

ITEM NO: 05

Application No.
16/01153/FUL

Ward:
Winkfield And
Cranbourne

Date Registered:
8 December 2016

Target Decision Date:
2 February 2017

Site Address:

**Land R/O Neuchatel Chavey Down Road Winkfield
Row Bracknell Berkshire**

Proposal:

**Erection of 5no. 5 bed detached dwellings with new access off
Chavey Down Road.**

Applicant:

JPP Land Ltd

Agent:

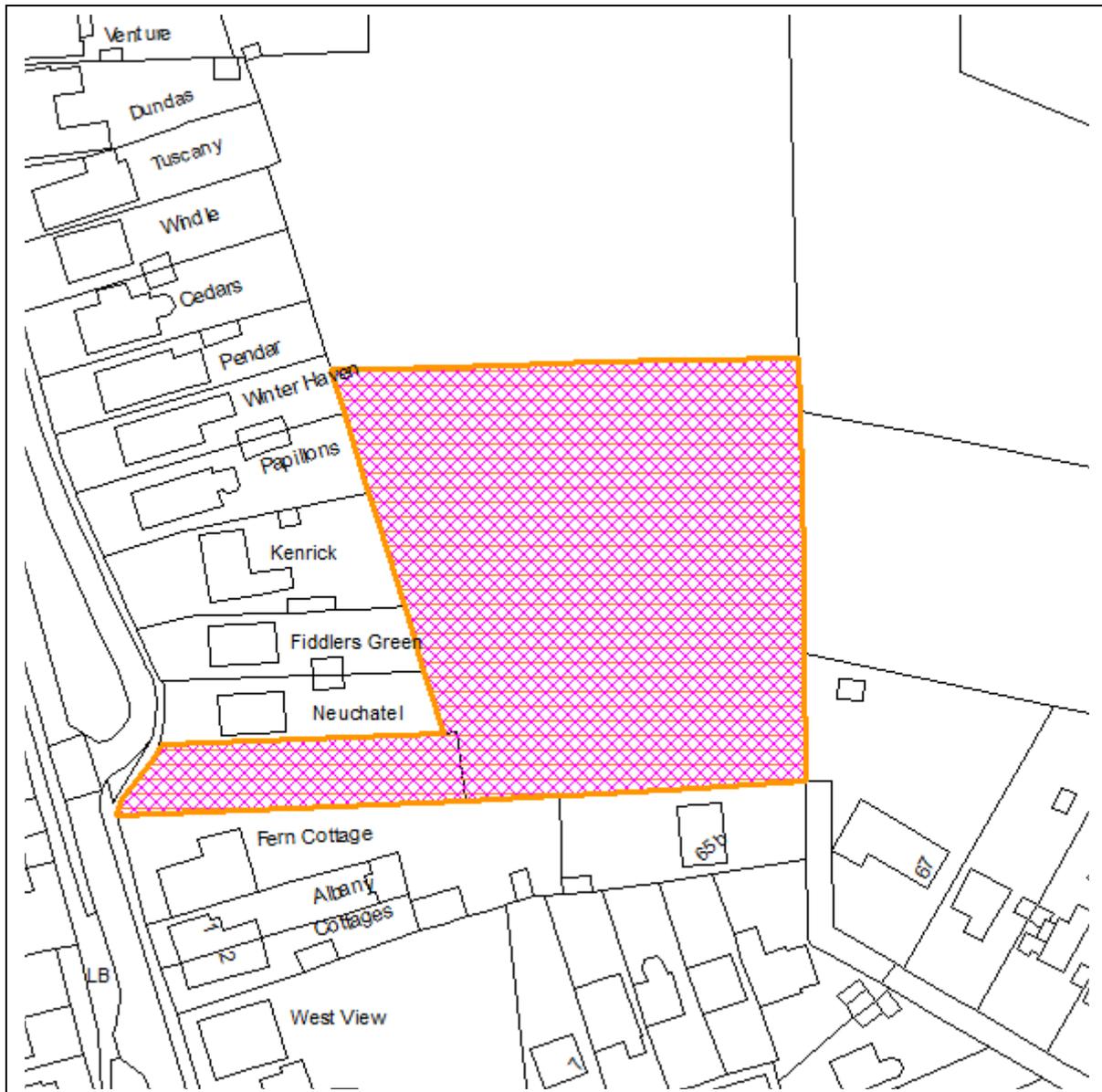
Mr D Bond

Case Officer:

Katie Walker, 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 five detached dwellings on land to the rear of Neuchatel, Chavey Down Road.

1.2 The proposed development is within the countryside, however it is well related to existing residential development and would provide an additional five dwellings in the Borough. A balancing exercise has been carried out and it is considered that the application is acceptable in principle. The proposal incorporates the requirements of the Forestry Commission's restocking order and it is not considered that the development would result in an adverse impact on the character and appearance of the area, residential amenity, highway safety or biodiversity. The proposal would be liable for SPA contributions and CIL payments.

RECOMMENDATION

That the Head of Planning be authorised to grant planning permission subject to the conditions set out in Section 11 of this report and the signing of the S106 agreement.
--

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

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

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Outside settlement, within countryside
--

Within 5km of SPA

The access falls within the Character Area Assessments SPD but not the land to the rear of Neuchatel.

3.1 The 0.59 hectare site is located to the rear of the house known as Neuchatel on Chavey Down Road. The site is currently vacant and is bounded to the north and east by open countryside and to the south and south west the site is bounded by residential dwellings. The site's boundaries comprise trees.

3.2 The main part of the site is within the countryside, with the section leading to the highway being within the settlement boundary.

3.3 There is a Forestry Commission re-stocking order on the site. The site is within 5km of the SPA.

4. RELEVANT SITE HISTORY

4.1 There have been a number of planning applications for residential development on this site, however the majority of these are historic and are not considered to be relevant to this application. The most recent applications are set out below:

605547: Erection of 6 dwellings – refused 1980.

610483: Erection of one detached house (land adjoining Fern Cottage) – refused 1986.

613508: Erection of 8 detached houses and garages – refused 1988.

614741: Erection of 1 detached house – approved 1989.

5. THE PROPOSAL

5.1 The proposal is for the creation of a new access road from Chavey Down Road, to the south of Neuchatel, and the construction of five new five-bedroom detached houses. Each house would have a garage and a rear garden. The houses would be arranged in a cul-de-sac around the new access.

5.2 The houses on Plots 1, 2 and 5 would have a study; a kitchen/family room/diner; and a drawing room at ground floor, and 5 bedrooms at first floor, two of which would have an en suite, as well as a family bathroom.

5.3 Plots 3 and 4 would have a study; a kitchen/living room/diner; a further living room; and a utility room at ground floor, and 5 bedrooms at first floor, two of which would have an en suite, as well as a family bathroom. Plots 1 and 2 would have detached garages, and the other plots would have attached garages.

5.4 Following discussions with the Forestry Commission, the trees to the site's boundaries would be retained and, additionally, trees would be replanted in the positions required by the restocking order.

6. REPRESENTATIONS RECEIVED

Winkfield Parish Council

6.1 Winkfield Parish Council responded to the application, stating that they are aware of the Forestry Commission restocking order and it would therefore be inappropriate to support this application pending resolution of that order [Officer note: amended plans have been received which incorporate the requirements of the restocking order].

Other responses received

6.2 24 objections have been received from 21 addresses. The issues raised can be summarised as follows:

- Proposed entrance inadequate for amount of traffic that the development will generate;
- Access too narrow for service and emergency and would cause road safety issues;
- The road would be 9 feet from the nearest house which is not conducive to the well being of the occupier of that property;
- Loss of privacy to properties on Chavey Down Road, aggravated by felling of trees;
- Emissions from vehicles using new access road in close proximity to Neuchatel;
- Area lacks infrastructure and local amenities and has a poor public transport system;
- No trees to mitigate the pollution problem;
- Chavey Down and Locks Ride are busy minor roads;
- Pedestrian walkways are inadequate;
- Principle of back land development;
- Precedent would be set for back land development;
- Inadequate sewerage system;
- Ecological disturbances, including impact of tree felling;
- Overdevelopment of the site;
- Noise and light pollution, including from headlamps of cars using new access road;
- Conflict between pedestrians and vehicles;
- Flood risk concerns;
- Houses will be visible from road and will dominate bungalows;

- Pressure on local services;
- Local services are not within walking distance;
- Proposal out of character as surrounding houses are not 5 bedroom;
- Houses would not be affordable;
- Insufficient parking;
- Disturbance to houses through headlamps of cars using the access road;
- Overbearing on bungalows;
- Architecture should reflect Victorian roots to a greater degree;
- Garages could be converted to habitable accommodation;
- If the application is approved, there should be a design overhaul to provide adequate services;
- Impact on utilities as this could cause disruption.

6.3 Fourteen other objections were received, however no name or contact details were given and therefore cannot be counted as formal objections. These did not raise any material planning issues that were not raised through the formal objections.

6.4 One letter of support was received, stating that the proposal would create additional housing which is required in Bracknell and England. The site is no different to hundreds of different housing locations within Bracknell and Chavey Down.

7. SUMMARY OF CONSULTATION RESPONSES

Highways:

7.1 No objection subject to conditions.

Biodiversity Officer:

7.2 No objection subject to conditions.

Environmental Health:

7.3 No objection subject to conditions.

Tree officer:

7.4 See response from Forestry Commission. Elements of the proposal could be improved by moving some of the replanting areas.

Forestry Commission:

7.5 Revised plans are in line with restocking order, subject to conditions.

Berkshire Archaeology:

7.6 Conditions recommended.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
General policies	CP1 of SALP, CS1, CS2, CS8, CS9 of CSDPD Saved policies EN8 and H5 of BFBLP	Consistent
Residential amenity	Saved policy EN20 of BFBLP	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Parking	Saved policy M9 of BFBLP	Consistent
Transport	CS23 of CSDPD	Consistent
Trees	CS1, CS7 of CSDPD; Saved policies	Consistent

	EN1, EN2 of BFBLP	
Biodiversity	CS1, CS7 of CSDPD	Consistent
Sustainability	CS10, CS12 of CSDPD	
Supplementary Planning Documents (SPD)		
Parking Standards SPD		
Design SPD		
Character Area Assessments SPD		
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i Principle of development
- ii Impact on character and appearance of the area
- iii Impact on residential amenity
- iv Transport implications
- v Impact on biodiversity and trees
- vi Impacts on SPA
- vii Community Infrastructure Levy

i. Principle of development

9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, which is supported by the NPPF (paras. 2 and 12). Policy CP1 of the Site Allocations Local Plan sets out that a positive approach should be taken to considering development proposals (which reflects the presumption in favour of sustainable development set out in the NPPF), and that planning applications that accord with the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise.

9.3 Core Strategy Policies CS1 (Sustainable Development) and CS2 (Locational Principles) are relevant and consistent with the objectives of the NPPF, and can be afforded full weight. In particular, Policy CS2 permits development within defined settlements.

9.4 The application site is located outside of a defined settlement in an area of countryside as designated by the Bracknell Forest Borough Policies Map. Development in the countryside is contrary to the provisions in saved BFBLP policies EN8 and H5 which relate to development on land outside of settlements and new dwellings outside settlements. This is also contrary to CSDPD Policies CS2 and CS9 (relating to locational principles and development on land outside of settlements).

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

9.6 The proposal would provide a net increase of 5 family dwellings on an available site, contributing to the supply of housing in the Borough and these could be delivered within the next 5 years. The proposed dwellings would be accessed from Chavey Down Road, and the site is bounded to the west, south and partly the east by residential development.

9.7 As such, while this proposed residential development is in a relatively unsustainable location with limited bus services and local facilities, it is considered that the location of the dwellings would not be isolated, given the surrounding residential development. Therefore it is considered that the proposal would boost the supply of housing and would therefore have a social benefit in line with the NPPF.

9.8 The remainder of the report outlines relevant considerations and the final section of this report contains the 'balancing' exercise.

ii. Impact on character and appearance of the area (environmental factor)

9.9 The access road to the site falls within the Character Area Assessments SPD, Northern Villages Area D. The main part of the site, to the rear of Neuchatel, does not fall within this area. However, given the proximity to the study area, this still remains relevant. The SPD sets out that trees and vegetation are a feature of the Character Area and that there is a slightly more urban sense of character in the south. The recommendations relevant to the site are:

- Proposed backland development should ensure that it does not impact negatively on the existing street scene i.e. minimise gaps that allow access to the rear;
- A variety of architectural approaches would be acceptable in areas that are less consistent, but the overriding building line should be retained;
- Redevelopment should not erode the street landscape and the sense of wooded enclosure permeating into the settlement;
- In new development, create new long views to the surrounding landscape;
- Retain and enhance the subtle differences in the landscape between the northern and southern parts of the area including the wooded and tree line western and southern boundaries;
- Retain the linear settlement pattern in any new development; and
- Rural gaps between individual settlements should be retained and reinforced with tree and hedgerow planting in keeping with the local landscape pattern.

9.10 The site is currently vacant, comprising mainly mowed grass with trees to the boundaries. While these trees were not protected, the site is subject to a restocking order by the Forestry Commission. There are a number of tree stumps on the site, demonstrating where the trees have been removed. This means that the original character of the site has been altered. The original proposal for the site sought to thicken the tree cover to the site boundaries, but not to replant the trees in the areas stipulated by the restocking area. However, following discussions with the Forestry Commission, the site layout has been amended so that the areas of replanting required by the restocking order can be accommodated, as demonstrated in the site plan below:



-  Approved Forestry Commission restocking areas A, B, C and D
-  Proposed new tree planting
-  Existing trees to be surveyed
-  Existing trees taken from Google Earth
-  Existing hedge supplemented with wildlife friendly native species

9.11 As such, while it is acknowledged that introducing housing onto a vacant countryside site would have an impact on the character of the site, the amended site plan incorporating the trees subject to the restocking order would ensure that the site retains the original woodland character, in line with the Character Area Assessments SPD, while also allowing for five houses to be built. The proposal is low density, at 8.3 dwellings per hectare, and as set out above the tree cover to the boundaries would remain. As such, the impact on the character of the site is considered to be acceptable.

9.12 In addition, the site is directly behind the properties on Chavey Down Road, Woolford Close and Locks Ride, all of which are within the settlement boundary. It is, therefore, well related to the settlement boundary and other residential properties, and the provision of housing on this site would not be out of character with the site's wider context. There is open countryside to the north and east of the site, however the existing and proposed trees on the boundaries would screen the proposal from this land, ensuring that there would not be an undue impact on this. The layout of the site as a cul de sac means that the proposal would have the effect of rounding off the residential development to the west and south, and would not lead to development sprawling into the countryside.

9.13 The proposed dwellings themselves would be two storey detached houses, which is in keeping with the houses on Woolford Close to the south and on Locks Ride beyond this. The bungalows on Chavey Down Road are also detached, and some of these have been extended to two storeys. As additional tree planting is proposed on the western boundary of the site, the proposal would not impact negatively on the existing street scene, in line with the recommendations of the Character Area Assessments SPD.

9.14 The proposed houses for plots 1 and 5 would have a pitched roof with a central gable feature to the front. Plot 2 would have a hipped roof with a gable feature facing the road. Plots 3 and 4 would have gabled frontages. The design and access statement sets out that the materials would comprise different tones of red facing brick with some vertical tiling and blue/grey slate tiles as well as Portland Stone detailing. While there is not one uniform architectural style in the surrounding area, there are examples of these features in the street scenes of Chavey Down Road, Locks Ride and Woolford Close. As the design of the houses has been amended through the process of the application, a condition is recommended to require details and samples of materials.

9.15 The houses would be similar in appearance to each other, with variation between house types. This would ensure that the houses not only tie in to the character and appearance of the surrounding area, but relate to each other while providing their own design identity.

9.16 Subject to the proposed condition regarding materials, it is considered that the development would not result in an adverse impact on the character and appearance of the area or the host property, in accordance with CSDPD Policy CS7, BFBLP 'Saved' Policy EN20, the Character Area Assessments SPD and the NPPF.

iii. Impact on Residential Amenity (social and environmental factors)

9.17 At its closest point, plot 1 would be 16 metres from the rear boundary with Fiddlers Green on Chavey Down Road and 39 metres from the house itself; and 18 metres from the rear boundary with Neuchatel on Chavey Down Road and 42 metres from the house itself. There is planting on this boundary, which is proposed to be retained. Plot 1 would be at an angle to these dwellings. Given this angle, the planting and the distances between the proposed dwellings and the existing properties, it is not considered that any undue overlooking or overshadowing would occur. Plot 1 would be two storeys and approximately 9.6 metres tall. It is not considered that this would be overbearing on the existing dwelling, given the separation distances between them. The double garage for plot 1 would be 8 metres from the boundary with Neuchatel at its closest point, and given its height of 5 metres, it is not considered to result in any overlooking, overshadowing or overbearing impacts on Neuchatel.

9.18 The side elevation of plot 2 would be 6.5 metres from the rear boundary of Kenrick on Chavey Down Road, and 30 metres from the house itself at the northern corner of the proposed house. The southern corner of the proposed house would be 9 metres from the rear boundary with Kenrick and 26 metres from the house itself. Plot 2 has a bathroom window at first floor level in the side elevation facing Kenrick, and conditions are recommended to ensure that this is obscure glazed, and to remove permitted development rights for further windows in this elevation. Subject to these conditions, it is not considered that there would be any undue overlooking impacts from the proposal on Kenrick. Plot 2 is 9.5 metres tall and, given the distance between the properties, it is not considered that this would result in any overshadowing or overbearing impacts. The double garage for plot 2 would be 2 metres from the boundary at its closest point, but given that this would be 5 metres tall and would not have any habitable room windows, it is not considered that it would result in overbearing, overshadowing or privacy concerns.

9.19 The side elevation of plot 5 would be 11 metres from the side boundary of 65 b Locks Ride and 14 metres from the side elevation of the house itself. No habitable room windows are proposed in the southern elevation of plot 5, and conditions are recommended to restrict permitted development rights for future windows in this elevation. The attached double garage is closer to the boundary, at 5.5 metres, and the house at 8 metres. However, there are no windows proposed in the side elevation of the garage so no overlooking impacts would occur. There are two windows in the side elevation of 65b Locks Ride, facing the proposed dwelling on plot 5. It is not known whether these are habitable room windows, and as such a loss of light assessment in line with the Design SPD has been carried out. A line was drawn on elevational plans from the centre of the windows on the existing house at 65b Locks Ride, towards the proposed dwelling on Plot 5. This line did not intersect the proposed dwelling and, as such, it is not considered that any undue loss of light to 65b Locks Ride would occur as a result of the proposal.

9.20 Plots 3 and 4 would be largely screened from existing properties by plots 1, 2 and 5 and as such they would not have any impacts on the residential amenities of neighbouring occupiers.

9.21 The Design SPD states that a distance of 12 metres between windows on the street side of dwellings is generally considered acceptable to afford both properties sufficient privacy. While none of the five proposed houses face each other directly, there is a minimum of 12 metres between them on the street side at their closest points.

9.22 The side elevations of plots 3 and 4 are approximately 2 metres apart from one another. However, each house has only utility room windows at ground floor and bathroom windows at first floor on the side elevations. Conditions are recommended to secure that the bathroom windows are obscure glazed, and to remove permitted development rights in the side elevations. This will ensure the privacy of future occupiers.

9.23 In line with the Design SPD, each house has access to useable outdoor space, in the form of a generous rear garden.

9.24 Part of the garden of plot 2 is taken up by the replanting of the re-stocking order. However, given the site's countryside location, a woodland garden is considered acceptable. There is still sufficient clear garden space free of planting to provide a large useable garden for the house. Plot 3 also has an element of replanting to the northern part of the garden, however again a sufficient amount of useable garden space would remain. The restocking order requires that a square of replanting would be within the rear garden of plot 4, again potentially resulting in a woodland-style garden. However, as explained, this is considered in keeping with the character of the wider site, and would leave a generous useable rear garden.

9.25 It is therefore considered that the development would not result in an adverse impact on the amenity of neighbouring properties or future occupiers and would also provide an acceptable level of amenity for future occupiers, in accordance with BFBLP 'Saved' Policy EN20 and the NPPF, subject to the recommended condition.

iv. Transport implications (environmental and social factors)

Access

9.26 This site would take access off Chavey Down Road, a local distributor road which is subject to a 30mph speed limit via an adjacent residential service road currently serving 12 properties. On-street parking is un-restricted.

9.27 A new access is proposed between Neuchatel and Fern Cottage and the centre of this

new access is shown on the Proposed Site Access drawing (ITB11391-GA-001-C) as 10m from the give-way line of the junction of the residential service road and the main road. As such, this is close to a junction; however vehicles exiting the development would generally be turning left and would not therefore come into conflict with vehicles turning right off the main road into the residential service road. Also, there is space for vehicle turning right into the new development access to be clear of the junction with Chavey Down Road. Adequate sight-lines of 43m can be achieved northwards along the residential service road for vehicles exiting the new development access.

9.28 It is noted that the applicant has provided an extensive Transport Statement, including a Road Safety Audit and this did not raise any highway safety concerns. The Transport Statement indicates that these 5 new dwellings could generate three vehicle movements in both the morning and evening peak periods and the potential for conflict between traffic generated by these 5 new houses and the 12 properties currently using the residential service road is low (particularly as the service road has accesses at either end). No changes are proposed to the existing accesses to Neuchatel and Fern Cottage.

9.29 The Transport Statement notes that, '*vehicular access to the site will take the form of a driveway crossover arrangement*', however, the general arrangement drawing indicates that the access would be a bell-mouth with alterations to the kerb-line. The Highway Authority considers that a bell-mouth is preferable to a dropped kerb and that provision for pedestrians to cross will be required (dropped kerbs, tactile paving etc...). The existing footways should continue into the new access road for a short distance before dropping pedestrians into the shared surface and the 2m wide verge on the south side of the access road could be a footway. A condition is recommended to secure these details.

9.30 The Site Plan drawing (2340-01/C) and the Transport Statement indicates that this development would be served by a 4.8m wide shared surface and this complies with the Council's highway design guide for a development of this size, enabling two vehicles to pass at low speed and for pedestrians and cyclist to pass. Also, vehicle tracking indicates that a refuse vehicle can access the site turning left off the residential service road and a turning head is to be provided. The access should not be gated to enable access for a waste collection.

9.31 The access road includes a 3.7m narrowing to keep speeds low and a fire tender would be able to access via a 3.7m width aided by the metre wide verge to either side. The Highway Authority would not adopt this road, though it should be adequately surfaced, incorporating SUDs and lit and a condition is recommended to this effect.

9.32 Drawing 2340-01/C indicates that each of the houses would have a pedestrian path to the front door and a rear gated access to the garden for bin storage.

Parking

9.33 Each of these new 5-bed dwellings is to be provided with 3 parking spaces, including garages to comply with the Council's parking standards (2016). Garages could be used for cycle parking. 2 visitor parking spaces are to be provided.

Trips

9.34 The Transport Statement indicates that these 5 new dwellings could generate three vehicles in both the morning and evening peak periods.

9.35 As a result it is not considered that the proposed development would result in an adverse impact on highway safety, in accordance with CSDPD Policy CS23, BFBLP 'Saved' Policy M9, the Parking Standards SPD, and the NPPF.

v. Impact on trees (environmental factor)

9.36 As set out previously, a number of trees were removed from the site prior to the planning application being submitted, resulting in a restocking order from the Forestry Commission. This is because too many trees were removed in a specified time period. Through the course of the application, the plans have been revised to allow the restocking order to be complied with. The Forestry Commission has confirmed that the revised plans accord with the restocking order, and request a condition securing the planting and the 10 year maintenance of the newly planted trees.

9.37 The Council's Tree Service has suggested that some of the planting could be better placed to the boundaries of the site, given the relationship of the planting with the proposed houses. With the 'planting square' in the rear garden of Plot 2, the Tree Service has raised the issue of the usability of the garden when the trees mature, potentially dominating the garden causing shade and restricting reasonable use of the rear garden. However, as explained, it is not considered unacceptable for a dwelling on this site to have a woodland garden, given the character of the site, and the Local Planning Authority considers that there is a sufficient amount of useable garden remaining.

9.38 The Tree Service is also concerned that the larger planting area with the corner of Plot 3 is not sustainable because when the trees start to mature, there could be pressure from the resident to prune back and/or remove trees that are in contact with the house structure. Another concern is the potential for damage to the house foundations due to the mass of trees in such close proximity that could cause soil desiccation and consequently subsidence damage. The Tree Service considers that in both instances the proposed relationship would be contrary to the advice within BS5837 and that, as such, it would not be appropriate to TPO these trees as is normally the case with restocking orders. The Tree Service has, however, set out that technically specialist foundations detail could address the subsidence risk issue, and as such a condition is recommended for details of the foundations of plot 3 prior to the commencement of the development of that plot.

9.39 On balance, subject to the proposed conditions, it is considered that compliance with the restocking order, retaining the site's countryside character, as well as the amount of additional planting proposed to the site's boundaries, would outweigh any concerns regarding the relationship between the trees and the dwellings. As such, the proposal is considered acceptable in line with CSDPD Policy CS1 and CS7 and 'Saved' BFBLP Policies EN1 and EN2.

vi. Impact on biodiversity (environmental factor)

9.40 As has been set out in this report, the site was largely cleared prior to the application being submitted. As such, the applicant's ecological survey reflected the cleared site. The Council's Biodiversity Officer has questioned this approach, as this in itself may have disturbed animals. The Council's Biodiversity Officer has therefore suggested a number of conditions, which take a precautionary approach to the conservation and enhancement of the potential biodiversity on the site. These include additional reptile and great crested newt surveys; securing of all mitigation measures set out in the ecology appraisal; and biodiversity and habitat enhancements. Subject to these conditions, the proposal is considered acceptable in line with CSDPD Policies CS1 and CS7 and BFBLP 'Saved' Policy EN20.

vii. SPA (environmental factor)

9.41 The Council, in consultation with Natural England, has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath Special Protection Area (SPA) is likely to have a significant effect on the

integrity of the SPA, either alone or in-combination with other plans or projects. This site is located approximately 4.3 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.

9.42 On commencement of the development, a contribution (calculated on a per-bedroom basis) is to be paid to the Council towards the cost of measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Council's Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPD) and the Planning Obligations SPD. The strategy is for relevant developments to make financial contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the SPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures which Natural England will spend upon the SPA land. The Council will also make a contribution towards SANG enhancement works through Community Infrastructure Levy (CIL) payments whether or not this development is liable to CIL.

9.43 In this instance, the development would result in a net increase of five X five bedroom dwellings which results in a total SANG contribution is £16,055.

9.44 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which is also calculated on a per bedroom basis. The SAMM contribution is £5,260.

9.45 The total SPA related financial contribution for this proposal is will be £21,315. The applicant will need to agree to enter into a S106 agreement to secure this contribution and a restriction on the occupation of each dwelling until the Council has confirmed that open space enhancement works to a SANG is completed. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP Saved Policy NRM6, Saved policy EN3 of the BFBLP and CS14 of CSDPD, the Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD, the Planning Obligations SPD and the NPPF.

viii. CIL (economic factor)

9.46 The Council, in consultation with Natural England, has formed the view that any net 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.

9.47 CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted) the creation of additional dwellings.

9.48 In this case, the proposal would be CIL liable as it comprises the creation of new dwellings. The dwelling falls within the Northern Parishes charging area, where CIL is charged at £350 per square metre of floorspace.

ix. Other matters

9.49 Berkshire Archaeology has commented on the application, stating that there are no known heritage assets within the application site, however the site is previously undeveloped and could, therefore, have archaeological implications. A condition is recommended to secure a

scheme of archaeological works prior to the commencement of development, in line with Berkshire Archaeology's advice.

10. CONCLUSIONS

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

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

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

10.4 It is acknowledged, that the proposal would have an impact upon the character and appearance of the current open field, resulting in a localised change of character and appearance within the landscape. Policy CS9 protects land for its own sake, particularly from development that would adversely affect the character, appearance or function of the land. However, the site is visually well contained and proposal incorporates the Forestry Commission's restocking order, minimizing the impact on the character of the area.

10.5 While well related to the adjacent settlement boundary, it is not considered that the site is located in a sustainable location. Its development for residential purposes would therefore be contrary to CSDPD Policies CS1(ii), CS23(i) and the NPPF.

10.6 The balancing exercise is thus:-

Economic

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

Social

10.8 The proposal would result in the net gain of 5 dwellings on a windfall site, which as the Council cannot demonstrate an up-to-date five-year supply of housing land, carries significant weight in favour of the proposal. In terms of the delivery of the site and contribution to the 5 year supply, the supporting planning statement states that 'The site is available now and developable [...] There are no other constraints impeding the implementation of the scheme, other than the grant of a planning permission.' (p30). There is no reason for the Local Planning Authority to doubt that this is the case.

10.9 The site adjoins the settlement boundary, but there are limited services within

recommended walking distances to the site so at the present time the development is not considered to be in a sustainable location, which weighs against the proposal.

Environmental

10.10 There is some harm related to the change in character of the application site, however these impacts have been somewhat mitigated against through the incorporation of the Forestry Commission's restocking order. In any event, these impacts are localised and therefore the weight attributed to this harm and to the conflict with CSDPD policies CS1, CS7 and CS9 and policies EN8, EN9, EN20 and H5 of the BFBLP are reduced. It is not considered that the proposal would significantly change the character of the wider landscape in which the proposal sits.

10.11 The site is well contained by trees, and the site plan demonstrates that additional trees are proposed to the boundaries of the site, in particular the north and eastern boundaries, which are adjacent to the open countryside. The site layout plan demonstrates that 5 new dwellings can be accommodated whilst maintaining the amenities of neighboring residents.

10.12 Conditions are recommended to ensure that there would not be an adverse impact on biodiversity.

Conclusion

10.13 In summary, whilst contrary to the development plan, the proposal would add 5 dwellings to the housing land supply and this is considered to be a significant benefit. There would also be more limited economic benefits. Against this needs to be weighed the current unsustainability of the site's location and the moderate harm to the character and appearance of the area, although this in itself would be somewhat mitigated by the incorporation of the requirements of the Forestry Commission's restocking order.

10.14 In conclusion, whilst there is some harm arising from the proposal, it is not considered that in this instance that harm significantly and demonstrable outweighs the benefits of the proposal. The application is therefore recommended for conditional approval, subject to the completion of a S106 agreement to secure the necessary SPA mitigation.

11. RECOMMENDATION

Following the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 relating to SPA mitigation measures, the Head of Planning be authorised to APPROVE the application subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out only in accordance with the following approved plan received by the Local Planning Authority on 22 November 2016:

2340 08- Location Plan

And the following approved plans received by the Local Planning Authority on 13 April 2017:

2340 03A - Plot 1
2340 04A – Plot 2

2340 05A – Plot 3
2340 06A – Plot 4
2340 07A – Plot 5

And the following plan received 25 April 2017:

2340 01B – Site Plan

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

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

REASON: In the interests of the visual amenities of the area.
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]

4. The proposed bathroom window in the western elevation of the dwelling on plot 2 hereby permitted shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent) and shall be fixed shut with the exception of an openable fanlight that is no less than 1.7m above internal finished floor level of the room that the window serves. Any replacement window shall be glazed and fixed to this standard and retained as such.

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 or above of the western elevation of the dwelling on plot 2 hereby permitted except for any which may be shown on the approved drawing(s).

REASON: To prevent the overlooking of neighbouring property.
[Relevant Policies: BFBLP EN20]

6. 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 or above of the southern elevation of the dwelling on plot 5 hereby permitted except for any which may be shown on the approved drawing(s).

REASON: To prevent the overlooking of neighbouring property.
[Relevant Policies: BFBLP EN20]

7. The development hereby permitted shall not be begun until details of a scheme of walls, fences and any other means of enclosure has been submitted to and approved in writing by the Local Planning Authority. All boundary treatments should provide for the free movement of wildlife to and from the site. The approved scheme shall be implemented in full before the occupation of any of the dwellings approved in this permission.

REASON: In the interests of the visual amenities of the area and to safeguard existing retained trees, hedges and shrubs and in the interests of nature conservation.
[Relevant Plans and Policies: BFBLP EN20, Core Strategy DPD CS1, CS7]

8. All ecological measures and/or works shall be carried out in accordance with the details contained in the approved Ecology Partnership Preliminary Ecological Appraisal dated

2016. An ecological site inspection report shall be submitted for approval within three months of the first occupation of any dwelling hereby approved.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1]

9. The development (including site clearance and demolition) shall not begin until a scheme to mitigate the impact of the development on biodiversity has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

- (i) measures to avoid harm to biodiversity including reptiles and great crested newts
- (ii) features provided to mitigate the loss of habitat (e.g. scrub, grassland, ponds, hibernacula)
- (iii) on-going management of new features/habitat

The mitigation scheme shall be implemented in accordance with the approved details. An ecological site inspection report shall be submitted for approval within three months of the first occupation of any dwelling hereby approved.

REASON: In the interests of nature conservation.

[Relevant Plans and Policies: CSDPD CS1]

10. The demolition shall not be begun until a scheme for the provision of biodiversity enhancements (not mitigation), including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be performed, observed and complied with.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

11. The areas shown for biodiversity mitigation and enhancement purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose.

REASON: In the interests of nature conservation.

[Relevant Plans and Policies: CSDPD CS1, CS7]

12. 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.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

13. No development shall take place until a programme of archaeological work has been secured in accordance with a written scheme of investigation, to be submitted to and approved by the Local Planning Authority. The works shall be implemented.

REASON: The site lies in an area of archaeological potential.

14. No dwelling shall be occupied until a means of vehicular access has been constructed in accordance with details which have been submitted to and approved by the Local Planning Authority. It shall be retained as such thereafter.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

15. No dwelling shall be occupied until the associated vehicle parking and turning space has been surfaced in accordance with the approved drawing. The spaces shall thereafter be kept available for parking and turning 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]

16. The garage accommodation shall be retained for the use of the parking of vehicles at all times.

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

[Relevant Policy: BFBLP M9]

17. During the demolition and construction phases, no deliveries shall be taken at or dispatched from the site outside the hours of 8:00 am and 6:00 pm Monday to Friday; 8:00 am and 1:00 pm Saturday and not at all on Sundays and Public Holidays.

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

[Relevant Policies: BFBLP EN25]

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

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

(b) Loading and unloading of plant and vehicles

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

(d) Wheel cleaning facilities

(e) Temporary portacabins and welfare for site operatives

(f) specifications of control of noise arrangements for construction and demolition

(g) methodology of controlling dust, smell and other effluvia

(h) site security arrangements including hoardings

(i) proposed method of piling for foundations

(j) construction and demolition methodology

(k) construction and demolition working and delivery hours

(l) Alternative methods of disposing of green waste other than burning; as there are to be no bonfires on site.

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

REASON: In the interests of the amenities of the area and highway safety.

19. No development (including initial site-clearance) shall commence until a detailed scheme for the protection of existing trees, hedgerows, groups of mature shrubs and structural planting areas 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.
- (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.

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.

20. The development hereby permitted shall not be begun 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 details of ground preparation and all other operations associated with 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 semi mature tree planting.
- c) Comprehensive 5 year post planting maintenance schedule, other than the trees subject of the Forestry Commission Restocking Order REN25 16-17.
- d) Underground service and external lighting layout (drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.), both existing reused and proposed new routes.
- 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, play equipment
- h) Other landscape features (water features, seating, trellis and pergolas etc).

All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the occupation of any part of the approved development, whichever is sooner. All hard landscaping works shall be carried and completed prior to the occupation of any part of the approved development. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be

healthy, well formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.

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

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

21. The restocking order REN25/16-17 as shown on site plan 2340/01/B shall be complied with in full by June 2018.

REASON: In the interests of the visual amenity of the area and to ensure that the restocking order is complied with.

22. Within a period of 10 years from the completion of the development: -

- a) No tree as planted as part of the Forestry Commission restocking order REN25/16-17 as shown on site plan 2340/01/B shall be cut down, uprooted or destroyed.
- b) Any trees shown to be planted as part of the Forestry Commission restocking order REN25/16-17 as shown on site plan 2340/01/B, which die are removed or irreparably damaged during the course of the development within a period of 10 years of the completion of the development, shall be replaced by another tree of the same species and size as that originally planted (within the nearest planting season of 1st October to 31st March inclusive).

REASON: In the interests of nature conservation and tree protection.

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

23. No development of plot 3 (including any initial site-clearance works) shall commence until details of the foundation structure, of the approved dwelling on plot 3, so designed to minimise its adverse impact on tree roots, have been submitted to and approved in writing by the Local Planning Authority. Details shall be site specific and include:

- a) An approved layout plan at a minimum scale of 1:200 scale, showing the accurate trunk positions of the trees subject to the Forestry Commission replanting area A in relation to the proposals.
- b) Layout and construction profile drawing/s.
- c) Engineering/ Arboricultural construction method statement.
- d) Implementation method statement including timing/ phasing of works.

The foundation structure shall be implemented in full accordance with the approved details.

REASON: - In order to safeguard the trees subject to the restocking order.

24. The development hereby permitted shall be implemented in accordance with the submitted Energy and Sustainability Statement prepared by Bluesky Unlimited, dated 21 November 2016 and thereafter the buildings constructed by the carrying out of the development shall be operated in accordance with the submitted Statement. REASON: In the interests of the sustainability and the efficient use of resources.

[Relevant Plans and Policies: CSDPD Policy CS12]

25. The development shall incorporate surface water drainage that is SuDS compliant

and in accordance with DEFRA "Sustainable Drainage Systems - Non-statutory technical standards for sustainable drainage systems" (March 2015). It shall be operated and maintained as such thereafter.

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

[Relevant Policies: CSDPD CS1, BFBLP EN25]

Informatives

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

02. The following conditions do not require details to be submitted, but must be complied with:

1. Time limit
2. Approved plans
4. Obscure glazed windows
5. No additional windows in plot 2
6. No additional windows in plot 5
11. Biodiversity mitigation areas to be retained
15. Parking and turning
16. Retention of garages
17. Construction hours
21. Compliance with restocking order
22. 10 year maintenance of restocking order trees
24. In accordance with energy and sustainability statement
25. SuDS complaint

The following conditions require details to be submitted:

3. Details of materials
7. Means of enclosure
8. Site inspection report
9. Biodiversity mitigation
10. Biodiversity enhancements
12. External lighting
13. Scheme of archaeological works
14. Vehicular access
18. Construction management plan
19. Protection of trees to be retained
20. Hard and soft landscaping
23. Foundation structure for plot 3

03. The Streetcare Team should be contacted at Department of Transport & Transportation, Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 351668, to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks notice to obtain details of underground services on the applicant's behalf.

In the event of the S106 agreement not being completed by 30 June 2017, the Head of Planning be authorised to either extend the period further or to refuse the application on the grounds of:

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