



NOTICE OF MEETING

Planning Committee

Thursday 19 July 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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Email: hannah.stevenson@bracknell-forest.gov.uk
Published: 9 July 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 21 June 2018.

5 - 12

3. **Declarations of Interest**

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

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

Any Member with an Affected Interest in a matter must disclose the interest to the meeting. There is no requirement to withdraw from the meeting when the interest is only an affected interest, but the Monitoring Officer should be notified of the interest, if not previously notified of it, within 28 days of the meeting.

4. **Urgent Items of Business**

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

PLANNING APPLICATIONS

(Head of Development Management)

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

- | | | | |
|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| 5. | PS 17/01327/FUL Petrol Filling Station, Bracknell Road, Crowthorne, Berkshire RG45 6ST | Replacement petrol filling station (including new pumps, forecourt canopy and underground storage tanks) and kiosk, surface level car park, access, servicing and associated works following demolition of existing petrol filling station and car workshop. | 17 - 36 |
| 6. | 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) | 37 - 50 |
| 7. | 18/00261/OUT The Winkfield, Lovel Road, Winkfield, Windsor, Berkshire SL4 2ES | Outline application for the erection of 2no. dwellings following demolition of existing restaurant with first floor flat (all matters reserved except for access). | 51 - 66 |
| 8. | 18/00566/FUL Manor Farm House, Binfield Road, Binfield, Bracknell, Berkshire RG42 4LX | Erection of 1.8m high timber weave panel boundary fence. | 67 - 74 |
| <u>MISCELLANEOUS ITEM</u> | | | |
| 9. | CONFIRMATION OF TREE PRESERVATION ORDER (TPO) 1277 - Land at Iron Duke Close, Copenhagen Walk and Goldsmiths Way; including 27 & 35, Crowthorne - 2018 | | 75 - 82 |

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**PLANNING COMMITTEE
21 JUNE 2018
7.30 - 9.08 PM**

Present:

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

Also Present:

Councillors Peacey

Apologies for absence were received from:

Councillors Angell, Mrs Angell, Heydon, Leake, Mrs McKenzie-Boyle and Skinner

3. Minutes

RESOLVED that the minutes of the meeting of the Committee held on 17 May 2018 be approved as a correct record and signed by the Chairman.

4. Declarations of Interest

There were no declarations of interest.

5. Urgent Items of Business

There were no urgent items of business.

6. 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)

This item was withdrawn from the agenda.

7. 18/00139/FUL Derryquin 8A Priory Lane, Warfield, Bracknell, Berkshire RG42 2JU

Erection of 1no. dwelling following demolition of existing garage

A site visit had been held on Saturday, 16 June 2018, which had been attended by Councillors Dudley, Mrs Hayes, Mrs Mattick 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 of the application.

- Six letters of objection received from local residents, as summarised in the Agenda papers.

A motion to approve the recommendation in the officer report was put to the vote and was **LOST**.

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

RESOLVED that application 18/00139/FUL be **REFUSED** for the following reason:

The proposal would result in a cramped overdevelopment of the site that would be out of keeping with the surrounding pattern of development to the detriment of the character and visual amenities of the area. The proposed development would therefore be contrary to Policy CS7 of the Core Strategy Development Plan Document, 'Saved' Policy EN20 of the Bracknell Forest Borough Local Plan, the Design Supplementary Planning Document and the National Planning Policy Framework.

8. **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).

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- The comments of Winkfield Parish Council.
- A letter of objection from the Chavey Down Association, as summarised in the Agenda papers.

Arising from discussion, it was:

- suggested that proposed condition 09 should be amended to provide for the garage accommodation to be retained for the use of parking of vehicles and cycles at all times; and
- that the delegation to the Head of Planning to approve the application should be subject also to the satisfactory completion of an appropriate assessment under Article 6(3) of the Habitats Directive.

RESOLVED that following:

- i) the satisfactory completion of an appropriate assessment under Article 6 (3) of the Habitats Directive; and,
- ii) the completion of planning obligations under Section 106 of the Town and Country Planning Act 1990 relating to:
 1. SPA mitigation measures, and
 2. Affordable housing;,

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. No superstructure development shall commence 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 retained for the use of the parking of vehicles and 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:
 - a) identify those area/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed.

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.

In the event of the s106 planning obligations not being completed by 1st 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.

(Note: This motion was carried by 9 votes to 2 with one abstention).

9. **18/00428/FUL 23 Elliott Rise, Ascot, Berkshire SL5 8NN**

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

A site visit had been held on Saturday, 16 June 2018, which had been attended by Councillors Dudley, Mrs Hayes, Mrs Mattick and Thompson.

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- The comments of Winkfield Parish Council recommending refusal of the application.

- Seven objections received from five separate addresses, as summarised in the Agenda papers.

A proposal to approve the recommendation in the officer report failed to receive a seconder.

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

RESOLVED that application 17/00428/FUL be **REFUSED** for the following reason:

1. The porch by reason of its design and materials constitutes an obtrusive and incongruous addition within the streetscene to the detriment of the character and appearance of the dwelling and the visual amenities of the surrounding area. The porch would therefore be contrary to 'Saved' Policy EN20 of the Bracknell Forest Borough Local Plan, CS7 of the Core Strategy Development Plan Document and Bracknell Forest Council Design Supplementary Planning Document (March 2017).

10. **Confirmation of Tree Preservation Order (TPO) 1271**

The Committee considered a report requesting confirmation of this Tree Preservation Order, to which an objection had been raised.

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- An objection from a local resident to the inclusion of an oak within the TPO, as summarised in the Agenda papers.

RESOLVED that:

- 1) Tree Preservation Order 1271 'Land at communal green space within Phoenix Rise, Crowthorne – 2018 be confirmed; and
- 2) Tree Service officers use their best endeavours to facilitate discussions between the resident objecting to inclusion of the oak within the TPO and the company that manages the grounds at Phoenix Rise, with a view to obtaining appropriate maintenance to the tree that will maintain both its visual amenity and safe condition.

11. **Confirmation of Tree Preservation Order (TPO) 1278**

The Committee considered a report requesting confirmation of this Tree Preservation Order, to which an objection had been raised.

The Committee noted the objection to the Order from a local resident, as summarised in the Agenda papers.

RESOLVED that Tree Preservation Order 1278 'Land at 24, 28, 38, 42, 44 and 48 Stoney Road and 1 and 2 Priestwood Avenue, Bracknell, Berkshire – 2018 be confirmed.

CHAIRMAN

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

**PLANNING COMMITTEE
19th July 2018**

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

		Case Officer	Reporting Officer
5	<p>17/01327/FUL Petrol Filling Station Bracknell Road Crowthorne (Crowthorne Ward) Replacement petrol filling station (including new pumps, forecourt canopy and underground storage tanks) and kiosk, surface level car park, access, servicing and associated works following demolition of existing petrol filling station and car workshop. Recommendation:</p>	Michael Ruddock	Basia Polnik
6	<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
7	<p>18/00261/OUT The Winkfield Lovel Road Winkfield (Winkfield And Cranbourne Ward) Outline application for the erection of 2no. dwellings following demolition of existing restaurant with first floor flat (all matters reserved except for access). Recommendation:</p>	Sarah Horwood	Basia Polnik
8	<p>18/00566/FUL Manor Farm House Binfield Road Binfield (Warfield Harvest Ride Ward) Erection of 1.8m high timber palisade boundary fence. Recommendation: Refuse.</p>	Shannon Kimber	Basia Polnik

Miscellaneous Item

Confirmation of TPO 1277 - Land at Iron Duke Close, Copenhagen Walk and Goldsmiths Way; including 27 & 35, Crowthorne - 2018

Background Papers

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

PLANNING COMMITTEE - POLICY REFERENCES

Key to abbreviations used in the following planning reports.

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

SPG Supplementary Planning Guidance
SPD Supplementary Planning Document

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

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

SITE LOCATION PLAN

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

THE HUMAN RIGHTS ACT 1998

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

Those rights include:-

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

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

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

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

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

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

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

detailed consideration of any Convention Rights affected.

ITEM NO: 5

Application No.
17/01327/FUL
 Site Address:

Ward:
 Crowthorne

Date Registered:
 13 December 2017

Target Decision Date:
 7 February 2018

**Petrol Filling Station Bracknell Road Crowthorne
 Berkshire RG45 6ST**

Proposal:

Replacement petrol filling station (including new pumps, forecourt canopy and underground storage tanks) and kiosk, surface level car park, access, servicing and associated works following demolition of existing petrol filling station and car workshop.

Applicant:

Mr Dominic David

Agent:

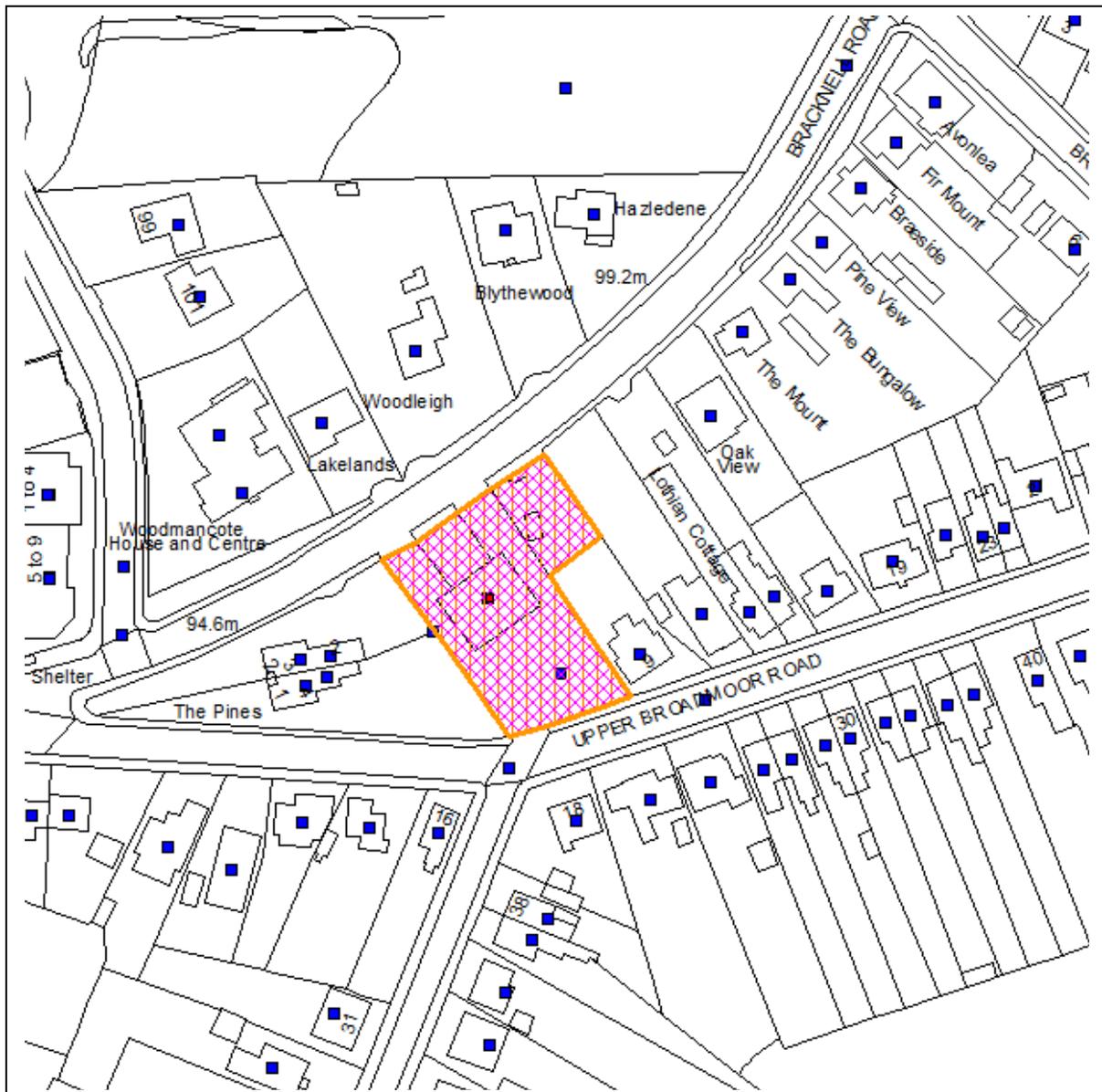
Mr Arfon Hughes

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 a replacement petrol filling station which would include new pumps, forecourt canopy and underground storage tanks. The redeveloped site would also include a new building forming an ancillary kiosk, car parking, access, servicing and other associated works.

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 trees, subject to the recommended conditions. The contamination impacts of the development are acceptable.

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 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 400m of the SPA

3.1 The application site is situated on land between Bracknell Road and Upper Broadmoor Road to the north east of Crowthorne High Street. As existing it comprises of the former Lightfoots filling station and kiosk fronting onto Bracknell Road and vacant workshops which are located centrally in the site. The kiosk was located within the workshop building. The rear of the site is currently vacant and it is noted that a dwelling known as No.7 Upper Broadmoor Road was in this location. This dwelling was demolished prior to the application being submitted.

3.2 The site as it previously existed had access off both Bracknell Road and Upper Broadmoor Road. The petrol station use was accessed from Bracknell Road with the workshop and residential uses accessed from Upper Broadmoor Road although it is noted that there was an access within the site between the front and the rear. The site is located in a predominantly residential area and is bordered to the west and east by residential properties. To the west it is bordered by four apartments known as The Pines, and to the east it is bordered by No.9 Upper Broadmoor Road.

3.3 The site also includes land that was formerly under the ownership of neighbouring properties, such as land to the rear of The Pines and land to the rear of No.9 Upper Broadmoor Road. This land also includes four trees that are protected by TPO 1017B.

3.4 The site is located within 400m of the Thames Basin Heath SPA.

4. RELEVANT SITE HISTORY

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

Application 7652 - Demolition of existing garage and workshops and re-erection of brick garage workshop, office, store and conveniences – APPROVED 1962

Application 8572 - Erection of commercial garage with pump forecourt – APPROVED 1963

Application 12898 - Application for erection of canopy over petrol pump area – APPROVED 1967

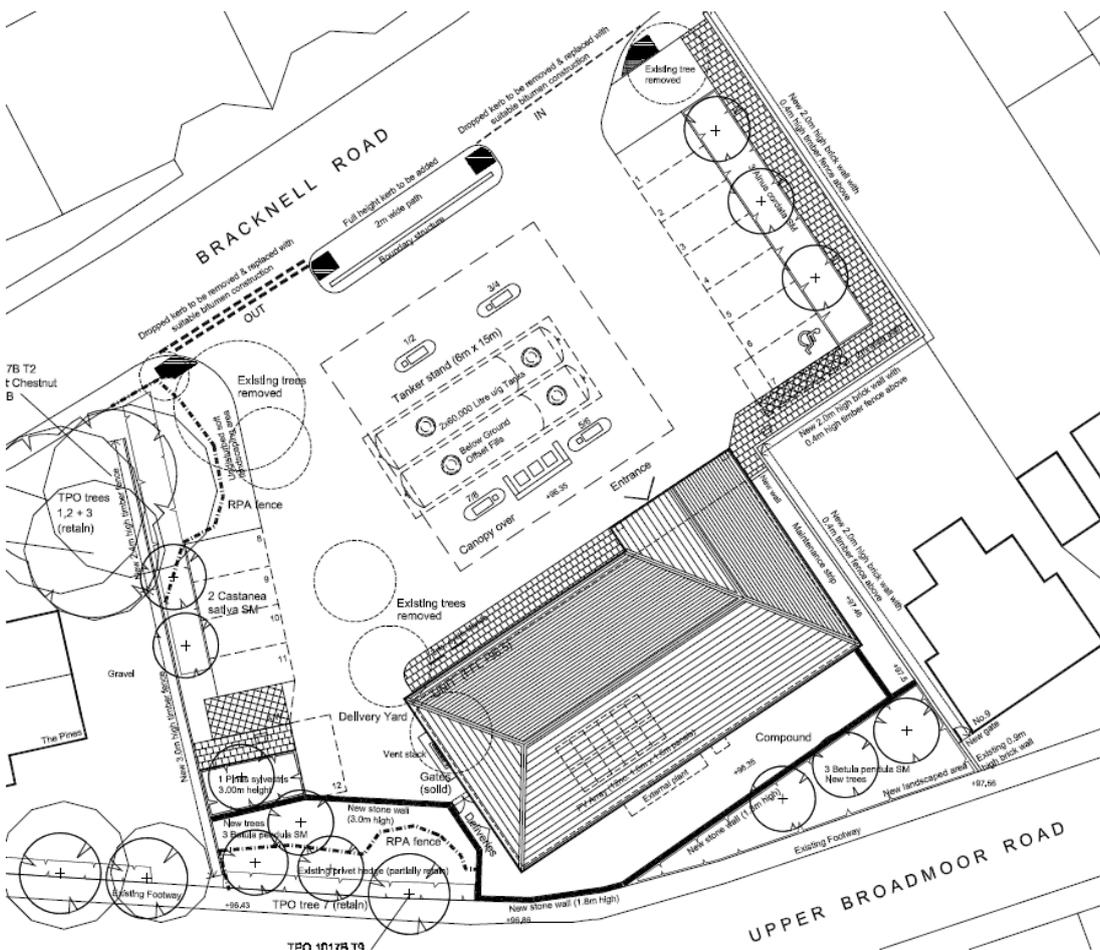
Application 602491 - Extension to existing workshop to be used as MOT Test Bay – APPROVED 1977

Application 05/00393/OUT - Outline application (including siting and means of access) for the erection of 10no. three bedroom houses and petrol filling station following demolition of existing 4no. dwellings and petrol filling station – REFUSED 2005.

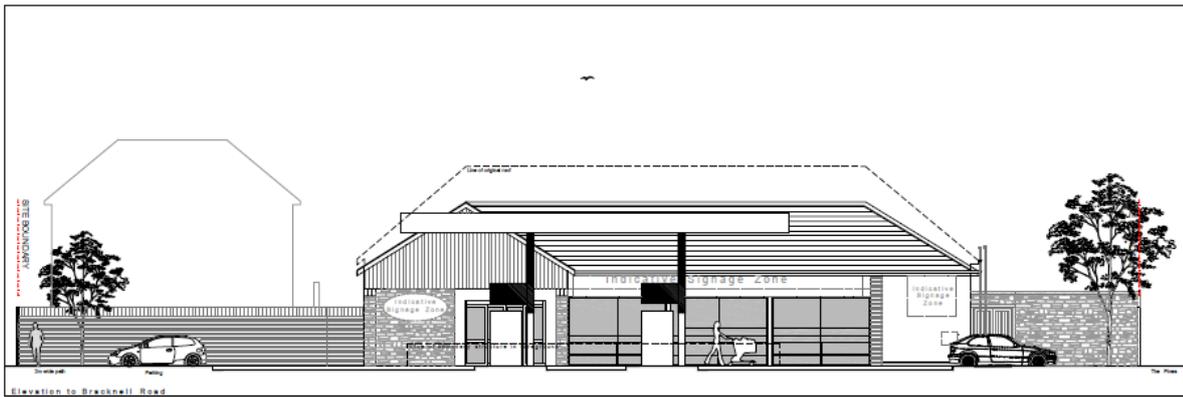
Application 17/01066/DEM - Application for prior approval for the demolition of existing dwelling – GRANTED

5. THE PROPOSAL

5.1 The proposed development is for a replacement petrol station and ancillary building following demolition of the existing petrol station and workshop building. As noted above, a residential dwelling that was previously sited to the rear of the site fronting Upper Broadmoor Road was demolished prior to the application being submitted.



5.2 The petrol station that was previously at the site, known as Lightfoots Garage, ceased trading in April 2017. The new petrol station forecourt would consist of eight pumps under a 6.2m high canopy with four underground storage tanks. The building would be located to the south of the forecourt and would have an external width of 24.4m. The building itself would have an external depth of 12.7m with a canopy projecting an additional 2m forward. The building would have a maximum height of 6.8m with a hipped roof design. It would have an internal floor area of approximately 288sqm, consisting of a 175sqm retail sales area along with staff-only areas such as a walk in chiller, store, office and WC. The site would be operated by BP Connect with M&S Simply Food operating the ancillary building.



5.3 The site would be accessed from Bracknell Road only, with the entrance from the east and the exit to the west. Twelve parking spaces are proposed within the site, both along the side boundaries and also to the side of the building. Three protected trees are required to be removed to accommodate the development.

5.4 Various amendments have been made during the course of the application. The ridge height of the building has been reduced from 8m to 6.7m. It was originally proposed to operate the site 24 hours a day, seven days a week and this has been reduced to between 6am and midnight. A footpath was originally proposed to run through the site to Upper Broadmoor Road which could have enhanced accessibility for local residents to walk to the shop, however this has been removed in response to resident's concerns regarding noise and privacy. Finally, the parking layout has been amended to move spaces further away from the retained TPO trees on the land to the west of the site.

6. REPRESENTATIONS RECEIVED

Crowthorne Parish Council:

6.1 Recommend approval of the application subject to the following conditions:

- Restrict opening hours of the kiosk to 7am to 10pm including deliveries;
- Reduce size of the kiosk by 50%;
- Lighting to be turned off at 10pm;
- Implement no right turn into garage;
- Reduce speed limit on Bracknell Road to 20mph;
- Lower height of site to the rear, thereby reducing visibility and reducing noise.

[OFFICER COMMENT: With the exception of the opening hours and lighting it would not be reasonable for these concerns to be secured through the use of conditions. The application has been considered on its own merits.]

Other representations:

6.2 154 letters of representation have been received in response to the planning application 52 of these are objecting to the application, 94 are in support of the development and 8 are neutral.

6.3 The reasons for objection can be summarised as follows:

- A shop would be out of keeping with the character of the area and is in the wrong location. No justification for such development as there are other shops nearby. Shop will be a destination in its own right rather than ancillary.
- Development as a whole too large for this site within a residential area. Previous uses on the site were lower key and this is an intensification of the site. Development would not be allowed if it was not for the previous use.
- Concerns over highway safety due to the traffic impacts of the development and the access. Previous petrol station resulted in queues on the highway.
- Potential for overspill parking on nearby residential roads. 12 spaces not enough for visitors and employees.
- Demolished house should be replaced with another. Concerns with regard to the size of the shop building.
- Impact on residential amenity due to the opening times of the shop, deliveries, light pollution and noise levels. Proposal is overbearing.
- Impact on air pollution, Crowthorne High Street already exceeds the national quality standard.
- Concerns regarding removal of trees.
- Most of the comments in support of the development do not come from residents that live close to it.

6.4 It is noted that a number of neighbour letters raised concerns with regard to 24 hour opening, the size of the building and the footpath access to Upper Broadmoor Road. The opening hours have been reduced, the size of the building reduced and the footpath removed since these comments were made.

6.5 The reasons for support can be summarised as follows:

- There is a need for the development as there is no petrol station in Crowthorne following the closure of the previous site. A petrol station is essential due to the continued expansion of Crowthorne and many people of struggled since the previous station closed.
- New petrol station will save people money and time through unnecessary travelling to the nearest station. Also has environmental benefits of people have to travel less far to refill their cars.
- Redevelopment represents an improvement to services available in a growing village.
- Having eight pumps rather than four should increase throughput and reduce the previous problem of traffic backing up onto Bracknell Road.
- Noted that fuel sales generate a low profit margin and having a convenience store on site is normally a commercial necessity.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Highways Officer

Recommend conditional approval.

7.2 Tree Officer

Recommend conditional approval.

7.3 Environmental Health Officer

Recommend conditional approval.

7.4 Biodiversity Officer

No objection.

7.5 Licensing Officer

No objection.

7.6 Environment Agency

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	CS7 of CSDPD, Saved policy EN20 of BFBLP	consistent
Residential Amenity	Saved policies EN20 and EN25 of BFBLP	consistent
Highway Safety	CS23 of CSDPD, Saved policy M9 of BFBLP	consistent
Biodiversity	CS1 and CS7 of CSDPD	consistent
Trees and landscaping	Saved policies EN1, EN2 and EN20 of BFBLP	consistent
Other publications	National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). Design SPD, Character Area Assessments SPD, Parking Standards SPD, Thames Basin Heaths SPA Avoidance and Mitigation SPD, Planning Obligations SPD.	

9.1 The key issues for consideration are:

- i Principle of the Development
- ii Impact on character and appearance of the area
- iii Impact on residential amenity
- iv Transport implications
- v Effect on Trees
- vi Biodiversity Considerations
- vii Contamination
- viii 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. Development within the settlement boundary is acceptable in principle and in accordance with CSDPD CS1 (Sustainable Development), CS2 (Locational Principles) and the NPPF.

9.3 It is noted that the site previously had a dwelling to the rear which was demolished in accordance with application 17/01066/DEM. 'Saved' BFBLP Policy H12 restricts the loss of

dwellings, however there was no dwelling on site at the time the application was submitted. As such any new dwelling on the site would be considered a net increase in residential accommodation. The site is located within 400m of the Thames Basin Heath SPA and any net increase in residential units is unacceptable. The development is therefore not contrary to 'Saved' Policy H12.

9.4 The development would result in the demolition of the existing vacant workshops at the rear. Policy CS19 of the CSDPD seeks to protect small business units of under 500 square metres, stating that planning permission for the loss of such premises will only be granted if the proposal does not conflict with other elements of the CSDPD. However this policy refers to the location of employment development. This policy is more relevant to Bracknell Town Centre and the Borough's defined employment areas which are referred to, and set out on the Council's Policies Maps. As such it is not considered that this policy is relevant to this location. In any case Policy CS19 states 'Planning permission for the loss of such units will only be granted if the proposal does not conflict with other elements of this strategy.'

9.5 The application proposes a petrol filling station with an ancillary retail unit. The development is outside the 'town centre' of Crowthorne and as such CSDPD Policy CS22 is potentially relevant to this proposal. However it is noted that there is an ancillary retail element at the site as existing and as such there would not be a net increase in retail units. Furthermore the primary use of the site would be the petrol station, a sui generis use. As such it is not considered that the tests required under Policy CS22 are relevant to this proposal as the primary use of the site is not retail.

9.6 Paragraph 24 of the NPPF states 'Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan'. A petrol station is not considered to be a 'main town centre use' and as such the proposed development would not be in conflict with this.

9.7 As such the principle of development is considered acceptable. This is subject to no adverse impacts upon the character and appearance of the surrounding area, residential amenities of neighbouring properties, highway safety, trees, biodiversity etc. These matters are assessed below.

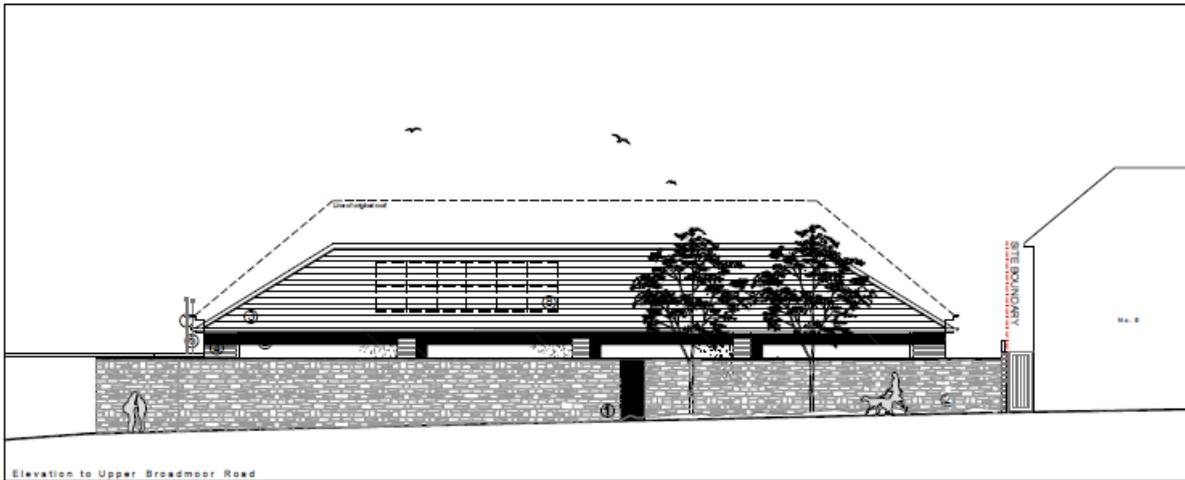
ii. Impact on the character and appearance of the area

9.8 The site is within Crowthorne Area D (East Crowthorne) of the character areas SPD. This summarises that the area is diverse in terms of architecture and there is no prevailing design approach. Building should follow a consistent building line and front gardens should be bounded by high quality treatment, walls and/or hedges. The existing tree cover should remain, and landscape planting treatment to new frontages should be predominantly evergreen.

9.9 The surrounding area is residential in character with detached and semi detached properties with a mix of fencing and planting to front boundaries. Whilst a petrol station may be incongruous with this, a petrol station in this location is an established feature and existing characteristic of Bracknell Road. As such it is not considered that the redevelopment of the site to provide a new petrol station would significantly impact on the character and appearance of Bracknell Road. Whilst it is noted that trees would be removed to accommodate the development, replacement trees and landscaping are also proposed and this will be assessed further below. The existing building line at either the front or rear would not be affected and new walls are proposed to the side and rear.

9.10 The new shop building would be an additional feature in the streetscene, replacing the existing kiosk and workshop and sited to the rear of the site in place of the previous dwelling. As this building would be set to the rear of the site it would not be a prominent feature in the streetscene of Bracknell Road. However, it would also be visible from the rear of the site on Upper

Broadmoor Road. The building would be lower in height than the surrounding dwellings and set further back from Upper Broadmoor Road than the neighbouring dwelling at No.9, and as such it is not considered that it would be an overly prominent or incongruous feature in the streetscene. Furthermore the hipped roof would slope away from Upper Broadmoor Road, reducing its impact. Finally, the reduction in height of the roof has significantly reduced the bulk of the roof, as demonstrated by the proposed rear elevation.



9.11 Given the existing use of the site it is not considered that the redevelopment would be out of character with the area. Whilst it is acknowledged that the shop could be a destination in its own right as it is in easy walking distance of residential properties, it would support the primary use of the site as a petrol station. Whilst this could result in some intensification it is not considered that this would be so harmful to the character of the area that refusal of the application would be warranted, taking into account the previous (and extant) use of the site.

9.12 As such it is not considered that the development would result in an adverse impact on the character and appearance of the area. Furthermore it would not be contrary to the recommendations of the Character Area Assessments SPD, subject to the trees assessment below. The development would therefore not be contrary to CSDPD Policy CS7, BFBLP 'Saved' Policy EN20 or the NPPF.

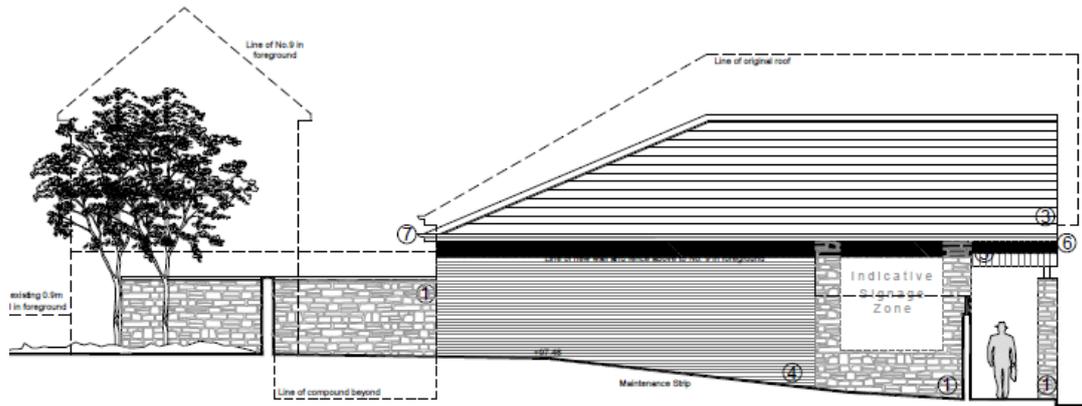
iii. Impact on residential amenity

9.13 The site is surrounded by residential development and as such has the potential to have an impact on the amenities of the occupiers of the surrounding properties. The property is bordered by No.9 Upper Broadmoor Road to the east and four residential apartments known as The Pines to the west.

9.14 In respect of No.9 Upper Broadmoor Road the new building would be located close to the western boundary with the neighbouring property with a rear projection of approximately 11m beyond the rear elevation of that property. A 45 degree line drawn on the horizontal plane from the nearest rear facing window at No.9 would intersect the building, however a 45 degree line drawn on the vertical plane from the point of intersection would not overshadow more than 50% of any of the rear facing windows at the neighbouring property. It is therefore not considered that the development would result in an unacceptable loss of light to the rear facing windows of the neighbouring property.

9.15 It is acknowledged that a rear projection of 11m beyond the rear elevation of the neighbouring property is significant and there would be an element of overbearing as a result. However the building is single storey and the land slopes down away from the rear elevation of No.9 and as

such the area of building closest to the rear of the neighbouring property and its most private amenity area would be at a lower height. The design of the building means that it would slope up away from this area which would reduce its impact. Finally, the reduction in height of the building has also reduced its impact. As such it is not considered that the building would appear so unduly overbearing when viewed from the rear of the neighbouring property that refusal of the application would be warranted. No side facing windows are proposed and as such it is not considered that the development would result in a loss of privacy to the neighbouring property through overlooking.



9.16 In respect of The Pines, the rear elevation of the neighbouring property would not face directly towards the new building and in any case there would be a separation distance of over 19m between The Pines and this building. It is therefore not considered that it would result in an unacceptable loss of light to windows at this property. The building would be set over 13m off the boundary with the Pines and as such would not appear unduly overbearing when viewed from the neighbouring property. Finally it is not considered that the proposed boundary treatment would result in an unacceptable loss of light to the neighbouring property.

9.17 It is not considered that the petrol station canopy would result in an unacceptable impact on the neighbouring properties through loss of light or overbearing. The removal of the footpath along the eastern boundary has removed the potential for loss of privacy to neighbouring properties from this element. Although parking areas would be located close to the boundaries with the neighbouring properties including The Pines and No.11 Upper Broadmoor Road, the installation of new fencing along these boundaries would ensure that there would not be a loss of privacy to neighbouring properties through the use of these spaces.

9.18 Due to the location of the site within a residential area it has the potential to impact on neighbouring properties through noise and disturbance. Regard needs to be had to the extant use of the site as a petrol station, kiosk and workshop as there would have been an element of noise and disturbance from these elements. However it is also acknowledged that the site would include a larger petrol station and ancillary shop than existing and would also include parking areas. The intensity of the use of the site would therefore be likely to increase over the extant use.

9.19 The application has been accompanied by the Sharps Gayler Noise Assessment (dated 8 December 2017) which assesses noise potential from various sources – the forecourt and car park, deliveries and the mechanical plant. The Acoustic Assessment has been assessed by the Council's Environmental Health Officer. Noise arising from the use of the forecourt and car park has been assessed using WHO criteria. The noise levels predicated are well below the WHO criteria both during the day and night which would indicate that the site is suitable for its intended use. This assessment is reliant on appropriate noise mitigation measures being installed consisting of acoustic grade fencing and stone walls constructed at various heights. As such a condition is recommended requiring installation of the noise mitigation measures as stated prior to the development being brought into use.

9.20 In respect of deliveries, an assessment using guidance within BS4142:2014 has been carried out. This concludes that noise from deliveries during the night (23.00 – 07.00) would have a significant adverse impact on residents living within the vicinity. Further assessment concludes that the potential impact between 06.00 and 07.00 would not be quite so significant and recommends that there should be no deliveries to the site between 23.00 and 06.00. The deliveries to be restricted include deliveries to the kiosk and fuel tanker deliveries but exclude deliveries of newspapers and magazines. The Environmental Health Officer agrees with this assessment and recommends that delivery times are restricted to those recommended within the assessment.

9.21 In terms of opening times, it was originally proposed to operate the site 24 hours a day and it should be noted that the Council's Environmental Health Officer raised no objection to this, provided that the noise mitigation measures outlined above are implemented. However in view of the large number of neighbour objections to this element of the development the applicants have agreed to reduce the operational hours to between 06.00 and 00.00 (midnight). It is recommended that these hours are secured by condition.

9.22 Noise from mechanical plant associated with the kiosk (air conditioning and refrigeration plant) needs to be controlled so that it does not cause disturbance to local residents. A condition is recommended to ensure that this is the case. Further conditions with regard to environmental effects and lighting are also recommended, in view of the nature of the development and its proximity to neighbouring dwellings.

9.23 As such it is not considered that the development would result in an adverse impact on residential amenity either through loss of light, overbearing and overlooking or an unacceptable increase in noise and disturbance, subject to conditions. The development would therefore not be contrary to BFBLP 'Saved' Policy EN20 or the NPPF.

iv. Transport implications

Access

9.24 The development takes access off Bracknell Road, a local distributor road that is subject to a 30mph speed limit. An 'in and out' arrangement is proposed which is typical for a petrol station. The applicant's Transport Statement states that 'new high quality vehicle accesses will be built to replace the existing accesses on Bracknell Road' and these are shown on the proposed site plan. The new accesses shall be secured by condition.

9.25 The access at the front includes a 2m wide path to provide pedestrian access across the site frontage, and access to a 2m wide internal pedestrian path leading from the public highway to the new building. This should assist with visibility, which shall be secured by condition. Any off site highway works will be secured by condition and will also require a Section 278 agreement and the applicant will be advised of this by way of an informative. Vehicle tracking for an oil tanker has been provided which indicates that the accesses are wide enough to accommodate such vehicles. This also shows adequate turning in and out of the forecourt and generally such operations require the forecourt to be closed to customers. Vehicle tracking is also shown for a 12m long delivery vehicle to access and manoeuvre into the delivery yard and this is acceptable.

9.26 The proposals will remove the existing access off Upper Broadmoor Road which has restricted visibility, and the resulting reduction in vehicle movements onto Upper Broadmoor Road would be a highway safety benefit. The site plan shows a new stone wall and planting adjacent to Upper Broadmoor Road and these boundary treatments would not interfere with the public highway. The extended length of dropped kerb along the site boundary with Upper Broadmoor Road should be replaced with a full height kerb and these off-site highway works should be secured via planning condition and works carried out as part of the s278 Agreement.

Parking

9.27 It is noted that the previous petrol station included a small kiosk with no dedicated parking, and this is similar to the situation at the nearest petrol station; the Shell petrol station on Yorktown Road in Sandhurst which includes a small Londis and has no dedicated parking. The proposed development includes a convenience store and 12 parking spaces are to be provided. This complies with the Council's Parking Standards SPD which requires one space per 20 square metres of retail floor space (9 spaces) plus once space per two staff members where it is envisaged that there would be a maximum of 6 staff at any time (3 spaces). One disabled space is proposed which complies with the Parking Standards.

9.28 The store is to be operated by Marks and Spencer, and it is noted that an existing site along Wokingham Road, Bracknell which may well be of similar size has 7 parking spaces overall. The Highway Authority are also aware of sites outside the Borough that are operated by Tesco which provide 15 parking spaces for circa 300sqm of retail floor area and this also equates to one parking space per 20sqm as per the Council's Parking Standards.

9.29 During the course of the application the parking area has been amended to move spaces away from the protected trees adjacent to the north west corner of the site. The Highway Authority are satisfied that this layout is acceptable, with the associated vehicle tracking demonstrating access to all spaces.

Trips

9.30 The Transport Statement indicated that the proposal is likely to result in a net increase of 19 and 11 trips in the morning and evening peak periods respectively and 187 two way movements per day based on the additional trips generated by a larger convenience store than the previous kiosk and a reduction in trips from the vehicle repair/MOT garage which is to be removed. Similar levels of traffic are likely to be generated by the new petrol station in itself when compared with the previous petrol station and much of this traffic would already be passing the site.

9.31 There is a large residential catchment nearby with lit footways for pedestrian access by customers and staff. The site is well served by bus services and Crowthorne Railway Station is relatively close which could assist with reducing car trips by staff. Two cycle parking spaces are proposed which complies with the Parking Standards SPD and shall be secured by condition. The site is therefore considered to be accessible by non-car modes which will reduce some car trips.

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

v. Effect on Trees

9.33 Four trees on the application site are protected by TPO 1017B. These are T1 (Pine), T7 (Holly), T8 (Birch) and T9 (Holly). T2, T3 and T4 (Sweet Chestnuts) are located within The Pines and are also affected by the proposals. The trees are all considered to make a positive contribution to the character and appearance of the area, taking into account the low level of mature tree cover on the site.

9.34 As originally proposed, three parking spaces were to be located in the north west corner adjacent to T2, T3 and T4. Due to concerns that these spaces would result in an adverse impact on these trees, they have been removed from the scheme and an area of soft landscaping would remain. Silva Cell engineering is proposed under the parking to the south of this area which will allow for tree planting adjacent to these spaces. Tree protection is shown on the proposed site

plan but needs to be extended and as such will be secured by condition as will restrictions within the protected area.

9.35 Removal of three protected trees within the site (T1, T7 and T8) is required to accommodate the proposals. The Tree Service considers this acceptable provided that this is compensated by substantial semi mature tree planting. Additional planting is proposed on both the western and eastern boundaries of the site and to the south of the new building fronting Upper Broadmoor Road. An existing planting area which includes T9 would be enhanced. The Tree Service is satisfied that the proposed soft landscaping areas provide adequate mitigation for the loss of the TPO trees, and that T9 would be protected during development. The provision and long term protection of the soft landscaping shall be secured by condition.

9.36 It is considered that it would be beneficial for the long term protection of the trees if, as part of the hard landscaping element of the proposals, low knee rail fencing is provided around the landscaped areas to prevent vehicle access in the longer term. A condition is recommended to secure this.

9.37 It is therefore considered that the tree impacts of the development are acceptable, subject to the recommended conditions. Although protected trees are required to be removed to accommodate the development, acceptable planting would be provided to mitigate this. The development would not result in a significant long term impact on the remaining trees. As such it would not be contrary to BFBLP 'Saved' Policies EN1 and EN20 or the NPPF.

vi. Biodiversity Considerations

9.38 The application has been accompanied by a bat survey report which concludes that the risk of the works adversely affecting roosting bats is minimal. The buildings have been assessed as having negligible potential to host roosting bats.

9.39 As such it is considered unlikely that the works would adversely affect roosting bats or other protected species, and there are no objections to this application on ecological grounds. The development would therefore not be contrary to CSDPD Policies CS1 or CS7.

vii. Contamination

9.40 The previous use of the development site as a petrol station presents a risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the development site is located upon a Secondary A aquifer. These comprise permeable layers that can support local water supplies and may form an important source of base flow to rivers.

9.41 The application has been accompanied by a Risk Assessment by HydroGeo (September 2017). This has been assessed by the Environment Agency which is satisfied that this demonstrated that it will be possible to suitably manage the risk posed to controlled waters by this development. This is subject to conditions requiring a remediation strategy and verification report to be submitted, and a restriction upon infiltration of surface water.

9.42 The contamination risks of the application have also been assessed by the Council's Environmental Health Officer who is also satisfied with the proposals subject to these conditions.

9.43 The details of this planning application state that site drainage will use the existing system.

viii. Community Infrastructure Levy

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

9.45 CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted) including new build that involves the creation of additional dwellings. The development is not CIL liable.

10. CONCLUSIONS

10.1 The principle of development is acceptable, and it is not considered that it would result in an adverse impact on the character and appearance of the area, residential amenity, highway safety or biodiversity subject to the recommended conditions. Although protected trees are required to be removed to accommodate the proposals, it is considered that this can be adequately mitigated by replacement planting and it is not considered that the development would result in an unacceptable impact on the remaining trees. Finally, the contamination effects of the development are considered acceptable, subject to the recommended conditions.

10.2 As such the development would not be contrary to CSDPD Policies CS1, CS2, CS19, CS22 and CS23, BFBLP 'Saved' Policies EN20, M9 and H12 or the NPPF.

11. RECOMMENDATION

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

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

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

02. The development hereby submitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 16 January 2018, 11 April 2018 and 15 May 2018:

SP293-P01(E), SP293-P02(A), SP293-P03(E), SP293-P04(E), SP293-P05(E), 2017/123/E, 2017/124(E), 2018/38, 2017/123/E

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. The development shall be carried out in accordance with the finished floor levels set out on drawing SP293-P03(E) received by the Local Planning Authority on 15 May 2018.

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

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

05. The development shall not be brought into operation until the noise mitigation measures recommended in the submitted noise assessment (Sharps Gayler Acoustic Consultants Former Lightfoots Garage, Crowthorne - Noise Assessment for redevelopment of a petrol filling station

dated 8 December 2017) have been installed. The measures shall be maintained for the duration of the development hereby permitted.

REASON: In the interests of residential amenity.

[Relevant Policy BFBLP EN20]

06. Deliveries of goods to the kiosk (except for newspapers and magazines) and deliveries of fuel to the petrol filling station shall not take place between the hours of 2300 and 0600.

REASON: In the interests of residential amenity.

[Relevant Policy BFBLP EN20]

07. The development hereby permitted shall only be operational from 06:00 hours to 00:00 hours on any day.

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

[Relevant Policy: BFBLP EN20]

08. No fixed plant or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the Local Planning Authority. The rating level of noise emitted from all fixed plant and machinery shall not exceed 35dB nor at any time exceed the background noise level by more than 5dB when measured or calculated at 1 metre from the façade of the nearest noise sensitive property. The measurement and assessment shall be made according to BS4142:2104.

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

[Relevant Policy: BFBLP EN20, EN25]

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

The scheme shall include:

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

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

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

[Relevant Policy: BFBLP EN20, EN25]

10. No external lighting shall be installed until a scheme has been submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme. The development shall be carried out in accordance with the approved scheme.

REASON: In the interests of the amenity of neighbouring property and the character of the area.

[Relevant Policies: BFBLP EN20 and EN25]

11. The development shall not be brought into operation until the vehicular accesses have been constructed in accordance with the approved plans

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

12. The development shall not be brought into operation 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]

13. The development shall not be brought into operation until secure parking for bicycles has been provided in accordance with the approved drawings.

REASON: In order to ensure bicycle facilities are provided.

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

14. The development hereby permitted shall not be brought into operation until a scheme has been submitted to and approved in writing by the Local Planning Authority for off site highway works including the provision of a pedestrian footway at the front of the site. The development shall not be brought into operation 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]

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

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

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

REASON: In the interests of amenity and road safety.

[Relevant Policy: BFBLP EN20, CSDPD CS23]

16. The development shall not be brought into operation until a plan showing visibility splays has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The visibility splays shall at all times thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the adjacent carriageway.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

17. 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]

18. The protective fencing and other protection measures specified by condition 17 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]

19. 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]

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

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

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

21. Within a period of 5 years from the completion of the development: -

a) No retained tree, hedgerow or groups of shrubs (as specified as being retained on the approved details as part of this permission) shall be cut down, uprooted or destroyed without the prior written consent of the Local Planning Authority.

b) Any trees, hedgerows or groups of shrubs shown to be retained on the approved plans submitted in accordance with other conditions of this consent, which die are removed or irreparably damaged during the course of the development within a period of 5 years of the completion of the development, another tree, hedgerow or group of shrubs of the same species and size as that originally planted shall be planted at the same time.

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]

22. 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. If within a 5 year period of the completion of the development any soft landscaped area which is removed, uprooted, or is destroyed or dies shall be replaced by plants of the same species and size as that originally planted at the same place.

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

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

23. The development shall not be brought into operation until details of a low knee rail around retained soft landscape areas has been submitted to and approved in writing by the Local

Planning Authority. Details shall include the proposed design of the structure, approved layout plan showing the proposed location/s this is to be installed and timing and method of implementation. The development shall be implemented in accordance with the approved details.

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

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

24. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. The results of the site investigation and the detailed risk assessment should be used for an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

2. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (1) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

REASON: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the NPPF.

25. The development shall not be brought into operation until a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete in line with paragraph 109 of the NPPF.

26. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.

Informatives

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
4. Finished floor levels
5. Acoustic Report
6. Deliveries
7. Hours of operation
10. Lighting (unless proposed)

11. Access
12. Vehicle parking
13. Cycle parking
18. Tree protection
20. Landscaping
21. Retained trees
22. Retained landscaping
26. Infiltration/drainage

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

8. Plant or machinery
14. Off site highway works
16. Visibility splays
23. Knee rail fence
25. Verification report

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

3. Materials

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

9. Method Statement
15. Site organisation
17. Tree Protection
19. Arboricultural monitoring
24. Remediation strategy

3. 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.

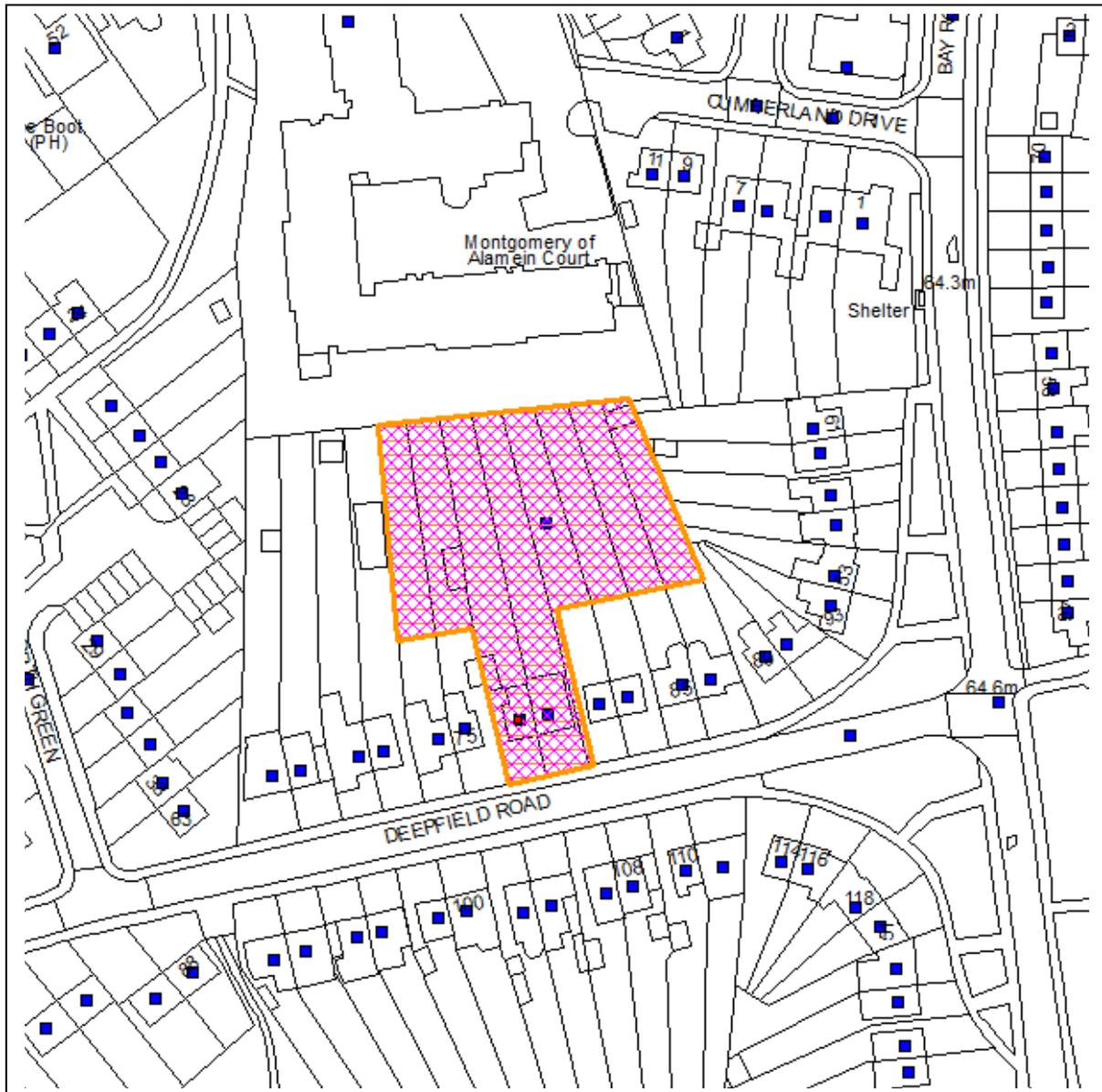
4. Trees on and adjacent to this site are/may be protected by Tree Preservation Orders. In simple terms, detailed written consent must be therefore obtained from the Council's Tree Section before undertaking any form of work to such trees (including any work affecting their root systems), unless detailed works to such trees have been specifically approved in writing as a part of this planning permission. Any pruning or removal of trees without the necessary consent or any damage arising from non compliance with other conditions of this permission or otherwise may be liable to prosecution by the Council. This may be in addition to any enforcement action deemed appropriate for non compliance with relevant planning conditions. Property owners, developers and/ or any other relevant persons are therefore advised to take appropriate measures to ensure that all persons responsible for overseeing works approved under this permission are suitably briefed on this matter.

5. Please note that trees on and/or adjacent to this site are protected by Tree Preservation Orders. The legislation protecting these trees overrides any Permitted Development under the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification). Prior written consent must therefore be obtained from the Council's Tree Service before undertaking any works which require the removal and/or pruning of a protected tree or may affect/cause damage of any description to its canopy, trunk or root system and subsequent health, stability and survival in any way. Typically such works include but are not limited to the laying of hard surfaces of any description (parking bays, driveways footpath, patios etc.), foundations for garden structures, construction of retaining walls, topsoil stripping, excavation/ alterations to existing ground conditions of any other description, construction of outbuildings (sheds, greenhouses, summerhouses etc.) or building extensions not

requiring planning permission near trees. Any pruning, removal of a protected tree as a result of such works, without the necessary written consent or any damage caused above or below ground arising from non-compliance with this requirement can be liable to legal action by the Council which can include prosecution, a substantial fine and incur a criminal record.

ITEM NO: 6			
Application No. 18/00125/FUL	Ward: Bullbrook	Date Registered: 1 March 2018	Target Decision Date: 31 May 2018
Site Address: 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 housing needs and go towards meeting 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 retirement complex for the elderly known as Montgomery of Alamein Court.

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.

3.4 The application site includes land not currently under the ownership of the applicants, including both properties fronting Deepfield Road and No.59 Bay Road.

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 1no 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 differences 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. To achieve the proposed drainage scheme, it is required to use land under the ownership of No.59 Bay Road.

5.4 As the application site includes land within the ownership of properties fronting Deepfield Road and No.59 Bay 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 five 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. 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. The land within the ownership of No.59 Bay Road that is required for has been included within the application site and as such the system can be secured through this application.

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 An Appropriate Assessment has been carried out for this development in accordance with the Habitats Regulations 2017. Without any appropriate avoidance and mitigation measures the Appropriate Assessment concludes that the development is likely to have a significant effect upon the integrity of the SPA with the result that the Council would be required to refuse the planning application.

9.36 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.

9.37 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.

9.38 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

9.39 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.

9.40 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, 8 June 2018, 27 June 2018 and 5 July 2018:

PL-01(R2), PL02(R2), PL03(R2), 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(R3), 21710-01(E)

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 21710/01 Rev E received by the Local Planning Authority on 1 March 2018 and 5 July 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/P6 received by the Local Planning Authority on 5 July 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 21710/01 Rev D received by the Local Planning Authority on 5 July 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/R4 received by the Local Planning Authority on 5 July 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 31 October 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: 7	Ward:	Date Registered:	Target Decision Date:
Application No. 18/00261/OUT	Winkfield And Cranbourne	14 March 2018	9 May 2018
Site Address:	The Winkfield Level Road Winkfield Windsor Berkshire SL4 2ES		
Proposal:	Outline application for the erection of 2no. dwellings following demolition of existing restaurant with first floor flat (all matters reserved except for access).		
Applicant:	Arkells Brewery		
Agent:	David Wetherill		
Case Officer:	Sarah Horwood, 01344 352000 development.control@bracknell-forest.gov.uk		

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



OFFICER REPORT

1. SUMMARY

1.1 The redevelopment of the site for 2no. dwellings is acceptable in principle, as the site comprises previously developed land (PDL) and the proposal is for infilling. Subject to factors including size, height, bulk and mass of the proposed new dwellings which would be assessed at reserved matters stage, the proposal is acceptable in principle subject to it having no greater impact on the openness of the Green Belt.

1.2 The proposal is not considered to result in adverse harm to the character and appearance of the area and residential amenities of neighbouring properties subject to the proposed dwellings being acceptable in terms of appearance, landscaping, layout and scale which will be assessed at the reserved matters stage.

1.3 No adverse highway safety implications would result. Relevant conditions will be imposed in relation to highway safety, biodiversity and sustainability. The application is therefore recommended for approval.

RECOMMENDATION

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

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application has been reported to the Planning Committee at the request of Councillor Mrs Phillips over concerns about overdevelopment of the site and highway safety/parking.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Green Belt

Outside 5km of the Thames Basin Heath SPA

3.1 The application site is a part single storey, part two storey building located to the south of the highway on Lovel Road. The building was previously in use as an A4 public house, which then changed to an A3 restaurant, known as the Kees at the Winkfield. The building includes residential accommodation at first floor level which is assumed to have provided ancillary accommodation for a landlord when the building operated as a pub. The building is currently vacant.

3.2 There is an existing car park to the east of the building. To the west is a detached two storey dwelling and to the east is a pair of two storey, semi-detached dwellings.

3.3 To the south lies Asher Recreation Ground.

4. RELEVANT SITE HISTORY

4.1 There is extensive planning history relating to the site from when it was in operation as a public house. The most recent application was:

08/00916/FUL approved December 2008 for erection of timber framed smoking shelter following removal of existing shed and erection of new storage shed. Alterations to parking layout.

5. THE PROPOSAL

5.1 This is an outline planning application for the erection of 2no. detached dwellings following demolition of the existing restaurant, with all matters reserved except for access. A plan has been provided showing the siting of 2no. dwellings, along with a central access to serve the site with parking to the rear. However, this is an illustrative layout only in relation to the dwellings. The access, including its positioning and size will however be considered at this stage.

5.2 During the course of the application, the design of the access has been revised from a bellmouth as originally proposed to a dropped kerb access.

5.3 An outline planning permission allows for a decision to be made on the general principles of how a site can be developed. Outline planning permissions are granted subject to conditions requiring the subsequent approval of one or more 'reserved matters'.

5.4 Reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of with an outline planning application, (i.e. they can be 'reserved' for later determination). These are defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as:

- (i) 'Access' - the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- (ii) 'Appearance' - the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- (iii) 'Landscaping' - the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- (iv) 'Layout' - the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- (v) 'Scale' - the height, width and length of each building proposed within the development in relation to its surroundings.

5.5 In the case of the current application, all matters, with the exception of access, are reserved.

6. REPRESENTATIONS RECEIVED

Winkfield Parish Council

6.1 Made the following observations on the application: there is no indication provided of how many bedrooms each property might contain, and is concerned that the provision of car parking is insufficient and impracticable. Lovel Road cannot adequately cope with additional traffic, particularly given the proximity of the site to a primary school.

Other representations

6.2 4no. objections received to the application; however 2 are from the same postal address

and therefore a total of 3 objections have been received, all of which state there is insufficient detail submitted with the application, including no detailed elevations, height, positioning of windows.

6.3 Officer comment: The application is an "Outline application for the erection of 2no. dwellings following demolition of existing restaurant with first floor flat (all matters reserved except for access)". At this stage, all the application is therefore seeking to establish is the principle of development and whether the access as shown is acceptable in terms of visibility, width and positioning. All other details such as size of dwellings, bedroom numbers, height, etc, are not being assessed at this stage, such detail would follow on via a reserved matters application made as a separate application.

7 SUMMARY OF CONSULTATION RESPONSES

Highways Officer

7.1 No objection subject to conditions.

Biodiversity Officer

7.2 No objection subject to condition.

8 MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO DECISION

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

	Development Plan	NPPF
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Housing	CS15 of the CSDPD	Consistent
Green Belt	Saved Policy GB1 of BFBLP, CS9 of CSDPD	Generally consistent
Parking	Saved policy M9 of BFBLP	Consistent NPPF refers to LA's setting their own parking standards for residential development, this policy is considered to be consistent.
Transport	CS23 and CS24 of CSDPD	Consistent
Sustainability	CS10 and CS12 of CSDPD	Consistent
SPA	SEP Saved Policy NRM6, CS14 of CSDPD	Consistent
Trees, biodiversity and landscaping	Saved policy EN1, EN2 and EN3 of BFBLP, CS1 of CSDPD.	Consistent
Supplementary Planning Documents (SPD)		
Thames Basin Heath Special Protection Area SPD		
Design SPD		
Parking Standards SPD		
Character Area Assessments SPD		

Other publications
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)
CIL Charging Schedule

9 PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of development
- ii. Impact on residential amenity
- iii. Impact on character and appearance of surrounding area
- iv. Impact on highway safety
- v. Biodiversity
- vi. Thames Basin Heath SPA
- vii. Community Infrastructure Levy (CIL)
- viii. Sustainability
- ix. Drainage/SuDS

i. Principle of development

9.2 The site is located within the Green Belt as defined by the Bracknell Forest Borough Policies Map. The site was formally defined as Green Belt Village as designated by the BFBLP, however following the adoption of the National Planning Policy Framework, the concept of Green Belt Villages is no longer recognised. Para 86 of the NPP states that "if it is necessary to prevent development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt".

9.3 The following policies are applicable to assessing the principle of development:

Site Allocations Local Plan:

9.4 SALP Policy CP1 refers to the presumption in favour of sustainable development as outlined within the National Planning Policy Framework (NPPF). SALP Policy CP1 states that the Council will act proactively and positively with applicants to seek solutions which mean that proposals can be approved wherever possible, and to improve the economic, social and environmental conditions within the area. Planning applications that accord with the policies in the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise.

Core Strategy Development Plan Document:

9.5 CSDPD Policy CS9 states that the Council will protect land outside settlements for its own sake, particularly from development which would adversely affect the character, appearance or function of the land and will protect the Green Belt from inappropriate development.

National Planning Policy Framework:

9.6 Section 9 of the NPPF clearly sets out the importance of Greens Belt land by the following paragraphs:

Para 87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Para 88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Para 89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

9.7 Annex 2 of the NPPF comprises a glossary which includes a definition of previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

Bracknell Forest Borough Local Plan:

9.8 Saved Policy GB1: Building in the Green Belt

Sets out that approval will not be given, except in very special circumstances, for any new building in the Green Belt unless it is acceptable in scale, form, effect, character and siting, would not cause road safety or traffic generation problems and is for one of the following purposes:

- construction of buildings for agriculture or forestry; or
- construction of buildings essential for outdoor sport and recreation or other uses of land which preserve the openness of the Green Belt; or
- construction of buildings essential for cemeteries; or
- replacement, alteration or limited extension of existing dwellings; or

- construction of domestic outbuildings incidental to the enjoyment of an existing dwelling.

9.9 Policy GB1 of the BFBLP is more restrictive than the NPPF as it does not contain the provision for limited or partial/complete redevelopment of PDL sites (as set out in para. 89 of the NPPF). Therefore, in accordance with para. 215 of the NPPF, full weight cannot be attached to the policy. However, the start of the policy (para 4.19) is considered to be consistent with the overall aims of the NPPF in referring to very special circumstances and consideration of impact upon scale, form and character upon the Green Belt.

Saved Policy GB3 - Residential development within Green Belt Villages

9.10 "Within the Green Belt Villages... there is a general presumption against the proposals for the erection of dwellings and other residential development except where such proposals constitute...infilling". As stated previously, 'Saved' BFBLP Policy GB3 is not consistent with the approach advocated by the NPPF in terms of the treatment of villages in the Green Belt. The NPPF states at para. 89 that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to certain exceptions (including limited infilling in villages) (5th bullet).

9.11 Whilst the NPPF does not define infilling, para 4.51 of the supporting text to 'Saved' Policy GB3 defines infilling as building on undeveloped single plots of land for residential purposes which closes existing small gaps in an otherwise built up frontage. The infill plot should be comparable in size and shape to those developed plots which adjoin the site, and must have an existing frontage to a suitable road. It goes on to state that when determining the character of a particular locality, matters such as density, siting relationships, design and external appearance should be considered.

9.12 Other considerations - 5 year housing land supply

The lack of a five year supply of deliverable sites is a material consideration (in relation to para. 49 of the NPPF and Policy CP1 of SALP together with para. 14 of the NPPF in relation to the presumption in favour of sustainable development). At present, the Council is unable to demonstrate a 5 year housing land supply (HLS).

9.13 As the site is located within the Green Belt, the main considerations are:

1. Whether the proposed development constitutes inappropriate development in the Green Belt;
2. The effect of the proposal on the openness of the Green Belt.

9.14 The construction of new buildings in the Green Belt should be regarded as inappropriate in principle, subject to certain exceptions (para. 89). The 2no. dwellings proposed are to be assessed separately in terms of principle of development and this is discussed below.

Plot adjoining The Nook

9.15 The site as existing comprises an existing building along with existing areas of hardstanding providing parking. It is therefore considered that some of the site can be deemed as PDL, (noting the NPPF definition of not assuming the whole of the curtilage should be developed). NPPF para. 89 (bullet 6) is considered to be applicable and refers to the 'partial or complete redevelopment of previously developed sites...which would not have a greater impact on the openness of the Green Belt'.

9.16 The footprint of the dwelling proposed adjoining the existing dwelling known as The Nook is shown indicatively to sit on a similar footprint to that of the existing building to be demolished. As such, the principle of a dwelling as a redevelopment of previously developed land is acceptable, subject to ensuring no greater impact results on the openness of the Green Belt.

9.17 Para. 79 of the NPPF indicates that 'openness' is an essential characteristic of the Green Belt. The term openness is not defined in the NPPF, however given the lack of definition; it could

reasonably be interpreted as the absence of built development. Openness can be harmed by (among other things) new built form, external storage, extensive hardstanding, car parking and boundary walls or fencing. Landscapes are very important to the openness and amenity of the Green Belt. The visual impact on landscape forms part of the consideration of harm, and is not just associated with views from public vantage points.

9.18 Further, when considering the impact on the openness of the green belt, the current extent of development on the site (the buildings), floor area, volume and height of the current buildings needs to be taken into account. If the cumulative increase in floorspace, volume and height of the development is increased, it is more likely to have a greater impact on the openness of the Green Belt and is more likely to affect the purpose of including the land within the Green Belt.

9.19 As the applicant has submitted an outline application with all matters reserved except for access, no real assessment can be made in relation to whether the proposed dwelling adjoining The Nook would have a greater impact on the openness of the Green Belt as no details have been submitted in relation to proposed floor area and height of the dwelling. Such matters would be assessed as a future reserved matters submission. As such, the principle of 1no. dwelling on previously developed land (where the existing building is located) is acceptable in principle, subject to ensuring no greater impact on the openness of the Green Belt and this would be assessed at reserved matters stage.

Plot adjoining 10 Aston Cottages

9.20 The dwelling proposed adjacent to 10 Aston Cottages would be sited on an area of existing hardstanding which was utilised for car parking connected to the former use of the building as a pub/restaurant.

9.21 This plot would constitute an infill site as the proposed dwelling would be sited on a gap between the existing building (to be replaced by the other new dwelling) and the existing dwellings to the east at Aston Cottages. This part of the site is not considered to be PDL as the land is currently laid to hardstanding for parking. The dwelling would front onto the highway on Lovel Road and would close the gap in an otherwise built up frontage. As such, the dwelling proposed would be acceptable in principle as an infill plot in accordance with para 89 of the NPPF, subject to preserving the openness of the Green Belt.

9.22 Infilling by its very nature would have some degree of impact on the openness of the Green Belt by developing single plots of land for residential purposes where gaps exist in otherwise built up frontages. However, the degree of impact to the openness of the Green Belt, and therefore its acceptability, would be measured by factors including the siting, scale, bulk and mass of the proposed dwelling.

9.23 Again, as this an outline application with all matters reserved except for access, no real assessment can be made in relation to whether the proposed infill dwelling would have a greater impact on the openness of the Green Belt as no details have been submitted in relation to proposed floor area and height. Such matters would be assessed as a future reserved matters submission. Officers consider that an appropriately scaled and designed dwelling could be successfully accommodated on this part of the site. The principle of this dwelling as in infill development is therefore acceptable in principle, subject to ensuring no greater impact on the openness of the Green Belt and this would be assessed at reserved matters stage.

9.24 As such, the redevelopment of the site for 2no. dwellings is acceptable in principle, partly as PDL and partly infilling. This policy approach is the same as that taken on the redevelopment of the Cinnamon Tree, Maidens Green, Winkfield (LPA ref: 16/00156/FUL). This was supported at appeal where an existing restaurant (A3 use) was proposed to be demolished and 2no. dwellings allowed on appeal in its place. As such, subject to factors including size, height, bulk and mass of

the 2no. proposed dwellings which would be assessed at reserved matters stage, the proposal is acceptable in principle subject to no greater impact on the openness of the Green Belt.

ii. Residential amenity

9.25 As the applicant has submitted an outline application with all matters reserved except for access, no real assessment can be made in relation to the impact on residential amenities of neighbouring properties from overlooking, loss of daylight, overbearing impact until the submission of reserved matters.

9.26 Any future reserved matter submissions would have to take into account matters including but not limited to:

- Ensuring any windows do not result in overlooking to adjoining dwellings;
- Ensuring there is no undue loss of daylight to windows serving habitable rooms when assessed in accordance with the BRE Standards.

iii. Impact on character and appearance of surrounding area

9.27 The site is located in a character area – Area B4 – Lovel Road, Northern Villages as identified in the Council's Character Area Assessments SPD (2010). The SPD identifies the area as having building lines that are generally consistent;

- a development form that varies, with predominately detached houses;
- no consistent architectural approach, with many plots having been developed at different times, townscape character of ribbon development with houses on both sides of the road;
- small to medium scale plots, becoming larger in modern development;
- varied plot and development patterns; and
- slightly tighter sense of enclosure than other settlements.

The recommendations of the SPD for the area allow for a variation in architecture, although existing building lines should be maintained and boundary treatments provided.

9.28 This is an outline application with all matters reserved, with the exception of access and therefore the assessment of the impact of the development on the character and appearance of the area is limited as detailed matters relating to appearance, landscaping, layout and scale would be assessed at reserved matters stage.

9.29 An illustrative layout plan has been submitted for the 2no. dwellings proposed, with a central access point leading to a parking area to the rear of the site serving the proposed dwellings.

9.30 The 2no. dwellings would project beyond the front building lines of the adjoining dwellings to the east and west, however they would follow a similar building line to that of the existing building on site which currently projects beyond the front elevations of adjoining dwellings. The dwellings would be frontage development, facing onto the highway, with private amenity space proposed to the rear. This would be in keeping with the existing pattern of development in the locality.

9.31 The illustrative layout plan shows that there would be a 3m separation distance to the eastern boundary of the site, between 0.6m and 1m separation distance to the western boundary of the site and a 7m separation distance between the 2no. proposed dwellings. These separation distances would allow views between the proposed dwellings and adjoining dwellings to the east and west, onto the open land to the rear of the site. A rear garden of 6m deep by 14.8m wide for the eastern plot and rear garden of 7m deep by 12.8m wide for the western plot are shown

indicatively at this stage. The existing pair of semi-detached dwellings to the east have rear gardens of between 5m and 7m deep and therefore the size of the rear gardens to serve the proposed dwellings would not be dissimilar to that seen in the immediate area. An access drive and on-site parking/turning is also shown indicatively to be accommodated on site. As such, the proposed dwellings would not result in an overdevelopment of the plot on the basis of these dimensions being maintained at reserved matters stage.

9.32 With regard to design, due to the nature of the application elevation drawings have not been provided. In the event of the submission of a reserved matters application, the design of the dwellings (including materials) should reflect that seen elsewhere in the street scene and in line with the recommendations made in the Council's Character Area Assessments SPD and Design SPD. The use of conditions to secure appropriate control over materials, slab level and means of enclosure would ensure that a development of suitable appearance of development could be secured.

9.33 It has been confirmed by the planning agent that the heights of the proposed dwellings would not exceed those of neighbouring dwellings, which are predominately two storeys high, although it is noted that some dwellings in the area have extended into the roofspace with the addition of rooflights. The dwellings within the immediate area are predominately two storeys high and therefore subject to the dwellings being similar in height to adjoining dwellings, this would be acceptable. This would however be assessed as part of the scale of the development at reserved matters stage.

9.34 The proposal is not be considered to result in adverse harm to the character and appearance of the area subject to the proposed dwellings being acceptable in terms of appearance, landscaping, layout and scale which will be assessed at the reserved matters stage. It would therefore not be contrary to CSDPD CS7, Saved Policy EN20 of the BFBLP and the NPPF.

iv. Transport

Access

9.35 These two new dwellings would take access off the A330 Lovel Road which is subject to a 30mph speed limit. There are some time-limited parking restrictions to restrict on-street parking during school drop-off and pick-up periods.

9.36 A shared vehicular access would be provided slightly to the west of the existing pub/restaurant car park access. Sight-lines of 2.4m by 43m can be achieved to either side of this access in line with the speed limit. Vehicles would be able to turn on-plot to exit onto this classified road in a forward gear for highway safety. An access serving two houses would generate much less traffic than the previous pub/restaurant, and as such, the proposed access would be acceptable.

9.37 A dropped kerb access is proposed which is appropriate for access to two houses; and this access measures off the drawing as 5.8m wide, and this should enable two cars to pass at the access off Lovel Road before reducing to 4m. Originally a wide bellmouth access was proposed which was considered unnecessary for the scale of development proposed (2no. dwellings) and therefore the design of the access was revised to dropped kerb access.

9.38 There is an extended dropped kerb across the eastern part of the frontage which serves the car park serving the building. Given the proposed access would be sited in a central position to serve both dwellings, the remaining part of the existing dropped kerb should be reinstated to ensure there is only 1 shared vehicular access onto Lovel Road which is a classified road. This can be secured by condition.

9.39 Acceptable pedestrian paths to the front doors of the properties and to the side/rear for access to bin storage, cycle parking, and car parking are shown.

Parking

9.40 2no. parking spaces for each dwelling are proposed which would comply with the Council's Parking Standards SPD for 2 or 3 bed dwellings. It has been confirmed by the planning agent that the dwellings would have no more than 3 bedrooms.

9.41 The parking layout shows 2no. tandem spaces per dwelling and while the Council accepts such a layout; a layout providing individually accessible parking spaces should be considered as part of any reserved matters application.

9.42 Cycle parking which is covered and secure is required in line with the parking standards. This would be secured at reserved matters stage.

Trips

9.43 Two new dwellings are likely to generate 12 two-way trips per day, and this would be much lower than the trips generated by the previous pub/restaurant.

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

v. Biodiversity

9.45 A phase 1 ecological survey was submitted with the application which concluded that a further survey was required in relation to bats. This survey was submitted in June 2018 and was undertaken to an appropriate standard. The report concluded that the risk of bats being affected by the proposal is minimal and as such bats and other protected species are unlikely to be affected by the proposal.

9.46 Subject to the imposition of conditions, including the provision of bat and bird boxes, the proposal would not adversely impact upon biodiversity and would be in accordance with Policies CS1 and CS7 of the CSDPD and the NPPF.

vi. Thames Basin Heath Special Protection Area (SPA)

9.47 The site lies between 5km and 7km from the SPA and the proposal is for fewer than 50 dwellings. As such, the proposal does not require SPA mitigation or the carrying out of an appropriate assessment under the Habitats Regulations.

vii. Community Infrastructure Levy (CIL)

9.48 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.

9.49 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 application is an outline permission with all

matters reserved except for access. The proposal would be CIL liable, however this would be dealt with at reserved matters stage.

viii. Sustainability

9.50 Policy CS10 of the CSDPD requires the submission of a Sustainability Statement demonstrating how the proposals meet current best practice standards and covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day. No such statement has been submitted in support of the application, therefore in the event of an approval a condition will be recommended requiring the submission of a Sustainability Statement.

9.51 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. No such assessment has been submitted in support of the application, therefore in the event of an approval a condition will be recommended requiring the submission of an Energy Demand Assessment.

ix. Drainage

9.52 The application site is located within Flood Zone 1. A condition is recommended to ensure that the hard surfaced areas proposed for access and on-site parking/turning are SuDS compliant.

10. CONCLUSIONS

10.1 The redevelopment of the site for 2no. dwellings is acceptable in principle, as the site comprises PDL and the proposal is for infilling and subject to it having no greater impact on the openness of the Green Belt. Other factors including size, height, bulk and mass of the proposed new dwellings would be assessed at reserved matters stage to ensure that the new dwellings did not have a greater impact on the openness of the Green Belt and were of appropriate scale and design.

10.2 The proposal is not be considered to result in adverse harm to the character and appearance of the area or the residential amenities of neighbouring properties subject to the proposed dwellings being acceptable in terms of appearance, landscaping, layout and scale which will be assessed at the reserved matters stage.

10.3 No adverse highway safety implications would result. Relevant conditions will be imposed in relation to highway safety, biodiversity and sustainability. the application is therefore recommended for approval.

11. RECOMMENDATION

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

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

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

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

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

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

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

4. The development hereby permitted shall be carried out only in accordance with the following approved plan received by the Local Planning Authority on 20 April 2018:

Drawing no. 3000 Rev 03

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

5. No development shall commence 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 Saved Policy EN20, Core Strategy DPD Policy CS7]

6. No development shall commence until details showing the finished slab levels of the buildings hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

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

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

7. 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]

8. No dwelling shall be occupied until part of the existing access to the site 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/verges shall be retained thereafter.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

9. The dwellings hereby permitted shall have a maximum of 3 bedrooms each.

REASON: To ensure adequate parking provision is provided.

[Relevant Policies: BFBLPM9, CSDPD CS23]

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

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

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

REASON: In the interests of amenity and road safety.

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

11. 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]

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

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

[Relevant Policy: Core Strategy DPD CS10]

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

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

[Relevant Policy: Core Strategy DPD CS12]

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 by the Local Planning Authority.

REASON: In the interests of nature conservation.

[Relevant Plans and Policies: CSDPD CS1]

15. No development shall commence until a scheme for the provision of bird and bat boxes (and other biodiversity enhancements), including a plan showing the location of these enhancements, has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved scheme and therefore retained as such.

REASON: In the interests of nature conservation.

[Relevant Plans and Policies: CSDPD CS1]

Informatives

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

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

1. Submission of reserved matters
2. Time frame
3. Time frame
4. Approved plans
9. Bedroom numbers
11. SuDS compliant
14. Site clearance

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

5. Materials
6. Slab level
10. Site organisation
12. Sustainability statement
13. Energy demand assessment
15. Bat and bird boxes

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

7. Vehicular access
8. Reinstatement of access

3. The street care team should be contacted at Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 352000, to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks notice to obtain details of underground services on the applicant's behalf.

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ITEM NO: 8

Application No.
18/00566/FUL
Site Address:

Ward:
Warfield Harvest Ride

Date Registered:
29 May 2018

Target Decision Date:
24 July 2018

**Manor Farm House Binfield Road Binfield Bracknell
Berkshire RG42 4LX**

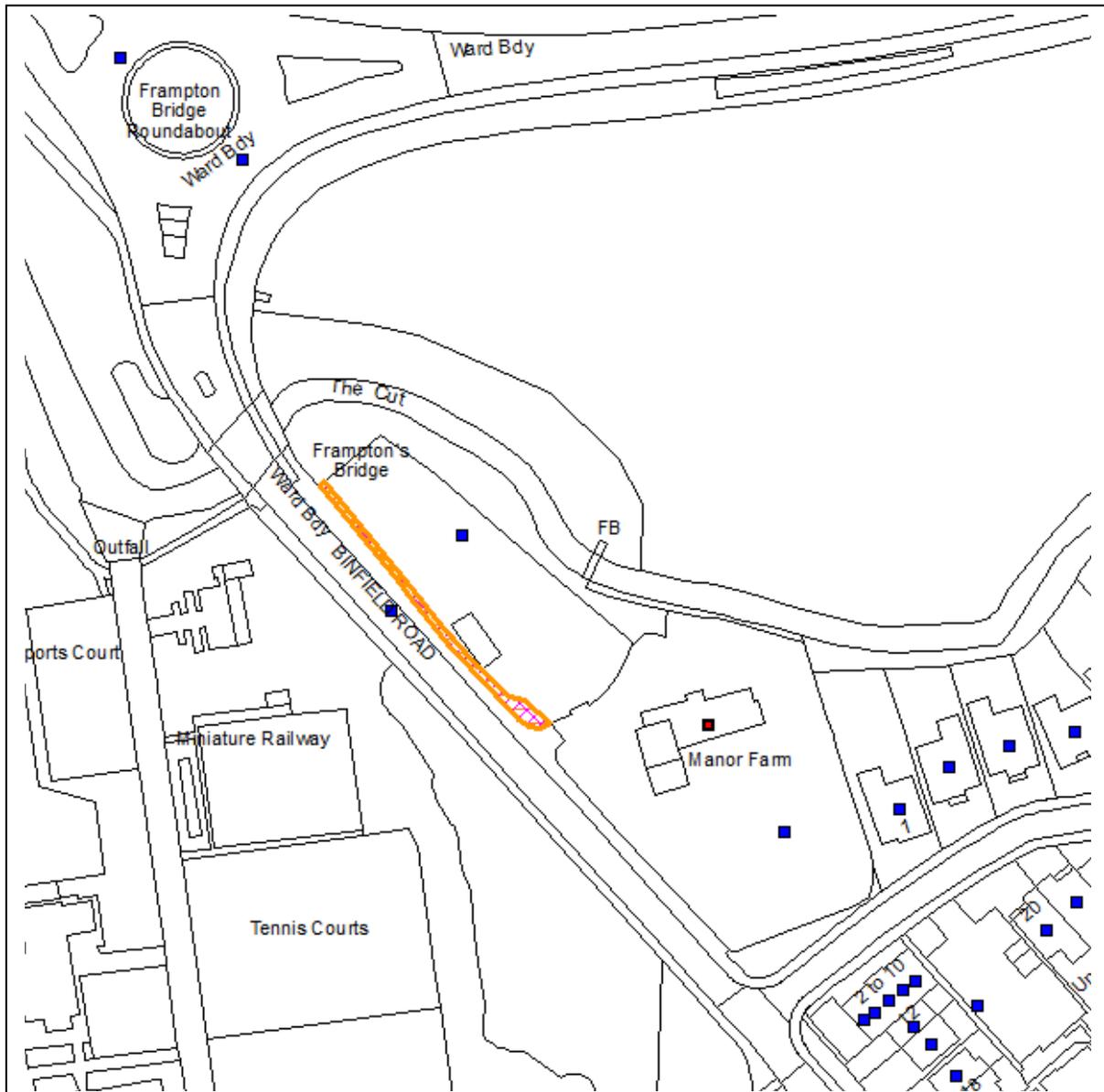
Proposal: **Erection of 1.8m high timber weave panel boundary fence.**

Applicant: Mr B Lewis

Agent: Mr N Griffin

Case Officer: Shannon Kimber, 01344 352000
development.control@bracknell-forest.gov.uk

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



1. SUMMARY

- 1.1 The proposal is for the erection of a 1.8 metre high timber palisade fence running for 61 meters along the south-western boundary of the application site, fronting Binfield Road.
- 1.2 It is considered that the proposed fence would detract from the setting of the Listed Building of Manor Farm House, it would result in an unduly prominent and urbanising feature that is incongruous in the streetscene and would have a detrimental impact on highway safety.

RECOMMENDATION

Planning permission should be refused.

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

- 2.1 The application is to be considered by the Planning Committee at the request of Cllr Leake for reasons including the changed character of this length of Binfield Road in the light of recent developments and the variety of fencing types in the immediate locality.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within settlement boundary (although the fence would be on the boundary between the extended settlement boundary and land outside of the defined settlement).

- 3.1 Manor Farm House is a Grade II Listed Building originally built in the early 18th Century. It is set in its own extensive grounds with a semi-rural character, towards the northern outskirts of the defined settlement of Bracknell. The property is accessed from Binfield Road, which is an ancient highway and a classified 'B' road (B3018).

4. RELEVANT SITE HISTORY

- 4.1 18/00153/FUL
Erection of 1.8m timber palisade boundary fence.
Refused May 2018
- 4.2 606516
Erection of a front boundary wall. GRADE II LISTED BUILDING
Approved 1982

5. THE PROPOSAL

- 5.1 The proposal is for the erection of a 1.8 metre high timber palisade fence. It would be erected on the south-western boundary of the application site, along a section between the main entrance and running north-west to Frampton's Bridge. The proposed fence would have a length of 61 metres and would front Binfield Road.
- 5.2 The design of the proposed fence has been amended from the originally submitted design. It was proposed to be a weave panel fence, it is now proposed to be a palisade style fence. The height, length and positioning has not been amended. The proposed scheme is now the same as the proposal refused under 18/00153/FUL.

6. REPRESENTATIONS RECEIVED

Warfield Parish Council:

- 6.1 Warfield Parish Council commented on the application and raised no objections.

Other Representations:

- 6.2 An objection comment has been received, which states that the proposed fence should be to the western side of the pipe ditch as this is historically here the fence has been.
- 6.3 No other representations have been received, as yet, although the statutory time period following the posting of the Site Notice expires on the 12th July.

7. SUMMARY OF CONSULTATION RESPONSES

Highway Authority:

- 7.1 The Highway Authority (HA) has been consulted. They object to the proposed development on highway safety ground and recommend refusal.
- 7.2 **The Heritage and Conservation Officer has also been consulted. No comments have yet been received; the end of the statutory period is the 16th July.**
- 7.3 No other statutory or non-statutory consultations have been required.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
General policies	CS2 of the CSDPD	Consistent
Design	CS7 of the CSDPD,	Consistent
Amenity	'Saved' policy EN20 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
Listed Building	CS1 of the CSDPD	Consistent
Supplementary Planning Documents (SPD)		
Design Supplementary Planning Document 2017		
Streetscene Supplementary Planning Document 2011		
Other publications		
National Planning Policy Framework (NPPF)		
Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)		

9. PLANNING CONSIDERATIONS

- 9.1 The key issues for consideration are:
- i. Principle of Development
 - ii. Impact on the setting of the Listed Building
 - iii. Impact on Character and Appearance of Surrounding Area
 - iv. Transport and Highways Considerations
 - v. Impact on Residential Amenity
 - vi. Community Infrastructure Levy

i. Principle of Development

- 9.2 The application site is located within a defined settlement as designated by the Bracknell Forest Borough Polices Map. Due to its location and nature, the proposal is considered to be acceptable in principle and in accordance with CSDPD CS1 (Sustainable Development), SC2 (Location Principles) and the NPPF subject to no adverse impacts upon character and

appearance of the host dwellinghouse and surrounding area, residential amenities of neighbouring properties, highway safety, impact on the setting of a listed building etc. These matters are assessed below.

ii. Impact on the setting of the Listed Building

9.3 The section below is subject to change as the comments have yet to be received from Jon Mullis.

9.4 While the fencing is not strictly considered to be within the curtilage of the Listed Building, it does affect the setting of the Listed Building.

9.5 CSDPD Policy CS1 requires development to protect and enhance the historic and cultural features of acknowledged importance. CSDPD Policy CS7 states that development proposals will be permitted which respect the historic environment.

9.6 These policies are considered to be consistent with the objectives set out within the NPPF, which states that heritage assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

9.7 Section 12 of the NPPF refers to conserving and enhancing the historical environment. Para. 126 of the NPPF states that the local planning authority should take into account the desirability of sustaining and enhancing the significance of heritage assets, and recognise the wider benefits that the conservation of the historic environment can bring.

9.8 Para. 132 of the NPPF states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration to the heritage asset, and any harm to a grade II listed building should only be allowed under exceptional circumstances. Para. 133 of the NPPF states that where a proposal would lead to substantial harm to a designated heritage asset, local planning authorities should refuse permission, unless it could be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm. Para. 137 of the NPPF states that preserve the setting of heritage assets and/or make a positive contribution to or better reveal the significance of the asset should be treated favourably.

9.9 It is clear that the fence is on land historically attached to the Listed Building which contributes to its historic significance as an agricultural estate centre.

9.10 The Principal Heritage Advisor has been consulted on the proposal and considers that the close-boarded fencing does affect the setting of the Listed Building. The fence detracts from the significance of the Listed Farmhouse, which is a historic agricultural estate centre, by introducing a suburban boundary treatment into the setting thereby making the significance of the building less legible. In particular by introducing an incongruous element streetscene it does not preserve the setting of the Listed Building.

9.11 Whether the fence causes substantial harm or less than substantial harm is a matter of judgement. Substantial harm, under paragraph 132 of the NPPF, would be wholly exceptional and should be refused; less than substantial harm would require that the proposal is balanced against public benefits, including any benefits to the heritage asset, under paragraph 134.

9.12 It is considered that the harm is 'less than substantial', however there appear to be no public benefits from the development. As such, and in terms of the statutory duties of the Planning Listed Buildings and Conservation Areas Act 1990, giving considerable importance and

weight to the desirability of preserving the setting of the Listed Building, the Principal Heritage Advisor is of the view that the application be refused.

9.13 This approach is consistent with that taken by the Local Planning Authority in the consideration of the Enforcement Notice, the subsequent dismissed appeal and previously refused planning application (reference 18/00153/FUL). In para.10 of the appeal decision APP/R035/C/17/3176803, the Inspector considered that the 'stark sub-urban character of the fence inevitably causes detriment to the setting of the listed building'.

9.14 It is therefore considered that the development would result in an adverse impact on the setting of the listed building. The development is therefore contrary to CSDPD Policies CS1 and CS7, and the NPPF.

iii. Impact on Character and Appearance of Surrounding Area

9.15 As mentioned in section 3 above, the application site is considered to have a semi-rural character. While it is located in defined settlement, it immediately borders land outside the defined settlement. The proposed fence would be highly visible within the streetscene. The extensive planting fronting the highway makes a major contribution to the semi-rural character of Binfield Road. Before the unauthorised fence (recently taken down) was built there was a significant green buffer between the road and the previous fence line which contributed significantly to the local character. This application does not allow space for any planting to be retained or freshly planted between the road and the fence line which would have a significant impact on the streetscene.

9.16 As such, the siting of 1.8 metre timber fencing without any set-back from the public highway, is considered to result in an appearance that is incongruous to the area. This is supported by para. 5 of appeal decision APP/R035/C/17/3176803, in which the Inspector concluded that the area is influenced by its leafy appearance, and the development has (and would continue to have) a significant detrimental urbanising effect on the character of Binfield Road.

9.17 It has been suggested to the agent that the proposed fence should be sited at least 2 metres from the edge of the property. There is existing mature vegetation which would soften the impact of some of the fencing.

9.18 The Design SPD sets out guidelines of appropriate design scheme. Page 18 of the Design SPD states that boundary treatment should be consistent within each street and reflect the local character. Page 16 of this document further states that frontages should be designed to create a streetscene with a distinctive character that relates to the context of the area. In view of the above, it is considered that the development would be contrary to the aims of the Design SPD.

9.19 The character of an area is informed by a variety of factors including boundary treatments and landscaping. The resulting streetscene should be in keeping with the existing character. The proposed fence would significantly harm the character of the area by its suburbanising impact on the streetscene. The Streetscene SPD states that when designing new streetscenes, consideration needs to be given to the context and character that is to be created. The proposed fence is considered out of keeping with the verdant nature of this section of Binfield Road.

9.20 It is acknowledged that there are examples of timber fences within the surrounding area, most notably at the entrance to Elen Place, a newly built residential road to the south of the application site. However these fences have been set back from the highway and are partially screened by vegetation.

9.21 The applicant has claimed that a fence is required for the security of the property. It is acknowledged that the applicant has a right to some form of boundary enclosure to their property for the purpose of security. However, the previous boundary treatments along this section of the site have been notably set back from the highway, with intervening planting providing visual softening. There is nothing before the Local Planning Authority to suggest why this could not be achieved while still achieving an acceptable level of security.

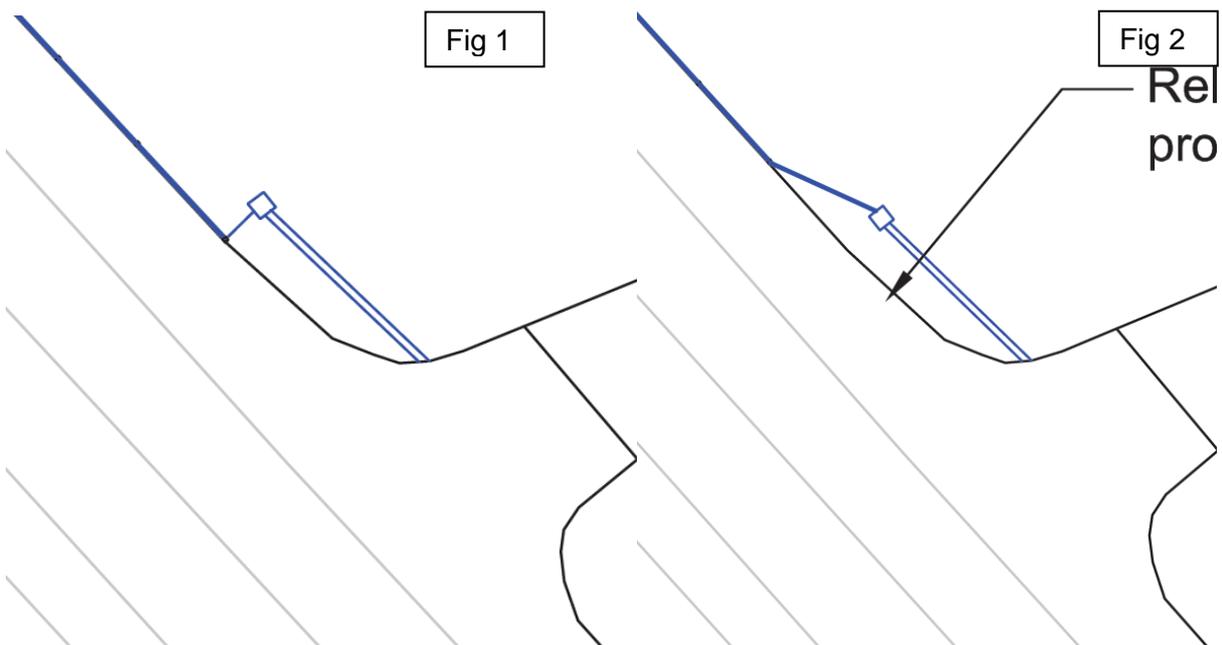
9.22 As such, the proposal is considered to have an adverse impact on the character and appearance of the surrounding area. It would therefore be contrary to 'Saved' policy EN20 of the BFBLP, Policy CS7 of CSDPD, the Design SPD, the Streetscene SPD and the NPPF.

iv. Transport and Highways Considerations

9.23 The fence line as existing is considered to have an adverse impact on highway safety through the restriction to visibility from vehicles egressing the site. In para. 12 of the appeal decision APP/R035/C/17/3176803, the Inspector concluded that while it is not possible to judge what the visibility through the roadside vegetation would have been prior to the installation of the fence, the introduction of the 1.8 metre high solid timber structure would have a detrimental impact on visibility, and therefore on highway safety.

9.24 The proposed fence would have a section (3 metres in length) set at an angle between the existing set back (by 1.2 metres) section of fence immediately to the north-west of the vehicular entrance and the fence directly adjacent to the highway. The Highway Officer has been consulted on the proposed works and advises that the resulting fence line would still restrict visibility to the north for vehicles egressing the property, particularly in respect of cyclists using the shared footway and cycle path. As a consequence, the fence line would need to be splayed over a longer distance to achieve acceptable visibility.

9.25 Fig 1 demonstrates the existing position of the fence, fig 2 demonstrates the extended set-back position of the proposed fence. It is considered that the limited set-back proposed does not address the previous concerns that have been raised, both by the Local Planning Authority and the Inspector for appeal APP/R035/C/17/3176803.



9.26 Binfield Road is ancient highway. Previously the boundary of Manor Farm House included an open-boarded/ranch style fence, which was set-back from the footway/cycle-way behind a line of trees. This intervening land between the footway/cycle-way and the site boundary is taken to be highway land; and therefore this fence directly adjacent to the footway/cycle-way has enclosed highway.

9.27 The position of the existing wall which wraps around the access to Manor Farm House; and is set-back around a metre from the footway/cycle-way, is an indication of the highway boundary. Also, the highway works for the development of Elen Place include highway demarcation of a highway verge behind the footway/cycle-way, within the highway boundary. Following the alignment of the highway verge northwards past Manor Farm House provides further evidence that the fence has enclosed highway land.

9.28 Binfield Road is a local distributor road providing a key route for this part of Bracknell; and the Council is currently investigating cycle improvements along this route. This highway land on the eastern side of Binfield Road, which has been enclosed by the fence, is expected to be required to assist with future cycle schemes.

9.29 It is considered that the proposed development would result in an adverse impact on highway safety. It would therefore be contrary to CSDPD Policy CS23 and the NPPF.

v. Impact on Residential Amenity

9.30 In view of the siting and nature of the proposed development, it is not considered that it would result in any adverse impact on the amenities of neighbouring occupants, in respect of any loss of light or privacy impacts. The nearest residential properties to the application site are those within Elen Place to the south-east, from which the development is not directly visible.

9.31 It is therefore considered that the development does not result in an adverse impact on the amenity of neighbouring properties, in accordance with BFBLP 'Saved' Policy EN20, the Design SPD, and the NPPF.

vi. Community Infrastructure Levy (CIL)

9.32 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 development is not for the implementation of a net increase in dwellings, this application will not be liable for a charge.

10. CONCLUSIONS

10.1 It is considered that the proposed development would have a detrimental impact on the setting of the Grade II Listed Building of Manor Farm House. The proposed fence would also be a highly visible and incongruous suburban feature in the streetscene, to the detriment of the character and visual amenities of the area. Furthermore, it is considered that the development would result in an adverse impact on highway safety through restricting visibility for vehicles egressing the site on to a classified 'B' highway.

10.2 The development is therefore contrary to Development Plan Policies CSDPD Policies CS1, CS7 and CS23, BFBLP 'Saved' Policy EN20, the Design SPD, the Streetscene SPD and the NPPF.

10.3 Notwithstanding the above, the development is not considered to result in an adverse impact on the amenities of neighbouring properties, in accordance with BFBLP 'Saved' Policy EN20,

and the NPPF. However this is not considered to outweigh the fact that the development results in the above identified harm.

10.4 The application is therefore recommended for refusal.

11. RECOMMENDATION

11.1 The application is recommended to be **REFUSED** for the following reasons:-

01. The development by way of its urbanising and incongruous appearance detracts from the setting of the Listed Building of Manor Farm House, thereby reducing the significance and desirability of this Heritage Asset. The development is therefore contrary to Policies CS1 and CS7 of the Core Strategy Development Plan Document, the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and the National Planning Policy Framework.
02. The development results in an unduly prominent and urbanising feature that is incongruous in the streetscene of Binfield Road, and therefore detracts from the established character of the area. The development is therefore contrary to 'Saved' Policy EN20 of Bracknell Forest Borough Local Plan, Policy CS7 of the Core Strategy Development Plan Document, the Design Supplementary Planning Document, the Streetscene Supplementary Planning Document and the National Planning Policy Framework.
03. The development would result in a reduction in visibility to the north for vehicles egressing the site, particularly in respect of cyclists utilising the shared footway and cycle path. The development therefore results in an adverse impact on highway, particularly as Binfield Road is a classified 'B' highway, and is contrary to Policy CS23 of the Core Strategy Development Plan Document, and the National Planning Policy Framework.

11.2 Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the development and notifying the applicant. However, the issues are so fundamental to the development that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.
02. This refusal is in respect of the following plan:
Site Location Plan, Existing and Proposed Block Plan, and Proposed Elevation, Drawing reference: 18-011 PL-01 Rev F, Received 11.06.2018
03. It is noted that the proposed development would be acceptable if it were to be set back from the south-western boundary of the application site by a minimum of 2 metres and a planting scheme be screening being provided.

Doc. Ref:

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

PLANNING COMMITTEE
19th. July 2018

CONFIRMATION OF TREE PRESERVATION ORDER (TPO) 1277
Land at Iron Duke Close, Copenhagen Walk and Goldsmiths Way; including 27
& 35, Crowthorne - 2018
(Director of Environment, Culture & Communities)



1. PURPOSE OF DECISION

- 1.1 The Council has reviewed & revoked an old TPO whilst at the same time making a new 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. A representation has been made to the Council in respect of the new TPO 1277 and the issues raised 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 it's 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. TPO 1277 protects specific trees within Iron Duke Close, Copenhagen Walk and Goldsmiths Way. Certain parts of these sites were previously protected by an 'Area' TPO (TPO 129) made in 1983 and which covered an area prior to the development of Iron Duke Close, Copenhagen Walk & Goldsmiths Way. Further to development, trees within a small area at the rear of properties in Iron Duke Close were protected in 2015 by TPO 1194.

4.2. In the lead-up to this TPO, planning application 18/00026/TRCA was a notification to remove a Birch in a strip of amenity land adjoining the entrance of Iron Duke Close. This tree was not protected by either TPO's 129 or 1194. The tree however, was within the 'Church Street' Conservation Area (CA). As the tree is within a CA, the Planning Authority can as a matter of procedure, either 'not object' to the proposal or if

(after assessment) it was considered to have amenity value, it could formally protect the trees by making a TPO. An assessment indicated that the Birch (and other trees within the old TPO 129) to be of sufficient amenity impact to warrant protection; subsequently Tree Preservation Order 1277 was made on 19th. April 2018.

- 4.3. Simultaneously, the now redundant TPO 129 was formally revoked.
- 4.4. At the same time as notification 18/00026/TRCA, an application (18/00025/TRTPO) was made to prune trees that the applicant presumed to be protected by TPO 129 (but that were actually protected by TPO 1194).
- 4.5. TPO 1277 protects the following: -

T1	Maple	
T2	Whitebeam	
T3	Oak	
T4	Oak	All in front of 16 – 45 Copenhagen Walk; bordering Sandhurst Road
T5	Oak	
T6	Oak	
G1	2 x Birch 2 x Holly	Fronting Sandhurst Road
G2	2 x Pine 1 x Oak 1 x Beech	Rear of 1 – 5 Copenhagen Walk
G3	1 x Poplar 1 x Beech (Multistem) 1 x Prunus (Purple Plum)	Rear of 37 – 40 Copenhagen Walk & front of 35 Goldsmith Way
G4	1 x Oak 1 x Beech	Side of 37 – 40 Copenhagen Walk & 44 Goldsmith Way
G5	1x Oak 1 x Maple	Flank of 19 Goldsmith Way

- 4.6. 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.

- 4.7. 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.
- 4.8. 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.
- 4.9. 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.
- 4.10. 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. At the same time as notification 18/00026/TRCA, an application (18/00025/TRTPO) was made to prune trees that the applicant presumed to be protected by TPO 129 (but that were actually protected by TPO 1194).
- 5.2. One representation was made by a resident in Iron Duke Close. The content of the representation required a detailed response that was effectively clarification on a number of presumptions and lack misunderstanding of the planning process (see Appendix).
- 5.3. The issues raised as part of the representation to this TPO relate to: -
- Confusion in the interpretation of Conservation Area maps on the Council website
 - Misunderstanding about the protected status of trees within a Conservation Area
 - The expediency of the Council’s response to a notification to remove a tree within a Conservation Area
 - Clarification if Holly is regarded as a tree
 - Concerns that TPO 1277 will prevent routine maintenance

6. CONSIDERATION OF ISSUES

- 6.1. To aid the Planning Committee in understanding the scope of the issues raised by the representation and to aid its Members in understanding the Council’s explanation on these issues, the Council’s detailed response is included in the Appendix to this report.
- 6.2. 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 trees to be in any way dangerous, hazardous or unsafe, that they seek independent professional advice.

7. SUPPORTING PLANNING INFORMATION

- 7.1. '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.
- 7.2. Policy CS 7 requires design to respect local character and enhance the landscape
- 7.3. 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

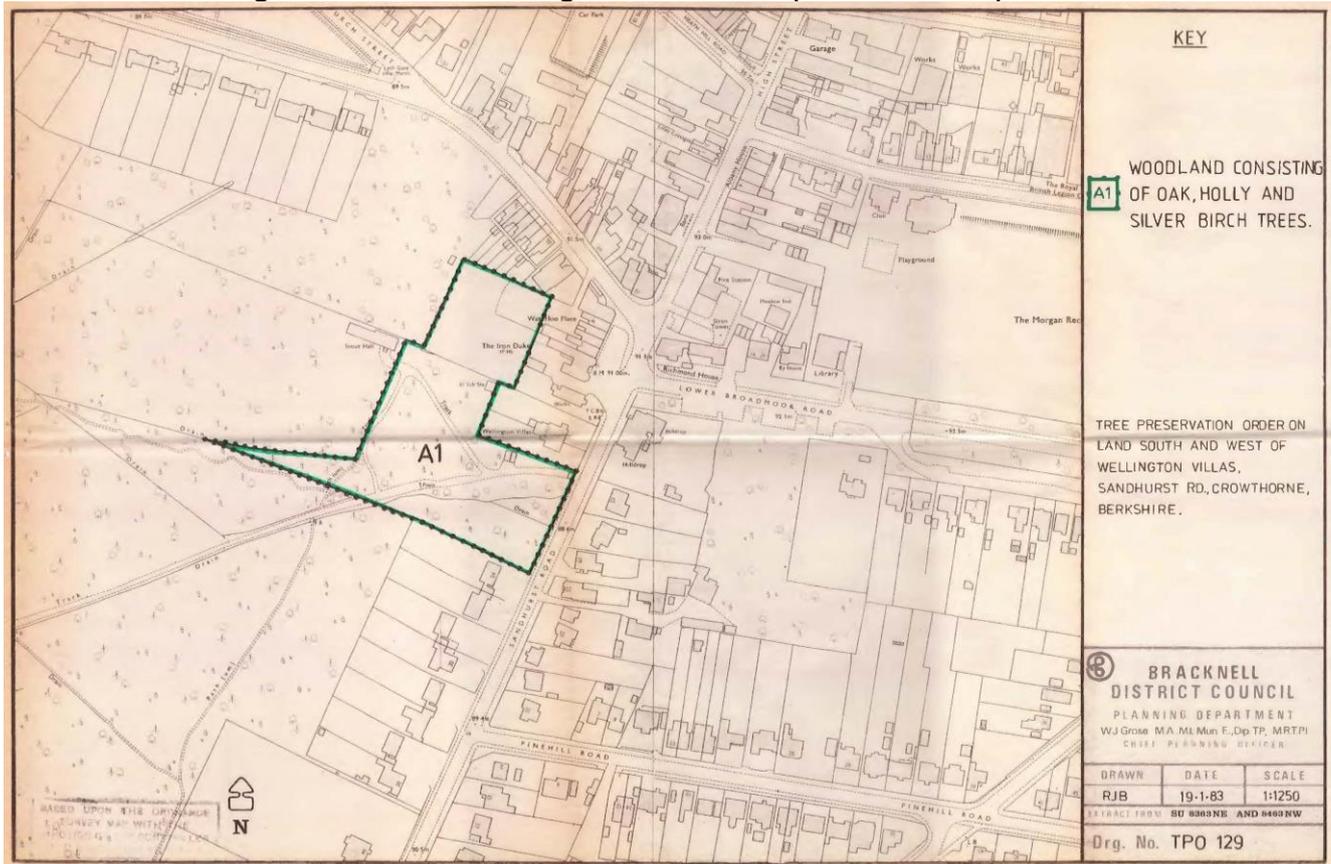
Signature: -

Name: - Andrew Hunter / Max Baker

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

APPENDIX

1. Plan showing extent of 'Area' designated TPO 129 (Revoked 2018)



2. Plan of TPO1277



3. Detailed response to correspondence lodged in respect of TPO 1277

Tree Enquiry Ref 1208077

Email clarification requested by Mr I Machin on 12/04/2018 in respect of TPO 1277 and Crowthorne Conservation Area

Text of the enquirer's communication followed by Tree Service response: -

The address is 8 Iron Duke Close, Crowthorne.
TPO129 x 2 Trees Pruning and Conservation Area x 1 Silver Birch to Fell.

My confusion lies between Maps of Conservation area boundaries and TPO Tree map boundaries and which is the latest most up to date version that I should be using.

When you look at Crowthorne Conservation Area maps on Bracknell Council website <https://www.bracknell-forest.gov.uk/planning-and-building-control/planning/conservation-areas/crowthorne-conservation-area>

there are approx. 6 different maps going back as far as late 1800's, 1939 and so on, - why list / show these if they have been changed / updated?

Answer – They are not variations of the current Conservation Area; they show the history behind the area and some of the considerations and deliberations made by the Planning Authority before determining the extent of the Conservation Area.

A tree I want to cut down it seems is within Conservation Area but not on TPO Map area having spoken to a neighbour.

Answer – The application 18/00026/TRCA was to remove a Birch within the Conservation Area (CA). At that time the Birch was not protected by Tree Preservation Order (TPO) 129 (since revoked).

As the tree was within a CA, the Planning Authority must as a matter of procedure, either 'not object' to your proposal, or if after assessment it was considered to have amenity value, it could formally protect the trees by making a TPO. Accordingly it created and served new Tree Preservation Order 1277 (which now protects the Birch and various other trees as listed in the TPO document).

I could have cut this tree down back in Feb 2018 as it was never in the Tree TPO area so I never needed to apply to work on it.

Answer – Although it was previously not protected by TPO 129 (or indeed by 1277), as it is within the CA, so you would still have had to give notification of your intention to remove the Birch and then the Planning Authority would have given it the same consideration mentioned in the paragraph above.

I still wait for Council to reply to my application to fell this tree - which is now beyond the statutory 6 week expiry date but still await the Council's reply.

Answer – By now you would have had a determination on your application to remove the Birch (18/00026/TRCA); that response was for the Planning Authority to serve TPO 1277. If you now want to prune or remove the Birch, then a new application is required.

The Council Website says if I haven't heard from them in this period I can carry out work I applied for but no more. If this is true, as the tree does not have a TPO on it could I legally cut it down tomorrow or am I likely to be fined for doing something illegal?

Answer – This question has been answered by responses given earlier in this letter. When you made your application to remove the Birch under protection afforded by the CA (18/00026/TRCA) the Planning Authority then had six weeks in

which to respond; that response would either be to 'not object' to your proposal, or formally protect the tree by making a TPO. I accept that the new TPO was served a couple of weeks after the expiry of the CA '6 week' period, but that does not invalidate the TPO.

It is all very unclear especially when website shows out of date maps to those that the Council may be referring to.

Answer – I accept that the layers of legislation and regulation make it complex; but the maps that you refer to are effectively 'working plans' that show the considerations made by the Planning Authority before it drew a (blue) line around the area that is now Crowthorne Conservation Area.

Can you also advise if a Holly is classified as a shrub (as it is in a number of gardening books) or a tree, as we fear the Council may classify it?

Answer – Holly is classified as a tree.

We have previously been told by the Council to maintain them but now fear they will put a TPO on them along with the Silver Birch I wish to fell.

Answer – The new TPO 1277 protects a number of trees; in Group 1 (G1) it identifies two Holly trees in the positions shown on the plan within to the TPO document. Before any work is carried-out to any tree identified in the TPO, an application must be made to the Council to obtain a grant of consent.

Pruning of protected trees, especially to abate a legal nuisance (e.g. low branches causing obstruction; blocking road signs; touching TV aerials etc.) is regarded by the Council as reasonable maintenance and any such application would not be unreasonably refused.

Your thoughts /comments re the official status of my applications and other requests (latest maps to refer to and Holly) is greatly appreciated.

Answer – Application 18/00026/TRCA (removal of the Birch) resulted in the making of a new TPO 1277 (a new application would now be required if you wanted to prune or remove the Birch).

Application 18/00025/TRTPO (to prune a Yew & Cherry, protected by TPO 1194) has also now been determined.

TPO 129 has now been revoked and replaced by new TPO 1277.

I trust that this response answers the questions above and inform you about legislative process.

**Mr Jan Polnik
Principal Tree Officer
Jan.polnik@bracknell-forest.gov.uk**