

**ITEM NO: 13**

Application No.  
**17/00434/FUL**  
Site Address:

Ward:  
Bullbrook

Date Registered:  
3 May 2017

Target Decision Date:  
2 August 2017

**Land At Sterling Court, The Redwood Building and  
Chiltern House Broad Lane Bracknell Berkshire  
RG12 9GU**

Proposal: **Erection of 99 apartments (including affordable dwellings), provision of car parking and communal amenity space following demolition of existing office buildings. (Resubmission of application 16/00889/FUL with updated parking survey)**

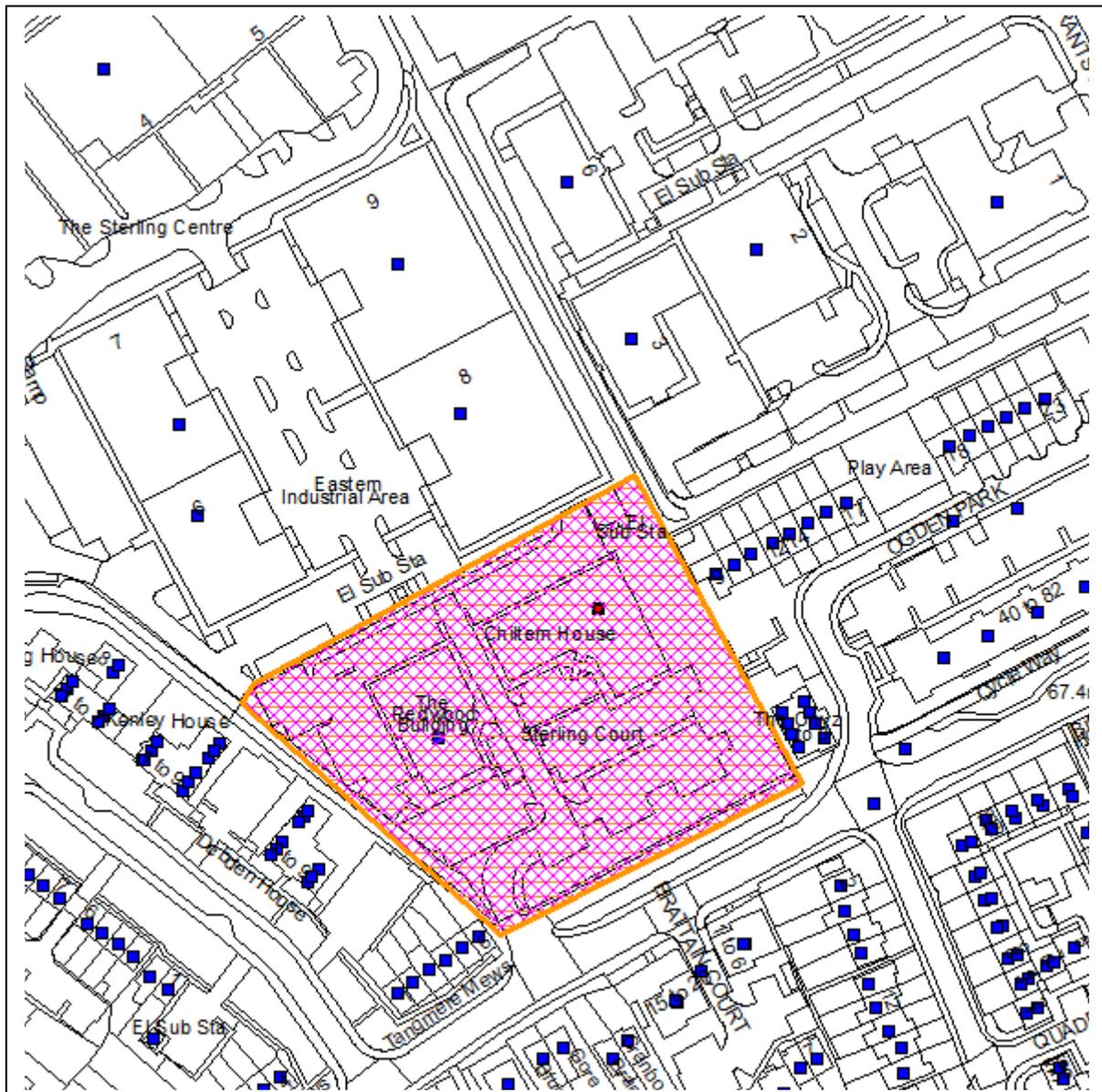
Applicant: McConnell

Agent: Mrs Claire Steele

Case Officer: Simon Roskilly, 01344 352000

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



## **OFFICER REPORT**

### **1. SUMMARY**

1.1 The application represents an almost identical resubmission of the previously refused scheme (16/00889/FUL) and provides for the erection of 4no. blocks of apartments providing a total of 99 apartments (40no. 1 bedroom and 59no. 2 bedroom apartments), along with parking, amenity space and landscaping.

1.2 This submission contains two pieces of additional survey evidence which support the view that parking provision below the baseline standard is acceptable in this case.

1.3 Legal advice has been submitted by the applicant addressing the previously refused application and the associated reasons for refusal. This has been summarised at paragraph 4.4 of this report.

1.4 The site is allocated for residential development in the Site Allocations Local Plan. With appropriate materials and finishes the proposed buildings are considered to be in keeping with the area. The relationship with adjoining properties is acceptable and the car parking proposed, although below the Council's standard, is considered adequate for the location and form of development proposed. There are no over-riding highway safety implications.

<b>RECOMMENDATION</b>
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Planning permission be granted subject to conditions in Section 11 of this report and a Section 106 legal agreement.
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### **2. REASON FOR REPORTING APPLICATION TO COMMITTEE**

2.1 The application has been reported to the Planning Committee at the request of Cllr Angell as the proposal does not meet the Council's parking standards.

### **3. PLANNING STATUS AND SITE DESCRIPTION**

<b>PLANNING STATUS</b>
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Within settlement boundary-
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Allocated site- SALP Policy SA1- Chiltern House & Redwood Building (SHLAA site 318)
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Within 5km buffer to the Thames Basin Heaths Special Protection Area
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3.1 The site occupies a 0.89 ha area, and is located in an urban setting within a defined settlement as shown on the Bracknell Forest Policies Map.

3.2 The site comprises of two vacant office blocks with surface parking, a single entry point from Broad Lane and the remnants of a service road with a planted bund. There is treed screening running the whole length of the boundary with properties at Sycamore Rise, running along the frontage of the site with the service road and also along the full length of the boundary with Ogden Park.

3.3 The site lies between two sites, Ogden Park and Sycamore Rise that have been developed in the last 15 years or so with a mixture of town houses and apartments.

3.4 The adjoining Ogden Park site, located east of the site, is mainly comprised of 3-4 storey blocks with both driveway parking and parking courts.

3.5 Sycamore Rise comprises of 2 storey dwellings fronting Broad Lane with 3 storey flatted buildings further back from the frontage. Land at the application site is significantly lower (about a storey height) than land at Sycamore Rise.

3.6 To the north of the site is the Eastern Industrial Area whereby there are a number of two storey warehouse buildings with associated parking. There are two warehouse buildings located side on to the development site with parking along the northern boundary

3.7 The site is the subject of an easement securing a right of way from Broad Lane to an existing electricity substation located within the north east corner of the site. The right of way needs to be retained.

3.8 The application site includes a redundant service strip adjacent to Broad Lane which is currently stopped up at each end.

#### **4. RELEVANT SITE HISTORY**

4.1 The site is in commercial use although the buildings are currently vacant. Redevelopment of the site to provide 2 office buildings was granted in 1989 by application 614896 (c. 3,700sqm of B1 floor space).

4.2 14/01217/OUT- Outline planning application for the erection of 71 no. apartments (18no. 1 bed, 47 no. 2 bed and 6no. 3 bed) following demolition of Chiltern House and The Redwood Building (including 18 No. affordable apartments). Outline application to consider means of access and layout. (All matters reserved). WITHDRAWN March 2016.

4.3 16/00889/FUL- Erection of 99 apartments (including affordable dwellings), provision of car parking and communal amenity space following demolition of existing office buildings. REFUSED AT COMMITTEE MARCH 2017.

4.4 Following refusal of application 16/00889/FUL the applicant obtained a legal opinion which they now wish to be made public. The following paragraphs from the opinion best set out the applicant's position:-

*'4. The planning application proposed 115 parking spaces for 99 apartments. The car parking spaces were delivered through a mixture of both undercroft parking (at ground floor below Blocks B, C and D) and surface parking spread around the site.*

*5. The level of parking proposed was below that required by the Council's parking standards. If strictly applied those standards would have required proposed 178 spaces, whereas the development proposed 115 spaces in total, a difference of 63 spaces.*

*6. Bellway submitted evidence to demonstrate that the 115 spaces would be sufficient to meet the parking needs of residents and visitors. This included parking surveys undertaken at the neighbouring developments Ogden Park and Sycamore Rise. The Highway Authority has also undertaken inspections of the sites surveyed. Officer's confirmed in the Officer Report to Committee that "These inspections have verified the results that were presented in the applicant's surveys."*

*7. The Officer' Report to Committee records in relation to these surveys that: "9.35 The survey work indicates that an average provision of parking at a ratio of 1.16 spaces per dwelling would be appropriate to cater for the demand for this site. This ratio takes into consideration a worse case scenario with the inclusion of on street parking from the surveys being included in the demand. The on street parking that was observed could be partially being used by surrounding dwellings or the non-flatted element of the sites surveyed." (emphasis added)*

8. Thus, the proposed development included a number of spaces at a higher ratio than was actually required to accommodate the total parking demand at the neighbouring developments of Ogden Park and Sycamore Rise since on street parking was also taken into account.

9. The Council's Highway Officer and Planning Officers were in full agreement with the amount of parking provision being proposed in the application. The Officer Report to Committee explained: "9.36 The site provides a ratio of 1.16 spaces per dwelling (115 spaces for 99 units) and this is deemed acceptable in light of the observations made on the surveyed sites and the surrounding area. 9.37 If parking were provided to current standards a total provision of 178 spaces would be required and this would include visitor provision. The site currently provides 63 spaces fewer than the full standard but the evidence provided by the applicant, coupled with the observations made on site by Highways Officers, supports a lesser provision. This approach accords with the Parking Standards SPD which allows some flexibility in the application of requirements where robust evidence demonstrates that this is appropriate (paragraph 1.7). There is no evidence therefore that the level of parking proposed would have any adverse impact on road safety and certainly not any severe impacts that would justify refusal on transport grounds in accordance with paragraph 32 of the NPPF."

10. Notwithstanding the Officer's recommendation that, subject to completion of an appropriate planning obligation, the application should be approved, the Committee resolved to refuse planning permission on three grounds.

11. The second and third grounds of refusal relate to matters which I have no doubt can and would be resolved through the execution of an appropriate planning obligation (they relate to afford housing and a contribution towards SANG enhancement works).

12. The first reason for refusal was:

"The proposal would not comply with the Local Planning Authority's standards in respect of vehicle parking. This would be likely to encourage on-street parking and therefore have a detrimental impact upon road safety and the flow of traffic. The proposed development would therefore be contrary to Policy M9 of the Bracknell Forest Borough Local Plan, Policy CS23 of the Core Strategy Development Plan Document and Bracknell Forest Borough Parking Standards (2016)."

13. Thus the Committee rejected the appraisal conducted by Bellway's transportation engineers and the views of the Council's own professional expert officer who advised that the evidence was robust and that it established that the parking proposed was appropriate.'

4.5 The legal opinion concludes that the lack of any evidence available to members to justify refusal of planning permission means that the decision amounts to unreasonable behavior and that this is one of the grounds under which costs can be sought at appeal.

## **5. THE PROPOSAL**

5.1 Full planning permission is sought for the erection of 99 apartments, car parking and communal amenity spaces. The development will take the form of 4no. blocks (Blocks A-D). All blocks will be 4 storeys high; Blocks A and D also have 2 and 3 storey elements. The blocks are intended to house 40no. 1 bedroom and 59no. 2 bedroom apartments.

5.2 The proposed buildings are of a contemporary flat roof design, with elements of the top floor set back comprising a glazed lightweight construction. There is a variation in the height of the parapet walls and enclosed balconies. Materials have not as yet been stated but the elevation drawings suggest that the blocks will be built of buff bricks with some render. A condition is recommended to be imposed requiring full details of materials to be submitted for approval.

5.3 The existing trees to the front will be removed as will some on the north-eastern boundary of the site. However new planting is proposed along the boundary with Ogden Park and to the front of the site along Broad Lane. The existing trees along the south-western boundary with Sycamore Rise will be retained.

5.4 An area of public amenity space will be created within the centre of the site, accessible to all four blocks, with there also being areas of open space/landscaping located to the east of Blocks C and D and west of Block D on the Broad Lane frontage.

5.5 Access to the site comes via the existing access that will be widened to provide a safer access for both cars and pedestrians. The access road largely follows the existing service easement route to a substation within the north east corner of the site.

5.6 The proposal has been revised over the course of its consideration to address layout, residential amenity and highway safety concerns. This has resulted in the reduction of one apartment and the increase of one parking space.

## **6. REPRESENTATIONS RECEIVED**

### Bracknell Town Council:

#### 6.1 Observation:-

Bracknell Town Council would like to ensure that this application complies with BFBC parking standards to prevent parking congestion in this area. [Officer Comment: These concerns are addressed in section 9 - Transport Implications however the scheme is considered to comply with the adopted parking standards]

### Other representations:

6.2 1no. objection has been received. The concerns raised have been summarised below:-

- Lack of parking, traffic and highway safety. [Officer Comment: These concerns are addressed in section 9 - Transport Implications]

## **7. SUMMARY OF CONSULTATION RESPONSES**

### Environmental Health

Recommends conditional approval.

### Transportation Officer

Recommend approval subject to conditions and obligations secured by way of a Section 106 Legal Agreement.

### Tree Officer

No comments to make.

### Waste Officer

No objection.

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

8.1 The primary planning policies and associated guidance applying to this site are:-

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Housing	CS16, CS17 of CSDPD, Saved policy H8 of BFBLP	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	Consistent
Trees, Landscape and Biodiversity	Saved policies EN1, EN2 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
<b>Supplementary Planning Documents (SPD)</b>		
Parking standards SPD		
Planning Obligations SPD		
Thames Basin Heath Special Protection Area (SPD)		
<b>Other publications</b>		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
Bracknell Forest Community Infrastructure Levy Charging Schedule (2015)		
The House of Commons: Written Statement (HCWS161) Sustainable Drainage Systems		

## 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. Biodiversity
- vi. Sustainability (resources)
- vii. Affordable Housing
- viii. Thames Basin Heaths Special Protection Area
- ix. Drainage
- x. Planning obligations

## **i. PRINCIPLE OF DEVELOPMENT**

Site Allocations Local Plan (SALP)

9.2 The application site relates to land included within Policy SA1 - previously developed land within the defined settlement, Chiltern House & Redwood Building (SHLAA site 318).

9.3 Prior to the site's allocation in the SALP the site was designated as employment land. Any issues regarding the loss of employment land were assessed at the time the SALP was examined. As such residential development on this site is acceptable in principle.

9.4 A profile for this site is contained in Appendix 3 of the adopted SALP. The capacity of the site is shown as 71 units, based on a density of 80 dwellings per hectare, although if a greater number of units were to be acceptable on site this would not conflict with the policy. The site profile contains the following requirements:-

- Investigation and remediation of any land contamination;
- Provision of affordable housing;
- Transport Assessment to assess the impact of the development upon the local road network, junctions and roundabouts;
- Appropriate ecological surveys and mitigation of any impacts;
- Demonstrate that there is adequate waste water capacity both on and off site to serve the development and that it would not lead to problems for existing or new users. In some circumstances it may be necessary for developers to fund studies to ascertain whether the proposed development will lead to overloading of existing waste water infrastructure;
- Mitigation of impacts in accordance with Limiting the Impact of Development SPD, and/or other relevant legislation/policy/guidance;
- Make financial contributions towards existing Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring and take any other measures that are required to satisfy Habitats Regulations, the Council's Thames Basin Heaths SPA Avoidance and Mitigation Strategy and relevant guidance in agreement with Natural England;

9.5 This is not a comprehensive list, and there may be other requirements.

9.6 An assessment, of the proposal in relation to the site profile requirements can be found within the 'assessment of other issues' below.

Other development plan policies relevant to the principle of development

9.7 Core Strategy DPD Policy CS2 sets out a number of locational principles for new development within Bracknell Forest, including a sequence of allocation, directing development to the Town Centre first, followed by previously developed and other land within defined settlements. The site is within a defined settlement and is previously developed land. Policy CS2 states that development will be permitted within defined settlements and on allocated sites. The proposed development is therefore in accordance with Policy CS2.

Conclusion on the principle of development

9.8 The relevant Development Plan policies outlined above relating to the principle of the proposed development are considered to be up to date, and consistent with the NPPF. For the reasons set out above it is concluded that the proposed residential development is acceptable in principle as the site is located within the settlement. Therefore the principle of the proposal is considered in accordance with Policy CS2 (insofar as it relates to locational principles) and CS15 of the Core Strategy and the NPPF.

## **ii. IMPACT ON CHARACTER AND APPEARANCE OF AREA**

### **(i) Site Layout**

9.9 As noted above the application site currently contains two vacant office blocks with surface parking.

9.10 The four blocks of apartments (A-D) are proposed broadly within the four corners of the site with a central area of amenity space which will be visible upon accessing the site.

9.11 The layout is considered to have achieved the right balance between built form, hardstanding and amenity space/landscaping.

9.12 Although trees to the front of the site will be removed an area of land to the east of the site access will be landscaped with some new tree planting. The area to the front of the site, that is outside of the applicant's ownership, will also allow for landscaping including some trees to be planted depending on the level of services that lie beneath the former service road. This can be secured by condition and S106 obligation.

9.13 A number of trees along the site's eastern boundary with Ogden Park will be removed however a significant number of trees will be retained close to no. 9 Ogden Park, with areas closer to the front of the site being earmarked for new planting. Although there will be new hardstanding in places along the eastern side of the development site it is considered that the number of trees to be retained, and the proposed landscaping, will provide an adequate green gap between the proposed buildings and properties at Ogden Park.

9.14 On the western boundary of the site, with Sycamore Rise, a substantial number of the existing trees will be retained along a bank. The bank of trees, again like that on the eastern boundary, helps to screen properties at Sycamore Rise from the application site. When entering the site from Broad Lane the trees being retained on the western boundary will create a green softer edge to the front of Block A.

9.15 In order to provide car parking the site will contain a substantial amount of hardstanding, although where possible undercroft parking has been provided. However parking areas have been broken up with landscaping which will also create a better outlook for residents. Where possible ground floor apartments look onto areas of landscaping which can be accessed via private entrances.

9.16 The central area of landscaped amenity space is accessible to all and will give the site a focal point when approaching the centre of the site from Broad Lane.

9.17 Overall the site is considered to be laid out sympathetically creating a development that will have a sense of place and provide a pleasant outlook for future residents.

### **(ii) External appearance of the buildings**

9.18 As highlighted earlier in this report the 4no. buildings will be predominately 4 storey. It is considered important that an acceptable transition in storey height/bulk and massing is achieved when the development is read within the Broad Lane streetscene.

9.19 There are two storey properties to the front of Sycamore Rise on Broad Lane and a 4 storey apartment block at the front of Ogden Park. The applicant has designed the bulk and massing of blocks A and D so that it acknowledges this transition from 2 storey (west) through to 4 storey (east). Blocks A and D both have western elements that start off as two storey, then move to 3

storey and then eventually to 4 storeys, equivalent to the bulk and massing of the apartments at Ogden Park.

9.20 Blocks B and C are both predominantly 4 storey in height, and with both blocks backing onto an existing employment area with larger buildings, the bulk and massing of these buildings is considered in keeping with their surroundings.

9.21 The external appearance of the buildings has been designed in such a way that the 4 storey elements are broken up with the inclusion of recessed features. The features give the elevations a vertical emphasis. This, along with the use of suitable materials, will provide interesting elevations when read within the streetscene and provide the height required to deliver the amount of accommodation commensurate with this sustainable location.

9.22 Overall, subject to the imposition of suitable conditions, it is considered that the proposal would not adversely affect the character and appearance of the area. The application is therefore considered to be in accordance with BFBLP Policies EN20 and CSDPD Policies CS1 and CS7 and the NPPF.

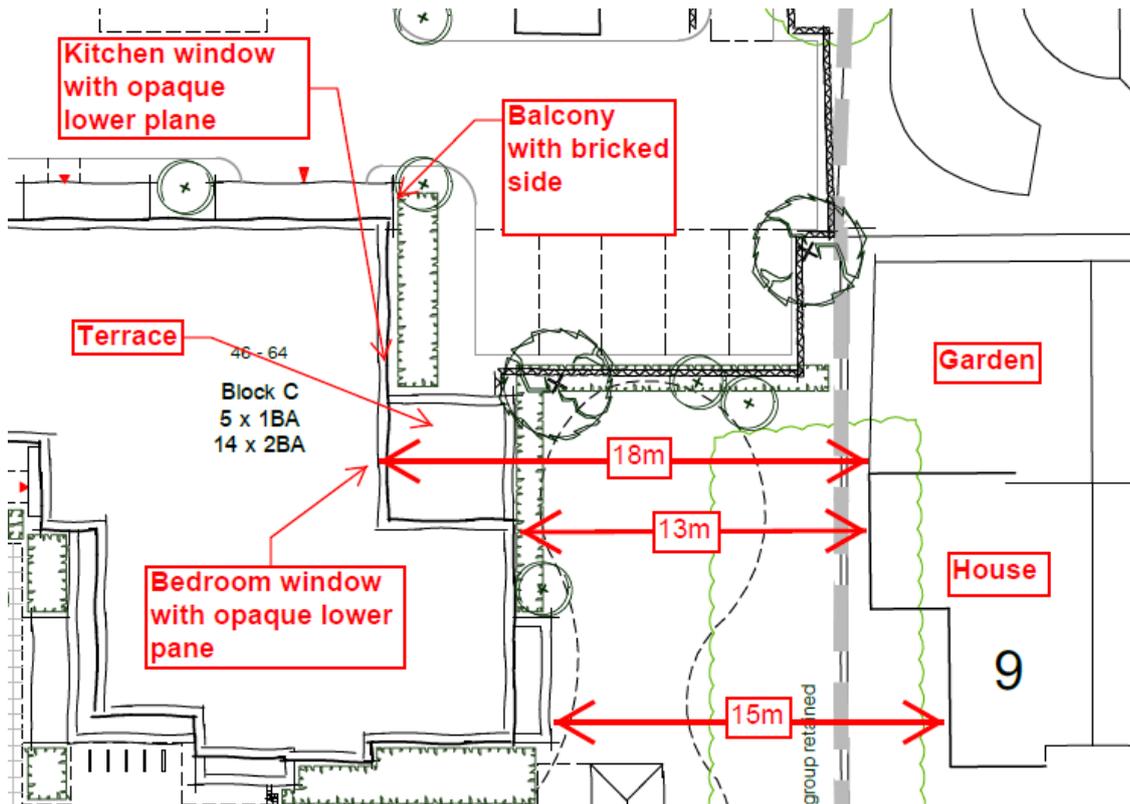
### **iii. RESIDENTIAL AMENITY**

(i) Impact upon the living conditions of adjoining properties

9.23 The impact on the properties considered to be those most affected by the proposal, has been assessed as follows:

#### *9 Ogden Park*

9.24 The 4 storey block of apartments (Block C) would be located a minimum of 13m from the boundary with no. 9 Ogden Park. There are no side-facing habitable windows in no. 9 Ogden Park facing the application site. The side elevation of the rear element of Block C contains bedroom and kitchen windows at first, second and third-floor level that would face towards the side of the rear garden at no.9 Ogden Park. As this part of Block C is set away from the eastern boundary the distance from the windows to the side boundary fence is 18m which is considered adequate to avoid any unacceptable loss of privacy. To lessen any perceived overlooking, however, the lower panels of the facing windows above first-floor level will be opaque. With these design features it is not considered that the rear garden of no. 9 Ogden Park will be unacceptably overlooked or suffer any undue overbearing effect or loss of light given the distance of the proposed flats from the boundary.



#### 1-8 Ogden Park

9.25 Apartments 1-8 at Ogden Park have no habitable windows in the west elevation facing the application site and, being apartments there are no private garden areas that could be overlooked. Therefore it is not considered that the proposed development will result in any adverse impacts upon the residential amenity of 1-8 Ogden Park.

#### Kenley House, Sycamore Rise

9.26 Kenley House has no habitable windows looking directly towards the application site. Due to its orientation the proposed kitchen and lounge windows in the side of Block B would not directly look into any habitable rooms at Kenley House. Block B would also not appear overbearing.

#### Debden House, Sycamore Rise

9.27 Debden House contains habitable windows that look north and south and not east towards the application site. Due to the orientation of Blocks A and B there would be no direct loss of privacy. The application site is approximately one storey lower than land at Sycamore Rise, hence there is a treed bank that rises within the development site towards the boundary with both Kenley House and Debden House. The development is also not considered to appear overbearing.

#### 6 Tangmere Mews, Sycamore Rise

9.28 Again, like that of the two apartment blocks at Sycamore Rise, no. 6 Tangmere Mews does not directly look out onto the tallest (4 storey) part of Block A. The western corner of Block A consists of 2 and 3 storey elements that, when read in the context of the site levels, are approximately one storey lower than the residential property at Tangmere Mews. The fact that there is no direct overlooking, and that there are significant differences with levels, means that there will be no significant loss of privacy nor would Block A, due to its design, appear overbearing when viewed from these houses or their gardens.

## (ii) Living conditions of future residents

9.29 Due to its orientation and design the proposed development does not result in any adverse overlooking and/or overbearing impacts between any of the proposed residential units. However in order to prevent any noise from the employment area north of the site adversely affecting units that face north (Blocks B and C) a condition will be imposed seeking details of noise mitigation measures to be submitted, approved and implemented as such.

## Conclusion on residential amenity:

9.30 Given the assessment made above the proposal, subject to conditions, is not considered to result in any significantly harmful impacts upon residential amenity. As such is considered to comply with saved BFBLP Policy EN20 criterion (vii) and the NPPF.

## **iv. TRANSPORT IMPLICATIONS**

### Access

9.31 The proposal seeks to utilise the existing access to the development to serve the proposal. The current access is wide at around 5.8m wide at the entrance to the site. However the junction has large radii making the access even wider at its intersection with Broad Lane. The current access has good visibility in either direction and is adequate for the speed of the road. The applicant has proposed a 2m footway on the western side of the access and a 3m wide section of cycleway on the eastern side of the junction which terminates within the site. This will link up with works to be carried out on land to the front of the site which is currently a redundant service road.

9.32 The access road would follow a similar line to the existing road but with alterations to improve the curvature of the road to improve access for all users. The applicant has provided vehicle tracking demonstrating that larger vehicles leave sufficient road space for cars entering and exiting the development.

9.33 An indicative scheme has been submitted to show the potential changes that could take place on land to the front of the site occupied by a former service road. This indicates how an improvement to the existing pedestrian and cycle infrastructure can be achieved and this will help integrate the proposal into the local area. It is advised that a S106 is required to either:

- secure the ability for the applicant to undertake works to Broad Lane and service road under licence (with the Council and Highway Authority); or,
- pay an agreed sum for such works to be carried out by the council prior to occupation of the site.

It is understood that positive discussions over the land outside the site are on-going with the council.

### Parking

9.34 The applicant has undertaken some additional surveys on top of the ones that were submitted with the previous application (16/00889/FUL). Again the surveys are of similar developments in close proximity of this proposal namely Ogden Park and Sycamore Rise to evaluate likely parking demand for this proposal. Comparisons have also been made with other more recently consented schemes in the area (Foundation House). The Highway Authority has also undertaken inspections of the sites surveyed. These inspections have verified the results that were presented in the applicant's surveys.

9.35 The survey work indicates that the sites either side of the development site currently operate at a lower than 1.16 spaces per dwelling ratio and therefore the ratio put forward would be appropriate to cater for the demand for this site. This ratio takes into consideration a worse case

scenario with the inclusion of on street parking from the surveys being included in the demand. The on street parking that was observed could be partially being used by surrounding dwellings or the non-flatted element of the sites surveyed.

9.36 The site provides a ratio of 1.16 spaces per dwelling (115 spaces for 99 units) and this is deemed acceptable in light of the observations made on the surveyed sites and the surrounding area.

9.37 If parking were provided to full current standards a total provision of 178 spaces would be required and this would include visitor provision. The site is proposed to provide 63 spaces (35%) fewer than the full standard.

9.38 The two flatted developments on either side of the application site (Ogden Park and Sycamore Rise) have been assessed as to how their parking provision compares to the current adopted parking standards. The flatted development at Sycamore Rise consists of 26 flats and currently provides 34 off road parking spaces when 54 spaces would be required today, which would make it 37% lower than the current standard. The flatted development at Ogden Park consists of 63 flats and currently provides 84 spaces that are allocated to the flats with an additional 9 on-street unallocated spaces that could be used by both the occupants of the flats and houses. Therefore for the purpose of this exercise the 84 spaces are for the flats when 136 would be required today, which would be 38% lower than the current standard (32% if you include the 9no. off street spaces).

9.39 Looking at the most recent parking space occupancy surveys 19 of the 34 spaces (56%) at Sycamore Rise were occupied between the hours of 01:00 – 05:00 Tuesday 23<sup>rd</sup> May 2017. This then, when you look at the total number of flats on site, provides a ratio of 0.7 spaces per dwelling. At Ogden Park 56 of the 84 spaces (67%) were occupied between the hours of 01:00 – 05:00 Tuesday 23<sup>rd</sup> May 2017. Again when you look at the total number of flats on site provides a ratio of 0.88 spaces per dwelling. [Please note that the 2016 survey of both sites resulted in 23 spaces being used at Sycamore Rise (ratio of 0.88) and 62 spaces being used at Ogden Park (ratio of 0.98).]

9.40 The above exercise confirms that the two existing flatted developments have parking that is a similar percentage below the current parking standard to that proposed at the application site. Furthermore the survey evidence indicates that the adjoining sites are operating at a lower ratio to that of the 1.16 spaces per dwelling being proposed on this site.

9.41 As such the evidence provided by the applicant, coupled with the observations made on site by Highways Officers, supports the lesser provision proposed. This approach accords with the Parking Standards SPD which allows some flexibility in the application of requirements where robust evidence demonstrates that this is appropriate (paragraph 1.7). It also complies with saved Policy M9 in the adopted Local Plan. The supporting text to this policy (Paragraph 6.57) states:

*“There may be circumstances where a more flexible approach to parking standards is justified. These might include instances where the promotion of alternative means of travel to the private motor vehicle, or a good existing public transport service, warrants a reduction in the adopted standard in respect of a particular site or development, and where certain types of residential accommodation warrant a lower provision.”*

There is no evidence therefore that the level of parking proposed would have any adverse impact on road safety and certainly not any severe impacts that would justify refusal on transport grounds in accordance with paragraph 32 of the NPPF.

9.42 It is advised that parking should be allocated at 1 space per unit with the remaining visitor spaces being kept as such and signed accordingly. A car park management plan will be required for the site by condition to ensure parking areas are controlled adequately.

9.43 Vehicle tracking has been provided demonstrating how on-site parking will work on site. The tracking demonstrates that the spaces, shown within open parking courts and undercroft areas, can be satisfactorily accessed and there are no signs of conflict.

9.44 10% of the parking spaces will be suitable for disabled use which complies with the borough parking standards. This could include visitor parking.

9.45 The applicant highlights that cycle parking will be to current standards and this will be achieved under and outside the building. It appears that the covered spaces under each building will comply with the number required for the number of units within it. The outdoor spaces will be available for visitors. Such facilities should be covered to provide some level of protection. The applicant will need to supply details of the cycle stands to ensure they are adequate and suitable for the space provided. These details can be conditioned.

#### Traffic Impact

9.46 The applicant has looked at the existing use of the site and compared it with trip rates for a typical flatted residential development. Furthermore, as an additional comparison, a trip rates analysis of the Sycamore Rise and Ogden Park flatted elements of the development has been assessed. The results indicate that the number of two way trips in the peak hours, and over the day, will reduce compared to the existing office use.

The proposed use will generate in the region of 43 two-way trip in the AM peak and 31 two way trips in the PM peak hour respectively. This compares to 72 two-way trips and 64 two way trips in the AM and PM peak hours for the office use.

9.47 Due to the proposed change in use, the general direction of traffic flow will change in either peak hour with the majority of traffic exiting in the morning peak associated with residential use and the majority of traffic associated with an office use would be entering the site. The reverse is expected in the evening peak hour. However the increases are quite small (additional 26 trips out in AM peak and 11 in during the evening peak) and these need to be seen in the context of other trips by these uses during those hours, i.e. incoming trips in the AM peak and outgoing trips in the PM peak hours. Furthermore any such increases would be spread across the peak hours. Overall it is felt that the traffic impact from the site will reduce but at worst be no greater than the existing lawful use of the site.

9.48 To conclude, with suitable conditions and planning obligations, 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. BIODIVERSITY**

9.49 There will be a loss of trees on site in order to deliver an allocated site for residential development. However adequate trees will remain, and with additional planting, there will be on-site green infrastructure in order to sustain the ecology of the site. The proposal is therefore considered acceptable in terms of biodiversity and therefore accords with Core Strategy Policies CS1 and CS7 and the NPPF.

#### **vi. SUSTAINABILITY (RESOURCES)**

9.50 Since the Government's Ministerial statement of the 26th March 2015 for residential development CSDPD Policy CS10 is only taken to require the submission of a Sustainability

Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day. An adequate Sustainability Statement has been received therefore a condition is recommended to be imposed in order to secure this.

9.51 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. An acceptable Energy Demand Assessment has been submitted therefore again a condition is recommended to be imposed in-order to secure this.

## **vii. AFFORDABLE HOUSING**

9.52 The Vacant Building Credit (VBC), introduced in a Written Ministerial Statement on 28 November 2014, applies when assessing the on-site affordable housing provision.

9.53 Under this, where there is an overall increase in floorspace in a proposed development, the Local Planning Authority should calculate the amount of affordable housing contributions required from the development as set out in its Local Plan. A 'credit' is then applied which is the equivalent of the gross floorspace of any relevant vacant buildings being demolished as part of the scheme which is then deducted from the overall affordable housing contribution calculation. In this instance due to the vacant office buildings presently on the site, the VBC results in a reduction in the number of on-site affordable dwellings to be provided from 25 (25% of 99) to 16.

9.54 The 'credit' for this site has been calculated in the following way:-

- existing floorspace: 2870 sq m
- proposed floorspace: 7927 sq m
- net increase in floorspace proposed = +5057 sq m.

9.55 The net increase in floor area as a proportion of the proposed is 0.64 (5057 / 7927). Applying the Vacant Building Credit would result in the following:-

- 25 units x 0.64 = 16 dwellings that need to be affordable.

9.56 The above calculation has been checked by the Housing Officer and, therefore, subject to securing the on-site provision of 16no. affordable dwellings, this provision meets the requirements of CSDPD Policy CS17, BFBLP Policy H8 and the Planning Obligations SPD.

## **viii. THAMES BASIN HEATHS SPECIAL PROTECTION AREA (SPA)**

The provision of Suitable Alternative Natural Greenspace (SANG) and its ongoing maintenance in perpetuity.

9.57 In accordance with the SPA 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). As this development leads to a net increase of less than 109 dwellings, the developer may make a payment contribution towards strategic SANGs (subject to SANGs capacity in the right location within Bracknell Forest).

9.58 The cost of the SANG enhancement works will be funded through the Community Infrastructure Levy (CIL) whether or not this development is liable for CIL. This is equal to 9.5% of the total SANG contributions set out in the SPA SPD Summary Table 1. The remaining SANG contributions will be taken through Section 106 contributions.

9.59 An occupation restriction will be included in the Section 106 Agreement. This serves to ensure that the SANGs enhancement works to be secured by the CIL have been carried out before occupation of the dwellings. This gives the certainty required to satisfy the Habitats Regulations in accordance with South East Plan Policy NRM6 (iii) and the Thames Basin Heaths Special Protection Area SPD paragraph 4.4.2.

#### Strategic Access Management and Monitoring (SAMM) Contribution

9.60 The development will also be required to make a contribution towards Strategic Access Management and Monitoring (SAMM). This project funds strategic visitor access management measures on the SPA to mitigate the effects of new development on it. See section 3.4 in the SPA SPD for more information.

9.61 The level of contributions are calculated on a per bedroom basis as set out in the SPA SPD Summary Table 1.

#### Conclusion

9.62 A Habitats Regulations Assessment is required for this development in accordance with the Habitats Regulations 2010 (as amended). In the absence of any appropriate avoidance and mitigation measures the Habitats Regulations Assessment will conclude that the development is likely to have a significant effect upon the integrity of the SPA with the result that the Council would be required to refuse a planning application.

9.63 Provided that the applicant is prepared to make a financial contribution towards the costs of SPA avoidance and mitigation measures, the application will be in accordance with the SPA mitigation requirements as set out in the relevant policies above.

9.64 The Council is convinced, 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 (2010) as amended, and permission may be granted.

#### **ix. DRAINAGE**

9.65 The Planning Practice Guidance 'Flood Risk and Coastal Change' as amended 15/04/2015 advises under para. 079 that when considering major development, as defined under the Town and Country Planning (Development Management Procedure) (England) Order 2015, sustainable drainage systems should be provided unless demonstrated to be inappropriate.

9.66 The submitted Flood Risk Assessment sets out that this is a redevelopment of an existing site, and as such the amount of hardstanding present will decrease post development. The applicant has identified the need to undertake infiltration tests at the site, if infiltration is not viable the applicant has liaised with Thames Water to agree a discharge rate from the site. The Applicant has provided preliminary calculations to demonstrate that the permeable paving provided across the site will provide sufficient storage to meet the required discharge rates. Some surcharging is shown in the 1 in 1year event which is not acceptable but this is likely due to the controls used and can be reviewed as detailed design progress. This can be conditioned.

#### **x. PLANNING OBLIGATIONS**

9.67 The proposal would be CIL liable however the site lies within the Central Bracknell Charging Zone in which the CIL rate is zero.

9.68 The following obligations will be included within a Section 106 Legal Agreement:-

- Provision of affordable Housing;
- Thames Basin Heaths SPA mitigation;
- Securing highway improvement works to the front of the site

## **10. CONCLUSIONS**

10.1 This site is an allocated site located within the settlement and therefore the proposed development is considered to be acceptable in principle. The 99 apartments, of which 16 will be affordable, contribute to the Council's housing supply which is a material consideration.

10.2 An objection was received. The report has sought to address this objection.

10.3 In terms of visual character, and subject to appropriate materials and finishes, the development is considered to be sympathetic within the streetscene. The layout, bulk, massing and design are considered to again provide a development in keeping with its surroundings that provides a sense of place.

10.4 The proposed vehicular access to the site, parking layout and number of on-site spaces (which have been assessed in the light of surveys of adjoining sites) are acceptable to the Highway Authority subject to conditions and a Section 106 securing off site highway works.

10.5 The impact of the proposal on the living conditions of the occupiers of nearby properties, in terms of the proposed apartments themselves, parking and access, has been carefully considered. The scheme is considered acceptable in this regard.

10.6 It is concluded that the proposed development provides residential accommodation without compromising the character and appearance of the area, residential amenity or highway safety. The application is therefore recommended for approval subject to appropriate conditions and the completion of a Section 106 legal agreement to secure the matters referred to in Section 9(x).

## **11. BOUROUGH SOLICITORS COMMENTS**

11.1 The Planning Practice Guidance (March 2014) advises that members are involved in planning matters to represent the interests of the whole community and must maintain an open mind when considering planning applications. Where members take decisions on planning applications they must do so in accordance with the development plan unless material considerations indicate otherwise. Members must only take into account material planning considerations where they relate to relevant planning matters.

11.2 A material planning consideration is one which is relevant to making the planning decision in question (eg whether to grant or refuse an application for planning permission). The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, relevant to this application, Members will note that parking can be a material planning consideration.

11.3 The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided it has regard to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.

11.4 Members are advised at paragraph 4 of the report that the Council has received legal advice from the applicant in regards to the applicant's former identical application Ref 16/00889/FUL. This application was refused by Members' on 24<sup>th</sup> March 2017 contrary to the officer recommendation on the substantive ground of parking. Given that the current application is identical it is considered relevant to bring this advice to the Members' attention.

11.5 In considering paragraph 4 of the report Members are reminded that each application must be determined upon its own merits and with an open mind. Each application should also be determined in accordance with the development plan and any other material considerations giving full consideration to any supporting evidence in the planning balance. Government guidance states that decisions made without objective analysis could amount to unreasonable behavior and potentially expose the Council to a potential risk of costs in any subsequent appeal.

## **12. RECOMMENDATION**

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

01. provision of on-site affordable Housing;
02. mitigation of impacts on the Thames Basin Heaths SPA;
03. securing improvement works to the existing service road and verge

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

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

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

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

- 081506-BEL-TV-01 Rev F Planning Layout
- 081506-BEL-TV-02 Rev D Information Layout
- 081506-BEL-TV-03 Rev D Storey Heights
- 081506-BEL-TV-04 Rev E Tenure Layout
- 081506-BEL-TV-05 Rev D Unit Type Layout
- 081506-BEL-TV-06 Location Plan received
- 081506-BEL-TV-07 Rev C Existing Building Overlay
- 081506-A-E1 Rev A Apartment Block A Elevation 1
- 081506-A-E2 Rev A Apartment Block A Elevation 2
- 081506-A-E3 Rev A Apartment Block A Elevation 3
- 081506-A-E4 Rev A Apartment Block A Elevation 4
- 081506-A-P1 Rev A Apartment Block A Ground Floor Plan
- 081506-A-P2 Rev A Apartment Block A First Floor Plan
- 081506-A-P3 Rev A Apartment Block A Second Floor Plan
- 081506-A-P4 Rev A Apartment Block A Third Floor Plan
- 081506-C-E1 Rev A Apartment Block C Elevation 1
- 081506-C-E2 Rev B Apartment Block C Elevation 2
- 081506-C-E3 Rev A Apartment Block C Elevation 3
- 081506-C-E4 Rev A Apartment Block C Elevation 4
- 081506-C-P1 Rev B Apartment Block C Ground Floor Plan
- 081506-C-P2 Rev B Apartment Block C First Floor Plan
- 081506-C-P3 Rev B Apartment Block C Second Floor Plan
- 081506-C-P4 Rev B Apartment Block C Third Floor Plan

081506-D-E1 Apartment Block D Elevations 1  
081506-D-E2 Apartment Block D Elevations 2  
081506-D-E3 Apartment Block D Elevations 3  
081506-D-E4 Apartment Block D Elevations 4  
081506-D-P1 Apartment Block D Ground Floor Plan  
081506-D-P2 Apartment Block D First Floor Plan  
081506-D-P3 Apartment Block D Second Floor Plan  
081506-D-P4 Apartment Block D Third Floor Plan  
081506-B-E1 Rev A Apartment Block B Elevation 1  
081506-B-E2 Apartment Block B Elevation 2  
081506-B-E3 Rev A Apartment Block B Elevation 3  
081506-B-E4 Rev A Apartment Block B Elevation 4  
081506-B-P1 Rev B Apartment Block B Ground Floor Plan  
081506-B-P2 Rev B Apartment Block B First Floor Plan  
081506-B-P3 Rev B Apartment Block B Second Floor Plan  
081506-B-P4 Rev C Apartment Block B Third Floor Plan  
081506-A-CS01 Rev A Cycle Store 01 Plan and Elevations.

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

03. No superstructure works shall take place until 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]

04. Prior to construction of the permitted buildings details showing the finished floor levels of the buildings hereby approved in relation to a fixed datum point shall be 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.

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

05. Prior to construction of the permitted buildings comprehensive details of both hard and soft landscaping works shall be 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.
- 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) including fencing that is permeable to badgers at the end of both the existing and propose badger corridors.
- f) Paving including pedestrian open spaces, paths, patios, proposed materials and construction methods, cycle routes, parking courts, play areas etc.
- g) A phasing scheme for completion of the planting works linked to the completion of individual blocks of flats hereby permitted. All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved phasing scheme, in the nearest planting season (1st October to 31st March inclusive) following the completion or first occupation of all blocks within an individual phase.

h) A phasing scheme for completion of the hard landscaping works linked to the completion of individual blocks of flats hereby permitted. All hard landscaping works shall be carried out and completed prior to the completion or first occupation of all blocks within an individual phase. 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, visual amenity of the area and biodiversity.  
[Relevant Policies: BFBLP EN2 and EN20, CSDPD CS1 and CS7]

06. No site clearance shall take place during the main bird-nesting period of 1st March to 31st August inclusive, unless a scheme to minimise the impact on nesting birds during the construction of the development has been submitted to and approved by the Local Planning Authority. Any site clearance during this period shall be undertaken in compliance with the approved scheme.

REASON: In the interests of nature conservation  
[Relevant Plans and Policies: BFBLP EN3 CS1, CS7]

07. No demolition or site clearance shall begin until details of a scheme (Demolition Method Statement) to control the environmental effects of demolition work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include control of dust, smell, and other effluvia and also vehicle routing and delivery times. The approved scheme shall be performed, observed and complied with.

REASON: In the interest of amenity.

08. Prior to construction of the permitted buildings, a scheme (Working Method Statement) to control the environmental effects of construction work shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include control of dust, smell, and other effluvia and also vehicle routing and delivery times. The approved scheme shall be performed, observed and complied with.

REASON: In the interest of amenity

09. Demolition or construction work shall take place at the site only between 08:00hrs and 18:00hrs Monday - Friday, between 08:00hrs and 13:00hrs on Saturdays, and not at all on Sundays or public holidays.

REASON: In the interest of amenity.

10. No demolition or site clearance shall take place until details in respect of measures to:

- (a) Minimise, re-use and re-cycle waste arising from demolition;
  - (b) Minimise the pollution potential of unavoidable waste; and
  - (c) Dispose of unavoidable waste in an environmentally acceptable manner;
- have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented during the course of all demolition operations.

REASON: In the interest of amenity.

11. Prior to construction of the permitted buildings details in respect of measures to:

- (a) Minimise, re-use and re-cycle waste;
  - (b) Minimise the pollution potential of unavoidable waste; and
  - (c) Dispose of unavoidable waste in an environmentally acceptable manner;
- shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented during the course of all building operations.

REASON: In the interest of amenity.

12. The development hereby permitted shall be implemented in accordance with the submitted Energy Demand and Sustainability Statement (August 2016) and thereafter the buildings constructed by the carrying out of the development shall be operated in accordance with the submitted Energy Demand and Sustainability Statement (August 2016).

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

[Relevant Policy: Core Strategy DPD CS10 and CS12]

13. No construction works shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. If the results of infiltration testing show that this is unviable the strategy should proceed on the rates agreed with Thames Water and set out in the Banners Gate Flood Risk Assessment. The scheme shall also include:-

- o Discharge Rates
- o Discharge Volumes
- o Details of the measures to secure the maintenance and management of SUDS features
- o Sizing of features - attenuation volume
- o Infiltration tests to be undertaken in accordance with BRE365
- o Detailed drainage layout with pipe numbers
- o The provisions of SUDS permeable paving in accordance with the Banners Gate FRA
- o Details of how the scheme shall be maintained and managed after completion.

All works that form part of the approved scheme shall be carried out in accordance with the approved details before the development or any part thereof is occupied, and shall be managed and maintained thereafter in accordance with the approved details.

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

14. No demolition or site clearance shall take place until a scheme (for demolition works) 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 free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (e) above without the prior written permission of the Local Planning Authority.

REASON: In the interests of amenity and road safety.

15. Prior to construction of the permitted buildings a scheme (for construction works) shall be submitted to and approved in writing by the Local Planning Authority, to accommodate:

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

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

REASON: In the interests of amenity and road safety.

16. Prior to construction of the permitted buildings a scheme to demonstrate that the internal noise levels within the residential units, especially those closest to the rear boundary of the site, will conform to the "indoor ambient noise levels for dwellings" guideline values specified within BS 8233: 2014, Guidance on Sound Insulation and Noise Reduction for Buildings, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the building to which they relate and be retained thereafter.

REASON: In the interest of residential amenity.

17. No dwelling shall be occupied until the access and junction improvement works with Broad Lane have been completed in accordance with the approved drawings.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

18. No dwelling shall be occupied until a plan showing visibility splays within the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The visibility splays shall at all times thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the adjacent carriageway.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

19. No dwelling shall be occupied until the associated vehicle parking, visitor parking and turning space serving the apartment block within which it is located has been surfaced and marked out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

The spaces shall not thereafter be used for any purpose other than parking and turning.

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

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

20. Prior to the construction of the permitted buildings a scheme shall be submitted to and approved in writing by the Local Planning Authority for covered and secure cycle parking facilities. No apartment block shall be occupied until the approved cycle parking facilities for that block have been provided in accordance with the approved scheme. The facilities shall thereafter be retained.

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

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

21. 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]

22. No apartments shall be occupied until a Car Park Management Plan, including details of the allocation of spaces and the location of disabled spaces, has been submitted to and approved in writing by the Local Planning Authority. The approved Car Park Management Plan shall be performed, observed and complied with.

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]

23. No information has been submitted regarding potential existing contamination of the site with harmful substances. The records held by this Department do not indicate any contamination on this site. However, should evidence of contamination be discovered, then a scheme to deal with this contamination should be submitted and approved in writing by the Local Planning Authority. The scheme should include an investigation and assessment to identify the extent of

contamination and the measures to be taken to avoid risk to the public, buildings and environment, when change of use takes place. The approved scheme shall be performed, observed and complied with.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

[Relevant Policies: BFBLP EN25]

24. The development hereby permitted (including initial site-clearance) shall not be begun until a detailed scheme, and programme for its implementation, for the protection of all existing trees, hedges and shrubs shown to be retained on approved plans 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. The submitted scheme shall include proposals for the phasing of its implementation so that protection is provided from the commencement of demolition or site clearance works (whichever is the sooner), through to the construction works and the completion of hard landscaping works. The submitted scheme shall include the following:-

- a) Plans at a minimum scale of 1:200 showing the proposed locations of protective barrier/s, constructed in accordance with Section 6 (Figures 2 or 3) of BS 5837:2012,
- b) Annotated minimum distances between fencing and trunks of retained trees at regular intervals.
- c) Illustration/s of the proposed fencing structure/s to be erected.

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

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]

25. If any trees or hedgerows shown to be retained on the approved plans are removed, uprooted, destroyed, die or become diseased during the course of the development within a period of 5 years of the completion of the development, another tree or hedgerow of the same species and size as that originally planted shall be planted at the same place. REASON: In the interests safeguarding visual amenity.

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

26. No apartment shall be occupied until the bin storage provision for that apartment has been built in accordance with the provisions shown on the approved plans. The approved facilities shall thereafter be retained.

REASON: To ensure the provision of satisfactory waste collection facilities in the interests of amenity.

27. No dwelling hereby approved 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 cyclists and pedestrians.

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

### Informatives:

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

02. No details are required to be submitted in relation to the following conditions:  
1, 2, 6, 9, 12, 21, 23, 25 and 26.

03. The applicant is advised that the following conditions require discharging prior to commencement of works:  
3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 20, and 24.

04. The following conditions require discharge prior to the occupation of the dwellings hereby approved:  
17, 18, 19, 22, 26 and 27.

05. The Chief Engineer (Highways) 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 planning obligation(s) not being completed by 20<sup>th</sup> September 2017 the Head of Planning be authorised to **REFUSE** the application on the grounds of:-

01. In the absence of a planning obligation to secure affordable housing provision in terms that are satisfactory to the Local Planning Authority, the proposal is contrary to Policy H8 of the Bracknell Forest Borough Local Plan, Policy CS16 of the Core Strategy Development Plan Document and to Supplementary Planning Guidance on Affordable Housing (adopted September 2003),

02. The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the applicants have not satisfactorily mitigated the development to comply with the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPD) 2012. In the absence of a section 106 planning obligation to secure suitable mitigation measures, the proposal would therefore 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 to the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPD) 2012.