

Notice of Meeting

Planning Committee – Advisory Meeting

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

Thursday 24 February 2022, 7.00 pm
Online Only - Via Zoom



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.	
2.	Minutes	5 - 8
	To approve as a correct record the minutes of the meeting of the Committee held on 20 January 2022.	
3.	Declarations of Interest	
	<p>Members are asked to declare any disclosable pecuniary or affected interests in respect of any matter to be considered at this meeting.</p> <p>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.</p> <p>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.</p>	
4.	Urgent Items of Business	
	Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.	

Planning Applications

(Director of Planning)

EMERGENCY EVACUATION INSTRUCTIONS

If you hear the alarm, leave the building immediately. Follow the green signs. Use the stairs not the lifts. Do not re-enter the building until told to do so.

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 21/00141/FUL Land North of Tilehurst Lane, Binfield	13 - 42
	Erection of 9no. dwellings, including 2no. affordable dwellings, with associated landscaping and access to Tilehurst Lane (access as approved under APP/R0335/W/19/3231875 LPA Ref:18/00758/FUL)	
6.	19/00841/FUL Land North of Church Lane and West Of Malt Hill, Church Lane, Warfield	43 - 62
	Change of use of agricultural land to suitable alternative natural greenspace (SANG) with associated landscape works, the demolition of one agricultural structure and the construction of an ancillary car park.	
7.	21/00427/FUL North Lodge Farm, Forest Road, Hayley Green, Warfield	63 - 78
	Section 73 application to vary Condition 25 (Drainage) of Planning Permission 17/00656/OUT (Residential Development of 19no. dwellings).	
8.	21/00707/OUT Former Bus Station Site, Market Street, Bracknell	79 - 108
	Hybrid planning application (part detailed / part outline) for the phased redevelopment of the Site to provide 169 residential (Use Class C3) and 850 sqm commercial floorspace (Use Class E(a),(b),(c),(d),(g),(g(i)) and F1(a) & (b)) delivered across three blocks of accommodation [detailed element] and the erection of a single block providing up to 2699 sqm of commercial floorspace (Use Class E (b), (c), (e), (f) and (g) and F2(b)) [outline element, matters reserved - layout, scale and appearance] and all other associated works including landscaping, public realm, car parking and cycle parking. NOTE: Hybrid Application - Full planning permission is sought for the Blocks A/B/C, landscaping, access and car parking. Recommendation: Approve Subject To The Completion Of Planning Obligation(s).	
9.	Planning Performance Report - Quarter Three 2021-22	109 - 114

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Published: 14 February 2022

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**PLANNING COMMITTEE – ADVISORY
MEETING
20 JANUARY 2022
6.30 - 7.40 PM**

Present:

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

Apologies for absence were received from:

Councillors Mrs McKenzie

Also Present:

Councillors Atkinson and Ms Gaw

99. Minutes

The minutes of the meeting held on 16 December 2021 were approved as a correct record.

100. Declarations of Interest

There were no declarations of interest.

101. Urgent Items of Business

There were no urgent items of business.

102. PS 21/00668/FUL 16 Kingswood Ascot Berkshire

Proposed single storey orangery extension.

The Committee noted:

- The supplementary report tabled at the meeting.
- The comments of Winkfield Parish Council recommending as detailed in the agenda
- The 12 letters of objection received as summarised in the agenda.
- The submissions from the two public speakers that joined the meeting.

RECOMMENDED That the Assistant Director: Planning **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 26.07.2021 and 06.09.2021 by the Local Planning Authority.

Drawings received on 26.07.2021:

BLOCK PLAN
PROPOSED ELEVATIONS
PROPOSED GROUND FLOOR PLAN
PROPOSED ROOF PLAN
SITE PLAN

Drawings received on 06.09.2021:

EXISTING & PROPOSED FIRST FLOOR LAYOUT
EXISTING & PROPOSED SECOND FLOOR LAYOUT
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]

103. **21/00707/OUT Former Bus Station Site Market Street Bracknell**

This item was deferred from the agenda.

104. **21/00793/FUL King George V Recreation Ground Winkfield Row Bracknell**

Installation of public toilet facility (amendment to location on original application 19/01125/FUL).

The Committee noted:

- The supplementary report tabled at the meeting.
- That Winkfield Parish Council was the applicant for the application
- That no letters of objection were received.
- That two letters of support were received.
- The additional concerns received as detailed in the supplementary report.

RECOMMENDED that the Assistant Director: Planning **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 1990.

2. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 06.09.21:

Block Plan

Site Plan

Elevations and Plans (annotated)

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

3. The external materials used in the construction of the development hereby approved shall match those set out in the approved plan 'Elevations and Plans (annotated)' received by the LPA on 06.09.21.

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

4. Prior to the commencement of development a management plan shall be submitted to and approved in writing by the Local Planning Authority. This management plan shall include details of the following:

- (i) A cleaning schedule
 - (ii) Details of maintenance
 - (iii) Details of how the facilities will be locked, including timings
 - (iv) Details of access and parking for management vehicles
- The management plan shall be implemented as approved.

REASON: In the interests of the character of the area and to ensure suitable management.

5. Prior to bringing the facilities hereby approved into use details of access for pedestrians and wheelchairs shall be submitted to and approved in writing by the Local Planning Authority. This access shall be installed prior to the facilities being brought into use.

REASON: In the interests of the character of the area and accessibility

105. **21/01182/PAS Maxis 1 Western Road Bracknell**

This item has now been determined under delegated powers.

106. **21/01183/PAS Maxis 2 Western Road Bracknell**

This item has now been determined under delegated powers.

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
24th February 2022**

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

		Case Officer	Reporting Officer
5	<p>21/00141/FUL Land North Of Tilehurst Lane Binfield (Binfield With Warfield Ward) Erection of 9no. dwellings, including 2no. affordable dwellings, with associated landscaping and access to Tilehurst Lane (access as approved under APP/R0335/W/19/3231875 LPA Ref: 18/00758/FUL) Recommendation: Approve.</p>	Jo Male	Jo Male
6	<p>19/00841/FUL Land North Of Church Lane and West Of Malt Hill Church Lane Warfield (Binfield With Warfield Ward) Change of use of agricultural land to suitable alternative natural greenspace (SANG) with associated landscape works, the demolition of one agricultural structure and the construction of an ancillary car park. Recommendation: Approve.</p>	Hilary Coplestone	Hilary Coplestone
7	<p>21/00427/FUL North Lodge Farm Forest Road Hayley Green Warfield (Winkfield And Cranbourne Ward) Section 73 application to vary Condition 25 (Drainage) of Planning Permission 17/00656/OUT (Residential Development of 19 no. dwellings). Recommendation: Approve.</p>	Katie Andrews	Jo Male
8	<p>21/00707/OUT Former Bus Station Site Market Street Bracknell (Wildridings And Central Ward) Hybrid planning application (part detailed / part outline) for the phased redevelopment of the Site to provide 169 residential (Use Class C3)</p>	Margaret McEvit	Jo Male

and 850 sqm commercial floorspace (Use Class E(a),(b),(c),(d),(g),(g(i)) and F1(a) & (b)) delivered across three blocks of accommodation [detailed element] and the erection of a single block providing up to 2699 sqm of commercial floorspace (Use Class E (b), (c), (e), (f) and (g) and F2(b)) [outline element, matters reserved - layout, scale and appearance] and all other associated works including landscaping, public realm, car parking and cycle parking.

NOTE: Hybrid Application - Full planning permission is sought for the Blocks A/B/C, landscaping, access and car parking.
Recommendation: Approve Subject To The Completion Of Planning Obligation(s).

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.

Unrestricted Report

ITEM NO: 5

Application No. 21/00141/FUL	Ward: Binfield With Warfield	Date Registered: 10 March 2021	Target Decision Date: 5 May 2021
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Site Address: **Land North Of Tilehurst Lane Binfield Bracknell
Berkshire**

Proposal: **Erection of 9 no. dwellings, including 2no. affordable dwellings, with associated landscaping and access to Tilehurst Lane (access as approved under APP/R0335/W/19/3231875 LPA Ref: 18/00758/FUL)**

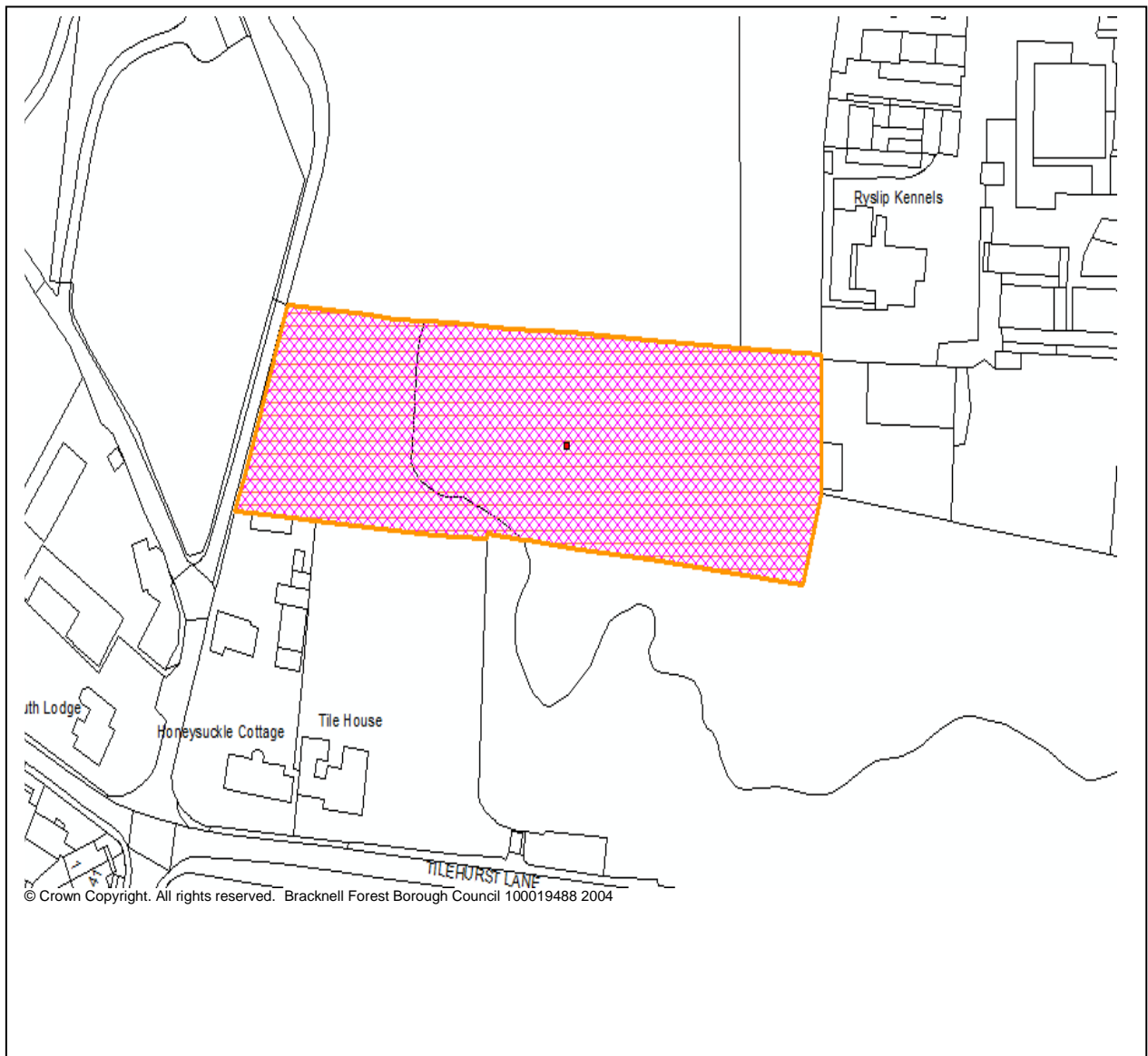
Applicant: JPP Land Limited

Agent: Mr Douglas Bond

Case Officer: Jo Male, 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 application represents a re-submission of a previous scheme for 9 units which was refused and dismissed on appeal. The application is accompanied by revised drainage information and includes minor changes in dwelling sizes and layout.
- 1.2 The comments of the previous Inspector are material considerations in the determination of the current application. He concluded that the development would have only a slight adverse effect on the character and appearance of the countryside and that the less than substantial harm to the significance of the Grade II listed Honeysuckle Cottage would be outweighed by the public benefits of the scheme. However, he dismissed the appeal on the basis that there were no material considerations sufficient to outweigh the harm resulting from the scheme's failure to show that the site could be adequately drained and flood risk avoided.
- 1.3 The information accompanying the current application includes detailed hydraulic modelling which allows an accurate assessment of the flood risk at the site to be made and robust mitigation to be developed. On the basis of this additional modelling information and the amended drainage scheme submitted, the LLFA is now satisfied that the site can be adequately drained and will not result in an increased risk of flooding elsewhere. The 'tilted balance' set out in para. 11d of the NPPF is applied as the Authority is currently unable to demonstrate a 5 year Housing Land Supply.
- 1.4 In this instance, it is not considered that the adverse impacts of approving the development would significantly and demonstrably outweigh its benefits in terms of delivering 9 units of residential accommodation including 2no. affordable dwellings, and approval is recommended.

RECOMMENDATION

The Assistant Director: Planning be recommended to approve the application subject to a s106 Agreement and the conditions set out in Section 12 of this report.

2. REASON FOR REPORTING THE APPLICATION TO THE ADVISORY PLANNING COMMITTEE

- 2.1 The application was previously reported to the Advisory Planning Committee on 11th November following receipt of more than 5 objections. At this time, the Officer's recommendation was not accepted, primarily due to the lack of information provided in relation to the proposed drainage strategy and how it addresses the previous drainage reason for refusal on application 18/00765/FUL. Further information in relation to this issue is included in Section 9 of this report.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

The site lies outside the settlement boundary

Sited within the 5km – 7km buffer zone of the Thames Basin Heaths SPA

- 3.1 The developable area of the site extends to 0.65ha and comprises

undeveloped grazing land with scattered shrubs and small trees. The application site includes the route of the access road approved by virtue of application 18/00758/FUL, which was allowed on appeal, which links the site to Tilehurst Lane, resulting in a total application site area of 0.9ha. The application proposes a further extension to the approved development of 53 houses which is currently under construction along part of the site's southern and eastern boundaries.

- 3.2 To the west of the site lies a private access driveway serving Binfield Park Farm, beyond which lies an area of undeveloped land and then the site of the development known as 'land to the north of Tilehurst Lane and west of South Lodge', where outline permission has been granted, also on appeal, for the construction of 40 dwellings.
- 3.3 Beyond the site's northern boundary lies further, undeveloped land, with Binfield Park Farm to the north and the Grade II* Listed Binfield Park to the north-west. Ryslip Kennels, Church Lane, is located to the immediate northeast. Residential properties known as Tile House and Honeysuckle Cottage, border the site to the south, with the aforementioned residential development permitted by virtue of application 18/00758/FUL currently under construction along the remainder of the site's southern and eastern boundaries.
- 3.4 A number of listed buildings are located within the vicinity of the site; Honeysuckle Cottage and Tile House which border the site on its southern edge are both Grade II Listed. To the west of Honeysuckle Cottage lie the Gate Piers at the South Entrance to Binfield Park and South Lodge which are also Grade II Listed. The site also lies within what would have originally been the parkland to Binfield Park, a Grade II* Listed Building.
- 3.5 The site undulates gently, with the land generally falling to the north. None of the trees on site are protected, with a single tree subject to a tree preservation order (TPO 1172) being sited beyond the site's eastern boundary.
- 3.6 The site is located beyond the settlement boundary of Binfield which is shown on the Policies Map as running along the southern edge of Tilehurst Lane.

4. RELEVANT SITE HISTORY

- 4.1 The following application is relevant to the consideration of the current application:

18/00765/FUL - Erection of 9no. dwellings with associated landscaping and access from Tilehurst Lane. Refused (2019), Appeal Dismissed (2021).

- 4.2 The reasons for refusal can be summarised as impact on character and appearance of countryside; impact on significance of heritage assets; failure to provide an acceptable surface water drainage strategy; failure to demonstrate that the proposed development would not have an adverse impact on biodiversity; failure to provide an acceptable management scheme for surface water run-off; failure to mitigate the impacts of the proposed development on open space and community facilities.
- 4.3 During the course of the appeal, additional information was submitted which led to the withdrawal of the reason for refusal relating to biodiversity. Furthermore, it was

agreed that an appropriately worded legal agreement could be completed to address reasons relating to a scheme for the management of surface water run-off and to secure contributions towards open space and community facilities. The appeal was dismissed predominantly on drainage grounds and reference to the Inspector's decision will be made later within this report.

- 4.4 To the south and south-east of the current application site, lies a site which is currently under construction to provide 53 dwellings. This permission was granted on appeal (LPA ref: 18/00758/FUL, PINS ref: APP/R0335/W/19/3231875) and takes access from Tilehurst Lane. The current application is presented as an extension to this development.

5. THE PROPOSAL

- 5.1 The application is submitted following the refusal of a similar application which also proposed the erection of 9no. dwellings on this site with access through the adjacent development onto Tilehurst Lane. This previous application (18/00765/FUL) was refused in 2019 under delegated powers and the subsequent appeal dismissed following its consideration at an informal hearing.
- 5.2 The proposed development is the erection of nine residential units, with associated landscaping and access, on greenfield land north of Tilehurst Lane. The dwelling mix would consist of 3no. three bedroom dwellings, and 6no. four bedroom dwellings. Of these, 1no. three bedroom and 1no. 4 bedroom dwelling would be affordable housing, representing 22.2% of the total dwellings.
- 5.3 The proposed dwellings would consist of two storey detached and semi-detached dwellings, each with rear gardens. Parking to the dwellings would be provided mainly by parking bays, although detached and attached garages are proposed to serve the detached dwellings.
- 5.4 The proposed drainage scheme shows a swale to cope with existing surface water that drains across the site being provided along part of the site's southern boundary under the access road and returning northwards towards the undeveloped land to the north. A drainage attenuation pond is shown in the north-eastern corner of the site and run-off from the roofs and roads of the development would connect into an existing sewer that traverses the site.
- 5.5 Access to the site from Tilehurst Lane is achieved by means of a link through to the access road serving the 53 unit scheme granted on appeal (ref:18/00758/FUL).
- 5.6 The scheme differs from that previously considered for the site primarily in that it changes the dwelling mix from 4No. 3 bedroom and 5no. 4 bedroom units to provide 3no. 3 bedroom and 6no. 4 bedroom units; it replaces the 2no. detached units on Plots 3 and 4 with 'link-detached' dwellings; and it provides details of a revised drainage strategy which results in minor changes to the layout.

6. REPRESENTATIONS RECEIVED

Binfield Parish Council

6.1 Binfield Parish Council recommends refusal of the application, stating:

Binfield Parish Council wishes to RECOMMEND REFUSAL on the basis that there is no plan for surface water run off. The application shows this as being onto land which is privately owned and permission has not been given by the owner. Therefore it is a concern of whether this development has a suitable and sufficient drainage plan. This is a major concern. The Parish Council would also wish to reiterate the original objections to this proposal, copied below:

Binfield Parish Council strongly objects to this application (18/00758/FUL) for the following reasons:

1. The land north of Tilehurst Lane is outside of the settlement boundary for Binfield and forms an important link to Binfield's historic and agricultural past.
2. This development - both 00765 and 00758 - would have a detrimental impact on the setting of a number of listed buildings, including Binfield Park (Grade II*), Gate Piers South entrance Binfield Park (Grade II), Honeysuckle Cottage (Grade II), Tile House (Grade II)
3. Tilehurst Lane is a rural route, a designated bridlepath and not capable of taking the traffic from an additional 69 properties as well as additional pedestrian movement when there is only pavement along part of the lane. This development would be detrimental to road safety.
4. The density of the proposed development is completely out of keeping with the character of the area. The Binfield Landscape Character Assessment states that "Tilehurst Lane retains remnants of its rural character, partially bounded by hedgerows and roadside ditch/stream. These dense hedgerows and tree belts limit views providing strong containment to the built edge of Binfield". Should this planning application be granted this is an absolute urbanisation of a rural area.
5. In the recent appeal which allowed for 28 properties, the Inspector stated that "if outline permission were granted for 28 dwellings, any reserved matters application could not exceed that number". This is a speculative attempt to turn the Inspectors decision into a high density development totally unsuited to the location and with little regard for the character, heritage, or rurality of the area or the wishes of local residents.
6. The cumulative effect of the nearby development which has been granted permission but has not yet been completed (including Blue Mountain and nearby Cabbage Hill/Harvest Rise) is not yet clear but will certainly be significant. Adding further pressure on the roads and infrastructure before the cumulative effect is known will exacerbate any problems.

Representations from Members of the Public

6.2 19no. objections have been received. The concerns expressed are summarised below:

- Site lies outside of any settlement and is not allocated within the new Local Plan
- Urbanising impact due to spread of development away from road frontage
- Binfield already taking more than fair share of development with consequent impacts in terms of noise and dirt
- Binfield losing its identity as a village
- Refers to Council's adopted and emerging policies in support of objection
- Tilehurst Lane has huge amount of houses planned which impacts on its character as a lane and causes highway safety issues to road users and pedestrians/horses
- Impact on wildlife

- Damage to hedgerow that screens site from Tilehurst Lane
- Queries consideration given to tree protection order on the site [Officer Note: the trees on site are immature/self-seeded and are not considered worthy of a TPO]
- Access point is in dangerous location with inadequate visibility
- Last remaining undeveloped, green land in Binfield so should be retained as such
- Further development will exacerbate existing flooding issues
- New traffic controls would require infill of ditches along Tilehurst Lane
- Re-submission of previous application but serious issues with surface water flooding remain
- Endorses concerns of Parish Council
- Impact on Ryslip Kennels from new residents complaining about noise
- Acoustic fencing proposed must be fully specified and secured
- Impact on listed buildings; Binfield Park, Tile House and Honeysuckle Cottage
- Cumulative impact of traffic on Tilehurst Lane due to development within vicinity
- Developer keeps applying and appealing and eventually wins so locals feel worn down and the level of objections received won't reflect true feelings
- Proposed swale runoff onto land to the north
- Objection to retention of gate onto private driveway to Binfield Park Farm
- Loss of privacy and overlooking to Binfield Park Farm
- Light pollution and noise
- Lack of details of means of enclosure
- The proposed drainage strategy fails to take into account the future building works at the western end of Tilehurst Lane and the works currently under construction at the eastern end, pointing out that the drainage of the site changes with every foundation laid, a situation which is exacerbated by climate change
- Scheme has already been dismissed on appeal
- Overdevelopment
- Concern that drainage officer's comments do not provide any detailed analysis to support conclusions which should be provided so interested parties have the opportunity to critique the analysis and conclusion

7. SUMMARY OF CONSULTATION RESPONSES

Highway Officer

No objection subject to conditions.

Biodiversity Officer

No objection based on additional information received, recommends conditions.

Tree Officer

Comments provided in respect of previous application which raise no objection on arboricultural grounds, stating that the submissions clearly show the protected tree's RPA to be outside the application site and even then some distance away from proposed structures & features. It is also noted that the submissions clearly show the limited number of trees within this site (and adjoining) and that all RPAs are not impinged by any part of this proposal.

Landscape Officer

Accepts that impact on character and countryside were considered acceptable by appeal Inspector and recommends imposition of a landscape condition.

Lead Local Flood Authority (LLFA)

Following the receipt of detailed hydraulic modelling and a revised drainage strategy, no objection subject to details which can be secured by planning condition.

Principal Conservation Advisor

Inspector's previous finding of harm is a material consideration and should be considered in the planning balance against any perceived public benefits as required by para. 202 of the NPPF, taking into account para. 199 of the NPPF which requires great weight to be given to an asset's conservation irrespective of whether any potential harm is substantial or less than substantial.

Archaeology

Council's Archaeological Advisor recommends condition requiring programme of archaeological field evaluation prior to the commencement of development and submission of a mitigation strategy (if required).

Environmental Health Officer

Findings of previous noise report accepted. No objection subject to conditions relating to the control of environmental effects during construction, working hours and unforeseen contamination.

Waste

No issues with storage of bins for individual properties as there is back gate access for all, so bins can be stored in the gardens. All bins must be presented to the nearest adopted road on collection day and stored within the property boundary at all other times. As plots 8 & 9 are on private drives, they will need to present their bins to the kerbside of the main road.

Implementation Officer

Full details of the contributions required to mitigate the impact of the development are set out in Section 12 below.

Thames Water

No objections recommend informative.

8. DEVELOPMENT PLAN

8.1 The Development Plan for the Borough includes the following:

Site Allocations Local Plan (2013) (SALP)
Core Strategy Development Plan Document (2008) (CSDPD)
'Saved' Policies of the Bracknell Forest Borough Local Plan (2202) (BFBLP)
'Retained' Policies of the South East Plan (2009) (SEP)
Bracknell Forest Policies Map (2013)

The application site also lies within the designated Binfield Neighbourhood Plan area such that the Binfield Neighbourhood Plan (2016) also applies.

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of Development
- ii. Impact on Character and Appearance
- iii. Impact on Heritage Assets
- iv. Design
- v. Impact on Residential Amenity
- vi. Transport and Highways Considerations
- vii. Drainage Implications
- viii. Biodiversity Implications
- ix. Sustainability Implications
- x. Thames Basin Heaths Special Protection Area (SPA)
- xi. Securing Necessary Infrastructure

i. Principle of Development

9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration.

9.3 The NPPF confirms that decisions should apply a presumption in favour of sustainable development. Paragraph 11 sets out that for decision takers this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

9.4 Footnote 7 confirms that policies in the Framework that protect areas or assets of particular importance include those relating to habitat sites, designated heritage assets and flooding. As set out later within this report, it is not considered that the relevant policies in the NPPF provide a clear reason to refuse the development on grounds of any harm caused to the significance of heritage assets, habitat sites or flood risk. As a result, Officers do not consider that the 'tilted balance' set out in para. 11(d) is precluded from applying by virtue of footnote 7.

9.5 Footnote 8 indicates that for the purposes of para. 11(d) in relation to applications involving the provision of housing, the policies which are most important for determining the application should be considered out of date in instances including where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.

- 9.6 The Council is not currently able to demonstrate a five year supply of deliverable housing sites (4.2 years as at April 2021) and as a result, it is accepted that the ‘tilted balance’ applies and that planning permission should be granted for the proposed development unless ‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole’.
- 9.7 Whilst the application site lies beyond any settlement boundary in land designated as countryside, the NPPF (2021) does not seek to protect the countryside for its own sake and instead requires its intrinsic character and beauty to be recognised. Therefore there can be no ‘in principle’ objection to the proposed development due to its countryside status and instead an assessment of the development’s impact upon the character and beauty of the area has to be undertaken and weighed in the planning balance, taking into account the ‘tilted’ weighting applied in this instance for the reasons set out above.
- 9.8 The remainder of the report considers the impact of the development on the character and appearance of the area, and in relation to other material considerations and concludes matters in the planning balance.

ii) Impact on Character and Appearance

- 9.9 The application site is located beyond the settlement boundary of Binfield as shown on the Policies Map 2013. It lies north of the Binfield Study Area within the Character Area Assessments SPD 2010. This SPD identifies that the landscape setting of Binfield is heavily influenced by the surrounding open rural landscape including that to its north which includes the appeal site. It refers to the strong contrast between the urban form of Tilehurst Lane and the open landscape around it. In its recommendations for this area, the assessment states: ‘*The open landscape either side of Binfield, together with the open character of Popeswood North, should be retained to maintain a rural setting and the distinctive character of Binfield*’.
- 9.10 The appeal site is included within the Landscape Character Area C1 Binfield and Warfield Clay Farmland within the Landscape Character Assessment. Valued features for this area include the parkland landscapes associated with old country manor houses including Binfield Park, and the open and rural character of the landscape which provides a rural buffer to the settlements of Binfield and north Bracknell, and provides a sense of separation between Binfield and the allocation at Blue Mountain.
- 9.11 The Landscape Sensitivity Appraisals Additional Sites Addendum (September 2018) which forms part of the evidence base to the emerging Local Plan specifically assesses the landscape value of this site (BIN17) and makes reference to its relationship with the adjacent site which is currently being developed to provide 53 units which is referred to as BIN3. It describes its landscape character as:

“A flat site, comprising a small unmanaged field of grassland and scrub with many young trees (mainly oaks). Although not distinctive in landscape terms, the trees and openness contribute positively to rural landscape character and increase sensitivity to development.

The site is located between Binfield Park (a Grade II listed house with outbuildings and extensive parkland) and barns and other buildings at Ryslip Kennels but is*

separated from both by mature trees on the western and eastern boundary. It is bound by post and wire fences, separating it from a rectilinear field immediately to the north, with more undulating arable farmland extending further north. Planned residential development north of Tilehurst Lane (BIN3 Tilehurst Lane) will lie immediately south of the site”.

- 9.12 The overall assessment of landscape sensitivity concludes that the site is of medium landscape sensitivity and that:

“The site is rural in character and the trees and openness contribute positively to rural landscape character and play some part in the rural setting of Binfield. However, the proposed extension of the settlement edge north of Tilehurst Lane (BIN3) reduces sensitivity in terms of settlement form”.

- 9.13 The study assesses the cumulative issues as follows:

“BIN17 lies adjacent to BIN3, and in close proximity to BIN1 and BIN2. Both BIN3 and BIN1 lie adjacent to the settlement edge but separated from it by Tilehurst Lane, a rural wooded roadway, which provides a strong settlement boundary. The planned development of BIN3 will extent the built edge of Binfield north of Tilehurst Lane, weakening this boundary edge.

The more elevated position of BIN1 and BIN2 make them more sensitive to development however, the development of all 3 sites would have a greater cumulative impact on the landscape and setting to the north of Binfield”.

- 9.14 In determining the previous application for 9no. units on this site (ref: 18/00765/FUL), Officers considered that the site’s open and undeveloped nature contributed to the rural setting of Binfield and the provision of a rural buffer around the settlement. It also has some landscape value in forming part of the parkland landscape to Binfield Park although it was acknowledged that it does not contain any distinguishing parkland features.

- 9.15 The proposed development was considered to have a harmful impact upon the character and appearance of the site and the application was refused for the following reason:

‘The proposed development would have a harmful urbanising impact on the character and appearance of the countryside. The proposal is therefore contrary to ‘Saved’ Policies EMN8, EN20 and H5 of the Bracknell Forest Borough Local Plan, Policies CS1, CS2, CS7 and CS9 of the Core Strategy Development Plan Document, and the NPPF’.

- 9.16 At the subsequent appeal against the refusal of this application, the Inspector assessed the development’s effect on the countryside in the following terms:

13. The site makes some positive contribution to an appreciation of Binfield by being an open, undeveloped piece of land that, even in its unkempt state, adds to some degree to the settlement’s countryside setting.

14. Balanced against this, the site is relatively small and contains little appreciable landscaping, much of which could be retained in the development. It also lies in a partially constrained context with a block of woodland to the north and an extensive complex of buildings to the east, so its contribution to the expansive openness of the wider character area is limited. Moreover, it

would be set against the scheme subject of the adjacent appeal (with a condition suggested to say what is before me could not be developed in isolation), would be of a relatively low density, and would maintain a 'softer' edge to the neighbouring field than the scheme subject of the adjacent appeal with there being no intention or need for lengthy solid fencing or hard development close to its northern boundary. Having regard to the wording of Local Plan Policy EN20, it has not been shown this is part of a '*beneficial landscape*'. Therefore, taking these points together, the site at present makes little contribution to the character and appearance of the countryside or its function. As such, while the scheme would cause some harm to the countryside as a consequence of its loss, in the light of the above factors I consider this would be limited in its extent and nature.

15. In coming to this view, I accept that many countryside sites are against housing development. I also appreciate that given their broad nature there will be pockets and corners of any LCA that do not fully accord with their overall character, whilst its current state is an issue of maintenance rather than arising because of any specific agricultural inadequacies. Therefore, these aspects have not been decisive of themselves, but they have nonetheless added weight to my findings above.

16. I also accept that from the public domain views of the scheme would be limited, being restricted primarily to the cul-de-sac to be formed in connection with the adjacent appeal. Honeysuckle Cottage, Tile House with its boundary fence and the development associated with the adjacent appeal, would together significantly restrict and impeded views of the scheme from Tilehurst Lane itself and from the houses on the south side of that road. However, I consider the countryside should not be protected from the public domain only, and the development would be apparent to varying degrees in private views from Honeysuckle Cottage and Tile House, as well as from the field to the north and from the new houses built as part of the adjacent appeal.

17. Accordingly, I conclude there would be some slight adverse effect on the character and appearance of the countryside and so the scheme would conflict with Local Plan Policies H5, EN8 and EN20, Policies CS1 and CS7 in the Core Strategy and the Framework'.

9.17 There has been no change in circumstance since the Inspector came to this conclusion. The Landscape Officer has been consulted in respect of the current application, however in light of the Inspector's conclusions she does not make any further comments on the landscape impact of the development.

9.18 Accordingly, it is accepted that the proposed development would cause only limited harm to the character and appearance of the countryside resulting in conflict with the relevant countryside policies. This level of harm and policy conflict is required to be weighed in the planning balance against any benefits arising from the scheme, a process which is undertaken in Section 11 of this report.

iii. Impact on Heritage Assets

9.19 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the decision maker when considering whether to grant planning permission for development which affects a listed building and its setting to "have special regard to the desirability of preserving the building or its setting or any other features of special or architectural interest which it possess".

- 9.20 Para. 199 of the NPPF states: "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".
- 9.21 Para. 200 indicates that '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....'.
- 9.22 Para. 202 states that: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.
- 9.23 There are a number of designated heritage assets within the vicinity of the application site as detailed in para. 3.4 above. At the informal hearing held in respect of the appeal against the refusal of the previous application, the Council presented evidence to support its view that the development, in combination with the consented development, would result in harm to the setting of neighbouring Grade II listed Buildings (Honeysuckle Cottage and Tile House) including in terms of their historic visual and functional relationship to the surrounding open countryside.
- 9.24 In considering this issue, the Inspector concluded that the development 'would have a very minor adverse effect on the slight contribution this open area of countryside makes to the setting of [Honeysuckle] cottage. As such, it would cause harm, albeit less than substantial, to its significance'. In terms of its impact upon Tile House he concluded 'the scheme would not harm the significance of the property as a designated heritage asset or compromise its setting'. He did not find harm to the significance of any other heritage assets.
- 9.25 In undertaking the 'heritage balance' set out in the NPPF, which is accepted as being consistent with the application of the s66 duty, the Inspector stated:
- '27. I have found less than substantial harm to the significance of Honeysuckle Cottage only, due to the effect on its setting, and I have given this considerable importance and weight. However, assuming the development was acceptable in other respects, the scheme would be boosting the supply of housing in line with Government guidance, and would be delivering additional affordable accommodation. I appreciate these contributions would be numerically small. Despite that, I consider them to be public benefits sufficient to represent a clear and convincing justification for the harm to the significance of Honeysuckle Cottage, given the nature and extent of that harm.
28. Accordingly, having regard to both the 1990 Act and the Framework, I conclude that although there is less than substantial harm to the significance of Honeysuckle Cottage that harm is outweighed by the public benefits. Moreover, I also conclude that the proposal would not fail to preserve the settings of other listed buildings or cause harm to their significance. As such, the proposal would not be in conflict with Policy BF2 in the Neighbourhood Plan, which seeks to resist schemes that would have a harmful effect on the setting of a listed building that is not justified by public benefits, or the Framework'.

- 9.26 The Council's Conservation Advisor has raised concern that the Inspector's report did not identify or discuss any cumulative impact on heritage assets arising from the proposed development in conjunction with the consented scheme for 53 units, despite the fact that this issue was raised at the appeal hearing and that cumulative impacts are part of the assessment that should be made in *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets* (Historic England, 2015b). However, this issue was considered at the time that the Inspector's decision was received and was not considered sufficient grounds on which to seek a Judicial Review of the decision. The Inspector's assessment of harm in relation to the designated heritage assets is accepted and it is recommended that this harm should be considered in the planning balance against any perceived public benefits, as required by paragraph 202 of the NPPF.

Heritage Balance

- 9.27 The Inspector's view that the proposed development of 9 units would cause less than substantial harm to the significance of Honeysuckle Cottage is accepted and that no harm to the significance of other heritage assets would result. Whilst considerable importance and weight is given to this identified harm, Officers also accept the Inspector's view that the public benefits of providing 9 additional units of housing, two of which would be affordable, is sufficient to outweigh the harm identified given the extent and nature of this harm. Accordingly, it is concluded that the proposed development does not conflict with Policy BF2 of the Binfield Neighbourhood Plan or Policies CS1 and CS7 of the CSDPD and that its approval would be consistent with the statutory requirement set out in s66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* (the 1990 Act) for the decision-maker to have regard to the desirability of preserving the setting of any listed buildings.

iv. Design

- 9.28 The application proposes the erection of a mix of detached and semi-detached two storey dwellings. The individual units have pitched roofs and employ a traditional palette of materials including brick and stained timber weatherboarding with plain clay tiled roofs. Their design is similar to that employed on the adjacent scheme, currently under construction and would not appear out of keeping with the prevailing character of the area.

v. Impact on Residential Amenity

Impact on occupants of neighbouring properties

- 9.29 It is considered that due to the siting and layout proposed, along with the relevant separation distances, the development would not result in a material adverse impact on the amenities of the nearest neighbouring properties, Honeysuckle Cottage or Tile House. Both of these properties have back gardens in excess of 44 metres which contain planting that will assist in screening the development from view.
- 9.30 Although a letter of objection raises concern about a loss of privacy/ overlooking caused to Binfield Park Farm, this property is set in excess of 70 metres to the north of the application site and any overlooking would only occur over an area of grass beyond the dwelling's immediate curtilage.

Impacts on prospective residents of the development

- 9.31 The proposed layout and design would provide acceptable separation distances and orientations of dwellings in order to avoid any potential adverse loss of light or loss of privacy impacts between future occupiers.

Conclusion on impact to residential amenity

- 9.32 It is not considered that the proposal would give rise to any materially adverse impacts on the amenities of neighbouring properties, or prospective occupants, and as such accords with 'saved' BFBLP policy EN20 and the NPPF.

vi. Transport and Highways considerations

- 9.33 The Highway Authority has been consulted throughout the development of the application scheme. Its response notes that the layout appears to be very similar to that previously submitted and taken to appeal and in that respect previous commentary made on the suitability of the access and parking has already been made with suitable conditions suggested. In light of amendments made to the site layout as a result of the revised drainage scheme, additional information on tracking has been requested. This has been considered by the Highway Authority who consider that the highway implications of the scheme are acceptable and recommend conditions be imposed in the event that permission is granted.

vii. Drainage Implications

- 9.34 At the time of the previous appeal application, there was a dispute between the parties as to the capacity of the proposed drainage proposals to deal with peak flows arising from off-site surface water flooding, particularly given the absence of information in relation to diverted overland flows from upstream of the site. In the absence of this information, the application was refused on grounds that it had not been demonstrated that the development could be adequately drained and would not increase flood risk elsewhere.
- 9.35 The Inspector accepted the LPA's position, that insufficient information was available to demonstrate the effectiveness of the proposed drainage scheme, highlighting the lack of clarity relating to sewer capacity and that of the proposed swale in his comments which state:

'6. The appellant had calculated the drainage requirements of the identified catchment for a 1 in 100 year event plus an allowance for climate change, and then, knowing the capacities of the sewers, proposed a swale to carry the rest through the site and around the houses to the point of existing discharge on the northern boundary. However, I was told the sewers do not serve this catchment alone, but also drew an unknown amount of water from elsewhere. Therefore, they would be carrying additional run-off to that of this catchment, which, as its amount is not known at this stage, has not been included in the calculations. Consequently, putting aside any debate as to whether the sewers and the swale together would be adequate to drain the identified catchment, I cannot be confident that the combined capacity of the existing sewers and the proposed swale would be large enough to take the drainage from the identified catchment plus whatever the sewers brought in from elsewhere. Therefore, it has not been shown the appellant's drainage strategy would be sufficient to avoid on-site flooding.

7. In coming to this view, I accept that not all the water from the identified catchment that cannot now be accommodated in the sewers drains across the middle of the site, but some appears to flow along the drive to Binfield Park and then runs across the

site's north-west corner. Again though, I have no evidence to show that alternative flow allows for sufficient spare capacity in the sewers and proposed swale to accommodate the unknown amount of additional water from outside of the identified catchment.

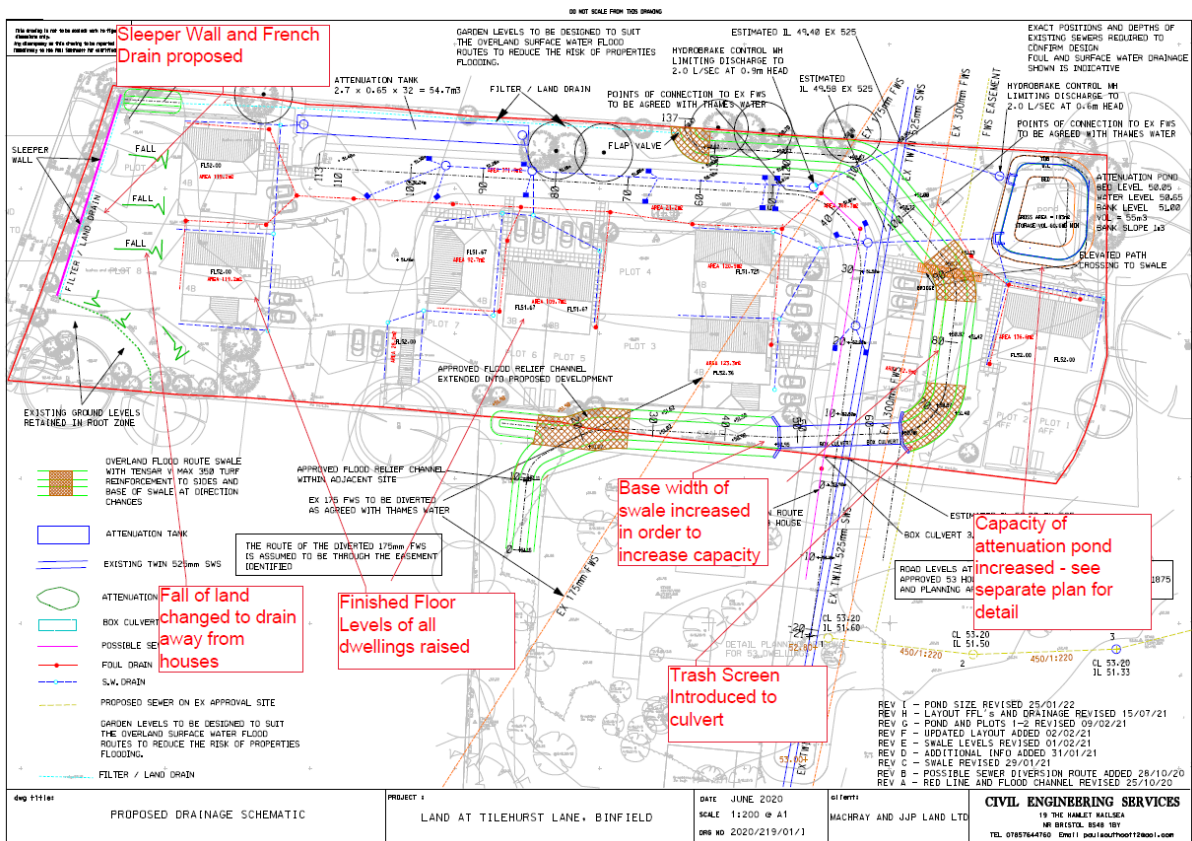
8. Accordingly, I conclude it has not been demonstrated that this would not be an inappropriate development in an area of flood risk, and so it would conflict with Policy CS1 in the Council's Core Strategy Development Plan Document and the National Planning Policy Framework (the Framework)'.

9.36 The current application has been accompanied by detailed hydraulic modelling work undertaken in accordance with industry best practice, which is accepted as accurately quantifying the risk of surface water flooding in and around the site. The conclusions of this modelling work have been used to re-design the drainage strategy. The Drainage Consultants have set out the following reasons why they are now confident that the proposed drainage works will adequately deal with surface water drainage on and around the site:

'The primary change was the completion of detailed hydraulic modelling which more accurately assessed the risk of flooding at the site and meant a more robust mitigation scheme could be developed. However, as a result of this hydraulic modelling, the applicant made changes to the development proposals to improve the management of flood risk. We have listed these changes below based on the letter from the applicant dated 16 November 2021 as well as our own assessment:

- Finished floor levels of proposed units have been increased by an average of 200mm to ensure that they are above the design flood level;
- The gardens Plots 8 and 9 have been landscaped to ensure that surface water drains away from the houses to a French drain at the rear of the gardens which will ensure that the standing water will be efficiently removed;
- A sleeper wall has been introduced to the western side of Plots 8 and 9 to reduce the likelihood of water entering the development from the west;
- The area of the SuDS basin to the east of the housing has been increased to provide opportunity for greater attenuation volume – this was not required but is an additional benefit;
- The size of the flood mitigation swale has been increased from a base width of 1m to a base width of 2m to the north of the site and 3m base width through the site to provide more capacity; and
- A trash screen has been introduced at the upstream end of the culvert to reduce the risk of a blockage in the culvert'.

9.37 The changes referred to above are shown notated on the following plan:



9.38 In response to concerns raised about the future maintenance of the SuDS features, the applicant has provided additional information which has been reviewed by the Council's Drainage Consultant and who confirms:

'In principle, we consider that the proposals are acceptable subject to conditions requiring the submission of additional information.

In terms of the proposed box culvert, we do consider this would be challenging to maintain. However, with the addition of access chambers, this could be managed. This could be considered as part of the detailed design. We would want to see the culvert length minimised as far as possible too which would assist with maintenance.

We would want to see a robust maintenance and management plan covering the entire drainage and features design to mitigate flood risk (i.e. the swales, culvert and French drain). This would need to consider access to carry out maintenance activities'.

9.39 These issues could be addressed through the imposition of appropriately worded conditions as set out at section 12 below.

9.40 It is noted that a local resident raises concern that the swale run-off will outflow onto land to the north. The Drainage Consultant has advised that the swale directs existing flows which cross the site, in a controlled way. The submitted hydraulic modelling demonstrates that there will be no increase in these flows and all drainage from roofs and roads within the development will be discharged into an existing sewer that crosses the site. Since the proposed swale deals only with existing surface water run-off and the development will not impact on this flow, no additional permissions are understood to be required.

9.41 Thames Water have been consulted in respect of the application and confirm, 'Thames Water would advise that with regard to waste water network and sewage treatment works infrastructure capacity, we would not have any objection to the above planning application, based on the information provided'.

9.42 Another letter of representation raises concern that the proposed drainage strategy fails to take into account other permitted development in Tilehurst Lane. As previously reported to the Advisory Committee, the Drainage Consultants have responded:

'Individual developments are required to manage surface water to ensure that the discharge from the site is not greater than the undeveloped situation. The current Tilehurst Lane application was assessed against this criteria and the preceding applications would have applied the same. Sustainable Drainage Systems (SuDS) are used on each of the sites to attenuate excess flows during extreme rainfall events. In terms of the increasing frequency of more extreme rainfall events, developers are obliged to allow for the predicted increase in rainfall intensity over the lifetime of the development'.

9.43 To conclude on the issue of drainage, the current application differs from the previous scheme dismissed on appeal in that detailed hydraulic modelling has been provided in accordance with industry best practice, which satisfactorily identifies peak levels of surface water run-off that will be experienced across the site. The submitted drainage strategy has been reviewed in light of this information and amended to ensure that its capacity is sufficient to accommodate the identified flows and on this basis the Council's Drainage Consultants have advised that the scheme is now acceptable, subject to specific details being secured by conditions as set out in section 12 of this report.

viii Biodiversity Implications

9.44 The application is accompanied by an Ecological Appraisal which reconfirms the previous conclusions of survey work originally undertaken in 2017, albeit recognising that over time the site is developing areas of scrub and young trees which could change the habitat type over a longer period of time.

9.45 The report makes tentative recommendations which suggest that the site design has not involved the ecologist. However, the Council's Biodiversity Officer has confirmed that, owing to the requirement for SuDS, the proposed layout provides some areas of habitat not within private gardens that could be of value in the future. In addition, various measures can be secured to protect mammals, birds, reptiles, amphibians.

9.46 It is recommended that any permission granted is subject to conditions seeking to protect and enhance biodiversity including those relating to the impact of site clearance works, a Landscape and Ecological Management Plan, external lighting, control over invasive species and securing an ecological enhancement scheme.

ix. Sustainability Implications

9.47 In respect of the proposed additional dwellings, Policy CS10 requires the submission of a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day. Policy CS12 requires the submission of an Energy Demand Assessment demonstrating how 10% of the development's energy requirements will be met from on-site renewable energy generation.

- 9.48 The application is accompanied by a Sustainability and Energy Statement prepared by Blue Sky Unlimited. This provides evidence of how the development could achieve the required level of water efficiency. It also proposes the use of either photovoltaic panels or air source heat pumps to meet the required level of on-site renewable energy generation.
- 9.49 The Council's Renewable Energy Officer has confirmed that either of these options would be appropriate and if the photovoltaic panels are chosen, a plan indicating their proposed location should be provided. This can be covered by an appropriately worded condition.

x. Thames Basin Heaths Special Protection Area (SPA)

- 9.50 The Council, in consultation with Natural England, has formed the view that any larger development comprising over 50 net new dwellings within 5km – 7km straight-line distance from the Thames Basin Heath Special Protection Area (TBHSPA) is likely to have a significant effect on the integrity of the SPA, either alone or in-combination with other plans or projects. An Appropriate Assessment has been carried out including mitigation requirements.
- 9.51 This site is located within the 5km – 7km TBHSPA buffer zone, and represents an extension to the 53 unit development currently under construction through which this scheme will be accessed. Therefore it is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.
- 9.52 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.
- 9.53 The SANG contribution payable for affordable units is lower than that for market units and since the development is located within the 5km – 7km TBHSPA buffer zone, the SANG costs are 1/4 of what they would be in the 400m – 5km zone.
- 9.54 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which is also calculated on a per bedroom basis, with the SAMM contribution being 1/3 of that applied to development within the 400m – 5km zone due to its relative distance from the SPA.
- 9.55 The applicant has agreed to enter into a S106 agreement to secure these contributions and a restriction on the occupation of each dwelling until the Council has confirmed that open space enhancement works to a SANG is completed. Subject to the completion of the S106 agreement, the proposal

would not lead to an adverse effect on the integrity of the SPA and would comply with SEP Saved Policy NRM6, Saved policy EN3 of the BFBLP and CS14 of CSDPD, the Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD, the Planning Obligations SPD and the NPPF.

xi. Securing Necessary Infrastructure

Affordable Housing

- 9.56 The site is considered to be an extension of the adjacent development and as such meets the affordable housing threshold. The Housing Enabling Officer has confirmed that the 2 affordable dwellings (plots 1 and 2, 1x3 bed 5 person and 1x4 bed 6 person) are acceptable for affordable housing provision. These are to be provided at social rent to ensure the housing need is met. Subject to this provision being secured by s106 Agreement, the development is considered to comply with Policy H8 of the BFBLP, Policy CS17 of the CSDPD, the decision of the Council Executive dated 29th March 2011 and the Planning Obligations SPD.

Community Facilities

- 9.57 Due to the added pressure on community facilities from additional residential use on site, the Council will seek through a planning obligation to secure funds towards community facility improvements. The Council is currently in the design and planning phase of the Community and Healthcare Hub at Blue Mountain. The total cost of the project is estimated at £2.4m, the funding gap for the proposal is currently between £1.35 and £1.5m. The Council has predicted that a further c. 400-450 dwellings in the Binfield and north Bracknell area are likely to come forward that can contribute to the proposal. This gives a contribution range between £3000 and £3750 per dwelling. In this instance, the Council are seeking £3000 per dwelling index linked from 4Q 2020 to date of payment (BICS all-in TPI). However, this may change slightly going forward with indexation and project costs becoming more detailed.

Open Space of Public Value (OSPV) and Biodiversity

- 9.58 As the proposed development only provides a limited amount of OSPV the Council will seek a financial contribution towards the provision of, or an increase in capacity of off-site active and passive open space. The Council has a number of Active OSPV projects at Farley Wood Centre which is well located to serve the development. On the basis of up to date costings for the project and the predicted number of dwellings likely to be served by the works and which would be able to contribute to the project, it is considered that a contribution of £2750 per dwelling would be appropriate.
- 9.59 The NPPF (Para 175d, 2018) states that: "opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity". If the Biodiversity enhancements do not amount to a net gain over the site (guidance can be taken from our Biodiversity Officer) the Council may consider offering a mitigation option off-site, however the mitigation hierarchy should be followed in the first instance.

Transport

- 9.60 As previously agreed in relation to the last proposal on this site, a contribution towards the off-site highway works to improve the Church Lane/Forest Road Junction in Binfield will be required. The costs were first considered in 2018 and as such indexation will be applied.

- 9.61 A planning obligation will be required to secure, prior to commencement, submission of a plan to show which accesses/footways etc are to be privately maintained and which are to be adopted. PAF obligations will apply to privately maintained roads/foot/cycleways. The obligation will also secure entry into Highways agreements for any accesses/off site works in kind and/or highways to be adopted where these are not already entered into in relation to previous permissions.

SuDS

- 9.62 A planning obligation will be required to ensure approval of the SuDS specification and a long term Management and Maintenance Plan prior to commencing development on site. An obligation will also be required to secure a SuDS monitoring contribution to monitor SuDS for their lifespan. As the proposals include SuDS infrastructure, prior to Commencement the Council will require 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. A monitoring sum of £8000 will be sought through a planning obligation to enable the Council to monitor/inspect SuDS for their lifetime.

Community Infrastructure Levy (CIL)

- 9.63 Bracknell Forest Council commenced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL applies to any new build that involves the creation of additional dwellings. The site falls within the 'Northern Parishes' charging area, for which the charge is £448.27 per square metre for schemes of fewer than 15 dwellings (2021 figures).

10. DIFFERENCES FROM APPLICATION 18/00765/FUL

- 10.1 The application proposes a development which is nearly identical to a previous scheme which was refused and dismissed on appeal and it is clearly necessary to set out the reasons for a different recommendation being made in this instance.
- 10.2 The Inspector's decision is a material consideration in the determination of the current application and this alternative recommendation has been made in light of his findings of harm in relation to heritage and landscape issues, the submission of a revised drainage strategy and a change in circumstance in relation to the Council's ability to demonstrate a 5 year HLS which results in the application of the tilted balance.
- 10.3 In determining the previous application under delegated powers, Officers had considered that the proposed development would have a harmful urbanising impact on the character and appearance of the countryside contrary to development plan policy. It would also, in combination with the consented scheme on the adjacent site, result in significant harm to the setting of neighbouring listed buildings. Furthermore, it had not been demonstrated that an acceptable surface water run-off mitigation strategy could be provided to avoid an adverse increase in surface water run-off. An additional reason for refusal on biodiversity grounds was overcome prior to the appeal through the submission of additional information. It was acknowledged that other reasons for refusal relating to SuDS maintenance and pressure on open space and community facilities could be overcome by means of an appropriately worded legal agreement which the applicant offered.
- 10.4 In applying the 'straight' planning balance as was appropriate at that time, the Local Planning Authority did not consider that any material considerations

justified the approval of the scheme which was considered to conflict with development plan policies and cause material harm as identified in the reasons for refusal

- 10.5 However, and as set out previously in this report, the Inspector did not support the Council's finding of harm in countryside or heritage terms and considered that the advantages of the scheme were sufficient to override the identified level of harm/policy conflict. He concluded that the development's 'slight adverse effect on the character and appearance of the countryside' and consequential conflict with the development plan, together with the less than substantial harm to the significance of Honeysuckle Cottage, would be outweighed by the benefits of the scheme in boosting the supply of housing. However, he did not consider that any of the identified benefits constituted 'material considerations sufficient to outweigh the harm resulting from the failure to show the site could be adequately drained and flood risk avoided'. For this reason he concluded that the appeal should be dismissed.
- 10.6 In light of the advice of the Drainage Officer in respect of a revised scheme, Officers are satisfied that the current application does not raise the same concerns in drainage terms and consider that an appropriate drainage strategy can be secured by condition.
- 10.7 In all other respects, the application is very similar to the previous scheme and Officers accept the Inspector's conclusions that the provision of 9 housing units, 2 of which would be affordable, together with other economic benefits identified, are sufficient to outweigh:
- the harm to the significance of heritage assets as part of the heritage balance conducted under para. 202 of the NPPF; and,
 - the conflict with the development plan resulting from the development's impact on the character and appearance of the countryside.
- 10.8 The recommendation made in Section 12 below is made in light of the change in circumstances since the determination of 18/00758/FUL resulting from the submission of an acceptable drainage scheme, the Inspector's findings in relation to a nearly identical scheme and the application of the tilted balance as is now required.

11. THE PLANNING BALANCE

- 11.1 Given the Authority's current inability to demonstrate a 5 year Housing Land Supply, the application falls to be determined against the 'tilted balance' set out in para. 11d of the NPPF. This means the development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
- 11.2 In light of the Inspector's findings, it is accepted that the development will cause only minor harm to the character and appearance of the countryside and less than substantial harm to the significance of Honeysuckle Cottage, due to the effect on its setting. No other adverse impacts have been identified. These impacts are not considered to significantly and demonstrably outweigh the significant benefits of the scheme due to its contribution to boosting the supply of housing, including the provision of 2no. affordable dwellings, and its moderate economic benefits.
- 11.3 The application is therefore recommended for conditional approval, subject to the completion of a section 106 agreement.

12. RECOMMENDATION

Following the completion of a legal agreement to secure planning obligation(s) under Section 106 of the Town and Country Planning Act 1990 relating to the following measures:

- avoid and mitigate the impact of residential development upon the Thames Basin Heaths Special Protection Area (SPA);
- provision of the 2 units of affordable housing;
- provision of, and contribution towards, areas of OSPV;
- contributions towards the provision and maintenance of community facilities;
- securing off-site biodiversity enhancement as necessary;
- securing a contribution towards the off-site highway works to improve the Church Lane/Forest Road Junction;
- entering into appropriate agreements with the Highway Authority in respect of the future maintenance of the highways within the site; and
- securing an appropriate SuDS Specification and Management and Maintenance plan to secure management of the SuDS for the lifetime of the development including appropriate monitoring.

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 3 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 in accordance with the plans hereby approved which were received and validated by the Local Planning Authority:

Proposed Site Layout Dwg. 01K

Plots 1 and 2 (Affordable) Plans and Elevations Dwg.02A

Plots 3 and 4 Plans and Elevations Dwg. 03A

Plots 5 and 6 Plans and Elevations and Cycle Store Details Dwg. 04A

Plot 7 Plans and Elevations Dwg. 05

Plot 8 Plans and Elevations Dwg. 06

Plot 9 Plans and Elevations Dwg. 07

Location Plan Dwg. 09B

Tree Protection Plan JPP21401-03C

General Arrangement EVY0919-01 P5

Proposed Drainage Schematic Dwg: 2020/219/01/L

Drawing ITB 13320-SK-006 Rev A Site Layout Amendments and Swept Path Analysis Attenuation Pond and Swale Improvements Dwg: 2020/219/03

03. No structure hereby permitted shall be built above ground level until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

04. 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 with or without modification), no windows at first floor level or above shall be installed on the side-facing elevations of the following dwellings hereby approved, with the exception of those shown on the approved plans: i) Both side-facing elevations: Plots 3 and 8, ii) South-facing side elevations: Plots 4 and 9, iii) East-facing side elevations: Plots 5 and 7 iv) West-facing side elevations: Plot 6
REASON: In the interests of the amenity of future occupiers.

05. The window on the first-floor side elevation of the following dwelling hereby permitted, shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent). It shall at all times be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed: i) East-facing side elevation: Plot 7.

REASON: In the interests of the amenity of future occupiers.

06. If more than 2 years elapse between the previous ecological appraisal survey and the commencement of development, an updated ecological appraisal survey shall be carried out by a suitably qualified ecologist. A report confirming the results and implications of the assessment, including any revised mitigation measures, shall be submitted to the Local Planning Authority before construction works commence on site.

REASON: In the interests of minimising the impacts of the development on biodiversity.

07. No development shall commence 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 prior to occupation of any dwelling hereby approved confirming the installation of the biodiversity enhancements thereby approved.

REASON: In the interests of providing net gains for biodiversity.

08. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the practical completion 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 organisation 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 protecting biodiversity.

09. No retained tree, hedgerow or group of shrubs specified as to be retained on the approved drawings shall be cut down, uprooted or destroyed. Any trees, hedgerows or groups of shrubs shown to be retained on the approved plans which die, are removed or irreparably damaged during the course of the development, or within a period of 5 years of the completion of the development, shall be replaced with another tree, hedgerow or group of shrubs of the same species and size as that originally planted.

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

10. 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 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. Under no circumstances should any other external lighting be installed on the site.

REASON: In the interests of minimising the impacts of the development on biodiversity.

11. No development (including demolition and site clearance) shall take place, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include as a minimum:
- (i) Location of the access for demolition and construction vehicles;
 - (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;
 - (x) Measures to control the emission of dust, dirt, noise and odour during construction;
 - (xi) Measures to control rats and other vermin;
 - (xii) Measures to control surface water run-off during construction;
 - (xiii) 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;
 (xvi) Measures to minimise, re-use and re-cycle materials and waste arising from demolition;
 (xvii) Measures to minimise the pollution potential of unavoidable waste;
 (xviii) Measures to dispose of unavoidable waste in an environmentally acceptable manner;
 (xix) details of measures to mitigate the impact of demolition and construction activities on ecology; and
 (xx) Details of a monitoring regime to demonstrate compliance with the CEMP including timings for reports to be submitted to the Local Planning Authority.
 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.

12. The development hereby permitted shall not be begun 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 grass and plant establishment, full schedules of plants, noting species and detailed plant sizes/root stock specifications, planting layout, proposed numbers/ densities, location.
- (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.)
- (e) Paving including pedestrian open spaces, paths, patios, proposed materials and construction methods, parking courts etc.
- (f) Means of enclosure (walls and fences etc.)
- (g) Other landscape features

All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved details 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 out 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. Thereafter, the soft landscaping shall be maintained in accordance with the approved maintenance schedule.

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

13. The protective fencing indicated on the Tree Protection Plan JPP21401-03C, shall be erected in the locations indicated prior to the commencement of the development, including any initial site clearance, and shall be maintained fully intact and upright.

Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. The fencing shall be retained in its agreed location during the course of construction works. The development shall be carried out in accordance with the submitted Method Statement.

REASON: In order to safeguard trees and other vegetation in the interest of the character and amenity of the area.

14. No development (other than the construction of the vehicular access) shall take place until the vehicular access from Tilehurst Lane 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.
15. No dwelling shall be occupied until the primary west-to-east pedestrian footpath as identified on drawing 2409 01 Rev.D submitted to the LPA on 21st March 2019 in connection with planning application 18/00758/FUL, allowed on appeal (ref: APP/R0335/W/19/3231875), has been implemented in full.
REASON: In the interests of pedestrian safety.
16. No dwelling shall be occupied until the off-site pedestrian and highway improvements as identified on drawings ITB13632-GA-002 Rev C and ITB13632-GA-017 submitted to the Local Planning Authority on 21st March 2019 in connection with planning application 18/00758/FUL that was allowed on appeal (ref: APP/R0335/W/19/3231875), has been implemented in full.
REASON: In the interests of highway and pedestrian safety.
17. No dwelling shall be occupied until the associated vehicle parking and turning space has been surfaced and marked out in accordance with a scheme that has been 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. Visibility splays to the parking spaces shall thereafter be kept free of all obstructions to visibility between a height of 0.2 metres and 0.6 metres measured from the surface of the carriageway.
The relevant dwellings hereby permitted shall not be occupied until their corresponding garages have been completed and made available for parking, in accordance with the approved drawing. The garages, and their accesses, shall thereafter be kept available for vehicular 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.
18. Notwithstanding the approved plans, no dwellings hereby permitted shall be occupied until their associated cycle store and access has been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority in respect of all of the dwellings. The stores and accesses shall thereafter be kept available for cycle parking at all times.
REASON: To ensure that appropriate cycle storage is provided.
19. No development above ground level shall take place until details showing 20% of all vehicle parking spaces designed and constructed to be readily adaptable to provide electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

REASON: To ensure that appropriate provision is made for the charging of electric vehicles.

20. 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.
- 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.

REASON: In the interests of amenity and road safety.

21. Prior to the commencement of development, including any site preparation works, the applicant will implement a programme of archaeological field evaluation in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The results of the evaluation will inform the preparation of a mitigation strategy which will be submitted by the applicant and approved in writing by the Local Planning Authority prior to the commencement of the development. The mitigation strategy shall be implemented in accordance with the approved details.

REASON: A programme of archaeological field evaluation is required to identify any required mitigation of the impact of development on buried heritage assets and to record any surviving remains so as to advance our understanding of their significance in accordance with Paragraph 199 of the NPPF and local plan policy.

22. No dwelling shall be occupied until the measures for water efficiency and renewable energy generation set out in the Sustainability and Energy Statement dated 1st February 2021 have been implemented in full accordance with the approved scheme. In the event that it is intended to use photovoltaic panels (Option 1) to meet the renewable energy generation target, prior to their installation a plan shall be submitted to, and approved in writing by, the Local Planning Authority indicating the location of the panels. The water efficiency and renewable energy generation measures thereby installed shall thereafter be retained and maintained.

REASON: In the interests of sustainability.

23. No dwelling shall be occupied until the noise mitigation measures set out in the WSP Noise Assessment Report No 70038722-001 dated February 2021, have been implemented. The noise mitigation measures shall thereafter be retained and maintained.

REASON: To ensure that the amenities of the future residents are not adversely affected by noise.

24. No demolition or construction work shall take place outside the hours of 8:00 am and 6:00 pm Monday to Friday; 8:00 am and 1:00 pm Saturday and not at all on Sundays and Public Holidays.

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

25. Prior to the commencement of development, a scheme for the specific control and removal of bamboo from the site (an invasive non-native species) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of timings of all initial and follow-up works. The scheme thereby approved shall thereafter be implemented in full.
REASON: To control the spread of this invasive non-native species in the interests of biodiversity.
26. No development shall take place until full details of the Drainage System have been submitted to and approved in writing by the Local Planning Authority. These shall include:
Full details of all components of the proposed drainage system including dimensions, locations, gradients, invert and cover levels, headwall details, planting and drawings as appropriate; and
Further details of the proposals for the proposed mitigation measures for managing surface water flood risk within the site.
REASON: To ensure that the site is properly drained and does not increase the risk of flooding in accordance with policy CS1 of the Core Strategy.
27. No development shall commence until details of how the Drainage System (inclusive of flood mitigation measures) shall be maintained and managed after completion have been submitted to and approved in writing by the Local Planning Authority. The details shall include confirmation of the required maintenance activities with expected frequency, with site specific assessments included to demonstrate that health and safety has been fully considered in the design and that access and egress for future residents will be maintained during any operations to repair or replace drainage features.
REASON: To ensure that the site is properly drained and does not increase the risk of flooding In accordance with policy CS1 of the Core Strategy.
28. No dwelling hereby permitted shall be occupied until the Drainage System for this site has been completed in accordance with the approved details. No dwelling shall be occupied until written confirmation of agreements for the management and maintenance of the Drainage System have been submitted to and approved by the Local Planning Authority. The Drainage System shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
REASON: To ensure that the site is properly drained and does not increase the risk of flooding In accordance with policy CS1 of the Core Strategy.
29. No dwelling hereby permitted shall be occupied until a verification report, appended with substantiating evidence demonstrating that the approved construction details and specifications of the Drainage System have been implemented, has been submitted and approved (in writing) by the Local Planning Authority. This shall include photos of excavations and soil profiles/horizons, any placement of tanking, crating, connecting pipe work, hydrobrakes or control mechanisms and cover systems.
Reason: To ensure that the site is properly drained and does not increase the risk of flooding in accordance with policy CS1 of the Core Strategy.
31. When carrying out the approved development if any contamination that was not previously identified is found it must be reported immediately in writing to the Local Planning Authority and development work must immediately cease. Site work can only commence once Local Planning Authority authorisation (in writing) is given. This will be subject to satisfying all requirements as stipulated by the Local Planning Authority

being completed and signed off in writing. These requirements will be specific to the nature of the contamination in question.

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.

[Relevant Policies: BFBLP EN25]

32. No dwelling shall be occupied until details have been submitted to and approved by the Local Planning Authority confirming that provision has been made for the installation of superfast broadband (fibre optic) internet connections for the entire development.

REASON: In the interests of the amenities of future occupiers.

33. No dwelling shall be occupied until the 21m Forward Visibility Splay indicated on Drawing ITB 13320-SK-006 Rev A has been provided. This area 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 adjacent carriageway.

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

In the event of the S106 agreement not being completed by 24th May 2022, the Assistant Director: Planning be recommended to either extend the period further or refuse the application for the following reason:

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).

Informatives:

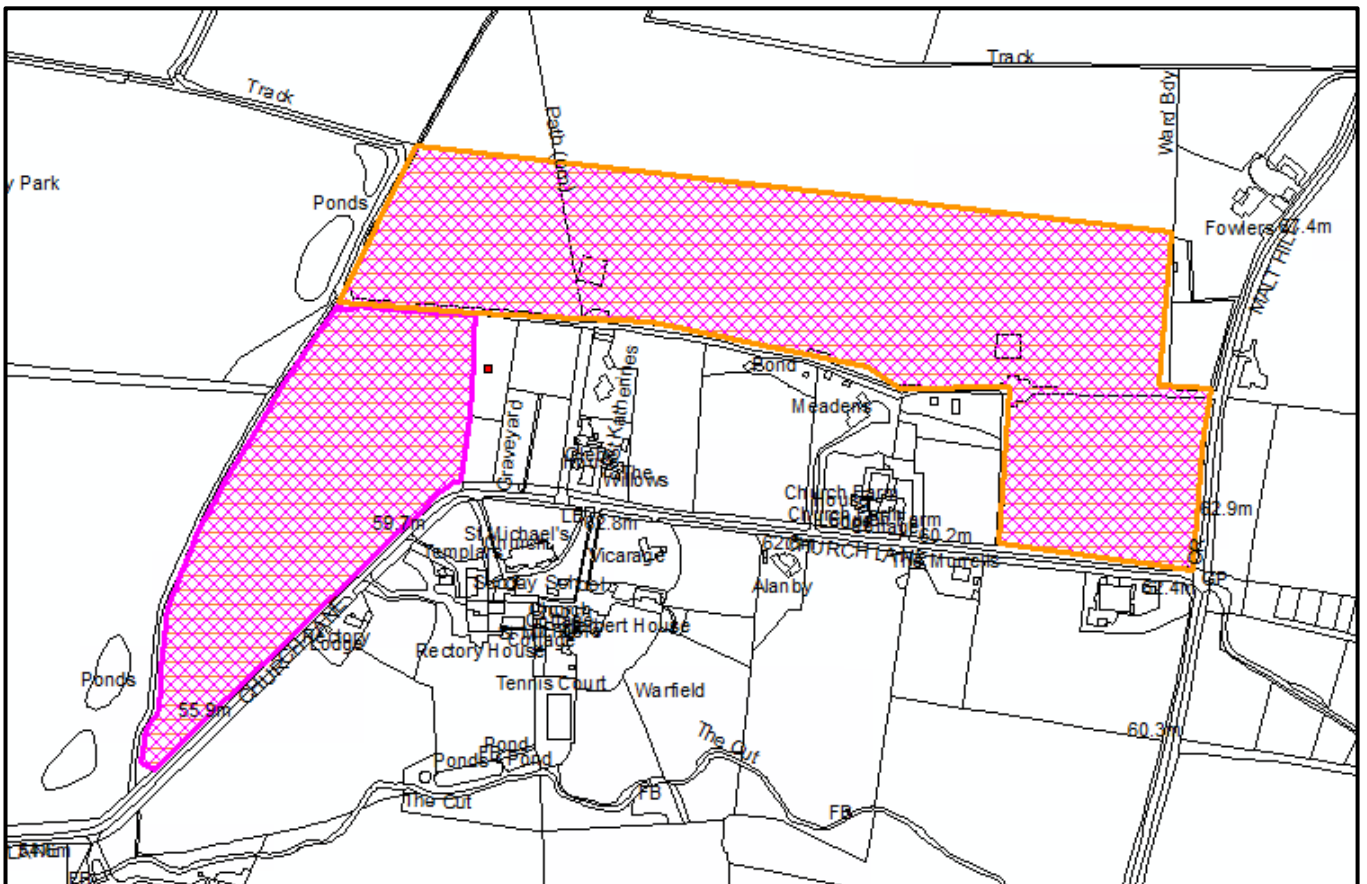
01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the 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: 7, 11, 12, 13, 14, 20, 21, 25, 26, 27.
The following conditions require discharge prior to the occupation of the dwellings hereby approved: 15, 16, 17, 18, 22, 23, 28 and 32.
The following conditions require discharge prior to any above ground works being commenced: 3 and 19.
The following conditions require discharge prior to the practical completion of the development: 8 and 29.

No details are required to be submitted in relation to the following conditions; however they are required to be complied with: 1, 2, 4, 5, 6, 9, 10, 24, 31 and 33.

03. The details submitted pursuant to Condition 12 of this permission should include details of hedgehog access points as recommended in the Ecological Appraisal March 2021.
04. The details of the Ecological Enhancements submitted pursuant to Condition 07 of this permission should consider the relocation of the collapsed willow tree (T10) in the northwest corner of the site (as identified within the Ecological Appraisal) which could provide value as deadwood.
05. 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. Thames Water 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. Application forms should be completed on line via Thames Water's website. Please refer to the Wholesale; Business customers; Groundwater discharges section.
06. With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water they would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to the Thames Water website.
07. There are public sewers crossing or close to the approved development. If the developer is planning significant work near Thames Water sewers, it's important that the developer minimises the risk of damage. Thames Water will need to check that the development doesn't limit repair or maintenance activities, or inhibit the services they provide in any other way. The applicant is advised to read Thames Water's guide on working near or diverting pipes which is available from the Thames Water website.

ITEM NO: 6	Ward:	Date Registered:	Target Decision Date:
Application No. 19/00841/FUL	Binfield With Warfield	17.09.2019	17.12.2019
Site Address:	Land To The North of Church Lane and West of Malt Hill Warfield Bracknell Berkshire		
Proposal:	Change of use of agricultural land to suitable alternative natural greenspace (SANG) with associated landscape works, the demolition of one agricultural structure and the construction of an ancillary car park.		
Applicant:	Ms Ashleigh Genco		
Agent:	(There is no agent for this application)		
Case Officer:	Hilary Coplestone, 01344 352000 development.control@bracknell-forest.gov.uk		

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



1. SUMMARY

- 1.1 The proposal relates to the change of use of 12.6 hectares of agricultural land (Grade 3), within the Green Belt, to Suitable Alternative Natural Greenspace (SANG). The SANG would provide an area of recreational space to avoid any potential impact which could arise from new residential developments in the local area on the Thames Basin Health Special Protection Area (SPA). The proposal would result in changes to the existing landscape character through the provision of footpaths; fencing; the creation of paddocks and new planting. A car park with 16 car parking spaces (including one disabled space) would also be provided close to the vehicular access to the site on Malt Hill.
- 1.2 It is considered that the proposed change of use of land would be consistent with Policy GB2 of the Bracknell Forest Borough Local Plan which provides for changes of use of land relating to outdoor sport and recreation and the National Planning Policy Framework (NPPF).

1.3

RECOMMENDATION

The Assistant Director: Planning be recommended to approve the application subject to the conditions in Section 11 of this report and the completion of a Section 106 Agreement.
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2. REASON FOR REPORTING APPLICATION TO COMMITTEE

- 2.1 The application is to be considered by the Planning Committee at the request of Councillor Tony Virgo

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

The application site is located outside the settlement boundary in a countryside location, within the Green Belt.

- 3.1 The site comprises an area of 12.6 ha of Grade 3 agricultural land located outside the settlement boundary and within the Green Belt. The area of agricultural land extends to the north of the site and to the east of Malt Hill. The landscape is gently undulating with views across the fields to low ridgelines and wooded horizons. Two redundant farm buildings are located to the west and east of the site.
- 3.2 The application site is a remaining plot of land in agricultural use between existing SANGs. To the west, an area of land (25.67 hectares), is occupied by the Frost Folly SANG (approved under applications 15/01162/FUL and 18/00453/FUL). Other land with consent for use as SANG includes Land at Windmill Farm to the south east of the site (approved under application 17/01002/FUL) and Land of Westhatch Lane, Warfield (referred to a Moss End SANG – approved under application 21/00051). The location of the application site in the context of existing SANGs is illustrated on Figure 1 below.
- 3.3 Residential properties are principally located to the south of the site within Church Lane however, the curtilage of Old Oak House, (previously known as Fowlers) abuts the eastern boundary of the site in Malt Hill. An existing concrete track runs in an east-west direction from a field gate at the access to the site from Malt Hill to the existing public right of way on the western boundary of the site. The existing track is used to provide access for farm vehicles used in connection with the management of the land but is also used informally by walkers. The track runs along the southern boundary of Old Oak House which is marked by

stock proof fencing. The eastern boundary with Old Oak House is marked by a combination of stock fencing and a mixed species hedgerow.

3.4 The Warfield Conservation Area, and the Church of St Michael (Grade II* Listed) are located to the south of the site within Church Lane.

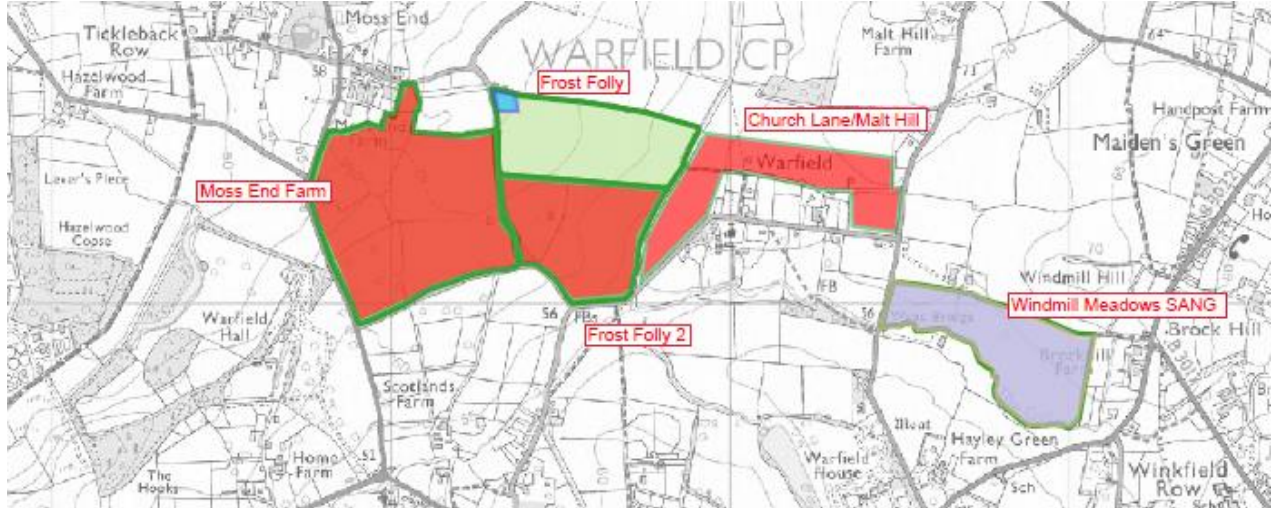
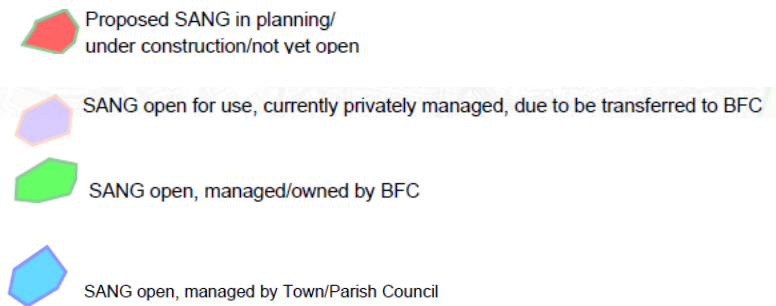


Figure 1 – Location of proposed Church Lane SANG in relation to existing SANGS



3.5 An existing public right of way (FP3) provides a link from Malt Hill, via Church Lane to the existing concrete track on the southern boundary of the application site which is aligned by an avenue of oak trees at its western end. This public right of way continues west, running along the eastern and northern boundary of the Frost Folly SANG. This footpath forms part of a wider circular recreational footpath, as shown on the map at Figure 2 below, which links the application site to other SANGS to the west and the east.

3.6 Malt Hill is located to the east of the site. It is a two-way carriageway, with no street lighting. This road has a rural character with a speed limit of 60mph. The A330 Ascot Road and Kingscroft Lane are located to the north of Malt Hill. The cross-road junction between B3022 and Hayley Green Lane is located to the south. Vehicular access to the application site is via Malt Hill where a gated access leads to a concrete service track running along the southern boundary. This access is also used informally by walkers as referred to in paragraph 3.3 above.

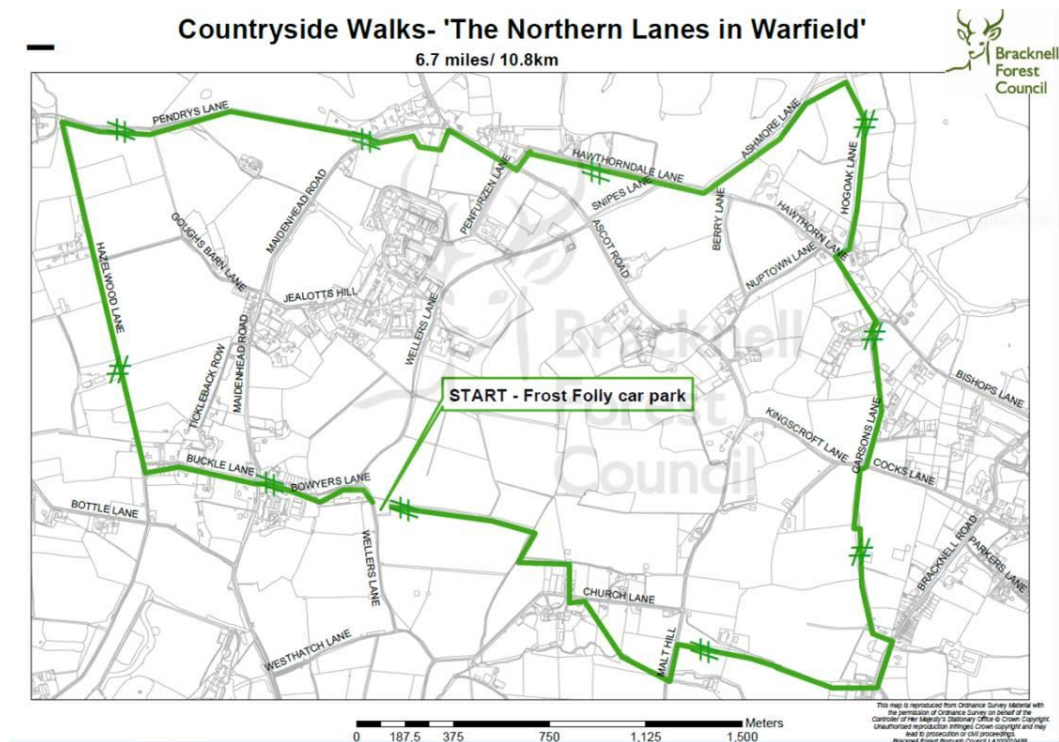


Figure 2

Plan extract – Countryside Walks – The Northern Lanes in Warfield (source [Countryside walks | Bracknell Forest Council \(bracknell-forest.gov.uk\)](http://Countryside%20walks%20|%20Bracknell%20Forest%20Council%20(bracknell-forest.gov.uk))

4. RELEVANT SITE HISTORY

4.1 There is no history relevant to the application site, however, the status of existing SANGs within the vicinity of the site is set out below (the extent of location of these SANGs is shown on the map at Figure 1 above):

- Frost Folly SANG Wellers Lane (application 15/011161/FUL). This was granted planning permission in November 2016. The planning permission has been implemented; the SANG has been signed off as being completed (in compliance with the SANG management plan). The SANG was transferred to the Council on 3rd September 2021.
- Frost Folly SANG Wellers Lane (application 18/00453/FUL). This was an application for an extension to the existing SANG (15/011161/FUL) to include the field to the south. This was granted planning permission in March 2019. The planning permission has been implemented; the SANG has been signed off as being completed (in compliance with the SANG management plan). The SANG is currently closed to the public and, at the time of writing, a date for its opening has not been agreed.
- Land north of West Hatch Lane, Bracknell (application 17/00923/FUL). This relates to the land to the south of Moss End Farm. Planning permission was granted in November 2019. An application to vary the conditions attached to the decision is currently subject to consideration (application 21/00051).
- Land at Windmill Farm, Malt Hill Bracknell (application 17/01002/FUL). Planning Permission was granted on 5th February 2019. The planning permission has been implemented and the SANG has been signed off as being completed (in compliance with

the SANG Management Plan). The SANG is open to the public and under the management of the developer.

5. THE PROPOSAL

5.1 This application relates to the change of use of agricultural land (Grade 3) (which is currently managed for arable purposes), to a Suitable Alternative Natural Greenspace (SANG). The change of use would cover an area of 12.6 hectares located between the Frost Folly SANG to the west and the Malt Hill SANG to the east.

5.2 The planning application comprises the following elements:

- The provision of a 16 space car park (including one disabled space) accessed from Malt Hill. The existing field gate will be removed and replaced by a height barrier set back at least 0.6m from the carriageway. A field gate will be provided beyond the car park access to restrict vehicles accessing the SANG. A culvert will be provided at the entrance to the car park from Malt Hill and vegetation within the visibility splay for the access will be removed. The existing telegraph pole within the sightlines will be retained. The construction of the car park (including surface treatment and drainage), the delineation of spaces and the edging treatment would be subject to condition in the event of approval of the application. A pedestrian access to connect with the SANG footpaths would be provided on the western edge of the parking area.
- The formation of a circular walk. This would be set within the perimeter of the site and separated from residential properties on the southern and north-western boundary by woodland and shrub planting. The paths would be a mix of mown footpath routes through meadow grass and hard surfaced, self-binding gravel routes. The mown routes on the northern section of the SANG would include links to the land to the north. (The land to the north is within the ownership of the applicant and the provision of mown routes in this location is without prejudice to any future decision in the event of an application for an extension to the current proposal).
- A connection (via an area of existing hard standing at the western end of the existing concrete access road) to the existing public footpath that runs along the western boundary of the site and then north to join the Frost Folly SANG.
- The retention of the existing concrete access track along the southern boundary with buffer planting (mixed shrubs and woodland planting) and gates to prohibit pedestrian access along the section of the track where it abuts residential boundaries. Gates, at either end of the section of the track to be retained, would enable access by foot or by vehicles for maintenance purposes. On the eastern boundary an existing maintenance strip would be retained. This would be separated from the SANG by stock proof fencing and have gates at either end to prevent public access.
- The retention of the vast majority of the existing boundary vegetation (including trees and hedgerows) with the exception of the removal of a section of hedgerow either side of the existing access to improve sightlines and access to the car park. The landscaping will include extensive areas of wildflower grassland, with occasional native hedgerows, standard trees and woodland planting. The existing avenue of oaks at the western end of the existing concrete access track would be retained.
- The provision of water bodies in the western part of the site with associated aquatic and wetland planting.

- The erection of a combination of post and rail fencing and stock proof fencing along the boundaries of the section of the SANG to the north of the access road. An existing maintenance strip along the eastern boundary of the site would be retained and at this point the stock proof fencing is set away from the boundary with Old Oak House by approximately 5m. The maintenance strip would have field gates at either end. The northern part of the site would be grazed and stock proof fencing would also be used to divide the SANG into two paddocks and to protect proposed areas of planting.
- The removal of the existing barn on the western half of the site and the retention of the one to the east.
- The provision of infrastructure including information boards; way markers (e.g. wooden posts or similar); gates (field and vehicular gates); benches; a litter bin along with the provision of a water source and water troughs

5.3 The conversion of the existing area of agricultural land to SANG along with the provision of the associated car parking spaces, will be undertaken in phases. The delivery of the SANG phasing would be split between the 'First SANG Enhancement Works' and the SANG Upgrade Works. The scope of work within each stage is summarised below:

- First SANG Enhancement Works – initial works will be undertaken throughout the entire site to convert the site from agricultural use. The works will comprise the provision of the car park and associated improvements; the removal of the western barn structure whilst retaining the existing barn structure; the provision of wildflower grassland and additional planting; the provision of waterbodies on the western boundary of the site; the provision of fencing and gates and the provision of the walking routes. The delivery of the walking routes would comprise the mowing or delineating of the primary and secondary routes; the footpath links to the northern part of the SANG and the surfacing of the south eastern area and footpath.
- SANG Upgrade Works – this will involve upgrades to individual areas of the site. This could be undertaken in full or on a phased basis. Each phase would be no less than 2 hectares in size. The work involved in the upgrade of each phase would include the delivery of all infrastructure proposed within that phase including information board; new waymarkers; a litter bin (opposite the car park); benches and water source and trough/tap.

5.4 In the event of approval, the development would be subject to the completion of a s106 agreement which would secure the phased provision of the SANG with a commuted sum, payable to the Council. This will cover its interim management and maintenance for a period of 20 years at which point the whole of the site would be required to be delivered to the standard required by Natural England. The phased provision of the SANG would enable the site to be laid out to a standard to provide public access but the ownership would be retained by the applicant who would be able to negotiate with other landowners/developers within 4km of the site for the use of the SANG capacity provided by the land.

6. REPRESENTATIONS RECEIVED

Warfield Parish Council: commented that

The council would like plans to show how the proposal integrates with the neighbouring SANG sites, particularly the routes to be used. (*Comment – refer to Figures 1 and 2 above*)

The council would like mitigations taken to protect wildlife in the proposed ponds from dogs. (*Comment – refer to section 9.22 below*)

6.1 Other Representations:

Responses (6 in total) have been received from/on behalf of occupiers of two properties on the eastern and southern boundary of the application site who object to the proposal on the following grounds:

- The need for the SANG given the consented SANGS within the vicinity of the site which already provide extensive dog walking areas.
- The proposed SANG is not identified in the Thames Basins SPD as a private SANG.
- The impact on residential amenity due to the proximity to residential properties. Whilst the SPD identifies the location of SANGs within Warfield these are away from houses in the area.
- The impact on Old Oak House in terms of disturbance, loss of privacy and security given location of the path in relation to the boundary of Old Oak House.
- The impact of future SANGs, should they come forward to the north of the site on the amenity, privacy, and security of the occupiers of Old Oak House. If the proposal is part of a wider scheme, then this should be shown as part of the current proposal.
- Location of the car park and access off Malt Hill; the absence of a speed survey and impact on highway safety. The use of the SANG will coincide with rush hour traffic.
- Visibility splays are inadequate.
- Malt Hill is not a suitable location an access to a car park and the car park should be moved closer to Church Lane.
- The impact on views and light due to planting along the southern boundary.
- The impact on biodiversity and the robustness of the ecology survey.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Highways - report no objections subject to conditions relating to the details of the access works; the height barrier and signage being submitted for approval.

7.2 SPA Officer – reports no objection subject to the completion of a s106 agreement to secure the implementation of the SANG in accordance with the approved plans, the future transfer of the SANG, and the payment of commuted sums for ongoing management and maintenance.

7.3 Natural England – reports no objection

7.7 Heritage Consultant – reports no objection

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- Core Strategy	Consistent with the NPPF
Design	EN20 – BFBLP; CS7 – Core Strategy	Consistent with the NPPF
Amenity	EN20 – BFBLP; CS7 – Core Strategy	Consistent with the NPPF
Highways	M4; M6 – BFBLP; CS24 – Core Strategy	Consistent with the NPPF

Green Belt	GB2 - BFBLP	Consistent with the NPPF
Supplementary Planning Documents (SPD)		
<ul style="list-style-type: none"> - Designing for Accessibility SPD (June 2006) - Parking Standards SPD (July 2007) - Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD (March 2012) - Planning Obligations SPD (February 2015) - Bracknell Forest Borough Landscape Character Assessment (Sept 2015) 		
Other publications		
National Planning Policy Framework (NPPF)		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- The principle of the development
- Impact on the Landscape Character
- Impact on Existing Tree Cover
- Impact on Ecology
- Impact on Drainage
- Highways and Access
- Impact on residential amenity
- Impact on the Church Road Conservation Area and associated Listed Buildings

Each issue is addressed below.

i. Principle of Development

- 9.1 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. This is reinforced by the NPPF which explains that '*at the heart of the Framework is a presumption in favour of sustainable development*' (Paragraph 10 refers) which should be applied when making planning decisions. In terms of decision making, Paragraph 11 explains this means that developments which accord with the development plan '*should be approved without delay, and that where there are no relevant development plan policies, or the policies which are the most important for determining the application are out-of-date*' that permission should be granted unless '*the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or policies of the NPPF indicate otherwise*'. The policy advice of the NPPF is supported by the National Planning Practice Guidance (NPPG). The presumption in favour of sustainable development is reflected in the Bracknell Forest Borough Council Site Allocations Local Plan (SALP), Policy CP1 refers. This states that planning applications which accord with the Development Plan should be approved without delay unless material considerations indicate otherwise.
- 9.2 The Thames Basins Heaths SPA Delivery Framework (2009), explains that SANG's of 12 – 20 ha have a catchment of 4km and SANGs over 20ha in area have a catchment of 5km. Whilst this individual SANG is 12.6 ha and would ordinarily have a catchment of 4km, the links to nearby SANGs at Frost Folly, Windmill Farm and Moss End means that the total area of SANG would be in excess of 20 ha. The proposed SANG would therefore have a catchment of 5km. The importance of the Thames Basin Heaths is recognised within the

retained Policy NRM6 of the South East Plan (Thames Basin Heaths Special Protection Area). Core Strategy - policies CS5 and CS14 are also relevant as are SALP - policy SA9, the Warfield SPD and the Bracknell Forest Thames Basin Heaths SPA Avoidance and Mitigation SPD April 2018 (TBH SPD). The location of the proposed SANG in relation to others within the vicinity is illustrated on the map at Fig 1 above.

9.3 The Council's SPA Officer reports that the proposed SANG would be used to mitigate the impacts of housing development on the TBHSPA. As an individual SANG it would have the capacity provide the mitigation for in the region of 682 dwellings and a catchment of 5km since it is effectively an extension to the adjacent SANGs at Frost Folly and Windmill Farm. The SPA Officer has no objections in principle to the development subject to the completion of the development in accordance with the approved plans; agreement to a SANG Management plan and the completion of s106 agreement to secure, amongst other matters:

- the phased implementation of the SANG to ensure that when complete it will meet the SANG Quality Standards set by Natural England;
- the transfer of the SANG to the Council with a sum of £824,970 to enable the land to be maintained in perpetuity. This includes a baseline maintenance sum applied over 20 years at £1,605 per hectare plus £994 SANGs maintenance costs applied over 125 years and allows for estimated interest rates and inflation to be applied over the period;
- a monitoring fee of £6,000

9.4 The site is located outside the settlement area boundary; within the Green Belt and Landscape Character Area C1 Binfield and Warfield Clay Farmland within the Bracknell Forest Landscape Character Assessment (LCA). Policy GB2 of the Bracknell Forest Borough Local Plan (BFBLP) - Changes of Use of Land within the Green Belt states that:

' There will be a general presumption against changes of use of land unless for the following purposes:

- i) Outdoor sport and recreation; or*
- ii) Cemeteries; or*
- iii) Other uses which protect the open, rural and underdeveloped character of the Green Belt*

Provided that the change of use would not cause material permanent or temporary harm to the living conditions of those people residing in or close to the Green Belt'

9.5 This policy is reinforced by Policy CS1 – Sustainable Development of the Bracknell Forest Core Strategy Development Plan Document (CSDPD) which explains that development will be permitted which protects and enhances *' the character and quality of local landscapes and the wider countryside'* (criterion 7 refers).

9.6 Policy GB 2 (i) of the BFBLP provides for the changes of use of land relating to outdoor sport and recreation. The following sections of the NPPF are key to the assessment of the proposal:

Paragraph 147. This explains that *'inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances'*.

Paragraph 148. This sets out the planning balance and explains that *'When considering any planning application, local authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'*.

Paragraph 150 sets out the forms of development that are not inappropriate in the Green Belt. This includes: *'material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds'*. Such a material change of use is not inappropriate in the Green Belt *'provided they preserve its openness and do not conflict with the purposes of including land within it.'*

9.7 In the light of the guidance provided by the NPPF above, the principle of the use of land for SANG, which would be used for outdoor recreational purposes, would be acceptable in principle subject to preserving the openness of the Green Belt and not conflicting with the purposes of including land within it. The five purposes of the Green Belt as set out in Paragraph 138 of the NPPF are:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Bullet points 1 – 3 are relevant in the assessment of this case.

9.8 The proposed change use of agricultural land to SANG would result in 12.6 hectares of land being laid out and landscaped to meet the design/layout standards for SANG. This would enable its use for recreational purposes and provide open space that would mitigate the impact of development within the Borough on the Thames Basins Heaths Special Protection Area (SPA). If approved, the application would be subject to a s106 agreement to secure (amongst other matters) the transfer of the land to the Council to ensure that it would be maintained in perpetuity. The legal agreement to secure the management of the land would ensure that it would be safeguarded from development, kept permanently open and would fulfil the purpose of the Green Belt as set out in bullet points 1 – 3 above. The impact of the development on the openness of the Green Belt, the living conditions of those residing close to the site and other material considerations are set out below.

ii) Impact on the Landscape Character

9.9 Chapter 8 of the NPPF relates to promoting healthy and safe communities and Paragraph 98 relates to the importance of the delivery of high quality open spaces for health and well-being and the need for planning policies and decisions to take opportunities to enhance existing public rights of way and adding links to existing networks. This is reinforced by guidance on Green Belts, specifically paragraph 145 which states that local planning authorities should be *'looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity'*. Whilst opportunities for recreational use are encouraged this has to be balanced against ensuring that development proposals contribute to and enhance the natural and local environment (Chapter 15 of the NPPF refers).

9.10 The agricultural quality (in this case Grade 3) of the land contributes to the landscape character of the site. Paragraph 174 (a) of the NPPF relates to protecting and enhancing

valued landscapes, sites of biodiversity or geological value and soils. Footnote 58 refers to plan making and the need to ensure that where *'significant development of agricultural land is demonstrated to be necessary, areas of poor quality land should be preferred to those of a higher quality'*.

9.11 Policies EN1 and EN2 of the Bracknell Forest Borough Local Plan (BFBLP) relate to protecting and supplementing existing tree and hedgerow cover. These policies refer to the importance of tree and hedgerow cover in providing green links between open spaces and wildlife sites, their value as habitats for wildlife and the importance of planting indigenous trees appropriate to the character of the area and a variety of other indigenous plants. At a strategic level, the Core Strategy, Policy CS1 refers to sustainable development. Criterion viii) includes the need to *'protect and enhance the quality of local landscapes and the wider countryside'*. These policies are consistent with the NPPF.

9.12 Bracknell Forest Borough Landscape Character Assessment (Sept 2015) updates the existing Bracknell Forest landscape evidence studies and forms part of the evidence base for the emerging comprehensive local plan. Within this study the application site falls within Landscape Character Area C1 Binfield and Warfield Clay Farmland of the Bracknell Forest Landscape Character Assessment LCA). The key characteristics of the area as extracted from the LCA are:

1. Underlying clay geology, cut by water courses including the Cut River creating a gently undulating landform with mid-distant views across grass and arable fields to low ridgelines and wooded horizons.
2. A farmed, working landscape of medium to large sized fields of mixed arable and pasture, and smaller fields around the edges of villages.
3. Small deciduous woodlands and well-managed hedgerows which provide rhythm and emphasis to views across the landscape.
4. Quiet and rural character with limited scattered settlement well integrated into the landscape.
5. Historic manor houses sited within remnant parkland landscapes, often hidden from view behind high fences or coniferous boundaries.
6. Rural lanes bordered by hedgerows, grass verges and ditches.

Characteristics 2, 3, 4 and 5 as detailed above are relevant to the proposal. The design of the SANG should reflect the existing character of the landscape and seek not only to replicate but also enhance the character of the land.

9.13 The SANG has been designed to meet the design quality standards set by Natural England. It will include a broadly circular route, marked by way markers. The route will comprise a mixture of a mown and surfaced footpath (approximately 50/50 split). The primary circular route within the SANG, combined with the primary route of the adjacent consented SANG at Frost Folly, will provide a circular route of 2.3 km with secondary routes available. The secondary routes will 'break up' the circular walk and provide alternative routes. This will increase the permeability of the site to visitors, providing a varied choice of access points with different route lengths, particularly when considered together with the consented SANG at Frost Folly and the wider public footpath network (Refer to Figure 2 above). The inclusion of mown and surfaced paths is consistent with the Natural England Guidelines for the Creation of Alternative Natural Greenspace (SANG) – August 2021. The combined approach ensures that the route is semi natural in appearance and will be assimilated into the wider landscape.

9.14 The appearance of the route within the landscape, along with the ecological impact (i.e. arising from the surfaced sections of the path) has also been balanced against the need to

ensure that the paths are accessible to a range of different users in line with adopted planning policies. The relevant policies are R7 – Countryside Recreation; EN20 – Design Considerations in new development and EN22 Designing Accessibility of the Bracknell Forest Borough Local Plan (February 2002) and policy CS1 of the Bracknell Forest Core Strategy DPD (February 2008). The Bracknell Forest Parks and Open Spaces Strategy (2012) ([Parks and Open Spaces Strategy \(bracknell-forest.gov.uk\)](http://bracknell-forest.gov.uk)) is also relevant. The strategy identifies the vision as the delivery of “A high quality, accessible network of clean, safe and attractive green spaces and facilities which allow people to improve their health and well-being through recreation and sport now and in the future.” Aside from small sections of the SANG path adjacent to the river within Windmill Farm SANG to the east of Malt Hill, none of the existing SANGs in the vicinity of the current site have surfaced paths. This means that they are less attractive for use when they become wet and muddy and can become unusable for those with mobility issues. The delivery of sections of surfaced paths within the proposed SANG, along with the existing access track will provide choice for users of the SANG and an opportunity to walk from the car park in the east to the western boundary of the site and to connect to the existing footpath network. The proposal balances the delivery of ‘hard infrastructure’ against the impact of the wider landscape whilst ensuring that it widens the opportunity for access for all to enjoy the quiet and enjoyment of the countryside and the semi-natural habitat of the SANG.

- 9.15 It is acknowledged that the proposed car park on the eastern boundary of the site, would introduce an area of hard surfacing into the Green Belt, however, it would be separated from the existing access track by landscaping and any impact on the openness of the Green Belt and on the character of the area would be limited and of a short term nature in conjunction with visits to the SANG or access to the wider footpath network. The details of construction of the car park including surface treatment, drainage, delineation of car parking spaces and edging treatment would be subject to condition. The car park is also an important element in ensuring that the SANG can fulfil its purpose and enable ready access to the open space.
- 9.16 The impact of the paths and the car park is compensated for by the removal of an existing open barn structure (western structure) and the provision of wildflower grassland; woodland, hedgerow and shrub planting and waterbodies which would ensure the delivery of a range of semi-natural habitats. The introduction of gates and fencing, associated with the grazing of the northern half of the SANG would not be alien to this countryside location. In conclusion, the delivery of the SANG would be assimilated into the landscape and would be consistent with the essential characteristics of the openness of the Green Belt and would enhance and preserve the landscape in perpetuity.

iii) Impact on Existing Tree Cover

- 9.17 Paragraph 180 (c) of the NPPF recognises the importance of ancient woodland and ancient or veteran trees and paragraph 180 (d) encourages opportunities to improve biodiversity in and around development proposals.
- 9.19 Policy EN1 of the BFBLP (Protecting tree and hedgerow cover) relates to the importance of tree and hedgerow cover and explains the importance to the character and appearance of the landscape and townscape; the role in providing green links and habitats for wildlife and their importance in areas of historic significance. This policy is reinforced by Policy EN20 (Design considerations in new development) and Bracknell Forest Core Strategy policies CS1 – Sustainable Development Principles and CS7 (Design) refers.
- 9.20 The provision of improved sightlines at the access to the proposed SANG on Malt Hill, will result in the cutting back of the hedge line within the visibility splay. However, the impact would not be significant and any loss here is compensated for by the delivery of

woodland and hedgerow planting as part of the implementation of the SANG which will then be subject to on-going management and maintenance.

iv) Impact on Ecology

- 9.21 The importance of taking opportunities to improve habitats and biodiversity is recognised in paragraphs 179 – 182 of the NPPF. Policy EN3 of the BFBLP and Bracknell Forest Core Strategy Policy CS1 recognise the need for the Borough's biodiversity to be protected, conserved and enhanced.
- 9.22 The application has been supported by an ecological assessment which has informed the design, layout, landscaping and future management regime as set out in a SANG Management Plan. The implementation of the landscaping scheme including wildflowers; mixed nature hedgerow and tree planting will contribute to the biodiversity and it will be managed to ensure that the use of the SANG for recreation does not impact on the new habitats created. The waterbodies on the western part of the site, will be planted with a variety of native marginal species to enhance their biodiversity value. The northern pond will be designed and managed to further promote biodiversity. Measures to achieve this will include strategic placement of soft scrub planting between the path and the pond to discourage access into this area (without preventing it) by dogs and a more relaxed management regime to allow for rougher grassland habitats and an element of 're-wilding'. The proposals also include the creation of habitat piles (from tree management works) to provide new hibernation opportunities for reptiles and amphibians.

v) Impact on Drainage

- 9.23 Paragraph 167 of the NPPF explains that, when determining planning applications, local authorities should ensure that flood risk is not increased elsewhere. Core Strategy Policy CS1 - Sustainable Development Principles requires development to protect the quality of natural resources. The application has been supported by a Flood Risk and Drainage Report. The Lead Local Flood Authority commented that the site is shown to be at surface water flood risk associated with a tributary of The Cut. However, the scheme could provide benefits to the wider area by introducing more trees and longer grass/ meadow environments.
- 9.24 The two water features on the western boundary of the site will be fed by natural surface water runoff from the wider SANG. Given the underlying ground conditions (London Clay formation) it is envisaged that the 'ponds' will not be permanently wet, or groundwater fed, but rather provide seasonal aquatic conditions. Given that they will only be draining natural catchment (no specific attenuation requirement), there is not considered to be any need for any formal control structures or headwalls. The ponds will be generated entirely through excavation, and it is not intended that there would be any bunding required to form the basins.
- 9.25 The proposed car park, comprising self binding gravel should pose no flood risk subject to infiltration tests on the underlying strata, but it is recommended that the car park construction is subject to condition.

vi) Highways and Access

- 9.26 The NPPF (Paragraph 110 refers) explains that in assessing applications for development, it should be ensured that:

- a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) *safe and suitable access to the site can be achieved for all users;*
- c) *the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model design Code, and*
- d) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

In balancing the impact of the development on the highway, Paragraph 111 states:

‘Development should only be prevented or refused on highway grounds if there would be and unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe’

9.27 At a local level the BFBLP, Policy M4 states that ‘*Development which would result in a material increase in the use of the existing highway will not be permitted unless appropriate pedestrian, cycling and public transport routes and facilities are provided and/or improved and any reasonably required highway works undertaken*’. This is reinforced by Policy M6 – Cycling and Walking of the BFBLP which requires development to provide safe, direct and well signed pedestrian and cycle routes within the Borough. This is reflected in the objectives of the overarching design policy, Policy CS1 within the Core Strategy DPD.

9.28 Objections have been raised to the use of the existing site access on Malt Hill on the grounds that this is busy at the morning peak when the SANG is likely to be used and the proposed sightlines are not adequate. However, the application has been supported by a speed survey (as part of highway technical notes) to inform the appropriate visibility splay. The speed survey was undertaken in a neutral month and outside peak traffic flow periods in October 2020. The results of the speed survey are summarised below:

Direction	85 th percentile speeds (kph)	Visibility Requirement
Northbound	69.5	117m
Southbound	66.2	108m

(source Stantec Technical Note date 6.1.2021)

On the basis of this speed survey, the Highway Authority reports no objection to the 2.4m x 120m visibility splays as proposed, subject to the details of the vehicular access to be subject to condition. Previous concerns regarding the provision of a pedestrian link from the car park to the section of the surfaced footpath to the west of the car park have been addressed (shown on final SANG plan and car park layout). Although the Highway Authority has questioned the absence of a continuous surface path to the south of the car park on the grounds of access by disabled persons, alternative routes are provided to the west, the main body of the SANG and the balance between the provision of surfaced and non-surfaced routes is addressed in section ii) above.

9.29 There is no objection to the development on highway grounds, however, in the event of approval the following details would be subject to condition: details of vehicular access; the construction of the car park including surface treatment, drainage, delineation of car parking spaces and edging treatment; car park signage and details of the height barrier.

v) Impact on Residential Amenity

- 9.30 Policy EN20 of the BFBLP states that development should not affect the amenity of surrounding properties or area and Policy CS1 recognises the importance of sustainable development and the need to protect and enhance the health of the local population. Policy GB2 of the BFBLP provides for the changes of use of land relating to outdoor sport and recreation in the Green Belt but this is subject to the proviso that *'the change of use would not cause material permanent or temporary harm to the living conditions of those people residing in or close to the Green Belt.'*
- 9.31 Residential properties are located along the southern boundary of the site and along the eastern boundary. Measures have been undertaken to separate the SANG and the paths within it from these properties. The measures include:
- the separation of Old Oak House on the eastern boundary of the site from the SANG by a maintenance strip, delineated by stock proof fencing with gates at each end to prevent public access adjacent to the boundary of the property;
 - the inseting of paths from residential boundaries with planting (in the case of the southern boundary a section of the existing track would be retained with pedestrian gates to prevent public access)
 - the provision of a landscaping buffer between the car park edge and the existing track to screen the car park when viewed from the southern boundary of Old Oak House.
- 9.32 The SANG would provide the opportunity for people to enjoy quiet recreation in the countryside and objections on the grounds of noise/disturbance associated with its use (including access to/from the car park and the movement of cars and activity) could not be substantiated as a reason to oppose the proposal. Objections have been raised to the principle of a SANG close to residential properties however, this is not exceptional. The majority of SANGs in the borough have adjoining residential properties since they were either implemented at the same time as the houses or were converted from existing recreational open space.
- 9.33 Whilst the concerns of residents have been noted, measures have been undertaken in the design to address issues raised and thereby safeguard the amenities of adjoining occupiers.

v) Impact on the Warfield Church Lane Conservation Area

- 9.34 Paragraph 195 of the NPPF requires Local Planning Authorities to assess the significance of any heritage asset affected by a development proposal. This is reflected in policy CS1 of the Core Strategy DPD which requires development to protect and enhance historic and cultural features of acknowledged importance.
- 9.35 The proposed SANG is located to the north of the Warfield Church Lane Conservation Area, which is centred on the Grade II* Church of St Michael the Archangel with associated Grade II Listed tombs. Other Grade II Listed Buildings are located within the vicinity of the church and within the Conservation Area i.e. the Rectory, Parish Room and St Michael's Cottage. The proposed SANG land would be separated from the Conservation Area by a distance of approximately 85m, at its closest point.
- 9.36 Given the distance from the Conservation Area and the nature of the changes to the land arising from the change of use as set out above, the proposed change of use of the existing agricultural land would not harm the setting of Warfield Conservation Area and associated listed buildings. The associated landscaping proposals and re-greening as part of the SANG would be an enhancement and, as SANG the land would be protected from development. The main potential for harm would be the car parking area but given the separation of this

area from the Warfield Conservation Area and associated Listed Buildings, the impact on built heritage is considered to be neutral.

10. CONCLUSIONS

- 10.1 The site, as part of a group of SANGs nearby (Frost Folly, Windmill Farm and Moss End), would deliver SANG to mitigate the impact of development within 5km of the application site on the TBH SPA, including the strategic development at Warfield and would make a positive contribution in assisting the delivery of housing. The proposed use would not be an inappropriate use within the Green Belt having regard to the assessment set out within this report. The landscape and character of the application site would be changed through additional planting and measures (as set out in section ii) of this report) to enable it to function as SANG and there would be an increase in the number of cars parking on an existing area of hardstanding. Whilst the SANG would adjoin residential boundaries, landscaping and maintenance routes (closed from public access) provide separation from the properties and thereby safeguard the amenities and privacy of existing occupiers.
- 10.2 It is concluded that use of the land as SANG would not be inappropriate within the Green Belt where it would provide opportunities for public access; recreation and enhance the landscape, its visual amenity and biodiversity. The proposal would create a significant and long-lasting public asset in the form of additional publicly accessible open space for the benefit of the Borough's residents.

11 RECOMMENDATION

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

- the phased implementation of the SANG to ensure that when complete it will meet the SANG Quality Standards set by Natural England;
- the transfer of the SANG to the Council with a sum of £824,970 to enable the land to be maintained in perpetuity. This includes a baseline maintenance sum applied over 20 years at £1,605 per hectare plus £994 SANGs maintenance costs applied over 125 years and allows for estimated interest rates and inflation to be applied over the period;
- a monitoring fee of £6,000

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 received by the Local Planning Authority on: 9th September 2019; 3rd December 2021; 26 January 2021 and 4th February 2022.

Site Location Plan – Drawing Ref: 6523

SANG Management Plan 6826.SANG.v.F3 January 2022

Ecological Assessment April 2018 – 6826. Ecological Assessment December 2021

Detailed Hard and Soft Landscape General Arrangement Plans prepared by Fabrik:
Landscape Reference Plan D2753-FAB-00-GL-DR-0099 PL07
Planting Schedule and Drawing Legend D2753-FAB-00-GL-DR-0100 PL07
General Arrangement Plan Sheet 1 of 12 D2753-FAB-00-GL-DR-0101 PL07
General Arrangement Plan Sheet 2 of 12 D2753-FAB-00-GL-DR-0102 PL06
General Arrangement Plan Sheet 3 of 12 D2753-FAB-00-GL-DR-0103 PL06
General Arrangement Plan Sheet 4 of 12 D2753-FAB-00-GL-DR-0104 PL06
General Arrangement Plan Sheet 5 of 12 D2753-FAB-00-GL-DR-0105 PL07
General Arrangement Plan Sheet 6 of 12 D2753-FAB-00-GL-DR-0106 PL06
General Arrangement Plan Sheet 7 of 12 D2753-FAB-00-GL-DR-0107 PL05
General Arrangement Plan Sheet 8 of 12 D2753-FAB-00-GL-DR-0108 PL06
General Arrangement Plan Sheet 9 of 12 D2753-FAB-00-GL-DR-0109 PL06
General Arrangement Plan Sheet 10 of 12 D2753-FAB-00-GL-DR-0110 PL05
Plan Enhancement Works Plan Sheet 11 of 12 D2753-FAB-00-GL-DR-0111 PL08
Final SANG Plan Sheet 12 of 12 D2753-FAB-00-GL-DR-0112 PL08
Upgrade Works Plan D2753-FAB-00-GL-DR-0113 PL08
Staked Tree Pit Detail in Soft Landscape D2753-FAB-00-GL-DR- L- 0401
Soil Profile D2753-FAB-00-GL-DR- L- 0402
Furniture Details (Sheet 1 of 2) D2753-FAB-00-GL-DR- L- 0403 Rev PL01
Furniture Details (Sheet 2 of 2) D2753-FAB-00-GL-DR- L- 0404 Rev PL01
Boundary Details (Sheet 1 of 2) D2753-FAB-00-GL-DR- L- 0405 Rev PL01
Boundary Details (Sheet 2 of 2) D2753-FAB-00-GL-DR- L- 0406 Rev PL01

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

03. Prior to the commencement of the development, details of the construction, materials, surface treatment and the delineation of car parking spaces (including car park edging) for the whole of the car parking area (existing and proposed) as shown on drawing numbers Drawing No 49800/5501/001/ Rev I and 12 D2753-FAB-00-GL-DR-0109 PL06 shall be submitted to and approved in writing by the Local Planning Authority. The car parking area shall thereafter be implemented in accordance with the approved scheme prior to the completion of the First SANG enhancement works and shall be retained for the purposes to serve the approved development.

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, CSDPD CS23]

04. Prior to the completion of the First SANG enhancement works the car parking spaces as illustrated on drawings refs. Drawing No 49800/5501/001/ Rev I and 12 D2753-FAB-00-GL-DR-0109 PL06 shall be in accordance with the details as specified in the approved scheme and thereafter shall be retained for the purpose of parking to serve the development.

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, CDPD CS23]

05. Prior to the commencement of development details of the height barrier to be located at the entrance to the car park as shown on drawing D2753-FAB-00-GL-DR-0112 PL08 and Drawing No. 49800/5501/001/ Rev I shall be submitted to and approved in writing by the Local Planning Authority. The height barrier shall be installed as part of the First SANG Enhancement Works and thereafter retained as part of the car park to serve the approved development.

REASON: In the interests of highway safety.
Relevant Policy: BFBLP M9, CSDPD CS23]

06. The development shall not be publicly accessible until directional signs have been installed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the convenience and safety of all highway users.
[Relevant Policy: BFBLP EN20, M4, CSDPD CS7, CS24]

07. The first SANG enhancement works and the relevant phases of the SANG upgrade works 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 (if required) 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.

08. No retained tree or hedgerow (as specified as being retained on the approved details as part of this permission) shall be cut down, uprooted or destroyed without the prior written consent of the Local Planning Authority.

REASON: In the interests safeguarding visual amenity.
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

09. i) Prior to the commencement of the development, details of the final landscaping scheme (to include construction detail of the ponds) fencing, gates, waymarkers and refuse bins) shall have been submitted to and approved in writing by the Local Planning Authority. All planting comprised in the soft landscaping works as part of the first SANG enhancement works shall have been submitted to and approved in writing by the Local Planning Authority. The planting shall be undertaken in the nearest planting season (1st October to 31st March inclusive) following the implementation of the first SANG enhancement works.

ii) Prior to the commencement of the development of each phase of the SANG upgrade works, details of the final hard and soft landscaping schemes to be implemented as part of each SANG upgrade phase shall have been submitted to and approved in writing by the Local Planning Authority. All planting comprised in the soft landscaping works as part of the SANG upgrade works shall have been submitted to and approved in writing by the Local Planning Authority. The planting

shall be undertaken in the nearest planting season (1st October to 31st March inclusive) following the implementation of each phase of SANG upgrade works prior to the transfer of any part of the approved SANG, or as otherwise may be agreed in writing by the Local Planning Authority.

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]

011. The details of the fencing, gates, waymarkers and refuse bins shall be in accordance with details as shown on the following drawings hereby approved

Furniture Details (Sheet 1 of 2) D2753-FAB-00-GL-DR- L- 0403 Rev PL01
Furniture Details (Sheet 2 of 2) D2753-FAB-00-GL-DR- L- 0404 Rev PL01
Boundary Details (Sheet 1 of 2) D2753-FAB-00-GL-DR- L- 0405 Rev PL01
Boundary Details (Sheet 2 of 2) D2753-FAB-00-GL-DR- L- 0406 Rev PL01

The fencing, gates, waymakers and refuse bins shall be installed as part of the First SANG Enhancement Works and SANG Upgrade Works as set out in the SANG Management Plan 6826.SANG.v.F3 January 2022 and shall thereafter be retained.

REASON: In the interests of good landscape design and the visual amenity of the area.
[Relevant Policies: BFBLP EN2 and EN20, CSDPD CS7]

012. No site clearance shall take place during the main bird-nesting period of 1st March to 31st August inclusive unless a scheme to minimise the impact on nesting birds during the construction of the development has been submitted to and approved by the Local Planning Authority. Any site clearance during this period shall be undertaken in compliance with the approved scheme.

REASON: In the interests of nature conservation
Relevant Plans and Policies: BFBLP EN3, CSDPD CS1, CS7]

a) Informative(s)

01. The developer is advised that a section 278 Highways Agreement will be required for works within the highway.

02. Land Drainage Act Consent from Bracknell Forest Borough Council will be required for works to the existing ditches, including structures and outfalls.

03. The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.

04. 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.

05. The First SANG Enhancement Works as specified in conditions 4,5 and 7 are those works specified in in paragraph 5.3 above unless otherwise agreed in the s106 agreement

In the event of the s106 planning obligation not being completed by 24th May 2022 the Assistant Director: Planning be authorised to extend the period further or REFUSE the application for the following reasons:-

1. The absence of an agreement to secure the in perpetuity management and maintenance of the site would result in the land not satisfying the minimum requirements to qualify as SANG as required in Bracknell Forest Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD (March 2012) and as such would impact on the character of the use of land within this Green location. As such the development would be contrary to policies C1 of the Core Strategy DPD and GB2 of the Bracknell Forest Borough Local Plan DPD

ITEM NO: 7

Application No.
21/00427/FUL

Ward:
Winkfield And
Cranbourne

Date Registered:
23 April 2021

Target Decision Date:
23 July 2021

Site Address:

**North Lodge Farm Forest Road Hayley Green
Warfield Bracknell Berkshire RG42 6DD**

Proposal:

Section 73 application to vary Condition 25 (Drainage) of Planning Permission 17/00656/OUT (Residential Development of 19 no. dwellings).

Applicant:

Mr Nathan Craker

Agent:

(There is no agent for this application)

Case Officer:

Katie Andrews, 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 25 attached to application 17/00656/OUT which granted outline permission for the residential development of 19 no. dwellings (including affordable housing) including associated access, open space and landscaping following demolition of existing buildings, structures and hardstanding (all matters reserved except access).

1.2 It is recommended that condition 25 be varied to allow the principle of the drainage scheme to be amended to provide increased on-site storage of surface water and its outfall into a ditch at the front of the site.

RECOMMENDATION
The Assistant Director: Planning be recommended to approve the application subject to the conditions set out in Section 11 of this report.

2. REASON FOR REPORTING THE APPLICATION TO THE ADVISORY PLANNING COMMITTEE

2.1 The application is being reported to the Advisory Planning Committee at the request of Councillor Dudley and Councillor Virgo to allow full consideration of the alternative drainage proposals to be undertaken.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Land outside a defined settlement
Trees on site covered by TPO 1236
Within 5km of SPA

3.1 The application site is located outside but adjacent to the settlement boundary as defined on the Policies Map (2013). It is therefore considered a countryside site, but lies outside the Green Belt. Immediately to the south and wrapping around to the west of the site is Westmorland Park and immediately to the south of this is the urban area of Bracknell. To the east is The Limes, a cul-de-sac development at the western end of the linear settlement of Hayley Green and to the north is an equestrian centre. Access would be from Forest Road, a classified road to the north.

3.2 The site is occupied by a residential dwelling and a landscaping business with trees located to all of the boundaries of the site. The existing dwelling forms one of a number of buildings on the site which are used in connection with the residential and landscaping business uses. There are 2 x accesses from Forest Road, with long drives leading to the residence and landscaping business. Tree Preservation Order (TPO) 1236 covers trees on the site to the northern and eastern boundaries.

4. RELEVANT SITE HISTORY

4.1 The relevant planning history can be summarised as follows:

17/00656/OUT Outline application for the residential development of 19 no. dwellings (including affordable housing) including associated access, open space and landscaping

following demolition of existing buildings, structures and hardstanding. (All matters reserved except access). Approved 11.04.2019

21/00440/REM Reserved matters application for the residential development of 19 no. dwellings (including affordable housing) including associated open space and landscaping following demolition of existing buildings, structures and hardstanding (following approval of 17/00656/OUT). Pending.

5. THE PROPOSAL

5.1 This application seeks to vary condition 25 of application 17/00656/OUT which granted outline planning permission for the residential development of 19 no. dwellings (including affordable housing) including associated access, open space and landscaping following demolition of existing buildings, structures and hardstanding. (All matters reserved except access).

5.2 The applicants have advised that they are unable to implement a drainage scheme in accordance with the principles approved under 17/00656/OUT. This proposed the drainage of the site to Westmorland Pond with a detailed drainage strategy required to be submitted and approved by condition 25. Thames Water have withdrawn their consent to allow drainage into the pond and accordingly the applicant has needed to find a new way to drain the site.

5.3 The proposal is now for the surface water drainage to be conveyed to the north of the site and discharged into a ditch along the frontage of the site (which the owner of the site has responsibility for as it abuts the site) on the southern side of Forest Road.

Legislative Background.

5.4 Section 73 enables conditions associated with a planning permission to be varied or removed. 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.

5.5 Whilst an application under section 73 enables conditions to be varied, the time limit cannot be amended, nor can the description of development.

5.6 A 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*'.

5.7 Condition 25 stated:

No development shall take place until a surface water drainage scheme (SWDS) for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include BRE365 Compliant Infiltration tests to establish whether infiltration is viable on the site and a period of groundwater monitoring to determine the presence of any groundwater table. The drainage strategy shall be informed by the geotechnical investigation and demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm with a suitable allowance for climate change and allowances for urban creep included (results for 1 in 1, 1 in 2, 1 in 30, 1 in 100 and 1 in 100 + 40%), will not exceed the run-off rates or volumes from the equivalent greenfield site and that flood risk will not be increased elsewhere in accordance with the principles of the Odyssey Markides Flood Risk Assessment dated December 2017. The strategy should include detailed levels design to demonstrate exceedance routing throughout the development, and

calculations demonstrating sufficient water quality treatment times are provided within the SUDS scheme.

The agreed details shall be fully implemented in the drainage scheme and thereafter retained.
REASON: To ensure that the site is properly drained and does not increase the risk of flooding.
[Relevant Policies: Section 14 NPPF]

5.8 The applicant has submitted a revised drainage statement to amend the drainage principles that were approved under 17/00656/OUT.

5.9 Condition 25 is proposed to be reworded as below:

No development shall take place until a surface water drainage scheme (SWDS) for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include BRE365 Compliant Infiltration tests to establish whether infiltration is viable on the site and a period of groundwater monitoring to determine the presence of any groundwater table. The drainage strategy shall be informed by the geotechnical investigation and demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm with a suitable allowance for climate change and allowances for urban creep included (results for 1 in 1, 1 in 2, 1 in 30, 1 in 100 and 1 in 100 + 40%). Should infiltration not be feasible, discharge rates from the site will not exceed the run-off rates or volumes from the equivalent greenfield rates of the area associated with the catchment of the ditch into which discharge is proposed as set out within the Odyssey Markides Section 73 Application Drainage Strategy Technical Note dated April 2021. Flood risk will not be increased elsewhere in accordance with the principles of Flood Risk Assessment. The strategy should include detailed levels design to demonstrate exceedance routing throughout the development, and calculations demonstrating sufficient water quality treatment times are provided within the SUDS scheme.

The agreed details shall be fully implemented in the drainage scheme and thereafter retained.
REASON: To ensure that the site is properly drained and does not increase the risk of flooding.
[Relevant Policies: Section 14 NPPF]

6. REPRESENTATIONS RECEIVED

6.1 Warfield Parish Council

Indicates that consideration should be left to the planning officer.

6.2 Winkfield Parish Council

No response

6.3 Other Representations

2 letters of objection have been received from different addresses, making the following representations:

- Will lead to increased flooding on Forest Road.
- Water currently drains from the site in a number of directions and Forest Road still floods.
- Ditches further along towards Westmorland Park are not maintained so more water will channel onto Forest Road and cause even greater flooding.
- Proposal dangerous for road users, pedestrians and would cause damage to surrounding infrastructure.
- Questions how water is stopped from backing up along the ditch.

- Westmorland Pond is also not an appropriate solution for the disposal of water and will cause flooding [*Officer note: this has consent under 17/00656/OUT*]

1 further letter of objection on the amended drainage proposals has been received from an original objector:

- The proposal for surface water drainage is going to cause problems.
- How can water flow away when the river level is high after heavy rainfall?
- Reservations about contamination of the surface runoff from the private road and parking areas. Oil contamination from cars needs to be avoided if discharging into a public watercourse [*Officer note: the management and maintenance of the surface water drainage is dealt with via a s106 agreement and planning conditions*]
- Would Thames Water accept a combined foul and surface water drain instead that joins to the main foul sewer along Forest Road? [*Officer note: we have to consider the proposal as submitted*]

7. SUMMARY OF CONSULTATION RESPONSES

Biodiversity Officer

7.1 No objection subject to condition to secure updated biodiversity surveys and conditions secured on original consent.

Drainage Consultant

7.2 No objection subject to consideration that permeable pavement can remain safe and accessible for maintenance over the lifetime of the development. The location of the outfall should also be reconsidered in terms of maintenance requirements.

[Officer note: A final drainage scheme is required for approval under recommended condition 26 (which was previously 25 on 17/00656/OUT). The s106 agreement associated with the approved outline application secured the maintenance]

Thames Water

7.3 Raises no objection to the amended drainage principles.

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
Land Outside Settlement (Countryside)	'Saved' policy EN8 of the BFBLP, CS9 of CSDPD	Not fully consistent
Affordable Housing	CS16 and CS17 of the CSDPD	Consistent
Character	CS1 and CS7 of CSDPD, Saved policies EN2 and EN20 of BFBLP.	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Residential Amenity	Saved policies EN20 and EN25 of BFBLP	Consistent
Open Space Provision	CS8 of CSDPD, Saved Policy R4 of the BFBLP	Consistent
Highways	'Saved' policy M9 of the BFBLP	Consistent

	CS23 of the CSDPD	
Trees, biodiversity and landscaping	Saved policy EN1, EN2 and EN3 of BFBLP, CS1 of CSDPD.	Consistent
Sustainability	CS10 & CS12 of CSDPD	Consistent
SPA	SEP Saved Policy NRM6, CS14 of CSDPD	Consistent
Archaeology	CSDPD Policy CS1 'Saved' Policy EN7	
Supplementary Planning Documents (SPD)		
Thames Basin Heath Special Protection Area (SPD)		
Design SPD		
Parking standards SPD		
Character Area Assessments SPD (Chapter 4- Northern Villages)		
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		
Bracknell Forest Borough Landscape Character Assessment (LUC) 2015		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of development
- ii. Revised drainage scheme
- iii. Ecology

i. Principle of development

9.2 The site is located outside of any settlement within the countryside, as designated by the Bracknell Forest Policy Map.

9.3 The granting of outline planning permission 17/00656/OUT is a material consideration in the determination of this revised application. The permission remains extant and accepts the principle of 19 new dwellings on this site

9.4 The principle of development does not need to be re-assessed as part of this application which is therefore considered acceptable subject to other material considerations in relation to changing the principle of the drainage scheme.

ii. Revised drainage scheme

9.5 Approved application 17/00656/OUT secured an 'in principle' drainage scheme with its final design to be submitted under condition 25. The applicants have advised that they are now unable to secure the drainage of the site in accordance with the principles approved under 17/00656/OUT due to Thames Water withdrawing their consent for the site to drain to Westmorland pond, which is a Thames Water Asset.

9.6 The revised drainage strategy (Drainage Strategy Technical Note produced by Odyssey dated Oct 2021) proposes the surface water drainage to be conveyed to the north of the site and discharged into a ditch along the frontage of the site (which the applicant owns and has the responsibility to maintain) on the southern side of Forest Road. Currently only a small

proportion (and not all) of the sites natural catchment falls towards this ditch. The drainage report advises that the total existing catchment area that falls towards the ditch is 0.33 ha shown on Odyssey drawing 20-121/004. The new proposal reduces the run-off rate through on site storage in order to ensure the run-off from the whole site does not exceed the existing rate from the 0.33ha area.

9.7 The surface water from the site would be conveyed via the existing ditch along Forest Road to the Bull Brook. This replicates the eventual destination in the approved strategy under 17/00656/OUT. The proposal requires a greater amount of storage on site to allow for the reduction in flow rate. The strategy has been shown on Odyssey drawing 20-121/100.

9.8 Surface water is proposed to be attenuated on site via permeable paving with a cellular sub-base replacement to increase the storage volumes proposed. The drainage strategy has provided Micro Drainage source control (cascade) calculations.

9.9 The Council's Drainage Consultants have advised that the amended drainage strategy is acceptable, considering that all other options have been explored and that there is no alternative. They have advised that this is the most appropriate discharge location for the site.

9.10 The applicant proposes to limit run off rates from the site to the greenfield rate for the existing natural catchment area for the ditch which has been determined in light of the existing site topography. This will result in a reduction in runoff from the site as a whole and as the proposed drainage from the site to the ditch mimics the existing scenario, there will be no increase in runoff to the ditch. It is therefore considered that the ditch will have sufficient capacity, and that surface water flood risk will not be increased as a result of the development.

9.11 They have therefore agreed in principle the revised drainage proposals and recommend the approval of the Section 73 application.

9.12 They have however noted that the following elements should be reconsidered in subsequent iterations of the development design. The current proposals include deep permeable paving over a large area. Future designs should ensure that these will remain safe and accessible for maintenance over the lifetime of the development. In addition the outfall of the development is located in close proximity to a property. This should be reconsidered in terms of maintenance requirements. Condition 26 would require a final drainage scheme to be submitted which is in line with the approved outline consent 17/00656/OUT. The associated s106 attached to the outline secured the maintenance for the lifetime of the development and these requirements would apply equally to any s73 permission.



Proposed in principle drainage strategy

iii. Ecology

9.13 The report for Biodiversity considered under 17/00656/OUT was dated March 2017. It is therefore considered to be out of date with reference to the CIEEM advice note on the lifespan of ecological reports and surveys (2019) and further consideration to protected species should be given. As the site has previously been surveyed for the extant outline permission it is considered reasonable that this can be achieved by a further planning condition and mitigation secured as necessary.

10. CONCLUSION

10.1 This section 73 application seeks to vary condition 25 of outline permission 17/00656/OUT which changes the principle of the approved drainage scheme. The changes to the principle of the drainage scheme are considered to be acceptable. Increases in on-site storage capacity are proposed which will result in a reduction in runoff from the site as a whole. Although an outfall would be provided to the ditch along the site's frontage, no increase in runoff from that currently occurring from the site would result. It is therefore considered that the ditch will have sufficient capacity, and that surface water flood risk will not be increased as a result of the amended drainage scheme.

11. RECOMMENDATION

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:-

1. Approval of the details of the scale of the buildings, the layout, appearance and landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced. The plans and particulars in relation to the Reserved Matters shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date (11.04.2019) of outline permission 17/00656/OUT.

REASON: A section 73 application cannot be used to vary the time limit for implementation therefore this condition must remain unchanged from the original permission.

3. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be carried out only in accordance with the following approved plans:-

533.00.02 Rev.C 'Existing site block plan' received on 17 July 2018

533.10.19 Rev.F 'Site Layout Plan with footpath, verge and road adoption details' received on 26 September 2018

4994/001 Rev.A 'Proposed Footway Link to Bus Stop' received on 17 October 2017

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

5. An updated ecological survey shall be carried out by a suitably qualified ecologist. A report confirming the results and implications of the assessment, including any required mitigation measures, shall be submitted to the Local Planning Authority before construction works commence on the development with the results/mitigation measures to be agreed in writing with the Local Planning Authority.

REASON: To ensure the status of protected species and habitats on site has not changed since the last survey. [Relevant Plans and Policies: Core Strategy DPD CS1, CS7]

6. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the 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 organisation 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]

7. The development shall not 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. The approved scheme shall be performed, observed and complied with.

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

8. The landscaping details required by condition 01 shall include a 3 year post planting maintenance schedule. All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the occupation of any part of the approved development, whichever is sooner. All hard landscaping works shall be carried and completed prior to the occupation of any part of the approved development. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved, unless the Local Planning Authority gives written consent to any variation.

REASON: In the interests of good landscape design and the visual amenity of the area.
[Relevant Policies: BFBLP EN2 and EN20, CSDPD CS7]

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no freestanding external lighting shall be installed on the site except in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of nature conservation and visual amenity.
[Relevant policies: CSDPD CS1 and CS7, BFBLP EN20]

10. The development shall not be begun until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate:

- (a) that before taking account of any on-site renewable energy production 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) that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be at least 20%).

The buildings 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]

11. 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, as required under optional Building Regulation Part G, 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]

12. 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) Programme 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]

13. All existing trees, hedgerows and groups of shrubs shown to be retained on the approved drawings shall be protected by 2.3 metres high (minimum) protective barriers, supported by a metal scaffold framework, constructed in accordance with Section 9 (Figure 2) of British Standard 5837:2005, or any subsequent revision. The development shall be carried out in accordance with the approved drawings.

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: CSDPD CS7, BFBLP EN1 and EN20]

14. The protective fencing and other protection measures specified by the previous condition shall be erected in the locations agreed in writing by the Local Planning Authority prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site. No activity of any description must occur at any time within these protected 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.

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: CSDPD CS7, BFBLP EN1 and EN20]

15. The development hereby permitted shall not be begun until details showing the finished floor levels of the buildings hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

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

[Relevant Policies: BFBLP EN20, CSDPD CS7]

16. No dwelling shall be occupied until the existing access to the site has been closed and a footway/ verge is provided over the closed access 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]

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

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

18. No dwelling shall be occupied until a means of access for pedestrians and cyclists to it 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: BFBLP M6, Core Strategy DPD CS23]

19. No development shall be occupied until a plan showing visibility splays 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. 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 adjacent carriageway.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

20. No dwelling shall be occupied until visibility splays of 2.0 metres by 2.0metres have been provided at the junction of the driveway and the adjacent carriageway. The dimensions shall be measured along the edge of the drive and the edge of the carriageway from their point of intersection. The visibility splays shall at all times thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the carriageway.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

21. No dwelling shall be occupied until the associated vehicle parking serving it 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]

22. The garage accommodation shall be retained for the use of the parking of vehicles and bicycles at all times.

REASON: To ensure that the Local Planning Authority's vehicle parking standards are met.

[Relevant Policy: BFBLP M9]

23. 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]

24. 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 comprising:-

- The footway works shown on Dwg 4994/001 Rev.A and Dwg.533.10.19 Rev.F including off-site works to link the east-west footpath within the site to the path to the north of Westmorland Pond.

The buildings provided by the carrying out of the development shall not be occupied until the off-site highway works have been completed in accordance with the approved scheme.

REASON: In the interests of highway safety.

[Relevant Policy: BFBLP M4]

25. 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.

REASON: In the interests of amenity and road safety.

26. No development shall commence until a surface water drainage scheme (SWDS) for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include BRE365 Compliant Infiltration tests to establish whether infiltration is viable on the site and a period of groundwater monitoring to determine the presence of any groundwater table. The drainage strategy shall be informed by the geotechnical investigation and demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm with a suitable allowance for climate change and allowances for urban creep included (results for 1 in 1, 1 in 2, 1 in 30, 1 in 100 and 1 in 100 + 40%). Should infiltration not be feasible, discharge rates from the site will not exceed the run-off rates or volumes from the equivalent greenfield rates of the area associated with the catchment of the ditch into which discharge is proposed as set out within the Odyssey Markides Section 73 Application Drainage Strategy Technical Note dated April 2021. Flood risk will not be increased elsewhere in accordance with the principles of Flood Risk Assessment. The strategy should include detailed levels design to demonstrate exceedance routing throughout the development, and calculations demonstrating sufficient water quality treatment times are provided within the SUDS scheme. The agreed details shall be fully implemented in the drainage scheme and thereafter retained.

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

[Relevant Policies: Section 14 NPPF]

27. No development shall commence until full details of the Drainage System(s) have been submitted to and approved in writing by the Local Planning Authority. These shall include:

- full details of all components of the proposed drainage system including dimensions, locations, gradients,
- invert and cover levels,
- headwall details,
- collector pipes,
- catchpit locations and filter specifications,
- services locations in private areas
- constructions details for permeable paving, including check dam locations and service crossings,
- constructions details for geocellular storage demonstrating access for maintenance

The approved details shall be fully incorporated in the drainage and retained.

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

[Relevant Policies: Section 14 NPPF]

28. No development shall commence until details of how the surface water drainage shall be maintained and managed after completion, have been submitted to and approved in writing by the Local Planning Authority. The details shall include confirmation of the required maintenance activities with expected frequency, with site specific assessments included to demonstrate that health and safety has been fully considered in the design and that access and egress for future residents will be maintained during any operations to repair or replace drainage features. The agreed details shall be fully actioned within the maintenance and management of the drainage.

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

[Relevant Policies: Section 14 NPPF]

29. No development shall commence until a drainage strategy detailing any on-site and off-site drainage works, along with proposed points of connection, has been submitted to and approved by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

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

[Relevant Policies: Section 14 NPPF]

30. No buildings shall be occupied until the sustainable urban drainage scheme for this site has been completed in accordance with the submitted details. The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. Written confirmation of agreements for the management and maintenance of the drainage scheme shall be submitted and approved by the Local Planning Authority.

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

[Relevant Policies: Section 14 NPPF]

31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 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 and E of Part 1 of the Second Schedule of the 2015 Order shall be carried out.

REASON: 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 EN1, Core Strategy DPD CS7]

32. The development hereby permitted (including any demolition) shall not be begun until details of a scheme (Working Method Statement or site-specific Construction Environmental Management Plan) 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 scheme shall include:

- (i) specifications of control of noise arrangements for construction and demolition.
- (ii) methodology of controlling dust, smell and other effluvia
- (iii) site security arrangements including hoardings
- (iv) proposed method of piling for foundations
- (v) construction and demolition methodology
- (vi) construction and demolition working hours
- (vii) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site

The development shall be carried out in accordance with the approved scheme.

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

[Relevant Policies BFBLP CS7 and EN25]

33. No development shall take place until a contaminated land Phase I report (Desk Top Study) has been carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site and the Desk Top Study has been submitted to and approved in writing by the Local Planning Authority.

The Phase I report must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

Following approval of the Desk Top Study, if a Phase II report (Site investigation) is required it will be completed by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The method and extent of this site investigation shall be agreed with the Local Planning Authority prior to commencement of any investigation work and shall then proceed in strict accordance with the measures approved.

The Phase II report must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

REASON: The proposed development is located on a potentially contaminated site, due to its historic land use. To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas.

34. Following completion of the desk top study (phase I) and site investigation (phase II) required by the above condition, a remediation scheme to deal with any contaminants identified (including gas protection measures if necessary) must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include an implementation timetable, monitoring proposals and a remediation verification methodology. The remediation scheme must be carried out before the development commences.

An appropriately qualified person shall oversee the implementation of all remediation/mitigation works.

Should any unforeseen contamination be encountered during the development, the Local Planning Authority shall be informed immediately. Any further investigation/remedial/protective works shall be carried out to agreed timescales and approved by the Local Planning Authority in writing.

A Site Completion Report shall be submitted to and approved in writing by the Local Planning Authority upon completion of the remediation/mitigation work in accordance with the agreed implementation timetables. The report shall include confirmation that all remediation measures have been carried out fully in accordance with the approved remediation scheme and detail the action taken and verification methodology used (including details of the sampling and analysis programme) at each stage of the remediation/mitigation works to confirm the adequacy of decontamination. The Site Completion Report must also include details of future monitoring and reporting if this is deemed necessary, or a statement to the effect that no future monitoring is required, with an explanation as to why future monitoring is not necessary.

If no contamination is encountered during the development, a written statement confirming this fact shall be submitted to the Local Planning Authority upon completion of the development.

REASON: To enable to the Local Planning Authority to ensure that appropriate measures are taken to avoid any threat which the proposed development might pose to health and safety and/or the environment.

Informatives

1. 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.

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

1, 3, 4, 8, 13, 14, 15, 22, 23, 31

The following conditions require discharge prior to the commencement of development hereby approved:-

2, 5, 9, 10, 11, 12, 24, 25, 26, 27, 28, 29, 32, 33, 34

The following conditions require discharge prior to the occupation of the dwellings hereby approved:-

6, 7, 16, 17, 18, 19, 20, 21, 30

3. The applicant will need to enter into a Section 278 agreement with the Highway Authority for off-site highway works.

4. No demolition or construction work shall take place outside the hours of 08:00 and 18:00 Monday to Friday; 08:00 and 13:00 Saturday and not at all on Sundays and Public Holidays.

5. The applicant is advised that services shall not be located within the tree belt at the front of the site.

6. The applicant is advised that ordinary water course consent will be required from the Lead Local Flood Authority.

Unrestricted Report

ITEM NO: 8

Application No. 21/00707/OUT	Ward: Wildridings And Central	Date Registered: 14 July 2021	Target Decision Date: 13 October 2021
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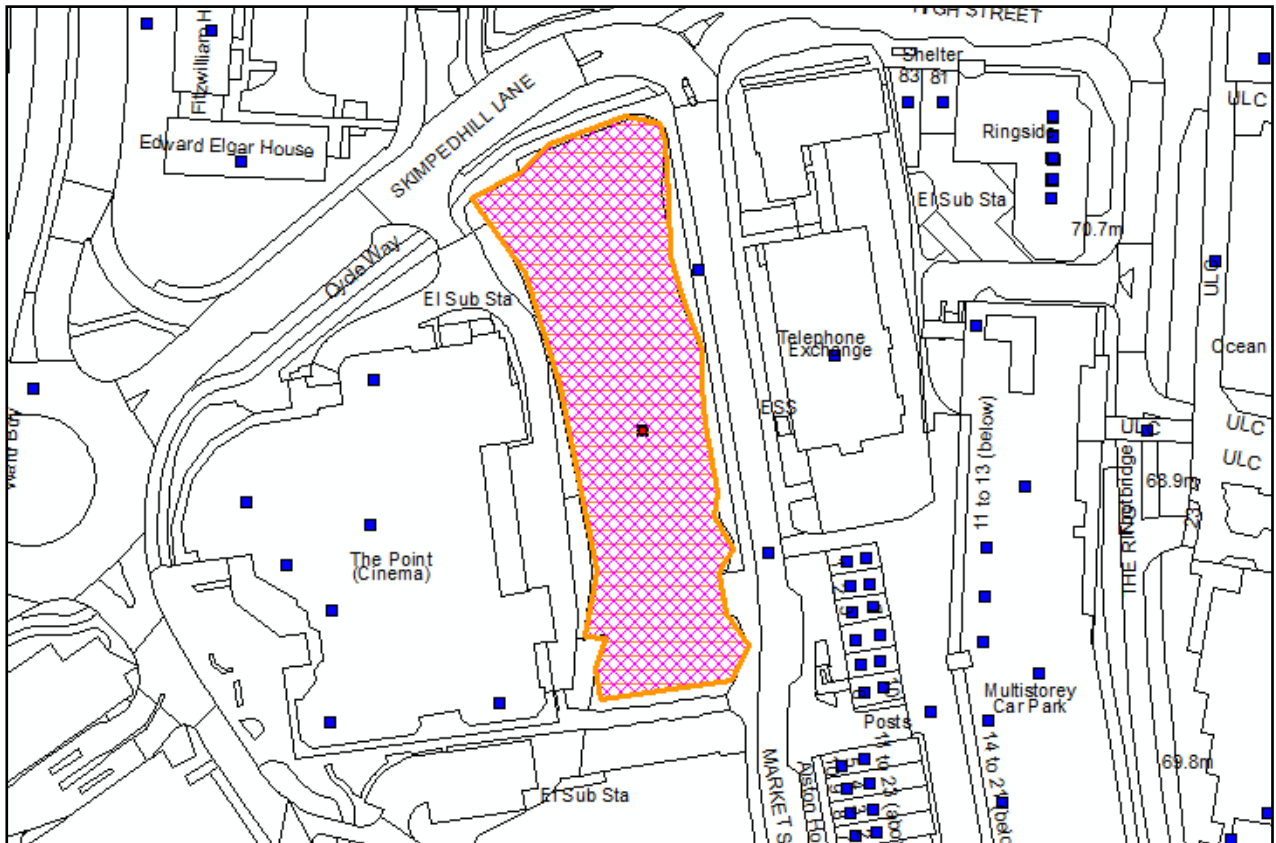
Site Address: **Former Bus Station Site Market Street Bracknell
Berkshire**

Proposal: **Hybrid planning application (part detailed / part outline) for the phased redevelopment of the Site to provide 169 units of residential accommodation (Use Class C3) and up to 850 sqm commercial floorspace (Use Class E(a),(b),(c),(d),(g),(g(i)) and F1(a) & (b)) delivered across three blocks of accommodation [detailed element] and the erection of a single block providing up to 2699 sqm of commercial floorspace (Use Class E (b), (c), (e), (f) and (g) and F2(b)) [outline element, matters reserved - layout, scale and appearance] and all other associated works including landscaping, public realm, car parking and cycle parking.**

NOTE: Hybrid Application - Full planning permission is sought for the Blocks A/B/C, landscaping, access and car parking.

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 141 dwellings net and 4,700sqm commercial floorspace.

1.2 The development of the site would result in the loss of trees on the site but the affected trees are not protected by TPOs and replacement trees are proposed on the site.

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 flats. The proposed commercial uses are appropriate within a town centre location and adequate servicing has been provided to serve these uses. 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. Parking to meet the town centre parking standard has been provided using a combination of on-site and off-site parking within town centre car parks. Sufficient on-site parking provision, cycle and bin storage has been provided.

1.5 A legal agreement is required to secure contributions for SPA mitigation, biodiversity measures, a Travel Plan, highway requirements, off site car parking, active and passive OSPV and community facilities to secure 25% affordable housing,

RECOMMENDATION
The Assistant Director: Planning be recommended to approve the application subject to the completion of a S106 Agreement and the conditions set out in Section 11 of this report.

2. REASON FOR REPORTING THE APPLICATION TO THE ADVISORY PLANNING COMMITTEE

2.1 The application has been reported to the Advisory Planning Committee because it relates to a scheme which falls within the regeneration of Bracknell Town Centre which the Executive 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 0.53ha and is located on the west side of Market St. at the junction of Market St and Skimped Hill. The site has been vacant for several years and is currently screened by hoardings. The western boundary of the site is shared with the Peel Centre. North of the site, across Skimped Hill is Winchester

House, with the current construction site of the former Amber House immediately to the south.

4. RELEVANT SITE HISTORY

4.1 No recent planning history.

5. THE PROPOSAL

5.1 This is a hybrid planning application proposing full planning permission for the erection of three Blocks (A, B and C) to provide 169 residential units to include 29 affordable rented homes and 13 shared ownership homes and 848 sq.m of commercial floorspace

5.2 Outline planning permission for Block D is also sought with access and landscaping to be considered for up to 2,699 sqm of commercial floorspace (Block D) (Use Class E (b), (c), (e), (f) and (g) and F2(b).

5.3 Buildings will vary in height from 6 storeys to a maximum of 17 storeys in Block A.

5.4 The application also includes the provision of amenity space, public realm improvements and new public pedestrian links throughout the site.

5.5 A total of 92 car parking spaces will be provided on site for the residential element, with a further 56 spaces to be provided off site, for the residential and commercial uses. 298 cycle parking spaces will also be provided to serve the full application element with 56 cycle parking spaces to serve the outline element of the scheme, comprising a total of up to 354 spaces.

5.6 Access to the site will be from two new entrance points on Market Street delivering a new loop route for access within the Site.

6. REPRESENTATIONS RECEIVED

Bracknell Town Council

6.1 No objection to the application.

Representations

6.2 The Bracknell Forest Society object to the application on the following grounds:

- The scale of the development is excessive, and the impact of tall buildings must be assessed in light of the existing tall buildings in the town centre and others proposed in current applications on nearby sites.

- Off site parking in the High Street carpark should be assessed against projections for future usage, not those for shortly after the opening of phase 1 of the town centre redevelopment. This should include parking projections if free car parking is ended at the Peel Centre.

- Electrical infrastructure should be provided so that all car parking spaces can have electric charging points installed in the future.

Seven representations have also been received raising the following material considerations:

- the proposal will lead to overlooking of properties in Ringside and loss of privacy
- the height or proximity of the development will lead to a loss of daylight
- the scale of the proposed development will have an oppressive impact on nearby properties
- noise from the building works, flats and commercial units will be overwhelming to the already loud area causing stress to current local residents.

-Potential noise, fumes and other odours could lead to a loss of amenities to existing residents in the area.

-The traffic on Market Street is already congested and will increase once the Amber House development is completed.

- The development would be dangerous and evacuation from the buildings in case of fire would be difficult due to the limited number of stair wells.

- Concerns over evacuation of the building particularly the elderly or people with disabilities.

-Bracknell is a predominantly low-rise town and a building of this scale is inappropriate.

-Impact of the development on infrastructure, the environment, climate and traffic.

-Overbearing development and opportunities to encourage anti-social behaviour.

7. SUMMARY OF CONSULTATION RESPONSES

Tree Officer

7.1. The approach of clearing all trees on site and treating the site as a blank canvas is not the most sympathetic approach in terms of trees. Attempts should be made to retain trees where possible and ensure that tree planting is viable on the site. Tree planting should be specifically engineered using a Silva cell type construction concept. The walkway to the Peel Centre should become a soft landscaped area which would be more environmentally beneficial and aesthetically sympathetic. This would also provide a far more conducive growing environment to sustain new trees and provide opportunity for additional eye level shrub or hedge planting.

Landscape Officer

7.2 The principle of the proposed landscape scheme is acceptable. Further details are required to be submitted as a condition. In particular, it will be important to ensure that there is no conflict between drainage and tree pits and that tree planters can be maintained on the site.

Biodiversity Officer

7.3 Subject to details of landscaping being secured to ensure planters are retained on site and the provision of a landscaped strip along the site boundary with Market St and the plaza between Market St and the Peel Centre, the application is acceptable subject to conditions and S106 requirements.

Highways Officer

7.4 No objection subject to conditions and S106 requirements. Concerns expressed that the site requires the use of off-site car parks by residents and that this requires some form of control by the Council as owners of public car parks within the town centre to ensure that the parking spaces are available to residents of the site in perpetuity.

Drainage Officer

7.5 No objection subject to condition.

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	Weight to be attributed, with reference to para. 213 of NPPF
Sustainable development principles	SALP Policy CP1	Para. 11(d) refers to 'policies which <u>are most important for</u> determining the application are out-of-date'. 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, & 117 - 119)	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. 127 & 170)	Full
	BFBLP 'Saved' Policies EN1, EN2 & EN20	"	Full
Residential Amenity	'Saved' Policies EN20 & EN25 of BFBLP	Consistent (paras. 127, 170 & 180)	Full

Transport	CSDPD Policies C23 BFBLP 'Saved' Policies M8 & M9	Consistent (Chapter 9) “	Full Full
Drainage	CS1 of CSDPD	Consistent (paras. 163 & 165)	Full
Biodiversity	CSDPD Policies CS1 & CS7 BFBLP 'Saved' Policies EN1, EN2 & EN20	Consistent (paras. 170 & 175) “	Full Full
Sustainability of build (Renewable Energy and Water Use)	CSDPD Policies CS10 & 12	Consistent (para. 149)	Full
Supplementary Planning Documents (SPD):			
Parking Standards SPD (2016)			
Other publications:			
National Planning Policy Framework (NPPF) (2019) National Planning Policy Guidance (NPPG) (2019)			

8.2 The Bracknell Town Neighbourhood Plan forms part of the Development Plan. The Plan was 'made' by Bracknell Forest Council on 27 October 2021. Policies H04 "Managing the Streetscape", H07 "Buildings: Local Character", H08 "Good Quality Design" and EC2 "Micro and Small Businesses" are relevant when considering this application.

9. PLANNING CONSIDERATIONS

9. 1 The key issues for consideration are:

- i. **Impact on the character and appearance of the area.**
- ii. **Impact on Residential Amenities**
- iii. **Highways**
- iv. **Drainage**
- v. **Biodiversity**
- vi. **Community Infrastructure Levy (CIL)**

- vii. **Thames Basin Heaths Special Protection Area**
- viii. **Provision of Affordable Housing**

These issues are considered in turn below:

i. Impact on the character and appearance of the area.

9.1 The site is within Bracknell town centre and is located on Market Street which contains a mix of commercial and residential premises. The development comprises 4 buildings ranging in height from 6 storeys in block D to 17 storeys in block A, which is positioned at the northern end of Market St. at its junction with Skimped Hill Lane. The height of the proposed blocks decreases from the maximum height in block A to 14 storeys in block B, 9 storeys in block C and 6 storeys in block D. Winchester House, a 19 storey building, is positioned close to block A and will remain the tallest building within the town centre. The positioning of taller blocks at the northern part of the application site allows for buildings to appear as a cluster with Winchester House together with Ocean House (a 13-storey building) when viewed on the approach into Bracknell from Skimped Hill Lane. Block A acts as a focal point at the junction of Market St and Skimped Hill Lane but its height is stepped down on the western elevation to reduce the bulk and massing of the building when viewed together with the Point.

9.2 The height of buildings on the application site reduces from north to south. Immediately adjacent to the site is Amber House, currently under construction to provide a 9 storey building, reducing in height to 6 storeys. The former bus station site also under construction would have a maximum of 10 storeys.



9.3 A Townscape and Visual Appraisal (TVA) has been submitted with the application. This document identifies and assesses the potential effects of the proposed development on the townscape character and visual amenity of the site and its surroundings. The TVA records the existing townscape/landscape conditions and sets out how the townscape/landscape characteristics of the study area and the site interact. A distance of approximately 2.5km from the site boundary was identified as an appropriate distance within which to consider the wider townscape/landscape setting of the site. Though the site may be visible from beyond this distance, at longer distances site features and precise boundaries will not be clearly defined.

9.4 Appendix 5 of the Tall Buildings policy LP43 in the emerging Local Plan sets out a viewpoints map with 11 specific viewpoints highlighted as key views relating to Bracknell Town. They are:

- TB1 (A329)
- TB2 (A329)
- TB3 (Peacock Lane)
- TB4 (Wokingham Road)
- TB5 (Johnstone Close)
- TB6 (Tilehurst Lane)
- TB7 (Binfield Road 1)
- TB8 (Binfield Road 2)
- TB9 (Cabbage Hill)
- TB10 (Sopwith Road)
- TB11 (Ascot Road)

9.5 Seven of these viewpoints were used in the TVA being within 2.5km of the site and the site being visible from them.

9.6 The TVA concludes that the proposals will result in a permanent and long-term change to the townscape character of the site due to the size and scale of the proposed development. However, it is considered that the proposed development will have a negligible effect on the majority of the townscape/landscape character areas. Within the site itself and the town centre the proposals are considered to have a beneficial effect in enhancing the site's appearance and its immediate townscape setting. The proposal will not have any significant adverse effects on visual amenity from the wider townscape and landscape.

9.7 The proposed height and scale of the development is considered to be acceptable. In this town centre location, the buildings would be viewed as part of the cluster of existing tall buildings and the additional tall buildings currently in construction in the area.

9.8 The application proposes commercial uses at ground floor level, with residential above in blocks A, B and C. Block D is in outline form only with commercial uses proposed on all floors. This would provide active frontages at ground floor level for all blocks. Buildings will be set back from Market St. behind trees within planters and a landscaped strip. Trees will be provided in planters as a sewer currently running across the rear of the site will be re-located along the Market St boundary and a sewer easement across the front of the site restricts the planting of trees. The landscaped strip will run behind the footway in Market St and allow for the building to be set back approximately 9m from the road. The main entrances to the blocks are from Market St.

9.9 The blocks would be brick built with each block constructed in a different brick tone with a contrasting lighter toned brick used to create horizontal and vertical bands within the elevations. Block A will be a light toned brick, with darker toned bricks used in each block from north to south along Market St. The top floors of the blocks will be constructed in a lighter toned brick to add further interest to the elevations and create horizontal emphasis. Textured brick panelling is used to add interest at lower floor levels and darker brick creates a visually contrasting base to the blocks to identify the commercial uses and add interest at street level for pedestrians.



View Along Market St.

9.10 Balconies are provided above the ground floor to add further design detail to the blocks and private outside amenity space to each apartment.

9.11 The decked car park to serve the development is to the rear of blocks B and C and is 4 storeys in height. The western elevation of the car park facing the Point will be articulated with textured brickwork and vertical greening panels to provide landscaping on the elevation and to soften the building when viewed from The Point and Skimped Hill Lane.

9.12 Public realm between blocks A and B and blocks C and D will provide spacing between buildings and allow for views into the site. The areas will be a mix of hard and soft landscaping with seating areas provided to allow use by residents and the public visiting the commercial uses within each block.

9.13 The existing pedestrian link between the site and Amber House to the Peel Centre will be retained and enhanced with tree planting, overspill seating from the proposed café in block D, and a proposed table tennis table will improve the vitality of the linkway and provide an important public open area within the town centre.

9.14 Existing trees on the site will be removed. New tree planting will take place within the public walkway to the Peel Centre, between buildings and along the boundaries of the site with Market St and Skimped Hill Lane. Due to the restrictions of the sewer easement along Market St, trees along this frontage will be within planters. A tree planting masterplan has been provided to demonstrate that trees can be provided around the site. Further landscaping is proposed throughout the site to provide variety of planting. Details of landscaping can be secured through a landscaping condition.

9.15 The proposed development is considered to be acceptable in terms of character and appearance. The site is within Bracknell town centre and tall buildings are considered to be appropriate in this location. The highest point of the building is at the junction of Market St and Skimped Hill Lane with height reducing southwards along Market St. The provision of a key building at the position of block A, where the height will reflect the height of other town centre buildings is acceptable and the variation in height across the site together with the use of a variety of material colours will result in buildings that reflect the town centre location but are of a high quality of design. The provision of landscaping and spacing between the buildings also contributes to breaking up the scale of development and adding interest at pedestrian level. The

application is acceptable in meeting the requirements of policies CS7 of the CSDPD and policies EN1 and EN20 of the BFBLP.

ii Impact on Residential Amenities

9.16 Market St includes a number of residential developments in Gowing House, Alston House and two that are currently under construction at the former Amber House and the depot sites. In addition, Ringside which is located on the High St behind the BT telecom site is a residential apartment building that faces the application site although is at a distance of approximately 50m from the closest point of Ringside to the site boundary. Concerns have been raised by residents in Ringside that the development, and particularly block A, would result in overlooking and overshadowing of their properties. However, in the context of town centre developments it is not considered that the relative distances between properties would result in material loss of amenities to residents. A distance of 30m is generally considered to be acceptable between taller residential properties to reduce any likely overlooking.

9.17 The application includes Daylight and Sunlight Reports to assess the likely impact of the development on existing properties in the vicinity of the site and to assess if residents of the proposed development would have main living rooms that would receive acceptable levels of daylight and sunlight. The report relies on guidance in the BRE document entitled Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice 2011 (the BRE guidelines). This document is the principal guidance in this area and while not statutory, it does set out the methodology for measuring light and recommends permissible or unobtrusive levels of change. In assessing the impact of the proposal on Winchester House, Amber House, Alston House and Ringside, the report considers the impact of the proposed development on 494 (or 96%) of 516 windows on these buildings. It concludes that 323 (94%) of 342 rooms within the surrounding residential properties are not affected by the proposal. Many of the reductions in daylight and sunlight on windows are due to self-obstruction from balconies and overhangs and when these are removed (in accordance with the BRE guidelines) 511 of 516 windows (99%) are compliant, indicating that the relative losses are primarily a result of self-obstruction from their own design. The scheme is considered to display a very high degree of compliance with the BRE guidelines and high levels of retained daylight. The results indicate that daylight and sunlight levels surpass those normally expected in an urban environment and any losses of daylight are considered acceptable.

9.18 Within the development, the internal daylight amenity assessment has considered the first 3 residential floors in each of the 3 proposed residential blocks. By virtue of their lower location, these rooms are most likely to experience inferior light levels as compared to the upper floors which will have superior access to skylight. The assessment demonstrates that the proposed residential properties will enjoy full compliance with the BRE guidelines.

9.19 An area of open space for use by residents is provided behind block A. This space will include trees and hard landscaping and will be large enough to act as an informal play area for residents. Play equipment is not proposed for the space which would be available for informal leisure and as a seating area. Together with balconies for each apartment, the scheme will provide appropriate open space for residents.

9.20. The commercial floorspace in blocks A, B and C will fall within use classes E, F1 and F2 with final quantum to be flexible within the proposed use classes. In order to ensure that future residents will be protected from the effects of noise from the commercial units and the specifications of any ventilation extraction units will be

required to take account of the amenities of residents in terms of noise. In addition, the site is located within the town centre close to major roads and the adjoining leisure facilities at the Point. A Noise Impact Assessment has been submitted and noise mitigation measures, secured through a condition will be required to be submitted to ensure a satisfactory living environment for residents.

iii Highways

9.21 The site is located on Market Street on the site of the former bus station and more recently the area has been used as a yard for the Council's contractor for storage for materials for highway purposes. Market Street is subject to a 30mph speed limit and is a well used road due to its location within the town and the links it provides to the bus and rail stations.

9.22 The site currently has one wide point of access close to the signalised crossing on Market Street opposite the parking layby. The footway that runs past the front of the site is quite wide but would require further widening to make it suitable to be used by cyclists as well as pedestrians. Adjacent to the southern boundary of the site is the pedestrian link to The Peel Centre and The Point which are located behind the site to the West.

9.23 The proposal seeks to utilise the existing access with some minor modifications to its position as well as creating a new access approximately 35m from the stop line of the traffic signals. This new access point is to be used as an exit only due to the limited turning space on site and the requirements for deliveries to pass through the site from the south, and a Traffic Regulation Order will be required to control access at this point. With that in mind the position of the access in relation to the traffic signals is acceptable.

9.24 It is also clear from the submission that the proposed layout will only allow a certain size of delivery vehicle to the site due to the scale of the access proposals. The maximum size of vehicle is large enough for the proposed uses on the site and would include refuse vehicles but planning conditions would need to be in place controlling deliveries to the site. Some of the proposed commercial uses may lead to larger vehicles visiting the site. This mainly relates to the food store proposals.

9.25 In relation to the design of the internal access roads the current designs appear to provide for a wide open expanse of paving with some specific limited areas of planting and trees. In relation to the southern access road, this route has to accommodate vehicles, pedestrians, deliveries and some control equipment for the ramp into the car park. The set down location for deliveries which would serve block D and one end of blocks B and C has been defined within this space and allows for vehicles to wait without obstructing the traffic light system that controls access to the ramp to the decked car park behind blocks B and C. The one way nature of the multi storey car park ramp means that traffic is to be controlled at ground floor level.

9.26 In relation to the northern access, the design issues are similar in terms of the design of the space and location of delivery areas. Block A is likely to house the food retail unit that is being sought and thus more frequent deliveries would be expected to such a store even though this unit may be smaller in scale a dedicated delivery bay has been provided in this area.

9.27 In relation to the frontage of the site, the applicant has indicated a sliver of land that can be dedicated as public highway to provide a minimum 3m footway/cycleway space across the frontage of the site. This could tie into wider changes planned along

Market Street as well as the existing infrastructure on Skimped Hill Lane. This provision is welcomed and should be dedicated as highway as part of the S278 highway works required to form the entrances on Market Street.

9.28 The doors to the cycle and refuse stores should either be roller shutter type or open inwards to ensure they do not conflict with a vehicle passing by within the undercroft. The door to the commercial refuse store needs to be increased in width to allow for access for the larger bins. A condition has been included requiring details of the cycle and refuse stores to be submitted for approval.

9.29 In relation to the pedestrian route that runs adjacent to the southern boundary of the site and links to the Peel Centre, the route is open on the Market Street frontage and the inclusion of 1 tree does not remove the potential for pedestrians and cyclists to conflict at this point. Further alterations are required to this area and the details could be conditioned.

9.30 More formal planting and trees are required to direct pedestrians to the crossing point. The widened path across the site frontage to provide the opportunity for a new cycleway along Market Street will need to be designed in detail. This is because the current controlled crossing is only suitable for pedestrians and so cyclists will need to dismount at this point. Such matters can be dealt with under a section 278 highways agreement. However, the need to secure a revised adopted route from Market Street to the Peel Centre of at least 3m wide to enable future pedestrian and cycle access will need to be covered by an obligation in a section 106 agreement. Such a route will need to be defined through the open area proposed.

Parking

Commercial parking

9.31 There are various uses proposed within the use class being sought under this application some of which may be more suitable for this location. The description of development currently includes the provision of community type uses. Such uses bring with them specific patterns of use with the potential for a lot of people to arrive over a limited period. This could lead to a significant amount of drop-off/pick-up within the site which could impact on the safe operation of the site. No parking is proposed on site for the commercial uses. Any commercial uses should be capable of being used safely without on site parking or drop off facilities. Transport work that has been carried out by the applicant has focussed on specific uses and floor areas and the demand that could arise against our parking standards. These uses include office, gym and food retail uses. It is recognised that non-food retail uses may also occur within some of the buildings proposed and for such scale the standard required is the same as food retail.

9.32 The road design adjacent to this unit within the site is such that indiscriminate parking would not be possible as it would block the road and there is a loading bay adjacent that would serve such a use. Parking on Market Street is restricted, although there are some on street time limited bays that provide some capacity. Further spaces are to be provided once the Amber House development is complete and this will provide some parking stock for the retail uses in the area.

9.33 Such parking provision along with on site management should help cater for demand for parking and other nearby parking facilities could also be used. With that in mind the Local Planning Authority are advised to consider restricting the scale of the

food retail use to the floor area indicated (318m²) to ensure the scale of the use does not increase demand too significantly on the surrounding area.

9.34 In regard to the Gym use that could occur on the site, this appears to be within blocks B&C (Approx. 510m²) and this would require a total of 13 parking spaces. Again, no parking is provided but such a use could be accommodated within local car parks. Typical peak demand for such a use occurs in the early morning and evenings before or after more general peak demand has occurred and at weekends when use varies throughout the day. It should also be remembered that trips to such facilities may be linked with another trip such as shopping or work. In that regard some of the demand on the local car parks may in reality already be in place as part of another trip.

9.35 Block D is a self-contained block and appears to be set aside for an office use as well as other community uses. An office type use as defined by the applicant would generate the need for 67 parking spaces against BFC parking standards and these would need to occur in nearby car parks. This is not uncommon for such a use and there would appear to be capacity in many of the surrounding car parks to cater for such a need. In addition, trips to such facilities are part of a specific trip purpose and those making the journey will plan in advance the mode of travel they wish to use when knowing what options to travel are available. Furthermore, with the location of the site in close proximity to the rail and bus stations, along with the more recent changes to working practices of office workers, the actual demand that may arise from this specific use could be less. A travel plan would be required for an office development of this scale that could also help to control/reduce demand in the longer term. This form of the building (multi storey) is such that this is the most realistic use.

9.36 Overall, it is felt that the commercial uses on the site with specific controls and restrictions as well as a travel plan are unlikely to lead to operational issues or provide a demand on local car parking that cannot be accommodated either as part of a specific trip or that associated with a trip already made.

Residential Parking

9.37 The proposed site currently provides a total of 90 parking spaces and two car club spaces (92 overall). 90 parking spaces equates to 0.53 spaces per dwelling. This level of parking is below the 0.9 parking spaces per dwelling average that is set out in the town centre parking standards. The parking is made up of a small amount of parking at ground floor and three levels of car parking access via a controlled ramp. Two additional parking spaces are provided on site which are specifically for a car club that will help increase the options for residents who choose not to own a car but would like access to one. Evidence suggests that for every car club space provided, the equivalent of 9 parking spaces are realised. Taking this into account the equivalent of 108 parking spaces would be provided creating an equivalent ratio of 0.64 spaces per dwelling.

9.38 This ratio is still lower than the town centre standard and below parking levels provided on similar sites in close proximity to this site. The Amber House site provided an overall ratio of 0.99 spaces per dwelling and the Coldborough House site provided a ratio of around 0.77 spaces per unit, with the inclusion of 3 car club spaces to aid in making up the shortfall in the ratio against current standards. A table showing the parking ratios achieved on nearby developments is set out below:

Development	Number of units	Parking Spaces	Parking Ratio
Coldborough House 18/00964/FUL	242 residential 225sq.m commercial floorspace	187 plus 6 visitor spaces 3 car club spaces (equivalent to additional 30)	0.77 0.9
Station House 14/00684/PAC	88 units	Access to 127 spaces in station car park secured through existing lease	1.4
Winchester House 18/01060/FUL	338 units	305 in Skimped Hill Lane car park	0.9
Amber House	193no. residential apartments and commercial floorspace	195 – 187 residential, 8 commercial spaces	0.99 for residential

9.39 In respect of this application, it is recognised that the shape of the site and the inclusion of a major sewer running across the site are constraints that could well impact on the parking provision that would be possible on site. Furthermore, the planning considerations of further decks to the car park need to be considered in terms of the visual appearance of the scheme. Both these considerations limit the potential for further parking on the site which would reduce the reliance on any off site parking. Increasing the car club spaces to three would help reduce the shortfall slightly.

9.40 With the current scheme as proposed, 44 parking spaces would need to be accommodated in other lawful areas to meet the town centre parking standard of 0.9 spaces per unit.. The applicant indicates that this would be in local car parks near to the site. These are not within the application site but a S106 can be used to secure parking spaces within Bracknell Forest owned car parks within Bracknell town centre. A letter has been received from the Bracknell Forest Assistant Director Contract Services setting out that the proposed use of car parking spaces by residents of this development would not impact current and future use by shoppers using the car parks. During the busiest day of 2021 the High St car park reached 20% of its capacity and Braccan Walk Car Park 40% of capacity. There are 960 spaces in High Street Car Park and 730 spaces in Braccan Walk Car Park. The sale of annual season tickets in these car parks for use by businesses and residents is already Council policy. Any individual can purchase a parking permit.

9.41 From observations of similar developments affordable housing generally has a lower parking demand than private housing. However, the level of affordable housing within the site is no higher than policy compliant (25%) and so the impact on likely parking demand is expected to be nominal. The applicant has introduced some motorcycle parking spaces within the car park deck on floors 1 and 2 and this will provide 8 spaces for use by the residents and this will provide an option for those who want an alternative to a car.

9.42 A travel plan for the residential development will be required and measures within such a plan could help support alternative travel to the car such as free bus or rail passes for new residents as well as discounted access to the car club. Such measures could be investigated to further support travel by non-car modes and included in any revised Travel Plan.

9.43 Disabled car parking has been provided on site to the town centre standards with spaces provided on all levels of the decked car park. However, it is noted that the parking spaces on the upper levels of the car park do not have the transition space adjacent to the driver's side, it is advised that this is altered and, in that regard, the space adjacent would also have the ability to be used by a disabled person, especially a passenger in a vehicle.

9.44 A lift is to be included within block B that can be accessed via the car park and this will aid in any disabled person or parent with a push chair etc. gaining safe and easy access out of the car park to the building entrance.

9.45 A car park management plan for the site will be required, not only to set out the control of the access and traffic light system but also to set out how the parking stock will be distributed across the development and how future residents that would not be eligible for a parking space are treated and informed prior to purchase. Parking spaces must be fairly and reasonably controlled so as not to lead to future residents being displaced and parking elsewhere. Furthermore no one flat should have access to more than 1 parking space or permit.

9.46 It is recognised that around the site there are suitable parking controls in place to restrict long term parking and internal controls will also be in place as secured through the car park management plan to restrict parking. However, such restrictions are only as good as the enforcement of them and unlike commercial uses which generally have the greatest demand during the day, residential demand can occur during the night. In that regard there is more potential for some parking to be displaced onto the widened footway adjacent to the site at night. Should such a situation arise then further physical measures may need to be introduced to protect the route.

9.47 Overall, the Highway Authority recognise the constraints this site has and this will impact on the level of on site parking that can be provided.

Cycle parking

9.48 Parking to standards for the residential element has been provided, however for the types of rack proposed some minor alterations to the layout of the cycle parking will be required. This can be dealt with by condition, with details to be submitted prior to commencement to ensure any minor building changes that may be required are factored into the design process. Cycle parking for the commercial uses will also be conditioned.

Traffic Impact

9.49 Information submitted indicates the level of trips is limited in the peak hours and spread across the network assuming that some of the activity takes place from town centre car parks as the applicant is relying on parking occurring here for the residential and commercial elements. The assessment also reflects the commercial uses set out in the parking section above and in that regard, it is anticipated that activity levels on Market Street from the site would generate approximately 43 two way trips in both the AM and PM peak hour. A further 53 two way trips and 94 two way trips in the AM and

PM peak hours respectively would be expected on the wider town centre network from the remaining residential and commercial traffic. This would be spread out across the wider road network and junctions depending on which of the various routes are used to access the various car parks. Furthermore the town centre regeneration proposal did previously consider development on this site for various uses and although the consent has now lapsed it does indicate that development on this site was considered and the relevant junction improvements around the town centre were delivered to provide suitable mitigation. It is also recognised that this site has been included in the Emerging Local Plan for residential development and so a consideration of the impact into the future has also been undertaken. A financial contribution to wider transport improvements will be sought to deal with the cumulative impact of the development on the surrounding network. Such matters will be dealt with via an agreement pursuant to section 106 of the Town and Country Planning Act 1990.

Conclusion

9.50 The Highway Authority has concerns about the residential parking provision for this proposal and the precedent it could set for other residential development in and surrounding the town centre. However, it will be possible to secure off site parking through a legal agreement under section 106 of the Town and Country Planning Act 1990.

iv Drainage

9.51 A Site- Specific Flood Risk Assessment (FRA) has been undertaken for the proposed development. This FRA has been prepared in compliance with guidance given in the National Planning Policy Framework (NPPF) (February 2019) with the latest relevant Planning Practice Guidance.

9.52 The FRA finds that the Environment Agency Risk of Flooding from Rivers and Sea map indicates that the proposed development site is situated in Flood Zone 1, which is an area of the lowest risk of flooding. The overall risk of flooding from other sources at the site is low. Therefore overall, the flood risk due to this development is assessed to be low. Part of the site which includes Block D included in the outline planning application is shown to be located within an area at medium risk of flooding according to Environment Agency Mapping. A surface water drainage strategy has been submitted which demonstrates that flooding on site would be contained within the site boundary, and that the flow path along Market Street would not be impeded by the development. Hydraulic modelling of the overland flow paths should be carried out before the reserved matters for Block D are approved to ensure that flooding is not increased elsewhere and that the development would not be at significant risk of flooding.

9.53 A pre-application capacity check has been sent to Thames Water to ascertain if they have sufficient capacity in their existing sewers for the proposed development. There is sufficient capacity for the surface water system. Thames Water need to model the foul system to confirm the capacity and will not proceed until planning permission has been granted.

9.54 The proposed development requires the diversion of existing surface water sewers. Thames Water have given an Approval in Principle based on preliminary

information, but a detailed application will need to be submitted to Thames Water for approval.

v Biodiversity

9.55 Green infrastructure that allows for the permeability of the urban environment for wildlife is important in this town centre location as part of an ecological network. Requiring resilient ecological networks is in line with paragraph 174 of the NPPF and LP16 of the emerging Local Plan.

9.56 The existing vegetation though poor in condition and mainly comprising non-natives does still provide refuges and links both along Market Street (north-south) and across what will become the plaza (east-west) at the southern end of the site.

9.57 The current design removes the soft ground of the plaza corridor and replaces it with moveable planters. These are unlikely to provide the same biodiversity value as the existing vegetation due to the limited physical structure and removing the connection with the ground such that most terrestrial species will be unable to use them. However a strip of land is shown to be provided for a planted corridor along the plaza.

9.58 Section 4.28 of the Preliminary Ecological Appraisal (PEA) values the existing scrub/shrub habitat for birds as low. However, given the urban environment, this vegetation is likely to provide dense cover suitable for nesting birds that is relatively uncommon in the local area. The new planting on the western boundary may provide some nesting habitat in the long term and the planting strip along the southern boundary could also provide shrub cover in a continuous band.

9.59 Section 5.9 of the PEA suggests that bird boxes should be included within landscaped areas as well as on buildings which would help in supporting a wider range of species. New bird boxes may need to be a free-standing design if all the existing trees are removed as currently proposed and these should be shown on scaled landscape drawings. New bird boxes on the buildings should use integrated swift bricks at various heights which have been shown to accommodate a number of different species.

9.60 The proposed native hedgerow on the western boundary is welcome but it has much reduced value if a large section in the middle is replaced with climbers unless those produce fruit and flowers. This information can be provided through a landscape condition. The PEA also recommends the use of invertebrate habitat features within soft landscaping in suitable, sunny locations.

9.61 The use of moveable planters to provide tree planting over a relocated sewer easement is innovative but there may be uncertainty over the long term viability of these structures so they should be secured through a S106 agreement.

9.62 Biodiversity Impact Assessment predicts a net gain of 74.43% (0.68 units) based on the provision of green roofs (biosolar), landscaping and street trees. In addition, the design would provide 50 metres of new hedgerow which is measured as a 100% increase, although there is an existing low non-native hedgerow of 100 metres around the periphery of the site which may provide some similar, though poorer function. It is acknowledged that the predicted Biodiversity Net Gain is well in excess of the 10% requirement.

vi Community Infrastructure Levy (CIL)

9.63 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.

9.64 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.

9.65 CSDPD Policy CS6 states that development is expected to contribute to the delivery of: -

- (a) infrastructure needed to support growth and;
- (b) infrastructure needed to mitigate impacts upon communities, transport and the environment.

9.66 Guidance in the Planning Obligations SPD is relevant. Bracknell Forest Council Community Infrastructure Levy (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. It applies to any new build but in the case of outline applications is calculated when reserved matters are submitted. In the case of this application, CIL is calculated at the reserved matters stage.

9.67 The application site is within the Central Bracknell charging zone with a Nil charging rate.

vii Thames Basin Heath Special Protection Area

9.68 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 Regulations 2017 (as amended).

9.69 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 TBH SPA unless it is carried out together with appropriate avoidance and mitigation measures.

9.70 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 TBH 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.

9.71 In this instance, the development would result in a net increase of 55 x 1-bedroom, 105 x 2-bedroom and 9 x 3-bedroom dwellings within the 400m – 5km TBH SPA buffer zone which results in a total SANG contribution of £756,422.

9.72 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) of £105,691 which is also calculated on a per bedroom basis.

9.73 The total SPA related financial contribution for this proposal is £862,113 payable on completion of the s106 Agreement.

9.74 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 work 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.

viii Provision of Affordable Housing

9.75 Saved Local Plan Policy H8 states that the Council will require an appropriate proportion of affordable housing on identified major housing allocations and other sites where development would result in a net increase of 25 or more dwellings, or on a site which is over one hectare in size irrespective of the number of dwellings.

9.76 The Planning Obligations SPD makes reference to Policy CS17 (Affordable Housing) of the Core Strategy along with the subsequent decision of the Council Executive (March 2011). This sets out that proposals providing 15 net additional homes or more will be required to meet a provision of up to 25% of net new homes to be affordable, subject to viability. With regard to tenure split, the Council will seek 70% to affordable rent and 30% to be intermediate housing.

9.77 The Application seeks to deliver a policy compliant level (25%) of affordable housing. The Scheme will deliver a total of 42 units, which will come forward as 29 Affordable Rent Units and 13 Shared Ownership. This equates to a policy compliant tenure split of 70% affordable rented units and 30% intermediate housing.

9.78 Of the 42 affordable units proposed, 28 of the units are two bedroom units and 14 one bedroom units.

9.79 The provision of affordable housing will be secured through a S106 agreement.

10. CONCLUSIONS

10.1 The site is within Bracknell town centre where development to meet a range of needs including residential and Class E and F uses of offices, retail, and a gym are considered to be acceptable in principle. The site is proposed to be allocated in the Emerging Local Plan for 141 dwellings net and 4,700sqm commercial floorspace. The proposed development in this application is for 169 dwellings and 3549sq.m commercial floorspace and this is considered to be broadly in line with the principles of the proposed allocation. Affordable housing is to be provided to meet the current policy requirement of 25% of units to be affordable with 29 to be affordable rent capped at social rent and 13 shared ownership.

10.2 A total of 90 parking spaces will be provided on site within a decked car park positioned behind blocks B and C together with 2 car club spaces provided on site which can be assessed as increasing the on-site provision by 18 spaces. An additional 44 parking spaces will be provided off site within town centre car parks to serve the residential units in Blocks A, B and C. This results in a total of 152 parking spaces to serve the residential units. Parking is provided at a ratio of 0.63 spaces per dwelling including the 2 car club spaces. When off site parking is taken into account parking meets the town centre parking standard of 0.9 spaces per dwelling. Adequate cycle parking and refuse storage facilities are provided. Parking for the commercial units will be available in town centre car parks.

10.3 The development includes 4 blocks, ranging in height from 17 storeys at the northern point, reducing to 6 storeys adjoining Amber House. This is considered to be acceptable on this town centre site.

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 The development will be set back from Market St behind a landscaped strip to include trees within planters and includes an enhanced walkway from Market St to the Peel Centre. The courtyards between blocks A and B and between blocks C and D allow for spacing between buildings and views into the site and will include hard and soft landscaping. An area of open space for residents is also included behind block A. Although the site currently includes trees, which will be removed, they are not trees of significant quality and the development does allow for a structures landscaping strategy to be provided to enhance the landscaping of the site.

10.6 Biodiversity Net Gain will be well in excess of the 10% requirement.

10.7 A legal agreement pursuant to S106 of the Town and Country Planning Act 1990 is required to secure contributions for SPA mitigation, affordable housing, Biodiversity Net Gain, landscaping, a Travel Plan, off site car parking, highway requirements and contributions towards a new Traffic Regulation Order, Open Space of Public Value and Community Facilities.

10.8 The application is therefore recommended for approval, subject to the completion of a section 106 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 and M9, and the NPPF.

11. RECOMMENDATION

Following the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 to secure planning obligations relating to:

- i. Measures to avoid and mitigate the impact of residential development upon the Thames Basins Heath SPA
- ii. provision of the agreed standard of affordable housing;
- iii. terms to ensure that the outline part of the application maintains the predicted biodiversity net gain in Reserved Matters.
- iv. terms to secure contribution for monitoring biodiversity net gain for 30 years (0.31 ha)

- v Terms to secure maintenance and replacement of moveable planters for the lifetime of the development
- vi The requirement to enter into legal agreements pursuant to section 278 and section 38 of the Highways Act 1980 for the highway works along Market Street to create vehicle access and a widened footway as well as providing a new public link to the Peel Centre suitable for pedestrians and cyclists.
- vii A financial contribution towards transport infrastructure to mitigate the impact of the development.
- viii Securing off site car parking to serve the development within car parks owned by Bracknell Forest Council.
- ix A financial contribution towards a new Traffic Regulation Order in relation to a movement restriction at the new egress to the site at the northern end of the site.
- x A travel plan for the commercial and residential elements of the proposal.
- xi. A financial contribution towards Active and Passive Open Space of Public Value
- xii. A financial contribution towards community facilities

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. Applications for approval of the first Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990

02. The development approved by Reserved Matters shall begin no later than the expiration of three years from the final approval of the reserved matters for that Phase, or, in the case of approval on different dates for a single Phase, the final approval of the last such matter to be approved.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990.

03. No development (excluding enabling works, demolition and site clearance) shall take place until a plan identifying the extent of each Phase or Sub-phase has been submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of the proper planning and comprehensive delivery of the site and associated infrastructure.
[Relevant Policies: BFBLP EN20, CSDPD CS5 and CS7]

04. Phase 1 of 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.

05. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 17.12.2021

- MAR-CGL-ZZ-ZZ-DR-A-000001 R2
- MAR-CGL-ZZ-00-DR-A-050001 R6
- MAR-CGL-ZZ-01-DR-A-050002 R3
- MAR-CGL-ZZ-02-DR-A-050003 R3
- MAR-CGL-ZZ-03-DR-A-050004 R4
- MAR-CGL-ZZ-03-DR-A-050005 R2
- MAR-CGL-ZZ-03-DR-A-050006 R2
- MAR-CGL-ZZ-03-DR-A-050007 R2
- MAR-CGL-ZZ-03-DR-A-050008 R2
- MAR-CGL-ZZ-03-DR-A-050009 R2

MAR-CGL-ZZ-03-DR-A-050010 R3
MAR-CGL-ZZ-03-DR-A-050011 R3
MAR-CGL-ZZ-03-DR-A-050012 R3
MAR-CGL-ZZ-03-DR-A-050013 R3
MAR-CGL-ZZ-03-DR-A-050014 R3
MAR-CGL-ZZ-03-DR-A-050015 R2
MAR-CGL-ZZ-03-DR-A-050016 R2
MAR-CGL-ZZ-03-DR-A-050017 R2
MAR-CGL-ZZ-LG-DR-A-050000 R2
MAR-CGL-ZZ-RF-DR-A-050018 R2
MAR-CGL-ZZ-ZZ-DR-A-000003 R2
MAR-CGL-ZZ-ZZ-DR-A-060001 R4
MAR-CGL-ZZ-ZZ-DR-A-060002 R4
MAR-CGL-ZZ-ZZ-DR-A-060003 R4
MAR-CGL-ZZ-ZZ-DR-A-060004 R4
MAR-CGL-ZZ-ZZ-DR-A-060005 R2
MAR-CGL-Z1-ZZ-DR-A-060100 P2
MAR-CGL-Z1-ZZ-DR-A-060101 P2
MAR-CGL-Z1-ZZ-DR-A-060102 P2
MAR-CGL-Z1-ZZ-DR-A-060103 P2
MAR-CGL-ZZ-00-DR-A-050200 R5
MAR-CGL-ZZ-00-DR-A-050201 R5
MAR-CGL-ZZ-00-DR-A-050204 R5
MAR-CGL-ZZ-01-DR-A-050202 R3
MAR-CGL-ZZ-01-DR-A-050203 R2
MAR-CGL-ZZ-00-DR-A-050100 R6
MAR-CGL-ZZ-ZZ-DR-A-060100 R4
MAR-CGL-ZZ-ZZ-DR-A-060101 R4
LN00625 L-100 P07
LN00625 L-101 P11

Market Street Flood Risk Assessment And Drainage Strategy (including SuDS Assessment) Former Bus Depot Site, Market Street Energy Statement
Former Bus Depot Site, Market Street Sustainability Statement

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

06. No development above slab level for each phase 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 and roof materials, 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]

07. Prior to the commencement of development for each phase, details are to be submitted and approved in writing by the Local Planning Authority, 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 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

REASON: In the interests of amenity and road safety.

08. A landscape and ecological management plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the practical completion of each phase 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 LEMP will be implemented in accordance with the approved details.

REASON: In the interests of nature conservation.

[Relevant Plans and Policies: Core Strategy CS1]

09. No development above slab level in each phase shall commence until a scheme for the provision of biodiversity enhancements (not mitigation), including a plan or drawing showing the location of these enhancements, shall be 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 of the first dwelling hereby approved confirming the implementation of the approved enhancement measures.

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

REASON: In the interests of nature conservation.

[Relevant Plans and Policies: Core Strategy CS1]

10. Prior to the commencement of each phase (including demolition and site clearance) a Construction Environmental Management Plan (CEMP) to control the environmental effects of the demolition and construction work for that phase shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include measures for: -

- (i) - the control of noise (including noise from any piling and permitted working hours)
- (ii) control of dust, smell and other effluvia
- (iii) the control of pests and other vermin (particularly during site clearance)
- (iii) control of surface water run off
- (iv) site security arrangements including hoardings
- (v) proposed method of piling for foundations
- (vi) construction and demolition working hours

(vii) The control of noise from delivery vehicles, hours during the construction and demolition phase, and times when delivery vehicles or vehicles taking materials are allowed to enter and leave the site.

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

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

11. Prior to the occupation of each phase of the development hereby permitted comprehensive details of both hard and soft landscaping works for that phase shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

a) Comprehensive planting plans of an appropriate scale and level of detail that provides adequate clarity including details of ground preparation and all other operations associated with plant and grass establishment, full schedules of plants, noting species, and detailed plant sizes/root stock specifications, planting layout, proposed numbers/densities and locations.

b) Details of semi mature tree planting.

c) Comprehensive 5 year post planting maintenance schedule.

d) Underground service (drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.) and external lighting layout to include 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.

Prior to the occupation of each phase of the development hereby permitted, all planting associated with that phase 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 occupation of the phase of the development. All hard landscaping works associated with a phase of the development shall be carried out and completed prior to the occupation of that phase 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 by the Local Planning Authority

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

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

12. 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]

13. The development hereby permitted shall be implemented in accordance with the submitted Energy Statement and shall be retained in accordance therewith. REASON: In the interests of sustainability and the efficient use of resources. [Relevant Plans and Policies: CSDPD Policy CS12]

14. No development (other than the construction of the access or any temporary access required for the construction period) shall take place until the access to the site 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]

15. No dwelling or building shall be occupied until a means of pedestrian/cycle access 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]

16. Prior to the occupation of each phase of the development, the associated vehicle parking and turning spaces for that phase shall be 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]

17. Prior to the occupation of each phase of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority for covered and secure cycle parking facilities. Each phase of the development shall not be occupied until the approved scheme for that phase 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]

18. No commercial unit 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 (including shower facilities and lockers for employees). 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]

19. Prior to commencement (excluding demolition, site clearance and enabling works) of each phase details showing the finished floor levels of the buildings hereby approved in relation to a fixed datum point are to be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details. REASON: In the interests of the character of the area. [Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]

20. Prior to the occupation of each phase, the dwellings hereby approved shall not be occupied until a noise mitigation scheme for protecting the proposed dwellings from road noise has been submitted to and approved by the Local Planning Authority.

The noise mitigation measures shall be installed, retained and maintained thereafter in accordance with the approved scheme

REASON: To protect future residents from external noise. [Relevant Policies: BFBLP EN25]

21. Prior to the occupation of each phase, the dwellings hereby approved shall not be occupied until a scheme for the protection of the occupiers of the proposed dwellings located above the commercial units from noise from the commercial units below has been submitted to and approved by the Local Planning Authority. Any works which form part of the scheme approved by the Local Planning Authority shall be completed before any permitted dwelling is occupied and thereafter shall be retained.

REASON: To ensure that the amenities of the future residents is not adversely affected by noise.

[Relevant Policies:, BFBLP EN25]

22. Prior to the occupation of each phase, the dwellings hereby approved shall not be occupied until details of plant and equipment including air conditioning units or chiller units have been submitted to and approved in writing by the Local Planning Authority. The details should include a noise assessment. The noise generated from the plant and equipment whilst in operation shall not cause the existing background noise level to increase whilst in operation measured in accordance with BS4142:2014. The plant and equipment shall be installed and operated in accordance with the approved scheme.

REASON: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties.

[Relevant Policies: BFBLP EN25]

23. The development hereby permitted shall not be begun (excluding demolition, site clearance and enabling works) until a plan showing visibility splays 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. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the adjacent carriageway.

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

24. No development above slab level shall commence until a scheme for the internal design of the car park has been submitted to and approved in writing by the Local Planning Authority and shall include details of:

- (a) directional signs and their locations
- (b) surface markings
- (c) pedestrian routes within the car park
- (d) location and design of cycle parking and motorcycle parking (including bollards to control parking areas),
- (e) details of the car park control system and scheme of operation and maintenance.
- (f) car parking for people with disabilities including signage
- (g) gradients of the pedestrian and access routes
- (h) location of ev charging points

The approved scheme shall be implemented prior to the car park being first brought into use and shall thereafter be retained.

REASON: In the interests of the accessibility and safety of the car park users.

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

25. No gates shall be provided at the vehicular access and egress to the site.

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

26. 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:

- Access and egress to the site from Market Street
- Widening the footway along the site frontage with Market Street

The buildings constructed in the course of the development shall not be occupied/open for trade until the off-site highway works have been completed in accordance with the scheme. REASON: In the interests of highway safety.
[Relevant Policy: BFBLP M4]

27. No development above ground floor slab level shall be commenced until a scheme has been submitted to and approved by the Local Planning Authority setting out how the Car Parking Spaces provided on and off site shall be allocated to occupiers of the development hereby approved and managed in perpetuity. The scheme shall provide details of:

- (a) The allocation of on and off site parking spaces to residents/occupiers of each block, and the allocation of spaces when units are re-sold or re-let;
- (b) The allocation of on and off site parking spaces between the different tenures of residential units on the development;
- (c) on site restrictions to prevent parking on roads and loading bays within the site to include details of enforcement of parking restrictions on site;
- (d) How the number of permits for off site parking will be allocated for residents of the development;
- (e) How off site parking will be secured and administered.

REASON: To ensure that the development is provided with adequate parking to prevent the likelihood of on-street parking which could be a danger to other road users.
[Relevant Policy: BFBLP M9]

28. Development of Block D shall not commence until the results of hydraulic modelling of the overland flow paths have been submitted to and approved by the Local Planning Authority.

REASON: In order to ensure the provision of adequate drainage works to the serve the development.

[Relevant Policy: BWLP WLP6]

29. No development above ground floor slab level shall be begun until details of on-site refuse storage (including any open air storage facilities) for waste material awaiting disposal (including details of any screening) have been submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided in accordance with the approved details prior to the first occupation of the development and thereafter permanently retained.

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

[Relevant Policies: BWLP WLP6 and WLP9]

30. No more than 318 sqm gross internal floorspace shall be occupied as a food retail unit falling within Class E (a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) on the site at any time.

REASON: The development does not provide on-site parking to serve a retail unit and on-street parking by users of any retail unit could be a danger to other road users.
[Relevant Policy: BFBLP M9]

31. Prior to the occupation of each phase of the development details of the design, operation and ongoing maintenance regime for electric vehicle charging infrastructure with a minimum output of 7kW shall be submitted to and approved in writing by the Local Planning Authority. Electric vehicle charging infrastructure shall be provided in a minimum of 20% of car parking spaces provided on site. 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).

32. No delivery vehicles with a length in excess of 10m shall be permitted to enter the site.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

In the event of the S106 agreement not being completed by 31st March 2022, the Assistant Director: Planning be authorised to either extend the period further or refuse the application for the following reasons: -

1. 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).

2. 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 proposed development would unacceptably increase the pressure on highways and transportation infrastructure and public open space and the proposal would be 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.

3. In the absence of a planning obligation to secure affordable housing in terms that are satisfactory to the Local Planning Authority, the proposal would be 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

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:

03, 07, 10, 14, 19, 23, 26, 28

The following conditions require discharge prior to development above slab level: 06, 09, 24, 27, 29

The following conditions require discharge prior to the occupation of the dwellings hereby approved: 11, 15, 16, 17, 18, 20, 21, 22, 31.

No details are required to be submitted in relation to the following conditions; however they are required to be complied with 01, 02, 04, 05, 12, 13, 30, 32.

The following conditions require discharge prior to completion of each phase of development: 08.

03. Notwithstanding the wording of Bracknell Forest Council's Parking Standards SPD, the Building Regulations Part S "Infrastructure for the charging of electric vehicles" 2021 edition takes effect on 15 June 2022 for use in England. It does not apply to work subject to a building notice, full plans applications or initial notices submitted before that date, provided the work is started on site before 15 June 2023. The applicant should familiarise themselves with, and comply with, the requirements of this document with regard to provision of electric vehicle charging infrastructure.

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INFORMATION ITEM FOR COUNCILLORS, NOVEMBER 2021

PLANNING PERFORMANCE REPORT – QUARTER THREE, 2021-22

Executive Director: 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 third quarter of 2021/22, it includes figures for the previous quarter for comparison.

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	Q3 2019/20	Q3 2021/22	Change
Application Type	Applications Determined		
Majors	9	12	+3
Minors	41	28	-13
Others	132	118	-14
Total	182	158	-24
	Applications on Hand		
Total on hand	254	414 (est)	+160

2.3 The table shows that during the third quarter of 2021/22, some 30 fewer applications were determined than for the same quarter of 2019/20.

2.4 The high level of applications over recent months has resulted in the currently high number of cases in hand (414) which is an increase of 160 on the number on hand at the end of the same quarter of 2019/20. This continues to take time to clear but the number is now some 58 lower than it was at the start of the second quarter of the current year. Additional resources have been secured which is helping to deal with the backlog. Further recruitment has taken place within planning to help deal more quickly with applications on an ongoing basis.

2.5 The high numbers of applications combined with some ongoing resourcing issues in planning and other contributing services has resulted in some applications taking longer to process than usual as can be seen in the performance figures in the next section of this report. This is the experience of most planning authorities at present and a warning about timescales has been placed on the Council website and on the acknowledgement letters sent to applicants.

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
Q3 2021/22				
Majors	84%	85%	8	12
Minors	86%	90%	28	36
Others	82%	90%	89	121
Total			125	169
Q2 2021/22				
Majors	84%	85%	3	6
Minors	89%	90%	43	51
Others	77%	90%	76	134
Total			122	191

- 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
Q3 2021/22	440	414 (at end Nov)	-26
Q2 2021/22	475	440	-35

- 3.3 The data show that performance on major applications has stayed the same as the previous quarter and remains at 84%, just 1% below the 85% target. Performance on minor applications reduced slightly from 89% for the previous quarter to 86% for the latest quarter which is 4% below the 90% target. Performance on other applications has improved from 77% in the previous quarter up to 82% for the latest quarter but remains some 8% below the 90% target. This is largely due to the very high workloads being experienced which includes significant numbers of telecoms boxes.

3.4 The number of cases on hand had decreased by around 26 cases by the end of November. However, it still remains at a historically high level at around 414 cases on hand given that in pre-covid times it was normally well below 300.

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
Q3 2021/22	52	48	97
Q2 2021/22	54	75	93

4.2 The table above shows that 4 more cases were opened than closed 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 we are managing to maintain that level.

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

	Q3 2021/22	Q2 2021/22	Change	Change %
Current cases over 6 months old	57	56	+1	+1.8%
Current cases over 12 months old	26	32	-6	-18.8%
Current cases over 18 months old	20	24	-4	-16.7%

4.4 Table 4 above shows that, over the previous quarter there has been a small increase of one case in the number of cases over 6 months old. For the numbers of cases over 12 and 18 months old there have been reductions of 18.8% and 16.7% respectively. This progress has been assisted being able to keep the overall caseload below 100 cases on hand it is hoped that further progress can be made on the more complex older cases.

ENFORCEMENT CASE STUDIES

4.5 The photographs below illustrate one of the enforcement cases successfully resolved during the quarter with before and after pictures.

Case 1: 18 Templar Close, Sandhurst – Over height garden structure close to boundary

Before:



After:



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
Q3 2021/22	7	2	5	72%	66%
Q2 2021/22	8	2	6	75%	66%

- 5.2 Planning appeals performance has reduced marginally since the previous quarter (from 75% to 72%) but has exceeded the target of 66% with 72% of appeals dismissed.
- 5.3 There were two allowed appeals, both of which were for residential front extensions and both were also appealed following member overturns of officer recommendations for approval. These cases were:
- Kenrick, Chavey Down Road, Winkfield Row, Bracknell RG42 7PB (application ref 21/00262/FUL)
 - Froxfield, Beehive Road, Binfield, Bracknell RG12 8TR (application ref 21/00573/FUL)
- 5.4 The dismissed appeals included land north of Hershel Grange, Warfield (application Ref 19/00497/FUL). The proposed development was the erection of 33 dwellings (including 10 affordable dwellings), with car parking, landscaping, open space and access off Herschel Grange. The appellant has recently served a pre-action protocol letter on the planning inspectorate stating that they intend to seek a judicial review of the decision. Their grounds are for this primarily relate to the fact the that the inspector based his decision on the Council being able to demonstrate a five year supply of housing land when in fact it could not.
- 5.5 It is doubtful whether the planning inspectorate will defend the case given:
- that the inspectorate was informed by both the appellant and the Council that the BFC could not demonstrate a five year housing land supply well in advance of the decision being issued; and,
 - the importance of this matter to the decision-making process and the application of the 'tilted balance'.
- It is therefore considered likely that this decision will be quashed and the appeal held again.

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
Q3 2021/22	5	£2,121,985.51	9	£1,213,916.77	£2,426,192.82
Q2 2021/22	6	£642,121	7	£233,583	£448,249

6.2 Table 6 shows that there has been a significant increase in CIL income from the previous quarter, the Council securing over £2.4 million. Similarly, over £2.1 million was achieved during the quarter for CIL Liabilities which represents a significant increase from the £0.64 million achieved in the previous quarter. There has also been a good rise in the value of CIL Demand Notices issued amounted to just over £1.2 million in the third quarter which is a large increase from the £0.23 million achieved in the preceding quarter. These healthier pipeline figures allay some of the concerns expressed in the previous quarterly report over the future pipeline of CIL income.

Table 7 Amounts Secured and Received via S106 Agreements

S106 2020/21	Amount secured in s106 Agreements	Amount received from s106 Agreements
Q3 2021/22	£3,829,124.00	£729,058.00
Q2 2021/22	£724,275	£1,508,999

6.3 Table 7 shows that, unlike CIL income, amounts received from S106 contributions are significantly lower than the previous quarter having reduced from £1.5 million to just under £0.73 million. However, the future income from S106 looks healthier with over £3.8 million secured in new S106 Agreements over the quarter.

7. RECOMMENDATION

7.1 **It is recommended that Members note the information contained in this report.**

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