



NOTICE OF MEETING

Planning Committee

Thursday 21 June 2018, 7.30 pm

Council Chamber - Time Square, Market Street, Bracknell, RG12 1JD

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: 11 June 2018



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Council Chamber - Time Square, Market Street, Bracknell, RG12
1JD

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AGENDA

Page No

1. **Apologies for Absence**

To receive apologies for absence.

2. **Minutes**

To approve as a correct record the minutes of the meeting of the Committee held on 17 May 2018 and the Annual meeting of the Committee on 23 May 2018.

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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. **18/00125/FUL 77-79 Deepfield Road, Bracknell, Berkshire RG12 2NU**
Erection of 10no. dwellings including the creation of a new access road following the demolition of 77 and 79 Deepfield Road. (Resubmission 15/00445/FUL) 27 - 40
6. **18/00139/FUL Derryquin 8A Priory Lane, Warfield, Bracknell, Berkshire RG42 2JU**
Erection of 1no. dwelling following demolition of existing garage. 41 - 54
7. **18/00198/FUL The Brackens, London Road, Ascot, Berkshire SL5 8BE**
Erection of 11no. dwellings with associated parking, landscaping and associated access to London Road (revised proposal to planning permission 16/01266/FUL to substitute 11no. dwellings for the approved 7no. dwellings on part of the site). 55 - 68
8. **18/00428/FUL 23 Elliott Rise, Ascot, Berkshire SL5 8NN**
Erection of single storey side extension with motion sensor light and rear conservatory (retrospective). 69 - 76

MISCELLANEOUS ITEMS

9. **Confirmation of Tree Preservation Order (TPO) 1271**
Land at communal green space within Phoenix Rise, Crowthorne – 2018 77 - 82
10. **Confirmation of Tree Preservation Order (TPO) 1278**
Land at 24, 28, 38, 42, 44 & 48 Stoney Road & 1 and 2 Priestwood Avenue, Bracknell, Berkshire - 2018 83 - 88

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**PLANNING COMMITTEE
17 MAY 2018
7.30 - 10.06 PM**

Present:

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

Also Present:

Councillors Turrell

Apologies for absence were received from:

Councillors Mrs McKenzie and Mrs McKenzie-Boyle

97. Minutes - 19 April 2018

RESOLVED that the minutes of the meeting of the Committee held on 19 April 2018 be approved as a correct record and signed by the Chairman.

98. Declarations of Interest

Councillor Mrs Hayes declared that she had previous dealings with Item 4 on the agenda, Confirmation of Tree Preservation Order (TPO) 1263, Land adjacent to Sunrise, and would leave the room for the duration of the item.

Councillor Mrs Mattick declared that she knew the agent of Item 6 on the agenda, 18/00332/FUL 18 Broom Acres, Sandhurst but had no previous dealings in regards to the application.

99. Urgent Items of Business

The Chairman, pursuant to Section 100B(4)(b) of the Local Government Act 1972 decided that the Confirmation of Tree Preservation Order (TPO) 1263, Land adjacent to Sunrise, Birch Lane, Ascot, Berkshire – 2017 should be heard as an urgent item of business.

Under section 198 of the Town and Country Planning Act 1990 and section 200 of Town and Country Planning (Tree Preservation) (England) Regulations 2012, the Council had made a Tree Preservation Order (TPO) to retain and protect trees that were assessed to be of amenity value and were judged to be at risk of removal or other adverse effects. Representations had been made to the Council and were included in the report.

Mr Mark Simmons objector, spoke against the Council's application.

RESOLVED that the Committee confirm the Tree Preservation Order in its current form.

100. **PS Application No 17/00582/FUL - Land At East Lodge, Great Hollands Road, Bracknell**

Erection of a 3 storey block of 9 flats comprising of 3 x no.1 bedroom flats and 6 x no.2 bedroom flats together with associated parking and landscaping.

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- That Bracknell Town Council raised no objection.
- Twenty two letters of objections as summarised in the Agenda papers.

The criteria for public speaking had been met in respect of this application and the Committee was addressed by the registered speaker Mr Pickerskill objecting to the application and Krzys Lipinski for the applicant.

During debate the Committee requested that an additional condition be included requesting that details/scheme for the operation of the car park be submitted to and approved in writing by the Local Planning Authority.

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).

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

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

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

02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 8 January 2018, 6 February 2018 and 1 May 2018:

C0.1, B0.2, B0.3, B0.4, B0.5, D0.6, D0.7 B0.8, D0.9, B0.10, B0.11

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 surface of the development hereby permitted should be in accordance with the materials set out on Plan D0.6 received by the Local Planning Authority on 1 May 2018.

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 building hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

05. The development shall be carried out in accordance with the boundary treatment set out on Plan B0.12 received by the Local Planning Authority on 8 January 2018 and Plan C0.1 received by the Local Planning Authority on 6 February 2018.

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

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

06. No construction works shall commence 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 EN20, CSDPD CS7]

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

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

08. No development (other than the construction of the access) shall take place until the access from Aysgarth 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]

09. No flat 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. No flat 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]

11. 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]

12. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for off site highway works including the works to form an access across the footway/cycleway. The development shall not be occupied until the off site highway works have been completed in accordance with the scheme.

REASON: In the interests of highway safety.

[Relevant Policy: BFBLP M4]

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

(a) Parking of vehicles of site personnel, operatives and visitors

(b) Loading and unloading of plant and vehicles

(c) Storage of plant and materials used in constructing the development

(d) Wheel cleaning facilities

(e) Temporary portacabins and welfare for site operatives

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

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

14. The development shall not 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, observed and complied with.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

15. No development (including initial site-clearance) shall commence until a detailed scheme for the protection of existing trees, hedgerows and groups of mature shrubs to be retained, in accordance with British Standard 5837 (2012) 'Trees In Relation To Construction Recommendations' (or any subsequent revision), has been submitted to and approved in writing by the Local Planning Authority. Protection measures shall be phased as necessary to take into account and provide protection during demolition/site clearance works - all construction works - hard landscaping works. Details shall include an approved development layout plan at a minimum scale of 1:200, showing the following:

a) Accurate trunk positions and canopy spreads of all existing trees within the site and on adjoining land adjacent to the development.

b) Positions and spreads of existing hedgerows and groups of mature shrubs.

c) All proposed tree, hedge or shrub removal and retention.

d) Proposed locations of 2m (minimum) welded mesh panels, supported by a metal scaffold framework, constructed as a minimum in accordance with Section 6.2 of BS 5837 (2012), to include appropriate weatherproof tree protection area signage (such as "Keep Out - Construction Exclusion Zone") securely fixed to the outside of the protective fencing structure at regular intervals.

e) Illustration/s of the proposed protective barriers to be erected.

- f) Proposed location/s and illustration/s of site specific ground protection measures within the main root protection areas of retained trees, designed as necessary for pedestrian light traffic or heavy plant machinery, as necessary to prevent contamination and ground compaction.
- g) Annotated minimum distances between protective barriers and trunks of retained trees at regular intervals.
- h) All fenced off areas clearly annotated as Tree Protection Areas/Construction Exclusion Zones.
- i) Notes regarding restrictions which apply to Tree Protection Areas/Construction Exclusion Zones.

The development shall be carried out in full accordance with the approved scheme.
 REASON: - In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area.

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

16. The protective fencing and other protection measures specified by condition 15 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.

In addition to the protection measures specified above,

- 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: BFBLP EN1 and EN20, CSDPD CS7]

17. No development (including initial site clearance) shall commence until a programme of supervision/monitoring for all arboricultural protection measures, has been submitted to and approved in writing by the Local Planning Authority. Details shall include: -

- a) Induction and personnel awareness of arboricultural matters.
- b) Identification of individual responsibilities and key personnel.
- c) Statement of delegated powers.
- d) Timing and methods of site visiting and record keeping.
- e) Procedures for dealing with variations and incidents.

The programme of arboricultural supervision/monitoring shall be undertaken in full compliance with the approved details. No variation of the approved monitoring program shall take place.

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

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

18. 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 (2012) 'Trees In Relation To Construction Recommendations', or any subsequent revision, has been submitted to and approved in writing by the Local Planning Authority. Details shall be based on a porous 'No-Dig' principle of construction, avoiding any excavation of existing levels in all areas concerned, and shall include: -

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

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]

19. No development hereby permitted shall be begun until a site specific method statement for the removal of all existing hard surfaced areas and structures of any other description, located within the minimum Root Protection Areas (RPA's) of trees to be retained, has been submitted to and approved in writing by the Local Planning Authority. Details shall include: -

- a) A site plan identifying all areas where such work is to be undertaken.
- b) Reinstatement to soft landscape area including proposed ground de-compaction works.
- c) Timing and phasing of 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: BFBLP EN1 and EN20, CSDPD CS7]

20. The development hereby permitted shall not be begun until:

(i) a site layout plan showing the proposed layout of all underground services and external lighting and

(ii) a programme for the phasing and timing of works

have been submitted to and approved in writing by the Local Planning Authority.

Details of the site layout plan shall include: -

- a) Accurate trunk positions and canopy spreads of all retained trees/hedgerows and mature groups of shrubs.
- b) Surface water/ foul drainage and associated inspection chambers (existing reused and new)
- c) Soak-aways (where applicable)
- d) Gas, electricity, telecom and cable television.

- e) Lighting columns and all associated ducting for power supply.
- f) Phasing and timing of works.

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

REASON: - In order to safeguard tree roots and thereby safeguard existing trees and other vegetation considered worthy of retention and to ensure new soft landscape planting areas are not adversely affected and can be used for their approved purpose, in the interests of the visual amenity of the area.

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

21. The areas shown for soft landscaping purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose without the prior written permission of the Local Planning Authority.

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

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

22. 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 with or without modification), no hard surface as permitted by Class F of Part 1 of the Second schedule of the 2015 Order shall be provided for any purpose incidental to the enjoyment of the flats.

REASON: In the interests of the health of nearby trees

[Relevant Policies: BFBLP EN1, Core Strategy DPD CS7]

23. No flat 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]

24. The development shall be carried out in accordance with the Pebble Energy 'Energy Statement' dated May 2017.

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

[Relevant Plans and Policies: CSDPD Policy CS12]

25. 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]

26. The flats hereby permitted shall not be occupied until a Management Plan for the operation of the car park has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and operated in accordance with the approved Management Plan.

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]

101. **PS Application No 18/00332/FUL - 18 Broom Acres, Sandhurst**

Erection of two storey front, side and rear extensions, enclosed front porch and increase in roof height with the installation of roof lights following demolition of existing garage, utility room and conservatory. (Resubmission of 17/00348/FUL)

A site visit had been held on Saturday 12 May 2018 which had been attended by Councillors Brossard, Dudley, Mrs Hayes, Mrs Ingham, Mrs Mattick, Mrs Phillips and Thompson.

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- The comments of Sandhurst Town Council recommending refusal as detailed in the supplementary report tabled at the meeting .
- Twenty four letters of objections from fourteen separate addresses (excluding the Town Council) as summarised in the Agenda papers and supplementary report.

The criteria for public speaking had been met in respect of this application and the Committee was addressed by the registered speaker Terry Jones objecting to the application and Charles Chesterton for the applicant.

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

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

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

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

Location Plan – Drawing Number: 16-10-01/1

Site Plan – Drawing Number: 16-10-01/2A

Proposed Ground Floor Plan – Drawing Number: 16-10-01/10A

Proposed First Floor – Drawing Number: 16-10-01/11A

Proposed Front Elevation – Drawing Number: 16-10-01/12C

Proposed Left Flank Elevation – Drawing Number: 16-10-01/13C

Proposed Rear Elevation – Drawing Number: 16-10-01/14C

Proposed Right Flank Elevation – Drawing Number: 16-10-01/15C

Section Through Roof Space – Drawing Number: 16-10-01/16

Plan on Roof – Drawing Number: 16-10-01/SKETCH 12 B

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 first floor south facing windows in the 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). They shall at all times be non-

opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

05. No part of the second floor side facing rooflights of the development hereby permitted shall be positioned lower than 1.7 metres above the finished floor of the room in which the rooflights are installed.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

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

REASON: To prevent the overlooking of neighbouring property.

[Relevant Policies: BFBLP EN20]

07. The development hereby approved shall not be occupied until the associated vehicle parking has been provided in accordance with the approved drawing, 16-10-01/2A, Received 3rd May 2018. 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]

102. **PS Application No 18/00124/FUL - Nuptown Piggeries, Hawthorn Lane, Warfield
Erection of 2no. dwellinghouses with detached garages following demolition of
existing buildings and removal of hardstanding.**

A site visit had been held on Saturday 12 May 2018 which had been attended by Councillors Brossard, Dudley, Mrs Hayes, Mrs Ingham, Mrs Mattick, Mrs Phillips and Thompson.

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- The comments of Warfield Parish Council recommending refusal as detailed in the agenda.
- Eleven letters of objections as summarised in the agenda papers.
- Eleven letters of support as summarised in the agenda papers.

The criteria for public speaking had been met in respect of this application and the Committee was addressed by the registered speaker Mrs Miranda Manoukain objecting to the application and Mr Nick Kirby, Pegasus Group, for the applicant.

RESOLVED that the Head of Planning be authorised to **APPROVE** the application subject to the following conditions:

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

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

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

Site location plan D1281-01

Site layout plan D1281-13e

Plot 1 - Floorplans D1281-04

Plot 1- Elevations D1281-05

Plot 1 – Elevations D1281-06

Plot 1 – Garage D1281- 07

Plot 2 – Floorplans D1281-08

Plot 2 – elevations D1281-09

Plot 2 – Garage D1281-10

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

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

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

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

04. No dwelling shall be occupied until details of the materials and height of walls, fences and any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. All boundary treatments should provide for the free movement of wildlife to and from the site. The approved scheme shall be implemented in full before the occupation of any of the buildings approved in this permission and retained as such thereafter.

REASON: - In the interests of the visual amenities of the area and bio-diversity

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

05. The development shall not be begun until details showing the finished floor levels of the buildings hereby approved in relation to the external land levels including 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 interest of the character of the area.

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

06. Prior to the practical completion of any dwelling, the Warfield byway 20 shall be returned to its former condition, of which the council hold record.

REASON: To ensure that the byway remains in an acceptable state to be enjoyed by all users.

[Relevant Policies: Core Strategy DPD Policy CS24]

07. No dwelling hereby approved shall be occupied 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.

08. 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 bio-diversity and visual amenity of the site
[Relevant Plans and Policies: CSDPD CS1, CS7]

09. The proposed 6 oak trees required to be planted by application 17/00279/TRTPO shall be planted in the locations shown on the approved plan within one year of the date of this application. 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: These trees replace those felled under the TRTPO application. In the interest of the visual amenity of the area.
[Relevant Plans and Policies: CSDPD CS1, CS7]

10. No dwelling shall be occupied until a means of vehicular access has been constructed in accordance with the approved plans.
REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]

11. The garage accommodation shall be retained for the use of the parking of cycles at all times.
REASON: To ensure that the Local Planning Authority's cycle parking standards are met.
[Relevant Policy: BFBLP M9]

12. 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. The approved scheme shall be performed, observed and complied with. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (e) above.
REASON: In the interests of amenity and road safety.

13. The demolition and site clearance shall not be begun until a scheme for the provision of biodiversity enhancements (not mitigation), including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the local planning authority.
The approved scheme shall be performed, observed and complied with.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1, CS7]

14. 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 in writing by the Local Planning Authority. The approved scheme shall be complied with during construction.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1]

15. The parking and turning areas 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.

16. Details of the design of the foundations of the dwelling and garage to plot 1 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall then be implemented in accordance with the approved details.

REASON: To ensure that adequate foundations are installed to prevent tree roots causing structural problems.

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

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) no enlargement, addition, improvement or other alteration permitted by Classes A, B, C, E and F of Part 1 of the Second Schedule of the 2015 Order shall be carried out.

REASONS: The site is located within the designated Green Belt where strict controls over the form, scale and nature of development apply and 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 GB1, EN1, Core Strategy DPD CS9]

18. Prior to the commencement of development, including site clearance and demolition, details of the tree protection fencing, including location, shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented as approved and retained for the duration of the development.

REASONS: To protect the existing trees and vegetation which is an important characteristic of the area.

[Relevant Policies: BFBLP, EN1, Core Strategy DPD CS7, CS9]

103. **Application No 18/00038/FUL - Chadwick Mews, Bracknell**

Section 73 application to amend condition 01 (approved drawings) of 01 of reserved matters approval 09/00378/REM to allow removal of leylandii cypress tree screen between Chadwick Mews and The Green and replacement planting.

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- The comments of Bracknell Town Council recommending refusal as detailed in the agenda papers.

- The seven letters of support have been received from residents of Chadwick Mews as summarised in the agenda papers.
- Eight letters of objection have been received from residents of The Green as summarised in the agenda papers.

RESOLVED that, subject to the receipt of a bat survey before determination, the application be **APPROVED** subject to the following conditions:-

01. Other than the 39 Leyland Cypress trees whose removal is hereby permitted, no other tree, hedgerow or group of shrubs shown to be retained on approved plans shall be cut down, uprooted or destroyed.

The 39 Leyland Cypress trees shall not be felled until details of replacement planting have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include a long term post planting maintenance schedule.

The replacement planting shall be carried out and completed in full accordance with the approved details in the nearest planting season (1st October to 31st March inclusive) to the felling of the 39 Leyland Cypress trees and thereafter maintained in accordance with the approved scheme.

All trees and other plants included within the approved details of replacement planting 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 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]

02. No development shall take place until (i) a survey for the presence of bats of all trees at the site that are proposed to be felled has been carried out and submitted to the Local Planning Authority; and (ii) either the Local Planning Authority has agreed that no relocation of bats is necessary, or that the relocation of bats has been achieved in accordance with proposals previously submitted in writing to, and agreed by, the Local Planning Authority.

REASON: In the interests of nature conservation.

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

03. No tree felling shall take place during the main bird-nesting period of 1st March to 31st August inclusive, unless a nesting bird check undertaken by a suitably qualified ecologist has confirmed that the area is clear of active nests and this has been agreed by the Local Planning Authority in writing.

REASON: In the interests of nature conservation

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

104. Application No 18/00193/FUL - 28 Carnation Drive, Winkfield Row, Bracknell

Erection of part single, part two storey rear extension, two storey side extension following demolition of existing garage, conversion of loft to habitable accommodation with rear facing rooflights and installation of window at first floor level to eastern side elevation.

A site visit had been held on Saturday 12 May 2018 which had been attended by Councillors Brossard, Dudley, Mrs Hayes, Mrs Ingham, Mrs Mattick, Mrs Phillips and Thompson.

The Committee noted:

- The comments of Winkfield Parish Council recommending refusal as detailed in the agenda papers.
- The five objections received. These were from: 39 and 40 William Sim Wood, 4 Calfridus Way, 28 Chivers Drive (Wokingham) and 15 The Chase (Marlow) and summarised in the agenda papers

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

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

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

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

Site Location Plan and Existing Block Plan, Drawing Number: DWG:1, Received 19.03.2018

Proposed Block Plan and Roof Plan, with Parking Layout, Drawing Number: DWG 30 b, Received 27.04.2018

Proposed Ground Floor Plan, Drawing number: DWG:10, Received 19.03.2018

Proposed First Floor Plan, Drawing number: DWG:11, Received 19.03.2018

Proposed Loft Floor Plan, Drawing number: DWG:12, Received 19.03.2018

Proposed Front Elevation, Drawing number: DWG:20, Received 19.03.2018

Proposed Side Elevation (East), Drawing number: DWG:23 a, Received 19.03.2018

Proposed Rear Elevation, Drawing number: DWG:21 a, Received 19.03.2018

Proposed Side Elevation (West), Drawing number: DWG:22 a, Received 19.03.2018

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 two storey side extension hereby permitted shall be similar in appearance to those of the existing dwelling.

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

[Relevant Policies: BFBLP EN20, CSDPD CS7]

04. The materials to be used in the construction of the external surfaces of the part single storey and two storey rear development hereby permitted shall be as stated in the submitted application form and as confirmed on the approved elevation drawings.

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

[Relevant Policies: BFBLP EN20, CSDPD CS7]

05. The window to be inserted into the eastern elevation of the existing dwelling hereby permitted shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent). The openable part(s) shall at all times be no less than 1.7 metres above internal floor level of the room in which the window will be inserted.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

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

REASON: To prevent the overlooking of neighbouring property.

[Relevant Policies: BFBLP EN20]

07. The development hereby approved shall not be occupied until the associated vehicle parking has been surfaced with a permeable material 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]

CHAIRMAN

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**PLANNING COMMITTEE
23 MAY 2018
8.48 - 8.49 PM**



Present:

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

Apologies for Absence were received from:

Councillors Skinner

1. Election of Chairman

RESOLVED that Councillor Dudley be appointed Chairman of the Planning Committee for the Municipal Year 2018 – 2019.

COUNCILLOR DUDLEY IN THE CHAIR

2. Appointment of Vice-Chairman

RESOLVED that Councillor Brossard be appointed Vice-Chairman of the Planning Committee for the Municipal Year 2018 – 2019.

CHAIRMAN

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

**PLANNING COMMITTEE
21st June 2018**

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

		Case Officer	Reporting Officer
5.	<p>18/00125/FUL 77-79 Deepfield Road Bracknell Berkshire (Bullbrook Ward) Erection of 10no. dwellings including the creation of a new access road following the demolition of 77 and 79 Deepfield Road. (Resubmission 15/00445/FUL) Recommendation: Approve Subject To The Completion Of Planning Obligation(s).</p>	Michael Ruddock	Basia Polnik
6.	<p>18/00139/FUL Derryquin 8A Priory Lane Warfield (Warfield Harvest Ride Ward) Erection of 1no. dwelling following demolition of existing garage Recommendation: Approve Subject To The Completion Of Planning Obligation(s).</p>	Michael Ruddock	Basia Polnik
7.	<p>18/00198/FUL The Brackens London Road Ascot (Ascot Ward) Erection of 11no. dwellings with associated parking, landscaping and associated access to London Road (revised proposal to planning permission 16/01266/FUL to substitute 11no. dwellings for the approved 7no. dwellings on part of the site). Recommendation: Approve.</p>	Sarah Fryer	Basia Polnik
8.	<p>18/00428/FUL 23 Elliott Rise Ascot Berkshire (Ascot Ward) Erection of single storey side extension and rear conservatory (retrospective). Recommendation: Approve.</p>	Olivia Jones	Basia Polnik

MISCELLANEOUS ITEMS

TPO 1271_Confirmation Report_Ctte_18 06 21

TPO 1278_Confirmation Report_Ctte_18 06 21

Background Papers

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

PLANNING COMMITTEE - POLICY REFERENCES

Key to abbreviations used in the following planning reports.

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

SPG Supplementary Planning Guidance
SPD Supplementary Planning Document

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

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

SITE LOCATION PLAN

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

THE HUMAN RIGHTS ACT 1998

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

Those rights include:-

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

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

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

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

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

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

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

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ITEM NO: 5

Application No.
18/00125/FUL
Site Address:

Ward:
Bullbrook

Date Registered:
1 March 2018

Target Decision Date:
31 May 2018

77-79 Deepfield Road Bracknell Berkshire RG12 2NU

Proposal:

Erection of 10no. dwellings including the creation of a new access road following the demolition of 77 and 79 Deepfield Road. (Resubmission 15/00445/FUL)

Applicant:

Mr Paul Evans

Agent:

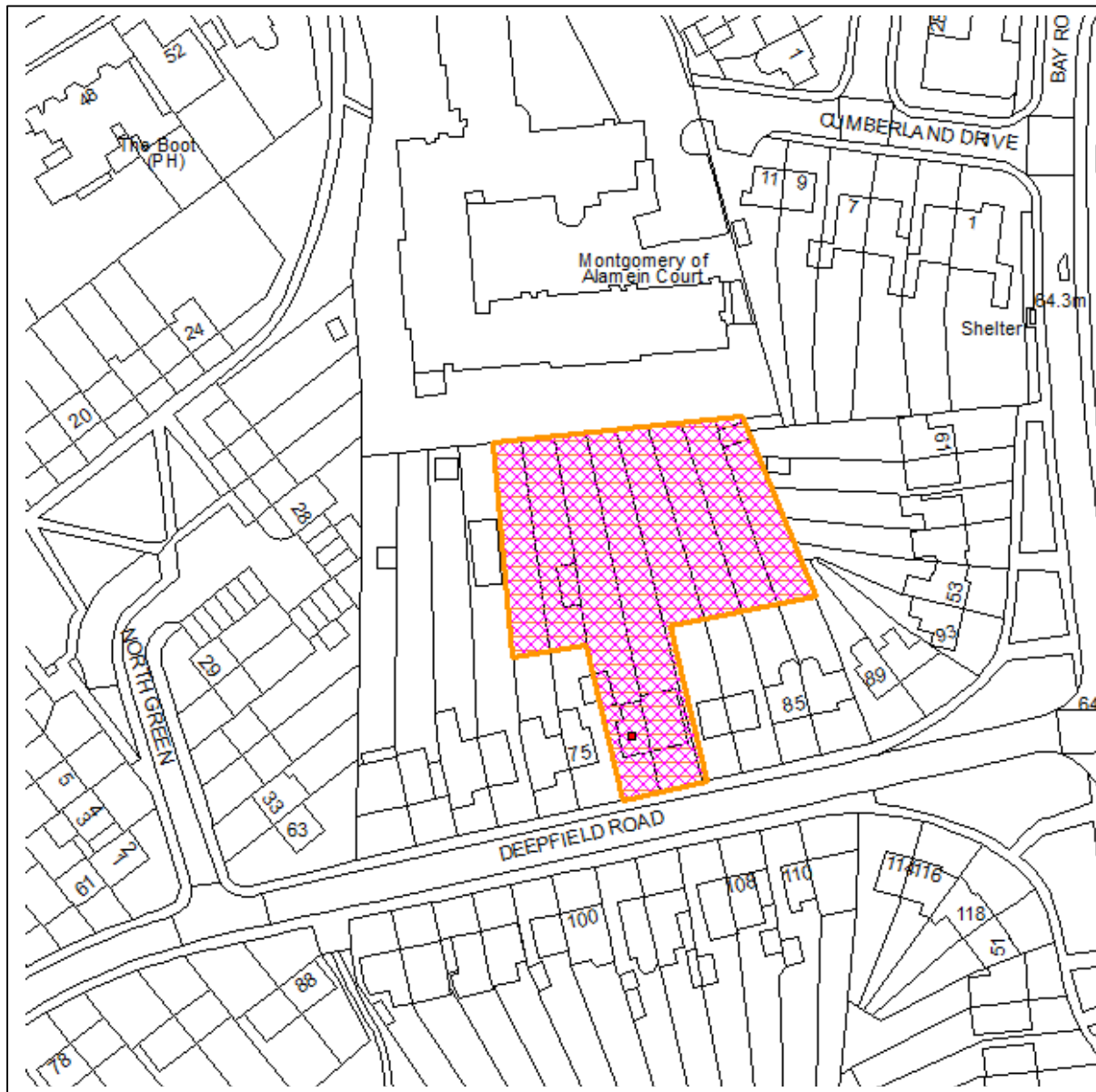
(There is no agent for this application)

Case Officer:

Michael Ruddock, 01344 352000

development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

1.1 The application seeks planning permission for the erection of 10no. dwellings and the creation of a new access road following the demolition of No.77 and No.79 Deepfield Road.

1.2 The proposal would contribute to the Council's current need to meet its 5 year housing land supply where such small sites assist in providing a variety of homes that are needed across the Borough. The development relates to a site located 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. A Section 106 legal agreement will secure contributions for SPA mitigation and the scheme is CIL liable

RECOMMENDATION

Delegate to the Head of Planning to Approve the application 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 Committee at the request of Cllr Miller due to concerns that the development is out of character with the surrounding area.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within Defined Settlement

Within 5km of the SPA

3.1 The site is located to the north east of Bracknell Town Centre on the north side of Deepfield Road on land to the rear of No.73 – No.87 Deepfield Road. It has an area of 0.28ha.

3.2 Deepfield Road is characterised by a uniform building line of semi detached houses with generous rear gardens extending some 55m in length. To the rear of the site is a large site containing a number of buildings used as a care home for the elderly known as Montgomery of Alamein Court which has a line of mature trees within its own boundary screening it from the application site.

3.3 To the west the site is bordered by the garden to the rear of No.71 Deepfield Road. To the east the site is bordered by properties fronting Bay Road. The site is not within a Flood Zone and is not affected by and trees that are protected by Tree Preservation Orders.

4. RELEVANT SITE HISTORY

4.1 Relevant planning history for the site is summarised as follows:

Application 12/01001/OUT - Outline application with all matters reserved for the erection of 9 no. 3 bedroom dwellings with ancillary parking and access facilities following demolition of 4 existing houses and garages. The application was considered by the Planning Committee in February 2013 when it was resolved to grant planning permission subject to the completion of a Section 106 Agreement. This was completed in October 2013 and the approval issued.

Application 15/00445/FUL - Erection of 7no 3 bed and 2no 4bed houses and 1 no 3 bed chalet bungalow at 77-79 Deepfield Road and land to the rear of 73-75 and 81-87 Deepfield Road and the creation of a new access road following demolition of 77 and 79. The application was withdrawn in January 2016.

Application 15/01283/FUL - Erection of 10 houses comprising 7no 3 bed and 2no 4 bed houses and 1 no 3 bed chalet bungalow at 77-79 Deepfield Road and land to the rear of 73-75 and 81-87 Deepfield Road and the creation of a new access road following demolition of 77 and 79. The application was originally going to be reported to the Planning Committee in February 2016 however it was withdrawn from the agenda prior to the meeting as the Ward Members considered that the one objection that has been received had been satisfactorily addressed therefore Officers could proceed to a delegated decision, subject to completion of a Section 106 Agreement. This agreement was submitted however prior to its completion the site changed ownership. As a result this application was withdrawn in January 2018 and the current application submitted.

5. THE PROPOSAL

5.1 The application seeks to erect a total of 10 new dwellings following the demolition of 2 dwellings (No.77 and No.79 Deepfield Road) resulting in a net increase of 8 dwellings. The proposal comprises the following dwelling mix:

Plot 1: 3 bed, 2 storey detached dwelling to replace No.77 at the front of the site. 8.3m high with a hipped roof design and a gable to the front.

Plot 2: 3 bed, 2.5 storey semi detached dwelling. 9.05m high with a hipped roof design, gable feature and dormers to the front.

Plot 3: 3 bed, 2.5 storey semi detached dwelling. 9.05m high with a hipped roof design, gable feature and dormers to the front.

Plot 4: 4 bed, 2.5 storey semi detached dwelling. 9.05m high with a hipped roof design, gable feature and dormers to the front. Car port to the side with dormer at first floor level.

Plot 5: 4 bed, 2.5 storey semi detached dwelling. 9.05m high with a hipped roof design, gable feature and dormers to the front. Car port to the side with dormer at first floor level.

Plot 6: 3 bed, 2.5 storey semi detached dwelling. 9.05m high with a hipped roof design, gable feature and dormers to the front.

Plot 7: 3 bed, 2.5 storey semi detached dwelling. 9.05m high with a hipped roof design, gable feature and dormers to the front.

Plot 8: 3 bed, 2.5 storey semi detached dwelling. 9.05m high with a hipped roof design, gable feature and dormers to the front.

Plot 9: 3 bed, 2.5 storey semi detached dwelling. 9.05m high with a hipped roof design, gable feature and dormers to the front.

Plot 10: 3 bed, 1.5m storey chalet bungalow. 5.2m high with a hipped roof design.



5.2 An access road to serve the development would be constructed to the eastern side of Plot 1 and the west of No.81 Deepfield Road. This would serve every property in the scheme with the exception of Plot 1. The three bedroom properties would all be provided with two parking spaces, and the four bedroom properties would be provided with three parking spaces with one in a car port and two on the drive. Two further spaces are provided within the site for visitor parking. A shed for cycle storage is shown within the rear of each garden with rear access to each property.

5.3 The scheme is nearly identical to that considered under 15/01283/FUL, the only difference being a reduction to the site area by not including land within the ownership of No.73 and No.75 Deepfield Road within the application site. This has resulted in the loss of a small area of soft landscaping shown on the previous application.

5.4 The application site includes land within the ownership of properties fronting Deepfield Road that is not within the ownership of the applicant. Notice has been served on the owners of these properties and Certificate B of the planning application form signed.

6. REPRESENTATIONS RECEIVED

Bracknell Town Council

6.1 Recommend refusal for the following reasons:

- Overdevelopment of this site, cramped surroundings and out of character with surrounding houses, 10 new properties would be disproportionate in terms of the detrimental impact.
- Concerns regarding extra traffic flow and access to the site. The proposed access will cause problems in an already busy Deepfield Road an area that already suffers from parking congestion, the addition of several new properties with inadequate provision for visitor parking will cause more congestion in this area.
- Refuse collection and emergency vehicles already experience difficulties manoeuvring in this road.
- Concerns about the lighting of the site being intrusive to adjacent properties also as vehicles enter or leave the proposed site at night their headlights will shine directly in other residential properties.

Thames Water

6.2 Comments were made in respect of the previous application, and can be summarised as follows:

- The public foul sewer has sufficient capacity to accommodate the additional foul flows anticipated from the new development. No surface water will be permitted to connect to the foul sewer. Consent to connect to the public sewer must be obtained at the appropriate time.

Other representations:

6.3 Letters of objection were received from four neighbouring properties. The reasons for objection can be summarised as follows:

- Cramped development, not in keeping with the area. Overdevelopment of the site.
- Parking is very limited on Deepfield Road, and the introduction of a new access road would take away parking for existing residents.
- Concerns regarding traffic and access to the site. Two visitor spaces not enough, and parking in general is inadequate.
- Additional lighting will be intrusive to neighbouring properties.
- Concerns regarding drainage.
- Not all the land shown as part of the application has been sold to the developer.

[OFFICER COMMENT: The applicant does not need to own all the land in order to make a planning application, provided that they serve 21 days notice on the landowner(s). They have signed Certificate B of the application form confirming that this is the case.]

7. SUMMARY OF CONSULTATION RESPONSES

The following responses to application 15/01283/FUL remain relevant to the current application, with comments incorporated into the report below.

7.1 Highways Officer

No objection.

7.2 Biodiversity Officer

No objection.

7.3 Drainage Officer

No objection.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	consistent
Design and Character	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
Other publications	National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG), SPA SPD, Design	

	SPD, Parking Standards SPD	
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9.1 The key issues for consideration are:

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

i. Principle of the development

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

ii. Impact on the character and appearance of the area

9.3 Although the majority of the development would be located to the rear of the site and as such would not have a significant impact on the streetscene when viewing the site from Deepfield Road, the design considerations of the development are still considered important. Plot 1 would replace No.77 Deepfield Road at the front of the site in a similar location and with a similar size and design, albeit as a detached rather than a semi detached property.

9.4 The design of the eight semi detached dwellings to the rear of the site (Plots 2-9) would be in keeping with the surrounding properties, which mainly comprise of semi detached dwellings with hipped roofs and gables to the front. They would be greater in height than the dwellings fronting Deepfield Road however these would not be visually prominent features in the streetscene. Plot 10 would be a smaller bungalow which would be subordinate to the remainder of the development and it is not considered that this would have a significant impact on the area.

9.5 In respect of the overall scale of development, it is considered that the site layout plan demonstrates that the development can be accommodated on the site, taking into account the associated private amenity space afforded to each dwelling, the scale and siting of the buildings relative to the adjoining properties and other on site constraints, parking and turning provision and soft landscaping. As such it is not considered that the proposal would appear cramped or would appear an overdevelopment of the site.



9.6 The proposal would mainly be backland development on previously undeveloped private gardens however it would be surrounded by residential development on all sides. It is not considered that the proposal within this existing context would be out of keeping with the pattern of development in this area.

9.7 Details of fencing, floor levels and landscaping have been provided and shall be secured by condition. As such it is not considered that the development would result in an adverse impact on the character and appearance of the area. The proposals would therefore accord with CSDPD Policy CS7, BFBLP 'Saved' Policy EN20 or the NPPF.

iii. Impact on residential amenity

9.8 The siting and size of Plot 1 would not result in any concerns regarding loss of light or overbearing. First floor windows are proposed in both side elevations however neither would serve a habitable room. The west facing window could result in the overlooking of No.75 Deepfield Road and as such this window shall be secured by condition to be obscure glazed and any opening parts being 1.7m above internal floor level. It is not considered that such a condition is necessary for the east facing windows.

9.9 There would be no loss of light or overlooking created by the proposed 2.5 storey semi detached dwellings nor would they appear unduly overbearing due to the separation distance between these dwellings and the properties that front Deepfield Road which is a minimum of 25m to the rear elevations and a minimum of 15m to the rear boundary.

9.10 Plot 10 would be closer to the properties at the front however due to its lower height it would not result in any unacceptable loss of light or unduly overbearing effect on the neighbouring properties. The only window facing towards Deepfield Road would be a high level roof window which would not result in any overlooking and shall be secured as such by condition. A condition shall restrict any additional windows in this south elevation.

9.11 The existing development to the rear at Montgomery of Alamein Court is set off the boundary by 13m and is screened by a line of mature conifer trees within its own boundary. The intervening distances between the new properties and this building vary between 22.8m and 29.8m which is considered acceptable for there not to be a loss of amenity to residents

of these properties through loss of light, overbearing or overlooking. The only second floor windows are high level windows which shall be secured as such by condition.

9.12 At the rear of the site, the western side is bordered by the rear of the gardens of properties fronting Deepfield Road. Although Plot 2 would be located close to the boundary, it would not be located adjacent to the most private amenity areas at the immediate rear of the neighbouring dwellings, and would be located adjacent to an outbuilding at the rear of No.71 Deepfield Road. As such the development does not give rise to any concerns regarding loss of light or overbearing. Side facing first and second floor windows would face to the west however these do not serve any habitable rooms. To prevent any overlooking of neighbouring properties these shall be secured by condition to be obscure glazed and fixed shut.

9.13 To the east the site is bordered by the rear of properties fronting Bay Road. Given the separation distance of a minimum of 25m between the new dwellings and the rear elevations of these properties there are no concerns that the development would result in an unacceptable loss of light. Plot 9 would be located close to the rear boundary; however it would not be located adjacent to the most private amenity areas at the immediate rear of the neighbouring dwellings and as such would not appear unduly overbearing when viewed from the rear of those dwellings. Side facing first and second floor windows would face to the east however these do not serve any habitable rooms. To prevent any overlooking of neighbouring properties these shall be secured by condition to be obscure glazed and any opening parts to be 1.7m above internal floor level.

9.14 The relationship between the properties on the development site is considered acceptable, subject to conditions requiring the side facing first and second floor windows on Plots 2-9 to be obscure glazed and any opening parts to be 1.7m above internal floor level. The only other potential point of conflict would be the relationship between the front facing windows of Plot 9 and the private amenity area to the side of Plot 10. However a separation distance of a minimum of 13m would remain with the access road as an intervening feature, and it is not considered that this relationship would warrant refusal of the application. It is considered that the proposed amenity space is acceptable for the size of dwellings proposed. As such it is considered that an acceptable level of amenity would be provided for future occupiers of the development.

9.15 Concerns have been raised with regard to the impact of additional lighting, however it is not considered that any lighting normally attributable to urban areas such as this comprising new street lighting, normal domestic lighting or lighting from additional vehicle movements would be considered to be unduly unneighbourly within this context.

9.16 It is therefore not considered that the proposal would result in a detrimental effect on residential amenity. As such it would not be contrary to BFBLP 'Saved' Policy EN20 or the NPPF.

iv. Transport implications

9.17 The Highways Officer is satisfied that the proposed access road is acceptable and that the level of private parking complies with the Council's Parking Standards SPD and includes two visitor spaces. Signage details for the visitor spaces have been provided. The parking and access shall be secured by condition. The proposed access road is to be adopted and has been designed as such. This will need to be secured through a Section 38/278 agreement with the Highway Authority and the applicant will be advised as such through an informative. Access construction details have been submitted with the application and shall be secured by condition. Visibility from the access is acceptable in both directions.

9.18 It is estimated that the development would generate approximately 6-7 additional vehicle movements in each peak hour and approximately 70 additional movements per day. These additional trips as a result of the development are to be expected and as such would not have any significant adverse impact upon highway safety.

9.19 Cycle parking would be provided in sheds in the back garden of each dwelling, which shall be secured by condition. The design and layout of the site has included appropriate storage capacity so that each householder can store their bins away from the street frontage. The access road is designed to be adopted by the Council which makes provision to enable the site to be serviced by a 10m refuse collection vehicle.

9.20 A Construction Management Plan has been submitted detailing areas within the site for storage, loading and unloading, portacabins and site welfare, and wheel washing within the site. The plan shall be secured by condition.

9.21 As such it is not considered that the development would result in an adverse impact on highway safety. It would therefore accord with CSDPD Policy CS23, BFBLP 'Saved' Policy M9 or the NPPF.

v. Biodiversity Considerations

9.22 The application is accompanied by a bat survey which found that bats are unlikely to be present in the dwellings due for demolition.

9.23 The Ethos Environmental Planning document 'Discharge of Ecology Conditions' has also been submitted in support of the application which refers to previous ecological assessments at the site and includes detail of recommendations with regard to biodiversity mitigation and enhancements.

9.24 The document sets out that vegetation clearance will be undertaken outside the bird nesting season or subject to a pre-clearance check by a suitably qualified ecologist. Should any nests be found then a 5m radius 'no work zone' will be set up around the area and maintained until nesting is finished.

9.25 Previous ecological assessments have identified the presence of three-cornered garlic, an invasive non-native species included on schedule 9 of the Wildlife and Countryside Act. The document recommends that this species is eradicated from the site using a glyphosphate-based weed killer applied to the affected area. Repeat applications are likely to be necessary due to the persistence of seeds and bulbs in the ground.

9.26 The document includes a wildlife protection plan which includes a Phase 1 Habitat Map produced by the Surrey Wildlife Trust. All vegetation on this map will be subject to restricted construction activities set out in the document, and protective measures during construction. A scheme of biodiversity enhancements has been submitted within the document which includes bat and bird boxes on retained trees to the rear of the site.

9.27 Finally, the report includes a lighting strategy for the development with particular focus on ensuring no significant light spill on the hedgerows, scattered trees or newly installed bat boxes. This strategy is supported by lighting details provided by MMA Lighting Consultancy.

9.28 The recommended mitigation and enhancements are acceptable and shall be secured by condition. The proposals are therefore considered acceptable in terms of biodiversity and as such the development would accord with CSDPD Policies CS1 and CS7 or the NPPF.

vi. Drainage

9.29 The site lies entirely within Flood Zone 1 which has a low risk of flooding, outside the 1:1000 year of any fluvial flooding event. Table 3 of the Technical Guidance to the National Planning Policy Framework states that Flood Zone 1 is suitable for all types of development. Accordingly the Sequential Test gives preference to locating new development in Flood Zone 1. As no part of the site is located in Flood Zones 2 or 3 the site does not need to pass the requirements of the Sequential Test.

9.30 Development of the site will lead to an increase in impermeable area, which will have a consequential impact on run-off rates. The applicant therefore proposes to install a surface water drainage system to accommodate an increase in run off rates associated with climate change estimates, in accordance with Technical Guidance on life cycles for residential development. The applicant has therefore included a surface water drainage system based on SuDS principles.

9.31 The Council's Drainage Officer has assessed this and is satisfied that with these mitigation measures the development of the site would present no tangible difference in off site water run-off rates so long as the management and maintenance of the system is secured.

vii. Sustainability

9.32 The application has been accompanied by a Sustainability Statement covering water efficiency that aims to achieve an average water usage in the new dwellings of under 110 litres/person/day which complies with the requirements of Policy CS10. Implementation of the measures in the Statement shall be secured by condition.

9.33 Policy CS12 requires the submission of an Energy Demand Assessment demonstrating how 20% of the development's energy requirements will be met from on-site renewable energy generation and how potential carbon dioxide emissions will be reduced by at least 10%. The Property and Energy Services document 'Carbon Reduction and Local Energy Generation Options Report' sets out how the development will comply with Policy CS12 and shall be secured by condition.

viii. SPA

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 3.1km from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

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 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 8no. three bedroom dwellings and 2no. four bedroom dwellings following the demolition of 2no. three bedroom dwellings which results in a total SANG contribution of £17,964. 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 £5,880.

9.37 The total SPA related financial contribution for this proposal is therefore £23,844. 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 are completed has been 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 SPD, the Planning Obligations SPD and the NPPF.

ix. Community Infrastructure Levy

9.38 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.

9.39 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 development involves a net increase in dwellings and as such is CIL liable.

10. CONCLUSIONS

10.1 The proposed development relates to a site within the settlement boundary and is therefore acceptable in principle, and a similar scheme was approved in 2013. It would not adversely affect the character and appearance of the surrounding residential area or the residential amenities of neighbouring properties. It is not considered that the development would result in an adverse impact on highway safety, biodiversity or drainage subject to securing the relevant details by conditions. A legal agreement will secure contributions for SPA mitigation and the scheme is CIL liable.

10.2 It is therefore considered that the development complies with CSDPD Policies CS1, CS2, CS7, CS10, CS12 and CS23, BFBLP 'Saved' Policies EN20 and M9 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 permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 1 March 2018, 22 May 2018 and 8 June 2018:

PL-01(R1), PL02, PL03(R1), P010/A, P023/A, P024/A, P025/A, P026/C, P029/A, P030/C, P031/A, P033/A, PL-300, C-103/R3, MMA14044/001(R2), 21710-01

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 development hereby permitted should be in accordance with the materials set out on Plans C-103/R1 and 217110/01 Rev D received by the Local Planning Authority on 1 March 2018 and 8 June 2018.

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

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

04. The development shall be carried out in accordance with the finished floor levels set out on Plan 17018-2140/P4 received by the Local Planning Authority on 6 June 2018.

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

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

05. The development shall be carried out in accordance with the boundary treatment set out on Plan 217110/01 Rev D received by the Local Planning Authority on 8 June 2018.

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

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

06. The second floor roof light windows in the north facing rear roof slope of Plots 2-9 and the first floor roof light in the south facing rear roof slope of Plot 10 shall at no times be less than 1.7 metres above internal floor level of the room that they serve.

REASON: To prevent the overlooking of the neighbouring property.

[Relevant Policy: BFBLP EN20]

07. The first floor window in the west facing side elevation of Plot 1 and the first and second floor windows in the west and east facing side elevations of Plots 2-9 hereby permitted shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent). They shall at all times be fixed shut with the exception of an openable fanlight that is no less than 1.7m above the internal floor level of the room that the window serves.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

08. 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 with or without modification) no additional windows, similar openings or enlargement thereof shall be constructed at first floor level or above in the west or east facing side elevations of Plots 1-9 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]

09. The development shall be carried out in accordance with the access construction details set out on Plans 17018-2146/P1 and 17018-2147/P1 received by the Local Planning

Authority on 1 March 2018.

REASON: In the interests of highway safety.

[Relevant Policy: CSDPD CS23]

10. No development (other than the construction of the access) shall take place until the access has been constructed in accordance with the approved plans.

REASON: In the interests of highway safety.

[Relevant Policy: CSDPD CS23]

11. The dwellings shall not be occupied until visibility splays of 2.0 metres by 2.0 metres have been provided at the junction of the highway and the adjacent footway. The dimension shall be measured along the edge of the drive and the back of the footway from their point of intersection. Those areas shall at all times thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the adjacent carriageway.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

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

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

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

13. 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 with or without modification), no enlargements, improvements or alterations shall be made to the car ports, 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 car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.

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

14. No dwelling shall be occupied until 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]

15. 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]

16. The development shall be carried out in accordance with the Construction Management Plan set out on drawing CD-101/R3 received by the Local Planning Authority on 8 June 2018.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

17. The development shall be carried out in accordance with the landscaping details set out on drawings 21710/02 Rev B and 21710/03 received by the Local Planning Authority on 1 March 2018 and 8 June 2018. The areas shown for soft landscaping purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose.

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

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

18. The development shall be carried out in accordance with the ecological measures set out in the Ethos Environmental Planning document 'Discharge of Ecology Conditions' received by the Local Planning Authority on 1 March 2018.

REASON: In the interests of nature conservation.

[Relevant Policies: Core Strategy CS1, CS7]

19. The development shall be carried out in accordance with the Sustainability Statement received by the Local Planning Authority on 1 March 2018.

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

[Relevant Policy: Core Strategy DPD CS10]

20. The development shall be carried out in accordance with the Energy Demand Assessment received by the Local Planning Authority on 1 March 2018.

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

[Relevant Policy: Core Strategy DPD CS12]

21. No dwelling hereby permitted shall be occupied until the sustainable drainage scheme serving the development has been implemented in accordance with the submitted and approved details. It shall be maintained as such thereafter.

REASON: To prevent the increased risk of flooding.

[Relevant Policies: CSDPD CS1, BFBLP EN25]

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. The applicant is advised of the need to enter into a Section 278 Agreement under the 1980 Highway Act before any work can be undertaken within the public highway.

3. No details are required to be submitted in relation to the above conditions however they are required to be complied with.

In the event of the S106 agreement not being completed by 30 September 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).

ITEM NO: 6

Application No.
18/00139/FUL
Site Address:

Ward:
Warfield Harvest Ride

Date Registered:
26 February 2018

Target Decision Date:
23 April 2018

**Derryquin 8A Priory Lane Warfield Bracknell
Berkshire RG42 2JU**

Proposal: **Erection of 1no. dwelling following demolition of existing garage**

Applicant: Mr Paul Roger

Agent: Mr Richard Murray

Case Officer: Michael Ruddock, 01344 352000

development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

1.1 The proposed development is for the erection of a single detached dwellinghouse on land to the side of Derryquin following demolition of an existing 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, subject to conditions. 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.

RECOMMENDATION

Delegate to the Head of Planning to Approve the application 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

PLANNING STATUS

Within Defined Settlement

Within 5km of the SPA

3.1 Derryquin consists of a detached dwelling with a width of approximately 18m and a detached garage at the front of the site. A hard standing area for parking is located at the front of the property with a private garden to the rear. The site is bordered by No.10 Priory Lane to the north and No.8 to the south. It is noted that the dwellings to the south were constructed as part of the development of the Brickworks Site.

3.2 The site is not affected by any Tree Preservation Orders. It is located within Area J of the Bracknell Study Area within the Character Area Assessments SPD.

4. RELEVANT SITE HISTORY

4.1 Relevant planning history for the site is summarised as follows:

Application 615514 - Two storey extension forming garage and playroom with bedroom and ensuite bathroom over, construction of a dormer on front elevation - APPROVED 1989

Application 05/00391/FUL - Erection of two storey side extension and installation of rear facing dormer - APPROVED 2005

Application 05/00874/FUL - Erection of first floor rear dormer extension - APPROVED 2005

Application 05/00877/FUL - Retention and completion, with alterations, of detached double garage - REFUSED 2005

[OFFICER COMMENT: It is noted that an enforcement notice was served regarding the garage refused permission under application 05/00877/FUL. An appeal [ref. APP/E0335/C/06/2019407] was made against this notice which was allowed, subject to planting to screen the garage. It is noted that this has not taken place, however as the garage would be demolished as part of the proposed scheme this is not considered relevant to this application.]

Application 16/00180/FUL - Erection of 2 new dwellings following demolition of existing dwelling and garage – APPROVED (With Legal Agreement) 2016

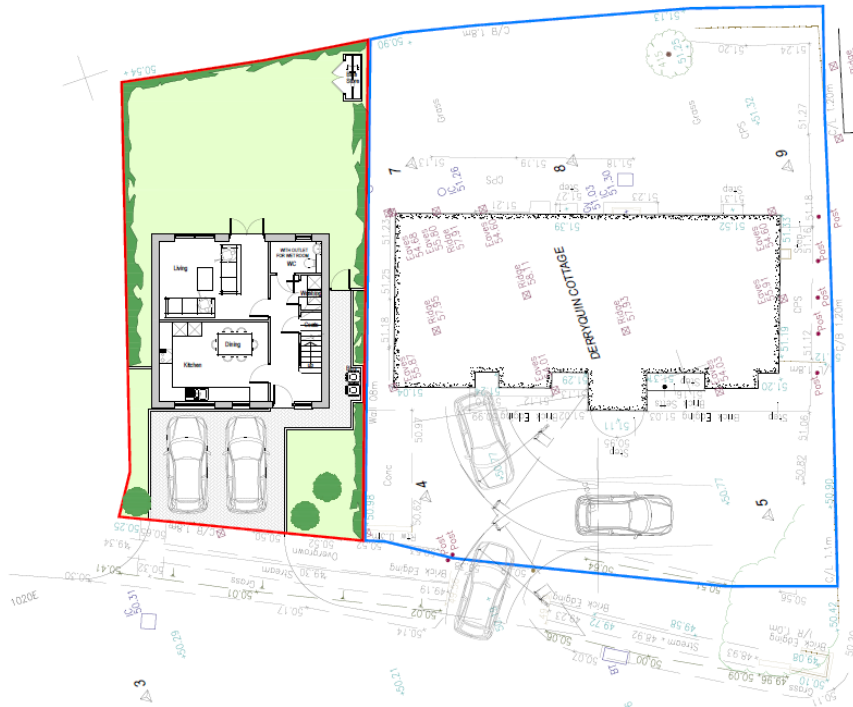
5. THE PROPOSAL

5.1 The proposed development is for the erection of a detached two storey dwellinghouse on land to the side of the existing dwelling at Derryquin, following the demolition of an existing garage. The dwelling would have a width of 7.5m and a depth of 7.2m. It would have a height of 7m with a hipped roof design. A covered porch would project 1.3m forward of the front elevation.



5.2 The dwelling would consist of a living room, kitchen/dining room, WC and washing area at ground floor level, with two bedrooms, a home office and a bathroom at first floor level. A new access onto Priory Lane is proposed with two parking spaces provided forward of the dwelling. A garden would be provided to the rear with a depth of between 7.8m – 8.9m.

5.3 Access to the rear of the property would be provided along the southern boundary, which would include a bin storage area. A cycle store is proposed within the rear garden which would have a width of 2m, a depth of 1.2m and a height of 1.77m.



5.4 As originally submitted the proposed dwelling had a greater depth of over 10m and a far smaller garden than as now proposed. Only one parking space was shown to the front of the property.

6. REPRESENTATIONS RECEIVED

Warfield Parish Council:

6.1 Recommend refusal for the following reasons:

- Overdevelopment of the plot
- Lack of parking provision
- Limited/restricted access to the site from Priory Lane
- Unnecessary cutting down of trees

[OFFICER COMMENT: It should be noted that these comments were made on the basis of the original submission, which has been revised during the course of the application. As noted above, trees on the site are not protected by Tree Preservation Orders.]

Other representations:

6.2 Six objections have been received to the proposed development from neighbouring properties. All six were received in respect of the original plans, and following consultation on the amended plans five of the neighbours have re-iterated their objections. The reasons for objection can be summarised as follows:

- The proposed development is out of character with the surrounding area. Priory Lane is made up of four, five and six bedroom houses in larger plots than that proposed.
- The proposal would result in a cramped overdevelopment of the plot. It is the first stage of applying for planning permission for three houses on the site. Curtilage is not of a sufficient size.

- Impact on highway safety due to additional cars using Priory Lane and vehicles having to reverse onto Priory Lane. Priory Lane is the only access to the pedestrian crossing on Warfield Road for school children.
 - Parking is not acceptable. To achieve two spaces a wide drive is required that is not sympathetic to the surrounding area and does not allow for any landscaping to soften its impact. The hedgerow at the front would be reduced.
 - Development is too close to a watercourse and would have a detrimental impact on wildlife.
 - Development would be contrary to conditions of the appeal that was allowed against the Enforcement Notice (ref. APP/R0335/C/06/2019407). This decision ruled that a hedgerow and watercourse which is a fundamental character of Priory Lane should be reinstated.
- [OFFICER COMMENT: A condition of the planning permission allowed by the Planning Inspector for the garage required the applicant to submit landscaping proposals for approval and for these to be implemented within 11 months of the date of the appeal decision. The landscaping proposals have never been implemented and as such the Council has an outstanding enforcement case at the site. However the current planning application proposes demolition of the garage, which was the requirement of the condition if landscaping proposals were not implemented. If planning permission was granted this would supersede the appeal decision.]*

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Highways Officer

Recommend conditional approval.

7.2 Biodiversity Officer

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:

	Development Plan	NPPF
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	consistent
Design and Character	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
Other publications	National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG), Character Area Assessments SPD, Design SPD, Parking Standards SPD	

9.1 The key issues for consideration are:

- i Principle of the Development
- ii Impact on character and appearance of the area
- iii. Impact on residential amenity
- iv Transport implications

v	Biodiversity Considerations
vi	Sustainability
vii	SPA
vii	Community Infrastructure Levy

i. Principle of the development

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

ii. Impact on the character and appearance of the area

9.3 The new dwelling would be located to the side of the existing dwelling at Derryquin and as such would be a visible feature in the streetscene of Priory Lane. In terms of its design, there are examples of hipped roof dwellings to the south of the application site and such a design would not be out of keeping with the character of the area. The proposed building height of 7m would not be excessive and would be in keeping with existing development along Priory Lane.

9.4 The dwelling would be set approximately 1m forward of the existing dwelling at Derryquin, and approximately 7.5m back from Priory Lane. Such a set back is in keeping with existing development on Priory Lane and it is not considered that the development would appear overly prominent in the streetscene. It would be a less prominent feature than the existing garage which would be demolished – although this structure is not lawful at present a Planning Inspector previously found this to be acceptable subject to the provision of appropriate landscaping.

9.5 Concerns have been raised that the dwelling and plot size would be out of keeping with existing development on Priory Lane and would appear cramped, to the detriment of the character of the area. The dwelling would be set off the side boundaries, by 1m to the north and 1.5m to the south and would leave a gap of 2.9m to the existing dwelling at Derryquin. The garden to the rear would have a similar depth to the garden of the existing dwelling with side access, bin storage and cycle storage all provided. There is sufficient space to the front for parking and landscaping. As such it is considered that the dwelling and the requirements associated with it would fit comfortably into the site and would not appear cramped.

9.6 It is acknowledged that the size of the dwelling and the overall size of the plot would be smaller in area than the majority of plot sizes on Priory Lane, however it is not considered that this would result in such significant harm to the character of the area that refusal of the application would be warranted. The proposal to provide a detached dwelling with parking and landscaping to the front and a garden to the rear would be in keeping with the pattern of development in this location.

9.7 There is no landscaping at the front of the site as existing, and a lawful fallback position for the applicant could be to demolish the existing garage with no requirement to provide landscaping. As such, although the parking area would take up a sizeable proportion of the site frontage, the soft landscaped areas that would be provided either side provide an opportunity for improvement over the existing situation. A landscaping condition is recommended in order for full details to be provided.

9.8 Concerns have also been raised that approval of this application would set a precedent and lead to a further application for two dwellings in place of the existing dwelling at Derryquin. This is not what is being applied for and as such is not material to the consideration of this application. Any future application for such development would be considered on its own merits.

9.9 The Character Area Assessments SPD for this area sets out that Priory Lane is a tree lined road with hedgerows and ditches, and that well vegetated front gardens retain rural references. There is an inconsistent architectural approach and all houses are detached. It is recommended that the remnant rural character is retained along with tree and hedgerow lines.

9.10 The development proposed vegetation to the front garden, and the details required by the landscaping condition will ensure that this helps to retain the rural character of the area. It is not considered that the development would be contrary to the recommendations of this SPD.

9.11 Conditions are recommended to secure details of materials, boundary treatments and floor levels. As such it is not considered that the development would result in an adverse impact on the character and appearance of the area. It would therefore not be contrary to CSDPD Policy CS7, BFBLP 'Saved' Policy EN20 or the NPPF.

iii. Impact on residential amenity

9.12 The dwelling would not project to the rear of the existing dwelling at Derryquin and would therefore not result in an unacceptable loss of light to the rear facing windows of that property or an unduly overbearing effect. The bike store with a height of 1.77m would not appear overbearing.

9.13 There would be a gap of approximately 17m to the properties to the north of the site and as a result of this separation distance it is not considered that the development would result in an unacceptable loss of light to the rear facing windows at this property. Furthermore it is not considered that the development would appear unduly overbearing when viewed from the rear of that property.

9.14 No side facing windows are proposed and as such the development would not result in an unacceptable loss of privacy to the neighbouring properties. It is considered that windows in either side elevation could result in a loss of privacy to the neighbouring properties, therefore a condition is recommended to restrict such additions to the dwelling.

9.15 It is considered that the proposed amenity areas are acceptable for the size of dwelling proposed. As such the level of amenity for future occupiers of the dwelling is considered acceptable.

9.16 It is therefore not considered that the development would result in a detrimental effect on residential amenity. As such it would not be contrary to BFBLP 'Saved' Policy EN20 or the NPPF.

iv. Transport implications

9.17 The new dwelling would take access off Priory Lane, an adopted residential road that is subject to a 30mph speed limit. Priory Lane is a shared surface for all road users, with some street lighting, and while it is a no-through traffic route there is a pedestrian and cycle link through to Warfield Road. This has been observed to be well used during the afternoon school peak.

9.18 A new driveway access is proposed in the position of an existing pedestrian access which consists of a ramp across the ditch at the front. Visibility splays of 2.4m by 43m can be achieved in either direction in line with the requirements for a residential driveway access onto a 30mph speed limit road, although vehicle speeds are likely to be below this. The access will need to be widened and this shall be secured by condition. The applicant will require the consent of the Highway Authority for highway works to create a new access including a culvert for the ditch. Acceptable pedestrian access to the side and rear of the dwelling for access to refuse storage and cycle parking would be provided.

9.19 The proposed floor plans show two bedrooms and an office, however the office could potentially be used as a bedroom and therefore should be considered as such. Two parking spaces are required by the Parking Standards SPD for a three bedroom dwelling and two spaces are shown to the front of the property. The parking area is shown to be a minimum of 4.8m in depth with a width of 5.6m which is sufficient for two parking spaces. The access itself would be set over 5.5m from the dwelling which complies with the requirements of the Highway Authority. As such the development accords with the requirements of the Parking Standards SPD and would not result in overspill parking on the highway, to the detriment of highway safety.

9.20 The new dwelling could generate four to six two way trips per day and the Highways Officer does not consider that this would have a significant traffic impact along Priory Lane which currently provides access to around 30 properties. It therefore not considered that the development would result in a significant increase in traffic generation that would result in an adverse impact on highway safety. A Construction Management Plan is to be secured by condition.

9.21 The development therefore complies with CSDPD Policy CS23, BFBLP 'Saved' Policy M9 or the NPPF.

v. Biodiversity Considerations

9.22 The application has been accompanied by a bat survey, dated February 2016, which was also submitted to support the previous application (ref. 16/00180/FUL). Following consideration of this report in 2016, clarification of the surveyor's experience was requested and satisfactory confirmation was provided. The survey findings were therefore considered to be acceptable.

9.23 Additionally, the earlier application was supported by a Walkover Survey and Newt Brief, dated November 2015. The survey concluded that there would be no impacts on Great Crested Newts from the proposals at that time but made recommendations for precautionary measures that should be implemented during construction, these measures were secured by condition.

9.24 The bat survey report concludes that the demolition of the garage is unlikely to affect roosting bats, and taking into account the earlier planning decision and age of the survey data, the Council's Ecological Consultant considers that the report provides sufficient information to demonstrate that the proposals are unlikely to affect bats or their roosts. As the data is now just over two years old, the Ecologist has recommended that a condition be imposed securing a survey update if demolition of the garage takes place more than three years after the date of the survey. Such a condition is considered reasonable.

9.25 The Ecologist also considers that the findings and conclusions of the Walkover Survey and Newt Brief continue to be relevant to the revised proposals. As such the recommended precautionary measures shall also be secured by condition.

9.26 As such the development would not result in an adverse impact on biodiversity, subject to the recommended conditions. The development would therefore accord with CSDPD Policies CS1 and CS7 or the NPPF.

vi. Sustainability

9.27 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. No such statement has been submitted, therefore a condition is recommended requiring the submission of a Sustainability Statement prior to the occupation of the development in accordance with CSDPD Policy CS10 and the NPPF.

9.28 CSDPD 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/CO₂) 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.

9.29 No such assessment has been submitted in support of the application, therefore a condition is recommended requiring the submission of an Energy Demand Assessment prior to the commencement of development in accordance with CSDPD Policy CS12 and the NPPF.

viii. SPA

9.30 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 4km from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

9.31 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 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.

9.32 In this instance, the development would result in a net increase of 1 no. three bedroom dwelling which results in a total SANG contribution of £2,171. 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 £711.

9.33 The total SPA related financial contribution for this proposal is therefore £2,882. 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 are completed has been 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 SPD, the Planning Obligations SPD and the NPPF.

ix. Community Infrastructure Levy

9.33 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.

9.34 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 development involves a net increase in dwellings and as such is CIL liable.

10. CONCLUSIONS

10.1 The proposed development relates to a site within the settlement boundary and is therefore acceptable in principle. It would not adversely affect the character and appearance of the surrounding residential area or the residential amenities of neighbouring properties. It is not considered that the development would result in an adverse impact on highway safety or biodiversity.

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 permitted shall be carried out only in accordance with the

following approved plans received by the Local Planning Authority on 26 February 2018 and 13 April 2018:

1273/P/000

1273/P/006

1273/P/008

1273/P/009

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

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

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

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

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

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

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

05. 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 development shall be carried out in accordance with the approved details.

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

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

06. No construction works shall commence 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 EN20, CSDPD CS7]

07. 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 with or without modification) no additional windows, similar openings or enlargement thereof shall be constructed at first floor level or above in the north or south facing side elevations of the dwelling hereby permitted except for any which may be shown on the approved drawings.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

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

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

09. The dwelling shall not be occupied until the associated vehicle parking space has been set out in accordance with the approved drawing. The spaces shall not thereafter be used for any purpose other than parking.

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

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

10. 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.

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

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

11. 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.

[Relevant Policies: BFBLP EN20, Core Strategy DPD CS23]

12. The development shall not commence 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]

13. All ecological measures and/or works shall be carried out in full accordance with the details contained in Sedgemoor Ecology Services report dated November 2015.

REASON: In the interests of nature conservation.

[Relevant Plans and Policies: CSDPD CS1]

14. If more than 3 years elapses between the date of the previous bat survey and the due commencement date of works, an updated bat survey shall be carried out by a suitably qualified ecologist. A report confirming the results and implications of the assessment, including any revised mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority before demolition works commence on site.

REASON: To ensure the status of bats on site has not changed since the last survey.
[Relevant Policies: Core Strategy DPD CS1, CS7]

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

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

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

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

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]

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. Time Limit
2. Approved Plans
7. Side facing windows
9. Parking
10. Cycle and refuse storage
13. Ecological Survey
14. New bat survey
17. SuDS

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

8. Access
15. Sustainability Statement

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

3. Materials

4. Floor Levels
5. Boundary Treatments
6. Landscaping
16. Energy Demand Assessment

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

11. Construction Management Plan
12. Biodiversity Enhancements

3. The applicant should note that the Bracknell Forest Council's Street Works 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(s) would need to apply for an ordinary watercourse consent to cross the ditch.

In the event of the S106 agreement not being completed by 31 August 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 Supplementary Planning Document (2018).

ITEM NO: 7

Application No.
18/00198/FUL

Site Address:

Ward:
Ascot

Date Registered:
6 March 2018

Target Decision Date:
5 June 2018

**The Brackens London Road Ascot Berkshire SL5
8BE**

Proposal:

Erection of 11no. dwellings with associated parking, landscaping and associated access to London Road (revised proposal to planning permission 16/01266/FUL to substitute 11no. dwellings for the approved 7no. dwellings on part of the site).

Applicant:

Mr Charlie Mulford

Agent:

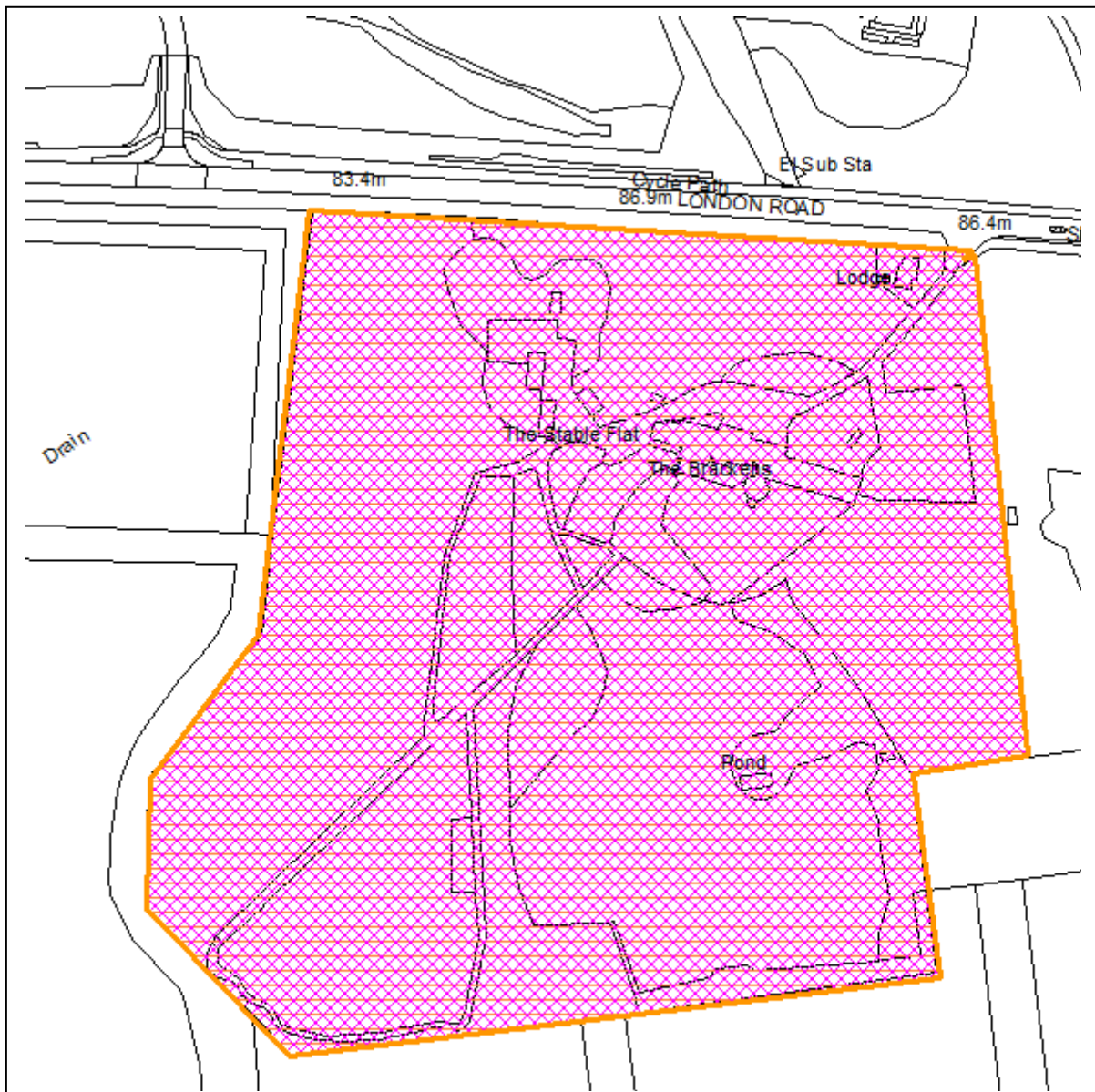
Ms Sue Church

Case Officer:

Sarah Fryer, 01344 352000

development.control@bracknell-forest.gov.uk

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



1. SUMMARY

1.1 This application seeks permission for changes to part of a site which has extant planning permission for 61 units comprising a mixture of apartments and houses. This consent would grant permission for an additional 4 houses within the site.

1.2 Whilst the site is located within the Countryside, the principle of developing this site has already been accepted. The proposals would not result in any additional harm to the character of the area, trees, amenities, highway safety or bio-diversity. The site can be adequately drained.

1.3 As the proposal seeks an increase in number of units this affects the SPA amount and affordable housing contribution. A deed of variation to the original S106 is recommended to secure the new figures. Any additional floor area will attract additional CIL which will be secured in accordance with the CIL regulations.

RECOMMENDATION
Delegate to the Head of Planning to grant planning permission subject to a S106 and the conditions in Section 11 of this report

2. REASONS FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application has been called to committee by Cllr Mrs Hayes on the grounds of overdevelopment, backland development and affordable housing .

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Previously Developed Land
Tree Preservation Order

3.1 The application relates to the Brackens, a site located to the south of London Road, Ascot. The site currently comprises of a three storey red brick building, last in use as offices, set in large maintained grounds. The site benefits from planning permission for residential development. Work has started on the development.

3.2 To the south the site backs onto the Crown managed forestry land, with forest to the east and Westwood House, a detached two storey dwelling located in large grounds to the west. To the north and on the other side of London Road is Heathfield School.

3.3 The site is outside of the settlement boundary as defined by the Bracknell Forest Policies Map (2013).

4. RELEVANT SITE HISTORY

17/01366/FUL Conversion of Brackens House to provide 6 no. apartments and erection of 2 no. dwellings (revision to planning permission 16/01266/FUL to create one additional penthouse and to provide additional bedrooms to plots 5 and 6) Pending consideration

17/01246/FUL Section 73 application for the variation of conditions 02 (Approved drawings) to planning permission 16/01266/FUL for the creation of 5no. apartments and construction of 51no. new dwellings, with associated parking, tree removal and landscaping and improvements to existing access to London Road. (Note for clarification: minor amendments are sought to the design of dwellings on plots 2-6, 20-22, 25, 26 and 40-51, and to vehicle parking provision, with additional tree removal). Approved 11.04.2018

17/01056/A Display of 7no. illuminated free standing signs and hoarding. Approved 04.12.2017

17/01154/NMA Non Material Amendments to Plots 2, 3, 4, 5, 6, 20, 21, 22, 25, 26 and 40-51 of planning permission 16/01266/FUL. Refused 24.11.2017

16/01266/FUL Residential development comprising partial demolition of existing buildings, retention and conversion of Brackens House to provide 5 no apartments and construction of 51 new dwellings, with associated parking, tree removal and landscaping and improvements to existing access to London Road. Approved 29.06.2017

16/01242/OUT Hybrid planning application for a residential development comprising: DETAILED application for partial demolition of existing buildings. Retention and conversion of Brackens House to provide 5 no. apartments with associated parking, tree removal and improvements to existing access. OUTLINE application for the Construction of up to 51 new homes with access. Withdrawn

16/00171/PAC Application for prior approval for the change of use of office (B1) to residential use (class C3) comprising 32 apartments. Agreed.

2328 Use of Brackens as flats and offices Approved 14.01.1954

5. THE PROPOSAL

5.1 This application seeks consent for changes to a limited area within a wider approved scheme. The applicant therefore has a fallback position of the approved scheme granted under reference 16/01266/FUL. Inspectors when determining appeals, have attributed considerable weight to the fallback position. The fallback position is therefore a material consideration and the proposed changes will be assessed against the wider scheme.

5.2 This application seeks consent for changes to the rear portion of the site, which results in an increase in the number of units in this area from 7 to 11, a net increase of 4.

5.3 This area of the site has consent for large, detached 5 bedroom dwellings. It is proposed to maintain a similar character however with no. 8, 4 bedroom dwellings and no. 3, 5 bedroom properties.

5.4 The layout would remain broadly the same with the dwellings clustered around the central access road. To the west of the end of the access drive the two ponds remain. The proposed dwellings are all of bespoke design, and incorporate features such as bay windows, external chimney breasts and timber frame details to reflect and reinforce the character to the overall development.

5.5 This scheme proposes the removal of 14 more trees than originally approved.

6. REPRESENTATIONS RECEIVED

Winkfield Parish Council
Considered no objection

Other representations:

One letter of objection has been received from the Chavey Down Association who object to the application on the following grounds:

- The site is in a sensitive location lying as it does within the green gap between Bracknell and Ascot.
- There will be an impact upon services and facilities
- The additional 4 dwellings have no additional benefits to the local community to justify them.

7. SUMMARY OF CONSULTATION RESPONSE

SPA: Seeks further contributions to mitigate the impact upon the SPA. This should be secured by S106.

Highways: No objection

Waste: No concerns regarding the on-site storage. If the roadways are to be private, the roads should be constructed to an appropriate standard, and the developer should be aware that Bracknell Forest Council will not be liable for any damage to the road.

Archaeology: No further action is required following addendum to submission of previous reports.

Bio-diversity: No objections

Environmental Health: Application 18/00198/FUL will be subject to the conditions and responses given by Environmental Health for 16/01266/FUL.

Waste and recycling manager: No objection.

Trees: No objection

Drainage: No objection

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

	Development Plan	NPPF
General policies	CP1 of SALP: Presumption in favour of sustainable development CS1 of CSDPD: Sustainable Development Principles CS2 of the CSDPD: Locational Principles	Consistent. (Para. 14 of the NPPF)
Housing	SA1 Previously Developed Land in Defined Settlement. CS15 of the CSDPD: overall housing provision	Consistent (Para. 17 of the NPPF) 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 and pollution	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.
Transport	CS23 and CS24 of CSDPD	Consistent
Supplementary Planning Documents (SPD)		
Parking Standards SPD 2016		
Design SPD (2017)		
Thames Basin Heath SPA SPD (2018)		
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
Bracknell Forest Borough Landscape Character Assessment (LUC) 2015		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i Principle of development
- ii Design and Character of the area
- iii Impact upon residential amenities
- iv Highway Implications
- v Trees
- vi Bio-diversity
- vii Thames Basin Heaths Special Protection Areas
- viii Affordable Housing
- ix Drainage
- x Securing necessary infrastructure
- xi Conditions

i Principle of Development

9.1 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.

9.2 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.

9.3 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'.

9.4 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.

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

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

9.7 Application 16/01266/FUL granted planning permission for the development of the wider site including conversion of Brackens House following partial demolition. This extant permission included the development of this area of the application site and provides a relevant fallback position. This is therefore a material consideration for this proposal.

ii Design and character of area

9.8 Policies CS7 of the CSDPD and EN20 of the BFBLP require developments to respect the character of the surrounding area. In this case the proposal will be assessed against the character of the consented scheme.

9.9 The proposal relates to the rear of the wider site which as stated above benefits from an extant planning permission. Whilst the front of the site may be glimpsed from London Road, the rear of the site is well

screened by mature trees and the development to the front, and by the conifer plantation to the rear. This area of the site already has permission for 7 large properties. It is therefore not considered that the additional 4 dwellings would have a greater impact upon the wider character of the area than the scheme as approved.

9.10 The proposed dwellings reflect the appearance of those previously approved. The level of architectural detailing has been maintained, with tile hung gables, external chimney breasts, and bay windows incorporated into their design. There are no objections to the appearance and character of the dwellings.



9.11 One of the grounds for this application being called to committee is overdevelopment of the site. The extant scheme enables 7 dwellings, with large plots to be constructed in the same area. This current scheme increases this by 4 to 11 at a density of just over 6 dph. This is considered to be still a relatively low density (usually 30-40 dph is considered suitable for urban developments). Whilst it is a higher density than approved it remains relatively low and the additional dwellings will contribute towards the housing land supply and also make more efficient use of an area already approved for residential development.

9.12 The proposals are considered to comply with Policies CS7 of the CSDPD and EN20 of the BFBLP.

iii Impact on Residential Amenities

9.13 There are no nearby residential properties which would be affected by the proposal. However the NPPF, paragraph 17, point 4 seeks a 'good standard of amenity for all existing and future occupiers'.

9.14 The dwellings are sufficiently spaced and have good size amenity areas. Of concern is the proximity to the trees of a small number of the plots, particularly plots 8 and 9. However, the closest habitable rooms have dual or triple aspects reducing the overbearing effect of the trees on the internal living accommodation. The external space is of sufficient size to provide sufficient amenity space not dominated by the trees. Overall it is not considered that the amenities would be sufficiently compromised to warrant refusal of the proposal.

iv Highway Implications

Access

9.15 These 11 no. dwellings would take access via a 4.8m wide shared surface road with margins to either side, which was approved for access to 7 no. dwellings, and would provide an acceptable access to 11 no. dwellings in line with the Council's Highways Guide for Development. The submitted plans indicate that the access road would include a turning head, and refuse collection points.

Parking

9.16 Drawing 3293/FUL.2.103.B indicates that each of the dwellings would be provided with at least two driveway parking spaces, and a double garage to provide 3 parking spaces in line with the Council's parking standards (2016), and that cycle parking could be accommodated within the double garages.

9.17 One visitor parking space is to be provided, and as such, an additional visitor parking space should be provided to cater for 4 additional dwellings. However, it would be difficult to demonstrate that a shortfall of one visitor parking space would be detrimental to highway safety. The position of the visitor parking lay-by is to be altered slightly when compared with the scheme approved via 16/01266/FUL.

Trips

9.18 These 11 no. dwellings would replace 7 no. approved dwellings, and an additional 4 no. dwellings are likely to generate 24 two-way trips per day, including 2 or 3 trips in both peak periods which would have a nominal traffic impact.

9.19 The Highway Authority has no objection and recommends that this planning application be approved, subject to suggested planning conditions to ensure that the access and parking is provided prior to the occupation, adequate visibility splays are provided, and garages be kept for car parking and the storage of cycles at all times.

9.20 Regarding the last condition, the SPD on parking requires each of the dwellings to have 3 off-street parking spaces, this can be provided within the driveways and therefore there is no planning reason to condition the retention of garages for parking. As no other cycle parking is proposed it is recommend that the garages be retained for cycle parking and retained as ancillary to the dwelling houses. Any change of use or use as an independent dwelling would require planning permission in its own right.

9.21 The proposal is therefore considered to be acceptable and comply with Policies CS23, and the Parking SPD.

v Trees

9.22 Policy EN1 of the BFBLP seeks to prevent development which would result in the destruction of trees and hedgerows which are important to the retention of:

- The clear distinction between built up area and the Countryside
- The character and appearance of the landscape or townscape
- Green links between open spaces and wildlife heritage sites
- Internationally, nationally or locally rare or threatened species
- Habitats for local wildlife or
- Areas of historic significance.

9.23 The application would result in a number of trees being lost within the site. The site is covered by a TPO Woodland order, whilst specific trees of note are individually protected. Many of the trees shown for removal have already been consented for removal under either the original application or subsequent S73 application (ref: 17/01246/FUL). This application seeks the removal of one further tree (tree reference T438) an Oak.

9.24 The trees to the boundary would be maintained, preserving the existing character and providing a visual break between the built up area of the proposal and the countryside. The removal of one additional tree is not considered to significantly harm the character or appearance of the landscape, sever a green link or significantly harm the local wildlife.

9.15 Accordingly the proposal is considered to comply with Policy EN1 of the BFBLP.

vi Bio-diversity

9.16 The original planning consent for the site was accompanied by comprehensive ecological survey data including extended Phase 1, reptile, great crested newt and bat survey. This information has been re-submitted to support this application to increase the number of dwellings in the northern part of the site from the 7 approved under 16/01266/FUL to 11 dwellings, and is summarised in the Brief Biodiversity Statement prepared by Ecoconsult (dated Jan 2018). The ecological impacts of the proposals and mitigation measures proposed were considered to be acceptable and the mitigation was secured by conditions 11, 13 and 14 of the consent.

9.17 The submitted proposals do not materially alter the biodiversity impacts of the development permitted under 16/01266/FUL and therefore are acceptable. The area covered by this current application supported reptiles but mitigation measures have been implemented as required by condition 11 of consent 16/01266/FUL. Accordingly no further conditions relating to bio-diversity are required.

vii Thames Basin Heath Special Protection Area

9.18 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 2.8 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.

9.19 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.

9.20 In this instance, the development would result in a net increase of 8 X four bedroom and 3 X five bedroom dwellings replacing 7 X five bedroom dwellings already permitted and included in previous mitigation, which results in an additional SANG contribution of £6,908.

9.21 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 an additional SAMM contribution of £2,248.

9.23 The total additional SPA related financial contribution for this proposal is £9,156. 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 SPD, the Planning Obligations SPD and the NPPF.

viii Affordable Housing

9.24 Policy CS17 of the CSDPD seeks a proportion of new developments over a certain size to provide affordable housing. This is supported by the Planning Obligations SPD. Application 16/01266/FUL established that a commuted sum equivalent of the cost of providing on site affordable would be acceptable in this case.

9.25 As this site is part of a larger site which triggered the affordable housing policy, the proposal requires the original affordable housing contribution to be amended to reflect the change.

9.26 The applicant has agreed the formula used by the previous application to calculate the contribution and this will be secured by a deed of variation to the original S106.

ix Drainage

A revised Flood Risk Assessment and Drainage strategy has been submitted to support the Application. However the proposed change in dwellings results in an increase in impermeable area. The results of the infiltration testing were marginal with running sands encountered during the site investigation in one area of the site. The LLFA were satisfied with the previously approved drainage strategy as significant volumes of tanked storage were being provided as part of the scheme meaning the future risk of seepages off site, and saturated back gardens were low.

The revised Application has also resulted in Plot 1 Kensington house being repositioned much closer to the main infiltration basin which raises concerns regarding whether off-sets are sufficient for Building Regulations, for access for maintenance and exceedance routing, however this is a matter for the applicant to check and not a planning consideration.

Whilst this scheme represents an increase in impermeable area, it is considered that the density is still sufficiently low enough to achieve appropriate infiltration rates. Accordingly subject to the imposition of conditions the scheme is acceptable.

x Securing necessary infrastructure/ CIL

9.27 The application is subject to CIL and therefore any increase in floor area will be charged in accordance with the CIL regulations.

xi Conditions.

9.28 Relevant conditions imposed upon the wider scheme which relate to this application will be replicated upon this consent. Specifically these relate to materials, landscaping, tree protection and access details. Where discharged, the approved details will be included to ensure consistency.

10. PLANNING BALANCE

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

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

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

10.4 It is acknowledged, that whilst the original proposal would have had an impact upon the character and appearance of the current site, resulting in a localised change of character and appearance within the landscape, the proposal now before members would not have a demonstrable impact over the extant scheme. Policy CS9 protects land for its own sake, particularly from development that would adversely affect the character, appearance or function of the land. However, the site is visually well contained and the limited impacts could be reduced and mitigated through landscaping.

10.5 The balancing exercise is thus:-

Economic

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

Social

10.7 The proposal would result in the net gain of 4 additional dwellings on a windfall site, which as the Council cannot demonstrate an up-to-date five-year supply of housing land, carries significant weight in favour of the proposal. Added weight can be given to the provision of affordable dwellings, either off-site or through a financial contribution to facilitate provision elsewhere. In terms of the delivery of the site and contribution to the 5 year supply, the site is owned by a housebuilder and construction is underway on the other phases of the site. There is no evidence to suggest that it would not be possible to deliver the site within 5 years.

10.8 The site does not adjoin any settlement boundary and is located over the accepted 800m distance people are usually willing to walk for services. It is 1.6km from both the train station and supermarket at Martins Heron and whilst some people may use other modes of transport than the private car it is probable that the private

car would be the transport choice of many. Accordingly the development is not considered to be in a sustainable location with regard to giving future occupiers real transport choices. However, the wider site has full planning permission for the erection of 51 dwellings, including conversion of the former office building. Since this establishes the principle of residential development, it is considered concerns about the sustainability of the location carry less weight in the decision making process.

Environmental

10.9 The original permission has identified harm in relation to the change in character of the application site especially relating to the development of the site on the lawns to the south of the main dwelling and beyond the existing built form. However, these impact of the proposal when assessed against the extant permission are considered minimal and localized. Accordingly 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 limited. It is not considered that the proposal would significantly change the character of the wider landscape in which the proposal sits.

10.10 The site is well contained by mature and protected tree belts and woodland, and part of the site is previously developed land (PDL). The NPPF places strong emphasis on the re-use of PDL sites (paragraph 111).

11. CONCLUSION

11.1 This application seeks to alter part of a site already granted consent to be developed under reference 16/01266/FUL. The site is located within the Countryside and as such it is contrary to policies CS9 of the CSDPD, Policy EN8 and Policy H5 of the BFBLP. However, as Bracknell Forest cannot demonstrate a 5 year housing land supply the weight that can be attributed to these policies decreases and in accordance with paragraph 14 of the NPPF the application can only be refused if the harm demonstrably outweighs the benefits of the proposal.

11.2 The site already benefits from consent under reference 16/01266/FUL. This granted permission for the extent of the development including the backland development to the rear of the original Brackens House. Whilst this proposal would increase the number of units, the density and character of the original consent remains. The built form remains a similar distance from the trees surrounding the site and accordingly it can not be demonstrated that this proposal would result in additional harm to the protected trees.

11.3 To off-set the impact of the proposal the council is seeking an increase in contributions to SPA mitigation and affordable housing in accordance with the relevant policies. The additional floor area will result in an increase in CIL payments to go towards infrastructure in the area.

11.4 In summary the proposal would deliver four additional units towards the Council's 5 year housing land supply which provides significant weight in favour of the proposal. It cannot be demonstrated that the proposal would result in demonstrable harm over the extant consent and there is therefore no evidence that any harm caused by the proposal would demonstrably outweigh its benefits.

11.5 To off-set the impact of the proposal the council is seeking an increase in contributions to SPA mitigation and affordable housing in accordance with the relevant policies. The additional floor area will result in an increase in CIL payments to go towards infrastructure in the area.

11.6 Accordingly it is recommended that, subject to securing a deed of variation to the original S106 agreement to secure the additional mitigation for the SPA and affordable housing, the proposal be approved.

RECOMMENDATION

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

1. SPA mitigation measures
2. Affordable housing

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

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

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

3293.FUL2.101/J Site Plan
3293.FUL2.102/E Site layout
3293.FUL2.103/D Site layout overlay parking and refuse
TRPI Rev 10 Amended tree removals plan
Tree Condition Survey Revised May 2018
3293.FUL2.200/A Plot 1 Plans and elevations
3293.FUL2.201/B Plot 2 Plans and elevations
3293.FUL2.202/C Plot 3 Plans and elevations
3293.FUL2.203/C Plot 4 Plans and elevations
3293.FUL2.204/B Plot 5 Plans and elevations
3293.FUL2.205/C Plot 6 Plans and elevations
3293.FUL2.206/A Plot 7 Plans and elevations
3293.FUL2.207/B Plot 8 Plans and elevations
3293.FUL2.208/C Plot 9 Plans and elevations
3293.FUL2.209/B Plot 10 Plans and elevations
3293.FUL2.210/C Plot 11 Plans and elevations
3293.FUL2.211/A Garages

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

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

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

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

04. No superstructure development shall commence until details of the materials and height of walls, fences and any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. All boundary treatments should provide for the free movement of wildlife to and from the site. The approved scheme shall be implemented in full before the occupation of any of the buildings approved in this permission.

REASON: - In the interests of the visual amenities of the area and to safeguard existing retained trees, hedges and shrubs.

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

05. The development shall not be begun until details showing the finished floor levels of the buildings hereby approved in relation to the external land levels including fixed datum point(s) 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 interest of the character of the area.

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

06. No dwelling shall be occupied until a means of vehicular access has been constructed in accordance with the approved plans 3293.FUL2.201/B

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

07. The dwelling(s) shall not be occupied until visibility splays of 2.0 metres by 2.0 metres have been provided at the junction of the driveway and the adjacent carriageway. The dimensions shall be measured along the edge of the drive and the edge of the carriageway from their point of intersection. The visibility splays shall 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]

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 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]
09. The garage accommodation shall be available for the parking of cycles at all times.
REASON: To ensure that the Local Planning Authority's vehicle parking standards are met.
[Relevant Policy: BFBLP M9]
10. The development shall not be occupied 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 nature conservation
[Relevant Plans and Policies: CSDPD CS1, CS7]
11. 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:
- 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
 - show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.
- All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1, CS7]
12. Should any unforeseen contamination be encountered during the development, development shall stop immediately and the local planning authority shall be informed. Development shall not recommence until any further investigation/remedial/protective works, including timescales have been approved in writing by the Local planning Authority.
REASON: To enable 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.
[Relevant Plans and Policies: EN25 BFBLP]
13. With the exception of the tree clearance works required for the reptile mitigation, 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]

14. With the exception of the tree clearance works required for the reptile mitigation, 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]

15. With the exception of the tree clearance works required for the reptile mitigation, the development hereby permitted (including initial site-clearance) shall not be begun until a tree protection plan showing the location of protective fencing around the trees shown to be retained on Plan TRP1 rev. 10 has been submitted to and approved in writing by the Local Planning Authority. The fencing shall be in accordance with the details contained within Ruskins Arboricultural Report and Tree Condition Survey (Rev 3. December 2016, revised June 2017). The development shall be undertaken in accordance with the specifications within the approved report.

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. 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:
Confirmation of that saturated zones between infiltrating structures are sufficiently spaced. Full details of all components of the proposed drainage system including dimensions, locations, gradients, invert and cover levels, headwall details, planting (if necessary) and drawings as appropriate taking into account the groundwater table and the depth of the infiltrating strata.
Details of exceedance routing through the development.

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.

17. 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.

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.

18. No building or use hereby permitted 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 In accordance with policy CS1 of the Core Strategy.

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. Time
2. Plans considered
9. Parking and cycle parking
12. Contamination

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

3. Materials
4. Boundary treatments
5. Finished floor levels
13. Sustainability statement
14. Energy Demand Assessment.
15. Tree protection plan
16. Drainage
17. Drainage

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

6. Vehicular access
7. Visibility splays
8. Surfacing
10. Landscaping
18. Drainage

03. For more information on the number of bins provided per property please see the waste guidance notes; <http://www.bracknell-forest.gov.uk/guidance-notes-for-new-developments-waste.pdf>

04. Conditions relating to contaminated land must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11

In the event of the s106 planning obligations not being completed by 01st August 2018 the Head of Planning be authorised to either extend the deadline or 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.

ITEM NO: 8

Application No.
18/00428/FUL

Site Address:

Ward: Ascot
Date Registered: 25 April 2018
Target Decision Date: 20 June 2018
23 Elliott Rise Ascot Berkshire SL5 8NN

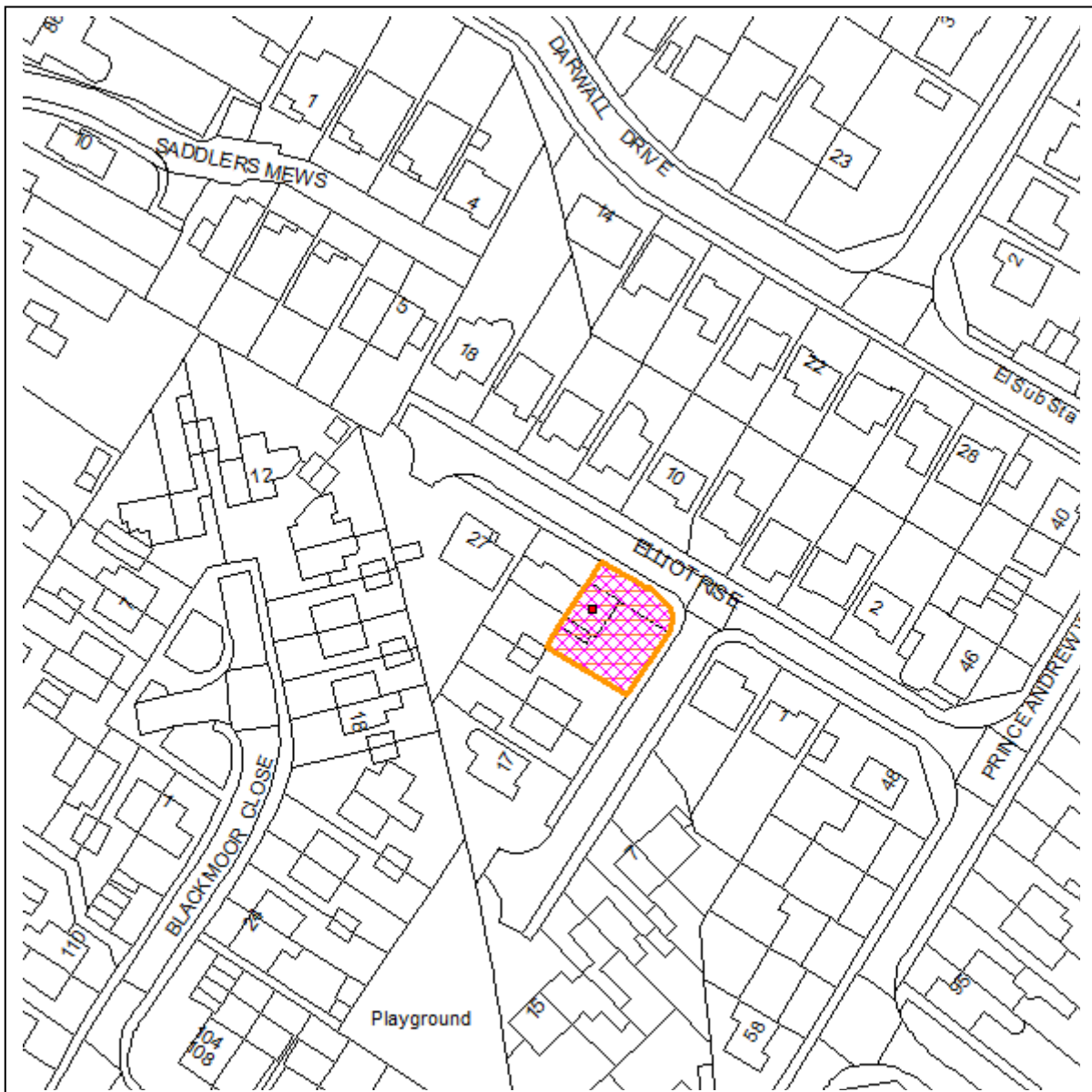
Proposal: **Erection of single storey side extension with motion sensor light and rear conservatory (retrospective).**

Applicant: Mr & Mrs Singh

Agent: Mr Amrik Chahal

Case Officer: Olivia Jones, 01344 352000
development.control@bracknell-forest.gov.uk

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



OFFICER REPORT 18/00428/FUL 23 Elliott Rise

1. SUMMARY

- 1.1 The proposal is for the retention of a single storey side extension forming a porch, and a single storey rear conservatory.
- 1.2 The developments relate to a property within the settlement boundary and are therefore acceptable in principle.
- 1.3 There would be no negative impact on the amenity of the neighbouring occupiers or highway safety. The developments do not adversely impact the host dwelling, the character and appearance of the area, or any protected trees.

RECOMMENDATION

Planning permission be granted subject to conditions in Section 11 of this report

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

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

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within settlement boundary

- 3.1 23 Elliott Rise is a two storey semi-detached property located on a corner plot. The front (north) and side (east) elevations front the highway. The surrounding area is predominantly residential in character. A tree to the rear of the site, on the southern corner, is protected by a Tree Preservation Order (TPO 411).

4. RELEVANT SITE HISTORY

4.1 7801

For proposed 111 dwellinghouses.
Approved 03.10.1962

8184

Application for 39 houses and 12 bungalows (together with garages).
Approved 05.12.1962

8264

For 48 houses and 8 bungalows together with garages.
Approved 03.01.1963

603810

Moving existing fence nearer to road.
Approved 30.11.1978

618560

Bow window to front elevation.
Approved 05.01.1993

4.2 This property has been previously extended, with a single storey lean-to extension to the rear and the conversion of the garage.

5. THE PROPOSAL

5.1 The single storey side extension has a width of approximately 2.9 metres, a depth of approximately 2.9 metres, a ridge height of approximately 3.75 metres, and an eaves height of approximately 2.7 metres.

5.2 The conservatory has a width of approximately 4.89 metres, a depth of approximately 3.48 metres, a ridge height of approximately 2.45 metres, and an eaves height of approximately 2.23 metres.

5.3 The porch is constructed of white upvc with concrete grey tiles to the roof. The roof is dual pitched, with an open gable facing the highway and lights have been attached to this.

5.4 The conservatory is constructed of a white upvc frame and glazed panels. The roof is a lean-to style, attached to an existing brick built lean-to extension, constructed in 1982.

5.5 The extensions can be seen on the following plan:



6. REPRESENTATIONS RECEIVED

Winkfield Parish Council

6.1 Refusal recommended on the grounds that the porch design and materials are out of keeping in the streetscene.

Other Representations

6.2 6 objections from 5 separate addresses have been received that can be summarised as follows:

- (i) The porch is out of keeping with the streetscene;
- (ii) The lights are a nuisance;
- (iii) Protected tree (TPO 411) may be impacted;
- (iv) The porch does not comply with building regulations;
- (v) Adequate drainage has not been provided following the paving of the front garden.

[Officer Note: Points (i) and (iii) have been addressed in the report below. With regards the remaining points:

(ii) the lights are not considered to be development and nuisance from lights can be dealt with under Environmental Health legislation;

(iv) this application is for planning permission, not a Building Control application which uses separate legislation;

(v) the paving of the front garden does not form part of this application, and therefore has not been considered. In any case, it has been confirmed by the agent that the paving is porous, and therefore would be considered permitted development.]

7. SUMMARY OF CONSULTATION RESPONSES

Highways Authority

7.1 The developments have no impact on highway safety.

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:

	Development Plan	NPPF
General policies	CS1 and CS2 of the CSDPD	Consistent
Design	CS7 of the CSDPD,	Consistent
Amenity	'Saved' policies EN20 and H4 of the 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
Supplementary Planning Documents (SPD)		
Bracknell Forest Borough Parking Standards, Supplementary Planning Document 2016 Design Supplementary Planning Document 2017		
Other publications		
National Planning Policy Framework (NPPF) Bracknell Forest Borough Council 'Extending your home: A Householder's Guide' (2003) Building Research Establishment (BRE) Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice 2011 (SLPDS)		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of Development

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

i. Principle of Development

9.2 23 Elliott Rise 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. It is considered to accord with CSDPD CS1 (Sustainable Development), SC2 (Location Principles) and the NPPF subject to no adverse impacts upon character and appearance of surrounding area, residential amenities of neighbouring properties, highway safety, etc. These matters are assessed below.

ii. Impact on Character and Appearance of Surrounding Area

9.3 The application site is in a prominent location on a fork in the road. Leading from Prince Andrew Way, half way up Elliott Rise the road forks into two roads, with one road heading north-west, and one road heading south-west. 23 Elliott Rise is located on the corner plot of this fork. There are distinct architectural differences between the two roads.

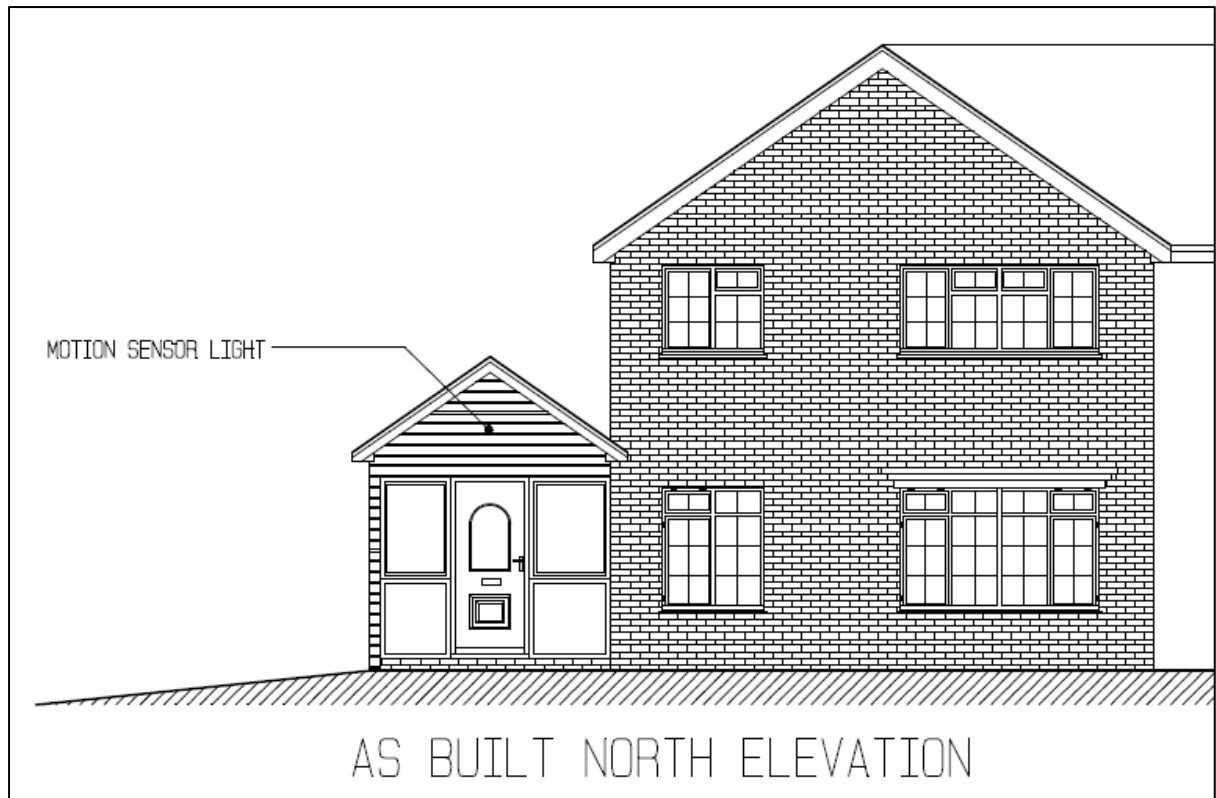
9.4 The south-western arm of Elliott Rise is characterised by semi-detached dwellings with shallow pitched roofs, light brown brickwork to the ground floor and side elevations, and cladding to the first floor front elevations. While brown cladding or hanging tiles are present on three of the properties, the remaining properties all include white upvc cladding to the first floor. As such, from the junction at Elliott Rise, white cladding is prevalent.

9.5 The north-western arm Elliott Rise has a more varied design. The predominant material present is brown brickwork; however tile hanging in multiple muted colours is present, as is brown cladding. It is noted however that these materials are located only at first floor level. In addition, there is a mixture of dual pitched roofs and gables fronting the highway.

9.6 Numerous single storey side extensions can be found within Elliott Rise. The majority of these extensions have been constructed of brickwork similar to the host dwellings, with either flat or pitched roofs. Nevertheless, the principle of single storey side extensions is established.

9.7 Four properties adjacent to the development site, 1, 3, 4, 6, are designed so as to have open gable elements with tile hanging to the front elevation. The side extension would follow a similar design, albeit constructed in white upvc.

9.8 The side extension would be designed so that the gable to the front matches the pitch of the host dwelling. The side extension would appear subordinate to the main dwelling, and would be significantly set back from the highway to the east, as recommended within the Design SPD (2017).



9.9 The rear conservatory would be mostly screened from views of the highway given its position, and the presence of boundary treatment. In addition, the conservatory has a low ridge height, and would come no further towards the highway than the host dwelling. The conservatory would not be considered to have a prominent effect on the streetscene, nor appear out of keeping.

9.10 The proposal would therefore be in line with CSDPD Policy CS7, 'Saved' BFBLP Policy EN20 and the NPPF.

iii. Impact on Residential Amenity

9.11 Due to the position of the single storey side extension, and the single storey nature, it is not considered to adversely impact the residential amenities of the occupants of the neighbouring dwellings.

9.12 Due to the single storey nature of the rear conservatory, that the flank wall on the boundary with 25 Elliott Rise is constructed of brick with no fenestration, and the shallow height, the conservatory is not considered to adversely overlook, or appear unduly overbearing to, the occupants of 21 or 25 Elliott Rise.

9.13 Due to the modest height of the conservatory, a loss of light assessment found that there is no significant overshadowing or loss of light to the rear elevation of 25 Elliott Rise.

9.14 The development is acceptable in line with 'Saved' BFBLP Policy EN20.

iv. Transport and Highways Considerations

9.15 The single storey side extension and rear conservatory would not intersect any sightlines, nor impact on highway safety.

9.16 The proposal therefore accords with CSDPD Policy CS23 and 'Saved' BFBLP Policy M9.

v. Trees

9.17 There is a protected Oak Tree (TPO 411) located in the southern corner of the development site. The tree is positioned outside the boundary fence. This tree has a root protection area (RPA) with a radius of approximately 7.8 metres. As this tree is located approximately 11.64 metres away from the conservatory, and approximately 12.2 metres away from the side extension, it is not considered that the tree has been adversely impacted as a direct result of the side extension and conservatory.

9.18 This tree may have been affected during the construction of the development; however given the structures are already present a separate investigation is being undertaken by the Tree Service. If the construction works are determined to have caused damage, remediation works may be required by the Tree Service.

9.19 It is therefore considered that the development accords with 'Saved' policy EN1 of the BFBLP and the NPPF.

vi. Community Infrastructure Levy (CIL)

9.20 Following the introduction on the 6th April 2015 of the Community Infrastructure Levy (CIL), all applications for planning permission will be assessed as to whether they are liable. As this is a householder application, it will not be liable for a charge.

10. CONCLUSIONS

10.1 It is considered that the development is acceptable in principle and does not result in an adverse impact on the character and appearance of the host dwelling or surrounding area, nor does it result in a negative impact on the residential amenity of the occupiers of the neighbouring properties. It is therefore considered that the development complies with 'Saved' policies EN1, M9, EN20 and H4 of the BFBLP, Policies CS2 and CS7 and CS23 of the CSDPD and the NPPF.

11. RECOMMENDATION

11.1 The application is recommended to be **UNCONDITIONALLY APPROVED**.

11.2 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. This permission is granted in accordance with the following approved plan, received 21st May 2018 by the Local Planning Authority:

Existing/As Built Plans and Elevations – Drawing Number: 2018/01 D

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PLANNING COMMITTEE 21st. June 2018

CONFIRMATION OF TREE PRESERVATION ORDER (TPO) 1271 'Land at communal green space within Phoenix Rise, Crowthorne – 2018'

(Director of Environment, Culture & Communities)



1. PURPOSE OF DECISION

- 1.1 Under section 198 of the Town and Country Planning Act 1990 and section 200 of Town & Country Planning (Tree Preservation) (England) Regulations 2012, the Council has made a Tree Preservation Order (TPO) to retain and protect trees that are assessed to be of amenity value and were judged to be at expedient risk of removal or other adverse affect. Representations have been made to the Council and they are the subject of this report.

2. RECOMMENDATION

- 2.1. That the Committee approves the Confirmation of this Tree Preservation Order.

3. ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

3.1. Borough Solicitor

- 3.1.1. Guidance on Tree Preservation Orders and their making and confirmation is provided by the Department for Communities & Local Government (DCLG) through the National Planning Policy Framework as Planning Practice Guidance (PPG) titled 'Tree Preservation Orders and trees in conservation areas'. That

guidance indicates that in the Secretary of State's view, TPO's should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. A Local Planning Authority should be able to show that a reasonable degree of public benefit would accrue before TPO's are made or confirmed.

3.1.2. The guidance advises that three factors in particular are of relevance, namely:-

- *Visibility* - The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.
- *Individual, collective and wider impact* - Public visibility alone will not be sufficient to warrant an Order. The authority should also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:
 - *size and form;*
 - *future potential as an amenity;*
 - *rarity, cultural or historic value;*
 - *contribution to, and relationship with, the landscape; and*
 - *contribution to the character or appearance of a conservation area.*
- *Other factors* - Where relevant to an assessment of the amenity value of trees or woodlands, the authority may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

3.2. Equalities Impact Assessment

3.2.1. Not applicable

3.3. Other Officers

3.3.1. Chief Officer; Planning, Transport and Countryside has noted the report.

4. **BACKGROUND**

4.1. The development that is Phoenix Rise is constituted of 19 dwellings sandwiched between the roads, School Hill and Chaplains Hill in Crowthorne. In considering the development in 2013, the Planning Authority acknowledged the importance of the sylvan character in the historic landscape. There are woodlands to the East, North and West of this site and residential development to the South.

4.2. Following an enquiry from the management company that maintains the properties in Phoenix Rise, it was made apparent that a particular property intended to exercise its common law right to prune back an Oak tree to the property's boundary. An assessment of this proposal revealed that this would have an adverse effect on a significant amenity tree; accordingly TPO 1271 was served on 21/02/2018.

4.3. The TPO designates the following trees: -

G1 6 Oak trees & 2 Beech trees

Along the road of School Hill

G2	3 Maple trees	The south side of 1 Phoenix Rise
G3	2 Oak trees, 2 Maples & 1 Horse Chestnut	West side of the road of Phoenix Rise
G4	4 Oak trees, 2 Beech trees, 1 Pine tree & 1 Chestnut tree	To the North and West of 9 to 15 Phoenix Rise

- 4.4. Existing trees, that is individuals, groups, areas and woodlands are viewed and assessed for their amenity impact to evaluate their suitability for a TPO. This system is based on factors that assess: -
- Their health & condition
 - Their remaining longevity
 - Their relative public visibility
 - Specialist considerations such as ‘veteran’ status, historical interest etc.
 - The known (or perceived) ‘threat’ to their health & condition or existence
 - The impact of the trees on the landscape
 - Special factors such as proximity and orientation to the nearest habitable structure.
- 4.5. These factors follow criteria based on government guidance and ‘best-practice’ and the assessment system follows policy developed by the Tree Policy Review Group (2007). The assessment gives a value that informs the Tree Service in considering whether or not to make a TPO.
- 4.6. Once the new TPO is served, affected residents have 28 days in which to make representation to the Council. Some representations are letters of support whilst others request clarification, but more commonly they are objections to the making of the Order. Objections can be made on any grounds; if objections are duly made, the Local Planning Authority cannot confirm the TPO unless those objections have first been considered.
- 4.7. The Order document contains details of how a resident can comment or object to the TPO. In serving the Order, the Council also includes advice and guidance in respect of the objector’s right to make an application to manage their tree (even if the TPO has yet to be confirmed) and directs the objector to an application form and how to source Government advice on TPO procedures.
- 4.8. Any representation (support, objection or comment) is reviewed in respect of Council policies and to address the issues raised either a delegated report is compiled for consideration by the Chief Officer: Planning, Transport and Countryside or brought before the Planning Committee.

5. SUMMARY OF REPRESENTATIONS

- 5.1. This TPO generated one objection from ‘The Firs’, Chaplains Hill.
- 5.2. The issues raised as part of the objection to the inclusion of an Oak within G4 of this TPO and relate to: -
- Challenging the amenity value of the Oak.
 - Concerns about safety and the risk to persons and property by falling branches
 - The neglected state of the tree and lack of tree-maintenance.

6. CONSIDERATION OF ISSUES

- 6.1. The residents of The Firs have experienced damage to their property (shed, garage and two cars) as a result of falling branches from this particular Oak. Evidence provided by the residents shows dead branches of various sizes that had fallen and the subsequent damage (in one instance a shed was destroyed). It is the view of the Planning Authority that given the trees location and influence over adjoining property, that this tree would benefit from a professional inspection and maintenance pruning.
- 6.2. The same residents have been communicating with the company that manages the grounds of Phoenix Rise, seeking a solution to the problem of the tree. It is not known at time of this report, if there have been discussions and any agreed resolution to the problem. A professional inspection would provide guidance on appropriate maintenance to the tree that should maintain both its visual amenity impact and safe condition. The Planning Authority would not unreasonably withhold a grant of permission to maintain a protected tree in safe condition.
- 6.3. The Oak is one of many trees in the immediate vicinity that is visible from public vantage points and that is a component of the sylvan character of the landscape as well as a significant visual amenity to the residents and the public.
- 6.4. The Council's response to the objections also include: -
 - The amenity assessment undertaken on the tree/s has been developed by the Council and is based on Central Government Guidelines, industry 'best practice' and the Council's own policy.
 - The Council's amenity assessment is not a full & detailed tree-survey; and although now protected, this does not remove any legal responsibility from the tree-owner to ensure their safe condition. It is therefore strongly advised that if the objector considers the tree/s to be in any way dangerous, hazardous or unsafe, that they seek independent professional advice and/or bring their concerns (in writing) to the tree-owner for consideration.

7. SUPPORTING PLANNING INFORMATION

- 7.1. The development that is Phoenix Rise is within a registered Historic Park and Garden. A key consideration in assessing the original development applications (10/00820/OUT and 13/00294/REM which was for the development of 19 dwellings), was whether the proposed development would result in unacceptable damage to this registered Historic Park and Garden. The numerous mature trees around the edges of the site were considered to form a very important and integral part of the character of this historic parkland and to contribute positively to the character of this site and the surrounding area.
- 7.2. 'Saved' policy EN1 of the BFBLP states that planning permission will not be granted for development which would result in the destruction of trees and hedgerows. Trees and hedgerows are important to the retention of the character and appearance of the landscape or townscape of the area.
- 7.3. Policy EN20 requires the designs of new developments to retain beneficial landscape or ecological features, and where reasonable, enhance these features; and to avoid the loss of important natural features (such as trees, hedges, fences and banks) which it is desirable to maintain.
- 7.4. Policy CS 7 requires design to respect local character and enhance the landscape

7.5. Retention & protection of trees is also a key responsibility of Local Authorities under section 197 of the Town & Country Planning Act 1990.

8. CONCLUSION

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

End of Report

Contact for further information: -

Jan Polnik
Principal Tree Officer 01344 354115
jan.polnik@bracknell-forest.gov.uk

CONFIRMATION OF ORDER

This Order was confirmed by Bracknell Forest Borough Council without modification on: -

Signed on behalf of the Bracknell Forest Council

Signature: -

Name: - Andrew Hunter / Max Baker

Position: - Chief Officer: Planning, Transport & Countryside / Head of Planning
(Authorised by the Council to sign in that behalf)

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by Bracknell Forest Borough Council on: -

Signed on behalf of the Bracknell Forest Council

Signature: -

Name: - Andrew Hunter / Max Baker

Position: - Chief Officer: Planning, Transport & Countryside / Head of Planning
(Authorised by the Council to sign in that behalf)

APPENDIX

Photo 1 – Subject tree to the left of photo

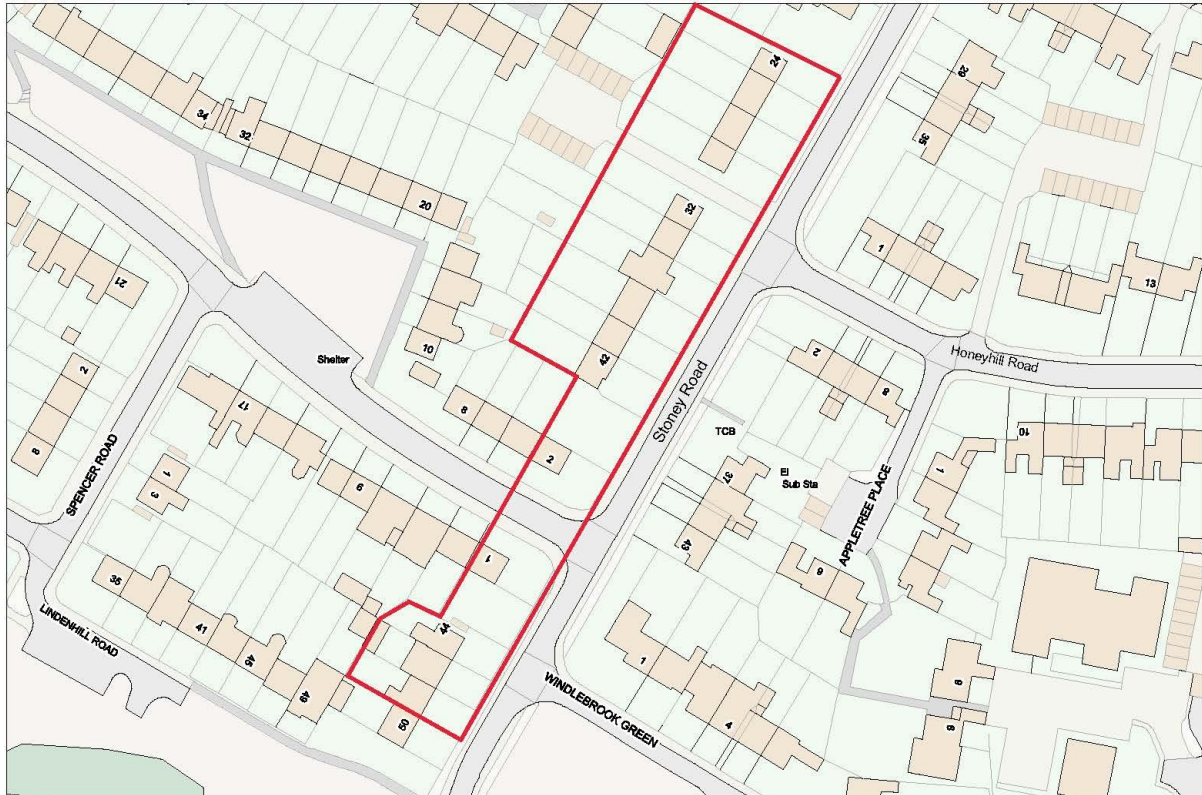


Photo 2 – Damage to shed



PLANNING COMMITTEE
21st June 2018

CONFIRMATION OF TREE PRESERVATION ORDER (TPO) 1278
Land at 24, 28, 38, 42, 44 & 48 Stoney Road & 1 and 2 Priestwood Avenue,
Bracknell, Berkshire - 2018
(Director of Environment, Culture & Communities)



1. PURPOSE OF DECISION

- 1.1 The Council has decided to make a Tree Preservation Order (TPO) to retain and protect trees which have been assessed to be of amenity value and were judged to be at expedient risk of removal or other adverse effect. Representations have been made to the Council against the making of this TPO and they are the subject of this report.

2. RECOMMENDATION

- 2.1. That the Committee approves the Confirmation of this Tree Preservation Order.

3. ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

3.1. Borough Solicitor

- 3.1.1. Section 198 of the Town and Country Planning Act 1990 (as amended) and The Town & Country Planning (Tree Preservation) (England) Regulations 2012 is the statutory framework for making and confirming TPO's.
- 3.1.2. Further Department for Communities & Local Government (DCLG) provides guidance on TPO's in the Planning Practice Guidance (PPG) titled 'Tree

Preservation Orders and trees in conservation areas'. The guidance states that, TPO's should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before a Local Planning Authority can confirm an Order, they should demonstrate that protection the tree would bring a reasonable degree of public benefit

3.1.3. The guidance advises that three factors in particular are of relevance, namely:-

- *Visibility* - The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.
- *Individual, collective and wider impact* - Public visibility alone will not be sufficient to warrant an Order. The authority should also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:
 - *size and form;*
 - *future potential as an amenity;*
 - *rarity, cultural or historic value;*
 - *contribution to, and relationship with, the landscape; and*
 - *contribution to the character or appearance of a conservation area.*
- *Other factors* - Where relevant to an assessment of the amenity value of trees or woodlands, the authority may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

3.2. Equalities Impact Assessment

3.2.1. Not applicable

3.3. Other Officers

3.3.1. Chief Officer; Planning, Transport and Countryside has noted the report.

4. **BACKGROUND / RELEVANT PLANNING HISTORY**

- 4.1. Stoney Road is an established residential street consisting mainly of terraced housing.
- 4.2. The majority of properties along Stoney Road were once Council housing stock until those that were not purchased under the 'right-to-buy' scheme were transferred to Bracknell Forest Homes. It was the previous Council authority over the properties that allowed for their retention, protection and basic maintenance work.
- 4.3. Following an enquiry to the Tree Service checking on the status of an Oak tree at No. 38 (for which inappropriate pruning was the expedient concern) that tree and a number of other along Stoney Road were assessed for their amenity value. Accordingly TPO 1278 was served on 20/04/2018.

- 4.4. The nine trees protected by this TPO are seven Oaks, one Ash and one Birch located in eight sites; namely - 24, 28, 38, 42, 44 & 48 Stoney Road and 1 & 2 Priestwood Avenue.
- 4.5. Existing trees, that is individuals, groups, areas and woodlands are viewed and assessed for their amenity impact to evaluate their suitability for a TPO. This system is based on factors that assess: -
- Their health & condition
 - Their remaining longevity
 - Their relative public visibility
 - Specialist considerations such as 'veteran' status, historical interest etc.
 - The known (or perceived) 'threat' to their health & condition or existence
 - The impact of the trees on the landscape
 - Special factors such as proximity and orientation to the nearest habitable structure.
- 4.6. These factors follow criteria based on government guidance and 'best-practice' and the assessment system gives an indicative value that informs the Tree Service in considering whether or not to make a TPO.
- 4.7. Once the new TPO is served, affected residents have 28 days in which to make representation to the Council. Some representations are letters of support whilst others request clarification, but more commonly they are objections to the making of the Order. Objections can be made on any grounds; if valid objections are duly made, the Local Planning Authority cannot confirm the TPO unless those objections have first been considered.
- 4.8. The Order document contains details of how a resident can comment or object to the TPO. In serving the Order, the Council also includes advice and guidance in respect of the objector's right to make an application to manage their tree (even if the TPO has yet to be confirmed) and directs the objector to an application process and how to source Government advice on TPO procedures.
- 4.9. Any representation (support, objection or comment) is reviewed in respect of Council policies and to address the issues raised, either a delegated report is compiled for consideration by the Chief Officer: Planning, Transport and Countryside or it is brought before the Planning Committee.

5. SUMMARY OF REPRESENTATIONS

- 5.1. One representation was received from 44 Stoney Road which objected to the Order for six reasons.
- 5.2. The issues raised as part of the objection to this TPO relate to: -
- Concerns that future pruning to improve shading issues will be prevented.
 - Damage caused to the driveway
 - Bird droppings and sticky sap/honeydew falling onto parked cars on driveway
 - Blocked drain gullies (on objectors property and the Highway) causing localised flooding of property
 - Concerns about damage to house foundations
 - A TPO blights the sale value of the property

6. CONSIDERATION OF ISSUES

- 6.1. It is presumed that the Oak in front of No. 44 Stoney Road had been maintained by the Council (and/or Bracknell Forest Homes) in the preceding years. That pruning may have been for a variety of reasons and in carrying-out that pruning, there may have been additional benefits in terms of more light falling onto the frontage of that property. The property frontage faces West towards the Oak, so it is accepted that direct sunlight may be interfered with during the morning; but after late morning, the sun would fall onto the front garden and more importantly (for the reasonable use of the property) onto the rear garden. In the event, pruning for reason of direct sunlight is not a material consideration that the Council must consider or might accede to; each case is taken on its merits and should there be a case of inordinate shade which some pruning would alleviate, without harm to the form and condition of the tree, the Council is unlikely to unreasonably refuse such an application.
- 6.2. Damage to structures such as driveways can be repaired without the need to remove the whole tree. If the property owner can demonstrate that the damage is the result of the protected tree, then that evidence can be used to support an application to the Council for management.
- 6.3. Trees do provide a wildlife habitat and structure for birds (feeding, nesting and as perches). If a tree owner is troubled by bird-droppings, pruning the tree is unlikely to be the solution, as the birds will continue to sit in the pruned tree and foul the parked car, footpath or driveway underneath. In spite of this particular nuisance, healthy trees are considered an environmental asset whilst bird-droppings are not a matter that the Council or property owner can control as it is a natural process of our wildlife and environment. As such an application to manage a protected tree for those reasons would be insufficient grounds to justify its pruning or removal.
- 6.4. Falling debris from the tree (such as leaves, seed & fruit, twigs and small branches etc.) is the natural consequence of tree growth. Whilst sympathising with the difficulty encountered in maintaining a property; the sort of debris described is not recognised in English Law as a 'legal nuisance, and the judiciary regard falling leaves; fruit etc. as 'incidental to nature'. If the public Highway (footpath or road) is littered with leaves and fruit the Council does have an obligation and the appropriate action is to clear debris from the Highway. In this case street-cleansing is a year round operation and the frequency of cleansing is dependent on many factors although particular regard will always be given to the circumstances. High amenity areas such as the town centre and local shopping parades are cleansed daily. Other areas of land will be monitored and cleansed to meet the standards contained within the Environmental Protection Act 1990 and code of practice for litter and refuse. The service covers all our public sites and adopted roads managed by the Council.
- 6.5. In respect of alleged damage to the structure of the house by the activity of tree-roots, no evidence was presented by the objector. If the objector believes they are experiencing problems with tree-roots damaging any structures on their property, they should in the first instance contact their building insurer to investigate and any evidence that an investigation might provide can be used as supporting evidence in an application to the Council for appropriate management of the tree. If there is evidence that a protected tree is damaging a property and it is sufficiently compelling, then the Council would not unreasonably refuse a grant of permission to prune or remove it.
- 6.6. There is no research available to the Council that demonstrates that a Tree Preservation Order de-values property. To the contrary, the presence of trees (protected or otherwise) in a locality and on individual property is found to frequently

enhance its attractiveness and hence value and this is supported by the conclusions of various studies (CABE Space 2005 and Morales at al 1983).

- 6.7. The Council's response to the objections also include: -
- The amenity assessment undertaken on the trees has been developed by the Council and is based on Central Government Guidelines, industry 'best practice' and the Council's own policy.
 - The Council's amenity assessment is not a full & detailed tree-survey; and although now protected, this does not remove any legal responsibility from the tree-owner to ensure their safe condition. It is therefore strongly advised that if the objector/tree-owner considers the tree/s to be in any way dangerous, hazardous or unsafe, that they seek independent professional advice.

7. SUPPORTING PLANNING INFORMATION

- 7.1. Policy CS 7 requires design to respect local character and enhance the landscape
- 7.2. Retention & protection of trees is also a key responsibility of Local Authorities under section 197 of the Town & Country Planning Act 1990.

8. CONCLUSION

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

End of Report

Contact for further information: -

Jan Polnik
Principal Tree Officer 01344 354115
jan.polnik@bracknell-forest.gov.uk

CONFIRMATION OF ORDER

This Order was confirmed by Bracknell Forest Borough Council on the

Signed on behalf of the Bracknell Forest Council

Signature: -

Name: - Andrew Hunter / Max Baker

Position: - Chief Officer: Planning, Transport & Countryside / Head of Planning
(Authorised by the Council to sign in that behalf)

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by Bracknell Forest Borough Council on the: -

Signed on behalf of the Bracknell Forest Council

Signature: -

Name: - Andrew Hunter / Max Baker

Position: - Chief Officer: Planning, Transport & Countryside / Head of Planning
(Authorised by the Council to sign in that behalf)

Appendix

Copy of TPO plan showing location of individual trees

