Unrestricted Report

ITEM NO: 5

Application No.	Ward:	Date Registered:	Target Decision Date:
13/00966/FUL	Binfield With Warfield	21 November 2013	20 February 2014

Site Address: **Binfield House Nursery Terrace Road North Binfield Bracknell Berkshire**

Proposal: **Erection of 5 no. five bedroom, 7 no. four bedroom, 2 no. three bedroom and 10 no. two bedroom dwellings with associated landscaping and vehicular access from Knox Green following demolition of existing buildings, and alterations to wall within the curtilage of a listed building.**

Applicant: Beaulieu Homes South Ltd

Agent: MGI Architecture Ltd

Case Officer: Martin Bourne, 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 is reported to committee as more than 3 objections have been received.

2. SITE DESCRIPTION

The 1.4 ha site lies in the north-west part of Binfield. It comprises four elements:-
- in the west a grassed area, with trees, lying to the south of Binfield House;
- to the east of this the Council's former plant nursery, which contains a C19th garden wall with outbuildings, and its vehicular access comprising a metalled drive running eastwards to a junction with Terrace Road North;
- to the east of this part of the car park serving the Binfield Surgery, and
- to the south of the Council's former plant nursery, two detached two-storey houses (Nos 64 and 65 Knox Green) and their parking and garden areas.

The site is relatively flat. It contains a number of trees, principally on the western part of the site, to the south of Binfield House.

The C19th garden wall encloses a square area of land (about 42m x 44m) which was once a walled garden. The brick-built wall varies in height with the northern element having a maximum height of nearly 4m dropping down to 2m to the south. It has archways on its south and east sides (the latter being wider) and an opening on the west side. There are lean-to out buildings on the outer side of the north and the west sides of the wall. As the wall is within the curtilage of Binfield House and has been so since before 1 July 1948 it is regarded as being part of Binfield House and therefore regarded in law as a listed building. A separate application for listed building consent in respect of works to the walled garden appears on this agenda under reference 13/00967/LB.

The site is bounded to the north by dwellings fronting onto Stevenson Drive and by a terrace of bungalows lying to the east of Binfield House served by the drive to Terrace Road North. A footpath links from a turning head at the end of Stevenson Drive to this drive.

To the west is Binfield House, a grade II listed building which provides elderly persons accommodation, and its grounds. Binfield Surgery and its car park (accessed from the drive to Terrace Road North) lies to the east with Elmdyke, a detached house accessed directly from Terrace Road North, to its south.

Housing at Knox Green lies to the south of the site. The southern edge of the site meets the northern end of a cul-de-sac running north from Knox Green.

3. RELEVANT SITE HISTORY

There have been a number of applications over the years associated with the former use of the site as the Council's plant nursery including works to the C19th garden wall. More recent applications include:-

08/00527/3: Restoration of buildings at existing nursery to provide staff and visitor facilities. Restoration of original wall and installation of 2no. gates. Repositioning of sheds, polytunnels and chemical safe. Installation of water tanks. Erection of new dwarf wall with fence above. New parking layout and associated hard landscaping. Demolition of shed and removal of other structures. (Regulation 3 Application) - APPROVED

08/00528/LB: Restoration of buildings at existing nursery to provide staff and visitor facilities. Restoration of original wall and installation of 2no. gates. Erection of new dwarf wall with fence above and hard standing. Demolition of existing shed. (Regulation 3 application) - APPROVED

12/00850/FUL - Erection of 5no. two bedroom, 4no. three bedroom and 10no. four bedroom dwellings with associated landscaping and road access from Knox Green and Terrace Road North following demolition of existing buildings, and alterations to wall within the curtilage of a listed building. WITHDRAWN

12/00851/LB - Listed building consent for alterations to wall within the curtilage of a listed building, following demolition of existing buildings. WITHDRAWN

13/00967/LB - Application for listed building consent for alterations to wall within the curtilage of a listed building, following demolition of existing buildings. NOT YET DETERMINED

4. **THE PROPOSAL**

Full planning permission is sought for the erection of 24no. dwellings consisting of:-

Five x 5 bedroom houses, seven x 4 bedroom houses, two x 3 bedroom houses and ten x two bedroom dwellings of which two are flats over garages (FOGs). Six of the two bedroomed houses would be for occupation by elderly people. The gross density would be 17 dwellings per hectare.

Vehicular access to the development is proposed by way of an extension of a cul-de-sac from Knox Green to the south. This would cross land currently forming part of the curtilages of Nos 64 and 65 Knox Green. The proposal involves the extension northwards of the curtilages of these houses to accommodate a new double garage to the north of No 64 and an extended drive providing more parking space for No 65.

This access would serve a new access road which would describe a loop to the north of the walled garden providing access to the west of the application site and Binfield House and its associated accommodation. Part of its length would include the existing drive from Binfield House to Terrace Road North. This drive would be stopped-off to vehicles so that its eastern end would just serve Binfield Surgery and the two dwellings lying either side of the access to Terrace Road North (Pelham Lodge and Binfield House Lodge).

The proposed access road would have a footway on its western side from where it joins Knox Green upto a point where a footpath link is proposed through the walled garden. To the north and west of this the access would be a shared surface with planted margins. The existing footpath link from Stevenson Drive would be retained.

Detached two, three, four and five bedroom houses would front onto the access road. Six dwellings are proposed within the walled garden itself comprising 2 no. two bedroom flats over garages (FOGs) and 4no. four bedroom houses in the form of two pairs of semi-detached houses. These would be served by a link from the access road on the western side of the walled garden which would require the widening of the existing opening on this side of the wall to 6m. This would serve parking under and in front of the FOGs and would form part of a pedestrian route east-west through the walled garden utilising an existing archway in the eastern wall.

Finally, a private drive from the access road would serve a small parking court providing parking for 6no. two bedroomed bungalows lying to the south of Binfield House. These dwellings would have accommodation in the roof-space lit by dormer windows with a ridge

height of 6.5m. A pond is proposed on land to the west of these dwellings surrounded by a wildflower meadow to provide mitigation for Great Crested Newts.

The two and three bedroom houses on the site, and the FOGs, would be two-storey, between 7.3m and 9m in height. The four and five bedroom houses would be of 2 and 2.5 storeys, ranging in height from 7.8 to 9.3m.

The application has been amended in the course of its consideration to reduce the number of dwellings sought from 28 to 24, to make alterations to the design and siting of the proposed dwellings and associated car parking and to exclude the car park to Binfield Surgery from the proposal.

5. **REPRESENTATIONS RECEIVED**

The following petition with 60 signatures has been received:-

'We the residents of Knox Green, Binfield and environs OBJECT MOST STRONGLY with the proposal by Beaulieu Homes to access and egress the proposed development on the former Binfield House Nursery (Application 13/00966/FUL), the existing Binfield House and the existing Binfield House bungalows through the first cul-de-sac in Knox Green. The current estate road is UNSUITABLE for any additional traffic due to existing residents parking needs and the current DANGEROUS junction with Terrace Road North. Access to this development must be through an improved existing access NOT KNOX GREEN.'

Objections have been received from the Binfield Village Protection Society, Binfield Surgery and 88 individual addresses objecting to the application for reasons which may be summarised as follows:-

Proposed access/highway matters

- the Traffic Statement is flawed and inaccurate
- If parking restrictions are imposed in association with the use of the Knox Green access it will cause problems for residents and visitors
- the grass area close to the Knox Green junction will be less safe for children to play
- there are existing problems with on-street parking on Terrace Road North
- the Knox Green/Terrace Road junction is dangerous at present with poor visibility
- children cross Knox Green/Terrace Road North junction on way to school
- an improvement of the existing access to Binfield House would be better
- mini-roundabout on Forest Road congested
- footpath from Stevenson's Drive should not be closed
- problems for emergency vehicles accessing Binfield House and Knox Green

Impact on trees/wildlife

- harmful impact on bats and Great Crested Newts
- loss of trees
- concerns re tree report
- trees and hedge should be retained for wildlife
- proposed bungalows encroach on root protection area

Impact on heritage assets

- development out of character with listed building status of Binfield House and walled garden
- Binfield House and listed wall should be protected from inappropriate development
- no justification for removal of outbuildings attached to wall

- does not allow relationship between Binfield House and kitchen garden to be maintained
- proposed houses taller than garden wall
- no alteration should be allowed to garden wall
- former rose garden should be protected under listing

Impact on living conditions/residential amenity

- increase in noise from additional traffic using Knox Green
- impact on properties in Knox Green, especially 62-69
- will radically affect residential amenity of Binfield House and bungalows next to it
- loss of privacy to houses in Stevenson Drive and Knox Green
- increased noise and pollution
- impact on route to Binfield Surgery for less mobile residents
- construction traffic will have a harmful impact

Impact on Binfield Surgery

- the doctors would lose parking
- doctors surgery should be extended and/or more parking for it provided
- reduction of daylight to Binfield Surgery
- will prevent expansion of Binfield Surgery
- house close to Binfield Surgery will be overbearing and overlook 3 consulting rooms

Impact on infrastructure

- impact on infrastructure in Binfield
- roads, schools, surgery, parking, sewage and waste water service, library and shops under significant strain

Design of proposed development

- density too high and out of character
- affordable housing and retirement homes are needed, not 5 bedroom houses
- overdevelopment
- banks of garages shown are very unappealing
- no communal greenspace
- many gardens back on to parking areas - not secure
- cramped - small gardens
- parking too far from elderly housing
- insufficient parking
- poor design
- certain houses fail to meet Lifetime Home standards
- garages too small
- no bin store for terraced dwellings
- privacy of new residents not safeguarded with many houses and gardens overlooked
- ugly designs and design features
- parking and internal circulation within site unacceptable - conflicts between pedestrians, cyclists and vehicles - safety hazard
- parking under FoGs not suitable for all users

Drainage

- the Flood Risk Assessment does not reflect surface water drainage problems in south-west corner of site

- land drainage systems should alleviate current and future surface water run-off from site must be implemented

Other issues

- Design and Access Statement incorrect and misleading
- dwellings proposed will make no significant difference to housing land supply

Bracknell Forest Homes (owners of Binfield House) made comments which may be summarised as follows:-

- no formal approach received by Bracknell Forest Homes about potential loss of rights of way
- proposed accommodation for elderly people welcomed but must be genuinely affordable
- the parking for elderly person's accommodation is too far away from the properties for elderly people with mobility issues
- proposed pond could lead to high service charges for its maintenance
- unfenced rear gardens of elderly person's accommodation are inappropriate for security
- occupiers of new private dwellings might access land to front of Binfield House - a fence should be provided
- a safe access plan for both traffic and pedestrians to Binfield House will be needed for the construction period.

6. **SUMMARY OF CONSULTATION RESPONSES**

Binfield Parish Council (comments on application as amended)

Recommends refusal:

1. The parish council is deeply concerned about the handling of these applications. The plans that have been published on 14 July are so different in concept and detail from the tender document requirements that they would not have been acceptable if proffered at that time.

In the latest version of the plans there is no community provision, the bungalow accommodation for older people has been changed to 2 floors with the bathroom located on the upper floor and the number of units reduced from 8 to 6. The location of the only bathroom upstairs seems inappropriate for older people who may have problems using the stairs.

None of the plans now presented show the junction of Knox Green and Terrace Road North. The current level of parking near this junction already has site lines problems which will only be worsened if this application is approved.

The plans now presented are dated March 2014. These latest plans should have been released to the public as soon as possible to allow proper consideration. Now the residents have little time to make their comments against a tight deadline

2. The proposed development is located on land within the curtilage of the Grade II Listed Binfield House and should be protected under this listing. The building of modern houses within and around the walled garden is in conflict with NPPF policy 132 & 130a and is therefore not acceptable in principal. It would cause unacceptable harm to the character and visual amenities of the area and the rural setting of this edge of Binfield. The proposal would therefore be contrary to Policies CS, CS2, CS7 and CS9 of the Core Strategy Development

Plan, saved policies EN1, EN8, EN20 and H5 of the Bracknell Forest Borough Local Plan, the Character Areas Assessments SPD and the National Policy Framework.

3. The proposal fails to provide a safe and adequate access to the site paying regard to road conditions. This will lead to conflict on Knox Green to the detriment of road safety. The proposed development is therefore contrary to Bracknell Forest Local Plan Policy M4 and the Core Strategy Development Plan Document Policy CS23.

4. The proposal fails to provide adequately for access to/from the doctors surgery, which is contrary to the aims of sustainable development and contrary to Bracknell Forest Local Plan Policy M6 and the Core Strategy Development Plan Document Policy CS23.

5. The proposed development would unacceptably increase the pressure on the transport network, public open space, built sports facilities and education facilities. In the absence of planning obligations in terms that are satisfactory to the Local Planning Authority, and which secure contributions towards the transportation network, public open space, built sports facilities and primary education facilities, the proposal is contrary to Policies CS6 and CS24 of the Bracknell Forest Core Strategy DPD, Policies M4 and R4 of the Bracknell Forest Borough Local Plan and the Limiting the impact of Development SPD.

6. 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.

7. The applicant has failed to adequately assess the impact of the development on the local road network which could lead to capacity of junctions being affected creating unacceptable delays and queues to the detriment of road safety. The proposed development is therefore contrary to Bracknell Forest Local Plan Policy M4 and Core Strategy Development Plan Document Policy CS23.

8. The wildlife issues, although the introduction of a pond provides some mitigation, it has not been demonstrated to the satisfaction of the Parish Council that the proposed development would not have an adverse impact upon reptiles, bats and stag beetles which are a protected species. As such, the development would be contrary to Policies CS1 and CS7 of the Core Strategy Development Plan Document.

Specifically:

a. It is noted that the re-instatement of the surgery car park places is helpful. However, there is no opportunity to expand the surgery or its car park. Patients who are currently driven as passengers from Binfield House to the surgery will now have to be taken through Knox Green and Terrace Road North, adding to the traffic movements.

b. Access to and from Knox Green has not been adequately considered and takes no account of existing restrictions. The access will service traffic movements for 69 dwellings, including delivery vehicles, emergency vehicles, coaches as well as private cars.

c. Access to and from Binfield House has not been adequately considered for elderly residents. Right of Way for access down the drive from Terrace Road North to the Binfield Surgery needs to be assured for the access by vehicles and pedestrians to the surgery site.

d. Parking for older people dwellings is poorly considered and are remote from the units and the spaces are not overlooked by other residents who might see potential security problems.

e. There is inadequate parking for visitors and inadequate road width for on-street parking. The development would have a detrimental effect on the Grade 2 listed building and it curtilage. As heritage assets irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm or loss of a Grade 2 listed building, park or garden should be exceptional.

f. Inadequate provision for service vehicles, bin lorries etc.

g. The proposal is an excessive overdevelopment and is not in keeping with the character of the village or comparable to densities within the same area.

h. The proposal does not appear to consider adequate disposal of surface water drainage. As there is a high water table and the sink hole has been capped.

i. Inadequate mitigation measures are shown for wildlife. The pond is too small, the crested newts are protected by European law, but there are no clearly defined plans or defined measures for their protection.

j. Existing educational facilities in Binfield are already overcrowded. What provision has been made for additional school places for new residents

k. The orientation of the properties on the current proposal has not been considered for a Grade II listed building.

l. The orientation of the properties on the current proposal has not been considered for adjoining properties. An example is the dormer/velux windows facing outwards to existing dwellings rather than inwards to the proposed development.

m. The orientation of the properties on the current proposal has not been considered for privacy of the surgery.

n. The setting of the wall has been affected by the detrimental overdevelopment within the wall.

o. The maintenance of the wall needs forward planning. It needs to be clear who owns the wall and who is responsible for the ongoing maintenance with guidelines or rules regarding these issues.

p. The proposed mixed layout places families next those residents seeking a quieter setting.

q. When developers and others were invited to bid for the site it was made clear that it is a special and sensitive site that needed particular care with a number of requirements to be met. There is no evidence that the proposed design adequately takes these requirements into account. The Design Concept Principles required that certain conditions were addressed with respect to the Walled Kitchen Garden and Layout of the site. The quotes below are from the document:
i "Limited housing within the walled Kitchen Garden is acceptable if designed appropriately and relates to the character, former use and context of this part of the site. Smaller, bespoke

units relating more to a mews/courtyard style development would be appropriate." In the proposal, within the wall the area is closely packed with housing and parking. In this layout there is no opportunity for people to see and appreciate the retained wall as it is masked by dwellings on both sides.

ii "The retained wall should be visible, in part, within and outside the walled garden. However, private gardens can take advantage of Kitchen Garden wall as a boundary as long as some parts of the wall are open to view". In the proposal, outside the wall is visible from the road but inside there are no stretches of visible wall, except from the houses which have the wall as a boundary to their gardens. Even then, the plans for the P type dwellings within the wall have no windows at the rear through which the wall can be viewed or enjoyed.

iii "Any proposal should retain a central open space for an open garden area". In the proposal there is no garden area, in fact the 3D projection shows most of the whole central are of the garden paved for access and parking. There is no provision of even a small area for sitting or that could be described as a garden area. "A pedestrian route through the garden should be provided to give this area a more public and accessible feel to ensure all residents can benefit visually from the retention, in part, of the walled garden area." The proposal does not offer this benefit. This proposal does not deal with the Walled Garden sensitively as within the curtilage of a Grade II listed building.

iv "A suitable quantum of development should be provided to avoid a cramped urban layout that does not respond to the more organic growth of the area and context of the site." This proposal is most definitely urban in style, particularly within the wall which should have had a more garden feel to it.

r. Site contamination has been reported but not investigated. This includes contamination from coal tar (group 1 carcinogen), bitumen (group 2b carcinogen), road chippings, scalpings, insecticides, fertilisers and herbicides. It is necessary that an investigation takes place to identify, remove and take any remedial action required before the site is released for development.

s. There is no arboreal report to identify the quality, location and risk of construction damage to mature trees.

t. It appears that the majority of the 117 objections to the original plans have not been addressed in any serious manner.

Environment Agency

Comments in Surface Water Pro-Forma forwarded include the following: The FRA shows soakaways and infiltration trenches will not be suitable due to the presence of impermeable clays beneath the site. Water reuse and green roofs are not considered practical options. The only suitable solution would be based on storage and attenuation using a tank, pond or storm cells below the car parking area. The drainage layout should be considered at the detailed design stage based on the principles outlined in the FRA and these issues are usually covered by a planning condition. [Officer comment: this is included in the Recommendation].

Berkshire Archaeology

The applicant has submitted an archaeological desk-based assessment of the application site (Thames Valley Archaeological Services 2012). This report satisfactorily sets out the archaeological background and potential of the site. An assessment of the impacts of previous developments, including garden features, on the site was also undertaken by this

office. The conclusions of this research were that the site is of moderate archaeological potential but that there has been a significant level of previous disturbance, which has reduced the potential for the survival of buried archaeological remains. On this basis further archaeological investigation prior to or during construction, should the scheme be permitted, is not merited.

English Heritage

English Heritage were notified in 2013 of the schedule of Proposed Modifications to the Site Allocations DPD which included the Binfield House Nursery site. In their response they noted that only the site at Binfield Nursery would affect a designated heritage asset, being adjacent to the Grade II listed Binfield House. They commented that they were pleased to see that the requirements for this site include "Have regard to the setting of the adjacent listed building (Binfield House) and curtilage structures including the walled garden" and "Retention of the walled garden".

In relation to the current application they make the following comments:-

Binfield House was built as a country house. The first detailed map of the area, the 1881 first edition of the 25" OS map, shows a relatively small garden around the house which itself is surrounded by open fields. The 2nd edition of this map (published in 1899) shows the house enlarged to its current size along with an enlarged garden, including a drive linking the property to Wick's Green, along with the walled garden. Despite the encroachment of suburban development around the house in the later 20th century, which has included the demolition of nearby outbuildings, presumed to be a stable block, Binfield House retains enough open land around it to preserve its character as a country house. This is particularly true in views from the south, where the main frontage of the building is still set alone among extensive lawns. The walled garden enhances the historical value of the building to an extent as it forms a record of the way in which the house was serviced when at its largest extent.

Disappointingly the impact on the setting of this grade II listed building has not been considered at all in the Design and Access statement accompanying the application. The proposed development to the south of the house (units 10 and 19-24) would be visible in views from the south. Views of the principle elevation would no longer read as a country house set in extensive grounds but a house surrounded by suburbia. Thus one of the important elements of the significance of this building, the fact that it was a country house and retains much of the character of such a building, would be seriously compromised.

Furthermore, the proposal for development in and around the walled garden is so extensive that any sense of its original form and purpose would effectively be lost, along with any visual connection with the principal building.

The harm the proposed development would entail to the setting of this house, and thus its significance, is therefore relatively high. Paragraph 134 of the NPPF requires the harm to significance of a designated heritage asset to be weighed against the public benefits of the proposal. Given the relatively high level of harm involved we would suggest that the Council do not grant permission unless the proposal delivers a very high level of public benefit which would outweigh this harm and could not be delivered by other means. A public benefit of this nature is not immediately apparent from the application documents.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

The Ancient Monuments Society

No comments received.

The Council for British Archaeology

No comments received.

The Georgian Group

Binfield House began life as a comparatively modest but architecturally interesting villa in 1776 and has gothick fenestration and other detailing reminiscent of Walpole's Strawberry Hill. It has substantial later additions in a similar idiom, some by Nugent Cachemaille-Day. As the house increased in size a kitchen garden was added to the estate, presumably in the 1890s. It was listed at Grade II in 1972. It is now a nursing home but it is not inconceivable that it might one day return to single private use. After the house was sold to the Local Authority in 1974 housing developments encroached on the setting of the house but it is still legible as a house in its own grounds, assisted by the retention of the nineteenth century kitchen garden.

The proposal to build housing inside and around the kitchen garden would be damaging to the setting of the Grade II listed building and this damage would be unacceptable. The erection of polytunnels and other modern garden structures within the kitchen garden has perhaps gradually, but superficially, eroded the visual significance of this part of the historic landscape and given the impression that it might be a suitable site for more permanent development.

The Group advises that not only is this site not suitable for residential development but that the Council should further enhance this part of the historic environment by treating the assets under their care in a sympathetic and exemplary manner and reinstating as much of this historic appearance of the kitchen garden as is possible.

The Group therefore objects to the granting of consent, supports the advice given by the Victorian Society and English Heritage, and advises that the historic significance of the Binfield estate is not only preserved but enhanced by implementation of a conservation management plan. The Council has undertaken some good and encouraging work already, in the form of the 2012 Statement of Significance, which rightly concludes that the walled kitchen garden is of high significance. This approach should now be augmented by practical steps to preserve and enhance this historic estate.

The Society for the Protection of Ancient Buildings

No comments received.

The Victorian Society

The Society objects to the application to demolish existing structures within the walled garden and build several dwellings within the walls.

The walled garden forms part of the curtilage of the eighteenth century Binfield House. In the statement of significance for Binfield House produced by Bracknell Forest Council in January 2012, it is stated that "Of the 19th century, the most important surviving feature is the walled garden and its attendant (though in places derelict) outbuildings which once provided food for the house." (Executive Summary, p.2). As a walled garden, its significance is not retained merely by the preservation of the walls themselves, but relies on its openness so that it can still be clearly read as a garden. Even one dwelling would change the character of a walled garden; the scale of development in these proposals, which includes both buildings and division of land into gardens, is such that the garden would lose a large amount of its significance.

The demolition of the surviving structures in the walled garden, several of which were appraised in the statement of significance as being original to the garden, and at least one of which has been refurbished and is in use, would compound the harm caused, by removing structures which demonstrate clearly the function of the site. This harm has not been justified.

We recommend that the application is refused.

The Twentieth Century Society

No comments received.

Council's Principal Conservation Officer

No objection subject to conditions.

Highway Authority

No objection subject to conditions and a s106 agreement to ensure the applicant enters into a S38/S278 agreement and to secure contributions to mitigate the impact of increased pressure on highways and transportation infrastructure.

Tree Officer

Comments incorporated in report.

Environmental Health Officer

No objection subject to conditions including those covering site contamination.

Biodiversity Officer

No objection subject to conditions.

Crime Prevention Design Advisor

Provided detailed comments on application as originally submitted which have been taken account of in amended plans/proposed conditions.

Housing Enabling Officer

Comments incorporated in report.

7. **DEVELOPMENT PLAN**

The Development Plan includes the following:-

- Core Strategy DPD (February 2008)
- Site Allocations Local Plan (July 2013)
- Policy NRM6 of the South East Plan (May 2009)
- Bracknell Forest Borough Local Plan (January 2002) (saved policies)
- 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. This is reflected in the Site Allocations Local Plan (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. Regard will also need to be had to Policy CS1 of the Core Strategy relating to sustainable development principles, which is considered to be consistent with the NPPF.

The site is allocated for housing in the SALP. It constitutes a previously developed site within a defined settlement, and as such is listed in Policy SA1.

The NPPF encourages the effective use of previously developed land, provided it is not of high environmental value (bullet 8 of para. 17 and para. 111).

Core Strategy Policy CS2 sets out a number of locational principles for new development within Bracknell Forest, and states that development will be permitted within defined settlements and on allocated sites. As the site is both within a defined settlement and allocated in the SALP, it accords with the locational principles contained in Policy CS2.

The application site is estimated as having a capacity for 33 dwellings in the SALP and forms part of the Council's provision to meet its overall housing requirement set out in CSDPD Policy CS15. It also forms part of the 5 year housing land supply. The SALP makes it clear that the estimated capacity is subject to a list of requirements derived from site constraints.

The application scheme proposes 9 fewer units than the estimate contained in theSALP. For the reasons set out below, this is considered acceptable in view of the constraints on this site, in particular the heritage features on and adjoining the site. The reduced number of units would also minimise any adverse impacts on the living conditions of nearby residents.

CSDPD Policy CS16 requires a range of housing types, sizes and tenures. This policy can be afforded full weight as it is considered to be consistent with para. 50 of the NPPF. The scheme would provide a mixture of sizes of dwelling, including housing for the elderly.

Overall the proposal is considered to be acceptable in principle.

The requirements in the SALP for this site include the following:-

- Have regard to the location of the site adjacent to Binfield Area A of the Character Areas assessment Supplementary Planning Document;
- Appropriate tree surveys and protection of trees;
- Retention of important trees within the site;
- Investigation and remediation of any land contamination;

- Transport Assessment to assess the impact of the proposals upon the local road network and junctions;
- Provision of affordable housing;
- Provision of open space;
- Appropriate ecological surveys and mitigation of any impacts;
- Have regard to the setting of the adjacent Listed Building (Binfield House) and curtilage structures including the walled garden;
- Retention of walled garden.

These and other matters are considered in the remainder of the report.

9. **IMPACT UPON LISTED BUILDINGS AND SETTING OF LISTED BUILDINGS**

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that "in considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." The effect of this section is that there is a strong statutory presumption against approving works which do not preserve the listed building or its setting.

Section 12 of the NPPF deals with conserving and enhancing the historic environment. Paras 131 to 134 state:-

'131. In determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public

ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

CSDPD Policy CS1(ix) states that development will be permitted which protects and enhances historic and cultural features of acknowledged importance. Policy CS7(i) states, inter alia, that development proposals will be permitted which respect the historic environment.

Policies CS1, CS7, EN1 and EN20 are considered to have significant weight, as they are consistent with sections 7, 11 and 12 of the NPPF.

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

Impact on the setting of Binfield House

As noted stated above, under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects the setting of a listed building the LPA has to have **special regard** to the desirability of preserving its setting. Case law establishes that:-

- 'preserving' means doing no harm to the listed building or the setting of the listed building
- 'special regard' means more that merely giving weight to these matters in the planning balance
- there is a strong statutory presumption against granting planning permission for any development which fails to preserve a listed building or its setting.

Accordingly, if it is concluded that development would harm the listed building or the setting of a listed building this harm must be given considerable weight.

Binfield House is a grade II listed building. It dates from the late C18th and was altered and extended in the C19th and again in the C20th. A 'Statement of Significance' was prepared for the Council and published in January 2012. This identifies the special significance of the building and its site by considering its historical development and the value of the surviving features.

The Statement considers that the principal element is Binfield House itself, which is interesting as an example of the use of 18th century Gothic details although the interior is mostly of c1928 or later. Of the 19th century, the most important surviving feature is the walled garden and its attendant outbuildings. The Statement includes a plan showing the significance of surviving features. The house itself and the former walled garden are shown to be of 'high' significance. Trees and shrubbery which contribute to the setting of Binfield House are also identified.

The comments of English Heritage are set out above. It concludes that the harm the proposed development would entail to the setting of Binfield House is relatively high.

The proposed dwellings nearest to Binfield House are houses on plots 7-10 and chalet bungalows on plots 19-24. The houses lie between 30 and 50m from the listed building and

there is a group of trees, which are to be retained, which limit intervisibility between the proposed houses and Binfield House

The proposed L-shaped terrace of chalet bungalows for the elderly, and the parking serving these dwellings, has a greater impact on the setting of Binfield House as it is located on the open grassed area to the south of the listed building. The nearest unit is 45m from Binfield House and the nearest parking space some 30m away. The front of Binfield House faces south-west and this part of the development is to the south of the south-eastern end of the house.

The proposed terrace of chalet bungalows and the bin-store and car parking serving it would not intrude on views of the front of Binfield House from the south-west; they would, however, be apparent on the edge of such views. Given the separation of the dwellings and the parking from Binfield House and the relatively modest height of the dwellings (6.5m) it is not considered that they would be visually obtrusive. The design of the terrace is relatively simple and with careful attention to facing materials and to the surfacing of the parking area and footpaths and boundary treatments (which can be controlled by condition) any harmful impact on the setting of Binfield House can be further reduced.

In conclusion the proposed development would have an adverse impact on the setting of the grade II listed Binfield House and therefore would not preserve its setting. This matter is considered below in relation to Section 12 of the NPPF.

Impact on the former walled garden

This is not identified in the listing of Binfield House but, as a structure built before 1948 lying within the curtilage of the house, it is 'curtilage listed'. Accordingly a listed building application for works to it has been submitted (reference 13/00967/LB) which is the subject of a report elsewhere on this agenda.

The application proposes works that would affect both the fabric of the walled garden and also development that would affect its setting.

In terms of the former, the proposal involves:-
- the removal of two lean-to buildings built on the outer side of the C19th walled garden (one on the north and one on the west side),
- the widening by about 2.5m of an existing opening on the west side of the walled garden, and
- the infilling, with brickwork, of an existing archway on the south side of the walled garden.

Aside from the widening of the existing access on the western side of the wall - from 3.4m to 6m - to provide vehicular access to the area within the walls, the wall would be retained and a condition is recommended for works to secure the long-term safety and stability of the garden wall, including measures to strengthen it as necessary.

The application also proposes the erection of dwellings both within and around the walled garden which would affect its setting.

The nearest proposed building (the garage on plot 12) would lie a metre from the wall and the nearest house 2m away (plot 1) but generally greater clearances are shown. The full extent of the outer edges of the western and eastern sides of the former walled garden would be visible from the access road whilst the taller northern length of wall would be visible above the boundaries of plots 5 and 6 and across the parking area between the two houses. Views of the inner edges of the wall would be more limited because of proposed development (see below) but an adopted route east-west through the centre of the walled garden (utilising the

widened opening on the western edge and the existing archway on the eastern side) will allow some views of the wall.

The proposed buildings within the former walled garden are arranged in a symmetrical fashion with a hard-surfaced parking courtyard on the western half, overlooked by the FOGs, and a planted area between the two pairs of semi-detached houses to the east. The dwellings within the walled area, and those to the north, are a maximum of 8m tall.

Houses are proposed outside the walled garden, facing it to the west and east and side-on to the north and south. These are generally taller than those within the walled garden (2.5 storey houses are proposed to the west - plots 7, 8, 9, 10 and 11 and to the east - Plots 2 and 3) but generally lie a minimum of 12m from the wall. A tall (9.3m to ridge) two-storey house lies to the south, a minimum of 4m from the wall) but because of its location it is less prominent in the streetscene.

The dwellings proposed would be brick-built and the colour and texture of the bricks used can be chosen to complement the bricks in the wall.

The access road will also affect the setting of the wall but as a shared-surface it will have margins which can be planted with grass or low-growing shrubs which will provide a softer appearance, close to the wall, than footways. Again materials used for the surface of the roadway can be chosen to be in sympathy with the appearance of the wall.

As noted above, English Heritage is of the view that the development in and around the walled garden is so extensive that any sense of its original form and purpose would effectively be lost, along with any visual connection with the principal building.

The Victorian Society is of the opinion that the scale of development is such that the garden would lose a large amount of its significance and that the demolition of the structures would compound the harm caused.

The Georgian Group considers that the proposal to build housing inside and around the kitchen garden would be damaging to the setting of the listed building and that this damage would be unacceptable.

<u>Overall conclusion on the impact on heritage assets</u>

The proposed development will have adverse impacts on the listed building setting of Binfield House and on the fabric of the existing walled garden and its setting. As stated above, under the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering this application the LPA has to have special regard to the desirability of preserving the building and its setting.

In relation to the NPPF, if it considered that the proposal will lead to substantial harm to, or a total loss of significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits which outweigh that harm or loss (para 133). If the proposal will lead to less than substantial harm, that harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (para 134).

Advice in the National Planning Practice Guidance (NPPG) on how to assess if there is substantial harm includes the following:-

'Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy

Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.'

It is not considered that the proposal will lead to a total loss of significance of the designated heritage assets on and adjoining the site. The report above outlines how the application, as amended, seeks to respond to conserving heritage assets whilst providing new dwellings in accordance with the SALP. It is concluded that the harm will be 'less than substantial' and therefore, in line with para 134 of the NPPF it has to be decided whether public benefits, including securing an optimum viable use, are associated with the proposed development which would outweigh the harm to heritage assets.

In your officers' view the provision of the dwellings proposed, in accordance with the SALP, would justify the grant of planning permission notwithstanding the strong statutory presumption against development which does not preserve a listed building or the setting of a listed building. It is therefore concluded that approving the application would not be contrary to policies CS1, CS7 and EN20 (iii) and Section 12 of the NPPF.

Objectors have drawn attention to a rose garden laid out on the south-western part of the application site in the 1920s which was filled in at some point after the 1980s, none of which currently protrudes above ground level. This is not considered to be an 'object or structure' within the curtilage of a listed building. The presence of this former garden feature was acknowledged in the preparation of the Statement of Significance. That study concluded that the remains of the rose garden were of 'low significance'.

10. **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.

CSDPD 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 and the historic environment. Of particular relevance to the current application is that it expects development proposals to promote safe communities; enhance and promote biodiversity; aid movement through accessibility, connectivity, permeability and legibility and to provide high quality public realm. Saved BFBLP Policy EN20 requires that the development 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.

Impact on the character and appearance of the whole site

Being set back from Terrace Road North, Wicks Green and Knox Green the site as a whole is not visually prominent when viewed from the main routes through Binfield. Looking at the site as a whole, it is considered that the proposal is in sympathy with the appearance and character of the local area and appropriate in scale, mass, design, materials, layout and siting both in itself and in relation to adjoining buildings, spaces and views as required by BFBLP Policy EN20 (i). The proposed units closest to houses and bungalows in Stevenson Drive (plots 4, 5 and 6) are two-storey and at 8m tall are of an average height for a modern house. The larger houses on the site are generally closer to the detached houses at Knox Green or the Binfield Surgery.

Within the site the proposed dwellings are front or side-on to the proposed access road, apart from the elderly person's accommodation which looks over the open area to the front of Binfield House. There is a consistent design approach with the proposed dwellings being brick-built with simple fenestration and pitched roofs with gable ends.

The siting relationships between proposed dwellings are considered to be acceptable and whilst some of the proposed gardens are modest in size they have been designed to be usable and not unacceptably overlooked.

The Character Areas Assessment SPD is a material consideration in decision making. It provides guidance to supplement Core Strategy Policy CS7 (Design). However, much of the guidance for Binfield contained in the Character Areas Assessment SPD is not directly relevant to this site, but the design of the proposed dwellings is considered to be in accordance with the comments on 'built-form' which describes Victorian development in the village as being characterised by simple building and roof forms and relatively plain elevations.

In conclusion it is considered that the proposed development would have an acceptable impact on the character and appearance of local area and as such is in accordance with policies CS7, EN20(i) the Character Areas SPD and NPPF Chapter 7.

Trees and landscaping

There is modest space for planting within the centre of the site but the development will benefit from trees along the existing drive to Binfield House and those to the south-east of Binfield House. The proposed elderly person's accommodation looks towards the green area to the south of Binfield House which contains mature trees and which will be enhanced by the formation of a pond and wildflower meadow. Further mature trees lie to the south.

The application has been amended in the course of its consideration to respond to comments made by the Tree Officer. The group of trees to the south-east of Binfield House has been removed from the back gardens of the proposed houses on plots 7-9 and the number of houses on this part of the site reduced to increase the size of the rear gardens of those closest to the trees. The house on plot 6 has been moved further from the trees on the north side of the drive to Binfield House. The elderly person's accommodation (plots 19-24) has been moved east and out of the root protection area of the mature Oak on the western

edge of the site. There is some tree loss, however, associated with the application. This comprises trees:-

- on the eastern edge of the site (to the front and side of 64 Knox Green) and to the north-west of the Binfield Surgery
- to the west of 57 Knox Green, and
- one tree on the southern edge of the group of trees to the south-east of Binfield House.

Of these, only one tree is classified as being of high quality. This is a semi-mature Red Oak (T5) lying to the west of No 57 Knox Green. The loss of this tree is unfortunate but it is considered that there is space for replacement planting on the western part of the site to compensate for its loss. The removal of the other trees on the site is not considered to be of overriding concern.

In conclusion, although there would be some tree loss, including the loss of a high quality Red Oak, on balance the proposed development is not considered to have an unacceptable impact on existing trees and landscaping subject to appropriate replacement planting and landscaping that can be secured through conditions. The proposal is therefore in accordance with policies CS1, CS7, EN1 and EN20 (ii).

Conclusion on the impact on the character and appearance of the area

The redevelopment of the site for residential purposes, in accordance with the SALP, will result in major changes to the existing character and appearance of the site. The proposed development will affect the setting of Binfield House, a listed building, and the former walled garden, a curtilage listed structure. These impacts are assessed above and it is concluded that the harm to the significance of these designated heritage assets is outweighed by public benefits. With appropriate conditions and obligations the C19th wall will be repaired and its future secured.

Notwithstanding the impact on the character and appearance of the area, which will include the loss of some trees, the proposed dwellings are considered to be well-designed and with appropriate materials will result in a development that accords with development plan policies CS1, CS7, EN1 and EN20 and sections 7, 11 and 12 of the NPPF.

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.

The possible impacts on the amenity of surrounding properties could arise from loss of privacy, loss of sunlight/daylight, visually overbearing impacts and disturbance from additional traffic. These matters are considered below in relation to the properties most likely to be affected.

54-56 Knox Green - the elderly person's accommodation on plots 22-24 backs on to the back of these houses. Given the separation of a minimum of 20m to boundaries, 30m to dwellings (cf 10m and 22m in the Council's guidelines) and screening provided by vegetation which is to be retained, this relationship is considered to be acceptable.

57 Knox Green - this house faces west and has a detached double garage to the front. A 2.5 storey house on plot 11 is proposed to the north-west and a 2 storey house to the north-east together with parking spaces at the end of a turning-head to the north. The house on plot 11 would be at right-angles to No 57 so any window-window relationships would be at an oblique angle and any overlooking of the curtilage would be across land to the front of the

house which would be partially screened by the property's garage. This relationship is considered to be acceptable.

The proposed parking at the end of the turning head will lie close to the boundary but with a suitable fence or wall (to be secured by condition) will not be unacceptably unneighbourly.

The proposed house on plot 12 would project beyond the existing back wall of No 57. The nearest element to No 57 is single-storey and is 1m from the boundary and the proposed house lies to the north of No 47. With this siting relationship it is not considered that there would be any unacceptable loss of sunlight/daylight or visually overbearing impact.

64 Knox Green - the back to back distance to the proposed house on plot 12 (some 27m at a slightly oblique angle) exceeds the Council's minimum guideline and the rear-facing first-floor windows are 10m from the garden boundary which meets the Council's guideline. This relationship is considered acceptable.

Nos.18-21 Binfield House - these single-storey elderly person's dwellings back on to the drive to Binfield House with an open amenity area in between. The 2.5 storey house on plot 7 would face towards this. The affected dwellings lie at an angle to the drive, however, so the nearest dwelling directly faced by the new house (No. 21) would be some 30m away. This complies with the Council's guidelines for such relationships and is considered acceptable. It is not considered that the proposed development would have a materially harmful impact on the living conditions of the residents of Binfield House itself.

Nos 38-41 Stevenson Drive - these houses back on to the drive to Binfield House and would be faced by the proposed 2 storey houses on plots 5 and 6. The minimum separation between the house on plot 6 and these houses is 28m (17m to the nearest garden boundary). This meets Council guidelines and is considered acceptable. Because the houses are at an angle to the drive, however, and as plot 5 sits slightly further forward on its plot the separation between this house and the nearest house in Stevenson Drive is less (a minimum of 23m between houses and some 12m to the nearest garden boundary faced). This still meets Council guidelines but to reduce any possible overlooking the nearest bedroom window on the proposed house on plot 5 has been moved to its end elevation so that it looks east over its garden rather than north towards Stevenson Drive. Overall this relationship is considered to be acceptable.

Nos. 35 and 36 Stevenson Drive - the proposed house on plot 4 lies a minimum of 18m from these bungalows. It has no side (north) facing windows above ground floor level, however, and its relationship with these bungalows is considered to be acceptable.

Binfield Surgery - this is a single-storey building with accommodation at first-floor level in a mansard style roof. The proposed 2.5 storey house on plot 3 lies to the north-west - a minimum of about 9m away - while the 2.5 storey house on plot 2 lies a minimum of about 6m away to the west. Neither of the proposed houses has habitable rooms above ground floor level facing towards the surgery. Both have bathroom/en-suite windows that face east but a condition can be imposed to ensure that these are obscure-glazed. The main impact on the surgery will be loss of sunlight/daylight. Because it lies further away and to the north-west it is not considered that the proposed house on plot 3 will have a significant impact on the surgery. The proposed house on plot 2 is closer however and will cast some shade over the surgery building at certain times of the day and impact on daylight. The rooms most affected would be those on the ground floor on the south-west part of the surgery. Two of the three rooms most affected are dual-aspect. The third, understood to be a consulting room, faces west towards the eastern elevation of the proposed house. To try and address concerns raised by the surgery this house has been moved slightly to the west and using information available it appears that with this change the amount of daylight reaching the

window (based on the 'vertical sky component' measure contained in the Building Research Establishment's 'Site layout planning for daylight and sunlight - a guide to good practice) would meet levels normally considered to be acceptable. Overall it is acknowledged that the proposed development would lead to a loss of sunlight and daylight reaching the surgery but it is not considered that the impact is so great as to justify refusing the application.

Elmdyke - this house fronts onto Terrace Road North. The south facing windows onthe proposed house on plot 2 will have oblique views over the end of this property's back garden but the degree of overlooking likely to arise is not considered to give rise to significant harm.

Houses at Knox Green - the use of Knox Green as a vehicular access to serve the proposed development and existing accommodation at Binfield House will impact on properties in Knox Green, particularly Nos 62-69, as it would result in an increase in the number of vehicles passing these dwellings. This will increase the noise and disturbance experienced by these properties, especially Nos. 63-66 which at present are at the end of a cul-de-sac. The owners of Nos. 64 and 65 control land over which the proposed access will be built and so they can determine whether the development proceeds or not. The other two houses most affected, Nos 63 and 66, are set back from the road by a minimum of about 8m with mature front gardens. Whilst they will experience greater disturbance than at present, taking account of the siting of houses and the likely traffic flows it is not considered that the harm to living conditions is likely to be so great as to justify refusing the application.

Conclusions on impact on amenity of existing properties

The proposed development will impact on a number of existing properties lying close to the site, mainly dwellings but also the Binfield Surgery. The impact of the proposed development on existing living conditions is recognised, as outlined above, but it is concluded that none of the impacts would be so unacceptable as to justify refusing the application, therefore, the proposal is not considered to be contrary to Saved BFBLP Policy EN20.

12. **TRANSPORT**

BFBLP Policies M4, 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. This is consistent with the objectives of the NPPF.

Access

Relevant policies include BFBLP saved Policy M4 and CSDPD Policy CS23.

The site is located in the centre of Binfield and it is currently accessed via a private access road that serves Binfield House. This road also serves the existing doctors surgery and is of limited width and has no footways. The proposal is to serve the site from an existing cul de sac on Knox Green. Knox Green and the cul de sac are 5.5m in width and this is wide enough to serve the proposed site.

The access via Knox Green currently serves 5 dwellings. In order to create access into the site the current turning head has been extended and the existing private drives at the end altered to allow the road to continue into the site. Car parking for the existing dwellings is proposed to be reprovided.

The new access road would be 5m wide reducing to 4.8m further into the site. This width is acceptable for the scale of the development. Turning heads have been provided on site and these can cater for deliveries and refuse collection.

The existing connection to Stevenson Drive is retained with the length of the existing drive to Binfield House between the new access road and the entrance to the Binfield Surgery car park connected to a footpath/cycleway. Whilst necessary, this is likely to encourage further pedestrian/cyclist activity along the existing route to Terrace Road North. A condition should be imposed to secure works to this route to improve safety, which could include lighting, signing and minor works to the road.

As described above, the site has good links with routes for pedestrians and cyclists north to Stevenson Drive and these combined with the internal road network create an improved link for users from this direction to travel to/from the centre of Binfield.

Parking Requirements:

The applicant has indicated parking in a variety of ways with driveway and garage parking and two parking courts. The proposed garages meet the required internal dimensions of 6m x 3m and drive lengths are acceptable. Overall sufficient parking is provided to meet Council standards with new parking provided for Nos 64 and 65 Knox Green to replace parking lost with the formation of the new vehicular access to the site. Conditions relating to the provision of parking are included in this report.

One space is provided for each of the elderly person's dwellings and this accords with parking standards for this type of accommodation. A condition is recommended to be imposed to restrict their occupation to ensure adequate parking provision.

A total of five visitor spaces are provided across the site, meeting the Council standard of one space per five dwellings.

Cycle parking can be accommodated on plot either within garages or in sheds, this should be conditioned.

Vehicle Movements

The development will generate additional movements through Knox Green and it is estimated that this would be in the region of 15 two way movements in the peak hours. Although such movements are new to Knox Green, they are spread across the peak hour periods and are a relatively small increase when considered against current users of Knox Green. Traffic associated with the current use of Binfield House and associated accommodation will also pass through Knox Green. The current housing is for elderly persons and in that regard generates less vehicle movements than general housing. It is not expected that significant additional traffic from this part of the site would be generated in the peak hours. Furthermore the proposed development also includes an element of elderly persons housing and thus level of traffic anticipated as outlined above is felt to be robust.

In respect of the wider road network, the previous trips the site could have generated must be considered and thus the actual impact would be reduced further.

Knox Green and the side arm that would serve the development is adequate in width and visibility to serve the proposal and in the view of the Highway Authority the main junction with Terrace Road North also has adequate visibility in both directions. The on-street parking that occurs on Knox Green does generally not extend up to the junction and there is adequate room for vehicles to pull into Knox Green without conflict with oncoming traffic. Vehicles entering the road have sufficient space to pull in and observe vehicles before proceeding up the road. The Highway Authority has the ability to restrict parking around the junction if necessary to ensure road safety.

The on-street parking that currently occurs along Terrace Road North, although not ideal, does help to control traffic speeds on approach to Knox Green and does not restrict visibility to such an extent that is considered dangerous. Vehicles approaching from the south move out to pass the parked vehicles and thus visibility of oncoming traffic is not compromised. Again, if necessary, the Highway Authority has the ability to impose restrictions if road safety conditions are compromised.

Matters to be covered by s106 agreement

S106 contributions should be sought to mitigate the impact of the proposed development on the local transportation network. These would be directed towards local improvements in the area which are likely to include junctions that are affected by potential development sites such as this contained within the SALP. The contributions could also be directed towards more local measures such as improvements along Terrace Road North to manage parking behaviour. An obligation should also be sought to secure the adoption of the proposed roads including the link to Knox Green.

13. **BIODIVERSITY**

Section 11 of the NPPF seeks to conserve and enhance the natural environment and in doing so requires the planning system to contribute to and enhance the natural and local environment in a number of ways. This includes recognising the wider benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 states the following: 'When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity'.

Policy CS1 of the CSDPD seeks to protect and enhance the quality of natural resources including biodiversity. Policy CS7 also requires the design of new development to enhance and promote biodiversity. These policies are consistent with the NPPF and therefore can be afforded significant weight.

Reports relating to Great Crested Newts, reptiles and bats have been submitted with the survey. The submitted bat report confirmed that the open-sided office building is being used by roosting bats. Further survey work was therefore carried out. Appropriate mitigation will be required for the loss of this roost. The Biodiversity Officer is happy for a mitigation scheme to be conditioned in this instance, given the low number of bats using the property. It seems very likely that this is an occasional roost used by one or two individual bats. He recommends conditions to cover the submission of a mitigation scheme and its implementation.

The Biodiversity Officer is satisfied with the other survey work and recommends the imposition of conditions to control works during the bird nesting season, to control external lighting, and to mitigate the impact on biodiversity including bats. With these conditions the impact on biodiversity is considered to be acceptable, and the proposal is not considered to be contrary to policy.

14. **ACCESSIBILITY**

Relevant policies include CSDPD Policy CS7 and BFBLP Policies EN22 and H14 which promote accessibility. These are considered to be consistent with Section 7 of the NPPF which requires inclusive design with accessible environments and can be afforded full weight.

On the basis of the information submitted the application is considered to be satisfactory in terms of the accessibility. In particular level routes can be provided between the proposed

elderly persons' accommodation and the parking area serving it. The parking spaces in this parking area are designed for use by people with disabilities.

15. **SUSTAINABILITY STATEMENT AND ENERGY DEMAND**

Policy CS10 requires the submission of a Sustainability Statement demonstrating how the proposals meet current best practice standards, i.e. Code for Sustainable Homes Level 3. This policy is consistent with the NPPF and therefore can be afforded significant weight. Formal assessment of dwellings against the Code for Sustainable Homes must be carried out by an accredited assessor (accredited by BRE). The assessment has several stages: Pre-assessment Estimator, Design Stage Assessment, and Post Construction Review. All stages should be covered, and the assessments submitted to the Council.

A sustainability statement should address the following:-

- Energy and Carbon Dioxide;
- Water;
- Materials;
- Surface water runoff;
- Waste;
- Pollution;
- Health and wellbeing;
- Management; and
- Ecology.

No Sustainability Statement/ Pre-assessment Estimator has been provided demonstrating likely compliance with Code for Sustainable Homes Level 3. As such it is recommended that conditions are imposed.

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. This policy is consistent with the NPPF and therefore can be afforded significant weight.

The applicant has submitted a Carbon Reduction and Local Energy Generation Options Report (November 2013). The report sets out options the applicant could put forward to meet the requirements of Policy CS12 however these are merely recommendations and need to be confirmed. As it stands the applicant has not met with the requirements of Policy CS12 and it is recommended that a condition should be imposed.

16. **SURFACE WATER DRAINAGE**

Concerns have been raised by local residents concerning existing problems with surface water drainage in the south-west corner of the site. As noted above, a flood risk assessment has been submitted which has been considered by the Environment Agency (see comments above) and the Council's Sustainable Drainage Engineer. The latter is of the opinion that the report has some shortcomings. He has therefore recommended the imposition of a condition (contained in the Recommendation below) to ensure that an appropriate sustainable drainage scheme for the site is provided and maintained.

17. **PLANNING OBLIGATIONS**

Affordable housing

CSDPD Policy CS17 is the basis for seeking affordable housing. This policy can be afforded full weight as it is consistent with para. 50 of the NPPF. The development exceeds the threshold (of a net increase of 15 units) for the provision of affordable housing. Six of the dwellings proposed should be affordable to accord with the Council's policy (of 25% of dwellings being affordable). It is considered that the provision of the 6no 2-bedroom chalet bungalows as affordable housing for occupation by elderly people would be appropriate.

The Housing Enabling Officer requires that there is potential to allow a future stair-lift to be incorporated in these dwellings if the needs of an elderly household require this. The stairs are a straight-run and the applicant has confirmed that the stairs will be one metre wide, so this will be possible.

The tenure of these dwellings should be for Social Rent or Affordable Rent. Their provision should be secured by planning obligations entered into by S106 Agreement.

Infrastructure Services and Amenities

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.

This policy is consistent with the NPPF and therefore can be afforded significant weight. The Council's Limiting the Impact of Development SPD, supplements Policy CS6 and is a material consideration.

It is considered that provision should be made to mitigate the impact from the proposed development on the following infrastructure requirements:-

1. the wider transportation network - taking account of the former use of the site - including securing adoption of roads and footpaths and turning facilities
2. local open space/recreational facilities
3. built sports facilities
4. local primary school

With regard to (2) the provision of on-site open space required by LID would be too small to function as useful recreational space. It is considered that a financial contribution to upgrade local open space/recreational facilities should be sought.

Long-term management/maintenance of C19th garden wall and trees to south-east of Binfield House

A condition is recommended to be imposed to secure the long-term safety and stability of the garden wall, including measures to strengthen it as necessary. As lengths of the wall are likely to conveyed to several householders, if the application is approved and the development built, it is considered that an obligation is required to ensure that any future owners continue to keep the wall in a good condition.

The group of trees to the south-east of Binfield House will lie outside the curtilage of proposed dwellings. Again an obligation is considered necessary to ensure that they are managed and maintained in the future.

If the Committee accepts the recommendation below the application should be approved subject to the completion of a suitable S106 legal agreement to secure the matters referred to above

18. **THAMES BASIN HEATHS SPECIAL PROTECTION AREA (SPA)**

The site is located more than 5km (5.4km) from the SPA and provides for less than 50 dwellings. There are, therefore, no SPA implications.

19. **CONCLUSIONS**

This site is allocated for residential development under Policy SA1 of the SALP. Although the application scheme proposes 9 fewer units than the estimate contained in the SALP, for the reasons set out above, this is considered acceptable in view of the constraints on this site, in particular the heritage features on and adjoining the site. The reduced number of units would also minimise any adverse impacts on the living conditions of nearby residents. The proposed development is considered to be in accordance with Policy SA1.

A large number of objections have been received raising issues including concerns over the impacts of the proposal on:-

- highway safety and convenience
- the character and appearance of the area
- heritage assets
- residential amenity
- trees and wildlife
- local services and infrastructure including drainage.

These matters have been considered above.

It is acknowledged that the proposed development will change the character and appearance of the site. The proposed development would not preserve either the setting of Binfield House, a listed building, or the setting of the former walled garden, a curtilage listed structure. Neither would it preserve the structure of the walled garden as a listed building It is concluded, however, that notwithstanding the statutory presumption against development which does not preserve a listed building or the setting of a listed building, planning permission should be granted in order to secure the site's contribution to meeting the Borough's need for housing as provided by SALP (albeit at a reduced level from the estimated capacity contained in SALP)..

A major concern raised by local residents is the adequacy of the proposed vehicular access from Knox Green. This matter has been carefully considered by the Highway Authority which has concluded that the proposed access would be safe and practicable.

The development will affect the living conditions of a number of those living or working close to the application site. The impacts are acknowledged but it is not considered that any of them are so severe as to justify refusing the application.

Finally impacts on trees and wildlife and local infrastructure have been assessed. With the changes made to the application in the course of its consideration and the proposed conditions and obligations included in the Recommendation below it is considered that these can be satisfactorily mitigated.

The application is considered to be in accordance with the relevant policies of the Development Plan and is therefore recommended for approval subject to conditions and the completion of a s106 agreement to secure the matters referred to in Section 17 above.

RECOMMENDATION

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

01. - mitigation of increased pressure on highways and transportation infrastructure, education, open space and built sports facilities;
- long-term management/maintenance of C19th garden wall and trees to south-east of Binfield House;
- provision of affordable housing;
- a S38/S278 agreement for the adoption of roads/footpaths on the site and to secure turning facilities

That the Head of Development Management be authorised to **APPROVE** the application subject to the following condition(s):-

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out only in accordance with the following approved plans:-
PL-1000 Location Plan
PL-1002AM Proposed Block Plan
PL-1003AN Proposed Information Layout
PL-1009A Proposed Listed wall elevations
PL-101 Plot 1 - Floor Plan
PL-102 Plot 1 - Elevations
PL-103A Plot 2 - Ground and first floor plan
PL-104 Plot 2 - Second floor and roof plan
PL-105 Plot 2 - Elevations
PL-106 Plot 3 - Ground and first floor plan
PL-107 Plot 3 - Second floor plan and roof plan
PL-108 Plot 3 - Elevations
PL-109 Plot 4 - Floor Plan
PL-110 Plot 4 - Elevations
PL-111 Plot 5 - Floor plans and elevations
PL-112 Plot 6 - Floor plans and elevations
PL-113 Plot 7 - Floor Plan
PL-114 Plot 7 - Elevations
PL-115 Plot 8 - Floor Plan
PL-116 Plot 8 - Elevations
PL-117A Plot 9 - Ground and first floor plan
PL-118A Plot 9 - Second floor plan and roof plan
PL-119A Plot 9 - Elevations
PL-120A Plot 10 - Floor Plan
PL-121A Plot 10 - Elevations
PL-122A Plot 11 - Floor Plan
PL-123A Plot 11 - Elevations

PL-124 Plot 12 - Floor Plans
PL-125 Plot 12 - Elevations and roof plan
PL-125A Plot 12 - Elevations
PL-126A Plots 13 & 18 Elevations
PL-127A Plot 13 & 18 Floor Plans
PL-128 Plot 14-17 Floor Plans
PL-129 Plot 14-17 Elevations
PL-130 Plot 14-17 Roof Plan and Elevations
PL-131B Plots 19,20,21 Floor Plans
PL-132B Plots 19,20,21 Floor Plans
PL-133A Plots 22,23,24 Floor Plans
PL-134A Plots 22,23,24 Elevations
PL-135 Bin Store plans and elevations
PL-21A Double garage for No. 64 Knox Green
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

03. No development shall take place until details 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 development hereby permitted shall not be begun until details showing the finished floor levels of the buildings 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]

05. No development (other than the construction of the access and the provision of replacement parking for Nos 64 and 65 Knox Green) shall take place until the access from Knox Green including a turning head within the site has been constructed in accordance with the details to be submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]

06. No dwelling shall be occupied until a means of vehicular access to it has been constructed in accordance with the approved plans.
REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]

07. No dwelling shall be occupied until a means of access to it for pedestrians and/or cyclists has been constructed in accordance with the approved plans.
REASON: In the interests of accessibility and to facilitate access by cyclists and/or pedestrians.
[Relevant Policies: BFBLP M6, Core Strategy DPD CS23]

08. No dwelling shall be occupied until visibility splays of 2.0 metres by 2.0 metres have been provided at the junction of the driveway and the adjacent footway. The dimensions shall be measured along the edge of the drive and the back of the footway from their point of intersection. The visibility splays shall at all times thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the carriageway.

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

09. No dwelling shall be occupied until the associated vehicle parking and turning space serving it has been surfaced in accordance with the approved drawings. The spaces shall thereafter be kept available for parking at all times.
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

10. The garage accommodation shall be retained for the use of the parking of vehicles at all times.
REASON: To ensure that the Local Planning Authority's vehicle parking standards are met.
[Relevant Policy: BFBLP M9]

11. There shall be at least 6.0 metres between the garage door (when shut) and the highway boundary.
REASON: In order to ensure that adequate off street vehicle parking is provided in accordance with the Borough Councils vehicle parking standards.
[Relevant Policy: BFBLP M9]

12. There shall be no restrictions on the use of the visitor parking spaces shown on the approved plan for visitors to the buildings hereby permitted.
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street parking which would be a danger to other road users.
[Relevant Policy: BFBLP M9]

13. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority for off site highway works including the following:-
- alterations to Knox Green to form the vehicular access
- works on the section of the existing drive to Binfield House between Terrace Road North and the footpath link to Stevenson Drive to provide safe pedestrian and cyclist access.
None of the buildings provided by the carrying out of the development shall 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]

14. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority for external site lighting for the parking courts serving plots 13-18 and 19-24, including lighting units and levels of illumination. The approved scheme shall be implemented before the first use of each parking court and the lighting retained in accordance therewith.
REASON: In the interests of the amenity of the neighbouring property and the character of the area.
[Relevant Plans and Policies: BFBLP EN20, CSDPD CS7]

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that order, no freestanding external lighting shall be installed on the site except in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of nature conservation
[Relevant Policies: BFBLP EN15, EN2O and EN25]

16. The development hereby permitted shall not be begun until details of a scheme of walls, fences and any other means of enclosure, including a new boundary to the side of plot 22, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme associated with each building shall be implemented in full insofar as it relates to that building before its occupation.
REASON: In the interests of the visual amenities of the area the amenities of properties adjoining the site.
[Relevant Plans and Policies: BFBLP EN20, Core Strategy DPD CS7]

17. 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 to mitigate for the loss of Tree T5
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) Paving including pedestrian open spaces, paths, patios, proposed materials and construction methods, cycle routes, parking courts, play areas etc.
f) Other landscape features (water features, seating, trellis and pergolas 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 plot to which it relates or the completion of the development as a whole, whichever is sooner. 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 and the visual amenity of the area.
[Relevant Policies: BFBLP EN2 and EN20, CSDPD CS7]

18. The areas shown for soft landscaping purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose without the prior written permission of the Local Planning Authority.
REASON: In the interests of good landscape design and the visual amenity of the area.
[Relevant Policies: BFBLP EN2 and EN20, Core Strategy DPD CS7]

19. All existing trees, hedgerows and groups of shrubs shown to be retained on the approved drawings shall be protected by 2.3m high (minimum) protective barriers, supported by a metal scaffold framework, constructed in accordance with Section 9 (Figure 2) of British Standard 5837:2005, or any subsequent revision. The development shall be carried out in accordance with the approved drawings.

REASON: - In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area.
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

20. The protective fencing and other protection measures specified by the previous condition shall be erected in the locations agreed in writing by the Local Planning Authority prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site (unless agreed otherwise in writing by the Local Planning Authority). No activity of any description must occur at any time within these protected areas including but not restricted to the following: -

a) No mixing of cement or any other materials.
b) Storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description.
c) Siting of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, porta-loos, storage compounds or hard standing areas of any other description.
d) Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ ground conditions of any other description.
e) Installation/siting of any underground services, temporary or otherwise including; drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting.
f) Parking/use of tracked or wheeled machinery or vehicles of any description.
REASON: In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area.
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

21. The development hereby permitted shall not be begun until a Management and Maintenance Plan for the area of trees lying to the west of plots 7-9 has been submitted to and approved in writing by the Local Planning Authority. This area of trees shall be managed and maintained in accordance with the approved plan.
REASON: To ensure this area of retained trees is maintained in the interests of the visual amenities of the area.
[Relevant Plans and Policies: BFBLP EN1, EN20]

22. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority for steps and works to secure the long-term safety and stability of the garden wall, including measures to strengthen it as necessary. No dwelling shall be occupied until the approved scheme has been implemented.
REASON: To protect and preserve the garden wall in the interests of the visual amenities of the area.
[Relevant Policies: Core Strategy DPD CS1]

23. The development hereby permitted shall not be begun until a scheme for the protection, during demolition/construction works, of the C19th garden wall has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be performed and complied with.
REASON: To protect and preserve the garden wall in the interests of the visual amenities of the area.
[Relevant Policies: Core Strategy DPD CS1]

24. The development hereby permitted shall not be begun until details of the design, implementation, maintenance and management of a sustainable drainage scheme have

been submitted to and approved in writing by the Local Planning Authority. Those details shall include:-
a) Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control the surface water discharged from the site and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
b) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
c) Flood water exceedance routes, both on and off site;
d) A timetable for its implementation, and
e) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
Once approved, the scheme shall be implemented, retained, managed and maintained in accordance with the approved details.
REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system

25. The development shall not be begun until a Sustainability Statement demonstrating how the development meets current best practice standards in the sustainable use of natural resources has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include either a Design Stage Report and BRE Interim Certificate or a pre-assessment estimator carried out by an independent assessor licensed by the Building Research Establishment demonstrating that the development meets a minimum standard of Level 3 of the Code for Sustainable Homes. The development shall be implemented in accordance with the Sustainability Statement and shall be retained in accordance therewith.

REASON: In the interests of sustainability and the efficient use of resources.
[Relevant Policy: Core Strategy DPD CS10]

26. 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]

27. 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% unless otherwise agreed by the Local Planning Authority).

The buildings thereafter constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith.
REASON: In the interests of the sustainability and the efficient use of resources.
[Relevant Plans and Policies: CSDPD Policy CS12]

28. 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) site security arrangements including hoardings
(iv) proposed method of piling for foundations
(v) construction and demolition working hours
(vi) 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.
REASON: In the interests of the amenities of the area.

29. 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
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.

30. The development hereby permitted shall not be begun until a Construction Traffic Management Plan has been submitted to and approved by the Local Planning Authority. The approved Management Plan shall be performed, observed and complied with for the duration of the construction of the development hereby approved.
REASON: In the interests of road safety and the amenity of nearby residents.
[Relevant Policies: BFBLP EN25, CSDPD CS23]

31. Notwithstanding the provisions of Class G of Part 17 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development by statutory undertakers for the generation, transmission or supply of electricity shall be installed or constructed unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of the visual amenities of the area
[Relevant Policies: BFBLP EN20 and GB1, Core Strategy DPD CS7]

32. No site clearance shall take place during the main bird-nesting period of 1st March to 31st August inclusive, unless a scheme to minimise the impact on nesting birds during the construction of the development has been submitted to and approved by the Local Planning Authority.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: BFBLP EN3, CSDPD CS1 and CS7]

33. The development (including site clearance and demolition) shall not begin until a scheme to mitigate the impact of the development on biodiversity has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:- -----measures to avoid harm to biodiversity
- features provided to mitigate the loss of habitat (e.g. ponds, hibernacula)
- habitat enhancements (not mitigation)
- on-going management of new features/habitat
The mitigation scheme shall be implemented in accordance with the approved details. An ecological site inspection report shall be submitted within three months of the first occupation of any dwelling hereby approved.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1]

34. The development (including site clearance and demolition) shall not be begun until a scheme to minimise harm to bats, mitigate the loss of a bat roost, provide compensatory roosts and improve their habitat has been submitted to and approved by the Local Planning Authority. The approved scheme shall be performed and complied with.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: BFBLP EN2]

35. An ecological site inspection report shall be submitted within three months of the first occupation of any dwelling hereby approved.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1]

36. The following windows shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent):-
- Plot 1: 1st floor north-facing en-suite
- Plot 2: 1st floor north and east-facing en-suites
- Plot 3: 1st floor north-facing landing
- Plot 5: 1st floor south-facing landing
- Plot 20: 1st floor east-facing bathroom
- Plot 21: 1st floor east-facing bathroom.
They shall at all times be fixed shut with the exception of a top-hung openable fanlight.
REASON: To prevent the overlooking of neighbouring properties.
[Relevant Policies: BFBLP EN20]

37. 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 area
[Relevant Policies: BFBLP EN25]

38. 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]

39. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no enlargement, addition, improvement or other alteration permitted by Classes A, B, C, D and E of Part 1 of the Second Schedule of the 1995 Order shall be carried out to the dwellings on plots 1, 5, 6, 12, 13, 14 and 15.
REASON: To control development which might have an adverse impact on the C19th garden wall.

40. The dwellings on plots 19-24 (inclusive) shall only be occupied by persons:-
(a) who are aged 60 years or over requiring facilities which consist of the services of a non-resident warden, and
(b) provided that they are aged 55 years or more, the spouse or a partner of a person falling within (a) above who is in occupation of the accommodation.
REASON: To ensure that the special nature of the proposed development is properly controlled and to ensure adequate vehicle parking is provided.
[Relevant Plans and Policies: BFBLP M9, CSDPD CS16)

Informative(s):

01.The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address

those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

02. For the avoidance of doubt the conditions stating that 'no dwelling shall be occupied' relate to the new dwellings proposed and not to Nos. 64 and 65 Knox Green.

In the event of the S106 planning obligation(s) not being completed by 31 March 2015 the Head of Development Management be authorised to REFUSE the application on the grounds of:-

01.The proposed development would unacceptably increase pressure on the transportation network, education facilities, open space and built sports facilities and would not provide for the long-term maintenance of the C19th garden wall or the group of trees to the south-east of Binfield House. 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, and the long-term management and maintenance of the C19th garden wall and the group of trees to the south-east of Binfield House, the proposal is contrary to Policy SA1 of the Site Allocations Local Plan, Policies CS1, CS6 and CS24 of the Core Strategy Development Plan Document and Policies EN1, R4 and M4 of the Bracknell Forest Borough Local Plan.

02. In the absence of a planning obligation to secure affordable housing in terms that are satisfactory to the Local Planning Authority, the proposal is contrary to Policy CS16 of the Core Strategy Development Plan Document and to the resolution on affordable housing made by BFC Executive on 29 March 2011.

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