

## Removal of Covenant on Section 52 agreement dated 16 February 1990

Binfield Parish Council strongly objects to any changes to the Section 52 Agreement and to the removal of any related Covenants, specifically the covenant relating to the use of the land for any purpose other than as a golf course for the provision of sporting or other recreational facilities or as open space and not to construct any buildings on the Golf Course Land other than as reasonably required in connection with any of the uses, as specified in the Notice.

The first application for development on the land, called Park Farm at the time, was refused and the appeal was dismissed by the Inspector. He understood that if some of the land was developed then it would creep across and the green gap between settlements would be lost. Maintaining the gap was his most pressing reason to refuse permission (*Inspectors letter and report attached*).

The Temple Park development was later allowed, but only because in exchange for permission to build, the land was to be made into the golf course which was to be protected for 125 years. The parish council and local groups were reassured by the legal agreement that this was so. It was certainly the intention of the Borough Council and its Councillors to protect the land and it is unacceptable that they should now go back on this agreement. In fact, it was suggested that the land should be in the control of the Borough Council in order to more certainly protect it.

There were meetings at the parish council and correspondence with the Borough and others (*documents attached*) and I highlight some pertinent points here:

9 June 89 – Binfield Parish Council writes to Mr G A Kingston, Chief Planning Officer, requesting that “...members would like to see the Park Farm Agreement as “watertight” as possible, particularly with reference to any selling on of the land so that subsequent purchasers will be bound by the Agreement and Conditions of Planning Permission. This should particularly apply to landscaping and the provision of the golf course.”

20 June 89 – reply from Mr Kingston stating, “ I do, of course, agree with your Members’ wishes to see the legal agreement as watertight as possible,” and “The Borough Council also believes that the right course of action in respect of the golf course is for it to be in the Borough Council’s ownership”. He offers to set up a meeting between the appropriate parties.

14 September 89 – notes, prepared by the Borough Council, from the meeting state, “The agreement on the development involves a 125 year lease of the golf course to the District Council” and “Assurances were given that the agreement would tie the golf course to the housing land thus ensuring provision of the golf course in the event of the housing land being sold on”

19 April 90 – letter from Mr A Jack, Borough Solicitor both then and still, to a resident states, “In my view therefore the function of the land to provide a green gap between Binfield and Bracknell is as secure as one could possibly wish for without actually owning the freehold”.

The houses that were subsequently built on Temple Park have a direct link to the Covenant in the deeds of their houses and therefore expect that the golf course land will remain protected for the whole of the length of the agreement.

There is also a Counterpart Sub Lease dated 16 September 1993 between Bracknell Forest Borough Council and Luff Farms Limited that reinforces the requirement for both parties to adhere to the Covenant to preserve the golf course. In clause 4.12, Luff Farms Limited covenants “Not to use the Land other than as a golf course with driving range and ancillary uses provided that no ancillary use shall be carried out or permitted on the Land which may in the reasonable opinion of the Bracknell”. Forest Borough Council detract from the function of the Land as an open piece of land between Bracknell and Binfield.” (*full document attached*)

The Bracknell Forest Councillors currently serving the Borough Council should surely honour this agreement and not remove the Covenant.

C/54/DD/P

TOWN AND COUNTRY PLANNING ACT 1971

BRACKNELL DISTRICT COUNCIL

APPEAL

by

LUFF BUILDING LIMITED

Inspector: Mrs Jean Brushfield LLB FRICS FCI Arb  
Dates of Inquiry: 11 and 12 December 1984 and 25 January 1985  
File Ref No: APP/C0305/A/83/3207

Tollgate House  
Houlton Street  
BRISTOL  
BS2 9DJ

11 February 1985

To The Right Honourable Patrick Jenkin MP  
Secretary of State for the Environment

Sir

I have the honour to report that on Tuesday 11 December 1984 I opened an inquiry in the Council Chamber, Easthampstead House, Bracknell into an appeal made by Luff Building Limited under Section 36 of the Town and Country Planning Act 1971 against the refusal of the Bracknell District Council to permit an outline application for residential development for 500 dwellings on part of Park Farm, Wood Lane, Binfield.

1. The reasons for refusal were:-

1. The proposal is premature pending the outcome of the Local Planning Authority's study to identify suitable sites for release under Policy H4 of the Central Berkshire Structure Plan, within its administrative area.
2. The proposal would result in the loss of trees and copse land protected by Tree Preservation Orders which the Local Planning Authority considers should be retained in the interests of protecting the visual amenities of the area.

2. This report includes a description of the site and its surroundings, the gist of the representations made at the inquiry, and my findings of fact, conclusions and recommendation. Lists of appearances, documents, plans and photographs are attached.

THE SITE AND ITS SURROUNDINGS

3. The appeal site is situated about 1 mile north-west of the centre of Bracknell and to the north of Jock's Lane, which forms the outer boundary of the built-up area of Bracknell (Priestwood) in this area.
4. The site is roughly triangular in shape, with an area of about 31.4 ha and is farmland with a copse at the south-western corner through which a trunk sewer has been laid and 3 other copses within the site. The site is part of Park Farm, an agricultural holding, and the remainder of the farmland lies to the north of the site, extending up to Forest Road, the B3034 which passes through the village of Binfield. At its north-western corner, the site adjoins the grounds of Binfield Manor, a listed building. To the east is a public footpath adjoining the watercourse known as The Cut, which runs alongside the B3018 Binfield Road. At the junction of the Binfield Road and Jock's Lane, there is a recreation ground and community building with a car park adjoining the south-eastern corner of the site. There are hedges on field boundaries within the site and adjoining Jock's Lane. To the west of Park Farm is Wood Lane, beyond which are the grounds of Newbold College and then, to the west and north, the village of Binfield including open land on the Foxley Lane triangle.

5. At its western end, Jock's Lane has a junction with the B3408 Bracknell to Wokingham Road, close to another junction of Wood Lane and Popeswood Road with Wokingham Road. Further to the south-west, but still within the parish of Binfield, is Amen Corner, where new residential development has begun.

6. To the east of Binfield, the B3034 road continues past Cabbage Hill to the A3095, and then past Warfield and Winkfield, with Chavey Down and Mushroom Castle to the south, to join the A330 towards Maidenhead.

#### THE CASE FOR THE APPELLANTS

The material points are:-

7. The Appellants own the appeal site, but development would be by Bryant Homes (Southern) Limited and C H Beazer Homes East.

8. The application was made in outline, the 500 dwellings specified being only an indication for density purposes. The reasons for refusal of this application (Document APP/1) are notable mainly for what they do not say, since it was only refused on grounds of prematurity, not for any policy or other reason, and this inquiry has been postponed at the request of the local planning authority. The local planning authority see the site as accommodating 625 units; the highway authority prefer these to be served by a distributor road running alongside the north-western boundary of the site. This would be linked at the western end by a roundabout to the Wokingham Road and pass over The Cut at the eastern end.

9. The Central Berkshire Structure Plan was modified by the Secretary of State before approval, on the advice of the Panel, specifically to provide an additional 8,000 houses under Policy H4 for release in the mid-1980s. This provision was made because otherwise there was a very real risk that Central Berkshire would run out of land before the Review of the Structure Plan was approved. In its document 'Strategic Guidance', the County Council allocated the land for these 8,000 houses in an entirely different form to that which had been the subject of public consultations in the previous document 'The Choices' (Document APP/22).

10. Some 5,150 houses were allocated to the Bracknell District on 5 sites, including 4,000 houses in North East Bracknell under Policy H4, release to be in a local plan, through an informal guidance document or through the grant of planning permissions. Release means the construction of houses, preceded by infrastructure works. The County Council also stated that alternative locations could be suggested by district councils to those set out in the Strategic Guidance Document.

11. In 1983, the County Council sought the Secretary of State's approval to an alteration to the Structure Plan, to reduce the number of houses required by Policy H4 to 4,000 but, on 17 November 1983, he said that he was not prepared to consider this (Document APP/11). He also said that a reasonable assessment of the current building rate in Central Berkshire was 3,000 dwellings a year.

12. In the consultation document for the Review of the Structure Plan, published in April 1984 (Document APP/6), the County Council proposed to use land allocated for 800 houses at Amen Corner, Binfield for industry and warehousing instead, the housing allocation to be transferred to a major new settlement south of Reading in Wokingham District. The 4,000 houses under Policy H4 in Bracknell, plus a further 8,700 houses in the County as a whole, were proposed for release between 1986 and 1991 for development up to 1996. However, in October and November 1984 (Document APP/2), the County Council decided to withdraw the major part of these

proposals, to reduce the allocation of new housing and to carry out further public consultations on this basis. It therefore does not follow that the Review of the Structure Plan will be approved in 1986.

13. The Bracknell District Council resolved (Documents APP/3 and 4) in 1982 and 1983 to prepare 2 local plans, for North East and North West Bracknell and to provide for 5,150 dwellings, including 4,000 in North East Bracknell although alternative sites were to be sought for up to 1,000 of these. Sites for 1,250 of the 5,150 houses have been identified. In addition, in early 1984 it was decided to identify land for up to 950 houses in North West Bracknell and up to 2,950 houses in North East Bracknell. The programme proposed for the local plans is set out in Document APP/5. However, in April 1984 it was decided to prepare one plan for North Bracknell, including an inset for Binfield. The draft local plan for Binfield, including part of the appeal site, was published for consultations in May 1984, and the Draft North Bracknell Local Plan was published for consultations in January 1985. This Plan includes options for the allocation of 3,900 houses, with a preferred option which includes the appeal site. It makes clear the probable delays in developing land at North East Bracknell, with substantial completions unlikely until the end of this decade.

14. The appeal site is well suited to development, having no infrastructure constraints and being self-contained with minimal impact on the adjoining settlement and available for early release to accord with local planning policies. The existing gap between Bracknell and Binfield would be maintained and the new distributor road would be a strong boundary to further development. There is no objection by the Ministry of Agriculture and the site can be developed without affecting the viability of the 110 acres remaining at Park Farm. It is the only alternative site for up to 950 houses adjoining the existing built-up area of Bracknell which is available for development after 1986, and there is no reason for its release to be delayed, since the approval of the proposal would not pre-empt the Local Plan.

15. The application was submitted after the County Council decided that land should be allocated in the District to meet Policy H4 in the Structure Plan. As a result of meetings held during 1983, it was clear that there were no constraints on the early release of the site, in contrast to the land in North East Bracknell where very substantial drainage and highway works are a pre-requisite to the development of most of the land there. Whilst the local plan programme has been delayed (Document APP/3), the development of the site now accords with the preferred option in the plan. If land previously allocated for housing at Amen Corner is used for industry/warehousing, more residential land may need to be allocated in Bracknell. Since the Secretary of State has refused to reduce the number of houses required under Policy H4, and the Review of the Structure Plan took into account the allocation of the 4,000 houses under the policy to Bracknell District (Document APP/6), the views of the County Council were sought on the suitability of the appeal site for immediate release (Document APP/7) and a presentation made to a Panel of County Council members (Document APP/8).

16. Any divergence between the allocations in the 'Strategic Guidance' document and the Local Plan have to be agreed by the County Council, and these could further delay the Local Plan if there is any disagreement about certification. In any case, the Local Plan is unlikely to be adopted in its final form until the summer of 1986 because of the likely need for an inquiry and subsequent modifications.

17. The Local Plan sets out the reasoning to support the proposed distribution of the additional housing and the criteria adopted in assessing the relative merits of alternative sites (Document APP/12). The appeal site is identified for development in 4 of the 5 options in the Plan, the fifth option being that referred to

in the County Council's 'Strategic Guidance' document. The preferred option allocates the appeal site for 625 houses.

18. It is impossible to be certain what the Structure Plan authority require in terms of a 5 year supply of housing land, since this is not set out clearly in the Structure Plan and the County Council's proposed policies keep changing.

19. Document APP/13 sets out the County Council's most recent statistics on planning commitments for housing. Circular 15/84 requires at least a 5 year supply of housing land, with at least 2 years' supply immediately available. The local planning authority's figures appear to be based on a non-statutory re-write of the Structure Plan, which is unlikely to be approved by the Secretary of State. The phasing estimates for major sites (Document APP/10) have been examined and checked with the developers concerned, and it appears that 974 units are likely to be commenced in 1984/5, 851 in 1985/6, 826 in 1986/7, 814 in 1987/8 and 682 in 1988/9. Some 800 sites a year would be required to meet Policy H4 alone. Several of the H4 sites do not have a valid planning permission, being subject to the conclusion of Section 52 Agreements, and completion rates assumed by the District Council on other sites are optimistic. Only 330 units on an H4 site, at Wellington College, have been permitted to date, whereas 1,150 sites should have been permitted by early 1985. The published programme for the release of the H4 sites has also slipped, and there does not appear to be a 5 year supply of housing land as required by Circular 15/84.

20. The appellants' Plan G shows that the existing protected copses within the site would be retained, and therefore the second reason for refusal is unjustified. The only area where trees might be lost is at the roundabout junction with the Wokingham Road, where a Tree Preservation Order has been made since the application was refused. However, the position of this junction is to be negotiated, and tree loss could be minimised, and does not justify dismissal of the appeal.

21. Documents APP/14 to 18, 20, 24 and 25 and Plan G show that soil and surface water drainage, including a balancing pond, and highway matters can be dealt with to the satisfaction of the relevant authorities and without prejudicing the infrastructure needs of other possible development areas in the District. The appellants with the proposed developers are willing to enter into appropriate agreements (Documents APP/23 and 24) prior to planning permission being granted. The works required are very much more straightforward than would be required to serve housing in North East Bracknell, where drainage works taking 2.5 to 3 years would be needed prior to most of the development.

22. Phasing of the development would not be required once the roundabout and the western end of the distributor road were in, which would take about 3 months. Since the application was made, accompanied by an illustrative plan, the highway authority have decided to favour a distributor road on the northern side of Bracknell. The Council's Rule 6 Statement (Document APP/19) makes it clear that the construction of part of the distributor road in conjunction with this development would remove both aspects of the highway objection. The proposed works would allow for the developments shown in Options B, C and E of the Local Plan (Document APP/21), although they would not pre-empt other options. The road could in the future form part of a northern by-pass for Bracknell as referred to in Document APP/21. The road would have more capacity than required for this site. A single access to the site would be acceptable until the bridge over The Cut was needed - a single access was accepted at the Woosehill site in Wokingham, which is larger.

23. The appellants are prepared to pay for the distributor road to the highway authority's requirements, which with money to pay for a future junction with Binfield Road beyond The Cut and the bridge over the watercourse would cost about

£750,000. However, it has never been suggested to the appellants that they should carry out works to existing junctions outside the immediate surroundings of the appeal site, where the problems are not directly related to this development. A closure of Jock's Lane in due course could be dealt with by the normal statutory procedures. The footpath adjoining part of the site ends at the existing footbridge over The Cut.

24. The community facilities referred to in the Local Plan are outside the parameters stated as being acceptable in Circular 22/83 on planning gain, in that they are unrelated to the development proposal now before the Secretary of State. Works properly associated with the development would be covered in the Section 52 Agreement.

25. The conditions suggested by the highway authority, and Nos 1 to 10, 13 and 14 suggested by the local planning authority are acceptable to the appellants. Condition 11 would be more appropriately covered by the Section 52 Agreement. Condition 12, if related to noise from the distributor road to the normal standards, would also be acceptable.

#### THE CASE FOR THE LOCAL PLANNING AUTHORITY

The material points are:-

26. The application subject of this appeal was received in January 1983. The Binfield Parish Council and the Bracknell Town Council recommended refusal, and the highway authority asked that no permission be issued until a legal agreement relating to highway works including a new roundabout had been entered into. Planning permission was refused on 18 April 1983, one reason relating to protected trees on the site (Document LPA/11 and 12). Previous applications in 1965, 1970 and 1972 for single dwellings on part of the land were either refused or granted subject to an undertaking which was not satisfied.

27. The site is situated in a countryside area in the Central Berkshire Structure Plan, approved in 1980 (Document LPA/1). Large scale residential development is contrary to Policy EN5 in the Plan, which aims to prevent the spread of urban development into open countryside outside the Green Belt. Although the site has been identified in the North Bracknell Local Plan for residential development, the final proposals in the Local Plan may exclude the site after public consultations have been considered. In the meantime, the local planning authority consider that the countryside policies in the Structure Plan still apply to the site, which has a pleasant rural character.

28. The housing policies in the Structure Plan identify 31,700 dwellings either with planning permission in 1976 or to be identified for release during the Structure Plan period (Policy H1). Phased provision of a further 8,000 houses was made in Policy H4, and the County Council document 'Central Berkshire - Land for the additional 8,000 houses: Strategic Guidance' (Document LPA/2) allocated approximately 5,150 houses to the Bracknell District, of which 4,000 were to be in North East Bracknell. This is the only document to identify the location of policy Policy H4 housing in North Bracknell, and it does not identify the appeal site for this purpose. Some 1,150 sites were identified for release prior to 1986, the remainder being intended for release thereafter following the preparation of a local plan.

29. In July 1983, the Local Planning Authority decided to accommodate the 5,150 dwellings in 4 areas in addition to North East Bracknell; these 4 areas, for 1,250 dwellings, are at Crowthorne, Sandhurst, South West Bracknell and Binfield. These sites have now been released for development in the next 5 years, with planning applications either approved, subject to Section 52 Agreements, or currently under consideration by the local planning authority. It was also decided to try to reduce the scale of development in North East Bracknell by at least 1,000 houses, and a report relating to this was considered in January 1984. The recommendation, to have a North West Bracknell Local Plan identifying sites for up to 950 houses and a North East Bracknell Local Plan identifying sites for up to 2,950 houses, was approved in February 1984 (Document LPA/8). The appeal site falls within the general area considered for further residential development in North West Bracknell.
30. The Binfield Village Plan, allocating 300 of the H4 dwellings, was approved as a non-statutory plan pending its incorporation in the North Bracknell Local Plan in October 1984 (Document LPA/6). The decision to prepare the latter Plan was taken in November 1983, and to advance the Plan relating to Binfield in April 1984. Circular 23/81 advises the preparation of a local plan to provide for co-ordinated housing development and areas of restraint, and the County Council's Strategic Guidance document also indicates this procedure. One of the main aims of the North Bracknell Local Plan is to co-ordinate infrastructure and services and the provision of community facilities. The District Council considered the draft Plan in October and November 1984, a summary report was issued in November and the Plan was published for public consultations in January 1985 (Document LPA/7).
31. After public consultations on the Review of the Berkshire Structure Plans (Document LPA/5), the County Council resolved in November 1984 to respond to the views expressed and revise the document to review the number of houses proposed in (amongst other places) North East Bracknell in the light of the public response. The revised document is expected to be published in February/March 1985, and there would probably be an examination in public before the Review is approved, possibly in 1987. However, the Local Plan will not be delayed for this, and it is hoped to hold the public inquiry into the Local Plan in October (Document LPA/10), and to consider the Inspector's report and make any necessary modifications in January 1986. This timetable is realistic but, even if there is a delay, the Plan would be sufficiently far advanced by 1986 for suitable sites to be identified.
32. Four of the five options in the draft Local Plan (B, C, D and E) allow for residential development on the appeal site, including the preferred Option B (Document LPA/7). However, although this would limit the impact of development on existing areas whilst allowing for the development of high standard housing areas, the appeal site and land at Mushroom Castle north-east of Bracknell would not be needed if only 2,500 sites are required in the District under the terms of the Structure Plan Review. Except for the first 100 houses, there could be no major completions in North East Bracknell until 1990 because of infrastructure problems. The Ministry of Agriculture prefer Option A in the Plan to Option B.
33. It would be premature to release the appeal site now since it could prejudice the North Bracknell Local Plan consultations and detailed proposals for the site and its surroundings; the district council are not committed to any of the options in the Plan at this stage and there is bound to be a substantial public response, since some of the contents of the Plan, including development in North West Bracknell, is controversial. The grant of planning permission now would seriously undermine the credibility of the local planning process and pre-empt the outcome of the inquiry into objections to the Plan.
34. The application also conflicts with the County Council's Strategic Guidance on the timing and location of residential development in this area, which is intended



to be released after January 1986. Release then would be in advance of the County Council's programme, and takes into account the advice in Circular 15/84 on a 5 year supply of housing land. The County Council would accept a different location for the Policy H4 housing if this was supported by the results of the public consultations.

35. The Local Plan Consultation Document proposes that highways, including improvements to 3 off-site junctions, drainage, public open space, a footpath-cycleway network and community buildings should be provided in conjunction with any residential development of the appeal site. Maximum tree retention would also be sought, and these could be prejudiced by the grant of planning permission now.

36. Housing land in the District has been released in accordance with Policies H1, H2, H3, H5, H6 and H7 in the Structure Plan. Additional housing land has been released in accordance with Policy H4. The Structure Plan does not specify the number of dwellings which should be developed within the Plan period, but looking at the indicative tables indicates that with rapid growth some 10,000 houses should be built between 1976 and 1986. Some 8,303 dwellings were built between 1976 and 1984, of which 2,532 were built by the Development Corporation. Since 1981, annual building rates have reduced to an average of 693 a year. To achieve the rapid growth level, the rate would have to be 848 up to 1986; therefore the requirement for the District seems to lie between these 2 figures.

37. After 1986, the Draft Structure Plan Review document and Departmental guidance indicates that the annual average requirement from 1982 to 1996 would be 786 completions a year. Thus the highest figure for the 5 year requirement referred to in Circular 15/84 would be 4,054 dwellings.

38. In June 1980, it was agreed that there was a 5 year supply of housing land in the County. An updating to March 1983 has been delayed. The date to be assessed has now been moved forward to March 1984, but results are not yet available. The County Council's figures (Document LPA/3 and 4) indicate that there were outstanding commitments for 9,715 houses in the District in March 1984, and these figures have been adjusted where the land was not available for immediate development. This gives a total of 4,361 completions in the 5 year period (1984/5: 743. 1985/6: 830. 1986/7: 925. 1987/8: 963. 1988/9: 900). Adding an average of 100 dwellings a year on small sites gives a total of 4,861, a surplus over the requirement. There is also a 2 year supply immediately available. It is clear that there is no justification for the premature release of the appeal site on the grounds of land availability, which could be an unfortunate precedent for the ad hoc release of other sites in North Bracknell.

39. The highway considerations relevant to this application are set out in Document LPA/15. A single access at one end of the site would produce a lop-sided form of housing layout since only a small amount of development could be served from Jock's Lane. A second access at the eastern end would enable traffic to reach Bracknell, Slough and areas to the north-east more easily. A North Bracknell Distributor Road is being considered as part of a traffic study currently being carried out (Document LPA/19), although no firm conclusions have yet been reached and full results would not be available by the time results of consultations on the Local Plan are considered by the District Council. Development of the site without providing for this would pre-empt this option. The highway authority would need to acquire land east of The Cut to link the route to Binfield Road, and the proposed junction there needs to be clarified. Technically, the distributor road could be provided and planning permission should not be granted without a prior agreement providing for its provision and appropriate phasing of the development, with a limit of about 300 houses served from a western access only. It would be preferable for the distributor road to be on the outer edge of the development, to minimise noise and remove the need for people to cross it.

40. Improvements to 3 existing substandard junctions beyond the site would be more necessary as a result of the development of this site, and the developers should contribute to the cost. The community buildings referred to in paragraph 11.43(vi) and (vii) of the Local Plan can be required as they would be directly associated with public open space and the proposed development, a legitimate planning gain under Circular 22/83. Documents LPA/13 and 14 set out appropriate conditions which should be attached if planning permission is granted.

#### THE CASES FOR INTERESTED BODIES AND PERSONS

The material points are:-

41. Councillor J Fraser spoke on behalf of the Binfield Parish Council, who see the proper control of housing development as vital in protecting the character of the village. With some 300 houses now to be developed at the Foxley Lane triangle in accordance with the Binfield Local Plan, and up to 1,200 houses at Amen Corner, a further 500 new houses in the parish would threaten the narrow area of open land remaining between Binfield and Bracknell. There were 850 houses in Binfield in 1970. With further dwellings already built and planned, the projected housing stock in 1990 would be more than 2,500 dwellings, an increase of over 200%. At present, despite the proximity of the village to a number of urban areas, Binfield is still situated in an almost entirely rural area; the appeal site is productive farmland, part of a viable agricultural unit in a locality of scenic value. There is a strong community spirit in Binfield, with a number of very active groups and organisations.

42. The County Council's Strategic Guidance document setting out the proposed location for the additional 8,000 dwellings required in the Structure Plan, referred to the desirability of limiting development in the Binfield area because of the attractive character of the landscape. For this reason, only 300 of the new dwellings were allocated to the village (now to be built on the Foxley Lane triangle) and the remainder scheduled for the Bracknell District Council area were to be in other parts of the district, including 4,000 to the north-east of Bracknell. The first draft of the Structure Plan Review, published in 1984, emphasises the importance of maintaining the separation of settlements and this is also referred to in Circular 15/84 - Land for Housing. The Parish Council will oppose any option in the forthcoming Bracknell Local Plan which includes development of the appeal site, since this would be contrary to all previous planning policies for Binfield. With consultations on the local plan about to commence, the application subject of the appeal is premature and likely to prejudice public participation in the final option chosen for the North Bracknell Local Plan.

43. Mr Eynon spoke on behalf of the Binfield Village Protection Society, which represents about  $\frac{1}{3}$  of the households in Binfield. Substantial responses (Documents BVPS/1 and 2) have been made by the Society this year to the draft Binfield Local Plan and the Review of the Berkshire Structure Plan. The overwhelming view of local residents is that Binfield has already accepted a substantial number of new houses under the provisions of the Structure Plan, at Amen Corner and the Foxley Lane triangle. This is more than enough development for the village to absorb, and the appeal proposal would result in an indefensible boundary to the north, which would be likely to lead to Binfield becoming engulfed by Bracknell and losing its separate identity. Park Farm is a vital green wedge of land, referred to in the Bracknell Expansion Feasibility Study of 1975 as of good arable quality. Development of this site would be contrary to the Structure Plan policies for rural areas and productive farmland. The site is outside the village envelope shown in the Binfield Local Plan. The notice of inquiry wrongly referred to the site as being west of "Bracknell Road", instead of Binfield Road.

44. The appellants now seem to be proposing that the site should make some contribution to the controversial North Bracknell Distribution Road, which did not form part of the original application. For both these reasons, the inquiry should not be taking place. These are technical problems of surface water drainage in the area, particularly with respect to "The Cut" watercourse.

45. There is ample time available for consideration of the proper location of further housing in North Bracknell through the draft Local Plan, since land to comply with Policy H4 need not be released until 1986. The options in the draft Plan are only options, and other options may be adopted in the Plan which may not include the Park Farm site. The Review of the Structure Plan contemplates a lower level of development post 1986, and there is not an inadequate 5 year supply of land as the appellants suggest. The grounds of appeal are totally insufficient to justify allowing this beautiful site to be developed, beyond the present natural and substantial boundary of Jock's Lane to the built up area of Priestwood and Bracknell.

46. Mr Knightley spoke on behalf of the Council for the Preservation of Rural England. The Council are concerned about the direction which local planning is taking, with Department Circulars threatening to plan by use of the appeal system; the consequent destruction of the countryside is particularly noticeable in Berkshire. Despite the balanced provision of housing with jobs in the submitted Structure Plan, much of which were long standing residential permissions, the Secretary of State had imposed an additional 8,000 houses on the area, contrary to the views of all levels of local government. The County Council had chosen to impose 4,000 of these on North East Bracknell and 1,150 elsewhere in the District; these were in addition to some 2,500 dwellings already being built in East Bracknell as a result of the New Town Expansion Study in 1975, and a further 1,200 at Amen Corner. Consultations by the County Council had suggested that only 300 houses might be built at Binfield of the 1,150 and up to 2,700 at North East Bracknell. Altogether, it is not surprising that local people in this area regard the planning process with disbelief.

47. The Council consider that the Local Plan process in the North Bracknell area should be allowed to run its course, giving local people their first opportunity so far to object to the scale and location of development proposed. The appellants' calculations calculate the land needed on the basis of past completions which is a very questionable way of predicting future needs since delays in developing housing areas already permitted can thereby justify further permissions. Using the figures in the Structure Plan Review, only 674 dwellings per annum are required. The reasons for refusal used by the local planning authority are weak, when the development would contravene Structure Plan policies, infill between the settlements of Binfield and Bracknell and contravene the guidance on location in the County Council's Strategic Guidance document. The overriding need is to protect this land from development, since Jock's Lane is the last remaining barrier to the expansion of Bracknell in this locality. In an area subject to severe flooding (Photos 1 to 5), local views must be heard and it is time that the development of Bracknell was completed.

48. The owner of Binfield Manor is in the process of restoring the house to its former condition. The house, its stable buildings and entrance gates are listed Grade II, and are set in 41 acres of very attractive parkland which, with the surrounding farmland including the appeal site, forms the setting for the Manor House. The proposed development would be visible from the house and parts of its grounds, and would destroy the rural area at present separating Binfield and Bracknell. If the proposal is permitted, the area would become urban and there would be no reason why residential development should not be allowed in the grounds

of the Manor House. The proposed development would be contrary to both Circular 23/77 and the policies in the Structure Plan, which emphasises the importance of the setting of listed buildings. Plans to use Binfield Manor as a stud for thoroughbred horses would be stillborn, since trespass and vandalism which arise on the fringe of urban areas would make the scheme impracticable.

49. At present, Jock's Lane forms a firm and defensible boundary between Bracknell and the surrounding rural area. Binfield is a separate village, primarily residential in character, the number of large buildings in substantial grounds on the edge of the village contributing to the rural character of its surroundings. The appeal site is attractive open good quality agricultural land entirely within the parish of Binfield, which clearly separates the village from Bracknell. Policies for rural areas in the Structure Plan refer to the importance of maintaining such land free from development, as does Circular 22/80 (Document FJY/6). The Bracknell Expansion Feasibility Study said that it was essential to safeguard the open area to the west of Cabbage Hill from development to prevent the merging of Bracknell with the new town.

50. Neither of the village plans for Binfield (1973 and 1984) identify the land for housing, and the site was outside the designated area of Bracknell New Town. The Ministry of Agriculture prefer that land to the North East of Bracknell should be used. The need to protect this countryside has been recognised by Government Ministers, and the land recently allocated within Binfield for 300 houses is the limit that the small community can absorb. The Local Plan for Binfield, adopted only in October last year, shows the site to be in a countryside area where there is a strong presumption against development other than for agricultural or forestry use. The North Bracknell Local Plan is at an early stage and a large number of objections are likely, so that significant changes may be made as a result of the current consultations with the public, and only limited weight can be attached to the Plan at the present time, as advised in Circular 22/84. The Plan has been formulated following a resolution by the Council that sites for up to 1,000 houses of the 3,900 required should be sought outside North East Bracknell. However, the number of houses which can be accommodated there depends on the density adopted, since Bracknell is already linked there to the adjoining villages; Government advice favours higher densities.

51. By contrast, the County Council is proposing reductions in housing provision in the proposed alterations to the Structure Plan; if the allocation for Bracknell under Policy H4 in the Plan is reduced to 2,500 houses, no development at all to the north-west of Bracknell will be proposed by the District Council. In any case, the Secretary of State has made it clear that release of the land under Policy H4 should be phased, and with land for nearly 1,250 dwellings already allocated in the District, there can be no urgency in identifying the remaining land. The large reserve of outstanding planning permissions is a key element in the Structure Plan, and these include land in Binfield at Amen Corner which is currently being developed. Binfield has therefore fulfilled its strategic housing commitment up to 1996. The 'Choices' and 'Strategic Guidance' documents issued by the County Council make it clear that further development in the District should be in North East Bracknell and not in Binfield. The County Council, when consulted on this application in March 1984, stated that it was a departure from strategic policies.

52. In terms of Circulars 22/80 and 15/84, there is no overriding need for this development, which would be contrary to the policies already mentioned, as well as being visually intrusive and contributing to the coalescence of Binfield and Bracknell. The distributor road does not form part of the application before the Secretary of State, and would lead to further development beyond it. Planning permission would be needed for that part of the distributor road and the road junction outside the site boundary. The problems cannot be resolved by a section 52

Agreement. Compulsory purchase orders could be needed for other lengths of the road. There is no policy basis for this road in County Council documents, and traffic studies of the Bracknell area are not yet completed.

53. A permission for this residential proposal now would abort the democratic process of consultation on the North Bracknell Local Plan, and the application is premature for this reason, especially since the views of the District and County Councils do not appear to coincide on the proper location for further housing in the District. There are precedents for major changes in the preferred option chosen in a Local Plan as the result of public consultations and an inquiry. With the local plan process now under way, it would be wrong to pre-empt this by granting planning permission for the appeal proposal now.

#### FINDINGS OF FACT AND CONCLUSIONS

54. The appeal site is an extensive area to be served from one access road. Whilst there may be precedents elsewhere in central Berkshire for this on a large site, it does not appear to me to be necessary on this land, bearing in mind the appellants' willingness to pay for a bridge over The Cut and a connection to the B3018 Binfield Road. The highway authority are happy to see up to 350 dwellings served from the western end initially, and the appellants themselves do not anticipate more than these being completed by 1990, which would give the statutory authorities sufficient time to acquire the land required, and to divert the footpath along The Cut. The provision of drainage and other infrastructure would not present any unusual problems.

55. It would not appear to me to be reasonable to expect the appellants to pay for the total cost of improvements to existing junctions away from the site which are already inadequate or unsuitable for the traffic they take now, although an appropriate contribution could be justified if conditions there would be exacerbated by the proposed development. Whilst some of the works set out in paragraph 11.43 of the draft Local Plan appear to be directly related to the development, it is clear from the wording of paragraph 6.20 and Proposal CF6 that the community facilities are sought partly because of existing deficiencies in the Priestwood area of Bracknell. Circular 22/83 on Planning Gain makes it clear that a developer should not be required to contribute a share of such costs greater than that directly attributable to the development in question.

56. It was not suggested at the inquiry that the woodland trees on this site protected by the Tree Preservation Orders would need to be removed except for some of those at the western end of the site. If the proposed roundabout there were to be located as shown on the Local Plan, and not further west as suggested on the appellants' plan, only a few trees would need to be felled, as there is an existing gap where a trunk sewer was laid recently. There is no agricultural objection to the development. The listed building Binfield Manor now enjoys some views over the appeal site, particularly in winter. However, it is set well back from the boundary of its curtilage, and I do not consider that its character or setting would be seriously affected by the proposal before the Secretary of State, although the owner's fears about vandalism may well be justified.

57. It is difficult to calculate the 5 year supply of land required in the Bracknell District under the terms of Circular 15/84 because of the way in which the housing land figures are presented in the Approved Structure Plan. The purpose of Policy H4 is to make land available as may be necessary to maintain the land supply until the Review of the Structure Plan is in a final and certain form. I do not understand the Approved Plan, or the Secretary of State in commenting on it subsequently, as intending that land under Policy H4 should be looked at in isolation from this overall

requirement. It appears from the County and District Council figures that, since the base date for the Structure Plan, Bracknell has contributed approximately  $\frac{1}{3}$  of the housing land in Central Berkshire in the public and private sectors. Including small sites, that has averaged about 1,000 dwellings a year.

58. The Secretary of State has recently reiterated his advice given to the County Council in 1983, that a reasonable assessment of the current building rate in Central Berkshire is 3,000 dwellings a year, and that these dwellings should be apportioned between districts taking into account past building rates, the Strategic Guidance of the County Council and emerging and adopted local plans. The County Council have allocated a major share of the Policy H4 sites to the District. This confirms that an average of about 1,000 dwellings a year should be built in Bracknell in the next few years. Until the Review of the Structure Plan is finalised, I do not see any basis for adopting a different figure. The statistics put forward by both the principal parties at this inquiry therefore indicate a shortfall in land availability over periods of both 2 and 5 years as referred to in Circular 15/84, and at least 100 additional units a year will be required from 1985/6.

59. The County Council's 'Strategic Guidance' document intends that the majority of the Policy H4 housing in Bracknell should be built to the north-east of the town. After extensive studies of the alternatives, they did not favour the development of the appeal site. The outcome of any difference of view between the 2 authorities is as uncertain at the present time as is the final option to be chosen in the North Bracknell Local Plan. I share the appellants' opinion, that the Local Plan is unlikely to be adopted until the summer of 1986 at the earliest. When it is, it is unlikely to propose less Policy H4 housing than at present, since the Structure Plan Review would not have been approved at that time.

60. At present, 4 of the 5 options in the draft Local Plan include all or part of the appeal site, including the option preferred by the Council before initiating public consultations. However, as the District Council point out, it is the function of the Local Plan to decide between alternative sites, and a permission for the appeal site in advance of the Local Plan inquiry must affect the whole basis of the Plan, since the location of housing land is its major purpose. I have no information on the merits of the land to the north-east of Bracknell, except that only about 100 houses of the 2,950 now proposed by the District Council could be occupied there before the end of the decade because of the extensive highway and drainage works required. This can be only one of many considerations taken into account by the County Council when deciding on the contents of their 'Strategic Guidance' document and by the District Council in preparing their draft Local Plan.

61. The appellants' land is part of a narrow width of pleasant landscape at present separating the village of Binfield from the built-up area of Bracknell. The remainder of Park Farm is very similar in character to the appeal site and separated from it only by a field boundary. I do not consider that the construction of a distributor road on the northern side of the development would be a defensible boundary in reality. I have no doubt that, if the appeal site were to be developed, it would be very difficult to resist the remaining area of Park Farm being used for the same purpose. Policies EN1 and EN2 in the Structure Plan are specifically intended to prevent the merging of settlements in this way, and they are supported by paragraph 17 of Annex A to Circular 15/84. Therefore, despite the shortfall in the supply of housing land in the District, I do not consider that this site should be developed unless a full public comparison of the merits of alternative sites should favour it, which can only take place during the consideration of the local plan.

62. If the Secretary of State were minded to allow this appeal, all the conditions suggested by the highway and local planning authorities appear to be appropriate except Condition 11, which covers matters more sensibly the subject of agreements concluded before planning permission is granted. A North Bracknell Distributor Road is not in any adopted policy document of the County or District Councils at the present time. I do not consider that the provision of a length of the road in conjunction with development of the appellants' land would commit the highway authority to the construction of other lengths of the road elsewhere. However, the line of the distributor road favoured by the highway authority lies partly outside the appeal site and would need to be the subject of a separate or new revised application.

RECOMMENDATION

63. I recommend that the appeal should be dismissed.

I have the honour to be  
Sir  
Your obedient Servant

JEAN BRUSHFIELD

DECISION LETTER IN CONNECTION WITH  
Appeal by LUFF BUILDING LTD

(2)

OFFICE COPY



Departments of the Environment and Transport

South East Regional Office

Charles House 375 Kensington High Street London W14 8QH

Telephone

01-605 9000 ext 9090

GTN 2570

A R Kimber and Company  
24 Cheap Street  
Newbury  
Berkshire  
RG14 5LR

Your reference

ARK.PAP.LUFF

Our reference

APP/C0305/A/83/3207

Date

- 4 OCT 1985

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 36

APPEAL BY LUFF BUILDING LIMITED

APPLICATION NO. 607546

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector Mrs J Brushfield, LLB, FRICS, FCI, Arb who held a local inquiry into your clients' appeal against the refusal of Bracknell District Council, to permit in outline the residential development for 500 dwellings on part of Park Farm, Wood Lane, Binfield. A copy of the report is enclosed.

2. The Inspector's findings of fact and conclusions are reproduced in the Annex to this letter.

3. With your letter of 28 March 1985 you enclosed a copy of a letter of 24 January from the County Council to the House Builders' Federation about the housing land supply for Berkshire and the derivation of housing land requirements. This representation has been taken into consideration but does not cause the Secretary of State to take a different view of the issues identified by the Inspector.

4. In a letter of 29 May 1985 you said that you wished to up-date the position on the draft Local Plan for Bracknell. At the inquiry the Council had indicated that they expected to be able to confirm by March 1985 a timetable for the Plan and to apply for an inquiry date. However, you have since been told that the Council's expectation of the earliest date for public consultation is October 1985. Even this estimate was based on the assumption that there would by then be a Structure Plan review document on deposit by the County Council; this review still depends on an indefinite timetable because the County Council have said that further time will be spent on analysis of traffic studies. In your view there is therefore little likelihood of progress on the Bracknell Plan until into 1986, and the anxiety caused to your clients through the delay will be exacerbated by the fact that their initial application was refused on the grounds of prematurity, and that has been the attitude of the planning authority since July 1983.

5. From his consideration of the Inspector's report and the post-inquiry representations the Secretary of State concludes that there are three main issues in this case, namely housing land availability, the question of prematurity pending the finalisation of the local plan, and the strategic issue particularly the maintenance of separation between Bracknell and the village of Binfield.



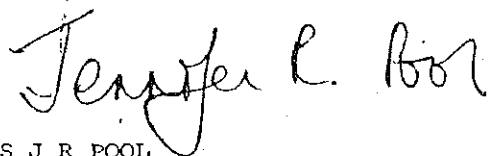
6. On land availability, the Secretary of State notes the Inspector's reasoning which led her to conclude that a shortfall existed, and appreciates why, on the basis of the evidence presented at the inquiry, she adopted that particular line of argument. Nevertheless, he remains of the view that in the absence of policy guidance in the approved Structure Plan about the level of housing provision by districts, assessments of housing land availability should be based on the Central Berkshire Structure Plan area as a whole rather than on the district area. The Secretary of State does not therefore endorse the Inspector's general view on land availability in this case. He does not however find it necessary to form a view on this aspect since, as explained below, this is not the determining factor in this case.

7. On the local plan aspects, the Secretary of State notes that at present four of the five options in the public consultation draft of the North Bracknell Local Plan include all or part of the appeal site, including the option for which the Council expressed a preference before initiating public consultations. One of the main functions of the local plan process is to decide between alternative sites and he shares the Inspector's view that a permission for the appeal site in advance of the Local Plan inquiry must clearly affect the whole basis of the Plan, since the location of housing land is its major purpose. Nevertheless, the Secretary of State does not regard this as sufficient reason in itself for refusing planning permission.

8. Finally, the Secretary of State has considered the strategic land use planning objections to the proposals submitted at the inquiry. These seem to him the most important. He notes the Inspector's finding that your clients' land is part of a narrow width of pleasant landscape at present separating the village of Binfield from the built-up area of Bracknell. The Inspector has pointed out that the remainder of Park Farm is very similar in character to the appeal site separated from it only by a field boundary; the Secretary of State therefore concludes that the construction of a distributor road on the northern side of the development would not necessarily constitute a logical and practical boundary to limit further development and that if the appeal site were to be developed it would be very difficult, consistently with that decision, to resist the remaining area of Park Farm being used for the same purpose. The provisions of Policies EN1 and EN2 of the Structure Plan seek to prevent the merging of settlements, and paragraph 17 of Annex A to Circular 15/84 gives guidance on the unacceptability of development which would reverse accepted policies for separating towns from villages. The Secretary of State considers that the conflict between the present proposals and these policies is the determining factor in this case. Bearing in mind that no substantive decision has been reached on the merits of alternative sites in the context of the Local Plan process he considers that it would be wrong to grant planning permission.

9. For these reasons the Secretary of State accepts the Inspector's recommendation and hereby dismisses your clients' appeal.

I am Gentlemen  
Your obedient Servant



MISS J R POOL  
Authorised by the Secretary of State to sign  
in that behalf

Notes of Planning Meeting  
Binfield Parish Council 5/6/89.

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15. LIST (cont.)

Amendments

7. 614527 Binfield Surgery, Terrace Road North - additional windows - Recommend approval
8. 609916 Lodge Cottage, Farley Hall - additional windows and single storey side addition of 0.75m. width - Recommend approval

16. CORRESPONDENCE

1. Decision letters received as follows:

- a) 614579 3.31 acres land at Cain Road - industrial development  
Approved
- b) 614578 11.44 acres land at Cain Road - industrial development - Approved
- c) 614699 Land at Wicks Green - erection 28 houses - Approved

2. Development Committee Reports of Meeting and Minutes for 1st and 8th June, 1989-received.

\* 17. ANY OTHER BUSINESS

1. Park Farm - Section 52 is at present being discussed at both County and Borough level. To write to Borough Council with Parish Council's concern that S.52 should be as "watertight" as possible, particularly to prevent problems occurring if land is sold on. Other comments to include golf course ownership; landscaping; type of housing etc.
2. Wicks Green Balancing Pond - a tall brick chimney has appeared at balancing pond - to investigate.
3. Amen Corner Recreational area - Cllr. Mrs. Edwards reported that rubbish was being dumped here. To report to Bracknell Forest.

Meeting Closed at 8.40pm

*[Handwritten signature]*

Mr. G. A. Kingston,  
Chief Planning Officer,  
Bracknell Forest Borough Council,  
Easthampstead House,  
Bracknell, Berks.  
RG12 1AQ

9th June, 1989.

Dear Mr. Kingston,

PARK FARM - SECTION 52 AGREEMENT

I have been asked by the Parish Council to write to you with regard to the Section 52 Agreement which will be negotiated for Park Farm. Members would wish to make comments at this stage and hope that you will give these your consideration when negotiating the Agreement.

1. In the light of the recent misunderstandings with regard to Wicks Green, members would like to see the Park Farm Agreement as "watertight" as possible, particularly with reference to any selling on of the land so that subsequent purchasers will be bound by the Agreement and Conditions of Planning Permission. This should particularly apply to landscaping and the provision of the golf course.
2. Golf Course - The Council feels it is essential that the ownership of the golf course is in the hands of the Borough Council, either as freehold owners or as long-term leaseholders. The future of the "green wedge" will always be in doubt if the land is not to be transferred to the Borough Council.  
Is it possible, also, for the Borough Council to insist on a bond or deposit to be paid to the Borough before development commences, to secure the golf course and other recreational facilities in the event of the developers going bankrupt or selling on?
3. Closure of Wood Lane - As it is proposed to close Wood Lane when the golf course is laid out, the Parish Council would like to see the creation of a public footpath from Wood Lane to Forest Road by as direct a route as possible.

9th June, 1989

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4. Survey - members were pleased to note that a survey of the area would be undertaken before development commences as it is felt that it was extremely important to note and safeguard the flora and fauna of the area.
5. Development - members would like to see a proportion of low cost/high density housing provided on this development, perhaps to include housing for sale/rent in the partnership scheme. If the development is totally high cost/low density housing, then there is obviously no way of achieving the 500+ house level indicated in the North Bracknell Plan and it is assumed that the 5 year supply has been calculated on that level.

The Parish Council hope that you will consider the above points and would be pleased if a meeting between the Parish and Borough Council could be arranged to discuss this development further.

Yours sincerely,

Clerk

George A. Kingston MA DipTP MRTPI Borough Planning Officer

*This matter is being dealt with by:-*

Mr G A Kingston

My ref: GAK/IP/614307/LP.2

20 June 1989



Mrs D D Fuller  
Binfield Parish Council  
Parish Office  
Benetfield Road  
Binfield  
Berks RG12 5EW

Easthampstead House  
Town Square  
Bracknell  
Berkshire RG12 1AQ  
Telephone (0344) 424642  
Fax (0344) 411875  
DX 33611

Dear Mrs Fuller

**PARK FARM**

Thank you for your letter of 9 June.

I do, of course, agree with your Members' wishes to see the legal agreement as watertight as possible, and will bear the Wicks Green point firmly in mind.

The Borough Council also believes that the right course of action in respect of the golf course is for it to be in the Borough Council's ownership and I have already been in discussion with the owners regarding this. It will indeed be necessary to make sure that the recreation facilities are not left until last, and I am already exploring ways of dealing with this.

I note the point regarding the need for a footpath between Wood Lane and Forest Road and will take this up with the applicants.

I have also discussed the principle of incorporating some low cost or rented housing with the respective developers, but at this stage I cannot give any assurance with regard to what proportion this will make to the whole development. Nonetheless, I intend to pursue this matter.

Finally, I would be very happy to arrange a meeting between the Parish and appropriate parties to discuss this development, and I will ask my secretary to make the appropriate arrangements in the near future.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'George Kingston', written in a cursive style.

Borough Planning Officer

cc: Councillor Mrs M Ballin  
G Taylor

Mr M A Holmes  
Mr D E Morden

Minutes of Binfield Parish Council  
Planning Committee 3/7/89.

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27. CORRESPONDENCE



1. Park Farm - Mr. Kingston, Chief Planning Officer, had responded to Parish Council's comments regarding legal agreement, etc., agreeing with all points made and taking note of comment on footpath between Wood Lane and Forest Road. He will arrange a meeting of interested parties in near future.
2. Park Lodge 614937 - Borough Council had written requesting members to reconsider their recommendation of refusal of this application in the light of the Inspector's decision in allowing this scale of development in this location. After further discussion, it was decided that, although Parish Council disapproved strongly of this scale of development north of Tilehurst Lane, it would change its recommendation to one of "No observations"
3. The following decision letters were received:
  - 614307 Park Farm - 85ha. land residential development, etc.  
Approved
  - 614979 Glenask House, Popeswood Road - erection bungalow at rear - Refused
  - 614626 0.25 acres land rear of Bunkers and Solva - erection of three houses - Refused
  - 614742 Land at Pitch Place - 13 houses - Approved (It was noted that there had been problems on the site with the fracturing of a gas-main which had been left by Contractor - local resident had called Gas Board in the middle of the night)
  - 614521 Windy Ridge, Hill Farm Lane - one dwelling - Approved
  - 613985 Land at Foxridge and Westfield - erection four houses - Approved
4. Land adjoining Cricket Field - it was noted from copy letter from Bracknell Forest to Barton Willmore regarding drainage (dated 23rd June, 1989) that great interest was still being shown in developing west of Wicks Green.
5. Development Committee Minutes and Notice of Meeting for 6th July received - item on Agenda for members to discuss Draft Deposit North Bracknell Plan.  
Draft Deposit North Bracknell Plan received - to order five further copies.

28. ANY OTHER BUSINESS

1. In answer to a question, it was explained that the Borough Council was responsible for reinstating the Roebuck Green after using it as a compound.

Meeting Closed at 8.30pm

## Binfield Parish Council

Note of meeting with Bracknell District Council to discuss development of Park Farm - 14 September 1989 - Easthampstead House.

Attendance : Binfield Parish Council :

Cllr. J. Roberts  
Cllr. J. Broxis  
Cllr. J. Willis

Bracknell District Council: G. Kingston Chief Planning Officer  
M. Holmes Planner  
I. McCracken Leisure  
N. Rodgers Recreation  
Cllr. M. Balan  
Cllr. G. Taylor

### 1. Highways

Access to the site will initially be from the SW corner with early construction of the roundabout at the junction of Popes Wood Road and the London Road. all construction traffic will use this entrance.

The road forms part of the northern distributor road which will be constructed entirely by contributions from developers. As a result it is unlikely to be built all at the same time. The junction with the Binfield Road may be changed from that shown on the initial plans.

### 2. Education

A three acre site for a school has been identified on the site but an alternative policy being considered by Berkshire may be to improve Meadow Vale school. It has not yet been decided what would happen to the school site if this was the case.

### 3. Golf Course

The agreement on the development involves a 125 year lease of the golf course to the District Council. The course will be privately managed on behalf of the Council on a 'pay and play' basis ie. not by membership. Assurances were given that the agreement would tie the golf course to the housing land thus ensuring provision of the golf course in the event of the housing land being sold on.

### 4. Community/Sports Facilities

The existing facilities at Jocks Lane would be expanded and improved and continued to be managed by Bracknell Town Council.

5. Hotel

The development includes provision of a 150 bed hotel at the eastern edge of the site. The Council had been asked to consider a site on the northern side of the distributor road but this had been strongly resisted. Similarly an approach had been made to replace the hotel with a 'country club' on the site of Park Farm buildings. This would also be strongly resisted.

6. Open Space

Most of the open space requirement in the housing area will be formed from the existing copses. These will be transferred to BDC and managed by them. A tree survey is under way and decisions yet to be made on whether or not the sites are to be fenced or left open. An archeological survey has revealed nothing of interest.

The provision of play spaces has yet to be decided. These will be managed by BDC.

7. Social Housing

BDC aim to secure a mix of housing size and tenure with a minimum of 550 houses.

8. Footpath/Cycleway

The idea of using the Wood Lane corridor to provide a cycleway to link Binfield to Bracknell was discussed and will be considered by BDC. Also the possibility of an improved crossing of the London Road will be taken up with Berkshire CC.



Minutes of Binfield Parish Council  
Planning Committee 25/9/89.

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43. REPORT OF MEETING ON PARK FARM, 14th September, 1989  
Cllr. Broxis reported that meeting had been attended by Cllrs. Mary Ballin, Ian McCracken, Geoffery Taylor, Officers - Mr. George Kingston, Mr. Mike Holmes, Mr. Nigel Rogers, Mrs. Sally Nixon and for the Parish Council, Cllrs. Broxis, Willis and Mrs. Roberts

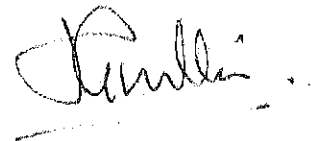
Cllr. Broxis reported briefly on following matters:

- a) Access to site would be from south west side and entrance would be completed before work commenced on building. Work should commence before the end of the year.
- \* b) Golf Course - members had expressed their concern regarding the S.52 and the possibility that the golf course might never materialise. Borough Council were hopeful that work on golf course and building site would commence simultaneously.

It was suggested by the Planning Committee that, in the event that the golf course was not to be laid out immediately, the land could be let on short term agricultural tenancies. This might prevent the use of the land as a storage area for the building site.

- c) Community and sports facilities will be incorporated into the existing Jocks Lane recreation area and will be managed by Bracknell Town Council.
- d) Hotel will be approximately 150 bedrooms. Borough Council had been approached for a Country Club on the Golf Course but Parish Council members had objected to the proposal.
- e) Housing - Borough Council are still aiming for 550 houses with a mix of housing types including social housing.
- f) Footpath/Cycleways will be examined and linked into S. 52

Meeting Closed at 8.25pm



MINUTES of an EXTRAORDINARY MEETING of BINFIELD PARISH COUNCIL held in the Parish Office, Benetfield Road on 15th January, 1990 at 7.30pm

PRESENT: Cllr. Mrs. Roberts (Chairman), Cllrs. Broxis, Mrs. Edwards, Fawcett, Mrs. Foster, Harman, Jolley, Willis, Mrs. Worrell and the Clerk.

Apologies for Absence were received from Cllrs. Hunt and Timothy

Also Present: Mr. P. Luff, owner of Park Farm,  
Mr. A. Hawkins and Mr. P. Clarke, Planning, Bracknell  
Forest Borough Council  
Mr. N. Rogers, Leisure, Bracknell Forest  
Mr. A. MacBrayne, Solicitor

90. RESOLVED on the proposition of Cllr. Mrs. Roberts and Seconded by Cllr. Broxis that item be heard in the absence of public and press
91. PARK FARM GOLF COURSE - right of way across Course.  
RESOLVED on the proposition of Cllr. Mrs. Roberts and Seconded by Cllr. Broxis that this item be held in the absence of public and press.

Mr. Luff and the Officers of the Borough Council had been invited to the Parish Council meeting to negotiate the line of the public right of way across the golf course. Chairman opened the meeting by introducing Mr. Luff and the Officers of the Council and invited Mr. Luff to explain his proposal to members.

Mr. Luff explained why he proposed to divert the right of way from the direct line of the existing Wood Lane around the adjoining field. His concerns were mainly on the grounds of safety and security. He offered to upgrade Fp. 10 to a bridleway and provide a footpath along Forest Road if this would provide an alternative.

Members then questioned Mr. Luff and Officers on various matters and Cllr. Willis explained the Parish Council's concern that a direct cycleway should be provided to link Binfield with the Bracknell cycleway circuit. Reservations were also expressed about the route of the proposed footpath in respect of distance, personal safety, lighting, etc.

Mr. Hawkins explained the route of a possible cycleway using current Fp.10 and an extension in Forest Road and how it would connect with the Bracknell cycleways via the new Park Farm development and Priestwood. Cllr. Fawcett then made the proposition, seconded by Cllr. Mrs. Roberts that whilst the Parish Council was satisfied with the plans for a cycleway to the north and east of the site, the Council is not entirely happy with the footpath replacing Wood Lane and would still like the possibility of a more direct route to be explored.

After further discussion it was felt that if an acceptable cycleway could be provided on Fp. 10, then just a footpath would be acceptable across the golf course. Mr. Luff felt that this could be accommodated subject to tight control to prevent walkers and dogs straying onto the golf course, itself.

*[Handwritten signature]*

Cllr. Fawcett then withdrew his proposition and it was RESOLVED unanimously on the proposition of Cllr. Willis and Seconded by Cllr. Fawcett that subject to the provision of a cycleway and footpath along the north and east of the golf course at Park Farm, and to the provision of a controlled footpath along the approximate line of the existing Wood Lane, both to be to the Parish Council's satisfaction, the Parish Council would not object to the planning application for the golf course on these grounds or to the closure of Wood Lane.

Chairman thanked Mr. Luff and the Bracknell Forest Officers for attending.

Meeting closed at 8.38pm

A handwritten signature in dark ink, appearing to be 'J. Luff', is written over a diagonal line that extends from the bottom right towards the center of the page.

**Anthony Targett MA (Oxon) LLB Chief Executive**

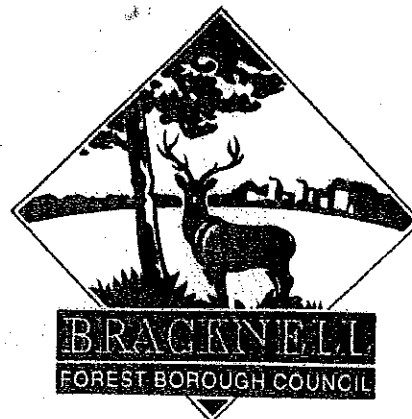
**Alex Jack LLB Borough Solicitor**

*This matter is being dealt with by:-*

Mr A I Jack

Our Ref: AIJ/JCW

19th April 1990



Easthampstead House  
Town Square  
Bracknell  
Berkshire RG12 1AQ  
Telephone (0344) 424642  
Fax (0344) 411875  
DX 33611

Dr R Mayne  
3 Billingbear Lane  
Binfield  
Berkshire  
RG12 5PU

Dear Doctor Mayne

Thank you for your letter of 28th March.

I confirm that the Council has acquired a lease for a term of 125 years on the Park Farm Golf Course land. At the same date the lease was executed the Council signed an agreement with the freeholder, Luff Farms Limited, whereby that company agreed to construct and layout a golf course. On practicable completion of the works a sub-lease back is to be granted to the freeholder whereby the freeholder will be able to use the land for the purposes of the golf course. I am afraid that at the present time I do not feel as though I can disclose copies of the lease, construction agreement or sub-lease but what I can say is that the permitted use to which the sub-lessee can put the land is restricted to that of a golf course. In addition, there is a management agreement which regulates the conduct of the golf course, the basic aim of which is to ensure that the course is available to the general public. I can also confirm that the Council's consent as leaseholder is required to the construction of any buildings or erections. Accordingly, even if an application for planning permission was made by the sub-lessee for construction of buildings or erections and such planning permission were to be granted the Council's consent would still be required in its capacity as leaseholder. In my view therefore the function of the land to provide a green gap between Binfield and Bracknell is as secure as one could possibly wish for without actually owning the freehold.

In your letter you do raise the two specific issues of floodlighting and high netting. In this connection I should advise you that there is an obligation on the sub-lessee to provide a floodlit driving range; the precise location of the driving range has yet to be approved. Furthermore, the sub-lessee is under an obligation to erect fencing to prevent the escape of golf balls from the driving range; whether in fact this results in the provision of high netting and where I cannot actually say. The Council is currently awaiting the receipt of

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(2)

Dr R Mayne

19th April 1990

detailed plans, specifications and drawings from the freeholder to show the proposed layout of the golf course. May I suggest that you contact me in two to three weeks time when I will be able to answer the queries concerning the floodlighting and high netting in rather a more concrete fashion than I have been able to do in this letter.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "A. J. Paul".

Borough Solicitor

