

ITEM NO:

Application No.

19/00497/FUL

Site Address:

Ward:

Binfield With Warfield

Date Registered:

6 June 2019

Target Decision Date:

5 September 2019

**Land North Of Herschel Grange Warfield Street
Warfield Bracknell Berkshire**

Proposal:

Erection of 33 dwellings (including 10 affordable dwellings), with car parking, landscaping, open space and access from Herschel Grange, following demolition of 6 Herschel Grange.

Applicant:

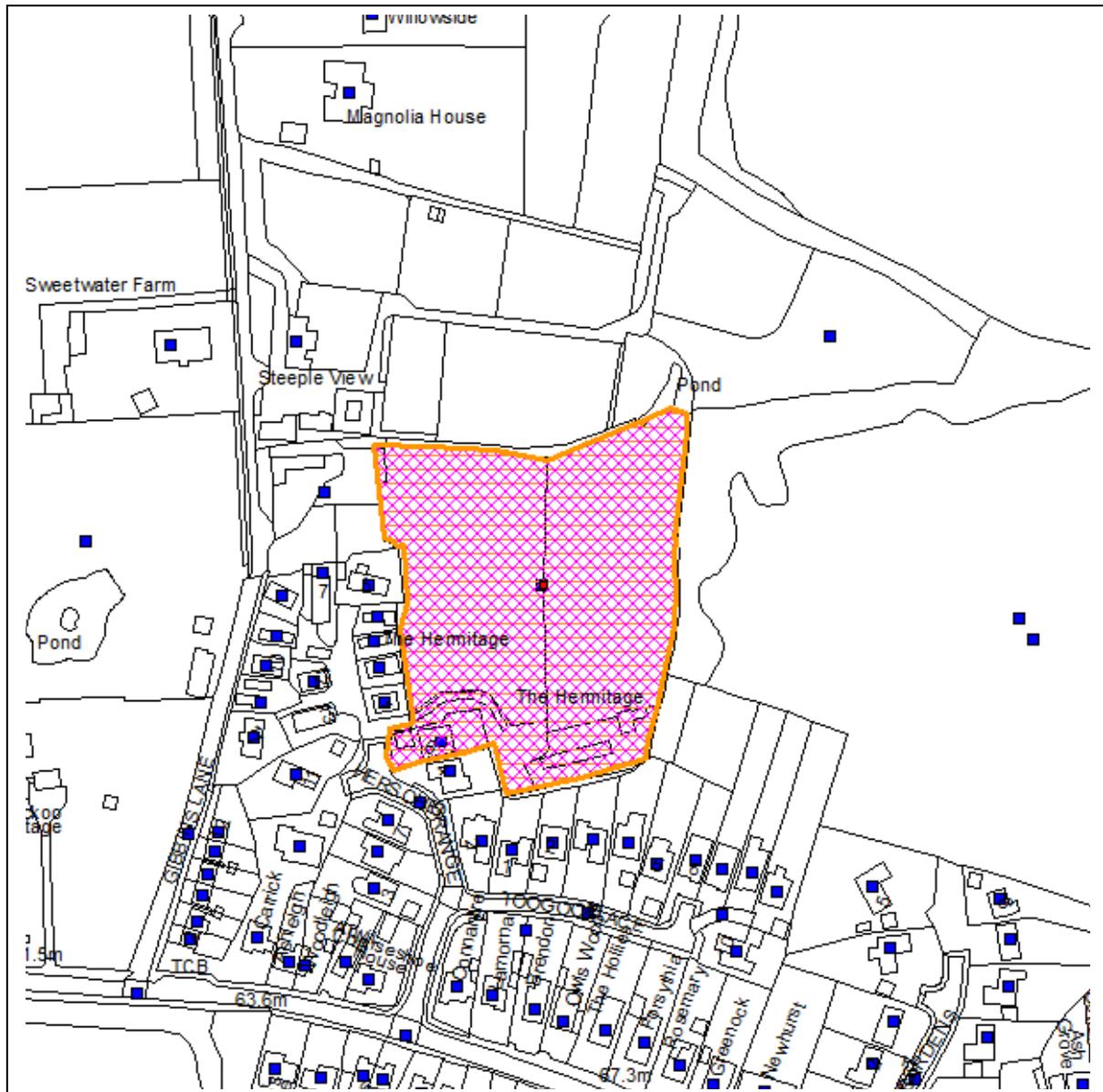
Mr Peter Reed

Agent:

(There is no agent for this application)

Case Officer:

Jo Male, 01344 352000

development.control@bracknell-forest.gov.uk**Site Location Plan** (for identification purposes only, not to scale)

1. Purpose of report

1.1 The purpose of this report is to:

- inform members of a legal issue that has arisen related to Planning Application reference 19/00497/FUL, Land North of Herschel Grange, Warfield Street, Warfield, which was previously considered by the Planning Committee on 16th December 2019. The Committee resolved that the application should be approved subject to the completion of a s106 planning obligation and appropriate conditions;
- explain to members the actions taken to assess and address the issues raised; and
- seek members' re-determination of application 19/00497/FUL on the basis of revised plans submitted by the applicant and the following report which recommends that the Head of Planning be authorised to approve the application subject to the completion of planning obligations and a set of planning conditions.

2. Recommendation

2.1 It is recommended that the Planning Committee:

- i. re-considers the planning merits of application 19/00497/FUL on the basis of the following report, which acknowledges and explains why the recommendation made, differs from that relating to the previous application 18/00650/FUL; and,
- ii. resolves that, following the completion of planning obligation(s) under Section 106 of the Town and Country Planning Act 1990 relating to the following measures:
 - avoid and mitigate the impact of residential development upon the Thames Basin Heaths Special Protection Area (SPA);
 - provision of the agreed standard of affordable housing;
 - provision of, and financial contribution towards, areas of OSPV;
 - contributions towards the provision and maintenance of community facilities;
 - contribution towards the provision of educational facilities,
 - securing the adoption of the highways within the site by the Council, and
 - securing an appropriate site drainage strategy;

the Head of Planning be authorised to APPROVE the application subject to the conditions and with the informatives as set out below, amended, added to or deleted as the Head of Planning considers necessary.

3. Reasons for Recommendation

- 3.1 The recommendation is made in order that members are fully informed of the reasons for the change in the recommendation between the current application and a previously refused application for the same site. The original resolution to approve the second application made in December 2019 has been the subject of a pre-action protocol letter which states a judicial review claim will be commenced in the event that a decision pursuant to the December 2019 resolution is issued. In light of the issues raised, amended plans have been submitted by the applicant and a revised report prepared which provides an up to date assessment of the application's merits in light of all consultation responses. It addresses the issue of why a different recommendation is being made in relation to subsequent applications. This is in order to ensure the legal robustness of the decision. Further information and reasoning is set out in Sections 5, 7 and 8 of this report.

4. Alternative Options Considered

- 4.1 The alternative option would have been to proceed to issue the decision in accordance with the decision made on 16 December 2019 without further recourse to the Planning Committee. However, based on legal advice, this course of action is likely to have resulted in a claim for judicial review having been made with the consequential risk of the decision being quashed and costs being awarded against the Council.

5. Introduction

- 5.1 On 16th December 2019, planning application 19/00497/FUL was considered by the Planning Committee. The application proposed the erection of 33 dwellings (including 10 affordable dwellings) with car parking, landscaping, open space and access from Herschel Grange following the demolition of 6 Herschel Grange.
- 5.2 The application was submitted following the refusal of application 18/00650/FUL which related to the same application site. This previous application ('the first application') had proposed the erection of 34 dwellings (including 8 affordable dwellings) with car parking, landscaping and open space and access from Herschel Grange, again following the demolition of No. 6. It had been refused under delegated powers in April 2019 on 5 grounds which can be summarised as:
- The proposed development would have a harmful urbanising impact on the character and appearance of the countryside contrary to development plan policy, the Design SPD and the NPPF;
 - The proposal failed to demonstrate that it would not have an adverse impact on biodiversity through its failure to address concerns relating to the presence of protected species and priority habitats;
 - The proposal failed to demonstrate that an acceptable surface water drainage strategy could be achieved;
 - In the absence of a planning obligation securing suitable avoidance and mitigation measures, the occupants of the development would put extra pressure on the Thames Basin Heaths SPA; and,
 - The occupants of the proposed development would unacceptably increase pressure on local open space and community infrastructure and failed to secure any mitigation of these impacts.
- 5.3 A copy of the Delegated Officer's Report and the decision notice relating to this application is attached as Appendix 1 to this report.

- 5.4 Application 19/00497/FUL ('the second application') was presented to the Planning Committee with a recommendation for approval. At the meeting, the Committee Report and a Supplementary Planning Report were considered. It was resolved that the Head of Planning be authorised to approve the application following the completion of an obligation under s106 of the Town and Country Planning Act 1990 relating to the following measures:
- avoid and mitigate the impact of residential development upon the Thames Basin Heaths Special Protection Area (SPA);
 - provision on site of 10 affordable dwellings;
 - provision of, and contribution towards, areas of OSPV;
 - contributions towards the provision and maintenance of community facilities;
 - contribution towards the provision of educational facilities;
 - securing the adoption of the highways within the site by the Council (excluding areas of shared surfacing); and
 - securing an appropriate site drainage strategy,
- and subject to the conditions set out in the agenda, the supplementary report and an additional condition agreed by the Committee preventing the installation of gates at the entrance to the development.
- 5.5 A copy of the Committee Report, Supplementary Report and printed minutes of the meeting are attached at Appendix 2.
- 5.6 The s106 Agreement has yet to be completed and as a result the application has yet to be approved and the decision has not yet been issued.
- 5.7 On 14th May 2020, a pre-action protocol letter was sent to the Director of Place, Planning, and Regeneration on behalf of the Warfield Village Action Group (WVAG). This alleged that the LPA had erred in resolving to approve the 2019 application, by failing to have sufficient regard to a 'very significant material consideration' i.e. the refusal of the first application, and to provide adequate reasons for its coming to a different conclusion on the second application. As such, it was alleged that any planning permission issued pursuant to this resolution would be unlawful and open to a legal challenge and a potential award of costs against the Council.
- 5.8 In order to avoid such a challenge, the Council was asked to take the application back to Committee for it to be redetermined. In the event that this action was not taken it was confirmed that a claim for Judicial Review would be made on behalf of a member of the WVAG, against the decision of Bracknell Forest Council to issue any planning permission pursuant to the Committee's resolution of 16th December 2020. An Order would be sought, quashing the permission granted and seeking payment of the claimant's costs. Under the terms of the Aarhus Convention, it would be sought to limit the claimant's costs to £5000 in the event of an adverse decision, with the Council's liability being capped at £35,000 plus VAT.
- 5.9 A full review was undertaken in respect of the consideration of both applications 18/00650/FUL and 19/00497/FUL and legal advice was taken from specialist planning counsel. Following this review, the Head of Planning considers it appropriate to return the application to the Planning Committee for re-determination.
- 5.10 As part of the thorough review process it became apparent that there were a number of failings in relation to the assessment of both planning applications. It was noted that there was an inconsistency between the applications in the assessment of the existing site's landscape character and the contribution it makes to the area of countryside within which it lies. That the first application report, failed to take account of or reflect the most recent landscape assessment of the site, namely the Landscape Sensitivity Appraisal of Potential

Housing and Employment Sites in Bracknell Forest, which forms part of the evidence base to the emerging Local Plan. An assessment of the existing character of the site is material to any assessment of the impact of development on this character which goes to the issue of the level of harm caused, a matter which is weighed within the planning balance. It was also noted that there were issues in relation to the second application in respect of obtaining and reporting consultation responses as well as the concern raised in the pre-action protocol letter which identifies that the Committee report fails to clearly identify why the application was being recommended for approval following the refusal of the first application. Accordingly, it is not considered appropriate to rely on the contents of the original Committee report for the re-determination of application 19/00497/FUL (the second application).

- 5.11 Following this review process, further consultation was undertaken in order to ensure that up-to-date responses were available in respect of the 2019 application. The Applicant has been made aware of all consultation responses and offered an opportunity to address them. As a result, revised plans have been submitted which indicate a number of amendments to the scheme since it was last considered by the Committee. Whilst the application still proposes the erection of 33 dwellings, 10 of which would be affordable, the most significant changes to the scheme are as follows:
- The pedestrian access arrangements at the site's entrance have been amended to provide a footpath around the proposed visitor parking to link with the shared surface serving Plots 23 – 33
 - The width of the access road is reduced over much of its length and a shared surface is introduced at the northern end of the site allowing the removal of formal footways in this area, reducing the amount of hardsurfacing required,
 - Plots 17 and 18 have been rotated and now take access from the northern shared surface, reducing the level of hardstanding and siting the dwellings at an angle to the site's eastern boundary,
 - A paved access is provided to the boundary of the site facilitating footpath and cycle access to the adjacent development north of Newhurst Gardens should this come forward,
 - Plots 9-16 are moved southwards, increasing rear garden depths and the separation to the northern boundary and the mature trees along it,
 - Plots 19-22 are moved southwards to maintain spaciousness and front to front separation with the units to the north (plots 9 – 16),
 - Plot 9's garage is moved rearwards to allow the insertion of side windows which will provide surveillance over the amenity space,
 - Minor changes are made to the siting of Units on Plots 6 – 8, 21, 22 and 23. This improves surveillance of the amenity space from the window to the projecting stairwell serving Plot 8,
 - The units on Plots 26 and 27 are handed and the garaging serving these units and Plot 25 is re-located to allow increased opportunities for landscaping,
 - The apartment building parking court is repositioned to increase its distance from the southern boundary,
 - The apartment building has been redesigned to remove the additional bulk/built form of the lift shaft at the rear,
 - The wildlife corridor has been extended into the site to incorporate tree T1, and,
 - Additional tree and shrub planting is proposed within the site.

- 5.12 An extract from the proposed site layout is included below:



5.13 The following report provides a complete assessment of the merits of the application as revised. It contains, within Section 13, an assessment as to why the recommendation in this instance differs from the decision taken in respect of application 18/00650/FUL.

6. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Majority of site is outside the settlement boundary
Sited within 5km of the Thames Basin Heaths SPA

6.1 The application site consists of 6 Herschel Grange, a two-storey detached house, and its curtilage together with a predominately undeveloped grass field to the north and east bounded by a combination of wooden fencing and planting, including tall hedging to the eastern boundary. A number of mature oak trees are located along the site's northern edge. Two dilapidated stable buildings are sited towards the southern boundary of the site. The site appears to have had historic equestrian use, its current use is as horse grazing and it was historically known as The Hermitage. Current access to the site is via a single gated track immediately north of 6 Herschel Grange.

6.2 The site is bordered by the housing development of Herschel Grange and Toogood Place to the south which comprise two storey detached dwellings. Along part of the site's western boundary lies the Hermitage Caravan Park. The area to its north, has

recently been the subject of a planning application (19/00536/FUL) for an extension to the existing caravan park for the siting of 7no additional mobile homes with associated vehicular access and parking. This was refused in July 2019 and is currently the subject of an appeal. This land is currently developed by means of a stable building and an area of hardstanding. The land to the north of the application site comprises Steeple View a detached dwelling with associated equestrian facilities including stables, paddocks and a sand school. The land to the east is currently undeveloped, however, it has outline planning permission for up to 50 dwellings, to be accessed from Newhurst Gardens.

- 6.3 The majority of the site is located outside a defined settlement, but adjoining the settlement boundary of Warfield (which links continuously to the Bracknell town urban area) to the south, as identified in the Bracknell Forest Borough Policies Map (2013). The settlement boundary includes the curtilage of 6 Herschel Grange and a sliver of land to its north which contains the existing access track.
- 6.4 The site has been identified as a site allocation for housing within both the Regulation 18 versions of the Draft Local Plan which have been subject to public consultation in February 2018 and October 2019. The proposed allocation, if ultimately adopted, would extend the settlement boundary around the extent of the application site.

7. RELEVANT SITE HISTORY

- 7.1 The site history of the application site is as follows:

5491 - Application for extension to existing caravan site. Refused (1959)

612413 - Erection of stable block, tack room, feed room and hay store. Approved (1987)

18/00650/FUL - Erection of 34 dwellings (including 8 affordable dwellings), with car parking, landscaping, open space and access from Herschel Grange, following the demolition of No.6 Herschel Grange. Refused (2019)

- 7.2 The existing housing development consisting of Herschel Grange and Toogood Place was permitted under multiple applications determined between 1995 and 2001. The existing caravan park to the west (The Hermitage) has been present since the early 1960s.
- 7.3 The land to the immediate east of the application site (land north of Newhurst Gardens) has outline planning permission granted on appeal (ref: 16/01004/OUT) for the erection of up to 50 residential dwellings (including up to 25% affordable housing), parking, open space and landscaping with access from Newhurst Gardens. All matters were reserved apart from access and, to date, no reserved matters application has been received.

8. THE PROPOSAL

- 8.1 The proposed development consists of the erection of 33no. dwellings (32no. net) on primarily undeveloped land to the north-east of the current housing at Herschel Grange, and north of the housing within Toogood Place. It would adjoin the existing mobile home site known as The Hermitage Caravan Park to the west. The proposal

would involve the demolition of the existing dwelling of 6 Herschel Grange to enable vehicular access to the site (from Warfield Street via Herschel Grange).

- 8.2 The proposed dwelling mix would consist of 4no. one bedroom, 10no. two bedroom, 10no. three bedroom, 6no. four bedroom (5 net in view of the demolition of 6 Herschel Grange), and 3no. five bedroom units. Ten of these dwellings are proposed to be affordable housing units, which represents 31.3% of the net total.
- 8.3 The dwellings would be a mix of detached, semi-detached and terraced houses, and a 2.5 storey apartment building on the south-eastern corner of the site. The majority of the houses would be 2 storey, with 8no. of the larger units providing an additional level of accommodation within the roofspace (Plots 13 – 18, 27 and 33). Parking to serve each of the units (other than the apartment block) would be provided within car ports either attached to the dwelling or free-standing. Each dwellinghouse is provided with a shed to provide secure cycle storage and the apartment block is provided with a detached bin and cycle store.
- 8.4 The proposal includes an amenity area, pumping station, detention basin, and a footpath and cycle connection to the approved Newhurst Gardens development.
- 8.5 During the course of the application, amendments have been made to the site layout, including the relocation of the proposed apartment building, the provision of drainage features, and provision of a future pedestrian/cycle access to the approved Newhurst Gardens development to the east. Since the consideration of the application by the Planning Committee in December 2019, further changes have been made which are summarised at para. 5.11 above.

9. REPRESENTATIONS RECEIVED

Warfield Parish Council

- 9.1 Warfield Parish Council recommends refusal of the application for the following reasons:
 - this is outside of the existing settlement area
 - overdevelopment of the site and out of keeping with the area
 - concerns regarding additional traffic in the area following the approval of the land north of Newhurst Gardens
 - urbanisation of designated character area
 - impact on local open space
- 9.2 The Parish Council has been re-consulted in respect of the revised plans and any additional comments received will be presented to the meeting.

Representations from Members of the Public

- 9.3 41 no. objections have been received from 33 addresses. This includes a letter of objection sent on behalf of the Warfield Village Action Group. The concerns expressed are summarised below:
 - the site is located outside the defined settlement boundary, and would not relate well to the existing settlement form or the wider rural setting,
 - the proposal is contrary to the Bracknell Forest Council Development Plan including Policy CS9 as it would adversely affect the character, appearance and function of the land,
 - no weight should be afforded the draft Local Plan

- priority should be given to allocation of previously developed sites and sites within the settlement before this site,
- the inspector's decision at Newhurst Gardens should be given no weight as the Council's Housing Land Supply position has changed and the sites have different characteristics,
- Bracknell Forest Council now has a Five Year Land Supply and so this cannot be used to justify the proposal, and there is no evidence that the proposal would meet the housing needs of the community as required by Policy CS16;
- a significant proportion of the Council's housing requirement has already been provided within Warfield,
- loss of landscape buffer between urban areas and to the north of Bracknell,
- impact on trees,
- the proposal would result in an adverse impact both on the countryside setting and on the existing character of development to the immediate south. It would result in a negative urbanisation of the area. Warfield Street is a designated Character Area and the proposal would have a negative impact on this,
- the proposal constitutes overdevelopment of the site,
- three storey development is inappropriate in this location,
- the application plans do not show the correct boundary line with 4 Toogood Place [Officer Note: the applicant has confirmed that the boundary line is accurate and that the correct certificates have been served],
- the tree locations are misrepresented,
- the proposal, in combination with the Newhurst Gardens development, and other development taking place further to the south of Warfield Street, would result in an unfavourable erosion of the countryside and a harmful net increase in traffic movements,
- the proposal would result in the loss of soft landscaping features including trees;
- high density of development would have a harmful urbanising effect and be out of character with the surrounding open countryside,
- impact on rural setting on adjacent agricultural land and loss of 'horsiculture' character,
- loss of amenity to users of PROWs,
- loss of habitat for endangered species and other animals such as deer which are currently present on site,
- the benefits of providing needed additional housing does not outweigh the harm of the proposal,
- conflict with Warfield SPD,
- lack of school places,
- landscape plan illegible
- amenity area inadequate
- noise and disturbance,
- the location of the proposal is not sustainable in relation to access to local amenities, and occupants would be reliant on personal vehicles,
- the proposal would result in an adverse impact on surrounding heritage assets (Listed Buildings),
- the proposed access to the site from Herschel Grange is not acceptable as there are 3 roads 'blending' on the corner as it enters the site
- the proposed development would result in an adverse impact on highway safety and cause danger to local children,
- the proposal would result in unacceptable levels of pollution generation,
- the proposal would result in additional on-street parking occurring within the existing highway of Herschel Grange,
- the proposal does not include a Construction Management Plan;
- impact on existing drainage system in an area already experiencing flooding,
- impact on Thames Basin Heaths SPA,
- insufficient plot sizes

- impact of construction traffic;
- the proposal would have an adverse impact on properties within The Hermitage, Toogood Place and Herschel Gardens as a result of loss of privacy and overlooking,
- the proposal does not make provision for sustainable energy features, e.g. solar panels;
- the proposal would result in an adverse impact on the residential amenities of occupants living within Toogood Place, through the loss of existing planting screening and the resulting overlooking and loss of privacy,
- traffic generation,
- overlooking and loss of privacy,
- failure to provide sufficient public open space,
- the proposal would result in adverse environmental impacts,
- the objections made to previous refused application 18/00650/FUL for this site have not been overcome,
- the proposed housing is not creative, beautiful housing as advocated by the Government
- attention is drawn to decisions made, either by the LPA or appeal Inspectors, in relation to sites at Scotlands House, Home Farm, Foxley Lane, Tilehurst Lane, Beaufort Park and Locks Ride,
- reasons for recommending approval are not robust and are inconsistent with existing planning evidence and in stark contrast with reasons given for refusing application 18/00650/FUL,
- contrary to Warfield Neighbourhood Plan,
- in light of pandemic development needs to increase garden space and provide allotments,
- latest version of plans represents little or no improvement on previous submission and represents too many houses on too small a plot of land.

9.4 In addition, a further letter of objection has been submitted on behalf of the Warfield Village Action Group by Richard Buxton Solicitors who also submitted the pre-action protocol letter referred to above. A copy of this letter is attached at Appendix 3. Its objections are summarised as:

- The application proposes development outside the settlement boundary and within the countryside contrary to Policy CS9,
- The scale and layout of the development conflicts with the Council's 'character' policies CS1, CS2, CS9, EN8, EN20 and H5. These policies are wholly consistent with the NPPF such that they attract full weight,
- The previous application which was refused, similarly proposed a form of development that conflicted with these character policies. This is a material consideration in the determination of the current application and no reason for this change in approach has been provided,
- The Council can demonstrate in excess of a 5 year Housing Land Supply (HLS) and a delivery record of 99% of its target which is a 'weighty material consideration in favour of upholding adopted policies',
- There are no material considerations that weigh in favour of the application and in light of the policy conflicts identified, the Council should refuse the application.

9.5 In claiming that the proposed development conflicts with the Council's character policies, the letter contains a detailed analysis of the scheme's character and design. This process raises specific objection on a number of grounds which can be summarised as: the appropriateness of the suburban character of the proposed development; the inadequacy of the on-site public open space; the height of the development failing to respond to the Hermitage caravan site and the open countryside to the north; the inappropriate use of

materials; the inappropriate location of car parking; and the inadequacy of landscaping. These issues will be dealt with in the following sections of this report.

- 9.6 The letter of objection also raises concern in relation to what is referred to as the 'erroneous approach to appeal decisions at Committee Meeting on 16th December 2019'. The solicitor was not present at the meeting but alleges that 'some members repeatedly expressed and gave weight to the view that planning inspectors give determining weight at appeals to the provision of housing. Notably, no details of any of the appeals where this is allegedly the case were provided or discussed'. The writer assumes that members here were referring to the public law principle that there should be consistency between decisions on similar planning applications and makes the point that there should be sufficient information in front of the decision maker to understand the main similarities and differences between the present application and any other application considered to have a 'precedent effect'.
- 9.7 The minutes of the meeting do not provide clarity on the nature of this discussion. However, it is noted that para. 10.4 of the original committee report states: 'While the Local Planning Authority is able to demonstrate a five years' supply of housing, Inspectors in recent appeal decisions have given significant weight to the benefit of additional housing in general. This includes both economic and social benefits, in terms of job creation and contributions towards the local economy and reflects the government's policy in the NPPF to significantly boost the supply of housing'.
- 9.8 This statement reflects para. 59 of the NPPF and no specific appeals were suggested as having a 'precedent effect' in this case. Members will be aware from their notifications of appeal decisions and quarterly updates on planning appeals performance that in recent years, Inspectors have taken a variety of approaches to new development beyond settlement boundaries within the Borough. The approach taken will in part depend upon their findings on the 5 year HLS and their assessment of whether countryside policies should be considered 'up to date' for the purposes of NPPF para.11 d.
- 9.9 Following the submission of amended plans, local residents have been notified and offered the opportunity to make further comments. At the time of writing, two further letters of objection had been received and are referred to within para. 9.3. Any further comments received will be presented to the meeting.

10. SUMMARY OF CONSULTATION RESPONSES

Highway Officer

No objection subject to conditions.

Biodiversity Officer

No objection based on additional information received, recommends conditions.

Tree Officer

The scheme has taken the trees to be retained into account in the layout and provides for protective measures.

Landscape Officer

Site has low-medium landscape sensitivity as established in landscape assessments that form part of the evidence base to the draft Local Plan. Agrees with the conclusions of these assessments and that of the applicant's Landscape and Visual Impact Assessment that, due to the site location adjacent to the settlement boundary and the existing and

proposed screening from the wider countryside, the proposed development would have limited impact on the local landscape character.

Lead Local Flood Authority (LLFA)

Following the receipt of amended and additional information, no objection subject to details which can be secured by planning condition.

Principal Conservation Advisor

In view of the lack of inter-visibility with designated heritage assets and the lack of any functional relationship with the proposed site, there is not considered to be harm to the significance of the closest Listed Buildings described from impacts on their settings or harm to the setting or character or appearance of the Conservation Area. There are therefore no objections in principle to the proposed development from a heritage perspective, subject to appropriate detailed design and materials.

Archaeology

The applicant submitted an Archaeological Desked Based Assessment prepared by Thames Valley Archaeological Services (TVAS) in support of application 18/00650/FUL. Berkshire Archaeology (the Council's advisors) broadly agreed with its assessments and conclusions that an initial programme of exploratory archaeological investigation would be appropriate and the results of this exercise would inform the need for and scope of any strategy to mitigate the impacts of development, which may include further archaeological investigation prior to or during construction. Such an investigation can be secured by an appropriately worded condition. It has been confirmed during the course of the current application that their previous response remains valid.

Environmental Health Officer

No objection subject to conditions relating to the control of environmental effects during construction, working hours and unforeseen contamination.

Waste

Plans show appropriate bin storage for individual properties and the flats are provided with a bin store, although no details are shown. Access to this bin store and some properties is shown from private roads. The Council's waste collection contractor may enter such roads at their discretion and if so will accept no liability for any damage. For the contractor to consider doing so the road must be constructed and thereafter maintained to an adoptable standard to allow for a 26 tonne waste collection vehicle. Residents will need to be made fully aware when they purchase their property in a private road or drive that unless they comply with the contractors requirements they will be required to bring their bins to an agreed collection point within 25 metres of the adopted highway for collection and then to return them to their property after collection.

Implementation

Comments provided in respect of application 18/00650/FUL still stand other than in respect of affordable housing and biodiversity. Full details of the contributions required to mitigate the impact of the development are set out in Section 12 below.

Thames Water

No objections recommend Informative (no. 04 of recommendation).

11. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO DECISION

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

	Development Plan	NPPF	Weight to be attributed, with reference to para. 213 of NPPF
Sustainable development principles	SALP Policy CP1	Para. 11(d) refers to 'policies which <u>are most important for</u> determining the application are out-of-date'. CP1 wording differs to this. Furthermore, the PPG states that there is no need for a policy to directly replicate para. 11.	Limited (policy not used in planning application decision-making)
	CSDPD Policy CS1	Consistent (Paras. 7, 8, 11, 12, & 117 - 119)	Full
Principle of development - outside settlement	CSDPD Policy CS2	Consistent (Para. 17 & 117 -119)	Full
	CSDPD Policy CS9 and BFBLP 'Saved' Policy EN8 BFBLP 'Saved' Policy H5	Elements are acknowledged to not be fully consistent (para. 170 a) and b) however the thrust of these policies remains consistent (paras. 78-79, 103, 104a, 117 & 170) Generally Consistent (paras. 79, 103, 117, 170, 213)	Not fully consistent therefore not full weight Limited, but relevant
Housing Provision	CSDPD Policy CS15	Inconsistent – utilises now outdated evidence base as basis for policy requirements.	None (policy not used in planning application decision-making)
Design & Character	CSDPD Policy CS7	Consistent (Chapter 12)	Full
	BFBLP 'Saved' Policy EN20	“	Full

Trees & Landscape	CSDPD Policies CS1 & CS7 BFBLP 'Saved' Policies EN1, EN2 & EN20	Consistent (paras. 127 & 170) “	Full Full
Residential Amenity	'Saved' Policies EN20 & EN25 of BFBLP	Consistent (paras. 127, 170 & 180)	Full
Transport	CSDPD Policies C23 & CS24 BFBLP 'Saved' Policies M4, M6, M8 & M9	Consistent (Chapter 9) “	Full Full
Drainage	CS1 of CSDPD	Consistent (paras. 163 & 165)	Full
Biodiversity	CSDPD Policies CS1 & CS7 BFBLP 'Saved' Policies EN1, EN2 & EN20	Consistent (paras. 170 & 175) “	Full Full
SPA	SEP 'Retained' Policy NRM6 CSDPD Policy CS14 BFBLP 'Saved' Policy EN3	Consistent (paras. 170, 171, 173, 175, 176, 177) “ “	Full Full Full
Noise and Pollution (including Land Contamination)	CSDPD Policy CS1 BFBLP 'Saved' Policy EN25	Consistent (paras. 118, 170, 178 & 180) “	Full Full
Sustainability of build (Renewable Energy and Water Use)	CSDPD Policies CS10 & 12	Consistent (para. 149)	Full
Archaeology	CSDPD Policy CS1 'Saved' Policy EN7	Consistent (para. 189) “	Full “
Heritage	CSDPD Policies CS1 & CS7	Consistent (paras. 189 to 197)	Full

Affordable Housing/Mix	CSDPD Policies CS16 & CS17 'Saved' Policy H8 of BFBLP	Consistent (paras. 61, 62, 64 of the NPPF). Definition of 'affordable housing' provided in Para. 5.59 of Policy is not consistent with the NPPF. However main thrust of policy is consistent with paras. 61, 62 and 64 of the NPPF.	Full Moderate
Open Space Provision	CSDPD Policy CS8 'Saved' Policy R4 of the BFBLP	Consistent (paras. 92 & 97 of the NPPF) “	Full Full
Securing Necessary Infrastructure	CSDPD Policy CS6	Consistent (para. 54 to 56, 92 and 94)	Full
Supplementary Planning Documents (SPD):			
Character Area Assessments SPD (2010) Design SPD (2017) Parking Standards SPD (2016) Planning Obligations SPD (2015) Streetscene SPD (2011) Sustainable Resource Management SPD (2008) Thames Basin Heaths SPA SPD (2018)			
Other publications:			
National Planning Policy Framework (NPPF) (2019) National Planning Policy Guidance (NPPG) (2019) Bracknell Forest Borough Landscape Character Assessment (LUC) (2015) Landscape Sensitivity Appraisal of Potential Housing and Employment Sites in Bracknell Forest (2018) (including Executive Summary)			

- 11.2 The application site has been identified as a potential housing allocation within both Regulation 18 versions of the Draft Bracknell Forest Local Plan which were the subject of public consultation in February 2018 and October 2019. The application site was considered suitable as an allocation for 33 dwellings, 12 of which would be affordable, and the draft Local Plan proposed an extension of the settlement boundary to include the application site. Objections were received in respect of the site's proposed allocation and in accordance with para. 48 of the NPPF, the site's potential allocation in the emerging Local Plan can currently be given only limited weight in the determination of the current application.
- 11.3 The application site is also within the area covered by the emerging Warfield Neighbourhood Plan 2013 - 2026 (WNP). The Policies Map for the Neighbourhood Plan defines a settlement boundary for Warfield Street which does not include the application site. The Pre-submission version of the WNP was subject to public consultation ending on 8th September 2017. The WNP was submitted to Bracknell Forest Council in January 2019

and has been subject to a 6-week public consultation in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended). An independent Examiner has been appointed to undertake the examination which has commenced but has not yet been completed. At this stage the Neighbourhood Plan can be given little weight.

12. PLANNING CONSIDERATIONS

12.1 The key issues for consideration are:

- i. Principle of Development
- ii. Impact on Character and Appearance
- iii. Impact on Heritage Assets
- iv. Impact on Residential Amenity
- v. Transport and Highways Considerations
- vi. Drainage Implications
- vii. Biodiversity Implications
- viii. Sustainability Implications
- ix. Archaeological Implications
- x. Thames Basin Heaths Special Protection Area (SPA)
- xi. Securing Necessary Infrastructure

The differences between this scheme and application 18/00650/FUL are set out in Section 13, with an overall planning balance being undertaken in Section 14.

i. Principle of Development

12.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration.

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

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

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

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

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

12.4 Footnote 6 confirms that policies in the Framework that protect areas or assets of particular importance include those relating to habitat sites, designated heritage assets and flooding. As set out within this report, it is not considered that the development would harm the significance of any heritage assets, and impacts on habitat sites and flooding can be satisfactorily mitigated. As a result, the tilted balance is not triggered by virtue of footnote 6.

- 12.5 Footnote 7 indicates that for the purposes of para. 11(d) in relation to applications involving the provision of housing, the policies which are most important for determining the application should be considered out of date in instances including where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years, with transitional arrangements currently applicable.
- 12.6 The Council is able to demonstrate a five year supply of deliverable housing sites (5.2 years as at April 2020) and is satisfied that the Housing Delivery Test based on the most recent figures published in February 2020 has been met. As a result, it is maintained that the tilted balance is not triggered by virtue of footnote 7.
- 12.7 However, it is also acknowledged that the ‘tilted balance’ set out in para. 11 (d) is triggered where the most important policies for the determination of the application are ‘out of date’. The issue of what constitutes out of date for this purpose has been the subject of much litigation. The most recent judgment of the Court of Appeal on this issue was in the case of Peel Investments (North) Limited v SSHCLG and Salford City Council [2020] EWCA Civ 1175 in which it was confirmed:
- i. The decision on the matter of whether the policies of the development plan should be considered out of date for the purposes of para. 11 requires the assessment of a collection of policies – whether those most important for determining the application taken overall are out of date (see also Wavendon Properties v SSHCLG & Milton Keynes Council [2019] EWHC 1524 (Admin) at [55]);
 - ii. The decision is a matter of planning judgment (para. 71); and
 - iii. Restrictive policies whose boundaries have been set in accordance with out-of-date development requirements are not necessarily to be regarded as out-of-date, if the policy continues to be effective in delivering its original objectives (e.g. those of environmental protection) (para [7] in which the text of the policy is set out, [39-40] in which the Inspector’s reasoning and that of the High Court is considered, and [63-64]).
- 12.8 The LPA considers that those policies most important to the determination of an application for new residential development on land outside a defined settlement in the countryside are policies CS1, CS2, CS9, EN8 and H5.
- 12.9 CSDPD Policy CS1 states that development will be permitted which makes efficient use of land, is located so as to reduce the need to travel, promotes a mix of uses, and protects and enhances the character and quality of local landscapes and the wider countryside.
- 12.10 CSDPD Policy CS2 states that land will be allocated for development on a sequential basis, which includes previously developed land and development as extensions to defined settlements with good public transport links to the rest of the urban area.
- 12.11 CSDPD Policy CS9 states that land outside settlements will be protected for its own sake, particularly from development that would adversely affect the character, appearance or function of the land.
- 12.12 BFBLP ‘Saved’ Policy EN8 again states that the countryside will be protected for its own sake, and that outside the defined settlement boundaries development will only be permitted where it would not adversely affect the character, appearance or function of the land, or would not damage its landscape quality. It contains a (non-

exhaustive) list of development types which may be permitted in the countryside, which does not include new housing development except where required in connection with agriculture and forestry.

- 12.13 BFBLP 'Saved' Policy H5 states that outside the defined settlement boundaries the erection of new dwellings will only be permitted where it is required in association with a specific use and as long as it would cause no harm to the character of the area, or to the relationship between the settlement and the surrounding landscape.
- 12.14 It is acknowledged that Policies CS2, CS9, EN8 and H5 all refer to settlement boundaries established through development plans based on a strategic housing requirement that has since been superseded. However, in light of the principles established in Peel, it is not considered that this fact renders them automatically out of date but rather this assessment requires an analysis of the 'specific terms of the policy and of the corresponding parts of the NPPF when both are read in their full context'.
- 12.15 Both policies CS1 and CS2 are considered to be entirely consistent with the NPPF. Policies CS9 and EN8 are not wholly consistent with the NPPF, as they seek to protect the countryside for 'its own sake', which is not reflected in the NPPF. Para. 170(b) of the NPPF states that planning policies and decisions should contribute towards and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside and this requirement to recognise intrinsic character and beauty is consistent with the requirements of policies CS9 and EN8 for any development proposal's impact upon the character, appearance and function of the land to be assessed. Policy H5 has a lesser degree of consistency since it limits new dwellings beyond settlements to a closed list which is not reflected within the NPPF.
- 12.16 However, policies CS9 and EN8 both contain strong elements of environmental protection that are clearly intended to have a life beyond the plan period. Policy CS9 seeks to protect the countryside: *'particularly from development that would adversely affect the character, appearance or function of the land; and i. protect the defined gaps within or adjoining the Borough from development that would harm the physical and visual separation of settlements wither within or adjoining the Borough, or ii. Maintain the Green Belt boundary within Bracknell Forest and protect the Green Belt from inappropriate development,'*. In the case of EN8, the long term objectives of the policy are evidenced by its reference to development only being permitted where it would: *'not adversely affect the character, appearance or function of the land, would not damage its landscape quality and, where conspicuous from the Green Belt, would not injure the visual amenities of the Green Belt'*.
- 12.17 When taken as a whole, the LPA is satisfied that those policies together, have sufficient congruency with the NPPF such that they should be considered up to date for the purposes of para. 11 of the NPPF. However, in assessing any conflict with these policies, weight should be given in accordance with their degree of consistency with the Framework as set out in para. 213 of the NPPF. In this context, limited weight should be given to the elements of CS9 and EN8 that seeks to protect the countryside 'for its own sake', with more weight being given to the requirement to undertake an assessment of any development's impact upon the character, appearance and function of the land.

Conclusion on Principle of Development

- 12.18 The application proposes new residential development on predominantly undeveloped land beyond existing settlement boundaries. The site is currently not allocated in an adopted development plan and only limited weight can be afforded to its proposed allocation in Regulation 18 versions of the emerging Local Plan. As such, the proposal is contrary to CSDPD Policy CS2. Any such development will inevitably have some impact upon the character and quality of the landscape which

Policy CS1 seeks to protect and enhance and some adverse impact on the character, appearance and function of the land, rendering it contrary to Policies CS9 and EN8. The development proposed does not require a countryside location and therefore is contrary to Policy H5. The weight to be accorded this policy conflict is in accordance with each policy's consistency with the NPPF.

12.19 It is concluded that the proposed development is contrary to policies in the development plan relevant to the construction of residential development on land outside existing settlements. Therefore, the application should be refused unless material considerations indicate otherwise. The remainder of the report considers these and concludes matters in the planning balance.

ii) Impact on Character and Appearance

Impact on Character and Setting of the Countryside

- 12.20 The application site is located beyond the settlement boundary of Warfield as shown on the Policies Map 2013. It lies on the southern edge of the Landscape Character Area C1 'Binfield and Warfield Clay Farmland as identified in the Bracknell Forest Landscape Character Assessment (2015). This document details that the southern part of the study area (which includes the application site) provides an important green space function, particularly Cabbage Hill and Popes Meadow, which form a strong transition between the urban edge and rural area to the north. The LCA identifies a number of valued features and characteristics of the area, some of which are present on the application site (see below).
- 12.21 The Local Landscape Appraisal Hayley Green, Newell Green and Warfield Street (2017) which was undertaken on behalf of Warfield Parish Council to inform the emerging Neighbourhood Plan refers to the land (para. 3.13) to the north of Warfield Street as 'attractive agricultural land to the north comprising large scale open fields defined by deep hedgelines with mature trees. Warfield House, a large Grade 2 listed country house set in landscaped grounds is situated to the north-east'.
- 12.22 The site was submitted for consideration as a potential housing allocation within the emerging Local Plan and was included in both Regulation 18 versions of the draft Local Plan as a proposed housing site with capacity to deliver 33 (net) units. Given the current stage of the emerging Local Plan, limited weight is given to the proposed allocation in the decision-taking process, however the landscape assessments that form part of the evidence base to the emerging Local Plan are relevant to an assessment of the site's existing character and capacity to accommodate new development.
- 12.23 A Landscape Sensitivity Appraisal of Potential Housing and Employment Sites in Bracknell Forest Borough was published in February 2018. This referred to the current application site as WAR 9, with the adjacent site to the east (known as land North of Newhurst Gardens) being referred to as WAR 10. In respect of the landscape character of the site, the assessment states:

The site is flat which indicates lower sensitivity in relation to landform. It comprises two small paddocks with overgrown hedgerows and mature hedgerows trees around much of the periphery. These features are representative of the wider clay farmland and the site contributes, to a degree, to the wider landscape character. However, the perceptual character of the site is influenced by its position on the edge of an area of 20th century housing at Warfield Street and adjacent to the Hermitage Caravan Park which imparts an urban influence.

12.24 In terms of its visual character it comments:

The site is enclosed by the settlement on its southern and western boundaries, and by mature hedgerows and hedgerow trees to the north and east which serve to filter views between the site and the rural farmed landscape beyond. Views of development could be further screened by strengthening this existing vegetation around the site.

12.25 It acknowledges that the site includes some features and characteristics that are valued in the Bracknell Landscape Character Assessment, namely:

- Clusters of trees which help to soften the boundary between adjacent urban areas providing a visual buffer between the northern edge of Bracknell and the rural farmed landscape;
- Hedgerows and hedgerow standard oak trees;
- The open and rural character of the landscape which provides a rural buffer to the settlements of Binfield and north Bracknell ;
- The quiet and rural character and sense of openness including the rural character of the villages. Some of these could be at risk if the site were to be developed indicating some sensitivity in terms of valued features.

12.26 Guidance is provided in the event that the site is considered for development, including the need to:

- Retain and manage trees and hedgerows within the site around the periphery as important wildlife habitats and landscape features;
- Strengthen these features with new planting as part of an integrated green infrastructure network connected to the surrounding landscape, to protect visual amenity and to help integrate any new development into its landscape setting;
- Reinstate native hedgerows in place of existing post and wire fencing where there are opportunities to do so;
- Ensure development responds to the character of the site, taking into consideration its setting in the wider landscape through use of architectural design and materials. Refer to Design SPD (2017) and the Northern Villages study area of the Character Area Assessment SPD (2010);
- Promote further opportunities to increase access and enjoyment of the landscape in association with any new development by encouraging links with open spaces provided within the Warfield development;
- Light pollution from new development should be minimised to maintain rural character and dark skies in this rural edge location.

12.27 The Landscape Sensitivity Appraisal assesses the cumulative impact of developing this site in conjunction with its neighbour, WAR10, which has since been granted outline planning permission for 50 dwellings and concluded:

“WAR 9 is a smaller site that is more embedded in the settlement edge than WAR10. Development of WAR10 would result in a greater impact than development on WAR9. The combined impact of developing both sites would be greater than developing WAR9 alone. If WAR 10 were to be developed WAR 9 could also be developed with little additional impact”.

12.28 The Housing Background Paper, published in October 2019, which also forms part of the evidence base to the draft Local Plan included a Site Suitability Assessment Summary which stated:

'In terms of the spatial strategy, whilst the site is located within greenfield land, the southern boundaries of the site adjoin the existing settlement boundary of Bracknell (Warfield Street). The site is in proximity to the allocation relating to Land at Warfield (Site Allocations Local Plan Policy SA9) and is therefore well located for access to basic services. The key constraint that impacts the suitability of the site is the ability to provide a biodiversity net gain, particularly in relation to loss of grassland on site. This is likely to require off-site provision to achieve a net gain. Retention and enhancement of the hedgerows and trees would increase suitability for allocation, to provide biodiversity, heritage and landscape benefits. There are other issues that need to be considered including maintenance of biodiversity connectivity through the site. The potential for noise from the nearby A road can be addressed through site specific requirements and is unlikely to reduce the capacity of the site. Based on the evidence, including the Sustainability Appraisal, and the considerations summarised above it is considered the site is suitable for allocation. It is therefore considered appropriate to revise the settlement boundary to allow for an extension of the settlement of Bracknell.'

12.29 In assessing the site's current contribution to the character of the area it is recognised that the site lies within a tract of predominantly open land to the north of Bracknell which has an important open space function and provides a visual buffer between the urban edge and the rural area to the north. It is recognised that the trees along the site's northern boundary contribute to this buffer. However, as recognised in the Landscape Sensitivity Appraisal, the site is flat and visually enclosed by the settlement on its southern and western boundaries and by mature hedgerows to the north and east, which are shown as being retained as part of the development. There are limited public views of the site, restricted to those from Gibbins Lane, a PROW, which are obtained above the existing development of the Hermitage Caravan Site or the stables building to its north.

12.30 The Landscape Officer has been consulted in respect of the development. Her comments, which were provided in respect of the scheme originally considered by the Committee, refer to the LUC report and Landscape Sensitivity Assessment referred to above and then continue:

As assessed above, the site is well screened by existing vegetation and enclosed by the settlement on its southern and western boundaries. The site is only visible when viewed from Herschel Grange right along the gated access to the fields.

There are private views from the Hermitage Caravan Park and the stables along Gibbins Lane. There are some filtered first floor views to the site from the adjoining dwellings on Toogood Place but ground floor views are screened by the fence along the site boundary. Views from Warfield Street are screened by existing large dwellings and garden trees and vegetation.

Along Gibbins Lane the north western part of the application site is only visible in the area between the Hermitage Caravan Park and Steeple View but there are no views to the site along Hermitage Caravan Park or from beyond Steeple View (located north west of the application site). There are views between Steeple View grounds and the application site through the gaps in the existing hedgerow vegetation.

A Landscape and Visual Impact Assessment has also been carried out for the application site although it was submitted for the earlier proposed layout. It concluded that:

'The assessment found that the Site is capable of accommodating development in line with the principles set out in Section 5 and on the accompanying Proposed Site Plan, without resulting in material harm to the surrounding countryside's landscape character and views from the wider area.'

As the assessment of the landscape and visual effects and proposed mitigation in the LVIA were carried out for an earlier layout, the results are not completely accurate but I agree

with both the LVIA and the LUC assessments in that, due to the site location adjacent to the settlement boundary and the existing and proposed screening from the wider countryside, the proposed development would have limited impact on the local landscape character.

The proposed layout has been revised from the earlier proposal where flats were proposed in the north western corner of the site to better work with the site constraints. The flats and larger dwellings are now located closer to the existing settlement boundary. The current proposal also includes a small open space with a detention basin and an amenity area in the north western corner that is visible from a public viewpoint from Gibbins Lane. The proposed wildlife corridor along the site boundaries and additional planting within the open space will help screen and filter views to the site.

- 12.31 The Landscape Officer has also been consulted on the revised layout submitted subsequently which was accompanied by a revised Landscape and Visual Impact Assessment, and the associated landscaping proposals for the site. She comments that the revised landscape scheme includes a good balance of native and ornamental species and creates structure to the scheme with proposed hedges and trees. She also notes, however, that it contains conflicting details and makes suggestions in respect of more long-living species choices and that tree planting should be provided within the wildlife corridor rather than in rear gardens in order to secure long-term retention. It is suggested that the submission of a revised landscaping scheme to address these issues could be secured by means of a condition (to which the applicant is amenable). A landscape management and maintenance plan is also required for the site and this should include details for the long term access and maintenance of the wildlife corridor.

Conclusion on impact on intrinsic character and setting of countryside

- 12.32 While any form of built development on a greenfield site will inevitably detract from the intrinsic value and beauty of the countryside, the extent of the contribution and influence of the site to the wider value and beauty of the countryside is an important factor. In light of the above assessments, it is considered that the character of the site is materially impacted on by surrounding development, an impact which will be compounded should the residential development to the north of Newhurst Gardens be built, and that the site's contribution to the wider character of the area is limited by reason of its visual enclosure and screening.
- 12.33 The development has been amended since the determination of application 18/00650/FUL to remove development from the most visually sensitive part of the site and to provide opportunities for landscape planting around its boundary which will further ameliorate the visual impact of the proposed development. The limited landscape sensitivity of the site is established by independent landscape assessments which form part of the evidence base to the Local Plan. The design of the scheme, particularly through the opportunity to provide boundary planting, seeks to limit any visual impact. In light of these factors, it is concluded that whilst the development would result in some harm to the countryside contrary to Policies CS1, CS9, EN8 and H5, in this instance the harm is considered to be limited. This policy conflict and the harm caused to the character of the countryside falls to be considered within the planning balance.

Impact on Character and Appearance of Warfield Street

- 12.34 The site lies to the north of the 'Warfield Street' (Area B1) study area of the Character Area Assessments SPD (2010), which begins on the southern side of Toogood Place. The

settlements included within this character area (Warfield Street, Hayley Green, Brock Hill and Lovel Road) are recognised as having distinct features but having an overall character of ribbon development with houses on both sides of the street. It refers to the fact that these villages have all been subject to backland infill in the form of cul-de-sacs. However, the pictorial assessment of Warfield Street indicates that 'Cul-de-sac developments do not form part of the overall character, but have relatively little influence on the area'. It also makes specific reference to the views out to the wider landscape e.g. from Toogood Place as well as Newhurst Gardens.

12.35 In making recommendations for future development within the character areas, the SPD states:

Settlement boundaries should be clearly defined to retain the character of these areas where new development areas are not proposed;

- *Infill development on backland sites in the form of cul-de-sacs must be designed, so that any impact on the street scene is minimised;*
- *Architecture may vary, although existing building lines should be maintained and boundary treatments provided;*
- *Retain close relationship between settlement edge and wooded setting;*
- *Rural gaps between individual settlements should be retained and reinforced with tree and hedgerow planting in keeping with the local landscape pattern;*
- *Alternative use of marginal farmland for recreational green infrastructure in areas close to Bracknell should be considered; and*
- *New development areas should retain and reinforce tree and hedgerow planting in keeping with the local landscape pattern.*

12.36 In considering the appeal development proposed north of Newhurst Gardens, the Inspector referred to objections made that the development would not respect the existing linear pattern of development that gives Warfield Street its character. He referred to the existing development at Herschel Grange, Toogood Place and Newhurst Gardens which have already compromised the layout and understanding of the settlement as simple ribbon development and stated that:

'The impact also needs to be seen in the light of the future development of the Policy SA9 site along the southern side of Warfield Street. This will encroach into the remaining open views between buildings on that side of the road, further eroding the rural setting of the settlement. In due course Warfield Street will take on a new role as the boundary of the expanded new town and the limited effect of the proposal would be minor in comparison to this future change. Once the scheme becomes fully established, like the existing cul-de-sacs, it would be seen as an integral part of the settlement rather than a part of the expanded new town immediately to the south. As a result, the proposal would not result in the 'encirclement' of Warfield Street by the new town, instead it would simply be an expansion of the current settlement'.

12.37 The current proposal, similarly would have limited visibility when viewed from Warfield Street. It has a close relationship with the settlement edge and includes landscaping proposals that seek to retain and reinforce tree and hedgerow planting including on the site's northern boundary. As a result it is not considered that the proposed development would have a significant adverse impact upon the character of Warfield Street.

Appropriateness of Layout and Design

12.38 Policy CS7 of the CSDPD requires development to build on urban, suburban and rural local character, respecting local patterns of development. Policy EN20 of the BFBLP indicates that it should 'be in sympathy with the appearance and character of the local environment and appropriate in scale, mass, design, materials, layout and siting, both in itself and in

relation to adjoining buildings, spaces and views'. Both policies are considered to be consistent with the NPPF.

- 12.39 The application proposes a mix of terraced, semi-detached and detached properties, together with the construction of a block comprising 5no. apartments. The proposed dwellings would be predominantly two storey in height, although a total of 8 plots would be provided with an additional floor of accommodation within the roofspace. The apartment building would similarly be 2.5 storey and following amendments, has been re-designed to remove the bulky external lift shaft and relocated to the south-eastern corner of the site. The dwellings propose a mix of building designs and external materials. It provides a modern design style, that does not seek to copy the design of adjoining development, particularly by making use of large amounts of glazing, while making use of traditional brick colours and timber cladding. An extract from the Proposed Street Scenes plan is included below. It shows Plots 1-3 on the left hand side of the access road with Plots 23 -27 on the right:



STREET SCENE - D

- 12.40 The Urban Design Officer has been consulted and made the following comments in respect of the scheme previously presented to the Committee:

Character is the key issue here. This is an edge of settlement site. Therefore, I would expect the proposed development to have a strong landscape strategy, be informal and "scattered" in terms of layout and respond to surrounding effectively.

1. I think it would be reasonable to have a more village feel to the proposal coming forward. The layout feels quite regimented, suburban, with the highway dominating.

2. This site should be accessed via a 4.8m shared surface (Streetscene SPD says this can be used for 35 – 50 units). This would mean that the service margins could be planted and not appear as footways. This would help with creating a more verdant character, appropriate for an edge of settlement site. There is plenty of potential to plant trees within the development, to add to creating a greener development. Some of these should be in front gardens, scattered, to visually enhance the streetscene more effectively and add to the assets on the site.

3. The built forms need generous set backs, and variation in the building line and boundary treatments. This would also create a softer streetscene and be more appropriate in terms of character.

4. The Design SPD also provides advice in relation to edge of settlement sites – see para 3.5.3 – 3.5.6.

5. I consider that a large 2 storey detached unit at the entrance to the site would be more transitional in terms of character than the linked 3 units proposed. Most units in the area are detached houses on large plots.

6. Any apartment block will need careful design and will need to be appropriate in terms of scale and massing. Is there an issue with the view from Gibbons Lane? This is referred to in the Character Area Assessments SPD as a point of concern. Is this the right location for apartments? The design of the block that I last saw had a large projection for the lift on the rear elevation. This appeared visually awkward in terms of design. And whilst a lift is

welcomed to improve accessibility, I am concerned about the height, which I presume is 3 storeys, if a lift is needed. This area is predominantly 1 and 2 storey in height. Dependent on levels, the height of the apartments could be an issue.

7. The plots on the northern edge of the site need longer gardens than elsewhere on the site. Firstly, to ensure there is a green buffer for countryside edge, and secondly, to ensure the gardens get good daylight and some sun in the winter months.

8. Does the layout respond sufficiently to TPO RPAs? The layout plans suggests not with plots 13 and 14 and access road to the apartment block in the south of the site.

9. Connections to surrounding development

10. Views into the site and along streets should be positively concluded either by structural planting (a tree of significance such as an oak) or by a built form.

11. Boundary treatments are key to informing character

12. Where is their Landscape strategy? This is so important for this site and should inform layouts on the site.

13. Variation in materials is needed. A contemporary design could be appropriate in terms of placemaking, but the visual success of the site will be very dependent on material choices, which should take their cues from the surrounding developments.

12.41 Since these comments, a number of amendments have been made to the scheme in an attempt to address the concerns raised. These include:

- The introduction of a shared surface to the northern part of the access road allowing a reduction in the level of hardstanding required by footways and allowing surface margins to be planted. [Officer Note: more extensive use of shared surfacing was not considered acceptable from a highways safety perspective]
- The plots on the northern boundary of the site have been re-orientated and moved forward by between 1.8 and 6.8m (approx.) to provide an increased buffer to the land to the north, provide more space around the mature oak proximate to Plot 13, and increase daylight and sunlight to these north-facing gardens in the winter months
- A paved connection is shown to the site's eastern boundary to link through to the Newhurst Gardens site if developed [Officer Note: this was indicated previously as a 'possible future access']
- The apartment block which has been re-located to the site's south-eastern corner and has been re-designed to remove the bulky lift shaft referred to.

12.42 In addition to these changes, confirmation has been sought from the Tree Service that the relationship between the RPAs of retained trees and the proposed dwellings is acceptable and it has been confirmed that it is. The issue of variation in materials can be addressed by condition. The revisions to the layout have allowed a greater degree of planting within the site. The Landscape Officer is satisfied that the proposed planting will create structure to the scheme with proposed hedges and trees although further details will be required by condition.

12.43 In light of these changes, the Urban Design Officer has been re-consulted, and makes the following comments:

1. Coloured site plan still showing grass verge on one side and footway on the other. Please can we have footways coming into the site on both sides of the road with the road

design changing to a shared street design in the vicinity of plots 3 and 23 with planted verges to green the internal streetscene. Please note, verges should be planted within the shared street element of the site in accordance with the planting stated in the Streetscene SPD as this will meet highway standards and reduce parking on verges which is a key problem with grass verges around the borough.

2. The parking arrangements for plots 2 and 3 have been amended as I had suggested and relate better to their plots.

3. The design of plots 1-3 has been amended. Whilst not amended as I recommended, plots 1 and 2 could read, in elevational terms, as one detached unit. Therefore, I feel the applicant has responded with a design solution that I feel comfortable with in this instance.

4. I remain very concerned about the relationship of the northern boundary trees and the closeness of units 12 – 14. The tree should be retained but the relationship as proposed means the future residents will experience shading within their north facing gardens, the loss of light to the rear of the properties and this could impact on usable private amenity space for these large family houses. New residents often place pressure on the Council to remove trees if loss of light and shading is being experienced. To lose this tree would have a negative impact on the biodiversity of the area, views from the countryside and the green backdrop to this new development site. Therefore, it is vital that mature trees such as this are retained within the landscape of the borough as set out in policy EN20 of the Bracknell forest Borough Local Plan (saved policies)..

5. Has the landscape report been amended? I note that I stated previously “The landscape report goes on to state at 3.5 that “The areas to the rear of the houses have been otherwise left alone to give future residents free rein to create their own landscaping spaces.” The layout plan clearly shows trees being planted in back gardens.“ Will the developer plant trees in rear gardens? This is important to green the development and create a more transitional landscape approach between development and countryside.

6. Trees appear in the front gardens of plots 4 – 7 now which is welcomed. However, what tree species is proposed for these small front gardens?

7. Do we have a boundary treatments plan to go with the layout? This must form part of any plans for determination.

8. Fences around the wildlife corridor obviously need to have access points for the wildlife such as hedgehogs holes and for foxes etc.. I am presuming details of this boundary treatment have been submitted?

9. We need to see materials and elevations to ensure that the more contemporary design of this parcel is visually integrated into the character of the area and surrounding streets. More contemporary designs rely on high quality, well chosen materials to complement and uphold the original design rationale for the site.

12.44 It is noted that the amended plans address some of the Urban Design Officer's concerns but not all of them. In particular, she retains a preference for the access to be provided by a shared surface through most of the site with planted margins. The applicant had indicated a willingness to adopt this arrangement, however this was not deemed acceptable by the Highway Authority and accordingly the current layout is considered to strike an appropriate balance between competing requirements.

12.45 It is noted that in design terms the design of Plots 1 – 3 and their parking arrangements are now considered satisfactory (points 2 and 3). The Urban Design Officer remains concerned about the relationship between the closeness of boundary trees to Units 12 – 14. This issue is examined in detail below. The Tree Officer considers that this relationship is satisfactory and future maintenance

arrangements have been considered to secure the long-term survival and maintenance of these trees.

- 12.46 The remaining issues raised (points 5 – 9) relate to matters that can be controlled by conditions requiring the submission and approval of soft and hard landscaping, boundary treatments and materials and these are all included in the Recommendation set out below.
- 12.47 The revised scheme goes some way to address previous design concerns relating to the development although it is acknowledged that not all concerns have been overcome. In particular, the highway arrangement used for much of the site before it transitions to a shared surface, has a formalising impact on the character of the site, which impacts on its transitional character such that there is some level of conflict with development plan policies CS7 and EN20 and the NPPF. This limited conflict is required to be weighed in the planning balance.

Landscaping & Trees

- 12.48 No trees within the site or on its immediate boundary are subject to Tree Preservation Orders (TPOs). Accordingly, the Tree Service offered no comment in respect of the proposed development. However, in light of issues raised by the Urban Design Officer, their formal comments have been sought.
- 12.49 By way of background, the Tree Service confirms that prior to the submission of application 18/00650/FUL, it was made aware by the applicant's arboriculturist that a large oak tree was to be removed on the application site due to structural defects. At this time, it was concluded that it was not expedient to impose a TPO on the remaining trees as the Tree Service had reviewed the applicant's arboricultural submissions and had concluded that those suitable for retention were shown as being retained and protected by fencing to BS5837.
- 12.50 In respect of the current submission it is confirmed that the eight trees identified as suitable for retention are still shown for retention and protection. They confirm that the relationship between the Willow T1 and the nearest adjoining buildings is acceptable with the majority of new hard surfacing outside of the RPA of the tree. In the limited area where the access encroaches into the RPA, it is expected that the road surface would be constructed with permeable surfacing to enable the roots within that area to be retained and to continue to function to support the tree.
- 12.51 With regard to the relationship of oak T16 with the houses on Plots 13 & 14, it is noted that the oak is positioned to the North of these two houses so light & shade will not be an issue. The Tree Officer comments:
- “Although the nominal RPA is shown (on the Tree Protection Plan) to be 14.90 metres (co-incidentally reaching the rear elevation of the houses) the extent of encroachment by built form into the RPA is minor and in any event there are measures shown to minimise the potential for damage to the rooting area by installing ground protection measures for the duration of the construction period. The Tree Service is not unduly concerned by this situation as the remainder of the tree's RPA within the development is retained without any excavation or construction and the tree undoubtedly also enjoys access to the rooting environment in the field to the North of the application site.*
- The only issue is the future when the tree grows and extends its crown spread closer to the rear elevation of the two houses. Currently the distance is measured to be approximately 2.75 metres to the rear 'extension' with its rooflights and 5.0 metres to the rear wall elevation. Assuming the future residents appreciate their garden environment and the benefit the tree brings in terms of visual amenity and benefit to the character of the*

landscape, then routine pruning will easily manage the situation. This would be a similar situation with the Willow (T1).

The only concern the Tree Service has with these any of the trees on this development is who will they belong to and who will manage them in future; the boundary delineations of the Plots are unclear and the Willow (T1) is within an area that appears to be 'public amenity space'".

- 12.52 In response to these issues, the wildlife corridor has been extended to include both T1 and T16. As indicated above, a Landscape Management and Maintenance Scheme will be secured by condition on any approval granted and this will secure the future management of these trees.

Conclusions on Impact on the Character and Appearance

- 12.53 The application proposes the development of a predominantly greenfield site which will inevitably have some adverse impact on the character and appearance of the countryside. However, the site has limited sensitivity in landscape terms, resulting from its relationship with the settlement and visual containment. The design of the scheme keeps the most visually sensitive part of the site open and provides opportunities for boundary planting around the site. In light of these considerations, the level of harm caused has been assessed as minor.
- 12.54 The design and layout of the development has been revised to try and provide a more 'transitional feel' to this edge of settlement site, through a reduction in levels of hardstanding, which provides opportunities for structural planting within the site. It also allows for the retention of existing mature trees, particularly along the site's northern boundary. Due to its location, and lack of visibility from Warfield Street it is not considered that it would have an adverse impact on the character of the settlement as a whole and that it is generally consistent with the principles set out in the Character Area Assessments SPD.
- 12.55 The scale of development is considered to make efficient use of land (as required by the NPPF and Policy CS1) and broadly respects the local pattern of development, although it is noted from the Urban Design Officer's final comments that it fails to do this fully since it adopts a relatively formal highways layout rather than the more informal, 'scattered' layout that is considered more appropriate for this edge of settlement site. Within this context, it is noted that the highway layout is influenced by highway safety requirements but there remains some level of conflict with Policies CS7 and EN20 as a result of this. In conclusion, the scheme conflicts with Policy CS1, CS9, EN8 and H5 as it will cause some harm (assessed as being minor) to the character and appearance of the countryside, and there will also be some, limited conflict with Policies EN20 and CS7. This policy conflict and the resultant harm falls to be weighed in the Planning Balance.

iii. Impact on Heritage Assets

- 12.56 The development's impact on the significance of the following heritage assets has been considered in the assessment of this application:
- Warfield Hall, Forest Road (Grade II Listed)
 - Horseshoe House, Warfield Street (Grade II Listed)
 - Pear Tree Cottage, Warfield Street (Grade II Listed)
 - Newell Hall, Warfield Street (Grade II Listed)
 - Stable block and stable yard, walls and gate piers to Newell Hall (Grade II Listed)
 - Walls and gate piers to Newell Hall ((Grade II Listed)
 - Church of St. Michaels and All Angels (Grade II*)

- Warfield Church Lane Conservation Area

12.57 The Council's Conservation Advisor has commented:

The proposed site would not easily be visible from Warfield Street due to screening from the existing housing estate. Inter-visibility between the proposed development and the Grade II Listed Horseshoe House on Warfield Street, approximately 80m to the south, would be very limited.

Pear Tree Cottage approximately 200m to the east, Warfield Hall, which is approximately 0.7km east of the proposed site and Newell Hall, 200m to the west, would not be directly inter-visible with the proposed development.

The Warfield Conservation Area and associated Church of St Michael and All Angels (Grade II Listed) with associated Grade II graveyard monuments, Rectory and Parish Rooms are not within close proximity to the proposed site, being approximately 0.9km north.*

Due to dense screening along The Cut watercourse, to the south of the Conservation Area and Church, there are no views between the proposed site and the designated heritage assets which would be potentially harmed. Similarly, there are no historic or functional links between the proposed site and Warfield Conservation Area which would be harmed by the proposed development, which would be largely contained within an area of modern housing.

He therefore concludes:

In view of the lack of inter-visibility with designated heritage assets and the lack of any functional relationship between the proposed site, there is not considered to be harm to the significance of the closest Listed Buildings described from impacts on their settings or harm to the setting or character or appearance of the Conservation Area.

There are therefore no objections in principle to the proposed development, subject to appropriate detailed design and materials.

12.58 In view of the lack of inter-visibility with designated heritage assets and the lack of any functional relationship, there is not considered to be harm to the significance of the closest Listed Buildings in terms of impacts on their settings or significance or upon the setting or significance of the Warfield Conservation Area. The proposal is therefore considered to accord with CSDPD Policies CS1 and CS7 as they relate to heritage issues, and the NPPF. Furthermore, the approval of this application would not adversely impact on the statutory duties set out in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 for local planning authorities to have special regard to the desirability of preserving the setting of a listed building or to pay special attention to the desirability or preserving or enhancing the character and appearance of a Conservation Area.

iv. Impact on Residential Amenity

Impact on occupants of neighbouring properties

12.60 It is considered that due to the siting and layout proposed, along with the relevant separation distances, the development would not result in a material adverse impact

on the amenities of the nearest neighbouring properties in Herschel Grange or Toogood Place. This includes consideration of loss of light, loss of privacy and any overbearing impacts.

- 12.61 The unit on Plot 33 has a rear garden depth of 12.7m and would maintain a back to back distance of 24.6m with 2 Herschel Grange, 28.8m with 1 Toogood Place and 26m with 2 Toogood Place. This degree of separation accords with the guidance set out in the Council's adopted Design SPD and is considered sufficient to ensure an acceptable relationship and privacy between dwellings.
- 12.62 This proposed dwelling (No.33) would also maintain a minimum separation distance of 13m between its western (side) elevation and the closest part of the rear elevation of 4, Herschel Grange. No habitable windows are shown in the side elevation of the proposed dwelling (the proposed windows serve stairs) and it is considered that this separation distance is sufficient to ensure that the proposed development does not have a material adverse impact on the amenities of no.4. Conditions are recommended to restrict the formation of further windows in this side elevation, and to restrict the windows shown to obscure glazing with limited opening, thereby preventing any loss of privacy.
- 12.63 The proposed apartment building would have a separation distance of approximately 4.6 metres to the southern boundary of the site, and a total separation distance of approximately 27.9m to the rear of 2 Toogood Place, 23.6 metres to the rear elevation of 3 Toogood Place, and 24m between it and 4 Toogood Place, all of which are situated to the south of the site. Its bulk has been reduced by removing the rear lift shaft. These distances, and the location of the development due north of the existing dwellings, is considered sufficient to ensure that the proposals will not give rise to an adverse impact in terms of loss of light or overbearing impact on these dwellings. No windows, above ground floor level are shown on the side elevation of the apartment building as it faces towards Toogood Place and no permitted development rights exist, such that any additional window installed would require the benefit of planning permission (although this issue is also covered by condition).
- 12.64 It is noted that the separation distances between the proposed dwellings along the site's western edge and existing dwellings within The Hermitage caravan park do not comply with the standards set out in the Design SPD. These mobile homes are set on extremely limited plots with little separation between them. The outlook and light afforded to the windows on their rear (eastern) elevations already has the potential to be severely impacted on by the provision of any boundary fencing given their proximity to the site boundary. Furthermore, their design does not reflect that of 'standard' dwellings, which tend to have the main habitable rooms facing front and rear, but instead provides windows to main habitable rooms on all elevations. The degree of 'back to back' separation provided in respect of Nos. 3,4 and 5 The Hermitage ranges between 14.1m and 16.4m with the units on Plots 4-6. The unit on Plot 1 maintains a distance of 9.6m with the flank elevation of the unit on Plot 1, which would have a first floor bathroom window in this side elevation, which it is recommended is conditioned to be obscurely glazed with limited opening. The wildlife corridor provides an opportunity to introduce landscape planting within the boundary of the site that would provide an increased level of screening between the dwellings within The Hermitage and those currently proposed.
- 12.65 The relationship between the proposed and existing dwellings on each side of the site's western boundary does not meet the standards set out within the Design SPD. However, it is considered that their relationship is, given the existing limitations on outlook and light

provided to the rear of these dwellings, on balance acceptable and would not give rise to a material loss of amenity to occupiers of these dwellings.

- 12.66 With regard to the adjoining site to the East, the issue of layout was reserved for later consideration as part of application 16/01004/OUT. This application was granted permission on appeal for the erection of 50 dwellings, with access from Newhurst Gardens. However, the indicative layout submitted indicated a substantial undeveloped buffer to be provided between the proposed housing and the boundary with the current application site. The current application indicates all development set a minimum of 3.3m away from the site's eastern boundary with the intervening 2m wildlife corridor providing an opportunity for substantial planting. Accordingly, it is not considered that the design of the current proposal prejudices the layout of the adjacent scheme should this come forward.
- 12.67 The required construction works would inevitably give rise to some disruption to neighbouring occupants, especially in terms of noise. However, these works would be temporary, and would not constitute a reason for refusal of the application. The Environmental Health Officer recommends the imposition of conditions relating to the provision of details of a working method statement to control the impacts of demolition and construction works on the amenities of the area, as well as a restriction on the hours of works.

Impacts on prospective residents of the development

- 12.68 The proposed layout and design would provide acceptable separation distances and orientations of dwellings in order to avoid any potential adverse loss of light or loss of privacy impacts between prospective occupants. The apartment building contains habitable windows in its side elevation looking towards the front of Plot 26 at a distance of 12.8m, and this relationship is considered acceptable. Other dwellings' side-facing windows at first floor level or above which face onto neighbouring dwellings are recommended to be obscure-glazed and non-opening and secured as such by condition. These affected side windows would be to non-habitable rooms, mainly bathrooms.
- 12.69 Each dwelling, including the apartment building, would have private amenity space provided within enclosed rear gardens of reasonable size.

Conclusion on impact to residential amenity

- 12.70 It is not considered that the proposal would give rise to any materially adverse impacts on the amenities of neighbouring properties, or prospective occupants, subject to conditions, and as such accords with 'saved' BFBLP policies EN20 and EN25 and the NPPF.

v. Transport and Highways considerations

- 12.71 The Highway Officer has been consulted throughout the development of the application scheme. Their comments, based on multiple consultation responses, can be summarised as follows:

Access and Layout

- 12.72 Herschel Grange is a cul-de-sac which provides access to 8 dwellings, 12 mobile homes together with 11 dwellings along Toogood Place. Herschel Grange is 5.5 metres wide and provided with two 1.8 metre footways for the initial 50 metres to the junction with Toogood Place, where it becomes a 5.5 metre wide shared street with 1.8-metre-wide verges to the entrance to the mobile park.

- 12.73 It is proposed that the access will continue into the site at a width of 5.5m, with 2 metre wide footways, before reducing to a width of 4.8m with a footpath only on its western side as it runs north-south. The access will then give way to a shared surface at the northern end of the site serving Units 12 – 21 and at its southern end serving Units 23 – 33.
- 12.74 The proposed bend created by the new access road is located at the end of the current cul-de-sac and thus road speeds are expected to be low as vehicles approach the bend. Furthermore, on approach to the bend there is a large area of verge that will enable good forward visibility of any oncoming traffic and the road width in this location is sufficient for cars to pass each other safely. This will reduce the chance of sudden braking and the access arrangements are considered suitable for the development proposed.

Parking

- 12.75 The proposals consist of 4 x one bed units, 10 x two bed units, 10 x three bed units, 6 x four bed units and 3 x five bed units which according to the parking SPD requires 71 spaces. These are shown to standard. There is a requirement to provide a total of 6.6 visitor spaces, whilst there is a shortfall of 0.6 of a space (that would be rounded to one space) the Highways Authority is satisfied with this level of provision and comments that the spaces shown are well spread out across the development.
- 12.76 Parking is proposed in a mixture of car ports and driveways, and the sizes of these meet requirements. Cycle storage is proposed in cycle stores within the gardens of the houses and each dwelling is provided with a gate accessing either the driveway or street to facilitate off-street bin storage within rear gardens of individual dwellings. The flats are provided with a cycle store and bin store.

Traffic & Sustainability of Location

- 12.77 It is acknowledged by the applicant that the site is only served by a bus with a two-hour frequency and that most local services are over 1km away, however in the appeal on the site to the east at Newhurst Gardens (16/01004/OUT), the Inspector considered the implications of the sustainability of the area. He concluded that the site was not ideally placed in relation to services and facilities however that this position would greatly improve when the Policy SA9 site is developed. He stated that:

'Whilst the Policy SA9 site will take some time to be fully developed the appeal site will then be sustainably located in relation to services and facilities. The current conflict with Core Strategy Policy CS23 (and relevant parts of CS1 and CS2) should therefore be largely discounted in the overall planning balance.'

- 12.78 Whilst it is recognized that every site is to be considered on its own merits, in geographic terms, the current site is similar to the Newhurst Gardens site. It is also noted that there has been a recent resolution for approval subject to the completion of planning obligations in relation to an outline application for up to 305 dwellings (20/00214/OUT) on land east of Old Priors Lane and west of Maize Lane (the 'Warfield Central Consortium' application) which will secure access improvements along Maize Lane.
- 12.79 A proposed condition seeks to secure off-site highway works comprising minor changes to Warfield Street to enable safer crossing to help pedestrians and to support integration with those improvements sought as part of the strategic housing developments.

Highway Adoption

- 12.80 The Council will also seek formal adoption of roads and footpaths within the site, including the proposed access to the Newhurst Gardens development. This will be secured via Section 106 Agreement.

Conclusion on Highway Safety

12.81 It is considered that the development would not result in an adverse impact on highway safety in accordance with Policy CS23 of the CSDPD, 'Saved' Policy M9 of the BFBLP, the Parking Standards SPD (2016), and the NPPF, subject to the recommended conditions and Section 106 obligation requirements.

vi. Drainage Implications

12.82 Following initial comments from the Lead Local Flooding Authority regarding the sustainability of the proposed drainage scheme, an alternative strategy has been submitted. The design involves re-laying a culvert over 90 metres of private land. The FRA states clearly that permission has been granted by the landowner to achieve these off-site works however they will need to be secured as part of the s106 obligation. The scheme also shows the provision of a detention basin in the site's north-western corner. Insufficient details are currently provided of its construction or of how vehicle access to the control manhole will be provided however these matters can be secured by condition.

12.83 The applicant will need to enter into a Section 106 Agreement to secure management of the proposed drainage solution, and this agreement will also need to secure the off-site arrangements as indicated above. In addition, various conditions are recommended to be imposed to secure further details and retention of the proposed drainage strategy.

12.84 Subject to the above, it is considered that the proposal would not result in an adverse impact on surface water drainage, in accordance with Policy CS1 of the CSDPD and the NPPF, and that the previous drainage reason for refusing application 18/00650/FUL has been addressed.

vii. Biodiversity Implications

12.85 The Biodiversity Officer advises that the updated ecology report dated August 2019 addresses previous biodiversity concerns by:

- Providing further details relating to mitigation/enhancement in relation to bats by using bat boxes on trees and new buildings,
- Providing general details of Great-crested newt mitigation through the use of a one-way GCN barrier during construction and adapted kerbs and gully pot positions, further details of which can be secured by condition,
- Providing details of stag beetle mitigation within the wildlife corridor, and
- Providing clarification of tree removal/green infrastructure provision in relation to the green corridor around the boundaries of the site.

12.86 In light of this submitted information, it is considered that the reason for refusing application 18/00650/FUL on biodiversity grounds has been addressed and that, subject to the recommended conditions being imposed, the proposed development would protect and enhance biodiversity, in accordance with CSDPD Policies CS1 and CS7, and the NPPF.

viii. Sustainability Implications

12.87 In respect of the proposed additional dwellings, Policy CS10 requires the submission of a Sustainability Statement covering water efficiency aimed at achieving an

average water use in new dwellings of 110 litres/person/day. 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.

- 12.88 No details of the above have been submitted for consideration, and therefore it is recommended that these be secured by way of planning condition.

ix. Archaeological Implications

- 12.89 The Applicant provided a desk-based archaeological assessment in support of application 18/00650/FUL. Berkshire Archaeology was consulted and advised the Council that it broadly accepted the assessment and conclusions of this report. The assessment of the site's archaeological potential was considered fair and acknowledged that current knowledge may under-represent the reality.
- 12.90 Berkshire Archaeology therefore agreed that an initial programme of exploratory archaeological investigation would be appropriate and the results of this exercise would inform the need for, and scope of, any strategy to mitigate the impacts of development. This may include further archaeological investigation prior to, or during, construction.
- 12.91 This programme of work is recommended to be secured by condition. Subject to this, the proposal would not be considered to result in an adverse impact on archaeological interests on the site, in accordance with the NPPF.

x. Thames Basin Heaths Special Protection Area (SPA)

- 12.92 The Council, in consultation with Natural England, has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath Special Protection Area (SPA) is likely to have a significant effect on the integrity of the SPA, either alone or in-combination with other plans or projects. An Appropriate Assessment has been carried out including mitigation requirements.
- 12.93 This site is located approximately 4.9 km from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.
- 12.94 On commencement of the development, a contribution (calculated on a per-bedroom basis) is to be paid to the Council towards the cost of measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Council's Thames Basin Heaths Special Protection Area Supplementary Planning Document (SPD). The strategy is for relevant developments to make financial contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the SPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures. The Council will also make a contribution towards SANG enhancement works through Community Infrastructure Levy (CIL) payments whether or not this development is liable to CIL.
- 12.95 The SANG contribution payable for affordable units is lower than that for market units. As the exact mix of affordable units is to be a matter of negotiation as part

of any s106 obligation, it is not possible to specify the exact SANG contribution at this stage.

- 12.96 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which is also calculated on a per bedroom basis.
- 12.97 The applicant has agreed to enter into a S106 agreement to secure these contributions and a restriction on the occupation of each dwelling until the Council has confirmed that open space enhancement works to a SANG is completed. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP Saved Policy NRM6, Saved policy EN3 of the BFBLP and CS14 of CSDPD, the Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD, the Planning Obligations SPD and the NPPF.

xi. Securing Necessary Infrastructure

- 12.98 The following matters would be secured by means of a Section 106 legal agreement:

Affordable Housing

- 12.99 The application seeks to provide 31.3% of the total number of dwellings as affordable housing. This exceeds the Local Planning Authority's current policy requirement of 25%. Information provided with the application suggests that the affordable housing offered would comprise 5no. two bedroom houses, 1no. two bedroom flat and 4no. one bedroom flats. The original comments provided by the Implementation Officer in respect of the previous application confirmed that the Council seeks affordable housing to be reflective of the mix of market housing proposed and therefore, the Council would like to see an increase in the number of larger affordable units. Comments provided in respect of the current application confirms that the housing strategy has changed slightly and more flexibility could be demonstrated if the developer is willing to work with the Council's housing department to provide units for those with specific needs. The applicant has indicated a preparedness to work with the Council as part of negotiating the s106 obligation to secure an appropriate specification/mix of affordable accommodation.

Community Facilities

- 12.100 Due to the added pressure on community facilities from additional residential use on site, the Council will seek through a planning obligation to secure funds towards community facility improvements.

Education

- 12.101 The Local Education Authority (LEA) will seek, through a planning obligation, a contribution towards the improvement of facilities at Warfield Primary School.

Open Space of Public Value OSPV)

- 12.102 As the proposed development only provides a limited amount of OSPV the Council will seek a financial contribution towards the provision of, or an increase in capacity of off-site active and passive open space. In this instance the contribution would be applied to Active and Passive Open Space Improvements to Warfield Memorial Ground or other suitable alternative site capable of serving the development.

Transport

- 12.103 Off-site highway works to improve pedestrian safety crossing Warfield Street will be required by condition.

SuDS

- 12.104 Planning obligations will be required to ensure approval of the SuDS specification and a long term Management and Maintenance Plan prior to commencing development on site. A planning obligation will also be required to secure a SuDS monitoring contribution to monitor SuDS for their lifespan.

Biodiversity

- 12.105 The NPPF (Para 175d, 2018) states that: “opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity”. In instances where on-site Biodiversity enhancements do not amount to a net gain (guidance to be taken from our Biodiversity Officer) the Council will look for a contribution towards Biodiversity enhancements at an agreed off-site location capable of serving the development. In this instance, the Biodiversity Officer has indicated that, subject to recommended conditions, the scheme will provide sufficient biodiversity enhancement (see para. 12.86) and no contributions for off-site enhancement works are sought.

SPA

- 12.106 See section 12(x) of the report.

Community Infrastructure Levy (CIL)

- 12.107 Bracknell Forest Council commenced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL applies to any new build that involves the creation of additional dwellings. The site falls within the 'Northern Parishes' charging area, for which the charge is £281.77 per square metre for 15+ dwellings (2021 figures).

13. DIFFERENCES WITH APPLICATION 18/00650/FUL

- 13.1 It is acknowledged that the original report to Committee did not clearly set out the reasons why different recommendations were made in relation to applications 18/00650/FUL and 19/00497/FUL when both proposed the residential development of the site. It is considered that the differing recommendations resulted from the following factors, each of which are discussed below:

- i). Differences between the development proposed under each application
- ii). Assessment of the site's contribution to the character of the countryside
- iii). Assessment of the proposed development's impact on the character of the countryside
- iv). Consistency of policies with the NPPF and the weight they are given.

i). Differences between the development proposed under each application

- 13.2 The first application proposed the erection of 34no. dwellings, 8 of which would have been affordable (24.2%). The layout indicated a 2.5 storey apartment block in the site's north-western corner and an area of open space located on the site's southern boundary to the rear of Nos. 1 and 2 Toogood Place and 2 and 4 Herschel Grange. At the entrance of the site was a terrace of three units and 3no. detached units were shown facing the sites eastern boundary, served by a shared surface.

- 13.3 The application did not include sufficient information to demonstrate that the proposal would not result in an adverse impact on biodiversity or that an acceptable surface water drainage mitigation or Sustainable Drainage System (SuDS) scheme could be achieved.

- 13.4 The current application proposes 33no. dwellings and the provision of 10no. affordable housing units (31.3%). The 2.5 storey apartment building is shown sited in the site's south-eastern corner adjacent to the settlement, and the most visually sensitive part of the site in its north-western corner would be used to provide a foul water pumping station, SuDS detention basin and small amenity area. The units at the entrance of the site are broken up to provide a pair of semis and a link-detached unit in an arrangement considered appropriate by the Urban Design Officer. A reduction in the number of units fronting the site's eastern edge was initially shown as part of this application however in the most recent iteration of the scheme, none of the units now face towards the eastern boundary, reducing the amount of hardstanding required and the visual impact of the development when viewed from beyond this boundary. The current scheme also shows increased levels of shared surfacing with the resultant opportunities to secure additional landscaping within the site. A 'wildlife corridor' is also shown around the perimeter of the site.
- 13.5 This application was accompanied by an alternative drainage strategy which the LLFA has found acceptable. Additional information relating to the presence of protected species and priority habitats has also been submitted which demonstrates that the development would not have an adverse impact on biodiversity.
- 13.6 It is acknowledged that the character and layout of the two schemes remain similar. However, there are important differences between the two schemes which are relevant both in assessing the impact of the development on the character of the area and ultimately in weighing the planning balance. These can be summarised as follows:
- the total number of units proposed;
 - the higher proportion of proposed affordable housing;
 - changes in layout, in particular:
 - the reduction in the number of units,
 - relocation of apartment building removing substantial built form from most visually sensitive part of site,
 - amendment of design of units at the site's entrance,
 - reduction in impact of development on eastern boundary,
 - reduction in dominance of hardstanding, and,
 - potential for landscaping within the site and adjacent to its boundaries;
 - the provision of an acceptable drainage solution; and,
 - the provision of appropriate information demonstrating that the proposed development would not have an adverse impact on biodiversity.
- 13.7 These changes all related to the scheme originally considered by the Committee in December 2019, and additional changes have been made since then as detailed in Section 5. These further reduce the impact of the development on the landscape character of the area and provide additional opportunities for landscaping. The changes to the form of the proposed development are material and are sufficient in themselves to justify the LPA in coming to an alternative decision from the one taken in respect of application 18/00650/FUL.

ii). Assessment of the site's contribution to the character of the countryside

- 13.8 It is also apparent that there is a different assessment contained within the delegated report on the first application (18/00650/FUL) and the previous committee report on the current application (19/00497/FUL). These differences are in terms of the site's existing character and its contribution to the character of the countryside. It is important for transparency that members should be aware of this, as any such assessment forms part of the baseline for

assessing the development's impact on this character as required by the application of the countryside policies as set out in the development plan.

- 13.9 Although both reports describe the site as being a predominantly undeveloped greenfield site, the delegated report suggests that the site makes a significant contribution to the character of the countryside, stating:

"It is considered that the site as a whole makes a significant contribution to the character of the countryside by providing an open, unmanaged area of greenery, which also forms a visual connection to the wider countryside to the north, through its absence of dense planting on its northern boundary, which provide across-site views. The impact of surrounding development on the character of the site is assessed and it is noted that the Hermitage Caravan Park to its west has a distinctly different character to a 'bricks and mortar' housing development and that land to the east (land north of Newhurst Gardens which has an extant planning permission for up to 50 units), is physically and visually separated from the Herschel Grange site by a 'tall, dense strip of planting on the shared boundary'.

- 13.10 However, this assessment does not reflect the comments of the Landscape Officer made in respect of this (the first) application at the time (which were not detailed within the delegated report) or the most recent Landscape Assessment that refers to this site and which forms part of the evidence base to the emerging Local Plan. The Landscape Officer's consultation in relation to the first application referred to the site's assessment as WAR 9 within the Executive Summary of the Landscape Sensitivity Appraisal of Potential Housing and Employment Sites in Bracknell Forest and its conclusion that:

"Seven sites were assessed as low-medium sensitivity to the proposed development (WAR7, WAR8, WAR9, WAR10, WAR11, WAR19 and WAR24). These sites have a good relationship with the existing settlement either at Bracknell Town or with the Warfield allocation or settlements contiguous with the Warfield allocation. The majority are visually enclosed by existing trees or woodland (which themselves will be protected alongside any development)."

- 13.11 As a result she stated: *"In principle development on the site is accepted in landscape terms but some of the details of the proposal do not reflect the rural character of the area and some changes to the layout would be required"*. She went on to specifically identify that the proposed apartment block was in a visually sensitive area, visible from Gibbins Lane and that it would appear out of character in the countryside setting. She also advised that additional space should be provided for tree and hedgerow planting along the site's western boundary in order to retain and enhance the rural character of Gibbins Lane and the local area, and that structural larger scale tree planting should be achieved within the development to better integrate it with the surrounding landscape.

- 13.12 The main report of the Landscape Sensitivity Appraisal of Potential Housing and Employment Sites in Bracknell Forest, provides a site-specific assessment of the landscape sensitivity of the site (WAR 9) which states:

'Despite the presence of some valued landscape features, such as hedgerows with mature trees and the rural setting the site provides to north Bracknell Town, the site is flat and visually enclosed, resulting in an overall sensitivity of low-medium'.

- 13.13 The original report presented to the Committee in respect of the second application relied upon the comments provided by the Landscape Officer in respect of the first application. It described the application site's contribution to the character of the countryside, in the following terms:

'while the site opens up to the north, there are limited public vantage points from this direction. From the west the site is again largely screened, except for a visual gap when viewed from Gibbins Lane immediately north of the Hermitage Caravan Park. This restricts its visual value'.

- 13.14 The report goes on *'The Landscape Officer has been consulted on the proposal and considers that the principle of the development on the site is acceptable in landscape terms. This is because the site is judged to have low to medium landscape sensitivity due to its relationship with the existing settlement, and the limited visibility of the site from public vantage points'.*
- 13.15 As indicated above, the Landscape Officer has been consulted in respect of the most recent submission and assesses the site as being well screened by existing vegetation, enclosed by the settlement on two sides and with limited visibility. As a result, it is considered that the assessment of the site's landscape sensitivity, undertaken in the original Committee report on the current application, is more accurate than that contained within the delegated report. This is because it reflects the up to date evidence base that underpins the emerging Local Plan. This landscape assessment and an up to date consultation response from the Landscape Officer provides the basis for the assessment of the site's existing character set out in Section 12 of this report.
- iii) Assessment of the proposed development's impact on the character of the countryside
- 13.16 The reports in respect of both applications found that the proposed development would impact on the semi-rural character of the site. The delegated report states:
'The proposed development does not achieve a semi-rural character due to the formal layout, and the relative lack of variety in building form and layout'.
- 13.17 The committee report states (para. 9.36): *'The proposal would be a clearly suburban form of development by virtue of its density, scale and design. As a result, the proposal would change the semi-rural character of the existing site'.*
- 13.18 However, the difference between the reports is the finding of harm in relation to this failure to replicate the semi-rural character of the existing site. The delegated report under Planning Balance and Conclusions states:

'the proposal would be out of character with the surrounding area by failing to achieve a semi-rural character that is appropriate to the context. Instead the proposal is suburban in layout and does not integrate well into its undeveloped countryside setting'.
- 13.19 The level of harm is not quantified, although earlier in the report it is stated:
'While expanded upon in section (b) of the report below, the layout and density of the proposal lends itself to an urban character and does not make attempts to achieve a more semi-rural feel. This is considered to negatively detract from the intrinsic character and beauty of the countryside'
- 13.20 By contrast, the committee report assesses the level of harm caused, stating:
'the proposal is considered to result in some harm to the intrinsic value and beauty of the countryside (para. 170b of the NPPF), as well as to the semi-rural character of the site. However, for the reasons explained in the report, this harm is considered to be minor in the context of the overall modest landscape value of the site combined with the fact that the proposal would relate well to the existing settlement and the site's limited inter-visibility with the wider landscape to the north'.

- 13.21 Any assessment of the level of harm of a development on the character of the area will, to an extent, be a function of the assessment of the value of that character. As set out above, the delegated report concluded that the site as a whole made a '*significant contribution to the character of the countryside*'. The level of harm resulting from any built development on a greenfield site is likely to be assessed as being greater on the basis of such a conclusion than if the site's contribution to the character of the countryside had been assessed as being more modest.
- 13.22 As indicated, the level of landscape sensitivity identified within the delegated report is considered to be incompatible with current evidence and to be more accurately expressed within this and the previous Committee report. Furthermore, the scheme has been amended since the consideration of application 18/00650/FUL in ways which specifically address its landscape impact as identified by the Landscape Officer. This is most notably through the re-location of the apartment building so that the visually sensitive north-western corner of the site remains undeveloped save for drainage infrastructure and the provision of a landscaped wildlife corridor around the majority of the site's boundaries.
- 13.23 When assessing a lesser level of harm resulting from the amended scheme, the subject of the current application, on a site which is more properly assessed as having a limited level of sensitivity, it is appropriate that both the recommendations made in both the original Committee report and this one identify that the proposed development will cause only limited harm to the character of the countryside.

iv). Consistency of policies with the NPPF and the weight they are given

- 13.24 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration.
- 13.25 Paragraph 11 of the NPPF sets out that for decision takers this means:
c) approving development proposals that accord with the development plan without delay, or
d) where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole.
- 13.26 Footnote 7 of the NPPF confirms that for applications relating to housing provision, those policies which are most important for determining the application should be considered out of date where the local planning authority cannot demonstrate a five year supply of deliverable housing sites. The Council can currently demonstrate that it has a 5.2 year supply of deliverable housing sites. This is sufficient to ensure that the 'tilted balance' set out in para. 11 d of the NPPF is not triggered by virtue of footnote 7.
- 13.27 Para. 213 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework, but that due weight should be given to them in accordance with their degree of consistency with the Framework.
- 13.28 The reports in relation to both applications contain an assessment of the most important policies for the determination of the application and their consistency with the NPPF. In

both instances it is recognised that not all of the relevant policies are wholly consistent with the NPPF. However, it is concluded in both instances that the most important policies for the determination of the application should not be considered out of date for the purposes of para. 11d and what is referred to as the 'orthodox' planning balance is applied i.e. the application should be determined in accordance with the development plan unless material considerations dictate otherwise.

- 13.29 However, having determined that the policies are not 'out of date' for the purposes of para. 11, it remains necessary when applying the 'orthodox' planning balance, to give appropriate weight to any conflict with a development plan policy, in line with their consistency with the Framework. In weighing the planning balance in respect of the first application, the delegated report identified the conflict with the development plan, specifically Policies CS1, CS2, CS7, CS9, EN8, EN20 and H5. However, it did not specifically identify that any conflict with policies CS9, EN8 or H5 should not have been given full weight in the planning balance given that they were not fully consistent with the NPPF, for the reasons that had been set out in the report.
- 13.30 The committee report in relation to the second application identified conflict only with Policies CS9, EN8 and H5 and specifically identified that the weight to be attributed to this conflict should be reduced as they are not fully consistent with the NPPF.
- 13.31 It should be noted that, whilst para. 9.9 of the committee report identifies Policy CS2 as one of the most important policies to the determination of the application, it is not specifically referred to within the Planning Balance. Members are advised, that the provision of residential development beyond a defined settlement and not on an allocated site is contrary to Policy CS2, and that this policy is considered to be consistent with the NPPF such that it should be given full weight in the planning balance. Following a review of this application, it is also considered that there is some level of conflict with policies Policy CS1, CS7 and EN20 for the reasons set out in Section 12. This is reflected in the re-assessment of the planning balance for the current application as set out in Section 14.
- 13.32 In conclusion, it is acknowledged that in making different recommendations in respect of similar applications for the same site, it is necessary to set out clear reasons for coming to a different conclusion. In this instance, it is considered that there were some flaws in the assessment contained within the delegated report on the first application in respect of the site's existing contribution to the character of the countryside and the resulting harm caused by the development, together with the weight that should be afforded any conflict with countryside policies. These were subsequently corrected as part of the original Committee report on the second application. However, it is considered that a re-examination of the planning balance based on these corrections would not necessarily have led to a different recommendation on the delegated scheme, due to the nature and impact of the development proposed.
- 13.33 The site's contribution to the character of the countryside is more accurately reflected in both the previous and this Committee report on the current application. The scheme has been materially amended so as to specifically address elements of the scheme identified as having an adverse impacts on the character of the area. Accordingly, the resultant level of harm is reduced. The second application addresses previous concerns relating to drainage and biodiversity and proposes additional benefits in terms of above policy requirement levels of affordable housing. Both Committee reports also properly acknowledged that the conflict with countryside policies should be given less than full weight on the basis of their consistency with the Framework. For all of these reasons, the Committee is fully entitled to come to a different conclusion in relation to application 19/00497/FUL from the decision made in relation to application 18/00650/FUL.

14. THE PLANNING BALANCE

- 14.1 For the reasons set out in Section 12, the LPA considers that the policies of the development plan should be considered up to date for the purposes of para. 11 of the NPPF and the application should be determined on the basis of a 'straight' planning balance, i.e. in accordance with the development plan unless material considerations dictate otherwise. Any conflict with the policies within the development plan should be given appropriate weight according to their consistency with the NPPF.
- 14.2 In this instance the application proposes new residential development within the countryside, the principle of which is contrary to the development plan. It is also considered to result in some harm to the intrinsic value and beauty of the countryside and to adversely affect the character, appearance and function of this countryside site. However, for the reasons explained in the report, this harm is considered to be minor within the context of the overall modest landscape value of the site combined with the fact that the proposal would relate well to the existing settlement and the site's limited inter-visibility with the wider landscape to the north.
- 14.3 The application is considered acceptable in terms of its impact on heritage assets, residential amenity, highway safety and drainage subject to the imposition of appropriate conditions, for the reasons set out in this report. However, it is accepted that the scheme will result in some minor harm to the transitional character of this site as a result of its formal highway layout, although efforts to ameliorate this impact have been made through reductions in levels of hardstanding which provide opportunities for structural planting within the site. However, it is accepted that there is some limited conflict with policies CS7 and EN20 in this regard.
- 14.4 In light of this assessment, there is some limited conflict with Policies CS1, CS2, CS7, CS9, EN8, EN20 and H5 of the development plan. Full weight is given to the conflict with Policies CS1, CS2, CS7 and EN20 which are considered to be fully consistent with the NPPF but less than full weight is afforded to conflict with Policies CS9 and EN8, with that given to any conflict found in respect of Policy H5 being limited.
- 14.5 Material considerations to be weighed against this conflict with the development plan comprise the benefit of providing 32 (net) units of housing, consistent with the Government's objective of substantially boosting the supply of housing and the associated economic and social benefits that result from such provision. Furthermore, the scheme would provide a total of 10no. units of affordable housing. It should be noted that this is above current policy standards (although not above the policy level set out in the Regulation 18 versions of the emerging Local Plan) and it is considered that this should be given significant weight.
- 14.6 When weighing the planning balance, it is considered that the benefits of the scheme, most particularly the provision of an above policy level of affordable housing, in a location where the development would cause limited harm to the character of the countryside, is sufficient to outweigh the limited conflict with the development plan when taking account of the appropriate weight to be accorded these policies in light of their consistency with the NPPF.
- 14.7 The application is therefore recommended for conditional approval, subject to the completion of a section 106 obligation.

15. RECOMMENDATION

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

- avoid and mitigate the impact of residential development upon the Thames Basin Heaths Special Protection Area (SPA);
- provision of the 10 units of affordable housing;
- provision of, and contribution towards, areas of OSPV;
- contributions towards the provision and maintenance of community facilities;
- contribution towards the provision of educational facilities;
- securing the adoption of the highways within the site by the Council, and
- securing an appropriate site drainage strategy.

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:-

17-J2176-CP Rev B Site Location Plan
17-J2176-02 Rev R 'Proposed Site Plan'
17-J2176-13 Rev.A 'Car Barn Allocation / Plans And Elevations'
17-J2176-15 Double Car Barn
17-J2176-101 Rev.B 'PLOTS 1, 2 and 3 Floor Plans & Elevations'
17-J2176-102 Rev.D 'PLOT 4, 5, 9 & 10 Floor Plans & Elevations'
17-J2176-103 'PLOTS 6, 7 and 8 Floor Plans & Elevations'
17-J2176-104 Rev.C 'Apartments Plans & Elevations'
17-J2176-105 Rev.C 'PLOTS 11, 12, 24, 25 Floor Plans & Elevations'
17-J2176-106 Rev.C 'PLOTS 13, 14, 15, 16 Floor Plans & Elevations'
17-J2176-107 Rev.A 'PLOT 17 Floor Plans & Elevations'
17-J2176-108 Rev.B 'PLOT 18 Floor Plans & Elevations'
17-J2176-109 Rev.E 'PLOT 27 Floor Plans & Elevations'
17-J2176-110 Rev.C 'PLOT 19 & 20 Floor Plans & Elevations'
17-J2176-111 Rev.D 'PLOTS 21 & 22 Floor Plans & Elevations'
17-J2176-112 Rev.A 'PLOT 23 Floor Plans & Elevations'
17-J2176-113 Rev.E 'PLOT 26 Floor Plans & Elevations'
17-J2176-114 Rev.D 'PLOT 33 Floor Plans & Elevations'
17-J2176-115 'Individual Cycle Store Plans And Elevations'
17-J2176-116 Flats Cycle Store

WYG A108468 Rev.C 'Flood Risk & Drainage Assessment'

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

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

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

[Relevant Policies: BFBLP 'Saved' Policy EN20; Core Strategy DPD CS7]

04. No above-ground construction works shall take place until details showing the finished floor levels of the dwellings 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, residential amenity, and surface water drainage

[Relevant Policies: BFBLP 'Saved' Policy EN20, Core Strategy DPD CS1, CS7]

05. No part of the development shall be occupied until details of a scheme of walls, fences, gates and any other means of enclosure has been submitted to and approved in writing by the Local Planning Authority. All boundary treatments should provide for the free movement of wildlife to and from the site. The approved scheme shall be implemented in full for each dwelling approved in this permission before its occupation and retained thereafter.

REASON: In the interests of the visual amenity of the area, and biodiversity

[Relevant Plans and Policies: CSDPD CS1, CS7; BFBLP 'Saved' Policy EN20]

06. Notwithstanding the information shown on the approved plans, the development shall not be occupied until hard and soft landscaping works have been completed in full accordance with a landscaping scheme that has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:-

- a) comprehensive planting plans of an appropriate scale and level of detail that provides adequate clarity including details of ground preparation and all other operations associated with plant and grass establishment, full schedules of plants, noting species, and detailed plant sizes/root stock specifications, planting layout, proposed numbers/densities locations; and
- b) details of semi mature tree planting; and
- c) comprehensive 5 year post planting maintenance schedule; and
- d) underground service and external lighting layout (drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.), both existing reused and proposed new routes; and
- e) means of enclosure (walls and fences etc); and
- f) paving including open spaces, paths, steps and ramps, patios, cycle routes, driveways, parking courts, play areas etc. with details of proposed materials and construction methods; and
- g) recycling/refuse or other storage units; and
- h) other landscape features (water features, seating, trellis and pergolas etc).

All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, As a minimum, the quality of all soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well-formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision."

Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the next 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 EN2 and EN20, CSDPD CS7]

07. 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 windows at first floor level or above shall be installed on the stated elevations of the following dwellings hereby approved, with the exception of those shown on the approved plans:

- Both side-facing elevations: Plots 18, 26, 28-32
- North-facing side elevations: Plots 5
- South-facing side elevations: Plots 4, 6
- East-facing side elevations: Plots 2, 10, 12, 14, 19, 21, 23, 25
- West-facing side elevations: Plots 1, 3, 11, 13, 15, 17, 20, 22, 24, 27, 33

REASON: In the interests of the residential amenity of the neighbouring properties within the development hereby approved.

[Relevant Policy: BFBLP 'Saved' Policy EN20].

08. The following windows on the first floor stated elevations of the dwellings 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 with the exception of a top hung openable fanlight:

- Both side-facing elevations: Plots 18, 26
- North-facing side elevations: Plots 5
- South-facing side elevations: Plots 4, 6
- East-facing side elevations: Plots 2, 10, 12, 14, 19, 21, 25
- West-facing side elevations: Plots 1, 3, 11, 13*, 15, 17, 20, 22, 24, 27, 33

*Excluding the second floor roof windows.

Any replacement windows shall be glazed and fixed to this standard, and retained as such.

REASON: In the interests of the residential amenity of the neighbouring properties within the development hereby approved.

[Relevant Policy: BFBLP 'Saved' Policy EN20].

09. The development hereby permitted (including any demolition) shall not be begun until details of a scheme (Working Method Statement) to control the environmental effects of the demolition and construction work has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include:

- (i) control of noise;
- (ii) control of dust, smell and other effluvia;
- (iii) control of surface water run off;
- (iv) site security arrangements including hoardings;
- (v) proposed method of piling for foundations;
- (vi) construction and demolition working hours, and
- (vii) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site.

The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the Local Planning Authority.

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

[Relevant Policies: BFBLP 'Saved' Policies EN20, EN25].

10. No demolition or construction work shall take place outside the hours of 8:00 am and 6:00 pm Monday to Friday; 8:00 am and 1:00 pm Saturday and not at all on Sundays and Public Holidays.

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

[Relevant Policies: BFBLP 'Saved' Policies EN20, EN25].

11. No development (other than the construction of the access) shall take place until the access has been constructed in accordance with details (to include details of construction and drainage) 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]

12. No dwelling on plots 13 to 18 (inclusive) shall be occupied until a footpath/cycleway link has been provided to the site boundary as shown on the approved site plan ('Future access point for footpath-cycleway to Newhurst Gardens') in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The link shall be retained and maintained in accordance with the approved details until such time that the land is required to provide access to the adjacent land.

REASON: To ensure that the land is made available to provide a link to the neighbouring site in the case of future redevelopment of that land in the interests of ease of movement for cyclists and pedestrians.

[Relevant Policies: BFBLP M6, CSDPD CS23]

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

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

14. The relevant dwelling hereby permitted shall not be occupied until that part of the access road which provides access to and egress from it, including the provision of turning heads within the development, has been constructed in accordance with the approved plans.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

15. The relevant dwellings hereby permitted shall not be occupied until their corresponding vehicle parking spaces (including parking courts), along with associated turning and access, have been surfaced and marked out in accordance with approved drawing 17-J2176-02 Rev.Q 'Proposed Site Plan', received by the Local Planning Authority on 22nd January 2021. The spaces shall thereafter be kept available for parking, along with access and turning (where relevant) at all times.

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

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

16. The relevant dwellings hereby permitted shall not be occupied until their corresponding car ports have been completed and made available for parking, in accordance with approved drawings 17-J2176-13 Rev.A 'Car Barn Allocation / Plans And Elevations', received by the Local Planning Authority on 4 October 2019 and 17-J2176-02 Rev Q and 17-J2176-15 received by the Local Planning Authority on 22 January 2021. The car ports, and their access, shall thereafter be kept available for vehicular 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]

17. 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 enlargements, improvements or alterations shall be made to the car ports, and no gate or door shall be erected to the front of the car ports.

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

[Relevant Policy: BFBLP M9]

18. The relevant dwelling hereby permitted shall not be occupied until their associated cycle store and access has been implemented in accordance with the approved details. The store and access shall thereafter be kept available for cycle parking at all times.

REASON: In order to ensure adequate bicycle facilities are provided, in the interests of highway safety.

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

19. The relevant dwelling hereby permitted shall not be occupied until their associated bin storage and access has been implemented in accordance with the approved details. The store and access shall thereafter be kept available for refuse storage at all times.

REASON: In order to ensure adequate bin storage facilities are provided, in the interests of the character of the area and highway safety.

[Relevant Policies: CSDPD Policy CS7 and CS23, BFBLP 'Saved' Policy EN20]

20. No development shall commence 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, and
- (e) Temporary portacabins and welfare for site operatives.

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

REASON: In the interests of amenity and highway safety.

[Relevant Policies: BFBLP 'Saved' Policy EN20, Core Strategy DPD CS23]

21. No development above slab level shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme. The development shall be carried out in accordance with the approved scheme and retained thereafter.

REASON: In the interests of the amenity of neighbouring properties & prospective occupants, the character of the area, highway safety, and nature conservation.

[Relevant Policies: BFBLP EN20 and EN25; CSDPD CS1, CS7, CS23]

22. All ecological measures and works shall be carried out in accordance with the details contained in the following documents received by the Local Planning Authority:

- Applied Ecology Ltd 'Ecology Version 4.0 Report August 2019' received on 22 August 2019
- Merewood 'Landscaping proposals and Green Mitigation Plan' received on 22 August 2019
- 'Merewood 'Arboricultural Implications Assessment and Method Statement' received on 2 September 2019

REASON: In the interests of nature conservation.

[Relevant Plans and Policies: CSDPD CS1, CS7]

23. The development hereby permitted (including any site clearance and demolition) shall not commence until a wildlife protection plan for construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- i) an appropriate scale plan showing where construction activities are restricted and protective measures;
- ii) details of protective measures to avoid impacts during construction;
- iii) a timetable to show phasing of construction activities, and
- iv) persons responsible for compliance with legal consents, planning conditions, installation of protective measures, inspection and maintenance.

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

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

24. The development hereby permitted shall not commence until a scheme for the provision of biodiversity enhancements (not mitigation), including a plan showing the location of these enhancements, has been submitted to and approved by the Local Planning Authority. The approved scheme shall be performed, observed and complied with.

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

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

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

26. 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 external lighting shall be installed on the site or affixed to any buildings on the site except in accordance with the details provided in respect of Condition 21, or in details set out in a Lighting Design strategy for Biodiversity that has first been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those area/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

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

27. Prior to the occupation of any dwelling, the areas shown as a wildlife corridor on approved drawing 17-J2176-02 Rev.Q 'Proposed Site Plan', received by the Local Planning Authority on 22nd January 2021, shall be provided, retained and thereafter not be used for any other purpose.

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

28. An ecological site inspection report shall be submitted to the Local Planning Authority within three months of the first occupation of the first dwelling hereby approved. Any recommendations contained within this report and agreed in writing by the Local Planning Authority shall be performed, observed and complied with.

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

29. No development shall take place 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]

30. No development shall take place until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 10%). The dwellings thereafter 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]

31. No development shall to take place until a contaminated land Phase I report (Desk Top Study) has been submitted to, and approved in writing by, the Local Planning Authority. The study shall be carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site.

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

[Relevant Policies: BFBLP EN25]

32. Following approval of the Phase I, if a Phase II report (Site investigation) is required it shall be submitted to, and approved in writing, prior to the commencement of development. It shall be completed by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The method and extent of this site investigation shall then proceed in strict accordance with the measures approved.

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

[Relevant Policies: BFBLP EN25]

33. No development shall commence, including any demolition or site preparation works, until a programme of archaeological field evaluation has been undertaken in accordance with a written scheme of investigation has been submitted to and approved by the Local Planning Authority.

REASON: In the interests of historic archaeological features which may be present on site

[Relevant Policy: NPPF]

34. No development shall commence until any required archaeology mitigation strategy informed by the evaluation undertaken in Condition 32 has been submitted to and approved by the Local Planning Authority. The mitigation strategy shall be implemented in accordance with the approved details.

REASON: In the interests of historic archaeological features which may be present on site

[Relevant Policy: NPPF]

35. No development shall take place until full details of the Drainage System(s) have been submitted to and approved in writing by the Local Planning Authority. These shall include:

- Detailed design of the pond to provide flood storage in accordance with document WYG A108468 Rev.C 'Flood Risk & Drainage Assessment', received on 30 September 2019;
- Details of vehicular access to all components of the drainage scheme for maintenance;
- Full details of all components of the proposed drainage system including exceedance areas, tanks, pipes, locations, gradients, invert and cover levels, headwall details, planting if necessary and drawings as appropriate taking into account the groundwater table;
- Supporting calculations demonstrating that the allowable discharge rates set out in the approved FRA are achieved together with confirmation of the gully spacing calculations to demonstrate they are capable of conveying the rainfall volumes as set out in the approved drainage strategy.

The approved details shall be implemented and thereafter retained.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding.
[Relevant Policy: CSDPD CS1]

36. No development shall take place until a drainage strategy detailing any on- and off-site drainage works, along with proposed points of connection, has been submitted to and approved by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding.
[Relevant Policy: CSDPD CS1]

37. No development shall take place until details of how the surface water drainage shall be maintained and managed after completion have been submitted to and approved in writing by the Local Planning Authority. The details shall include confirmation of the required maintenance activities with expected frequency, with site specific assessments included to demonstrate that health and safety has been fully considered in the design and that access and egress for future residents will be maintained during any operations to repair or replace drainage features. The approved details shall be implemented and thereafter retained.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding.
[Relevant Policy: CSDPD CS1]

38. The dwellings hereby approved shall be not occupied until the sustainable urban drainage (SuDS) scheme for this site has been completed in accordance with the approved details. The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. This shall include written confirmation of agreements for the management and maintenance of the drainage scheme shall be submitted and approved by the local planning authority.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding.
[Relevant Policy: CSDPD CS1]

39. The dwellings hereby approved shall not be occupied until a verification report, appended with substantiating evidence demonstrating the agreed/approved construction details and specifications have been implemented, has been submitted to and approved by the Local Planning Authority. This shall include photographs of excavations and soil profiles/horizons, any placement of tanking, crating, connecting pipe work, aquacludes or aquabrakes, cover systems, and any similar features/works required.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding.
[Relevant Policy: CSDPD CS1]

40. All existing trees, hedgerows and groups of shrubs shown to be retained on the approved drawings shall be protected for the duration of operational works to implement the development in accordance with the Arboricultural Implications Assessment and Method Statement submitted with the application.

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]

41. 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 to Herschel Grange and a tactile crossing point on Warfield Street.

The development shall not be occupied until these off-site highway works have been completed in accordance with the approved scheme.

REASON: In the interests of highway safety.

[Relevant Policy: BFBLP M4, CSDPD CS1 and CS23]

42. 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]

Informatives

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern and negotiating, with the applicant, acceptable amendments to the proposal to address those concerns. The proposal has been assessed against all relevant material considerations, including planning policies and any representations that may have been received. 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. Window Restrictions
8. Obscure-Glazing
10. Hours of Construction
12. Newhurst Gardens Pedestrian/Cycle Access
14. Dwelling Access
15. Vehicle Parking
16. Car Port Retention
17. Car Port Alterations
18. Cycle Parking
19. Bin Storage
22. Ecological Measures
25. Bird Nesting
26. External Lighting (biodiversity)
27. Green Corridor & Bat Roosts
32. Contaminated Land Phase II

Details will be required in respect of the following conditions before the commencement of above-ground works:-

3. Materials
4. Finished Floor Levels
21. Site Lighting

Details will be required in respect of the following conditions before the commencement of development:-

5. Boundary Treatments
6. Hard & Soft Landscaping
9. Construction Management (Working Method Statement)
11. Site Access
20. Construction Management (Highways)
23. Construction Management (Wildlife Protection Plan)
24. Biodiversity Enhancements
29. Water Usage
30. Energy Demand
31. Contaminated Land Phase I
33. Archaeological Preparation

- 34. Archaeological Mitigation
- 35. Drainage Systems
- 36. Drainage Works & Connections
- 37. Drainage Maintenance & Management

Details will be required in respect of the following conditions before the occupation of the dwellings:-

- 13. Visibility Splays
- 38. SuDS scheme
- 39. Drainage Verification Report

Details will be required in respect of the following condition within three months of the first occupation of any dwelling:-

- 28. Ecological Site Inspection

03. The applicant should note that this permission does not convey any authorisation to enter onto land or to carry out works on land not within the applicant's ownership.

04. Thames Water has provided the following comments:

WASTE COMMENTS

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water would advise that with regard to SURFACE WATER network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

WATER COMMENTS

With regard to water supply, this comes within the area covered by the South East Water Company. For your information the address to write to is - South East Water Company, Rocfort Road, Snodland, Kent, ME6 5AH, Tel: 01444-448200

05. The drainage requires substantial off-site works within third party land to improve existing culverts. It has been agreed by the LPA that this be secured by Section 106 Agreement of which the third party must be included within. The Obligations must ensure that prior to any commencement on site the off-site improvement scheme details shall be submitted and approved in writing by the LPA and completed on site.

Should the applicant fail to complete the required S106 agreement by 11 May 2021 the Head of Planning be authorised to **REFUSE** the application for the following reasons: -

1. The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impacts in this respect. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (2012), and the NPPF.
2. In the absence of a planning obligation to secure affordable housing in terms that are satisfactory to the Local Planning Authority, the proposal is contrary to 'Saved' Policy H8 of the Bracknell Forest Borough Local Plan, Policies CS16 and CS17 of the Core Strategy Development Plan Document, the Planning Obligations SPD, the resolution on affordable housing made by BFC Executive on 29 March 2011, and the NPPF.
3. The proposed development would unacceptably increase the pressure on open space of public value and community facilities. In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which secures the on-site provision of open space of public value, the proposal is contrary to Policy R4 of the Bracknell Forest Borough Local Plan, Policies CS6 and CS8 of the Core Strategy Development Plan Document, the Planning Obligations SPD, and the NPPF.
4. It has not been demonstrated that the proposed development would incorporate a sustainable drainage system (SuDS) for the management of surface water run-off which would be maintained for the lifetime of the development. This is contrary to Policies CS1 and CS6 of the Core Strategy Development Plan Document, the House of Commons: Written Statement (HCWS161) Sustainable Drainage Systems 18/12/2014, the Flood Risk and Coastal Change PPG updated 15/04/2015, and the NPPF.