

**ITEM NO: 8**Application No.  
**15/01258/FUL**Ward:  
Little Sandhurst And  
WellingtonDate Registered:  
8 February 2016Target Decision Date:  
4 April 2016

Site Address:

**Former Harts Leap Nursing Home 5 Windrush  
Heights Sandhurst Berkshire GU47 8ET**

Proposal:

**Erection of 7 no. 4 bed and 1 no. 3 bed detached houses and  
garages following demolition of all existing buildings**

Applicant:

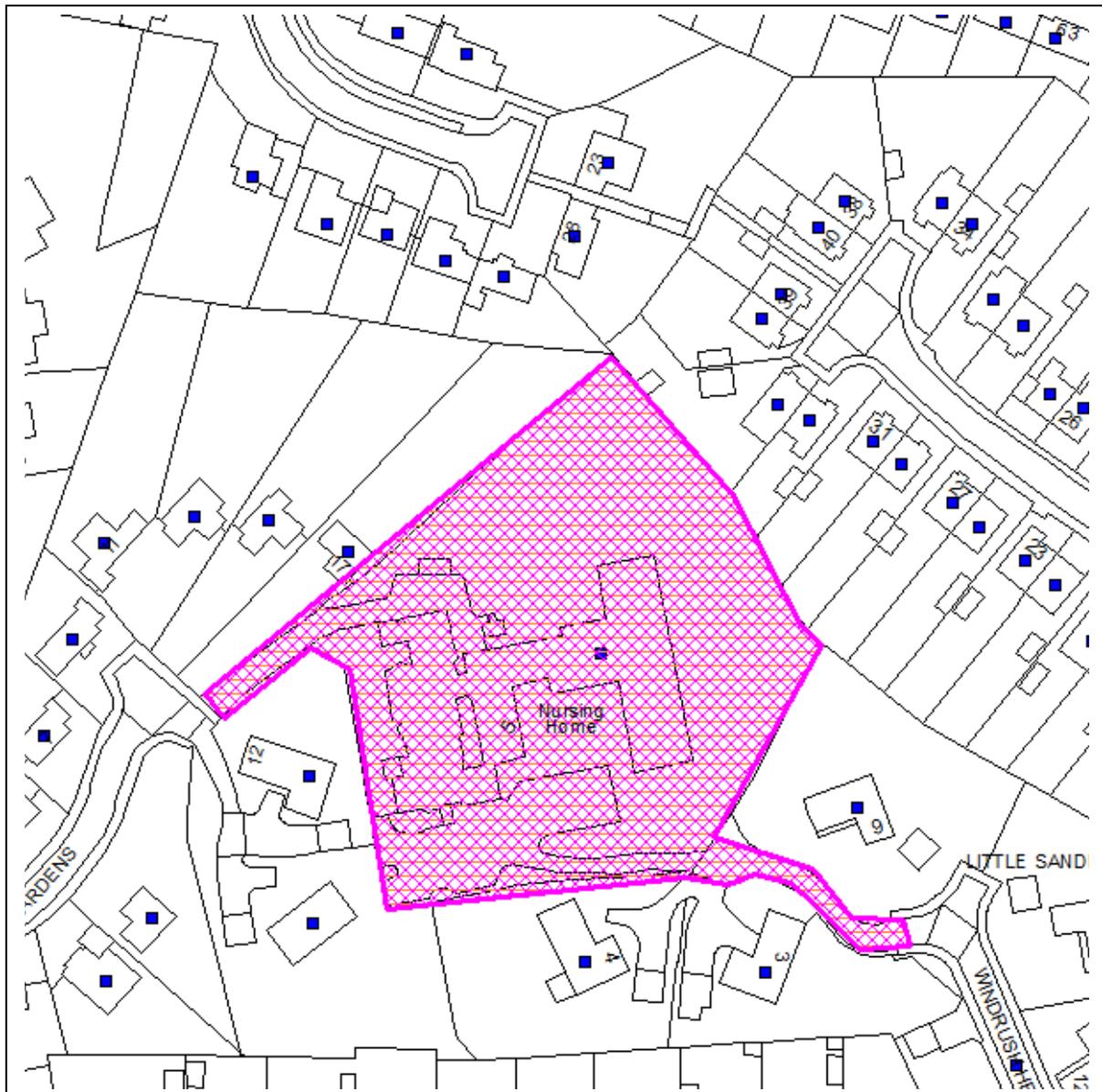
Halebourne Developments Ltd

Agent:

Mr Paul Dickinson

Case Officer:

Katie Walker, 01344 352000

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

## **OFFICER REPORT**

### **1. SUMMARY**

1.1 The proposal is for the demolition of all existing buildings on site and the erection 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 adverse 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.

<b>RECOMMENDATION</b>
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Planning permission be granted subject to the conditions in Section 11 of this report and a section 106 agreement relating to mitigation measures for the SPA.
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### **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**

<b>PLANNING STATUS</b>
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Within settlement boundary
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Site subject to TPO No 20/1966
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Character Areas Assessment SPD, Sandhurst Study Area, Area A
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Within 5km of SPA
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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**

15/00623/FUL: Erection of 3 no 3 bed detached and 6 no 4 bed dwellings with garages following demolition of all existing buildings – Refused 2015. Appeal in progress.

15/00624/FUL: Erection of 5 no 4 bed and 3 no 3 bed detached dwellings with garages following demolition of all existing buildings – Refused 2015. Appeal in progress.

### **5. THE PROPOSAL**

5.1 The proposal is for the demolition of all existing buildings on site, and the erection of eight detached houses, with three accessed from Dale Gardens and five accessed from Windrush Heights.

5.2 The development would comprise one 3-bedroom house (plot 3) and seven 4-bedroom houses. Plots 1, 2 and 8 would be accessed from Dale Gardens, with plots 3 - 7 accessed from Windrush Heights. Plots 1-5 would be to the south of the site and would be two storeys. Plots 6-8 would be to the north of the site, 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 Each dwelling would have an attached garage and plots 1, 2, 5, 6 and 7 would have accommodation above the garage. Plot 3 would have one parking space in front of the garage and the remaining houses would have 2 additional parking spaces. A visitor parking space 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 recommended refusal, for the following reasons:

- i) the proposed development could generate additional vehicle turning movements at Dale Gardens and Windrush Heights junctions which are both substandard in respect of visibility and width and the safety and flow of traffic would be adversely affected
- ii) the proposed development would generate additional traffic onto Windrush Heights which is substandard in respect of visibility, footway provision, construction, width and alignment
- iii) the proposed development would generate additional traffic on the Dale Gardens access which is substandard in respect of visibility, footway provision, width and alignment
- iv) the proposed development does not make provision for acceptable access road links to the surrounding road network
- v) the layout does not comply with the Local Planning Authority's standards in respect of highway design
- vi) the Dale Gardens access road does not meet the minimum width requirement for access by a fire appliance
- vii) the anticipated volume of traffic will be detrimental to the amenity of Dale Gardens and Windrush Heights residents
- viii) as an unadopted road, the number of dwellings the Windrush Heights access road serves exceeds the maximum recommended by two (Design Bulletin 32, Residential Roads & Footpaths)

### Other Letters of Representation

6.2 10 letters of objection were received from 9 households. The issues raised are summarised as follows:

- Only 5 dwellings should be served from a shared driveway in line with Design Bulletin 32 for residential Roads and Footpaths, whereas the proposal would result in 7 being served from Windrush Heights, including existing.
- Harts Leap Road is not wide enough when entering from the main road.
- Road safety concerns from using Windrush Heights.
- Tree concerns due to TPO trees on Windrush Heights.
- Proposed roads would not be adopted and there would be no pavement.
- Windrush Heights is narrower than Dale Gardens and site lines are worse. It is also unlit and dangerous. It is unsuitable for delivery lorries.

- Openreach box would be at risk from proposed access.
- Lack of visitor parking spaces.
- Waste collection concerns, regarding whether waste lorries can turn and whether Windrush Heights is fit for heavy vehicles.
- Overlooking to surrounding properties.
- Maintenance of boundary trees.
- The reduction of houses served by Dale Gardens implies questioning of traffic movements and safety [*officer comment: the revised site layout is a direct response to the reasons for refusal of the previous applications*].
- Transport Assessment is flawed as Dale Gardens was primarily a pedestrian route and most vehicles used Windrush Heights.
- Residents of the nursing home did not drive and therefore traffic movements are misleading. There would be a significant increase in traffic through Dale Gardens.
- Traffic movements from nursing home are hypothetical.
- Road safety concerns from Dale Gardens access, particularly from on street parking.
- Cramped development.
- Overbearing and could lead to 4 Windrush Heights feeling hemmed in.
- Overlooking impacts.
- Concerns over whether existing landscaping would be retained.
- Maintenance of private driveway as there was an agreement regarding maintenance with the nursing home [*officer comment: this is not a planning matter*].
- Concerns over boundary treatments and retention/improvement including fences and landscaping.
- Highway comments for previous scheme set out that Dale Gardens access would represent an improvement to highway safety.

## 7. SUMMARY OF CONSULTATION RESPONSES

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

### Tree service

7.2 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

7.3 No objections subject to conditions

### Environmental Health

7.4 Conditions recommended.

### Transportation Officer

7.5 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:

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CP1 of SALP, CS1 and CS2 of CSDPD	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Residential amenity	Saved policies EN20 and EN25 of BFBLP	Consistent

Parking	Saved policy M9 of BFBLP	Consistent. Para. 39 refers to LPAs 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, EN2 and EN3 of BFBLP, CS1 of CSDPD.	Consistent
<b>Supplementary Planning Documents (SPD)</b>		
Thames Basin Heath Special Protection Area (SPD)		
Character Areas Assessment (SPD)		
Parking standards SPD		
<b>Other publications</b>		
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 Principle of development
- ii Impact on character and appearance of the area
- iii Impact on residential amenity
- iv Transport implications
- v Biodiversity considerations
- vi SPA
- vii Impact on trees
- viii Sustainability
- ix 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). Policy CP1 of the Site Allocations Local Plan sets out that a positive approach should be taken to considering development proposals (which reflects the presumption in favour of sustainable development set out in the NPPF), and that planning applications that accord with the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise.

9.3 Core Strategy Policies CS1 (Sustainable Development) and CS2 (Locational Principles) are relevant and consistent with the objectives of the NPPF, and can be afforded full weight. In particular, Policy CS2 permits development within defined settlements. 'Saved' The application site is located within a defined settlement as designated by the Bracknell Forest Borough Policies Map. Policy H11 of the BFBLP resists the loss of housing, including residential institutions. While the proposal would

involve the loss of the nursing home, this has been vacant for over 2 years, and the proposal would result in the creation of 8 new family dwellings, boosting the supply of housing within the Borough, in line with CSDPD Policy CS15. Therefore, the principle of development on this site is acceptable.

## **ii. Impact on Character and Appearance of Area**

9.4 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.

9.5 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.

9.6 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.

9.7 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, 4 and 7 would have hung tile detailing and plots 1, 6 and 8 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.

9.8 A number of residents have raised concerns regarding the existing trees and landscaping on site, as this is important to the character of the area. As such, conditions have been recommended requiring the protection of trees shown to be retained, as well as requiring details of hard and soft landscaping.

9.9 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**

9.10 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.

9.11 Following the refusal of the previous planning applications for the site, the applicant has amended the site layout, so that 3 houses would be accessed from Dale Gardens, and 5 would be accessed from Windrush Heights, and these accesses would not link. This would ensure that both accesses to the site would be used, minimising disturbance to any one access point.

9.12 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.

9.13 Plot 8 is approximately 11 metres from 17 Dale gardens at its closest point, from the western corner of the garage to the side elevation of number 17. However, the garage is single storey and has no side facing windows. The only side facing first floor window to number 17 is a landing window, approximately 20 metres from the closest point of number 17 Dale Gardens. 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.

9.14 At its closet point, plot 1 is approximately 9 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. The house would be marginally closer to 12 Dale Gardens than the existing building, by approximately 1 metre, however it would be over two metres shorter than the existing building (1.5 metres to the decorative feature on the ridge) and therefore is not considered to have a greater overall impact on 12 Dale Gardens. The existing planting to be retained on the western boundary of the site would screen the house from 12 Dale Gardens.

9.15 Plot 1 is, at its closest point, approximately 18 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 and, as such, there would be no significant impacts on the residential amenity of the occupiers of 10 Dale Gardens.

9.16 Plot 2 would be approximately 21 metres from number 4 Windrush Heights at its closest point and would be on a similar build line to the existing building. 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, mitigating any potential impacts. While the house is 9.1 metres at its tallest point, which is taller than the existing building, which is 6.25 metres at this point, the closest element of the proposed property to 4 Windrush Heights is 7.8 metres. Given the distance between the properties and the retained screening, it is not considered that this would have a significant adverse impact on 4 Windrush Heights.

9.17 Plot 3 is approximately 20 metres from 4 Windrush Heights at its closest point, from the garage of the proposed house to the corner of 4 Windrush Heights. The property is angled away from 4 Windrush Heights, and it is not considered to have an impact on that property. The access road would be opposite 4 Windrush Heights, however the closest part of this to 4 Windrush Heights comprises the existing access road. The trees on the boundary between 4 Windrush Heights and the application site are proposed to be retained, ensuring that there would not be undue disturbance to 4 Windrush Heights from the access road.

9.18 Plot 6 would be approximately 19 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.

9.19 A number of residents have raised concerns over the retention of screening on the boundaries of the site, as this is important for the screening of the proposed development from surrounding properties, as well as raising concerns over boundary treatments in general, including fencing. Conditions have been recommended to protect those trees shown to be retained. In addition, a condition is recommended requiring details of boundary treatments.

9.20 As there are residential properties close to the application site, conditions are recommended to ensure that the impact on residential amenity during construction is mitigated.

9.21 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**

9.22 The site is located between Windrush Heights and Dale Gardens and there is currently vehicular and pedestrian access from both residential cul-de-sacs. Five dwellings would take access off Windrush Height and three other dwellings would take access off Dale Gardens. Windrush Heights is an adopted residential cul-de-sac which is subject to a 30mph speed limit with footways and lighting. On-street parking is un-

restricted. The existing access off Windrush Heights which was historically used for access to the nursing homes by staff and visitors also serves two residential properties (nos. 3 and 4 Windrush Heights).

9.23 No alterations are proposed to the shared private driveway which is around 5 metre wide off the turning head of Windrush Heights narrowing to around 4 metres uphill towards nos. 3 and 4 Windrush Heights before an opening/widening of around 5 metres adjacent to the driveway serving the former Harts Leap Nursing Home. This is an adequate width for vehicles to pass pedestrians and cyclists and there is potential for vehicles to wait and give-way for each other in the event that vehicles meet. This shared private driveway has been included within the red line area and thus the means of access can be secured.

9.24 A new 4.8 metre wide shared surface access road is proposed within the site itself and this would enable two vehicles to pass and create a safe environment for road users. No alterations are proposed to the existing driveway serving the site along the southern site boundary. This is around 3.5 metres wide at its minimum and vehicles are unable to pass. Forward visibility is required around the corner to the south of plot 3 and as such a condition is recommended to require details of boundary treatments to be approved, to maximise forward visibility.

9.25 It would be preferable to widen the existing driveway along the southern site boundary to at least 4.1 metres to assist with access, though alterations may be restricted by existing trees and embankment levels. In any case, the Highways Authority accepts that a short section of narrowing is acceptable providing there is inter-visibility between drivers at either end of the narrowing. A vehicle could pass a pedestrian or cyclist at low speed within a 3.5 metre width.

9.26 3 dwellings would take access off Dale Gardens, an adopted residential cul-de-sac which is subject to a 30mph speed limit with footways and lighting. On-street parking is un-restricted. The existing access off Dale Gardens was historically used for deliveries and servicing. No alterations are proposed to the Dale Gardens access which varies in width, being no less than 3.6 metres off the Dale Gardens turning head uphill towards the site with an offset of around 200mm to either side which should protect property boundaries from passing traffic. A new 4.1 metre wide shared surface access road is proposed further into the site itself and this would enable two vehicles to pass at low speed and create a safe environment for road users.

9.27 A short length footpath is proposed to link the two estates and this is likely to assist with pedestrian access given that pedestrians may wish to access Dale Gardens towards Sandhurst train station and the local shopping/commercial centre of Sandhurst. Likewise, pedestrians accessing the nearest bus stops on Crowthorne Road are likely to use Windrush Heights. A 1.2 metre wide footpath is proposed and this is acceptable given its likely use.

9.28 The Transport Statement indicates that the applicant has agreed waste collection with Bracknell Forest Council's Head of Environmental Services, and officers have confirmed that the Head of Environmental Services met on site with the Council's waste contractors. The Council has agreed to collect waste from within the development accessed via Windrush Heights. Laurel hedging will need to be maintained by a management company to enable refuse vehicle access and that the internal footpath would enable residents on the Dale Gardens side of the development to haul their wheelie bin through to the Windrush Heights part of the development. The site should not be gated, to enable access by a Council refuse vehicle. This could be secured by planning condition.

9.29 With respect to waste collection, the correspondence indicates that low hanging branches would need to be reduced. Also, there is mention that, *'the driveway will remain private but must be reconstructed to provide a 26T bearing capacity'*. The correspondence indicates that the Council currently reverses a vehicle up the shared private driveway and presumably *'the driveway'* refers to the section of road within the site itself (along the southern site boundary). This section is within the red line area and the applicant has control of this. The requirement to reconstruct the driveway provides scope to widen it at the same, as mentioned earlier in these highway comments.

9.30 Vehicle tracking has been provided for an 11.4 metre long refuse vehicle and this indicates that access off Windrush Heights and turning within the proposed turning head is acceptable. Each of the estate roads is to include adequate turning space for domestic delivery vehicles, e.g. online shopping etc. The applicant has also provided a swept path analysis demonstrating emergency vehicle access from Windrush Heights.

9.31 A number of the proposed dwellings appear to have steps to rear gardens and this could result in bin storage to the front of properties, though garages could be used for bin storage.

### **Parking**

9.32 3 parking spaces are to be provided for each of the 4-bed dwellings and 2 parking spaces for the 3-bed dwelling to comply with the Council's parking standards. Also, two visitor spaces are proposed, one on either side of the development and this complies with the Council's parking standards.

9.33 On-plot parking includes garages and driveway spaces. The proposed garages comply with the Council's current standards with minimum internal dimensions of 3 metres by 6 metres. The use of garages for vehicle parking should be secured by planning condition and garages could be used for cycle parking, as well.

9.34 Following HA concerns regarding the useability of parking spaces outside plots 1, 2 and 7, a revised parking plan was submitted. Driveway parking spaces with minimum dimensions of 2.4 metres by 4.8 metres (6 metres of space in front of garages) are proposed which complies with the Council's requirements.

### **Site Layout**

9.35 The applicant has indicated that the two estate roads would remain private and while the HA actively seeks to adopt residential estate roads, this is not a pre-requisite for acceptable development in highways terms. Nonetheless, the new estate roads would need to be constructed and drained to an adoptable standard and road, paths and parking/turning areas would need to be appropriately lit. A planning condition is recommended to secure this. The applicant will need to consider access for services/utilities and how this will be incorporated into the development with respect to drainage and trees etc.

### **Trips**

9.36 The Transport Statement notes that the permitted use of the site as a nursing home with 55 residents and 28 staff could generate in the region of 144 two-way trips, by staff, visitors and deliveries/servicing over the course of a typical day. This is based on a trip rate of 2.615 trips per resident per day obtained from the TRICS database which is derived from surveys of nursing homes across the UK. While this is not based

on historic information from the Harts Leap Nursing Home the use of TRICs is a recognised and accepted approach of the planning process. Also, while the site may have never reached capacity, the permitted use of the site is a key planning consideration.

9.37 The Transport Statement indicates that 8 new dwellings are likely to generate 53 two-way vehicle movements over the course of a typical day, with 6 of these in both the morning and evening peak periods. This proposed residential development will therefore generate fewer trips than the permitted use of the site.

9.38 The applicant has indicated that there are no planning constraints on the use of either access off Windrush Heights or Dale Gardens, though historically, the Windrush Heights access has been used by staff and visitors and the Dale Gardens access has been used for service and delivery vehicles.

9.39 The Transport Statement takes some note of the above and indicates that 5 new dwellings accessed off Windrush Height is likely to generate 33 two-way vehicle movements over the course of a typical day, with 4 of these in both the morning and evening peak periods. The use of Windrush Heights by the majority of nursing home traffic could generate more vehicle movements than 5 dwellings.

9.40 The Transport Statement indicates that 3 new dwellings accessed off Dale Gardens is likely to generate 20 two-way vehicle movements over the course of a typical day, with 2 of these in both the morning and evening peak periods. The historic use of Dale Gardens for service and delivery vehicles may well have generated fewer movements; however, in the region of 10 – 15 two-way delivery/servicing movements would not be unrealistic of a nursing homes considering the associated medical, cleaning/laundry, catering needs etc. Also, there are no planning constraints on the use of either access off Windrush Heights or Dale Gardens

9.41 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**

9.42 The ecological report submitted with the application shows that the existing building is a roost for Pipistrelle and Brown Long Eared bats. Therefore an EPS licence from Natural England would be required before demolition could take place. To ensure that biodiversity on the site is protected, conditions have been recommended. Conditions are also recommended to ensure that appropriate landscape measures are taken, given the extensive tree cover on site.

9.43 The Council's Biodiversity Officer is satisfied that the information submitted and the recommended conditions would 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. Subject to these conditions, the application would be acceptable in line with 'Saved' Policies EN1, EN2 and EN3 of the BFBLP, Policies CS1 and CS7 of the CSDPD, and the NPPF.

#### **v SPA**

9.44 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.

9.45 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 7 x 4 bedroom dwellings and 1 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 £19,454.

9.46 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which is also 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 £6,360.

9.47 The total SPA related financial contribution for this proposal is £25,814. 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**

9.48 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.

9.49 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.

9.50 Residents have raised concerns regarding the impact of using Windrush heights on protected trees, including Number 9 Windrush Heights which has a large cedar tree to the front. The Council's Tree Officer has visited the site and has advised that as this is a formal road, there is no foreseeable risk of damage being caused by construction vehicles in terms of soil compaction in the rooting area of the trees. With regards to the cedar tree at 9 Windrush Heights, minor tip reduction back to suitable lateral growth points to lift the tree's canopy over the road to approximately 5-5.5metres above ground level would typically avoid damage by construction vehicles. Done professionally and with necessary written consent under the TPO legislation, such work is unlikely to detrimentally affect the tree's health, form or balance ( given the higher canopy over the lawn), of this tree. An informative is recommended to make the applicant aware of the necessary steps and precautions required for TPO trees.

9.51 Subject to these conditions and informatives, 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**

9.52 The applicant has provided a Sustainability and Energy Statement which demonstrates that the development would result in an average water use of 105 litres/person/day, and the current requirement is 110 litres/person/day. The proposal would therefore meet the requirements of policy CS10 of the CSDPD.

9.53 The statement also sets out that as a result of meeting Building Regulations Part L 2013 a 31% reduction in CO2 emissions would be achieved. As the policy requirement is 10% through passive design, this part of CSDPD Policy CS12 has been met. The statement goes on to confirm that as a result of implementing wood burner stoves and photovoltaic panels 20.49% of the development's energy demand would be offset. As the policy requirement is 20% this part of policy CS12 has also been met.

9.54 A condition is recommended to secure the measures set out in the Sustainability and Energy Statement.

9.55 The applicant has submitted a proposed indicative surface water drainage strategy, however this sets out that infiltration testing will be carried out at detailed design stage. A condition is recommended to ensure that the development would be SUDs compliant. The Council also requires a S106 obligation for proposals for 6 or more houses in order to secure the ongoing maintenance and management of SUDS.

9.56 Subject to the suggested condition and S106 obligation, the application is acceptable with regards to CSDPD Policies CS10, CS12 and the provisions of the NPPF.

### **viii Community Infrastructure Levy (CIL)**

9.57 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.

9.58 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.

9.59 In this case, the proposal would be CIL liable as the proposal comprises the creating of eight new dwellings. The proposal falls within the Crowthorne/Sandhurst charging area.

## **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 adverse 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 ongoing maintenance of a sustainable

drainage system. 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) and to secure the ongoing maintenance of a sustainable drainage system;

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 22/12/2015 and re-stamped on 08/02/2016:

- 14-P1034-8-301: Proposed plans and elevations plot 1
- 14-P1034-8-302: Proposed plans and elevations plot 2
- 14-P1034-8-303: Proposed plans and elevations plot 3
- 14-P1034-8-305: Proposed plans and elevations plot 5
- 14-P1034-8-306: Proposed plans and elevations plot 6
- 14-P1034-8-307: Proposed plans and elevations plot 7
- 14-P1034-8-308: Proposed plans and elevations plot 8

And the following approved plan received by the local authority on 27/01/2016 and restamped on 08/02/2016:

- 14-P1034-8-304: Proposed plans and elevations plot 4

And the following approved plan received by the local authority on 07/03/2016:

- 14-P1034-8-300 A: Proposed site plan

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 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]

05 The protective fencing and other protection measures specified by condition 04 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]

06 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.

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]

- 07 The development shall not be begun until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule. All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the occupation of any part of the approved development, whichever is sooner. All hard landscaping works shall be carried and completed prior to the occupation of any part of the approved development. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.

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

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

- 08 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 and implemented.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: BFBLP EN3 CS1, CS7]

- 09 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]

- 10 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..

REASON: In the interests of nature conservation  
[Relevant Plans and Policies: CSDPD CS1, CS7]

- 11 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]

- 12 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]

- 13 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.

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

[Relevant Policies: BFBLP EN25 and CS DPD CS23]

- 14 No dwelling shall be occupied until a means of vehicular access has been constructed in accordance with details which have been submitted to and approved by the Local Planning Authority.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

- 15 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]

- 16 No dwelling shall be occupied until the vehicle parking and turning spaces have been surfaced and marked out in accordance with the approved plans. The spaces shall not thereafter be used for any purpose other than parking and turning.

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]

- 17 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), 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]

- 18 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 within the garages. The dwellings 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]

- 19 No gates shall be provided at the vehicular accesses to the site.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

- 20 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 Policies: Core Strategy DPD CS10, CS12]

- 21 The development shall incorporate surface water drainage that is SuDS compliant and in accordance with DEFRA "Sustainable Drainage Systems - Non-statutory technical standards for sustainable drainage systems" (March 2015). It shall be operated and maintained as such thereafter.

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

[Relevant Policies: CSDPD CS1, BFBLP EN25]

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

1. 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. In the absence of a planning obligation, the applicant has not satisfactorily demonstrated that the ongoing maintenance of sustainable drainage would be secured. and there is therefore a risk of surface water flooding on and off the site. As such, the proposed development would be contrary Policy CS1 of the Core Strategy Development Plan Document, and the NPPF.

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
  5. Tree retention
  8. No site clearance during nesting season
  11. Hours of construction and demolition
  12. Delivery hours during construction and demolition
  15. Visibility splays
  16. Parking and turning
  17. Garages to be used for parking only
  19. No gates at vehicular access
  20. In accordance with Sustainability and Energy Statement
  21. SUDS

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

3. Materials
  4. Tree protection programme
  6. Boundary treatments
  7. Hard and soft landscaping
  9. Bird and bat boxes
  10. Lighting strategy
  13. Management plan
  14. Access details
  18. Cycle parking
- 03 The Streetcare Team 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.

- 04 Please note that trees on and adjacent to this site are protected by Tree Preservation Order 20/1966. 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. Please also note that access by construction traffic to the site for whatever reason, must be undertaken with due care an attention and where required suitable precautions, to avoid damage to any part of a tree off site overhanging the access from neighbouring land. Damage caused to protected trees as a result of failure to give due care attention or take the necessary precautions can be liable to prosecution.

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