

Unrestricted Report

ITEM NO: 6

Application No.
15/00209/FUL
Site Address:

Ward:
Binfield With Warfield

Date Registered:
5 March 2015

Target Decision Date:
30 April 2015

Land To Rear Of Murrell Cottage Murrell Hill Lane Binfield Bracknell Berkshire

Proposal:

Erection of 5no. 5 bedroom dwellings with new access off Murrell Hill Lane with associated parking and new garage to Murrell Cottage.

Applicant:

Mr & Mrs B Cardy

Agent:

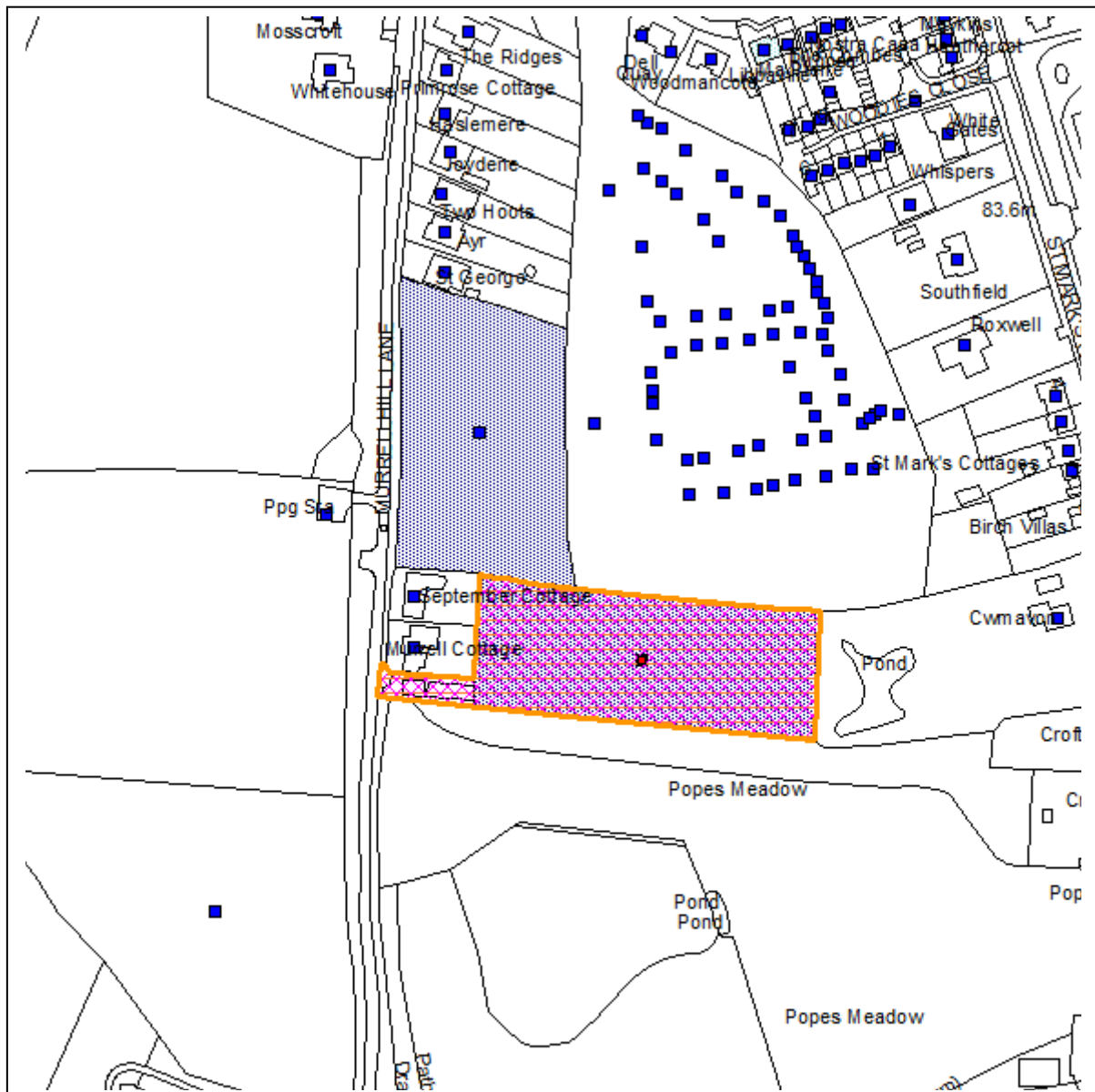
Mr D Bond

Case Officer:

Simon Roskilly, 01344 352000

Development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. REASON FOR REPORTING APPLICATION TO COMMITTEE

This application is reported to committee at the request of Councillors Harrison and Ms Peacey due to concerns regarding the adverse affect on highways safety, the rural landscape and character of the area including an adjoining wildlife site and that the site is not considered to be a sustainable location.

2. SITE DESCRIPTION

The site comprises the rear garden of Murrell Cottage, Murrell Hill Lane Binfield. The site is 0.589ha in area. The site is approx 155m long and 45m wide. There is an even gradient from the west to the east where the ground rises by approx. 5m.

The site is a residential rear garden laid mainly to grass with perimeter trees and bushes. A few fruit trees are located on the site in the north west corner. The site is situated between a recently approved residential scheme for 67 units (an allocated SALP site) to the North and a country park, Popes Meadow and Local Wildlife Site, to the south. To the east is a single dwelling, Cwmavon. To the West the site is bounded by Murrell Cottage (two storey) and September Cottage (single storey), two dwellings which in turn front Murrell Hill Lane

The trees along the northern boundary of the site that are protected under TPO 519. There are also protected trees (TPO 570 and TPO 137) along the eastern and southern boundaries of the site outside of the red line.

3. RELEVANT SITE HISTORY

13/00748/LDC- Application for a certificate of lawfulness for change of use of land from paddock to residential garden. APPROVED February 2014.

4. THE PROPOSAL

Erection of 5no. 5 bedroom dwellings with new access off Murrell Hill Lane with associated parking and new garage to Murrell Cottage.

The detached dwellings would be orientated so that they front onto a proposed shared access road that runs along the southern boundary of the site. Each dwelling would have a double garage with 3 of the dwellings having detached garages and the remaining 2 would have attached double garages. The garage to Murrell Cottage would a single garage.

The properties would have a maximum ridge height of 9.2m with an eaves height of 5.5m apart from a gable feature on the fronts of the dwellings.

The application has been the subject of a minor amendment to the location of some dwellings to address concerns raised earlier in the process. A view was taken at the time that, as these were minor changes and they only minimised impacts, further consultation was not required.

5. REPRESENTATIONS RECEIVED.

Binfield Parish Council

The Binfield Parish Council recommend refusal of this planning application for the following reasons:

- This site is outside the settlement boundary. *[Officer Comment: This point is addressed throughout the report.]*

Other representations

1no. letter of objection was received following the 1-3 objection procedure from a local resident expressing the following concerns:-

- the land is outside the settlement boundary *[Officer Comment: This point is addressed throughout the report.]*

- the development, and in particular the extra vehicles from these houses which will have to use this part of Murrell Hill Lane, will disturb the use of the recognised and very well used rural route along Murrell Hill Lane from Pope's Meadow because the exit from Pope's Meadow is immediately next to the entrance to the land. *[Officer Comment: The number of dwellings is not considered to result in a level of activity that will adversely affect the rural character of the lane.]*

- the extra traffic from the development will be a very significant danger to the many walkers who use this rural route. *[Officer comments: This point is addressed by the Highway Officer whereby he considered the proposal would not result in any highway safety implications, subject to conditions and off site highway works to provide passing points along the lane.]*

- this development is out of character and will disturb the use of the land next to it, Pope's Meadow, an open green peaceful area used by many people. *[Officer Comment: Subject to conditions the Council's Biodiversity is content that the development as proposed would not result in any adverse impacts upon Popes Meadow as a Local Wildlife Site]*

6. SUMMARY OF CONSULTATION RESPONSES

Lead Local Flood Authority

No objection to the proposed plans subject to conditions.

Highway Officer

No objection to the proposed plans subject to conditions and a S106 to secure off site highway works.

Environmental Health Officer

No objection.

Biodiversity Officer

No objection subject to conditions.

Tree Officer

No objection subject to conditions.

Berkshire Archaeology

No objection subject to a condition.

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)

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:-

- 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).

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 appeals 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 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). 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.

Layout of the development

The application site currently comprises a well contained residential garden associated with Murrell Cottage which was given lawful consent in February 2014 under a Lawful Development Certificate (13/00748/LDC). A garden area would be retained to the rear of Murrell Cottage the size of which is considered in-keeping with the grain of development within the area.

Following comments from both the Biodiversity Officer and Tree Officer the scheme has been the subject of minor amendments to maintain sufficient distance from trees on all boundaries. The Council's Tree Officer is now content that, subject to conditions, the scheme will not adversely impact upon the trees on the boundaries of the site considered important as they currently constrain the site.

To the south of the site is a designated Local Wildlife site forming a buffer to the site and preventing any further development south along Murrell Hill Lane.

The proposed plot sizes are considered to be larger than plots on the recently developed site north of the site (Foxley Lane/Murrell Hill Lane). However the lower density would provide a suitable edge to the settlement, allowing a transition between the allocated site and the Local Wildlife Site.

Soft landscaping would be provided in front gardens along the access road. As a result the development is considered to have the right balance of built form, hardstanding and soft landscaping to provide a suitable extension to the settlement as already defined to the north of the site.

The site does not fall within a designated Character Area however the fact that the site is well constrained by trees, that can be retained, means that it is considered not to have a significant impact upon the character and appearance of the area.

Overall the site is considered to relate well to the existing settlement, and form an acceptable extension to it.

Design

The proposed design of the dwellings and associated garages, with tall roofs but low eaves, along with appropriate materials to the Binfield location, are considered in-keeping with the area given the site abuts a recently developed allocated site and that there are dwellings west of the site.

To conclude

Overall, due to the fact the site is well contained, landscaped and the design is in-keeping, changes to the character and appearance of the site are not considered contrary to the development plan policies referred to above and to the NPPF (para. 17, bullet 5).

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.

Impact upon existing properties

Plot 1 is located east of the rear gardens at September Cottage and Murrell Cottage. There is a first floor bathroom window facing west towards Murrell Cottage, however this window would be over 10m to the boundary and over 22m to the rear of Murrell Cottage. This complies with Council guidelines.

There is a balcony proposed on the rear of plot 1 that would be 9m from the rear boundary with September Cottage and 30m to the rear elevation of the neighbouring property. It would also be 11m to the boundary with Murrell Cottage and 23m to the rear elevation of the neighbouring property. Although the distance to the boundary with September Cottage is 1m short of the Council guidelines this is not considered to cause any significant overlooking of September Cottage as its private amenity space is some distance further west from the proposed dwelling.

Plots 1-5, when assessed against the dwellings that are currently being built on the adjoining allocated site, would result in no loss of privacy as the distances to boundaries and rear elevations are all beyond the current guidelines and there is also screening in the form of trees.

None of the properties are considered to appear overbearing nor would they result in significant overshadowing.

Impact upon residential amenity of future occupants of the development

All five of the proposed properties have been designed so that they would not result in any loss of privacy, would not appear overbearing nor would they significantly overshadow any proposed property.

As such the proposal is not considered to result in any adverse impacts upon any existing and/or proposed residential amenity and would therefore comply with Saved BFBLP Policy EN20 proviso (vii) and the NPPF.

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.

The following comments were provided by the Council's Transportation Officer following the submission of the applicant's response to the original comments:-

Whilst Murrell Hill Lane may currently operate safely as a rural lane and widening the road may have a detrimental impact on the nature of the lane, the proposed development could generate in the region of 40 additional vehicular movements (over the course of a typical day) along this narrow section. Two vehicles are unable to pass each other between the site and White House and the intensification of vehicular use can only create risks to highway safety, including pedestrians, cyclists and horse-riders currently using the lane.

Widening the lane along the entire length between the site and White House may as indicated in the applicant's response, increase speeds by up to 6mph, however, the fact remains that two vehicles are unable to pass each other. The Local Highway Authority (LHA) would advise that localised widening is required to provide passing places.

At least two passing places should be provided between the site and White House and it would be sensible for these to be provided 50 metres to the south of the site and 50 metres to the north of White House. The lane should be widened to 4.8 metres at these passing places and it would appear that this could be achieved within the existing lane to the boundary of the ancient highway (the road side edge of ditches).

Widening the lane to 4.8 metres at the new site access should be considered to improve access and egress for vehicles, including refuse vehicles, given the swept path analysis shown on drawing 6111-ATR-001-A is likely to result in refuse vehicles traversing the verges and damaging these.

The provision of a turning head within the site is likely to improve access for refuse vehicles to existing properties, given the lack of turning at the end of Murrell Hill Lane.

Whilst the development does not meet the criteria for the adoption of estate roads (6 dwellings or more), the LHA may consider adoption, to include the turning head adjacent to plot 2 (as shown on drawing 2208-01-A: Site Plan). Adoption of the road to this point would provide for access by refuse vehicles to comply with the guidance for collection of waste by the Council.

The LHA is satisfied with the location of the visitor parking space, noting that 4 spaces are to be provided for each dwelling and short-term infrequent parking could occur further into the site on the 'private road'

Previously the LHA confirmed that that they were happy with the level of parking as proposed on site, on driveways and within proposed garages, of which this does also include a new garage for the existing 'Murrell Cottage'.

Therefore the Local Highway Authority recommends approval subject to conditions and a Section 106 Legal Agreement to secure offsite highways works.

Consideration of the site as a sustainable location

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 site would form an extension to an already allocated housing site which when formally allocated was considered to be a sustainable location. The application site is approximately 700m as the crow flies from Binfield Village. This would allow people to access Binfield Village by foot. The site is also 650m as the crow flies from London Road and bus stops. This would also allow people to access Bracknell Town Centre by cycle and/or bus. Binfield village has a doctors surgery, shops, library and schools and is within walking distance of the site. The site is also close to both the recently allocated sites at Amen Corner North and South, which are also considered sustainable. Both sites will provide schools, with Amen Corner South also providing a neighbourhood centre with shops and a public house. Both Amen Corner North and South are considered to be within walking/cycling distance of the application site. Therefore the preferred method of transport may not necessarily be the car.

The application site is considered well located with regard to most necessary services and facilities. The proposal is therefore considered to comply with 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. 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.

As a result of minor amendments, concerns regarding the proximity of plot 5 to trees south of the site and the Local Wildlife Site have now been resolved and the Council's Biodiversity Officer raises no objection to the proposal subject to conditions.

As such the proposal, subject to conditions, is considered to comply with Policies CS1, CS7 and Chapter 11 of the NPPF.

13. 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.

The proposal is CIL liable and a CIL liability notice would be served upon any grant of planning permission.

14. 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 provide affordable housing when a scheme provides 15 or more net additional dwellings on a site. As this proposed scheme represents a net gain in 5 dwellings there is no requirement to provide affordable housing. However as the scheme falls below the affordable housing threshold a higher rate of CIL will be charged.

15. 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 4.25 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 development will result in a net increase of 5 x 5 bed dwellings. The level of SANG payment would be £16,055.

The enhancement of open space works at Horseshoe Lake SANG is the most appropriate project to mitigate 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) and the Thames Basin Heaths Special Protection Area SPD paragraph 4.4.2

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.

The level of contributions is calculated on a per bedroom basis as set out in the SPA SPD Summary Table 1. The application for this development is for 5 x 5 bedroom dwellings for which the level of SAMM payment is £5,260.

In summary, the total SPA related financial contribution applied through a section 106 agreement for this proposal is £21,315 (i.e. £16,055 + £5,260). CIL contributions, where relevant, will be applied separately.

A Habitats Regulations Assessment is required for this development in accordance with the Habitats Regulations 2010 (as amended). Without 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 a planning application.

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.

16. 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. This used to require that dwellings are built to Code for Sustainable Homes Level 3. However, as a result of a recent Ministerial Statement published 25th March 2015, the Rt. Hon. Eric Pickles withdrew CfSH as current best practice and therefore the LPA can now only ask for the applicant to demonstrate an average water use in new dwellings of 110 litres/person/day. The applicant has provided a Code for Sustainable Homes Pre-assessment Estimator which demonstrates that this is achievable.

Therefore the applicant has met with the current requirements of Policy CS10.

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 applicant has provided an Energy Statement however it fails to set out the correct approach in achieving a 10% reduction in carbon emissions through a fabric first approach and then on top of this on-site renewable energy generation that would offset 20% of the development's energy demand.

If the application is to be approved an appropriately worded condition can secure this policy requirement.

17. 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

The applicant has set out what they believe to be the benefits of the proposal. The case officer has considered these against the economic, social, and environmental dimensions, in the following ways:-

An Economic Role:

There are economic benefits associated with the development proposals. Although only a low number of houses are proposed (5no. net) house building is a recognised important provider of economic growth and therefore in turn indirect economic benefits to the construction industry would result. The new development will create construction jobs, homes for local business employees and gross added expenditure by future residents in Binfield and Bracknell. Providing additional housing will enable the local economy to function with sufficient housing provided in the right locations. Binfield is one such location.

The Council will benefit from the New Homes Bonus, CIL and additional Council Tax revenue.

A Social Role:

The proposal will contribute towards making up the current shortfall of housing provision and will therefore contribute towards the Council's national requirement to maintain a 5 year housing land supply which it presently does not have.

Meeting these needs is a form of economic as well social sustainable development, consistent with the NPPF 3rd Core Principle: that every effort should be made to meet housing needs whilst also being consistent with the aim set out in paragraph 47 of the NPPF of "Boosting significantly the supply of housing".

The site is considered to be in a sustainable location being well related to Bracknell and its sub regional facilities.

The application site lies within walking distance of some local services and facilities, bus stops and future planned educational, recreational and community facilities.

The new residents resulting from the scheme will help sustain the existing services in Binfield including the local bus services and other facilities nearby.

An Environmental Role:

The application will contribute to protecting and enhancing the natural environment. The existing trees, both protected and non protected, along the boundaries of the site will be retained. This therefore protects the existing biodiversity and amenity value these trees currently hold and the existing Local Wildlife Site, Popes Meadow, will also not be harmed. Enhancement across the site will be through new landscaping that will allow for there to be more variation in flora species thus enhancing the site's biodiversity potential.

The proposal will have limited impact on the character and appearance of the countryside beyond the site or from wider views within the countryside area due to the well contained nature of the site.

The proposed development is located beyond the Green Belt and more sensitive identified strategic and local gaps thereby being consistent with NPPF Core Principle 7 of preferring land of lesser environmental value.

The proposal also avoids any impact on Listed Buildings, Conservation Areas and local historic parks, again characteristics of an environmentally sustainable form of development.

The site is considered to be a sustainable location and new homes on site will be built to the latest building regulation standards.

Weight to be afforded to benefits associated with the application

In making a decision it has to be decided what weight to apportion to the benefits identified above.

It is considered that 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.

JJP, the applicant are the developer and will build out the scheme. The site is available now and developable. The conditional contract between JJP and the current land owner confirms this. There are no other constraints impeding the implementation of the scheme, other than the grant of a planning permission. Following the grant of this application, completion of a S106 and resolution of pre commencement conditions it is anticipated that the scheme will be built out within 2016. The site is well constrained and would not adversely harm the character and appearance and therefore is considered a suitable site.

For the reasons given above the site is considered to be deliverable as set out in footnote 11 of the NPPF.

Another benefit, is that the site is considered to be located in a sustainable location whereby it is easily accessible to essential facilities both by foot, cycle and bus; and as such the car will not necessarily be the preferred choice of transport. The development will help to maintain existing services.

The proposal will also provide benefits in terms of its contributions to the local economy through job creations and housing of local people employed at local business as well as making a national contribution towards the house building industry.

The proposal will protect and enhance the biodiversity and/or amenity value of the site through the protection of existing and inclusion of new planting and landscaping.

The proposal will provide housing that will not adversely impact upon the character and appearance of the area.

The proposal will result in New Homes Bonus and CIL contributions of which some money will go to then Parish Council and will therefore benefit the locality.

The proposal would result in lower carbon emissions.

Consideration of the adverse impacts of the proposal

The proposal is not required to provide affordable housing and therefore the higher cost executive homes will not be within reach of most first time buyers and/or lower earners.

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 proposal would provide 5 dwellings that are deliverable and would therefore make a contribution towards the current lack of 5 years housing land supply through a 'windfall site'. The proposal would provide local jobs and would contribute towards the local economy. The site is considered to be a sustainable location assessable to existing and proposed facilities. The proposal could be built out without having a detrimental impact upon the character and appearance of the area; and the amenity and biodiversity value of both the application site and adjoining Local Wildlife Site.

There are other benefits including increased Council tax, CIL, New Homes Bonus revenue, and would result in lower carbon emissions; however these should be given less weight than those expressed above.

Weighed against these benefits is the lack of affordable housing. This lack of provision is not considered to significantly and demonstrably outweigh the benefits of the development. Overall it is considered, therefore, that the proposed development can be regarded as sustainable.

As the proposal is considered to be sustainable and would contribute towards meeting the need to boost the supply of housing as set out in the NPPF, the application is recommended for conditional approval subject to the completion of a Section 106.

RECOMMENDATION

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

01. Measures to avoid and mitigate the impact of residential development upon the Thames Basins Heath Special Protection Area (SPA).
02. Measures to secure off site highway works in order to provide localised widening of Murrell Hill Lane.

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 and documents:-
- 2208/01A received 23.06.15.
 - 2208/02 received 05.03.15.
 - 2208/03 received 05.03.15.
 - 2208/04 received 05.03.15.
 - 2208/05 received 05.03.15.
 - 2208/06 received 05.03.15.
 - 2208/07 received 05.03.15.
 - 2208/08 received 05.03.15.
 - 2208/09 received 05.03.15.
 - 2208/10 received 05.03.15.
 - 2208/11 received 05.03.15.
 - 2208/12 received 05.03.15.
 - 2208/13 received 05.03.15.
 - 2208/14 Location Plan received 05.03.15.
 - 6111-SK-001-A Site Access received 05.03.15.
 - Amended Arboricultural Impact Assessment received 23.06.15.
 - Amended Tree Report received 23.06.15.
 - Amended Surface Water Drainage Strategy received 23.06.15.
- REASON: To ensure that the development is carried out only as approved by the Local Planning Authority
03. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenities of the area.
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]
04. The development hereby permitted shall not be begun until details showing the finished floor levels of the dwellings, garages, bin stores and the levels of the roads hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
REASON: In the interests of the character of the area.
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]
05. The development hereby permitted shall not be begun until comprehensive details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:-
- a) Comprehensive planting plans of an appropriate scale and level of detail that provides adequate clarity including details of ground preparation and all other operations associated with plant and grass establishment, full schedules of plants, noting species, and detailed plant sizes/root stock specifications, planting layout, proposed numbers/densities locations.
 - b) Details of semi mature tree planting.
 - c) Comprehensive 5 year post planting maintenance schedule.
 - d) Underground service and external lighting layout (drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.), both existing reused and proposed new routes.

- e) Means of enclosure (walls and fences etc) including fencing that is permeable to badgers at the end of both the existing and proposed badger corridors.
- f) Paving including pedestrian open spaces, paths, patios, proposed materials and construction methods, cycle routes, parking courts, play areas etc.

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

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

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

- 06. The development shall not be begun until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate:-
 - (a) that before taking account of any on-site renewable energy production the proposed development will reduce carbon dioxide emissions by at least 10% against the appropriate Target Emission Rate as set out in Part L of the Building Regulations (2006), and
 - (b) that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 20%).The buildings thereafter constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith.

REASON: In the interests of sustainability and the efficient use of resources.
[Relevant Plans and Policies: CSDPD Policy CS12]
- 07. No dwellings shall be occupied until a means of vehicular access has been constructed in accordance with details shown on drawing no. 2208-01-A: Site Plan. The means of access as shown on drawing 2208-01-A shall remain thereafter.

REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]
- 08. The development hereby permitted shall not be begun until all the visibility splays shown on the approved drawing 6111-SK-001-A: Site Access have been provided. Those areas shall at all times thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the adjacent carriageway.

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

09. The dwellings shall not be occupied until visibility splays of 2.0 metres by 2.0 metres have been provided at the junction of the driveways and the adjacent footway. The dimensions shall be measured along the edge of the drive and the back of the footway from their point of intersection. The visibility splays shall at all times thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the carriageway.

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

10. No dwelling shall be occupied until the associated vehicle parking and turning space has been surfaced and marked out in accordance with the approved drawing 2208-01-A: Site Plan. 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: SEP T4, BFBLP M9, Core Strategy DPD CS23]

11. The garage accommodation shall be retained for the use of the parking of vehicles at all times, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the Local Planning Authority's vehicle parking standards are met.

[Relevant Policy: BFBLP M9]

12. No dwelling shall be occupied until secure and covered parking for bicycles has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be kept available for cycles at all times.

REASON: In order to ensure bicycle facilities are provided.

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

13. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority for off site highway works including the following:

- localised widening of Murrell Hill Lane

The buildings provided by the carrying out of the development shall not be occupied until the off site highway works have been completed in accordance with the scheme.

REASON: In the interests of highway safety.

[Relevant Policy: BFBLP M4]

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

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

and each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on

the site, other than those in the approved scheme shall be used for the purposes listed (a) to (d) above without the prior written permission of the Local Planning Authority.

REASON: In the interests of amenity and road safety.

15. No development (including initial site-clearance) shall commence until a detailed scheme for the protection of existing trees, hedgerows and groups of mature shrubs to be retained, in accordance with British Standard 5837 (2012) 'Trees In Relation To Construction Recommendations' (or any subsequent revision), has been submitted to and approved in writing by the Local Planning Authority. Protection measures shall be phased as necessary to take into account and provide protection during demolition/site clearance works - all construction works - hard landscaping works. Details shall include an approved development layout plan at a minimum scale of 1:200, showing the following:
- a) Accurate trunk positions and canopy spreads of all existing trees within the site and on adjoining land adjacent to the development within influencing distance of the development.
 - b) Positions and spreads of existing hedgerows and groups of mature shrubs.
 - c) All proposed tree, hedge or shrub removal. Shown clearly with a broken line.
 - d) Proposed location/s of 2.4m high protective barrier/s, supported by a metal scaffold framework, constructed as a minimum in accordance with Section 6 (Figure 2), to include appropriate weatherproof tree protection area signage (such as "Keep Out - Construction Exclusion Zone") securely fixed to the outside of the protective fencing structure at regular intervals.
 - e) Illustration/s of the proposed protective barriers to be erected.
 - f) Proposed location/s and illustration/s of ground protection measures within the main root protection areas of retained trees, designed as necessary for pedestrian light traffic or heavy plant machinery, as necessary to prevent contamination and ground compaction.
 - g) Annotated minimum distances between protective barriers and trunks of retained trees at regular intervals.
 - h) All fenced off areas clearly annotated as Tree Protection Areas/Construction Exclusion Zones.
 - i) Notes regarding restrictions which apply to Tree Protection Areas/Construction Exclusion Zones.
 - j) Proposed protection method to prevent run off of toxic substances, liquids cement washings etc of any description from the construction area, into the construction exclusion zones approved around retained trees.
- The development shall be carried out in full accordance with the approved scheme.
- REASON: - In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area.
16. The protective fencing and other protection measures specified by condition 15 shall be erected in the locations agreed in writing by the Local Planning Authority prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site. Where phased protection measures have been approved, no works shall commence on the next phase of the development until the protective fencing barriers and other protective measures have been repositioned for that phase in full accordance with the approved details. No activity of any

description must occur at any time within these areas including but not restricted to the following: -

- a) No mixing of cement or any other materials.
- b) Storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description.
- c) Siting of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, porta-loos, storage compounds or hard standing areas of any other description.
- d) Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ ground conditions of any other description.
- e) Installation/siting of any underground services, temporary or otherwise including; drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting.
- f) Parking/use of tracked or wheeled machinery or vehicles of any description.

In addition to the protection measures specified above,

- a) No fires shall be lit within 20 metres of the trunks of any trees or the centre line of any hedgerow shown to be retained.
- b) No signs, cables, fixtures or fittings of any other description shall be attached to any part of any retained tree.

REASON: - In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area.

17. No development shall commence until a site specific design for the construction of the access road has been submitted to and approved in writing by the Local Planning Authority. Details shall include: -
 - a) 1:200 scale construction profiles at regular intervals along its length showing existing /proposed finished levels in relation to existing retained tree trunk locations, together with any grading of levels proposed to the south side of its footprint.

The Construction Method Statement shall be implemented in full accordance with the approved scheme, prior to the occupation of the dwelling.

REASON: In order to alleviate any adverse impact on the root systems and the long term health of retained trees, in the interests of the visual amenity of the area.

[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

18. No development shall commence until a site specific method statement for the removal of all existing hard surfaced areas and/or structures of any other description, located within the minimum Root Protection Areas (RPA's) of trees to be retained, has been submitted to and approved in writing by the Local Planning Authority. Details shall include: -
 - a) A site plan at a minimum scale of 1:200, identifying all areas where such work is to be undertaken.
 - b) Reinstatement to soft landscape area including proposed ground de-compaction works.
 - c) Timing and phasing of works.

The Construction Method Statement shall be observed, performed and complied with in full accordance with the approved details.

REASON: - In order to safeguard tree roots and thereby safeguard trees in the interests of the visual amenity of the area.

19. No development shall commence until:
- (i) a site layout plan at a minimum scale of 1:200 showing the proposed layout of all underground services and external lighting and
 - (ii) a programme for the phasing and timing of works
- have been submitted to and approved in writing by the Local Planning Authority.

Details of the site layout plan shall include: -

- a) Accurate trunk positions and canopy spreads of all retained trees/hedgerows and mature groups of shrubs.
- b) Surface water/ foul drainage and associated inspection chambers (existing reused and new)
- c) Soak-aways (where applicable)
- d) Gas, electricity, telecom and cable television.
- e) Lighting columns and all associated ducting for power supply.
- f) Phasing and timing of works.

The development shall be carried out in full accordance with the approved site layout and the approved programme.

REASON: - In order to safeguard tree roots and thereby safeguard existing trees and other vegetation considered worthy of retention and to ensure new soft landscape planting areas are not adversely affected and can be used for their approved purpose, in the interests of the visual amenity of the area.

20. No development shall take place until:
- (i) details of all proposed alterations to the ground levels within the site within 5 metres of the minimum 'Root Protection Areas' calculated in accordance with BS 5837 (2012) recommendations (or any subsequent revision), for all existing retained trees within the site and on neighbouring land adjacent to the approved development. The details to include:

- a) Existing and proposed finished levels.
- b) Any proposed soil level re-grading in relation to existing retained trees, hedges and other vegetation.
- c) Proposed retaining structures required to address level differences adjacent to retained trees and hedges and other vegetation, and

- (ii) a programme and method of implementation have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved site layout plan and the approved programme.

REASON: In the interests of safeguarding the long term health and survival of retained trees, hedges and other vegetation considered worthy of retention.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) England Order 2015 (or any order revoking and re-enacting that order with or without modification) no enlargement, addition, improvement or other alteration permitted by Classes A, B, C, D and E of Part 1 of the Second Schedule of the 1995 Order shall be carried out.

REASON: The site is affected by a Tree Preservation Order/contains trees which are a feature of the site where strict control over development is required by the policies of the development plan to ensure their protection.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) England Order 2015 (or any order revoking and re-enacting that Order with or without modification), no hard surface as permitted by Class F of Part 1 of the Second schedule of the 1995 Order shall be provided for any purpose incidental to the enjoyment of a dwelling house

REASON: In the interests of the health of nearby trees.

23. 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 in writing by the Local Planning Authority. Any such study will have to be complied with during construction.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: BFBLP EN3 CS1, CS7]
24. All ecological measures and/or works shall be carried out in accordance with the details contained in PJC Ecology's report dated September 2014 and shall be retained thereafter.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1]
25. 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 implemented, observed and complied with.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1, CS7]
26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) England Order 2015 or any Order revoking and re-enacting that order, no external lighting shall be installed on the site or affixed to any buildings on the site except in accordance with details set out in a lighting design strategy for biodiversity that has first been submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- a) identify those area/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.
- All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior written consent from the local planning authority
REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1, CS7]
27. On the development hereby permitted no property shall be occupied until details of the maintenance and management of a sustainable drainage scheme designed in accordance with the approved Surface Water Drainage Strategy June 2015 have been submitted to and approved in writing by the local planning authority. Those details shall include:

A management and maintenance plan which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements

to secure the operation of the sustainable drainage scheme for the lifetime of the development .

Once approved, the scheme shall be managed and maintained thereafter in accordance with the approved management and maintenance plan for the lifetime of the development.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

28. On the development hereby permitted no property shall be occupied until a sustainable drainage scheme which serves the property has been constructed in accordance with the approved Surface Water Drainage Strategy June 2015 and will be retained thereafter.

REASON: To prevent the increased risk of flooding.

29. The development hereby permitted shall not be begun until details of the design of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

- a) Details for the permeable paving design
- b) Details for the function and design of the storage system pipework
- c) Details for the connection of the properties to the sustainable drainage system
- d) Details for the connection of the sustainable drainage system to the final outfall

The sustainable drainage scheme shall be implemented as approved prior to the occupation of the dwellings and shall be retained thereafter.

REASON: To prevent the increased risk of flooding from the development.

30. No development shall take place until the applicant or their agents or successors in title have secured the implementation of a programme of archaeological work (which may comprise more than one phase of work) in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the planning authority.

REASON: The site lies within an area of archaeological potential, principally for prehistoric and Roman remains. The programme of work will mitigate the impacts of development and ensure an appropriate record and advance understanding of the significance of any heritage assets in accordance with national and local policy.

31. No development shall commence 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 any of the buildings approved in this permission.

REASON: In the interests of the visual amenities of the area and to safeguard existing retained trees, hedges and shrubs.

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

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. Trees on and adjacent to this site are/may be protected by Tree Preservation Orders and/ or Conservation Area legislation. In simple terms, detailed written consent must therefore be obtained from the Council's Tree Section before undertaking any form of work to such trees (including any work affecting their root systems), unless detailed works to such trees have been specifically approved in writing as a part of this planning permission. Any pruning or removal of trees without the necessary consent or any damage arising from non compliance with other conditions of this permission or otherwise may be liable to prosecution by the Council. This may be in addition to any enforcement action deemed appropriate for non compliance with relevant planning conditions. Property owners, developers and/ or any other relevant persons are therefore advised to take appropriate measures to ensure that all persons responsible for overseeing works approved under this permission are suitably briefed on this matter.
03. Please note that trees on and/or adjacent to this site are protected by Tree Preservation Orders. The legislation protecting these trees overrides Permitted Development under the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification). Prior written consent must be obtained from the Council's Tree Service before undertaking any works which require the removal/ and or pruning of a protected tree or may affect / cause damage of any description to its canopy, trunk or root system and subsequent health, stability and survival in any way. Typically such works include but are not limited to the laying of hard surfaces of any description, foundations for garden structures, construction of retaining walls, topsoil stripping, excavation/ alterations to existing ground conditions of any other description near trees. Any pruning, removal of a protected tree as a result of such works, without the necessary consent or any damage arising from non compliance with this requirement may be liable to prosecution by the Council.
04. No details are required to be submitted in relation to the following conditions:

1 ,2 ,7 ,8 ,9, 10, 11, 16, 21, 22, 23, 24, 26 and 28.

The applicant is advised that the following conditions require discharging prior to commencement of construction works:
3, 4, 5, 6, 13, 14, 15, 17, 18, 19, 20, 25, 29, 30 and 31.

The following conditions require discharge prior to the occupation of the dwellings hereby approved:
12 and 27.

In the event of the S106 planning obligation(s) not being completed by 20th October 2015.

the Head of Planning 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).
02. In the absence of a planning obligation to secure localised widening of Murrell Hill Lane the proposal would have an adverse impact on highway safety. The proposed development is therefore contrary to Local Plan Policy M4, Core Strategy Policy CS23 and the NPPF.

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