



NOTICE OF MEETING

Planning Committee

Thursday 11 October 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: 1 October 2018



Planning Committee
Thursday 11 October 2018, 7.30 pm
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 13 September 2018.

5 - 6

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 18/00655/OUT Beaufort Park, South Road, Wokingham, Berkshire RG40 3GD**
Outline application (including details of access) for demolition of existing office building ('Beaufort Park') and redevelopment of site for up to 68 dwellings, with associated parking, landscaping, highway improvements and ancillary works, accessed from South Road. (Resubmission of planning application 17/01123/OUT with additional information) 11 - 34
6. **18/00453/FUL Land To The North Of Church Lane and East Of Wellers Lane, Warfield, Bracknell, Berkshire**
Change of use of agricultural land to Suitable Alternative Natural Greenspace (SANG) with associated landscape works and the delivery of car parking spaces within an existing area of hardstanding. 35 - 52
7. **18/00538/FUL Hill Rise, 1 Heathway, Ascot, Berkshire SL5 8NX**
Erection of a 3no. bed detached dwelling following the demolition of existing garage and outbuilding. 53 - 66
8. **18/00600/FUL 56 Fordwells Drive, Bracknell, Berkshire RG12 9YL**
Erection of a part single storey part two storey rear extension following demolition of existing conservatory and installation of first floor side windows. 67 - 76
9. **18/00772/FUL Land Fronting 42, 43, 46 & 47 Ambassador, Bracknell, Berkshire RG12 8XP**
Change of use and formation of access road for car parking. 77 - 84
10. **18/00773/FUL 5 Cressida Chase, Warfield, Bracknell, Berkshire RG42 3UD**
Retention of single storey outbuilding. 85 - 90
11. **18/00834/3 Land Fronting The Avenue, Bull Square & High Street, Bracknell Berkshire**
Siting of seasonal outdoor street market stalls in The Avenue, Bull Square and High Street for a maximum period of 100 days in any one year (5 year temporary permission). 91 - 96

MISCELLANEOUS ITEMS

12. **CONFIRMATION OF TREE PRESERVATION ORDER (TPO) 1283, Land at 16 & 14 Wellington Drive, Bracknell - 2018** 97 - 106

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**PLANNING COMMITTEE
13 SEPTEMBER 2018
7.30 - 7.55 PM**

Present:

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

Apologies for absence were received from:

Councillors Finnie, Heydon and Worrall

30. Minutes

RESOLVED that the minutes of the meeting of the Committee held on 16 August 2018 be approved as a correct record and signed by the Chairman.

31. Declarations of Interest

There were no declarations of interest.

32. Urgent Items of Business

There were no urgent items of business.

33. PS 17/00805/FUL - Lavenir, Opladen Way, Bracknell

This item has been deferred and therefore withdrawn from the agenda

34. 18/00477/FUL - 19 Goaters Road, Ascot

Erection of a single storey outbuilding to be used as an annexe, ancillary to the main building.

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.
- The six objections received in response to the planning application as detailed in the agenda and supplementary papers.
- The eleven comments in support of the application as detailed in the agenda and supplementary papers.

RESOLVED that, following the completion of a S106 agreement for non-alienation of the outbuilding from the main dwelling, the Head of Planning be authorised to **APPROVE** the application subject to the following conditions:-

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

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

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

Site Location Plan, Received 03.05.2018

Block Plan, Received 03.05.2018

Annotated Block Plan, Received 03.05.2018

Proposed Floor Plan, Received 03.05.2018

Proposed North Elevation, Received 03.05.2018

Proposed East Elevation, Received 03.05.2018

Proposed South Elevation, Received 03.05.2018

Proposed West Elevation, Received 03.05.2018

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

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
11th October 2018**

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

		Case Officer	Reporting Officer
5	<p>18/00655/OUT Beaufort Park South Road Wokingham (Great Hollands South Ward) Outline application (including details of access) for demolition of existing office building (‘Beaufort Park’) and redevelopment of site for up to 68 dwellings, with associated parking, landscaping, highway improvements and ancillary works, accessed from South Road. (Resubmission of planning application 17/01123/OUT with additional information) Recommendation: Approve Subject To The Completion Of Planning Obligation(s).</p>	Sarah Fryer	
6	<p>18/00453/FUL Land To The North Of Church Lane and East Of Wellers Lane Warfield (Binfield With Warfield Ward) Change of use of agricultural land to Suitable Alternative Natural Greenspace (SANG) with associated landscape works and the delivery of car parking spaces within an existing area of hardstanding. Recommendation: Approve Subject To The Completion Of Planning Obligation(s).</p>	Hilary Coplestone	Basia Polnik
7	<p>18/00538/FUL Hill Rise 1 Heathway Ascot (Ascot Ward) Erection of a 3no. bed detached dwelling following the demolition of existing garage and outbuilding Recommendation: Approve Subject To The Completion Of Planning Obligation(s).</p>	Michael Ruddock	Basia Polnik
8	<p>18/00600/FUL 56 Fordwells Drive Bracknell Berkshire (Harmans Water Ward)</p>	Olivia Jones	

Erection of a part single storey part two storey rear extension following demolition of existing conservatory and installation of first floor side windows.

Recommendation: Approve

- | | | |
|----|---|-------------------|
| 9 | 18/00772/FUL
Land Fronting 42, 43, 46 & 47 Ambassador Bracknell Berkshire
(Great Hollands North Ward)
Change of use and formation of access road for car parking.
Recommendation: Approve. | Olivia Jones |
| 10 | 18/00773/FUL
5 Cressida Chase Warfield Bracknell
(Warfield Harvest Ride Ward)
Retention of single storey outbuilding.
Recommendation: Approve. | Shannon
Kimber |
| 11 | 18/00834/3
Land Fronting The Avenue, Bull Square & High Street Bracknell Berkshire
(Wildridings And Central Ward)
Siting of seasonal outdoor street market stalls in The Avenue, Bull Square and High Street for a maximum period of 100 days in any one year (5 year temporary permission).
Recommendation: Approve. | Simon Roskilly |

MISCELLANEOUS ITEM

Confirmation of Tree Preservation Order (TPO) 1283 – Land at 14 & 16 Wellington Drive Bracknell

Background Papers

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

PLANNING COMMITTEE - POLICY REFERENCES

Key to abbreviations used in the following planning reports.

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

SPG Supplementary Planning Guidance
SPD Supplementary Planning Document

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

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

SITE LOCATION PLAN

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

THE HUMAN RIGHTS ACT 1998

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

Those rights include:-

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

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

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

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

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

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

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

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ITEM NO: 5

Application No.
18/00655/OUT

Site Address:

Ward: **Great Hollands South**
Date Registered: **25 June 2018**
Target Decision Date: **24 September 2018**
**Beaufort Park South Road Wokingham Berkshire
RG40 3GD**

Proposal:

Outline application (including details of access) for demolition of existing office building ('Beaufort Park') and redevelopment of site for up to 68 dwellings, with associated parking, landscaping, highway improvements and ancillary works, accessed from South Road. (Resubmission of planning application 17/01123/OUT with additional information)

Applicant:

JPP Land and Hodge Developments (Beaufort Park) Ltd

Agent:

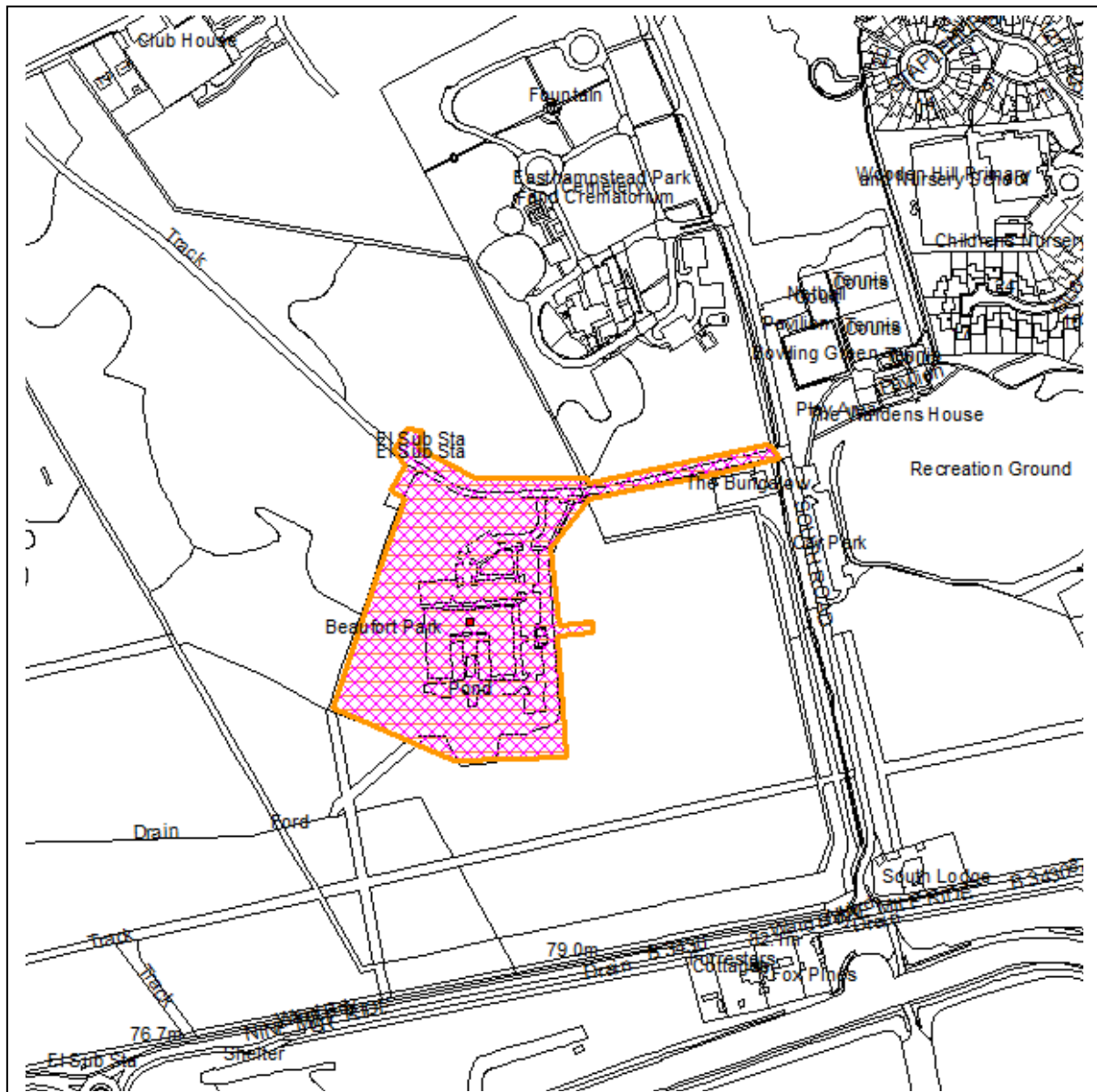
Boyer Planning Ltd

Case Officer:

Sarah Fryer, 01344 352000

development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

1.1 Members will recall that this proposal came before the committee in April where it was resolved to refuse the application on the following grounds.

- 1) *The site is located outside the defined settlement boundary and as such is directly contrary to Policy CS9 of the CSDPD, Policy EN8 and Policy H5 of the BFBLP. All of these policies restrict the development of residential dwellings in the countryside, seeking to protect the countryside for its own sake, unless specific criteria are met. The proposal does not comply with the stated criteria.*
- 2) *The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impacts in this respect. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and the Thames Basin Heaths Special Protection Area Supplementary Planning Document (2018).*
- 3) *In the absence of a planning obligation to secure affordable housing, Travel Packs, highways scheme to show what roads would be adopted and to secure adoption for those roads, provisions for Management Company to maintain and manage private road and financial contributions towards education 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*

1.2 This application has been submitted with further work assessing the impact upon the countryside within the accompanying planning statement (section 6) and a Commercial Assessment & Economic Report. These sought to address the reasons for refusal and concerns raised by councilors in April.

1.3 Whilst the site is located within the Countryside, it would see the development of a brownfield site, which has been marketed for business use since the existing offices were constructed. This proposal would result in the redevelopment of a brownfield and under-utilised site. The site is within a defined strategic gap, but is previously land as defined in the NPPF and being currently developed its redevelopment for housing would maintain the existing visual and physical separation of the settlements of Bracknell and Crowthorne.

1.4 As the Council is now able to demonstrate a 5 year housing land supply, the benefit of the additional housing has reduced weight. However the NPPF is very clear that planning decisions should support the development of under-utilised land and should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans. The provision of housing in areas of high housing demand on sites such as this is supported by the NPPF and given that this site will also provide an element of affordable housing this is still a benefit. On balance therefore it is considered that the proposal is acceptable.

RECOMMENDATION

Approve subject to S106 agreement

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

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

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Countryside
Previously Developed Land

- 3.1 The application site covers 3.36ha and is generally level with a vacant office building which according to the information submitted, both by the applicants and local residents, has never been occupied since being constructed.
- 3.2 The site has access from South Road, an unadopted highway. The site is located to the west of Great Hollands, Bracknell and the Great Hollands Recreational Park, and north of the B3430 separated by a tree belt. Downshire Golf Club and Easthampstead Park Cemetery and Crematorium lie to the north of the site.
- 3.3 The site is already developed and consists of a modern two storey office building, parking and associated structures housing bin storage and cycle parking. The office building was constructed around 2009, and has never been occupied. The site is therefore considered to be previously developed land (PDL).
- 3.4 The site is landscaped with close cut turf with the built form located within the central part of the site. A mature group of trees is located to the north of the site, with a drainage ditch separating them from the parking area. An area adjacent to the western boundary has been left less managed for the interests of bio-diversity.

4. RELEVANT SITE HISTORY

- 4.1 02/00790/LDC Application for a Lawful Development Certificate for continued use of existing buildings as (B1) Business Approved 17.07.2003
- 4.2 06/01095/OUT Outline application, including details of access, for the erection of replacement B1 (business use) building (4,724 sq.m.) with associated car parking and landscaping and removal of all existing buildings structure, hard standing and plan from the site (Withdrawn)
- 4.3 07/00234/OUT Outline application including details of access, for the erection of replacement B1 (business use) building (4,724 sq.m.) with associated car parking and landscaping and removal of all existing buildings, structures, hard standing and plant from the site Approved 06.06.2007
- 4.4 08/00093/REM Submission of details of layout, scale, appearance and landscaping for the erection of a replacement B1 (business use) building (4,724 sq.m.) with associated car parking pursuant to outline planning permission 07/00234/OUT. Approved 15.05.2008

4.5 17/01123/OUT Outline application (including details of access) for demolition of existing office building ('Beaufort Park') and redevelopment of site for up to 68 dwellings, with associated parking, landscaping, highway improvements and ancillary works, accessed from South Road. Refused 25.04.2018

The above application is currently the subject of a live appeal.

5. THE PROPOSAL

- 5.1 The proposal seeks outline planning permission with all matters reserved apart from access, for the construction of up to 68 dwellings, including on site affordable housing, subject to the Vacant Building Credit (VBC) being applied.
- 5.2 An indicative layout has been submitted demonstrating one way in which the units could be accommodated. This included two blocks of apartments with a mixture of terraced, semi-detached and detached dwellings. An area for play and open space has also been left as well as the area of heathland adjacent to the western boundary.
- 5.3 Access to the site would utilise the existing access from South Road. The mature trees within the site are shown as being retained.

6. REPRESENTATIONS RECEIVED

Other representations:

- 6.1 A total of 15 representations have been received from residents of surrounding properties. The comments can be summarised as follows:
- Increasing traffic will result in a highway safety risk.
 - Increase in pressure on the existing road network which is already congested and crumbling.
 - Will erode the strategic gap and effectively join together the towns of Bracknell and Wokingham
 - Will spoil the peace and tranquility of the crematorium
 - Would result in an increase in traffic and hence noise pollution.
 - Further pressure on GPs, schools and other services.
 - South road is a small access road which would not support the extra traffic.
 - Would be out of keeping with the surrounding countryside and crematorium.
 - Will make way for further development on the neighbouring site in the future [Officer note: This is not a consideration which can affect the determination of this application].

Bracknell Town Council

6.2 Bracknell Town Council objects to this application on the basis that:

- The affordable housing issue has not been addressed
- Additional traffic
- Strain upon local infrastructure

Crowthorne Village Action Group

6.3 Crowthorne Village Action Group objects on the grounds that the proposal would:

- Erode the strategic gap between Bracknell and Crowthorne.
- Isolated position, not connected to shops, schools etc
- The application should be refused for the same reason the application at the Hideout was refused.

- The building should be let to BSRIA, enabling the town center site to be freed up.

7. SUMMARY OF CONSULTATION RESPONSES

- 7.1 Highways: No objection subject to conditions and S106 clauses.
- 7.2 Drainage: Following submission of amended information, no objection subject to conditions.
- 7.3 Bio-diversity: Application acceptable subject to conditions.
- 7.4 SPA: Acceptable providing that the mitigation is secured through a S106 agreement.
- 7.5 Landscape: Agrees with the findings of the LVIA. Makes recommendations on information submitted with future applications.
- 7.6 Archaeology: No objection subject to conditions.
- 7.7 Education: requests a contribution towards Great Hollands Primary School.
- 7.8 Environmental Health: No comments to make
- 7.9 Thames Water: no objection subject to conditions.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan Policy	NPPF
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	Consistent
Design	CS7 of CSDPD, EN1 and EN20 of BFBLP	Consistent - Section 12 supports 'Achieving Well Designed Places'.
Parking	CS23 of CSDPD, M4 and M9 of BFBLP	Consistent - Section 9 'Promoting sustainable Development
Highway Safety	CS23 and CS24 of CSDPD, M9 of BFBLP	Consistent - Section 9 'Promoting sustainable Development
Cycling and pedestrians	CS23 and CS24 of CSDPD, M6 of the BFBLP, TC1 of the BNP	Consistent - Section 9 'Promoting sustainable Development
Residential Amenity	EN20 and EN25 of BFBLP.	Consistent (para. 127 (f))
Housing	CS16, CS17 of CSDPD, H5 of BFBLP, SA6 of SALP.	Generally consistent The NPPF supports providing a range of homes (para. 8), supports the provision of

		affordable housing (para. 62).
Accessibility	CS7 of CSDPD, EN22 of BFBLP	Consistent
Biodiversity	CS1(vii) and CS7 (iii) of CSDPD	Consistent (para. 170 (d) 174 and 175)
Sustainability	CS10 and CS12 of CSDPD	Consistent
Countryside	CS9 of CSDPD, EN8 of the BFBLP	Not wholly consistent- NPPF does not support protecting the Countryside for its own sake instead 'protecting and enhancing valued landscapes' (para.) 170
Noise	EN25 of BFBLP	Consistent (para. 170 (e))
SPA	SEP NRM6, CS14 of CSDPD and EN3 of BFBLP	Consistent
Supplementary Planning Documents (SPD)		
Design SPD		
Streetscene SPD		
Parking Standards SPD		
Thames Basin Heaths Special Protection Area SPD		
Planning Obligations SPD		
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i Principle of development
- ii Impact on the character and appearance of the area including Landscape impact.
- iii Impact on Highway safety
- iv Ecology
- v Drainage
- vi Trees
- vii Land Contamination
- viii Thames Basin Heaths Special Protection Areas (SPA)
- ix Affordable Housing
- x Securing necessary infrastructure / CIL

i. Principle of Development

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

9.3 Paragraph 11 of the NPPF sets out that for decision takers this means:

- approving development proposals that accord with the development plan without delay, and

Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits assessed against the policies in this Framework taken as a whole: or

- Specific policies in this Framework indicate development should be restricted.

- 9.4 Based on the latest household projections and the most recent land supply information the Council can now demonstrate a 5 year housing land supply. This means that footnote 7, on page 6 of the NPPF no longer applies and relevant policies for the supply of housing should not be considered out-of-date.
- 9.5 Case law has established that it is up to the decision maker to attribute the amount of weight to be assigned to policies. The decision maker no longer needs to take into consideration the Council's 5 year housing supply deficit but should take account of other material considerations including the degree of consistency with the NPPF.
- 9.6 Accordingly the housing land supply policies, including countryside policies, such as Policy CS9 of the CSDPD, Policy EN8 and Policy H5 of the BFBLP are not considered to be out of date. These policies restrict the development of residential dwellings in the countryside, seeking to protect the countryside for its own sake, unless specific criteria are met.
- 9.7 Policy CS9 seeks to protect land outside settlements particularly from development which would adversely affect the character, appearance or function of the land. Point i also seeks to protect the defined gaps, one of which is considered to be the gap between Crowthorne and Bracknell.
- 9.8 Policy H5 seeks to restrict new residential dwellings within the Countryside only allowing them where they accord with Policy EN8 and GB1 of the BFBLP, and they would cause no harm to the character of the area and result in no environmental damage. The redevelopment of previously developed land is not listed as an exception to policies EN8 or H5 of the BFBLP.
- 9.9 The NPPF is a material consideration and the consistency between the adopted policies and the NPPF is an important consideration in deciding how much weight should be attributed to the Councils adopted policies. Paragraph 118 (page 35) of the NPPF says that planning decisions should promote and support the development of under-utilised land and buildings. Paragraph 121 (page 36) of the NPPF says that local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in a plan. This paragraph goes on to say that, in particular, they should support proposals to use retail and employment land for homes in areas of high housing demand provided that this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in the Framework.
- 9.10 This site is not allocated for any particular purpose in the development plan, it has remained vacant since it was constructed around 2009 despite extensive marketing and so its redevelopment for housing could not be considered to undermine any economic sector or the town centre.
- 9.11 Policies CS9 of the CSDPD, Policy EN8 and H5 of the BFBLP, seek a blanket protection over the countryside which is a more stringent test than the NPPF which seeks to 'protect and enhance 'valued landscapes' and recognises the 'intrinsic character and beauty of the countryside' (para. 170). The Council policies are considered not to be wholly consistent with the Framework and therefore the weight that can be attributed to them within the decision making process decreases.

- 9.12 Policies CS9 of the CSDPD, H5 and EN8 of the BFBLP do talk about development being acceptable only where it would not adversely affect the character or appearance of the area. These impacts are considered within the rest of the report.
- 9.13 Loss of the office building.
 Objections have been received concerning the loss of the office building. Members also discussed this issue when considering the application previously. To address this, the applicant has commissioned a Commercial Assessment and Economic Report providing background information as to how the property has been marketed and for how long. This found that the building has been marketed for owner occupation, office investment sale and to let as a whole and on a range of flexible floorspace and lease terms. This document has been checked by the Councils Economic Development Manager who has stated that there is nothing within the submitted report that the Council can find fault with in terms of how the property has been marketed. However it is acknowledged that the report's conclusion and assumptions regarding BSRIA are likely to be speculative to some extent.
- 9.14 Officers are aware that BSRIA, a company currently located within Bracknell Town Centre, is interested in purchasing the property and they have said that there are no other suitable properties within the Borough for them. However, it is also understood that an offer for the application site was refused by the current landowners.
- 9.15 Whilst it may be desirable to retain the office building for employment it is widely acknowledged that the building has been empty, despite being marketed constantly since it was built. Even if planning permission were to be refused there are no guarantees that BSRIA would be successful in obtaining the site. Whilst planning has a role in supporting employment opportunities by providing adequate appropriate land, it is not the role of the planning system to influence market outcomes.
- 9.16 Taking this into account, from a planning perspective, the loss of the employment building would not be contrary to any policy and therefore its loss would not be defensible grounds for refusing the application.
- 9.17 Conclusion
 The application would be contrary to the Policies which seek to protect the countryside. It is acknowledged that policies are not entirely consistent with the NPPF, and therefore the weight that can be attributed to them decreases. The NPPF supports the re-use of under utilised and brown field sites and the NPPF is a material consideration. There are no policies which justify the retention of the office building.

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

- 9.18 Policy CS7 of the CSDPD seeks a high quality of design for all development In Bracknell Forest. This should be achieved by building upon the local character, respecting local patterns of development and enhancing the landscape. The application is for outline permission only with matters including layout, scale, siting and appearance to be reserved for approval at a later date.
- 9.19 The LUC Landscape Character Appraisal 2015 defines the site as being located within the Forested Sands Character Area.
- 9.20 The LUC report states that the following features relevant to this site should be protected:
- remaining areas of wet and dry heathland and acid grassland from encroachment.
 - historical features within woodland
 - the semi-natural woodland and mature trees
 - the undeveloped nature, sense of remoteness and dark skies

- the undeveloped wooded character between Crowthorne and Bracknell
- long views along historical straight rides.

- 9.21 Whilst some of the key characteristics identified in the report are evident within the site, as the application site itself is largely developed, none of the key characteristics relate to the actual application site (for example the undeveloped nature has already been lost). Applying the Landscape Character Appraisal, it is not possible to demonstrate that re-development of this site would harm the landscape character of the application site or surrounding area.
- 9.22 The application was supported by a Landscape and Visual Impact Assessment (LVIA) which stated that the site is well screened from the surrounding area by the existing vegetation and views to the site are limited. The LVIA concludes that the site is capable of being developed in line with the illustrative masterplan and landscape strategy without resulting in material landscape or visual harm to the surrounding area. It is concluded that the LVIA is accepted however it is recommended that the impact of the surrounding trees be considered on the living conditions of future residents in particular relating to the southern two plots.
- 9.23 The proposal would result in a residential development, not directly abutting the settlement boundary. The sustainability of the site in terms of distances to services is discussed within the transport section below. However, whilst the site would be visually separated from the existing built form, due to its screened location, this is not considered harmful to the wider character of the area. The site will create a character of its own which would not be significantly more harmful than the existing built form of the B1 offices which currently occupy the site at reserved matters stage.
- 9.24 The design of the proposal is reserved for approval at a later date. An indicative layout has been submitted showing how the 68 dwellings could be accommodated within the site. This proposes a mix of 1 and 2 bedroom apartments and 3 and 4 bedroom houses. It is considered that this provides an appropriate dwelling mix across the site. An indicative heights constraints plan has been produced showing that the proposal would range in height between 2 to 3 ½ storeys. The existing office building is shown as being 12m high, equivalent to a three storey building so accordingly the height parameters shown are considered acceptable.
- 9.25 Whilst approval is not sought for the layout, it has been considered and comments below are intended to inform future applications:
- The layout is not very legible, with some housing tucked away to the rear of the apartment blocks and some in stand alone locations.
 - The streetscenes are very dominated by cars. Large areas of parking to the front of properties creates poor streetscenes which are not acceptable and which may affect the number of homes achievable on the site. A mix of parking solutions would be required on this site to ensure that areas of parking are broken up visually.
 - Apartment blocks should be set within grounds which provide amenity for the residents. A better balance between the built form of the apartments, usable amenity space for residents and parking provision needs to be achieved.
 - Greater variation in building height would improve the proposed development on the northern part of the site.
 - Plots backing onto open spaces and leisure routes should be avoided and therefore apartments can be used to face in a number of different directions and provide natural surveillance and activity both towards the street and towards the open spaces.

- Space should be designed in to accommodate SuDs drainage which may result in fewer dwellings being able to be accommodated within the site.

9.26 Whilst there are concerns about the indicative layout it is not a consideration at this time. It is considered that the site can accommodate up to 3 ½ storey properties without detrimentally affecting the wider character or appearance of the area. Accordingly it is concluded that the proposal would not have a demonstrable detrimental impact upon the immediate or wider landscape character. The proposal is considered to comply with Policy CS7 of the CSDPD and EN20 of the BFBLP.

9.27 Strategic Gap

Objections have been received on the location of the proposal within a strategic gap defined within the CSDPD. Policy CS9 (i) of the CSDPD seeks to protect the defined gaps with or adjoining the Borough from development which would harm the physical and visual separation of settlements'. The supporting text describes these as predominantly undeveloped areas'. (CSDPD para. 120).

9.28 This is an already developed site within the gap. Taking account of the existing office building and the associated parking and circulation areas the indicative layout indicates a very limited extension of the built envelope of the site. As such the application site is not considered to materially erode the visual and physical separation of the neighbouring settlements.

iii Impact on Highway Safety

9.30 The applicant has provided an extensive Transport Assessment which has assisted the Highway Authority in formulating the following comments.

9.31 Access

Beaufort Park takes access off South Road, a publicly accessible road which provides access to Easthampstead Park Cemetery and Crematorium, Great Hollands Recreation Ground and Great Hollands Bowls Club. South Road can accommodate two-way traffic being around 5.8m wide. Visibility splays of 2.4m by 160m can be achieved at the junction of South Road with Nine Mile Ride in line with highways guidance. There is a footpath which is around 1.6m wide on the western side of South Road between Nine Mile Ride and the Beaufort Park access road. The footpath is unlit and behind some trees, and there are long-term plans to improve pedestrian and cycle access along South Road, including some potential lighting as part of the TRL housing development.

9.32 The existing access road serving Beaufort Park typically measures 5.5m in width and therefore complies with the Council's guidance on carriageway widths for access roads serving this scale of residential development. A 2m wide footway is provided on the southern side of the road and visibility splays of 2.4m by 43m can be achieved at the junction with South Road which exceeds guidance for a 20mph speed limit road. The access road has low level lighting bollards, and while lighting could be improved to enhance pedestrian access, these existing bollards would be adequate bearing in mind the current lawful office use could generate more traffic than this residential development. The proposals would not affect the existing access to The Bungalow on the corner of this access road and South Road.

9.33 South Road is owned and maintained by the Council, but is not formally adopted highway.

9.34 The Transport Assessment indicates that internal access roads, footways and shared surfaces would be designed in line with the Council's highways design guide for residential development. The site layout is likely to alter at reserved matters stage; however, swept

paths for a refuse vehicle around an indicative site layout demonstrate adequate access and turning. Also, it is noted in the Transport Assessment that the existing gates are to be removed which will assist with access, including refuse vehicles.

9.35 The Highway Authority usually seeks to adopt residential estate roads serving this scale of residential development. However, as South Road is not formally adopted Highway, and the applicant has not put forward proposals to upgrade the access road to adoptable standards, the estate road should remain private and provision should be made for this, and the future management by a management company, within an s106 agreement.

9.36 A residential development which could be occupied by young families will give rise to different accessibility requirements than an office. The Transport Assessment demonstrates that acceptable pedestrian and cycle facilities towards Wooden Hill and Nine Mile Ride and bus services would be available to new residents of this development for access by non-car modes, providing sustainable transport links and choice of transport modes.

9.37 Trips

The Transport Assessment indicates that the current lawful office use is predicted to generate circa 98 two-way vehicle movements in the morning peak and 87 two-way vehicle movements in the evening peak. The proposed residential development is predicted to generate less traffic with 39 two-way vehicle movements in the morning peak and 40 two-way vehicle movements in the evening peak.

9.38 While the trip patterns for a residential development will differ from an office, with a greater number of trips likely to be entering the development during the evening peak period when South Road is likely to be busy (due to the current facilities it serves), traffic modelling concludes that the residential development would have less impact on the South Road/Nine Mile Ride Junction and the wider highway network during peak periods than the current lawful office use.

9.39 This residential development is accessible by non-car modes and travel packs identifying sustainable modes of travel are to be provided to new residents. This should be secured via the s106 agreement. Also, if the development is CIL liable, then some monies could be available to fund general local transport improvements. Construction traffic, including site deliveries and contractor parking could be dealt with by planning condition.

9.40 Parking

The Transport Assessment indicates that parking is to be provided in line with the Council's parking standards with a mix of allocated spaces, garages for the town houses (measuring 7.5m x 3.5m) and visitor parking (14 spaces). Also, cycle parking will be provided for each home in accordance with the parking standards within a garage (where provided) or garden shed, and for the apartments within a designated cycle store. Details of the parking arrangements would be dealt with by reserved matters.

9.41 Sustainable location

As mentioned within the Transport Assessment, the site is considered to be well located. Wooden Hill Primary School and Easthampstead Park Community School are both located less than 1 mile walk from the site along footpaths. Bus routes are located along Nine Mile ride to the south of the site and provide connections to Reading, Wokingham and Bracknell. It is also relevant that the site has an existing lawful employment use which in planning terms makes it already a significant generator for trips. Accordingly, whilst the site is located within the Countryside, it is not considered that the site is poorly related to services which would sustain a reason for refusal.

iv Ecology

9.42 Background

The application site is surrounded by grassland, dry heath and woodland, with sections of this habitat falling within the red line boundary. The central area of the site consists of the main building, hardstanding, gravel, amenity grassland, an ornamental pond and ornamental hedgerow, all of which are of limited ecological value.

9.43 Habitats

There are areas of acid grassland, heathland and deciduous woodland within the application site (all of which are Priority Habitats as defined by the NPPF). These areas also fall within the boundary of a proposed Local Wildlife Site (LWS) which has not yet been designated by the local wildlife site selection panel. However, plans show that the Priority Habitats will be retained. As such, the proposals will not lead to the direct loss of these habitats or the direct loss of a LWS.

9.44 However, it will be important to ensure that the development does not lead to a deterioration in quality of the Priority Habitats by, for example, increased recreational use, dog walking, light pollution, escape of non-native garden plants etc. This can be controlled by condition at the reserved matters stage, through the landscaping design and requiring boundary treatments and signage designed to discourage access onto neighbouring sites.

9.45 Species

The proposals are unlikely to have an adverse impact on protected species for the following reasons:

9.46 Bats

The trees on the site are unlikely to have features potentially suitable for use by roosting bats, and the building was assessed as having “negligible” potential to host roosting bats. As such, it is unlikely that the site hosts a bat roost. Bats will be foraging around the edge of the site, however, as set out in the ecological report, it is unlikely that the proposals will have any noticeable impacts upon foraging or commuting bats as long as a sensitive lighting scheme is implemented. This could be achieved by a planning condition.

9.47 Reptiles

The reptile survey report confirms that the dry heath habitat in the western section of the site supports a low population of slow worms and common lizards. The report concludes that since the development avoids the heath and taller grassland, the proposals would not adversely affect reptiles. As such, reptiles should not prove to be a constraint to the proposal.

9.48 Other species

The proposals are unlikely to adversely affect other species such as great crested newts, badgers or dormice. This is because no signs of badgers were seen during the survey, the pond on the site was assessed as unsuitable for use by great crested newts (and there are no other ponds within the vicinity of the site), and the woodland habitat is sub-optimal for dormice (and will be retained in any case).

9.49 Biodiversity enhancements and landscaping

Should the issue regarding the LWS/Priority Habitats be resolved, it will be important to ensure that a wildlife-friendly landscaping scheme is provided that includes predominantly native species. Furthermore, a condition should be set to ensure that bird and bat boxes are provided and that fencing includes gaps at the base to allow hedgehogs and other animals to traverse the site.

9.50 Accordingly the proposal seeks to preserve the important habitats found within the site and would not detrimentally affect any protected species. Measures to protect the bio-diversity and ecology of the site can be secured by appropriate conditions. The application therefore complies with Policy CS1 of the CSDPD.

v Drainage

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

9.52 The application has been supported by a FRA. This has been assessed against the requirements of the NPPF, the PPG-Flood Risk and Coastal Change, Bracknell Forest Local Flood risk Strategy, DEFRA non-statutory SuDs Guidance and the SuDs manual.

9.53 The existing site drains via infiltration and the submitted FRA and Drainage Strategy sets out that there have been no issues with this drainage arrangement. The FRA proposes that the site continues to drain via infiltration with a controlled over-flow which limits the runoff to greenfield rates during more extreme storms.

9.54 The Applicant provided a historic geotechnical report which was undertaken to support the current site. Whilst these results show the rate to be poor in some areas of the site, the Applicants' consultant has supported the use of infiltration rates for the site and has demonstrated that the proposed controlled overflow would only operate during storm events of 1 in 30 years or greater. The photographic evidence provided in the report shows the permeable paving to be in good condition which indicates that the current drainage arrangements are operating. Whilst the LLFA has concerns regarding both the infiltration testing, and the use of an overflow to third party land, the consultant who has designed the scheme has provided evidence to support the principle of the design.

9.55 Given the fact that the site is already developed the LLFA does not have sufficient grounds for a Refusal of the Application as both the rate and volume of runoff generated by the proposed development will not increase as a result of the development. The LLFA will require more detailed testing to support the design and depending on the results this may mean that further space is required for infiltration devices within the site, given that the Application is Outline we recommend that it is considered to be 'up to' 68 Dwellings. This information can be secured by condition.

vi Trees

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

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

9.57 A conifer plantation surrounds the southern and eastern boundaries. Within the site to the north there is a small deciduous plantation, consisting of semi-mature oaks. There are few other trees within the site and none of particular importance.

9.58 A condition requiring protective fencing to be installed prior to commencement is recommended to protect the trees to be retained.

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

vii Land Contamination

- 9.60 Policy EN25 of the Bracknell Forest Local Plan seeks to prevent forms of environmental pollution from adversely affecting the amenities of occupiers of buildings or persons using outside space.
- 9.61 Prior to the existing office building being constructed the site was used by the Meteorological Office and therefore there would have been demolition of previously existing structures. Previous uses of the site could have caused contamination. As the proposed residential development is 'sensitive' in terms of potential contamination it is recommended that a condition is applied requiring pre-commencement submission of a preliminary risk assessment (desk top / walk over survey), followed by intrusive investigations and proposals for remediation if found to be necessary.
- 9.62 Subject to this condition the site will comply with Policy EN25 of the BFBLP.
- 9.63 Thames Water has raised concerns regarding the proximity of the site to the Sewage treatment asset located approximately 520m north west of the proposal. It has requested that a condition be imposed requiring an odour strategy to be submitted. Given the distance and no objection from the Councils Environmental Health Officers it is not considered that this relationship should prohibit the development. However, a condition is considered reasonable to protect the future amenity of residents.

viii Thames Basin Heaths Special Protection Areas (SPA)

- 9.64 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. In light of the "Sweetman Judgement" (People Over Wind and Sweetman v Coillte Teoranta, April 2018) the application has been screened and an Appropriate Assessment has been carried out including mitigation requirements. This has been agreed with Natural England.
- 9.65 This site is located approximately **0.65 km** from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.
- 9.66 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 the effect upon the Thames Basin Heaths SPA, as set out in the Council's Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPD) and the Planning Obligations SPD. The strategy is for relevant developments to make financial contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the SPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures. 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.
- 9.67 In this instance, the development would result in a net increase of 68 dwellings which is required to make a financial contribution towards SANG and SAMM which will be calculated on a per bedroom basis once the mix of the development is determined.
- 9.68 The applicant must agree to enter into a S106 agreement to secure this contribution and a restriction on the occupation of each dwelling until the Council has confirmed that open space enhancement works to a SANG is completed. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA

and would comply with SEP Saved Policy NRM6, Saved policy EN3 of the BFBLP and CS14 of CSDPD, the Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD, the Planning Obligations SPD and the NPPF.

ix Affordable Housing

- 9.69 Policies CS16 and CS17 of the CSPD relate to housing needs and affordable housing. The Council's affordable housing policy currently applies to proposals involving 15 net dwellings or more. On these sites there is a requirement for 25% of the proposal to be affordable housing of which 70% to be affordable rent and 30% to be intermediate housing (Planning Obligations SPD).
- 9.70 The applicants are seeking to reduce the number of affordable housing units which have to be provided in proportion to the vacant floor space to be removed. They support this approach by reference to the Written Ministerial Statement, originally made on the 28 November 2014. The statement provides an incentive for the development of brownfield sites containing vacant buildings. The Vacant Building Credit (VBC) allows a financial credit equivalent to the existing gross floor space of the relevant vacant buildings when the local planning authority calculates any affordable housing which will be sought.
- 9.71 Accordingly where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A 'credit' should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided.
- 9.72 There is no evidence that the existing building upon the site has ever been occupied, and the building was vacant at the time of the case officer's visit. It is therefore considered that the proposal is eligible for VBC to be applied.
- 9.73 As this application is for outline consent with all matters reserved apart from the access, the floor plans of the buildings are not for approval at this stage and therefore are subject to change. It is not possible at this stage to calculate the number of affordable houses which would be provided. The S106 will include a formula to calculate the affordable housing provision on approval of the reserved matters application. The affordable housing secured should be provided within the site and comply with the Council's tenure policy.
- 9.74 As an indication, based upon the indicative layout, 7 affordable dwellings would be provided, however this figure could change once the reserved matters application is submitted.
- 9.75 Accordingly, subject to the S106 agreement being completed the proposal is considered to comply with Policy CS17 of the CSDPD.

x Securing necessary infrastructure / CIL

- 9.76 CSDPD Policy CS6 states that development is expected to contribute to the delivery of:-
(a) infrastructure needed to support growth and;
(b) infrastructure needed to mitigate impacts upon communities, transport and the environment.

- 9.77 Guidance in the Planning Obligations SPD, is relevant. Bracknell Forest Council Community Infrastructure Levy (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. It applies to any new build but in the case of outline applications is calculated when reserved matters are submitted.
- 9.78 If this application were to be approved, CIL would be calculated at the time of the reserved matters application and payments would be collected following commencement of the development. CIL receipts could be spent on infrastructure projects or types of infrastructure identified in the Council's Regulation 123 list of infrastructure that it intends will be wholly or partly funded by CIL. These comprise:-
- Provision and enhancement of land to Suitable alternative Natural Greenspace (SANG) standard (part of Special Protection Area (SPA) Avoidance and Mitigation measures)
 - specified Local Road Network capacity improvements
 - strategic road network improvement outside the borough
 - specified footpath and cycleway improvements
 - bus service subsidies
 - specified educational projects
 - libraries
 - built sports facilities
- 9.79 CIL receipts could be spent on items not listed on the Regulation 123 list that meet the government criteria on CIL spending.
- 9.80 Education
The planning obligations SPD seeks contribution towards education facilities where there is a residential scheme.
- 9.81 The Council will only seek S106 contributions in addition to CIL where the infrastructure improvement project for which funding is sought,
- does not appear on the CIL Reg 123 list
 - does not conflict with the CIL Regulation 123 pooling restriction, that limits the pooling of Section 106 payments to no more than five planning obligations; and
 - fulfils the planning obligation tests set out in CIL Regulation 122, ie. The contribution is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.
- 9.82 Using an average dwelling mix the development is likely to generate around 24 pupils of primary age.
- 9.83 The site is within the Designated Area of Wooden Hill Primary which is currently full and therefore the proposal would place undue pressure on a service which is already at capacity. Therefore, in order to meet the demand from this development, capacity at the school would need to be increased.
- 9.84 Financial contributions towards improvements to increase the capacity at Wooden Hill Primary School are therefore sought. As the application is for outline consent this will be secured with a formula within the S106, thereby ensuring that the contributions are reasonably related in scale and kind to the development.
- 9.85 As additional capacity at Wooden Hill Primary is not included on the Regulation 123 list, and the pooling restriction would not be breached, S106 contributions can be sought. It is considered that the contribution would mitigate the impact of the proposed development on the school closest to the development site and therefore most likely to be attended by

future residents. Accordingly the proposal is considered to comply with Regulations 122 and 123 of the CIL Regulations 2010.

- 9.86 The S106 would also seek contributions for:
- Thames Basin Heath Special Protection Area.
 - Affordable Housing
 - Highway safety including a travel plan

10. PLANNING BALANCE

- 10.1 The application is considered first by having regard to the Development plan and then whether there are any other material consideration that should be taken into account.
- 10.2 The site is located outside the defined settlement boundary and as such is contrary to Policy CS9 of the CSDPD, Policy EN8 and Policy H5 of the BFBLP. All of these policies restrict the development of residential dwellings in the countryside, seeking to protect the countryside for its own sake, and only allowing development which would not harm the character of the area, and where specific criteria are met. Re-development of brownfield sites is not listed as an acceptable form of development within the Development Plan. However, this policy is not considered to be wholly consistent with the NPPF which instead protects and enhances valued landscapes, recognising that different landscapes should be afforded different levels of protection depending on their characteristics. The weight that can be attributed to Policies CS9 and EN8 therefore decreases.
- 10.3 This is a brownfield site and the NPPF encourages the effective use of land and in particular making as much use as possible of previously developed land (para. 117 NPPF). The proposal would also re-develop a site which has been vacant since it was constructed. The NPPF supports the development of under-utilised land and buildings (para. 118 (d)). In this regard the Local Plan is not consistent with the NPPF and therefore weight in favour of the application can be attributed on the basis that the application would redevelop a brownfield site.
- 10.4 Policy CS9 of the CSDPD protects land outside settlements for its own sake, particularly from development that would adversely affect the character, appearance or function of the land. The proposal would have an impact upon the character and appearance, changing the character of the site from business to residential. The LVIA demonstrates that any change would be limited to the immediate site vicinity and whilst concerns have been raised regarding the indicative layout this can be addressed at the reserved matters stage.
- 10.5 Policy CS9 also seeks to protect defined gaps from development which would harm the physical and visual separation. Whilst the proposal is within a defined gap, it is already developed and therefore the physical and visual separation between Bracknell and Crowthorne would be maintained. This proposal is considered to be in accordance with Policy CS9 point (i).
- 10.6 There are no adverse impacts arising from the development in terms of bio-diversity, highway safety, impact upon trees, and flooding. The application is therefore in accordance with Policies CS1, CS7, CS23 of the CSDPD and M9 of the BFBLP.
- 10.7 The applicant has agreed to enter into a S106 agreement to mitigate the impact of the proposal on the Thames Basin Heath SPA. The S106 also contains contributions towards education to mitigate the impact of the proposal. The development will be CIL liable however this will be calculated at the reserved matters stage. The application therefore accords with CS6 of the CSDPD.

- 10.8 The proposal would result in the net gain of up to 68 dwellings on a brownfield windfall site. While the Council can now demonstrate an up-to-date five-year supply of housing land the proposed housing is still a benefit in favour of the proposal as the NPPF supports the re-use of employment sites for housing in areas of high demand. This will carry moderate weight. Added weight can be given to the provision of affordable dwellings as part of those units. This, however, is reduced by applying the Vacant Building Credit. It is considered that due to Policy this can be attributed low to moderate weight.
- 10.9 The Council has recently consulted on a Draft Local Plan which included a proposal for the allocation of the land surrounding the site and the adjoining site to the West (land at the Hideout) for housing and associated open space (including SANG). Given that this draft Local Plan has attracted many comments which have not yet been responded to, and that it has not yet been subject to examination in public, it is not appropriate to give the Draft Local Plan proposal any weight at this stage.
- 10.10 The site is within reasonable distance of a number of services including a local park, primary and secondary schools and public transport routes. It is therefore considered that the site does offer reasonable transport choices for people other than the private car. The proximity of these services also provides social links with the existing communities. The site's existing lawful use also makes it already a significant potential generator of trips. This aspect is therefore attributed neutral weight.
- 10.11 In terms of economic impact, it is acknowledged that there would be economic benefits associated with the development, including construction jobs while it is built. The Borough currently benefits from a strong economy and in recent appeals in the area Inspectors have given only moderate weight to the economic benefits of housing proposals.
- 10.12 In conclusion, whilst the proposal is within the countryside, the site is already developed, and hence the proposal would result in the re-development of a redundant brown-field site, and would maintain the gap between Bracknell and Crowthorne. There are no objections from highways, bio-diversity, drainage, and the landscape character assessment concludes that the proposal would not affect the wider landscape character. The loss of the employment building that has been empty and marketed for a number of years is not sufficient to refuse the application.
- 10.13 The Policies within the local plan which seek to protect the Countryside are not in accordance with the NPPF and therefore the weight that can be attributed to them within the planning decision making process decreases. It is therefore due to the lack of demonstrable harms and the measurable benefits of the proposal, the application is recommended for approval.

11. RECOMMENDATION

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

1. SPA mitigation measures
2. Affordable housing
3. Education
4. Travel Packs
5. Highway clauses relating to the estate remaining private and to be maintained and managed by a management company.

That the Head of Planning be authorised to APPROVE the application subject to the following conditions:

01. Approval of the details of the scale of the buildings, the layout, appearance and landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced. The plans and particulars in relation to the Reserved Matters shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990.
02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990.
03. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990.
04. The development hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details:-
04 B Site Location Plan
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
05. No dwelling shall be occupied until a means of vehicular access has been constructed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of highway safety.
[Relevant Policies: CSDPD CS23]
06. No dwelling shall be occupied until the associated vehicle parking and turning space has been surfaced and marked out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The spaces shall not thereafter be used for any purpose other than parking and turning.
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.
[Relevant Policies: BFBLP M9, CSDPD CS23]
07. No dwelling shall be occupied until covered and secure cycle parking facilities serving it have been provided in accordance a scheme that has been submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be retained as approved.
REASON: In the interests of accessibility of the development to cyclists.
[Relevant Policies: BFBLP M9, CSDPD CS23]
08. 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.

09. The development hereby permitted shall not be begun until details of a scheme (Working Method Statement) to control the environmental effects of the construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-
- (i) control of noise
 - (ii) control of dust, smell and other effluvia
 - (iii) control of surface water run off
 - (iv) site security arrangements including hoardings
 - (v) proposed method of piling for foundations
 - (vi) construction working hours
 - (vii) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site
- The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the Local Planning Authority.
REASON: In the interests of the amenities of the area.
[Relevant policies: BFBLP EN25]
10. Before development commences the applicant shall carry out a contamination risk assessment of the application site commencing with a preliminary risk assessment (desk top study and walk-over survey) followed by intrusive sampling if found to be necessary. The applicant shall, prepare and submit to the Local Planning Authority for written approval a remediation scheme that follows the guidelines set out in BS10175 'Code of Practice for the Investigation of Potentially Contaminated Sites' and CLR11 Model procedures for the management of Land Contamination or a report as to why a remedial scheme is not required, prior to the commencement of development.
REASON: To ensure that there are no environmental pollutants within the site which could detrimentally affect the living conditions of future occupiers.
[Relevant policies: BFBLP EN25]
11. Before buildings on the application site are occupied the remediation works to make the land suitable for its intended use, as set out in the approved remediation scheme submitted to comply with condition 11 above shall be completed and a validation report shall be submitted to and approved in writing by the local planning authority.
REASON: To ensure that there are no environmental pollutants within the site which could detrimentally affect the living conditions of future occupiers.
[Relevant policies: BFBLP EN25]
12. No dwelling hereby approved shall be occupied until a report detailing the lighting scheme and how this will not adversely impact upon wildlife has been submitted to and approved in writing by the LPA. The report shall include the following figures and appendices:
- A layout plan with beam orientation
 - A schedule of equipment
 - Measures to avoid glare
 - An isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of importance for commuting and foraging bats.
- The approved lighting plan shall thereafter be implemented as agreed prior to the occupation of the first dwelling and retained as such thereafter.
REASON: To ensure that wildlife is not adversely affected by the proposed development.
[Relevant Policies: CSDPD CS1]
13. No development hereby permitted shall commence until details of biodiversity enhancements, to include bird and bat boxes, tiles or bricks on and around the new buildings and native and wildlife friendly landscaping has been submitted and approved in

writing by the council. The measures shall thereafter be implemented in accordance with the approved plans and retained as such thereafter.

REASON: To ensure wildlife is not adversely affected by the proposed development.

[Reason: CSDPD, CS1 and Paragraphs 109 and 118 of the NPPF]

14. No dwelling hereby permitted shall be occupied until a scheme showing the boundary treatments both around and within the site has been submitted to and approved in writing by the council.

The scheme shall include:

- Heights and materials of the boundary treatments
- Locations and sizes of gaps to allow hedgehogs and other small animals to traverse the site.
- Signage to discourage residents from accessing adjoining land.

The measures shall thereafter be implemented in accordance with the approved details prior to the first occupation and retained as such thereafter.

REASON: To ensure wildlife is not adversely affected by the proposed development.

[Reason: CSDPD, CS1 and Paragraphs 109 and 118 of the NPPF]

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

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

[Relevant Policy: Core Strategy DPD CS10]

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

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

[Relevant Plans and Policies: CSDPD Policy CS12]

17. All existing trees, hedgerows and groups of shrubs shown to be retained on the approved drawings shall be protected by 2.3 metres high (minimum) protective barriers, supported by a metal scaffold framework, constructed in accordance with Section 6.2 (Figure 2) of British Standard 5837:2012, or any subsequent revision.

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

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

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.

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

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

19. No development shall take place until a surface water drainage scheme (SWDS) for the site, based on the principles of the Clive Onions Drainage strategy and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The results of full BRE365 Compliant Infiltration Testing shall be submitted to support the design. The hydrogeological setting of the site will also be confirmed via ground water monitoring the findings of which will inform the design of the system. The drainage strategy shall demonstrate that there will be no discharge of water off-site up to the 1 in 30 years critical storm, and that the rate of runoff during the 1 in 100 year including 40% allowance for climate change and allowances for urban creep included, will not exceed the 1 in 2 year greenfield run-off rates. The levels design will ensure that there is no surcharging of the outfall from the system.

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

[Relevant Policy: CS1 of the Core Strategy.]

20. 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.

[Relevant Policy: CS1 of the Core Strategy.]

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

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

[Relevant Policy: CS1 of the Core Strategy.]

22. No dwelling shall be occupied until a verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved in writing by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and Control mechanism

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

[Relevant Policy: CS1 of the Core Strategy.]

23. No development shall commence until an odour modelling assessment has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. The odour assessment should be based on assessing on site odour emissions. The assessment should include an odour mitigation measures strategy which shall be implemented prior to the first occupation of any dwelling.
REASON: To ensure that the amenities of future occupiers are protected.
[Relevant Policy: EN20 and EN25 of the BFBLP]

Informatives

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:-
- 02. Time reserved matters
 - 03. Implementation
 - 04. Plans considered
 - 17. Tree protection fencing

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

- 01. Approval of reserved matters
- 08. Site management
- 09. Working Method Statement
- 10. Contamination survey
- 13. Bio-diversity enhancements
- 15. Sustainability Statement
- 16. Energy Demand assessment
- 18. Tree protection
- 19. Drainage
- 20. Maintenance and management of surface water
- 23. Odour

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

- 05. Access
- 06. Parking and turning
- 07. Cycle parking
- 11. Land contamination
- 12. Lighting details
- 14. Boundary treatments
- 21. Completion of SuD's
- 22. Drainage verification report.

03. To implement works within the highway an agreement under S278 of the Highways Act will be required.
04. Local Planning Authority has a number of concerns regarding the indicative site layout which will need to be addressed at the reserved matters stage. Please refer to the report above specifically paragraphs 9.12 and 9.15.
05. In considering the application the Local Planning Authority has had regard to, but is not approving the following information:
 - Drawing number 01D Indicative site layout
 - Drawing 05 Indicative Coloured layout sketch
 - Drawing 02 C Building Heights Parameters Plan
 - Drawing CSA/3284/104 Landscape Strategy

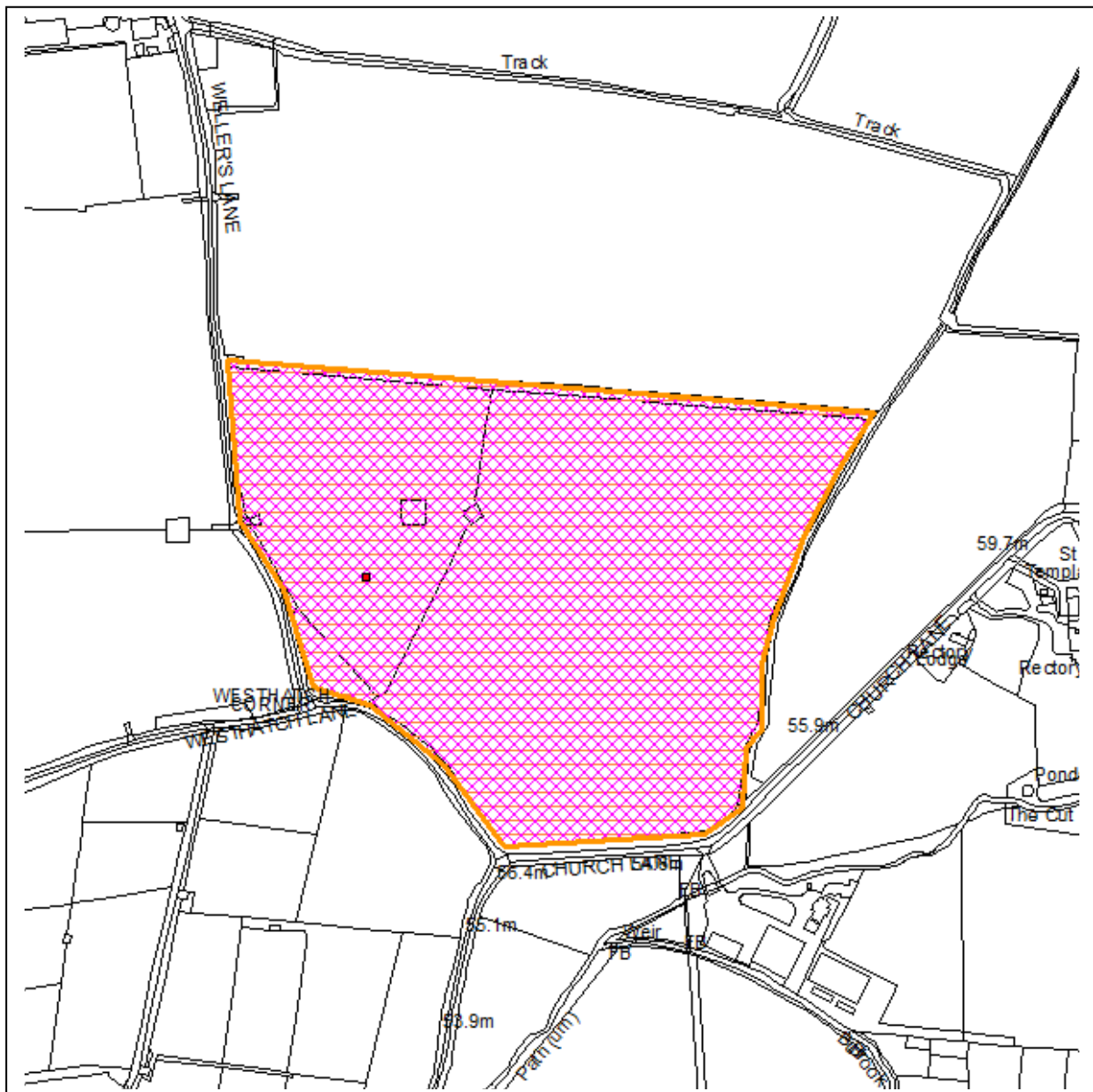
In the event of the s106 planning obligations not being completed by 23.05.2017 the Head of Planning be authorised to REFUSE the application for the following reasons:-

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

2. In the absence of a planning obligation to secure affordable housing in terms that are satisfactory to the Local Planning Authority, the proposal is contrary to Policy H8 of the Bracknell Forest Borough Local Plan, Policies CS16 and CS17 of the Core Strategy Development Plan Document, the Planning Obligations SPD and the resolution on affordable housing made by BFC Executive on 29 March 2011.

ITEM NO: 6	Ward:	Date Registered:	Target Decision Date:
Application No. 18/00453/FUL	Binfield With Warfield	30 April 2018	30 Oct 2018
Site Address:	Land To The North Of Church Lane and East Of Wellers Lane Warfield Bracknell Berkshire		
Proposal:	Change of use of agricultural land to Suitable Alternative Natural Greenspace (SANG) with associated landscape works and the delivery of car parking spaces within an existing area of hardstanding.		
Applicant:	Miss Cindy Wan		
Agent:	(There is no agent for this application)		
Case Officer:	Hilary Coplestone, 01344 352000 development.control@bracknell-forest.gov.uk		

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



1. SUMMARY

- 1.1 The proposal relates to the change of use of 12.2 hectares of Grade 3 agricultural land within the Green Belt to Suitable Alternative Natural Greenspace (SANG) and the provision of 20 car parking spaces within the existing Frost Folly Car Park.
- 1.2 It is considered that the proposed change of use of land would be consistent with Policy GB2 of the Bracknell Forest Borough Local Plan which provides for changes of use of land relating to outdoor sport and recreation and the recently published National Planning Policy Framework (NPPF).

1.3

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 to be considered by the Planning Committee due to the receipt of more than 5 objections.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

The application site is located outside the settlement boundary in a countryside location, within the Green Belt.

- 3.1 The application site relates to two separate, but related, parcels of land comprising 12.3 ha of agricultural land (Grade 3) to the east of Wellers Lane and part of the existing Frost Folly car park (0.2 hectares). The Frost Folly car park serves the recently completed (but yet to be opened) Frost Folly SANG and the existing agricultural land to the south is currently managed for arable purposes. The existing field is enclosed by trees, scrub and hedgerows, although three mature Oak trees (classified as Category B trees) are located in the north-west quadrant of the site. An existing post and rail fence runs alongside the existing hedgerow within the boundary of the field, which is broken by a field gate on the western boundary in Wellers Lane and, to the south, in Westhatch Lane.
- 3.2 The ground levels on the site fall from the north-west corner, adjacent to Wellers Lane towards the eastern boundary of the site. The south-eastern corner of the site falls within Flood Zones 2 and 3 of the River Cut and the eastern edge of the development is bounded by an Unnamed Ordinary Watercourse (UOW). Long range views are available across the site from Wellers Lane towards the Church of St Michael (Grade II* Listed).
- 3.3 The site of the proposed SANG has no public access, however, an existing public right of way runs along the northern and eastern boundaries of the Frost Folly SANG to the north. This forms part of the circular recreational footpath around the Borough based upon existing rights of way (FP3 (Warfield) ramblers route 10).
- 3.4 Wellers Lane is located to the east of Maidenhead Road (A 3095) and to the north of Warfield Street (B3094). Bowyers Lane and Westhatch Lane link the Maidenhead Road to Wellers Lane. Wellers Lane, Bowyers Lane and Westhatch Lane are part of a network of single lane carriageways, with occasional passing places located to the north of Warfield which are rural in character and subject to a 60mph speed limit.

3.5 The application site is located within a rural area with the nearest residential properties located within Bowyers Lane to the north-west.

4. RELEVANT SITE HISTORY

4.1 At the time of the submission of the application, an existing agricultural building was located in a prominent location in the north-west quadrant of the site and was included in the description of the application. However, on 22 June 2018 an application was submitted for the demolition of the existing agricultural building under Part 11 Class B of the Town & Country Planning (General Permitted Development)(England) Order 2015. Condition B2 (b) of the Order requires developers to apply for prior determination for the demolition of an agricultural building and to establish whether the method of demolition and any restoration needs to be approved by the Local Planning Authority. Prior Approval was granted on 20th July 2018. The building has now been removed and the description of the current planning application has been amended.

4.2 Whilst the demolition of the existing agricultural building is the most recent application and is related to the future use of the land as SANG, the current application could form one of 4 SANGs (other than this proposal) north of Warfield as set out below:

Frost Folly SANG Wellers Lane (application 15/011161/FUL). This was granted planning permission on 11th November 2016. The planning permission has been implemented; the SANG has been signed off as being completed (in compliance with the SANG management plan) and is in the process of being transferred to the Council.

Frost Folly SANG Wellers Lane (application 18/00453/FUL). This is an application for an extension to the existing SANG to include the field to the south. This is currently subject to consideration.

Land north of West Hatch Lane, Bracknell (application 17/00923/FUL). This relates to the land to the south of Moss End Farm. It has been resolved to grant planning permission subject to the completion of a s106 agreement and a decision is expected to be issued shortly.

5. THE PROPOSAL

5.1 This application relates to the change of use of agricultural land (Grade 3) (which is currently managed for arable purposes), to a Suitable Alternative Natural Greenspace (SANG). The change of use would relate to an area of 12.1 hectares immediately abutting the southern boundary of the Frost Folly SANG and would form an extension to the existing SANG. Car parking to serve the SANG would be provided at the Frost Folly car park. The car park (which was re-surfaced with a resin finish as part of the planning permission for the Frost Folly SANG) currently accommodates 36 spaces which are delineated by granite setts. The area to the south of the delineated spaces, accommodates planters but has the capacity to provide additional car parking spaces. The car park is owned by Warfield Parish Council and the applicant has agreed terms with the Parish Council to accommodate a further 20 spaces between the existing planters. The car park is accessed via Wellers Lane and directional signage has already been installed on the Maidenhead Road (A3095) directing traffic to the Frost Folly SANG along Bowyers Lane. An additional sign is located at the junction of Bowyers Lane and Wellers Lane. The installation of the signage was a requirement of the SANG Management Plan for Frost Folly. The planning application for the SANG itself (excluding the car parking area) comprises the following elements:

- The formation of a minimum 2.3 km circular walk which would meander through areas of planting. This would comprise a mown footpath with the exception of a section of surface

path in the south – eastern corner of the site (with Flood Zones 1 and 2) which would be hard surfaced to maintain passable paths through the wetter winter months.

- The formation of footpath linkages between the existing SANG at Frost Folly and the proposed SANG to facilitate access and an extension to existing walking routes.
- The retention of all existing boundary vegetation (including tree lines, scrub and hedgerows) except where two sections are removed on the northern boundary to facilitate access to the Frost Folly SANG.
- The retention of the three mature Oak trees in the north-western corner of the site.
- Landscaping to include the planting of extensive areas of wildflower grassland, subdivided by native hedgerows (the native hedgerows will be used to divide the SANG into four parcels defined as Areas A – D) with standard trees and woodland planting, along with woodland copses, native shrub planting and individual tree planting.
- The provision of water bodies in the south – eastern corners of the site with associated aquatic and wetland planting.
- The retention of existing post and rail fencing along the northern (except where removal is required to facilitate pedestrian access); western and southern boundary of the site and the erection of new post and rail fencing along the eastern boundary.
- The provision of a cattle corral at the intersection of the north-south and east-west hedgerow line to enable the three quarters of the SANG to be grazed. The north-western part (Area A) would not be grazed due to the need to provide a 50m protection zone around the three Oak trees which have roosting boxes and have been used by Kestrels, Barn Owls and Little Owls.
- The provision of field and pedestrian gates (including kissing gates with mobility access on the northern boundary) within and the SANG to ensure the containment of cattle within the north-western corner of the site (Area A).
- The provision of an information board in the north-western section of the SANG at the intersection of paths.
- Benches, litter bins, dog bins and waymarkers (e.g. wooden posts or similar) would be located within the SANG.

5.1 The conversion of the existing arable field to SANG along with the provision of the associated car parking spaces will be undertaken in phases. In the event of approval, the development would be subject to the completion of a s106 agreement which would secure the phased provision of the SANG with a commuted sum, payable to the Council, to cover its interim management and maintenance for a period of 20 years at which point the whole of the site would be required to be delivered to the standard required by Natural England. The phased provision of the SANG would enable the site to be laid out to a standard to provide public access but the ownership would be retained by the applicant who would be able to negotiate with other landowners/developers within 4km of the site to use land. The delivery of the SANG phasing would be split between the 'First SANG Enhancement Works' and the SANG Upgrade Works. The scope of work within each stage is summarised below:

First SANG Enhancement Works – the provision of the additional car parking spaces; repairs and improvements to existing fencing; landscaping and pond construction.

SANG Upgrade Works – this will involve upgrades to individual areas of the site. This could be undertaken in full or on a phased basis. Each phase would be no less than 2 hectares in size. The work involved in the upgrade of each phase would include the delivery of all infrastructure proposed within that phase including information board; new waymarkers; bins; benches and connections to the existing SANG.

6. REPRESENTATIONS RECEIVED

Warfield Parish Council: raised an objection to the initial car parking layout (revised plans have been received to address the concerns regarding the layout).

6.1

Other Representations:

6 responses have been received from residents of Bowyers Lane who object to the application on grounds of the use of Bowyers Lane to provide access to the SANG. The comments received are summarised below:

- The use of Bowyers Lane will endanger the safety of horse riders, walkers and cyclists who use the lane. It will be a major rambler access point for the new country park. There are no footpaths and walkers are forced to walk in the road which has no refuges for vehicles to pass.
- Bowyers Lane is single track at the top end, has no passing places and many drivers are incapable of reversing their cars.
- The junction at Bowyers Lane and the Maidenhead Road 3095 has a very dangerous blind spot and visibility is poor as cars come very fast around the bend. The junction has been an accident location.
- The new signposting (covered at present) which will direct traffic to use Bowyers Lane is not acceptable.
- The increase of Bowyers Lane traffic will exacerbate the difficulties of vehicles emerging onto the A3095 from Buckle Lane which forms the other side of the crossroads opposite Bowyer Lane. There has is an uphill restricted view towards Bracknell. There has been one fatality at this location.
- Access to the SANG would be better from the next junction, Westhatch Lane since it has better visibility, has a 40mph speed limit and is not used by horse riders and walkers as much as Bowyers Lane. It also has passing spaces in the form of gateways which are not present of Bowyers Lane.
- Westhatch Lane and Wellers Lane have very little existing traffic since they do not have any residential or commercial properties;
- Bowyers Lane could be closed at its junction with Wellers Lane and gates so that it would only be used by pedestrians; cyclists and horse riders and residents only and this should take place before the country park is open.

Additional Comments relate to:

- Lack of safe routes for horse riders given the speed of traffic on the rural road network;
- The lack of provision of a track for horses at Frost Folly;
- Previous assurances by the Parish Council regarding the planning of the Wellers Lane SANG that access would be via Westhatch Lane and not Bowyers Lane.
- The previous application for Moss End Garden Village i.e. at the time of the planning application for the Moss End garden village, the planning authority acknowledged that Bowyers Lane is too dangerous for any increase in traffic, due to its single track nature which had already seen three head-on crashes. When approved, access to the garden village was prohibited from Bowyers Lane (two existing accesses were closed) and a new entrance was formed on the A3095. At the time it was acknowledged that the lane was too dangerous for traffic and was not capable of being improved due to ditches, hedges and banks on either side.

7. SUMMARY OF CONSULTATION RESPONSES

- 8.1 Highways Officer - reports no objections subject to conditions to off-site highway works and use of car parking spaces
- 8.2 Parks and Countryside Manager – no objection subject to conditions to secure the implementation of the SANG and planting in accordance with the approved plans and the prior completion of a s106 agreement.
- 8.3 Landscape Officer – reports no objection.
- 8.4 SPA Officer – reports no objection subject to the completion of a s106 agreement to secure the implementation of the SANG in accordance with the approved plans, the future transfer of the SANG, and the payment of commuted sums for on-going management and maintenance.
- 8.5 Natural England – reports no objection
- 8.6 Environment Agency – reports no objection subject to a conditions relating to no change in level within the flood zone.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
General policies	CS1- Core Strategy	Consistent with the NPPF
Design	EN20 – BFBLP; CS7 – Core Strategy	Consistent with the NPPF
Amenity	EN20 – BFBLP; CS7 – Core Strategy	Consistent with the NPPF
Highways	M4; M6 – BFBLP; CS24 – Core Strategy	Consistent with the NPPF
Green Belt	GB2 - BFBLP	Consistent with the NPPF
Supplementary Planning Documents (SPD)		
<ul style="list-style-type: none"> - Designing for Accessibility SPD (June 2006) - Parking Standards SPD (July 2007) - Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD (March 2012) - Planning Obligations SPD (February 2015) - Bracknell Forest Borough Landscape Character Assessment (Sept 2015) 		
Other publications		
National Planning Policy Framework (NPPF)		

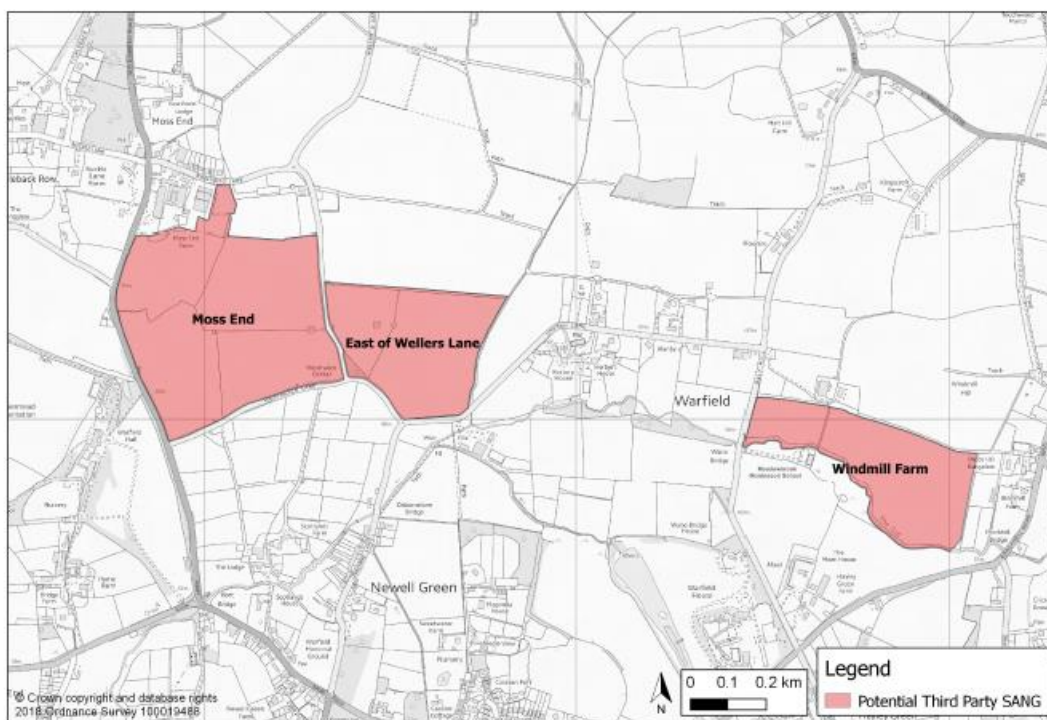
9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

i. Principle of Development

9.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. This is reinforced by the NPPF which explains that *'at the heart of the Framework is a presumption in favour of sustainable development'* (Paragraph 10 refers) which should be applied when making planning decisions. In terms of decision making, Paragraph 11 explains this means that developments which accord with the development plan *'should be approved without delay', and that 'where there are no relevant development plan policies, or the policies which are the most important for determining the application are out-of-date'* that permission should be granted unless *'the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or policies of the NPPF indicate otherwise'*. The policy advice of the NPPF is supported by the National Planning Practice Guidance (NPPG). The presumption in favour of sustainable development is reflected in the Bracknell Forest Borough Council Site Allocations Local Plan (SALP), Policy CP1 refers. This states that planning applications which accord with the Development Plan should be approved without delay unless material considerations indicate otherwise.

9.3 The proposed SANG is designed to mitigate the impact of residential development within 4km of the site on the Thames Basin Heaths Special Protection Area (TBHSPA). The importance of the Thames Basin Heaths is recognised within the retained Policy NRM6 of the South East Plan (Thames Basin Heaths Special Protection Area); the Core Strategy - policies CS5 and CS14 refer; the SALP - policy SA9 refers; the Warfield SPD and the Bracknell Forest Thames Basin Heaths SPA Avoidance and Mitigation SPD April 2018 (TBH SPD). The TBH SPD identifies the application site as one of a group of SANGs north of Warfield the locations of which are illustrated on the map below.



9.4 The Council's SPA Officer reports that the proposed SANG would be used to mitigate the impact on the TBHSPA and would have the capacity provide the mitigation for in the region of 654 dwellings. The SPA Officer has no objections in principle to the development subject to the completion of the development in accordance with the approved plans; agreement to a SANG Management plan and the completion of s106 agreement to secure, amongst other matters:

- the phased implementation of the SANG to ensure that when completes it will meet the SANG Quality Standards set by Natural England;
- the transfer of the SANG to the Council with a sum of £792,229 to enable the land to be maintained in perpetuity. This includes a baseline maintenance sum applied over 20 years at £1,605 per hectare plus £994 SANGs maintenance costs applied over 125 years and allows for estimated interest rates and inflation to be applied over the period;
- a monitoring fee of £3,200

9.5 The site is located outside the settlement area boundary; within the Green Belt and Landscape Character Area C1 Binfield and Warfield Clay Farmland within the Bracknell Forest Landscape Character Assessment (LCA). Policy GB2 of the Bracknell Forest Borough Local Plan (BFBLP) - Changes of Use of Land within the Green Belt states that:

' There will be a general presumption against changes of use of land unless for the following purposes:

- i) Outdoor sport and recreation; or*
- ii) Cemeteries; or*
- iii) Other uses which protect the open, rural and underdeveloped character of the Green Belt*

Provided that the change of use would not cause material permanent or temporary harm to the living conditions of those people residing in or close to the Green Belt'

9.6 This policy is reinforced by Policy CS1 – Sustainable Development of the Bracknell Forest Core Strategy Development Plan Document (CSDPD) which explains that development will be permitted which protects and enhances *' the character and quality of local landscapes and the wider countryside'* (criterion 7 refers).

9.7 Policy GB 2 (i) of the BFBLP provides for the changes of use of land relating to outdoor sport and recreation which is consistent with the recently published NPPF (July 2018). The following sections of the NPPF are key to the assessment of the proposal:

Paragraph 143. This explains that *'inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances'*.

Paragraph 144. This sets out the planning balance and explains that *'When considering any planning application, local 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 resulting from the proposal, is clearly outweighed by other considerations'*.

Paragraphs 145 and 146 set out the forms of development that are not inappropriate in the Green Belt. In Paragraph 146 e) this includes: *'material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds'*. Such a material change of use is not inappropriate in the Green Belt (along with the other

categories of development within Paragraph 146) *'provided they preserve its openness and do not conflict with the purposes of including land within it .*

9.8 The application was submitted prior to the introduction of the new NPPF. In the previous NPPF the change of use of land within the Green Belt was not included in the categories of development not considered to be inappropriate in the Green Belt. The applicant therefore submitted a justification to demonstrate how the development would be consistent with the objectives of Green Belt policy and that *'very special circumstances'* exist in this case for granting planning permission. Given the changes to the NPPF as set out in paragraph 4.5 above, the principle of the use of land for SANG, which would be used for outdoor recreational purposes, would be acceptable subject to preserving the openness of the Green Belt and not conflicting with the purposes of including land within it (i.e. the five purposes of the Green Belt as set out in Paragraph 134 of the NPPF) i.e.

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Bullet points 1 – 3 are relevant in the assessment of this case.

9.9 The proposed change use of agricultural land to SANG would result in 12.1 hectares of land being laid out and landscaped to meet the design/layout standards for SANG; enable its use for recreational purposes and provide open space that would mitigate the impact of development within the Borough on the Thames Basins Heaths Special Protection Area (SPA). The car parking to serve the SANG would be located on an existing area of hardstanding which already forms part of the Frost Folly car park, albeit with delineated car parking spaces. In the event of approval, the application would be subject to a s106 agreement to secure (amongst other matters) the transfer of the land to the Council to ensure that it would be maintained in perpetuity for a period of 125 years. The legal agreement to secure the management of the land would ensure that it would be safeguarded from development, kept permanently open and would fulfil the purpose of the Green Belt as set out in bullet points 1 – 3 above. The impact of the development on the openness of the Green Belt and other material considerations are set out below.

ii) Impact on the Landscape Character

9.10 Chapter 8 of the NPPF relates to promoting healthy and safe communities and Paragraph 96 relates to the importance of the delivery of high quality open spaces for health and well-being and the need for planning policies and decisions to take opportunities to enhance existing public rights of way and adding links to existing networks. This is reinforced by guidance on Green Belts, specifically paragraph 141 which states that local planning authorities should be *'looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity'*. Whilst opportunities for recreational use are encouraged this has to be balanced against ensuring that development proposals contribute to and enhance the natural and local environment (Chapter 15 of the NPPF refers).

9.11 The agricultural quality (in this case Grade 3) of the land contributes to the landscape character of the site. Paragraph 170 (a) of the NPPF relates to the protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils. Footnote 53 refers relates to plan making and the need to ensure that where *'significant*

development of agricultural land is demonstrates to be necessary, areas of poor quality land should be preferred to those of a higher quality’.

9.12 Policies EN1 and EN2 of the Bracknell Forest Borough Local Plan (BFBLP) relate to protecting existing tree and hedgerow cover and supplementing existing tree and hedgerow cover. These policies refer to the importance of tree and hedgerow cover in providing green links between open spaces and wildlife sites, their value as habitats for wildlife and the importance of planting of indigenous trees appropriate to the character of the area and a variety of other indigenous plants. At a strategic level, the Core Strategy, Policy CS1 refers relates to sustainable development. Criterion viii) includes the need to *‘protect and enhance the quality of local landscapes and the wider countryside’*. These policies are consistent with the NPPF.

9.13 Bracknell Forest Borough Landscape Character Assessment (Sept 2015) updates the existing Bracknell Forest landscape evidence studies and forms for of the evidence base for the emerging comprehensive local plan. Within this study the application site falls within Landscape Character Area C1 Binfield and Warfield Clay Farmland of the Bracknell Forest Landscape Character Assessment (LCA). The key characteristics of the area as extracted from the LCA are:

1. Underlying clay geology, cut by water courses including the Cut River creating a gently undulating landform with mid-distant views across grass and arable fields to low ridgelines and wooded horizons.
2. A farmed, working landscape of medium to large sized fields of mixed arable and pasture, and smaller fields around the edges of villages.
3. Small deciduous woodlands and well-managed hedgerows which provide rhythm and emphasis to views across the landscape.
4. Quiet and rural character with limited scattered settlement well integrated into the landscape.
5. Historic manor houses sited within remnant parkland landscapes, often hidden from view behind high fences or coniferous boundaries.
6. Rural lanes bordered by hedgerows, grass verges and ditches.

Characteristics 2, 3, 4 and 5 as detailed above are relevant to the proposal. The design of the SANG should reflect the existing character of the landscape and seek not only replicate, but enhance the character of the land.

9.14 The SANG has been designed to meet the design quality standards set by Natural England. It would provide a 2.3km circular walk, landscaping/tree planting, information boards, litter bins and dog bins. 20 car parking spaces, would be provided within the existing Frost Folly car park which has been used for car parking purposes for more than 20 years. Whilst the number of car parking spaces in the car park would increase from 36 (existing) to 56 (proposed) the car parking and the existing hardstanding is a pre-existing use within the Green Belt. The increased area of car parking spaces within an area of existing hard standing, would lead to more cars being parked but any impact on the openness of the Green Belt and on the character of the area would be limited and of a short term nature in conjunction with visits to the SANG or access to the wider footpath network.

9.15 The landscaping strategy for the site (and also the recent removal of the existing farm building) benefits the setting of the Church of St Michael (Grade II* Listed) by opening up views to the east framed by hedgerow planting and existing trees. The Council's Landscape Officer reports no objection to the principle of the development and the layout of

the circular walk. The implementation of planting in accordance with the approved scheme, will assist in reinstating and reinforcing lost/existing landscape features and the assimilation of the SANG into the landscape. The use of an area of former agricultural land as SANG would therefore be consistent with the essential characteristics of the openness of the Green Belt and would enhance and preserve the landscape in perpetuity.

iii) Impact on Existing Tree Cover

- 9.16 Paragraph 175 (c) of the NPPF recognises the importance of ancient woodland and ancient or veteran trees and paragraph 175 (d) encourages opportunities to incorporate biodiversity improvements when considering development proposals.
- 9.17 Policy EN1 of the BFBLP (Protecting tree and hedgerow cover) relates to the importance of tree and hedgerow cover and explains the importance to the character and appearance of the landscape and townscape; the role in providing green links and habitats for wildlife and their importance in areas of historic significance. This policy is reinforced by Policy EN20 (Design considerations in new development) and policies of the Bracknell Forest Core Strategy policies CS1 – Sustainable Development Principles and CS7 (Design) refers.
- 9.18 The impact on the landscape character of the area is explained in section 5 above. However, it is important to note that existing trees and hedgerow would be retained and supplemented with additional tree and hedge planting within SANG. The existing Oak trees within the north-eastern corner of the site would be further safeguarded given need to locate pathways at a distance of 50m to avoid disturbance the nesting boxes used by Kestrels, Barn Owls and Little Owls.

iv) Impact on Ecology

- 9.20 The importance of taking opportunities to improve habitats and biodiversity is recognised in paragraphs 174 – 177 of the NPPF. Policies EN3 of the BFBLP and the Bracknell Forest Core Strategy (Policy CS1) recognise the need for the Borough's biodiversity to be protected, conserved and enhanced.
- 9.21 The application has been supported by an ecological assessment which has informed the design, layout, landscaping and future management regime as set out in a SANG Management Plan. The Council's Biodiversity officer reports no objection to the application.

v) Highways and Access

- 9.21 The NPPF (Paragraph 108 refers) explains that in assessing applications for development, it should be ensured that:
- a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
 - b) *safe and suitable access to the site can be achieved for all users; and*
 - c) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectivity mitigated to an acceptable degree.*

In balancing the impact of the development on the highway, Paragraph 109 states:

'Development should only be prevented or refused on highway grounds if there would be and unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe'

- 9.22 At a local level the BFBLP, Policy M4 states that *'Development which would result in a material increase in the use of the existing highway will not be permitted unless appropriate pedestrian, cycling and public transport routes and facilities are provided and/or improved and any reasonably required highway works undertaken'*. This is reinforced by Policies M6 – Cycling and Walking of the BFBLP which requires development to provide safe, direct and well signed pedestrian and cycle routes within the Borough which is reflected in the objectives of the overarching design policy, Policy CS1 within the Core Strategy DPD. Recognition of the need for development to mitigate for any transport impacts which may arise is reflected in Policy CS24 of the Core Strategy DPD. The policy approach reflected in these policies is consistent with the general sustainability thrust of the NPPF.
- 9.23 The Highway Authority (HA) has no objection to the principle of the development, including the use of the Frost Folly car park and the additional 20 car parking spaces. The 20 spaces would exceed the standards prescribed by Natural England (i.e. 1 space/hectare =12 spaces for a 12.1 ha SANG) but the HA recognises that the extra 8 spaces would be beneficial at times when the SANG experiences a high demand, especially since the highway cannot accommodate any overspill parking. Furthermore, it is noted that other SANGs within the Borough have been provided with between 20 – 30 spaces, with the latest approved SANG on Forest Road at Cabbage Hill being provided with 25 spaces. However, site observations of other SANG car parks indicates that they are often at near capacity and therefore the combined provision of 56 spaces for these two adjoining SANGS will provide sufficient provision capacity. In terms of the access to the car park, this has visibility splays of 2.4 metres by 70 metres which significantly exceeds the Design Manual for Roads and Bridges (DMRB) standards.
- 9.24 Section 6 of this report provides a summary of the objections from residents to the access arrangements for the SANG i.e. via Bowyers Lane, having regard to the impact of traffic movements on the safety and convenience of other highway users, in particular horse riders, walkers and cyclists who use the lane. Particular concerns have been raised regarding an increase in traffic using Bowyers Lane, on the safety of the junction between Bowyers Lane and the Maidenhead Road (A3095) and Buckle Lane. Reference is made to the occurrence of accidents at this location; the speed of traffic through the rural road network and the lack of passing places.
- 9.25 The concerns from residents in Bowyers Lane (and also the pattern of use across the wider network) are a reflection of their day to day experience as residents and users of the lane and also a reaction to the installation of directional signage at the junction of Bowyers Lane and the Maidenhead Road and at the northern end of Wellers Lane at the junction with Bowyers Lane. The siting of the existing signage was a requirement of the SANG Management Plan in respect of the Frost Folly SANG. Residents of Bowyers Lane advocate that access to the SANG, both existing and proposed should be via Westhatch Lane and Wellers Lane.
- 9.26 The application has been supported by a Transport Statement and the HA notes that:
- Wellers Lane, Church Lane and Westhatch Lane are all single carriageway roads with a 60mph speed limit, although speed surveys undertaken by the applicant have shown the 85th percentile vehicle speeds to be significantly lower than the posted speeds of 28.6 miles per hour northbound and 18.6 miles per hour southbound on Wellers Lane.

- A review of accident data on CRASHMAP shows there have been no recorded accidents on these single carriageway roads surrounding the site since 1999. This indicates that vehicular movements from the existing Frost Folly Country Park and SANG have not been detrimental to highway safety. Whilst there have been no accidents along Bowyers Lane, there has been one accident at the Bowyers Lane and Maidenhead Road junction in the last 5 years. This involved a car exiting left from Bowyers Lane being hit by a vehicle travelling south on Maidenhead Road.
- The Transport Statement assesses the impact of the proposed SANG by assessing visitor surveys undertaken by Natural England at other SANGs which provide mitigation for the TBHSPA over 2012/13. Given the lack of suitable data for such use classes on TRICS, the first principle approach is justified. The conclusions are that as visits to the SANG occur constantly across the day, vehicular traffic to the SANG will be similarly spread across the day.
- The adjacent roads have limited passing spaces and a site inspection has shown that evidence of overrun has occurred to the existing verges, especially along Westhatch Lane and Bowyers Lane. The direct route from the main road network, A3095 and A330 to Frost Folly is via Wellers Lane and Bowyers Lane. Bowyers Lane is wide enough for two way car flows as it passes through the hamlet of Moss End before narrowing to a single carriageway to Wellers Lane. Given that the extension to the car park at Frost Folly will increase vehicle movements along the adjacent network and to prevent significant damage occurring to verges it is recommended that passing bays are provided along Bowyers Lane and Wellers Lane and at the Bowyers Lane and Wellers Lane junction.
- Signage to the car park should promote the Bowyers Lane Route.

9.27 In response to HA comments the applicant has undertaken a survey of Wellers Lane and Bowyers Lane to assess where passing places could be provided or existing passing places improved. The locations of these localised improvements to include resurfacing and road widening to prevent over running of verges is illustrated on the map below:



(Source: Site Passing Place Improvement Plan – PBA Drawing Number; 36151/5504/001 Rev A)

- 9.29 The concerns of residents regarding the impact of traffic on Bowyers Lane are noted including the preference that Westhatch Lane should be promoted as the access to Frost Folly SANG. Although Westhatch Lane would not be signposted as a route to the Frost Folly SANG there is a reasonable prospect that it would be used given that it will also provide a route to the Moss End SANG. Vehicular movement along Westhatch Lane would be also improved through the provision of passing places. The SANG at Moss End Farm could also provide a starting point for a much longer walk given the connectivity provided by footpaths within the Moss End SANG and the Frost Folly SANG. As such, Moss End car park could provide an interceptor car park to help off-set any impacts on Bowyer Lane and Wellers Lane.
- 9.30 Having regard to the assessment of the impact of the vehicular activity associated with the increased use of the Frost Folly car park and the highway and the provision of new passing places or improvements to existing passing places, the impact on the safety and convenience of other highway users would not warrant a refusal of the application on highway grounds. In the event of approval it is recommended that a condition be attached to secure the off-site highway works.

v) Impact on Residential Amenity

- 9.31 Policy EN20 BFBLP states that development should not affect the amenity of surrounding properties or area and Policy CS1 recognises the importance of sustainable development and the need to protect and enhance the health of the local population.
- 9.32 The objections from residents in Bowyers Lane are summarised in Section 6. Although there is no objection to the principle of the SANG, the key area of concern relates to traffic impacts associated with the development which have been addressed in the Highway section above. Notwithstanding the above assessment, consideration has also been given the noise and activity associated with vehicular movement on the living conditions of residents within the Bowyers Lane but having regard to the nature of the use it is not considered that the proposed development would demonstrably or significantly impact on the amenity of occupiers living within the vicinity of the site.

10 CONCLUSIONS

- 10.1 The site would deliver SANG to mitigate the impact of development within 4km of the application site on the TBH SPA, including the strategic development at Warfield and would make a positive contribution in assisting the delivery of housing. The proposed use would not be an inappropriate use within the Green Belt having regard to the assessment set out within this report. The landscape and character of the application site would be changed through additional planting and measures (as set out in paragraph 1.3 of this report) to enable it to function as SANG and there would be an increase in the number of cars parking on an existing area of hardstanding. It is concluded however that these changes, would not be harmful to the Green Belt in itself and the use of the land as SANG would positively enhance the use of the Green Belt and provide opportunities for public access; recreation and enhance the landscape, its visual amenity and biodiversity.

11 RECOMMENDATION

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

- the legal mechanism for the delivery of the SANG.

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

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

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

02. The development hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details received by the Local Planning Authority on 19th and 20th September 2018:-

Site Location Plan (drawing ref. 6518-SANG_EXT_SLP Rev A)

Planning, Design and Access Statement Rev E September 2018

SANG Management Plan September 2018 Rev. 6826.SANG.vf7

Ecological Assessment April 2018 Rev. 6826.EcoAss.vf2

Flood Risk Assessment Rev P8 September 2018 prepared by BWB Consulting Ltd

Transport Statement Rev TS Final V2 prepared by Peter Brett Associates LLP

Illustrative Parking Layout (drawing ref. 36151-5501-027 Rev F) prepared by Peter Brett Associates LLP

Detailed Hard and Soft Landscape General Arrangement Plans prepared by Fabrik

- D2571 L.100 Rev PA04

- D2571 L.301 Rev PA07

- D2571 L.302 Rev PA06

- D2571 L.303 Rev PA05

- D2571 L.304 Rev PA05

- D2571 L.305 Rev PA07

- D2571 L.306 Rev PA06

- D2571 L.307 Rev PA06

Tree Report Rev A prepared by ACD Ltd

Passing Place Improvement Locations Plans prepared by Peter Brett Associates LLP

- 36151/5504/001 Rev A

- 36151/5504/002 Rev A

- 36151/5504/003 Rev A

- 36151/5504/004 Rev A

- 36151/5504/005 Rev A

36151/5504/006 Rev AREASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

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03. Prior to the completion of the First SANG enhancement works the car parking spaces as illustrated on drawing number drawing ref. 36151-5501-027 Rev F shall be in accordance with the details as specified in the approved scheme and thereafter shall be retained for the parking purposes to serve the development.

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]

04. The first SANG enhancement works and the relevant phases of the SANG upgrade works 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 (if required)

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

REASON: In the interests of amenity and road safety.

05. No retained tree or hedgerow (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.

REASON: In the interests safeguarding visual amenity.

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

06. Notwithstanding the details of planting as shown on drawing numbers:

- D2571 L.100 Rev PA04
- D2571 L.301 Rev PA07
- D2571 L.302 Rev PA06
- D2571 L.303 Rev PA05
- D2571 L.304 Rev PA05
- D2571 L.305 Rev PA07
- D2571 L.306 Rev PA06
- D2571 L.307 Rev PA06

- i) Prior to the commencement of the development details of the final landscaping scheme (to include construction detail of the ponds; fencing, gates, waymarkers and refuse bins) shall have been submitted to and approved in writing by the Local Planning Authority. All planting comprised in the soft landscaping works as part of the first SANG enhancement works shall have been submitted to and approved in writing by the Local Planning Authority. The planting shall be undertaken in the nearest planting season (1st October to 31st March inclusive) following the implementation of the first SANG enhancement works.
- ii) Prior to the commencement of the development of each phase of the SANG upgrade works, details of the final hard and soft landscaping schemes to be implemented as part of each SANG upgrade phase shall have been submitted to and approved in writing by the Local Planning Authority. All planting comprised in the soft landscaping works as part of the SANG upgrade works shall have been submitted to and approved in writing by the Local Planning Authority. The planting shall be undertaken in the nearest planting season (1st October to 31st March inclusive) following the implementation of each phase of SANG upgrade works prior to the transfer of any part of the approved SANG, or as otherwise may be agreed in writing by the Local Planning Authority.

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

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

07. The development should not be publicly accessible until the off-site works on Wellers Lane and Bowyers Lane have been completed in accordance with the details as shown of the following plans:

- 36151/5504/001 Rev A
- 36151/5504/002 Rev A
- 36151/5504/003 Rev A
- 36151/5504/004 Rev A
- 36151/5504/005 Rev A
- 36151/5504/006 Rev A

REASON: In the interests of the convenience and safety of all highway users.
[Relevant Policy: BFBLP EN20, M4, CSDPD CS7, CS24]

a) Informative(s)

01. The developer is advised that a section 278 Agreement will be required for works within the highway.

02. Land Drainage Act Consent from Bracknell Forest Borough Council will be required for works to the existing ditches, including structures and outfalls.

03. The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.

04. 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.

05. The First SANG Enhancement Works as specified in conditions 3 and 4 are those works specified in in paragraph 5.1 above unless otherwise agreed in the s106 agreement

In the event of the s106 planning obligation not being completed by 31 December 2018 the Head of Planning be authorised to REFUSE the application for the following reasons:-

1. The absence of an agreement to secure the in perpetuity management and maintenance of the site would result in the land not satisfying the minimum requirements to qualify as SANG as required in Bracknell Forest Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD (March 2012) and as such would impact on the character of the use of land within this Green location. As such the development would be contrary to policies C1 of the Core Strategy DPD and GB2 of the Bracknell Forest Borough Local Plan DPD

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

ITEM NO: 7

Application No.
18/00538/FUL
Site Address:

Ward:
Ascot

Date Registered:
1 June 2018

Target Decision Date:
27 July 2018

Hill Rise 1 Heathway Ascot Berkshire SL5 8NX

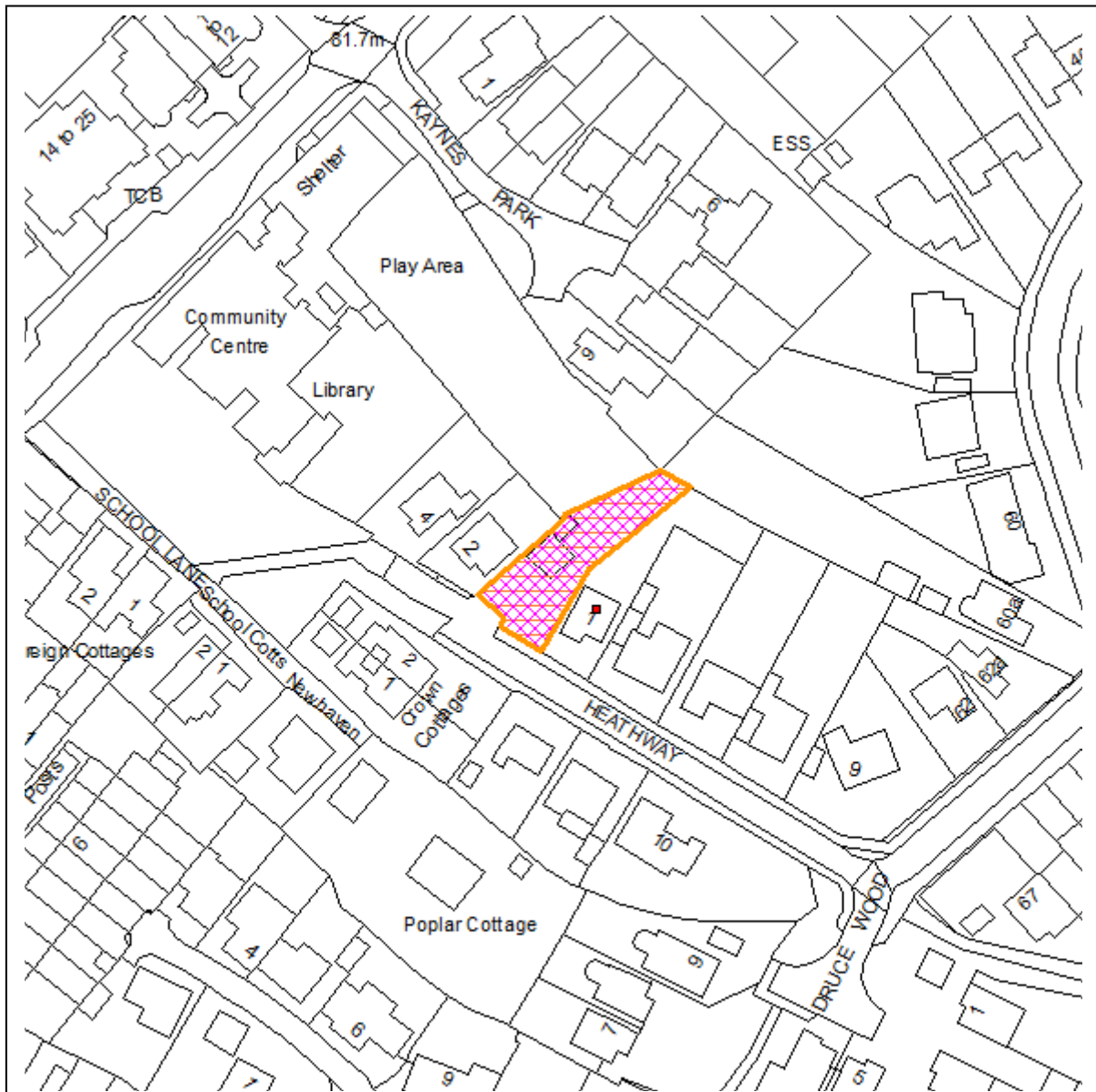
Proposal: **Erection of a 3no. bed detached dwelling following the demolition of existing garage and outbuilding**

Applicant: Ms Michelle Sachs

Agent: The Edwards Irish Partnership LLP

Case Officer: Michael Ruddock, 01344 352000
development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

1.1 The proposed development is for the erection of a detached dwelling to the side of Hill Rise following the demolition of the existing garage and outbuilding with associated parking and landscaping.

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 conditions. Relevant conditions will be imposed in relation to sustainability. A Section 106 legal agreement will secure contributions for SPA mitigation and the scheme is CIL liable.

RECOMMENDATION

Delegate to the Head of Planning to Approve the application subject to the conditions in Section 11 of this report and the completion of a Section 106 Agreement.

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

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

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within Defined Settlement

Within 5km of the SPA

TPO trees within and adjoining the site

3.1 Heathway is a residential cul-de-sac that is accessed along King Edwards Road. Pedestrian access is available to Fernbank Road to the north west via School Lane. The existing site of Hill Rise consists of a detached two storey dwelling with an access onto Heathway in front of the dwelling and a second access to the north of the dwelling leading to a detached garage and outbuilding. The site is bordered to the sides by No.2 Heathway to the north west and No.3 Heathway to the south east, and to the rear by No.60a King Edwards Road. Planning permission has recently been approved for the erection of a first floor front extension to the existing property.

3.2 The application site relates to the area of land to the north west side of the existing dwelling where a detached garage and outbuilding are currently located. The submitted location plan set out the application site edged in red and the remainder of the site that is within the ownership of the applicant edged in blue. The application site is set at an approximately 1m higher level than the site of the existing dwelling, and at an approximately 1.1m lower level than No.2 Heathway.

3.3 Trees within the garden sited towards the rear boundary are covered by area Tree Preservation Order (TPO) reference TPO 374 and a birch tree within the rear garden of the neighbouring property at No.2 Heathway is protected by TPO 334A.

4. RELEVANT SITE HISTORY

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

Application 8516 - Conversion of integral garage to living accommodation and provision of additional access - APPROVED 1963

Application 603217 - Single storey front extension to form dining area - APPROVED 1978

Application 18/00540/FUL - Erection of a first floor front extension – APPROVED 2018. It is noted that this development has commenced.

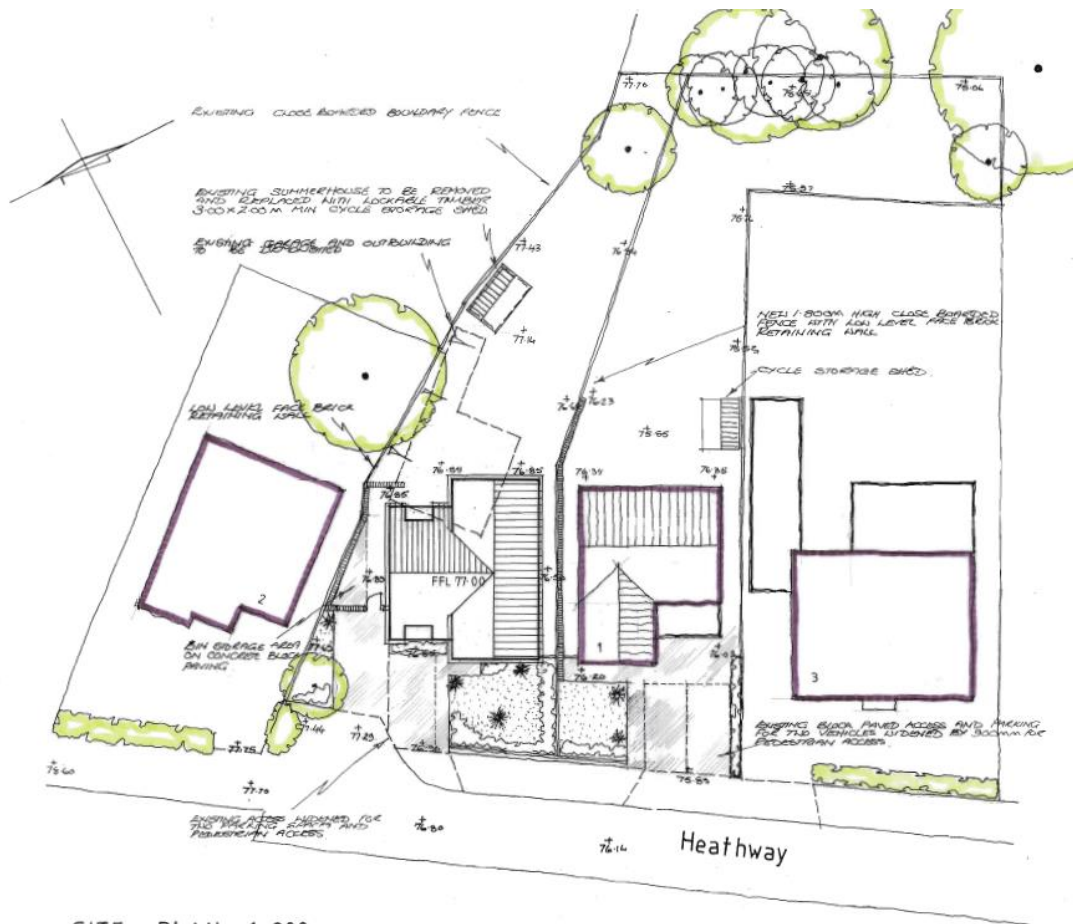
5. THE PROPOSAL

5.1 The proposed development is for the erection of a detached dwellinghouse on land to the side of Hill Rise, 1 Heathway following the demolition of an existing garage and outbuilding. The dwelling would have a maximum depth of 10.25m with a maximum width of 8.3m and a height of 8.2m. The dwelling would have a pitched roof design with gables projecting to the front and rear.



5.2 The dwelling would provide a living room, study and open plan kitchen/dining/family room at ground floor level with three bedrooms, an en suite and a bathroom being provided at first floor level.

5.3 The dwelling would be constructed adjacent to the side of the existing dwelling and land that is currently used as parking, with a driveway leading to a detached garage. As such, an access is provided in this location as existing. It is proposed to widen this access with two parking spaces provided. The existing driveway forward of the dwelling would be widened, with areas of soft landscaping proposed between the areas of parking.



5.4 A gap of 2m would remain between the new dwelling and the existing dwelling, with a 1m set off on either side. To the eastern boundary with No.2 Heathway the dwelling would be set 3.8m off the boundary at the front with the gap narrowing to 1.2m at the rear with a small retaining wall constructed between the two properties due to the levels difference. A bin storage area would be sited in this location. A shed for cycle storage with a height of 3m is proposed to the rear of the new dwelling, in a similar position to the existing outbuilding. An amenity garden area with a depth of approximately 22m would be provided for a new dwelling, with a large garden area remaining for the existing dwelling.

5.5 During the course of the application the size of the dwelling was reduced from four bedrooms to three with changes to the internal layout at ground floor level. A single storey element to the rear was removed from the scheme which reduced the footprint of the dwelling.

6. REPRESENTATIONS RECEIVED

Winkfield Parish Council:

6.1 Recommend refusal for the following reasons:

The proposal will result in the loss of garage space for the existing property and insufficient space for the new property. The application does not comply with BFC's published parking standards.

[OFFICER COMMENT: It should be noted that these comments were made on the basis of the original submission, which has been revised during the course of the application.]

Other representations:

6.2 Eight letters of objection were received in respect of the proposed development. The reasons for objection can be summarised as follows:

- The proposal would be a cramped overdevelopment of the site.
- The dwelling would appear out of character with other properties in the street.
- Loss of green open space to accommodate the dwelling.
- Insufficient parking provided.
- Impact on highway safety due to additional traffic. There are already sufficient properties on this road.
- Adverse impact on TPO tree to the rear of No.2 Heathway.
- Impact on the amenities of No.2 Heathway through loss of light and overlooking.
- Concerns about the proximity of the bin storage area to the neighbouring boundary.

[OFFICER COMMENT: It should be noted that these comments were made on the basis of the original submission, which has been revised during the course of the application.]

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Highways Officer

Recommend conditional approval.

7.2 Tree Officer

Recommend conditional approval.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	consistent
Design and Character	CS7 of CSDPD, Saved policy EN20 of BFBLP	consistent
Residential Amenity	Saved policy EN20 of BFBLP	consistent
Highway Safety	CS23 of CSDPD, Saved policy M9 of BFBLP	consistent
Effect on Trees	CS7 of CSDPD, Saved policies EN1 and EN20 of BFBLP	consistent
Sustainability	CS10, CS12 of CSDPD	consistent
Other publications	National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG), Design SPD, Parking Standards SPD	

9.1 The key issues for consideration are:

- i Principle of the Development
- ii Impact on character and appearance of the area
- iii. Impact on residential amenity
- iv Transport implications
- v Effect on Trees
- vi Sustainability
- vii SPA
- 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. 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, trees etc. These matters are assessed below.

ii. Impact on the character and appearance of the area

9.3 The proposed dwelling would infill a gap between No.1 and No.2 Heathway and as such would be visible in the streetscene. As existing there is a gap of between 12m – 15m between the side elevation of No.1 Heathway and the boundary with No.2. At present this area consists of a driveway and detached garage serving the existing dwelling which is not considered to be ‘open space’ as it is part of the residential curtilage of the existing dwelling. As such the siting of a dwelling in this location would not result in a change of use, and the loss of this area is not considered unacceptable.

9.4 The dwelling would be set off the side boundaries by a minimum of 1m and gaps of at least 2m would remain between buildings. It is considered that the gaps are sufficient for the proposal not to appear cramped and it is considered that there is sufficient space for the dwelling along with its parking and amenity areas to fit comfortably into the site. The spacing between the dwellings is considered acceptable and would not appear out of keeping with the pattern of development in this area.



9.5 With regard to its design, the proposal to include a pitched roof with gables to the front and rear which would incorporate features of existing dwellings on Heathway and as such would not appear out of keeping with the streetscene. The overall size of the dwelling is not considered

excessive and its height would reflect the levels difference between the sites, being at a higher level than No.1 Heathway and a lower level than No.2. The application proposes multi stock red facing brickwork to the walls and plain dark clay tiles to the roof as the primary materials. A variety of materials are used on the neighbouring dwellings on Heathway including red brick, yellow brick and white render. Tiles tend to be dark clay tiles. As such it is considered that the proposed materials would be in keeping with the streetscene, and shall be secured by condition.

9.6 The proposed floor levels are set out on the site plan and are considered acceptable. The only new boundary treatment is a 1.8m high close boarded fence with a low level brick retaining wall which is acceptable. These elements shall be secured by condition. In respect of the site frontage, soft landscaping areas are proposed which would break up the hard standing parking areas and this is considered acceptable. The bin storage area and cycle shed would have minimal impact on the character of the area.

9.7 There are a number of considerations within the Council's Design SPD that are relevant to this proposal. The SPD states that the design of built form should be specific to the location and that building heights should respond to existing heights and degree of variation in height in the local context. The design of roofs and elevation should relate well to the local context and materials should have a clear role in the design. It is not considered that the design of the proposed dwelling would be contrary to the recommendations of the Design SPD.

9.8 As such it is not considered that the proposed development would result in an adverse impact on the character and appearance of the area. It would therefore not be contrary to CSDPD Policy CS7, BFBLP 'Saved' Policy EN20 or the NPPF.

iii. Impact on residential amenity

9.9 The proposed dwelling would project less than 1m beyond the rear elevations of the two neighbouring dwellings at No.1 and No.2 Heathway. Such a rear projection would not result in an unacceptable loss of light to the rear facing windows of either property, or an unduly overbearing effect on the private amenity area to the rear of either property.

9.10 There are no side facing windows facing towards the application site at No.2 Heathway that would be affected. At the time the application was submitted, three side facing windows at No.1 Heathway faced towards the site that could be affected. The ground floor windows serve a living room and family/dining room both of which are also served by front or rear facing windows which are considered the primary source of light to the room. As such a loss of light to these windows would not warrant refusal of the application.

9.11 The first floor window previously served a bedroom and was the primary source of light to the room, however it is noted that this window was proposed to be removed under application 18/00540/FUL, with a front facing bedroom window and side facing en suite window proposed. The new bedroom window would not be affected and a loss of light to an en suite is not unacceptable. This application has been approved and development commenced, and as such it is not considered that there would be an unacceptable loss of light to the side facing windows of the existing property.

9.12 No side facing windows are proposed in the new dwelling that would face towards No.2 Heathway and as such the development would not result in an unacceptable loss of privacy to that property. A side facing window would face towards No.1 however this would serve a staircase which is not a habitable room. A condition will be imposed to ensure that this window is glazed with obscure glass and fixed shut below 1.7m from internal floor level to ensure no overlooking. A further condition will restrict first floor windows in the side elevations.

9.13 A concern has been raised regarding the location of the bin storage area, however it is common for such areas to be located to the side of dwellings. It is not considered that the use of this area as bin storage for a single family dwellinghouse would result in such an unacceptable level of disturbance that refusal of the application would be warranted. In any case the location of the bin storage area is not adjacent to any side facing windows or private amenity areas at No.2 Heathway. The cycle shed would not be located adjacent to the boundary with the neighbouring property and as such would have minimal impact.

9.14 The proposal would ensure sufficient amenity areas are provided for both the existing and proposed dwellings, and as such would provide an acceptable level of amenity for future occupiers of these properties.

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

iv. Transport implications

9.16 The new dwelling would utilise an existing access off Heathway which currently serves a driveway and a garage. The existing access would be widened to provide access to the two parking spaces. A pedestrian path is shown to the front door of the dwelling, with rear access for bin storage and cycle parking. These areas shall be secured by condition.

9.17 The new dwelling would be provided with two driveway parking spaces which complies with the requirements of the Parking Standards SPD for a three bedroom dwelling. The size of the spaces are acceptable and they shall be secured by condition.

9.18 The new dwelling would be sited on an area that is utilised as parking for the existing property at present, and therefore would remove part of its available parking. However the existing access and drive to the front of the main dwelling would remain. No.1 Heathway is a three bedroom dwelling (both as existing and as extended) therefore two spaces are required to comply with the Parking Standards SPD. The existing driveway is not quite wide enough to accommodate the required two parking spaces and pedestrian access, therefore it would be widened by 0.9m which would ensure that parking and access arrangements for the existing dwelling comply with the Parking Standards SPD. These alterations shall be secured by condition.

9.19 One new dwelling is likely to generate approximately 6 two way trips per day and it is considered that this would result in a nominal increase in traffic along Heathway and the surrounding roads.

9.20 As such the proposed development would not result in an adverse impact on parking provision or highway safety. The proposal would not be contrary to CSDPD Policy CS23, BFBLP 'Saved' Policy M9 or the NPPF.

v. Effect on Trees

9.21 Trees to the north of the site, some of which are within the rear garden of the property, are protected by TPO 374 however these trees are not in a location that could be readily affected by construction.

9.22 The birch tree to the west (T19 of TPO 334A) within the adjoining property of No.2 Heathway, overhangs the application site and the proposed construction zone. However the new dwelling would not significantly encroach into the Root Protection of the tree. As existing the site where the dwelling would be located includes a garage and driveway, whereas to the north, west and east of the tree are softer garden and wooded areas. As such the site of the new dwelling is not

considered to be the primary rooting area of the tree and as such it is considered that only a minor part of its RPA would be affected.

9.23 The application has been accompanied by an Arboricultural Impact Assessment which has been assessed by the Tree Service. It is comprehensive and adjudged to be accurate and representative of the issues affecting the trees. The proposed protective fencing is acceptable, as is the method statement to demolish the existing garage building adjacent to the birch. A retaining wall to be built between the two properties is acceptable. The recommendations of the AIA, such as protective fencing and the method statement, shall be secured by condition.

9.24 The internal layout of the dwelling has been amended so that no bedroom windows would face directly towards the tree. As such the tree would not overshadow habitable windows which would lead to pressure to prune. Although the new dwelling would somewhat obscure views of the tree from Heathway, the loss of a view is not a material planning consideration. It has been demonstrated to the satisfaction of the Local Planning Authority that there would be no adverse impact on the health of the tree subject to the measures outlined in the AIA. The proposal would therefore not be contrary to BFBLP 'Saved' Policies EN1 and EN20 or the NPPF.

vi. Sustainability

9.25 CSDPD Policy CS10 requires the submission of a Sustainability Statement demonstrating how the proposals meet current best practice standards for water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day. No such statement has been submitted, therefore a condition is recommended requiring the submission of a Sustainability Statement prior to the occupation of the development in accordance with CSDPD Policy CS10 and the NPPF.

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

- A prediction of the energy demand (in kWh) and carbon emissions (in kg/CO₂) for the site;
 - List of assumptions used i.e. whether these have come from Building Regulations or benchmarks;
 - Details of energy efficiency measures;
 - A prediction of the energy demand and carbon emissions for the site taking into account energy efficiency measures;
 - A feasibility study for all relevant renewable energy technologies;
- The choice of renewable energy systems proposed and the associated energy and carbon savings.

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

vii. SPA

9.28 The Council, in consultation with Natural England, has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath Special Protection Area (SPA) is likely to have a significant effect on the integrity of the SPA, either alone or in-combination with other plans or projects. This site is located approximately 4.3km 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.

9.29 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.

9.30 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.

9.31 In this instance, the development would result in a net increase of 1 no. three bedroom dwelling which results in a total SANG contribution of £6,112. The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which is also calculated on a per bedroom basis. Taking account of the per bedroom contributions this results in a total SAMM contribution of £711.

9.32 The total SPA related financial contribution for this proposal is therefore £6,823. 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 will be submitted. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP 'Saved' Policy NRM6, 'Saved' Policy EN3 of the BFBLP and CS14 of CSDPD, the Thames Basin Heaths Special Protection Area SPD, the Planning Obligations SPD and the NPPF.

viii. Community Infrastructure Levy

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

9.34 CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted) including new build that involves the creation of additional dwellings. The development involves a net increase in dwellings and as such is CIL liable.

10. CONCLUSIONS

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

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 28 August 2018 and 20 September 2018:

2385 08
2385 09/A

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 as set out on drawing 2385 09/A received by the Local Planning Authority on 20 September 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 scheme of means of enclosure set out on drawing 2385 09/A received by the Local Planning Authority on 20 September 2018.

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

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

06. The development shall be carried out in accordance with the soft landscaping details set out on drawing 2385 09/A received by the Local Planning Authority on 20 September 2018.

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

completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.

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

[Relevant Policies: BFBLP EN20, CSDPD CS7]

07. The first floor staircase window in the south east facing side elevation of the dwelling hereby permitted shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass or equivalent. It shall at all times be fixed shut below 1.7m from the internal floor level.

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 north-west or south-east facing side elevations of the dwelling hereby permitted except for any which may be shown on the approved drawings.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

09. No dwelling shall be occupied until a means of vehicular access has been constructed in accordance with the approved details.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

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

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

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

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

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

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

12. The development hereby approved shall be carried out in accordance with the recommendations of the ACD Environmental Arboricultural Impact Assessment and Method Statement (reference EIP22059aia-ams) dated 22 August 2018.

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

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

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

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

[Relevant Policy: Core Strategy DPD CS10]

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

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

[Relevant Plans and Policies: CSDPD Policy CS12]

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

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

[Relevant Policies: CSDPD CS1, BFBLP EN25]

Informative(s):

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

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

1. Time Limit
2. Approved Plans
4. Floor Levels
5. Means of Enclosure
6. Soft Landscaping
7. Obscure glazing
8. Side facing windows
9. Access
10. Parking
11. Cycle Parking/Refuse Storage
12. Arboricultural Impact Assessment
15. SuDS

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

13. Sustainability Statement

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

3. Materials
16. Energy Demand Assessment

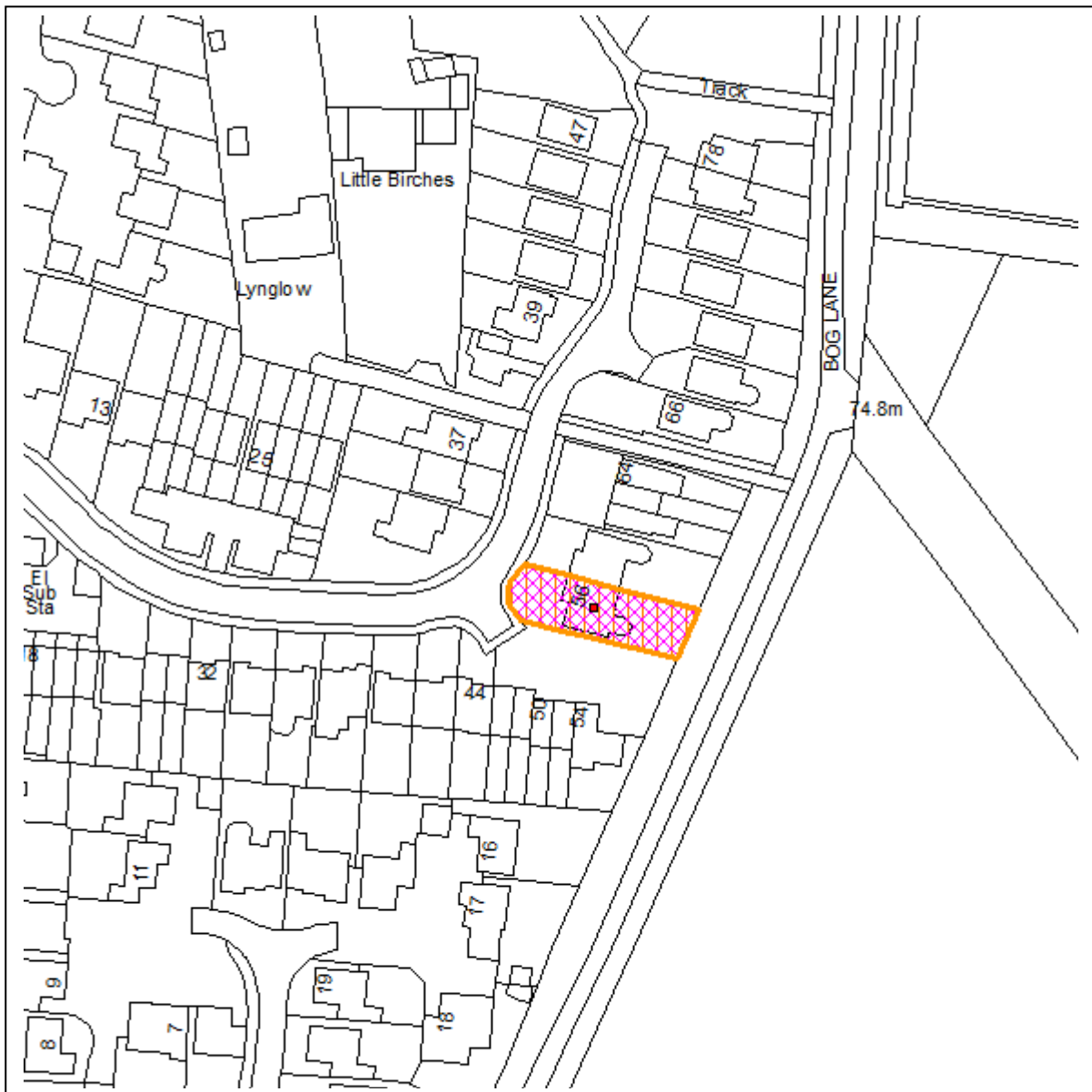
In the event of the S106 agreement not being completed by 31 August 2018, the Head of Planning be authorised to either extend the period further or refuse the application on the grounds of:

01. The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impacts in this

respect. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and the Thames Basin Heaths Special Protection Area Supplementary Planning Document (2018).

ITEM NO: 8			
Application No. 18/00600/FUL	Ward: Harmans Water	Date Registered: 13 June 2018	Target Decision Date: 8 August 2018
Site Address: 56 Fordwells Drive Bracknell Berkshire RG12 9YL			
Proposal: Erection of a part single storey part two storey rear extension following demolition of existing conservatory and installation of first floor side windows.			
Applicant: Mrs Sonal Shukla			
Agent: Afroze Khan Design Studio			
Case Officer: Olivia Jones, 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 part single storey part two storey rear extension following the demolition of the existing conservatory, and the insertion of first floor side facing windows.
- 1.2 The development would not result in an adverse impact on the character and appearance of the host dwelling or surrounding area, the amenities of the residents of the neighbouring properties, highway safety or trees.

RECOMMENDATION

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

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

- 2.1 The application is to be considered by the Planning Committee as more than 5 objections have been received.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within settlement boundary

- 3.1 56 Fordwells Drive is a two storey semi-detached property located to the east of the highway. To the east of the application site is Bog Lane, and to the south is a private access road owned by the properties to the south.

4. RELEVANT SITE HISTORY

608964

Outline application for residential development with associated roads, areas of public open space, balancing pond and bridge over railway line.
Approved 18.04.1985

610366

Outline app. Residential development with associated public open space.
Approved 25.11.1985

610621

Erection of 70 houses with associated estate roads, footpaths, garages and parking spaces.
(RM)
Approved 04.04.1986

611170

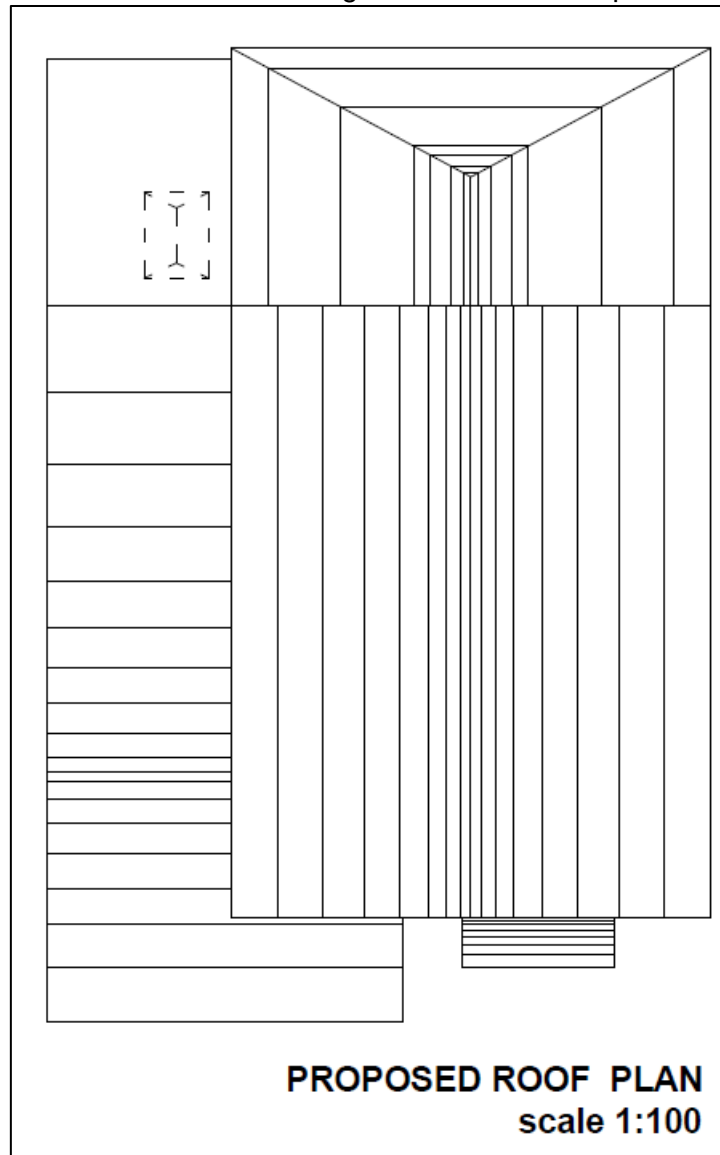
Reserved matters - Details of landscaping, external materials and foul and surface water drainage for previously approved residential development.
Approved 08.08.1986

17/01040/FUL

Erection of a single storey front extension and conversion of garage into habitable accommodation
Approved 21.11.2017

5. THE PROPOSAL

- 5.1 The proposed two storey rear extension would have a depth of 3.5 metres, a ground floor width of approximately 6.5 metres, and a maximum height of approximately 6.7 metres. It would be hipped on all three sides.
- 5.2 The single storey element would have a flat roof with a roof lantern, with a depth of 3.5 metres, a width of 2.7 metres, a roof height of approximately 2.25 metres and a maximum height 2.6 metres. The proposed extension would be constructed of materials similar to those on the existing dwelling.
- 5.3 It is proposed to install first floor side facing windows on both sides of the existing dwelling. The north facing window would be obscure glazed and fixed to open to the east only.



6. REPRESENTATIONS RECEIVED

Bracknell Town Council:

- 6.1 Refusal recommended due to the garage conversion.

[Officer Note: The garage conversion would be permitted development in any event and does not form part of this application. As such, this is not a material planning consideration.]

Other Representations:

6.2 Seven objections have been received raising concerns on the following grounds:

- (i) The extension would overlook the neighbouring properties;
- (ii) The extension would be unduly overbearing to the neighbouring properties;
- (iii) The extension would overshadow the shared access between the application site and the properties to the south;
- (iv) The extension would overshadow the neighbouring properties;
- (v) There would be insufficient parking provided;
- (vi) The application would result in an adverse impact on trees;
- (vii) The application would appear out of character;
- (viii) The extension would be inappropriate development within the Green Belt

[Officer Note: Regarding concern (vii), the application site is not located within the Green Belt or adjacent to the Green Belt, and therefore would not be considered to adversely impact this designated area. The remaining concerns are addressed below.]

7. SUMMARY OF CONSULTATION RESPONSES

Highway Authority:

7.1 Approval recommended subject to appropriate conditions.

Tree Service:

7.2 Refusal recommended on the grounds of adverse impact on trees to the rear.

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	CS1 and CS2 of the CSDPD CP1 of the SALP	Consistent
Design	CS7 of the CSDPD,	Consistent
Character	EN20 and of the BFBLP	Consistent
Amenity	'Saved' policies EN20 of the BFBLP	Consistent
Highways	'Saved' policy M9 of the BFBLP CS23 of the CSDPD	Consistent - Para. 105 refers to LPAs setting their own parking standards for residential development
Supplementary Planning Documents (SPD)		
Bracknell Forest Borough Parking Standards, Supplementary Planning Document 2016 Streetscene Supplementary Planning Document 2011 Design Supplementary Planning Document 2017		
Other publications		
National Planning Policy Framework (NPPF) 2018		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of Development

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

i. Principle of Development

9.2 The application 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 SALP Policy CP1, CSDPD Policies CS1 (Sustainable Development), CS2 (Locational Principles) and the NPPF subject to no adverse impacts upon character and appearance of surrounding area, residential amenities of neighbouring properties, highway safety, etc. These matters are assessed below.

ii. Impact on Character and Appearance of Surrounding Area

9.3 The proposed development would be set lower than the host dwelling, and the hipped roof would reduce the bulk of the extension. In addition, the proposed development would be constructed of materials similar to those used on the existing dwelling. As such, the proposed development would be considered complementary to the host dwelling. It is not considered to have an adverse impact on the area. or to be unduly prominent

9.4 It is therefore considered that the development would not result in an adverse impact on the character and appearance of the area or the host property, in accordance with CSDPD Policy CS7, BFBLP 'Saved' Policy EN20, the Design SPD, and the NPPF.

iii. Impact on Residential Amenity

9.5 The proposed first floor north facing side window would open to the east and open no more than 64 degrees. In addition, this window would be obscure glazed. It is therefore not considered that the private garden area of 58 Fordwells Drive would be overlooked. There are currently two first floor north facing windows at 56 Fordwells Drive, serving a bathroom and hallway. These windows face onto the hallway and bathroom windows of 58 Fordwells Drive. The bathroom window currently has a fixed hinge which restricts the view to the garden. As such, it is not considered that the proposed window would significantly increase the overlooking to 58 Fordwells Drive over and above the existing situation.

9.6 The proposed first floor south facing window would be located approximately 12 metres from the closest first floor window of the neighbouring properties. The porch wall of the closest property, 54 Fordwells Drive, is located approximately 11.6 metres away from the side wall of 56 Fordwells Drive. The Streetscene SPD recommends a separation distance of between 10 and 12 metres between properties facing each other across a shared surface which could commonly include front garden areas or parking. As there is a minimum separation distance of 12 metres between the proposed south facing window and the front windows of the neighbouring properties, there is considered a sufficient distance to avoid adverse overlooking.

9.7 The proposed ground floor window in the existing dwelling would be considered permitted development, and the proposed ground floor window in the proposed extension would not be considered to result in an increase in overlooking compared to the existing conservatory. There are no dwellings to the rear of the site that would be overlooked by the proposed development.

9.8 There would be a separation distance of approximately 2.8 metres between the two storey element of the proposed extension and the boundary with 58 Fordwells Drive. Given this

distance and the hipped roof of the extension it would not be considered unduly overbearing to the occupants of 58 Fordwells Drive.

- 9.9 Due to the 12 metre separation distance between the proposed extension and the windows of the properties to the south, along with the hipped roof, the proposed development would not be considered unduly overbearing to these properties.
- 9.10 Due to the separation distance between the proposed development and the habitable rooms of 58 Fordwells Drive, a loss of light assessment found no significant overshadowing or loss of light to this property.
- 9.11 Due to the separation distance between the properties to the south and the proposed development, a loss of light assessment found no significant loss of light to these properties as a result of this development. As the proposed extension would be located to the north of the shared access, there would be no significant increase in overshadowing to this area.
- 9.12 As such, the proposal is not considered to adversely affect the residential amenities of neighbouring properties and would be in accordance with 'Saved' policy EN20 of the BFBLP and the NPPF.

iv. Transport and Highways Considerations

- 9.13 The proposed development would increase the number of bedrooms from 4 to 5. This increase would not result in a corresponding increase in parking demand according to the current Parking Standards.
- 9.14 The existing garage is proposed to be converted to habitable accommodation. The existing garage does not have a planning condition preventing the garage from being converted to a habitable room and as such the conversion would be considered permitted development, not requiring a planning application. As such, it is not considered reasonable to require the provision of additional parking spaces as part of this planning application. Space for one car would remain to the front.
- 9.15 As such the proposal would be in accordance with 'Saved' policy M9 of the BFBLP, Policy CS23 of the CSDPD and Bracknell Forest Borough Parking Standards, Supplementary Planning Document 2016 (SPD).

v. Trees

- 9.16 Between the rear boundary of the application site and Bog Lane is a woodland strip to the north east. This woodland strip is covered by a Tree Preservation Order (TPO). In addition, there are two trees located to the south of the site, a Goat Willow and Sycamore however these trees are not protected.
- 9.17 The root protection areas of the trees would not be encroached upon by the proposed extension and a gap of approximately 8.15 metres would be maintained between the extension and the protected trees. It is acknowledged that bringing the built form closer to these trees may result in increased pressure to prune due to overshadowing of the windows and garden. However, the ground floor rooms have multiple sources of light increasing the available light to the rooms, and a first floor side window could be applied for to serve the Master Bedroom to the rear should further light be required. As such, it is not considered that the potential pressure to prune these trees would be considered sufficient to warrant a refusal. Protection measures will be required to safeguard these trees during construction.

9.18 The Goat Willow and Sycamore located to the south of the application site would be significantly impacted by the proposed development. However, these trees are not considered to sufficiently contribute to the character of the area to warrant retention and therefore the impact on these trees would not form a reason for refusal.

vi. Community Infrastructure Levy (CIL)

9.19 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 does not result in the increase in residential units or retail floor space, it will not be liable for a charge.

10. CONCLUSIONS

10.1 It is considered that the development is acceptable in principle and would not result in an adverse impact on the character and appearance of the surrounding area. The development would not result in an adverse impact on the residential amenity of the neighbouring properties, highway safety or trees. It is therefore considered that the proposed development complies with 'Saved' policies M9, EN15, and EN20 of the BFBLP, Policies CS1, CS2, CS7 and CS23 of the CSDPD and the NPPF.

11. RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details, received by the Local Planning Authority:
Location Plan and Site Plan – Drawing Number: 5601 – Received 31st August 2018
Existing and Proposed Ground Floor Plan – Drawing Number: 5602 – Received 31st August 2018
Existing and Proposed First Floor Plan – Drawing Number: 5603 – Received 31st August 2018
Existing and Proposed Elevations – Drawing Number: 5604 – Received 13th September 2018
Tree Constraints Plan – Drawing Number: TH/A3/1721/TCP - Received 25th July 2018
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall be similar in appearance to those of the existing building.
REASON: In the interests of the visual amenities of the area.
[Relevant Policies: BFBLP EN20, CSDPD CS7]
4. The first floor window in the north elevation of the development hereby permitted shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent). It shall at all times be non-opening unless the hinge is located to the west of the window and fixed to open no more than 64 degrees.
REASON: To prevent the overlooking of neighbouring properties.
[Relevant Policies: BFBLP EN20]

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

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

6. Prior to commencement of any development the tree(s) to the rear of the site shall be protected by erecting barriers at a distance specified in BS 5837:2012 (or any subsequent revision) Annex D to the standard illustrated in BS 5837:2012 (or any subsequent revision) Section 6 (Figures 2 or 3) prior to the commencement of development, including any initial clearance, and shall be maintained fully intact and upright until the completion of all building operations on the site. No activity of any description must occur at any time within these areas including but not restricted to the following: -

- a) No mixing of cement or any other materials.
- b) 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,

- a) 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.
- b) 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]

Informative(s):

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:
 1. Time limit
 2. Approved plans
 3. Materials
 4. Window

5. Future Windows

6. Trees

3. The applicant should note that this permission does not convey any authorisation to enter onto land or to carry out works on land not within the applicant's ownership.
4. This is a planning permission. Before beginning any development you may also need separate permission(s) under Building Regulations or other legislation. It is your responsibility to check that there are no covenants or other restrictions that apply to your property.
5. This planning permission contains certain conditions that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site (including any initial clearance works). Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice. If the conditions have not been subsequently satisfactorily discharged within the time allowed to implement the permission then the development will remain unauthorised. This may be highlighted in any subsequent search carried out on the property/ properties.

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ITEM NO: 9

Application No.
18/00772/FUL
Site Address:

Ward:
Great Hollands North

Date Registered:
26 July 2018

Target Decision Date:
20 September 2018

**Land Fronting 42, 43, 46 & 47 Ambassador Bracknell
Berkshire RG12 8XP**

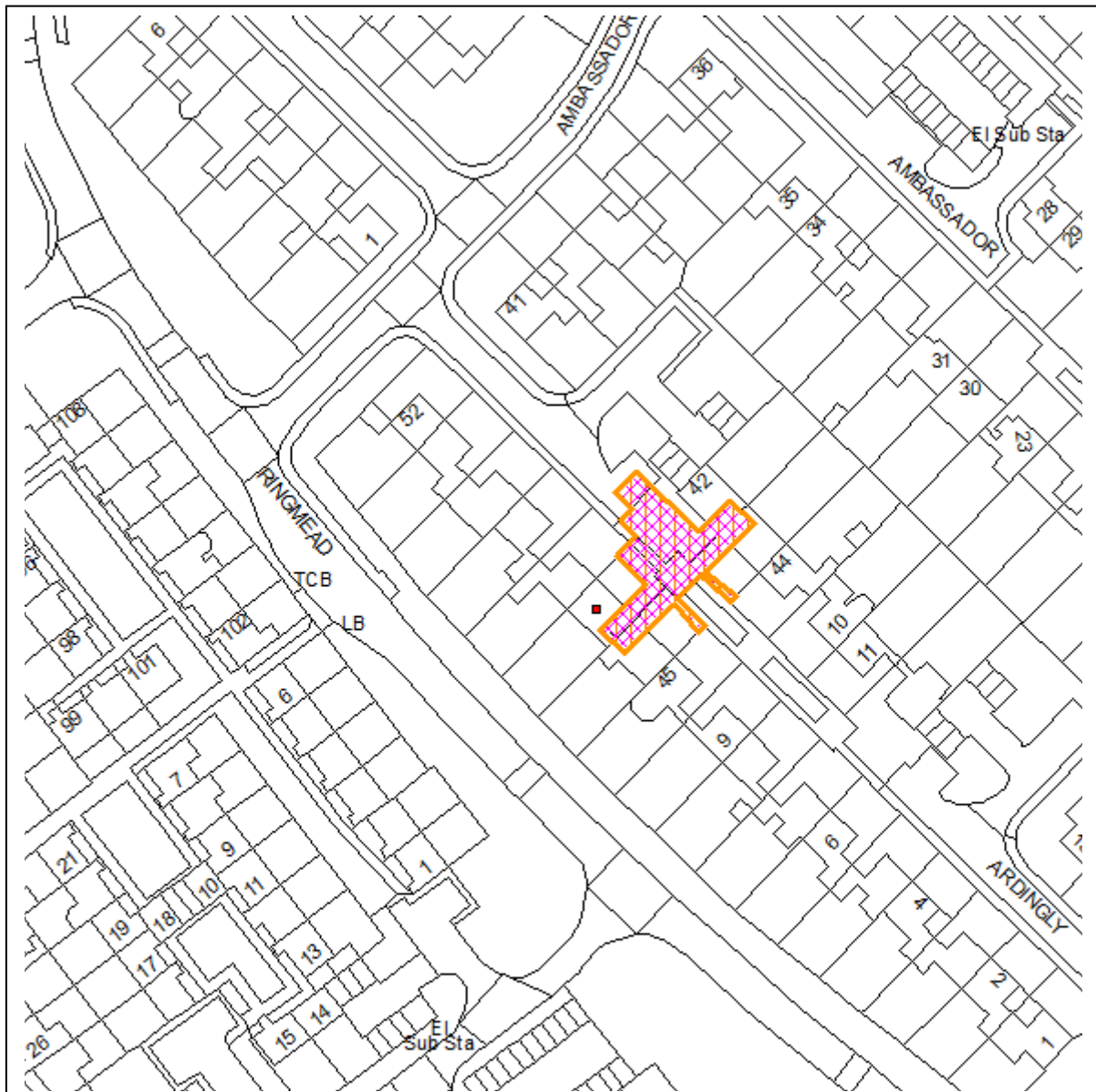
Proposal: **Change of use and formation of access road for car parking.**

Applicant: Mr Mohammad Chaudhry

Agent: (There is no agent for this application)

Case Officer: Olivia Jones, 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 change of use of amenity land to construct a new shared access road off the end of the existing turning head to facilitate access to proposed driveways at 42, 43, 46 and 47 Ambassador.
- 1.2 It is noted that the proposed driveways would be considered permitted development.
- 1.3 The development would not result in an adverse impact on the character and appearance of the host dwellings or local area, the amenities of the residents of the neighbouring properties, on highway safety or drainage.

RECOMMENDATION

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

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

- 2.1 Councillor Angell has requested that the application be considered by the Planning Committee on the grounds of the impact on the character of the area.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within settlement boundary

- 3.1 The application site lies within Ambassador, and is currently pedestrianised. The application site comprises a planted area edged with an adopted footpath and the front gardens of properties 42, 43, 46 and 47 Ambassador.

4. RELEVANT SITE HISTORY

Section 6/1 New Towns Act 1965

15/00292/3

Convert grass amenity areas into 7 parking spaces (re-submission of planning application 14/01238/3).

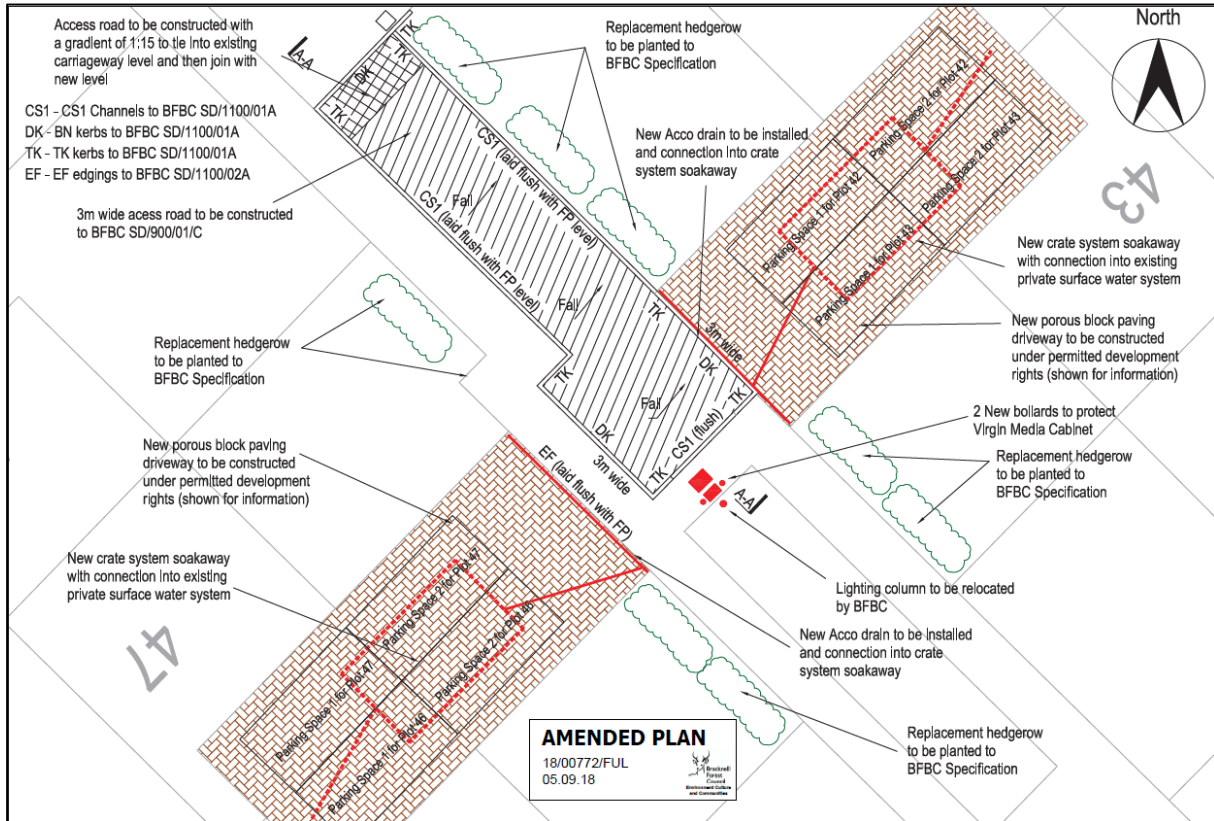
Approved 19.06.2015

5. THE PROPOSAL

- 5.1 It is proposed to create a shared vehicular access extending from the adopted highway by approximately 15.6 metres. This shared access would be partly constructed on an existing planted area covering approximately 36 square metres and partly on the existing footpath to the front of the properties. The access would have a width of 3 metres, and a footpath measuring approximately 1.7 metres wide would remain. It is proposed to convert part of the existing front garden of 47 Ambassador to footpath.
- 5.2 It is proposed to convert the currently grassed front gardens to driveways. These driveways would cover approximately 153 square metres. However, as these driveways would be constructed of porous materials they would be considered permitted development.
- 5.3 It is proposed to plant hedgerow to the front of the properties in order to mitigate the loss of the planted area. This planting would cover approximately 28.5 square metres,

approximately 79% of the existing planted area. Should planning permission be granted, this soft landscaping would be secured by planning condition.

5.4 It also proposed to re-locate the existing bollards and lighting column; however this would not require planning permission although separate consent would be required.



6. REPRESENTATIONS RECEIVED

Bracknell Town Council:

6.1 Refusal recommended on highway and pedestrian safety grounds.

Other Representations:

6.2 Five objections have been received raising concerns on the grounds of:

- (i) highway safety
- (ii) flooding
- (iii) the adverse impact on the character of the area including loss of amenity land and soft landscaping
- (iv) alternative sites could be more suitable
- (v) loss of public land resulting in impacts on future maintenance, rights of way and responsibility over accidents
- (vi) precedent will be set

[Officer Note: Regarding concerns: (iv) alternative sites have not been proposed for this application, and therefore their suitability has not been assessed; (v) whilst the loss of amenity land is assessed, the change of ownership of land is not a material planning consideration. This planning application does not grant consent for the purchase of the land which would need to be acquired separately; (vi) all applications are assessed on their individual merits and would only be approved if found acceptable. The remaining concerns are addressed in the report below.]

6.3 17 letters and other representations have been received supporting the application due to the current perceived lack of parking spaces.

7. SUMMARY OF CONSULTATION RESPONSES

Highway Authority:

7.1 Approval recommended.

Landscaping:

7.2 No objection.

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	CS1 and CS2 of the CSDPD CP1 of the SALP	Consistent
Design	CS7 of the CSDPD,	Consistent
Character	EN20 and H12 of the BFBLP	Consistent
Amenity	'Saved' policies EN20 and EN25 of the BFBLP	Consistent
Highways	'Saved' policy M9 of the BFBLP CS23 of the CSDPD	Consistent - Para. 105 refers to LPAs setting their own parking standards for residential development
Supplementary Planning Documents (SPD)		
Bracknell Forest Borough Parking Standards, Supplementary Planning Document 2016 Streetscene Supplementary Planning Document 2011		
Other publications		
National Planning Policy Framework (NPPF) 2018		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

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

i. Principle of Development

9.2 The application site is located within a defined settlement as designated by the Bracknell Forest Borough Policies Map. Due to its location and nature, the proposal is considered to be acceptable in principle and in accordance with SALP Policy CP1, CSDPD Policies CS1 (Sustainable Development), CS2 (Locational Principles) and the NPPF subject to no adverse impacts upon character and appearance of surrounding area, residential amenities of neighbouring properties, highway safety, etc. These matters are assessed

below. As such the proposal is considered acceptable in terms of the NPPF and policy CS8 of CSDPD.

ii. Impact on Character and Appearance of Surrounding Area

- 9.3 The existing planted area consists of a large hedge. It is proposed to replace this hedgerow with an access road, with a hedgerow along the edge. It is proposed to continue the access road onto the existing hardstanding to the front of the properties, whilst maintaining the pedestrian footpath to the side.
- 9.4 Replacement planting has been proposed to the front of the properties in the form of hedgerow. Should planning permission be granted, a condition would be imposed requiring the specifications of the replacement planting in order to ensure the proposed plants are acceptable. In addition, the planting would be secured for 5 years by planning condition.
- 9.5 The proposed development would result in the conversion of approximately 189 square metres of soft landscaping to hardstanding. However, as the driveways would be permitted development, only the 36 square metres of land consisting of the existing planting area should be considered. The proposed replacement planting to the front gardens of the properties would result in approximately 21% decrease in soft landscaping compared to the existing planted area.
- 9.6 Ambassador benefits from a considerable amount of greenery. The amenity land between the properties is soft landscaped and numerous trees are present. In addition, the majority of the front gardens remain soft landscaped, although they could be converted to porous hardstanding without the requirement for planning permission. As such, it is considered that the proposed loss of soft landscaping is sufficiently modest not to result in an adverse impact to the character of the area.
- 9.7 The application would result in the loss of approximately 54.85 square metres of amenity land. It is not considered that this would have a significant impact on the character of the area, given the proposed replacement planting and that part of the existing amenity is currently hardstanding, reducing the visual impact of the change of use.
- 9.8 The proposed access road would be constructed with a camber to direct water to soft landscaping and drains, to reduce possible flooding. Given the modest amount of soft landscaping converted to road, it is considered that the drainage provision is considered acceptable.
- 9.9 It is therefore considered that the development would not result in an adverse impact on the character and appearance of the area, the host property or on drainage, in accordance with CSDPD Policy CS7, BFBLP 'Saved' Policy EN20, the Design SPD, and the NPPF.

iii. Impact on Residential Amenity

- 9.10 Due to the position and nature of the proposed development, it would not be considered to adversely impact the residential amenity of the neighbouring properties. It is not considered that there would be a sufficient increase in vehicular use to cause a noise disturbance or environmental pollution.
- 9.11 As such, the proposal is not considered to adversely affect the residential amenities of neighbouring properties and would be in accordance with 'Saved' policies EN20 and EN25 of the BFBLP and the NPPF.

iv. Transport and Highways Considerations

- 9.12 Ambassador is subject to a 30mph speed limit, and is comprised of adopted residential cul-de-sacs. This proposal seeks to construct a new shared access road/drive off the end of the existing turning head (within the first cul-de-sac on the right), to facilitate access to on-plot parking for nos. 42, 43, 46 and 47 Ambassador.
- 9.13 It is noted that the Council introduced 7 new parking bays within this part of Ambassador (adjacent to the garage blocks), at the end of 2015. The Highway Authority has visited Ambassador at around 7.45am on Tuesday 5th December 2017, and 4 of those 7 bays were occupied; and the 3 bays at the end of the turning head (past the garage blocks) were all occupied. Also, 2 vehicles were parked on-street in front of no. 49 Ambassador. There are no parking restrictions.
- 9.14 This shared access road/drive would require alterations to existing amenity land and landscaped areas, which are Council freehold land; and an adopted footpath (highway), which runs between Ambassador and Ardingly.
- 9.15 The Engineering Plan indicates that a 3m wide access is proposed off the end of the existing turning head. A car could use a 3m wide access, this width is likely to keep speeds down; and whilst two cars would be unable to pass, the potential for two cars to meet on this driveway serving 4 no. properties is low. The existing adopted footpath is to be maintained, which is important for pedestrian safety. As such, the Highway Authority does not foresee any highway safety issues. The Engineering Plan indicates that 6m of access/manoeuvring distance can be achieved between the proposed on-plot driveway parking for the properties, in line with the Council's requirements.
- 9.16 The Highway Authority would not seek to adopt this access road/drive; rather it would be a shared private access/drive which would be privately-owned and privately-maintained. The existing adopted footpath (highway) between Ambassador and Ardingly, is to remain publicly accessible.
- 9.17 The road construction details could be dealt with via a pre-commencement planning condition (for details of access to be submitted). Also, any works to the highway, and affecting the highway will require a highway agreement. It is therefore advised that the off-site highway works condition is imposed, and the applicant is advised (by way of informative) that they will require the consent of the Highway Authority for access/highway works.
- 9.18 As such the proposal would be in accordance with 'Saved' policy M9 of the BFBLP, Policy CS23 of the CSDPD and Bracknell Forest Borough Parking Standards, Supplementary Planning Document 2016 (SPD).

v. Community Infrastructure Levy (CIL)

- 9.19 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 does not result in an increase in residential units or retail floor space, it will not be liable for a charge.

10. CONCLUSIONS

- 10.1 It is considered that the development is acceptable in principle and would not result in an adverse impact on the character and appearance of the surrounding area. The

development would not result in an adverse impact on the residential amenity of the neighbouring properties or highway safety. It is therefore considered that the proposed development complies with 'Saved' policies M9, EN15, EN20, EN25 and H12 of the BFBLP, Policies CS1, CS2, CS7 and CS23 of the CSDPD and the NPPF.

11. RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details, received by the Local Planning Authority:
Location and Block Plan – Received 27th July 2018
Engineering Plan – Received 5th September 2018
Section A-A.N.T.S – Received 27th July 2018
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
3. The development shall not be begun until a scheme depicting soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed maximum heights of the planting and 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. As a minimum, the quality of all soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well-formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.
REASON: In the interests of good landscape design and the visual amenity of the area.
[Core Strategy DPD CS7, BFBLP 'Saved' Policies EN2 and EN20]
4. No development (other than the construction of the access) shall take place until the access has been constructed in accordance with the details to be submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]
5. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority for off-site highway works

REASON: In the interests of highway safety.
[Relevant Policy: BFBLP M4]

Informative(s):

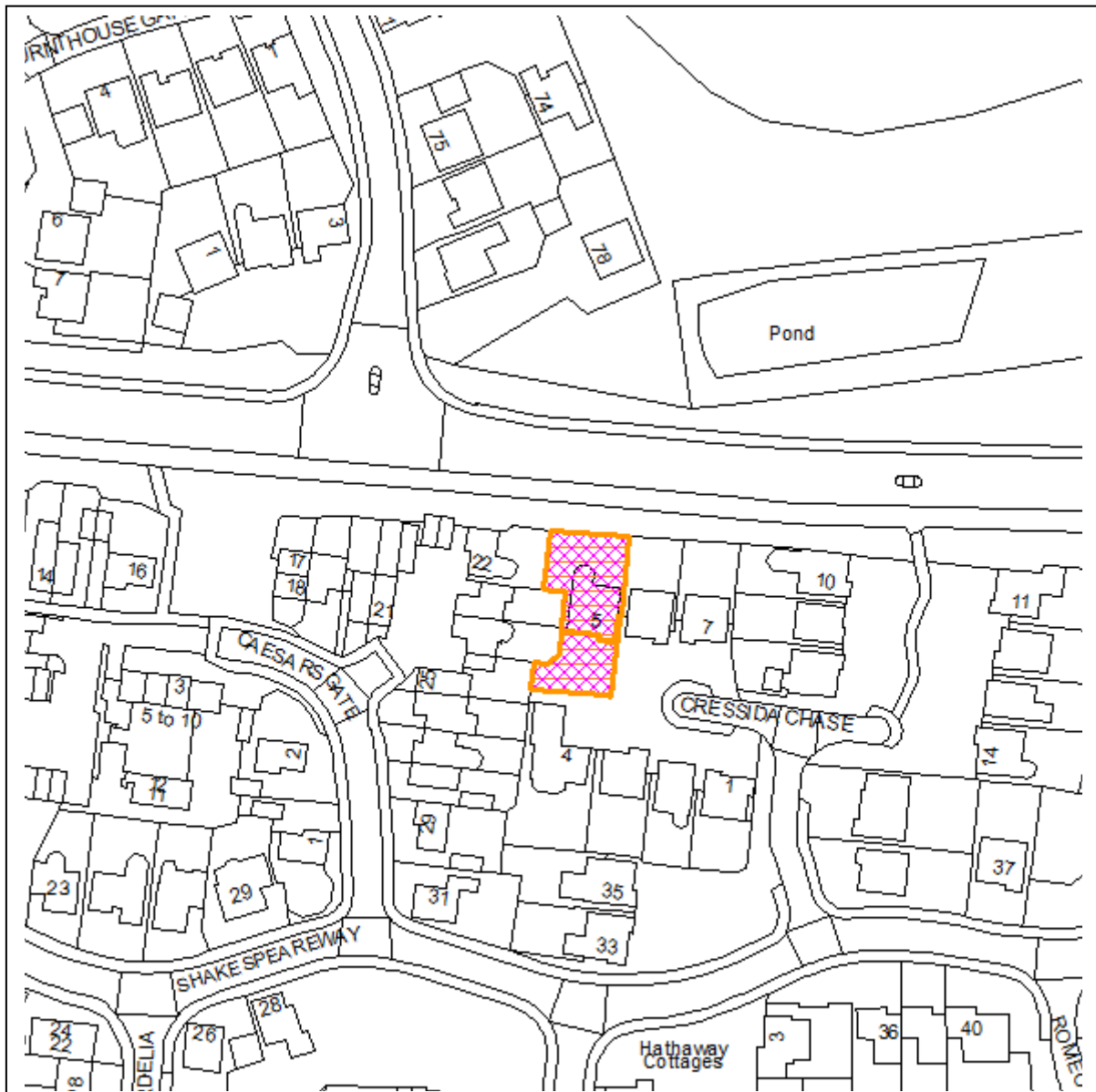
1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:
 1. Time limit
 2. Approved plans

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

3. Soft landscaping
 5. Access construction
 6. Off-site highway works
3. The applicant should note that this permission does not convey any authorisation to enter onto land or to carry out works on land not within the applicant's ownership.
4. This is a planning permission. Before beginning any development you may also need separate permission(s) under Building Regulations or other legislation. It is your responsibility to check that there are no covenants or other restrictions that apply to your property.
5. The applicant should note that the Bracknell Forest Council's Street Works Team should be contacted at the Place, Planning and Regeneration Department, Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 352000, to agree the access construction details and re-locate the lighting column and bollards 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.

ITEM NO: 10	Ward:	Date Registered:	Target Decision Date:
Application No. 18/00773/FUL	Warfield Harvest Ride	13 August 2018	8 October 2018
Site Address:	5 Cressida Chase Warfield Bracknell Berkshire RG42 3UD		
Proposal:	Retention of single storey outbuilding.		
Applicant:	Mr David Rellis		
Agent:	(There is no agent for this application)		
Case Officer:	Shannon Kimber, 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 proposal is for the retention of a single storey outbuilding to the side of 5 Cressida Chase.
- 1.2 It is not considered that the outbuilding detracts from the character of the surrounding area, nor is it considered to be unduly prominent to the detriment of the streetscene. It is not considered to have an adverse impact on the amenities of the occupiers of the neighbouring dwellings.

RECOMMENDATION

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

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

- 2.1 The application is to be considered by the Planning Committee at the request of Cllr Thompson (and seconded by Cllr Barnard) to consider whether it is in keeping with the character of the area and whether it harms amenity.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within settlement boundary

- 3.1 5 Cressida Chase is a two storey, detached dwelling. It is located to the north of the highway, and is accessed via a private, shared drive.

4. RELEVANT SITE HISTORY

- 4.1 618303
Details of siting, design, external appearance, means of access and landscaping pursuant to outline 613370 for erection of 48 detached houses
Approved 1992
- 4.2 613370
Outline Application - residential development by the erection of up to 400 dwellings with the provision of 4.31 hectares of open space, construction of access at Jigs Lane and other related infrastructure
Approved 1989

5. THE PROPOSAL

- 5.1 The application is retrospective and therefore the proposal is for the retention of a timber outbuilding. It is to the side of the existing dwellinghouse, within the rear garden. It has a maximum height of 3.6 metres (including the chimney), with an eaves height of 1.6 metres. At the closest point, it is sited 0.6 metres from the boundary of the application site. The structure is hexagonal in shape, with a maximum width of 5 metres and a maximum depth of 4.5 metres and is for ancillary use to the main dwelling.

6. REPRESENTATIONS RECEIVED

Warfield Parish Council:

- 6.1 Warfield Parish Council objected to the application for the following reasons:

- inappropriate and overbearing for location,
- too close to boundary fencing.

Other Representations:

6.2 Objection comments have also been received from 22 & 24 Caesars Gate and 11 Highgrove Avenue. These comments have been summarised below:

- The application has been made retrospectively
- The structure is not in keeping with the neighbourhood, and large back chimney and black roof towering over neighbouring gardens.
- Height of the building (overbearing)
- Proximity of the structure to the boundary fence
- Size of the outbuilding
- Pollution from the burner inside the outbuilding and the chimney
- It can be seen from other dwellings.
- 5 Cressida Chase is built on higher ground than the dwellings to the west (Caesars Gate), this results in rainwater drainage issues
- The application site already has other structures in the rear garden
- Increase in noise relating to use of the outbuilding

6.3 [Officer Note: It is not unlawful to apply for planning permission retrospectively, and this is not a reason for refusal. Each application is assessed on their own merits. The right to a view is not a planning matter. All other points raised are addressed in the following report.]

6.4 Support comments have been received from 2 and 4 Cressida Chase and 4 Debden House Sycamore Rise.

6.5 No other representations have been received.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 No statutory or non-statutory consultations were 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	CS1 & CS2 of the CSDPD	Consistent
Design	CS7 of the CSDPD,	Consistent
Amenity	'Saved' policy EN20 of the BFBLP	Consistent

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of Development
- ii. Impact on Character and Appearance of Surrounding Area
- iii. Impact on Residential Amenity
- iv. Flood Risk
- v. Community Infrastructure Levy

i. Principle of Development

9.2 The application site is located within a defined settlement as designated by the Bracknell Forest Borough Policies Map. Due to its location and nature, the proposal is considered to be

acceptable in principle and in accordance with CSDPD CS1 (Sustainable Development), CS2 (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, etc. These matters are assessed below.

ii. Impact on Character and Appearance of Surrounding Area

- 9.3 It is noted that the application site already has other structures in the rear garden, it was also noted from the site visit that there are other outbuildings in the surrounding area. As such, the structure would be considered in keeping with the character of the area.
- 9.4 It is acknowledged that design is subjective. The outbuilding is of timber construction; this is considered an acceptable material for an ancillary outbuilding. Due to the low eaves and the maximum height at the centre of the outbuilding (not adjacent to the boundary of the application site) the size of the outbuilding is not considered excessive.
- 9.5 The application site is located at the end of a cul-de-sac, accessed via a private shared drive. Due to the unusual relationship with the neighbouring properties to the west, the outbuilding is screened by vegetation within the rear gardens of 23 and 24 Caesars Gate. As such, the outbuilding is only partially visible from the highway. Therefore it is not considered to have a dominant impact on the streetscene.
- 9.6 As such, the proposal is not considered to have an adverse impact on the character or appearance of the surrounding area. It complies with 'Saved' policy EN20 of the BFBLP, Policy CS7 of CSDPD and the NPPF.

iii. Impact on Residential Amenity

- 9.7 There is no limitation on the proximity of an outbuilding to the boundary of a site. The height of the eaves is 1.6 metres; this is the height of the structure at the boundary of the site. The eaves of the outbuilding are lower than the height of the boundary fence, a 1.8 metre timber panel fence. The height of the structure is considered modest and does not result in a dominating impact on the residential amenities of the neighbouring properties.
- 9.8 It is acknowledged that the outbuilding is visible from neighbouring dwellings. To the west of the application site are the rear elevations of 22 and 23 Caesars Gate. These are located 5 metres and 5.5 metres respectively from the boundary of the application site. Due to this separation distance, the outbuilding does not result in an overshadowing impact on the residential amenities of the occupiers of these two neighbouring properties. Due to the high density of dwellings in this area of Warfield, it is not unreasonable to presume that occupiers of the dwellings should expect to see other dwellings and associated residential paraphernalia from their dwellinghouse.
- 9.9 There is a stove for cooking facilities (hotplate) inside the outbuilding. This needs to be served by a chimney and other ventilation purposes for health and safety reasons. It is not considered that the smoke from the chimney would be any more polluting than the smoke from a barbecue, albeit at a higher level.
- 9.10 The outbuilding does not generate noise. Noise produced as a result of the occupiers using their garden is covered by different legislation (Environmental Health). As such, there is no material planning reason to refuse the application on disturbance to the occupiers of neighbouring properties.

9.11 The outbuilding is a single storey structure. Whilst there are windows, these are low level and do not alter the potential overlooking impact of an occupier of 5 Cressida Chase standing in their garden.

9.12 The outbuilding is screened by the existing dwelling at 5 Cressida Chase to the east. There are no residential dwellings directly to the north. As such, the outbuilding would not have an adverse impact in these directions.

9.13 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, and the NPPF.

iv. Flood Risk

9.14 The application site, and the surrounding dwellings, are within flood zone 1 (greater than 1,000 year chance of flooding). Cressida Chase is marginally higher than the dwellings in Caesars Gate, but not significantly so. As the outbuilding has been constructed on existing hardstanding any issues with rainwater drainage is an existing issue and would not be altered by this development.

9.15 There are no relevant policies for minor development in a flood zone. However in compliance with paragraphs 148 and 155 of the NPPF, the Local Planning Authority should ensure flood risk is not increased elsewhere.

v. Community Infrastructure Levy (CIL)

9.16 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 development is acceptable in principle and would not result in an adverse impact on the character and appearance of the surrounding area, or an adverse impact on the residential amenity of the neighbouring properties. It is not considered to increase the flood risk. It is therefore considered that the proposed development complies with 'Saved' policy EN20 of the BFBLP, Policies CS2 and CS7 of the CSDPD and the NPPF.

10.2 Therefore the application is recommended for approval.

11. RECOMMENDATION

The application is recommended to be **APPROVED**

Informative(s):

01. 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.

02. This approval is in respect of the following plans:
Site Location Plan, Received 13.07.2018

Block Plan and Elevations, Received 13.07.2018

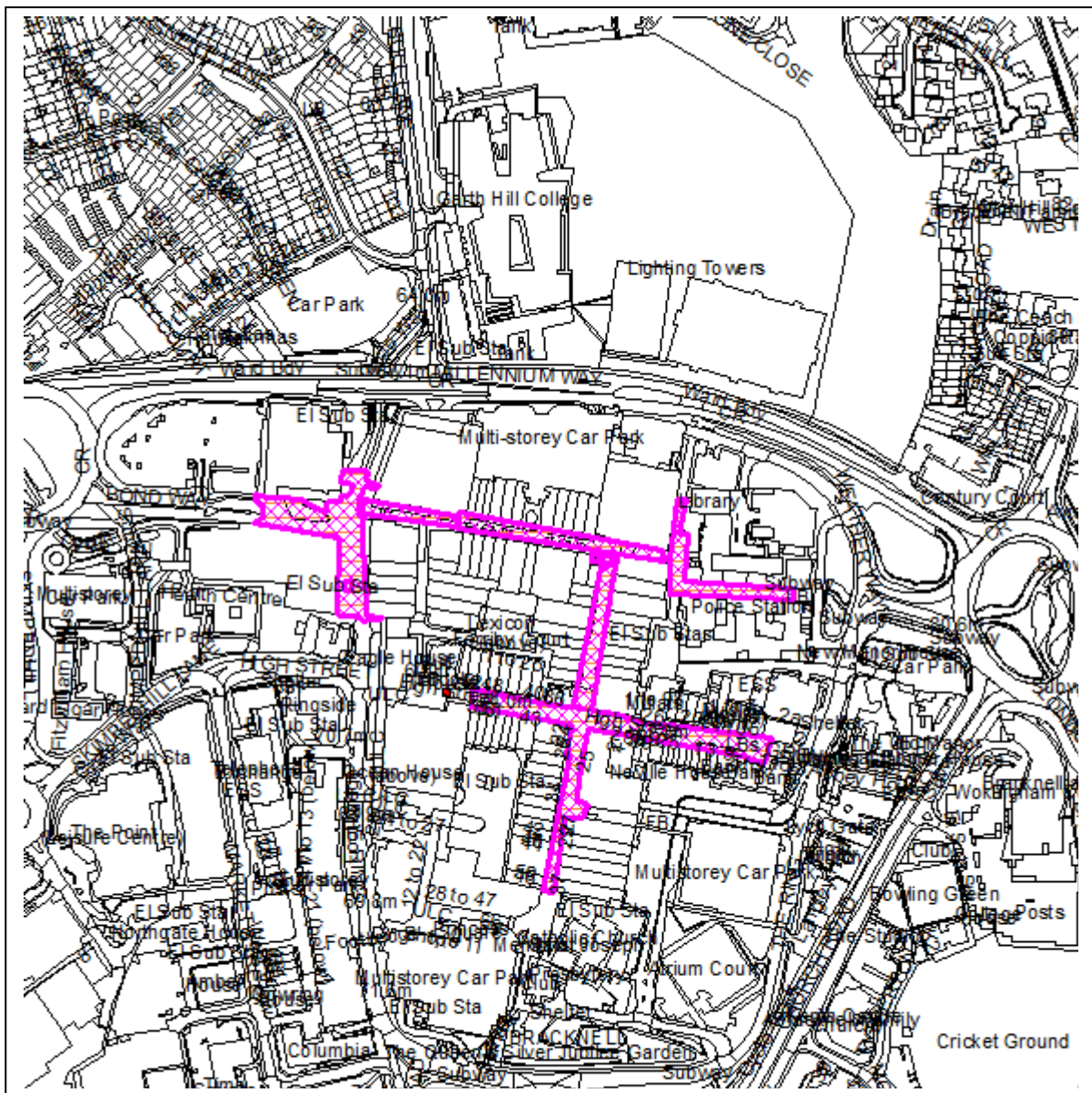
03. The applicant should note that this permission does not convey any authorisation to enter onto land or to carry out works on land not within the applicant's ownership.
04. This is a planning permission. The applicant is advised that they may also need separate permission(s) under Building Regulations or other legislation. It is your responsibility to check that there are no covenants or other restrictions that apply to your property.

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

ITEM NO: 11	Ward:	Date Registered:	Target Decision Date:
Application No. 18/00834/3	Wildridings And Central	17 August 2018	12 October 2018
Site Address:	Land Fronting The Avenue, Bull Square & High Street Bracknell Berkshire		
Proposal:	Siting of seasonal outdoor street market stalls in The Avenue, Bull Square and High Street for a maximum period of 100 days in any one year (5 year temporary permission).		
Applicant:	Mr Christopher Mansfield		
Agent:	(There is no agent for this application)		
Case Officer:	Simon Roskilly, 01344 352000 development.control@bracknell-forest.gov.uk		

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



OFFICER REPORT

1. SUMMARY

1.1 The proposal is for the siting of seasonal outdoor street market stalls in The Avenue, Bull Square and High Street for a maximum period of 100 days in any one year (5 year temporary permission).

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

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application has been reported to the Planning Committee because the applicant is the Council's Town Centre Project Officer employed within Planning, Place and Regeneration.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Within Bracknell town centre
Within settlement area.

3.1 The site covers the majority of the pedestrianised areas of the Lexicon including The Avenue, Town Square, Bond Square, High Street, Eagle Lane, Bull Square, Union Square, and Braccan Walk.

4. RELEVANT SITE HISTORY

4.1 The majority of the pedestrianised areas where the market stalls could be located fall within the Lexicon, an area of the town centre recently regenerated. The basis for the town regeneration comes from outline planning permission 12/00476/OUT and the subsequent reserved matters permission 14/00433/REM. The reserved matters permission covers the Northern Retail Area including 6 public spaces.

5. THE PROPOSAL

5.1 This is a temporary planning application for the siting of seasonal outdoor street market stalls in The Avenue, Bull Square and High Street for a maximum period of 100 days in any one year (5 year temporary permission).

6. REPRESENTATIONS RECEIVED

Town Council:

6.1 Bracknell Town Council has no objection to the proposal.

7. SUMMARY OF CONSULTATION RESPONSES

7.1. Local Highway Authority

No objection to the application.

7.2 Environmental Health

No comments received at the time the report was written.

7.3 Licensing

No comments received at the time the report was written.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	consistent
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		

9. PLANNING CONSIDERATIONS

9. 1 The key issues for consideration are:

i. Impact on Character and Appearance of Area

Policy EN20 of the BFBLP and Policy CS7 of the CSDPD are considered to have significant weight in relation to para.213 of the NPPF, as they are consistent with Chapter 7 of the NPPF.

The temporary siting of seasonal market stalls, given they will be sited within the town centre public realm, is not considered to have a detrimental impact upon the character and appearance of the area.

ii. Impact Upon Residential Amenity

Given the area included within the red line there could be seasonal market stalls set up close to existing residential units such as Ferriby Court. However in-order to establish a seasonal market a license will be required from the Council's Licensing Team and this will not be granted if it is considered that the proposed activities could result in an adverse impact upon residential amenity. Therefore there are measures outside of Planning that can manage the siting of any seasonal market stalls that could involve operations outside of normal shopping hours, which can be common when operating seasonal markets such as Christmas markets.

To correspond with any licensing requirements a condition is recommended to be imposed requiring details eachthe specific seasonal market to be submitted to and approved in writing

by the Local Planning Authority prior to its operation. The details required would include the following:-

- The number and type of stalls
- Position of the stalls
- Duration of Market
- Hours of operation
- Access and storage details

These details will not only help to prevent any adverse impacts upon residential amenity but also maintain suitable access and ensure that the number of days approved for in any one year have not been exceeded.

iii. Transport Considerations

The siting of seasonal outdoor street market stalls within the Town Centre, which is very accessible by public transport and has public car parks is acceptable in principle.

The applicant's Design and Access Statement notes, *'the market traders will be able to unload vans at location accessing via the appropriate service yards and then returning to park vehicles in adjoining public car parks'*. Such an arrangement is considered acceptable.

The Block Plan indicates that stalls are proposed along High Street, and the Council's Highway records indicate that this is public highway. Therefore, roads and street-works licences are likely to be required for these stalls, and an informative is recommended advising that the applicant should contact Highway Network Management in this regard. Stalls and/or seasonal events are also proposed along The Avenue, Braccan Walk, and Eagle Lane. The Council's highway records indicate that these are no longer public highway (and are likely to be under the control of the Lexicon).

The Highway Authority has no objection and as such it is considered that the implementation of seasonal market stalls in the locations applied for would not result in any highway safety implications.

10. CONCLUSIONS

10.1 The proposed temporary 5 year siting of outdoor seasonal market stalls, for a period of no more than 100 days within any one year, is considered to comply with Development Plan Policies SALP Policy CP1, CSDPD Policies CS1, CS2 and CS7, BFBLP 'Saved' Policy EN20 and M9, and the NPPF. It is not considered that there would be any adverse impacts upon both the character and appearance of the Town Centre location, residential amenity or highway safety and the application is therefore recommended for approval.

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

11. RECOMMENDATION

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

01. The use of the site as a market hereby permitted shall be discontinued on or before 12th October 2023.

REASON: The permanent use of this site as a market has not been assessed in terms of the impact of the use on the regenerated town centre.

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

- Seasonal Market Events Site Location Plan dated 17.08.18
- Seasonal Market Events Block Plan dated 17.08.18

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

03. No setting up of market stalls shall take place until details have been submitted to and approved in writing by the Local Planning Authority. The details shall contain the following:-

- The number and type of stalls
- Position of the stalls
- Duration of Market
- Hours of operation
- Access and storage details

The market shall be operated in accordance with the approved details.

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

04. No setting up of market stalls or deliveries shall take place before 07:00 on any day.

Reason: In the interests of the amenities of the occupiers of nearby premises.

[Relevant Policies: BFBLP EN25]

Informative(s)

01. 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.

02. The applicant is advised to visit; <https://www.bracknell-forest.gov.uk/roads-parking-and-transport/roads/roads-and-street-works-licences> ; or speak to Highway Network Management as it is likely that street work licenses will be required to operate market stalls.

03. Regularly attending caterers and food retailers will be required to either register with Bracknell Forest Council Environmental Health, in compliance with Article 6 (2) of Regulation (EC) No 852/2004, or demonstrate who their registering Council is.

Details relating to registration can be found at

<http://www.bracknellforest.gov.uk/registrationfoodbusinesses>

A copy of the Application can be obtained by ringing our Customer Service Centre on 01344 352000, which is open from 8.30am to 5.00pm, Mondays to Fridays, or by emailing

Environmental.Health@bracknell-forest.gov.uk.

All food operations, regardless if they are registered outside of Bracknell Forest Council, may be subject to a food safety inspection, to make sure the food is stored, prepared and handled safely.

Operators must ensure appropriate facilities are available to maintain adequate personal hygiene, including facilities for the hygienic washing and drying of hands, hygienic sanitary arrangements and changing facilities. Operators must also ensure an adequate supply of hot and/or cold potable water is available.

Information on starting a food business can be found at <http://www.food.gov.uk/businessindustry/caterers/starting up/>

Alternatively you may request a copy by ringing our Customer Service Centre or by emailing Environmental Health@bracknell-forest.gov.uk

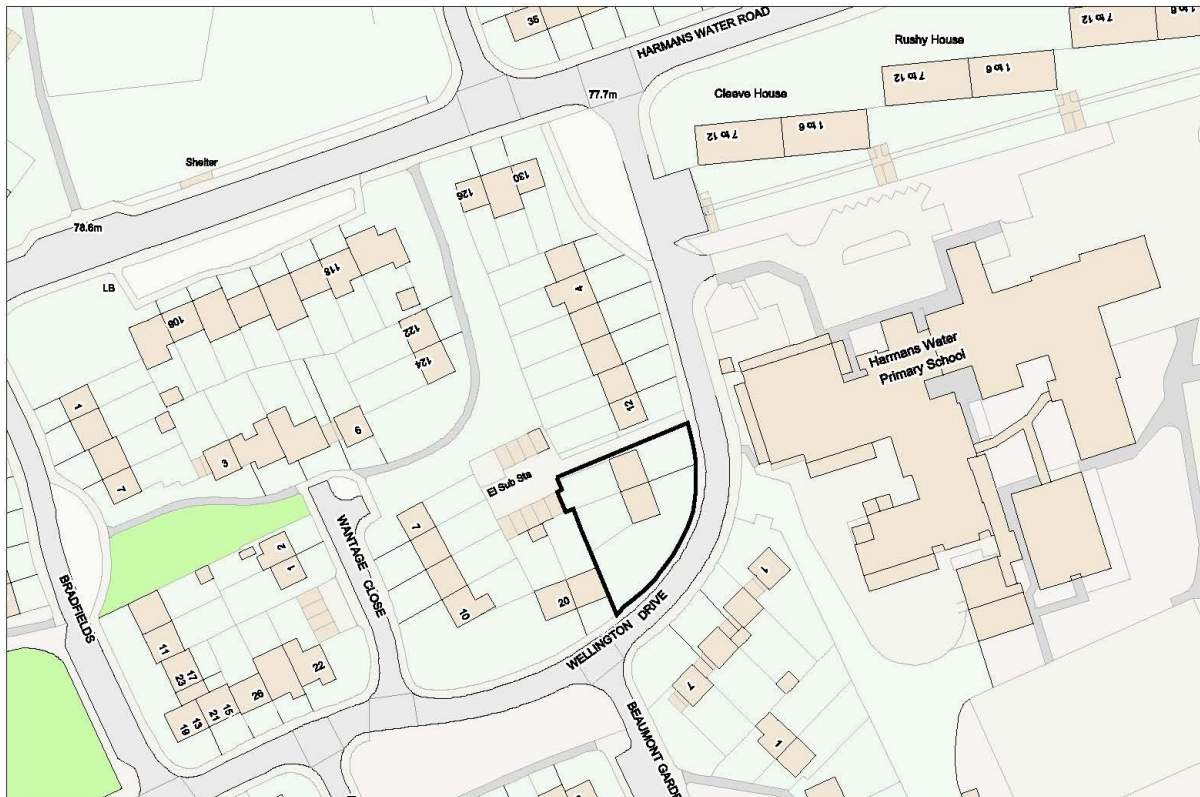
All traders may be regulated by Bracknell Forest Council, for Health and Safety. Further information on Employer duties and responsibilities can be found to the Health and Safety Executive website, available at <http://www.hse.gov.uk>

04. The applicant is advised to contact the Licensing Team@ licence.all@bracknell-forest.gov.uk to discuss any licensing requirements.

PLANNING COMMITTEE
11th. October 2018

CONFIRMATION OF TREE PRESERVATION ORDER (TPO) 1283
‘Land at 16 & 14 Wellington Drive, Bracknell – 2018’

(Director of Environment, Culture & Communities)



1. PURPOSE OF DECISION

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

2. RECOMMENDATION

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

3. ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

3.1. Borough Solicitor

3.1.1. Section 198 of the Town and Country Planning Act 1990 (as amended) and The Town & Country Planning (Tree Preservation) (England) Regulations 2012 is the statutory framework for making and confirming TPO's.

3.1.2. Further Department for Communities & Local Government (DCLG) provides guidance on TPO's in the Planning Practice Guidance (PPG) titled 'Tree Preservation Orders and trees in conservation areas'. The guidance states that, TPO's should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and 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. The site of the TPO is within an established residential development and specifically occupies a prominent corner plot consisting of two semi-detached houses and adjoining public amenity space which is owned by Silva Homes.

4.2. The request for a TPO came from Silva Homes following its concerns that the trees in question were under threat of damage or removal. The owner of 16 Wellington Drive had requested permission of Silva Homes to remove the pines in the property frontage to install a driveway & parking (the property was previously owned by Silva Homes and there was extant covenant in respect of the trees). From further exchanges between the objector and Silva Homes it became evident that the trees were to be considered under threat of damage or removal. A request was made of the Council to assess their public amenity value and after due process TPO 1283 was served on 27/07/2018.

- 4.3. This TPO protects a Group of three pines (two in the frontage of 14 Wellington Drive and one in the frontage of 16 Wellington Drive). Of primary concern to the Council were the trees in front of No. 14; but the TPO includes the one in front of No. 16 due to its amenity value and to maintain cohesion and visual amenity impact of the group within the landscape.
- 4.4. Existing trees, that is individuals, groups, areas and woodlands are viewed and assessed for their amenity impact to evaluate their suitability for a TPO. This system is based on factors that assess: -
- Their health & condition
 - Their remaining longevity
 - Their relative public visibility
 - Specialist considerations such as ‘veteran’ status, historical interest etc.
 - The known (or perceived) ‘threat’ to their health & condition or existence
 - The impact of the trees on the landscape
 - Special factors such as proximity and orientation to the nearest habitable structure.
- 4.5. These factors follow criteria based on government guidance and ‘best-practice’ and the assessment system gives an indicative value that informs the Tree Service in considering whether or not to make a TPO.
- 4.6. Once the new TPO is served, affected residents have 28 days in which to make representation to the Council. Some representations are letters of support whilst others request clarification, but more commonly they are objections to the making of the Order. Objections can be made on any grounds; if valid objections are duly made, the Local Planning Authority cannot confirm the TPO unless those objections have first been considered.
- 4.7. The Order document contains details of how a resident can comment or object to the TPO. In serving the Order, the Council also includes advice and guidance in respect of the objector’s right to make an application to manage their tree (even if the TPO has yet to be confirmed) and directs the objector to an application process and how to source Government advice on TPO procedures.
- 4.8. Any representation (support, objection or comment) is reviewed in respect of Council policies and to address the issues raised, either a delegated report is compiled for consideration by the Chief Officer: Planning, Transport and Countryside or it is brought before the Planning Committee.

5. SUMMARY OF REPRESENTATIONS

- 5.1. One representation was made by the owner of 14 Wellington Drive, in the form of an objection.
- 5.2. The issues raised as part of the objection to this TPO relate to: -
- The maintenance implications caused by falling foliage and fruit
 - The neglected state of the tree and lack of tree-maintenance
 - Personal stress and upset caused by the trees
 - Infestation of pests from the tree
 - Damage to parked cars caused by the trees
 - Neighbours parking on grass verges

6. CONSIDERATION OF ISSUES

- 6.1. The objector recalls an incident which involved an elderly relative who it is claimed fell due to “the mess caused (*by the trees*) at the front of the property”, in spite of the property owner having maintained the front garden and the fear that the objector (currently pregnant) may suffer the same fate. Unfortunately the objection does not provide any further detailed explanation, argument or evidence to support the statements. Falling debris from trees (such as needles, cones, twigs and small branches etc.) is the natural consequence of tree growth. The level and quality of maintenance of a property is the responsibility of the property owner and the Council does not accept that removing trees is an appropriate remedy to manage the risks identified. Whilst sympathising with the difficulty encountered in maintaining a property; the sort of debris in this case is not recognised in English Law as a ‘legal nuisance, and the judiciary regard falling foliage, etc. as ‘incidental to nature’.
- 6.2. Furthermore the objector stated that the trees had “caused a lot of upset and damage to my home”, resulting in personal stress to the objector during her pregnancy. Although it is regrettable that a mother-to-be should have a troublesome pregnancy, it is not made clear what the ‘upset’ was and no evidence was presented of ‘damage’ to the objector’s property.
- 6.3. Even if the Council was to assume that the cause of the ‘upset’ was (as stated by the objector) the increased incidence of insects (spiders & ants); even then, trees naturally provide habitat for various forms of wildlife which cannot be excluded from the surrounding environment. Although the recent protracted period of hot and dry weather may have promulgated an increase in the number of insects; again this cannot be legislated against as it is a natural phenomenon within our environment. Typical control measures would be to prevent the insects from entering the property and/or controlling their numbers by trapping and the use of natural remedies.
- 6.4. The objector has provided a ‘Statement of fitness for work’ from her GP dated 29/08/2018 which states that the objector is ‘depressed’ (and so unfit for work). As regrettable as this is, there is no further detail to specifically implicate the tree/s as the cause of the depression.
- 6.5. The matter of any grant of permission or right, to park cars on the property frontage is not a matter for this Planning Authority. Notwithstanding, the Committee is directed to the principal response in section 6.1 of this report (latter part). In short, there is no precedent in law that falling foliage or ‘honeydew’ is a legal nuisance that would automatically allow for a claim for damages. The primary case-law which would apply in this matter, states that a landowner would not be held liable for anything that is naturally present on a landowner’s land (in this case leaves, twigs and detritus from any wildlife) that fall onto the ground or onto other property. For any liability to be considered it must be some special use of that land bringing with it increased danger to others and not merely by the ordinary (in this case specifically ‘natural’) use of land. The presence of aphids within trees and their production of honeydew from the sap within those trees would be considered the natural use of land.
- 6.6. The objector takes issue with the advice from Silva Homes about not parking cars on the frontage of properties in Wellington Drive. The objector has provided photographic evidence of various neighbours who park their cars on grass verges and on property frontages with or without the benefit of authorised vehicle cross-overs and asks why

she should not be able to do the same. The objector is advised to apply to the Highway Authority for permission to install a vehicle cross-over to be able to access her property frontage. However, the regular parking of cars within the root protection area of protected trees (without appropriate surfacing) causes soil compaction which harms trees. The objector is advised that if the Highway Authority grant permission for a vehicle cross-over, then an application will be required for the installation of a car-park surface within the root protection area of these protected trees.

6.7. The Council's response to the objections also include: -

- The amenity assessment undertaken on the trees has been developed by the Council and is based on Central Government Guidelines, industry 'best practice' and the Council's own policy
- The trees are visible from public vantage points and as a group there are few amenity trees of the same quality and impact in the immediate landscape
- 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, unsafe or are causing legal nuisance, that they seek independent professional advice.

7. SUPPORTING PLANNING INFORMATION

7.1. 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.

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: -

XX day of Month Year

Signed on behalf of the Bracknell Forest Council

Signature: -

Name: - Andrew Hunter / Max Baker

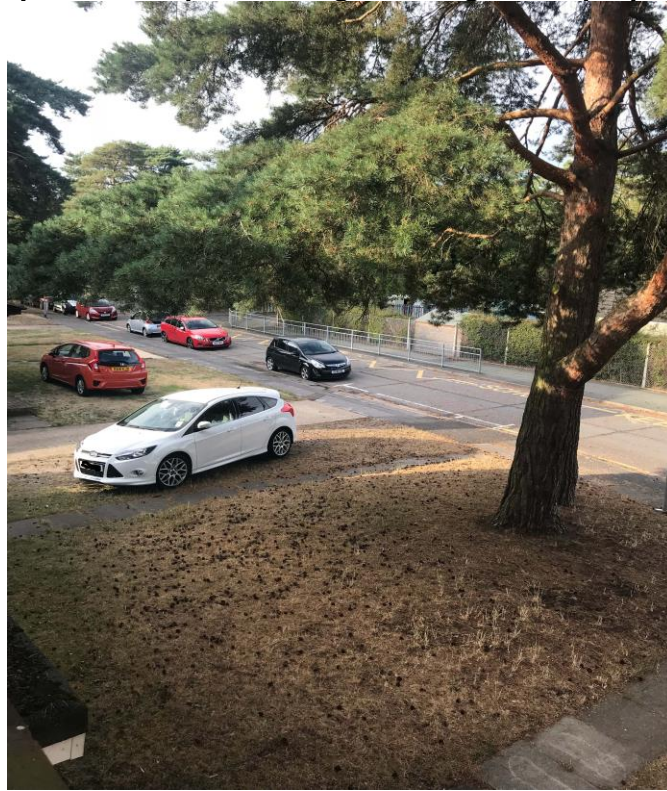
Position: - Chief Officer: Planning, Transport & Countryside / Head of Planning
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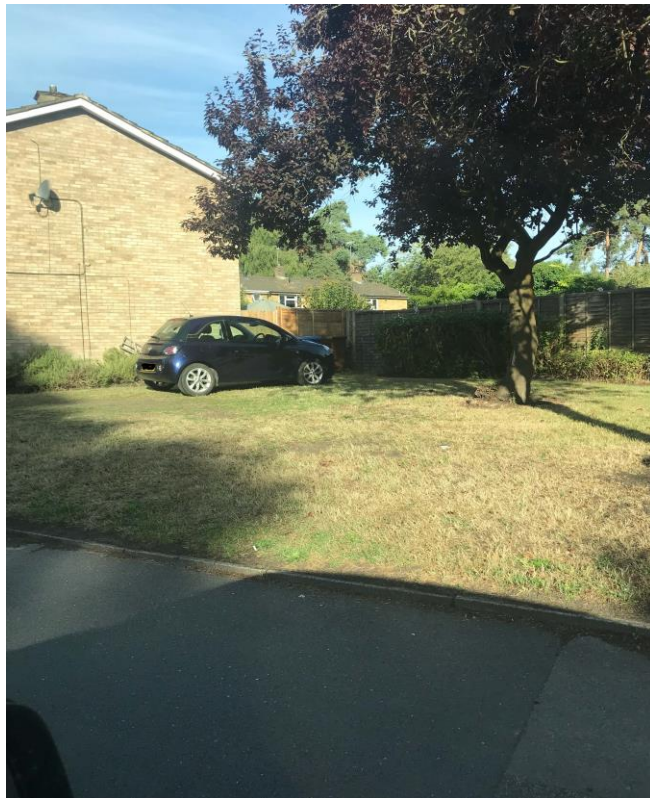
APPENDIX

Tree Service photographs of G1 (Pine x 3)



Objector's photographs of cars parked on grass verges and property frontages.







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