

ITEM NO: 7

Application No.
17/01149/FUL
Site Address:

Ward:
Harmans Water

Date Registered:
30 October 2017

Target Decision Date:
29 January 2018

The Blue Lion Broad Lane Bracknell Berkshire RG12 9DB

Proposal:

Erection of a two and a half storey building forming 12 no. 2 bedroom flats together with associated cycle and vehicle parking, refuse storage, landscaping and associated infrastructure following demolition of existing public house and associated buildings.

Applicant:

FPC (Bracknell) LLP

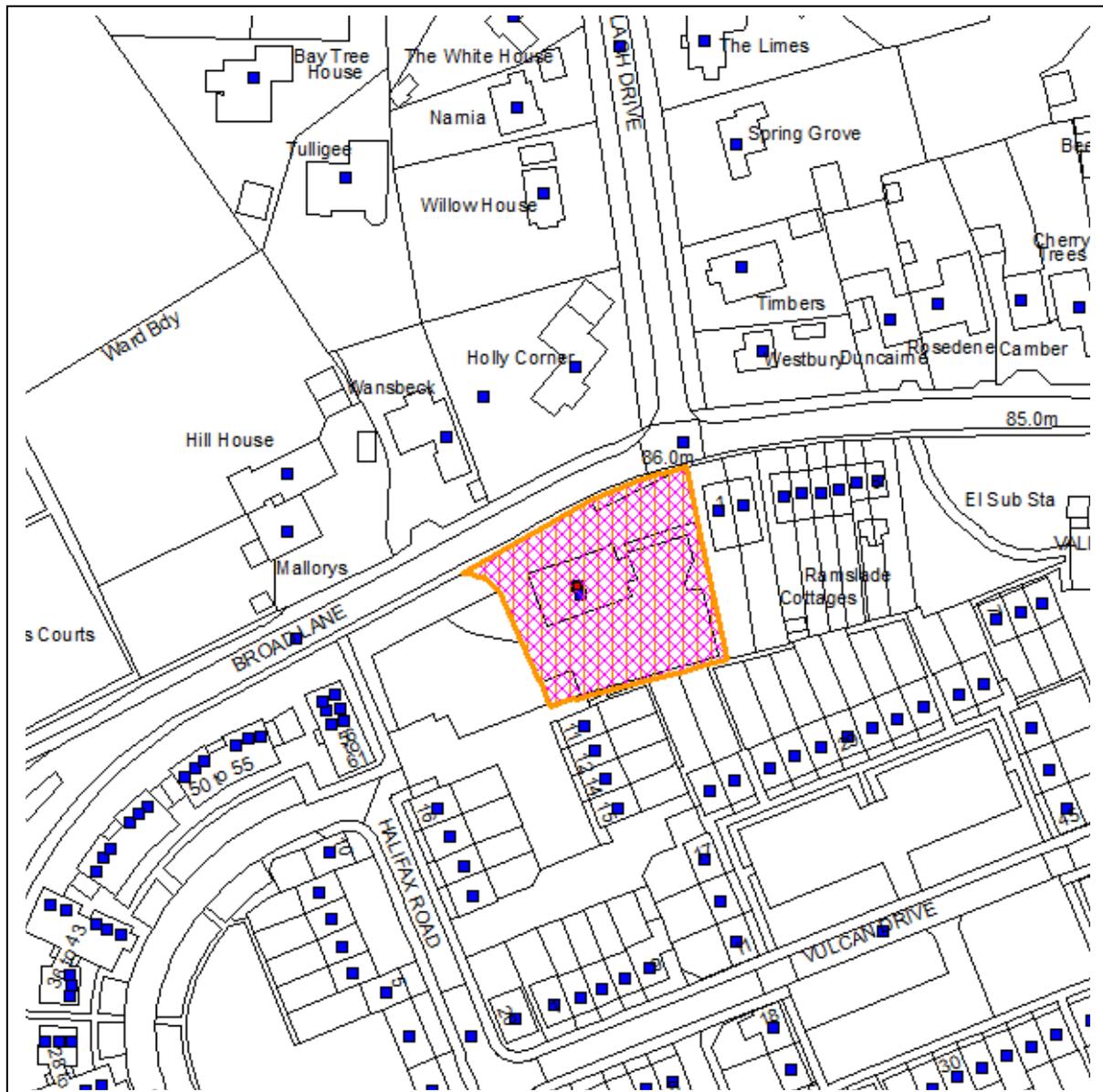
Agent:

Mr Huw James

Case Officer:

Michael Ruddock, 01344 352000

development.control@bracknell-forest.gov.uk

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

OFFICER REPORT

1. SUMMARY

1.1 The proposed development is for the erection of a 2.5 storey building forming 12no. two bedroom flats following demolition of the existing building and outbuildings. The application includes associated vehicle and cycle parking, refuse storage, landscaping and other associated infrastructure.

1.2 The proposed development relates to a site within the settlement boundary. It is not considered that the development would result in an adverse impact on the streetscene or the character and appearance of the area. The relationship with adjoining properties is acceptable and it is not considered that the development would result in an unacceptable impact on biodiversity. Parking provision is considered acceptable and the development would not result in an adverse impact on highway safety. Relevant conditions will be imposed in relation to sustainability. A Section 106 legal agreement will secure contributions for SPA mitigation and the scheme is CIL liable.

RECOMMENDATION

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

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application is reported to the Planning Committee at the request of Councillor Dudley due to concerns that the development would result in a shortfall in parking.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within Defined Settlement

Within 5km of the SPA

3.1 The Blue Lion is a vacant public house located on Broad Lane, approximately 0.5km south of Bracknell Town Centre. The site is close to the entrance to Ranelagh Drive on the opposite side of the road, and is bordered by The Parks development to the rear and properties fronting Broad Lane to the east. The closest buildings to the west are flats fronting Broad Lane that are part of The Parks development, the closest of which is approximately 34m from the site boundary.

3.2 The site has an area of 0.05 hectares and comprises of a two storey building with a public house use at ground floor level and residential use for the managers flat at first floor level, with an associated car park serving the site at the rear. Access to the car park is to the west of the existing building. An ancillary outbuilding is located in the south west corner of the site.

3.3 The site itself is not within a Character Area, however the land to the north of Broad Lane, opposite the site, is within Area B (Broad Lane) of the Character Area Assessments SPD.

4. RELEVANT SITE HISTORY

4.1 The site has an extensive planning history relating to its extant use as a public house and it is not considered that these applications are relevant to the current scheme. However the following two recent applications at the site are of particular relevance:

Application 15/00406/FUL for the Change of use application from class A4 Public House to class A1 Convenience Store. Rear and side extensions with installation of associated plant equipment. Conversion of first floor into accommodation to form 1 x two bed apartment. The application was refused in October 2015 due to highway safety concerns with regard to the proposed delivery and servicing arrangements. A subsequent appeal against this decision was dismissed.

Application 16/00159/FUL for a Mixed use redevelopment comprising a retail unit (A1) and five flats (C3) (comprising five 2 bedroom units), together with associated plant, cycle and vehicle parking, refuse storage and landscaping following demolition of existing public house and outbuildings. The application was refused in February 2017 for the following two reasons:

01. The proposal by reason of increased traffic movements to and from the site would lead to an intensification of the site which would result in an adverse impact on highway safety. The proposed development would therefore be contrary to Policy CS23 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

02. 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, the Bracknell Forest Borough Parking Standards (Supplementary Planning Document approved March 2016) and the National Planning Policy Framework.

The applicants appealed against this decision, and the appeal was allowed by the Planning Inspectorate.

5. THE PROPOSAL

5.1 The proposed development is for the erection of a 2.5 storey building forming 12no. two bedroom flats following demolition of the existing building and outbuildings. The building would be built in two distinct blocks each with a width of 13.8m, giving an overall width of 27.6m. The western block would be stepped 2m further back from the site frontage than the eastern block. It would have a height of 9.4m with a pitched roof with dormers to the front elevation leading to a central flat roof element. To the rear in addition to the pitched roof there would also be a central timber boarding feature on both blocks which would include balconies. The predominant materials would be Heather Red Brick and Plain Clay Tiles.

5.2 The development would provide twelve flats over three floors, with four flats on each floor. All the flats would have two bedrooms (one with en suite), an open plan kitchen/living/dining area and a bathroom. They would all be dual-aspect with the upper floor flats having a balcony to the rear and the ground floor flats an outdoor amenity area to the rear.

5.3 The vehicular access would be in the same location as the existing access on the western side of the site, and it would be improved as part of the proposal. A 4.1m wide access road would lead to a parking area to the rear of the building which would contain 19

parking spaces. One space would be allocated to each of the 12 flats, with a further seven unallocated spaces, two of which would be disabled access spaces.



5.4 The four ground floor flats would have separate pedestrian access from the front. The upper floor flats would be accessed from the rear into a central stairwell with a separate access to each block. Pedestrian access from the highway would be from the eastern side of the site with a path leading to the rear. A 2m wide footpath would be provided at the front of the site with the kerb reinstated. A cycle storage building would be provided in the south eastern corner of the site with a refuse storage building to the west of the main building.

6. REPRESENTATIONS RECEIVED

Bracknell Town Council

6.1 Recommend refusal for the following reasons:

- Insufficient parking is provided.
- Overdevelopment of this site that is on an already very busy highway.
- No affordable housing.

[OFFICER COMMENT: There are no affordable housing requirements for a development involving twelve residential units. The Council's affordable housing threshold is fifteen units.]

Other representations:

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

- Highway safety concerns with regard to the access.
- Impact on the amenities of the neighbouring properties to the east. Scale and form of buildings are a concern.
- Development would be out of keeping with the character of the area.

6.3 Four further comments were received which were made as representations rather than objections. The comments made are summarised as follows:

- Preferable to previous application that included a convenience store.
- It should be a condition that no parking either during construction or after can take place in Ranelagh Drive.

[OFFICER COMMENT: The Local Planning Authority cannot impose conditions relating to land outside the application site. It is noted that Ranelagh Drive is a private road and not adopted highway.]

- Request that a planning condition is considered regarding hours and days worked.
- Comments were also made with regard to parking and access, similar to the above.

7. SUMMARY OF CONSULTATION RESPONSES

Highways Officer

7.1 Recommend conditional approval.

Environmental Health Officer

7.2 Recommend conditional approval.

Lead Local Flood Authority

7.3 Recommend conditional approval

7.4 Biodiversity Officer

Comments made in respect of application 16/00159/FUL remain relevant to the current application.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	consistent
Residential Amenity	Saved policies EN20 and EN25 of BFBLP	consistent
Highway Safety	CS23 of CSDPD, Saved policy M9 of BFBLP	consistent
Biodiversity	CS1 and CS7 of CSDPD	consistent
Trees	Saved policies EN1 and EN20 of BFBLP	consistent
Sustainability	CS10, CS12 of CSDPD	consistent
SPA	NRM6 of SEP, CS14 of CSDPD, EN3 of BFBLP	consistent

Other publications	National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). Design SPD, Character Area Assessments SPD, Parking Standards SPD, Thames Basin Heaths SPA Avoidance and Mitigation SPD, Planning Obligations SPD.
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9.1 The key issues for consideration are:

- i Principle of the Development
- ii Impact on character and appearance of the area
- iii Impact on residential amenity
- iv Transport implications
- v Effect on Trees
- vi Biodiversity Considerations
- vii Surface Water Drainage
- viii Sustainability
- ix SPA
- x Community Infrastructure Levy

i. Principle of the development

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

ii. Impact on the character and appearance of the area

9.3 The proposal would result in new frontage development along Broad Lane that would be set further forward than the existing building. In view of the height of the building and its location close to the highway, the development would be a prominent feature in the streetscene.

9.4 There are a number of principles within the BFC Design Supplementary Planning Document that are relevant to the proposal. This states that the design approach to building lines should be justified and should relate to existing building lines in the area. The continuity of the frontage should be appropriate to the context and the local character. Development should be designed to face outwards when it overlooks a route. The design of built form should be specific to its location, the height, shape and form of the buildings should be considered in the street as a whole and the building height should respond to existing heights and degree of variation in heights in the local context.

9.5 The development would respect the building line to the east, with no part set further forward than the neighbouring dwellings at Ramslade Cottages. The western block is set back from the building line of the eastern block to follow the curve of Broad Lane at this point. Although it would be greater in height than the properties to the east it is not considered that the development would appear overly prominent or dominating in the streetscene. The continuity of the frontage is considered to be appropriate to the context and the local character.

9.6 With regard to the scale of the development, it is noted that similar developments have previously taken place or have recently been granted planning permission nearby with a frontage onto Broad Lane. These include the three storey flats to the west of the site that are part of The Parks development, Brackworth and Broughs, all of which consist of large apartment buildings. At a maximum height of 9.4m, the development would be greater in

height than the adjacent dwellings however this height is not considered to be excessive when viewed in the context of nearby three storey buildings. It is not considered that a development of the size proposed would be out of keeping with the character of Broad Lane.



9.7 In respect of its design, the building would have a pitched roof appearance when facing the highway with dormers within the roof. Broad Lane has a varied streetscene with a mixture of dwelling designs which include hipped roofs, pitched roofs and dormers. As such it is considered that the design of the building would assimilate with the existing streetscene. Furthermore it is not considered that the existing building is of any architectural merit and has fallen into a state of disrepair. It is considered that the redevelopment of the site would be beneficial to the overall character of the area. Although the site is not within the Character Area, it is worth noting that the Character Areas Assessments SPD states that there is no consistent architectural approach along Broad Lane.

9.8 It is considered that there is sufficient space within the site to comfortably accommodate the built footprint, parking, access and amenity areas proposed without the development appearing cramped. Acceptable set offs are provided to both the side and the rear boundaries. As such it is not considered that the proposal would constitute an overdevelopment of the site. The size and siting of the bin storage and cycle storage areas is considered acceptable.

9.9 In comparison to the mixed use scheme allowed at appeal the building would be 1.4m higher with a similar width. It would not have as great a depth as the approved building and as such it would have a smaller footprint than the approved scheme. The layout is similar in terms of the location of buildings, parking and access. It is considered that the current proposal for a residential scheme would be more in keeping with the character of this residential area than a mixed use scheme that included a retail element.

9.10 As such it is not considered that the development would result in an adverse impact on the character and appearance of the area. The proposal would therefore not be contrary to BFBLP 'Saved' Policy EN20 or the NPPF.

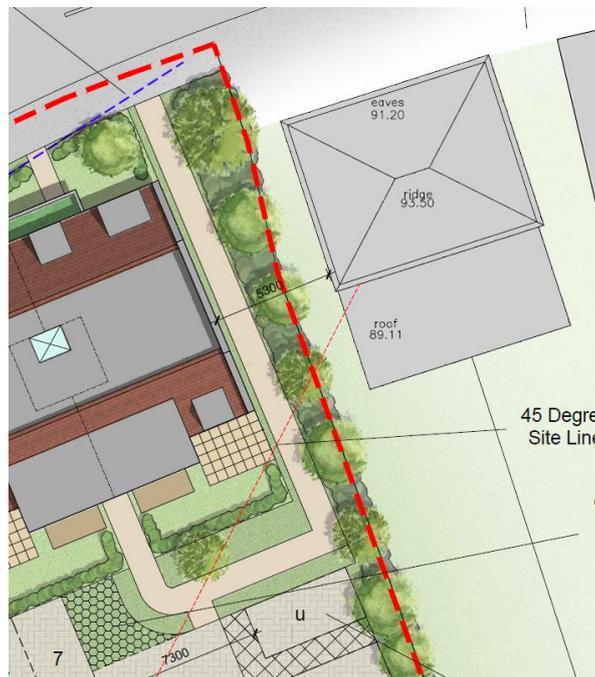
iii. Impact on residential amenity

9.11 No dwellings border the site to the west, therefore the dwellings most likely to be affected by the development are Ramslade Cottages to the east and dwellings on The Parks to the south.

9.12 The site is bordered to the east by No.1 Ramslade Cottages, however as the building would not project forward of the neighbouring dwelling it would not result in an unacceptable loss of light to the front facing windows of that property. Although a side facing first floor window does face towards the site, this is not the primary source of light to a habitable room and as such a loss of light to this window would not be unacceptable.

9.13 No part of the development would project significantly beyond the rear projection of the nearest residential properties at No.1 and No.2 Ramslade Cottages. As such the development would not appear unduly overbearing when viewed from the private amenity areas to the rear of those properties. The only side facing windows facing towards those properties are bathroom windows which will be secured by condition to be obscure glazed and fixed shut to ensure no loss of privacy. As flats do not benefit from 'Permitted Development' rights it is not necessary to impose a condition to remove such rights for additional side facing windows.

9.14 The development would be visible from first floor rear facing windows at the neighbouring properties to the east, however as demonstrated on the Site Layout a 45 degree line drawn from the midpoint of the nearest rear facing window would not intersect the new buildings at any point. As such it is not considered that the development would result in an unacceptable loss of light to the rear facing windows of these properties.



9.15 To the rear, the closest neighbouring dwelling is No.11 Halifax Road and the side elevation of this dwelling faces towards the application site. There are no windows in the elevation that would be affected and as such the development would not result in an unacceptable loss of light to this property. The closest building to the rear with windows facing the site is No.19 Vulcan Drive, however as there would be a gap of approximately 35m between the new building and that dwelling the development would not result in an unacceptable loss of light to that property.

9.16 The building would be set between 18m-20m from the rear boundary and as a result of this set off it is not considered that it would appear unduly overbearing when viewed from the neighbouring properties on The Parks to the rear of the site. Furthermore the separation distances would ensure that there would be no unacceptable loss of privacy to the neighbouring properties through overlooking.

9.17 With regard to the amenities of future occupiers of the flats, all twelve flats would receive acceptable levels of light and would all have separate amenity areas. The balconies would include privacy screens to the side to it would not be possible to overlook another private amenity area from a flat. It is considered that the development would provide a suitable level of amenity for future occupiers of the flats.

9.18 In comparison to the mixed use scheme allowed at appeal, it should also be noted that a residential scheme would have less impact on the neighbouring properties than the approved mix use scheme or the extant use of the site as a public house with regard to noise and disturbance. Although the proposed building is 1.4m higher, it would be set a minimum of 4m further from the rear boundary.

9.19 As such it is not considered that the development would result in a detrimental effect on the amenities of the residents of the neighbouring properties or future occupiers of the flats. The proposal would therefore not be contrary to BFBLP 'Saved' Policy EN20 or the NPPF.

iv. Transport implications

Parking

9.20 Nineteen parking spaces are proposed, including twelve allocated parking spaces (one for each flat) and seven unallocated spaces for use by residents and visitors. Two of the seven unallocated spaces are to be disabled spaces in line with the Parking Standards SPD.

9.21 The Council's Parking Standards SPD would require 26 parking spaces, including two visitor spaces, for the development and as such the proposal represents a shortfall of seven parking spaces. However the Parking Standards should be applied flexibly, and this application relates to a site that is in close proximity to Bracknell Town Centre. On the basis of the accessibility of the site to Town Centre shops, facilities and the railway and bus stations, and the most recently available Census data (2011) for the local area which recorded an average car ownership per household of 1.17 vehicles it is considered that the proposed parking would be acceptable on this occasion.

9.22 Further to this assessment, the recent appeal decision at this site against the refusal of application 16/00159/FUL needs to be given significant weight – the appeal against the refusal of application 16/00159/FUL allowed for a mixed use development of an A1 retail unit and five flats. One of the reasons for the original refusal of this application was insufficient parking (see Paragraph 4.1 above).

9.23 In allowing the appeal the Inspector stated the following: *'the proposed parking provision for five flats is less than the standard of 11 spaces expected by the parking standards in the SPD. However, the appeal site is accessible to the town centre railway and bus stations, reducing the need for the use of the car...I am satisfied therefore that the proposed parking provision for both the retail and residential units would be acceptable, meeting the requirements of Policy M9 of the BFBLP and the standards in the SPD applied flexibly.'*

9.24 The residential parking ratio proposed by the appeal scheme was 1.4 spaces per flat, whilst the current proposal has a ratio of 1.42 spaces per flat excluding the two disabled spaces, or 1.58 spaces per flat including the two disabled spaces. Given that the Planning Inspectorate accepted a lower ratio of residential parking spaces per flat than is proposed under the current application and that this scheme represents a realistic fallback position for the applicant, it is not considered that the shortfall of parking in comparison to the Parking Standards SPD warrants refusal of the application. Furthermore the applicant's Transport Statement includes an assessment of car ownership in the local area based on local census data, and concludes that anticipated car ownership for this residential development could be 13 vehicles. On this basis the proposal would provide an excess provision of parking.

9.25 A covered cycle store is to be provided in the south east corner of the car park which could accommodate 30 cycle spaces. This exceeds the parking standards for residents and visitors.

Access and Trips

9.26 The Blue Lion takes access off Broad Lane, a local distributor road that is subject to a 30mph speed limit. Broad Lane is busy throughout the day and is well used by school children accessing Ranelagh School and St Josephs Primary School to the north.

9.27 The existing pub car park access would be utilised and the Site Layout notes that this would be improved. The kerb across the frontage is to be reinstated and a 2m wide footway is proposed across the Broad Lane frontage. This would improve pedestrian access to these new flats and for existing pedestrians, and maximise visibility. Details of the improvements to the access and the off-site highway works shall be secured by condition.

9.28 Broad Lane is ancient highway and the highway boundary is angled across the site frontage with an existing picket fence an indication of this boundary, i.e. the verge adjacent to the footway is highway. Thus, dedication of private land would be required to the north east of the site to provide the 2m wide footway. As such the applicant will need to enter into a s278 legal agreement for the highway/footway works. The Site Layout also shows a grassed strip to be retained as highway behind the new footway to maintain and protect the required visibility splays of 2.4m by 43m which are commensurate with a residential development access onto a 30mph speed road. It is noted that highway land at the front of the site has been included as part of the application site, and notice was served on the Highway Authority.

9.29 The proposed access is shown on the Site Layout as a 9m wide/splayed access which would enable two cars to pass at the access before entering a 4.1m wide car park access road where vehicles could pass at low speed. Separate pedestrian accesses are to be provided which reduces the potential for conflict between cars, pedestrians and cyclists on the access road. The Site Layout shows a grasscrete turning area for domestic deliveries within the car park.

9.30 A bin store is to be provided close to the car park access, therefore refuse collection could occur from the main road. The Site Layout shows brick piers around 6m back from the road that indicates that gates could be added. Gates could potentially interfere with two way access including delivery vehicles and could create conflict with pedestrians. As such a condition will be imposed requiring details of any proposed gates to be approved in writing by the Local Planning Authority.

9.31 Twelve flats are likely to generate 41 two way trips per day, including three of four movements in both peak periods, although not all trips would be by private car bearing in mind the close proximity to shops and facilities. This would be less traffic generation than the extant use of the site as a public house. It is not considered that the level of traffic generated by the proposed development would result in a significant impact on the highway work.

9.32 In comparison to the scheme allowed at appeal, the vehicular and pedestrian accesses are in similar locations, however it should be noted that the already allowed scheme could result in 944 two way trips per day. The increase in traffic movements and the resultant impact on highway safety formed the basis for one of the reasons for refusal of the previous application, however this development was allowed on appeal. The current application would have significantly less impact on the local highway network than the permitted scheme.

9.33 In summary, the proposed development would provide a greater parking ratio and would result in significantly fewer trips than the scheme previously allowed at appeal. This planning permission remains extant and is a realistic fallback position for the applicant to implement. As such it is a material consideration in the determination of the current

application. As such the Local Planning Authority considers that a refusal on either of the previous grounds (referred to in paragraph 4.1) could not be warranted.

9.34 Notwithstanding the above, the proposed level of parking in this sustainable location is considered acceptable. Furthermore it is not considered that the development would result in an adverse impact on highway safety either from an inadequate access or an increase in vehicle movements. The development is therefore not contrary to CSDPD Policy CS23, BFBLP 'Saved' Policy M9 or the NPPF.

v. Effect on Trees

9.35 The proposal would result in the loss of trees to the east of the site, however these are not protected by Tree Preservation Orders nor is it considered that they would merit a Tree Preservation Order. As such it is not considered that their removal would be unacceptable.

9.36 However trees are a feature of the streetscene in this location and it is therefore considered that the removal of these trees should be mitigated by replacement planting. Planting is shown to the front, side and rear of the site on the site plan however it is considered that further details of this should be submitted to ensure that the loss of trees is adequately mitigated. As such a landscaping condition is recommended. Subject to compliance with this condition it is not considered that the development would be contrary to BFBLP 'Saved' Policy EN1 or the NPPF.

vi. Biodiversity Considerations

9.37 The main Blue Lion building and associated outbuildings have the potential to support roosting bats and the demolition of these building could have an adverse impact upon a bat roost if present. As such a bat survey was required to be submitted in support of the application.

9.38 A Bat Roost Assessment identified low potential for roosting bats, and a subsequent Emergence Survey recorded no emergence activity from either the main building or the associated outbuilding. A low amount of foraging and commuting activity was recorded in the survey area, and the majority of bat activity was observed within the residential gardens south of the site.

9.39 As no bats were recorded emerging from either building, a European Protected Species Mitigation licence is not required from Natural England. To enhance roost provision in the area it is recommended to put up one external bat box on the new structure. The enhancement would comply with CSDPD Policies CS1 and CS7 and will be secured by condition.

vii. Surface Water Drainage

9.40 The site is located in Flood Zone 1 and as such is not indicated to be at risk of surface water flooding. However due to the scale of development a Drainage Strategy has been submitted in support of the application. A number of soakage tests have been undertaken and the report sets out that moderate infiltration at the site is viable. A conservative rate has been used in the calculations.

9.41 The Drainage Strategy includes permeable paving and geocellular storage to provide the storage volume required for a 1 in 100 year storm event + 40%. Whilst an allowance for urban creep has not been included, the density of development across the plot would not allow for any further development and as such is not required in this instance. The design has considered the water quality and has utilised permeable paving to treat runoff from

parking areas with roof water straight to the sub-base. It is recommended that inspection chambers and filters on the roof water connections are incorporated to ensure that moss and sediment is not washed into the buried structures.

9.42 These recommendations and the drainage strategy shall be secured by condition. It is not considered that the development would result in an adverse flood risk.

viii. Sustainability

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

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

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

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

ix. SPA

9.46 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 2.25km 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.

9.47 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.

9.48 In this instance, the development would result in a net increase of 12 two bedroom flats replacing one three bedroom flat which results in a total SANG contribution of £17,041. The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which is also calculated on a per bedroom basis. Taking account of the per bedroom contributions this results in a total SAMM contribution of £5,601.

9.49 The total SPA related financial contribution for this proposal is therefore £22,642. A draft Section 106 agreement to secure this contribution and a restriction on the occupation of each dwelling until the Council has confirmed that open space enhancement works to a SANG are completed has been submitted. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP 'Saved' Policy NRM6, 'Saved' Policy EN3 of the BFBLP and CS14 of CSDPD, the Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD, the Planning Obligations SPD and the NPPF.

x. Community Infrastructure Levy

9.50 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.

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

10. CONCLUSIONS

10.1 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, significant trees, biodiversity or flood risk subject to conditions. The development is therefore not considered to be contrary to CSDPD Policies CS1, CS7 and CS23, 'Saved' BFBLP Policies EN1, EN20 and M9 or the NPPF.

10.2 In addition to the above, regard needs to be had to the scheme allowed on appeal (application 16/00159/FUL) which remains extant and represents a realistic fallback position for the applicant. This permission is for a mixed use scheme which incorporates a ground floor retail element together with first floor residential units. It is considered that the impacts of the already allowed proposal would be greater than those of the application currently under consideration. This particularly applies to parking provision, impact on the local highway network and impact on residential amenity through noise and disturbance.

11. RECOMMENDATION

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

- Measures to avoid and mitigate the impact of residential development upon the Thames Basin Heaths Special Protection Area (SPA).

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

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

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

02. The development hereby submitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 30.10.17:

LOC01, 02/C, 010/A, 011/A, 012/A, 013/A, 014/A, 020/A

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

03. No construction works shall take place until samples 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. No construction works shall take place until details showing the finished floor levels of the building hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of the character of the area.

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

05. No construction works shall take place until details of a scheme of walls, fences and any other means of enclosure has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of the building approved in this permission.

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

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

06. The first and second floor bathroom windows serving Plot 8 and Plot 12 located in the east facing side elevation of the development hereby permitted shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent). They shall at all times be fixed shut with the exception of a top hung openable fanlight.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

07. No flat shall be occupied until a means of vehicular access has been constructed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

08. No flat shall be occupied until a means of access 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/or pedestrians.

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

09. No flat shall be occupied until all the visibility splays shown on the approved drawings have been provided. Those areas 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]

10. No flat shall be occupied until the associated vehicle parking has been set out in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.

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

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

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

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

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

12. No flat shall be occupied until a 2.0m wide footway has been constructed across the site frontage to the north in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

13. The car parking indicated on the approved plans as car parking for people with disabilities shall be marked out, signed and provided prior to the first occupation of the flats that the parking relates to and shall thereafter be retained.

REASON: To ensure that people with disabilities have adequate access to the development.

[Relevant Policy BFBLP M7]

14. No gates shall be provided at the vehicular access to the site until details of the gates have been submitted to and approved in writing by the Local Planning Authority. The gates so approved shall be retained as such thereafter.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

15. 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

and each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (e) above.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

16. No construction works shall commence until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule.

All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st

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

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

[Relevant Policies: BFBLP EN20, CSDPD CS7]

17. The development hereby permitted shall be carried out in accordance with the enhancement measures outlined in the Bat Emergence Survey dated 9 May 2016.

REASON: In the interests of nature conservation.

[Relevant Policies: CSDPD CS1, CS7]

18. The development shall not commence until full details of the Drainage System(s) have been submitted to and approved in writing by the Local Planning Authority. Details shall include further infiltration testing in full accordance with BE365 to support the assumed rates, full details of all components of the proposed drainage system including dimensions, locations, gradients, invert and cover levels, headwall details, permeable paving design, planting (if necessary), details of proposed filter traps, access for maintenance and drawings as appropriate. The development shall be carried out in accordance with the approved details.

The design shall accord with the principles set out in the CEP Drainage and Maintenance Statement dated 26 October 2017.

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

[Relevant Policy: CSDPD CS1]

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

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

[Relevant Policy: Core Strategy DPD CS10]

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

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

[Relevant Plans and Policies: CSDPD Policy CS12]

Informative(s):

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

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

1. Commencement
2. Approved Plan
6. Obscure glazed windows
8. Pedestrian Access
9. Visibility Splays
10. Parking
11. Refuse and cycle storage
13. Disabled parking
14. Gates
17. Bat enhancement works

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

15. Site Management Plan
18. Drainage

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

3. Materials
4. Finished Floor Levels
5. Boundary Treatment
16. Landscaping
20. Energy Demand Assessment

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

7. Access
12. Footway
19. Sustainability Statement

03. The applicant is advised of the need to enter into a Section 278 Agreement under the 1980 Highway Act before any work can be undertaken within the public highway.

In the event of the S106 agreement not being completed by 30 May 2018, the Head of Planning be authorised to either extend the period further or refuse the application on the grounds of:

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