

Unrestricted Report

ITEM NO: 8

Application No.
13/00746/OUT
Site Address:

Ward:
Binfield With Warfield

Date Registered:
5 September 2013

Target Decision Date:
5 December 2013

**Land At Tilehurst Lane Tilehurst Lane Binfield
Bracknell Berkshire**

Proposal:

Outline application for the demolition of "Toll House" and the erection of 72 no. dwelling (71 net) with new vehicular and pedestrian access from Church Lane, and pedestrian access from Tilehurst Lane.

Applicant:

Bloor Homes and JPP Land Ltd

Agent:

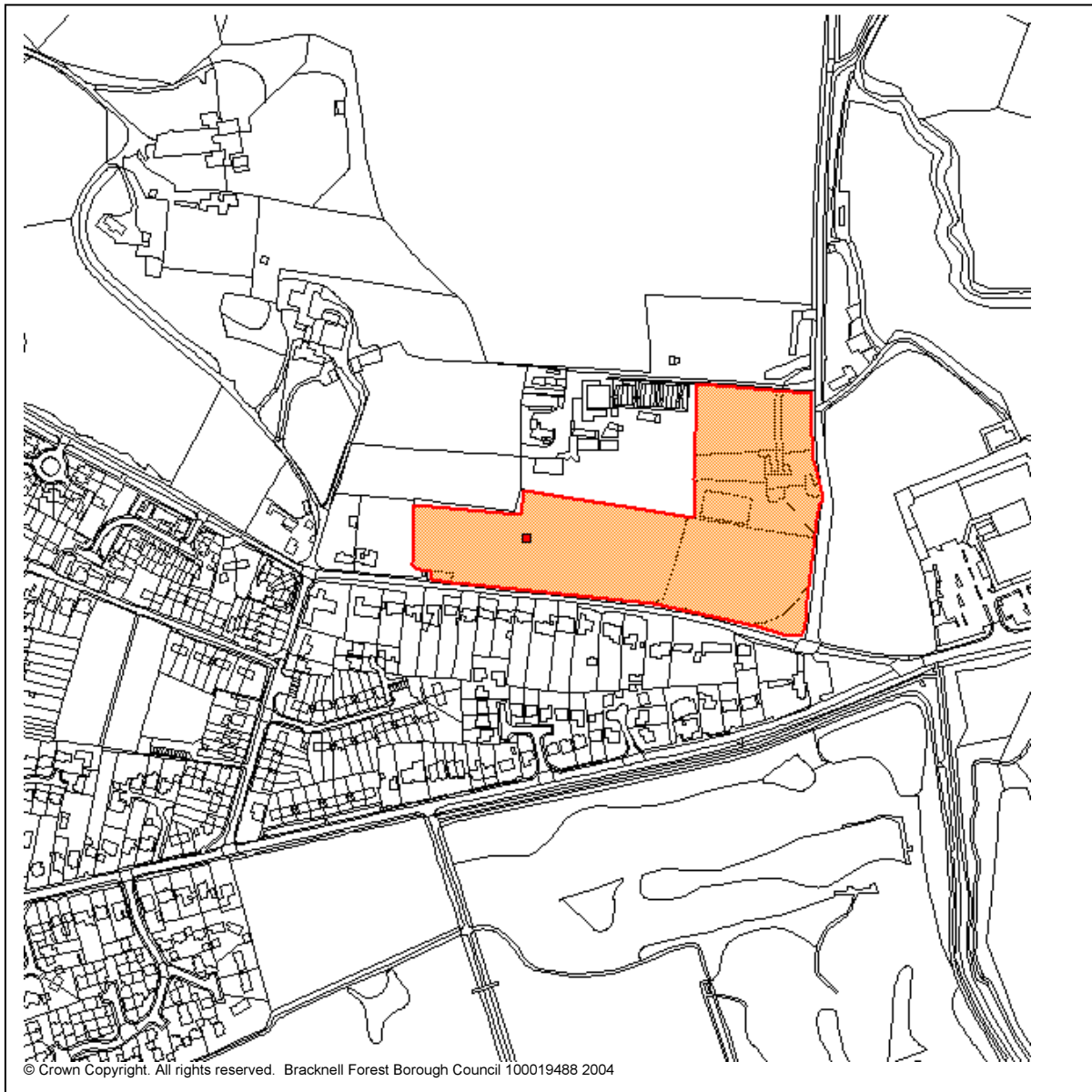
Woolf Bond Planning

Case Officer:

Martin Bourne, 01344 352000

environment@bracknell-forest.gov.uk

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



OFFICER REPORT

1. REASON FOR REPORTING APPLICATION TO COMMITTEE

The application is reported to committee at the request of Councillor Leake on the grounds that there are matters relating to the planning of the area which are of considerable public interest. Additionally, there are on-going highway matters and issues relating to land availability and the deliverability of the Blue Mountain site allocation.

2. SITE DESCRIPTION

The 3.37ha site lies to the north of Tilehurst Lane, Binfield and west of Church Lane. The part of the site adjacent to Tilehurst Lane is largely under grass with freestanding young trees and further trees on its southern boundary. The northern part of the site, bounded by Church Lane to the east and the drive to Ryslip Kennels to the north, contains a two-storey house, Toll House, which lies close to and is accessed from Church Lane. To the rear (west) of the house is a paddock, stable building and manege. The northern part of the application site is a field under grass. The eastern part of the site, bounded by Church Lane, contains a band of trees.

The site undulates gently and the land generally falls to the north. A tree preservation order covers individual trees and groups of trees lying on the site to the north of Tilehurst Lane and close to Church Lane, south of Toll House (TPO 516 refers).

The site lies to the north of the eastern extent of Binfield village. Residential properties front onto Tilehurst Lane opposite the application site with The Stag and Hounds PH, a listed building, at the eastern end of the lane close to the site's south-eastern corner.

Tile House, also a listed building, and its curtilage is situated immediately to the west of the site while Ryslip Kennels and land associated with it lies to the north. Land to the east of Church Lane comprises a large field in cultivation with the Wyevale Garden Centre beyond. Park Cottage lies close to the north-eastern corner of the application site on the other side of Church Lane.

3. RELEVANT SITE HISTORY

There are no relevant planning applications relating to residential redevelopment of the site.

The site forms part of a site contained in the Strategic Housing Land Availability Assessment (SHLAA - ref 90). The site has not been allocated through the recently adopted Site Allocations Local Plan (SALP - see below).

4. THE PROPOSAL

Outline planning permission is sought for the demolition of Toll House and the erection of 72 no. dwellings (71 net) with new vehicular and pedestrian access from Church Lane, and pedestrian accesses from Tilehurst Lane. All matters other than the means of access are reserved for subsequent approval.

The proposed vehicular access is in the form of a T-junction on to Church Lane, broadly where Toll House currently stands. Pedestrian accesses to Tilehurst Lane are shown at the eastern end of the application site (close to the Stag and Hounds PH) and at the western end (close to Clortaff).

An illustrative layout accompanying the application shows how the proposed dwellings might be accommodated on the site. It shows a landscape mound and acoustic fence along part of the site's northern and western boundaries to protect future residents from noise from the nearby kennels.

The seventy-two dwellings proposed give a gross density of 22.5 dwellings per hectare. The Design and Access Statement (DAS) states that 18 of these dwellings (25 per cent) will be affordable and the dwellings will be 2 storeys in height. Apartments are proposed in the north-east corner of the site would also be 2 storeys in height. The type of buildings will include detached, semi-detached and terraced properties.

The DAS states that a new footpath will be provided alongside the southern boundary linking Tilehurst Lane and the Public Right of Way to the south east of the site.

5. REPRESENTATIONS RECEIVED

The following petition, with 158 signatures, has been received:-

'We the undersigned petitioners object to a housing development on the site at Tilehurst Lane and Church Lane incorporating the Toll House Church Lane Binfield RG42 5NU, Land adjacent to Ruislip Kennels, and adjacent to the Toll House and Land at Tilehurst Lane.

We object on the basis:

- The site is outside permitted development and developing the site will change the local character and rural feel.
- The site has already been considered and rejected for development so was not included in the Site allocation Local Plan SALP, and would be in addition to the SALP.
- Tilehurst Lane and Church Lane cannot sustain the amount of traffic generated by a development of this size. The mix of houses suggested with the allocated parking spaces totals at least 192 cars turning onto Church Lane. This will compromise highway safety especially at the Stag and Hounds junctions. With no continuous pavements to the site on either Tilehurst Lane or Church Lane pedestrian safety will be severely compromised.

The petitioners request the outline planning application for 72 dwellings Application Reference 13/00746/OUT is refused.'

Objections have been received from the Campaign to Protect Rural England (Bracknell and Ascot District) and Ryslip Group Ltd and 122 individuals raising concerns which may be summarised as follows:-

Principle of development and impact on character of area

- o This site is out of settlement and is not in the SALP. The SALP provides adequate land for development, this is unnecessary extra development.
- o The additional housing proposed by the application is not needed to fulfil the identified housing need.
- o The site is outside the settlement boundary and if built upon will cause material harm to the setting of Binfield and the character, landscape, local patterns of development and the rural feel of the area.

- o The proposed development would alter the visual amenity of the site and create a scene dominated by cars/hard-standing areas.
- o The proposed site is visible from distant viewpoints and would be an eyesore in the countryside. Low level screening and planting would not resolve this.
- o The housing numbers proposed would be an overdevelopment of the site which would create a density completely out of character with the surrounding properties and spoiling the entrance to Binfield along Forest Road.
- o Tilehurst lane is considered to form a strong physical boundary to existing development. Development to land to the north of Tilehurst Lane would protrude into the open countryside and have a severe impact on the setting of the settlement
- o Is this the thin end of the wedge for the whole of the Binfield Park area? If approval is given to this, then there would be no possibility of preventing the whole of this triangle of land from being developed
- o The new 'estate' would not link well with the village or have easy access to amenities
- o The housing needs of Bracknell are for smaller first-time buyer properties to allow those wishing to live in this area the ability to buy an affordable home and thus contribute to the town in a positive way.
- o The layout, although indicative, suggests a bias towards large detached units as opposed to a mix of dwellings advocated by the Core Strategy
- o The site is adjacent to but not part of the Green Belt. National policy recognises the importance of protecting Green Belt by ensuring that visual amenity is not "injured by proposals for development within or conspicuous from the Green Belt (the Core Strategy also refers to this point).
- o The land is designated as agricultural/forestry use one of the reasons that planning was refused to a local company on land adjacent to this proposed scheme within the last 3 years.
- o It would be contrary to development plan policies including Policies EN1 and EN20 of the Bracknell Forest Borough Local Plan and policies CS1 and CS7 of the Core Strategy Development Plan Document.
- o Under the SALP Binfield is already accommodating a lot of development - with proposed housing schemes such as Amen corner, Cabbage Hill, Binfield Nursery, Foxley Lane, Blue Mountain and Murrell Hill - this new scheme outside of the boundary will just add to the impact on the local environment
- o There are many other brown field areas within the Borough that should be re developed for housing needs
- o The claim that 57% of locals support the proposal is disputed.

Transport

- o Binfield is gridlocked, as it is, in the morning and evening rush hours
- o The junction of Tilehurst Lane and Church Lane is already difficult to negotiate.
- o The proposed vehicular access at Toll House site is currently on a sharp bend with very poor visibility along Church Road where traffic travels at high speed.
- o York Rd will become even more of a rat run for traffic in to the village or access to A329M
- o Tilehurst Lane is a narrow country lane with no footpaths or street lighting. Many people living down the lane already find it hard to get in and out of their drive with the present amount of vehicle traffic - it is used by horse riders and cyclists with young children and in places it is too narrow for cars to pass safely.
- o The use of speed bumps in Tilehurst Lane would not be supported - cars do not speed down there because it is a narrow lane.
- o The proposal to close Tilehurst Lane forces west-bound traffic along York Road. There are already access issues along this route because of parked cars, particularly at the junction with Tilehurst Lane.

- o Unworkable traffic-calming measures are proposed for Tilehurst Lane because land ownership would not permit these to be put in place.
- o The proposal will increase traffic on Benetfeld Road causing congestion/risk of accidents, specially during school drop-off/pick-up periods
- o At this end of Binfield there are no decent footpaths
- o The proposed pedestrian access to Tilehurst Lane would be dangerous as there is no footpath in Tilehurst Lane and the proposal makes no allowance for this construction.
- o The proposed pedestrian access to Church Lane would be dangerous as there is no footpath in Church Lane and the proposal makes no allowance for this construction
- o Pedestrian access from the site to the proposed school at Blue Mountain would be impossible for school children trying to cross Forest Road safely.
- o Cycleways would not be safe as they would have to cycle across the front of the Stag and Hounds PH car park to access the Forest Road.
- o The site of the proposed development will have a negative impact on the Binfield Bridleway
- o There does not seem to be sufficient thought given to parking on the development and there may be overspill onto Tilehurst Lane
- o Public transport links from this site are unsustainable and there are no railway stations within walking distance
- o The traffic survey, carried out in the middle of the school holidays, significantly understates traffic on Church Lane and Tilehurst Lane.

Services and infrastructure

- o Binfield Primary is full, as is Garth College, and further housing developments without first building schools and other essential infrastructure would simply result in a poorer living environment for all.
- o New building at Roughgrove Copse and the proposals for Foxley Lane are already due to impact on school places in the short term.
- o Where will the people living there work?
- o The current infrastructure, especially the foul drains, surface water and roads are already over-capacity and could not cope without significant investment.
- o The development would not have easy access to health services - the doctors' surgery on Terrace Road North is at the top of a steep hill.
- o The proposal does not provide any significant useable open space. The nearest recreational space is approximately ½ mile away at Jubilee Fields/Wicks Green.

Impact on living conditions of local residents

- o Potential for overlooking of properties in Tilehurst Lane
- o The proposed development would result in adverse impact on the amenity of the neighbouring properties. The existing tree and hedge cover would not exist during the winter months and the development would be very visible from existing properties on Tilehurst Lane resulting in a change to the existing rural character of the area
- o The development would be visually overbearing.

Other environmental impacts

- o There will be further increase in traffic and pollution.
- o The area also floods - where will the water go?
- o Intrusive light pollution will severely impact the rural setting permanently.
- o The site is immediately adjacent to Ruislip Kennels and the noise is clearly audible from the rear gardens of houses in Tilehurst Lane. It is unlikely that the acoustic screening proposals will be adequate for a residential area.

- o It would be detrimental to the running of the kennels as houses built this close would have reason to complain about noise - why should a well-established business suffer?
- o The site is affected by a nearby sewage works.

Heritage issues

- o The proposal to develop the land on Church Lane and Tilehurst Lane and to demolish the old Toll House (built in 1746) would be harmful to the character and appearance of the site and surrounding area. The NPPF states that historical/heritage buildings should be preserved
- o The site of the proposed development will materially affect the setting of listed buildings along Tilehurst Lane.
- o The Stag and Hounds PH was a hunting lodge and the tree outside marked the centre of Windsor Forest
- o The land adjoins a grade 2* listed former country estate, Binfield Park, which includes a number of buildings including the old gates. Some of this land may therefore be curtilage listed.

Trees and wildlife

- o The development will have adverse impact on wildlife
- o the whole area is protected by a multitude of Tree Preservation Orders as well

The following comment was also received:

This application will create new development on land north of Tilehurst Lane and will breach Tilehurst Lane, a natural barrier. Consequently, if planning is granted, provision should be made for access from this proposed development to the fields adjoining it and situated immediately north of it, particularly as the access to the proposed development includes enhanced access from Church Lane. Otherwise these other fields could be landlocked from future development. This would be contrary to the spirit of granting permission for the application.

6. SUMMARY OF CONSULTATION RESPONSES

Binfield Parish Council

Recommend refusal for the following reasons:-

1. The site is outside the settlement boundary recently adopted by Bracknell Forest Council.
2. Pedestrian and cycle access to the site is a serious safety issue. Pedestrians would have to emerge from the site onto a narrow, fast road without pavements.
3. This development on countryside land would be extremely visible from all round and not in character with the street scene, causing light pollution in a currently unlit area.
4. Foul and surface drainage would need special consideration near a flood plain.
5. The site is adjacent to kennels and the noise would make it unsuitable for residents.
6. There is currently insufficient capacity in local schools and doctors surgery.

Natural England

We understand that the applicant has agreed provide the suggested level of SPA mitigation required, and will therefore accept appropriate contributions based on the proportionate reductions for the 5-7km zone. Provided that the proposal is indeed meeting the mitigation measures required for larger applications falling within the 5-

7km zone, then Natural England withdraws its objection. Please note that the withdrawal of Natural England's objection to this application does not necessarily mean that all natural environment issues have been adequately addressed, but that we are satisfied that the specific issues that we have raised in previous correspondence relating to this development has been met. Natural England, as stated in previous correspondence, is not in a position to give a view on issues such as local sites, local landscape character or the impacts of the development on species or habitats of biodiversity importance in a local context.

Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT)

Concern re impact on SPA.

Environment Agency

The applicant should confirm as a minimum:

1. That it will be feasible to balance surface water run-off to the Greenfield run-off rate for all events up to the 1 in 100 year storm (including additional climate change allowance) and set out how this will be achieved, or if the development is Brownfield, achieve betterment in the surface water runoff regime; ensuring that surface water runoff will not increase flood risk to the development or third parties.
2. How sustainable drainage system techniques (SuDS) will be used with any obstacles to their use clearly justified.
3. That the residual risk of flooding has been addressed should any drainage features fail or if they are subjected to an extreme flood event. Overland flow routes or above ground storage of water should not put people and property at unacceptable risk. This could include measures to manage residual risk such as raising ground or floor levels where appropriate.

(Officer comment: confirmation on these points is awaited)

Thames Valley Police Crime Prevention Design Adviser

Makes comments relating to illustrative layout which could be picked up at the reserved matters stage.

Highway Officer

Comments incorporated in report. Recommends refusal of application on following grounds:-

- * Safety of proposed access to Church Lane
- * Adequacy of provision for travel to/from the site by pedestrians
- * Impact of the development of the local road network.

Environmental Health Officer

Due to the close proximity of the properties to the kennels, a noise survey should be conducted. After the completion of the survey, mitigating measures should be taken to ensure that noise from dogs barking at the kennels does not rise above the current background level of the development area in the gardens of the proposed residential dwellings. A working method for the Noise Survey has been agreed. This agreed method should be followed.

Conditions recommended relating to:-

- Noise from the Development
- Hours of construction
- Contaminated land.

Biodiversity Officer

Insufficient information is available to determine the impact of the proposed development on biodiversity. Further surveys are required for bats, reptiles and woodland plants. Full avoidance and mitigation plans are required for the development. The development does not protect and enhance biodiversity. It should be withdrawn or refused.

Housing Enabling Officer

Eighteen affordable dwellings (25 per cent of total of 72) should be provided - this is proposed. The tenure mix should be 70 per cent (13) for affordable rent and 30 per cent (5) for intermediate housing.

Advice also given on location, type and size, standards of construction and registered providers.

7. DEVELOPMENT PLAN

The Development Plan comprises the following:-

- Policy NRM6 of the South East Plan (May 2009)
- Core Strategy DPD (February 2008)
- Site Allocations Local Plan (July 2013)
- Bracknell Forest Borough Local Plan (January 2002)
- Bracknell Forest Borough Policies Map 2013

8. PRINCIPLE OF DEVELOPMENT AND THE SALP

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, which is supported by the NPPF (paras. 2 and 12). This is also reflected in SALP Policy CP1, which sets out that planning applications which accord with the Development Plan should be approved without delay, unless material considerations indicate otherwise. Policy CP1 also sets out a positive approach to considering development proposed that reflect the presumption in favour of sustainable development contained in the NPPF.

Site Allocations Local Plan (SALP)

At a meeting on 17 July 2013, the Council resolved to adopt the SALP and Policies Map. The adopted SALP is an integral part of delivering the Council's housing requirement of 11,139 dwellings (as contained in Core Strategy Policy CS15) across the plan period until 2026. It amends the boundaries of settlements where this is required as a result of the allocation of edge of settlement sites and urban extensions for housing development.

The site is not allocated through SALP as it was rejected by this Council at the Preferred Option stage. It was re-promoted by the landowners through the Preferred

Option consultation, but was again rejected and therefore treated as an Omission Site at the Draft Submission Stage (see below).

Development plan policies

CSDPD Policy CS1 sets out a number of considerations including locating development in locations that reduce the need to travel, supporting the economic well being of the population, and protecting and enhancing the character and quality of local landscapes and the wider countryside.

The site is located outside of the settlement boundary of Binfield as established by the SALP, and therefore does not accord with the locational principles contained in CSDPD Policy CS2. Policies CS9 of the CSDPD and 'saved' Policy EN8 of the BFBLP relating to development on land outside of settlements, and 'saved' Policy H5 of the BFBLP relating to new dwellings outside of settlements, are relevant. As the Council has a five year supply of land for housing (5.6 years at 1st April 2013, following adoption of the SALP), policies relevant to the supply of land for housing are not out of date, and Policies CS2 and CS9 of the CSDPD and 'saved' Policies EN8 and H5 of the BFBLP are considered up to date (in the context of para. 49 of the NPPF).

The proposal therefore falls to be determined in accordance with these Development Plan policies, taking account of their consistency with the NPPF (in relation to para. 215), which is set out below:-

- Policy CS9 seeks to protect the countryside for its own sake. Policy CS2 supports this stance by directing development to defined settlements and, if appropriate, urban extensions. 'Saved' Policy EN8 also seeks to protect the countryside for its own sake. The NPPF (5th bullet point of para. 17) sets out that account should be taken of the different roles and character of different areas, protecting the Green Belt and recognising the intrinsic character and beauty of the countryside. Whilst there is a difference in emphasis between Policy CS9 which seeks to protect the countryside for its own sake, and the NPPF, which seeks to recognise the intrinsic character, in broad terms it is considered that Policy CS9 is consistent with the NPPF and that significant weight can be afforded to this policy (in relation to para. 215 of the NPPF).

- 'Saved' Policy EN8 of the BFBLP is a more detailed development management policy relating to development on land outside settlements. It includes a list of possible developments in the countryside and is therefore more restrictive than the NPPF. Therefore it is not considered that the policy is fully consistent with the NPPF, however the starting section of the policy (para. 2.57) is considered to be broadly consistent with the NPPF, for the same reasons as CS9.

- 'Saved' Policy H5 of the BFBLP is not considered to be fully consistent with the NPPF, in this case, as the NPPF does not specifically exclude new dwellings outside of settlements (with the exception of para. 55 in relation to new isolated dwellings in the countryside). However the NPPF (para. 55) sets out that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities - this site is not in a remote rural location.

The relevant Development Plan policies outlined above are considered to be up to date, and in the main (with the exception of H5), consistent with the NPPF, and therefore the proposals should be determined in accordance with these policies. Therefore, in relation to the principle of development, the proposal is considered to be contrary to policy as it proposes residential development in the countryside, outside a settlement.

Consideration of the site in the preparation of the SALP

As set out above, whilst the site has been promoted for development through the SHLAA and SALP, the site was rejected through the SALP process and was not allocated. The recent Inspector's report on the SALP (June 2013)(para. 41) concluded that, taking account of the additional material produced during the examination, the site selection process was sufficiently clear and robust, and also concluded that further land releases (over and above those recommended in the report) were not required (para. 40).

The application site, together with land to the north-west (including Ryslip Kennels) was an 'omission site', which was rejected in the site allocation process for a number of reasons, namely:-

- The site would not relate well to the existing settlement or built-form as it is open on three sides;
- whilst development would not in itself be disproportionate to the scale of Binfield Village as a whole, in this location it would be a significant addition to this part of the village and would result in an extension further north into open countryside which presently provides a rural setting to Binfield and the Green Belt beyond;
- the allocation of this site for development would not result in a more defensible boundary;
- it could potentially result in harm to the setting of listed buildings.

In relation to the impact of development on the physical or visual character of the settlement and the relationship between the settlement and the surrounding countryside-landscape, it was noted that the site adjoins Binfield Area A (Binfield) of the Character Areas Assessment SPD, which sets out that this area provides a rural setting and distinctive character to Binfield.

The site is within and covers about two thirds of Area 5.C1 of the Landscape Capacity Study (Kirkham, 2010) commissioned by the Council and has a moderate landscape capacity for change. Land north of Tilehurst Lane provides open views out to the countryside, a rural setting to Binfield Park and Binfield Manor (which are both Listed Buildings), a rural setting to Tilehurst Lane, and a rural setting to east Binfield and the Public House. The updated landscape analysis (August 2010) reinforces the previous landscape assessment, and also sets out that the loss of open countryside to the north of Binfield would adversely affect the rural setting of the village at this point. Development would affect views from Tilehurst Lane and Church Lane and compromise the latter. Tilehurst Lane also contains an established tree screen.

For the reasons set out above it is concluded that the principle of the proposed development is not acceptable as it would not be in accordance with the development plan policies set out above and the NPPF.

9. IMPACT ON CHARACTER AND APPEARANCE OF AREA

An important consideration with regard to the policies outlined above is the impact of the proposal on the character of the countryside. In this regard 'saved' BFBLP Policy EN20 and CSDPD Policy CS7 (which are considered to have significant weight in relation to para. 215 of the NPPF, as they are consistent with Chapter 7 of the NPPF)

are relevant. The site contains trees, some of them covered by a TPO, therefore 'saved' Policy EN1 of the BFBLP is also relevant. This policy is considered to be consistent with the NPPF, in particular para. 118, and can therefore be afforded significant weight (in relation to para. 215 of the NPPF).

Impact on the rural setting of Binfield

The comments contained in the section above (relating to a larger area of land than included in the current application) are considered to apply in large part to the application proposal. Tilehurst Lane, which forms the southern boundary of the application site, currently defines the edge of the village. The lane is generally narrow, with mature hedgerows and trees. This gives the lane a semi-rural character and, notwithstanding vegetation on the application site, there are views from it out towards the rural northern parts of the Borough.

The site abuts an area detailed as a Character Area (chapter 1, Area A) in the Character Area Assessments SPD 2010. Comments on the 'Landscape Setting' of this area note the 'strong contrast between the urban form between Tilehurst Lane and Forest Road and the open landscape around it'. Tilehurst Lane itself is detailed as an historic lane which 'retains remnants of its rural character; partially bounded by hedgerows; and roadside ditch-stream'. Any development here would lead to an erosion of the semi-rural character of Tilehurst Lane which creates a rural edge to Binfield village. This would be contrary to the policies referred to above and to the NPPF, particularly the need to take account of the character of different areas and to recognise the intrinsic character and beauty of the countryside (para 17).

The applicant makes reference to mature landscape buffers on the site's western, southern and eastern boundaries which limit views into the site. These buffers mainly comprise deciduous vegetation and, particularly in winter, would allow views of the housing from the adjoining roads, which would create a harder edge to Binfield in this location. This would detract from the character and appearance of the area. An area of countryside would be lost to housing and the landscape quality would be harmed.

Impact on setting of nearby listed buildings

The proposed site for development is close to a number of listed buildings. Tile House, Honeysuckle Cottage, the Southern Entrance (gate piers) to Binfield Park and South Lodge all lie on the north side of Tilehurst Lane to the west of the application site. The Stag and Hounds PH, also listed, lies at the eastern end of Tilehurst Lane adjacent to the south-eastern corner of the application site. These listed buildings indicate the historic nature of this part of Binfield.

Toll House, whilst not listed and much-altered, is an older building in a prominent road-side location which makes a positive contribution to the local distinctiveness of Binfield and contributes to the character of the area.

Given that Toll House is not listed, and the physical separation and the existence of screening between the proposed development and nearby listed buildings, it is not considered that the harmful impact of the proposal on 'heritage assets' in isolation is so great as to justify refusing the application. The impact does add weight, however, to concerns about the impact of the proposal on the character and appearance of this part of Binfield as it would erode the semi-rural setting of these listed buildings and result in the loss of an older building in a visually prominent location.

Impact on trees

There are a significant number of trees on the site, some of which are covered by a TPO. The illustrative material submitted with the application suggests that the development proposed could be accommodated whilst retaining most of these trees. There will be some tree loss, however, and this is acknowledged in the Design and Access Statement (DAS) which states at paragraph 2.2 that: 'The most significant trees in terms of visual amenity value and which make the greatest contribution to the character of the site and the local landscape are along the boundaries of the site and will be retained. An exception being a small number of trees from G1 which will need to be removed to allow for the widening of the Highway. Replacement planting can be provided such that the loss of the trees is mitigated for'.

The impact of the loss of trees associated with this application is not considered to be so great, alone, as to justify refusal. The tree loss associated with the proposal will, however, add to the urbanising impact of the development and its harm to the rural character of the area. In particular the tree loss associated with the formation of the junction onto Church Lane, and associated works, will exacerbate the impact of the formation of this junction on the character of Church Lane which is a rural road, leading out into the countryside.

The application site as an extension to Binfield

As noted above in relation to the larger site considered in the preparation of the SALP, the application site would not relate well to the existing settlement or built-form of Binfield. Whilst it abuts the built-edge of Binfield at Tilehurst Lane, vehicular access to the site would be from Church Lane some 125m to the north along a well-trafficked road, which has no footways at this point, and the site would be separated from the village by the vegetation on its southern boundary.

Whilst each application is considered on its merits, the proposed development would represent an intrusion into open countryside which presently provides a rural setting to Binfield and the Green Belt beyond. In the absence of defensible boundaries this would make extensions onto adjoining land to the north and west, which would exacerbate harm to the countryside character of this area and the rural setting of this edge of Binfield, more difficult to resist.

It is therefore concluded that the proposal the subject of this application would have an unacceptably adverse effect on the character and visual amenities of the area and the rural setting of this edge of Binfield.

10. RESIDENTIAL AMENITY

'Saved' Policy EN20 proviso (vii) seeks to prevent development that would adversely affect the amenity of surrounding properties. The proposed development, if approved and implemented, would have implications for the living conditions of the occupiers of nearby dwellings including potential disturbance from increased traffic flows. If the principle of developing the site for residential purposes is considered acceptable, however, it is not felt that the impact of the proposed development on the amenity of existing dwellings is likely to be so great as to justify refusing the application for this reason alone.

If the site were to be developed for residential purposes, future residents would be exposed to noise from the kennels lying to the north of the site. Following advice from the Environmental Health Officer it is considered that this matter could be addressed by

the imposition of a condition to secure mitigating measures should the application be approved.

11. TRANSPORT IMPLICATIONS

Vehicular access

The site is located on the B3018 Church Lane, a rural road which is subject to a 60mph speed limit. The road serves as an important link between the outskirts of Bracknell towards Twyford and Maidenhead. The road is unlit and due to the sharp bend to the south of the site speeds would be expected to be below the limit. This is borne out by information on actual speeds in the vicinity of the site. This information should be used to help inform the design of the access, including the right-turn lane for the site. The right-turn lane will need to be designed with regard to road speeds and the speed limit of the road and at present it appears to be too short.

Consideration to lighting the junction will also be required to highlight it for road users and this has implications for how far lighting should extend back to the junction with Forest Road and further northwards. This will need to be considered in relation to pedestrian links around the site as well.

The access into the site is 4.8m wide and this will need to be widened to 5.5m to serve the scale of development. There is an isolated section of footway shown that does not connect to a wider path and thus it is not understood why this has been included. Such a path could encourage pedestrian out onto Church Lane which would be detrimental to road safety. Cyclists would share the road junction with vehicles. Sightlines of 4.5m set back are not required - only 2.4m would be required - and this could reduce the amount of vegetation that would have to be removed. Overall the Highway Authority currently has concerns over the proposed access to the site in terms of highway safety.

Pedestrian access

The application also proposes to create new pedestrian connections within the site that access out on Tilehurst Lane. Tilehurst Lane is a rural road with limited formal footways but these do not adjoin the site at present. The road currently has housing on it and becomes more built-up the further west one heads. However the junction of Tilehurst Lane with Church Lane, and the adjacent access to the PH car park, is such that access for pedestrians is difficult and the lack of lighting further exacerbates the situation in the evenings and winter months. The applicant proposes to provide a new 1.5m footway outside the site heading westwards, but it has not been demonstrated how pedestrians will be directed to cross over to the existing footway on the south side of the road near to York Way. The applicant is required to carry out further work to establish how such a safe connection could be made.

The applicant has also shown a short section of footway on Tilehurst Lane heading eastwards but this does not connect to any footway on Church Lane or Forest Road. A link towards Forest Road is essential as this provides the most direct route to the nearest bus stop and in future the link through to the Blue Mountain strategic development site that will house a new primary and secondary school to which children from this development are likely to attend. To create a new section of footway it appears that land controlled by the PH will be required. The Highway Authority is currently in discussion with the PH over the dedication of some land along the Forest Road frontage in order to provide a pedestrian connection to the garden centre to the east. A lack of any safe connection for pedestrians to Forest Road is a serious concern and this needs to be resolved.

Traffic calming

The applicant has also shown a traffic-calming scheme in the form of a priority system for drivers with vehicles having to give way at certain points along Tilehurst Lane. The level of traffic using this route and the fact that the applicant has indicated that pedestrians will not need to walk along the road does not explain why such a change is proposed. Vehicles coming in from Church Lane will be forced to stop just up from the junction, and with limited forward visibility this could lead to collisions near to the access to the pub and the junction which could also lead to conflict with pedestrians coming out from the development.

One of the islands is very close to an existing dwelling on Tilehurst Lane and the swept path shows that if a vehicle turns out it is very close to the build-out. This should be altered to provide more room as, over time, conflict could occur which could lead to damage to vehicles and a maintenance issue for the Highway Authority.

Changes to speed limits

The applicant has also indicated alterations to the speed limits on Church Lane and Forest Road. Such alterations require a change through a Traffic Regulation Order, which is separate to any planning consent. In respect of the change proposed to Church Lane, changing the speed limit may not actually change the behaviour of traffic especially as the amount of traffic generated by the proposal through the day will not be that significant. In that respect actual speeds are more likely to remain as currently witnessed, principally controlled by the bend in the road.

The alterations to move the speed limit change on Forest Road also appear to serve no real purpose. Traffic speeds will be reducing for vehicles turning into Church Lane and approaching the junction from the west coming out of the existing 30mph zone. Moving the gateway feature also leads to issues over land control and the ability to locate signage safely in the verges is an issue.

Internal road layout

In respect of the internal layout of the site, the road layout will need to accord with current requirements for adoption (S38) and turning heads will also be required to comply. The footways within the site will be sought for adoption and the works outside the site that are within the adopted highway will be covered by a S278 agreement. It is likely that footway improvements along Tilehurst Lane will have an impact on current trees and hedges along the boundary of the site.

Parking

This would be considered at the reserved matters stage.

Vehicle movements

The applicant has indicated the likely traffic generation for the site. The trip rates used are felt to be a little low for the location of the site; the applicant should therefore revise the traffic estimate to use slightly higher rates. The estimated traffic distribution from the site is reasonable, however it is estimated that the level of traffic using Tilehurst Lane will be lower, at around 10 per cent, as vehicles are more likely to head towards Forest Road to the centre of Binfield and then out towards the A329(M). Vehicles heading out towards Twyford will turn left out of the main site entrance.

The modelling the applicant has undertaken has considered a future year once the development has been completed, but it has not made specific reference to committed developments across the borough. It would be better if information from the Bracknell Forest Multi-Modal Transport model for 2026 was used to establish whether capacity of the local junctions would be affected by the proposed development. At present the impact of traffic from this development has not been adequately demonstrated. There is also likely to be an increased impact at the Forest Road/Terrace Road and Forest Road/Binfield Road junctions.

The cumulative impact of the development around the area will lead to further impacts on the local road network. In order to ensure that the transport network is adequate to cater for the pressure from development contributions are likely to be sought towards improvements in the area and secured through legal agreement. Furthermore specific improvements to enable the site to be served by non-car modes will require site specific works and these will need to be secured by S106.

Additional comments

The applicant has indicated a travel plan for the site. The scale of the development is such that a travel plan for the site will not need to be secured. Given the site's location, access to alternative forms of transport is limited and thus actual shift from car use to alternative forms of transport will be limited. However the inclusion of improved routes to public transport in the local area will help and this is likely to achieve the biggest modal shift. At present concerns have been raised over the ability to adequately deliver safe pedestrian routes from the site to the local area.

A stage 1 safety audit has been provided. No comment on the right-turn lane has been provided - this may be due to the fact that speed survey information was not provided and the design was based on the speed limit changing. A stage 2 safety audit would pick this up, but comments should be provided on it now by the audit team.

Conclusion on highway matters

The Highway Officer has the following concerns with the application as submitted:-

The proposal fails to provide a safe and adequate access to the site paying regard to road conditions. This will lead to conflict on Church Lane to the detriment of road safety.

The proposal fails to adequately provide for travel to/from the site by pedestrians, which is contrary to the aims of sustainable development and contrary to local and national policy.

The applicant has failed to adequately assess the impact on the development of the local road network which could lead to issues of capacity on the road network to the detriment of road safety.

12. BIODIVERSITY

Some survey work for bats has been undertaken as part of the Phase 1 Ecological Survey. However, the surveys are limited in relation to potential bat roosts.

The report identified that the site has potential as a habitat for reptiles, however, no reptile surveys were undertaken. A full reptile survey is required as stated in Natural England's standing advice.

The copse adjacent to Toll House has two plants which are ancient woodland indicator species. Ancient woodland is an irreplaceable habitat and is afforded greater protection in the NPPF. The National Planning Policy Framework states: 'planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss'. A phase 2 botanical survey of the woodland is required to ascertain the botanical diversity and interest features of this woodland so that the impact of the development on a potential ancient woodland site can be properly assessed.

The report also identified four bird species on the JNCC red list, and four species on the amber list of birds of conservation concern. No further reference has been made to these species, nor avoidance or mitigation measures suggested for the potential impact of the development on the habitat used by these species for breeding or feeding purposes.

The report fails to make any recommendations regarding avoidance or mitigation measures for the species identified as using the site. No recommendations are made for biodiversity enhancements that might be appropriate for the site.

The Design and Access statement makes reference to the proposed development helping to achieve the objectives of the local Biodiversity Action Plan, but gives no details as to which objectives it would help achieve nor how. A development of this nature would be expected to show enhancements for biodiversity as part of its design and no such details are available. There is mention of planting of the boundaries using native plants, and this is to be welcomed, but further detail is required to assess the appropriateness of these proposals.

The application in its current state does not demonstrate that it protects and enhances biodiversity in accordance with CSDPD Policies CS1 and CS7.

13. PLANNING OBLIGATIONS

CSDPD Policy CS6 expects development to contribute to the delivery of:-

1. infrastructure needed to support growth and
2. infrastructure needed to mitigate impacts upon infrastructure.

In addition to relevant Development Plan Policies, development should comply with the Borough Council's Limiting the Impact of Development SPD (LID).

If this application is approved provision should be made to mitigate its impact upon:-

1. the wider transportation network (either by S278 of the Highways Act 1980 and/or S106 to the Town and Country Planning Act 1990)
2. local open space/recreational facilities
3. built sports facilities
4. local education facilities

In addition an obligation would need to be sought to secure the adoption of the access roads, footways/verges within the site to ensure the provision of safe and serviceable access for the entire development.

It is unlikely that the Council would want to take on open space responsibilities, so future management-maintenance arrangements for on-site open space should be settled. Provided there are secure arrangements put in place for future management and upkeep in perpetuity, then a management company would be acceptable. A condition could be imposed re the extent of the open space and ensuring it is laid out, retained and properly maintained, so it is accessible and usable by all residents.

Overall, if it were to be resolved to approve the application the on-site, direct provision of facilities as development progresses may be secured by planning condition. Contributions towards the provision of infrastructure by others, and the affordable housing within the site, should be secured by planning obligations entered into by S106 Agreement.

Affordable Housing

Policies CS16 and CS17 of the CSDPD (in relation to housing needs and affordable housing) can be afforded full weight (in relation to para. 215 of the NPPF) as they are consistent with para. 50 of the NPPF which relates to delivering a wider choice of homes, a mix of housing and affordable housing. The Council's affordable housing policy currently applies to proposals involving 15 net dwellings or more. In such circumstances, 25 per cent affordable housing is required, subject to viability. Eighteen affordable units (25 per cent) are proposed. This would be acceptable subject to a tenure mix of 70 per cent (13) for affordable rent and 30 per cent (5) for intermediate housing.

14. THAMES BASIN HEATHS SPECIAL PROTECTION AREA (SPA)

The Council, in agreement with Natural England, has formed the view that applications for large scale development proposals (i.e. over 50 houses) between 5km - 7km from the edge of the SPA should be assessed on a case by case basis. Where appropriate a full appropriate assessment may be required to ascertain whether the proposal could have an adverse effect on the SPA. Any avoidance and mitigation measures need to be approved by the Council in agreement with NE.

This development which consists of more than 50 dwellings is located approximately 5.2 km from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures. Therefore, a Habitats Regulations Assessment must consider whether compliance with conditions or restrictions, such as a planning obligation, can enable it to be ascertained that the proposal would not adversely affect the integrity of the site. In line with the Council's SPA SPD, the project as proposed would not adversely impact on the integrity of the site provided the applicant enters into a s106 agreement to secure appropriate contributions to the provision of suitable alternative natural greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) and an occupation restriction to ensure that the SANG works are in place before occupation of any dwellings on the site.

Subject to the above, Natural England raises no objection in terms of potential impact on the SPA.

15. CONCLUSIONS

SALP Policy CP1 and paragraph 14 of the NPPF and set out the Government's presumption in favour of sustainable development. This requires that development proposals should be approved that accord with the development plan or where the

Development Plan is absent, silent or relevant policies out of date unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or where specific policies indicate development should be restricted.

This report has concluded that the relevant development plan policies relating to the principle of development are up to date and consistent with the NPPF and as such should carry substantial weight.

The first of the 'core planning principles' contained in para 17 of the NPPF states, inter alia, that planning should be genuinely plan-led, empowering local people to shape their surroundings and that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.

The application site was considered in the preparation of the SALP but, ultimately, it was not allocated for development when the local plan was adopted earlier this year for the reasons summarised above.

For the reasons set out in the report it is concluded that the principle of the proposed development is not acceptable as it would not be in accordance with the NPPF, Policy CS9 of the Core Strategy and saved policies EN8 and H5 of the Bracknell Forest Local Plan.

The applicant has identified a number of benefits that it considers would accrue from the proposed development. These alleged benefits are considered to be material considerations in the assessment of this application. These include the following:-

- Provision of much-needed market and affordable housing in a sustainable location, helping to meet identified housing needs.
- A high quality, character-led development scheme.
- A form and scale of development that can be assimilated into the character of the surrounding area without having an adverse impact upon the wider landscape setting of the site and Binfield.
- Off-site highway works representing improvements to local traffic management and highway safety.
- A high quality landscaping scheme that retains the extensive tree buffer along the site's boundaries.
- Provision of a footpath along the site's southern boundary.

This report has considered the proposal against the NPPF, relevant policies in the development plan and other material considerations including the alleged benefits of the proposed development. It is concluded that the proposal would be contrary to development plan policies to which substantial weight should be given, resulting in substantial harm to the character and visual amenities of the area and the rural setting of this edge of Binfield and to the safety of traffic on Church Lane. Furthermore the proposal does not make adequate provision for pedestrians.

In addition, in the absence of suitable planning obligations, the application fails to mitigate the impact of the proposed development on local services-infrastructure and the SPA, and to secure affordable housing.

It is considered that there are no material considerations that outweigh the serious conflict with policies in the development plan or the harm arising from the adverse impacts identified in this report. The application is therefore recommended for refusal.

RECOMMENDATION

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

1. The proposed development is located on land outside a defined settlement and is therefore not acceptable in principle. It would cause unacceptable harm to the character and visual amenities of the area and the rural setting of this edge of Binfield. The proposal would therefore be contrary to Policies CS1, CS2, CS7 and CS9 of the Core Strategy Development Plan Document, saved policies EN1, EN8, EN20 and H5 of the Bracknell Forest Borough Local Plan, the Character Areas Assessments SPD and the National Planning Policy Framework.
02. The proposal fails to provide a safe and adequate access to the site paying regard to road conditions. This will lead to conflict on Church Lane to the detriment of road safety. The proposed development is therefore contrary to Bracknell Forest Local Plan Policy M4 and Core Strategy Development Plan Document Policy CS23.
03. The proposal fails to provide adequately for travel to/from the site by pedestrians, which is contrary to the aims of sustainable development and contrary to Bracknell Forest Local Plan Policy M6 and Core Strategy Development Plan Document Policy CS23.
04. The proposed development would unacceptably increase the pressure on the transportation network, public open space, built sports facilities and education facilities. In the absence of planning obligations in terms that are satisfactory to the Local Planning Authority, and which secure contributions towards the transportation network, public open space, built sports facilities and primary education facilities, the proposal is contrary to Policies CS6 and CS24 of the Bracknell Forest Core Strategy DPD, Policies M4 and R4 of the Bracknell Forest Borough Local Plan and the Limiting the Impact of Development SPD.
05. 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 the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPD) 2012. 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, Policy CS14 of the Core Strategy Development Plan Document and to the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPD) 2012.
06. In the absence of a planning obligation to secure affordable housing in terms that are satisfactory to the Local Planning Authority, the proposal is contrary to Policy H8 of the Bracknell Forest Borough Local Plan and Policy CS16 of the Core Strategy Development Plan Document.

Informative(s):

01. 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. However, the issues 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 reasons for the refusal, approval has not been possible.
02. This refusal is in respect of the following plans:-
 - Site location plan: drawing CLB.LP.01A
 - Illustrative site layout: drawing CLB.SL.04 (access details only)
03. The Applicant is advised that reasons for refusal 4, 5, and 6 in relation to:-
 - failing to provide adequate service, amenity and infrastructure contributions;
 - failing to provide adequate measures to mitigate any impacts on the Thames Basin Heaths SPA, and
 - failing to secure affordable housingcould 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 and Country Planning Act.

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