

Unrestricted Report

ITEM NO: 15

Application No.
15/00624/FUL

Ward:
Little Sandhurst And
Wellington

Date Registered:
1 July 2015

Target Decision Date:
26 August 2015

Site Address:

**Harts Leap Independent Hospital 5 Windrush Heights
Sandhurst Berkshire GU47 8ET**

Proposal:

**Erection of 5 no 4 bed and 3 no 3 bed detached dwellings with
garages following demolition of all existing buildings.**

Applicant:

Halebourne Developments Ltd

Agent:

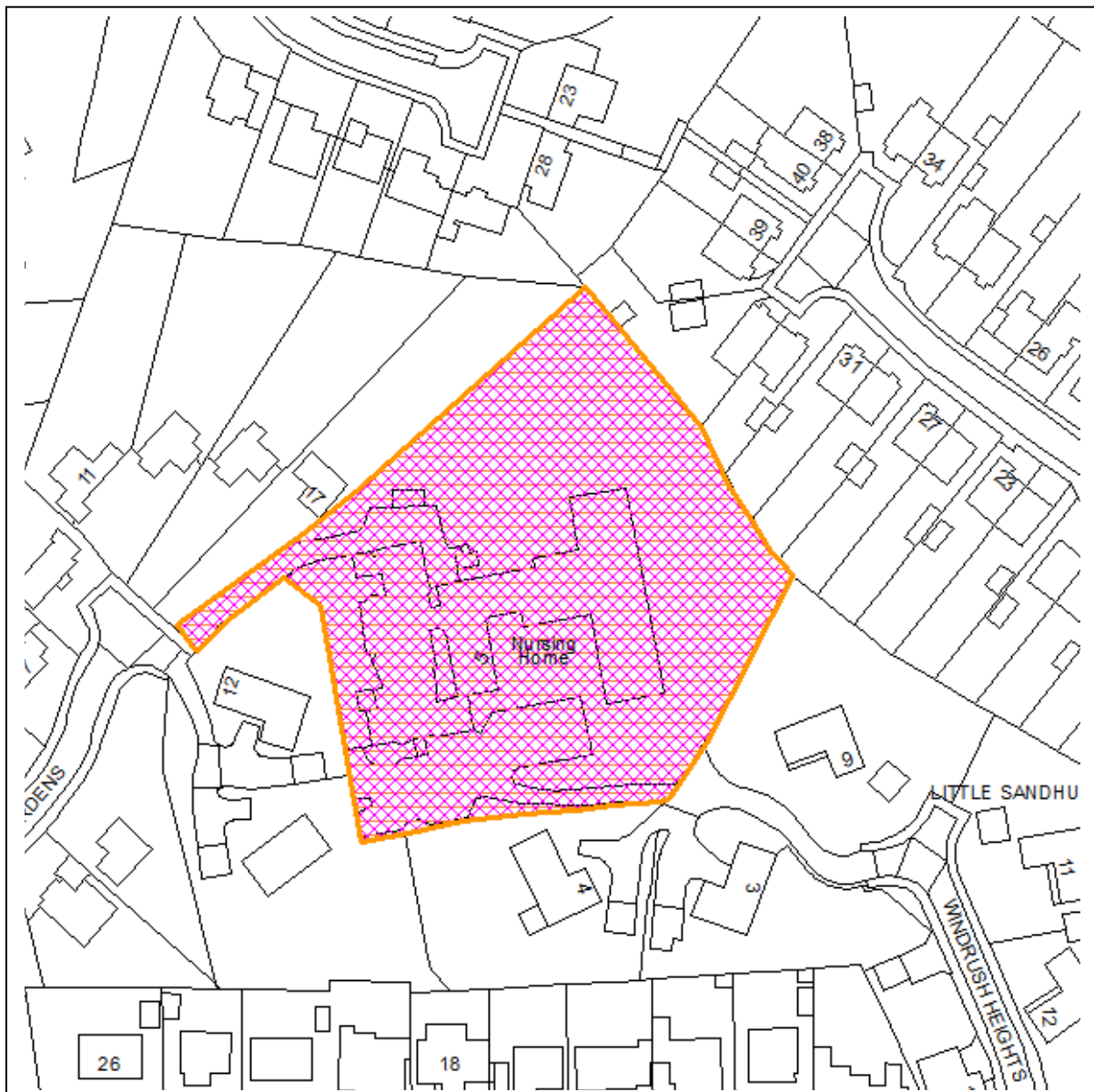
Paul Dickinson

Case Officer:

Katie Walker, 01344 352000

Development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

1.1 The proposal is for the demolition of all existing buildings on site and the erection of a cul-de-sac of eight detached houses.

1.2 The proposed development relates to a site within the settlement boundary and is therefore acceptable in principle. It would not adversely affect the residential amenities of neighbouring properties and would not adversely impact upon the character and appearance of the surrounding area. No highway safety implications will arise subject to the imposition of conditions. Relevant conditions will also be imposed in relation to detailed design, trees, biodiversity and sustainability and a section 106 agreement will be entered into in relation to impacts on the SPA.

RECOMMENDATION

Planning permission be granted subject to conditions in Section 11 of this report and a section 106 agreement relating to mitigation measures for the SPA.

In the event of the S106 agreement not being completed by 25 January 2016, the Head of Planning be authorised to refuse the application on the grounds of:

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).

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

Within settlement boundary

Site subject to TPO No 20/1966

Character Areas SPD, Sandhurst Study Area, Area A

3.1 The 0.65 ha site is occupied by the former Harts Leap care home building and associated outbuildings, which have been vacant since February 2014. It is bounded to the north by thick planting, beyond which is Oaktree Way; to the west by Dale Gardens; to the south by Windrush heights and the rear of Harts Leap Road; and to the east by planting and the rear gardens of Harts Leap Close.

3.2 The site is located in an urban setting within a defined settlement as shown on the Bracknell Forest Policies Map. The site is currently secured, however access to the care home was via both Dale Gardens and Windrush Heights.

4. RELEVANT SITE HISTORY

4.1 There is no relevant planning history for the site other than alterations to the care home building.

5. THE PROPOSAL

5.1 The proposals are for the demolition of all existing buildings on site, and the erection of a cul-de-sac of eight detached houses, accessed from Dale Gardens. The dwellings would be arranged in a horse-shoe shape, facing the new road in the centre of the site, all with rear gardens.

5.2 The development would comprise three 3-bedroom houses (plots 6, 7 and 8) and five 4-bedroom houses. Plots 1-5 would be located to the south of the new road, with plots 6-9 located on the northern part of the site. Plots 1-6 would be two storeys. Plots 7-9 would be on land with a level change. They would have two storeys plus living accommodation in the roof, however the lower ground floor would be the ground floor as read from the front of the properties and the first floor (upper ground level as marked on the plans) would form the ground floor from the rear. There would be external steps to the side of these properties.

5.3 Vehicular access to the development would be via Dale Gardens, with a 2 metre wide pedestrian footpath and servicing route provided from Windrush Heights. Each dwelling would have an attached garage and plots 1, 2, 5, 6, 7 and 8 would have accommodation above the garage. Plots 2, 6, 7 and 8 would have one parking space in front of their garages and the remaining houses would have 2 additional parking spaces. Two visitor parking spaces would also be provided for the development.

5.4 A significant proportion of the existing tree and hedgerow cover on site would be retained within the proposals, and new planting is also proposed.

6. REPRESENTATIONS RECEIVED

Town Council

6.1 Sandhurst Town Council objected to the proposal on the following grounds:

- the volume of traffic combined with the difficulty in negotiating access to the development would be detrimental to the amenity of Dale Gardens residents
- Pedestrians would be put at risk by the lack of a footway along the narrow access road, exacerbated by poor visibility;
- The access road does not meet the minimum width requirement for access by a fire appliance;
- The density of housing, although one less dwelling than 15/00623/FUL, will still result in a cramped development that is not in keeping with the surrounding properties.

Other Letters of Representation

6.2 Fifteen letters of objection were received. The issues raised are summarised as follows:

- Access should not be by both Dale Gardens and Windrush Heights for traffic, parking and road safety reasons.
- Increase in traffic on Dale Gardens, Windrush Heights and the surrounding road network.

- TRICS data in the transport statement is misleading and the care home did not ever operate at capacity.
- Inadequate visitor parking.
- Road safety for vehicles and pedestrians.
- Impact of parking and construction traffic on Harts Leap Road.
- New footpath will result in Windrush Heights becoming a shortcut and possible overspill car parking area.
- Concerns over impact of additional vehicles on the road in terms of sink holes in Dale Gardens.
- Access constraints for larger vehicles on Dale Gardens.
- Too many houses resulting in high density and cramped development.
- Potential noise and disturbance to surrounding properties from access road, construction and the development itself.
- Retention of area for open communal garden would be more in keeping with ground's original use.
- Emergency vehicle access.
- Concerns over rights of way over 4 Windrush Heights [*officer comment: the applicant has provided title plans demonstrating a right of way between the site and the highway*]
- Impact on and management of trees.
- Reduction in screening of site through removal of trees and planting
- Concerns over houses at a lower level being hemmed in.
- Overlooking concerns.
- Clarity should be sought over replacement landscaping.
- Proposals will be out of keeping with the area.
- Houses are too tall
- Proposals will result in a car dominated street scene.
- Parking during construction.
- Dale Gardens originally had restricted access and was designed as a service entrance.
- Large vehicles manoeuvring close to existing properties in Dale Gardens creates anti social atmosphere.
- Cars park in existing hammerhead which makes the roads more restricted.
- Damage to gate posts due to narrow roads.
- Impact on safety of children in Dale Gardens and new children from development.
- Access for service vehicles.
- Proposals are contrary to development plan with regards to character and appearance of the area and priority to needs of pedestrians, cyclists and public transport.
- Trees should be removed to improve access, site viability and amenity of residents.
- Refuse collection.
- Flood risk.
- Biodiversity.

6.3 Two letters of observation were received, raising the following points:

- This proposal is preferred to 9 unit scheme.
- Important to retain screening provided by the surrounding trees.
- Access should be via Dale Gardens.
- Emergency vehicles need access to the new development and Windrush Heights.
- Only reasonable pruning of Leyland cypress trees (G4) should take place
- A tree screen of at least 6 metres in height on the south border with 9 Windrush Heights should be maintained
- The proposed footpath should not become a public right of way for persons other than the new residents of the development

- The proposed footpath should be maintained, especially with regards to falling leaves in the Autumn and Winter.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 The following consultees have provided comments on the application, summarised below and within the report:

- Environmental Policy: No objections subject to conditions.
- Tree service: No comments on the application. The planning officer should consider the information provided by the applicant alongside the potential impact that the development may have on trees and landscape.
- Biodiversity: No objections subject to conditions
- Environmental Health: conditions recommended.
- SPA: S106 required.
- Transportation officer: No objection subject to conditions.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

8.1 The primary strategic planning considerations applying to the site and the associated policies are:

	Development Plan	NPPF
General policies	CP1 of SALP, CS1 and CS2 of CSDPD	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Parking	Saved policy M9 of BFBLP	Consistent. Para. 39 refers to LPA's setting their own parking standards for residential development.
Transport	CS23 and CS24 of CSDPD	Consistent
Sustainability	CS10 and CS12 of CSDPD	Consistent
SPA	SEP Saved Policy NRM6, Saved Policy EN3 of BFBLP and Policy CS14 of CSDPD	Consistent
Trees, biodiversity and landscaping	Saved policy EN1 and EN2 of BFBLP, CS1 of CSDPD.	Consistent
Supplementary Planning Documents (SPD)		
Thames Basin Heath Special Protection Area (SPD)		
Character Areas (SPD)		
Parking standards SPD		
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i Impact on character and appearance of the area

- ii Impact on residential amenity
- iii Transport implications
- iv Biodiversity considerations
- v SPA
- vi Impact on trees
- vii Sustainability
- viii Community Infrastructure Levy

i. Impact on Character and Appearance of Area

9.2 The Sandhurst Study Area A (Little Sandhurst) of the Character Areas SPD sets out, in summary, that the high quality character of the area is established by the informal plot patterns, boundary treatments and landscape rather than a distinctive form of development and/or architecture. The following relevant recommendations are set out in the SPD:

- Development should be in the form of short terraces and detached houses and their orientation can vary;
- An engineering driven change of road surface should be avoided;
- The existing street pattern and focal points should be retained to maintain a sense of place;
- The backdrop of woodland should be retained throughout the character area as it adds significantly to local distinctiveness;
- The characteristic setting of houses above road level should be retained as well as the use of brick retaining walls;
- Conserve and enhance the woodland cover and localised dense shrubbery; and
- Retain and encourage greater use of brick walls to frontages.

9.3 The site is located between Dale Gardens and Windrush Heights, in a residential area. The surrounding roads generally slope down from the site, which is largely screened from the surrounding properties with trees and shrubs. A significant proportion of the existing trees, shrubs and planting would be retained on the boundaries of the site, and new planting would be introduced, ensuring that the proposals would not appear overly dominant to the surrounding properties.

9.4 The layout of the proposals would be in keeping with the urban grain of the surrounding area. With the exception of Harts Leap Close, which comprises semi-detached houses, the majority of the houses surrounding the site are detached. The spacing between the proposed houses is comparable to the spacing on Harts Leap Road, and the proposed residential density (12.3 dph) is also in keeping with the surrounding area.

9.5 The houses would be different from one another, however they would be of a similar style which would ensure that the development would have a sense of place while not resulting in a regimented street scene. The houses would be predominantly brick with tiled roofs. Plots 2, 3, 5 and 7 would have hung tile detailing and plots 1 and 6 would have white cladding. They would all have gable features facing the road and would each have an open porch feature. These features and detailing are all in keeping with the character of the houses in Dale Gardens, Harts Leap Road and Windrush heights.

9.6 The proposals are in keeping with the surrounding residential development in terms of plot pattern and design, and retain a significant number of existing trees

and hedgerow, as well as introducing new planting to the site's boundaries in line with the character area SPD. It is therefore not considered that the development would result in an adverse impact on the character and appearance of the area. It would therefore not be contrary to CSDPD Policy CS7, BFBLP 'Saved' Policy EN20 or the NPPF.

ii. Impact on Residential Amenity

- 9.7 The site is well screened from the surrounding roads through trees and hedges. A significant proportion of these would be retained as part of the proposals, maintaining the screening for the proposed development. The existing Harts Leap independent hospital is a large, bulky building which would be demolished along with the two outbuildings on the site. The proposed eight houses are detached, allowing for spacing between them and resulting in a less overbearing built form than the existing building.
- 9.8 The five closest properties to the proposals are numbers 10, 12 and 17 Dale Gardens; number 4 Windrush Heights; and number 35 Harts Leap Close.
- 9.9 Plot 8 is 15 metres from 17 Dale gardens at its closest point, from the western corner of the garage to the side elevation of number 17. Plot 8 has a first floor window in this elevation, for the study, and this window has been angled to minimise overlooking. It should be noted that there is new planting proposed outside this elevation of plot 8, and the existing line of trees would be retained on the western boundary of the side. In addition, plot 8 is located further from number 17 than the existing building. It is therefore not considered that the proposed development would adversely impact on light, privacy or overlooking on number 17 Dale Gardens.
- 9.10 At its closet point, plot 1 is 8.1 metres from 12 Dale Gardens. This distance is measured from the garage of plot 1 to the side elevation of 12 Dale Gardens. There is, however, only one window in the side elevation of plot 1 which is a ground floor obscure-glazed window, ensuring that there would be no loss of privacy or issues of overlooking arising from this relationship. While the garage would be closer to 12 Dale Gardens than the existing building, the house itself would be on the same building line and would be over two metres shorter than the existing building (1.5 metres to the decorative feature on the ridge).
- 9.11 Plot 1 is, at its closest point, 17.2 metres from 10 Dale Gardens. This is measured from the corner of the garage of plot 1 to the side of 10 Dale Gardens. The proposed dwelling is orientated so that there would be no overlooking to this property, and again the screening at the boundary would be retained. The proposed dwelling is also situated further back than the existing building line of the hospital.
- 9.12 Plot 3 would be 21 metres from number 4 Windrush Heights at its closest point. While the rear elevation of plot 3 would have windows at first floor, the house would be orientated at an angle to minimise direct overlooking to 4 Windrush Heights, which is a bungalow. In addition, the proposal would be located at a higher level than number 4 Windrush Heights, again minimising direct overlooking to windows, and the existing established trees and shrubs on the boundary would be retained.
- 9.13 Number 4 Windrush Heights raised concerns regarding the overbearing impact of the proposals. While it is acknowledged that the proposed dwelling, at 8.4 metres

(plus a 0.5 metre decorative feature on top of the ridge) would be taller than the existing building, which is 6.25 metres at this point, plot 3 would be situated further back into the site than the existing building. The garage would be 5.5 metres further back than the existing building, and the main dwelling would be 7 metres further back than the existing building. The corner of the garage of plot 2 is also approximately 22 metres from 4 Windrush Heights, however the main house is approximately 25 metres away and does not face 4 Windrush Heights. The garage is in line with the building line of the existing hospital and the house is approximately 1.6 metres further back. Plot 4 is over 27 metres from 4 Windrush heights and is angled away from it and it is not considered to have an impact on 4 Windrush Heights. The layout of the proposed dwellings together with the planting on the site's boundaries would ensure that the proposed dwellings would not have an overbearing impact on 4 Windrush Heights.

- 9.14 Plot 6 would be 22 metres from number 35 Harts Leap Close at its closest point. There would be three windows on the eastern elevation: one at ground floor, one at upper ground floor and one on the first floor, which would be obscure glazed. The orientation of plot 6 would ensure that these would not overlook 35 Harts Leap Close. Again, the trees and hedges on the eastern boundary of the site, between the two properties, would be retained.
- 9.15 Conditions are recommended to ensure that the impact on residential amenity during construction is mitigated.
- 9.16 Due to the layout and design of the proposed houses and the retained screening around the site, it is not considered that the development would result in a detrimental effect on the amenities of the residents of the neighbouring properties. The development would therefore not be contrary to BFBLP 'Saved' Policy EN20, EN25 or the NPPF.

iii Transport implications

Access

- 9.17 The site is currently served by two points of vehicular access: off Windrush Heights; and Dale Gardens. The existing access off Windrush Heights is via a shared private driveway which also serves two existing residential properties (nos. 3 and 4 Windrush Heights). The proposed development would take vehicular access off Dale Gardens only. The existing Dale Gardens access has a carriageway width of 4.6 metres immediately off Dale Gardens and is at least 4.1 metres for the first 6 metres to enable a standard car to pull clear of the road and two vehicles to pass each other at the access. The access road narrows to around 3.7 metres with a pinchpoint of 3.6 metres over a distance of 20 metres before widening to 4.8 metres thereafter.
- 9.18 Adequate inter-visibility can be achieved between the start of the 4.8 metre wide access road and the 4.6 metre wide access off Dale Gardens enabling drivers to stop and wait for each other at either end of the narrowing. Also, adequate sight-lines can be achieved within the highway and across the footway between vehicles heading towards the development, at a point adjacent to no. 7 Dale Gardens and vehicles exiting through the narrowing. A width of no less than 3.6 metres enables adequate access for one-way movements of all vehicles which would access the site, including those for deliveries, refuse and emergency access. The access should be provided prior to the occupation of the dwellings, and details of site organisation, including site access, should be provided prior to

commencement of development. In addition, no gates should be allowed at the vehicular access and conditions are recommended to secure these points.

9.19 The existing access road off the shared private driveway from Windrush Heights is narrower than Dale Gardens, in the region of 3 metres wide, and it is unlikely that a suitable access road could be created without adversely affecting trees. A condition is recommended to ensure the closure of the Windrush Heights access prior to the occupation of development.

9.20 A pedestrian route is to be provided between the site and Windrush Heights to replace the existing vehicular access, providing a more direct route between the site and existing bus stops on Crowthorne Road, Uplands Primary School, the local centre and the train station. The provision of a separate pedestrian route is also likely to mean that few pedestrians would use the access road off Dale Gardens and this reduces the potential for conflict along the access road. Some existing residents of Dale Gardens may use this pedestrian route through the site and this is likely to be an improvement to existing pedestrian access via Harts Leap Road which has limited footway provision. The pedestrian access onto Windrush Heights should be provided prior to the occupation of the dwellings and this should be secured by condition, with details of the route provided.

9.21 A construction management plan should also be secured by condition to ensure highways safety and residential amenity.

Parking

9.22 The proposed parking complies with the parking standards for 8 residential dwellings. The proposal should not therefore give rise to over-spill parking on surrounding residential roads and the internal dimensions of the proposed garages (3 metres by 6 metres) comply with the latest standards for practical vehicle parking. It is advised that garages be kept for vehicle parking at all times and that this be secured by planning condition. Garages could be used for cycle and bin storage, though rear access to properties would be available. The driveway spaces should also be secured by planning condition, as well as the turning spaces, and details of cycle parking.

9.23 The proposed plans indicate that pedestrian access to the main front doors of the dwellings is acceptable and that soft landscaping is being provided to the front of dwellings.

Site Layout

9.24 The Local Highways Authority actively seeks to adopt residential estate roads which serve 6 or more dwellings, however this is not a prerequisite for a development to be acceptable from a highways perspective. The applicant has indicated that they wish the road to remain private and the LHA would not therefore insist on it being adopted.

9.25 The proposed road widths are considered acceptable to serve this residential development, as has been discussed previously. Also, a turning head is to be provided within the site and it has been adequately demonstrated that a large refuse vehicle could enter the site and turn to exit onto Dale Gardens in a forward gear. The site layout provides acceptable access and turning for domestic delivery vehicles such as online shopping.

Trips

9.26 The Transport Statement indicates that 8 new dwellings are likely to generate in the region of 54 two-way trips over the course of a typical day, with 6 of these in both the morning and evening peak periods. At worst, each dwelling could generate 8 trips and this would represent a total of 64 two-way trips per day. The site is in a reasonably sustainable location and not all of these trips would be by private car. The Transport Statement notes that the permitted use of the site as a nursing home could generate in the region of 144 two-way trips over the course of a typical day and whilst a number of local comments suggest that the site may have never reached capacity, the permitted use of the site is a key planning consideration.

9.27 The Transport Statement notes that, 'the Dale Gardens access has historically been used for service and delivery vehicles and previous planning consents have included conditions requiring the provision and maintenance of a turning area at this part of the site. However, there are no planning conditions or restrictive covenants that restrict the use of either access for cars. The owner of the nursing home could direct all car traffic to use Dale Gardens without the need for any express consents'. The development would therefore generate fewer trips than the permitted uses of the site would allow.

9.28 Subject to the conditions suggested, it is not considered that the development would result in an adverse impact on highway safety. It is therefore not considered that the development would be contrary to CSDPD Policy CS23, BFBLP 'Saved' Policy M9 or the NPPF.

iv Biodiversity Implications

Bats

9.29 The ecological reports submitted with the application show that the existing building is a roost for Pipistrelle bats. Following comments from the Council's biodiversity officer, further information was submitted by the applicant which demonstrates that the development would meet the three tests under regulation 3 (4) of the Conservation (Natural Habitats &C) regulations 1994 (now implemented by regulation 53 of the Conservation of Habitats and Species Regulations 2010). These tests are:

- the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range;
- a licence can be granted for the purposes of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"; and
- that there is no satisfactory alternative.

9.30 The Council's biodiversity officer is satisfied that the information submitted meets these tests and conditions are recommended to ensure that the proposals would protect and enhance biodiversity through sensitive demolition of the building to avoid harm to bats, and through appropriate mitigation measures.

Landscaping

9.31 The proposals are for Laurel hedges in the gardens. Native species hedges would be more appropriate, and conditions are recommended to require details of proposed landscaping.

9.32 Subject to the conditions recommended, the proposals would be acceptable in biodiversity terms, in line with CSDPD Policies CS1 and CS7, and 'Saved' BFBLP policy EN2.

v SPA

9.33 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. This site is located approximately 0.6 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.

9.34 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 development would result in a net increase of 5 x 4 bedroom dwellings and 3 x 3 bedroom dwellings. 3 bedroom dwellings require a contribution of £2,171 and 4 bedroom dwellings require a contribution of £2,469. The total SANG contribution is therefore £18,858.

9.35 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which will also be calculated on a per bedroom basis. 3 bedroom dwellings require a contribution of £711 and 4 bedroom dwellings require a contribution of £807. The total SAMM contribution is therefore £6,168.

9.36 The total SPA related financial contribution for this proposal is £25,026. The applicant has agreed to enter into a S106 agreement to secure this contribution. Subject to the completion of the S106 agreement, the proposal would not have an unacceptable impact on the SPA and would comply with SEP Saved Policy NRM6, Saved policy EN3 of the BFBLP and CS14 of CSDPD and the NPPF.

vi Impact on trees

9.37 The site is subject to TPO No 20/1966, except for a small area in the north east of the site. The arboricultural report submitted with the application sets out that two individual trees and two groups of trees are to be removed in order to facilitate the development. Due to the existing built form of development, most of the trees on site are around the boundaries of the site. The proposed houses are sited a sufficient distance from the boundary to allow for the retention of the trees, and the access road is offset by adjacent property boundaries in Dale Gardens by at least 300 mm to protect trees from passing vehicles.

9.38 The applicant has removed a minimal number of trees in order to facilitate the development, and the arboricultural report assesses the value of the trees to be removed as low quality. Conditions are proposed to ensure the protection of those trees which are to be retained. The indicative landscaping proposals demonstrate a number of new trees and hedges to be planted. A condition requiring details of hard and soft landscaping is also proposed, as well as details of boundary treatments.

9.39 Subject to these conditions, the proposal is not considered to have an unacceptable impact on trees and therefore is in line with CSDPD policy CS1 and BFBLP 'Saved' policies EN1 and EN2.

vii Sustainability

9.40 The applicant has demonstrated that the development would result in an average water use of 110 litres/person/day. A condition is recommended to secure this. The applicant has also demonstrated that through passive design measures, the overall carbon emissions would reduce by at least 10%. In addition, 17% of the development's energy demand would be offset via renewables. As this does not meet the requirement for a 2015 offset, a condition requiring further energy details is recommended.

9.41 Subject to the suggested conditions, the application is acceptable with regards to CSDPD Policies CS10, CS12 and the provisions of the NPPF.

viii Community Infrastructure Levy (CIL)

9.42 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.

9.43 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.

9.44 In this case, the proposal would be CIL liable as the proposal comprises the creating of eight new dwellings, totalling 1,521.3 sq.m. of floorspace. The buildings to be demolished, however, total 2,536.43 sq.m. and have been occupied for 6 months continuously in their lawful use in the last 3 years (they were last occupied in February 2014). Therefore although the proposals are CIL liable, it is unlikely that any charge would be applicable to the proposal, subject to officer confirmation.

10. CONCLUSIONS

10.1 The proposed development relates to a site within the settlement boundary and is therefore acceptable in principle. It would not adversely affect the residential amenities of neighbouring properties and would not adversely impact upon the character and appearance of the surrounding area. No highway safety implications will arise subject to the imposition of conditions. Relevant conditions will be imposed in relation to detailed design, trees, biodiversity and sustainability. A legal agreement will secure contributions for SPA mitigation and the scheme is CIL liable. The proposal is therefore considered to be in accordance with Saved SEP Policy NRM6, 'Saved' Policies EN1, EN2, EN3, EN20 and M9 of the BFBLP, CS1, CS2, CS7, CS10, CS12, CS14, CS23, CS24 of the CSDPD and Policy CP1 of the SALP, all in accordance with the NPPF.

11. RECOMMENDATION

Following the completion of planning obligation(s) under Section 106 of the Town and Country Planning Act 1990 relating to measures to avoid and mitigate the impact of residential development upon the Thames Basins Heath Special Protection Area (SPA);

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

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

02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 30/06/2015:

- 14-P1034-8-101: Proposed Plans and Elevations (Plot 1)
- 14-P1034-8-102: Proposed Plans and Elevations (Plot 2)
- 14-P1034-8-103: Proposed Plans and Elevations (Plot 3)
- 14-P1034-8-104: Proposed Plans and Elevations (Plot 4)
- 14-P1034-8-105: Proposed Plans and Elevations (Plot 5)
- 14-P1034-8-106: Proposed Plans and Elevations (Plot 6)
- 14-P1034-8-107: Proposed Plans and Elevations (Plot 7)
- 14-P1034-8-108: Proposed Plans and Elevations (Plot 8)
- 14-P1034-8-500: Dale Gardens Access

And the following plan received by the Local Planning Authority on 26/08/2015:

14-P1034-8-100 rev A: Proposed Site Plan 8 Unit Scheme

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

03 No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

04 All existing trees, hedgerows and groups of shrubs shown to be retained on the approved drawings shall be protected by 2.3m high (minimum) protective barriers, supported by a metal scaffold framework, constructed in accordance with British Standard 5837:2012, or any subsequent revision. The development shall be carried out in accordance with the approved drawings.

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

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

05 The development hereby permitted (including initial site-clearance) shall not be begun until a detailed scheme, and programme for its implementation for the protection of existing trees 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. The submitted scheme shall include proposals for the phasing of its implementation so that protection is provided from the commencement of demolition or site clearance works (whichever is the sooner), through to the construction works and the completion of hard landscaping works. The submitted scheme shall include the following:

- a) Accurate trunk positions and canopy spreads of all existing trees
- b) Minimum 'Root Protection Areas' of all existing trees

- c) Plans of a minimum scale of 1:200 showing the proposed locations of protective barrier/s, constructed in accordance with Section 6 (Figures 2 or 3) of BS 5837:2012, 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.
- d) Proposed ground protection measures in accordance with Section 6 (Figure 3) of BS 5837:2012.
- e) Annotated minimum distances between fencing and trunks of retained trees at regular intervals.
- f) Illustration/s of the proposed fencing structure/s to be erected.

The development shall be carried out in accordance with the approved scheme and programme.

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

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

06 The protective fencing and other protection measures specified by condition 05 shall be erected 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. 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.

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

07 The development hereby permitted shall not be begun until details of a scheme of walls, fences and any other means of enclosure has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of any of the buildings approved in this permission or as may otherwise be agreed in writing by the Local planning Authority.

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]

- 08 The development shall not be begun until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule. All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the occupation of any part of the approved development, whichever is sooner, 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 and the visual amenity of the area.
[Relevant Policies:BFBLP EN2 and EN20, CSDPD CS7]
- 09 No site clearance shall take place during the main bird-nesting period of 1st March to 31st August inclusive, unless a scheme to minimise the impact on nesting birds during the construction of the development has been submitted to and approved by the Local Planning Authority.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: BFBLP EN3 CS1, CS7]
- 10 The demolition shall not be begun until a scheme for the provision of bird and bat boxes (and other biodiversity enhancements), including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the local planning authority.
The approved scheme shall be performed, observed and complied with.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1, CS7]
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 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 consent from the local planning authority.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

- 12 No demolition or construction work shall take place outside the hours of 8:00 am and 6:00 pm Monday to Friday; 8:00 am and 1:00 pm Saturday and not at all on Sundays and Public Holidays.

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

[Relevant Policies: BFBLP EN25]

- 13 During the demolition and construction phases, no deliveries shall be taken at or dispatched from the site outside the hours of 8:00 am and 6:00 pm Monday to Friday; 8:00 am and 1:00 pm Saturday and not at all on Sundays and Public Holidays.

REASON: In the interests of the amenities of the occupiers of nearby residential premises.

[Relevant Policies: BFBLP EN25]

- 14 The development hereby permitted (including any demolition) shall not be begun until details of a scheme of control during demolition and construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

(i) control of noise – in particular details of noisy equipment or activities and how disturbance will be minimised where there are noise sensitive neighbours

(ii) control of dust, smell and other effluvia

(iii) control of surface water run off

(iv) site security arrangements including hoardings

(v) proposed method of piling for foundations

(vi) construction and demolition working hours

(vii) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site

(viii) Parking of vehicles of site personnel, operatives and visitors

(ix) Loading and unloading of plant and vehicles

(x) Storage of plant and materials used in constructing the development

(xi) Wheel cleaning facilities

(xii) 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 (viii) to (xii) above without the prior written permission of the Local Planning Authority.

REASON: In the interests of the amenity of the area amenity and road safety.

[Relevant Policies: BFBLP EN25 and CS DPD CS23]

- 15 No dwelling shall be occupied until the existing access to the site from Windrush Heights has been closed and a footway/ verge is provided over the closed access in accordance with details which have been submitted to and approved in writing by the Local Planning Authority; the footway/vergeshall be retained thereafter.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

- 16 No dwelling shall be occupied until vehicular access as shown on drawing 14-P1034-9-500 has been constructed.
REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]
- 17 No dwelling shall be occupied until a means of access for pedestrians on to Windrush heights has been constructed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of accessibility and to facilitate access by cyclists and/or pedestrians.
[Relevant Policies: BEBLP M6, Core Strategy DPD CS23]
- 18 The dwelling(s) shall not be occupied until visibility splays of 2.0 metres by 2.0 metres have been provided at the junction of the private driveways and the adjacent carriageway. The dimensions shall be measured along the edge of the drive and the edge of the carriageway 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]
- 19 No dwelling shall be occupied until the associated vehicle parking and turning spaces has been surfaced and marked out in accordance with the approved drawings. The spaces shall thereafter be kept available for parking at all times.
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification). The garage accommodation shall be retained for the use of the parking of vehicles at all times.
REASON: To ensure that the Local Planning Authority's vehicle parking standards are met.
[Relevant Policy: BFBLP M9]
- 21 No dwelling shall be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for cycle parking facilities. The building shall not be occupied until the approved scheme has been implemented. The facilities shall be retained.
REASON: In the interests of accessibility of the development to cyclists.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
- 22 No gates shall be provided at the vehicular access to the site.
REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]
- 23 The development hereby permitted shall be implemented in accordance with the submitted Sustainability and Energy Statement and shall be retained in accordance therewith.
REASON: In the interests of sustainability and the efficient use of resources.
[Relevant Policy: Core Strategy DPD CS10]

24 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 the sustainability and the efficient use of resources.

[Relevant Plans and Policies: CSDPD Policy CS12]

In the event of the S106 agreement not being completed by 25 January 2016, the Head of Planning be authorised to refuse the application on the grounds of:

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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission subject to conditions, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:
 1. Commencement
 2. Approved Plans
 4. Tree retention
 6. Protection of trees during construction
 9. No site clearance during nesting season
 12. Hours of construction and demolition
 13. Delivery hours during construction and demolition
 16. Access
 18. Visibility splays
 19. Vehicle parking and turning spaces
 20. Garages to be used for parking only
 22. No gates at vehicular access
 23. In accordance with Sustainability and Energy Statement

Details are required to be submitted in relation to the following conditions:

3. Materials
5. Tree protection programme
7. Boundary treatments
8. Hard and soft landscaping
10. Bird and bat boxes
11. Lighting strategy
14. Management plan
15. Access details
17. Pedestrian access
21. Cycle parking
24. Energy demand assessment

- 03 The Chief Engineer (Highways) should be contacted at Department of Transport & Transportation, Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 351668, to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks notice to obtain details of underground services on the applicant's behalf.

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