

**PLANNING COMMITTEE
17 OCTOBER 2013
7.30 - 8.40 PM**



Present:

Councillors Dudley (Chairman), Brossard (Vice-Chairman), Angell, Mrs Angell, Mrs Barnard, Blatchford, Ms Brown, Davison, Finch, Finnie, Gbadebo, Kendall, Leake, Thompson, Turrell, Virgo and Worrall

Apologies for Absence were received from:

Councillor Turrell

52. Minutes

RESOLVED that the minutes of the Committee meeting held on 19 September 2013 be agreed as a correct record and signed by the chairman.

53. Declarations of Interest

There were no declarations of interest.

54. Urgent Items of Business

There were no urgent items of business.

55. Application 13/00156/FUL Nuptown Piggeries Hawthorn Lane, Warfield

Change of use of existing agricultural barn to form 1 no. 6 bed detached dwelling and erection of detached garage following demolition of existing derelict buildings.

The Committee noted:

- The supplementary report of the Head of Development Management tabled at the meeting.
- The comments of Warfield Parish Council.
- Two letters of support and four letters of objection which raise the following issues; the proposal is contrary to green belt policy, the proposal is not in keeping with the character and appearance of the area and there is a S106 on the land. Letters of support state that the proposal would enhance and open up the green belt and enhance visual amenity.

Members noted that the proposed development fell within the Green Belt and considered the implications of this carefully and whether the proposed use of the land for residential purposes fell into the category of warranting very special circumstances.

It was **RESOLVED** that;

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

- 01. Open space
 - Primary Education
 - Paddock restoration prior to occupation of the dwelling

That 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 approved plans received by the Local Planning Authority on :
 - Drg no 1447/P/06B received by LPA 26.06.2013
 - Drg no 1447/P/07 received by LPA 06.03.2013
 - Drg no 1447/P/08 received by LPA 06.03.2013
 - Drg no 1447/P/09 received by LPA 06.03.2013
 - Drg no 1447/P/10 received by LPA 06.03.2013
 - Drg no 1447/P/11A received by LPA 11.06.2013
 - Drg no 1447/P/12 received by LPA 06.03.2013
 - Drg no 1447/P/13A received by LPA 11.06.2013
 - Drg no 1447/P/14 received by LPA 06.03.2013REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no enlargement, addition, improvement or other alteration permitted by Classes A, B, C and D of Part 1 of the Second Schedule of the 1995 Order shall be carried out.
REASON: The site is located outside of a settlement where strict controls over the form, scale and nature of development apply.
[Relevant Policies: BFBLP EN9, Core Strategy DPD CS9]
- 04. The development shall not be begun 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 include either a Design Stage Report and BRE Interim Certificate or a pre-assessment estimator carried out by an independent assessor licensed by the Building Research Establishment demonstrating that the development meets a minimum standard of Level 3 of the Code for Sustainable Homes. The development shall be implemented in accordance with the Sustainability Statement and shall be retained in accordance therewith 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 Policy: Core Strategy DPD CS10]

05. The development shall not be begun until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 10% unless otherwise agreed in writing by the Local Planning Authority). The buildings thereafter constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith, 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]
06. Within one month of the first occupation of the development hereby permitted (or, where the development is phased, within one month of the first occupation of the final phase of that development), a Post Construction Review Report shall be carried out by an independent assessor licensed by the Building Research Establishment and a Final Code Certificate shall be submitted to the Local Planning Authority which demonstrates that the development has been constructed to meet a minimum standard of level 3 of the Code for Sustainable Homes.
REASON: In the interests of sustainability and the efficient use of resources.
[Relevant Policy: Core Strategy DPD CS10]
07. The dwelling hereby approved shall not be occupied until the existing outbuildings on site, as shown on plan reference 1447/P/06, have been demolished and the land made good in accordance with a landscaping scheme which shall have been submitted to and approved in writing by the Local Planning Authority prior to demolition commencing and retained as such.
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 GB1]
08. The area lying to the south east of the site and detailed as "area of site to be used as paddock" on Drawing Number 1447/P/06 Received 06.03.13, shall be restored to paddock prior to the occupation of the dwelling hereby permitted and retained as such.
REASON: In the interests of the visual amenities of the area.
[Relevant Plans and Policies: BFBLP GB1]
09. The dwelling hereby approved shall not be occupied until the associated vehicle parking and turning space has been surfaced and marked out in accordance with the approved drawing 1447/P/06A. 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 Policies: BFBLP M9, Core Strategy DPD CS23]
10. No development shall commence until details of a scheme of walls, fences and any other means of enclosure 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 the building approved in this permission.

REASON: In the interests of the visual amenities of the area and to safeguard existing retained trees, hedges and shrubs.

[Relevant Plans and Policies: BFBLP EN20, Core Strategy DPD CS7]

11. No site clearance shall take place during the main bird-nesting period of 1st March to 31st August inclusive.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: BFBLP EN3 CS1, CS7]
12. The scheme hereby permitted shall be carried out in accordance with the mitigation measures outlined in Great Crested Newt protection plan. An ecological site inspection report shall be submitted for approval within three months of the first occupation of any dwelling hereby approved.

REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1]
13. The development shall not be begun until a scheme for the installation of refugia and the creation of the wildlife corridor has been submitted to and approved in writing by the local planning authority. This scheme shall include details of the management of the wildlife corridor. The refugia and wildlife corridor shall be provided on site prior to development commencing and shall thereafter be retained.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1, CS7]
14. The areas shown for ecological mitigation/bat roost purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1, CS7]
15. The development shall not commence until a bat mitigation plan has been submitted to and approved by the Local Planning Authority. This mitigation plan will include plans and drawings of the location of replacement roosts.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1, CS7]
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that order, no external lighting shall be installed on the site or affixed to any buildings on the site except in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of visual amenity.
[Relevant Policies: BFBLP EN15, EN20 and EN25]
17. The habitat features identified as being valuable in the ecological survey (hedgerows, mature trees) shall be retained.
Reason: To ensure habitat connectivity and support local wildlife populations.

18. If more than 1 year elapses between the previous bat survey and the due commencement date of works, an updated bat survey shall be carried out by a suitably qualified ecologist. A report confirming the results and implications of the assessment, including any revised mitigation measures, shall be submitted to the Local Planning Authority before construction works commence on site.
Reason: To ensure the status of bats on site has not changed since the last survey.

In the event of the S106 planning obligation(s) not being completed by 10th January 2014 the Head of Development Management be authorised to **REFUSE** the application on the grounds of:-

01. The proposed development would unacceptably increase the pressure on public open space and primary educational facilities. In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which secure contributions towards open space and educational facilities, the proposal is contrary to CS6 and CS8 of the Core Strategy Development Plan Document and to Supplementary Planning Document Limiting the Impact of Development (adopted July 2007).

56. **Application 13/00609/FUL Paws Nursery, Hayley Green, Warfield**

Section 73 application for change of use of shop unit (class A1 use) to nursery school (class D1 use) with associated car parking and outdoor play area and installation of new window on south elevation at ground floor level without compliance with condition 04 of planning permission 621684 which states 'The hours of operation shall be restricted from 09.00 to 12.00 and 12.30 to 15.30 (including 15 minutes at the start and end of each session for the dropping off and collection of children as set out in the application form) Monday to Friday during normal Berkshire school terms and at no other times whatsoever'. (For clarification: this application is to remove the condition restricting the hours of operation of the nursery school).

The Committee noted:

- The supplementary report of the Head of Development Management tabled at the meeting.
- The comments of Warfield Parish Council.
- 12 letters of objection which raise the following issues; the proposal will lead to increased noise and disturbance to neighbouring properties, concerns around parking and increased traffic. The nursery has already been operating outside of its permitted hours.

Members noted concerns around increased traffic and road congestion and considered carefully the impact on local residents as a result of extended hours of operation of the nursery and use of the nursery outside term time. Members also noted that the application for extended hours of operation was for a period of 12 months.

A motion to **defer** the application to allow officers to go back to the applicant to explore the possibility of term time operation only was moved and seconded. On being put to the vote the motion was **LOST**.

An alternative motion to **approve** the recommendations of the Head of Development Management as set out in the report and on the supplementary report was moved and seconded. On being put to the vote the motion was **LOST**.

An alternative motion to **refuse** the application was moved by Councillor Leake and seconded by Councillor Dudley, on being put to the vote the motion was **CARRIED**.

It was **RESOLVED** that the application be **REFUSED** for the following reasons:

Reasons for refusal to be drafted in full by officers, in consultation with Councillor Leake and Councillor Dudley but to include that the proposed extension of hours and use of premises outside term time would lead to a loss of amenity to nearby residents due to increased disturbance from traffic movements and activity.

57. **Application 13/00621/FUL 28 North Road, Ascot**

Erection of 2 no. three bedroom semi-detached dwellings following demolition of existing dwelling and outbuildings.

A site visit had been held on Saturday 12 October 2013 which had been attended by Councillors Davison, Dudley and Thompson.

The Committee noted:

- The supplementary report of the Head of Development Management tabled at the meeting.
- The comments of Winkfield Parish Council.
- Eight letters of objection which raise the following issues; the proposal will impact on biodiversity, there is inadequate parking provided, loss of daylight and privacy to neighbouring properties. The proposal will have a detrimental impact on the character and appearance of the area.

It was **RESOLVED** that;

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

Transportation
Open Space
Thames Basin Heath SPA

That 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:
Drg no 13-P859-CP received by Local Planning Authority 29.07.2013
Drg no 13-P859-LP received by Local Planning Authority 29.07.2013
Drg no 13-P859-01 received by Local Planning Authority 29.07.2013
Drg no 13-P859-02 received by Local Planning Authority 29.07.2013

Drg no 13-P859-03 received by Local Planning Authority 29.07.2013
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

03. No development shall take place until samples 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 Plans and Policies: BFBLP EN20, CSDPD CS7]

04. The development shall not be begun 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 include either a Design Stage Report and BRE Interim Certificate or a pre-assessment estimator carried out by an independent assessor licensed by the Building Research Establishment demonstrating 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 development shall be implemented in accordance with the Sustainability Statement and shall be retained in accordance therewith.

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

[Relevant Policy: Core Strategy DPD CS10]

05. The development shall not be occupied until a Post Construction Review Report carried out by an independent assessor licensed by the Building Research Establishment and a Final Code Certificate has been submitted to the Local Planning Authority which demonstrates that the development has been constructed to meet a minimum standard of Level 3 of the Code for Sustainable Homes or a "Very Good" or "Excellent" BREEAM rating.

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

[Relevant Policy: Core Strategy DPD CS10]

06. The development shall not be begun until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 10%). The buildings thereafter constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith.

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

[Relevant Plans and Policies: CSDPD Policy CS12]

07. No development shall take place until details showing the slab level of the buildings in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved drawing.

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

[Relevant Plans and Policies: BFBLP EN20 and CSDPD CS7]

08. The side facing windows in the east and west elevations of the dwellings shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent) to a height of 1.7m from floor level. The windows shall at all times be fixed to a height of 1.7m from floor level.

REASON: To prevent the overlooking of neighbouring property.
[Relevant Policies: BFBLP EN20]

09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no additional windows, similar openings or enlargement thereof shall be constructed in the east and west elevations of the dwelling on plot 1 and the west elevation of the dwelling on plot 2 hereby permitted except for any which may be shown on the approved drawing(s).

REASON: To prevent the overlooking of neighbouring properties.
[Relevant Policies: BFBLP EN20]

10. The areas shown for soft landscaping purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose. If within a 5 year period of the completion of the the development any soft landscaped area which is removed, uprooted, or is destroyed or dies shall be replaced by plants of the same species and size as that originally planted at the same place.

REASON: - In the interests of good landscape design and the visual amenity of the area.

11. The existing hedge along the western boundary shall be retained at a height no lower than 2m when measured within the site.

REASON: To protect the amenity of neighbouring properties.
[Relevant Policies: BFBLP EN20]

12. No development (other than the construction of the access) shall take place until the access has been constructed in accordance with the details to be submitted to and approved in writing by the Local Planning Authority. These details shall include the re-location of the telegraph pole.

REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]

13. No dwelling shall be occupied until the associated vehicle parking has been drained, surfaced and marked out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The spaces shall not thereafter be used for any purpose other than parking and turning.

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

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

14. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:

(a) Parking of vehicles of site personnel, operatives and visitors

- (b) Loading and unloading of plant and vehicles
- (c) Storage of plant and materials used in constructing the development

(d) Wheel cleaning facilities

(e) Temporary portacabins and welfare for site operatives

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

REASON: In the interests of amenity and road safety.

15. No site clearance shall take place during the main bird-nesting period of 1st March to 31st August inclusive, unless a scheme to minimise the impact on nesting birds during the construction of the development has been submitted to and approved by the Local Planning Authority.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: BFBLP EN3 CS1, CS7]
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any Order revoking and re-enacting that order, no external lighting shall be installed on the site or affixed to any buildings on the site except in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of visual amenity.
[Relevant Policies: BFBLP EN15, EN20 and EN25]
17. If more than 2 years elapse between the previous bat survey and the due commencement date of works, an updated bat survey shall be carried out by a suitably qualified ecologist, unless otherwise agreed in writing by the Local Planning Authority. A report confirming the results and implications of the assessment, including any revised mitigation measures, shall be submitted to the Local Planning Authority before construction works commence on site.
Reason: To ensure the status of bats on site has not changed since the last survey.
18. No demolition or construction work shall take place outside the hours of 8am and 6pm Monday to Friday; 9am and 1pm Saturday and not at all on Sundays and Public Holidays.
REASON: In the interests of the amenities of the area.
[Relevant Policies: BFBLP EN25]

In the event of the S106 planning obligation(s) not being completed by 10th January 2014 the Head of Development Management be authorised to **REFUSE** the application on the grounds of:-

01. The proposed development would unacceptably increase the pressure on highways and transportation infrastructure and public open space. 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 and educational facilities, the proposal is contrary to Policy 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 proposal would not satisfactorily mitigate its impacts in this respect. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (2012).

CHAIRMAN