

Unrestricted Report

ITEM NO: 08

Application No.
14/00858/FUL
Site Address:

Ward:
Binfield With Warfield

Date Registered:
29 July 2014

Target Decision Date:
28 October 2014

Popeswood Garage and Hillcrest London Road Binfield Bracknell Berkshire RG42 4AA

Proposal:

Erection of 11 no. terraced and semi-detached houses with garaging and landscaping following demolition of existing car sales building, car repair workshops and detached dwelling (Hillcrest)

Applicant:

Halebourne Developments Ltd

Agent:

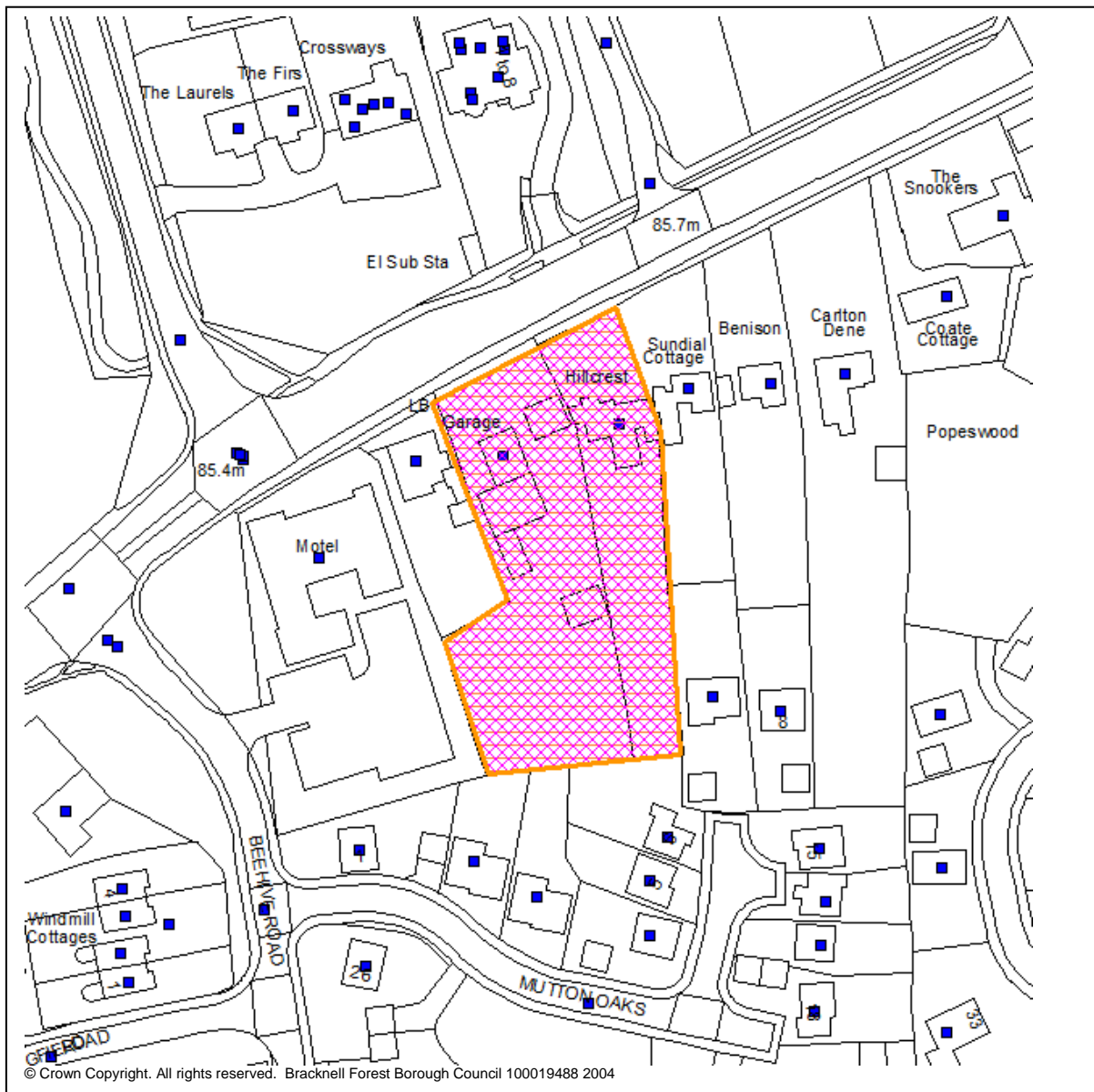
Mr Paul Dickinson

Case Officer:

Simon Roskilly, 01344 352000

Development.control@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 has been reported to the Planning Committee as more than 3 letters of objection have been received.

2. SITE DESCRIPTION

The site is currently used as a car sales business, car repairs (including paint spraying) and a taxi business (Popeswood Garage) and a detached dwelling (Hillcrest). The site area is 0.35 ha.

The site is located on the south side of the B3408 London Road and immediately east of the traffic signal junction with St Marks Road. The B3408 London Road is a key transport corridor into the west side of Bracknell Town. It forms a link to the A329M motorway and to Wokingham. Bracknell town centre is approximately 2.2km to the east. Regular bus services link the site to the town centre (via St Marks Road) with bus stops located adjacent to the traffic signal junction to the west of the site.

There are residential properties east of the site including Sundial Cottage and no. 7 Mutton Oaks. There are also residential properties south of the site including nos. 2, 3 and 6 Mutton Oaks. West of the site is a building that contains commercial units at ground floor level fronting London Road and residential flats at first floor level.

Part of the site also adjoins car parking serving a hotel which is accessed off Beehive Road.

There is a significant difference in the level of the land with the site sloping down from London Road to Mutton Oaks.

3. RELEVANT SITE HISTORY

14/00161/FUL- Erection of 13 no. terraced and semi-detached houses with garaging and landscaping following demolition of existing car sales building, car repair workshops and detached dwelling (Hillcrest). WITHDRAWN

4. THE PROPOSAL

Erection of 11 no. dwellings consisting of a mix of terraced and semi detached housing with garaging and landscaping following demolition of existing car sales building, car repair workshops and detached dwelling (Hillcrest)

The proposed mix would consist of:-

- 1no. 2 bed dwelling.
- 10no. 3 bed dwellings.

A total of 24 private car parking spaces are proposed including 2 visitor parking spaces with one point of vehicular access onto London Road.

The scheme has undergone amendments in-order to address concern expressed early on by the case officer. A 14 day consultation period was entered into with neighbouring residents and the Parish Council following receipt of the amended plans.

5. REPRESENTATIONS RECEIVED

5no. objections and 1no. letter of support were received from separate addresses.

The following concerns were expressed in the letters of objection:-

- The proposal does not represent an appropriate density and the access points within the site allowing future development should be changed and/or removed. [Officer Comment: The applicant has revised the scheme so that a net of 10 dwellings are proposed for the site. The application site does not include all the land allocated in the Site Allocation Local Plan (SALP). The SALP refers to the wider site as having the capacity for a net gain of 14 dwellings. The applicant has allowed for areas outside the red line, allocated for residential development in the SALP, to be developed at a later date if need be. The density as proposed is considered acceptable and access to allocated areas outside the red line should not be prevented as this would be contrary to the SALP.]
- Adverse impact upon the character and appearance of the area. [Officer Comment: This is addressed under section 9]
- Noise concerns. [Officer Comment: The site is allocated for residential development. Any noise concerns arising from future residents can be addressed by the Council's Environmental Health department.]
- Traffic and parking concerns. [Officer Comment: This is addressed under section 12]
- Overshadowing. [Officer Comment: This is addressed under section 11]
- Loss of privacy. [Officer Comment: This is addressed under section 11]
- Overbearing. [Officer Comment: This is addressed under section 11]
- Lack of affordable housing. [Officer Comment: This is addressed under section 15]
- Location of bin store considered inappropriate. [Officer Comment: The bin store will be in a location whereby it will serve residents. Its location is not considered to have an adverse impact upon any residential amenity. Any issues regarding odour can be dealt with under separate Environmental Health legislation.]
- Screening and boundary treatment concerns. [Officer Comment: Details of screening and boundary treatment will be conditioned to be submitted and approved by the Local Planning Authority. The applicant intends to retain existing screening present along the boundaries with 2, 3, 6 and 7 Mutton Oaks]
- Biodiversity. [Officer Comment: This is addressed under section 10]

6. SUMMARY OF CONSULTATION RESPONSES

Binfield Parish Council

Comments on application as submitted:-

Recommend refusal,

- 1 The six dwellings at the back of the site are an overdevelopment.
- 2 The site density is too high.
3. The adjacent property, Sundial could be developed to worsen this situation.
- 4 There is insufficient parking for both residents and their visitors.
- 5 Traffic movements to and from the site onto the London Road where there are traffic lights will further worsen the situation on London Road.

Environmental Health

Recommend conditional approval.

Transportation Officer

Recommends some minor amendments and subject to these being achieved conditional approval. An update will be provided via a supplementary report.

Biodiversity Officer

There is some concern that data provided is not appropriate however the Biodiversity Officer has confirmed that he is in discussions with the applicant and is satisfied that this will be rectified and would not materially alter the proposal as submitted. This will be confirmed in an update to Committee via a supplementary report. However previous concerns regarding badgers and badger corridors have now been addressed in the applicant's most recent revision to the proposal.

As such the Council's Biodiversity Officer recommends conditional approval.

Binfield Badger Group

The Binfield Badger Group no longer object to the proposal given the inclusion of an appropriate badger foraging area within the development. *[Officer Comment: This can be secured by condition].*

7. DEVELOPMENT PLAN

The Development Plan includes the following:-

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

8. PRINCIPLE OF DEVELOPMENT

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 reflects the presumption in favour of sustainable development contained in the NPPF (which in turn contains caveats regarding specific policies within the NPPF which indicate development should be restricted).

The site is within a defined settlement, and is also part of a site allocated (in the SALP, Policy SA2) for housing development which establishes the principle for development, in relation to Policy CS2. The SALP Inspector concluded (para. 122) that the site specific policies in the SALP were in accordance with national guidance. Therefore, they can be considered to be consistent with the NPPF, and afforded full weight.

The site is also predominantly previously developed land (being in commercial use at Popeswood Garage) within a defined settlement, and therefore is also acceptable and supported by the NPPF (in relation to paras. 17 and 111, provided the land is not of high environmental value).

(NB: In terms of loss of existing employment generating uses, the site has been allocated for residential development through the SALP. The loss of employment uses on this site has therefore already been accepted).

Following adoption of the SALP, the Council has a 5 year supply of land - this site forms part of an allocated site, and would contribute towards the supply of land for housing.

As such the proposal is considered acceptable in principle.

However an assessment of the proposal in relation to the site profile requirements can be found later within this report. This assessment will take into account relevant Saved BFBLP policies, CS DPD policies and the SALP policies/site profile requirements as set out below:-

- Investigation and remediation of any land contamination;
- Have regard to the location of the site opposite Binfield Area C of the Character Area Assessment Supplementary Planning Document;
- Provision of affordable housing;
- Appropriate ecological surveys and mitigation of any impacts;
- Transport Assessment to assess the impact of the proposals upon the local road network and junctions;
- Demonstrate that there is adequate waste water capacity both on and off site to serve the development and that it would not lead to problems for existing or new users. In some circumstances it may be necessary for developers to fund studies to ascertain whether the proposed development will lead to overloading of existing waste water infrastructure;
- Mitigation of impacts in accordance with Limiting the Impact of Development SPD, and/or other relevant legislation/policy/guidance;
- Make financial contributions towards existing Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring and take any other measures that are required to satisfy Habitats Regulations, the Council's Thames Basin Heaths SPA Avoidance and Mitigation Strategy and relevant guidance in agreement with Natural England;

Detailed matters are considered below.

9. IMPACT ON CHARACTER AND APPEARANCE OF AREA

The NPPF at paragraphs 56 and 57 confirms that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. It is therefore important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

CS Policy CS7 and saved BFBLP Policy EN20 set out various design considerations to be taken into account in new development. Policy CS7 requires a high quality of design which builds on local character and respects local patterns of development. Of particular relevance to the current application is that it expects development proposals to promote safe communities; enhance the landscape and promote biodiversity; aid movement through accessibility, connectivity, permeability and legibility and to provide high quality useable open

spaces and public realm. Saved BFBLP Policy EN20 requires development to be in sympathy with the appearance and character of the local environment and appropriate in scale, mass, design, materials, layout and siting, both within itself and in relation to adjoining buildings, spaces and views. Proviso (ii) seeks the retention of beneficial landscape or ecological features. Proviso (iii) seeks to ensure that the design promotes, or creates local character and a sense of local identity. Proviso (vi) seeks to avoid the loss of natural features such as trees.

Saved BFBLP Policy EN1 seeks to prevent the loss of trees which are important to the retention of, inter alia, the character and appearance of the landscape or townscape.

These policies are considered to have significant weight, as they are consistent with sections 7 & 11 of the NPPF.

The elements of these policies that have been highlighted above are picked up in the assessment below.

(i) Site Layout

The layout of the proposed development is considered to represent a sympathetic development that delivers the housing required of an allocated site. The layout, orientation and design of the dwellings provides a scheme that fits well within the site constraints such as existing development east, west and south of the site and level changes with the site sloping from north to south.

Plots 1-5 provide built form that respects the existing building line with properties fronting onto London Road. The height of the proposed dwellings, being no taller than both the existing car sales building that is to be demolished and Sundial Cottage, further highlights the fact that the character and appearance of the streetscene has influenced the design of the scheme.

(ii) External appearance of the dwellings

Through the submission of amended plans dwellings on plots 1-5 have had their height reduced, front facing dormer windows removed and the materials changed so that their appearance would be more in-keeping with what is already present along this part of the London Road frontage.

On plots 1-5 the applicant intends to use red bricks, in-keeping with red brick used elsewhere along London Road, along with white wood framed sash windows and on plot 1 weatherboarding that would be stained to pick up weatherboarding at the Hotel west of the site. Plots fronting London Road are to have suitable natural screening as a result of planting, which occurs elsewhere along the London Road frontage. This approach is considered to provide a development that when viewed from the road is in-keeping with the streetscene.

The proposed development located further within the site (plots 6-11) is of a slightly different design to that of the dwellings fronting London Road that are considered to be more visually prominent. The design incorporates materials such as render to be used in combination with red brick. With the site sloping down the dwellings are not considered to be as prominent as dwellings on plots 1-5 and for this reason a slightly different approach in finish is not considered to be a concern.

One part of the development which will be seen upon entering the site, over the top of the highest point, will be a single garage attached to plot 11. Due to the location of this garage,

the external appearance has been designed in such a way that makes it an interesting focal point through its inclusion of a dovecote feature.

Further screening and landscaping will be established within the site to soften the development's appearance.

Overall the external appearance of the dwellings and garages, subject to materials and finish which can be conditioned, is considered sympathetic to the site and the surrounding area.

(iii) Impacts upon trees

A desk-top assessment of the application; referring to data submitted by the applicant and other resources (GIS, Aerial Photos & Google Maps) indicates that the arboricultural matters related to this application do not warrant detailed comments for the following reasons: -

- There are no trees within the application site or on adjoining land that merit protection by TPO.
- The Arboricultural Impact Assessment & Arboricultural Method Statement are acceptable.

Summary

There are no trees within the application site that would merit protection by a TPO. There is little opportunity for any strategic tree planting for public amenity purposes due to the density of units.

(iv) Conclusion on the issue of impact upon character and appearance

The proposal, with suitable conditions securing suitable landscaping, materials and screening, is considered to provide a development that would be acceptable in terms of its impact upon the character and appearance of both the site and the surrounding area. As such the proposal is considered to comply with BFBLP Policies EN1 and EN20 and CSDPD Policy CS7 and the NPPF.

10. BIODIVERSITY

The proposal, subject to conditions, adequately addresses ecological issues such as the presence of badgers and bats within the area to the satisfaction of the Council's Biodiversity Officer.

There are some issues regarding survey data provided by the applicant however the Council's Biodiversity Officer has confirmed that this is to be addressed by the applicant and does not influence the proposal. Subsequently the officer has recommended conditional approval.

As such, with appropriate conditions, the proposal is considered to comply with both Policies CS1 and CS7 as overall it would enhance and safeguard existing on-site ecology.

11. RESIDENTIAL AMENITY

Saved BFBLP Policy EN20 proviso (vii) seeks to prevent development that would adversely affect the amenity of surrounding properties. This is consistent with the NPPF.

(i) Impact upon the living conditions of adjoining properties

The site is heavily influenced by level changes with the site sloping north to south. This could result in potential overbearing and overlooking issues if the scheme is not appropriately designed.

East of the site is Sundial Cottage. Plot 1 which would be closest to Sundial Cottage, has no windows present in the east-facing flank elevation and therefore subject to a condition precluding the installation of a window at first floor level or above in the east elevation, there would be no overlooking of Sundial Cottage. Due to there being a single-storey element at Sundial Cottage close to the boundary with the application site there would be no unacceptable overbearing impacts and/or overshadowing impacts upon residential amenity at Sundial Cottage.

West of the site is a building that at ground floor level houses boiler servicing and computer repair businesses, with residential accommodation in the form of a flat at first floor level. Plot 5 would be the closest to the adjoining building. Again due to the orientation of built form at the adjoining site the proposed development on plot 5 would not overlook, overshadow or appear overbearing upon any residential amenity adjoining the site.

Plots 6-11, 3 storey terraced dwellings, face east towards the side of 7 Mutton Oaks and Sundial Cottage. Plot 11 has been orientated so that it is side-on to 2, 3 and 6 Mutton Oaks. The site does slope from north to south whereby the proposed dwellings will be higher than dwellings at Mutton Oaks. However plots 6-11 will be 15m from the boundary with no. 7 Mutton Oaks at its closest point and 23m at its furthest point. Council guidelines seek a minimum gap of 10m from a window at first floor level to the boundary of a garden and 15m from a second floor window to a garden boundary. In this case the closest second floor window to no. 7 Mutton Oaks would be 15m away. Therefore the distance from the proposed 3 storey terraced dwellings at plots 6-11 from residential amenity space at no. 7 Mutton Oaks would meet this guidance. There will be an element of overlooking as expected within an urban area but it is not considered so significant as to warrant refusal.

Single-storey garages on the boundaries of the site are considered to have been designed so that they would not appear overbearing nor would they overshadow any private amenity space.

Whilst assessing potential impacts upon no. 7 Mutton Oaks the gap of 15m at its closest point, the level of existing screening and the fact that private amenity space closest to the rear of the neighbouring property is sunken into the ground by approximately half a metre, means that the terraced dwellings would not appear unduly overbearing nor would they significantly overshadow the rear of the adjoining property. There is a bathroom window in the side of no. 7 Mutton Oaks. However due to screening and the fact that the window serves a non-habitable room this is not considered to be a concern that warrants refusal.

The remaining adjoining residential properties that could be affected by the proposal are nos. 2, 3 and 6 Mutton Oaks that are positioned on land lower than the application site. Plot 11 would house an end terrace dwelling side-on to these properties on Mutton Oaks. There is significant leylandi hedging, approximately 6m high, along the southern boundary with nos. 2, 3 and 6 Mutton Oaks. The end terrace at plot 11 has a roof that hips down towards properties on Mutton Oaks. The applicant has demonstrated in their proposed streetscene plan that residents at nos. 2, 3 and 6 Mutton Oaks when standing in their gardens will, due to the existing screening and level differences, not in reality see the proposed terraced dwellings. Therefore it is considered that the block of terraced dwellings will not overshadow nor would they appear unduly overbearing on adjoining residential amenity space.

Due to the orientation of the dwelling at plot 11 and the lack of windows in the flank wall there would be no significant overlooking of nos. 2, 3 and 6 Mutton Oaks.

West of the site is a hotel with rooms a significant distance from the application site due to there being a car park between rooms at the hotel and the proposed dwellings.

(ii) Living conditions of future residents

Due to its orientation and design the proposed development does not result in any adverse overlooking and/or overbearing impacts upon any proposed residential amenity.

(iii) Conclusion on residential amenity

Given the assessment made above the proposal as a whole is not considered to result in any significant impacts upon residential amenity. As such the proposal is considered to comply with saved BFBLP Policy EN20 proviso (vii) and the NPPF.

12. TRANSPORT IMPLICATIONS

BFBLP Policies M4 and M9 and CSDPD Policies CS23 and CS24 seek to promote or retain safe highway access and suitable off-road parking provisions, thus avoiding highway safety implications. To supplement this policy the adopted Parking Standards SPD (2007) sets out the advised levels and size of parking spaces for residential dwellings. These policies are consistent with the objectives of the NPPF.

Transportation Officer comments:

An updated site plan with the design of the right turn lane included should be provided. Previous comments in regard to this should be taken on board.

The land required to secure access to the land either side of the development needs to be secured via s106. It should be noted that any landscape treatment to these areas may only be short term and thus this should be reflected in the design. The land that has been left is of adequate width so as not to preclude access to enable development.

As the site slopes it will be important to ensure the levels of the road and dwellings complement each other so that flooding of property including parking areas does not occur. It is advised that a condition relating to levels of the buildings and roads should be agreed prior to commencement of the development.

The applicant has provided parking in accordance with the standards set out in the Parking Standards SPD.

The revised plans have combined three garages into three carports behind plots 4 and 5 and two of these serve plots 4 and 5. The remaining carport is thought to serve plot 7.

Cycle parking for each unit can be accommodated on plot.

The current proposal will generate in the region of 60-70 movements per day with around 6-7 movements in each peak hour. The net increase is likely to be around 40-50 movements per day with a likely similar demand to the existing use in the peak hours, however movements are likely to be in the opposite direction in either peak hour. The alterations to the access will provide an improvement for all movement into and out of the site.

S106 contributions towards integrated transport and highway safety measures within 3km of the site should be sought (£13760 (43 trips from TS x £320)). The S106 will also need to

secure the adoption of the road and dedication of land to the boundary to facilitate future development of the remainder of the SALP site.

To conclude, along with suitable conditions, the proposal is not considered to result in any highway safety implications and is therefore considered to comply with saved BFBLP Policies M4, M9 and CSDPD Policies CS23 and CS24 and the NPPF.

13. ACCESSIBILITY

There are no real concerns regarding accessibility that could not be conditioned. Therefore subject to a suitable condition the proposal is considered to be in accordance with the requirements of Policy CS7 of the CS and saved BFBLP Policies EN22 and H14.

14. PLANNING OBLIGATIONS

CSDPD Policy CS6 states that development is expected to contribute to the delivery of:-

- (a) infrastructure needed to support growth (this site is part of planned growth in the Borough) and;
- (b) infrastructure needed to mitigate impacts upon communities, transport and the environment.

Infrastructure requirements are set out in the Council's "Limiting the Impact of Development" (LID) SPD.

Provision should be made to mitigate the impact from the proposed development on the following infrastructure requirements:-

- Open space and recreation
- Built Sports facilities
- Primary and Nursery Educational Facilities
- Secondary Education
- Libraries
- Community Facilities
- Youth Facilities
- Transport
- Thames Basin Heaths SPA (see below)

The above heads of terms are subject to negotiations and viability and therefore could change.

As such, it is recommended that this permission is subject to the completion of a s106 agreement and that the negotiation and final agreement be delegated to the Head of Development Management.

15. AFFORDABLE HOUSING

CSDPD Policies CS16 and CS17 form the basis for seeking a level of affordable housing on suitable development sites. The policies are consistent with para 50 of the NPPF.

The current proposal does not exceed the Council's 15 net dwelling threshold for seeking affordable housing. Even if areas of the allocated site, not sought for development under this submission, were developed, it is unlikely that the total on the entire SALP site would reach 15 net, taking into account that there is a loss of 1 no. dwelling.

As such it is not considered reasonable to seek affordable housing under this submission to provide a net addition of 10 dwellings.

16. THAMES BASIN HEATHS SPECIAL PROTECTION AREA (SPA)

South East Plan Policy NRM6 and Core Strategy DPD Policy CS14 are consistent with the NPPF and should therefore be given full weight as Development Plan polices.

The Council adopted the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPA SPD) on 29 March 2012.

The Council, in consultation with Natural England, has formed the view that that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath SPA is likely to have a significant effect on the SPA, either alone or in combination with other plans or projects.

This site is located approximately 3.68 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, an Appropriate 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 (March 2012), the project as proposed would not adversely impact on the integrity of the site provided:

- Prior to the permission being granted the applicant enters into a Section 106 Agreement based upon the Template S106 Agreement.

The SPA SPD Table 1 requires a contribution which is calculated on a per bedroom basis to be paid to the Council towards the cost of works and measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Council's Avoidance and Mitigation Strategy. In this instance, this application comprises 1 X 2 bedroom and 10 X3 bedroom dwellings replacing a single 4 bedroom dwelling. Therefore the SANG costs would be £23,040.

The open space works at The Cut Countryside Corridor is the most appropriate to this proposal (although it may be necessary to allocate the contribution to another SANG). The Template S106 also requires occupancy to be restricted until the works and measures are in place.

The Council has also signed a legal agreement to secure financial contributions towards Strategic Access Management and Monitoring (SAMM) which will be calculated on a per bedroom basis. This application comprising 1 X 2 bedroom and 10 X3 bedroom dwellings replacing a single 4 bedroom dwelling requires an additional financial contribution of £6,829.

In summary, the total SPA related financial contribution including a contribution towards the SAMM project for this proposal is £29,869 (i.e. 23,040 + 6,829).

Furthermore, there is a need to include an occupation restriction which is included in the Template s106 agreement. The occupation restriction is necessary to ensure that the SANG works are in place before occupation thereby giving the certainty required to satisfy the Habitats Regulations in accordance with South East Plan Policy NRM6 (iii) and the Thames Basin Heaths Special Protection Area SPD paragraph 4.4.2.

Natural England has agreed that if the plans are implemented as stated in the SPA Avoidance and Mitigation Strategy and the Strategic Access Management and Monitoring

Agreement, with certain monitoring requirements, Natural England "will stop objecting to consultations on housing applications in those areas of the Borough which have mitigation in line with the avoidance strategy."

Therefore, the Council is convinced, following consultation with Natural England, that the above measures will prevent an adverse affect on the integrity of the SPA. Pursuant to Article 6(3) of the Habitats Directive (Council Directive 92/43/EEC) and Regulation 61(5) of the Conservation of Habitats and Species Regulations (2010) as amended permission may be granted.

Subject to securing suitable S106 contributions and restrictions the proposal would adequately mitigate impacts upon the Thames Basin Heaths SPA and therefore meet the requirements of South East Plan Policy NRM6 and Core Strategy DPD Policy CS14.

17. SUSTAINABLE CONSTRUCTION

The NPPF outlines how the impacts of climate change and the delivery of renewable and low carbon energy and associated infrastructure is central to the economic, social and environmental dimensions of sustainable development. Para 96 of the Framework states that in determining planning applications, LPAs should expect new development to comply with adopted Local Plan policies on local requirements for decentralised energy supply, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. This application has been considered against the objectives of the NPPF and in the context of the Borough's energy and sustainability policies. Both CSDPD Policies CS10 and CS12 are considered consistent with the NPPF.

CSDPD Policy CS10 is likely to be complied with as a Pre-assessment Estimator has been provided demonstrating that the dwellings are likely to meet with Code for Sustainable Homes Level 3. A condition is recommended to be imposed in-order to secure this.

Policy CS12 requires the submission of an Energy Demand Assessment demonstrating how the development's potential carbon dioxide emissions will be reduced by at least 10% and how 20% of the development's energy requirements will be met from on-site renewable energy generation.

The applicant has submitted an 'Energy Statement'. This sets out the applicants approach in meeting the requirements of Policy CS12. This does not fully meet with the requirement of policy CS12. So a condition is recommended to be imposed to address this matter.

18. CONCLUSIONS

This site is allocated for residential development in the SALP. The proposed development is considered to be in accordance with Policy SA2 of that plan.

A number of objections have been received raising issues including whether development is in-keeping with the character of the area, whether the access to the site will be safe and raising concerns regarding the living conditions of local residents.

These matters have been considered above.

In terms of visual character, and subject to appropriate materials and finish, the development is considered to be sympathetic to both the streetscene when viewed from London Road and adjoining properties when viewed from within the site.

The proposed vehicular access to the site is acceptable to the Highway Authority.

Impacts on drainage and wildlife are not considered to be overriding. The impact of the proposal on the living conditions of the occupiers of nearby houses, in terms of the proposed dwellings, parking and accesses, has been carefully considered. The scheme, as amended, is now considered acceptable in this regard.

It is concluded that the proposed development provides housing as required under SALP Policy SA2 without compromising the character and appearance of the area, residential amenity and highway safety.

The application is therefore recommended for approval subject to appropriate conditions and the completion of a s106 agreement to secure the matters referred to in sections 14 and 16 including the mitigation of off-site impacts including the SPA and securing contributions to local facilities and services.

RECOMMENDATION

That the Head of Development Management be authorised to:

A) APPROVE the application upon the completion of planning obligation(s) under Section 106 of the Town and Country Planning Act 1990 broadly relating, but not restricted to:-

01. Open space and recreation
 - Built Sports facilities
 - Primary and Nursery Educational Facilities
 - Secondary Education
 - Libraries
 - Community Facilities
 - Youth Facilities
 - Thames Basin Heaths SPA
 - Integrated Transport and Highways Safety Measures
 - Secure Adoption of the Road
 - Dedication of Land to the Boundary

B) APPROVE the application subject to the following condition(s):-

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990

02. The development hereby permitted shall be carried out only in accordance with the following approved plans and documents

- 13-P946-LP received 29.07.14
- 13-P946- 10.1B received 27.10.14
- 13-P946-10/B received 24.10.14
- 13-P946- 11/A received 01.10.14
- 13-P946- 12/A received 01.10.14
- 13-P946- 13/B received 24.10.14
- 13-P946- 14/B received 24.10.14

13-P946- 15/B received 24.10.14
13-P946-16/ received 29.07.14
13-P946-17/B received 24.10.14
13-P946-18/A received 24.10.14
13-P946-19 received 24.10.14

REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

03. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of the visual amenities of the area.
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]

04. The first floor window in the east facing side elevation of the terrace dwelling hereby permitted on plot 5 shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent). It shall at all times be fixed with the exception of a top-hung openable fanlight.

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

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that order, no side facing windows at first floor level or above other than those already shown shall be inserted in the side elevations of dwellings hereby approved on plots 1, 5 and 11.

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

06. The development hereby permitted shall not be begun until details showing the finished floor levels of the dwellings, garages and the levels of the roads hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

REASON: In the interests of the character of the area.
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]

07. The development hereby permitted shall not be begun until comprehensive details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: -

a) Comprehensive planting plans of an appropriate scale and level of detail that provides adequate clarity including details of ground preparation and all other operations associated with plant and grass establishment, full schedules of plants, noting species, and detailed plant sizes/root stock specifications, planting layout, proposed numbers/densities locations.

b) Details of semi mature tree planting.

c) Comprehensive 5 year post planting maintenance schedule.

d) Underground service and external lighting layout (drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.), both existing reused and proposed new routes.

e) Means of enclosure (walls and fences etc) including fencing that is permeable to badgers at the end of both the existing and propose badger corridors.

f) Paving including pedestrian open spaces, paths, patios, proposed materials and construction methods, cycle routes, parking courts, play areas etc.

All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the occupation of any part

of the approved development, whichever is sooner, or as may otherwise be agreed in writing by the Local Planning Authority. All hard landscaping works shall be carried and completed prior to the occupation of any part of the approved development. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved, unless the Local Planning Authority gives written consent to any variation. REASON: - In the interests of good landscape design, visual amenity of the area and biodiversity.

[Relevant Policies: BFBLP EN2 and EN20, CSDPD CS1 and CS7]

08. The development hereby permitted shall be implemented in accordance with the submitted Pre-assessment Estimator and shall be retained in accordance therewith.

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

[Relevant Policy: Core Strategy DPD CS10]

09. Within one month of the first occupation of the development hereby permitted (or, where the development is phased, within one month of the first occupation of the final phase of that development), a Post Construction Review Report shall be carried out by an independent assessor licensed by the Building Research Establishment and a Final Code Certificate shall be submitted to the Local Planning Authority which demonstrates that the development has been constructed to meet a minimum standard of level 3 of the Code for Sustainable Homes.

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

[Relevant Policy: Core Strategy DPD CS10]

10. The development shall not be begun until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate:

- (a) that before taking account of any on-site renewable energy production the proposed development will reduce carbon dioxide emissions by at least 10% against the appropriate Target Emission Rate as set out in Part L of the Building Regulations (2006), and
- (b) that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 20%).

The buildings thereafter constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith.

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

[Relevant Plans and Policies: CSDPD Policy CS12]

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that order, no external lighting shall be installed within the frontages of plots 6-11 or attached to the fronts of plots 6-11, the side of plot 11 and carports that serve plots 8, 9, 10 and 11, except in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

[Relevant Policies: BFBLP EN15, EN20 and EN25]

12. No development shall take place until a working method statement for the protection of badgers during construction has been submitted to and approved by the Local Planning Authority. This shall include details on:

- The retention of badger access during the works
- Details of methods to prevent badgers becoming trapped in trenches, open excavations, culverts or pipes
- The location for the storage of materials and equipment during construction
- Details of methods for ground works

The approved working method statement shall be performed, observed and complied with.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

13. No removal of vegetation or building that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation and buildings or active birds' nests immediately before the vegetation is cleared or building demolished and provided written confirmation to the Local Planning Authority that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

14. The development shall not be begun until a scheme for the provision of bird and bat boxes (and other biodiversity enhancements), including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be performed, observed and complied with.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

15. No dwellings shall be occupied until the existing accesses to the site have been closed and the footways/verges are provided over the closed accesses in accordance with details which have been submitted to and approved in writing by the Local Planning Authority; the footway/verge shall be retained thereafter.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

16. No dwelling shall be occupied until a means of vehicular access to it has been constructed in accordance with details which have been submitted to and approved by the Local Planning Authority.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

17. No dwelling shall be occupied until a means of access to it for pedestrians has been constructed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of accessibility and to facilitate access by cyclists and/or pedestrians.

[Relevant Policies: BFBLP M6, Core Strategy DPD CS23]

18. The gradient of private drives shall not exceed 1 in 12.

REASON: To ensure that adequate access to parking spaces and garages is provided.

[Relevant Policies: Core Strategy DPD CS23]

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

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

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

20. The car ports hereby approved shall be retained for the use of the parking of vehicles at all times and, notwithstanding the provisions of the Town and Country (general Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no enlargements, improvements or alterations shall be made to the car port, and no gate or door shall be erected to the front of the car port, unless otherwise agreed in writing by the Local Planning Authority.

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

[Relevant Policy: BFBLP M9]

21. No dwellings shall be occupied until secure and covered parking for bicycles has been provided in accordance with the approved drawings.

REASON: In order to ensure bicycle facilities are provided.

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

22. No gates shall be provided at the vehicular access to the site.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

23. The development hereby permitted shall not be begun until a scheme for off-site highway works showing access to the site from London Road and closure of the existing accesses has been submitted to and approved in writing by the Local Planning Authority. The buildings provided by the carrying out of the development shall not be occupied until the off site highway works have been completed in accordance with the scheme.

REASON: In the interests of highway safety.

[Relevant Policy: BFBLP M4]

24. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:

- (a) Parking of vehicles of site personnel, operatives and visitors
- (b) Loading and unloading of plant and vehicles
- (c) Storage of plant and materials used in constructing the development
- (d) Wheel cleaning facilities
- (e) Temporary portacabins and welfare for site operatives
- (f) Construction Management Plan

and each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (d) above without the prior written permission of the Local Planning Authority.

REASON: In the interests of amenity and road safety.

25. No development shall take place until a contaminated land Phase I report (Desk Top Study) has been carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The Desk Top Study shall be submitted to, and approved in writing by, the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11". Following

approval of the Desk Top Study, a Phase II report (and intrusive site investigation) shall be carried out, if required by the Local Planning Authority, by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The development shall not be begun until proposals for the method and extent of this site investigation have been agreed with the Local Planning Authority. The site investigation shall be carried out in accordance with the agreed proposals which shall be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

REASON: The proposed development is located on a potentially contaminated site, due to its historic land use. To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas. [Relevant Policies: BFBLP EN25]

26. Following completion of the desk top study and site investigation required by the above condition, a remediation scheme to deal with any contaminants identified must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include an implementation timetable, monitoring proposals and a remediation verification methodology. Development shall not be begun until the remedial scheme has been carried out.

Should any unforeseen contamination (i.e. contamination not identified in the desk-top study and site investigation) be encountered during the development, the Local Planning Authority shall be informed immediately. The development shall cease until further investigation/remedial/protective works have been approved by the Local Planning Authority. The further investigation/remedial/protective works shall be carried out to agreed timescales and approved by the Local Planning Authority in writing.

A Site Completion Report shall be submitted to, and approved in writing by, the Local Planning Authority. The report must detail the conclusions, actions taken and verification methodology at each stage of the works and shall include a sampling and analysis programme to confirm the adequacy of decontamination. An appropriately qualified person shall oversee the implementation of all remediation. The construction of buildings shall not commence until the investigator has provided a report, which shall include confirmation that all remediation measures have been carried out fully in accordance with the remediation scheme. The report shall also include results of the verification programme of post-remediation sampling and monitoring in order to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting requirements shall also be detailed in the report.

If no contamination is encountered during the development, a letter confirming this fact shall be submitted to the Local Planning Authority upon completion of the development.

REASON: To enable to the Local Planning Authority to ensure that appropriate measures are taken to avoid any threat which the proposed development might pose to health and safety and/or the environment.

[Relevant Policies: BFBLP EN25]

27. The development hereby permitted (including any demolition) shall not be begun until details of a scheme (Working Method Statement) to control the environmental effects of the demolition and construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- (i) control of noise
- (ii) control of dust, smell and other effluvia
- (iii) control of surface water run off
- (iv) site security arrangements including hoardings
- (v) proposed method of piling for foundations
- (vi) construction and demolition working hours
- (vii) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site

The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the Local Planning Authority.

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

[Relevant Policies: BFBLP EN25]

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

02. No further details need to be submitted in respect of conditions 1, 2, 4, 5, 8, 9, 11, 13, 18, 20 and 22 although they need to be complied with. However further details need to be submitted to address conditions 3, 6, 7, 10, 12, 14, 15, 16, 17, 19, 21, 23, 24, 25, 26 and 27.

In the event of the S106 planning obligation(s) not being completed by 13th January 2015 the Head of Development Management be authorised to REFUSE the application on the grounds of:-

01. The proposed development would unacceptably increase the pressure on the transportation network, education facilities, community facilities, public open space, built sports facilities and libraries. In the absence of planning obligations in terms that are satisfactory to the Local Planning Authority, and which secure contributions towards the transportation network, education facilities, community facilities, public open space, built sports facilities and libraries, the proposal is contrary to Policy SA1 of the Site Allocations Local Plan, Policies CS6 and CS24 of the Bracknell Forest Core Strategy.

02. 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.

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