

**PLANNING AND HIGHWAYS COMMITTEE
25 JUNE 2009
7.30 - 9.15 PM**



Present:

Councillors Worrall (Chairman), Packham (Vice-Chairman), Beadsley, Blatchford, Brossard, Dudley, Finnie, Mrs Pile, Thompson and Virgo

13. Minutes

RESOLVED that the minutes of the meeting of the Committee held on 28 May 2009 be approved as a correct record and signed by the Chairman.

14. Declarations of Interest

There were no declarations of interest.

15. 06/01013/FUL - Touchwood Manor, Garsons Lane, Warfield

Part retrospective change of use of land to residential land to accommodate tennis court and enclosure and use of residential land as agricultural land.

The Committee noted the additional information contained within the supplementary report of the Head of Development Management tabled at the meeting.

The Committee noted the comments of Warfield Parish Council.

RESOLVED that,

- (i) following the completion of planning obligations under Section 106 of the Town and Country Planning Act 1990 relating to securing the land swop, the Head of Development Management be **authorised to approve** the application subject to the following conditions:-
 01. The development hereby permitted shall be carried out only in accordance with the following plans:
Plan showing site layout and landswop shown on Base Map: Topographical Land Survey (drawn 5 March 2007) and Key, all received 24 April 2008 (or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).
 02. A scheme of landscaping and a programme for the provision of the landscaping shall be submitted to the Local Planning Authority for approval within 1 month of the date of this permission. In the event of the Local Planning Authority giving notice of refusal of the submitted scheme and/or programme, the scheme and/or programme shall be expeditiously amended and re-submitted so often as may be necessary to secure the approval of the Local Planning Authority. The

approved scheme of landscaping shall be implemented in full accordance with the approved programme in the nearest planting season (1st October to 31st March inclusive).

03. The areas shown for soft landscaping purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose without the prior written permission of the Local Planning Authority. If within a 5 year period of the completion of the development any soft landscaped area which is removed, uprooted, or is destroyed or dies shall be replaced by plants of the same species and size as that originally planted at the same place, unless the Local Planning Authority gives its written consent for any variation.

Summary Of Reason(s) For Decision:

The following development plan policies that have been taken into account in determining this planning application:

Bracknell Forest Borough Local Plan: Policies GB1 Green Belts, GB2 changes of Use with the Green Belt, EN20 Design considerations in new development, EN2 Supplementing Tree and Hedgerow cover
Planning Policy Guidance PPG2
South East Plan Policies: SP5 Green Belts, C4 Landscape and Countryside Management

(Please note that this is not intended to be an exhaustive list).

The following material considerations have been taken into account:

Although the proposal is not considered to comply with BFBLP Policy GB2 it is considered that the provision under GB1 for "very special circumstances" to be considered provides the way for the land swap. The proposal will not adversely affect the character of the area or the function of the Green Belt, neither will it adversely affect the character of the buildings, neighbouring property or area or significantly affect the amenities of neighbouring property.

The planning application is therefore recommended for approval subject the completion of S106 Agreement, subject to first receiving approval from the Government Office for the South East.

- (ii) In the event of the S106 planning obligations not being completed within 3 months of the date of the letter from the Government Office confirming no objection to the proposal, the Head of Development Management be **authorised to refuse** the application for the following reason:-

01. The enlargement of the residential curtilage and the construction of the tennis court and its associated fencing have an adverse impact on the character and appearance of the Green Belt and in the absence of very special circumstances to justify this inappropriate development the proposal is contrary to Policies GB1 and GB2 of the Bracknell Forest Borough Local Plan and Policy CS9 of the Core Strategy Development Plan Document.

16. **09/00220/FUL - Tesco Stores Ltd, Whitton Road, Bracknell**

Section 73 application to allow the store's dot.com facility to despatch goods and for dot.com vehicles to return to the store between the hours of 07:00 and 23:00, Monday to Saturday, without compliance with condition 25 of planning permission 07/00994/FUL which states that "Deliveries to and despatch of goods from the site shall take place only between the hours of 07:00-18:30 Monday-Saturday only."

The Committee noted the additional information contained within the supplementary report of the Head of Development Management tabled at the meeting.

The Committee noted the comments of Winkfield Parish Council, in addition to eight letters of objection.

A motion in relation to this item was moved and seconded and a recorded vote was requested. On being put to the meeting the voting on the motion was as follows:-

For (7) Councillors Beadsley, Blatchford, Brossard, Finnie, Packham, Thompson and Worrall

Against (2) Councillors Mrs Pile and Virgo

Abstain (1) Councillor Dudley

It was therefore

RESOLVED that the application be **approved** subject to the following conditions:-

01. The development hereby permitted shall be begun before 02.01.2011.
02. The development hereby permitted shall be carried out only in accordance with the following plans:
3279.1001, 3279.1005, ASP4 Planting plan Rev G, 483303/15 (or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).
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.
04. No development shall take place 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 details of trees to be planted within the car park.
05. All hard landscaping works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.
06. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the practical completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
07. The development shall not begin until a plan containing:-

- (a) Details of all existing trees, hedgerows and shrubbery to be removed and retained;
 - (b) Details of the locations of 2.3m high protective barriers (around retained trees, hedges and shrubbery) supported by a metal scaffold framework constructed in accordance figure 2, section 9 of British Standard 5837:2005, has been submitted to and approved in writing by the Local Planning Authority.
08. The protective fencing specified by the previous condition shall be erected in the locations to be agreed in writing by the Local Planning Authority prior to the beginning of any material operation on site and shall be retained until the completion of all building operations on the site.
 09. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme.
 10. No more than 20% of the retail sales area of the store as extended shall be used for the sale or display of comparison goods. For the purpose of this condition, comparison goods are as defined in the URPI Information Brief 98/1 but shall exclude health and beauty and pharmaceutical goods.
 11. The gross external area of the store shall not exceed 7,366 sq.m.
 12. The net sales area of the store, which is defined as the retail sales area, checkouts and customer services, shall not exceed 4121 sq m.
 13. No mezzanine floors shall be introduced to the store.
 14. No development shall take place until details of the design, external appearance and sound insulating properties of an enclosure for the relocated recycling centre have been submitted to and approved in writing by the Local Planning Authority. Such facilities should be provided in accordance with the approved details prior to the first occupation of the development and thereafter permanently retained
 15. No development shall take place until full details of the proposed trolley management system have been submitted to and approved in writing by the Local Planning Authority. Such a system should be provided in accordance with the approved details prior to the first occupation of the development and thereafter permanently retained
 16. No development shall take place until a scheme indicating the provision to be made for disabled people to gain access to the retail units has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is occupied.
 17. No part of the extension shall be occupied until vehicle parking spaces have been surfaced and marked out in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.
 18. Parking and turning spaces for 33 cars at Martins Heron Railway Station shall be available at all times throughout the construction periods and shall be for the sole use of visitors to and users of the railway station and rail network.
 19. The bulk store element of the extension shall not be commenced until alterations to the Railway Station car park have been carried out in accordance with the approved plan, the spaces shall thereafter be kept available for parking at all times.
 20. No part of the development hereby permitted shall be occupied until the walkway which runs along the northern side of the staff parking area and proposed shop unit forming a link between the railway station and the site has been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The walkway shall be retained as such at all times.

21. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for covered and secure cycle parking and facilities. The facilities shall include shower facilities and lockers for employees. The cycle parking and facilities shall be installed prior to the first occupation of the building in accordance with the approved details and shall thereafter be retained.
22. The car parking indicated on the approved plans as car parking for people with disabilities shall be marked out, signed and provided prior to the first occupation of the building that the parking relates to and shall thereafter be retained, unless otherwise agreed in writing by the Local Planning Authority.
23. No development shall take place until a scheme has been submitted and approved in writing by the Local Planning Authority, to accommodate:
 - (a) parking of vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and vehicles
 - (c) storage of plant and materials used in constructing the development
 - (d) wheel cleaning facilitiesand each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (d) above without the prior written permission of the Local Planning Authority.
24. No development shall take place until an acoustic report regarding attenuation and mitigation techniques to be used in the loading bay area to prevent noise disturbance to nearby residential properties from deliveries (including reversing beepers) and the use of bays, in particular trolley/cage movement, has been submitted to and approved in writing by the Local Planning Authority. The loading bay shall not be used unless all relevant approved mitigation measures are implemented.
25. Deliveries to and despatch of goods from the site shall take place between the hours of 07:00-18:30 Monday-Saturday only save for deliveries to and despatch of goods for the purposes of home shopping deliveries from the dot.com service yard (as identified on drawing reference 483303/15) shall only take place between the hours of 07:00 and 23:00 Monday to Saturday and only by electrically operated vans no larger in storage capacity than a 2 litre Mercedes Sprinter Van or equivalent.
26. No more than 4 vans as specified in condition 25 shall operate from the dot.com service yard (as identified on plan 483303/15)
27. Except for unforeseen operational requirements or in cases of emergency, service vehicles shall be given access to the site between the hours of 09:00 and 18:00 Monday to Saturdays only.
28. The boundary wall to the Dot Com service yard shown on plan 3279 ARCH 1005 shall be constructed to a height of 3.5m and shall be constructed 2 bricks in width.
29. The Dot Com compound shown on plan 3279 ARCH 1001 shall be accessed only by electrically operated vans no larger in storage capacity than a 2 litre Mercedes Sprinter Van or equivalent. No HGVs shall access the area.
30. The road surface of the covered area of the service yard shall be maintained to provide a smooth running surface for the cages to prevent unacceptable noise disturbance to local residents.
31. Before any development commences on site, details of a car park management plan shall be submitted to and approved in writing by the Local Planning Authority to control parking for staff and customers on site during the construction period. The approved car park management plan shall be operated in full for the duration of the construction period.

Summary Of Reason(s) For Decision:

The following development plan policies have been taken into account in determining this planning application:

Bracknell Forest Borough Local Plan:

Policy EN25 which seeks to avoid development which would generate unacceptable levels of noise, smoke, gases, fumes, effluent, vibration, dust or other environment effects which would adversely added the amenities of occupiers or buildings, or users of outdoor space.

Core Strategy Development Plan Document:

Policy CS23 which seeks to ensure the Council will use its powers to reduce the need to travel, and promote alternative modes, increase safety of travel and maintain and improve the local road network.

(Please note that this is not intended to be an exhaustive list).

The following material considerations have been taken into account:

Third party representations were received on grounds that the dotcom deliveries should be based at a more suitable location, that late night deliveries will adversely impact the lives of local residents, that increased use of Whitton Road and New Forest Ride by heavy goods vehicles will impact on residents at quiet times in a residential area, that the proposal will impact on safety of commuters using Martins Heron railway station, that the home shopping service (which is close to nearby homes) creates disturbance to nearby residents through the loading and unloading of goods and the staff on site. These comments have been taken into consideration, however it is considered that the proposal would be in accordance with the development plan, and would not result in a development that would have an unacceptably adverse impact upon the residential amenities of neighbouring properties.

The planning application is therefore approved.

17. **09/00257/FUL - Lidl, 80 High Street, Crowthorne**

Section 73 application to increase opening hours to 08.00 - 22.00 Monday to Saturday, 08.00 - 22.00 Public Holidays with Sunday opening to remain the same without compliance with condition 35 of planning permission 04/00409/FUL.

A site visit had been held on Saturday 20 June 2009 which had been attended by Councillors Beadsley, Brossard, Finnie, Mrs Pile, Virgo and Worrall.

The Committee noted the comments of Crowthorne Parish Council, in addition to seven letters of objection that had been received.

RESOLVED that the application be **approved** for a temporary period of 12 months, subject to the following conditions:-

01. The hours of opening hereby permitted shall be discontinued and the opening hours restored to its former times on or before 25th June 2010 in accordance with condition 35 of planning permission 04/00409/FUL.
02. The retail store shall not be open to customers outside the following times 8:00am to 10:00pm (Monday - Saturday) and 10:00am to 4:00pm (Sundays) and between 8:00am to 10:00pm pm on public holidays. After 25th June 2010 the store shall not open outside the hours of 8:00am to 8:00pm (Monday - Saturday) and 10:00am to 4:00pm (Sundays) and between 10:00am and 6:00pm on public holidays.

Summary Of Reason(s) For Decision:

The following development plan policies have been taken into account in determining this planning application:

Bracknell Forest Borough Local Plan:

Policy EN20 which allows for development subject to the design being acceptable and there being no detrimental impact upon the amenities of the neighbouring properties.

Policy EN25 allows for development which does not have a detrimental impact upon neighbouring properties in terms of noise, dust and fumes.

South East Plan Policy NRM10: NOISE states:

"Measures to address and reduce noise pollution will be developed at regional and local level through means such as:

- i. locating new residential and other sensitive development away from existing sources of significant noise or away from planned new sources of noise
 - ii. traffic management and requiring sound attenuation measures in major transport schemes
 - iii. encouraging high levels of sound-proofing and screening as part of sustainable housing design and construction."
- (Please note that this is not intended to be an exhaustive list).

The following material considerations have been taken into account:

The proposal will not adversely affect the character of the building or area and therefore complies with BFBLP Policy EN20. To ensure that there is no significant affect on the amenities of neighbouring property by reason of noise and disturbance the planning application is approved for a temporary period of 12 months to ensure compliance with BFBLP policies EN20 and EN25 and SE Plan NRM10..

18. 09/00280/FUL - Orchard House, Chavey Down Road, Winkfield Row

Erection of 6 no. bed detached house following demolition of existing dwelling and outbuildings.

The Committee noted the additional information contained within the supplementary report of the Head of Development Management tabled at the meeting.

A site visit had been held on Saturday 20 June 2009 which had been attended by Councillors Mrs Ballin, Beadsley, Brossard, Finnie, Mrs Pile, Virgo and Worrall.

The Committee noted the comments of Winkfield Parish Council, in addition to four letters of objection, a letter from the applicant and a late representation contained within the supplementary report.

RESOLVED the application be **approved** subject to the following conditions:-

01. The driveway development hereby permitted shall be begun before the expiration of three years from the date of this permission.
02. The development hereby permitted shall be carried out only in accordance with the following plans:
Drg no 06 OCH SL1B received by Local Planning Authority 07.05.2009
Drg no 06 OCH EL4 received by Local Planning Authority 07.05.2009
Drg no 06 OCH SP3 received by Local Planning Authority 07.05.2009 as amended by Drg no 06 OCH WD11 rev A received by Local Planning Authority 24.06.2009 confirming a reduction of the height of the brick piers to 2m.
Drg no 06 OCH P3 received by Local Planning Authority 07.05.2009
(or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).
03. The garage accommodation shall be retained for the use of the parking of vehicles at all times.
04. Within 3 months of the date of this permission details of a scheme of screen walls and fences 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.
05. 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), no enlargement to the dwelling house shall be constructed.
06. 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), no enlargement to the dwelling house consisting of an addition to or alteration to its roof shall be constructed.
07. 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), no building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwelling house as such shall be constructed.
08. The replacement dwelling shall not be occupied until the existing office outbuildings and containers on site, as shown on plan reference 06 OCH SP3, have been demolished and the land made good in accordance with a landscaping scheme which shall have been submitted to and approved in writing by the local planning authority prior to demolition commencing.
09. (i) No further development hereby permitted shall be carried out until there has been submitted to and approved in writing by the Local Planning Authority in relation to land contamination:
 - (a) a desk top study, the contents of which should be in accordance with national guidance; and, unless otherwise agreed in writing by the Local Planning Authority,
 - (b) a site investigation report identified as appropriate by the desk top study in accordance with national guidance;
and, unless otherwise agreed in writing by the Local Planning Authority.
 - (c) a detailed scheme for remedial works, and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.
- (ii) The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification by the

competent person approved under the provisions of condition 9(i)c that any remediation scheme required and approved under the provisions of condition 9(i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation).

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 9(i)c.

10. The area lying to the south and south east of the site, demarcated by the "new stock proof fence" and detailed as "Restore to Paddock" and the area to the east demarcated by the "new stock proof fence" and detailed as "New Orchard" as shown on Drawing Number 06 OCH SP3 Received 07.05.09, shall be restored to paddock and orchard prior to the occupation of the dwelling hereby permitted.
11. The development shall not be occupied until a Sustainability Statement demonstrating how the development aims to meet current best practice standards in the sustainable use of natural resources has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the Sustainability Statement and shall be retained in accordance therewith unless the Local Planning Authority gives prior written consent to any variation.
12. The development shall not be occupied until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 10% unless otherwise agreed in writing by the Local Planning Authority). The buildings thereafter constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith, unless the Local Planning Authority gives prior written consent to any variation.
13. The dwelling hereby permitted shall not be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme. The development shall be carried out in accordance with the approved scheme.
14. An ecological assessment shall be undertaken by a qualified ecologist and should provide an assessment of the likelihood of protected species being present, details of any further survey requirements and of appropriate mitigation. The dwelling shall not be occupied until the environment assessment has been submitted to the Local Planning Authority and the mitigation methods have been approved in writing and implemented on site.
15. The dwelling hereby approved shall not be occupied until the access has been surfaced with a bonded material across the entire length of the access in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
16. The dwelling hereby approved shall not 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.
17. The dwelling hereby approved shall not be occupied until a means of access for pedestrians and cyclists has been constructed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.
18. Prior to the commencement of the proposed access onto Brickfield Lane (including initial clearance works) no development shall take place in connection with this access until a detailed scheme for the protection of existing trees, hedgerows and groups of mature shrubs to be retained, in accordance with British Standard 5837:2005 'Trees In Relation To Construction

Recommendations' (or any subsequent revision), has been submitted to and approved in writing by the Local Planning Authority. Details shall include the following: -

- a) Accurate trunk positions and canopy spreads of all existing trees within the site and on adjoining land adjacent to the development.
- b) Positions and spreads of existing hedgerows and groups of mature shrubs.
- c) All proposed tree and hedge, removal. Clearly indicated with a broken line.
- d) Plans of a minimum scale of 1:200 (unless agreed otherwise by the Local Authority) showing the proposed locations of 2.3m high protective barrier/s, supported by a metal scaffold framework, constructed in accordance with Section 9 (Figure 2), to include appropriate weatherproof tree protection area signage (such as "Keep Out - Construction Exclusion Zone") securely fixed to the outside of the protective fencing structure at regular intervals.
- e) 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.

19. The protective fencing and other protection measures specified by condition 18. shall be erected in the locations agreed in writing by the Local Planning Authority prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site (unless agreed otherwise in writing by the Local Planning Authority). Where phased protection measures have been approved, no works shall commence on the next phase of the development until the protective fencing barriers and other protective measures have been repositioned for that phase in full accordance with the approved details. No activity of any description must occur at any time within these areas including but not restricted to the following: -

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

In addition to the protection measures specified above,

- a) No fires shall be lit within 20 metres of the trunks of any trees or the centre line of any hedgerow shown to be retained.
 - b) No signs, cables, fixtures or fittings of any other description shall be attached to any part of any retained tree.
20. Notwithstanding the details shown on the approved plan within 3 months of the date of this planning permission comprehensive details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - a) Comprehensive planting plans of an appropriate scale and level of detail that provides adequate clarity including details of ground preparation and all other operations associated with plant and grass establishment, full

schedules of plants, noting species, and detailed plant sizes/root stock specifications, planting layout, proposed numbers/densities locations.

- b) Comprehensive 5 year post planting maintenance schedule.
- c) Underground service and external lighting layout (drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.), both existing reused and proposed new routes.
- d) Means of enclosure (walls and fences etc)
- e) Paving including pedestrian open spaces, paths, patios, proposed materials and construction methods, cycle routes, parking courts, play areas etc.

The landscaping scheme shall also include reinforcement hedgerow planting either side of the proposed access onto Brickfield Lane.

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 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.

- 21. No gates or other means of enclosure shall be erected to the frontage of Brickfield Lane prior to the submission and subsequent approval by the Local Planning Authority of the landscaping scheme required pursuant to condition 20. of this planning permission.
- 22. The areas shown for soft landscaping purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose without the prior written permission of the Local Planning Authority. If within a 5 year period of the completion of the development any soft landscaped area which is removed, uprooted, or is destroyed or dies shall be replaced by plants of the same species and size as that originally planted at the same place, unless the Local Planning Authority gives its written consent for any variation

Summary Of Reason(s) For Decision:

The following development plan policies have been taken into account in determining this planning application:

- Bracknell Forest Borough Local Plan:

Policy EN20, Design considerations in new development states: "In their determination of applications for planning permission, the Borough Council will have regard to the following considerations:

- (i) Be in sympathy with the appearance and character of the local environment and appropriate in scale, mass, design, materials, layout and siting, both in itself and in relation to adjoining buildings, spaces and views."

Policy EN8 states that "the countryside will be protected for its own sake. Outside the defined settlement boundaries, development will be permitted only where it would not adversely affect the character, appearance or function of the land, would not damage its landscape quality and where conspicuous from the Green Belt, would not injure the visual amenities of the Green Belt."

- Core Strategy Supplementary Planning Document:

Policy CS7, Design states "The Council will require high quality design for all development in Bracknell Forest."

Policy CS9, Development on Land Outside Settlements, states "The Council will protect land outside settlements for its own sake, particularly from development that would adversely affect the character, appearance or function of the land"

(Please note that this is not intended to be an exhaustive list).

The following material considerations have been taken into account:

The proposal is considered to comply with Policy EN20, EN8 of the Bracknell Forest Borough Local Plan and Core Strategy Policy CS7 and CS9. The proposal will not adversely affect highway safety, the character of the building, neighbouring property or area or significantly affect the amenities of neighbouring property. The planning application is therefore approved.

19. **09/00328/FUL - Land Adjacent To 1 Wilders Close, Bracknell**

Erection of new 3 bed dwelling and cycle store together with access onto Binfield Road. (Amendment to planning permission 08/00075/FUL).

The Committee noted the additional information contained within the supplementary report of the Head of Development Management tabled at the meeting.

The Committee noted the comments of Bracknell Town Council.

RESOLVED that,

(i) following the completion of planning obligations under Section 106 of the Town and Country Planning Act 1990 relating to contributions towards integrated transport and highway safety measures, open space and outdoor recreation facilities, secondary educational facilities, library facilities, community centres and mitigation measures for the Thames Basin Heath Special Protection Area the Head of Development Management be **authorised to approve** the application subject to the following conditions:-

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
02. The development hereby permitted shall be carried out only in accordance with the following plans:
Drg No 1185/12 Rev A received by Local Planning Authority 18.05.2009 (or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).
03. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be Hanson LBC Herather rick and Redgrobro R/Lnd Grovebury 02 Brown roof tile received Local Planning

Authority 15.06.2009. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

04. No development shall take place until details showing the slab level of the dwelling in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved drawing.
05. 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), no enlargement to the dwelling house hereby permitted shall be constructed.
06. No development shall take place until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The areas shown for hard and soft landscaping purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose without the prior written permission of the Local Planning Authority.
07. All hard and soft landscape works shall be carried out in accordance with the approved details and shall be of quality that is fully compatible with British Standard 4428 (1989) General Landscape Operations or any subsequent revision. Similarly all trees and other plants included within the approved details shall be of a minimum quality that is compatible with British Standard 3936 Part 1 1992 'Specifications For Trees and Shrubs' or any subsequent revision. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority. Any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season (October to March inclusive) with others of the same size and species and quality as approved, unless the Local Planning Authority gives written consent to any variation.
08. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. The development shall be carried out in accordance with the approved details.
09. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority showing details of the entrance levels to the dwelling. The works shall only be undertaken in accordance with the approved scheme.
10. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority showing details of the entrance door width. The works shall only be undertaken in accordance with the approved scheme.
11. The development shall not be begun until a Sustainability Statement demonstrating how the development meets current best practice standards in the sustainable use of natural resources has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include either a Design Stage Report and BRE Interim Certificate or a pre-assessment estimator carried out by an independent assessor licensed by the Building Research Establishment demonstrating that the development meets a minimum standard of Level 3 of the Code for Sustainable Homes or a "Very Good" or "Excellent" BREEAM rating. The development shall be implemented in accordance with the Sustainability Statement and shall be retained in accordance therewith unless the Local Planning Authority gives prior written consent to any variation.

12. The development shall not be occupied until a Post Construction Review Report carried out by an independent assessor licensed by the Building Research Establishment and a Final Code Certificate has been submitted to the Local Planning Authority which demonstrates that the development has been constructed to meet a minimum standard of Level 3 of the Code for Sustainable Homes or a "Very Good" or "Excellent" BREEAM rating.
13. 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 that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 10% unless otherwise agreed in writing by the Local Planning Authority). The buildings thereafter constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith, unless the Local Planning Authority gives prior written consent to any variation.
14. 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), no hard surface for any purpose incidental to the enjoyment of the approved dwelling house as such shall be provided forward of the front wall of the dwellinghouse hereby approved.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls, hedges or other means of enclosure shall be erected or planted within the curtilage of the approved dwelling house forward of the front wall of the dwelling hereby permitted or between the dwelling and any adjacent highway.
16. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for covered and secure cycle parking facilities for 3 cycles. The building shall not be occupied until the approved scheme has been implemented. The facilities save as otherwise agreed in writing by the Local Planning Authority shall be retained.
17. The dwelling hereby permitted shall not be occupied until the associated vehicle parking and turning space has been surfaced and marked out in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.
18. The dwelling hereby permitted shall not be occupied until a means of access for pedestrians and cyclists has been constructed in accordance with the approved plans Drg No 1185/12 Rev A received by Local Planning Authority 18.05.2009.
19. The dwelling hereby permitted shall not be occupied until the existing access to the site is closed and the footway/ verge is reinstated in accordance with details which have been submitted to and approved in writing by the Local Planning Authority; the reinstatement shall be retained thereafter.
20. No dwelling shall be occupied until the lamp column outside 1 Wilders Close has been relocated in accordance with plans to be submitted and improved in writing by the Bracknell Forest Borough Council Lighting Engineer.

Summary Of Reason(s) For Decision:

The following development plan policies have been taken into account in determining this planning application:

Bracknell Forest Borough Local Plan: Policy

Policy M9, Vehicle and Cycle Parking, which allows for development subject to the provision of adequate on site parking

Policy EN20 Design Considerations in new development which allows for development subject to there being no detrimental impact upon the character and appearance of the area and there being no loss of amenity to neighbouring properties.

Core Strategy DPD Policies:

Policy CS6, Limiting the Impact of Development states Development alone or in combination with other proposals, will contribute to the delivery of infrastructure needed to support growth in the Borough and will mitigate adverse impacts on communities, transport and the environment.

CS7 Design, which allows for development subject to there being no detrimental impact upon the character and appearance of the area

CS10 Sustainable Resources, which requires the submission of a Sustainability Statement demonstrating how current best practice in the use of sustainable use of natural resources has been incorporated.

CS12, renewable Energy, which requires development of this scale to provide at least 10% of their energy requirements from on-site renewable energy generation.

CS14 Thames Basin Heaths Special Protection Area states that development outside the 400-metre SPA buffer zone will be permitted where it can demonstrate that it can remove any adverse effect by contributing towards avoidance and mitigation measures in line with the SPA Technical Background Document.

Policy CS24: Transport and New Development "Development will be permitted where mitigation against the transport impacts which may arise from that development or cumulatively with other proposals is provided."

South East Plan Policies:

Policy CC1: Sustainable Development allows for development which promotes sustainable levels of resource use.

Policy CC4: Sustainable Design and Construction: "The design and construction of all new development, and the redevelopment and refurbishment of existing building stock will be expected to adopt and incorporate sustainable construction standards and techniques."

Policy CC6: Sustainable Communities and Character of the Environment allows development which creates a high quality built environment which promotes a sense of place.

(Please note that this is not intended to be an exhaustive list).

The following material considerations have been taken into account:

The proposal is considered to comply with BFBLP Policies M9 and EN20 and CSDPD Policies CS6, CS7, CS10, CS12, CS14 and CS24. The proposal will not adversely affect highway safety, the character of the building, neighbouring property or area or significantly affect the amenities of neighbouring property. The planning application is therefore approved.

(ii) In the event of the S106 planning obligation(s) not being completed by 13th July 2009 the Head of Development Management be **authorised to refuse** the application for the following reason:-

01. The proposed development would unacceptably increase the pressure on highways and transportation infrastructure, public open space and outdoor recreation facilities, secondary educational facilities, library facilities, community centres and the Thames Basin Heath SPA. In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which secure contributions towards integrated transport and highway safety measures, open space and outdoor recreation facilities, secondary educational facilities, library facilities, community centres and the Thames Basin Heath SPA, the proposal is contrary to Policies CC7 and NRM6 of the South East Plan, and M4 of the Bracknell Forest Borough Local Plan and CS6, CS8, CS14 and CS24 of the Core Strategy Development Plan Document and to Supplementary Planning Document Limiting the Impact of Development (adopted July 2007).

20. **Appeal Decision in respect of Planning Application 07/01196/OUT: TRL, Nine Mile Ride, Crowthorne**

The Committee noted the information report of the Head of Development Management on the appeal decision in respect of this planning application. This was an important appeal as it was the first major challenge to the Core Strategy.

The Inspector concluded that although the provision of housing was a matter capable of counting strongly in favour of the proposal, it did not justify the form of development proposed which he judged to be seriously and unnecessarily harmful to the SPA and to the gap between Crowthorne and Bracknell.

The Committee noted that, following the appellants raising concerns about the soundness of the Council's Core Strategy, the Secretary of State endorsed the Council's position.

The Committee placed on record their thanks and congratulations to the officers for all their hard work.

CHAIRMAN