

Notice of Meeting

Planning Committee

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

Thursday 18 January 2024, 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 - 24
	To approve as a correct record the minutes of the meeting of the Committee held on 14 December 2023.	
3.	Declarations of Interest	
	Members are asked to declare any disclosable pecuniary or affected interests in respect of any matter to be considered at this meeting. Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Disclosable Pecuniary Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days.	
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)

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 23/00095/FUL Bracknell Ice Rink and Ski Centre John Nike Way Binfield Bracknell Berkshire RG12 8TN	29 - 68
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EMERGENCY EVACUATION INSTRUCTIONS

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	A mixed-use development comprising a single commercial building for flexible general industrial (B2), and storage and distribution (B8) use with ancillary offices and associated car parking and landscape planting; retention of a standalone office building without occupier restriction (Egi) with associated car parking; and retention of existing ski slope with new access point and associated parking area.	
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Sound recording, photographing, filming and use of social media is permitted. Please contact Jamie Beardsmore, 01344 352500, Jamie.Beardsmore@bracknell-forest.gov.uk, so that any special arrangements can be made.

Published: 15 January 2024

EMERGENCY EVACUATION INSTRUCTIONS

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**PLANNING COMMITTEE
14 DECEMBER 2023
6:30PM – 8:45PM**



Present:

Councillors Brown (Chair), Barnard, Collings, Frewer, Karim, Smith and Zahuruddin

Present Virtually:

Councillors Hayes MBE and McKenzie-Boyle

Apologies for absence were received from:

Councillors O'Regan and Egglestone

39. Minutes

An amendment to the minutes of item 37 on page 2 was agreed. The following text would be removed: "An amended recommendation was moved, seconded, and then carried which **RESOLVED** That the Assistant Director: Planning be authorised to **APPROVE** the application subject to the following conditions amended, added to or deleted as the Assistant Director: Planning considers necessary:".

Furthermore the following text "Following the completion of planning obligations under Section 106 of the Town and Country Planning Act 1990 relating to:" would be removed and replaced with the following:

"An amended recommendation was moved, seconded, and then carried which **RESOLVED** that the Assistant Director: Planning be authorised to **APPROVE** the application subject to the completion of planning obligation(s) under Section 106 of the Town and Country Planning Act 1990 relating to the following matters, and the following conditions amended, added to or deleted as the Assistant Director: Planning considers necessary:"

Subject to the amendments it was **RESOLVED** that the minutes of the meeting held on 9 November 2023 be approved as a correct record.

40. Declarations of Interest

There were no declarations of interest.

41. Urgent Items of Business

There were no urgent items of business.

42. 23-00278-FUL Highveld, Coronation Road, Ascot, Berkshire SL5 9LQ

Proposed erection of a building containing 6 No. flats (4 x 3 bed and 2 x 2 bed) with associated parking, bin store, cycle store, entrance gates and associated works following demolition of existing dwelling.

The Committee Noted:

- The representations of Winkfield Parish Council as detailed in the report.
- The 28 objections received as outlined in the report.
- A petition with 35 signatures objecting to the proposal as outlined in the report.
- The supplementary report tabled at the meeting.
- The 4 additional objections from postal addresses that had not previously objected as outlined in the supplementary report.
- The further 3 additional letters of objection from postal addresses that had previously objected already.
- The Site visit that had taken place on 9 December with the following Councillors in attendance: Brown, Zahuruddin, Hayes, Penfold, Collings and Smith.
- The representations of the two public speakers at the meeting.
- The addition of an additional informative tabled at the meeting: "The applicant is advised that the landscaping scheme required by Condition 8 will be expected to preserve and reinforce the level of screening of adjoining properties that presently exists on the site."

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

- i. Measures to avoid and mitigate the impact of residential development upon the Thames Basins Heath SPA; and
- ii. A requirement to enter into an agreement with the Highway Authority under Section 278 of the Highways Act 1980 for the formation of the widened access onto Coronation Road before occupation of any dwelling on the development;

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

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.
02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority:

Drawing no. A1/229/10 Rev B (proposed ground floor plan) received 30 August 2023

Drawing no. A1/229/11 Rev C (proposed first floor plan) received 30 August 2023

Drawing no. A1/229/12 Rev B (proposed second floor plan) received 30 August 2023

Drawing no. A1/229/13 Rev C (proposed roof plan) received 30 August 2023

Drawing no. A1/229/14 Rev C (proposed site plan) received 30 October 2023

Drawing no. A1/229/15 Rev B received 30 August 2023

Drawing no. A1/229/16 Rev C (proposed bicycle/bin store) received 30 October 2023

Drawing no. A1/229/18 Rev D (proposed landscaping) received 30 October 2023

Drawing no. A1/229/19 Rev C (proposed entrance gates) received 30 October 2023

Drawing no. A1/229/20 Rev C (proposed site plan comparison) received 30 October 2023

Drawing no. A1/229/21 (proposed bat boxes) received 2 October 2023

Vivara bat box midi received 2 October 2023

Vivara build in bat tube received 2 October 2023

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

03. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be undertaken in accordance with the approved plans/information:

Brickwork -Wienerberger Renaissance Multi Brickwork.

Roof tiles - Spanish Slate.

Windows - Georgian style white UPVC sash windows.

Window sills, surrounds and heads, porticos and balustrades - Portland Cast Stone.

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

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

[Relevant Policies: BFBLP EN20, CSDPD CS7]

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

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

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

05. The windows shown on the approved drawings as having obscured glazing shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent) to a height of 1.7m from floor level. The windows shall at all times be fixed shut to a height of 1.7m from floor level.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

06. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no additional windows, similar openings or enlargement thereof shall be constructed at first floor level and

above in the side elevations of the building hereby permitted except for any which may be shown on the approved drawings.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

07. The 6no. rooflights (3 on each side facing roofslope) or any replacement in the side facing roof slopes of the proposed development shall at all times be not less than 1.7 metres above internal floor level.
REASON: To prevent the overlooking of neighbouring properties.
[Relevant Policies: BFBLP EN20]
08. The development hereby permitted shall not be occupied until details of hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule. All planting comprised in the soft landscaping works shall be carried out 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. The areas shown for soft landscaping purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose.
REASON: In the interests of good landscape design and the visual amenity of the area.
[Relevant Policies, BFBLP EN2 and EN20, CSDPD CS7]
09. The development hereby permitted shall not be occupied until details of boundary treatments have been submitted to and approved in writing by the Local Planning Authority. All boundary treatments should provide for the free movement of wildlife to and from the site. The approved scheme shall be implemented in full before the occupation of any of the flats approved in this permission.
REASON: In the interests of the visual amenities of the area and in the interests of biodiversity.
[Relevant Plans and Policies: BFBLP EN20, CSDPD CS1, CS7]
10. The development hereby permitted shall not be begun until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day has been submitted to and approved 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: CSDPD CS10]
11. The development hereby permitted shall not be occupied until the widened means of vehicular access has been constructed in accordance with the approved plans and construction details which have been submitted to and

approved by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

REASON: In the interests of highway safety.

[Relevant Policies: CSDPD CS23]

12. The development hereby permitted shall not be occupied until the associated vehicle parking for 13 (thirteen) cars with associated turning space has been surfaced and marked out in the locations shown on the approved plans within the development. Notwithstanding the parking space allocation shown on the approved plans, parking spaces shall be allocated and provided with electric vehicle charging points as follows:

(a) One space allocated to each apartment (six allocated spaces total) with each allocated space enabled with an electric vehicle charging point with an output of at least 7kW per space;

(b) One unallocated space per apartment (six unallocated spaces total) with each unallocated space enabled with ducting and cabling to provide electric vehicle charging in future if required; and

(c) One signed visitor space enabled with an electric vehicle charging point with an output of at least 7kW.

There shall be no restrictions on the use of the unallocated car parking spaces described in (b) above for the occupiers of, or visitors to, any of the apartments hereby permitted. The visitor space described in (c) above shall be retained for the use of visitors to any of the apartments hereby permitted and not used for residents parking. The spaces and turning areas shall thereafter be kept available for parking and turning at all times.

REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users and be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

[Relevant Policies: BFBLP M9, CSDPD CS23]

13. The development hereby permitted shall not be occupied until at least 16 (one per bedroom) secure and covered cycle parking spaces have been provided in the location identified for cycle parking on the approved plans. The cycle parking spaces and facilities shall thereafter be retained.

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

[Relevant Policies: BFBLP M9, CSDPD CS23]

14. The development hereby permitted shall not be occupied until on-site refuse storage has been provided in accordance with the approved plans and shall thereafter be retained.

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

[Relevant Policy: Relevant Policy: CSDPD CS13]

15. The development (including demolition and site clearance) hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:

(a) Parking of vehicles of site personnel, operatives and visitors

(b) Loading and unloading of plant and vehicles

(c) Storage of plant and materials used in constructing the development

(d) Wheel cleaning facilities

(e) Temporary portacabins and welfare for site operatives

(f) Swept path plans demonstrating that the largest anticipated construction vehicle can arrive in a forward gear, turn around on site and depart in a

forward gear onto the adopted highway and each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (f) above.
REASON: In the interests of amenity and road safety.
[Relevant Policies: BFBLP EN20, CSDPD CS23]

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

17. The development hereby permitted shall not be begun (including initial site clearance) until a detailed scheme for the protection of existing trees in accordance with British Standard 5837 (2012) 'Trees In Relation To Construction Recommendations' (or any subsequent revision), has been submitted to and approved in writing by the Local Planning Authority. Protection measures shall be phased as necessary to take into account and provide protection during all construction works. Details shall include an approved development layout plan at a minimum scale of 1:200, showing the following:

- a) Accurate trunk positions and canopy spreads of all existing trees within the site and on adjoining land adjacent to the development within influencing distance of the development.
- b) Accurately plotted minimum 'Root Protection Areas' of retained trees calculated in accordance with BS 5837 (2012) recommendations (or any subsequent revision),
- c) All existing and retained soft landscaping areas located within the Minimum Root Protection Areas, clearly/ accurately plotted and annotated to be retained/ unaltered.
- d) Proposed location/s of 2m high (minimum) protective barrier/s, supported by a fixed fully braced metal framework, constructed as a minimum in accordance with Section 6, to include appropriate weatherproof tree protection area signage (such as "Keep Out - Construction Exclusion Zone") securely fixed to the outside of the protective fencing structure at regular intervals.
- e) Illustration/s of the proposed protective barriers to be erected.
- f) Proposed location/s and illustration/s ground protection measures within the main root protection areas of retained trees, designed as necessary for pedestrian light traffic or heavy plant machinery, as necessary to prevent contamination and ground compaction.
- g) Annotated minimum distances between protective barriers and trunks of retained trees and/or proximity to existing structures at regular intervals.
- h) All fenced off areas clearly annotated as Tree Protection Areas/Construction Exclusion Zones.
- i) Notes regarding restrictions which apply to Tree Protection Areas/Construction Exclusion Zones.

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

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

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

18. The protective fencing and other protection measures specified by condition 17 shall be erected in the locations agreed in writing by the Local Planning Authority prior to the commencement of any development works, including any initial clearance, and shall be the correct approved structure/s, maintained fully intact and (in the case of the fencing/ barriers) upright, in its approved locations at all times, until the completion of all building operations on the site. Where phased protection measures have been approved, no works shall commence on the next phase of the development until the protective fencing barriers and other protective measures have been repositioned for that phase in full accordance with the approved details. No activity of any description must occur at any time within these areas including but not restricted to the following: -
- a) No mixing of cement or any other materials.
 - b) Storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description.
 - c) Siting of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, porta-loos, storage compounds or hard standing areas of any other description.
 - d) Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ ground conditions of any other description.
 - e) Installation/siting of any underground services, temporary or otherwise including drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting.
 - f) Parking/use of tracked or wheeled machinery or vehicles of any description.

In addition to the protection measures specified above,

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

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

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

19. The development hereby permitted shall not be begun (including initial site clearance) until a detailed site-specific programme of supervision/monitoring for all arboricultural protection measures, has been submitted to and approved in writing by the Local Planning Authority. Details shall include: -
- a) Induction and personnel awareness of arboricultural matters by the applicants appointed project arboriculturalist.
 - b) Clear Identification of individual responsibilities and key personnel.
 - c) Statement of delegated powers.
 - d) Timing and methods of site visiting and record keeping. To include routine site visits at maximum 4 week intervals
 - e) Procedures for dealing with variations and incidents.
- The programme of arboricultural monitoring shall be undertaken in full compliance with the approved details. A copy of the signed inspection report shall be sent to the local Authority following each visit.
- REASON: In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area.

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

20. The development hereby permitted shall not be begun until:
- (i) a site layout plan at a minimum scale of 1:200 showing the proposed layout of all underground services and external lighting and
 - (ii) a programme for the phasing and timing of works have been submitted to and approved in writing by the Local Planning Authority. Details of the site layout plan shall include:
 - a) Accurate trunk positions and canopy spreads of all retained trees/hedgerows and mature groups of shrubs.
 - b) Surface water/ foul drainage and associated inspection chambers (existing reused and new)
 - c) Soak-aways (where applicable)
 - d) Gas, electricity, telecom and cable television.
 - e) Lighting columns and all associated ducting for power supply.
 - f) Phasing and timing of works.
- The development shall be carried out in full accordance with the approved site layout and the approved programme.
- REASON: In order to safeguard tree roots and thereby safeguard existing trees and other vegetation considered worthy of retention and to ensure new soft landscape planting areas are not adversely affected and can be used for their approved purpose, in the interests of the visual amenity of the area.
- [Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]
21. The development hereby permitted shall not be begun (including site clearance and demolition) until a wildlife protection scheme for construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- i) an appropriate scale plan showing where construction activities are restricted;
 - ii) details of protective measures to avoid impacts during construction;
 - iii) a timetable to show phasing of construction activities; and
 - iv) details of persons responsible for compliance with legal consents, planning conditions, installation of protective measures, inspection and maintenance.
- The wildlife protection scheme shall be implemented and maintained in accordance with approved details during the duration of operational work.
- REASON: In the interests of nature conservation
- [Relevant Plans and Policies: CSDPD CS1, CS7]
22. The development hereby permitted shall be undertaken in accordance with the recommendations made in the 'Bat Emergence and Re-entry Surveys' report (Arbtech, 2/10/23) and shown on drawing no. A1/229/21 - Proposed Bat Boxes' (Coba Design, 2 October 2023) unless varied by a European Protected Species license subsequently issued by Natural England. In the interests of securing the maximum benefit for biodiversity any variation of the agreed mitigation required by Natural England must not result in the reduction in the quality or quantity of mitigation/compensation provided. Agreed features for roosting bats shall be permanently installed in accordance with the approved details.
- REASON: To safeguard protected species in accordance with the NPPF.
- [Relevant Plans and Policies: CSDPD CS1, CS7]
23. Notwithstanding the provisions of the Town and Country Planning (General and re- enacting that order, no external lighting shall be installed on the site or affixed to any buildings on the site except in accordance with details set out in

a lighting design strategy for biodiversity that has first been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

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

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

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

In the event of the S106 agreement not being completed by 30 April 2024, the Assistant Director: Planning be authorised to either extend the period further or refuse the application on the grounds of:

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 5 Bracknell Forest Council Planning Committee 14th December 2023 Page 4 of 5 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)

In the absence of a planning obligation to enter into an agreement with the Highway Authority under Section 278 of the Highways Act 1980 for the formation of the widened access onto Coronation Road, the proposal would be contrary to Policy CS23 of the Core Strategy Development Plan Document.

43. **23-00392-OUT Land Adj The Russets, Hancombe Road, Sandhurst, Berkshire GU47 8NP**

Outline application (with details of access, appearance, layout and scale) for the erection of a four bedroom detached dwelling with garage, parking and rear garden following demolition of existing garage.

The Committee Noted

- The objections of Sandhurst Town Council as detailed in the report.
- The 16 objections received as outlined in the report.
- The supplementary report tabled at the meeting.
- The Site visit that had taken place on 9 December with the following Councillors in attendance: Brown, Zahuruddin, Hayes, Penfold, Collings and Smith.
- The representations of the two public speakers at the meeting.

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

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

the Assistant Director: Planning be authorised to **APPROVE** the application 23/00392/OUT subject to the following conditions amended, added to or deleted as the Assistant Director: Planning considers necessary:

01. Application for approval of the details of the landscaping of the development (hereinafter called "the reserved matters") shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The plans and particulars in relation to the Reserved Matters shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990
02. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990.
03. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 10 July 2023, 1st September 2023, 29th September 2023, 27th November 2023 and 11th December:

702-23-Outline-Prop-02Rev D received 11th December 2023
702-23-Outline-Prop-02Rev E received 11th December 2023

702-23-Outline-Prop-06 received 27th November 2023

702-23-Outline-Prop-05 received 29th September 2023

702-23-Outline-Prop-03RB received 1st September 2023
702-23-Outline-Prop-04RB received 1st September 2023
702-23-Outline-Prop-Location (Location Plan only) received 10 July 2023.

REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
04. No structure hereby permitted shall be built above existing ground level until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

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

06. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:
- (a) Parking of vehicles of site personnel, operatives and visitors
 - (b) Loading and unloading of plant and vehicles
 - (c) Storage of plant and materials used in constructing the development
 - (d) Wheel cleaning facilities
 - (e) Temporary portacabins and welfare for site operatives and each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (e) above.

REASON: In the interests of amenity and road safety.
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS23]

07. The development shall not be occupied until the associated vehicle parking has been surfaced and marked out 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].

08. The garage accommodation shall be retained for the use of the parking of vehicles at all times with the space allocated as follows:
- (a) An area 3.5 metres wide by 6.0 metres long (measured back from the vehicle door) shall be retained for the parking of a car at all times
 - (b) An area to the rear of that set out in (a) above shall be retained for the storage of at least four bicycles.

REASON: To ensure that the Local Planning Authority's vehicle parking standards are met to reduce the likelihood of on-street parking which would be a danger to other road users and would hinder the movement of vehicles along Hancombe Road
[Relevant Policy: BFBLP M9]

09. No development shall take place until a scheme for the disposal of surface water drainage that can be maintained for the lifetime of the development have been submitted to and agreed in writing by the Local Planning Authority. Information required to be submitted to satisfy this condition includes: a) The existing drainage arrangements of the site including discharge location and rate where appropriate; b) The proposed discharge location in accordance with the drainage hierarchy and reasonable evidence this can be achieved; c) Full details of all components of the proposed drainage system including dimensions, locations, gradients, invert and cover levels, headwall details, planting and

drawings as appropriate; d) Evidence to support b) which must include infiltration/percolation testing or written confirmation from the appropriate water authority/third party that a discharge to its drainage system is acceptable; and e) Mitigation measures for managing surface water flood risk within the site. REASON: To ensure that the site is properly drained and does not increase the risk of flooding in accordance with policy CS1 of the Core Strategy.

10. No development shall commence until a scheme for the provision of biodiversity enhancements (not mitigation), including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the Local Planning Authority.
The approved scheme shall be performed, observed and complied with.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1, CS7]
11. The new dwelling shall not be occupied until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day, has been submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the Sustainability Statement, as approved, and retained as such thereafter.
REASON: In the interests of sustainability and the efficient use of resources. [Relevant Policy: Core Strategy DPD CS10]

Should the applicant fail to complete the required S106 agreement by 30 April 2024, the Assistant Director: Planning be authorised to either extend the period further or refuse the application for the following reason:

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).

44. **22-00504-FUL Fines Bayliwick House Hotel, London Road, Binfield, Bracknell, Berkshire RG42 4AB**

The conversion and erection of extensions to Fines Bayliwick Hotel to provide 11no. 2 bedroom apartments following the demolition of extensions to the building. [This application constitutes a resubmission of refused planning application 21/00460/FUL].

The Committee noted:

- The 8 objections received as outlined in the report.
- The Site visit that had taken place on 9 December with the following Councillors in attendance: Brown, Zahuruddin, Hayes, Penfold and Collings.
- The supplementary report tabled at the meeting.

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

- i. Measures to avoid and mitigate the impact of residential development upon the Thames Basins Heath SPA
- ii. SuDS Obligations and Monitoring Fee (TBC)
- iii. Community Facilities Contribution
- iv. Open Space of Public Value Contribution

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

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details received by the Local Planning Authority on 14.06.2022 and 06.12.2023:

NATH-006 REV B
NATH-005
NATH-003
NATH-002
NATH-001
2303063-03
100020449

Arboricultural Survey and Impact Assessment , Fines Bayliwick House Hotel, Bracknell, April 2022

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

03. No development shall take place until samples of the materials to include bricks, roof tiles, boarding and balcony screens to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenities of the area.
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]
04. No unit shall be occupied until a means of vehicular access has been constructed in accordance with details which have been submitted to and approved by the Local Planning Authority.
REASON: In the interests of highway safety. [Relevant Policies: Core Strategy DPD CS23]
05. No unit shall be occupied until the associated vehicle parking and turning space has been surfaced and marked out 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]

06. No unit shall be occupied until secure and covered parking for bicycles has been provided in accordance with the approved drawing.
REASON: In order to ensure bicycle facilities are provided.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
07. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:
- (a) Parking of vehicles of site personnel, operatives and visitors
 - (b) Loading and unloading of plant and vehicles
 - (c) Storage of plant and materials used in constructing the development
 - (d) Wheel cleaning facilities
 - (e) Temporary portacabins and welfare for site operatives
- and each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (e) above without the prior written permission of the Local Planning Authority.
REASON: In the interests of amenity and road safety.
08. No development shall take place until full details of the Drainage System has been submitted to and approved in writing by the Local Planning Authority. This shall include:
- i) Results of intrusive ground investigations demonstrating the depth of the seasonally high groundwater table.
 - ii) Calculations demonstrating the drainage design can accommodate the design rainfall using FEH rainfall data
 - iii) Full details of all components of the proposed drainage system including dimensions, locations, gradients, invert and cover levels, headwall details, planting (if necessary) and drawings as appropriate taking into account the groundwater table.
 - iv) Where offsite discharge into public sewers is proposed, Thames Water consent to discharge at proposed discharge rate.
- The development shall be carried out in accordance with the approved details.
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.
09. No development shall commence until details of how the surface water drainage system (inclusive of flood mitigation measures) shall be maintained and managed after completion have been submitted to and approved in writing by the Local Planning Authority. The details shall include confirmation of the required maintenance activities with expected frequency, with site specific assessments included to demonstrate that health and safety has been fully considered in the design and that access and egress for future residents will be maintained during any operations to repair or replace drainage features.
REASON: To ensure that the site is properly drained and does not increase the risk of flooding in accordance with policy CS1 of the Core Strategy.

10. Prior to practical completion of any unit a verification report, appended with substantiating evidence demonstrating the agreed/approved construction details and specifications have been implemented, will need to be submitted and approved in writing by the Council. 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.

11. No unit hereby permitted shall be occupied until the sustainable urban drainage scheme for this site has been completed in accordance with the submitted details. The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. Written confirmation of agreements for the management and maintenance of the drainage scheme shall be submitted and approved by the Local Planning Authority.
REASON: To ensure that the site is properly drained and does not increase the risk of flooding in accordance with policy CS1 of the Core Strategy.

12. No development (including initial site clearance) shall commence until a programme of supervision/monitoring for all arboricultural protection measures, has been submitted to and approved in writing by the Local Planning Authority. Details shall include: -

- a) Induction and personnel awareness of arboricultural matters.
- b) Identification of individual responsibilities and key personnel.
- c) Statement of delegated powers.
- d) Timing and methods of site visiting and record keeping.
- e) Procedures for dealing with variations and incidents.

The programme of arboricultural monitoring shall be undertaken in full compliance with the approved details. A copy of the signed inspection report shall be sent to the local Authority following each visit. REASON: - In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area.

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

13. The development hereby permitted shall not be begun until:
(i) a site layout plan showing the proposed layout of all underground services and external lighting and
(ii) a programme for the phasing and timing of works have been submitted to and approved in writing by the Local Planning Authority. Details of the site layout plan shall include: -

- a) Accurate trunk positions and canopy spreads of all retained trees/hedgerows and mature groups of shrubs.
- b) Surface water/ foul drainage and associated inspection chambers (existing reused and new)
- c) Soak-aways (where applicable)
- d) Gas, electricity, telecom and cable television and cabling for EV charging.
- e) Lighting columns and all associated ducting for power supply.
- f) Phasing and timing of works.

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

REASON: - In order to safeguard tree roots and thereby safeguard existing trees and other vegetation considered worthy of retention and to ensure new soft landscape planting areas are not adversely affected and can be used for their approved purpose, in the interests of the visual amenity of the area.
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

14. The development hereby permitted shall not be begun until:
- (i) details of all proposed alterations to the ground levels within the site within 5 metres of the minimum 'Root Protection Areas' calculated in accordance with BS 5837 (2012) recommendations (or any subsequent revision), for all existing retained trees within the site and on neighbouring land adjacent to the approved development
 - (ii) a programme and method of implementation.

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

The details in respect of (i) shall include:

- a) Existing and proposed finished levels.
- b) Any proposed soil level re-grading in relation to existing retained trees, hedges, and other vegetation.
- c) Proposed retaining structures required to address level differences adjacent to retained trees and hedges and other vegetation.

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

REASON: In the interests of safeguarding the long term health and survival of retained trees, hedges and other vegetation considered worthy of retention.
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

15. No development hereby permitted shall be begun until a site specific method statement (Method Statement) for the removal of all existing hard surfaced areas and structures of any other description, located within the minimum Root Protection Areas (RPAs) of trees to be retained, has been submitted to and approved in writing by the Local Planning Authority. Details shall include:-

- A) A site plan identifying all areas where such work is to be undertaken.
 - b) Reinstatement to soft landscape area including proposed ground de-compaction works.
 - c) Timing and phasing of works.
- The approved Method Statement shall be observed, performed and complied with.

REASON: - In order to safeguard tree roots and thereby safeguard trees in the interests of the visual amenity of the area.
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

16. No development shall commence until a detailed site specific construction method statement (Construction Method Statement) for all hard surfaced areas of any description to include a Root Bridge construction system within the minimum root protection areas of retained trees calculated in accordance

with British Standard 5837:2012 'Trees In Relation To Construction Recommendations', or any subsequent revision, has been submitted to and approved in writing by the Local Planning Authority. Details shall be based on a porous 'No-Dig' principle of construction, avoiding any excavation of existing levels in all areas concerned, and shall include: -

- a) An approved development layout plan identifying all areas where special construction measures are to be undertaken.
- b) Materials including porous surface finish.
- c) Construction profile/s showing existing /proposed finished levels together with any grading of levels proposed adjacent to the footprint in each respective structure.
- d) Program and method of implementation and arboricultural supervision.

The Construction Method Statement shall be implemented in full accordance with the approved scheme, under arboricultural supervision, prior to the occupation of the units. The No Dig structure shall be retained in perpetuity thereafter.

REASON: In order to alleviate any adverse impact on the root systems and the long term health of retained trees, in the interests of the visual amenity of the area.

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

17. The protective fencing and other protection measures specified in the Arboricultural Survey and Impact Assessment shall be erected prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site. No activity of any description must occur at any time within these areas including but not restricted to the following: -
- a) No mixing of cement or any other materials
 - b) Storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description.
 - c) Siting of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, porta-loos, storage compounds or hard standing areas of any other description.
 - d) Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ ground conditions of any other description.
 - e) Installation/siting of any underground services, temporary or otherwise including; drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting.
 - f) Parking/use of tracked or wheeled machinery or vehicles of any description. In addition to the protection measures specified above, a) No fires shall be lit within 20 metres of the trunks of any trees or the centre line of any hedgerow shown to be retained. b) No signs, cables, fixtures or fittings of any other description shall be attached to any part of any retained tree.
- REASON: - In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area.
- [Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

18. The development hereby permitted shall not be begun until comprehensive details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: -
- a) Comprehensive planting plans of an appropriate scale and level of detail that provides adequate clarity including details of ground preparation and all other operations associated with plant and grass establishment, full schedules of plants, noting species, and detailed plant sizes/root stock specifications, planting layout, proposed numbers/densities locations.
 - b) Details of semi mature tree planting.
 - c) Comprehensive 5 year post planting maintenance schedule.
 - d) Underground service and external lighting layout (drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.), both existing reused and proposed new routes.
 - e) Means of enclosure (walls and fences etc)
 - f) Paving including pedestrian open spaces, paths, patios, proposed materials and construction methods,

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

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

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

19. The development hereby permitted shall not be begun until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day has been submitted to and approved 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: CSDPD CS10]

20. The development hereby permitted shall not be begun 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% unless otherwise agreed in writing by the Local Planning Authority).

has been submitted to and approved in writing by the Local Planning Authority. The building thereafter constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith.

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

[Relevant Plans and Policies: CSDPD Policy CS12]

21. No gates shall be provided at the vehicular access to the site.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

In the event of the s106 agreement not being completed by 31st March 2024, the Assistant Director: Planning be authorised to either extend the period further or refuse the application for the following reasons:

01. The occupants of the development would put extra recreational pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impact in this respect. 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 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, the Thames Basin Heaths Special Protection Area Supplementary Planning Document (2018).

45. **23-00514-3 Street Record, Holland Pines, Bracknell, Berkshire**

Conversion of grass amenity land into 6 residential parking spaces.

The Committee noted:

- The comments of Bracknell Town Council as outlined in the report.

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

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

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

2. The development hereby permitted shall be carried out only in accordance with the following approved plans and documents received by the Local Planning Authority on 30.11.2023:

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

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

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

4. The tree protection measures shown on the approved plans shall be erected in accordance with BS 5837:2012 (or any subsequent revision) Section 6 prior to the commencement of development, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright until the completion of all building operations on the site. No activity of any description must occur at any time within these areas including but not restricted to the following: -
 - a) No mixing of cement or any other materials.
 - b) Storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description.
 - c) Siting of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, porta-loos, storage compounds or hard standing areas of any other description.
 - d) Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ ground conditions of any other description.
 - e) Installation/siting of any underground services, temporary or otherwise including; drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting.
 - f) Parking/use of tracked or wheeled machinery or vehicles of any description.

In addition to the protection measures specified above,

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

REASON: - In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area.
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

CHAIR

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

**PLANNING COMMITTEE
18th January 2024**

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

		Case Officer	Reporting Officer
5	23/00095/FUL Bracknell Ice Rink and Ski Centre John Nike Way Binfield (Binfield South and Jennett's Park Ward) A mixed-use development comprising a single commercial building for flexible general industrial (B2), and storage and distribution (B8) use with ancillary offices and associated car parking and landscape planting; retention of a standalone office building without occupier restriction (Egi) with associated car parking; and retention of existing ski slope with new access point and associated parking area. Recommendation: Approve.	Jo Male	Jo Male

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.

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Unrestricted Report

ITEM NO: 5

Application No.
23/00095/FUL

Ward:
Binfield South and
Jennett's Park

Date Registered:
9 February 2023

Target Decision Date:
11 May 2023

Site Address: **Bracknell Ice Rink and Ski Centre John Nike Way
Binfield Bracknell Berkshire RG12 8TN**

Proposal: **A mixed-use development comprising a single commercial building for flexible general industrial (B2), and storage and distribution (B8) use with ancillary offices and associated car parking and landscape planting; retention of a standalone office building without occupier restriction (Egi) with associated car parking; and retention of existing ski slope with new access point and associated parking area.**

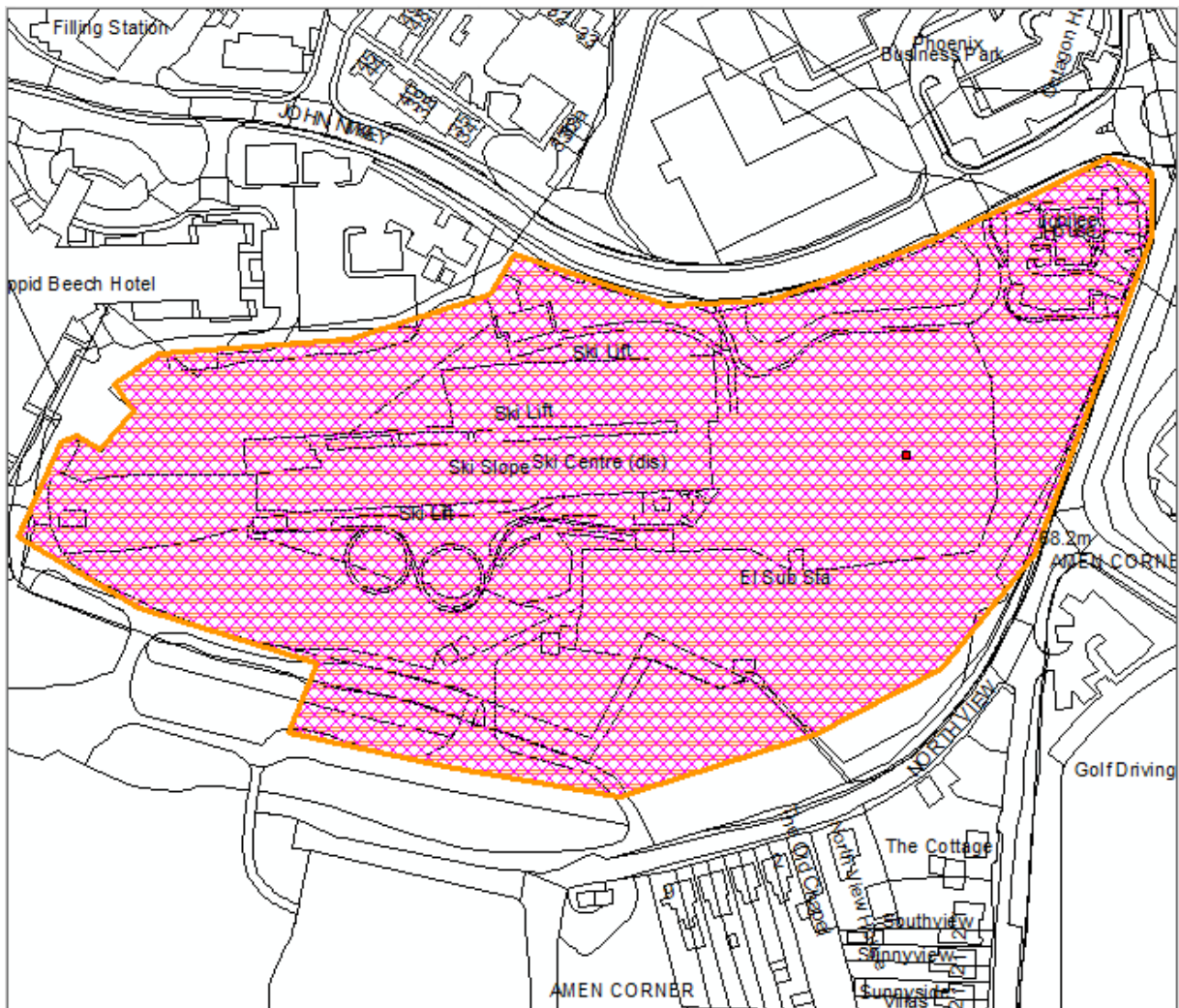
Applicant: BRACKNELL INVESTMENT LLP (LONDON)

Agent: Andy Ryley

Case Officer: Jo Male, 01344 352000

Development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1.0 SUMMARY

- 1.1 The site is located within the settlement boundary, immediately adjacent to a defined Employment Area which is proposed to be extended by the emerging Local Plan to include part of the application site. It comprises the site of the former ice rink (since demolished), an existing ski slope which is currently not in use, and an office building which is currently restricted to use ancillary to the leisure use of the land.
- 1.2 This application seeks full planning permission for the erection of a Class B2 (General Industrial) / Class B8 (Storage and Distribution) building in the central part of the site with associated parking and service yard. The proposal includes the retention of the existing ski slope and provision of additional parking to serve it; and the use of the office building known as Jubilee House, independently from the other uses on the site.
- 1.3 The application involves the loss of part of the existing leisure use of the site with the ice rink falling within Class F2 being considered a community use for the purposes of planning policy. Whilst national and local policy generally seek to resist the loss of such uses, both envisage circumstances where such a loss can be mitigated by improved quality of provision elsewhere. The application is accompanied by information demonstrating that there is no reasonable prospect that this leisure/community use will be reinstated on the site and confirming that other opportunities for leisure provision are available within Bracknell. Furthermore, the applicants have agreed to the provision of a financial contribution to improve leisure facilities at Bracknell Leisure Centre and this method of mitigation is considered to be consistent with the development plan and the NPPF.
- 1.4 The ski slope will remain on site with additional parking secured to serve it should it be brought back into use. The use of Jubilee House for office purposes, independent from other uses on the site will have no material impact in planning terms as parking to standard is already provided to serve the building.
- 1.5 The proposed industrial building will offer flexible B2/B8 accommodation for which there is a need locally as demonstrated by the Local Plan evidence base. The application has been amended since first submission and is now considered to be satisfactory in terms of highway safety, impact on the character of the area, drainage, landscaping and biodiversity. The issue of noise from the operation of the building has been carefully considered and on the basis of the submitted information, it is concluded that the proposed development would not have a material adverse impact upon the amenities of adjoining occupiers, subject to its operation in accordance with the submitted Operational Noise Management Plan.
- 1.6 The application is now recommended for approval subject to conditions and completion of a section 106 legal agreement.

RECOMMENDATION

Planning permission be granted subject to the completion of a s106 agreement and conditions as set out in Section 11 of this report.

2.0 REASON FOR REPORTING APPLICATION TO COMMITTEE

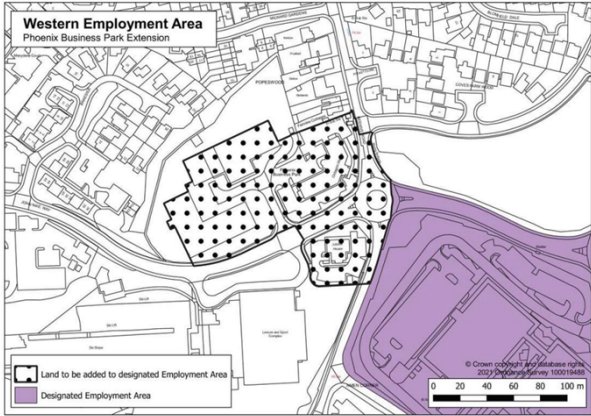
2.1 The application is being presented to Committee as more than 5 letters of objection have been received.

3.0 PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Settlement
TPO No. 157
Outside current extent of western employment area although Jubilee House will fall within amended boundary upon adoption of the emerging Local Plan.
Boundary of SA8 (Land at Amen Corner South) allocation runs along part of southern boundary of site.

3.1 The site extends 3.78 hectares and is known as the John Nike Leisure (JNL) site which is located at the junction of North View and John Nike Way. The site contains a dry ski slope, an area of hardstanding and car parking and an office block used in connection with the lawful leisure use. Until recently, it also contained an ice rink but this has been demolished and the land roughly levelled.

3.2 The site is located within the settlement boundary. It is located immediately to the west of a defined Employment Area for the purposes of the adopted development plan, however the office building (Jubilee House) will fall within the amended boundary of the Western Employment Area upon adoption of the Bracknell Forest Local Plan (BFLP).



Land to be added to designated employment area shown dotted

3.3 The site, as a whole, is located on a former landfill site. It is located within Flood Zone 1 although Environment Agency records indicate some pockets of surface water flood risk. Tree Preservation Order No. 157 covers a group of trees close to the site’s south-western corner, south of the ski slope, and a further group of trees located along the northern edge of North Street, immediately to the south of the site’s southern boundary.

3.4 Land immediately to the south and south-west of the site, forms part of the Amen Corner South Allocation as identified as SA8 in the Site Allocations Local Plan 2013 (SALP). A number of applications for residential or mixed use development have been submitted for parcels within this allocation. Most recently in August 2023, the Planning Committee resolved to approve a hybrid application 18/00242/OUT, subject

to the prior completion of a s106 Agreement, which will grant permission for a mixed-use development including 302 dwellings and a new spine road that will link the roundabout at the junction of Beehive Road and Cain Road, at the north-eastern corner of the application site, through to the London Road.

- 3.5 The agreed position of the spine road requires a strip of land along the southern edge of the application site which falls within the extent of the existing JNL site. It will provide alternative access arrangements to existing dwellings in North View, re-routing commercial vehicles associated with current industrial uses present on the southern part of the Amen Corner South site away from the front of these houses and directing them through the new development.
- 3.6 Levels vary significantly across the site, rising from the east to the west. At their most extreme, the area of woodland in the site's south-western corner is set some 5m above the slab level of the former ice rink.

4.0 Relevant Planning History

608205 - Construction of dry ski slope, ice skating hall, sauna/gymnasium facilities and garden centre with access roundabout on to London Road and associated car parking and internal road. Approved.

609479 - Enclosure for external refrigeration plant and electrical transformer adjacent skating hall. Approved.

617354 Proposed shop extension. Approved.

616304 Retention of overflow car park and 7 lighting columns. Approved.

616236 Retention of toboggan run. Approved.

621004 and 621479 Duplicate applications for the erection of indoor basketball arena and climbing wall. Refused.

622005 Erection of single storey extension to shop. Approved.

622880 Erection of office block known as Jubilee House. This permission was subject to a condition which states:

'The office block hereby approved shall only be used for purposes ancillary to the applicant's principal leisure use of the adjoining land and shall not be occupied by a third party without the written consent of the LPA'.

623201 Construction of Climbing Wall. Approved.

624746 Full application for the erection of an indoor basketball arena. Refused.

00/00577/FUL Erection of two storey side extension to existing ice rink. Approved.

02/00357/T Application to continue the use of land to the south of the ski slope, as an overflow car park for a temporary period of 5 years. Approved.

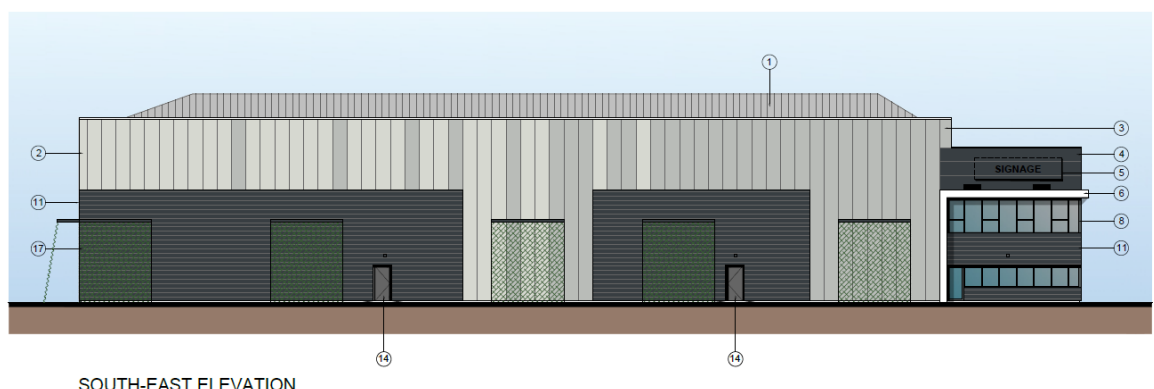
The Planning Statement that accompanies the application confirms that the ski slope and ice rink were closed to customers on 20th March 2020 in accordance with

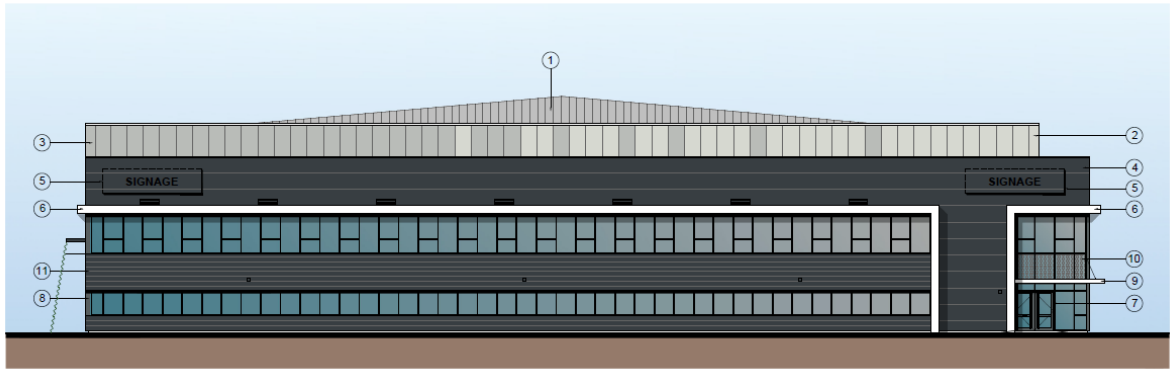
Government pandemic restrictions, with these facilities being fully decommissioned by 31st March 2020. The ice rink element of the site has since been sold to the current applicant with JNL Bracknell (operated by John Nike Leisuresport Ltd.) continuing to own the ski slope and Jubilee House.

In 2021 an application for prior approval for the demolition of the ice rink and associated buildings/structures (ref: 21/01146/DEM) was received and these buildings have since been demolished.

5.0 The Proposal

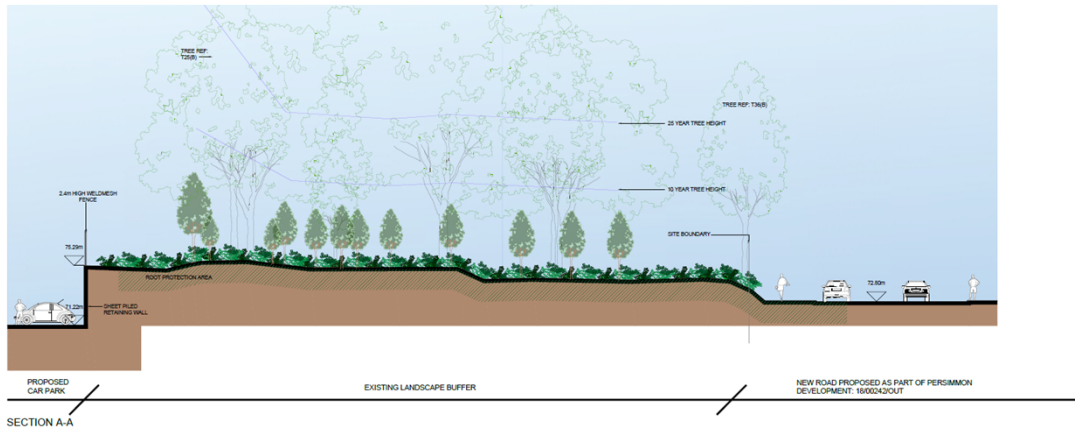
- 5.1 Permission is sought for the erection of a single commercial building with a gross external floor area of 4840sq.m comprising 4111sq.m on the ground floor with 729sq.m of ancillary office space provided at first floor level. A flexible B2/B8 use is proposed for the building meaning that it could be used for purposes falling within General Industrial Use Class B2 and/or Storage and Distribution Class B8 with ancillary office space, associated car parking and landscaping.
- 5.2 The application also proposes the retention of the existing office building Jubilee House without the occupier restriction imposed by virtue of planning permission 622880; and the retention of the existing ski slope with the creation of a new car parking area comprising 16 parking spaces, including 3 disabled spaces, to serve the facility should it be brought back into use. A further 28 spaces to be provided on an area of existing hardstanding at the front of the site, would also be secured for future use in connection with the ski slope.
- 5.3 The building measures approximately 69m x 62m and would have a parapet height of approx. 12.5m rising to a maximum height of 14.25m at the central part of the roof. The building would be finished in microrib vertical cladding in shades of grey which will serve to break up the massing. The building would be roofed in profiled steel cladding coloured, Goosewing Grey and all fenestration and loading doors would be finished in anthracite grey. Green wall panels have been added to the south-east elevation of the building as it faces the new access road and solar panels and a green roof will be provided. The two most visually prominent elevations of the building are shown below:



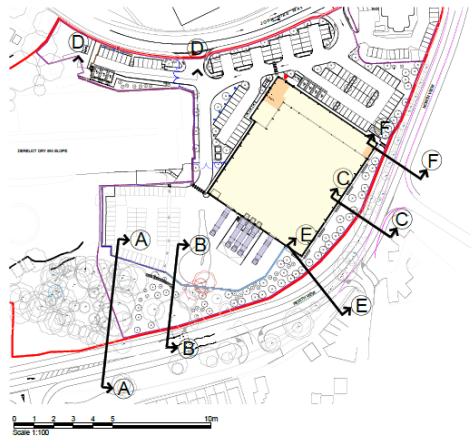


NORTH-EAST ELEVATION

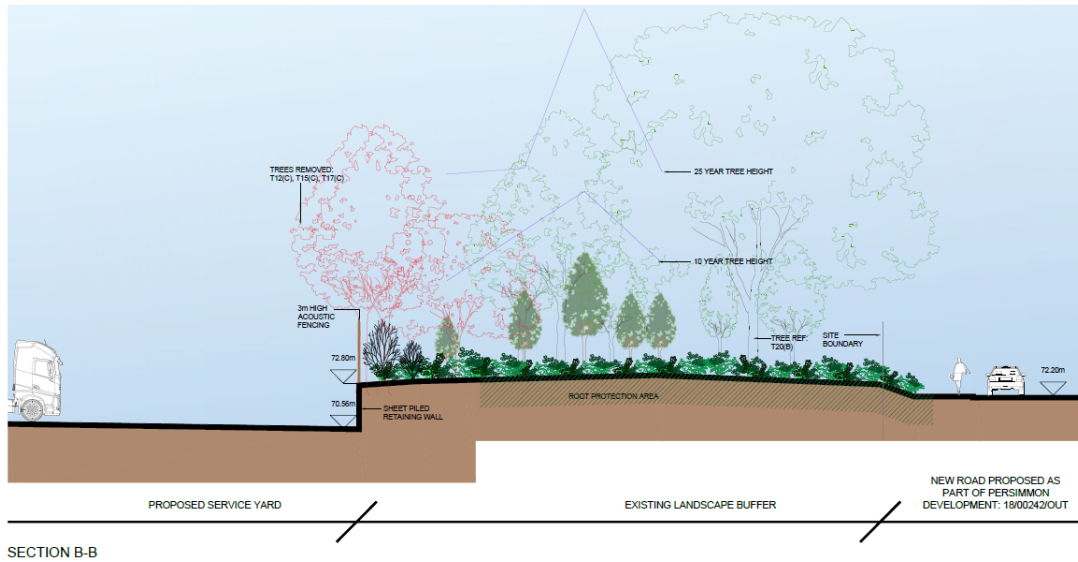
- 5.4 The development will be accessed from John Nike Way through a realignment of the existing in/out access arrangement. A total of 28 car parking spaces are provided on the existing area used informally for parking between the carriageway and the siting of the new building. These will be available for use by users of the ski slope should it come back into use. A further 66 parking spaces are provided to serve the new development between the proposed building and the car parking area that serves Jubilee House. To the rear of the building a service yard would be provided, and in the event that the development is occupied for Class B2 (General Industrial) purposes, a further 63 car parking spaces would be marked out in this area.
- 5.6 There is a considerable difference in levels across the site in an east-west direction and existing levels will be altered with the provision of the proposed spine road which serves the adjacent site known as Amen Corner South and which has recently received a resolution for approval from the Planning Committee as part of planning application 18/00242/OUT. Details of the new levels and the proposed buildings' relationship with adjacent land have been submitted and are shown in the series of cross-sections below.
- 5.7 At the eastern end of the car park where the change in levels necessitated by the development is at its maximum, the parking area will be set at a level some 4.07m below the height of the adjacent land, enclosed by a retaining wall with a 2.4m weld mesh fence above. The cross section below, shows this relationship and demonstrates how the access and delivery yard, will be set at a lower level than the new spine road, with an intervening, higher buffer of existing planting, at the point A-A indicated on the following key opposite existing properties in North View.



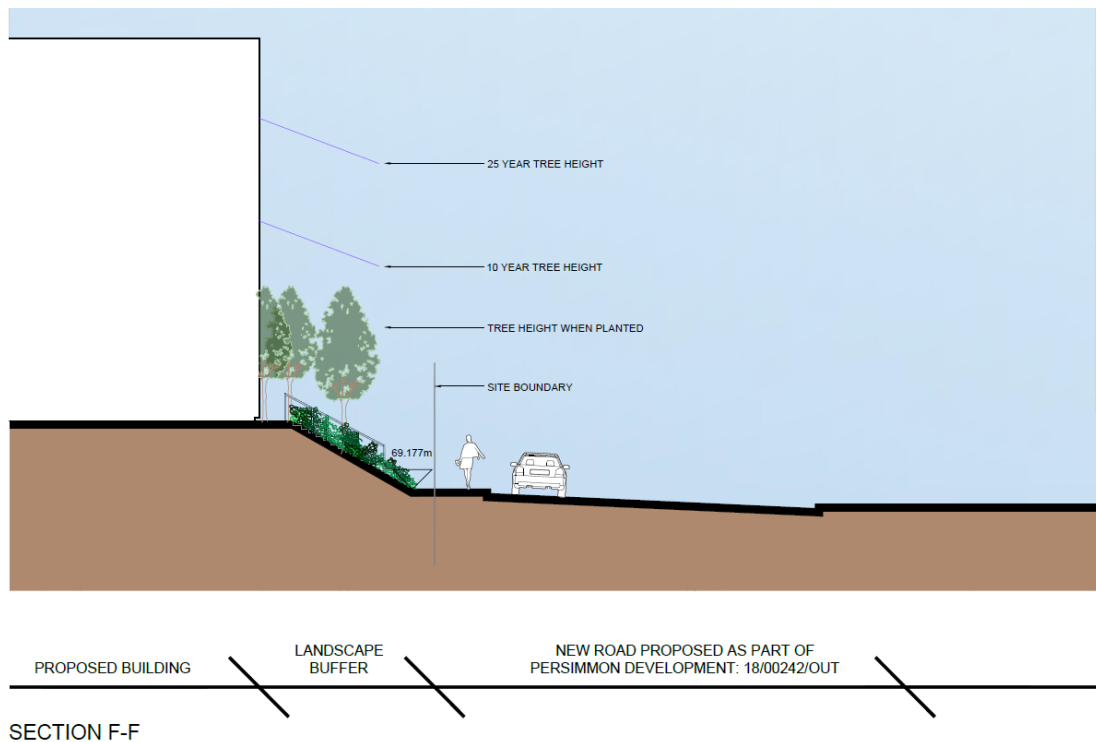
Key:



- 5.8 This differential in levels reduces as you move east towards the roundabout with Cain Road, with the following section still showing that the service yard/parking area will be set below existing ground levels and that of the new road at the point B-B.



- 5.9 The relative height of the new development in relation to the spine road reverses further towards the east and would result in the new building being set at a ground level of 2.2m above that of the spine road at it nearest point (Section F-F):



- 5.10 The application also includes the use of Jubilee House without compliance with the existing condition which requires it to be used for purposes ancillary to the applicant's leisure use of the adjoining land. The physical form of the building will remain unchanged, being accessed via the parking area that serves the wider site. It will retain use of the existing 27 parking spaces which serves this use and which are enclosed by means of existing low level fencing and landscaping.
- 5.11 The final element of the proposal is the provision of 16 additional parking spaces along the site's northern boundary with John Nike Way to serve the ski slope use (in addition to the 28 spaces provided at the front of the site) in order to ensure that this use of the site is not sterilised as a result of the current development.

6.0 RERESENTATIONS RECEIVED

Binfield Parish Council

- 6.1 Binfield Parish Council strongly objects to this application for the following reasons:
 - 1. Loss of Leisure and Sports Facilities
The land is currently designated as being of mixed use: business and leisure, with the emphasis definitely on the leisure aspects as the business use is limited to Jubilee House. This area is designated in the Amen Corner Supplementary Planning Document (2010) as being part of the leisure complex and is outside the Amen Corner Development Scheme.

There is a massive shortfall in the provision of sports and leisure facilities for young people and teenagers in the Borough and, although the ice rink was used by people of all ages, it was massively popular with the younger generation and very well used by this demographic.

Change of use of this land to business and warehousing will lead to an even greater, permanent shortfall in the provision of sports and leisure facilities. Indeed, it is difficult to envisage where else in the Borough this shortfall can be made up if this application were to be allowed.

Although it is commendable that the application retains the defunct ski slope, it is difficult to see how this can be brought back into use as all that remains is the ski slope itself. All the infrastructure relating to this facility has either been removed or will be swept away if the warehouse were to be built. Cynically, one wonders whether it is to be retained simply because it is on a slope and, therefore, not suitable for warehousing space.

[Officer Note: The site lies outside the Amen Corner South allocation as recognised within the Supplementary Planning Document. Development Principle AC1 of this document requires the new development to integrate with the existing leisure opportunities in the vicinity identified as the John Nike Leisure Sport Complex and does recognise that the complex provides significant recreational facilities to help support the new community. The issue of the loss of the ice rink is addressed at paras. 9.3 – 9.13 below]

2. Wrong Development in the Wrong Place

This will be a large industrial building with 24-hour usage and it is in the wrong place for its intended usage. Amen Corner South is designated as an area of mixed residential and business use. The needs of the current and future residents MUST be taken into account. Quality of life for residents will be reduced by the 24-hour working, the noise and light pollution and the constant arrival and departure of large HGVs. This sort of development is better situated in one of the industrial estates situated around Bracknell not in the middle of housing.

[Officer Note: The mixed-use character of the area is recognised and the potential impact of the development on the amenities of adjoining residential properties in terms of the noise and lighting impact, together with any measures required to mitigate such an impact, are addressed in paras. 9.74 – 9.92 of this report].

3. Noise and Light Pollution

The area, despite its proximity to the London Road, is quiet at night and while any noise from the warehouse will be lost in other noise during the day, night time working is a different matter. Noise travels further at night. The sort of noise generated by night time activity would be lorry engines, bleeping for reversing, the sound of loading and unloading etc.

There will also be a great deal of light pollution as people cannot work in the dark. All this will be to the detriment of the current and future residents of Amen Corner, and is not acceptable. This 24-hour operation is too close to housing and will continue for the length of time the facility is in operation. There is also no indication of whether this will be a 24-hour, 7 day a week operation. If this is to be the case, it would be intolerable for residents.

[Officer Note: The impact of the development in terms of light and noise are addressed in paras. 9.74 – 9.92 of this report].

4. Spine Road

This is the road designated to be built through the Amen Corner development from the roundabout at the bottom of John Nike Way, along North View and up to a new

junction on the London Road. It will be along the rear of the proposed development with the potential for it being used as the entrance / exit to the new warehouse instead of the substandard John Nike Way.

The residents of North and South View (as well as future residents of Amen Corner South) have suffered for years from both legal and illegal lorry movements along the road and deserve a break.

[Officer Note: The route of the spine road has been agreed under application 18/00242/OUT and is not a matter for this application. It will serve, not only the new residential development, but also existing commercial premises in the south of the Amen Corner South allocation currently accessed via Moor Lane, and also the commercial uses proposed under the hybrid application. Its location is considered to offer some betterment to current occupiers in North View by removing commercial traffic from immediately in front of these dwellings].

5. John Nike Way – Private Road

As the road is private, there is a seven and a half tonne weight limit. Has the road been built to highways standards and is it suitable for HGV's?

There has been NO application for change of use to this land.

[Officer Note: No material change of use requiring planning permission is proposed to John Nike Way. The suitability of using the existing access point into the site has been considered by the Highway Authority and their comments are reported at para. 9.36 of this report].

6.2 11 Letters of objection have been received and 1 Statement of Support from Bracknell BID (Bracknell Improvement District). 2 of the objections come from addresses outside the Borough. They raise the following concerns:

- Adequacy of measures to limit noise pollution if operating 24 hours a day **[Officer note: this issue is addressed at paras. 9.74 – 9.90 of this report]**
- Intended hours of use are not compatible with existing commercial operations within the vicinity and are not consistent with the residential character of the area to the south of North View. **[Officer note: Access to the site will remain from John Nike Way in a location where commercial uses predominate, and which currently provides the link through to the London Road thereby experiencing traffic throughout the day/night. The issue of noise impact on residential properties is addressed at paras. 9.74 – 9.90 of this report]**
- Location of proposed vehicle exits from the site not suitable and dangerous for HGVs **[Office note: The issue of highway safety and the suitability of the access are considered at para. 9.36 of this report].**
- Impact of Lighting **[Officer note: The issue of lighting is addressed at paras. 9.91 and 9.92 of this report].**
- Site should be retained in leisure use given proximity to residential development **[Officer note: the application is accompanied by information demonstrating that a continued leisure use of the site is no longer likely to be viable or feasible. The issue of the loss of leisure use is addressed at paras. 9.3 – 9.13 below]**
- Replacement leisure facility should be provided by the Council **[Officer Note: a s106 agreement will secure financial contributions to improve leisure facilities elsewhere in accordance with development plan policy].**

- Queries whether John Nike Way would be adopted as part of the proposals [**Officer Comment: John Nike Way is a private road and there is no intention for it to be adopted**]
- Concerns that existing speed and weight limits along John Nike Way routinely ignored [**Officer Comment: This is not a matter for this application**].
- Location of loading bays in the elevation facing North and South View [**Officer note: The impact of the development on residential amenity in terms of noise is addressed at paras. 9.74 – 9.90 of this report**]
- Disruption and inconvenience from the new spine road and how it affects access to properties in South View [**Officer note: the principal and location of the spine road is not for consideration under the terms of this application**].

6.3 The Statement of Support from Bracknell BID indicates that they support the application for the following reasons:

- Potential economic benefits including redevelopment of derelict site, creation of new jobs and additional contributions to business rates and skills training
- On the basis that the development is proposed to be Carbon Net Zero development, targeting BREEAM, will use recycled materials during construction, green landscaping, solar panels, high performance insulation, LED lighting and EV Charging.

7.0 SUMMARY OF CONSULTATION RESPONSES

Highways

No objection subject to conditions.

Travel Plan Co-ordinator

No objection

Environmental Health

No objection subject to conditions.

Landscape

No objection subject to conditions.

Drainage

No objection subject to conditions.

Trees

No objection, subject to pre-commencement tree protection and detailed landscaping conditions.

Biodiversity

No objection subject to conditions.

Archaeology

No objections, recommend condition.

Thames Water

Recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Raises no objection in respect of foul water sewerage network infrastructure capacity. Notes that the application indicates that surface water will not be discharged

to the public network and as such has no objection, however indicates that approval should be sought from the Lead Local Flood Authority.

Environment Agency

Unable to provide a detailed response. General advice provided.

8.0 Main Policies and Other Documents Relevant to the Decision

- 8.1 The following development plan policies are relevant to the determination of the current application:

Bracknell Forest Borough Local Plan (BFBLP) 2002

EN1 Protecting Tree and Hedgerow Cover
EN2 Supplementing Tree and Hedgerow Cover
EN3 Nature Conservation
EN20 Design Considerations in New Development
EN22 Designing for Accessibility
EN25 Noise and Other Pollution
SC3 No Reduction in Existing Community Facilities
M4 Highway Measures Expected in relation to New Development
M9 Vehicle and Cycle Parking

Core Strategy (CS), 2008

CS1 Sustainable Development Principles
CS2 Locational Principles
CS6 Limiting the Impact of Development
CS8 Recreation and Culture
CS19 Location of Employment Development
CS20 New Development in Employment Areas
CS23 Transport
CS24 Transport and New development

Site Allocations Local Plan (SALP) 2013

CP1 presumption in Favour of Sustainable Development

Binfield Neighbourhood Plan 2015-2026 (2021) (BNP)

No relevant employment policies.

Emerging Bracknell Forest Local Plan (BFLP)

Proposed Main Modifications to the emerging Local Plan have recently been subject to public consultation until 12th December 2023. It is intended that the emerging Local Plan be adopted in spring 2024. Paragraph 48 of the Framework relates to the weight that can be given to policies in emerging plans. In addition to the stage of preparation, it refers to the extent to which there are unresolved objections to relevant policies.

Relevant Policies are:

LP1 Sustainable Development Principles
LP2 Sustainable Locational Principles
LP10 Designated Employment Areas
LP11 Sites allocated for Economic/Mixed Use Developments
LP13 Infrastructure
LP14 Transport Principles
LP15 Design Principles
LP18 Flood Risk
LP26 Development within Designated Employment Areas
LP27 Employment Development outside Designated Employment Areas

LP32: Protection of community facilities and services
LP33: Play, open space and sports provision
LP42 Design
LP48 Protection and enhancement of Trees and Hedgerows
LP49 Sustainable Construction
LP51 SuDS
LP52 Pollution and Hazards
LP53 Development of Land potentially affected by Contamination
LP54 Assessing Transport Impacts and requirements
LP55 Transport infrastructure provision
LP56 Travel Plans
LP57 Parking

9.0 PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of development**
- ii. Impact on character and appearance of the area**
- iii. Impact on residential amenity**
- iv. Transport Implications**
- v. Impact on Trees and landscaping**
- vi. Impact on Biodiversity**
- vii. Drainage**
- viii. Noise**
- ix. Lighting**
- x. Contamination**
- xi. Sustainable construction**
- xii. Archaeology**
- xiii. S106 Obligations**
- xiv. CIL**

i. Principle of development

9.2 The site is located within the defined settlement and on previously developed land and accordingly its redevelopment is consistent with Policy CS2 of the CSDPD. However, in assessing the acceptability of the principle of the proposed development, it is necessary to look at a number of further issues namely:

- the loss of the ice rink,
- the appropriateness of the proposed Class B2/B8 use,
- the impact of the development on the future use of the ski slope, and
- the independent use of the office building, Jubilee House.

Loss of Ice Rink

9.3 Under the Town and Country Planning (Use Classes) Order 1987 (as amended) an ice rink falls within Class F.2, described as a 'local community use'. Although the ice rink has been demolished, this remains the lawful use of the majority of the site.

9.4 'Saved' Policy SC3 of the Bracknell Forest Borough Local Plan seeks to resist any loss of community facilities, stating "*Development will only be acceptable where there is no net reduction of existing community facilities*". However, this policy is not fully consistent with the NPPF which does not seek to resist the loss of community facilities in all instances but rather to "*guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to*

meet its day-to-day needs..." (paragraph 97c). As a result, any conflict with this policy cannot be given full weight in the decision-making process.

- 9.5 Policy CS8: Recreation and Culture of the Core Strategy indicates that development will be permitted which retains, improves and maintains recreational facilities although the explanatory text sets out that *"...it may be acceptable in exceptional circumstances and where the Council agrees an improved quality of Recreational Facilities can be secured which would offset any loss."*
- 9.6 Para. 103 of the National Planning Policy Framework (NPPF) states that 'existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use'.
- 9.7 It is considered that Policy CS8 is not wholly in accordance with the NPPF as the 'exceptional circumstances' envisaged do not allow for an assessment to be undertaken showing that the recreational facility is surplus to requirements, however it is consistent in respect of allowing such a loss, if an improved facility could be provided in a suitable location.
- 9.8 In such an instance, it is considered that the payment of a financial contribution towards improving existing facilities elsewhere could be used to offset the loss, and this approach would also be consistent with Policy CS6 (Limiting the Impact of Development) of the Core Strategy which states *"Where the Council agrees off-site mitigation is more practical and of greater value in creating sustainable communities, contributions towards provision on a different site will be secured by planning obligations"*.
- 9.9 Policy LP32 of the emerging Local Plan seeks to protect community facilities. However it permits their loss subject to a number of criteria, including if replaced by an equivalent or better facility elsewhere, or where a robust assessment demonstrates that the use is surplus to requirements. This Policy is subject to some Main Modifications in relation to part 2 (loss of community facilities) which is relevant to this application. Although the general direction of the Policy is unchanged, the modifications seek to remove the references to the need for community facilities and instead consider their value to the community.
- 9.10 If finally adopted in line with the proposed Main Modifications, the assessment required by this policy will have to include an evaluation of the quantity and quality of existing facilities in the locality and assess their value to the community and should include evidence that:
- a. the facility no longer provides a valued function to the community;
 - b. all reasonable efforts have been made to retain the facility (including evidence to confirm that the property or site has been actively and positively marketed for a meaningful period (minimum 1 year) with reasonable commercial terms and that there is no realistic interest in its retention for the current use);
 - c. it would not be economically viable, feasible or practicable to retain the building or site for its existing use, or an alternative community use.

- 9.11 Given that this policy is subject to proposed modifications, it is considered to carry moderate weight.
- 9.12 Emerging Policy LP33: Play, open space and sports provision seeks to protect and enhance sports facilities. The wording of this policy is not subject to any main modifications and is therefore considered to carry substantial weight. The explanatory text to this policy (14.14) indicates that ‘the Council will continue to mitigate the impact of new development on play, open space and sports facilities by: ii. Securing financial contributions towards the improvement of existing facilities’.
- 9.13 The application is accompanied by a Leisure and Recreation Facility Report. This confirms that the operation of the ice rink had been loss-making for a number of years before the pandemic and the site has been marketed since March 2022 with very little interest. The report refers to reduced leisure demand as a result of cost of living issues and increased leisure opportunities being provided within the town centre as a result of the development of the Lexicon and the provision of the new Ozone Ice Rink located in Western Road to the east of the application site. The report investigates interest in the site for other leisure or recreational uses and concludes *‘there is no reasonable or serious demand for the use of this site for leisure or recreation purposes and that Bracknell is well provided for in this respect, allowing the site to be better suited for other purposes’*.
- 9.14 In assessing how the loss of the ice rink should be viewed in relation to development plan policy, it is accepted that, given that the original ice rink has closed and the building has been demolished, it no longer provides a valued function to the community. Further, it is accepted that the site has been marketed for a period in excess of 1 year and that there is little interest in its retention for its current use. However, emerging Policy requires a robust assessment to demonstrate that it would not be economically viable, feasible or practicable to retain the building or site for its existing, or an alternative community use. The Leisure Market report does not address the potential for an alternative community use to be provided on this site and therefore there remains some conflict with emerging Policy LP32 which should be accorded moderate weight in the planning balance.
- 9.15 In assessing the issue of the loss of the ice rink against all relevant policies, the development conflicts with Policy SC3 in that it involves the loss of a community facility, however since this policy is not consistent with the NPPF, this conflict is given limited weight in the planning balance. Policy CS8 of the CSDPD better reflects national policy and the development also conflicts with this policy unless exceptional circumstances are accepted and the Council can secure an improved quality of Recreational Facilities that would offset the loss.
- 9.16 In this instance, the applicant has agreed to make a financial contribution of £324,000 towards the improvement of facilities at Bracknell Leisure Centre and this improved quality of existing recreational facilities is considered to comprise the exceptional circumstances required to justify the loss of the ice rink, in line with adopted policy CS8.
- 9.17 There remains some conflict with emerging Policy LP32 in that the submitted information has not demonstrated that it would not be economically viable, feasible or practicable for the site to be used for an alternative community use. However, given that this policy is subject to proposed main modifications, this conflict can only be given moderate weight in the decision-making.

9.18 Therefore, providing that a financial contribution is secured by means of a s106 agreement, it is considered that the loss of the existing community facility would be consistent with the adopted development plan and national policy and is acceptable in principle.

Provision of B2/B8 facility

9.19 Policy CS19 states that employment generating development will be permitted in Bracknell Town Centre and the Borough's defined employment areas. In other locations within settlements, new employment generating development will only be acceptable if there is an increase of 500sq.m of floor space or less. The current development amounts to 4840sq.m and is located beyond an identified employment area, although immediately adjacent to it with the site of Jubilee House being shown within the extended boundary of the Western Employment Area as shown on the Proposals Map to the emerging Local Plan.

9.20 Whilst Policy CS19 is generally consistent with the NPPF, it is more restrictive in terms of the definition of economic development and by not supporting larger employment development (greater than 500m² GEA) outside designated Employment Areas or Bracknell Town Centre. The NPPF states at paragraph 85 that '*significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development*'. As a result any conflict with this policy is given moderate weight.

9.21 The proposal is considered a 'large employment development' by the emerging BFLP Policy LP27 and requires an Employment Impact Statement. Emerging Policy LP27 is supportive of proposals that help create a range of different types and sizes of employment sites and those that will help to meet forecast demand over the plan period. The policy sets out the requirements for the Employment Impact Statement that is required to accompany any application. The wording of this emerging policy is subject to very limited modifications sought by the Local Plan Inspectors and therefore is considered to have significant weight in the decision-making process.

9.22 The application is accompanied by an Employment Market Report, a letter from Smith Jenkins in relation to the need for a sequential test and information provided within the Planning Statement. This information is considered sufficient to satisfactorily address the requirements for an Employment Impact Assessment and includes confirmation that the development will produce between 67 and 124 new FTE jobs, which is a net increase of between 13 and 70 FTE jobs compared to the sport/leisure centre before its closure.

9.23 It is considered that the site will contribute towards meeting needs for new industrial and warehousing floorspace within the emerging Local Plan by providing a commercial unit in flexible B2 and B8 use totaling 4,840m² GEA floorspace. Unmet needs from the emerging Local Plan are shown in the 'Position Statement giving details of monitoring of employment floorspace since base date of Bracknell Forest Local Plan (1st April 2020) and implications' (Nov 2022) which forms part of the evidence base to the emerging Local Plan. It is considered that the development is consistent with emerging Policy LP27 which can be accorded significant weight and therefore the principle of introducing a mixed B2/B8 use on this site is considered acceptable.

Impact on Ski Slope

9.24 The existing ski slope is not in use, however it originally operated in conjunction with the ice rink as a combined leisure use and was served by an area of parking which was available to staff/visitors of both facilities. In order that the use of the ski slope is

not sterilised for future use and that the site retains some leisure function, it is necessary that sufficient parking is provided to serve it, in the event that this use is reinstated. A total of 44 parking spaces are shown to serve the ski slope and subject to a condition securing their provision prior to the ski slope being brought back into use, it is considered that the proposed development will not adversely impact on the future resumption of the remaining leisure use on the site.

Removal of Occupier Restriction

- 9.25 The existing office building in the site's north-eastern corner is known as Jubilee House and was granted planning permission by virtue of application 622880. This permission was subject to a condition which states:

'The office block hereby approved shall only be used for purposes ancillary to the applicant's principal leisure use of the adjoining land and shall not be occupied by a third party without the written consent of the LPA'.

- 9.26 The current application proposes the retention of this building without the occupier restriction for continued use for office purposes (Class Eg(i)). The emerging Local Plan proposes the extension of the Western Employment Area to include this office building as shown in the extract from the Proposals Map in Section 3 above.
- 9.27 Both adopted Policy CS19 and emerging Policy LP26 Development within Designated Employment Areas are supportive of the provision of office space in designated Employment Areas. The development is provided with its own access and parking arrangements, and parking provision meets the Borough's adopted parking standards. Accordingly, this element of the development is considered acceptable in principle.

ii. Impact on character and appearance of the area

B2/B8 Building

- 9.28 The application site is located in an area which was originally predominantly commercial in nature but which will become increasingly mixed in character with the construction of a number of residential schemes recently granted planning permission. To the east is the Western Industrial Area which is being extended to include part of the application site and land to its north, and which includes large scale commercial buildings such as the data centre recently constructed on the former Hewlett Packard site, the 2-4 storey Octagon House, 2 storey car sales buildings located opposite the site and the three storey Jubilee House within it. However, land immediately opposite the roundabout on Cain Road (known as the Island Site) has been granted planning permission for a care home and 50 dwellings.
- 9.29 To the south of the site there are existing two storey residential dwellings in North View and South View. The development at Amen Corner South, which has recently received a resolution for approval subject to the completion of a s106 Agreement, will introduce further residential development to the south-west of the site. This latter development includes the provision of a new spine road connecting London Road into the Cain Road roundabout, which reduces the extent of the application site from that of the original ice rink, necessitating the loss of trees along the site's existing southern boundary and opening up views into the site.
- 9.30 The application proposes a significant industrial building, the scale of which is largely dictated by its future use and which, in terms of height or floor area, is not

disproportionate to other similar developments permitted within the Borough. At its closest point it will be set some 7.1m from the edge of the footway with the new spine road with the intervening area shown as landscaping.

- 9.31 The building will be set back from the John Nike Way frontage, behind an area of car parking. It will have limited visibility along this road as you approach from the east due to the positioning of Jubilee House. However it will be visible as you approach the site from the west, particularly due to the curvature of the road. However, in this area, it will be viewed within the context of other commercial buildings and it is not considered that it would be unduly visually prominent or appear out of keeping within the streetscene. Proposed tree planting shown along the road frontage, will help to ameliorate any visual impact.
- 9.32 The development will have no visual impact when viewed from the west due to existing planting and the difference in levels created by the ski slope. Therefore, the building's main visual impact will be from along the new spine road which adjoins the site's south/south-eastern edge.
- 9.33 The following section shows the view along this access road, with the brown line showing the outline of the former ice rink building.



- 9.34 Whilst it is recognised that the building is of a significant scale, it is not considered that it is disproportionate to others within the local area or would appear unduly visually prominent within the streetscene. It has been designed with a glazed element at its north-eastern end, which provides visual interest and informal surveillance for pedestrian routes as they adjoin and traverse the site.
- 9.35 A landscaping strip is provided along the site's boundary with the new spine road which is 7.1m wide at its minimum point. This provides sufficient space to allow tree planting, understorey ornamental planting and bulb planting which will assist in softening the impact of the development within the streetscene, particularly as the planting matures.

Parking to serve the Ski Slope

- 9.36 The parking area to serve the ski slope is accessed via the main access into the site and will be enclosed by a swing gate. Given the slope of the land a retaining wall will be required to be provided to the ski slope boundary and steps and a cycle ramp are shown. These parking spaces will be provided on rising ground close to the site's road frontage, such that they will have some visibility in the streetscene. The parking will be set behind a hawthorn hedge planted along the site's road frontage, with an ornamental planted bed adjacent to the site's access. This landscaping will soften the visual impact of the proposed car parking within the streetscene.

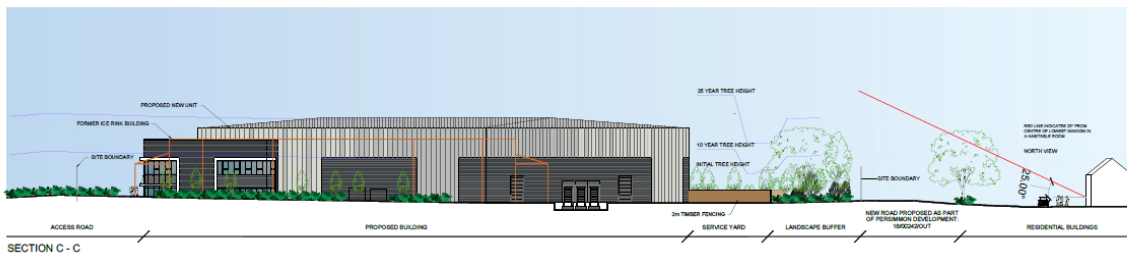
Jubilee House

- 9.37 The proposed development does not involve any changes to the existing building and the existing 27 parking spaces will be retained to serve the use of the building as independent office space. As a result, this element of the application will have no impact upon the character and appearance of the area.

iii. Impact on residential amenity

North View

- 9.38 The nearest residential properties to the proposed development are those situated in North View and South View. At the closest point these maintain a minimum distance of 45m to the delivery yard and 63m to the proposed building. As indicated above, the intervening environment between properties in North View and the application site will change and these dwellings will be separated from the site by the existing carriageway of North View, a verge area accommodating SuDS features, and then the spine road.
- 9.39 The section below, shows the relationship between these existing dwellings and the proposed development. The indication of a 25 degree line from a position at the centre of the ground floor windows in these dwellings, is provided as an indicator that the proposed building will not have a detrimental effect on the daylight of the closest existing property.



- 9.40 As can be seen from the illustration above, there will be a substantial planted buffer between these existing properties and the proposed building and it is not considered that they would suffer any material loss of amenity resulting from the built form of the development.

Future buildings at Amen Corner South

- 9.41 The nearest residential development permitted within the Persimmon scheme for Amen Corner South comprises a 3 storey block of flats (Block B plots 25 – 32) which is located beyond the site's western boundary at its southern end (see extract from plan below).



- 9.42 These existing properties are separated from the service yard and proposed building by a group of protected trees which are shown for retention. Therefore, it is not

considered that these properties, once constructed and occupied, will suffer any loss of light or privacy as a result of the proposed development.

- 9.43 In this regard the proposed development is considered to accord with policies CS7 and EN20 of the development plan.

iv. Transport Implications

Access

- 9.44 The access arrangements for the proposal seek to broadly reuse the existing access points to the site with changes related to its internal layout. The access currently operates as a one way system and that arrangement should be continued and supported by appropriate signage as required. It is noted that John Nike Way, which is a private road, does have weight restriction signage (7.5T). However, this is believed to relate to an attempt to prevent the use of this road as a through road for HGV traffic and not a complete ban. Clearly there are existing businesses along this route that would require vehicles in excess of such a restriction. In addition, historic photographs of the route indicate a plate below one of the signs which excludes authorised use of the road. It is expected that this site would fall within that authorised use category.

Traffic Impact

- 9.45 The applicant has undertaken an analysis of the proposed use versus the previous use of the site to establish the peak hour and daily impacts of vehicular movements to and from the site. Furthermore, the applicant has utilised the BFC traffic model to assess what the cumulative impacts on the local road network may be, considering planned development for the area.
- 9.46 From the modelling work carried out to date it is not anticipated that there will be capacity issues on the network but it is recognised that the level of HGV trips will be higher. However, the number anticipated across a typical day is not excessive (35) and with the long term inclusion of a new spine road adjacent to the site, the number of HGV movements passing along John Nike Way is expected to decrease in time.
- 9.47 Traffic associated with the ski slope does not appear to have been assessed but as this use was already occurring on site there is not expected to be any change to the previous position and the greatest impacts are not expected to be at the typical weekday morning and evening peak periods.

Parking

- 9.48 Over the course of the application, a number of changes to the access and parking layout have been made in response to comments provided by the Highways Authority.
- 9.49 In respect of the final iteration of the plans it is noted that the B8 use would be served by 66 spaces rather than the 69 required by the parking standards. However the Highway Officer has confirmed that this shortfall is not significant and the full parking requirement for the B2 use is met on site such that the proposed level of parking is considered adequate and can be secured by condition.
- 9.50 Overall 44 spaces will be available for the ski slope and this is considered adequate however it is advised that, at times when the industrial unit is not operating, the other car parking areas could be kept as an overspill for the ski slope should it occur on occasion. This parking area needs to be controlled and only implemented or be brought into use prior to the ski slope being brought back into use. This is to ensure that the

parking for the B2/B8 uses does not impinge on this parking area which could create operational issues in the longer term should the ski slope come back into use some years in the future. Furthermore, there is expected to be a travel plan requirement for the site and having excessive parking may hinder the effectiveness of the travel plan and reduce the demand on car travel to the site.

Pedestrian Access

- 9.51 The development has been amended in order to achieve suitable pedestrian access to the site from the Spine Road. This was originally proposed via steps, however in light of concerns relating to accessibility, the plans now show a ramped access which is welcomed. No details are provided as to how this route will be treated however an appropriately worded condition is recommended to secure this information.

Travel Plan

- 9.52 The Council's Travel Plan Coordinator confirmed that the Travel Plan as originally submitted covered all the elements you would expect to see. However confirmation was requested on who would be responsible for appointing the Travel Plan Coordinator and how this would be managed in the event of multiple occupiers of the site. This information has been provided in an updated document. The submission of a Final Travel Plan post occupation, complete with baseline travel survey and modal targets, will be required to be secured via the S106 agreement.

v. Impact on Trees and Landscaping

Trees

- 9.53 The Tree Service has been consulted and confirms that the scheme shows the proposed retention of all the protected trees within TPO 157. Of the trees shown for removal, only one is categorised as a B grade tree with the rest categorised as being "low" quality. It is confirmed that their loss will have no tangible impact on the amenity value or landscape character of the site.
- 9.54 Initial concerns about the impact on root protection areas (RPAs) have been overcome by the amended layout, notably around the pinch point in the south-western part of the site. No RPAs are proposed to be disturbed and the fencing shown in the Proposed Site Plan will provide adequate protection for tree stems and RPAs in principle, so long as it is erected prior to any ground work, level changes or associated activity.
- 9.55 The proposed site layout affords ample opportunity for a robust and sustainable tree protection scheme for the duration of the development project through to soft landscaping. Whilst the Arboricultural Impact Assessment contains a section entitled Arboricultural Method Statement (section 7), there is no detail or tree protection plan included. Therefore, the Tree Service requests this information under a suitably worded pre-commencement condition.
- 9.56 The proposed new planting appears to be considered, consisting of a total of 101 new standard trees in addition to hundreds of native woodland whips, ornamental shrubs and climbers. The bulk of the planting will provide an important verdant buffer zone along the southern edge and enhance the wooded area in the south-western section of the site.
- 9.57 The Tree Service suggested the use of more large growing conifers such as pine, fir, cypress, and/or redwoods along the southern edge to ensure a stable evergreen canopy structure throughout the year. However, the amended landscaping scheme has not been amended in this regard, and the Landscape Officer has confirmed that the submitted details remain appropriate since the native shrub mix includes evergreen species.

9.58 In conclusion, the proposed tree removal will have a negligible impact on amenity or landscape character and the retained trees can be adequately protected by way of a pre-commencement tree protection scheme. The proposed new tree planting is considered acceptable and as such, the scheme will be in accordance with local policies EN1, EN20 and CS7.

Landscaping

9.59 During the course of the application, a revised layout, landscape proposals and additional section drawings have been submitted.

9.60 The Landscape Officer confirms that the revised boundary to the woodland has addressed concerns in respect of the conflict between the required retaining wall and the retention of existing trees. The proposed tree planting is considered appropriate and will assist in softening the impact of the development within the streetscene. Specific details of the green roof and green walls have not been provided and these can be secured by condition. Furthermore, no details have been provided for the maintenance and management of the landscaping and this can be secured by means of a condition requiring a Landscape and Ecological Management Plan (LEMP).

9.61 Subject to the imposition of appropriate conditions, it is considered that the proposed development will provide suitable landscaping in accordance with policies EN2 of the BFBLP and CS7 of the CSDPD.

vi. Impact on Biodiversity

Biodiversity

9.62 During the course of the application, the Preliminary Ecological Appraisal (PEA) has been updated to cover the full development area. A number of recommendations are made in the report for actions to be taken during construction to avoid or minimise impacts on biodiversity. These are:

- Protection of retained trees and hedges
- Clearance of vegetation outside nest bird season or after a check by an ecologist
- Excavations to be covered or fitted with a ramp overnight
- Walkover to check for badgers prior to site mobilisation
- Drain pond and clear terrestrial habitat using precautionary measures under ecological supervision
- Reasonable avoidance method statement for dormice
- Method statement for management of invasive species (Japanese knotweed and Cotoneaster)

9.63 The Biodiversity Officer has confirmed that these measures should be included in a Construction Environmental Management Plan (CEMP) for biodiversity which can be secured by condition.

9.64 Biodiversity enhancements are also recommended in the PEA report. Indicative locations for bird boxes, bat boxes and habitat piles are shown on the landscaping plan and full details of these can be secured in an enhancement plan by condition.

Protected Species

9.65 The site has been surveyed for reptiles and bats. Reptiles were not recorded on the site however the required CEMP (Biodiversity) should include a requirement that if

any reptiles are discovered on site during the development, works should cease immediately and an experienced ecologist be contacted immediately to determine a way forward.

- 9.66 The buildings on site (which included the ice rink building at the time) were subject to emergence/re-entry surveys which supported the conclusion that no bats roosts were present on site. However, the CEMP will also be required to cover the eventuality of a bat being found during site works.
- 9.67 NatureSpace have been consulted in respect of the development's impact on Great Crested Newts. They have confirmed that the development has little risk of impacting GCNs as it mostly will take place on areas of existing hardstanding. Although a waterbody will be drained, it is of poor quality and there are 2 ponds nearby which offer better habitat for newts and it is considered disproportionate to the risk to request an eDNA survey of the waterbody, given that adequate mitigation measures for amphibians are set out within the PEA and can be secured as part of the CEMP (Biodiversity).
- 9.68 The Biodiversity officer also recommends the submission of a sensitive lighting scheme. Although the application is accompanied by a lighting scheme which is considered acceptable by the Environmental Health Officer as it will not cause any loss of residential amenity, it fails to take into account the biodiversity implications for lighting provision and therefore it is appropriate to impose a condition covering this issue.
- 9.69 The bat and reptile surveys took place in 2021, which means the results are fairly old with reference to CIEEM guidance on the lifespan of ecological reports and surveys (CIEEM, 2019). However, given the industrial nature of the site, the retention of the majority of the potential reptile habitat and the low number of bat passes recorded, it is considered disproportionate to ask for updates at this stage. A condition is recommended to ensure that if works have not commenced within 3 years of the surveys (the guidance states that ecological reports more than 3 years old are unlikely to be valid), then updates should be undertaken.

Biodiversity Net Gain (BNG)

- 9.70 The application is accompanied by a BNG assessment which, as agreed with the Biodiversity Officer, excludes areas completely unaffected by the proposed development, rather than including the whole area within the red line boundary.
- 9.71 This shows a 24.86% gain in area habitat units and a 921.43% gain in hedgerow units. Whilst there is a small decrease in neutral grassland units, and ordinarily a net gain would be expected across all habitat types, given the large overall net gain which the current proposals provide, the Biodiversity Officer considers that it would be disproportionate to seek an offsite solution, and that the landscaping scheme does provide an acceptable measurable gain in line with the NPPF.
- 9.72 A Landscape and Ecological Management Plan (LEMP) will be required to deliver the management of the onsite net gains and a S106 obligation will be required to secure the net gains for 30 years with a contribution of £3600 required for monitoring.

vii. Drainage

Sequential Test

- 9.73 Para. 167 of the NPPF requires the application of a sequential test to steer new development to areas with the lowest risk of flooding from any source, indicating that

development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment (SFRA) forms the basis for applying this test and given that the application site shows some groundwater flood risk, a sequential test is required.

9.74 The application is accompanied by a Sequential Test Report (Appendix M of FRA) which has been undertaken in accordance with the Council's 'Advice Note relating to application of Flood Risk Sequential Test and Exception Test within Bracknell Forest' (August 2023). This concludes that there are no sequentially preferable sites within the agreed review area in Bracknell which are reasonably available and appropriate for the size and scale of the proposed development.

9.75 The findings of the applicant's Sequential Test are accepted by the Local Planning Authority (LPA) and it is concluded that a sequential approach to flood risk as required by the NPPF, does not provide a constraint to the development of this site.

Drainage Strategy

9.76 The site has very low risk of fluvial flooding with surface water flood risk in some areas. The proposed surface water drainage is designed to eliminate localised flood risk on the site.

9.77 The LLFA comments that the area within the redline boundary is divided into 4 development catchments, namely Ski Jump West Car Park catchment, Ski Jump East Car Park catchment, Shared Access Road and South Development. Detailed drainage has been produced for the South Development area with the other catchments presented as conceptual designs as specific details would be required to be completed by others in the event that new development is proposed on these parts of the site. Surface water storage requirement calculations have been submitted for the conceptual designs and flows are proposed to be limited to greenfield runoff rates which is welcomed.

9.78 The LLFA has no objection to the application on drainage grounds and recommends conditions to ensure that the development is consistent with Policy CS1 of the Core Strategy and the NPPF.

Thames Water

9.79 Thames Water (TW) advises that it has no objection to the application on the basis of foul water sewerage network infrastructure capacity. TW also confirms that, since the application indicates that surface water will not be discharged to the public network, it has no objection on this ground, although the approval of the LLFA should be sought. However, TW recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities as failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

The Environment Agency

9.80 The Environment Agency (EA) has provided general advice in relation to potential environmental risks relating to groundwater protection, since the site is located within a Secondary A aquifer and above a historic landfill site, and pollution prevention. In relation to groundwater protection EA indicates that if infiltration is proposed, it must be demonstrated that it will not pose a risk to groundwater quality.

9.81 The Drainage Officer has been consulted in respect of these comments and confirms that the proposed drainage strategy shows an oil interceptor as recommended by

Thames Water and that infiltration is not proposed, so the EA's comments in relation to risk to groundwater quality are not applicable.

viii. Noise

9.82 The proposed development is intended to offer the opportunity for 24 hour operation, 7 days a week. In discussions with the applicant, it has been indicated that the imposition of a condition restricting hours of use would make the scheme unworkable and accordingly further information relating to noise impact, together with a proposed Operational Noise Management Plan has been submitted in an effort to address concerns about the potential noise impact of the development on adjoining residential properties.

9.83 The Environmental Health Officer has been consulted and has provided the following comments:

Noise from fixed plant

9.84 The noise assessment based on the proposed fixed plant demonstrates that the impact at the residential receptors will be very low and I have no concerns.

Noise from deliveries

9.85 The assessment covered "*External operational activities may include the movement of vehicles, loading and unloading of vehicles, public address (PA) systems and mobile sources (such as fork-lift trucks)*".

9.86 This has been assessed in accordance with BS 4142:2014+A1:2019 alongside break-out noise, which is the recognised methodology for assessing likelihood of adverse impact / complaints from commercial / industrial noise sources and specifically includes use for assessing noise associated with loading and unloading (delivery noise) within its scope for use.

9.87 The assessment has been updated based on my previous feedback and now better reflects the worst-case scenario overnight as it now is assessed as though all bays were in use rather than assuming 1 as before (in accordance with the traffic assessment).

Break out noise

9.88 Break-out noise from internal activities has been assessed based on an assumed internal noise level, which I consider reasonable and typical construction materials likely for this type of build. The assessment makes the assumption that doors and roller shutters would be closed during periods of noisy activities inside. The operational noise management plan includes recommendations to the operator to keep doors etc closed to control noise breakout.

BS4142 assessment – combined noise assessment

9.89 A BS4142 assessment has been carried out taking account of the noise from the above noise sources. The initial BS4142 noise assessment gives a significant adverse impact rating at night at the closest dwellings at night. Daytime levels are below background noise levels and therefore not of concern.

9.90 The noise assessment has included suggested mitigation measures to reduce received noise levels. These include the Operational Noise Management Plan and a recommended 3m high Acoustic Barrier.

9.91 The BS4142 assessment (with 3m noise barrier) indicated that the combined rating noise level of plant noise, break-out noise and delivery noise is a low impact during the daytime period with noise levels well below the background noise level. However, for the night-time period, the noise at 1st floor level where bedrooms typically are, had combined rating levels even with the 3m barrier sound reductions of +4/+5dB.

9.92 In Bracknell Forest we ask that applicants aim to achieve a noise rating level of below background. The justification for this is given in the BS4142 guidance:

“The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact. Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.”

9.93 ‘Context’ is relevant to determine whether noise levels in excess of background noise levels can be accepted. The author has presented some justification to support an argument that the levels read in context with other factors show that practically, observed noise impacts on local residents will be lower than predicted:

“However, it should be noted that the assessment is based on very worst-case assumptions, and it is highly unlikely that there would be five HGVs in any one 15-minute period during the night-time and therefore will result in lower operational noise levels. Furthermore, during the night-time period, residents will be within their dwellings and therefore it is appropriate to consider the sound insulation provided by the building envelope of the dwellings. Allowing for a 15 dB reduction for windows partially open for ventilation, the noise impact at dwellings will be reduced further such that internal noise levels would be in the range of 13 LAeq dB to 22 LAeq dB”.

9.94 Taking account of the fact that the actual levels at the receptor facades are likely to be lower than the predictions and even with worst-case levels through a partially opened window, internal noise levels are within recommended internal noise limit of 30dB for resting / sleeping and so observed adverse impacts from noise from the development are correspondingly unlikely.

9.95 I therefore have no noise objection to the proposed development, subject to the inclusion of conditions in relation to the recommended installation of a 3m acoustic barrier prior to operation and operations to be carried out in accordance with the operational noise management plan proposed.

Traffic noise

9.96 The increase in traffic generated by the development is negligible and I have no concerns.

Noise impact on nearby commercial

9.97 I have no concerns about the impact of the proposed development on the nearby commercial uses.

9.98 In light of the comments of the Environmental Health Officer based on the Noise Impact Assessment which addresses earlier concerns, and subject to conditions requiring the provision of an acoustic barrier, and operation of the site in line with the submitted Operational Noise Management Plan, it is concluded that the development will not give rise to an adverse noise impact on nearby residential properties and, as such, is consistent with policies EN25 of the BFBLP.

ix. Lighting

- 9.99 A light assessment has been submitted alongside a light spill contour map. The report states that the light will fall within the appropriate limits for the relevant environmental zone. The proposed lighting is of good design and horizontal and upward light spill is unlikely and therefore light nuisance impacting neighbouring properties would not occur.
- 9.100 However, as indicated in the Biodiversity comments above, the submitted lighting scheme fails to take into account the biodiversity implications of its use and accordingly, it is recommended that an alternative, biodiversity sensitive, lighting scheme is secured by condition.

x. Contamination

- 9.101 The application is accompanied by a contaminated land assessment and gas assessment, which includes investigation since the building was demolished including further gas monitoring. The Environmental Health Officer has been consulted and confirms that the site is classified as low risk for contamination due to the proposed building construction, being largely hardstanding. However, there is gas risk and the submitted report categorises the site as characteristic situation 3, meaning gas protective measures are required. In light of this conclusion, a condition relating to gas protection measures is recommended.

xi. Sustainable Construction

- Policy CS10
- 9.102 Policy CS10 of the CSDPD indicates that development proposals should be accompanied by a sustainability statement demonstrating how best practice in the sustainable use of natural resources has been incorporated. The explanatory text sets out that BREEAM is currently the industry standard for sustainable development, therefore schemes will be required to demonstrate how they meet BREERAM 'Very Good' or 'Excellent' standards.
- 9.103 The application is accompanied by a Sustainability and BREEAM Statement which undertakes a pre-assessment exercise under the BREEAM New Construction (NC) 2018 methodology for Shell & Core buildings to establish a feasible BREEAM strategy and identify the credits and rating level considered to be achievable for the proposed development. This demonstrates that the feasible BREEAM score for the proposed development is in excess of 70% which is equivalent to a BRREAM 'Excellent' rating.
- 9.104 The submitted report demonstrates the development's compliance with Policy CS10 and construction in accordance with the report can be secured by condition.
- Policy CS12
- 9.105 Policy CS12 requires development proposals for 500 square metres (GEA) or more of floorspace to be accompanied by an energy demand assessment demonstrating how (potential) carbon dioxide emissions will be reduced by at least 10% and will provide at least 20% of their energy requirements from on-site renewable energy generation.

- 9.106 This policy predates changes to the Building Regulations which occurred in 2022. The Building Regulations Part L were updated on 15th June 2022 to increase the carbon emission reduction target for new non-domestic buildings to 27% compared with Part L 2013 regulatory standards. The Council's own policy now sets a lesser requirement than that of building regulations and does not fully reflect the energy hierarchy of efficiency measures advocated to ensure that buildings operate with a high level of efficiency and consequently low level of carbon emissions.
- 9.107 The application is accompanied by an Energy Strategy which demonstrates how the development can achieve carbon and energy reductions through the inclusion of energy efficient measures, low and zero carbon (LZC) technologies and on site renewables. The Strategy improves upon the Building Regulations Part L 2021 England baseline by over 10% and provides for at least 20% of on site renewable generation by photovoltaic arrays or air source heat pumps.
- 9.108 This approach is considered appropriate and a condition will require the development to be undertaken in accordance with this proposed strategy.

xii. Archaeology

- 9.109 The application is accompanied by an archaeological desk-based assessment, which considers the archaeological potential of the site in the light of finds recorded nearby, and a range of other heritage data sources. The Council's Archaeological Advisors have confirmed that they agree with the conclusions of the submitted report, namely that the site has potential for archaeology of various periods to survive on the site, although previous construction and levelling will inevitably have had an effect on buried deposits. Any archaeological remains still present are likely to be of local significance only, and therefore if the planning application is granted, the impact of the development could be mitigated by a scheme of archaeological works required by condition, in line with local and national planning policy.

xiii. S106

- 9.110 A s106 Agreement is required to cover the following matters to ensure that the development contributes towards appropriate infrastructure to support the growth and mitigate the adverse impacts on communities, transport and the environment in accordance with Policy CS6 of the CSDPD:

- £324k Contribution to improve quality of recreational facilities at Bracknell Leisure Centre to mitigate loss of ice rink
- On-site Biodiversity Net Gain management obligations and monitoring fee
- Securing Travel Plan with deposit and monitoring fee
- SuDS maintenance obligations and monitoring fee
- S106 obligation monitoring fees

xiv. CIL

- 9.111 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.
- 9.112 CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted) including new

build that involves the creation of additional dwellings and the proposed development would be CIL liable.

10.0 Planning Balance

- 10.1 The application proposes the erection of a Class B2 (General Industrial) / Class B8 (Storage and Distribution) building on a site which is located within the settlement boundary and which immediately adjoins a designated employment area. It also proposes the provision of additional parking to serve the retained ski slope, should it be brought back into use, and the continued use of Jubilee House as an office, independent from the other uses on the site.
- 10.2 Although the proposed building replaces the original ice rink that was on the site, this use has now ceased, the building has been demolished and the site sold to a new owner. There is no reasonable prospect that this leisure/community use will be reinstated on the site and evidence has been submitted confirming that other opportunities for leisure provision are available within Bracknell.
- 10.3 Providing that a financial contribution is secured by means of a s106 to improve the quality of leisure facilities within the Borough, it is considered that there is no conflict with the adopted development plan or the NPPF, which both envisage circumstances where the loss resulting from the proposed development can be mitigated by improved quality of provision elsewhere.
- 10.4 The proposed industrial and/or warehouse uses are considered appropriate in this area, and there is an identified need for such development as evidenced through the emerging Local Plan process.
- 10.5 The provision of additional parking to serve the ski slope is considered essential to ensure that this use is not sterilised, and its provision in the event that this facility is brought back into use can be secured by means of an appropriate condition. The independent use of Jubilee House for office purposes, is consistent with this site's proposed inclusion in the extended Western Employment Area proposed within the emerging Local Plan.
- 10.6 The design of the proposed building is considered to be acceptable and its size and location is such that it will not have a material adverse impact on the amenities of adjoining occupiers, in particular existing residents in North Street. An Operational Noise Management Plan has been submitted and is considered to provide sufficient mitigation measures to ensure that adjoining occupiers will not be adversely affected by the proposed operation of the site. Matters of drainage, highway safety, biodiversity, lighting, trees and landscaping have been taken into consideration and appropriately worded conditions will ensure that the development is acceptable in these regards.
- 10.7 In weighing the planning balance, it is considered that the proposed development is in broad accordance with the development plan and that no material considerations exist that would outweigh the presumption of approving the development. Accordingly, the recommendation is for approval.

11.0 Recommendation

- 11.1 Following the completion of planning obligations under Section 106 of the Town and Country Planning Act 1990 relating to the following measures:
- Contribution to improve the quality of recreational facilities at Bracknell Leisure Centre to mitigate the loss of the ice rink
 - On-site Biodiversity Net Gain management obligations and monitoring fee
 - Securing of a Travel Plan with deposit and monitoring fee
 - SuDS maintenance obligations and monitoring fee
 - S106 obligation monitoring fees

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

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
02. The development shall be carried out in full accordance with the following plans and other submitted details received by the Local Planning Authority:
- PL001 Site Location Plan
PL003 G Proposed Site Plan
PL004 Proposed Ground Floor Plan
PL005 Proposed First Floor Plan
PL006 A Proposed Elevations and Section
PL007 A Proposed Roof Plan
PL008 c Proposed Site Sections
PL009 b Proposed Site Sections
PL010 a Proposed Site Sections
PL016 E Landscape General Arrangement Plan Sheet 1 of 2
PL017 E Landscape General Arrangement Plan Sheet 2 of 2
PL018 Landscape details Sheet 1 of 2
Noise Impact Assessment (ACCON UK Limited, 08.11.2023, A4325/N/03)
Operational Noise Management Plan 08.11.2023
Biodiversity Metric
Sustainability and BREEAM Statement rev 2 January 2023 MBA Consulting Engineers.
Energy Strategy Issue P2 January 2023 MBA Consulting Engineers
Flood Risk and Drainage Strategy Report prepared by Clancy Consulting, reference 2.9856-CCL-XX-00-RP-5C-4010 P05 dated 28/09/23
Supplementary ground investigation report, Applied Geology, Jan 2023, Ref AG3228A-22-AP26-issue 2
Framework Travel Plan Rev 3 prepared by Motion dated 11.05.2023
REASON: To ensure that the development is undertaken only as approved by the Local Planning Authority.
03. Jubilee House shall be used solely for purposes falling within Class E(g)(i) of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking and re-enacting that Order.
REASON: To ensure that the building remains in a use appropriate to its location adjoining or within a Designated Employment Area and to allow consideration of any changes of use proposed.

04. Prior to the commencement of any development, besides demolition to ground level but no deeper, the applicant or their agents or successors in title must secure the implementation of a phased scheme of archaeological works (which may comprise more than one phase of works) in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the planning authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition.
REASON: The site lies within an area of archaeological potential, as shown by archaeological assessment. The condition will ensure that any archaeological remains within the site are adequately investigated and recorded in order to advance our understanding of the significance of any buried remains to be lost and in the interest of protecting the archaeological heritage of the Borough.
05. The development hereby permitted shall be implemented, and thereafter operated in accordance with the Sustainability and BREEAM Statement rev 2 January 2023 MBA Consulting Engineers.
REASON: In the interests of sustainability and the efficient use of resources.
Relevant Policy: Core Strategy DPD CS10]
06. The development hereby permitted shall be implemented, and thereafter operated in accordance with the Energy Strategy Issue P2 January 2023 MBA Consulting Engineers.
REASON: In the interests of sustainability and the efficient use of resources.
Relevant Policy: Core Strategy DPD CS10 CS12]
07. No development shall take place, until a Construction Environmental Management Plan (CEMP) has been submitted to and been approved in writing by the Local Planning Authority. The CEMP shall include the following details as a minimum:
- a) routing of construction traffic (including directional signage and appropriate traffic management measures);
 - b) parking of vehicles of site operatives and visitors;
 - c) areas for loading and unloading of plant and materials;
 - d) areas for the storage of plant and materials used in constructing the development;
 - e) location of any temporary portacabins and welfare buildings for site operatives;
 - f) site security arrangements including any hoardings
 - g) any external lighting of the site;
 - h) methods of piling for foundations;
 - i) measures to control the emission of dust, dirt, noise and odour during construction;
 - j) measures to control surface water run-off during construction;
 - k) demolition and construction working hours, and times during which delivery vehicles are allowed to enter or leave the site;
 - l) wheel-washing facilities during the construction phases;
 - m) areas for the turning of construction vehicles such that the largest anticipated vehicles can turn and leave the site in a forward gear;
 - n) measures to control rats and other vermin.
- The approved CEMP shall be adhered to throughout the 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]
08. Prior to the ski slope being brought back into use, the 44 parking spaces with associated pedestrian access, motor cycle parking and cycle storage, as shown outlined in pink on approved drawing PL003 Rev G Proposed Site Plan shall be

provided in accordance with details to have been submitted to, and approved in writing by, the Local Planning Authority. The spaces so identified shall be used solely in connection with the operation of the ski slope.

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

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

09. The building hereby permitted shall not be occupied until the access, turning and parking arrangements shown on the approved plan, with the exception of the access and parking arrangements intended to serve the ski slope should it be brought back into use as outlined in pink on the approved plan, have been constructed in accordance with details to have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

10. The premises shall only be used for purposes falling within Class B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: To protect the employment use of the site and 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 which would be a danger to other road users. [Relevant Policies: BFBLP M9, Core Strategy DPD CS19, CS20, CS23]

11. The development shall not be occupied until spaces for car parking, turning and loading/unloading have been laid out within the site in accordance with the following:
(i) Use Class B2

If any part of the site is used for purposes within Use Class B2 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) then the site shall be provided with 129 car parking spaces, associated turning areas and space for loading/unloading in accordance with approved plan PL003 Rev E Proposed Site Plan.

- or -

- (ii) Use Class B8

If no part of the site is used for purposes falling within Use Class B2 and any part of the site is used for purposes falling within Use Class B8 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) then the site shall be provided with 69 car parking spaces, associated turning areas and space for loading/unloading in accordance with approved plan PL003 Rev E Proposed Site Plan.

The required parking spaces, turning areas, and locations for loading/unloading of vehicles shall not be used for any purpose other than parking, turning and loading/unloading.

REASON: To ensure that the development is provided with adequate car parking and loading/unloading areas to prevent the likelihood of on-street car parking or loading/unloading which would be a danger to other road users and negatively affect

the amenity of surrounding properties and the adjoining area. [Relevant Policies: BFBLP EN20 & M9, Core Strategy DPD CS23]

12. The development shall not be occupied until at least 16 secure and covered cycle parking spaces have been provided in the location identified for cycle parking on the approved plans, in accordance with details which have been submitted to and approved by the Local Planning Authority. The cycle parking spaces and facilities shall thereafter be retained.
REASON: In the interests of accessibility of the development to cyclists. [Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
13. The building hereby permitted shall not be occupied until a means of access to it for pedestrians and cyclists has been constructed in accordance with the approved plans. The approved means of access shall thereafter be retained, unobstructed, for its intended purpose.
REASON: In the interests of accessibility and to facilitate access by pedestrians and cyclists.
[Relevant Policies: BFBLP M6, Core Strategy DPD CS23]
14. No gates shall be provided at the vehicular access to the site.
REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]
15. The building hereby permitted shall not be occupied until the following off-site highway works have been completed:
 - Existing white lining on John Nike Way repainted as indicated on approved plans.REASON: In the interests of highway safety.
[Relevant Policies: BFBLP M4, Core Strategy CS24]
16. The building hereby permitted shall not be occupied until signage marking the entry/exit points to the site and routing within the site has been provided in accordance with a scheme to have been submitted to and approved in writing by the Local Planning Authority. The signage thereby displayed shall thereafter be retained.

REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]
17. The building hereby permitted shall not be occupied until a ramped pedestrian access has been provided from the spine road along the development's southern boundary in the location indicated on the approved plans, in accordance with details submitted to and approved in writing by the Local Planning Authority. These details should provide a cross section of the path with details of protective barriers and appropriate signage. The pedestrian access shall thereafter be retained in accordance with the approved details.

REASON: In the interests of pedestrian and highway safety.
18. Prior to the ski slope being brought back into use, the pedestrian access to it shown on the approved plans shall be provided in accordance with details submitted to and approved in writing by the Local Planning Authority. These details should provide a cross section of the path with details of protective barriers and appropriate signage. The pedestrian access shall thereafter be retained in accordance with the approved details.
REASON: In the interests of pedestrian and highway safety.
19. Prior to the development hereby approved being brought into first use, a 3 metre height acoustic barrier to the south of the delivery yard shall be installed in

accordance with the recommendations of the Noise Impact Assessment (ACCON UK Limited, 08.11.2023, A4325/N/03) submitted with the application, in accordance with details which have been submitted to, and approved in writing by, the Local Planning Authority. The barrier shall be purpose-built with no air gaps and minimum density 10kg/m². The barrier shall be retained and maintained in line with the approved specifications thereafter.

REASON: To protect residents from noise associated with operation within the delivery yard or the approved industrial unit.

20. The use of the industrial building hereby permitted, shall be carried out in full accordance with the Operational Noise Management Plan submitted with the application (ACCON UK Limited 08.11.2023 John Nike Way, Bracknell Operational Noise Management Plan) at all times.

REASON: To protect residents from noise from activities and operation associated with the approved industrial unit.

21. Before any buildings hereby approved are occupied, the gas protection measures as identified in report (Supplementary ground investigation report, Applied Geology, Jan 2023, Ref AG3228A-22-AP26-issue 2) submitted with the planning application shall be installed and validated by a suitably competent person. A copy of the validation report shall be provided to the Local Planning Authority for written approval.

REASON: To protect future occupiers and users of the site and structures from the risks associated with the migration of toxic and flammable gasses.

22. No development shall take place until full details of the Drainage System in accordance with agreed Flood Risk and Drainage Strategy Report prepared by Clancy Consulting, reference 2.9856-CCL-XX-00-RP-5C-4010 P05 dated 28/09/23 has been submitted to and approved in writing by the Local Planning Authority. This shall include:

i) Calculations demonstrating the drainage design can accommodate the design rainfall using FEH rainfall data

ii) Full details of all components of the proposed drainage system including dimensions, locations, gradients, invert and cover levels, headwall details, planting (if necessary) and drawings as appropriate taking into account the groundwater table.

iv) Where offsite discharge into public sewers is proposed, Thames Water consent to discharge at proposed discharge rate.

iii) Confirmation if permeable paving contributes to surface water attenuation and reflected in drainage layout .

iv) Management and maintenance plan of all proposed SuDS including petrol interceptors

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

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

23. Development shall not commence (excluding demolition and site clearance) until details of any on- and off-site drainage works, along with proposed points of connection, sewerage undertakers consent to discharge at proposed discharge rate, has been submitted to and approved by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

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

24. No development shall commence until details of how the surface water drainage system (inclusive of flood mitigation measures) shall be maintained and managed after completion have been submitted to and approved in writing by the Local Planning Authority. The details shall include confirmation of the required maintenance activities with expected frequency, with site specific assessments included to demonstrate that health and safety has been fully considered in the design and that access and egress for future residents will be maintained during any operations to repair or replace drainage features.
REASON: To ensure that the site is properly drained and does not increase the risk of flooding in accordance with policy CS1 of the Core Strategy.
25. Prior to practical completion of any property a verification report, appended with substantiating evidence demonstrating the agreed/approved construction details and specifications have been implemented, will need to be submitted and approved (in writing) by the Council. 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.
26. The development hereby permitted (including demolition and site clearance) shall not be begun until a detailed scheme for the protection of existing trees, hedgerows and groups of mature shrubs shown to be retained on the approved drawings, in accordance with British Standard 5837:2012 'Trees In Relation To Construction Recommendations' (or any subsequent revision), has been submitted to and approved in writing by the Local Planning Authority. Details shall include an approved development layout plan at a minimum scale of 1:200 and show the following:-
- a) Accurate trunk positions and canopy spreads of all existing trees within the site and on adjoining land adjacent to the development within influencing distance of the development.
 - b) Positions and spreads of existing hedgerows and groups of mature shrubs.
 - c) All proposed tree, hedge or shrub removal; shown clearly with a broken line.
 - d) Proposed locations of protective barriers, that are a minimum height of 2.0 metres and supported by a metal scaffold framework, constructed in accordance with Section 6 (Figure 2) and which include appropriate weatherproof signage (such as "Keep Out - Construction Exclusion Zone") affixed at regular intervals to the outside of the protective fencing structure.
 - e) Illustrations of the proposed protective barriers to be erected.
 - f) Proposed location and illustration of ground protection measures within the root protection areas of retained trees, designed as necessary for pedestrian light traffic or heavy plant machinery, as necessary to prevent ground compaction and contamination.
 - g) Annotations at regular intervals, of the minimum protective distances between barriers and trunks of retained trees.
 - h) All fenced-off areas clearly annotated as Tree Protection Areas/Construction Exclusion Zones.
 - i) Notes regarding restrictions which apply to Tree Protection Areas/Construction Exclusion Zones.

Tree protection measures shall be phased as necessary to take into account and provide protection during demolition/site clearance works/building construction works/hard landscaping works.

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

REASON: In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area.
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

27. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the practical completion of the development. The content of the LEMP shall include the following:
- a. A final plan showing the type, quantity and location of biodiversity units to be delivered on site using UKHabs types. The plan should be substantially in accordance with the 'BIA Enhancement Visualisation Plan' as already submitted
 - b. A final Biodiversity Metric showing the calculations for the type, quantity and condition of habitats. The metric should be substantially in accordance with the Biodiversity Metric as already submitted
 - c. Ecological trends and constraints on site that might influence management
 - d. Aims and objectives of management including biodiversity net gain target habitat types and condition
 - e. Appropriate management options for achieving aims and objectives
 - f. Prescriptions for management actions
 - g. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
 - h. Details of the body or organization responsible for implementation of the plan
 - i. 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 predicted biodiversity net gain of the originally approved scheme as shown in the biodiversity metric.

The approved plan will be implemented in accordance with the approved details.

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

28. The areas shown for soft landscaping purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose. If within a 5 year period of the completion of the development any soft landscaping that is removed, uprooted, is destroyed or dies shall be replaced by plants of the same species and size as that originally planted in the same place.

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

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

29. The building hereby permitted shall not be occupied until the green roof and vertical green panels have been provided in accordance with a scheme submitted to and approved in writing by the Local Planning Authority. The green roof and panels shall thereafter be retained and shall be maintained and managed in accordance with details to have been approved within the landscape and ecological management plan (LEMP) submitted pursuant to Condition 27 of this permission.

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

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

30. All planting comprised in the soft landscaping works shall be carried out in full accordance with the approved scheme in the next planting season (1st October to 31st March inclusive) to the completion of the approved development. The quality of all approved landscape works shall be in accordance with British Standard 4428:1989 'Code of Practice For General Landscape Operations' or any subsequent revision.

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

Any trees 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 malformed 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 and the visual amenity of the area.

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

31. No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging development activities
 - b) identification of "biodiversity protection zones"
 - c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during development (may be provided as a set of method statements)
 - d) the location and timing of sensitive works to avoid harm to biodiversity features
 - e) the times during development when specialist ecologists need to be present on site to oversee works
 - f) responsible persons and lines of communication
 - g) the role and responsibilities on site of an ecological clerk of works or similarly competent person
 - h) the use of protective fences, exclusion barriers and warning signs

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the development period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1]

32. No development shall commence until a scheme for the provision of biodiversity enhancements (not mitigation), including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the local planning authority. An ecological site inspection report shall be submitted within three months of the first occupation (major)/prior to practical completion of any dwelling hereby approved (minor).

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

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

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

a) identify those area/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans with vertical calculation planes and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

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

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

34. If more than 3 years elapse between the previous bat and reptile surveys and the due commencement date of works, updated bat and reptile surveys shall be carried out by a suitably qualified ecologist, unless otherwise agreed in writing by the Local Planning Authority. A report confirming the results and implications of the assessment, including any revised mitigation measures, shall be submitted to the Local Planning Authority before construction works commence on site.

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

In the event of the s106 planning obligations not being completed by 30th April 2024, the Assistant Director: Planning be authorised to either extend the deadline or REFUSE the application for the following reasons:

1. In the absence of a planning obligation to secure a contribution towards improved recreational facilities elsewhere, the application proposes the loss of a recreational facility contrary to Policy CS8 of the Core Strategy Development Plan Document and the NPPF.

2. The proposed development would unacceptably increase the pressure on highways and transportation infrastructure and in the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which secures contributions towards a travel plan, the proposed development is contrary to Policy M4 of the Bracknell Forest Borough Local Plan, Policy CS24 of the Core Strategy Development Plan Document, and the Planning Obligations Supplementary Planning Document (2015).

3. 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 180d of the NPPF.

4. 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: 07, 22, 24, 26, 31 and 32
The following condition requires discharging prior to the commencement of development besides demolition to ground level: 04, 23,
The following conditions require discharge prior to the ski slope being brought back into use: 08, 18
The following condition requires discharge before the development is first brought into use: 19
The following conditions require discharging prior to practical completion of the development: 25, 27
The following conditions require discharge prior to the occupation of the building hereby approved: 09, 11, 12, 13, 15, 16, 17, 21, 29
No details are required to be submitted in relation to the following conditions; however they are required to be complied with: 01, 02, 03, 05, 06, 10, 14, 20, 28, 30, 33 and 34.

03. The Environment Agency have a regulatory role in issuing legally required consents, permits or licences for various activities. The application has not been assessed as to whether consent will be required under this regulatory role and therefore this permission does not indicate that permission will be given by the Environment Agency as a regulatory body. The applicant should contact 03708 506 506 or consult the Environment Agency website to establish if consent will be required for the works they are proposing. Please see <http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx>. This includes any proposal to undertake work in, over, under, or within 8 metres of the top of the bank of a designated Main River, called a Flood Risk Activity permit.

04. Businesses have a duty to ensure they do not cause or allow pollution. The Environment Agency have a number of publications available to help you do this. Pollution is when any substance not naturally found in the environment gets into the air, water or ground.

The following publications are available online:

[Pollution prevention for businesses](#)

[Report and environmental incident](#)

[Discharges to surface water or groundwater](#)

[Managing waste](#)

[Oil storage regulations](#)

[Storing oil](#)

[Discharge sewage with no mains drainage](#)

[Managing water on land](#)

05. There are public sewers crossing or close to your development. If you're planning significant work near Thames Water sewers, it's important that you minimize the risk of damage. Thames Water need to check that your development doesn't limit repair or maintenance activities, or inhibit the services they provide in any other way. The applicant is advised to read the Thames Water guide to working near or diverting their pipes.

<https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.thameswater.co.uk%2Fdevelopers%2Flarger-scale-developments%2Fplanning-your-development%2Fworking-near-our-pipes&data=05%7C01%7CJo.Male%40bracknell-forest.gov.uk%7C139d882e7a414af727c908db1fed7a74%7Cf54c93b70883478fbf3d56e09b7ca0b7%7C0%7C0%7C638138877042990232%7CUnknown%7CTWFpbGZsb3d8eyJWljoic4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=dGWs1Vi%2FGk3F9J8%2BDnMITyVOsyE%2BIGBtnoti2g0o%2FWw%3D&reserved=0>

06. In submitting information to discharge conditions 22- 24 Drainage, the following should be considered:

- Permeable paving has been provided for attenuation. It is noted that gullies have been provided in the permeable paving areas, it is not clear how permeable paving will intercept runoff as runoff is also intended to flow into the gullies. Perforated pipes may be used to convey flows from the permeable paving
- Construction details of the geocellular tank shows both permeable and impermeable construction. It should be specified as impermeable construction.
- Construction details of permeable paving shall be submitted.

07. The applicant is advised that the CEMP required by Condition 07 should show traffic using John Nike Way and not Cain Road in order to try and reduce HGV movements along residential road corridors.