

Notice of Meeting

Planning Committee

Councillor Brown (Chair),
Councillor O'Regan (Vice-Chair),
Councillors Barnard, Collings, Egglestone, Frewer, Hayes MBE,
Karim, McKenzie-Boyle, Penfold and Smith

Thursday 15 June 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	Page
1.	Apologies for Absence	
	To receive apologies for absence. Reporting: ALL	
2.	Minutes	5 - 18
	To approve as a correct record the minutes of the meetings of the Committee held on 20 April and 24 May 2023. Reporting: ALL	
3.	Declarations of Interest	
	Members are asked to declare any disclosable pecuniary or affected interests in respect of any matter to be considered at this meeting. Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Disclosable Pecuniary Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days. Any Member with an Affected Interest in a matter must disclose the interest to the meeting. There is no requirement to withdraw from the meeting when the interest is only an affected interest, but the Monitoring Officer should be notified of the interest, if not previously notified of it, within 28 days of the meeting. Reporting: ALL	
4.	Urgent Items of Business	
	Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent. Reporting: Hannah Harding	

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Planning Applications

(Head of Development Management)

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

5.	PS Application No 22/00613/FUL - Land to the rear of Oak Tree Nursery, Cocks Lane, Warfield	23 - 42
	Change of use of land and building from agricultural to vehicle repairs and servicing. Reporting: Basia Polnik	
6.	PS Application No 22/01047/FUL - Land north of Newhurst Gardens, Newhurst Gardens, Warfield	43 - 60
	Section 73 application to vary conditions 4, 6 and 7 of planning permission 16/01004/OUT for the erection of up to 50 residential units and associated works. Reporting: Jo Male	
7.	Application No 22/00868/FUL - 34 The Broadway, Sandhurst	61 - 74
	Proposed erection of a two-storey, four bedroom dwelling with associated garden, parking area and vehicular access from Gibbons Close. Reporting: Basia Polnik	
8.	Application No 22/00898/FUL - 45 Forest End Road, Sandhurst	75 - 86
	Proposed erection of two storey front extension with enlarged dormer, rear single storey extension including garage conversion into habitable accommodation and loft conversion with rear dormer. Reporting: Basia Polnik	
9.	Application No 22/00730/3 - South Road from Nine Mile Ride to West Road, Wokingham	87 - 94
	Proposed reconstruction of existing footway/cycleway plus creation of additional shared use footway/cycleway to connect to existing. Reporting: Jo Male	
10.	Application No 23/00097/FUL - Acre House, 12 Broom Acres, Sandhurst	95 - 106
	Proposed erection of part single storey part two storey front, side and rear extensions, single storey rear extension to include an annexe, following demolition of existing garage and utility room. Reporting: Basia Polnik	

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Published: 5 June 2023

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**PLANNING COMMITTEE
20 APRIL 2023
6.30 - 7.45 PM**

Present:

Councillors Dudley (Chair), Brossard (Vice-Chair), Dr Barnard, Brown, Gbadebo, Green, Mrs Hayes MBE and Virgo

Present Virtually:

Councillors Bidwell and D Birch

Apologies for absence were received from:

Councillors Bhandari, Heydon, Mrs Mattick, Mrs McKenzie, Mrs McKenzie-Boyle and Skinner

Also Present:

76. Urgent Items of Business

There were no urgent items of business.

77. Minutes

Councillor Mrs Mattick would be marked as having given apologies in the minutes.

RESOLVED that the minutes of the meeting held on 23 March 2023 be approved as a correct record.

78. Declarations of Interest

There were no declarations of interest.

79. 22-00613-FUL - Land To The Rear of Oak Tree Nursery - Cocks Lane

This item was withdrawn from the agenda.

80. 22-00537-FUL - Palm Hills Estate, London Road, Bracknell

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].

The Committee noted:

- The supplementary report tabled at the meeting.
- The comments from Winkfield Parish Council as detailed in the report.
- The 4 objections received as summarised in the agenda.

RESOLVED 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. No dwellings shall be occupied until full details, including the programme for implementation, of proposed sustainable drainage systems have been submitted to and been approved in writing by the Local Planning Authority. Details shall include all components of the proposed systems, including tanks, any soakaway details and test results, headwall design, planting, liner design to the pond, health and safety risk assessment for pond design, and drawings as appropriate taking into account the groundwater table as set out in the WE Limited FRA dated April 2020 and accompanying letter dated July 2020. Details shall also include confirmation of the gully spacing calculations to demonstrate they are capable of conveying the rainfall volumes as set out in the approved drainage strategy and exceedance routing design. The submission shall be supported by calculations including urban creep and climate change allowances demonstrating that the greenfield run-off rates have been met for all storm events.

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. No dwellings shall be occupied until full details of how the proposed sustainable drainage systems shall be maintained and managed after completion have been submitted to and been approved in writing by the Local Planning Authority. The details shall include confirmation of the required maintenance activities with expected frequency, and with site-specific assessments included to demonstrate that health and safety has been fully considered and that access and egress for future residents will be maintained during any operations to repair or replace drainage features.

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: 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]

39. Prior to the practical completion of a development phase, as defined by the approved Phasing Plan 1295-CON-001, the marketing sales particulars for that phase demonstrating compliance with the approved plans listed under condition 02 of permission 22/00537/FUL, shall be submitted to, and approved in writing by the Local Planning Authority. Each dwelling shall be marketed using only the approved marketing sales particulars.

REASON: To ensure adequate parking provision is provided.

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

81. 21-00044-OUT - Oak Tree Nursery, Bracknell Road

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

The Committee noted:

- The comments from Winkfield Parish Council as detailed within the agenda.
- The comments from Warfield Parish Council as detailed within the agenda.
- The comments from CPRE Berkshire objecting to the application.
- The four letters of support received as summarised in the agenda.

- That a site visit had taken place on 15 April 2023, with the following Councillors in attendance: Councillors Angell, Brossard, Brown, Mrs Hayes MBE, Dudley, Ms Gaw, Green, and Virgo.

RESOLVED that the application 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]

CHAIRMAN

**PLANNING COMMITTEE
24 MAY 2023
8.40 - 8.42 PM**



Present:

Councillors Brown (Chair), O'Regan (Vice-Chair), Dr Barnard, Collings, Egglestone, Frewer, Mrs Hayes MBE, Karim, Mrs McKenzie-Boyle, Penfold and Smith

1. **Election of Chair**

RESOLVED that Councillor Brown be elected Chair of the Planning Committee for the municipal year 2023-24.

2. **Appointment of Vice-Chair**

RESOLVED that Councillor O'Regan be appointed Vice-Chair of the Planning Committee for the municipal year 2023-24.

CHAIRMAN

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

**PLANNING COMMITTEE
15th June 2023**

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

		Case Officer	Reporting Officer
5	<p>22/00613/FUL Land To The R/O Oak Tree Nursery Cocks Lane Warfield (Winkfield and Warfield East Ward) Change of Use of land and building from Agricultural To Vehicle Repairs and Servicing Recommendation:</p>	Sarah Horwood	Basia Polnik
6	<p>22/01047/FUL Land North Of Newhurst Gardens Newhurst Gardens Warfield (Binfield North and Warfield West Ward) Section 73 application to vary condition 4 , 6 and 7 of planning permission 16/01004/OUT for the erection of up to 50 residential units and associated works. [For clarification this application seeks permission to change the access arrangements for the development]. Recommendation:</p>	Sarah Fryer	Jo Male
7	<p>22/00868/FUL 34 The Broadway Sandhurst Berkshire (Sandhurst Ward) Proposed erection of a two-storey, four bedroom dwelling with associated garden, parking area and vehicular access from Gibbons Close. Recommendation: Approve.</p>	Shelley Clark	Basia Polnik
8	<p>22/00898/FUL 45 Forest End Road Sandhurst Berkshire (Sandhurst Ward) Proposed erection of two storey front extension with enlarged dormer, rear single storey extension including garage conversion into habitable accommodation and loft conversion with rear dormer. Recommendation: Approve.</p>	Benjamin Marshall	Basia Polnik

- | | | | |
|----|--|-----------------|--------------|
| 9 | 22/00730/3
South Road From Nine Mile Ride To West Road
Wokingham Berkshire
(Great Hollands Ward)
Proposed reconstruction of existing footway /
cycleway plus creation of additional shared use
footway / cycleway to connect to existing.
Recommendation: Approve. | Margaret McEvit | Jo Male |
| 10 | 23/00097/FUL
Acre House 12 Broom Acres Sandhurst
(Sandhurst Ward)
Proposed erection of part single storey part two
storey front, side and rear extensions, , single
storey rear extension to include an annexe,
following demolition of existing garage and utility
room.
Recommendation: Approve. | Shelley Clark | Basia Polnik |

Background Papers

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

PLANNING COMMITTEE - POLICY REFERENCES

Key to abbreviations used in the following planning reports.

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

SPG Supplementary Planning Guidance
SPD Supplementary Planning Document

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

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

SITE LOCATION PLAN

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

THE HUMAN RIGHTS ACT 1998

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

Those rights include:-

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

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

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

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

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

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

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

detailed consideration of any Convention Rights affected.

Unrestricted Report

ITEM NO: 5

Application No.
22/00613/FUL

Ward:
Winkfield and Warfield
East

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**

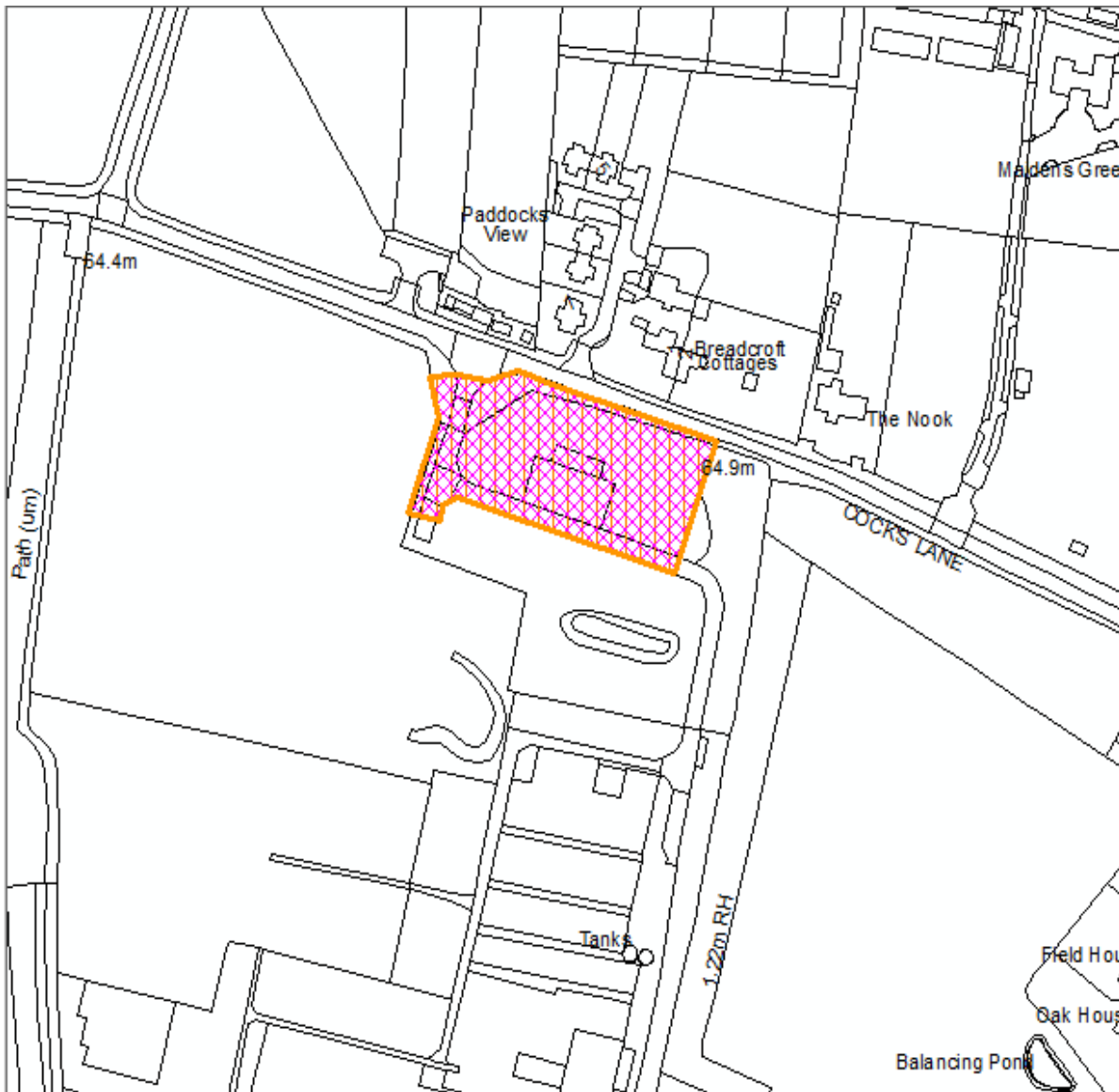
Applicant: Mr Nick Kerner

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 National Planning Policy Framework (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 commercial 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

7.1 No objection.

Highway Authority

7.2 No objection.

Biodiversity

7.3 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 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 commercial 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 are 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 commercial 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 secured 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 commercial 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 of the NPPF 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.

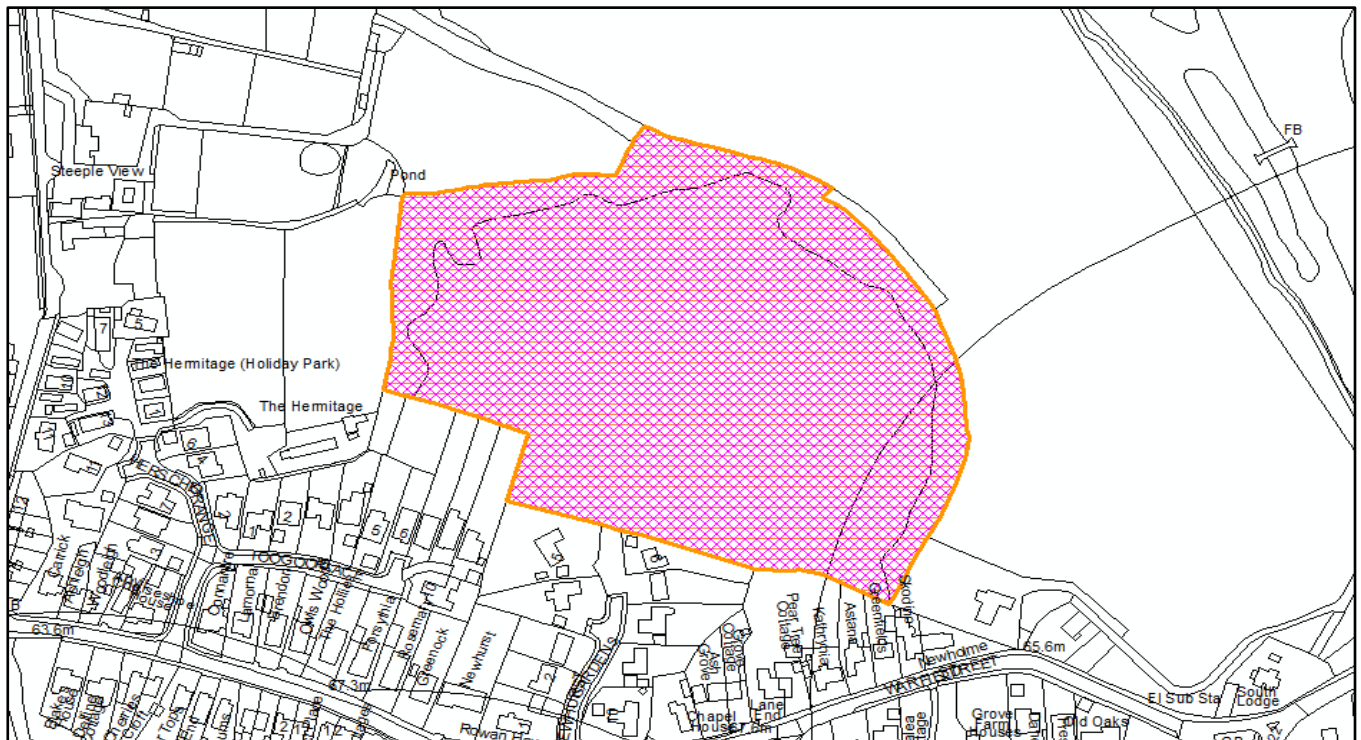
Doc. Ref: Uniform 7/DC/Agenda

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

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ITEM NO: 6			
Application No.	Ward:	Date	Target Decision
22/01047/FUL	Binfield North and Warfield West	Registered: 23 December 2022	Date: 24 March 2023
Site Address:	Land North Of Newhurst Gardens Newhurst Gardens Warfield Bracknell Berkshire RG42 6AW		
Proposal:	Section 73 application to vary condition 4, 6 and 7 of planning permission 16/01004/OUT for the erection of up to 50 residential units and associated works. [For clarification this application seeks permission to change the access arrangements for the development].		
Applicant:	Ms Sarah Howell		
Agent:	(There is no agent for this application)		
Case Officer:	Sarah Fryer, 01344 352000 development.control@bracknell-forest.gov.uk		

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



OFFICER REPORT

1. SUMMARY

1.1 This is an application submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) which seeks to amend conditions attached to a previous planning permission, in this instance, this application seeks to amend condition 4 which list the plans approved under the original application 16/01004/OUT, and 6 and 7 which seeks details of highway construction and visibility spays, effectively discharging these conditions. This application seeks approval for substitute amended plans relating to the access of the original outline planning permission.

1.2 Careful consideration has been given to both the highway safety aspect of the proposal and the impact of constructing a road on the two flanking trees. Both the Highway Authority and Council's Tree Service are satisfied that there will be no harm to highway safety and that the proposal would not detrimentally affect the health of the trees within the curtilage of numbers 5 and 6 Newhurst Gardens.

RECOMMENDATION

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

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application is reported to the Planning Committee due to the number of objections received.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Outside Settlement Boundary

Tree Preservation Orders (TPO)

4. RELEVANT SITE HISTORY

4.1. The relevant planning history can be summarised as follows:

16/01004/OUT

Outline planning application for the erection of up to 50 residential dwellings (including up to 25% affordable housing), parking, open space and landscaping with access from Newhurst Gardens. All matters reserved apart from access details.

Allowed at appeal.

22/00244/REM

Submission of details of Appearance, Landscaping, Layout and Scale pursuant to Outline Permission APP/R0335/W/17/3182713 (erection of up to 50 residential dwellings (including up to 25% affordable housing), parking, open space and landscaping with access from Newhurst Gardens)

Approved 16.12.23

21/00017/COND

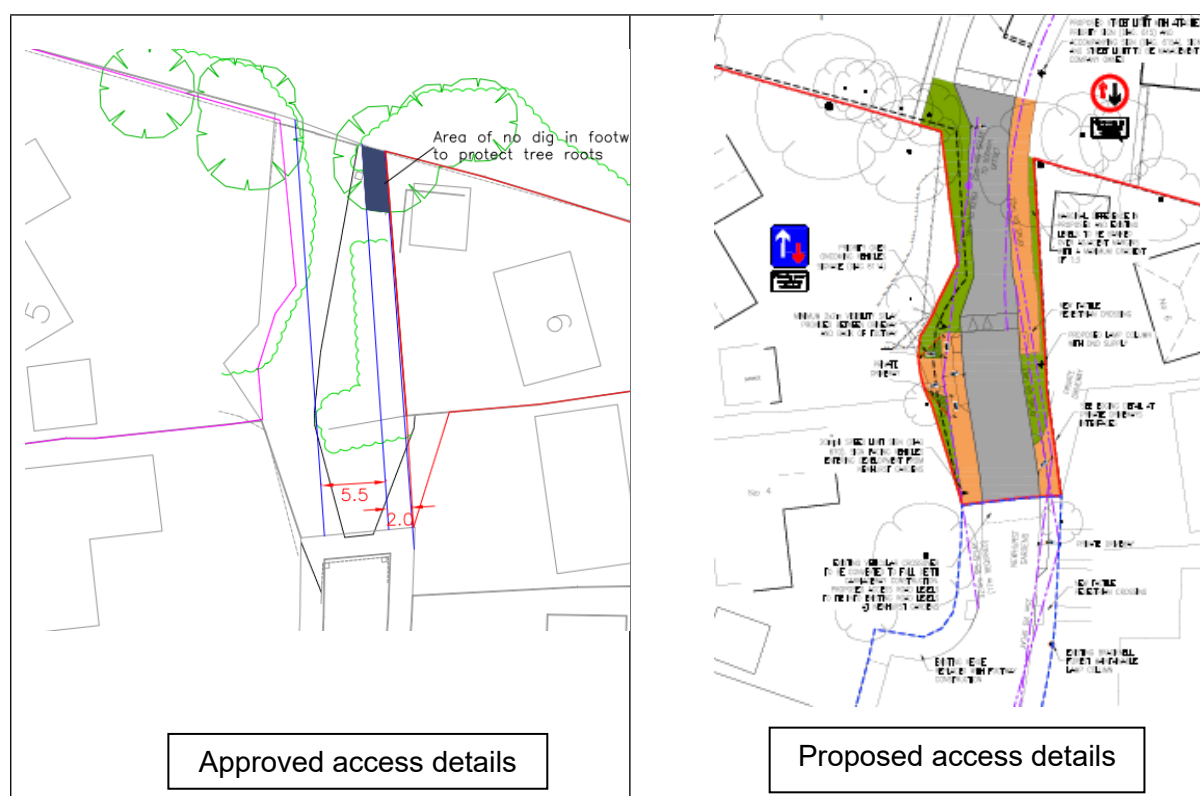
Details pursuant to condition 19 (archaeological investigation) of planning permission 16/01004/OUT (allowed on appeal APP/R0335/W/17/3182713).

Pending consideration

5. THE PROPOSAL

5.1 This application seeks to amend the approved plans relating to the access to the proposed residential scheme from Newhurst Gardens, and supply details required by conditions relating to highway construction and visibility splays.

5.2 The application seeks permission to change the access details as approved under 16/01004/OUT. The approved scheme included a 2-way carriageway of a width of 5.5m with a footpath along the eastern side which would have had a width of 2.0m.



5.3 The application now proposes the 5.5m carriageway where it joins the top of the turning head at Newhurst Gardens, narrowing to a width of 3.7m, approximately 20m further north. A footpath with a width of 2m is proposed along the eastern side. At the narrowing, the carriageway would be single lane with priority given to vehicles entering the site from the south (Newhurst Gardens) and cars exiting the site having to wait at a point 44m north of the existing turning head.

6. REPRESENTATIONS RECEIVED

Warfield Parish Council

6.1 Objects to the proposal on the grounds that the proposal is contrary to the permission granted at appeal. The Parish Council is concerned that the proposed changes will have a negative effect on the local area. The proposal to reduce the highway will impact upon traffic movements which will impact upon existing neighbouring properties, particularly for access via the private driveway for No. 5 Newhurst Gardens and its visibility splay.

Other responses

6.2 21 objections have been received with the following comments:

- a. The proposed single lane road access to 50 houses i.e. 100 cars + utility vehicles and delivery vans is totally impractical.
- b. There will be traffic queuing both sides causing air pollution and frustration.
- c. The junction of Newhurst Gardens onto Warfield Street is already dangerous without there being extra cars.
- d. The volume of traffic these houses will create is serious issue. 50 properties is a minimum of 100 cars or more in many cases. All the vehicles entering and exiting through one narrow single lane is not feasible or practical.
- e. The issue should be treated as a priority, and this flawed development should be cancelled.
- f. Lots of demolition and groundwork is going to cut through established and old oak trees.
- g. Dates on the planning portal are incorrect and should be amended to reflect the correct dates. [*Officer comment: this is not a material planning consideration and all residents have had opportunity to comment on the amended plans*].
- h. The visibility splays are inaccurate and insufficient and, if implemented, will put greater danger not only the residents, visitors, and commercial vehicles accessing properties in Newhurst Gardens, but also on all and any vehicle entering the development site.
- i. Insufficient consultation time has been granted to enable residents to comment fully on the application
[*Officer comment: Since comments submitted further consultations have taken place.*]
- j. Newhurst Gardens was originally designed as a quiet cul-de-sac street with a single lane access road to the field beyond to facilitate infrequent access. This was recognised at the appeal hearing by making the approval conditional upon providing details for the access road to ensure suitability for accommodating both the existing and the 50 new properties.
- k. The single lane "give way" solution now proposed does not seem appropriate for a development of this size. This appears to be a result of the land ownership constraints, which prevents the originally approved two lane road being provided.
- l. The plans submitted attempt to illustrate the visibility splays, however from the view from the driveway at no. 7 is clearly blocked by a mature conifer tree. This makes it impossible to see traffic approaching from the north. Although there is priority given to Northbound traffic you could have cars approaching the narrowing removing the ability of the Southbound traffic to take evasive action should No. 7 pull out from behind the blind spot.
- m. The single lane "give way" arrangement proposed will only work if the two lanes on the approach can remain clear at all times. As there are currently no parking restrictions on Newhurst Gardens and cars are often parked in the road blocking one of the lanes, this could cause road safety issues.
- n. The proposed tracking would go over the roots of an existing mature tree. Building the road without removing the tree as the excavation to construct the road will clearly impact on the roots of the tree. As highlighted the proposals as submitted are simply not appropriate for a development of this size and raise significant road safety concerns. The developer should revert to the two-way access road approved under appeal as this is the only way to resolve the issues in a satisfactory manner.
- o. Measures to protect the tree roots need to be clarified.
- p. There is no reason for new homes to be added to this land.
[*Officer Comment: This was considered at the time of the outline permission and is not a consideration for this application*].
- q. S73 is a new application which must be considered against the local plan and subject to an Environmental Impact Assessment (EIA).
[*Officer comment: The legalisation around a S73 is discussed below, however an EIA screening has been undertaken for this application.*]

- r. The proposal is contrary to previous comments by the Highway Officer and the Council's road adoption standards. Is the proposed access acceptable and compliant with the Council's standards?
- s. The Inspector stated that the access details as agreed at the appeal had to remain unchanged. So why are they are allowed to change it now?
- t. Residents will face daily noise from the ramps at the entrance to the development.
- u. What will happen if work is required to the narrow structure of the road.

7. SUMMARY OF CONSULTATION RESPONSES

Highway Authority

7.1 No objection subject to conditions.

Tree Service

7.2 No objection, conditions recommended.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
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
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. PLANNING CONSIDERATIONS

9.1. The key issues for consideration are:

- i. Legislative background
- ii. The effect of the changes on highway safety.
- iii. The effect of the proposed changes on the health of adjacent trees.
- iv. Other issues

i. Legislative Background

9.2 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, when details within a scheme have changed and there is a condition listing the approved plans. Another is a means by which details required by conditions can also be agreed.

9.3 The S73 application creates a new planning permission that sits alongside the original which remains unaltered. The developer can then choose which permission to implement.

9.4 Whilst a S73 application results in a new planning permission, in considering the application the Local Planning Authority must only consider the conditions which are the subject of the application (Paragraph 031. Reference ID: 21a-031-20180615 Planning Practice Guidance). It is not the intention of the legislation that the principle of the original permission should be reassessed. The changes are considered against the development plan and other material considerations, including any that had changed significantly since the original grant of planning permission.

9.5 S73 applications have certain limitations, for examples they 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 the S73 consent should *'set out all the conditions imposed on the new permission, and, for the purposes of clarity restate the conditions imposed on earlier permissions that continue to have effect'* (Paragraph: 015 Reference ID: 17a-015-20140306).

9.6 The nature of the development must remain the same and so it is not possible to change the description of development.

9.7 In this instance, the proposal remains for a development of up to 50 dwellings with the access from the same points. The nature, amount and hence the description of the development remains the same. Accordingly, it is considered acceptable as a S73 application.

9.8 Amendments to the original permission are sought to the access which was approved under the outline consent. In addition, the applicant seeks to discharge conditions 6 and 7 as these require further details regarding visibility and road construction details.

9.9 In this instance, since the outline planning permission was granted the Warfield Neighbourhood Plan has been adopted and where necessary it will be referred to.

ii. The effect of the changes on highway safety.

9.10 Revised plans for access and visibility splays have been submitted. The plans are accompanied by a Stage 1 Road Safety Audit along with the designer's response to this, as is standard practice.

9.11 It is noted that the S106 agreement which was originally secured as part of the outline appeal approval will need to be varied to update the approved plans as there would be inconsistency with the plans under the S73 application.

Access

9.12 The proposed vehicular access arrangement comprises a narrowing to a 3.7m metre wide carriageway on a raised table for traffic calming and speed reduction, over a short section of circa 25m in length. This accords with the Council's Highways Guide for Development (Streetscene SPD Annex 1) at paragraph 2.2.6. Single-way operation through the narrowing would be signed with Traffic Signs Regulations and General Directions compliant signage (diagrams 615/615A and 811A) and associated road markings. Accesses to driveways for neighbouring existing properties would be maintained in their current locations and a condition is requested to ensure that the gradients of the connections between the driveways and the carriageway of the access road are not steeper than 1:12 over a length of no more than 2.0 metres or not steeper than 1:15 over a length of not more than 5.0 metres (complying with the Designing for Accessibility in Bracknell Forest SPD).

9.13 The proposed vehicular access is accompanied by a footway to one side of the access road and a planted margin on the opposite site. The applicant proposes that the footway crosses the access road south of the raised table and has committed to providing a footway where there is currently adopted highway verge at the north-western end of Newhurst Gardens, connecting with the footway into the access road. The surfacing of the adopted highway verge to form footway can be undertaken under an agreement under Section 278 of the Highways Act 1980 and is outside of the planning application process. The proposed footway (both adjacent to the access road and at the north-western end of Newhurst Gardens would have permeable surfacing in the vicinity of trees). A condition requiring planting within the margins to be maintained at below 0.6 metres in height for visibility purposes is requested.

9.14 A utilities margin would run along the western side of the access road, connecting with the existing utilities in Newhurst Gardens to the south and development to the north. For the majority of the length, this utilities margin would be beneath the footway or planted margin, with the exception of a circa 13 metre stretch at the northern end of the narrowing and raised table, which would be beneath the carriageway to avoid a tree root protection area. The applicant has set out on drawing 186/305 how access would be maintained, especially for emergency vehicles, in the event that the 13 metre stretch beneath the carriageway needs to be excavated for maintenance.

9.15 The carriageway is proposed to be surfaced with a permeable asphalt construction, except for the circa 13 metre stretch where there are utilities below, where a typical asphalt concrete construction is proposed. A 450mm construction for sub-base, base and binder is

proposed for carriageway areas, meeting the Highway Authority's minimum specification for adoption. The access road is not proposed to be adopted beyond the current limit of adoption of Newhurst Gardens and would be maintained by the development and/or any subsequent management company in perpetuity. Nevertheless, carriageway construction to adoptable standards is requested to be secured, to ensure its suitability for the Council's refuse collection vehicle.

9.16 Dropped-kerb tactile-paving crossing points are also proposed across Newhurst Gardens and Warfield Street and signage is proposed on Forest Road for pedestrians and cyclists, to accord with the Section 106 legal agreement plan 3. These dropped-kerb tactile-paving crossing points and signage are within existing adopted highway areas and can be undertaken under an agreement under Section 278 of the Highways Act 1980, which is outside of the planning application process.

Visibility

9.17 A number of different visibility splays have been considered and are set out on: drawing 186/307 for the junction of Newhurst Gardens with Warfield Street; and drawing 186/301 B (left-hand panel) for the access road.

9.18 The visibility splays shown on drawing 186/307 for the junction of Newhurst Gardens with Warfield Street of 2.4m x 43m are considered acceptable and comply with Manual for Streets table 7.1 for the 30mph speed limit on Warfield Street (including addition for bonnet length).

9.19 The visibility splays for the access road have a number of components, and are considered as follows:

1) Visibility to oncoming traffic through the narrowing (to know whether a vehicle must wait at the give-way line) is provided at 25m around the curve (including addition for bonnet length), consistent with Manual for Streets table 7.1 for the 20mph speed limit on approach to the narrowing.

2) Visibility to existing driveways. The inclusion of a raised table and narrowing is likely to reduce speeds below 20mph, nevertheless for the most part 2.0m x 25m (including addition for bonnet length) visibilities consistent Manual for Streets table 7.1 for a 20mph speed limit can be achieved for the existing driveways where they connect to the proposed access road alignment. The only exception to this is the right-hand visibility splay for the driveway for no. 5 which is provided at 22.5m, relating to a speed of around 19mph in Manual for Streets Table 7.1 (including addition for bonnet length); in a location circa 4 metres from the raised table and narrowing this is very unlikely to result in any reduction in safety and there are no issues identified in the Road Safety Audit with regard to this.

3) Visibilities between driveways and the back of the proposed footway. Visibility of at least 2.0m x 2.0m is provided, according with the Council's requirements.

9.20 Overall visibility splays are considered acceptable subject to condition requiring that planted margins are be maintained at below 0.6 metres in height for visibility purposes.

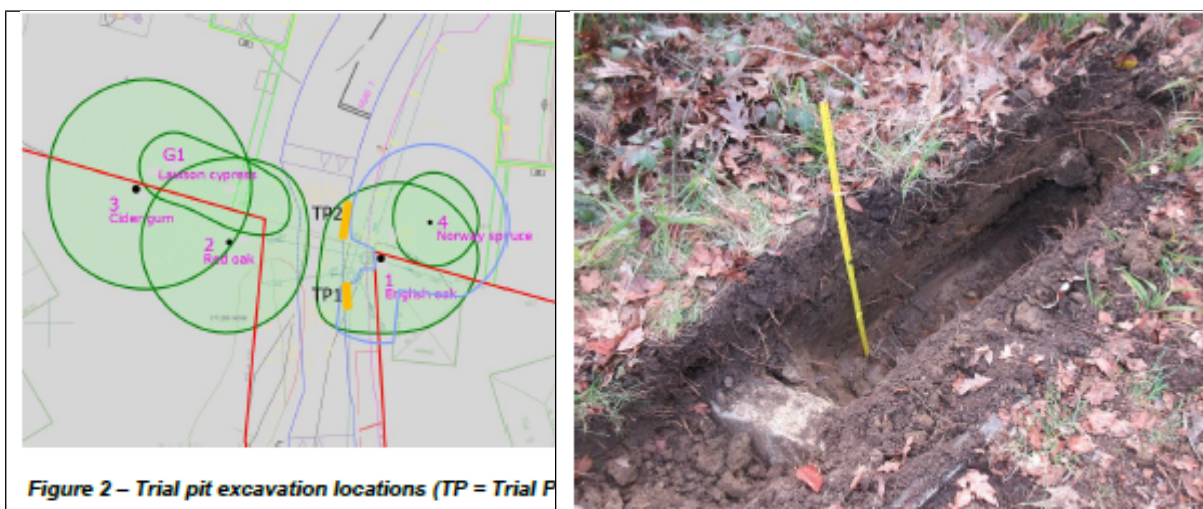
iii. The effect of the proposed changes on the health of adjacent trees.

9.21 The detail surrounding the proposed access arrangements has been assessed for impact upon trees to be retained during development.

9.22 The main trees affected by the access are those within the front gardens of numbers 5 and 6 Newhurst Gardens. The oak tree to the front of 6 Newhurst Gardens is now protected by a Tree Preservation Order (TPO 1394).

9.23 The submitted designs provide for a carriageway narrowing at the point of passing the trees, which maximises the distances between trees and the highway structures that can be achieved. The challenging proximity of trees in relation to the access is noted, particularly the potential for impact upon the oak tree in the front garden of 6 Newhurst Gardens, herein referenced “the oak”. The oak is a significant and attractive tree capable of providing future landscape amenity and biodiversity value, provided it does not create unmanageable conflict with underground utilities. The tree grows over the top of underground pipes, and the main stem is in close proximity to existing drainage infrastructure.

9.24 Within the submitted documents the application shows the likely location of oak tree roots, with reference to the relevant British Standard, using a modified root protection area (RPA). The shape of the area recognises the impact of the inspection chamber which has deflected roots either side, the likely effect of the garage building in the garden to deter root growth beneath, and the likely effect of the existing tarmac access way, which would also be less desirable for root growth than other areas. The location of roots shown on the diagram has been further explored and verified by careful soil removal along trenches. The RPA shown on the plans is accepted as an appropriate representation of the RPA for the oak.



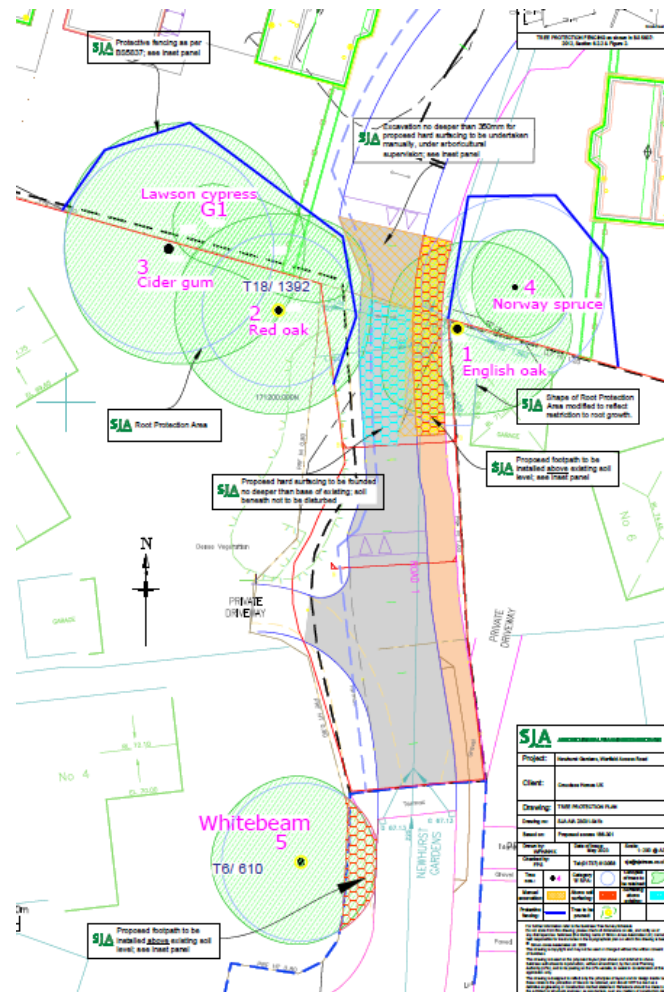
Root protection areas and location of trial pits

Photo of trial pit 1.

9.25 The carriageway design and construction proposed is considered to meet highway requirements while minimising impact on the RPA.

9.26 The vehicular access construction minimises excavation requirements which all lie outside of the RPA and where the footway has to encroach within the RPA, this construction methodology is proposed as ‘no-dig’ which preserves the established soil rooting environment as fully as possible. In the absence of the established drainage and sewer pipes, a different construction methodology to suspend the road and footway above the existing soil levels might have been considered reasonable in this location. On balance, in this situation, it is considered that the logistics of maintaining the utility access beneath a deck construction, coupled with the existing inspection chamber and trackway having acted to divert and deter root growth in the road location, makes a requirement to suspend part of the access above the ground unreasonable. The vehicular access is outside the RPA with a

minimal requirement to excavate, and the footpath is within the RPA but has no requirement to excavate.



Tree Protection Plan

9.27 The application puts a utility margin within the carriageway for a short section of the narrowing, which is fully supported on tree grounds, in order to avoid the RPA of the adjacent trees. It is also noted that the margin width will be kept to a minimum and services will be ducted where possible to allow for maintenance to take place ‘remotely’ (i.e. in an area where the road width is greater) and these measures are also valuable for protecting root areas from disturbance in the future and minimising likelihood that vehicles would need to straddle the footway during utility works.

9.28 The application identifies a measure of tree pruning required to the canopy of the oak. In part the pruning is required to ensure appropriate access of emergency vehicles, including at times where potentially the utility margin is being accessed.

9.29 This pruning work is specified within the application documents (SJA AIA 23031-041B) so the maximum amount of pruning which is reasonable to enable adjacent land uses is defined. The approval of a planning application would over-ride the protection of a Tree Preservation Order (TPO) so it is important that any works required to trees are clearly stated within the application documents. Therefore, completion of above ground pruning beyond that specified by the application would constitute an offence.

9.30 For clarity, work in accordance with the approved documents during the construction of the access is deemed to have consent under any TPO.

9.31 It is noted that sketch 186-305 illustrates that a single lane closure can allow emergency vehicle passage and future considerations of TPO applications to prune the oak, will need to consider all scenarios. There is no arboricultural reason why access cannot reasonably be maintained through pruning.

9.32 Vehicles may be required to straddle the Cellweb footway, and it is noted that an upgraded specification has been included. This still meets the requirements for construction in the RPA to be no-dig.

9.33 A small additional section of no-dig footpath is specified alongside the Whitebeam and this is considered appropriate for the purposes of root preservation. The proposed pruning to create access is also reasonable and will have no long-term impact on the tree.

9.34 In summary, the Tree Service is satisfied that all reasonable steps have been taken to minimise the impact upon the trees and as such has no objection to the proposals.

iv Other issues

9.35 In accordance with the PPG, condition 2 is also removed as this is no longer required. All other conditions have been re-numbered accordingly.

9.36 In addition, condition 19 (archaeology) has been agreed and in accordance with the guidance this condition is now amended to reflect the approved details.

10. CONCLUSIONS

10.1 This is an application under Section 73 of the Town and Country Planning Act 1990 which enables conditions attached to a planning permission to be amended, including conditions listing plans.

10.2 As stated above, in considering a S73 application, the decision maker should only consider the conditions being changed.

10.3 In this instance, plans have been proposed seeking amendments to the proposed access arrangements. These have been scrutinised by both the tree service and the highways authority.

10.4 The S106 attached to the outline permission approved at appeal, requires the highways to be constructed to adoptable standards, which the applicant has been able to do with minimum disruption to the trees. The applicant, by carefully excavating test trenches, has demonstrated that the rooting system of the oak trees in the gardens of nos. 5 and 6 Newhurst Gardens have been influenced by the existing constraints including the nearby Thames Water sewer, associated inspection chambers and a former hard surface serving the site. The latter formed the maximum depth of excavation with the proposed new surface to be constructed, to adoptable standards, above this level. This will minimise disruption to the ground surface as much as possible in this sensitive location. The Tree Service is therefore satisfied that minimal disruption would be caused within the RPA which would preserve the health of the trees.

10.5 The geometry of the proposed access is considered acceptable with priority given to vehicles entering the access site from Newhurst Gardens and therefore eliminating the blocking of driveways by queuing vehicles waiting to visit the site. The proposal complies

with the Council's highway policies and those contained within Manual for Streets. The proposal would not therefore detrimentally affect highway safety.

10.6 Therefore the application is recommended for approval subject to the completion of a variation to the S106 to update the plan within the S106.

11. RECOMMENDATION

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

- update the access plan within the S106 to correspond with the plans approved under this application;

the Assistant Director: Planning be authorised to APPROVE the application 22/01047/FUL subject to the following conditions amended, added to, or deleted as the Assistant Director: Planning considers necessary:

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. 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 plans and other submitted details:-
 - o Site Location Plan (approved under 16/01004/OUT)
 - o Access Plan Overview (186/301 B)
 - o Warfield Street (186/307)
 - o Schedule of Tree Works (SJA stw 23031-01 May 2023)
 - o Tree Protection Plan (SJA AIA 23031-041b)
 - o Vehicular Access Scenarios (186/305)
 - o Road Safety Audit Stage 1 (ref: BN/CH/23-124)
 - o Proposed Pedestrian Arrangement for Existing Junction - Newhurst Gardens / Warfield Street (SCP/1627)REASON: To define the permission.
04. No development shall take place until details showing the finished floor levels of the buildings hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out strictly in accordance with the approved details.
REASON: In the interests of the character of the area.
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]
05. The access road and its associated footways and margins hereby approved shall be constructed in accordance with the approved drawings and Road Safety Audit with the carriageway construction to meet Bracknell Forest Council's adoptable

standards. The margin on the eastern side of the access road north of the driveway for no. 6 Newhurst Gardens shall be planted with species with a height of between 0.2 metres and 0.6 metres.

The connections between the access road and existing driveways shall have a less than 1:15 gradient over a length of no more than 5.0 metres.

REASON: In the interests of highway safety and to allow for the efficient delivery of goods and access by service and emergency vehicles including the Council's waste and recycling collection vehicles.

[Relevant Policies: BFBLP 'Saved' Policies M4, M6 and M7; Core Strategy DPD CS23]

06. Visibility splays shall be provided and maintained in accordance with drawing 186/307 for the junction of Newhurst Gardens with Warfield Street and drawing 186/301 B (left-hand panel titled Proposed General Arrangement - Access) for the access road and the driveways which connect to it. No planting or other obstruction to visibility over 0.6 metres in height shall be placed within or allowed to grow within the visibility splay areas with the exception of the signage for the road narrowing & speed limit and street lighting, which shall be positioned as indicated on the approved drawings.

REASON: In the interests of highway safety.

[Relevant Policies: BFBLP 'Saved' Policies M4 and M6; Core Strategy DPD CS23]

07. No dwelling shall be occupied until the associated vehicle parking and turning space has been surfaced and marked out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The spaces shall not thereafter be used for any purpose other than parking and turning.

REASON: In the interests of highway safety.

[Relevant Policies: BFBLP 'Saved' Policies M4 and M6; Core Strategy DPD CS23]

08. No dwelling shall be occupied until covered and secure cycle parking facilities serving it have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be retained as approved.

REASON: In the interests of highway safety.

[Relevant Policies: BFBLP 'Saved' Policies M4 and M6; Core Strategy DPD CS23]

09. No development shall take place (including any ground works or vegetation clearance) 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
- (f) Details of the access during construction

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

REASON: In the interests of highway safety.

[Relevant Policies: BFBLP 'Saved' Policies M4 and M6; Core Strategy DPD CS23]

10. No development shall take place (including any ground works or vegetation clearance) until details of a scheme (Working Method Statement) to control the environmental effects of the construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-
- (i) control of noise
 - (ii) control of dust, smell and other effluvia
 - (iii) control of surface water run off
 - (iv) site security arrangements including hoardings
 - (v) proposed method of piling for foundations
 - (vi) construction working hours
 - (vii) hours during the construction phase when delivery vehicles or vehicles taking materials are allowed to enter or leave the site
- The development shall then be carried out strictly in accordance with the approved scheme.
REASON: To protect the amenities of nearby residents.
11. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be implemented strictly in accordance with the approved details before the development is completed. The scheme shall include:
- (a) Results of BRE 365 compliant infiltration tests to inform the drainage strategy
 - (b) Discharge Rates
 - (c) Discharge Volumes
 - (d) Confirmation from Thames Water of agreement to proposed discharge rates
 - (e) Maintenance and management of SUDS features
 - (f) Sizing of features - attenuation volume
 - (g) Detailed drainage layout with pipe numbers
 - (h) Full details of the SUDS Balancing Ponds, and conveyance swales as set out in the drainage strategy
 - (i) Network drainage calculations
 - (j) Phasing plans
- REASON: In order to ensure the provision of adequate foul and surface water drainage to serve the development; to prevent the increased risk of flooding; and improve and protect water quality, habitats and amenity.
[Relevant Policies: BFBLP EN25, CSDPD CS1]
12. All ecological measures and/or works shall be carried out in accordance with the details contained in Grassroots Ecology Ecological Impact Assessment dated September 2016 as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: Core Strategy DPD CS1, CS7]
13. No development shall take place (including any ground works or vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) risk assessment of potentially damaging development activities
 - b) identification of "biodiversity protection zones"
 - c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during development (may be provided as a set of method statements)

- d) the location and timing of sensitive works to avoid harm to biodiversity features
 - e) the times during development when specialist ecologists need to be present on site to oversee works
 - f) responsible persons and lines of communication
 - g) the role and responsibilities on site of an ecological clerk of works or similarly competent person
 - h) the use of protective fences, exclusion barriers and warning signs
- The approved CEMP (Biodiversity) shall then be adhered to and implemented throughout the development period strictly in accordance with the approved details.
 REASON: In the interests of nature conservation
 [Relevant Plans and Policies: Core Strategy DPD CS1, CS7]

14. No part of the development shall be first occupied until an ecological management plan has been submitted to and approved by the Local Planning Authority. The plan shall include:

- i) description and evaluation of the features to be managed
- ii) description of target habitats and species
- iii) ecological potential and constraints on the site
- iv) aims and objectives of management
- v) appropriate management options including location and method statements
- vi) prescriptions for management actions
- vii) preparation of a work schedule indicating the timing of works
- viii) personnel responsible for implementation of the plan
- ix) monitoring and remedial measures triggered by monitoring

The ecological management plan shall then be fully observed, performed and complied with.
 REASON: In the interests of nature conservation
 [Relevant Plans and Policies: Core Strategy DPD CS1, CS7]

15. No part of the development shall be first occupied until a scheme for the provision of biodiversity enhancements (not mitigation), including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be fully performed, observed and complied with.
 REASON: In the interests of nature conservation
 [Relevant Plans and Policies: Core Strategy DPD CS1, CS7]

16. No development shall take place until a Sustainability Statement covering water efficiency aimed at achieving an average water use in the dwellings of 110 litres/person/day, as required under optional Building Regulation Part G, has been submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out strictly in accordance with the Sustainability Statement as approved and retained as such at all times thereafter.
 REASON: In the interests of sustainability and the efficient use of resources.
 [Relevant Policy: Core Strategy DPD CS10]

17. The development hereby permitted shall be implemented in accordance with the recommendations of the submitted Energy Statement and, the dwellings hereby permitted shall be operated in accordance with the submitted Energy Statement at all times thereafter.
 REASON: In the interests of the sustainability and the efficient use of resources.
 [Relevant Plans and Policies: CSDPD Policy CS12]

18. Prior to the occupation of the first dwelling, the applicant will comply with the details contained within the Archaeological Evaluation (ref:237590.02) and Written scheme of Investigation (ref:237591.01) approved under application 21/00017/COND. The mitigation strategy shall then be implemented strictly in accordance with the approved details.
REASON: In order to safeguard a site that is of historic/archaeological interest [Relevant Policies: BFBLP EN6, EN7]
19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting that order, no freestanding external lighting shall be installed on the site except in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority
REASON: In the interests of the character of the area and biodiversity. [Relevant Policies: BFBLP EN20 and EN25, Core Strategy DPD CS1 and CS7, WNP12]
20. All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the first occupation of any part of the approved development, whichever is sooner. All hard landscaping works shall be carried out and completed prior to the first occupation of any part of the approved development. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code of Practice for General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications for Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.
REASON: In order to assess the impact of the development upon existing vegetation, landform and other site landscape features. [Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]
21. All existing trees, hedgerows and groups of shrubs shown to be retained on the approved drawings shall be protected by 2.3 metres high (minimum) protective barriers, supported by a metal scaffold framework, constructed in accordance with Section 9 (Figure 2) of British Standard 5837:2005, or any subsequent revision. The development shall then be carried out strictly in accordance with the approved drawings
REASON: In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area. [Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]
22. The protective fencing and other protection measures specified by the previous condition shall be erected in the locations agreed in writing by the Local Planning Authority prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site. No activity of any description must occur at any time within these protected areas including but not restricted to the following:-
a) No mixing of cement or any other materials.

- b) Storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description.
 - c) Siting of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, porta-loos, storage compounds or hard standing areas of any other description.
 - d) Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ground conditions of any other description.
- REASON: In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area.
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

23. No part of the development shall be occupied until the arrangements for the future management of the public open space on the site in perpetuity have been put in place in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- (a) the long term design objectives of the public open space
 - (b) maintenance schedules for all public open space areas within the development
 - (c) management responsibilities
 - (d) details of the ongoing funding arrangements
- The approved arrangements shall then be observed and performed at all times thereafter.
REASON: In the interests of the visual amenity of the area.
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

Informative(s)

01. The Local Planning Authority has acted positively and proactively in determining this application by 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. No details are required to be submitted in relation to the following conditions; however, they are required to be complied with:
- 01. Approval of Reserved Matters
 - 02. Implementation time constraint
 - 03. Plans considered
 - 05. Highway construction
 - 06. Visibility splays
 - 12. Ecological measures
 - 17. Energy Statement
 - 18. Archaeology
 - 19. External Lighting
 - 20. Landscaping
 - 21. Tree protection

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

- 04. Finished Floor Levels
- 09. CEMP

- 10. Environmental CEMP
- 11. Surface Water Drainage
- 13. CEMP bio-diversity
- 16. Sustainability statement
- 22. Tree Protection details.

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

- 07. Vehicle parking
- 08. Cycle parking
- 14. Ecological management plan.
- 15. Bio-diversity enhancements
- 23. Open space management plan.

Unrestricted Report

ITEM NO: 7

Application No.
22/00868/FUL

Ward:
Sandhurst

Date Registered:
7 November 2022

Target Decision Date:
2 January 2023

Site Address: **34 The Broadway Sandhurst Berkshire GU47 9AB**

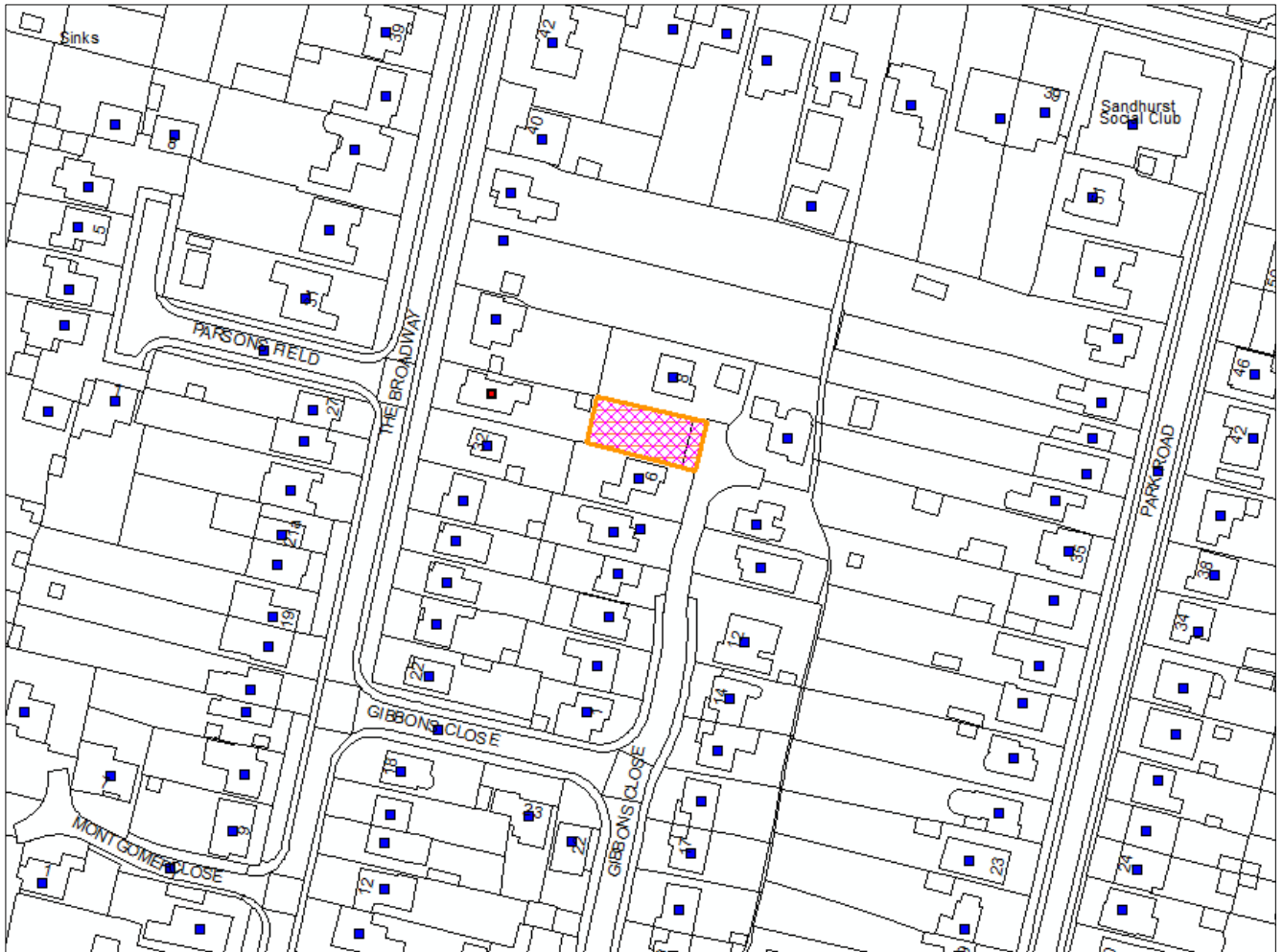
Proposal: **Proposed erection of a two-storey, four bedroom dwelling with associated garden, parking area and vehicular access from Gibbons Close.**

Applicant: Emma Winder

Agent: N Griffin

Case Officer: Shelley Clark, 01344 352000
Development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

- 1.1 The proposal is for the erection of a new 4-bedroom dwelling on land to the rear of no. 34 The Broadway and between nos. 6-8 Gibbons Close.
- 1.2 The proposed development relates to a site within the settlement boundary and is therefore acceptable in principle. It is considered that the proposal would not have a detrimental impact on the character and appearance of the area and can be accommodated on site without any adverse impact on neighbouring amenity, trees or highway safety.

RECOMMENDATION
That the Assistant Director: Planning be authorised to approve the application subject to the conditions in Section 11 of this report and the completion of a section 106 agreement relating to mitigation measures for the SPA.

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

- 2.1 The application has been reported to the Planning Committee at the request of Ward Councillors Zahuruddin, Eberle and Forster. Concerns relate to highway safety and that the proposal will exacerbate flooding in the area.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Within the defined settlement boundary
Area TPO (339)
Within 5km of SPA
Area D (Central Sandhurst) of the Sandhurst study area within the Character Area Assessments SPD.

- 3.1 The application site lies between 6 and 8 Gibbons Close. The site is situated within a defined settlement boundary and is located within Area D (Central Sandhurst) of the Sandhurst study area within the Character Area Assessments SPD.

4. RELEVANT SITE HISTORY

- 4.1 There is no relevant site history.

5. THE PROPOSAL

Full planning permission is sought for the erection of a new 4-bedroom dwelling on land to the rear of no. 34 The Broadway and between nos. 6-8 Gibbons Close.



Front Elevation

Left Side Elevation

Left Side Sectional Elevation

Rear Elevation

Right Side Elevation

GENERAL NOTES

1. All work to be done in accordance with the Building Regulations and the relevant Approved Documents.

2. The proposed new dwelling shall be constructed in accordance with the Building Regulations and the relevant Approved Documents.

3. The proposed new dwelling shall be constructed in accordance with the Building Regulations and the relevant Approved Documents.

↑

09

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0 30 60
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DATE: 11/05/2022

INCEPTION PLANNING LTD
 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

ADDRESS:
 LAND AT GIBBONS CLOSE,
 SANDHURST GU47 9SB

JOB TITLE:
 Proposed new dwelling

JOB TITLE:
 Proposed Elevations

DATE: 11/05/2022
SCALE: 1:50
BY: MS/MS
CHECKED: MS/MS
DATE: 11/05/2022

RECEIVED
 07/11/2022
 22/00566/FUL

6. REPRESENTATIONS RECEIVED

Sandhurst Town Council

6.1 Sandhurst Town Council offers no objection.

Other responses received

6.2 5 objections have been received, 3 support letters and a general comment. The issues raised can be summarised as follows:

- Overshadowing/loss of light to neighbouring properties
- Out of character with street in terms of the fact that there is no garage, no front garden, a full width dropped kerb
- Highway safety issues from potential reversing vehicles
- Impact on trees
- Impact on the mature Bay tree that provides screening to the rear of the garden
- Increase in flooding due to additional development
- No details of ridge height

7. SUMMARY OF CONSULTATION RESPONSES

Highway Authority

No objection subject to conditions.

Trees

Objection raised as the proposed development will have an adverse impact on a protected tree which makes an important contribution to the landscape character and appearance of the area.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
General policies	CP1 of SALP	Not fully consistent
	CS1, CS2 of CSDPD	Consistent
Residential amenity	Saved policy EN20 of BFBLP	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Trees	'Saved' policy EN1 of the BFBLP	Consistent
Biodiversity	CS1 and CS7 of the CSDPD	Consistent
Parking	Saved policy M9 of BFBLP	Consistent
Transport	M9 of BFBLP, CS23 of CSDPD	Consistent
Supplementary Planning Documents (SPD)		
	Design SPD	
	Parking Standards SPD	

Thames Basin Heath Special Protection Area SPD
Other publications
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i Principle of development
- ii Impact on character and appearance of the area
- iii Impact on residential amenity
- iv Transport implications
- v Impact on trees
- vii Sustainability implications
- viii Thames Basin Heaths Special Protection Area
- ix Community Infrastructure Levy

Principle of development

9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, which is supported by the NPPF (paras. 2 and 12). Policy CP1 of the Site Allocations Local Plan sets out that a positive approach should be taken to considering development proposals (which reflects the presumption in favour of sustainable development set out in the NPPF), and that planning applications that accord with the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise.

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

9.4 The site is situated within the settlement boundary; therefore, the proposed development would be acceptable in principle, provided that it would be in keeping with the character of the area and would not be harmful to the amenities of neighbouring occupiers or any other interests of acknowledged importance.

Impact on character and appearance of the area

9.5 'Saved' policy EN20 of the BFBLP states that development should be in sympathy with the appearance and character of the local environment and appropriate in scale, mass, design, materials etc. Policy CS7 of the CSDPD states that the council would require high quality design for all development in Bracknell Forest. Development proposals would be permitted which build on the urban local character, respecting local patterns of development. Paragraph 130 of the NPPF emphasises the importance of good design as key to making places better for people to live. Additionally, paragraph 130 of the NPPF states that the design of development should help improve the character and quality of an area and the way it functions.

- 9.6 The site is located within Area D (Central Sandhurst) of the Sandhurst study area within the Character Area Assessments SPD. The assessment states that small infill development is acceptable and may not be detrimental to the character of this area. The proposed development is considered to be infill development between 6 and 8 Gibbons Close and to be in keeping with the area’s existing pattern and density of development.
- 9.7 The proposed design and materials are considered in keeping with neighbouring properties, and as such, are not considered detrimental to the character and appearance of the area. A streetscene elevation has been submitted showing the proposed house in relation to neighbouring properties. There are ground level differences within the application site (which can also be seen at the adjacent property), where the land slopes down from the road. The change in levels is reflected on the streetscene elevation. The proposed ridge height of the new dwelling is not considered incongruous with the streetscene, taking into consideration levels and the pattern of development within the immediate area (with varying ridge heights and some properties being set further back from the street).



- 9.8 Since the original application, the proposed site layout has also been amended to show an area of soft landscaping to the front, which is more in keeping with the frontages of other properties within the street. Details of hard and soft landscaping can be secured by means of a planning condition.
- 9.7 Plots for new development should be large enough to accommodate the proposed dwelling and the requirements associated with it (such as parking and space for cycles, waste, recycling collection and amenity space). The proposal is considered to have sufficient private amenity space for the future occupiers of the house. The amount of private amenity space is comparable to that of neighbouring properties. The

submitted layout demonstrates how parking for the 4-bedroom property can be provided to meet parking standards and adequate cycle storage/refuse collection can be secured by way of a condition.

- 9.8 It is considered that the proposal would not result in an adverse impact on the character and appearance of the area, in accordance with CSDPD Policy CS7, BFBLP 'Saved' Policy EN20, and the NPPF.

Impact on Residential Amenity

- 9.9 'Saved' policy EN20 of the BFBLP states that development will not adversely affect the amenity of surrounding properties and adjoining area. Paragraph 130 of the NPPF states that the Local Planning Authority should ensure high quality amenity for all existing and future occupants of land and buildings.
- 9.10 Neighbouring properties are 6 and 8 Gibbons Close and 34 The Broadway to the rear. The proposed dwelling is aligned with both front and rear building lines of adjacent properties. The proposal will not result in an adverse loss of light to these properties. No windows are proposed on either side elevation of the new dwelling, therefore there will be no unacceptable loss of privacy.
- 9.11 With regards to any impact on no. 34 The Broadway, the new dwelling meets standards provided within the Design SPD with regard to acceptable back-to-back distances for 2-storey dwellings, which is 22 metres.
- 9.12 The proposal is considered to provide acceptable living conditions for future occupiers, with sufficient amenity space. The proposal would therefore be in accordance with 'Saved' policy EN20 of the BFBLP and the NPPF.

Flooding

- 9.13 A general comment has been made about how further development will increase flooding in the area, however, the siting of the dwelling is not known to be at risk from any source of flooding either now or in the future and accordingly a sequential test is not required to be applied. Due to concerns raised, however, the Local Lead Flood Agency has been consulted and these comments will be reported in the Supplementary Report.

Transport implications

- 9.14 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.15 Policy CS23 of the CSDPD states that the council will use its planning and transport powers to reduce the need to travel, increase the safety of travel, promote alternative modes of travel and promote travel planning. 'Saved' policy M9 of the BFBLP states that development will not be permitted unless satisfactory parking provision is made for vehicles and cycles. The supporting text to this policy also states that the standards set out in the Bracknell Forest Borough Parking Standards can be applied flexibly in certain circumstances.
- 9.16 Following the submission of the original application, amended plans have been received that show sufficient parking and pedestrian access can be provided to meet

the Council's Parking Standards. No details of refuse storage have been set out, however, there is a 900mm gap down the side of the dwelling that will allow for access for bins to be wheeled from the rear of the house. Adequate cycle storage can be secured by condition.

Impact on Trees

- 9.17 'Saved' policy EN1 of the BFBLP states that planning permission will not be granted for development which would result in the destruction of trees and hedgerows. Trees and hedgerows are important to the retention of the character and appearance of the landscape or townscape of the area.
- 9.18 The application site is covered by an area TPO (339). The Council's Tree Service has expressed concern at the impact of the proposal on the protected Birch tree in the garden of no. 6 Gibbons Close and has objected to the proposal. Concerns relate to the proximity of the Birch tree and issues of shade cast by the tree over the new property's garden. The Tree Service considers that the proposal is likely to place pressure on the Birch tree to be pruned or removed. There are also concerns that any proposed underground services, additional hardstanding or vehicles/machinery used during the construction of the dwelling, will encroach into the root protection area of the tree.
- 9.19 The proposed development will be outside the root protection area of the tree and Birch species have an acknowledged reduced shading consideration due to the lower density of their foliage. In terms of pruning and tree removal, any pruning or removal of the protected tree will first require the approval of the Council. In terms of any encroachment into the root protection area of the tree, further details of underground services as well as the location of constructors' vehicles can be secured through conditions. It is not considered that any refusal on these grounds could be supported were the application to go to appeal. Tree protection during construction will be secured by condition.
- 9.20 It is therefore considered that the proposed development would comply with 'Saved' policy EN1 of the BFBLP, in that it could be accommodated without any the destruction of trees that are important to the character and appearance of the landscape or townscape of the area.

Sustainability Implications

- 9.21 In respect of proposed new dwellings, Policy CS10 requires the submission of a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day. This can be conditioned.

Thames Basin Heath Special Protection Area

- 9.22 The Council, in consultation with Natural England, has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath Special Protection Area (SPA) is likely to have a significant effect on the integrity of the SPA, either alone or in-combination with other plans or projects. This site is located within the 400m – 5km Thames Basin Heaths Special Protection Area (TBH SPA) buffer zone and therefore is likely to result in an adverse

effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

- 9.23 On commencement of the development, a contribution (calculated on a per-bedroom basis) is to be paid to the Council towards the cost of measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Council's Thames Basin Heaths Special Protection Area Supplementary Planning Document (SPASPD) (2018).
- 9.24 In this instance, the development would result in a net increase of 1 dwelling which will result in the need for a financial contribution towards SANG and SAMM depending on the number of bedrooms. Provided that the applicant is prepared to make a financial contribution towards the costs of SPA avoidance and mitigation measures, subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP Saved Policy NRM6, Saved policy EN3 of the BFBLP and CS14 of CSDPD, the SPASPD and the NPPF.

CIL

- 9.25 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.
- 9.26 CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted) including new build that involves the creation of additional dwellings. The proposal is therefore CIL liable.

10.0 CONCLUSIONS

- 10.1 It is considered that the proposed dwelling would be acceptable in principle. The submitted plans show how it can be accommodated on site without any adverse impact on the character and appearance of the area, on trees, on highway safety or on the amenities of neighbouring properties. It is therefore considered that the proposed development complies with 'Saved' policy EN1, EN20 and M9 of the BFBLP, Policies CS1, CS2, CS7 and CS23 of the CSDPD and the NPPF.
- 10.2 The application is therefore recommended for conditional approval.

11.0 RECOMMENDATION

- 11.1 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);
- the Assistant Director: Planning be authorised to APPROVE the application 22/00868/FUL subject to the following conditions amended, added to or deleted as the Assistant Director: Planning considers necessary:

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

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

02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 7th November 2022 and 30th March 2023:

PL-02-02 (revision F) received 7th November 2022

PL-02-03 (revision D) received 7th November 2022

PL-02-04 (revision B) received 30th March 2023

PL-02-01 (revision H) received 30th March 2023

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

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

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

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

04. The protective fencing and other protection measures set out in the Arboricultural Assessment and Tree Protection Plan received 4th January 2023 shall be erected and implemented in full prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site. No activity of any description must occur at any time within these 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

05. A photograph showing the erected protective fencing and other tree protection measures shown on the Tree Protection Plan received 4th January 2023 shall be submitted to the Local Planning Authority prior to the commencement of development. In order to ensure its appropriate monitoring and implementation, photographs shall thereafter be submitted at 4-week intervals until the completion of all building operations on the site.

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

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

06. No development shall commence until:

(i) a site layout plan at a minimum scale of 1:200 showing the proposed layout of all underground services and external lighting and

(ii) a programme for the phasing and timing of works

have been submitted to and approved in writing by the Local Planning Authority.

Details of the site layout plan shall include: -

a) Accurate trunk positions and canopy spreads of all retained trees/hedgerows and mature groups of shrubs.

b) Surface water/ foul drainage and associated inspection chambers (existing reused and new)

c) Soak-aways (where applicable)

d) Gas, electricity, telecom and cable television.

e) Lighting columns and all associated ducting for power supply.

f) Phasing and timing of works.

The development shall be carried out in full accordance with the approved site layout and the approved programme.

REASON: - In order to safeguard tree roots and thereby safeguard existing trees and other vegetation considered worthy of retention and to ensure new soft landscape planting areas are not adversely affected and can be used for their approved purpose, in the interests of the visual amenity of the area.

07. The new dwelling shall not be occupied until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule. All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the parking spaces being brought into use, whichever is sooner. All hard landscaping works shall be carried and completed prior to the parking spaces being brought into use. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well-formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest

planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.

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

[Core Strategy DPD CS7, BFBLP 'Saved' Policies EN2 and EN20]

08.

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]

09. The new dwelling shall not be occupied until the associated vehicle parking for three cars has been surfaced and provided in accordance with the approved drawing PL-02-01 Revision H. The spaces shall thereafter be retained and kept available for parking at all times.

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

10. Notwithstanding the "Cycle Storage" location shown on the approved plan, the new dwelling shall not be occupied until a scheme has been submitted to the Local Planning Authority for covered and secure cycle parking facilities with one secure, covered cycle parking space per bedroom within the property. The covered and secure cycle parking facilities shall be located to the front of the property and not obstructing parking or pedestrian access. The dwelling shall not be occupied until the approved scheme has been implemented. The facilities shall thereafter be retained.

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

11. The new dwelling shall not be occupied until a scheme has been submitted to the Local Planning Authority for refuse storage for at least three bins with a sufficiently wide route that bins can be wheeled to the roadside for collection without obstructing parking or pedestrian access. The dwelling shall not be occupied until the approved scheme has been implemented. The refuse storage areas shall thereafter be retained.

REASON: In order that the dwelling is served with refuse storage and collection.

12. The new dwelling shall not be occupied 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 approved 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]

13. 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]

14. No construction works shall take place until details showing the finished floor levels of the dwelling hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

Should the applicant fail to complete the required S106 agreement by 15 September 2023, the Assistant Director: Planning be authorised to either extend the period further or refuse the application for the following reasons:

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

Informatives

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

02. The Highways and Transport Section should be contacted at Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 352000 or via email at Highways.Transport@bracknell-forest.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.

03. Notwithstanding the wording of Bracknell Forest Council's Parking Standards SPD, the Building Regulations part S "Infrastructure for the charging of electric vehicles" 2021 edition took effect on 15 June 2022 for use in England. The applicant should familiarise themselves with, and comply with, the requirements of this document with regard to provision of electric vehicle charging infrastructure.
04. The applicant should note that this permission does not convey any authorisation to enter onto land or to carry out works on land not within the applicant's ownership.
05. This is a planning permission. Before beginning any development you may also need separate permission(s) under Building Regulations or other legislation. It is your responsibility to check that there are no covenants or other restrictions that apply to your property.

Unrestricted Report

ITEM NO: 8

Application No.
22/00898/FUL

Ward:
Sandhurst

Date Registered:
15 November 2022

Target Decision Date:
10 January 2023

Site Address: **45 Forest End Road Sandhurst Berkshire GU47 8JT**

Proposal: **Proposed erection of two storey front extension with enlarged dormer, rear single storey extension including garage conversion into habitable accommodation and loft conversion with rear dormer.**

Applicant: Mrs Robson-Malone

Agent: Mrs Judith Charles

Case Officer: Benjamin Marshall, 01344 352000

Development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

1.1. The proposal is for the construction of a two-storey front extension, enlargement of an existing front dormer and construction of a rear dormer.

1.2. The proposed development is within the settlement boundary. The proposal and is therefore acceptable in principle. The proposal would not result in an adverse impact on the character of the area, highway safety, nor would the development result in a detrimental impact on the protected trees or residential amenity of the occupiers of the neighbouring properties.

RECOMMENDATION
Planning permission be granted subject to the conditions set out in Section 11 of this report.

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1. This application has been referred to the Planning Committee at the request of Councillor Brown, due to concerns that the proposal is disproportionately large compared with the surrounding dwellings and potentially overbearing.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Within settlement
Within 5km of SPA

3.1. No. 45 Forest End Road is a two-storey detached dwelling and is located within the defined settlement boundary.

4. RELEVANT PLANNING HISTORY

4.1. The relevant planning history is set out below:

21/00188/TR5 – TPO 4/1967 - Application to fell 1 tree – Approval 05/08/2021

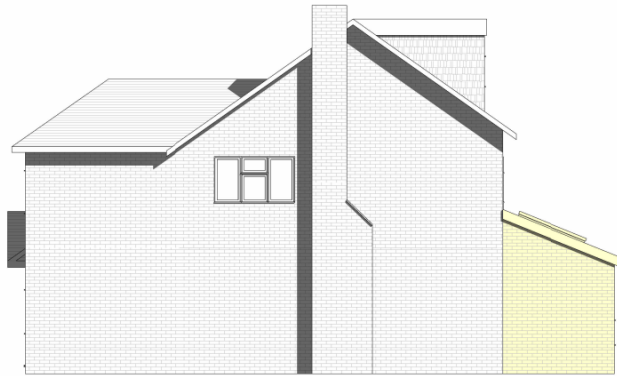
604376 - Development of 6 detached houses and garages, access roads and associated works. (Affects 41 - 51 odd Forest End Road) – Approval 17/10/1980

5. THE PROPOSAL

5.1. Full planning permission is sought for the erection of a two-storey front extension, enlargement of an existing front dormer and construction of a rear dormer.



① Proposed Front Elevation
1:50



② Proposed Side Elevation_1
1:50



③ Proposed Rear Elevation
1:50



④ Proposed Side Elevation_2
1:50

Extract from planning document: Proposed Elevations and 3D Views, Revision 8, dated 24/05/2023.

6. REPRESENTATIONS RECEIVED

Sandhurst Town Council

6.1. Sandhurst Town Council has objected to the application for the following reasons:

- Dormer out of character with the scale and proportion of the existing dwelling and surrounding area.
- Dormer windows out of character with the scale and proportion and appear incongruous.

Other representations received

6.2. Letters of objection have been received from the occupants of two neighbouring properties. The issues raised can be summarised as follows:

- Scale and design of the dormer would be out of character with the dwelling and within the street scene
- Loft Dormer would be overbearing and out of keeping.
- Potential loss of privacy

- Height of rear ground floor extension dominating in scale
- Concern regarding parking provision

7. SUMMARY OF CONSULTATION RESPONSES

Trees:

7.1. A Tree Officer was consulted, and the development was found to be acceptable in relation to the protected trees, subject to the inclusion of an appropriate planning condition.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF 2021
General Policies	<ul style="list-style-type: none"> • CS1 & CS7 (Design) of the CSDPD 2008 • EN1 (Protecting tree and hedgerow cover), EN20 (Design) of the BFBLP 2002 	Consistent
Residential Amenity	<ul style="list-style-type: none"> • EN20 (Design) of the BFBLP 2002 	Consistent
Parking	<ul style="list-style-type: none"> • CS23 (Transport) of the CSDPD 2008 • M9 (Vehicle & Cycle Parking) of the BFBLP 2002 	Consistent
Supplementary Planning Documents (SPD)		
Parking Standards SPD		
Design SPD		
Building Research Establishment: Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice 2022 (BRE SLPDS)		
Other publications		
National Planning Policy Framework 2021 (NPPF), National Planning Policy Guidance (NPPG).		

9. PLANNING CONSIDERATIONS

9.1. The development will be considered against the following key issues:

- The principle of development
- Impact on Character and Appearance of Existing Dwelling and Surrounding Area
- Impact on Residential Amenity
- Impact on Parking
- Impact on Trees

i. Principle of Development

9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, which is supported by the NPPF (paras. 2 and 12). Policy CS2 of the CSDPD states that development will be permitted within defined settlements. This is provided that the development is consistent with the character, accessibility and provision of infrastructure and services within that settlement.

The above policy is considered to be consistent with the NPPF, and as a consequence is considered to carry significant weight.

9.3. The site is located in a residential area that is within a defined settlement on the Bracknell Forest Borough Policies Map (2013). As a result, the proposed development is considered acceptable in principle, subject to no adverse impact on the amenity of the neighbouring occupiers and upon the character and appearance of the area, trees and highways safety.

ii. Impact on Character and Appearance of Existing Dwelling and Surrounding Area

9.4. 'Saved' policy EN20 of the BFBLP states that development should be in sympathy with the appearance and character of the local environment and appropriate in scale, mass, design, materials etc. Policy CS7 of the CSDPD states that the council would require high quality design for all development in Bracknell Forest. Development proposals would be permitted which build on the urban local character, respecting local patterns of development. Paragraph 126 of the NPPF emphasises the importance of good design as key to making places better for people to live. Additionally, paragraph 130 of the NPPF states that the design of development should help improve the character and quality of an area and the way it functions.

9.5. The proposed development consists of a two-storey front extension, enlargement of an existing front dormer and construction of a rear dormer. Each of these elements will be considered individually and then cumulatively.

Two-storey front extension

9.6. The proposed two-storey extension would be located to the north of the dwelling and extend in line with the existing front single-storey element. The extension would measure 7.33 metres in height but remain set down from the main ridge by approximately 0.65 metres.

9.7. The proposed two-storey extension would have a dual pitched roof and owing to its position, scale and design would appear as a subservient addition to the host dwelling. The extension would infill a space behind the front building line of the dwelling and is considered to remain in keeping to the scale and design of the existing dwelling.

Front dormer enlargement

9.8. There is an existing pitched roof dormer which formed part of the original dwellinghouse on the front roofslope. As part of the development this would be extended by approximately 3.3 metres to link with the proposed two-storey extension. The amended dormer would retain the pitched nature of the roof and provide 1no. additional window which appears in keeping with the existing windows on the property.

9.9. There would be no increase in depth or height as part of the alterations and the dormer would remain distinctly subservient within the main roofslope of the dwelling.

Rear dormer

9.10. The applicant is proposing a rear dormer which measures approximately 2.89 metres in depth, 2.1 metres in height and 10.33 metres in width. It would have a cubic volume of 31.3 m³ and would not be set down from the ridge height of the main building.

9.11. The dormer would have a flat roof form and stretch across almost the entire roofslope. It would be a dominant addition to the dwelling and would fail to appear subservient to the host dwelling.

9.12. The dormer would have openings which would, by their position, create a visual imbalance on the rear of the property, as they do not accurately reflect the positioning of the existing openings, as recommended within the Council’s Design SPD.

9.13. Whilst the dormer, by virtue of its scale, design and position would be considered harmful to the character of the property it is a material consideration that the proposal benefits from a permitted development fallback position.

9.14. Class B, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015(as amended) allows for the “*enlargement of a dwellinghouse consisting of an addition or alteration to its roof.*”, so long as the development complies with the restrictions and conditions set out in Class B.1 and B.2. The restriction which is of note is B.1(d)(ii) which requires the relevant addition to not exceed the cubic content of the original roof by more than 50 cubic metres. As identified above the cubic capacity of the dormer is below the restriction threshold. However, the cubic volume of roof space provided by the two-storey front extension would need to be taken into consideration as it does not form part of the original roofspace. No calculations have been provided demonstrating the volume of this loft aspect however indicative calculations result in an uplift of 48.58 cubic metres. Regardless of if the calculations have been under calculated, if the dormer were to be constructed prior to the two-storey extension then it would comply with the permitted development criteria. The inclusion of this aspect within the application is due to a desire to build the loft extension at a later stage, therefore whilst harm is identified it would not be reasonable to refuse the application owing to this accepted fallback position.

9.15. The overall proposal would remain faithful to the design and scale of the host building and as such is found to be in keeping with the character of the existing dwelling.

9.16. The surrounding area is characterised by two-storey detached properties which have largely retained the original design, approved under application 604376. Whilst the front dormer and two-storey extension would be visible they would not be considered to increase the prominence of the dwelling within the street scene to an unacceptable degree. Furthermore, there is a significant level of screening to the front of the dwellings in the direct vicinity of the dwelling, which mean that wider views of the property are limited. It should be noted that the lack of development within an area does not automatically make development unacceptable. As such, In the context of the street these elements of the development would appear appropriately designed to respect the original dwelling and as such is not considered unacceptable.

9.17. There may be some visibility of the rear dormer from the street scene which whilst sizeable would not be an unduly obtrusive feature. It is acknowledged that there is a similar scaled development which exists on the rear roofslope of no. 41 Forest End Road. As such, there is an established precedent for rear development. There has been no planning permission attained for this rear dormer, however it can reasonably be inferred that this dwelling has also utilised its permitted development rights to provide the addition.



9.18. Overall, whilst harm was found in the design, scale, and position of the dormer this is outweighed on balance by the permitted development fall-back position. The remaining elements of the proposal were found to respect the character of the host dwelling and surrounding area. The proposal therefore would not be considered to adversely affect the character and appearance of the surrounding area and would therefore be in accordance with 'Saved' policy EN20 of the Bracknell Forest Borough Local Plan 2002, Policy CS7 of Core Strategy Development Plan Document 2008, the Design SPD 2017 and the NPPF 2021.

iii. Impact on Residential Amenity

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

9.20. The neighbouring dwellings most impacted by the proposed development would be nos. 43 and 47 Forest End Road to the east and west respectively. Nos. 45 and 43 share an access boundary with both dwellings facing towards this shared access which results in a more angled side to side relationship with the properties within the street scene.

Overlooking

9.21. The Design SPD recommends that rear windows are separated from the rear garden boundary by at least 10 metres, with at least 22 metres to the nearest upper storey windows to the rear, at least 30m from windows at second floor level and 15m to the rear boundary. The Design SPD recommends that all upper storey side windows are restricted to be obscure-glazed and top-opening only.

9.22. There are no properties to the rear of the dwelling which would be impacted by the development as such the impact is localised to the two neighbouring dwellings.

9.23. There could reasonably be concern regarding the potential outlook from the dormer windows, however it is considered that the views achieved would be similar to those from the first-floor windows. Additionally, as this element could be achieved under permitted development it is not reasonable that the development could be refused on this basis.

9.24. One upper storey side window is proposed, serving the proposed home office. This window's views would be over the front part of the dwelling and the dwelling's front amenity space. The applicant has not noted whether or not this window would be obscure glazed however owing to the orientation of the dwellings and the window's outlook being limited to the front garden space, it is not considered that the window would result in unacceptable overlooking.

Impact on Light

9.25. The Building Research Establishment (BRE) guide 'Site layout planning for daylight and sunlight' is used as a guideline for assessing potential losses of light and the acceptable levels of loss for a habitable room. The guide specifies that: *The guidelines given here are intended for use for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. Windows to bathrooms, toilets, storerooms, circulation areas, and garages need not be analysed.*

9.26. As part of the application a Daylight and Sunlight Assessment has not been submitted alongside this application.

9.27. The ground floor front window of no. 47 Forest End Road is closest in proximity to the application site and the proposed two-storey front element. Based on the existing floor plan this window serves an open plan lounge/dining room. Whilst no daylight assessment has been submitted, the 45-degree test has been calculated from the submitted plans and has been found to pass the horizontal test. It would be likely to fail the vertical 45-degree test, however owing to the dwelling's orientation the window in question would face away from the application site and as such is unlikely to be detrimentally impacted by the development. Overall, it is therefore not considered that the extension would result in a detrimental loss of light.

Overbearing

9.28. The Design SPD specifies that new developments should not result in an overbearing impact on neighbouring properties. Design recommendations include "setting the extension away from the property boundary so as to avoid any dramatic change in scale in relation to the neighbouring garden"

9.29. The example provided in the Design SPD shows a two-storey side extension, additionally the Design SPD states that additional separation distances may be necessary "as storeys rise" to mitigate against overbearing impacts. It can be determined therefore that generally a single storey extension is less likely to result in a significant overbearing impact on neighbouring properties compared to an extension of two or more storeys.

9.30. The proposed two-storey front extension is limited in scale and is separated from the neighbour by a fence of approximately 1.8 metres. The wall of the extension closest to the boundary is set in measuring approximately 2.9 metres from the rear wall of the neighbouring property. The hipped roof on the two-storey element would further help reduce the extension's bulk when viewed from the neighbouring property. As such, it is not considered that the two-storey element would result in an unacceptable overbearing impact.

9.31. The rear dormer would not extend beyond the rear building line of either neighbouring property and as such is would not be considered overbearing regardless of its scale and bulk.

9.32. In totality the proposal, by virtue of its scale, design and position, would not be considered to result in an adverse impact on the amenity of the neighbouring properties to warrant refusal. As such, it would comply with 'Saved' policy EN20 of the Bracknell Forest Borough Local Plan 2002, the Design SPD 2017 and the NPPF 2021.

iv. Impact on Parking

9.33. Policy CS23 of the Core Strategy Development Plan Document 2008 states that the council will use its planning and transport powers to reduce the need to travel, increase the safety of travel, promote alternative modes of travel and promote travel planning. 'Saved' policy M9 of the Bracknell Forest Borough Local Plan 2002 states that development will not be permitted unless satisfactory parking provision is made for vehicles and cycles. This policy also states that the standards set out in the Bracknell Forest Borough Parking Standards, Supplementary Planning Document 2016 (SPD) must be adhered to.

9.34. The residential standards in the SPD state that a four or more bedroomed dwelling requires 3 parking spaces. The standard size of a parking space is 4.8 metres in length and 2.4 metres in width. Any new garage should have a width of 3.5 metres and a depth of 6.0 metres (excluding storage).

9.35. The existing dwelling benefits from 4no. bedrooms, with the proposed development providing one additional bedroom, which is listed on the proposed floor plans as an office. A parking plan has not been submitted to support the application however according to the Council's Parking Standards SPD there is no required increase in parking, which results from the increase of 1no. bedroom from a four-bedroom property to a five-bedroom property. As such, it is considered that the existing provision is satisfactory and no additional parking is required to be demonstrated.

9.36. As the dwelling is in existing use and the proposal is for an extension there is no need to consider the provision of bin and cycle storage.

9.37. As such, the proposal would be in accordance with 'Saved' policy M9 of the Bracknell Forest Borough Local Plan 2002, Policy CS23 of the Core Strategy Development Plan Document 2008 and Bracknell Forest Borough Parking Standards SPD 2016

v. Impact on Trees

9.38. 'Saved' policy EN1 of the BFBLP states that planning permission will not be granted for development which would result in the destruction of trees and hedgerows. Trees and hedgerows are important to the retention of the character and appearance of the landscape or townscape of the area. Paragraph 131 of the NPPF states that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.

9.39. The trees within the local area are protected by a group Tree Preservation Order reference TPO 4/1967. A 2021 application was approved to fell one tree which is within the rear garden. As such, the two trees most relevant to the proposed development are to the front of the dwelling.

9.40. The only front development which would create additional foundations beyond the existing dwelling's base is the two-storey extension. Whilst there are amendments to the front dormer this is not considered to require any improved foundations, nor would it result in an increased height or depth of the dormer.

9.41. The submitted tree protection plan demonstrates that the proposed two-storey extension would be sufficiently distanced from the root protection areas of the trees as to not cause a detrimental impact. Furthermore, a site visit has demonstrated that there is unlikely to be an increased pressure to prune resulting from the additional bulk on the dwelling. The Tree Service was consulted verbally and agreed with the above consideration of the development. It is noted that a condition will be required to be attached to any permission to ensure that the tree protective measures are carried out in accordance with the tree protection plan but also to ensure that the trees will not be harmed during construction. Therefore, subject to condition, no material harm to the protected trees has been identified and the development would meet the requirements of Policy EN1 and EN20 of the BFBLP, Policy CS7 of the CSDPD and the NPPF 2021.

10. CONCLUSION

- 10.1. It is considered that the development is acceptable in principle and would not result in an unacceptable adverse impact on the character of the area, highway safety, nor would the development result in a detrimental impact on the protected

trees or residential amenity of the occupiers of the neighbouring properties. As such, the scheme would be considered in accordance with the relevant 'Saved' policies of the Bracknell Forest Borough Local Plan 2002, the Core Strategy Development Plan Document 2008, the Bracknell Forest Borough Parking Standards SPD 2016 the Design SPD and the NPPF 2021.

10.2. Therefore, the application is recommended for conditional approval.

RECOMMENDATION

11. 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 (as amended).

02. The development hereby permitted shall be carried out only in accordance with the following approved plans: GA.01, GA.02 and GA.05 received on 15/11/2022 and GA.03/08 and GA.04/08 received on 24/05/2023.

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

03. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be of similar appearance to those of the existing dwelling.

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

04. The protective fencing and other protection measures identified within the Arboricultural Assessment Report and Compliant Tree Survey, produced by Watts Consulting, dated December 2022, shall be erected prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site. No activity of any description must occur at any time within these areas including but not restricted to the following:

-

- a) No mixing of cement or any other materials.
- b) Storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description.
- c) Siting of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, porta-loos, storage compounds or hard standing areas of any other description.
- d) Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ ground conditions of any other description.
- e) Installation/siting of any underground services, temporary or otherwise including; drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting.
- f) Parking/use of tracked or wheeled machinery or vehicles of any description.

In addition to the protection measures specified above,

- a) No fires shall be lit within 20 metres of the trunks of any trees, or the centre line of any hedgerow shown to be retained.
- b) No signs, cables, fixtures or fittings of any other description shall be attached to any part of any retained tree.

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

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

INFORMATIVES:

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 builder's materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.
03. The applicant should note that this permission does not convey any authorisation to enter onto land or to carry out works on land not within the applicant's ownership.
04. No details are required to be submitted in relation to the following conditions; however, they are required to be complied with:
 01. Time limit
 02. Approved plans
 03. Materials
 04. Tree Protection Measures
05. This is a planning permission. Before beginning any development, you may also need separate permission(s) under Building Regulations or other legislation. It is your responsibility to check that there are no covenants or other restrictions that apply to your property.

Doc. Ref: Uniform 7/DC/Agenda

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

Unrestricted Report

ITEM NO: 9

Application No.

Ward:
Great Hollands

Date Registered:
13 September
2022

Target Decision Date:
8 November 2022

Site Address:

**South Road From Nine Mile Ride To West Road
Wokingham Berkshire**

Proposal:

Proposed reconstruction of existing footway / cycleway plus creation of additional shared use footway / cycleway to connect to existing.

Applicant:

Mrs Anne Searing

Agent:

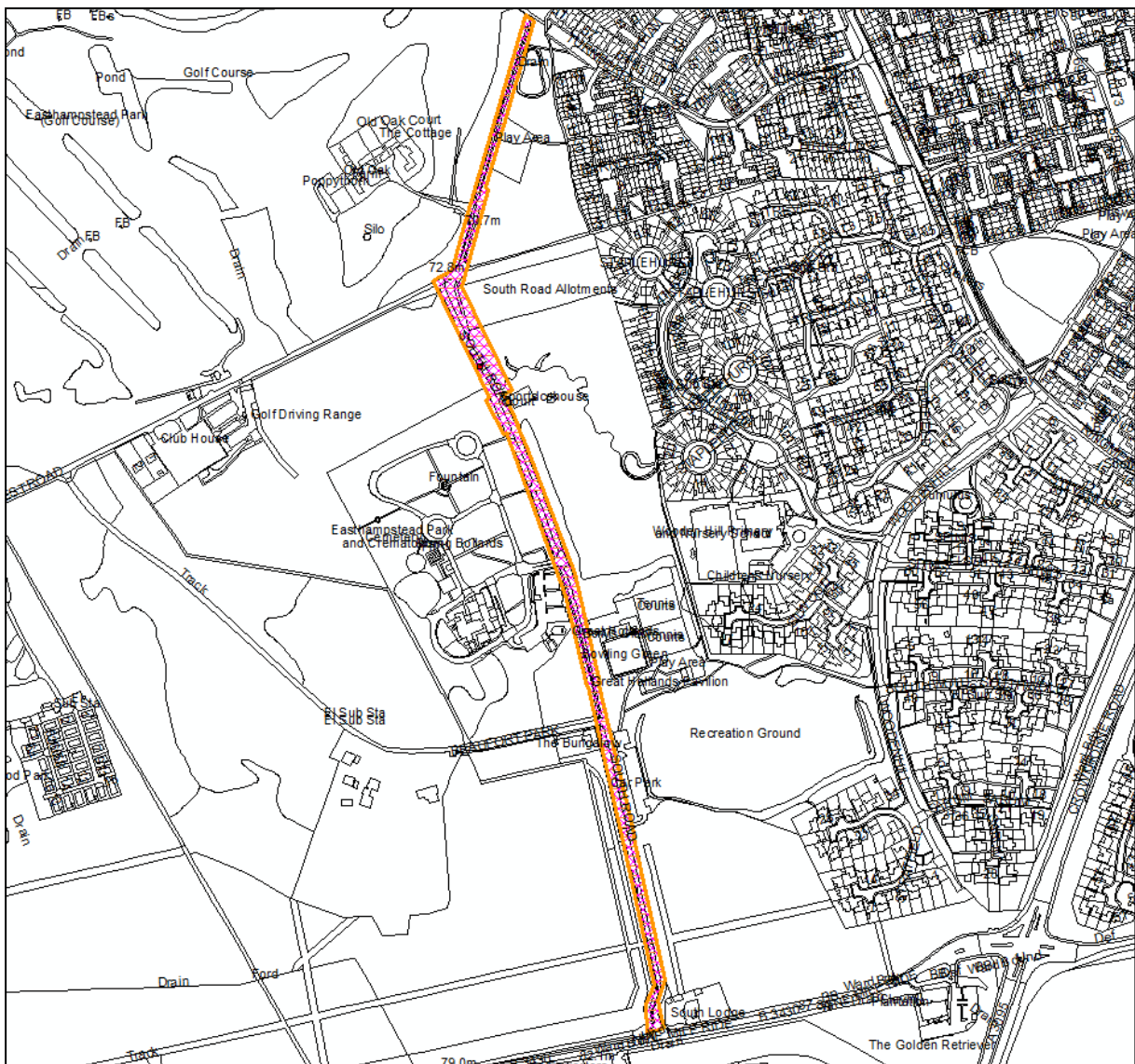
(There is no agent for this application)

Case Officer:

Margaret McEvit, 01344 352000

Development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

1.1 The application proposes creating a shared use footway / cycleway along South Road to form a connection from Nine Mile Ride to local facilities to the north, including Easthampstead Park School. The proposal includes reconstructing and widening the existing footway on the west side of South Road, constructing a new section of footway / cycleway along the remaining length of South Road and adjacent to West Road to link to the existing footway / cycleway between West Road and Turnberry. The works will require the removal of two groups of trees, but these trees are not covered by a Tree Preservation Order (TPO), and replacement planting can take place within the site.

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

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application has been reported to the Planning Committee because the application has been submitted by a department within the Place, Planning and Regeneration directorate.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
The site is land outside a settlement area.
TPO 3319 covers trees west of South Road and immediately south of the South Road Allotments.

3.1 The site extends along the length of South Road from Nine Mile Ride to West Road. It comprises a footpath through a patch of mixed woodland towards the southern end with areas of grassland and scattered trees and an area of broadleaved woodland towards the northern end. The existing footpath from the junction with Nine Mile Ride is primarily hard standing with an area of woodchip passing through the broadleaved woodland close to West Road.

4. RELEVANT SITE HISTORY

4.1 No relevant site history.

5. THE PROPOSAL

5.1 This scheme is being promoted by officers within the Highways and Transport Division. It relates to a route that has been funded in part by the Transport Research Laboratory (TRL) site development as it will provide a long term route from the TRL site towards the local facilities including Easthampstead Park School and beyond. This is a full application under Regulation 3 of the Town and Country Planning General Regulations 1992 which covers development proposals by local authorities on their own land, to create a shared use footway / cycleway along South Road to connect existing shared use paths on Nine Mile Ride, Great Hollands Recreation Ground and Turnberry. The proposal includes reconstructing and widening the existing footway on the west side of South Road, constructing a new section of footway / cycleway along

the remaining length of South Road and adjacent to West Road to link to the existing footway / cycleway. The existing footway /cycleway between West Road and Turnberry will be reconstructed and widened.

6. REPRESENTATIONS RECEIVED

Bracknell Town Council

6.1 No objection.

Other representations

6.2 One letter has been received supporting the improvement to cycle facilities.

7. SUMMARY OF CONSULTATION RESPONSES

Highways Officer

7.1. No objection subject to conditions.

Tree Officer

7.2 No objection subject to a condition requiring details of tree planting to be submitted and agreed.

Biodiversity Officer

7.3 No objection subject to conditions to ensure that biodiversity is protected and enhanced in line with Core Strategy policies CS1 and CS7 and the National Planning Policy Framework (NPPF).

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF	Weight to be attributed, with reference to para. 213 of NPPF
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Sustainable development principles	SALP Policy CP1	Para. 11(d) refers to 'policies which <u>are most important for determining the application</u> are out-of-date'. CP1 wording differs to this. Furthermore, the PPG states that there is no need for a policy to directly replicate para. 11.	Limited (policy not used in planning application decision-making)
	CSDPD Policy CS1	Consistent (Paras. 7, 8, 11, 12, & 117 - 119)	Full
Land Outside Settlement	Policy EN8 of the BFBLP, CS9 of CSDPD	Land Outside Settlement	Not fully consistent.
Design & Character	CSDPD Policy CS7	Consistent (Chapter 12)	Full
	BFBLP 'Saved' Policy EN20	"	Full
Trees & Landscape	CSDPD Policies CS1 & CS7	Consistent (paras. 127 & 170)	Full
	BFBLP 'Saved' Policies EN1, EN2 & EN20	"	Full
Transport	CSDPD Policies C23	Consistent (Chapter 9)	Full
Biodiversity	CSDPD Policies CS1 & CS7	Consistent (paras. 170 & 175)	Full
	BFBLP 'Saved' Policies EN1, EN2 & EN20	"	Full
Supplementary Planning Documents (SPD):			

Parking Standards SPD (2016)	
Other publications:	
National Planning Policy Framework (NPPF) (2021) National Planning Policy Guidance (NPPG) (2021)	

9. PLANNING CONSIDERATIONS

9. 1 The key issues for consideration are:

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

9.2 South Road is an unadopted road linking Nine Mile Ride in the south and connecting to West Road to the north. There is an existing footpath on the western side of South Road from Nine Mile Ride. This proposal seeks to widen the existing footpath to 3m to allow it to accommodate a cycle path, for the cycle/footway to cross onto the eastern side of South Road and for the route to continue towards West Road where it will connect into the existing footway/cycleway between West Road and Turnberry. The footway/cycleway will have an asphalt surface, with crossing points provided at access roads and to cross South Road.

9.3 The introduction of an asphalt footway/cycleway is not considered likely to have an adverse effect on the character of the area. South Road is an asphalt finished road and the route would be positioned behind the existing tree line to maintain the semi-rural character of the road. No lighting of South Road is proposed.

ii. Impact on Trees

9.4 Two groups of trees, not covered by TPOs will be removed to accommodate the works. A total of 28 trees will be removed. The Council's tree officer has advised that one group of trees would be damaged by the works and one group is to be removed due to their general health and condition. The trees are not considered to be significant and replanting can take place, with space being available within the western verge. The overall impact on trees is not considered to be significant, and replanting will maintain the treed character of the site.

iii Biodiversity

9.5 A Preliminary Ecological Appraisal and Ground Level Tree Assessment was submitted with the application. The Assessment identified several trees across the site which have features which could support bat roosts. Following these assessments, the scheme has been modified to avoid impacts on these trees and these trees are no longer to be removed or reduced. No further surveys are required and a condition has been included requiring details of biodiversity enhancements to be submitted and approved before works commence.

iv Highways

9.6 The proposal will provide improved pedestrian and cyclist facilities with a continuous cycle/footway provided from Nine Mile Ride to connect to the existing cycle/footway to Turnberry, giving access to the play space at Turnberry and Easthampstead Park School to the north. A Road Safety Audit has been submitted with the application and issues identified in the report have been resolved through amended plans or proposed conditions.

10. CONCLUSIONS

10.1 The proposal to widen the existing footpath on part of South Road and provide new footpath/cycleways along the length of South Road to connect to an existing footway/cycleway to Turnberry is considered to be acceptable. The pedestrian and cycle links from Nine Mile Ride to Turnberry play space and to Easthampstead Park School will be improved. Any tree loss will not involve trees covered by Tree Protection Orders and replanting can take place along South Road. No biodiversity concerns have been raised following the amendment of the scheme to avoid removing trees with the potential for bat roosts.

11. RECOMMENDATION

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 and other submitted details received by the Local Planning Authority on 13.09.2022 and 02.05.2023:

5291-001/H

5291-002/A

5291-003

5291-201

Arboricultural Impact Assessment and BS5837 Tree Survey at South Road.

Stage 2 Road Safety Audit South Road - Shared footway/cycleway

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

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

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

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

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

04. No development shall commence until a scheme for the provision of biodiversity enhancements (not mitigation), including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the Local Planning Authority. An ecological site inspection report demonstrating the implementation of the approved measures shall be submitted within three months of practical completion of the works.

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

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

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

- a) identify those area/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans with vertical calculation planes and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

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

06. The development hereby permitted shall not be begun until a detailed scheme of proposed tree planting has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following comprehensive details of all trees to be planted: -

- a) Full planting specification.
- b) Positions of all proposed species.
- c) Comprehensive details of ground preparation.

- d) Staking/tying method/s.
- e) 5 year post planting maintenance schedule.

All tree-planting shall be carried out in full accordance with the approved scheme in the nearest planting season (1st October to 31st March inclusive) to the completion of the approved development. The quality of all approved landscape works shall be in accordance with British Standard 4428:1989 'Code of Practice For General Landscape Operations' or any subsequent revision. All trees included within the approved scheme shall be healthy, well formed specimens with single leading shoots and shall be of a minimum quality compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees which within a period of 5 years from the completion of all tree planting die, are removed, uprooted are significantly damaged, become diseased or malformed shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.

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

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

07. The scheme shall be constructed in accordance with the approved drawings and Road Safety Audit including 'Designer Responses' and the following signage shall be provided:
- (a) A cycle warning sign (TSRGD diagram 950) marked on the carriageway within the crematorium approaching the exit gate to warn drivers of the presence of cyclists in accordance with drawing number 5291/001/H submitted 29 March 2023;
 - (b) Pedestrian priority, 'Share with care' or similar signage where the cycleway narrows to below 3.0 metres in width;
 - (c) Shared use signage (TSRGD diagram 956) along the route to make it clear to both pedestrians and cyclists that the route is shared;
 - (d) 'Slow' markings on the cycleway for northbound cyclists on the western side at the point where the footway/cycleway crosses South Road;
 - (e) Cycle warning signs (TSRGD diagram 950) facing West Road and the car park for the South Road allotments to warn drivers entering and leaving the parking area of the presence of cyclists; and
 - (f) Dropped kerbs with tactile paving where the cycleway is required to cross vehicular routes.

REASON: In the interests of highway safety.

[RELEVANT POLICIES: Core Strategy CS23, Local Plan M6]

The application file to which this report relates can be viewed at the Council's Time Square office during office hours or online at www.bracknell-forest.gov.uk

Unrestricted Report

ITEM NO: 10

Application No.
23/00097/FUL

Ward:
Sandhurst

Date Registered:
10 February 2023

Target Decision Date:
7 April 2023

Site Address:

**Acre House 12 Broom Acres Sandhurst Berkshire
GU47 8PW**

Proposal:

Proposed erection of part single storey part two storey front, side and rear extensions, single storey rear extension to include an annexe, following demolition of existing garage and utility room.

Applicant:

Mr Jas Grewal

Agent:

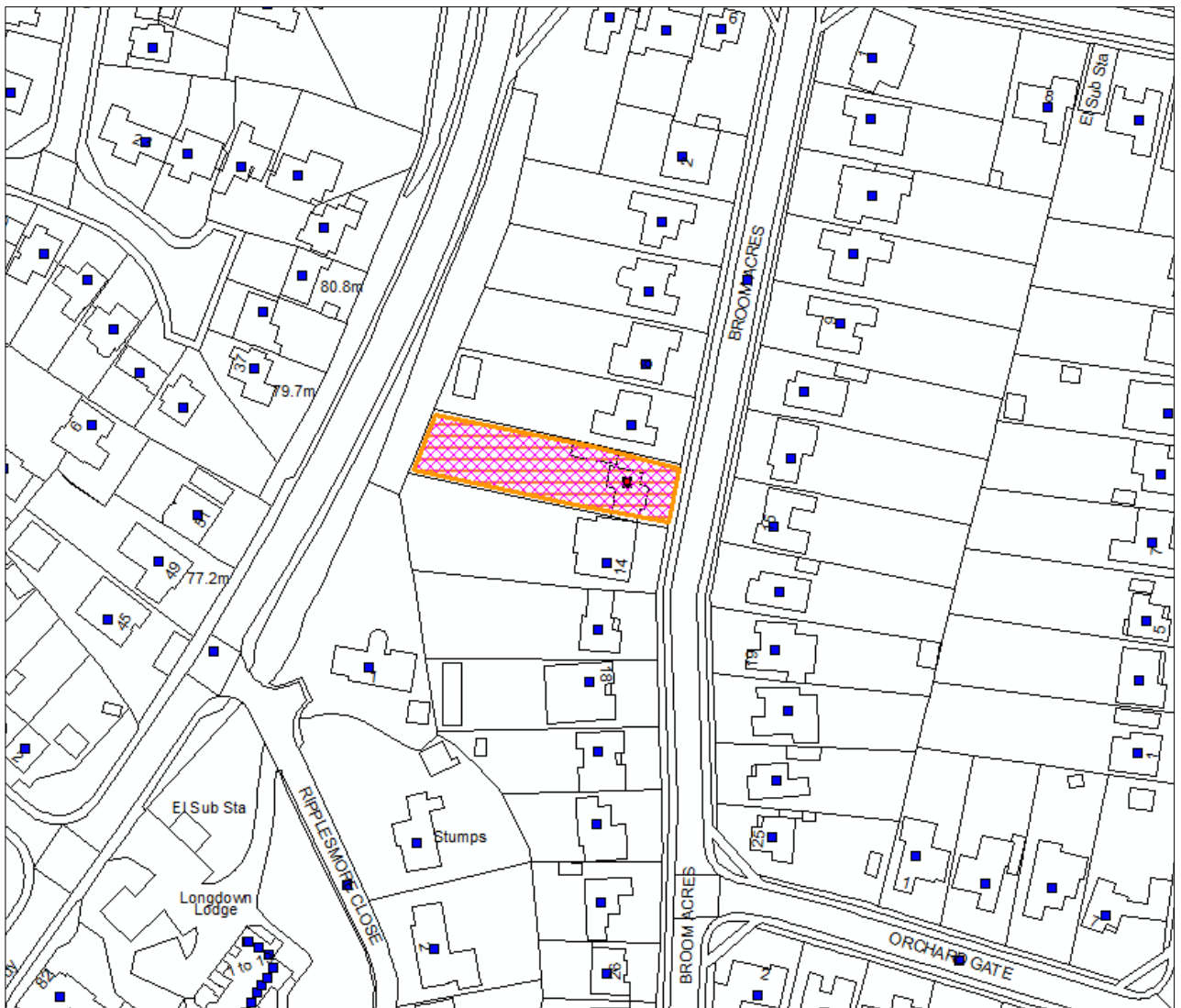
Mr Sukh Bal

Case Officer:

Shelley Clark, 01344 352000

Development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

- 1.1 The proposal is for the erection of a part single storey, part two storey front, side and rear extension and a single storey rear extension to include an annexe, following demolition of the existing garage and utility room.
- 1.2 The proposed development is within the settlement boundary. The proposal is not considered to be detrimental to the character and appearance of the area, neighbouring amenity or highway safety.

RECOMMENDATION
Planning permission be granted subject to the conditions set out in Section 11 of this report.

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

- 2.1 The application has been reported to the Planning Committee as the applicant is related to a member of staff whose role involves working directly with the Planning Division.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Within settlement boundary
Sandhurst Area C: Greenways in the Character Area Assessments SPD (2010).

- 3.1 The application site is located on the western side of Broom Acres in the Greenways area of Sandhurst. The site contains a part single storey, part two storey facing brick and tile detached dwelling house and is flanked by detached dwellings of a similar design. The site backs onto a strip of wooded amenity land adjacent to the Crowthorne Road.
- 3.2 The area is residential in character and the site is located within an Area of Special Housing Character as identified in the Bracknell Forest Local Plan, as well as within Sandhurst Area C: Greenways in the BFC Character Area Assessments SPD (2010).
- 3.3 The application site is located within the defined settlement boundary.

4. RELEVANT SITE HISTORY

- 4.1 The planning history can be summarised as follows:

22/00381/CLPUD: Certificate of lawfulness for the proposed erection of an outbuilding Approval 27.06.2022.

22/00694/FUL: Proposed erection of part single storey part two storey front, side and rear extensions, increase in roof height to provide additional accommodation with rear dormer, single storey rear extension to include an annexe, following demolition of existing garage and utility room.
Approval 21.12.2023.

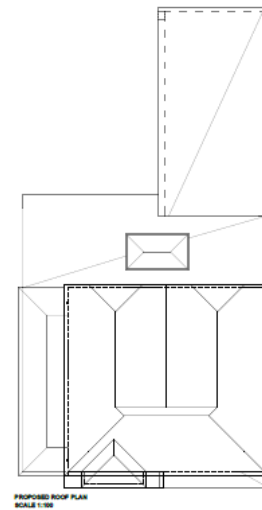
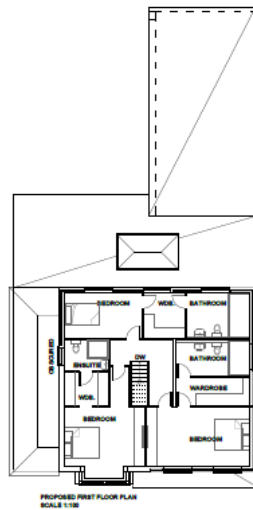
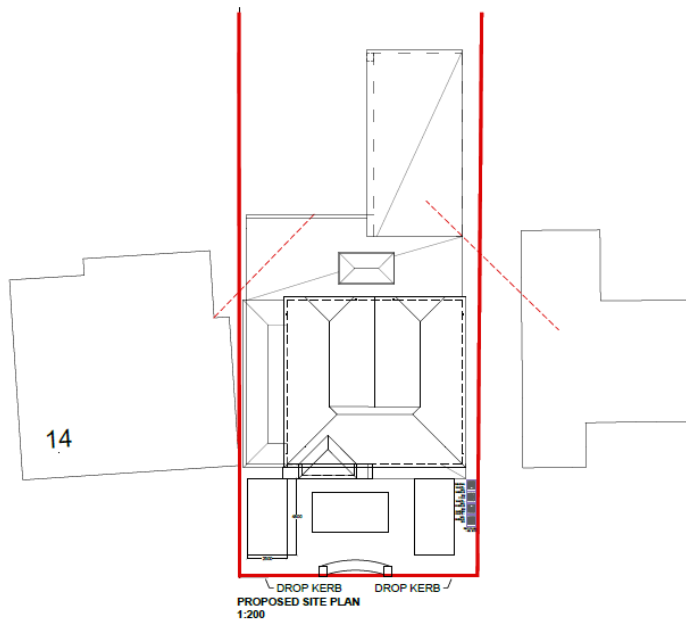
5. THE PROPOSAL

5.1 Full planning permission is sought for the erection of a part single storey, part two storey front, side and rear extension and single storey rear extension to include an annexe, following demolition of existing garage and utility room. Since the submission of the original application, plans have been amended and neighbouring properties reconsulted. The response from neighbours to this additional period of consultation will be reported in the Supplementary Report to the Committee.

5.2 The current proposal follows a recently approved planning application (22/00694/FUL) in December 2022, of the same description. This new application sees a reduction in built form along with a lowering of the ridge height, where the previously approved application included a 0.75 metre increase in ridge height. The comparison between the proposed development and previously approved scheme can be seen on the submitted comparison plan. The single storey attached annexe will replace an existing outbuilding with hipped roof closer to the boundary with no. 10 Broom Acres.

Proposed Comparison Plan





6. REPRESENTATIONS RECEIVED

6.1 Sandhurst Town Council

Sandhurst Town Council commented on the application on 27.02.2022 and offered no objection.

Other representations

6.2 A letter of support has been received from no. 10 Broom Acres (with regards to the original proposal).

Any further representations received following a period of reconsultation (see paragraph 5.1) will be reported in the Supplementary Report.

7. SUMMARY OF CONSULTATION RESPONSES

Highway Authority

- 7.1 Comments awaited, however, the proposed site layout/parking layout is the same as previously approved under planning permission 22/00694/FUL, where the Highway Authority offered no objection subject to appropriate conditions including the annexe to remain ancillary to the main dwelling.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
General policies	CP1 of SALP,	Not fully consistent
	CS1, CS2 of CSDPD	Consistent
Residential amenity	Saved policy EN20 of BFBLP	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Parking	Saved policy M9 of BFBLP	Consistent
Transport	CS23 of CSDPD	Consistent
Supplementary Planning Documents (SPD)		
Parking Standards SPD		
Design SPD		
Character Area Assessments SPD		
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		

9. PLANNING CONSIDERATIONS

- 9.1 The key issues for consideration are:

- i Principle of development
- ii Impact on character and appearance of the area
- iii Impact on residential amenity
- iv Transport implications
- v CIL

Principle of development

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

Development Plan, unless material considerations indicate otherwise, which is supported by the NPPF (paras. 2 and 12). Policy CP1 of the Site Allocations Local Plan sets out that a positive approach should be taken to considering development proposals (which reflects the presumption in favour of sustainable development set out in the NPPF), and that planning applications that accord with the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise.

- 9.3 Core Strategy Policies CS1 (Sustainable Development) and CS2 (Locational Principles) are relevant and consistent with the objectives of the NPPF and can be afforded full weight. In particular, Policy CS2 permits development within defined settlements.
- 9.4 The application site is located in a residential area that is within a defined settlement boundary.

Impact on character and appearance of the area

- 9.5 'Saved' policy EN20 of the BFBLP states that development should be in sympathy with the appearance and character of the local environment and appropriate in scale, mass, design, materials etc. Policy CS7 of the CSDPD states that the council would require high quality design for all development in Bracknell Forest. Development proposals would be permitted which build on the urban local character, respecting local patterns of development. Paragraph 130 of the NPF emphasises the importance of good design as key to making places better for people to live. Additionally, paragraph 130 of the NPPF states that the design of development should help improve the character and quality of an area and the way it functions.
- 9.6 The recommendations of the Character Area Assessments SPD relating to Area C: Greenways in Sandhurst promotes proposals using the same architectural approach and a similar materials palette as exists in the area. It says that boundary treatments should be in keeping with the existing character and promotes gables over roof extensions with dormers. In addition, key views out to the wider landscape and tree cover should be protected.
- 9.7 The proposed first floor side extension will retain a distance of at least 1 metre from the side boundary of the site in order to avoid a terracing effect and to retain views through to the trees beyond the rear of the property.
- 9.8 Since the original application, amendments have been sought to ensure that the proposal fits in with the character of the area and the design of other properties within the street.

Amendments are:

- To the proposed roof forms to better reflect other roofs in the area (the new main hipped roof would be similar in design to those found on other properties within the street, notably the one directly opposite).
- To the eaves level (this now meets the top of the first-floor windows as found on neighbouring properties).
- To the fenestration to be more in keeping with those found on the existing house
- To the materials (so that the exterior materials in the principal elevation facing the highway will be facing brick at first-floor level and painted render (cream) at ground floor level, with tiles to match the existing)



The painted render would not be characteristic of the area as originally developed but has been used for other dwellings in the vicinity, including the one directly across the street.

- 9.10 The design of the front facing gable would remain, however, the forward projecting bay window will be extended upwards at first-floor level.
- 9.11 The proposed single storey rear extension and annex are finished in facing brick and there will be a flat roof with a roof lantern over the rear extension. These would not be visible in the streetscape.
- 9.12 Following amendments, the proposal is now not considered to adversely affect the character and appearance of the surrounding area and as such would be in accordance with 'Saved' policy EN20 of the BFBLP, Policy CS7 of CSDPD, Character Area Assessments SPD (2010) and the NPPF.

Impact on Residential Amenity

- 9.13 'Saved' policy EN20 of the BFBLP states that development will not adversely affect the amenity of surrounding properties and adjoining area. Paragraph 130 of the NPPF states that the Local Planning Authority should ensure high quality amenity for all existing and future occupants.
- 9.14 With regards to no. 14 Broom Acres, the two-storey and single-storey projections would not result in a loss of light or be overbearing on this property due to their positioning relative to the two-storey and single-storey elements of the flank of this property.
- 9.15 At No. 10, the first-floor window in the side elevation facing the application site serves a bathroom and the ground floor windows in the elevation serve a utility room and a kitchen which leads to a breakfast conservatory to the rear. The link

between the kitchen and the conservatory consists of a large opening the width of the kitchen and thus the kitchen window is not considered the primary source of light for this space.

- 9.16 The only proposed window in the first-floor side elevation is a bathroom window facing No. 10, that would be conditioned to be obscure-glazed and fixed below 1.7 metres above floor level to avoid overlooking. There are no dwellings to the rear of the property which might be affected by overlooking.
- 9.17 The proposed flat roof single storey rear extension and attached annexe will replace an existing outbuilding with hipped roof closer to the boundary, and as such the proposal would not be considered as overbearing.
- 9.18 It is therefore considered that the development would not result in an adverse impact on the amenity of neighbouring occupiers and would also provide an acceptable level of amenity for future occupiers, in accordance with BFBLP 'Saved' Policy EN20 and the NPPF, subject to the recommended condition.

Transport implications

- 9.19 Policy CS23 of the CSDPD states that the council will use its planning and transport powers to reduce the need to travel, increase the safety of travel, promote alternative modes of travel and promote travel planning. 'Saved' policy M9 of the BFBLP states that development will not be permitted unless satisfactory parking provision is made for vehicles and cycles. The supporting text to this policy refers to the Parking Standards SPD and that there may be circumstances where a more flexible approach to the parking standards is justified.
- 9.20 The residential standards in the Parking Standards SPD state that a dwelling containing four or more bedrooms requires three parking spaces.
- 9.21 The proposal represents an increase of accommodation from a four-bedroom dwelling with outbuildings to a three-bedroom dwelling with attached annexe containing two bedrooms.
- 9.22 The Highway Authority has previously indicated in relation to a similar previous application (22/00694/FUL) that provided the proposal is covered by a planning condition to ensure the annexe remains ancillary to the main dwelling, then only three parking spaces will be required. A condition of this nature is included in the recommendation.
- 9.23 The recommendations for Sandhurst Area C: Greenways in Chapter 2 of the BFC Character Area Assessment SPD relating to boundary treatment are that these should be in keeping with the existing character, i.e. enclosed brick wall with shrub planting. The boundary treatment will be conditioned to be re-instated beyond the dropped kerb area.
- 9.24 As a result it is not considered that the proposed development would result in an adverse impact on highway safety, in accordance with CSDPD Policy CS23, BFBLP 'Saved' Policy M9, the Parking Standards SPD, and the NPPF.

CIL

- 9.25 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. CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted). In this case, the proposal would not be CIL liable as it does not comprise the creation of new dwellings.

10.0 CONCLUSIONS

- 10.1 The proposed development is within the settlement boundary where the principle of development is acceptable. The proposal is not considered to be detrimental to the character and appearance of the area, neighbouring amenity or highway safety. The application is therefore recommended for conditional approval as being in accordance with CSDPD Policy CS7 and CS23, BFBLP 'Saved' Policy EN20 and M9, and the NPPF.

11.0 RECOMMENDATION

- 11.1 That the application be **APPROVED** subject to the following conditions amended, added to or deleted as necessary:

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

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

02. The development hereby permitted shall be carried out only in accordance with the following approved plans and documents received by the Local Planning Authority on 18th May 2023:

Drawing Nos.

110
120
130
140
160

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

03. The bricks, tiles and window frames to be used in the construction of the external surfaces of the extensions hereby permitted shall be of similar appearance to those of the existing building.

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

04. The new first floor window in the north-facing side elevation of the extension hereby permitted shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent). It shall at all times be fixed

with the exception of an openable fanlight that is no less than 1.7m above the internal floor level of the room that the window serves.

REASON: To prevent the overlooking of neighbouring properties.
[Relevant Policy: BFBLP EN20]

05. 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 additional windows, similar openings or enlargement thereof shall be constructed at first floor level and above in the side elevations of the development hereby permitted (except for any which may be shown on the approved drawing(s)), unless they are glazed with a minimum of Pilkington Level 3 obscure glass (or equivalent) and fixed shut, or the parts of the window, opening or enlargement which are clear glazed and/or openable are more than 1.7 metres above the floor of the room in which it is installed.

REASON: To prevent the overlooking of neighbouring properties.
[Relevant Policy: BFBLP EN20]

06. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and re-enacting that order with or without modification, the annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwellinghouse, known as Acre House, 12 Broom Acres, and shall at no time form a separate dwelling.

REASON: The creation of a separate unit would not provide sufficient off-road parking to comply with Council parking standards.
[Relevant Policy: BFBLP M9]

07. The extensions hereby permitted shall not be occupied until the access has been constructed in accordance with the approved plan with an access on either side of the front wall. The front wall shall not exceed the height of the existing wall and shall be in a similar style and materials as the existing wall. The access points shall thereafter be retained.

Reason: In the interests of highway safety and the free flow of traffic.
[Relevant Policy - CSDPD CS23]

08. The extensions hereby permitted shall not be occupied until the associated vehicle parking has been surfaced with a porous and bound or bonded material (in accordance with the approved Site Plan) with a dropped-kerb serving each access either side of the wall. The three spaces shall thereafter be kept available for parking at all times.

REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users and to reduce surface water run-off contributing to flood risk.

[Relevant Policies: BFBLP M9, CSDPD CS1, CS7 and CS23]

09. Surface runoff water from the new development may not be discharged into the highway or the sewer system.

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

[Relevant Policies: CSDPD CS1, BFBLP EN25]

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. No details are required to be submitted in relation to the following conditions. However they are required to be complied with:
 1. Time limit
 2. Approved plans
 3. Materials
 4. Side Windows
 5. Future Side Windows
 6. Use of Annexes
 7. Access
 8. Parking
 9. Surface Runoff Water
03. The applicant should note that this permission does not convey any authorisation to enter onto land or to carry out works on land not within the applicant's ownership.
04. This is a planning permission. Before beginning any development you may also need separate permission(s) under Building Regulations or other legislation. It is your responsibility to check that there are no covenants or other restrictions that apply to your property.
05. This planning permission does not grant consent for a dropped kerb. 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@bracknell-forest.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. More information about how to apply for a new dropped-kerb is available at: <https://www.bracknell-forest.gov.uk/roads-parking-and-transport/parking/dropped-kerbs-vehicleaccess/>.
06. Any incidental works affecting the adjoining highway (including any adopted highway verge or footpath) or works requiring contractors to occupy the highway (including any adopted highway verge or footpath) shall be approved and a licence obtained before any work is carried out within the highway,

through contacting The Highways and Transport Section at Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 352000 or via email at Highways.Transport@bracknell-forest.gov.uk. A formal application should be made allowing at least 12 weeks prior to when works are required to allow for processing of the application, agreement of the details and securing the appropriate agreements and licences to undertake the work. Any work carried out on the public highway without proper consent from the Highway Authority could be subject to prosecution and fines related to the extent of work carried out.

07. No builder's materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.
08. Before undertaking demolition/roof works, appropriate action must be taken to check the building or structure for evidence of bats as a European protected species. Bats are protected under The Conservation of Habitats and Species Regulations 2010, which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). It is illegal to obstruct, disturb, damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If bats are discovered during the work, you must stop immediately and contact Natural England (0845 600 3078) for advice before continuing.