

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 20 April 2023, 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	Time	Page
1.	Apologies for Absence		
	To receive apologies for absence.		
2.	Minutes		3 - 8
	To approve as a correct record the minutes of the meeting of the Committee held on 23 March 2023.		
3.	Declarations of Interest		
	<p>Members are asked to declare any disclosable pecuniary or affected interests in respect of any matter to be considered at this meeting.</p> <p>Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Disclosable Pecuniary Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days.</p> <p>Any Member with an Affected Interest in a matter must disclose the interest to the meeting. There is no requirement to withdraw from the meeting when the interest is only an affected interest, but the Monitoring Officer should be notified of the interest, if not previously notified of it, within 28 days of the meeting.</p>		
4.	Urgent Items of Business		
	Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.		

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Planning Applications

(Assistant Director - Planning)

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

5.	PS 22-00613-FUL - Land To The Rear of Oak Tree Nursery - Cocks Lane	9 - 26
	Change of Use of land and building from Agricultural To Vehicle Repairs and Servicing.	
6.	22-00537-FUL - Palm Hills Estate, London Road, Bracknell	27 - 48
	Section 73 application to vary condition 04 (approved plans), 02 (Landscaping Reserved matters), 05 (Phasing Plan), 06 (CEMP), 07 (Drainage), 08 (SUDS), 09 (Remediation), 11 (Gas Mitigation), 12 (Leachates), 13 (Bats), 14 (Badgers), 16 (Archaeology) and 17 (Tree Protection) of planning permission 19/00847/OUT allowed under Appeal (Ref: APP/R0335/W/21/3267437) for demolition of existing Palm Hills complex and redevelopment of site to provide 81 dwellings (15no. one bedroom, 8no. two bedroom, 49no. three bedroom and 9no. four bedroom) with associated car parking, landscaping and amended access onto London Road (means of access, appearance, layout and scale to be considered, landscaping reserved for future consideration). [For clarification: this application seeks changes to house types on plot numbers 1, 5, 6, 7, 8, 9, 10, 11, 12, 18, 19, 20, 21, 23, 24, 25, 26, 7, 28, 29, 30, 31, 68, 69, 70, 71, 72, 73, 74, 75, 76, 78, 79, 80 and 81].	
7.	21-00044-OUT - Oak Tree Nursery, Bracknell Road	49 - 64
	Outline application for the erection of rural workers dwelling with associated parking (all matters reserved except for access).	

Sound recording, photographing, filming and use of social media is permitted. Please contact Hannah Harding, 01344 352308, hannah.harding@bracknell-forest.gov.uk, so that any special arrangements can be made.

Published: 11 April 2023

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**PLANNING COMMITTEE
23 MARCH 2023
6.30 - 8.25 PM**

Present:

Councillors Brossard (Vice-Chair, in the Chair), Brown, Green, Mrs Hayes MBE, Heydon and Virgo

Present Virtually:

Councillors Bhandari, Mrs McKenzie-Boyle and Skinner

Apologies for absence were received from:

Councillors Dudley, Angell, Bidwell, D Birch, Mrs McKenzie and Mossom

Also Present:

Councillor Turrell

69. Minutes

RESOLVED that the minutes of the meeting held on 19 January 2023 be approved as a correct record.

70. Declarations of Interest

There were no declarations of interest.

71. Urgent Items of Business

There were no urgent items of business.

72. 22-00537-FUL - Palm Hills Estate, London Road, Bracknell, Berkshire

Section 73 application to vary condition 04 (approved plans), 02 (Landscaping Reserved matters), 05 (Phasing Plan), 06 (CEMP), 07 (Drainage), 08 (SUDS), 09 (Remediation), 11 (Gas Mitigation), 12 (Leachates), 13 (Bats), 14 (Badgers), 16 (Archaeology) and 17 (Tree Protection) of planning permission 19/00847/OUT allowed under Appeal (Ref: APP/R0335/W/21/3267437) for demolition of existing Palm Hills complex and redevelopment of site to provide 81 dwellings (15no. one bedroom, 8no. two bedroom, 49no. three bedroom and 9no. four bedroom) with associated car parking, landscaping and amended access onto London Road (means of access, appearance, layout and scale to be considered, landscaping reserved for future consideration). [For clarification: this application seeks changes to house types on plot numbers 1, 5, 6, 7, 8, 9, 10, 11, 12, 18, 19, 20, 21, 23, 24, 25, 26, 7, 28, 29, 30, 31, 68, 69, 70, 71, 72, 73, 74, 75, 76, 78, 79, 80 and 81].

This item was deferred by the Planning Committee, pending further information, and would be brought back to a future meeting of the Committee.

73. 22/00571/FUL - 6 Wilberforce Way, Bracknell, Berkshire RG12 9PN

Creation of a 1 bedroom annex ancillary to 6 Wilberforce Way.

The Committee noted:

- The supplementary report tabled at the meeting.
- The comments from Bracknell Town Council objecting to the proposal.
- The 4 objections received as summarised in the agenda.

RESOLVED that the application be **APPROVED** subject to the following conditions: -

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

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

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

Drawing Numbers:6901-22-1 and 6901-22-2

Received on the 5th of July 2022 by the Local Planning Authority.

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 match those outlined on the approved plans, received 5th July 2022 by the Local Planning Authority.

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

[Relevant Policies: BFBLP EN20, CSDPD CS7]

04. The accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwellinghouse, known as 6 Wilberforce Way and shall at no time form a separate dwelling.

REASON: The creation of a separate unit would require mitigation measures.

[Relevant Policy: CSDPD CS6]

74. **22-00671-OUT - Qatamon Pollardrow Avenue, Bracknell, Berkshire RG42 1PS**

Outline application (with all matters reserved) for redevelopment of the site for up to three dwellings (Class C3) following demolition of existing dwelling and outbuildings.

The Committee noted:

- The comments from Bracknell Town Council objecting to the proposal.
- The 4 objections received as summarised in the agenda.

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

- avoidance and mitigation of the impact of residential development upon the Thames Basin Heaths Special Protection Area (SPA);

RESOLVED that the Assistant Director: Planning be authorised to **APPROVE** the application 22/00671/OUT subject to the following conditions amended, added to or deleted as the Assistant Director: Planning considers necessary:

01. Application for approval of the details of the landscaping, layout, scale, access and appearance of the development (hereinafter called "the reserved matters")

shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The plans and particulars in relation to the Reserved Matters shall be submitted in writing to the Local Planning Authority and shall be carried out as approved. REASON: To comply with Section 92 of the Town and Country Planning Act 1990

02. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved. REASON: To comply with Section 92 of the Town and Country Planning Act 1990.

03. The development hereby permitted shall be carried out only in accordance with the following approved plan received by the Local Planning Authority on 10th November 2022:

10 (Revision B)

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

04. All ecological measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecological Appraisal (Tim Moya Associates, August 2022) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. An ecological site inspection report shall be submitted to the Local Planning Authority prior to practical completion of any dwelling hereby approved.

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

05. If more than 18 months elapse between the previous ecological assessment and the due commencement date of works, an updated ecological assessment shall be carried out by a suitably qualified ecologist. A report confirming the results and implications of the assessment, including any revised mitigation measures, shall be submitted to the Local Planning Authority before construction works commence on site.

REASON: To ensure the status of protected habitats or species on site has not changed since the last survey.

06. No development shall commence until a scheme for the provision of biodiversity enhancements (not mitigation), including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the Local Planning Authority.

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

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

07. No development shall commence until a detailed scheme for the protection of existing trees, hedgerows and groups of mature shrubs to be retained has been submitted to and approved in writing by the Local Planning Authority, in accordance with British Standard 5837:2012 'Trees in relation to design, demolition and construction - Recommendations'. Protection measures shall be phased as necessary to take into account and provide protection during demolition/site clearance works/building construction works/hard landscaping works. Details shall include an approved development layout plan at a minimum scale of 1:200 and show the following:

- a) Accurate trunk positions and canopy spreads of all existing trees within the site and on adjoining land adjacent to the development within influencing distance of the development.
- b) Positions and spreads of existing hedgerows and groups of mature shrubs.
- c) All proposed tree, hedge or shrub removal; shown clearly with a broken line.
- d) Proposed locations of protective barriers, that are a minimum height of 2.0 metres and supported by a metal scaffold framework, constructed in accordance with Section 6 (Figure 2) and which include appropriate weatherproof signage (such as "Keep Out - Construction Exclusion Zone") affixed at regular intervals to the outside of the protective fencing structure.
- e) Illustrations of the proposed protective barriers to be erected.
- f) Proposed location and illustration of ground protection measures within the root protection areas of retained trees, designed as necessary for pedestrian light traffic or heavy plant machinery, as necessary to prevent ground compaction and contamination.
- g) Annotations at regular intervals, of the minimum protective distances between barriers and trunks of retained trees.
- h) All fenced-off areas clearly annotated as Tree Protection Areas/Construction Exclusion Zones.
- i) Notes regarding restrictions which apply to Tree Protection Areas/Construction Exclusion Zones.

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

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

08. The protective fencing and other protection measures specified by condition 7 shall be erected in the locations agreed in writing by the Local Planning Authority prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site. Where phased protection measures have been approved, no works shall commence on the next phase of the development until the protective fencing barriers and other protective measures have been repositioned for that phase in full accordance with the approved details. No activity of any description must occur at any time within these areas including but not restricted to the following: -

- a) No mixing of cement or any other materials;
- b) No storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description;
- c) No installation of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, portable-toilets, storage compounds or hard standing areas of any other description;
- d) No soil/turf-stripping; raising or lowering of existing levels; excavation or alterations to the existing surfaces/ground conditions of any other description;
- e) No installation of any underground services, temporary or otherwise, including; drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting;
- f) No parking or use of tracked or wheeled machinery or vehicles of any description;
- g) No fires shall be lit within 20 metres of the trunks of any trees or the centre line of any hedgerow shown to be retained;

h) No signs, cables, fixtures or fittings of any other description shall be attached to any part of any retained tree.

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

09. 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 each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (e) above.

REASON: In the interests of amenity and road safety.

[Relevant Policies: BFBLP EN20, Core Strategy DPD CS23]

10. No construction works shall take place until an Energy Demand Assessment demonstrating that at least 10% of the development's energy will be provided from on-site renewable energy production, has been submitted to and approved in writing by the Local Planning Authority. The dwelling as constructed shall be carried out in accordance with the approved assessment and retained as such thereafter. REASON: In the interests of sustainability and the efficient use of resources. [Relevant Policy: Core Strategy DPD CS12]

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

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

[Relevant Policy: Core Strategy DPD CS10]

12. The development (including parking and driveways) shall incorporate surface water drainage that is SuDS compliant and in accordance with DEFRA "Sustainable Drainage Systems - Non-statutory technical standards for sustainable drainage systems" (March 2015). It shall be operated and maintained as such thereafter. REASON: To prevent increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage scheme. [Relevant Policies: CSDPD CS1, BFBLP EN25]

75. **23-00016-3 - SANG At Bucklers Park, Woodcote Green, Crowthorne, Berkshire Resurfacing of existing SANG car park with tarmac including installation of additional drainage to discharge surface water into existing SuDS.**

The Committee noted:

- The supplementary report tabled at the meeting.
- That Crowthorne Parish Council recommended approval.
- That no representations had been received.

RESOLVED that the application be **APPROVED** subject to the following conditions:

01. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

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

Site Plan dated 24.01.2023

PAV_XX_Ex_DR_D_500_S3 Rev P04 received 21.03.2023

Gully Guard Specification received 28.02.2023

Specification of Surfacing received 06.02.2023

Confirmation about line marking in email from C.Swatridge dated 06.02.2023

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

03. The surface water drainage of the site shall be implemented and maintained in full accordance with details contained within Proposed Storm Drainage layout reference PAV_XX_Ex_DR_D_500_S3 Rev P04 received 21.03.2023.

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.

04. Prior to the re-surfaced car park being brought into use, it shall be marked out with line markings and the disabled bays identified by appropriate signage in accordance with the approved plans.

REASON: To ensure that the development is provided with adequate parking in the interests of highway safety.

CHAIRMAN

Unrestricted Report

ITEM NO: 5

Application No.
22/00613/FUL

Ward:
Winkfield And
Cranbourne

Date Registered:
14 July 2022

Target Decision Date:
8 September 2022

Site Address:

**Land To The R/O Oak Tree Nursery Cocks Lane
Warfield Bracknell Berkshire**

Proposal:

**Change of Use of land and building from Agricultural To Vehicle
Repairs and Servicing**

Applicant:

Mr Nick Kerner

Agent:

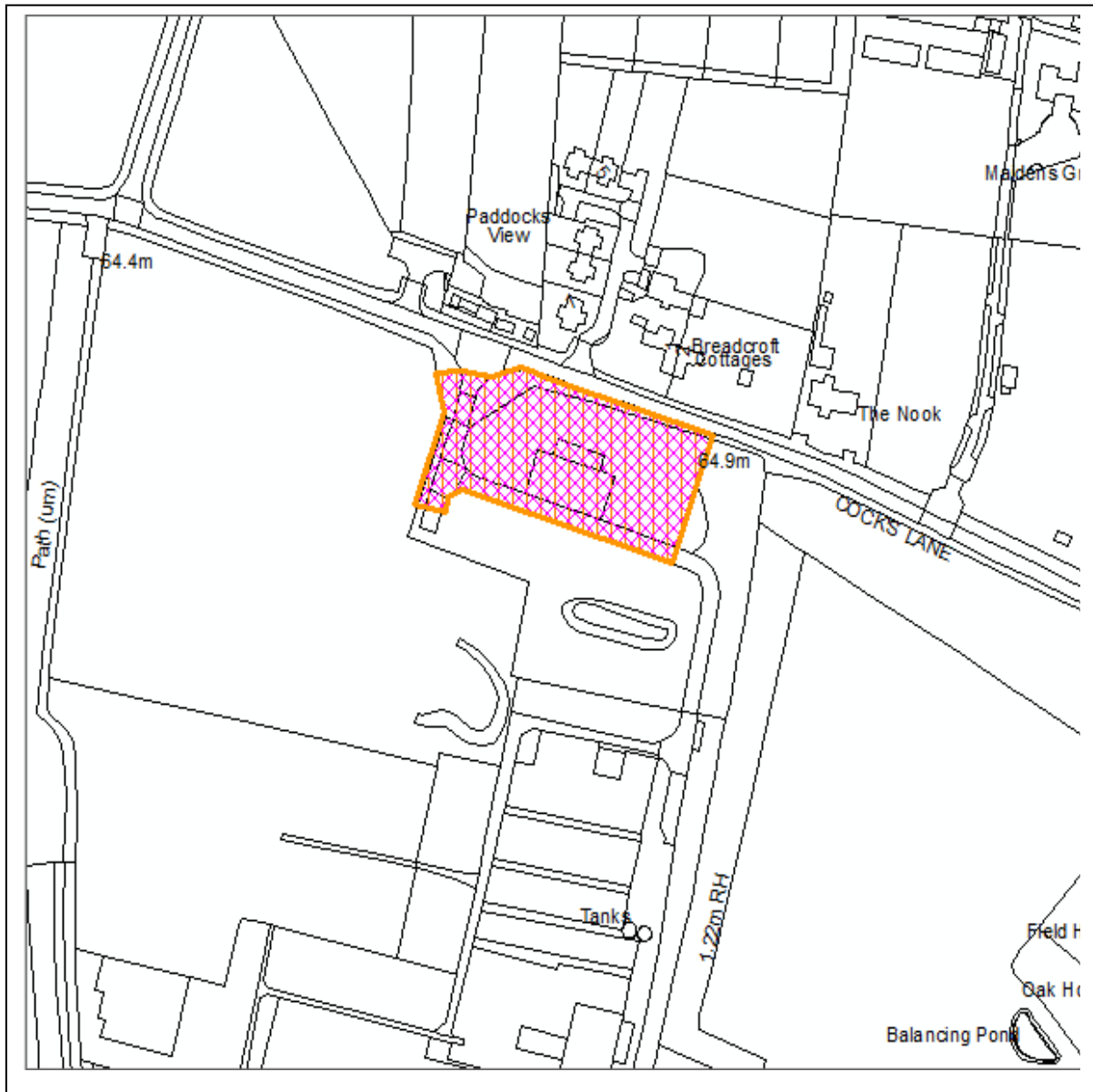
Mr John Hunt

Case Officer:

Sarah Horwood, 01344 352000

Development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1.0 SUMMARY

1.1 Paras 150 d) and e) of the NPPF state that the re-use of buildings provided that the buildings are of permanent and substantial construction and changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) can constitute appropriate development in the Green Belt, provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

1.2 The proposed change of use would however introduce an intensive industrial use to a site in the Green Belt which would significantly differ in character and intensity compared to the existing agricultural use. The proposal would result in a significant intensification of vehicle movements to and from the site, along with the external storage and parking of vehicles and other associated commercial requirements which would result in harm to the character and appearance of the area. This would result in a greater impact on the Green Belt compared to the existing agricultural use. Due to the intensification of use, this would in turn fail to safeguard the countryside from encroachment and result in an urbanising impact on the site. For these reasons, the proposal would be inappropriate development in the Green Belt.

1.3 It is acknowledged that both development plan policies and the Framework are supportive of economic growth in rural areas and the growth of small businesses, subject to ensuring that such proposals would be sensitive to their surroundings and not adversely impact upon the visual amenities of the area. The proposal would however result in harm to the visual amenities and character of the area, including its Green Belt location. There is no compelling evidence to demonstrate that there is an essential need for the business to be located in the Green Belt. The proposed use could operate from any suitable available location outside of the Green Belt and still provide the same associated economic benefits.

1.4 Whilst the proposal would not adversely impact upon the residential amenities of neighbouring occupiers, highway safety or biodiversity, this does not outweigh the identified harm to the openness of the Green Belt and the character and appearance of the area. No very special circumstances exist to outweigh the identified harm. The proposal would not preserve the openness of the Green Belt and would conflict with the purposes of including land within the Green Belt and it is therefore inappropriate development.

RECOMMENDATION

Planning permission should be refused for the reason set out in Section 11 of this report.
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2.0 REASON FOR REPORTING APPLICATION TO THE PLANNING COMMITTEE

2.1 The application has been reported to the Planning Committee at the request of Councillor Virgo to debate the impact of the proposal on the openness of the Green Belt, as the proposal will generate employment and will be a useful facility for horse owners.

3.0 PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Green Belt

3.1 The site lies to the south of Cocks Lane and comprises an existing agricultural building with existing hard surfacing to the northern, eastern and western sides utilised as a yard area connected to the existing agricultural use of the building.

3.2 The site is accessed from Cocks Lane via an existing goods entrance and internal access road which serves Oak Tree Nursery to the south of the site.

3.3 There are residential dwellings directly to the north of the site.

4.0 RELEVANT SITE HISTORY

4.1 The planning history is as follows:

20/00206/PAD - Application for Prior Notification for construction of Agricultural Barn for storage of agricultural equipment, straw and hay. Prior approval not required.

5.0 THE PROPOSAL

5.1 Planning permission is sought for a change of use of land and building from agricultural to vehicle repairs and servicing.

5.2 The proposed vehicle repairs and servicing business would be operated by NK4WD which provides local servicing and mechanical repairs of four-wheel drive vehicles, trailers and horse boxes/lorries. Prior to June 2021, NK4WD operated the business from Moat Farm, Winkfield Lane. After this date, the business moved to Levers Piece Farm, Ryehurst Lane and then relocated to Ashley Farm, Bottle Lane, Binfield.

5.3 The building subject to this application was constructed under agricultural permitted development rights. The proposal would result in a change of use of the barn from agricultural to a vehicle repairs/servicing workshop which would comprise vehicle ramps, work benches/storage areas, reception, office storage area, WC and kitchen. Externally, 2no. new doors are proposed on the northern and western elevations of the building as part of the proposal.

5.4 The existing hard surfacing around the barn would be resurfaced as part of this application with a permeable surface to provide staff and customer parking. The site is served by an existing access from Cocks Lane which provides a goods entrance to Oak Tree Garden Centre. This existing vehicular access arrangement would remain.

6.0 REPRESENTATIONS RECEIVED

Warfield Parish Council

6.1 Warfield Parish Council has submitted an observation asking for a condition that the site be used for vehicle repairs only and not for vehicle sales.

Winkfield Parish Council

6.2 Winkfield Parish Council has submitted an observation commenting that the following conditions should be applied:

1. The proposals do not result in light pollution to the local area.
2. Undertakings such as high pressure washing which will have impacts (for example noise pollution) on the local area be restricted.
3. Green screening of staff and customer vehicles be included in the proposals.

6.3 22no. separate postal addresses have objected to the proposal which raise the following matters:

- Impact of the proposal on neighbouring occupiers through noise, disturbance, pollution.
- Highway safety issues, including increased traffic and increased risk of accidents, impact on pedestrians.
- Impact of the proposal on the Green Belt, including impact on openness, encroachment into the Countryside, urbanisation of the site.
- There are no mitigating or exceptional circumstances to allow the proposal in the Green Belt.
- The proposal is contrary to planning policies.
- BFC's Green Belt Review 2016 concluded that parcels of Green Belt NW, SW and SE of Maidens Green crossroads singly and collectively make a significant contribution to the Green Belt. The role of this Green Belt in preventing encroachment contributes to its overall Significant Contribution to Green Belt purposes. The Review identified threats as 'pressure from land-use change' and 'encroachment into the countryside'. The relevant area for this application, SW of the A330 and B3022 junction (subparcel 9b) is, along with adjacent parcels, 'particularly at risk from incremental change and the consequent amalgamation of development. Limiting such pressures thus makes a significant contribution to Green Belt Purposes' (Green Belt Review).
- There is case law that agricultural buildings do not harm the Green Belt.
- The proposal would be an alien feature in the landscape.
- Have only seen a few hay bales and agricultural vehicles outside the barn.
- Appeal decisions have found the Council's current suite of countryside policies and/or the elements of these policies most important for assessing harm to the character and appearance of the countryside and should be considered.
- Saved Policy E4 of the BFBLP seeks to support small businesses but not where it would cause environmental problems (noise, etc.) or have an adverse effect on the character of the area which the proposal would.
- The proposal could merge the 2 settlements of Brockhill and Maidens Green in the event that the building could be changed to the proposed use and then residential use at a future date.
- The proposal would set a precedent for inappropriate development in the Green Belt.
- Increased housing developments in the Borough make Green Belt land more important to residents.
- Impact of the proposal on the character of the area.
- The applicant ran his business from Moat Farm, chose to vacate the site and to sell it for residential redevelopment. The barn on land to the rear of Oak Tree Nursery was erected in 2021 and then an application submitted to change it to vehicle repairs/servicing in July 2022. Why is the existing barn no longer required for agricultural purposes? If not used for agriculture, it should be removed.
- Other locations would be more appropriate to provide the proposed use.
- There are other vehicle repairs/servicing businesses that can accommodate equine/4x4 vehicles.
- Impact on wildlife.
- The proposed garage is unnecessary.
- Concern about whether there is a legitimate need for the agricultural building.
- If the application were approved then no further buildings should be erected without needing planning permission.

6.4 10no. letters of support received which raise the following matters:

- The business is an essential and valuable service to the community and if not provided in the area would mean having to travel further afield to obtain a similar service which would be inconvenient, more time, cost, adding to traffic.
- The business provides a high level of customer service.
- Nowhere else locally that provides such specialist services.
- The site benefits from good access on the A330.
- The proposal will not result in highway safety issues.
- The proposal will not result in impacts to neighbouring dwellings.
- Long standing local businesses should be supported.
- The Parish Councils are supportive of the proposal.
- The business is currently operating with a reduced service.
- The agricultural use comprises tractors, trailers being on site without any controls.
- Blueberry Farm an equine vet is close to this site which generates traffic movements.
- There have been former uses in the immediate area such as Baileys Garage and a pub which generated traffic on the A330.
- The site is adjacent to Maidens Green so is not isolated development in the Green Belt.
- The site is already used as a goods entrance to Oak Tree Nursery for deliveries by HGVs, etc.

7.0 SUMMARY OF CONSULTATIONS RESPONSES

Environmental Health

No objection.

Highway Authority

No objection.

Biodiversity

No objection.

8.0 MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO DECISION

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

	Development Plan	NPPF
General policies	CS1 & CS2 of CSDPD	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Green Belt	CS9 of CSDPD, Saved Policies GB1 and GB4 of the BFBLP	Consistent
Residential amenity	EN20 and EN25 of BFBLP.	Consistent
Transport	CS23 and CS24 of CSDPD	Consistent
Trees, biodiversity and landscaping	Saved policy EN1, EN2 and EN3 of BFBLP, CS1 of CSDPD.	Consistent
Small businesses	Saved Policy E4 of BFBLP.	Consistent
Other publications		

National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)
CIL Charging Schedule
Warfield Neighbourhood Plan

9.0 PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of development
- ii. Impact on residential amenity
- iii. Impact on character and appearance of surrounding area
- iv. Impact on highway safety
- v. Biodiversity
- vi. Drainage/flooding
- vii. Community Infrastructure Levy (CIL)

i. Principle of Development

9.2 The site is located in the Green Belt as designated by the Bracknell Forest Policies Maps (2013). The following policies are therefore of relevance:

Section 13 of the NPPF refers to protecting Green Belt land.

9.3 Paragraph 137 states the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

9.4 Paragraph 147 states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

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

9.6 Paragraph 149 states a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

9.7 Paragraph 150 states certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Core Strategy Policy CS9: Development on Land Outside Settlements:

9.8 The Council will protect land outside settlements for its own sake, particularly from development that would adversely affect the character, appearance or function of the land; and

- i. Protect the defined gaps within or adjoining the Borough from development that would harm the physical and visual separation of settlements either within or adjoining the Borough. or
- ii. Maintain the Green Belt boundaries within Bracknell Forest and protect the Green Belt from inappropriate development.

Bracknell Forest Borough Local Plan - Policy GB1: Building in the Green Belt

9.9 Saved Policy GB1 states approval will not be given, except in very special circumstances, for any new building in the Green Belt unless it is acceptable in scale, form, effect, character and siting, would not cause road safety or traffic generation problems and is for one of the following purposes:

- (i) construction of buildings for agriculture or forestry; or
- (ii) construction of buildings essential for outdoor sport and recreation or other uses of land which preserve the openness of the Green Belt; or
- (iii) construction of buildings essential for cemeteries; or
- (iv) replacement, alteration or limited extension of existing dwellings; or
- (v) construction of domestic outbuildings incidental to the enjoyment of an existing dwelling.

9.10 Saved Policy GB2 of the BFBLP refers to the change of use of land within the Green Belt. The policy states there is a general presumption against change of use of land in the Green Belt unless the proposal relates to outdoor sport/recreation; cemeteries or other uses which protect the open, rural and undeveloped character of the area.

9.11 Saved Policy GB4 of the BFBLP - re-use and change of use of buildings within the Green Belt states:

Within the Green Belt, the change of use and adaptation of existing buildings will only be acceptable where:

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

- (ii) strict control is exercised over the extension of re-used buildings, and the associated land around them which might conflict with the existing open, rural, and undeveloped character of the Green Belt; and
- (iii) the building is of permanent construction and its scale, design, bulk and form are in keeping with its surroundings; and
- (iv) the proposed change of use or adaptation would not be detrimental to the character of the building, its surroundings and landscape setting; and
- (v) the proposed change of use, within any individual building or complex of buildings within a close proximity, would not result in a net increase of more than 500 square metres of business, industrial, distribution or storage (use Classes B1 to B8) floorspace; and
- (vi) the proposal would not cause significant environmental, road safety or traffic generation problems; and
- (vii) the proposed change of use of the building is small scale and appropriate to a rural area."

9.12 The NPPF at para 150 d) allows for the re-use of buildings provided that the buildings are of permanent and substantial construction, however Saved Policy GB4 goes further than the NPPF and includes the 7 criteria listed above that the proposal should be assessed against. As this policy is not entirely in conformity with the NPPF, the approach set out within the NPPF takes precedence.

Warfield Neighbourhood Plan

9.13 The Warfield Neighbourhood Plan came into legal force as part of the Development Plan for Warfield Parish after approval at referendum (November 2022).

9.14 Paragraph 2.36 of the Plan states that the northern third of the neighbourhood plan area is designated through planning policy as Metropolitan Green Belt.

9.15 Paragraph 2.37 goes onto state that the Warfield Green Belt contains mainly agricultural smallholdings, land for equestrian use and dispersed properties and the hamlets

9.16 There are no specific policies within the Warfield Neighbourhood Plan that relate to development in the Green Belt.

9.17 In addition to the Green Belt policies, paras 84 and 85 of the NPPF refer to supporting a prosperous rural economy.

9.18 Para 84 states: Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;...

9.19 Para 85 goes onto state: Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads.

9.20 Saved Policy E4 of the BFBLP relates to small businesses and states development involving a variety of sizes and types of building for the fostering of new businesses and the expansion of small existing ones will be permitted in appropriate locations except where it would result in:

- (i) Inconvenience or danger on the public highway or visual, other environmental or other problems; or

(ii) An adverse effect on the character of the area.

9.21 As the site is located within the Green Belt, the main considerations from a policy perspective are:

1. Whether the proposed development constitutes inappropriate development in the Green Belt;
2. Impact on the openness of the Green Belt and the purpose of including the land within the Green Belt.

Whether the proposal constitutes inappropriate development within the Green Belt

9.22 The application proposes the conversion and re-use of an existing agricultural building and the change of use of surrounding land for commercial use. Paras 150 d) and e) of the NPPF state that the re-use of buildings provided that the buildings are of permanent and substantial construction and changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) can constitute appropriate development, provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

9.23 The existing barn comprises a steel portal frame with concrete pad foundations and a concrete floor. The barn is braced with wind stays and rafter bracing. It is therefore considered that the existing building is of permanent and substantial construction and therefore capable of re-use/conversion. As such, the proposed re-use of the existing building accords with para 150 d) of the NPPF and is therefore appropriate development in principle in the Green Belt. The proposed change of use of the land surrounding the barn from agricultural to commercial use would not preserve the openness of the Green Belt and is therefore inappropriate development in the Green Belt.

9.24 One of the tests set out in BFBLP Saved Policy GB4 for the change of use and adaption of existing buildings within the Green Belt is that the building is of permanent construction. Other tests within the policy are more stringent than that set out at para 150 d) of the NPPF and are not consistent with the NPPF. It has been demonstrated that the building is of permanent and substantial construction in accordance with para 150 d) of the NPPF.

The impact on the openness of the Green Belt and the purpose of including the land within the Green Belt.

9.25 Para 137 of the NPPF states that the essential characteristics of Green Belts are their openness and their permanence. The term openness is not defined in the NPPF; however, case law often describes openness as the absence of built development. Development can have both a spatial and visual impact on the openness of the Green Belt and each case must be considered on its own merits.

9.26 Planning Practice Guidance on Green Belts (July 2019) sets out that when assessing the impact of a proposal on the openness of the Green Belt, this should be based on the circumstances of the case and can include both visual and spatial impacts and the degree of activity associated with a proposal, including traffic generation.

9.27 The NPPF states that certain forms of development are not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purpose of including land within it. Para 150 d) states that the re-use of buildings provided that the buildings are of permanent and substantial construction can be considered appropriate development in the Green Belt subject to assessing impact on openness. Para 150 e) states that material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) is appropriate provided that it preserves openness and does not conflict with the purpose of including land within the Green Belt.

9.28 During the course of the application, additional information has been submitted relating to the current agricultural business that operates from the site to enable a comparison to be made on whether the proposed use would result in a greater impact on the openness of the Green Belt when compared to the current use. The information provided by the planning agent in relation to the existing agricultural operation and the proposed use is set out below.

The Applicant's case

Existing agricultural operation

9.29 The existing agricultural use relates to a company known as Binfield Bales which trades in the growing, cutting and baling of hay and haylage and the baling of straw. The existing barn is used for the storage of hay and straw and the existing hard surfacing around the building (the yard area) is used for the parking of agricultural vehicles and equipment, along with wrapped haylage bales.

9.30 The main season for harvesting hay and straw is about six months running from May to September, with hay cut first and straw taken later after harvest. In good years where the weather is favourable it may be possible to take a second cut of hay from the grassland which may yield a further 400-500 bales. The hay and straw are harvested, baled and stored during summer and autumn. During this time, fresh supplies of hay and straw are plentiful and the price per bale is therefore lower. In winter and early spring, hay and straw supplies are lower and as the grass is not growing, demand for conserved fodder such as hay and haylage increases bale prices. This is when the applicant looks to make the majority of sales from storing the bales over summer.

9.31 In a normal year, the applicant aims to make about 1,000 bales of hay, 200 bales of straw and about 200 bales of Haylage. Larger bales are produced off the field, measuring around 0.8m x 0.8m x 2.5m and weighing around 250kgs (straw) to 400kgs (haylage) each. The applicant will also produce some smaller bales, measuring dimensions 0.45m x 0.35m x 1.0m, however, this is generally only off those fields where access with the larger baler is more difficult. Bales are taken from the field by tractor and trailer to the existing barn at about 15-24 (large bales) each time. This can account for a maximum of circa 250 tractor and trailer movements at the subject barn.

9.32 Other agricultural operations to manage the land include mowing and fertiliser spreading which can account for an average of 10-20 movements per week, generally from spring to autumn, and general maintenance of the land including ditching, repairs and hedge cutting which account for 2-10 movements per week. The applicant also keeps other items at the site connected to other enterprises run elsewhere, including a livestock trailer and equestrian items such as hurdles, etc. The associated traffic movements with these items are assumed at around 100 annually.

9.33 Vehicle movements during the winter months are mainly associated with hay, straw and haylage bale deliveries or collections. The applicant focuses on retail sales in smaller quantities, (typically 2-10 bales) rather than selling wholesale. Larger bales are often broken up and sold as smaller bales to horse owners for example. Bales are either collected from the barn or delivered in a 4x4 and trailer. This can create around 500 vehicle and trailer movements during the winter to early spring period.

9.34 The planning agent states that the existing enterprise can therefore generate 3,500 vehicle movements in the course of a year.

9.35 Agricultural operations for this particular enterprise are to a certain degree dictated by the weather. Most of the activity is undertaken outside of the barn such as unloading bales, breaking bales up into smaller bales, etc.

Proposed use

9.36 The agent sets out that no additional buildings are required as part of the proposal. The existing hard surfacing around the building would be re-surfaced with a permeable surface for drainage purposes.

9.37 The Transport Statement which accompanies the application states that the proposed use could generate up to 67 traffic movements a day, more than the current use. However, vehicle movements would be spread out throughout the day, rather than occurring in shorter, more intense intervals.

9.38 The proposed parking layout would keep the majority of vehicles parked in bays in similar locations to the existing agricultural machinery. 4x4 vehicles are smaller than most of the larger agricultural equipment on site and would be less visible. There would however be more vehicles in total associated with the proposed use when compared to the existing.

9.39 The proposed use would occur within the building and operational hours could be controlled by planning condition.

9.40 The planning agent also states that:

- The vehicles repaired by the applicant are generally 4x4s etc. that do not look out of place in a Green Belt setting.
- The existing goods entrance to Oak Tree Nursery is already busy and used frequently by large goods vehicles.
- The building is not isolated, with other uses occurring in the area.

The LPA's comments on the Applicant's case

9.41 As set out in the additional information provided by the planning agent, the current agricultural enterprise is relatively small scale and seasonal. The main season for harvesting hay and straw on site is between May and September. During the winter to early spring period, the applicant attempts to maximise profits by selling bales when demand is higher, and the price of bales therefore increase.

9.42 It is acknowledged that current agricultural activities occur outside of the barn, with the unloading of bales and the breaking up of larger bales into smaller bales for example. However, such uses are commonplace in the countryside, including the Green Belt. The external storage of agricultural related machinery such as tractors and trailers is also commonplace on agricultural landholdings.

9.43 The agricultural enterprise generates somewhere in the region of 3,500 vehicle movements per year. The proposed use for vehicle servicing and repairs would result in significantly greater activity on site when compared to the existing agricultural enterprise.

9.44 Based on predicted trip rates as set out in the accompanying Transport Statement, the proposed use could generate 67 two-way vehicle trips over the course of a typical weekday, equating to 335 trips over the course of a 5-day working week. Excluding weekends and typical public holidays in the UK, this could result in 16,884 vehicle trips per year, significantly exceeding that of the current agricultural use.

9.45 In conjunction with the significant increase in trip rates connected to the proposed use would be the associated open parking/storage of vehicles around the building. Whilst awaiting repairs, servicing, etc, vehicles could be parked in dedicated parking bays but there would be a higher number of vehicles parked at the site when compared to the existing agricultural use (the proposed site layout plan indicates that 30no. dedicated parking bays would be provided on site). The formality of marked out bays and the substantial number of vehicles that could be parked/stored around the building at any given time would appear

more formal and urbanising than ad-hoc parking of agricultural machinery around an agricultural barn. The proposed use would lead to greater activity on site with the comings and goings of staff, customers, deliveries, increased noise and paraphernalia connected to the business such as a requirement for advertisements to be displayed on and around the building or tools, old tyres or parts, etc. temporarily stored around the building whilst awaiting disposal.

9.46 The proposed use would result in increased vehicle movements, external storage and parking of vehicles around the building and other associated requirements including increased comings and goings, deliveries, temporary external storage connected to the business, etc. on a permanent basis. This would result in a greater impact to the openness of the Green Belt when compared to the existing agricultural use and would in turn fail to safeguard the countryside from encroachment due to the significant intensification of use when compared to the agricultural use. The proposal would introduce an intensive industrial use to a site in the Green Belt which would not preserve openness, resulting in an urbanising impact on the site.

9.47 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. No very special circumstances case has been put forward as part of this application.

Other considerations

9.48 There are other material considerations to be weighed in the planning balance.

9.49 Firstly, the proposal would provide a site from which NK4WD could operate. The planning statement sets out that the business would employ 5no. Mechanics, 1no. Workshop Technician, 2no. Service Advisors, a Parts Manager and an Administrator.

9.50 Paras 84 and 85 of the NPPF refer to supporting a prosperous rural economy. Para 84 states that planning decisions should enable the growth and expansion of businesses in rural areas. Para 85 goes on to state that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements... it will be important to ensure that development is sensitive to its surroundings.

9.51 BFBLP saved Policy E4 relates to small businesses (defined at para 3.17 as development smaller than 500sqm) and states development involving a variety of sizes and types of building for the fostering of new businesses and the expansion of small existing ones will be permitted in appropriate locations except where it would result in:

- (i) Inconvenience or danger on the public highway or visual, other environmental or other problems; or
- (ii) An adverse effect on the character of the area.

9.52 Para 3.49 of the supporting text to Saved Policy E4 states small businesses provide a range of job opportunities and assist in the maintenance of a balanced local economy. There is often a shortage of suitable accommodation for new small businesses, existing businesses wishing to expand and businesses which are inappropriately located in residential areas.

9.53 Both Saved Policy E4 of the BFBLP and the NPPF are supportive of economic growth in rural areas and the growth of small businesses, subject to ensuring that such proposals would be sensitive to their surroundings and not adversely impact upon the visual amenities of the area. Whilst the proposal would support a business in a rural area and generate employment, this must be balanced against the resulting harm to the visual amenities and

character of the area, including its Green Belt location. As set out earlier in this report, the proposal would introduce an intensive commercial use in the Green Belt with a significant increase in vehicle movements, external parking and associated activities resulting in harm to the character and visual amenities of the area, including the openness of the Green Belt when compared to the existing agricultural use.

9.54 A further consideration is whether there is a need for the business to be located in the Green Belt. The supporting information submitted with the application states that the client base for the business is local to the Winkfield area where there are a number of farmers and equestrian businesses that use NK4WD and that there is a need for the business to be relocated close to their existing client base. The supporting information goes on to state that the applicant has attempted to secure new premises and at the time of submission of the application had put in offers for both rent and purchase but to no avail.

9.55 Whilst the nature of the business and its client base are acknowledged, it has not been demonstrated that there are no alternative available sites outside of the Green Belt from which the business could operate and there is no compelling evidence to demonstrate that there is an essential need for the business to be located at this site. There is no reason that the business could not operate from an alternative location such as an industrial estate. Further, whilst the business focusses primarily on the service and repair of 4x4s and farm/equestrian related vehicles, there are no planning restrictions that could control the use to relate specifically to such vehicles. If the proposed use were considered appropriate in the Green Belt, it would be for an unrestricted use for the servicing and repair of any vehicles which could include domestic or commercial vehicles. As such, the business could operate from any suitable and available location. The economic benefits of the business, including generating employment could be provided in a more suitable location, not in a building located in the Green Belt. Letters of support are complimentary of the business and the service it provides and therefore it is assumed that clients would travel (within reason) to visit whatever location the business traded from.

Summary

9.56 Paras 150 d) and e) of the NPPF state that the re-use of buildings provided that the buildings are of permanent and substantial construction and changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) can constitute appropriate development, provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

9.57 For the reasons set out in this report, the proposed change of use of the agricultural building and surrounding land to vehicle repairs and servicing would introduce an intensive industrial use to a site in the Green Belt which would significantly differ in character and intensity compared to the existing agricultural use. The proposal would result in a significant increase in vehicle movements to and from the site when compared to the existing agricultural operation. There would also be the external storage and parking of vehicles around the building and other associated commercial requirements such as signage, tools, old tyres, etc. This would result in harm to the character and appearance of the area and result in a greater impact on the Green Belt compared to the existing agricultural use. Due to the intensification of use, this would in turn fail to safeguard the countryside from encroachment and result in an urbanising impact on the site. For these reasons the proposal fails to preserve the openness of the Green Belt and causes conflict with the purposes of including land within it and is therefore inappropriate development.

9.58 It is acknowledged that both development plan policies and the Framework are supportive of economic growth in rural areas and the growth of small businesses, subject to ensuring that such proposals would be sensitive to their surroundings and not adversely impact upon the visual amenities of the area. Whilst the proposal would support a business

in the Green Belt and generate employment, this must be balanced against the resulting identified harm to the visual amenities and character of the area, including its Green Belt location through the intensification of the proposed use when compared to the existing agricultural use. It is not considered that the proposed use operating from a Green Belt location and associated economic benefits would outweigh the identified harm to the Green Belt.

9.59 There is no compelling evidence to demonstrate that there is an essential need for the business to be located in the Green Belt. The proposed use could operate from any suitable and available location outside of the Green Belt and still provide the same associated economic benefits of employment, generating income, etc.

9.60 On balance, whilst the potential economic benefits of the proposal are acknowledged, these do not outweigh the harm to the openness of the Green Belt through inappropriateness and the intensification of activity of the proposed use when compared to the existing agricultural operation. No very special circumstances exist to outweigh the identified harm.

9.61 The proposal would not preserve the openness of the Green Belt and would conflict with the purposes of including land within the Green Belt through the increased level of activity connected to the proposed use when compared to the agricultural use, leading to encroachment into the countryside.

9.62 As such, the proposal would be contrary to Saved Policies GB2 and GB4 of the BFBLP, CS9 of the CSDPD and Section 13 of the NPPF. The remainder of this report will consider other material considerations relevant to this application.

ii. Residential amenity

9.63 There are existing dwellings on the northern side of Cocks Lane, opposite the application site. Surrounding dwellings could have some views over and across the site, including of the proposed customer parking area. However, the resulting visual impact would not be so significant as to harm adjoining occupiers.

9.64 The application is accompanied by a BS4142 noise assessment which demonstrates that the noises generated as part of normal operations connected to the proposed use are unlikely to result in noise disturbance to adjoining occupiers. There will be rare occasions where noisier equipment is necessary such as angle grinding but this will be occasional. Hours of operation of the proposed use could be restricted by planning condition. Details of external lighting could also be controlled by planning condition in the interests of neighbouring occupiers.

9.65 Subject to conditions, the proposed use would not adversely affect the residential amenities of neighbouring occupiers and would be in accordance with 'Saved' policies EN20 and EN25 of the BFBLP and the NPPF.

iii. Impact on character and appearance of surrounding area

9.66 The proposed change of use of the existing agricultural building and surrounding land to vehicle repairs and servicing would result in an intensive commercial operation on a site in the Green Belt. The proposed use would result in a significant increase in vehicle movements along with the open parking and storage of vehicles around the building when compared to the existing lawful agricultural use. This would result in harm to the visual amenities and character and appearance of the surrounding area.

9.67 As such, the proposal would be contrary to Saved Policy EN20 of the BFBLP, CS7 of the CSDPD and the NPPF.

iv. Transport implications

Access Arrangement

9.68 The site will be accessed via the existing service access to Oaktree Garden Centre. The existing access measures six metres wide and has gates which are setback 25 metres from the nearside carriageway edge. The width of the access increases to 22 metres where the access joins with Cocks Lane.

9.69 Visibility splays of 2.4m x 126m to the right by 2.4m x 128m to the left have been demonstrated.

9.70 A refuse lorry measuring 2.5m wide by 12m long as well as a lorry measuring 2.55m wide by 10m long will be able to easily enter and exit the site in a forward gear. The access is already designed to accommodate large delivery vehicles; therefore, the access is deemed sufficient to serve this development which will only likely accommodate cars, trailers and recovery trucks.

9.71 Crashmap has identified that there have been no reportable accidents at the existing vehicle access.

Parking Provision/requirement

9.72 The proposed development is to convert an existing agricultural barn at Oak Tree Nursery to a 465m² workshop for vehicle repairs.

9.73 To comply with the Local Authority's current Parking Standards SPD (2016), the following parking standards will apply:

Section 11 Sui Generis Vehicle Workshops - Staff: 1 space per 2 Staff & Customers: 3 spaces per service bay. As 4 ramps will be provided and 10 staff are proposed this generates a demand for 17 parking spaces.

Section 3 B1 (Offices, Light Industrial) - B1(c) Light Industry (business park) - 1:25 m² NIA. The office/store and reception areas equate to 84sqm. This generates a demand for 4 car parking spaces.

9.74 The site therefore generates a total demand for 21 parking spaces.

9.75 28 parking spaces are proposed on site for staff and customers. In addition, 4 spaces would be provided for recovery vehicles and parts deliveries. The site would also have ample room to provide additional parking should it be required.

9.76 Each parking space will have more than 6m in front to ensure all vehicles can enter and leave the site in a forward gear.

9.77 At this stage, details on how the internal access road and parking spaces will be surfaced have not been provided. A permeable surface should be provided. While the parking spaces could be gravelled, the internal access road around the building should be more hardwearing. This could be controlled by condition.

Vehicle Movements

9.78 To ascertain accurate vehicle speeds and traffic volumes along Cocks Lane in the vicinity of the site access, the applicant has carried out 24/7 Automated Traffic Counts (ATC's) either side of the site access between Wednesday 18th May 2022 and Tuesday 24th May 2022.

9.79 The full results are within Appendix A of the Transport Statement and have been summarised within Table 3.1 of the Transport Statement. Table 3.1 indicates that Cocks Lane east of the site entrance has a five-day average two-way vehicle flow of 4,564 vehicles per day and a seven-day average two-way vehicle flow of 4,419 vehicles per day, with vehicles speeds in excess of the 30 miles per hour speed limit.

9.80 Table 3.1 indicates that Cocks Lane west of the site entrance has a five-day average two-way vehicle flow of 4,639 vehicles per day and a seven day average two way vehicle flow of 4,489 vehicles per day, with vehicles speeds significantly below the 60 miles per hour speed limit.

9.81 In addition, the applicant has also carried out a 24/7 ATC survey at the site access to determine the volume and size of vehicles currently using the existing site access.

9.82 Table 3.2 of the Transport Statement details that the highest daily weekday flow using the access is 85 vehicles per day, with an average weekday flow of 72 vehicles per day consisting of an average flow of 12 goods vehicles per day.

9.83 The applicant has used TRICS to identify the potential increase in vehicle numbers from the proposed development. The applicant has used category 15 -Vehicle Services/A - Vehicle Repair Garage (Slow Fit).

9.84 Para 5.1 of the Transport Statement states that the proposed development is expected to generate 5 two-way vehicle trips in the morning peak period and 6 two-way vehicle trips in the evening peak period. Over the course of a typical weekday, the proposed development is anticipated to generate 67 two-way vehicle trips.

9.85 This predicted increase is not considered to have a detrimental effect on the existing private access road or to Cocks Lane and the surrounding area.

Cycle Provision

9.86 Given the sites' location, it is not considered that staff would cycle to the site. The large workshop will provide ample room to accommodate bicycles should it be required.

Refuse Provision

9.87 A designated area for waste and recycling containers is proposed.

9.88 As such, no adverse highway safety implications would result from the proposal, in accordance with Policy CS23 of the CSDPD and the NPPF.

v. Biodiversity

9.89 An initial ecological appraisal (Derek Finnie Associates) accompanied the application. The appraisal however did not include the findings of a desk study and therefore did not consider fully the habitats and species in the surrounding area to enable a full assessment to be undertaken. Limitations with the initial appraisal included information relating to great crested newts, the site's suitability for protected and/or notable species and any avoidance, mitigation or compensation measures required.

9.90 Further information has since been provided to the LPA to fully consider the ecological impacts of the proposals. The additional information shows that there are no records of great crested newts within a 350m radius and no records of protected or notable species for the site or immediate surroundings, and the eDNA results for the pond to the south were negative.

9.91 It has therefore been demonstrated to the satisfaction of the LPA that the proposal would not have an adverse impact on ecology and subject to the imposition of a condition relating to biodiversity enhancements, the proposal would be in accordance with CS1 and CS7 of the CSDPD and the NPPF.

vi. Drainage/flooding

9.92 The existing building and existing hardstanding/yard area surrounding the building is on land outside of Flood Zones 2 and 3 and is also on land that is not identified as at risk of surface water flooding.

vii. Community Infrastructure Levy (CIL)

9.93 Bracknell Forest Council commenced charging for its Community Infrastructure Levy (CIL) on 6th April 2015.

9.94 The proposed use is not CIL liable in accordance with the Council's Charging Schedule for CIL.

10.0 CONCLUSION

10.1 Paras 150 d) and e) of the NPPF state that the re-use of buildings provided that the buildings are of permanent and substantial construction and changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) can constitute appropriate development, provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

10.2 The proposed change of use of the agricultural building and land to vehicle repairs and servicing would introduce an intensive industrial use to a site in the Green Belt which would significantly differ in character and intensity compared to the existing agricultural use. The proposal would result in a significant intensification of vehicle movements to and from the site when compared to the existing agricultural operation, along with the external storage and parking of vehicles around the building and other associated commercial requirements which would result in harm to the character and appearance of the area. This would result in a greater impact on the Green Belt compared to the existing agricultural use. Due to the intensification of use, this would in turn fail to safeguard the countryside from encroachment and result in an urbanising impact on the site. For these reasons the proposal would be inappropriate development in the Green Belt.

10.3 It is acknowledged that both development plan policies and the Framework are supportive of economic growth in rural areas and the growth of small businesses, subject to ensuring that such proposals would be sensitive to their surroundings and not adversely impact upon the visual amenities of the area. The proposal would result in harm to the visual amenities and character of the area, including its Green Belt location through the intensification of the proposed use when compared to the existing agricultural use.

10.4 There is no compelling evidence to demonstrate that there is an essential need for the business to be located in the Green Belt. The proposed use could operate from any suitable and available location outside of the Green Belt and still provide the same associated economic benefits of employment, generating income, etc.

10.5 It is acknowledged that subject to conditions the proposal would not adversely impact upon the residential amenities of neighbouring occupiers, highway safety or biodiversity and that some letters of support have been received (as well as objections).

10.6 Paragraph 148 states that substantial weight should be given to any harm to the Green Belt. On balance, whilst the potential economic benefits of the proposal are acknowledged, these do not outweigh the harm to the openness of the Green Belt and character and appearance of the surrounding area through the intensification of activity of the proposed use when compared to the existing agricultural operation. No very special circumstances exist to outweigh the identified harm. The proposal would not preserve the openness of the Green Belt and would conflict with the purposes of including land within the Green Belt and would harm to the character and appearance of the area.

10.7 As such, the proposal would be contrary to Saved Policies EN20, GB2 and GB4 of the BFBLP, CS1, CS7 and CS9 of the CSDPD and Section 13 of the NPPF. The application is therefore recommended for refusal.

11.0 RECOMMENDATION

11.1 That the application be REFUSED for the following reason:

The proposal fails to preserve the openness of the Green Belt and conflicts with the purposes of including land within it and is therefore inappropriate. There are no 'very special circumstances' or other material considerations which outweigh the harm to the Green Belt. The proposal is therefore contrary to Saved Policies GB2, GB4 and EN20 of the Bracknell Forest Borough Local Plan, Policy CS1, CS7 and CS9 of the Core Strategy Development Plan Document, and the NPPF.

Unrestricted Report

ITEM NO: 6

Application No.
22/00537/FUL

Ward:
Ascot

Date Registered:
27 June 2022

Target Decision Date:
26 September 2022

Site Address:

Palm Hills Estate London Road Bracknell Berkshire

Proposal:

Section 73 application to vary condition 04 (approved plans), 02 (Landscaping Reserved matters), 05 (Phasing Plan), 06 (CEMP), 07 (Drainage), 08 (SUDS), 09 (Remediation), 11 (Gas Mitigation), 12 (Leachates), 13 (Bats), 14 (Badgers), 16 (Archaeology) and 17 (Tree Protection) of planning permission 19/00847/OUT allowed under Appeal (Ref: APP/R0335/W/21/3267437) for demolition of existing Palm Hills complex and redevelopment of site to provide 81 dwellings (15no. one bedroom, 8no. two bedroom, 49no. three bedroom and 9no. four bedroom) with associated car parking, landscaping and amended access onto London Road (means of access, appearance, layout and scale to be considered, landscaping reserved for future consideration). [For clarification: this application seeks changes to house types on plot numbers 1, 5, 6, 7, 8, 9, 10, 11, 12, 18, 19, 20, 21, 23, 24, 25, 26, 7, 28, 29, 30, 31, 68, 69, 70, 71, 72, 73, 74, 75, 76, 78, 79, 80 and 81].

Applicant:

Shanly Homes Limited

Agent:

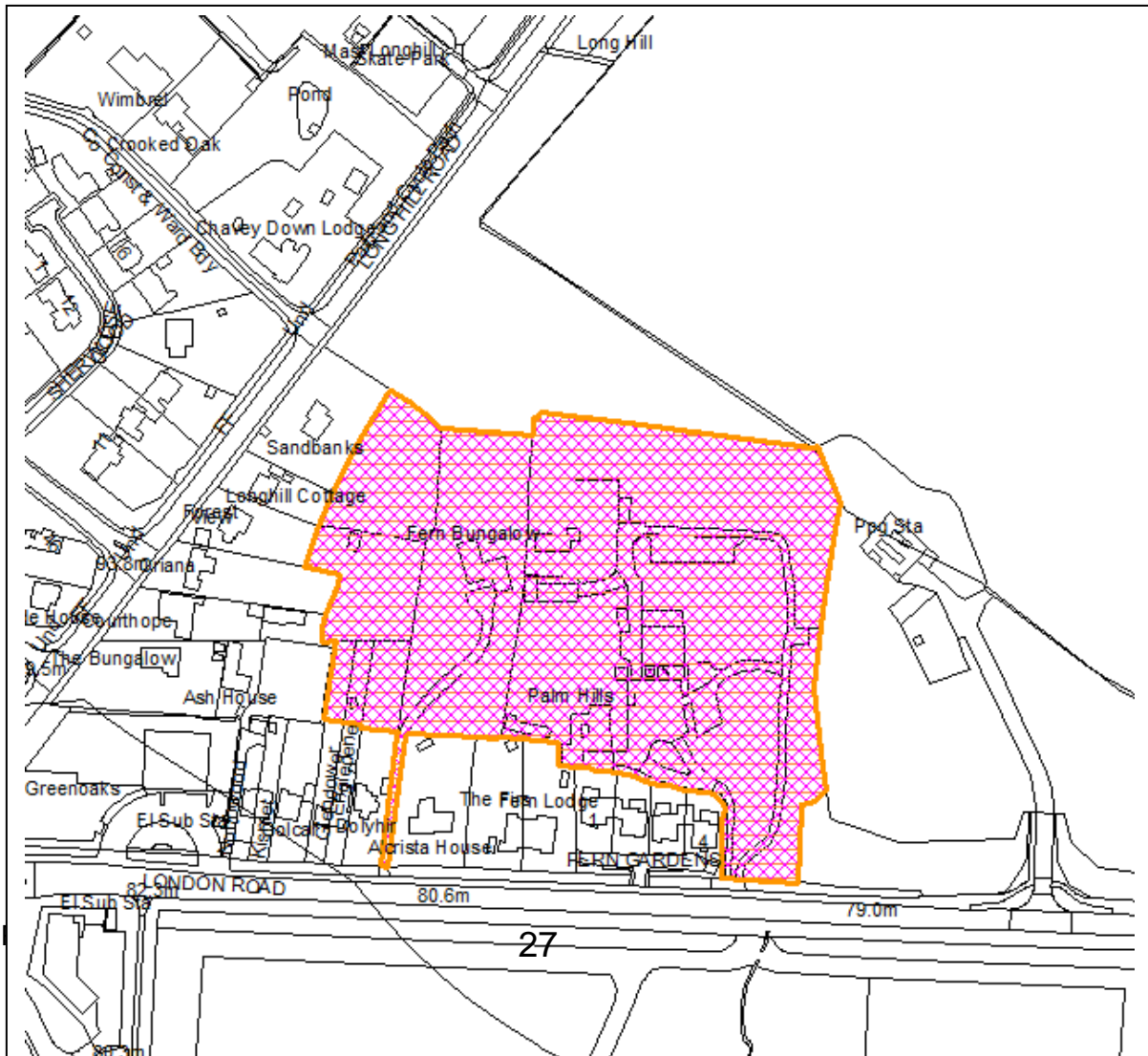
Mr Kevin Scott

Case Officer:

Simon Roskilly, 01344 352000

Development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1.0 SUMMARY

- 1.1 This is a planning application made under Section 73 of the Town and Country Planning Act 1990. A s73 application is used to seek a minor material amendment to a permission and can be used to vary or remove conditions attached to an extant planning permission.
- 1.2 This application seeks to vary condition 04 (approved plans) of the original permission in order to allow the following changes to be made to the approved development:
- Garage depth increase at plot 1
 - Ground floor projection added to rear, replacement of first floor bedroom with study and provision of bedroom within roofspace with associated dormers and rooflights at plots 5-12 & 78-81.
 - Rear ground floor projection increased in depth at plots 18-21, 26-31 & 68-73.
 - Rear ground floor projection added to plots 23-25 & 74-76.
- 1.3 Permission granted under section 73 takes effect as a new independent permission to carry out the same development as previously permitted subject to amended conditions. It should set out all conditions imposed on the new permission and for clarity should reinstate conditions imposed on earlier permissions that continue to have effect, amended as required.
- 1.4 Details pursuant to pre-commencement conditions of the original permission have already been approved, together with approval of landscaping details under 21/00772/REM. Accordingly, it is appropriate that any new permission includes reworded versions of these conditions to reflect these approvals and accordingly the application also seeks to amend conditions 2, 5, 6, 7, 8, 9, 11, 12, 13, 14, 16, and 17 of the original approval.
- 1.5 The Local Highway Authority is of the view that the proposed changes, and in particular changes to the depth of the garage on plot 1 and the creation of a bedroom and a study on plots 5-12 and 78-81 inclusive, would not create the need for any further on-plot parking and, as such, would not result in any highway safety implications.
- 1.6 The proposal would result in no adverse impacts upon the amenity of both existing adjoining residents and/or any future occupiers.
- 1.7 The minor changes, as set out in paragraph 1.2 are not considered significant enough to result in the need to alter the approved drainage strategy, although documentation has been updated to reflect the changes to the dwellings.
- 1.8 A deed of variation to the signed S106 agreement, dated 17 June 2021 as varied by a deed of variation dated 25 June 2021 in respect of 19/00847/OUT, would be required if permission for this section 73 application is granted so that the original s106 agreement also applies to this Section 73 approval.

RECOMMENDATION

That the Assistant Director: Planning be authorised to grant planning permission subject to a deed of variation to the original S106 (as varied) and the conditions set out in Section 11 of this report.

2.0 REASON FOR REPORTING APPLICATION TO PLANNING COMMITTEE

2.1 This application was previously considered by the Planning Committee at its meeting on 23rd March 2023, at which time there was no seconder to move the recommendation to approve the scheme as per section 11 of the report and the supplementary report. It was agreed that the application be deferred pending further information. Amended plans reducing the size of the first floor studies, and providing clarification as to what is proposed, have been submitted and references to these amendments are incorporated within the following report.

3.0 PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within part of the larger Site Allocations Local Plan (SALP) allocated site for residential development (Policy SA1)
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Within 5km of the SPA

- 3.1 The site, as outlined in red, has an approximate area of 2.55 hectares. The site did previously contain 2no. residential properties and 1no. guest house. However, these have since been demolished following the implementation of the planning permission for 81 dwellings which was originally allowed at appeal (19/00847/OUT).
- 3.2 North of the site lies the Council's historic landfill site known locally as the Old London Road Tip.
- 3.3 Vehicular access to the site is off London Road, based on a previous access that served the Palm Hills Estate.

4.0 RELEVANT SITE HISTORY

4.1 Palm Hills

- 07/00217/FUL Erection of two storey rear extension. APPROVED April 2007
- 08/00539/FUL Widening of vehicular access onto London Road, new 2.5m high gates and boundary treatment.
- 14/00569/FUL Erection of 62 dwellings comprising 5no. 1 bedroom flats, 10no. 2 bedroom flats, 5no. 3 bedroom houses, 28no. 4 bedroom houses and 14 no. 5 bedroom houses, including the demolition of two existing residential dwellings (C3 use) and two building associated with guest house/hotel (C1 use), landscaping. Vehicular access from London Road, parking, open space and pedestrian/cycle link to Long Hill Road. REFUSED Dec 2014.
- 19/00525/DEM Prior Approval application for the demolition of seven buildings Prior APPROVAL REQUIRED June 2019

- 19/00847/OUT 81 dwellings, consisting of 15no. one bedroom, 8no. two bedroom, 49no. three bedroom and 9no. four bedroom, following the demolition of 2no. dwellings and a guesthouse. ALLOWED AT APPEAL July 2021.
- 21/00772/REM Reserved Matter relating to landscaping. APPROVED March 2022.

4.2 Palm Hills Guest House

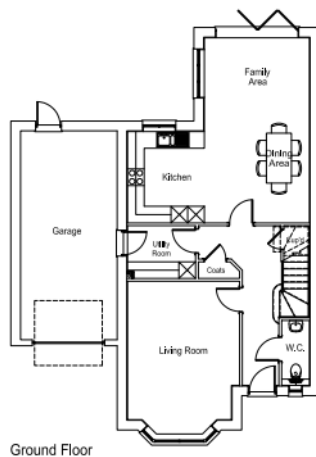
- 16/00396/FUL Temporary change of use of 2no. existing outbuildings to B1(a) office space and change of use of 1no. outbuilding to D2 childrens indoor recreational use (personal permission) REFUSED October 2016.
- APP/R0335/W/16/3161091 Change of use from Guesthouse (C1) to B1 and D2 use APPEAL DISMISSED May 2017. Planning Statement dismissed on highways grounds due to the suitability of the access and potential for queues on the highway.

5.0 THE PROPOSAL

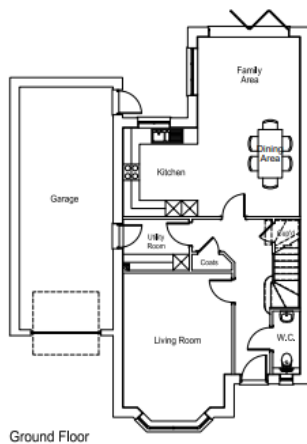
5.1. The application proposes the following changes: -

- (i) Garage depth increase at plot 1

Plot 1- As approved

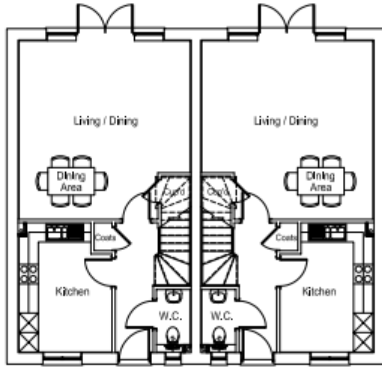


Plot 1- As proposed

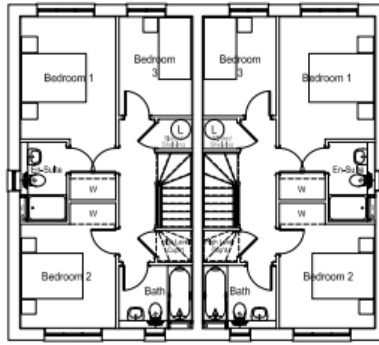


- (ii) Ground floor projection added to rear, replacement of first floor bedroom with a study and addition of bedroom within roofspace with associated dormers and rooflights at plots 5-12 & 78-81.

Plots 5-6- As approved



Ground Floor

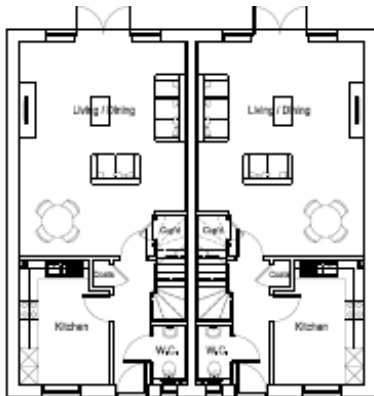


First Floor

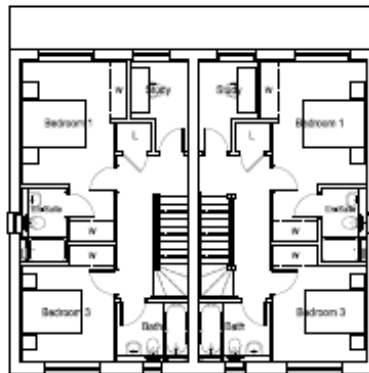


Front Elevation

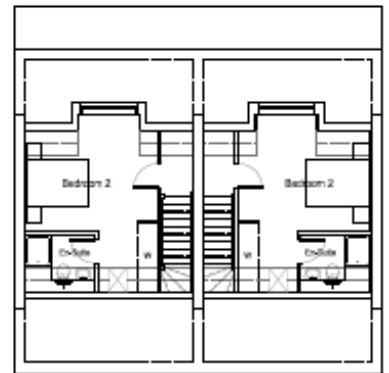
Plots 5-6- As proposed



Ground Floor



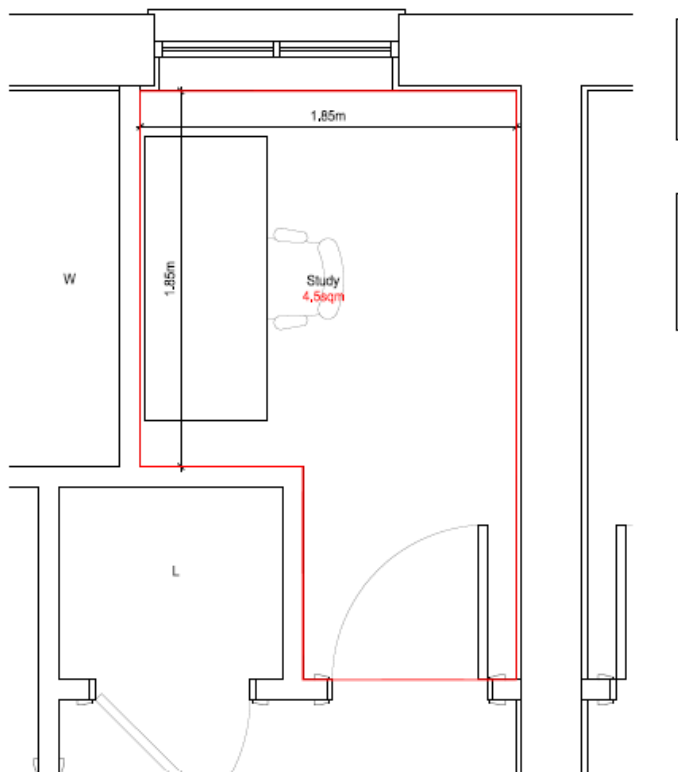
First Floor



Second Floor



Front Elevation

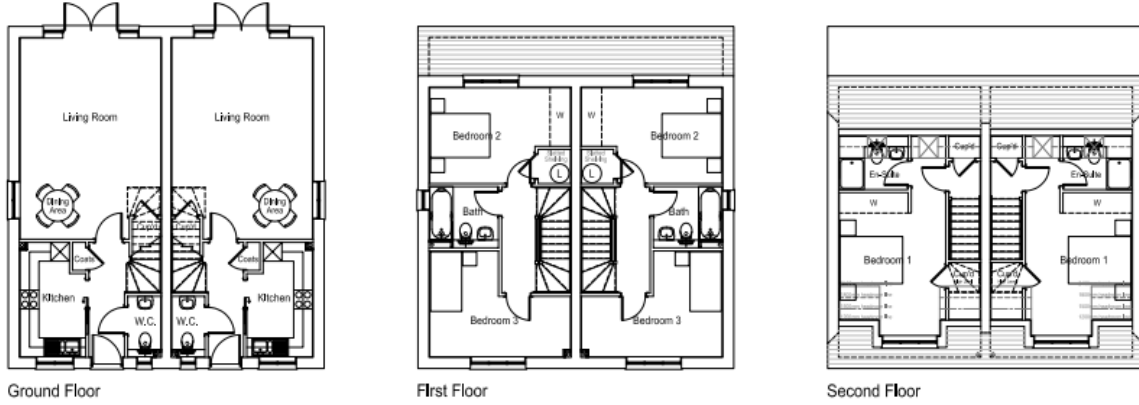


Example of a first-floor study as proposed on plots 5-12 & 78-81

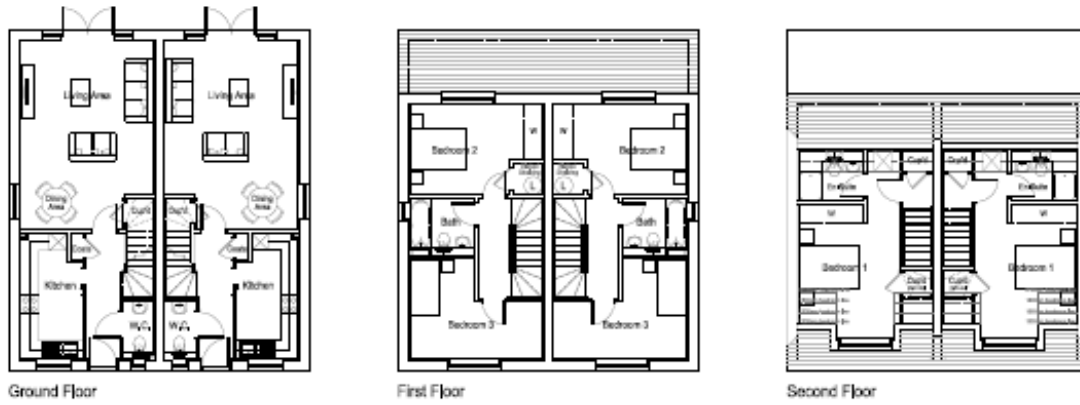
[Please note that the Nationally Described Space Standards require, that to provide one bedspace, a single bedroom should have a floor area of at least 7.5sqm and be at least 2.15m wide. Generally, a single bed/mattress is 1.9m x 0.9m as sold by numerous retailers. The proposed study has a floor area of 4.5sqm which is 40% smaller than the recommended minimum that a room should be to provide an acceptable level of accommodation to be used as a bedroom. The maximum internal dimension of the proposed room is 1.85m which is 30cm less than the recommended minimum room width; and is also under what seems to be the minimum size of a single bed/mattress. Therefore, it would not be possible to fit a bed in the proposed studies.]

(iii) Rear ground floor projection increased in depth at plots 18-21, 26-31 & 68-73.

Plots 18-19- As approved



Plots 18-19- As proposed

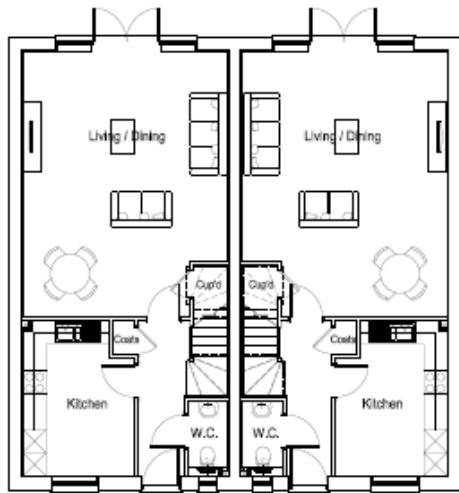


(iv) Rear ground floor projection added to plots 23-25 & 74-76.

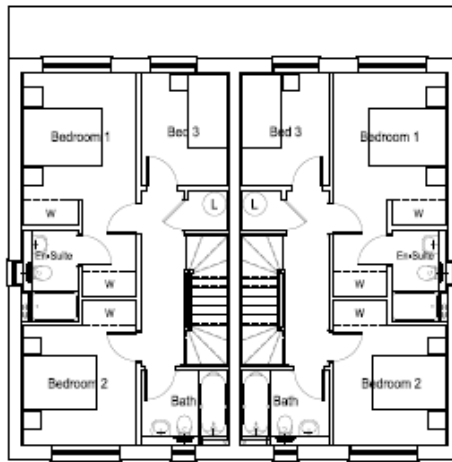
Plots 23-24- As approved



Plots 23-24- As proposed



Ground Floor



First Floor

6.0 REPRESENTATIONS RECEIVED

Winkfield Parish Council

- 6.1 The Parish Council is of the view that this application to vary 12 of the conditions relating to 35 plots previously approved should constitute a new planning application with the new proposals detailed in full to allow consideration; the application in its current form lacks any transparency.
- 6.2 The Parish Council has grave concerns about the development creep shown in this section 73 application, and the impacts on parking which will arise from the increases in bedrooms.
- 6.3 The Parish Council has further concerns relating to the increases in scale and mass arising from the variations and the impacts on the character of the area.
- 6.4 It is noted that no information is given within the documentation for this application relating to variations to conditions 02 (Landscaping Reserved matters), 05 (Phasing Plan), 06 (CEMP), 07 (Drainage), 08 (SUDS), 09 (Remediation), 11 (Gas Mitigation), 12 (Leachates), 13 (Bats), 14 (Badgers), 16 (Archaeology) and 17 (Tree Protection) of planning permission 19/00847/OUT. WPC is therefore unable to make any response to such proposed variations here.

Other representations

- 6.5 4no. Objections were also received expressing the following concerns: -
- (i) Society for the Protection of Ascot and Environs (SPAЕ)
- 6.6 The Society for the Protection of Ascot & Environs wishes to comment on this application. The proposed variations affecting 35 plots are substantial. They involve garage depth increases, ground floor projections increased in depth, and the addition of rear ground floor projections. With the development already permitted and the

extent of the alterations being proposed, we are concerned about the adverse impact this may have. We question for example whether the revision for "drainage arrangements" (condition 7) is adequate. This is because the water table may be affected with development depths being increased and where parts of the site are susceptible to surface water flooding.

(ii) Neighbouring Residents

- 6.7 The proposed changes appear to increase the sizes of some of the houses. In some cases, the increases would be only marginal, in others they would enlarge the accommodation space. 35 of the proposed 81 houses are affected by the changes. Why are these increases being requested? Were the enlarged sizes the intended sizes from the outset? The application to build on this site was rejected by Bracknell Forest due to its undesirability, a decision overridden by an inspectorate that will not suffer the consequences. Now the applicant wishes to have even more of what he/she/it/they/whatever should not have been granted in the first place.

Case officer's response to concerns raised

- 6.8 The changes proposed are not considered significant enough to warrant the submission of a new application. It is not unusual for changes to be sought following permission being granted due to the publication of technical drawings that then require minor changes to the house types. It is, in this case, considered appropriate to assess the proposed changes under a Section 73 application which looks at minor material amendments (MMAs).
- 6.9 To address the proposed changes condition 04 (approved plans condition) would need to be updated. The applicant has also listed several other conditions that they are seeking to vary. However, the variation sought is merely so that the conditions reflect details already approved by the LPA. When looking to approve a section 73 application it is standard practice for the new consent to reflect the up to date position and for completeness these have been included in the description of their submission.
- 6.10 Updated drainage documentation has been submitted to reflect the changes as proposed. However no significant changes to the drainage strategy are required because of this application. The updated drainage documentation can be referred to in the relevant drainage conditions.
- 6.11 When assessing minor material changes, the reason the changes are sought is not a material consideration and the LPA is required to consider what impacts, if any, may result when compared with the previous approval.
- 6.12 Concerns relating to the proposed changes have been addressed in section 9, Planning Considerations.

7.0 SUMMARY OF CONSULTATION RESPONSES

- 7.1 Highways Officer
Recommends conditional approval.

8.0 MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	Limited (policy not used in planning application decision-making) Consistent
Housing	CSDPD Policy CS9 and BFBLP 'Saved' Policy EN8 H5 of BFBLP SA1 of SALP	Elements are acknowledged to not be fully consistent (para. 170 a) and b) however the thrust of these policies remains consistent (paras. 78-79, 103, 104a, 117 and 170) Partially out of date but weight can be attached where the policy aligns with the tests of policy GB1. Consistent.
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Parking	Saved policy M9 of BFBLP	Consistent NPPF refers to LA's setting their own parking standards for residential development, this policy is considered to be consistent.
Trees & Landscaping	CSDPD Policies CS1 & CS7 BFBLP 'Saved' Policies EN1, EN2 & EN20	Consistent (paras. 127 & 170)
Heritage	CSDPD Policies CS1 & CS7	Consistent (paras. 189 to 197)
Drainage	CS1 of CSDPD	Consistent (paras. 163 & 165)
Biodiversity	CSDPD Policies CS1 & CS7 BFBLP 'Saved' Policies EN1, EN2 & EN20	Consistent (paras. 170 & 175)
Noise and Pollution (including Land Contamination)	CSDPD Policy CS1 BFBLP 'Saved' Policy EN25	Consistent (paras. 118, 170, 178 & 180)
Sustainability (Renewable	CSDPD Policies CS10 & 12	Consistent (para. 149)

Energy and Water Use)		
Securing Necessary Infrastructure	CSDPD Policy CS6	Consistent (para. 54 to 56, 92 and 94)
Supplementary Planning Documents (SPD)		
Parking standards SPD Planning Obligations SPD (2015) Thames Basin Heath SPA SPD Character Area Assessments SPD Design SPD		
Other publications		
National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)		

9.0 PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of Development
- ii. Impact on Character and Appearance of the Area
- iii. Impact on Residential Amenity
- iv. Transport and Highways Considerations
- v. Biodiversity
- vi. Surface Water Drainage/Flood Risk
- vii. Legal Agreement

i. Principle of Development

9.2 The principle of development has already been established given that planning permission (19/00847/OUT) was granted at appeal.

Legislative Background

9.3 Section 73 of the Town and Country Planning Act 1990 enables conditions to be amended or removed. One use of this is to enable plans to be substituted where details within a scheme have changed. The S73 application creates a new planning permission that sits alongside the original which remains unaltered. S73 applications do not have the power to increase the time limit requiring a development to be begun. In respect of conditions, Planning Practice Guidance clarifies that 'notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged'.

ii. Impact on Character and Appearance of the Area

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

- 9.5 The applicant wishes to increase the depth of the garage on plot 1, increase the depth of already approved single storey rear projections at plots 18-21, 26-31 & 68-73 by a matter of centimetres and include a small single storey extension to the rear of plots of 5-12, 23-25, 74-76 & 78-81 where this previously did not exist. These changes are considered minor in nature and acceptable, as they would result in no adverse impacts upon the character and appearance of the already approved 81no. dwelling development.
- 9.6 Given the above assessment it is considered that no adverse impacts upon the character and appearance of the site and the immediate area would result. The proposal is therefore in compliance with CSDPD Policy CS7, BFBLP Policy EN20 and the NPPF.

iii. Impact on Residential Amenity

- 9.7 Saved BFBLP Policy EN20 proviso (vii) seeks to prevent development that would adversely affect the amenity of surrounding properties. This is consistent with the NPPF.
- 9.8 None of the proposed changes, as applied for, are considered to adversely impact upon residential amenity both on and adjoining the site.
- 9.9 Accordingly, it is considered that the proposal complies with 'saved' Policy EN20 of BFLP, specifically criterion vii.

iv. Transport and Highways Considerations

- 9.10 The Local Highway Authority (LHA) has assessed the plans, which include amended plans correcting typographic errors regarding bedroom numbering to plots 23, 24, 75 and 76 and amended plans changing the shape and size of the proposed studies on plots 5-12 and 78-81, and have recommended that the Section 73 application be approved subject to conditions.
- 9.11 The increase in garage depth on plot 1 would leave adequate space on the driveway for parking along with sufficient space for occupiers to access the rear garden from the front.
- 9.12 In instances where bedrooms have been included within the roofspace of 12 plots, the applicant has indicated that no increase in the number of bedrooms would result, as small rooms, previously marked as bedrooms on the first floor, are now shown as studies. The originally approved 3rd bedroom on plots 5-12 and 78-81 fell short of the national prescribed standards for a bedroom, having a floor area of less than 7.5 sqm at 6.5sqm. This standard should be read as guidance only, however, it is relevant in considering whether a room could realistically be used as a bedroom.
- 9.13 It is the applicant's view that with more and more employers encouraging their staff to work remotely from home there is a real need to dedicate home working office space within dwellings and the proposed studies, as shown, would provide an ideal space to address this need. The need for home working space is supported by recent data from the Office for National Statistics which says that among working adults who have worked in the last seven days, 16% reported working from home only and 28% reported both working from home and travelling to work over the period September 2022 to January 2023. This means that since lockdowns ended, some 44% of working adults are spending all or part of their working time based at home (source:

Characteristics of Homeworkers, Great Britain: September 2022 to February 2023, ONS, February 2023).

- 9.14 Since the application was deferred from the March Committee the applicant has now submitted revised plans showing the proposed first floor studies on plots 5-12 and 78-81 being reduced further in floor area such that they have an L-shape layout and a floor area of only 4.5sqm compared with 5.6sqm as previously presented to Members and 6.5 sqm as originally approved.
- 9.15 The maximum internal dimension of the proposed studies is 1.85m, which is 30cm less than the recommended minimum width for a bedroom. Given this it is not considered possible to fit a single bed, where single beds/mattresses are sold as being 1.9m x 0.9m, in these rooms and allow for adequate useable bedroom space.
- 9.16 Therefore, when applying the Council's Parking Standards to these units, it is not considered that there is any requirement for additional on-plot parking to be provided.

Conclusion on Transport and Highways Considerations

- 9.17 The NPPF confirms (para. 111) that development 'should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. In light of the justification put forward by the applicant, the comments received from the LHA, and the internal dimensions and layout of the studies discouraging use as a bedroom and therefore not requiring further on-plot parking, it is not considered that an unacceptable impact on highway safety would result.
- 9.18 However, given the applicant's justification for the L-shape limited size studies it is considered reasonable to impose the following condition in-order to maintain the use of the rooms as studies:

'The internal floor layout of plots 5-12 and 78-81 shall be laid out as approved and thereafter retained as such with each property having a maximum of 3 bedrooms at any time.

REASON: To ensure adequate parking provision is provided.

[Relevant Policies: BFBLP EN3, M9, CSDPD CS14, CS23, SEP NRM6]

- 9.19 Given the above assessment which has taken into consideration the LHA comments, the application is not considered to require further on-plot parking and would not result in any adverse highway safety implications, and as such complies with BFBLP Policies M4, M5, M6, M7, M8 and M9 and CSDPD Policies CS23 and CS24 and the NPPF.

v. Biodiversity

- 9.20 Policy CS1 of the CSDPD seeks to protect and enhance the quality of natural resources including biodiversity. Policy CS7 also requires the design of new development to enhance and promote biodiversity. These policies are consistent with the NPPF. The development must demonstrate that it provides a net gain in biodiversity in line with the NPPF.
- 9.21 None of the proposed changes, as applied for, are considered to adversely affect the already agreed ecological mitigation.

vi. Surface Water Drainage/Flood risk

9.22 The minor changes, as set out above, are not significant enough to require any material changes to the drainage strategy. The applicant has submitted revised drainage documentation that clarifies this point.

vii. Legal Agreement

9.23 Planning permission 19/00847/OUT was approved alongside a signed Section 106 Legal Agreement (dated 25.06.2021). The wording in the agreement does not allow for subsequent amended plans (NMA) and/or Section 73 applications to be linked to the original legal agreement. Therefore, any consent would need to be accompanied by a deed of variation.

10.0 CONCLUSION

10.1 The application seeks consent to vary conditions 04 (approved plans), 02 (Landscaping Reserved matters), 05 (Phasing Plan), 06 (CEMP), 07 (Drainage), 08 (SUDS), 09 (Remediation), 11 (Gas Mitigation), 12 (Leachates), 13 (Bats), 14 (Badgers), 16 (Archaeology) and 17 (Tree Protection) of planning permission 19/00847/OUT. The changes have been assessed and are not considered to result in any adverse impacts upon the character and appearance of the scheme, would not result in any significant impact upon residential amenity nor would they result in any highway safety or drainage implications. As such the proposal is recommended for conditional approval. The decision will reflect the status of the original conditions.

11.0 RECOMMENDATION

11.1 That the Assistant Director: Planning be authorised to grant planning permission subject to a deed of variation to the original s106 agreement (as varied) and the following conditions, added to or deleted as the Assistant Director: Planning considers necessary:

1. The development shall be carried out in accordance with the landscaping reserved matters details approved under reference 21/00772/REM.

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

- 1295/Pln/100B Site Location Plan
- 1295/Pln/101F Site Layout
- 1295/Pln/101-1F Site Layout (Coloured)
- 1295/Pln/102A Plot 1 Plans and Elevations
- 1295/Pln/103 Plot 2 Plans and Elevations
- 1295/Pln/104 Plot 3 Plans and Elevations
- 1295/Pln/105 Plot 4 Plans and Elevations
- 1295/Pln/106C Plots 5-6 Plans and Elevations
- 1295/Pln/107C Plots 7-8 Plans and Elevations
- 1295/Pln/108C Plots 9- 10 Plans and Elevations
- 1295/Pln/109C Plots 11-12 Plans and Elevations
- 1295/Pln/110 Plot 13 Plans and Elevations
- 1295/Pln/111A Plots 14-17 Plans and Elevations
- 1295/Pln/112B Plots 18-19 Plans and Elevations
- 1295/Pln/113B Plots 20-21 Plans and Elevations

1295/Pln/114 Plot 22 Plans and Elevations
 1295/Pln/115B Plots 23-24 Plans and Elevations
 1295/Pln/116B Plot 25 Plans and Elevations
 1295/Pln/117B Plots 26-27 Plans and Elevations
 1295/Pln/118B Plots 28-29 Plans and Elevations
 1295/Pln/119B Plots 30-31 Plans and Elevations
 1295/Pln/120A Plots 32-34 Plans and Elevations
 1295/Pln/121 Plot 35 Plans and Elevations
 1295/Pln/122 Plots 36-37 Plans and Elevations
 1295/Pln/123 Plots 38- 39 Plans and Elevations
 1295/Pln/124 Plots 40-41 Plans and Elevations
 1295/Pln/125A Plot 42 Plans and Elevations
 1295/Pln/126B Plots 43-63 Floor Plans (Sheet 1)
 1295/Pln/127A Plots 43-63 Floor Plans (Sheet 2)
 1295/Pln/128A Plots 43-63 Elevations
 1295/Pln/129 Plot 64 Plans and Elevations
 1295/Pln/130 Plot 65 Plans and Elevations
 1295/Pln/131 Plot 66 Plans and Elevations
 1295/Pln/132 Plot 67 Plans and Elevations
 1295/Pln/133B Plots 68-69 Plans and Elevations
 1295/Pln/134B Plots 70-71 Plans and Elevations
 1295/Pln/135B Plots 72-73 Plans and Elevations
 1295/Pln/136B Plot 74 Plans and Elevations
 1295/Pln/137B Plots 75-76 Plans and Elevations
 1295/Pln/138 Plot 77 Plans and Elevations
 1295/Pln/139C Plots 78-79 Plans and Elevations
 1295/Pln/140C Plots 80-81 Plans and Elevations
 1295/Pln/141C Indicative Street Scenes
 1295/Pln/142D Site Sections
 1295/Pln/143F Indicative Levels Plan
 1295/Pln/144F Road Levels and Sections
 1295/Pln/145G Block Plan
 1295/Pln/146G Building Heights Plan
 1295/Pln/147F Information Plan
 1295/Pln/148 Existing Site Survey
 19-T067_06B Potential right turn lane and junction visibility
 SH23354 11E-Sheet 1 of 4
 SH23354 11E-Sheet 2 of 4
 SH23354 11E-Sheet 3 of 4
 SH23354 11E-Sheet 4 of 4
 SH23354 12A-Sheet 1 of 4
 SH23354 12A-Sheet 2 of 4
 SH23354 12A-Sheet 3 of 4
 SH23354 12A-Sheet 4 of 4
 SH23354 Soft Landscape Specification
 SH23354 Soft Landscape Management and Maintenance Plan

3. The development shall be carried out in accordance with the Phasing Plan 1295-CON-001 approved by the Local Planning Authority under reference 21/00141/COND. No development shall commence in respect of any phase until all relevant reserved matters and pre-commencement conditions have been approved in respect of that phase.

4. The development shall be carried out in accordance with the Construction Environmental Management Plan Palm Hills SMA Ref:6800/CEMP Issue Status: Issue 08, dated April 2022 approved under reference 21/00139/COND.

5. The development shall be carried out in accordance with the following drainage arrangements approved by the Local Planning Authority under reference 21/00140/COND:

- Cover Letter received 9th September 2021
- Sustainable Drainage Design and Management Strategy Ref: 5753-DR001 Rev 1 dated 31st August 2021
- 1295-101.01 REV P3 received 13th September 2021
- 1295-101.02 REV P3 received 13th September 2021
- 1295-101.03 REV P3 received 13th September 2021
- 1295-101.04 REV P3 received 13th September 2021
- 1295-160 REV P3 received 13th September 2021
- 1295-161 REV P3 received 13th September 2021
- SH23354 11 REV A Soft Landscaping Proposals Sheet 1 of 4 received 13th September 2021

The drainage arrangements shall be implemented in accordance with the approved details and the agreed programme. A verification report shall be submitted to and be approved in writing by the Local Planning Authority prior to the first occupation of any dwelling within each phase of the development demonstrating that full details and specifications of the approved sustainable drainage systems have been implemented for that phase. This shall include photos of excavations and soil profiles/horizons, any placement of tanking, crating, connecting pipework, hydrobrakes and cover systems required to demonstrate the full implementation of the approved scheme.

6. The development shall be carried out in accordance with the following arrangements for the Sustainable Urban Drainage System approved by the Local Planning Authority under reference 21/00140/COND:

- Cover Letter received 9th September 2021
- Sustainable Drainage Design and Management Strategy Ref: 5753-DR001 Rev 1 dated 31st August 2021
- 1295-101.01 REV P3 received 13th September 2021
- 1295-101.02 REV P3 received 13th September 2021
- 1295-101.03 REV P3 received 13th September 2021
- 1295-101.04 REV P3 received 13th September 2021
- 1295-160 REV P3 received 13th September 2021
- 1295-161 REV P3 received 13th September 2021
- SH23354 11 REV A Soft Landscaping Proposals Sheet 1 of 4 received 13th September 2021

7. Phase 1 of the development shall be remediated in accordance with the following details approved by the Local Planning Authority under reference 21/00142/COND - Phase 2 Land Contamination Assessment - R06 Site Wide Remediation Strategy.

Phase 2 of the development shall be remediated in accordance with the following details approved by the Local Planning Authority under reference 21/00160/COND: - Phase 2 Land Contamination Assessment 25th May 2022. - Site Wide Remediation Strategy R06 25th May 2022.

No development of Phase 3 shall commence until full details and arrangements for an investigation and risk assessment of the nature and extent of any contamination within the site, and of a subsequent remediation scheme and of a detailed programme for its implementation, have been submitted to and been approved in writing by the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons in accordance with guidance set out in Land Contamination: Risk Management, as published by the Environment Agency on 8 October 2020. A written report of the findings of the assessment shall be submitted to and be approved in writing by the Local Planning Authority. The report of the findings shall include:

- a) a survey of the extent, scale and nature of contamination;
- b) an assessment of the potential risks to: 1) human health; 2) property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes; 3) adjoining land; 4) ground and surface waters; 5) ecological systems; 6) archaeological features;
- c) an appraisal of possible remedial options. Arising from the investigation and risk assessment, a fully detailed remediation scheme to bring the site to a condition suitable for the proposed development by removing unacceptable risks shall be submitted to and be approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, remediation objectives and criteria, a programme for implementation of the proposed details and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The scheme shall also set out monitoring and maintenance arrangements to include, where appropriate, observing the long-term effectiveness of all proposed contamination remediation over an agreed period. The remediation scheme shall be carried out in accordance with its approved details and an agreed programme. The Local Planning Authority shall be given two weeks' written notification of the commencement of any proposed remediation works. Following completion of all measures identified in the approved remediation schemes, a verification report demonstrating that full details and specifications of the approved schemes have been implemented shall be prepared in accordance with an agreed timescale and be approved in writing by the Local Planning Authority.

8. Gas mitigation for Phase 1 of the development shall be carried out in accordance with the following details approved by the Local Planning Authority under reference 21/00142/COND :

- Phase 2 Land Contamination Assessment - R06 Site Wide Remediation Strategy.

Gas mitigation for Phase 2 of the development shall be carried out in accordance with the following details approved by the Local Planning Authority under reference 21/00160/COND :

- R03 (03) External Ground Gas Remediation Options Appraisal and Remediation Strategy
- R04 (04) Gas Barrier Design
- R05 (03) Non-technical summary
- R07 Design for Phase 2.

-No development of Phase 3 shall commence until a landfill gas investigation and risk assessment has been submitted to and been approved in writing by the Local Planning Authority. Where any risk from gas is identified, a scheme to mitigate the effects of gas shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of any development. The approved scheme shall be implemented in accordance with an agreed programme.

Following completion of all measures identified in the approved gas remediation schemes, a verification report demonstrating that full details and specifications of the approved scheme have been implemented shall be prepared in accordance with an agreed timescale and be approved in writing by the Local Planning Authority.

9. Leachate risk in respect of Phase 1 of the development shall be managed in accordance with the following details approved by the Local Planning Authority under reference 21/00142/COND : - Phase 2 Land Contamination Assessment - R06 Site Wide Remediation Strategy Leachate risk in respect of Phase 2 of the development shall be managed in accordance with the following details approved by the Local Planning Authority under reference 21/00160/COND: - Phase 2 Land Contamination Assessment 25th May 2022. - Site Wide Remediation Strategy R06 25th May 2022. No development of Phase 3 shall commence until a leachate investigation and risk assessment have been submitted to and been approved in writing by the Local Planning Authority. Where any risk from leachate is identified, a scheme to mitigate the effects of the leachate shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of any development. The approved scheme shall be implemented in accordance with an agreed programme. Following completion of all measures identified in the approved leachate remediation schemes, a verification report demonstrating that full details and specifications of the approved scheme have been implemented shall be prepared in accordance with an agreed timescale and be approved in writing by the Local Planning Authority.

10. The development shall be carried out in accordance with the following details to mitigate the impact of the development upon bats which were approved by the Local Planning Authority under reference 21/00138/COND: - Ecological Enhancement Plan (Condition 13 and 14), Palm Hills Complex., dated September 2021 - Email – Confirmation No Lighting In Enhancement Areas 22.04.22

11. The development shall be carried out in accordance with the following details to safeguard and create badger access which were approved by the Local Planning Authority under reference 21/00138/COND: - Ecological Enhancement Plan (Condition 13 and 14), Palm Hills Complex., dated September 2021

12. The results of the archaeological evaluation approved by the Local Planning Authority under reference 21/00136/COND shall inform the preparation of a subsequent mitigation strategy/action plan which shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of the development. The mitigation strategy/action plan shall be implemented in accordance with the details and a programme as approved.

13. The development shall be carried out in accordance with the following details for the protection of existing trees to be retained as shown on the Tree Removal Plan TSP1 (contained within the Arboricultural Impact Assessment received by the Local Planning Authority on 19 September 2019) which were approved by the Local Planning Authority under reference 21/00137/COND: - Arboricultural Method Statement for the Approved Residential Development at the Palm Hills Complex, London Road, Chavey Down- Ref 1121- 8098 November 2021. - Arboricultural Method Statement for the Proposed Landfill Gas Ventilation Underground Barrier at the Palm Hills Complex, London Road, Chavey Down- Ref: 0321-9010 Rev 1 March 2021 The protective fencing and other measures to be specified shall be implemented as approved and in accordance with a programme to be agreed in writing by the Local Planning Authority. The fencing and measures shall be maintained fully intact and (in the case of the fencing) upright, in the

approved locations at all times, until the completion of all building operations on the site. Where phased protection measures have been approved, no works shall commence on the next phase of the development until the protective fencing barriers and other required measures are in place for that phase in full accordance with the approved details. No activity of any description shall occur at any time within these protected areas including, but not restricted to: a) mixing of cement or any other materials; b) storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquid waste residues, or materials/debris of any other description; c) siting of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, porta-loos, storage compounds or hardstanding areas of any other description; d) soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ground conditions of any other description; e) installation/siting of any underground services, temporary or otherwise, including drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting; f) parking/use of tracked or wheeled machinery or vehicles of any description; In addition to the protection measures specified above: 1) no fires shall be lit within 20 metres of the trunks of any trees or the centre line of any hedgerow shown to be retained; 2) no signs, cables, fixtures or fittings of any other description shall be attached to any part of any retained tree.

14. No dwelling shall be occupied until the site access junction details onto London Road along with the pedestrian and cycle link to the west of the access have been constructed in accordance with approved drawing Ref: 19-T067_06 rev B, and those facilities shall be maintained and retained thereafter.

15. No dwelling shall be occupied until the visibility splays shown on approved drawing Ref: 19-T067_06 rev B have been provided as detailed. These areas shall be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the adjacent carriageway and shall be maintained and retained thereafter.

16. No dwelling shall be occupied until that part of the estate road which provides access to that dwelling and its parking, along with the adjacent footways, margins and street lighting, have been constructed in accordance with the approved Site Layout Plan Ref: 1295/Pln/101F.

17. No house shall be occupied until its associated vehicle parking and turning space has been surfaced and marked out in accordance with the approved Site Layout Plan Ref: 1295/Pln/101F. The spaces shall be kept available for parking and turning at all times thereafter.

18. No apartment marked Plots 43-63 on the approved plans shall be occupied until details of the allocation of parking spaces to each of those dwellings has been submitted to and been approved in writing by the Local Planning Authority and has been provided and allocated in accordance with the approved details. The spaces shall be maintained and be kept available for such parking at all times thereafter.

19. No dwelling shall be occupied until a means of access for pedestrians and cyclists to London Road to the east of the property named Dolyhir, along with appropriate lighting for this pedestrian and cyclist route, have been constructed in accordance with details to be agreed in writing by the Local Planning Authority. The approved means of access and associated details shall be implemented as approved and be maintained and retained thereafter.

20. No dwelling shall be occupied until:

- a) details of the provision of 16 visitor car parking spaces, and;
- b) details of the signage for the visitor car parking spaces;

have been submitted to and been approved in writing by the Local Planning Authority and have been implemented in accordance with the approved details.

The visitor car parking spaces and signage shall be maintained and retained for such parking at all times thereafter.

21. As part of the garage accommodation hereby approved for Plots 1, 2, 3, 4, 13, 64, 65, 66 and 67, an area of at least 6.0 metres back from the garage door (when closed) and 3.5 metres wide shall be provided prior to first occupation of each dwelling and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.

22. No dwelling shall be occupied until the associated secure and covered cycle accommodation for that dwelling based upon one cycle space per bedroom has been provided in the locations identified for cycle parking on the Information Plan (approved drawing Ref: 1295/Pln/147F). The cycle parking spaces and facilities shall be maintained and retained at all times thereafter.

23. No dwelling shall be occupied until details of electric vehicle charging infrastructure with a minimum output of 7kW to be provided for the parking spaces marked with a circle for 'EV Charging Point' on the Information Plan (approved drawing Ref: 1295/Pln/147F) have been submitted to and have been approved in writing by the Local Planning Authority. The approved electric vehicle charging infrastructure shall be provided in accordance with an agreed programme and shall be maintained in working order and be retained thereafter.

24. No dwelling shall be occupied until a full and updated travel plan in general accordance with the submitted framework travel plan, and including details of monitoring arrangements, has been submitted to and been approved in writing by the Local Planning Authority. The approved travel plan shall be implemented as approved and in accordance with an agreed programme and shall include monitoring arrangements for 5 years after the occupation of the last dwelling to be completed.

25. No dwelling shall be occupied until either:

- a) confirmation has been provided to the Local Planning Authority from the sewerage undertaker that sufficient capacity within the sewerage infrastructure exists to serve the development; or
- b) a scheme for the improvement of the existing sewerage system has been submitted to and been approved in writing by the Local Planning Authority. If so, the scheme shall be implemented as approved and in accordance with an agreed programme and shall be maintained and retained thereafter. No dwelling shall be occupied until the scheme for improvement of the existing sewerage system has been completed in full as approved.

26. No dwelling shall be occupied until a scheme has been submitted to and been approved in writing by the Local Planning Authority setting out details of external lighting, including lighting units and levels of illumination and a programme for implementation. No external lighting shall be provided at the site other than in accordance with the approved details. The development shall be carried out in accordance with the details as approved.

27. Prior to the occupation of the final dwelling within each phase, a verification report demonstrating full implementation of the biodiversity enhancement measures and recommendations set out in the Ethos Environmental Planning Ecological Assessment dated December 2019 relevant to that phase, shall be submitted to and be approved in writing by the Local Planning Authority. The measures shall be maintained and retained thereafter.

28. Prior to commencement of any above ground construction in each phase, a scheme shall be submitted to and be approved in writing by the Local Planning Authority setting out details of all on-site refuse and recycling storage and collection facilities (including details of any enclosures or screening) to serve each dwelling within that phase. Such facilities shall be provided in accordance with the approved details prior to the first occupation of the relevant dwelling and shall be maintained and retained thereafter.

29. Prior to commencement of any above ground construction, an estate road phasing and completion plan shall be submitted to and be approved in writing by the Local Planning Authority. The plan shall set out details of the access road serving each phase of the development and the design standards to which it will be completed.

30. The access road coloured blue and yellow along with links to the boundaries of the adjacent properties named Sandbanks and Dolyhir coloured red on the Information Plan (approved drawing Ref: 1295/Pln/147F), and all footways, margins and street lighting adjacent to the areas coloured blue, yellow and red, shall be constructed in accordance with the agreed estate road phasing and completion plan and shall be maintained and retained thereafter as private accesses and footpaths.

31. No gates shall be provided at the vehicular access to the site serving London Road.

32. The development shall be constructed in accordance with the details as approved under the following: -

- External Materials Schedule 17.05.22
- 1295 Materials Markup Plan 17.05.22

33. Prior to commencement of any above ground construction in each phase, details showing the finished floor levels of the buildings in that phase relative to a fixed datum point shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

34. Prior to commencement of any above ground construction, a sustainability statement for water efficiency setting out measures to achieve an average water use in new dwellings of 110 litres/person/day shall be submitted to and be approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the approved details and an agreed programme and shall be maintained and retained thereafter.

35. Prior to commencement of any above ground construction, an energy demand assessment shall be submitted to and be approved in writing by the Local Planning Authority. This shall demonstrate:

- a) that before taking account of any on-site renewable energy production

the proposed development will reduce carbon dioxide emissions by at least 10% against the appropriate target emission rate as set out in Part L of the Building Regulations (2006), and;

b) that a proportion of the development's energy requirements will be provided from on-site renewable energy production (the proportion of which shall be at least 20%), or from such other appropriate measures as may be agreed in writing by the Local Planning Authority.

The buildings shall be constructed in accordance with the approved assessment and the approved measures shall be maintained and retained thereafter.

36. The first-floor bathroom windows in the side elevations of Plots 75 and 81 shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent) to a height of 1.7 metres from the corresponding floor level. The windows shall at all times be fixed to a height of 1.7 metres from floor level.

37. All second-floor rear-facing velux windows on Plots 18, 19, 20, 21, 28, 29, 30, 68, 69, 70 and 71 shall have a sill height no lower than 1.7 metres above the corresponding floor level.

38. The internal floor layout of plots 5-12 and 78-81 shall be laid out as approved and thereafter retained as such with each property having a maximum of 3 bedrooms at any time.

REASON: To ensure adequate parking provision is provided.

[Relevant Policies: BFBLP EN3, M9, CSDPD CS14, CS23, SEP NRM6

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 following conditions require discharge prior to the commencement of development: 12, 28, 29, 33, 34 and 35.
03. The following conditions require discharge prior to the occupation of the dwellings hereby approved: 18, 19, 20, 23, 24, 25, 26 and 27.
04. 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, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 21, 22, 30, 32, 36, 37 and 38.

Unrestricted Report

ITEM NO: 7

Application No.
21/00044/OUT

Ward:
Winkfield And
Cranbourne

Date Registered:
4 February 2021

Target Decision Date:
1 April 2021

Site Address:

**Oak Tree Nursery Bracknell Road Warfield Bracknell
Berkshire RG42 6LH**

Proposal:

**Outline application for the erection of rural workers dwelling with
associated parking (all matters reserved except for access).**

Applicant:

Mr Chris Helberg

Agent:

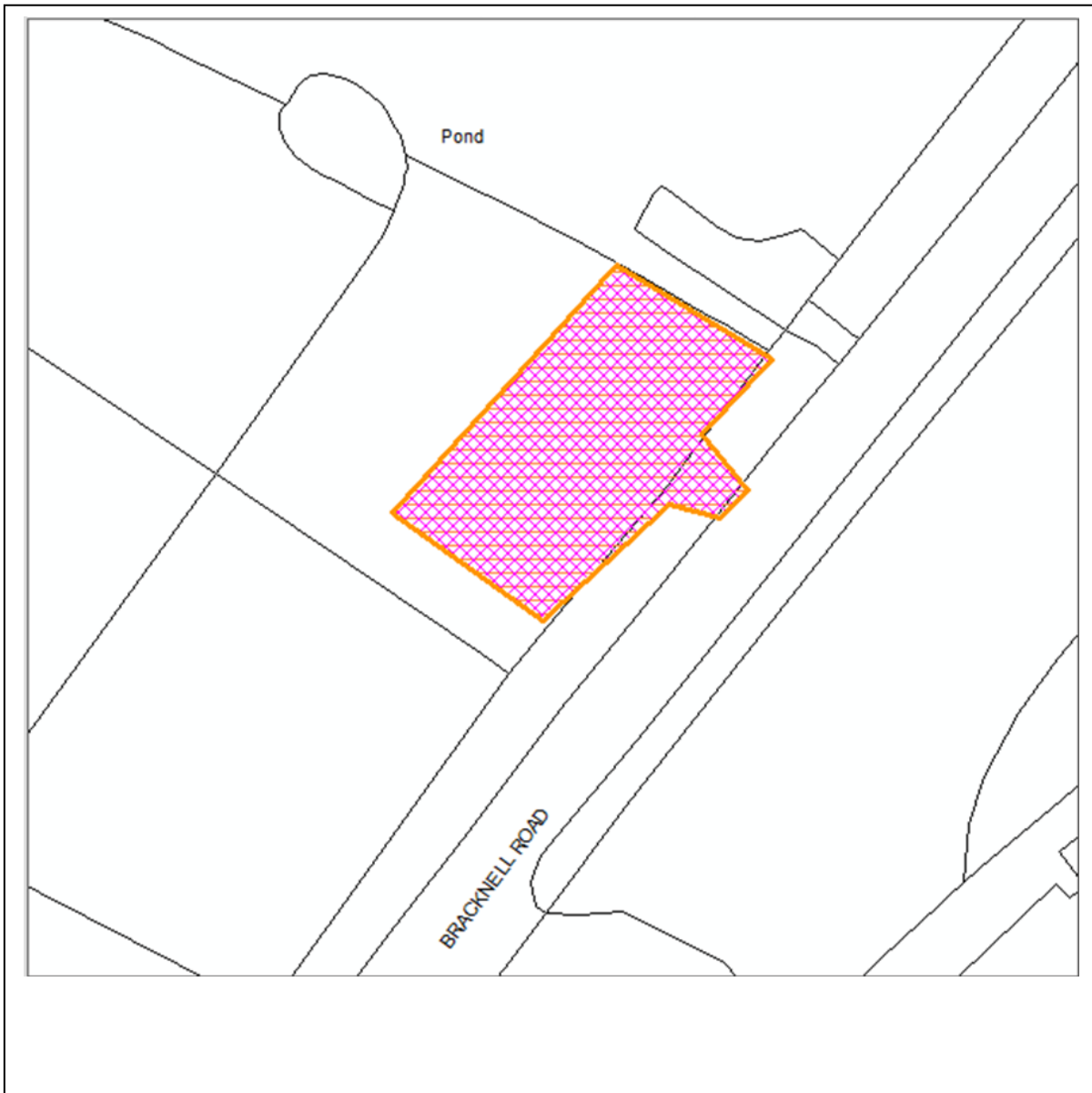
Mr John Hunt

Case Officer:

Sarah Fryer, 01344 352000

Development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1.0 SUMMARY

1.1 This application seeks outline planning consent, with only access being considered at this point, for the erection of a dwelling to provide accommodation for a rural worker in connection with the Oaktree Garden Centre which comprises Oaktree Nursery and World of Water. The site is within the Green Belt where very special circumstances must be demonstrated for a new dwelling in this location. The applicant has provided sufficient information and evidence to demonstrate that there is a need for a worker to live close to the site and the business is sustainable. It is considered that in this case very special circumstances have been demonstrated.

1.2 The Highway Authority has no objection on highway safety ground to the access and the application is considered acceptable in all other regards.

RECOMMENDATION

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

2.0 REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application is reported to committee as it was called in by Cllr Dudley so that the principle of development should be decided by committee as this is a Green Belt application.

3.0 PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within settlement boundary Metropolitan Green Belt

3.1 This application seeks outline planning consent for the erection of a new rural workers dwelling, with associated access and curtilage on land to the north-east of Oaktree Garden Centre, Bracknell Road, Winkfield.

3.2 The site consists of a grassed field, separated from Bracknell Road by a hedgerow, the north-eastern boundary is defined by a hedgerow, whilst to the north-west is open grassland, and to the southwest is an overfill gravel carpark serving Oaktree nursery.

3.3 To the southwest of the nursery housing flanks the road whilst opposite is sited Stirrups Hotel and restaurant.

3.4 Bracknell Road is a classified road.

4.0 RELEVANT SITE HISTORY

4.1 The relevant planning history can be summarised as follows:

4.2 19/00008/FUL Retention of the hardsurfacing and proposed remedial works to an area of land used as a temporary overflow car park associated with the garden centre. [Note for Clarification: Class B, Part 4, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 permits the use of any land for any purpose for not more than 28 days in total in any calendar year.] Pending consideration

4.3 11/00090/FUL Section 73 application to erect one detached chalet bungalow and garage. (Amendment of plans approved under permission 619697) without compliance with

condition 04 Planning Permission 620470 (this condition states that the approved dwelling shall not be sold, let, licensed to occupy or otherwise disposed of separately from the land edged in red on plan number 640 121) Approved 17.05.2011
[Application still left property as a tied dwelling for the purposes of agriculture/ forestry]

4.4 17/00980/LDC Certificate of lawfulness for the site as mixed use for the purposes of a garden centre (Retail A1 and horticulture). Approved 09.11.2017

4.5 606671 Outline Application for the erection of 2 detached houses with garages on land adjacent to Miawl Refused 02.02.1982

4.6 619697 Erection of one detached chalet bungalow Approved 01.01.1994
Condition 4 linked it to Oaktree Nursery and condition 5 is an agricultural workers condition.

5.0 THE PROPOSAL

5.1 This is an outline application for the erection of 1no. dwelling and associated access with all other matters reserved.

5.2 An outline planning permission allows for a decision to be made on the general principles of how a site can be developed. Outline planning permission would be granted subject to conditions requiring the subsequent approval of one or more 'reserved matters'.

5.3 Reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of with an outline planning application, (i.e. they can be 'reserved' for later determination). These are defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as:

(i) 'Access' - the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

(ii) 'Appearance' - the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

(iii) 'Landscaping' - the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;

(iv) 'Layout' - the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

(v) 'Scale' - the height, width and length of each building proposed within the development in relation to its surroundings.

5.4 As such, this application seeks outline consent for the erection of a single dwelling house to house a rural worker in connection with the adjacent businesses at Oaktree Nursery.

5.5 A reserved matters application, to be made at a later date, will then seek approval for details of appearance, landscaping, layout and scale of the development.

5.6 An indicative layout, elevations and floor plan has been submitted showing a four-bedroom dormer bungalow style dwelling. The planning statement states that at least 2 off-street parking spaces will be provided, indicating that the proposed property will be at least 3 bedrooms.

6.0 REPRESENTATIONS RECEIVED

Winkfield Parish Council

6.1 The site lies within the Green Belt and Winkfield Parish Council does not believe that any special circumstances apply as no crime has been reported in relation to the site.

Warfield Parish Council

6.2 Has submitted observations supporting the comments submitted by Winkfield Parish Council. In addition, the Councillors have concerns regarding the access being located so close to the existing access.

Other responses

6.3 CPRE Berkshire objects for the following reasons:

- The Green Belt has been identified as being at particular risk from encroachment at this point.
- Encroachment is already evident on nearby PDL sites, whereas this is a greenfield site, outside the village envelope and the Green Belt. It is therefore important to keep this site open.
- There are not details supplied of scale or appearance and without this information would represent an adverse impact upon the openness of the Green Belt and the impact should be considered to be substantial.
- Policy supports rural exception housing, but this proposal would not meet that criteria.
- VSC based upon the argued essential need for the dwelling do not stand up to scrutiny and do not outweigh harm to the Green Belt.
- The application for planning in principle without detail of what is proposed means impact on the character and appearance of the countryside and neighbourhood cannot be assessed.

6.4 4 comments from different addresses have been received in support of the application. These state:

- Can see no reason why the applicant can't be housed upon the site.
- Can attest that the large site is at significant risk from theft, having suffered the consequences ourselves. Their alarm regularly goes off, resulting in complaints from residents and loss of business to us, as it takes a considerable amount of time for a staff member to attend the site.
- This will assist the garden centre.

7.0 SUMMARY OF CONSULTATION RESPONSES

Highway Authority

7.1 No objection subject to conditions.

Biodiversity

7.2 No objection, conditions recommended

8.0 MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
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
Green Belt	BFBLP GB1	Not fully consistent
Biodiversity	CSDPD Policies CS1 & CS7 WNP13	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
Supplementary Planning Documents (SPD)		
Design SPD (2017) Parking Standards SPD (2016) Sustainable Resource Management SPD (2008) Thames Basin Heaths SPA SPD (2018)		
Other publications		
National Planning Policy Framework (NPPF) 2021) National Planning Policy Guidance (NPPG) BFC CIL Charging Schedule		

9.0 PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of Development
- ii. Impact on Character and Appearance of Surrounding Area
- iii. Transport and Highways Considerations
- iv. Biodiversity
- v. Community Infrastructure Levy

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 (para. 2). Section 13 of the NPPF contains specific policies relating to development within the Green Belt. Paras.147-150 set out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (VSC). The Local Planning Authority should ensure that substantial weight is given to any harm to the Green Belt.

9.3 Policy CS1 of the CSDPD sets out a number of sustainable development principles including making efficient use of land and buildings where it protects the character and quality of local landscapes. This is consistent with the NPPF and as such can be afforded full weight.

9.4 Policy CS2 of the CSDPD states that development will be permitted within defined settlements and on allocated sites. Development that is consistent with the character, accessibility and provision of infrastructure and services within that settlement will be permitted, unless material considerations indicate otherwise.

9.5 The site is located outside of a defined settlement on the Bracknell Forest Borough Policies Map (2013) and within the Green Belt. Therefore, Policy CS9 of the CSDPD and 'Saved' Policies GB1 and EN8 of the BFBLP are relevant. These policies seek to protect the Green Belt from inappropriate development.

9.6 Policy CS9 of the CSDPD states that the Council will protect land outside settlements for its own sake, particularly from development that would adversely affect the character, appearance or function of the land, and will protect the Green Belt from inappropriate development. In addition to this, it is stated in 'Saved' Policy EN8 of the BFBLP that development would only be permitted outside of the defined settlement boundaries where it would not damage its landscape quality and would not injure the visual amenities for the Green Belt.

9.7 Paragraph 149 of the NPPF states that 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm in the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.' Paragraph 149 states that the 'local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agricultural or forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in a disproportionate additions over and above the size of the original building;
- d) the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which

would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

9.8 Paragraph 150 also provides the following exceptions to inappropriate development:

- a) Mineral extraction
- b) Engineering operations
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt Location.
- d) the re-use of buildings providing the buildings are of permanent and substantial construction
- e) material change in the use of land (such as change of use for outdoor sport or recreation for cemeteries or burial grounds).
- f) development buildings, brought forward under a community Right to Build Order or Neighbourhood development Order.

9.9 'Saved' Policy GB1 of the BFBLP relates to building within the Green Belt. This policy states that approval will not be given, except in very special circumstances for any new building in the Green Belt unless it is acceptable in scale, form, effect, character and siting, would not cause road safety or traffic generation problems and is for certain types of development, including the replacement, alteration or limited extension of existing dwellings. However, reduced weight is given to GB1 as it is not in full conformity with the NPPF.

9.10 This application will only consider the principle of the proposal within the Green Belt.

9.11 The proposed new dwelling house does not meet any of the exceptions listed in the NPPF and is therefore inappropriate development in the Green Belt. This means that it would only be acceptable if a case for Very Special Circumstances (VSC) can be demonstrated.

Impact upon the Openness of the Green Belt

9.12 The NPPF states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open.

9.13 The introduction of a dwelling to this location will harm the openness of the Green Belt. It is considered that an assessment of the impact on openness can be made at this stage based on the known site parameters and the ability of the planning authority to control the exact location, scale and design of the proposal through a subsequent reserved matters application.

9.14 An informative is proposed stating that any subsequent reserved matters application(s) should demonstrate how the proposed dwelling in terms of its scale, siting and design minimises harm to the openness of the Green Belt.

Consideration of Very Special Circumstances (VSC)

9.15 The proposal is for a dwelling to provide accommodation for a rural worker associated with the neighbouring Oaktree Garden Centre. It is considered that if a case for a rural worker's dwelling can be demonstrated, then that could be VSC.

9.16 A specialist consultant was employed by the planning authority to examine and interrogate the applicant's need and justification for a rural worker's dwelling in association with Oaktree Nursery. This also ensured that the business is financially viable.

9.17 Paragraph 80 of the NPPF provides guidance in respect of isolated homes in the countryside. Paragraph 80, states that:

'Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking the majority control of a farm business, to live permanently at or near their place of work in the countryside.'

9.18 Paragraph 84 the NPPF discusses the rural economy in that:

'planning policies and decisions should enable:

a) the substantial growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

b) the development and diversification of agricultural and other land based rural businesses....

9.19 Further guidance in respect of homes for rural workers is provided with the Planning Practice Guidance (PPG) published in 2019 (it makes reference to paragraph 79 as opposed to paragraph 80 which was changed in the 2021 NPPF update).

'Considerations that it may be relevant to take into account when applying paragraph 79a of the NPPF could include:

- evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);*
- the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;*
- whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;*
- whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and*
- in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period..."*

9.20 The above can be analysed by considering:

- The degree to which there is confidence that the enterprise will remain viable for the foreseeable future
- Provision of the dwelling on-site or in the immediate vicinity is essential for the operation of the business as evidenced by a genuine functional need
- Whether alternative suitable accommodation exists or could be made available on established buildings on the site or elsewhere.

The degree to which there is confidence that the enterprise will remain viable for the foreseeable future

9.21 The site consists of three separate companies, Oaktree Garden Centre Online Limited, World of Water and Oaktree Nursery (who grow and sell stock). The land is owned by Mr John Went who is a director of Oaktree Garden Centre Online Ltd. and World of Water and Oaktree Nursery as a sole trader. They are all family businesses. There has been an established nursery and garden centre on the site for in excess of 20 years.

9.22 Oaktree Garden Centre Online limited was incorporated on 20th March 2013. Mr John Went and Mr C Helberge (the applicant) are named as two of the directors (Mr C Helberge is Mr Went's stepson). Financial accounts have been provided for the period to 31st December 2020 including part year figures to September 2021. Other accounts are available on the Companies House web site. Whilst losses have been returned in recent years, an operating profit was shown in 2019, with profit also made in 2017. It is noted that the latest accounts published by Companies House, whilst showing an operating loss, show that the turnover had returned to pre- pandemic levels and the applicant was confident of returning an operating profit in next financial year.

9.23 Accounts have also been submitted for World of Water and Oaktree Nursery.

9.24 World of Water returned a profit in 2019, a loss in 2020 and returned to profit in 2021. The loss in 2020 is explained by the Covid 19 pandemic and restrictions placed upon the retail industry.

9.25 Oaktree Nursery returned profits in 2019, 2020 and 2021 although some of these were small.

9.26 The emerging local plan policy LP 39 requires the rural enterprise to have been established for 3 years and profitable for one to demonstrate that the business linked to the rural dwellings was sustainable. Whilst the Garden Centre has returned losses in the last two years, World of Water returned a loss in 2020, it was back in profit in 2021 and had returned a profit in 2018. The pandemic was given as the reason for this and this is not disputed. It is noted that once shops were allowed to open, a profit returned and it is a well established business..

9.27 Whilst some of the profits are small, the companies on the site have returned profits for at least three of the last four years. The garden centre and nursery have been long established upon the site and whilst World of Water has not been on this site for as long, it was re-located from another site and so is also well established. Given this, it is considered that the businesses are sustainable. This is confirmed by the Council's specialist advisors.

Provision of the dwelling on-site or in the immediate vicinity is essential for the operation of the business as evidenced by a genuine functional need

9.28 Detailed information regarding the operations of both Oak Tree Nursery and World of Water, in respect of stocks kept on the site and both the automated and manual systems in place to preserve that stock has been submitted. Information regarding current response times and procedures currently in place to deal with incidents had been supplied along with losses sustained.

9.29 World of Water carry stocks of live fish, some of which are tropical and hence require specific temperatures to be maintained. A small change in water temperature can result in the health of fish deteriorating and ultimately stock being lost.

9.30 The nursery grows garden plants from seed to either sell on site or wholesale. The seedlings are raised within heated polytunnels to protect them from frost. The heaters are manually operated and if they fail during spells of frost, they have to be manually re-set and plants and stock could begin to be affected within 30 minutes.

9.31 It is these two enterprises within the site which provide the need for someone to live in close proximity to the site to ensure the effective operation of a land based rural enterprise, to protect the health and well-being of animals and to deal quickly with emergencies which

could cause serious loss of products. It is considered that these support a need for a full time worker to live on or very close to the site.

9.32 It is noted that a residential presence and improvements for both enterprises could effectively mitigate losses. Therefore, having regard to the scale of the enterprises and evidence provided, it is considered that there is justification for one residential presence on site or in the immediate area. This is confirmed in the advice provided by the Council's specialist advisors.

Whether alternative suitable accommodation exists or could be made available on established buildings on the site or elsewhere.

9.33 There is no existing dwelling upon the site.

9.34 A residential property next to the nursery is within family ownership and it is understood that this is occupied by Mr John Went, a Director in Oaktree Garden Centre Online. It has been stated that whilst he has management input, he has stepped back due to health reasons and hence is not able to address the functional requirements of the business. There is case law where it has been found that upon retirement a worker was entitled to remain in a dwelling serving the business rather than the dwelling being made available to another worker who could meet the essential needs of the business.

9.35 A search on rightmove by the specialist advisor has been undertaken and established that there are no properties suitable for a rural worker to rent or buy in the area.

9.36 In conclusion it is considered that it has been demonstrated that there is a need for a worker to deal with emergencies within the site out of hours and that the businesses from which the need arises are sustainable and well established. Apart from the dwelling occupied by Mr. John Went, there are no other suitable dwellings local to the site.

Green Belt Balance

9.37 The proposed dwelling is considered to be inappropriate development within the Green Belt in accordance with the NPPF, and would therefore result in harm due to its inappropriateness including harm to the openness of the Green Belt. The NPPF establishes that substantial weight should be given to any harm to the Green Belt and development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.

9.38 The applicant has justified an essential need for a worker to deal with emergencies within the rural enterprise site out of hours and that the businesses from which the need arises are sustainable and well established. There are also no other suitable and available dwellings local to the site. The applicant has provided an indicative plan showing a dormer style bungalow.



Indicative elevation of proposed dwelling

9.39 The evidenced business requirements and lack of suitable alternative accommodation are considered to represent VSC and carry very significant weight in favour of the application. In this instance the VSC are considered to be of sufficient weight to outweigh the harm to the openness of the Green Belt.

ii. Impact on Character and Appearance of Surrounding Area

9.40 CSDPD Policy CS7 states that development will be permitted which builds upon the local character of the area, provides safe communities and enhances the local landscape where possible. BFBLP 'Saved' Policy EN20 states that development should be in sympathy with the appearance and character of the local area. It further states that the design of the development should promote local character and a sense of local identity.

9.41 Bracknell Road is characterised by linear residential development and whilst the proposal would be in a gap in this development it is not considered that the proposal would be out of character with other development within the area.

9.42 The materials, scale, siting and landscaping would be considered at the reserve matters stage.

iii. Transport and Highways Considerations

9.43 Bracknell Road, the B3022 is a classified road. The proposal includes a 3.6m wide access with dropped kerb from this road which would be appropriate for a single residential dwelling.

9.44 Any gates should be set back at least 6.0m from the highway of B3022 Bracknell Road and open inwards into the site, to ensure that a vehicle can wait off the adopted highway for the gates to open. Visibility splays of 2.4m by 43m in each direction should be provided at the access and shown on any subsequent drawings submitted.

9.45 As B3022 Bracknell Road is on the classified road network, the access will need to be included in the description of development. A Section 278 agreement with the Highway Authority may be needed, depending on the extent of the access and culvert works, or a

minor works licence may be appropriate if the scale of works is smaller. 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.

9.46 Accordingly, the Highway Authority has no objection to the proposal, subject to conditions being imposed.

iv. Biodiversity

9.47 Policy CS1 of the CSDPD seeks to protect and enhance biodiversity, whilst paragraph 180 of the NPPF provides principles local authorities should apply in determining applications.

9.48 The application site comprises an area of species-poor, semi-improved grassland, with tall ruderal and introduced shrubs with hedges along the southeast boundary with the road and to the southeastern side adjoining the garden centre.

9.49 The site is located within the Green Belt with a garden centre to the south, open fields to the north and east and a small pond 40m to the northeast of the proposed site.

9.50 An Ecological Assessment of the area of land associated with Oak Tree Nursery was carried out in March 2021 by Derek Finnie Associates Ltd including an Extended Phase 1 Habitat survey of the Site.

9.51 Following previous comments on the lack of detail and evidence within the initial reports, the applicant has provided an amended reptile report which contains photos and further details regarding the reptile survey method undertaken, including a map showing locations of refugia and the dates and times when the refugia were checked. This provides sufficient information to confirm that the surveys were undertaken with appropriate methods and support the conclusion that reptiles are absent from the site.

9.52 In accordance with Policy CS1 of the CSDPD, it is concluded that the proposal would not have a detrimental effect upon biodiversity and ecological enhancements should be secured by condition.

v. Community Infrastructure Levy (CIL)

9.53 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.

9.54 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. The proposal would be CIL liable. This will be secured in accordance with relevant legislation and would go towards infrastructure projects.

10.0 CONCLUSIONS

10.1 The application seeks consent for the principle of, and access to, a single dwelling to be used by a worker associated with the businesses run at Oaktree Garden Centre. The applicant has demonstrated that there is a need for an employee to be close to the site to respond to emergencies which may affect the health and well-being of livestock, in this case fish and other aquatic livestock as part of the World of Water business and to a lesser extent

the significant loss of stock through the failure of heaters used to grow bedding plants as part of Oaktree Nursery. This is in accordance with national policy.

10.2 The proposal for a new dwelling in the Green Belt is classed as inappropriate development in accordance with Section 13 of the NPPF. However, the harm to the Green Belt caused by inappropriateness and other considerations is considered to be clearly outweighed by the benefits of the proposal in providing improved security and protection of stock. This is therefore considered to comprise Very Special Circumstances (VSC), to justify approving the principle of a new dwelling in the Green Belt.

10.3 There are no objections on either highways or biodiversity grounds. The siting, scale and layout and landscaping will be submitted later as reserved matters and are not for consideration under this application. An informative is proposed stating that any subsequent reserved matters application(s) should demonstrate how the proposed dwelling in terms of its scale, siting and design minimises harm to the openness of the Green Belt.

10.4 It is therefore considered that the proposed development complies with 'Saved' policies GB1, EN1, EN20 of the BFBLP, Policies CS1, CS2, CS7 and CS23 of the CSDPD and the NPPF.

11.0 RECOMMENDATION

11.1 The application is recommended to be **APPROVED** subject to the following conditions:-

01. Approval of the details of the scale of the buildings, the layout, appearance and landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced. The plans and particulars in relation to the reserved matters shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990.
02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990.
03. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990.
04. The development hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details, received 4th February 2021 by the Local Planning Authority,
Oaktree Nursery - Rural Workers Dwelling Site Location Plan.
Oaktree Nursery - Rural Workers Dwelling Site Plan.
Oaktree Nursery - Rural Workers Dwelling Site Plan (highway details)
REASON: To define the permission.
05. Any gates provided shall open away from the highway and be set back a distance of at least 6.0 metres from the edge of the carriageway of the adjoining highway.
REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]

06. No development (other than the construction of the access) shall take place until the access has been constructed in accordance with the 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]
07. Prior to the commencement of development details of the proposed vehicles access including showing visibility splays of 2.4m by 43m in each direction along Bracknell Road shall be submitted to and approved in writing by the Local Planning Authority. No other part of the development hereby permitted shall be commenced before the proposed vehicular access is formed. The land within the visibility splays shall be cleared of any obstruction exceeding 0.6 metres in height measured from the surface of the adjacent carriageway and maintained clear of any obstruction exceeding 0.6 metres in height at all times.
REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]
08. No building hereby permitted shall be occupied until associated cycle parking and vehicle parking and turning space has been provided in accordance with details approved as part of a Reserved Matters application. The spaces shall not thereafter be used for any purpose other than parking and turning.
REASON: To ensure that the development is provided with adequate parking and turning in the interests of highway safety.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
09. No development shall commence until a scheme for the provision of biodiversity enhancements (not mitigation), including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the local planning authority.
The approved scheme shall be performed, observed and complied with.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1, CS7]
10. The occupation of the dwelling shall be limited to a person solely working, or last working, at the Oaktree Garden Centre, Oaktree Nursery and World of Water (Bracknell), or a widow or widower of such person, and to any resident dependents.
REASON: The site is located within the Green Belt where it is the policy of the Local Planning Authority to restrict severely the erection of new dwellings and planning permission is only granted because the dwelling is intended to serve the needs of a rural worker specific Oaktree Garden Centre.
[Relevant Policies: BFBLP GB1, Core Strategy DPD CS9]
11. The development shall not be begun until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day, has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the Sustainability Statement, as approved, and retained as such thereafter.
REASON: In the interests of sustainability and the efficient use of resources.
[Relevant Policy: Core Strategy DPD CS10]
12. The development shall not be begun until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be at least

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]

13. The development shall incorporate surface water drainage that is SuDS compliant and in accordance with DEFRA "Sustainable Drainage Systems - Non-statutory technical standards for sustainable drainage systems" (March 2015). The surface water drainage works shall be completed before occupation of the dwellings/buildings hereby permitted and shall be operated and maintained as such thereafter.

REASON: To prevent increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage scheme.

[Relevant Policies: CSDPD CS1, BFBLP EN25]

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) no enlargement, addition, improvement or other alteration permitted by Classes A, B, E, and F of Part 1 of the Second Schedule of the 2015 Order shall be carried out.

REASONS: The site is located within the designated Green Belt where strict controls over the form, scale and nature of development apply.

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

Informative(s)

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:
 02. Time
 03. Time
 04. Plans considered
 05. Gates set back.
 08. Cycle Parking and turning
 10. Rural workers tie
 13. Sustainable Urban Drainage.
 14. Removal of PD rights.

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

01. REM details
 06. Access construction
 07. Visibility splays
 09. Bio-diversity enhancements
 11. Sustainability statement
 12. Energy demand assessment
03. The Highways and Transport Section should be contacted at Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 352000 or via email at Highways.Transport@bracknellforest.gov.uk , to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 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. This is a planning permission. Before beginning any development you may also need separate permission(s) under Building Regulations, the Party Wall Act or other legislation. It is your responsibility to check that there are no covenants or other restrictions that apply to your property.
 05. Any subsequent reserved matters application(s) should demonstrate how the proposed dwelling in terms of its scale, siting and design minimises harm to the openness of the Green Belt.