

## Unrestricted Report

### ITEM NO: 8

Application No.  
**15/00150/FUL**

Site Address:

Ward:  
Central Sandhurst

Date Registered:  
17 February 2015

Target Decision Date:  
14 April 2015

**14 Green Lane Sandhurst Berkshire GU47 9AG**

Proposal:

**Erection of detached two-storey dwelling with parking and amenity space following demolition of existing garage**

Applicant:

Churchgate Premier Homes

Agent:

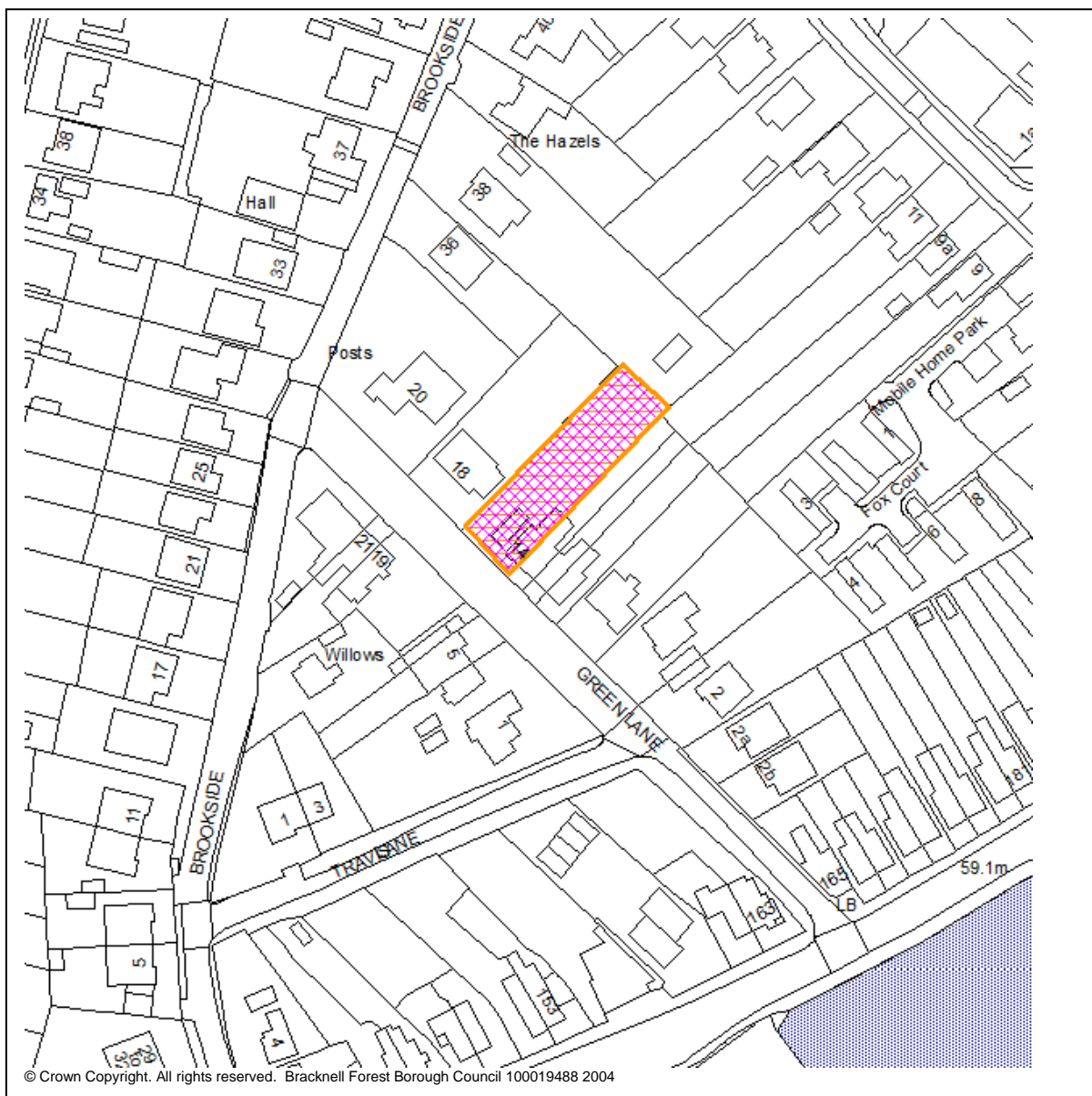
Mr Jake Collinge

Case Officer:

Sarah Horwood, 01344 352000

[Development.control@bracknell-forest.gov.uk](mailto:Development.control@bracknell-forest.gov.uk)

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



## **OFFICER REPORT**

### **1. REASON FOR REPORTING APPLICATION TO PLANNING COMMITTEE**

This application has been reported to the Planning Committee as more than 3 objections have been received.

### **2. SITE DESCRIPTION**

14 Green Lane is a two storey end of terrace dwelling located on an unmade highway. There is an existing detached single garage sited to the north of the dwelling which would be demolished as part of the proposal for the new dwelling.

14 Green Lane is one of a row of 4 terraced properties which are two storeys high.

18 Green Lane is a detached chalet bungalow with existing garage set 1m from the boundary with the application site.

The surrounding area is residential characterised by a mix of styles of properties including some relatively modern detached dwellings.

### **3. RELEVANT SITE HISTORY**

19258 approved in 1973 for erection of a garage.

614051 approved in 1988 for demolition of existing garage and erection of a three bedroom house with integral garage attached to existing terrace.

14/01135/FUL withdrawn February 2015 for erection of detached 3 bedroomed dwelling with associated parking and amenity space following the demolition of existing garage and provision of replacement parking for No. 14.

### **4. THE PROPOSAL**

Full permission is sought for the erection of a new, detached two-storey dwelling with parking and amenity space following demolition of existing garage.

The proposed dwelling would be 7.9m wide and 12.2m deep at the widest and deepest parts. The dwelling would have an eaves height of 5.1m and a ridge height of 8m. It would be set 1m from the flank wall of the adjoining property at no. 14 Green Lane and approximately 0.5m from the boundary with no. 18 Green Lane. The front elevation of the dwelling would be set 6m from the front boundary of the site. The dwelling would result in the demolition of the existing detached flat roofed garage serving 14 Green Lane.

A canopy is proposed on the front elevation of the dwelling at ground floor level over the front door. The dwelling would be constructed from a suitable brick with tiled roof to match the adjoining terraces at nos. 8 to 14 Green Lane. It would include soldier course brick detailing over the proposed windows and garage door.

The proposed dwelling would comprise the following layout:

GROUND FLOOR: hallway, kitchen, integral garage, cloakroom, lounge/dining room;

FIRST FLOOR: 3no. bedrooms, bathroom, airing cupboard.

The proposed dwelling would benefit from 2no. parking spaces - 1no. space in the proposed integral garage and 1no. space to the front of the garage. A parking space for the existing dwelling at 14 Green Lane would be provided to the front of the proposed dwelling to compensate for the loss of the garage.

A rear garden 12.4m deep and 8.8m wide would be provided for the proposed dwelling following the subdivision of the plot to 14 Green Lane to provide garden space for both the existing and proposed new dwelling.

The current application differs from the scheme proposed under withdrawn application 14/01135/FUL in that:

- the eaves height and ridge height of the roof have been reduced;
- there has been a reduction in the amount of floor space at first floor level;
- the front facing gable has been omitted; and
- an attempt has been made to address issues around parking and land ownership.

## **5. REPRESENTATIONS RECEIVED**

3no. letters of objection which can be summarised as follows:

- Inaccuracies in application: reference is made to no. 16 Green Lane which does not exist, it is no. 18 which is the neighbouring property; no reference made to demolition of garage at no. 14 Green Lane; plans do not show location or size of existing dwelling at no. 18 and the extension approved at this dwelling;
- Overdevelopment;
- Businesses run from 14 Green Lane (vehicle recovery business and car sales);
- Parking;
- Access including damage to the lane
- Impact to residential amenities of neighbouring properties
- Installation of solar panels will be unsightly
- There is a mobile home in rear garden of no. 14 Green Lane

1no. letter of support received from 14 Green Lane which can be summarised as follows:

- Revised application attempts to address issues raised under previous application which was withdrawn;
- Mobile home in garden of no. 14 Green Lane will be removed;
- No business run from property;
- Issue of condition of Green Lane is ongoing;
- No impact to parking

## **6. SUMMARY OF CONSULTATION RESPONSES**

### Sandhurst Town Council

Recommend refusal for the following reasons:

- i) the application will result in a cramped development
- ii) there is inadequate parking provision for a three bedroom property

### Highways Officer:

No objection subject to conditions.

### Biodiversity Officer:

No objection subject to conditions.

## **7. DEVELOPMENT PLAN**

The Development Plan for this Borough includes the following:

Site Allocations Local Plan 2013 (SALP)  
Retained Policies of the South East Plan 2009 (SEP)  
Core Strategy Development Plan Document 2008 (CSDPD)  
Saved Policies of the Bracknell Forest Borough Local Plan 2002 (BFBLP)  
Bracknell Forest Borough Policies Map 2013

## **8. PRINCIPLE OF DEVELOPMENT**

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

CSDPD Policy CS1 states that development will be permitted which makes efficient use of land, buildings and infrastructure, is located so as to reduce the need to travel and protects and enhances the character and quality of natural resources, landscapes and countryside. This is considered to be consistent with the NPPF.

CSDPD Policy CS2 sets out the sequence in which the Council will allocate land for development and states that development will be permitted within defined settlements and on allocated sites. The site location has good access to facilities and services and lies within the defined settlement in a sustainable location as shown on the Bracknell Forest Borough Policies Map 2013.

Whilst CSDPD Policy CS15 sets the overall housing target for the Borough, the recently published 2012 based household projections are a material consideration. The scheme, if approved, would contribute towards the Borough's overall housing requirement.

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 which states "to deliver a wide choice of high quality homes, widen opportunities for home ownership...local authorities should plan for a mix of housing". The current proposal would provide an additional family dwelling.

The NPPF at para. 7 refers to sustainable development and states there are 3 dimensions to sustainable development; economic, social and environmental. The economic role refers to sufficient land of the right type being available in the right places; the social role refers to providing housing supply which meets the needs of the present and future generations and creating a high quality built environment and the environmental role refers to protecting and enhancing the natural, built and historic environment.

The NPPF at paras 17 and 111 reiterates that planning decisions should encourage the effective use of land by reusing previously developed land, provided it is not of high environmental value. The proposed additional dwelling would be sited within a private

residential garden and therefore would not be sited on previously developed land as private gardens are excluded from the definition of previously developed land provided in Annex 2 of the NPPF. Given the site is considered to be a greenfield site, particular consideration should be given to ensuring the proposed creation of a new dwelling would not adversely affect the character of the area.

SALP Policy CP1, alongside CSDPD Policies CS1 and CS2 and the NPPF take a positive approach to development within the defined settlement, such as this. Furthermore, the proposal will add to the supply and type of housing in accordance with CSDPD Policies CS15 and CS16. As such it is considered that the proposal for an additional dwelling within the defined settlement is acceptable in principle. This is subject to it causing no adverse impacts upon residential amenities of neighbouring properties, the character and appearance of surrounding area, highway safety implications, etc. These matters are assessed below.

## **9. IMPACT ON CHARACTER AND APPEARANCE OF AREA**

Saved Policy EN20 of the BFBLP and Policy CS7 of the CSDPD relate to design considerations in new proposals and are relevant to this proposal. These policies seek to ensure that developments are sympathetic to the character of the area and are of a high design. This is consistent with the NPPF.

The site lies within the Central Sandhurst Character Area designated by the Council's Character Area Assessment SPD adopted March 2010. The SPD identifies areas with distinctive and positive character and makes recommendations for future development proposals. The SPD identifies the area as having inconsistent architecture; redevelopment of individual plots is acceptable subject to no detrimental impact upon the character of the area.

### **FLOOR AREA, HEIGHT AND SITING**

Green Lane is characterised by a mix of sizes of dwellings. The proposed new 3 bedroom dwelling would not be dissimilar in size to properties in the surrounding area.

The proposed eaves and ridge heights of the dwelling would be acceptable, as both are of a similar height to those of the row of terraces at nos. 8 to 14 Green Lane which the new dwelling would be sited close to. The adjoining property at no. 18 Green Lane is a chalet bungalow which has planning permission to be extended and the proposed new dwelling would be approximately 2m higher than this dwelling. Whilst the proposed new dwelling would exceed the height of no. 18; it would be similar in height to nos. 8 to 14 Green Lane and would therefore assimilate into the street scene.

There is no established building line along Green Lane. The proposed new dwelling would be set back approximately 2m from the front elevation of the adjoining terraces at nos. 8 to 14 Green Lane (excluding the porches - approximately 3m if including the porch of no. 14 Green Lane) but set forward of the adjoining property at no. 18 Green Lane by approximately 1m. As such the siting of the proposed new dwelling, given it would be sited between the front building lines of adjoining properties, would be acceptable.

The proposed new dwelling would be sited 1m from the flank wall of the adjoining property at no. 14 Green Lane. This would be an acceptable physical and visual separation between the existing dwelling and proposed new dwelling.

The proposed new dwelling would be sited 0.5m from the boundary with no. 18 Green Lane at the closest point at ground floor level and 1m from the boundary at first floor

level. There is an existing flat roofed garage at no. 18 which is set approximately 1m from the boundary with the application site. The proposed new dwelling would be sited 1.5m from the flank wall of the garage of no. 18 at ground floor level and there would be a 2m separation distance at first floor level. This would be an acceptable physical and visual separation between the proposed new dwelling and the adjoining property at no. 18 Green Lane.

A side and rear extension has been approved at no. 18 Green Lane which has yet to be implemented - LPA ref: 14/00984/FUL. This extension would be set 0.765m from the boundary of the application site following the demolition of the garage of no. 18. In the event of this extant planning permission being implemented and the new dwelling being erected, there would be a 1.2m separation distance at ground floor level and 1.76m separation distance at first floor level between the proposed new dwelling and the flank wall of the approved side extension at no. 18 Green Lane. This would be an acceptable physical and visual separation between the proposed new dwelling and the adjoining property.

Whilst the new dwelling is proposed within the residential garden of an existing dwelling and therefore not on previously developed land, the proposed development would make efficient use of the land and would assimilate well into the plot, not resulting in a cramped form of development.

#### DESIGN AND MATERIALS

There is no established house type within Green Lane which includes terraced and detached two storey dwellings and chalet bungalows. However the proposed two storey dwelling would be similar in design to that of the row of terraces at nos. 8 to 14 Green Lane which it be sited close to. As such, the design of the proposed dwelling would be acceptable and would assimilate well with the adjoining terraced properties at nos. 8 to 14 Green Lane.

Given the non-uniform style of houses within the area and that the design of the new dwelling would be similar to that of the row of terraces at nos. 8 to 14 Green Lane; the proposal would not detract from the Central Sandhurst Character Area.

The materials for the proposed dwelling have not been specified; however the planning statement refers to the materials matching the neighbouring terraces. A planning condition is recommended requiring details of materials to be submitted to the LPA for approval.

#### RESIDENTIAL CURTILAGE

The existing garden of no. 14 Green Lane would be subdivided to provide separate rear gardens for the existing dwelling and the new dwelling. The amount of amenity space allocated to the existing dwelling and the new dwelling would be comparable to other plots within the wider area of Green Lane and Brookside. The rear garden for the proposed dwelling would be approximately 8m wide and 12.4m deep.

The rear garden for the existing dwelling would be between 5m and 14m wide (at the narrowest and widest parts) and 30m deep at the deepest part.

As such, the proposal would not constitute a cramped form of development, providing a sufficient amenity space for both the existing and proposed dwellings.

To the front of the site, 2no. parking spaces would be provided - 1no. space for the proposed new dwelling and 1no. space for the existing dwelling at no. 14 Green Lane. Whilst the majority of the frontage of the site would be laid to hard surfacing to provide

parking and pedestrian access; there would be some scope for soft landscaping and a planning condition is recommended to ensure the proposal is acceptable in the street scene.

As such, the proposal would not adversely affect the character and appearance of the surrounding area and would be in accordance with 'Saved' Policy EN20 of the BFBLP, Policy CS7 of CSDPD and the NPPF.

## **10. RESIDENTIAL AMENITY**

BFBLP 'Saved' Policy EN20 refers to the need to not adversely affect the amenity of the surrounding properties and adjoining areas. This is consistent with the NPPF. In addition to this, part of the requirement for a development to provide a satisfactory design as stated in BFBLP 'Saved' Policy EN20 and CSDPD Policy CS7, is for the development to be sympathetic to the visual amenity of neighbouring properties through its design. This is considered to be consistent with the core principle relating to design in paragraph 17 of the NPPF, which states that LPAs should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and consistent with the general design principles laid out in paras. 56 to 66 of the NPPF.

The proposed new dwelling would be located 1m from the flank wall of no. 14 Green Lane. The front elevation of the new dwelling would be set back from the front elevation of no. 14 and therefore the new dwelling would not appear unduly overbearing to the front elevation of no. 14.

The proposed new dwelling would have a staggered rear elevation at two storey level. 2m of the proposed new dwelling closest to the boundary with no. 14 would project beyond the first floor of no. 14, set 1m from the flank wall of no. 14. This projection would not appear unduly overbearing or result in loss of daylight to the first floor of no. 14. The remainder of the two storey element of the new dwelling would be set in 3m from the flank wall of no. 14 and would project an additional 2m beyond the first floor of no. 14. This would not appear unduly overbearing or result in loss of daylight to the first floor of no. 14.

The single storey element of the proposed dwelling forming a lounge/dining room would be set 2m from the proposed boundary with no. 14 Green Lane and would project 3.7m beyond the rear elevation of no. 14 at ground floor level, set 3m from the flank wall of no. 14. The proposed dwelling would therefore not appear unduly overbearing or result in loss of daylight to rear facing ground floor windows serving habitable rooms at no. 14.

1no. window is proposed in the flank wall of the proposed new dwelling facing no. 14 Green Lane at ground floor level serving a WC. A footpath is proposed between the existing dwelling and the new dwelling to provide access to the rear gardens of both dwellings. It is recommended that the WC window is conditioned to be obscure glazed and fixed shut with the exception of a top opening fanlight in the interests of the privacy of the proposed new dwelling.

An existing side facing window at first floor level serving a bedroom at no. 14 Green Lane would be relocated from the flank wall to the rear elevation of the dwelling under permitted development to improve the outlook from this habitable room. A planning condition is recommended to ensure this is undertaken prior to the commencement of development in relation to the new dwelling.

The proposed new dwelling would be located approximately 1.5m from the flank wall of the garage of no. 18 Green Lane. The new dwelling would project approximately 2m beyond the front elevation of no. 18 closest to the application site - this being the garage. The proposed new dwelling would not appear unduly overbearing to the front elevation of the dwelling in view of the projection and separation distance and further would not result in loss of daylight to any front facing windows at no. 18. To the rear, the proposed new dwelling would project approximately 3.8m beyond the garage of no. 18, with only 1m of this projection being at two storey height, the remainder being the proposed lounge/dining room at ground floor level and single storey height. The proposed new dwelling would not appear unduly overbearing to the rear elevation of the dwelling in view of the projection and separation distance and further would not result in loss of daylight to any rear facing windows at no. 18. Further, the proposed new dwelling is not considered to be unduly overshadow the rear garden of no. 18.

There is an existing window in the flank wall of no. 18 facing the application site which serves a garage. This is not a habitable room and therefore any loss of daylight to this window would not be harmful to the residential amenities of no. 18.

1no. window is proposed in the flank wall of the proposed new dwelling facing no. 18 Green Lane at first floor level serving a bathroom. It is recommended that the bathroom window is conditioned to be obscure glazed and fixed shut with the exception of a top opening fanlight in the interests of the privacy of the adjoining property.

In the event of the extant planning permission at no. 18 Green Lane being implemented, the visual impact of the proposed new dwelling would be further reduced. From assessing the approved plans relating to permission 14/00984/FUL, 1no. door is proposed in the flank wall of the side extension facing the new dwelling, however this would serve a utility room and would not be a habitable room. As such, there would be no loss of daylight to any approved doors/windows serving habitable rooms in the event of 14/00984/FUL being implemented.

The proposed new dwelling would be located approximately 20m from the front elevations of properties to the south-west and west of the site at nos. 5 and 19 Green Lane. Whilst the proposed new dwelling would appear visible to these properties, in view of the 20m separation distances, it would not appear unduly prominent to these properties and further, would not result in undue overlooking to the front gardens and front elevations of these properties.

The residential amenities of the future occupiers of the proposed new dwelling would be acceptable, with no adverse issues of overlooking to the dwelling or its proposed amenity space to the rear from adjoining properties at nos. 14 and 18 Green Lane.

The adjoining properties would not appear unduly overbearing to the detriment of the proposed new dwelling.

No. 14 would project 2m at two storey level beyond the front elevation of the new dwelling; with the inclusion of the single storey porch, no. 14 would project 3.4m beyond the front elevation of the new dwelling. The projection of no. 14 beyond the front elevation of the proposed new dwelling would not appear unduly overbearing to the detriment of the future occupiers of the new dwelling and would not result in loss of daylight to proposed front facing windows of the proposed new dwelling. The rear most part of the proposed new dwelling at both ground floor and first floor level would project beyond the rear elevation of no. 14 and therefore no overbearing impact would result to the new dwelling to the rear from no. 14. Further, there would be no loss of daylight to any proposed rear facing windows of the new dwelling.



The proposed new dwelling would project beyond the front and rear elevations of no. 18 Green Lane (including if extant permission 14/00984/FUL is implemented) and therefore no overbearing impact would result to the new dwelling from no. 18. Further there would be no loss of daylight to any proposed windows.

Sufficient amenity space is proposed to serve the new dwelling.

As such, the proposal is not considered to affect the residential amenities of neighbouring properties and future occupiers of the new dwelling would be provided with an acceptable level of residential amenity. Therefore the proposal is in accordance with Saved Policy EN20 of the BFBLP and the NPPF.

## **11. TRANSPORT IMPLICATIONS**

'Saved' Policy M9 of the BFBLP ensures that development provides satisfactory parking provision. Further guidance on the implementation of this policy (including parking provision) is contained in the Council's adopted Parking Standards SPD (2007) which is a material consideration. As the NPPF refers to local authorities setting their own parking standards for residential development, this policy is considered to be consistent.

Policy CS23 of the CSDPD seeks to increase the safety of travel. This is consistent with the NPPF.

The application site is located on a private road. There are no footways and on-street parking appears to be un-restricted, though it is noted within local comments that there are restrictions on parking in-front of other properties.

The submitted information indicates that the existing 2-bed property (no. 14) currently has 2 parking spaces and that one parking space would be provided for this existing dwelling as part of this proposed development. This represents a shortfall of one space and a vehicle would park on-street. The parking of vehicles outside other properties is a legal matter and from a highways perspective, a vehicle could park outside of the existing property (no. 14) without detrimental impact to access and safety on this private road.

Whilst the red-line area includes an area of hard-standing to the side of the existing property which could provide at least 2 parking spaces, this area is gated and a vehicle is currently being parked in-front of the gate. Also, it is noted that the existing garage does not appear from the planning history to have an associated planning condition requiring it to be retained for vehicle parking and a vehicle parked in-front of the garage is likely to over-hang the private road.

The new off-street parking space for the existing dwelling (no. 14) complies with the latest standards for practical and useable vehicular parking. Also, the existing dwelling is included within the red-line area and therefore the proposed parking provision for the existing property (no. 14) can be secured by planning condition. The parking space would be in-front of a separate dwelling and this could be considered to reduce the amenity for residents of the new dwelling.

2 no. parking spaces are to be provided for this new 3-bed dwelling, which complies with the parking standards. The proposed garage and driveway parking space have the required dimensions to be practical and useable to accord with the latest standards.

Off-street parking provision should be secured by planning condition in the interests of highway safety.

Pedestrian access to the main front door of the new dwelling is acceptable and access through to the rear of the property is to be provided. The latter is shared with the existing property (no. 14) and as the existing property is included within the red-line area rear access for bins, cycle storage and existing out-buildings would be maintained.

A Construction Traffic Management Plan is required for residential amenity and safety on Green Lane, in particular, but also the surrounding public highway. This could be secured by planning condition.

Planning conditions are recommended in relation to provision of parking spaces, retention of the garage proposed in the new dwelling, cycle parking and site organisation. Subject to the imposition of the above conditions, the proposal would be in accordance with Policy CS23 of the CSDPD, 'Saved' Policy M9 of the BFBLP and the NPPF and would not result in highway implications.

## **12. BIODIVERSITY IMPLICATIONS**

Policies CS1 and CS7 of the CSDPD seek to protect and enhance the quality of natural resources including biodiversity. This is consistent with the objectives of the NPPF, in particular to para. 109 and para. 118.

The application involves the demolition of a garage. Structures such as this generally have a low likelihood of support roosting bats. Nevertheless, the applicant is reminded that many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Bats are protected under The Conservation of Habitats and Species Regulations 2010, which implements the EC Directive 92/43/EEC in the United Kingdom and the Wildlife and Countryside Act 1981 (as amended). If bats are discovered, all works should stop immediately and Natural England should be contacted for advice on any special precautions before continuing.

Works should also not take place that will disturb nesting birds from March to August inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

Planning conditions are recommended in relation to no site clearance during the main bird nesting season; biodiversity enhancements (including bird and bat boxes) and soft landscaping in the interests of nature conservation and the visual amenities of the surrounding area. Subject to the imposition of the above conditions, the proposal would be in accordance with Policies CS1 and CS7 of the CSDPD and the NPPF.

## **13. SPA IMPLICATIONS**

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

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

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

This site is located approximately 0.65 km from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures. Therefore, an Appropriate Assessment must consider whether compliance with conditions or restrictions, such as a planning obligation, can enable it to be ascertained that the proposal would not adversely affect the integrity of the site. In line with the Council's SPA SPD (March 2012), the project as proposed would not adversely impact on the integrity of the site provided: Prior to the permission being granted an applicant enters into a Section 106 Agreement based upon the Template S106 Agreement.

The SPA SPD Table 1 requires a contribution which is calculated on a per bedroom basis to be paid to the Council towards the cost of works and measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Council's Avoidance and Mitigation Strategy. In this instance, this application is for a 1 X three bedroom dwelling. The SANG costs are £2171.

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

The Council has also signed a legal agreement to secure financial contributions towards Strategic Access Management and Monitoring (SAMM) which will be calculated on a per bedroom basis. This application is for a 1 X three bedroom dwelling which requires an additional financial contribution which is £711.

In summary, the total SPA related financial contribution including a contribution towards the SAMM project for this proposal is £2882 (2171 + 711).

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

Natural England has agreed that if the plans are implemented as stated in the SPA Avoidance and Mitigation Strategy and the Strategic Access Management and Monitoring Agreement, with certain monitoring requirements, Natural England "will stop objecting to consultations on housing applications in those areas of the Borough which have mitigation in line with the avoidance strategy."

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

A Section 106 agreement has been requested to secure mitigation towards the SPA and that the proposal is in line with the specified development plan policies.

#### **14. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

Bracknell Forest Council commenced charging for its Community Infrastructure Levy (CIL) on 6th April 2015.

CIL applies to any new build (except outline applications and some reserved matters applications) including extensions of 100 square metres of gross internal floor space, or more, or new build that involves the creation of additional dwellings.

The proposal would be CIL liable as no exemption or relief has been applied for.

CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the borough and the type of development. The charging schedule states how much CIL will be charged (in pounds per square metre of net additional floorspace) based on the development type and location within the borough. The five zones are based around Central Bracknell, Outer Bracknell, Sandhurst/Crowthorne, Northern Parishes, and Warfield Strategic Development.

The application site lies within the zone of Sandhurst/Crowthorne. In the event of planning permission being granted, a CIL Liability Notice (CLN) will be issued for the development.

Mitigation towards the Thames Basin Heath SPA will continue to be secured through a Section 106 agreement as outlined above.

#### **15. SUSTAINABILITY IMPLICATIONS**

Policy CS10 of the CSDPD requires the submission of a Sustainability Statement . No Sustainability Statement has been submitted. A planning condition is recommended in relation to the submission of a Sustainability Statement to satisfy the requirements of Policy CS10 of the CSDPD.

Policy CS12 requires the submission of an Energy Demand Assessment. No Energy Demand Assessment has been submitted. A planning condition is recommended in relation to the submission of an Energy Demand Assessment to satisfy the requirements of Policy CS12 of the CSDPD.

#### **16. CONCLUSION**

The proposed new dwelling relates to a site within the settlement boundary and is therefore acceptable in principle. It would not adversely affect the residential amenities of adjoining properties and would not adversely impact upon the character and appearance of the surrounding area. No highway safety implications and ecological implications will arise subject to the imposition of conditions. Relevant conditions will be imposed in relation to sustainability. A legal agreement will secure contributions for SPA mitigation and the scheme is CIL liable. The proposal is therefore considered to be in accordance with 'Saved' Policies EN20 and M9 of the BFBLP, CS1, CS6, CS7, CS15, CS16 and CS23 of the CSDPD and Policy CP1 of the SALP, all in accordance with the NPPF.

The application is therefore recommended for approval subject to the completion of a legal agreement and securing CIL contributions/mitigation.

## **RECOMMENDATION**

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

01. Thames Basin Heath Special Protection Area

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

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

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

02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 17 February 2015:

drawing no. 2140/PL/200

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. 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 additional windows, similar openings or enlargement thereof shall be constructed at first floor level or above in the side elevations of the dwelling hereby permitted except for any which may be shown on the approved drawing.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

05. The ground floor and first floor windows in the side elevations of the dwelling hereby permitted shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent). 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]

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

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

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

07. The development shall not be begun until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule. All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the occupation of any part of the approved development, whichever is sooner. 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. The areas shown for landscaping shall thereafter be retained.

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

[Relevant Policies: BFBLP EN20, CSDPD CS7]

08. No development shall be begun until details of a scheme of walls, fences and any other means of enclosure has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of the new dwelling.

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

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

09. The new dwelling shall not be occupied until the associated vehicle parking spaces for the proposed new dwelling and the existing dwelling at 14 Green Lane has been surfaced in accordance with the approved drawing. 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. 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) Temporary portacabins and welfare for site operatives

(e) wheel washing facilities

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

REASON: In the interests of amenity and road safety.

[Relevant Policy: CSDPD CS23, BFBLP M9]

12. 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 covered and secure cycle parking facilities. The building shall not be occupied until the approved scheme has been implemented. The facilities shall thereafter be retained.

REASON: In the interests of accessibility of the development to cyclists.

[Relevant Policies: BFBLP M9, CSDPD CS23]

13. 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 CS1, CS7]

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

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

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

15. The development shall not be begun until a Sustainability Statement, in accordance with the requirements set out in the Sustainable Resource Supplementary Planning Document (October 2008), has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the Sustainability Statement, as approved, and retained as such thereafter.

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

[Relevant Policy: Core Strategy DPD CS10]

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

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

[Relevant Plans and Policies: CSDPD Policy CS12]

17. No development shall take place until the side facing window at first floor level serving a bedroom at 14 Green Lane has been relocated to the rear elevation of 14 Green Lane at first floor level as shown on drawing no. 2140/PL/200 received by the Local Planning Authority on 17 February 2015.

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:
1. Time limit
  2. Approved plans
  4. Restrictions on windows
  5. Obscure glass
  10. Garage retention
  13. Site clearance

The applicant is advised that the following conditions require discharging prior to commencement of development:

3. Materials
6. Floor level
7. Landscaping
8. Means of enclosure
11. Site management
12. Cycle parking
14. Bat and bird boxes
15. Sustainability Statement
16. Energy Demand Statement
17. Relocation of window at 14 Green Lane

The following conditions require discharge prior to the occupation of the dwellings hereby approved:

9. Parking

03. The applicant is reminded that all bat species are protected under section 41 of the Conservation of Habitats and Species Regulations 2010, the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to obstruct, disturb, damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. Planning consent for a development does not provide a defence against prosecution under this legislation. If you are aware that bats roost in the trees or buildings for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300 228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England (0845 600 3078) for advice before continuing.



In the event of the S106 planning obligation(s) not being completed by 12 June 2015 the Head of Development Management be authorised to **REFUSE** the application on the grounds of:-

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

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](http://www.bracknell-forest.gov.uk)