

ITEM NO: 13

Application No.
15/00554/FUL
Site Address:

Ward:
Binfield With Warfield

Date Registered:
15 June 2015

Target Decision Date:
10 August 2015

**The Hermitage Herschel Grange Warfield Bracknell
Berkshire**

Proposal:

Section 73 Application for the variation of condition 02 of Planning Permission Ref: 620217 granted on the 29th November 1994 which allowed for the increase in the number of mobile homes from 10 to 11, to allow for an increase to 14 mobile homes.

Applicant:

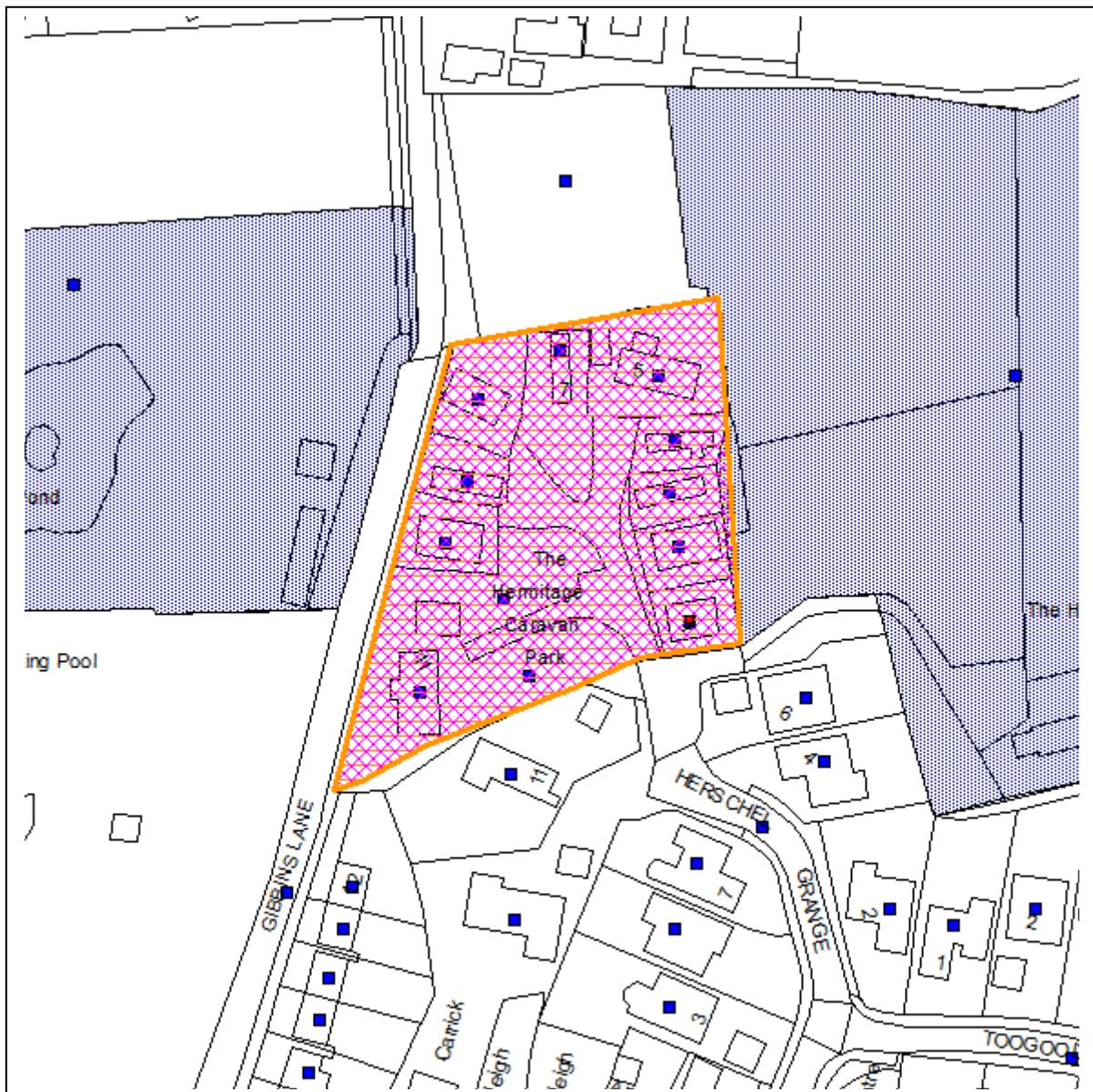
Mr David Reed

Agent:

Mrs Ruth Reed

Case Officer:

Paul Corbett, 01344 352000

development.control@bracknell-forest.gov.uk**Site Location Plan** (for identification purposes only, not to scale)

OFFICER REPORT

1. SUMMARY

1.1 This proposal is for the variation of condition 02 of Planning Permission Ref: 620217 granted on the 29th November 1994 (which allowed for the increase in the number of mobile homes from 10 to 11), to allow for an increase to 14 mobile homes.

1.2 The site is located outside of a defined settlement. At the present time the Council is unable to demonstrate a 5 year housing land supply.

1.3 Taking account of the presumption in favour of sustainable development, the proposed increase of 3 additional mobile homes is considered appropriate, and would contribute to the Council's current need to meet its 5 year housing land supply where such small sites assist in providing a variety of homes that are in need across the borough.

1.4 The proposal would have no adverse effect on the character of the area, or on adjoining properties.

1.5 This proposal would also result in an improved parking provision across the whole site which is considered acceptable.

1.6 The change of use for the siting of 3 additional mobile homes is therefore recommended for approval subject to conditions and completion of a S106 legal agreement to secure the SPA Mitigation identified.

RECOMMENDATION
The Head of Planning be authorised to grant planning permission subject to the completion of a satisfactory Section 106 agreement and the conditions set out in Section 11 of this report

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application has been reported to the Planning Committee following the receipt of more than 3 objections.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Land outside of defined settlement - Countryside
Located within 5km buffer to the Thames Basin Heaths SPA

3.1 The site is an existing mobile home site located approximately 2km to the north east of Bracknell Town Centre. The site is known as The Hermitage Caravan Park which is located just off Herschel Grange a small cul de sac to an existing residential development of 8 large detached dwellings.

3.2 The site currently has lawful consent under the 1994 planning permission (620217) which allowed an additional caravan to be stationed on the site increasing the total number of caravans as approved originally under the 1961 planning permission (1553/51) from 10 to 11 caravans.

4. RELEVANT SITE HISTORY

4.1 1961 - 1553 - Planning Permission Approved
Application for caravan site

- Condition No. 1 restricts the number of caravans to no more than 10.

4.2 1994 - 620217 Planning Permission Approved
Allowing the number of mobile homes to increase from 10 to 11 without compliance with condition 1 of planning permission number 1553/51

4.3 The following conditions of this planning permission are of particular relevance to this proposal.

4.4 Condition No. 2 approved the siting of 'No more than 11 mobile homes shall be stationed on this site'

Reason: To ensure that the development is carried out as approved by the LPA.

4.5 Condition No 3 specified that the 'additional mobile home shall only be sited in accordance with amended plan 1631/TP/2 received on 22nd November 1994'

Reason: To ensure that the development is provided with adequate parking facilities in order to minimise the incidence of roadside parking which would be a danger to other road users.

4.6 The approved drawing 1631/TP/2 therefore defines the siting of mobile home no.11 and ensures it is provided with 2 car parking spaces as identified.

4.7 14/01332/FUL REFUSED 18 Feb 2015

Section 73 Application for the variation of condition 02 of Planning Permission Ref: 620217 granted on the 29th November 1994 to allow for the increase in the number of mobile homes from 11 to 14.

4.8 The reasons for refusal were:

4.9 1.It has not been demonstrated that siting of additional mobile homes on the site can provide sufficient additional parking and tuning without impacting upon the existing parking arrangements on the site. This would lead to on-street parking to the detriment of highway safety and users of the highway. The proposed development would therefore be contrary to Policy M9 of the Bracknell Forest Borough Local Plan, Policy CS23 of the Core Strategy Development Plan Document and Bracknell Forest Borough Parking Standards (Supplementary Planning Document approved July 2007).

4.10 2.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).

5. THE PROPOSAL

5.1 This application seeks to vary condition 02 of Planning Permission Ref: 620217 granted on the 29th November 1994 to allow for the increase in the number of mobile homes from 11 to 14 (a net increase of 3 mobile homes).

5.2 The site area is approximately 0.4 ha.

6. REPRESENTATIONS RECEIVED

Warfield Parish Council:

6.1 Warfield Parish Council raises an objection to the proposal on the following grounds..

- The proposal represents an undesirable overdevelopment of the site.
- Warfield Parish Council is concerned at the loss of soft landscaping and amenity land which will result from any increase in number of units on the site.
- Warfield Parish Council is concerned that there will be insufficient land available for resident and visitor parking if the number of units on the site is increased.
- Warfield Parish Council does not believe that the plans showing parking adjacent to each home can be achieved due to the size of the plots.

Other representations:

6.2 Eight letters of representation have been received raising the following material considerations:

- The proposed increase in the number of caravans will result in cramped arrangement representative of overdevelopment
- The proposal will result in a loss of onsite amenity space
- The proposal does not demonstrate how the site will accommodate resident and visitor parking.
- The residents and visitors of The Hermitage often park within the street outside the site which impacts upon the existing residents of Herschel Grange
- Concerns that the proposed parking plan submitted with this application will never be implemented.

The above concerns are addressed within the report.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 No statutory or non-statutory consultations have been required.

Highways Officer:

7.2 No objection subject to conditions

Licensing Officer:

7.3 Concerns raised in respect of whether the site owner will be able to comply with the regulations relating to the licensing of the caravan site. [Officer Comment: As the application is for a change of use this application would allow for some resiting of caravans to be permitted so long as the principle of 2 parking spaces are still provided for each caravan).

SPA Officer:

7.4 No objection subject to securing the SPA Mitigation via a S106 legal agreement.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

8.1 The key policies and guidance applying to the site are:

	Development Plan	NPPF
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Housing	CS15 of CSDPD CS16 of CSDPD	Inconsistent – para 47 that refers to objectively assessed need Consistent – para 50 that refers to mix of size, type, tenure and range
Parking	CS23 of CSDPD, Saved policy M4, M9 of BFBLP	Consistent
Countryside	CS9 of CSDPD, Saved Policy EN8 and H5	EN8 /H5 not consistent as more restrictive. CS9 is consistent, NPPF para. 17(5).
Accessibility	CS7 of CSDPD, Saved Policy EN22	Consistent
SPA	Retained SEP Policy NRM6 and CSDPD Policy CS14	Consistent
Supplementary Planning Documents (SPD)		
Character Areas (SPD)		
Parking standards (SPD)		
Thames Basin Heath Special Protection Area (SPD)		
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
Community Infrastructure Levy		
DCLG 2012 based household projections (February 2015)		

8.2 A key material consideration currently is that the Council is unable to demonstrate a 5 year housing land supply and therefore the Councils restrictive policies preventing any form of housing within the countryside are considered out of date. 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). This means that proposed housing (in the form of mobile homes) on this site cannot therefore be refused in principle.

8.3 This proposal relates to an existing caravan site outside of settlement but is immediately adjacent to an existing settlement and the increase of 3 additional mobile homes whilst on land outside settlement would currently be acceptable in principle due to the Council's inability to demonstrate a 5 year housing land supply. Furthermore the site is also considered to constitute Previously Developed Land (PDL). Such land can in principle be developed.

8.4 As a result the proposed development is considered to be acceptable in principle, subject to no adverse impact on the character of the area, amenity of neighbouring occupiers, highway safety, trees, etc. These issues are addressed elsewhere in this report.

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of development
- ii Impact on character and appearance of the area
- iii Impact on residential amenity
- iv Impact on highway safety
- v Impact on Accessibility
- vi Impact on SPA
- viii Community Infrastructure Levy

i. Principle of Development

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

9.3 The site is located outside of a defined settlement, where ordinarily new residential development is not acceptable in principle, therefore if approved; the application would constitute a departure from the Development Plan.

9.4 The Council's housing requirement is indicated in CSDPD Policy CS15 together with the DCLG 2012 based household projections. At this time, the Council is unable to demonstrate a 5 year housing land supply and therefore the Council's restrictive policies preventing any form of housing within the countryside are considered 'out of date'. This applies to CSDPD Policy CS9, and 'saved' BFBLP policies EN8 and H5.

9.5 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). This means that proposed housing (in the form of 3no x bed (max) mobile homes which would represent additions of small units (Policy CS16) to the housing stock) on this site cannot be refused in principle. 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.

9.6 Furthermore the site is also considered to constitute Previously Developed Land (PDL). (given the nature and extent of built form on the site: hard standing, garage blocks etc). Redevelopment of PDL sites is supported by the NPPF, provided the land is not of high environmental value (para. 17(8) and 111).

9.7 The remainder of this report deals with the 'balancing' exercise.

ii. Impact on Character and Appearance of Area

9.8 CSDPD Policy CS7 states that development will be permitted which builds upon the local character of the area, provides safe communities and enhances the local landscape where possible. BFBLP 'Saved' Policy EN20 states that development should be in sympathy with the appearance and character of the local area.

9.9 Access to the site is off Herschel Grange a neighbouring residential area and the site was originally created to form a caravan site in 1961.

9.10 Two planning permission are of particular relevance to this site (i) 1553/51 which approved the caravan site for a total of 10 caravans in 1961 and (ii) a later amendment in 1994, 620217 allowing an increase from 10 to 11 caravans.

9.11 The later amendment (620217) approved the siting of the mobile home on plot 11 with associated parking. The applicant has submitted a site layout plan to clearly demonstrate that the site could satisfactorily accommodate a net increase of 3 mobile homes as well as provide sufficient onsite parking and amenity space.

9.12 It is considered that the site layout plan may require some minor adjustments to the positioning of caravans within the site to ensure it meets with the licensing requirements covered under separate legislation.

9.13 It is therefore considered that this proposal accords with the principles of Core Strategy Policy CS7, 'Saved' BFBLP Policy EN20 and the NPPF.

iii. Impact on Residential Amenity

9.14 BFBLP 'Saved' Policy EN20 (viii) refers to the need to not adversely affect the amenity of the surrounding properties and adjoining areas. BFBLP 'Saved' Policy EN20 and CSDPD Policy CS7, require the development to be sympathetic to the visual amenity of neighbouring properties through its design implications.

9.15 Objections received question the likelihood of this proposal ever being implemented as it would require the reconfiguring of a number of the existing garden boundary fences to accommodate the parking as shown on the plan. Whilst it is acknowledged that a number of the existing garden boundary fences will need to be repositioned to enable the parking to be implemented in accordance with the plan submitted, this remains within the control of the applicant and site owner to agree such matters with its existing tenants. The Council cannot control the size of the plots only the number of caravans that can be stationed on the site.

9.16 It is considered that the scheme as now amended is designed so as not to create any adverse impacts on the amenities of nearby residents and is therefore in

accordance with CSDPD Policy CS7 and saved BFBLP Policy EN20 of the BFBLP and the NPPF.

iv. Impact on Highway Safety

9.17 CSDPD CS23 states that the Local Planning Authority will use its powers to reduce the need to travel and increase the safety of travel, while simultaneously promoting alternative modes of travel. Saved Policies M4 and M9 of the BFBLP ensure that development provides satisfactory highway measures and parking provision. To supplement this policy, the Parking Standards SPD (2007) sets out the advised levels and size of parking spaces for residential dwellings. The SPD was adopted following public consultation, so can be afforded significant weight. The NPPF allows for LPAs to set their own parking standards for residential development..

9.18 The caravan park takes its vehicular access from Herschel Grange an adopted residential cul-de-sac. On-street parking is un-restricted and some on-street parking was observed to occur at present. Herschel Grange is a shared surface and additional on-street parking would interfere with the movement of vehicles and pedestrians to the detriment of highway safety.

9.19 The applicant's proposed site layout as amended demonstrates that two car parking spaces are achievable for each of the 14 plots. This is considered to sufficiently address the neighbours concerns that parking currently spills out onto the surrounding roads. It is recommended that the parking plan is secured by condition.

9.20 For the reasons given above the proposal is considered to accord with Saved Policies M4 and M9 of the BFBLP, Policy CS23 of the Core Strategy DPD, Parking Standards SPD and the NPPF.

v. Impact on Accessibility

9.21 BFBLP Saved Policy EN22 and CSDPD Policy CS7 state that the Local Planning Authority (LPA) will ensure that new development provides convenient access, parking space and facilities for people with disabilities.

9.22 The current proposal will need to comply with the licencing regulations in respect of caravan parks; it is therefore considered that if the appropriate license is granted the proposal would comply with the requirements of the Development Plan and the NPPF.

vi. Impact on SPA

9.23 Retained SEP Policy NRM6 and CSDPD Policy CS14 seek to avoid an adverse impact upon the integrity of the Thames Basins Heaths Special Protection Area The Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPA SPD) (March 2012) provides guidance on implementing these policies.

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

9.25 This site is located approximately 1.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.

9.26 A contribution is calculated on a per bedroom basis to be paid to the Council towards the cost of works and measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Council's Avoidance and Mitigation Strategy. In this instance, the net increase in caravans is based on the home providing a maximum of 3 bedrooms each. The SANG costs are therefore calculated as follows:

9.27 Total SANG contribution for a 3 bed mobile home/caravan is £2,171
The total for a 3 x 3 bed mobile home/caravan = £6,513 (3 X 2,171)

9.28 The open space works at Ambarrow Hill/Court SANG is the most appropriate to this proposal (although it may be necessary to allocate the contribution to another SANG). The legal agreement will also incorporate a clause requiring occupancy to be restricted until the works and measures are in place.

9.29 The Council has also signed a legal agreement to secure financial contributions towards Strategic Access Management and Monitoring (SAMM) which will be calculated on a per bedroom basis as follows:

9.30 Total SAMM for a 3 bed mobile home/caravan is £711
The total for a 3 x 3 bed mobile home/caravan = £2,133 (3 X 711)

9.31 In summary, the total SPA related financial contribution including a contribution towards the SAMM project for this proposal is £8,646. (i.e. £6,513 + £2,133) that will need to be secured by S106 Legal Agreement.

9.32 It should be noted that the SPA calculations have changed since the introduction of the Community Infrastructure Levy (CIL) on 6th April 2015.

9.33 Therefore subject to the completion of a S106 legal agreement the proposal would comply with the quoted policies and the NPPF

vii. Community Infrastructure Levy (CIL)

9.34 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.

9.35 CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted), including extensions of 100 square metres of gross internal floor space, or more, or new build that involves the creation of additional dwellings. In this case the proposal is for caravans and therefore is not CIL liable.

10. CONCLUSIONS

10.1 Taking account of the presumption in favour of sustainable development, the proposed increase of 3 additional mobile homes is considered appropriate, and would contribute to the Council's current need to meet its 5 year housing land supply, on a PDL site where such small sites assist in providing a variety of homes that are in need across the borough.

10.2 This proposal would also result in an improved parking provision across the whole site which is considered acceptable, and is not considered to result in any

adverse harm to the character and appearance of the area, or neighbouring residential amenities.

10.3 There no adverse impacts arising from this proposed change of use for the siting of no.3 additional mobile home that significantly and demonstrably outweigh the benefits of granting planning permission. Therefore this proposal is recommended for approval subject to conditions and completion of a S106 legal agreement to secure the SPA Mitigation identified.

10.4 It is therefore considered, on balance that the proposed development complies with Development Plan Policies SALP Policy CP1, CSDPD Policies CS1, CS7, CS23, BFBLP 'Saved' Policy EN20 and M9, and the NPPF

11. 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 Basin Heaths Special Protection Area (SPA).

That the application be **APPROVED** subject to the following conditions amended, added to or deleted as the Head of Planning considers necessary:-

01. This permission and parking areas shown on plan 14/644A-003 Rev B hereby permitted shall be completed before the expiration of 10 months from the date of this permission.

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

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

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

14/644A-001 - Site Location Plan Received 15.06.15

14/644A-003 Rev B - Proposed Site Layout Received 10.08.15

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

03. No more than 14 caravans (or mobile homes) shall be sited on the site at any one time.

REASON: In the interests of the character area and to safeguard the amenities of the residents both within and outside the site.

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

04. The provision of 2 car parking spaces per caravan shall be implemented as approved and retained thereafter at a ratio of 2 car parking spaces per caravan in accordance with approved plan 14/644A-003 Rev B unless otherwise agreed in writing by the Local Planning Authority.

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

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

In the event of the S106 agreement not being completed by 30 November 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).

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. In accordance with the Caravan Sites and Control of Development Act 1960 (as amended 2006), the dimension for a caravan when assembled must not exceed 20m in length x 6.8m in width and internal height of 3.05m.

Under the Caravan Sites Act 1968 (as amended), the structure must not compose of more than two sections, which should be physically capable of being moved as one when assembled.

No development should be permitted that results in a caravan being stationed on the site that does not comply with the above legislation, or that would result in a breach of either the site licence conditions or the Model Standards 2008 for Caravan Sites in England.

The license holder would also need to obtain a variation to the site licence if permission were to be granted for an increase in the number of caravans stationed on the site.

Legislative updates:

http://www.legislation.gov.uk/uksi/2006/2374/pdfs/uksi_20062374_en.pdf

http://www.legislation.gov.uk/uksi/2006/2374/pdfs/uksiem_20062374_en.pdf

Please contact Bracknell Forest Councils Licensing Department for further information.

03. No details are required to be submitted in relation to the following conditions:
1, 2, 3, 4,

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