

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

Planning Applications

(Assistant Director: Planning)

EMERGENCY EVACUATION INSTRUCTIONS

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

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

5.	PS 18/00242/OUT Land At Amen Corner South, London Road, Binfield	9 - 54
	Hybrid planning application for a residential-led mixed-use development comprising: outline planning application for commercial development (Use Classes A2 (financial and professional services)/B1 (business)/B8 (storage or distribution)) on 0.95ha (all matters reserved, except for access); and full planning application for 302 residential dwellings, public open space and spine road, estate roads, landscaping, drainage, levels and car parking. [Re-consultation on comprehensively revised plans. The site spans the Wokingham Borough Council / Bracknell Forest Council administrative boundary: an area proposed as public open space to the far west of the application site falls within Wokingham Borough].	
6.	PS 23/00191/FUL 19 Tawfield, Bracknell, Berkshire	55 - 64
	Proposed two storey side extension and single storey front extension, following demolition of garage to side.	
7.	TPO 1393 - Land at 6 & 13 Sandford Down and 34 Fordwells Drive, Bracknell	65 - 72

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

Published: 7 August 2023

EMERGENCY EVACUATION INSTRUCTIONS

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PLANNING COMMITTEE
20 JULY 2023
6.30 - 8.36 PM

Present:

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

Present Virtually:

Councillor Smith

Visiting Councillors Present:

Councillor Gillbe

Apologies for absence were received from:

Councillor Karim

12. Minutes

Subject to the amendment of the attendance details to include additional visiting members, Cllrs Gaw, Harrison and Virgo, it was

RESOLVED that the minutes of the meeting held on 15 June 2023 be approved as a correct record.

13. Urgent Items of Business

There were no Urgent Items of Business.

14. Declarations of Interest

Councillor Smith declared an Affected Interest in Item 5: Land West Of Maize Lane and East Of Old Priory Lane (Land Parcel 3) Warfield, Bracknell as both he and his employer had provided professional support to a subsidiary of the applicant within the last two years and would withdraw from the meeting for the consideration of this item.

Councillor Barnard declared in relation to Item 5: Land West Of Maize Lane and East Of Old Priory Lane (Land Parcel 3) Warfield, Bracknell that he was a Warfield Parish Councillor.

15. 22/00578/REM - Land To East Of Maize Lane and East Of Old Priory Lane (Land Parcel 3) Warfield, Bracknell

The site address was amended to Land West Of Maize Lane and East Of Old Priory Lane (Land Parcel 3) Warfield Bracknell Berkshire

The Committee noted:

- The supplementary report tabled at the meeting
- The comments from Warfield Parish Council objecting to the proposal
- The 9 representations objecting to the proposal which were detailed in the report

- That a site visit had taken place on 15 July 2023, attended by Cllrs Collings, Penfold, Egglestone, Brown, Barnard and Hayes.

The motion to move the officer's recommendation was not seconded. An alternative motion to defer was carried.

The Committee agreed to defer the item to allow for further discussions with the applicant around the location, aspect and view of Apartment Block A to take into account its impact on the Whitegrove roundabout, and whether it could be more sympathetically integrated into Maize Lane and the existing street scene to the south of the Whitegrove roundabout.

CHAIRMAN

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

**PLANNING COMMITTEE
17th August 2023**

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

		Case Officer	Reporting Officer
05	<p>18/00242/OUT Land At Amen Corner South London Road Binfield (Binfield South and Jennett's Park Ward) Hybrid planning application for a residential-led mixed-use development comprising: outline planning application for commercial development (Use Classes A2 (financial and professional services)/B1 (business)/B8 (storage or distribution)) on 0.95ha (all matters reserved, except for access); and full planning application for 302 residential dwellings, public open space and spine road, estate roads, landscaping, drainage, levels and car parking. [Re-consultation on comprehensively revised plans. The site spans the Wokingham Borough Council / Bracknell Forest Council administrative boundary: an area proposed as public open space to the far west of the application site falls within Wokingham Borough]. Recommendation: Approve.</p>	Simon Roskilly	Jo Male
06	<p>23/00191/FUL 19 Tawfield Bracknell Berkshire (Great Hollands Ward) Proposed two storey side extension and single storey front extension, following demolition of garage to side. Recommendation: Approve.</p>	Kevin Lloyd Jones	Basia Polnik

Additional Item

TPO 1393 – Land at 6 & 13 Sandford Down and
34 Fordwells Drive Bracknell

Stephen Chown

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: 05

Application No.
18/00242/OUT

Ward:
Binfield South and
Jennett's Park

Date Registered:
7 March 2018

Target Decision Date:
6 June 2018

Site Address:

**Land At Amen Corner South London Road Binfield
Bracknell Berkshire**

Proposal:

Hybrid planning application for a residential-led mixed-use development comprising outline planning application for commercial development (Use Classes A2 (financial and professional services), B1 (business), B8 (storage or distribution)) on 0.95ha (all matters reserved, except for access); and full planning application for 302 residential dwellings, public open space and spine road, estate roads, landscaping drainage, levels and car parking. The site spans the Wokingham Borough Council / Bracknell Forest Council administrative boundary: an area proposed as public open space to the far west of the application site falls within Wokingham Borough].

Applicant:

Persimmon Homes North London

Agent:

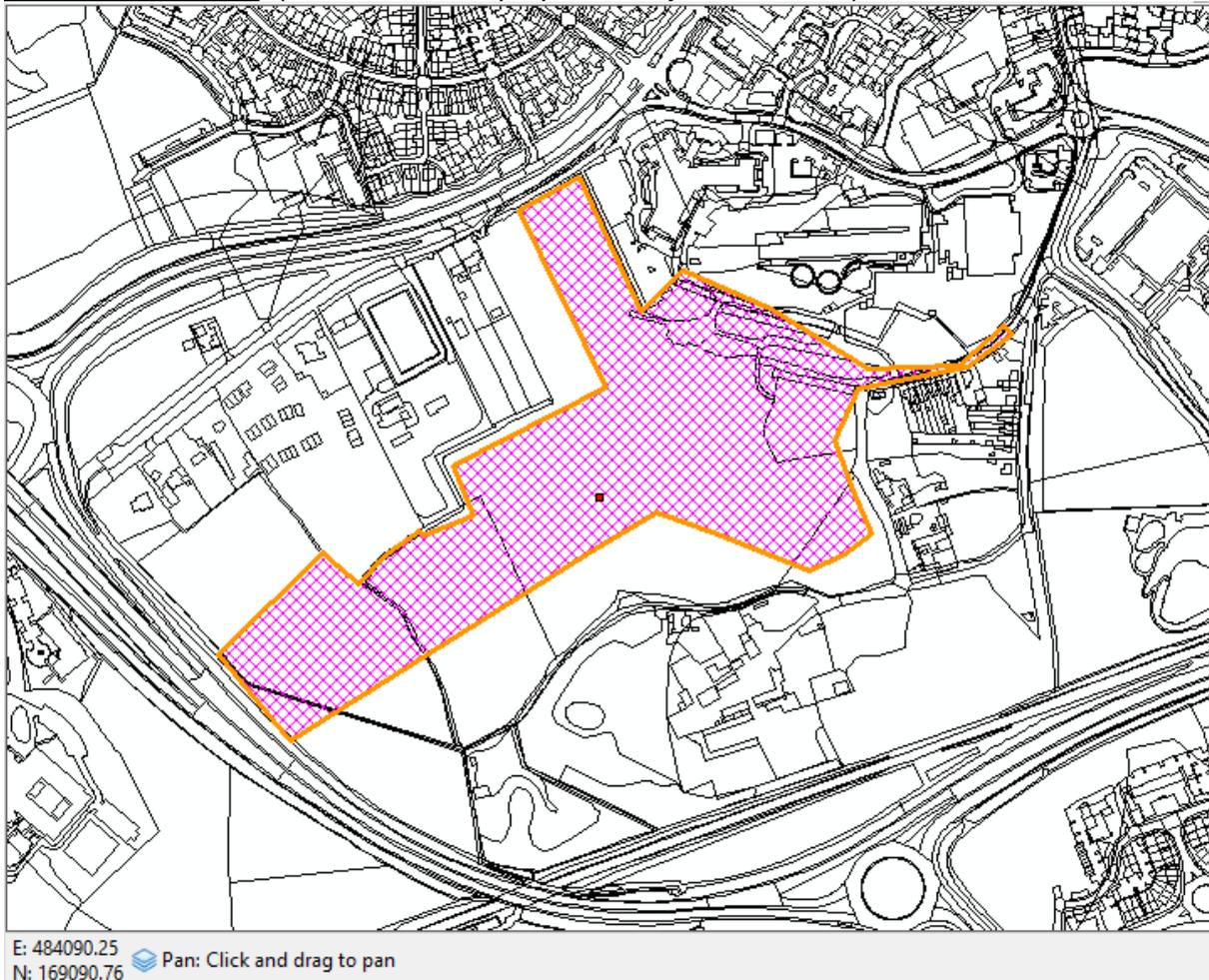
(There is no agent for this application)

Case Officer:

Simon Roskilly, 01344 352000

Development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1.0 SUMMARY

- 1.1 The development site comprises part of a larger site allocated for a mixed-use development under the Site Allocations Local Plan (SALP) and in particular Policy SA8. Given this policy designation, the proposed residential development consisting of 302 dwelling units, and the commercial development to which the outline part of the application relates, is considered acceptable in principle.
- 1.2 The proposed layout of the mixed-use development, including 302 dwelling units, is considered to respond well to challenging constraints, creating a 'sense of place' and at the same time allowing for the wider comprehensive allocation to be delivered.
- 1.3 The architectural design of the proposed dwellings and apartments is considered appropriate to the site and its proposed Character Areas, yet at the same time sympathetic to the wider allocated area.
- 1.4 The proposal would result in no adverse impacts upon the amenity of both existing and future occupiers. The proposed changes to how North View/Moors Lane will function creates a betterment. The changes will include a stopping up of North View, north of Moor Lane, with the inclusion of a turning head. This will prevent commercial traffic from accessing land at Buckhurst Moors south via North View. All commercial traffic to the southern site will go via the newly created loop road within the development site.
- 1.5 The Highway Authority is satisfied that the development can accommodate the number of units in a way that links up safely with the strategic highway network.
- 1.6 The proposal is also considered to appropriately address biodiversity and drainage issues, Thames Basin Heaths SPA mitigation, general infrastructure requirements and renewable energy policies, subject to conditions and suitable obligations being secured by way of a S106 Legal Agreement.

RECOMMENDATION
That the Assistant Director: Planning be authorised to grant planning permission subject to conditions set out in Section 11 of this report and a section 106 agreement in relation to the Thames Basin Heaths SPA, highway matters, any future educational needs, Biodiversity Net Gain, Reptile Mitigation and SuDS monitoring fee, associated infrastructure contributions and an overall obligation monitoring fee.

2.0 REASON FOR REPORTING APPLICATION TO PLANNING COMMITTEE

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

3.0 PLANNING STATUS AND SITE DESCRIPTION

- 3.1 The application relates to part of the site known as Land at Amen Corner (South) which lies within the settlement boundary and which is allocated for a comprehensive mixed-use development by virtue of Policy SA8 of the Site Allocations Local Plan (SALP). It is located within 5km of the Thames Basin Heaths SPA.

- 3.2 The application site lies approximately 2.5km to the west of Bracknell town centre. It extends to approximately 9.45 hectares of mainly open land between Bracknell and Wokingham. The site is bordered by London Road, the Coppid Beech Hotel and the former John Nike Leisure Complex (now demolished), to the north, Buckhurst Moors (a commercial site) to the south; the A329 to the west and Beehive Road to the east. The site abuts a small group of residential properties on North View and Moor Lane on its eastern edge. The site itself comprises vacant agricultural land that is overgrown in parts. Part of the site to the west lies within the administrative area of Wokingham Borough Council (WBC).
- 3.3 Land on the northern side of London Road, opposite this site, comprises the Amen Corner (North) urban extension where a development of approximately 400 dwellings and a single form entry primary school has been approved, built out and occupied.
- 3.4 The Amen Corner Business Park, part of the wider Western Industrial Area, lies to the east of the site.
- 3.5 An area of woodland along its northern boundary separates the site from the Coppid Beech Hotel and the former, now demolished, John Nike Leisure Complex to the north. To the northwest, the site backs onto development fronting the truncated section of London Road ("Old London Road"), including a number of private houses of which two sites known locally as 'Norbury' and 'Land to the south of Coppid Beech House' are currently being redeveloped for residential purposes. There is also an operating guest house, a water works (South East Water's Buckhurst Water Treatment Works and Depot) with covered reservoir and a children's nursery which is within the remit of WBC.
- 3.6 The only vehicular access to the site at present is via Beehive Road, North View and Moor Lane which serves the commercial uses to the south of the site, predominantly Buckhurst Moors. In addition, a number of public rights of way (PRoW) cross the site providing footpath links from London Road south to Peacock Lane crossing both the railway line and the A329 into Wokingham borough.
- 3.7 There is a mixture of existing land uses within the site. The northern part of the site comprises a large open hillside, comprising former agricultural land (semi-improved grassland). The lack of active management has resulted in considerable scrub encroachment and the degradation of hedgerows. The area is used, unofficially, for dog walking and scrambling with motorbikes.
- 3.8 This hillside slopes down to level fields located in the south-west corner of the site (the Wokingham land) used for horse grazing. There are a number of derelict farm buildings on lower ground to the east in close proximity to North View.
- 3.9 The northeastern part of the site comprises untidy areas of former open parking bordered by woodland.

PLANNING STATUS
Within part of the larger Site Allocations Local Plan (SALP) allocated site for residential development (Policy SA8)
Within 5km of the Thames Basin Heaths Special Protection Area (SPA)

4.0 RELEVANT SITE HISTORY

- 4.1 04/00791/OUT Outline application for the erection of 700 dwellings and 45,000 square metres of office, research & development light industrial, general industrial and storage and distribution and demolition of 28 existing dwellings. **REFUSED 12.10.2004.**
- 4.2 12/00993/OUT Outline application with means of access to be determined, for the development of approximately 30 hectares of land at Amen Corner to provide up to 550 dwellings; a neighbourhood centre of up to 2,500 sq. metres (comprising accommodation within use classes A1, A2, A3, A4, D1 or D2); the construction of a new road between London Road and Cain Road; the construction of new junctions with the existing local road network at London Road, North View, South View and Beehive Road to provide vehicular access to the site; the creation of new accesses to the Coppid Beech Hotel/Ski Centre from the site together with replacement car parking spaces and the reconfiguration of existing car parks; the provision of associated public open space; children's play areas; Suitable Alternative Natural Greenspace (SANG); Sustainable Drainage systems; internal roads, paths, car parking and landscaping. **Committee resolution to approve however S106 never signed.**

5.0 THE PROPOSAL

- 5.1. The application is a hybrid planning application for a residential-led mixed-use development comprising: -
- Outline planning application for commercial development (Use Classes A2 (financial and professional services)/B1 (business)/B8 (storage or distribution)) on 0.95ha (all matters reserved, except for access); and
 - Full planning application for 302 residential dwellings, public open space and spine road, estate roads, landscaping, public right of way diversion, drainage, levels and car parking.



Figure 1- Proposed Site Layout

- 5.2 The part of the development site, outlined in red, that relates to the 'outline' element of the submission is outlined in blue on the plan below (figure 2). This seeks outline consent for commercial development (Use Classes A2 (financial and professional services)/B1 (business)/B8 (storage or distribution)) on 0.95ha with all matters reserved, except for access.
- 5.3 In September 2020 Use Class E was introduced to cover Use Classes A1 (Shops), A2 (Financial and Professional), A3 (Restaurants and Cafes) as well as parts of D1 (non-residential institutions) and D2 (Assembly and Leisure). However, as Statutory Instrument S1 2020/757 states, 'If prior to the commencement of the material period, a relevant planning application was submitted, or was deemed to be submitted, to the local planning authority which referred to uses or use classes which applied in relation to England and were specified in the Schedule to the Use Classes Order on 31st August 2020, that application must be determined by reference to those uses or use classes'. This is the reason why the original description of development associated with the outline commercial area has not subsequently changed.
- 5.4 However, if consent, is to be given then consideration would need to be had as to what elements of Use Class E would now be appropriate on this site, and any need to restrict the consent. Please note that although never set out in the description of development illustrative plans for the outline area of the site have clearly shown a shop potentially forming part of the commercial layout. Given this, the outline proposal has been assessed on the basis that a shop could form part of the final reserved matters layout.



Figure 2- Extract from the Proposed Commercial Outline Plan

- 5.5 Full planning permission is sought for a total of 302 units on the remaining area of the site. The proposed housing mix for the development is as follows:
- 1 Bed Flat - 65
 - 2 Bed Flat - 47
 - 2 Bed House - 162
 - 3 Bed House - 27
 - 4 Bed House – 1
- 5.6 The scheme will include the provision of 25% units as affordable housing, in accordance with the current adopted policy approach. All affordable unit sizes and standards are in line with local policy and the Nationally Described Space Standards.
- 5.7 The 76 proposed affordable units (25% of the dwellings) will be provided with the following tenure:
- Shared Ownership – 23
 - Affordable Rent – 32
 - Social Rent - 21
- 5.8 The applicant is to provide a spine road, along with associated junction works, connecting this development site and other areas of the allocation with both London Road and John Nike Way. This allows the allocated site to be connected to the strategic highway network.
- 5.9 The site spans the Wokingham Borough Council / Bracknell Forest Council administrative boundary, with an area proposed as public open space at the far western side of the application site falling within Wokingham Borough. As a result, a duplicate application has been submitted to WBC (ref: 180711).
- 5.10 The scheme has been significantly amended since its first submission in 2018, at which time it proposed a total of 442 dwellings in addition to the commercial element. A number of years of negotiation between BFC and Persimmon Homes has resulted in a lower density proposal that is considered to be more akin to what was originally envisioned bearing in mind the significant site constraints.

6.0 REPRESENTATIONS RECEIVED

Binfield Parish Council (Comments on original submission)

- 6.1 The following comments were provided on the original scheme for 442 dwellings. The amended scheme which proposes 302 dwellings has been re-advertised however, no further comments have been received.

The Binfield Parish Council Planning & Transportation Committee agreed to RECOMMEND REFUSAL for the following reasons: -

- (i) Lack of master planning - whilst this development is for 442 homes plus a commercial area it should not be ignored that the whole site is intended to accommodate 725 houses, nor that there is a brand new development of almost 400 homes immediately across the London Road. **[Officer Comment: The applicant has taken into account the requirements of SALP Policy SA8, and as such has designed their layout to respond to the allocation as a whole, therefore not prejudicing future smaller allocated sites from coming forward.]**

- (ii) Access road - the drawings do not make it clear if/where the site will be able to access old London Road and London Road. By using the spine road John Nike Way this will force all traffic past the school and the quiet residential areas of North and South view. **[Officer Comment: Since the scheme was originally submitted in 2018 the scheme, and in particular, the planned road network has evolved to take into account existing and future traffic concerns. The Local Highway Authority are now happy with the latest scheme subject to conditions and obligations set out in the associated S106 Legal Agreement]**
- (iii) Lack of community facilities and critical infrastructure for successful communities - with 442 homes on this site and approx. 378 at the Amen Corner North development it is disappointing that neither site provides any community facility beyond each having a single form entry primary school. Communities need common places to shop, eat, drink, participate in activities. The lack of community facility is very disappointing. **[Officer Comment: The proposal does provide, within the outline commercial area, the opportunity for a shop should it later be required]**
- (iv) Increasing traffic volumes onto an already congested road network by at least 750 vehicles. **[Officer Comment: The latest proposal for 302 dwellings, alongside the outline commercial area, has been fully modelled against the latest available traffic movements in and around the area. The outcome of said modelling is that the Local Highway Authority are happy with the proposal subject to on and offsite highway works being assessed in detail at the S278/S38 stage.]**
- (v) The SANG for this site is not easily accessible, being located over a footbridge that crosses the A329M. **[Officer Comment: The applicant is required to make a significant contribution to mitigate this development against any potential harm to the Thames Basin Heath SPA. Further information on how this will be achieved can be found in section ix. Thames Basin Heaths Special Protection Area of this report.]**
- (vi) The Parish Council is committed to the principle that residents should not have to get into a car to do everything - this development does not support that principle. **[Officer Comment: On site the development provides large areas of open amenity space, connections with existing PRow linking Bracknell with Wokingham borough, pedestrian links through existing on-site woodland features (for example Woodland Walk) and cycle/pedestrian links throughout the site connecting residents to the wider Binfield/Bracknell pedestrian/cycle network. The road layout and widths have also been developed so that they can accommodate future bus services should the need arise. As such it is considered that this development does promote the use of non-car modes of transportation.]**

Wokingham Borough Council (WBC)

6.2 WBC did originally object to the scheme mainly on the grounds that the development, once up and running, would cause issues in terms of the capacity on the surrounding strategic highway network, which impacts on WBC. However, following discussions between the two Local Highway Authorities, the following comments have been received: -

'Wokingham Borough Council have reviewed their own strategic modelling which suggests that Coppid Beech junction will operate within acceptable parameters, taking into account a larger development than is proposed. The development is unlikely to

lead to any significant harmful impact on this junction or the wider network and Wokingham Borough Council are therefore content to withdraw their objection on this point.'

However, they do object on the following grounds: -

'Regarding the improvements to Wokingham Footpath 37, no additional details have been received. There would also be increased pressure on Wokingham footpath 34. Wokingham Borough Council maintains its objection on this point and will seek resolution of these issues with the applicant and Bracknell Forest Council.'

[Officer Comment: If WBC wish to resurface their footpath within their administrative area to accommodate additional footfall, then they can secure the means by way of conditions and/or planning obligation associated with their duplicate planning application (ref: 180711).]

Network Rail (non-statutory consultee)

- 6.3 Network Rail objects to the development of the Persimmon site as the site needs to take into consideration how its drainage could affect the railway line to the south. **[Officer Comment: The LLFA are happy with Persimmon's surface water drainage strategy and have identified specific additional measures that will ensure the concerns of Network Rail are addressed. Plans showing these additional measures have been submitted].**

Other representations

- 6.4 Eleven objections were received. The main concerns are as set out below: -
- Land contamination
[Officer Comment: Environmental Health were consulted on this scheme and the various amendments. They have looked at the proposed Land Remediation Scheme and are happy with it subject to suitably worded conditions.]
 - Loss of privacy
[Officer Comment: Potential for there to be a loss of privacy is addressed in Section 9, iv. Impact on Residential Amenity of this report]
 - Increased noise and traffic.
[Officer Comment- There will be an increase in traffic and noise in the area during the construction phases and throughout the occupation of the dwellings. However, a level of noise is to be expected within an area allocated for housing and within the designated settlement. Any future concerns regarding noise nuisance can be considered by the Council's Environmental Heath team.]
 - Potential damages during construction.
[Officer Comment: Any damages by the developer to any private property would be a private legal matter between the two landowners.]
 - Access to Buckhurst Moors beyond and commercial traffic.
[Officer Comment- These comments are addressed in section 9, v. Transport and Highways Considerations of this report. However, in summary the changes

to the local road network will create a betterment in that no commercial traffic currently serving the Buckhurst Moors site will pass residential properties on North View, a road which is considered substandard in terms of its width and lack of pedestrian footpaths.]

- Access and parking concerns with school. Also where are the school children going to go?

[Officer Comment: As it stands currently there is no need for a new Primary School to serve the 302 units. However, the Local Education Authority (LEA) expect to see less of a surplus when they receive updated figures in October 2023. Due to the lack of certainty as to when this allocation will be delivered, what the housing build rate will be and that the current surplus in primary school places is predicted to decrease, s106 obligations will need to safeguard/secure land for the provision of a primary school. If, within a 10-year period, the land in question is required for educational purposes then a separate planning application would be made by the Local Education Authority and any issues regarding access and parking associated with the school will be assessed at that time.]

- Insufficient drainage proposed.

[Officer Comment: Issues relating to surface water drainage are addressed in section 9, viii. Surface Water Drainage/Flood Risk of this report. However please note that the proposed foul water drainage network will be a gravity fed system, draining to the east to connect to the existing 225mm diameter Thames Water sewer near the junction of North View and Beehive Road. Since 2019 it is the responsibility of the water companies to ensure they provide capacity for new developments, given sufficient notice of the timings of the release of properties. Persimmon Homes have assured me that they will work closely with Thames Water to ensure they are aware of the build programme as soon as planning is granted to ensure they provide capacity as they are obligated to do within reasonable timeframes.]

- Japanese knotweed concerns

[Officer Comment: Any concerns regarding Japanese Knotweed would be the responsibility of the site owner to deal with when developing the site.]

- Impact upon local wildlife.

[Officer Comment: Any concerns regarding on-site flora and fauna are addressed in section 9, vi. Biodiversity of this report]

- Infrastructure and lack of adoption of John Nike Way which will not be able to cope with the number of dwellings.

[Officer Comment: The applicant is required, at their own expense, to provide a Spine Road through the development strategically linking the site with the wider area, as well as construct much of an inner loop road to the south of the site. This provision, in consultation with the Local Highway Authority, is now considered an acceptable level of mitigation given the scale of the development and what is required under SALP Policy SA8, given the needs to address a comprehensive development of the wider site. This subject is further expanded upon within section 9, v. Transport and Highways Considerations of this report.]

-Development of this site should not prejudice the development of the wider Amen Corner South SALP Policy SA8 allocation.

[Officer Comments: The development of this site, as proposed by Persimmon Homes, will not prejudice other areas of the allocation from coming forward and, in fact, allows for pedestrian/cycle/ vehicular linkages to take place where required within the wider allocation.]

- Limited consultation.

[Officer Comment: A full consultation was carried out when the application was submitted with the occupants of local properties adjoining the site, be it residential and commercial, notified by letter. A full suite of site notices was also placed around the boundaries of the site in areas that are publicly accessible. There were also notices published in the local press due to the scale of development and the fact that existing Public Rights of Way (PRoW) would be affected. Further public consultation was carried out on amended plans, with all plans being uploaded onto the online planning file.]

- Previously told that dwellings on North View will be bought out.

[Officer Comment: The site is the subject of a complicated planning history of which many parties have been involved over the years. There is no formal record of said statement although properties on North View are located within an area allocated for redevelopment, as set out in SALP Policy SA8.]

7.0 SUMMARY OF CONSULTATION RESPONSES

Highways Officer

7.1 Recommend approval subject to conditions and S106 obligations.

Environmental Health

7.2 Recommend approval subject to conditions.

Biodiversity Officer

7.3 The proposed Biodiversity Net Gain strategy is considered appropriate as part on-site and a financial contribution towards off-site biodiversity net gain projects. There were some concerns regarding the relocation of slowworms. However, the Council's Biodiversity Officer has subsequently confirmed that an appropriate reptile relocation mitigation strategy can be secured by way of a S106 legal obligation. Recommend approval subject to conditions and S106 obligations.

Education

7.4 S106 obligations will need to safeguard and secure land for the purposes of educational uses for an appropriate period of time.

Tree Officer

7.5 The scheme has been designed to work well with the existing tree constraints and as such the Tree Service have no objection to the scheme, subject to a condition making sure the development is carried out in accordance with the already submitted Arboricultural report.

Waste and Recycling Officer

7.6 No objection.

Lead Local Flood Authority (LLFA)

7.7 The LLFA are happy that the principle of the proposed surface water drainage scheme in that it will be able to mitigate surface water generated from the development. As such the LLFA recommend approval subject to conditions and S106 obligations.

Thames Basin Heaths SPA Officer

7.8 No objection subject to mitigation being secured by way of a S106 Legal Agreement.

Natural England

7.9 Providing that the appropriate assessment concludes that the measures are secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other likely significant effects identified (on this or other protected sites) as requiring to be considered by your authority's appropriate assessment, Natural England indicates that it is likely to be satisfied that your appropriate assessments will be able to ascertain that there will be no adverse effect on the integrity of the European Site (from recreational pressure in view of its conservation objectives). Natural England will likely have no further comment regarding the Appropriate Assessment, in relation to recreational disturbance.

Housing Enabling Officer

7.10 302 residential dwellings proposed; therefore 76 dwellings are needed (25.16%). It has been agreed that 21 Social Rented units, 32 Affordable Rent capped at LHA and 23 Shared Ownership units should be provided. 7 units of varied size are Wheelchair accessible and adaptable. The Housing Enabling Officer is satisfied that the above tenure and dwelling mix is appropriate to meet local housing needs.

Royal Berkshire Fire Brigade

7.11 Access to be considered under Building Regulations however consideration needs to be given to the availability of water hydrants and sprinklers in the commercial buildings. **[Officer comment: Such a consideration will be a requirement of Building Regulations]**

Berkshire Archaeology

7.12 Recommend a condition requiring the applicant carryout the development of the site in accordance with the approved 'Archaeological Evaluation Report- (TVAS) dated: April 2022'.

8.0 MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
General policies	CP1 of SALP,	Limited (policy not used in planning application decision-making)
	CS1, CS2, CS4 & CS22 of CSDPD	Consistent
	SA8 (Amen Corner South) of SALP	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent

Parking	Saved policy M9 of BFBLP	Consistent NPPF refers to LA's setting their own parking standards for residential development.
Trees & Landscaping	CSDPD Policies CS1 & CS7 BFBLP 'Saved' Policies EN1, EN2 & EN20	Consistent (paras. 131& 174)
Drainage	CS1 of CSDPD	Consistent (paras. 159, 161, 162, 167 & 169)
Biodiversity	CSDPD Policies CS1 & CS7 BFBLP 'Saved' Policies EN1, EN2 & EN20	Consistent (paras. 174 & 180)
Noise and Pollution (including Land Contamination)	CSDPD Policy CS1 BFBLP 'Saved' Policy EN25	Consistent (paras. 120, 174, 183 & 185)
Sustainability (Renewable Energy and Water Use)	CSDPD Policies CS10 & 12	Consistent (para. 153)
Securing Necessary Infrastructure	CSDPD Policy CS6	Consistent (para. 55 to 57, 93 and 95)
Supplementary Planning Documents (SPD)		
Parking Standards SPD Planning Obligations SPD (2015) Thames Basin Heath SPA SPD Character Area Assessments SPD Design SPD Amen Corner SPD https://www.bracknell-forest.gov.uk/planning-and-building-control/planning-policy/supplementary-planning-documents/amen-corner		
Other publications		
National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)		

8.2 In addition, the Binfield Neighbourhood Plan was 'made' by Bracknell Forest Council on 20th April 2016. The relevant policies from this which are considered consistent with the NPPF are: -

- TC1 (Provision of Cycling and Walking)
- TC2 (Improvements to Key Local Junctions and Pinchpoints)

8.3 The emerging Bracknell Forest Local Plan is currently close to being adopted subject to main modifications being consulted on, receipt of the Inspectors' final report and

adoption by BFC. Weight is required to be given to its policies in accordance with para. 48 of the NPPF dependent upon the number of unresolved objections to relevant policies and their degree of consistency with the Framework. Relevant policies are: -

- Policy LP1 (Sustainable development principles)
- Policy LP2 (Sustainable locational principles)
- Policy LP9 (Affordable Housing)
- Policy LP15 (Design Principles)
- Policy LP17 (Thames Basin Heaths Special Protection Area)
- Policy LP46 (Biodiversity)
- Policy LP48 (Protection and enhancement of trees and hedgerows)
- Policy LP57 (Parking)

8.4 The emerging Local Plan 'saves' Policy SA8 of the SALP.

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of Development
- ii. Impact upon the Strategic development site at Amen Corner South
- iii. Impact on Character and Appearance of the Area
- iv. Impact on Residential Amenity
- v. Transport and Highways Considerations
- vi. Biodiversity and Habitats
- vii. Sustainability
- viii. Surface Water Drainage/Flood Risk
- ix. Thames Basin Heaths Special Protection Area
- x. Community Infrastructure Levy (CIL)
- xi. S106 Legal Agreement

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). This is also reflected in Policy CP1 of the Borough's Site Allocations Local Plan (SALP), which sets out that a positive approach to considering development proposals which reflect the presumption in favor of sustainable development as set out in the NPPF should be taken. It states that planning applications that accord with the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise. This is in conformity with the NPPF.

9.3 The proposed development is located within the defined settlement within part of a larger site known as Amen Corner South which is allocated under SALP (Policy SA8) for mixed use development including housing.

SALP Policy SA8

9.4 Land at Amen Corner South, Binfield as shown on the Policies Map, is allocated for a comprehensive well-designed mixed-use development that maintains a gap between Wokingham and Bracknell and which includes 725 residential units (including affordable housing), employment, a Neighbourhood Centre, a Primary School, and On-site open space and Suitable Alternative Natural Greenspace (SANG).

9.5 The infrastructure required to support this development includes: -

1. A comprehensive package of on- and off-site transport measures to mitigate the development's impact on roads and encourage sustainable modes of transport.
2. A new spine road linking London Road and the Beehive Road/John Nike Way junction to provide a single access for all the development allocated in this policy.
3. On-site in-kind provision of a waste recycling facility.
4. On-site in-kind provision of a Primary School, on sufficient land to allow expansion.
6. Financial contributions towards the provision of Secondary School and Special Educational Needs places.
7. In-kind provision or financial contributions towards the enhancement and expansion of the Farley Wood community centre into a multi-functional community hub.
8. Measures to avoid and mitigate the impact of residential development on the Thames Basin Heaths Special Protection Area (SPA), in agreement with the Council and Natural England. This will include provision in perpetuity;
 - of on-site and off-site bespoke SANG of at least 8ha per 1,000 new population;
 - a financial contribution towards Strategic Access Management and Monitoring; and
 - any other measures that are required to satisfy Habitats Regulations, the Council's Thames Basin Heaths SPA Avoidance and Mitigation Strategy and relevant guidance.
9. A comprehensive package of on-site, in-kind Open Space of Public Value, in accordance with standards.
10. Protection and enhancement of Public Rights of Way.
11. Integration of Sustainable Drainage Systems.
12. Provision of Green Infrastructure.

9.6 The application site forms part of a larger area allocated for mixed use development under Policy SA8, which includes land south of Coppid Beech House (planning reference 19/01118/FUL) and west of the waterworks and a site east of the waterworks known as Norbury (planning reference 19/00767/FUL), for which residential permissions have recently been granted.

9.7 Policy CS2 of the Core Strategy seeks to guide the location of new development and the Borough has a sustainable approach to managing the location of new development, with a focus on town centres, allocated sites, previously developed land and then other defined settlements.

- 9.8 Policies referred to above are considered to be consistent with the NPPF and as the site constitutes previously developed land within a defined settlement, the proposal is acceptable in principle.
- 9.9 As the application site is located within the designated settlement the principle of residential development on this site is considered acceptable.
- 9.10 The submission also seeks to achieve outline consent for commercial development to the north of the site. As Policy SA8 refers to a mixed-use development this element of the proposal is also considered acceptable in principle.

Flood Sequential Test

- 9.11 Flood risk mapping confirms parts of the appeal site are within areas of high, medium and low risk of surface water flooding.
- 9.12 Paragraph 159 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing it away from areas at highest risk, whether existing or in the future.
- 9.13 Paragraph 161 requires the application of a sequential approach to the location of development taking account of the potential and future risk of all sources of flooding, to avoid, where possible, flood risk to people and property.
- 9.14 Paragraph 162 of the Framework confirms the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source, and development should not be permitted if there are reasonably available sites appropriate for the development in areas with a lower risk of flooding. It should be used in areas known to be at risk now or in the future from any form of flooding. If it is not possible for a development to be in areas with a lower risk, the exception test may have to be applied (paragraph 163).'
- 9.15 The applicant has provided a Sequential Test dated 30th June whereby it has reviewed the adopted Local Plan Site Allocations; emerging Local Plan Site Allocations / Housing Background Paper (October 2019); brownfield sites; SHELAA sites; the latest Authority Monitoring Report (2021-2022); current / extant Planning permissions; and reviewed whether there are any alternative suitable sites currently available on the market.
- 9.16 The Test concludes that there are no sequentially preferable sites (in flood risk terms) to Land at Amen Corner South which are reasonably available, suitably located and appropriate for the nature and quantum of the proposed development.
- 9.17 The findings of the applicant's Sequential Test are accepted by the Local Planning Authority (LPA) and it is concluded that the issue of flood risk does not provide a bar to the development of this site, consistent with the approach set out in Chapter 14 of the NPPF.

ii. Impact upon the strategic development site at Amen Corner South

Comprehensive development

- 9.18 As noted above, Land at Amen Corner South is identified for a comprehensive, well-designed, mixed-use development in the Core Strategy DPD (policy CS4 refers) and the Site Allocations Local Plan (SALP) (policy SA8 refers). The land is allocated for the development of 725 residential units (including affordable housing); employment; neighbourhood centre, primary school and on-site open space and Suitable Alternative Natural Greenspace (SANG).
- 9.19 The infrastructure requirements to support the development are set out within SALP Policy SA8 and are referred to in para. 9.5 above.
- 9.20 As stated above the application site forms part of a wider allocation for a mixed use redevelopment of the Amen Corner South site. The current application provides the required spine road, internal loop road, open space of public value and pedestrian/vehicular/cycle links with adjoining allocated sites where necessary. Given this the current proposal is considered to help facilitate the delivery of a comprehensive well-designed development as set out under SALP Policy SA8.

iii. Impact on Character and Appearance of the Area

- 9.21 Core Strategy Policy CS1 deals with sustainable development and expects new development to make efficient use of land, buildings and infrastructure. Policy CS7 deals with the design of new development and expects proposals to build on the urban character, respecting patterns of development and the historic environment. BFBLP Policy EN20 (criterion i) requires development to be in sympathy with the character and appearance of the local environment and appropriate in scale, mass, design, materials, layout and siting, both in itself and in relation to adjoining buildings, spaces and views.
- 9.22 These policies are consistent with Chapter 12 of the NPPF and are therefore considered to have significant weight. The NPPF attaches great importance to the creation of high-quality buildings and places (para.126). Good design is a key aspect of sustainable development, as it creates better places in which to live and work and helps make development acceptable to communities.
- 9.23 The Council has produced a Design SPD (2017) which provides guidance relevant to the consideration of the scheme.

Layout



Figure 3. Character Areas

9.24 Having had regard to the constraints and opportunities of the site, and the analysis of the site's context, the applicant has divided up the development site into the following four main character areas as shown above in Figure 3.

(i) Amen Corner Gateway [Orange]

9.25 The purpose of this character area is to address the new spine road, the vehicular entrance to the site, and land adjacent to the Coppid Beech Hotel. It also addresses the main loop road through the site, linking to future development located to the south. Located within this character area, apartment blocks are designated at key nodal points and act as focal points to provide a strong, formal frontage and 'sense of place' and 'arrival'. As located on the main roads through the Amen Corner site, buildings have been provided with large green setbacks to provide an attractive street scene when travelling through the development. Car parking for flats has been located within internal courtyards to the rear of blocks and shielded from the main roads, and side parking is provided for houses.



Figure 4. Example of the Amen Corner Gateway character area

(ii) Woodland Walk [Purple]

9.26 The Woodland Walk character area comprises housing fronting and adjacent to a leisure area known as 'Woodland Walk', which runs north to south through the site. Here dwellings typically have a large setback to provide a wide, open space buffer alongside the woodland walk. In addition, car parking has been predominantly located to the rear and the side of dwelling houses, so as not to negatively impact on the character of the green walk. All detached units in the area are provided with either a garage or carport. There is also a greater variation in building lines and orientation to the street, with most of the units directly fronting onto green spaces.



Figure 5. Example of the Woodland Walk character area

(iii) Forest View [Green]

9.27 The Forest View character area can be described as development fronting, and adjacent to, the large open space area located in the western part of the site. In this location dwellings typically have a large setback to provide a connection to the open space. Car parking is predominantly located to the rear and the side of dwelling houses, so as not to negatively impact on the character. All detached units in the area are provided with either a garage or carport. The majority of the streets only have development on one side to maximise the number of units which can enjoy park views. The houses have been generously spaced to allow for glimpses of the public open space from the eastern part of the site.



Figure 6. Example of the Forest View character area

(iv) Residential Core [Pink]

9.28 The remainder of development on the site consists of the residential core and is a higher density compared to the other character areas. In this location dwelling houses typically have reduced setbacks compared to the other areas. Parking to the front of units and the side is common, with very limited use of garages/carports. Frontage parking is designed to accommodate planting in order to minimise the visual impact of the car.



Figure 7. Example of the Residential Core character area

9.29 Serving the site, and located within WBC, is an area of Public Open Space. This area, as shown below in figure 8, would provide a spacious area of open amenity space for walking and playing, as well as providing a softer edge to the development towards the A329M and development sites within Wokingham Borough. The landscaped open space will also provide park views for dwellings that front onto it, meaning that areas such as the LEAP will receive a level of natural surveillance. There are also other areas within the site with landscaping providing amenity space and a green setting for apartment blocks. Examples of these can be seen along the northern spine road and into the loop road, within the Amen Corner Gateway character area (see figure 4).



Figure 8. Extract showing the proposed Public Open Space

9.30 Linking the four character areas to other allocated sites, as well as the wider Binfield area, is the proposed spine road to the north of the development site starting at the junction of London Road and ending at John Nike Way. This spine road provides the level of highway provision required to support not just this site but the wider allocation, connecting with the strategic highway network.



Figure 9. Extract showing the site spine road

9.31 The spine road is also accompanied to the south by a loop road that takes traffic into the site off the strategic network and linking up other areas of the SA8 allocation. The loop road would also link with land to the south known as Buckhurst Moors, which is the subject of a separate planning application for a commercial redevelopment of the site.



Figure 10. Extract showing the proposed loop road connecting with an illustrative plan of Buckhurst Moors.

9.32 Along with the full submission, that seeks consent for the residential development, there is also the commercial area to the north that is the subject of an outline submission (see figure 2) which seeks approval for access only with all other matters reserved. As the site is designated under SALP Policy SA8 for a mixed-use development the principle of the commercial area, the subject of the outline submission, is considered acceptable in principle. Also due to its proximity to London Road, in a gateway location, it is not considered to adversely impact upon the character and appearance of the area subject to the submission and future assessment of the reserved matters.

External Appearance

(i) Amen Corner Gateway [Orange]

9.33 Dwellings located within this character area are proposed to utilise lighter roof materials to clearly distinguish them from the other parts of the site. Feature cladding and large windows are prominent to create visually interesting elevations on what are to be the gateway streetscenes.



Figure 11. Examples of dwellings and apartments within the Amen Corner Gateway

(i) Woodland Walk [Purple]

9.34 Dwelling houses within this area will utilise darker tones and materials to create a contrast with the woodland character of the area. Grey boarding and roof tiles and pitched roofed porches are mixed with subtle woodland features, such as timber posts and natural tone doors.



Figure 12. Examples of dwellings and apartments within the Woodland Walk

(ii) Forest View [Green]

9.35 Natural tones and materials are proposed for the facade treatments of the Forest View character area, to positively respond to the large area of green public open space which several of the properties will look out over.



Figure 13. Examples of dwellings and apartments within Forest View

(iii) Residential Core [Pink]

- 9.36 Dwelling houses in this character area are proposed to utilise darker materials to clearly distinguish it from the other parts of the site. There is minimal additional architectural detailing added to these units.



Figure 14. Examples of dwellings and apartments within the Residential Core

Conclusion on the Character and Appearance of the Area

- 9.37 The layout of the proposed mixed-use development, including 302 dwelling units, is considered to respond well to the constraints of the site which include challenging level differences, existing woodland features, the need for bespoke drainage, an area of public open space, a landscape strategy and the need to provide the required linkages with the wider allocation and strategic highway network.
- 9.38 The formation of 4 character areas assists in responding to the site and policy constraints, and at the same time, creates a 'sense of place' for the occupants.
- 9.39 The architectural design of the proposed dwellings and apartments within the 4 different character areas, with the use of specific external finishes, further develops an external appearance that is sympathetic to the wider allocated area yet again creates a 'sense of place' unique to this development.
- 9.40 In conclusion, given the above design and layout related assessment, the proposed development is considered acceptable in terms of not adversely impacting upon the character and appearance of the area and creating a 'sense of place'. It also helps facilitate the comprehensive development of the SALP Policy SA8 allocation enabling it to progress and function as envisaged. As such the proposal is considered to comply with CSDPD Policies CS1 and CS7, SALP Policy SA8, BFBLP 'Saved' Policy EN20 and the NPPF.

iv. Impact on Residential Amenity

9.41 Saved BFBLP Policy EN20 criterion (vii) seeks to prevent development that would adversely affect the amenity of surrounding properties. This is consistent with the NPPF.

Existing Residential Amenity

9.42 The closest existing residential properties to the development site are those sited to the east of the site along North View and Moor Lane (see figure 15). The existing dwellings will be separated from those proposed by both the existing width of North View/Moor Lane and that of the new loop road, together with an area of intervening vegetation such that they will suffer no significant loss of amenity as a result of the new dwellings.



Figure 15- Snapshot of North View/Moor Lane

Future Residential Amenity

9.43 The proposed 302 units have been carefully sited so as to meet with the standards set out within the Council's Design Supplementary Planning Document (SPD). As a result, there would be no unacceptable levels of overlooking, overshadowing nor would the residential properties overshadow one another.

9.44 A Noise Assessment Report has been submitted, examining the impact of the existing commercial use on the site's southern boundary on future occupiers. The Environmental Health officer has accepted the findings of this report and is satisfied that future occupiers will not suffer from unacceptable noise and disturbance from this existing use, subject to the imposition of appropriate conditions.

9.45 Two adjacent development sites that, at the time of writing this report, were being built out by Montreaux Homes (see figure 16) and Taylor Wimpey (see figure 17) have been considered by Persimmon from the outset. The locations and layouts of these development sites, that also fall within the SALP Policy SA8 allocation and are accessed off 'Old London Road', helped influence the layout of the proposed Persimmon Homes development. Every effort was made by the applicant to make sure the sites could be accessed as planned and for ample spacing to be built in between the sites to avoid any future adverse impacts upon residential amenity.



Figure 16- Development site known as Norbury (Montreaux)



Figure 17- Development site known as Land South of Coppid Beech House (Taylor Wimpey)

Conclusion on Impact on Residential Amenity

- 9.46 Given the above assessments, it is considered that the development, as a whole, would not result in any adverse impacts upon the amenity of both existing and future occupiers. As such the proposal is considered to comply with saved BFBLP Policy EN20 and the NPPF.

v. Transport and Highways Considerations

Access

- 9.47 The access arrangements have evolved throughout the duration of this live planning application. However, the Local Highway Authority (LHA) is now satisfied with the design of the spine road, loop road, junctions and the smaller internal roads along with changes to the way North View and Moor Lane are accessed which will provide less trafficked and safer access for existing residents.
- 9.48 The LHA is also satisfied in principle with the planned pedestrian/cycle access strategy which results in a site that will be easily accessible by foot and cycle, connecting to the wider allocation (Taylor Wimpey and Montreaux Homes development sites) and beyond into Binfield and Bracknell. However, it is acknowledged that this site has been challenging from a levels point of view. This has resulted in steep gradients on some footways, for example the pavements either side running north-south to the front of plots 117-120 and 148-150, that would be 1:12 when we normally seek a slope of 1:15 as a minimum requirement. Given the constraints it has been important to explore alternative routes for residents occupying properties to the north of this section of pavement so that they can access the proposed public open space, including a LEAP. One alternative route would be the Public Right of Way to the north of plot 144 whereby it would allow adequate pedestrian access to the open space of public value, where the footpath runs south into, and circulates within, the open landscaped area. Given there is this alternative route, and the fact that the allocated site has challenging levels to address, this is considered appropriate mitigation in this case.
- 9.49 The engineering details of these footpaths, cycleways and roads will be assessed by the LHA under S278 and S38 agreements that will be required for this site.

Parking

- 9.50 Across the development parking to the required standards has been met apart from the visitor parking where the provision would be a little under the parking standards (approx. 4 spaces) for the site. This comes down to the balance that needs to be struck between site constraints, landscaping and housing numbers. The LHA has not objected to this point given that this is 4 spaces short, on a development for 302 dwellings, where some informal parking can occur safely which would make up for the shortfall. It would not therefore be considered a reason for refusal of the application.
- 9.51 Cycle parking for the units which have elevated gardens has been provided by placing cycle parking at the rear of the car parking, which can also be used to store bins. Other units have utilised voids that have been constructed under main living areas to provide stores or formal cycle and bin storage. This approach is considered by the LHA to be acceptable and means the scheme is compliant with the adopted parking standards.

Traffic Impact

- 9.52 The applicant has undertaken morning and evening peak hour traffic modelling for the proposal utilising data provided from the Bracknell Forest Multi Modal Traffic Model (BFMMTM), to ascertain the impact of the development through the site and on the

wider network for a forecast year of 2037. The use of the BFMSTM pays regard to committed and planned development in the borough during this time as well as forecast background traffic; and in that regard provides a robust basis for analysis when adding the development traffic. Furthermore, the inclusion of traffic associated with the proposed commercial site (Buckhurst Moors) to the south of this proposal has been included to ensure the development junctions are suitably designed. As well as the main spine road junctions within the development, the impact at the following junctions was considered on the basis that the increase in traffic passing through them was sufficient to warrant analysis: -

- London Road-Spine Road signalised junction
- Spine Road Compact Roundabout
- Northern Access from Spine Road
- Southern Access from Spine Road
- John Nike Way-Spine Road-Cain Road Roundabout
- Coppid Beech Signalised Roundabout
- Vigar Way-Peacock Lane Roundabout
- Twin Bridges Signalised Circulatory

9.53 The results of the modelling work has indicated that the impact from the development does not give rise to a severe impact within the site or on the wider road network, this includes the impact on a junction within the neighbouring authority (Coppid Beech Signalised Roundabout) and it is noted that the responsible authority (WBC) do not object in this regard.

S106

9.54 The agreed Heads of Terms for the S106 agreement are to cover the following transport matters: -

- The need to enter into S278 and S38 for the access and roads within the development.
- The requirement for public access clauses for any private roads within the site
- Non ransom clauses to ensure connectivity to adjacent allocated sites can occur as reasonably practical to do so.
- Phasing restrictions requiring infrastructure (including in any temporary form) to be completed at certain stages of the development to ensure safe access for proposed and existing uses as well as delivering pedestrian/cycle facilities to connect to the wider network. This will ensure that traffic is not overburdened on existing routes and junctions as well as encouraging pedestrian/cycle movements to surrounding uses and routes.
- Payments for Traffic Regulation Orders that are required as part of the development and highway works relating to the development. This may also cover parking controls along the main spine road and speed limits if appropriate.
- Travel Plans for both residential and commercial proposals.

Conclusion on Transport and Highways Considerations

9.55 The LHA recommends approval, subject to suitably worded S106 obligations and conditions, and that the application is not considered to result in any adverse highway safety implications; and as such complies with BFBLP Policies M4, M5, M6, M7, M8 and M9 and CSDPD Policies CS23 and CS24 and Binfield Neighborhood Plan Policies TC1 and TC2 and the NPPF.

vi. Biodiversity and Habitats

- 9.56 Policy CS1 of the CSDPD seeks to protect and enhance the quality of natural resources including biodiversity. Policy CS7 also requires the design of new development to enhance and promote biodiversity. These policies are consistent with the NPPF. The development must demonstrate it provides a net gain in biodiversity in line with the NPPF.
- 9.57 The site can provide enhanced and new biodiversity features on site which must be secured, delivered and maintained by a combination of conditions and obligations. However, the application is a historic allocation and new and emerging policy, and legislation requires a net gain in biodiversity as measured against a baseline. In this case a 4% Biodiversity Net Gain is considered appropriate and will be secured in the way of contributions. The Council can use the secured monies to spend on various biodiversity net gain projects within the Borough. The Council's Biodiversity Officer is, in this case, satisfied with this approach.
- 9.58 The site currently supports a population of slow worms, and it is Persimmon Homes' intention to relocate these reptiles to another suitable habitat. The Council's Biodiversity Officer has been involved in these discussions and has agreed, in principle, that this can be achieved. It has been agreed between the two parties that a suitable reptile mitigation strategy can be secured under a S106 obligation.

Conclusion on Biodiversity and Habitats

- 9.59 Given the above assessment, and subject to suitably worded conditions and S106 obligations securing a reptile mitigation strategy and associated monitoring fee, together with a financial contribution towards off-site Biodiversity Net Gain projects the biodiversity provisions of scheme are considered to comply with policies CS1 and CS7 of the CSDPD and the NPPF.

vii. Sustainability

- 9.60 SALP 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. There is also a requirement to make sure that the commercial floor space meets with BREEAM 'Very Good' as a minimum requirement.
- 9.61 SALP Policy CS12 requires the submission of an Energy Demand Assessment demonstrating how the development's potential carbon dioxide emissions will be reduced by at least 10% and how 20% of the development's energy requirements will be met from on-site renewable energy generation.
- 9.62 An Energy Demand Assessment has been submitted however it does not adequately address all of the requirements as set out under SALP policies CS10 and CS12. A revised strategy addressing both policies can be secured by means of a condition.

viii. Surface Water Drainage/Flood risk

- 9.63 Meetings were held during the lifespan of the planning application whereby Persimmon Homes and the LLFA discussed the overall drainage strategy and came up with measures that will ensure that Network Rail's objection is addressed and that overall, the site will be able to address its own surface water runoff.

- 9.64 Given this the LLFA have confirmed that the principle of the proposed surface water drainage scheme is considered acceptable by the Lead Local Flood Authority subject to a detailed strategy, and its associated management and maintenance, being secured by way of suitably worded conditions. Monitoring would also be secured by way a suitably worded S106 obligation.

Conclusion on Surface Water Drainage/Flood Risk

- 9.65 The LLFA has raised no objection to the proposal subject to conditions and a monitoring fee being secured by way of a S106 Legal Agreement. As such the proposal is not considered to result in any adverse impacts upon surface water drainage.

ix. Thames Basin Heaths Special Protection Area

- 9.66 In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) Bracknell Forest Council (BFC) has carried out a Habitats Regulations Appropriate Assessment of the proposed development.
- 9.67 The following potential adverse effects on habitats sites were screened out of further assessment:
- Loss of functionally linked land (TBH SPA)
 - Air pollution from an increase in traffic (TBH SPA, Windsor Forest and Great Park
 - Special Area of Conservation (SAC), Thursley, Ash, Pirbright and Chobham SAC and Chilterns Beechwoods SAC)
- 9.68 Recreational pressure on the TBH SPA was screened in for Appropriate Assessment.
- 9.69 BFC, in consultation with Natural England, has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath Special Protection Area (TBH SPA) along with any larger developments comprising over 50 net new dwellings within the 5 - 7km zone is likely to have a significant effect on the integrity of the TBH SPA, either alone or in-combination with other plans or projects.
- 9.70 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.
- 9.71 On commencement of the development, a contribution (calculated on a per-bedroom basis) is to be paid to BFC towards the cost of measures to avoid and mitigate against the effect upon the TBH SPA, as set out in BFC's Thames Basin Heaths Special Protection Area Supplementary Planning Document (SPD) (April 2018)
- 9.72 The strategy is for relevant developments to make financial contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the TBH SPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures. The Council will also make a contribution towards SANG enhancement works through Community Infrastructure Levy (CIL) payments whether or not this development is liable to CIL.

9.73 The applicant **must agree** to enter into a S106 agreement to secure this contribution and a restriction on the occupation of each dwelling until BFC has confirmed that open space enhancement works to a SANG is completed. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with South East Plan saved Policy NRM6, saved policy EN3 of the Bracknell Forest Borough Local Plan (2002), Policy CS14 of the Core Strategy Development Plan Document (2008), the Thames Basin Heaths Special Protection Area Supplementary Planning Document and the National Planning Policy Framework.

[Please note that any amendments to the bedroom mix of the development will also be accounted for in the s106 Agreement via a formula based obligation.]

Conclusion

9.74 Given the above assessment the proposal, subject to suitable SPA mitigation being secured by way of obligations contained within a S106 Legal Agreement, would not adversely affect the integrity of the SPA.

x. Community Infrastructure Levy (CIL)

9.75 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.

9.76 CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted), including extensions of 100 square metres of gross internal floor space, or more, or new build that involves the creation of additional dwellings.

9.77 The application site is within the 'Land at Amen Corner South, Binfield' Central charging zone with a £204.81 per square meter charging rate.

xii. S106 Legal Agreement

9.78 The following obligations will be required to be secured by way of a S106 Legal Agreement: -

Affordable Housing

9.79 CSDPD Policy CS17 and BFBLP Policy H8 seek the provision of 25% on-site affordable housing provision, taking account of the economics of provision. These policies are considered consistent with the NPPF.

9.80 The development is providing a total of 76 affordable housing dwellings which meets the Council's existing strategy requiring a minimum of 25% (which equates to 76 dwellings). Therefore 76 units are to be secured as affordable housing by way of a suitably worded S106 obligation.

Primary Education

9.81 Due to the lack of certainty as to when this allocation will be delivered, what the housing build rate will be and that the current surplus in primary school places is predicted to decrease, s106 obligations will need to safeguard/secure land for the provision of a primary school.

Community Facilities

- 9.82 The development will place pressure on community facilities and the Council is developing projects for new or enhanced community facilities at Farley Wood which are part funded and are required as a result of an increase in new residents in the Borough. The proposed contribution, secured by way of a S106 obligation, is to be used towards improvements at Farley Wood and/or alternative facilities capable of serving the site.

Open Space

- 9.83 The development will place pressure for increased Open Space of Public Value (OSPV), justifying the inclusion of provisions in line with the Council's standards at 4.3 hectares per 1000 persons (comprising 2.3 hectares per 1000 persons of Passive OSPV and 2 hectares per 1000 persons of Active OSPV). The OSPV provision for developments should all be provided on-site but where there are shortfalls against the Council's requirements, an off-site financial contribution is accepted in lieu of the shortfall of Active OSPV.
- 9.84 The development can provide the required amount of Passive Open Space of Public Value (POSPV) in accordance with Council standards of 2.3 hectares per 1000 persons. The required amount of POSPV is calculated as follows; 302 dwellings X 2.31 persons per dwelling (strategy average) / 1000 X 2.3 = 1.6 hectares). There is sufficient land on the site for this amount to be delivered and the proposal provides in excess of this amount.
- 9.85 The standard for Active Open Space of Public Value (AOSPV) is 2 hectares per 1000 persons. Therefore, the development requires 1.39 hectares (calculated as 302 dwellings X 2.31 persons per dwelling (strategy average) / 1000 persons X 2 hectares). The development does provide play provision but falls short of the 1.39 hectare area required on-site. Therefore, the Council will accept the on-site play areas and a financial contribution in-lieu of the remainder of required on-site provision towards Farley Wood.
- 9.86 Contributions towards Farley Wood are necessary and relevant to the site as it will be the closest facility to the site. The contributions are proportionate in that they are calculated on a pro-rata basis.

Biodiversity Net Gain

- 9.87 The development should provide a net gain in biodiversity provision and provision is made for its future maintenance and monitoring. The monitoring fee is to cover costs incurred in monitoring the implementation and compliance of the measures within the Biodiversity Net Gain Implementation Scheme as secured by condition. The monitoring fee will be £3,660 per hectare pro-rata of provision.
- 9.88 However, this scheme cannot deliver the full biodiversity net gain on-site where it shows a loss of 45 biodiversity units. Given that the application has been in with the Council for some time it is not considered reasonable to require the full 10% biodiversity net gain (50 units), however a 4% increase could reasonably be sought. The Council is developing a series of biodiversity net gain projects and the contribution will be index linked and applied to off-site biodiversity projects which the Council will deliver on behalf of the development.
- 9.89 On-site Biodiversity Net Gain provision is based on a reasonable amount over and above the baseline provision on the site including what is lost due to the development.

The requirement will be measurable in accordance with a Natural England metric for calculating the value of the biodiversity net gain provision.

SuDS

- 9.90 A SuDS monitoring fee of £8,000 is required to cover on-going monitoring of the on-site SuDS features annually for the lifetime of the development including any actions required to remedy any failure.

Transport

- 9.91 An obligation is required to ensure the applicant enters into any Highways agreements or obtains necessary highways consents for works to the public highway which will be required to carry out works to the proposed Spine Road, Internal Link Road, accesses, footpath/cycleways, street lighting and new bus stop(s). The works are required to be completed in accordance with the highways agreements prior to any occupations so that the highways authority can be sure that the access is suitable for construction purposes off the classified road.
- 9.92 The obligations secured are as a result of the assessed traffic impact of the development in line with NPPF paragraphs 110 a) b) and 112 c) to ensure:
- a) The Spine Road and Internal Link Road to allow traffic to access and egress the site and for wider transport connections and movements.
 - b) Appropriate opportunities to promote sustainable transport modes can be taken up.
 - c) Safe and suitable access to the site can be achieved for all users.
 - d) The site gives priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to public transport.
- 9.93 The requirements are to ensure the localised off-site impact of the development is mitigated and to ensure safe and suitable access to and egress from the development for pedestrians and vehicles and the obligations secured by the agreement reflect this.
- (i) Spine Road and Internal Link Road
- 9.94 An obligation is included to ensure the phase delivery of the Spine Road and Internal Link Road to ensure they are delivered commensurate with the development and to allow timely wider access.
- 9.95 Furthermore, there is a requirement to provide temporary footpath/cycleway links across and to the wider network as appropriate to facilitate access to on- and off-site facilities for residents of the development.
- 9.96 Also, there is a need to ensure access to various sites to be accessed from the site which are either permitted or could come forward in due course. The obligation will also ensure that routes which will be required are delivered up to the boundary of the site to ensure no future ransom situation occurs.
- 9.97 The requirements are related to the delivery of the application and the wider site allocation. The timings of which are agreed between the Council and the applicant.

(ii) Traffic Regulation Orders (TROs)

- 9.98 Along the Spine Road and part of the Internal Link Road there will be the need to ensure there are parking restriction in place once adopted to ensure the free and safe passage of vehicles. The s106 agreement secures payment of £2,000 (index linked) per TRO (X 3 = £6,000).
- 9.99 The TROs being sought are associated with roads constructed as part of the development.
- 9.100 The TROs are required entirely as a result of the development and the development should therefore be responsible for the costs incurred.

(iii) Private Access and Footways

- 9.101 The requirement is for all private access roads and footpaths that are not adopted to be maintained by a management company to ensure they are safe, unobstructed and that any repairs are carried out in a timely manner. A planning condition is not appropriate here because the obligation is ongoing for the lifetime of the development.
- 9.102 The provision is for on-site private accesses and footpaths. Until the extent of any highway adoption is known, there must be provision for a planning obligation to secure details of how on-site highways and footways are to be privately maintained and to secure long-term management and maintenance provisions.
- 9.103 It is reasonable and fair to ensure that occupiers and visitors to the site have safe and convenient access by vehicle or on-foot to any public areas of the site. Some roads and footpaths will be adopted but others may not be, for example because they are not designed to adoptable standards. The provisions are standard and widely used in other relevant s106 agreements in the Borough.

(iv) Travel Plans

- 9.104 Provisions to secure a travel plan deposit and fee to cover residential and commercial uses are included to ensure the development minimises vehicle travel and promotes alternative sustainable modes of transport.
- 9.105 The travel plan or financial contribution will relate to the scale of development (based on 302 dwellings) and the deposit and fee amounts are standard and as set out in the SPD.

Thames Basin Heaths SPA

- 9.106 Requirements as set out in section viii. Thames Basin Heaths Special Protection Area.

Monitoring Fee

- 9.107 The Council has a system for monitoring planning obligations and information about this is detailed on its website <https://www.bracknell-forest.gov.uk/planning-and-building-control/planning/planning-policy/section-106-agreements>

9.108 Monitoring fees have been calculated in accordance with the published charging schedule and the sum to be paid is the Council's cost of monitoring the various planning obligations secured in the s106 agreement.

10. CONCLUSIONS

- 10.1 The site relates to part of a larger site which is located within the settlement boundary and allocated for a mixed-use development under SALP Policy SA8. Given the policy designation, the proposed residential development, consisting of 302 dwelling units, and commercial development for which outline permission is sought, is considered acceptable in principle.
- 10.2 The LPA is not currently able to demonstrate a five-year supply of deliverable housing sites within the borough. The delivery of housing on this site goes some way to meeting the unmet need and as such is a material consideration in the determination of this application.
- 10.3 The proposed layout of the mixed-use development, including 302 dwelling units, is considered to respond well to the constraints of the site which include challenging level differences, existing woodland features, the need for a bespoke drainage and landscape strategy and the need to provide the required linkages with the wider SALP Policy SA8 allocation.
- 10.4 The formation of the 4 character areas assists in responding to the site and policy constraints, and at the same time, creating a 'sense of place'.
- 10.5 The architectural design of the proposed dwellings and apartments within the 4 different character areas, with the use of specific external finishes, further develops an external appearance that is sympathetic to the wider allocated area yet at the same time creates a sense of place.
- 10.6 The proposal is considered not to result in any adverse impacts upon the amenity of both existing and future occupiers. Instead, the proposal will provide a betterment to the way North View and Moor Lane function and serve existing residents.
- 10.7 The Highway Authority is satisfied that the development can safely accommodate the number of units and commercial uses in a way that links safely with the strategic highway network as envisaged by SALP Policy SA8.
- 10.8 The proposal is also considered to appropriately address biodiversity and drainage issues, Thames Basin Heaths SPA mitigation, general infrastructure requirements and renewable energy policies, subject to conditions and suitable obligations secured by way of a S106 Legal Agreement.

11. RECOMMENDATION

- 11.1 That the Assistant Director: Planning be authorised to grant planning permission subject to the completion of planning obligation(s) under Section 106 of the Town and Country Planning Act relating to the following matters, and the following conditions, added to or deleted as the Assistant Director: Planning considers necessary:
- i. Measures to avoid and mitigate the impact of residential development upon the Thames Basins Heath SPA;

- ii. Contributions towards the provision and maintenance of community facilities capable of serving the site;
- iii. Contributions towards the provision of Open Space of Public Value;
- iv. On-site Biodiversity Net Gain provision including maintenance and monitoring and a financial contribution towards biodiversity off-setting projects;
- v. Submission and approval of a final SuDS Specification and Management and Maintenance plan to secure management of the SuDS for the lifetime of the development together with a monitoring sum.
- vi. Secure suitable offsite Reptile Mitigation and the monitoring of.
- vii. Secure land for education purposes in-order to mitigate future need for a Primary School.
- viii. Secure phased delivery of the Spine Road and Internal Link Road to ensure they are delivered commensurate with the development and to allow timely wider access.
- ix. Temporary footpath/cycleway links across and to the wider network as appropriate to facilitate access to on- and off-site facilities for residents of the development.
- x. Ensure that routes will be which will be required are delivered up to the boundary of the site to ensure no future ransom situation occurs.
- xi. Ensure there are parking restrictions in place once adopted to ensure the free and safe passage along the Spine Road and part of the Internal Link Road.
- xii. All private access roads and footpaths that are not adopted to be maintained by a management company to ensure they are safe, unobstructed and that any repairs are carried out in a timely manner.
- xiii. Provisions to secure a travel plan deposit and fee or an alternative financial contribution are included to ensure the development minimises vehicle travel and promotes alternative sustainable modes of transport.
- xiv. Sums secured to fund on-going monitoring of the various planning obligations secured in the s106 agreement.

01. 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.

02. The area marked on plan 18.077.105/D as a 'Commercial Development Illustrative Outline Layout' shall be the subject of applications for the approval of the details relating to layout, scale, external appearance and landscaping of the development hereby permitted (hereinafter called "the reserved matters") which shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved reserved matters.

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

03. The commercial development hereby permitted under the outline consent shall begin no later than the expiration of two years from the final approval of the reserved matters for that part of the development, 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 commercial development hereby approved shall not be used for purposes falling within Use Classes E(b), E(d), E(e) and E(f) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: To prevent uses which would result in a demand for parking which cannot be accommodated on site and which would increase the likelihood of on-street car parking and deliveries which would be a danger to other road users.

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

05. The development which is the subject of the detailed permission 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.

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

- FRA Addendum Rev 3 – dated 16 August 2022
- Technical Note: Response to LPA Key Issues – dated 24 May 2022
- Surface Water Drainage strategy Sheet 1 / 2 – P17
- Surface Water Drainage Strategy Sheet 2 / 2 – P14
- Foul Water Drainage strategy Sheet 1 / 2 – P10
- Foul Water Drainage Strategy Sheet 2 / 2 – P10
- Existing Ditch Location Plan and Overland Flow – P3
- Soakaway Test Results and Location Plan – B
- Proposed Drainage Catchments – P7
- Overland flow paths – P8
- Site Roads Key Plan and Adoption Layout – P6
- Site Geology Sections – P3
- Proposed SuDS Details – P3
- Detailed Site Levels – Sheet 1 of 4 – P10
- Detailed Site Levels – Sheet 2 of 4 – P9
- Detailed Site Levels – Sheet 3 of 4 – P9
- Detailed Site Levels – Sheet 4 of 4 – P9
- Cycleway and Footway Key Plan and Gradients – P5
- Summary of Design Changes
- Flood Risk: Technical Note (20 June 2023)
- Surface Water Flooding Overlay over Proposed Site Layout – 1010 – P1
- Tree Survey and AIA by RPS dated May 2021
- Tree Works drawings JSL2512 715-719A
- Phase 1 Botanical Survey by RPS
- Ecology Survey Report by RPS May 2021
- Ecological Mitigation and Enhancement Strategy Sept 2022
- Reptile Mitigation Strategy (produced by: RPS) – Dated: September 2022
- BNG Metric 3.1 – Dated: 5 July 2022
- BNG Assessment – Dated: 21 July 2022
- Ecology: Technical Note (September 2022)
- TA (produced by: GTA - May 2021) - as per June 2021 re-submission
- Summary of Spine Road Design Changes issued by GTA (September 2022)
- 11533_0101_P7
- 11533_0102_P7
- 11533_0103_P7
- 11533_1950_P6
- 11533_1951_P6
- 11533_1952_P7
- 7903_302_p9 site refuse vehicle tracking
- 7903_303_p7 site visibility splays
- 7903_304_p7 spine road visibility splays
- 7903_304_p7 spine road visibility splays

- 7903_1031_p3 road long sections 1/3
- 7903_1032_p4 road long sections 2/3
- 7903_1033_p2 long sections 3/3
- 7903_1150_p5 cycleway footway gradients
- 7903_1015_p6 – site roads key plan
- Bus Tracking Sheet 1 of 2 – 1953 – P1
- Bus Tracking Sheet 2 of 2 – 1954 – P1
- Micro Modelling Transport Technical Note (August 2023)
- Technical Note – Response to Remaining Highway Concerns (August 2023)
- 7903_1015_p7 – site roads key plan & adoptions layout
- 7903_1150_p6 cycleway and footway key plan & gradients
- Revised Strategic Modelling Note provided by LPA Senior Engineer / Modeller (Richard Wilson) – Dated: 17 June 2022
- 21803_06_170_01.1 – Topo Survey
- JSL2512_100_Rev L – Landscape
- JSL2512_101 – Play Area Design
- JSL2512_201H – Hard Landscape Design 1/2
- JSL2512_202G – Hard Landscape Design 2/2
- JSL2512_210C – Play Area Detail
- JSL2512_501G – Soft Landscape Design 1/6
- JSL2512_502G – Soft Landscape Design 2/6
- JSL2512_503G – Soft Landscape Design 3/6
- JSL2512_504G – Soft Landscape Design 4/6
- JSL2512_505H – Soft Landscape Design 5/6
- JSL2512/506H – Soft Landscape Design 6/6
- JSL2512_720B
- JSL2512_721B
- JSL2512_722B
- JSL2512_723B
- JSL2512_724B
- JSL2512_771B
- JSL2512_555C – Landscape Management Zoning Plan
- Landscape Management Plan by RPS dated May 2021
- 18.077.107: Woodland Walk Path and Lighting Plan
- Site Layout Sheet 1 – 18.077.100 80
- Wider Site Layout – 18.077.100W 80
- Site Layout Sheet 2 – 18.077.101 80
- Wider Site Layout – Tenure Plan – 18.077.101W 80
- Wider Site Layout – Storey Heights Plan – 18.077.102W 80
- Wider Site Layout – Materials Plan – 18.077.103W 80
- Wider Site Layout – Character Areas – 18.077.104W 80
- Proposed Commercial Outline Plan – 18.077.105 D
- Site Layout PROW Proposals – 18.077.106 80
- Site Location Plan – 18.077.1000
- Moseley (739) Residential Core – 18.077.A.01 A
- FOG – Amen Corner Gateway – 18.077.AFF.01 A
- FOG – Woodland Walk – 18.077.AFF.02 A
- FOG – Forest View – 18.077.AFF.03 A
- WP3625A (1324) – Amen Corner Gateway – 18.077.AFF.10 A
- Morden (533) – Residential Core – 18.077.B.01
- Morden (533) – Residential Core – 18.077.B.02
- Barton (761) – Woodland Walk – 18.077.C.01 A
- Barton (761) – Residential Core – 18.077.C.02 A
- Barton (761) – Residential Core – Cnr Ver - 18.077.C.03
- Windermere (970) – Amen Corner Gateway – 18.077.D.01 A

- Windermere (970) – Residential Core – 18.077.D.02 A
- Windermere (970) – Forest View – 18.077.D.03 A
- Derwent (969) – Amen Corner Gateway – 18.077.E.01
- Derwent (969) – Woodland Walk – 18.077.E.02 A
- Derwent (969) – Residential Core – 18.077.E.03 A
- Derwent (969) – Forest Core – 18.077.E.04
- Ashworth (874) – Amen Corner Gateway – 18.077.F.01
- Ashworth (874) – Woodland Walk – 18.077.F.02
- Ashworth (874) – Residential Core – 18.077.F.03 A
- Foxcote (1187) – Residential Core – 18.077.J.01 A
- Earlswood (1220) – Woodland Walk - 18.077.K.01
- Earlswood (1220) – Woodland Walk Altern - 18.077.K.02
- Earlswood (1220) – Forest View - 18.077.K.03
- Earlswood Cnr (1220) – Amen Corner Gateway - 18.077.K.04
- Earlswood Cnr (1220) – Forest View - 18.077.K.05
- FOG – Forest View - 18.077.L.01
- Lockwood (999) – Residential Core Std - 18.077.N.01
- Lockwood (999) – Amen Cnr Gateway – Cnr - 18.077.N.02
- Lockwood (999) – Woodland Walk – Cnr Ver - 18.077.N.03 A
- Lockwood (999) – Residential Core – Cnr Ver - 18.077.N.04 A
- Lockwood (999) – Forest View – Cnr Ver - 18.077.N.05 A
- Carleton (980) – Amen Corner Gateway - 18.077.P.01 A
- Carleton (980) – Residential Core - 18.077.P.02 A
- Carleton (980) Forest View - 18.077.P.03 A
- Trafalgar (699) – Woodland Walk - 18.077.Q.01
- Trafalgar (699) – Residential Core - 18.077.Q.02
- Trafalgar (699) – Forest View - 18.077.Q.03
- Conniston (1222) – Woodland Walk - 18.077.S.02
- Conniston (1222) – Forest View - 18.077.S.03
- Townhouse (1154) – Amen Cnr Gateway - 18.077.W.01 B
- Townhouse (1154) – Residential Core - 18.077.W.02 B
- Clandon (1333) – Amen Corner Gateway - 18.077.X.01 B
- Craghead (1074) – Amen Cnr Gateway - 18.077.Y.01 A
- Craghead (1074) – Residential Core - 18.077.Y.02 A
- Cragside (1111) – Amen Corner Gateway - 18.077.Z.01
- Cragside (1111) – Residential Core - 18.077.Z.02
- Block A – Floor Plans - 18.077.FL01.01
- Block A – Elevations - 18.077.FL01.02 B
- Block B - 18.077.FL02 A
- Block D - 18.077.FL04 A
- Block E - 18.077.FL05 B
- Block F – Floor Plans - 18.077.FL06.01
- Block F – Elevations - 18.077.FL06.02 A
- Block G – Floor Plans - 18.077.FL07.01
- Block G – Elevations - 18.077.FL07.02 B
- Block H – Floor Plans - 18.077.FL08.01
- Block H – Elevations - 18.077.FL08.02 A
- Block I - 18.077.FL09 A
- Block J - 18.077.FL10
- Block K - 18.077.FL11 A
- Block L – Floor Plans - 18.077.FL12.01 A
- Block L – Elevations - 18.077.FL12.02 A
- Double Garage – Dual Ownership – PSC - 18.077.GA.01
- Double Garage – Dual Ownership - 18.077.GA.02
- Single Garage – Parking Space Comp - 18.077.GA.03 A

- Single Garage - 18.077.GA.04 A
- Triple Garage - 18.077.GA.05
- Carport - 18.077.GA.06
- Double Pergola - 18.077.GA.07
- Triple Pergola - 18.077.GA.08
- Parking Awning - 18.077.GA.09 A
- Sub-Station - 18.077.GA.10
- Block A – Bin and Cycle Store - 18.077.GA.11
- 2B4P-4 (850) Amen Corner Gateway - 18.077.AFF.13
- 2B4P-1 (850) Woodland Walk - 18.077.AFF.14
- 2B4P-2 (850) Residential Core- 18.077.AFF.15
- 2B4P-2 (850) Forest View - 18.077.AFF.16
- 2B4P-3 (850) – Amen Corner Gateway - 18.077.AFF.17
- 3B6P-1 (1098) – Forest View - 18.077.AFF.18
- 3B6P-2 (1098) – Amen Corner Gateway - 18.077.AFF.19
- 3B6P-2 (1098) – Forest View - 18.077.AFF.20
- 3B5P WC (1254) - Woodland Walk - 18.077.AFF.21
- 4B7P WC (1496) – Woodland Walk - 18.077.AFF.22
- 2B4P- 5 (850) – Woodland Walk - 18.077.AFF.23
- Lockwood (999) – Residential Core Cnr Ver - 18.077.N.06
- Bin / Cycle Storage Split Level Units - 18.077.120
- Highways and Private Access Plan Bracknell (August 2023) – 105-HPP-001

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

07. No development, other than that approved under the outline consent, shall commence until a Phasing Plan has been submitted to and approved in writing by the Local Planning Authority, clearly identifying the different phases of the development to which the details required by pre-commencement and other conditions shall subsequently be made, together with details of the phasing of provision the spine road, associated junction and internal access roads. No phase of the development shall commence until all relevant pre-commencement conditions have been approved in respect of that phase.

REASON: To ensure that full details of the relevant phase of the development and access to it are submitted for approval.

08. Prior to commencement of any phase of the development above slab level, samples of the external materials to be used in that phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved materials.

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

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

09. The development shall be constructed in accordance with the tree protection measures and methodology as set out in the approved Tree Survey and Arboricultural Impact Assessment D 2 December 2022 (ref- JSL2512_771)

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

[Relevant Plans and Policies: BFBLP Policies EN1, EN2 & EN20 and CS Policies CS1 & CS7.

10. The development shall be implemented in accordance with the Proposed Post-Development 'Habitat Areas' plan included within the BNG Assessment (Appendix A) (dated: July 22). An ecological site inspection report, confirming the provision of the approved enhancements on site, shall be submitted to the Local Planning Authority within three months

of the first occupation of the development and approved in writing thereafter. The approved scheme shall be performed, observed and complied with.

REASON: In the interests of biodiversity

[Relevant Plans and Policies: CSDPD CS1, CS7]

11. No dwelling in any individual phase shall be occupied until the hard and soft landscaping associated with that dwelling, including boundary treatments and other means of enclosure, has been provided in accordance with RPS Hard and Soft Landscaping plans: 505 Rev H; 100 Rev L; 506 Rev H; 504 Rev G; 503 Rev G; 502 Rev G; 501 Rev G; 202 Rev G; 201 Rev H.

All planting comprised in the soft landscaping works shall be carried out in accordance with British Standard 4428:1989 'Code of Practice For General Landscape Operations' or any subsequent revision and completed in full accordance with the approved scheme.

All trees and other plants included within the approved details shall be healthy, well-formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision.

Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the next planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.

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

[Relevant Policies: BFBLP EN2 and EN20, CSDPD CS7 and CS23]

12. A landscape and ecological management plan (LEMP) in relation to each phase of the development, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of each individual Phase. The content of the LEMP shall include the following:

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

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

The development shall be implemented in accordance with the approved details for the relevant phase.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1]

13. No dwelling in any individual phase, or any development within the commercial area, shall be occupied until a scheme has been submitted to and 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 for that phase. 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.

REASON: In the interest of biodiversity and highway safety.

14. No dwellings or commercial buildings shall be occupied until the associated elements of the spine road, associated junctions and internal access roads identified on the approved phasing plan agreed pursuant to condition 07 has been constructed in accordance with details which have been submitted to and approved by the Local Planning Authority.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

15. No development associated with a specific phase (other than the construction of the associated elements of the spine road, associated junctions and internal access roads) shall take place until the remaining internal roads associated with that specific phase have 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]

16. The development hereby permitted shall not be begun until a plan has been submitted to and approved in writing by the Local Planning Authority which shows the visibility splays for the junctions, and the areas between the forward visibility curve and highway boundary for the roads, within the development and thereafter kept free from all obstructions above 0.6 metres measured from the surface of the adjacent carriageway. The development shall be carried out in accordance with the approved plan.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

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

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

18. No dwelling or commercial building shall be occupied until the associated parking area shown on the approved plans has been drained and surfaced in accordance with details submitted to and approved by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking of vehicles.

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]

19. The garage accommodation hereby permitted shall be retained for the use of the parking of vehicles at all times, unless otherwise agreed in writing by the Local Planning Authority.

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

[Relevant Policy: BFBLP M9]

20. The car ports hereby approved shall be retained for the use of the parking of vehicles at all times and, notwithstanding the provisions of the Town and Country (General Permitted

Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no enlargements, improvements or alterations shall be made to any car port, and no gate or door shall be erected to the front of the car port.

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

[Relevant Policy: BFBLP M9]

21. The apartment buildings within any phase hereby permitted shall not be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for covered and secure cycle parking facilities. The specific apartment building shall not be occupied until the approved scheme has been implemented. The facilities shall thereafter be retained in accordance with the approved details

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

[Relevant Policies BFBLP M9, Core Strategy DPD CS23]

23. No dwelling shall be occupied until vehicular and pedestrian access to the specific dwelling and its parking has been constructed in accordance with the approved plans.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

24. No development (including demolition and site clearance) shall take place, until a Construction (and Demolition) Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include as a minimum;

- (i) Routing of construction and demolition traffic (including directional signage and appropriate traffic management measures);
- (ii) Details of the parking of vehicles of site operatives and visitors;
- (iii) Areas for loading and unloading of plant and materials;
- (iv) Areas for the storage of plant and materials used in constructing the development;
- (v) Location of any temporary portacabins and welfare buildings for site operatives;
- (vi) Details of any security hoarding;
- (vii) Details of any external lighting of the site;
- (viii) Measures to control the emission of dust, dirt, noise and odour during demolition and construction;
- (ix) The control of rats and other vermin;
- (x) Measures to control surface water run-off during demolition and construction;
- (xi) The proposed method of piling for foundations (if any)
- (xii) Construction and demolition working hours and hours during which delivery vehicles or vehicles taking materials away are allowed to enter or leave the site;
- (xiii) Details of wheel-washing facilities during both demolition and construction phases; and
- (xiv) Areas for the turning of construction and demolition vehicles such that the largest anticipated vehicle can turn and leave the site in a forward gear.

The approved Construction Environmental Management Plan shall be adhered to throughout the demolition and construction period.

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

[Relevant Policies: BFBLP EN20, EN25, M9; Core Strategy DPD CS1, CS7, CS23]

25. The approved remediation scheme for a specific phase must be carried out in accordance with its terms prior to the commencement of the specific phase. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.
REASON: [To protect future residents from potential land contamination]

26. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

REASON: [To protect future residents from potential land contamination]

27. The development hereby approved, as associated with a specific phase, shall not be occupied until the noise mitigation measures as set out in the Environmental Noise Survey, by NOISE.CO.UK, dated 5th September 2022, Report reference 16751C-1 submitted with the application, are implemented.

The noise mitigation measures shall be retained and maintained thereafter.

REASON: To protect future residents from noise from external noise sources (transport and industrial).

28. No development shall take place until full details of the Surface Water Drainage System, in accordance with GTA Flood Risk Assessment dated 16 August 2022 and Flood Risk Addendum, dated May 2021, have been submitted to and approved in writing by the Local Planning Authority. These shall include:

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

b) Calculations demonstrating that the discharge rate would be no more than the greenfield runoff rate; and

c) A Management and Maintenance Plan for the proposed drainage system to demonstrate how it would be maintained over the lifetime of the development.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding in accordance with policy CS1 of the Core Strategy.

29. No building or use associated with a specific phase hereby permitted shall be occupied or the use commenced until the sustainable urban drainage scheme for this site has been completed in accordance with the submitted details. The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. Written confirmation of agreements for the management and maintenance of the drainage scheme shall be submitted and approved by the Local Planning Authority.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding in accordance with policy CS1 of the Core Strategy.

30. Prior to practical completion of any property within a specific phase, a verification report relating to that phase, appended with substantiating evidence demonstrating the agreed/approved construction details and specifications have been implemented, shall be submitted to and approved (in writing) by the Local Planning Authority. This will include photos of excavations and soil profiles/horizons, any placement of tanking, crating, connecting pipe work, hydrobrakes or control mechanisms, and cover systems.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding in accordance with policy CS1 of the Core Strategy.

31. No superstructure works associated with a specific phase shall take place until an Energy Demand Assessment demonstrating that:

(a) the proposed development will reduce carbon dioxide emissions by at least 10% against the appropriate Target Emission Rate as set out in Part L of the Building Regulations (2006), and

(b) a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 20%) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved assessment and retained as such thereafter.

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

[Relevant Plans and Policies: CSDPD CS12]

32. No superstructure works associated with a specific phase shall take place 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]

33. No superstructure works shall take place on the commercial area, the subject of outline permission until a pre-assessment estimator, or design report, demonstrating likely compliance of the commercial floor space with BREEAM 'Very Good' as a minimum requirement, has been submitted to, and approved in writing by, the Local Planning Authority.

The development shall be implemented in accordance with the approved estimator/report and retained as such thereafter.

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

[Relevant Policy: Core Strategy DPD CS10]

34. The development shall only take place in accordance with the approved Archaeological Evaluation Report (TVAS) dated: April 2022.

REASON: The site lies within an area of archaeological potential.

In the event of the S106 agreement not being completed by 30th November 2023, the Assistant Director: Planning be authorised to either extend the period further or refuse the application for the following reasons: -

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

02 The proposed development would unacceptably increase the pressure on highways and transportation infrastructure and public open space. In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which

secure contributions towards integrated transport and highway measures, open space, biodiversity and community facilities, the proposal is contrary to Policies R5 and M4 of the Bracknell Forest Borough Local Plan and CS6, CS8, and CS24 of the Core Strategy Development Plan Document and to the Planning Obligations SPD and the NPPF.

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

Informatives

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. The applicant is advised that the following conditions require discharging prior to commencement of development: 7, 8, 15, 16, 24, 28, 30, 31, 32 and 33.
03. The following conditions require discharge prior to the occupation of the dwellings hereby approved: 11, 12, 13, 14, 18, 21, 23, 27 and 29.
04. No details are required to be submitted in relation to the following conditions; however, they are required to be complied with: 1, 2, 3, 4, 5, 6, 9, 10, 17, 19, 20, 25, 26 and 34.
05. Notwithstanding the wording of Bracknell Forest Council's Parking Standards SPD, the Building Regulations part S "Infrastructure for the charging of electric vehicles" 2021 edition takes effect on 15 June 2022 for use in England. It does not apply to work subject to a building notice, full plans applications or initial notices submitted before that date, provided the work is started on site before 15 June 2023. The applicant should familiarise themselves with, and comply with, the requirements of this document with regard to provision of electric vehicle charging infrastructure.
06. Any works affecting the adopted highway (including any adopted highway verge or footway) or works requiring contractors to occupy the highway (including any adopted highway verge and the footway) shall be approved and a relevant agreement, licence or permit obtained before any work is carried out within the highway. Contact should be made with The Highways and Transport Section at Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 352000 or via email at highwaynetwork.management@bracknell-forest.gov.uk. 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.

Unrestricted Report

ITEM NO: 06

Application No.
23/00191/FUL

Ward:
Great Hollands

Date Registered:
30 March 2023

Target Decision Date:
27 August 2023

Site Address: **19 Tawfield, Bracknell, Berkshire, RG12 8YU**

Proposal: **Proposed two storey side extension and single storey front extension, following demolition of garage to side.**

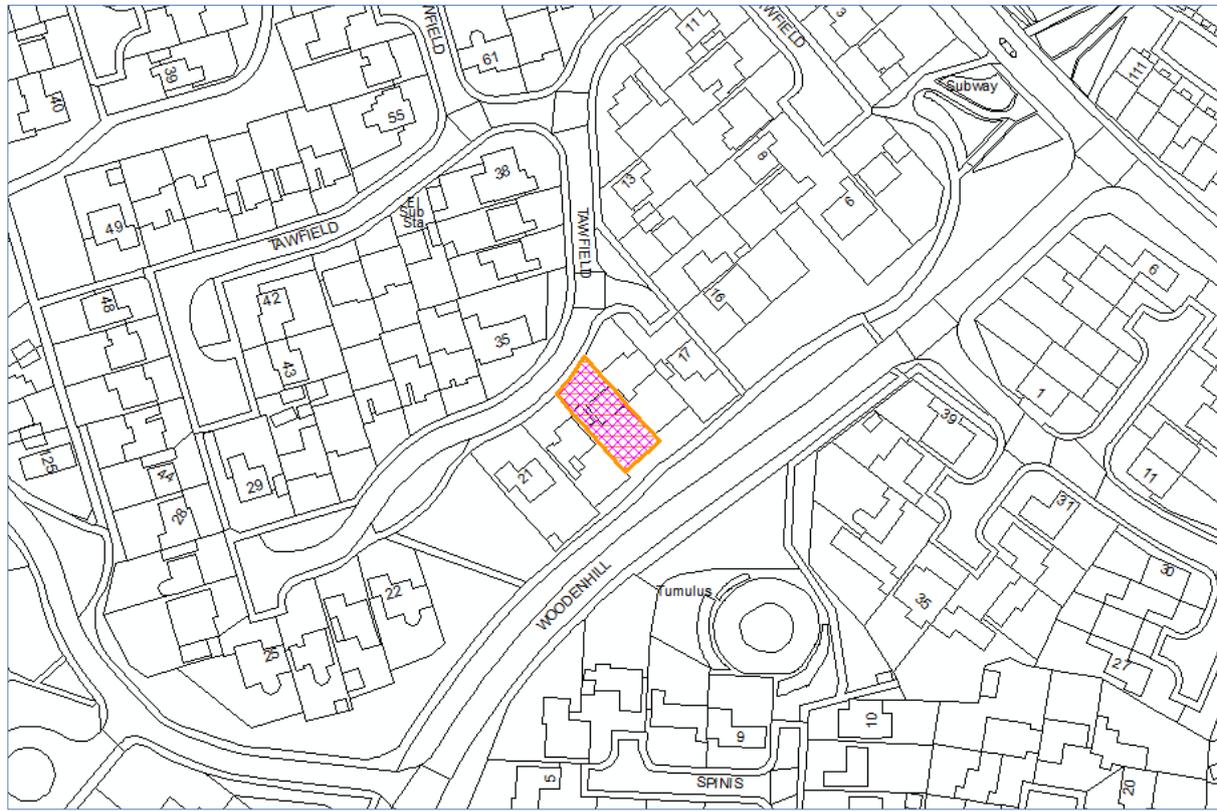
Applicant: Mr & Mrs Billy Ive

Agent: Mr David Scammell

Case Officer: Kevin Lloyd Jones, 01344 352000

Development.control@bracknell-forest.gov.uk

SITE LOCATION PLAN (for identification purposes only, not to scale)



1. SUMMARY

- 1.1. The proposal is for the construction of a two-storey side extension and a single storey front extension, following demolition of the garage to side.
- 1.2. The proposed development is within the settlement boundary. The proposal would not be liable for SPA contributions or CIL payments.

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 due to receiving 11 objections to the original submitted plans.
- 2.2. The original plans were subsequently revised to allay these objections. The revised plans were subject to a further two-week period of neighbour consultation, from which no further representations were received.
- 2.3. Following contact by the Planning Officer, only three of the original objectors rescinded their objection.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Within settlement
Within 5km of SPA

- 3.1 19 Tawfield is a four-bedroom, detached dwelling to the south of the highway in the Great Hollands area of Bracknell. The dwelling benefits from a detached single garage to the western side. The site is bordered by no.18 to the east and no.20 to the west.
- 3.2 The surrounding area is predominantly residential, and the application site is located within the settlement boundary.

4. RELEVANT PLANNING HISTORY

- 4.1 The dwelling was constructed under Section 6/1 of the New Towns Act 1965 and there is no relevant planning history for this specific dwelling.

5. THE PROPOSAL

- 5.1 The proposal is for the construction of a two-storey side extension and single storey front extension, following demolition of the garage to the side.
- 5.2. The plans have been amended following the initial neighbour consultation and objections. The revised plans moved the proposed two-storey side extension away from the boundary.

5.3. This report is based on the revised plans received by the LPA on 25th May 2023.

- 19T3A-4A – Proposed plans and elevations.
- 19TSP-A – Proposed site plan with parking layout.

5.4. The existing porch at ground floor level will be widened to incorporate the site extension and its flat roof replaced with a single pitch roof. The side extension will be set back from the front elevation and down from the existing ridgeline. The proposed extension would incorporate a dining area and utility room at ground floor level and an enlarged fourth bedroom at first floor level.

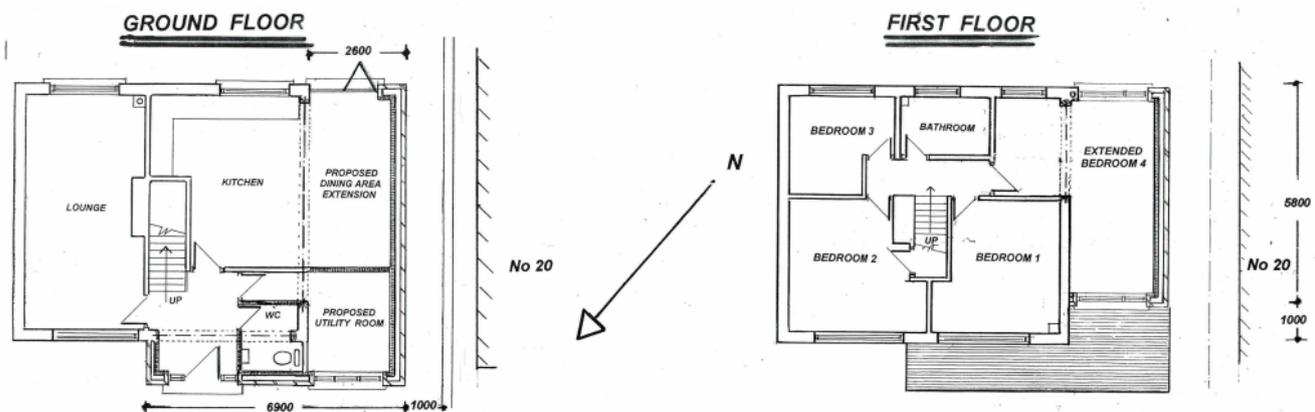
5.5. All new materials (brick, windows, tiles) will match the existing dwelling. No side fenestration is proposed.

5.6. The proposed dimensions are as follows:

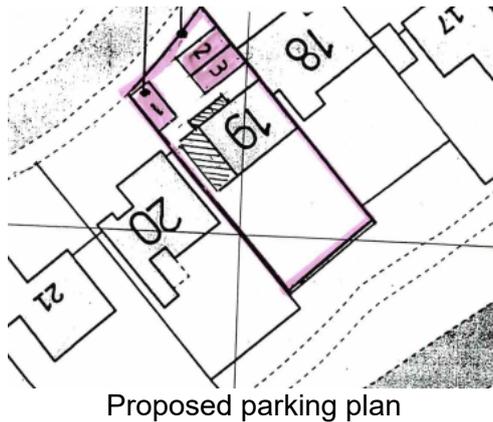
- Width: 2.6 metres (1m gap from western boundary)
- Depth at ground floor: 8 metres
- Depth at first floor: 5.8 metres
- Eaves height: 5 metres
- Ridge height: 7.1m



Proposed front elevation



Proposed floor plans



6. REPRESENTATIONS RECEIVED

Bracknell Town Council

6.1. Bracknell Town Council objected to the original scheme on the basis that a parking plan had not been submitted.

Other representations

6.2. In addition to the objection from Bracknell Town Council 10 objections were lodged against the original submitted scheme (“19 tawfield elevations proposed 4”, received by the LPA on 18th March 2023).

6.3. The objections related to three main issues:

- Parking issues
- Impact on light and overbearing to no.20 Tawfield.
- Potential terracing effect.

6.2. The revised plans sited the two-storey side extension away from the boundary. The new plans were submitted to the Local Planning Authority on 25th May 2023

6.4 A neighbour reconsultation process was initiated on 25th May 2023 with an end date of 8th June 2023. No objections were received to the revised proposals.

6.5 The Planning Officer wrote to the original objectors. Three responses were received, rescinding their original objection. Therefore 7 neighbour objections still stand.

7. SUMMARY OF CONSULTATION RESPONSES

Highway Authority

7.1. The Highway Authority has raised no objection to the submitted parking plan showing three parking spaces for this four-bedroom property.

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:

Policy and Guidelines		NPPF 2021
General Policies	<ul style="list-style-type: none"> • CS7 (Design) of the CSDPD 2008 • EN20 (Design) of the BFBLP 2002 • HO 7 (Local Character) and HO 8 (Good Quality Design) of the BTNP (2016-2036) 	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 • HO 4 (Managing the Streetscape) of the BTNP (2016-2036) 	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:

- i. The principle of development
- ii. Impact on Character and Appearance of Existing Dwelling and Surrounding Area
- iii. Impact on Residential Amenity
- iv. Impact on Highway Safety

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, upon the character and appearance of the area and highway 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 in. 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. Policy HO 8 of the Bracknell Town Neighbourhood Plan 2016-2036 states that developments will be expected to *'achieve high quality design that respects the established appearance, scale and character of the design of the particular neighbourhood in which they are being proposed.'*
- 9.6. Bracknell Forest Council's Design Supplementary Planning Document stipulates that side extensions should be sited and designed so as to minimise any impact on the character of the surrounding area by:
- being well back from the original building line, and preferably not seen in views along the street.
 - being subordinate to the original building, so that extensions of 2 storeys are noticeably smaller in footprint than the original building.
 - having a carefully designed roof form that is in scale with the original roof.
 - following the style of the original building.
 - avoiding terracing where this is not currently present.
- 9.7. The proposed side extension is set back from the front elevation at first floor level, down from the ridgeline and 1 metre in from the side boundary. The extension to the porch and its revised pitched roof at ground floor level adds cohesiveness between the original dwelling and the extension and would be a complementary addition to the streetscene.
- 9.8. The scheme complies with the Design SPD and is considered to not adversely affect the character and appearance of the surrounding area and would be in accordance with 'saved' policy EN20 of the BFBLP, policy CS7 of CSDPD, policy HO 8 of the Bracknell Town Neighbourhood Plan, and the NPPF.

iii. 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. The neighbouring dwelling most impacted by the proposed development would be no. 20 Tawfield, to the west.

Overlooking

- 9.11. No fenestration is proposed on the side elevation of the side extension. There are no dwellings located immediately to the rear of the site and the first floor front facing

windows will be set back from the existing front windows. There will not be any adverse overlooking issues resulting from this development.

Impact on Light

- 9.12. Bracknell Forest Council's Design Supplementary Planning Document states that side extensions should not have a negative impact upon the neighbouring property in terms of daylight and sunlight levels.
- 9.13. The extension would not project beyond the rear most elevation of the neighbouring property and therefore would not impact on any rear facing windows.
- 9.14. As the side elevation of no.20 Tawfield facing no.19 does not contain any windows to habitable rooms there will be no adverse impact on light to habitable rooms.

Overbearing

- 9.15. The Design SPD specifies that new developments should not result in an overbearing impact on neighbouring properties but does not specify how this should be assessed. 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".
- 9.16. Excluding the roof overhang, the proposed two storey element would be separated from the boundary with no.20 Tawfield by 1 metre and set down and back from the existing dwelling at first floor level. This reduces the visual dominance of the extension. Furthermore no. 20 Tawfield is at a higher level than no. 19 Tawfield.
- 9.17. 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 occupiers. 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 Highway Safety

- 9.18. 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.
- 9.19. The residential standards in the Parking SPD state that a four 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.
- 9.20. The submitted plan ("19TSP-A" – Proposed site plan with parking layout) include the provision for 3no. off-street parking spaces. The parking spaces have been found to comply with the requirements of the SPD.

- 9.21. The Highway Officer has reviewed the proposed development and raised no objection subject to conditions pertaining to the provision of the parking area and completion of the access prior to occupation of the development.
- 9.22. As the dwelling is in existing use and the proposal is only for an extension there is no need to consider the provision of bin and cycle storage.
- 9.23. 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.

10. CONCLUSION

- 10.1 It is considered that the proposed side and porch extensions are acceptable in principle and would not result in an adverse impact on the character and appearance of the host dwelling or surrounding area, nor would the development result in an adverse impact on the residential amenity of the neighbouring occupiers.
- 10.2 It is considered that the proposed development complies with 'saved' policy EN20 of the Bracknell Forest Borough Local Plan, policy CS7 of the CSDPD and the National Planning Policy Framework (NPPF).
- 10.3 Therefore, the application is recommended for conditional approval.

11. RECOMMENDATION

- 11.1 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 and other submitted details received by the Local Planning Authority on 25th May 2023:

19TSP-A - Proposed Plans and Elevations
19T3A-4A - Proposed site plan with parking layout.

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

03. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those outlined on the approved plans, received 25th May 2023 by the Local Planning Authority.

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

04. The development shall not be occupied until the associated vehicle parking and turning space for three cars to park and turn has been surfaced and provided in

accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.

REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.

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

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 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. Parking
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.

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PLANNING COMMITTEE DELEGATED REPORT
17th August 2023

CONFIRMATION OF TREE PRESERVATION ORDER (TPO) 1393

**LAND AT 6 & 13 SANDFORD DOWN AND 34 FORDWELLS DRIVE,
BRACKNELL - 2023**

(Director of Place, Planning & Regeneration)



1. PURPOSE OF DECISION

1.1 Under section 198 of the Town and Country Planning Act 1990 and section 200 of Town & Country Planning (Tree Preservation) (England) Regulations 2012, the Council has made this Tree Preservation Order (TPO) seeking to retain the subject trees that are assessed to have amenity value and may, without protection, be at risk of pruning, inconsistent with current arboricultural standards or premature removal without regard for replacement amenity planting. Representations have been made and are the subject of this report.

2. RECOMMENDATION

2.1. That the Committee approves the Confirmation of this Tree Preservation Order.

3. ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

3.1. Borough Solicitor

3.1.1. Guidance on Tree Preservation Orders and their making and confirmation is provided by the Department for Communities & Local Government (DCLG) through the National Planning Policy Framework as Planning Practice Guidance (PPG) titled 'Tree Preservation Orders and trees in conservation areas'. That guidance indicates that in the Secretary of State's view, TPO's should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. A Local Planning Authority should be able to show that a reasonable degree of public benefit would accrue before TPO's are made or confirmed.

3.1.2. The guidance advises that three factors in particular are of relevance, namely: -

- *Visibility* - The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.
- *Individual, collective and wider impact* - Public visibility alone will not be sufficient to warrant an Order. The authority should also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:
 - *size and form*
 - *future potential as an amenity*
 - *rarity, cultural or historic value*
 - *contribution to, and relationship with, the landscape; and*
 - *contribution to the character or appearance of a conservation area*
- *Other factors* - Where relevant to an assessment of the amenity value of trees or woodlands, the authority may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

3.2. Equalities Impact Assessment

3.2.1. Not applicable

3.3. Other Officers

3.3.1. Assistant Director: Planning has noted the report.

4. **BACKGROUND**

4.1. TPO 1393 was made on the 6th March 2023 and replicates the protection previously provided by TPO 1024 which was subsequently revoked. TPO 1393 has been created to respond to an anomaly in the serving of the previous order, specifically the absence of proof that this original TPO 1024 was physically served on properties adjacent to T1 Oak, thus undermining its protective status. The anomaly became apparent through communications with the public, including a formal complaint. The details of any complaint are private and beyond the scope of this report other than to note the officer response upheld that TPO 1024 could not be evidenced to have been served correctly and therefore concluded TPO 1024 should be revoked, with a new order to be reserved to ensure the opportunity to object to the TPO was provided.

- 4.2. TPO 1393 has therefore been created to provide the opportunity for members of the public to submit comments of support or objection, in accordance with Regulation 6, of the 2012 TPO Legislation.
- 4.3. The outcome of any applications under the previous TPO are not included within the report as the process of reserving is intended to create the genuine opportunity for fresh consideration of whether the trees in question warrant inclusion with a TPO.
- 4.4. In the event the TPO is not confirmed the protection will lapse and the tree owners will be free to manage or remove the trees as they see fit.
- 4.5. In the event the order is confirmed then future tree works or proposed tree removal will be subject to a process of application, with the option of appeal to the Planning Inspectorate if a refusal of consent is not agreed with. The outcome of future applications is beyond the scope of the current report and decision.

4.6.

Trees specified individually (encircled in solid black on the map)



T1	Oak	Front garden, 6 Sandford Down
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Groups of trees (delineated by a broken black line on the map)



G1	Oak	One stem located within the rear garden of 13 Sandford Down and two stems within the rear garden of 34 Fordwells Drive
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- 4.7. Existing trees, of individual, group, area and or woodland designations are viewed and assessed for their amenity impact to evaluate their suitability for a TPO. This system is based on factors that assess: -
- Their health & condition
 - Their remaining longevity
 - Their relative public visibility
 - Specialist considerations such as ‘veteran’ status, historical interest etc.
 - The known (or perceived) ‘threat’ to their health & condition or existence
 - The impact of the trees on the landscape
 - Special factors such as proximity and orientation to the nearest habitable structure
- 4.8. These factors follow criteria based on government guidance and ‘best-practice’ and the assessment system used within Bracknell Forest Council (BFC) additionally incorporates recommendations from work by a Tree Policy Review Group during 2006. The assessment process gives a numerical value that informs the Tree Service in considering whether or not to make a TPO.
- 4.9. Once the new TPO is served, affected residents have 28 days in which to make representation to the Council. Some representations are letters of support whilst others request clarification, but more commonly they are objections to the making of the Order. Objections can be made on any grounds; if objections are duly made, the Local Planning Authority cannot confirm the TPO unless those objections have first been considered.
- 4.10. The Order document contains details of how a resident can comment or object to the TPO. In serving the Order, the Council also includes advice and guidance in respect of the objector’s right to make an application to manage their tree (even if the TPO has yet to be confirmed) and directs the objector to an application form and how to source Government advice on TPO procedures.

4.11. Any representation (support, objection, or comment) is reviewed in respect of Council policies and to address the issues raised either a delegated report is compiled for consideration by the Assistant Director: Planning or brought before the Planning Committee.

5. SUMMARY OF REPRESENTATIONS

5.1. Seven expressions of objection to have been received from: 6, 7, 10 & 18 Sandford Down and 32, 24 & 36 Fordwells Drive.

5.2. Issues raised are summarised as:

- It is considered that the presence of TPO 1393 diminishes the quality of life for those living in close proximity and is contrary to BFC's tree policy
- Detriment to quality of family life through living in close proximity to mature trees, such as allergies or diminished sunlight
- Challenge to the interpretation and application of the term 'amenity value'
- Concerns about the potential for trees to cause subsidence damage to house foundations
- Excessive overhang, causing detritus / general debris resulting in increased property maintenance
- Concern for property damage and personal harm
- Overbearing presence and inability to manage trees without planning agreement
- Financial implications

5.3. One expression of support was received from another nearby property, with a request for anonymity.

5.4. Positive regard is summarised as:

- T1 Is an impressive mature specimen
- It adds character to the location, enhancing daily life
- Should be protected to prevent impromptu future loss
- Support for sympathetic pruning for sustainable management

6. CONSIDERATION OF OBJECTIONS:

6.1. Quality of life: This is a subjective term and difficult to quantify or define. It must be noted the presence of a tree may simultaneously enhance and detract from two individuals perceived quality of life.

6.2. It is noted that historically, the BFC Tree Policy Review Group made an executive decision to create a system for assessing TPO merit, and sought to include 'quality of life' measures as part of the council's arboricultural considerations when considering new TPOs.

To implement this a widely adopted tool, the Tree Evaluation Method for Preservation Orders (TEMPO), developed by Forbes-Laird Arboricultural Consultancy (utilising the Helliwell system for attributing a fiscal amenity value) was adopted. To enable the subjective term of 'quality of life' to be considered and applied in BFC the TEMPO system was modified to include an additional section; Stage 3 - Tree Impact Assessment to incorporate key quality of life considerations.

This additional section includes three factors:

- Section e) - 'Impact on Landscape' - What is the visual effect of the tree in the current landscape? Is it one of many trees or does it have an individual contribution? - (i.e. Would the removal of specific trees impact on wider landscape experienced by individuals / public)
- Section f) - 'Proximity to Structure' - Does any part of the tree touch the nearest habitable structure and is it manageable by reasonable pruning? (Personal nuisance)
- Section g) - 'Orientation to Structure' - Does the tree present an inordinate level of shade to the use of the property? (Personal nuisance)

The effect of the additional section is to ensure that in order to qualify for protection, trees must score higher in other sections where they are not unique in the landscape, have close proximity to built structures and are orientated in such a way as to cast shade over property. The system attributes negative scores for the additional factors.

Whilst it is impossible to remove an element of subjectivity from any tree assessment there is a systematic assessment in use and the process of bringing TPO confirmation before committee allows for independent review.

- 6.3. Allergies: Whilst it is appreciated that allergic reactions to tree pollen does present personal inconvenience for those susceptible during the annual occurrence, this issue is not a reason supported for preventing the making of a TPO. Should such reason be allowed, foreseeably the result would set an unacceptable and disproportionate precedent, involving the loss or mismanagement of otherwise healthy, viable landscape features and undermine the many beneficial services that trees provide for nature.
- 6.4. Amenity value: Government guidance for making a TPO does not prescribe a specific method for evaluating overall amenity value, thus BFC's adoption of a system, designed as a guide to decision-making, stands as a record that a systematic assessment has been made and therefore accords with guidance for Tree Preservation Orders; A Guide to the Law and Good Practice', DETR 2000 [the 'Blue Book 2000 (Para. 3.3)']

A copy of the TPO 1393 TEMPO assessment concluded a score of 19 points for T1 Oak and 18 points for G1 Oak, qualifying both trees as 'Definitely a merits TPO' (this classification requires a score of 15+ points). Points are removed where appropriate for proximity to buildings and influence of shade.

- 6.5. Inability to maintain trees at will: Section 197 of the Town and Country Planning Act 1990, places a duty on Local Planning Authorities (LPA) to consider trees and where qualified, to preserve trees that make positive contributions to the landscape character.
- 6.6. Vegetation induced subsidence damage: Utilising the British Geological Survey's (BGS) website <https://www.bgs.ac.uk/map-viewers/bgs-geology-viewer/> - 'Bedrock' geology viewer, Sandford Down and the surrounding area is located upon 'Bagshot' Formation Sand. Vegetation induced subsidence issues can only occur when soil structure is predominantly composed of Clay deposits. For clarity, the presence of clay soil does not inherently result in soil bearing capacities being compromised, nor is it reason to not protect TPO worthy trees. In the event of structural property damage being identified, property owners should, in the first instance contact their insurer to initiate an investigation. Where damage is proven to relate to a protected tree, an appropriate management specification can be administered by submitting a tree work application.

- 6.7. Overhanging branches causing tree debris, increased property maintenance and hinders direct sunlight: Falling debris from trees (such as leaves, seed & fruit, twigs and small branches, insect excretions, bird fouling etc) is the natural consequence of living adjacent to trees. Whilst sympathising with the difficulty encountered in maintaining a property; the sort of general inconvenience described is not recognised in English Law as a 'legal nuisance', and the judiciary regard falling leaves; fruit etc. as 'incidental to nature'. Similarly, obscured sunlight is not a material planning consideration that prevents a tree from being afforded protective status if deemed a significant amenity feature in the landscape (this includes problems with growing grass and sunlight into habitable rooms).
- 6.8. Property damage and or personal harm: Within the TPO process, it is not the tree owner's explicit obligation to make tree work applications. Therefore, any person who may have issue or concern for the condition or influence of a protected tree or trees, is at liberty to apply for works and to appeal any result. However, the duty of care to maintain reasonable levels of public safety is a legal obligation for the respective tree owner. As standard advice, owners of trees (protected or otherwise) which are located within falling distance of property and or infrastructure, are encouraged to periodically have their trees inspected. Consideration should be given to employing a suitably qualified and experienced independent Arboricultural Consultant to inspect the subject tree/s in detail and advise accordingly. If any safety or general management issues are identified, as a result of such instruction, works can be managed as part of the Tree Works application process. Any such application submitted and supported by professional evidence, once validated, would then be assessed on its merits, and determined accordingly.
- 6.9. Financial implications: The creation of a TPO is not intended to place a financial burden upon a landowner nor should it beyond any existing duty of care in managing property. Applications for work to protected trees are free and require respective current arboricultural best practice to be observed and implemented to ensure, as far as is reasonable, the minimum detriment to the subject trees and character of an area is caused. For openness, the planning department considers a reliable 'Agent' to be anyone with the enough arboricultural knowledge, experience and the ability to clearly demonstrate that the recommendations of their inspection/ assessment are proportionate to any identified issue and meet current arboricultural tree work standards (BS3998:2010).

7. SUPPORTING PLANNING INFORMATION

- 7.1. Retention & protection of trees is a key responsibility of Local Authorities under section 197 of the Town & Country Planning Act 1990.

8. CONCLUSION

- 8.1. The Council has followed due legislative process, procedure and policy and has stated the reasons for protecting the trees and the various objections and specific issues raised by correspondents have been addressed within this report.

End of Report

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