

Notice of Meeting

Planning Committee – Advisory Meeting

Councillor Dudley (Chairman),
Councillor Brossard (Vice-Chairman),
Councillors Angell, Dr Barnard, Bhandari, D Birch, Brown, Gbadebo,
Green, Mrs Hayes MBE, Heydon, Mrs Mattick, Mrs McKenzie,
Mrs McKenzie-Boyle, Mossom, Parker, Skinner and Virgo

Thursday 19 August 2021, 6.30 pm
Zoom Meeting



Agenda

Recommendations arising from this meeting will be considered in accordance with the delegations approved by Council on 28 April 2021.

Item	Description	Page
1.	Apologies for Absence	
	To receive apologies for absence. Reporting: ALL	
2.	Minutes	5 - 8
	To approve as a correct record the minutes of the meeting of the Committee held on 28 July 2021. Reporting: ALL	
3.	Declarations of Interest	
	Members are asked to declare any disclosable pecuniary or affected interests in respect of any matter to be considered at this meeting. Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Disclosable Pecuniary Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days. Any Member with an Affected Interest in a matter must disclose the interest to the meeting. There is no requirement to withdraw from the meeting when the interest is only an affected interest, but the Monitoring Officer should be notified of the interest, if not previously notified of it, within 28 days of the meeting. Reporting: ALL	
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. Reporting: Hannah Harding	

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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.

5.	PS Application No 21/00361/PARC - Lavenir, Opladen Way, Bracknell	15 - 28
	Prior Notification requirement under Class AA of Part 20 of the GPDO for a two storey roof extension to form 35 apartments. Reporting: Sarah Fryer	
6.	PS Application No 21/00023/FUL - Binfield House, Terrace Road North, Binfield	29 - 58
	Refurbishment and conversion of Binfield House into 9 retirement apartments incorporating internal and external alterations and erection of new buildings containing 9 retirement dwellings, following demolition of existing single storey buildings, together with associated parking and landscaping. Reporting: Katie Andrews	
7.	PS Application No 21/00347/FUL - Land At Whitmoor Bog, North Of The Railway Line, Swinley Road, Ascot	59 - 76
	Application to change the description of the permitted use of part of the managed woodland Crown Estate, known as Whitmoor Bog, Swinley Road, Ascot and extending the period of use that already allows the continued permanent, seasonal occupation of the site by Lapland UK in order for them to create their Winter Wonderland experience including the erection of temporary structures and to seek minor amendments to some of the conditions already applied for under planning permission 15/01006/FUL. Reporting: Paul Corbett	
8.	Application No 21/00024/LB - Binfield House, Terrace Road North, Binfield	77 - 86
	Application for Listed Building Consent for refurbishment and conversion of Binfield House into 9 retirement apartments incorporating internal and external alterations and erection of new buildings containing 9 retirement dwellings, following demolition of existing single storey buildings, together with associated parking and landscaping. Reporting: Katie Andrews	
9.	Application No 21/00172/3 - Braybrooke Recreation Ground, Makepiece Road, Bracknell	87 - 96
	Erection of 2no re-purposed wooden structures. One, a Scout Hut for a local Scout group and the other a classroom for Bracknell Town Council. Reporting: Olivia Jones	

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10.	Application No 21/00233/FUL - Coopers Hill Youth and Community Centre, Crowthorne Road North, Bracknell	97 - 126
	Demolition and comprehensive re-development (phased) to provide residential accommodation (52 Units) (Use Class C3) and ancillary works including access, car parking, cycle parking, landscaping and associated works. Reporting: Margaret McEvit	
11.	Application No 21/00235/FUL - 8 Dale Gardens, Sandhurst	127 - 134
	Erection of single storey rear extension, installation of side facing dormer plus partial garage conversion. Reporting: Alexander Ralph	
12.	Application No 21/00352/FUL - Nuptown Piggeries, Hawthorn Lane, Warfield	135 - 144
	Section 73 application for the variation of condition 15 (external lighting) to planning permission 19/00930/FUL for the erection of 3 x detached dwellinghouses including driveways and garages and landscaping following removal of 7 existing buildings and hardstanding at the site. [For clarification this application seeks approval for limited external lighting]. Reporting: Sarah Fryer	

Information Item

13.	Q1 2021_22 Planning Performance Report Reporting: Max Baker	145 - 152
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Sound recording, photographing, filming and use of social media is permitted. Please contact Hannah Harding, 01344 352308, hannah.harding@bracknell-forest.gov.uk, so that any special arrangements can be made.

Published: 9 August 2021

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**PLANNING COMMITTEE
28 JULY 2021
6.30 - 7.05 PM**

Present:

Councillors Dudley (Chairman), Brossard (Vice-Chairman), Bhandari, Mrs Hayes MBE and Mossom

Apologies for absence were received from:

Councillors Angell, Dr Barnard, D Birch, Brown, Gbadebo, Green, Mrs Mattick, Mrs McKenzie, Parker and Virgo

Also Present:

Councillors Heydon, Mrs McKenzie-Boyle and Skinner

38. Minutes

The minutes of the Advisory meeting of the Committee held on 15 July 2021 were noted.

39. Declarations of Interest

There were no declarations of interest.

40. Urgent Items of Business

There were no urgent items of business.

**41. PS 21/00317/PARC Parkfield House, Cambridge Road, Crowthorne, Berkshire
Prior approval application for additional storey to provide residential
accommodation comprising of 2 No. 1 bed flats and 3 No. 2 bed flats.**

The Committee noted:

- The supplementary report tabled at the meeting
- The comments of Crowthorne Parish Council as detailed in the agenda.
- The objections from Crowthorne Village Action Group as summarised in the agenda.
- The 23 objections received as summarised in the agenda.
- The representations from two public speakers who joined the meeting.

A motion to approve the recommendation in the officer report was proposed but fell at the vote.

Therefore an alternative motion to refuse the application was proposed and seconded, and on being put to the vote was **CARRIED**.

RESOLVED that application 21/00317/PARC be **REFUSED** for the following reason:

1. The proposed design by virtue of its appearance does not respect the character or form of the original host building. The proposal is therefore considered to be contrary

to Policies CS7 of the Core Strategy DPD, 'Saved' Policy EN20 of the Bracknell Forest Local Plan and Policies CR 1 and CR4 of the Crowthorne Neighbourhood Plan.

42. **21/00276/OUT Land To The Rear Of Rendcombe Terrace Road, South Binfield, Bracknell, Berkshire RG42 4DN**

Outline Application with all matters reserved except for access for the erection of a 3-bedroom dwelling with integral garage and associated access to rear of existing dwelling.

The Committee noted:

- The supplementary report tabled at the meeting
- The comments of Binfield Parish Council as detailed in the agenda.
- The 7 objections received as summarised in the agenda.
- The Design Report which had been submitted by the agent and detailed in the supplementary report.

A motion to approve the recommendation in the officer report was proposed but fell at the vote.

Therefore an alternative motion to refuse the application was proposed and seconded, and on being put to the vote was **CARRIED**.

RESOLVED that application 21/00276/OUT be **REFUSED** for the following reasons:

1. The proposed erection of a dwelling within the rear garden of Rendcombe would result in a cramped and unneighbourly form of development, to the detriment of the character of the area and the amenities of the surrounding properties. The proposed development would therefore be contrary to Policy BF1 of the Binfield Neighbourhood Plan, Policy CS7 of the Core Strategy Development Plan Document, 'Saved' Policy EN20 of the Bracknell Forest Borough Local Plan and the National Planning Policy Framework.
2. The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impacts in this respect. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Regulation 63(5) of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2017 (as amended), Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document, the Thames Basin Heaths Special Protection Area Supplementary Planning Document (2018).

43. **21/00573/FUL Froxfield, Beehive Road, Binfield, Bracknell, Berkshire RG12 8TR
Erection of first floor hipped roof side and rear extension.**

The Committee noted:

- The supplementary report tabled at the meeting
- The comments of Binfield Parish Council as detailed in the agenda.

- The 5 objections received as summarised in the agenda.

A motion to approve the recommendation in the officer report was proposed but fell at the vote.

Therefore an alternative motion to refuse the application was proposed and seconded, and on being put to the vote was **CARRIED**.

RESOLVED that application 21/00573/FUL be **REFUSED** for the following reason:

3. The bulk and massing of the extension is an overbearing unneighbourly form of development, to the detriment of the residential amenities of the occupants of Keildon. The proposed development would therefore be contrary to Policy BF1 of the Binfield Neighbourhood Plan, Policy CS7 of the Core Strategy Development Plan Document, 'Saved' Policy EN20 of the Bracknell Forest Borough Local Plan and the National Planning Policy Framework.

CHAIRMAN

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**PLEASE NOTE PLANS FOR ALL OF THE APPLICATIONS ON THIS
AGENDA CAN BE FOUND ON OUR WEBSITE
www.bracknell-forest.gov.uk**

**PLANNING COMMITTEE
19th August 2021**

**REPORTS ON PLANNING APPLICATIONS RECEIVED
(Head of Planning)**

		Case Officer	Reporting Officer
5	<p>21/00361/PARC Lavenir Opladen Way Bracknell (Harmans Water Ward) Prior Notification requirement under Class AA of Part 20 of the GPDO for a two storey roof extension to form 35 apartments. Recommendation:</p>	Sarah Fryer	Basia Polnik
6	<p>21/00023/FUL Binfield House Terrace Road North Binfield (Binfield With Warfield Ward) Refurbishment and Conversion of Binfield House into 9 retirement apartments incorporating internal and external alterations and erection of new buildings containing 9 retirement dwellings, following demolition of existing single storey buildings, together with associated parking and landscaping (amended description) Recommendation: Approve Subject To The Completion Of Planning Obligation(s).</p>	Katie Andrews	Jo Male
7	<p>21/00347/FUL Land At Whitmoor Bog North Of The Railway Line Swinley Road Ascot (Ascot Ward) Application to change the description of the permitted use of part of the managed woodland Crown Estate, known as Whitmoor Bog, Swinley Road, Ascot and extending the period of use that already allows the continued permanent, seasonal occupation of the site by Lapland UK in order for them to create their Winter Wonderland experience including the erection of temporary structures and to seek minor amendments to some of the conditions already applied for under planning permission</p>	Paul Corbett	Basia Polnik

	15/01006/FUL. Recommendation: Approve.		
8	21/00024/LB Binfield House Terrace Road North Binfield (Binfield With Warfield Ward) Application for Listed Building Consent for refurbishment and conversion of Binfield House into 9 retirement apartments incorporating internal and external alterations. Recommendation: Approve.	Katie Andrews	Jo Male
9	21/00172/3 Braybrooke Recreation Ground Makepiece Road Bracknell (Priestwood And Garth Ward) Erection of 2no re-purposed wooden structures. One, a Scout Hut for a local Scout group and the other a classroom for Bracknell Town Council. Recommendation: Approve.	Olivia Jones	Basia Polnik
10	21/00233/FUL Coopers Hill Youth and Community Centre Crowthorne Road North Bracknell (Wildridings And Central Ward) Demolition and comprehensive re-development (phased) to provide residential accommodation (52 Units) (Use Class C3) and ancillary works including access, car parking, cycle parking, landscaping and associated works. Recommendation: Approve Subject To The Completion Of Planning Obligation(s).	Margaret McEvit	Jo Male
11	21/00235/FUL 8 Dale Gardens Sandhurst Berkshire (Little Sandhurst And Wellington Ward) Erection of single storey rear extension, installation of side facing dormer plus partial garage conversion. Recommendation: Approve.	Alexander Ralph	Basia Polnik
12	21/00352/FUL Nuptown Piggeries Hawthorn Lane Warfield (Winkfield And Cranbourne Ward) Section 73 application for the variation of condition 15 (external lighting) to planning permission 19/00930/FUL for the erection of 3 x detached dwellinghouses including driveways and garages and landscaping following removal of 7 existing buildings and hardstanding at the site. [For clarification this application seeks approval for limited external lighting]. Recommendation: Approve.	Sarah Fryer	Basia Polnik

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 100A of the Local Government Act 1972 as amended.

PLANNING COMMITTEE - POLICY REFERENCES

Key to abbreviations used in the following planning reports.

BFBLP Bracknell Forest Borough Local Plan
CSDPD Core Strategy Development Plan Document
SALP Site Allocations Local Plan
RMLP Replacement Minerals Local Plan
WLP Waste Local Plan for Berkshire

SPG Supplementary Planning Guidance
SPD Supplementary Planning Document

RSS Regional Spatial Strategy (also known as the SEP South East Plan)

NPPF National Planning Policy Framework (Published by DCLG)
NPPG National 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

SITE LOCATION PLAN

For information the plans are orientated so that north is always at the top of the page.

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.

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ITEM NO: 5

Application No.
21/00361/PAR

Ward:
Harmans Water

Date Registered:
7 April 2021

Target Decision Date:
2 June 2021

C

Site Address:

Lavenir Opladen Way Bracknell Berkshire

Proposal:

Prior Notification requirement under Class AA of Part 20 of the GPDO for a two storey roof extension to form 35 apartments.

Applicant:

Mr H Schneck

Agent:

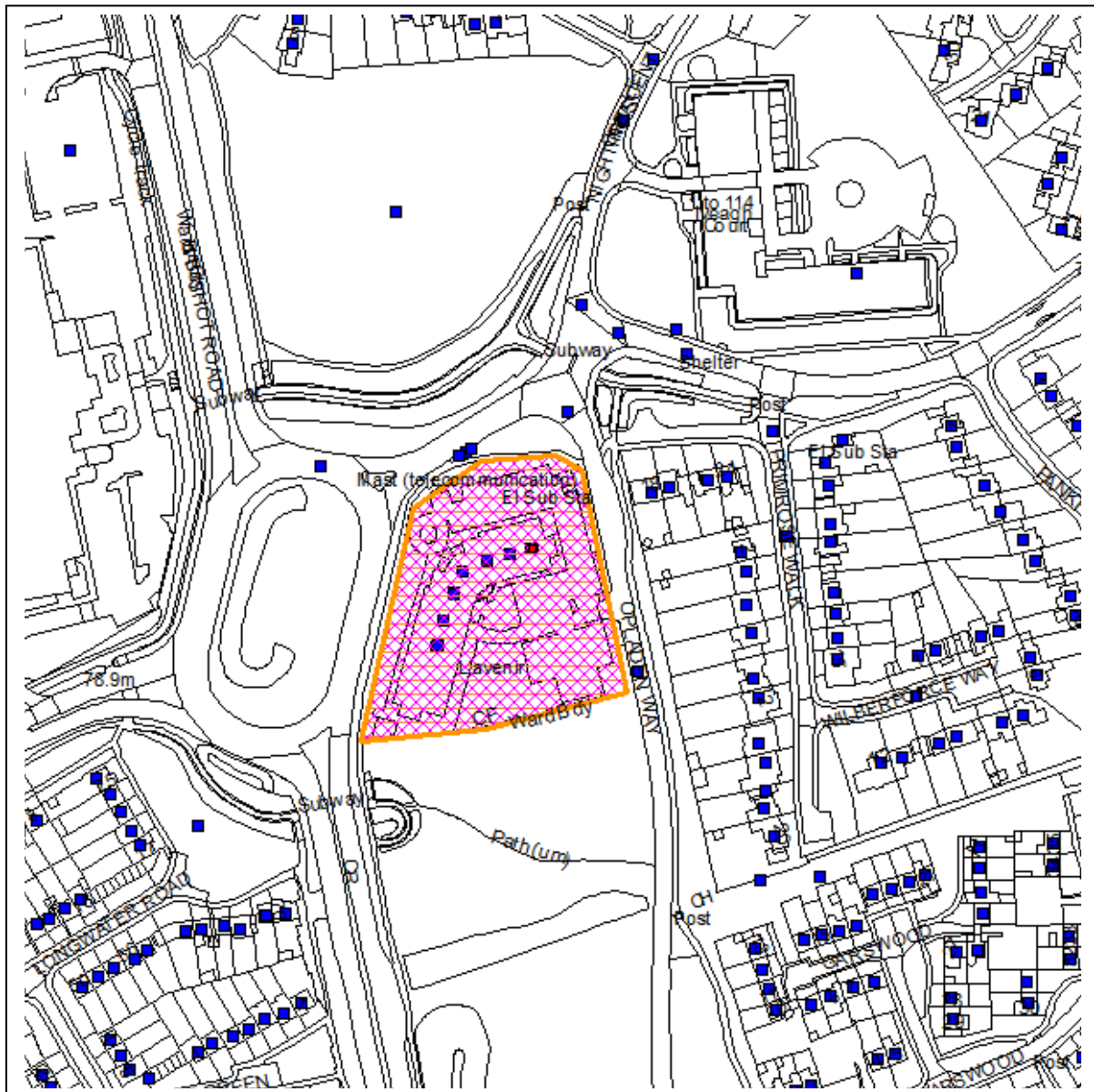
Mr A Allen

Case Officer:

Sarah Fryer, 01344 352000

development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

1.1 This is an application for prior approval under Schedule 2, Part 20 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Under Class AA, of Part 20, permitted development consists of works for the construction of up to two additional storeys of new dwelling houses immediately above the topmost storey on a detached building subject to certain criteria being met and an application for prior approval being granted by the Local Planning Authority.

1.2 This application constitutes the application for prior approval and having had regard to the criteria and conditions of Class AA, part 20 and it is recommended that prior approval be granted.

RECOMMENDATION

Prior approval be granted subject to the conditions in Section 11 of this report

2. REASON FOR REPORTING APPLICATION TO ADVISORY PLANNING COMMITTEE

2.1 The application is reported to the Advisory Planning Committee as it has received more than 5 objections.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within settlement boundary

With 5km of the SPA

3.1 This application relates to a site which borders the A322 Bagshot Road to the west, Nightingale Crescent to the north and Opladen Way to the east. To the south the site adjoins a wooded area and access to the site is from Opladen Way.

3.2 The site consists of a three storey former office building which was granted planning permission in 1988. In 2017 consent was granted for the conversion of the existing building from B1 offices to C3 residential use under Class O, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (reference: 17/00457/PAC).

3.3 The existing building is constructed from red brick with buff stone horizontal cornice detailing and strong vertical columns breaking up the glazing elements. The building has a footprint similar to a boomerang in shape sitting within a lawned space with parking located to the north and east. Additional parking is contained within a basement.

3.4 To the west of the site, and across a large traffic intersection is the Bracknell Leisure Centre with two storey residential properties within Harmans Water located to the east.

4. RELEVANT SITE HISTORY

4.1 The relevant planning history can be summarised as follows:

20/00683/PARC

Prior Notification requirement under Class AA of Part 20 of the GPDO for a part single and part two storey roof extension to form 35 apartments.

Refused

Was refused for being an incongruous form of development

17/00805/FUL

Construction of a new third floor together with a fourth floor mansard roof extension over the existing building to create new residential accommodation comprising 45no. One and two bedroom flats. (In addition to the flats granted under prior approval

17/00457/PAC).

Refused 16.08.2019 (Dismissed at appeal)

The Inspector dismissed the appeal on the harm to the character and appearance of the area, particularly on views from the east.

19/00019/FUL

External alterations to existing building. Approved 15.03.2019

17/00457/PAC

Application for Prior Approval for the change of use of offices (Class B1a) to residential Class C3) to form 69 no. apartments Consent Granted 22.06.2017

614112

Erection of a three-storey building Approved 12.01.1989

612562

Outline application for Demolition of Westwick House and erection of a building for business use (Class B1) comprising up to 45,000 sq ft gross floor area. Approved 20.06.1998

[Various application for minor works, including advertisements not considered relevant to this application]

5. THE PROPOSAL

5.1 It is proposed to erect 2 additional storeys to the top of L'Avenir, to contain 35 one and two bedroom flats. The two storeys would be directly above the main building and have been designed to replicate the building below.

6. REPRESENTATIONS RECEIVED

6.1 Bracknell Town Council

Bracknell Town Council recommends refusal for the following reasons:

- 1) This development will cause significant impact upon road safety with a considerable increase in road traffic accessing and leaving close to a busy junction.
- 2) Insufficient parking causing off site obstructive parking for other local roads and residents contrary to core strategy and local plan policies supported by the NPPF.
- 3) Adding a 2 storey roof extension to this already large building will have an overbearing impact on other local properties.
- 4) Councilors can see no significant changes to the previous application bringing them to the same conclusion to recommend refusal again.

6.2 Other Representations

44 letters have been received from different addresses objecting to the proposal on the following grounds:

- Scale and mass
- Out of character with the local area due to the height. There are no other 5 storey blocks in the area and this would tower over the existing area.
- Proposal includes multiple balconies which would overlook the properties on Primrose Walk and Wilberforce Way. [Officer Note: the balconies have been removed by an amendment].
- No affordable housing [Officer Note: There is no requirement to consider affordable housing under the prior approval procedure].
- The noise and disruption of living beneath a building site would be completely unacceptable to the existing residents of L'Avenir, especially those that work from home or work shifts and therefore sleep during the day.
- Possibility of damage to cars and flats from the construction work
- Inadequate onsite parking will result in increased parking on Primrose Walk and Wilberforce Way.
- Increased congestion on the road network from the increase in vehicles.
- Adversely affect the character of the area of semi-detached and detached dwellings.
- Increase shading of the surrounding properties.
- Existing problems with water pressure within the building which will only increase as more flats are constructed.
- Increase in the use of local services such as GPs, Schools, Dentists etc.
- Noise and light pollution.
- When L'Avenir was originally built, there was an undertaking that the new building would not exceed the height of the original Westwick building.
- Gates to the site do not work and block Opladen Way if more than one car is waiting to be let into the site.
- Bin store is consistently full and other functional problems with the site will be made worse by the proposal
- The communal gardens enjoyed now by residents will be disturbed and unusable during the construction process.
- Common law states that residents have a right to 'quiet enjoyment' of the property. This would be breached during the construction work. [Officer comment: this is a civil matter and not covered in planning legislation].
- The effect of the proposed development on the integrity of the Thames Basin Heath Special Protection Area (the SPA).
- Devalues our property.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Highway Authority

No objections subject to conditions.

7.2 Environmental Health

No objections.

7.3 Waste and Recycling

No objections.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
General policies	CS1 & CS2 of CSDPD	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
	HO 8 and HO 9 of the BTNP	Consistent
Residential Amenity	Saved Policy EN20 of BFBLP	Consistent
Parking	Saved policy M9 of BFBLP	Consistent NPPF refers to LAs setting their own parking standards for residential development, this policy is considered to be consistent.
Transport	CS23 of CSDPD	Consistent
SPA	SEP Saved Policy NRM6, CS14 of CSDPD	Consistent
Supplementary Planning Documents (SPD)		
Design SPD		
Parking Standards SPD		
Thames Basin Heath Special Protection Area (SPD)		
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		

8.2 Development Plan Policies, including the Bracknell Town Neighbourhood plan and the NPPF are considered relevant in prior approval cases, but only insofar as they relate to the development and prior approval matters.

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of Development
- ii. Transport and Highway Implications
- iii. Air traffic and defence assets impacts of development
- iv. Contamination risks in relation to the development
- v. Flooding risks in relation to the development
- vi. The external appearance of the building
- vii. Impact of any works permitted by sub paragraph (1) or (d) of Class AA
- viii. Provision of adequate natural light in all habitable rooms of the new dwelling houses
- ix. Impact upon the amenity of existing building and neighbouring premises including overlooking, privacy, and the loss of light
- x. Impacts of noise from any commercial premises on the intended occupiers of the new dwelling houses.
- xi. Impacts of the introduction of or an increase in, a residential use of premises in the area on the carrying out if any trade, business or other use of land in the area.

- xii. Whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State.
- xiii. Other issues

i. Principle of Development

9.2 This application seeks consent under Class AA, Part 20, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

9.3 Under Class AA permitted development consists of works for the construction of up to two additional storeys of new dwellinghouses immediately above the topmost storey on a detached building to which sub paragraph (2) applies, together with any or all-

- (a) engineering operations reasonably necessary to construct the additional storeys and new dwelling houses;
- (b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwelling houses;
- (c) works for the construction of appropriate and safe access to and egress from the new dwelling houses and existing premises in the building
- (d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwelling houses.

9.4 Sub paragraph (2) states that this class only applies to a building which is—

- (a) used for any purpose within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1(a) (offices) of the Schedule to the Use Classes Order, or as a betting office, pay day loan shop or launderette;
- (b) in a mixed use combining –
 - (i) two or more uses within paragraph (a); or
 - (ii) a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order, together with one or more uses within paragraph (a).

9.5 L'Avenir was constructed as purpose built office block which was its lawful use until the 2017 prior approval was implemented. The first apartments were occupied during the summer of 2020 and therefore at the key date of the 5 March 2018 it was considered that the lawful use was as B1(a) Offices and the use is considered to fall within a use specified by sub paragraph (2).

9.6 If there are no implications associated with these matters, the development is considered to be permitted development.

9.7 The table below analyses the proposal against the requirements of Class AA

	Development is not permitted by Class A if:	Complies?
a	Above ground level, the building is less than 3 storeys in height	Yes
b	The building was constructed before 1st July 1948, or after 5th March 2018	Yes
c	On 5 th March 2018 the building was in a use other than- i) a use or mixed use ii) a use falling within class C3 of the Schedule of the UCO.	Yes
d	The additional storeys are constructed other than on the principal part of the building	Yes
e	The floor to ceiling height of any additional storey is i) More than 3 metres in height, or ii) More than the floor to ceiling height of any of the existing storeys Whichever is lesser where such heights are measured internally	Yes
f	The new dwelling houses are not flats	Yes
g	The overall height of the roof of the extended building would be greater than 7 metres higher than the highest part of the existing roof (not including existing plant).	Yes
h	The extended building (not including plant) would be greater than 30 metres in height	Yes
i	Development under Class AA(1)(a) would include the provision of visible support structure on or attached to the exterior of the building upon completion of the development	Yes
j	Development under Class AA(1)(a) would include engineering operations other than works to: i) strengthen existing walls; ii) strengthen existing foundations: or iii) install or replace water, drainage, electricity, gas or other services.	Yes
k	In the case of Class AA(1)(b) development there is no existing plant on the building	Yes
l	In the case of Class AA(1)(b) development (works replacing or for new plant) the height of any replaced or additional plant is no higher than any existing plant.	Yes (no plant proposed)
m	In the case of Class AA(1)(c) development (works to the access, doors etc.) would extend beyond the curtilage of the existing building	Yes
n	In the case of Class AA(1)(d) development would; i) Extend beyond the curtilage of the existing building.	Yes

	ii) be situated on land forward of a wall forming a principal elevation of the existing building: or iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building; or	
o	The land or site on which the building is located, is or forms part of: i) article 2(3) land (conservation areas, AONBs etc.): ii) site of special scientific interest iii) a listed building or land within its curtilage iv) a scheduled monument or land within its curtilage v) a safety hazard zone vi) a military explosives storage area: or vii) land within 3 km of the perimeter of an aerodrome.	Yes

9.8 From the analysis above, the application is considered to meet the requirements of AA.1 and is therefore considered to be permitted development.

9.9 However, under paragraph AA.2, before beginning the development the developer must apply to the local planning authority for prior approval for:

- a) transport and highway implications,
- b) air traffic and defence asset impacts of the development
- c) contamination risks in relation to the development
- d) flooding risks in relation to the development
- e) the external appearance of the building, including-
 - i. the principal elevation; and
 - ii. any side elevation that fronts a highway; and
- f) the impact of any works permitted by sub paragraph (1) or (d) of Class AA.
- g) provision of adequate natural light in all habitable rooms of the new dwelling houses
- h) impact upon the amenity of the existing building and neighbouring premises including overlooking, privacy, and the loss of light
- i) impacts of noise from any commercial premises on the intended occupiers of the new dwelling houses
- j) impacts of the introduction of or an increase in, a residential use of premises in the area on the carrying out of any trade, business or other use of land in the area;
- k) whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State.

9.10 These are assessed in turn below.

ii. Transport and Highway Implications

9.11 A parking plan has been submitted, this shows 86 car parking spaces in the basement and 81 spaces at ground floor level, giving a total of 167 spaces.

9.12 The permitted and proposed developments require a total of 150 car parking spaces, comprising 98 spaces required for the development approved under 17/00457/PAC and 52 spaces (including visitor spaces at 1 per 5 units) required for this application, to accord with the Parking Standards SPD (March 2016) and therefore the amount of car parking available is sufficient.

9.13 Details of additional cycle parking and provision of electric vehicle charging infrastructure for 1 in 5 of the spaces for the development (10 spaces) have not been provided and are therefore requested by condition.

iii. Air traffic and defence assets impacts of development

9.14 There are no defence bases which would be affected and the building is too low to affect air traffic.

iv. Contamination risks in relation to the development

9.15 As the proposal is for additional storeys to an existing building, there is no contaminated land concern.

v. Flooding risks in relation to the development

9.16 The site is within Flood Zone 1 and there are no records of flooding being reported to the Council.

9.17 Reports relating flooding from the Thames Water Sewage system have been noted. The applicant will have to ensure they have any applicable consents.

vi. The external appearance of the building

9.18 Policies CS7 of the CSDPD and EN20 of the BFBLP support proposals which are appropriate in scale, mass design and materials.

9.19 Amended plans have been received and the design features and details have been replicated on the two floors above. The glazing elements and vertical pillars continue up proving a greater consistency and therefore cohesive appearance to the built form as a whole. It is therefore considered that the proposal now relates well to the building below, presenting a cohesive and appearance to the building.



9.20 Additional floors are permitted development and the proposal does not exceed the height of the limits specified within the GPDO, providing they are appropriately designed, the additional mass and bulk is acceptable. This is being reflected in appeal decisions such as appeal ref: APP/T1410/W/20/3263486 concerning Seaforth Court, 91 Victoria Drive Eastbourne. stated:

13. For the purposes of assessing whether prior approval should be granted, I consider the assessment of the matter in dispute is limited to the external appearance of the building rather than its effect on the wider area. The Framework is only relevant so far as it relates to the subject matter of the prior approval, in this case the external appearance of the building.

14. Even if a wider interpretation of the matter to be considered under prior approval is taken,

the principle of upward extension of up to 2 storeys is established by the permitted development right in Part 20, Class A of the 2015 Order, and the matters requiring prior approval need to be interpreted in the context of that principle.

9.21 Objections have also questioned how can this application be considered when a previous scheme for 2 floors was refused and dismissed at appeal. This historical application was a Full planning application in which the decision maker (whether that was the LPA or the Planning Inspector) could consider the application in terms of the impact upon the character and appearance of the surrounding area. Following the dismissal of the application at appeal, SI 2020 no. 755 and came into force on 31st August 2020. This application is therefore not a full application and can only be determined on a more limited basis as set out within the GPDO.

9.22 Accordingly the mass and bulk as a result of the proposed two additional storeys are permitted development and cannot be a reason for refusal neither can the impact upon the character and appearance of the area.

9.23 The design is considered to be consistent with and relate well to the host building. Therefore there are no objections to the design and appearance of the proposal.

vii. Impact of any works permitted by sub paragraph (1)(c) or (d) of Class AA

9.24 Sub paragraph (1) (c) relates to works for the construction of appropriate safe access to and egress from the new dwelling houses including external doors or staircases.

9.25 Sub paragraph (1) (d) relate to ancillary structures considered to be reasonably necessary to service the new dwelling houses. Such as bin or cycle stores.

9.26 No new structures are required in relation to sub paragraph (1) (c). The current bin store would be utilised and is considered large enough to provide for sufficient bin storage.

viii. Provision of adequate natural light in all habitable rooms of the new dwelling houses

9.27 All of the habitable rooms to the proposed new residential units have external windows of a suitable size providing adequate natural light into each habitable room. There are no objections on these grounds.

ix. Impact upon the amenity of existing building and neighbouring premises including overlooking, privacy, and the loss of light

9.28 The nearest residential properties, not within the building, to the proposal are located to the east of the proposal and comprise the properties on Primrose Walk and Harmans Water Road.

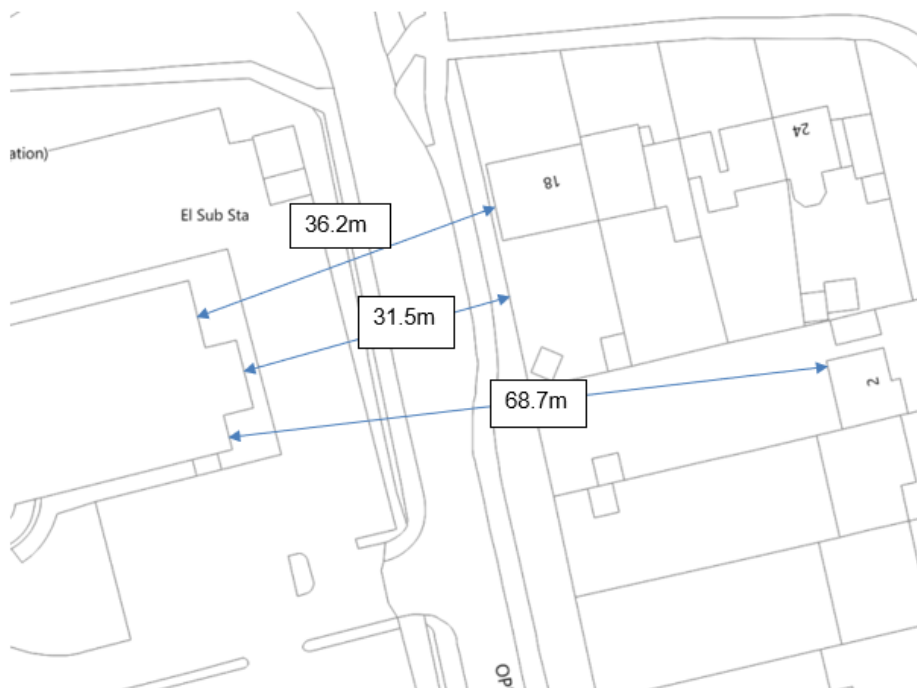
9.29 No. 18 Harmans Water Road is located 31.3 m from the projecting stairwell on the east elevation (35.9m from the elevation). No windows are proposed to be inserted into this elevation. The walls will be clad in the opaque material used in the rest of the building. The extract of the floor plan below shows that no windows are proposed facing towards the properties of Harmans Water Road or Primrose Walk.



9.30 The properties to Primrose Walk are located further away at a distance of 68m to the rear elevation of no. 2 Primrose Walk, and 34m to the garden boundary.

9.31 The distances mentioned within the Design SPD relate to window to window distance. As there are no proposed windows in the east elevation facing the flank elevation of 18 Harmans Water or Primrose Walk there is not an adverse impact from overlooking.

9.32 Given the distances involved, orientation of the properties and neighbouring dwellings, it is not considered that the proposal would result in an overbearing relationship.



9.33 Accordingly it is not considered that the proposal would result in additional loss of privacy harmful to the occupiers of nearby properties, or that there would be any significant harm to the amenity of the exiting occupants of the building that would render the scheme unacceptable.

x. Impacts of noise from any commercial premises on the intended occupiers of the new dwelling houses

9.34 The Environmental Health Officer has looked at the surrounding land uses and noted that the leisure centre on the opposite side of the roundabout, has some noise generating plant. There is housing significantly closer than this proposal and noise from road traffic would be expected to be the dominant noise source at this location with noise from the leisure centre far below background noise, therefore there are no commercial noise objections.

xi. Impacts of the introduction of, or an increase in, a residential use of premises in the area on the carrying on of any trade, business or other use of land in the area.

9.35 As above, there is no commercial land uses in proximity to the site which would be affected by additional units.

xii. Whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State.

9.36 There are no protected views that the proposal would impact upon.

xiv. Other issues

Thames Basin Heaths SPA

9.37 The application site is within 5km of the SPA.

9.38 The GPDO is an order which grants permission for development subject to the conditions set out within the document and any the decision taker may impose. Under Article 3(1) of the General Permitted Development Order and regulations 73 to 76 of the Conservation of Habitats and Species Regulations 2017, a development must not be begun or continued before the developer has received written notice of the approval of the local planning authority.

9.39 The requirement for written approval of the Council prior to the commencement of development is therefore embedded in legislation that seeks to protect the integrity and features of the protected species. Accordingly, this aspect of the process falls outside of the prior approval regime but to comply with relevant legislation the scheme would not be able to progress without the necessary mitigation being provided.

Disruption during building works

9.40 Objections have been raised regarding the noise disturbance, dust and use of the parking spaces during building works of the current residents in L'Avenir .

9.41 Development permitted under Class AA is subject to certain conditions including:

Any development under Class AA is permitted subject to the condition that before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.

9.42 However this does not require the report to be approved by the local planning authority or for the development to be undertaken in accordance with report. Accordingly, a condition is proposed to ensure that the local planning authority agree the details and the construction work is

undertaken in accordance with the approved scheme to ensure that as much mitigation as practically possible is provided for existing residents.

10. CONCLUSIONS

10.1 This is an application for prior approval under Schedule 2, Part 20, Class AA of the General Permitted Development Order. Under the application, the Local Planning Authority can only consider a limited number of considerations, as set out above.

10.2 The design has been amended to replicate the style and design of the host building. According the proposal is considered acceptable on design grounds. In addition, the building is considered to be sited a sufficient distance from neighbouring properties, and no windows are proposed directly facing the nearest dwellings. There is sufficient onsite parking and the bin store is large enough to accommodate the number of bins required.

10.5 It is therefore considered that the proposed development complies with 'Saved' policies M9, and EN20 of the BFBLP, Policies CS7 and CS23 of the CSDPD and the NPPF. Accordingly, the application is considered to comply with Part 20, Class AA of the GPDO, subject to the conditions within AA.2. of Part 20 Class AA and therefore the recommendation is to grant prior approval.

11. RECOMMENDATION

11.1 The Assistant Director: Planning be recommended to grant prior approval 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:

- JW879-160 (Existing Site and Block Plan)
- JW879-151 Rev A (Existing plans Basement and Ground floor)
- JW879-152 (Existing plans First and Second Floors)
- JW879-162 (Existing elevations)
- JW879-163 Rev C (Proposed Plans Third and Fourth Floor)
- JW879-164 Rev C. (Proposed elevations, proposed strip section)

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

02. The associated vehicle parking and turning space as shown on drawing JW879-160 shall be kept available for parking and turning 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]

03. 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 45 cycles. No dwelling hereby approved shall be occupied until the approved scheme has been implemented. The facilities shall thereafter be retained.

REASON: In the interests of accessibility of the development to cyclists.

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

04. No dwelling hereby approved shall be occupied until the details of infrastructure to support electric vehicle charging points with an output of at least 7kw per charging point for at least 10 car parking spaces within the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby approved shall be occupied until

the approved electric vehicle charging infrastructure has been provided. Thereafter the electric vehicle charging infrastructure shall be retained unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure adequate provision of spaces for charging plug-in low emission vehicles.

[Relevant Policies: BFBLP M9, NPPF paragraphs 105 e) and 110 e)]

05. Prior to the commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority demonstrating how the effects of construction will be mitigated. The scheme shall include:
- (a) hours of construction operation
 - (b) how adverse impacts of noise, dust and vibration on occupiers of the building and adjoining occupiers will be mitigated.
 - (c) How the site shall be set out to enable storage of materials, welfare facilities, loading and unloading of plant and materials and parking of site operatives.
 - (d) Parking and access for residents during construction.
- The scheme shall be implemented as approved.
- REASON: To protect the amenities of neighbouring residents and highway safety
[Relevant Policies: BFBLP EN20, M9, Core Strategy DPD CS23]

Informative(s)

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. Your attention is drawn to the conditions under Schedule 2, Part 20, Class AA, of the GPDO, which must be complied with. This includes details of the mitigation proposed to protect existing residents during the construction process and to complete the proposal within 3 years of the date of the prior approval permission.
03. Under Article 3(1) of the General Permitted Development Order and regulations 73 to 76 of the Conservation of Habitats and Species Regulations 2017, a development must not be begun or continued before the developer has received written notice of the approval of the local planning authority. This will require the LPA to undertake an appropriate assessment and the applicant will be required to enter into a legal agreement to secure the relevant mitigation. Further information can be obtained from: [Thames Basin Heaths SPA Supplementary Planning Document | Bracknell Forest Council \(bracknell-forest.gov.uk\)](#)

ITEM NO: 6

Application No.
21/00023/FUL
Site Address:

Ward:
Binfield With Warfield

Date Registered:
11 January 2021

Target Decision Date:
12 April 2021

Binfield House Terrace Road North Binfield Bracknell Berkshire

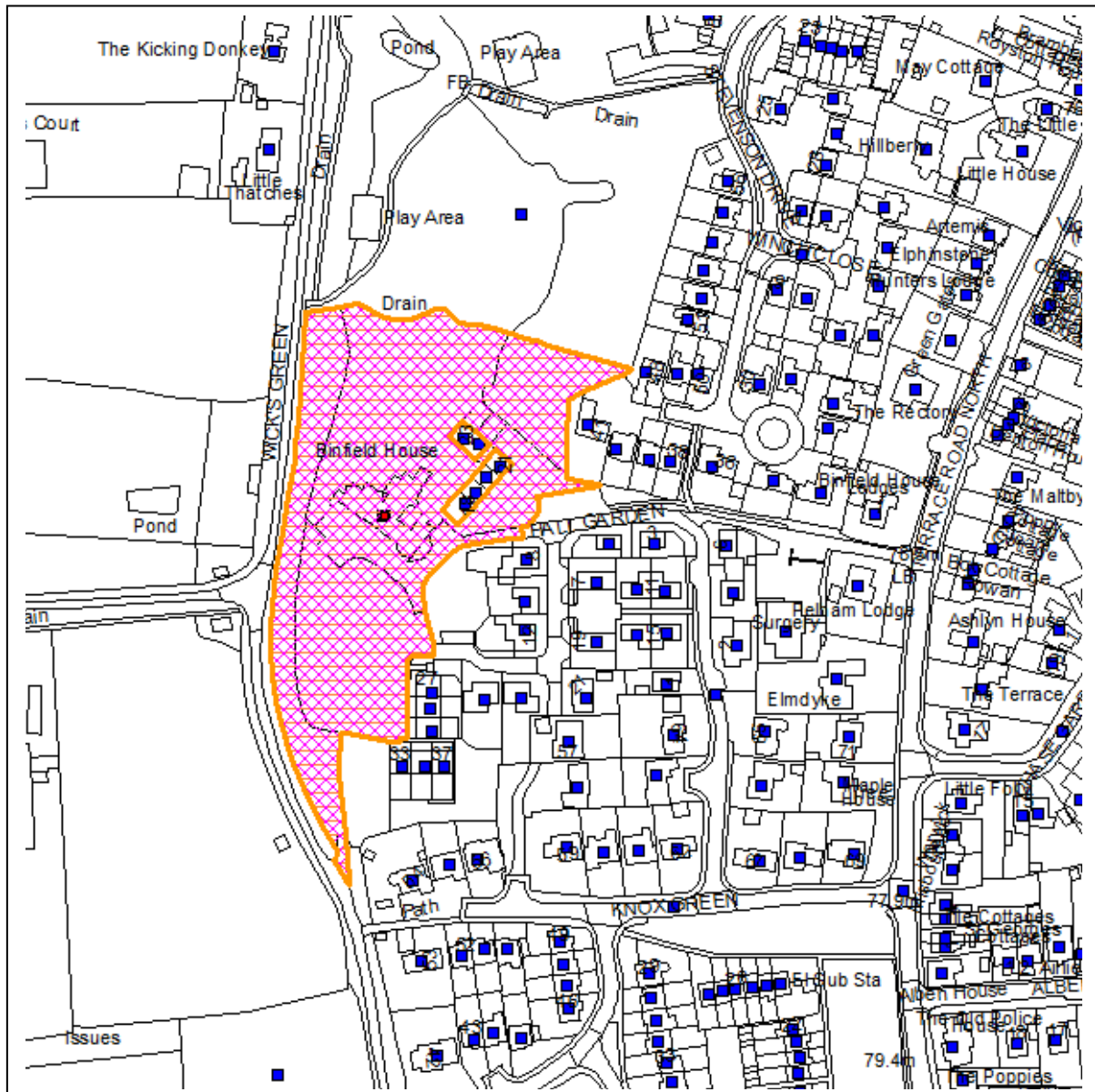
Proposal: **Refurbishment and Conversion of Binfield House into 9 retirement apartments incorporating internal and external alterations and erection of new buildings containing 9 retirement dwellings, following demolition of existing single storey buildings, together with associated parking and landscaping**

Applicant: Brett Jacobs

Agent: Mr Christopher Colloff

Case Officer: Katie Andrews, 01344 352000
development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1.0 SUMMARY

1.1 This application relates to Binfield House which is a Grade II Listed Building located within the Wicks Green Conservation Area and within the designated settlement. The application is for the refurbishment of Binfield House to provide 9 retirement apartments and the erection of 9 dwellings to the rear with associated access and parking, following the demolition of the existing bungalows.

1.2 The proposal is considered to respect the Listed Building and its setting and would preserve and enhance the Conservation Area. The proposal is considered to respect the character and appearance of the area, be appropriate in design and appearance, and not adversely affect the amenities of either existing or future residents.

1.3 The proposal provides policy compliant parking and a safe and functional vehicular access.

RECOMMENDATION

Planning permission be granted subject to conditions in Section 11 of this report and a section 106 agreement relating to bio-diversity net gain, highways, occupancy by over 55's and maintenance of drainage.

2.0 REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application has been reported to the Planning Committee following the receipt of more than 5 letters of objection.

3.0 PLANNING STATUS AND SITE DESCRIPTION

3.1 The site relates to Binfield House, a Grade II Listed Building; an L-shaped terrace of 6no. single-storey dwellings lying to its east; and adjoining land which is located in the Wicks Green and Monks Alley Conservation Area.

3.2 The site is located to the west of Terrace Road North and is situated within the western edge of the defined settlement of Binfield. Vehicular access to the site is from Knox Green to the south-east, through a recently built residential development on the site of the former Council plant nursery, now known as Hall Garden. This development contains the walls of a former walled garden associated with Binfield House which are Grade II Listed. In addition to the vehicular access there is pedestrian access to Wicks Green, which bounds the site to the west, and Terrace Road North to the east.

3.3 Houses at Stevenson Drive lie to the east and Wicks Green open space to the north.

3.4 Trees on the site are covered by a tree preservation order (TPO 1280).

PLANNING STATUS

Within settlement boundary

Grade II Listed Building

Wicks Green and Monks Alley Conservation Area

Tree Preservation Order TPO 1280

4.0 RELEVANT SITE HISTORY

4.1 The relevant planning history can be summarised as follows:

4.2 601097: Conversion of house into flatlets for old people with wardens flats and separate self-contained flat on second floor. Also provision of steel fire escape and replacement of some old windows for new. APPROVED 1975

4.3 601871: Erection of six old people's bungalows with six parking bays. APPROVED 1978

4.4 21/00024/LB: Application for Listed Building Consent for refurbishment and conversion of Binfield House into 9 retirement apartments incorporating internal and external alterations and erection of new buildings containing 9 retirement dwellings, following demolition of existing single storey buildings, together with associated parking and landscaping. Considered elsewhere on this agenda.

5.0 THE PROPOSAL

5.1 The proposal consists of the refurbishment of Binfield House to provide 9 retirement apartments and the erection of 9 dwellings to the rear with an associated access and parking, following the demolition of the existing bungalows.

5.2 Binfield House is a Grade II Listed Building which contains 16 flats/bedsits currently. Listed Building consent is required for all works of demolition, alteration or extension and a Listed Building Consent application is considered elsewhere on this agenda. The proposal would reduce the mix of accommodation to 8 x 2 bed flats and 1 x 1 bed flat.

5.3 Externally on Binfield House it is proposed to remove an external fire escape and to build 2 x rear terraces accessed through sliding doors, replacing an existing sash window, and introducing a new window to the northeast elevation.

5.4 The plans have been amended since they were initially submitted to reduce the number of units in the grounds from 12 to 9 units. This has been achieved by removing two garages with flats above and a unit from the proposed terrace.

5.5 The proposals for the replacement buildings consist of the demolition of the existing L-shaped, single-storey sheltered accommodation range to the east of the Listed Building which contains six, one bedroom terraced bungalows.

5.6 The amended 9 replacement cottages would form an L-shape in two terraces and are designed in a traditional local vernacular form with a mix of high quality brickwork with render being used to add detail including chimney features, plain tiles and projecting gables with terrace extending to 1.5 storeys. A two-storey element would be located the furthest away from the principal elevation of the Listed Building.

5.7 Parking for these units is located along Hall Garden using the existing parking and increasing it by 2 spaces to 11 parking spaces in total. A bin and cycle store has been shown behind these spaces.

5.8 The parking for Binfield House was previously located to the front of the building and this has been increased by 2 spaces to provide an overall provision of 11 parking spaces. A bin store has been shown behind the spaces.

5.9 The dwellings are proposed to be retirement homes for occupation by the over 55s.

6.0 REPRESENTATIONS RECEIVED

Binfield Parish Council

6.1 Recommend refusal of the application for the following reasons:

Binfield Parish Council has no objection to the proposed sympathetic refurbishment to Binfield House but wishes to RECOMMEND REFUSAL of this application, as it is presented for the following reasons:

- (i) Over development of the site with 12 two storey houses replacing 6 single storey bungalows. This is not in line with the BNP policy BF1 Backland and infill development.
- (ii) Significant harm to the setting of the Grade II Listed Binfield House by taking away the open aspect at the rear.
- (iii) Significant detrimental impact on the conservation area with the addition of 12 two storey properties.
- (iv) Whilst the proposal is to use Knox Green/Hall Gardens for construction traffic access, and it is recognised this will create significant disruption to residents, if this does change to be routed along Wicks Green this will have a serious detrimental impact on the verges and the amenity nature of the lane.

6.2 In respect of the revised plans the following comments were made:

Binfield Parish Council previously objected to this development – and has reconsidered in the light of the revised plans. It is noted that this is a major improvement on the previous plans and Beechcroft should be thanked for their efforts.

However, whilst still has no objection to the proposed sympathetic refurbishment to Binfield House, Binfield Parish Council wishes to RECOMMEND REFUSAL of this application, as it is re-presented for the following reasons:

- (i) Over development of the site with 9 x 1.5 storey houses replacing 6 single storey bungalows. This is not in line with the BNP policy BF1 Backland and infill development.
- (ii) Whilst less harm than the last plan, there is still significant harm to the setting of the Grade II Listed Binfield House by taking away the open aspect at the rear.
- (iii) And therefore, it remains that this development has a detrimental impact on the conservation area.
- (iv) Should the development go ahead the parish would welcome a conversation about a pedestrian accessible route to Wicks Green/Silver Jubilee Open Space.

Other representations

6.3 15 letters of objection were received on the original plans raising the following objections:

- Proposal does not protect Binfield House, a Grade II Listed Building.
- The continued destruction of the grounds would significantly harm the setting of a Listed Building and Conservation Area.
- Loss of privacy, daylight and sunlight.
- Overbearing
- Disturbance through noise, fumes and odours.
- Out of character with existing buildings.
- Trees not shown on tree plans or hedging.
- Land ownership questions.
- One storey accommodation would be preferable as more in keeping.
- Building line for some of the new apartments too close to some properties.
- Object to access given for construction vehicles and associated staff being via Knox Green and Hall Garden – used as a walkway to the village and school.
- Increased traffic flow via Hall Gardens and pedestrian walkway.

- Physical redevelopment of Binfield House for elderly, over 55 residents welcomed.
- Existing driveway access from Binfield House onto Wickes Green should be shut.
- Development boundary not consistent.
- Wickes Green should be used as a construction access.
- Consideration should be given to a means of access to Binfield House via its original route.
- Lack of parking.

6.4 2 further letters of objection were received on amended plans raising the following additional matters:

- Site plan appears to encroach on land owned by Jardin Ltd who own the Hall Garden development. *Officer Comment: Ownership comments have been followed up with the applicant and officers are satisfied that the correct ownership certificates have been signed.*
- Bin store would result in smells and fumes and noise from emptying bins.
- Harm to trees from bin store.

6.5 1 x letter of support on amended plans raises the following additional matters:

- Support application following amendments.

7.0 SUMMARY OF CONSULTATION RESPONSES

Highways Officer

7.1 No objection on amended plans subject to conditions and a S106.

Environmental Health

7.2 No objection subject to conditions

Tree Officer

7.3 No objection subject to conditions.

Biodiversity Officer

7.4 No objection subject to S106 contributions for monitoring and contingency to ensure that the biodiversity net gains are delivered and maintained for a period of 30 years. Conditions are required to ensure the protection and enhancement of biodiversity.

Heritage Consultee

7.5 No objection on amended plans subject to conditions

Waste and Recycling Officer

7.6 No objection

Landscape Officer

7.7 No objection subject to detailed landscape plans.

Lead Local Flood Authority

7.8 No objection on amended drainage strategy subject to s106 and conditions

Thames Water

7.9 No objection following clarification of the location of an off site pumping station and that the new buildings will be located more than 15m from it. Informatives required.

Thames Basin Heaths SPA

7.10 No objection as site not within 5km of the Thames Basin Heaths SPA and not for more than 50 dwellings.

8.0 MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	Limited (policy not used in planning application decision-making) Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Parking	Saved policy M9 of BFBLP	Consistent NPPF refers to LA's setting their own parking standards for residential development, this policy is considered to be consistent.
Trees & Landscaping	CSDPD Policies CS1 & CS7 BFBLP 'Saved' Policies EN1, EN2 & EN20	Consistent (paras. 130 & 174)
Heritage	CSDPD Policies CS1 & CS7	Consistent (paras. 194 to 208)
Drainage	CS1 of CSDPD	Consistent (paras. 167 & 169)
Biodiversity	CSDPD Policies CS1 & CS7 BFBLP 'Saved' Policies EN1, EN2 & EN20	Consistent (paras. 170 & 180)
Noise and Pollution (including Land Contamination)	CSDPD Policy CS1 BFBLP 'Saved' Policy EN25	Consistent (paras. 120, 174, 183 & 185)
Sustainability (Renewable Energy and Water Use)	CSDPD Policies CS10 & 12	Consistent (para. 153)
Securing Necessary Infrastructure	CSDPD Policy CS6	Consistent (para. 55 to 57, 93 and 95)
Supplementary Planning Documents (SPD)		
Conservation Area SPD		

Parking standards SPD Planning Obligations SPD (2015) Thames Basin Heath SPA SPD Design SPD
Other publications
National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)

8.2 In addition, the Binfield Neighbourhood Plan was adopted in 2016. The relevant policies from this which are considered consistent with the NPPF are:

Policy CO1: High Speed Broadband
 Policy BF2: Protection of Heritage Assets

8.3 It is noted that Binfield Parish Council have referred to Policy BF1 in their representation under para 6.1. This policy refers to infill and backland development however this application refers to a redevelopment of the site and not infill or backland development.

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of Development
- ii. Heritage
- iii. Impact on Character and Appearance of Area
- iv. Trees and Landscape
- v. Impact on Residential Amenity
- vi. Transport and Highways Considerations
- vii. Biodiversity
- viii. Sustainability
- ix. Surface Water Drainage/Flood risk
- x. Thames Basin Heaths Special Protection Area
- xi. Waste and recycling
- xii. Affordable Housing
- xiii. Community Infrastructure Levy (CIL) and S106 Contributions

i. Principle of Development

9.2 The site is located within the settlement boundary and constitutes previously developed land which has previously been used as sheltered housing under a C3 use class.

9.2 The proposed development would result in the loss of C3 sheltered housing comprising 16 no. units within Binfield House and 6 x one bed bungalows to be replaced by 9 apartments and new buildings containing 9 dwellings in a C3 use class but proposed to be restricted to over 55 accommodation. This would result in a net loss of 4 units.

9.3 Policy H11 of the BFBLP would be engaged. This policy, which is considered consistent with the NPPF, seeks to retain existing housing stock. The policy does advise, however, under (i) that an exception could be made where:

(i) A change of use is the only way of ensuring that a building listed as being of special architectural or historic interest could be kept in good order.

9.4 The applicants have advised that the existing accommodation is not fit for purpose and that the refurbishment of the listed building will result in a reduction in the number of the residential units within the building from 16 flats/bedsits to 8 x two bedroom and 1 x one bedroom flats.

9.5 The reduction in the number of units allows for the restoration and preservation of the building and would be partially mitigated through the provision of additional residential development to the east of the listed building replacing the existing bungalows.

9.6 The proposed refurbishment of the listed building will result in enhancement of the building which has had a number of incongruous alterations and extensions with the historic plan form of the building lost with a large number of decorative features removed. The proposals will result in internal refurbishment of the building together with external works including the removal of the existing fire escape and the demolition of a single storey rear extension which will help to enhance the setting of the listed building and preserve its character.

9.7 The new build residential development in the grounds will ensure that in total the loss of residential is minimised, resulting in a net loss of four residential units.

9.8 The proposal is therefore considered to be acceptable in principle and will secure the future protection and use of the Listed Building.

ii Heritage

9.9 Binfield House is Grade II Listed and was added to the statutory list in December 1972. The house is also within the Wicks Green Conservation Area which was designated in January 2019.

Planning (Listed Buildings and Conservation Areas) Act 1990

9.10 Section 66(1), in the determination of applications affecting the setting of a Listed Building, states that:

'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Curtilage Listing and Fixtures

9.11 Fixtures and curtilage buildings, that is any object or structure which is fixed to the building or is within the curtilage and forms part of the land and has done so since before July 1948, are also treated as part of the building for the purposes of listed building control.

Conservation Areas

9.12 Section 69 of the Act imposes a duty on local planning authorities to pay special attention to the desirability of preserving or enhancing a conservation area when deciding planning applications.

Wicks Green and Monks Alley Conservation Area

9.13 Wicks Green is a rural lane that skirts the west and north sides of Binfield and is designated as a conservation area together with Monk's Alley leading west from Wicks Green.

9.14 The appraisal of the area found that there is a sufficient degree of special architectural and historic interest in the Wick's Green area to warrant designation as a conservation area and the principal reasons for this were:

- *A well-established street pattern*
- *Eight listed buildings*
- *Rural lanes unaffected by the suburban expansion of Binfield*
- *An historical context including: – Important early structures at The White Gate and Binfield Place*
 - *A series of large Georgian houses in landscaped grounds*
- *Vernacular buildings providing evidence of an agricultural past – barns and cottages*
- *Significant open spaces at the Recreation Ground and the FWE Goates Cricket Ground*
- *Considerable tree cover including important specimen trees*

9.15 Binfield House is described in the appraisal as follows:

9.16 Binfield House has Gothic details that are not common to the area. This large red brick house was built in 1776 by Francis Wightwick of Waltham St Lawrence who then owned almost all the land between Wick's Green and Terrace Road North. Its first floor windows are sliding sashes but set within Gothic ogee arches.

9.17 Another celebrated local resident was the writer and historian, Catherine McAuley, who lived at Binfield House in the late 18th century. She was famous for her eight-volume History of England.

Setting

9.18 The area of the old kitchen gardens and surrounding area, to the south and southeast of the main house, have been developed as a housing estate. To the northeast of the main building is an L-shaped, single storey range of buildings which formed additional sheltered accommodation within the grounds of the house. The design and materials of the range is unsympathetic to the character of the Listed Building and detracts from its setting.

9.19 The setting of Binfield House is now characterised by residential properties set within smaller garden plots to the south and east, with open, green space to the north and west. The residential development at Binfield House Nursery, abutting the Site to the east, has eroded the original garden setting of the designated heritage asset, which had been separated on acquisition of the property by the Local Authority in the late 1970s.

9.20 The original 18th century design was extended in the 19th century and early 20th century. During the late 19th century a glasshouse and range of outbuildings were constructed to the rear on the gardens in a location now occupied by the site of the current sheltered accommodation bungalows.

9.21 The Listed Building was remodelled extensively internally by Cachemaille-Day in the 1920s adding many of the surviving interior features which contribute to the building's Listed status.

9.22 In 1977, Listed Building Consent was granted to demolish the disused barns and outbuildings to the north east of the house and in 1978 the single-storey range of sheltered accommodation was constructed. The ownership of the house was transferred to Bracknell Forest Homes in 2008 including the walled garden to the east used as the Council's plant nursery.

9.23 This planning application concerns the change of use and external alterations to the Listed Building to provide 9 units of accommodation and the erection of new buildings within the grounds. The previous proposals for 12 terrace cottages within the grounds have now been reduced to 9 terraced cottages.

Conversion of Binfield House

9.24 Binfield House currently includes 16 flats/bedsits and its conversion and refurbishment would result in eight no. two bedroom flats and one no. one bedroom flat. These alterations also require Listed Building consent and are considered under 21/00024/LB which is elsewhere on this agenda.

9.25 Externally it is proposed to remove an external fire escape and to build two rear terraces accessed through sliding doors, replacing an existing sash window, and to introduce a new window to the northeast elevation.

9.26 There have been a number of incongruous alterations and extensions to the Listed Building resulting in changes to the historic plan form and a large number of original decorative features being removed from the property. In particular, a number of the rear extensions to the Listed Building have altered its plan form and eroded the original aesthetic.

9.27 Along the rear elevation there are a number of incongruous alterations including a two storey extension to house a lift. There is a mid-20th century single-storey extension to the rear which would be demolished as part of the proposals better revealing the rear mid-19th century extension.

9.28 The plans have been amended to remove a projecting rear extension from the north east elevation, which replaced an existing fire escape. However, the double doorway has been retained and instead a Juliette balcony is proposed. Given there was previously a fire escape in this location, there is not considered to be an objection to the retention of the doorway with a Juliette balcony.

Replacement Cottages

9.29 The proposals for the external replacement buildings consist of the demolition of the existing L-shaped, single-storey sheltered accommodation range to the east of the Listed Building which contains six, one bedroom terraced bungalows.

9.30 It is proposed to replace these bungalows with nine terraced cottages. The proposals specify an L-shaped range directly adjacent to the Listed Building. The new range of buildings will form 'cottages' in a traditional local vernacular form with a mix of high quality brickwork with render being used to add detail including chimney features, plain tiles and projecting gables with terraces and extending to 1.5 storeys. A two-storey element would be located the furthest away from the principal elevation of the Listed Building.

9.31 The Listed Building and sheltered accommodation range have been vacant for a number of years and therefore would benefit from re-use in a sustainable function compatible with its conservation. The rear sheltered bungalow accommodation range is an incongruous element which does not add positively to the setting of the Listed Building.

9.32 The replacement of this block with a more sympathetic design would therefore be acceptable in principle. Whilst the proposed replacement buildings would form an L-shaped range but on a bigger scale than the range it replaces, the proposed design detailing and materials would be much better. The design involves a more traditional appearance with a plain tile roof and brick detailing, chimneys and gables. Given that these buildings would be 1.5 storeys high, the addition to massing is not considered harmful in relation to the height

of the Listed Building. A two-storey element would be located the furthest away from the principal elevation of the Listed Building.

9.33 The access road and parking have also been reduced to match the reduction from 12 to 9 units. The access road and parking would be to the front of the proposed buildings, replacing existing parking, and to the side of the units off the main estate access road.

Conclusions on Heritage

9.34 In conclusion due to the reduction in the number of units and the improvements that the more sympathetic design would bring to the setting of the Listed Building and Conservation Area in replacing the existing bungalows, they are considered to preserve the architectural and historic value of the Grade II Listed Building and have no adverse effect on the significance of the heritage asset. The proposals would therefore achieve the requirement to enhance or preserve the character and appearance of the Conservation Area.

iii Impact on Character and Appearance of Area

9.35 CSDPD Policy CS7 requires high quality design which in this case should build on the local character, respect local patterns of development, enhance landscape and aid movement and accessibility. Policy EN20 of the Local Plan supports Policy CS7 and sets out how development should be in sympathy with its local environment and appropriate in terms of mass and scale, layout and materials amongst other criteria.

9.36 The site is located to the west of Terrace Road North and is situated within the western edge of the defined settlement of Binfield. Vehicular access to the site is from Knox Green to the south-east, through a recently built residential development at Hall Garden in which the development will be viewed from. The development at Hall Garden falls outside the Wickes Green and Monks Alley Conservation Area however it was designed sympathetically due to its relationship with Binfield House and that it contains a 'curtilage listed' C19th garden wall. The development was designed with the dwellings being two storeys facing the main access roads and 1.5 storey facing the open space to the front of Binfield House. The dwellings are brick built with traditional materials with simple fenestration and pitched roofs with gable ends.

9.37 The main impact of the development would be on the section of Conservation Area surrounding Binfield House and Wickes Green and how it relates to Hall Garden.

Development layout



9.38 The proposed layout shows the existing building, which is to be converted to flats, would only create two additional parking spaces in front of the building with an unsympathetic addition to the rear of the building removed.

9.39 The existing single storey residential units to the rear of the building comprising 6 units will be removed and replaced by new development creating 9 residential units, a net gain of 3 to the rear. The new units have been located at a greater distance from the rear of the Listed Building achieving a clear separation of the buildings which will allow landscaping to be achieved between them. Trees are to be retained on the site with additional planting proposed.

9.40 The parking for these units would be created along the Hall Garden access with the creation of two additional parking spaces and access to the units via paths through the parking. The front of the houses would be accessed via the path.

9.41 The revised proposals were amended to remove the units from the layout fronting Hall Garden and reduce the level of parking in front of Binfield House. With these changes the proposal is considered to make good use of previously developed land while appropriately respecting the site's sensitive nature.

Design and visual appearance



Front Elevation
(Plots 1-5)



Front Elevation
(Plots 6-9)

9.42 The cottages form an L-shaped range directly adjacent to Binfield House and will form 'cottages' in a traditional local vernacular form with a mix of high quality brickwork with render being used to add detail including chimney features, plain tiles and projecting gables with terraces and extending to 1.5 storeys. A two-storey element would be located the furthest away from the principal elevation of Binfield House and this element would be set at least 40m from Wicks Green to the west with dense landscaping in between. The proposals are considered to be acceptable to the surrounding development and would compliment the recent development at Hall Garden.

9.43 The access road and parking have also been reduced to match the reduction from 12 to 9 units. The parking and bin store and cycle store for the new buildings will be to the side of the cottages along Hall Garden with a pedestrian access to the front of the houses. These alterations are considered acceptable with regard to their impact on the surrounding area due to their positions and designs.



FRONT ELEVATION (South West Face)

Front Elevation of Binfield House



REAR ELEVATION (North East Face)

Rear Elevation of Binfield House



SIDE ELEVATION (North West Face)

Side Elevation of Binfield House showing elements to be demolished in red.

9.44 Externally, in terms of the original building the alterations to the Listed Building have been discussed in detail above and it is considered that the removal of the existing incongruous features will improve the appearance of the building within the street scene. The rear of the building can be viewed from within Hall Garden. The removal of these additions will allow the mid-19th century extension to be viewed and the introduction of two new terraces and limited window changes would not harm this.

9.45 The proposals would allow Binfield House to be restored and retained with sympathetic development in the grounds which would respect and enhance the character of the area and surrounding development at Hall Garden and the Wicks Green and Monks Alley Conservation Area. This is in accordance with Saved Policy EN20 of the BFBLP, Policy CS7 of CSDPD, the Design SPD and the NPPF.



Context Elevation Hall Garden

iv Trees and Landscape

9.46 The application site is within the Wicks Green and Monks Alley Conservation Area. Confirmed TPO 1280 protects 22 individual trees and 5 groups.

9.47 The Tree Service has advised that the scheme is not considered contentious in respect of the protected trees or others shown for retention. The proposed layout generally respects the retention of existing trees and the proposed protective measures allow for viable protection and mitigation measures.

9.48 The new buildings and associated structures fall outside the root protection areas (RPAs) of the trees and whilst new paths will be constructed and the removal of a path will occur within the RPA of protected trees the Tree Service has advised that a no dig construction and a permeable surface can be achieved for these paths with minimal harm to the trees. The removal of the existing path can be detailed in a method statement and these matters can be dealt with by planning conditions.

9.49 Additional landscaping is proposed for the site and a final detailed landscaping scheme is proposed to be secured by a planning condition to ensure an acceptable soft landscaped setting to the listed building and conservation area.

v Impact on Residential Amenity

9.50 Policy EN20 criterion (g) of the BFBLP stipulates that in considering proposals, the amenity of surrounding properties should not be adversely affected. The amenities of existing residents and future occupiers is therefore a material consideration in considering an application.

Existing residents

9.51 The application has been amended to create a suitable relationship with existing properties in Hall Garden and Stevenson Drive. The proposed freestanding units would be set at least 25m from the rear of the closest property, no.41 Stevenson Drive and the rear of plot 1 would be set at least 18m from the side of No.8 Hall Gardens and its private amenity area. In terms of the flats in the existing building, a balcony has been shown to

serve flat 14 which would be located approximately 30m from the rear of No.8 Hall Garden.

9.52 A bin and cycle store is proposed to be located to the rear of no.41 Stevenson Drive. This property has recently received planning permission (21/00135/FUL) for an annexe to the main property. The cycle and bin store has been designed to be fully enclosed to contain any smells and its use would not result in a level of noise/disturbance over the normal collections of bins in the local area such that it is therefore not considered to result in a nuisance to the annexe or amenity of the main house.

Future Occupiers

9.53 The proposed flats largely have main habitable room windows on the front or side elevations ensuring a suitable relationship with the new cottages. Flat 17 would have a window set approximately 19m from the rear of proposed plot 5 although the window can be conditioned to be treated with a film to obscure any overlooking but also preserve the appearance of the listed building. The room also has another full sized side facing window so light and outlook can be achieved. Where balconies have been shown on the rear of the Listed Building these would be over 22m from the proposed rear cottages which is an acceptable back to back relationship in terms of overlooking.

9.54 The grounds have been designed for the communal use of residents as the application has specified the development is for over 55's with smaller semi private amenity areas to the rear of the cottages and ground floor apartments and balconies located on flats 14 and 15.

9.55 To conclude, the proposal has been designed to provide an acceptable relationship between the new and existing homes to ensure that there are no unacceptable impacts in terms of overlooking, overshadowing or overbearing effect. It will provide acceptable residential amenity for existing occupiers and future occupiers of the proposed development. Accordingly, the proposal is considered to preserve the amenities of both existing and future occupiers and comply with Policy EN20 (g) of the BFBLP.

vi Transport and Highways Considerations

9.56 The Highways Officer has advised:

Access

9.56 Access to the completed development is proposed, as for the extant development, at the end of the road named Hall Garden, effectively forming the end of the cul-de-sac. Swept path plans have been provided by the applicant confirming that a fire tender and refuse vehicle can turn around and depart in a forward gear. The extent of these swept paths should be secured for highway adoption through the S106 agreement for the site. Hall Garden has a permeable surface and is a shared surface accommodating both vehicular and pedestrian movements. It is due to be adopted by the Highway Authority in time but is currently under the ownership of Spitfire Bespoke Homes. Access for construction vehicles will need to be agreed and either:

- (a) the highway of Hall Garden will need to be protected and suitable arrangements made with Spitfire Bespoke Homes for any remedial work needed due to Binfield House's construction traffic; or
- (b) suitable construction traffic arrangements via Wicks Green will be need to be set out.

In either case the protection of pedestrians will need to be ensured.

Car Parking

9.57 The proposed development has been revised downwards and is now for 18 retirement apartments and cottages. The Council's Parking Standards SPD (March 2016) states in Table 6 that 1 car parking space is required per unit for retirement housing, along with 1 visitor parking space per 5 units; 10% of the overall parking provision should be for disabled users, with flexibility to increase if needed. The proposed development provides 22 car parking spaces, comprising 18 residents' spaces and 4 visitors' spaces, with 2 of the spaces proposed to be marked for disabled use from the outset; there also appears to be sufficient space on the layout for further spaces to be made disabled, if required by residents. The proposed car parking meets the requirements of the Parking Standards SPD.

Cycle Parking

9.58 Cycle parking is required at 1 space per 4 units to accord with the Parking Standards SPD. 4 spaces are proposed, as far as can be ascertained from the submitted plans. This should be secured by condition.

Trips

9.59 The transport consultant has assessed the predicted number of trips and has compared this with the extant use for the site. The overall change in trips compared with the extant use would be a reduction.

9.60 The Highway Authority has No Objection to the proposed development subject to conditions and an informative being appended to the planning permission, should it be granted.

9.61 A S106 obligation should be included for adoption of site roads to the extent required for the swept paths of the refuse vehicle and fire tender set out in Appendix D of the Transport Statement.

vii Biodiversity

9.62 The following comments were provided by the Council's Biodiversity Officer: -

Great Crested Newts

9.63 Section 5.3.31. of the Ecological Assessment explains "The proposed drainage system as part of the proposed development will incorporate measures to prevent amphibians from becoming trapped and these will include measures such as gully pot ladders, wildlife kerbs, offset gully pots." The Flood Risk Assessment has been annotated to include the protective measures to ensure the amphibians will be protected.

9.64 To protect great crested newts during construction a great crested newt method statement will be required alongside a construction environmental management plan (to be secured by condition).

Biodiversity Net Gain

9.65 The revised Ecological Assessment reports an overall increase in area habitats from 2.62 units to 3.42 units (30.89% increase) and an increase in hedgerow units from 0 units to 0.42 units (no percent equivalent). This is following an adjustment to reflect the future management of the hedgerow.

9.66 The report has also revised proposed actions for enhancing the woodland by targeting Cherry Laurel as the invasive non-native species. Further detail will be secured through a Landscape and Ecological Management Plan (LEMP).

9.67 Section 5.2.20. of the report suggests that any fruit trees missing from the current planted grid will be replanted under landscape proposals. A revised landscape plan is proposed to be secured by a planning condition.

9.68 Section 106 contributions will be required for monitoring and contingency to ensure that the biodiversity net gains are delivered and maintained for a period of 30 years.

Wildlife features

9.69 The revised ecological assessment confirms the intention to provide integrated bird and bat boxes within buildings and these can be secured by conditions.

9.70 Other features within the surrounding landscaping such as log piles, hibernacula and hedgehog boxes should be also be secured by conditions.

9.71 The above changes have been made by the applicants, and subject to conditions, has the ability to protect and enhance biodiversity in accordance with policies CS1, CS7, NPPF, and the NERC Act 2006. As such the application is considered to comply with policy CS1 of the CSDPD.

viii Sustainability

9.72 The NPPF outlines how the impacts of climate change and the delivery of renewable and low carbon energy and associated infrastructure is central to the economic, social and environmental dimensions of sustainable development. Para 153 of the Framework states that in determining planning applications, LPAs should expect new development to:

- a) comply with adopted Local Plan policies on local requirements for decentralised energy supply, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

9.73 This application has been considered against the objectives of the NPPF and in the context of the Borough's energy and sustainability policies (set out below) which are considered to be consistent with the NPPF.

9.74 Policy CS10 of the Core Strategy requires the submission of a sustainability statement demonstrating how the proposals meet current best practice standards. This has not been submitted with the application but a condition can be applied to require this.

9.75 Policy CS12 of the Core Strategy requires the submission of an energy demand assessment demonstrating how the development's potential CO2 emissions will be reduced by at least 10% and how 20% of the development's energy requirements will be met from on-site renewables. This applies to net increases in dwellings and as the proposal would result in a net loss of 4 dwellings it would not apply.

ix Surface Water Drainage/Flood risk

9.76 The site is within flood zone 1 with the National Planning Policy Guidance (PPG) stating that all uses are appropriate within this zone and the site would not be subject to flood risk.

9.77 The Flood Risk Assessment advises that the risk of surface water flooding to the majority of the site is very low. However, an isolated zone associated with the small grass

area, located between the existing Binfield House and the bungalows, is at low risk of surface water flooding.

9.78 The proposed drainage system will intercept overland flows from off-site and run-off generated within the site with a storage tank established beneath the car parking area and permeable paving. The proposal is to also drain the surface water to the existing sewer serving the site with the above measures to reduce the rate it flows into the sewer.

9.79 The following comments were provided by the Lead Local Flood Authority: -

9.80 In principle, we support the proposals to discharge of surface water to the existing sewer serving the site at a reduced rate. The applicant has provided an updated Flood Risk Assessment providing calculations to support the existing discharge rate stated and has updated the calculations for the drainage system.

9.81 In view of the above, the site is not considered to be at risk from flooding, or to cause flooding elsewhere and a drainage strategy is proposed which is acceptable to the Lead Local Flood Authority which can be secured via conditions and a S106 to secure its maintenance.

x Thames Basin Heaths Special Protection Area

9.82 The site is located between 5km and 7km of the Thames Basin Heaths Special Protection Area (SPA) and the proposal is for fewer than 50 dwellings. Therefore, it is likely to have no significant impact on the integrity of the SPA so no mitigation measures are required.

xi Affordable Housing

9.83 Policies CS16 & CS17 of the Core Strategy in relation to housing needs and affordable housing can be afforded full weight in relation to paras 61 & 62 of the NPPF as they are consistent with the NPPF which seeks to deliver a wider choice of homes, a mix of housing and affordable housing. Policy CS17 seeks to provide affordable housing on suitable sites, and the Planning Obligations SPD seeks affordable housing provision on all development providing a net increase of 15 units or more, at a threshold of 25% subject to viability.

9.84 The proposed development would result in a net loss of 4 units so affordable housing would not be required.

xii Community Infrastructure Levy (CIL) and S106 Contributions

9.85 Bracknell Forest Council commenced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL applies to new builds including those that involve the creation of additional dwellings.

9.86 CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the borough and the type of development. The charging schedule states how much CIL will be charged (in pounds per square metre of net additional floorspace) based on the development type and location within the borough.

10. CONCLUSIONS

10.1 The proposal seeks planning permission for the refurbishment of Binfield House to provide 9 retirement apartments and the erection of 9 dwellings to the rear with an associated access and parking, following the demolition of the existing bungalows.

10.2 Whilst the site is within the settlement boundary the proposal, as amended, would result in the loss of 4 residential units. The applicant has advised that the proposal will help to enhance the setting of the listed building and preserve its character which is a view supported by the Council's Heritage consultant and as such the development is considered to comply with Policy H11 of the BFBLP. The proposal is therefore acceptable in principle.

10.3 The application has been amended since its initial submission to reduce the number of dwellings to the rear by 3, reduce parking in front of Binfield House and make changes inside Binfield House to allow original features to be maintained. These changes have resulted in a scheme which would not harm the Listed Building or its setting and would preserve and enhance the character and appearance of the Conservation Area.

10.4 The proposal would not result in any unacceptable detrimental impacts upon the amenities of existing and/or future occupiers.

10.5 The development provides on-site amenity space along with an accepted drainage strategy.

10.6 The proposal is considered acceptable by the Local Highway Authority in terms of off-street parking and safe access.

10.7 The scheme, subject to conditions, would provide adequate biodiversity mitigation and enhancement.

10.8 In conclusion the proposal would ensure the retention and enhancement of Binfield House, a Grade II Listed Building and would provide sympathetic development within the grounds which would preserve and enhance the conservation area within a settlement location.

11. RECOMMENDATION

11.1 **Following the completion of planning obligation(s) under Section 106** of the Town and Country Planning Act 1990 relating to:

- monitoring and contingency to ensure that the biodiversity net gains are delivered and maintained for a period of 30 years.
- clause to ensure accommodation is restricted to over 55's
- adoption of site roads to the extent required for the swept paths of the refuse vehicle and fire tender set out in Appendix D of the Transport Statement.
- clause to ensure the maintenance of the drainage.

11.2 That the Assistant Director: Planning be recommended to APPROVE the application subject to the following conditions amended, added to or deleted as the Assistant Director: Planning considers necessary: -

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 and other submitted details: -

3607.P.100 Rev A Site Location Plan
3607.P.104 F Site Plan
3607.P.105 F Colour Site Plan
3607.P.106 D Plots 1-5 Floor Plans
3607.P.107 E Plots 1-5 Elevations
3607.P.108 D Plots 6 -9 Floor Plans
3607.P.109 E Plots 6-9 Elevations
3607.P.110 E Context Elevation
3607.P.113 Bin & Cycle Stores
3607.P.111 F Plots 13-21 Floor Plans
3607.P.112 C Plots 13-21 Elevations

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

03. The following, shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the work is begun:
- a) Sample panel of all facing materials, including a sample panel(s) of brickwork which demonstrates the brick type, colour, texture, face bond, mortar mix and pointing, to be erected on site and maintained there during the course of construction;
 - b) Samples and/or manufacturer's details of the roof materials for the proposed works,
 - c) Plan and elevation, with materials annotated, of all new windows at a minimum scale of 1:20;
 - d). Plan and elevation drawings, with materials annotated, of all new doors at a minimum scale of 1:20.
- The relevant part of the works shall not be carried out otherwise than in accordance with the approved details.

REASON: In order to safeguard the setting of the Listed Building and the Conservation Area in accordance with the requirements of policy.

04. The following, shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the work is begun:
- schedule of materials and finishes for the hard landscaping including car parking and access road surfaces.

All work shall be carried out in strict accordance with the approved document(s).

REASON: In order to safeguard the setting of the Listed Building and the Conservation Area in accordance with the requirements of policy

05. No development shall take place until details of safe and suitable means of access for construction traffic including consideration of pedestrian movements and protection of the construction of existing highway has been submitted to and approved in writing by the Local Planning Authority

REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]

06. The final dwelling on the development shall not be occupied until the existing access to the site from Wicks Green is closed and the 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.

REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]

07. No dwelling shall be occupied until the associated vehicle parking and turning space for 22 cars to park, with at least 2 spaces providing for disabled parking, has been surfaced and marked out in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.

REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

08. No development shall be occupied until
(a) details of the location of 4 visitor car parking spaces, and
(b) details of the signing for the spaces
have been submitted to and approved in writing by the Local Planning Authority. The car parking spaces shall be provided and signed in accordance with the approved details and the spaces and signage shall thereafter be retained.

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]

09. No development shall be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for covered and secure cycle parking facilities for at least 4 cycles. The development shall not be occupied until the approved scheme has been implemented. The facilities shall thereafter be retained.

REASON: In the interests of accessibility of the development to cyclists.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

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

REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]

11. No development (including any demolition and site clearance works) shall take place, until a Construction Transport Management Plan has been submitted to and approved in writing by the Local Planning Authority.
The management plan as a minimum shall include:
(i) Access arrangements for demolition and construction vehicles, including consideration of pedestrian movements in the local area and the protection of highway on the route(s) to the site;
(ii) Routing of construction traffic (including directional signage and appropriate traffic management measures);
(iii) Details of the parking of vehicles of site operatives and visitors;
(iv) Areas for loading and unloading of plant and materials;
(v) Areas for the storage of plant and materials used in constructing the development;

(vi) Location of any temporary portacabins and welfare buildings for site operatives;
(vii) Details of any security hoarding;
(viii) Details of any external lighting of the site;
(ix) Details of the method of piling for foundations (if used);
(x) Measures to control the emission of dust, dirt, noise and odour during construction;
(xi) Measures to control surface water run-off during construction;
(xii) Measures to prevent ground and water pollution from contaminants on-site;
(xiv) construction and demolition working hours and hours during which delivery vehicles or vehicles taking materials away are allowed to enter or leave the site;
(xv) Details of wheel-washing facilities; and
(xvi) Swept path drawings demonstrating that the largest anticipated construction vehicles can enter the site, turn around and depart in a forward gear.
The approved Construction Environmental Management Plan shall be adhered to throughout the demolition and construction period.

REASON: To mitigate and control environmental effects during the demolition and construction phases and in the interests of highway safety.

Relevant Policies: BFBLP EN20, EN25; Core Strategy DPD CS1, CS7, CS23

12. No development [including demolition and site clearance] shall take place until a Construction Environmental Management Plan (CEMP) to control the environmental effects of the demolition and construction work has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include measures for:-

- the control of dust, odour and other effluvia
- the control of noise (including noise from any piling and permitted working hours)
- the control of pests and other vermin (particularly during site clearance)
- the control of surface water run-off)
- the control of noise from delivery vehicles, and times when deliveries are accepted and when materials can be removed from the site.
- the control of waste produced as part of this development (e.g. not burning of waste on-site)

Construction activity shall be carried out in accordance with the approved CEMP.

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

Relevant Policies: BFBLP EN25

13. No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays and at no time on Sundays or Bank or National Holidays.

REASON: To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period.

14. If contamination is found at any time during site clearance, groundwork and construction the discovery shall be reported as soon as possible to the Local Planning Authority. A full contamination risk assessment shall be carried out and if found to be necessary, a 'remediation method statement' shall be submitted to the Local Planning Authority for written approval. Should no evidence of contamination be found during the development, a statement to that effect shall be submitted to the Local Planning Authority.

REASON: -To protect future occupiers and users of the site from the harmful effects of contamination.

Relevant Policies: BFBLP EN25

15. Works shall be carried out in accordance with the approved 'remediation method statement' (submitted to comply with condition 14) and a final validation report shall be submitted to the Local Planning Authority before the site (or relevant phase of the development site) is occupied.

REASON: -To protect future occupiers and users of the site from the harmful effects of contamination.

Relevant Policies: BFBLP EN25

16. The development shall not be begun until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day, has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the Sustainability Statement, as approved, and retained as such thereafter.

REASON: In the interests of sustainability and the efficient use of resources.

[Relevant Policy: Core Strategy DPD CS10]

17. No development shall take place (including demolition, ground works and site clearance) until a method statement for the sensitive works to avoid the potential of harm to great crested newts has been submitted to and approved by the Local Planning Authority. The content of the method statement shall include:
 - the purpose and objectives for the proposed works
 - detailed designs and/or working methods to achieve the stated objectives
 - extent and location of the proposed works shown on an appropriate plan
 - a timetable for implementation
 - details of persons responsible for implementing the works

The works shall be carried out strictly in accordance with the approved details.

REASON: In the interests of nature conservation

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

18. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the development. The content of the LEMP shall include the following:
 - a) Description and evaluation of features to be managed
 - b) Ecological trends and constraints on site that might influence management
 - c) Aims and objectives of management
 - d) Appropriate management options for achieving aims and objectives
 - e) Prescriptions for management actions
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
 - g) Details of the body or organization responsible for implementation of the plan
 - h) On-going monitoring and remedial measures

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning

biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

REASON: In the interests of nature conservation

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

19. No development shall be occupied until a scheme for the provision of biodiversity enhancements (not mitigation), including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the Local Planning Authority. An ecological site inspection report shall be submitted within three months of the first occupation confirming the implementation of the biodiversity enhancement measures in accordance with the approved details.

REASON: In the interests of nature conservation

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

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and re-enacting that order, no external lighting shall be installed on the site or affixed to any buildings on the site except in accordance with details set out in a lighting design strategy for biodiversity that has first been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

a) identify those area/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans with vertical calculation planes and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

REASON: In the interests of nature conservation

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

21. No development shall take place until full details of the Surface Water Drainage System in accordance with the approved drainage strategy (Glanville Flood Risk Assessment dated 14th May 2021 Issue 6) have been submitted to and approved in writing by the Local Planning Authority. These shall include:

a) Full details of all components of the proposed drainage system including dimensions, locations, gradients, invert and cover levels, headwall details and drawings as appropriate.

b) Calculations demonstrating that the strategy accords with the approved discharge rate.

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

[Relevant policies:CS1 of the CSDPD].

22. Prior to occupation of any property a verification report, appended with substantiating evidence demonstrating the agreed/approved construction details and specifications have been implemented, shall be submitted and approved in writing by the Local Planning Authority. This will include photos of excavations and soil profiles/horizons,

any placement of tanking, crating, connecting pipe work, control structure, cover systemsetc.

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

[Relevant policies:CS1 of the CSDPD].

23. No dwelling hereby permitted shall be occupied until hard and soft landscaping works have been completed in full accordance with a landscaping scheme that has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme 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; and
- b) comprehensive 5 year post planting maintenance schedule; and
- c) underground service and external lighting layout (drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.), both existing reused and proposed new routes; and
- d) means of enclosure (walls and fences etc); and
- e) paving including open spaces, paths, steps and ramps, patios, cycle routes, driveways, parking courts, play areas etc. with details of proposed materials and construction methods; and
- f) recycling/refuse or other storage units; and
- g) other landscape features (water features, seating, trellis and pergolas etc).

All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme. As a minimum, the quality of all 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 next planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.

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

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

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

construction works and the completion of hard landscaping works. The submitted scheme shall include the following:

- a) 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) of BS 5837:2005, 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.
 - b) Proposed ground protection measures in accordance with Section 9 (Figure 3) of BS 5837:2005.
 - c) Illustration/s of the proposed fencing structure/s to be erected.
- The development shall be carried out in accordance with the approved scheme and programme.

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

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

25. The development hereby permitted shall not be begun until a detailed site specific construction method statement for all hard surfaced areas of any description within the minimum root protection areas of retained trees calculated 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 be based on a porous 'No-Dig' principle of construction, avoiding any excavation of existing levels in all areas concerned, and shall include: -
- a) An approved development layout plan identifying all areas where special construction measures are to be undertaken.
 - b) Materials including porous surface finish.
 - c) Construction profile/s showing existing /proposed finished levels together with any grading of levels proposed adjacent to the footprint in each respective structure.
 - d) Program and method of implementation.

The Construction Method Statement shall be observed, performed and complied with.

REASON: In order to alleviate any adverse impact on the root systems and the long term health of retained trees, in the interests of the visual amenity of the area.

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

26. The first floor door associated with flat 17 on the north east (rear) elevation shall be fixed shut and designed to have a frosted window screen to prevent a significant level of overlooking to plot 5 with the details submitted to and agreed in writing with the Local Planning Authority prior to the occupation of this unit. The agreed details shall be implemented in full and retained thereafter.

REASON: To prevent the overlooking of rear property (plot 5) and ensure the protection of the Listed Building.

[Relevant Policies: BFBLP EN20 and Core Strategy DPD CS1]

27. The development shall not be occupied until evidence has been provided to and agreed in writing by the Local Planning Authority that the development will be served by a superfast broadband (fibre optic) connection. Where it can be demonstrated that this would not be possible, practical or economically viable, through consultation with Next Generation Access (NGA) Network providers, sufficient and suitable ducting shall be provided within the site and to the property to facilitate ease of installation at a future

date. The agreed details shall be fully integrated into the proposed development and retained therein.

REASON: To provide high speed broadband

[Relevant Policies: Policy CO1 of the Binfield Neighbourhood Plan 2015-2026]

In the event of the S106 agreement not being completed by 30th November 2021, the Assistant Director: Planning be authorised to either extend the period further or refuse the application for the following reasons: -

1. It has not been demonstrated that the proposed development would incorporate a sustainable drainage system (SuDS) for the management of surface water run-off which would be maintained for the lifetime of the development. This is contrary to the House of Commons: Written Statement (HCWS161) Sustainable Drainage Systems 18/12/2014, the Flood Risk and Coastal Change PPG updated 15/04/2015, and the NPPF.
2. In the absence of a planning obligation to secure a 10% biodiversity net gain which would deliver measurable improvements for biodiversity by creating or enhancing habitats in association with the development the proposal is contrary to paras 8c and 170d of the NPPF.

Informatives

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. The applicant is advised that the following conditions require discharging prior to commencement of development:
3,4,5,11,12,16,17,21,24,25

The following conditions require discharge prior to the occupation of the dwellings hereby approved:
6,7,8,9,14,15,18,19,20,22,23,26,27

No details are required to be submitted in relation to the following conditions; however they are required to be complied with:
1,2,10,13
03. Any works affecting the adjoining highway (including the adopted verge) shall be approved by, and a licence obtained from, the Highways and Transport Section, Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 352000 or via email at Highways.Transport@bracknellforest.gov.uk before any development is commenced. Any work carried out on the public highway without proper consent from the Highway Authority could be subject to prosecution and fines related to the extent of work carried out.
04. The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Health and Licensing Manager.

05. The site lies just outside of an air quality management area and consideration should be given when planning the vehicle movements associated with the development.
06. In the design access statement section 4.62 it is noted that electric vehicle charging facilities are possible at each parking space. We encourage the developer to utilise this opportunity to improve air quality.
07. Thames Water would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk .
08. There are public sewers crossing or close to your development. If you're planning significant work near Thames Water sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fdevelopers.thameswater.co.uk%2FDeveloping-a-large-site%2FPlanning-your-development%2FWorking-near-or-diverting-our-pipes&data=04%7C01%7CKatie.Andrews%40bracknell-forest.gov.uk%7C29bc59fafdda419813ee08d940681ab9%7Cf54c93b70883478fbf3d56e09b7ca0b7%7C0%7C0%7C637611638135878288%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikl1haWwiLCJXVCi6Mn0%3D%7C1000&sdata=we8d9OlbZiXPoc5KbxDxWv8XSKazIEK4RCTpC3pBsAY%3D&reserved=0> .
09. With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.
10. Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

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ITEM NO: 7

Application No.
21/00347/FUL
 Site Address:

Ward:
 Ascot

Date Registered:
 1 April 2021

Target Decision Date:
 1 July 2021

**Land At Whitmoor Bog North Of The Railway Line
 Swinley Road Ascot Berkshire**

Proposal:

Application to change the description of the permitted use of part of the managed woodland Crown Estate, known as Whitmoor Bog, Swinley Road, Ascot and extending the period of use that already allows the continued permanent, seasonal occupation of the site by Lapland UK in order for them to create their Winter Wonderland experience including the erection of temporary structures and to seek minor amendments to some of the conditions already applied for under planning permission 15/01006/FUL and amended by 19/00712/FUL.

Applicant:

Mr Mike Battle

Agent:

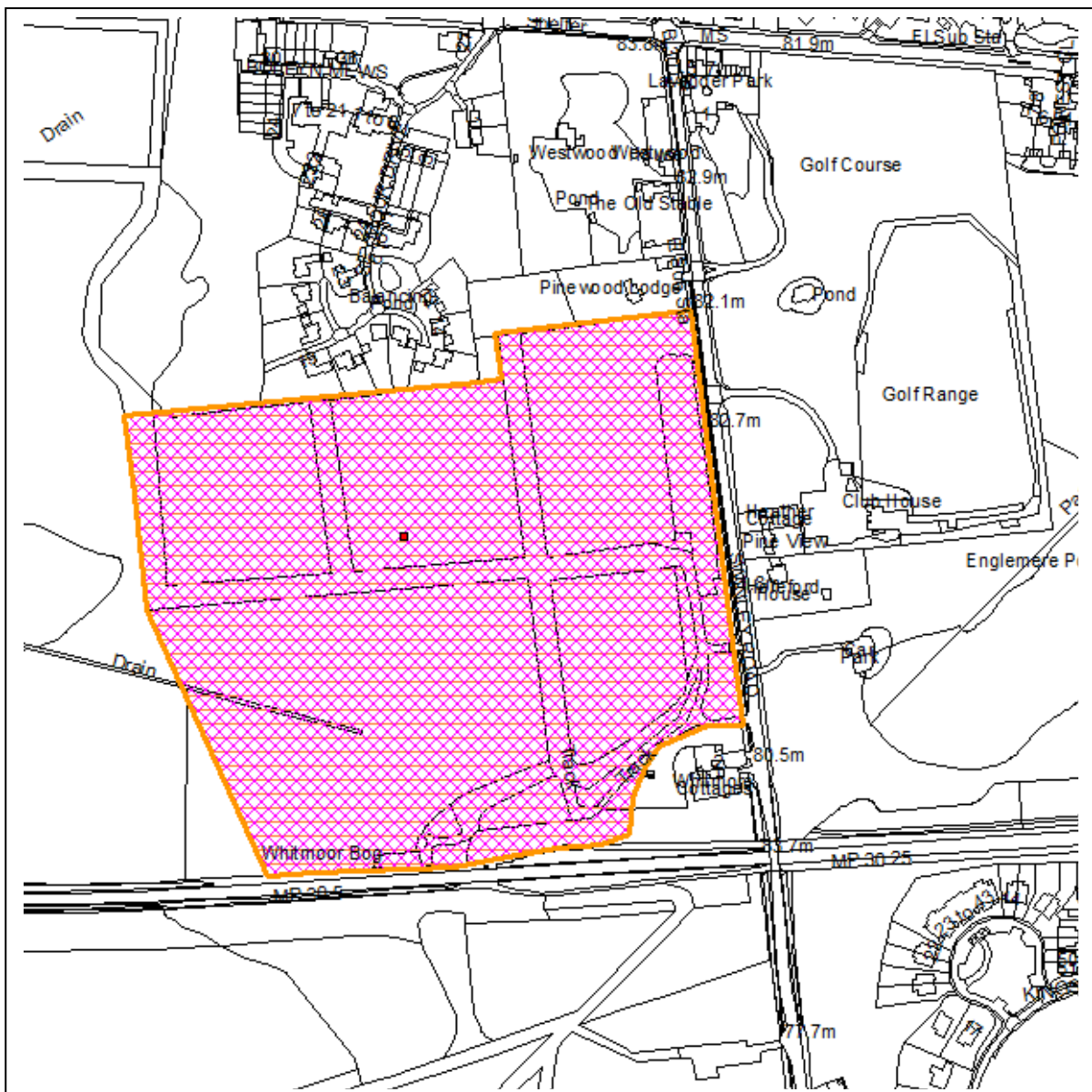
(There is no agent for this application)

Case Officer:

Paul Corbett, 01344 352000

development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

- 1.1 This application seeks minor amendments to the conditions applied in respect of the already permitted use of the site under planning permissions 15/01006/FUL and 19/00712/FUL.
- 1.2 The current consent allows a change from forestry land owned by the Crown Estate to the seasonal use for the purposes of the erection of temporary buildings and structures and provide associated on-site parking by Lapland UK Ltd (LUK) in order to create its winter wonderland experience which is an online pre-booked public event held annually over 3 months.
- 1.3 It is important to note that this application does not seek to change this use or expand the site, but does seek an amendment that extends the period of use, but with a consent based largely on the current conditions. Some changes are also being sought that better reflect the nature of use, based on the applicant's experience gained over the past 8 years requiring a new application that seeks to amend the description and varies a number of the conditions that balance the need to meet the operational requirements of the applicant while ensuring the principal conditions continue to ensure the use is regulated.
- 1.4 The proposed wording of the conditions has been amended to ensure no adverse impact on highway network capacity, particularly at peak times, protected species, residential amenities etc.
- 1.5 The proposals if approved, would meet business needs without detriment to either the residential or environmental amenity. The consent would remain personal to LUK Events Ltd (LUK).
- 1.6 The business provides seasonal employment and contributes to the local economy. The LUK event also adds to the reputation of Bracknell Forest as a destination of choice when it comes to its offering of recreational attractions.

RECOMMENDATION

Planning permission be granted subject to conditions in Section 11 of this report

2. REASONS FOR REPORTING THE APPLICATION TO ADVISORY PLANNING COMMITTEE

- 2.1 The application has been reported to the Advisory Planning Committee due to the number of objections received.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Land Outside Settlement

- 3.1 The application relates to the already established use of the Crown Estate managed woodland known as Whitmoor Bog, Swinley Road, Ascot. The site used is part of a woodland area north of the railway line which totals circa 13 ha (excluding the reptile mitigation area). The site forms part of a much larger managed (mainly Scots Pine) woodland. LUK uses approximately 50% of the permitted area on an annual and temporary basis for its winter wonderland event.

3.2 The land remains in the ownership of the Crown Estate. Out of season they manage the woodland as part of their overall estate. Public access to the site is permitted and managed by the Crown Estates save for the period when it is part occupied by LUK. The Crown Estate support this use and the revised application.

Site Location Plan



4. RELEVANT PLANNING HISTORY

4.1 The relevant planning history is summarised as follows:

13/00428/T Temporary Permission Approved [Expired]

Three-year temporary permission for the holding of a children's Christmas theatrical experience to be open to members of the public between 30th November and 24th December, 2013 and 21st November and 24th December 2014 and 2015, with set up and dismantling periods between 1st October and the opening of the event and 27th December and 31st January each year respectively, together with ancillary works to reposition the access arrangement onto Swinley Road (B3017) and in the formative year to strengthen existing forest access routes and pathways, with the removal of all structures from the site and the reinstatement of the land in the intervening periods. (EXPIRED)

13/00161/COND: Approved

Details pursuant to conditions 05 (means of enclosure), 10 (Contamination Avoidance Plan), 11 (noise mitigation), 12 (waste management), and 16 (site organisation) of planning permission 13/00428/T.

13/00164/COND: Approval

Details pursuant to conditions 06, (Reptile Mitigation), 09 (great crested newts), 13 (site access), 17 (shuttle bus scheme), 18 (car park management), 19 (highway signage) and 22 (employee cycle store) of planning permission 13/00428/T.

13/00168/COND Approval

Details pursuant to conditions 08 (External site lighting), 14 (Internal access routes & surface treatment) and 20 (Replacement tree planting) of planning permission 13/00428/T.

14/00528/T Temporary Permission Approved [Expired]

Three-year temporary permission for the holding of a children's Christmas theatrical experience to be open to members of the public between 30th November and 24th December, 2013 and 21st November and 24th December 2014 and 2015, with set up in the periods between 1st October and the opening of the event and dismantling between the 27th December and 31st January in the respective following year, together with ancillary works to reposition the access arrangement onto Swinley Road (B3017) and in the formative year to strengthen existing forest access routes and pathways, with the removal of all structures from the site and the reinstatement of the land in the intervening periods. Note for Clarification: This is a Section 73 application for the variation of condition 2 (time operation) of planning permission 13/00428/T. It only seeks to remove the restriction of Tour Times: Monday - Friday between 13:00hrs and 15:30hrs imposed as part of condition 02. The proposal remains a temporary permission for 3 years (expiring 31 January 2016) as approved under planning permission 13/00428/T.

15/01006/FUL Permanent Approval

Permanent permission to annually stage the temporary children's Christmas theatrical event, Lapland UK, (for the sole use of the applicants LUK Events Ltd) from 21st November to 24th December each year, encompassing the last two weekends in November (whichever is the longer), with set up and dismantling periods between 1st October and the opening event and 27th December and 31st January respectively, with the removal of all structures from the site and the reinstatement of the land in the intervening periods.

16/00189/COND: Approval

Details pursuant to conditions 07 (reptile survey), 08 (reptile mitigation strategy), 09 (landscape and ecological mitigation plan) and 19 (directional signage) of planning permission 15/01006/FUL.

16/00205/COND: Approval

Details pursuant to conditions 13 (refuse storage), 16 (site organisation) and 17 (car park management) of planning permission 15/01006/FUL.

18/00022/COND: Approval

Details pursuant to conditions 7 (reptile survey), 8 (reptile mitigation scheme) and 9 (landscape and ecological management) of planning permission 15/01006/FUL.

18/00198/COND: Approval

Details pursuant to conditions 7 (reptile survey), 8 (reptile mitigation scheme) and 9 (LEMP) of planning permission 15/01006/FUL.

19/00130/COND: Approval

Details pursuant to condition 2 (Dates and times of Opening) of planning permissions 15/01006/FUL and 19/00712/FUL.

19/00712/FUL Approved

Section 73 application to vary condition 2 (Restrictions on Access) and condition 03 (Restrictions on hours) for Planning Permission 15/01006/FUL to allow use of the permitted development from 15th November to 15th January, extending the dismantling periods, removing the associated one hour access restrictions during the weekends and extending the tour times Monday to Fridays.

5. THE PROPOSAL

5.1 The application seeks to extend the period of use that already allows the continued permanent, seasonal occupation of the site by Lapland UK in order for them to create their Winter Wonderland experience including the erection of temporary structures and to seek minor amendments to some of the conditions already applied for under planning permission 15/01006/FUL and amended by 19/00712/FUL.

6. REPRESENTATIONS RECEIVED

Winkfield Parish Council

6.1 WPC would ask for careful monitoring of adherence to conditions, and the impacts on the grounds and wildlife.

Other Representations

6.2 17 letters of representation have been received raising the following concerns.

- Adverse impact on woodland and wildlife in the long term.

[Officer Comment: Ecological mitigation was agreed under the original application]

- Excessive noise and disturbance when erecting and dismantling the structures.

[Officer Comment: Environmental Health have no record of any associated complaints]

- Highway safety concerns: traffic and large vehicle access to the site causes unwanted disruption and, on the road, leading to the site with the rail bridge (which is a blind spot) and is a traffic / safety concern.

[Officer Comment: All associated highway safety concerns in respect of the surrounding highway network including large vehicles having to access the site were considered at the time of the original application]

- Public access to the woodland is restricted during event.

[Officer Comment: This is Crown Estate Land and therefore access can be restricted at any time]

7. SUMMARY OF CONSULTATION RESPONSES

Highway Authority

7.1 Objection raised and suggests alternative condition wording.

Biodiversity Officer

7.2 The Biodiversity Officer has reviewed the applicant's supporting ecological submission (Landscape and Ecological Management Plan dated July 2021) and the suggested reworded condition and concludes that the delivery of previous commitments has not been achieved and still requires two separate conditions; one to monitor reptiles and one to deliver the reptile mitigation and LEMP.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

8.1 The key policies and associated guidance applying to the site are:

	Development Plan	NPPF
General policies	CS1 & CS2 of CSDPD	Consistent
Land Outside Settlement	CS9 of CSDPD Saved policy EN8 of BFBLP	Part Consistent

Residential Amenity	Saved policies EN1, EN2, EN20 and EN25 of BFBLP	Consistent
Highways	CS23 of CSDPD, Saved policy M9 of BFBLP	Consistent
Biodiversity	'Saved' Policy EN15 of BFBLP	Consistent
Supplementary Planning Documents (SPDs)		
Parking Standards (2016)		
Other publications		
National Planning Policy Framework 2021 (NPPF)		

9. PLANNING CONSIDERATIONS

i. Principle of Development

9.1 The principle of the change of use of a woodland area north of the railway line was established under a number of temporary planning permissions dating back to 2013 eventually establishing a permanent annual use for the winter wonderland event.

9.2 The principal planning permission is 15/01006/FUL later amended by 19/00712/FUL.

ii Consideration of the proposed changes to existing conditions:

9.3 The subsequent sections of this report sets out the existing condition wording and proposed justification for revisions requested with the condition re-worded accordingly. This is followed in each case by officer commentary confirming whether the new wording of the condition is considered acceptable or whether alternative wording is deemed necessary.

CONDITION 02 (Site operating dates)

9.4 The applicant seeks to part amend existing Condition 02 which currently reads;

02. The development hereby permitted is granted for a limited period and restricted as follows:

(a) Open to the public annually between the 15 November to the 24 December and the 2 January and the 15 January (inclusive)

(b) Open for site setup/dismantling annually between 1 October and the opening event and 27 December and 31 January respectively

(c) Construction/Dismantling Traffic shall not enter/exit the site Monday - Friday between 08:00 hrs - 09:00 hrs 17:00 hrs - 18:00 hrs

Outside of these dates, the development and all temporary structures/buildings brought onto the land in pursuance of this permission and use shall be removed from the site and land restored to its former Condition in accordance with a scheme which shall have been previously submitted to and have been approved in writing by the Local Planning Authority.

9.5 The applicant (LUK) seeks to vary this condition as below (bold text):

02. The development hereby permitted is granted for a limited period and restricted as follows:

(a) Open to the public annually **from 1st November to the 15th January (inclusive)**

(b) Open for site setup/dismantling annually from **no sooner than 23rd September and the opening event and from the closing of the event until no later than 8th**

February

(c) Construction/Dismantling Traffic shall not enter/exit the site Monday - Friday between 08:00 hrs - 09:00 hrs, 17:00 hrs - 18:00 hrs

Outside of these dates, the development and all temporary structures/buildings brought onto the land in pursuance of this permission and use shall be removed from the site and land restored to its former Condition in accordance **with the approved scheme (Doc ref A13)**.

Proposed changes summary:

CONDITION 02 (Site operating dates)	
Open to the public	1 November to the 15th January (currently 15 Nov -24 Dec & 2 -15 Jan)
Site setup/dismantling	23rd September/ 8th February (currently 1 Oct /31 Jan)

Applicant’s reason:

Open to the public:

9.6 LUK’s prime need is to be able to regularise the opening day taking account of the four-yearly calendar change due to the effect of the leap year and provide some administrative simplicity. Also, previous COVID experience evidenced the need for some flexibility in which to work and accommodate changes in public demand. There are challenges in setting up, including being able to recruit and train the team of actors and essential support staff, before the site would be ready.

Site setup/dismantling:

9.7 LUK is seeking access rights one week earlier and one week later than currently permitted. There is no certainty that either option would be exercised. If LUK was to enter the site a week earlier it would be for the purposes of setting the site up ready for the construction crews to arrive a week later to start building the village. Setting up the site involves installing the basic infrastructure works. This includes erecting the perimeter fence, siting the office, security and welfare units, signage erection and defining the permitted work areas. Setting up requires compliance with the condition in respect of ecology and LUK employ an ecology consultant for the purposes of ensuring compliance and the provision of general advice. Any necessary, major works e.g. non-urgent tree felling is carried out at other times of the year and in compliance with national legislation.

9.8 The earlier site access would provide more flexibility than at present, particularly during the dismantling period when ground conditions can vary considerably especially during adverse weather conditions which can result in more heavy machinery having to be used and help reduce the need for late night working.

CONDITION 03 (Site operating times)

9.9 Condition 3 currently reads:

03. The development hereby approved shall take place only between the dates approved in Condition 02 above and the site shall operate within the following time frames.

(a) The site shall be open to the public no earlier than 30 minutes prior to the following tour operating times;

(i) Tour Times: Monday - Friday 09:30 hrs - 18:00 hrs

(ii) Tour Times: Saturday- Sunday 09:00 hrs - 18:00 hrs

(iii) No tours shall commence after 18:00 hrs and the site shall close at by 23:00 hrs.

(b) No activity shall be permitted on the site between 22:00 hrs and 08:00 hrs

REASON: - To ensure the impact of this development does not adversely affect the local highway network and neighbours amenities. [Relevant Plans and Policies: BFBLP Saved Policies EN20, M4, Core Strategy DPD Policy CS23]

9.10 The applicant (LUK) seeks to vary this condition as below (bold text):

03. The development hereby approved shall take place only between the dates approved in Condition 02 above and the site shall only operate as specified within the following time frames.

(a) The site shall be open to the public no earlier than 30 minutes prior to the first tour operating time

(b) Tour Times: to commence no sooner than 08:00 hrs with the last tour starting no later than 19:00hrs

(c) The site shall be closed by no later than 23:00 hrs.

(d) No activity shall be permitted on the site between 23:00 hrs and 06:00 hrs other than for the purposes of security, restocking or routine basic maintenance but excluding construction work.

Proposed Changes summary:

CONDITION 03 (Site operating times) (19/00712/FUL)	
Public tour times	<p>The site shall be <u>open to the public no earlier than 30 minutes prior to the first tour operating time</u></p> <p>First tour 08:00hrs & last tour 19:00hrs <i>(previously Mon-Fri 09:30 hrs - 18:00 hrs Sat-Sun 09:00 hrs - 18:00 hrs)</i></p> <p>The site shall be closed by no later than 23:00 hrs</p>
Other activities	<p>No activity shall be permitted on the site between 23:00 hrs and 06:00 hrs other than for the purposes of security, restocking or routine basic maintenance but excluding construction work.</p> <p><i>(previously - No activity shall be permitted on the site between 22:00 hrs and 08:00 hrs)</i></p>

Applicant's Reason:

9.11 The application seeks changes to the permitted hours of public opening and a relaxation to certain permitted after-hours activities. Experience during the pandemic has shown that the proposed hours can enable the operation of the site without any adverse local impact.

Officer comment:

9.12 The Highway Officer has commented that the applicant has submitted a Transport Technical Note (issue A 22 July 2021) to support this change providing an indication of the likely level of trips expected from the available bookings slots (experiences) that would be available at each half hourly interval. This is based on what the applicant has stated but no data, such as traffic counts of those entering the site at the time of the current operating hours, has been presented to support the assertion. Furthermore, the applicant has made an assessment on the likely patterns of traffic accessing the site from information they hold but again no detail of such information has been presented. Clearly the destinations that people can arrive from will vary

each year, as well as the routes they use, meaning that more traffic could be expected to use the various routes to get to the site.

- 9.13 If the applicant had data from the various years of operation to average out the profile of routes used this would help provide a more robust assessment of the routes that could be used. All this information is key to ensuring that the local road network is not compromised by the change being sought. The main concern relates to the impact such a change could have on the traffic signalled controlled junction to the north of the site on the A329 London Road/Swinley Road/Priory Road. The London Road experiences high levels of traffic and right turning vehicles have to turn in gaps impacting on the capacity of the junction. Increasing this movement (coupled with more left turning traffic as well) could lead to more traffic trying to turn through smaller gaps created by the delay in waiting at the junction which could lead to increased chance of conflict resulting in highway safety issues.
- 9.14 The current conditions restrict tours to the public till 9:30am which was reduced from 10 am and this reduces the potential arrivals on the site to the back end of the peak period on the network in this location so as to reduce the harm indicated. It should be noted that looking at the traffic counter data held by the Council from the A329 near to this junction from 2019 (pre COVID and including some Lapland traffic) it is clear that peak demand on the network is spread from 7am through to 9am in November and December with similar levels of traffic being witnessed. This is not uncommon for such major routes as the A329 and is a factor in why the restriction was suggested in the first place.
- 9.15 From the assessment the applicant has made and coupled with the fact that peak activity does not just occur from 8am-9am, the impact on the local junctions will occur from 3 additional tours (8am, 8:30am and 9am, with customers arriving 30 mins before the booking) that could occur prior to the peak period tailing off (9am). The applicant has stated that the change would be slightly offset by the change to arrival times for staff. This would be true for a typical peak hour scenario but as stated the period prior to 8am is also similar in traffic levels from the data held by the Council and thus any displacement of staff would be to a time when levels are also similar so the reduction in the impact may not arise.
- 9.16 The applicant has chosen to utilise data out of the local plan model but it is referred to as 2024 Local Plan and this is incorrect. The current forthcoming local plan work covers 2037 and previous traffic models covered the current plan period to 2026. Some clarity on this is required as it appears that the data being used is out of date as a revised traffic model has more recently been commissioned and is now in use. What is clear is that traffic levels are expected to increase but the latest models indicate that the increase is not as high as the applicant is indicating. This means that the percentage impact on the junction from additional traffic will be higher and the applicant has not supplied any operational assessments of the junction to support the proposal.
- 9.17 Observations indicate that the junction becomes congested at peak times especially with right turning vehicles into Priory Lane or Swinley Road. In the intervening time (between now and 2026 or 2037) making some assessment of the likely current levels of traffic should also be considered. Looking at the more recent data for the intervening period means that the impact from additional traffic is likely to be higher than suggested.
- 9.18 Previous guidance that has been referred to by the applicant is no longer applicable as a rule as junctions which witness higher levels of congestion could be made worse by smaller impacts than those stated.
- 9.19 The Highways Officer has looked closely at the 2019 counter data held for the period of November 2019 - January 2020 and it is clear that traffic levels along London Road are high with the period of 7am - 9am being similar throughout the weekdays. What is noticeable is that

there is a slight reduction in the traffic levels around the mid-late December until early January and this is most likely to coincide with the school holiday period. The fall in traffic levels around this time would seem sizeable enough to cater for the additional demand the applicant has indicated could occur with some additional headroom should traffic levels fluctuate year on year. In that regard and considering the lack of clear impartial evidence from the applicant and operational analysis of the junction.

9.20 The Highways Officer therefore recommends condition 3 is amended as follows which would allow the applicant to operate as they wish to during the weekdays for the upcoming year. This would also provide the opportunity collate the necessary evidence in the form of customer and traffic surveys that could then be submitted to provide a robust evidence base upon which a further application could then be submitted for consideration to vary the condition wording to allow for the earlier tour times (Mon- Fri) as requested.

9.21 The Highway Authority recommend the condition is re-worded as follows as alternative:

03. The development hereby approved shall take place only between the dates approved in Condition 02 above and the site shall only operate as specified within the following time frames.

(a) The site shall be open to the public no earlier than 30 minutes prior to the first tour operating time

(b)i) Tour Times: Monday - Friday to commence no sooner than 09:30 hrs with the last tour starting no later than 19:00 hrs, with the exception of the school holiday period as set out yearly by Bracknell Forest Council between December and January when tour times shall commence no sooner than 08:00 hrs with the last tour starting no later than 19:00 hrs

ii) Tour Times: Saturday - Sunday 08:00 hrs - 19:00 hrs

(c) The site shall be closed by no later than 23:00 hrs.

(d) No activity shall be permitted on the site between 23:00 hrs and 06:00 hrs other than for the purposes of security, restocking or routine basic maintenance but excluding construction work.

CONDITION 04 (approved documentation)

9.22 Condition 04. requires the development permitted to be carried out only in accordance with the approved plans and information as listed.

9.23 The applicant seeks to amend the list of approved documents to make reference specifically to a typical site plan to allow for a degree of flexibility in terms of the nature and location of the structures that can be erected within the confines of the application site as follows:

04. The development hereby permitted shall be carried out only in accordance with

(a) proposed typical site plan ref LL08.2021.SP01

(b) the following previously approved plans and information under reference 15/01006/FUL:

Dwg No. DW02 - C - Site location plan - LPA restamp date 26.11.15

Dwg No. DW03 - C - Site section AA - LPA restamp date 26.11.15;

Dwg No. DW04 - B - Site sections BB & CC- LPA restamp date 26.11.15

Dwg No. DW05 - B - Site Section DD - LPA restamp date 26.11.15

Dwg No. DW06 - B - Site Section EE - LPA restamp date 26.11.15

Security Fencing Details - LPA received 22.01.16

Planning Statement & Appendices - LPA restamp date 26.11.15

(Appendix 6) Ecological Appraisal 2013 and Ecological Monitoring/Update

*Report dated August 2015 - prepared by Applied Ecology
(Appendix 7) Lighting Report, prepared by Capita Symonds - May 2013 &
update statement email dated September 2015
(Appendix 8) Trackway Specification 19/00712/FUL
Cycle Facilities - LPA received 04.02.16
Contamination Prevention - LPA received 04.02.16
Noise Prevention - LPA received 04.02.16*

Applicant's Reason:

- 9.24 The applicant states that the current approved site drawing defines the location of every unit and this makes strict compliance needlessly challenging. It also limits the businesses ability to respond quickly to changing needs. For example, various parts of the Village Area site suffer from the effects of surface water run-off and poor natural drainage. Each year climatic conditions change how the site can be used and adjustments have to be made to the layout as the site is assembled. The need for such changes cannot be foreseen and only usually become evident upon arrival or as the buildings are constructed.
- 9.25 The majority of the temporary buildings are handcrafted and have to be adjusted every time they are set up also creating a problem of complying with specific approved plans for each building.
- 9.26 The proposed indicative plan sets out 'Zones' of permitted temporary land uses across the site. In line with the advice from the LPA the proposed plan shows the "typical site Arrangements". The proposed Zones are all based on their current use. The main area of used is the Village Area. This area is to remain unaltered in either size or location and would continue to be fenced off in accordance with the approved fencing details (**refer to doc ref A15, A16**). All apparatus such as generators are selected, located and screened when required according to the approved noise strategy. The main area of power generation is to the South of the Village Area and within a fenced area.

Officer Comment:

- 9.27 It is agreed that a typical site layout plan which continues to zone most of the operations and shows the extent of the village enclosure would sufficiently cover the main temporary operation.

CONDITIONS 07, 08 AND 09

- 9.28 The applicant seeks to amend existing ecological conditions 07, 08, and 09 which currently read as follows;

07. Prior to the first use (including any vegetation/tree clearance) of the development hereby approved the following shall be undertaken:

- (i) the site shall be surveyed for the presence of reptiles
- (ii) the completed survey shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1]

08. Prior to the first use (including any vegetation/tree clearance) of the development hereby approved, a Reptile Mitigation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

- (i) measures to avoid harm to biodiversity
- (ii) features provided to mitigate the loss of habitat
- (iii) habitat enhancements (not mitigation)
- (iv) on-going management of new features/habitat

The mitigation scheme shall be implemented in accordance with the approved details. An ecological site inspection report shall be submitted for approval within three weeks of the first occupation of the site hereby approved.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1]

09. Prior to the first use (including any vegetation/tree clearance) of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed
- b) Ecological trends and constraints on site that might influence management
- c) Aims and objectives of management
- d) Appropriate management options for achieving aims and objectives
- e) Prescriptions for management actions
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- g) Details of the body or organization responsible for implementation of the plan
- h) On-going monitoring and remedial measures

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1]

Applicant's Reason:

9.29 The applicant states that the ecological conditions are no longer applicable to the current circumstances and could be replaced with a single condition that seeks to ensure the continuation of the now established mitigation measures across the site, are maintained.

9.30 The applicant (LUK) seeks to vary conditions 07, 08 and 09 into a single condition as below (bold text):

The continued management of the site in accordance with the details identified in the revised Landscape and Ecological Management Plan (LEMP) and Annual Workplan dated September 2020 and the ongoing implementation of the mitigation measures identified in the approved Reptile Mitigation Scheme included under reference 15/01006/FUL in respect of.

(i) measures to avoid harm to biodiversity

(ii) features provided to mitigate the loss of habitat

(iii) habitat enhancements (not mitigation)

(iv) on-going management of new features/habitat

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1]

9.31 LUK's ecology consultant advises that the periods of opening of the site fall outside the peak bird nesting season so cannot foresee any additional impacts on birds from the revised timescales. In addition, the current Reptile Mitigation Strategy (refer to doc A21) and Landscape and Ecological Management Plan (LEMP) (refer to doc A22) includes measures

to avoid harm to reptiles during the set up period. In his opinion, the already established measures would not be materially affected by the additional weeks being requested.

- 9.32 Mindful of this potential conflict in views and in order for LUK to be sure that the ecological needs would continue to be addressed over coming years, LUK commissioned an update to the current LEMP and it is submitted as part of this application (refer to doc A22.1). The revised LEMP seeks to ensure that all reasonable ecology concerns are addressed, and the revised plan includes measures to avoid any harm to breeding birds by timing site maintenance operations to avoid the main nesting season i.e. March to August inclusive.
- 9.33 Examples of this include timing any vegetation cutting so that it takes place outside of the bird nesting season, or where work during the nesting/active season is unavoidable that it is done under ecological watching brief. This matches the approach that had also been set out in paragraphs 2.8.7-2.8.9 of the current LEMP. It also reflects common Arboricultural practice.

Officer Comments:

- 9.34 The Biodiversity Officer has reviewed the applicant's supporting ecological submission (Landscape and Ecological Management Plan dated July 2021) and the suggested reworded condition including taking account of the extended opening of the site (condition 02) from the 23rd September until 8th February (previously 1st October until 31st January) and concludes that the delivery of previous commitments has not been achieved and still requires two separate conditions. One to monitor reptiles and one to deliver the reptile mitigation and LEMP.
- 9.35 The following wording of conditions 7 and 8 is recommended:

7. Prior to the site set-up (including any vegetation/tree clearance) of the development hereby approved the following shall be undertaken:

(i) the site shall be surveyed for the presence of reptiles,

(ii) survey results will be compared with long term trends, and

(iii) the completed survey shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of protecting a Species of Principal Importance.

[Relevant Plans and Policies: CSDPD CS1]

8. The development hereby permitted shall be carried out in accordance with the approved John Wenman Landscape and Ecological Management Plan July 2021 and the Thompson Ecology Reptile Mitigation Strategy September 2016 and thereafter retained in accordance with the approved details.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: Core Strategy DPD CS1, CS7]

10. CONCLUSIONS

- 10.1 It is considered that the proposed extended opening of the site is acceptable in principle subject to the re-wording of a number of the planning conditions and does not undermine the previous planning permission.
- 10.2 It is not considered that it would result in an adverse impact on the character and appearance of the surrounding area, highway safety, trees, biodiversity or the residential amenities of the occupiers of the neighbouring properties. It is therefore considered that the development complies with 'Saved' policies of the BFBLP, Policies of the CSDPD, BFBC SPDs, and the NPPF.

11. RECOMMENDATION

11.1 That the Assistant Director: Planning be recommended to **APPROVE** application subject to the following conditions amended, added to, or deleted as the Assistant Director: Planning considers necessary:

01. The use hereby permitted shall be carried on only by LUK Events Ltd and when the land ceases to be occupied by LUK Events Ltd the use shall cease.

REASON: - The site is located outside of a defined settlement where it is the policy of the Local Planning Authority to restrict such use of the land and planning permission is only granted because the use is temporary in nature for three months of every year with all structures been cleared from the land in the intervening period of this seasonal event.
[Relevant Policies: BFBLP EN8, Core Strategy DPD CS9]

02. The development hereby permitted is granted for a limited period and restricted as follows:

- (a) Open to the public annually from 1 November to the 15 January (inclusive)
- (b) Open for site setup/dismantling annually from no sooner than 23 September and the opening event and from the closing of the event until no later than 8 February
- (c) Construction/Dismantling Traffic shall not enter/exit the site Monday - Friday between 08:00 hrs - 09:00 hrs, 17:00 hrs - 18:00 hrs

Outside of these dates, the development and all temporary structures/buildings brought onto the land in pursuance of this permission and use shall be removed from the site and land restored to its former Condition in accordance with the approved scheme.

REASON: To accord with the terms of the application and to enable the Local Planning Authority to regulate and control the development of the land.

03. The development hereby approved shall take place only between the dates approved in Condition 02 above and the site shall only operate as specified within the following time frames.

- (a) The site shall be open to the public no earlier than 30 minutes prior to the first tour operating time
- (b) i) Tour Times: Monday - Friday to commence no sooner than 09:30 hrs with the last tour starting no later than 19:00 hrs, with the exception of the school holiday period as set out yearly by Bracknell Forest Council between December and January when tour times shall commence no sooner than 08:00 hrs with the last tour starting no later than 19:00 hrs
- ii) Tour Times: Saturday - Sunday 08:00 hrs - 19:00 hrs
- (c) The site shall be closed by no later than 23:00 hrs.
- (d) No activity shall be permitted on the site between 23:00 hrs and 06:00 hrs other than for the purposes of security, restocking or routine basic maintenance but excluding construction work.

[Relevant Plans and Policies: BFBLP Saved Policies EN20, M4, Core Strategy DPD Policy CS23]

04. The development hereby permitted shall be carried out only in accordance with

(a) proposed typical site plan ref LL08.2021.SP01

(b) the following previously approved plans and information under reference 15/01006/FUL:

Dwg No. DW02 - C - Site location plan - LPA restamp date 26.11.15

Dwg No. DW03 - C - Site section AA - LPA restamp date 26.11.15;

Dwg No. DW04 - B - Site sections BB & CC- LPA restamp date 26.11.15

Dwg No. DW05 - B - Site Section DD - LPA restamp date 26.11.15

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Report dated August 2015 - prepared by Applied Ecology
(Appendix 7) Lighting Report, prepared by Capita Symonds - May 2013 &
update statement email dated September 2015
(Appendix 8) Trackway Specification 19/00712/FUL
Cycle Facilities - LPA received 04.02.16
Contamination Prevention - LPA received 04.02.16
Noise Prevention - LPA received 04.02.16

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

05. No sales of tickets shall take place on the site.

REASON: - To ensure the impact of this development does not adversely affect the local highway network.

[Relevant Plans and Policies: BFBLP M4, Core Strategy DPD CS23]

06. The security fencing and the screening shall be erected as approved before the site is opened to the public.

REASON: - In the interests of the visual amenities and character of the area and site security.

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

07. Prior to the first use (including any vegetation/tree clearance) of the development hereby approved the following shall be undertaken:

- (i) the site shall be surveyed for the presence of reptiles
- (ii) survey results will be compared with long term trends, and
- (iii) the completed survey shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of protecting a Species of Principal Importance.

[Relevant Plans and Policies: CSDPD CS1]

08. The development hereby permitted shall be carried out in accordance with the approved John Wenman Landscape and Ecological Management Plan July 2021 and the Thompson Ecology Reptile Mitigation Strategy September 2016 and thereafter retained in accordance with the approved details.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: Core Strategy DPD CS1, CS7]

09. 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.

REASON: In the interests of the amenity of neighbouring residential properties nature conservation.

[Relevant Policies: BFBLP EN20, EN25 and CSDPD CS1, CS7]

10. The approved scheme detailing what preventative and remedial measures that will be implemented to prevent any spillages contaminating the land or water courses of the site shall be implemented prior to the site opening to the public.

REASON: To ensure that any potential for contamination can be contained without impacting upon the natural habitat and species that it supports.

[Relevant Policies: BFBLP EN25]

11. The approved scheme detailing what preventative and remedial measures will be implemented to prevent noise nuisance from plant and equipment brought onto the site shall be implemented prior to the first use of such equipment.

REASON: To ensure that any potential for noise nuisance can be contained without impacting upon the amenities of residential properties bordering the site.

[Relevant Policies: BFBLP EN25]

12. The on-site refuse storage facilities as approved under reference 16/00205/COND shall be provided in accordance with the approved details prior to the site opening to the public and thereafter shall be retained for the duration of the event.

REASON: To ensure the provision of satisfactory waste collection facilities in the interests of amenity.

[Relevant Policies: BWLP WLP6 and WLP9]

13. The car parking and turning and circulation shall be provided in accordance with the approved drawing DW02.2-H and remain available whilst the event is operational.

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]

14. The development hereby permitted shall not open to the public until the covered bike park as shown on drawing DW02.2-H is provided for employees. The scheme shall be implemented as approved and remain thereafter whilst the event is operational.

REASON: In the interests of accessibility of the development to cyclists.

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

15. The site organisational scheme approved under reference 16/00205/COND detailing the site setup and removal phases shall be implemented each season that the event opens to accommodate the following:

(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 both the setup and removal phases of the development

(d) Wheel cleaning facilities

(e) Temporary portacabins and welfare for site operatives and each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No

other areas on the site, other than those in the approved scheme shall be used for the purposes listed

(a) to (e).

(f) No construction work shall take place on the site between 22:00 hrs and 08:00 hrs

REASON: In the interests of visual amenity, road safety and nature conservation of the site.

[Relevant Policies: BFBLP M4, M9, Core Strategy DPD CS23]

16. The Car Park Management Scheme shall operate for the full duration of the opening of the event as approved under reference 16/00205/COND.

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 and to encourage sustainable alternative transport options to reduce the reliance on private car travel and make good use of the public transport options.

[Relevant Policies: BFBLP M4, M9, Core Strategy DPD CS23]

17. The Car Park Management Plan approved under reference 16/00205/COND detailing the operation and layout of the on site parking and access arrangements including the use of

marshalling within the site to control traffic shall be implemented as approved throughout the duration of the event.

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 and to encourage sustainable alternative transport options to reduce the reliance on private car travel and make good use of the public transport options.

[Relevant Policies: BFBLP M4, M9, Core Strategy DPD CS23]

18. The site shall not be open to the public until the approved directional signage under reference 16/00189/COND has been fully implemented. The signs shall be maintained for the duration of the event and removed once the event has closed.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

19. No overnight sleeping accommodation shall be permitted on the site.

REASON: - For the avoidance of doubt no overnight staff/security accommodation shall be allowed on

the site in the interest protecting the amenities of the neighbours and conservation interests of the area

after the site has closed after each day of its operation.

[Relevant Plans and Policies: BFBLP M4, Core Strategy DPD CS23]

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

02. An early season reptile survey in April/May could discharge the condition 7. while avoiding issues with the timing of site-set-up.

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ITEM NO: 8

Application No.
21/00024/LB
Site Address:

Ward:
Binfield With Warfield

Date Registered:
11 January 2021

Target Decision Date:
8 March 2021

**Binfield House Terrace Road North Binfield Bracknell
Berkshire**

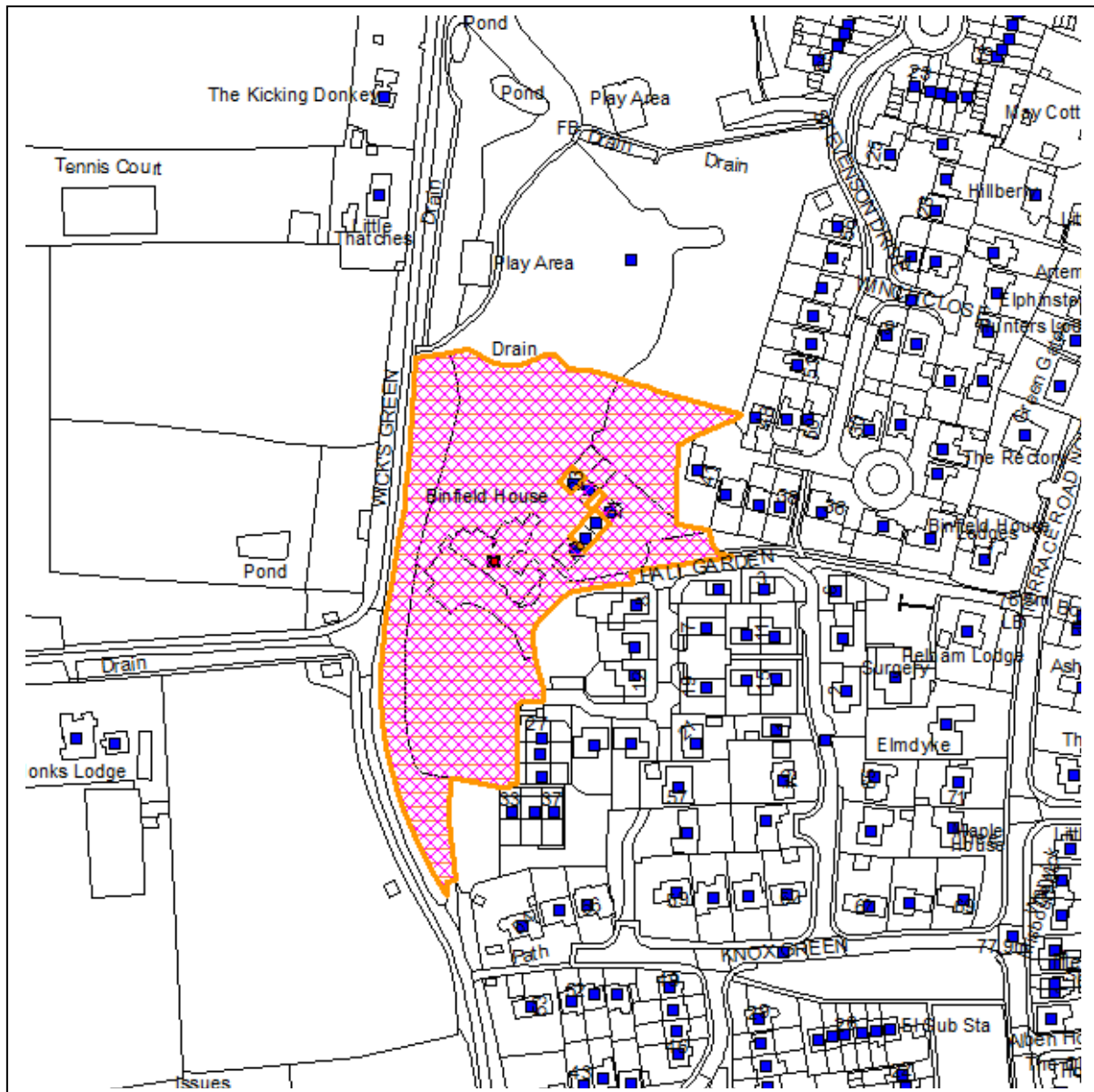
Proposal: **Application for Listed Building Consent for refurbishment and conversion of Binfield House into 9 retirement apartments incorporating internal and external alterations.**

Applicant: Brett Jacobs

Agent: Mr Christopher Colloff

Case Officer: Katie Andrews, 01344 352000
development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1.0 SUMMARY

1.1 This application relates to Binfield House and works to the Grade II Listed Building which require Listed Building consent. The works are required in connection with the proposed refurbishment of Binfield House to provide 9 retirement apartments.

1.2 The proposed works to Binfield House, following their amendment, are considered to be acceptable and justifiable in returning Binfield House to a sustainable economic use which is compatible with its long-term conservation.

RECOMMENDATION

Listed Building Consent be granted subject to conditions in Section 11 of this report

2.0 REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application has been reported to the Planning Committee following the receipt of more than 5 letters of objection.

3.0 PLANNING STATUS AND SITE DESCRIPTION

3.1 This application site relates to Binfield House which is a Grade II Listed Building.

3.2 The Listed Building currently includes 16 flats/bedsits and its conversion and refurbishment would result in eight, two bedroom flats and one, one bedroom flat.

3.3 On the ground floor, the principal reception rooms contain 20th century neo-Georgian fireplaces, doors and ceilings in rooms dating from the remodelling works of Cachemaille-Day in the 1920s. A curved stone staircase with wrought-iron balusters is also part of the 1920s remodelling. These features which add to the value of the Listed Building, are largely well-preserved on the left-hand side of the building. However, the right-hand side of the building has suffered from sub-division although the residential flats on the ground-floor are largely confined to the modern extensions to the rear of the building.

3.4 The interior of the upper storeys has been converted to separate flats within the building, which has led to a great deal of sub-division within the historic building, particularly on the first and second floors.

3.5 There have been a number of incongruous alterations and extensions to the Listed Building resulting in changes to the historic plan form and a large number of original decorative features being removed from the property. In particular, a number of the rear extensions to the Listed Building have altered its plan form and eroded the original aesthetic.

3.6 Along the rear elevation this includes a number of incongruous alterations including a two storey extension to house a lift. There is a mid-20th century single-storey extension to the rear which would be demolished as part of the proposals better revealing the rear mid-19th century extension.

PLANNING STATUS
Grade II Listed Building

4.0 RELEVANT SITE HISTORY

4.1 601097: Conversion of house into flatlets for old people with wardens flats and separate self-contained flat on second floor. Also provision of steel fire escape and replacement of some old windows for new. APPROVED 1975

4.2 601871: Erection of six old people's bungalows with six parking bays. APPROVED 1978

4.3 21/00023/FUL Refurbishment and Conversion of Binfield House into 9 retirement apartments incorporating internal and external alterations and erection of new buildings containing 9 retirement dwellings, following demolition of existing single storey buildings, together with associated parking and landscaping (amended description). Appears elsewhere on this agenda.

5.0 THE PROPOSAL

5.1 Listed Building consent is require as the proposal involves internal and external works to Binfield House, a Grade II Listed Building.

5.2 The Listed Building currently includes 16 flats/bedsits and its conversion and refurbishment would result in eight, two bedroom flats and one, one bedroom flat.

5.3 Externally it is proposed to remove an external fire escape and to build two rear terraces accessed through sliding doors; to replace an existing sash window; and to introduce a new window to the northeast elevation.

5.4 Internally the Listed Building currently includes 16 flats/bedsits and its conversion and refurbishment would result in eight, two bedroom flats and one, one bedroom flat. The interior of the upper storeys have been converted to separate flats within the building, which has led to a great deal of sub-division previously within the historic building, particularly on the first and second floors. The proposal is therefore for the removal of the stud wall sub-divisions on these floors to create five flats at the first and second floor.

5.5 Consent for these works is sought in connection with the refurbishment of Binfield House to provide 9 retirement apartments and the erection of 9 dwellings to the rear with associated access and parking, following the demolition of the existing bungalows under planning application 21/00023/FUL which is considered elsewhere on this agenda.

5.6 The application has been amended during the course of its consideration to:

- Remove a lift from the central hallway
- Remove a projecting rear extension which replaced a fire escape.
- Keep in place a doorway to flat 13 without alteration and retain an original door on flat 12 but fix it shut.

6.0 REPRESENTATIONS RECEIVED

Binfield Parish Council

6.1 Recommends refusal however states that these are the same comments submitted for the full planning application 21/00023/FUL and that Binfield Parish Council has no objection to the proposed sympathetic refurbishment to Binfield House.

- (i) Over development of the site with 12 two storey houses replacing 6 single storey bungalows. This is not in line with the BNP policy BF1 Backland and infill development.
- (ii) Significant harm to the setting of the Grade II Listed Binfield House by taking away the open aspect at the rear.
- (iii) Significant detrimental impact on the conservation area with the addition of 12 two storey properties.
- (iv) Whilst the proposal is to use Knox Green/Hall Gardens for construction traffic access, and it is recognized this will create significant disruption to residents, if this does change to be routed along Wicks Green this will have a serious detrimental impact on the verges and the amenity nature of the lane

Binfield Parish Council on amended plans

6.2 Binfield Parish Council previously objected to this development – and has reconsidered in the light of the revised plans. It is noted that this is a major improvement on the previous plans and Beechcroft should be thanked for their efforts.

However, whilst still has no objection to the proposed sympathetic refurbishment to Binfield House, Binfield Parish Council wishes to RECOMMEND REFUSAL of this application, as it is re-presented for the following reasons:

- (i) Over development of the site with 9 x 1.5 storey houses replacing 6 single storey bungalows. This is not in line with the BNP policy BF1 Backland and infill development.
- (ii) Whilst less harm than the last plan, there is still significant harm to the setting of the Grade II Listed Binfield House by taking away the open aspect at the rear.
- (iii) And therefore, it remains that this development has a detrimental impact on the conservation area.
- (iv) Should the development go ahead the parish would welcome a conversation about a pedestrian accessible route to Wicks Green/Silver Jubilee Open Space.

6.3 Seven joint letters of objection have been received in connection with the full planning application 21/00023/FUL raising objection to the redevelopment. These have been considered under the report for 21/00023/FUL. Of these letters, 1 raised objection to the Listed Building application on the following grounds:

- Given its architectural importance a Condition Survey and an outline schedule of works (for alterations/accrued repairs) should accompany the floorplans
- Limited information provided by the plans which seem insufficient to make a decision.
- Access should be off Wicks Green.

6.4 Within one of the seven letters, support was given for the Listed Building application on the following grounds:

- Wonderful to see sympathetic conversion to Grade 2 Listed Building
- Support principle of the proposed conversion of Binfield House to retirement apartments

7.0 SUMMARY OF CONSULTATION RESPONSES

Heritage Consultee

7.1 No objection on amended plans subject to conditions

8.0 MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
Heritage	CSDPD Policies CS1 & CS7	Consistent (paras. 189 to 197)

8.2 In addition, the Binfield Neighbourhood Plan was adopted in 2016. The relevant policies from this which are considered consistent with the NPPF are:

Policy BF2: Protection of Heritage Assets

9. PLANNING CONSIDERATIONS

Impact of the proposed works to the listed building.

Listing

9.1 Binfield House is Grade II Listed and was added to the statutory list in December 1972. It was converted to use as a care home for the elderly in the 1980s and is now empty. The house dates from the late 18th century and was altered and extended in the 19th century with the addition of Gothic features and was further altered in the late 20th century. It is two storeys in height with an attic level and has a rectangular plan with extensions at rear. The house is built of red brick in Flemish bond under hipped tiled roofs of different heights and several chimneys, some with clay pots.

9.2 The site had an associated walled kitchen garden which formed a garden nursery and now contains housing with the Hall Garden development.

Setting

9.3 The area of the old kitchen gardens and surrounding area, to the south and southeast of the main house, have been developed as a housing estate. To the northeast of the main building is an L-shaped, single storey range of buildings which formed additional sheltered accommodation within the grounds of the house. The design and materials of the range is unsympathetic to the character of the Listed Building and detracts from its setting. The setting of Binfield House is now characterised by residential properties set within smaller garden plots to the south and east, with open, green space to the north and west. The residential development at Binfield House Nursery, abutting the Site to the east, has eroded the original garden setting of the designated heritage asset, which had been separated on acquisition of the property by the Local Authority in the late 1970s.

9.4 During the late 19th century there was a glasshouse and range of outbuildings to the rear of the gardens in a location now occupied by the site of the current sheltered accommodation bungalows.

9.5 The Listed Building was remodelled extensively internally by Cachemaille-Day in the 1920s adding many of the surviving interior features which contribute to the building's Listed status.

9.6 In 1977, Listed Building Consent was granted to demolish the disused barns and outbuildings to the north east of the house and in 1978 the single-storey range of sheltered accommodation

was constructed. The ownership of the house was transferred to Bracknell Forest Homes in 2008 including the walled garden to the east used as the Council's plant nursery.

9.7 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that "in considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

9.8 The NPPF (paragraph 194) requires that:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

9.9 Paragraph 199 states that:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

9.10 Paragraph 200 states:

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

9.11 CSDPD Policy CS1(ix) states that development will be permitted which protects and enhances historic and cultural features of acknowledged importance. Policy CS7(i) states, inter alia, that development proposals will be permitted which respect the historic environment.

9.12 Binfield Neighbourhood Plan Policy BF2 states that development proposals should demonstrate that negative impacts of heritage assets have been either avoided or minimised. Where the harm of any residual impacts of a proposed scheme is not justified by the public benefits that would be provided, it will not be supported. Development proposed will be required to sustain and enhance the setting of heritage assets in their vicinity, including views from historic parks and gardens, through the careful choice of building heights, layout and materials, use of landscape buffers and placement of green open space. These should avoid placing incongruous tall buildings in prominent locations in views that contribute to the significance of these heritage assets.

9.13 These policies are considered to have significant weight as they are consistent with section 16 of the NPPF.

9.14 The Listed Building currently includes 16 flats/bedsits and its conversion and refurbishment would result in eight, two bedroom flats and one, one bedroom flat.

9.15 On the ground floors the principal reception rooms contain impressive 20th century neo-Georgian fireplaces, doors and ceilings in rooms dating from the remodelling works of Cachemaille-Day in the 1920s. The impressive curved stone staircase with wrought-iron balusters are also part of the 1920s remodelling and these features are to be retained and preserved. The removal of intrusive stud wall sub-divisions on the first and second floors is proposed to create 5 flats on these floors. The removal of these intrusive stud wall sub-divisions on these floors will make better use of the original historic architectural features, such as the windows.

9.16 Within the main Listed Building the majority of the changes refer to alterations or removal of later partitions which would not have any adverse effect on the fabric of the building. The amended proposals omits the provision of a new lift as previously proposed as this would have affected the existing plan and obscure some of the architectural interior features as well as cause damage to the ground and first floor ceilings and floors.

9.17 The ground-floor interior features affected include a neo-Georgian ornate doorway described as:

Detail of the neo-Georgian interiors of Cachemaille-Day's redesign of the house for the Knox's. These details make a positive contribution to the significance of the heritage asset.

9.18 The doorway to flat 13 is retained at the same width without alteration, retaining the architectural symmetry of the corridor and the doorway to flat 12 would be retained and fixed shut and will become part of the dining room to the ground floor flat.

9.19 The plans have been amended to remove a projecting rear extension from the north east elevation, which replaced an existing fire escape. However, the double doorway has been retained and instead a Juliette balcony is proposed. Given there was previously a fire escape in this location, there is not considered to be an objection to the retention of the doorway with a Juliette balcony. Two further terraces are proposed to the north east elevation which are sympathetic to the building.

Conclusion

9.20 Following the removal of the service lift within the historic core of the Listed Building and the alterations to the doors within the central hallway of the building the proposals are considered to be acceptable and justifiable in returning Binfield House, a Grade II Listed Building, to a sustainable economic use which is compatible with its long-term conservation.

10. RECOMMENDATION

10.1 That the Assistant Director: Planning be recommended to **APPROVE** the application subject to the following conditions amended, added to or deleted as the Assistant Director: Planning considers necessary: -

01. The works hereby approved shall be begun before the expiry of three years from the date of this permission.

REASON: To comply with Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

02. The works hereby approved shall be carried out only in accordance with the following approved plans:-

3607.P.111 F Proposed Floor Plans

3607.P.112 C Proposed Elevations

Heritage Statement (Updated May 21)

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

03. The development hereby permitted shall be carried out in a proper workmanlike manner appropriate to the age and character of the building and using traditional materials and techniques except where the use of modern materials and techniques have specifically been approved by the Local Planning Authority.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy.

REASON: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy.

[Relevant Policies: Core Strategy CS1]

04. All new works, and works of making good to the retained fabric, whether internal or external, shall be finished to match existing, original or adjacent work (as deemed appropriate by the Local Planning Authority) with regard to the methods used and to materials, colours, textures and profiles.

REASON: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy.

[Relevant Policies: Core Strategy CS1]

05. All existing internal decoration features, including plaster work, ironwork, fireplaces, doors, windows, staircases, staircase balustrade and other woodwork, shall remain undisturbed in their existing position, and shall be fully protected during the course of works on site unless expressly specified in the approved drawings.

REASON: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy.

[Relevant Policies: Core Strategy CS1]

06. The following, shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the work is begun:

a) Sample facing bricks to be used in repair of areas of brickwork and new brickwork where applicable.

REASON: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy.

[Relevant Policies: Core Strategy CS1]

07. No related works shall be carried out unless further drawings showing the retention of the ground-floor doors to Plot 13 at a scale of not less than 1:20 and including elevation, plan and section details have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved and thereafter retained.

REASON: The submitted drawings are inadequate in this matter and further information is needed in order to protect and preserve the character of the listed building

08. No works shall be undertaken until details of the methods of providing insulation to the walls, floors and windows frames, have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

REASON: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy.
[Relevant Policies: Core Strategy CS1]

09. No new or replacement windows or doors shall be inserted in the building unless further details at a scale of not less than 1:20 and including elevation, plan and section details have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved and thereafter retained.

REASON: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy.
[Relevant Policies: Core Strategy CS1]

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ITEM NO: 9

Application No.

21/00172/3

Site Address:

Ward:

Priestwood And Garth

Date Registered:

10 March 2021

Target Decision Date:

5 May 2021

**Braybrooke Recreation Ground Makepiece Road
Bracknell Berkshire**

Proposal:

Erection of 2no re-purposed wooden structures. One, a Scout Hut for a local Scout group and the other a classroom for Bracknell Town Council.

Applicant:

Lee Clark

Agent:

(There is no agent for this application)

Case Officer:

Olivia Jones, 01344 352000

development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

- 1.1 Full planning permission is sought for the erection of a detached Scout Hut and detached classroom building within Braybrooke Recreation Ground.
- 1.2 The development relates to a site within the settlement boundary. It is not considered that the development results in an adverse impact on the streetscene or the character and appearance of the area, trees, biodiversity or highway safety.

RECOMMENDATION
Planning permission be granted subject to conditions in Section 11 of this report

2. REASONS FOR REPORTING THE APPLICATION TO ADVISORY PLANNING COMMITTEE

- 2.1 The application has been reported to the Advisory Planning Committee as it is a scheme which the Director for Place, Planning and Regeneration is responsible for promoting.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Within Defined Settlement
Public Open Space
Local Green Space (Bracknell Town Neighbourhood Plan)

- 3.1 Braybrooke Recreation Ground is a public open space managed by Bracknell Town Council. The proposed hut would be sited on the western side of the site, adjacent to junction between Makepiece Road and Quelm Lane, a public right of way (PROW).
- 3.2 The proposed site is not located within the Borough's defined employment areas. The recreation ground is designated as Local Green Spaces within Bracknell Town Neighbourhood Plan (draft).

4. RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history is summarised as follows:

6393
Ablution building.
Approved 1960

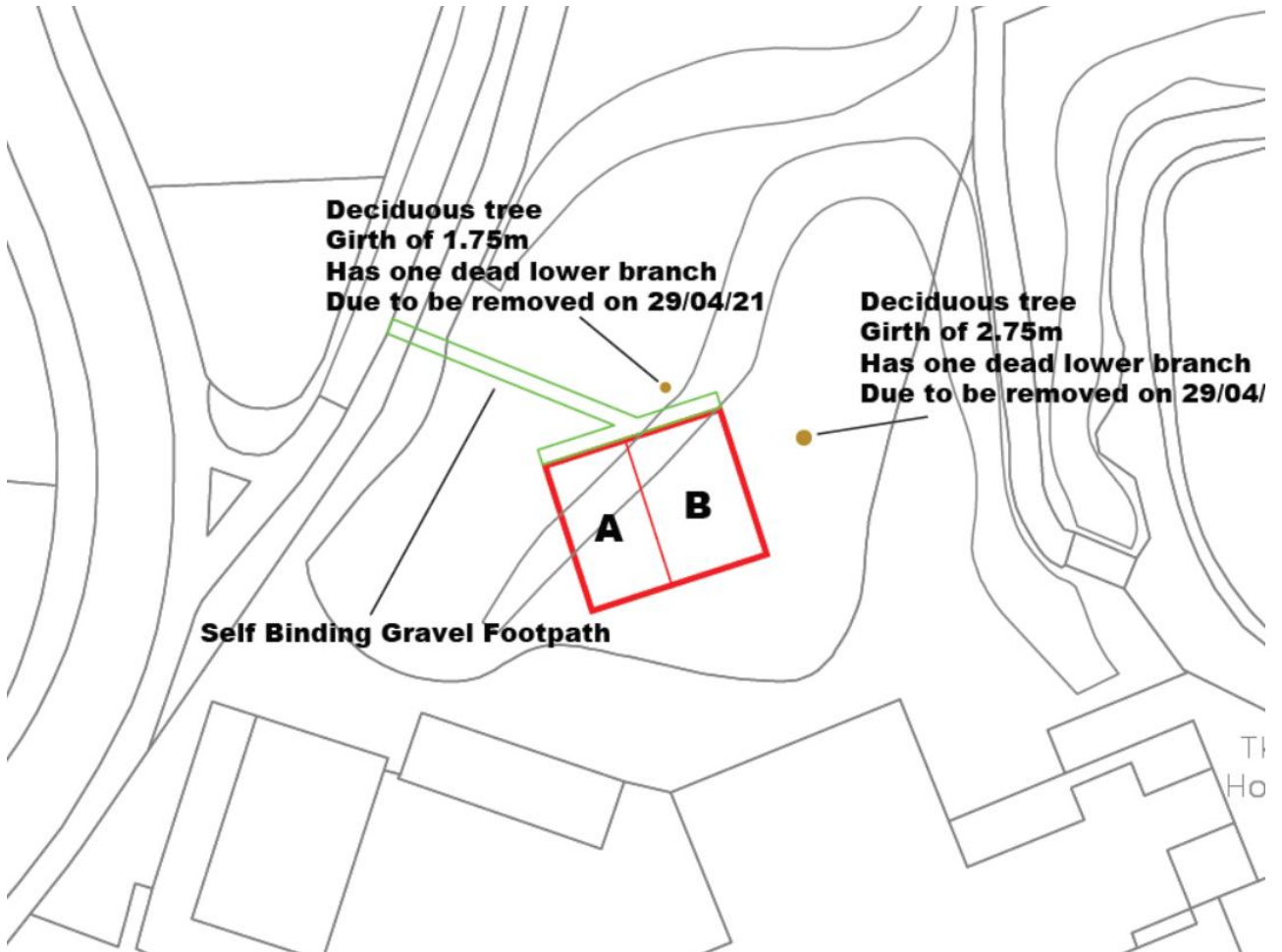
601166
Application for erection of pre-school playgroup building and outside play area.
Refused 1975

5. THE PROPOSAL

- 5.1 It is proposed to install two single storey buildings within Braybrooke Recreation Ground: a scout hut and a classroom. A footpath will be created to link the buildings to Quelm Lane.
- 5.2 The proposed Scout Hut would have a width of 9.3 metres, a depth of 6.7 metres and a height of 3.2 metres. An access ramp and stairs are proposed to the front. The building would be clad

with timber. The hut would be used for Scouting activities in the surrounding area, and for the collection of scouting uniforms.

5.3 The proposed classroom would have a width of 9 metres, a depth of 5.4 metres and a height of 3.65 metres. The building would be constructed of shiplap. The building would be used by Bracknell Town Council to teach children about vegetation, trees and wildlife within the park.



6. REPRESENTATIONS RECEIVED

Bracknell Town Council

6.1 No objection to the scheme. BTC has requested that an inscription is added to the buildings regarding the proposed use of the buildings.
[Officer Comment: It would not be reasonable to require this as a planning condition.]

Other Representations

6.2 One letter of representation has been received requesting that care is taken to ensure the surrounding trees are preserved.

7. SUMMARY OF CONSULTATION RESPONSES

Highway Authority

7.1 No objection

Tree Service

7.2 No objection

Biodiversity Officer

7.3 No objection

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

8.1 The key policies and associated guidance applying to the site are:

	Development Plan	NPPF
General policies	CS1 & CS2 of CSDPD	Consistent
Recreational Land	Policy CS8 of the CSDPD 'Saved' Policy SC3 of the BFBLP, Policy EV3 of the Draft Bracknell Town Neighbourhood Plan	Consistent
Design and Character	CS7 of CSDPD, Saved policy EN20 of BFBLP, Policy HO8 of the Draft Bracknell Town Neighbourhood Plan	Consistent
Residential Amenity	Saved policies EN1, EN2, EN20 and EN25 of BFBLP	Consistent
Highways	CS23 of CSDPD, Saved policy M9 of BFBLP	Consistent
Trees	'Saved' Policy EN1 of BFBLP, Policy EV4 of the Draft Bracknell Town Neighbourhood Plan	Consistent
Biodiversity	'Saved' Policy EN15 of BFBLP	Consistent
Supplementary Planning Documents (SPDs)		
Design (2017)		
Parking Standards (2016)		
Other publications		
National Planning Policy Framework 2021 (NPPF)		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- (i) Principle of the Development
- (ii) Impact on the character and appearance of the area
- (iii) Impact on residential amenity
- (iv) Highway safety consideration
- (v) Impact on trees
- (vi) Impact on biodiversity

i. Principle of Development

9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan,

unless material considerations indicate otherwise, which is supported by the NPPF (paragraph 2). Policy CS2 of the CSDPD states that development will be permitted within defined settlements. This is provided that the development is consistent with the character, accessibility and provision of infrastructure and services within that settlement. The above policy is considered to be consistent with the NPPF, and as a consequence is considered to carry significant weight.

- 9.3 Policy CS8 of the CSDPD states that development will be permitted which retains, improves and maintains existing Recreational Facilities. The commentary to this policy states that this policy is intended to resist the loss of existing provision of recreational facilities and the protect them from pressures from development. 'Saved' Policy SC3 of the BFBLP states that development will only be acceptable where there is no loss of existing community facilities.
- 9.4 Paragraph 99 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 9.5 Paragraph 101 goes onto state that the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them.
- 9.6 Paragraph 103 of the NPPF states that policies for managing development within a Local Green Space should be consistent with those for Green Belts.
- 9.7 Policy EV3 of the Draft Bracknell Town Neighbourhood Plan designates both Braybrooke and The Elms Recreation Grounds as 'Local Green Spaces'. This policy states that new development on these local green spaces should only be permitted if they enhance the role and function of the space.
- 9.8 While this Neighbourhood Plan has not yet been ratified by referendum a decision statement has been issued by Bracknell Forest Council (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012) and therefore the plan can be given significant weight in decision-making (paragraph 107 Planning Practice Guidance: Neighbourhood Planning).
- 9.9 The proposed buildings would be located on land designated as local green space where development is restricted unless it enhances the role and function of the space. Given the proposed buildings would be used primarily used in relation to the Green Space (the scout hut used for scouting activities around the green space, and the classroom used for teaching about the green space and ecology) it is considered the proposed buildings would be suitable for this location.

ii. Impact on Character and Appearance of Surrounding Area

- 9.10 'Saved' policy EN20 of the BFBLP states that development should be in sympathy with the appearance and character of the local environment and appropriate in scale, mass, design, materials etc. Policy CS7 of the CSDPD states that the council would require high quality design for all development in Bracknell Forest. Development proposals would be permitted which build on the urban local character, respecting local patterns of development. Section 12 of the NPPF emphasises the importance of good design as key to making places better

for people to live. Additionally, the NPPF states that the design of development should help improve the character and quality of an area and the way it functions.

9.11 Policy HO8 of the Draft Bracknell Town Neighbourhood Plan states that the design of new development should have regard to local character including the use of locally appropriate building materials.

9.12 The proposed hut would be a repurposed sales hut. The hut is single storey and has a flat roof which reduces the bulk of the building. The proposed classroom would be a single storey building with a pitched roof. Both buildings would be considered to appear modest in scale. The use of timber cladding for the buildings would be considered appropriate in a woodland setting.

9.13 The proposed siting within Braybrooke Recreation Ground would be between the existing Community Centre building and carpark. Given the single storey nature of the buildings they would not appear incongruous or overly prominent in this existing built up location. The view from outside the recreation ground would be screened by vegetation, and the surrounding mature trees would not be harmed by the proposal.

iii. Residential Amenity

9.14 'Saved' policy EN20 of the BFBLP states that development will not adversely affect the amenity of surrounding properties and adjoining area. Paragraph 130 of the NPPF states that the Local Planning Authority should ensure high quality amenity for all existing and future occupants of land and buildings.

9.15 The proposed buildings would be sited in an area that is currently used for internal and external recreational activities. It is not considered the provision of two buildings would intensify the use of the land to such an extent as to adversely impact the residential amenities of the occupiers of neighbouring dwellings.

iv. Transport and Highways Considerations

9.16 Policy CS23 of the CSDPD states that the council will use its planning and transport powers to reduce the need to travel, increase the safety of travel, promote alternative modes of travel and promote travel planning. 'Saved' policy M9 of the BFBLP states that development will not be permitted unless satisfactory parking provision is made for vehicles and cycles. This policy also states that the standards set out in the Bracknell Forest Borough Parking Standards, Supplementary Planning Document 2016 (SPD) must be adhered to.

9.17 It is proposed that visitors to the proposed buildings park in the car park associated with Braybrooke Recreation Ground. It is considered that the car park has the capacity to accommodate the visitors to the proposed buildings. A condition will be imposed requiring all activity to stop at the buildings at least 15 minutes before the closure of the car park, and start at least 15 minutes after the car park is open, to ensure safe access.

9.18 A footpath is proposed to link the buildings to Quelm Lane which will lead onto the car park, and the building will be provided with lighting to ensure safety when accessing the footpath.

v. Trees

9.19 'Saved' policy EN1 of the BFBLP states that planning permission will not be granted for development which would result in the destruction of trees and hedgerows. Trees and hedgerows are important to the retention of the character and appearance of the landscape or townscape of the area. Paragraph 131 of the NPPF states that trees make an important

contribution to the character and quality of urban environments. It goes on to state that planning decisions should ensure that [...] existing trees are retained wherever possible.

9.20 Policy EV4 of the Draft Bracknell Town Neighbourhood Plan states that development proposals are expected to retain all trees in good condition, and which possess amenity value.

9.21 The proposed buildings would be sited within an area of woodland. While this woodland is not covered by a Tree Preservation Order, the trees play an important role in the sylvan nature of the surrounding area and therefore any impact on these trees should be minimised.

9.22 Details of tree protection and construction mitigation have been submitted by the applicant and reviewed by the Tree Service. The Tree Service are satisfied that the submitted information is sufficient to ensure adequate protection for the trees, subject to suitable monitoring which would be secured by condition.

vi. Biodiversity Implications

9.23 Policy CS1 of the CSDPD states that development will be permitted which protects and enhances the quality of natural resources including biodiversity. Policy CS7 of the CSDPD states that development proposals will be permitted which promote biodiversity. 'Saved' policy EN15 of the BFBLP states that external lighting schemes will only be acceptable where they would have no adverse impact on wildlife. These policies are considered to be consistent with the NPPF which states that the planning system should contribute to, and enhance, the natural and local environment by minimising impacts on biodiversity.

9.24 Path surfacing – The ecological assessment section 1.4 suggests the access path to the buildings will be resin bound gravel whereas the amended block plan shows a self-binding gravel. The project manager has confirmed that a self-binding gravel will be used as this is more permeable and sensitive within the woodland environment.

9.25 Lighting – Lighting could have a significant impact within the woodland, deterring a range of nocturnal species most notably bats. As lighting is required a condition should be secured to sensitive lighting.

9.26 Woodland planting - Section 4.17 of the ecological assessment recommends new native understorey planting. The plan should improve its condition by removing of heaped soil areas, new understorey planting, creation of deadwood features, installing bird and bat boxes and reducing mowing regimes around woodland edges. This should be expanded and improved to compensate for the potential impacts of the new buildings and their use including increased human presence and impacts on woodland management for safety. There are three new planting areas within the woodland: a bare soil area northeast of the hut location and two 'clearings' on the north edge of the woodland. These total 1520 m² and will provide new woodland habitat to offset the impact of the proposed huts.

9.27 Woodland Management Plan – The ecological assessment indicates that the woodland is in poor condition due to the lack of understorey and the ground flora indicates previous use of the area for woodchip storage. Therefore, a woodland management plan should be secured by condition to provide biodiversity net gains from the proposals and ensure the success of any new planting.

9.28 Bird and bat boxes - Section 4.17 recommends the installation of a wooden bird and bat box on the new buildings. All bird and bat boxes should be of woodcrete or recycled plastic to ensure their longevity. A condition securing details of biodiversity enhancements should include these features.

9.29 Scout Activities – it is understood that the lease agreement for the scout group will specify that no fires will be lit. It should also be clear that no activities should be taken which change the woodland habitat unless they are in line with the woodland management plan.

9.30 Subject to suitable conditions it is considered the impact on the biodiversity within Braybrooke Recreation Grounds can be sufficiently mitigated.

10. CONCLUSIONS

10.1 It is considered that the development is acceptable in principle and does not result in an adverse impact on the character and appearance of the surrounding area, highway safety, trees, biodiversity or the residential amenities of the occupiers of the neighbouring properties. It is therefore considered that the development complies with 'Saved' policies of the BFBLP, Policies of the CSDPD, BFBC SPDs, Policies of the Draft Bracknell Town Neighbourhood Plan and the NPPF.

11. RECOMMENDATION

11.1 That the Assistant Director: Planning be recommended to **APPROVE** application 21/00172/3 subject to the following conditions amended, added to or deleted as the Assistant Director: Planning considers necessary:

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 and other submitted details:

Site Plan – Received 17.03.21

Block Plan – Received 30.04.21

Scout Hut Floor Plans (18101.02) – Received 17.03.21

Scout Hut Elevations and Section (18101.03) – Received 17.03.21

Classroom Floor Plan – Received 17.03.21

Classroom Elevations – Received 17.03.21

Classroom Section – Received 17.03.21

Classroom Specifications – Received 17.03.21

Tree Report – Received 30.04.21

Ecological Assessment – Received 15.06.21

Service Excavation Method Statement – Received 05.08.21

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

03. The materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be similar in appearance to those shown on the approved plans.

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

[Relevant Policies: BFBLP EN20, CSDPD CS7]

04. The hours of operation for the facilities hereby approved shall be restricted to no earlier than 15 minutes after the opening of Braybrooke Park Carpark, and no later than 15 minutes before the closure of Braybrooke Park Carpark.

REASON: In order to ensure safe access to the car park.

05. The access path to the buildings shall be constructed of self-binding gravel and shall be created prior to the occupation of the buildings hereby approved.

REASON: In the interests of nature conservation, the character of the area and pedestrian safety.

06. The development hereby permitted shall not be begun 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 external lighting shall be installed in accordance with the approved scheme prior to the occupation of any building hereby approved.

REASON: In the interests of nature conservation and the pedestrian safety

07. The development hereby permitted shall not be occupied until a Woodland Management Plan has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of new woodland planting and all outside activities to be undertaken in relation to the proposed development. No outside activity should occur, including the lighting of fires, unless it is specified in the Woodland Management Plan.

REASON: In the interests of nature conservation

08. The development hereby permitted shall not be begun until a scheme for the provision of biodiversity enhancements (not mitigation), including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the local planning authority.

The approved scheme shall be performed, observed and complied with.

REASON: In the interests of nature conservation

09. The protective measures shown on the approved plans shall be installed within the application site prior to the commencement of development, including any initial site clearance, and shall be maintained fully intact and (in the case of fencing) upright until the completion of all building operations on the site.

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

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

10. All excavation works shall comply with the approved Service Excavation Method Statement.

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

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

11. Photographs should be provided to the LPA for the following stages of construction:

- The commencement of works on site
- The formation of the fencing compound
- The laying of ground protection
- The excavation works

Photographs should be taken and sent at least 3 working days before any of these stages begin, taken and sent during the installation itself, and taken and sent no more than 3 working days after the stage is completed.

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

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

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:
 - (1) Commencement
 - (2) Approved plans
 - (3) Materials
 - (4) Hours of operation
 - (5) Access path
 - (9) Tree protection
 - (10) Excavation method statement

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

 - (6) External lighting scheme
 - (7) Woodland management plan
 - (8) Biodiversity enhancements scheme
 - (11) Photographs
03. The applicant should note that this permission does not convey any authorisation to enter onto land or to carry out works on land not within the applicant's ownership.
04. This is a planning permission. Before beginning any development you may also need separate permission(s) under Building Regulations or other legislation. It is your responsibility to check that there are no covenants or other restrictions that apply to your property.

ITEM NO: 10

Application No.
21/00233/FUL
Site Address:

Ward:
Wildridings And Central

Date Registered:
3 March 2021

Target Decision Date:
2 June 2021

**Coopers Hill Youth and Community Centre
Crowthorne Road North Bracknell Berkshire RG12
7QS**

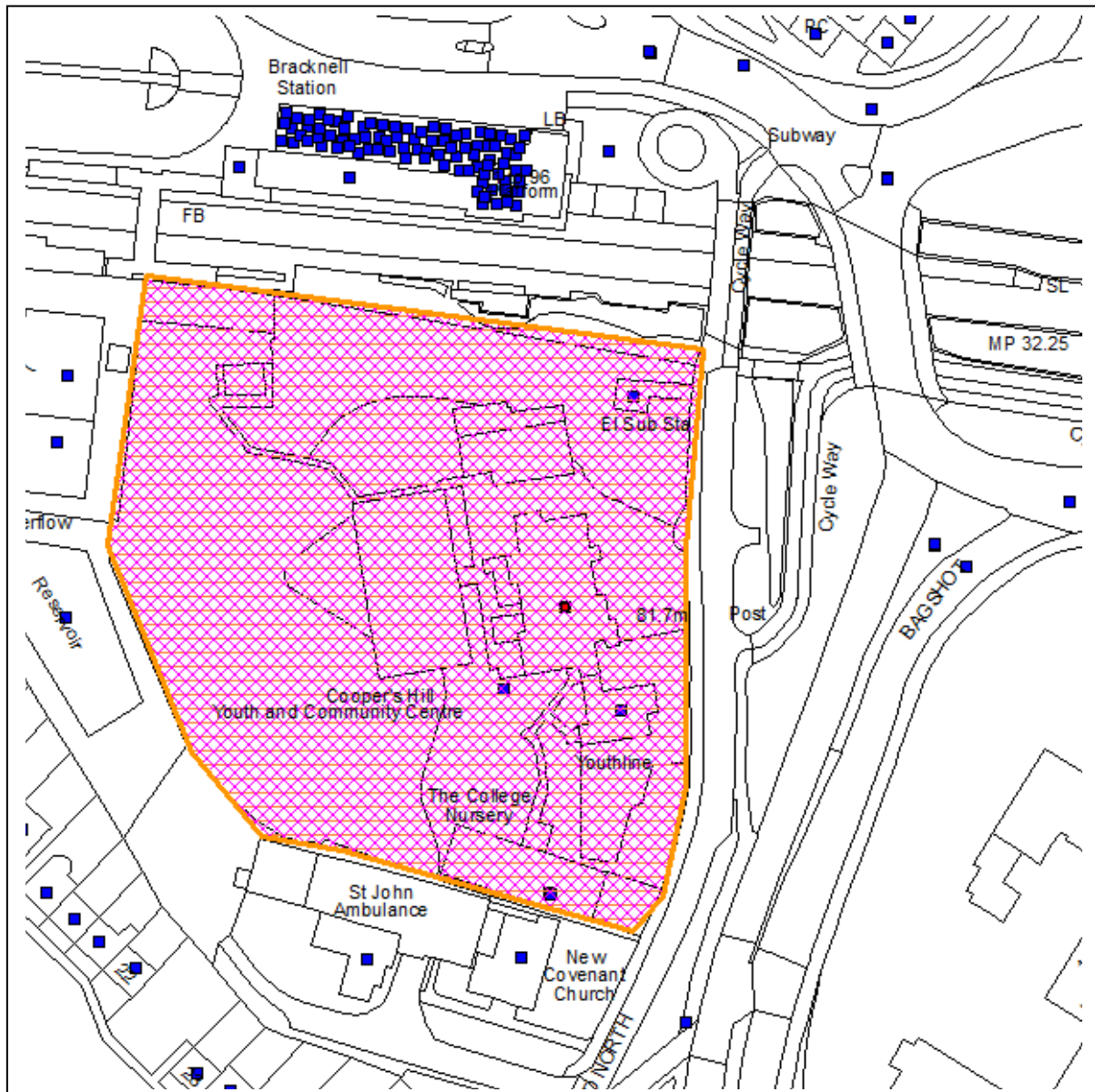
Proposal: **Demolition and comprehensive re-development (phased) to provide residential accommodation (52 Units) (Use Class C3) and ancillary works including access, car parking, cycle parking, landscaping and associated works.**

Applicant: Bracknell Forest Cambium Partnership

Agent: Miss Nadine James

Case Officer: Margaret McEvit, 01344 352000
development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

1.1 The proposed development relates to a site within the settlement boundary and is therefore acceptable in principle. The site is a proposed allocation site in the Emerging Local Plan for 69 units.

1.2 The development of the site would result in the loss of an area of woodland, not covered by any tree protection orders and the loss of BAP priority woodland habitat, but the application proposes replacement tree planting and landscaping of the site and the creation of off-site woodland secured through a S106 agreement to achieve 10% Biodiversity Net Gain (BNG) and other ecology mitigation measures.

1.3 The proposal would not adversely affect the residential amenities of neighbouring occupiers and acceptable living conditions would be provided for future occupiers of the proposed houses and flats. The proposal would also not adversely impact upon the character and appearance of the surrounding area.

1.4 No adverse highway safety implications would result, with sufficient on-site parking provision, cycle and bin storage.

1.5 A legal agreement is required to secure contributions for SPA mitigation, open space, community facilities, SuDS management and mitigation and highway requirements and to secure 25% affordable housing.

RECOMMENDATION
Planning permission be granted subject to completion of a S106 Agreement and conditions as set out in Section 11 of this report

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application has been reported to the Planning Committee because it relates to a scheme which the Director, Place Planning and Regeneration is responsible for promoting.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Within settlement boundary

3.1 The site measures approximately 1.06 hectares and currently contains a two storey red brick building which is partially used as the Coopers Hill Youth and Community Centre. The Site also includes two single storey portacabin buildings, which accommodate a nursery use. An area of hard standing accommodating car parking is located along the eastern boundary of the Site. To the west of the two storey building on site is an area of hardstanding which is currently used as a secure play area for the nursery. Beyond this is an area of green space. The Site's western and northern boundaries are defined by trees, with further trees located within the eastern and southern parts of the Site. The Site is located to the south of Bracknell Town Centre.

3.2 Vehicular access to the Site is from Crowthorne Road North, through an existing access road into the Site, which runs west from Crowthorne Road North. Existing pedestrian access to the Site is also obtained from the access road.

3.3 The Site is bound to the north by railway lines which service Bracknell Station. St John's Ambulance and the New Covenant Church bound the Site directly to the south with predominately two and three storey residential accommodation beyond this. The Site is bounded to the east by Crowthorne Road North and Bagshot Road. Beyond this, Jubilee Court, a ground plus three storey building, is located. To the west of the Site, beyond the tree lined boundary is Bracknell Beaches Business Park Bracknell which is an allocated housing site in the Site Allocations Local Plan (SALP). Levels across the site fall from north to south and from east to west, with the highest point of the site being the north east corner and the lowest point the south west corner.

3.4 A Tree Survey submitted with the application indicates that there are a total number of 122 trees and 2 tree groups on the site with a variety of mature trees, saplings and large shrubs incorporating a mix of species, life stages and conditions. The largest concentration of mature tree groups is located along the northern and western borders.

3.5 The site is a proposed residential allocation in the Emerging Local Plan with a suggested dwelling capacity of 69 units, 24 of which would be affordable.

4. RELEVANT SITE HISTORY

4.1 No relevant planning history.

5. THE PROPOSAL

5.1 The proposal is for the demolition of existing buildings and re-development to provide residential accommodation (52 Units) and ancillary works including access, car parking, cycle parking, landscaping and associated works.

5.2 The application proposes the erection of 52 residential units comprising 22no. two bed houses, 12no. three bed houses, 12no. two bed apartments and 6no. three bed apartments. The houses are two storey in height and a mix of terraces and pairs of semi-detached properties with the apartments provided in 3no. three storey apartment blocks. The houses will be predominately located within the centre of the Site and along the southern boundary. The three flatted blocks will be located along the western and northern boundaries of the Site. Timber refuse stores will be provided for all houses and ground floor apartments, sited chiefly in front of properties with some provided within rear gardens. Each flatted block will have a communal internal bin store for general waste/recycled waste for the upper floor flats. The refuse stores will be screened by hedges along front boundaries.

5.3 The residential accommodation is orientated to face either Crowthorne Road North or the new horseshoe-shaped internal road, which provides a two way link through the site. Parking is provided either on plot or within four parking courts with a total of 77 parking spaces provided.

5.4 An area of communal green space will be provided along the western boundary of the Site with a pedestrian link from this area to the northern site boundary to provide future connections through Bracknell Beeches to the rail station.

5.5 Materials are shown to be predominantly brick in a range of colours. The roofscape across the scheme is varied, with the apartment blocks having flat roofs and the houses having a mix of styles of pitched roofs.



6. REPRESENTATIONS RECEIVED

Bracknell Town Council:

6.1 No objection to the proposal.

Other representations:

6.2 Six letters of representation have been received raising the following material considerations:

Too many buildings proposed - the apartment buildings in particular will mean removal of the trees currently used by nesting birds.

Reduction in biodiversity on the site including bats

The proposals also do not take into account the future works outlined for Bracknell Beeches

The proposed homes do not provide adequate internal accommodation for modern family living.

Concerns over traffic to/from Coopers Hill both during and after construction.

Both Old Bracknell Lane East and Crowthorne Road North not suitable for heavy construction vehicles.

Existing on road parking on Old Bracknell Lane East reduces it to a single vehicle width. Construction traffic and subsequent increased residential traffic will increase congestion and risk to pedestrians accessing the children's' nurseries in Crowthorne Road North.

The pedestrian paths by the proposed development site are access to/from the station for both children and adults. The plans do not show provision of safe passage past the site for pedestrians.

Safety during construction would be enhanced by site access being through the adjoining Bracknell Beeches proposed development site.

Loss of green space and mature trees and the detrimental effect on wildlife.

New dwellings close to the town centre should be reserved for the over 55s.

Loss of a distinctive building.

Loss of community facilities

The design of the scheme appears cramped and represents an overdevelopment of the site.

Insufficient car parking

7. SUMMARY OF CONSULTATION RESPONSES

Highways

7.1. The overall parking ratio throughout the site is 1.5 spaces per dwelling which is between the town centre standard and standards for the remainder of the Borough. This is acceptable. 5 visitor parking spaces have been provided which should be adopted to enable parking restrictions to be placed on them.

7.2 In both morning and evening peak periods there will be an increase of around 15-20 two way vehicle movements. This level of increase is nominal and the local road junctions as well as the wider network could cater for such an increase.

7.3 The site is located on Crowthorne Road North which is a no through road with a 30mph speed limit which contains areas of time controlled on street parking which will aid in controlling road speeds. The road width across the frontage of the site is suitable for the scale of the development and some on street parking.

7.4 All properties are provided with cycle storage but a number of dwellings do not have dedicated rear access to allow access to the cycle stores shown. This means that cycles will need to be taken through the dwelling and is contrary to the guidance in the parking standards. In that regard the Highway Authority cannot support the proposal.

7.5 In the event that the Planning Authority recommends approval then conditions and a S106 agreement to secure S38 and S278 agreements for the construction of access roads, footways and verges and their subsequent adoption prior to commencement and payments towards Traffic Regulation Orders.

Biodiversity

7.6 Raises concerns over loss of woodland which is BAP priority woodland and a Habitat of Principal Importance under the NERC (Natural Environment and Rural Communities) Act which will have an impact on stag beetles and bats.

7.7 The loss of woodland on the site will result in the loss of 6.56 units of existing biodiversity value. The development cannot achieve a biodiversity net gain. In applying the mitigation hierarchy, the first step to avoid should be the largest, followed by mitigation and onsite compensation. While some offsite compensation may be possible, this should be the last and smallest measure to address any residual loss and it cannot be used to bypass the mitigation hierarchy. Offsite compensation to achieve biodiversity net gain is proposed. Seeking offsite compensation as the largest measure to achieve biodiversity net gain is not in line with the principles or good practice of biodiversity net gain. The council is in the process of developing projects for offsite biodiversity net gain but none are currently of sufficient size to address the number of units required for net gain at this site. However through a S106 agreement 10% BNG can be achieved through new woodland creation off site.

7.8 Reducing the size of the woodland will weaken its ability to allow species to move through the urban landscape and reduce connectivity of the woodland habitat network. There may also be impacts on the other services that trees and woodlands provide such as urban cooling, flood attenuation, carbon storage and improving air quality.

7.9 If the application is recommended for approval conditions and a S106 agreement are required.

Environmental Health

7.10 A noise assessment has been submitted with the application that indicates that noise mitigation is possible. A condition is proposed requiring noise mitigation measures to be implemented before occupation.

7.11 An air quality assessment has also been submitted that demonstrates that air quality impacts on the development are not significant and mitigation is not required.

7.12 A phase 1 contaminated land assessment has been submitted with the application which concludes that a phase 2 intrusive assessment is required to be secured through conditions.

Renewable Energy Officer

7.13 The reduction of energy demand through improvements to the insulation reduce the baseline figures however 20% on site energy production is also required to be secured through condition.

Housing Officer

7.14 Current policy requires 25% affordable housing provision no less than 13 properties to be provided as affordable housing. In order to be policy compliant, 70% as affordable rent

capped at LHA rate or social rent (9 dwellings), and 30% as shared ownership (4 dwellings). To be secured through S106 agreement.

Landscape Officer

7.15 Concerns over the loss of woodland on the site. Recommends conditions to secure details of landscaping to include tree planting.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF	Weight to be attributed, with reference to para. 219 of NPPF
Sustainable development principles	SALP Policy CP1	Para. 11(d) refers to 'policies which <u>are most important for determining the application are out-of-date</u> '. CP1 wording differs to this. Furthermore, the PPG states that there is no need for a policy to directly replicate para. 11. Consistent (Paras. 7, 8, 11, 12, & 119 - 121)	Limited (policy not used in planning application decision-making)
	CSDPD Policy CS1		Full
Design & Character	CSDPD Policy CS7	Consistent (Chapter 12)	Full
	BFBLP 'Saved' Policy EN20	"	Full
Trees & Landscape	CSDPD Policies CS1 & CS7	Consistent (paras. 130 174) "	Full
	BFBLP 'Saved' Policies EN1, EN2 & EN20		Full
Residential Amenity	'Saved' Policies EN20 & EN25 of BFBLP	Consistent (paras. 130, 174 & 185)	Full

Community Facilities	Saved Policy SC3	Consistent (Chapter 8)	Full
Transport	CSDPD Policies C23 BFBLP 'Saved' Policies M8 & M9	Consistent (Chapter 9) “	Full Full
Drainage	CS1 of CSDPD	Consistent (paras. 167 & 169)	Full
Biodiversity	CSDPD Policies CS1 & CS7 BFBLP 'Saved' Policies EN1, EN2 & EN20	Consistent (paras. 174 & 180) “	Full Full
Sustainability of build (Renewable Energy and Water Use)	CSDPD Policies CS10 & 12	Consistent (para. 153)	Full
Supplementary Planning Documents (SPD):			
Parking Standards SPD (2016)			
Other publications:			
National Planning Policy Framework (NPPF) (2019) National Planning Policy Guidance (NPPG)			

8.2 In addition, a 'Decision Statement' has been issued with regard to the Bracknell Town Neighbourhood Plan detailing the intention to send the Plan to referendum. Relevant policies can be given significant weight in decision-making, so far as they were material to an application. The referendum will be held on Thursday 9 September 2021. The relevant policies which are considered consistent with the NPPF, are:

Policy EV 7 Trees as a Visual Amenity
Policy HO 8 Buildings: Local Character

9. PLANNING CONSIDERATIONS

9. 1 The key issues for consideration are:

- i Principle of development
- ii Impact on character and appearance of the area

iii	Impact on residential amenity
iv	Impact on highway safety
v	Tree Issues
vi	Biodiversity
vii	Loss of community facilities
viii	Community Infrastructure Levy
ix	Thames Basin Heath SPA
x	Drainage/SuDS

i Principle of Development

9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, which is supported by the NPPF (paras. 2 and 12).

9.3 Core Strategy Policies CS1 (Sustainable Development) and CS2 (Locational Principles) are relevant and consistent with the objectives of the NPPF. In particular, Policy CS2 permits development within defined settlements.

9.4 The site is located within the Defined Settlement as designated by the Bracknell Forest Borough Policies Map (2013). As a result, the proposed development is considered acceptable in principle, subject to no adverse impact on the amenity of the neighbouring occupiers and upon the character and appearance of the area, highway safety, trees, etc.

ii. Impact on Character and Appearance of Area

9.5 The site is located south of Bracknell town centre and Bracknell Rail Station with railway lines along the northern boundary. South of the site in Crowthorne Road North is the New Covenant Church and St John's Ambulance station and single and two storey residential properties in Faircross. West of the site is the Bracknell Beeches commercial development. South east of the site is Jubilee Court, a four storey retirement development and the newly completed Astbury Manor Care Home. The area is mixed in character and scale of development, reflecting the character of the area which is in close proximity to the town centre.

9.6 The proposed development is two and three storeys in height and includes a mixture of three storey flat roofed apartments and two storey terraced and semi-detached properties. The development has been designed to incorporate the existing access to the site with a C-shaped road and path through the site with landscaping along the road and front gardens set around landscaped front gardens and hedges. Street elevations are staggered and houses are designed with a pitched roof line to create variety and reflect surrounding development in the area. The building line is set back from the footpath to allow for parking and front gardens with street trees creating a buffer between the road and residential properties.



9.7 Buildings are orientated around the street to give surveillance and to activate the street scene. The gardens of houses in the central part of the site back onto each other to create a green area within the site. Back to back distances between properties in this section of the site are a minimum of 22m which is considered to be appropriate to avoid overlooking between properties.



9.8 Rear gardens of properties facing Crowthorne Road North and along the boundary with the New Covenant Church in the southern part of the site are shorter at between 7m and 4.5m. Properties fronting Crowthorne Road North have rear windows looking over side elevations of other houses or with an oblique view of other rear gardens. At the shortest points along the southern boundary, where the shortest rear gardens are provided, properties back onto the boundary with New Covenant Church and its car park so there are considered to be no issues of lack of privacy to occupants. This boundary includes trees outside the site. The site is located close to the town centre where a form of development with reduced private garden areas is considered to be more appropriate and a tighter form of development is more usual.

9.9 The Site includes significant areas of mature woodland. The development of this site will result in the loss of significant numbers of trees. Trees on the site are not protected by tree preservation orders. Areas of woodland will be retained and incorporated into communal open space for residents with a footpath within the area connecting to the boundary with Bracknell Beeches. When Bracknell Beeches is developed it is intended that the footpath through the application site will connect through the Bracknell Beeches site to Bracknell station with pedestrian access to Bracknell town centre. Trees outside the site along the railway line will remain, providing a green backdrop to the site.

9.10 Although the loss of trees within the site will reduce the existing treed character of the site, the built footprint of the site has been extended beyond the existing footprint to enable a development of family housing together with apartments. Trees will be introduced along the access road through the site and within rear gardens in the central part of the site. Landscaping along the boundaries of front gardens will further green the site. Although not replicating the current woodland character of the site, the extent of retained mature trees together with the introduction of trees and landscaping throughout the development is considered to be appropriate to this site, located as it is close to the town centre.

9.11 Car parking is provided on plot and within parking courts positioned off the main access road through the site. In this central location this is considered to be an acceptable parking solution for a site including apartments and terraced housing, with little opportunity to provide garages or parking around apartment blocks without further loss of woodland on the site.

9.12 Several of the terraced units do not have rear access to gardens so refuse stores are provided within front gardens, with hedging in front to screen them. This provides a safe storage solution for general waste. Cycle stores are provided within rear gardens and within apartment buildings.

9.13 The development will provide two and three bedroom units in a form that is appropriate in an urban setting. Development is set out in a linear manner along the access road but landscaping throughout the site will help to soften the streets. Refuse stores are provided within front gardens but these are set back behind hedges which will provide screening.

9.14 The development is considered to be of a scale and density that is appropriate in this location. Although mature trees will be lost to provide the development, landscaping will be provided within the layout and woodland will be retained along the western part of the site and used to provide communal open space for residents.

iii. Impact on Residential Amenity

9.15 The closest residential properties to the application site are in Faircross, south east of the site and these are positioned some 26m from the application site boundary with intervening trees. The site layout indicates that the southern parking court will be the closest point to residential properties in Faircross and the distance between properties and this parking court are not considered to result in disturbance to nearby residents.

9.16 Along the southern boundary houses are positioned within 3.5m-5m of the site boundary with New Covenant Church. This is not considered to result in any loss of privacy to the church. The proposed houses along this boundary will be in proximity to the church and its car park but residents will not be overlooked by worshippers.

iv Impact on Highway Safety

Access

9.17 The site is located on Crowthorne Road North which a no through road and is subject to a 30mph speed limit. The site itself is located at the northern end of the road and speeds are therefore likely to be below the limit. There are also areas of time controlled on street parking which will aid in controlling road speeds.

9.18 The site currently has several points of access serving the various uses on the site and these will be altered by the proposal. There is a wide footway that runs past the front of

the site and there are also cycle routes near to the site that can be used. Due to the limited use of this end of Crowthorne Road North by vehicles, cyclists use the road to safely move between the dedicated routes that are opposite the sites.

9.19 In relation to the access proposals, two new entry points are created, and the previous accesses will be closed up. In an attempt to preserve the on street parking that exists, some modifications have been made to the parking bays to allow access to the site.

9.20 Crowthorne Road North varies in width along its length but near to the site is currently around 4.5m wide to the south of the site at a narrow point increasing to around 5.6m wide across the frontage of the site itself. On street parking reduces the effective width to around 3.6m. The proposed southern entrance will make alterations to the width of Crowthorne Road North increasing the width to around 5.5m at its intersection. The road width across the frontage of the site is suitable for the scale of the development and retention of some on street parking.

9.21 The proposal will create an increase in traffic use from current operations during both peak hours and over the course of the day but traffic will be split between both access points and the level expected at peak times is not expected to have a detrimental impact on the surrounding road network.

9.22 In relation to access within the site, the internal road is 4.8m wide with two 2m footways on either side. This is acceptable for the scale of development as the road is a through route and thus traffic could be split across the two points of access.

9.23 The internal road is to be adopted by the Highway Authority and it is likely that parking restrictions along its length will be required to protect it from on street parking and abuse by the general public. Time limited parking restrictions would also be required for the visitor parking spaces.

Parking

9.24 The site has a varied parking layout with some on plot parking and some in parking courts. In relation to the overall ratio on the site it equates to around 1.5 spaces per dwelling (including 5 dedicated visitor parking spaces) which is between the town centre standard and standards for the remainder of the Borough. The sites location and the fact that on street parking controls are in place mean that lower levels of car parking may be acceptable. Some units have parking to Borough standards for their size but the majority have at least one parking space.

9.25 Disabled parking to the required standard has been provided some of which is on plot which are wide spaces, and some is in the parking courts.

9.26 The applicant has also confirmed that electric vehicle charging provision will be made to the required standard. It should be noted all properties with on plot parking should also have the ability to provide or be converted to provided electric charging capacity. Such matters will be controlled by condition.

Cycle Parking

9.27 Although all properties are provided with cycle storage 14 dwellings do not have dedicated rear access to allow access to the cycle stores shown This means that cycles will need to be taken through the dwelling and is contrary to the guidance in the parking standards as it does not easily facilitate cycling as an alternative to the use of cars.

However, the current layout and provision of terraced units has meant that rear access cannot easily be provided.

9.28 Apartments are provided with cycle storage, and semi detached properties can achieve direct access through rear gardens to cycle storage.

v Tree Issues

9.29 The application site includes a large area of woodland and individual high and moderate value mature trees as shown on the submitted Tree Survey and Arboricultural Impact Assessment. Trees on the site are not covered by tree preservation orders.

9.30 The existing woodland creates a green backdrop that can be seen from the town centre. The trees along the eastern boundary create a significant landscape feature that is visible from Bagshot Road. The proposed access would result in loss of all the trees along the eastern boundary and the proposed layout would result in loss of a significant proportion of the woodland that creates the green backdrop to the town centre and provides habitats for wildlife.

9.31 Of the 122 trees and 2 tree groups included within the submitted tree survey, 99 trees are proposed to be removed and one tree group partially removed.

9.32 All tree removals (Category A-C) are as a result of significant direct impacts with the proposed building area, or if retained, would be left in such poor condition that they would most likely fail or heavily decline in the near future or would result in conflict with the proposed buildings and site infrastructure layout. Trees to be removed are 9 Category A1/A2 trees, 42 Category B1/B2 trees 38 Category C1/C2 trees, 10 Category U trees and 1 Category C tree group (partial removal).

9.33 An area of woodland would be retained along the western part of the site and this will form an area of open space for future residents.

9.34 As part of the application, tree planting is proposed within the site, with a total of 169no. trees to be planted as part of the landscaping including: Lime, Hornbeam, Rowan, English Oak, Beech, Sweet Chestnut, Hawthorn, Hazel, Sweet Chestnut, Pleached Hornbeam and woodland understory planting to enhance the woodland area which is being retained on site. The new planting will create a new network of green infrastructure, to incorporate the retained early mature/mature trees.

9.35 The proposed landscaping plans indicate that trees will be provided in public streets and also within rear garden areas, particularly within the central part of the site. A variety of tree species and sizes are proposed to include larger specimen trees. The development will also include low level planting, using hedges between private front gardens and the public street. Parking courts will include trees and low level planting.

Vi Biodiversity Issues

9.36 The submitted bat survey report includes an inspection of the internal loft space of the building with the exception of one space which was not physically accessible. Two emergence surveys were carried out which did not find evidence of bats roosting in the building but did record a bat that is likely to have emerged in the local area. There are also a number of trees with low and one of moderate potential for roosting bats. This indicates the value of the existing woodland for roosting as well as foraging habitat.

9.37 The report suggests moderate levels of foraging by common pipistrelle (*Pipistrellus pipistrellus*) and low levels of commuting by three species. It is possible that existing lighting at this location from the road, railway and surrounds may be limiting bat foraging.

9.38 The surveyors also observed stag beetles (*Lucanus cervus*) at the site which is NERC listed species reliant of deadwood and mature trees. Section 5.9 of the report suggests that the loss of woodland will be compensated by landscaping within the new development. However this will not fully mitigate for the loss of woodland. Lighting will further reduce the value of these areas even with a sensitive lighting design

9.39 There will be a negative impact on Stag Beetles, listed under the NERC Act as a Species of Principle Importance. The council has a legal duty to consider the conservation of this species and the loss of woodland habitat should be mitigated by the retention of deadwood features and planting of large native trees with space for their eventual size.

9.40 Mitigation measures will be required to be secured through conditions to include ensuring any lighting scheme minimises light disturbance over the woodland and woodland edge, the provision of wildlife friendly landscaping across the site, biodiverse/Biosolar living roof to be incorporated where possible on suitable flat roof surfaces, bat boxes incorporated into the fabric of the new building and mounted on trees in the retained woodland on site.

Biodiversity Net Gain

9.41 The National Planning Policy Framework was revised in 2018 to strengthen the requirement for biodiversity net gain (paras 8c and 170d). Planning practice guidance on Natural Environment explains “Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development.” This means that some kind of measure is required to demonstrate that net gain has been achieved.

9.42 The submitted Biodiversity Impact Assessment (BIA) indicates that the proposed development would result in a net decrease of 64.02% (6.04 units) and that 6.05 units would be required to achieve biodiversity net gain. When compared with the baseline value (9.44 units) this would equate to a very small 0.1% increase. In line with government guidance and the council’s interim guidance on biodiversity net gain, this development should achieve 10% net gain above the baseline which requires 10.38 units. The proposed development would achieve 3.40 units which leaves 6.98 units that would have to be provided as offsite compensation.

9.43 Achieving 10% net gain would equate to approximately 2.9 hectares of new woodland creation or 3.4 hectares of woodland. A site will need to be identified within the borough and preferably within the same parish as this site to provide this biodiversity net gain.

9.44 A section 106 agreement will be required to secure contributions for the cost of creating, managing and monitoring the woodland to for 30 years to ensure it reaches the target habitat type and condition.

9.45 In addition, habitats on the Coopers Hill site will also require monitoring for the same purpose and management sums will be required if the retained open space is to be managed by the council in the long term.

9.46 A condition will be required to ensure that the development delivers the proposed retained and enhanced habitats onsite in line with the BIA and the metric.

Priority habitat woodland

9.47 Section 5.11 of the submitted Preliminary Ecological Appraisal (PEA) recognises the woodland on site as an example of BAP priority woodland habitat, which is a Habitat of Principal Importance (HPI) under the NERC Act. This means the council has a legal duty to consider the conservation of this habitat. The report goes on to acknowledge “some removal will be necessary to facilitate the development” but does not quantify this loss, the Biodiversity Impact Assessment figures suggest this would be 0.37 ha or 77% of the woodland cover. The PEA suggests “significant compensatory tree planting should be included in any landscape proposal “The proposed development would result in the loss of priority habitat, which is a separate issue from the overall biodiversity net gain exercise as set out in Planning Practice Guidance for the Natural Environment paragraph 24: “Biodiversity net gain complements and works with the biodiversity mitigation hierarchy set out in NPPF paragraph 180a. It does not override the protection for designated sites, protected or priority species and irreplaceable or priority habitats set out in the NPPF.”

9.48 The council has a legal duty under the NERC Act to have regard to the conservation of biodiversity with particular reference to Habitats and Species of Principal Importance listed under section 41. The loss of 0.37 hectare of woodland which qualifies as a Habitat of Principal Importance (or priority habitat) could justify refusal of an application. In addition, the woodland supports at least one Species of Principal Importance, the Stag Beetle which will be negatively impacted by loss of mature woodland at this site.

9.49 Biodiversity net gain will provide new and/or enhance woodland habitats to compensate this loss.

9.50 The woodland at Coopers Hill is the only Priority Habitat woodland remaining in the Town Centre ward according to Natural England’s Priority Habitat inventory. The proposed development would reduce the woodland cover at the site by 77% from 0.48 hectares to 0.11 hectares.

9.51 However the applicant has produced a justification statement to explain the need to provide family houses at this site as opposed to flats as part of the housing mix within the town centre. This considers that Coopers Hill is situated on the edge of Bracknell Town Centre and acts as a transition between the town centre and the more suburban scale beyond which is predominately residential in nature. It is therefore considered, appropriate in that this site delivers family houses, as well as flats, to ensure that the town centre provides a range of size and type of houses to address the needs of the community. To provide a mix of housing types on the site will require the loss of woodland to achieve a viable number of units and an acceptable layout to include garden areas and landscaping. Mitigation measures proposed, including securing approximately 2.9 hectares of new woodland creation or 3.4 hectares of woodland will go some way to mitigate for the loss of woodland and secure 10% BNG.

Ecological network and ecosystem services

9.52 Paragraph 174 of the NPPF states “Planning policies and decisions should contribute to and enhance the natural and local environment by:....d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;”

9.53 Reducing the size of the woodland on the site will weaken its ability to allow species to move through the urban landscape and reduce connectivity of the woodland habitat network. There may also be impacts on the other services that trees and woodlands provide such as urban cooling, flood attenuation, carbon storage and improving air quality.

Conclusion

9.54 Development of the site as shown will result in the loss of lowland mixed deciduous woodland in good condition which is classified as priority habitat woodland which is a Habitat of Principal Importance (HPI) under the NERC Act. This means the council has a legal duty to consider the conservation of this habitat. The application does allow for the retention of areas of woodland on site and landscaping and new tree planting of the site will introduce new trees onto the site.

9.55 The National Planning Policy Framework strengthened the requirement for biodiversity net gain (paras 8c and 170d). Planning practice guidance on Natural Environment explains “Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development.” This means that some kind of measure is required to demonstrate that net gain has been achieved. To meet the required 10% Biodiversity net gain new and/or enhanced woodland habitats will be required off site to compensate this loss to be secured through a S106 agreement

9.56 Mitigation measures will be also be required to be secured through conditions to include ensuring a sensitive lighting scheme is secured, to provide wildlife friendly landscaping across the site, to secure biodiverse/Biosolar living roof where possible on suitable flat roof surfaces, and to secure the provision of bat boxes.

9.57 Development of the site to provide for family housing will require the loss of areas of woodland on the site. Although replacement woodland will take time to mature, through offsite woodland creation, BNG of 10% can be achieved. Loss of a HPI is a matter for the Council to take into consideration under the NERC Act. Areas of woodland will be retained on site, and new tree planting introduced. It is considered that in order for this site to be developed as proposed to include housing and apartments, loss of woodland cannot be avoided. Reduction of the developable area of the site to avoid woodland would require a much reduced area of development and either a significant reduction in the number of units on site or a higher density form of development. On balance, the mitigation measures proposed are considered to be appropriate in biodiversity terms.

vii Loss of community facilities

9.58 Coopers Hill Youth and Community Centre is owned by Bracknell Forest Council and has been used by a number of community groups. Use has declined in recent years from 1992 when 60 community groups regularly used the centre to 2020 when fewer than 40 separate groups used the site with 12 groups being youth orientated and the remaining 28 a split between Council services and community groups.

9.59 In 2017 a full conditions survey on Coopers Hill indicated a need for around £1million to be spent to bring the existing buildings on site to modern standards. This excluded works to make the Property accessible for all users. Several of the modular buildings are at the end of their useful life.

9.60 Saved BFLP Policy SC3 states that development will only be acceptable where there is no net reduction of existing community facilities. The accompanying text to the policy states that any reduction in the existing range of facilities would result in an inadequate provision of social infrastructure and place increased demand on remaining facilities.

9.61 The Site is currently occupied by the Coopers Hill Youth and Community Centre, nursery and Scout Shop. The existing facilities on the site are considered to be no longer fit for purpose and in terms of the modular accommodation coming to the end of their useful life. The existing facilities on the site are underutilised and it is estimated the current users of the site is less than 50.

9.62 The Council have investigated opportunities to re-provide accommodation for the existing users of the town centre. Of the five current leases that are in place on the Site, a strategy for their re-provision has been developed by the Local Authority. The Scouts Hut is at the end of its life and is not DDA compliant restricting the users of the space. The Council, with the agreement of Bracknell Town Council, are supporting a move of the service to Braybrooke Recreation Ground from March 2021. The other community groups which use the space at Coopers Hill will be relocated to Time Square, which provides access to a hall space.

9.63 The day nursery on site was granted an annual lease from 1st September 2018 for a room and a modular building at the Property.

9.64 The Lodge facility relocated in August 2020 to an appropriate facility in Portman Close, which was funded by the Council.

9.65 The Council youth orientated users are proposed to be relocated into either the new facilities in Braccan Walk or within an existing Council property asset such as 21 Market Street, which will be a support hub in Bracknell Town Centre for young people. The proposed relocation of the youth services to these fit for purpose facilities in Bracknell Town Centre is in response to the findings of Youth Surveys undertaken in 2012 and 2017 which identified the preference for a modern purpose-built youth facility with a social place (e.g. café) within a town centre location. The Council have committed to this re-provision strategy within the new facility at Braccan Walk, which has now been completed and will open when the current Covid-19 restrictions are lifted. This ensures that there is no loss to the existing youth facility that is provided at Coopers Hill.

9.66 The new central location of a specific youth facility, together with a significant number of other youth facilities, clubs, scouts/guides etc across the town, including a new boxing club in Market Street, will ensure that the demand for such services are provided for across the town centre. In addition, there are several community venues offering rooms for hire within approximately 1 mile of Coopers Hill including:

- Bracknell Open Learning Centre;
- Bracknell Library.
- St Joseph's Church;
- The Works – Easthampstead House.
- Easthampstead Baptist Church;
- Priestwood Community Centre;
- The Parks Community Centre;
- Easthampstead and Wildridings Community Centre; and
- Jennetts Park Community Centre.

9.67 It is not considered that the loss of this facility would give rise to inadequate provision of community facilities or place an increased demand on remaining facilities. Local groups which are seeking accommodation, who would have previously used the facilities on Cooper's Hill, can be accommodated in alternative facilities within a one mile radius of the Site.

9.68 The loss of the centre on this Site would not give rise to a net reduction of existing community facilities or increase pressure on alternative services. The proposals are therefore considered to be acceptable when considered against BFBLP policy SC3.

ix Community Infrastructure Levy (CIL)

9.69 Bracknell Forest Council introduced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the borough and the type of development.

9.70 CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted), including extensions of 100 square metres of gross internal floor space, or more, or new build that involves the creation of additional dwellings.

9.71 The application site is within the Central Bracknell charging zone with a Nil charging rate.

x Thames Basin Heath SPA

9.72 The Council, in consultation with Natural England, has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath Special Protection Area (TBH SPA) along with any larger developments comprising over 50 net new dwellings within the 5 - 7km zone is likely to have a significant effect on the integrity of the TBH SPA, either alone or in-combination with other plans or projects. An Appropriate Assessment has been carried out for this proposed development in accordance with Conservation of Habitats and Species 2017 (as amended).

9.73 This site is located between 400m and 5km from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA unless it is carried out together with appropriate avoidance and mitigation measures.

9.74 On commencement of the development, a contribution (calculated on a per-bedroom basis) is to be paid to the Council towards the cost of measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Council's Thames Basin Heaths Special Protection Area Supplementary Planning Document (SPD). The strategy is for relevant developments to make financial contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the SPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures. The Council will also make a contribution towards SANG enhancement works through Community Infrastructure Levy (CIL) payments whether or not this development is liable to CIL.

9.75 In this instance, the development would result in a net increase twenty five X 2-bedroom and fourteen X 3-bedroom market dwellings and nine X 2-bedroom and four X 3-bedroom affordable dwellings within the 400m – 5km TBH SPA buffer zone which results in a total SANG contribution of £258,852.

9.76 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) of £30,682 which is also calculated on a per bedroom basis.

9.77 The total SPA related financial contribution for this proposal is £289,534. 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.

xii Securing Necessary Infrastructure

9.78 The following matters would be secured by means of a Section 106 legal agreement:

Affordable Housing

9.79 The application seeks to provide 25% of the total number of dwellings as affordable housing. The Council seeks affordable housing to be reflective of the mix of market housing proposed and therefore, the Council would like to see 2/3 bedroom dwellings within the affordable housing mix. Smaller sized units should be provided as shared ownership.

Community Facilities

9.80 Existing community facilities are proposed to be provided off site. There should also be further provision to mitigate new dwellings. Replacement provision will be secured by planning obligation.

Open Space of Public Value (OSPV)

9.81 The proposed development provides OSPV on site in the form of the proposed nature walk and area to the west of the site. Contributions will also be required towards provision of off-site OSPV. Submission of an OSPV scheme with a detailed specification and long term management and maintenance plan will be secured by planning obligation. The Council will seek a financial contribution towards the provision of, or an increase in capacity of off-site active and passive open space.

Transport

9.82 The s106 agreement will also ensure that S278 and S38 agreements are entered into for the construction of the access roads, footways and verges and their subsequent adoption prior to commencement. There will also be a requirement to pay for any alteration to current Traffic Regulation Orders on Crowthorne Road North related to the on street parking bays and other restrictions associated with the access changes.

9.83 An on-site Traffic Regulation Order will be required to control overspill on-site parking from the development and general public.

SuDS

9.84 Planning obligations will be required to ensure approval of the SuDS specification and a long term Management and Maintenance Plan prior to commencing development on site. A planning obligation will also be required to secure a SuDS monitoring contribution to monitor SuDS for their lifespan.

Biodiversity

9.85 Biodiversity Net Gain contributions for offsite woodland creation, 30 years management and monitoring. 30 years management contributions for onsite habitats if the land is managed by the council.

10. CONCLUSIONS

10.1 The proposed development relates to a site within the settlement boundary and is therefore acceptable in principle.

10.2 The proposed development would result in the loss of an area of woodland which is also an example of BAP priority woodland habitat. An area of woodland along the western side of the site will be retained for use as open space by residents and mitigation measures including the creation of off site woodland to achieve 10% BNG will be secured through conditions and a S106 agreement. Tree planting and landscaping within the site will also help to green the site.

10.3 The proposed development would be a mix of apartments and housing two and three storeys in height. The layout and design of units is considered to be appropriate to the character of the area, which is on the edge of Bracknell town centre.

10.4 The proposal would not adversely affect the residential amenities of neighbouring occupiers and acceptable living conditions would be provided for future occupiers of the dwellings.

10.5 No adverse highway safety implications would result, with sufficient on-site parking provision, cycle and bin storage being provided.

10.6 A legal agreement is required to secure contributions for SPA mitigation, affordable housing, ecology mitigation measures including BNG, SuDS management and maintenance, open space, community facilities and highway requirements.

10.7 The application is therefore recommended for approval, subject to the completion of a legal agreement. It is therefore considered that the proposed development complies with Development Plan Policies SALP Policy CP1, CSDPD Policies CS1, CS2 and CS7, BFBLP 'Saved' Policies EN20, SC3 and M9, and the NPPF.

11. RECOMMENDATION

Following the completion of planning obligation(s) under Section 106 of the Town and Country Planning Act 1990 relating to:

- i. Measures to avoid and mitigate the impact of residential development upon the Thames Basins Heath SPA
- ii. Requirement to enter into S278 and S38 agreements for the construction of the access roads, footways and verges and their subsequent adoption prior to commencement.
- iii. Requirement to pay for any alteration to current Traffic Regulation Orders on Crowthorne Road North related to the on street parking bays and other restrictions associated with the access changes.
- iv. Requirement to pay for an on-site Traffic Regulation Order to control overspill onsite parking from the development and general public so to protect highway safety.
- v. provision of the agreed standard of affordable housing;
- vi. provision of, and financial contribution towards, areas of OSPV;

- vii contributions towards the provision and maintenance of community facilities;
- viii contributions towards an off-site project capable of delivery Biodiversity net gain, management and monitoring .
- ix submission and approval of a final SuDS Specification and Management and Maintenance plan to secure management of the SuDS for the lifetime of the development together with a monitoring sum

The Assistant Director: Planning be recommended to APPROVE the application subject to the following conditions amended, added to or deleted as the Assistant: Director: Planning considers necessary:

- 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 10.06.2021, 23.07.2021 and 3.3.2021]:

L/002/P05
L/001/P04
L/001/P01

CGL-ZZ-ZZ-DR-A-061010/P3
CGL-ZZ-ZZ-DR-A-061009/P3
CGL-ZZ-ZZ-DR-A-061008/P3
CGL-ZZ-ZZ-DR-A-061007/P3

CGL-ZZ-ZZ-DR-A-061000/P3
CGL-ZZ-ZZ-DR-A-061001/P3
CGL-ZZ-ZZ-DR-A-061002/P3

CGL-ZZ-ZZ-DR-A-060001/P1
CGL-ZZ-ZZ-DR-A-060000/P1

CGL-ZZ-ZZ-DR-A-050814/P2/P3
CGL-ZZ-ZZ-DR-A-050813/P2/P3
CGL-ZZ-ZZ-DR-A-050812/P2
CGL-ZZ-ZZ-DR-A-050810/P2

CGL-ZZ-ZZ-DR-A-050507/P1
CGL-ZZ-ZZ-DR-A-050506/P1
CGL-ZZ-ZZ-DR-A-050505/P1
CGL-ZZ-ZZ-DR-A-050503/P1
CGL-ZZ-ZZ-DR-A-050502/P1
CGL-ZZ-ZZ-DR-A-050501/P1
CGL-ZZ-ZZ-DR-A-050500/P1

CGL-ZZ-ZZ-DR-A-050001/P3

0009/P01
0008/P01

Coopers Hill BS5837 Tree Survey and Arboricultural Impact Assessment

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

- 03 No development above slab level shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, to include bricks, roof materials and materials for refuse stores, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

- 04 The development hereby permitted shall not be begun until a scheme has been submitted to 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 facilities
 - (e) Temporary portacabins and welfare for site operatives
- and each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (e) above without the prior written permission of the Local Planning Authority.

REASON: In the interests of amenity and road safety.

- 05 Prior to the occupation of the development hereby permitted replacement bat roosts shall be provided in accordance with details to have been submitted to and approved in writing by the Local Planning Authority. The roosts shall thereafter be retained.

REASON: In the interests of nature conservation.

- 06 The development 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.

REASON: In the interests of the amenity of nature conservation and the character of the area.

[Relevant Policies: BFBLP EN20 and EN25]

- 07 The development hereby permitted shall not be occupied until comprehensive details of both hard and soft landscaping works have been 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) Details of semi mature tree planting.
- c) Comprehensive 5 year post planting maintenance schedule.
- d) Underground service and external lighting layout (drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.), both existing reused and proposed new routes.
- e) Means of enclosure (walls and fences etc)
- f) Paving including pedestrian open spaces, paths, patios, proposed materials and construction methods, cycle routes, parking courts, play areas etc.
- g) Play equipment

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.

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

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

08 The development hereby permitted shall be implemented in accordance with the submitted Sustainability Statement and shall be retained in accordance therewith.

REASON: In the interests of sustainability and the efficient use of resources.

[Relevant Policy: Core Strategy DPD CS10]

09 The development hereby permitted shall not be begun until an Energy Demand Assessment demonstrating that :

(a) the proposed development will reduce carbon dioxide emissions by at least 10% against the appropriate Target Emission Rate as set out in Part L of the Building Regulations (2006), and

(b) a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 20% unless otherwise agreed in writing by the Local Planning Authority) has been submitted to and approved in writing by the Local Planning Authority. The building(s) thereafter constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith.

REASON: In the interests of the sustainability and the efficient use of resources.

[Relevant Plans and Policies: CSDPD Policy CS12]

- 10 The development hereby permitted shall be carried out in accordance with the mitigation measures outlined in Coopers Hill Bat Survey June 2021, unless otherwise

agreed in writing by the Local Planning Authority.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: Core Strategy CS1]

- 11 No site clearance shall take place during the main bird-nesting period of 1st March to 31st August inclusive.
REASON: In the interests of nature conservation
[Relevant Plans and Policies:, BFBLP EN3]
- 12 Should demolition of existing buildings not commence within two years of the date of this permission, the development hereby permitted (including site clearance and demolition) shall not be begun until: -
(i) all the buildings/structures on the site and any trees to be felled have been further surveyed for the presence of bats, and
(ii) the further survey has been submitted to and approved by the Local Planning Authority, and
(iii) either the Local Planning Authority have agreed that no relocation of bats is necessary or the relocation of any bats has been achieved in accordance with mitigation and monitoring proposals previously submitted in writing to and approved by the Local Planning Authority.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: Core Strategy CS1]
- 13 The dwellings hereby approved shall not be occupied until noise mitigation measures for protecting the proposed dwellings from road and rail / station noise have been implemented in full in accordance with a scheme that has submitted to and approved in writing by the Local Planning Authority.
The noise mitigation measures shall be retained and maintained thereafter in accordance with the approved scheme
REASON: To protect future residents from noise from external noise.
- 14 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 16 to 20 (below) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 19 has been complied with in relation to that contamination.

REASON : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 15 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASON : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 16 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 17 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 18 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 16, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 17, which is subject to the approval in writing of the Local

Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 18.

REASON : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 19 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with LPA, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASON : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 20 No development [including demolition and site clearance] shall take place until a Construction Environmental Management Plan (CEMP) to control the environmental effects of the demolition and construction work has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include measures for :-
- the control of dust, odour and other effluvia
 - the control of noise (including noise from any piling and permitted working hours)
 - the control of pests and other vermin (particularly during site clearance)
 - the control of surface water run-off)
 - The control of noise from delivery vehicles, and times when deliveries are accepted and when materials can be removed from the site
- Construction activity shall be carried out in accordance with the approved CEMP.
REASON: In the interests of the amenities of the area.

21. No dwelling shall be occupied until the existing accesses to the site have been closed and the footways/verges are provided over the closed accesses in accordance with details which have been submitted to and approved in writing by the Local Planning Authority; the footway/verge shall be retained thereafter.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

22. No development (other than the construction of the access) shall take place until the access has been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

23. No dwelling shall be occupied until a means of access for pedestrian/cycle access

including full details of the ramp to western boundary has been constructed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of accessibility and to facilitate access by cyclists and/or pedestrians.

[Relevant Policies: BEBLP M6, Core Strategy DPD CS23]

24. Before any other part of the development hereby permitted is commenced, the proposed vehicular access shall be formed and provided with visibility splays of 2.4m x 43m in both directions for the southern access and 2.4m x 10m to the left and 2.4m x 18m to the right for the northern access (when considering on street parking spaces) in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The land within the visibility splays shall be cleared of any obstruction exceeding 0.6 metres in height measured from the surface of the adjacent carriageway and at all times maintained clear of any obstruction exceeding 0.6 metres in height.

REASON: In the interests of highway safety.

Relevant Policies: Core Strategy DPD CS23]

25. The development hereby permitted shall not be begun until a plan has been submitted to and approved in writing by the Local Planning Authority which shows the area between the forward visibility curve and highway boundary kept free from all obstructions above 0.6 metres measured from the surface of the adjacent carriageway. The development shall be carried out in accordance with the approved plan.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

26. The dwelling(s) shall not be occupied until visibility splays of 2.0 metres by 2.0 metres have been provided at the junction of the driveway and the adjacent footway. The dimensions shall be measured along the edge of the drive and the back of the footway from their point of intersection. The visibility splays shall at all times thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the carriageway.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

27. The gradient of private drives shall not exceed 1 in 12.

REASON: To ensure that adequate access to parking spaces and garages is provided.

[Relevant Policies: Core Strategy DPD CS23]

28. No dwelling shall be occupied until the associated vehicle parking and turning space has been surfaced and marked out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The spaces shall not thereafter be used for any purpose other than parking and turning.

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

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

29. No dwelling shall be occupied until the details of the design, operation and ongoing maintenance regime for electric vehicle charging infrastructure with a minimum output of 7kW has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of sustainable transport.
[Relevant Policy: Local Plan Policy M9; NPPF paragraph 112 e); and Parking Standards SPD paragraph 3.8 part 1 supported by the NPPF at paragraph 107 e).

30. The development hereby permitted shall not be occupied until:

(a) details of the location of visitor car parking spaces, and
(b) details of the signing for the spaces
have been submitted to and approved in writing by the Local Planning Authority. The car parking spaces shall be provided and signed in accordance with the approved details and the spaces and signage shall thereafter be retained.

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]

31. The development hereby permitted shall not be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for covered and secure cycle parking facilities. The building shall not be occupied until the approved scheme has been implemented. The facilities shall thereafter be retained.

REASON: In the interests of accessibility of the development to cyclists.

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

32. No development above slab level shall take place until a scheme indicating the provision to be made for disabled people to gain access to dwellings has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the building(s) provided by the carrying out of the development is/are occupied.

REASON: To ensure that people with disabilities have access to the development

[Relevant Policy BFBLP EN22 and M7]

33. No gates shall be provided at the vehicular access to the site.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

34. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority for off-site highway works including the following:

Junctions works to the site and closure of the existing access points on
Crowthorne Road North.

The buildings provided by the carrying out of the development shall not be occupied until the offsite highway works have been completed in accordance with the scheme.

REASON: In the interests of highway safety.

[Relevant Policy: BFBLP M4]

In the event of the S106 agreement not being completed by 30th November 2021, the Assistant Director: Planning be authorised to either extend the period further or refuse the application for the following reasons: -

- 01 In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017

(as amended), Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and the Thames Basin Heaths Special Protection Area Supplementary Planning Document (2018).

- 02 The proposed development would unacceptably increase the pressure on highways and transportation infrastructure and public open space. 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 measures, open space and community facilities, the proposal is contrary to Policies R5 and M4 of the Bracknell Forest Borough Local Plan and CS6, CS8, and CS24 of the Core Strategy Development Plan Document and to the Planning Obligations SPD and the NPPF.
- 03 In the absence of a planning obligation to secure affordable housing in terms that are satisfactory to the Local Planning Authority, the proposal is contrary to Policy H8 of the Bracknell Forest Borough Local Plan, Policies CS16 and CS17 of the Core Strategy Development Plan Document, the Planning Obligations SPD, the resolution on affordable housing made by BFC Executive on 29 March 2011, and the NPPF
- 04 In the absence of a planning obligation to secure a 10% biodiversity netgain which would deliver measurable improvements for biodiversity by creating or enhancing habitats in association with the development the proposal is contrary to paras 8c and 170d of the NPPF.
- 05 It has not been demonstrated that the proposed development would incorporate a sustainable drainage system (SuDS) for the management of surface water run-off which would be maintained for the lifetime of the development. This is contrary to the House of Commons: Written Statement (HCWS161) Sustainable Drainage Systems 18/12/2014, the Flood Risk and Coastal Change PPG updated 15/04/2015, and the NPPF.

Informatives

- 01 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. The applicant is advised that the following conditions require discharging prior to commencement of development:

4, 9, 14, 15, 16, 17, 18, 19, 20, 22, 24, 25, 34,

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

3, 32,

The following conditions require discharge prior to the occupation of the dwellings hereby approved:

5, 6, 7, 13, 21, 23, 26, 28, 29, 30, 31,

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

1,2,8, 10, 11, 12, 27, 33,

03 In relation to condition 29, relating to Electric Vehicle charging, it is advised that the details that should be submitted to discharge the condition should include all ducting and cabling and electricity connections to any charging points placed in parking courts as well as additional ducting to allow for future expansions to the charging points in these areas. In relation to dwellings with on plot parking, details should be submitted to demonstrate that provision for suitable cabling, connected appropriately to the main electricity circuit for each dwelling, is provided to the external wall of each dwelling where vehicles would be parked.

Unrestricted Report

ITEM NO: 11

Application No.
21/00235/FUL

Ward:
Little Sandhurst And
Wellington

Date Registered:
23 March 2021

Target Decision Date:
18 May 2021

Site Address: **8 Dale Gardens Sandhurst Berkshire GU47 8LA**

Proposal: **Erection of single storey rear extension, installation of side facing dormer plus partial garage conversion.**

Applicant: D.Birch

Agent: Mr Mumtaz Alam

Case Officer: Alexander Ralph, 01344 352000

Development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

- 1.1 The proposal is for the erection of single storey rear extension, installation of a side facing dormer plus a partial garage conversion.
- 1.2 The proposed development is within the settlement boundary. It is not considered that the development results in an adverse impact on the streetscene or the character and appearance of the area. The relationship with adjoining properties is acceptable and adequate parking can be provided.

RECOMMENDATION
Planning permission be granted subject to the conditions set out in Section 12 of this report.

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

The application is being considered by the Advisory Planning Committee as the applicant is a Councillor.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Inside settlement boundary
Within 5km of SPA
TPO trees on site

The application relates to a 4 bedroomed detached house located to the south of the highway, Dale Gardens. The property benefits from a driveway and the surrounding area is predominantly residential.

- 3.1 The site is within 5km of the SPA.

4. RELEVANT SITE HISTORY

- 4.1 The relevant planning history is set out below:

613201- Part two storey, part single side and front extension forming porch, enlarged lounge study with enlarged bedroom over, part single storey and part two storey forming double garage WC lounge/playroom and enlarged bedroom over. Approved 1988.

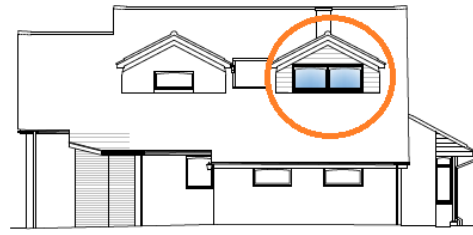
01/00212/FUL- Erection of single storey rear extension forming conservatory. Approved 2001.

5. THE PROPOSAL

- 5.1 The proposal is for the erection of single storey rear extension which would measure approx 1.89 metres in depth, 2.50 metres in height and 1.57 metres in width, and the installation of the side facing dormer which would measure approx 2.31 metres in depth, 1.75 metres in height and 3.39 metres in width, plus a partial garage conversion. The orange circled areas denote all elements of the proposal.



North West Elevation



North East Elevation



South East Elevation

Elevation drawings



Ground Floor Plan

First Floor Plan

6. REPRESENTATIONS RECEIVED

6.1 Sandhurst Town Council raised no objection.

7. SUMMARY OF CONSULTATION RESPONSES

Highway Authority :

7.1 The Highway Authority raised no objection subject to conditions in the interests of highway safety being added to the permission. However given the fact that three vehicle parking spaces can be achieved on the site, this would not be considered reasonable.

Trees

7.2 The Tree Service raised no objection subject to the submitted arboricultural details being a condition of any permission.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

8.1

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

	Development Plan	NPPF
General policies	CP1 of SALP,	Not fully consistent
	CS1, CS2 of CSDPD	Consistent
Residential amenity	Saved policy EN20 of BFBLP	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Parking	Saved policy M9 of BFBLP	Consistent
Transport	CS23 of CSDPD	Consistent
Trees	'Saved' policy EN1 of the BFBLP	Consistent
Supplementary Planning Documents (SPD)		
Parking Standards SPD		
Design SPD		
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i Principle of development
- ii Impact on character and appearance of the area
- iii Impact on residential amenity
- iv Transport implications
- v. Tree implications
- vi. Community Infrastructure Lev

i. Principle of development

9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, which is supported by the NPPF (paras. 2 and 12). Policy CP1 of the Site Allocations Local Plan

sets out that a positive approach should be taken to considering development proposals (which reflects the presumption in favour of sustainable development set out in the NPPF), and that planning applications that accord with the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise.

9.3 Core Strategy Policies CS1 (Sustainable Development) and CS2 (Locational Principles) are relevant and consistent with the objectives of the NPPF, and can be afforded full weight. In particular, Policy CS2 permits development within defined settlements.

ii. Impact on character and appearance of the area

9.4 The only external changes visible from the streetscene would be a window in place of one garage door, and the new side facing dormer. The rear extension element could not be seen from the streetscene.

9.5 Subject to the proposed condition regarding materials, it is considered that the development would not result in an adverse impact on the character and appearance of the area or the host property, in accordance with CSDPD Policy CS7, BFBLP 'Saved' Policy EN20, and the NPPF.

iii. Impact on Residential Amenity

9.6 The window in place of one garage door would look towards public view. As such this additional window would not impact the residential amenity of any neighbouring dwellings in the vicinity.

9.7 The nearest dwelling to the dormer, 12 Dale Gardens, is located approximately 24.00 metres away to the northeast and screened by trees, so the proposal is judged acceptable. The rear extension is not in proximity to any neighbouring dwellings and can therefore be considered not to impact residential amenity of any other dwelling in the vicinity. It is therefore considered that the development of the dormer and the single storey rear extension, plus the garage conversion would not result in an adverse impact on the residential amenities of neighbouring occupiers, in accordance with CSDPD Policy CS7, BFBLP 'Saved' Policy EN20, and the NPPF.

iv. Transport implications

9.8 The proposal includes the conversion of part of the existing double garage to habitable accommodation. No restrictive condition is present on the garage which was erected under permission 613201 in 1988, so it would not require planning permission to convert. In addition to part of the garage being retained for parking there is an existing driveway which can accommodate 3 parking spaces.

v. Tree Implications

9.9. 'Saved' policy EN1 of the BFBLP states that planning permission will not be granted for development which would result in the destruction of trees and hedgerows. Trees and hedgerows are important to the retention of the character and appearance of the landscape or townscape of the area.

The site is located in an area of TPO trees (TPO 20/1966). There are protected trees in proximity to the site, due to this an arboriculturist report has been submitted demonstrating how the trees will be safeguarded during construction. The Tree Service

have raised no objection to the proposal, subject to the submitted details from the arboriculturist report being a condition of any permission. An informative will also be added explaining that should the applicant want to construct a retaining wall shown on the original plans, but not on the plans that are part of this recommend approval, a development application with the Tree Service will need to be made.

vi. CIL

10.1 The Council, in consultation with Natural England, has formed the view that any net Bracknell Forest Council introduced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the borough and the type of development.

10.2 CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted) the creation of additional dwellings.

10.3 In this case, the proposal would not be CIL liable as it does not comprise the creation of new dwellings.

11. CONCLUSIONS

11.1 The proposed development is within the settlement boundary where the principle of development is acceptable. The proposal would not have any adverse impacts on the character of the area, residential amenity, highway safety, or trees.

11.2 The application is therefore recommended for conditional approval.

12.0 RECOMMENDATION

That the Assistant Director: Planning be recommended to **APPROVE** the application subject to the following conditions:-

1. 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.

2. The development shall be carried out only in accordance with the following approved plans, and other submitted details, received on 23.03.2021, 17.05.2021, 21.06.2021 and 29.06.2021 by the Local Planning Authority.

Drawings:

ARBORICULTURAL REPORT (received 21.06.2021)

LOCATION PLAN (received 23.03.2021)

TOPOGRAPHICAL SURVEY (received 23.03.2021)

PL-100 PROPOSED SITE PLAN (received 23.03.2021)

PL-200A GROUND PLANS (received 29.06.2021)

PL-201 PROPOSED FIRST FLOOR PLAN (received 17.06.2021)

PL-400 PROPOSED ELEVATIONS (received 23.03.2021)

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be similar in appearance to those of the existing dwelling.

REASON: In the interests of the visual amenities of the area.
[Relevant Policies: BFBLP EN20, CSDPD CS7]

4. The trees protected by TPO 20/1966 shall be protected by installing protective measures within the application site at a distance specified in BS 5837:2012 (or any subsequent revision) Annex D to the standard illustrated in BS 5837:2012 (or any subsequent revision) Section 6 prior to the commencement of development, including any initial clearance, and shall be maintained fully intact and (in the case of fencing) upright until the completion of all building operations on the site.

No activity of any description must occur at any time within these areas including but not restricted to the following:-

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

In addition to the protection measures specified above,

- a) No fires shall be lit within 20 metres of the trunks of any trees or the centre line of any hedgerow shown to be retained.
- b) No signs, cables, fixtures or fittings of any other description shall be attached to any part of any retained tree.

REASON: In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

Informatives:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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
3. Materials
4. Tree Protection

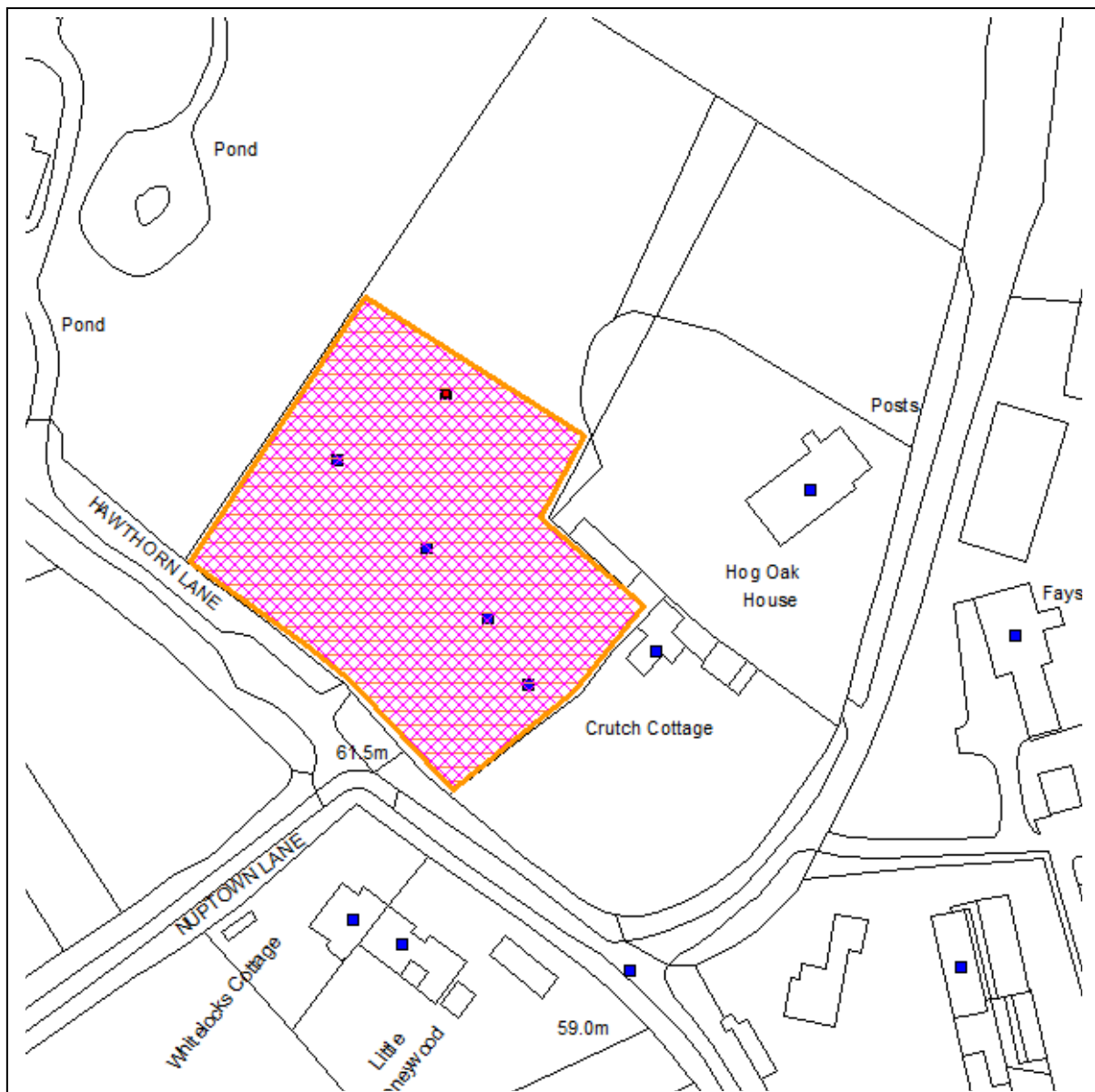
3. The applicant should note that this permission does not convey any authorisation to enter onto land or to carry out works on land not within the applicant's ownership.

4. This is a planning permission. Before beginning any development you may also need separate permission(s) under Building Regulations or other legislation. It is your responsibility to check that there are no covenants or other restrictions that apply to your property.

5. A retaining wall was shown on a superseded plan, PL-200 received on 17.05.2021 by the Local Planning Authority. The applicant would have to make a future TPO application to the Tree Service for construction of this wall.

ITEM NO: 12			
Application No. 21/00352/FUL	Ward: Winkfield And Cranbourne	Date Registered: 5 April 2021	Target Decision Date: 31 May 2021
Site Address:	Nuptown Piggeries Hawthorn Lane Warfield Bracknell Berkshire RG42 6HU		
Proposal:	Section 73 application for the variation of condition 15 (external lighting) to planning permission 19/00930/FUL for the erection of 3x detached dwellinghouses including driveways and garages and landscaping following removal of 7 existing buildings and hardstanding at the site. [For clarification this application seeks approval for limited external lighting]		
Applicant:	Nick Blair		
Agent:	(There is no agent for this application)		
Case Officer:	Sarah Fryer, 01344 352000 development.control@bracknell-forest.gov.uk		

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



1. SUMMARY

1.1 This is an application under Section 73 of the Town and Country Planning Act to vary condition 15 attached to application 19/00930/FUL which granted permission for the erection of 3 detached dwelling houses including driveways and garages and landscaping following removal of 7 existing buildings an hardstanding at the site.

1.2 It is recommended that condition 15 be varied, to allow a limited and environmentally sensitive external lighting scheme but that planning permission still be required for any additional external lighting required in the future.

RECOMMENDATION

Planning permission be granted subject to conditions in Section 11 of this report

2. REASON FOR REPORTING APPLICATION TO ADVISORY PLANNING COMMITTEE

2.1 The application is reported to the Advisory Planning Committee as it has received more than 5 objections.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Green Belt

Tree Preservation Order

4. RELEVANT SITE HISTORY

4.1 The relevant planning history can be summarised as follows:

21/00241/NMA Application for non material amendment to 19/00930/FUL to move location of the approved refuse storage from near the garages to next to each dwelling on all plots.

Approved 31.03.2021

19/00930/FUL Full planning application for the erection of 3x detached dwellinghouses including driveways and garages and landscaping following removal of 7 existing buildings and hardstanding at the site

Approved 27.04.2020

19/00721/PAA Application for prior approval for the change of use of 2no. agricultural buildings to 5no. dwellinghouses (C3) following the demolition of part of the buildings. Refused 13.09.2019

18/00124/FUL Erection of 2no. dwellinghouses with detached garages following demolition of existing buildings and removal of hardstanding.

Approved 06.06.2018

17/00279/TRTPO Application to fell trees. Approved 09.01.2018

Notification of Change of Use from agricultural building to Class B8 (Storage and Distribution) received 21.12.2017

16/00689/PAA Application for prior approval for the change of use of 2no. agricultural buildings to 2no. dwelling houses following the demolition of part of the buildings. Approved 18.08.2016

16/00154/PAA Application for prior approval for the change of use of 2no. agricultural buildings to 2no. dwelling houses following the demolition of part of the buildings. Refused 23.03.2016

15/01131/FUL Change of use of agricultural land to residential and erection of a detached dwellinghouse and driveway, and construction of new driveway for Hog Oak House following the demolition of the existing agricultural buildings and hardstanding. Refused 11.01.2016

13/00156/FUL Change of use of existing agricultural barn to form 1 no. 6 bed detached dwelling and erection of detached garage following demolition of existing derelict buildings. Refused 14.01.2014

10/00792/OUT Change of use of existing agricultural barn to form 1 no. 6 bed detached dwelling and erection of detached garage following demolition of existing derelict buildings. REFUSED 03.03.2011

07/00463/FUL Section 73 application for the erection of single storey front extension forming portico, following demolition of existing portico. (Condition 03 of planning permission 624510 states that no extension to any dwelling house shall be constructed without the prior written permission of the Local Planning Authority.) Approved 11.07.2007

03/00418/FUL Continued use of agricultural buildings (total floor space 402 sq.m.) for storage purposes with ancillary offices. Refused 24.02.2005

01/00662/FUL Erection of 1no. five bedroomed house and building containing 4no. stables following demolition of existing buildings. Refused 12.10.2001

01/00776/T Application for a change of use of agricultural land & building for use as a compound for storage of pipes and road repair equipment for a temporary period of one year. Refused 05.10.2001

5. THE PROPOSAL

5.1 This application seeks to vary condition 15 of application 19/00930/FUL which granted planning permission for erection of 3 detached dwelling houses including driveways and garages and landscaping following removal of 7 existing buildings and hardstanding at the site.

Legislative Background.

5.2 Section 73 enables conditions to be varied or removed associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.

5.3 Whilst an application under section 73 enables conditions to be varied, the time limit cannot be amended, nor can the description of development be amended,

5.4 Permission granted under Section 73 takes effect as a new, independent permission to carry out the same development as previously permitted. The new permission sits alongside the original permission. In respect of conditions, Planning Practice Guidance clarifies that '*notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged*'.

5.5 Condition 15 stated:

No external lighting shall be installed on the site or affixed to any buildings on the site.

5.6 The applicant has submitted an external lighting scheme which has been designed with an ecologist to enable limited external lighting consisting of:

(1) 4 LED downlights on the gateposts entering the site on passive infrared (PIR) movement sensor. The down lights would have dimensions of 122mm by 86mm by 81mm.

(2) Three 750mm tall bollard lights in the driveway to plots 1 and 2 fitted with a low voltage 5w LED lamp on PIR movement sensors.

(3) 25 LED downlights on walls next to the external doors of the new houses and garages on PIR movement sensors.

5.7 Condition 15 is proposed to be reworded as below:

'No external lighting shall be installed on the site or affixed to any building on the site other than in accordance with the light detailed within the letter from GS Ecology dated 5th April 2021. Therefore' the condition is not being removed but varied to allow for a sensitively designed lighting scheme.

6. REPRESENTATIONS RECEIVED

6.1 Warfield Parish Council

Recommends refusal as the existing condition should be maintained to preserve dark skies in the area and prevent light pollution.

6.2 CPRE Berkshire

CPRE Berkshire objects to the application on the following grounds:

Policy WNP13 for the Warfield Neighbourhood Plan promotes dark skies and should be material in the determination of this application. [Officer Note: The Warfield Neighbourhood Plan is at the examination stage and therefore cannot yet be afforded any weight in the decision-making process].

Disagree that there is a need for external lighting and concerned that it could lead to a creep of lighting across the countryside to its detriment.

6.3 Other Representations

6 letters of objection have been received from different addresses, making the following representations:

- The site is evidently sensitive to light pollution due to the proximity to SSSI and Nature reserve and bat roosts.
- There is no justification for the proposed lighting.
- Will the lights be individually switched or grouped.
- The site is located in an area of intrinsically dark landscape and as such the proposals would have a detrimental effect on amenity and nature conservation as a result of light pollution which is considered against Policy WNP13 Policy Promoting Dark Skies.
- The site is located within the Green Belt. The proposal would have an urbanising effect on the site and the locality and therefore constitutes inappropriate development.

7. SUMMARY OF CONSULTATION RESPONSES

Biodiversity Officer

7.1 No objection to proposed lighting scheme.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
General policies	CS1 and CS2 of the CSDPD	Consistent
Design	CS7 of the CSDPD, EN20 of the BFBLP	Consistent
Amenity	'Saved' policies EN1, EN2 and EN20 of the BFBLP	Consistent
Highways	'Saved' policy M9 of the BFBLP CS23 of the CSDPD	Consistent - Para. 107 refers to LPAs setting their own parking standards for residential development
Biodiversity	CS1, CS7 of the CSDPD	Consistent Par. 180
Green Belt	'Saved' Policy GB1	Consistent (para. 149)
Other publications		
National Planning Policy Framework (NPPF)		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Impact upon ecology
- ii. Impact upon Character and Appearance of the Area and openness of Green Belt
- iii. Other matters

i. Impact upon ecology.

9.2 The condition was imposed at a request from the Council's Biodiversity Officer so that artificial light did not have a detrimental effect upon biodiversity or ecology.

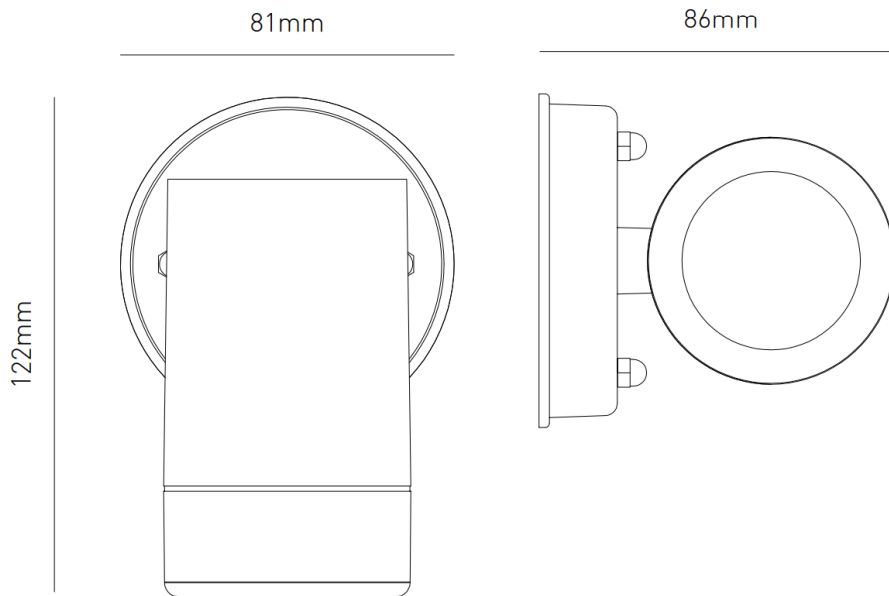
9.3 Conditions can be a means of controlling future development which would otherwise be permitted development. This can be, to ensure that any future development is sensitive to the specifics of the site or in this case to ensure that the LPA had control over external lighting. The imposition of a condition to remove permitted development rights is not therefore a blanket refusal for any future developments.

9.4 In this instance the applicants have requested to vary condition 15 to enable an external lighting scheme to be considered. This has been designed in conjunction with an ecologist to ensure that the impacts are acceptable to wildlife.

9.5 The lighting would consist of three 0.75m high bollards, 4 LED downlights posited either side of the gates, and 25 down lights positioned adjoined to external doors on the dwellings and garages.

9.6 The downlights have dimensions of height 12.2cm, with 8.1cm and depth of 8.6cm. So whilst there are a number of them around the site there are small discrete units. It is not

considered that would have an impact upon the character or appearance of the area and the light emitted would be minimal.



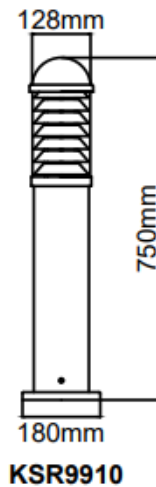
9.7 They would use Passive Infrared (PIR) movement sensors so, unless triggered, the lights will be off, maintaining the dark skies and not interfering with wildlife.

9.8 The Council's Biodiversity Officer has no objection to the installation of sensitive downlighters which will minimise the lighting around the new development and raises no objection to the proposal.

ii. Impact upon Character and Appearance of the Area and openness of Green Belt

9.9 Objections have been raised on the grounds that the lights would be out of character with the area and harmful to the openness of the Green Belt. The bollards are the biggest and most visually prominent structures of the lighting structures proposed. However only three are proposed to be installed and at 75cm in height, the impact within the site is not considered to be significant.

9.10 The site is located within the Green Belt where openness is its key characteristic. All the lights apart from the pillars would be affixed to approved structures within the site and due to their size are not considered to detrimentally affect the openness of the Green Belt. Whilst the bollards are larger and stand alone features, there are only three and given their height and dimensions, they are not considered to detrimentally affect the openness.



9.11 The proposed lighting will be controlled by infrared movement sensors and so will only be turned on when triggered. The lighting will therefore not be on continuously throughout the night and accordingly it is not considered that unacceptable light pollution would result from the proposal.

9.12 Given the above it is not considered that the proposal would have a significant impact upon the character and appearance of the area and is considered to comply with Policy CS7 of the Core Strategy DPD and EN20 of the Bracknell Forest Borough Local Plan.

iii. Other matters

9.13 In accordance with the regulations the conditions have been updated to take account of the details reserved by conditions and subsequently agreed or discharged. Due to the nature of the details, some of these conditions have been removed as they are no longer necessary (e.g. verification of contamination) or updated to reflect the details which have been approved (e.g. boundary treatments).

10. CONCLUSIONS

10.1 This application is to vary a condition to enable sensitive lighting to be installed upon and around the dwellings granted planning permission last year. The application has been assessed by the Council's Biodiversity officer and found to be acceptable. The small light fixings, downward direction of illuminance and limited number of bollards would have an insignificant impact upon the character and appearance of the area and the openness of the Green Belt.

10.2 The condition is retained but re-worded to enable the acceptable lighting scheme to be installed. A planning application would therefore be required should any other external lighting be proposed and this could be assessed for suitability at that point.

10.3 It is therefore considered that the proposed development complies with 'Saved' policies EN20 of the BFBLP, Policies CS1, CS7 of the CSDPD and the NPPF.

11. RECOMMENDATION

11.3 The application is recommended to be delegated to the Assistant Director: Planning and **APPROVED** subject to the following conditions:-

01. The development hereby permitted shall be begun before the expiration of three years from 27.04.2020.
REASON: This was the date of the parent permission and cannot be changed by a S73 application.

02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority under planning reference 19/00930/FUL:
Location Plan: D1297-01
Site Location Plan: D1297-02p Rev. 5
Existing Site Layout Plan: D1297-12p Rev.6
Typical Garage Details: D1297-09p
Front Boundary Fence Details: D1297-14a
Tree Protection Details (demolition): D1297-02p Rev.3
Tree Protection Details (construction): D1297-02p Rev. 3
GS Ecology Scheme to Mitigate the impact on Nesting birds during construction. Dated 24 January 2020
GS Ecology Ecological Assessment dated February 2020
GS Ecology Bio-diversity Enhancements Plan dated February 2020
Remediation and Verification Strategy by Santec dated 24 February 2020

Plans approved under NMA application 21/00241/NMA
Plot 1 Floor Layout Plans (D1297-03p Rev 3)
Plot 1 Elevations (D1297-04p Rev 3)
Plot 2 Floor Layout Plans (D1297-05p Rev 3)
Plot 2 Elevations (D1297-06p Rev 3)
Plot 3 Floor Layout Plans (D1297-07p Rev 3)
Plot 3 Elevations (D1297-08p Rev 3)
Unnumbered Block plan- existing and proposed refuse store locations

Received 4.3.2021 and 5.03.2021.

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

03. The dwellings hereby approved shall be constructed out of Vandersanden, Bromley and red multi stock bricks; Dark Antique Priory plain roof tile; oak wooden beams and white render.

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

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

04. The materials and height of wall, fences and other means of enclosure shall be installed in accordance with Landscaping Plan 3716/200/H approved under application 20/00142/COND prior to the first occupation and thereafter retained as approved.

REASON: - In the interests of the visual amenities of the area and bio-diversity

[Relevant Policies: BFBLP EN20, Core Strategy DPD CS1, CS7]

05. Prior to the practical completion of any dwelling, the Warfield byway 20 shall be returned to its former condition, of which the council hold record.

REASON: To ensure that the byway remains in an acceptable state to be enjoyed by all users.

[Relevant Policies: Core Strategy DPD Policy CS24]

06. All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with Landscaping Plan 3716/200/H, Proposed Planting Scheme dated 01.02.2021 and Planting Specification approved under reference 20/00142/COND, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the occupation of any part of the approved development, whichever is sooner. All hard landscaping works shall be carried and completed prior to the occupation of any part of the approved development. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.
REASON: In the interests of bio-diversity and visual amenity of the site
[Relevant Plans and Policies: CSDPD CS1, CS7]
07. No dwelling shall be occupied until a means of vehicular access has been constructed in accordance Landscaping Plan 3716/200/H and Email from applicant dated 26.03.2021.approved under application 20/00142/COND
REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]
08. Prior to the first occupation, the parking and turning areas shown on plan D1297-02P Rev 4 shall be constructed in accordance with details approved under application 20/00142/COND. The area will be retained for parking thereafter.
REASON: To ensure adequate on-site parking is provided
[Relevant Policy: BFBLP M9]
09. The garages shall be retained for the use of the parking of cycles at all times.
REASON: To ensure that the Local Planning Authority's cycle parking standards are met.
[Relevant Policy: BFBLP M9]
10. During construction the site shall be laid out and operated in accordance with the Site Organisation Plan dated 18.02.20. The approved scheme shall be performed, observed and complied with. No other areas on the site, other than those in the approved scheme shall be used for the purposes annotated.
REASON: In the interests of amenity and road safety.
[Relevant Policy: BFBLP M9]
11. The parking and turning areas shall incorporate surface water drainage that is SuDS compliant and in accordance with DEFRA "Sustainable Drainage Systems - Non-statutory technical standards for sustainable drainage systems" (March 2015). It shall be operated and maintained as such thereafter.
REASON: To prevent increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage scheme.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) no enlargement, addition, improvement or other alteration permitted by Classes A, B, C, E and F of Part 1 of the Second Schedule of the 2015 Order shall be carried out.

REASONS: The site is located within the designated Green Belt where strict controls over the form, scale and nature of development apply and the site is affected by a Tree Preservation Order/contains trees which are a feature of the site where strict control over development is required by the policies of the development to ensure their protection.
[Relevant Policies: BFBLP GB1, EN1, Core Strategy DPD CS9]

13. The areas shown for bat roost purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose.
REASONS: In the interest of nature conservation.
[Relevant Policies: CSDPD CS1]
14. No external lighting shall be installed on the site or affixed to any building on the site other than in accordance with the lighting scheme detailed within the letter from GS Ecology dated 5th April 2021. All lighting detailed within the approved scheme shall only be operated by the passive infra-red sensors.
REASONS: In the interest of Bio-diversity.
[Relevant Policies: CSDPD CS1]
15. Should any trees, shrubs or hedgerows be removed during the main bird nesting period of 1st March to 31st August inclusive, the works shall be undertaken following the methodology contained within the GS Ecology 'Scheme to minimise the impact on nesting birds during construction' dated 24 January 2020.
REASONS: In the interest of Bio-diversity.
[Relevant Policies: CSDPD CS1]

Informative(s)

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. Trees on and adjacent to this site are/may be protected by Tree Preservation Orders and/or Conservation Area legislation. Written consent must be therefore obtained from the Council's Tree Section before undertaking any form of work to such trees (including any work affecting their root systems), unless detailed works to such trees have been specifically approved in writing as a part of this planning permission. Any pruning or removal of trees without the necessary consent or any damage arising from non compliance with other conditions of this permission or otherwise may be liable to prosecution by the Council. This may be in addition to any enforcement action deemed appropriate for non compliance with relevant planning conditions. Property owners, developers and/ or any other relevant persons are therefore advised to take appropriate measures to ensure that all persons responsible for overseeing works approved under this permission are suitably briefed on this matter
03. No details are required to be submitted in relation to the conditions attached to this decision, however they are required to be complied with.

INFORMATION ITEM FOR COUNCILLORS, AUGUST 2021

PLANNING PERFORMANCE REPORT – QUARTER ONE, 2021-22

Director of Place, Planning and Regeneration

1. PURPOSE OF REPORT

1.1 The purpose of this report is to update members on planning performance. It is an information item setting out a range of planning performance data for the first quarter of 2021/22, it includes figures for the previous quarter for comparison and figures for the full year.

2. IMPACT OF THE CORONAVIRUS

2.1 The level of service maintained during the pandemic is indicated in the table below which shows the numbers of applications determined during 2020/21 along with the figures for 2019/20.

Quarter / Year	Q1 2019/20	Q1 2021/22	Change
Application Type	Applications Determined		
Majors	19	7	-12
Minors	51	38	-13
Others	155	154	-1
Total	225	199	-26
Total on hand	278	475	+197

2.3 The table shows that during the first quarter of 2021/22, some 26 fewer applications were determined than for the first quarter of 2019/20. Following an initial dip after the first lockdown, the number of applications submitted picked up strongly in subsequent months, particularly during March and April 2021. It was not possible within the resources available within planning, and within the other teams that have an input to the planning process, to increase the level of decisions in line with the increase in submissions.

2.4 The high level of applications over recent months has resulted in the currently high number of cases in hand (475) which is an increase of 197 on the number on hand at the end of the first quarter of 2019/20. This will take some time to clear. Additional resources are being secured to help deal with the backlog. Some additional permanent resources are being investigated within planning and other contributing services to help deal more quickly with applications on an ongoing basis.

3. PLANNING APPLICATIONS

- 3.1 Table 1 below shows the planning performance figures for the previous two quarters. The targets for 2021/22 are unchanged from the previous year and are to deal with 90% of Minors and Others and 85% of Majors within the relevant statutory 8 or 13-week period, or within an agreed extension of time.

Table 1 Planning Applications Determined

	% determined including with extension of time	Target	No. determined with extension of time	Total no. determined
Q1 2021/22				
Majors	86%	85%	5	7
Minors	76%	90%	21	38
Others	94%	90%	95	154
Total			121	199
Q4 2020/21				
Majors	84%	85%	4	6
Minors	94%	90%	24	32
Others	92%	90%	84	183
Total			112	221

- 3.2 Table 2 below shows how many applications were on hand at the beginning and end of each of the last two quarters.

Table 2 Applications on Hand

Quarter	On hand at beginning of period	On hand at end of period	Change
Q1 2021/22	435	475	+40
Q4 2020/21	357	435	+78

- 3.3 The data show that performance on major applications has improved slightly in the first quarter from the previous one, and at 86% is just above the 85% target. Performance on minor applications has significantly reduced from 94% for the previous quarter to 76% for the first quarter of the year which is well below the 90% target. This is largely due to the very high workloads being experienced. The performance on other applications at 94% for the quarter has exceeded the 90% target.
- 3.4 It is also notable that the number of cases on hand has increased for the sixth quarter in a row. This reflects continuing significant numbers of applications being submitted and resource issues within development management and within other

service areas that contribute to the process. It is also proving difficult to recruit to a vacant principal officer post level. Further changes are being made and resources reviewed in order to address the issue.

4. PLANNING ENFORCEMENT

4.1 Table 3 shows the number of enforcement cases opened, closed and on hand in the latest quarter along with the same figures for the previous quarter.

Table 3 Enforcement Caseload

Quarter	Opened in Period	Closed in Period	On hand at end of period
Q1 2021/22	62	56	118
Q4 2020/21	78	52	112

4.2 The table above shows that 6 more cases were closed than opened during the quarter. The target for 2021/22 remains to keep the number of cases on hand below 100 and this quarter's figures show that, as in the previous quarter, this is no longer being achieved. 16 fewer cases were opened in the latest Quarter than in the previous and the number of cases closed increased by 4 over the previous period. However, because the number of cases opened is still exceeding the number of cases closed, the number on hand is still increasing and now stands at 118. This shows that the enforcement workload is increasing despite over 50 cases having again been closed in the quarter.

4.3 As previously reported, the continuing high level of cases appears to reflect a general increase in complaints that has occurred during the COVID pandemic and people potentially being less tolerant of possible breaches when they are spending more time at home. This has also been the experience of other planning authorities. It is hoped that relaxation of COVID restrictions may reverse the current increasing trend, but the a reversal may be counteracted by the increasing level of construction activity in future months based on the high levels of planning applications reported in the previous section of this report.

4.3 Table 4 shows the numbers of current enforcement cases that are over 6, 12 and 18 months old.

Table 4 Older Enforcement Cases

	Q1 2021/22	Q4 2020/21	Change	Change %
Current cases over 6 months old	47	41	+6	+12.7%
Current cases over 12 months old	31	29	+2	+6.4%
Current cases over 18 months old	23	21	+2	+8.7%

- 4.4 Table 4 above shows that, over the previous quarter there has been an increase generally in the numbers of older cases across all categories. This reflects recent very high workloads in the section referred to previously. Officers have also had to spend time on complex appeal work including an informal hearing, as well as dealing with a high number of tree cases and handling a number of larger, more complex ones. The team has also dealt with a lot of enquiries which have not resulted in the creation of an enforcement case but have needed to be reviewed and responded to appropriately.
- 4.5 The cases are regularly monitored and action is prioritised in accordance with the updated Local Enforcement Plan. Despite the increase in workload there have been some notable successes during the quarter, an example of which is shown in the following photographs. Another important success was the dismissal of the enforcement appeal at Buckhurst Moors which now means that the concrete batching plant at the site will need to be removed which will reduce the harm caused by associated lorry movements.

CASE STUDIES

4.6 The photographs below illustrate one of the enforcement cases successfully resolved during the quarter with before and after pictures.

Case 1: Land rear of Bigwood House, Waterloo Road, Wokingham

Before – extensive unauthorised tipping of soil



After: Soil removed



5. PLANNING APPEALS

- 5.1 The table below summarises the numbers of appeals determined during the quarter, the numbers allowed and dismissed and the percentage dismissed with the same figures for the previous quarter and for the full year for comparison.

Table 5 Planning Appeal Decisions

	Decisions	Allowed	Dismissed	% Dismissed	Target
Q1 2021/22	8	3	5	62.5%	66%
Q4 2020/21	10	3	7	70%	66%

- 5.2 Planning appeals performance has fallen slightly below the target of 66% with 62.5% dismissed. The decisions included
- 5.3 The dismissed appeals included Bewes Stud at Prince Albert Drive, Ascot where the proposal was to change the use of land for the siting of 5 park homes. The Inspector found that the proposal would cause harm to the Green Belt through inappropriateness and loss of openness. Even taking account of the fallback position (provided by an existing permission for a detached dwelling and garage), the harm was concluded not to be outweighed by any other considerations and that there were no very special circumstances to justify the development being permitted.
- 5.4 One of the three allowed appeals was at 7, Crozier Lane, Warfield. This is a new property within the Warfield major development where the homeowner had had an application refused for the installation of a door to an existing car port. The reason for refusing the application is that permission for the car port was based on the Council's parking standards which allow smaller car ports than garages because garages are very often used for household storage rather than parking of cars whereas open car ports are generally not used in this way for security and other reasons. For this reason, the Council's parking standards require significantly larger garages than car ports (so that they allow space for household storage as well as for a car).
- 5.5 However, in this case the Inspector considered that installing a door to the car port (effectively making it into a garage) would not result in the loss of space available for parking. They also considered that given the site's location at the end of a cul-de-sac any occasional on-street visitor parking would not impede traffic or unacceptably affect highway safety. The case highlights the need to be able to demonstrate harm to highway safety when refusing an application on parking grounds rather than just relying on the requirements of the parking standards.

6. COMMUNITY INFRASTRUCTURE LEVY (CIL) AND S106 PAYMENTS

- 6.1 Table 6 below shows the total value of the CIL liability notices issued (normally issued with, or just after, a planning permission). It also shows the value of CIL demand notices issued (normally issued just prior to commencement of a development). The final column shows the amount of CIL actually received by the Council. The CIL received is the gross amount before the Parish and Town Council proportions and the administrative allowance are deducted.

Table 6 Community Infrastructure Levy

	CIL Liabilities Issued		CIL Demand Notices Issued		CIL Received
	No.	Net Amount	No.	Net Amount	Gross Amount
Q1 2021/22	6	£1,226,423	4	£1,337,985	£1,015,121
Q4 2020/21	9	£732,895	8	£1,063,853	£349,614

- 6.2 Table 6 shows that there was an increase in CIL income from the previous quarter (which was unusually low). Despite the impact of COVID on the development sector CIL income has held up well and with just over £1million received in the quarter the income levels have not dropped as significantly as might have been expected. Similarly, with well over £1 million achieved during the quarter for CIL Liabilities and Demand Notices issued for the quarter the future pipeline remains reasonable if not as large as previously experienced. Much will depend on the extent and timing of a recovery.

Table 7 Amounts Secured and Received via S106 Agreements

S106 2020/21	Amount secured in s106 Agreements	Amount received from s106 Agreements
Q1 2021/22	£1,665,662.94	£2,702,543.00
Q4 2020/21	£72,386.00	£2,940,588.99

- 6.3 Table 7 shows that, in addition to Community Infrastructure Levy receipts, S106 agreements are also making a significant contribution to providing the infrastructure needed to mitigate the impacts of new development in the Borough. The table shows a slight decrease increase in S106 monies received from the previous quarter but still a significant income.
- 6.4 The amounts secured in completed S106s, but not yet received showed a significant increase to over £1.6 million from the very low figure secured in the previous quarter (just over £72,000).

7. RECOMMENDATION

- 7.1 **It is recommended that Members note the information contained in this report.**

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