

**ITEM NO: 9**

Application No.

**18/00827/FUL**

Site Address:

Ward:

Priestwood And Garth

Date Registered:

16 August 2018

Target Decision Date:

11 October 2018

**Sunnymead Jocks Lane Bracknell Berkshire RG42  
1SU**

Proposal:

**Erection of 3no. dwellinghouses and one chalet bungalow, revised access, on-site car parking, private amenity space and landscaping following demolition of existing dwelling and associated garage.**

Applicant:

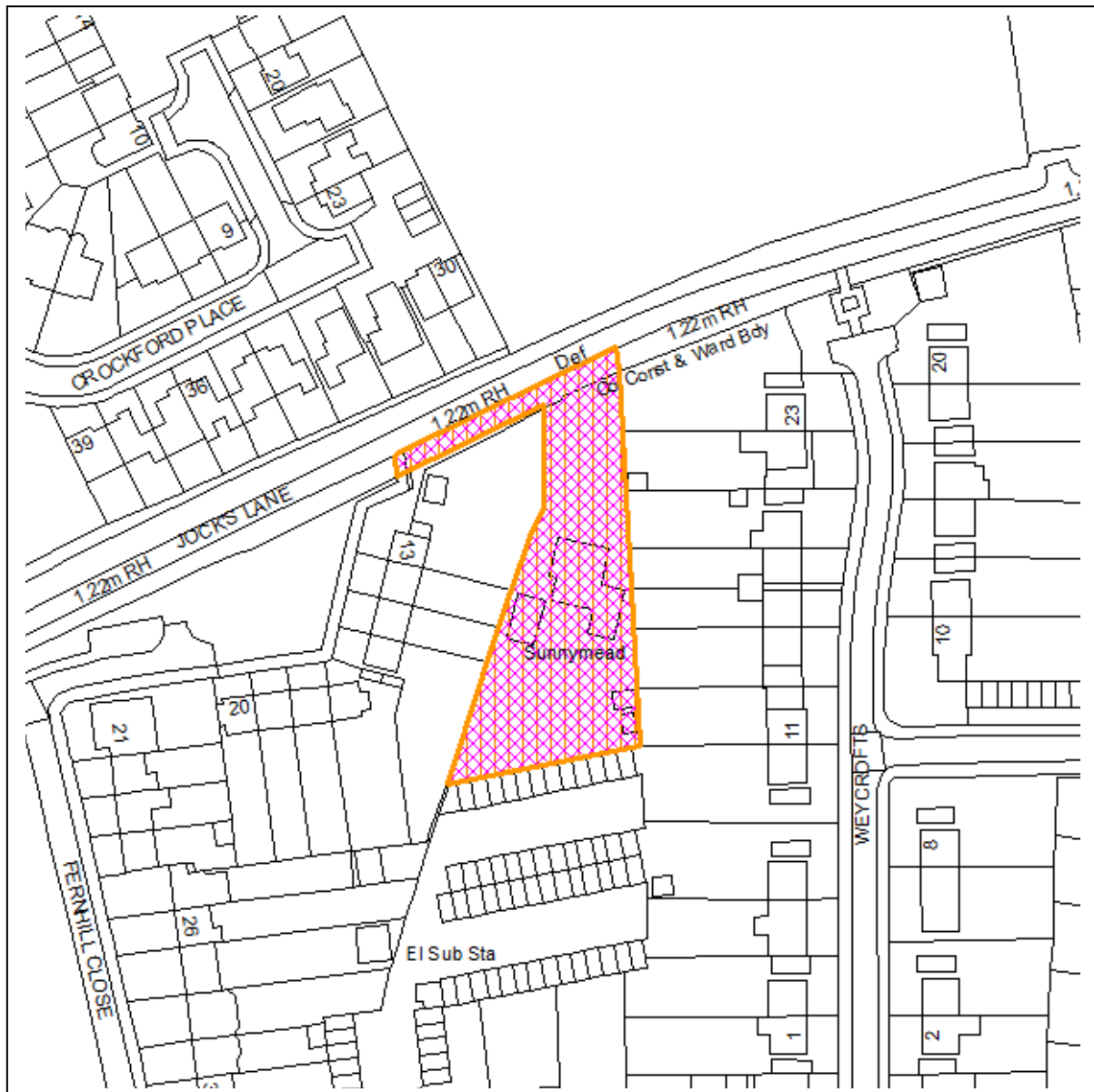
Forays Homes (Southern) Ltd

Agent:

Mr Alex Mitchell

Case Officer:

Michael Ruddock, 01344 352000

[development.control@bracknell-forest.gov.uk](mailto: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 one detached chalet bungalow, one detached two storey dwelling and two semi-detached two storey dwellings following the demolition of the existing dwelling and garage. As part of the development the access would be revised, with parking, landscaping, bin storage and private amenity space all provided.

1.2 The proposed development relates to a site within the settlement boundary and it is not considered that the development would result in an adverse impact on the character and appearance of the area, residential amenity, highway safety, protected trees or biodiversity. 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.

<b>RECOMMENDATION</b>
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Delegate to the Head of Planning to Approve the application subject to the completion of a Section 106 agreement and conditions in Section 11 of this report.
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### **2. REASON FOR REPORTING APPLICATION TO COMMITTEE**

2.1 The application is reported to the Planning Committee as more than five objections have been received.

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

<b>PLANNING STATUS</b>
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Within Defined Settlement
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Within 5km of the Thames Basin Heath SPA
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3.1 The site is in a residential area with access off Jocks Lane. It currently comprises of one four bedroom bungalow and associated garage. There is a grass lawn to the front of the dwelling with a driveway running along the western boundary to the garage. A private garden is located to the rear.

3.2 To the east the site is bordered by the rear gardens of properties that front Weycrofts and to the west it is bordered by the rear gardens of properties that front Fernhill Close. A parking court is located to the rear that has access from Moordale Avenue. It is noted that Sunnymead is the only property in the immediate vicinity that has access onto Jocks Lane.

3.3 The site is not affected by any Tree Preservation Orders nor is it within a Flood Zone.

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

4.1 Relevant planning history for the site is summarised as follows:

Application 04/00089/FUL - Erection of 4no. 1 bedroomed flats and a terrace of 5no 3 bedroomed houses with associated parking and access, following demolition of existing bungalow - Refused 2004, Appeal Dismissed.

Application 08/00435/FUL - Erection of 4no. four bedroom three storey semi-detached houses and detached four bay car port and associated parking following demolition of existing dwelling and detached garage - Withdrawn.

Application 17/00802/FUL - Erection of four semi-detached houses and one chalet bungalow, revised access, on-site car parking, private amenity space and landscaping following demolition of existing dwelling and associated garage – Refused 2017, Appeal Dismissed.

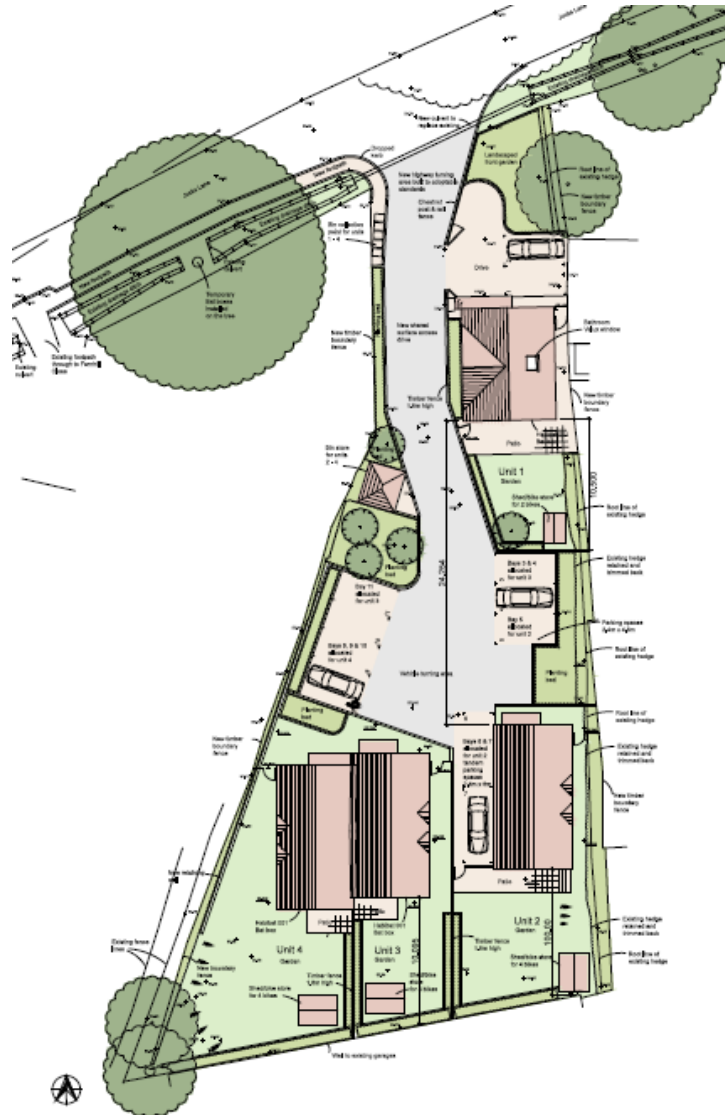
The primary reason for the refusal of this application is set out as follows:

*'By reason of its form, design, bulk, scale and height the proposed development would result in an overdevelopment of the site that would be out of keeping with the surrounding pattern and form of development to the detriment of the character and visual amenities of the area. The proposed development*

would therefore be contrary to Policy CS7 of the Core Strategy Development Plan Document, 'Saved' Policy EN20 of the Bracknell Forest Borough Local Plan, the Design Supplementary Planning Document and the National Planning Policy Framework.'

## 5. THE PROPOSAL

5.1 The proposed development is for the erection of one detached chalet bungalow, one detached two storey dwelling and two semi-detached two storey dwellings following the demolition of the existing dwelling and garage. As part of the development the access would be revised, with parking, landscaping, bin storage and private amenity space all provided.



5.2 The new access from Jocks Lane would be widened with a 4.8m wide access road providing access to all the dwellings. The chalet bungalow (Unit 1) would have a separate access from the new road with the road leading to a larger vehicle parking and turning area which would be forward of the three two storey dwellings (Units 2-4). A bin collection point would be provided to the side of the access road, with a bin store located adjacent to the parking area with a height of 3.6m.

5.3 Unit 1 would be located at the front of the site, set approximately 15m back from the junction with Jocks Lane. It would have a depth of 9m with a width of 7.5m and a height of 6.6m. It would have a pitched roof design with a pitched roof dormer to the west facing side elevation. It would have an entrance hall, living room, kitchen and breakfast/dining room at ground floor level with two bedrooms and a bathroom at first floor level. A garden would be provided to the rear which would include a shed for bike storage. Two parking spaces would be provided forward of the dwelling.

5.4 Units 2-4 would be sited to the rear of the site. Unit 2 would be a detached dwelling with a depth of 11.5m, a width of 6.3m and a height of 8m. It would have a pitched roof design with two pitched roof dormers in the east facing side elevation. It would have an entrance hall, living room, kitchen and

breakfast/dining room at ground floor level with four bedrooms, an en-suite and a bathroom at first floor level. A garden would be provided to the rear which would include a shed for bike storage. Two tandem parking spaces would be provided to the side of the dwelling with a further space provided in the parking area forward of the dwelling.

5.5 Units 3 and 4 would be semi-detached dwellings which would be staggered with Unit 3 sited 1m further forward. Both dwellings would have a depth of 11.5m, a width of 6.3m, and a height of 8m and would have a pitched roof design. Both dwellings would have two pitched roof dormers in the side elevation and would have an entrance hall, living room, kitchen and breakfast/dining room at ground floor level with four bedrooms, an en-suite and a bathroom at first floor level. Gardens would be provided to the rear which would include a shed for bike storage. Parking would be provided in the parking area forward of the dwellings, with three spaces allocated to each unit.



5.6 The application has been submitted following the refusal of a previous application at this site, and subsequent dismissal of this application at appeal. The scheme has been revised and the amendments are summarised as follows:

- Reduction in the number of dwellings from five to four.
- Reduction in height of the three two storey dwellings from 8.9m to 8m and the removal of second floor accommodation from these dwellings.
- Reduction in size of the hard standing parking area with removal of parking spaces. Additional soft landscaping provided in place of hard standing.
- Larger gardens to the rear of the two storey dwellings.

## 6. REPRESENTATIONS RECEIVED

### Bracknell Town Council:

6.1 No objection.

### Other representations:

6.2 Six letters of objection were received to the proposed development. The reasons for objection can be summarised as follows:

- Overdevelopment of the site.
- Adverse impact on the amenities of surrounding residents due to loss of privacy, loss of security and an increase in noise and disturbance.
- Adverse impact on highway safety due to additional traffic using Jocks Lane.
- Loss of a wildlife habitat.

6.3 It is noted that the 3-5 objection procedure was completed on this application and no Member requests were received for the application to be heard by the Planning Committee. However following completion of this procedure a sixth objection was received.

## 7. SUMMARY OF CONSULTATION RESPONSES

### Highways Officer

7.1 Recommend conditional approval.

### Biodiversity Officer

7.2 Comments from the Biodiversity Officer in respect of application 17/00802/FUL remain relevant and are incorporated into the report below.

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

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

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	consistent
Design and Character	CS7 of CSDPD, Saved policy EN20 of BFBLP	consistent
Residential Amenity	Saved policy EN20 of BFBLP	consistent
Highway Safety	CS23 of CSDPD, Saved policy M9 of BFBLP	consistent
Trees	Saved policies EN1 and EN20 of BFBLP	consistent
Biodiversity	CS1, CS7 of CSDPD	consistent
Sustainability	CS10, CS12 of CSDPD	consistent
<b>Other publications</b>	National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG), Design SPD, Parking Standards SPD	

## 9. PLANNING CONSIDERATIONS

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 Sustainability
- viii SPA
- ix 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 etc. These matters are assessed below.

### **ii. Impact on the character and appearance of the area**

9.3 With regard to the streetscene, the majority of the development would be set to the rear of the site, set back over 45m from Jocks Lane. The chalet bungalow would be a more visible feature in Jocks Lane however it is not considered that a dwelling of this size would appear overly prominent. As such it is not considered that the development would result in a significant impact on the streetscene when viewed from Jocks Lane.

9.4 It is noted that the previous application at this site, reference 17/00802/FUL, was refused due to its impact on the character and appearance of the area, specifically due to concerns that the design, bulk and height of the dwellings and the overall form of development would appear out of keeping with the pattern of development in this area. In dismissing the appeal the Planning Inspector raised concerns that the site was not of sufficient size to accommodate the development proposed and the development would result in an intensive built form and awkward site arrangement. The Inspector also agreed with the Council's concerns regarding the size and scale of the dwellings to the rear, and that the development would be contrary to the Council's Design SPD.

9.5 The main amendments to the scheme in comparison to the previous application are set out in paragraph 5.6 above. The reduction in the number of dwelling units from five to four has resulted in larger private amenity areas being provided for the dwellings to the rear of the site and a reduction in the amount of parking required for the proposal. The reduction in hard standing has resulted in additional soft landscaping areas being provided. It is considered that the result of these amendments is that the development can now be comfortably accommodated on the site without appearing cramped or awkward, including acceptably sized amenity areas, set offs, landscaping and parking, and would not appear out of keeping with the pattern of development in this regard.

9.6 With regard to the size and scale of the dwellings to the rear, these have been reduced in height from 8.9m to 8m with second floor accommodation removed. A flat roof element that was previously proposed between the two semi-detached dwellings is no longer proposed, and its removal combined with the reduction in height has significantly reduced the bulk of these dwellings. In terms of both its size and design it is therefore considered that the development relates far better than the previous proposal to the surrounding residential areas which are characterised by two storey terraced dwellings with traditional pitched roof designs. Although the dwellings would be slightly greater in height than the surrounding dwellings, which have approximate heights of 7.5m, it is not considered that such a difference in height would be unacceptable.

9.7 The Council's Design Supplementary Planning Document was adopted in March 2017. In relation to Backland Development the SPD states that in principle, 'All backland development should be subordinate, i.e. it should occupy a minor proportion of the block in which it is sited; should be designed to the highest standards and should have a positive and legible entrance.' Specifically, the SPD states that development should:

- not harm the existing character of the local area;
- relate positively to the existing layout and existing urban form;
- relate to a site of sufficient size and suitable shape to accommodate the number of dwellings proposed when compared to the existing grain of development in the area, together with external space, access and parking requirements;
- not be taller than the existing buildings nor be highly visible from the street frontage.

9.8 It is noted that the backland development would not occupy a minor proportion of the site, however as the site widens to the rear and given the shape of the site it is reasonable to expect the development to take this form. The design of the dwellings is considered acceptable and the site would have a legible entrance. It is not considered that the development would be contrary to the recommendations of the Design SPD in respect of such development.

9.9 The dwellings would be constructed from facing brickwork with vertical tile hanging at first floor level and plain roof tiles to the roof. Full details of materials shall be secured by condition, as shall details of the floor levels of the dwellings and boundary treatment. It is noted that soft landscaped planting areas are proposed, and full details of the planting shall be secured by condition. An existing hedge to the eastern boundary will be retained.

9.10 It is therefore considered that the concerns that resulted in the previous application being refused have been overcome, and it is not considered that the development would result in an adverse impact on

the character and appearance of the area. The proposal would not be contrary to CSDPD Policy CS7, BFBLP 'Saved' Policy EN20 or the NPPF.

### **iii. Impact on Residential Amenity**

9.11 The site shares a boundary to the west with the rear of dwellings that front Fernhill Close, and to the east with the rear of dwellings that front Weycrofts. As such there are a number of dwellings that could be affected by the proposals. The rear boundary of the property is adjacent to a parking court therefore no dwellings to the rear of the site would be affected.

9.12 In terms of the dwellings to the west of the site, Unit 1 would be located 6.8m off the site boundary however as it would be located over 27m from the rear elevation of the nearest neighbouring dwelling at No.13 Fernhill Close it is not considered that it would result in an unacceptable loss of light to the rear facing windows of that property. Due to its height and set off it is not considered that it would result in an unduly overbearing effect on the dwellings to the west. A large side facing landing window would face towards this boundary, which would have a maximum height of 4.8m from ground level. It is not considered that a window with this height and set off would result in an unacceptable loss of privacy to the neighbouring property as a result of overlooking.

9.13 To the rear of the site, the closest unit to the dwellings to the west would be Unit 4. This dwelling would be set much closer to the western boundary, 1.3m at the front and 5.3m to the rear. This dwelling would be located at the rear of the gardens that serve No.15 and No.16 Fernhill Close. These gardens have a depth of approximately 16m and due to this set off it is not considered that the development would result in an unacceptable loss of light to the rear facing windows of either property. Although it would be set close to the boundary, the closest point of the dwelling to the neighbouring site would be at the rear of the garden. It is noted that the neighbouring properties have patios to the immediate rear of the dwelling and these are considered to be the most private amenity areas at the neighbouring properties. The dwelling would be set off these areas by over 12m and as such it is not considered that the development would result in an such an unduly overbearing effect when viewed from the private amenity areas of the neighbouring properties that refusal of the application would be warranted.

9.14 Side facing dormer windows would face towards the neighbouring properties to the west, however these would serve a bathroom and en suite which are not habitable rooms. The plans show the windows to be obscure glazed, which shall be secured by condition along with the windows being fixed shut to a height not less than 1.7m from floor level.

9.15 With regard to the dwellings to the east of the site, Unit 1 would be located much closer to the boundary at 1.1m. The closest dwellings to the east would be No.19 and No.21 Weycrofts which would be located between 21m-25m from the rear elevations of these dwellings. As a result of this set off it is not considered that the development would result in an unacceptable loss of light to the front facing windows at these dwellings. Furthermore the dwelling would also be set off over 20m from the private amenity areas to the immediate rear of these dwellings and as such it is not considered that it would result in an unduly overbearing effect that would warrant refusal of the application. A side facing roof window serving a bathroom would face towards the neighbouring properties from Unit 1. This window appears to be below 1.8m from floor level and it is considered that the window could result in the overlooking of the neighbouring properties. As such in the event of an approval a condition will be imposed requiring this window to be glazed with obscure glass and fixed shut to a height not less than 1.7m above internal floor level.

9.16 In respect of the dwelling to the rear, Unit 2 would be located closest to the eastern boundary at 1.1m and the closest dwellings to the east would be No.11 and No.13 Weycrofts. The dwelling would be set a minimum of 23m from the rear elevations of these dwellings and at such a distance it is not considered that the development would result in an unacceptable loss of light to or unduly overbearing effect on these properties. Similarly to Unit 4, side facing dormer windows would face towards the neighbouring properties to the east however these would serve a bathroom and en-suite which are not habitable rooms. As with Unit 4, the plans show the windows to be obscure glazed, which shall be secured by condition along with the windows being fixed shut to a height not less than 1.7m from floor level. It is noted that an existing hedge on this boundary would remain, thus reducing the impact of the development on these properties.

9.17 Concerns have been raised with regard to an increase in noise and disturbance as a result of the development, both during and after construction. Noise and disturbance during construction is not

considered to be a reason to refuse an application as this is not a permanent impact, and a Construction Management Plan shall be secured by condition. It is not considered that the noise impacts of an additional three dwellings in a residential area would be so significant that refusal of the application would be warranted, and in any case the new access road and parking area would be set well away from private amenity areas.

9.18 Concerns have also been raised by residents that their security would be compromised by the development as it would involve a new parking court to the rear of their properties that is publically accessible. However the parking court would be overlooked by all the new dwellings with boundary treatment to the sides and rear in the form of fences. It is not considered that this would present a significant security risk to the existing dwellings. It is noted that the parking court to the rear of the application site has boundaries with neighbouring properties, and this parking court is less overlooked than the proposed parking area. As such it is not considered that the proposed development would present a significant security risk to neighbouring properties.

9.19 Finally, the proposed development would provide an acceptable level of amenity for future occupiers of the dwellings in respect of their amenity areas and there would be no unacceptable loss of light, overbearing or overlooking impacts between the units. Side facing dormers are also proposed in the east elevation if Unit 3, and as with Unit 2 and 4 these would be glazed with obscure glass which would be secured by condition.

9.20 As such it is not considered that the development would result in a detrimental effect on residential amenity. It would therefore not be contrary to BFBLP 'Saved' Policy EN20 or the NPPF.

#### **iv. Transport implications**

##### Access

9.21 The four dwellings would take access off Jocks Lane, an adopted road which is subject to a 30mph speed limit and is a no-through road for vehicular traffic. Access to Jocks Lane is taken from Wokingham Road which currently provides access to around seven properties, including Sunnymead, as well as being well used by pedestrians and cyclists for access between residential areas and the nearby recreation ground. Jocks Lane is generally 4m wide enabling cars, pedestrians and cyclists to pass at low speed which is likely given the nature of the lane. Jocks Lane is straight with good forward visibility enabling cars to wait and pass at informal passing places.

9.22 The proposed access shown on the Site Plan would be in a similar position to the existing access with alterations to create a 4.8m wide road to enable two cars to pass. Also sight lines of at least 2.4m by 30m could be achieved in line with requirements for a low speed lane providing acceptable visibility towards vehicles, pedestrians and cyclists.

9.23 The site layout has been designed to incorporate access and turning for a fire tender which would also cater for domestic delivery vehicles. The Site Plan notes 'new highway turning area built to an adoptable standard' and while this would be an improvement to the current limited turning along the lane, access/turning for a delivery vehicle appears to be tight. Jocks Lane could need widening to either side of the site to achieve an acceptable turning area for a refuse vehicle. The provision of turning for a refuse vehicle within the site access should enable consolidation of the bin storage/collection arrangements shown on the Site Plan. The site access should not be gated to enable refuse access and would need to be constructed to take the weight of a refuse vehicle.

9.24 A new footway is proposed on the south side of Jocks Lane heading westward towards an existing footpath into Fernhill Close, and this would provide a good pedestrian link southwards. However Jocks Lane is a shared surface as existing and it could be preferable to widen the lane to assist with two way access rather than construct a separate footway. A footway or lane widening could be achieved within the highway boundary, and a scheme of off-site highway works shall be secured by condition in the event of an approval.

9.25 The proposed access works would include a replacement culvert over a ditch which would replicate an existing situation and is acceptable. Any footway or widening works can be incorporated without affecting the ditch. The means of access should be provided prior to the occupation of the dwellings and access



details shall be secured by condition. The applicant will require the consent of the Highway Authority for highway works and shall be advised of this by way of an informative.

9.26 Four dwellings could generate a total of 24 two way movements per day, including two or three movements in both peak periods. There are a number of facilities and services in the surrounding area and not all trips would be by private car. The Highway Authority has not raised any safety concerns with regard to additional traffic using Jocks Lane. Site management during the construction phase can be secured by condition.

### Parking

9.26 The proposed site plan indicates that two parking spaces would be provided for the two bedroom dwelling and three parking spaces would be provided for each of the four bedroom dwellings. The spaces measure off the site plan as 2.4m by 4.8m with 6m of access space, and one disabled space is provided. The parking would therefore comply with the requirements of the Parking Standards SPD. It is noted that tandem parking is provided for Unit 2 however this is considered acceptable for a single dwellinghouse.

9.27 Cycle parking would be provided for all dwellings with a shed in the rear garden. This is acceptable and shall be secured by condition.

9.28 It is therefore not considered that the development would result in an adverse impact on highway safety. It would therefore not be contrary to CSDPD Policy CS23, BFBLP 'Saved' Policy M9 or the NPPF.

### **v. Effect on Trees**

9.29 There are no significant trees within the site that would be affected by the development. Whilst there are significant trees along Jocks Lane it is not considered that the development would result in a significant impact on these. Tree protection details have been provided and shall be secured by condition. None of the nearby trees are protected by Tree Preservation Orders. It is therefore not considered that the development would be contrary to 'Saved' Policy EN1 or the NPPF.

### **vi. Biodiversity Considerations**

9.30 Two species of bats have been identified roosting in small numbers within the existing dwelling. Information has been provided to show that three bat boxes will be placed on an ash tree at the front of the site within the applicants ownership and replacement roosting will be provided by three integrated bat boxes within the new dwellings. The provision of the bat boxes is supported by the retention of the hedge to the side to allow bats to move out from the buildings into the wider area to forage. A licence from Natural England will be required, and a condition will be imposed requiring a copy of that licence to be submitted to the Local Planning Authority to ensure that the development complies with the 2010 Habitats Regulations.

9.31 The site is located adjacent to a green corridor running along Jocks Lane however it is not considered that the development would result in a significant impact on this. Although the site would be cleared it is a residential site within the defined settlement, not a woodland habitat, and areas of garden space would remain.

9.32 As such it is not considered that the development would result in an adverse impact on protected species, subject to condition securing appropriate mitigation. The development would therefore not be contrary to CSDPD Policies CS1 and CS7 or the NPPF.

### **vii. Sustainability**

9.33 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 in support of the application, therefore in the event of an approval a condition would be recommended requiring the submission of a Sustainability Statement prior to the occupation of the development in accordance with CSDPD Policy CS10 and the NPPF.

9.34 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/CO<sub>2</sub>) 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; and,
- The choice of renewable energy systems proposed and the associated energy and carbon savings.

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

#### **viii. SPA**

9.36 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 4km 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.

9.37 An Appropriate Assessment has been carried out for this development in accordance with the Habitats Regulations 2017. Without any appropriate avoidance and mitigation measures the Appropriate Assessment concludes 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 the planning application.

9.38 On commencement of the development, a contribution (calculated on a per-bedroom basis) is to be paid to the Council towards the cost of measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Council's Thames Basin Heaths Special Protection Area Supplementary Planning Document (SPD) and the Planning Obligations SPD. The strategy is for relevant developments to make financial contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the SPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures 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.

9.39 In this instance, the development would result in a net increase of 1no. two bedroom dwelling and 3no. four bedroom dwellings replacing the existing four bedroom dwelling which results in a total SANG contribution of £18,869. 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 £2,140.

9.40 The total SPA related financial contribution for this proposal is therefore £21,009. 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 SPD, the Planning Obligations SPD and the NPPF.

#### **ix. Community Infrastructure Levy**

9.41 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.

9.42 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 development involves a net increase of three dwellings and as such is CIL liable.

## 10. CONCLUSIONS

10.1 The proposed development relates to a site within the settlement boundary and is therefore acceptable in principle. It would not adversely affect the character and appearance of the surrounding residential area or the residential amenities of neighbouring properties. It is not considered that the development would result in an adverse impact on highway safety, trees or biodiversity, subject to the recommended conditions.

10.2 As such the development would not be contrary to CSDPD Policies CS1, CS2, CS7 and CS23, BFBLP 'Saved' Policies EN1, EN20 and M9 or the NPPF.

## 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 permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 16 August 2018 and 5 October 2018:

PI2/01/B, PI2/02/A, PI2/03, PI2/04 PI2/05/A, PI2/06, PI2/07

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 brick and tile samples to be used in the construction of the external surfaces of the dwelling 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 dwelling hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority and 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. 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]

07. The first floor bathroom window in the east facing side elevation of Unit 1 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 to a height not less than 1.7m above internal floor level.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

08. The first floor dormer windows in the east facing side elevations of Units 2 and 3 and the west facing side elevation of Unit 4 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 to a height not less than 1.7m above internal floor level.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no additional windows, similar openings or enlargement thereof shall be constructed at first floor level or above in west or east facing side elevations of the dwellings hereby permitted except for any which may be shown on the approved drawings.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

10. No dwelling shall be occupied until a means of vehicular access has been constructed in accordance 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]

11. No dwelling shall be occupied until the vehicle parking and turning space for the new dwellings has been set out in accordance with the approved drawing. The spaces shall be retained as such thereafter and shall not 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]

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

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

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

13. 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]

14. No dwelling shall be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for off-site highway works including a new footway or lane widening to the front of the site. The dwellings provided by the carrying out of the development shall not be occupied until the off-site highway works have been completed in accordance with the scheme. The development shall be carried out in accordance with the approved details.

REASON: In the interests of highway safety.

[Relevant Policy: CSDPD 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. The development hereby permitted shall be carried out in accordance with the tree protection measures as set out on plan 9435-KC-XX-YTREE-TPP02REVD received by the Local Planning Authority on 10 October 2018.

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]

17. The development hereby permitted shall be carried out in accordance with the mitigation measures contained in Calyx Environmental Ltd 'Preliminary Ecological Appraisal and Bat Survey Report' dated July 2017 (reference FHS17001).

REASON: In the interests of nature conservation.

[Relevant Policies Core Strategy CS1, CS7]

18. The demolition of any buildings on site shall not commence unless the Local Planning Authority has been provided with either:

- a) a Licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity to go ahead; or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity will require a Licence.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

19. No dwelling 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 dwellings 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]

21. The development shall incorporate surface water drainage that is SuDS compliant and in accordance with DEFRA "Sustainable Drainage Systems - Non-statutory technical standards for sustainable drainage systems" (March 2015). It shall be operated and maintained as such thereafter.

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

[Relevant Policies: CSDPD CS1, BFBLP EN25]

Informative(s):

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

02. 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 Plans
7. Obscure Glazing
8. Obscure Glazing
9. Side facing windows
10. Access
11. Parking
12. Cycle Parking
13. No gates
16. Tree Protection
17. Mitigation
21. SuDS

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

15. Construction Management Plan
18. Licence

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

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

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

14. Off-site highway works
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.

04. The applicant should note that the Bracknell Forest Council's Street Works Team should be contacted at Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 352000, to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks notice to obtain details of underground services on the applicant's behalf.

**In the event of the S106 agreement not being completed by 31 March 2019, 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 Supplementary Planning Document (2018).