



NOTICE OF MEETING

Planning and Highways Committee

Thursday 23 July 2009, 7.30 pm

Council Chamber, Fourth Floor, Easthampstead House, Bracknell

To: The Planning and Highways Committee

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

cc: Substitute Members of the Committee

Councillors Mrs Angell, Mrs Beadsley, Burrows, Finch, Kensall, Mrs Shillcock and Ms Wilson

ALISON SANDERS
Director of Corporate Services

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Thursday 23 July 2009, 7.30 pm
Council Chamber, Fourth Floor, Easthampstead House, Bracknell

AGENDA

Page No

1. **Apologies for Absence/Substitute Members**

To receive apologies for absence and to note the attendance of any substitute members.

2. **Minutes**

To approve as a correct record the minutes of the meeting of the Committee held on 25 June 2009 .

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3. **Declarations of Interest**

Members are required to declare any personal or prejudicial interests and the nature of that interest, in respect of any matter to be considered at this meeting.

4. **Urgent Items of Business**

Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.

PLANNING APPLICATIONS

17 - 18

(Head of Development Management)

None of the applications are eligible for public speaking

5. **09/00258/FUL - 23 Wasdale Close Owlsmoor Sandhurst**

Formation of balcony above an existing front porch.

19 - 24

6. **09/00281/FUL - Danleebar Farm Crouch Lane Winkfield**

Change of use of Units 1, 2, 3, 4, 7, 8 and 11 from Agricultural to non-agricultural storage (B8) and light industrial (B1(c)). (Retrospective)

25 - 34

7. **09/00378/REM - Land At The Brakenhale School Rectory Lane Bracknell**

Submission of details of appearance, landscaping, layout and scale for the erection of 63 no. dwellings (comprising 7 no. 1 bedroom and 12 no. 2 bedroom apartments, 30 no. 3 bedroom and 14 no. 4 bedroom houses) with associated parking, drainage and open space, with access onto Rectory Lane, pursuant to outline planning permission 07/01259/OUT.

35 - 50

**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 swap, 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 landswap 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 dispatch 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

**PLEASE NOTE PLANS FOR ALL OF THE APPLICATIONS ON THIS
AGENDA CAN BE FOUND ON OUR WEBSITE**

www.bracknell-forest.gov.uk

**PLANNING AND HIGHWAYS COMMITTEE
23rd July 2009**

**REPORTS ON PLANNING APPLICATIONS RECEIVED
(Head of Development Management)**

		Case Officer	Reporting Officer
5	09/00258/FUL 23 Wasdale Close Owlsmoor Sandhurst (Owlsmoor Ward) Formation of balcony above an existing front porch. Recommendation: Approve.	Sarah Horwood	Basia Polnik
6	09/00281/FUL Danleebar Farm Crouch Lane Winkfield (Winkfield And Cranbourne Ward) Change of use of Units 1, 2, 3, 4, 7, 8 and 11 from Agricultural to non-agricultural storage (B8) and light industrial (B1(c)). (Retrospective) Recommendation: Approve.	Simon Roskilly	Basia Polnik
7	09/00378/REM Land At The Brakenhale School Rectory Lane Bracknell (Old Bracknell Ward) Submission of details of appearance, landscaping, layout and scale for the erection of 63 no. dwellings (comprising 7 no. 1 bedroom and 12 no. 2 bedroom apartments, 30 no. 3 bedroom and 14 no. 4 bedroom houses) with associated parking, drainage and open space, with access onto Rectory Lane, pursuant to outline planning permission 07/01259/OUT. Recommendation: Approve.	Trevor Yerworth	Martin Bourne

Background Papers

Background papers comprise the relevant planning application file and any document therein with the exception of any document which would lead to disclosure of confidential or exempt information as defined in section 100 of the Local Government Act 1972 as amended.

PLANNING AND HIGHWAYS COMMITTEE - POLICY REFERENCES

Key to abbreviations used in the following planning reports.

BSP	Berkshire Structure Plan 2001 – 2016
BFBLP	Bracknell Forest Borough Local Plan
BFBCS	Core Strategy Development Plan Document (Submission)
RMLP	Replacement Minerals Local Plan
WLP	Waste Local Plan for Berkshire
SPG	Supplementary Planning Guidance
SPD	Supplementary Planning Document
RPG	Regional Planning Guidance
RSS	Regional Spatial Strategy (also known as the South East Plan)
PPG (No.)	Planning Policy Guidance (Published by DCLG)
PPS (No.)	Planning Policy Statement (Published by DCLG)
MPG	Minerals Planning Guidance
DCLG	Department for Communities and Local Government

THE HUMAN RIGHTS ACT 1998

The Human Rights Act 1998 (“the HRA”) makes it unlawful for a public authority to act in a way that is incompatible with the rights set out in the European Convention of Human Rights.

Those rights include:-

Article 8 – “Everyone has the right to respect for his private and family life, his home.....”

Article 1 - First Protocol “Every natural or legal person is entitled to the peaceful enjoyment of his possessions”.

In some circumstances a local authority may be under an obligation to take positive action to protect an individuals interests under Article 8.

The relevant Convention Rights are not absolute. A Council may take action even though it interferes with private and family life, home and enjoyment of possessions, if it is for a legitimate purpose, necessary and proportionate. In effect a balancing exercise has to be conducted between the interests of the individual and the wider public interest.

Such a test very largely replicates the balancing exercise which the Council conducts under domestic planning legislation.

The provisions of the Human Rights Act 1998 have been taken into account in the preparation of the reports contained in this agenda.

The Human Rights Act will not be specifically referred to elsewhere [in the Agenda] beyond this general statement, unless there are exceptional circumstances which require a more detailed consideration of any Convention Rights affected.

ITEM NO: 5

Application No.
09/00258/FUL

Site Address:

Ward:
Owlsmoor

Date Registered:
21 May 2009

Target Decision Date:
16 July 2009

23 Wasdale Close Owlsmoor Sandhurst GU47 0YQ

Proposal: **Formation of balcony above an existing front porch.**

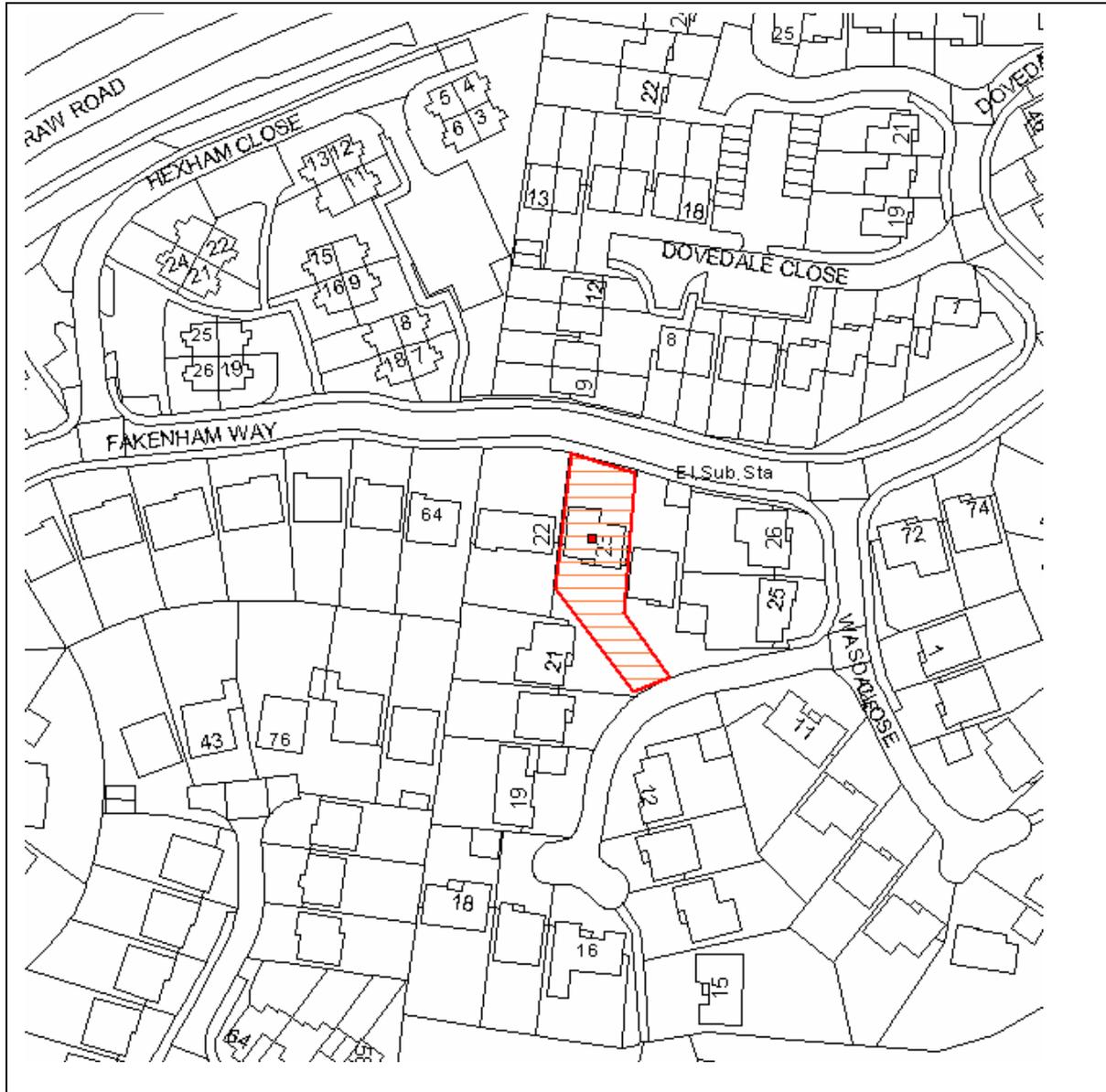
Applicant: Mr Paul Kamarauskas

Agent: (There is no agent for this application)

Case Officer: Sarah Horwood, 01344 352000

environment@bracknell-forest.gov.uk

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



1 **RELEVANT PLANNING HISTORY** (If Any)

613375

Validation Date: 11.05.1988

Single storey front extension forming porch and WC. Part ground floor part 1st floor side extension forming enlarged garage with 2 bedrooms over.

Approved

2 **RELEVANT PLANNING POLICIES**

Key to abbreviations

<i>BSP</i>	<i>Berkshire Structure Plan 2001 – 2016</i>
<i>BFBLP</i>	<i>Bracknell Forest Borough Local Plan</i>
<i>BFBCS</i>	<i>Core Strategy Development Plan Document (Submission)</i>
<i>RMLP</i>	<i>Replacement Minerals Local Plan</i>
<i>WLP</i>	<i>Waste Local Plan for Berkshire</i>
<i>SPG</i>	<i>Supplementary Planning Guidance</i>
<i>SPD</i>	<i>Supplementary Planning Document</i>
<i>RPB</i>	<i>Regional Planning Guidance</i>
<i>RSS</i>	<i>Regional Spatial Strategy (also known as the South East Plan)</i>
<i>PPG (No.)</i>	<i>Planning Policy Guidance (Published by DCLG)</i>
<i>PPS (No.)</i>	<i>Planning Policy Statement (Published by DCLG)</i>
<i>MPG</i>	<i>Minerals Planning Guidance</i>
<i>DCLG</i>	<i>Department for Communities and Local Government</i>

Note: The BSP and the BFBLP contain some policies with the same title, e.g. EN1. In such cases, the policy will be suffixed with an “_S” for the BSP and an “L” for the BFBLP, e.g. EN1_S, EN1L..

<u>Plan</u>	<u>Policy</u>	<u>Description</u> (May be abbreviated)
BFBLP	EN20	Design Considerations In New Development
BFBCS	CS7	Design

3 **CONSULTATIONS**

(Comments may be abbreviated)

Parish Or Town Council

Sandhurst Town Council recommend refusal of the application for the reasons set out below:

The proposed balcony by reason of its location and size would be inappropriate in this relatively dense residential area, would overlook neighbouring property and gardens, and would be detrimental to the street scene.

4 **REPRESENTATIONS**

2no. letters of objection received which raise the following issues:

- The proposed balcony will encroach on the privacy of no. 21 Wasdale Close. The balcony will look onto the side and front of the property, as well as overlooking 90% of the back garden.
- Accept that there are bedroom windows already overlooking the garden but the balcony will cause constant overlooking.
- The size of the balcony is a concern and any noise generated from people on it will have more of an impact due to its elevated position.

- Given its size and location on the front elevation of the property, it would not be in keeping with the appearance/character of the local area.
- The proposed balcony would directly overlook the front garden and drive of no. 22 Wasdale Close, encroaching on privacy.
- By nature of being a sitting or gathering area, would potentially increase noise levels in a currently secluded and quiet location.
- Would set a precedent for similar applications.
- The balcony would be larger than the existing porch and would be an over-development of the site.

5 OFFICER REPORT

Summary Of Key Aspects Of The Proposal (If Any)

This application has been reported to the Planning and Highways Committee at the request of Councillor Simonds in view of the comments made by neighbouring properties and Sandhurst Town Council. Further, it has been requested that the application is reported to the Committee at the request of the Chairman, in view of being an unneighbourly form of development.

i. Proposal

Full permission is sought for the formation of a balcony at first floor level on the front elevation of the dwelling at 23 Wasdale Close. The balcony would be supported by a brick pier, and would be enclosed by a 1.1m balustrade, with a floor area of 10.56 square metres. The formation of the balcony would enlarge the existing porch at ground floor level. The existing first floor window serving the hallway/landing would be replaced with patio doors which would not require planning permission.

ii. Site

23 Wasdale Close is a two storey detached dwelling with integral double garage located off a shared access serving nos. 21-24. The surrounding area is residential, characterised by detached properties to the south of Fakenham Way. The property is unscreened to the frontage.

iii. Planning considerations

1. Principle of development

23 Wasdale Close is located within an area designated as "Defined Settlement" by the Bracknell Forest Borough proposals maps, whereby the principle of development is acceptable, subject to no adverse impact upon the residential amenities of neighbouring properties or the character and appearance of the surrounding area, etc.

2. Effect on the amenity of neighbouring properties

A consideration of this application is whether the proposed balcony would have a detrimental impact upon the residential amenities of neighbouring properties.

The proposed balcony would be sited approximately 10m at the closest point from the side wall of no. 21 Wasdale Close to the south west of the application site and 13m from the rear elevation of no. 21 at the closest point. The balcony would look directly onto the front driveway and flank wall of no. 21. It is however not considered that the front driveway of no. 21 is the most private amenity area serving that property. Whilst it is acknowledged that there would be overlooking from the proposed balcony, it is considered that due to the relationship between properties that the loss of privacy would not be so adverse as to warrant refusal. It is considered that the view from the first floor window serving the hallway and the location of the proposed balcony at no. 23 across the rear garden of no. 21 would be at an oblique angle, and with a separation distance of 13m to the nearest part of the rear garden of no. 21, it is not considered that the proposal would result in a level of overlooking that would be considered so detrimental to the residential amenities of the occupiers. The patio area to no. 21 is sited to the rear of the house, close to the boundary with 20 Wasdale Close, and therefore views of this private amenity area would be blocked given the projection of the rear building line of no. 21 at two storey level. Further, it is considered that there is a more direct level of overlooking from the windows in the front elevation of no. 22 Wasdale Close at first floor level to the west of the application site over and across the rear garden of no. 21, over and above that what would be experienced from the proposed balcony.

The proposed balcony would be sited approximately 5m from the flank wall of no. 22 Wasdale Close to the west of the application site. The proposed balcony on the front elevation of no. 23 would have views over and across the front drive and front garden area of no. 22 which consists predominately of hardstanding, however it is not considered that this is the most useable, private amenity space for the property and therefore the proposed balcony would not result in a loss of privacy considered detrimental to the residential amenities of the occupiers.

It is acknowledged that the balcony would result in a new, useable outside area for residential purposes, however, given the floor area of the balcony would be 10.56 square metres, it is considered that space would be limited in terms of its use and number of people that could be accommodated on it, and as such, it would not be considered to have an adverse detrimental impact upon the residential amenities of neighbouring properties.

3. Impact on the character and appearance of surrounding area

The balcony would be sited on the front elevation of the dwellinghouse and would therefore appear visible within the street scene, however, the front of the dwelling is set back from the main highway by approximately 27m, and in conjunction with the dimensions and design of the balcony, would not appear visually intrusive to the detriment of the street scene. It is acknowledged that there are no other examples of balconies within Wasdale Close, a residential cul-de-sac but it is not considered that the proposal would appear so detrimental to the character of the street scene as to warrant refusal.

It is considered that the replacement of the existing window in the front elevation of the dwelling with proposed patio doors would not require planning permission.

The application is therefore recommended for approval.

6 **RECOMMENDATION**

That the application be **APPROVED** 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.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.
02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 21 May 2009:
(or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

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: Policies EN20, CSDPD CS7.
(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 EN20, CSDPD CS7. The proposal will not adversely affect the character of the building, neighbouring property or area or significantly affect the amenities of neighbouring property. The proposal would not result in a level of overlooking that would be considered detrimental to the residential amenities and privacy of the adjoining properties at 21 and 22 Wasdale Close to warrant refusal of the application. Further, the proposal would be visible within the street scene but would not be considered to have a detrimental impact upon the character and appearance of the surrounding area, given the setback of 23 Wasdale Close from the main highway. The planning application is therefore approved.

Doc. Ref: Uniform 7/DC/Agenda

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

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ITEM NO: 6

Application No.
09/00281/FUL

Ward:
Winkfield And
Cranbourne

Date Registered:
28 April 2009

Target Decision Date:
23 June 2009

Site Address:

**Danleebar Farm Crouch Lane Winkfield Windsor
Berkshire SL4 4RZ**

Proposal:

**Change of use of Units 1, 2, 3, 4, 7, 8 and 11 from Agricultural to
non-agricultural storage (B8) and light industrial (B1(c).
(Retrospective)**

Applicant:

Mr Philip Bovindon

Agent:

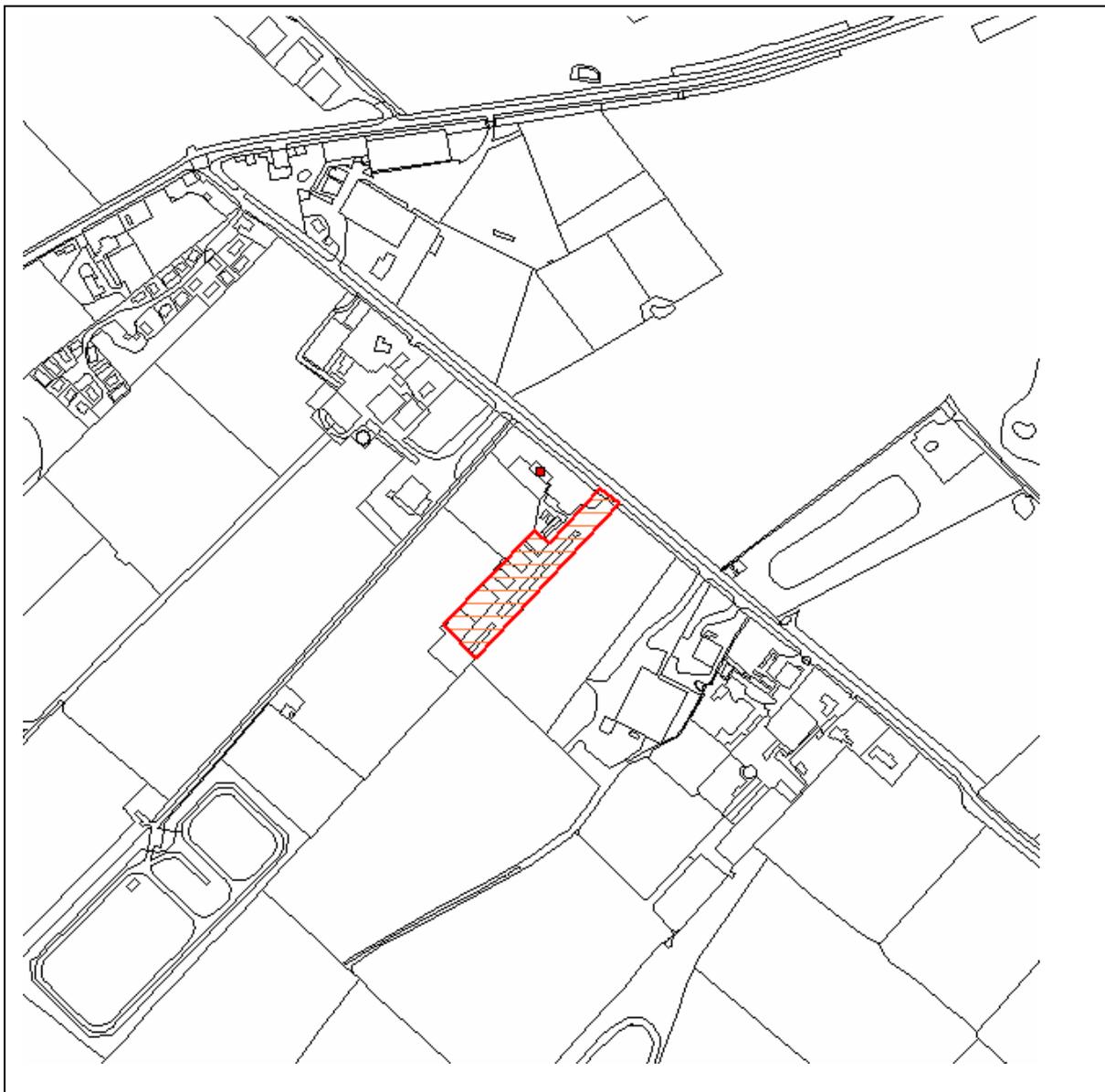
Ms Cheryl Booton

Case Officer:

Simon Roskilly, 01344 352000

environment@bracknell-forest.gov.uk

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



604155 Validation Date: 12.04.1979
Outline application for use of land for stud farm and calf rearing and erection of 16 loose boxes, storage barn and mobile home.
Refused

RAD003/95 Validation Date: 01.01.1995
Erection of agricultural machinery shed/feed store.

07/00850/LDC Validation Date: 23.08.2007
Application for a certificate of lawfulness for retention of change of use of buildings from agricultural to non-agricultural storage (B8).
Approved

09/00002/FUL Validation Date: 05.01.2009
Change of use of Units 1, 2, 3, 4 and 11 from Agricultural to non-agricultural storage (B8) and light industrial (B1(c)).(Retrospective)
Withdrawn

2 **RELEVANT PLANNING POLICIES**

Key to abbreviations

<i>BSP</i>	<i>Berkshire Structure Plan 2001 – 2016</i>
<i>BFBLP</i>	<i>Bracknell Forest Borough Local Plan</i>
<i>BFBCS</i>	<i>Core Strategy Development Plan Document (Submission)</i>
<i>RMLP</i>	<i>Replacement Minerals Local Plan</i>
<i>WLP</i>	<i>Waste Local Plan for Berkshire</i>
<i>SPG</i>	<i>Supplementary Planning Guidance</i>
<i>SPD</i>	<i>Supplementary Planning Document</i>
<i>RPG</i>	<i>Regional Planning Guidance</i>
<i>RSS</i>	<i>Regional Spatial Strategy (also known as the South East Plan)</i>
<i>PPG (No.)</i>	<i>Planning Policy Guidance (Published by DCLG)</i>
<i>PPS (No.)</i>	<i>Planning Policy Statement (Published by DCLG)</i>
<i>MPG</i>	<i>Minerals Planning Guidance</i>
<i>DCLG</i>	<i>Department for Communities and Local Government</i>

Note: The BSP and the BFBLP contain some policies with the same title, e.g. EN1. In such cases, the policy will be suffixed with an “_S” for the BSP and an “L” for the BFBLP, e.g. EN1_S, EN1L..

<u>Plan</u>	<u>Policy</u>	<u>Description</u> (May be abbreviated)
BFBLP	GB4	Reuse and COU Of Buildings Within GB
BFBCS	CS9	Development on Land Outside Settlements
<u>SEP</u>	<u>SP5</u>	<u>Green Belt</u>

3 **CONSULTATIONS**

(Comments may be abbreviated)

Transportation Officer

Recommends conditional approval.

Parish Or Town Council

Warfield Parish Council recommend refusal, for the reasons set out below:

That WPC strongly objects to the proposal. It is concerned that whilst the present occupants of the units do not generate heavy traffic, once given permission for light industrial use changes can occur which could result in the residents of Crouch Lane suffering from yet another increase in heavy traffic. Crouch Lane lies within the Green Belt and the Case Officer is asked to ensure that the changes are consistent with Local Policies.

4 REPRESENTATIONS

None received

5 OFFICER REPORT

Summary Of Key Aspects Of The Proposal (If Any)

This application has been reported to the Planning and Highways Committee as the scheme represents a departure from the development plan and has been advertised as such.

1) PROPOSAL AND RELEVANT PROPERTY HISTORY

The applicant seeks permission for the retrospective change of use of 7no. units to provide an additional 540 sqm of B8 (Storage) and 226 sqm of B1 (c) (Light Industrial). The buildings (units 1, 2, 3, 4, 7, 8 and 11) were previously agricultural buildings.

A successful certificate of lawfulness (07/00850/LDC) previously allowed 4no. additional units (units 5, 6, 9 and 10) with a combined floor area of 137.6 sqm to operate lawfully as B8 Storage.

The gross floor area of the buildings both forming part of this submission and allowed under a lawful development certificate totals 903.6 sqm.

2) SITE

Danleebar Farm is located within the Green Belt as designated under the Bracknell Forest Borough Proposals Map. The site is accessed from Crouch Lane a un-classified road.

Previously Danleebar Farm was solely connected with an agricultural use however the applicant states that he has taken the decision to diversify on site for financial reasons. In their submission the applicant states that "due to the very considerable changes in agriculture in the past 10 years, profitability has fallen to such a level that it has not been possible to make a living from the farming enterprise alone".

In the past the site was used for the rearing of pigs and meat cutting. According to the applicant the farm still carries out agricultural practices including the rearing of pedigree Hereford cattle. The herd currently comprises 30 suckler cows, 2 stock bulls, 10 heifers for breeding and approximately 30 calves.

The site contains 11 outbuildings that are currently not being used in connection with an agricultural use. The recently granted certificate of lawfulness (07/00850/LDC) for the continued use of buildings for storage B8 relates to 4 of the 11 units including buildings 5, 6, 9 and 10.

3) PLANNING CONSIDERATIONS

(i) Principle of the development

The proposal would result in a net increase of 766 sqm of mixed storage B8 and light industrial B1(c) floor area in addition to the lawfully established 137.6 sqm of B8 storage (07/00850/LDC).

Policy GB4 limits any net floor area to 500 sqm when considering a change of use from agricultural to either storage and/or light industrial. Therefore on site the cumulative floorspace of storage B8 and light industrial B1(c) use would total 903 sqm and therefore is considered to represent a departure from the development plan and has been advertised as such.

Planning Policy Statement 7 (Sustainable Development in Rural Areas) seeks "to protect the countryside for the sake of its intrinsic character".

Planning Policy Guidance 2 (Green Belts) seeks to protect the "open, rural and undeveloped character of the Green Belt from inappropriate development".

(ii) Impact on the character and appearance of Green Belt

It is clear that the proposal represents a departure from the development plan as the mixed use B1(c) and B8 buildings would exceed 500 sqm. However the test is whether or not there are any special circumstances that outweigh the harm.

An appeal decision issued on 20 December 1996 for Millside, a site located south-east of Danleebur Farm, is relevant to this submission. The appeal related to a change of use of an agricultural building (2,100 sqm) to industrial and storage units.

The Inspector acknowledged that the proposal would result in a significant increase over that of the "in principle" accepted 500sqm of floor area change in use as set out under the Berkshire Structure Plan. The Inspector stated that the "re-use of buildings should not prejudice the openness of the green belt". The Inspector went on to say that the "re-use of buildings in the Green Belt is not inappropriate if strict control is exercised over any associated uses".

The Inspector took the view that with the uses being restricted by suitable conditions the level of activity generated as a result of the change of use would be no greater than if the building were to be 500 sqm in floor area. Therefore to conclude the Millside appeal was allowed subject to restrictive conditions that restricted the number of employees.

The current submission would seek to establish a maximum of 903.6 sqm gross floor area mixed use B1(c) and B8. The scheme as currently operated on site has been considered as a low-key commercial use of the buildings that only has 3-4 people on the site at anyone time due to the nature of the businesses contained within the buildings. These businesses currently include rowing boat repairs, oar repairs, kitchen storage, exhibition storage, car restoration, car storage and china storage.

The site is very well run and there is generally no outside storage of any goods associated with the businesses.

Although establishing 766 sqm of mixed B1(c) Light Industrial and (B8) Storage on top of the already established 137.6 sqm (B8) Storage is technically a departure from the development plan the current level of activity associated with the use of the site is not considered to be any greater than the previous agricultural use of the site and the level of activity associated with 500 sqm of similar mixed uses. The evidence of which was provided in a Transport Technical Report submitted May 2009. The Technical Report compared the previous agricultural use with the current level of operation.

With the current level of operation being established as having no greater impact than the previous agricultural use it is important to restrict these levels as the application has been assessed with these levels in mind. Therefore conditions are recommended restricting the level of employees of site to 20 as suggested by the applicant along, with restricting the hours of operation and any outside storage of goods.

Bearing in mind the objectives of PPS7, PPG2 and the relevant appeal decision, with the level of activity being strictly controlled to what currently operates on site this would preserve the openness of the site and not result in any detrimental impacts upon the open, rural and undeveloped character of the Green Belt.

The proposal is considered to support both a scheme of farm diversification and the existing agricultural use of which both are encouraged under PPS7.

(iii) Effect on the amenity of neighbouring residential property

The site as outlined in red is well screened from outside the site including views in from Crouch Lane. The closest neighbouring resident is at Fox Cottage located approximately 145m from the application site. With the levels of activity being considered no higher than the previous agricultural use the proposal to establish an additional 766 sqm of mixed use (B1c) Light Industrial and (B8) Storage is considered not to result in any materially adverse impacts upon any residential amenity, subject to restrictive conditions.

(iv) Highway Implications

The proposal would not result in any highway safety implications subject to the parking shown on the 1:500 plan is conditioned to be implemented and retained; and that the level of activity currently experienced on site is restricted through conditions.

5) CONCLUSION

The retrospective change of use of 7no. units to provide an additional 540 sqm of B8 (Storage) and 226 sqm of B1 (c) (Light Industrial) in combination with the lawfully granted 137.6 sqm of B8 (Storage) is considered to represent a departure from the development plan. However the current operational use of the site preserves the openness of the green belt and encourages the existing agricultural use of breeding cattle to continue. These are considered to be the very special circumstances that outweigh any harm.

The proposal is therefore recommended for conditional approval.

6 **RECOMMENDATION**

That the application be **APPROVED** subject to the following conditions:-

01. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 28th April 2009:

Site location plan and drawing no. CL/500/1/Rev A.

(or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).

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

02. Within 1 month of the date of this permission provisions for parking and turning shall be laid out within the site in accordance with the approved plan [CL/500/1/REV A] for vehicles to be parked and for vehicles to turn. The spaces shall not thereafter be used for any purpose other than parking and turning of vehicles.

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]

03. No machinery shall be operated at the premises comprised within the land as outlined in red on the site location plan submitted 28th April 2009 outside the hours 7.00am to 6.30pm on Mondays to Fridays and 8.00am to 1.00pm on Saturday. No machinery shall be operated on Saturday after 1.00pm, Sundays Bank Holidays or recognised Public Holidays.

REASON: The site is located within the Green Belt where it is the policy of the Local Planning Authority to preserve the openness of the Green Belt.

[Relevant Policies: SEP SP5, BFBLP GB1, Core Strategy DPD CS9]

04. No materials including products or parts, crates and packing materials shall be stacked or stored outside of any buildings situated on the land as outlined in red on the site location plan submitted 28th April 2009.

REASON: The site is located within the Green Belt where it is the policy of the Local Planning Authority to preserve the openness of the Green Belt.

[Relevant Policies: SEP SP5, BFBLP GB1, Core Strategy DPD CS9]

05. The number of persons employed on the land in non-agricultural activities shall not exceed twenty in number at any one time (including both full time and part time workers).

REASON: The site is located within the Green Belt where it is the policy of the Local Planning Authority to preserve the openness of the Green Belt.

[Relevant Policies: SEP SP5, BFBLP GB1, Core Strategy DPD CS9]

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 GB4, Re-use and change of use of buildings within the Green Belt states that "within the Green Belt, the change of use and adaption of existing buildings will only be acceptable where:

(i) the impact of the proposal on the existing open, rural and undeveloped character of the Green Belt will not be materially greater than that of the present use; and

(ii) strict control is exercised over the extension or re-used buildings, and the associated land around them, which might conflict with the existing open, rural and undeveloped character of the Green Belt; and

(iii) the building is of permanent construction and its scale, design, bulk and form are in keeping with its surroundings; and

(iv) the proposed change of use or adaption would not be detrimental to the character and appearance of the building, its surroundings and landscape setting; and

(v) the proposed change of use, within any individual building or complex of buildings within a close proximity, would not result in a net increase of more than 500 square metres of business, industrial, distribution or storage (use class B1 to B8) floorspace; and

(vi) the proposal would not cause significant environmental, road safety or traffic generation problems; and

(vii) the proposed change of use of the building is small scale and appropriate to the area."

- Core Strategy Supplementary Planning Document:

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."

- South East Plan:

Policy SP5, Green Belts, states "The existing broad extent of Green Belts in the region is appropriate and will be retained and supported and the opportunity be taken to improve their land-use management and access as part of initiatives to improve the urban fringe."

(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 GB4 of the Bracknell Forest Borough Local Plan and Core Strategy Policy CS9 and South East Plan Policy SP5. The proposal will not adversely affect highway safety, the character of the plot, neighbouring property or Green Belt area or significantly affect the amenities of neighbouring property. The planning application is therefore approved.

Doc. Ref: Uniform 7/DC/Agenda

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

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ITEM NO: 7

Application No.
09/00378/REM
Site Address:

Ward:
Old Bracknell

Date Registered:
12 June 2009

Target Decision Date:
11 September 2009

Land At The Brakenhale School Rectory Lane Bracknell Berkshire

Proposal:

Submission of details of appearance, landscaping, layout and scale for the erection of 63 no. dwellings (comprising 7 no. 1 bedroom and 12 no. 2 bedroom apartments, 30 no. 3 bedroom and 14 no. 4 bedroom houses) with associated parking, drainage and open space, with access onto Rectory Lane, pursuant to outline planning permission 07/01259/OUT.

Applicant:

Berkeley Homes (Oxford and Chiltern) Limited

Agent:

(There is no agent for this application)

Case Officer:

Trevor Yerworth, 01344 352000

environment@bracknell-forest.gov.uk

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



1 RELEVANT PLANNING HISTORY (If Any)

07/00784/3 Validation Date: 10.08.2007
Part Demolition of existing Open Learning Centre. Erection of two storey extension with associated parking and creation of new access. Amendment to planning permission 06/00659/3 to create additional classroom and covered walkway.(regulation 3 application)
Approved

07/00920/OUT Validation Date: 13.09.2007
Outline application (including details of access) for up to 65 dwellings with associated parking and public open space with access onto Rectory Lane (regulation 4 Application)
Refused

07/01259/OUT Validation Date: 12.12.2007
Outline application, including details of access, for redevelopment of site for 63no. dwellings with associated parking and public open space with access onto Rectory Lane (Regulation 4 application)
Approved

09/00106/REM Validation Date: 20.02.2009
Submission of details of appearance, landscaping, layout and scale for the erection of 63 no. dwellings with associated parking and public open space, with access onto Rectory Lane, pursuant to outline planning permission 07/01259/OUT.
Refused

Appeal Submission of details of appearance, landscaping, layout and scale for the erection of 63 no. dwellings with associated parking and public open space, with access onto Rectory Lane, pursuant to outline planning permission 07/01259/OUT.
Validation Date: 12.05.2009
Reference: 09/00023/REF
Appeal In Progress

2 RELEVANT PLANNING POLICIES

Key to abbreviations

BSP	Berkshire Structure Plan 2001 – 2016
BFBLP	Bracknell Forest Borough Local Plan
BFBCS	Core Strategy Development Plan Document (Submission)
RMLP	Replacement Minerals Local Plan
WLP	Waste Local Plan for Berkshire
SPG	Supplementary Planning Guidance
SPD	Supplementary Planning Document
RPG	Regional Planning Guidance
RSS	Regional Spatial Strategy (also known as the South East Plan)
PPG (No.)	Planning Policy Guidance (Published by DCLG)
PPS (No.)	Planning Policy Statement (Published by DCLG)
MPG	Minerals Planning Guidance
DCLG	Department for Communities and Local Government

Note: The BSP and the BFBLP contain some policies with the same title, e.g. EN1. In such cases, the policy will be suffixed with an "_S" for the BSP and an "L" for the BFBLP, e.g. EN1_S, EN1L..

<u>Plan</u>	<u>Policy</u>	<u>Description</u> (May be abbreviated)
BFBLP	EN1L	Protecting Tree And Hedgerow Cover
BFBLP	EN2L	Supplementing Tree And Hedgerow Cover
BFBLP	M4L	Highway Measures New Development
BFBLP	M9	Vehicle And Cycle Parking
BFBCS	CS7	Design
BFBCS	CS1	Sustainable Development Principles

3 CONSULTATIONS

(Comments may be abbreviated)

Parish Or Town Council

Bracknell Town Council recommends refusal, for the reasons set out below:

Overdevelopment with major highway concerns regarding access.

1. The proposed development would unacceptably add additional traffic onto Rectory Lane at peak times and as a result would adversely affect the free flow of traffic and highway safety contrary to the provisions of the Berkshire structure plan and EN9 of the BFC local plan.
2. The proposed development is out of keeping and would have detrimental impact on the character of the area.
3. Has concerns over the safety of users of the Open Learning Centre due to the shared access.
4. Parking concerns.

Transportation Officer

No objection subject to conditions

Biodiversity Officer

The scheme includes new tree planting and a wildflower area that help to improve the biodiversity value of the site. In addition, the protection of bats within trees and buildings is secured by condition 11 of the existing planning permission ref. 07/01259/OUT. An additional opportunity to enhance biodiversity would be to include bat and/or swift bricks or boxes in or on the new buildings contributing towards scores under the Code for Sustainable Homes and the Bracknell Forest Biodiversity Action Plan.

No objection to the scheme remains based on biodiversity provided that existing vegetation is retained as shown in the submitted plans.

Landscape Officer

The proposed soft landscape plans are acceptable and show a well thought out planting scheme.

The External Materials/ Surfacing layout shows paving slabs of 450x450mm or 600x600mm to suit the path width. Paving slabs would not be suitable for the paths within the root protection area of the trees to be retained.

Details of no dig construction should be specified for these root protection areas with existing and proposed ground levels clearly shown on the plans.

The Environment Agency

No objection subject to condition

4 REPRESENTATIONS

No letters received to date.

5 OFFICER REPORT

Summary Of Key Aspects Of The Proposal (If Any)

Site area: 1.3ha

Proposed Number of Residential Units: 63

Proposed number of parking spaces: 146

Proposed density: 48 dwellings per hectare

INTRODUCTION

This application is being considered by the Planning and Highways Committee in view of the previous history on this site.

The application seeks approval of reserved matters pursuant to outline application 07/01259/OUT approved on 24th January 2008. The outline permission gave approval for the redevelopment of the site for 63 dwellings with access onto Rectory Lane. The principle of the development, the number of dwellings and the means of access have all been approved under the outline permission. The only matters for consideration as part of the present reserved matters application are the layout of the site, the scale and appearance of each building proposed, and the details of landscaping.

A previous reserved matters application 09/00106/REM was considered by this Committee on 30th April 2009. Members resolved to refuse this application for the following reason:

“The proposal, by reason of its design, detailing and layout would create a development that is out of character with and unsympathetic to, its surroundings. The proposed development would therefore be contrary to Policy DP5 of the Berkshire Structure Plan, Policy EN20 of the Bracknell Forest Borough Local Plan and to Policy CS7 of the Core Strategy Development Plan Document. It would also be contrary to national planning guidance contained within PPS1 and the provisions of section 183 of the Planning Act 2008.”

The present revised application seeks to address the concerns that Members had to the original proposal.

PROPOSAL

The previous buildings on the site have now been demolished, and the new access road constructed off Rectory Lane as part of the scheme for the extension of the adjacent open learning centre. This proposal would extend the access road south of the Open Learning Centre to form the main access route serving the proposed housing development. In the south western corner of the site a cyclepath and emergency vehicle access would be provided linking the site to Rainforest Walk.

At the corner of the new access road with Rectory Lane a two/two and a half storey building is proposed containing five no. one bedroom and twelve no. two bedroom apartments. This is intended to create a gateway feature to the development. This building would maintain the existing building line along Rectory Lane and turn the corner with frontages on both Rectory Lane and the new access road. A landscaped parking court would be sited behind this building, accessed through an archway from the new access road.

To the south of this there would be a terrace of six no. three and four bed houses positioned to the west of the access road. These houses would be two and a half storey and three storey, and set back approximately 17 metres from the road behind a small car park. They would be separated from the apartment building by a small area (330 sq metres) of landscaped open space, and each house would have its own nine or ten metre long private rear garden.

To the south of this terrace, in the middle of the site, would be a large area (1,245 sq metres) of landscaped open space, centred around a retained group of silver birch trees that form an important feature of the site. This open space would form an attractive greenspace at the centre of the proposed development.

The southern part of the site would consist of several groups of three and four bedroom houses generally set back approximately two metres from the road. Each property would have its own private rear garden nine or ten metres in length. Immediately to the south of the central area of open space these houses would form part of a feature square, with a terrace of five houses on the south side of the square, facing north up the access road and a further terrace forming the western side. The access road itself would be offset through the square, with views coming south terminated by a three storey element in the north facing terrace. The northern side of the square would be formed by the large area of open space, and the access road. The eastern side would be formed by a further smaller area of landscaped open space with on-street parking in front.

The access road would continue south from the square with terraced houses fronting onto the street on both sides. The first third of its length would have landscaped on-street parking on the west side, beyond which the street would widen to 19 metres with parking on both sides. The street would terminate in a second smaller feature square with a further block of terraced houses sited parallel to the southern boundary. Views coming south along the street would be terminated by a three storey element in the middle of the southern terrace. Small off-street parking courts would be sited on either side of this terrace, with two coach houses contained above the car ports. These would provide a physical and visual link to a pair of semi-detached houses sited in the south east corner of the site, as well as providing a more active frontage and natural surveillance to the courts themselves.

The various terraced blocks are comprised of two and half storey and three storey elements. The ridge height of the two and half storey elements is 9.4 metres, rising to a maximum height of 11.6 metres on the three storey elements. The elevational treatments have been changed significantly from the previous scheme and now include much greater variety and interest in their design. The three storey elements would be constructed using red brick and grey roof slates to provide contrast to the buff brick and brown roof tiles of the two and half storey houses. Further interest would be created through variations in ridge heights and roof pitches, staggering of facades, the introduction of gabled and flat roofed dormers, pitched and lean-to entrance canopies, artificial stone dressings to the lintels and cills of windows and contrasting red brick plinths to the two and a half storey houses.

The apartment building A would use similar materials together with feather-edged weather boarding on the two angled gables. The design of the apartment building is similar to the houses but with pitched dormers and more emphasis on the feature corners where patio doors and Juliette balconies are used to provide interest on the angled bays. Following comments made on the previous scheme this building has been redesigned to significantly reduce its bulk and mass through reducing the eaves height, incorporating the second floor primarily within the roof space; and through the lowering the sections of the building above the vehicular access/cycle parking area and adjacent to 11 Rectory Lane to two stories only. The two storey sections are also set back, have window bay details and are treated in a contrasting brick and roof tile to further articulate and add interest to the building. Internally the cycle and refuse storage areas have been redesigned to be separately accessed within inward opening doors. Six visitor cycle parking spaces are also proposed and the car parking arrangements have been adjusted to move spaces further away from the entrance. The redesign of building A has resulted in the loss of two one bedroom flats which have been relocated in buildings F and G.

The proposed landscaping scheme identifies the existing trees as forming an important characteristic of the site, in particular the group of Silver Birch trees at the centre of the site. These would be retained and protected during the development. In addition new structural tree and shrub planting is proposed to create avenues and boulevards, to enclose spaces, provide screening and enhance the open spaces and amenity areas. Hard and soft landscaping would be used to emphasise the feature squares and contrasting permeable paving is proposed for the majority of the parking areas. New screen fencing is proposed along the western boundary to provide privacy to existing properties on Rectory Lane and The Green. This would supplement existing boundary treatments, including a linear feature of 40 Cypress trees along the southern section of this boundary. A mixture of screen fencing and post and rail fencing to the eastern boundary would provide a secure but partly open edge to the school playing fields. The existing hedge and trees along the Rectory Lane boundary would be retained.

SITE

This 1.3 ha site lies on Rectory Lane approximately 1km south of Bracknell Town Centre and 200m from local services at the Easthampstead Neighbourhood Centre. It is on a local bus route linking the southern neighbourhoods with Bracknell town centre.

The site is approximately rectangular in shape, tapering towards the north western end where it abuts Rectory lane. The whole site has recently been cleared and the new access road off Rectory Lane completed as part of the Open Learning Centre development.

The site slopes gently down from north to south with a sharp fall in levels in the middle of the site. There are substantial trees within the site, and along its western and southern boundaries.

PRINCIPAL PLANNING CONSIDERATIONS

(1) Principle of the development

The site comprises previously developed land within the settlement boundary of Bracknell. The principle of the development of this site with 63 dwellings has already been established under the outline permission.

(2) Impact on character and appearance of the area

Policy EN20 of the BFBLP sets out design considerations in new development. In particular provisos (i),(iii), (iv) and (v) require that new development 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. New development should promote or create local character and a sense of local identity; provide adequate space for private use and visual amenity; and provide appropriate layout and design features to improve personal and general security, including natural surveillance of public spaces, including footpaths, roads and open space.

Although the site lies outside the Easthampstead Conservation Area, because of its proximity to this it is necessary to consider whether the proposed development would preserve or enhance the character or appearance of the conservation area. Easthampstead was the second neighbourhood to be built in accordance with the Bracknell Master Plan between 1958 and 1962, forming part of the original new town. Point Royal, a listed seventeen storey block of residential flats, provides the focal point of the conservation area. The conservation area was formally designated in 1996 as it was considered that the architecture of the buildings and their relationship with surrounding spaces and landscaping, together with the historical association of the neighbourhood merited giving it conservation area status.

The part of the conservation area closest to the site comprises properties in The Green, a low density development of semi-detached houses in large plots, set around a central wooded green. Although the proposed development would have a considerably greater density and more hard surfaces, it would be well screened from the conservation area by boundary trees and other vegetation, and not be readily visible from public views within it. In terms of views into the conservation area, the proposed apartment building would be prominent in views southwards along Rectory Lane, and the development would also be seen in long distance views towards Point Royal from the cyclepath/footpath that runs along the eastern side of Brakenhale School's playing fields linking Rectory Lane and Bagshot Road.

At approximately 48 dwellings per hectare the proposed development would introduce a moderately high density residential development comprising a mix of two and half and three storey houses and flats into this generally low density area. However it would be a largely self-contained development with no physical or strong visual link to the conservation area to the west other than the gateway apartment building proposed at the entrance to the site. The apartment building would be prominent on this corner, but the changes from the previous proposal reducing the bulk of this building, are considered to result in a more acceptable impact of this building, enabling it to sit more comfortably within the Rectory Lane context than the previous scheme. In particular it

is considered that the dropping of the building down to two stories adjacent to 11 Rectory Lane will result in an improved streetscene along this important frontage. Furthermore the existing mature trees and hedges that form the boundary along Rectory Lane and which form an important feature as one enters the conservation area from the north would be retained and would help to soften and screen the development from the conservation area. This sense of separation from the conservation area would be further increased by the substantial gap between the flank wall of the proposed building and that of the nearest property on Rectory Lane to the south (nine metres to the garage and 16 metres to the house itself).

Although the scale and density of the development would be greater than the existing dwellings on The Green and Rectory Lane it is considered that the site is sufficiently self-contained that such a difference would not harm the overall character of the local area. The proposed development would form a transition between the lower density and open character of the conservation area to the south, and the larger scale buildings comprising Brakenhale school to the north, including the recently completed extension to the Open Learning Centre which now forms a key part of the context within the proposed development would be seen.

It is considered that the applicant has attempted to provide an innovative design solution for this site that enables a high density to be achieved while ensuring a high proportion of three bedroom family houses. All the houses would be provided with reasonably sized private rear gardens and small front gardens. The layout incorporates a number of attractive features including a large central area of open space, retaining existing trees, and landscaped squares and streets. It includes a good mix of house types and sizes from one bedroom flats to four bedroom houses. It has addressed the issue of parking by providing the majority of spaces within communal landscaped squares and streets at the front of houses. This has minimised the need for rear parking courtyards, and has avoided the need for the frontages to be dominated by integral garages which can create unattractive elevations dominated by garage doors and cars parked on driveways. The layout as submitted is considered to provide an acceptable balance between the size of dwellings, and the amount of parking, open spaces and landscaping.

As well as reducing the bulk of the apartment building, in response to Members' comments on the previous application the applicant has redesigned each of the proposed buildings. This has added much greater variety and interest in the design of these dwellings. The three storey elements would be constructed using red brick and grey roof slates to provide contrast to the buff brick and brown roof tiles of the two and half storey houses. Further interest would be created through variations in ridge heights and roof pitches, staggering of facades, the introduction of gabled and flat roofed dormers, pitched and lean-to entrance canopies, artificial stone dressings to the lintels and cills of windows and contrasting red brick plinths to the two and a half storey houses. These changes from the previous scheme can be readily appreciated from the 3-D coloured images that applicant has provided to illustrate the appearance of the proposed development.

This is a small, largely self-contained development that will act as a transition between two storey residential development on one side and the larger school buildings, including the new extension to the Open Learning Centre, on the other. The proposal has been designed to reflect the scale and character of the adjacent conservation area while creating a distinct character of its own to stand alongside Brakenhale School and its sports field. It is considered that the details provided of the appearance are acceptable and would result in the creation of a small high quality development that respects the character of the surrounding area.

The scheme has been sensitively designed to provide an efficient use of urban land in a sustainable location, and although at a higher density than that prevalent in the adjacent conservation area it is not considered that the proposed development would result in a detrimental impact on the character or appearance of the surrounding area, including the adjacent conservation area, and would thus accord with Policy EN20 of the Local Plan.

(3) Effect on the amenity of neighbouring residential property

The properties that would be most affected by the proposed development are seven houses in The Green which back onto the western boundary of the site, and several houses on Rectory Lane that adjoin or face the site. The houses on The Green have rear gardens between 26 and 35 metres in length, and a substantial coniferous tree screen approximately 10 metres in height forms the boundary with the four of these properties closest to the site. The proposed houses would result in a back to back separation distance of at least 40 metres which is substantially in excess of the generally accepted minimum distance of 30 metres for three storey houses.

In addition to the separation distance, privacy is presently augmented in part by the existing tree screen which the applicants propose to retain. It is considered that, while not in itself essential to the avoidance of unacceptable overlooking, the retention of this tree screen does add to the actual and perceived sense of privacy enjoyed by residents of The Green. However it is possible that future residents of the proposed houses that back onto this tree screen may wish to substantially reduce the height of this screen or remove it altogether. This pressure may be accentuated if discolouration results from the crown lifting required to provide the rear access paths. At present these trees are protected by way of a condition on the outline planning permission which prevents their felling without the prior permission of the LPA. It is considered that a time may come when it is considered appropriate to allow the removal of these trees in the interests of the amenities of the future occupiers. Should this situation arise it is considered that permission to fell should only be granted if a satisfactory alternative form of boundary treatment is agreed with the LPA. The height of this tree screen also needs to be maintained in the interests of both neighbours and future occupiers. The closest neighbour has previously suggested that a height of 8 metres would be acceptable and in consideration of this comment the applicant has submitted a maintenance strategy for the retention of the tree screen at this height. It is therefore not considered that the proposed development would result in any undue harm to the amenities of residents of The Green.

The proposed apartment building adjacent to Rectory Lane would respect the existing building lines on Rectory Lane, and has been designed with no windows in the flank elevation closest to the neighbouring house at 11 Rectory Lane. This elevation would be 16 metres from that property. Although a parking court is proposed to be sited adjacent to the rear garden, this is not considered to be any more detrimental than the previous situation where an access road ran along this boundary to the car park at the rear of the open learning centre. It is not considered that the proposed development would result in an unacceptable impact on the amenities of number 11, or on any other properties on Rectory Lane.

In view of the changes in levels across the site, in particular the sharp fall in levels at the southern end of the site where the all weather pitch was sited, it has been necessary to change ground levels across the site. This has resulted in a general raising of ground levels, particularly in the southern half of the site in order to provide

acceptable road gradients, level access and sustainable drainage. However it is proposed to grade garden areas back to existing levels at the site boundaries and in view of the distances involved it is not considered that the proposed slab levels would be detrimental to any neighbouring properties.

The proposal is therefore considered to be in accordance with proviso (vii) of BFBLP Policy EN20.

(4) Living Conditions of future residents

The proposed houses are not considered to result in any undue overlooking or loss of daylight or sunlight to other properties in the development, and would provide adequate private amenity space for future residents. A possible future concern with overshadowing from the linear tree screen at the rear of plots 47 to 63 has been addressed above. It is considered that the proposed development would provide an acceptable living environment for future occupants.

(5) Transport considerations

The principle of this development in terms of its impact on Rectory Lane and the surrounding road network, in particular the Horse and Groom Roundabout, and the details of the access have been considered and approved under the outline permission.

The access road has already received consent under the proposals for the new open learning centre and the position of the road has not altered. This road has now been completed and presently provides access to the remodelled Open Learning Centre. The design has changed slightly as the drop off and turning area in front of the building has been removed as it is no longer required for the OLC. This has provided further benefit for pedestrians and cyclists using this route.

The extension to the permitted access road starts at the first 'Square'. The exit road would be offset from the entry to slow vehicle speeds however there is sufficient road width to maintain access for large vehicles such as refuse vehicles. The second 'Square' at the far end of the development allows for large vehicles to safely turn.

There are several accesses to parking courts on the plans, one is under the flat block and it appears that visibility of approximately 2.4m x 25m in both directions can be achieved; this is acceptable as the approach speeds are expected to be below 20mph. In fact the visibility to the right appears to be greater than that shown, with actual visibility being near to 50m. In order to provide a visibility splay of 2.4m x 33m from the access serving the parking court in front of Block B the landscaping proposals show that the trees planted adjacent to the footway will be splayed so that they do not interfere with visibility. The hedge proposed must be kept no higher than 0.6m to enable a visibility splay of 2.4m x 33m to be achieved in both directions.

The materials proposed to be used on the road are indicated in the application. The applicant is proposing various materials along its length including permeable paving in the car parking areas. The road will sought for adoption as it will provide a public link from/to the south. The adopted highway will need to have independent drainage to the parking spaces. These matters will be covered at the adoption stage.

The detailed design of the two 'Square' areas have been amended from the previous application to incorporate comments made by the Highway Authority which considered that the layout shown originally was unsuitable for adoption. The previous layout

indicated that bollards would be introduced in the corner areas to stop parking. This was considered likely to lead to safety issues for pedestrians. Following a safety audit the redesign of this area has now been amended to include a safe build out around the footway and the road edge, together with additional soft landscaping. It is considered that in principle this area is now suitable for adoption, and that the additional landscaping will improve the streetscene here.

The site has segregated 2m footways that run adjacent to the road and behind the car parking areas, this layout will provide safe and segregated use for pedestrians.

Cyclists will be able to safely travel through the site and continue onto Rainforest Walk. This route will provide a good link to the facilities to the south such as the primary school and children's centre. This route also provides for emergency access for a fire appliance.

Access around the buildings is good with rear access being provided, which will allow easy movement of refuse bins. A bin storage area for the flats is provided under the building adjacent to the access to the rear parking court. The detailed design of this area has been amended from the previous application to incorporate comments made by the Highway Authority. The bin storage is now segregated from the cycle parking and better access is provided into the car park at the rear.

The site provides a total of 146 parking spaces which is in accordance with the borough standards for this scale of development. Disabled parking has been provided by using parking adjacent to paths to buildings. This is considered to be acceptable.

Adequate cycle parking has been indicated for the flats, which include lockable storage within the building and Sheffield stands for visitors located under within the parking courtyard. The applicant has indicated that cycle parking for the houses can be accommodated within the rear gardens.

The level of traffic was calculated at the outline permission stage and it was demonstrated then that the development would not have a detrimental impact on the surrounding road network and major junctions including the Horse and Groom roundabout. The development is likely to generate about 40 movements in the peak hours, the daily increase will be in the region of 430 movements per day. The addendum Transport Statement submitted with this application states that previously slightly higher trip rates (50 trips in the peak hours) were used in order to robustly test the impact on the Horse and Groom junction. The Highway Authority expects the trip rate to be slightly lower than this overall and this is covered in the estimates above.

The proposed development is considered to be acceptable with respect to transport considerations and as such is in accordance with Core Strategy Policy CS24 and BFBLP Policies M4 and M9.

(6) Tree and Landscaping Considerations

None of the trees on the site are protected by Tree Preservation Order. However at the outline application stage a number of existing trees and groups of trees were identified for retention, and root protection areas were indicated. As indicated in section 3 above these trees are protected by way of a condition on the outline planning permission which prevents their felling without the prior permission of the LPA. This application proposes the retention of all the existing trees with the exception of a group of Sycamore trees in the south western corner which will need to be removed to create the cycle path/emergency access link to rainforest walk.

In addition to the retention of existing trees the applicant has proposed a detailed landscape framework providing new open spaces, tree and shrub planting and hard landscaping. It is considered that these details would enable the creation of a high quality and attractive environment for future residents and the general public if implemented fully in accordance with these details.

The proposed development is therefore considered to be in accordance with BFBLP Policies EN1, EN2 and EN20.

(7) Access implications

The site is easily accessible to the footpath and cycle network linking to Bracknell town centre, is within walking distance of the local facilities provided at the Easthampstead neighbourhood centre, and is on a bus route to Bracknell town centre providing good access for non car owners. The applicant has confirmed that all properties would be designed so that they are fully accessible to those with disabilities in accordance with Part M of the Building Regulations. The proposals include an emergency access and cycle path link to Rainforest Walk which will provide permeability for pedestrians and cyclists as well as improving access for emergency vehicles. The proposed development is therefore considered to be in accordance with BFBLP Policy EN22.

(8) Impact on Thames Basin Heaths SPA

The site lies within approximately 2 km of the Thames Basin Heaths SPA classified on 9th March 2005 under the EC Birds Directive. Natural England has advised that any development involving an increase in the number of dwellings, taken in conjunction with other dwellings proposed within a 5km radius of the SPA, is likely to have a significant effect on the integrity of the SPA. The increased population is likely to contribute to the deterioration of the quality of the habitat on which the protected bird species (nightjar, woodlark and Dartford warbler) depend, and increased disturbance to the birds by reason of increased access to the heath including access for general recreation and dog-walking. A s106 agreement has been completed in conjunction with the outline application. This includes SPA obligations that provide for appropriate mitigation with respect to any adverse effect on the integrity of the SPA. As there has not been a material change in circumstances since then, it is considered that these obligations continue to provide appropriate mitigation and therefore the proposal is in accordance with BFBLP Policy EN3.

(9) Flood Risk

The applicant has submitted a Flood Risk Assessment (FRA) with this application with respect to the surface water drainage strategy. The updated strategy treats surface water through a number of Sustainable Urban Drainage System (SUDS) devices before being discharged. This is acceptable to the Environment Agency which raises no object to the approval of the reserved matters for the development.

(10) Ecological Issues

Core Strategy Policy CS1 states that developments will be permitted where they protect and enhance biodiversity. Policy CS7 states that development proposals will be permitted which, inter alia, enhance the landscape and promote biodiversity.

The proposal includes new tree planting and a wildflower area that will help to improve the biodiversity value of the site. The proposed development is therefore in accordance with PPS9 and Core Strategy Policies CS1 and CS7.

(11) Sustainability Resource Management issues

The outline planning permission was granted before the Council adopted the Sustainable Resource Management SPD and therefore no conditions were imposed relating to this issue. However the applicant has indicated that the proposed buildings would incorporate renewable energy sources and will achieve Code Level 3 of the Code for Sustainable Homes.

CONCLUSION

This application seeks approval of reserved matters with respect to the site layout, scale and appearance of each building proposed, and the details of landscaping. The principle of the development, the number of dwellings and the means of access have all been approved under the outline permission.

The applicant has attempted to provide an innovative design solution for this site that enables a high density to be achieved while ensuring that all the dwellings have private or communal amenity space, and the inclusion within the layout of a large central area of open space around an attractive group of retained trees.

The layout has been designed to ensure an adequate relationship between the new dwellings and existing properties and it is not considered that any undue harm would result to the amenities of any neighbouring properties. It is also considered that the proposed layout would provide a satisfactory environment for future occupiers of the new dwellings. The layout makes satisfactory provision for parking of cars and cycles and enables safe and convenient access to be provided to each property. It is therefore considered that the proposed layout is acceptable.

Following previous concerns raised by Members with respect to the design of the buildings the applicant has made a number of changes to both the scale and design of the apartment building, and in the detailed design of the houses. The scale of the buildings is in accordance to the outline restriction to a maximum of three stories, and is considered to be appropriate to the site. Variety and interest is provided through a variation in scale, materials and detailed design features, with larger three storey buildings being sited at key points through the site where they would act as vista stops to views along the access road. It is considered that the details provided of the external appearance are a significant improvement over the previous scheme and would result in the creation of a small high quality development that respects the character of the adjacent conservation area, and that of surrounding properties.

The application is accompanied by a detailed landscaping scheme, which if implemented would provide an acceptable landscape quality to the development, softening and complementing the built elements.

Overall it is considered that the scheme has been sensitively designed to provide an efficient use of urban land in a sustainable location, and although at a higher density than that prevalent in the adjacent conservation area it is not considered that the proposed development would result in a detrimental impact on the character or

appearance of the surrounding area or on neighbouring properties, and approval is therefore recommended.

6 RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:-

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

received by the Local Planning Authority on 12 June 2009:

O.340.PL 201, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 227-239

Design and Access Statement,
Arboricultural Report dated 25 January 2008
Addendum Transport Assessment
Addendum Flood Risk Assessment
Summary of Highway Works - A Technical Note
Details of Hutton Timber Bench

received by the Local Planning Authority on 3rd July 2009:

0.340.PL 202A, 203A, 226A
0.383. 1.1C, 1.2C

Soft landscape Works: Maintenance Schedule Revision A
Maintenance Strategy for Cypress Screen Revision A

(or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans or details).

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

02. No dwelling shall be occupied until all the visibility splays shown on the approved drawings have been provided. These areas shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the adjacent carriageway.
REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]
03. No dwelling shall be occupied until the car 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. There shall be no restrictions on the use of the car parking spaces shown on the approved plan for the occupiers of, or visitors to, any of the buildings hereby permitted, with the exception that one space may be allocated to each of the three and four bedroom houses hereby permitted.

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

[Relevant Plans and Policies: BDBLP M9]

Summary Of Reason(s) For Decision:

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

South East Plan Policy:

CC6 which seeks the creation of sustainable and distinctive communities through a local shared vision which respects, and where appropriate enhances, the character and distinctiveness of settlements and landscapes and through the use of innovative design processes to create a high quality built environment which promotes a sense of place.

Core Strategy DPD Policies:

CS1 which seeks to ensure that development makes efficient use of land and buildings, reduces the need for travel, promotes a mix of uses, conserves water and energy use, supports the economic wellbeing of the population, protects and enhances safety, natural resources, character of local landscape and historic and cultural features
CS7 which seeks to ensure that developments are of high quality design

Bracknell Forest Borough Local Plan Policies:

EN1 which seeks to protect tree and hedgerow cover

EN2 which seeks to supplement tree and hedgerow cover

EN20 as it would be acceptable in terms of its impact upon the character of the area, and amenity of surrounding properties and adjoining area

M4 which seeks to ensure that development which would result in a material increase in the use of the existing highway will provide appropriate pedestrian, cycling and public transport routes

M9 which seeks satisfactory parking provision for vehicles and cycles

(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 the above policies. The proposal would not adversely affect the character or appearance of the surrounding area or the adjacent Easthampstead Conservation Area. The proposed dwellings would be sited and designed so as not to result in unacceptable overlooking or overshadowing of neighbouring properties, or significantly affect their amenities in any other respect. Adequate access and parking is provided to serve the development. The development would not result in the loss of any important trees and would enhance the wildlife value of the site.

The concerns raised by the Town Council have been considered. Issues relating to the amount of development, additional traffic and the safety of the access have been previously considered by the LPA at the outline application stage. The proposal has been significantly amended from the previous application and is now considered to have fully addressed concerns relating to it being out of keeping with and having a detrimental impact on, the character of the area. Parking is provided in accordance with the Council's adopted parking standards.

The planning application is therefore approved.

Doc. Ref: Uniform 7/DC/Agenda

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