

## Notice of Meeting

### Planning Committee

Councillor Dudley (Chair),  
Councillor Brossard (Vice-Chair),  
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 10 November 2022, 6.30 pm**

**Council Chamber - Time Square, Market Street, Bracknell, RG12 1JD**



### Agenda

*All councillors at this meeting have adopted the Mayor's Charter which fosters constructive and respectful debate.*

Item	Description	Page
1.	<b>Apologies for Absence</b>	
	To receive apologies for absence.	
2.	<b>Minutes</b>	3 - 6
	To approve as a correct record the minutes of the meeting of the Committee held on 13 October 2022.	
3.	<b>Declarations of Interest</b>	
	<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.	<b>Urgent Items of Business</b>	
	Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.	

### Planning Applications

(Assistant 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.	<b>PS 22-00425-FUL Land To Rear Of 29 Warfield Road and 7 Sherring Close</b>	11 - 36
	Erection of 3no. detached self-build dwellings (Alternative to planning permission ref: 19/00023/FUL).	
6.	<b>22-00361-FUL Land To The Rear Of 29 Warfield Road &amp; 7 Sherring Close</b>	37 - 66
	Section 73 application for the variation of Condition 02 (Approved Plans), and the submission/variation of details pursuant to Conditions 03 (Materials), 04 (Finished Floor Levels), 05 (Hard and Soft Landscaping), 06 (Boundary Treatments), 08 (Access), 10 (Parking), 11 (Car Ports), 12 (Cycle and Bin Storage), 13 (Construction Management), 14 (CEMP), 15 (Badger Run), 16 (External Lighting), 17 (Biodiversity Enhancements), 19 (Water Use), 20 (Energy Demand Assessment), 21 (Drainage System Details), 22 (Boundary Treatments-Drainage), 23 (Drainage Maintenance & Management) and 27 (Bin Collection Point) of planning permission 19/00023/FUL for the erection of 3no. dwellings with associated landscaping, parking and access.	
7.	<b>Quarter 2 2022-23 Planning Performance Report</b>	67 - 74

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Published: 1 November 2022

### **EMERGENCY EVACUATION INSTRUCTIONS**

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**PLANNING COMMITTEE  
13 OCTOBER 2022  
6.30 - 7.07 PM**

**Present:**

Councillors Dudley (Chair), Brossard (Vice-Chair), Angell, Dr Barnard, D Birch, Brown, Green, Mrs Hayes MBE, Mrs Mattick, Virgo, Mrs Hamilton and Parker

**Present Virtually:**

Councillors Heydon and Mossom

**Apologies for absence were received from:**

Councillors Bidwell, Gbadebo, Mrs McKenzie, Mrs McKenzie-Boyle and Skinner

41. **Minutes**

**RESOLVED** that the minutes of the meeting held on 29 September 2022 were approved as a correct record.

42. **Declarations of Interest**

There were no declarations of interest.

43. **Urgent Items of Business**

There were no urgent items of business.

44. **Application No 22/00585/RTD - Telecommunications Mast, Opladen Way, Bracknell**

This item was withdrawn from the agenda.

45. **Application No 22/00154/3 - Shelley Avenue, Bracknell**

**Conversion of grassed areas in 2 locations to provide 7 additional parking spaces.**

The Committee noted:

- The comments of Bracknell Town Council raised no objection.
- That there had been no other representations or objections to the proposal.

**RESOLVED** that the application be **APPROVED** 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.

02. The development hereby permitted shall be carried out only in accordance with the following approved plans and documents received by the Local Planning Authority on 10.10.2022:

Construction layout plan location plan and typical section - Drawing No. - 5072-263

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

3. The development shall not be begun until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include 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 parking spaces being brought into use, whichever is sooner. All hard landscaping works shall be carried and completed prior to the parking spaces being brought into use. 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 (1<sup>st</sup> 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. [Core Strategy DPD CS7, BFBLP 'Saved' Policies EN2 and EN20]

46. **Application No 22/00545/3 - Land At Peacock Meadows, Fulmar Square and Jennetts Hill, Bracknell**

**Installation of four public art works within the Jennett's Park Development. 2no art works at Peacock Meadow and 2no at Fulmar Square and Jennett's Hill open space.**

The Committee noted:

- The additional drawing reference (JP1C) added to condition 2 via the Officers presentation at the meeting.
- The supplementary report tabled at the meeting.
- That Bracknell Town Council raised no objection.
- That there had been no other representations or objections to the proposal.

**RESOLVED** that the application be **APPROVED** 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 and documents received by the Local Planning Authority:

Location Plan: Fulmar Square - In Flight Sculpture received 12.08.2022

Location Plan: Jennetts Hill - Dandelion & Dragonfly Sculpture received 18.07.2022

Location Plan: Peacock Meadows South - Skylarks Sculpture received 12.08.2022  
Proposal Details: Skylarks Sculptures (Kerry Lemon) received 12.08.2022  
Proposal Details: Fulmars In Flight and Dandelion & Dragonfly Sculptures (Tim Ward)  
Drawing reference: JP1C received 28.06.2022

**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](http://www.bracknell-forest.gov.uk)**

**PLANNING COMMITTEE  
10th November 2022**

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

		<b>Case Officer</b>	<b>Reporting Officer</b>
5	<p>22/00425/FUL Land To Rear Of 29 Warfield Road and 7 Sherring Close Bracknell Berkshire (Priestwood And Garth Ward) Erection of 3no. detached self-build dwellings (Alternative to planning permission ref: 19/00023/FUL). Recommendation: Approve.</p>	Katie Andrews	Jo Male
6	<p>22/00361/FUL Land To The Rear Of 29 Warfield Road &amp; 7 Sherring Close Bracknell Berkshire (Priestwood And Garth Ward) Section 73 application for the variation of Condition 02 (Approved Plans), and the submission/variation of details pursuant to Conditions 03 (Materials), 04 (Finished Floor Levels), 05 (Hard and Soft Landscaping), 06 (Boundary Treatments), 08 (Access), 10 (Parking), 11 (Car Ports), 12 (Cycle and Bin Storage), 13 (Construction Management), 14 (CEMP), 15 (Badger Run), 16 (External Lighting), 17 (Biodiversity Enhancements), 19 (Water Use), 20 (Energy Demand Assessment), 21 (Drainage System Details), 22 (Boundary Treatments-Drainage), 23 (Drainage Maintenance &amp; Management) and 27 (Bin Collection Point) of planning permission 19/00023/FUL for the erection of 3no. dwellings with associated landscaping, parking and access. Recommendation: Approve.</p>	Katie Andrews	Jo Male
7	<p>22/00746/RTD Bull Lane Street Works Bracknell Berkshire (Priestwood And Garth Ward) Proposed 5G 20m telecoms installation: H3G street pole and additional equipment cabinets. Recommendation:</p>	Sarah Horwood	Basia Polnik

## Background Papers

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



## **PLANNING COMMITTEE - POLICY REFERENCES**

Key to abbreviations used in the following planning reports.

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

SPG Supplementary Planning Guidance  
SPD Supplementary Planning Document

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

NPPF National Planning Policy Framework (Published by DCLG)  
NPPG National Planning Policy Guidance (Published by DCLG)  
PPS (No.) Planning Policy Statement (Published by DCLG)  
MPG Minerals Planning Guidance  
DCLG Department for Communities and Local Government

## **SITE LOCATION PLAN**

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

## **THE HUMAN RIGHTS ACT 1998**

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

Those rights include:-

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

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

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

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

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

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

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

detailed consideration of any Convention Rights affected.

**Unrestricted Report**

**ITEM NO:**

Application No.  
**22/00425/FUL**  
Site Address:

Ward:  
Priestwood And Garth

Date Registered:  
20 May 2022

Target Decision Date:  
15 July 2022

**Land To Rear Of 29 Warfield Road and 7 Sherring  
Close Bracknell Berkshire RG42 2JY**

Proposal: **Erection of 3no. detached self-build dwellings (Alternative to  
planning permission ref: 19/00023/FUL).**

Applicant: Mr T Iqbal, S Khan and S Iqbal

Agent: Mr Matt Taylor

Case Officer: Katie Andrews, 01344 352000

[Development.control@bracknell-forest.gov.uk](mailto: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 comprises the erection of three additional dwellings within existing residential garden land, within the defined settlement of Bracknell. A permission for 3 dwellings was granted under 19/00023/FUL. The principle of the development has therefore been established.
- 1.2 The amendments under this application mainly comprise using the roof space to form habitable accommodation with the use of roof lights; increasing the length of plots 1 and 2; moving the position of plot 3; and increasing the size of the application site, by including additional land from the curtilages of nos. 29 Warfield Road and 7 Sherring Close.
- 1.3 These changes are not considered to significantly harm the amenity of the surrounding area or neighbouring dwellings. The principle of a drainage strategy to be secured by a planning condition was secured under 19/00023/FUL and the impact on biodiversity is considered acceptable subject to conditions.

<b>RECOMMENDATION</b>
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Delegate to the Assistant Director: Planning to grant planning permission following the completion of a Section 106 Agreement and subject to the conditions in Section 11 of this report.
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### **2. REASON FOR REPORTING APPLICATION TO COMMITTEE**

- 2.1 The application is being considered by the Planning Committee following the receipt of 12 no. objections and at the request of Councillor Brown.

### **3. PLANNING STATUS AND SITE DESCRIPTION**

<b>PLANNING STATUS</b>
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Land within a defined settlement
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Sited within 5km of the Thames Basin Heath SPA
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Badger activity (protected species) located in vicinity of development
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Culverted watercourse located beneath site
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- 3.1 Acacia House, 29 Warfield Road and Grayswood House, 7 Sherring Close are both two storey detached dwellinghouses, each containing generous landscaped rear gardens which form a shared boundary. The dwellings are located in a built up, predominately residential area. The site level slopes notably downwards from east to west.
- 3.2 Warfield Road (the A3095) beyond the eastern boundary of the site is a significant distributor road, connecting Bracknell town centre from the south to Warfield and other settlements beyond to the north. Sherring Close to the west, by contrast, is a residential cul-de-sac. However, both street scenes are characterised by significant levels of planting fronting residential dwellings.
- 3.3 The site is immediately adjoined by residential properties on all sides (Warfield Road, Sherring Close, and Huson Road to the north). The surrounding dwellings are two storeys and detached, with those to the south, east and west benefitting from large rear gardens.

- 3.4 A strip of enclosed undeveloped land is sited to the north of the rear garden of 7 Sherring Close, forming a biodiversity and drainage corridor to the main section of Piggy Wood on the opposite side of Huson Road (through tunnels running under the highway).

#### **4. RELEVANT SITE HISTORY**

- 4.1 The planning history of the application site is as follows:

22/00361/FUL

Section 73 application for the variation of Condition 02 (Approved Plans), and the submission/variation of details pursuant to Conditions 03 (Materials), 04 (Finished Floor Levels), 05 (Hard and Soft Landscaping), 06 (Boundary Treatments), 08 (Access), 10 (Parking), 11 (Car Ports), 12 (Cycle and Bin Storage), 13 (Construction Management), 14 (CEMP), 15 (Badger Run), 16 (External Lighting), 17 (Biodiversity Enhancements), 19 (Water Use), 20 (Energy Demand Assessment), 21 (Drainage System Details), 22 (Boundary Treatments-Drainage), 23 (Drainage Maintenance & Management) and 27 (Bin Collection Point) of planning permission 19/00023/FUL for the erection of 3no. dwellings with associated landscaping, parking and access.  
On this agenda recommended for approval.

19/01092/FUL

Erection of 5no dwellings with associated landscaping, parking and access. (Alternative scheme to application 19/00023/FUL) Withdrawn 06.04.2021.

19/00023/FUL

Erection of 3no. dwellings with associated landscaping, parking and access.  
Approved 14.04.2022.

- 4.2 The planning history of 29 Warfield Road is as follows:

620464

Erection of single storey double garage.  
Approved (1995)

- 4.3 The planning history of 7 Sherring Close is as follows:

11417

Extension to existing bedroom with porch under.  
Approved (1966)

602452

Single storey extension forming porch and study.  
Approved (1977)

14/00759/FUL

Single storey side extension with front entrance porch and pitched roof following demolition of existing porch to side.  
Approved (2014)

16/01177/FUL

Erection of two storey side extension, front porch and detached double garage with accommodation above.  
Approved (2016)

## 5. THE PROPOSAL

- 5.1 The development is for the erection of 3no. detached self-build dwellings which is an alternative proposal to planning permission ref: 19/00023/FUL, for the erection of 3no. detached dwellings. The overall red line for the application site has also been altered from 19/00023/FUL to increase the land taken from the curtilages of 29 Warfield Road and 7 Sherring Close.
- 5.2 The proposed dwellings have been altered in design and size, compared with the approved consent, to include habitable accommodation in the roof space with the use of roof lights. The dwellings still retain a traditional appearance and are two and a half stories, with the overall heights of the dwellings being amended during this application to be in line with the approved consent.
- 5.3 Plots 1 and 2 would contain a bedroom, dressing room and ensuite in the roof to be lit by roof lights and Plot 3 would contain an attic in the roof to be lit by roof lights. The dwellings are to remain as four bedrooms.
- 5.4 The size of the dwellings, compared with the approved dwellings can be seen in the below table:

	Width		Length		Height	
	Approved	Proposed	Approved	Proposed	Approved	Proposed
Plot 1	10.2m	10m	12.7m	15.07m	8.8m	8.8m
Plot 2	10.2m	10m	12.7m	15.07m	8.8m	8.8m
Plot 3	12.4 m	11.8m	10.4m	12.45m	8.8m	8.5-8.8m

- 5.5 In addition, due to the change in the red line location plan, the position of plot 3 has been altered on the site, and moved closer to 29 Warfield Road, compared with the position of plot 3 under 19/00023/FUL.
- 5.6 Access to the proposal would be via Warfield Road as per the approved application, by making use of the existing access to 29 Warfield Road. A section of the southern residential curtilage of this property would be removed to create the internal access route to the proposed dwellings. No changes are proposed to the existing dwellings at 29 Warfield Road and 7 Sherring Close.

## 6. REPRESENTATIONS RECEIVED

### Bracknell Town Council

- 6.1 Bracknell Town Council has recommended refusal for the following reason: 'increasing these properties and extending into the roof space means overlooking neighbouring properties causing loss of privacy, completely change the previously approved plans with impacts of overdeveloped out of character houses contravening BTNP policy HO7, changing parking & access for weekly bin lorries etc. Loss of garden greenspace will create a negative impact on of the biodiversity that has been worked on for many years in the surrounding area of 'Piggy Wood' in conflict with BTNP Policy HO6. Bracknell Town Council agree the original plans should stand firm and not be amended'.

### Other Representations

- 6.2 Twelve letters of objections have been received raising the following material considerations:
- Additional entrance onto a busy road not acceptable.
  - Safety concerns when bin lorries collect bins from main road.
  - Impact on traffic and highway safety concerns of bins turning within the site.
  - Development inappropriate on land which is currently enclosed by mature gardens.
  - Developer is seeking to acquire further land adjoining the plot.
  - Change the land to a housing estate.
  - Impact on wildlife.
  - Impact on noise.
  - Height and pitch altered to allow rooms in roof which is not in keeping and more intrusive.
  - Houses taller and overlooking neighbours gardens and not visually blending.
  - Set up as a self build to avoid paying CIL.
  - Land poorly drained and has a natural water course at its lowest point.
  - Buildings and hardstanding will increase drainage concerns.
  - 1 metre wildlife corridor is a futile attempt to corral wildlife.
  - Trees already lost.
  - How will sewerage be dealt with?
  - Effect on residential amenity and daily life.
  - Plot 3 has changed significantly and would impact on 29 Warfield Road in terms of being overbearing and overlooking.
  - Changes to the boundary lines.
  - Amenity space too small.
  - Gates will cause traffic to back up on Warfield Road.
  - Lack of landscaping screening 29 Warfield Road.
  - Contrary to Bracknell Town Council Neighbourhood Plan.
  - Noise during the build phase.
  - Proposed three storey dwellings out of character.
  - Construction and Environmental Management Plan not a true reflection of current protected species.
  - Existing culvert on Warfield Road, which is blocked up, will be made worse by this development.
  - Would be concerned if roof lights changed to dormer windows overlooking Sherring Close.

## **7. SUMMARY OF CONSULTATION RESPONSES**

### 7.1 Highway Officer

The Highway Authority has no objection to the amended information submitted subject to conditions and informatives being applied to any planning permission.

### 7.2 Biodiversity Officer

No response received at time of writing the Committee Report. Biodiversity considerations are considered likely to be the same as under 22/00361/FUL where there has been a biodiversity response raising no objection.

### 7.3 Lead Local Flood Authority (LLFA)

No objection subject to conditions securing a drainage scheme.

#### 7.4 Landscape Officer

No objection on overall landscaping scheme however plans have been amended to show the removal of an existing hedge to northern boundary. The replacement hedging, Juniper Skyrocket, is very conical and narrow in form, and would not create a continuous hedge but narrow individual plants with gaps in between. *[Officer note: It is therefore recommended that a suitable landscape condition is applied to require a denser hedge on this boundary]*

#### 7.5 Environmental Health

No objections to the proposed development.

#### 7.6 Waste

For only 3 properties bins will need to be brought to a point within 25 metres of the adopted highway for collection from the Warfield Road.

#### 7.7 Renewable Energy Officer

Recommends approval of information.

### 8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO DECISION

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

	<b>Development Plan</b>	<b>NPPF</b>
Principle of Development	CSDPD Policies CS1 and CS2	Consistent
Design & Character	CSDPD Policy CS7 and BFBLP 'Saved' Policy EN20	Consistent
Trees & Landscape	CSDPD Policies CS1 & CS7 BFBLP 'Saved' Policies EN1, EN2 & EN20	Consistent
Residential Amenity & Pollution	'Saved' Policies EN20 & EN25 of BFBLP	Consistent
Transport	CSDPD Policy CS23 and BFBLP 'Saved' Policy M9	Consistent
Drainage	CS1 of CSDPD	Consistent
Biodiversity	CSDPD Policies CS1 & CS7	Consistent
Sustainability (Renewable Energy and Water Use)	CSDPD Policies CS10 & 12	Consistent
SPA	CS14 of CSDPD BFBLP 'Saved' Policy EN3 SEP 'Retained' Policy NRM6	Consistent
<b>Supplementary Planning Documents (SPD)</b>		



Design SPD (2017)
Parking Standards SPD (2016)
Sustainable Resource Management SPD (2008)
Thames Basin Heaths SPA SPD (2018)
<b>Other publications</b>
National Planning Policy Framework (NPPF) 2021)
National Planning Policy Guidance (NPPG)
BFC CIL Charging Schedule

8.2 In addition, the Bracknell Town Neighbourhood Plan was adopted October 2021. The relevant policies from this which are considered consistent with the NPPF are:

Policy EV4 Protection of Trees  
 Policy EV5 New Tree Planting  
 Policy HO1 Infill and Backland Development  
 Policy HO4 Managing the Streetscape  
 Policy HO5 Private Gardens: Green Infrastructure and biodiversity networks  
 Policy HO6 Buildings: Energy Efficiency and Generation  
 Policy HO7 Buildings: Local Character  
 Policy HO8 Buildings: Good Quality Design  
 Policy EC 6 Broadband

## 9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of Development
- ii. Impact on Character and Appearance of Surrounding Area
- iii. Impact on Residential Amenity
- iv. Transport and Highways Considerations
- v. Waste & Recycling
- vi. Drainage Implications
- vii. Biodiversity Implications
- viii. Sustainability Implications
- ix. Other Considerations
- x. Thames Basin Heaths Special Protection Area (SPA)

### i. Principle of development

9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, which is supported by the NPPF (paras. 2 and 12). The NPPF sets out that planning applications that accord with the development plan should be approved without delay, unless material considerations indicate otherwise.

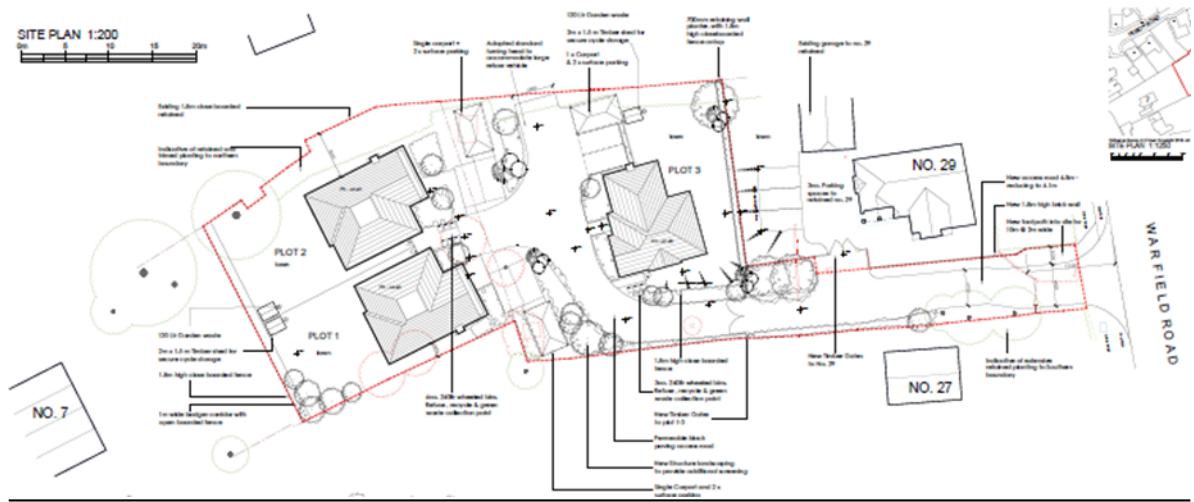
9.3 Core Strategy Policies CS1 (Sustainable Development) and CS2 (Locational Principles) are relevant and consistent with the objectives of the NPPF, and can be afforded full weight. In particular, Policy CS2 permits development within defined settlements.

9.4 Planning permission was granted under ref: 19/00023/FUL for the erection of 3 houses on the 14.04.2022. The principle of 3 houses on the site has therefore been established. Further, due to its location and nature, the proposal is considered to be in

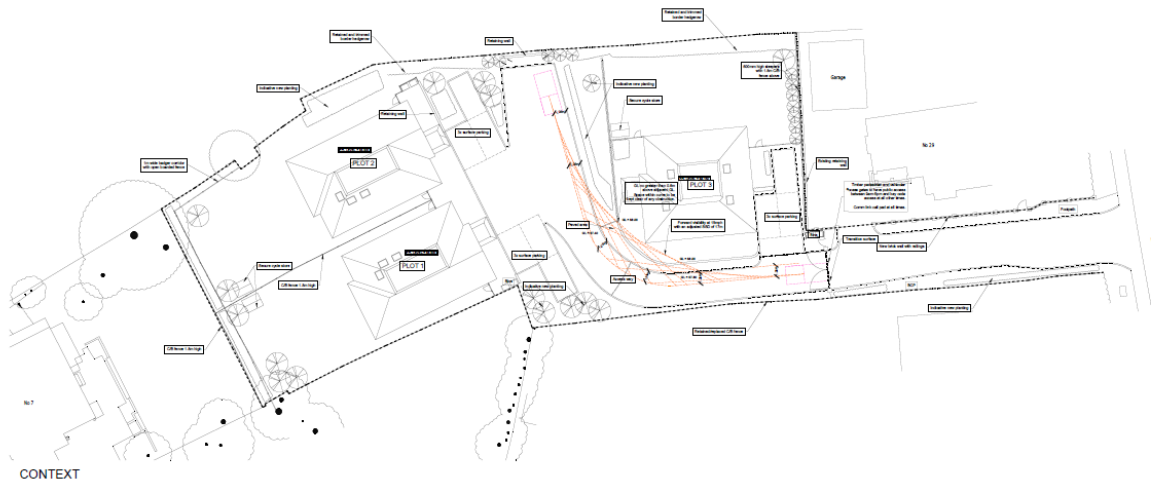
accordance with SALP Policy CP1, CSDPD Policies CS1 (Sustainable Development), CS2 (Locational Principles) and the NPPF. However, in relation to the amended scheme the impacts on the residential amenities of neighbouring properties, character and appearance of surrounding area, highway safety implications etc. will be reconsidered, and are assessed below.

**ii. Impact on character and appearance of surrounding area**

Layout & Surrounding Area



**Approved Layout**



**Proposed Layout**

9.5 The proposed layout still retains three dwellings as approved under 19/00023/FUL and forms backland development which has been amended to increase the land taken from 29 Warfield Road and from the rear of the site at 7 Sherring Close. The proposed dwellings would be set back from Warfield Road by 42 metres, from Sherring Close by approximately 60 metres and from Huson Road by approximately 35 metres. These distances combined with screening from the existing dwellings and the significant

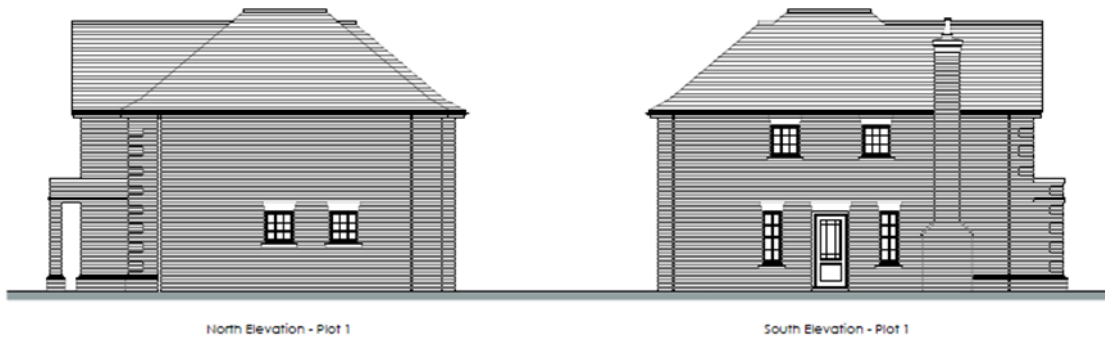
levels of tall planting would mean that the development would have limited visibility in any of these street scenes, and therefore limited impact. As an existing built up urban area, the addition of built form, set back significantly from public vantage points, would not result in an incongruous visual impact. Furthermore, the existing access point from Warfield Road would be utilised as under 19/00023/FUL.

- 9.6 The site level slopes downwards from east to west, the proposal would still be significantly screened from public vantage points, and, the overall heights of the dwellings would remain the same as those permitted under 19/00023/FUL.
- 9.7 The position of plot 3 has been changed from the approved consent to set it closer to the side of no.29 Warfield Road, leaving a separation distance of 13 metres from the side of this property, compared with 18 metres under the approved consent. This distance would still maintain a suitable separation distance between the dwellings.
- 9.8 The proposal has been amended from 19/00023/FUL for each dwelling to be provided with a room in the roofspace, with the use of rooflights. During the course of the application, the heights of the dwellings have been amended to be in line with the approved consent 19/00023/FUL and would be in keeping with the established dwelling type in the area. The sizes of the existing gardens to 23 Warfield Road and 7 Sherring Close would be significantly reduced. However, the resulting garden sizes both to the existing and proposed dwellings would not be considered to detract from the character of the area, especially when compared to the existing plot sizes in Huson Road to the immediate north. This proposal also takes additional land from 29 Warfield Road but does not reduce that property's usable amenity area and retains its driveway and garage.
- 9.9 A number of trees and other planting have been removed on site. None of the affected trees were subject to a Tree Preservation Order, and due to their location in respect of public vantage points, they made a limited contribution to the character of the area. Details have been submitted under this application to provide new landscaping, however further details are required and it is recommended, in the interest of good landscape design, that an appropriate condition be imposed to require details of a proposed soft landscaping scheme, as well as details of the proposed and retained boundary treatments.
- 9.10 Carports were approved under 19/00023/FUL which have been removed under this application.

### Dwelling Design

#### *Plots 1 & 2 approved*





North Elevation - Plot 1

South Elevation - Plot 1

*Plot 3 approved*



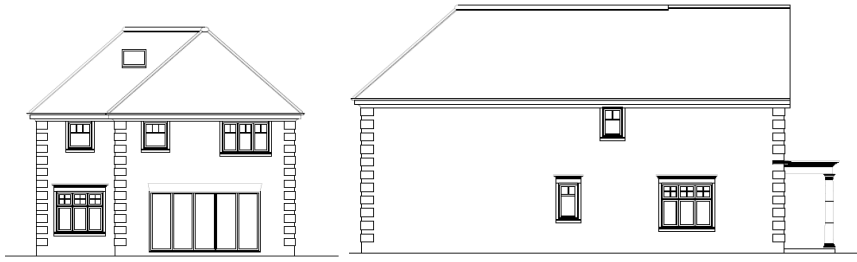
South Elevation Plot 3



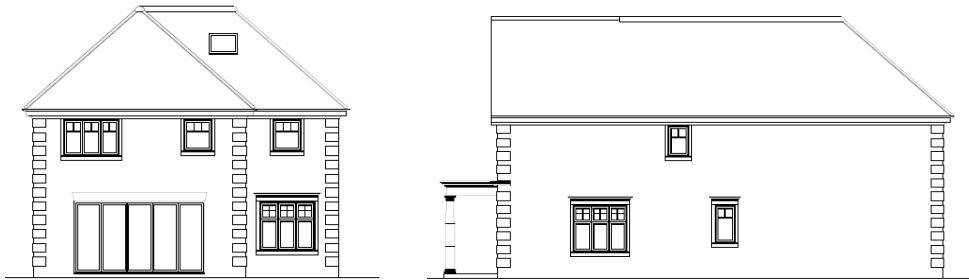
North Elevation (garden) - Plot 3

*Plot 1 proposed*



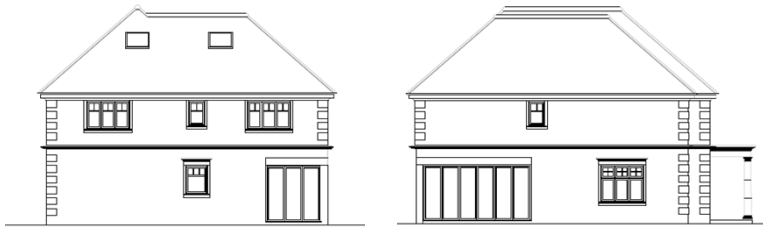


*Plot 2 proposed*



*Plot 3 proposed*





- 9.11 As considered in the determination of the approved application 19/00023/FUL, the surrounding dwellings have varied architectural styles and external materials. There is a marked contrast between the older development within Warfield Road and Sherring Close and the more modern development in Huson Road.
- 9.12 The amended elevational designs of the dwellings are considered to be of good quality, following similar designs to the approved application. Whilst it is noted that the houses have had chimneys removed, this is not considered to be a reason to withhold consent. The introduction of a bedroom in the roof space would require the addition of roof lights on the dwellings which are shown as being flush with the roof, not adding any additional bulk.
- 9.13 The applicants have submitted details of materials and are proposing red bricks with brown roof tiles which will offer a traditional appearance to the dwellings, with the elevational design considered an acceptable alternative to those previously approved under 19/00023/FUL.

### iii. Impact on Residential Amenity

#### Impact on occupants of neighbouring properties

- 9.14 In relation to Grayswood House, 7 Sherring Close to the immediate west, there would be a back to back distance of 30.3 - 32 metres between Plots 1 & 2 and no.7, compared with 33.3m under the approved application.
- 9.15 In relation to the rear garden of 8 Sherring Close to the south of Plot 1, there would be a separation distance of 1.36 metres compared with a separation distance of 1.7 metres under the approved application. However, in terms of loss of privacy, there would only be a first floor bathroom window, which can be conditioned to be obscure glazed with only top opening. Plot 1 would be sited to the north of the garden and taking into consideration the overall size of the garden of no.8 and the fact the existing situation would remain to the east and south, there is not considered to be any unacceptable loss of light to this property.
- 9.16 In relation to Acacia House, 29 Warfield Road to the immediate east, there would be a separation distance of 13 metres compared with the approved application with a distance of 18 metres, between the rear elevation of Plot 3 and the side elevation of no.29. Whilst there has been a reduction in the separation distance, the proposal would not harm the amenity of no.29 which only has secondary windows in the side elevation with the intervening area being used for parking and turning provision to no. 29. Two roof lights would face toward no.29 and these can be conditioned to be set 1.7metres off the finished floor levels to ensure no overlooking of the adjacent property.
- 9.17 In relation to 27 Warfield Road to the south-east, the south-facing side elevation of Plot 3 would have a separation distance of 7.7metres, compared with 9.0 metres under the approved application, to the side boundary of the rear garden of no.27. The proposal

has removed all habitable room windows at the first floor level compared with the approved scheme, with one bathroom window remaining which can be conditioned to be obscure glazed and fixed. The closest point of the rear elevation of plot 3 would be separated 14 metres from the rear conservatory at no.27, although this would not form a back to back relationship with the windows on the rear elevation not looking directly to the rear of no.27.

- 9.18 In relation to the various neighbouring dwellings in Huson Road to the north, Plot 2 would have a separation distance to their rear boundaries of between 5.1 and 5.6 metres, compared with 5.5m under the approved application, with the distance from the side elevation of Plot 2 to the nearest rear elevation of 26 Huson Road being 16.5 metres compared with 16.7 metres under the approved application. A first floor bathroom window is proposed to face towards the rear of no. 26 but this can be conditioned to be obscure glazed with only a top opening fanlight. In terms of loss of light impacts, the separation distances are considered acceptable and not to result in an adverse impact. While Plot 3 would have first floor windows on its north-facing rear elevation, the separation distance to the boundary would be 10.15 metres which has increased compared with an approved distance of 9.5 metres, with a wall-to-wall distance to 34 Huson Road of approximately 25 metres. The roof lights do not face the properties in Huson Road so there would be no overlooking.
- 9.19 It is therefore considered, in view of the above, that the proposal would not result in any unacceptable adverse loss of light, loss of privacy or overlooking impacts to the occupants of neighbouring properties. It is however recommended, in the interests of residential amenity, that a condition be imposed to restrict the formation of any future side-facing first floor windows to Plots 1 and 2, for the reasons identified above.
- 9.20 While there would be a loss of rear garden space to both 29 Warfield Road and 7 Sherring Close, the retained garden space to these properties is not considered to be excessively small, particularly taking into account the sizes of the rear gardens to the dwellings in Huson Road.
- 9.21 In terms of additional noise generation and general disturbance, the addition of three residential units within a defined settlement and a built up residential area is not considered to give rise to an unreasonable level of harm.

#### Impacts on prospective residents

- 9.22 There would be a separation distance of 18 metres between the front elevations of Plots 1 and 3. Under the approved application this was 16.4 metres This exceeds the Design SPD'S guidance of 12 metres, and also accommodates the lowering site level.
- 9.23 There would be a separation distance of 2.2 metres, between the sides of the dwellings of Plots 1 and 2 compared with an approved separation of 1.95 metres. First floor side secondary bedroom/bathroom windows are proposed and these are proposed to be obscurely glazed and fixed with top opening parts only.
- 9.24 The gardens to the three proposed dwellings are considered to be of reasonable size, both in the context of the sizes of the rear gardens to the properties of Huson Road, and to what is typical of a modern housing development.
- 9.25 It is therefore not considered that the proposal would result in an adverse impact to prospective occupants of the development. It is however recommended that a condition be imposed to restrict the formation of any future side-facing first floor windows to Plots 1 and 2 which face each other, for the reasons identified above.

#### **iv. Transport and Highways considerations**

##### Access & Layout

- 9.26 As under the previously approved application, it is proposed to utilise the existing access point on to Warfield Road which serves the dwelling of no.29. As a result there would be no additional access points created onto this classified 'A' highway.
- 9.27 Following the receipt of amendments, the applicant has demonstrated that visibility splays of at least 17 metres can be achieved in either direction, which are acceptable for a 40mph speed limit road, which also experiences significant ground level changes in this location. These visibility splays also cater for pedestrian movement.
- 9.28 As under 19/00023/FUL the existing access would be widened to enable two-way car movement within the site, and includes a footpath. The applicant has provided vehicle tracking which shows that larger vehicles, including refuse vehicles, could access and egress the site acceptably.
- 9.29 In the interests of highway safety, it is recommended that conditions be imposed to secure the proposed access arrangements and visibility splays. It is also recommended that a condition be imposed to secure a construction management plan, due to the development taking access from a classified A highway, in the interests of highway safety.
- 9.30 The applicant is to be advised by way of informative that works within the public highway (to widen the access point) will require a Highway Licence, as a separate matter to the planning process. Furthermore, the applicant is likely to need to enter into a Section 278 Agreement with the Highway Authority for the proposed bell-mouth access, including the footway.

##### Parking

- 9.31 In accordance with the guidance provided by the Parking Standards SPD, four-bedroom dwellings should make provision for three acceptable off-street parking spaces. This increases in importance in this location due to the development taking access from a classified 'A' highway.
- 9.32 Following the receipt of amendments, each dwelling would benefit from three exterior parking spaces. The car ports that were approved under 19/00023/FUL have been removed from this application. While the parking spaces would be in a tandem arrangement, this relationship was approved under 19/00023/FUL and is not considered unacceptable, particularly in an enclosed cul-de-sac with adequate turning provision, as proposed.
- 9.33 Secure cycle parking would be provided via external access to the rear gardens of the properties.
- 9.34 In the interests of highway safety, it is recommended that conditions be imposed to permanently secure the proposed parking (including the cycle store).

##### Traffic & Sustainability of Location

- 9.35 As accepted under the approved application 19/00023/FUL, the addition of 3no. four-bedroom dwellings would represent a modest increase in traffic along the A3095



Warfield Road, and not all trips undertaken would be by car. In view of this it is not considered that the proposal would give rise to a materially harmful increase in traffic.

- 9.36 The site is located in a sustainable location, being sited within the defined settlement of Bracknell and approximately 1.0 kilometre from the town centre, with the route containing uninterrupted footpaths. There is also a bus stop located within Folders Lane 150 metres to the south.
- 9.37 It is considered that the development would not result in an adverse impact on highway safety, in accordance with the approved consent 19/00023/FUL and Policy CS23 of the CSDPD, 'Saved' Policy M9 of the BFBLP, the Parking Standards SPD (2016), and the NPPF, subject to the recommended conditions.

### **Waste and Recycling**

- 9.38 Off-street secure bin storage would be provided to the side of each property. It is recommended that this bin storage arrangement be secured by condition.
- 9.39 A bin collection point is proposed within the site, with a waste vehicle able to access and egress the site in forward gear.

### **Drainage Implications**

- 9.40 While the site is not located in Flood Zones 2 or 3, it is within an area at risk of surface water flooding, based on Environment Agency data. This is especially because a culverted watercourse runs beneath the site, connecting to Piggy Wood to the north. This, in combination with the development proposed on predominantly undeveloped garden land, means that the site has significant surface water drainage constraints.
- 9.41 Drainage was considered under 19/00023/FUL and it was agreed that the final drainage design could be secured by planning conditions. Under this application a drainage design plan has been submitted which shows that surface water drainage is proposed to be attenuated and discharged into the existing watercourse at 5l/s. An external works plan shows that permeable paving has been proposed in the road and private car parks. The Lead Local Flood Authority has considered this information and advised that the following information can be secured by means of planning conditions:
1. Evidence that the proposal is in accordance with the SuDS hierarchy
  2. Where offsite discharge is the most feasible option, greenfield runoff rate calculations will be required; runoff shall be restricted to greenfield rate, minimum of 2l/s is acceptable.
  3. Hydraulic calculations of the proposal to demonstrate that it can accommodate up to 1:100 plus climate change event.
  4. To ensure the SUDS features are maintained for the lifetime of the development, it is recommended that they are managed by a management company. Areas of permeable paving which are to be managed by private homeowners (eg in driveways, private carparks) are not included in the hydraulic calculations as they cannot be guaranteed to be managed/maintained for the lifetime of the development.
- 9.42 This approach is consistent with approved consent 19/00023/FUL, and it is therefore not considered that the proposed development would result in an adverse impact on surface water drainage, in accordance with CSDPD Policy CS1 and the NPPF, subject to the recommended conditions.

### **Biodiversity Implications**

- 9.43 Biodiversity was considered and addressed under 19/00023/FUL. Badger activity was noted as being present within the vicinity of the site, with evidence of badger foraging identified within the garden land subject to the application site (but no badger setts). Badgers are a protected species.
- 9.44 As advised under approved application 19/00023/FUL, following the submission of detailed additional information, including specialist reports, and discussions with the Biodiversity Officer, it was considered that unacceptable harm to badgers can be avoided with the submission of certain information.
- 9.45 The information that was required under 19/00023/FUL has been submitted under this application and includes:
- A badger run that connects the application site to the nature corridor to the north.
  - A construction management plan which makes appropriate mitigation for wildlife.
  - Biodiversity mitigation in the forms of bat and bird boxes.
  - Open boundary treatments to the nature corridor and badge gates around the site.
  - Lighting restricted on the site to porch lighting only.
- 9.46 These details have been assessed under planning application 22/00361/FUL, which is also on this agenda, and found to be acceptable and can be secured under this application by conditions.
- 9.47 It is therefore not considered that the proposed development would result in an adverse impact on biodiversity, in accordance with CSDPD Policies CS1 and CS7, and the NPPF, subject to the recommended conditions.

### **Sustainability Implications**

- 9.48 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.
- 9.49 These details have been submitted under this application to show that the new dwellings will achieve an average water use in new dwellings of 110 litres/person/day. An Energy Demand Assessment demonstrates that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 10%). The applicants have proposed that this is met by an air source heat pump system on Plot 3. This has been considered by the Council's Sustainable Energy Officer who has raised no objection.

### **Thames Basin Heaths Special Protection Area (SPA)**

- 9.50 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 Heaths Special Protection Area (SPA) 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 approximately 4.15 km from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.
- 9.52 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 Avoidance and Mitigation Supplementary Planning Document (SPD) and the Planning Obligations 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 In this instance, the development would result in a net increase of 3 x four bedroom dwellings which results in a total SANG contribution of £20,514.
- 9.54 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which will also be calculated on a per bedroom basis. Taking account of the per bedroom contributions this results in a total SAMM contribution of £2,421.
- 9.55 The total SPA related financial contribution for this proposal is £22,935. The applicant has entered into a S106 agreement under 19/00023/FUL to secure this contribution and this will need to be secured again under this application and a restriction on the occupation of each dwelling until the Council has confirmed that open space enhancement works to a SANG is completed. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP Saved Policy NRM6, Saved policy EN3 of the BFBLP and CS14 of CSDPD, the Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD, the Planning Obligations SPD and the NPPF. The Applicant has agreed to enter into a S106 agreement to secure these contributions.

### **Community Infrastructure Levy**

- 9.56 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.
- 9.57 CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted) including those that involve the creation of additional dwellings.
- 9.58 The development is CIL liable in accordance with Bracknell Forest Council's CIL charging schedule as the proposal results in a net increase of three dwellings. It is noted that the applicant proposes the dwellings as self build and they would need to apply for CIL relief in order to secure exemption from CIL payment on this basis.

## **10. CONCLUSION**

- 10.1 The proposed development comprises the erection of three additional dwellings within existing residential garden land, within the defined settlement of Bracknell. A consent for 3 dwellings was approved under 19/00023/FUL. The principle of the development has therefore been established and the amendments to the dwellings have been found to be acceptable. It is not considered that the development would result in an adverse impact on the character and appearance of the area, the amenities of the residents of the neighbouring properties, on highway safety, biodiversity or drainage, subject to the recommended conditions. A legal agreement will secure contributions for SPA mitigation and the scheme is CIL liable.
- 10.2 It is therefore considered that the proposed development complies with the following Development Plan Policies; SALP Policies CP1, CSDPD Policies CS1, CS2, CS7, CS14 and CS23, BFBLP 'Saved' Policies EN1, EN20, EN25 and M9, SEP 'Saved' Policy NRM6, the Design SPD, the Parking Standards SPD and the Thames Basin SPA SPD, and the NPPF.
- 10.3 The application is therefore recommended for conditional approval, subject to the completion of a Section 106 Agreement and the issue of a CIL liability notice.

## **11. RECOMMENDATION**

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

**- Measures to avoid and mitigate the impact of residential development upon the Thames Basin Heaths Special Protection Area (SPA);**

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

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

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

29 Sept 2022:

21.021.WD. 203/J Site Plan General Arrangement

02 Sept 2022:

21.021.WD.211/C

24 Aug 2022:

21.021.WD.210/D

21.021.WD.212/A

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

03. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in compliance with dwg 21.021.WD.214 and 21.021.WD. 204 Rev J dated April 2022.

REASON: In the interests of the visual amenities of the area.  
[Relevant Policies: BFBLP 'Saved' Policy EN20; Core Strategy DPD CS7]

04. The development hereby permitted shall be constructed in accordance with the finished floor levels shown on drawing 21.021.WD. 204 Rev J dated April 2022.

REASON: In the interests of the character of the area.  
[Relevant Policies: BFBLP 'Saved' Policy EN20, Core Strategy DPD CS7]

05. The development shall not be occupied until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include 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.

REASON: In the interests of good landscape design and the visual amenity of the area. [Relevant Policies: BFBLP EN2 and EN20, CSDPD CS1 and CS7]

06. No development shall be occupied until details of the boundary treatments (fencing, hedges, walls) have been submitted to and approved by the Local Planning Authority. The approved details shall thereafter be implemented and retained as such. All boundary treatments shall provide for the free movement of wildlife to and from the site.

REASON: In the interests of the visual amenity of the area, and biodiversity  
[Relevant Plans and Policies: CSDPD CS1, CS7]

07. 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 any of the north- or south-facing elevations of the dwellings of Plot 1, 2 or 3 hereby approved, with the exception of those shown on the approved plans.

REASON: In the interests of the residential amenity of the neighbouring residential properties

[Relevant Policy: BFBLP 'Saved' Policy EN20].

08. No dwelling hereby permitted shall be occupied until the means of vehicular and pedestrian access to that dwelling has been provided in accordance with drawing 21.021.WD.203 revision J and 21.021.WD.204 revision J with details of construction and materials to be submitted to and approved in writing by the Local Planning Authority. Thereafter the means of vehicular and pedestrian access shall remain clear of obstruction. Two further areas shall also remain clear of obstruction above 100mm

above the height of the carriageway to allow turning by a fire tender to be undertaken as shown on drawing 21.021.WD.203 revision J (bottom panel):

- (a) area beyond the northern end of the turning head; and
- (b) are between the porches of plot 1 and plot 2.

REASON: In the interests of highway safety and to ensure access by emergency vehicles.

[Relevant Policies: Core Strategy DPD CS23]

09. No dwelling hereby permitted shall be occupied until:

(a) Priority working signs and markings have been provided at the locations annotated on drawing 21.021.WD.203 revision J with clear visibility to the signs of at least 17m as shown on drawing 21.021.WD.203 revision J.

(b) Visibility splays have been provided in the following locations:

(i) at the junction of the site access with Warfield Road in accordance with drawing 2541-PL-07 'Block Plan Showing Vision Splays Site Access Swept Paths', received by the Local Planning Authority on 22 February 2019.

(ii) south-west of plot 3 as shown dashed orange on plan 21.021.WD.203 revision J.

(iii) between a waiting vehicle south-west of plot 3 and an approaching vehicle from the east of at least 19m as annotated on drawing 21.021.WD.203 revision J.

The areas providing visibility to signs and 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]

10. No dwelling shall be occupied until the associated vehicle parking and turning space for 3 cars per dwelling has been surfaced and marked out in accordance with the approved drawing 21.021.WD.204 revision J with electric vehicle charging points for each dwelling with an output of at least 7kW provided in the locations marked with a blue circle on plan 21.021.WD.204 revision J. The spaces and turning areas shall thereafter be kept available for parking and turning at all times.

REASON: To ensure that the development is provided with adequate car parking designed to enable charging of plug-in vehicles and 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, NPPF 112 e)]

11. No dwelling shall be occupied until 4 secure and covered cycle parking spaces per dwelling have been provided in the locations identified 'Secure cycle store' for cycle parking on the approved plan 21.021.WD.204 revision J and access between these secure cycle stores and the carriageway of the accessway has been provided. The cycle parking spaces and access routes to these shall thereafter be retained.

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

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

12. No dwelling hereby permitted shall be occupied until a bin collection point has been provided south of the access road south of no. 29 Warfield Road in the location annotated BCP on the approved plans (within 25 metres of the adopted highway of Warfield Road). The bin collection point shall be retained thereafter.

REASON: In order to ensure that waste collection can be undertaken, in the interests of highway safety, character of the area and amenity of residents.

[Relevant Policies: BFBLP 'Saved' Policies EN20, Core Strategy DPD CS7 and CS23]

13. Notwithstanding the approved plans, the porches to the front (north east elevation) of plots 1 and 2 shall be open-sided and open-fronted in order that waste receptacles can be moved from their storage location to the access road through the porch.

The access routes between waste stores and the access road under the porches for plots 1 and 2 shall thereafter be kept clear for movement of waste receptacles at all times.

REASON: In order to ensure that waste collection can be undertaken, in the interests of highway safety, character of the area and amenity of residents.

[Relevant Policies: BFBLP 'Saved' Policies EN20, Core Strategy DPD CS7 and CS23]

14. No development shall take place 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
- (f) Sufficient area for turning such that the largest anticipated construction vehicle can arrive in a

forward gear from Warfield Road, turn within the development area, and depart onto Warfield

Road in a forward gear.

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 (f) above.

REASON: In the interests of visual amenity and road safety.

[Relevant Policies: CSDPD Policy CS7 & CS23, BFBLP 'Saved' Policy EN20]

15. The badger run shall be provided in accordance with dwg 21.021.WD.204 revision J and be retained thereafter.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

16. Apart from the lighting shown on dwg 21.021.WD.204 revision J, 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 badgers 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 badgers using their territory or having access to their breeding sites and resting places.

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

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

17. The biodiversity enhancements (not mitigation) shown on 21.021.WD.204 revision J shall be performed, observed and complied with.

REASON: In the interests of nature conservation  
[Relevant Policies: CSDPD Policies CS1, CS7]

18. An ecological site inspection report shall be submitted to the Local Planning Authority within three months of the first occupation of any dwelling hereby approved. Any recommendations contained within this report and agreed in writing by the Local Planning Authority shall be performed, observed and complied with.

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

19. The development shall be implemented in accordance with the Water Efficiency letter produced by Energy Test 2 February 2022 and retained as such thereafter.

REASON: In the interests of sustainability and the efficient use of resources. [Relevant Policy: Core Strategy DPD CS10]

20. The development shall be implemented in accordance with the Energy Statement dated 16<sup>th</sup> May 2022 prepared by Energy Test and shall be retained in accordance therewith.

REASON: In the interests of the sustainability and the efficient use of resources.  
[Relevant Plans and Policies: CSDPD Policy CS12]

21. 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.

22. No development shall commence until details of how the surface water 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.

23. No building or use hereby permitted shall be occupied or the use commenced until the sustainable urban drainage scheme for this site has been completed in accordance with the 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 In accordance with policy CS1 of the Core Strategy.

24. No occupation of any dwelling shall take place until a verification report, appended with substantiating evidence demonstrating the agreed/approved construction details



and specifications have been implemented to serve the particular property, has been submitted to 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, cover systems, etc.

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.

25. No development shall take place until details of proposed boundary treatments which shall not impact on existing flood flow routes (as set out in the PBA Technical Note dated 9 April 2019) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented and retained as such.

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

[Relevant Policy: Core Strategy DPD CS1]

26. The dwellings hereby permitted shall not be occupied until details have been submitted to and approved in writing by the Local Planning Authority regarding information to be provided to prospective residents concerning aspects of any drainage systems that serve multiple properties and the need for residents to maintain the fencing details subject to condition 25.

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

[Relevant Policy: Core Strategy DPD CS1]

27. The following windows on the first floor side elevations of the dwellings hereby permitted, shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent). They shall at all times be fixed with the exception of a top hung openable fanlight set at least 1.7 metres off the finished floor levels:

- South and North facing elevation of Plot 1
- South and North facing elevation of Plot 2
- South facing elevation of Plot 3

Any replacement windows shall be glazed and fixed to this standard, and retained as such.

REASON: In the interests of the residential amenity of the neighbouring properties within the development hereby approved.

[Relevant Policy: BFBLP 'Saved' Policy EN20].

28. The roof lights on the north facing roof of Plot 1, south facing roof of Plot 2 and east facing roof of Plot 3 shall at all times be not less than 1.7 metres above internal floor level.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

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

REASON: To provide high speed broadband

[Relevant Policies: Policy EC6 Broadband of the Bracknell Town Council Neighbourhood Plan 2021]

**In the event of the S106 agreement not being completed by 28<sup>th</sup> February 2023, the Assistant Director: Planning be authorised to either extend the period further or refuse the application for the following reasons: -**

- 01 In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017 (as amended), Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and the Thames Basin Heaths Special Protection Area Supplementary Planning Document (2018).

#### 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: 14, 21, 22, 25

The following conditions require discharge prior to the occupation of the dwellings hereby approved: 5, 6, 8, 16, 18, 23, 24, 26, 29

No details are required to be submitted in relation to the following conditions; however they are required to be complied with: 1, 2, 3, 4, 7, 9, 10, 11, 12, 13, 15, 17, 19, 20, 27, 28

03. Any works affecting the adjoining highway (including any adopted footway, verge and crossover) shall be approved and a relevant licence or permit obtained before any work is carried out within the highway. Contact should be made with The Highways and Transport Section at Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 352000 or via email at [highwaynetwork.management@bracknell-forest.gov.uk](mailto:highwaynetwork.management@bracknell-forest.gov.uk). A formal application should be made allowing at least 12 weeks prior to when works are required to allow for processing of the application, agreement of the details and securing the appropriate agreements and licences to undertake the work. Any work carried out on the public highway without proper consent from the Highway Authority could be subject to prosecution and fines related to the extent of work carried out.
04. 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 took 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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**Unrestricted Report**

**ITEM NO:**

Application No.  
**22/00361/FUL**  
 Site Address:

Ward:  
 Priestwood And Garth

Date Registered:  
 2 May 2022

Target Decision Date:  
 27 June 2022

**Land To The Rear Of 29 Warfield Road & 7 Sherring Close Bracknell Berkshire RG42 2JY**

Proposal:

Section 73 application for the variation of Condition 02 (Approved Plans), and the submission/variation of details pursuant to Conditions 03 (Materials), 04 (Finished Floor Levels), 05 (Hard and Soft Landscaping), 06 (Boundary Treatments), 08 (Access), 10 (Parking), 11 (Car Ports), 12 (Cycle and Bin Storage), 13 (Construction Management), 14 (CEMP), 15 (Badger Run), 16 (External Lighting), 17 (Biodiversity Enhancements), 19 (Water Use), 20 (Energy Demand Assessment), 21 (Drainage System Details), 22 (Boundary Treatments-Drainage), 23 (Drainage Maintenance & Management) and 27 (Bin Collection Point) of planning permission 19/00023/FUL for the erection of 3no. dwellings with associated landscaping, parking and access.

Applicant: Mr Tahir Iqbal  
 Agent: Mr Matt Taylor  
 Case Officer: Katie Andrews, 01344 352000

[Development.control@bracknell-forest.gov.uk](mailto:Development.control@bracknell-forest.gov.uk)

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



## **OFFICER REPORT**

### **1. SUMMARY**

1.1 This is a Section 73 application for the variation of Condition 02 (Approved Plans), and the submission/variation of details pursuant to Conditions 03 (Materials), 04 (Finished Floor Levels), 05 (Hard and Soft Landscaping), 06 (Boundary Treatments), 08 (Access), 10 (Parking), 11 (Car Ports), 12 (Cycle and Bin Storage), 13 (Construction Management), 14 (CEMP), 15 (Badger Run), 16 (External Lighting), 17 (Biodiversity Enhancements), 19 (Water Use), 20 (Energy Demand Assessment), 21 (Drainage System Details), 22 (Boundary Treatments-Drainage), 23 (Drainage Maintenance & Management) and 27 (Bin Collection Point) of planning permission 19/00023/FUL for the erection of 3no. dwellings with associated landscaping, parking and access.

1.2 The amendments to the application would result in the dwellings using the roof spaces and creating extra rooms, with the use of roof lights. Positions of the dwellings to the boundaries have also been amended. These changes are not considered to significantly harm the amenity of the surrounding area or neighbouring dwellings.

1.3 The applicant has submitted information to discharge conditions under the original consent and the conditions are recommended to be discharged and reworded under this consent to require compliance with the information. However conditions 05, 06, 13, 14 and 21 are not recommended to be discharged as additional information is required and they are recommended to be re imposed on this consent.

<b>RECOMMENDATION</b>
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Delegate to the Assistant Director: Planning to grant planning permission following the completion of a deed of variation to the existing s106 to secure additional Thames Basin Heaths SPA mitigation and subject to the conditions in Section 11 of this report.
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### **2. REASON FOR REPORTING APPLICATION TO COMMITTEE**

2.1 The application is being reported to the Planning Committee at the request of Councillor Brown.

### **3. PLANNING STATUS AND SITE DESCRIPTION**

<b>PLANNING STATUS</b>
------------------------

Land within a defined settlement
----------------------------------

Sited within 5km of the Thames Basin Heath SPA
--

Badger activity (protected species) located in vicinity of development
--

Culverted watercourse located beneath site
--

3.1 Acacia House, 29 Warfield Road and Grayswood House, 7 Sherring Close are both two storey detached dwellinghouses, each containing generous landscaped rear gardens which form a shared boundary. The dwellings are located in a built up, predominately residential area. The site level slopes notably downwards from east to west.

3.2 Warfield Road (the A3095) beyond the eastern boundary of the site is a significant distributor road, connecting Bracknell town centre from the south to Warfield and other settlements beyond to the north. Sherring Close to the west, by contrast, is a residential cul-de-sac. However, both street scenes are characterised by significant levels of planting fronting residential dwellings.

3.3 The site is immediately adjoined by residential properties on all sides (Warfield Road, Sherring Close, and Huson Road to the north). The surrounding dwellings are two storeys and detached, with those to the south, east and west containing large rear gardens.

3.4 A strip of enclosed undeveloped land is sited to the north of the rear garden of 7 Sherring Close, forming a biodiversity and drainage corridor to the main section of Piggy Wood on the opposite side of Huson Road (through tunnels running under the highway).

#### **4. RELEVANT SITE HISTORY**

4.1 The planning history for this application site is as follows:

22/00425/FUL

Erection of 3no. detached self-build dwellings (Alternative to planning permission ref: 19/00023/FUL). On this agenda recommended for approval.

19/01092/FUL

Erection of 5no dwellings with associated landscaping, parking and access. (Alternative scheme to application 19/00023/FUL) Withdrawn 06.04.2021

19/00023/FUL

Erection of 3no. dwellings with associated landscaping, parking and access.  
Approved 14.04.2022

4.2 The planning history of 29 Warfield Road is as follows:

620464

Erection of single storey double garage.  
Approved (1995)

4.3 The planning history of 7 Sherring Close is as follows:

11417

Extension to existing bedroom with porch under.  
Approved (1966)

602452

Single storey extension forming porch and study.  
Approved (1977)

14/00759/FUL

Single storey side extension with front entrance porch and pitched roof following demolition of existing porch to side.  
Approved (2014)

16/01177/FUL

Erection of two storey side extension, front porch and detached double garage with accommodation above.  
Approved (2016)

## 5. THE PROPOSAL

5.1 This application has been submitted as a Section 73 application as it proposes an amendment to the original planning permission 19/00023/FUL for the erection of 3no. dwellings with associated landscaping, parking and access by amending condition 02 which refers to the approved plans.

5.2 The section 73 application is also for the submission/variation of details pursuant to Conditions 03 (Materials), 04 (Finished Floor Levels), 05 (Hard and Soft Landscaping), 06 (Boundary Treatments), 08 (Access), 10 (Parking), 11 (Car Ports), 12 (Cycle and Bin Storage), 13 (Construction Management), 14 (CEMP), 15 (Badger Run), 16 (External Lighting), 17 (Biodiversity Enhancements), 19 (Water Use), 20 (Energy Demand Assessment), 21 (Drainage System Details), 22 (Boundary Treatments-Drainage), 23 (Drainage Maintenance & Management) and 27 (Bin Collection Point) of planning permission 19/00023/FUL for the erection of 3no. dwellings with associated landscaping, parking and access.

5.3 The main amendments to the application are as follows:

Plot 1:

Increase the length of plot 1 by 0.69m -1.04m  
Decrease distance to northern boundary by 0.6m.

During the course of the application, the height of the dwelling has been amended to 8.8m in line with the approved application 19/00023/FUL. Two roof lights have been added to the roof to allow the roofspace to be used as an additional bedroom, dressing room and ensuite.

Plot 2:

Reduce the distance of the dwelling to northern boundary by 0.69-1.14m.  
Increase the distance to the southern boundary by 0.61m.  
Increase the length of plot 1 by 0.64m -1.03m.

The height of the dwelling has been amended to 8.8m in line with the approved application 19/00023/FUL. Two roof lights have been added to the roof to allow the roofspace to be used as an additional bedroom, dressing room and ensuite.

Plot 3:

Position slightly changed with the dwelling on Plot 3 now proposed to front the access road.

Four roof lights have been added to the roof to allow roofspace to be used for a bonus room and bathroom. The height of the dwelling has been amended to 8.78m in line with the approved application 19/00023/FUL.

5.4 In terms of the site layout, the parking spaces have been slightly relocated as has the access road.

5.5 The application also proposes to amend/discharge the conditions that relate to requirements under 19/00023/FUL for:

Materials (Condition 03)  
Finished floor levels (Condition 04)  
Hard and soft landscaping (Condition 05)



Boundary treatments (Condition 06)  
Access construction and materials (Condition 08)  
Visibility splays (Condition 09)  
Parking arrangements (Condition 10)  
Construction management (Condition 13)  
CEMP (Condition 14)  
Badger run (Condition 15)  
External lighting (Condition 16)  
Biodiversity enhancements (Condition 17)  
Sustainability statement (Condition 19)  
Energy demand assessment (Condition 20)  
Drainage system (Condition 21)  
Boundary treatments (Condition 22)  
Surface water management (Condition 23)  
Occupier information (Condition 25)  
Bin collection point (Condition 27)

5.6 Condition 03 states:

No above-ground construction works shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

[Relevant Policies: BFBLP 'Saved' Policy EN20; Core Strategy DPD CS7]

5.7 Condition 04 states:

The development hereby permitted shall not be begun until details showing the finished floor levels of the building 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 'Saved' Policy EN20, Core Strategy DPD CS7]

5.8 Condition 05 states:

The development shall not be begun until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include 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.

REASON: In the interests of good landscape design and the visual amenity of the area.  
[Relevant Policies: BFBLP EN2 and EN20, CSDPD CS1 and CS7]

5.9 Condition 06 states:

No development shall commence until details of the boundary treatments (fencing, hedges, walls) have been submitted to and approved by the Local Planning Authority. The approved details shall thereafter be implemented and retained as such. All boundary treatments shall provide for the free movement of wildlife to and from the site.

REASON: In the interests of the visual amenity of the area, and biodiversity  
[Relevant Plans and Policies: CSDPD CS1, CS7]

5.10 Condition 08 states:

The additional dwellings hereby permitted shall not be occupied until the means of vehicular access, including details of construction and materials, has been provided 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]

5.11 Condition 09 states:

The dwellings hereby permitted shall not be occupied until visibility splays have been provided at the junction of the site access with Warfield Road in accordance with drawing 2541-PL-07 'Block Plan Showing Vision Splays Site Access Swept Paths', received by the Local Planning Authority on 22 February 2019. 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 carriageway.

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

5.12 Condition 10 states:

The dwellings hereby permitted shall not be occupied until the associated vehicle parking spaces have been surfaced and marked out in accordance with approved drawing 2541-PL-01 Rev.B 'Site Plan', received by the Local Planning Authority on 22 February 2019. The spaces shall thereafter be kept available for parking at all times.

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

5.13 Condition 13 states:

No development shall take place 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, visitors and occupants of 40 Saffron Road;
- (b) Loading and unloading of plant and vehicles;
- (c) Storage of plant and materials used in constructing the development;
- (d) Wheel cleaning facilities, and
- (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 visual amenity and road safety.

[Relevant Policies: CSDPD Policy CS7 & CS23, BFBLP 'Saved' Policy EN20]

5.14 Condition 14 states:

No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging development activities
- b) identification of "biodiversity protection zones"
- c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during development (may be provided as a set of method statements)
- d) the location and timing of sensitive works to avoid harm to biodiversity features
- e) the times during development when specialist ecologists need to be present on site to oversee works
- f) responsible persons and lines of communication
- g) the role and responsibilities on site of an ecological clerk of works or similarly competent person
- h) the use of protective fences, exclusion barriers and warning signs

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the development period strictly in accordance with the approved details.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1]

5.15 Condition 15 states:

No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority setting out details of a badger run including details of boundary treatments. The badger run shall thereafter be provided in accordance with the agreed scheme and be retained thereafter.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

5.16 Condition 16 states:

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 badgers 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 badgers using their territory or having access to their breeding sites and resting places.

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

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

5.17 Condition 17 states:

No development shall take place 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 Policies: CSDPD Policies CS1, CS7]

Condition 19 states

5.18 Condition 19 states:

No development shall take place until a Sustainability Statement covering waterefficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day, has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the Sustainability Statement, as approved, and retained as such thereafter.

REASON: In the interests of sustainability and the efficient use of resources. [Relevant Policy: Core Strategy DPD CS10]

5.19 Condition 20 states:

No development shall take place until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 10%). 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]

5.20 Condition 21 states:

No development shall take place until full details of the Drainage Systems, in accordance with the principles set out in the PBA Technical Note dated September 2019, have been submitted to and approved in writing by the Local Planning Authority. These shall include calculations demonstrating that the scheme meets greenfield runoff rates and volumes for the 1 in 1, 1 in 2, 1 in 30, 1 in 100 year and 1 in 100 +40% increase in climate change. The scheme shall be designed using FEH Rainfall and include a 10% increase for urban creep. Full details of all components of the proposed drainage system including dimensions, locations, gradients, invert and cover levels, permeable paving construction, headwall details, planting (if necessary) and drawings as appropriate taking into account the groundwater table.

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

[Relevant Policy: Core Strategy DPD CS1]

5.21 Condition 22 states:

No development shall take place until details of proposed boundary treatments which shall not impact on existing flood flow routes (as set out in the PBA Technical Note dated 9 April 2019) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented and retained as such.

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

[Relevant Policy: Core Strategy DPD CS1]

#### 5.22 Condition 23 states:

No development shall take place 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 approved details shall thereafter be implemented and retained as such.

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

[Relevant Policy: Core Strategy DPD CS1]

#### 5.23 Condition 25 states:

The dwellings hereby permitted shall not be occupied until details have been submitted to and approved in writing by the Local Planning Authority regarding information to be provided to prospective residents concerning aspects of any drainage systems that serve multiple properties and the need for residents to maintain the fencing details subject to condition 22.

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

[Relevant Policy: Core Strategy DPD CS1]

#### 5.24 Condition 27 states:

The dwellings hereby permitted shall not be occupied until details of a bin collection point (within 25 metres of the highway of Warfield Road), serving the development hereby approved, have been submitted to and approved in writing by the Local Planning Authority. The collection point shall be provided prior to occupation and retained thereafter.

REASON: In order to ensure adequate bin collection facilities are provided, in the interests of highway safety and the character of the area.

[Relevant Policy: BFBLP 'Saved' Policy EN20].

## 6. REPRESENTATIONS RECEIVED

### Bracknell Town Council

#### 6.1 Considered No Objection

### Other Representations

6.2 Three letters of objection have been received raising the following material considerations:

- Object to any development that will increase traffic accessing Warfield Road
- Highway safety concerns.
- Speed limit needs to be reduced and no additional properties added.
- Loss of privacy to houses in Huson Road, which is increased by addition of skylights.
- Impact on wildlife as wildlife returned since original survey.
- High risk of surface water flooding
- Approved drainage won't work, what protection do we have from the flooding this development will cause.
- Loss of trees
- Gravel driveway will be too noisy.

- Turning area is too small and will cut across plot 1.
- Out of character
- Overlooking

*[Officer note: the principle of the development has been established under extant planning permission 19/00023/FUL. This consent established the impact on highway safety, surface water flooding, loss of trees and biodiversity]*

## 7. SUMMARY OF CONSULTATION RESPONSES

### Renewable Energy Officer

7.1 Recommends discharge of condition.

### Lead Local Flood Authority

7.2 Recommends discharge of the conditions.

### Highway Authority

7.3 Recommends approval of the application and conditions following amended information and recommends conditions.

### Biodiversity Officer

7.4 Recommends approval of conditions following amended information.

### Waste Officer

7.5 For only 3 properties bins will need to be brought to a point within 25 metres of the adopted highway for collection from the Warfield Road.

### Landscape Officer

7.6 No objection on overall landscaping scheme however plans have been amended to show the removal of an existing hedge to northern boundary. As Juniper Skyrocket is very conical and narrow in form, it would not create a continuous hedge but narrow individual plants with gaps in between. [Officer note: It is therefore recommended that the landscape condition is reapplied to require a hedge that provides better screening on this boundary]

### Environmental Health

7.7 No comments to make.

## 8. DEVELOPMENT PLAN

8.1

	<b>Development Plan</b>	<b>NPPF</b>
Principle of Development	CSDPD Policies CS1 and CS2	Consistent
Design & Character	CSDPD Policy CS7 and BFBLP 'Saved' Policy EN20	Consistent
Trees & Landscape	CSDPD Policies CS1 & CS7 BFBLP 'Saved' Policies EN1, EN2 & EN20	Consistent

Residential Amenity & Pollution	'Saved' Policies EN20 & EN25 of BFBLP	Consistent
Transport	CSDPD Policy CS23 and BFBLP 'Saved' Policy M9	Consistent
Drainage	CS1 of CSDPD	Consistent
Biodiversity	CSDPD Policies CS1 & CS7	Consistent
Sustainability (Renewable Energy and Water Use)	CSDPD Policies CS10 & 12	Consistent
SPA	CS14 of CSDPD BFBLP 'Saved' Policy EN3 SEP 'Retained' Policy NRM6	Consistent
<b>Supplementary Planning Documents (SPD)</b>		
Design SPD (2017)		
Parking Standards SPD (2016)		
Sustainable Resource Management SPD (2008)		
Thames Basin Heaths SPA SPD (2018)		
<b>Other publications</b>		
National Planning Policy Framework (NPPF) (2019)		
National Planning Policy Guidance (NPPG) (2019)		
BFC CIL Charging Schedule		

8.2 In addition, the Bracknell Town Neighbourhood Plan was adopted October 2021. The relevant policies from this which are considered consistent with the NPPF are:

- 8.3 Policy EV4 Protection of Trees
- Policy EV5 New Tree Planting
- Policy HO1 Infill and Backland Development
- Policy HO4 Managing the Streetscape
- Policy HO5 Private Gardens: Green Infrastructure and biodiversity networks
- Policy HO6 Buildings: Energy Efficiency and Generation
- Policy HO7 Buildings: Local Character
- Policy HO8 Buildings: Good Quality Design
- Policy EC 6 Broadband

## 9. PLANNING CONSIDERATIONS

9.1 The principle of this development was considered at the time that planning permission was granted by virtue of planning permission 19/00023/FUL. It considered the development to be acceptable due to its location and nature, and to be in accordance with SALP Policy CP1, CSDPD Policies CS1 (Sustainable Development), CS2 (Locational Principles) and the NPPF.

9.2 Since this time the Bracknell Town Neighbourhood Plan has been 'made' and forms part of the development plan. The draft Local Plan has now been submitted for Examination

and Stage 1 and Stage 2 hearings have been completed, such that some limited weight can be accorded its policies in accordance with para. 48 of the NPPF.

9.3 The first part of this report therefore focuses on the nature of the amendments proposed as part of this S73 application. These are considered individually below:

#### Amendments to approved scheme

9.4 The amendments to the approved scheme have been highlighted above at para. 5.3, and the impacts these could have in addition to the approved scheme 19/00023/FUL, have been considered below.

#### Impact on occupants of neighbouring properties

9.5 In relation to Grayswood House, 7 Sherring Close to the immediate west, there would be a back to back distance of 32 metres between Plots 1 & 2 and no.7 compared with 33.3m under the approved application.

9.6 In relation to the rear garden of 8 Sherring Close to the south of Plot 1 the limited separation distance of 1.7 metres would remain, as under the approved application. However, in terms of loss of privacy, there would only be a first floor bathroom window, which can be conditioned to be obscure glazed with only top opening to parts. Plot 1 would be sited to the north of the garden and taking into consideration the overall size of the garden of no.8 and the fact the existing situation would remain to the east and south, there is not considered to be any unacceptable loss of light to this property.

9.7 In relation to the various neighbouring dwellings in Huson Road to the north, the proposed amendments would result in the following changes:

9.8 Plot 2 would have a separation distance to their rear boundaries of 4.4 metres , compared with 5.5 metres under the approved application, with the distance from the side elevation of Plot 2 to the nearest rear elevation of 26 Huson Road being 15.6 metres compared with 16.7 metres under the approved application.

9.9 The length of the dwelling has increased by 1.06m and the overall height of the dwelling has been amended during the course of this application to stay the same height as previously approved at 8.8 metres. These changes are not considered to result in a significant overbearing impact on the amenity of 26 Huson Road.

9.10 Roof lights have been added to plot 2 but these do not face 26 Huson Road, thereby not resulting in overlooking to 26 Huson Road.

9.11 A first floor bathroom window is proposed to face towards the rear of no. 26 but this can be conditioned to be obscure glazed with no opening parts above 1.7 metres. In terms of loss of light impacts the separation distances are considered acceptable and not to result in an adverse impact.

9.12 Plot 3 has been slightly repositioned in the plot but doesn't move closer to 34 Huson Road. The separation distance to the boundary would be 9.65m, which has increased compared with an approved distance of 9.5 metres, with a wall-to-wall distance to 34 Huson Road of approximately 25 metres, which is similar to what was approved. No roof lights would look towards no. 34 with the relationship remaining very similar to that approved under application 19/00023/FUL.



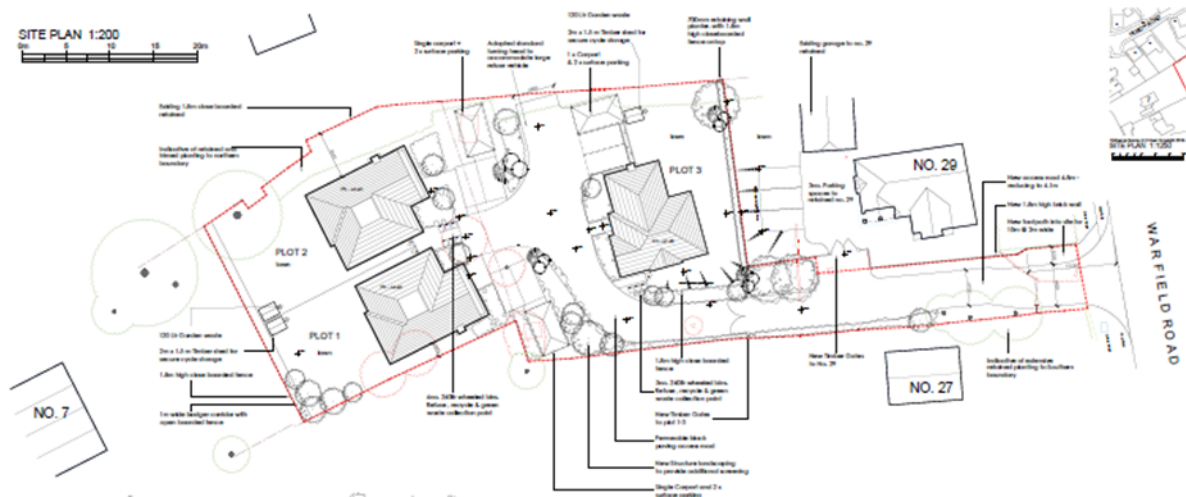
9.13 In relation to 27 Warfield Road to the south-east, the proposed dwelling is now proposed to front on to the access road, rather than sitting at an angle, as under the approved application 19/00023/FUL. The distance to the boundary with no.27 and their rear garden would be 8.10-8.43 metres compared with 9 metres under the approved application 19/00023/FUL and is not considered to impact their amenity.

Impact on Character of the Area

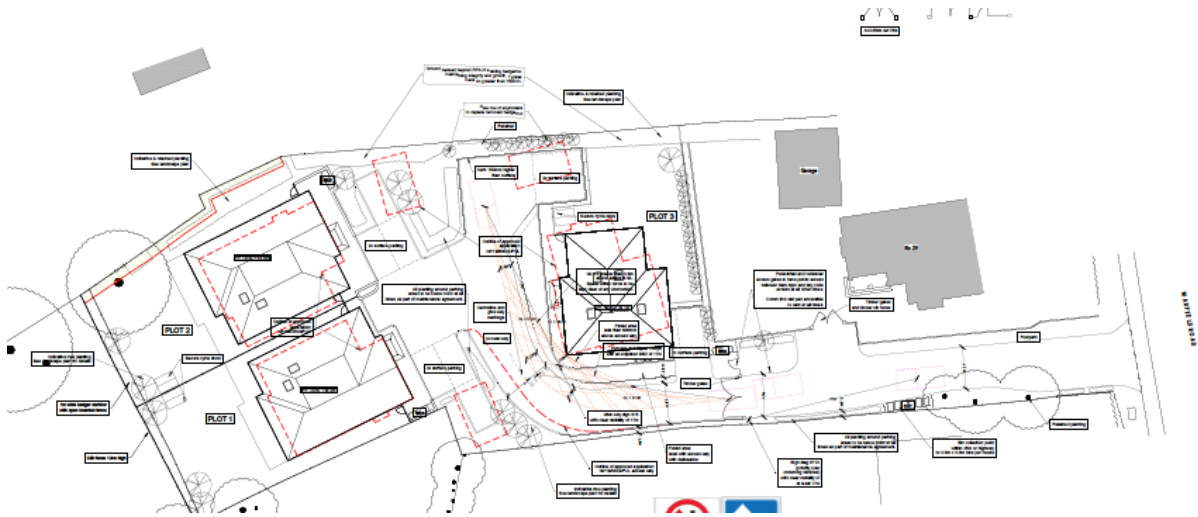
Layout and Surrounding Area

9.14 The principle of this back-land development has been established under the approved application 19/00023/FUL and the proposed dwellings have been largely laid out in the same position as the approved application, utilising the existing access point from Warfield Road. The changes between the 2no. schemes is highlighted in red on the proposed plan.

**Approved Layout**



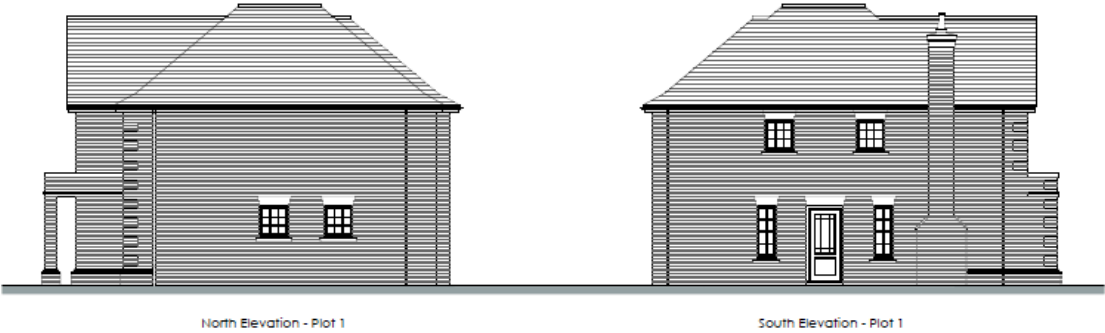
**Proposed Layout**



9.15 Trees and other planting have previously been removed from the site. None of the trees on the site are subject to a Tree Preservation Order and the landscaping of the site is considered below in relation to condition 05. submitted.

Dwelling Design

*Plots 1 & 2 approved*



*Plot 3 approved*



South Elevation Plot 3

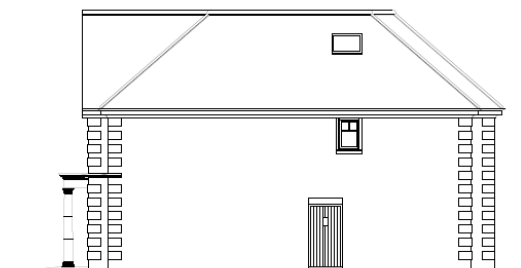
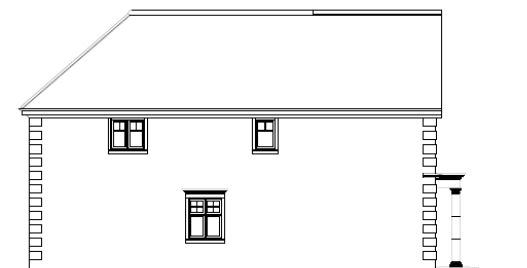


North Elevation (garden) - Plot 3

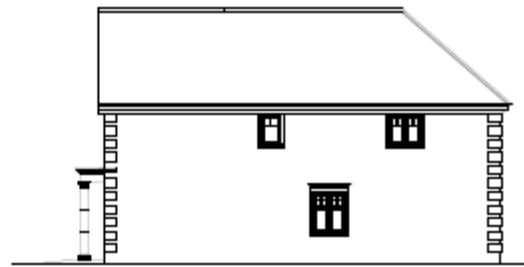
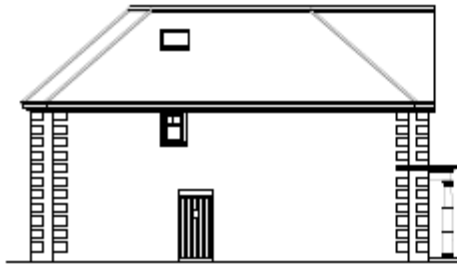
*Plot 1 proposed*



PROPOSED REAR ELEVATION

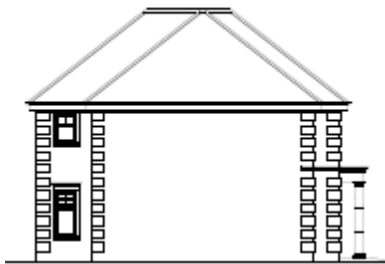


*Plot 2 proposed*



PROPOSED SIDE ELEVATION

*Plot 3 proposed*



9.16 As identified at the time of the previous application 19/00023/FUL the surrounding dwellings have varied architectural styles and external materials. There is a marked contrast between the older development within Warfield Road and Sherring Close and the more modern development in Huson Road.

9.17 The amended elevational designs of the dwellings are considered to be of good quality, following similar designs to the approved application. Whilst it is noted that the houses have had chimneys removed, this is not considered to be a reason to withhold consent.

9.18 The applicants have submitted details of materials pursuant to condition 03 and are proposing red bricks with brown roof tiles which will offer a traditional appearance to the dwellings, with the elevational design considered an acceptable alternative to 19/00023/FUL.

### **Thames Basin Heaths Special Protection Areas**

9.19 In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) Bracknell Forest Council (BFC) has carried out a Habitats Regulations Assessment of the proposed development.

9.20 The following potential adverse effects on habitats sites were screened out of further assessment:

- Loss of functionally linked land (TBH SPA)
- Air pollution from an increase in traffic (TBH SPA, Windsor Forest and Great Park)
- Special Area of Conservation (SAC), Thursley, Ash, Pirbright and Chobham SAC and Chilterns Beechwoods SAC)

9.21 Recreational pressure on the TBH SPA was screened in for Appropriate Assessment.

9.22 BFC, 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.

9.23 This site is located within the **400m – 5km** Thames Basin Heaths Special Protection Area (TBH SPA) buffer zone and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

9.24 On commencement of the development, a contribution (calculated on a per-bedroom basis) is to be paid to BFC towards the cost of measures to avoid and mitigate against the effect upon the TBH SPA, as set out in BFC's Thames Basin Heaths Special Protection Area Supplementary Planning Document (SPD) (April 2018)

9.25 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 TBH 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.

9.26 In this instance, the development would result in a net increase **from 3 x 4-bedroom dwellings under planning permission 19/00023/FUL to 3 x 5-bedroom dwellings** within

the **400m – 5km** TBH SPA buffer zone which results in a total SANG contribution of **£3,144 taking account of the amount of money already received under 19/00023/FUL.**

9.27 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) of **£972 taking account of the amount of money already received under 19/00023/FUL** which is also calculated on a per bedroom basis.

9.28 The total SPA related financial contribution for this proposal is **£4,116 taking account of the amount of money already received under 19/00023/FUL.** The applicant **must agree** to enter into a S106 agreement to secure this contribution and a restriction on the occupation of each dwelling until BFC 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 South East Plan saved Policy NRM6, saved policy EN3 of the Bracknell Forest Borough Local Plan (2002), Policy CS14 of the Core Strategy Development Plan Document (2008), the Thames Basin Heaths Special Protection Area Supplementary Planning Document and the National Planning Policy Framework.

9.29 The remainder of the report deals with the discharge/amendment of the conditions under the 19/00023/FUL consent:

#### Condition 03 (Materials)

9.30 Condition 3 requires the submission of the materials to be used in the construction of the external surfaces of the development.

9.31 The materials for the houses proposed to be used are:  
Marley modern plan tile antique brown  
Ivanhoe Westminster Brick  
Recon Stone Header and CILL

9.32 The materials for the external surfaces of the roads are:  
Tarmac into the site  
Permeable paving leading to houses  
Grey paving to access paths and rear of houses.

9.33 These materials are considered to be sympathetic to the character of the surrounding area and it is therefore recommended the condition be discharged.

#### Condition 04 (Finished Floor Levels)

9.34 The submitted details indicate the finished floor levels of the buildings in relation to a fixed datum point.

9.35 The land slopes from east to west and this is reflected in the finished floor levels. The finished floor level for plot 3 is set at 68.150 m and the finished floor levels for plots 1 and 2 set at 66.400 m. These finish floor levels reflect the planning permission, with plots 1 and 2 set below plot 3 and are viewed to be acceptable.

#### Condition 05 (Hard and Soft Landscaping)

9.36 Condition 5 requires the submission of a scheme depicting hard and soft landscaping. The scheme shall include a 3 year post planting maintenance schedule.

9.37 The proposal includes the planting of silver birch, chanticleer and hawthorn trees and 28 Juniperus trees. Further soft landscaping is proposed to the amenity areas.

9.38 Juniper Skyrocket has been shown to the northern boundary. The Landscape Officer has advised that this is conical and narrow in form and it would not create a continuous hedge but narrow individual plants with gaps in between. It is therefore recommended that this condition is not discharged and a landscape condition is reimposed.

#### Condition 06 (Boundary Treatments)

9.39 Condition 06 requires details of the boundary treatments (fencing, hedges, walls) and that all boundary treatments shall provide for the free movement of wildlife to and from the site.

9.40 A 1.8m high close boarded fence is proposed to the majority of the boundaries and this will ensure privacy is maintained for existing residents and create privacy for the new residents within their gardens. A further timber post and rail fence is provided in the garden of plot 2 to provide an un-managed top soil area to enclosed natural self-seeded plant growth.

9.41 The application has been amended, following advice from the Council's Biodiversity consultant, that additional access under the fences should be provided. The proposal has been amended to include badger gates under the fences. It is however noted that details of the timber gates and retaining walls have not been provided and the condition is required to be reimposed to require these details.

#### Condition 08 (Access construction and materials)

9.42 Condition 8 is required to be reworded to require accordance with the new details submitted under this application.

#### Condition 09 (Visibility Splays)

9.43 Condition 9 relates to visibility splays onto Warfield Road and is required to be retained as per planning permission 19/00023/FUL.

#### Condition 10 (Parking Arrangements)

9.44 This condition is required to be retained, but updated with new drawing numbers, as it requires parking and turning to be provided.

#### Condition 13 (Construction Management)

9.45 Condition 13 requires the submission of a method of construction statement. The Highway Authority have advised that the latest submission is not acceptable, and changes would be required. A further condition can be applied to require this.

#### Condition 14 (CEMP)

9.46 Condition 14 requires a construction environmental management plan (CEMP: Biodiversity) to be submitted. This requires details of:

- a) Risk assessment of potentially damaging development activities
- b) identification of "biodiversity protection zones"

- c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during development (may be provided as a set of method statements)
- d) the location and timing of sensitive works to avoid harm to biodiversity features
- e) the times during development when specialist ecologists need to be present on site to oversee works
- f) responsible persons and lines of communication
- g) the role and responsibilities on site of an ecological clerk of works or similarly competent person
- h) the use of protective fences, exclusion barriers and warning signs.

The CEMP has been considered by the Councils Biodiversity consultant who has advised that the amended CEMP is acceptable and has addressed the point above considering working practices and biodiversity. The condition however is recommended to be reimposed as it notes 6 bird boxes in the CEMP but only shows 3 on the plans, which is acceptable. These need to be consistent.

#### Condition 15 (Badger Run)

9.47 Condition 15 requires details to be submitted to ensure that the badgers that inhabit Piggy Wood would be able to traverse across and forage in the gardens of the new development and requires details of the badger run to be submitted.

The applicants have submitted information to show two badger gates and a 1 metre wide badger corridor with open boarded fences. This information has been considered by the Ecology Consultant who has raised no objection to the badger run. The condition is therefore recommended to be discharged.

#### Condition 16 (External Lighting)

9.48 Condition 16 requires the submission of a lighting design strategy for biodiversity and in relation to badgers using the site. The plans have been amended since they were initially submitted, and all lighting has been removed apart from the porch lighting. The Ecology Consultant has raised no objection on this basis as the original lighting scheme did not demonstrate that it would not harm badgers. The condition therefore agrees the porch lighting but will remain in place and require details of any further lighting to be specifically approved.

#### Condition 17 (Biodiversity Enhancements)

9.49 Condition 17 of 19/00023/FUL requires the submission of a scheme for biodiversity enhancements including details showing the locations of these enhancements.

9.50 The plans have been amended since they were initially submitted to show 3 bat boxes integrated into the houses and 3 bird boxes attached to the dwellings. The Ecology Consultant has raised no objection to these enhancements.

9.51 It is considered that these details address the previous comments of the Biodiversity officer and that the submitted details are acceptable and satisfactorily discharge Condition 17.

#### Condition 19 (Sustainability Assessment)

9.52 Condition 19 requires the submission of a Sustainability Assessment relating to water efficiency aimed at ensuring that the average water use in new dwellings will not exceed 110 litres/person/day. A water use statement has been submitted for each plot advising that the



predicted water consumption would be 109.38 litres per person, per day as required by Condition 19. The condition is therefore recommended to be discharged.

#### Condition 20 (Energy Demand Assessment)

9.53 Condition 20 requires the submission of an Energy Demand Assessment to demonstrate that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 10%). The applicants have proposed that this is met by an air source heat pump system on plot 3. This has been considered by the Council's Sustainable Energy Officer who has raised no objection. The condition is therefore recommended to be discharged.

#### Condition 21 (Drainage System)

9.54 Condition 21 requires the submission of the full details of the drainage systems, in accordance with the principles set out in the PBA Technical Note dated September 2019. Following consultation with the Lead Local Flood Authority (LLFA) they have advised "The applicant has submitted full details of the proposed drainage system, which is in accordance with the approved PBA Technical Note (2019). The submitted calculations demonstrate that the approved discharge rates have been achieved and that no flooding occurs for all events up to and including the 1 in 100 year plus 40% allowance for climate change event, whilst applying a 10% increase for urban creep. In addition it is considered that the information submitted within the hydraulic calculations, drainage design plan, catchment plan and drainage construction details drawings provide the required details of all components of the drainage system and as such it is considered that condition 21 can be discharged"

9.55 Whilst this has been found to be acceptable the plans in the document relate to the approved scheme and the documents need to be updated to show the new layout. It is therefore recommended that this condition is reimposed to require this.

#### Condition 22 (Boundary Treatments)

9.56 Condition 22 requires details of proposed boundary treatments which shall not impact on existing flood flow routes (as set out in the PBA Technical Note dated 9 April 2019). Following consultation, the LLFA has advised that kerbing is provided which demonstrates that the development shall not impact on the existing flood flow routes as set out in the PBA Technical Note dated 9 April 2019. It is therefore considered that condition 22 can be discharged.

#### Condition 23 (Surface Water Management)

9.57 Condition 23 requires details of how the surface water drainage shall be maintained and managed after completion to have been submitted to and approved in writing by the Local Planning Authority. Following consultation, the LLFA has advised that an acceptable maintenance and management plan has been submitted which details that Churchgate Homes will be responsible for the maintenance of the development throughout its lifetime, and details the proposed maintenance activities and their frequency which are in accordance with The SuDS Manual (C753).As such it is considered that condition 23 can be discharged.

#### Condition 25 (Occupier Information)

9.58 Condition 25 requires details to be submitted regarding information to be provided to prospective residents concerning aspects of any drainage systems that serve multiple properties and the need for residents to maintain the fencing details subject to condition 22.

The applicants have submitted a 'Drainage Design and Maintenance Homeowners Guide' which explains why the permeable paving needs to be maintained along with the maintaining the gaps under the fences. As such it is considered that condition 25 can be discharged.

#### Condition 27 (Bin Collection Point)

9.59 Condition 27 on the original consent required details of a bin collection point (within 25 metres of the highway of Warfield Road) to be submitted.

9.60 Under this application the applicants have provided these details and the location of a bin collection point is annotated BCP on drawing 21.021.WD.04 rev F. These details are therefore required to be secured by a planning condition along with advising residents that they must place waste receptacles in this location for collection.

### **10. CONCLUSIONS**

10.1 This is a S73 application, which results in a material amendment to the approved application 19/00023/FUL. The amendments to the approved scheme are considered to be acceptable and would not significantly harm the amenity of the neighbouring dwellings or amenity of the surrounding area.

10.2 The application also seeks approval of details submitted pursuant to a number of conditions of the original consent. Some of the details have been found to be acceptable such that the conditions can be discharged, however the details submitted pursuant to conditions 05, 06, 13, 14 and 21 are not considered sufficient and it is proposed that they are reapplied as under 19/00023/FUL. On this basis, this S73 application is recommended for approval.

### **11. RECOMMENDATION**

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

**- Measures to avoid and mitigate the impact of residential development upon the Thames Basin Heaths Special Protection Area (SPA);**

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

01. The development hereby permitted shall be begun before the expiration date of the 14.04.2025.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990

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

27 Sept 2022:

21.021.WD.110/A

21.021.WD.111/A

21.021.WD.112/A

11 Oct 2022:

21.021.WD.03/J 'Site Plan General Arrangement

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

03. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in compliance with dwg 21.021.WD.113 and 21.021.WC.04 Rev J dated April 2022.

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

[Relevant Policies: BFBLP 'Saved' Policy EN20; Core Strategy DPD CS7]

04. The development hereby permitted shall be constructed in accordance with the finished floor levels shown on drawing 21.021.WD.03 J dated April 2022.

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

[Relevant Policies: BFBLP 'Saved' Policy EN20, Core Strategy DPD CS7]

05. The development shall not be occupied until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include 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 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.

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

[Relevant Policies: BFBLP EN2 and EN20, CSDPD CS1 and CS7]

06. No development shall be occupied until details of the boundary treatments (fencing, hedges, walls) have been submitted to and approved by the Local Planning Authority. The approved details shall thereafter be implemented and retained as such. All boundary treatments shall provide for the free movement of wildlife to and from the site.

REASON: In the interests of the visual amenity of the area, and biodiversity  
[Relevant Plans and Policies: CSDPD CS1, CS7]

07. 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 any of the north- or south-facing elevations of the dwellings of Plot 1, 2 or 3 hereby approved, with the exception of those shown on the approved plans.

REASON: In the interests of the residential amenity of the neighbouring residential properties  
[Relevant Policy: BFBLP 'Saved' Policy EN20].

08. No dwelling hereby permitted shall be occupied until the means of vehicular and pedestrian access to that dwelling has been provided in accordance with drawing 21.021.WD.03 revision J and 21.021.WD.04 revision J with details of construction and materials to be submitted to and approved in writing by the Local Planning Authority. Thereafter the means of vehicular and pedestrian access shall remain clear of obstruction. The area beyond the northern end of the turning head shall also remain clear of obstruction above 100mm above the height of the carriageway to allow turning by a fire tender to be undertaken as shown on drawing 21.021.WD.03 revision J (bottom panel).

REASON: In the interests of highway safety and to ensure access by emergency vehicles.  
[Relevant Policies: Core Strategy DPD CS23, NPPF 112 d)]

09. No dwelling hereby permitted shall be occupied until:

(a) Priority working signs and markings have been provided at the locations annotated on drawing 21.021.WD.03 revision J with clear visibility to the signs of at least 17m as shown on drawing 21.021.WD.03 revision J.

(b) Visibility splays have been provided in the following locations:

(i) at the junction of the site access with Warfield Road in accordance with drawing 2541-PL-07 'Block Plan Showing Vision Splays Site Access Swept Paths', received by the Local Planning Authority on 22 February 2019.

(ii) south-west of plot 3 as shown dashed orange on plan 21.021.WD.03 revision J.

(iii) between a waiting vehicle south-west of plot 3 and an approaching vehicle from the east of at least 19m as annotated on drawing 21.021.WD.03 revision J.

The areas providing visibility to signs and 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]

10. No dwelling shall be occupied until the associated vehicle parking and turning space for 3 cars per dwelling has been surfaced and marked out in accordance with the approved drawing 21.021.WD.04 revision J with electric vehicle charging points for each dwelling with an output of at least 7kW provided in the locations marked with a blue circle on plan 21.021.WD.04 revision J. The spaces and turning areas shall thereafter be kept available for parking and turning at all times.

REASON: To ensure that the development is provided with adequate car parking designed to enable charging of plug-in vehicles and 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, NPPF 112 e)]

11. No dwelling shall be occupied until 4 secure and covered cycle parking spaces per dwelling have been provided in the locations identified 'Secure cycle store' for cycle parking on the approved plan 21.021.WD.04 revision J and access between these secure cycle stores and the carriageway of the accessway has been provided. The cycle parking spaces and access routes to these shall thereafter be retained.

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

12. No dwelling hereby permitted shall be occupied until a bin collection point has been provided south of the access road south of no. 29 Warfield Road in the location annotated BCP on the approved plans (within 25 metres of the adopted highway of Warfield Road). The bin collection point shall be retained thereafter.

REASON: In order to ensure that waste collection can be undertaken, in the interests of highway safety, character of the area and amenity of residents.  
[Relevant Policies: BFBLP 'Saved' Policies EN20, Core Strategy DPD CS7 and CS23]

13. Notwithstanding the approved plans, the porches to the front (north east elevation) of plots 1 and 2 shall be open-sided and open-fronted in order that waste receptacles can be moved from their storage location to the access road through the porch. The access routes between waste stores and the access road under the porches for plots 1 and 2 shall thereafter be kept clear for movement of waste receptacles at all times.

REASON: In order to ensure that waste collection can be undertaken, in the interests of highway safety, character of the area and amenity of residents.  
[Relevant Policies: BFBLP 'Saved' Policies EN20, Core Strategy DPD CS7 and CS23]

14. No development shall take place 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
- (f) Sufficient area for turning such that the largest anticipated construction vehicle can arrive in a forward gear from Warfield Road, turn within the development area, and depart onto Warfield Road in a forward gear.

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 (f) above.

REASON: In the interests of visual amenity and road safety.  
[Relevant Policies: CSDPD Policy CS7 & CS23, BFBLP 'Saved' Policy EN20]

15. No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging development activities
- b) identification of "biodiversity protection zones"
- c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during development (may be provided as a set of method statements)
- d) the location and timing of sensitive works to avoid harm to biodiversity features
- e) the times during development when specialist ecologists need to be present on site to oversee works
- f) responsible persons and lines of communication
- g) the role and responsibilities on site of an ecological clerk of works or similarly competent person
- h) the use of protective fences, exclusion barriers and warning signs

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the development period strictly in accordance with the approved details.

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

16. The badger run shall be provided in accordance with dwg 21.021.WD.04 revision J and be retained thereafter.

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

17. Apart from the lighting shown on dwg 21.021.WD.04 revision J, 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 badgers 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 badgers using their territory or having access to their breeding sites and resting places.

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

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

18. The biodiversity enhancements (not mitigation) shown on 21.021.WD.04 revision J shall be performed, observed and complied with.

REASON: In the interests of nature conservation  
[Relevant Policies: CSDPD Policies CS1, CS7]

19. An ecological site inspection report shall be submitted to the Local Planning Authority within three months of the first occupation of any dwelling hereby approved. Any recommendations contained within this report and agreed in writing by the Local Planning Authority shall be performed, observed and complied with.

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

20. The development shall be implemented in accordance with the Water Efficiency letter produced by Energy Test dated 2 February 2022 and implemented and retained as such thereafter.

REASON: In the interests of sustainability and the efficient use of resources.  
[Relevant Policy: Core Strategy DPD CS10]

21. The development shall be implemented in accordance with the Energy Statement prepared by Energy Test and received by the Local Planning Authority on 28<sup>th</sup> July 2022 and shall be retained in accordance therewith.

REASON: In the interests of the sustainability and the efficient use of resources.  
[Relevant Plans and Policies: CSDPD Policy CS12]

22. No development shall take place until full details of the Drainage Systems, in accordance with the principles set out in the PBA Technical Note dated September 2019, have been submitted to and approved in writing by the Local Planning Authority. These shall include calculations demonstrating that the scheme meets greenfield runoff rates and volumes for the 1 in 1, 1 in 2, 1 in 30, 1 in 100 year and 1 in 100 +40% increase in climate change. The scheme shall be designed using FEH Rainfall and include a 10% increase for urban creep. Full details of all components of the proposed drainage system including dimensions,

locations, gradients, invert and cover levels, permeable paving construction, headwall details, planting (if necessary) and drawings as appropriate taking into account the groundwater table.

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

[Relevant Policy: Core Strategy DPD CS1]

23. The drainage shall be implemented in accordance with the Drainage Design Technical Note dated 17.06.2022 and produced by ATCN Consulting and retained thereafter.

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

[Relevant Policy: Core Strategy DPD CS1]

24. The boundary treatments within the existing flow routes shall be constructed in accordance with drawing K43043-ATCN-92-ZZ-DR-C-3000 P1 and shall be implemented prior to the occupation of the dwellings and retained thereafter.

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

[Relevant Policy: Core Strategy DPD CS1]

25. The surface water drainage shall be maintained and managed in accordance with the Drainage Design Technical Note dated 17.06.2022 and produced by ATCN Consulting. The approved details shall thereafter be implemented and retained as such.

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

[Relevant Policy: Core Strategy DPD CS1]

26. The dwellings hereby permitted shall not be occupied until a verification report has been submitted to and approved in writing by the Local Planning Authority, including evidence demonstrating the agreed construction details and specifications have been implemented. This shall include photos of excavations and soil profiles/horizons, any placement of tanking, crating, connecting pipe work, aquacludes or aquabrakes, cover systems, etc.

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

[Relevant Policy: Core Strategy DPD CS1]

27. The Drainage Design and Maintenance Homeowners Guide dated July 2022 shall be provided to each property on occupation.

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

[Relevant Policy: Core Strategy DPD CS1]

28. The following windows on the first floor side elevations of the dwellings hereby permitted, shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent). They shall at all times be fixed with the exception of a top hung openable fanlight set at least 1.7 metres off the finished floor levels:

- South and North facing elevation of Plot 1
- South and North facing elevation of Plot 2

Any replacement windows shall be glazed and fixed to this standard, and retained as such.

REASON: In the interests of the residential amenity of the neighbouring properties within the development hereby approved.

[Relevant Policy: BFBLP 'Saved' Policy EN20].

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

REASON: To provide high speed broadband

[Relevant Policies: Policy EC6 Broadband of the Bracknell Town Council Neighbourhood Plan 2021]

**In the event of the S106 agreement not being completed by 28<sup>th</sup> February 2023, the Assistant Director: Planning be authorised to either extend the period further or refuse the application for the following reasons: -**

- 01 In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, interms 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: 14, 21

The following conditions require discharge prior to the occupation of the dwellings hereby approved: 5, 6, 8, 16, 18, 25, 28

No details are required to be submitted in relation to the following conditions; however they are required to be complied with: 1, 2, 3, 4, 7, 9, 10, 11, 12, 13, 15, 17, 19, 20, 22, 23, 24, 26, 27.

03. Any works affecting the adjoining highway (including any adopted footway, verge and crossover) shall be approved and a relevant licence or permit obtained before any work is carried out within the highway. Contact should be made with The Highways and Transport Section at Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 352000 or via email at [highwaynetwork.management@bracknell-forest.gov.uk](mailto:highwaynetwork.management@bracknell-forest.gov.uk). A formal application should be made allowing at least 12 weeks prior to when works are required to allow for processing of the application, agreement of the details and securing the appropriate agreements and licences to undertake the work. Any work carried out on the public highway without proper consent from the Highway Authority could be subject to prosecution and fines related to the extent of work carried out.



04. 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 took 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.

Doc. Ref: Uniform 7/DC/Agenda

The application file to which this report relates can be viewed on-line at the Council's Time Square office during office hours or online at [www.bracknell-forest.gov.uk](http://www.bracknell-forest.gov.uk)

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## INFORMATION ITEM FOR COUNCILLORS, NOVEMBER 2022

### PLANNING PERFORMANCE REPORT – QUARTER TWO, 2022-23

#### 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 second quarter of 2022/23, it includes figures for the previous quarter for comparison.

2. PLANNING APPLICATIONS

2.1 Table 1 below shows the planning performance figures for the previous two quarters. The target for 2022/23 was unchanged from the previous year and is 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
<b>Q2 2022/23</b>				
Majors	<b>80%</b>	85%	<b>4</b>	<b>5</b>
Minors	<b>77%</b>	90%	<b>13</b>	<b>25</b>
Others	<b>73%</b>	90%	<b>88</b>	<b>171</b>
Total				
<b>Q1 2022/23</b>				
Majors	100%	85%	3	7
Minors	70%	90%	22	33
Others	83%	90%	98	140
Total			123	180

2.2 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
<b>Q2 2022/23</b>	<b>487</b>	<b>426</b>	<b>-61</b>
Q1 2022/23	451	487	+36

- 2.3 The data show that performance on major applications has declined from the 100% achieved in quarter 1 and is slightly below the 85% target. However, it should be noted that this is the result of a single application going over time in the quarter. Performance on minor applications at 77% for the quarter has not met the 90% target but is an improvement on the 70% achieved in the previous quarter. The performance on other applications at 73% for the quarter has also not met the 90% target and in this case the figures for other applications also represent a lower performance than for quarter 1.
- 2.4 The figures for minors and others continue to reflect the relatively high caseloads and resourcing issues being faced by the planning division and within the various consultees that input to the planning function including those providing tree, transport and drainage advice. It is also an issue within local authority planning departments generally with many having significant numbers of agency staff.
- 2.5 It is, however, notable that the number of cases in hand has reduced during the quarter from 487 to 426. While this remains a historically high level, there does appear to be a lowering in the numbers of application being received over recent weeks so it is hoped that this will in time feed through into further reductions in cases on hand and performance improvements.

### 3. PLANNING ENFORCEMENT

- 3.1 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
<b>Q2 2022/23</b>	<b>52</b>	<b>54</b>	<b>122</b>
Q1 2022/23	53	48	124

- 3.2 The table above shows that, the number of cases open has reduced by 2 over the quarter. This has reversed the trend of increasing numbers over the previous 2 quarters, though remains above the target of 100 or fewer live cases.
- 3.3 Table 4 shows the numbers of current enforcement cases that are over 6, 12 and 18 months old.

Table 4 Older Enforcement Cases

	<b>Q2 2022/23</b>	Q1 2022/23	<b>Change</b>	<b>Change %</b>
Current cases over 6 months old	<b>80</b>	69	+11	+13.7%
Current cases over 12 months old	<b>49</b>	44	+5	+10.2%
Current cases over 18 months old	<b>29</b>	23	+6	+20.7%

- 3.4 Table 4 above shows that, over the previous quarter there has been an increase generally in the numbers of older cases across all categories. This partly reflects previous higher caseloads in the section and the officer time spent on planning enforcement appeal work. It also partly reflects that a large number of older cases are the subject of live planning applications and are not closed until the outcome of the application process is known. This affects a significant proportion of the current cases on hand, and it is anticipated that the determination of a number of such applications in the coming quarter should help to improve these figures for quarter 3. The team continues to deal with enquiries which have not resulted in the creation of an enforcement case but have needed to be investigated and responded to appropriately.
- 3.5 The cases are regularly monitored and action is prioritised in accordance with the Local Enforcement Plan. There have been some successes during the quarter such as those shown in the following photographs.

## CASE STUDY

3.6 These photos show enforcement cases successfully resolved during the quarter.

Case 1 - 9 Market Street in Bracknell – unauthorised erection of advertisements (banners)

Before –



After –



Case 2 - 16 Kenton Close –unauthorised retaining wall and fence along pathway

Before –



After – Wall is currently being removed after a protracted effort – it will also be re-soiled and seeded to be reinstated as amenity land.



#### 4. PLANNING APPEALS

- 4.1 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
<b>Q2 2022/23</b>	<b>12</b>	<b>3</b>	<b>9</b>	<b>75%</b>	<b>66%</b>
Q1 2022/23	6	4	2	33%	66%

- 4.2 Twice as many appeal decisions were received in the second quarter compared to the first. Planning appeals performance for the second quarter exceeded the target of 66% with 9 out of 12 appeal decisions being dismissals (75%). This is a significant improvement on the figures for the first quarter.
- 4.3 An important decision received in the quarter was for Home Farm, Forest Rd, West End, Warfield. This was an application for 197 new homes and a convenience store on land within the countryside and included a proposed new roundabout access off Forest Road. The application had been refused under delegated powers in November 2021.
- 4.4 In dismissing the appeal the inspector agreed with the Council's landscape evidence on the sensitivity of the site and the effects of the proposal on the character of Forest Road. He also found that safe pedestrian and cycle access had not been demonstrated by the proposal. In balancing the benefits and disbenefits of the scheme he stated:
- "Put shortly, this would be a development in the wrong place, divorced from the existing urban area, and without sufficient benefits to overcome the clear harms identified and the conflict with the development plan, even allowing for reduced weight to the conflict in some of the policy areas as a result of inconsistency with the NPPF or application of the tilted balance."*
- 4.5 The allowed appeals included White Gates, Mushroom Castle, Winkfield Row. In this case a retrospective application to change the location of two dormer windows on a previously approved garage building was refused by the planning committee against the officer's recommendation.
- 4.6 In allowing the appeal the inspector found that, due to their size and relationship with neighbouring properties, the dormer windows were not overbearing. The inspector also found that there was no unacceptable degree of overlooking, particularly taking account of existing vegetation. The decision also quashed an enforcement notice that had been served on the property following the refusal of planning permission.
- #### 5. COMMUNITY INFRASTRUCTURE LEVY (CIL) AND S106 PAYMENTS



- 5.1 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
<b>Q2 2022/23</b>	8	£1,752,616	7	£1,385,559	£1,161,694
Q1 2022/23	16	£4,301,713	6	£1,358,999	£1,581,254

- 5.2 Table 6 shows that CIL receipts were somewhat lower than those for the first quarter of 2022/23. Overall though the income is very satisfactory for the year to date. While the amount in liabilities issued was significantly lower than for the previous quarter, it does show that for the year to date we have a continuing pipeline of infrastructure funding from this source. The short term prospects are good with a modest increase in the value of demand notices issued.

Table 7 Amounts Secured and Received via S106 Agreements

S106 2020/21	Amount secured in s106 Agreements	Amount received from s106 Agreements
<b>Q2 2022/23</b>	<b>£2,478,999</b>	<b>£1,038,236</b>
Q1 2022/23	£2,173,299	£412,075

- 5.3 Table 7 shows that the amounts of S106 funding secured in new agreements increased from the previous quarter as did the amount received via S106 agreements.

## 6. RECOMMENDATION

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

Contact for further information  
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