

Date Published: 19 July 2019



## **PLANNING COMMITTEE**

**18 JULY 2019**

### **SUPPLEMENTARY PAPERS**

**TO: ALL MEMBERS OF THE PLANNING COMMITTEE**

The following papers have been added to the agenda for the above meeting.

These were not available for publication with the rest of the agenda.

Kevin Gibbs  
Executive Director: Delivery

**Page No**

### **Planning Applications**

(Head of Development Management)

**The conditions for public speaking have been met in the applications marked 'PS'.  
For further information or to register for public speaking, please contact Customer  
Services 01344 352000.**

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Agenda Annex

**BRACKNELL FOREST BOROUGH COUNCIL**  
**PLANNING COMMITTEE**  
**18th July 2019**  
**SUPPLEMENTARY REPORT**

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**Correspondence received and matters arising following preparation of the agenda.**

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**Item No: 5**

**18/00948/FUL**

**Meadow View, Eden Vale & Bolts Cottage Chavey Down Road Winkfield Row Bracknell Berkshire  
RG42 7PN**

**AMENDMENT TO REPORT**

The proposed site area referred to at paragraph 1.2 as 0.192ha is correct (as shown on the site layout plan) and reflects the current larger site now proposed whereas the reference at paragraphs 5.1 and 9.4 as 0.129ha is incorrect and should be 0.192ha. For information the previous approved scheme had a site area of 0.152ha.

**ADDITIONAL REPRESENTATIONS:**

One additional representation received earlier today raises concern with regards to the height of the existing dwellings and concerns with the water table.

It is alleged that the properties are approximately 1 foot higher than that previously approved which is noted within the officers at report paragraphs 5.3 and 5.4.

[Officer Comment: The marginal increase in heights due to level differences has already been approved through discharge of conditions on the previous scheme. In the main the marginal increase in height would not give rise to such harm that would warrant a reason for refusal as the site is on lower ground.]

It is also alleged that the water table, as predicted by neighbours, is already far too high and the water storage tanks are full, as are the sewage pipes, and the properties are not yet occupied.

[Officer Comment: Thames Water have already accepted the discharge of surface water to the sewer to the rear of the site and the Councils Drainage Engineer is satisfied with the applicants proposed sustainable drainage scheme]

**AMENDMENT TO RECOMMENDATION:**

Condition 10 Wording revised following approval of the Drainage Engineer:

10. No building or use hereby permitted shall be occupied or the use commenced until the sustainable urban drainage scheme for this site has been completed in accordance with the approved drainage details in condition 02. The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding

[Relevant Plans and Policies: CSDPD CS1]

Condition 11 imposed to ensure consistency with a condition 7 (working hours) on the original approval 16/01091/FUL as follows:

Demolition or construction work shall take place at the site only between 08:00hrs and 18:00hrs Monday - Friday, between 08:00hrs and 13:00hrs on Saturdays, and not at all on Sundays. The measures included in the approved scheme shall be implemented prior to the first occupation and use of the building that they relate to and thereafter the measures shall be operated in accordance with the approved scheme.

REASON: In the interest of neighbours amenities.

**Item No: 6**  
**19/00050/FUL**  
**1 Harts Leap Road Sandhurst Berkshire GU47 8EW**

### **ADDITIONAL REPRESENTATION RECEIVED**

A letter was received from the occupier of 3 Harts Leap Road on 16th July raising the following points:

(i) Paragraph 9.3 of the committee report states that the roof would be pitched on all sides but there would be a gable installed at the front as well.

[Officer Note: For clarification, the main roof would be hipped on all sides, however a pitched roof gable is proposed on the front elevation.]

(ii) The development is described as two storey, but there are three floors proposed.

[Officer Note: For clarification, the proposed development would have two storeys with additional roof accommodation on the proposed third floor.]

(iii) Paragraph 9.17 states that there would be an increase from 3 to 5 bedrooms, but the proposed floor plans show 6 bedrooms.

[Officer Note: For clarification, 6 bedrooms are proposed. This would not increase the parking demand for the property.]

(iv) Paragraph 9.13 states that the development would not project past the rear elevation of 3 Harts Leap Road, however part of the proposed extension would project 3 metres past the rear elevation of 3 Harts Leap Road.

[Officer Note: For clarification, whilst the nearest part of the proposed extension would not project past the rear elevation of 3 Harts Leap Road due to the angle of the property the further end of the house would project 3 metres further south than the rear elevation of 3 Harts Leap Road.

### **AMENDMENT TO RECOMMENDATION**

An amended Location and Block Plan were received 5th July updating the outline of the proposed development to reflect the amendments to the scheme. As such, condition 2 of the recommendation is amended as follows:

2. 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:

- Existing and Proposed Block Plans - Drawing Number: PL103 2 - Received 5th July 2019
- Proposed Site Plan - Drawing Number: PL104 2 - Received 5th July 2019
- Proposed Plans and Elevations - Drawing Number: PL101 8 - Received 18th June 2019

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

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**Item No: 7**  
**19/00318/FUL**  
**ALDI 136 Liscombe Bracknell Berkshire RG12 7DE**



**ADDITIONAL REPRESENTATION RECEIVED**

A neighbour has responded to the Committee Report published on the website and has raised further concerns with regards to noise implications.

**AMENDMENT TO RECCOMMENDATION**

Condition 02 should read:

The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 25.06.19, 24.04.19 and 27.06.19:

- Paladin Fence Detail no. 1703-P1 (Amended 25.06.19)
- Existing and Proposed Elevation no. 1500-P3 (Amended 25.06.19)
- Proposed site plan no. 1400-P5 (Amended 25.06.19)
- Location Plan no, 1100-P4 (Amended 24.04.19)
- Store Entrance Changes no. 1701-P5 (Amended 27.06.19)

**Item No: 8**

**19/00102/OUT**

**414 Yorktown Road College Town Sandhurst Berkshire GU47 0PR**

**ADDITIONAL REPRESENTATIONS RECEIVED:**

Following the publication of the Committee Report and the deadline for eligibility for public speaking, 42 additional objections (48 total) have been received from members of the public. However, 3 of these objections either do not explain the grounds of objection or contain material planning reasons.

Four further comments have been received but as they did not contain full postal addresses they cannot be counted.

The representations broadly refer to matters summarised in paragraph 6.2 of the Committee Report, but with the following additional matters raised:

- there is insufficient infrastructure, namely Doctor's surgeries, schools, sewage, bus services and the overall highway network, to support the proposal [Officer Comment: being within a town centre the site is located within a sustainable location. Matters concerning transport and highway considerations are addressed in paras. 9.40 to 9.52 of the Committee Report. Thames Water raise no objection in respect of the sewage network. Necessary contributions towards infrastructure are also to be sought as detailed in para. 9.70 of the Committee Report];
- the proposed west-facing first floor side window would result in an adverse loss of privacy to the occupants of 410-412 Yorktown Road [Officer Comment: this matter is addressed in para. 9.30 of the Committee Report, and the proposed window would not project past the rear wall of the building of 410-412 Yorktown Road].

**CORRECTIONS TO COMMITTEE REPORT:**

Paragraph 9.30 of the report should read:

9.30 The proposal would involve the installation of one west-facing side window at first floor level along with four roof windows on this elevation. The existing building of 410-412 Yorktown Road immediately to the west has no east-facing side windows, and the rear of the property beyond the building line falls under commercial use. As a result it is not considered that the proposal would give rise to any harm to the amenities of the occupants of this neighbouring building.

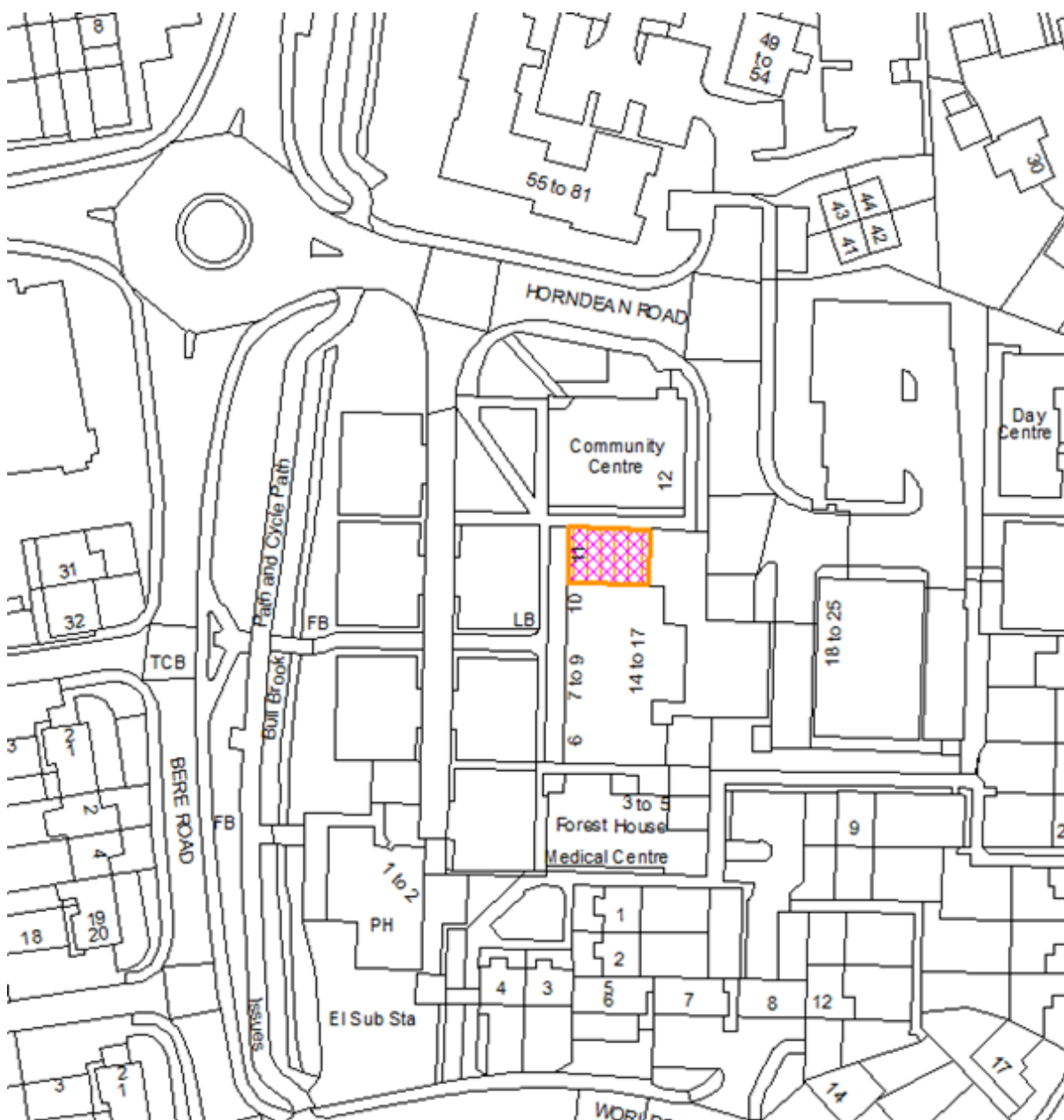
Para. 9.69 of the report should read:

9.69 The total SPA related financial contribution for this proposal is £66,034. The applicant must agree to enter into a S106 agreement to secure this contribution and a restriction on the occupation of each dwelling until the Council has confirmed that open space enhancement works to a SANG is completed. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP Saved Policy NRM6, Saved policy EN3 of the BFBLP and CS14 of CSDPD, the Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD, the Planning Obligations SPD and the NPPF. The Applicant has agreed to enter into a S106 agreement to secure these contributions.

**ADDITIONAL RECOMMENDED INFORMATIVE:**

05. The details required to be submitted to the Local Planning Authority in respect of Condition 06 (Construction Management) shall include provision for any necessary timing and phasing of deliveries and other construction traffic movements where necessary, to reflect the site constraints.

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



### ADDITIONAL REPRESENTATIONS

1 no. additional letter of representation received from the planning agent on behalf of the applicant which states as follows:

- The extractor unit, as with those on the neighbouring units, is an essential practical addition in order to meet requirements for extraction in a café or restaurant of this kind.
- The unit which my client has invested in had previously been vacant for over 6 years. There are 2 public comments in support of the application (one is stated as neutral but they state they support the idea of a Fish and Chip Shop in the community - but not a Chinese Takeaway). The proposal is not for a Chinese Takeaway. Of the two public objections - neither are actually in reference to the Planning Application they are commenting on. One public comment further objects to the concept of another Chinese Takeaway - it does not mention the Extractor Unit. Firstly 'change of use' is not the purpose of this Planning Application, and secondly as stated: my clients proposal is for a Fish and Chip Restaurant under A3 usage - not an A5 Chinese Takeaway. The second objection does not relate to the subject of the planning application either. Inexplicably the objection relates to the issue with parking at the site. The site being purpose built



secondary retail with parking. The argument presumably being the best way to avoid additional parking is to keep retail units empty.

- The Parish Council objection does not mention to presence of two other almost identical extraction units alongside, or the nature of the site.

- It is extremely regrettable that the planning process allows for public comments that bare no relation to the proposal to be counted. As a consequence cost have been incurred to both my client and the taxpayer as well as unnecessary delay to what is an extremely straightforward proposal entirely appropriate to the site. This application was made 3 ½ months ago - 1 ½ months over the statutory determination period.

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**Item No: 10**

**19/00417/FUL**

**The Elms Winkfield Lane Winkfield Windsor Berkshire SL4 4QU**

**ADDITIONAL REPRESENTATIONS**

The following statement was received from the applicant dated 10 July 2019 and circulated to Planning Committee members for information only:

1) What is the fall-back principle?

The principle of "fall-back" in planning law is well established. It is the principle that existing planning permissions or permitted development rights may be a material consideration which a decision maker (Local Planning Authority or Planning Inspector) should weigh in the balance when determining a new application. This was confirmed in the recent Court of Appeal decision of Michael Mansell v Tonbridge and Malling Borough Council and others [2017].

The planning history of a site is relevant because it may be possible to carry out alternative developments on that site even if an application for new development is refused. The decision maker will need to consider whether there is a real prospect of the fall-back position being applied. In the Court of Appeal decision of Samuel Smith Old Brewery (Tadcaster) v the Secretary of State for Communities and Local Government and Others [2009] the judge stated that "in order for a prospect to be a real prospect, it does not have to be probable or likely a possibility will suffice....." [author's own emphasis]

2) What is the fall-back position at the Elms?

As set out in the report to the Committee the site benefits from two certificates of lawfulness.

Of most relevance is certificate 17/00043/LDC which certifies that it is lawful for the applicant to construct a number of extensions to the existing bungalow which would enlarge the property significantly. The extensions were started in 2015 by constructing foundations but they were not completed. The works were carried out under permitted development rights that existed at the time. It would be lawful to complete those works. The applicants have not continued to build out the extensions because if planning permission is granted for a new dwelling it would result in the demolition of the extensions which would not be environmentally sustainable development.

If planning permission is not granted for the current proposal the fall-back position is that the applicants could complete the extensions to the existing bungalow. If they were to do so the extended bungalow would be very slightly larger than what is proposed in the application before Members. The design of the extended bungalow would be inferior to the design of the new dwelling as proposed. The Applicants would then apply for permission to demolish the extended bungalow and construct a new dwelling once the extensions had been completed.

Whilst it would still be financially viable to do so the applicants would prefer not to pursue this route as it would be wasteful both financially and environmentally. However, it demonstrates that the fall-back position is a real prospect and as such should be a material consideration in Members' deliberations of this application.



[Officer Comment: The applicant's statement is factual and provides a legal definition to the fall-back position and expands upon the key material consideration in determining this application as set out in the officers committee report]

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**Item No: 11**  
**19/00047/FUL**  
**57 Church Street Crowthorne Berkshire RG45 7PD**

### **AMENDMENT TO OFFICER REPORT**

Page 107 Paragraph 5.1

Amended plans have been received 10th July which propose to add a canopy to the front door, alter the brick course above the windows to a soldier course, and reduce the height of the proposed dwelling from 8.14 metres to 8.03 metres.

Page 112 Paragraph 9.19

A parking plan has been received 16th July showing the required 3 parking spaces which meet the parking requirements.

### **AMENDMENT TO RECOMMENDATION**

Page 113 Paragraph 11.1

Due to the submission of amended plans, conditions 2 and 4 of the recommendation has been amended as follows:

2. The development hereby permitted shall be carried out in accordance with the following approved plans and other submitted details received by the Local Planning Authority:
- Site Location and Block Plan - Drawing Number: 010 D - Received 16th July 2019
  - Proposed Plans - Drawing Number: 200 L - Received 10th July 2019
  - Proposed Plans - Second Floor Option - Drawing Number: 202 J - Received 10th July 2019
  - Proposed Elevations - Drawing Number: 201 M - Received 10th July 2019
  - Rear Garden Levels - Drawing Number: 020 - Received 11th June 2019

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

4. The associated vehicle parking shown in the approved drawing shall be kept available for parking at all times.

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

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

Informative 2 has been updated as follows:

2. No details are required to be submitted in relation to the following conditions; however, they are required to be complied with:

1. Time limit
2. Approved plans
4. Parking
6. Proposed side windows
7. Proposed rooflights
8. Future side windows

The applicant is advised that the following conditions require discharging prior to commencement of development:

3. Materials
5. Tree protection

**Item No: 12**

**19/00176/FUL**

**Land Between 95 and 101 Prince Andrew Way Ascot Berkshire SL5 8NH**

**AMENDMENT TO RECOMMENDATION:**

Condition 2 should be amended to read:

The development hereby permitted shall be carried out only in accordance with the following approved plans and documents received by the Local Planning Authority on 3 March 2016:

C12037.16.001 Location Plan - received on 3 March 2016

AZ/PLAN/005: Proposed ground floor plans showing location of void openings - received 1 June 2019

JANJUA/PLAN/004: Proposed first floor plan - received on 7 June 2019

AZ/PLAN/001/Rev-1: Proposed Front and Rear Elevations - received on 12 June 2019

AZ/PLAN/002/Rev-1: Proposed side elevations - received on 12 June 2019

And the following plan received on 18 July 2019:

AZ/PLAN/003/REV-1: Proposed ground floor plans

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

**Additional informative as follows:**

The Street Care Team at Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 352000 should agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks notice to obtain details of underground services on the applicant's behalf.

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**Item No: 13**

**19/00452/FUL**

**16 Oswald Close Warfield Bracknell Berkshire RG42 3SU**

**AMENDEMENT TO OFFICER REPORT**

Page 129 Paragraph 6.1

Warfield Parish Council commented on the application and advised that the garage had previously been converted without planning permission.

[Officer Note: This application is not for the conversion of the garage which would be a separate planning enforcement matter.]

**AMENDMENT TO RECOMMENDATION**

Page 132 Paragraph 11.1

An amended plan has been received showing rear doors rather than windows and stating that the garage conversion does not form part of this planning application. As such, condition 2 of the recommendation has been amended as follows:

2. 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:

- Existing Floor Plans, Elevations & Local Plan - Drawing Number: 01 A - Received 20th May 2019
- Proposed Floor Plans, Elevations & Roof Plan - Drawing Number: 02 D - Received 18th July 2019

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