

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 September 2020, 6.30 - 9.30 pm
Microsoft Teams Meeting

Agenda

Item	Description	Page
1.	Apologies for Absence	
	To receive apologies for absence. Reporting: Hannah Stevenson	
2.	Minutes	5 - 10
	To approve as a correct record the minutes of the meeting of the Committee held on . Reporting: ALL	
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. Reporting: ALL	
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. Reporting: Hannah Stevenson	

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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: Application No 19/00618/FUL - Bewes Stud, Prince Albert Drive, Ascot	15 - 36
	Change of use of land for use as a residential caravan site for no.4 x 2 bed caravans (park homes) with maximum measurements of 40ft x 20ft (12.192m x 6.096m) with associated landscaping, parking and turning following the demolition of existing buildings and removal of the manege. Reporting: Basia Polnik	
6.	Application No 19/00862/FUL - Land Adjacent To Silver Trees, Birch Lane, Ascot	37 - 50
	Erection of single two storey dwelling. Reporting: Basia Polnik	
7.	Application No 19/00327/FUL - Land At South West Of Abbey Place, Abbey Place, Warfield	51 - 78
	Erection of 9 dwellings with associated access, parking and landscaping. Reporting: Martin Bourne	
8.	Application No 20/00031/COND - 28 Meadow Way, Bracknell	79 - 88
	Details pursuant to Condition 03 (Materials), Condition 04 (Slab Levels), Condition 08 (Landscaping), Condition 09 (Boundary Treatments), Condition 10 (Sustainability Statement), Condition 17 (Site Organisation) and Condition 23 (Services) of planning permission 17/00929/FUL. Reporting: Basia Polnik	
9.	Application No 20/00290/FUL - Liberta House, 17 Scotland Hill, Sandhurst	89 - 104
	Change of use of building and land from Use Class B1(c) (Light Industrial) to use Class C3 (Dwelling houses), creating 7no. one-bedroom apartments and 2no. two-bedroom apartments with associated works, parking and amenity areas, and partial demolition of existing south elevation. Reporting: Basia Polnik	
10.	Application No 20/00410/FUL - 4 Forbes Chase, College Town, Sandhurst	105 - 110
	Erection of outbuilding. Reporting: Basia Polnik	

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11.	Application No 20/00595/PAC - 98 High Street (First and Second Floors), Crowthorne	111 - 116
	Application for Prior Approval for the change of use from Offices (Class B1(a)) to Dwellinghouses (Class C3) comprising 1 No. two-bedroom dwelling. Reporting: Basia Polnik	

Sound recording, photographing, filming and use of social media is permitted. Please contact Hannah Stevenson, 01344 352308, hannah.stevenson@bracknell-forest.gov.uk, so that any special arrangements can be made.

Published: 1 September 2020

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**PLANNING COMMITTEE
13 AUGUST 2020
6.30 - 8.00 PM**

Present:

Councillors Dudley (Chairman), Brossard (Vice-Chairman), Dr Barnard, Bhandari, Brown, Green, Heydon, Mrs Mattick, Mrs McKenzie, Mossom, Parker, Virgo and Mrs Hamilton

Apologies for absence were received from:

Councillors Angell, D Birch, Mrs Hayes MBE, Mrs McKenzie-Boyle and Skinner

Also Present:

Councillors

32. Minutes

RESOLVED that the minutes of the meeting of the Committee held on 16 July 2020 be approved as a correct record and signed by the Chairman.

33. Declarations of Interest

There were no declarations of interest.

34. Urgent Items of Business

There were no urgent items of business.

35. PS 19/00740/FUL Craigholm, 5A Faringdon Drive, Bracknell

Erection of part single, part two storey rear extension with rooflights, conversion of loft forming second floor habitable accommodation, and installation of dormers and rooflights to roof of main dwelling following demolition of existing rear porch and balcony (Part retrospective).

The Committee noted:

- Bracknell Town Council comments as detailed in the agenda papers
- A total of 13 objections from neighbouring properties as summarised in the agenda papers.
- The representations from 2 speakers who joined the meeting.
- The supplementary papers tabled at the meeting
- The petition received with 20 signatories.

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

1. 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 (01 R1) – Received 02.07.2020

Proposed Ground Floor Plan (05 R3) – Received 27.07.2020

Proposed First Floor and Loft Plan (06 R2) – Received 02.07.2020

Proposed Roof Plan (07 R2) – Received 27.07.2020

Proposed Front and Rear Elevations (08 R2) – Received 02.07.2020

Proposed Side Elevations (09 R) – Received 02.07.2020

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

2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be similar in appearance to those on the existing dwelling.

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

[Relevant Policies: BFBLP EN20, CSDPD CS7]

3. Notwithstanding that shown on the approved plans, the first floor side windows in the development hereby permitted shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent) unless the parts of the window which are clear glazed are more than 1.7 metres above the floor of the room in which the window is installed. They shall at all times be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

4. The side facing panels of the first floor bay windows labelled 'obscured glass' on the plans hereby approved shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent) unless the parts of the window which are clear glazed are more than 1.7 metres above the floor of the room in which the window is installed. They shall at all times be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

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 side elevations of the development hereby permitted except for any which may be shown on the approved drawing(s), unless they are glazed with a minimum of Pilkington Level 3 obscure glass (or equivalent) or the parts of the window, opening or enlargement which are clear glazed are more than 1.7 metres above the floor of the room in which it is installed.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

6. No part of the rooflights on the front roof slope hereby approved shall protrude more

than 0.15 metres beyond the plane of the slope of the roof when measured from the perpendicular with the external surface of the roof.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

7. The flat roof area of the development hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

REASON: In the interests of the privacy of nearby dwellings.

[Relevant Policies: BFBLP EN20, CSCS7]

8. The “The trees protected by TPO 1163, shall be protected by installing protective measures within the application site at a distance specified in BS 5837:2012 (or any subsequent revision) Annexe D to the standard illustrated in BS 5837:2012 (or any subsequent revision) Section 6 from the date of this planning permission and shall be maintained fully intact and (in the case of fencing) 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]”

9. The garage shown on the approved plans shall be used for the secure storage of 3 bicycles and shall be retained as such hereafter.

REASON: In order to provide sufficient secure cycle storage in accordance with the provisions of BFC Parking Standards SPD

[Relevant Policies: BFBLP M9, CSDPD CS23]

10. The hours of demolition and construction shall be limited to:

- between 8:00 am and 6:00 pm Monday to Friday
- between 8:00 am and 1:00 pm Saturday

There shall be no demolition or construction undertaken on Sundays and Public Holidays.

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

[Relevant Policies: BFBLP EN25]

Informative(s):

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

1. Time limit
2. Approved plans
3. Materials
4. Side windows
5. Bay windows
6. Rooflights
7. Future side windows
8. Flat roof
9. Tree protection
10. Cycle storage
11. Hours of construction and demolition

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

36. **20/00487/FUL 1 Saffron Road, Bracknell, Berkshire**
Change of use of amenity land to residential parking area

The committee noted:

- The supplementary papers tabled at the meeting.

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

Within 3 months of the date of this decision a planting scheme shall be submitted to and approved in writing by the Local Planning Authority. All planting comprised in the planting scheme 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 approval of the planting scheme. 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 the visual amenity of the area and highway safety. [CSDPD CS7 & CS23, BFBLP 'Saved' Policies EN20, H12 & M9]

Informative(s):

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. This planning permission is granted in respect of the following plans received by the Local Planning Authority:

Red Boundary Plan (Received 08.07.2020)

Block Plan (Received 11.08.2020)

3. The details in relation to Condition 1 must be agreed in writing by the LPA within 3 months of the date of this decision.

37. **20/00500/PAV Froxfield, Beehive Road, Binfield**

This item was removed 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**

**PLANNING COMMITTEE
10th September 2020**

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

		Case Officer	Reporting Officer
5	<p>19/00618/FUL Bewes Stud Prince Albert Drive Ascot (Ascot Ward) Change of use of land for use as a residential caravan site for no.4 x 2 bed caravans (park homes) with maximum measurements of 40ft x 20ft (12.192m x 6.096m) with associated landscaping, parking and turning following the demolition of existing buildings and removal of the manege. Recommendation: Approve Subject To The Completion Of Planning Obligation(s).</p>	Paul Corbett	Basia Polnik
6	<p>19/00862/FUL Land Adjacent To Silver Trees Birch Lane Ascot (Ascot Ward) Erection of single two storey dwelling. Recommendation: Refuse.</p>	Margaret McEvit	Basia Polnik
7	<p>19/00327/FUL Land At South West Of Abbey Place Abbey Place Warfield (Binfield With Warfield Ward) Erection of 9 dwellings with associated access, parking and landscaping. Recommendation: Approve Subject To The Completion Of Planning Obligation(s).</p>	Hilary Coplestone	Martin Bourne
8	<p>20/00031/COND 28 Meadow Way Bracknell Berkshire (Priestwood And Garth Ward) Details pursuant to Condition 03 (Materials), Condition 04 (Slab Levels), Condition 08 (Landscaping), Condition 09 (Boundary Treatments), Condition 10 (Sustainability Statement), Condition 17 (Site Organisation) and Condition 23 (Services) of planning permission 17/00929/FUL.</p>	Sarah Horwood	Basia Polnik

Recommendation: Approve.

- | | | | |
|----|--|--------------|--------------|
| 9 | 20/00290/FUL
Liberta House 17 Scotland Hill Sandhurst
(Little Sandhurst And Wellington Ward)
Change of use of building and land from Use
Class B1(c) (Light Industrial) to use Class C3
(Dwelling houses) creating 7no. one-bedroom
apartments and 2no. two bedroom apartments
with associated works, parking and amenity
areas, and partial demolition of existing south
elevation.
Recommendation: Approve Subject To The
Completion Of Planning Obligation(s). | Paul Corbett | Basia Polnik |
| 10 | 20/00410/FUL
4 Forbes Chase College Town Sandhurst
(College Town Ward)
Erection of outbuilding
Recommendation: Approve. | Olivia Jones | Basia Polnik |
| 11 | 20/00595/PAC
98 High Street (First and Second Floors)
Crowthorne Berkshire
(Crowthorne Ward)
Application for Prior Approval for the change of
use from Offices (Class B1(a)) to
Dwellinghouses (Class C3) comprising 1 No. 2
bedroom dwelling.
Recommendation: Prior Approval COU Granted
B1-C3 | Olivia Jones | Basia Polnik |

Background Papers

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

PLANNING COMMITTEE - POLICY REFERENCES

Key to abbreviations used in the following planning reports.

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

SPG Supplementary Planning Guidance
SPD Supplementary Planning Document

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

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

SITE LOCATION PLAN

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

THE HUMAN RIGHTS ACT 1998

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

Those rights include:-

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

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

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

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

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

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

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

detailed consideration of any Convention Rights affected.

Unrestricted Report

ITEM NO: 05

Application No.
19/00618/FUL
Site Address:

Ward:
Ascot

Date Registered:
16 July 2019

Target Decision Date:
10 September 2019

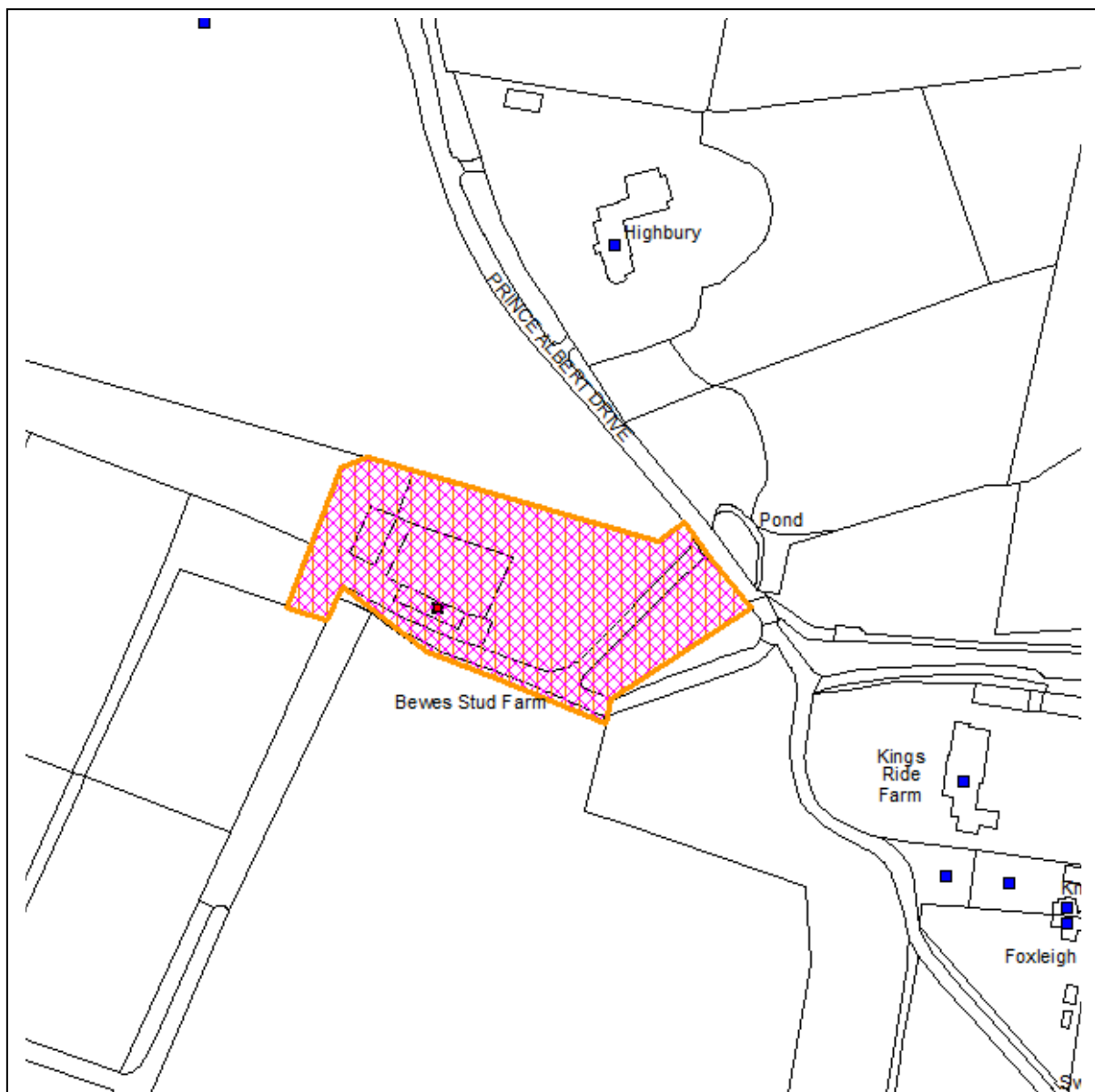
Bewes Stud Prince Albert Drive Ascot Berkshire SL5 8AQ

Proposal: **Change of use of land for use as a residential caravan site for no.4 x 2 bed caravans (park homes) with maximum measurements of 40ft x 20ft (12.192m x 6.096m) with associated landscaping, parking and turning following the demolition of existing buildings and removal of the manege.**

Applicant: Mrs Ann Purcell
Agent: Miss Lyana Radzif
Case Officer: Paul Corbett, 01344 352000

Development.control@bracknell-forest.gov.uk

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



1. Summary

- 1.1 The applicant is seeking to change the use of land for the provision of 4no. residential park homes following demolition of existing lawful dwelling and equestrian buildings and manege.
- 1.2 The principle of redevelopment of the site was established in 2017 under planning permission 17/00753/FUL. This was for the erection of a replacement 5 bed dwelling with a detached garage following the demolition of the existing dwelling, stables, barn and manège. This was followed by a subsequent amendment which was approved under 18/00757/FUL. The applicant has until 17.10.2021 to implement this permission.
- 1.3 The site is within the Green Belt and is covered by a blanket TPO covering all the trees within the application site (TPO 395).
- 1.4 It has already been established that the land constitutes Previously Development Land (PDL) and as such the NPPF is supportive of the reuse of such land in principle within the Green Belt so long as the use/development would not have a greater impact on the openness of the Green Belt than the existing development.
- 1.5 When comparing this particular proposal with what exists on the site in terms of built form it would not result in a greater impact on the openness of the Green Belt than the existing development. It would not adversely affect the residential amenities of neighbouring properties, or the character and appearance of the surrounding area. It would not have an adverse impact upon the protected woodland trees surrounding the site, or on biodiversity or highway safety. Relevant conditions will be imposed in relation to the site layout, materials, protected trees, landscaping, biodiversity and sustainability. The proposal is not CIL-liable but will need to secure the identified SPA mitigation via a s106 legal agreement.

RECOMMENDATION

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

2. REASON FOR REPORTING TO PLANNING 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

Previously Developed land within the Green Belt

- 3.1 The property known as Bewes Stud is accessed via a gated entrance off a private highway of Prince Albert Drive.
- 3.2 The site comprises an open area containing two buildings (barns) with hardsurfacing enclosed by woodland on all sides. Other land outside the application site but in the same ownership lies to the southwest as open paddock land. The eastern-most building contains a residential dwelling set across two floors (granted by virtue of a Lawful Development Certificate 17/0121/LDC), with the remainder of the building used as an open barn storage. The westernmost building comprises a single storey stable building. A manege is sited to the north and east of the buildings.

- 3.3 The perimeter boundary of the site is primarily ranch-style fencing and some close boarded fencing.
- 3.4 A blanket Tree Preservation Order (TPO 395) covers the property, and this affects trees on the northern part of the application site. The application site is located outside the defined settlement boundary, within the Green Belt.
- 3.4 The application site (including the access) covers an area of approximately 0.71 ha; however, the actual developable area is much less at 0.25 ha.

4. RELEVANT SITE HISTORY

- 4.1 The relevant planning history for the site can be summarised as follows:

18/00757/FUL APPROVED 2018

Section 73 application for the variation to planning permission 17/00753/FUL to conditions 2 (approved plans), 3 (Materials), 5 (boundary treatment), 7 (hard and soft landscaping), 9 (arboricultural method statement), 10 (Sustainability), 11 (wildlife protection plan) and 12 (biodiversity enhancements) to planning permission 17/00753/FUL for the erection of replacement dwelling with a detached garage following the demolition of existing dwelling, stables, barn and manège.

17/00753/FUL APPROVED 2017

Erection of replacement dwelling with a detached garage following the demolition of existing dwelling, stables, barn and manège.

17/0121/LDC Certificate GRANTED (2017)

Application for Lawful Development Certificate for continued use of part of existing barn as a residential unit (C3).

13/00822/FUL APPROVED 2013

Installation of 2.7m high brick pillars and access gate.

06/01119/T REFUSED 2007

Retention of mobile home for a period of two years

06/00723/FUL REFUSED 2006

Erection of 1 no. detached dwelling to provide workers accommodation in connection with the existing stud farm and horse rehabilitation use (replacement of existing temporary mobile home).

06/00169/FUL WITHDRAWN 2006

Erection of 1 no. detached dwelling to provide workers accommodation in connection with the existing stud farm and horse rehabilitation use (replacement of existing temporary mobile home).

04/00876/T APPROVED 2004

Retention of mobile home for use in connection with stud farm for a period of two years.

04/00013/FUL WITHDRAWN 2004

Erection of 1 no. detached dwelling to provide accommodation in relation to existing stud farm use.

02/00475/T APPROVED 2002

Use of land for the siting of a mobile home for temporary residential accommodation for a period of 18 months. Renewal of planning permission number 624223.

624223 APPROVED 1998

Change of use of land to stud farm and siting of mobile home to provide temporary residential accommodation.

623499 WITHDRAWN 1998

Erection of single storey dwelling for use in connection with stud farm.

618971 APPROVED 1993

Retrospective application for an all weather working area for horses.

617838 APPROVED 1992

Retrospective application for feed storage barn and stables.

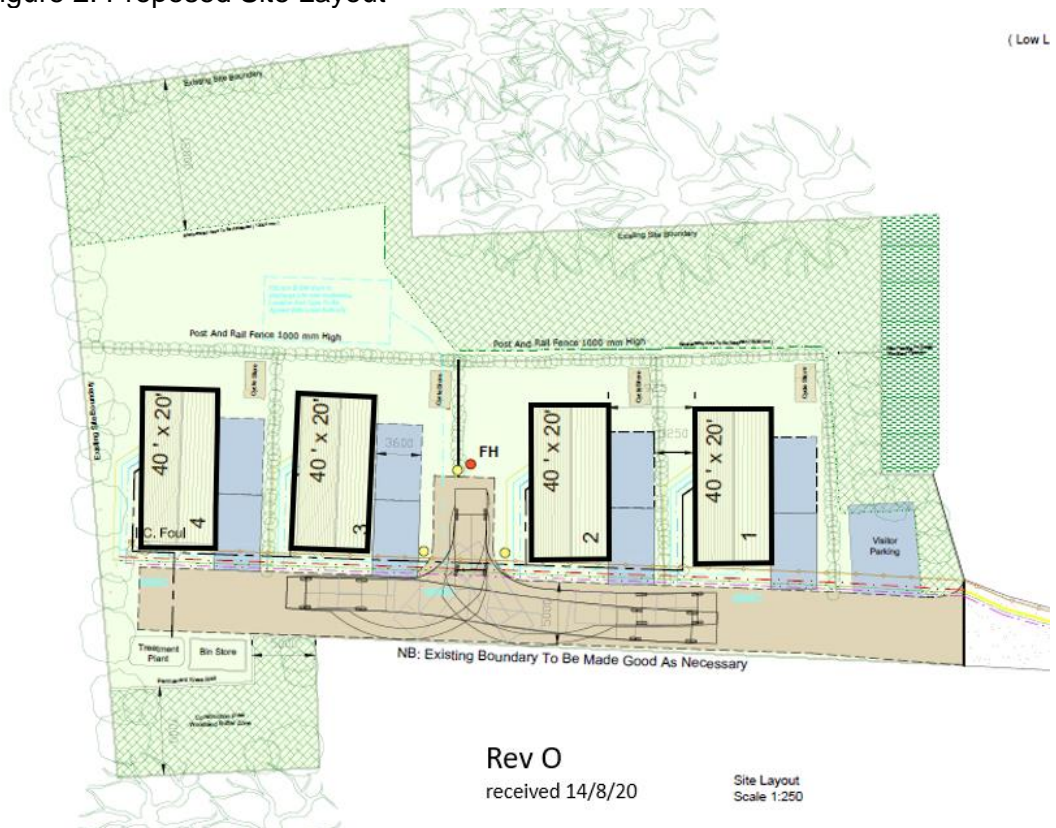
5. THE PROPOSAL

- 5.1 The applicant is seeking to change the use of the land for the provision of 4no. residential park homes following the demolition of the existing lawful dwelling and equestrian buildings and manege at Bewes Stud Farm off Prince Albert Drive.
- 5.2 The proposal comprises 4no. Park Home pitches which are evenly positioned along the existing driveway into the site and broadly cover the footprints of the existing buildings.
- 5.2 The park homes are all indicated to be pre-fabricated properties manufactured off site by Stately-Albion. The models shown to be installed are the Windsor 40ft x 20ft (12.192m x 6.096m) comprising two bedrooms each. It should be noted that the application is for the change of use of the land rather than the specific type of mobile home, though it is proposed to restrict them to two-bedroom units by planning condition.
- 5.3 Each park home is shown to have two parking spaces and secure cycle stores and communal bin storage and visitor parking.
- 5.4 Park homes are residential mobile homes, some often resemble bungalows and others are closer to traditional caravans. To fall within the definition of a park home, the home must be capable of being moved in one or two pieces, either on its own wheels or by being towed or transported by another vehicle. It must not be more than 20 metres in length, 6.8 metres in width, and 3.05 metres from floor to the ceiling internally.
- 5.5 All privately owned sites must also be licensed by the local authority and the layout proposed is considered in principle to adhere to the correct spacing requirements set out in the regulations.
- 5.6 The proposed access road primarily follows the alignment of the existing driveway but also incorporates a turning head which meets the requirements of a fire engine.

Figure 1: Site Location Plan



Figure 2: Proposed Site Layout



6. REPRESENTATIONS RECEIVED

Winkfield Parish Council

- 6.1 WPC considers this an overdevelopment of the site which is out of character with the area. The site being located at the far end of Prince Albert Drive, is not within walking distance of public transport, shops and other local amenities. Prince Albert Drive comprises large residential dwellings in large plots. The proposed 5 park homes would not maintain the area's prevailing character and setting. Replacing the 2 existing buildings with 5 park homes will impact on the openness of the Green Belt locally.

The parking arrangements do not appear to be practical, particularly in terms of turning circle into the designated spaces.

[Officer note: the original proposal was for 5 park homes and this has now been reduced to 4.]

Other Representations

- 6.2 45 objections were received, these are summarised as follows:

- Over development of the site in terms of housing density
- It doesn't meet an identified housing need within the area
- This development would be out character with the larger properties common to the area.
- It would adversely impact on the openness of the Green Belt land, spatial and visual
- Undue pressure will arise to remove trees
- Unacceptable increase in traffic movements along a narrow lane
- Delivery of prefabricated homes will lead to damage to the trees lining the narrow road to the site
- Lack of a public sewer
- Prince Albert Drive is a private unlit road, has no pavements, is mainly single-track and at least 1.5miles from the nearest shops, and 1mile from public transport. Yet target market is the retired.

These are addressed within subsequent sections of this report.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Highways

No objection subject to conditions.

7.2 Tree Service

No objection subject to conditions.

7.3 Biodiversity

No objection subject to conditions.

7.4 Environmental Health - Licensing

No objection.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
General policies	CS1 and CS2 of the CSDPD	Consistent
Green Belt	'Saved' policy GB1 of the BFBLP, CS9 of CSDPD	Consistent
Character	CS7 of CSDPD, Saved policies EN2 and EN20 of BFBLP.	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Residential Amenity	Saved policies EN20 and EN25 of BFBLP	Consistent
Highways	'Saved' policy M9 of the BFBLP CS23 of the CSDPD	Consistent
Trees, biodiversity and landscaping	Saved policy EN1, EN2 and EN3 of BFBLP, CS1 of CSDPD.	Consistent
Sustainability	CS10 & CS12 of CSDPD	Consistent
SPA	SEP Saved Policy NRM6, CS14 of CSDPD	Consistent
Supplementary Planning Documents (SPD)		
Thames Basin Heath Special Protection Area (SPD)		
Design SPD		
Parking standards SPD		
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

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

i. Principle of Development

9.2 The site is located on land outside of a defined settlement and within the Green Belt, as shown on the Bracknell Forest Borough Policies Map (2013).

- 9.3 As the site is located within the Green Belt, the NPPF includes specific policies which indicate that development should be restricted, therefore the policies set out in section 13 of the NPPF should be applied to the proposal.
- 9.4 Policy CS9 of Core Strategy and 'Saved' Policy GB1 of BFBLP set out a presumption against inappropriate development in the Green Belt. 'Saved' Policy GB1 sets out a list of exceptions (it does not include new dwellings), and both policies refer to impact upon the character of Green Belt. Policy GB1 also refers to a number of other detailed considerations, such as the scale, form, effect, character and siting. Policy CS9 is considered to be consistent with the NPPF in relation to Green Belt (paras. 139-140) which refer to impact upon openness and inappropriate development), and therefore significant weight can be afforded to this policy (in relation to para. 213 of the NPPF). 'Saved' Policy GB1 is considered to be consistent with the NPPF with regards new dwellings on greenfield sites. Therefore, significant weight can be attached to this policy with regard to new dwellings on greenfield sites (and in relation to para. 213 of the NPPF), and the detailed considerations can be used in the assessment of impact on openness.
- 9.5 'Saved' Policy GB2 of the BFBLP relates to changes of use of land within the Green Belt and contains a list of uses which will be acceptable. 'Saved' Policy GB2 is not considered to be wholly consistent with the NPPF, and therefore has limited weight. Therefore the application would need to be considered in relation to para. 146 (e) of the NPPF in addition to the above.
- 9.6 The NPPF encourages the re-development of previously developed land (PDL). This excludes land that is or has been occupied by agricultural buildings, however the application site has been established as being operated under commercial equestrian use (with stables, a manège, a stud farm, and horse rehabilitation), with significant levels of hardstanding and an established single residential unit. The application site therefore constitutes previously developed land. The definition of 'previously developed land' is provided within Annex 2 of the NPPF (p.70).
- 9.7 Para. 146 (e) of the NPPF states certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The applicable exception is criterion (e) which allows for a material changes in the use of land for which this proposal is seeking for the stationing of 4no, caravans (park homes). Significant weight is attached to this policy test.
- 9.8 In the context of the above policies, and particularly the NPPF, the test in this application is therefore whether the proposal would preserve the openness of the Green Belt and not conflict with the purposes of including land within it. .
- 9.9 A summary table of the comparative floor areas and volumes is illustrated below.

Table 1: Comparison of Floor areas & Volumes

	Floor Area	Volume
Existing Buildings Stables & Barn (building heights 4.4m & 5.1m)	342 m2	1497 m3
Approved Dwelling House & Garage 17/00753/FUL (building heights 8.3m & 5.6m)	424.5 m2	1430 m3

Proposed 4 x 2 bed Park Homes (Windsor 40 x 20) (Park home height 4m)	292 m2	878 m3
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- 9.10 The above table clearly demonstrates that the proposal would have significantly less combined floor area, mass and height than the buildings that currently exist on the site.
- 9.11 The new park homes are all single storey and broadly positioned over the footprints of the old buildings and the existing areas of hardstanding are also shown to be significantly reduced. It is therefore concluded that the proposal would not result in a greater impact on the openness of the Green Belt in respect of overall extent of hardstanding or amount of mass and bulk of the proposed units.
- 9.12 The visibility of park homes from a public vantage point does not necessarily define their impact on the openness of the Green Belt. The proposed buildings would be significantly screened by existing and proposed planting and boundary treatments, and would not be greater in volume than the existing built form which would ensure the retention of wider views into the countryside.
- 9.13 The proposal would involve a change of use of land from a mixed-use sui generis equestrian activity to that for the stationing 4no. 2 bedroomed Park homes with C3 residential use. This would result in 4 smaller units compared with the previously approved larger 5 bedroomed dwelling (17/00753/FUL) which could be built on the site.
- 9.14 Under para 146 e) of the NPPF, which refers to changes of use of land in the Green Belt, the applicable test is whether the change of use would preserve the openness of the Green Belt and not conflict with the purposes of including land within it (as outlined in Section 13 of the NPPF).
- 9.15 As mentioned in the report above, the land contains significant amounts of hardstanding in addition to the two buildings, and this equates to a significant amount of built form and previously developed land. It is not considered that the proposal would result in an intensification of use over that which could occur if the site were to continue as a commercial equestrian activity, particularly as the use would be consolidated from a mixed commercial and residential to that of solely residential (in terms of the application site itself). This may reduce the intensity of land use at the site.
- 9.16 It is therefore considered that the proposed use, in combination with the proposed bulk and massing, would not result in a greater impact on the openness of the Green Belt in comparison to the existing situation.
- 9.17 The applicant has not sought to put forward any 'very special circumstances', however in view of the above assessment it is not considered to be inappropriate development and therefore no such very special circumstances are required to justify the proposal.
- 9.18 For the above reasons the principle of development is therefore considered to be acceptable, in accordance with CSDPD Policies CS1, CS2 and CS9, BFBLP 'Saved' Policies EN8 and GB1, and section 13 of the NPPF, subject to the recommended conditions.

ii. Impact on character and appearance of surrounding area

- 9.19 Prince Albert Drive is a predominately rural area, containing large residential dwellings of varying design within generously sized plots, with surrounding agricultural and undeveloped land. However just north of the site an existing barn has secured planning permission for its conversion to 6 dwellings (19/00714/FUL).
- 9.20 The current proposal is for the change use of the land for the stationing of 4 caravans or park homes on previously developed land that would result in less height or mass/bulk and less spread across the site compared with the existing commercial setup.
- 9.21 The proposed layout ensures the park homes are aligned closely to the existing access road with a significant buffer of land planned into the layout to protect the woodland edge as well as provide a reasonable amount of daylight/sunlight to the park homes thereby reducing future pressures on the surrounding woodland trees.
- 9.22 The proposal would be significantly screened from outside the application site due to the presence of its existing woodland setting. It is therefore not considered that the proposal would result in an adverse impact on the character of the area.
- 9.23 Conditions are recommended regarding the submission of a full hard and soft landscaping and boundary treatment scheme to help preserve the character of the area.
- 9.24 It is therefore considered that the development would not result in an adverse impact on the character and appearance of the area, in accordance with CSDPD Policy CS7, CS9, BFBLP 'Saved' Policies EN8, EN20 and GB1, the Design SPD, and the NPPF, subject to the recommended conditions.

iii. Impact on Residential Amenity

- 9.25 There are a number of residential dwellings on Prince Albert Drive and Prince Consort Drive which either share a boundary with the site or use the same vehicular access. These dwellings are more than 100m from the site with no direct views as the site is screened by the surrounding woodland trees
- 9.26 As such, the proposal would not be considered to adversely affect the residential amenities of neighbouring occupiers or the future occupiers of the proposed dwellings and would therefore be in accordance with Saved Policy EN20 of the BFBLP and the NPPF

iv. Highways Implications

Access

- 9.27 The park homes would utilise the existing access to Bewes Stud off Prince Albert Drive, a private road.
- 9.28 The existing access to Bewes Stud has acceptable sight-lines, width and surfacing for residential access to 4 no. park homes.

- 9.29 The proposed access road adjacent to the residential park homes is 5m wide with a centrally located turning head, which the applicant has demonstrated through swept path drawings is sufficient for a fire tender to turn around and leave the site in a forward gear. This turning head should also be sufficient for domestic delivery vehicles.
- 9.30 The access road to the east varies in width, but is generally around 4.5m wide allowing two vehicles to pass. There is one narrowing to below 4.1m, which would only allow single way working at this point.
- 9.31 A bin store is located to the west of the access road, this is beyond 25m to the adopted highway and therefore a bin collection point has also been provided at the access onto Prince Albert Drive. Residents will need to move their bins to the collection point for the relevant collection day.
- 9.32 Prince Albert Drive has a tarmac surface, some speed humps, and there are some passing opportunities. Sight-lines of 2.4m by 120m are available to either side of the existing access from Prince Albert Drive onto King's Ride, a local distributor road, which is line with the 40mph speed limit; and two vehicles can pass. Thus, the additional traffic using this junction would not result in highway safety issues.

Parking

- 9.33 Each residential park home makes provision for two parking spaces, and whilst the Council does not have a parking standard for residential park homes, the floor plans show two-bed park homes; therefore the provision of two parking spaces complies with the Council's residential parking standards. The provision of two parking spaces for each park home, is in line with current parking provision and car ownership at other such sites like Warfield Park.
- 9.34 A visitor parking area is proposed to the east of the park homes making provision for two visitor spaces.
- 9.35 Cycle parking is provided on each plot, and the details of cycle parking will need to be secured by planning condition.

Trips

- 9.36 4 no. park homes are likely to generate 16 two-way trips per day, as trip rates of 4 per park home are likely based on surveys carried out at Warfield Park. This is lower than trip rates for a family dwelling, which tend to be in the region of 6 to 8 trips per household. Also, the existing agricultural and equestrian use of the site could generate in the region of 6 to 8 two-way traffic movements per day, though this would be subject to some seasonal variations.
- 9.37 The site is some distance from facilities, and there are no bus routes along Kings Ride, and whilst cycling is an option; the majority of trips are likely to be by car. Prince Albert Drive currently serves in the region of 25 to 30 residential properties, therefore the additional traffic using this private road would be relatively low.
- 9.38 To conclude, with suitable conditions, the proposal is not considered to result in any unacceptable highway safety implications and is therefore considered to comply with BFBLP Policies M4, M9 and CSDPD Policies CS23 and CS24 and the NPPF.

v. Tree and Landscaping implications

- 9.39 A blanket Tree Preservation Order (TPO 395) covers the property, and this affects all the trees within the application site.
- 9.40 The Tree Officer welcomes the introduction of a woodland buffer zone as shown on the proposed site layout drawing which provides a sufficient development free zone between the park homes and the woodland edge. This will reduce the pressure to erode the woodland edge over time and safeguard the root protection areas of the protected trees.
- 9.41 The Tree Officer has requested a more detailed method statement for the removal of the manège, and other hard standing areas to the northern and eastern parts of the site, including an area to its south eastern corner, which fall within the root protection areas of the protected trees bordering the areas. As these areas have all been identified on the proposed site layout plan to be permanently fenced off and reinstated to soft landscaping areas and planted with native trees, it is appropriate to secure the relevant details by condition.
- 9.42 The level of landscaping and useable amenity space on site is considered to be acceptable and overall there is an adequate balance between hardstanding, and landscaping in line with what is normally required for park homes.
- 9.43 A concern was raised in respect of the potential for overhead offsite tree damage occurring along the length of Prince Albert Drive by a transporter required to deliver the preassembled park homes to the site. However, the clearance height is considered sufficient with no obvious major structural branches noted that would necessarily create an obstruction in terms of access along the length of Prince Albert Drive. In any case any works to protected trees will firstly need to be agreed with the Tree Service.
- 9.44 The applicant also shows that a soakaway is to be provided to the north of the site which is now shown positioned outside the woodland buffer zone and as such it is considered reasonable to secure the details by condition.
- 9.45 The applicant proposes an onsite 'treatment plant' to deal with foul waste and whilst no specific details are provided it is considered reasonable to also secure the details by condition.
- 9.46 It is considered that with suitably worded conditions with regard to matters relating to the safeguarding of the existing trees, proposed hard and soft landscaping and other details relating to services and methodologies for the removal of other areas of hardstanding within the root protection areas that this proposal would not conflict with BFBLP Policies EN1 and CSDPD Policies CS1 and the NPPF.

vi. Biodiversity

- 9.47 An Ecological Impact Assessment was undertaken on the site by Grass Roots Ecology which concluded that following the undertaking of a Phase 1 Habitat Survey the development proposals 'would not result in any significant habitat loss'.
- 9.48 The woodland adjacent to the proposed development is identified as UK priority habitat deciduous woodland. This means it has value as a Habitat of Principal Importance under the NERC Act.
- 9.49 The applicant has revised the scheme and now provided significant ecological enhancements to the wider site by the provision of a woodland buffer zone which

is also referred to as a biodiversity area. This is shown to be created and retained spanning the northern part of the site measuring between 8m and 12m in depth. A reptile and amphibian habitat is also planned and identified as a 2m buffer to the upper most northern boundary of the adjacent paddock. This area will be fenced off and left to become rank and tussocky with a debris pile maintained during routine management. In addition, a small hibernacula will be constructed in this area using crusted stone/rubble and logs and capped with turf. A further woodland buffer zone is also shown to be created and retained at the most southerly boundary.

- 9.50 As such subject to conditions, the development would accord with Policies CS1 and CS7 of the CSDPD and the NPPF.

vii. Thames Basin Heath SPA

- 9.51 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 including mitigation requirements.

Appropriate Assessment

- 9.52 In accordance with The Conservation of Habitats and Species Regulations (2017) Regulation 63 a competent authority (in this case Bracknell Forest Council (BFC)), before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

a. is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), and

b. is not directly connected with or necessary to the management of that site.

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

- 9.53 A person applying for any such consent, permission or other authorisation must provide such information as BFC may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required.
- 9.54 BFC must for the purposes of the assessment consult Natural England (NE) and have regard to any representations made by that body. It must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate. In the light of the conclusions of the assessment, and subject to Regulation 64 (Considerations of overriding public interest), BFC may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.
- 9.55 In considering whether a plan or project will adversely affect the integrity of the site, BFC must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given. The Council have undertaken an Appropriate Assessment following consultation with NE.

SPA mitigation

- 9.56 This site is located approximately 2.8 km from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.
- 9.57 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). 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.
- 9.58 In this instance, the development would require a financial contribution for 4 x two-bedroom caravans which results in a total SANG contribution of £20,772.
- 9.59 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 £5,659.
- 9.60 The total SPA related financial contribution for this proposal is £26,431. The applicant has agreed to enter into a S106 agreement to secure this contribution. 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 NPP

viii. Community Infrastructure Levy (CIL)

- 9.61 Bracknell Forest Council commenced charging for its Community Infrastructure Levy (CIL) on 6th April 2015.
- 9.62 CIL applies to any new build (except outline applications and some reserved matters applications) including those that involve the creation of additional dwellings. 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.
- 9.63 This particular proposal is for the change of use of land and is not therefore CIL liable.

ix. Energy sustainability

- 9.64 This application is for residential caravans, paragraph 2.6 of the Sustainable Resource Management SPD does not specifically reference caravans or park

homes and therefore Core Strategy Policies CS10 and CS12 are not considered to apply.

x. Drainage

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

10. CONCLUSIONS

- 10.1 The proposed change the use of land for the provision of 4no. residential park homes following the demolition of the existing lawful dwelling and equestrian buildings and manege would not result in a greater impact on the openness of the Green Belt than the existing development. The proposal would not adversely affect the residential amenities of neighbouring properties, or the character and appearance of the surrounding area. It would not adversely impact upon the protected woodland trees surrounding the site, biodiversity or highway safety.
- 10.2 The application is therefore recommended for approval subject to conditions and the completion of a s106 agreement to secure the necessary SPA mitigation.

11. RECOMMENDATION

- 1.1 **Following the completion of planning a obligation under Section 106** of the Town and Country Planning Act 1990 relating to:-
01. mitigation of impacts on the Thames Basin Heaths SPA;

That the Head of Planning be authorised to **APPROVE** the application 19/00618/FUL subject to the following conditions amended, added to or deleted as the Head of Planning considers necessary and following the required consultation with the agent in relation to pre-commencement conditions: -

01. The change of use of the land hereby permitted shall be implemented before the expiration of 3 years from the date of this permission.
Reason: In pursuance of s91 of the Town and Country Planning Act 1991 (as amended by s51 of the Planning and Compensation Act 2004).
02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority.
501 Rev O - Proposed Site Layout Plan - received 14.08.19
Grass Roots Ecology Wildlife Enhancement Plan Rev C received 29.11.19
Grass Roots Ecology letter dated 27.08.19
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
03. The 4no. caravans which are hereby approved shall not comprise more than 2 bedrooms each.
REASON: To ensure the development does not impose undue pressure on the Thames Basin Heaths Special Protection Area over and above the financial

mitigation secured by a legal agreement which was based upon the number of bedrooms approved under this planning permission.

Relevant Policies: Saved Policy NRM6, Saved policy EN3 of the BFBLP and CS14 of CSDPD, the Thames Basin Heaths Special Protection Area SPD (April 2018), the Planning Obligations SPD and the NPPF.

04. The 4no. caravan pitches for which are hereby approved, shall only be stationed in the positions identified on the approved site plan as listed in Condition 1.
REASON: To ensure that all the associated development such as the concrete slabs, parking areas and services do not encroach into the root protection areas of the protected trees.
Relevant Policies: Relevant Policies: BFBLP Saved Policy EN1,
05. The site shall comprise no more than 4 pitches with no more than 1 park home or caravan to be stationed on any pitch, at any time.
REASON: In the interests of character of the area and neighbouring residential amenity and to avoid conflicting with the Model Standards 2008 for Caravan Sites in England under the Caravan Sites and Control of Development Act 1960.
Relevant Policies: BFBLP Saved Policy EN20, CSDPD Policy CS7
06. No replacement caravan shall be brought onto the site until details of its intended size and siting have been first submitted to and approved in writing by the Local Planning Authority. The caravan(s) shall adhere to the maximum approved size and only be positioned in the approved location(s).
REASON: In the interests of character of the area and neighbouring residential amenity and to avoid conflicting with the Model Standards 2008 for Caravan Sites in England under the Caravan Sites and Control of Development Act 1960.
Relevant Policies: BFBLP Saved Policy EN20, CSDPD Policy CS7
07. No caravan shall be occupied until the means of vehicular access to that park home has been constructed in accordance with the approved plan as listed in condition 1.
REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]
08. No caravan shall be occupied until the associated vehicle parking has been surfaced in accordance with the approved plan as listed in condition 1. The spaces shall thereafter be kept available for parking at all times.
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
09. No development shall take place until details of the signing for the visitor parking space have been submitted to and approved in writing by the Local Planning Authority. The visitor parking space shall be provided and signed in accordance with the approved details and the space and signage shall thereafter be retained.
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
10. No park home shall be occupied until the associated secure and covered cycle parking spaces have been provided in the location identified for cycle parking on the approved plans within the development. The cycle parking spaces and facilities shall thereafter be retained.

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

11. No development (including initial site-clearance) shall commence until a detailed scheme for the protection of existing trees, hedgerows and groups of mature shrubs to be retained, in accordance with British Standard 5837 (2012) 'Trees In Relation To Construction Recommendations' (or any subsequent revision), has been submitted to and approved in writing by the Local Planning Authority. Protection measures shall be phased as necessary to take into account and provide protection during demolition/site clearance works - all construction works - hard landscaping works. Details shall include an approved development layout plan at a minimum scale of 1:200, showing the following:
- a) Accurate trunk positions and canopy spreads of all existing trees within the site and on adjoining land adjacent to the development within influencing distance of the development to BS 5837 recommendations.
 - b) Positions and spreads of existing hedgerows and groups of mature shrubs.
 - c) All proposed tree, hedge or shrub removal. Shown clearly with a broken line.
 - d) Proposed location/s of 2m high (minimum) protective barrier/s, supported by a metal scaffold framework, constructed as a minimum in accordance with Section 6 (Figure 2), to include appropriate weatherproof tree protection area signage (such as "Keep Out - Construction Exclusion Zone") securely fixed to the outside of the protective fencing structure at regular intervals.
 - e) Illustration/s of the proposed protective barriers to be erected.
 - f) Proposed location/s and illustration/s ground protection measures within the main root protection areas of retained trees, designed as necessary for pedestrian light traffic or heavy plant machinery, as necessary to prevent contamination and ground compaction.
 - g) Annotated minimum distances between protective barriers and trunks of retained trees at regular intervals.
 - h) All fenced off areas clearly annotated as Tree Protection Areas/Construction Exclusion Zones.
 - i) Notes regarding restrictions which apply to Tree Protection Areas/Construction Exclusion Zones.
 - j) Arboricultural site monitoring - Note confirming that all protection measures are to be routinely monitored by site visits undertaken by a project arboriculturalist (appointed by the land owners), at maximum 4 week intervals for the duration of all works on site to ensure full compliance with the approved tree protection and monitoring scheme. Copy of the signed report to be forwarded to the Local Authority following each site visit.

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

12. The protective fencing and other protection measures specified by condition 12 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 (unless agreed otherwise in writing by the Local Planning Authority). Where phased protection measures have been approved, no works shall commence on the next phase of the development until the protective fencing barriers and other protective measures have been repositioned for that phase in

full accordance with the approved details. No activity of any description must occur at any time within these areas including but not restricted to the following: -

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

13. No development (including initial site clearance) shall commence until a detailed site- specific programme of supervision/monitoring for all arboricultural protection measures, has been submitted to and approved in writing by the Local Planning Authority. Details shall include: -
 - a) Induction and personnel awareness of arboricultural matters.
 - b) Identification of individual responsibilities and key personnel.
 - c) Statement of delegated powers.
 - d) Timing and methods of site visiting and record keeping. To include routine site visits at maximum 4 week intervals
 - e) Procedures for dealing with variations and incidents.

The program of arboricultural monitoring shall be undertaken in full compliance with the approved details. No variation of the approved monitoring program shall take place without the prior written agreement of the Local Planning Authority. A copy of the signed inspection report shall be sent to the local Authority following each visit.

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.

14. No development shall commence until site specific method statements for the removal of the existing manege and all other existing hard surfaced areas and/or structures of any other description, located within the minimum Root Protection Areas of trees to be retained or areas to be reinstated soft landscaping and/ or planted, have been submitted to and approved in writing by the Local Planning Authority. Details shall include: -
 - a) A site plan at a minimum scale of 1:200, identifying all areas where such work is to be undertaken.
 - b) Reinstatement to a soft landscaped area including proposed ground de-compaction works.
 - c) Timing and phasing of works.

The Construction Method Statements shall be complied with in full accordance with the approved details prior to the occupation of any units.

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

15. No development shall commence until all underground service details have been submitted to and approved in writing by the Local Planning Authority. Details shall include;
- (i) a site layout plan at a minimum scale of 1:200 showing -
 - a) Accurate trunk positions and canopy spreads of all retained trees/hedgerows and mature groups of shrubs based a full tree survey to current BS 5837 recommendations.
 - b) Surface water/ foul drainage and associated inspection chambers (existing reused and new)
 - c) Soak-aways
 - d) Gas, electricity, telecom and cable television.
 - e) Lighting columns and all associated ducting for power supply.
 - f) All proposed offsite connection points
 - g) Sewage treatment plant
 - (ii) Comprehensive site-specific design / construction details (including dimensions) for the sewage treatment plant and all soak aways.
 - iii) Full site / design specific engineering /arboricultural implementation method statements for all services listed in (i and ii) above where proposed within the minimum root protection areas of retained trees.
 - (iv) A programme for the phasing and timing of works

The development shall be carried out in full accordance with the approved details prior to the occupation of any caravan.

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.

16. No development shall take place until:
- (i) details of all proposed alterations to the ground levels within the site within 15 metres of the minimum 'Root Protection Areas' calculated in accordance with BS 5837 (2012) recommendations (or any subsequent revision), for all existing retained trees within the site and on neighbouring land adjacent to the approved development. The details to include:
 - a) Existing and proposed finished levels.
 - b) Any proposed soil level re-grading in relation to existing retained trees, hedges and other vegetation.
 - c) Proposed retaining structures required to address level differences adjacent to retained trees and hedges and other vegetation, and
 - (ii) a programme and method of implementation have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved site layout plan and the approved programme prior to the occupation of any caravan.

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

17. No development shall take place until comprehensive details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: -
- a) Comprehensive planting plans of an appropriate scale and level of detail that provides adequate clarity including ground preparation, tree staking, tying mulching and all other operations associated with tree, shrub plant and grass establishment, full schedules of plants, noting species, and detailed plant sizes/root stock specifications, planting layout, proposed numbers/densities locations.
 - b) Details of all new proposed native woodland planting
 - c) Full details of all protection measures for new woodland planting in accordance with current best practice guidance.
 - d) Comprehensive 5 year post planting maintenance schedule.
 - e) Means of enclosure (walls and fences etc)
 - f) Paving including pedestrian open spaces, paths, patios, proposed materials and construction methods, cycle routes, parking courts, play areas etc.
 - g) Recycling/refuse or other storage units

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 out 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 BS 8545:2014 - Trees: from nursery to independence in the landscape – Recommendations 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.

18. The areas shown for soft landscaping purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose. If within a 5 year period of the completion of the development any soft landscaped area is removed, uprooted, or is destroyed or dies, it shall be replaced by plants of the same species and size as that originally planted at the same place.

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

19. 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.
20. All ecological measures and/or works shall be carried out in accordance with the details contained in the Grass Roots Ecology Wildlife Enhancement Plan Rev C received on 29 November 2019 and Grass Roots Ecology letter dated 27th August 2019 and maintained as such thereafter.
- REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1, CS7]
21. The parking and turning areas and internal access driveway 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]

In the event of the S106 planning obligations not being completed by 30th November 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).

Informative(s)

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. 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.
03. Trees on and adjacent to this site are protected by a Tree Preservation Order. In simple terms, detailed written consent must be therefore obtained from the Council's Tree Section before undertaking any form of work to such trees (including any work affecting their root systems), unless detailed works to such trees have been specifically approved in writing as a part of this planning permission. Any pruning or removal of trees without the necessary consent or any damage arising from non compliance with other conditions of this permission or otherwise may be liable to prosecution by the Council. This may be in addition to any enforcement action deemed appropriate for non compliance with relevant planning conditions. Property owners, developers and/ or any other relevant persons are therefore advised to take appropriate measures to ensure that all persons responsible for overseeing works approved under this permission are suitably briefed on this matter.
04. The Tree Preservation Order legislation protecting trees on and adjacent to the site overrides any Permitted Development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification). Prior written consent must therefore be obtained from the Council's Tree Service before undertaking any works which require the removal and/or pruning of a protected tree or may affect/cause damage of any description to its canopy, trunk or root system and subsequent health, stability and survival in any way. Typically such works include but are not limited to the laying of hard surfaces of any description (parking bays, driveways footpath, patios etc.), foundations for garden structures, construction of retaining walls, topsoil stripping, excavation/ alterations to existing ground conditions of any other description, construction of outbuildings (sheds, greenhouses, summerhouses etc.) or building extensions not requiring planning permission near trees. Any pruning, removal of a protected tree as a result of such works, without the necessary written consent or any damage caused above or below ground arising from non-compliance with this requirement can be liable to legal action by the Council which can include prosecution, a substantial fine and incur a criminal record.

Unrestricted Report

ITEM NO: 06

Application No.
19/00862/FUL
Site Address:

Ward:
Ascot

Date Registered:
1 October 2019

Target Decision Date:
26 November 2019

**Land Adjacent To Silver Trees Birch Lane Ascot
Berkshire**

Proposal: **Erection of single two storey dwelling.**

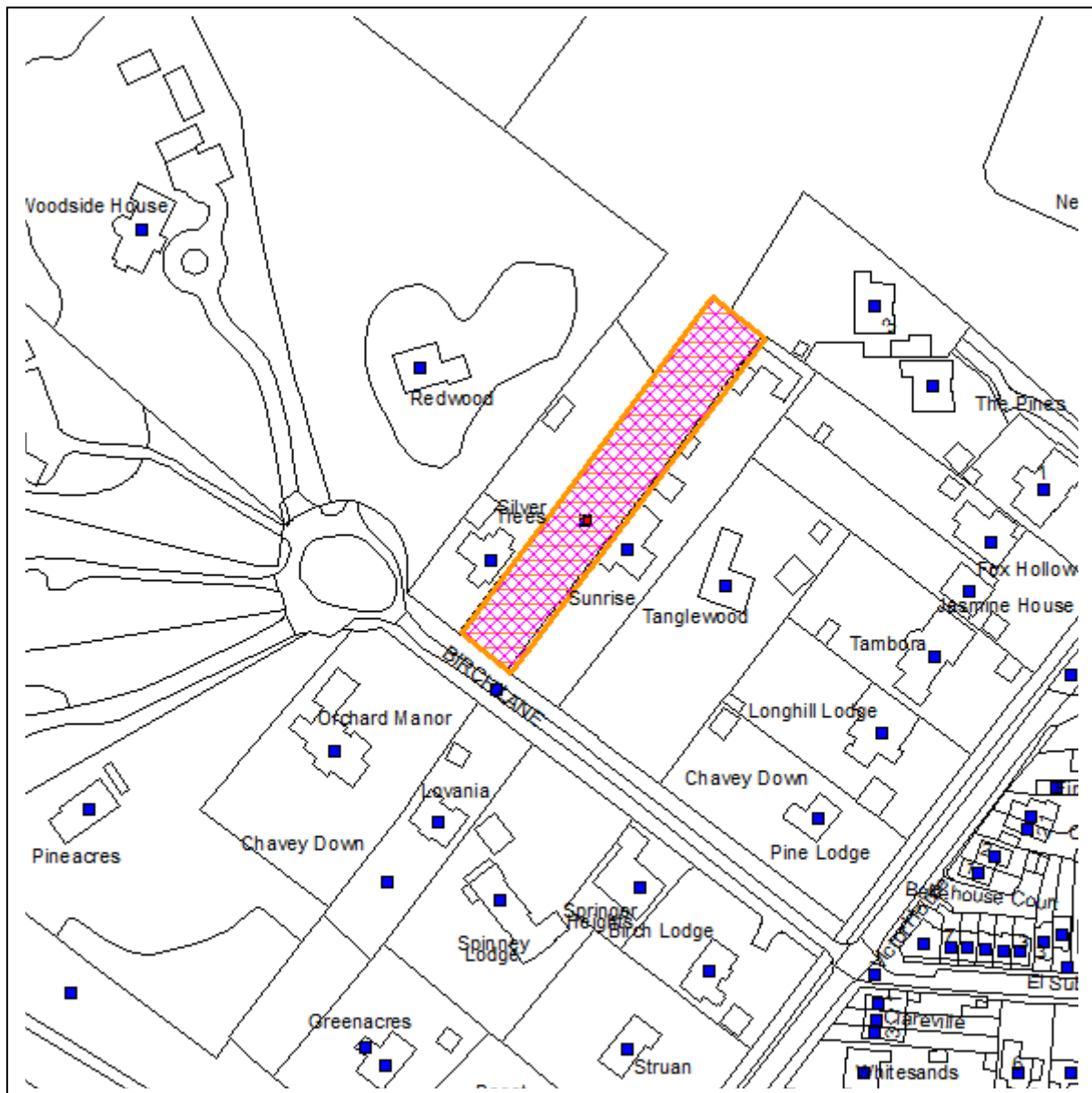
Applicant: Mr John Simmons

Agent: Mr D. Green

Case Officer: Margaret McEvit, 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 erection of a two storey detached house.

1.2 The site comprises an area of unmanaged woodland. The erection of a dwelling house would result in the loss of trees protected by TPOs 606 and 1263 and would therefore be harmful to the landscape character and appearance of the area.

RECOMMENDATION
Planning permission be refused.

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application has been reported to the Planning Committee at the request of Cllr. Atkinson on the grounds that this application has taken onboard the reasons for dismissing the previous appeal on the site and is sympathetic to the woodland nature of the site.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Within settlement boundary
TPO to rear of property

3.1 The application site is located on Birch Lane, an unadopted road accessed off Long Hill Road. The site is located on the northern side of Birch Lane, between Sunrise and Silver Trees. At present it is largely covered by trees, and the site is protected in its entirety by confirmed Tree Preservation Order 606, which was served on 25 October 2004 and confirmed on 21 January 2005. It is also covered in its entirety by Tree Preservation Order 1263 which was served on 1 December 2017. It is located on land designated by the Bracknell Forest Borough Policies Map as 'Land outside of defined settlement'.

4. RELEVANT SITE HISTORY

4.1 Application 4159 - Bungalow - REFUSED 1957

Application 7372 - Dwellinghouse - REFUSED 1961

Application 7912 - Dwellinghouse - REFUSED 1962

Application 16955 - Application for erection of two greenhouses for market garden work - APPROVED 1971

Application 602825 - Erection of one dwelling house (outline) - REFUSED 1977

Application 604941 - Erection of detached bungalow and garage (outline) - REFUSED 1980

Application 618569 - Erection of detached dwelling - REFUSED 1992 (APPEAL DISMISSED)

Application 14/01172/FUL - Erection of agricultural building and greenhouses for market garden - REFUSED 2015

Application 15/00500/FUL - Erection of agricultural building and greenhouses for market garden (resubmission of 14/01172/FUL) - REFUSED 2015

16/00780/FUL -Erection of agricultural building and 4no. greenhouses for market garden use. REFUSED 2016. Appeal DISMISSED 2017

17/01226/FUL - Erection of detached 4 bedroom dwelling. REFUSED 2018.

18/00224/FUL - Erection of detached 4 bedroom dwelling. REFUSED 2018. Appeal DISMISSED.

5. THE PROPOSAL

5.1 This full application proposes the erection of a detached two storey dwellinghouse on the land forming the application site. The house would have a width of 10.35m, a depth of 7m and a height of 7.35m. The dwelling would have a curved raised seam metal roof with the elevations of painted render and green oak cladding.

No access to the site exists at present. The application proposes access onto Birch Lane using a 'porous access area' at the front of the site A private garden would be located to the rear of the dwelling, with a 'Slow Worm Sanctuary' at the rear of the garden.

5.2 As the development involves creating a new access onto a private road, notice has been served on the owners of this road, which are the other properties on Birch Lane. The 'red line' has been drawn up to the adopted highway on Longhill Road to demonstrate access.

6. REPRESENTATIONS RECEIVED

Parish Council:

6.1 No objection.

Other representations:

6.2 Three letters of representation have been received, one of support and two of objection raising the following material planning considerations:

6.3 The Chavey Down Association has no objection to the application as the proposed house is much reduced in size over the most recent application and no trees are required to be felled.

6.4 The letters of objection state that;

6.5 It is inevitable that trees will be damaged to gain access during the construction phase and more will be lost in the future to provide a rear garden area. This will have an adverse effect on the character and appearance of the area covered by TPOs.

6.6

The previous appeals on this site have established that any development proposal is inappropriate for this woodland strip,

7. SUMMARY OF CONSULTATION RESPONSES

Tree Officer

7.1 The site is protected by woodland TPO 1263 and TPOs 606 and 1025. The woodland TPO protects trees of all species and age including saplings/seedlings, Hazel, Holly and all under-storey tree species. The woodland contains a diversity of trees and its natural undeveloped character is underpinned by the diversity of species as well as age, form and abundance of natural regeneration across the site. All are important to retain and safeguard. The value of the woodland is collective and very little weight can be attached to individual classification of trees.

7.2 The proposed residential use of this site is entirely at odds with the character of the site and would cause harm to it. It is considered that any such development would ultimately lead to extensive tree clearance. The construction and proposed end use would be likely to prevent future planting and create significant pressure for the pruning or removal of remaining trees. This would erode the existing woodland footprint and fundamentally and harmfully urbanise its undeveloped rural character. The footprint of the building and its access would right sterilise an area of woodland which would otherwise ultimately repopulate with trees if it were retained undeveloped. As highlighted by the planning inspectorate in an appeal decision on this site, this would undermine its wooded and undeveloped character.

7.3 The building would be unacceptably close to many trees resulting in a disproportionately small area of useable outdoor space. It would establish an unsustainable relationship to the remaining woodland trees, many of which have significant growth potential.

7.4 The proposals will result in substantial pressures to prune and remove many trees surrounding the building and adjacent to the access to establish reasonable clearance, avoid physical conflict with trees over time and establish more open garden areas. As trees on the plot grow, the proposed dwelling would become progressively enclosed. The tree retention set out in the submitted Arboricultural Impact Assessment is considered to be optimistic and misleading. Development of the site also brings with it a likely desire to remove understorey growth and lift trees to accommodate ancillary structures such as garden sheds and to maintain access to the site.

7.5 Based on standard shadows that retained trees on site will cast throughout the day to their north west through to the east sides of the proposed house, the property will be significantly overshadowed throughout the day. The majority of trees are semi mature and have substantial future growth potential and are grouped in a way that will exacerbate the effects of shading over time. This will lead to long term pressures to remove trees or severely control their growth to address the issues of shading. This will compound the overall erosion of the woodland footprint and further undermine its natural undeveloped character.

7.6 Tree loss and damage will be compounded by the construction of the access, with general construction activity in close proximity to trees, limited working and storage space and the inadequacy of the site access in terms of width.

7.7 Previous appeal decisions on the site have concluded that the creation of an access to the site and the necessary pruning to enable vehicle access would be

unacceptable on the basis of the impact on the site's undeveloped character. The drive footprint encroaches into the primary Root Protection Areas of trees adjacent to the access. This is likely to cause significant root damage which would adversely affect their health. The route along the access road is unrealistic in terms of its proximity to trees with little consideration given to future growth potential particularly in trunk width. Pressures on adjacent trees will be compounded by future maintenance requirements.

Highways Officer

7.8 Access would be taken off Long Hill Road via Birch Lane, a private road. Visibility splays of 2.4m by 120m can be achieved in either direction of the access of Birch Lane and Long Hill Road which exceeds the requirements for a 30mph speed limit. One new dwelling could generate 6 two way trips per day which is a modest traffic increase on a lane which currently serves several properties.

7.9 The driveway access to serve the dwelling would be around 2.4m wide. This is below the width of access roads set out in Manual for Streets, which forms part of the Council's adopted Streetscene SPD. The SPD states in relation to fire access:

"3.7 m carriageway (kerb to kerb) is required for operating space at the scene of a fire. Simply to reach a fire, the access route could be reduced to 2.75m over short distances, provided the pump appliance can get to within 45m of dwelling entrances;"

7.10 The Highways Guide for Development - Streetscene SPD Annex 1 also states in Appendix F that the minimum width for a private drive should be 3.0m. Refuse collection and emergency access would be the same arrangements as existing properties along Birch Lane.

7.11 Two parking spaces would be provided which would meet parking standards. Sufficient access and manoeuvring space would be provided to enable vehicles to exit in forward gear.

Environmental Health Officer

7.11 The site is within 250m of three historic landfill sites. Residential housing development within 250m of a landfill may be affected by migrating gas from the landfill site. A full gas assessment is required to determine the risk and the necessary remedial measures required to mitigate the effects of the gas before any development commences.

Biodiversity Officer

7.12 The submitted ecological assessment identifies mixed woodland at the site and a low population of slow worms, a Species of Principal Importance. The report includes Biodiversity Impact Assessment Calculator (BIAC). The report does not give details of what habitat is being retained and enhanced on the site. This information is important in demonstrating how the mitigation hierarchy has been followed first to avoid, then mitigate then compensate for any adverse impacts. As a result of the need to follow the mitigation hierarchy, the site will experience a trade-off between providing reptile habitat and conserving woodland. Provision for reptiles is more appropriate given the difficulty in translocating animals and the flexibility in providing woodland habitats both on and offsite.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

DEVELOPMENT PLAN

8.1 The Development Plan includes the following: -

- Policy NRM6 of the South East Plan (May 2009)
- Core Strategy DPD (February 2008)
- Site Allocations Local Plan (July 2013)
- Bracknell Forest Borough Local Plan (January 2002)
- Bracknell Forest Borough Policies Map 2013

PRINCIPLE OF DEVELOPMENT

(i) Policy context

8.2 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, which is supported by the NPPF (paras. 2 and 12). Para. 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.3 The NPPF confirms that decisions should apply a presumption in favour of sustainable development. Paragraph 11 sets out that for decision taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

8.4 Footnote 7 indicates that for the purposes of para. 11(d) in relation to applications involving the provision of housing, the policies which are most important for determining the application should be considered out of date in instances including where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years, with transitional arrangements currently applicable.

8.5 The Council is able to demonstrate a five year supply of deliverable housing sites (5.2 years as at April 2020) and is satisfied that the Housing Delivery Test based on the most recent figures published in November 2018 has been met.

	Development Plan	NPPF	
General policies	CP1 of SALP: Presumption in favour of sustainable development	Limited (policy not used in planning application decision-making)	Limited
	CS1 of CSDPD: Sustainable Development Principles	Consistent	Full
	CS2 of the CSDPD: Locational Principles	Consistent (Para. 17 & 117 -119).	Full
Principle of development (outside settlement)	CS9 of the CSDPD 'Saved' Policies EN8 and	Elements are acknowledged to not be fully consistent (para 170 a) and b) however the thrust of these policies remains consistent (paras. 78-79. 103, 104a, 117 and 170)	Moderate
	H5 of the BFBLP	Generally consistent (paras. 79, 103, 117 & 170)	Limited but relevant
Biodiversity	CS1 & CS7 of CSDPD 'Saved' Policy EN20 of BFBLP	Consistent (paras. 170 &175)	Full
Trees & Landscape	CS1 & CS7 of CSDPD	Consistent (paras. 127 & 170)	Full
	'Saved' Policies EN1, EN2 and EN20 of BFBLP	"	Full
Sustainability	CS10 and CS12 of CSDPD	Consistent (para 149)	Full
Design, Character and Residential Amenity	CS7 of CSDPD: Design	Consistent with Chapter 12	Full
	'Saved' Policy EN20 of BFBLP: Design considerations in new development	"	"
SPA	SEP 'Retained 'Policy NRM6: Thames Basin Heaths Special Protection Area	Consistent (paras. 170, 171, 173, 175, 176 & 177)	Full

	CSDPD Policy CS14: Thames Basin Heaths Special Protection Area 'Saved' Policy EN3 of the BFBLP: Nature Conservation		
Transport	CS23 and CS24 of CSDPD 'Saved' Policy M9 of BFBLP	Consistent with Chapter 9	Full Full
Drainage	CS1 of CSDPD	Consistent (paras. 163&165)	Full
Securing necessary infrastructure	CSDPD Policy CS6	Consistent (paras. 54, 56, 92 & 94)	Full
Supplementary Planning Documents (SPD):			
Character Area Assessments SPD (2010) Design SPD (2017) Parking Standards SPD (2016) Planning Obligations SPD (2015) Thames Basin Heaths SPA SPD (2012)			
Other publications:			
National Planning Policy Framework (NPPF) (2019) National Planning Policy Guidance (NPPG) (2019) Bracknell Forest Borough Landscape Character Assessment (LUC) (2015)			

8.6 In light of their consistency with the terms of the Framework, the policies most important for determining the application should be considered 'up-to-date' for the purposes of para. 11 and the proposed development should be determined in accordance with the development plan unless material considerations dictate otherwise.

(ii) Principle of Development

8.7 The site is located on land outside of a defined settlement as shown on the Bracknell Forest Borough Policies Map (2013) and is considered 'countryside'. CSDPD Policy CS1 indicates that development should be located so as to reduce the need to travel and should protect and enhance the character and quality of local landscapes and the wider countryside together with historic and cultural features of acknowledged importance. Policy CS2 provides locational principles for the allocation of land for development and confirms that development will be permitted within defined settlements and on Allocated Sites. Both of these policies are considered to be consistent with the principles of sustainable development and a plan-led approach as set out in the NPPF such that they should be accorded full weight.

8.8 Policy CS9 of Core Strategy indicates that land outside settlements will be protected from development that would adversely affect its character, appearance or function.

Policy EN8 of the Saved Local Plan confirms that outside the defined settlement boundaries, development will only be permitted where it will not adversely affect the character, appearance or function of the land or damage its landscape quality. It provides a list of development types that may be permitted within the countryside, which does not include new residential development. It is acknowledged that the reference within these policies to protecting the countryside 'for its own sake' is not wholly consistent with the Framework. However when read as a whole, their thrust is broadly consistent with the NPPF's requirement that policies and planning decisions should contribute to and enhance the natural and local environment including by 'recognising the intrinsic character and beauty of the countryside'. As a result, these policies should be accorded substantial weight.

- 8.9 Policy H5 of the saved Local Plan indicates that new dwellings outside the defined settlement boundaries will not be permitted unless there is a need for them in connection with an accepted use associated with that location, and where it would cause no harm to the character of the area. None of the specified instances apply to the current proposal. This policy is generally consistent with the NPPF and accordingly should be accorded moderate weight.

National Planning Policy Framework (NPPF)

- 8.10 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.
- 8.11 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. At the heart of the NPPF is a presumption in favour of sustainable development. Policies in the NPPF as a whole constitute the Government's view of what sustainable development means in practice for the planning system.
- 8.12 The NPPF does not include specific policies in relation to new dwellings in the countryside outside of defined settlements, and outside of the Green Belt, except where they relate to new isolated dwellings; and in relation to economic development.
- 8.13 Annex 1 of the NPPF relates to implementation. Para. 213 sets out that due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework. This applies to both the Core Strategy and BFBLP.
- 8.14 Given the Council's ability to demonstrate a five year supply of deliverable housing the application should be determined in accordance with development plan policy. Relevant policies in the development plan are considered to be largely in conformity with the NPPF therefore should be afforded substantial weight. The proposal to erect a dwelling on a site that is outside of the settlement area is contrary to policies CS1, CS2 and CS9 of the CSDPD and policies EN1, EN8, EN20 and H5 of the BFBLP. The proposed development would be harmful to the intrinsic beauty and character of the countryside and to the appearance and character of the area.

9. PLANNING CONSIDERATIONS

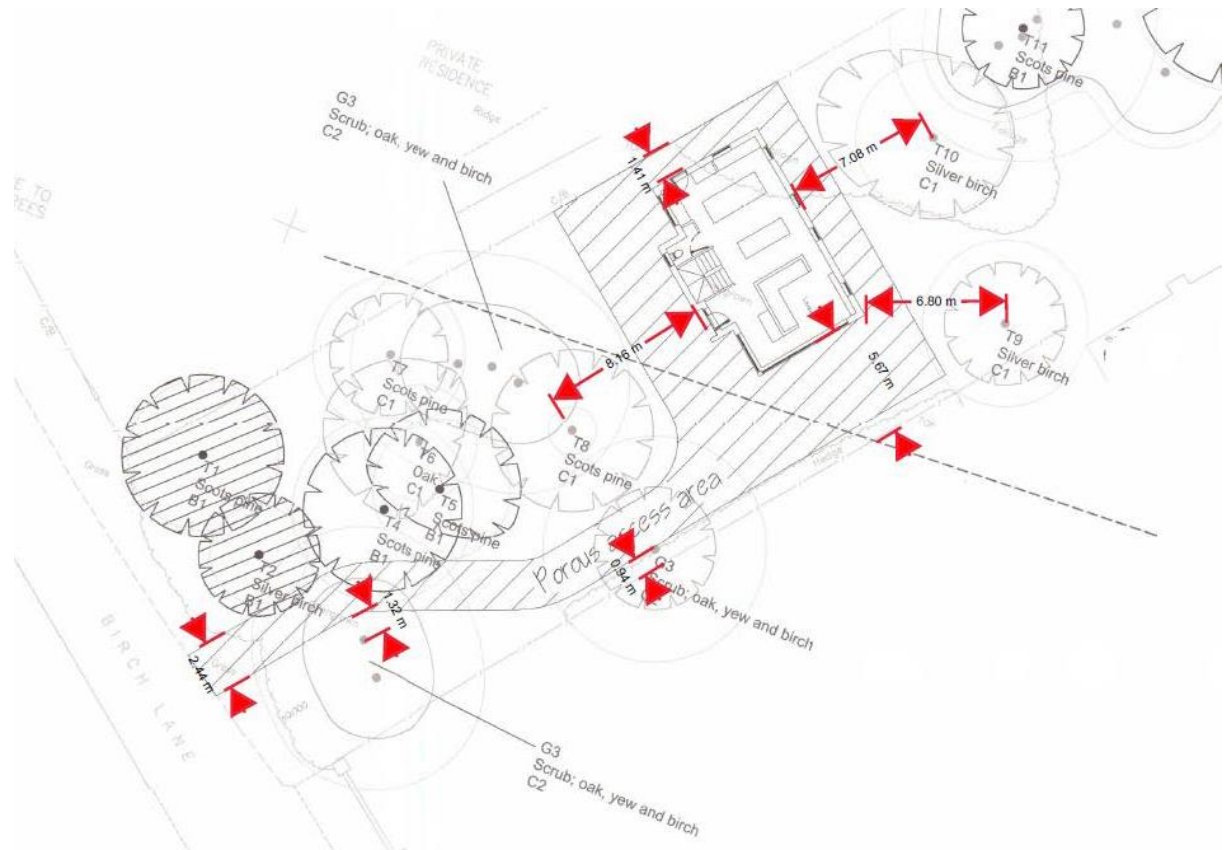
9. 1 The key issues for consideration are:

- i Impact on character and appearance of the area

- ii Impact on residential amenity
- iii Impact on highway safety
- iv Community Infrastructure Levy

i. Impact on Character and Appearance of Area

- 9.2 The construction of a dwellinghouse on the application site would have an impact on the visual amenities of the area.
- 9.3 The site is currently covered by unmanaged woodland with trees covered by TPOs 606 and 1263 covering both specific trees and a woodland designation covering the site. The unmanaged woodland covered by woodland TPO 1263 was said by the inspector determining the appeal for application 18/00224/FUL to make a positive contribution to the sylvan character and appearance of the area as a whole. Although changes have been made to the access to the site in this current application, it is still considered that retained trees would be under threat as a result of the routing of the drive footprint into the primary Root Protection Areas of trees adjacent to the access which could cause significant root damage which would adversely affect their health. Proximity of the access route to retained trees also shows little regard to their significant future growth potential particularly with regard to trunk width. The construction of a driveway into the site would also open up views into the plot, conflicting with the established character and appearance of the unmanaged woodland.
- 9.4 The building footprint would be very close to nearby trees which would result in an unsustainable relationship between the house and retained trees. Trees on the plot have significant growth potential and it is likely that there would be substantial pressures to prune and remove trees surrounding the building and close to the access road to establish reasonable structure clearance and to provide more open garden areas.



9.5 The extent of tree retention in the submitted Arboricultural Assessment is therefore considered to be misleading and the resulting tree loss would be harmful to the established woodland character of the site. The planting of replacement trees to mitigate the loss of any trees is not considered to mitigate the loss of any trees on site and little space is available to replace any lost trees.

9.6 The proposed house will be significantly overshadowed throughout much of the day by retained trees on site. The majority of the trees on the site are semi mature with substantial future growth potential and trees are grouped. The increase in shading of the house and garden caused by future tree growth is likely to result in long term pressures to remove and/or prune trees to restrict future growth. This would be harmful to the character of this woodland. TPO legislation is not considered to be a means of providing long term protection from future management pressures. Refusals of permission to carry out works under the TPO can be appealed against and cannot be seen as a means of preventing pruning or removal of trees.

9.7 The site is located within Area B (Chavey Down West) of the Character Area Assessments SPD for East of Bracknell. This refers to an area of low-density development, with houses well dispersed within woodland. The SPD states that the area has a positive character, mainly due to its woodland setting, and that development should be of low density so that this existing landscape character is not disturbed. Existing tree cover should be retained and mature trees protected. The balance between buildings and the sizes of gardens/grounds should be maintained. This application is not considered to retain the balance between trees and buildings with respect to the existing unmanaged woodland character of this site.

9.8 It is recognised that this application represents a reduction in the footprint of development over the previous application 18/00224/FUL. However, the reduction in

the footprint of the building and changes to the access to the site do not significantly reduce the likely adverse effect on this woodland site. The harmful effects would be likely to increase over time with pressures to prune and remove trees to maintain the access, prevent trees encroaching on the house and to reduce shading of the house and garden areas.

- 9.9 The proposed development would have an unacceptably adverse effect on the character and appearance of the area, with particular regard to protected trees. The application is considered to be contrary to policy CS1 as the proposal will not protect the character and quality of local landscapes and the wider countryside. It would be contrary to policy CS7 of the CSDPD as it does not build on the local character and respect local patterns of development. It would be contrary to policy CS9 of the CSDPD as the development would adversely affect the character, appearance and function of the land. The proposal is also contrary to policy EN20 of the BFBLP as it is not in sympathy with the appearance and character of the local environment and contrary to Policy H5 of the BFBLP as it would cause harm to the character of the area and the relationship between the settlement and the surrounding landscape.

ii. Impact on Residential Amenity

- 9.10 The development would be close to both the neighbouring sites at Sunrise and Silver Trees. However with the existing trees on the site it is not considered that the development would result in an unneighbourly relationship with these properties. The proposed house would be located relatively close to Silver Trees, however in considering the previous appeal on this site to erect a detached house (18/00224/FUL) the inspector considered that the significant vegetation that occurs along and adjacent to the boundary between the plots would provide a good level of screening. The proposed development would not have an unacceptable effect on the living conditions of occupants of Silver Trees and the proposal would comply with policy EN20 of the BFBLP and policy E7 of the CSDPD with regard to the impact on the amenity of surrounding plots.

iii Impact on Highway Safety

- 9.11 Access to the site would be from Long Hill Road via Birch Lane, a private road. This access is considered to be acceptable in terms of vehicle trips, resulting in only a modest traffic increase. Satisfactory visibility splays can be achieved at the junction of Long Hill Rd and Birch Lane. Parking can be provided to meet adopted car parking standards.
- 9.12 The access road has a width of approximately 2.4m at the site entrance. Manual for Streets, which forms part of adopted policy through the Streetscene SPD states that fire access requires a 3.7m carriageway, that could be reduced to 2.75m over short distances provided the pump appliance can get to within 45 m of dwelling entrances. This matter is considered as part of building regulations and given that the proposed dwelling would be within 45m of the access onto Birch Lane this is considered to be acceptable.
- 9.13 Highways Guide for Development - Streetscene SPD Annex 1 also states in Appendix F that the minimum width for a private drive should be 3.0m. The site is accessed from a private road with low levels of traffic. It is not considered that a narrow drive on this site would result in highway safety issues given the opportunity for vehicles to safely wait in Birch Lane to allow a vehicle to exit the site.

iv Community Infrastructure Levy (CIL)

- 9.14 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.
- 9.15 CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted), including extensions of 100 square metres of gross internal floor space, or more, or new build that involves the creation of additional dwellings but will not apply for self build sites. The applicant has indicated that the proposed application involves a self-build plot, if it is to be completed as a self or custom build property then CIL exemption can be applied for.

10 PLANNING BALANCE

- 10.1 The Council can currently demonstrate a 5 year Housing Land Supply and considers the most important policies for the determination of this application to be up to-date for the purposes of para. 11 of the NPPF. Therefore the application should be determined in accordance with the development plan unless material considerations dictate otherwise.
- 10.2 The application site lies within the countryside beyond any settlement boundary. The provision of new residential development in the countryside is contrary to policies CS1, CS2, CS9, EN8 and H5 of the development plan. Whilst, Policies CS1 and CS2 are considered to be fully consistent with the NPPF, policies CS9, EN8 and H5 are not, and therefore any conflict with these latter policies is given moderate weight in the planning balance.
- 10.3 The impact of the proposed development on the character and appearance of the area has been assessed and it has been concluded that the proposed development will cause material harm to the character or appearance of the area.
- 10.4 The proposed development would result in the provision of 1 net additional dwelling. The provision of new housing is consistent with the Government's policy to significantly boost the supply of homes. The provision of such housing would provide economic benefits relating to their construction and spending within the local economy by residents, although due to the buoyancy of the local economy these benefits are afforded only limited weight.
- 10.5 The applicant has also proposed that the house would be a self-build housing unit to meet a local need. This is a material consideration in the determination of planning applications. Currently there is no Development Plan policy seeking the provision of self build housing sites. The emerging Local Plan does seek the provision of self build plots within allocated housing sites, but little weight can be attached to emerging policies. Currently 75 individuals have registered on the Council's Self Build Register, established under the Self-build and Custom Housebuilding Act 2015 which establishes a responsibility of local authorities to provide enough suitable permissions to meet identified demand. However, the NPPF does not indicate that the need for self-build

and custom housing should mean that such applications should be approved where there is a clear conflict with the development plan. Paragraph 12 of the NPPF makes it clear that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.

11. CONCLUSIONS

- 11.1 The site is located outside of the settlement area and is an area of unmanaged woodland protected by TPOs 606 and 1263. No access currently exists to serve the site. The creation of an access and the erection of a detached house would result in the loss of protected trees, and would result in pressure to remove or prune trees to create space around the house, to establish open garden areas on the site and to enable maintenance of the house and access to take place. Continued growth of semi mature trees on site would result in shading of the house and garden areas likely to result in pressure to remove or reduce trees on site. This would be harmful to the woodland character of the site and would be contrary to policies CS1, CS2, CS7, CS9 of the Core Strategy Development Plan Document and Policies H5, EN1, EN8 and EN20 of the Bracknell Forest Borough Local Plan, the Character Area Assessments SPD and the National Planning Policy Framework.

RECOMMENDATION

REFUSE for the following reason(s):

- 01 The proposed development will result in tree removal including a large expanse of woodland and will also adversely affect other trees which make an important contribution to the landscape character and appearance of the area and are protected by Tree Preservation Orders. As such it would be contrary to Policies CS1, CS2, CS7, CS9 of the Core Strategy Development Plan Document and Policies H5, EN1, EN8 and EN20 of the Bracknell Forest Borough Local Plan, the Character Area Assessments SPD and the National Planning Policy Framework.
- 02 The occupants of the additional dwelling would put extra pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impacts in this respect. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to retained Policy NRM6 of the South East Plan, Policy CS14 of the Core Strategy Development Plan Document, the Thames Basin Heaths Special Protection Area Supplementary Planning Document (2018) and the National Planning Policy Framework.

Unrestricted Report

ITEM NO: 07

Application No. 19/00327/FUL	Ward: Binfield With Warfield	Date Registered: 8 April 2019	Target Decision Date: 8 July 2019
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Site Address: **Land At South West Of Abbey Place Abbey Place
Warfield Bracknell Berkshire**

Proposal: **Erection of 9 dwellings with associated access, parking and landscaping.**

Applicant: Mr Richard Barter

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 This application seeks full planning permission for the erection of 9 dwellings.
- 1.2 The site is allocated for residential development in the Site Allocations Local Plan and falls within the strategic allocation of Warfield. The proposed development is acceptable in terms of its impact on the character and appearance of the area and on the living conditions of nearby residents. There are no overriding highway concerns. The development of this site will accord with the strategic site allocation and supporting policies.

RECOMMENDATION

Planning permission be granted subject to the conditions in Section 11 of this report and a section 106 agreement relating to mitigation measures for the SPA, affordable housing and other contributions and measures.

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

- 2.1 This application is reported to Planning Committee as more than 5 objections have been received.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

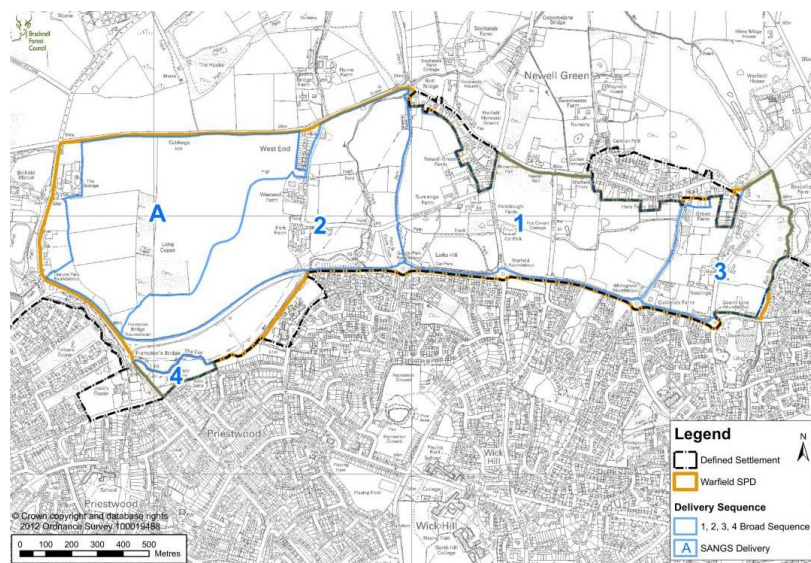
Within settlement boundary

Allocated site: SALP Policy SA9

Sites on site boundary covered by area TPO 1152

Within 5km buffer of the Thames Basins Heaths Special Protection Area

- 3.1 The application site is located within the Warfield strategic development area (Policies Core Strategy CS5; SALP SA9 and Warfield SPD refers). The strategic development area is divided into three sub areas, numbered 1, 2 and 3 as shown on Plan 1 below:



Plan 1 – Warfield Development Areas.

- 3.2 The site is located on the north eastern edge of Area 1 adjacent to the existing housing development within Old Farmhouse Row and Abbey Place.
- 3.3 The site is largely devoid of vegetation except for groups of trees along the western and southern boundaries of the site. There is a change of level across the site as it falls gently from south to north with the level difference being just over 1m at the greatest point. The site is covered by an area Tree Preservation Order – TPO 1152 (Dated December 2013). The TPO covers all trees of all species on land to the north of Watersplash Lane and East of Newell Green and Farmhouse Row, Warfield.

4. RELEVANT SITE HISTORY

4.1 The most recent application in respect of this site is application 14/00980/FUL for the erection of 10 dwellings and associated car ports and landscaping. This was refused on 2nd February 2015 and a subsequent appeal was dismissed on 9th February 2016. In this decision the Inspector concluded that:

- i) The line of small trees on the western side of the site '*appear to be remnants of a neglected hedge and are of limited landscape value*'. The planting contributes '*to the landscape setting of the development area, but is not of such quality for its complete retention to be a significant benefit*'. (para 12 refers).
- ii) The development (subject to overcoming the ransom strip along the boundary of the site) would have the potential to provide an access on the boundary and thereby integrate with the wider development area.
- iii) Due to the limitations imposed by CIL Regulation 123 (i.e. the pooling restrictions) the proposal would endanger the comprehensive approach to the delivery of the Warfield Strategic development as set out in policies CS5 and SA9.
- iv) The development would impact on the Thames Basins Heaths given uncertainty as to when the nominated SANG i.e. at Wellers Lane would be delivered.
- v) The delivery of 3 affordable dwellings would be consistent with the requirement to provide affordable housing within the wider development area of which the site forms a part.
- vi) The impact on ecology could be mitigated by the use of conditions.
- vii) The early approval of proposals for minor parts of the designated area could undermined the Council's strategy to encourage joint working between developers and landowners to share the costs of infrastructure and deliver the comprehensive development of the wider site.

4.2 Beyond the application site, the key applications which have led to development within the strategic development within Warfield are:

- i) Application: 13/01007 - Land North of Harvest Ride and South of Forest Road and East of West End Lane, Warfield

This was a hybrid planning application for a residential-led mixed-use development comprising:

Outline planning application for up to 750 residential dwellings (with a minimum of 675 dwellings) including 60-bed senior living scheme; new two form-entry primary school; formal and informal open space; associated landscaping; works to river cut and provision of new north-south link road. (All matters reserved except for means of access to the development); and

Full planning application for the development of Phase 1 at the south western corner of the site for the erection of 87 residential dwellings (87 of the 750 dwellings described above) with associated open space, parking and landscaping; creation of two new access points off Harvest Ride and provision of north-south link road between Harvest Ride and Forest Road – Approved 28 October 2014.

ii) 16/01253/FUL (Land south of Fairclough Farm): Erection of 52 no. dwellings with associated parking, landscaping and open space and vehicular access onto Newell Green - Approved 2018.

iii) 16/01274/FUL (Land at Watersplash Lane): Demolition of existing buildings and erection of 43 dwellings with associated accesses (to land to west and to Watersplash Lane), parking and landscaping. - Approved 2018.

iv) 16/01195/FUL (Land East of Avery Lane and North of Watersplash Lane): Erection of 116 dwellings with associated landscaping, infrastructure works, and open space of public value served by vehicular access from north-south link road and pedestrian/cycle links to Watersplash Lane. - Approved 2018.

The three separate applications ii) – iv) above are referred to as the development at Newell Green. They were linked by an overarching s106 agreement to secure the necessary social and physical infrastructure as required by adopted planning policy

In addition to the above, the Council's policy to secure comprehensive development has been supported by Inspectors on appeal, in the following cases:

- The erection of 40 dwellings and 70-bedroom care home at Fairclough Farm, Newell Green, Warfield (application: 13/00027/FUL) was refused on 29th April 2013 and a subsequent appeal dismissed on 2nd May 2014.
- The erection of 5 detached dwellings at Land to the South and West of 2 Fairclough Cottages, Watersplash Lane (application 18/00918/FUL) was refused on 28 June 2019 and a subsequent appeal dismissed on 11th December 2019.

5. THE PROPOSAL

5.1 This application seeks full planning permission for the erection of 9 dwellings in the form of a mix of houses and flats. The development would comprise:

- 2 x 3 bed detached dwellings (Plots 1 and 2)
- 1 x 4 bed dwelling (Plot 3)
- 4 x 2-bedroom flats and 2 x 1-bedroom flats (Apartment block plots 4 –9)

The layout of the development is shown on Plan 2 below



Plan 2 – Layout of the proposed development

5.2 The development would be accessed via Abbey Place/Old Farmhouse Row. Car parking spaces (total 21) would be provided on the individual house plots or within a communal car parking area to the rear (east) of the proposed apartment building. The distribution of car parking spaces would be as follows:

- Plots 1 and 2: 2 car parking spaces each on a driveway between the dwellings.
- Plot 3: 3 car parking spaces comprising 2 spaces on the driveway and 1 in a garage.
- Plots 3 – 9: 14 car parking spaces, including 2 spaces for people with disabilities.

5.3 The layout of the development would take the form of a cul de sac with the three houses located towards the southern boundary and the apartments on the western half of the site, fronting the proposed north-south greenway. The north - south greenway will be delivered as part of the approved development at Newell Green. The development would be served from the central 'T shaped' access/service road which would provide a turning head to enable vehicles to manoeuvre on site and depart in forward gear. A pedestrian and cycle access 3 m in width would facilitate access to and from the north-south greenway and the wider development area to the west of the site (refer to section 9.0 below for details). The car parking to serve the apartments would be located on the eastern half of the site, separated from the rear boundary of 1- 4 Old Farmhouse Row by a landscaped area. The landscape buffer would vary in width from approximately 6 m to the rear of no. 1 Old Farmhouse Row (measurement includes the verge adjacent to the turning head) narrowing to approximately 5 m to the rear of 4 Old Farmhouse Row.

5.3 The houses would be two-storey in height (approx.8.10m to ridge). The apartment would be three storeys in height (max height approx. 9.5m to ridge) including accommodation within the roof. A single dormer (serving the central hallway) would be provided in the western roof slope and two dormers and two roof lights (serving the living/dining area of each apartment) would be provided in the eastern roof slope.

5.4 The properties would be constructed of a combination of brick (including a string course and quoin detailing) with a tiled roof.

5.5 The separation distance between the apartment block and the eastern boundary of the site would be 27m. The total separation distance between the rear building line of 1 – 4 Farmhouse Row (i.e. to include existing rear gardens) would be approximately 42 m.

- 5.5 Plots 1 – 2 would have a rear, south facing garden area between 10.5m and 13m in depth, with Plot 3 benefiting from additional space (10.5m in depth) between the side flank wall of the dwelling and the western boundary of the site. The garden space for the apartment block would be located to the west of the building. The garden would be between approx. 5m and 6m in depth when measured from the rear building line to the eastern edge of the ditch line. Additional open space in the form of landscaping would be provided to the front (east) of the apartment block and on the edge of the car parking area.
- 5.6 A total of 6 trees (1 x Hawthorne and 5 x Ash trees) are located on the western and southern boundary of the site. An existing Ash tree on the southern boundary of the site to the rear of Plots 1 and 2 would be retained. The remaining Ash trees and the hedgerow along the western boundary of the site and the existing ditch line would be removed. Replacement tree and hedge planting would be undertaken along the western boundary.

6 REPRESENTATIONS RECEIVED

Warfield Parish Council

- 6.1 Object and recommend refusal on the grounds of the overdevelopment of the site; the impact of traffic on Forest Road; insufficient space for a turning circle and the failure of the layout to integrate with the surrounding area.

Other representations

- 6.2 Objections have been received from the occupiers of 4 properties in Old Farmhouse Row and from one occupier in Abbey Place. The objections are summarised as follows:
- The safety of the access to the site from Abbey Place which is considered too narrow for emergency vehicles, refuse vehicles and parked vehicles. The access would impact on the safety of residents of Old Farmhouse Row given the absence of a pavement to the existing car park. The development, in a form of a cul de sac, would mean the access would be a two - way road and would be dangerous for the elderly and children.
 - Old Farmhouse Road should not be shown as the proposed development boundary. The road is unadopted and has been part of the Old Farmhouse Road access and development for over 10 years.
 - Any measures to reduce speed of vehicles along the straight road could affect the foundations on 1 Old Farmhouse Row.
 - Access should be from the new development at Newell Green – there should be no obstruction to that now that Millgate has acquired the ransom strip.
 - The car parking is located to the rear of Old Farmhouse Row, but this will likely overspill onto the access road.
 - The proposed link through the development would undermine the self - containment of Abbey Place and Old Farmhouse Row and the neighbourhood watch scheme that is in place.
 - The number of vehicles and associated movements will increase pollution; impact on the use of the rear gardens of the existing properties and the health and quality of life of existing occupiers.
 - The increase in traffic will lead to pressure at the junction of Abbey Place and Forest Road.
 - No construction traffic should be allowed through Abbey Place and the access to the site is unsuited to construction traffic and would result in the deterioration and damage to the road surface and vibration damage to houses in Old Farmhouse Row and 5 Abbey Place.
 - In 2013 a previous ground investigation report indicated that there were high levels of lead in the infilled pond and that construction workers should wear PPE. This is not identified in the current application. – Officer note: No objections have been raised by Environmental Health on the grounds of contamination.

- The development could lead to flooding and the neighbouring development at Watersplash Lane has caused flooding. The potential for flooding needs to be investigated and details need to be provided of the geo cellular tanks, permeable paving and maintenance
- The impact of the development on the privacy of residents of Old Farmhouse Row by virtue of overlooking.
- Loss of privacy due to the large windows with Juliet balconies in the rear elevation of the apartment block.
- The area should be planted with trees to reduce pollution.
- The development will impact on existing wildlife. Bats are present in the area.

In addition to the above, concerns have been raised regarding the existing management arrangements/responsibilities of the communal areas such as areas of landscaping within Abbey Place, albeit it is acknowledged that this is a matter between the existing residents and Millgate.

7 SUMMARY OF CONSULTATION RESPONSES

Highways Officer

- 7.1 Reports no objection to the layout but notes that there are ongoing discussions regarding the pedestrian and cycle connection to the greenway to the west. Officer note: A condition is recommended to secure the provision of the pedestrian and cycle link within the development. A contribution would be secured through a s106 agreement for a financial sum to be payable to the Council for the implementation of the whole of the route (within the application site and within the adjoining site (Redrow site) to the west) if not provided by the applicant Millgate in consultation with Redrow by the last occupation. Refer to section iv) Highways and Access of this report for further details. The Highway Authority recommends approval subject to conditions.

Biodiversity Officer

- 7.2 Reports no objection subject to conditions.

Landscape Officer

- 7.3 Reports no objection subject to condition.

Tree Officer

- 7.4 Reports no objection subject to condition.

Head of Housing

- 7.5 Reports no objection to the provision of 25 % of the dwellings as affordable housing. This would equate to 2.25 units. This could be delivered as 2 x 1 bed shared ownership properties with the remaining 0.25 of a unit as a commuted sum of £13,431 (paid of commencement).

Education - Children, Young People and Learning

- 7.6 No objection subject to a financial contribution towards ICT fit out of Warfield West primary school classrooms.

Thames Water

- 7.7 No objection subject to informatives relating to the undertaking of construction work close to existing sewers; access to existing services and the need to secure a Groundwater Risk Management Permit.

Berkshire Archaeology

- 7.8 Reports no objection and (in the event of approval) a condition is recommended relating to archaeological work and mitigation.

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	CP1 of SALP, CS1 & CS2 of CSDPD	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Housing	CS5, CS16, CS17 of CSDPD, Saved policies H8 and H14 of BFBLP and SA9 of SALP	Consistent
Parking	Saved policy M9 of BFBLP	Consistent NPPF refers to Las setting their own parking standards for residential development, this policy is considered to be consistent.
Transport	CS23 and CS24 of CSDPD, Saved policy M6 of BFBLP	Consistent
Infrastructure mitigation	CS6, CS8 CS23 and CS24 of CSDPD, Saved policy R4 of BFBLP	Consistent
Trees, Landscape and Biodiversity	Saved policies EN1, EN2, EN3 and EN20 (ii) of BFBLP, CS1 and CS7 (iii) of CSDPD	Consistent
SPA	CS14 of CSDPD, NRM6 of SEP, Saved policy E3 of BFBLP	Consistent
Sustainability (resources)	CS10 and CS12 of CSDPD	Consistent
Archaeology	Saved policies BFBLP EN6 and EN7 of BFBLP	Consistent

Relevant SPDs include:-

Warfield SPD (2012)
Bracknell Forest Character Areas Assessment SPD (2010)
Design SPD (2017)
Streetscene SPD (2011)
Parking standards SPD (2016)
Planning Obligations SPD (2015)
Thames Basin Heath Special Protection Area SPD (2018)

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. The principle of the development
- ii. Design and Impact on the character of the area
- iii. Impact on Neighbouring Properties/Occupiers
- iv. Highways and Access
- v. Drainage

- vi. Archaeology
- vii. Biodiversity
- viii. Trees and Landscaping
- ix. Infrastructure Contributions /CIL
- x. Thames Basins Heaths Special Protection Areas (SPA)
- xi. Affordable Housing
- xii. Sustainability Issues/CIL

i. Principle of development

9.2 The Government's planning policies are set out within the National Planning Policy Framework (NPPF) (2019). This explains, at paragraphs 10 and 11, that a presumption in favour of sustainable development lies at the heart of the NPPF. In terms of decision making this means that developments which accord with an up to date development plan should be approved without delay, or where there are no relevant policies, or the policies which are most important for determining are out of date that permission be granted unless:

- i) The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed'; or
- ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole'.

The policy advice of the NPPF is supported by the National Planning Practice Guidance (NPPG).

9.3 It is important to note, having regard to point i) above, that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitat sites (in this case the Thames Basins Heaths SPA) or the *'project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site' (Para 177 refers).*

9.4 The presumption in favour of sustainable development is reflected in the local planning framework as set out in the Bracknell Forest Core Strategy (2008); the Bracknell Forest Local Plan (Jan 2002) (BFLP); the Site Allocations Local Plan (SALP) (July 2013) and the Warfield Supplementary Planning Document (February 2012). To summarise the key policies seek to:

- Ensure that development makes the effective use of land, buildings and infrastructure whilst balancing this against the requirement to reduce the need to travel and protecting and enhancing character, the quality of local landscapes and natural resources. (Policy CS1 refers);
- Permit development within defined settlements and on allocated sites and to ensure that development is consistent with the character, accessibility and provision of infrastructure and services within the individual settlement. (Policy CS2 refers);
- Protect land outside settlements for its own sake, particularly from development that would adversely affect the character, appearance and function of the land. (Policies: Core Strategy-CS9; BFLP - EN8 refer; H5 refer);
- Reflect a positive approach to considering development proposals supporting the presumption in favour of sustainable development and, having regard to the advice of the

NPPF, to approve development without delay, unless material considerations indicate otherwise.

- Secure the delivery of *'a comprehensive, well designed mixed use development on land North of Whitegrove and Quelm Park'* (Policy: Core Strategy - CS5 refers). Policy SA9 of the SALP states *'a positive approach to considering development proposals will be taken that reflects the presumption in favour of sustainable development'* and *'where appropriate, the Council will work proactively with applicants jointly to seek solutions which means that proposals can be approved wherever possible, and to secure a development that improves the economic, social and environmental conditions within the area'*.

- 9.5 The land at Warfield is identified for a comprehensive, well designed, mixed use development in the Core Strategy DPD (policy CS1 refers) and the Site Allocations Local Plan (SALP) (policy SA9 refers). The land is allocated for the development of 2,200 residential units (including affordable housing); employment; neighbourhood centre, two primary schools, multi-functional community hub and on-site open space and Suitable Alternative Natural Greenspace (SANG). The infrastructure requirements to support the development are set out within SALP Policy SA 9. This includes the need for measures to avoid and mitigate the impact on the Thames Basins Heaths SPA and identifies the preferred solution for a SANG at Cabbage Hill.
- 9.6 The site is located within the Warfield allocation; it is the remaining parcel of land between recently approved development at Newell Green and the existing residential development at Abbey Place (incorporating Old Farmhouse Row) which is located outside the allocation.
- 9.7 SALP Policy SA9 is supported by the Warfield SPD and the Area 1 Masterplan which relates to Area 1 on Plan 1 above (para 3.1 refers) and the importance of these documents in decision making is set out below:
- a) The Warfield SPD sets out specific guidance relating to the development of the Warfield Strategic Location. Development Principle W1 explains *that 'the Council will expect planning applications to support the comprehensive development of Warfield including accessibility and the delivery of infrastructure'*. The SPD was adopted following public consultation and it supplements Core Strategy Policy CS5 and SALP Policy SA9. It can therefore be afforded full weight as a material consideration in the determination of planning applications.
- b) The Area 1 Masterplan was endorsed by the Council as being technically sound on 15th February 2015. It satisfies the requirements of SALP Policy SA9.
- The Masterplan provides the parameters and design principles to set the context for development proposals. It is a material consideration in the assessment of any application relating to all or any part of Area 1. The Masterplan reflects the access and movement strategy within the Warfield SPD. The design principles set out in the masterplan are the starting point for the assessment of a proposal. Any departure from the key principles of the masterplan must be justified and, demonstrate an improvement or enhancement to what could be achieved through conformity to the masterplan.
- 9.8 Given this context, the application is acceptable in principle: the site lies within a defined settlement and is allocated for residential development. The remainder of the report considers the details of the proposal.

ii) The design and impact on the character of the Area

- 9.9 Policy W2 of the Warfield SPD sets out the Design Principles and explains that the design strategy and the design principles should inform the design and layout of all development proposals that come forward for the site. The Warfield SPD defines character areas and the application site is located within the Newell Green South Character area where development is required to reflect the development in Newell Green and be of an informal layout, with densities at around 35 dwellings per hectare (dph).
- 9.10 The proposed development would have a density of 32 dph which is appropriate to the character area in which the site is located. The development has been designed to:
- address the relationship of the site to neighbouring development, in particular to Old Farmhouse Row and Abbey Place to the east;
 - address the relationship to the development at Newell Green to the west and to the south;
 - secure a means of access via Abbey Place (4.8 metres in width) to ensure that vehicles may access and depart from the site safely; provide manoeuvring space and parking on site to standard;
 - provide a pedestrian and cycle link (3 metres in width) within the site to make possible a connection to the north south greenway to the west;
 - deliver a design that creates interest when viewed from within the development but also ensure that the architectural treatment would reflect the scale and form of development within Abbey Place and also that approved as part of the wider development of Newell Green to the south and the west; and,
 - provide amenity space which would be of value to the occupiers of the development but also, through landscaping on the western edge and within site (including tree planting), contribute to the character of the area and to biodiversity.
- 9.11 The proposed development provides a mix of houses and flats. The flats (6 no.) are located towards the western edge of the development and the houses along the south boundary. The flats and one of the houses (plot 4) have been designed to be in keeping with the development to the south, in terms of scale, design and materials. The buildings would be constructed of brick (including brick detailing) with tiled roofs. The materials would be subject to condition in the event of approval. The relationship of the proposed development to the neighbouring development to the south when viewed from the west, is shown on the elevation below:



Image: View of proposed development from the west (the application proposal is between the vertical red lines)

- 9.12 The overall design and layout is consistent with the guidance provided within the Warfield SPD which, for Newell Green South, includes reference to:
- a mix of dwelling types;
 - the opportunities to create internal mews areas and shared courtyards;
 - the use of varying plot sizes to create interest in the street scene; and,

- the need to provide for the retention of trees and hedgerows and for areas to be provided for new trees and landscaping.
(Table 2.1 Warfield SPD Character Areas Summary).

This guidance is reinforced by the Area 1 Masterplan which, among other matters, refers to:

- housing development within this area being predominantly two storey in height with limited use of apartments;
- the use of soft landscaping, including hedges for boundary treatments; and,
- parking to be provided on plot or within parking courtyards.

The Area 1 Masterplan develops the Warfield SPD access strategy, by encouraging the development of recreational links through the wider allocation to promote movement by foot and cycle to local facilities. For the reasons set out above the proposal is not considered to have any significant adverse impact on the character of the area and accords with the relevant policies and design guidance.

iii. Impact on the amenity of neighbouring properties/occupiers

- 9.13 The layout of the development has been designed to create suitable separation distances between the built form of the flats and houses and the existing properties within Old Farmhouse Row. The proposed flats (plots 4 – 9) would be approximately 27m from the rear boundary of properties within Old Farmhouse Row, and approximately 42 m from the rear elevation of the flats and the existing houses.
- 9.14 The proposed flats would also be separated by the car parking area and an existing strip of land (between 5 and 6 m in width) which would be retained and provides the existing service margin for the Thames Water. The separation distance is comparable to that which exists between the apartment block and the houses on the development to the south and is consistent with the Bracknell Forest Design SPD (2017). This explains that 22m is an acceptable minimum separation distance on privacy grounds.
- 9.15 To conclude, the proposal has been designed to provide an acceptable relationship between the new and existing homes to ensure that there are no unacceptable impacts in terms of overlooking, overshadowing or overbearing. It will provide acceptable residential amenity for existing occupiers and future occupiers of the proposed development.

iv. Highways and Access

- 9.16 The layout of the development has been designed in consultation with the Highways Officer. The development would effectively form an extension to Abbey Place, an adopted road with a 20mph speed limit. The access into the site from Abbey Place (to the south of 1 Old Farmhouse Row) is 4.8m wide. It is a shared surface that already serves the rear parking court with garages to the south. The width of the access would accord with highway standards and would be adequate to serve the proposed dwellings. The development has been designed as a shared surface; no footways are provided but adequate space has been provided within the development to ensure that vehicles, including refuse/service vehicles may manoeuvre within the development and leave the site in forward gear.
- 9.17 The development is provided with parking which complies with the Parking Standards SPD, March 2016. Plots 1 and 2 (3-bedroom) are provided with two off-street parking spaces; plot 3 (4-bedroom) is provided with two off-street car parking spaces and a garage; and the flats (4 x 2-bedroom flats and 2 x 1-bedroom flats) are provided with the correct level of parking with one space for each 1-bedroom flat and two spaces for each 2-bedroom flat. Two separate visitor spaces plus two disabled spaces are provided. Plots 1 and 2 have a cycle

parking store in the rear garden, plot 3 has cycle parking to the rear of the garage and the flats have a cycle store provided adjacent. Accordingly, the proposal complies with Policy M9 'Vehicle and Cycle Parking' of the Local Plan.

9.18 It is accepted that the development would generate additional vehicle movement within Abbey Place and at the junction with and onto Forest Road. Data from the TRICS database indicates that the development is likely to generate around 5 trips during each of the morning and evening peak hours and around 38 trips over the day. The impact would not be severe to warrant an objection to the development on highway terms. The impact on amenity associated with amenity vehicular activity and level of pollution generated would not substantiate a reason for refusal of the scheme. However, the importance of controlling the access to and from the site is recognised and, in the event of approval, a condition is recommended to secure the submission of a Construction Environmental Management Plan (CEMP), for approval by the Local Planning Authority, prior to the commencement of the development.

9.19 The Highway Authority which has confirmed that the layout it is satisfactory subject to:

- pedestrian and cycle connectivity being secured to the west; and,
- conditions being attached to the decision relating to
 - the timing of the delivery of the pedestrian/cycle route;
 - details of visibility splays;
 - construction and adoption details;
 - construction/retention of car parking spaces (including location of visitor spaces); and,
 - use of the garage for plot 3; details of cycle parking facilities and the submission of the Construction Environmental Management Place (CEMP).

It is proposed to include all the conditions suggested by the Highway Authority (HA) with the exception of the provision of the pedestrian and cycle link which the HA has requested should be prior to the occupation of the development. The reasons for this exception are explained below.

9.20 The delivery of pedestrian and cycle routes, is a key element of the access strategy for the strategic development at Warfield. Development Principle W1 of the Warfield SPD relates to the overarching objective of comprehensive development and states that it *'expects planning applications to support the comprehensive development of Warfield including accessibility and the delivery of infrastructure'*. This is consistent with highway and access related policies of the Bracknell Forest Borough Local Plan (2002) (BFBLP) policies EN20; EN22; M4; M5; M6; M7 and M8 refer. Core Strategy (2008) Policies CS7 and CS23 are also relevant and require access and highway issues to be an integral part of the design and layout of development proposals. These policy objectives are reflected in the SALP Policy SA 9 which refers to the need for a well-designed mixed use development, in line with agreed masterplans with *'a comprehensive set of on and off site transport measures to mitigate the development's impact on roads and encourage sustainable transport'*. The strategy is reflected in the Warfield SPD (Section 9 refers). This emphasises reducing dependence on the private car, allowing for sustainable modes of travel with links to and from Bracknell Town Centre and neighbouring areas and future development in north Bracknell. The importance of this sustainable transport strategy is set out in paragraph 9.2 of the Warfield SPD which states:

'A focus on delivering sustainable travel and a highly accessible development will therefore form the basis of the transport strategy for this urban extension. This should include permeable and connected streets within the development which will have a direct influence over how people will choose to travel'.

9.21 The application site provides an opportunity to deliver a pedestrian and cycle link to the land to the west (currently under construction by Redrow). Going west, the link would facilitate access via the north-south greenway to Watersplash Lane, the primary school, the allotments, the east - west green way and the Country park beyond. Going east through the proposed development and Abbey Place, connections would be provided to Forest Road (served by bus service 53) and the Church, Warfield Memorial playing Field and the countryside to the north. The relationship of the application site to the north – south green way is illustrated on Plan 3 below.



Plan 3 – Land to the South west of Abbey place - connections to the north-south greenway

9.22 At the time of the appeal in 2016, the Inspector noted that the existence of a link on the western boundary of the site would have the potential to provide an access and thereby integrate the development with the wider area. At that time, a ransom strip prevented connectivity to the boundary and the land to the west. Since the date of the appeal there has been the following a change in planning circumstances:

- The applicant has acquired the ransom strip and the curtilage of the site has been extended to the western edge of the ditch.
- Development is now underway on the land to the west (the Redrow site) and the s106 associated with that development includes non - ransom provisions on the boundary with the application site.
- Redrow is currently in discussion with the Highway Authority in respect of the s38 agreement and have agreed, in principle, to include the section of the pedestrian/cycle route (marked a) on the plan above), on the plan submitted as part of the s38 agreement.

9.23 The current application illustrates the location of the pedestrian and cycle route within the development (marked a) on the plan above). The applicant, Millgate, has confirmed that the link would be provided to the boundary of the site prior to the occupation of the dwellings on the site and has confirmed a willingness to work with Redrow to secure the delivery of the whole link (i.e. sections a) and b) on the plan above).

9.24 At the time of writing, the delivery of the route is still subject to discussion between Millgate and Redrow and the s38 agreement has not been completed. In these circumstances, a condition to prevent occupation of the proposed dwellings prior to completion of the whole of the pedestrian route (sections a) and b) on the plan above) would not be reasonable. It would also not be lawful since it would involve land outside the curtilage of the application

site and thus outside the control of the applicant. A condition, to require the construction of the section within the application site to be completed to the boundary prior to first occupation, would be reasonable and lawful. If agreement to the delivery of the whole of the route cannot be agreed between both parties, the fall back (if BFC has adopted the link) would be for Millgate to construct the balance of the link under Licence or provide funding for the work to be undertaken by the Highway authority. The funding for the offsite work would be secured as part of the s106 agreement, payable prior to the occupation of the last dwelling within the development if agreement has not been reached to deliver the route beforehand. The applicant has indicated that the development would not be subject to adoption by the Highway authority and therefore, if this is the case, a permissive right of way to enable access by foot and cycle and maintenance plan to ensure the route is safe for public use will also be required as part of the s106 agreement.

- 9.25 Subject to the use of conditions as recommended by the Highway authority and the approach as set out in paragraph 9.24 above, there is no objection the development on highway terms.

v. Drainage

- 9.26 The site is not situated in a flood plan and is shown to be at low risk of surface water flooding. The applicant has submitted a Flood Risk Assessment and Drainage Strategy to support the application. A ditch is located to the north west of the site, which facilitates the flow of water northwards. The existing ditch along the western boundary would be widened. A culvert which runs beneath the ditch with an outfall via a headwall in the north west corner of the application site. As part of the development, the culvert would be removed, and the ditch realigned. The drainage improvements to the ditch would necessitate the removal of 4 Ash Trees and the remnants of the hedgerow on the western boundary.
- 9.27 The proposed drainage strategy utilises a combination of geocellular storage and tanked permeable paving within the car parking area to restrict surface water run-off and provide water quality treatment. Surface water runoff would be attenuated with 125 cubic metres of storage to restrict its runoff from the site to the practical minimum discharge rate of 1.5 litres/second for all events up to and including the 1 in 100 year plus 40% climate change event. Surface water would be discharged into the ditch to north of the site.
- 9.28 The Lead Local Flood Authority has been engaged throughout the evolution of the layout and Senior Engineer for Flood Risk and Drainage (acting for the Council as Lead Local Flood Authority - LLFA) has investigated complaints regarding surface water flooding with the car parking area serving the existing garage court to the south of Farmhouse Row. The source of the problem was related to the construction of the site to the south and the problem has been now been resolved. With respect to the application site, the only the only matter to be resolved relates to the measures required to treat water avoid increased pollution within the water course. This relates to the requirements of paragraph 165 of the NPPF and the advice that sustainable drainage systems should '*where possible, provide multifunctional benefits*'. This is presently being pursued with the applicant and the outcome will be reported to the Committee.

vi. Archaeology

- 9.29 The application site is located within an area of archaeological potential. In accordance with Paragraph 189 of the NPPF a Project specification for an Archaeological Evaluation Desk Based Assessment has been submitted in support of the application. This reports that the site lies less than 400m from the remains of a Middle Age settlement excavated at Fairclough Farm in 1994. It is noted that '*such sites are not commonplace on the clay dominated landscape of East Berkshire but there may have been the focus of prehistoric*

settlement centre on the valley of The Cut, which lies to the south of the proposed site'. The Assessment also reports that 'evidence of Roman occupation has been recorded at Cabbage Hill and other pre historic finds and deposits have been found at Kennel School Lane and north of Manor Farm, including a small Bronze Age burnt mound.' Roman and medieval pottery has been found to the south and west of the site.

- 9.30 Berkshire Archaeology reports no objections subject to conditions to secure the undertaking of exploratory archaeological work in accordance with the submitted Project specification for an archaeological evaluation or a comparable scheme submitted to an approved by the Local Planning Authority with a further programme of archaeological mitigation if the first exploratory investigation warrants it. Subject to the application of these conditions and the implementation of the scheme of investigation, the proposal would be in accordance with the requirements of the NPPF and saved policies EN6 and EN7 of the Bracknell Forest Borough Local Plan.

vii. Biodiversity

- 9.31 The application site was subject to an ecological survey in 2014. However, in the interest of best practice a follow up survey was undertaken, and the results submitted in support of the application. Particular attention was paid to recording the presence of badgers, bats, amphibians and reptiles. The follow up report concluded that '*there are no habitats of international, national, county or local importance that would be directly or indirectly affected by the proposals.*' Furthermore, '*the site is of overall limited ecological value, and the species recorded on the site can be described as common, or abundant and are found in similar places across much of Britain, with no evidence of protected species recorded*'. Specific concerns have been raised to the accuracy of the ecology report submitted in respect of the application and the impact on bats. The Biodiversity Officer has advised that the report considered bats and there is no outstanding issue as no on the existing features were suitable for roosting bats
- 9.32 The Biodiversity Officer notes that the development will result in the loss of existing trees (4) and vegetation on the western boundary of the site and whilst this is regrettable, it is also noted that hedge and tree planting will be provided as part of the landscaping scheme. As such there is no objection to the development subject to conditions to secure the submission of landscaping details, biodiversity enhancements and the requirement for any lighting to be subject to approval. The application of these conditions and compliance would demonstrate the protection and enhancement of biodiversity in accordance with the Bracknell Forest Core Strategy Development Plan Document policies CS1 and CS7.

viii. Trees and Landscaping

- 9.33 The proposed development would result in the removal of 4 Ash Trees located on the western boundary of the site and a Hawthorn on the southern boundary of the site. The Tree Officer reported that none of the trees are of any amenity merit and the Ashes are potentially unsustainable due to the risk of infection by the disease 'Chalara Ash Dieback'. Although the trees were noted as having a limited life span consideration was given, in the evolution of the layout, to the retention of the trees on the western boundary of the site. This did not prove possible due to the need to provide for improvements to the ditch line (the trees are growing close to or within the ditch) and the need to avoid a tree/building conflict. Replacement planting will be required as part of a landscaping scheme to be secured by condition. Whilst the loss of the trees is regrettable it should be noted that in the previous appeal in 2016 the Inspector commented that whilst the planting contributes '*to the landscape setting of the development area, but is not of such quality for its complete retention to be a significant benefit*'. (para 12 refers).

9.34 Subject to a condition to secure the submission of a landscaping scheme and replacement tree planting the proposal would comply with Policy EN1 of Bracknell Forest Borough Local Plan.

ix. Infrastructure Contributions

9.35 The proposal would be CIL liable and is located in the 'land at Warfield' charging zone with a CIL rate of £220 per square metre.

9.36 Development at Warfield is dependent upon the delivery of housing alongside the necessary supporting infrastructure. The Planning Obligations Supplementary Planning Document (SPD), February 2015, sets out the Council's approach to securing infrastructure by planning obligations and explains the relationship with the Community Infrastructure Levy (CIL). At Warfield the distinction is made between specific on-site infrastructure and strategic infrastructure to be secured through a s106 planning obligation and CIL as summarised in Table 1 below:

Section 106	CIL
Local Transport Infrastructure	Strategic Transport Infrastructure
Travel Plan	Secondary Education
Waste Recycling	Post - 16 Education
Primary Education (inc. nursery)	Special Educational Needs
Green Infrastructure to include: a) Open Space of Public Value (OSPV), i.e. land (ha) and/or off-site financial contributions; ii) Special Protection Area (SPA) Avoidance and Mitigation, i.e. SAMM and bespoke SANG	Library Facilities
Affordable Housing	Built Sports Facilities
Community Facilities	

9.37 At the time of the previous appeal the CIL Regulations 2015, Regulation 123 restricted the pooling to no more than five planning obligations towards any particular infrastructure project (known as the 'pooling restriction'). This restriction has since been lifted which has now opened opportunities for the development of smaller, residual sites, including the application site, subject to them making proportionate contributions to site wide infrastructure.

9.38 Without prejudice to the outcome of the decision by this Committee discussions have commenced with respect to the content of a s106 agreement which will include mechanisms to secure:

- Affordable Housing – 25% of the total number of dwellings (2.25 dwellings) – two x 1 bed flats to be provided for social rent and on off-site contribution of £13,431
- The construction the pedestrian and cycle access within the site and an off-site contribution for the delivery of the section within the Redrow site to the west in the event that it has not been possible for the applicant to agree terms with Redrow.
- Permissive rights through the development by foot or cycle.
- A contribution towards the ICT fit out of the Warfield West Primary School
- A financial contribution towards the Warfield Community Hub and new Neighbourhood Centre.
- An off-site open space contribution to be used towards Priory Fields and/or the Warfield Memorial Ground Playing Field (274 square metres of open space will be provided on site).
- The provision and long-term maintenance of sustainable drainage (SuDs).
- The Thames Basins Heaths SPA mitigation – Suitable Alternative Natural Greenspace (SANG) (the Wellers Lane SANG would provide mitigation for the impact of the development on the SPA) and contribution towards Strategic Access Management and Monitoring (SAMM).

- 9.39 The precise details of the s106 remain to be finalised and therefore it is recommended that approval of the application be delegated to the Head of Planning subject to completion of the s106 agreement to secure the necessary infrastructure in respect of this site.

x. Thames Basins Heath Special Protection Area (SPA)

- 9.40 In accordance with the Thames Basins Heath Special Protection Areas SPD, the development will be required to provide alternative land to attract new residents away from the SPA. The term given to this alternative land is Suitable Alternative Natural Greenspace (SANG).
- 9.41 This site is located approximately 4.8 km from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures. The applicant has confirmed that capacity has been secured at the Frost Folly SANG in Wellers Lane. The SPA Officer has confirmed that SANG capacity exists at this location and it would therefore provide the mitigation for the development.
- 9.42 The development is also required to contribute towards Strategic Access Management and Monitoring (SAMM) which is calculated on a per bedroom basis based on the Council's formula in Table 1 of the Thames Basin Heaths Special Protection Area SPD. The applicant has agreed to the financial contribution of £5,131 towards SAMM.
- 9.43 Providing the applicant is prepared to make a financial contribution towards the costs of the SPA avoidance and mitigation measures and link the site to the Frost Folly SANG, the application would be in accordance with the SPA mitigation requirements. The delivery of SANG and SAMM to serve the development would be secured through the s106 Agreement.
- 9.44 Subject to the completion of the s106 Agreement, the SPA officer has advised, following consultation with Natural England, that the above measures will prevent an adverse effect on the integrity of the SPA. Pursuant to Article 6(3) of the Habitats Directive (Council Directive 92/43/EEC) and Regulation 61(5) of the Conservation of Habitats and Species Regulations (2017), and permission may be granted.

xi. Affordable Housing

- 9.45 Paragraph 63 of the NPPF states that '*the provision of affordable housing should not be sought for residential developments that are not major developments*' i.e. below 10 dwellings. However, the application forms part of the strategic allocation at Warfield and, as such, this site is required to deliver 25% of the dwellings (equivalent to 2.25 dwellings) as affordable housing. The recently published Bracknell Forest Housing Needs Assessment (July 2020) reports that Warfield and the northern parishes have some of the highest housing costs in the Borough. Within this area in particular, a range of housing products are required for rent or affordable home ownership. The proposed development would meet the 25% affordable housing requirement in the form of two x 1-bedroom flats as shared ownership and an off-site contribution of £13,431 (in respect of the proportion of the dwelling i.e. 0.25) to be paid upon the commencement of the development.

xii Sustainability Issues

- 9.46 Section 14 of the NPPF relates to meeting the challenge of climate change, flooding and coastal change. Para 150 explains (amongst other matters) that new development should be planned for in ways that '*can help reduce greenhouse gas emissions, such as through its locations, orientation and design*'.

- 9.47 Specific advice on sustainable measures to be included within the design of developments is set out within Policy EN20 – Design Considerations in new developments of the BFBLP (para 2.137 refers) and policies CS10 - Sustainable Resources and CS12 – Renewable Energy of the CSDPD; site specific guidance within the Warfield SPD and the Design SPD.
- 9.48 On 25th March 2015, in a written statement to parliament, the Secretary of State for Communities and Local Government announced a new approach for the setting of technical standards for new housing. On 27th March 2015 code for sustainable homes was subsequently withdrawn, although it was considered reasonable to retain one element of code being that of water usage restriction measures. Given the new approach, Policy CS10 requires the submission of Water Calculations demonstrating how development will restrict the use of water within dwellings to 110 liters/person/day.
- 9.49 For residential developments of five or more net additional dwellings, Policy CS12 requires the submission of an Energy Demand Assessment demonstrating how the development's potential carbon dioxide emissions will be reduced by at least 10%; and how 20% of the development's energy requirements will be met from on-site renewable energy generation.
- 9.50 As highlighted in the Council's Sustainable Resource Management Supplementary Planning Document (Oct 2008), an energy demand assessment should 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.
- 9.51 The application has been supported by a Sustainability Statement which sets out the options available to satisfy the Council's policy requirements. It explains that the developer will meet the Building Regulation reduction in emissions across all dwellings relative to a 2013 Part L1A Building Regulations baseline. This will be achieved by adopting a 'fabric first approach' through the use of improved energy measures such as improved thermal fabric efficiency, air tightness and effective heating controls. The Sustainability Statement further explains that *'By taking a fabric first approach, this development seeks to take advantage of advanced heating controls, meaning the carbon emissions will improve by 18.93%, and an energy demand reduction would be 24.13%. Taking that baseline and installing Solar PV to 6 dwellings on the site, 20.46% of the energy demand will be met by renewable energy'*.
- 9.52 Although the Sustainability Statement has fulfilled the requirement of the information expected to be provided within an energy demand assessment as set out in para 9.51 above, no details have been provided to show where the Solar PV panels would be located. In the event of approval a condition is therefore recommended to demonstrate how Solar PV would be incorporated in to the development and thereby achieve the energy demand as set out in the submitted statement.

xiii. Waste and Recycling

- 9.53 The layout is designed to ensure that a refuse vehicle can access the site and leave the site forward gear. The road within the development would be subject to a condition to ensure that it would be of a construction that would not be damaged by a loaded refuse vehicle. Refuse storage facilities would be provided within the curtilage of the houses (plots 1 – 3) or within a

combined bin and cycle store for the flats (plots 4 – 9). The Waste and Recycling Officer has been consulted and the outcome of the consultation will be reported to Committee. However, notwithstanding the outcome of the consultation it is recommended, in the event of approval, that a condition be attached to require the details of refuse storage facilities to be submitted and approved in writing by the Local Planning Authority to ensure that the design and capacity meets the needs of the development.

10. CONCLUSION

- 10.1 There is no objection in principle to the development since the site is an allocated site located within the settlement. The development would contribute the Council's Housing supply and 25% would be delivered as affordable housing, both on site and as a commuted sum. The development would secure the appropriate infrastructure/mitigation through a s106 agreement which would contribute to the wider infrastructure provision within the strategic allocation.
- 10.2 The proposed development would secure the development of one of the remaining parcels of land adjacent to the approved development at Newell Green and the design and layout would be in keeping with the character of the area. The impact of the proposal on the living conditions of the occupiers of nearby residents has been considered and the scheme is considered acceptable and in line with adopted guidance. Conditions are recommended to secure details of the scheme of working during the construction period via a Construction and Environmental Management Plan (CEMP).
- 10.3 The Highway Authority report no objection to the layout. Vehicle parking is in accordance with adopted standards. Whilst cycle storage is shown (within sheds/cycle store), a condition is recommended to ensure that the storage as shown has the capacity to meet the needs of the development. The Highway Authority objects to the failure of the development to deliver the whole of the pedestrian and cycle route on the western boundary of the site but the report explains how this could still be achieved, either by the applicant working collaboratively with Redrow or ultimately by the Highway authority, using its statutory powers with funding secured from the applicant.
- 10.4 It is concluded that the proposed development is in accordance with the development plan, NPPF and relevant guidance. The application is therefore recommended for approval as per the Recommendation below.

RECOMMENDATION

11. Following the completion of planning obligations secured by an agreement, under Section 106 of the Town and Country Planning Act 1990, relating to:
- The construction of affordable housing and an off-site contribution towards affordable housing.
 - The construction of the pedestrian and cycle access within the site, and a financial contribution for the delivery of the section within the Redrow site to the west.
 - A permissive right through the development by foot or bicycle.
 - A contribution towards the ICT fit out of the Warfield West Primary School
 - A financial contribution towards the Warfield Community Hub and new Neighbourhood Centre.
 - A financial contribution for off-site open space provision to be used towards Priory Fields and/or the Warfield Memorial Ground Playing Field.
 - The provision and long-term maintenance of sustainable drainage (SuDs).

- The Thames Basins Heaths SPA mitigation – Suitable Alternative Natural Greenspace (SANG) and contribution towards Strategic Access Management and Monitoring (SAMM).

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 and following the required consultation with the applicant in relation to pre-commencement 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 (as amended).
2. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority:

Block Plan AP-BP- 01

Site Layout AB_SL_9U-01C - Rec. 26.5.2020

Site Layout Coloured – AB_CSL_9U- 01 - Rec. 12.6.2020

Plot 1 - Plans and Elevations AB_PE_9U – 01 – Rec. 7.8.2020

Plot 2 - Plans and Elevations AB_PE_9U – 02 – Rec. 7.8.2020

Plot 3 - Plans and Elevations AB_PE_9U – 03 – Rec. 7.8.2020

Plot 4 – Plans and Elevations AB_PE_9U – 04A – Rec 12.6.2020

Streetscene - AB-SS – 01- 02 – Rec. 7.8.2020

Drainage Strategy 1836 C200 Rev4 - Rec. 3. 7. 2020

Flood Risk Assessment BR – 537 – 0037 – Rec. 29.1.2020

Existing Ditch Engineering works BR- 533-0037 C203A - Rec. 29.1.2020

Tree Protection Plan TMC – 13075 – L/C - Rec. 11.5.2020

Tree Survey and Constraints Plan TMC – 13075 – S/C - Rec 11.5.2020

Arboricultural Impact Statement 13075- AIA – C - Rec.11.5.2020

Phase 1 Geo Environmental Risk Assessment - Rec 8.4.2019

Sustainability Statement – Rec 30.4.2020

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

3. No structure hereby permitted shall be built above existing ground level until samples 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]
4. No part of the development hereby permitted shall be begun until details showing the finished floor levels of the building/s in relation to a fixed datum point has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the character of the area and to protect the amenities of neighbouring properties.
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]
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 shall be constructed at first floor level or above in the side elevations of the dwelling hereby permitted other than as shown on the approved

drawings.

REASON: To prevent the overlooking of neighbouring property.

[Relevant Policies: BFBLP EN20]

6. The following window(s) in the development hereby permitted or any replacement window shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent). They shall at all times be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Plot 1 - ground floor (west elevation) lounge

Plot 2 – ground floor (east elevation) lounge

REASON: To prevent the overlooking of neighbouring property.

[Relevant Policies: BFBLP EN20]

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

REASON: To safeguard the character of the area and the amenities of adjoining properties.

[Relevant Policies: BFBLP EN20]

8. The development shall not be begun until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule.

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

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

9. No development shall commence until details of boundary treatments (fencing, hedges, walls) have been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied until its associated boundary treatments have been provided in accordance with the approved details.

REASON: In the interests of the appearance of the site

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

10. No retained tree, hedgerow or group of shrubs specified as to be retained on the approved drawings shall be cut down, uprooted or destroyed.

Any trees, hedgerows or groups of shrubs shown to be retained on the approved plans which die, are removed or irreparably damaged during the course of the development, or within a period of 5 years of the completion of the development, shall be replaced with another tree,

hedgerow or group of shrubs of the same species and size as that originally planted.
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]

11. All existing trees, hedgerows and groups of trees shown to be retained on the approved drawings shall be protected during the course of building works by 2m high (minimum) welded mesh panels, supported by a metal scaffold framework, constructed in accordance with Section 6.2 of British Standard 5837:2012 or any subsequent revision. The development shall be carried out in accordance with the approved drawings.
REASON: In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area.
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]
12. No demolition shall be begun until a scheme for the provision of biodiversity enhancements (not mitigation), including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be performed, observed and complied with and retained as such thereafter.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1, CS7]
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and re-enacting that order, no external lighting shall be installed on the site or affixed to any buildings on the site except in accordance with details set out in a lighting design strategy for biodiversity that has first been submitted to and approved in writing by the Local Planning Authority. The strategy shall:
 - a) identify those area/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed.
REASON: In the interest of protecting bio-diversity.
[Relevant Policies: BFBLP EN2, Core Strategy DPD CS1]
14. The development hereby permitted shall be implemented in accordance with the submitted Sustainability Statement 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]
15. Prior to the commencement of the development, details of the design, specification and location of the Solar PV as detailed in the Sustainability Statement shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance and retained as such thereafter.
REASON: In the interests of sustainability and the efficient use of resources.
[Relevant Policy: CSDPD CS10]
16. Prior to the commencement of the development details of the specification for the construction of the pedestrian and cycle link connecting the highway and the western boundary of the site as illustrated on drawing AB_SL_9U-01C shall have been submitted to and approved in

writing by the Local Planning Authority. The pedestrian and cycle link to the western boundary of the site shall be constructed in accordance with the approved details prior to the first occupation of any dwelling within the development hereby approved,

REASON: In the interests of accessibility and to facilitate access by cyclists and/or pedestrians.

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

17. No development shall take place until a plan showing visibility splays at the junction of the turning head and the car parking area to the rear of plots 4 – 9 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the adjacent carriageway.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

18. No dwelling shall be occupied until that part of the access road which provides access to it, along with adjacent margins and street lighting placed within these margins, has been constructed to an adoptable standard in accordance with details which have been submitted to an approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

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

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

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

20. No development shall take place until:

(a) details of the location of 2 visitor car parking spaces, and

(b) details of the signing for the visitor car parking spaces

have been submitted to and approved in writing by the Local Planning Authority. The visitor car parking spaces shall be provided and signed in accordance with the approved details and the spaces and signage shall thereafter be retained.

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

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

21. The garage accommodation for plot 3 shall be retained for the use of the parking of vehicles at all times, unless otherwise agreed in writing by the Local Planning Authority.

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

[Relevant Policy: BFBLP M9]

22. 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. No dwelling shall be occupied until the approved scheme has been implemented and the facilities shall be retained as such thereafter.

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

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

23. 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]

24. 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). The surface water drainage works shall be completed before occupation of the dwellings hereby permitted and 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]

25. No development (including demolition and site clearance) shall take place, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include as a minimum;
- (i) Routing of construction traffic (including directional signage and appropriate traffic management measures);
 - (ii) Details of the parking of vehicles of site operatives and visitors;
 - (iii) Areas for loading and unloading of plant and materials;
 - (iv) Areas for the storage of plant and materials used in constructing the development;
 - (v) Location of any temporary portacabins and welfare buildings for site operatives;
 - (vi) Details of any security hoarding;
 - (vii) Details of any external lighting of the site;
 - (viii) Details of the method of piling for foundations;
 - (ix) Measures to control the emission of dust, dirt, noise and odour during construction;
 - (x) Measures to control surface water run-off during construction;
 - (xi) construction and demolition working hours and hours during which delivery vehicles or vehicles taking materials away are allowed to enter or leave the site;
 - (xii) Details of wheel-washing facilities; and
 - (xiii) Areas for the turning of construction vehicles such that the largest anticipated vehicle can turn and leave the site in a forward gear.

The approved Construction Environmental Management Plan shall be adhered to throughout the demolition and construction period.

REASON: In the interests of highway safety and to mitigate and control environmental effects during the demolition and construction phases.

[Relevant Policies: BFBLP EN20, EN25, M9; Core Strategy DPD CS1, CS7, CS23]

26. Should any unforeseen contamination be encountered during the development, the local planning authority shall be informed immediately. Any further investigation/remedial/protective works shall be carried out to agreed timescales and approved by the local planning authority in writing. A Site Completion Report shall be submitted to, and approved in writing by, the local planning authority. The report must detail the conclusions, actions taken and verification methodology at each stage of the works and shall include a sampling and analysis programme to confirm the adequacy of decontamination. An appropriately qualified person shall oversee the implementation of all remediation. The construction of buildings shall not commence until the investigator has provided a report, which shall include confirmation that all remediation measures have been carried out fully in accordance with the remediation scheme. The report shall also include results of the verification programme of post-remediation sampling and monitoring in order to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report. This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

REASON: The proposed development is located on a potentially contaminated site, due to its historic land use. To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas.

[Relevant Policies: BFBLP EN25]

27. No development shall take place until:

i) the exploratory archaeological work as set out in the 'Project specification for an archaeological evaluation' (dated 5th June 2018, ref. 14e218ev), or a comparable scheme of work submitted to and approved in writing by the Local Planning Authority, has been implemented;

ii) a further programme of archaeological mitigation has been submitted to and agreed in writing with the Local Planning Authority should the results of the exploratory investigation justify it. The further programme shall be implemented in accordance with the approved details.

REASON: The site lies in an area of archaeological potential, particularly for prehistoric and Roman remains. The potential impacts on the buried archaeological heritage can be mitigated by a programme of archaeological work so as to record and advance understanding of any heritage assets to be lost in accordance with national and local planning policy.

[Relevant Policies: BFBLP EN20, EN25, M9; Core Strategy DPD CS1, CS7, CS23]

Informative(s)

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

02. The applicant is advised that Ordinary Watercourse Consent for works to install the pedestrian access could be required if works will disturb the ditch line.

03. Thames Water (TW) has advised:

i) There are public sewers crossing or close to your development. If significant work is planned near existing sewers it is important that risk of damage is minimised.

ii) TW will need to check that the development does not limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read the following guide. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>

iii) A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Waters Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality

iv) There are easements and wayleaves running through the site. These are Thames Water Assets. The company will seek assurances that it will not be affected by the proposed development. The applicant should contact Thames Water to discuss their proposed development in more detail at the following address:.

Thames Water Developer Services
Reading Mail Room
Rose Kiln Court

Rose Kiln Lane
Reading
RG2 0BY
Tel: 0800 009 3921
Email: developer.services@thameswater.co.uk

In the event of the S106 agreement not being completed by 31 December 2020, the Head of Planning be authorised to either extend the period further or refuse the application on the grounds of:

- 1) The proposed development would undermine the delivery of land to the north of Whitegrove and Quelm Park for a large, comprehensive, well designed and mixed use development by failing to make a proportionate contribution to the infrastructure needs associated with the development and the site wide allocation. The proposal is therefore contrary to Policy SA9 of the Site Allocations Local Plan, Policies CS1 and CS5 of the Core Strategy Development Plan Document and the Warfield Supplementary Planning Document.
- 2) The proposal fails to provide the affordable housing and as such would impact on the quantum and location of affordable housing across the strategic location and would fail to fulfil the social and health and wellbeing objectives for this strategic site, in the delivery of a balanced community of a mix of dwelling types and tenure which works for the needs of different groups within the community. As such the proposal is contrary to Policy H8 of the Bracknell Forest Borough Local Plan, Policy CS16 and CS17 of the Core Strategy Development Plan Document; the Bracknell Forest Planning Obligations Supplementary Planning Document and Policy SA9 of the Site Allocations Local Plan and the Warfield Supplementary Planning Document (2012).
- 3) The occupants of the proposed 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 Local Plan, Policies CS5 and CS14 of the Core Strategy Development Plan Document, Policy SA9 of the Site Allocations Local Plan, the Bracknell Forest Planning Obligations Supplementary Planning Document, the Warfield Supplementary Planning Document (2012) and the Thames Basin Heaths Special Protection Area Supplementary Planning Document (2012)

Unrestricted Report

ITEM NO: 08

Application No.
20/00031/CON

Ward:
Priestwood And Garth

Date Registered:
20 February 2020

Target Decision Date:
16 April 2020

D

Site Address:

28 Meadow Way Bracknell Berkshire RG42 1UF

Proposal:

Details pursuant to Condition 03 (Materials), Condition 04 (Slab Levels), Condition 08 (Landscaping), Condition 09 (Boundary Treatments), Condition 10 (Sustainability Statement), Condition 17 (Site Organisation) and Condition 23 (Services) of planning permission 17/00929/FUL.

Applicant:

Mr Daniel Houghton

Agent:

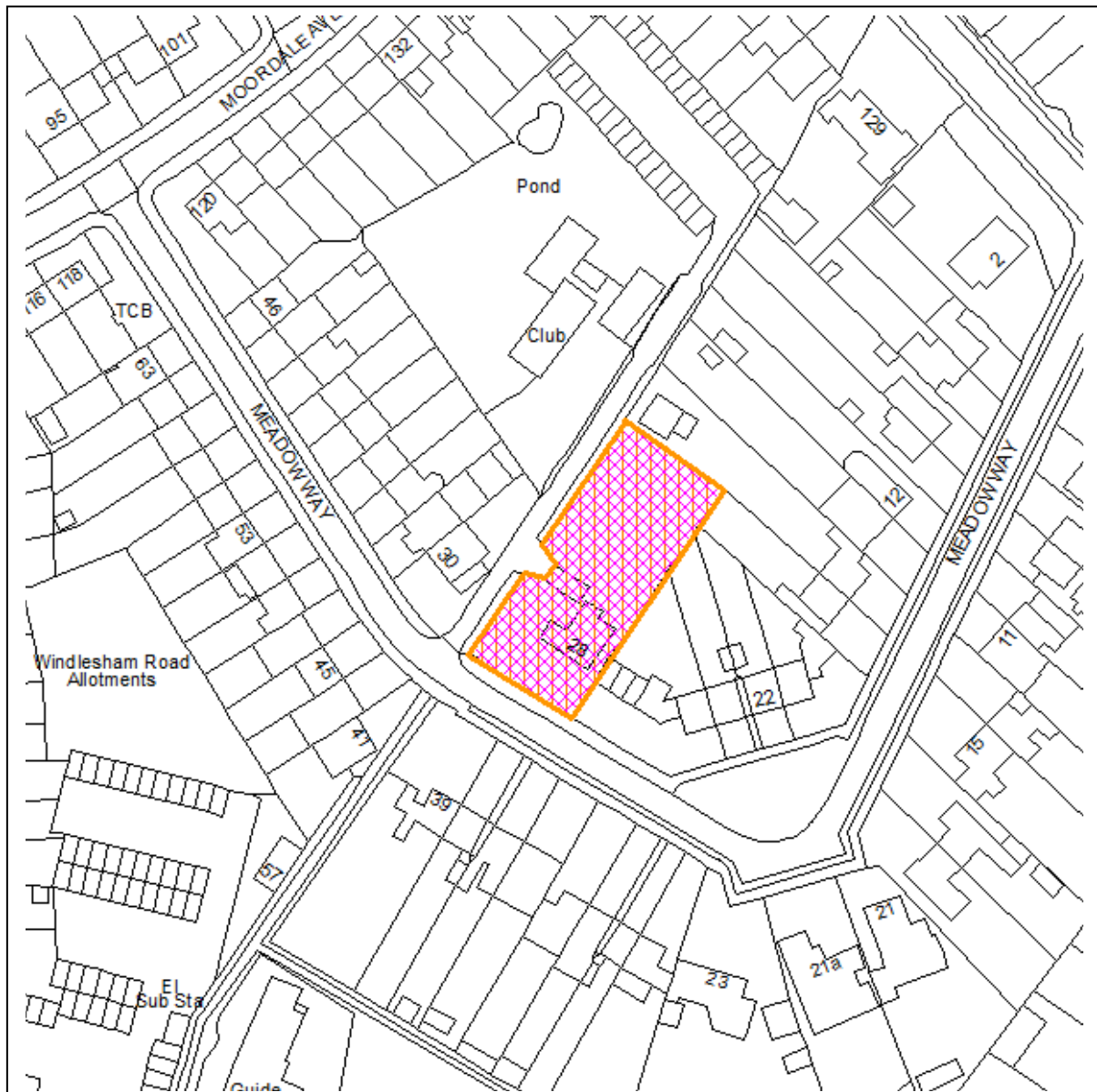
Hinton Cook Architects

Case Officer:

Sarah Horwood, 01344 352000

Development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

1.1 The details submitted in relation to the pre-commencement conditions are considered acceptable, not adversely affecting the residential amenities of neighbouring properties or future occupiers of the approved dwellings and not impacting upon the character and appearance of surrounding area.

1.2 The development would achieve water usage of under 110 litres/person/day to satisfy sustainability requirements.

1.3 There would be no adverse highway safety implications and subject to further detail on the installation of services within the root protection area of protected trees, there would be no adverse impact to protected trees.

RECOMMENDATION

Details relating to conditions 3, 4, 8, 9, 10,17 and 23 be approved as set out in Section 10 of this report.
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2. REASON FOR REPORTING APPLICATION TO COMMITTEE

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

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Land within defined settlement

Within 5km of the Thames Basin Heath SPA
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3.1 28 Meadow Way is located to the north of the highway. The site comprises a bungalow facing onto the highway and to the rear is a detached garage which is accessed from a road serving a Scout Hut and communal garages.

3.2 The surrounding area is predominantly residential, characterised by detached, semi-detached and terraced dwellings.

4. RELEVANT SITE HISTORY

4.1 600212 approved 1974 for extension to bungalow forming kitchen and bedroom.

4.2 17/00929/FUL approved December 2019 for the erection of 4no. dwellings following demolition of existing bungalow, including widening of existing vehicular access with associated parking, refuse and cycle storage following the completion of a Section 106 Agreement.

4.3 Permission 17/00929/FUL was decided at the Planning Committee in February 2018 where it was resolved to approve the application subject to conditions and a section 106 agreement relating to mitigation measures for the SPA. The Section 106 Agreement was signed and permission issued in December 2019.

5. THE PROPOSAL

5.1 This application seeks the approval of details connected to the following conditions of planning permission 17/00929/FUL for the redevelopment of the site for 4no. dwellings following demolition of existing bungalow:

- Condition 3 (Materials),
- Condition 4 (Slab Levels),
- Condition 8 (Landscaping),
- Condition 9 (Boundary Treatments),
- Condition 10 (Sustainability Statement),
- Condition 17 (Site Organisation), and
- Condition 23 (Services).

6. REPRESENTATIONS RECEIVED

6.1 Objections were received from 8 postal addresses which raise the following points (summarised) and are addressed in this section of the report:

- Concerns about removal of trees and impact to trees

6.2 Officer comment: There were 3 trees along the north-western/western boundary of the site facing onto the un-adopted access road which were removed before application 17/00929/FUL was submitted. These trees were not subject to Tree Preservation Orders at the time of their removal. The site is also not in a Conservation Area and therefore the loss of these trees could not have been prevented at the time of their removal.

6.3 1no. additional tree was to be removed for visibility purposes and another category U tree was to be reduced in height and retained as standing deadwood for biodiversity value, as shown on the approved site layout drawings. The removal of these 2no. trees was considered at the application stage.

6.4 2 existing trees – an Oak and Horse Chestnut along the western/south-western boundary of the site have been protected by Tree Preservation Orders (TPOs) and these 2 trees would be retained. A further tree was also protected by a Tree Preservation Order, however this particular tree was shown to be removed on the drawings considered by permission 17/00929/FUL before the tree was protected and therefore the LPA cannot resist its removal. An extended vehicular crossover to serve plots 3 and 4 was required for access to these plots and this layout was considered and the Planning Committee resolved to grant permission subject to the completion of a S106 agreement before the trees were protected. There are conditions on permission 17/00929/FUL which seek to protect the 2 retained trees subject to TPOs, which include the requirement for protective fencing during building works and any hard surfacing to be based on a porous 'No-Dig' construction.

- Concerns about relocation of lamp column

6.5 Officer comment: An existing lamp column would be relocated from its current position to an alternative position as a one for one replacement. In addition, low level bollard lighting is proposed within the site. The relocation of the lamp column was shown on the approved site layout drawings considered at the application stage.

- Impact on wildlife

6.6 Officer comment: impacts on biodiversity were assessed at application stage with ecological surveys submitted to the Council which the Council's Biodiversity Officer reviewed. The development was not considered to adversely affect biodiversity subject to conditions, which included ecological enhancements such as the installation of bat and bird boxes, new tree planting and the retention of part of a tree to be retained as standing deadwood.

- Increase in traffic

6.7 Officer comment: As the development already has planning permission, this comment is not relevant to the conditions application.

- Why were neighbours not consulted on proposed plans?

6.8 Officer comment: This is an application for the approval of details of planning conditions on a planning permission. There is no requirement to consult neighbours on such applications. Planning permission ref 17/00929/FUL was resolved to be approved at Planning Committee in February 2018, with permission being granted in December 2019 following completion of a Section 106 Agreement. This application is not re-assessing the redevelopment of the site but considering details relating to the conditions attached to the approval. This is also not an amended scheme to the original permission.

6.9 Some of these objection comments relate to the original application which has already been granted permission following assessment of any impacts on highway safety, trees and ecology. The details submitted as part of this conditions application do not vary the scheme considered and approved by planning permission 17/00929/FUL in terms of siting of dwellings, height, vehicular parking and access, etc.

7. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO DECISION

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

	Development Plan	NPPF
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Parking	Saved policy M9 of BFBLP	Consistent NPPF refers to LA's setting their own parking standards for residential development, this policy is considered to be consistent.
Transport	CS23 and CS24 of CSDPD	Consistent
Sustainability	CS10 & CS12 of CSDPD	Consistent
Trees, biodiversity and landscaping	Saved policy EN1, EN2 and EN3 of BFBLP, CS1 of CSDPD.	Consistent
Supplementary Planning Documents (SPD)		
Design SPD		
Parking standards SPD		
Other publications		

8. PLANNING ASSESSMENT

Condition 3 – Materials

8.1 The materials which have been selected to be used in the external construction of the approved dwellings include facing brickwork, render (K-Rend - Silicone coloured render) and Redland plain concrete tiles. These materials are considered appropriate, reflecting materials seen elsewhere in the surrounding area, whilst identifying the dwellings as more modern additions within the street.

8.2 As such, details in relation to condition 3 can be approved accordingly.

Condition 4 – Slab level

8.3 A pair of semi-detached dwellings, 2.5 storeys high (plots 1-2) would face onto Meadow Way and to the rear, orientated at 90 degrees to plots 1-2, would be a pair of semi-detached dwellings, 2 storeys high (plots 3-4). The heights of the dwellings were approved by planning permission 17/00929/FUL.

8.4 The details of the finished floor levels as submitted are acceptable and details in relation to condition 4 can be approved accordingly.

Condition 08 - Landscaping

8.5 New soft landscaping is proposed across the site, to enhance the visual amenities of the area, as well as providing ecological enhancements to the site. The proposed soft landscaping would include native hedges along the southern and western boundaries of the site, new lawn areas, ornamental shrubs and climbers.

8.6 In addition, 10no. new trees would be planted, 2 of which would be close to the southern boundary facing onto Meadow Way and 6 close to the western boundary facing onto the access road. The trunk of one tree which would be felled would be retained at a height of 3m as a monolith to provide biodiversity value. Whilst it is acknowledged that some mature trees were felled along the western boundary of the site prior to the submission of application 17/00929/FUL, the trees were not protected at their time of their removal. The proposed landscaping details provide an opportunity for replanting across the site, including trees and native hedging and would help mitigate for the loss of former trees.

8.7 There are an Oak and Horse Chestnut on site which are now subject to Tree Preservation Orders and would be retained.

8.8 An acceptable maintenance and management plan for hard and soft landscaping has also be provided as required by condition 8.

8.9 Driveways and parking areas would be finished in block paving, with the parking bays finished in a different material to the shared driveway to differentiate between the areas. Pedestrian access would be provided to the fronts of the 4 plots, along with access to the rear gardens and cycle stores located within each of the 4 plots.

8.10 A visitor parking space in the south-western corner of the site would be identified on the ground with a painted symbol for demarcation.

8.11 There is a pedestrian access path provided within the site which would link from plots 1 and 2 to plots 3 and 4. This would provide pedestrian links for any visitors using the visitor parking space, along with a pedestrian route for mail deliveries and access to the bin collection point for future occupiers of plots 3 and 4.

8.12 Plot 1 would have a bin store within the side/rear garden of the plot and a bin store area for plot 2 would be located to the rear of the 2no. parking spaces serving the plot. Future occupiers of plots 1 and 2 would move their bins to Meadow Way on collection day. Bin storage areas for plots 3 and 4 would be provided to the front/side of plots 3 and 4, along with a bin collection point, enclosed by palisade fencing. The size of the bin collection point has been reduced from that originally submitted as part of this conditions application so that the collection point serves only plots 3 and 4 (as opposed to serving all 4 plots as originally shown on the submitted details).

8.13 There is existing hedging and vegetation along the western boundary of the site facing onto the access road which would be retained and trimmed to create a boundary hedge. This boundary would be supplemented with a native hedge mix for a very small section (approximately 3.5m) to link up with the existing hedging/vegetation along this boundary.

8.14 As such, details in relation to condition 8 can be approved accordingly.

Condition 09 - Boundary Treatment

8.15 The rear gardens of all 4 plots will be enclosed by either existing 1.8m high close boarded fencing that is already in situ or new 1.8m high palisade fencing that will separate the individual rear gardens. There will be 1.8m high timber gates that will provide secure access to the rear gardens of each of the 4 plots.

8.16 It is considered that 1.8m high close boarded/palisade fencing and 1.8m high timber gates are appropriate forms of boundary treatment which are visible in the immediate area and commonplace as a means of enclosure in residential areas, at a height which will allow privacy to future occupiers of each of the 4 plots.

8.17 There is an existing boundary wall along the front (southern) boundary of the site facing onto Meadow Way. The wall is 0.6m high, with brick piers which are 0.825m high. Part of the existing boundary wall and piers will be retained and a section will be re-built to the same height as existing, using bricks reclaimed from the existing wall. There will be 2no. new brick piers either side of the vehicular access serving plots 1 and 2 facing onto Meadow Way which will be the same height as the existing piers at 0.825m.

8.18 The retention in part of the existing boundary wall and piers is desirable as a low level means of enclosure that is seen elsewhere along the frontages of dwellings on Meadow Way.

8.19 There will be no gates at the vehicular accesses serving the 4 approved dwellings, as controlled by condition 16 of permission 17/00929/FUL.

8.20 There will be a bin collection point serving plots 3 and 4 which will be enclosed by 1.5m high palisade fencing which will be sited on an existing area of hardstanding. The size of the bin collection point has been reduced from that originally submitted as part of this conditions application so that the collection point serves only plots 3 and 4 (as opposed to serving all 4

plots as originally shown on the submitted details). The means of enclosure for the bin collection point is considered acceptable (and would also be within 25m of the main highway on Meadow Way, providing an enclosure which would screen views of the bins.

8.21 As such, details in relation to condition 9 can be approved accordingly.

Condition 10 - Sustainability

8.22 It has been demonstrated that the proposal would achieve water usage of under 110 litres/person/day, in accordance with Policy CS10 of the CSDPD.

8.23 As such, details in relation to condition 10 can be approved accordingly.

Condition 17 - Site Organisation

8.24 The site organisation proposed during the construction works accounts for:

- (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

8.25 As part of the original details submitted to the Council, the site/welfare office and shelter were shown in close proximity of the retained Oak and Horse chestnut Tree, in the south-western corner of the site. These facilities have now been relocated to the south-eastern corner of the site, away from the trees.

8.26 Deliveries to the site will enter and exit the site via the access road. This will lead to a large drop off/turning area in a central location within the site.

8.27 Parking for site personnel/operatives/visitors has been provided on site, along with storage of materials along the eastern boundary of the site.

8.28 The site will be enclosed by 2.4m high hoarding.

8.29 The Council's Highways Officer had questioned whether the site could be built in phases, with demolition, then the 2 plots to the rear of the site (plots 3 and 4) being constructed, followed by the 2 plots to the front of the site (plots 1 and 2) being constructed last, to allow for sufficient areas to be provided during construction. This phased approach was considered by the applicant/agent; however it is not achievable or a practical solution. The dwellings are to be constructed from timber frames which will be delivered at the same time and built out at the same time.

8.30 The site organisation plan has been revised to create a better parking layout for site operatives, etc., along with a large drop off/turning area for delivery vehicles and relocation of the welfare facilities, however it is not achievable to phase the build phases.

8.31 As such, details in relation to condition 17 can be approved accordingly.

Condition 23 - Services

8.32 Details of the location of services have been provided. In some areas, the new services would be within the root protection area of protected trees.

8.33 There is an arboricultural solution to the installation of the services and the LPA is currently waiting for further details to fully satisfy this condition. Subject to this, the condition can be approved accordingly. This will be included on the supplementary report.

9. CONCLUSION

9.1 The details submitted in relation to:

- Condition 3 (Materials),
- Condition 4 (Slab Levels),
- Condition 8 (Landscaping),
- Condition 9 (Boundary Treatments),
- Condition 10 (Sustainability Statement),
- Condition 17 (Site Organisation), and
- Condition 23 (Services)

are considered acceptable, not adversely affecting the residential amenities of neighbouring properties or future occupiers of the approved dwellings and not impacting upon the character and appearance of surrounding area.

9.2 The development would achieve water usage of under 110 litres/person/day to satisfy sustainability requirements.

9.3 There would be no adverse highway safety implications and subject to further detail on the installation of services within the root protection area of protected trees, there would be no adverse impact to protected trees.

10. RECOMMENDATION

10.1 That the details submitted in respect of conditions 3, 4, 8, 9, 10, 17 and 23 of planning permission 17/00929/FUL, and as listed below, are APPROVED:

Condition 3 - materials

The use of the following materials are acceptable:

- Roof tiles - Redland plain concrete tiles.
- Facing brickwork - Wienerberger multi-clay bricks.
- Feature diaper pattern brickwork - Wienerberger blue.
- Render - K-Rend (Silicone coloured render).
- Windows and doors - Eurocell UPVC in slate grey.
- Rainwater goods - gutters and downpipes in anthracite grey.

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

Condition 4 - slab levels

The details shown on drawing no. 17-03-PL-601-B received 20 February 2020 are acceptable in relation to the above condition.

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

Condition 8 - landscaping

The details shown on drawing nos. 17-03-WD-101 C, 10105.01 Rev A and 10105.02 Rev A received 26 May 2020 and document entitled Maintenance and Management Plan - soft works and hard works received 20 February 2020 are acceptable in relation to the above condition.

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.

Condition 9 - boundary treatment

The details shown on drawing nos. 17-03-WD-101 C, and 10105.01 Rev A received 26 May 2020 are acceptable in relation to the above condition.

The approved scheme shall be implemented in full before the occupation of the new dwellings and retained as such thereafter.

Condition 10 - sustainability

The details contained in document entitled "Appendix AA - Water Efficiency Calculator for new dwellings" received 20 February 2020 are acceptable in relation to the above condition.

The development shall be implemented in accordance with the approved details and retained as such thereafter.

Condition 17 - site organisation

The details shown on drawing no. 17-03-PL-801-A received 26 May 2020 are acceptable in relation to the above condition.

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 approved purposes.

Condition 23 - services

The details shown on drawing nos. 404-S-01 P1 and E01 Rev B received 20 February 2020 and drawing no. 17-03-WD-101 C received 26 May 2020 are acceptable in relation to the above condition.

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

Doc. Ref: Uniform 7/DC/Agenda

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

Unrestricted Report

ITEM NO: 09

Application No.
20/00290/FUL

Ward:
Little Sandhurst And
Wellington

Date Registered:
29 April 2020

Target Decision Date:
24 June 2020

Site Address:

**Liberta House 17 Scotland Hill Sandhurst Berkshire
GU47 8JR**

Proposal:

Change of use of building and land from Use Class B1(c) (Light Industrial) to use Class C3 (Dwelling houses) creating 7no. one-bedroom apartments and 2no. two bedroom apartments with associated works, parking and amenity areas, and partial demolition of existing south elevation.

Applicant:

Inspire 4 Design Ltd

Agent:

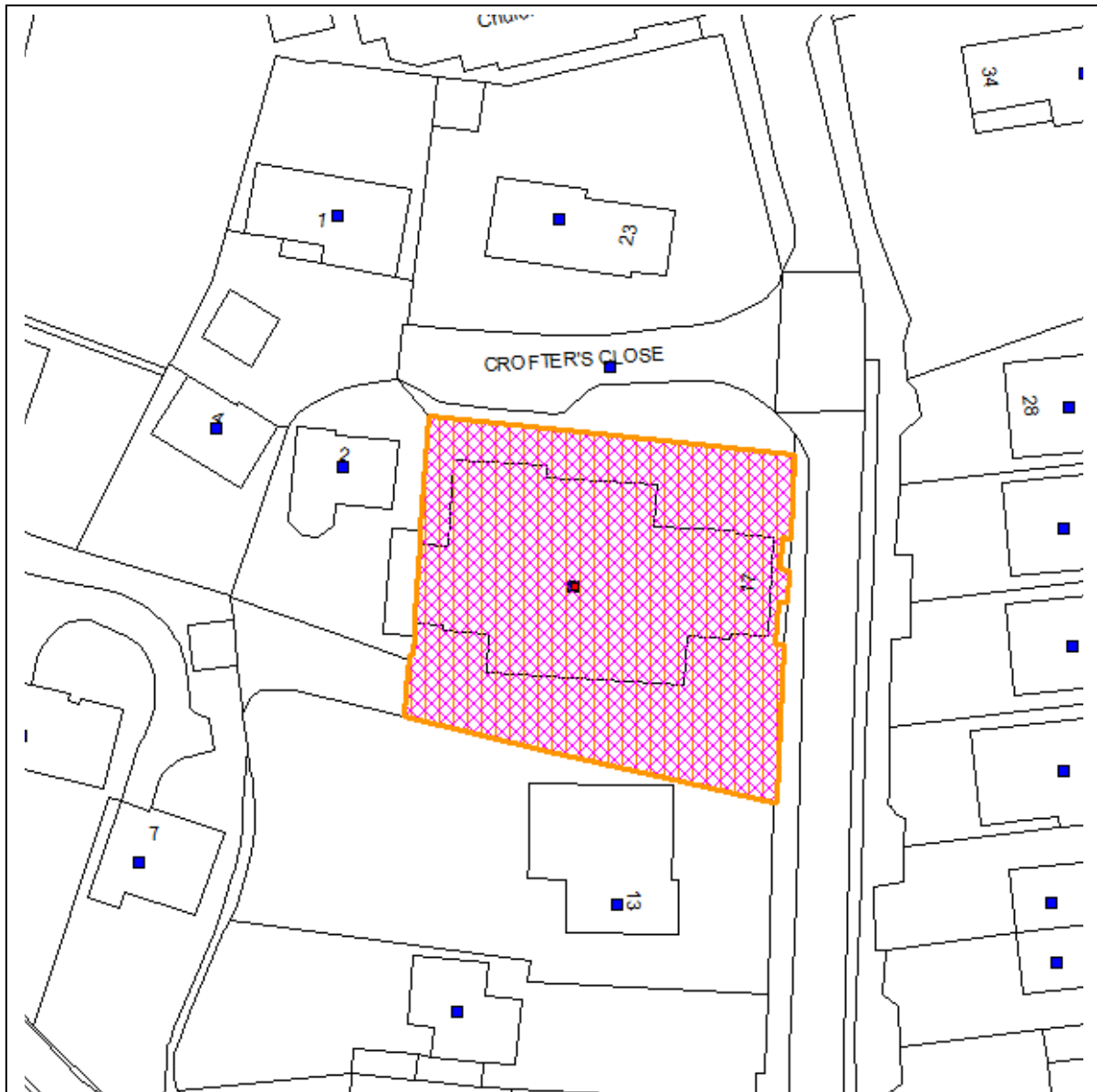
Mr Michael Ruddock

Case Officer:

Paul Corbett, 01344 352000

Development.control@bracknell-forest.gov.uk

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



1. Summary

- 1.1 The applicant is seeking to convert a locally listed former commercial building to 7no. one-bedroom flats and 2no. two bedroom flats with associated works, parking and amenity areas, and partial demolition of existing south elevation.
- 1.2 The existing building is currently unoccupied and therefore requires an economically viable function to maintain and conserve the building. In view of the former light industrial use, a conversion to residential flats would appear to be the most likely use that would blend into the well-established residential setting.
- 1.2 The proposal would preserve a local heritage asset without detracting from the character and appearance of the building itself or that of the surrounding area or adversely impact upon the neighbours' amenities, biodiversity or highway safety. Therefore the recommendation is to approve this application subject to securing SPA Mitigation.

RECOMMENDATION

Planning permission be granted subject to the recommendation and conditions in Section 11 of this report
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2. REASON FOR REPORTING TO PLANNING COMMITTEE

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

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within the Settlement Boundary

Heritage Asset – locally listed building
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Within 5km SPA

- 3.1 The property known as Liberta House comprises a large two storey detached brick built building with a traditional tiled roof, and parking areas to the north and south of the building located on the western side of Scotland Hill, to the west of Sandhurst Town Centre and falls within a residential area within the settlement boundary.
- 3.2 Liberta House itself a self-contained industrial building with internal space across three levels. The previous occupants utilised all floors for their business which included warehousing, production space, storage areas and offices.
- 3.3 The southern elevation of the building includes a large industrial folding door and crane which was previously utilised as a delivery point for large bulky goods.
- 3.4 The existing perimeter boundary consists of traditional timber fencing and some brick and timber to the front of the site which will be retained and repaired where necessary.
- 3.5 The application site covers an area of approximately 0.10 ha.

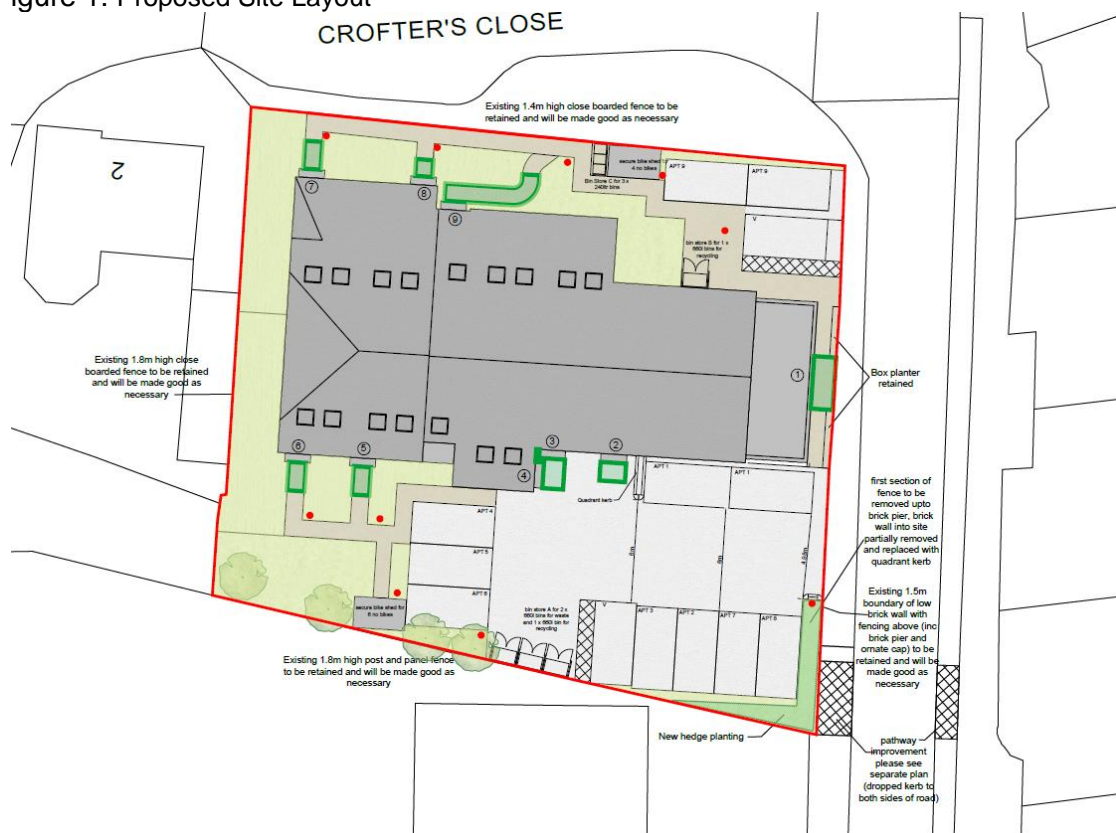
4. RELEVANT SITE HISTORY

- 4.1 The building was originally constructed in 1895 and was previously known as 'The Old Theatre' which was presumably its original use. The building has been occupied by E Braude (London) Ltd since 1973 and was previously occupied since the 1950s by an industrial trading company known as Liberta Ibex.
- 4.2 The established lawful use of the building was confirmed under a certificate of lawfulness reference 19/00986/LDC which confirmed that for at least the last 10 years the building has had continued use for light industrial purposes under Use Class B1(c). The application was approved in January 2020, thereby establishing the lawful use of the building.

5. THE PROPOSAL

- 5.1 The applicant is seeking to change the use of the building to residential to form nine flats together with associated parking and amenity areas (see Figure 1). To facilitate the development, it is proposed to demolish a less than sympathetic sections of the south elevation and a shed to the rear of the building and remove the external steel staircases located to the rear and side elevations.
- 5.2 The proposed conversion will comprise 7no. one-bedroom apartments and 2no. two bedroom apartments arranged over three levels.
- 5.3 The proposed parking would be located on the existing areas of hardstanding to either side of the building.

Figure 1: Proposed Site Layout



6. REPRESENTATIONS RECEIVED

Sandhurst Town Council

6.1 No comments received to date

Other Representations

6.2 8 objections were received, these are summarised as follows:

- Over development of the site in terms of housing density
- number of additional windows detracts from the heritage building
- loss of privacy to 13 Scotland Hill
- noise and light disturbance
- lack of communal space for occupiers
- insufficient parking
- highway safety concerns
- disabilities/access concerns for future occupiers
- concerns the 1 bed flats will later be modified into 2 bedrooms

These are addressed within subsequent sections of this report.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Highways

No objection subject to conditions.

7.2 Biodiversity

No objection subject to conditions.

7.3 Conservation Officer

No objection

7.4 Environmental Health

No objection

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
General policies	CS1 and CS2 of the CSDPD	Consistent
Character	CS7 of CSDPD, Saved policies EN2 and EN20 of BFBLP.	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Residential Amenity	Saved policies EN20 and EN25 of BFBLP	Consistent
Highways	'Saved' policy M9 of the BFBLP CS23 of the CSDPD	Consistent
Trees, biodiversity and landscaping	Saved policy EN1, EN2 and EN3 of BFBLP, CS1 of CSDPD.	Consistent
Sustainability	CS10 & CS12 of CSDPD	Consistent
SPA	SEP Saved Policy NRM6, CS14	Consistent

	of CSDPD	
Supplementary Planning Documents (SPD)		
Thames Basin Heath Special Protection Area (SPD)		
Design SPD		
Parking standards SPD		
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of development
- ii. Impact on character and appearance of surrounding area
- iii. Impact on residential amenity
- iv. Impact on highway safety
- v. Waste and recycling
- vi. Trees and Landscaping
- vii. Biodiversity
- viii. Contamination Risk
- ix. Thames Basin Heath SPA
- x. Community Infrastructure Levy (CIL)
- xi. Sustainability

i. Principle of Development

9.2 The Government's planning policies are set out within the National Planning Policy Framework (NPPF) (2019). This explains, at paragraphs 10 and 11, that 'a *presumption of sustainable development lies at the heart of the NPPF*'. In terms of decision making this means that developments which accord with an up to date development plan 'should be approved without delay', or 'where there are no relevant policies, or the policies which are most important for determining are out of date' that permission be granted unless

- i) The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed'; or
- ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole'.

The policy advice of the NPPF is supported by the National Planning Practice Guidance (NPPG).

9.3 It is important to note, having regard to point i) above, that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitat sites (in this case the Thames Basins Heaths SPA) or the '*project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site*' (Para 177 refers).

9.4 The presumption in favour of sustainable development is reflected in the local planning framework as set out in the Bracknell Forest Core Strategy (2008); the Bracknell Forest Local Plan (Jan 2002) (BFLP); the Site Allocations Local Plan (SALP) (July 2013). To summarise the key policies seek to:

- Ensure that development makes effective use of land, buildings and infrastructure whilst balancing this against the requirement to reduce the need to travel and protecting and enhancing character, the quality of local landscapes and natural resources. (Policy CS1 refers);

- Permit development within defined settlements and on allocated sites and to ensure that development is consistent with the character, accessibility and provision of infrastructure and services within the individual settlement. (Policy CS2 refers);

- Reflect a positive approach to considering development proposals supporting the presumption in favour of sustainable development, and have regard to the advice of the NPPF, to approve development without delay, unless material considerations indicate otherwise.

9.5 The existing building is currently unoccupied and therefore requires an economically viable function to maintain and conserve the building. In view of the former light industrial use, a conversion to residential flats would appear to be the most likely use that would blend into the well-established residential setting.

9.6 Given this context, the application is acceptable in principle: the site lies within a defined settlement. The remainder of the report considers the details of the proposal.

ii. Impact on the heritage asset and character and appearance of surrounding area

9.7 Liberta House is not registered as a listed building of national historic interest. However, it is recognised locally as a building of local character and historic interest and appears on the Council's local list of buildings of architectural or historic interest. Whilst these buildings do not have the same statutory protection as listed buildings, they are designated as heritage assets to ensure that their significance is taken into account when assessing planning proposals or applications for development.

9.8 The building was originally constructed in 1895 and was previously known as 'The Old Theatre', its original use. The building was occupied in the 1950s by an industrial trading company known as Liberta Ibex and in 1973 taken over by E Braude (London) who manufacture industrial equipment.

9.9 The proposals consist of conversion of the existing building into 9 residential apartments over the two storeys and the basement. Parking would be located on the existing areas of hardstanding to either side of the building. The proposals include the demolition of part of the south elevation of the building, which includes the existing crane and the commercial folding doors. It is also proposed to demolish a further flat roofed section to the south west corner of the existing building which was previously a toilet block, and a wooden shed to the rear of the building and remove the steel stair cases to the rear of the building.

9.10 The remaining changes to the existing building would comprise new windows, conversion of existing windows to larger windows or doors, the insertion of new openings for doors and the addition of new rooflights, to both sides of the building.

- 9.11 The front elevation facing the street is considered the most architecturally interesting and attractive part of the building. The front entrance section has a flat roof with terrace and balustrading above, a central arched doorway with keystone, and 2 flanking windows with gauged brick arches and a central keystone. Behind this section is the main building, of 2 storey height, with decorative timber framing in the gable end, scalloped barge boards and a tripartite window below. No alterations are proposed that would affect the external appearance of this part of the building.
- 9.12 NPPF para 192 states that, local planning authorities should take into account:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 9.13 In addition para 197 of the NPPF states that:
The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 9.14 The existing building is currently unoccupied and therefore requires an economically viable function to maintain and conserve this building of local historic interest. In view of the former light industrial use, a conversion to residential flats would appear to be the most likely use that would blend into the well-established residential setting as opposed to a commercial use.
- 9.15 Whilst the partial demolition of the side extension and changes to the fenestration and addition of doorways and rooflights are not small-scale, they are confined to the side elevations which are of lesser architectural and historic interest. There would be some loss of fabric in the form of polychromatic brickwork. The side extension proposed for partial demolition retains some of this brickwork but has been significantly altered through the insertion of the large industrial entrance.
- 9.16 Overall, the retention of the building and the lack of alteration to the principal, front elevation, which contains most of the building's architectural and historic value, is considered, on balance, to preserve the character of the building and to justify the more intrusive changes to the side elevations
- 9.17 It is therefore considered that the current proposal to convert this former industrial building to residential flats is justified. It would ensure this historic building of local interest is preserved and the alternations and new use would not have any significant adverse impact on the character and appearance of the building itself or the wider area, therefore complying with CSDPD Policy CS7, CS9, BFBLP 'Saved' Policies EN20, the Design SPD, and the NPPF.

iii. Impact on Residential Amenity

- 9.18 The objections from neighbouring occupiers are summarised in section 6 above. The following paragraphs draw together, and respond to, the key issues raised in respect of residential amenity.

- 9.19 The nearest residential dwellings that could potentially be affected by the proposed conversion of the building to flats would be the dwellings immediately to the rear of the site, 2 Crofters Close and 13 Scotland Hill to the south. The impact would primarily be caused by the introduction of windows that could overlook their private rear garden areas.
- 9.20 The westerly facing windows at first floor level looking towards 2 Crofters Close face directly onto the blank gable end of either the house or garage therefore removing any overlooking potential.
- 9.21 The south facing windows at first floor level retain a distance of approximately 10m to the common boundary with 13 Scotland Hill to the south to the point deemed to be the most private area. Furthermore 13 Scotland Hill has a number of trees that virtually screen the whole of the rear garden area. The proposed southerly facing rooflights have internal floor to cill heights of 1.7m therefore removing any overlooking potential.
- 9.22 The perimeter boundaries of the site are to be retained and repaired where necessary and there are no reasons to require any changes due to privacy concerns.
- 9.23 As such, the proposal would not be considered to adversely affect the residential amenities of neighbouring occupiers or the future occupiers of the proposed dwellings and would therefore be in accordance with Saved Policy EN20 of the BFBLP and the NPPF.

iv. Highways Implications

Access

- 9.24 The site is located on Scotland Hill which is subject to a 30mph speed limit. The road has footways along it varying on both sides of the road. The access to the site already exists in the form of two separate dropped kerbs. These are proposed to be reused to provide for parking and access to the various flats being created.
- 9.25 Both vehicular entrance points have a barrier that is proposed to be removed to provide the full usable width. The main access width to the car park is considered wide enough for the access to function safely.
- 9.26 The paths to each property are to be lit with bollard lighting and are shown to be at least 1m wide to provide suitable access within the site and to comply with building regulations without the need for any steps. However, it is considered that the necessary levels will need to be secured by condition.
- 9.27 A section of unmade pathway immediately adjacent to the site nearest the driveway of 13 Scotland Hill is proposed to be surfaced to create a formal crossing point to the opposite side of the road to provide pedestrians and other less able persons a safer point in which to cross the highway. The Highway Authority has advised that this can be secured by an offsite highways condition requiring its implementation prior to occupation.
- 9.28 Some of the parking spaces have also been designed to be capable of use as disabled parking spaces to ensure the development is accessible to all persons.

Parking

- 9.29 The proposed onsite car parking provision comprises 1 space for each of the 1 bed flats and 2 spaces for the 2 bed flats and 2 visitor spaces. The parking is arranged across the site such that it provides the shortest distance between the flat it serves and the location of the parking space itself which complies with the Council's Car Parking Standards.
- 9.30 The Highways Officer is supportive of the proposed tandem parking provision to the north of the building where users are likely to reverse out of the site onto Scotland Hill. However this is likely to be limited in terms of movements reducing any associated risks.
- 9.31 Secure cycle parking is provided on both sides of the building, and the details of cycle parking will need to be secured by planning condition to ensure the stores are appropriately sized to accommodate 11 cycles.

Trips

- 9.32 In relation to traffic impact, the proposed use is expected to generate around 40 two way movements per day with around 4-5 two way movements expected in the morning and evening peak hours respectively. This is expected to be broadly similar in terms of trips associated to that of the existing B1(c) use.
- 9.33 To conclude, with suitable conditions, the proposal is not considered to result in any unacceptable highway safety implications and is therefore considered to comply with BFBLP Policies M4, M9 and CSDPD Policies CS23 and CS24 and the NPPF.

v. Waste and Recycling

- 9.34 Refuse storage facilities are shown to be provided within the site and split between the northern and southern parts of the building facilitating easy access to a bin storage area by all the residents. The Waste and Recycling Officer has reviewed the arrangements and confirmed they are acceptable.

vi. Tree and Landscaping implications

- 9.35 There are no trees of significance within the site and all the area surrounding the building is laid to tarmac.
- 9.36 The proposal will retain the box hedge to the front of the building and lay grass primarily to the rear end of the site with some grass to the northern side to form some communal outdoor space.
- 9.37 The site has limited scope for soft landscaping, and the amount of useable amenity space on site is considered to be relatively small. However, it is not considered to be so harmful as to warrant a reason for refusal as many occupiers do not necessarily require a large outdoor amenity area.
- 9.38 It is considered that this proposal would not conflict with BFBLP Policies EN1 and CSDPD Policies CS1 and the NPPF.

vii. Biodiversity

- 9.39 The Biodiversity Officer is satisfied that the proposals are unlikely to affect bats (or other protected species) and, as such, there are no objections to this application on ecological grounds. However, paragraph 175 of the NPPF states that "opportunities to incorporate biodiversity in and around developments should be encouraged". A

condition is therefore included to ensure that enhancements for wildlife are provided within the new development. Additional conditions are required to ensure that a wildlife-friendly lighting scheme is implemented and that works that could affect nesting birds do not occur during the nesting season.

- 9.40 As such, subject to conditions, the development would accord with Policies CS1 and CS7 of the CSDPD and the NPPF.

viii. Contamination Risk

- 9.41 Given the site is linked to former industrial activity the applicant commissioned a contaminated land risk assessment.
- 9.42 Environmental Health has reviewed and agreed the applicant's findings in their report entitled 'Contaminated Land Risk Assessment' by Soil Environment Services Ltd (March 2020). This concludes that no significant plausible pollutant linkages or uncertainties exist at this site.

ix. Thames Basin Heath SPA

- 9.43 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 including mitigation requirements.

Appropriate Assessment

- 9.44 In accordance with The Conservation of Habitats and Species Regulations (2017) Regulation 63 a competent authority (in this case Bracknell Forest Council (BFC)), before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

a. is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), and

b. is not directly connected with or necessary to the management of that site.

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

- 9.45 A person applying for any such consent, permission or other authorisation must provide such information as BFC may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required.
- 9.46 BFC must for the purposes of the assessment consult Natural England (NE) and have regard to any representations made by that body. It must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate. In the light of the conclusions of the assessment, and subject to Regulation 64 (Considerations of overriding public interest), BFC may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.

9.47 In considering whether a plan or project will adversely affect the integrity of the site, BFC must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given. The Council have undertaken an Appropriate Assessment following consultation with NE.

SPA mitigation

9.48 This site is located approximately 0.85 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). 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 7 x 1-bedroom dwellings and two x 2-bedroom dwellings which results in a total SANG contribution of £41,207.

9.51 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 £3,845.

9.521 The total SPA related financial contribution for this proposal is £45,052. The applicant has agreed to enter into a S106 agreement to secure this contribution. 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 NPP

x. Community Infrastructure Levy (CIL)

9.53 Bracknell Forest Council commenced charging for its Community Infrastructure Levy (CIL) on 6th April 2015.

9.54 CIL applies to any new build (except outline applications and some reserved matters applications) including those that involves the creation of additional dwellings. 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.

9.55 This particular proposal for conversion of an existing building is not CIL liable.

xi. Energy sustainability

- 9.56 With regard to the requirements of Core Strategy Policies CS10 and CS12 which relate to energy sustainability and renewable energy, the application converts an existing building to residential use.
- 9.57 Paragraph 2.6 of the Sustainable Resource Management SPD states that proposals to convert or change the use of a building are excluded from Core Strategy Policies CS10 and CS12. Therefore no submission is required with regard to Policies CS10 and CS12 of the CSDPD

10. CONCLUSIONS

- 10.1 The proposed change of use of building and land from Use Class B1(c) (Light Industrial) to use Class C3 (Dwelling houses) creating 7no. one-bedroom apartments and 2no. two bedroom apartments with associated works, parking and amenity areas, and partial demolition of existing south elevations is considered acceptable in principle.
- 10.2 The proposal would preserve a local heritage asset without significantly detracting from the character and appearance of the building itself or that surrounding area or adversely impact upon the neighbours amenities, biodiversity or adversely impact upon highway safety.
- 10.3 The application is recommended for approval.

11. RECOMMENDATION

- 1.1 **Following the completion of planning obligations under Section 106** of the Town and Country Planning Act 1990 relating to:-
01. mitigation of impacts on the Thames Basin Heaths SPA;

That the Head of Planning be authorised to **APPROVE** the application 20/00290/FUL subject to the following conditions amended, added to or deleted as the Head of Planning considers necessary and following the required consultation with the agent in relation to pre-commencement 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 (as amended).
02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority.
FLU.1143.01 Rev T - Proposed & Existing Site Layouts & Location Plan – received 24.08.20
FLU.1143.07 Rev F - Proposed Lower Ground Floor Plan – received 22.06.20
FLU.1143.08 Rev F - Proposed Ground Floor Plan – received 22.06.20
FLU.1143.09 Rev F - Proposed First Floor Plan – received 22.06.20
FLU.1143.10 Rev F - Proposed Front and Side Elevations – received 13.08.20
FLU.1143.11 Rev D - Proposed Rear and Side Elevations – received 13.08.20
FLU.1143.12 Rev B - Bin Store Plans & Elevations – received 05.08.20
FLU.1143.13 Rev A - Pathway Plan received 24.08.20
Hone Ecology Report dated 13 April 2020

Contaminated Land Risk Assessment by Soil Environment Services Ltd (March 2020)

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

03. The residential accommodation hereby approved shall not comprise more than 7no. one-bedroom flats and 2no. two bedroom flats.
REASON: To ensure the development does not impose undue pressure on the Thames Basin Heaths Special Protection Area over and above the financial mitigation secured by a legal agreement which was based upon the number of bedrooms approved under this planning permission.
Relevant Policies: Saved Policy NRM6, Saved policy EN3 of the BFBLP and CS14 of CSDPD, the Thames Basin Heaths Special Protection Area SPD (April 2018), the Planning Obligations SPD and the NPPF.
04. No structure hereby permitted shall be built above existing ground level until samples 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 submitted samples shall include details of bricks, roof tiles, windows and details of any hard surfaces. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the historic fabric of the building and the visual amenities of the area.
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]
05. The rooflights hereby permitted, or any replacement thereof, as shown in the roof slope of the proposed development shall at all times be high level windows having a sill height of not less than 1.7 metres above the internal floor of the room that they serve.
REASON: To prevent the overlooking of neighbouring properties.
[Relevant Policies: BFBLP EN20]
06. The first floor windows or any replacement serving the wc to flats 6 and 8 in the rear elevation of the building hereby permitted shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass or equivalent. They shall at all times be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.
REASON: To prevent the overlooking of neighbouring properties.
[Relevant Policies: BFBLP EN20]
07. None of the residential units hereby permitted shall be occupied until a means of access to it for pedestrians and cyclists has been constructed in accordance with the approved plans.
REASON: In the interests of accessibility and to facilitate access by pedestrians and cyclists.
[Relevant Policies: BFBLP M6, Core Strategy DPD CS23]
08. The car parking for the development hereby permitted shall not be brought into use until the following details have been submitted to and approved in writing by the Local Planning Authority:
- (a) directional signs and their locations;
 - (b) surface materials and markings;
 - (c) location and design of any lighting;
 - (d) pedestrian routes within the car park;

- (e) location and design of cycle parking;
- (f) the location of 2 level car parking spaces for people with disabilities including details of marking out and signage;
- (g) gradients of the pedestrian and access routes;
- (h) details of the signing for the visitor spaces

No parking space shall be brought into use until the approved scheme in respect of that parking area has been complied with in full. Thereafter the parking area shall be maintained in accordance with the approved scheme.

REASON: In the interests of the accessibility and safety of the car park users.

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

09. No residential accommodation hereby permitted shall be occupied until the following off-site highway works have been completed:
- relating to new section of footway and tactile crossing on Scotland Hill as shown on the approved site layout drawing listed in condition 1.
- REASON: In the interests of highway safety.
[Relevant Policies: BFBLP M4, Core Strategy CS24]
10. The development shall not be occupied until 11 secure and covered cycle parking spaces have been provided in the location(s) identified for cycle parking on the approved plans within the development. The cycle parking facilities shall thereafter be retained.
REASON: In the interests of accessibility of the development to cyclists.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
11. No gates shall be provided at the vehicular access to the site.
REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]
12. No development (including demolition and site clearance) shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:
- (a) Parking of vehicles of site personnel, operatives and visitors
 - (b) Loading and unloading of plant and vehicles
 - (c) Storage of plant and materials used in constructing the development
 - (d) Wheel cleaning facilities
 - (e) Temporary portacabins and welfare for site operatives
- and each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (e) above.
REASON: In the interests of amenity and road safety.
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS23]
13. The areas shown for soft landscaping purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose. If within a 5 year period of the completion of the development any soft landscaped area which is removed, uprooted, or is destroyed or dies shall be replaced by plants of the same species and size as that originally planted at the same place.
REASON: In the interests of good landscape design and the visual amenity of the area. [Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]
14. All ecological measures and/or works shall be carried out in accordance with the precautionary measures and recommendations contained in the Hone Ecology Report dated 13 April 2020 and maintained as such thereafter.

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

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

REASON: In the interests of the nature conservation.

[Relevant Policies: BFBLP EN20 and EN25, Core Strategy DPD CS1 and CS7]

16. No residential accommodation hereby approved shall be occupied until a scheme for the provision of biodiversity enhancements, including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be performed, observed and complied with.

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

Informative(s)

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. 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.

In the event of the S106 planning obligations not being completed by 30th November 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).

Doc. Ref: Uniform 7/DC/Agenda

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

Unrestricted Report

ITEM NO: 10

Application No.
20/00410/FUL
Site Address:

Ward:
College Town

Date Registered:
10 June 2020

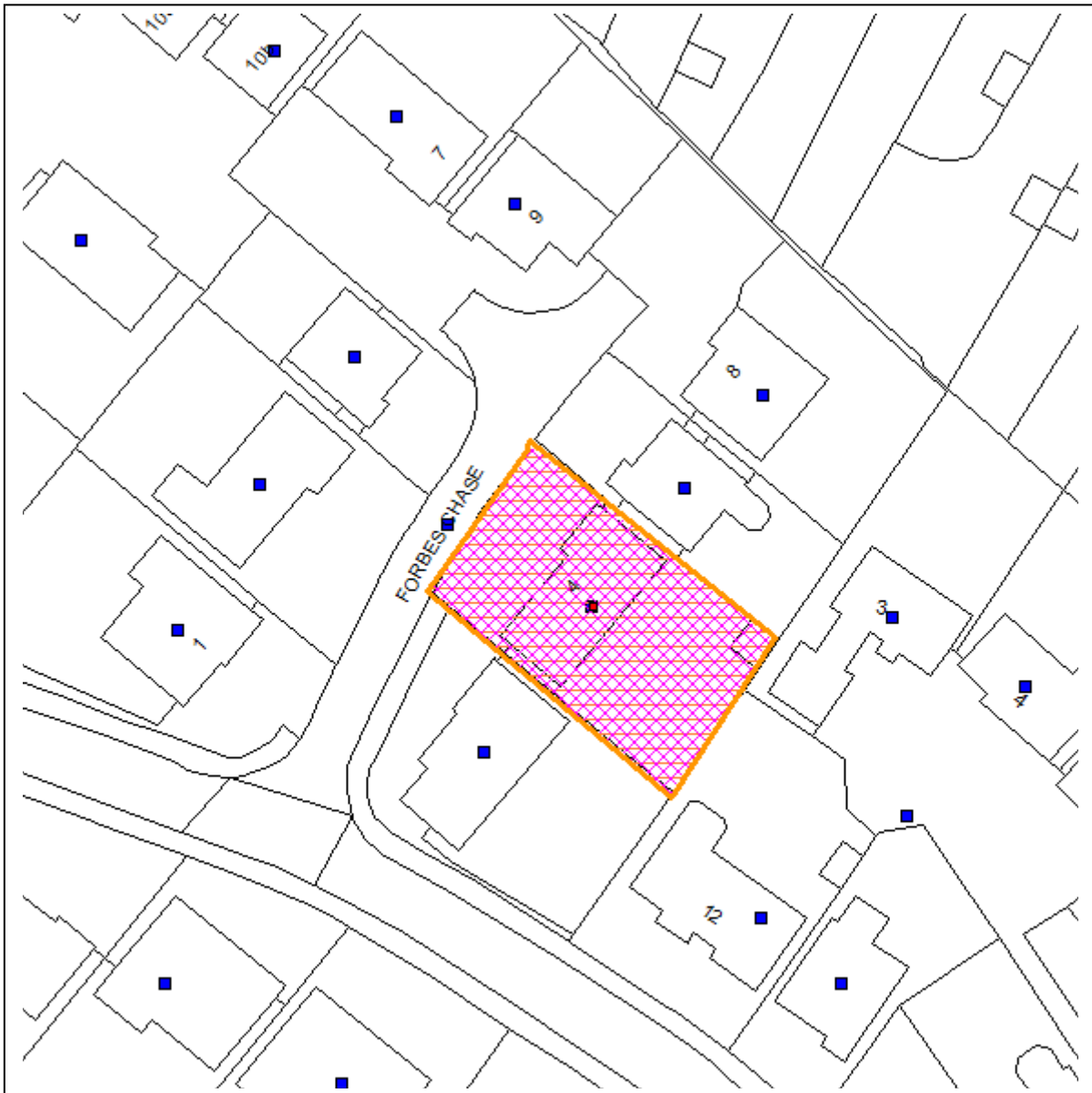
Target Decision Date:
5 August 2020

**4 Forbes Chase College Town Sandhurst Berkshire
GU47 0FT**

Proposal: **Erection of outbuilding**
Applicant: Mr & Mrs C & V Hammersley
Agent: David Dawkins
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 Planning permission is sought for the erection of a single storey outbuilding. This application is retrospective.
- 1.2 The development relates to a site within the settlement boundary. It is not considered that the development results in an adverse impact on the streetscene or the character and appearance of the area. The relationship with adjoining properties is considered acceptable.

RECOMMENDATION

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

2. REASON FOR REPORTING THE APPLICATION TO PLANNING COMMITTEE

- 2.1 The application has been reported to the planning committee at the request of Councillor McKenzie on the grounds of the impact on the amenity of the adjoining neighbours.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within Defined Settlement

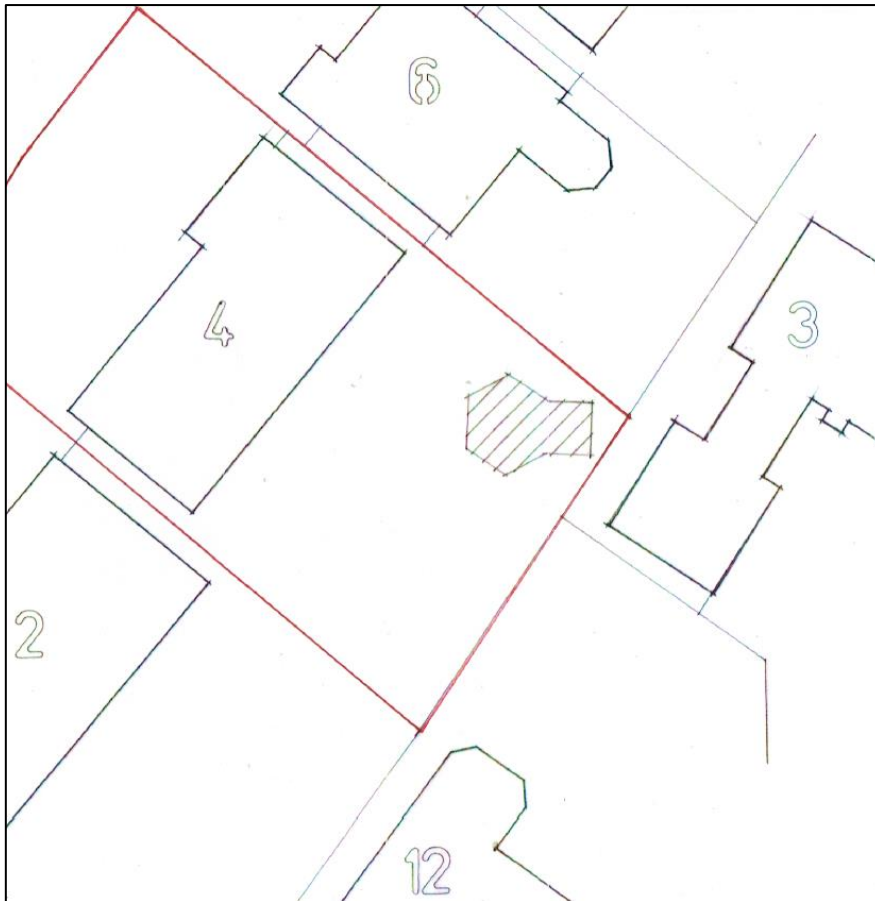
- 3.1 4 Forbes Chase is a detached residential property. The outbuilding is located within the rear garden of this property. Glimpses of the outbuilding can be seen from Bacon Close.

4. RELEVANT PLANNING HISTORY

- 4.1 There is no planning history relevant to this site.

5. THE PROPOSAL

- 5.1 Planning permission is sought for the retention of this single storey outbuilding. The outbuilding is hexagonal in shape, with an extended entrance feature. The roof is hipped, with a chimney installed in the centre.
- 5.2 The footprint of the outbuilding covers approximately 14.5 square metres. The maximum depth is 5.4 metres and the maximum width is 4.2 metres. The maximum height of the outbuilding including chimney is approximately 3.3 metres, and the maximum height excluding the chimney is approximately 3.1 metres. The eaves height of the building is 1.34 metres, excluding the doors.
- 5.3 At its closest point, the outbuilding is located approximately 0.45 metres from the boundary with 3 Bacon Close, and approximately 2.3 metres from the nearest elevation of 3 Bacon Close. The outbuilding is located approximately 0.55 metres from the boundary with 6 Forbes Chase at its closest point, and approximately 6.6 metres from the nearest elevation of 6 Forbes Chase.



6. REPRESENTATIONS RECEIVED

Sandhurst Town Council

6.1 Comments to be reported in supplementary report.

Other Representations

6.2 Two letters of objection have been received raising the following concerns:

- (i) The use of the outbuilding for cooking would be a fire risk due to the proximity to the boundary
- (ii) Smoke from the outbuilding would pollute the neighbouring windows
- (iii) The outbuilding is out of keeping with the character of the area
- (iv) The size of the outbuilding
- (v) The proximity of the outbuilding to the boundary
- (vi) The future use of the building as a separate dwelling

7. SUMMARY OF CONSULTATION RESPONSES

Environmental Health

7.1 No objection.

Berkshire Fire and Rescue

7.2 No objection received.

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	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
Supplementary Planning Documents (SPDs)		
Design (2016)		
Other publications		
National Planning Policy Framework (NPPF) Building Research Establishment: Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice 2011 (BRE SLPDS)		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- (i) Principle of the Development
- (ii) Impact on the character and appearance of the area
- (iii) Impact on residential amenity

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 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, etc. These matters are assessed below.

9.3 Consent is sought for an outbuilding in ancillary use. Should the applicants wish to use the outbuilding as a separate planning unit a new planning permission would be required.

ii. Impact on the character and appearance of the area

9.4 The size and proximity of the outbuilding would not be considered grounds for refusal, unless this resulted in a detrimental impact on the character of the area.

9.5 The outbuilding is screened from public views of Forbes Chase. Whilst it is visible from Bacon Close there is currently vegetation along the boundary which provides a certain level of screening. Notwithstanding this, the single storey nature of the outbuilding and its position partially screened by 3 Bacon Close ensures that the outbuilding does not have a significant impact on the character of the area. Private views to the outbuilding are not a material planning consideration and should not form a reason for refusal.

iii. Impact on residential amenity

- 9.6 The size and proximity of the outbuilding would not be considered grounds for refusal, unless this resulted in an adverse impact on the residential amenity of the occupiers of the neighbouring properties.
- 9.7 Due to the single storey nature of the outbuilding it is not considered to enable adverse overlooking over and above what could have been achieved from the garden of 4 Forbes Chase.
- 9.8 The proximity of the outbuilding to the neighbouring properties is noted. However, the modest height of the outbuilding is considered sufficient to avoid an unduly overbearing impact on the occupants of these properties.
- 9.9 The outbuilding faces onto the side elevation of the garage of 3 Bacon Close. As a garage is not considered a space that requires daylight (in accordance with BRE SLPDS) it would not be considered reasonable for any loss of light to this space to form a reason for refusal.
- 9.10 Due to the position of the outbuilding in relation to the rest of 3 Bacon Close and the other neighbouring properties, and its single storey nature, it is not considered that any habitable rooms are significantly impacted in terms of overshadowing or loss of light.
- 9.11 The outbuilding is used ancillary to the residential use of the site, and as such this planning permission would be granted in respect of normal ancillary residential use. Should the use of the outbuilding result in pollution and smoke nuisance this would be dealt with under separate Environmental Health legislation, and therefore should not be dealt with under this planning application.
- 9.12 Fire safety is not a material planning consideration. As such, it would not be reasonable to refuse this application on fire safety grounds.

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 the residential amenities of the occupiers of the neighbouring properties. It is therefore considered that the proposed development complies with 'Saved' policies EN20 of the BFBLP, Policies CS1, CS2 and CS7 of the CSDPD, BFBC SPDs and the NPPF.

11. RECOMMENDATION

- 11.1 The application is recommended for UNCONDITIONAL APPROVAL.

Informative(s):

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. This planning permission is granted in respect of the following plans received by the Local Planning Authority, received 10.06.2020:

- Site and Location Plans
- Floor Plan
- Roof Plan
- West and East Elevations
- South Elevation
- North Elevation

Unrestricted Report

ITEM NO: 11

Application No.
20/00595/PAC
Site Address:

Ward:
Crowthorne

Date Registered:
4 August 2020

Target Decision Date:
29 September 2020

**98 High Street (First and Second Floors) Crowthorne
Berkshire RG45 7AT**

Proposal: **Application for Prior Approval for the change of use from Offices (Class B1(a)) to Dwellinghouses (Class C3) comprising 1 No. 2 bedroom dwelling.**

Applicant: Glentop Ltd

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 Prior Approval is sought for the change of use of first and second floors of the existing office building at 98 High Street from office (B1a) to 1no. 2 bedroom flat (C3).
- 1.2 The proposal complies with the criteria set out in Paragraph O.1 of Class O, Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The proposal satisfies the conditions in Paragraph O.2 of the same legislation in terms of contaminated land. Subject to no objections from the Highway Authority and Environmental Health in relation to highway safety concerns and impact of noise from commercial properties on future occupiers, prior approval can be granted.

2. PLANNING STATUS AND SITE DESCRIPTION

2.1	PLANNING STATUS
	Within settlement boundary
	Within 5km of the SPA

site is the first and second floors of a three storey building located within a terrace of buildings on High Street, Crowthorne. The first floor and second floor are in B1(a) office use. The ground floor unit is a shop. There is access to the first floor office to the rear.

3. REASON FOR DELEGATED AUTHORITY

- 3.1 The application has been submitted under the prior approval procedure and therefore requires determination within 56 days.

4. RELEVANT SITE HISTORY

- 4.1 The relevant site history can be summarised as follows:

11930

Erection of three shops and two maisonettes.
Approved 1967

13022

Application for new shopfront, shop development adj. Sherwood House
Approved 1967

609221

Change of use of first and second floors from flat to office
Approved 1984

612259

Application for relaxation of condition 2 of consent 609221 to allow first and second floors to be occupied by person other than applicant.
Approved 1987

18/00904/PAC

Application for Prior Approval for change of use of existing building from office (B1) to 1 residential unit (C3).

Prior Approval Refused 2018

5. THE PROPOSAL

- 5.1 Prior approval is sought for the change of use of the existing first and second floor units from Class B1(a) (office) to Class C3 (dwellinghouse) in accordance with Class O of Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Pursuant to paragraph W of the same legislation, the applicant is applying for prior approval for this change of use.
- 5.2 No external changes are proposed. It is proposed to provide a 2 bedroom dwelling and retain the access and parking area to the rear. 1 parking space is currently allocated to the office will be retained for use of the flat.

6. REPRESENTATIONS RECEIVED

Crowthorne Parish Council

- 6.1 Comments to be provided in supplementary report

Other representations

- 6.2 No representations received.

7. SUMMARY OF CONSULTATION RESPONSES

Highway Authority

- 7.1 No objection

Environmental Health

- 7.2 No objection

8. PRINCIPLE OF DEVELOPMENT

- 8.1 In assessing this type of prior approval application, the Council can only assess whether the proposal is likely to result in transport and highway implications, contamination issues, flooding issues and any impacts of noise from commercial premises on the intended occupiers of the development.
- 8.2 If there are no implications associated with these matters, the development is considered to be permitted development.

9. RELEVANT LEGISLATION

- 9.1 Class O of Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) to a use falling within Class C3 (dwellinghouses) of that schedule.
- 9.2 Paragraph O.1 states that development is not permitted by Class O if:
- (b) The building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Class Order-
 - (i) On 29th May 2013, or

- (ii) In the case of a building which was in use before that date but was not in use on that date, when it was last in use;
- (d) The site is, or forms part of, a safety hazard area;
- (e) This site is, or forms part of, a military explosives storage area;
- (f) The building is a listed building or is within the curtilage of a listed building; or
- (g) The site is, or contains, a scheduled monument.

9.3 Paragraph O.2(1) states that development under Class O is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to-

- (a) Transport and highways impacts of the development,
- (b) Contamination risks on the site,
- (c) Flooding risks on the site, and
- (d) Impacts of noise from commercial premises on the intended occupiers of the development,

And the provisions of paragraph W (prior approval) apply in relation to that application.

9.4 Paragraph O.2(2) states that development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

9.5 Paragraph W sets out the procedure to be followed where a developer is required to apply for prior approval to the Local Planning Authority under any class falling within Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This paragraph states that the Local Planning Authority may refuse an application where, in the opinion of the authority, the proposed development does not comply with, or the applicant has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.

10. ASSESSMENT

10.1 With regard to the criteria in set out in paragraph O.1:

- (a) The building is not on article 2(5) land and an application under paragraph O.2(1) was received on 4th August 2020.
- (b) The building was last used as an office falling within Class B1(a).
- (c) The site does not form part of a safety hazard area.
- (d) The site does not form part of a military explosives storage area.
- (e) The building is not Listed or within curtilage of a Listed Building.
- (f) The site is not, and does not contain, a scheduled monument.

10.2 With regard to the conditions listed in paragraph O.2:

- (a) Transport and Highways Impact of the Development

The site is well located to make use of sustainable modes of travel and to access local services and facilities on foot, reducing the need to travel and likely car use, compliant with Policy CS23 of the Core Strategy.

The existing office use would require a higher number of parking spaces to be provided than the proposed residential use, based on the current 2016 Parking Standards SPD. Nevertheless, only a single dedicated parking space is proposed compared with a Parking Standards requirement for two spaces and an approved historic drawing for application 609221 determined on 17 October 1984 which appears to show 5 allocated spaces. However, the Highway Authority advises that the shortfall of one dedicated parking space is offset through access to the adjacent unallocated parking area for residents and the sustainable location of the site.

The proposed change of use is therefore not considered to adversely impact on highway safety subject to a condition securing the allocated parking space.

The Highway Authority has recommended that a condition be imposed requiring that the use of the neighbouring unallocated parking on a first-come-first-served basis in perpetuity. However, as this parking is not allocated for the application site only it is not considered that this condition would be reasonable, and unnecessary for the application to be approved.

(b) Contamination Risks on the Site

The site is not on land that is known to be contaminated.

(c) Flooding Risks on the Site

The Application site is within Flood Zone 1 and is generally at low risk of flooding.

(d) Impacts of Noise from Commercial Premises on the Intended Occupiers of the Development

The Environmental Health Officer has reviewed the application and has no concerns subject to a condition securing the noise mitigation measures proposed.

11. CONCLUSION

11.1 An assessment has been made of the proposal and it is considered that prior approval is required for the change of use of the building from an office use (B1(a)) to a residential flat (C3).

11.2 The proposal complies with the criteria set out within Paragraph O.1 of Class O, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The proposal satisfies the conditions in Paragraph O.2 of the same legislation in terms of contaminated land. Subject to no objections from the Highway Authority and Environmental Health in relation to highway safety concerns and impact of noise from commercial properties on future occupiers, prior approval can be granted.

12. RECOMMENDATION

12.1 That Prior Approval be **GRANTED** subject to the following condition(s):

1. Development under Class O, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), must be completed within a period of 3 years starting from the prior approval date.

2. This development must be carried out in accordance with the following plans received by the Local Planning Authority, received 04.08.2020:
 - Land Registry Plan
 - Proposed Floor Plans
 - Sound Advice Environmental Noise Impact Assessment dated 12 to 16th June 2020 Reference SA-6493

3. The dwelling shall not be occupied until the associated car parking has been provided in accordance with the approved drawing. This parking space shall be retained for the use of the occupants of the dwelling thereafter.
REASON: To ensure that the dwelling 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]

4. The dwelling shall not be occupied until the noise mitigation measures as set out in the Sound Advice Environmental Noise Impact Assessment dated 12 to 16th June 2020 Reference SA-6493, submitted with the application, are implemented. The noise mitigation measures shall be retained and maintained thereafter.
REASON: To protect future occupiers of the development against noise from commercial activities.