

Unrestricted Report

ITEM NO: 5

Application No.
14/01333/OUT

Ward:
Winkfield And
Cranbourne

Date Registered:
24 December 2014

Target Decision Date:
25 March 2015

Site Address:

Land To The West Of Locks Ride Locks Ride Ascot Berkshire

Proposal:

Outline application for a residential development of up to 88 dwellings with vehicular access from Locks Ride, open space and associated works.

(All matters reserved apart from access)

Applicant:

Gladman Developments Ltd

Agent:

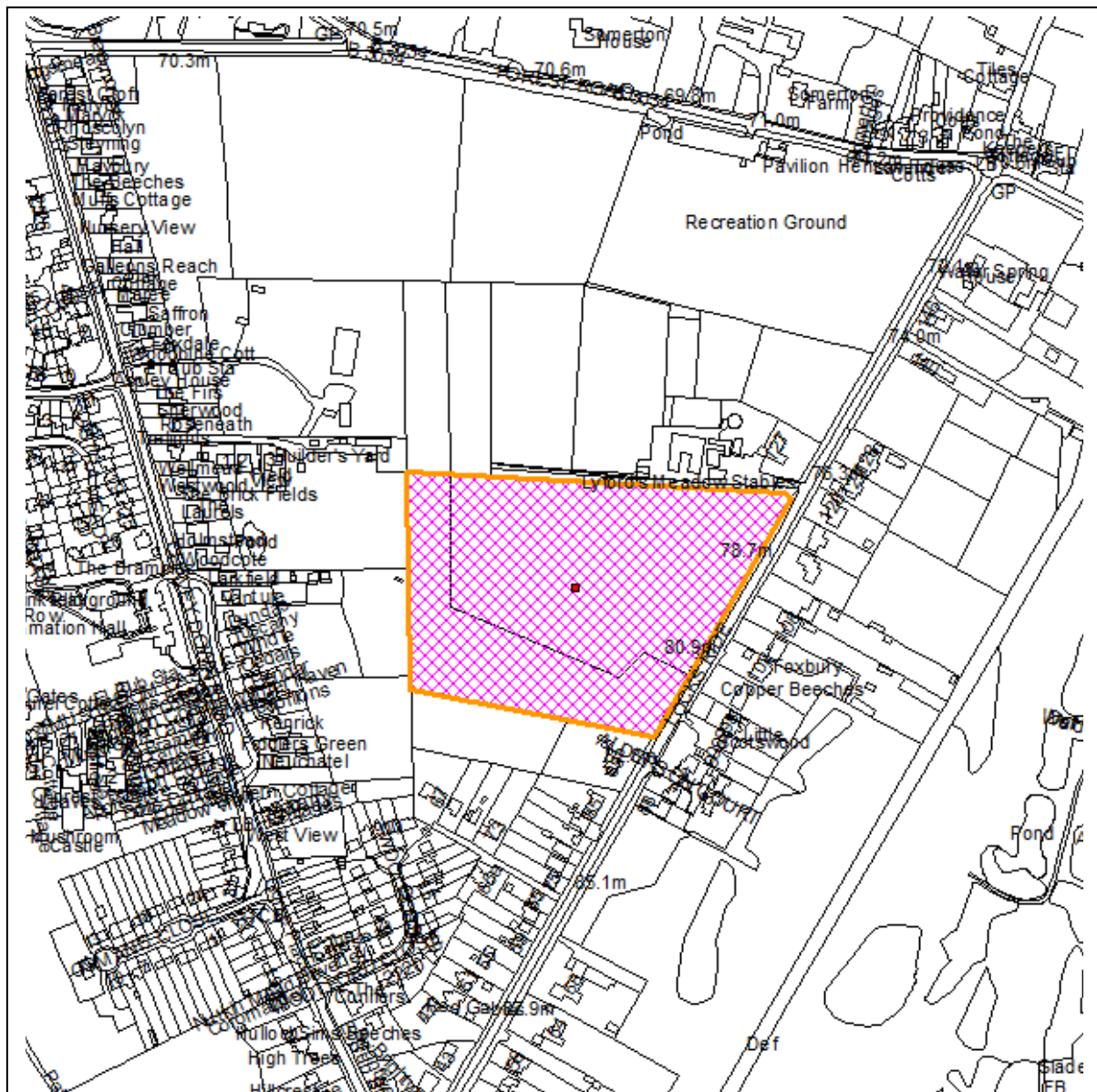
(There is no agent for this application)

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

This application is reported to committee at the request of the Chief Officer: Planning and Transport in view of the level of local interest.

2. SITE DESCRIPTION

The application site which has an area of 4.25 ha lies to the west of Locks Ride. It comprises a single field which is fairly flat and is currently under grass. It is bordered to the north by horse stables with an adjoining paddock, and on other sides by residential gardens and further paddocks.

The site's boundaries are formed by hedgerows with trees. A number of Oaks on the site's boundary with Lock's Ride are covered by a tree preservation order (TPO 81).

The north western corner part of the site is within 250m of a landfill site [see Section 20 below].

The Replacement Minerals Local Plan identifies the site as located within an area identified as having Plateau Gravel mineral resources.

3. RELEVANT SITE HISTORY

Various applications for residential development on the site were refused in the 1970s and 1980s, including:

- 613770 (refused 1988): outline application for 100 dwellings. Reasons for refusal included to contrary to policies (in place at the time), and visual intrusion.
- 07/00570/FUL (approved 2007): Application for engineering works for the construction of an underground water supply main pipeline from land south of Drift Road, Foliejon Park to the Surrey Hill and Crowthorne Reservoirs with associated shafts, washout chambers, sluice valve chambers, air valves, kiosks and temporary working areas. [Note: This pipeline crosses the application site with a sluice valve chamber close to the site's boundary with Locks Ride. It will prevent part of the site from being developed. If the application is approved this is a matter for consideration at the reserved matters stage but the 'Development Framework plan' submitted with the application shows the route of the pipeline as open space].

The application site is not allocated in the SALP. It initially formed part of a former potential 'Broad Area 7 - Winkfield Row/Chavey Down' at the Issues and Options stage, and was rejected at the Preferred Option stage. It also forms part of a SHLAA site (site 292), which was rejected at both the Preferred Option stage and at the Draft Submission stage

4. THE PROPOSAL

Outline planning permission is sought for a residential development of up to 88 dwellings with vehicular access from Locks Ride, open space and associated works. All matters are reserved apart from access.

Supporting information accompanying the application includes the following:-

- Planning Statement
- Design and Access Statement
- Ecological Appraisal
- Badger Survey Report
- Great Crested Newt Report
- Air Quality Screening Request
- Soils and Agricultural Use and Quality Report
- Flood Risk Assessment
- Foul Drainage Analysis
- Five Year Land Supply Assessment
- Phase 1 Geo environmental Assessment
- Noise Assessment Report
- Sustainability Report
- Socio-Economic Sustainability Statement
- Transport Assessment
- Framework Travel Plan
- Energy Statement
- Landscape and Visual Impact Assessment
- Arboricultural Survey
- Statement of Community Involvement
- Archaeological Desk Based Assessment

A 'Development Framework plan' submitted with the application shows how the site could be laid out. It includes a proposed residential area of 2.95 ha which, with a development of 88 dwellings, would result in a net density of about 30 dwellings per hectare.

Open space amounting to 1.27ha is shown located principally on the southern part of the site and on the site's boundaries with an attenuation pond on the site's northern boundary. Indicative routes within the site for pedestrians and vehicles are shown linking to access points on the site's Locks Ride frontage. Existing trees/shrubs and hedgerow are shown (to be 'gapped-up' as appropriate) with new tree planting within the site and along its boundaries, particularly the northern boundary.

5. REPRESENTATIONS RECEIVED

The following petition, with 222 signatures, has been received:-

"We, the undersigned, being residents of this area, are opposed to the use of green field Land to the West of Locks Ride being used for housing development. Any development will alter the character and biodiversity of the area and will exacerbate major problems that already exist e.g. schooling, access to public services, traffic etc. Any proposal outside of the Approved Site Allocations Development Plan for Bracknell Forest could lead to major overdevelopment when taken in combination with sites already approved via the Plan."

Society for the Protection of Ascot and Environs

We view this application with considerable concern, as it attempts to use the NPPF guidance to override local and democratically arrived at policies. The BFC site allocations process finalised in 2013, and arrived at through extensive consultation with local communities, defined how the BFC's 5 year land supply target would be met. It did not include this site which is anyway defined as land outside a defined settlement, and therefore subject to policies CS7 and 9 of the Core Strategy Development Plan and saved policy EN 20 of the Local Plan, and which this application would fail to meet.

We therefore find it incredulous that a developer should now justify this application primarily by accusing BFC of not having the 5 year land supply, so recently approved by the community and more particularly by the Inspector. If the democratic process is to be respected this must surely call for a review of the BFC 5 year land supply position by the Secretary of State. We therefore object to the application.

Objections have been received from 123 individuals raising concerns which may be summarised as follows:-

Principle of development and impact on character of area

- the site has already been considered by BFC for development and was rejected as unsustainable. The site was rejected in the SHLAA and was not included as a suitable site.
- not consistent with the BFC's Core Strategy Development plan. This states that the Council is committed to the protection of land outside settlements for its inherent character so that it may be enjoyed by present and future generations
- the development is proposed on previously undeveloped land and is not part of the detailed 5 year Site Allocations Local Plan (SALP) adopted in July 2013.
- village identity and character will be lost completely if more controls are not put in places.
- out of character for the area. The development would not fit with the existing built environment, with much higher building densities and would detrimentally affect the appearance and nature of Chavey Down.
- the development site is clearly agriculture land and this should be protected.
- if planning application is allowed it would also open up the floodgates for applications all along the Forest Road and Braziers Lane and beyond.
- out of character - the development scale is out of character with its surroundings. 88 new houses is more than all the houses currently on Lock Ride. Trees that screen the site are relatively thin and the new build would be easily seen from the road, changing the feel from semi-rural to urban
- existing homes on Locks Ride are typically 4/5 bedrooms; smaller dwellings on small plots would be out of character
- this will adversely affect the character of the area and be precedent setting to the rest of the Winkfield Triangle
- there is a substantial development ongoing at Jennett's Park and we feel that those families needing homes would be better placed there as the necessary infrastructure has been designed in from the outset.
- need to build more houses, but not to the detriment of our green fields and countryside.

Transport

- the local roads are already congested in the morning rush hour, and school drop off times and this will only get worse with the addition of 80+ houses.
- the Locks Ride/Forest Road/Braziers Lane, Locks Ride/Long Hill Road and Locks Ride/Chavey Down Road junctions are particular bottlenecks at present. At peak times traffic queues stretch a considerable distance down Locks Ride from the Forest Road junction past this proposed development's junction. Many drivers also break existing one way restrictions through North Road Chavey Down due to the level of local congestion. This development would simply exacerbate the situation by adding additional traffic to these local roads.
- during the day, traffic speeds down Lock's Ride - there are already issues with speeding vehicles (danger to vehicles, pedestrians, cyclists, horses) - additional vehicles will bring a further risk to the safety of pedestrians and cyclists.
- capacity improvements would be required at all local junctions and substantial modifications to road layouts, for example at the top and bottom of Locks Ride at Chavey Down Farm Braziers Lane. Braziers Lane is a dangerous junction which already struggles with traffic.
- there will be an increased risk of accidents on the junction of Locks Ride and Forest Road, due to the higher percentage of traffic.
- accessibility on foot. Guidance on preferred maximum walking distances to amenities given in the Chartered Institution of Highways and Transportation (CIHT) document 'Providing journeys on Foot' indicate that maximum walking distance of 2km to amenities is identified. The developers state that there is a Post Office within 1.9km. This is inaccurate. The nearest Post Office and local food store 'Londis' in New Road is 2.57km walking distance
- both the roads and pavements of Locks Ride and Forest Road are extremely narrow. It isn't that wide to walk children to school and impossible to walk two abreast without being within inches of the passing cars.
- bus timetables show the last bus on the 162 route to leave Bracknell Bus Station Mon- Fri that serves this area is 14.20. Coming the other way from Ascot Railway station the last bus leaves at 14.55. The 152 route which also serves the area leaves Bracknell at 15.55. Neither bus is practical for anyone working a regular 9-5 working day.
- next to children's park therefore dangerous
- the roads are in a bad state of repair.

Services and infrastructure

- poor access to existing community facilities.
- the current infrastructure would not be able to cope; doctors and dentists would become overstretched, hospital facilities are already overstretched and local schools already oversubscribed and have little room for expansion.
- there are no local shops within walking distance, or doctor's surgeries.

- insufficient youth amenities in the area as evidenced by Appendix 1 of the Sustainability Report (which details clubs and societies around Winkfield Row).
- local amenities (shops, post office, doctors & dental surgeries, library, pub etc.) are not within reasonable walking distance
- shops, post office, library and other facilities should be within walking distance of a new development such as this. Even perhaps another church and community centre.
- there is no public transport to speak of in this area - the only way to travel is by car.
- instances of sewage flooding in the area. This is due to the inadequate sewage system. If more demands are put on it by this development it will not cope when there is excessive rainfall. This will lead to a public health issue with the children at Lambrook School
- increase the risk of flooding from surface water run off into neighbouring fields and ditches - particularly at the junction of Locks Ride and Forest Road.
- Affinity Water Company is responsible for the water supply. From the documents that have been lodged it is not evident that Affinity have been consulted and therefore that any opinion has been obtained as to the viability of the existing water supply.
- providing an extra bus for 3 years as local transport - what happens after those 3 years, when the population of the estate will have risen?
- the application mentions that Martin's Heron Station is 3km away and within easy cycling distance. This station has already exceeded its original planned usage with almost no parking space. Very few people cycle to it and any anyone travelling to it by car will increase the amount of rush hour traffic already queuing on Long Hill Road.

Impact on living conditions of local residents

- loss of light and overshadowing.
 - loss of privacy - currently no overlooking.
 - there will be a lot of noise and disturbance created by the development - the area is a quiet peaceful area.
 - young and elderly residents find it already very hard to cross Locks Ride - any additional traffic increase will make it harder for these residents.
 - crime: increase in such properties have been shown to increase level of crime.
- Other environmental impacts

- concern about access to the Bray Water pipeline that was installed by South East Water and lies through the proposed development.
- light pollution which would be caused by the additional street lighting and illumination from the proposed properties. This would intrude on the existing natural undisturbed semi rural setting.
- close to Ascot Place and other historic buildings

Trees and Wildlife

- environmental impact within the Thames Basin Heath SPA.
- the trees/hedgerows maintain the character of the area but also sustain local wildlife that will be endangered by this development. There are currently owls and bats in the trees.
- irreplaceable loss of habitat to legally protected animals such as bats
- these fields and meadows are irreplaceable and provide essential drainage, maintain air quality and provide habitat for wildlife.
- ecological disturbances. From property just metres away from the northern corner of the proposed developments bats, deer, snakes and foxes, a host of different species of birds are regularly seen and owls call. Great Crested Newts seen in nearby garden on several occasions.

Representations in support of the application

Thames Valley Chamber of Commerce Group supports the application.

It states that there is immense pressure to find suitable land in the area for affordable homes. We need to be able to hold on to the talent in the region who will need these homes - to be able to take up the local, skilled jobs. It is essential that employees are able to work in the region and that such jobs are protected. This, in itself, feeds into the economy. Such decisions are important to investors. The wellbeing and future of the residents is paramount. This is all essential to Bracknell Forest.

Two letters of support:-

- I am in complete favour of this development. There is a chronic shortage of housing in the South East which contributes to the rise in house prices. There is too much nimbysism allowed to influence what should be decisions based on the general wellbeing of society. (Address in London)
- Overall the site is suitable for housing, when you consider the other options in the local area and housing number requirements. However the character, design and density of the proposal does not reflect the context. In summary:-
 - less houses
 - please do not turn the area into suburbia, it is a village
 - think about more structural landscaping - proper places
 - layout, in terms of density, numbers and character to be more reflective of the context.

Thames Water

It notes that with regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. If it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater.

It has also identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would therefore like a condition to be imposed seeking the submission, approval and implementation of a drainage strategy for on and/or off site drainage works.

6. SUMMARY OF CONSULTATION RESPONSES

Winkfield Parish Council

WPC strongly objects to this application for the following reasons:-

1. This site is not in BFC's approved and adopted SADPD and therefore should be given no further consideration. It is incredulous that developers are given the opportunity to challenge a Government Planning Inspector's decision.
2. The local infrastructure, doctors, schools, highways, public transport will NOT support an additional 88 dwellings.
3. The development is totally out of character with the area.
4. Local utility infrastructure (water, drainage, sewage) is already stretched and under great strain - adding 88 more homes will cause it to fail.

Lead Local Flood Authority

Drainage proposals in submitted flood risk assessment (FRA) are contrary to sustainable drainage (SuDS) objectives. The applicant should be requested to resubmit the FRA and a new drainage strategy.

Highway Officer

Further information is required to demonstrate that this site does not create harm and does mitigate its impact on the transport network. At present the applicant has not demonstrated that impact of the development can be mitigated in terms of sustainable travel and the traffic impacts at local junctions.

Environmental Health Officer

Recommends a condition is imposed on any approval requiring a working method statement.

There are no issues relating to contaminated land.

Biodiversity Officer

No objection subject to conditions including one securing appropriate precautionary working methods to ensure that potential harm to Great Crested Newts during development of the site is avoided.

Tree Officer

Further detail is required to assess and advise on the suitability of this proposal from an arboricultural perspective.

Berkshire Archaeology

In view of the scale of the site and its largely undeveloped history, Berkshire Archaeology recommends a programme of archaeological investigation. This is in accordance with Paragraph 128 of the NPPF and Policy EN7 of the Council's Core Strategy Development Plan.

As the site is unlikely to contain deposits meriting preservation in situ, mitigation of the impacts of proposed development can therefore be secured by condition, should the application be approved. The first stage of the programme of work should be exploratory investigation, which can be limited to areas outside of the water pipeline, which will have previously been disturbed. The scope of such work can be commensurate with the current uncertain potential of the site. A condition is recommended to be imposed should the application be approved.

7. DEVELOPMENT PLAN

The Development Plan includes the following:-

- Replacement Minerals Local Plan for Berkshire (incorporating the alterations adopted in December 1997 and May 2001)
- Policy NRM6 of the South East Plan (May 2009)
- Core Strategy DPD (February 2008)
- Site Allocations Local Plan (July 2013)
- Bracknell Forest Borough Local Plan (January 2002)
- Bracknell Forest Borough Policies Map 2013

8. PRINCIPLE OF DEVELOPMENT

Relevant policies in terms of the principle of development include the following (note this list is not exhaustive):-

South East Plan

Policy NRM6: Thames Basin Heaths Special Protection Area (see Section 17 below)

Replacement Minerals Local Plan

Saved Policies 2 and 2A (see Section 13 below)

Core Strategy Development Plan Document (Feb 2008)

CS1: Sustainable Development Principles
CS2: Locational Principles
CS7: Design
CS9: Development on Land outside settlements
CS14: Thames Basins Heath Special Protection Area
Policy CS15: Overall housing provision
Policy CS16: Housing Needs of the Community
Policy CS17: Affordable Housing
Policy CS23: Transport

Bracknell Forest Borough Local Plan (Jan 2002) (BFBLP) - saved policies

EN1: Protecting tree and hedgerow cover
EN3: Nature conservation
EN8: Development on land outside settlements
EN20: Design considerations in new development
H5: New dwellings outside settlements

Site Allocations Local Plan (SALP) (July 2013)

Policy CP1 - Presumption in Favour of Sustainable Development

Material considerations

These include:-

- Character Areas Assessment SPD

The SPD was adopted in 2010, following public consultation, so can be afforded significant weight. It provides guidance to supplement Core Strategy Policy CS7 (Design). The site is opposite part of Area D of the Northern Villages Study Area, relating to Chavey Down Road/Locks Ride.

- The 5 year supply of housing land

The lack of a five year supply of deliverable sites is a material consideration (in relation to para. 49 of the NPPF and Policy CP1 of SALP together with para. 14 of the NPPF in relation to the presumption in favour of sustainable development).

- The National Planning Policy Framework (NPPF)

Assessment

The application site is located outside of the defined settlement boundary, and proposes new residential development. This is not consistent with the provisions in saved BFBLP policies EN8 and H5 which relate to development on land outside of settlements and new dwellings outside settlements. It is also contrary to CSDPD Policies CS2 and CS9 (relating to locational principles and development on land outside of settlements). Accordingly the application has been advertised as a departure from the Development Plan.

In relation to the five year housing land supply the Inspectors in two recent appeals (land north of Tilehurst Lane, Binfield - dismissed 2 February 2015 - and land to the south of The Limes, Warfield - allowed 17 June 2015) concluded that the Council could not demonstrate a five year supply of land for housing. These appeal decisions are a material consideration in the decision-taking process.

The implications of these appeal decisions is that, as the Council cannot demonstrate a five year land supply, in accordance with para. 49 of the NPPF relevant policies for the supply of housing should not be considered up to date and the weight to be attached to them reduces. Of particular relevance is the presumption against development in the countryside (outside of the Green Belt) which can no longer be applied to housing development. This would apply to the following Development Plan policies:

- CSDPD Policies CS2 and CS9

- 'Saved' BFBLP Policies EN8 and H5.

This was confirmed by the Inspectors in the two appeal referred to above who stated that relevant policies for the supply of housing should not be considered up to date - that would include any policies which seek to place a 'blanket ban' on development outside settlement boundaries, such as CSDPD Policy CS9 and BFBLP Policy H5 - but would not include more general policies which seek to protect the character and appearance of an area.

It therefore falls for this application to be considered in relation to the presumption in favour of sustainable development as set out in SALP Policy CP1 (and para. 14 of the NPPF). This requires a balancing exercise to be undertaken which considers any harm arising against any benefits of the proposal in relation to the three dimensions of sustainable development set out in the NPPF (economic, social, and environmental). Where policies are out of date, permission should be granted unless the adverse impacts (harm) would significantly and demonstrably outweigh the benefits.

The remainder of the report outlines relevant considerations and the final section of this report contains the 'balancing' exercise.

9. IMPACT ON THE CHARACTER AND APPEARANCE OF AREA

Core Strategy Policy CS1 seeks to protect and enhance the character and quality of local landscapes and the wider countryside. Core Strategy Policy CS9 and BFBLP Policy EN8 also seek to safeguard against development which would adversely affect the character, appearance and function of land outside settlements. The weight to be afforded to these policies in relation to impact on the character and appearance of the countryside was considered by 'The Limes' Inspector. In his view:

"...insofar as they are relevant to the proposal before me, policies EN8 and H5 of the Local Plan and CS9 of the CS are relevant to the supply of housing and should not be considered up-to-date. I give the conflict with the policies limited weight accordingly... That is not to say that the effect on the intrinsic character and beauty of the countryside is not material to my decision. Those impacts need to be weighed in the planning balance when considering the presumption in favour of sustainable development under paragraph 14 of the Framework."

Regard can be had to the Character Areas SPD, together with Policies EN20 and CS7, (which are considered to have significant weight in relation to para. 215 of the NPPF, as they are consistent with Chapter 7 of the NPPF). The SPD is a material consideration having been adopted following public consultation, and supplements Policy CS7. As the site contains protected trees, regard can also be had to Policy EN1 of the BFBLP (see below). This policy is considered to be consistent with the NPPF, in particular para. 118, and can therefore be afforded significant weight.

The application site currently comprises an open field, bounded by trees and hedgerows, which is considered to have a pleasant rural character. The application is in outline form with only the details of access submitted for approval at this stage but the submitted Development Framework plan suggests that this vegetation would be substantially retained. The Tree Officer has confirmed that if a vehicular access is taken off Locks Ride, the proposed location is likely to be one of the most suitable locations in arboricultural terms. Further detail is required to assess and advise on the suitability of this proposal from an arboricultural perspective but as the application is in outline form the absence of this information is not considered to constitute a reason to refuse the application.

The site is adjacent to Area D (Winkfield Row South) of the Northern Villages Study Area in the Character Areas Assessment SPD. In terms of Landscape Character the SPD states that Locks Ride is characterised by large gardens with houses set well back at varied distances from the road, although the building line becomes more uniform in the south west; and views through the trees along the north side of Locks Ride to the fields. The accompanying plan identifies the 'view to fields' across the application site as a 'key view'. Relevant comments in the Recommendation are that:-

- Major new estate development could further erode the traditional linear settlement pattern.
- over-development could lead to the loss of glimpses into open fields or to woodland, therefore some visual connectivity with long views into the surrounding landscape should be maintained

The proposed development up to 88 dwellings on the application site would lead to the loss of views across open field identified as one of the elements forming the character of Winkfield Row South in this SPD.

The erection of up to 88 dwellings on the site, together with the formation of a new vehicular access, would result in the introduction of a suburban development into a largely rural landscape.

As this application is in outline form the detailed design of the housing layout is not known but from the type and scale of development proposed it is not considered that it would be in sympathy with the appearance and character of the local environment in itself and in relation to adjoining views as required by BFBLP EN20 (i). Equally it is not considered that it would build on the rural local character and enhance the landscape as sought in CSDPD Policy CS7.

The Landscape and Visual Impact Assessment submitted with the application finds that the proposed development would potentially represent (adverse) moderate direct landscape impacts i.e. a moderate alteration to the key landscape characteristics. This is mainly due to the loss of undeveloped land to new residential development. However, this impact may be offset by the retention and enhancement of existing mature trees, bordering groups of trees and the existing site topography.

The Strategic Housing Site Options Landscape Capacity Study (which formed part of the background work to the SALP) assessed the landscape capacity in this area to be moderate to high. This study recognised, however, that there were key landscape characteristics which would be vulnerable to development, such as the open field pattern. It is recognised that existing vegetation, and any further planting, would provide a degree of screening of built development on the site from views from Locks Ride and beyond, particularly during the times of the year when trees are in leaf, but development on the site would be quite apparent during winter months. The proposed vehicular access would provide views through to the development.

Overall this change to the character and appearance of the site is considered contrary to the development plan policies referred to above and to the NPPF (para. 17, bullet 5) as it would result in harm to the intrinsic character and beauty of the countryside.

10. 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.

As this is an outline application details are not available to enable a detailed consideration of impacts such as overlooking/loss of privacy, loss of sunlight/daylight or overbearing impact on nearby dwellings. Given the site's location and the presence of boundary vegetation it is not considered that any unacceptable impacts are likely to arise in this regard.

The traffic generated by the proposed development would have some impact on the living conditions of the occupants of nearby properties, particularly those close to the proposed access, but it is not considered that this is likely to be so harmful as to justify refusing the application.

11. TRANSPORT IMPLICATIONS

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:

The site is located on Locks Ride a local distributor road that links the B3017 Priory Road to the B3034 Forest Road. Locks Ride is subject to a 30mph speed limit although due to its straight alignment speeds are expected to be at or slightly above the limit.

The site is currently an agricultural field with gated accesses at each end of the site boundary that provide access to maintain the field. These access points do not appear to be very heavily used and it appears that only one is used.

The proposal seeks to provide a new access in a more central location to serve the development. This access will have junction radii and a road width of 5.5m; this complies with the requirements of the highway design guide. The layout shown on the Development Framework plan also indicates a pedestrian access connection at the southern end of the site. In order to construct the main vehicular and pedestrian access the current ditch would need to be partially culverted and the existing access points removed and the ditch opened up.

Adequate visibility from the main access can be achieved in both directions due to the footway and verge in front along Locks Ride. The visibility splays will not require any trees to be removed but to ensure the visibility splays remain free of obstruction some of the trees closest to the site access will need to be crown lifted and any vegetation regularly cut back to ensure the visibility splays are maintained.

Parking and the layout of routes within the site could be addressed at the reserved matters stage.

Vehicle Movements:

The applicant has undertaken a traffic count for the area in 2014 and factored up the data to 2026 which is the end of the local plan period. No consideration has been given to specific planned development across the borough as outlined in the SADPD as well as from neighbouring authorities and thus it has not been demonstrated that the estimated flows submitted by the developer are a reasonable representation of the likely level of traffic in a future year.

Investigations into the outputs from the Bracknell Forest Multi Modal Model, which covers planned development, indicate that flows are higher in 2026 than estimated by the applicant and this could have an effect on the impact development traffic will have on the local road network.

The applicant has currently undertaken impact analysis of the site access and the junction of Locks Ride with Forest Road and Chavey Down Road junctions. The outputs indicate that the Locks Ride/Forest Road/Braziers Lane crossroads junction will be operating close to capacity in a future year which will be exacerbated by additional traffic from this proposal.

This junction has witnessed accidents of a similar nature of the past few years as partially demonstrated from the accident search contained within the transport assessment and the subsequent technical note submitted by the applicant's transport consultant. Putting further strain on this junction in terms of capacity could lead to further accidents with vehicles trying to exit the junction more hastily due to delay at the junction.

The applicant is advised that the impact of the development in respect of junction capacity needs to be mitigated. In that respect investigations should be made into what improvements can be carried out to the Locks Ride/Forest Road/Braziers Lane junction to mitigate the extra demand placed on the junction. Such improvements may require physical alterations and or safety improvements around the junction. The applicant has already indicated that a financial contribution towards traffic calming along Locks Ride would be offered to help mitigate the impact of the development. Such a scheme is currently under consideration and is hoped to be implemented during this financial year. Any further enhancements in the area to calm traffic could be funded by the proposal should they be deemed to be acceptable and sufficient to mitigate the impact at this junction.

An analysis of the junction with Locks Ride and Chavey Down Road has also been carried out and this indicates that capacity of this junction is not compromised on the outputs provided. This may change if the BFC model indicates higher flows along the route.

The applicant has provided junction capacity analysis of the junction if a future year of 2026 with and without development. The analysis indicates that this junction will operate over capacity in that year without the pressure from the development. Clearly any additional pressure from the development will further exacerbate this situation. However this junction has been defined within the CIL reg 123 list as requiring improvement over the plan period. In that regard CIL funding from any development locally could be directed towards any works to improve the junction. The council is currently investigating alterations to this junction but previous work has indicated that the most likely alterations would include straightening the junction and providing a right turn lane from Locks Ride.

At present it has not been sufficiently demonstrated that the impact of this development on the local road network has been fully mitigated. Accordingly a 'holding' reason for refusal is included in the recommendation.

The applicant has indicated that to improve the sustainability of the site and to improve road conditions various mitigation payments would be offered. Such payments are aimed at improving public transport and regulating traffic speed. This development would be liable for CIL charges and monies to support bus subsidies would be covered with the CIL charges. Other site specific measures such as payments towards traffic calming along Locks Ride would be covered by S106. These matters are considered further below.

Opportunity to travel by all modes and accessibility to services and facilities

The Core Strategy's Vision to 2026 states that the Borough will continue to grow sustainably, in a planned manner, with new development being directed to sustainable locations and having good access to a range of local facilities, services, housing and employment. New development will be located so as to maximise the opportunity to travel by all modes and to improve relative accessibility for all.

This vision is reflected in Policy CS1: Sustainable Development Principles. This states at (ii) that development will be permitted which is located so as to reduce the need to travel.

In the accompanying text at Para 46 it is stated:-

"One of the overarching contributors to sustainable development is the need to ensure that development is located so that people are close to a range of services and facilities, thereby reducing the need to travel. In addition to the implications of reducing travel on air quality/climate change, there are benefits to the health and wellbeing of local residents through increased opportunities to walk or cycle..."

CSDPD Policy CS23(i) also states that the Council will use its planning and transport powers to reduce the need to travel.

These policies are considered to be consistent with the guidance contained in the NPPF (core planning principle bullet point 11 and Chapter 4) that people should be given a real choice about how they travel; priority should be given pedestrian and cycle movements and access should be provided to high quality public transport facilities.

The application site forms part of a larger area (the so-called 'Winkfield Triangle') comprising land between Locks Ride and Chavey Down Road which was considered (as a possible site to accommodate some 394 dwellings) in the preparation of the SALP. This area was not allocated in the Site Allocations Development Plan Document: Preferred Option for reasons contained in the background paper.

In relation to accessibility/transport this paper commented as follows:-

"The Broad Area is ranked lowest and being 8th out of 8 when compared with the other Broad Areas in the Transport and Accessibility Assessment (June 2010) with an overall score of -4.5. This site is considered the least suitable for development, in transport sustainability terms, due, in part, to poor accessibility/transport provision of cycle and pedestrian facilities. The public transport accessibility to Bracknell Town Centre is poor. The local centre at Whitegrove can be accessed within a 10-20 minutes walk. Due to the number of planned dwellings, the Broad Area could benefit from public transport

improvements as well as increased frequency on route 162. The site is connected to Bracknell Town Centre via routes on the A329 and A3095, which are congested in peak hours. The site is disadvantaged by lack of proximity to a railway station and long distance bus routes."

In terms of the potential to build a sustainable community including helping to meet local housing needs and wider community benefits the paper commented as follows:-

"Development of this Broad Area would form an extension to a settlement that is currently considered unsustainable, as it has a poor range of facilities (hall and primary school that is currently full). Furthermore, access to other more sustainable settlements by bus, bike or foot, is difficult. The nearest Local Centre is at Whitegrove which is approximately 2 km to the west. Links to Bracknell town Centre are poor compared with most other Broad Areas. The Broad Area was estimated to have a capacity of 1,300-1,500 dwellings at the Options (SADPD Participation) stage. Not all of the area identified at the Options (SADPD Participation) stage is available, which would reduce the capacity of the site, restrict the level and type of infrastructure that could be delivered and would not facilitate in the delivery of a sustainable community. However, a consortium has formed, since the consultation on the SADPD Participation Document relating to the majority of the 'Winkfield Triangle' area bound by Chavey Down Road, Locks Ride and Forest Road (SHLAA site 292). A smaller site, however, would not provide the critical mass for some facilities to be delivered on site and would make improvements to public transport to increase the sustainability of the site less likely to happen or to be viable in the long term."

As originally submitted the application indicated a new pedestrian route linking from the north-west corner of the site towards Chavey Down Road. This has subsequently been withdrawn from the proposal. Accordingly pedestrians would have to use Locks Ride which although it has footways has limited lighting.

In the 'Assessment of Current and Future Sustainability' accompanying the application it is stated that Winkfield Row is well served with a good range of core services available in the village, including shops, public houses and village halls and that in addition to this there are a range of public services, such as doctor's surgeries and dental practices, available in the neighbouring settlements in locations that are well served by public transport.

The Transport Assessment states that, with regards to pedestrian access, there is a footpath on the site side of Locks Ride where the site entrance is located. This gives good pedestrian access to surrounding bus stops, as well as local services including:-

- o Locks Ride Recreation Ground (8 minute walk, 0.6km);
- o Winkfield St Marys CE 5-11 Primary School (9 minute walk, 0.7km);
- o Lambrook School (15 minute walk, 1.2km);
- o A farm shop (12 minute walk, 1km);
- o The Don Beni restaurant (15 minute walk, 1.2km); and
- o Memorial Hall (15 minute walk, 1.2 km).

It is accepted that there is a recreation ground and a local primary school located within walking distance of the application site (it is noted, however, that despite permission being granted recently for a 'surge' classroom at the school it has very limited places and thus it is likely that many children from this development would have to travel to other schools around the area). Otherwise facilities and services which would be used by local residents - including shops, doctors surgeries, secondary schools (Lambrook is a not a state school and thus nearest secondary school would be Charters or Garth Hill

both located some distance from the site) etc - are beyond the 800m "preferred maximum" walking distance from the application site advised by the Chartered Institution of Highways and Transportation (CIHT).

In terms of public transport, the bus services serving the area (152 and 162) have very limited frequency and do not run regularly throughout the day. There are no Sunday services either. As noted above the local primary school has limited places and it is likely that many children from this development would have to travel to other schools around the area.

In a response the applicant's highway consultant states the following:-

"The site layout will be designed in accordance with good practice to accommodate pedestrians and cyclists. 2m footways would be provided on both sides of the access junction, which would link into the existing footways along Locks Ride and a dedicated pedestrian access would be provided onto Locks Ride in the south east section of the site. A £15,000 contribution will also be made towards future traffic calming schemes along Locks Ride.

As described in Section 4.6 of the Transport Assessment, the site has a range of local facilities and services accessible within an acceptable walking distance. This includes a primary school, Lambrook School, farm shop, restaurant, Memorial Hall and bus stops. Martins Heron rail station is located within an acceptable cycling distance of the site. To support the development proposals, two new bus stops would be provided close to the site access and would provide shelter, seating and real-time bus timetables. The details of the bus services which will service these stops will be confirmed in consultation with the Highway Authority.

As outlined within the transport assessment, a contribution would be made to increase the frequency of the 162 bus service through Winkfield Row in support of this application. The contribution would provide additional morning and evening peak hour services at a cost of £90,000 per annum for a period of 3 years, and would represent a significant benefit to the local community. An improvement to the Sunday 162 bus service is also being considered."

These points have been carefully considered but it is still considered that the application site has a very limited opportunity to exploit sustainable means of travel and due to its location access by the car is the only real practical option for most journeys. A contribution to a traffic calming scheme, although of benefit to the potential safety of the route, does not alter the location of the site or make it significantly better to travel by non-car modes. The lack of street lighting, footways and the limited facilities in the area are the most likely to restrict opportunities for travel by non-car modes.

New bus stops and services would have a benefit to the area and the site in terms of supporting sustainable travel but further work will need to be undertaken on the costs of such improvements before it can be concluded that any funding secured under CIL would be sufficient. The reference to £90,000 per annum for 3 years is noted but such a service does not cover weekends and thus a different option may be required. As bus subsidies appear on the CIL Reg 123 list their provision via S106 could not be a planning consideration. There is also no guarantee that CIL receipts will be spent on any particular project.

In relation to travel plans, this site does not meet the current threshold for a travel plan and the school travel plan will cater for all pupils at the school. The main issue is that here there may not be places for children of the development to attend the local school

and thus travel to other schools that may have capacity is most likely to be undertaken in a car due to the locations and times of school drop off/pick up.

In your officers' view the application site is poorly located with regard to most necessary services and facilities with access by car the only real practical option for most journeys. The proposal is therefore contrary to CSDPD Policies CS1 and CS23(i) which are considered to be consistent with the NPPF, in particular paras. 29 and 35, and can therefore be afforded significant weight.

12. DRAINAGE

Surface water drainage

The written ministerial statement (HCWS161) dated 18 December 2014 states:

"....we expect local planning policies and decisions on planning applications relating to major development - developments of 10 dwellings or more; or equivalent non-residential or mixed development (as set out in Article 2(1) of the Town and Country Planning Development Management Procedure) (England) Order 2010) - to ensure that sustainable drainage systems for the management of run-off are put in place, unless demonstrated to be inappropriate."

Paragraph 051 of the Planning Practice Guidance says:

Sustainable drainage systems are designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible. They provide opportunities to:

- o reduce the causes and impacts of flooding;
- o remove pollutants from urban run-off at source;
- o combine water management with green space with benefits for amenity, recreation and wildlife.

The department for Communities and Local Government has confirmed that the Ministerial statement is effective from 6th April 2015., and that with any application determined after that date, the local planning authority should give weight to the revised planning practice guidance.

The submitted Flood Risk Assessment has been assessed by the Council as Lead Local Flood Authority. It should be amended to:-

- o Conform with government policy and guidance, by removing reference to the use and adoption of a Thames Water adopted gravity sewer
- o Confirm that calculations demonstrating the greenfield runoff, peak flow rate and storage (attenuation) requirements, etc; are applicable to the site if a sustainable drainage system is used. They should not be based upon an adopted gravity sewer system.
- o Refer to the use of a sustainable drainage system for the proposed development, which is to be maintained for the lifetime of the development in a manner to be approved by the Local Planning Authority (not to be offered for adoption by the local sewage authority)
- o Refer to the use of a sustainable drainage system which will adhere to the DEFRA technical standards
- o Refer to the correct SFRA published by Bracknell Forest Council, and incorporating any necessary amendments to the proposed drainage strategy and flood risk assessment which may be necessary.

These concerns have been communicated to the applicant but as a satisfactorily amended FRA has not yet been received a holding reason for refusal is recommended to address this matter.

Foul water drainage

A number of objections refer to existing problems with foul water drainage in the vicinity of the application site with concerns that these would be exacerbated if the proposed development were to proceed.

Water and sewerage companies have a duty to provide, maintain and extend their network to accommodate new development. With regard to upgrades to the existing network developers pay a sewerage infrastructure charge per plot to the relevant company (in this instance Thames Water) for work to be undertaken to upgrade the network. Once a new development is complete and occupied the new residents pay water rates to the sewerage company.

Whilst Thames Water has raised concerns in relation to this application, existing foul water drainage deficiencies in the area are not a valid reason to refuse planning permission. It is noted that, should planning permission be granted for the proposed development, imposing a condition on any planning permission to secure the implementation of an approved strategy for off-site foul drainage works is unlikely to meet the test for a 'Grampian' style condition.

13. MINERALS

The Survey Map 'East Sheet' contained within the Replacement Minerals Local Plan (RMLP) identifies that the application site is located within an area identified as having Plateau Gravel mineral resources. The British Geological Survey information indicates this site contains London Clay formation (clay, silt and sand).

Saved Policy 2 states that LPAs will oppose development which would cause the sterilisation of mineral deposits on the proposed development site, and provides a list of exceptions including:

- (i) no commercial interest,
- (ii) having regard to all relevant planning considerations, there is an overriding case to allow proposed development without the prior extraction of material
- (iii) extraction would be subject to strong environmental or other objections

Saved Policy 2A notes that LPAs will (where appropriate) encourage the extraction of minerals prior to other more permanent forms of development taking place.

The site is not identified as a preferred area for extraction through Policy 8. The eastern part of the site is identified as an area where there is a strong presumption against allowing gravel extraction (policies, 8, 10, 13 and 14 apply); the western part does not appear to be covered by this presumption and, therefore, Policies 2 and 2A would apply.

The applicant notes that the RMLP states that the Preferred Areas are believed to be capable of supplying enough sharp sand and gravel to meet the requirement. The applicant states that the protection of living conditions in individual houses and the Winkfield Row settlement as a whole would also suffer through any mineral extraction here and therefore should planning permission for dwellings be approved the applicant does not envisage that any prior extraction of minerals will take place on the site.

This is noted. It is concluded that overall the application does not conflict with the RMLP.

14. BIODIVERSITY

Chapter 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. Para 114 specifically requires Local Planning Authorities to set out a strategic approach (in Local Plans) to plan positively for the creation, protection, enhancement and management of networks of 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.

The ecological appraisal reports surveys carried out on the site. It provides details of foraging and commuting bats using the site, a record of a Barn owl using the site and some suitable habitat for reptiles. It also reports on the potential for Great Crested Newts to be using the site. The report identifies a total of 11 ponds within 500 metres of the site boundary. Of these only two (ponds P1 and P2) are connected to the site by semi-natural habitat. In paragraph 4.22 the report recommends that these two ponds are surveyed for the presence of Great Crested Newts (GCN) in the period March to June 2015.

Natural England, the government's advisor on nature conservation issued Standing Advice on Protected Species in September 2008. This guidance has the same weight as a letter of objection from a statutory consultee. In addition, standing advice from Natural England states that if further survey is required, this information must also be included in the application submission.

Paragraph 99 of the ODPM Circular 06/2005 states "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

The GCN survey was only able to access one of the two ponds that are directly connected to the site proposed for development by suitable habitat. Access to pond P1 in the survey was not granted by the landowner. Section 5.8 of the report suggests that the historical absence of GCN in the area means it is unlikely that GCN are present. However, the absence of data is not evidence of absence of GCN, merely evidence of the absence of suitable surveys for this species. Given the uncertainties surrounding the presence or otherwise of GCN in pond P1, there remains a small risk of GCN being present on the site. However, this risk can be reduced by appropriate precautionary working methods, details of which could be secured by condition.

Attention has been drawn to the fact that Great Crested Newt eggs were found at Chavey Down Farm in a survey undertaken in March 2015 in association with another planning application. The Council's Biodiversity Officer states that because of the distance from the Locks Ride site, and the absence of suitable habitat to connect the sites, it is very unlikely that Great Crested Newts from this pond would be using the Lock's Ride site during their terrestrial phase.

15. AGRICULTURAL LAND

CSDPD Policy CS1(vii) states that development will be permitted which protects and enhances the quality of natural resources including land. This policy is considered to be consistent with the NPPF, Para 112 of which states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

The Soils and Agricultural Use and Quality Report accompanying the application identifies fine loamy soils on the site, with slowly permeable subsoil, giving an agricultural quality of subgrades 3a and 3b, limited by soil wetness. The best and most versatile land is defined as Grades 1, 2 and 3a and is the land which is most flexible, productive and efficient in response to inputs and which can best deliver food and non-food crops for future generations.

The development of the site would therefore result in the loss of land which is largely of higher agricultural quality. The weight which can be attached to this loss is limited by the modest size of this site in agricultural terms (4.25 ha) but nonetheless it is considered that this issue to add in to the balancing exercise.

16. SECURING NECESSARY INFRASTRUCTURE

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

- (a) infrastructure needed to support growth and;
- (b) infrastructure needed to mitigate impacts upon communities, transport and the environment.

Guidance in the Planning Obligations SPD, which came into effect (with CIL) on 6 April, is relevant.

Bracknell Forest Council introduced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. 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. It applies to any new build but in the case of outline applications is calculated when reserved matters are submitted.

If this outline application were to be approved, and following approval of reserved matters, CIL payments would be collected following commencement of the development. CIL receipts could be spent on infrastructure projects or types of infrastructure identified in the Council's Regulation 123 list of infrastructure that it intends will be wholly or partly funded by CIL. These comprise:-

- Provision and enhancement of land to Suitable alternative Natural Greenspace (SANG) standard (part of Special Protection Area (SPA) Avoidance and Mitigation measures)
- specified Local Road Network capacity improvements (this includes capacity improvements on Locks Ride/Long Hill Road)
- strategic road network improvement outside the borough

- specified footpath and cycleway improvements
- bus service subsidies
- specified educational projects
- libraries
- built sports facilities

CIL receipts could be spent on items not listed on the Regulation 123 list that meet the government criteria on CIL spending.

The applicant has indicated that it would enter into a section 106 agreement to secure the provision and future management of 1.27ha of public open space (this exceeds the requirement for 88 dwellings by 0.4ha).

17. AFFORDABLE HOUSING

CSDPD Policies CS16 and CS17, BFBLP Policy H8, the Planning Obligations SPD and the resolution on affordable housing made by BFC Executive on 29 March 2011. seek to address the housing needs of the community through providing a level of affordable housing on suitable development sites. The Planning Statement makes reference to "25% affordable housing" (22 dwellings if a total of 88 dwellings are built). The Planning Statement also includes an Affordable Housing Statement at Appendix 8 which also refers to 25% affordable housing and 22 dwellings.

Advice from the Council's Housing Enabling Officer states that the following issues should be addressed and included in the S106 for any outline planning permission:-

Number and Tenure - 25% of the total of 88 = 22 affordable dwellings. The tenure mix should be 70% (15) for Affordable Rent and 30% (7) for Intermediate Housing which meets the council's stated intentions for addressing local housing need. The affordable housing should be delivered in line with the delivery model set out in the HCA Affordable Homes Programme Framework 2015-2018 (or its successor) with no reliance on Social Housing Grant for this Section 106 site.

Location - The affordable homes should be properly integrated into the development with no difference in external appearance compared to market housing. This should be in the form of affordable clusters or individual blocks of flats, rather than pepper-potting of individual dwellings.

Type and Size - The application form at Section 17 "Residential Units" refers to 11 dwellings for rent and 11 dwellings for intermediate housing. However, the affordable housing should be in line with following tenures and types, given that the site is capable of delivering a range of dwelling types:

There should be a proportion (5-10% of the affordable total i.e. at least 2) of dwellings designed to allow for full wheelchair access and mobility throughout the dwelling, in accordance with the Habinteg Wheelchair Housing Design Guide. This can relate to flats, houses or bungalows which meet the housing needs of households on the Council's Special Needs Housing Register. Standards of Construction

There should be sustainable standards of construction in accordance with the HCA's Design and Quality Standards and including the following criteria:-

- o Environmental sustainability
- o Internal environment - minimum Housing Quality Indicator (HQI) scores for unit size, layout and noise

o External environment - at least 12 out of 20 of the Building for Life criteria
Registered Provider

A Registered Provider(s) which is active in Bracknell Forest will need to pay a price to the developer at a level which ensures the proposal will deliver the affordable housing as stated above. Page 24 of the Planning Statement refers to a suitable Registered Provider delivering the agreed affordable housing.

The applicant has confirmed in writing that the provision of 25% affordable with a tenure mix of 70% (15 units) affordable rent and 30% (7 units) intermediate housing is accepted on the site. This could be secured by a s106 agreement.

18. THAMES BASIN HEATHS SPECIAL PROTECTION AREA (SPA)

The Council, in consultation with Natural England (NE), has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath Special Protection Area (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 4.7 km from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

Therefore, a Habitats Regulations Assessment must consider whether compliance with conditions or restrictions, such as a planning obligation, can enable it to be ascertained that the proposal would not adversely affect the integrity of the SPA.

The following guidance and policies apply:

- o South East Plan (May 2009) Policy NRM6
- o Bracknell Forest Borough Local Plan (2002) Policy EN3
- o Bracknell Forest Core Strategy Development Plan Document (DPD)
- o Bracknell Forest Site Allocations Local Plan (July 2013)
- o Thames Basin Heaths SPA Avoidance and Mitigation SPD (March 2012)
- o Planning Obligations Supplementary Planning Document (February 2015)
- o Thames Basin Heaths SPA Delivery Framework (2009)

The project as proposed would not adversely impact on the integrity of the SPA if avoidance and mitigation measures are provided as stipulated by these policies. In this case a full Appropriate Assessment is not required.

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

a) The provision of Suitable Alternative Natural Greenspace (SANG) and its ongoing maintenance in perpetuity.

In accordance with the SPA SPD, the development will be required to provide alternative land to attract new residents away from the SPA. The term given to this alternative land is Suitable Alternative Natural Greenspace (SANG). As this development leads to a net increase of less than 109 dwellings, the developer may make a payment contribution towards strategic SANGs (subject to SANGs capacity in the right location within Bracknell Forest).

The cost of the SANG enhancement works will be funded through the Community Infrastructure Levy (CIL) whether or not this development is liable for CIL. This is equal to around 9.5% of the total SANG contributions set out in the SPA SPD Summary Table 1. The remaining SANG contributions will be taken through Section 106 contributions.

The development will result in a net increase of 88 dwellings replacing a single 5 bed dwelling. Depending on the dwelling mix, the level of SANG payments after discounting the 9.5% CIL amount as above is set out as follows:

The enhancement of open space works at Englemere Pond SANG is the most appropriate to this proposal (although it may be necessary to allocate the contribution to another SANG).

An occupation restriction will be included in the Section 106 Agreement. This serves to ensure that the SANGs enhancement works have been carried out before occupation of the dwellings. This gives the certainty required to satisfy the Habitats Regulations in accordance with South East Plan Policy NRM6 (iii) & (v), and the Thames Basin Heaths Special Protection Area SPD paragraph 4.4.2

b. Strategic Access Management and Monitoring (SAMM) Contribution

The development will also be required to make a contribution towards Strategic Access Management and Monitoring (SAMM). This project funds strategic visitor access management measures on the SPA to mitigate the effects of new development on it. See section 3.4 in the SPA SPD for more information. This contribution should be secured through a section 106 Agreement.

Conclusion on SPA issue

A Habitats Regulations Assessment is required for this development in accordance with the Habitats Regulations 2010 (as amended). In the absence of any appropriate avoidance and mitigation measures the Habitats Regulations Assessment will conclude that the development is likely to have a significant effect upon the integrity of the SPA with the result that the Council would be required to refuse planning permission.

Provided that the applicant is prepared to make a financial contribution (see paragraph 3 above) towards the costs of SPA avoidance and mitigation measures, the application will accord with the SPA mitigation requirements as set out in the relevant policies above.

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, and permission may be granted.

The applicant company has indicated that it will enter into a Section 106 Agreement to secure these measures.

19. SUSTAINABLE RESOURCES AND RENEWABLE ENERGY

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

Policy CS10 requires the submission of a Sustainability Statement demonstrating how the residential aspect of the development meets current best practice standards. Policy CS12 requires development proposals for five or more net additional dwellings to be accompanied by an energy demand assessment demonstrating how (potential) carbon dioxide emissions will be reduced by at least 10% and will provide at least 20% of their energy requirements from on-site renewable energy generation.

The proposed strategy submitted with the application is based on an improvement in standard energy efficiency to meet Part L of the Building Regulations 2013. Full details of how the scheme will fully achieve any Part L Building Regulation targets can only be confirmed at detailed design stage but will encompass a 'Fabric First' approach and will include the following;

- o Increase insulation
- o Reduce the effects of thermal bridging
- o Effective air tightness
- o Improved controlled ventilation
- o Energy efficient lighting

Additional renewable energy generation technology may need to be installed within the development to achieve the required CO2 emissions targets and the renewable energy generation targets. This can only be developed in more detail as further design and layout information becomes available.

This approach is considered to be acceptable.

20. CONTAMINATED LAND

The Environmental Health Officer has reviewed information held on the contaminated land register at Bracknell Forest Borough Council. The potential contaminated land site was investigated through a desk top study and site walkover and has been rejected as being contaminated land. Accordingly there are no issues relating to contaminated land affecting this application.

21. CONCLUSIONS

As noted above the Council is unable to demonstrate a 5 year supply of land for housing. It therefore falls for the application to be considered in relation to the presumption in favour of sustainable development as set in SALP Policy CP1 (and

para. 14 of the NPPF). This requires a balancing exercise to be undertaken which considers any harm arising against any benefits of the proposal, in relation to the three dimensions of sustainable development set out in the NPPF (economic, social, and environmental). Where policies are out of date, permission should be granted unless the adverse impacts (harm) would significantly and demonstrably outweigh the benefits.

Consideration of benefits of the proposal

In the Planning Statement submitted with the application the applicant considers the site is highly sustainable set against the economic, social, and environmental dimensions, in the following ways:-

An Economic Role:

There are significant economic benefits associated with the development proposals. House building is a recognised important provider of economic growth and therefore in turn indirect economic benefits to the construction industry. The applicant is promoting underutilised land now, ensuring that sufficient land is available in a sustainable location to support the identified housing growth needs. In addition, this will include, up to £11.1 million in investment in construction; 98 full time construction jobs created over a 3 year build period; these new jobs will provide opportunity for the 30 residents of Bracknell Forest who were claiming Job Seekers Allowance in November 2014 and seeking skilled construction and building trade occupations; £3,829,827 annual household expenditure in Bracknell Forest; approximately £800,000 in New Homes Bonus Scheme investment, to be provided to the Council to the benefit of the community; continued support to the viability of retail and other businesses in the Winkfield Row and surrounding area, and through increasing the level of houses available for local people it would contribute to an expansion of the local housing market area and affordability of open market housing.

A Social Role:

The application promotes up to 88 new homes which will contribute to meeting the deliverable five year supply in the District, this is the principal social benefit of the proposed development. This will include up to 22 affordable homes either as an on-site contribution or through a commuted sum for provision off-site to aid regeneration elsewhere thus providing housing to meet local needs. In light of the Framework's priority to '...boost significantly the supply of housing...' The applicant considers the additional dwellings to be provided must carry very substantial weight.

There has been a considerable increase in house prices during a period of 'sluggish' wage growth, which has decreased housing affordability in the Bracknell Forest. The applicant therefore considers that the provision of affordable housing is to be considered a substantial benefit of this scheme with both economic and social dimensions and considerable weight should be attached to this consideration.

The site is considered in a sustainable location, providing around 29% of the site as public open space, this open space includes an equipped play area.

The accessibility of existing services and facilities within Winkfield Row and the wider Bracknell area (including Primary School, Shopping Hub, Doctors, Pharmacy, Dentist, Public houses and Public Transportation Links) and a range of social activities at Winkfield Row, demonstrates the Site's social and sustainability credentials and ability

to support a strong, vibrant and healthy community. The provision of additional market and affordable housing must be applied significant weight.

An Environmental Role:

The application will contribute to protecting and enhancing the natural environment. In addition enhancement across the site will be through retention of the vast majority of trees and hedgerows and new planting thus in turn creating a platform for enhanced biodiversity at the site.

Enhanced structural landscaping throughout the site will provide a net gain to the biodiversity of the Site and through a contribution and enhancement of habitats will formal future maintenance which does not take place at present.

The Environment Agency map confirms that the majority of the Site is located within Flood Zone 1 (low risk). This is land designated as having less than 0.1% annual probability of flooding from rivers or the sea in any year (less than a 1 in 1,000 annual probability of flooding).

The balancing pond proposed as part of this development will provide an increase of 30% of what would be required to meet the greenfield run-off rates for the Site. This will enhance the flood protection downstream and benefit the local area.

The development will be a high quality design and will provide a good standard of amenity and open space. The location of the Site allows for a choice of modes of transport to be used to access local facilities. The application proposes to improve the existing facilities through new bus seating Real Time Information and improved bus service (on Locks Ride) during the peak PM period.

The new homes on site will be built to the latest building regulation standards, such as moving to allow for a higher carbon economy.

Weight to be afforded to benefits associated with the application

In making its decision the committee will have to decide what weight to apportion to the benefits identified by the applicant.

In your officers' view the main benefit of the proposal is the provision of housing. The NPPF is a material consideration, and this seeks (para. 47) to 'boost significantly the supply of housing'. In considering this aspect, a proposal for housing needs to be deliverable.

The NPPF (footnote 11) is clear that for a site to be deliverable, it should:-

- o be available now;
- o offer a suitable location for development now; and,
- o be achievable, with a reasonable prospect that housing will be delivered on the site within five years, and in particular that development of the site is viable.

To represent a benefit in terms of the presumption in favour of sustainable development, a site should be capable of delivering housing completions within the next 5 years.

The planning statement sets out (section 4.6) that development of this site (if approved and subject to market conditions) could deliver on average around 30 market dwellings

per annum, potentially 60 if two house builders were on site, and that it is anticipated that development would take in the order of 2-3 years to start to deliver housing, which would form part of the 5 year supply. If it would take the next 3 years to start delivering housing, at a rate of 30pa, then some of the proposed housing would not form part of the 5 year supply (i.e. only 60 units instead of 88).

The fact that an outline application needs to be approved, followed by reserved matters and conditions approval, could 'push back' any start date on the site and therefore its position within the trajectory, particularly if there were a delay in the process, or in disposing of the site. This could mean that only 1 year, or possibly no completions, would be within the 5 year supply period which has an implication for considering the benefits of the proposal, against any harm. Para. 4.6.1 states that "The Applicant has a legal agreement with the landowner to dispose of the Site following the grant of planning permission, there are therefore no landownership constraints preventing the development of the land." It is not clear whether there is a current house builder involved, or any developer interest, and it is therefore uncertain whether the site is genuinely deliverable within the next 5 years. This will lessen the effect of the benefits in the overall presumption in favour of sustainable development balance.

The applicant has indicated a willingness to enter into a s106 agreement to secure the provision of 25% affordable housing on the site with a tenure mix in line with that sought by the Council's Housing Enabling Officer.

Contributions to increase the frequency of the bus service through Winkfield Row with additional morning and evening peak hour services, and a possible improvement to the Sunday bus service, would be of wider benefit to the local community but there is no certainty that this would continue beyond an initial 3 year period.

Under the provisions of Regulation 123 of the Community Infrastructure Regulations (2010) (as amended), a planning obligation may not constitute a reason for granting planning permission for the development to the extent that the obligation provides for the funding or provision of relevant infrastructure. The Regulation also specifies that "relevant infrastructure" means:-

- (a) where a charging authority has published on its website a list of infrastructure projects or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL, those infrastructure projects or types of infrastructure, or
- (b) where no such list has been published, any infrastructure.

Bracknell Forest has published on its website a list of infrastructure to be wholly or partly funded by CIL and this includes bus service subsidies in the Transport Section. This means that the proposed contribution to bus services cannot be weighed in the balance and constitute a reason for granting permission.

Consideration of the adverse impacts of the proposal

Against the benefits of the proposed development must be weighed the adverse impacts.

Loss of agricultural land

The site is largely grade 3a which is better quality agricultural land. As noted above the weight which can be attached to this loss is limited by the modest size of the site but it is an adverse impact associated with the proposal.

Impact on character and appearance of area

As outlined in Section 9 above, the proposed erection of up to 88 dwellings on the site is considered to be contrary to development plan policies seeking to protect the countryside from development which would adversely affect its character and appearance. In undertaking the balancing exercise the severity of the harm needs to be established. The applicant's Landscape and Visual Impact Assessment acknowledges that the proposal would have an adverse effect but concludes that the proposed development would result in only a moderate alteration to the key landscape characteristics. Your officers consider that the harmful impact on the character and appearance of the area, and the views identified in the Character Areas Assessment SPD, would be greater, particularly in winter months.

The extent to which the proposed dwellings would be accessible by sustainable modes of transport

As noted above the application would be liable for CIL contributions which could go towards bus service subsidies. The applicant has also offered a financial contribution, to be secured by a s106 agreement, to increase the frequency of the local bus service for a 3 year period.

There is no guarantee that CIL funding would be allocated to transport subsidy, particularly in light of the shortage of education capacity. The provision of subsidised bus transport via a planning obligation cannot be considered as a reason to grant permission due to the provision of CIL Regulation 123.

While any moves to increase public transport provision would in principle be welcome it is not considered that they address a fundamental concern that, as confirmed in the SALP related study referred to in Section 11 above, the application site lies in an area which has a poor range of facilities and from which access to other more sustainable settlements by bus, cycle or foot, is difficult.

To approve dwellings here would clearly be contrary to CSDPD Policy CS1 as they would not be located so as to reduce the need to travel. The residents of the proposed development would not have real choice about how they travel as sought in the NPPF. One of the overarching contributors to the sustainable development identified in the CSDPD - the need to ensure that development is located so that people are close to a range of services and facilities, thereby reducing the need to travel - would be absent. This is considered to be a significant adverse impact associated with the proposal the subject of this application.

Overall conclusion

This section has outlined the economic, social and environmental benefits put forward in relation to this application. In your officers' view there are benefits associated with this application. The provision of up to 88 dwellings, 25% of them affordable, would help with the current housing land supply situation in the Borough - although the weight afforded to this needs to be tempered by uncertainty as to the likelihood that all 88 would be delivered within the 5 year period. The provision of upgraded bus services in the area would be of wider benefit to local residents as well as those living on the application site but there is no certainty that improved bus services would continue beyond a limited period, and this cannot be a reason for granting planning permission.

The applicant refers to a range of other benefits including increased Council tax, New

Homes Bonus and the economic benefits to the area in terms of additional revenue for services but in your officers' view these should be accorded less weight.

Weighed against these benefits your officers consider that the proposal would result in harm to the character and appearance of the area and, more significantly, result in a development poorly located with regard to services and facilities with dwellings not accessible by sustainable modes of transport. In your officers' opinion these matters significantly and demonstrably outweigh the benefits of the development. Overall it is not considered, therefore, that the proposed development can be regarded as sustainable.

The proposed development would be contrary to development plan policies as noted above and notwithstanding the benefits of the proposal and the weight that should be attached to the NPPF and the need significantly to boost the supply of housing it is not considered that this conflict is outweighed. The application is therefore recommended for refusal.

RECOMMENDATION

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

01. The proposed development would be poorly located with regard to services and facilities with inadequate accessibility to non-car borne modes of transport which would leave future residents with no real choice about how they travel. Furthermore it would detract from the character and appearance of the countryside. The proposal is therefore not sustainable development and the application is contrary to Core Strategy Development Plan Document Policies CS1, CS7 and CS23, Bracknell Forest Borough Local Plan Policy EN20, the Character Areas Assessment Supplementary Planning Document and the NPPF.
02. It has not been demonstrated that the impact of the proposed development on the local road network can be fully mitigated. As it could adversely affect road safety and the flow of traffic the proposal is therefore contrary to Policy CS23 of the Core Strategy Development Plan Document.
03. The submitted drainage strategy has not demonstrated to the satisfaction of the Lead Local Flood Authority:-
 - a) a proposed method of draining the development using sustainable drainage;
 - b) a method of maintaining the sustainable drainage system; and
 - c) how the sustainable drainage system will be designed to meet the technical standards.This is contrary to the House of Commons: Written Statement (HCWS161) Sustainable Drainage Systems 18.12.2014, NPPF 2012 and the Flood Risk and Coastal Change PPG updated 15.04.2015.
04. 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).

05. In the absence of a planning obligation to secure affordable housing in terms that are satisfactory to the Local Planning Authority, the proposal is contrary to Policy H8 of the Bracknell Forest Borough Local Plan, Policies CS16 and CS17 of the Core Strategy Development Plan Document, the Planning Obligations SPD and the resolution on affordable housing made by BFC Executive on 29 March 2011.

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.
02. This refusal is in respect of plan numbers:
- GLA18/018 - Development framework (detail of site boundary - red line - only)
 - C14513/001D: Proposed access arrangement
 - C14513/002A: Proposed access arrangement visibility splays
03. The applicant is advised that it may be possible that reason for refusal 02, relating to the impact of the proposal on the local road network, could be overcome by the further enhancements in the area to calm traffic secured by a s106 agreement.
04. The applicant is advised that reason for refusal 03 in relation to sustainable drainage could be addressed by a suitably amended flood risk assessment.
05. The applicant is advised that reasons for refusal 04 and 05 in relation to:-
- failing to provide adequate measures to mitigate any impacts on the Thames Basin Heaths SPA, and
 - failing to secure affordable housing
- could be addressed by planning obligations, formulated in terms which are acceptable to the Local Planning Authority and entered into as provided for by Section 106 of the Town and Country Planning Act.

Doc. Ref: Uniform 7/DC/Agenda

The application file to which this report relates can be viewed at the Council's Time Square office during office hours or online at www.bracknell-forest.gov.uk