage.

Should the applicant fail to complete the required S106 agreement by 31.03.2018 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 planning obligations to secure:-

- appropriate highway works under S278 and S38 of the Highways Act, and
- permissive pedestrian routes on and across the site in perpetuity and possible future links to adjoining land
- advice to future residents of the private status of roads and footpaths on the site

the proposal would not cater satisfactorily for the needs of pedestrians, cyclists and vehicle users to the detriment of road safety and sustainable development and would therefore be contrary to Policy M4 of the Bracknell Forest Borough Local Plan, Policies CS1, CS23 and CS24 of the Core Strategy Development Plan Document and Policy TC1 of the Binfield Neighbourhood Plan.

4. The proposed development would unacceptably increase the pressure on open space of public value and community facilities. In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which secures the on-site provision of open space of public value, the proposal is contrary to Policies SC1 and R4 of the Bracknell Forest Borough

Local Plan, Policy CS8 of the Core Strategy Development Plan Document and the Planning Obligations Supplementary Planning Document (adopted February 2015).

5. It has not been demonstrated that the proposed development would incorporate a sustainable drainage system (SuDS) for the management of surface water run-off which would be maintained for the lifetime of the development. This is contrary to the House of Commons: Written Statement (HCWS161) Sustainable Drainage Systems 18/12/2014, NPPF 2012 and the Flood Risk and Coastal Change PPG updated 15/04/2015.

<b>ITEM NO:</b>			
Application No.	Ward:	Date Registered:	Target Decision Date:
<b>17/00656/OUT</b>	Winkfield And Cranbourne	9 June 2017	8 September 2017
Site Address:	<b>North Lodge Farm Forest Road Hayley Green Warfield Bracknell Berkshire RG42 6DD</b>		
Proposal:	<b>Outline application for the residential development of 19 no. dwellings (including affordable housing) including associated access, open space and landscaping following demolition of existing buildings, structures and hardstanding. (All matters reserved except access).</b>		
Applicant:	Mr and Mrs Kite		
Agent:	Chris Chapman Associates		
Case Officer:	Katie Andrews, 01344 352000 <a href="mailto:development.control@bracknell-forest.gov.uk">development.control@bracknell-forest.gov.uk</a>		

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



## **OFFICER REPORT**

### **1. SUMMARY**

1.1 The application would deliver 19 (net 18) dwellings, including affordable housing, on land in the Countryside within a well contained and defined site. Concerns raised regarding harm to the protected trees on the site, and drainage matters, have been overcome 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 site, it is concluded that there would be no significant impact from views surrounding the site, or any other impacts in this instance, which would significantly and demonstrably outweigh the benefits of the proposed housing.

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

2.1 The application has been reported to the Planning Committee following the receipt of more than 5 objections.

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

<b>PLANNING STATUS</b>
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Land outside a defined settlement
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Trees on site covered by TPO 1236
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Within 5km of SPA
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3.1 The application site is located outside but adjacent to the settlement boundary as defined on the Policies Map (2013). It is therefore considered a countryside site, but lies outside the Green Belt. Immediately to the south and wrapping around to the west of the site is Westmorland Park and immediately to the south of this is the urban area of Bracknell. To the east is The Limes, a cul-de-sac development at the western end of the linear settlement of Hayley Green and to the north is an equestrian centre. Access would be from Forest Road, a classified road to the north.

3.2 The site is occupied by a residential dwelling and a landscaping business with trees located to all of the boundaries of the site. The existing dwelling forms one of a number of buildings on the site which are in connection with the residential and landscaping business uses. There are 2 x accesses from Forest Road, with long drives leading to the residential use and landscaping business. Tree Preservation Order (TPO) 1236 covers trees on the site to the northern and eastern boundaries.

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

4.1 10/00485/FUL retention of use of premises for mixed residential and landscape gardening contractor's business purposes. Approved 2011.

### **5. THE PROPOSAL**

5.1 The proposal seeks outline planning permission, with all matters reserved apart from access, for the construction of 19 dwellings, including up to 25% affordable housing and access details following demolition of existing buildings including a dwelling.

5.2 The application has been amended since its original submission to change the position of the access to reduce the impact on TPO trees and demonstrate that more separation between dwellings can be achieved to the southern boundary with Westmorland Park.

5.3 The application includes an indicative layout showing provision of parking, layout, public open space and landscaping, however details of layout, landscaping, appearance and scale are all matters reserved for future approval.

## **6. REPRESENTATIONS RECEIVED**

### Warfield Parish Council:

#### 6.1 Recommends refusal:

- Application is contrary to the Gapping Policy [Officer Note: The Warfield Neighbourhood Plan has not yet been submitted to the Council so does not carry any weight]
- Concerned properties are not facing onto public land
- Cannot see how Class B Tree 2 on plot 5 is retained

### Other representations:

6.2 A total of 6 objections and 1 comment have been received from residents of surrounding properties. The comments can be summarised as follows:-

- Concerned re level of additional traffic and noise.
- Highway safety issues.
- Cars travel too fast along Forest Road.
- Inappropriate to build private/affordable houses on a green field with mature trees and hedgerows.
- Adverse effects to wildlife.
- Children lacking space to express themselves, especially in South East as overdeveloped.
- So many new houses around the area, without investment in local infrastructure.
- Loss of open green space.
- Large number of established trees cut down.
- Local amenities full to bursting point.
- Until the Warfield neighbourhood plan is ratified by the Community and submitted next year; all developments of this nature should be postponed so they align with the community plan.
- Using Westmorland Park Lake for drainage is unacceptable.
- No submitted elevations or housing design.
- Parking layout not good practice.
- The application gives nothing back to the community and will be of detriment to local residents and amenity.
- Will crowning of trees adjacent to No.3 The Limes occur. Trees becoming very tall in places and will affect highway safety.

6.3 Comments on amended plans can be summarised as follows:-

- Amendments of units 12,13, 14 do not meet parking standards.
- No provision for cycle storage.
- If dwellings are designated as affordable housing with no parking the primary source of transport in the area is motor transport.
- Please consider making the corner as you turn left from the Limes on Forest Road shallower, the increased level of traffic would make this a safety issue.

- Trees opposite no.3 The Limes appear unsafe. Need to be made safe in the event of high winds.

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

### Highways Officer

7.1 No objection to amended plans subject to conditions.

### Environmental Health

7.2 No objection subject to conditions.

### Lead Local Flood Authority

7.3 Following the submission of an amended Flood Risk Assessment no objection subject to conditions.

### Parks and Countryside Manager

7.4 Does not consider that the tree issue could be defended as a reason for refusal. A condition removing PD rights for the housing backing on to the tree belt should be added to control future problems with extensions bringing the houses closer to the trees and reducing back garden space.

### Landscape Officer

7.5 No objection to Landscape Visual Assessment. Other points to consider:-

- Proposed drainage location with landscape buffer not acceptable.
- Existing trees within southern buffer will grow higher than the proposed dwellings resulting in pressure to remove them.
- A buffer that is located outside the individual gardens should be retained along Forest Road.

[Officer note: these points have been addressed as part of the amendments by reason of a light assessment, amendments to the location of drainage and an area of open space to be provided to Forest Road]

### Biodiversity Officer

7.6 No objection subject to conditions.

### Berkshire Archaeology

7.7 No objection.

### Tree Officer

7.8 Following amended plans no objection subject to conditions.

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

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

	<b>Development Plan</b>	<b>NPPF</b>
General policies and principle	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)
<b>Supplementary Planning Documents (SPD)</b>		
Parking standards SPD		
Design SPD		
Character Area Assessments SPD (Chapter 4 - Northern Villages)		
Streetscene SPD		
Thames Basin Heaths Special Protection Area SPD		
Planning Obligations SPD		
<b>Other publications</b>		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). Parking Standards SPD.		

## **9. PLANNING CONSIDERATIONS**

9.1 The key issues for consideration are:

- i Principle of the Development
- ii Impact on Character and Appearance of the Area, including landscape impact
- iv Trees and Landscaping
- iii Impact on the Amenity of Neighbouring Properties
- iv Transport Implications
- v Sustainability
- vi Biodiversity
- vii Flood Risk and Sustainable Drainage Systems
- viii Securing Necessary Infrastructure/CIL
- ix Thames Basin Heaths Special Protection Areas (SPA)
- xii Affordable Housing
- xiii Planning Balance

### **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 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, the Council is currently unable to demonstrate a 5 year supply of land for housing which means that policies for the supply of housing are out of date (by virtue of paragraph 49 of the NPPF). As such the 'tilted balance' provided for in paragraph 14 of the NPPF applies which means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

9.7 The remainder of the report assesses the benefits and harm associated with this application and then applies the planning balance.

### **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 the Landscape Character Area (LCA) F1: Chavey Down Wooded Sands. The area is characterised as a semi-rural suburban landscape. The woodlands provide a sense of enclosure and rurality, but development is scattered throughout.

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 are:

- The mosaic of woodland contributes to the sense of naturalness and scenic quality of the area is protected through a large number of individual and group TPO trees.

- The rural character of the area, and the role it plays providing a physical and visual separation between Bracknell and North Ascot. It provides enjoyment of the landscape through public access and recreational facilities.

9.11 The site is currently occupied by a single large dwelling set within a large plot, with an ancillary barn style building used in connection with the owner's landscaping business. The site is therefore part previously developed land.

9.12 The Character Areas SPD categorises the built form of Hayley Green as being linear in character, broken up by a small number of cul de sac infill developments. The character area appraisal also highlights that each of the northern village settlements is clearly defined and approached through the surrounding landscape.

9.13 The site to the east of the proposal known as 'The Limes' was subject to an appeal in 2015 (APP/R0335/A/14/2228002) where the Inspector considered the character of the area and the separation gaps between Hayley Green and Bracknell. In allowing the appeal and approving the development the Inspector considered that the combination of tree planting and the open space of Westmorland Park playing fields, provided sufficient separation between the southern extent of Hayley Green and the northern edge of Bracknell. In terms of the character of Hayley Green, the Inspector, whilst noting that the village is predominately linear in form, stated that the existing cul-de-sac at The Limes forms part of the established character and has assimilated well into the village character.

9.14 The current application site is bounded to the south and west by the playing field and balancing pond which form part of the recreational area of Westmorland Park. There is a maturing band of trees located against these boundaries but outside the application site, providing a continuous green linkage between the woodland in the east and that along the Bull Brook. It is considered that these provide substantial and defensible boundaries to the settlement, and effective separation between the built form of Hayley Green and Bracknell. The pond and Bull Brook form a green corridor and preserve the separation between the proposal and the proposed development to the west. These features are considered sufficient to maintain the individual identity of Hayley Green and countryside approaches identified within the Character Appraisal.

9.15 The proposal would change the character of the site, elongating the built form of the village in a westerly direction, and would erode some of the open green space surrounding Hayley Green. A cul-de-sac development is not strictly in keeping with the built character of Hayley Green. However as outlined above, the Inspector in considering The Limes appeal, whilst agreeing with this assessment, noted that The Limes had

assimilated well into the character of the area and therefore the added depth of development created by the cul-de-sac was not considered detrimental. Given these conclusions and the proximity of the proposal to The Limes it is not considered that a reason for refusal on cul-de-sac development being out of character would be sustainable.

9.16 The indicative layout demonstrates that the proposed number of units can be accommodated within the site, whilst maintaining the majority of 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 of the indicative layout.



Indicative site layout

9.17 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 stating the following:-

*“7.4 The existing visual context is strongly influenced by the extent of woodland and other vegetation, along the site boundaries (on and off site) and in the wider area. This limits views of the existing site to the immediate vicinity, and such views comprise limited and partial views of the existing built form on the site, which includes the existing detached dwelling as well as the commercially used barn/and other buildings, with some views of the garden areas from the adjacent Forest Road.*

*7.6 The overall effects upon the landscape character will be localised and are considered to have a level of effect ranging from negligible to moderate (adverse) during the operational phase, primarily due to the increased extent of built form across the site, with associated partial loss of openness. The removal of a limited amount of boundary/offsite vegetation to facilitate drainage outfalls is also noted. Such effects are mitigated due to the removal of the existing commercial use on site, which is locally detracting, and the retention of boundary vegetation. At a wider level, some limited indirect effects will occur relating to the local*

*change in setting to adjoining receptors. These changes are considered to be limited in terms of magnitude and scale and would constitute minor adverse effects.*

*7.7 The overall visual impacts of the proposed development will primarily relate to the effects of the new residential built form seen in partial/glimpsed views from the immediate vicinity along the adjacent Forest Road, from within Westmorland Park Road and from The Limes residential development. Views from the wider area will not be affected due to the considerable extent of woodland/vegetation in the wider area. The existing vegetation along the site boundaries will provide a degree of concealment, which will be considerable in the summer months. In the partial and glimpsed views available the proposed development, will be seen below the canopy heights of the existing trees/boundary vegetation. The visual effects are likely to replicate/be very similar to those of the recently completed development of The Limes, which is considered to be visually well integrated into the locality. The overall level of visual effect is judged to vary between negligible to slight adverse."*

9.18 The LA demonstrates that there are public views of the site from Forest Road, from within Westmorland Park and The Limes development. The LA concludes that these views would be partial/glimpsed views with the considerable extent of vegetation along the site boundaries providing a degree of concealment which will be considerable in the summer months. It is concluded that the proposal would have negligible to slight adverse effects and notes the effect would be similar to The Limes which is considered to be visually well integrated into the locality.

9.19 The access into the site is for approval under this application and has been amended from its initial submission due to concerns regarding an impact on TPO trees. The access now follows an existing access into the site and would retain the majority of trees on the frontage.

9.20 As the application is for outline permission only, scale and appearance are for approval at a later stage. The Limes to the east, is a development of two storey and development along Forest Road is characterised by dwellings of two storeys. The scale of two storeys is not considered to be out of character. The proposal would result in the loss of a more open site with some areas of open garden areas lost however account should be taken of the visual impact of the existing commercial use on the site. The number of dwellings proposed is acknowledged to increase the level of development across the site and would alter the character of the existing site. However the resulting character and appearance of the site would be similar to the development of The Limes with a density of 20 dph: with the original Limes development has a density of 23.5 dph, and the more recent element 15 dph. As noted above further spread of built development beyond the application site itself is prevented by the natural containment of the site by Westmorland Park to the southern and western boundaries.

9.21 The Limes to the east is lit by street lights and it is noted that a footpath and area of open space is proposed to the frontage with the intention of adopting the footpath and incorporating the path into a wider footway/cycle way network in the future. A condition is proposed that controls lighting on the site, including street lighting, to address light pollution and biodiversity concerns.

9.22 In conclusion it is acknowledged that the proposal would have some impact upon the character and appearance of the existing site; however account has to be taken of the impact of existing built development on the site. It is considered that the features that contribute positively to the character and appearance of the area, principally the mature trees on the site's boundaries, can be retained through a sensitive layout.

## **Trees and Landscaping**

9.23 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.

9.24 The application has been supported by a tree survey. There are mature trees which mark the boundaries of the site with several protected by a Tree Preservation Order (TPO).

9.25 The trees have been assessed as contributing to the amenity and character of the area and landscape character. The access which is for approval has been amended from its original position to follow an existing secondary access at the site. Whilst this will require the removal of some trees, these are not protected and do not form the most visually significant trees on the site. The existing access will be closed and the TPO trees will be safely protected. The indicative layout shows how the trees around the edges of 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. A footpath is shown across the front of the site and conditions are recommended to secure a method statement for special construction and a tree protection condition. An informative is recommended to advise the applicants that services should not be provided within the tree belt at the front of the site.

9.26 In view of the above, the majority of the trees on the site will be retained and maintain the character and appearance of the landscape. The impact on the trees is considered to be acceptable subject to conditions. The proposal is considered to comply with Policy EN1 of the BFBLP.

### **iii. Impact on Amenity of Neighbouring Properties**

9.27 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.

9.28 Residential properties are situated to the east within The Limes development. The indicative layout has demonstrated that a distance of at least 30m could be achieved to the properties in The Limes which demonstrates that the site could be developed without affecting amenities of existing residents. Should a reserved matters application for layout and sitting be submitted, the impacts upon amenity of neighbouring dwellings would be assessed at this point.

### **iv. Transport Implications**

9.29 This residential development would take access off the B3034 Forest Road, a local distributor road which is subject to a 30mph speed limit. The proposed access has been revised to a similar position to the existing commercial access (owner's landscaping business) to reduce impacts on trees, and this access would be around 50m from The Limes which is an acceptable separation distance in line with the Council's Highways Guide for Development (at least 30m for adjacent junctions). Also, sight-lines of 2.4m by 86m could be achieved in either direction in line with speed survey data which indicates 85% percentile vehicles of 42mph. Forest Road is an ancient highway and the

highway boundary across the site frontage includes part of the verge up-to the roadside edge of a ditch. Site observations indicate that the applicant needs to undertake some vegetation clearance of the ditch and cut-back overhanging trees to protect sight-lines.

9.30 A 5.5m wide bell-mouth access with 6m radii is proposed and this would enable two cars to pass, and a refuse vehicle to adequately turn in and out of the access (as demonstrated by the vehicle tracking drawing 4994/201/B). Short lengths of 2m footway are proposed to either side of the access and this would provide pedestrian access for those crossing to the footway on the northern side of Forest Road. The internal footpath would need to be adopted to secure pedestrian access.

9.31 The means of access is considered acceptable, and further details of construction, surfacing and drainage could be dealt with via planning conditions. Also, associated sight-lines and the removal of the existing residential access should be secured by planning conditions.

9.32 An internal east-west footpath is proposed which would benefit new residents of this development, as well as existing residents of Hayley Green. The Indicative Site Layout Plan (drawing 533.10.15.F) shows a 2.5m wide route providing the capability to upgrade this to a cycle route, in the future. The Highway Authority should adopt this public route which will need to be surfaced, drained and lit to an adoptable standard and adoption should be secured via the s106 agreement.

9.33 The internal footpath would connect to a new footway along the existing highway verge towards The Limes for access to the nearest bus stop. A 1.6m wide footway is proposed to achieve this footway within the highway boundary, and this width is acceptable. The footway works are shown on drawing 4994/001/A to include piping the ditch, knee-rail fencing to protect pedestrians and relocating signs. These off-site highway works should be secured via planning condition and the applicant will need to enter into a Section 278 agreement with the Highway Authority.

9.34 Within the site, a 5.5m wide shared surface road is proposed with metre wide and 2m wide verges to either side which is in line with the Council's Highways Guide for Development. In the southern part of the site, there are visitor parking bays and a 2m wide footpath separated from the road. The turning for a refuse vehicle around plots 5 and 6 (shown on drawing 4994/201/B) is acceptable and a refuse vehicle would be able to access and turn around 30m from the furthest property, plot 1. A 4.5m wide shared surface is proposed further into the western part of the site, which is below the usual 4.8m wide shared surface, though two cars could pass at low speed. A footway should be considered in the final layout across the frontage of plot 19 rather than verge/margin to assist with pedestrian access adjacent to this narrower shared surface and to connect to the proposed footpath through to the proposed

9.35 The Highway Authority seeks to adopt roads serving 6 or more properties and would seek to adopt the first part of this road to include adoption of the internal east-west footpath. The footpath will be required to be lit in a similar manner to 'The Limes' and details are proposed to be required by condition.

## Parking

9.36 The Transport Statement *notes, 'car and cycle parking is to be provided in accordance with the Council's standard, including visitor car parking spaces. It is intended that the cycle parking will be accommodated within the garages for each unit.'* The Design and Access Statement indicates that garages are proposed to be 3.5m by 7.5m. Also, the 4-bed dwellings are to have a double garage.

9.37 It is noted that plots 12, 13 and 14 have been revised to no longer include garages; however, the Revised Site Layout Plan (Rev F) shows driveways which could provide two parking spaces to comply with the parking standards. The parking provision for some of the plots, e.g. plots 1 and 2 will need to include rear pedestrian access between garages/driveways and the properties. Also, the visitor lay-by parking spaces appear to be tight between 4.8m and 5.2 long, and alterations to planting, driveways and footpaths will be required to ensure visitor spaces are accessible and useable. An acceptable revised layout can be achieved by the reserved matters.

9.38 In view of the above it is considered that the revised position of the access is acceptable on highways grounds with the layout to be considered under a reserved matters application.

#### Sustainability of the Location

9.39 The Tesco superstore plus the surgery and library at Whitegrove are around 700m to the south-west of this development and Warfield Primary School is 1km away which is within walking distance. Westmorland Park provides a traffic-free lit route to these facilities and an internal footpath is proposed within the site heading westwards towards the site boundary with Westmorland Park to create a connection.

9.40 A bus stop is located to the east of The Limes development and 40m from the site which will be accessible from the new link within the application site. The bus stop is on the 162/162A route which provides 11 buses per day to Bracknell Town Centre with 9 buses per day in the opposite direction to Winkfield, 3 of which extend on to Ascot.

9.41 The site is considered to be in a reasonably sustainable location in that it is within walking distance to schools and the facilities at Whitegrove.

#### **v. Sustainability**

9.42 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 but this has not included a target which demonstrates that daily average water use of less than 110 litres per person can be achieved. A condition can be applied to secure this.

9.43 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 its energy requirements from on-site renewable energy generation although it is likely that additional panels would be required. This can be secured by a condition will be imposed requiring the submission of a further energy statement.

#### **vi. Biodiversity**

9.44 The information submitted with the application has been considered by the Council's Ecologist.

9.45 The site is considered to have a low bat roost potential or potential for reptiles. Bird nesting could occur in the mature trees which surround the site but inspections of the building led to no bird nests or remains of nests being found. No badgers have been noted on the site. A condition is however recommended to secure biodiversity enhancements.

9.46 A wildlife corridor has been proposed to the western boundary of the site to link with the open space to the northern boundary and conditions are recommended to secure the management of these areas.

9.47 In view of the above it is considered that the development accords with Core Strategy Policies CS1 and CS7 and the NPPF.

#### **vii. Flood Risk and Sustainable Drainage Systems**

9.48 The site is situated in Flood Zone 1, but close to Flood Zone 2 associated with the Bull Brook and Westmorland Park lake. Whilst a full drainage strategy is not required at this stage the Lead Local Flood Authority (LLFA) seek surety that sufficient space has been provided in the Masterplan for an appropriate SUDS scheme.

9.49 The site is currently developed with a house and associated outbuildings and the amended Flood Risk Assessment (FRA) report sets out that the existing drainage is believed to go to soakaways, suggesting that infiltration may be possible in areas of the site. The report recommends that further BRE 365 compliant testing is undertaken to confirm the infiltration potential, prior to detailed design.

9.50 No ground investigation has been undertaken to support the Application at the site however the FRA states that perched water tables may occur within gravel deposits or lenses present within the site. The report recommends that if these are found to occur at the site then measures such as liners to the swale and permeable paving will need to be incorporated.

9.51 The FRA includes copies of pre-development correspondence with Thames Water. Thames Water have agreed in principle to allow discharge into the Westmorland Park pond at a rate of 4.2l/s subject to it being demonstrated that surface water cannot be discharged via infiltration methods as per the recommendations in the report. The LLFA is encouraged to see that the Applicant has consulted with Thames Water at this stage however the proposed route of the surface water discharge from the development passes close to Plots 6 and 7 at the southern boundary of the site. The report has identified that the neighboring building footings are to be deep enough so that they do not exert load onto the drainage infrastructure. The route will need to be requisitioned by Thames Water which will mean the sewers will need to be in accordance with Sewers for Adoption and the off-sets must be agreed with the adopting authority and accord with Building regulations.

9.52 The developer has chosen to provide geocellular storage under the entire private driveways, and permeable paving under the highway in order to provide the necessary storage volume calculated as between 283m<sup>3</sup> and 366m<sup>3</sup>.

9.53 A small swale is proposed close to the boundary of the site, this is close to an existing embankment associated with the pond, which has shown some signs of failure. The latest revision of the design is utilising the swale for storage from the whole development with three outfall locations. Careful design will be required for this element with the potential requirement for reinforcement and liners. The LLFA are concerned about the proximity of the feature to the existing earthworks slope, however the Engineer has confirmed that they have incorporated an off-set and additional measures can be dealt with by detailed design with confirmation from a Geotechnical Engineer to be provided to ensure that the swale does not introduce a risk of failure to the slope.

9.54 The report states that site surface levels should be manipulated during detailed design to provide the overland flow routes indicated on the drainage strategy drawing to



ensure that an adequate route is provided in the event of system exceedance or failure. The route should direct water away from dwellings and follow the drainage path shown on Drawing 17-011-002 towards Westmorland Park pond and Bull Brook which closely follows that of the existing site.

9.55 Accordingly subject to suitably worded conditions requiring details of a surface water drainage scheme and securing the maintenance of the swale and the permeable paving 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. Securing necessary infrastructure/CIL**

9.56 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.

9.57 Guidance in the Planning Obligations SPD is relevant.

9.58 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

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

### **ix. Thames Basin Heaths Special Protection Areas (SPA)**

9.60 The Council, in consultation with Natural England, has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath 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 4.6 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.

9.61 On commencement of the development, a contribution (calculated on a per-bedroom basis) is to be paid to the Council towards the cost of measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Council's Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPD) and the Planning Obligations SPD. The strategy is for relevant



developments to make financial contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the SPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures which Natural England will spend upon the SPA land. The Council will also make a contribution towards SANG enhancement works through Community Infrastructure Levy (CIL) payments whether or not this development is liable to CIL.

9.62 In this instance, the development would result in a net increase of 6 x two bedroom, 11 x three bedroom, and 2 x four bedroom dwellings replacing a single four bedroom dwelling which results in a total SANG contribution of £35,956.

9.63 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which will also be calculated on a per bedroom basis. Taking account of the per bedroom contributions this results in a total SAMM contribution of £11,784.

9.64 The total SPA related financial contribution for this proposal is £47,740. The applicant must agree to enter into a S106 agreement to secure this contribution and a restriction on the occupation of each dwelling until the Council has confirmed that open space enhancement works to a SANG is completed. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP Saved Policy NRM6, Saved policy EN3 of the BFBLP and CS14 of CSDPD, the Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD, the Planning Obligations SPD and the NPPF.

## **xii. Affordable Housing**

9.65 Policies CS16 and CS17 of the CSPD (in relation to housing needs and affordable housing). The Council's affordable housing policy currently applies to proposals involving net increases of 15 net dwellings or more. On these sites there is a requirement for 25% of the proposed homes to be affordable housing of which 70% to be affordable rent and 30% to be intermediate housing.

9.66 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. PLANNING BALANCE**

9.67 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.

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

9.69 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.

9.70 The balancing exercise is thus:-

#### Economic

9.71 The proposal would result in the net gain of 18 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. In terms of the delivery of the site and contribution to the 5 year supply the application has been submitted by the owner of the site and there are no known constraints impeding the implementation of the scheme other than the grant of planning permission.

9.72 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. 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

9.73 The proposal provides for 25% of the net dwellings to be affordable. It is considered that this is a matter to which significant weight can be afforded, tempered by the modest numbers of dwellings involved.

9.74 The site is considered to be reasonably sustainably located, in that a number of services and amenities are between 700m to 1km from the site and although the bus service is infrequent it is within walking distance.

#### Environmental

9.75 There is some harm related to the change in character of the application site, however considering the adjoining site next door, The Limes, and that the majority of trees on the site are to be retained this is considered to be moderate. These impacts are localised, however, 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 is reduced. It is not considered that the proposal would significantly change the character of the wider landscape in which the proposal sits with the majority of trees on the site retained.

#### Conclusion

9.76 In summary, whilst contrary to the development plan, the proposal would add up to 18 dwellings to the housing land supply with 25% of them affordable. This is considered to be a significant benefit along with the fact that the site is considered to be reasonably sustainable. There would also be more limited and economic benefits. Against this needs to be weighed the moderate harm to the character and appearance of the area.

9.77 In conclusion, whilst there is some harm arising from the proposal; it is not considered that in this instance that harm significantly and demonstrably outweighs the benefits of the proposal. The application is therefore recommended for approval.

## **11. RECOMMENDATION**

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

01. Measure to avoid and mitigate the impact of residential development upon the Thames Basin Special Protection Area (SPA).
02. Provision of on-site affordable housing
03. Adoption of footpath and roads
04. Maintenance of the swale and permeable paving.

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

01. 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.

02. 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.

03. 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.

04. The development hereby permitted shall be carried out only in accordance with the following approved plans:-

533.00.02A Existing site block plan

533.00.00 Existing site topographical plan survey.

4994/001/A Amended Proposed Footway Link to Bus Stop

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

05. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the development. The content of the LEMP shall include the following:

- (a) Description and evaluation of features to be managed
- (b) Ecological trends and constraints on site that might influence management
- (c) Aims and objectives of management
- (d) Appropriate management options for achieving aims and objectives
- (e) Prescriptions for management actions
- (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- (g) Details of the body or organisation responsible for implementation of the plan
- (h) On-going monitoring and remedial measures

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery. The plan shall also set out (where the results from

monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1]

06. The development shall not be occupied 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]

07. The landscaping details required by condition 01 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, unless the Local Planning Authority gives written consent to any variation.

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

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

08. 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]

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

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

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

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

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

[Relevant Plans and Policies: CSDPD Policy CS12]

10. The development shall not be begun until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day, 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]

11. The development hereby permitted shall not be begun until a detailed site specific construction method statement for all hard surfaced areas of any description within the minimum root protection areas of retained trees calculated in accordance with British Standard 5837:2005 'Trees In Relation To Construction Recommendations', or any subsequent revision, has been submitted to and approved in writing by the Local Planning Authority. Details shall be based on a porous 'No-Dig' principle of construction, avoiding any excavation of existing levels in all areas concerned, and shall include: -

- a) An approved development layout plan identifying all areas where special construction measures are to be undertaken.
- b) Materials including porous surface finish.
- c) Construction profile/s showing existing /proposed finished levels together with any grading of levels proposed adjacent to the footprint in each respective structure.
- d) Program and method of implementation.

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

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

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

12. 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]

13. 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]

14. 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]

15. No dwelling shall be occupied until the existing access to the site has been closed and footway/ verge is provided over the closed access in accordance with details which have been submitted to and approved in writing by the Local Planning Authority; the footway/verge shall be retained thereafter.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

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

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

17. No dwelling shall be occupied until a means of access for pedestrians and cyclists to it 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 accessibility and to facilitate access by cyclists and/or pedestrians.

[Relevant Policies: BEBLP M6, Core Strategy DPD CS23]

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

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

19. No dwelling shall be occupied until visibility splays of 2.0 metres by 2.0 metres have been provided at the junction of the driveway and the adjacent carriageway. The dimensions shall be measured along the edge of the drive and the edge of the carriageway from their point of intersection. The visibility splays shall at all times thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the carriageway.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

20. No dwelling shall be occupied until the associated vehicle parking serving it 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, Core Strategy DPD CS23]

21. The garage accommodation shall be retained for the use of the parking of vehicles and bicycles at all times.

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

[Relevant Policy: BFBLP M9]

22. 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]

23. 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 comprising:-

- The footway way works shown on dwg 4994/001A

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

REASON: In the interests of highway safety.

[Relevant Policy: BFBLP M4]

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, 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.

REASON: In the interests of amenity and road safety.

25. No development shall take place until a surface water drainage scheme (SWDS) 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 assessment shall include BRE365 Compliant Infiltration tests to establish whether infiltration is viable on the site and a period of groundwater monitoring to determine the presence of any groundwater table. The drainage strategy shall be informed by the geotechnical investigation and demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm with a suitable allowance for climate change and allowances for urban creep included (results for 1 in 1, 1 in 2, 1 in 30, 1 in 100 and 1 in 100 + 40%), will not exceed the run-off rates or volumes from the equivalent greenfield site and that flood risk will not be increased elsewhere in accordance with the principles of the Odyssey Markides Flood Risk Assessment dated December 2017. The strategy should include detailed levels design to demonstrate exceedance routing throughout the development, and calculations demonstrating sufficient water quality treatment times are provided within the SUDS scheme.

The agreed details shall be fully implemented in the drainage scheme and thereafter retained.

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

[Relevant Policies: Section 10 NPPF]

26. No development shall take place until full details of the Drainage System(s) have been submitted to and approved in writing by the Local Planning Authority. These shall include:

- full details of all components of the proposed drainage system including dimensions, locations, gradients,
- invert and cover levels,
- headwall details,
- collector pipes,
- catchpit locations and filter specifications,
- services locations in private areas
- constructions details for permeable paving, including check dam locations and service crossings,
- constructions details for geocellular storage demonstrating access for maintenance
- detailed design of the swale, including slope stability assessment undertaken by a Chartered Geotechnical Engineer with any necessary liner design, planting schedules, side slopes, headwall details, sediment forebay design and RoSPA Assessments.

The approved details shall be fully incorporated in the drainage and retained.

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

[Relevant Policies: Section 10 NPPF]

27. No development shall commence until details of how the surface water drainage shall be maintained and managed after completion have been submitted to and approved in writing by the Local Planning Authority. The details shall include confirmation of the required maintenance activities with expected frequency, with site specific assessments included to demonstrate that health and safety has been fully considered in the design and that access and egress for future residents will be maintained during any operations to repair or replace drainage features. The agreed details shall be fully actioned within the maintenance and management of the drainage.

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

[Relevant Policies: Section 10 NPPF]

28. Development shall not commence until a drainage strategy detailing any on- and off-site drainage works, along with proposed points of connection, has been submitted to and approved by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

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

[Relevant Policies: Section 10 NPPF]

29. No buildings shall be occupied until the sustainable urban drainage scheme for this site has been completed in accordance with the submitted details. The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. Written confirmation of agreements for the management and maintenance of the drainage scheme shall be submitted and approved by the Local Planning Authority.

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



[Relevant Policies: Section 10 NPPF]

30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no enlargement, addition, improvement or other alteration permitted by Classes A and E of Part 1 of the Second Schedule of the 2015 Order shall be carried out.

REASON: The site is affected by a Tree Preservation Order/contains trees which are a feature of the site where strict control over development is required by the policies of the development to ensure their protection.

[Relevant Policies: BFBLP EN1, Core Strategy DPD CS7]

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

- (i) specifications of control of noise arrangements for construction and demolition.
- (ii) methodology of controlling dust, smell and other effluvia
- (iii) site security arrangements including hoardings
- (iv) proposed method of piling for foundations
- (v) construction and demolition methodology
- (vi) construction and demolition working hours
- (vii) hours during the construction and demolition phase, when delivery vehicles or

vehicles taking materials are allowed to enter or leave the site

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

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

[Relevant Policies BFBLP CS7 and EN25]

32. No development shall take place until a contaminated land Phase I report (Desk Top Study) has been carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The Desk Top Study shall be submitted to, and approved in writing by, the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's "*Model Procedures for the Management of Land Contamination, CLR 11*".

Following approval of the Desk Top Study, if a Phase II report (Site investigation) is required it will be completed by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The method and extent of this site investigation shall be agreed with the local planning authority prior to commencement of the work and shall then proceed in strict accordance with the measures approved.

This must be conducted in accordance with DEFRA and the Environment Agency's "*Model Procedures for the Management of Land Contamination, CLR 11*".

REASON: The proposed development is located on a potentially contaminated site, due to its historic land use. To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas.

33. Following completion of the desk top study (phase I) and site investigation (phase II) required by the above condition, a remediation scheme to deal with any contaminants

identified (including gas protection measures if necessary) must be submitted to and approved in writing by the local planning authority. The scheme shall include an implementation timetable, monitoring proposals and a remediation verification methodology. The remediation scheme must be carried out before the development commences unless otherwise agreed in writing by the local planning authority.

An appropriately qualified person shall oversee the implementation of all remediation/mitigation works.

Should any unforeseen contamination be encountered during the development, the local planning authority shall be informed immediately. Any further investigation/remedial/protective works shall be carried out to agreed timescales and approved by the Local Planning Authority in writing.

A Site Completion Report shall be submitted to, and approved in writing by, the Local Planning Authority upon completion of the remediation/mitigation work in accordance with the agreed implementation timetables. The report shall include confirmation that all remediation measures have been carried out fully in accordance with the approved remediation scheme and detail the action taken and verification methodology used (including details of the sampling and analysis programme) at each stage of the remediation/mitigation works to confirm the adequacy of decontamination. The Site Completion Report must also include details of future monitoring and reporting if this is deemed necessary, or a statement to the effect that no future monitoring is required, with an explanation as to why future monitoring is not necessary

If no contamination is encountered during the development, a written statement confirming this fact shall be submitted to the local planning authority upon completion of the development.

Reason: To enable to the local planning authority to ensure that appropriate measures are taken to avoid any threat which the proposed development might pose to health and safety and/or the environment.

Informative(s):

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

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

1, 3, 4, 12, 13, 21, 22, 30

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

2, 7, 9, 10, 11, 14, 23, 24, 25, 26, 27, 28, 31, 32

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

5, 6, 15, 16, 17, 18, 19, 20, 29

03. The applicant will need to enter into a Section 278 agreement with the Highway Authority for off-site highway works.

04. No demolition or construction work shall take place outside the hours of 08:00 and 18:00 Monday to Friday; 08:00 and 13:00 Saturday and not at all on Sundays and Public Holidays.

05. The applicant is advised that services shall not be located within the tree belt at the front of the site.

In the event of the s106 planning obligations not being completed by 23.05.2018 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).

02. 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.

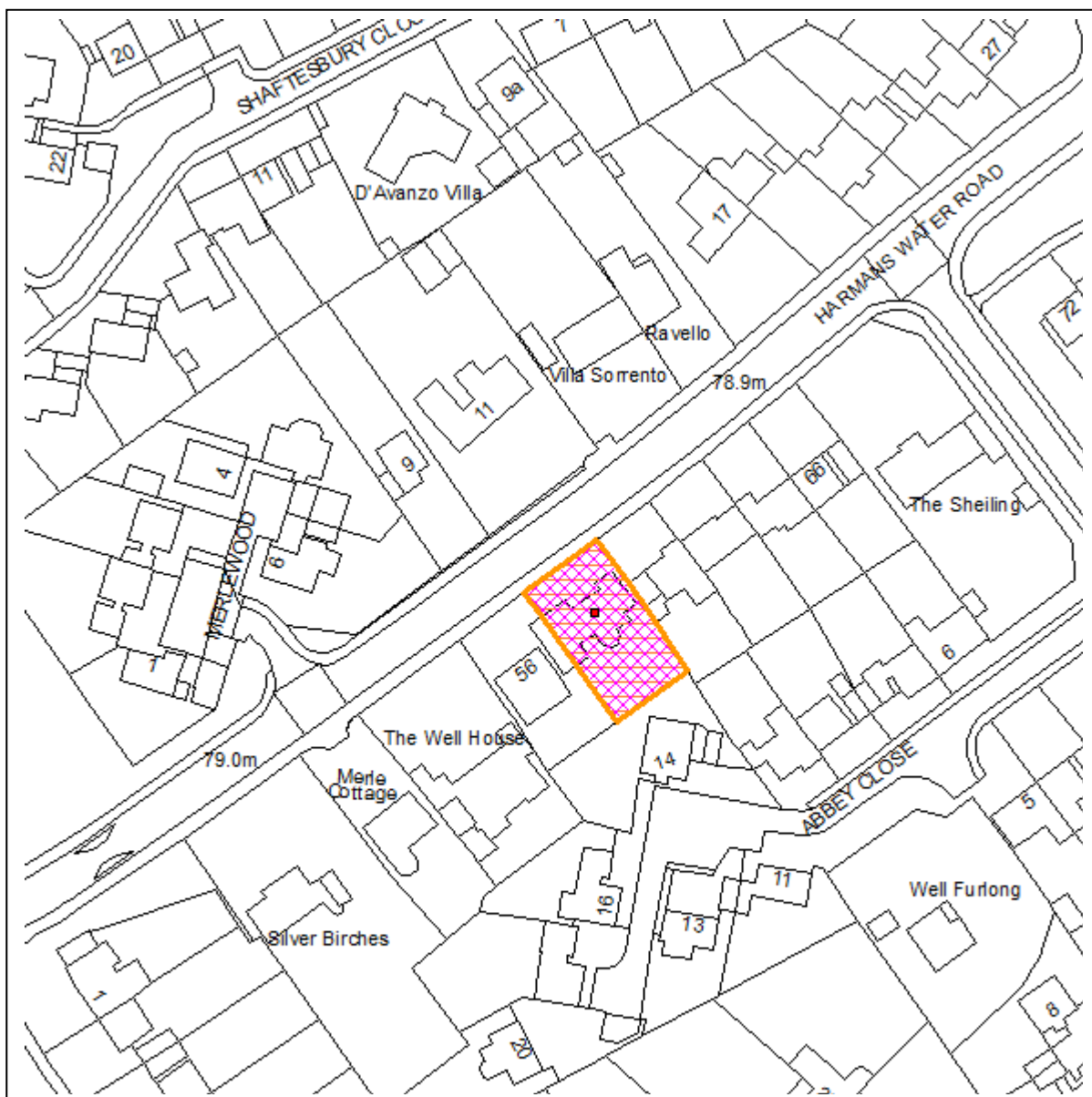
03. In the absence of a planning obligation to secure the adoption of the footpath at the front of the site and roads, the proposal would not promote alternative modes of transport which is contrary to Policy CS23 of the Core Strategy Development Plan Document.

04. In the absence of a planning obligation to secure the maintenance of the swale and the permeable paving the proposal would not secure the maintenance of the sustainable urban drainage system which is contrary to section 10 of the NPPF.

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<b>ITEM NO:</b>			
Application No.	Ward:	Date Registered:	Target Decision Date:
<b>17/01098/FUL</b>	Harmans Water	31 October 2017	26 December 2017
Site Address:	<b>Raj Bhawan 58 Harmans Water Road Bracknell</b>		
	<b>Berkshire RG12 9PT</b>		
Proposal:	<b>Conversion of single dwelling house to three self-contained flats with raising of garage roof, side porch, front extension to garage and addition of balcony in front elevation. (Part retrospective) (Re-submission of 17/00659/FUL).</b>		
Applicant:	Mr & Mrs M Goyal		
Agent:	Ms Anupama Srivastava		
Case Officer:	Matthew Miller, 01344 352000		
	<a href="mailto:development.control@bracknell-forest.gov.uk">development.control@bracknell-forest.gov.uk</a>		

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



## **OFFICER REPORT**

### **1. SUMMARY**

- 1.1 The proposed development is the conversion of a single dwelling house into three self-contained apartments, including the raising of the garage roof, the erection of a single storey front extension, side porch and the addition of a balcony to the front elevation.
- 1.2 The proposed development relates to a site within the settlement boundary and is therefore acceptable in principle. It would not adversely affect the residential amenities of neighbouring properties or future occupiers of the proposed flats and would not adversely impact upon the character and appearance of the surrounding area. The proposals would be acceptable in terms of highway safety and parking, subject to proposed conditions. Relevant conditions will also be imposed in relation to detailed design, trees and sustainability, and a section 106 agreement will be entered into in relation to impacts on the SPA.

<b>RECOMMENDATION</b>
Delegate to the Head of Planning to grant planning permission following the completion of a s106 agreement and subject to conditions in Section 11 of this report

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

- 2.1 The application is being considered by the Planning Committee following the receipt of 8no. objections, and in view of the previous returned application 17/00659/FUL which was due to be heard at committee.

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

<b>PLANNING STATUS</b>
Within settlement boundary
Between 400 metres and 5 kilometres of the SPA
Trees to rear of property are subject to a TPO

- 3.1 Raj Bhawan, 58 Harmans Water Road, is a two storey detached dwelling (originally link-detached to no.56 via their garages) located in a predominately residential area. The dwellinghouse has been extended to the side, front and rear, through single and two storey extensions. The property contains a hardsurfaced frontage forming a driveway, with an attached garage (approved to be converted under extant planning permissions). The property benefits from an enclosed rear garden, with trees subject to TPO 1053 within the vicinity of the rear boundary.

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

- 4.1 The relevant planning history is as follows:

14255

Section 6/1 approval New Towns Act 1965 (Prop 251 33 dwellings)

Approved 1968

604472

Two storey side extension to form lounge and bedroom, erection of front storm porch.

Approved 1979

615894

Single storey front extension.  
Approved 1990

16/00375/FUL

Erection of part single, part two storey rear extension following demolition of existing conservatory, conversion of garage into habitable accommodation with addition of pitched roof over garage, addition of pitched roof over existing front facing dormer and an extension to the dropped kerb.

Approved (2016)

16/01200/FUL

Section 73 application for the variation to condition 2 to planning permission 16/00375/FUL for the erection of part single, part two storey rear extension following demolition of existing conservatory, conversion of garage into habitable accommodation with addition of pitched roof over garage, addition of pitched roof over existing front facing dormer and an extension to the dropped kerb. )For clarity the proposed development is to increase depth of the rear extension at ground + first floor levels and width of first floor element)

Approved (2017)

17/00659/FUL

Proposed conversion of single dwelling house to three self-contained apartments with raising of garage roof, the erection of a single storey front extension, side porch and addition of balcony in front elevation.

Not Entertained due to incorrect Ownership Certificate (2017)

## **5. THE PROPOSAL**

- 5.1 The proposed development is the sub-division of the existing dwellinghouse, which has planning permission for seven bedrooms, into three self-contained apartments. This would consist of a one-bedroom apartment and a two-bedroom apartment at ground floor level, with a three-bedroom apartment at first floor level (six bedrooms in total). It is proposed to retain the existing rear garden as an amenity area serving all three apartments, and to retain the existing hardsurfaced frontage for parking.
- 5.2 In addition to the sub-division, the proposed plans show a single storey front and side extension on the western part of the dwelling, with associated roof alterations to the existing western element. It measures 2.5 metres in width, 1.2 metres in depth, and connects to the raised pitched roof of the single storey element behind, which form a total height of 4.4 metres. This extension has already been implemented, and while applied for under this application, it has already been approved under previous planning applications 16/00375/FUL and 16/01200/FUL.
- 5.2 A canopy forming a porch is proposed to be erected to the eastern side of the dwelling (as part of the proposed access to an apartment), measuring 1.0 metre in depth, 1.6 metres in width, and 3.0 metres in height.
- 5.3 A balcony (with access door) is proposed to be formed on the first floor of the front elevation, above the existing main entrance door, measuring 1.6 metres in depth and 3.4 metres in width.
- 5.4 It is also proposed to insert an additional access door on the front elevation of the ground floor of the existing dwelling, next to the existing access door.
- 5.5 A bin store is proposed to the front of the dwelling, and a cycle store is proposed to the rear.

## 6. REPRESENTATIONS RECEIVED

### Bracknell Town Council:

6.1 Bracknell Town Council object to the proposal on the following grounds:

- the proposal would constitute overdevelopment of the area;
- the proposal would result in an increase in traffic generation on to a busy main road, without provision for off-street maneuvering space (i.e. vehicles would not access or egress the site in forward gear);
- the proposal would result in an increased loss of privacy to occupants of neighbouring properties to the side and rear due to the amount of tenants that will reside in the property.

*[Officer Comments: there are no changes proposed to the rear balcony, windows and doors that have not already been approved under applications 16/00375/FUL and 16/01200/FUL*

*The remaining matters are addressed in the report below].*

### Other Representations:

6.2 A total of 7no. objections have been received from occupants of neighbouring properties within Harmans Water Road, and from within Abbey Close to the rear. They can be summarised as follows:

- the proposal would result in a greater intensity of use that would be detrimental to the character of the area (overdevelopment) and to the occupants of neighbouring properties;
- the appearance of the resulting building and the hardsurfaced frontage would be out of character with the area;
- the front and rear balcony would result in an adverse loss of privacy to neighbouring properties;
- the proposal would not contain sufficient off-street parking provision or accessibility;
- there is no requirement for the development when apartments are available elsewhere;
- the storage of materials on site during the ongoing construction works to the property has resulted in an untidy appearance, with debris being scattered to neighbouring properties. Furthermore there has been a disregard for working hours of construction, and
- concerns have been raised over the standard of construction of the development that has been approved/undertaken so far.

*[Officer Comments: The development to the rear, including the rear balcony, has the benefit of planning permission, and does not form part of this application. While some minor alterations have been made to the rear fenestration in terms of the specific size and design of windows and doors, these changes are considered non-material in view of their overall scale and extent. The case officer considers that the standard of construction does not give rise to any breach of planning in terms of requiring matching materials. Any further matters would be subject to Building Regulations legislation.*

*Bracknell Forest Borough and the wider region are witnessing a housing shortfall, and therefore there is significant demand for additional residential units to be provided, and this is a material consideration. Matters of current material storage, untidy land and working hours are subject to separate regulations and are not related to the Planning merits of the application at hand*

*The remaining matters are addressed in the report below].*

6.3 No further representations have been received.



## 7. SUMMARY OF CONSULTATION RESPONSES

Highway Officer:

- 7.1 The Highway Officer raises no objection, subject to the imposition of conditions concerning parking and access.
- 7.2 No other statutory or non-statutory consultations have been required.

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

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

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CS1 and CS2 of the CSDPD	Consistent
Housing	CS15 of CSDPD	Consistent
Design	CS7 of the CSDPD	Consistent
Amenity	'Saved' policy EN20 of the BFBLP	Consistent
Trees	EN1 and EN2 of BFBLP	Consistent
Highways	'Saved' policy M9 of the BFBLP CS23 of the CSDPD	Consistent - Para. 39 refers to LPAs setting their own parking standards for residential development
Sustainability	CS10 and CS12 of CSDPD	Consistent
SPA	SEP Retained Policy NRM6, 'Saved' Policy EN3 of BFBLP, Policy CS14 of CSDPD	Consistent
<b>Supplementary Planning Documents (SPD)</b>		
Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD (2012)		
Parking Standards SPD (2016)		
Design SPD (2017)		
<b>Other publications</b>		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		

## 9. PLANNING CONSIDERATIONS

- 9.1 The key issues for consideration are:

- i. Principle of Development
- ii. Impact on Character and Appearance of Surrounding Area
- iii. Impact on Residential Amenity
- iv. Transport and Highways Considerations
- v. Tree Implications
- vi. Sustainability Implications
- vii. SPA
- viii. Community Infrastructure Levy

### i. Principle of Development

- 9.2 The application site is located within a defined settlement as designated by the Bracknell Forest Borough Policies Map and is a previously developed site. The proposal would provide a net increase of two residential units, contributing to the supply and mix of

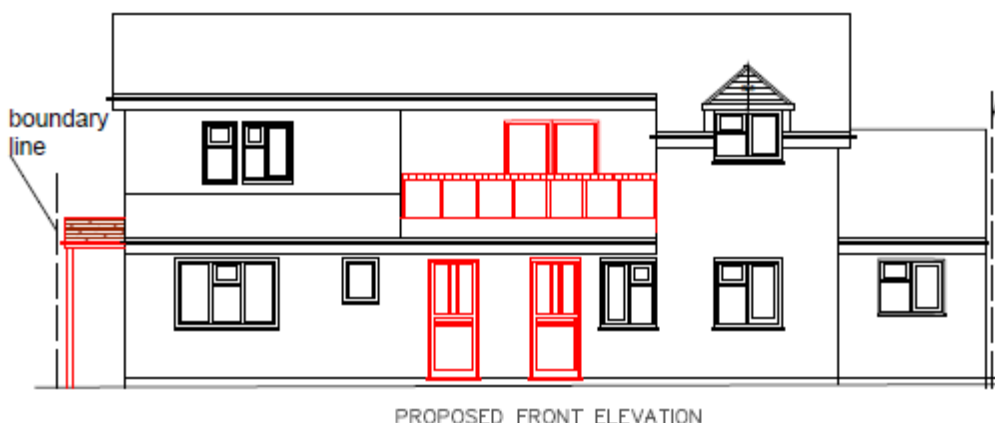
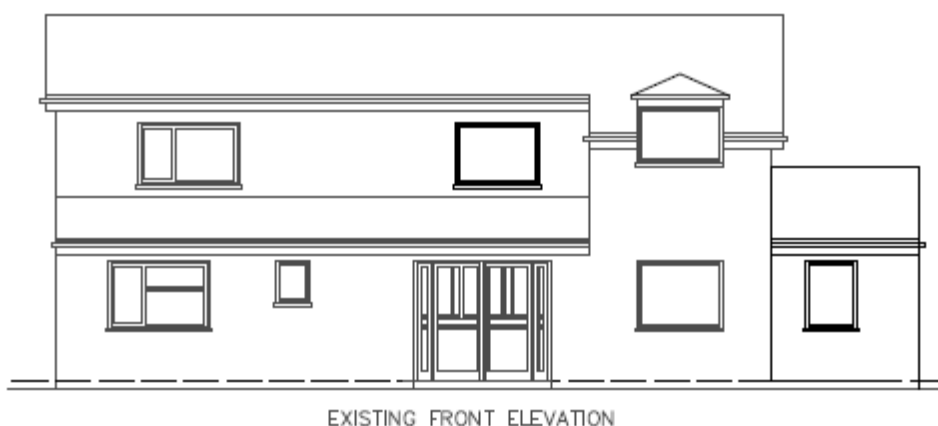
housing within the Borough. Therefore, the principle of development on this site is acceptable.

**ii. Impact on Character and Appearance of Surrounding Area**

- 9.3 The dwellinghouse has been previously altered and enlarged in various manners appropriate to its location within an established urban residential area, and the wider character of the street scene. This includes enlargements to the rear and both sides of the dwelling.
- 9.4 While the applicant has applied for a single storey front and side extension on the western part of the dwelling, with associated roof alterations, it is noted that this element of the proposal has already been granted planning permission, and has also been implemented. While some minor changes have been undertaken to the specific siting and design of windows and doors on the rear elevation, these changes are considered to be non-material in view of their limited extent and scale. In view of this and the previous assessments undertaken to this element, it is not considered that this part the development results in an adverse impact on the character of the area.
- 9.5 The proposed external alterations to the dwelling therefore comprise the proposed side canopy, front balcony, and alterations to fenestration.
- 9.6 It is not considered that the proposed side canopy would result in an adverse impact on the host dwelling or surrounding area in view of its overall size and architectural form.
- 9.7 The proposed front balcony, while clearly visible in the street scene, would not be considered to form an overly prominent feature, and would be in keeping with the existing architectural layout and form of the dwelling. The balcony is not considered to be excessive in size, particularly in terms of width, and is similar to the balcony present to the rear of the dwelling. While balconies are not a common feature in the street scene, Harmans Water Road contains a variety of dwellinghouse layouts and forms, and therefore has a varied design character.
- 9.8 The proposed alterations to the fenestration are considered to be limited, and with matching materials, would not be prominent or uncharacteristic in appearance.
- 9.9 It is not considered that the proposal would constitute overdevelopment of the site, as with the exception of the proposed canopy (which is of limited size), no additional built form would be added. The balcony would occupy a section of existing roof on a front single storey element.
- 9.10 It is acknowledged that flatted development is not characteristic of the immediate vicinity of the site. However, while sub-division of the dwelling into flats would take place, its visual impact would be limited, as explained in the report above. The dwelling is located in a built-up urban residential area, and therefore such a sub-division is not inappropriate to the character of the area, as there would be no material change in character from the existing residential nature. The very limited nature of the changes to the appearance of the building, along with the continuation of its residential use, mean that any impact on the character and appearance of the area would be negligible.
- 9.11 Objections have been raised by neighbouring residents in respect of the cumulative design impacts of the proposal combined with previous applications. However ultimately every application is considered on its own individual merits, and the additional design features proposed are not considered to be of poor quality or to detract from the character of the existing building or wider area. As per the below illustrations, the overall visible change of appearance to the building would not be significant. Furthermore, the buildings within this

section of Harmans Water Road are varied in design, massing and form, which no overriding architectural pattern except for a relatively consistent use of external materials. Therefore, in any case it not considered that the cumulative development undertaken to the original building has resulted in an adverse impact on the character of the area.

- 9.12 Objections have also been raised regarding the appearance of the hardsurfaced frontage, however this is an existing feature, and various dwellings within the area contain hardsurfaced frontages of varying extent.



- 9.13 A bin store is proposed to be sited to the front of the building, on the eastern boundary of the property. This store would be of low height (1.3 metres) and of an unassuming design, and is considered to be more aesthetically favourable in comparison to the alternative of unscreened bins being present in the street scene.
- 9.14 A cycle store is also proposed to the rear of the building, and this would have limited visibility in the street scene in view of its position and its size.
- 9.15 It is therefore considered that the development would not result in an adverse impact on the character and appearance of the area, in accordance with CSDPD Policy CS7, BFBLP 'Saved' Policy EN20, and the NPPF, subject to a condition requiring matching materials.

### **iii. Impact on Residential Amenity**

- 9.16 In terms of the additional proposed external development, the proposed side canopy would be single storey in height and its overall bulk and massing would have limited impact on the amenities of neighbouring properties.
- 9.17 The proposed front balcony would have views of the frontage of the neighbouring properties of 56 and 60 Harmans Water Road. However, these frontages are open to views from the street and do not constitute private, enclosed gardens, and a degree of overlooking to property frontages is typically accepted as a common situation, particularly in built-up urban areas. Furthermore the proposed balcony would have a separation distance of 18 metres to the property on the opposite side of Harmans Water Road to the front – Brendon Lodge, 11 Harmans Water Road.
- 9.18 It is not considered that the sub-division of the building from a single dwellinghouse to three apartments would result in an increased intensity of use that would have a material adverse impact on residential amenity in comparison to a seven bedroom dwelling. While there would be a net increase in residential units, the total number of bedrooms would be reduced by one. The rear balcony and rear windows have been assessed as acceptable within previous planning permissions, and would only serve one of the proposed apartments, as opposed to being potentially usable by all occupants of the existing dwelling. As a result it is not considered that the proposal would give rise to a materially greater use of the balcony by future occupants.
- 9.19 In terms of the amenities of potential occupants of the proposal, the apartments would be self-contained and therefore there would be no overlooking or loss of privacy impacts between occupants. The rear garden would be utilised as a shared amenity area and this is considered acceptable for an apartment building. While the rear garden is not large, it is considered big enough to provide adequate outdoor amenity space for three apartments, particularly as many apartment buildings do not have dedicated enclosed amenity space.
- 9.20 It is therefore considered that the proposed development would not result in an adverse impact on the amenities of neighbouring residents, in accordance with 'Saved' BFBLP Policy EN20, the Design SPD, and the NPPF.

### **iv. Transport and Highways Considerations**

- 9.21 The property takes access off Harmans Water Road, a local distributor road (classified C road) which is subject to a 30mph speed limit and is traffic calmed with give-way priority features.
- 9.22 In accordance with the guidance contained within the Parking Standards SPD (2016) the proposal would give rise to the requirement of five individual off-street parking spaces. This is calculated as follows:
- one 3no. bedroom apartment [flat 1] = two parking spaces,
  - one 2no. bedroom apartment [flat 2] = two parking spaces,
  - one 1no. bedroom apartment [flat 3] = one parking space.
- 9.23 A parking plan has been submitted which demonstrates that five parking spaces can be accommodated within the existing hardsurfaced frontage of the property, however the existing dropped kerb would need to be enlarged to provide independent access to these parking spaces.
- 9.24 The Highway Officer has been consulted on the proposal and advises that the proposal would not allow for off-street turning of vehicles to enable them to access and egress the site

in forward gear. However the Highway Officer also advises that this is a common situation along Harmans Water Road, and is also the existing situation for the property.

- 9.25 Furthermore, sight-lines of 2.4m by 70m can be achieved in either direction for vehicles exiting parking spaces, which exceeds requirements. In addition parking spaces are not tight to the boundary with no. 60, where there is a high fence and therefore adequate visibility to passing pedestrians (including children given there is a nearby school) can be achieved.
- 9.26 A 1.5m wide pedestrian access to the front doors to 'flats' 1 and 3 would be provided based on the plans and a 1.2m wide pedestrian access to 'flat 2' and rear cycle parking could be provided, and this arrangement is acceptable. The proposed bin store would not interfere with the proposed parking arrangements, and a communal cycle store would be provided to the property.
- 9.27 It is noted that the 5no. parking spaces without turning space and the associated enlargements to the dropped kerb were also approved under previous planning applications. The parking situation is therefore an extant one, and therefore the proposal is not considered to give rise to any greater highway safety issues than what may already be present.
- 9.28 It is therefore considered that the development would not result in an adverse impact on highway safety, in accordance with Policy CS23 of the CSDPD, 'Saved' Policy M9 of the BFBLP, the Parking Standards SPD (2016), and the NPPF, subject to the recommended conditions.

#### **v. Tree Implications**

- 9.29 There is a blanket Tree Preservation Order (TPO) reference number: TPO 1053, located in the rear garden of Raj Bhawan, adjacent to the rear boundary. All trees within this TPO are protected. There is one tree in the rear garden of the application site which is within TPO 1053.
- 9.30 With the exception of the proposed cycle store, the proposed external works would be towards the front of the building. The cycle store itself would be sited beyond the immediate root protection area of the protected tree, and in view of its scale would not be considered to result in an adverse impact upon the health of this tree. As a result it is not considered that the proposal would harm these protected trees. However, a condition is recommended with regards to the siting of stored building materials and associated construction works, to restrict their incidence in the vicinity of these trees.
- 9.31 Subject to the recommended condition, the proposal is not considered to result in an adverse impact on trees, in accordance with CSDPD Policy CS7 and BFBLP 'Saved' Policies EN1, EN20, and the NPPF.

#### **vi. Sustainability implications**

- 9.32 Policy CS10 of the CSDPD requires the submission of a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day. No Sustainability Statement has been submitted. Therefore a planning condition is recommended requiring the submission of a Sustainability Statement to satisfy the requirements of Policy CS10 of the CSDPD.
- 9.33 Policy CS12 requires an Energy Demand Assessment to be submitted. No Assessment has been submitted. Therefore a planning condition is recommended requiring an Energy Demand Assessment to demonstrate that 10% of the developer's energy demands would be offset as a result of implementing renewable energy measure.

## **vii. SPA implications**

- 9.34 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 1.4 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.
- 9.35 On commencement of the development, a contribution (calculated on a per-bedroom basis) is to be paid to the Council towards the cost of measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Council's Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPD) and the Planning Obligations SPD. The strategy is for relevant developments to make financial contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the SPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures which Natural England will spend upon the SPA land. The Council will also make a contribution towards SANG enhancement works through Community Infrastructure Levy (CIL) payments whether or not this development is liable to CIL.
- 9.36 In this instance, the development would result in a net increase of 1no. one bedroom, 1no. two bedroom, and 1no. three bedroom apartments replacing a single seven bedroom dwelling, which results in a total SANG contribution of £1782.
- 9.37 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which will also be calculated on a per bedroom basis. Taking account of the per bedroom contributions this results in a total SAMM contribution of £584.
- 9.38 The total SPA related financial contribution for this proposal is £2366. Subject to the completion of the S106 agreement, the proposal would not have an unacceptable impact on the SPA and would comply with SEP Retained Policy NRM6, CS14 of CSDPD and the NPPF.

## **viii. Community Infrastructure Levy (CIL)**

- 9.39 Following the introduction on the 6<sup>th</sup> April 2015 of the Community Infrastructure Levy (CIL), all applications for planning permission will be assessed as to whether they are liable. As the proposed additional floor space would not involve a change of use from existing residential use, it is not CIL liable. The proposed single storey front and side extension would be less than 100 square metres and therefore is also not CIL liable, as per the CIL Regulations 2010 (as amended). In addition, Bracknell Forest Council does not charge CIL on new housing extensions.

## **10 CONCLUSIONS**

- 10.1 The proposed development relates to a site within the settlement boundary and is therefore acceptable in principle. It would not adversely affect the residential amenities of neighbouring properties or future occupiers of the proposed flats and would not have an adverse impact on the character and appearance of the surrounding area. Furthermore it is not considered that the proposal would have an adverse impact on highway subject to the imposition of conditions.

- 10.2 Relevant conditions will be imposed in relation to detailed design, tree protection and sustainability. A legal agreement will secure contributions for SPA mitigation. The proposal is therefore considered to accord with Policy CP1 of the SALP, Policies CS1, CS2, CS7, CS10, CS12 and CS23 of the CSDPD, 'Saved' Policies EN1, EN3, EN20 and M9 of BFBLP, Retained Policy NRM6 of the SEP, the Design SPD, the Parking Standards SPD, and the Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD, all in accordance with the NPPF.

## 11 RECOMMENDATION

- 11.1 **Following the completion of planning obligation(s) under Section 106** of the Town and Country Planning Act 1990 relating to measures to avoid and mitigate the impact of residential development upon the Thames Basins Heath Special Protection Area (SPA);

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

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

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

02. The development hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details received by the Local Planning Authority on 31 October 2017:

HR-01 'Location And Block Plan'

HR-04 'Ground & First Floor Plan'

HR-05 'Proposed Elevations'

HR-06 'Proposed Cycle Shed And Bins'

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

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

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

[Relevant Policies: BFBLP EN20, CSDPD CS7]

04. The development hereby permitted shall not be begun until a site specific method statement for the storage of materials and the associated construction works undertaken in respect of the development located within the minimum Root Protection Areas (RPAs) of the protected trees to the rear of the property, has been submitted to and approved in writing by the Local Planning Authority. Details shall include:-

- a) The mixing of cement or any other materials.
- b) Storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description.
- c) Siting of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, porta-loos, storage compounds or hard standing areas of any other description.
- d) Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ ground conditions of any other description.
- e) Installation/siting of any underground services, temporary or otherwise including; drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting.

- f) Parking/use of tracked or wheeled machinery or vehicles of any description.
- g) A site plan identifying all areas where such work is to be undertaken.
- h) The timing and phasing of the above works.

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

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

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

05. The development hereby approved shall not 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: To ensure that an acceptable level of off-street parking is provided to the property, in the interests of highway safety.

[Relevant Policies: CSDPD Policy CS23, BFBLP 'Saved' Policy M9]

06. The development hereby approved shall not be occupied until the 5no. off-street parking spaces as shown on drawing HR-01 'Location And Block Plan' received by the Local Planning Authority on 31 October 2017 has been provided in accordance with the approved plans. The parking spaces shall thereafter be retained for the use of the parking of vehicles at all times.

REASON: To ensure that an acceptable level of off-street parking is provided to the property, in the interests of highway safety.

[Relevant Policies: CSDPD Policy CS23, BFBLP 'Saved' Policy M9]

07. The cycle store hereby approved shall be implemented prior to the occupation of the development, and in accordance with the approved details, and shall be retained for the use of cycle storage at all times.

REASON: In order to ensure adequate bicycle facilities are provided, in the interests of highway safety.

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

08. The bin store hereby approved shall be implemented prior to the occupation of the development, and in accordance with the approved details, and shall be retained for the use of bin storage at all times.

REASON: In order to ensure adequate bin storage facilities are provided, in the interests of the character of the area.

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

#### Informative(s):

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:
  1. Commencement
  2. Approved plans
  3. Materials match existing
  6. Parking retention
  7. Cycle storage



#### 8. Bin storage

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

- 4. Tree protection
- 5. Access provision

- 3. The applicant is advised that it is illegal to drive vehicles over the public footpath without the provision of a formal dropped kerb. The Street Care Team should be contacted at the Environment, Culture and Communities Department, Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 352000, to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks' notice to obtain details of underground services on the applicant's behalf.
- 4. The applicant should note that this permission does not convey any authorisation to enter onto land or to carry out works on land not within the applicant's ownership.
- 5. This is a planning permission. Before beginning any development you may also need separate permission(s) under Building Regulations or other legislation. It is your responsibility to check that there are no covenants or other restrictions that apply to your property.

**In the event of the S106 agreement not being completed by 31 March 2018, the Head of Planning be authorised to either extend the period further or to refuse the application on the grounds of:**

- 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).

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