

By email only:

Planning Committee Councillors
Bracknell Forest Council
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Market Street
Bracknell
RG12 1JD

The Grange
8 Toogood Place
Warfield
RG42 6AF

5 February 2021

Dear Councillors

Contentious and Speculative Herschel Grange Second Application 19/00497/FUL for 33 Dwellings in Countryside Returns for Rehearing following Procedural Error

In order to make a fully informed decision regarding the above Application 19/00497/FUL, as a Bracknell resident and Chair of the Warfield Village Action Group (WVAG), I urge you first to consider the contents of this letter, the aim of which is to provide critical background to the Application before you.

This Second Application, now being reheard and recommended by the Bracknell Forest Council (BFC) for your approval, is essentially the same as the First Application on this Site, which was refused by BFC on 1 May 2019. Yet nothing substantial has changed since then in relation to this, and the main difference between the two Applications is merely a minor tweaking of the balance of affordable housing by adding just two extra affordable dwellings.

However, the primary reasons for refusal of the First Application relating to harm to countryside setting and village character have not been overcome, so this Second Application should also be refused.

Second Application 19/00497/FUL

The current Second Application, first heard at the Planning Meeting on 16 December 2019, is to demolish a 5-bedroom house in Herschel Grange in favour of an inappropriately dense and urban housing estate of 33 dwellings (including 10 affordable), which also includes a block of flats and other dwellings with 3 levels of living space, on a small undeveloped greenfield site in countryside, outside the settlement boundary of Warfield Street village (currently only 100 one- and two-storey dwellings), on land protected from development under existing national and local Planning laws, and at a time when BFC has a Local Plan which does not feature this Site, as well as a healthy 5 year housing land supply and a 99% housing delivery record.

Hearing of Second Application on 16 December 2019

Having been recommended for approval by BFC, the Second Application 19/00497/FUL was initially heard by the Planning Committee at the Meeting on 16 December 2019 and was narrowly approved by 6 votes to 5 (including the Chairman and Vice-Chairman voting in favour) with an exceptionally low Committee Membership attendance of just over 50% - possibly due to the Meeting's postponement from 12 December 2019 (General Election Day) to 16 December 2019, being a Monday instead of the normal Thursday, and being very close to Christmas.

Inexplicable U-Turn by Bracknell Forest Council

While the WVAG was clearly not happy with the approval decision reached at the Meeting on 16 December 2019, **what was even more concerning was the overall process and conduct which led to that decision.** The Officer Reports written by the same Case Officer for both the First and Second Applications inexplicably led to diametrically opposing decisions – refusal of the First and recommendation for approval of the Second - despite there being no material change, ie in Planning policy, HLS, facts on the ground. To all intents and purposes the Applications were the same, the only real difference being that the Second Application was for 33 instead of 34 dwellings, and for 10 instead of 8 affordable dwellings.

A significant number of Committee Members who attended the Meeting on 16 December 2019 afterwards admitted that the approval decision was fundamentally a 'bad' decision on three main accounts:

1. BFC had already more than exceeded its 5 year HLS requirement and had achieved a housing delivery of 99%. Therefore this Application, being in countryside outside settlement, and with an urbanising character which was completely out of keeping with its rural and semi-rural surroundings, breached local and national Planning policy, and so should not have been approved;
2. The proportion of affordable housing at 30.3% comprised just two extra affordable dwellings, yet this advantage was used by Officers as a critical planning reason to approve the Second Application, without fully addressing fundamental reasons for BFC's recent refusal of the First Application;
3. The Chairman emphasised that a key reason to approve the Application was the notion that, should it be refused, the developer might appeal and win, meaning significant costs for BFC - hardly grounds for approval and completely undermining the purpose of the Planning Application process.

Procedural Error by Planning Officers: Failure to Inform

Due to a procedural error by the Planning Officers in their Committee Report and presentation of the Second Application at the Meeting on 16 December 2019, regarding failure to fully inform you, the Committee Members, about their reasons for refusal of the First Application earlier in the year, or to explain why an opposite conclusion had then been reached, the WVAG took legal advice (see attached letter of 14 May 2020 to BFC from Richard Buxton Solicitors), as a result of which the approval decision at the Meeting on 16 December 2019 was nullified and the Second Application is now to be reheard.

Addendum to Second Application 19/00497/FUL/AMEND

The Applicant has taken the opportunity of the Rehearing to add to the Second Application an Application Addendum 19/00497/FUL/AMEND, in which are listed a number of minor amendments to the Site Plan, eg the slight movement or re-angling of a dwelling, which are insignificant in terms of overall scheme density, height and character. As the Case Officer also admitted, there is '**no change in the fundamentals**'. The fact that the Applicant has felt it necessary to make these very small changes before the Rehearing would seem to demonstrate an acknowledgement that this Application breaches policy and will have an urbanising and harmful impact on the rural setting of the village and on the intrinsic value and beauty of the countryside.

Rehearing of Second Application with Addendum 19/00497/FUL/(AMEND)

The Rehearing now provides you, our Councillors, with the opportunity to make the best decision, not only for residents of Warfield Street village, but also for the entire Bracknell Forest Borough. Now that BFC can boast a healthy HLS and a housing delivery of 99%, in accordance with existing Planning laws it would not be appropriate to bulldoze and develop this Site, designated as 'rural' land by BFC, and destroy more wildlife habitats. Indeed, with the added factors of Brexit and Covid-19 slowing the housing market and substantially increasing empty office block capacity (due to an increasing work from home ethic), the need for housing, particularly affordable housing, would be better met through existing PDL sites and conversion of empty office space in town.

The following are fundamental reasons why the WVAG asks you, the Committee, now fully informed, to vote to refuse the current Second Application (with Addendum):

1. **Location:** The site is outside settlement and in the countryside, so has already been designated by BFC as 'rural' non-development land to the north of Warfield Street. The Application is therefore contrary to the Council's prohibition on development (CS9) and, as confirmed by the Chairman at the Planning Meeting on 16 December 2019, '**Members, you're quite right to state that under our current planning policy, policies for protection of the countryside, this would be automatically refused.**' According to all the Council's Landscape Character Assessments, the character of this area is a '**predominantly quiet rural area, characterized by scattered small villages and hamlets**'. So the proposed modern dense town-style housing scheme adversely affects the landscape, character and appearance of the countryside setting and semi-rural village of Warfield Street. The BFC

Assessments also highlight the role of this greenfield Site in providing ‘**an important green space function** which provides a strong transition between the urban edge and rural area to the north’.

2. **Character:** The proposed 33-unit development takes the form of a modern urban housing estate, which is completely out of keeping with the surrounding countryside and village settlement and breaches BFC Character policies. Despite minor amendments to the Site plan, the buildings are close together with small gardens and no real boundary landscaping or screening from the countryside and existing viewpoints, causing harm to the village character, its wider rural setting, and the important countryside amenity for Warfield Street residents, visitors and walkers.

The First Application was refused primarily due to its ‘**harmful urbanising impact on the character and appearance of the countryside contrary to development plan policy, the Design SPD and the NPPF**’, and at the Meeting on 16 December 2019, the Officer admitted, ‘**The development would conflict with countryside policies in the development plan...**’, and then again in his summing up, ‘**While the proposal would result in some harm to the intrinsic value and beauty of the countryside, and to the semi-rural character of the site, this harm is minor...**’ The critical question now to be addressed by you, our Councillors, is: What level of harm, if any, is acceptable, when BFC already has more than enough HLS, and the proposal breaches local and national Planning law?

According to the Application Addendum 19/00497/FUL/AMEND, ‘The Application Site either is, or shortly will be, surrounded on three sides (west, south and east) by residential curtilages.’

This is, however, not entirely true, and the harm is therefore greater than portrayed:

- **To the west**, there is an **adjacent green paddock and additional large area of open space with stables**. The scattered low-level mobile homes of The Hermitage are to the south of the paddock and open area. From the adjacent Gibbins Lane country public footpath, **the Site is very visible** (see photo) meaning that all housing, especially the proposed taller buildings with 3 levels of living space and the block of flats, will be **prominent, urbanising and out of character**.
- **To the east**, the Newhurst Gardens appeal site, which was originally unanimously refused by yourselves, Committee Members - being in countryside and in breach of policy - and was only successful at appeal due to a significant HLS shortfall (4.1 years), is **half as dense** as the current proposal; is more in keeping with local character in terms of housing design, height and spacing; and allows for more peripheral planting and landscaping to screen it from the surrounding countryside. Moreover, development on this adjacent site may not happen.
- **To the east**, a further important consideration, which appears to have been overlooked by the current Application, is the **inter-visibility** of the current development (2-storey dwellings and taller buildings of 3 levels with windows) with nearby Warfield House, a Grade II Listed Building, which will cause **considerable harm to its setting and significance as a heritage site**.
- **To the south**, the settlement along and off Warfield Street, more linear in form, comprises a variety of well spaced character dwellings with an overall **village and semi-rural character**.



View of Application Site from Gibbins Lane to the West. Site lies beyond the first paddock, between the next fence and far hedge

Toogood Place, a very small cul-de-sac to the immediate south of the Site, is not an appropriate comparator, since it has very limited impact on the Warfield Street settlement as a whole. The same cannot be said, however, for a development that **increases the existing size of the village by over 30%** (33 extra dwellings compared with the existing 100 dwellings which currently make up the village). This will fundamentally change the balance of character and form of the village from a linear village of scattered detached character houses to a more dense town housing estate format.

The failure of the development to be sympathetic to the character of the Site, the character of Warfield Street or indeed the character of the wider area, is contrary to the NPPF and the Council's express policies on character (CS1, CS2, CS9, EN8, EN20, H5). The proposal also fails to meet the Council's detailed Design Policies and Design SPD, eg the tall buildings with 3 levels of accommodation in the northern part of the Site and the block of flats in the southeastern corner are completely out of scale and out of keeping with the surrounding land and village settlement, which breaches SPD guidance on the built form.

- 3. Highways Safety:** An increase of over 30% in the existing size of Warfield Street will bring a significant increase in the volume of traffic, and hence, an increased and unacceptable risk to highways safety, which the proposed measures by the BFC seem to fail to address adequately. Horses and riders are an integral and important part of everyday life along Warfield Street, and over the past few years, there have been at least two serious traffic accidents involving horses and their riders here, which required the emergency services, including the air ambulance. Moreover, traffic access from a new Site onto Warfield Street contravenes existing BFC Development policy designed to safeguard its character and highways safety.



Typical everyday scene on Warfield Street: horses, parked cars, blind bends, queuing traffic in both directions (13 June 2020)

Summary

The proposed development on an undeveloped Site outside settlement boundary has no special characteristics and provides no valid reason to breach policy CS9. It is an urban housing development within an area which the Council itself characterises as rural. Moreover, the character, scale, layout and design of the scheme all conflict with adopted policies. **The harm to the character of the surrounding countryside and village is not disputed by the Council.** Local Character and Design Policies are wholly consistent with the NPPF and therefore carry full weight, and no material considerations have been put forward to override the breach of these policies. In addition, the Council has a Local Plan plus a 5 year HLS and a 99% housing delivery. That is a material consideration that weighs heavily in support of the existing Local Plan policies. In these circumstances, there is no requirement for this Site and no reason to approve the Application. **The Committee should therefore refuse the Application.**

We hope that you support local residents in upholding national and local Development Plan policy and continue to protect the character of Warfield Street village and the countryside to the north of Bracknell.

Yours faithfully



Maggie J Stock (Mrs)

Local Resident and Chair of the Warfield Village Action Group (WVAG)

ADDENDUM

It should also be noted that **two observations made at the Planning Meeting on 16 December 2019**, where this Application was approved, to the effect that:

- i) Planning Inspectors give added weight to proposals for additional housing; and
- ii) Any decision by the Members to refuse the present Application risks being overturned on appeal with costs awarded against the Council;

are **misplaced, incorrect and potentially unlawful**. Since the Site is outside settlement boundary, the **Application is in breach of policy**, and there is no housing shortfall, neither point is a valid material consideration. **It is perfectly reasonable to refuse this Application without fear of costs** being awarded against the Council, should the Application be refused and then appealed by the Applicant, since due consideration has been given to all relevant Planning policies and the Application is in breach of these.

Moreover, the most recent and factually similar case to this Application is the **Appeal dismissal** on 6 November 2019 of Application APP/RO335/W/18/3217574 to develop 12 dwellings on countryside land at Scotlands House, Forest Road, Newell Green, Warfield, located outside settlement to the west of the current Site and to the north of the Forest Road/Warfield Street development boundary. In that case, the **Inspector refused a similar, albeit smaller, planning application than the current Application, in the same locality, and against the same policy background, and agreed with BFC's assessment that it could demonstrate a HLS in excess of 5 years.**

For further information regarding the Warfield Village Action Group (WVAG) Objection to this Second Application, please refer to the letters listed below and attached to this email.

Attachments

- WVAG Letter of Objection of 15 June 2020 to BFC Planning Case Office Jo Male
- Pre-Action Protocol Letter of 14 May 2020 from Richard Buxton Solicitors to Andrew Hunter, Director of Planning Place and Regeneration, Bracknell Forest Council
- WVAG Objection of 13 December 2019