

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 April 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 - 14
	To approve as a correct record the minutes of the meeting of the Committee held on 21 March 2024.	
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.

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5.	PS 23/00031/OUT Bracknell Town Football Club Larges Lane Bracknell Berkshire RG12 9AN	15 - 42
	Outline application with matters of access, appearance, layout and scale to be determined for the erection of 24no. dwellinghouses and two residential apartment buildings comprising 64no. dwellings (88no. dwellings total) with associated access and parking, following demolition of existing dwelling and sports buildings.	
6.	23/00583/FUL Former The Mango Tree 63 Church Street Crowthorne Berkshire RG45 7AW	43 - 60
	Section 73 application to vary Condition 02 (approved drawings) of Planning Permission 21/00217/FUL (Construction of a replacement building to provide 8 No. residential flats with ancillary car parking and landscaping.) [Note for clarification: application proposes internal changes to ensure compliance with Building Regulations and change to size of flats provided at 2nd floor level which necessitates changes to fenestration including the provision of 2no. additional dormer windows].	
7.	23/00757/PAE Manhattan House 140 High Street Crowthorne RG45 7AY Berkshire	61 - 74
	Application to determine if prior approval is required for a proposed change of use from Commercial, Business (Use Class E) to Residential (Use Class C3) and the formation of six flats.	
8.	24/00141/PAE One The Braccans London Road Bracknell Berkshire RG12 2XH	75 - 84
	Application for determination if prior approval required for change of use of commercial (Use Class E) to 47 residential units (Use Class C3).	

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: 8 April 2024

EMERGENCY EVACUATION INSTRUCTIONS

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**PLANNING COMMITTEE
21 MARCH 2024
6.30 - 8.40 PM**

Present:

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

Apologies for absence were received from:

Councillor Karim

Present Virtually:

Councillor Egglestone

Visiting Members:

Councillors T.Eberle and Gillbe

55. Minutes

RESOLVED that the minutes of the meeting held on 22 February 2024 be approved as a correct record.

56. Declarations of Interest

There were no declarations of interest.

57. Urgent Items of Business

The Committee noted that on Monday 18 March, members of the Committee had received a private briefing on the planning policies in the new local plan which would affect all future applications including 23/00767/FUL - Beaufort Park.

58. 23/00767/FUL - Beaufort Park South Road Wokingham Berkshire

Erection of 226 dwellings including associated on-site SANG with an access route, open space and pedestrian/cycle connections.

The Committee noted:

- The representations of two public speakers at the meeting.
- The Representations from Councillor T Eberle
- The response from Bracknell Town as outlined in the report.
- The further 38 letters of objection as outlined in the report.
- The objections from Crowthorne Village Action Group (CVAG) as outlined in the report.
- The supplementary report tabled at the meeting.
- The further 181 letters of objection as outlined in the supplementary report.
- That a site visit had taken place on 16 March 2024 with Councillors Barnard, Brown, Collings, Egglestone, Hayes, McKenzie-Boyle, O'Regan, Penfold, Temperton and Zahuruddin.

RESOLVED Following the completion of Planning Obligations under Section 106 of the Town and country Planning Act 1990 relating to:

- Measures to avoid and mitigate the impact of residential development upon the Thames Basins Heath SPA to include a sum for the future management and maintenance..
- Requirement to enter into S278 for the construction of the access and off-site in-kind works to pedestrian/cycle ways.
- Travel Plan
- Contributions towards community facilities.
- Off-site OSPV contributions.
- SuDS monitoring fee.
- Affordable housing
- Secure Biodiversity Net Gain in line with the submitted plans for 30 years.
- Biodiversity Net Gain Monitoring sum
- 30 Year Development Landscape Management Plan to ensure delivery of biodiversity net gain.
- Woodland Management Plan - to cover woodland outside SANG within the red line boundary
- Enter into S38 and S278 agreements to secure necessary highway works.

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:

BFT-AHR-SO-ZZ-DR-A-10-115 REV C1
123 PS-103 REV V
123 PS-110 REV T
123 PS-102
123 PS-104
123 PS-201
123 PS-202
123 PS-203
123 PS-204
123 PS-205 REV A
123 PS-206 REV C
123 PS-207 REV D
123 PS-208 REV A
123 PS-209 REV A
123 PS-210 REV A
123 PS-211 REV A
123 PS-212 REV A
123 PS-213 REV B
123 PS-214 REV A
123 PS-215 REV A
123 PS-216
123 PS-220 REV A
123 PS-222 REV B

123 PS-601 REV A
123 PS-602 REV A
123 PS-603 REV A
123 PS-604 REV A
123 PS-605 REV A

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

03. 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 dwellings 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 where lighting is 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: BFLP LP 3 and LP 53]

04. The garage accommodation shall be retained for the use of the parking of vehicles at all times.

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

[Relevant Plans and Policy: BFLP LP 62]

05. Prior to occupation of the first flatted unit, details of appropriate signage for the car parking spaces for the flatted units and plots e57-e60 will be submitted to and approved by the LPA. The signage shall be installed as approved and retained thereafter

REASON: To ensure adequate parking is provided. [Relevant Policy: BFLP LP 62]

06. There shall be no restrictions on the use of the car parking spaces shown on the approved plan for the occupiers of, or visitors to the flatted units hereby permitted.

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: BFLP LP 62]

07. No gates at either the Nine Mile Ride or South Road entrances shall be provided at the vehicular access to the site.

REASON: In the interests of highway safety. [Relevant Policies: BFLP LP 25]

08. The development shall not begin until a scheme for the provision of affordable housing in addition to the 35% affordable housing secured through the Section 106 agreement has been submitted to and approved in writing by the Local Planning Authority. The 15 % additional affordable housing (total provision of 50%) shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework 2023 or any future guidance that replaces it. The scheme shall include: (i) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 15% of housing units, including a minimum of 4 x M4(3) adaptable units; (ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing; (iii) the arrangements for the transfer of the affordable housing to an affordable housing provider; (iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and (v) the occupancy criteria to be used for determining the identity of the occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

REASON: to secure the provision of additional affordable housing, over and above the policy requirement, in the event that grant funding is awarded by Homes England.

09. Prior to commencement of the development (excluding site clearance), a scheme for the phasing of the development shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In order that the Local Planning Authority retains control over the development in the interests of the proper planning of the area. [Relevant Policies: BFLP LP 28]

10. Prior to the commencement of the development hereby approved, a scheme for the protection of the retained trees, in accordance with Tree Works Plan D8765.002, shall be submitted to and approved by the Local Planning Authority.

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: BFLP LP 54]

11. No site clearance shall take place during the main bird-nesting period of 1st March to 31st August inclusive unless a nesting bird check has been conducted by a suitably qualified ecologist. Any active birds' nest that are discovered shall be protected by an appropriate 5m buffer around the nest and the nest shall be retained until such time that the chicks have fledged.

REASON: In the interests of nature conservation [Relevant Plans and Policies: BFLP LP 53]

REASON: In the interests of nature conservation [Relevant Plans and Policies: BFLP LP 53]

12. The development hereby permitted shall not be begun until details of a scheme (Working Method Statement) to control the environmental effects of the demolition and construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- i) control of noise
- ii) control of dust, smell and other effluvia
- iii) control of surface water run off
- iv) site security arrangements including hoardings
- v) proposed method of piling for foundations
- vi) construction and demolition working hours

- vii) hours during the construction and demolition phase, when delivery vehicles or v) vehicles taking materials are allowed to enter or leave the site.
 - viii) Details of hours of work,
 - ix) control of lighting to avoid noise nuisance
- The development shall be carried out in accordance with the approved scheme.

REASON: In the interests of the amenities of the area. [Relevant Policies: BFLP LP 58]

13. No development (including site clearance) shall take place, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include as a minimum:

- (i) Location of the access for demolition and construction vehicles;
- (ii) Routing of construction traffic (including directional signage and appropriate traffic management measures);
- (iii) Details of the parking of vehicles of site operatives and visitors;
- (iv) Areas for loading and unloading of plant and materials;
- (v) Areas for the storage of plant and materials used in constructing the development;
- (vi) Location of any temporary portacabins and welfare buildings for site operatives;
- (vii) Details of any external lighting of the site;
- (viii) Measures to prevent ground and water pollution from contaminants on-site;
- (ix) Details of wheel-washing facilities;
- (x) Measures to minimise the pollution potential of unavoidable waste;
- (xi) Measures to dispose of unavoidable waste in an environmentally acceptable manner;
- (xii) details of measures to mitigate the impact of demolition and construction activities on ecology; and
- (xiii) Details of a monitoring regime to demonstrate compliance with the CEMP including timings for reports to be submitted to the Local Planning Authority.

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

REASON: To mitigate and control environmental effects during the demolition and construction phases.
[Relevant Plans and Policies: BFLP LP 58]

14. No development (including site clearance) shall begin until an updated Ecological Mitigation and Enhancement Strategy has been submitted to and approved in writing by the local planning authority. The scheme shall include details of:

- i. Updated protected species surveys
- ii. measures to avoid harm to protected and notable species
- iii. features provided to mitigate the loss of habitat
- iv. habitat and biodiversity enhancements (not mitigation)
- v. on-going management of new features/habitat.

The Updated Ecological Mitigation and Enhancement Strategy shall be implemented in accordance with the approved details. An ecological site inspection report confirming the implementation of the approved measures shall be submitted for approval within three months of the first occupation of any dwelling hereby approved.

REASON: In the interests of nature conservation
[Relevant Plans and Policies: BFLP LP 53]

15. No development within a phase shall take place until full details of the Drainage Strategy and System(s) for that phase showing all off-site connections and a programme for delivery have been submitted to and approved in writing 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 BFLP LP 57.

16. No occupation of any dwelling in each phase shall take place until details of how the surface water drainage shall be maintained and managed for that phase 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 BFLP LP 57.

17. The development hereby approved shall not be occupied until details of car ports have been submitted for approval. The car ports once approved shall be retained for the use of the parking of vehicles at all times and, notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no enlargements, improvements or alterations shall be made to the car port, and no gate or door shall be erected to the front of the car port.

REASON: To ensure that the development is provided with adequate parking to prevent the likelihood of on-street parking which could be a danger to other road users. [Relevant Policy: BFLP LP 62]

18. No development above slab level shall take place until details of the materials to be used in the construction of the external surfaces of the development 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: BFLP LP 50].

19. The development hereby approved shall not be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for covered and secure cycle parking facilities for the flatted units within the scheme and full details of sheds to provide cycle parking for the dwelling houses. . The flatted units and dwelling houses shall not be occupied until the approved scheme has been implemented. The facilities and sheds shall be retained thereafter.

REASON: In the interests of accessibility of the development to cyclists.
[Relevant Policies: BFLP LP 62]

20. The development hereby approved shall not be occupied until details of on-site refuse storage (including any open air storage facilities) for waste material awaiting disposal (including details of any screening) have been submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided in accordance with the approved details prior to the first occupation of the dwelling to which it relates and thereafter permanently retained.

REASON: To ensure the provision of satisfactory waste collection facilities in the interests of amenity. [Relevant Policies: BFLP LP50]

21. The development hereby approved shall not be occupied until the following have been submitted to and approved in writing by the Local Planning Authority:

- 1) details of both hard and soft landscaping works, and
- 2) a comprehensive five year post planting maintenance schedule

No dwelling shall be occupied until the landscaping for that plot has been carried out in accordance with the approved soft landscape planting scheme

All other hard landscape elements of the approved landscape scheme shall be carried out prior to the occupation of the 226th dwelling on the approved development.

The details in respect of 1), above shall include:

a) Comprehensive planting plans showing 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) Means of enclosure (walls and fences etc)

d) Paving including pedestrian open spaces, paths, patios, proposed materials and construction methods, cycle routes, parking courts, play areas etc.

e) Any trees or plants which die, are removed, uprooted, are significantly damaged, become diseased or deformed within a period of 5 years from the completion of the development are to be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved, unless the Local Planning Authority gives written consent to any variation

REASON: In order for the Local Planning Authority to assess the acceptability of any landscaping scheme, thereby ensuring a satisfactory setting for the proposed development in the interests of the visual amenity of the area.

[Relevant policies: BFLP LP 50 and LP 54]

22. The development hereby approved shall not be occupied until an Air Quality Assessment has been submitted to the local planning authority to demonstrate any likely changes in air quality exposure to air pollutants as a result of the proposed development, including any impacts on air quality management areas. The assessment is to compare the air quality following completion of the development with that expected at the time without the development. The assessment will need to:

1. assess the existing air quality in the study area (existing baseline)
2. predict the future air quality without the development in place (future baseline)
3. predict the future air quality with the development in place (with development)
4. provide details of any mitigation required.

It should include impacts on nitrogen dioxide and particles (PM10 and PM2.5), as well as the cumulative impact with other committed developments. Consideration must also be given to potential uncertainties in predicting future emissions from vehicles in the future, i.e. predict potential future air quality with and without the development/committed developments in place assuming no improvements in emissions from vehicles to compare against predicted future air quality with improvements in vehicle emissions. Isopleths maps of air quality concentrations and exceedance areas should also be included in the Air Quality Assessment Report so the public can easily see potential impacts on air quality.

The air quality assessment should demonstrate that the proposal will deliver safe and habitable standards of air quality for future residents of the development.

Reason: To protect air quality in the area and safeguard public health
[Relevant policy: BFLP LP 58].

23. The development hereby approved shall not be occupied until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the Energy Demand Assessment as approved and retained as such thereafter.

REASON: In the interests of the sustainability and the efficient use of resources. [Relevant Plans and Policies: BFLP LP 27 and LP 55]

24. The development hereby approved shall not be occupied until a Water Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/ person/day, has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the Water Statement as approved and retained as such thereafter.

REASON: In the interests of sustainability and the efficient use of resources. [Relevant Policy: BFLP LP 27 and LP 55]

25. No development above slab level shall take place until a plan showing visibility splays has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the adjacent carriageway.

REASON: In the interests of highway safety.
[Relevant Policies: BFLP LP 25]

26. No development above slab level shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for offsite highway works including the following:

- I. the proposed roundabout access onto Nine Mile Ride which is to be constructed within land in the applicants control or adopted highway; and
- II. the proposed access on South Road.

No dwelling served by the relevant access shall be occupied until the relevant off site highway works have been completed in accordance with the scheme.

REASON: In the interests of highway safety.
[Relevant Policy: BFLP LP 25]

27. No part of the development shall be occupied until a scheme for informing buyers about protected species such as reptiles and nesting birds in gardens and the surrounding area, their importance, how they may impact on, and encounter them, has been submitted to the Local Planning Authority and approved in writing. The development shall be implemented in accordance with the scheme to inform buyers.

REASON: In the interests of nature conservation [Relevant Plans and Policies: BFLP LP 53]

28. No dwelling shall be occupied until a means of access to said dwelling has been constructed for vehicles, pedestrians and/or cyclists in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The means of access shall thereafter be retained unobstructed for its intended use.

REASON: In the interests of accessibility and to facilitate access by cyclists and/or pedestrians.
[Relevant Policies: BFLP LP 25]

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

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: BFLP LP 25 and LP 62]

30. Plots f16-f26 shall not be occupied until a footway for pedestrians on the western side of the access road has been constructed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of accessibility and to facilitate access to pedestrians. [Relevant Policies: BFLP LP 25]

31. 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) Description and evaluation of features to be managed including UKHABS types over a period of 30 years
- b) Ecological trends and constraints on site that might influence management
- c) Aims and objectives of management including biodiversity net gain target habitat types and condition
- d) Appropriate management options for achieving aims and objectives
- e) Prescriptions for management actions
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- g) Details of the body or organisation responsible for implementation of the plan
- h) On-going monitoring and remedial measures.

The landscape and ecological management plan (LEMP) shall be implemented as approved.

REASON: In the interests of nature conservation
[Relevant Plans and Policies: BFLP LP 53]

32. Prior to practical completion of any dwelling in each phase a verification report, appended with substantiating evidence demonstrating the agreed/approved construction details and specifications have been implemented, shall be submitted to and approved in writing by the Council. This will include photos of excavations and soil profiles/horizons, any placement of tanking, crating, connecting pipe work, hydrobrakes or control mechanisms, cover systems etc.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding in accordance with policy BFLP LP 57

33. No development shall commence until a programme of archaeological work including a Written Scheme of Investigation (WSI) has been submitted to, and approved by, the local planning authority in writing. The WSI shall include an assessment of significance and research questions; and:

- 1 The programme and methodology of site investigation and recording
- 2 The programme for post investigation assessment
- 3 Provision to be made for analysis of the site investigation and recording
- 4 Provision to be made for publication and dissemination of the analysis and records of the site investigation

5 Provision to be made for archive deposition of the analysis and records of the site investigation

6 Nomination of a competent person or persons/organisation to undertake the works set out within the WSI.

7 Early mitigation, prior to reserved matters, is recommended which would permit any archaeology found to inform on the design details of this development.

REASON: To ensure the protection and enhancement of the historic environment in accordance with BFLP Policy LP 29.

34 The Development shall take place in accordance with the WSI approved under condition 33.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the WSI approved under condition 32 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

REASON: The site lies in an area of archaeological potential, particularly for, but not limited to, Prehistoric Roman and Medieval remains. The potential impacts of the development can be mitigated through a programme of archaeological work. This is in accordance with BFLP Policy LP 29.

35 If contamination is found at any time during site clearance, groundwork and construction the discovery shall be reported as soon as possible to the local planning authority. A full contamination risk assessment shall be carried out and if found to be necessary, a 'remediation method statement' shall be submitted to the local planning authority for written approval. Should no evidence of contamination be found during the development a statement to that effect shall be submitted to the local planning authority.

Reason:

To protect future occupiers and users of the site from the harmful effects of contamination

Conservation

[Relevant Plans and Policies: LP 58]

36 Works shall be carried out in accordance with the approved 'remediation method statement' (submitted to comply with condition 35) and a final validation report shall be submitted to the local planning authority before the site (or relevant phase of the development site) is occupied.

Reason:

To protect future occupiers and users of the site from the harmful effects of contamination

[Relevant Plans and Policies: BFLP LP 58]

37 No works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority on the SANG and safeguarded land::

- 1) details of both hard and soft landscaping works, and
- 2) a comprehensive five year post planting maintenance schedule

The SANG and safeguarded land shall not be brought into use until the landscaping has been carried out in accordance with the approved soft landscape planting scheme.

The details in respect of 1), above shall include:

- a) Comprehensive planting plans showing 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) Means of enclosure (walls and fences etc)
- d) Paving including pedestrian paths, , proposed materials and construction methods, cycle routes, parking courts.
- e) Any trees or plants which die, are removed, uprooted, are significantly damaged, become diseased or deformed within a period of 5 years from the completion of the development are to be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved, unless the Local Planning Authority gives written consent to any variation

REASON: In order for the Local Planning Authority to assess the acceptability of any landscaping scheme, thereby ensuring a satisfactory setting for the SANG in the interests of the visual amenity of the area.

[Relevant policies: BFLP LP32, LP 50, LP53 and LP 54]

In the event of the S106 agreement not being completed by 30th June 2024, the Assistant Director: Planning be authorised to either extend the period further or refuse the application for the following reasons: -

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

02 The proposed development would unacceptably increase the pressure on highways and transportation infrastructure and public open space. In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which secure contributions towards open space, biodiversity and community facilities, the proposal is contrary to Policies R5 and M4 of the Bracknell Forest Borough Local Plan and CS6, CS8, and CS24 of the Core Strategy Development Plan Document and to the Planning Obligations SPD and the NPPF.

03 In the absence of a planning obligation to secure a biodiversity net gain which would deliver measurable improvements for biodiversity by creating or enhancing habitats in association with the development the proposal is contrary to paras 8c and 170d of the NPPF

04 In the absence of a planning obligation to secure an appropriate level of affordable housing the proposal is contrary to policy LP16 of the Local Plan 2024.

05 In the absence of a planning obligation to secure payments to monitor the required SuDS scheme 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.

A Recorded Vote was called for by Councillor Hayes and the voting on the motion was as follows:

FOR (5): Councillors Brown, Collings, Frewer, O'Regan and Penfold

AGAINST (5): Councillors Barnard, Hayes, McKenzie-Boyle, Smith, Zahuruddin

The vote was therefore carried, by the Chair, Councillor Brown's casting vote.

CHAIRMAN

Unrestricted Report

ITEM NO: 05

Application No.
23/00031/OUT

Ward:
Town Centre and The
Parks

Date Registered:
16 January 2023

Target Decision Date:
17 April 2023

Site Address: **Bracknell Town Football Club Larges Lane Bracknell
Berkshire RG12 9AN**

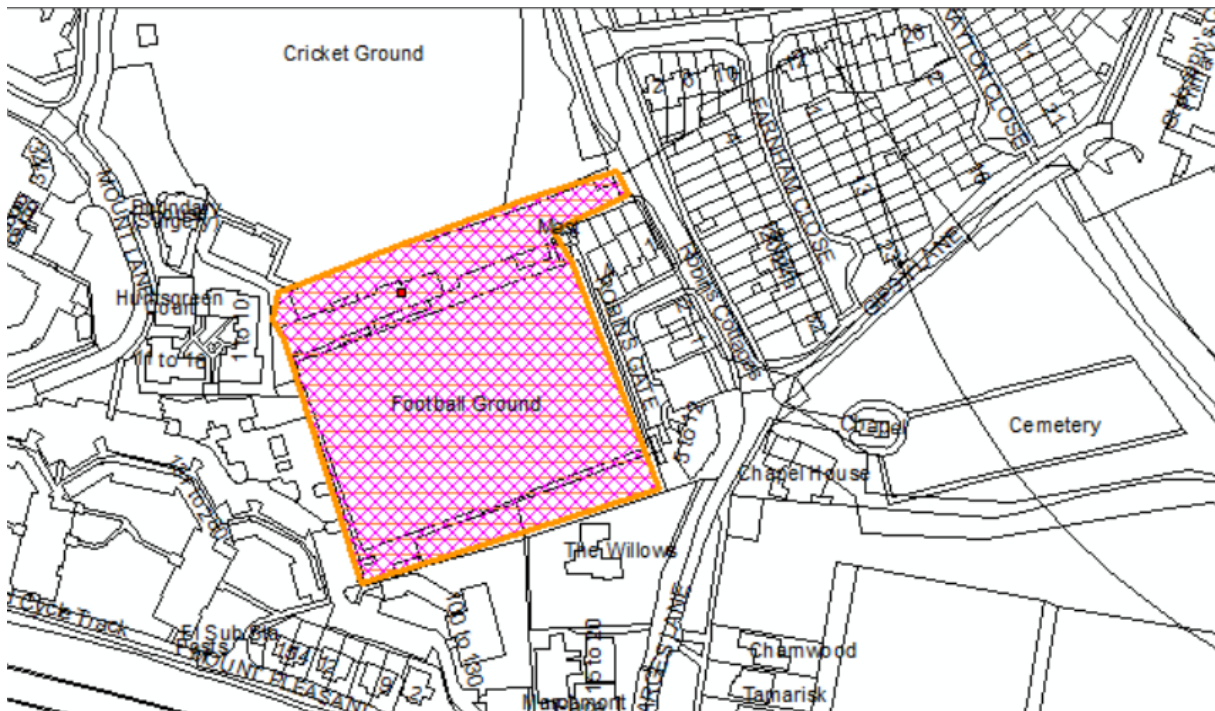
Proposal: Outline application with matters of access, appearance, layout and scale to be determined for the erection of 24no. dwellinghouses and two residential apartment buildings comprising 64no. dwellings (88no. dwellings total) with associated access and parking, following demolition of existing dwelling and sports buildings.

Applicant: **Mr Kayne Steinborn-Busse**

Agent: **Mr Matthew Miller**

Case Officer: **Margaret McEvit, 01344 352000**
Development.control@bracknell-forest.gov.uk

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



1. SUMMARY

1.1 The application is considered to be acceptable and is recommended for approval subject to the completion of a S106 agreement and conditions as set out in Section 11. The site is allocated in policy SA2 of the Site Allocations Local Plan for residential development with a capacity of 102 units. Policy SA2 is not superseded by the Bracknell Forest Local Plan and still forms part of the development plan. A previous planning application on the site (21/00250/OUT) was considered by the planning committee in May 2022 where it was resolved to approve the application subject to the completion of a S106 agreement. That application was for 117 apartments within 3 buildings, however the s106 agreement has yet to be completed so the permission has not been issued. This application is for 64 apartments within two buildings and 24 houses.

1.2 The football club formerly located on the application site has relocated to Sandhurst and other replacement facilities have been identified, to be secured through conditions, that are considered to be equivalent provision to the loss of the football club on the site.

1.3 The application provides adequate parking to meet adopted car parking standards and would not result in any significant highway safety implications.

1.4 The layout and design ensure that the development will not adversely impact on existing occupiers and provides an appropriate standard of amenity for future residents.

RECOMMENDATION

Planning permission be granted subject to completion of a S106 legal agreement and the conditions in Section 11 of this report
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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

Within settlement and allocated for housing under SALP Policy SA2 which is 'saved' as part of the Development Plan.

Within 5km of Thames Basin Heaths SPA

3.1 The 1.16ha application site is a roughly rectangular parcel of land formerly comprising a football pitch with associated spectator and club facilities – including spectator stands, a car park, and a clubhouse. In addition the site contains a single dwelling. The football club has moved from the site and some site clearance has taken place.

3.2 The site takes access from Larges Lane to the east. It is bounded to the north by Bracknell Cricket Club, and to the west, south and east by residential properties. These include flatted developments up to four stories in height to the west and south-west; a two-storey detached house adjoining the southern boundary and a development of three storey town houses and a small apartment block on the eastern boundary.

The site is located in a mixed-use area, including various sports facilities, religious, education and health uses in addition to residential properties.

The former sports pitch itself was level but was raised above surrounding ground levels at the north and east of the site where the ground slopes steeply down to adjacent properties

on Robins Gate and Larges Lane and retaining walls are required to step down from the level of the pitch. There is a 6.3m level difference between the west of the site and Larges Lane on the east. Some works have taken place to level the site.

4. RELEVANT SITE HISTORY

4.1 The application site contains an extensive planning history, dating back to 1962. The most relevant recent planning applications are listed below.

21/00250/OUT- Outline application including access, appearance, layout and scale for demolition of existing dwelling and sports buildings and erection of 117 apartments with associated parking. Approved subject to the completion of a S106 agreement – not yet completed.

20/00350/OUT - Demolition of existing dwelling and sports buildings. Erection of 164 apartments (80 x 1 Bedroom, 80 x 2 Bedroom and 4 x 3 Bedroom) and associated access and parking. Withdrawn 11.09.2020

19/00400/FUL – Section 73 application for variation to planning permission 16/00738/FUL. Approved 28.05.2020.

16/00116/FUL for the "Refurbishment of existing football ground including relocating and installation of new artificial football pitch (3G pitch) and rebuilding/upgrading of existing stands and associated facilities". Approved 28.05.2020.

17/00384/FUL - Erection of single storey extension to existing clubhouse and change of use to mixed use for club office and residential flat. Approval 05.03.2019

16/00738/FUL – Section 73 application for variation to planning permission 16/00116/FUL. Approved 31.10.2016.

16/00116/FUL for the refurbishment of existing football ground including relocating and installation of new artificial football pitch (3G pitch) and rebuilding/upgrading of existing stands and associated facilities. Approved 31.10.2016.

16/00116/FUL - Refurbishment of existing football ground including relocating and installation of new artificial football pitch (3G pitch) and rebuilding/upgrading of existing stands and associated facilities. Approval 16.05.2016

5. THE PROPOSAL

5.1 This is an outline application with matters of access, appearance, layout and scale to be determined for the erection of 24no. dwellinghouses and two residential apartment buildings comprising 64no. dwellings with associated access and parking, following demolition of the existing dwelling and sports buildings.

5.2 The 2 apartment blocks will be located on the western side of the site. Block A in the north west is shown as 4.5 storeys in height with Block B to the south shown as 3.5 storeys. The proposed materials include a buff brick to the main façades with a dark grey brick plinth. Light cladding materials are proposed on the upper floors where the accommodation steps back from the main facade. Balconies are provided. Amenity space to serve the apartments is shown south of each apartment block.

5.3 Car parking to serve the apartments is shown at surface level between the two apartment buildings.

5.4 The houses to be provided in the east of the site are a mix of 3 storey town houses in terraces of 3 and 4 houses and 2 no. two bedroom flats over parking barns. The houses have gable features with light coloured materials to the upper floors with a dark brick used at ground floor level.

5.5 Parking for the houses is provided through parking spaces in front of the properties, a rear parking court behind units 3 - 7 with 4 bedroom units also provided with car ports.

6. REPRESENTATIONS RECEIVED

6.1 15 letters of representation have been received raising the following planning considerations:

- Larges Lane cannot accommodate vehicles from 88 dwellings on the site. This will be dangerous for pedestrians. (Officer note. The highways officer has no objection to the application on highway grounds)
- Parking inadequate to serve the development. (Officer note. The proposal meets the adopted car parking standards).
- Local GP services cannot cope with an increase in residents in the area.
- Due to the levels of the site, the apartment buildings will tower over properties in Farnham Close and Goodways Drive and would be out of character with the area. (Officer note. The height of the apartment buildings is the same as in the previous application 21/00250/OUT and is considered to be acceptable.)
- The relocation of Bracknell Town football club has resulted in noise and excessive traffic to local residents. The football club should remain in Bracknell. Sandhurst does not have the infrastructure necessary to accommodate the football club. (Officer note. Bracknell Town football club has left the application site and the upgrade of its new site at Sandhurst Town Football Club was considered and approved under application 19/01085/FUL. This application is concerned only with the proposal for 88 residential units on the site.)

6.2 1 letter of support has been received raising the following matters:

- Improvement on the previous application for the site.
- Site would be improved by allowing vehicular access from 2 points or from London Rd only. [Officer note. The application must be considered as submitted. The highways officer has no objection to the proposed access arrangements to the site.]
- A pedestrian crossing should be provided in Larges Lane.
- First floor terraces will overlook The Willows. [Officer note. The balcony on plot 15 is shown with screens on the side elevation with The Willows. Details of balcony material can be secured through condition.]

7. SUMMARY OF CONSULTATION RESPONSES

Highways Officer

No objection subject to conditions and S106 requirements.

Biodiversity Officer

No objection subject to conditions and a S106 to secure BNG monitoring.

Drainage Officer

No objection subject to conditions.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

Development Plan:

LP3 Sustainable Development Principles
LP24 Infrastructure
LP25 Transport Principles
LP26 Transport infrastructure provision
LP27 Climate Change
LP28 Design Principles
LP33 Flood Risk
LP38 Accessible and adaptable dwellings
LP44: Protection of community facilities and services
LP45: Play, open space and sports provision
LP50 Design
LP54 Protection and enhancement of Trees and Hedgerows
LP55 Sustainable Construction
LP57 SuDS
LP60 Assessing Transport Impacts and requirements
LP61 Travel Plans
LP62 Parking

SA2 Other land within defined settlements

Supplementary Planning Documents (SPD):

Parking Standards SPD (2016)

Other publications:

National Planning Policy Framework (NPPF) (2023) National Planning Policy Guidance (NPPG)

9.0 PLANNING CONSIDERATIONS

9. 1 The key issues for consideration are:

- i Principle of development
- ii Impact on character and appearance of the area
- iii Impact on residential amenity
- iv Transport implications
- v Biodiversity and Landscaping
- vi Drainage
- vii Affordable Housing
- viii Sustainability and Energy

- ix Accessibility
- x Thames Basin Heaths SPA
- xi S106 Obligations
- xii Community Infrastructure Levy/ CIL

i. Principle of development

9.2 The site is located within the defined settlement boundary of Bracknell. It is in a sustainable location, approximately 0.5km from Bracknell Town Centre and within walking distance of Bracknell Railway Station and several bus routes. In accordance with the provisions of BFLP policy LP 2 (Settlement Hierarchy) new residential development consistent with the character, accessibility and provision of infrastructure and services within Bracknell is acceptable in this location.

9.3 The site also forms part of a site allocated under SALP Policy SA2 for residential development, with an indicative capacity of 102 units. This policy is 'saved' and remains part of the development plan.

9.4 The site is the former location of Bracknell Town Football Club. The Club moved from the site in December 2020 and now operates from three separate sites; Ranelagh School Playing Fields, Larges Lane; a multi use games area (MUGA) at the main school site; and the Sandhurst Town Football Club at Bottom Meadow, Yorktown Rd Sandhurst. The development proposed would result in the loss of a football playing field and stadium site, which provided an artificial pitch however these facilities have already been relocated to other sites.

9.5 Paragraph 102 of the NPPF states that "access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate."

9.6 As part of its evidence base for the Local Plan the Council carried out the assessment required by paragraph 102 (Playing Pitch Strategy 2016 – 2036 [PPS]). This states that the Larges Lane "site should be protected as playing fields as part of the Local Plan. This is one of the major football sites in the area and is privately owned by the club. The club is currently building a full-sized FIFA 1* Artificial Grass Pitch (AGP) to be used for matches by the senior club at all levels. The club is looking to develop the nearby pitches at Ranelagh school to provide a large, high-quality supply of grass pitches".

9.7 It is acknowledged that there is some conflict between the allocation of this site in SALP and the above recommendation of the PPS.

9.8 Paragraph 103 of the 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.”

9.9 The above national policy is reflected in BFLP policy LP 44 which is consistent with the NPPF.

9.10 Policy LP 44 states that development will be permitted where the loss of community facilities and services would be replaced by an equivalent or better facility in a suitable and accessible location.

9.11 Appendix 4 of the SALP sets out a number of requirements to be met in the development of the allocated sites. One is the requirement to provide an alternative location for the Football Ground.

9.12 Bracknell Town Neighbourhood Plan was “made” in October 2021. Policy EV 1 states:

Development proposals are expected to retain all Open Space of Public Value provision as shown on the Policy EV1 Open Space of Public Value Map. [This site is explicitly listed under Policy EV1]

Proposals that would result in the loss of Open Space of Public Value will only be supported when alternative public open space is provided to address both the existing area of open space lost and any additional open space needs created by the development.

Alternative public open space provision proposed as part of such development proposals will be required to meet the following criteria:

- the scale of alternative provision must be of at least an equivalent scale to the existing public open space provision and
- any alternative site must be of at least an equivalent standard, or better, in terms of layout to the existing public open space provision and
- ancillary uses which are required to complement the provision of the open space must not significantly reduce the overall area of open space and
- the location of the alternative provision must be generally accessible by foot and within or adjacent to the existing settlement boundary of Bracknell Town.

9.13 It was accepted at the time that application 21/00250/OUT was considered, that the loss of the existing football ground had been replaced with a package of replacement facilities that, on balance and in total, were considered to represent an equivalent provision subject to conditions relating to the full implementation of the upgrade at Sandhurst and the completion of Community Use Agreements in relation to the mitigation sites.

9.14 Subject to the same mitigation being secured by means of appropriate conditions, it is considered that the principle of the proposed development is acceptable in accordance with Local Plan policy LP 2 (settlement hierarchy), Local Plan policy LP 3 (Sustainable development principles), LP4 (Provision of housing), LP 38 and LP 45.

ii Impact on character and appearance of the area

9.15 Local plan policy LP 28 relates to design considerations in new development and seeks to ensure that developments achieve a high standard of design that positively contributes to placemarking. More detailed guidance is provided in the Design SPD (2017).

9.16 Local Plan policy LP 28 seeks to create attractive places by responding to and enhancing the distinctive character, heritage, amenity and/or appearance of the local area, or where appropriate, create character, identity and attractiveness.

9.17 Local Plan policy LP 50 sets out “design principles” that applicants will need to consider. These include: (v) relate well to their location and surroundings through their siting, scale (including height and massing), form, roofscape, design and materials, and in relation to adjoining buildings, spaces and views; and (vi). do not adversely affect the amenity of surrounding properties.

9.18 Issues discussed within the Design SPD include placemaking, integrating development into the existing context, making connections to surrounding facilities such as schools and town centres, contributing to the environmental sustainability of the development itself and SuDS and surface water drainage management. It states at paragraph 3.3.3 that “plots should be large enough to accommodate the proposed built development and the requirements associated within (such as amenity space, parking, servicing, waste and recycling collection) in an arrangement that is practical and attractive. They [plots] should be configured to make sure that new development relates well to its neighbours.” This is reinforced at 3.9.1. Paragraph 3.9.8 states that there should be “a balance between building footprint, its position on the plot in response to local character, parking provision and usable amenity space for residents.”

9.19 In addition to the above policies and design guidance, the site falls within Area A of the Bracknell Study area of the Character Area Assessments SPD. Key issues of character in this area including the “Central open space enables views across the character area to the surrounding landmarks such as Holy Trinity Church” relate to conserving and enhancing hedge and tree planting in this area. The area is also described as a transitional area between the lower density Victorian elements and the higher densities in the town centre. Cohesion is stated as being important for new development coming forward and so enhancing links to the existing network and approaches to the town centre would be a key objective for development within this character area. Landscape and townscape are also detailed as reflecting the transitional character of the area and contributing to creating a stronger sense of place.

9.20 The proposed development is for the erection of two apartment blocks to provide 64 apartments and 24 houses on the site, together with associated access and parking provision.

Layout

9.21 The site forms part of a larger site allocated for 102 units in the SALP.

9.22 Planning application 21/00250/OUT was for three apartment buildings on the site and an element of parking under buildings. In the current application one of the apartment buildings has been replaced with 24 houses provided in terraces along the access road from Larges Lane and forming a cul de sac next to apartment building B. Parking is provided in a combination of on street in front of units, on plot and in a parking court behind plots 3-7. This reduces the impact of parking on the streetscene. Landscaping is also provided along the access road.



9.23 The two apartment buildings are sited west of the houses served by a continuation of the access road. The two buildings face each other with car parking between the buildings. Some landscaping has also been provided within the parking area. Bin stores are provided within the car parking areas, visitor cycle parking within the car parking areas and resident cycle parking provided within the apartment buildings.

9.24 Building A is positioned along the northern boundary of the site, in a similar position to building A in the previous planning application 21/00250/OUT with car parking provided west of the building. The car parking is approximately 11m from the apartment building at Mount Lane, with trees along the boundary and landscaping proposed.

9.25 Building B is positioned close to the southern boundary with existing trees on the western and southern boundaries. The building is positioned adjacent to apartments in Mount Pleasant to the west.

9.26 In the previous planning application car parking was provided under the apartment buildings which resulted in areas of amenity space between the buildings. The provision of surface car parking to serve the apartments has reduced available open space within the site but the two buildings have landscaped areas around them.

9.27 The site levels drop from west to east by approximately 2.5m. Existing retaining structures in the east and south east of the site are to be removed and the ground levelled to allow the site to reflect the levels around the site.

9.28 The positioning of the apartment buildings close to apartment buildings west of the site, with three storey housing positioned to the east closer to two and three storey houses means that the proposal will reflect the scale and character of surrounding development.

Design and External Appearance

9.29 The design and external appearance of the two apartment blocks is considered acceptable in this location. The height, bulk and mass of the blocks are considered to be appropriate within the context of the site and the surrounding area. Immediately west and north west of the site are apartment buildings in Mount Lane and Mount Pleasant which are three and four storeys in height. The previous scheme for this site also proposed apartment buildings of four and five storeys in height and this was considered to be acceptable. The proposed materials include a buff brick to the main façade with a dark grey brick plinth which would also be used for the recessed cores, and some vertical elements in the facades. Light cladding materials are proposed on the upper floors where the accommodation steps back from the main facade. Full details of the materials can be secured through an appropriate condition. Balconies will be provided on each apartment building.



BUILDING A - NORTH ELEVATION



BUILDING B - NORTH ELEVATION

9.30 The proposed houses in the eastern part of the site will be three storeys in height with a two storey element on plot five where access to the rear parking court is provided through the terrace with a two bedroom flat above.

9.31 Properties east of the site are a mix of two and three storey houses and the height of the houses is considered to be appropriate. The houses will be constructed in a buff brick with a darker brick used at ground floor level and grey roof materials. The materials used will tie in with the apartment buildings.



9.32 The proposed development respects the scale of development in the area but also creates its own distinctive character and as such would be in accordance with those issues relating to character set out in Local Plan policy LP15 and LP 50 and the adopted Design SPD guidance.



PLOT 1
FRONT ELEVATION

PLOT 2

PLOT 3

PLOT 4



PLOT 5

PLOT 6

PLOT 7

iii Impact on Residential Amenity

9.33 Local Plan policy LP50 states that development should not adversely affect the amenity of surrounding properties. The NPPF at paragraph 127(f) states that developments should ensure a high standard of amenity both for existing and future users. Privacy is discussed at paragraphs 3.9.11 – 3.9.19 of the Design SPD. Paragraph 3.9.11 states that all development should be arranged on plots to achieve reasonable levels of privacy for the inhabitants and for residents of neighbouring buildings. Paragraph 3.9.13 states that “As

storeys rise additional separation distances may be necessary to mitigate against overlooking, overshadowing and overbearing impacts.”

9.34 Apartment buildings A and B reflect elements of planning application 21/00250/OUT where buildings of a similar height and design were proposed in the western part of the site. Building B has been reoriented east-west in the current application reducing its impact on apartments in Mount Pleasant. Only bathroom windows are provided on side elevations facing the western boundary.

9.35 Block C has been removed from this application and houses are now provided in the eastern part of the site. A separation of approximately 7.65 m is achieved between plot 15 and The Willows south of the site. Only bathroom windows are provided on the side elevation of plot 15 and intervening trees on the boundary are shown to be retained. Plot 16 is a distance of approximately 16m to the rear boundary with The Willows. This is considered to be a reasonable distance to prevent unacceptable overlooking of the garden of The Willows.

9.36 Plots 1-15 along the eastern boundary of the site with Robins Gate are positioned with 31m distance between windows. Windows on the rear elevations of plots 12-15 are at an oblique angle to the apartment block at 1-8 Robins Gate and distances of approximately 21m are achieved to windows on the existing apartment building.

9.37 The proposed buildings would not be unduly overbearing or give rise to unacceptable levels of overlooking or loss of light to any existing residential properties. The proposed development, as amended, is therefore not considered to materially harm the amenity of surrounding properties and would therefore be in accordance with Local Plan policies LP28 and LP50 and the Design SPD.

iv Transport implications

Access

9.38 The site is located on Larges Lane, which is subject to a 30mph speed limit. As well as providing access to this site, Larges Lane also serves a local school, a cemetery and existing housing. The road has controlled on street parking along its length to control vehicle speeds along it. In relation to wider access to the site the pedestrian routes from the site towards the town centre and wider pedestrian routes are good.

9.39 The current site has a wide access which it shares with the adjacent cricket club. It is proposed to create a new access in approximately the same location as the existing. The existing access to the cricket club onto Larges Lane would also be closed and a new access to the cricket club created off the new access road to this site. Such an arrangement is considered to represent an improvement in highway terms over the existing situation and would improve access for vehicles and pedestrians.

9.40 The internal road has been designed to be appropriate for the scale of the development and will be sought for adoption to ensure refuse collection and access to the cricket club can be achieved without ransom. The road would be 6m wide and has footways on both sides. This is considered adequate for the scale of the development. Due to its design, internal speeds are expected to be controlled to 20mph. Adequate visibility is provided within the development and at the junction with Larges Lane.

9.41 The internal road is likely to require double yellow lines to control parking along it to ensure any potential overspill parking from the surrounding area does not occur. Legal Agreements will be required to secure these. Lighting within the site and the pedestrian routes will be required. This can be conditioned and will also be covered by the adoption

agreement. As part of the access works, off-site highway works will also be required, including alterations to the current on street parking bays on Larges Lane. This involves creating a section of layby parking opposite the site entrance which will improve the safety of the access arrangements, particularly as there will be an intensification of use over the course of the day.

9.42 There will also need to be a minor modification to the current on street parking restrictions to ensure the on-street parking provision that currently exists will be maintained in the future.

9.43 Although the on-street parking has capacity for many parts of the day, it is heavily used during school pick up and drop off and therefore maintaining this capacity is important. The minor change involves reducing the extent of double yellow line near to Gypsy Lane by around 5-6m. This would not have a significant impact on the visibility of the junction.

9.44 In respect of pedestrian access, the Highway Officer has stated that as well as the internal road and turning head, the proposed footway in front of block A that runs to the Cricket Club would be sought for adoption for public access and any future development opportunities. The details supplied indicate that a suitable gradient route adjacent to the building can be provided as well as tie back into the access road and footway nearer the junction with Larges Lane. Final details could be covered by condition.

Traffic Impact

9.45 The predicted trip generation for the application is considered to be similar to the previously considered application for 117 residential units and as such is considered to be acceptable. The site has been identified as an allocated site in the SALP for 102 units and the impact of the proposed development on the highway network has been assessed and considered to be acceptable in highway terms.

Parking

9.46 The applicant has proposed parking to borough standard for the houses and a ratio less than standard for the flats. However, the previous application also had a lesser provision for flatted development which recognised the position of the site to the town centre but was also backed up by surveys of similar sites.

9.47 The proposal for the flats is to provide a total of 78 parking spaces for 64 flats, a ratio of 1.22 space per flat. This is slightly lower than previously provided but the development split of 1 and 2 bedroom properties is more even with a greater number of 1 bedroom units. Furthermore, the applicant is proposing 3 car club spaces which can provide flexible parking options for residents and can have the ability in providing up to the equivalent of 9 parking spaces for each car club space.

9.48 The 64 apartments would be provided with 78 unallocated parking spaces including 3 car club bays. Each car club bay delivers the equivalent of 9 parking spaces. This level of parking provision results in the equivalent of 105 parking bays to serve the 64 apartments. This would result in a parking ratio of 1.64 per dwelling for the apartments, which is very slightly higher than the parking ratio accepted under the previous application (21/00250/OUT). The proposed 64 apartments in isolation would provide 101 bedrooms. Therefore, the apartments would have a notional parking ratio of 1.04 spaces per bedroom. Under the current proposals, the houses would be provided with 2 parking spaces each for the three-bedroom units and 2 parking spaces and a car port (3 spaces total) each for the four-bedroom units, which accords with Bracknell Forest Council's adopted car parking standard. This would result in 59 car parking spaces in total to serve the 24 houses.

9.49 When considering the current proposals in total to include the apartments and houses, there would be an equivalent of 164 car parking spaces which would equate to an average parking ratio of 1.86 per dwelling or 0.89 per bedroom.

9.50 The approved car parking provision for the 117-unit scheme was 167 spaces overall, including 3 car club bays. Based on the provision of 3 car club bays, the notional parking capacity is equivalent to 191 car parking spaces which represents a notional ratio of around 1.63 spaces per dwelling or 0.82 per bedroom. Therefore, when comparing the proposed parking ratio of the apartment element of the current scheme (in isolation) to the previously consented scheme, the current scheme would result in a slightly higher parking ratio per dwelling of 1.64 and a significantly higher parking ratio per bedroom of 1.04. Equally, when considering the current proposals overall, the parking ratios per dwelling and per bedroom are higher than those approved for the previous scheme.

9.51 Cycle parking has been shown but it is not clear what type of fixings are being proposed to provide the sufficient number of stands required. Details can be secured through a condition.

9.53 The application is not considered to result in any adverse highway safety implications and as such complies with BFLP policies LP 25 and LP 62.

v Biodiversity and Landscaping Issues

9.54 The application includes a Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain (BNG) Report with supporting Biodiversity Metric.

PEA

9.55 The site is not expected to impact protected sites, beyond the SANG requirements to mitigate impacts of recreation pressures. The habitats onsite are of a low value for biodiversity, being dominated by unvegetated land. The buildings onsite have been assessed as having negligible value for roosting bats.

9.56 Enhancements for biodiversity are recommended, and these should be secured by condition. Small amounts of sparse scrub is present onsite which may support nesting birds.
BNG

9.57 The baseline habitats have been assessed and comprise 0.53 units. The landscaping is a reserved matter but the Proposed Site Plan Coloured (Ascot Design, April 2023) shows indicative landscaping and has been used to assess the post-intervention values. Based on these plans, the site is able to achieve over 300% gain in habitat units, and a gain in hedgerow units. Given the low baseline and the layout of the site which is to include areas of grassland, garden and tree planting, it is considered that the site will be able to achieve a net gain.

9.58 Final figures should be secured by condition based on the finalised landscaping plans at reserved matters stage. A LEMP will be required to deliver the management of the onsite net gains. A S106 obligation will be required to secure at least 10% net gain for 30 years and a S106 contribution will be required for monitoring.

Tree Issues

9.59 Existing trees on the boundaries of the site are proposed to be retained. The trees are not subject to Tree Preservation Orders (TPOs) but they are beneficial to the character to the area and would provide amenities for prospective occupants. A full Arboricultural Survey has

therefore been provided, outlining protection measures to these trees in respect of the construction process.

vi Drainage

9.60 The entire site is located within Flood Zone 1 however, as it exceeds 1ha in size, a Flood Risk Assessment (FRA) accompanied the application. The drainage officer is satisfied that the development will not increase the flood risk either on this site or to neighbouring properties and complies with drainage advice in the NPPF and PPG.

vii Affordable Housing

9.61 The development will deliver 35% on-site affordable housing provision in accordance with the current policy requirement of 35% and is therefore acceptable. This affordable housing will be secured through a S106 agreement.

9.62 There is a priority need for larger family houses (3 and 4 beds). All larger affordable rental properties should be provided as Social Rent, which will help local families make the homes as affordable as possible.

9.63 Shared ownership dwellings should be provided on the smaller 1/2 bed units, as identified in the Housing Needs Assessment, which are acceptable as flats, although outside balcony space must be sufficient to allow for table chairs and leisure/play space.

viii Sustainability and Energy

9.64 Local Plan policy LP 55 requires development to meet climate change objectives and requires developments to meet water efficiency standard of 110 litres/person/day. An Energy Demand Assessment can be secured through a condition to set out how development will comply with carbon reduction requirements.

9.65 Local Plan policy LP 27 seeks a Climate Change Assessment to be submitted to demonstrate how the principles of the policy have been considered in the application. A Climate Change Assessment has been submitted and it covers the principles within policy LP 27.

ix Accessibility

9.66 BFLP policy LP 38 seeks new dwellings to be constructed to meet the requirements of Part M4 Category 2, accessible and adaptable dwellings. In addition developments of more than 10 new build dwellings at least 5% of all dwellings will meet the Part M4(3) (2)(a) standard for wheelchair adaptable dwellings. The applicant has confirmed that 5% of units will meet Part M4(3) (2)(a) standards and compliance with policy LP 38 can be secured through a condition.

9.67 The applicant has proposed 6 wheelchair accessible units (all 2bed 4person) which is significantly above policy requirement.

x Thames Basin Heaths Special Protection Area (SPA)

9.68 An Appropriate Assessment has been carried out for this proposed development in accordance with Conservation of Habitats and Species 2017 (as amended). Without any appropriate avoidance and mitigation measures the Appropriate Assessment concludes that the development is likely to have a significant effect upon the integrity of the TBH SPA. In this instance, the development would result in a net increase of 88 dwellings within the 400m

– 5km TBH SPA buffer zone and is required to make a financial contribution towards SANG and SAMM (including SAMM monitoring) which will be secured by a s106 agreement and therefore satisfies the requirement for appropriate avoidance and mitigation measures.

xi S106 obligations

9.69 A S106 Legal Agreement is required to secure the following as planning obligations:-

- Affordable Housing – a minimum of 35% with a mix that generally reflects the type and size of market housing.
- Community Facilities - a contribution towards new community facilities under construction at Time Square.
- Open Space of Public Value (OSPV)
- Biodiversity - The Council will look for a contribution towards monitoring the implementation and management of Biodiversity enhancements which are delivered on site.
- Highways - A planning obligation will be required to secure completion of a s38 agreement for highway/foot/cycleway maintainable at public expense as well as to secure the car club proposed by the applicant. A planning obligation will also be required to secure a S278 agreement for any off-site works proposed to the public highway.
- SuDS - A planning obligation will be required to ensure approval of a Drainage Strategy which should include a Design Specification and Implementation Strategy and a long-term Management and Maintenance Plan prior to commencing on site. A planning obligation will also be required to secure a SuDS monitoring contribution to monitor SuDS for the lifetime of the development (100 years).

xii Community Infrastructure Levy (CIL)

9.70 Bracknell Forest Council has an adopted Community Infrastructure Levy (CIL). 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. The site lies within the Central Bracknell charging zone which applies a nil rate to Class C3 residential development.

PLANNING BALANCE AND CONCLUSIONS

10.1 Planning permission is sought for the erection of 24no. dwellinghouses and two residential apartment buildings comprising 64no. dwellings (88no. dwellings total) . This is an outline application, but all matters other than landscaping are to be considered at this outline stage. The site is located within the defined settlement boundary of Bracknell. It is within a sustainable location, approximately 0.5km from Bracknell Town Centre and within walking distance of Bracknell Railway Station and several bus routes. A previous application for the erection of 117 residential apartments in three detached blocks was approved by the Planning Committee in May 2022 subject to a S106 agreement which has not yet been completed.

10.2 Policy SA2 of the Site Allocation Local Plan allocates this site for housing with an estimated capacity of 102no. dwellings. The loss of the existing football ground has been replaced with a package of replacement facilities that, on balance and in total, are considered to represent an equivalent provision subject to them being secured by conditions. The development proposed is therefore considered to be acceptable in principle.

10.3 The development would be at an appropriate scale for this site and would provide a good quality design solution. The proposal is considered to strike an appropriate balance between creating a distinctive and attractive sense of place and making an efficient use of urban land. As such it is considered that the proposed development, while creating its own distinctive character would respect the existing character and appearance of the Larges Lane street scene and surrounding area.

10.4 The proposal is considered to provide adequate parking and would not result in any significant highway safety implications.

10.5 The layout and design ensure that the development will not adversely impact on existing occupiers and provides an appropriate standard of amenity for future residents. Subject to conditions and a completed S106 agreement securing all required planning obligations, the development will provide policy compliant biodiversity mitigation and enhancement, the provision and maintenance of surface water drainage, landscaping, affordable housing provision, SPA mitigation and adequate infrastructure mitigation.

10.6 It is therefore considered that the proposed development complies with Local Plan policies LP 28, LP 45, LP 50, LP 53, LP 54 and LP 62, Policy SA2 of the SALP, Policy EV1 of the Bracknell Town Neighbourhood Plan, relevant SPDs and the NPPF. No material considerations exist that indicate there should be a departure from the development plan and accordingly, the application is recommended for approval.

11. RECOMMENDATION

Following the completion of a Section 106 agreement pursuant to the Town and Country Planning Act 1990 to secure planning obligations relating to the following:

- a requirement to enter into a s278 and s38 Agreement with the Highway Authority to include works to Larges Lane to form the site access, lighting improvements and parking layby as well as the adoption of the internal access road and footway link to the Cricket Club.
- Car Club
- Affordable Housing
- Community Facility Contribution
- Contribution towards off-site OSPV
- SuDS specification/implementation/Management and Maintenance Strategy including a monitoring contribution
- SPA Mitigation
- Funding for Traffic Regulation Order (TRO) alterations on Larges Lane and any new TRO within the site to control indiscriminate parking and maintain safe access
- On-site Biodiversity Net Gain management obligations and monitoring fee

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

1. Approval of the details of landscaping of the development (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before development is commenced. The plans and particulars in relation to the landscaping of the site 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 (as amended).

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
3. 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 (as amended).
4. The development hereby permitted shall be carried out only in accordance with the following approved plans and documents: -

20-J3128-SLP01
 20-J3128-609 REV A
 20-J3128-608 REV A
 20-J3128-607 REV A
 20-J3128-606 REV A
 20-J3128-605 REV A
 20-J3128-604
 20-J3128-603
 20-J3128-602
 20-J3128-601
 20-J3128-504/A
 20-J3128-503/A
 20-J3128-503.2
 20-J3128-502/A
 20-J3128-501/A
 Enzygo Geo-Environmental Report CRM.1265.021. GE.R.002.B

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

5. Prior to commencement of any development above slab level, samples of the external materials to be used in the buildings/dwellings hereby approved to include details of screens on the first floor balcony on plot 15 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved materials.
REASON: In the interests of the visual amenities of the area.
[Relevant Policies: [BFLP LP 50]
6. Prior to commencement of any development above slab level, details showing the finished floor levels of the buildings/dwellings hereby approved in relation to a fixed datum point shall be 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: BFLP LP50]
7. No development above slab level works, shall take place until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day, has been submitted to, and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with

the Sustainability Statement, as approved, and retained and maintained as such thereafter.

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

[Relevant Policy: BFLP LP 27 and LP 55]

8. The development hereby approved shall not be occupied until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall demonstrate how the development will contribute towards the target of net zero carbon for regulated emissions. The development shall be implemented in accordance with the Energy Demand Assessment as approved and retained as such thereafter.

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

[Relevant Plans and Policies: BFLP LP 27 and LP 55]

9. No development (including initial site-clearance) shall commence until a detailed scheme for the protection of existing trees to be retained, 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 demolition/site clearance works, all construction works and hard landscaping 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) All proposed tree, hedge or shrub removal shown clearly with a broken line.

c) Proposed location/s of 2.1m high protective barriers, supported by a metal scaffold framework, constructed as a minimum in accordance with Section 6 (Figure 2), 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.

d) Illustration/s of the proposed protective barriers to be erected.

e) Proposed location/s and illustration/s of 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.

f) Annotated minimum distances between protective barriers and trunks of retained trees at regular intervals.

g) All fenced off areas clearly annotated as Tree Protection Areas/Construction Exclusion Zones.

h) 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.

[Relevant Policies: BFLP LP 28]

10. The protective fencing and other protection measures specified by condition 9 shall be erected in the locations agreed in writing by the Local Planning Authority prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site. Where phased protection measures have been approved, no works shall commence on the next phase of the development until the protective fencing barriers and other protective measures have been

repositioned for that phase in full accordance with the approved details. No activity of any description must occur at any time within these areas including but not restricted to the following: -

- a) No mixing of cement or any other materials.
- b) 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: BFLP LP 28]

11. No development (other than that required to carry out remediation) shall commence until the approved remediation scheme (Geo-Environmental Report CRM.1265.021. GE.R.002.B) has been carried out in full accordance with its terms. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, and before any occupation of the development hereby permitted, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimized, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

[Relevant Plans and Policies: LP 58]

12. In the event that contamination is found at any time when carrying out the approved development that was not previously identified all on-site works shall cease, and the Local Planning Authority shall be informed immediately. Any further investigation/remedial/protective works required by the Local Planning Authority shall be carried out to agreed timescales and approved by the Local Planning Authority in writing before development recommences.

Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority before the re-commencement of on-site works.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

[Relevant Plans and Policies: LP 58]

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

The CEMP shall include as a minimum:

- (i) Location of the access for demolition and construction vehicles;
- (ii) Routing of construction traffic (including directional signage and appropriate traffic management measures);
- (iii) Details of the parking of vehicles of site operatives and visitors;
- (iv) Areas for loading and unloading of plant and materials;
- (v) Areas for the storage of plant and materials used in constructing the development;
- (vi) Location of any temporary portacabins and welfare buildings for site operatives;
- (vii) Details of any security hoarding;
- (viii) Details of any external lighting of the site;
- (ix) Details of the method of piling for foundations;
- (x) Measures to control the emission of dust, dirt, noise and odour during construction;
- (xi) Measures to control rats and other vermin;
- (xii) Measures to control surface water run-off during construction;
- (xiii) Measures to prevent ground and water pollution from contaminants on-site;
- (xiv) construction and demolition working hours and hours during which delivery vehicles or vehicles taking materials away are allowed to enter or leave the site;
- (xv) Details of wheel-washing facilities;
- (xvi) Measures to minimise, re-use and re-cycle materials and waste arising from demolition;
- (xvii) Measures to minimise the pollution potential of unavoidable waste;
- (xviii) Measures to dispose of unavoidable waste in an environmentally acceptable manner;
- (xix) details of measures to mitigate the impact of demolition and construction activities on ecology; and
- (xx) Details of a monitoring regime to demonstrate compliance with the CEMP including timings for reports to be submitted to the Local Planning Authority.

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

REASON: To mitigate and control environmental effects during the demolition and construction phases

[Relevant Policies: BFLP LP 58]

14. No building/dwelling hereby permitted shall be occupied until a means of vehicular access to the site has been constructed in accordance with the approved plans.

REASON: In the interests of highway safety.

[Relevant Policies: BFLP LP 25]

15. No building/dwelling hereby permitted shall be occupied until a means of access to it for pedestrians and cyclists has been constructed in accordance with the approved plans.

REASON: In the interests of accessibility and to facilitate access by pedestrians and cyclists.

[Relevant Policies: BFLP LP 25]

16. No building/dwelling hereby permitted shall be occupied until visibility splays of 2.4m x 43m in each direction at the junction of the access road and Larges Lane have been provided.

The land within the visibility splays shall be cleared of any obstruction exceeding 0.6 metres in height measured from the surface of the adjacent carriageway and shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the adjacent carriageway.

REASON: In the interests of highway safety.
[Relevant Policies: BFLP LP 25]

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

REASON: 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: BFLP LP 62]

18. There shall be no restrictions at any time on the use of the car parking spaces shown on the approved plan for the occupiers of, or visitors to, the dwellings hereby permitted (other than those parking bays marked as disabled or as EV charging bays which may be restricted for use by people with disabilities or electric vehicle owners respectively).

REASON: To ensure that the development is provided with adequate parking in the interests of highway safety.
[Relevant Policies: BFLP LP 62]

19. The development shall not be occupied until secure and covered cycle parking spaces for residents and cycle parking spaces for visitors have been provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority, and in the locations identified on the approved plans for cycle parking within the development.

The cycle parking facilities shall thereafter be retained.

REASON: In the interests of accessibility of the development to cyclists.
[Relevant Policies: BFLP LP 62]

20. No gates shall be installed at any time at the vehicular accesses to the site.

REASON: In the interests of highway safety.
[Relevant Policies: BFLP LP 25]

21. No dwelling hereby permitted shall be occupied until the following off-site highway works have been completed:

The formation of the access to the site and the closure of the access to the cricket club. Alterations to Larges Lane to form a layby to relocate on street parking opposite the site entrance.

Improved street lighting along the footway adjacent to the site on Larges Lane from the site to its junction with A329 London Road

REASON: In the interests of highway safety.
[Relevant Policies: BFLP LP 25]

22. No development shall take place until the applicant or their agents or successors in title have implemented a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority.

The programme of archaeological work will provide for:

- a) a programme of exploratory archaeological evaluation prior to the commencement of development
- b) further archaeological investigation prior to the commencement of development of any areas of archaeological interest identified by the exploratory archaeological evaluation
- c) post-investigation analysis reporting and publication commensurate with the significance of the archaeological results.

This condition may not be discharged until the full programme of archaeological work has been satisfactorily completed. The development shall only take place in accordance with the detailed written scheme of investigation approved pursuant to this condition.

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

[Relevant Policies: BFLP LP 29]

23. No development shall take place until Community Use Agreements prepared in consultation with Sport England have been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreements have been provided to the Local Planning Authority. The agreements shall apply to the enhanced facilities for football detailed in the submitted document Bracknell Town FC & Sandhurst Town FC – an overview of our position by the SB Group and shall include details of pricing policy, hours of use, access by community users, management responsibilities and a mechanism for review. The Community Use Agreements shall be retained, and access provided to the facilities in strict compliance with the approved agreements.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy.

24. No development shall take place until evidence has been submitted to and approved in writing by the Local Planning Authority that all the works permitted at the Sandhurst Town FC site at Sandhurst Memorial Park, Yorktown Road, Sandhurst under application 19/01085/FUL have been legally and fully completed in accordance with the planning permission and approved plans.

Reason: To ensure sufficient benefit to the development of sport and to accord with Development Plan Policy.

25. Any reserved matters submission shall be accompanied by a supplementary Biodiversity Net Gain report identifying any changes to the predicted biodiversity credits of that development parcel(s) as stated in the approved Biodiversity Net Gain Report (David Archer Associates, July 2023).

REASON: In the interests of biodiversity.

[Relevant Policies: BFLP LP 53]27.

26. 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 date of the first occupation demonstrating the implementation of the approved enhancements. The approved scheme shall be performed, observed and complied with.

REASON: In the interests of nature conservation

[Relevant Policies: BFLP LP 53]

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 any part of the development. The content of the LEMP shall include the following:
a) Description and evaluation of features to be managed including UKHABS types over a period of 30 years

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

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management bodies for the development being 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: BFLP LP 53]

28. No part of the development shall be occupied until details of a refuse management plan have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved details.

REASON: To ensure the provision of satisfactory waste storage facilities in the interests of amenity. [Relevant Policy: BFLP LP 50]

29. Development of Block A shall not commence until details of the footpath to the north of the block have been submitted to and approved in writing by the Local Planning Authority. The submitted details should include full details of the construction of this pedestrian route including retaining walls or other structures and levels along its length, together with connections with adjoining pedestrian routes within and beyond the site in order to ensure that this route provides an accessible pedestrian link to the cricket club.

REASON: To achieve accessibility and in the interests of the amenities of the area.

[Relevant Policy: BFLP LP 25]

30. No development shall take place until full details of the Surface Water Drainage System, in accordance with drainage strategy contained within Flood Risk Assessment Ref 10473 dated 12 July 2023, have been submitted to and approved in writing by the Local Planning Authority. These shall include:

- a) Full details of all components of the proposed drainage system including dimensions, locations, gradients, invert and cover levels, headwall details and drawings as appropriate; and
- b) Calculations demonstrating the drainage design can accommodate the design rainfall using FEH rainfall data
- c) Third party consent where required for offsite drainage works.
- d) Thames Water consent to discharge at proposed discharge rate into public sewers
- e) Confirmation of the gully spacing calculations to demonstrate that they are capable of conveying the rainfall volumes as set out in the Approved Drainage strategy.
- f) A Management and Maintenance Plan for the proposed drainage system to demonstrate how it would be maintained over the lifetime of the development.

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.

[Relevant Policy: BFBLP LP 57]

31. 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.

[Relevant Policy: BFBLP LP 57]

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

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

[Relevant Policy: BFBLP LP 57]

33. No occupation of any dwelling shall take place until a verification report by an independent body, appended with substantiating evidence demonstrating the agreed/approved construction details and specifications have been implemented to serve the particular property, has been submitted to and approved in writing by the Local Planning Authority. This will include photos of excavations and soil profiles/horizons, any placement of tanking, crating, connecting pipe work, hydrobrakes, cover systems, etc.”

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

[Relevant Policy: BFBLP LP 57]

34. No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to show how all dwellings will meet the requirements of Part M4 Category 2 – Accessible and adaptable dwellings of the Building Regulations 2010 (Approved Document ‘M’ – Access to and use of Buildings – dwellings 2015) (as amended) and any subsequent updates and how at least 5% of all dwellings will meet the Part M4(3)(2)(a) standard for wheelchair adaptable dwellings. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development meets high standards of accessibility.

Relevant Policy: BFLP LP 38.

35. Prior to the occupation of each phase of the development details of the design, operation and ongoing maintenance regime for electric vehicle charging infrastructure with a minimum output of 7kW shall be 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 sustainable transport.

[Relevant Policy: BFLP LP62.

36. The first floor window in the side elevation of plot 15 hereby permitted shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent). They shall at all times be fixed shut with the exception of a top hung openable fanlight.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFLP LP 50.

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

01 In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017 (as amended), policy LP 32 of the Local Plan 2024 and the Thames Basin Heaths Special Protection Area Supplementary Planning Document (2018).

02 The proposed development would unacceptably increase the pressure on highways and transportation infrastructure, public open space and community facilities. In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which secure contributions towards integrated transport and highway measures, open space, and community facilities, the proposal is contrary to policies LP 25, LP 44, LP 45, LP 60 of the Local Plan 2024 and to the Planning Obligations SPD and the NPPF.

03 In the absence of a planning obligation to secure a biodiversity net gain which would deliver measurable improvements for biodiversity by creating or enhancing habitats in association with the development the proposal is contrary to policy 53 of the Local Plan 2024.

04 In the absence of a planning obligation to secure an appropriate level of affordable housing the proposal is contrary to policy LP16 of the Local Plan 2024.

05 In the absence of a planning obligation to secure payments to monitor the required SuDS scheme 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 policy LP 57 of the Local Plan 2024.

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:

3,9,10,11,13,22,23,24,25,26,29,30,31,32,34

The following conditions require discharging prior to development above slab level:

5,6,7

The following conditions require discharge prior to the practical completion of any dwellings hereby approved:

27

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

8,14,15,16,17,19,21,28,33,35

No details are required to be submitted in relation to the following conditions; however they are required to be complied with:

1,2,4,12,18,20,36

Unrestricted Report

ITEM NO: 06

Application No.
23/00583/FUL
Site Address:

Ward:
Crowthorne

Date Registered:
22 August 2023

Target Decision Date:
17 October 2023

**Former The Mango Tree 63 Church Street
Crowthorne Berkshire RG45 7AW**

Proposal:

Section 73 application to vary Condition 02 (approved drawings) of Planning Permission 21/00217/FUL (Construction of a replacement building to provide 8 No. residential flats with ancillary car parking and landscaping.) [Note for clarification: application proposes internal changes to ensure compliance with Building Regulations and change to size of flats provided at 2nd floor level which necessitates changes to fenestration including the provision of 2no. additional dormer windows].

Applicant:

Mr Jobson

Agent:

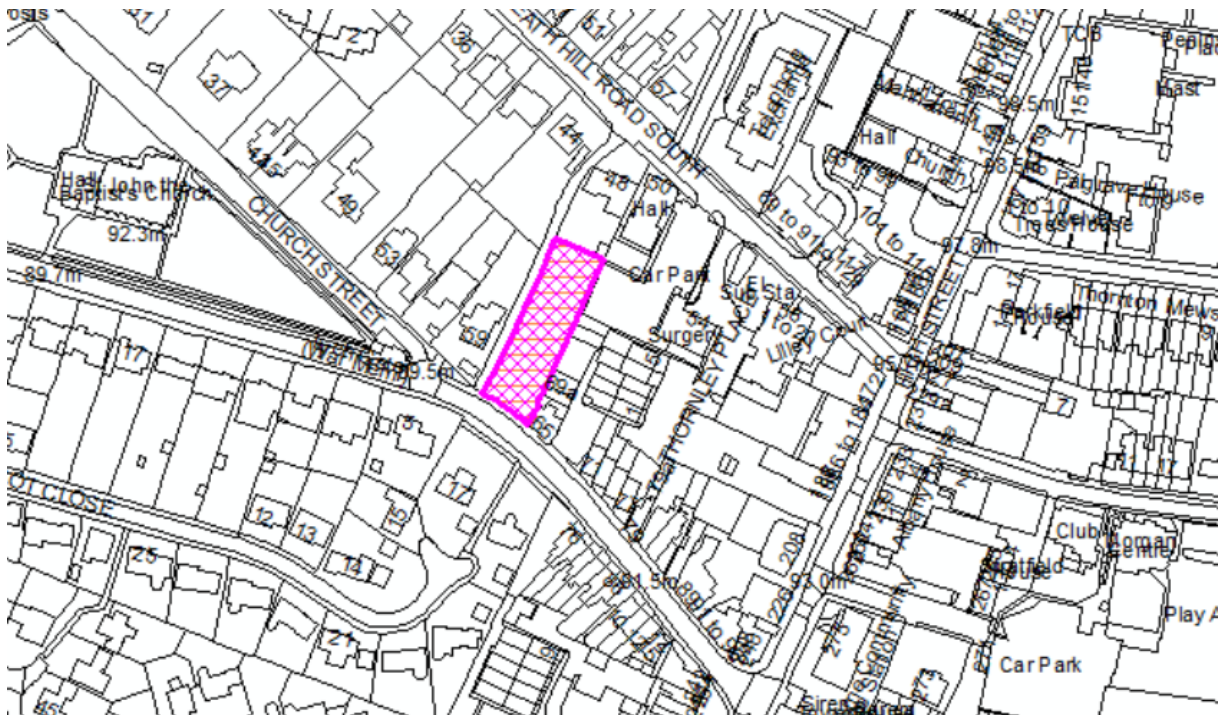
Gavin Rossner

Case Officer:

Katie Andrews, 01344 352000

Development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

1.1 This is a Section 73 application to vary Condition 02 (approved drawings) of planning permission 21/00217/FUL for the construction of a replacement building to provide 8 No. residential flats with ancillary car parking and landscaping.

1.2 The amendments to the application would result in internal changes to ensure compliance with Building Regulations and change to the size of the flats provided at the second floor level, from 2 x 2 bed flats to 1 x 1 bed and 1 x 3 bed flat, which necessitates changes to fenestration including the provision of 2no. additional dormer windows. These changes are not considered to significantly harm the amenity of the neighbouring dwellings or the Crowthorne Conservation Area, having a neutral effect.

1.3 The proposal, as amended, will retain the same layout, and size of building, and parking as under 21/00217/FUL. This layout provides parking in compliance with the parking standards SPD and a safe and functional vehicular access.

1.4 A deed of variation to the signed S106 agreement dated 25 October 2022 in relation to 21/00217/FUL would be required if permission for this section 73 application is granted so that the original s106 agreement is linked to this Section 73 approval.

RECOMMENDATION

Planning permission be granted subject to a deed of variation to the original s106 agreement and the conditions in Section 11 of this report.

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application is being reported to the Planning Committee at the request of Councillor Brown, Councillor Tina McKenzie-Boyle and Councillor Robertson.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within Defined Settlement

Within 5km of the SPA

Within Crowthorne Conservation Area

Crowthorne Study Area C (Crowthorne Centre) of the Character Area Assessments SPD

3.1 The site is now vacant but was previously occupied by the Mango Tree which was a detached building comprising a restaurant (Class A3) on the ground floor and a three-bedroom flat at first floor level. The site had a side vehicular access which leads to parking at the rear.

3.2 The site is located close to Crowthorne High Street but is not within Crowthorne Village Centre, as defined by the Bracknell Forest Borough Policies Map, which borders the site to the east. It is located within the Crowthorne Conservation Area which extends to High Street to the east and along Church Street around St John the Baptist Church to the west.

3.3 The site is bordered by No.59 Church Street to the west and No.67 Church Street to the east. It is noted that No.67 Church Street is now in residential use following the cessation of the ground floor fish and chip shop (Class A5) use.

4. RELEVANT SITE HISTORY

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

4.2 Application 15/01269/FUL - Change of use from a restaurant with residential flat over to residential flats providing 2no. two-bedroom units at the ground floor level and 1no. two-bedroom unit and 1no. one bedroom unit at first floor level with shared amenity space - APPROVED (with Legal Agreement) 2016

4.3 Application 16/00074/FUL - Change of use from a restaurant (A3) with residential flat to single family dwelling (C3) - APPROVED 2016

4.4 Application 16/01236/FUL - Change of use from A3 restaurant with residential flat over to C3 residential providing 5no. 2 bed flats over 3 floors with private shared amenity space and car parking. This includes alterations and extensions to the existing building including a basement. (Note: This application is an amended scheme to planning permission 15/01269/FUL) - APPROVED (with Legal Agreement) 2017

4.5 Application 17/01273/FUL - Erection of three storey building providing 5no. 2 bed flats over 3 floors with private shared amenity space and car parking following demolition of existing building. APPROVED (with Legal Agreement) 2018

4.6 18/00375/NMA - Non-Material Amendment to alter roofline and fenestration for planning permission 17/01273/FUL. APPROVED 2018

4.7 During the stripping out of the building in accordance with permission 16/01236/FUL, it became apparent that the fabric of the building was in poor condition with the walls at first floor level bowing inward and as such, that permission could not be implemented due to the structural instability of the building. Planning permission 17/01273/FUL was subsequently granted. Under that permission, the building was to be taken down brick by brick with the bricks cleaned and re-used in the construction of the new building.

4.8 20/00347/FUL Construction of a replacement building to provide 10 No. residential flats with ancillary car parking and landscaping. REFUSED 24.09.2020.

4.9 21/00217/FUL Construction of a replacement building to provide 8 No. residential flats with ancillary car parking and landscaping. Approved (with Legal Agreement) 03.11.2022.

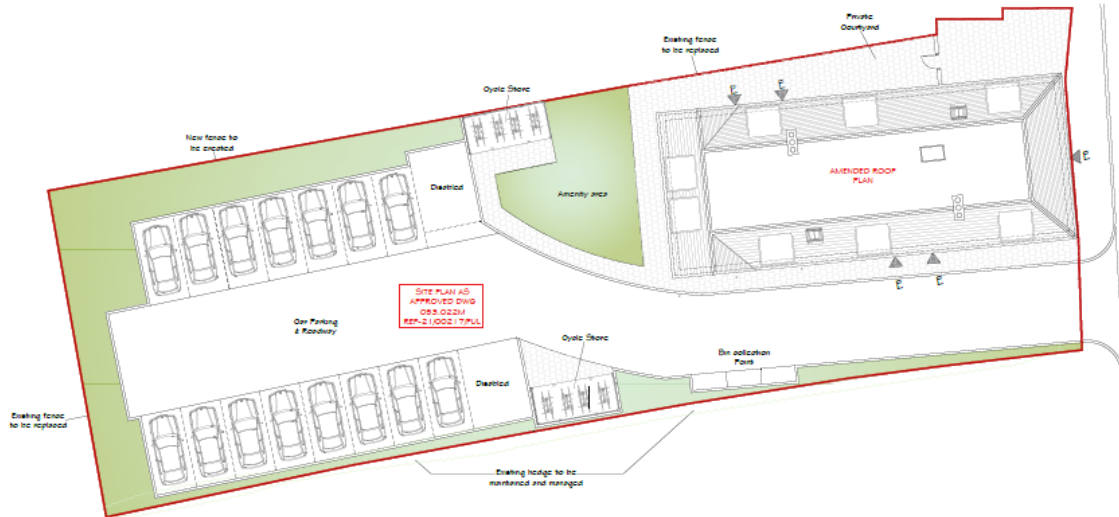
5. THE PROPOSAL

5.1 This application has been submitted as a Section 73 application as it proposes an amendment to the original planning permission 21/00217/FUL for the construction of a replacement building to provide 8 no. residential flats with ancillary car parking and landscaping, by amending condition 02 which refers to the approved plans.

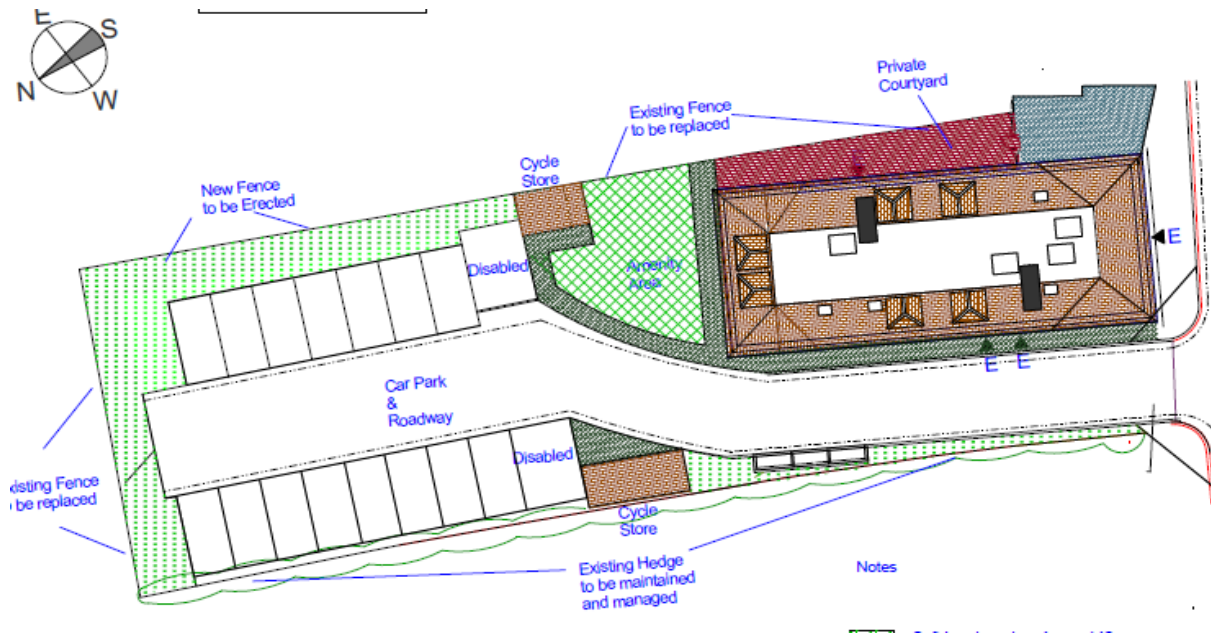
5.2 The amendments to the application are as follows:

- Within the second floor change to the flat sizes from 2 x 2 beds to 1 x 1 bed and 1 x 3 bed.
- Insertion of 2 additional dormer windows in roof.
- Minor changes to the window positions on the building.

- Use of reclaimed bricks rather than bricks previously retained from the demolition of the original building.



Proposed Layout



Approved Layout



Approved Front Elevation



Approved Rear Elevation



Approved South East Elevation



Approved South West Elevation

Legislative Background

5.3 An application can be made under Section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. Planning permission cannot be granted under S73 to extend the time limit within which a development must be started and cannot be used to change the description of the development.

5.4 S73 applications can secure material changes as long as they do not lead to any conflict or inconsistency with the operative part (description of development) of the original planning permission. The development subject to this S73 application does not alter the description of the parent planning permission (the proposal is to provide 8 No. residential flats with ancillary car parking and landscaping).

5.5 The S73 application takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.

6. REPRESENTATIONS RECEIVED

Crowthorne Parish Council

6.1 Recommends refusal:

- Overdevelopment of the site and layout would not preserve or enhance character of the Crowthorne Conservation Area, detrimental to the amenities of the area.
- Loss of hedges and trees, due to parking, cycles, and waste bin storage in proximity, will have an adverse effect on the Conservation Area and biodiversity of area.
- Sustainable surface water drainage has not been considered.
- There are no plans submitted as to how the boundaries would be secured in respect of site levelling.
- The layout is substandard, including placing the access road too tight to the proposed building. The site does not demonstrate a safe and suitable access to the site can be achieved for all users.
- Lack of visitor carparking.
- The original brickwork must be used.

Other Representations

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

- Overdevelopment of the site.
- Harm to Crowthorne Conservation Area.
- Detrimental to the amenities of the area.
- Loss of hedges and trees, due to parking, cycles, and waste bin storage in proximity, will have an adverse effect on the Conservation Area and biodiversity of area.
- Noise and disturbance from cars.
- Sustainable surface water drainage has not been considered; backyard gets flooded every time is heavily raining because the sewage system is overwhelmed.
- There are no plans submitted as to how the boundaries would be secured in respect of site levelling.
- Development intends eight residential flats. There is a lack of visitor car parking arrangements, with non-adherence to Parking SPD March 2016 par.4.4.
- Church Road is an unadopted road maintained at the expense of the Church and residents of the road. Please consider introducing enforced parking restrictions in Church Street.

- The original brickwork is required to be reused under 17/01273/FUL and 20/00217/FUL. The bricks are not stored on the site, impossible for the new building to be constructed with original bricks, which was requirement of previous planning.
- The site should be redeveloped on a smaller scale.

6.3 One further letter has also been received neither objecting or supporting, but raising the following issues:

- No objection to changes proposed to internal layout and windows.
- Important that all conditions attached to 21/00217/FUL carried forward to this application.
- If re-use of existing bricks not available, applicant should be required to procure used bricks of a similar look for outer walls.

[Officer note: the principle of the development has been established under extant planning permission 21/00217/FUL. This permission accepted that the development would not have a materially adverse impact on the character of the area, highway safety, surface water flooding, trees/vegetation or biodiversity and would provide an acceptable size and scale of building and layout of the site,]

7. SUMMARY OF CONSULTATION RESPONSES

Highways Officer

7.1 No objection following receipt of amended plans showing the same layout as extant application 21/00217/FUL.

Heritage Consultee

7.2 No objection subject to conditions.

8. DEVELOPMENT PLAN

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

Development Plan policies relevant to the consideration of the application:
LP1 (Spatial Strategy)
LP2 (Settlement hierarchy)
LP 3 (Sustainable development principles)
LP4 (Provision of housing)
LP25 (Transport principles)
LP27 (Climate Change)
LP28(Design Principles)
LP29 (Conservation and enhancement of the historic environment)
LP32(Thames Basin Heaths Special Protection Area)
LP38 (Accessible and adaptable dwellings)
LP40 (Housing mix)
LP50 (Design)
LP53 (Biodiversity)
LP55 (Sustainable construction)
LP57 (Sustainable Drainage Systems (SuDS))
LP60 (Assessing transport impacts and requirements)
LP62 (Parking)

The Crowthorne Neighbourhood Plan was adopted 9 June 2021. The relevant policies from this which are considered consistent with the NPPF are:

CR1: High Quality Design
 CR4: Promoting Good Design in Crowthorne Centre
 CR12: Biodiversity

Supplementary Planning Documents (SPD):
Parking Standards SPD (2016)
Design SPD
Thames Basin Heath SPA SPD
Character Area Assessments SPD
Other Publications:
National Planning Policy Framework (NPPF)
Planning Policy Guidance (NPPG)

9. PLANNING CONSIDERATIONS

The key issues for consideration are:

- i. Principle of development
- ii. Impact on the Conservation Area
- iii. Impact on the character of the area
- iv. Impacts on residential amenity
- v. Highways
- vi. Renewable Energy
- vii. Thames Basin Heaths Special Protection Areas

i. Principle of Development

9.1 The principle of this development was considered acceptable at the time that planning permission was granted by virtue of the extant planning permission 21/00217/FUL. It considered the development to be acceptable due to its location and nature. The new Local Plan was adopted 19 March 2024, and now forms part of the statutory development plan for the Borough, against which the application must be assessed. The proposal is consistent with the new Local Plan policies LP1, LP2 and LP3 which support development in this location.

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

ii. Impact on the Conservation Area

9.3 The Mango Tree is located within the Crowthorne Conservation Area.

9.4 Under section 70(3) of The Town and Country Planning Act 1990, the general power to grant planning permission under section 70(1) is expressly subject to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that a local authority has a statutory duty that:

'With respect of any building or other land in a conservation area.....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

9.5 The principle of the new building was established under parent consent 21/00217/FUL and the main changes under this application are to the location and number of dormer windows and rooflights as well as slight re-locations to the windows and doors on the front and rear elevations.

9.6 The character of the Conservation Area results from its residential quality with relatively small-scale, domestic buildings of traditional early to late 19th century design, generally in brick with slate or tile hipped or gabled roofs with traditional sash fenestration.

9.7 The proposed changes to the consented design would alter the fenestration and doors on the main elevations and the roofscape. However, the main proposed changes would consist of the addition of one dormer and relocation of two approved dormers on each of the side elevations of the roof. The views of the Council's Heritage Advisor have been sought and these alterations to the design are not considered to increase the impact of the consented scheme on the Conservation Area.

9.8 Under 21/00217/FUL and the previous consents at the site, the bricks from the demolished building were required to be re-used in the new building. The new applicant for this application, does not have possession of these bricks. It is therefore reasonable to apply a condition to the consent to require re-claimed bricks to be used, to ensure that the materials used are appropriate to the character of the Conservation Area.

9.9 As considered under parent consent 21/00217/FUL, whilst the proposed development would result in some harm to the character or appearance of the Conservation Area, as it cannot be said to preserve or enhance the Conservation Area due to the previous demolition of a period building in the Conservation Area, this test is only desirable. Leaving the site empty would leave a large hole in the Conservation Area. Re-claimed bricks would help to reduce the building's impact and overall, its impact is considered to be neutral when considering the previous demolition and gap created in the Conservation Area. The proposal would be in compliance with BFBLP Policies LP3 and LP29 and Policy CR1 of the Crowthorne Neighbourhood Plan.

iii. Impact on Character of the Area

9.10 The amendments would only relate to minor fenestration changes and the introduction of two additional dormer windows, with the relocation of the previously approved dormer windows. These changes are not considered to result in an additional impact on the character and appearance of the area and are in line with the parent consent 21/00217/FUL.

9.11 The layout of the development would remain as approved under 21/00217/FUL.

iv. Impact on Residential Amenity

Impact on Neighbouring Properties

9.12 In relation to no.67 Church Street the proposed building remains of the same size and scale under 21/00217/FUL, where a loss of light or an overbearing impact could not be substantiated due to the previous circumstances and previous planning consents at the site.

9.13 With regards to the southeast elevation facing no.67 the position of windows at the ground and first floor level are minorly changed, although one additional window has been inserted which would be directly opposite a window in no.67. This window should therefore be conditioned to be obscure glazed and only opening 1.7m above the finished floor level. Conditions were also proposed under 21/00217/FUL which should be repeated under this application to protect the privacy of no.67, although within flat 5 a living room has been created, in the location of a previous bedroom. The window would not look directly onto any other windows in no.67 and therefore this window can remain as clear glass.

9.14 At roof level facing towards no.67, the proposal introduces an additional dormer and changes the position of those originally proposed. As under 21/00217/FUL these would look

towards no.67 and beyond to the backs of the houses at 1 to 5 Thornley Place. One dormer window would be located opposite no.67's windows and the other dormer windows would be located approximately 23m from the backs of the houses at Thornley Place and therefore these windows should be obscurely glazed as a distance of 30m is normally expected to protect privacy, with only opening parts above 1.7m to prevent a significant level of overlooking to these properties.

9.15 The relationship with no.59 Church Street would remain the same as under 21/00217/FUL, with the building at least 13 metres from the side of no.59, across the existing footpath and due to the existing position of no.59 would not project past its rear. The proposed windows in the side elevation are largely the same as the approved scheme, although an additional dormer window is proposed on the roof, with the dormers all repositioned. Due to the position of no.59 and the separation of 13 metres between the properties it is not considered a significant level of overlooking would occur.

9.16 As under 21/00217/FUL the proposal is set at least 32 m from the rear boundary of the site and properties at the rear which will prevent any overlooking or loss of amenity.

9.17 In view of the above, and considering the amendments only, the impact on neighbouring amenity would result in the same impact under the extant consent 21/00217/FUL and conditions are recommended to protect neighbour amenity.

Future Occupiers

9.18 In relation to the amendments to the scheme the proposal would create a 1x1 bed flat and 1 x 3 bed flat, compared with 2 x 2 bed flats, at the second-floor level. An additional dormer window has been proposed, along with two previously approved. These have changed position compared with the approved consent and due to their position in relation to neighbouring properties would required to be obscure glazed and fixed apart from an opening 1.7m above the finished floor level. The dormer windows would serve bedroom windows and this arrangement was accepted under the extant parent consent 21/00217/FUL and the previous consents that have been granted at the site. It therefore would not be reasonable to say it is unacceptable now. Other living accommodation within the flats would achieve suitable light and outlook.

9.19 The amenity space has been provided in accordance with parent consent 21/00217/FUL.

9.20 In view of the above it is considered that the level of amenity has been provided in accordance with the parent consent 21/00217/FUL and on balance the application would provide a suitable level of amenity for future occupiers.

v. Highways

9.21 Following the receipt of an amended plan, the layout is now the same as the parent consent 21/00217/FUL, with the same number of parking spaces and there are no highway concerns regarding the layout and access.

9.22 The proposal has changed the mix of units at the second floor, which has resulted in 1 x 3 bed flat and 1 x 1 bed flats. This has created the need for an additional cycle parking space, taking it to 17, rather than the 16 previously approved and an amendment to the relevant condition reflects this.

9.23 The change in flat mix has now resulted in a parking space requirement of 17 spaces, including two visitor parking spaces. The proposal as approved provides 17 spaces, so the

application now fully meets the Parking Standards SPD standard. This is an improvement under 21/00217/FUL.

9.24 In view of the above, the proposed amendment, is acceptable on Highway grounds.

vi. Renewable energy

9.25 Following the adoption of the Local Plan, Policy LP 55 Sustainable Construction, now sets out the requirements for developments to meet climate change objectives and achieve a high standard of environmental sustainability. For this development it is required to meet a water efficiency standard of 110 litres/person/day. This was previously secured under the parent consent 21/00217/FUL and will be repeated for this application.

vii. Thames Basin Heaths Special Protection Areas

9.26 The extant consent was approved subject to the applicant entering into a legal agreement to secure contributions to mitigate the impact of development on the SPA with the parent permission 21/00217/FUL. This revised application does not result in a net increase in the number of bedrooms over and above that previously considered and approved by the aforementioned permission and therefore no additional contributions would be required as part of this revised application. The SPA contributions are secured by the original s106 Agreement dated 25 October 2022 and therefore any permission granted under this section 73 application will need to be accompanied by a deed of variation to link this s73 permission (and any subsequent section 73 permission) to the original s106 agreement.

10. PLANNING BALANCE AND CONCLUSIONS

10.1 The site is located within the settlement boundary. Parent permission 21/00217/FUL remains extant and could be implemented subject to the approval of pre-commencement conditions. This constitutes a fallback position which should be afforded significant weight.

10.2 The amendments proposed by this S73 would not significantly harm the amenity of the neighbouring dwellings and would maintain a neutral effect on the Crowthorne Conservation Area and amenity of the surrounding area.

10.3 Further, the changes would not result in additional impacts to highway safety, trees, biodiversity or drainage.

10.4 The application is considered to be consistent with Local Plan Policies LP 2, LP 3, , LP 25, LP 28, LP 29, LP 32, LP38, LP 40, LP 50, LP 53, LP 55, LP 57, LP 60, LP 62. It is not considered that any material considerations weigh against approving this development which accords with an up to date development plan and accordingly the application is recommended for approval.

11. RECOMMENDATION

That the application be approved subject to a deed of variation to the original s106 agreement dated 25 October 2022 and the following conditions:

01. The development hereby permitted shall be begun before 03.11.2025.

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

02. The development hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details: -
1152 1000 B Proposed Site Plan

1152 1004 A Rear and Side Elevations
1152 1003 A Front and Side Elevations
1152 1002 A Second Floor and Roof Plan
1152 1001 Ground and First Floor Plan

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

03. The following, shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the work is begun:

- a) Sample panel of all facing materials to be used and a sample panel(s) of brickwork which shall use re-claimed bricks which demonstrates the brick type, colour, texture, face bond, mortar mix and pointing, to be erected on site and maintained there during the course of construction;
- b) Samples and/or manufacturer's details of the roof materials for the proposed works,
- c) Plan and elevation, with materials annotated, of all new window openings (showing brick gauged headers);
- d). Plan and elevation drawings, with materials annotated, of all new doors at a minimum scale of 1:10 with typical moulding and architrave.

The relevant part of the works shall not be carried out otherwise than in accordance with the approved details.

REASON: In order to safeguard the appearance of a building in a Conservation Area in accordance with the requirements of policy.

[Relevant Policies: BFBLP LP 28, LP 29, LP 50]

04. The following, shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the work is begun:

-schedule of materials and finishes for the hard landscaping including car parking and access road surfaces.

All work shall be carried out in full accordance with the approved document(s).

REASON: In order to safeguard the appearance of the site in a Conservation Area in accordance with the requirements of policy.

[Relevant Policies: BFBLP LP 28, LP 29, LP 50]

05. No development (other than the construction of the access) shall take place until the access onto Church Street has been constructed in accordance with the details to be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

[Relevant Policies: BFBLP LP 25, LP 26]

06. No dwelling shall be occupied until the access road between the adopted highway of Church Street and the car parking and turning area including provision for both vehicles and pedestrians has been constructed in a bound or bonded material in accordance with the approved plans.

REASON: In the interests of highway safety.

[Relevant Policies: BFBLP LP 25, LP26]

07. No dwelling shall be occupied until the associated vehicle parking and turning space for 17 cars to park and turn has been surfaced and marked out in accordance with the approved drawing. The spaces shall thereafter be kept available for the parking of cars 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 LP 25, LP 26, LP 62]

08. The development shall not be occupied until (a) details of the location of 1 visitor car parking space, and (b) details of the signing for the visitor space have been submitted to and approved in writing by the Local Planning Authority. The visitor car parking space shall be provided

and signed in accordance with the approved details and the space and signage shall thereafter be retained 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 LP 25, LP 62]

09. The development shall not be occupied until 17 secure and covered cycle parking spaces have been provided in the location identified for cycle parking on the approved plans within the development. The cycle parking spaces and facilities shall thereafter be retained.

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

[Relevant Policies: BFBLP LP 25, LP 62]

10. No development shall take place until a Construction Transport Management Plan has been submitted to and approved in writing by the Planning Authority to include:

- (a) Details of parking for contractors and visitors;
- (b) Details of areas for storage of plant and materials;
- (c) Details of areas for welfare and associated cabins;
- (d) Details of wheel wash to be provided to avoid deposition of material on the highway; and
- (e) Swept path drawings indicating that the largest anticipated construction vehicle can turn around within the site and leave in a forward gear onto Church Road.

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

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

[Relevant Policies: BFBLP LP 25, LP 62]

11. No development (including demolition and site clearance) shall take place until a Construction Environmental Management Plan (CEMP) to control the environmental effects of the demolition and construction work has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include measures for:

- the control of dust, odour and other effluvia
- the control of noise (including noise from any piling and permitted working hours)
- the control of pests and other vermin (particularly during site clearance)
- the control of surface water run-off)
- the control of noise from delivery vehicles, and times when deliveries are accepted and when materials can be removed from the site
- the control of waste from the site so that NO BURNING will commence.

Construction activity shall be carried out in accordance with the approved CEMP.

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

[Relevant Policies: BFBLP LP 58]

12. During the construction of the development hereby approved the Arboricultural Method Statement Addendum and Tree Protection Plan produced by ATS dated June 2021 shall be complied with in full.

REASON: In order to safeguard trees and other vegetation considered to be worthy of retention.

[Relevant Policy: BFBLP LP 54]

13. The following window(s) in the development hereby permitted or any replacement window shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent). They shall at all times be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

- Flat 6 – 2 x windows, first floor living, kitchen/diner windows south-eastern (side) elevation
- Flat 5 - 1 x first floor bedroom windows south-eastern (side) elevation
- Flats 7 and 8 - dormer windows south-eastern (side) elevation
- Flat 3 - 2 x windows, ground floor living room and kitchen diner window south-eastern (side) elevation

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policy: BFBLP LP 50]

14. The Technical Briefing Note, Addendum Bat Roost Assessment Report, dated Dec 2020 produced by aspect ecology, shall be complied with in full during the development.

REASON: In the interests of biodiversity.

[Relevant Policy: BFBLP LP 53]

15. No dwelling shall be occupied 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 to include the retention of the hedge on the northwestern boundary, proposed numbers/densities locations.
- b) Comprehensive 5 year post planting maintenance schedule.
- c) Paving including paths, patios, proposed materials and construction methods, parking courts, etc.
- d) Location, site specific design (including foundation requirements), and implementation method statement for permanent low barriers to prevent vehicle parking access onto retained soft landscaping areas forming part of the Root Protection areas of protected trees affecting the site.

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 BS 8545:2014 - Trees: from nursery to independence in the landscape - Recommendations 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. 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 the visual amenities of the area.

[Relevant Policy: BFBLP LP 54]

16. 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 in accordance with the approved drawings (GTA submission dated 21st July 2021) These shall include: full details of all components of the proposed drainage system including dimensions, permeable paving construction, locations, gradients, invert and cover levels, headwall details, planting (if necessary) and drawings as appropriate taking into account the groundwater table. The agreed details shall be fully implemented within the development.
REASON: To ensure that the site is properly drained and does not increase the risk of flooding.
[Relevant Policy: BFBLP LP 57]

17. No dwelling shall be occupied until details of how the surface water drainage shall be maintained and managed after completion have been submitted to and approved in writing by the Local Planning Authority. The details shall include confirmation of the required maintenance activities with expected frequency, with site specific assessments included to demonstrate that health and safety has been fully considered in the design and that access and egress for future residents will be maintained during any operations to repair or replace drainage features.
REASON: To ensure that the site is properly drained and does not increase the risk of flooding.
[Relevant Policy: BFBLP LP 57]

18. No dwelling 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 .
[Relevant Policy: BFBLP LP 57]

19. Prior to practical completion of any dwelling 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 Local Planning Authority. This will include photos of excavations and soil profiles/horizons, any placement of tanking, crating, connecting pipe work, aquacludes or aquabrakes, cover systems.
Reason: To ensure that the site is properly drained and does not increase the risk of flooding.
Relevant Policy: BFBLP LP 57]

20. The development shall not be begun until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/ person/day, has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the Sustainability Statement, as approved, and retained as such thereafter.
REASON: In the interests of sustainability and the efficient use of resources.
[Relevant Policy: BFBLP LP 55]

21. No dwelling shall 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 Policy: BFBLP LP 50]

22. The rooflight in Flat 8 on the south-eastern (side) elevation or any replacement rooflight shall be set more than 1.7 metres above the floor of the room in which the roof light is installed.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policy: BFBLP LP 50]

23. No part of the development shall be occupied until details of on-site refuse storage for waste material awaiting disposal (including details of any screening) have been submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided in accordance with the approved details prior to the first occupation of the development and thereafter permanently retained.

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

[Relevant Policy: BFBLP LP 50, LP 58]

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: 03, 04, 05, 10, 11, 16, 20.

The following conditions require discharge prior to the occupation of the dwellings hereby approved: 06, 07, 08, 09, 15, 17, 18, 19, 21, 23.

No details are required to be submitted in relation to the following conditions; however, they are required to be complied with: 01, 12, 13, 14, 22.

03. A Section 278 Agreement will need to be entered into with the Highway Authority in order to form the access onto Church Street. The Highways and Transport Section should be contacted at Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 352000 or via email at Highways.Transport@bracknell-forest.gov.uk, to agree the access construction through the Section 278 agreement, before any work is carried out within the highway. A formal application should be made allowing at least 12 weeks prior to when works are required to allow for processing of the application, agreement of the details and securing the appropriate agreements and licenses to undertake the work. Any work carried out on the public highway without proper consent from the Highway Authority could be subject to prosecution and fines related to the extent of work carried out.

04. Notwithstanding the wording of Bracknell Forest Council's Parking Standards SPD, the Building Regulations part S "Infrastructure for the charging of electric vehicles" 2021 edition took effect on 15 June 2022 for use in England. The applicant should familiarise themselves with, and comply with, the requirements of this document with regard to provision of electric vehicle charging infrastructure.

Unrestricted Report

ITEM NO: 07

Application No.
23/00757/PAE
Site Address:

Ward:
Crowthorne

Date Registered:
10 November 2023

Target Decision Date:
5 January 2024

Manhattan House 140 High Street Crowthorne RG45 7AY Berkshire

Proposal: **Application to determine if prior approval is required for a proposed change of use from Commercial, Business (Use Class E) to Residential (Use Class C3) and the formation of six flats.**

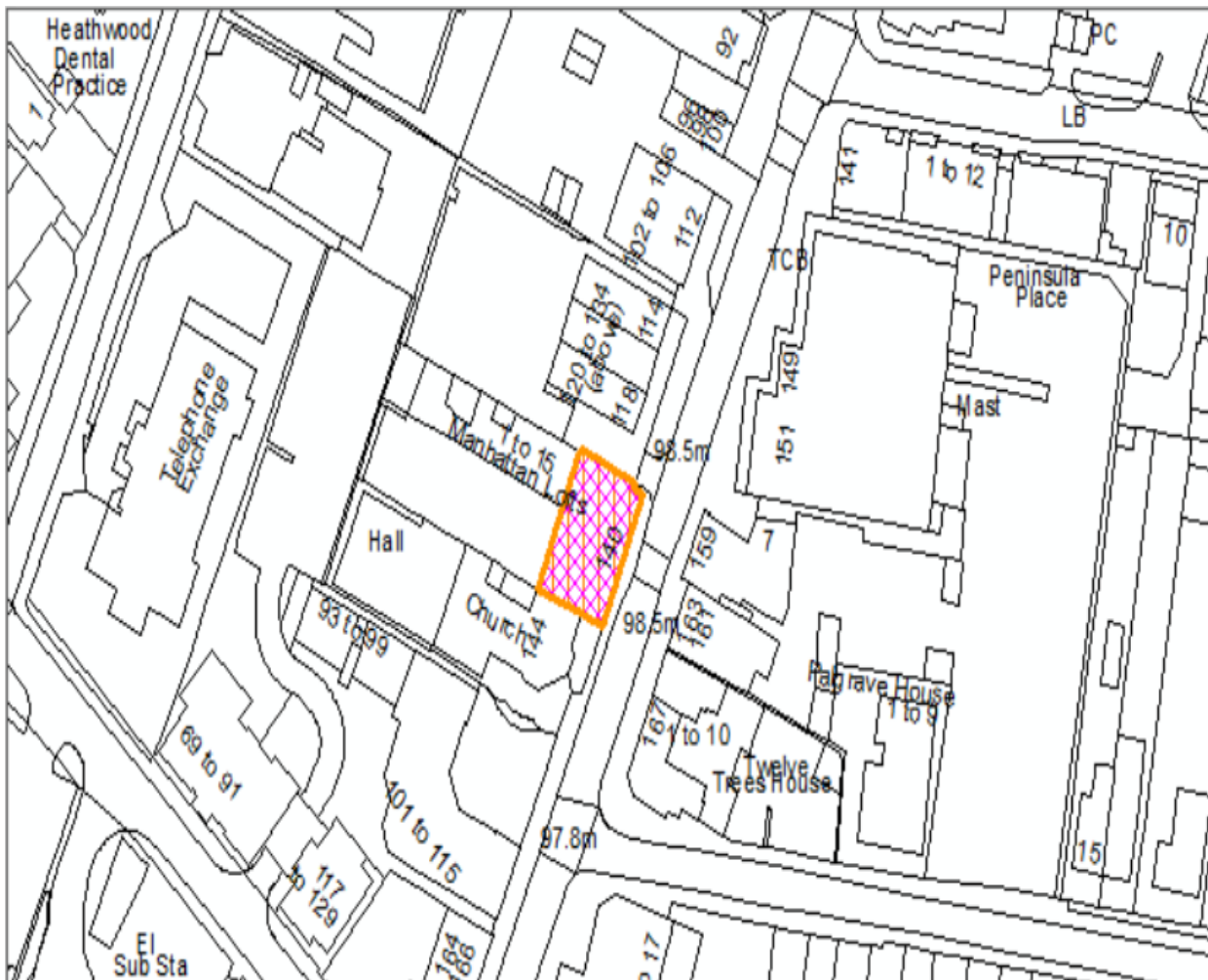
Applicant: Lisette Keats

Agent: Diane Baines

Case Officer: Shelley Clark, 01344 352000

Development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1.0 SUMMARY

- 1.1 This is an application for prior approval under Class MA of Part 3, Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended). This application is required to be determined within 56 days unless an extension of time has been agreed in writing between the applicant and Local Planning Authority.
- 1.2 Under Class MA of Part 3, a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order may be permitted development subject to the criteria and conditions set out in the class.
- 1.3 This development involves the change of use of the second and third floor of Manhattan House, 140 High Street, from office (use class E) to 6 x 1-bedroom flats and having had regard to the criteria and conditions set out in Class MA, Part 3, it is considered that prior approval be granted.

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

2.0 REASON FOR REPORTING APPLICATION TO COMMITTEE

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

3.0 PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Within Settlement Boundary
Within 5km of SPA

- 3.1 Crowthorne High Street consists of a variety of commercial uses with some residential units above and buildings varying in height between two and three storey. Manhattan House is a three storey building fronting the High Street, with two retail units on the ground floor and office accommodation on the second and third floor. To the rear of Manhattan House is Manhattan Lofts, which consists of 14 residential units, which have their own car park to the rear of the building and accessed from the High Street.
- 3.2 There is a car park to the north of the site, served by the same access. This provides parking for neighbouring ground floor uses (114-118 High Street) as well as flats above (128-134 High Street). Spaces along the western boundary of this car park are within the ownership of the applicant and are marked out as such within the car park.

4.0 RELEVANT SITE HISTORY

The relevant planning history is set out below:

16/00038/FUL - Section 73 application to vary condition 2 (amended plans) of planning permission 12/0870/FUL for the change of use of ground floor from B1(Business) to form 3 x A1 retail units [for clarification this application is for the formation of 2 retail units as opposed to 3 with associated alterations]. Approved 23.03.2016

17/00250/FUL - Refurbishment of existing building for 6 flats, erection of extension to accommodate 7 additional flats. Approved 10.11.2017

19/01011/PAC - Application for Prior Approval for the change of use from office buildings to 6 no. studio units. Prior Approval Granted. 09.01.2020

19/01063/FUL - Section 73 Application for the variation of conditions 2 and 11 of planning permission 17/00250/FUL. (For clarity amendments include changes to parking layout. Approved 18.06.2020.

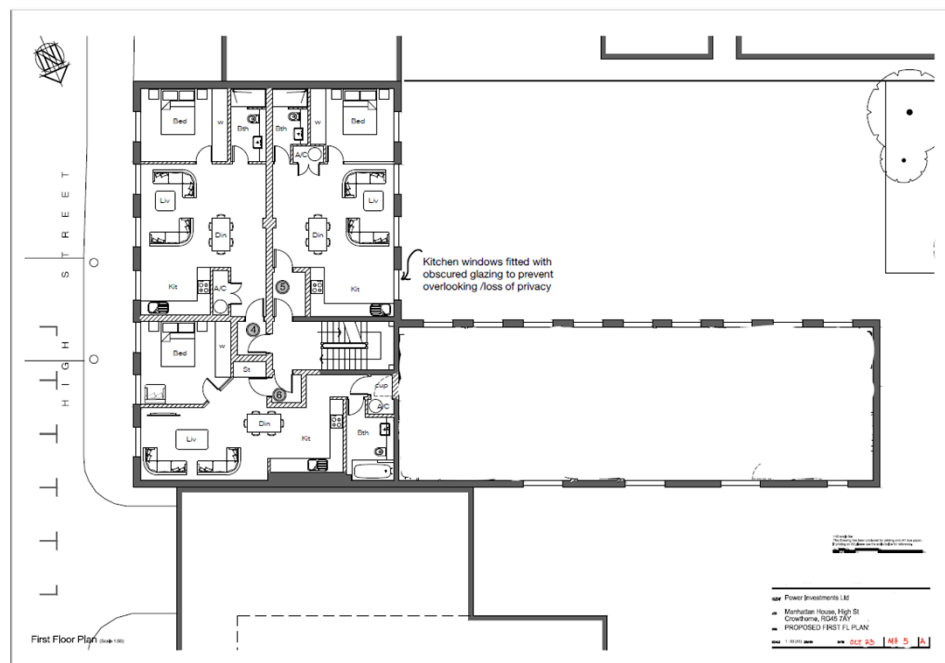
20/00169/FUL - Construction of new part third storey extension to create 1 No. 2 bed residential dwelling with associated amenity space. Approved 27.01.21.

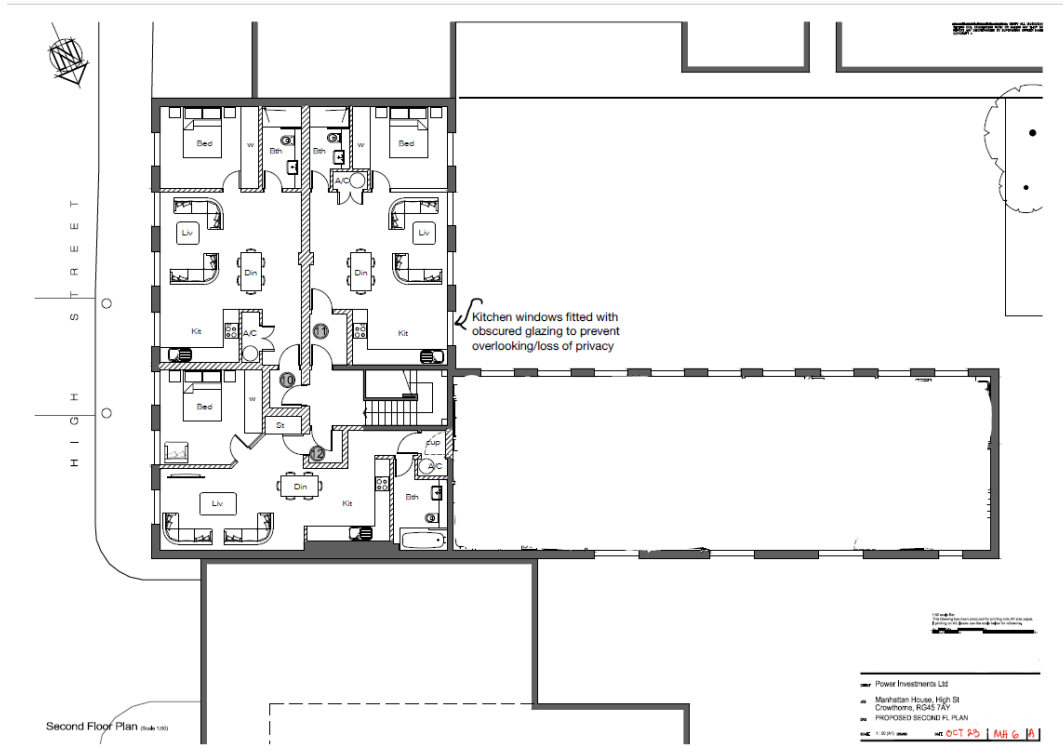
21/00223/FUL - Section 73 application to vary condition 2 (approved plans) and condition 8 (car stacker) of planning permission 20/00169/FUL for construction of new part third storey extension to create 1 No. 2 bed residential dwelling with associated amenity space [for clarification this application seeks to revise the parking layout. Approved 27.05.2021.

5.0 THE PROPOSAL

- 5.1 Prior approval is sought for the change of use of the first and second floor of Manhattan House from office to 6 no. 1 x bedroom flats, subject to the criteria and conditions set out within Class MA of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Proposed Floor Plans





6.0 REPRESENTATIONS RECEIVED

Crowthorne Parish Council

- 6.1 Crowthorne Parish Council recommends refusal for the following reasons:
- The parking plan is unclear. There are no new 6 spaces defined for parking - therefore it does not adhere to the BFC Parking standards 2016.
 - The visitor car parking spaces allocated, with the blue line delineating the spaces, seem to be the original car parking spaces that were planned for the previous residential applications. Every 5 units, according to parking standards, should have a visitor car parking space. There is no new visitor space planned.
 - Concern over the fire safety aspect of the planned flats with obscure glazing to the windows in the kitchen; these plans do not seem to have been examined by building controls.
 - With a further 6 flats and no adequate parking the danger would be that community parking would be impacted by overspill.
 - The Parish Council believes there is still a commercial use and need for the office/commercial space above ground floor level

Representations from local residents

- 6.2 5 representations have objected to the proposal on the following grounds:
- Proposal would put a strain on the existing area which is already densely populated.
 - Insufficient consideration has been given to noise disturbance.
 - Insufficient consideration has been given to parking and road access.
 - Could have a significant impact on the often-over-crowded spaces used by shop staff and residents.
 - Current entrance to the car park is dangerous.

- Inconsiderate behaviour during the construction of Manhattan Lofts. No space for construction vehicles within the car park.
- Difficult to visit Manhattan Lofts due to lack of parking.

One letter of support has been received commenting as follows:

- Additional residential will liven up the High Street and help local businesses.

7.0 SUMMARY OF CONSULTATION RESPONSES

Highway Authority:

- 7.1 Initial objection due to substandard parking spaces along the north-west corner of the application site.
- 7.2 No objection following the submission of amended plans showing a sufficient number of spaces for the existing residential units on the ground floor of Manhattan House and the proposed flats.

Environmental Health:

- 7.3 No objection. The site is not identified as being impacted by contamination. In terms of commercial noise, the retail units on the ground floor are low risk and in terms of operating hours and noise transmission would be expected to co-exist with residential above.

8.0 MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

Development Plan	
General policies	LP1, LP2
Design Considerations	LP28 Design Principles
Highway considerations and parking	LP25 and LP62
Noise and other pollution	LP58 Pollution and hazards
Flood Risk	LP33
Crowthorne Neighbourhood Plan: CR1 (High Quality Design) and CR9 (Crowthorne High Street)	
Supplementary Planning Documents (SPD)	
Parking Standards SPD	
Thames Basin Heath Special Protection Area SPD	
Other publications	
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)	
Manual for Streets	

- 8.2 Development Plan Policies, the Crowthorne Neighbourhood Plan and the NPPF are considered relevant in prior approval cases, but only insofar that they relate to the development and prior approval matters.

9.0 PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- Principle of development
- Transport and Highway Implications
- Contamination risks in relation to the development
- Flooding risks in relation to the development
- Impact of noise from any commercial premises on the intended occupiers of the new dwelling houses
- Provision of adequate natural light in all habitable rooms
- Impact on intended occupiers of the introduction of a residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses.
- Impact of the loss of any health care services
- Fire Risk
- Other issues

Principle of development

9.2 This application seeks consent under Class MA, Part 3, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

9.3 Under Class MA permitted development consists of works to change the use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

9.4 If there are no implications associated with these matters, the development is considered to be permitted development.

9.5 The table below analyses the proposal against the requirements of Class MA.

	Development is not permitted by Class MA if:	Complies?
A	A has now been OMITTED by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 and is not applicable	N/A
B	<p>unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval.</p> <p>The classes mentioned in b are the following classes of the Use Classes Order—</p> <p>(a)the following classes of the Schedule as it had effect before 1st September 2020—</p> <p>(i)Class A1 (shops)</p> <p>(ii)Class A2 (financial and professional services)</p> <p>(iii)Class A3 (food and drink)</p> <p>(iv)Class B1 (business)</p> <p>(v)Class D1(a) (non-residential institutions – medical or health services)</p> <p>(vi)ClassD1(b) (non-residential institutions – crèche, day nursery or day centre)</p>	Yes – the first and second floors are in Class E use

	(vii)Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink. (b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2	
C	C has now been OMITTED by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 and is not applicable	N/A
D	if land covered by, or within the curtilage of, the building— (i)is or forms part of a site of special scientific interest; (ii)is or forms part of a listed building or land within its curtilage; (iii)is or forms part of a scheduled monument or land within its curtilage; (iv)is or forms part of a safety hazard area; or (v)is or forms part of a military explosives storage area.	Yes – it is not within any of these
E	if the building is within— (i)an area of outstanding natural beauty; (ii)an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981; (iii)the Broads; (iv)a National Park; or (v)a World Heritage Site	Yes – it is not within any of these
F	if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained.	Yes
G	before 1 August 2022, if— (i)the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and (ii)the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.	Yes

9.6 However, under paragraph MA.2, before beginning development under Class MA, the developer must apply to the local planning authority for:

- (a) transport impacts of the development, particularly to ensure safe site access.
- (b) contamination risks in relation to the building.
- (c) flooding risks in relation to the building.
- (d) impacts of noise from commercial premises on the intended occupiers of the development.
- (e) where -
 - (i)the building is located in a conservation area, and
 - (ii)the development involves a change of use of the whole or part of the ground floor,

the impact of that change of use on the character or sustainability of the conservation area.

- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses.
- (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses.
- (h) where the development involves the loss of services provided by—
 - (i) a registered nursery, or
 - (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006,the impact on the local provision of the type of services lost and
- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

Paragraph MA.3 states that development meets the fire risk condition referred to if the development relates to a building which will—

- (a) contain two or more dwellinghouses; and
- (b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Paragraph (3) The height condition is that—

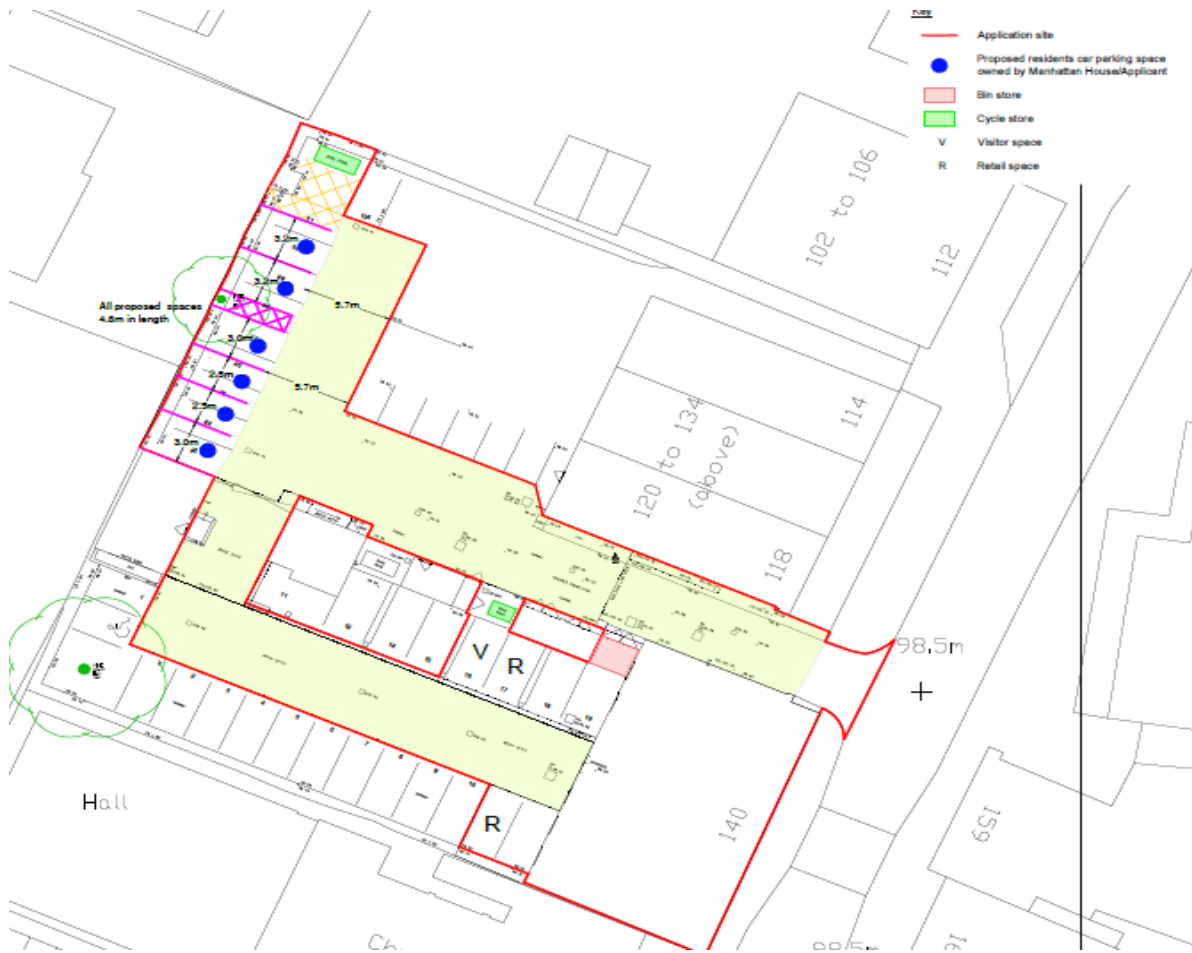
- (a) the building is 18 metres or more in height; or
- (b) the building contains 7 or more storeys.

9.7 These are assessed in turn.

(a) Transport and Highway Implications

- 9.8 Table 6 of the Parking Standards SPD gives the parking requirement for 1 bedroom flats as 1 space per dwelling plus 1 space per five dwellings for visitors. This gives a parking requirement of 7 spaces for the proposed 6 flats.
- 9.9 The Highway Authority raised an initial objection to the application on the grounds that the car parking layout submitted with the application showed spaces to the north-west of the application site which were sub-standard in size and did not meet Council parking standards and that subsequently the shortfall in provision for off-road parking spaces would exacerbate existing parking issues in the area.
- 9.10 The applicant has therefore submitted an amended parking layout, with spaces allocated for both the proposed flats and ground floor retail uses in Manhattan House. 7 spaces are proposed for the proposed flats (6 spaces plus one visitor space), in accordance with the Parking Standards SPD, with spaces remaining for the retail units. The layout also shows provision for refuse storage and cycle storage for the proposed flats. Subsequently, the Highway Authority do not object to the proposal.

Amended parking layout



- 9.11 The layout shows parking spaces to the north-west marked by dots (in blue) for the intended occupiers of the proposed 6 apartments, along with a space marked 'V' as an additional visitor space. Spaces for the retail uses on the ground floor of Manhattan House are shown with an 'R'. A refuse storage area is shown in the southern-eastern corner of the application site, which was previously used as refuse storage for the offices at Manhattan House.
- 9.12 A site visit showed that the existing sub-standard spaces in the north-west corner of the site, where the 6 spaces are proposed, was already under the ownership of the applicant (Power Investments Ltd) and that parking is also allocated for the commercial units (114-118 High Street) as well as residents of the flats at 128-134 High Street.
- 9.13 The revised proposed parking layout now shows the parking spaces to the north-west to be a sufficient size to comply with the Council's parking standards. The layout shows overwide spaces, to ensure there is sufficient turning space compliant with Manual for Streets paragraph 8.3.52.
- 9.14 The layout does not impinge on the number of parking spaces or refuse storage allocated for the residents of Manhattan Lofts, which are the 14 residential apartments approved under planning permissions 17/00250/FUL, 19/01011/PAC and 20/00169/FUL and 21/00223/FUL.

(b) Contamination risks in relation to the building

9.15 The application site is not on land that is known to be contaminated.

(c) Flooding risks in relation to the building

9.16 The application site is within Flood Zone 1 and is generally at low risk of flooding. The application is for the conversion of the first floor and second floor, which are situated above existing retail units on the ground floor. As such, there are no concerns with regards to the risk of flooding. The site is considered to be at low risk of flooding, such that the Sequential Test is not required.

(d) Impacts of Noise from commercial premises on the intended occupiers of the development.

9.17 Due to the nature of the surrounding uses it is not considered that there would be an adverse noise impact on future occupiers. In terms of commercial noise, the retail units on the ground floor are low risk and in terms of operating hours and noise transmission would be expected to co-exist with residential above.

(e) The provision of adequate natural light in all habitable rooms of the dwellinghouses.

9.18 All of the habitable rooms to the proposed new residential units have external windows of a suitable size providing adequate natural light into each habitable room. There are no objections on these grounds.

(f) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses.

9.19 As above there are no objections from the Environmental Health Officer given the mix of commercial and residential uses already in the area.

(g) where the development involves the loss of services provided by—

(i) a registered nursery, or

(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006,

the impact on the local provision of the type of services lost.

9.20 The development does not involve the loss of these services.

(h) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

9.21 The development does not meet the fire risk condition.

Other Issues

Thames Basin Heaths SPA

- 9.22 The application site is within 5km of the SPA.
- 9.23 The Local Planning Authority has undertaken an appropriate assessment in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the applicant will be required to enter into a legal agreement to secure the relevant mitigation.

Air Quality

- 9.24 The Crowthorne Neighbourhood Plan Policy CR9 requires proposals for new development to demonstrate how air quality improvement will be achieved. This matter falls outside the considerations set out within the GPDO and therefore cannot be a consideration of this application.

10.0 CONCLUSIONS

- 10.1 Therefore it is recommended that Prior Approval is required and should be granted.

11.0 RECOMMENDATION

- 11.1 That Prior Approval is GRANTED with the following conditions–

01. Development under Class MA, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), must be completed within a period of 3 years starting from the date of the prior approval.
02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 13th November 2023 and 7th March 2024 namely:

MH1
MH2
MH 3A
MH 4A
MH 5A
MH 6A
MH 7A

159512- 001 Rev A Proposed Parking Layout received 7th March 2024

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

03. No dwelling shall be occupied until the associated vehicle parking and turning space has been surfaced and marked out in accordance with the approved drawing (159512-001 Rev A) providing six car parking spaces for residents (marked with a blue circle), one visitor space (marked V) and two replacement spaces for the ground floor retail uses (marked R). The spaces and turning areas shall thereafter be kept available for parking and turning for the marked uses 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: Bracknell Forest Local Plan policies LP25 and LP62]

04. The development shall not be occupied until six secure and covered cycle parking spaces have been provided in the locations identified for cycle parking on the approved plan (159512-001 Rev A) within the development. The cycle parking spaces and facilities shall thereafter be retained.

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

[Relevant Policies: Bracknell Forest Local Plan policies LP25 and LP62]

Informative(s)

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. Your attention is drawn to the conditions under Schedule 2, Part 3, Class MA, of the GPDO, which must be complied with. These include a requirement to complete the proposal within 3 years of the date of the prior approval and that any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.
03. The Council and Natural England are of the view that any residential development between 400 metres and 5 kilometres of the boundary of the Thames Basin Heaths Special Protection Area (SPA) cannot be approved under the Conservation of Habitats and Species Regulations 2017 (as amended) unless a planning obligation is entered into under Section 106 of the Town & Country Planning Act 1990 to ensure that the development has no adverse impact upon the SPA. Your development is located between 400m and 5km of the SPA. It is important to note that this decision does not override other legislation and therefore the applicant/owners of the land must still enter into a Section 106 planning obligation to provide financial contributions towards Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) as identified.

Please note that the offer of SANG capacity applies for 3 months from the date of the prior approval decision. If there is no application under the Habitats Regulations by then, the Council will reconsider whether or not to offer its SANG capacity for this development. In that event the developer must still make an application and secure a third party SANG solution by private contract and enter into a Section 106 Agreement with the Council to tie the purchased SANG capacity to the application.

04. Notwithstanding the wording of Bracknell Forest Council's Parking Standards SPD, the Building Regulations part S "Infrastructure for the charging of electric vehicles" 2021 edition took effect on 15 June 2022 for use in England. The applicant should familiarise themselves with, and comply with, the requirements of this document with regard to provision of electric vehicle charging infrastructure.

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Unrestricted Report

ITEM NO: 08

Application No.
24/00141/PAE
Site Address:

Ward:
Bullbrook

Date Registered:
7 March 2024

Target Decision Date:
2 May 2024

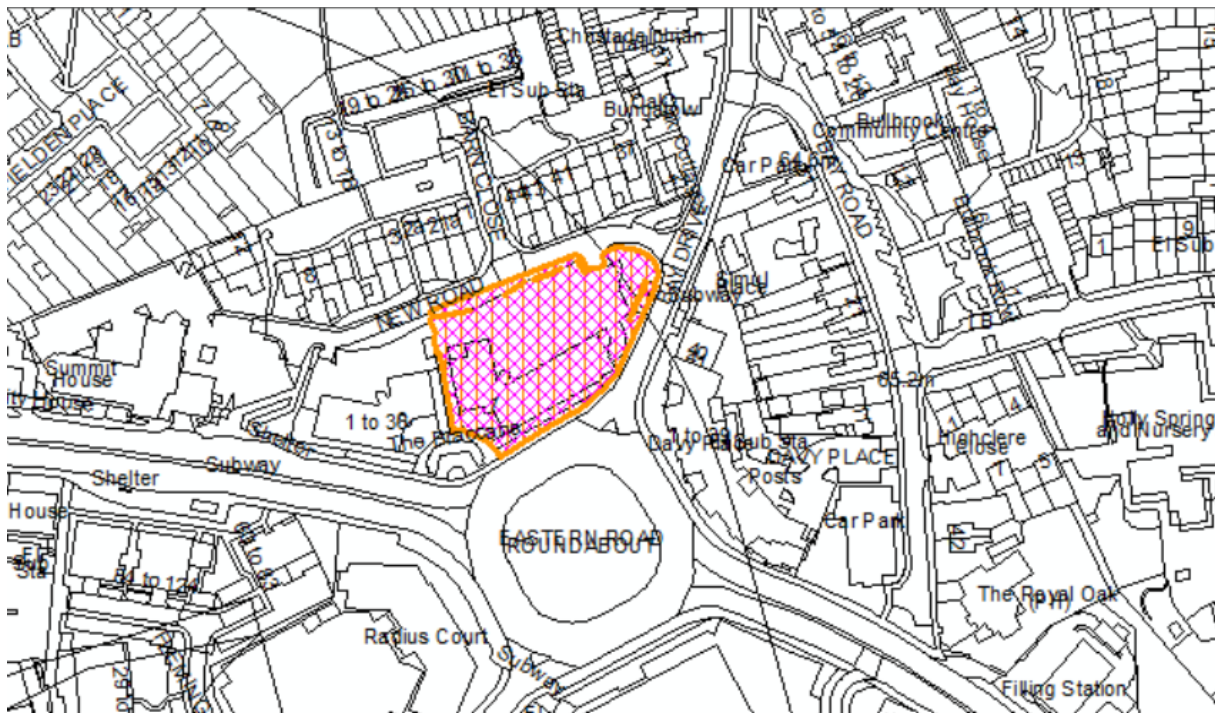
**One The Braccans London Road Bracknell Berkshire
RG12 2XH**

Proposal: **Application for determination if prior approval required for change of use of commercial (Use Class E) to 47 residential units (Use Class C3).**

Applicant: BMR Edgware
Agent: Miss Emily Ingall-Tombs
Case Officer: Olivia Jones, 01344 352000

Development.control@bracknell-forest.gov.uk

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



1. SUMMARY

1.1 Prior approval is sought for the change of use of a building from commercial use (Class E) to residential use (Class C3) in accordance with Class MA, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

1.2 The development would consist of 47 flats with associated ancillary space.

1.3 The proposal complies with the criteria set out in Class MA, Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Subject to no adverse impact on highway safety and the conditions set out in Section 11 of this report prior approval can be granted.

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

2. REASON FOR REPORTING TO PLANNING COMMITTEE

2.1 The application has been submitted under the prior approval procedure and therefore requires determination within 56 days.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Within Settlement Boundary
Within 5km of SPA

3.1 One The Braccans, London Road, is a three storey office building located in a mixed use area due east of the town centre. The site is supported by car parking areas to the rear (north), and a basement car parking section below the building.

3.2 The application site previously formed part of a pair of commercial buildings 1 & 2 The Braccans. Building 2 has previously been converted to residential use.

4. SITE HISTORY

4.1 The site history can be summarised as follows:

613355
 Erection of a 4650 sq. metre office building (Use Class B1 business use) with 205 car parking spaces.
 Approved 31.08.1989

08/00739/FUL
 External works comprising alteration to existing vehicle entrance from New Road, formation of new rear entrance and steps to existing rear car park, formation of 4no. additional parking bays, installation of new cycle racks, new planting to site boundaries and installation of solar shading to south facade.
 Approved 09.10.2008

4.2 A prior approval application for two additional storeys of residential dwellings is currently being considered under application reference 24/00163/PARC.

5. REPRESENTATIONS

5.1 The public consultation ended on 05.04.2024.

5.2 At the time of writing one letter of objection had been received, raising the following concerns:

- Impact of construction disturbance on neighbouring residents
- Loss of privacy to neighbouring residents

- Loss of light to neighbouring residents (this concern relates to a separate application to extend One The Braccans, submitted under reference 24/00163/PARC).

6. SUMMARY OF CONSULTATIONS

6.1 The Highway Authority has been consulted on this application, and their comments are expected by 09.04.2024.

6.2 The Environmental Health Officer has reviewed this application and raises no objection.

7. PRINCIPLE OF DEVELOPMENT

7.1 In assessing this type of prior approval application, the Council can only assess whether the proposal is likely to result in transport and highway implications; contamination issues; flooding issues; any impacts of noise from commercial premises on the intended occupiers of the development; impact on a Conservation Area (where applicable); the adequacy of natural light provided to all habitable rooms; impact on intended occupiers through introducing a residential use in an area important for industry; waste management or storage and distribution; loss of a registered nursery or health centre (where applicable); and fire safety (where applicable).

8. RELEVANT LEGISLATION

8.1 Class MA, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) relates to changes of use of commercial, business and service uses to dwellinghouses. It states:

Permitted development

MA. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

Development not permitted is set out at MA.1. (1) and has the following relevant exclusions:

Development is not permitted by Class MA—

[(a)] – omitted by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024

(b) unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

[(c)] omitted by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024

(d) if land covered by, or within the curtilage of, the building-

(i) is or forms part of a site of special scientific interest;

(ii) is or forms part of a listed building or land within its curtilage;

(iii) is or forms part of a scheduled monument or land within its curtilage;

(iv) is or forms part of a safety hazard area; or

(v) is or forms part of a military explosives storage area;

(e) if the building is within—

(i) an area of outstanding natural beauty;

(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981

(iii) the Broads;

(iv) a National Park; or

(v) a World Heritage Site;

(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or

(g) before 1 August 2022, if—

(i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and

(ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

(a) the following classes of the Schedule as it had effect before 1st September 2020—

(i) Class A1 (shops);

(ii) Class A2 (financial and professional services);

(iii) Class A3 (food and drink);

(iv) Class B1 (business);

(v) Class D1(a) (non-residential institutions - medical or health services);

(vi) Class D1(b) (non-residential institutions - crèche, day nursery or day centre);

(vii) Class D2(e) (assembly and leisure - indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2

Conditions MA.2.

1) Development under Class MA is permitted subject to the following conditions.

2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport impacts of the development, particularly to ensure safe site access;

(b) contamination risks in relation to the building;

(c) flooding risks in relation to the building;

(d) impacts of noise from commercial premises on the intended occupiers of the development;

(e) where—

(i) the building is located in a conservation area, and

(ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses

h) where the development involves the loss of services provided by—

(i) a registered nursery, or

(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost; and

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

Interpretation of Class MA

MA.3. Development meets the fire risk condition referred to in paragraph MA.2(2)(i) if the development relates to a building which will—

(a) contain two or more dwellinghouses; and

(b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015

Paras. (3) and (7) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO 2015) state:

Fire Statements

9A - (3) The height condition is that—

(a) the building is 18 metres or more in height; or

(b) the building contains 7 or more storeys.

(7) For the purpose of paragraph (3)—

(a) the height of a building is to be measured from ground level to the top floor surface of the top storey of the building (ignoring any storey which is a roof-top machinery or plant area or consists exclusively of machinery or plant rooms);

(b) when determining the number of storeys a building has—

(i) any storey which is below ground level is to be ignored; and

(ii) any mezzanine floor is a storey if its internal floor area is at least 50% of the internal floor area of the largest storey in the building which is not below ground level.

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) also sets out provisions for permitted development at Article 3, with one of the provisions relating to nationally described space standards.

(9A) states:

Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse—

(a) where the gross internal floor area is less than 37 square metres in size; or

(b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

(9B) The reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it.

9. ASSESSEMENT

9.1 Compliance with paragraph MA.1

[(a)] – omitted by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024

(b) The use of the building fell within Class E uses (or the precursors to Class E) for a continuous period of at least 2 years prior to the date of this prior approval application. The Planning Statement submitted with the application states that the building has been used as an office since 1989.

[(c)] omitted by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024

(d) None of the criteria in (i) – (v) apply. The land is not covered by and is not within the curtilage of;

(i) part of a site of special scientific interest;

(ii) part of a listed building or land within its curtilage;

(iii) part of a scheduled monument or land within its curtilage;

(iv) part of a safety hazard area; or

(v) part of a military explosives storage area;

(e) The building is not within any of the following:

(i) an area of outstanding natural beauty;

(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;

(iii) the Broads;

(iv) a National Park; or

(v) a World Heritage Site;

(f) The site is not occupied under an agricultural tenancy

All proposed dwellings will have gross internal floor areas of at least 68sqm and therefore complies with the nationally described space standards.

9.2 Compliance with paragraph MA.2

(a) Transport impacts of the development, particularly to ensure safe site access;

The comments from the Highway Authority are expected by 09.04.2024.

(b) Contamination risks in relation to the building;

There are no contamination risks in relation to the proposed development

(c) Flooding risks in relation to the building.

The site is not located in Flood Zones 2 or 3, or within an area identified as at risk of surface water flooding.

(d) Impacts of noise from commercial premises on the intended occupiers of the development;

Whilst there are commercial premises in the surrounding area, it is not anticipated there would be significant adverse noise impacts on the intended occupiers of the development.

(e) The building is not located in a conservation area.

(f) Provision of adequate natural light in all habitable rooms

An Internal Daylight Assessment has been submitted with the application. The assessment has been made based on the recommendations of the British Standards EN 17037: Daylight in buildings (BS EN 17037). This document has been accepted as providing reasonable guidelines for calculating and ensuring adequate levels of natural light.

The UK National Annex to BS EN 17037 gives specific minimum recommendations for habitable rooms in dwellings in the United Kingdom. These are intended for 'hard to light' dwellings, for example in basements or with significant external obstructions or with tall trees outside, or for existing buildings being refurbished or converted into dwellings.

When assessed against the minimum recommendations, every room meets the requirements of the BS EN 17037. As such, it is considered that adequate natural light would be provided to all habitable rooms.

(g) The area is not important for general or heavy industry, waste management, storage and distribution, or a mix of such uses. The surrounding area consists of a mix of commercial uses but there are existing residential flats/dwellings within the immediate area, including the neighbouring building 2 The Braccans.

(h) The change of use does not involve the loss of services provided by either

(i) a registered nursery, or

(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006.

(i) The change of use does not meet the fire risk condition (the building is not 18m or more in height or does not contain 7 or more storeys) and therefore there is no requirement for fire safety impacts to be assessed

9.3 Other Matters

The site is located within 5km of the Thames Basin Heaths Special Protection Area. It is a condition of any planning permission granted by a general development order that any development which is likely to have a significant effect upon a Special Protection Area cannot proceed unless the Local Planning Authority has given written approval under the Habitats Regulations 2010. The prior approval process does not in itself constitute approval under these Regulations.

This proposal would create additional dwellings and is located within an area where additional dwellings would lead to a significant impact on the SPA, if not mitigated. The decision notice should therefore include an informative advising the applicant how to apply for approval under the Habitats Regulations 2010 and that a Section 106 Agreement must be entered into in the event of prior approval being granted.

Further, this prior approval relates only to the use of the building. Any external alterations would require the submission of a full planning application.

10. CONCLUSIONS

10.1 Subject to no adverse impact on highway safety, it is not considered that the proposal would result in adverse contamination and flooding implications, in addition to not resulting in an adverse impact in respect of noise from surrounding commercial premises on the future

occupiers of the proposed flats and sufficient daylight provision. Therefore, it is recommended that Prior Approval is required and should be granted.

11. RECOMMENDATION

11.1 That Prior Approval be GRANTED subject to the following conditions:

1. Development under Class MA, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), must be completed within a period of 3 years starting from the date of the prior approval.

REASON: To accord with the requirements of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2. This development must be carried out in accordance with the following plans received by the Local Planning Authority, received 07.03.2024:

- Site Plan (039)
- Proposed Block Plan (011)
- Proposed Basement Floor Plan (012)
- Proposed Ground Floor Plan (013)
- Proposed First Floor Plan (014)
- Proposed Second Floor Plan (015)
- Proposed Third Floor Plan (016)
- Proposed Roof Plan (017)
- Proposed Front and Rear Elevations (018)
- Proposed Left and Right Elevations (019)
- Proposed Section (020)

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

3. No development shall take place until details of a scheme (Construction Method Statement) to control the environmental effects of the demolition and/or construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-

- (i) the control of noise
- (ii) the control of dust, smell and other effluvia
- (iii) the control of rats and other vermin
- (iii) the control of surface water run-off
- (iv) the proposed method of piling for foundations (if any)
- (v) proposed construction and demolition working hours
- (vi) hours during the construction and demolition phase when delivery vehicles, or vehicles taking materials, are permitted to enter or leave the site.

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

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

4. No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Monday to Friday and 08:30 to 13:00 Saturdays and at no time on Sundays or Bank or National Holidays.

REASON: To protect the amenities of the occupiers of the neighbouring dwellings.

Informative(s):

1. Consent is not granted for the bin store shown on the approved plans. Separate consent would be required for the erection of an outbuilding in association with this development.
2. It is a condition of the consent given by the General Permitted Development Order that any development which is likely to have a significant effect upon a Special Protection Area cannot proceed unless the Local Planning Authority (the Council) has given written approval under the Habitats Regulations 2010. This Prior Approval Notice does NOT constitute approval under the Habitats Regulations. The Council and Natural England are of the view that any residential development between 400 metres and 5 kilometres of the boundary of the Thames Basin Heaths Special Protection Area or residential development of 50 or more dwellings between 5 kilometres and 7 kilometres of such boundary cannot be approved under the Habitats Regulations unless a planning obligation is entered into under Section 106 of the Town & Country Planning Act 1990 to ensure that the development has no adverse impact upon the Special Protection Area. Your development falls within one of the two types of development referred to in the heading above.
3. Any external alterations proposed would require the submission of a full planning application.
4. The applicant will need to investigate bin collection arrangements for the proposed residential use.
5. The layout and size of the dwellings created must be sufficient for the safe use of the amenities and must not result in over occupation, otherwise a Hazard under part 1 of the Housing Act 2004 may be created and as such could be subject to formal action under that legislation.
6. There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. Thames Water will need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read their guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Thames Water would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via <http://www.thameswater.co.uk/>. Please refer to the Wholesale; Business customers; Groundwater discharges section.

7. With regard to water supply, this comes within the area covered by the South East Water Company. For your information the address to write to is - South East Water Company, Rocfort Road, Snodland, Kent, ME6 5AH, Tel: 01444-448200.

8. Notwithstanding the wording of Bracknell Forest Council's Parking Standards SPD, the Building Regulations part S "Infrastructure for the charging of electric vehicles" 2021 edition took effect on 15 June 2022 for use in England. The applicant should familiarise themselves with, and comply with, the requirements of this document with regard to provision of electric vehicle charging infrastructure.