

ITEM NO: 7

Application No.
11/00283/EXT
Site Address:

Ward:
Ascot

Date Registered:
13 April 2011

Target Decision Date:
13 July 2011

Land At 127A-131 Fernbank Road Ascot Berkshire

Proposal:

Erection of block comprising 9no. two bedroom and 8no. one bedroom flats with associated parking, access and landscaping following demolition of existing dwellings.

Note for clarification: This application is for an extension of the time limit to implement an existing planning permission (08/00263/FUL).

Applicant:

Kebbell Developements Ltd

Agent:

Maze Planning Ltd

Case Officer:

Margaret McEvit, 01344 352000

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

1 RELEVANT PLANNING HISTORY (If Any)

04/00450/FUL Validation Date: 09.06.2004
Erection of part 3 storey building comprising 11no. 2 bedroomed flats and 4no. 1 bed roomed flats with associated parking following demolition of existing dwellings.
Refused

05/00019/FUL Validation Date: 10.01.2005
Erection of 2 no. two and a half storey buildings forming 10no. 2 bed flats and 4 no. 1 bed flats after demolition of existing bungalows.
Refused

05/01077/FUL Validation Date: 15.11.2005
Erection of block comprising 11no. two bedroom and 4no. one bedroom flats with associated parking and bin store following demolition of existing dwellings
Refused

08/00263/FUL Validation date : 20.03.2008
Erection of block comprising 9no. Two bedroom and 8no. One bedroom flats with associated parking, access and landscaping following demolition of existing dwellings
Approved with a Legal Agreement

AMD1/08/00263/ Validation Date: 11.11.2010
Erection of block comprising 9no. Two bedroom and 8no. One bedroom flats with associated parking, access and landscaping following demolition of existing dwellings
Approved

Additional Planning &/ Appeal History

Appeal Erection of part 3 storey building comprising 11no. 2 bed roomed flats and 4no. 1 bed roomed flats with associated parking following demolition of existing dwellings.
Validation Date: 16.11.2004
Appeal Dismissed
Reference: 04/00072/REF

Appeal Erection of 2 no. two and a half storey buildings forming 10no. 2 bed flats and 4 no. 1 bed flats after demolition of existing bungalows.
Validation Date: 07.04.2005
Appeal Dismissed
Reference: 05/00027/REF

Appeal Erection of block comprising 11no. two bedroom and 4no. one bedroom flats with associated parking and bin store following demolition of existing dwellings
Validation Date: 29.09.2006
Reference: 06/00072/REF

2 **RELEVANT PLANNING POLICIES**

Key to abbreviations

<i>BFBCS</i>	<i>Core Strategy Development Plan Document</i>
<i>BFBLP</i>	<i>Bracknell Forest Borough Local Plan</i>
<i>RMLP</i>	<i>Replacement Minerals Local Plan</i>
<i>WLP</i>	<i>Waste Local Plan for Berkshire</i>
<i>SPG</i>	<i>Supplementary Planning Guidance</i>
<i>SPD</i>	<i>Supplementary Planning Document</i>
<i>PPG (No.)</i>	<i>Planning Policy Guidance (Published by DCLG)</i>
<i>PPS (No.)</i>	<i>Planning Policy Statement (Published by DCLG)</i>
<i>MPG</i>	<i>Minerals Planning Guidance</i>
<i>DCLG</i>	<i>Department for Communities and Local Government</i>

<u>Plan</u>	<u>Policy</u>	<u>Description</u> (May be abbreviated)
BFBLP	EN1L	Protecting Tree And Hedgerow Cover
BFBLP	EN2L	Supplementing Tree And Hedgerow Cover
BFBLP	EN3L	Nature Conservation
BFBLP	EN20	Design Considerations In New Development
BFBLP	M6	Cycling And Walking
BFBLP	M7	Access For People With Disabilities
BFBLP	M8	Public Transport
BFBLP	M9	Vehicle And Cycle Parking
BFBLP	R5	Publicly Usable OS For Small Sites
BFBCS	CS1	Sustainable Development Principles
BFBCS	CS6	Limiting the Impact of Development
BFBCS	CS7	Design
BFBCS	CS10	Sustainable Resources
BFBCS	CS12	Renewable Energy
BFBCS	CS14	Thames Basin Heaths Special Protection Area
BFBCS	CS24	Transport and New Development

3 **CONSULTATIONS**

(Comments may be abbreviated)

Biodiversity Officer

(No comments received at time of producing this report).

Winkfield Parish Council

Observations

Although Planning Permission has been granted, in view of the strong opposition by local residents previously, Winkfield Parish Council would recommend a time limit on the extension of 1 year.

Biodiversity Officer

(No comments received at time of producing this report).

Environmental Health and Safety

No comments.

Transportation Officer

No objection.

Landscape Officer

No objection to proposal subject to conditions.

Tree Officer

No grounds to refuse the extension of time on arboricultural grounds subject to conditions.

4 REPRESENTATIONS

6 letters have been received raising the following considerations:-

- proposed flats would adversely affect the character of the area
- the land behind the site is Green Belt and would be affected by the development
- flats are not required in the area
- development would impact on the infrastructure of the area
- development not needed to meet housing allocation
- inadequate parking provision
- use of the site access would be dangerous to pedestrians and highway users
- impact on the SPA
- revised PPS3 guidance means that the site is not suitable for development
- changes in the Fernbank Rd area since the 2008 permission was granted mean that the extension of time should not be granted

5 OFFICER REPORT

Summary Of Key Aspects Of The Proposal (If Any)

This application is reported to committee because more than 3 objections have been received. This application was withdrawn from the June committee to allow Ecological Survey work to be undertaken.

i) PROPOSAL

This is an application to extend the time limits for implementing the existing planning permission 08/00263/FUL which relates to the erection of block comprising 9no. two

bedroom and 8no. one bedroom flats with associated parking, access and landscaping following demolition of existing dwellings.

The procedure to allow extensions of time limits on planning permissions was brought into force on 1 October 2009 by the Town and Country Planning (General Development Procedure) (Amendment No.3) (England) Order 2009 (SI No. 2261) (the Order) and the Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2009 (SI 2009 No. 2262).

The procedure allows applicants to apply for a new planning permission to replace an existing planning permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development. The measure was introduced in order to make it easier for planning permissions to be kept alive for longer during the economic downturn. Guidance issued advises that decisions on extending the life of planning permissions should focus on development plan policies and other material considerations which may have changed significantly since the original grant of planning permission.

It is proposed to extend the life of the planning permission 08/00263/FUL by creating a new planning consent to include conditions imposed on the extant consent but amending condition 1 of the original consent to extend the time period for the implementation of the development for a period of 3 years.

ii) SITE

The site currently comprises 3 bungalows fronting Fernbank Road. The adjoining property (no. 133) is also a bungalow. Bungalows and chalet bungalows adjoin the site to the west. A builder's yard is located behind no. 127a, which is accessed along the side of that property. The site is predominantly in the settlement area, but the area shown as amenity area is on Green Belt land. This land is currently part of the garden of no. 129. Opposite the site are 2 storey houses set back some 10 metres from front boundaries. The site is unchanged since the extant planning permission was granted and there are no significant changes to the immediate vicinity of the site.

iii) PLANNING CONSIDERATIONS

(1) History of site

Planning permission was granted in 2008 for erection of a block comprising 9no. two bedroom and 8no. one bedroom flats with associated parking, access and landscaping following demolition of existing dwellings.

Prior to planning permission being granted in 2008, a previous application on the site (04/00450/FUL) for the erection of 11 no. 2 bed roomed flats and 4 no. 1 bed roomed flats in a two and a half storey building was dismissed on appeal. It had been refused on the grounds that the flats would adversely affect the amenities of adjoining properties and the character of the area, lack of contributions towards services and infrastructure, unsuitable vehicular and pedestrian access to the car park at the rear of the site and overlooking of neighbouring properties.

Another application (05/00019/FUL) was dismissed at the same appeal as the application referred to above. This application was for the erection of 10 no. 2 bed flats and 4 no. 1 bed flats within 2 separate buildings of two and a half storeys.

Although the appeals were dismissed, the inspector considered that the character of the area was changing with new development on plots which had been combined to provide larger sites. This had resulted in development different to the original pattern of development in both height and scale. The Inspector considered that "Nevertheless, in my opinion, the increased masses of these new developments and their two and a half storey concept is not out of keeping with the general pattern of surrounding development. In fact I find that the undulating roof lines add interest to the streetscape."

Both appeals were dismissed solely on the ground of the failure to secure contributions towards facilities and services.

A further application (05/01077/FUL) for the erection of a block comprising 11no. two bed and 4no. one bed flats was refused in March 2006. The reasons for refusal were that the proposal failed to secure contributions towards services and infrastructure and the proposal would adversely affect the Thames Basin Heaths SPA.

(2) Principle of development.

The principle of redevelopment of this site for flatted development has been established in the granting of application 08/00263/FUL and associated S.106 agreement.

The red line application site and description of development remains as per the previous application, and therefore the development is considered to be acceptable in principle.

The main change in circumstances since the planning application on this site was approved is the issuing of a revised Planning Policy Statement 3: Housing in June 2010. The revised PPS3 redefines previously developed land to remove garden areas from the definition. This reclassification was intended to remove the presumption in favour of development of garden sites which was applied to all brownfield sites in earlier versions of PPS3. The revised definition of previously developed land is set out in Annex B of PPS3:

"Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.

The definition includes defence buildings, but excludes:

- Land that is or has been occupied by agricultural or forestry buildings.
- Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures.
- Land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.
- Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings).

There is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed."

This site is occupied by permanent structures and their curtilages. Within the revised PPS3 the majority of the site would still be classified as previously developed land with the garden areas excluded from the definition of previously developed land. There is not considered to be a significant material change in policy affecting this site since planning permission was granted for development of the site in 2008. Although part of the site is now excluded from the definition of previously developed land, the site is within a defined settlement area and its development is still acceptable in principle under Policy CS2 of the Core Strategy DPD which sets out the following sequence of how land is to be allocated for development.-

- 1 Bracknell town centre
- 2 Previously developed land and buildings in defined settlements
- 3 Other land within defined settlements where this does not conflict with other policies;
- 4 Extensions to defined settlements with good public transport links to the rest of the urban area or with firm proposals to provide such links.

The majority of the site is considered to fall within category 2, with the remaining area within category 3. The site comprises 3 residential properties and their curtilage areas, it is within a defined settlement and development was previously considered to be appropriate in terms of residential amenity, the character of the area and other planning considerations. No changes to the site or significant changes to the policy framework have taken place since 2008 which would prevent an extension of time being granted to the existing planning permission on the site.

(3) Highways Issues

The parking arrangements for the proposal are unchanged since the 2008 planning permission for the site. A total of 26 parking spaces are to be provided to include 2 disabled parking spaces. No visitor parking is proposed in this proposal or in the planning approval for the site. Adopted car parking standards have not changed since the 2008 planning permission for this site was granted.

(4) Infrastructure, services and amenities

A S.106 Agreement was completed as part of the approved planning permission on the site to secure contributions towards open space, built sports facilities, library facilities, youth facilities, transport and highway safety measures and SPA mitigation measures. The SPA contribution has been paid. A deed of variation is being prepared to ensure that S106 matters secured under planning permission 08/00263/FUL are linked to the extension of time application.

(5) Biodiversity

The site is within 250m of a pond known to support great crested newts (Mill Ride Golf Course). Since the original planning application was determined, Natural England's Standing Advice on Protected Species has been issued, which requires that any applications within 500m of a pond require a great crested newt survey. Any proposals involving the demolition of existing buildings require a bat survey. The survey information must be included within the application submission.

The required surveys have been submitted and are being considered by the Biodiversity Officer. The findings will be set out in the supplementary report.

iv) CONCLUSIONS

This application is for an extension of time to permit an additional 3 years to implement planning permission 08/00263/FUL which was approved by this Committee in 2008. Currently, condition 1 of planning permission 08/00263/FUL requires development to commence by 4 July 2011.

Since planning permission was granted in 2008, revised PPS3 "Housing" (June 2009) has been issued. This changes the definition of previously developed land whereby garden areas were classified as previously developed land. The revised definition excludes private residential gardens from the definition of previously developed land. Land occupied by a permanent structure, including the curtilage of the developed land is still classified as previously developed land. This site includes 3 residential properties and their gardens. When considered against the revised PPS3 guidance, the majority of the site, comprising the area of the existing properties would be classed as previously developed land. The garden areas of the existing properties would be excluded from the definition of previously developed land. When considering policy CS2 of the Core Strategy DPD, the site is still considered to be acceptable in principle for residential development comprising as it does 3 properties and their curtilages and garden areas which fall within the settlement area. Part of the site shown to be used as an amenity area is within the Green Belt. This is unchanged since planning permission was granted in 2008. There is not considered to have been any significant change in policy background or other material considerations since 2008 which would prevent this extension of time being granted.

Since the 2008 planning permission on this site was approved, Natural England's Standing Advice on Protected Species has been issued. This requires ecological surveys to cover potential habitats of great crested newts and bats to be included within the application submission. Survey work has now been carried out and the response of the Council's Biodiversity Officer will be reported to members.

6 RECOMMENDATION

- (i) **Following the completion of planning obligation(s) under Section 106** of the Town and Country Planning Act 1990 relating to:-
- a) highways and transportation infrastructure
 - b) open space/ recreational facilities
 - c) built sports facilities
 - d) library facilities
 - e) youth facilities
 - f) SPA mitigation measures

the Head of Development Management be authorised to **APPROVE** the application subject to the following condition(s):-

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 plans:

Drawing nos. 1515/01, 02, 03, 04, 05, 06 _ 07.

(or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).

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

03. No development 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 EN20, CSDPD CS7]
04. No development shall take place until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of the visual amenities of the area.
[Relevant Plans and Policies: BFBLP EN20, CSDPD CS7]
05. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the practical completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
REASON: To ensure that the works are carried out as approved in the interests of the visual amenities of the area.
[Relevant Plans and Policies: BFBLP EN20, CSDPD CS7]
06. All hard landscaping works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.
REASON: To ensure that the works are carried out as approved in the interests of the visual amenities of the area.
[Relevant Plans and Policies: BFBLP EN20, CSDPD CS7]
07. No development shall take place until details of a scheme of screen walls and fences has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of any of the buildings approved in this permission.
REASON: In the interests of the visual amenities of the area.
[Relevant Plans and Policies: BFBLP EN20, CSDPD CS7]
08. No development shall take place until details of a means of vehicular access to the site have been submitted to and approved by the Local Planning Authority. No flat shall be occupied until the vehicular access has been constructed in accordance with the approved details.
REASON: In the interests of road safety.
[Relevant plans and policies: CSDPD CS23]
09. No dwelling shall be occupied until vehicle parking spaces have been surfaced and marked out in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.
[Relevant Plans and Policies: BFBLP M9, CSDPD CS23]

10. There shall be no restrictions on the use of the car parking spaces shown on the approved plan for the occupiers of, or visitors to, any of the buildings hereby permitted.
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, CSDPD CS23]
11. No dwelling shall be occupied until 26 secure cycle parking spaces for residents and 3 for visitors have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall thereafter be retained.
REASON: In the interests of accessibility of the development to cyclists.
[Relevant Policies: BFBLP M9, CSDPD CS23]
12. No dwelling shall be occupied until visibility splays of 2.4 metres by 2.4 metres have been provided at the junction of the driveway and the adjacent footway. The dimensions shall be measured along the edge of the drive and the back of the footway from their point of intersection. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the carriageway.
REASON: In the interests of road safety.
[Relevant Policies: CSDPD CS23]
13. No development shall take place until a scheme has been submitted 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 facilitiesand 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 (d) above without the prior written permission of the Local Planning Authority.
REASON: In the interests of amenity and road safety.
14. No development shall take place until details in respect of measures to:
 - a) minimise, re-use and recycle waste, including materials and waste arising from demolition;
 - b) minimise the pollution potential of unavoidable waste;
 - c) dispose of unavoidable waste in an environmentally acceptable manner;have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented during the course of building operations and the subsequent use of the building.
REASON: To protect the amenities of the area.
[Relevant Plans and Policies: BWLP WLP6]
15. The bathroom windows in the side elevations of the proposed building hereby permitted shall not be glazed at any time other than with obscure glass. They shall be fixed shut with the exception of a top hung openable fanlight and be permanently retained thereafter.
REASON: To prevent the overlooking of neighbouring properties.
[Relevant Plans and policies: BFBLP EN20]

16. No development shall take commence until details of appropriate balcony privacy screening for all proposed balconies have been submitted to and approved in writing by the Local Planning Authority. The details shall include plan and elevation drawings and materials to be used. No dwelling shall be occupied until the approved screening has been installed. It shall thereafter be retained.
REASON: To protect the amenities of occupiers of adjoining properties.
[Relevant plans and policies: BFBLP EN20]
17. No development shall take place 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
 - (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 Plans and Policies: BFBLP EN25]
18. No development shall take place until a scheme for protecting the proposed dwellings/gardens from noise from Fernbank Road traffic has been submitted to and approved by the Local Planning Authority. Any works which form part of the scheme approved by the Local Planning Authority shall be completed before any permitted dwelling is occupied unless an alternative period is agreed in writing by the Local Planning Authority.

Matters requiring consideration by the scheme will need to include sound attenuation, landscaping, building orientation and design. The scheme should demonstrate that the following noise levels expressed as LAeq.tdB are to be achieved:

Time	Location	Noise Level
0700-2300	Habitable rooms	35 dB(A)
2300-0700	Habitable rooms	30 dB(A)
0700-2300	Garden	55 dB(A)

If fixed shut glazing forms part of the scheme, dwellings should incorporate a specifically designed artificial ventilation system capable of meeting the requirements of the Building Regulations.

REASON: To ensure that the amenities of the future residents is not adversely affected by noise.

[Relevant Plans and Policies: BFBLP EN25]

19. No development 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.

REASON: In the interests of the amenity of neighbouring property and the character of the area.

[Relevant Plans and Policies: BFBLP EN20 and EN25]

20. No development shall commence until a Sustainability Statement demonstrating how the development meets current best practice standards in the sustainable use of natural resources has been submitted to and approved in writing by the Local Planning Authority. The Statement shall be accompanied by evidence of certification from an independent assessor licensed by the Building Research Establishment that the development meets a minimum standard of Level 3 of the Code for Sustainable Homes or a "Very Good" or "Excellent" BREEAM rating. The evidence shall include a breakdown of the rating and thereafter the development shall be implemented in accordance with the rating and retained as such unless the local planning authority gives prior written consent to any variation.

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

[Relevant Plans and Policy: CSDPD CS10]

21. No development shall commence until an energy demand assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate:

(a) that the proposed development will reduce carbon dioxide emissions by at least 10% against the appropriate Target Emission Rate as set out in Part L of the Building regulations (2006), and

(b) that at least 20% of the development's energy requirements will be provided from on-site renewable energy production.

The development shall be carried out in accordance with the approved assessment and retained as such unless the local planning authority gives prior written consent to any variation.

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

[Relevant Plans and Policies: CSDPD Policy CS12]

22. The development hereby permitted shall not begin until details showing the finished floor levels of the building hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

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

[Relevant Policies: BFBLP EN20, CSDPD CS7]

23. The development (including site clearance and demolition) shall not be begun 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

iv) persons responsible for compliance with legal consents, planning conditions, installation of protective measures, inspection and maintenance.

The approved wildlife protection shall be performed , observed and complied with.

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

Summary Of Reason(s) For Decision:

The proposal accords with the following saved policies of the Bracknell Forest Borough Local Plan:

- * EN1 – which seeks to protect tree and hedgerow cover.
- * EN2 – which seeks to supplement tree and hedgerow cover.
- * EN3 – which seeks to ensure that the special value and character of SPAs, SACs and SSSIs are protected.
- * EN20 – as it would be acceptable in terms of its impact upon the character of the area, and amenity of surrounding properties and adjoining area.
- * M6 – which seeks to ensure that development will provide for safe, direct and well signed cycle and pedestrian routes.
- * M7 – which seeks to ensure that new development will access for all, and the use of highway and footpath networks, parking and public transport.
- * M8 – which seeks to ensure new development facilitates and promotes the use of public transport.
- * M9 – which seeks satisfactory parking provision for vehicles and cycles.
- * R5 – which requires that residential development of a net increase in five or more dwellings on sites less than one hectare will enter into a planning obligation for a contribution towards recreational facilities in the area.

The proposal accords with the following Core Strategy Development Plan Document Policies:

- * CS1 – which seeks to ensure that development makes efficient use of land and buildings, reduces the need for travel, promotes a mix of uses, conserves water and energy use, supports the economic wellbeing of the population, protects and enhances safety, natural resources, character of local landscape and historic and cultural features.
- * CS6 – which seeks to ensure that development will mitigate adverse impacts upon communities, transport and the environment.
- * CS7 – which seeks to ensure that developments are of high quality design.
- * CS10 – which requires development proposals to be accompanied by a Sustainability Statement.
- * CS12 – which requires development proposals to be accompanied by an Energy Demand Assessment
- * CS14 – which seeks to avoid an adverse impact upon the integrity of the Thames Basins Heaths Special Protection Area.
- * CS24 – which seeks to ensure that development will mitigate any transport impacts which may arise from the development or cumulatively with other proposals.

The South East Plan, Regional Spatial Strategy for the South East of England (May 2009)

- * CC4 – which seeks the design and construction of all new development, and the redevelopment and refurbishment of existing building stock to incorporate sustainable construction standards and techniques.
- * CC6 – which seeks development that will respect and enhance the character and

distinctiveness of settlements and landscapes, and use innovative design to create a high quality built environment which promotes a sense of place.

* CC7 – which requires sufficient capacity to be available in existing infrastructure to meet the needs of new development, and where this cannot be demonstrated, that additional capacity be released through demand management measures, better management of existing or provision of new infrastructure.

* H5 – which seeks positive measures to raise the quality of new housing, reduce its environmental impact, and make good use of land.

Planning Policy Statements

* PPS3: 'Housing', which seeks to achieve high quality and well-designed housing; a mix of housing, both market and affordable; housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure; a flexible, responsive supply of land; and effective use of land, including re-use of previously-developed land, where appropriate.

Supplementary Planning Documents

* Limiting the Impact of Development Supplementary Planning Document (July 2007), which provides guidance on planning obligations which may be required to satisfy planning policies, and aimed at making development more sustainable.

(Please note that this is not intended to be an exhaustive list).

The following material considerations have been taken into account:

Third party representations were received on grounds that the proposal would be contrary to local and national policies, out of character and overdevelopment, overbearing impact upon local properties, insufficient parking, highway safety issues, increased traffic and impact upon the SPA. These comments have been taken into consideration, however it is considered that the proposal would be in accordance with the development plan, and would not result in a form of development out of keeping with the character and appearance of the area, and would be designed and sited so as to avoid an adverse impact upon the residential amenities of neighbouring properties. The impact upon the SPA can be resolved through an appropriate planning obligation. This is an extension of time application and it is not considered that there have been significant changes to development plan and national guidance since the original planning application was approved.

The proposal is considered to be acceptable in relation to impact upon the character of the area, neighbouring properties and highway safety. A s.106 will be required to mitigate the impact of the development upon local infrastructure and the Thames Basin Heaths SPA. The application is therefore approved.

(ii) In the event of the S106 planning obligation(s) not being completed by 31 August 2011, the Head of Development Management be authorised to **REFUSE** the application for the following reasons:-

01. The proposed development would unacceptably increase the pressure on highways and transportation infrastructure, public open space, built sports facilities, library facilities and youth facilities. In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which secure contributions towards integrated transport and highway safety measures, open space, built sports facilities, library facilities and youth facilities the proposal

is contrary to Policy CC7 of the South East Plan, Policies R5 and M4 of the Bracknell Forest Borough Local Plan and CS6, CS8, and CS24 of the Core Strategy Development Plan Document and to Supplementary Planning Document Limiting the Impact of Development (adopted July 2007).

02. The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the applicants have not satisfactorily mitigated the development to comply with Limiting the Impact of Development Supplementary Planning Document (July 2007). In the absence of a section 106 planning obligation to secure suitable mitigation measures, the proposal would therefore be contrary to Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan and Policy CS14 of the Core Strategy Development Plan Document.

Doc. Ref: Uniform 7/DC/Agenda

The application file to which this report relates can be viewed at the Council's Time Square office during office hours or online at www.bracknell-forest.gov.uk