

Unrestricted Report

ITEM NO: 8

Application No.
13/00317/FUL

Ward:
Winkfield And
Cranbourne

Date Registered:
24 April 2013

Target Decision Date:
19 June 2013

Site Address:

**Woodside Woodside Road Winkfield Windsor
Berkshire SL4 2DP**

Proposal:

Erection of 4 bedroom detached house including self contained annex, detached garage and open-air swimming pool, following demolition of existing dwelling and outbuildings.

Applicant:

Dr Simon Bellamy

Agent:

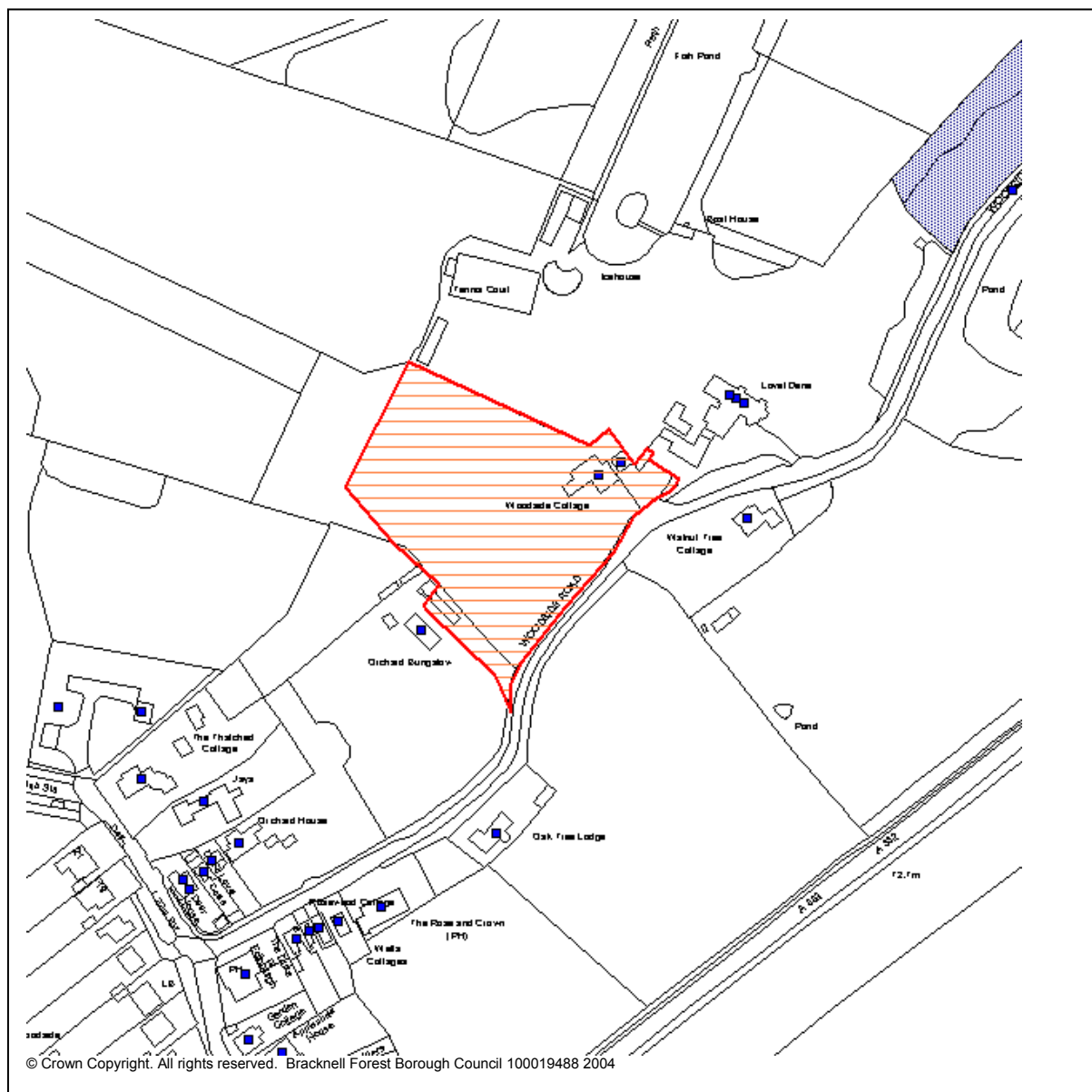
Ridsdale Planning

Case Officer:

Katie Parsons, 01344 352000

environment@bracknell-forest.gov.uk

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



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

4244 Validation Date: 01.01.1957
Garage with self contained flat over.

Approved

14449 Validation Date: 01.01.1969
Two storey extension to give enlarged kitchen on ground floor and bathroom over.

Approved

08/01103/FUL Validation Date: 15.12.2008
Erection of 7 bedroom detached dwelling, detached garage and detached conservatory following demolition of existing dwellings and outbuildings of Woodside Cottage and Orchard Bungalow.

Withdrawn

09/00629/FUL Validation Date: 08.10.2009
Erection of 5 bedroom detached dwelling with self contained one bedroom annex and detached garage following demolition of existing dwellings and outbuildings of Woodside Cottage and Orchard Bungalow.

Refused

11/00329/FUL Validation Date: 10.05.2011
Erection of 4 bedroom detached house including self contained annex and garage, following demolition of existing dwelling and outbuildings.

Withdrawn

12/00352/FUL Validation Date: 21.04.2012
Erection of two storey rear extension.

Approved

12/00768/FUL Validation Date: 18.09.2012
Erection of 4 bedroom detached house including self contained annex, detached garage and open-air swimming pool, following demolition of existing dwelling and outbuildings.

Refused

13/00312/CLPUD Validation Date: 23.04.2013
Application for a certificate of lawfulness for the proposed erection of detached 4-bay garage with new access route/hardstanding within site (unaltered access from Woodside Road).

Approved

Appeal
Validation Date: 20.05.2013
Erection of 4 bedroom detached house including self contained annex, detached garage and open-air swimming pool, following demolition of existing dwelling and outbuildings.

Reference:
13/00022/REF

Appeal In Progress

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>MPG</i>	<i>Minerals Planning Guidance</i>
<i>DCLG</i>	<i>Department for Communities and Local Government</i>
<i>NPPF</i>	<i>National Planning Policy Framework</i>
<i>SALP</i>	<i>Site Allocations Local Plan</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	EN8L	Dev On Land Outside Settlements
BFBLP	EN20	Design Considerations In New Development
BFBLP	EN22	Designing For Accessibility
BFBLP	GB1	Building In The Green Belt
BFBLP	H5	New Dwellings Outside Settlements
BFBLP	H14	Accessible Housing
BFBLP	M9	Vehicle And Cycle Parking
BFBCS	CS1	Sustainable Development Principles
BFBCS	CS2	Locational Principles
BFBCS	CS7	Design
BFBCS	CS9	Development on Land Outside Settlements
BFBCS	CS10	Sustainable Resources
BFBCS	CS24	Transport and New Development
SALP	CP1	Presumption in Favour of Sustainable Development

3 **CONSULTATIONS**

(Comments may be abbreviated)

Winkfield Parish Council

Observations

Winkfield Parish Council has no objection providing it is acceptable within the Green Belt.

Transportation Officer

Comments incorporated into report.

Tree Officer

Comments incorporated into report.

Landscape Officer

No objections. Conditions recommended for any grant of planning permission to secure tree protection, method statements for removal of hard surfaces and proposed landscaping plans (to include additional native screening along the Woodside Road boundary to soften the impact of the more central location of the dwelling).

Biodiversity Officer

Comments incorporated into report.

Adoptions (Street Care Division)

No comments.

4 REPRESENTATIONS

Three letters were received from local residents. One stated that they had no objections to the proposals and two supported the application on the basis that the proposals would be an improvement on the existing dwelling and would be in keeping with/sympathetic to/enhance the surrounding area.

5 OFFICER REPORT

SUMMARY OF KEY ASPECTS OF PROPOSAL

Proposed site area (ha):0.93

Proposed number of parking spaces: 3

Proposed number of residential units: 1 (replacement dwelling)

The application has been called in to Planning Committee by Councillor Kendall, as he wishes the Committee to consider the alleged 'very special circumstances' put forward by the applicant, which the applicant claims would outweigh the harm the proposed dwelling would cause to the Green Belt.

i) PROPOSAL

This is a full planning application for the erection of a four-bedroom detached dwelling, including self-contained annexe, detached four-bay garage and open-air swimming pool, including the demolition of the existing dwelling with self-contained annexe, detached garage and a number of non-residential buildings across the site. The existing access from Woodside Road, shared with Lovel Dene, would be retained and a new driveway would be constructed across the site to create a new access to Woodside via an existing access adjacent to Orchard Cottage. Orchard Cottage would be retained.

The proposal is very similar to the scheme in refused application 12/00768/FUL, which is currently under appeal. The size, design and siting of the dwelling itself is identical to the previous scheme. The main difference is the relocation of the detached garage from the eastern to western side of the site with associated extension of the proposed

driveway, and the applicant's claim of 'very special circumstances' to outweigh the inappropriateness of the development and harm to the Green Belt.

ii) SITE

The site is located to the north-east of Bracknell set within a rural part of the Borough. The site lies south of Lovel Lane and is accessed from Woodside Road. As shown on the Bracknell Forest Borough Policies Map (2013) the site is located on land outside settlements, within the Green Belt. The site covers approximately 0.93 hectares but is part of a larger estate which includes the adjacent dwelling known as Orchard Bungalow, a large forestry/logging area to the rear comprising 12 hectares (also designated as a Wildlife Heritage Site) and fields/paddocks on the opposite side of Woodside Road. There is a belt of Oak and Ash trees running across part of the front of the site which is covered by Tree Protection order No 706.

The site contains a two storey brick-built dwelling on the north-eastern part of the site including a self-contained annexe and detached garage, and a number of non-residential buildings on the western part of the site adjacent to Orchard Cottage, which were formerly stables and a garage but some of which have more recently been in unauthorised use as offices. The majority of these buildings appear to have been vacant and unused, other than for storage, for some time although it is understood that the current lessee of the paddocks also has access to some of the buildings. The rest of the site comprises extensive gardens and grounds.

The site is located within 500m of ancient woodland, within 7km of the Thames Basin Heaths Special Protection Area and within 2km of a Site of Special Scientific Interest. However due to the nature of the proposals it is not considered likely to have any impact on these designated sites.

iii) PLANNING CONSIDERATIONS

(1) Principle of the development

Policy context:

The site is located outside of a defined settlement, within the Green Belt, therefore development on this site would not accord with Bracknell Forest Core Strategy Policy CS2 (Locational Principles).

Bracknell Forest Core Strategy Policy CS9 (Development on Land Outside Settlements) states that the Council will protect land outside settlements for its own sake, particularly from development that would adversely affect the character, appearance or function of the land. The Council will also maintain the Green Belt boundary and protect the Green Belt from inappropriate development.

Bracknell Forest Borough Local Plan 'saved' Policy EN8 (Development on Land Outside Settlements) states that the countryside will be protected for its own sake and that outside the defined settlement boundaries, development will be permitted only where it would not adversely affect the character, appearance or function of the land and would not damage its landscape quality or injure the visual amenities of the Green Belt. The Policy includes a list of development types which may be permitted, but as the site is located within the Green Belt these do not apply to this proposal.

Bracknell Forest Borough Local Plan 'saved' Policy H5 (New Dwellings Outside Settlements) is also relevant. This Policy states that, outside the defined settlement

boundaries, the erection of a new dwelling will not be permitted unless (inter alia) it would cause no harm to the character of the area or to the relationship between the settlement and the surrounding landscape and would not result in environmental damage or inconvenience or danger to the public highway.

Local Plan 'saved' Policy GB1 (Building in the Green Belt) states that 'approval will not be given, except in very special circumstances, for any new building in the Green Belt unless it is acceptable in scale, form, effect, character and siting, would not cause road safety or traffic generation problems' and is for one of a specified number of purposes, which includes the replacement of an existing dwelling provided it would not be materially larger than the one it replaces. In the supporting text of the Policy, at paragraph 4.21, it is stated that the inclusion of a use within the potential exceptions list does not mean that planning permission will automatically be given. The supporting text further explains, at paragraph 4.22, that 'proposals should be for buildings which are small and unobtrusive and have no detrimental effect on the open, rural and undeveloped character of the Green Belt'. The introductory text to the Policy also explains, at paragraph 4.10, that 'inappropriate development is, by definition, harmful to the Green Belt. Where inappropriate development is proposed it is for the applicant to demonstrate that very special circumstances exist so that permission should be granted. To justify granting planning permission very special circumstances should clearly outweigh other considerations, such as harm to the open, rural and undeveloped character of the Green Belt.'

No scale parameters are set out in Policy GB1, but the supporting text explains at paragraph 4.35 that when assessing a proposal for a replacement dwelling, a number of factors are taken into account when determining whether the proposed dwelling would be materially larger than the existing dwelling. These factors include: bulk; height; gross floor space; impact on the openness and character of the Green Belt and whether the proposal would enhance the visual character of the site. Paragraph 4.36 states that ancillary buildings are not normally taken into account when considering one for one replacement of a dwelling. The supporting text also sets out at paragraph 4.37 that additional buildings, including extensions and garages, can cause a substantial increase in the amount of built form in the Green Belt and the Local Planning Authority should consider removing permitted development rights from new dwellings permitted under Policy GB1 where they could cause adverse impacts on the open, rural and undeveloped character of the Green Belt.

These Development Plan Policies are considered to be generally consistent with the NPPF in the context that they apply to this proposal. Whilst Policy GB1 contains exceptions to inappropriateness which are more restrictive than the NPPF, it is consistent in relation to assessment for replacement dwellings.

Site Allocations Local Plan Policy CP1 requires planning applications to be considered in a positive manner which reflects the presumption in favour of sustainable development in the NPPF. However the NPPF does not require planning applications to be determined in accordance with the presumption in favour of sustainable development where specific policies within the NPPF indicate that development should be restricted - development within the Green Belt is one such area where the presumption does not apply and instead the guidance within Section 9 of the NPPF is the relevant test. Amongst the core planning principle of the NPPF is the requirement for development to take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. The NPPF also encourages the effective use of land by reusing land that has been previously developed (brownfield land) - and it is

noted that the definition of 'previously developed land' contained within Annex 2 excludes private residential gardens.

Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to protect urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and their permanence. Paragraphs 87-89 advise that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. A Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. The replacement of a building is only exempted from being inappropriate if the new building is in the same use and not materially larger than the one it replaces. The definition of 'original building' contained within Annex 2 states that this is the building as it existed on 01 July 1948 or, if constructed after this date, as it was originally built. This supersedes the date set out in BFBLP Policy GB1.

Assessment of proposal:

In accordance with the policies and guidance set about above, the main issues are therefore whether the proposed dwelling would be materially larger than the one it would replace and whether there would be any harm to the Green Belt, and if the new dwelling would constitute inappropriate development and cause harm to the Green Belt, whether any 'very special circumstances' exist that would outweigh this. As set out above, whether or not a replacement dwelling would be materially larger is not just a mathematical exercise but is dependent upon on the context and nature of the site and proposals. Furthermore the NPPF is clear that the comparison should be between the dwelling as it existed on 01 July 1948 and the proposed new dwelling. The applicant submitted an array of calculations in the documents supporting the planning application, but measurements stated below have been taken from the submitted plans.

The existing dwelling has a main frontage width of 9.2m and a staggered depth of 13m-16m. This is likely to have been the maximum extent of the house as at 01 July 1948 (which is the relevant date set by the NPPF, which supersedes the date of 12 May 1980 set out in the text of Policy GB1). The Design and Access Statement sets out that this was previously two cottages which have been merged into a single dwelling, therefore these measurements may, in 1948, have related to two dwellings rather than a single dwelling - the date of conversion is not known. A side extension comprising garages with a flat over were approved in 1957 and the garages have since been converted to ancillary residential accommodation, although the flat remains and is known as 'The Loft'. This element is set back by 1.9m and measures 10m (width) x 6.7m (depth). A two-storey extension was approved in 1969 and is set back by 6.9m. It extends 9.9m beyond the side wall of the original dwelling and ties in with the furthest extent of what is taken to be the original rear wall of the main dwelling. Due to the staggered design of the property, the maximum width tends to be read as approximately 19m, although at its widest point where the two side extensions align the maximum width on plan is 29m. The maximum ridge height of the main house as existing is 8.04m. A further extension of 218 sqm was approved in 2012 but has not been constructed.

The proposed dwelling would be a more simple rectangular shape on plan, with a maximum width of 27.2m (reducing to 19.3m at first floor level) and a maximum depth

of 16.9m, with a ridge height of 9.9m (and a further 2m tall chimney). It would be taller than the existing dwelling and would have a bulkier appearance due to its consolidated form compared to the existing dwelling.

The existing dwelling has a floor area of approximately 548sqm. This does not include the detached garage but includes post-1948 extensions which cannot be taken into account (the converted garage extension and the two-storey extension). In 1948 the floor space of the dwelling was likely to have been approximately half of what it is now based on the estimated measurements set out above, and even this measurement may have been for two dwellings rather than one given that this was previously two cottages. The ancillary buildings around the site and the non-residential buildings also cannot be taken into account when calculating the existing dwelling size and nor can the extant but un-implemented planning permission for an extension to the existing dwelling. The proposed new dwelling, not including the detached garage, would have a floor area of approximately 786sqm. Even on the existing figures the new dwelling is considered to be materially larger than the existing dwelling as the increase would be approximately 43%; if the 1948 estimated figures are used then the proposed dwelling would have a floor area approximately 186% larger than the original dwelling, which is significantly and materially larger.

Taking into account the form, scale, bulk, massing and height of the proposed dwelling compared to the existing, it is considered that the proposed dwelling would be materially larger than the existing. As such it is considered that the proposal would constitute inappropriate development in the Green Belt. Substantial weight should be attached to the harm that would be caused to the Green Belt by such inappropriate development. Furthermore it is considered that the proposed siting of the larger dwelling, in a more open part of the site, would exacerbate the harm caused to the openness, visual amenities and rural character of the Green Belt by the proposed dwelling. Again substantial weight should be attached to this harm. As such the proposal should be refused.

Whilst there is an extant un-implemented planning permission for an extension to the existing dwelling, the applicant's commitment to the proposals is uncertain - given the number of applications for replacement dwellings it appears that the applicant's preference is to construct a new dwelling. The NPPF is also clear that when calculating the increase, it is the dwelling size in 1948 which is the reference point, so an un-built extension cannot be used in the calculations. Furthermore this planning permission relates to the existing dwelling in its current location rather than a new building more centrally in the site. Even though the increase in floor space over and above the existing dwelling is similar for the proposed house and the proposed extension, the impact of additional development differs depending on the proposed built form and its location within the site. The policies and guidance to be applied to the current application for a new house are not the same as those applied to the proposal for an extension. It is also noted that, if the extant planning permission is not implemented, given the guidance contained within the NPPF it is considered unlikely that planning permission would be granted again for the proposed extension. Due to these considerations, whilst the extant planning permission is a material consideration it is considered to carry very little weight.

Similarly a Lawful Development Certificate has recently been approved for a new detached garage in a similar location to the house proposed in this application. However whether or not a Lawful Development Certificate may be granted is a matter of simply checking compliance with the conditions set out by legislation, whereas the proposal for a replacement dwelling requires assessment against the policies and guidance set out above. Therefore even if a garage in the same location would be

lawful, this does not outweigh the inappropriateness and harm that would be caused by the proposed new dwelling. Very little weight should therefore be attached to the existence of the Lawful Development Certificate.

The proposed pool and driveway are considered to be acceptable in principle as they would not detract from the openness of the site. The proposed detached garage would measure 4m x 7m x 6.3m and would be sited adjacent to the current position of two of the outbuildings proposed for demolition. On balance this is unlikely to significantly detract from the openness of the site given its close proximity to the location of the existing buildings. However these matters are not considered to outweigh the harm that would be caused by the inappropriateness and siting of the proposed new dwelling.

The applicant considers that 'very special circumstances' exist to allow planning permission to be granted, namely the proposed demolition of the non-residential buildings on the western side of the site. Several arguments have been put forward in support of this.

The applicant states that the existing buildings are harmful to the Green Belt and their removal would improve openness. The buildings and uses appear to be unauthorised and have not been regularised by a Lawful Development Certificate, and in fact appear to have been vacant other than for storage use for some time. However such buildings and uses are not considered to be incompatible with the semi-rural location of the site and their demolition would not significantly reduce existing harm to the Green Belt sufficiently to outweigh the harm that would be caused to the Green Belt by the proposed new dwelling, given that these are small scale buildings clustered towards the edge of the site whereas the proposed dwelling would be materially larger than the existing dwelling and located more centrally within the site. This argument is also undermined to some extent by the proposed siting of the large new garage near to the proposed demolished buildings.

The applicant also suggests that their demolition allows their floor space and volume to offset the increased size of the replacement dwelling but, as set out above, it is only the dwelling itself as it stood in 1948 which can be taken into account.

The applicant further argues that the cessation of the non-residential uses would improve highway safety. Whilst commercial vehicle trips to the site would reduce, the logging operation to the rear of the site would continue. The applicant has stated that the trips associated with this use could be diverted elsewhere but has not put forward any proposals for securing this. It is therefore possible that the non-residential trips would not cease entirely but, due to the proposal for the new driveway, additional residential traffic from Woodside would start using the same access.

The applicant also argues that the cessation of the non-residential uses would improve the residential amenity of Orchard Cottage and allow it to be a 'viable independent dwelling'. However it is not clear how the level of activity associated with the non-residential uses would prevent occupation of the dwelling and it is noted that the dwelling is currently occupied. This is also within the applicant's control and he could choose to cease the non-residential uses to improve the amenity of Orchard Cottage completely independently of the proposals to build a new dwelling at Woodside.

In summary, 'very special circumstances' are not considered to exist. The proposed demolitions are not directly related to the proposals for a new dwelling on the application site - whether or not the non-residential uses are present on the site is not related to whether or not a replacement dwelling may be built. The floor space from

these buildings may not be used to offset the size of the proposed replacement dwelling. The proposed demolition and cessation of the use of these buildings is not considered to outweigh the harm to the Green Belt that would be caused by the proposed new dwelling through its inappropriateness and siting.

Taking into account all of the above, the application is recommended for refusal as a matter of principle on the basis of inappropriate development within, and harm to, the Green Belt. This recommendation is also consistent with previous refusals to grant planning permission for replacement dwellings on the site. It is also consistent with the recent appeal decisions at Ash Farm (12/00742/FUL) and Binfield Lodge (12/00853/FUL), both of which were refused and dismissed on appeal for similar reasons to the current application.

(2) Residential amenity

The proposed siting of the dwelling more centrally to the site would increase the separation distance to Lovel Dene and would retain a large separation with Orchard bungalow, therefore it is unlikely that the proposal would have any adverse impact on neighbours through overlooking, overshadowing, overbearing or increased noise and disturbance. Whilst the proposed garage would be in closer proximity to Orchard Cottage than existing, it would be in approximately the same position as the existing outbuildings and would not generate significant amounts of noise and disturbance, and is therefore considered to be acceptable. The residential amenity of the proposed new dwelling itself would be acceptable.

(3) Transport considerations

As existing, the site is accessed via a driveway shared with Lovel Dene at the north-eastern end of the site. It is proposed to retain this access but extend a driveway across the site to link to an existing driveway currently serving Orchard Cottage and the adjacent non-residential buildings to the west, and relocate the garage from the north-eastern part of the site to opposite Orchard Bungalow.

The Highway Authority raised concerns that the garage would be located some distance from the new dwelling and would necessitate a much longer driveway than previous proposals, and increased the likelihood that the Orchard Bungalow access would be used more and the existing Lovel Dene access less frequently. The Highway Authority consider the Orchard Bungalow access to have substandard visibility and that the introduction of additional residential traffic to an access used by commercial vehicles would be detrimental to highway safety.

The Orchard Bungalow access is used by traffic accessing the non-residential buildings and the extensive forestry/logging area behind the site as well as by the residents of Orchard Bungalow. The access to the field/paddock on the other side of Woodside Road is also directly opposite this access and the lessee of that site is understood to have access to some of the non-residential buildings behind Orchard Bungalow. The application included a letter from a Highways and Transportation Consultant which advises that the non-residential uses could potentially generate additional traffic movements including larger vehicles and horse-boxes. The Consultant notes that the access to the paddocks is "severely substandard in respect of driver visibility to the north and there is clearly a risk with the simultaneous use of both accesses". Large vehicles connected with the forestry/logging site to the rear also use the Orchard Bungalow access and the Consultant notes that due to the width and alignment of the access, such vehicles need to make multiple manoeuvres on the public highway to

access the site, which would "severely compromise the convenience and also safety of other road users".

The Consultant states that the removal of these buildings and their associated traffic activity would benefit road safety. Whilst this may be the case, it is noted that these uses appear to be unauthorised and have not been regularised by a Lawful Development Certificate. Furthermore whilst the application proposes the demolition of the non-residential buildings, the logging operation to the rear would remain therefore the proposal would increase the amount of residential traffic using a substandard road trafficked by large commercial vehicles. The applicant has stated that the logging traffic could cease using this entrance but has not put forward proposals to support this. The applicant has also suggested an 'in/out' operation of the new driveway but this could not be secured or enforced.

However it is acknowledged that this is an existing situation and the applicant would retain the ability to exit the site from the access adjacent to Lovel Dene and is also likely to already benefit from permitted development rights allowing the existing driveway to be extended to meet the Orchard Road access. There are no recorded injury accidents at or in the immediate vicinity of the site in the Council's accident records. Therefore whilst the concerns of the Highway Authority are acknowledged it is not considered reasonable to refuse the application on this basis. However it is considered that the highways implications of the proposals would weigh against the 'very special circumstances' put forward by the applicant as the conflict between residential and non-residential traffic on a substandard access would remain.

The garage would have four bays, although one of the spaces in the garage is marked for cycle and refuse storage. The dwelling size proposed requires three parking spaces as per the Council's adopted Parking Standards SPD. The proposed garage would have clear internal dimension in excess of the minimum requirement of 6m x 3m. Given the nature of the access roads it is considered important that the site can be entered and exited in forward gear. The forecourt and driveway area in front of the garage would provide sufficient turning space.

As such it is considered that the transport implications of the proposal are acceptable on balance.

(4) Trees and landscaping

The Council's Tree Service initially raised concerns regarding the quality of the Arboricultural information submitted with the application. Additional documents were submitted which still did not overcome the Tree Officer's concerns regarding whether or not the hard standing for the driveway could be constructed without causing harm to trees, mainly due to the lack of site-specific design and construction method information. However it is noted that the driveway could likely be constructed as permitted development without this information being submitted and that as the trees in question are covered by a TPO any developer is legally obliged to protect the trees during construction. As such, whilst the concerns of the Tree Service have been acknowledged, it is considered unreasonable to refuse the application for these reasons. However the remaining matters should be secured by condition in the event that planning permission was granted.

The Council's Landscape Designer did not raise any objections to the proposals but recommended conditions in the event that planning permission was granted.

(5) Ecology

The Council's Biodiversity Officer initially raised concerns that the submitted ecological survey information was incomplete. Additional documents were submitted which have overcome these concerns. Bat roosts have been identified at the site and appropriate mitigation measures have been proposed, which should be secured by condition in the event that planning permission was granted. Due to the presence of bats, construction of the new dwelling would need to be completed before demolition of the existing dwelling, therefore the demolition would also need to be secured by condition or planning obligation.

(6) Access Implications

As a new-build the proposed dwelling would be designed to meet Part M of the Building Regulations for mobility standards and to achieve Code 3 of the Code For Sustainable Homes, therefore there are not considered to be any access implications arising from the proposals.

(7) Sustainability and Energy Demand

Policy CS10 requires the submission of a Sustainability Statement demonstrating how the proposals would 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.

The applicant has submitted a Pre-assessment Estimator demonstrating that the development is likely to meet Code for Sustainable Homes Level 3 and that the principles of sustainable construction have been adequately considered. As such the applicant has met with the requirements of policy CS10.

If planning permission is to be granted then conditions are recommended to ensure that the development is implemented and retained in accordance with the submitted Pre-Assessment Estimator by submission of a Design Stage Report and Interim Certificate and to require the applicant to carry out a Post Construction Review Report and submit a Final Code Certificate to the LPA to demonstrate that the development has been constructed to meet a minimum standard of Level 3 of the Code for Sustainable Homes.

Policy CS12 is not relevant to the application as the scheme does not represent a net gain in dwellings.

iv) CONCLUSIONS

The proposed replacement dwelling by virtue of its size and scale would be materially larger than the original dwelling on the site which is not acceptable in principle and would result in an inappropriate form of development in the Green Belt. This inappropriate development, together with the positioning of the replacement dwelling within the site, would adversely affect the openness, visual amenities and rural character of the Green Belt. It is not considered that 'very special circumstances' exist to outweigh this harm. The proposal would therefore be contrary to Policies GB1 and H5 of the Bracknell Forest Borough Local Plan and Policy CS9 of the Core Strategy

Development Plan Document. The proposal would also be contrary to guidance contained within the National Planning Policy Framework, in particular Section 9.

Whilst other matters relating to the proposals are considered to be acceptable, these would also fail to outweigh the harm to the Green Belt. As such the application is recommended for refusal as the proposal would be contrary to the Development Plan and the National Planning Policy Framework.

6 RECOMMENDATION

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

01. The proposed replacement dwelling by virtue of its size and scale would be materially larger than the original dwelling on the site which is not acceptable in principle and would result in an inappropriate form of development in the Green Belt. This inappropriate development, together with the positioning of the replacement dwelling within the site, would adversely affect the openness, visual amenities and rural character of the Green Belt. It is not considered that 'very special circumstances' exist to outweigh this harm. The proposal would therefore be contrary to Policies GB1 and H5 of the Bracknell Forest Borough Local Plan and Policy CS9 of the Core Strategy Development Plan Document. The proposal would also be contrary to guidance contained within the National Planning Policy Framework, in particular Section 9.

Informative(s):

01. This refusal is in respect of the following drawing numbers, received by the Local Planning Authority on 24 April 2013:

301 Site Plan
102 Proposed Floor Plans
103 Proposed Elevations
104 Proposed Garage
109 Bat Roosts
216 Pool Section
02. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Where possible, additional submissions have been made by the applicant to address some of those concerns, facilitated by an agreed extension of time between the applicant and the Local Planning Authority. However, issues remain which are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible as the proposals remain contrary to the Development Plan and the National Planning Policy Framework.

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