

## Notice of Meeting

### Planning Committee

Councillor Dudley (Chairman),  
Councillor Brossard (Vice-Chairman),  
Councillors Angell, Dr Barnard, Bhandari, D Birch, Brown, Gbadebo,  
Green, Mrs Hayes MBE, Heydon, Mrs Mattick, Mrs McKenzie,  
Mrs McKenzie-Boyle, Mossom, Parker, Skinner and Virgo



**Thursday 10 October 2019, 7.30 - 9.30 pm**  
**Time Square, Market Street, Bracknell, RG12 1JD**

### Agenda

Item	Description	Page
1.	<b>Apologies for Absence</b>	
	To receive apologies for absence.	
2.	<b>Minutes</b>	3 - 6
	To approve as a correct record the minutes of the meeting of the Committee held on 12 September 2019.	
3.	<b>Declarations of Interest</b>	
	<p>Members are asked to declare any disclosable pecuniary or affected interests in respect of any matter to be considered at this meeting.</p> <p>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.</p> <p>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.</p>	
4.	<b>Urgent Items of Business</b>	
	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 Planning )

**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.**

### **EMERGENCY EVACUATION INSTRUCTIONS**

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5.	<b>PS 17/00754/FUL Land To R/O 92 College Road, College Town, Sandhurst, Berkshire GU47 0QZ</b>	11 - 28
	Erection of 5no. apartments, associated car port and parking and creation of new access off Academy Place.	

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Published: 1 October 2019

#### **EMERGENCY EVACUATION INSTRUCTIONS**

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**PLANNING COMMITTEE  
12 SEPTEMBER 2019  
7.30 - 8.57 PM**

**Present:**

Councillors Brossard (Vice-Chairman, in the Chair), Angell, Dr Barnard, Bhandari, D Birch, Brown, Gbadebo, Green, Mrs Mattick, Mrs McKenzie, Parker, Skinner, Virgo, Atkinson and Ms Gaw

**Apologies for absence were received from:**

Councillors Dudley, Mrs Hayes MBE, Heydon, Mrs McKenzie-Boyle and Mossom

**Also Present:**

Councillors Atkinson, Ms Gaw and Turrell

**34. Minutes**

**RESOLVED** that the minutes of the meeting of the Committee held on 15 August 2019 be approved as a correct record and signed by the Chairman

**35. Declarations of Interest**

There were no declarations of interest.

**36. Urgent Items of Business**

There were no urgent items of business.

**37. Application No 19/00299/FUL - Chanda, Newtown Road, Sandhurst**

**Sub-division of existing dwelling into 2no. dwellings and retrospective permission for other works including single storey side/rear extension and insertion of rooflights.**

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- The comments of Sandhurst Town Council recommending refusal.
- That no letters of objection had been received.

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

- avoidance and mitigation of the impact of residential development upon the Thames Basin Heaths Special Protection Area (SPA)

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

01. The development hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details received by the LPA:
- Site Location Plan, Received 18th June 2019
  - Block Plan, Received 18th June 2019
  - Parking Plan, Received 12th September 2019
  - Front Elevation, Received 18th June 2019
  - Rear Elevation, Received 18th June 2019
  - North Elevation, Received 18th June 2019
  - South Elevation, Received 18th June 2019
  - Ground Floor Plan, Received 18th June 2019

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

02. The 3 vehicle parking spaces set out on the approved plan shall not be used for any purpose other than parking.

REASON: To ensure the dwellings are 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]

03. A scheme for covered and secure cycle parking facilities should be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this planning permission. The approved scheme shall be implemented within 1 month of the approval of details and the cycle parking shall thereafter be retained for the use of the parking of bicycles only.

REASON: In the interests of accessibility of the development to cyclists. [Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

**38. Application No19/00708/PAC - 184 Dukes Ride, Crowthorne**

This item was determined under delegated powers following the expiry of the consultation period and therefore was no longer on the agenda.

A site visit had been held on Saturday, 7 September 2019, which had been attended by Councillors Bhandari, Brossard, Brown, Green, Mrs McKenzie and Mossom.

**39. Application No 19/00717/PAA - Windmill Farm, Malt Hill, Warfield**

This item was determined under delegated powers following the expiry of the consultation period and therefore was no longer on the agenda.

A site visit had been held on Saturday, 7 September 2019, which had been attended by Councillors Barnard, Bhandari, Brossard, Brown, Green, Mrs McKenzie, Mossom, Virgo and Ms Gaw.

**40. Application No 19/00718/PAA - Storage Barn, Windmill Farm, Malt Hill**

This item was determined under delegated powers following the expiry of the consultation period and therefore was no longer on the agenda.

A site visit had been held on Saturday, 7 September 2019, which had been attended by Councillors Barnard, Bhandari, Brossard, Brown, Green, Mrs McKenzie, Mossom, Virgo and Ms Gaw.

**41. Application No 19/00721/PAA - Nuptown Piggeries, Hawthorn Lane, Warfield**

**Application for prior approval for the change of use of 2no. agricultural buildings to 5no. dwellinghouses (C3) following the demolition of part of the buildings.**

A site visit had been held on Saturday, 7 September 2019, which had been attended by Councillors Barnard, Bhandari, Brossard, Brown, Green, Mrs McKenzie, Mossom, Virgo and Ms Gaw.

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- A total of 3 objections received, as summarised in the Agenda papers and the additional 16 letters of objection as summarised in the supplementary report.
- The comments of Winkfield Parish Council, given verbally at the meeting, objecting on the grounds of overdevelopment in the Green Belt, excessive traffic and the development not being in keeping with other homes in the lane

A motion to approve the recommendation in the officer report was proposed but not seconded.

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

**RESOLVED** that planning application 19/00721/PAA be **REFUSED** for the following reasons:

Following the receipt of further information from third parties it is not considered that it has been demonstrated on the balance of probability that on the requisite date, 20 March 2013 or before, the use of the site was solely for agricultural use. As such the proposal does not comply with caveat (a) of Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the application for Prior Approval is therefore refused.

42. **Application No19/00741/PAC - Tamar, Clifton and Forth Houses, Brants Bridge, Bracknell**

This item was withdrawn from the agenda.

**CHAIRMAN**

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

**PLANNING COMMITTEE  
10th October 2019**

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

		<b>Case Officer</b>	<b>Reporting Officer</b>
5	17/00754/FUL Land To R/O 92 College Road College Town Sandhurst (College Town Ward) Erection of 5no. apartments, associated car port and parking and creation of new access off Academy Place. Recommendation:	Sarah Fryer	

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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<b>ITEM NO:</b>			
Application No.	Ward:	Date Registered:	Target Decision Date:
<b>17/00754/FUL</b>	College Town	19 July 2017	13 September 2017
Site Address:	<b>Land To R/O 92 College Road College Town Sandhurst Berkshire GU47 0QZ</b>		
Proposal:	<b>Erection of 5no. apartments, associated car port and parking and creation of new access off Academy Place.</b>		
Applicant:	Mr Nick Hoare		
Agent:	(There is no agent for this application)		
Case Officer:	Sarah Fryer, 01344 352000 <a href="mailto:development.control@bracknell-forest.gov.uk">development.control@bracknell-forest.gov.uk</a>		

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



## 1. SUMMARY

1.1 This application seeks full planning consent for the erection of 5no. 2 bed roomed apartments on land to the rear of 92 College Road, Sandhurst, with associated parking and waste storage.

<b>RECOMMENDATION</b>
Approve subject to S106 agreement

## 2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application is being reported to the Planning Committee as it has received 12 objections.

## 3. PLANNING STATUS AND SITE DESCRIPTION

<b>PLANNING STATUS</b>
Within Settlement Boundary
Flood Zone 2
Between 400m and 5km SPA

3.1 The application relates to a 0.126ha area currently in use as rear garden to 92 College Road, Sandhurst. The site is laid to lawn with an area of bark mulch, on top of weed suppressant material, to the end of the garden which also contains a garden shed. To the southern boundary there are several mature trees, a number of which are protected by Tree Preservation Order (TPO). The northern side of the site contains a number of young trees yet to establish.

3.2 The site is surrounded by residential developments. To the north, Academy Place is a modern residential development which has been recently extended to the rear of College Road and has access from College Road.

3.3 To the south the site borders the rear of the properties of 10 to 16 The Breech. These are two storey link detached dwellings given consent in 1991. 92 College Road is a detached two storey dwelling with a detached garage and would be located to the west of the site, whilst to the east the site adjoins the Royal Military College, Sandhurst.

## 4. RELEVANT SITE HISTORY

4.1 Various consents relating to the use of the site in connection with the Royal Military Academy Sandhurst are not considered relevant to this application.

16/00440/FUL Erection of 65no dwellings comprising 32no. 2 bed apartments and 33 no. 3 bed houses with associated parking, amenity and landscaping following demolition of existing educational buildings - Withdrawn

## 5. THE PROPOSAL

5.1 A full planning application is sought for the erection of 5 two bed roomed apartments. The development is split across 2 buildings. Access would be from Academy Place located to the north of the site and currently separated by a 2m high timber fence.



5.2 Plots 1-3 would be contained within a two storey block located to the western end of the site. This building would have a two storey projecting element containing car ports on the ground floor with plot 3 above. Towards the eastern end of the site a two storey block containing two apartments would be located. Amenity areas are proposed to the rear of each block with parking between the two blocks and within the proposed car ports which form the ground floor of part of the development.

5.3 The proposed apartment blocks are mainly traditionally designed, with a hipped roof and chimneys. Principal elevations are treated with a two storey bay window which extends through the eaves.

## 6. REPRESENTATIONS RECEIVED

- 6.1 12 letters of have been received objecting to the proposal on the following grounds.
- Detrimental impact on parking and access.
  - Adverse impact on the residential amenities of neighbours due to noise, proximity, loss of privacy and overshadowing.
  - High density and over-development
  - Insufficient parking is being proposed
  - Highway safety and convenience
  - Visual impact, loss of enjoyment and views
  - Flatted development would be out of keeping with the general area and would dominate the skyline.
  - Increased pressure on local infrastructure.
  - Disruption during the building works.

### Sandhurst Town Council

- 6.2 Sandhurst Town Council objects to the proposal for the following reasons;
- Cramped development which is considered to be detrimental to the amenities of adjoining residents
  - Inadequate private amenity space
  - Proposal is a form of unneighbourly development
  - Insufficient storage for waste.

## 7. SUMMARY OF CONSULTATION RESPONSES

- Highway Authority  
7.1 Considered acceptable subject conditions. This is discussed below.
- Bio-diversity  
7.2 Acceptable ecological assessments. Recommends conditions.
- Tree Service  
7.3 Raised concerns about loss of light to windows due to the proximity of the trees.
- Waste  
7.4 The communal bin store areas are all of adequate size.
- Drainage  
7.5 Following the submission of a revised FRA, raises no objection subject to conditions.
- Environmental Health  
7.6 Site is low risk of contamination- suggest conditions to mitigate impact during construction.

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

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

	Development Plan	NPPF
General policies	CP1 of SALP: Presumption in favour of sustainable development	Not entirely consistent (Para. 11 of the NPPF)
	CS1 of CSDPD: Sustainable Development Principles	Consistent
	CS2 of the CSDPD: Locational Principles	Consistent
Housing	CS15 of the CSDPD: overall housing provision	Not consistent with the NPPF as it does not represent an 'objective assessment of need', and therefore carries little weight.
Design & Character	CS1 (viii) of the CSDPD	Consistent with NPPF.
	CS7 (i) & (iii) of CSDPD: Design	
	Saved policy EN20 (i) of BFBLP: Design considerations in new development	
Open Space provision	CSDPD Policy CS8: Recreation and Culture	Consistent with NPPF.
	Saved Policy R4 of the BFBLP: Provision of open space of public value	Consistent with the NPPF Chapter 8.
Noise and	Saved Policy EN25 of the BFBLP:	Consistent with the NPPF.

pollution	Noise and other pollution	
SPA	SEP Policy NRM6: Thames Basin Heaths Special Protection Area CSDPD Policy CS14: Thames Basin Heaths Special Protection Area Saved Policy EN3 of the BFBLP: Nature Conservation	Consistent with the NPPF (Chapter 15)
Transport	'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)		
Parking Standards SPD 2016 Design SPD (2017) Thames Basin Heath SPD Character Area Assessments SPD		
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) Bracknell Forest Borough Landscape Character Assessment (LUC) 2015		

## 9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i Principle of development
- ii Impact on character
- iii Design
- iv Residential Amenity
- v Impact on Highway safety
- vi Drainage
- vii Bio-diversity
- viii Trees and Landscaping
- ix Thames Basin Heaths Special Protection Areas (SPA)
- x Sustainability Issues
- xi 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 The site is located within the settlement boundary as defined by the Bracknell Forest Policies Map 2013. Policy CS2 of the CSDPD sets out the order in which the Council will allocate land for development. It gives priority to development first within Bracknell Town Centre, then previously developed land (PDL) and buildings within defined settlements and then other land within defined settlements. The definition of PDL within the NPPF excludes '...land in built-up areas such as residential gardens...'. Whilst the site is therefore not considered to be previously developed, the location within the settlement boundary is not considered to be contrary to the objectives of the CSDPD and therefore the principle is considered acceptable.

### ii Impact on character

9.4 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.

9.5 Part of the site is located within the College Town Character Area, part of the wider Sandhurst study area. This states that the character of the area is mainly rectilinear in layout however that this has in parts been 'dissolved by infill development, particularly to the east of College Road', where the application site lies.



9.6 The proposal would take both vehicular and pedestrian access from Academy Place, a cul-de-sac which terminates just to the north of the site boundary. Academy place to the north and Breech Close of the south are both examples of 'infill' development which has dissolved the rectilinear layout as identified within the character area assessment. The principle of development to the rear between these two existing backland developments is therefore considered acceptable.

9.7 The proposal generally follows the built form of the properties on Academy Place, however this scheme proposes a two storey projection to the northern side, and boundary with no.39 Academy Place which has a large hard surfaced parking area to its front. This would not affect the character or appearance of College Road or the character of Academy Place. The site is considered to be sufficiently visually self-contained to create a character of its own.

### iii Design

9.8 Policy CS7 of the CSDPD seeks a high quality of design for all development in Bracknell Forest. Policy EN20 of the BFBLP is also relevant and states that the Local Planning Authority will have regard to the appearance and character of the local environment and the development should be appropriate in scale, mass and design.

9.9 Access to the site is obtained through Academy Place a modern development with frontages onto the access road. The application proposal would have the appearance of two large houses. The blocks would have hipped roofs with chimneys and double height bay window details.



The properties on Academy place closest to the proposal have pitched roofs, with gable details. There are examples of gabled and hipped roof treatments in the area, including a pair of semi-detached older cottages on Academy Place and the closest recent properties on Academy Place. In this respect the proposal would be in keeping with the surrounding development. The proposal would not be seen within the streetscene, and the details proposed and scale of the development is considered acceptable for the site. Conditions securing materials can be imposed to ensure that the palette complements the predominantly red brick and tile finish of the area. The proposal is therefore considered not to harm the character or appearance of the area.



9.10 Accordingly the proposal is considered to comply with Policies CS7 of the CSDPD and EN20 of the BFBLP.

**iv Residential amenity.**

9.11 Saved Policy EN20 of the BFBLP seeks to protect the amenity of surrounding properties. This policy requires that new development should not adversely affect the amenity of surrounding properties and adjoining areas. Paragraph 17 of the NPPF also seeks to protect the amenities of future occupiers.

Existing occupiers

9.12 The closest existing residents to the proposal are the occupiers of no. 39 Academy Place located to the north of plots 3, 4 and 5; no. 38 Academy Place located to the north of plots 1 and 2; and 10-16 Breech Close located to the south and 92 College Road to the west.

39 Academy Place.

9.13 This is a two-storey semi-detached dwelling located to the north of plots 3, 4 and 5. To the front elevation there is a window serving a kitchen with dining space at ground floor and a window serving a bedroom at first floor. 39 Academy Place would be located 2.6m from the proposal and separated by a 2m high timber fence. The northern projection containing the car-ports and plot 5, would extend 18.4m to the front of this property.

9.14 The Council uses the guidance within the BR209- site layout planning for sunlight and sunlight to assess the impact of proposed development. The first test is to draw a line on the horizontal plane towards the proposal at 45 degrees from the centre point of the nearest affected window. In this case this is the kitchen/ breakfast room window of Academy Place. The line dissects the proposal and therefore the next step is triggered.

9.15 A line is drawn on the elevation drawing towards the development again at 45 degrees. This line misses the proposed built form and therefore it cannot be demonstrated that the proposal would significantly affect daylight and sunlight to this room to sustain a reason for refusal.



9.16 The proposal would not project past the rear elevation of no 39 Academy Place and there are no more windows serving habitable rooms which would be affected by the proposal.

9.17 Windows serving the first floor flat above the car-ports would overlook the front parking area of 39 and 40 Academy Place. This is already viewable from the public highway and accordingly there is not considered to be any unacceptable loss of privacy. The windows are at 90 degrees to the first floor windows serving Academy place and at such an angle there is not considered to be any loss of privacy.

### 38 Academy Place

9.18 Again this is a two-storey semi-detached dwelling located to the north of proposed plots 1 and 2. The proposal would be set in line with this property neither projecting to the front or the rear. There would be a separation distance of 6.6m between the side elevation and the proposed development. The approved plans to no.38 Academy Place show windows to the side elevation serving the kitchen/ diner and rear lounge. These rooms are served by other windows and therefore the side elevation windows constitute a secondary source of light.

### 10-16 Breech Close

9.19 These properties are two storey link-detached dwellings that back onto the site and have private gardens of approximately 11m in length. The two proposed blocks are between 5m and 9m from the boundary and separated by a tree belt protected by a TPO. Between windows there would be a separation distance of 22m.

9.20 Section 3.9.11 of the adopted Design SPD states that 'all development should be arranged on plots to achieve reasonable levels of privacy for the inhabitants and for residents of neighbouring buildings'. This gives guidance on what distances should be achieved.

9.21 Paragraph 3.9.14 of the Design SPD continues that 'In considering siting relationships minimum distance between facing habitable windows of 22m will be sought to avoid unacceptable levels of overlooking'

9.22 As 22m can be achieved in this instance, this is considered acceptable and in accordance with the Council's expected standards.

### 92 College Road

9.23 As the application seeks permission to develop part of the rear amenity area of 92 College Road an assessment has been made of whether sufficient space is retained for the amenities of future residents of this property, and whether any overlooking would result from the proposal which would be detrimental to the privacy of existing occupiers.

9.24 92 College Road will be left with a garden and private amenity area of a length in excess of 15m from the back of the rear projecting conservatory. The garden area is considered to be appropriate for the size and scale of the dwelling.

9.25 There would be habitable windows facing the rear elevation of 92 College Road. These would be located at a distance of 21m from the conservatory and 24m from the main rear elevation. This is comparable to the properties of 39 Academy Place and whilst the distance to the conservatory is marginally below standard, as the applicant is the owner of the existing property and any prospective purchaser of the new property would be aware of its situation this is not considered unacceptable.

#### Future Occupiers of the Proposed Development

9.26 The proposal includes amenity space around the flats for the use of residents. This is considered sufficient for the size of the dwellings.

9.27 The Tree Officer has raised concerns about the overshadowing caused by the trees which have been considered. The properties facing the trees have would be located at first floor level lessening the overshadowing impact. Living rooms have been provided with dual aspects and it is only bedrooms which would have a single aspect. It is considered that this relationship would not be detrimental to the future living conditions of occupiers.

#### Conclusion

9.28 Accordingly, given the above analysis, it is not considered that the proposal would have a detrimental effect upon the amenities currently enjoyed by existing occupiers or future occupiers to warrant a refusal of planning permission. Accordingly the application is considered to comply with Policy EN20 criterion g, of the BFBLP.

#### **v Impact on Highway safety**

##### Access

9.29 The 5 no. apartments would take access off Academy Place, an adopted residential cul-de-sac which is subject to a 20mph speed limit. The additional traffic on a 5.5m wide road currently serving 18 or 19 properties which is lit with footways to either side would not be detrimental to highway safety.

9.30 The adopted highway includes the extended road (constructed to serve the 4 houses permitted via 14/01228/FUL) to the boundary fence of the application site. A private access road is indicated on the Proposed Site Layout to serve these apartments with a continuation of the 5.5m road and 2m wide footways to either side providing an acceptable access arrangement for residents. Turning for cars and domestic delivery vehicles is proposed, however, the proposed turning area would not be capable of accommodating a refuse vehicle and bins will need to be brought to within 25m of the current refuse turning head along Academy Place.

9.31 The means of access should be provided prior to commencement of development and details should be secured via planning condition. The applicant will require the consent of the Highway Authority to create a highway access and should be advised of this by way of an informative.

##### Parking

9.32 12 car parking spaces, including two visitor spaces are proposed to comply with the Council's parking standards for 5 no. 2-bed apartments. The Highway Authority acknowledges there is parking pressure along Academy Place and the provision of parking to standard would ensure this development does not add to on-street parking. Car ports are proposed and the use of car ports for parking, including not installing doors on them should be secured via planning condition. The parking spaces in front of the car ports are 3m wide by 4.8m long which complies with current standards and this wider width would assist disabled users. Car parking should be secured via planning condition. Also, cycle parking is required and this should be secured via planning condition.

#### Trips

9.33 5 no. apartments are likely to generate 20 two-way movements per day, including two or three movements in both peak periods. There are a number of facilities and services in the surrounding area and not all trips would be by private cars. Construction traffic, including site deliveries and contractor parking could be dealt with by planning condition.

### **vi Drainage**

9.34 The site lies within Flood Zone 2 and therefore a Flood Risk Assessment has been submitted in support of the application.

9.35 In response to the initial Lead Local Flood Authority (LLFA) comments a revised Flood risk Assessment (FRA) has been submitted to support the application. The revised report includes detailed hydraulic modelling which demonstrates that the site is not affected by flooding. To support the modelling a channel survey has been undertaken and an assessment of the upstream catchment. The applicant has tested blockage scenarios on the downstream culvert and has demonstrated that floodwater would be more likely to flow to ground to the east of the site.

9.36 The drainage strategy utilises a hydro-brake which limits runoff from the site. Whilst this rate is higher than the existing greenfield rate it is likely to be acceptable to Thames Water.

9.37 Having regard to the above, and several conditions, the drainage strategy is considered acceptable and would not result in flooding of either the property or neighbouring properties.

### **vii Biodiversity**

9.38 The biodiversity survey submitted in support of the application concludes that there is little potential for protected species to be present on the site except nesting birds. It does identify the existing trees as highly likely to be used by foraging bats but does not make any comment on the overall value of these features for biodiversity in the area. From a broader biodiversity perspective, the existing trees form a corridor which connects to larger areas of woodland directly to the east which increases its value as part of green infrastructure.

9.39 The biodiversity survey makes recommendations for biodiversity enhancements in section 5 that include installation of bat bricks within the new dwelling (plan 3), sensitive lighting and fencing permeable to wildlife (i.e. hedgehogs). If the application is approved, a condition should be used to secure mitigation measures in accordance with the biodiversity survey including submission of an ecological inspection report to confirm these features have been installed.

9.40 Accordingly subject to securing biodiversity enhancements by condition, the proposal complies with Policies CS1 and CS7 of the CSDPD.

### **viii Trees and Landscaping**

9.41 The trees along the southern boundary are the subject of individual Tree Preservation Orders (TPO) (TPO 296).

9.42 The proposal was submitted with a tree survey and full arboricultural report. The tree constraints plan shows that proposed areas of parking would be located within the root protection areas (RPAs) of the trees along the southern boundary of the site.

9.43 Policy EN1 protects the loss of trees and hedgerows which are important for the retention of:-

- a clear distinction between built up areas and countryside,
- the character and appearance of the landscape or townscape,
- provide green links between open spaces and wildlife heritage sites,
- habitats for local wildlife, or
- areas of historical significance.

9.44 The trees along the southern boundary and eastern boundary of the site are to be retained and details of no dig construction of the parking and access road have been provided. The tree officer accepts these but questions how the proposed surfacing will marry up with the highway. This section lies out-side the RPA areas and therefore could be dug if necessary. As such it is not considered that these details are necessary.

9.45 The Council's Tree Officer has raised concerns regarding the proximity of the proposal to the trees and the potential overshadowing which could result as a consequence. The proposal has been designed with dual aspect windows to the majority of rooms to reduce the impact. Given this it is not considered that the harm to future occupiers would be so severe or future pressure to prune to sustain a reason for refusal.

9.46 Accordingly, the impact upon trees is considered acceptable.

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

9.47 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. An Appropriate Assessment has been carried out and agreed with Natural England, including mitigation requirements.

9.48 This site is located approximately 1 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.

9.49 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. 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.

9.50 In this instance, the development would result in a net increase of five x 2 bedroom dwellings which results in a total SANG contribution of £8,005.

9.51 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which will also be calculated on a per bedroom basis. Taking account of the per bedroom contributions this results in a total SAMM contribution of £2,630.

9.52 The total SPA related financial contribution for this proposal is £10,635. The applicant must agree to enter into a S106 agreement to secure this contribution and a restriction on the occupation of each dwelling until the Council has confirmed that open space enhancement works to a SANG is completed. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP Saved Policy NRM6, Saved policy EN3 of the BFBLP and CS14 of CSDPD, the Thames Basin Heaths Special Protection Area SPD, the Planning Obligations SPD and the NPPF.

9.53 Subject to an appropriate legal agreement being completed the proposal 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.

## **X Sustainability issues**

9.54 CSDPD Policy CS10 requires the submission of a Sustainability Statement demonstrating how the proposals meet current best practice standards.

9.55 CSDPD Policy CS12 seeks a reduction in the potential emissions and energy usage.

9.56 Whilst a sustainability statement was submitted this only showed 9.4% being regarded as renewable energy, below the targeted 20%. However, this requirement can be secured by a condition to be imposed requiring the submission and implementation of an energy statement.

9.57 In terms of CSDPD Policy CS10, the Council can only request details of water usage. The applicants have provided details of the proposed water usage calculations which equate to 104 liters/person/day. This is beneath the target of 110 litres/person/day and therefore in compliance with Policy CS10.

## **xi Securing Necessary Infrastructure / CIL**

9.58 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.

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

9.60 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.

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

- Provision and enhancement of land to Suitable alternative Natural Greenspace (SANG) standard (part of Special Protection Area (SPA) Avoidance and Mitigation measures)
- specified Local Road Network capacity improvements.
- strategic road network improvement outside the borough
- specified footpath and cycleway improvements
- bus service subsidies
- specified educational projects
- libraries
- built sports facilities

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

## **10. CONCLUSION**

10.1 The proposal seeks consent for the erection of 5 flats to the rear of 92 College road, Sandhurst on land which is currently part of a large residential garden. The proposal would continue the existing backland development to the north and south of the application site and is considered to have adequate access from Academy Place.

10.2 The proposal has been carefully assessed in terms of its impact upon the protected trees, flooding and the amenities of neighbouring residents. Officers are satisfied that the proposal would not result in harm to the trees along the southern boundary of the site subject to the scheme being completed in accordance with the details contained within the arboricultural report. Following the remodeling drainage report, it has been demonstrated that the site will not flood and the proposal can be adequately drained. The effect upon neighbouring residents has been addressed and it is considered that the proposal would not result in an unacceptable effect upon their living conditions.

10.3 Accordingly, subject to conditions and a S106 agreement to secure SPA mitigation, the proposal is considered acceptable and compliant with the development plan.

## **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 following measures:

- avoidance and mitigation of 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 and documents received by the Local Planning Authority:

Site Location Plan (377-BB-SP-00-DR-A-007 Rev A)  
 Proposed Site Layout (3766-PL/001 Rev A)  
 Proposed Plans and Elevations plots 1 & 2 (3766-PL/002)  
 Proposed Plans Plots 3, 4, 5 (3766-PL/003)  
 Proposed Elevations (3766-PL/004)

Proposed Elevations (3766-PL/005)

MJC Tree Service: Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan & Heads of Terms for the Arboricultural Method Statement Rev. 0.

Lowans Ecology & Associates Version 1 (Bio-diversity survey/ assessment)

Weetwood- Flood Risk Assessment Final Report v1.0 July 2019. Including amended Figure 8 received: 19.09.2019

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

03. No superstructure works shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
REASON: In the interests of the visual amenities of the area.  
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]
04. Notwithstanding the submitted plans, no dwelling hereby permitted shall be occupied until details of a scheme of walls, fences and any other means of enclosure has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of any of the buildings approved in this permission.  
REASON: - In the interests of the visual amenities of the area and to safeguard existing retained trees, hedges and shrubs.  
[Relevant Plans and Policies: BFBLP EN20, Core Strategy DPD CS7]
05. The development shall not be begun until details showing the finished floor levels of the buildings hereby approved in relation to the external land levels including a fixed datum point have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
REASON: In the interest of the character of the area.  
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]
06. The biodiversity mitigation measures as stipulated within the Lowans Ecology & Associates Version 1 (Bio-diversity survey/ assessment), shall be implemented prior to the occupation of any of the dwellings hereby permitted. Within 3 months of the first occupation, an ecological inspection report shall be submitted and agreed in writing by the Local Planning Authority.  
REASON: In the interest of bio-diversity.  
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]
07. The development hereby permitted (including any demolition) shall not be begun until details of a scheme (Working Method Statement) to control the environmental effects of the demolition and construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:  
(i) specifications of control of noise arrangements for construction and demolition.  
(ii) methodology of controlling dust, smell and other effluvia  
(iii) site security arrangements including hoardings  
(iv) proposed method of piling for foundations  
(v) construction methodology  
The development shall be carried out in accordance with the approved scheme.  
REASON: In the interests of the amenities of the area  
[Relevant policies: BFBLP EN20, Core Strategy DPD CS7]



08. No dwelling shall be occupied until a means of vehicular access has been constructed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.  
REASON: In the interests of highway safety.  
[Relevant Policies Core Strategy DPD CS23]
09. The car ports hereby approved shall be retained for the use of the parking of vehicles at all times and, notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no enlargements, improvements or alterations shall be made to the car ports, and no gate or door shall be erected to the front of any car port.  
REASON: To ensure that the development is provided with adequate parking to prevent the likelihood of on-street parking which could be a danger to other road users.  
[Relevant Policy: BFBLP M9]
10. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for covered and secure cycle parking facilities. The building shall not be occupied until the approved scheme has been implemented. The facilities shall be retained.  
REASON: In the interests of accessibility of the development to cyclists.  
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
11. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:  
(a) Parking of vehicles of site personnel, operatives and visitors  
(b) Loading and unloading of plant and vehicles  
(c) Storage of plant and materials used in constructing the development  
(d) Wheel cleaning facilities  
(e) Temporary portacabins and welfare for site operatives  
and each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (e) above.  
REASON: In the interests of amenity and road safety.
12. No gates shall be provided at the vehicular access to the site.  
REASON: In the interests of highway safety.  
[Relevant Policies: Core Strategy DPD CS23]
13. No development shall take place until full details of the Drainage System(s) have been submitted to and approved in writing by the Local Planning Authority. Full details of all components of the proposed drainage system including dimensions, locations, gradients, invert and cover levels, headwall details, planting (if necessary) and drawings as appropriate taking into account the groundwater table.  
REASON: To ensure that the site is properly drained and does not increase the risk of flooding in accordance with policy CS1 of the Core Strategy.
14. No development shall commence until details of how the surface water drainage shall be maintained and managed after completion have been submitted to and approved in writing by the Local Planning Authority. The details shall include confirmation of the required maintenance activities with expected frequency, with site specific assessments included to demonstrate that health and safety has been fully considered in the design and that access and egress for future residents will be maintained during any operations to repair or replace drainage features.

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

15. Prior to occupation of any property a verification report, appended with substantiating evidence demonstrating the agreed/approved construction details of the drainage system and specifications have been implemented, shall be submitted and approved in writing by the Local Planning Authority. This will include photos of excavations and soil profiles/horizons, any placement of tanking, crating, connecting pipe work, aquacludes or aquabrakes and cover systems.

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

16. The development hereby permitted shall be implemented in accordance with the submitted Sustainability Statement, in so far as it relates to water use, and shall be retained in accordance therewith.

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

17. Notwithstanding the information submitted 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 at least 20%). The buildings thereafter constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith.

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

18. No dwelling hereby approved shall be occupied until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post-planting maintenance schedule.

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

REASON: In the interests of bio-diversity and visual amenity of the site  
[Relevant Plans and Policies: CSDPD CS1, CS7]

19. No development shall commence until a site layout plan at a minimum scale of 1:200 showing the proposed layout of all underground services, including drainage channels has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved site layout.

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

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

In the event of the S106 planning obligations not being completed by 31<sup>st</sup> January 2020, the Head of Planning be authorised to extend this period or REFUSE the application on the grounds of:-

1. The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impacts in this respect. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and the Thames Basin Heaths Special Protection Area Supplementary Planning Document (2018).

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

- 05. Finished floor levels
- 07. Working Method Statement
- 10. Cycle Parking
- 09. Site organisation
- 13. Drainage
- 14. Surface Water Drainage
- 17. Energy use statement
- 19. Service details

The following conditions require discharge prior to the commencement of works on the superstructure of the buildings hereby permitted:

- 03. Materials

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

- 04. Boundary treatments
- 06. Bio-diversity
- 08. Vehicle Access
- 15. Drainage verification
- 18. Landscaping

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

- 01. Time limit
- 02. Approved plans
- 09. Carports
- 12. No gates
- 16. Sustainability

03. The applicant is advised that they will require the consent of the Highway Authority to create a highway access.