

ITEM NO: 8

Application No.
11/00336/OUT

Site Address:

Ward:
Binfield With Warfield

Date Registered:
9 May 2011

Target Decision Date:
4 July 2011

**Land Adjacent Wayside Osborne Lane Warfield
Bracknell Berkshire RG42 6DY**

Proposal:

Outline application for the erection of a four bedroom detached house following demolition of existing builders store.

Applicant:

Mr Peter Sargeant

Agent:

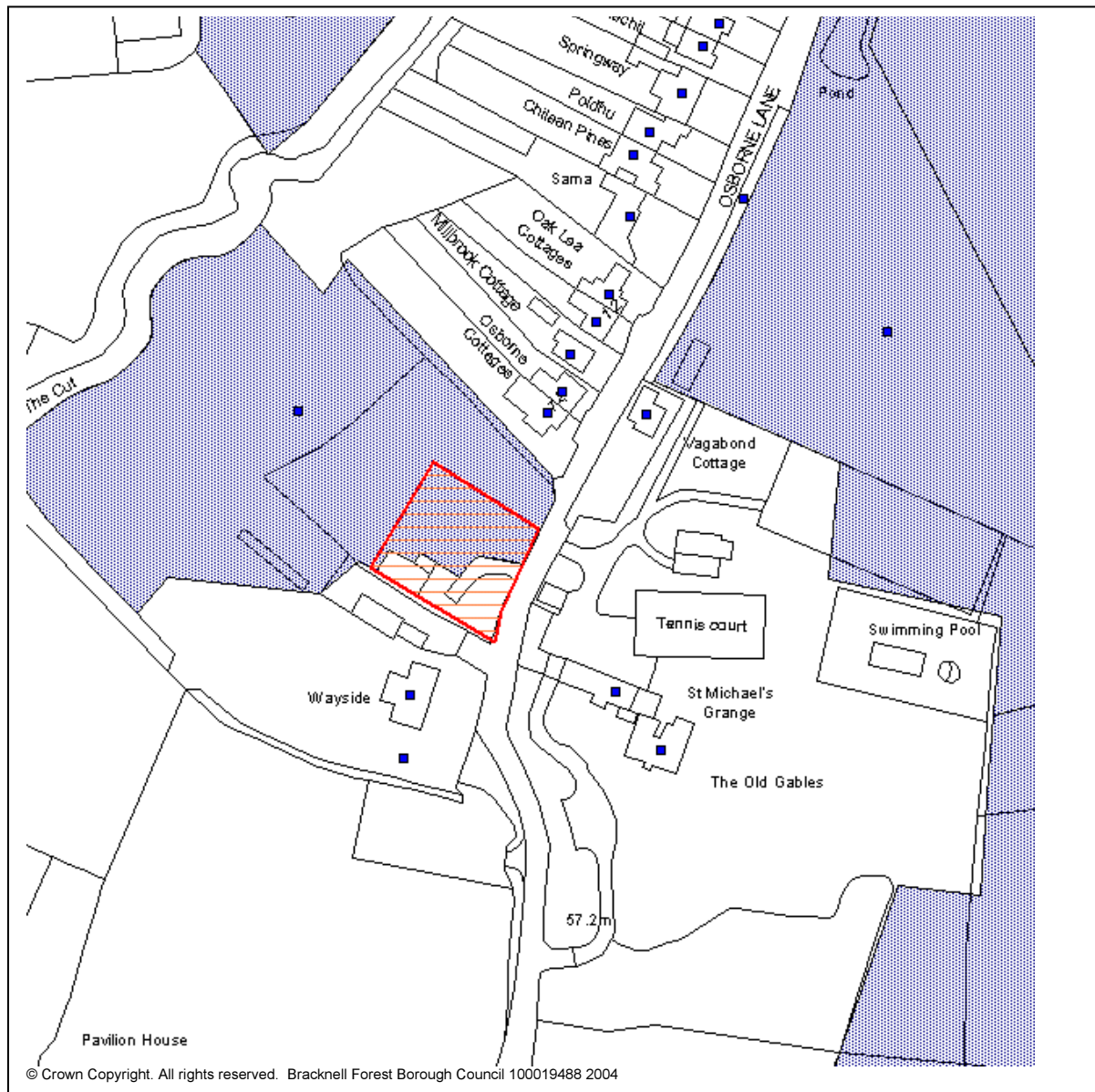
Mr William Munday

Case Officer:

Paul Corbett, 01344 352000

environment@bracknell-forest.gov.uk

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



1 **RELEVANT PLANNING HISTORY** (If Any)

621596 Validation Date: 22.04.1996
Land adjacent to Wayside Osborne Lane Warfield
Application for a Certificate of Lawful Use,
for use of land as builders yard.
Refused

623106 Validation Date: 29.09.1997
Application under Section 191(1)(a) for
Certificate of Lawful Use for use of land for
storage of builders materials.
Approved

2 **RELEVANT PLANNING POLICIES**

Key to abbreviations

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

<u>Plan</u>	<u>Policy</u>	<u>Description</u> (May be abbreviated)
BFBLP	EN3L	Nature Conservation
BFBLP	EN14	River Quality
BFBLP	EN20	Design Considerations In New Development
BFBLP	H14	Accessible Housing
BFBLP	M4L	Highway Measures New Development
BFBLP	M6	Cycling And Walking
BFBLP	M7	Access For People With Disabilities
BFBLP	M9	Vehicle And Cycle Parking
BFBCS	CS1	Sustainable Development Principles
BFBCS	CS6	Limiting the Impact of Development
BFBCS	CS7	Design
BFBCS	CS9	Development on Land Outside Settlements
BFBCS	CS10	Sustainable Resources
BFBCS	CS12	Renewable Energy

BFBCS	CS14	Thames Basin Heaths Special Protection Area
SEP	CC4	Sustainable Design and Construction
SEP	CC6	Sustainable Communities. & Character of Environment.

3 CONSULTATIONS

(Comments may be abbreviated)

Transportation Officer

Objection raised - see highway comments within the report.

Biodiversity Officer

Conditional Approval.

Landscape Officer

Objection raised - see landscape comments within the report.

Warfield Parish Council

Observations

We note the Inspector's recommendations with regards to a previous proposal for the erection of 2 houses however, we have no objection to this proposal provided permission is subject to the following conditions:

1. There is no alienation of the plot and no vehicle access through the plot.

4 REPRESENTATIONS

Representations received comprise 1 objection and 1 letter of support.

The following are the issues raised by the objector (1 Resident) -

1. Impact on the character of the area
2. Impact of the siting of the proposal close to the boundary with Wayside and potential of overlooking.
3. Concerns over the use of the remainder of the site

Warfield Parish Council make the following Observation -

We note the Inspector's recommendations with regards to a previous proposal for the erection of 2 houses however, we have no objection to this proposal provided permission is subject to the following conditions:

1. There is no alienation of the plot and no vehicle access through the plot.

5 OFFICER REPORT

Proposed site area: 0.09ha

Proposed number of parking spaces: 3

Proposed number of residential units: 1

Net gain: 1

Proposed density: 11 dwellings per hectare

This application is reported to Planning Committee at the request of Councillor Leake on the grounds of considerable local interest and a request for members to undertake a site visit to assess the effect on the overall location and street scene.

PROPOSAL

The accompanying planning statement sets out that given the government has published the Localism Bill, which seeks to promote a move to decision-making on planning matters at community level, which actively encourages site owners and developers to promote engagement with the local community in the design and content of any development proposals. The applicant is able to confirm that such an exercise was undertaken to engage with the local community before submitting this proposal. In summary the applicants planning statement states this resulted in 10 local residents responding out of 22 originally consulted. Of those that did express any preference over the form of development, four favoured a single detached house, whilst three others indicated that one or two houses would be preferably and the others range from no development to allotment gardens.

The proposal is for the erection of a four bedroom detached house and garage following demolition of existing builders store. The proposed extent of the residential curtilage proposed would comprise only the land currently benefiting from the Certificate of Lawful Use as a builders storage area.

This application is an outline proposal only for permission to establish that a development is acceptable in principle, subject to subsequent approval of all other detailed matters later referred to as reserved matters.

For avoidance of doubt paragraph 52 of DCLG Circular 01/2006 sets out what information should be submitted with an Outline Application. As such detailed consideration will always be required on the use and amount of development. In addition, even if layout, scale and access are reserved, an application will still require a basic level of information on these issues in the application. As a minimum, therefore, applications should always include information on:

- Use – the use or uses proposed for the development and any distinct development zones within the site identified.

The Planning Statement submitted with the application defines the use as a single residential detached dwelling with attached garage and proposes the cessation of the previous lawful use a builders storage area.

- Amount of development – the amount of development proposed for each use.

The amount of development proposed is for a single detached residential dwelling and attached garage and associated residential curtilage shown on the drawings submitted

- Indicative layout – an indicative layout with separate development zones proposed within the site boundary where appropriate.

The submitted drawings clearly show the indicate site arrangements.

- Scale parameters – an indication of the upper and lower limits for height, width and length of each building within the site boundary.

Other than the submitted scaled drawings the applicant has been requested to submit the upper and lower limits for height (maximum ridge height is 7.5m as set out in the

Planning Statement), width and length of each building to ensure certainty as to the scale parameters of the built form being proposed.

- Indicative access points – an area or areas in which the access point or points to the site will be situated.

The single vehicle access point to the site proposes to utilise the existing site access and the visibility splays shown are only indicative.

The drawings show a dwelling with the following dimensions 14m wide x 8.5m deep and a ridge height of 63.05m above sea level for the house and 61.05 m above sea level for the attached garage.

SITE

The site is located approximately 2km north of Bracknell Town Centre just north of the defined settlement of Newell Green along a narrow country lane, Osborne Lane is accessed off the junction with Forest Road, Warfield Street and Newell Green. The site itself is some 250m north of the junction and lies on the west side of the lane.

The site is within a gap of approximately 50 metres between the boundaries of a detached house and buildings known as Wayside to the south and Osborne Cottages to the north. The character is rural in nature at this point with much of the site's front boundary screened by a hedge except for a small vehicular access leading to a large concrete built building with a corrugated steel pitched roof forming a barn/storage facility located close to the common boundary with Wayside. The existing building is only visible from the small entrance in the hedge and from Osborne Cottage further north.

The site has lawful use as builders storage of materials however it would appear it has not been used as such for many years.

To the west side of the lane, there are some 15 houses and bungalows from Wayside, to the south, to Brook House to the north, all arranged on a fairly regular building line. Wayside lies immediately to the south of the application site. This is a detached, two-storey house with a long and substantial outbuilding, which includes loft windows, on its northern side. To the north are two pairs of semi-detached houses, between which a more modern detached house has been erected. Opposite are The Old Gables and St. Michael's Grange and associated outbuildings which front eastern margin of the lane and noted to be classified as Grade II Listed Buildings.

To the north and west of the site there is a small, roughly L-shaped meadow, which is in the same ownership as the application site. The applicant proposes that this meadow would be retained in its present form (other than any minor works required to provide sight lines), and not included within the residential curtilage of the proposed dwelling.

iii) PLANNING CONSIDERATIONS

(1) Principle of the development

The principle of the redevelopment of the site between Wayside and Osborne Cottages with 1 detached house would not be considered acceptable and contrary to Policies EN8 of the Bracknell Forest Borough Local Plan and CS9 of the Core Strategy Development Plan Document.

The key policy for assessing this proposal is BFBLP Policy EN8 which sets out what types of development would be permissible within the countryside which are as follows:

- (i) development required for agriculture and forestry;
 - (ii) essential utilities and cemeteries which cannot be sited within settlement boundaries;
 - (iii) minor extensions to, replacement of, or subdivision of, existing buildings,
 - (iv) the re-use of permanent buildings which are in keeping with their surroundings, or of buildings of special architectural or historic interest,
- And
- (v) proposals which are acceptable in terms of other policies in this plan for:
 - (a) recreation development suitable in the countryside;
 - (b) the disposal, recycling or treatment of waste.

Furthermore the site also falls within land classified as a river corridor BFBLP Policy EN14 and planning permission will not be granted for development that would have an adverse effect on nature conservation interests, fisheries or the open character of the landscape.

The principle of allowing a dwelling on this site does not meet any of the criteria as set out under BFBLP Policy EN8 (i) –(v) and CSDPD Policy CS9 which restricts new residential development on land outside defined settlements and it would also have an impact upon the open character of the landscape. It is not considered that the applicant's circumstances or the future use of the land is sufficient to outweigh this restrictive policy.

(2) Transportation Considerations

No information was submitted with the application to demonstrate how the site operated in the past as a builder's storage area for materials. Until such time it can be demonstrated by how much or how little the site was actually used as part of its lawful use of the land, the Highways Officer has confirmed he will not be able to ascertain what if any highways contributions would be required. Therefore the standard infrastructure mitigation contribution will be applied for a net increase of one dwelling.

In respect of the layout, the visibility splays shown at the existing access to the site will result in the whole of the hedge having to be removed which would affect the visual appearance of this part of the lane and the area in general. The Highways Officer confirms given the road is narrow in the vicinity of the site, full visibility across the entire width of the site (to the left) is required. The splay to the right can be taken to the bend as speeds will be expected to be lower.

It should also be noted that there is a disused gate at the eastern end of the site (blue land) and the levels of the verge at this point are such that access at this entrance is difficult with very poor visibility which is probably why it has not been used for many years. It appears that this proposal will lead to this having to be brought back into service to be able to access the land to the rear of the site. It would appear from on site observations the main access currently serves both the builders storage area and paddock beyond. The applicant confirms that this gate could be brought back into use at any time as it is outside the red line area. The applicant would however be willing to negotiate on improving highway safety by incorporating a single access to both the proposed dwelling and paddock if the application were to be considered favourably.

In terms of the layout the garage appears to be just below standard but there is sufficient space on the drive to park and turn 3 vehicles which would be required for a house of this size. This can easily be secured by condition.

Given the hedge to the front of the site needs to be retained as it contributes to the character of the area the visibility at both the existing access points (i) the access for the proposed house and (ii) the existing field gated access would be substandard and therefore represent a hazard to other road users to the detriment of highway safety. The development would therefore be contrary to Policy CS23 of the Core Strategy Development Plan Document.

(3) Impact upon the character and appearance of the area

The applicant makes reference to the previous appeal decision which was for two houses on the site broadly positioned equidistant between Wayside and Osborne Cottages which was dismissed.

The Inspector stated "In my opinion the construction of two houses, close to the road would restrict these views far more than does the existing single storey barn, set towards the back of the site, and the small amounts of building material that are stored on the site. Moreover the construction of two closely spaced houses together with the creation of their access ways and the legitimate expectation of any future occupiers of these houses to layout and use their gardens as they saw fit would, I consider give the site a more developed, suburban character than it currently possesses. "

It is on this basis that the applicant has decided it is an important determining factor in the design concept for the site that this smaller residential development would still enable views through and beyond the site and therefore has sought to retain these views by siting a single dwelling broadly in place of the single storey barn nearer to the common boundary with Wayside.

The application site is within the Northern Villages study area A: Newell Green of the Bracknell Forest Character Area Assessment SPD.

The existing building on the site is single storey pitched roof building with a height of approximately 4.8m and orientated broadly on an east-west axis in terms of its longest elevation which is approximately 12m x 6m with a set back within the site of approximately 20m. Whereas the proposed house will be two storey in height of no more 7.5m and orientated broadly on an north-south axis in terms of its longest elevation which is approximately 14m x 8m with a set back within the site of approximately of 12m. In comparison the proposed dwelling would therefore be some 8 metres further forward, approximately 2.7m higher and more than twice the width of the existing building which makes for a more prominent built form than that of the existing building within the site.

It should also be noted that opposite the site fronting Osborne Lane is a Barn and Cottage, St Michaels Grange a Grade II Listed Building. Whilst it is acknowledged that part of the building fronts directly onto Osborne directly opposite to the site it is not considered that this proposal would have detrimental affect upon this listed buildings setting.

However it is considered that a new dwelling on this site would be far more prominent and urbanising in character which would be further exacerbated by the fact that hedge would be lost in order to achieve the necessary site lines for the existing access to be made safer. Whilst the other access remains outside the application site it is very likely that this access would be brought back into use to facilitate access to the paddock beyond if this application were to be approved. But most importantly there appears to be no overriding circumstances other than the existing building and associated land

falling into disrepair through it not been used lawfully for builder's storage over many years, is in its self not sufficient justification to outweigh the policy which seeks to protect such land from residential development.

(4) Effect on the amenity of neighbouring residential property

The neighbouring building at Wayside to south is likely to be the most affected by the proposed siting of this house which the illustrative plans show it to be positioned approximately 2.5m off the common boundary. The existing building is 1.5m from this boundary. It would appear from the floor plan drawings ref:1016/21A that no windows are proposed within the first floor side elevation to be a cause for concern but given the drawings are illustrative this matter would need to be secured by condition. However the residents of Wayside do also express some concern with regards to the siting of this proposal so close to their boundary as well as concerns that if this were approved it would enable the remaining land to be built upon in the near future for more housing. It was verbally communicated that they would prefer the proposed dwelling to be more centrally positioned and all of the land conveyed to a single owner.

The proposed dwelling is shown to have a maximum height of 7.5m and would be positioned within 2.5m of the common boundary with Wayside whereby the ancillary outbuildings at Wayside adjacent to the site boundary have ridge heights of 3.5m and 4.7m respectively. The lower of the buildings comprise a garage and a barn like building behind used as home office accommodation with rooflights in the roof. Whilst it is acknowledged that the proposal would result in it being a little overbearing and could be better sited it is not considered so harmful as to warrant a reason for refusal as the intervening distance between the building at Wayside and the proposal dwelling would still retain an approximate 10m gap with no significant privacy issues between buildings.

(5) Biodiversity

The Biodiversity Officer has some concerns however states that this proposal could be supported subject to a number of conditions.

It is noted that the submitted ecological appraisal does not identify any protected species and does not identify any impacts that would prevent the development from being acceptable in principle. However the mixed species hedgerow to the front boundary is very likely to be largely in part lost in order to achieve the necessary sightline requirements. This is considered a Habitat of Principal Importance under the NERC Act 2006. Therefore, it should be retained and extended in the design of the development.

In the event of planning permission being granted a number of conditions would be recommended relating to nesting birds, a construction mitigation plan and biodiversity supporting habitat features (bat boxes for example).

(6) Limiting the Impact of Development: Community Infrastructure Mitigation

In accordance with the Community Infrastructure Levy regulations which came into force on 6 April 2010, the following obligations to be secured by the means of a S106 are considered necessary to make the development acceptable in planning terms and are directly, fairly and reasonably related to the proposed development.

A Supplementary Planning Document entitled 'Limiting the Impact Upon Development' was adopted in July 2007. This document recommends that contributions are sought

for any net gain in dwelling depending upon their impact upon the local services and infrastructure. The document forms part of the Councils ongoing Local Development Framework process.

In line with the Borough Council's policies of seeking to limit the impact of development and make it more sustainable, at this point in time the following obstacles to the development going ahead should be addressed.

1. An agreed financial contribution towards -

- (a) Transportation infrastructure
- (b) Open space & recreational facilities
- (b) Educational facilities

Whilst it is acknowledged that the applicant did submit a draft S106 with the application this was not progressed to avoid burdening the applicant with any unnecessary costs as through discussions with Planning Policy it was confirmed that this proposal could not be supported in principle.

On the basis of not securing a S106 Legal Agreement with this proposal due to other material determining factors the proposed development would unacceptably increase the pressure on highways and transportation infrastructure, public open space, community, and educational facilities. This matter can easily be resolved should the applicant wish to appeal the Councils decision by the applicant formally submitting a Unilateral Undertaking securing the identified contributions in advance of any subsequent appeal.

Therefore 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, community and educational 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).

(7) Thames Basin Heaths SPA

This proposal is unaffected by the Thames Basin Heaths Special Protection Area as it falls outside the 5km buffer zone.

(8) Trees/Landscaping Implications:

An objection is raised in that the a large proportion of the existing hedgerow would need to be removed to facilitate the necessary visibility splays at the access to the site to improve highway safety and as a result would have a detrimental impact upon the character of the area and would be contrary to the Character Area Assessment SPD.

However in the event of planning permission being approved a hard and soft landscape condition will need to be imposed that at least secures compensatory native planting to offset the loss of the hedgerow.

(9) Sustainability Statement and Energy Demand

For residential development policy CS10 requires the submission of a Sustainability Statement demonstrating how the proposals meet current best practice standards, i.e.

Code for Sustainable Homes Level 3. Formal assessment of dwellings against the Code for Sustainable Homes must be carried out by an accredited assessor (accredited by BRE). The assessment has several stages: Pre-assessment Estimator, Design Stage Assessment, and Post Construction Review. All stages should be covered, and the assessments submitted to the Council.

No Sustainability Statement has been provided although some thought has been given to sustainability in the Design and Access Statement. Similarly no Energy Demand Assessment has been submitted.

In the event of planning permission being granted a number of conditions would be recommended to secure a Sustainability Statement, a Post Construction Review Report and an Energy Demand Assessment in order to comply with CSDPD Policies CS10 and CS12.

(v) CONCLUSIONS

A new dwelling on this site would be far more prominent and urbanising in character which would be further exacerbated by the fact that hedge would be lost in order to achieve the necessary site lines to improve the safety of the vehicular access. But most importantly there appears to be no overriding circumstances other than the existing building and associated land falling into disrepair through it not been used lawfully for builder's storage over many years, is not in itself sufficient justification to outweigh the policy which seeks to protect such land from residential development.

Additionally 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, community and educational facilities, the proposal is contrary to the local plan policies.

It is for these reasons this proposal cannot therefore be supported.

6 RECOMMENDATION

That the application be **REFUSED** for the following reason(s):-

01. The change of use of the land to residential use is not acceptable in principle and the proposal for a new dwelling would result in an urbanising and detrimental impact upon the open and rural character of the area. The development is therefore contrary to Policy CC6 of the South East Plan, Policies EN8, EN20 and H5 of the Bracknell Forest Borough Local Plan and Policy CS9 of the Core Strategy Development Plan Document and Streetscene Supplementary Planning Document (April 2011) and Bracknell Forest Character Area Assessment SPD.
02. Given the hedge to the front of the site needs to be retained as it contributes to the character of the area the visibility at both the existing access points (i) for the proposed house and (ii) the existing field gated access would be substandard and therefore represent a hazard to other road users to the detriment of highway safety. The development would therefore be contrary to Policy CS23 of the Core Strategy Development Plan Document.
03. The proposed development would unacceptably increase the pressure on highways and transportation infrastructure, public open space, community, and educational 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, community and educational 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).

Informative(s):

01. This refusal is in respect of Drawing No's 1016/20A and 21A received by the LPA on 09.05.2011.
02. The applicant is advised that reason for refusal 3. in relation to failing to provide adequate service, amenity and infrastructure contributions could be addressed by planning obligations, formulated in terms which are acceptable to the Local Planning Authority and entered into as provided for by Section 106 of the Town & Country Planning Act. Please see www.bracknell-forest.gov.uk/env-spd-lid.htm for further information.

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