

Notice of Meeting

Planning Committee

Councillor Dudley (Chairman),
Councillor Brossard (Vice-Chairman),
Councillors Angell, Dr Barnard, Bhandari, D Birch, Brown, Gbadebo,
Green, Mrs Hayes MBE, Heydon, Mrs Mattick, Mrs McKenzie,
Mrs McKenzie-Boyle, Mossom, Parker, Skinner and Virgo



Thursday 19 March 2020, 7.30 - 9.30 pm
Time Square, Market Street, Bracknell, RG12 1JD

Agenda

Item	Description	Page
1.	Apologies for Absence	
	To receive apologies for absence.	
2.	Minutes	5 - 14
	To approve as a correct record the minutes of the meeting of the Committee held on 13 February 2020.	
3.	Declarations of Interest	
	<p>Members are asked to declare any disclosable pecuniary or affected interests in respect of any matter to be considered at this meeting.</p> <p>Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Disclosable Pecuniary Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days.</p> <p>Any Member with an Affected Interest in a matter must disclose the interest to the meeting. There is no requirement to withdraw from the meeting when the interest is only an affected interest, but the Monitoring Officer should be notified of the interest, if not previously notified of it, within 28 days of the meeting.</p>	
4.	Urgent Items of Business	
	Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.	

Planning Applications

(Head of 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 19-00753-FUL Unit C, Cookham Road, Bracknell, Berkshire RG12 1RB	21 - 30
	Change of use from office (B1) to Islamic community centre (D1).	
6.	PS 19-00714-FUL Land West Of Prince Albert Drive, Prince Albert Drive, Ascot, Berkshire	31 - 56
	Conversion of existing barn to 6 dwellings, and associated access drive and car park. Change of use of land to residential curtilage.	
7.	PS 19-00930-FUL Nuptown Piggeries, Hawthorn Lane, Warfield, Bracknell, Berkshire RG42 6HU	57 - 80
	Full planning application for the erection of 3x detached dwellinghouses including driveways and garages and landscaping following removal of 7 existing buildings and hardstanding at the site	
8.	PS 18-00620-FUL Blocks A, B and C Christine Ingram Gardens, Bracknell, Berkshire	81 - 102
	Creation of six additional apartments following the internal reconfiguration of 4no. existing apartments in Blocks A,B and C, and utilisation of existing roofspace in Block A, installation of dormer windows and alterations to parking layout.	
9.	19-00785-FUL The Braccans, London Road, Bracknell, Berkshire	103 - 118
	Section 73 application for the variation to condition 02 (approved plans) to planning permission 18/00357/FUL for the addition of two storeys to accommodate 14no. apartments, following demolition of existing roof. [Note for clarification: this application seeks amendments to the parking layout and bin and cycle storage]	
10.	19-00883-FUL 10 Aldridge Park, Winkfield Row, Bracknell, Berkshire RG42 7NU	119 - 126
	Conversion of garage to habitable accommodation.	
11.	18-00935-FUL Kingswood, Kings Ride Ascot, Berkshire	127 - 148
	Erection of 22 dwellings, with associated parking, access, and landscaping. (Note for clarification: this application seeks permission for an alternative scheme for part of the site covered by planning permission 16/00732/FUL. That permission provides for the redevelopment of the wider site for a total of 59 dwellings. The current application provides for a net increase of 6 dwellings on the site as a whole).	
12.	19-01059-3 Royal British Legion, Stanley Walk, Bracknell, Berkshire RG12 1HA	149 - 154
	Erection of a decorative hoarding	

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13.	20-00002-FUL 12 Spring Woods, Sandhurst, Berkshire GU47 8PX	155 - 162
	Erection of single storey detached outbuilding forming part garage part workshop.	
14.	20-00020-FUL - 11 Newell Green Cottages, Newell Green, Warfield, Bracknell, Berkshire RG42 6AB	163 - 176
	Erection of dwelling with associated landscaping and access works following demolition of existing garage and outbuildings.	
15.	20-00078-FUL Land R/O 13 and 15 Windlesham Road, Bracknell, Berkshire RG42 1TY	177 - 194
	Erection of 4 No. dwellings with associated landscaping and parking.	

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

Published: 9 March 2020

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**PLANNING COMMITTEE
13 FEBRUARY 2020
7.30 - 9.17 PM**

Present:

Councillors Dudley (Chairman), Brossard (Vice-Chairman), Angell, D Birch, Brown, Gbadebo, Green, Mrs Hayes MBE, Heydon, Mrs Mattick, Parker and Virgo

Apologies for absence were received from:

Councillors Dr Barnard, Bhandari, Mrs McKenzie, Mrs McKenzie-Boyle, Mossom and Skinner

67. **Minutes**

RESOLVED that the minutes of the meeting of the Committee held on 16 January 2020 be approved as a correct record and signed by the Chairman.

68. **Declarations of Interest**

There were no declarations of interest.

69. **Urgent Items of Business**

There were no urgent items of business.

70. **PS 19-00343-FUL Moat Farm, Winkfield Lane, Winkfield, Windsor, Berkshire SL4 4SR**

This item was deferred and withdrawn from the agenda.

71. **PS 17-00754-FUL Land to Rear of 92 College Road, Sandhurst, Berkshire GU47 0QZ**

Erection of 5no. apartments, associated car port and parking and creation of new access off Academy Place.

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- The comments of Sandhurst Parish Council objecting to the proposal.
- A total of 12 objections received, as summarised in the Agenda papers.

The criteria for public speaking had been met in respect of this application and the Committee was addressed by Matthew Gouldby, objecting to the application and Harry Bennet speaking in response.

Arising from discussion of the application, the Committee proposed that an additional condition be imposed relating to the times that work and deliveries were allowed on site.

Following the completion of planning obligation(s) under Section 106 of the Town and

Country Planning Act 1990 relating to the following measures:

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

RESOLVED that the Head of Planning be authorised to **APPROVE** the application subject to the following conditions amended, added to or deleted as the Head of Planning considers necessary:-

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

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

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

Site Location Plan (377-BB-SP-00-DR-A-007 Rev A)
Proposed Site Layout (3766-PL/001 Rev A)
Proposed Plans and Elevations plots 1 & 2 (3766-PL/002)
Proposed Plans Plots 3, 4, 5 (3766-PL/003)
Proposed Elevations (3766-PL/004)
Proposed Elevations (3766-PL/005)
MJC Tree Service: Tree Survey, Arboricultural Impact Assessment, Tree Protection
Plan & Heads of Terms for the Arboricultural Method Statement Rev. 2.
Lowans Ecology & Associates Version 1 (Bio-diversity survey/ assessment)
Weetwood- Flood Risk Assessment Final Report v1.0 July 2019. Including amended Figure 8 received: 19.09.2019
Construction Method Statement Rev. B

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

03. No superstructure works shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

04. Notwithstanding the submitted plans, no dwelling hereby permitted shall be occupied until details of a scheme of walls, fences and any other means of enclosure has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of any of the buildings approved in this permission.

REASON: - In the interests of the visual amenities of the area and to safeguard existing retained trees, hedges and shrubs.
[Relevant Plans and Policies: BFBLP EN20, Core Strategy DPD CS7]

05. The development shall not be begun until details showing the finished floor levels of the buildings hereby approved in relation to the external land levels including a

fixed datum point have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

06. The biodiversity mitigation measures as stipulated within the Lowans Ecology & Associates Version 1 (Bio-diversity survey/ assessment), shall be implemented prior to the occupation of any of the dwellings hereby permitted. Within 3 months of the first occupation, an ecological inspection report shall be submitted and agreed in writing by the Local Planning Authority.

REASON: In the interest of bio-diversity.
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]

07. No dwelling shall be occupied until a means of vehicular access 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 highway safety.
[Relevant Policies Core Strategy DPD CS23]

08. The car ports hereby approved shall be retained for the use of the parking of vehicles at all times and, notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no enlargements, improvements or alterations shall be made to the car ports, and no gate or door shall be erected to the front of any car port.

REASON: To ensure that the development is provided with adequate parking to prevent the likelihood of on-street parking which could be a danger to other road users.
[Relevant Policy: BFBLP M9]

09. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for covered and secure cycle parking facilities. No dwelling shall be occupied until the approved scheme has been implemented. The facilities shall be retained.

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

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

REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]

11. No development shall take place until full details of the Drainage System(s) have been submitted to and approved in writing by the Local Planning Authority. Full details of all components of the proposed drainage system including dimensions, locations, gradients, invert and cover levels, headwall details, planting (if necessary) and drawings as appropriate taking into account the groundwater table. The proposal shall be implemented in accordance with the approved details.

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

12. No development shall commence 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. The proposal shall be managed in accordance with the approved details.

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

13. Prior to occupation of any property a verification report, appended with substantiating evidence demonstrating the agreed/approved construction details of the drainage system and specifications have been implemented, shall 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 and cover systems.

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

14. The development hereby permitted shall be implemented in accordance with the submitted Sustainability Statement, in so far as it relates to water use, and shall be retained in accordance therewith.

REASON: In the interests of sustainability and the efficient use of resources.
[Relevant Policy: Core Strategy DPD CS10]

15. Notwithstanding the information submitted the development shall not be begun until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be at least 20%). The buildings thereafter constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith.

REASON: In the interests of the sustainability and the efficient use of resources.
[Relevant Plans and Policies: CSDPD Policy CS12]

16. No dwelling hereby approved shall be occupied until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post-planting maintenance schedule.

All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the occupation of any part of the approved development,

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

REASON: In the interests of bio-diversity and visual amenity of the site
[Relevant Plans and Policies: CSDPD CS1, CS7]

17. No development shall commence until a site layout plan at a minimum scale of 1:200 showing the proposed layout of all underground services, including drainage channels has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

18. The protective fencing and other protection measures specified on plan MJC-7-0154-05Rev:1 and contained within the Tree Survey, Arbouricultural Impact Assessment, Tree protection Plan and Arbouricultural Method Statement Rev: 2, shall be erected in the locations shown 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: BFBLP EN1]

19. No development (including initial site clearance) shall commence until a detailed sitespecific programme of supervision/monitoring for all arboricultural protection measures, has been submitted to and approved in writing by the Local Planning Authority. Details shall include: -
 - a) Induction and personnel awareness of arboricultural matters.
 - b) Identification of individual responsibilities and key personnel.
 - c) Statement of delegated powers.
 - d) Timing and methods of site visiting and record keeping.
 - e) Procedures for dealing with variations and incidents.

The program of arboricultural monitoring shall be undertaken in full compliance with the approved details. A copy of the signed inspection report shall be sent to the Local Planning Authority following each visit.

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

[Relevant Policies: BFBLP EN1]

20. There shall be no construction vehicles permitted past the temporary haul road as defined on the site set up drawing contained within the Construction Method Statement Rev. B

REASON: The applicant has demonstrated that the scheme can be constructed without the use of heavy construction vehicles within the site and these should be prohibited to prevent unnecessary compaction of the soil within the RPA's.

[Relevant Policies: BFBLP EN1]

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

REASON: To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period.

[Relevant Policies: BFBLP EN25]

In the event of the S106 planning obligations not being completed by 31st May 2020, the Head of Planning be authorised to extend this period or REFUSE the application on the grounds of:-

1. The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impacts in this respect. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Policy NRM6 of the South East Plan,

72. **19-00964-FUL 31 Reeds Hill, Bracknell, Berkshire RG12 7LJ**

Erection of shed to rear of property (part retrospective).

A site visit had been held on Saturday, 8 February 2020, which had been attended by Councillors Angell, Brossard, Dudley, Gbadebo, Green, Mrs Hayes MBE, Heydon, Mrs Mattick and Tullet.

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- The comments of Bracknell Town Council recommending refusal.
- The four letters of objection as detailed in the agenda.
- The additional letter of objection as detailed in the supplementary report.

A motion to approve the recommendation in the officer report was proposed but failed to be seconded.

An alternative motion to refuse the application was proposed and seconded, and on being put to the vote was **CARRIED**

RESOLVED that application 19/00751/FUL be **REFUSED** for the following reason:

1. The outbuilding by reason of its design, bulk and massing and proximity to the boundary with neighbouring properties, results in an unneighbourly form of development that is unduly overbearing and detrimental to the amenity of neighbouring occupiers. The development is therefore contrary to 'Saved' policy EN20 of the BFBLP.

73. **18-00845-FUL Royal County of Berkshire Racquet and Health Club, Nine Mile Ride, Bracknell, Berkshire RG12 7PB**

Installation of 8no. floodlights on 8m high columns to illuminate three outdoor tennis courts.

The Committee noted:

- The comments of Bracknell Town Council raising no objection.
- The fifteen letters of objection from 9 properties detailed in the supplementary report and reported verbally by the presenting officer.

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

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

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

02. The development hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details:
Site Location Plan Rev A – Received 24th August 2018

Proposed Site Plan Tennis Court Lighting – Received 24th August 2018
Proposed Lighting to Tennis Courts – REV6 – Received 6th January 2020
External Site Plan Proposed Tennis Lighting – Received 6th January 2020

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

03. The 8no. 8m high lighting columns hereby permitted shall not be illuminated other than in accordance with the following approved plans and details:
Proposed Lighting to Tennis Courts – REV6
External Site Plan Proposed Tennis Lighting

REASON: In the interests of the neighbouring properties and biodiversity.
[Relevant Policies: BFBLP EN20 and EN15]

04. The lighting columns hereby permitted shall not be operational before 7am or after 9.30pm from Monday to Friday, and before 7am or after 9.30pm on Saturday, Sunday and Public Holidays.

REASON: In the interests of the neighbouring properties and biodiversity.
[Relevant Policies: BFBLP EN20 and EN15]

74. **19-00964-FUL 14 Burnt House Gardens, Warfield, Bracknell, Berkshire RG42 3XY**

Erection of single storey rear extension with rooflight following demolition of existing conservatory.

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- The comments of Warfield Parish Council raising no objection.
- The nine letters of objections as detailed in the agenda.
- The additional letter of objection as detailed in the supplementary report.

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

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

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

02. The development hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details, received 29th November 2019:

Site Plan and Location Plan, Drawing Number: 1901-D00, Rev B (Received 20/01/2020)

Proposed Ground Floor Option 1, Drawing Number: 1901-D02, Rev A (Received 20/01/2020)

Proposed Elevations - Rear and side, Drawing Number: 1901-D05

Proposed Elevations - Side North, Drawing Number: 1901-D06

Proposed Section, Drawing Number 1901-D07

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

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

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

75. **19-009913 - Millins Close, Owlsmoor, Sandhurst, Berkshire**

Conversion of existing grassed areas into 13 no. additional parking spaces.

The Committee noted:

- The comments of Sandhurst Town Council raising no objection.
- The one letter received for this application which supported the parking

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

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

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

02. The development hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details, received 11 November 2019 by the Local Planning Authority:
Engineering Layout 4817/381
and the following plan received by the Local Planning Authority on 6 December 2019: Landscape Proposal 4817/381/L

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

03. No parking bay shall be brought into use until hard and soft landscaping, including boundary treatments and other means of enclosure, has been provided in accordance with drawing 4817/381 submitted as part of the application.

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

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

Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged,

become diseased or deformed, shall be replaced during the next planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.

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

CHAIRMAN

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

**PLANNING COMMITTEE
19th March 2020**

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

		Case Officer	Reporting Officer
5	<p>19/00753/FUL Unit C Cookham Road Bracknell (Binfield With Warfield Ward) Change of use from office (B1) to Islamic community centre (D1). Recommendation: Approve Subject To The Completion Of Planning Obligation(s).</p>	Olivia Jones	Basia Polnik
6	<p>19/00714/FUL Land West Of Prince Albert Drive Prince Albert Drive Ascot (Ascot Ward) Conversion of existing barn to 6 dwellings, and associated access drive and car park. Change of use of land to residential curtilage. Recommendation:</p>	Sarah Horwood	Basia Polnik
7	<p>19/00930/FUL Nuptown Piggeries Hawthorn Lane Warfield (Winkfield And Cranbourne Ward) Full planning application for the erection of 3x detached dwellinghouses including driveways and garages and landscaping following removal of 7 existing buildings and hardstanding at the site Recommendation: Approve.</p>	Sarah Fryer	Basia Polnik
8	<p>18/00620/FUL Blocks A, B and C Christine Ingram Gardens Bracknell Berkshire (Priestwood And Garth Ward) Creation of six additional apartments following the internal reconfiguration of 4no. existing apartments in Blocks A,B and C, and utilisation of existing roofspace in Block A, installation of dormer windows and alterations to parking layout. Recommendation:</p>	Sarah Horwood	Basia Polnik

9	<p>19/00785/FUL The Braccans London Road Bracknell (Bullbrook Ward) Section 73 application for the variation to condition 02 (approved plans) to planning permission 18/00357/FUL for the addition of two storeys to accommodate 14no. apartments, following demolition of existing roof. [Note for clarification: this application seeks amendments to the parking layout and bin and cycle storage] Recommendation: Approve.</p>	Trevor Yerworth	Martin Bourne
10	<p>19/00883/FUL 10 Aldridge Park Winkfield Row Bracknell (Winkfield And Cranbourne Ward) Partial conversion of garage to habitable accommodation. Recommendation: Approve.</p>	Alexander Ralph	Basia Polnik
11	<p>18/00935/FUL Kingswood Kings Ride Ascot (Ascot Ward) Erection of 22 dwellings, with associated parking, access, and landscaping. (Note for clarification: this application seeks permission for an alternative scheme for part of the site covered by planning permission 16/00732/FUL. That permission provides for the redevelopment of the wider site for a total of 59 dwellings. The current application provides for a net increase of 6 dwellings on the site as a whole). Recommendation:</p>	Sarah Fryer	Martin Bourne
12	<p>19/01059/3 Royal British Legion Stanley Walk Bracknell (Wildridings And Central Ward) Erection of a decorative hoarding Recommendation:</p>	Olivia Jones	Martin Bourne
13	<p>20/00002/FUL 12 Spring Woods Sandhurst Berkshire (Central Sandhurst Ward) Erection of single storey detached outbuilding forming part garage part workshop. Recommendation:</p>	Olivia Jones	Basia Polnik
14	<p>20/00020/FUL 1 Newell Green Cottages Newell Green Warfield (Binfield With Warfield Ward) Erection of dwelling with associated landscaping and access works following demolition of existing garage and outbuildings. Recommendation:</p>	Alys Tatum	Basia Polnik

15	20/00078/FUL Land R/O 13 and 15 Windlesham Road Bracknell Berkshire (Priestwood And Garth Ward) Erection of 4 No. dwellings with associated landscaping and parking. Recommendation: Approve.	Katie Walker	Basia Polnik
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Background Papers

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

PLANNING COMMITTEE - POLICY REFERENCES

Key to abbreviations used in the following planning reports.

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

SPG Supplementary Planning Guidance
SPD Supplementary Planning Document

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

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

SITE LOCATION PLAN

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

THE HUMAN RIGHTS ACT 1998

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

Those rights include:-

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

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

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

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

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

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

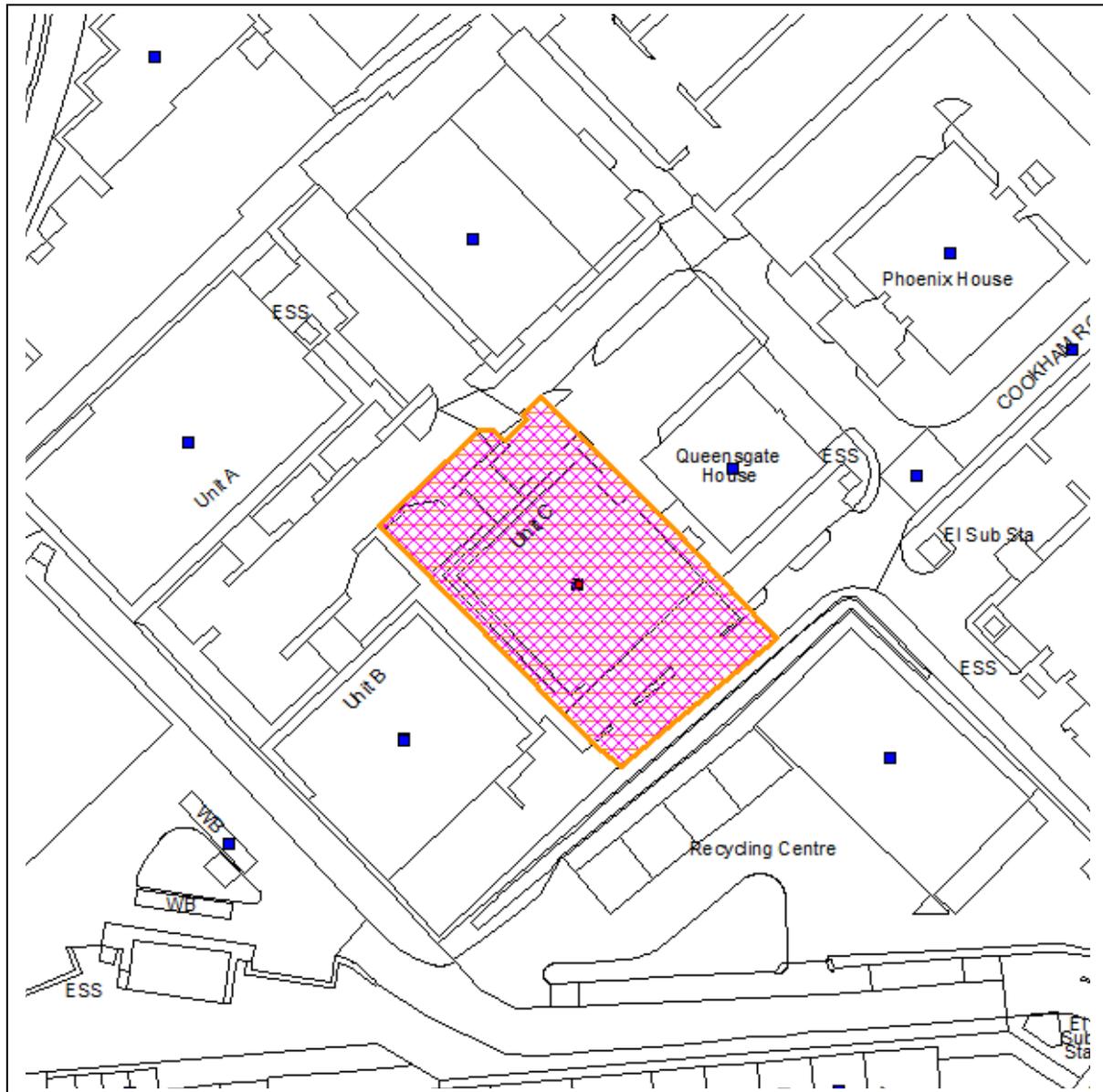
The Human Rights Act will not be specifically referred to elsewhere [in the Agenda] beyond this general statement, unless there are exceptional circumstances which require a more

detailed consideration of any Convention Rights affected.

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ITEM NO: 05	Ward:	Date Registered:	Target Decision Date:
Application No. 19/00753/FUL	Binfield With Warfield	20 August 2019	15 October 2019
Site Address:	Unit C Cookham Road Bracknell Berkshire RG12 1RB		
Proposal:	Change of use from office (B1) to Islamic community centre (D1).		
Applicant:	Mr Ebrahim Walele		
Agent:	Mr Kaleem Janjua		
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 The proposal is for the change of use of Unit C within the Waterside Park business estate, from office (B1a) to a community centre (D1).
- 1.2 The change of use would not result in an adverse impact on the viability of the employment area, the character or appearance of the surrounding area, the amenities of the residents of the neighbouring properties or highway safety.

RECOMMENDATION

Planning permission be granted subject to conditions in Section 11 of this report and a section 106 agreement to secure a travel plan and associated fees.
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2. REASON FOR REPORTING APPLICATION TO COMMITTEE

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

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within settlement boundary

Within designated employment area

- 3.1 Unit C is a single storey detached office building located within the defined employment area of Waterside Park with a floor area of 1,089 square metres.
- 3.2 The building is bounded to the north east by an office building (B1 - Queensgate House), to the south east the Longshot Lane Recycling Centre (sui generis), to the south west a warehouse (B2 – Mallard House), and to the north west an office building (B1 – Unit A) and storage and distribution building (B8 - Magnum House).

4. RELEVANT SITE HISTORY

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

609293

Erection of 3997 sq.m of high tech. industrial units with associated roads and car parking.
Approved 1985

609645

Details of drainage external materials and landscaping for previously approved industrial development.
Approved 1985

612480

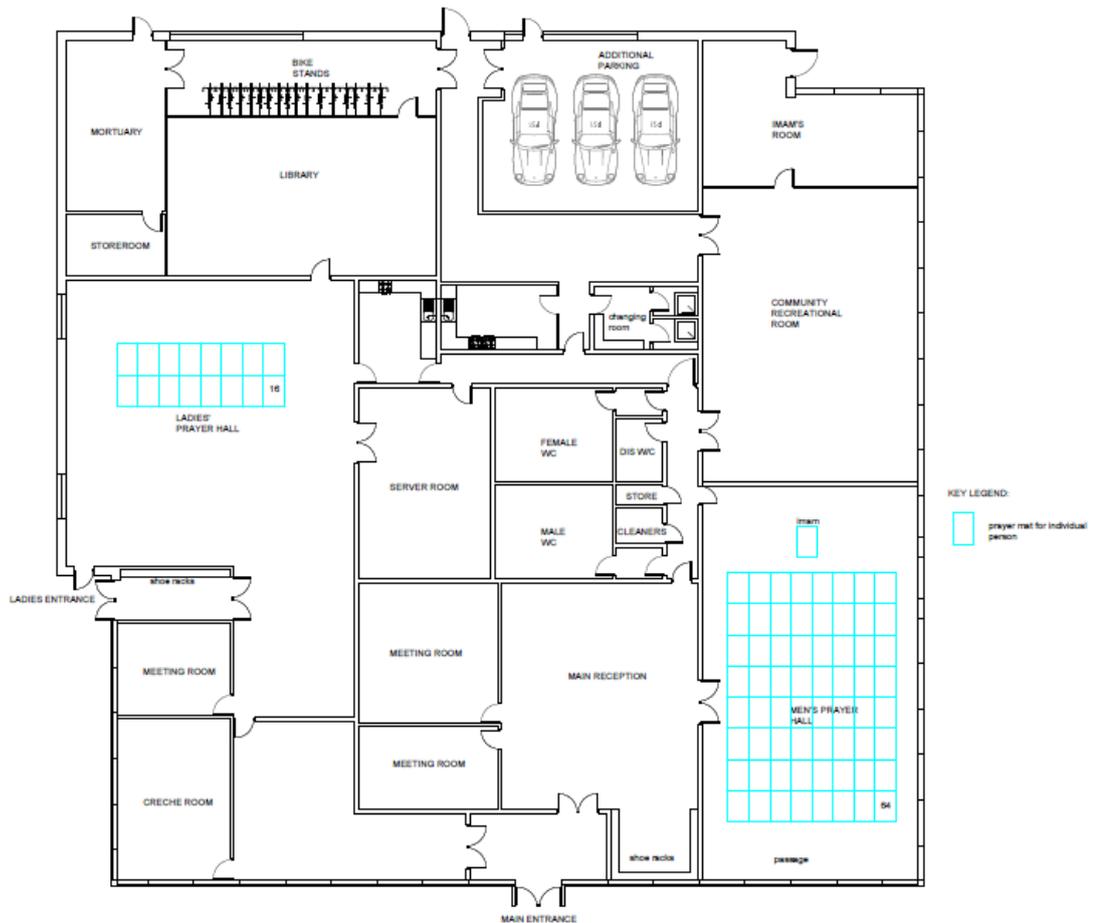
Change of use of premises to business use (B1) and storage (B8)
Approved 1987

614343

Application for change of use to Business Class B1.
Approved 1989

5. THE PROPOSAL

- 5.1 It is proposed to use Unit C as an Islamic Community Centre. Internally, the building would be rearranged to provide 2 prayer halls, a library, mortuary, creche, a recreation room and meeting rooms. No external changes are proposed to the building.
- 5.2 It is proposed to operate the building from 6am to 11pm, seven days a week.



PROPOSED GROUND FLOOR PLAN

6. REPRESENTATIONS RECEIVED

Binfield Parish Council

6.1 No objection

Other representations

- 6.2 190 letters of objection have been received, raising the following material planning considerations:
- (i) Insufficient parking, leading to increase in traffic and impact on highway safety
 - (ii) Unsuitable location within employment area and loss of employment space
 - (iii) Impact on residential amenity in terms of noise and disturbance

6.3 684 letters of support and a petition of support with 198 signatures have been received.

7. SUMMARY OF CONSULTATION RESPONSES

Environmental Health Officer

7.1 It is not proposed to install loudspeakers on the building, and there is therefore no objection.

Highway Authority

7.2 No objection subject to suitable conditions and a Travel Plan secured by legal agreement.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
General policies	CS1 and CS2 of the CSDPD CP1 of the SALP	Consistent
Employment area	CS19 and CS20 of the CSDPD	Consistent
Design	CS7 of the CSDPD	Consistent
Amenity	'Saved' policies EN20 and EN25 of the BFBLP	Consistent
Highway Safety	'Saved' policies M4 and M9 of the BFBLP CS23 of the CSDPD	Consistent
Supplementary Planning Documents (SPD)		
Bracknell Forest Parking Standards Supplementary Planning Document (2016) Bracknell Forest Council's Planning Obligations SPD (2015)		
Other publications		
National Planning Policy Framework (NPPF) 2019		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of Development
- ii. Impact on Character and Appearance of Area
- iii. Impact on Residential Amenity
- iv. Transport and Highways Considerations

i. Principle of Development

9.2 The application site is located within the Western Employment Area, a designated employment area for business, industrial and storage uses (BIDS). Policy CS20 of the CSDPD requires that new development or uses support the primary business function of the employment area, and cumulatively do not compromise the integrity of the prime business functions of the employment area. The proposed use therefore does not comply with the function of this business area.

9.3 However, the application site has been vacant since February 2018. Furthermore, evidence has been provided that the neighbouring building (Phoenix House) was on the market since 2017 and a BIDS use has not yet been found. Phoenix House is similar to the application site in a number of ways:

- Phoenix House and Unit C are both office buildings

- Phoenix House has a floor area of 1668 square metres and Unit C has a floor area of 1089 square metres (it should be noted that Phoenix House was available to let in part).
- Phoenix House has 70 parking spaces available, and Unit C has 42 parking spaces available.
- Phoenix House and Unit C are accessed from Cookham Road.

9.4 Given that Phoenix House was on the market for over 2 years without finding a BIDS tenant or purchaser, it is accepted that it would also have been difficult to find a BIDS tenant for Unit C, and there is a reasonable prospect that the building would remain vacant.

9.5 It is preferable for the unit to be occupied by a non-business use than for the building to remain vacant. The proposed use would serve a recognised community need, as evidenced by the high level of support for the application. This is supported by the NPPF.

9.6 Given the prospect that the building would remain vacant, and the provision of needed community facilities, on balance it is considered justifiable in this case to accept the loss of the business unit within the Western Employment Area.

ii. Impact on the Character and Appearance of the Area

9.7 No significant changes to the external appearance of Unit C are proposed. A re-configuration of the car park is proposed to enable the provision of more parking spaces however this is not considered to result in a prominent impact or appear out of keeping in the area.

9.8 While the non-business use of the area is expected to result in a higher frequency of visitors to the site compared to the existing situation, the opening hours would not be dissimilar to the opening hours of the neighbouring recycling facility (8am – 8pm Monday to Friday between 1st April and 30th September). Therefore, the levels of visitors are not considered to result in a significant alteration to the character of the area.

iii. Impact on Residential Amenity

9.9 The closest residential properties to the application site are approximately 0.3km away in Technology House, the new office conversion approved off Cain Road.

9.10 The proposal does not include the provision of a loudspeaker, and it has been confirmed by the agent for this application that a call to prayer will not be broadcast. Should the proposed use result in a noise nuisance it would be subject to Environmental Health legislation.

iv. Transport and Highway Considerations

9.11 It is proposed to provide 42 parking spaces, including 2 spaces for disabled users, 1 space for shuttle bus parking, and 13 spaces marked for 'car sharing' described as follows:

- 20 parking spaces to the north of Unit C,
- 12 parking spaces to the south of Unit C,
- 7 parking spaces along the southern alignment of Cookham Road, and
- 3 parking spaces internal to the building accessed via roller-shutter doors to the south.

9.12 In addition, in order to reduce the traffic impact the following is proposed:

- Physically restrict prayer space for Friday 'Jummah' Prayer to a maximum of 80 people;
- Split the Friday 'Jummah' Prayer into 3 sessions starting at least 40 minutes apart;

- Provide a BICS Shuttle minibus service operating every Friday between 12:45 and 15:15 between a public car parking facility and Unit C Cookham Road
- Provide cycle parking for a minimum of 20 cycles through a mixture of covered, secure parking within the building and external Sheffield-style stands; and
- Improve pedestrian connectivity with a pedestrian crossing across the northern branch of Cookham Road linked to a gap in parking providing access to the building.

ANTICIPATED TRIPS AND PARKING DEMAND

9.13A revised anticipated modal split has been provided in Section 4 of the Design and Access Statement (DAS) and Table 5.3 of the Transport Statement (TS). The DAS states that this is based on a sample of 200 BICS attendees.

Mode of Transport	Percentage
Walk	12%
Car	64%
Bicycle	9%
Bus or Free Shuttle	15%

Based on each session of the Friday 'Jumma' Prayer sessions being 80 people, this would result in the following number of trips per session:

Mode of Transport	Trips per 80 person prayer session
Walk	10
Car	51
Bicycle	7
Bus or Free Shuttle	12

9.14 The 51 car-borne trips for an 80-person prayer session is greater than the 42 car parking spaces proposed. However, 13 of these proposed spaces are shown to be marked as 'for car sharers' and therefore, assuming at least 2 people per vehicle in these spaces would give provision of parking for 55 car-borne occupants. This will require strict policing of the use of car share spaces by BICS.

9.15 Comparison can be drawn between the proposal and the Islamic Community Centre in Windsor (approved on appeal in 2006) and with TRICS data for Cranford Mosque (TRICS ref HO-07-T-01) surveyed in March 2015:

Islamic Community Centre, Shirley Avenue, Windsor (RBWM ref 05/00759)

- Within built area of Windsor with residential areas in close proximity.
- Gross Floor Area: 574 sq. m.
- Prayer room area: 120 sq. m.
- Maximum of 80 people permitted for Friday prayer. The building's use is restricted to Friday prayers only at this time.
- In appeal documents: 39 parked vehicles recorded during Friday prayers (24 car on site plus 15 vehicles on street).

Cranford Mosque (TRICS ref HO-07-T-01)

- Neighbourhood Centre TRICS location, residential area of Cranford to the east.
- Sustainable location, close to local bus routes and with cycle lanes and routes available in close proximity
- GFA 650 sq. m.
- TRICS parking accumulation: 46.

9.16 The comparison sites indicate that limiting Unit C to operate with a maximum Friday prayer session size of 80 people and with the measures set out in the Travel Plan in operation, including the shuttle bus, the parking proposed should be sufficient to limit the parking demand to within the available parking supply and not result in a detrimental level of on-street parking occurring on Cookham Road.

REFUSE COLLECTION

9.17 A bin store is now shown in a more accessible location adjacent to the car park to the north of Unit C. It is assumed that refuse vehicles would reverse from the northern branch of Cookham Road, south of the most northerly parking spaces, in order to collect refuse from the site. Refuse collection, and any other deliveries to the site, should be arranged such that this does not coincide with Friday prayers.

TRAVEL PLAN

9.18 The operation of the Travel Plan, including a Travel Plan fee and deposit, will need to be secured through a S106 legal agreement.

9.19 The Highway Authority is satisfied that the submitted plans and documents would not result in a detrimental level of on-street parking or highway safety issues.

10. CONCLUSIONS

10.1 The use of the building for community purposes, and the preference to fill a vacant building, is considered sufficient to overcome the loss of a business use within an employment area. The proposed development is not considered to have an adverse impact on the character of the area or residential amenity, and the parking provision in conjunction with the proposed travel plan is considered acceptable.

11. RECOMMENDATION

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

- Securing a travel plan with associated fees and deposit payments

That the Head of Planning be authorised to **APPROVE** the application 19/00753/FUL subject to the following conditions amended, added to or deleted as the Head of Planning considered necessary:

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

Site Location Plan – Received 24th January 2020

Block Plan – Drawing Number: 003 Rev A – Received 9th March 2020

Proposed Ground Floor Plan – Drawing Number: 002 Rev B – Received 9th March 2020

Transport Statement – Received 9th March 2020

Travel Plan – Received 9th March 2020

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

03. The hours of operation shall be restricted to between 6am and 11pm.
REASON: In the interests of the neighbouring properties.
[Relevant Policies: BFBLP EN20]
04. The development hereby permitted may not be brought into use until the associated vehicle parking and turning space has been laid out within the site in accordance with the approved Block Plan BICS/PLAN/003/REV-A and the approved Proposed Ground Floor Plan BICS/PLAN/002/REV-A for 42 cars and 1 shuttle minibus to be parked with 2 spaces marked for disabled users and 13 spaces marked for car share. The spaces shall thereafter be kept available for parking at all times.
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
05. The southern access doors to the internal parking hereby approved shall be of a roller shutter design. Any replacement or repair shall only be with a roller shutter type door.
REASON: To ensure that the internal parking is still accessible while cars are parked to the south of the building, avoiding inappropriately parked cars comprising the reversing/turning area.
[Relevant Policy: BFBLP M9]
06. The development hereby permitted may not be brought into use until at least 20 cycle parking spaces have been provided in the locations identified for cycle parking on the approved Block Plan BICS/PLAN/003/REV-A and the approved Proposed Ground Floor Plan BICS/PLAN/002/REV-A and shower and changing facilities have been provided for cyclists 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 M9, Core Strategy DPD CS23]
07. The development hereby permitted may not be brought into use until a pedestrian crossing with dropped kerbs and tactile paving to each side has been provided on the northern branch of Cookham Road in the location shown on the approved Block Plan. BICS/PLAN/003/REV-A.
REASON: In the interests of accessibility of the development to pedestrians.
[Relevant Policy: BFBLP M4 and M6, Core Strategy DPD CS23]
08. The development hereby permitted may not be brought into use until details of the means to physically limit the number of people present on the site to a maximum of 80 people have been submitted to and approved in writing by the Local Planning Authority. Thereafter the means to physically limit the number of people present on the site to a maximum of 80 people shall be retained and used.
REASON: To reduce the likelihood of parking demand exceeding capacity resulting in on-street car parking which would be a danger to other road users.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
09. The development hereby permitted shall not be brought into use until details of the proposed shuttle bus service to operate between 12:45 and 15:15 hours every Friday on a continuous loop between an agreed public car park location and the development site have been submitted to and approved in writing by the Local Planning Authority. The service shall be implemented as such thereafter.

REASON: In the interests of accessibility by public transport and to reduce the likelihood of parking demand exceeding capacity resulting in on-street car parking which would be a danger to other road users.

[Relevant Policies: BFBLP M4 and M8, Core Strategy DPD CS23]

10. Once the development hereby permitted has been brought into use, deliveries or refuse collection to the development using vehicles larger than 7.5 tonnes or exceeding 6m in length shall NOT be undertaken between the following time periods:

(a) between 12:30 and 15:30 on a Friday

(b) after 16:00 on any day

REASON: To avoid deliveries or refuse collection coinciding with peak demand for parking at the development resulting in obstruction to parking which would result in on-street parking which would be a danger to other road users.

[Relevant Policies: Core Strategy DPD CS23]

11. The approved Travel Plan dated 6th Jan 2020 shall be implemented in full for a minimum period of 5 years from the development being brought into use in accordance with the following criteria:

(a) The details of the appointed Travel Plan Coordinator shall be submitted to the Local Planning Authority at least 3 months prior to the development being brought into use.

(b) If the Travel Plan Coordinator changes within 5 years from the development being brought into use then the new Travel Plan Coordinator's details shall be submitted to the Local Planning Authority as soon as reasonably practical.

(c) A baseline travel and parking survey shall be undertaken within 4 months of the development being brought into use covering all three Friday Prayer sessions. Thereafter travel and parking surveys shall be repeated annually for 5 years. The results of each travel survey shall be submitted to the Local Planning Authority within 3 months of each travel survey being undertaken.

(d) The operation of the Travel Plan and relevant travel plan fee and deposit shall be secured through a S106 legal agreement.

(e) Any variation to the approved Travel Plan document must be approved in writing by the Local Planning Authority.

[Relevant Policies: Core Strategy DPD CS23 and CS24]

12. Friday Prayer shall be operated in sessions as follows:

(a) a maximum of three sessions.

(b) a maximum of 80 people per session.

(c) the start times of each session must be at least 45 minutes apart.

(d) each session must last no longer than 35 minutes.

(e) the site must be clear of people from the previous session before people may begin prayers for the following session with the exception of the imam and up to 3 other staff.

(f) any area of the site which is not associated with Friday Prayer including inter alia meeting rooms, library and community recreational room shown on the approved Proposed Ground Floor Plan BICS/PLAN/002/REV-A may NOT be occupied for the period from 15 minutes prior to the start of the first session to 15 minutes after the end of the last session.

REASON: To reduce the likelihood of parking demand exceeding capacity resulting in on-street car parking which would be a danger to other road users.

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

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. No details are required to be submitted in relation to the following conditions, however they are required to be complied with:
 1. Commencement
 2. Approved Plans
 3. Hours of Operation
 5. Roller Shutter Door
 10. Deliveries and Refuse Collection
 12. Friday Prayers

The development cannot be brought into use until the following conditions have been discharged:

4. Vehicle Parking and Turning
 6. Cycle Parking
 7. Pedestrian Crossing
 8. Means to Limit Number of People
 9. Shuttle Bus
 11. Travel Plan
03. The Travel Plan for the development will need to be secured, and appropriate travel plan fee and deposit paid, through a S106 Legal Agreement; as set out in the Planning Obligations SPD, February 2015.
 04. This is a planning permission. Before beginning any development you may also need separate permission(s) under Building Regulations or other legislation. It is your responsibility to check that there are no covenants or other restrictions that apply to your property.

In the event of the S106 agreement not being completed by 19th September 2020, the Head of Planning be authorised to either extend the period further or refuse the application on the grounds of:

In the absence of a planning obligation to secure a travel plan with associated fees and deposit payments the proposal would not cater satisfactorily for the needs of pedestrians, cyclists and vehicle users to the detriment of road safety and sustainable development and would therefore be contrary to Policy M4 of the Bracknell Forest Borough Local Plan and Policies CS1, CS23 and CS24 of the Core Strategy Development Plan Document.

ITEM NO: 06

Application No.
19/00714/FUL
Site Address:

Ward:
Ascot

Date Registered:
13 August 2019

Target Decision Date:
8 October 2019

**Land West Of Prince Albert Drive Prince Albert Drive
Ascot Berkshire**

Proposal: **Conversion of existing barn to 6 dwellings, and associated access drive and car park. Change of use of land to residential curtilage.**

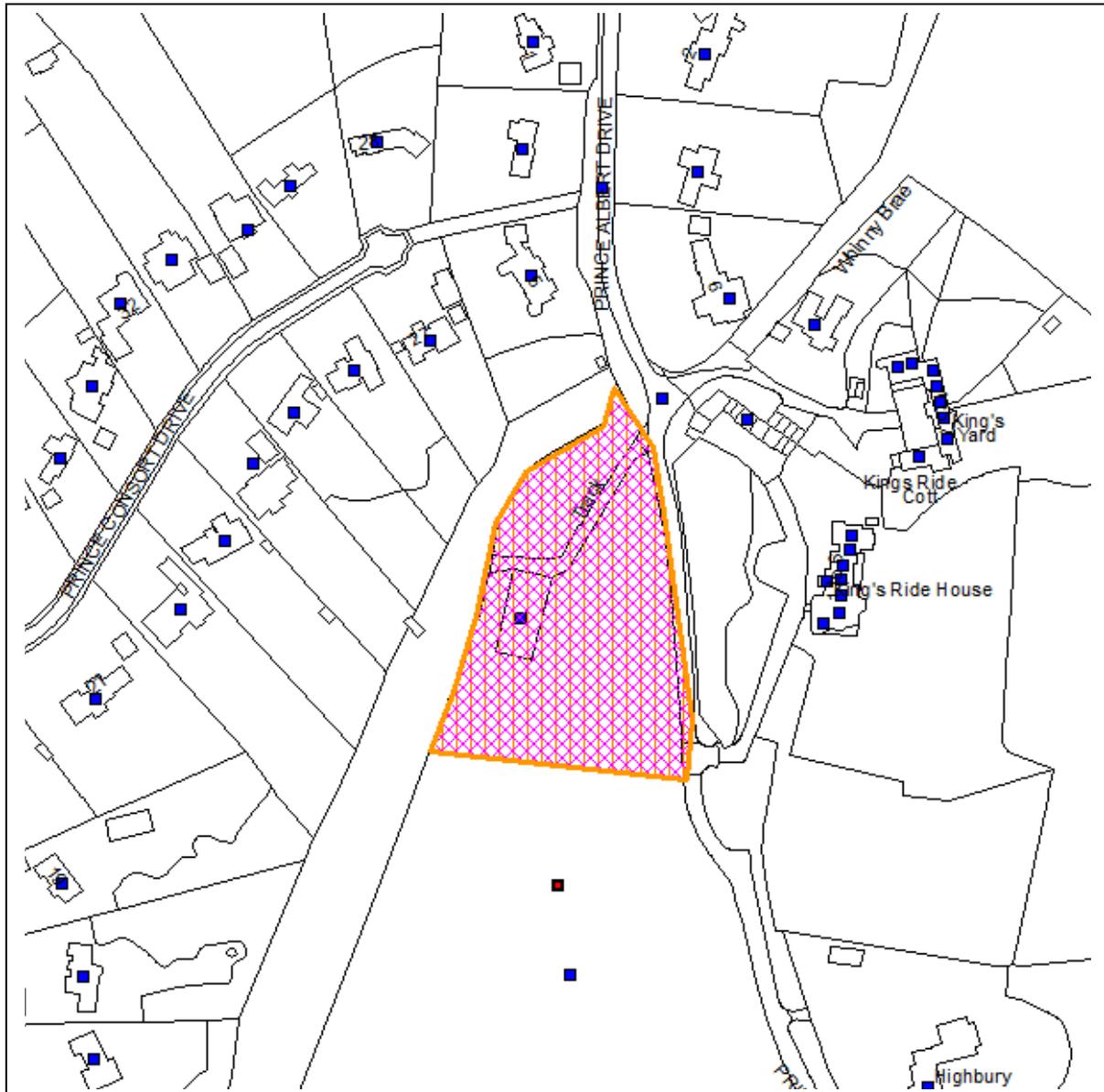
Applicant: Ashley Homes Ltd

Agent: Mrs Emily Temple

Case Officer: Sarah Horwood, 01344 352000

development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

1.1 The conversion of the barn to residential use is appropriate development in the Green Belt and therefore, subject to satisfying other policies and criteria, the proposal is acceptable in principle.

1.2 A survey submitted as part of this application and undertaken by a Chartered Member of the Royal Institution of Chartered Surveyors (RICS) confirms that the existing building is of permanent and substantial construction. Whilst the re-use of the building is appropriate development in principle, it is also a material consideration that prior approval was granted in 2018 for the conversion of the existing building into 5no. residential units which provides a lawful fallback position. This lawful fallback position of the 2018 prior approval application should be afforded significant weight in the determination of this application.

1.3 The change of use of agricultural land to residential garden maybe considered inappropriate development in the Green Belt, however what is permissible under a prior approval application (Class Q of the 2015 Order allows for change of use of buildings and land within its curtilage to residential use) forms a fallback position that comprises a very special circumstance to permit the change of use of land to garden. It is considered that there is a real prospect that the use granted by the 2018 prior approval could occur as it is clearly the intention for a residential use to be implemented on site. As such, the lawful fallback position should be afforded significant weight.

1.4 Whilst the development proposed by this application would result in the creation of 1no. additional residential unit of accommodation over and above that approved by the 2018 prior approval permission (the fallback position), the impact on the openness of the Green Belt would be similar to that if the fallback position of the 2018 prior approval if it were implemented.

1.5 The proposal would not adversely impact upon the residential amenities of neighbouring occupiers or the character and appearance of the surrounding area.

1.6 Taking into account the valid fallback position and that planning conditions can be imposed relating to highways, trees and ecology, there would be no adverse impacts to highway safety, trees or ecology.

1.7 A Section 106 agreement will secure SPA mitigation and the development is CIL liable.

RECOMMENDATION
Planning permission be granted subject to the conditions in Section 11 of this report and a section 106 agreement relating to mitigation measures for the SPA.

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

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

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Green Belt
Within 5km of the Thames Basin Heath SPA

3.1 The site is located to the south-west/west of Prince Albert Drive. There is an existing single storey agricultural barn on the site located close to the western boundary. The building is open fronted with a pitched roof. The barn is accessed from a gate within the north east corner of the field and an informal track leads from the gate to the barn.

3.2 The perimeter of the site is bounded by trees which are subject to Area and Group Tree Preservation Orders (TPOs).

3.3 The site is bordered by dwellings and their gardens to the north and west, to the east by the highway on Prince Albert Drive and to the south by fields.

4. RELEVANT SITE HISTORY

4.1 The following history is relevant to this site:

08/00091/FUL refused 2008 for change of use from barn to B1 (Business) use with associated parking. An appeal against this decision was dismissed.

10/00481/FUL refused 2010 for change of use of redundant agricultural building to B1 use, including associated elevation changes and car parking.

17/00080/PAA granted 2017 for prior approval for the change of use of Agricultural Building to a dwelling house (C3).

18/00267/FUL refused 2018 for conversion of agricultural barn to 8no. duplex residential apartments (4no. x 4 bedroom and 4no. x 3 bedroom) with associated parking, bin store and cycle storage.

18/00961/PAA granted November 2018 for prior approval for the change of use of existing agricultural building to 5 no. residential properties.

19/00302/NMA agreed April 2019 for non-material amendment to change window shape and palette mix of external materials for prior approval 18/00961/PAA.

5. THE PROPOSAL

5.1 Full permission is sought for the conversion of an existing agricultural barn to 6no. dwellings, external parking areas and access drive and a change of use of land to residential curtilage.

5.2 Each unit would be located over two floors, comprising the following layout:

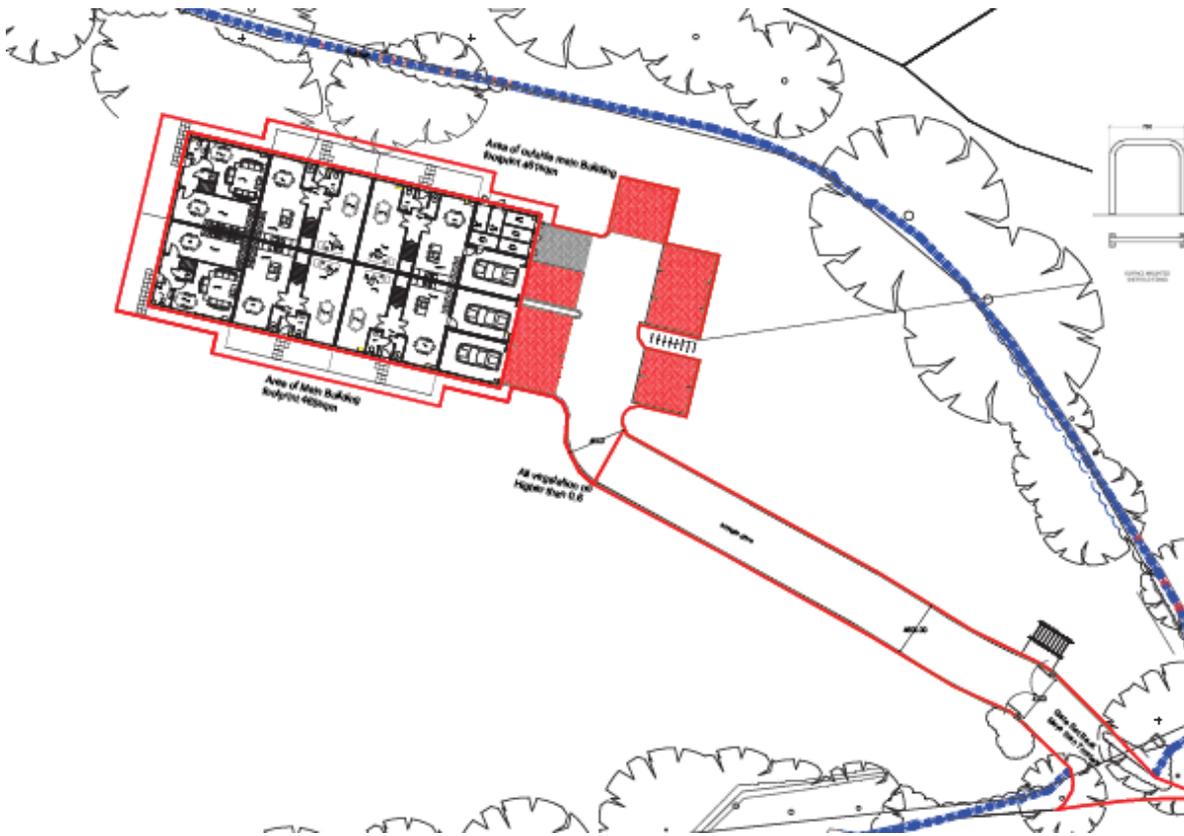
GROUND FLOOR: kitchen/breakfast area, living/dining area (including study on 4 of the units), WC, cupboard, hallway.

Additionally, 3no. car ports are proposed, along with 6no. stores.

FIRST FLOOR: 3no. bedrooms, en-suite bathroom to master bedroom, bathroom, family room (to 2 of the units), cupboard.

5.3 Each unit would have its own access at ground floor level, along with independent gardens and a communal parking area. The parking area would be sited to the north of the building. The remaining land edged in blue (currently under the same ownership as the rest of the site) would remain as agricultural land.

The site layout proposed by this application:



5.4 The size of the existing building would remain the same, with no extensions proposed to the building.

5.5 Externally, the building would be finished in a mix of Character Oak Feather edge shiplap, chalk render and structural green oak beams around full-length windows/patio doors, along with a natural Spanish slate roof. Fenestration is proposed on all four elevations with new doors and windows to serve each unit, along with rooflights proposed on the eastern and western elevations of the building.

6. REPRESENTATIONS RECEIVED

Winkfield Parish Council

6.1 Winkfield Parish Council has made the following observations:

The proposed change of use of the land to the residential curtilage will increase the urbanisation of this development and as such would ask the officer to ensure that this application complies with Green Belt Policy.

Other representations

6.2 36 letters of objection have been received from 28 separate postal addresses which can be summarised as follows:

- Urban sprawl
- Noise pollution

- Higher density housing than surrounding area
- Various applications refused in the past
- Impact to Green Belt
- Development unsuitable for area
- No justification to allow this development in the Green Belt
- Additional traffic
- Impact to highway safety
- Previous application for 5 dwellings erroneous
- Extension to residential curtilage detrimental to area and impact to openness of Green Belt
- Open land should be retained as a buffer to Swinley Forest
- Future pressure on surrounding land in the site to be developed
- Previous applications allowed under Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and specific legislation. This proposal does not qualify under Class Q or under local and national planning policies
- Development similar to that refused by application 18/00267/FUL
- Parking will be inadequate
- How will parking be enforced on site
- Parking in unsightly, prominent position
- Remaining agricultural land will be isolated
- Site is in an isolated position
- Prior approval 18/00961/PAA should be given limited weight in determining this application
- No structural survey submitted to demonstrate building is of permanent construction
- Proposal will conflict with purposes of including land within the Green Belt
- Access issues onto Kings Ride
- Application is a stepping stone for developing entire field
- Increased traffic emissions
- Development impractical
- No compatibility with local heritage
- Design is not exceptional quality
- No need for development which cannot be met in the settlement
- Extra pressure on the Thames Basin Heath Special Protection Area
- Removal of trees and impact to trees
- Extra refuse collection required
- Cramped development
- Does not conform to Character Area Assessments SPD for Prince Albert Drive
- Maybe contamination on land from storing skips
- Site subject to recent flooding
- Urbanising impact
- Development for financial gain
- Could set a precedent in the Green Belt
- No need for additional housing in semi-rural area
- No benefit to local community
- Intensification of residential use
- Introduction of hardstanding for driveway and parking
- Affidavits presented to the Council for previous prior approval 18/00961/PAA were ignored

[Officer comment: The majority of objection comments are discussed in this report].

6.3 It should however be noted that comments relating to matters such as the development being for financial gain or future pressures for development of the site are not material planning considerations.

7. SUMMARY OF CONSULTATION RESPONSES

Highways Officer

7.1 No objection subject to conditions.

Biodiversity Officer

7.2 No objection subject to conditions.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO DECISION

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

	Development Plan	NPPF
General policies	CS1 & CS2 of CSDPD	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Green Belt	CS9 of CSDPD, Saved Policy GB1, GB2, GB4 of the BFBLP	Consistent
Residential amenity	EN20 and EN25 of BFBLP.	Consistent
Parking	Saved policy M9 of BFBLP	Consistent NPPF refers to LAs setting their own parking standards for residential development, this policy is considered to be consistent.
Transport	CS23 and CS24 of CSDPD	Consistent
Sustainability	CS10 & CS12 of CSDPD	Consistent
SPA	SEP Saved Policy NRM6, CS14 of CSDPD	Consistent
Trees, biodiversity and landscaping	Saved policy EN1, EN2 and EN3 of BFBLP, CS1 of CSDPD.	Consistent
Supplementary Planning Documents (SPD)		
Thames Basin Heath Special Protection Area (SPD)		
Design SPD		
Parking standards SPD		
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of development
- ii. Impact on residential amenity

- iii. Impact on character and appearance of surrounding area
- iv. Impact on highway safety
- v. Trees
- vi. Biodiversity
- vii. Thames Basin Heath SPA
- viii. Community Infrastructure Levy (CIL)
- ix. Sustainability
- x. Drainage

i. Principle of development

9.2 The site is located within the Green Belt as designated by the Bracknell Forest Policy Maps.

9.3 The following policies are therefore of relevance:

- Section 13 of the NPPF (February 2019) refers to protecting Green Belt land.
- CSDPD policy CS9
- 'Saved' BFBLP policies GB1, GB2 and GB4

9.4 Para 133 states: "The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence".

9.5 Paras 143 and 144 state: "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances...When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations".

9.6 Paras 145 and 146 set out what may constitute appropriate development in the Green Belt: Para 146 sets out what may constitute appropriate development in the Green Belt in relation to existing buildings. It specifies that:

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

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

9.7 Core Strategy Development Plan Document (CSDPD) Policy CS9: Development on Land Outside Settlements states:

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

i. Protect the defined gaps within or adjoining the Borough from development that would harm the physical and visual separation of settlements either within or adjoining the Borough.

or

ii. Maintain the Green Belt boundaries within Bracknell Forest and protect the Green Belt from inappropriate development"

9.8 Bracknell Forest Borough Local Plan (BFBLP) Saved Policy GB1 states that:

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

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

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

9.10 Saved Policy GB4 of the BFBLP allows for the re-use and change of use of buildings within the Green Belt:

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

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

9.11 The NPPF at para 146 d) allows for the re-use of buildings provided that the buildings are of permanent and substantial construction, however Saved Policy GB4 goes further than the NPPF and includes the 7 criteria listed above that the proposal should be assessed against. As this policy is not entirely in conformity with the NPPF, the approach set out within the NPPF takes precedence.

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

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

1) Whether the proposal constitutes inappropriate development within the Green Belt

9.13 The application proposes the conversion or re-use of an existing agricultural building for residential use. Para 146 d) of the NPPF states that the re-use of buildings can constitute appropriate development provided that the buildings are of permanent and substantial construction and that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

9.14 The development applied for comprises the conversion of an existing agricultural building to 6no. residential units, with proposed internal and external alterations to the building to facilitate the re-use of the building.

9.15 The existing agricultural building on site is enclosed on three sides with an open frontage. The building internally is supported by a steel portal frame which sits on a concrete slab and is enclosed by corrugated sheeting with a roof which spans the whole width and depth of the frame. The proposed works would comprise replacing the existing roof and adding cladding to the existing frame of the building. Objectors have questioned whether the building could structurally be converted and re-used from an agricultural building to residential use.

9.16 The tests set out in para 146 d) of the NPPF are whether the building to be re-used is of permanent and substantial construction. A site inspection of the existing building was undertaken in February 2020 by ACM (Developments) Ltd - a qualified Chartered Building Surveyor. The inspection concluded that given the method of building construction and the building's permanent retention on site since the 1980s without falling into dilapidation or disrepair, the existing building is, in the view of the Surveyor, considered to be of permanent and substantial construction.

9.17 The findings of this inspection are also corroborated by an inspection of the same building in October 2008 by Longman Developments Ltd related to application, LPA ref: 08/00091/FUL and a subsequent appeal lodged following the refusal of the application by the LPA. The aforementioned application was for the change of use of the existing barn to B1 (business) use. As part of the appeal, a structural survey was undertaken of the building where it was again concluded that the barn at that time was in good condition and the works to convert the building to B1 use would be "very straightforward". Although the appeal was dismissed, the Inspector at para 7 of the appeal decision dated 24 April 2009 states "*based on the evidence of qualified architects and a local builder, I accept that it should be possible to essentially convert the existing structure...albeit with significant internal and some external works*". Whilst it is acknowledged that there is a 12-year difference between the date of the inspection in 2008 and the inspection undertaken as part of this application in February 2020, the building remains in good condition and has not become dilapidated in this time.

9.18 As such, based on the survey inspection submitted as part of this application, it is considered that the existing building is of permanent and substantial construction and therefore capable of conversion to residential use with internal and external works proposed. As such, the proposed conversion of the building satisfies the criteria outlined in para 146 d) of the NPPF and is therefore appropriate development in principle in the Green Belt.

9.19 Whilst the Council accepts that the proposed conversion of the existing building is appropriate development in the Green Belt, it is also a material consideration that prior approval was granted in November 2018, LPA ref: 18/00961/PAA for the change of use of existing agricultural building to 5no. residential properties. This is a material consideration in the determination of this application which provides a fallback position. The weight to be afforded to the fallback position is discussed in greater detail at paragraphs 9.23 to 9.38 of this report.

9.20 As well as the tests set out in the NPPF, the proposal must be tested against the criteria contained in BFBLP Saved Policy GB4 and Policy CS9 in the CSDPD insofar as they are consistent with the NPPF to assess if it is acceptable development in the Green Belt.

9.21 The proposed change of use of the building to residential use is considered to be in accordance with Saved Policy GB4 as follows:

- The proposal does not increase the built form on site - no extensions are proposed to the building to facilitate the change of use to residential, along with no increase in the height of the building over that existing. The proposed parking/turning area would be similar to that granted by prior approval 18/00961/PAA.
- Adequate space exists on site to provide on-site parking and turning required connected to the proposed use of the building for C3 residential use along with provision of residential curtilage for each unit.
- The materials proposed for the external finish of the building would be appropriate to the rural setting of the site. Details of landscaping and means of boundary treatment around the building could be secured by planning condition to ensure the use would not be detrimental to the character of the surroundings and landscape setting of the site
- The use would not be related to a business, industrial, distribution or storage use.
- The proposal is for 6no. residential units. 5no. residential units were granted by prior approval 18/00961/PAA. This scheme constitutes a fallback position of lawful development which has a real prospect of being implemented. This application proposes 1no. additional unit over and above that granted and which could be implemented by the 2018 prior approval. There are residential dwellings in the surrounding area on Prince Albert Drive and Prince Consort Drive and therefore the proposal would not be inappropriate in a rural area due to existing residential uses and also taking into account what could be implemented as part of the fallback position.

9.22 As stated previously, the tests under Saved Policy GB4 of the BFBLP go further when assessing if a proposed change of use of a building is appropriate in the Green Belt when compared to the test set out at paragraph 146 d) of the NPPF - that being whether the building is of permanent and substantial construction when assessing applications for change of use. Whilst the tests above in relation to Saved Policy GB4 have been undertaken, these are not consistent with the tests of the NPPF. It has been demonstrated that the building is of permanent and substantial construction in accordance with para 146 d) of the NPPF and therefore the conversion of the building to residential use is appropriate development in principle in the Green Belt.

9.23 The development subject to this application also proposes a change of use of land from agricultural land to private residential gardens for each of the 6no. residential units proposed and an on-site parking/turning area. Para 146 e) states that material changes in the use of land such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds can constitute appropriate development provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. It is noted that para 146 e) is not exhaustive in listing what material changes of use of land maybe appropriate in the Green Belt, subject to ensuring it preserves the openness of the Green Belt. It is acknowledged that the change of use of land for residential use would result in some urbanisation of the land around the building through the introduction of formal gardens, residential paraphernalia and use of land for parking of domestic vehicles. This would not preserve the openness of the Green Belt and is therefore not considered appropriate development in the Green Belt.

9.24 In order for this change of use of land to be acceptable, very special circumstances must exist. These circumstances are considered in the following paragraphs.

The fallback position

9.25 Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, a material consideration is the granting of

a prior approval application in November 2018 for the change of use of existing agricultural building to 5no. residential properties, LPA ref: 18/00961/PAA.

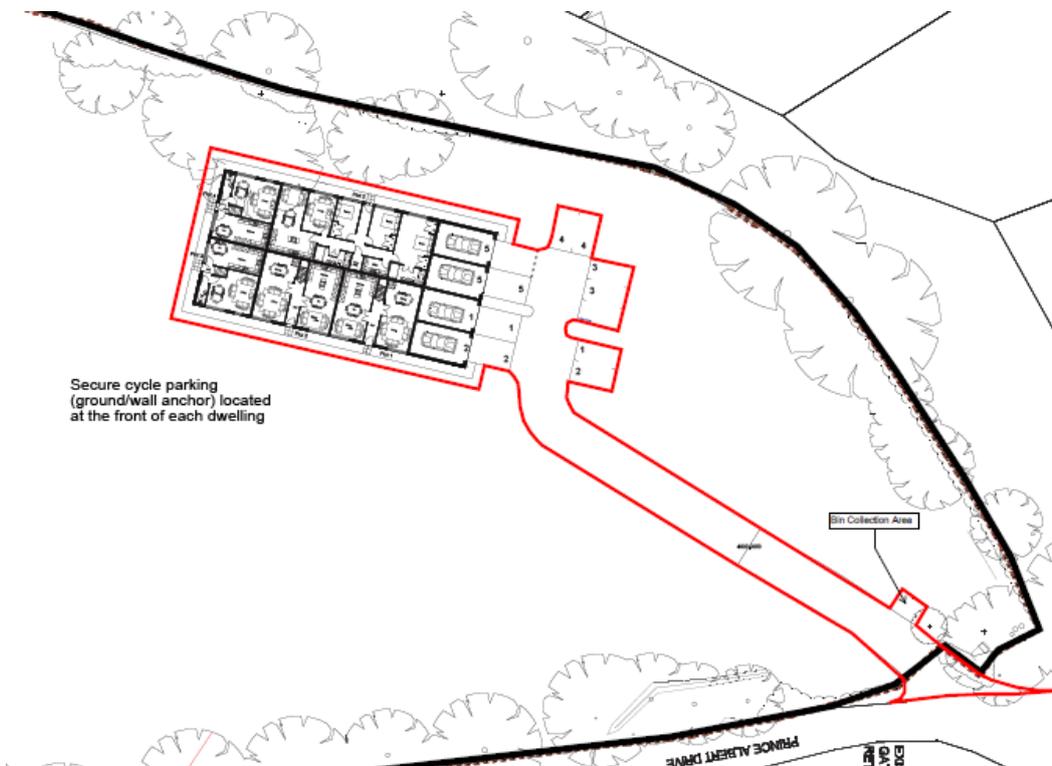
9.26 When considering the fallback position, the relevant tests are:

- whether there is a fallback position (that is a lawful ability to implement a certain use or development);
- secondly whether there is a likelihood or real prospect of such use/development occurring;
- thirdly, if there is a real prospect of such a use occurring, a comparison should be made between the proposed use/development and the fallback position.

In terms of these tests, the responses are as follows:

9.27 A prior approval application was granted for the change of use of an existing agricultural building to 5no. residential properties, LPA ref: 18/00961/PAA. The application was made and considered under Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As the proposal satisfied all of the caveats outlined in the aforementioned legislation, the prior approval application was granted and the development – the change of use of the existing agricultural building to 5no. residential properties is therefore a development that could lawfully be implemented on site. As such, this is a fallback position which should be attributed significant weight to the determination of this application. Whilst it is acknowledged that objector comments raise the issue that the Council were erroneous in granting prior approval applications 17/00080/PAA and 18/00961/PAA, the granting of these prior approval applications have not been formally challenged or revoked.

The prior approval granted by 18/00961/PAA.



9.28 Prior approval application ref: 18/00961/PAA provides a fallback position as it is an extant scheme which has been secured by a formal application in November 2018 (the prior approval application) and the development could be implemented on site. The building exists on site and would not require any demolition works; it would result in its conversion so there is no reason why

the development could not realistically be implemented on site. There seems a clear intention to develop the site for residential use (as 2 prior approval applications have been granted for residential use granted by 17/00080/PAA and 18/00961/PAA and a previous planning application submitted for residential use, despite this being refused). The external appearance of the building as proposed would not be dissimilar to that granted by the 2018 prior approval application and amended by the non-material amendment application 19/00302/NMA. The parking arrangement would be similar to that granted by the 2018 prior approval application.

9.29 Appeal decisions and court judgements (a well-known court judgement being *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314) have established that significant weight should be afforded to the fallback position when considering new developments that require planning permission where there is a real prospect of the scheme (i.e. the fallback position) being implemented. Further, the real prospect of a fallback scheme being implemented does not necessarily require a prior approval/planning permission to have been granted. In this instance, a prior approval application (ref: 18/00961/PAA) has been granted for 5no. units (along with a previous prior approval application granted for the conversion of the building to 1no. residential unit). As such, it is the view of the LPA that there is a real prospect that the use granted by the 2018 prior approval could occur as it is clearly the intention for a residential use to be implemented on site.

9.30 Given there is a real prospect of the fallback position of the change of use of the existing agricultural building to 5no. residential properties granted by the 2018 prior approval being implemented, a comparison can be made between the development subject to this application versus the fallback position which is as follows:

9.31 The development subject to this application would not result in any extensions to the existing building; this was the same as the 2018 prior approval application. The development proposed by this application would result in the creation of 1no. additional residential unit of accommodation over and above that approved by the 2018 prior approval permission (the fallback position) but within the same building envelope with no increase in footprint or volume of the building. The development proposed by this application is for 6no. residential units as opposed to 5no. residential units granted by the 2018 prior approval application. However, the additional vehicular and pedestrian movements and additional residential activity associated with an additional residential unit would be minimal when compared to the extant fallback position established by the 2018 prior approval application.

9.32 Whilst it is noted that the existing barn is of utilitarian design and the proposed re-use of the building would significantly alter its external appearance, it would still retain a barn-like appearance with the use of shiplap cladding. The external finish of the building as proposed by this application would be very similar to that granted by prior approval 18/00961/PAA and the non-material amendment application 19/00302/NMA. The parking area serving the proposed 6no. units would be in a similar location to that approved by the 2018 prior approval application.

9.33 As referred to above, this application also proposes a change of use of land from agricultural land to private residential gardens which may not be considered appropriate development in the Green Belt. However, consideration must again be given to the fallback position granted by the 2018 prior approval.

9.34 The 2018 prior approval granted a residential curtilage of 419sqm around the building (this area included individual garden areas for each of the 5no. units and parking/turning areas).

9.35 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows a change of use of an agricultural building and land within its curtilage to residential use. The definition of curtilage in relation to the Order is found at Paragraph X of Part 3 which states:

"(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with or serving the purposes of the agricultural building; or
(b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building,
whichever is the lesser."

9.36 The curtilage proposed by this application would be 461sqm. This would be slightly less than the area of land occupied by the agricultural building which is 465sqm which would be permissible under a prior approval application (although it is noted this area of curtilage has not been secured formally by a prior approval application). As stated previously, the real prospect of a fallback position does not necessarily require prior approval/planning permission being granted. Whilst prior approval has been granted under Class Q of the GPDO 2015 (as amended) for a smaller curtilage than that proposed by this application, it is a fallback position that a curtilage of up to 465sqm could lawfully be created as part of a prior approval application. Therefore significant weight should be afforded to this factor. As such, whilst a larger residential curtilage is proposed by this planning application when compared to that granted by the 2018 prior approval, the area of the curtilage proposed could be secured by a further prior approval application and the 2018 prior approval has already been granted which included residential curtilage. While the change of use of the land comprises inappropriate development in the Green Belt, the fallback position described above provides the very special circumstances necessary to justify approval in this case.

9.37 The site is not considered to be in a sustainable location in that it would have to be accessed by private car, however the building subject to this application is in exactly the same location as the 2018 prior approval application and any harm caused by the additional unit in this respect would be minimal.

9.38 In summary, the fallback position which has been established by the most recent prior approval application (the 2018 prior approval application for 5no. residential units), should be afforded significant weight in the determination of this application.

9.39 It is noted that objectors state that the reasons for refusal of previous application, ref: 18/00267/FUL for the conversion of agricultural barn to 8no. duplex residential apartments (4no. x 4 bedroom and 4no. x 3 bedroom) with associated parking, bin store and cycle storage are relevant to the determination of this application. Whilst it is acknowledged that this application was refused, with one ground relating to the development being considered inappropriate development in the Green Belt; for the reasons set out above, the granting of the 2018 prior approval following the refusal of application 18/00267/FUL is considered as a fallback position and is clearly a material consideration which should be afforded significant weight in the determination of this application.

2. The effect of the proposal on the openness of the Green Belt.

9.40 Para. 133 of the NPPF indicates that 'openness' is an essential characteristic of the Green Belt. The term openness is not defined in the NPPF, however given the lack of definition; it could reasonably be interpreted as the absence of built development. Openness can be harmed by (among other things) new built form, external storage, extensive hard standing, car parking and boundary walls or fencing. Landscapes are very important to the openness and amenity of the Green Belt. The visual impact on landscape forms part of the consideration of harm and is not just associated with views from public vantage points.

9.41 The NPPF states that certain forms of development are not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purpose of including land within it. Para 146 d) states that the re-use of buildings provided that the buildings are of

permanent and substantial construction can be considered appropriate development in the Green Belt subject to assessing impact on openness

9.42 The proposed change of use of the building to C3 residential use would not require any extensions to the building which would ensure the proposal would not harm the open, undeveloped character of the Green Belt. The building is already in situ and would result in its re-use.

9.43 The proposed external alterations to the building which would include the addition of shiplap boarding, render, windows and roof tiles would also not in themselves harm the openness of the Green Belt.

9.44 The proposal includes the change of use of agricultural land to residential use with the introduction of residential gardens and communal parking areas and the associated impact on the openness of the Green Belt. The 2018 prior approval application granted both individual residential gardens and a communal parking area to serve the 5no. residential units. This application proposes a slightly larger residential curtilage around the building which would be allocated to each of the 6no. residential units, however the area of land that would be changed to residential garden and parking would be what is permissible under a prior approval application as a lawful fallback position and therefore comprises a very special circumstance to permit the change of use of land. As part of a planning application, the LPA would have more control over the use of land, with the ability to remove permitted development rights for extensions/outbuildings/hard surfacing, etc in the interest of protecting the openness of the Green Belt. A further condition requiring details of hard and soft landscaping and boundary treatment is recommended in the interests of protecting the openness and rural character of the site.

3) Impact on purpose of including the land within the Green Belt

9.45 The five purposes for including land within the Green Belt are set out in paragraph 134 of the NPPF. These are:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

9.46 The proposed development with the conversion and re-use of the existing building would not result in unrestricted sprawl or towns merging.

9.47 In terms of encroachment into the Countryside, the proposal is for the re-use of an existing building. In this instance (and as discussed previously), it is a material consideration that there is an extant prior approval, LPA ref: 18/00961/PAA which provides a lawful fallback position for the conversion of the building into 5no. residential units, along with a change of use of land around the building for parking and gardens. This current application is for the conversion of the building into 6no. residential units (a net increase of 1 unit over that granted by prior approval ref: 18/00961/PAA) and would result in the change of use of a larger area of land from that approved by the 2018 prior approval application. However, the proposed residential gardens and parking area would occupy just under the same area of land as the agricultural building which would be permissible under another prior approval application.

9.48 The setting and special character of historic towns would be unaffected as the site is not part of, and does not affect the setting of a historic town. In terms of urban regeneration, although this is a Green Belt site, it would result in the re-use of an existing building.

9.49 In summary, it has been demonstrated that the building is of permanent and substantial construction in accordance with para 146 d) of the NPPF and therefore the conversion of the building to residential use is appropriate development in principle in the Green Belt. It is a material consideration that prior approval was granted in 2018 for the conversion of the existing building into 5no. residential units which provides a fallback position and should be afforded significant weight in the determination of this application. The change of use of agricultural land to residential garden maybe considered inappropriate development in the Green Belt. However what is permissible under a prior approval application as a fallback position comprises a very special circumstance to permit the change of use of land to garden. The impact of the current proposal on the openness of the Green Belt would be similar to that if the fallback position of the 2018 prior approval were implemented. Further, the development would not conflict with the purposes of including land within the Green Belt.

9.50 The proposal is therefore considered acceptable in principle, for the reasons given above and subject to other material considerations including impact on residential amenity, character and appearance of surrounding area, highway safety implications, etc.

ii. Residential amenity

9.51 There are residential dwellings on Prince Albert Drive and Prince Consort Drive which either share a boundary with the site or have some views across the site. These dwellings are set a minimum of some 90m from the existing building subject to the conversion. The proposed use of the building for C3 residential use would require external alterations to the existing building, including the addition of windows and doors. However these external alterations would not result in an adverse impact to surrounding dwellings through overlooking and loss of privacy in view of the separation distances between the application site and existing surrounding dwellings. Further screening is provided along the eastern, southern and western boundaries of the site by vegetation and protected trees.

9.52 Due to screening provided along the eastern, southern and western boundaries of the site by vegetation and protected trees, the changes to the building and creation of gardens and parking areas associated with the change of use of the building would not appear visually intrusive to surrounding properties.

9.53 Each of the proposed units would have its own on-site parking provision, along with private amenity space.

9.54 As such, the proposal would not be considered to adversely affect the residential amenities of neighbouring occupiers or the future occupiers of the proposed dwellings and would therefore be in accordance with Saved Policy EN20 of the BFBLP and the NPPF.

iii. Impact on character and appearance of surrounding area

9.55 The external changes proposed to the building to facilitate the change of use to residential, including the insertion of windows and doors would not be considered to detract from the host building or appear obtrusive when viewed from outside the application site. No external alterations are proposed to the building itself in relation to its size or height. The conversion of the building to residential use would retain a barn style form.



9.56 Externally, the building would comprise a mix of character oak feather edge shiplap boarding, chalk render, brick plinth and natural Spanish roof slates. The external finish of the building would be considered appropriate to the rural setting of the site. Internally a steel frame would be added to the building to provide accommodation at first floor level, however these works would be contained within the envelope of the building itself.

9.57 The site would be accessed from Prince Albert Drive via an internal access road which would lead to an on-site parking and turning area. Whilst the driveway and parking/turning area would have some urbanising impact upon the rural character of the area, the works would be limited at surface level and given the level of screening provided around the perimeter of the site, it would not appear readily visible outside of the site.

9.58 The extent of the hard surfacing to facilitate the parking/turning area for the proposed residential use would be similar to that granted by the lawful fallback position of the 2018 prior approval.

9.59 Existing trees and vegetation around the perimeter of the site would be retained and protected during the course of the development in the interests of the rural character of the area. 2no. birch trees would be removed close to the entrance of the site; however replacement planting could be secured by a landscaping condition.

9.60 A planning condition is recommended to remove permitted development rights for extensions/roof alterations/outbuildings/hard surfacing to protect the visual amenities and rural character of the area. A further planning condition is recommended relating to landscaping and means of enclosure in the interests of the rural character of the area.

9.61 As such, the proposal would not adversely affect the character and appearance of the surrounding area and would be in accordance with Saved Policy EN20 of the BFBLP, Policy CS7 of CSDPD and the NPPF.

iv. Transport implications

9.62 The proposed apartments would take access from Prince Albert Drive, which is an unadopted road. The revised site plan shows a proposed 4.8m wide access to serve the proposed residential units. This width would be sufficient for two vehicles to pass on the access road. This would be

similar to prior approval application, ref: 18/00961/PAA which also made provision for the existing access to be upgraded and to be widened to enable two vehicles to pass and pull clear of the road. The visibility to the north is limited to 2.4 x circa 20m but, given the slow speed of vehicles on Prince Albert Drive, this is not anticipated to present a road safety issue.

Parking

9.63 13 parking spaces are proposed - this would provide 12 parking spaces to comply with the residential requirements for 6no. 3-bed apartments (which require 2 spaces each), and one visitor parking space; in line with the requirement of one visitor parking space per 5 dwellings.

9.64 Three of the spaces are provided as car ports with measurements of 3.5m by 5.5m, which is in line with the Parking Standards SPD (March 2016). The parking spaces in front of the car ports measure 3.6m by 4.8m, which assists in providing pedestrian access to the apartments, and use by those with restricted mobility. The proposed courtyard parking spaces measure as 2.4m by 4.8m, with at least 6m of aisle width between, which complies with the Parking Standards SPD and Manual for Streets. Car parking, including courtyard parking spaces, and car ports should be secured via planning condition.

9.65 Each unit is to be provided with a storeroom which could be used for cycle parking, and some visitor cycle parking is shown near to the site access, to provide cycle parking to standard. The cycle visitor parking near to the site access is not ideal in terms of security and visitor cycle parking closer to the building would be preferred, but prior approval application, ref: 18/00961/PAA allowed visitor cycle parking in the same location. Cycle parking would be secured via planning condition.

Refuse Collection

9.66 Bracknell Forest Council's refuse vehicles would not enter the site and a refuse collection point is shown close to the site access onto Prince Albert Drive, in the same location as approved under 18/00961/PAA. This collection point cannot be moved to a location where it meets both carrying distances for residents and the refuse service and it makes sense for it to remain in the same location as that approved by the prior approval. The collection point is only for collection day as the rest of the time the bins will be stored in the individual stores within the building. An informative should be appended to permission to confirm that future residents will have to move bins to/from the collection point for bin collection day.

Trips

9.67 6 apartments are likely to generate 36 two-way trips per day, including three or four movements in both peak periods. However, prior approval has been granted for 5 no. apartments which is likely to generate 30 two-way trips per day, including two or three movements in both peak periods.

9.68 The site is around 2km from Ascot. There are no bus routes along Kings Ride. Whilst cycling is an option and Martin's Heron railway station is an acceptable cycling distance (within 5km), this is a relatively unsustainable location. Thus, the majority of trips are likely to be car. However, as discussed previously in this report, there is a lawful fallback position for the building to be converted into 5no. residential units and therefore the location/accessibility of the location would not be a reason to refuse the application.

9.69 Subject to the imposition of conditions, the proposal is considered to be in accordance with CS23 of the CSDPD, Saved Policy M9 of the BFBLP and the NPPF and would not result in adverse highway implications.

v. Trees

9.70 There are trees along the eastern, southern and western boundaries of the site which are protected by confirmed Tree Preservation Orders 277 and 395. The trees closest to the existing building which is subject of the current application comprise a mix of Oak, Birch, Pine and Beech.

9.71 The proposed individual garden areas located to the west of the existing building would be larger than that approved by the 2018 prior approval application and would be located directly under the crown of protected trees and within the main root protection areas of protected trees. It is considered that the introduction of gardens to the west of the existing building could place pressures on the protected trees to either prune them or remove them in the long term. However, again as outlined previously, significant weight should be afforded to the lawful fallback position which could be implemented by a prior approval application where a curtilage of up to 465sqm (the same footprint as the existing building) could be created on site. As part of the prior approval process, consideration is not given to impact to trees (whether they are subject to tree preservation orders or not) and therefore the use of the land to the west of the existing building could take place regardless of any resulting impact to protected trees. Notwithstanding this, any proposal to prune existing trees subject to Tree Preservation Orders would require consent from the Council's Tree Service and would be subject to separate legislation.

9.72 The size of the building subject to this application would not be increased and the private garden areas would be primarily soft landscaping. A planning condition removing permitted development rights relating to extensions/outbuildings/hard surfacing would safeguard protected trees.

9.73 It is proposed to remove Birch trees close to the existing access to the site, however there is no objection to this given the modest sizes of the trees. This would be subject to replacement planting with long term species such as English Oak or Hornbeam elsewhere on site which would be secured by planning condition.

9.74 Existing trees around the perimeter of the site (with the exception of the removal of 2no. Birch trees) would be retained and protected during the course of the development which would also be secured by planning condition.

9.75 Subject to the imposition of conditions and taking into account the lawful fallback position which could be implemented by a prior approval application, there would be no valid grounds to refuse the application on arboricultural grounds.

vi. Biodiversity

9.76 The application site comprises an agricultural barn set within a grassland field, bordered by woodland. The majority of the grassland to the south of the site will be retained, but areas of vegetation will be cleared.

9.77 The application has been accompanied by an ecological report which concludes that the proposed works are unlikely to adversely affect roosting bats. The surrounding habitats are of high suitability for use by commuting and foraging bats and any external lighting scheme should be designed to avoid any impact. External lighting and new roosting opportunities can be secured by condition.

9.78 A precautionary approach is proposed to cutting the vegetation under the supervision of a suitably qualified ecologist to ensure that reptiles are not affected, and they can disperse into the surrounding habitat. This is considered sufficient to ensure that reptiles are displaced prior to further works affecting these areas and shall be secured by condition.

9.79 As such subject to conditions, the development would accord with Policies CS1 and CS7 of the CSDPD and the NPPF.

vii. Thames Basin Heath SPA

9.80 The Council, in consultation with Natural England, has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath Special Protection Area (SPA) is likely to have a significant effect on the integrity of the SPA, either alone or in-combination with other plans or projects. An Appropriate Assessment has been carried out including mitigation requirements.

Appropriate Assessment

9.81 In accordance with The Conservation of Habitats and Species Regulations (2017) Regulation 63 a competent authority (in this case Bracknell Forest Council (BFC)), before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

- a. is likely to have a significant effect on a European site...(either alone or in combination with other plans or projects), and
- b. is not directly connected with or necessary to the management of that site.

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

9.82 A person applying for any such consent, permission or other authorisation must provide such information as BFC may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required.

9.83 BFC must for the purposes of the assessment consult Natural England (NE) and have regard to any representations made by that body. It must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate. In the light of the conclusions of the assessment, and subject to Regulation 64 (Considerations of overriding public interest), BFC may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.

9.84 In considering whether a plan or project will adversely affect the integrity of the site, BFC must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given. The Council have undertaken an Appropriate Assessment following consultation with NE.

SPA mitigation

9.85 This site is located approximately 3.3km from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

9.86 On commencement of the development, a contribution (calculated on a per-bedroom basis) is to be paid to the Council towards the cost of measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Council's Thames Basin Heaths Special Protection Area Supplementary Planning Document (SPD). The strategy is for relevant developments to make financial contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the SPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures.

The Council will also make a contribution towards SANG enhancement works through Community Infrastructure Levy (CIL) payments whether or not this development is liable to CIL.

9.87 In this instance, the development would result in a net increase of 6 x three-bedroom dwellings which results in a total SANG contribution of £36,672.

9.88 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which will also be calculated on a per bedroom basis. Taking account of the per bedroom contributions this results in a total SAMM contribution of £4,266.

9.89 The total SPA related financial contribution for this proposal is £40,938. The applicant has agreed to enter into a S106 agreement to secure this contribution. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP Saved Policy NRM6, Saved policy EN3 of the BFBLP and CS14 of CSDPD, the Thames Basin Heaths Special Protection Area SPD, the Planning Obligations SPD and the NPPF.

viii. Community Infrastructure Levy

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

9.91 CIL applies to any new build (except outline applications and some reserved matters applications) including those that involve the creation of additional dwellings. CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the borough and the type of development.

9.92 The application site lies within the zone of Northern Parishes. The development is CIL liable.

ix. Energy sustainability

9.93 With regards to the requirements of Core Strategy Policies CS10 and CS12 which relate to energy sustainability and renewable energy, the application converts an existing building to residential use.

9.94 Paragraph 2.6 of the Sustainable Resource Management SPD states that proposals to convert or change the use of a building are excluded from Core Strategy Policies CS10 and CS12. Therefore no submission is required with regard to Policies CS10 and CS12 of the CSDPD.

x. Drainage

9.95 The site is located in Flood Zone 1. A planning condition is recommended to ensure that the hard surfaced areas proposed for access and on-site parking/turning are SuDS compliant.

10. CONCLUSION

10.1 Based on a survey inspection submitted as part of this application which is undertaken by a Chartered Member of the Royal Institution of Chartered Surveyors (RICS), it has been demonstrated that the existing building is of permanent and substantial construction and therefore its conversion to residential use is appropriate development in principle in the Green Belt. It is a material consideration that prior approval was granted in 2018 for the conversion of the existing

building into 5no. residential units which provides a fallback position and should be afforded significant weight in the determination of this application. The change of use of agricultural land to residential garden maybe considered inappropriate development in the Green Belt. However, what is permissible under a prior approval application (Class Q of the 2015 Order allows for change of use of buildings and land within its curtilage to residential use) as a fallback position comprises a very special circumstance to permit the change of use of land to garden. The very special circumstance of the fallback position relating to the change of use of land outweighs the harm to the Green Belt by reason of inappropriateness and makes this element of the proposed development acceptable. Whilst the development proposed by this application would result in the creation of 1no. additional residential unit of accommodation over and above that approved by the 2018 prior approval permission (the fallback position), the impact on the openness of the Green Belt would be similar to that if the fallback position of the 2018 prior approval were implemented. Further, the development would not conflict with the purposes of including land within the Green Belt.

10.2 The proposal would not adversely impact upon the residential amenities of neighbouring properties and character and appearance of surrounding area.

10.3 Taking into account the valid fallback position and that planning conditions can be imposed relating to highways, trees and ecology, there would be no adverse impacts to highway safety, trees or ecology.

10.4 A Section 106 agreement will secure SPA mitigation and the development is CIL liable.

10.5 The proposal is therefore considered to comply with CSDPD CS1, CS7, CS9, CS14 and CS23, Saved Policies EN1, EN3, EN20, GB2, GB4, M9 of the BFBLP, Saved Policy NRM6 of the SEP and the NPPF.

10.6 The application is therefore recommended for conditional approval subject to the completion of a s106 agreement.

11. RECOMMENDATION

11.1 Following the completion of planning obligation(s) 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 Special Protection Area (SPA);

That the Head of Planning be authorised to **APPROVE** the application subject to the following conditions amended, added to or deleted as the Head of Planning considers necessary:-

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

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

2. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 13 August 2019 and 27 February 2020:

drawing no. PAD/DEC/001

drawing no. PAD/DEC/002 Rev 7

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those shown on drawing no. PAD/DEC/001 received 13 August 2019.

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

[Relevant Policies: BFBLP EN20, CSDPD CS7]

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

REASON: To protect the openness of the Green Belt within which the site is located.

[Relevant Policies: BFBLP GB1, CSDPD CS9]

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

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

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

6. The dwellings hereby permitted shall not be occupied until details of a scheme of walls, fences and any other means of enclosure has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of any of the buildings approved in this permission.

REASON: In the interests of the visual amenities of the area and to safeguard existing retained trees, hedges and shrubs.

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

7. The dwellings hereby permitted shall not be occupied until details of the construction of the internal access driveway (including materials) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the occupation of any of the buildings approved in this permission.

REASON: In the interests of the visual amenities of the area, highway safety and accessibility

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

8. The dwellings hereby permitted shall not be occupied until the associated vehicle parking and turning space has been surfaced in accordance with the approved drawings. The spaces shall thereafter be kept available for parking and turning at all times.

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

[Relevant Policies: BFBLP M9, CSDPD CS23]

9. The car ports hereby approved shall be retained for the use of the parking of motor vehicles at all times and, notwithstanding the provisions of Part 1 Classes A and E of Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 (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 in the interests of highway safety.

[Relevant Policies: BFBLP M9, CSDPD CS23]

10. The dwellings hereby permitted shall not be occupied until secure and covered cycle parking spaces have been provided in the locations identified for cycle parking on the approved plans within the development. The cycle parking facilities shall thereafter be retained.

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

[Relevant Policies: BFBLP M9, CSDPD CS23]

11. Notwithstanding the provisions of Part 2 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), any gates or barriers provided for vehicular access shall open away from the highway and be set back a distance of at least 7 metres from the edge of the carriageway of the adjoining highway.

REASON: In the interests of highway safety.

[Relevant Policies: CSDPD CS23]

12. The parking and turning areas and internal access driveway shall incorporate surface water drainage that is SuDS compliant and in accordance with DEFRA "Sustainable Drainage Systems - Non-statutory technical standards for sustainable drainage systems" (March 2015). It shall be operated and maintained as such thereafter.

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

[Relevant Policies: CSDPD CS1, BFBLP EN25]

13. All existing trees shown to be retained and protected in the document entitled "Arboricultural Impact Assessment Addendum" by Landarb Solutions received 13 August 2019 shall be protected by 2m high (minimum) welded mesh panels, supported by a metal scaffold framework, constructed in accordance with Section 6.2 of British Standard 5837:2012, or any subsequent revision. The development shall be carried out in accordance with the approved document/drawings.

REASON: In order to safeguard trees in the interests of the visual amenity of the area.

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

14. The protective fencing specified by condition 12 shall be erected prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site. No activity of any description must occur at any time within these areas including but not restricted to the following: -

a) No mixing of cement or any other materials.

- b) Storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description.
- c) Siting of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, porta-loos, storage compounds or hard standing areas of any other description.
- d) Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ ground conditions of any other description.
- e) Installation/siting of any underground services, temporary or otherwise including; drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting.
- f) Parking/use of tracked or wheeled machinery or vehicles of any description.

In addition to the protection measures specified above:

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

REASON: In order to safeguard trees in the interests of the visual amenity of the area.

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

15. The precautionary measures detailed in the Ecological Impact Assessment by Grassroots Ecology received 13 August 2019 shall be undertaken in accordance with the approved mitigation measures and retained as such thereafter.

REASON: To ensure that wildlife is not adversely affected by the proposed development.

[Relevant Policies: BFBLP EN20 and EN25, CSDPD CS1 and CS7]

16. The dwellings hereby permitted shall not be occupied until details of biodiversity enhancements, to include at least 3 kestrel nest boxes, bat boxes or bricks, reptile habitats and native and wildlife friendly landscaping has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

REASON: To ensure that wildlife is not adversely affected by the proposed development.

[Relevant Policies: BFBLP EN20 and EN25, CSDPD CS1 and CS7]

17. The dwellings hereby permitted shall not be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for external site lighting and how this will not adversely impact upon wildlife. No external lighting shall be installed on the site or affixed to any buildings on the site except in accordance with the approved details. The external lighting report shall include the following:

- A layout plan with beam orientation
- A schedule of equipment
- Measures to avoid glare
- An isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of importance for commuting and foraging bats.

The approved lighting details shall thereafter be implemented in accordance with the approved details and retained as such thereafter.

REASON: To ensure that wildlife is not adversely affected by the proposed development.

[Relevant Policies: BFBLP EN20 and EN25, CSDPD CS1 and CS7]

Informatives

1. 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.

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

1. Time limit
2. Approved plans
3. Materials
4. Restrictions on permitted development
8. Parking
9. Retention of car ports
10. Cycle parking
11. Gates
12. SuDS
- 13 and 14. Tree protection
15. Ecological measures

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

5. Landscaping
6. Boundary treatment
7. Access road construction
16. Biodiversity enhancements
17. Lighting

3. Future occupiers will need to carry their bins/refuse to/from the bin collection point on bin collection day.

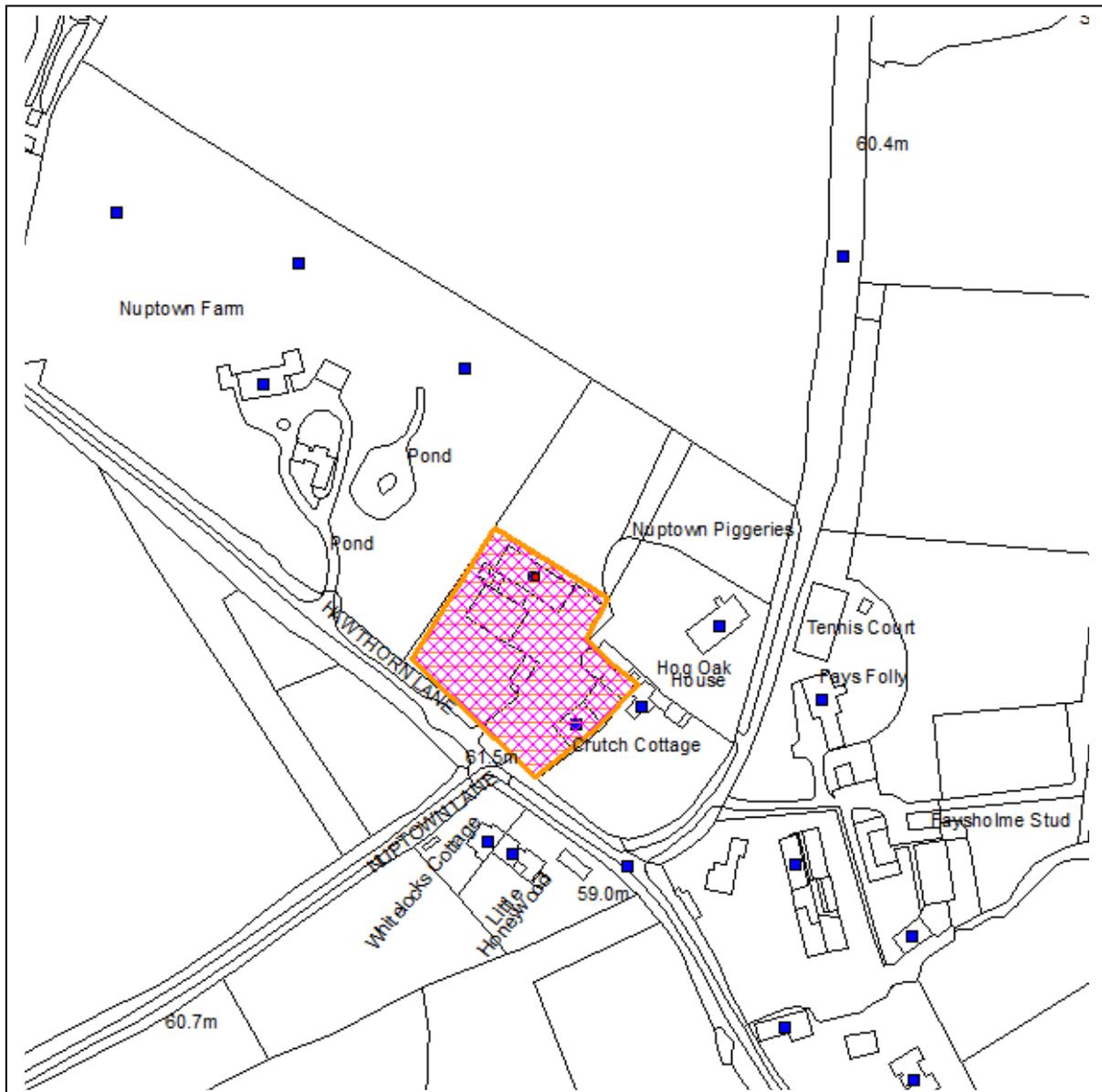
In the event of the S106 agreement not being completed by 31 July 2020, the Head of Planning be authorised to either extend the period further or refuse the application on the grounds of:

The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impacts in this respect. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and the Thames Basin Heaths Special Protection Area Supplementary Planning Document (2018).

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ITEM NO: 07	Ward:	Date Registered:	Target Decision Date:
Application No. 19/00930/FUL	Winkfield And Cranbourne	31 October 2019	26 December 2019
Site Address:	Nuptown Piggeries Hawthorn Lane Warfield Bracknell Berkshire RG42 6HU		
Proposal:	Full planning application for the erection of 3x detached dwellinghouses including driveways and garages and landscaping following removal of 7 existing buildings and hardstanding at the site		
Applicant:	Mr Blair		
Agent:	Mr Nick Kirby		
Case Officer:	Sarah Fryer, 01344 352000 development.control@bracknell-forest.gov.uk		

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



1. SUMMARY

1.1 Planning permission is sought for the demolition of all existing buildings, the lawful planning use of which is agriculture, and the erection of 3 detached dwellings with 3 detached garages. The lawful planning use of the application site is agriculture and there has been no material change of use.

1.2 The site benefits from planning permission for the demolition of the existing buildings and the erection of 2 dwellings with detached garages which could be implemented and a discharge of conditions application has been submitted to enable works to commence. This is the 'fallback position' and is a material consideration, which carries significant weight, in the determination of this application.

1.3 Despite the increase in the number of units the application would not result in an increase in the volume or footprint of the built form from the fallback scheme. Accordingly, it is considered that there is not any greater impact upon the openness of the green Belt.

1.4 The application is considered to be acceptable in terms of design and appearance, character of the area, amenities, highway safety and biodiversity and is therefore recommended for approval.

RECOMMENDATION
Planning permission be granted subject to 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 as more than 5 objections have been received.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Green Belt
Tree Preservation Order

3.1 The site contains a number of single storey buildings, the lawful use of which is considered to be agricultural. Because of the agricultural use the site does not meet the NPPF definition of previously developed land. It is sited to the north of, and has access from, Hawthorne Lane, Warfield.

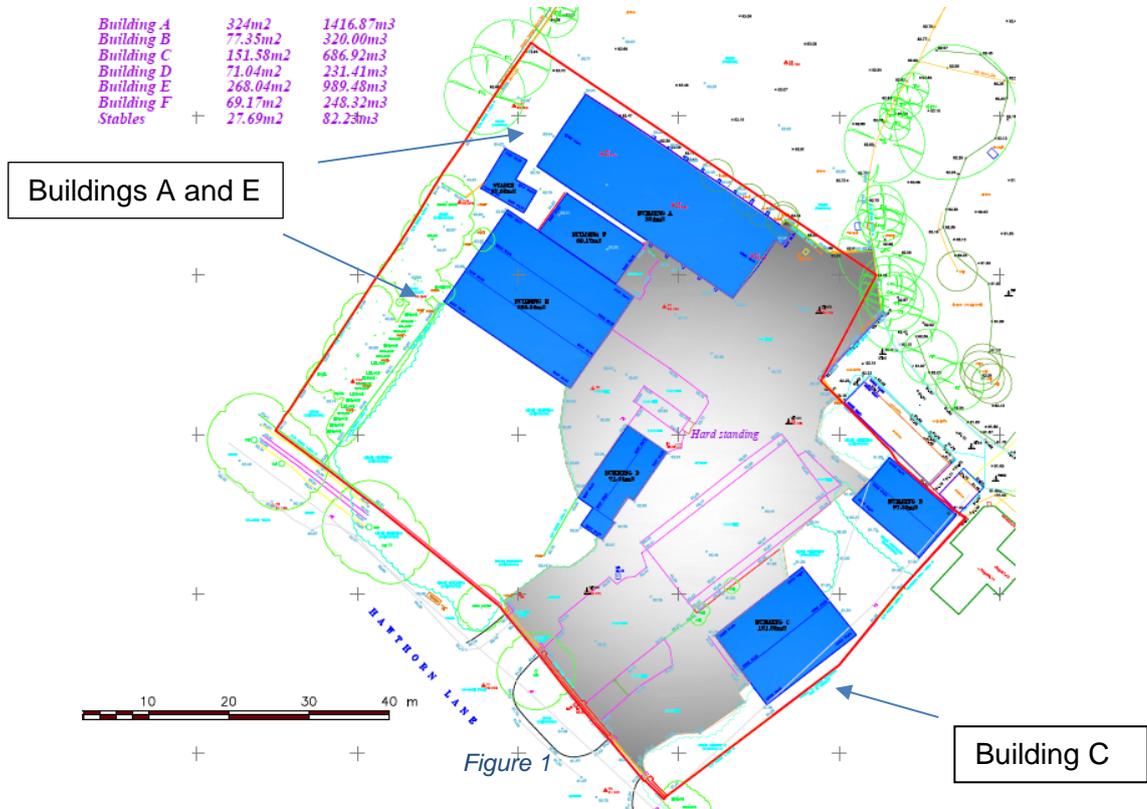
3.2 The site contains 6 buildings in agricultural use and is covered in hardstanding. Figure 1 below shows the current site layout and labels key buildings.

3.3 One of the buildings (building C) is the subject of an application under Class R of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This permits the change of use from agriculture to a flexible use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class B1 (business), Class B8 (storage and distribution), Class C1 (hotels) or Class D2 (assembly and leisure) of the Schedule to the Use Class Order by notifying the planning authority of the intended change of use. Building C is considered to have a lawful B8 use under a notification submitted to the Council on 21.12.2017.

3.4 In accordance with the conditions of Class R there is no expiry point. The only requirement is for the applicant to inform the council of the use. Therefore, this is a permitted

change of use for which the only requirement is that the owner must send notice to the Council. Accordingly, the flexible use should be considered as a fallback position.

Figure 1 – Existing Site



3.5 Application 16/00154/PAA approved the change of use of buildings A and E to residential under Class Q Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This was not implemented and has since time expired.

3.6 The buildings are all single storey with varying heights of between 5.67m and 3.06m. Building A is the most northerly sited building and has a barrel shaped roof constructed from metal sheets. The rest of the buildings have pitched roofs, constructed of prefabricated sheets.

3.7 The site is located within the Metropolitan Green Belt and is surrounded by a mixture of residential properties grouped around the junction with Hawthorne Lane, Nuptown Lane and Hogoak Lane. Open agricultural land surrounds the small hamlet and borders the northern boundary of the site. A woodland TPO relates to an area along part of the western boundary of the site, although most of the area order covers the trees to the west of the site located within Nuptown Farm. This was subject to an approved application to fell the trees within the application site (ref: 17/00279/TRTPO) and 6 oak trees were planted as replacements.

4. RELEVANT SITE HISTORY

4.1 The relevant planning history can be summarised as follows:

19/00721/PAA Application for prior approval for the change of use of 2no. agricultural buildings to 5no. dwellinghouses (C3) following the demolition of part of the buildings. Refused 13.09.2019

18/00124/FUL Erection of 2no. dwellinghouses with detached garages following demolition of existing buildings and removal of hardstanding. Approved 06.06.2018

17/00279/TRTPO Application to fell trees. Approved 09.01.2018

Notification of Change of Use from agricultural building to Class B8 (Storage and Distribution) received 21.12.2017

16/00689/PAA Application for prior approval for the change of use of 2no. agricultural buildings to 2no. dwelling houses following the demolition of part of the buildings. Approved 18.08.2016

16/00154/PAA Application for prior approval for the change of use of 2no. agricultural buildings to 2no. dwelling houses following the demolition of part of the buildings. Refused 23.03.2016

15/01131/FUL Change of use of agricultural land to residential and erection of a detached dwellinghouse and driveway, and construction of new driveway for Hog Oak House following the demolition of the existing agricultural buildings and hardstanding. Refused 11.01.2016

13/00156/FUL Change of use of existing agricultural barn to form 1 no. 6 bed detached dwelling and erection of detached garage following demolition of existing derelict buildings. Refused 14.01.2014

10/00792/OUT Change of use of existing agricultural barn to form 1 no. 6 bed detached dwelling and erection of detached garage following demolition of existing derelict buildings. REFUSED 03.03.2011

07/00463/FUL Section 73 application for the erection of single storey front extension forming portico, following demolition of existing portico. (Condition 03 of planning permission 624510 states that no extension to any dwelling house shall be constructed without the prior written permission of the Local Planning Authority.) Approved 11.07.2007

03/00418/FUL Continued use of agricultural buildings (total floor space 402 sq.m.) for storage purposes with ancillary offices. Refused 24.02.2005

01/00662/FUL Erection of 1no. five bedroomed house and building containing 4no. stables following demolition of existing buildings. Refused 12.10.2001

01/00776/T Application for a change of use of agricultural land & building for use as a compound for storage of pipes and road repair equipment for a temporary period of one year. Refused 05.10.2001

4.2 Various other historic applications relating to change of uses or seeking consent for a new dwelling now not relevant due to subsequent changes in legislation.

5. THE PROPOSAL

5.1 Planning permission is sought for the demolition of all the buildings within the site and erection of three dwellings and associated detached garages.

5.2 Plot 1 would consist of a two storey, 5 bedroom dwelling, with a double detached garage. The dwelling is designed with 2 projecting wings to the front, with a single storey mono-pitched roof element to the east. The maximum width and depth of the dwelling would be 10.99m by 13.37m and its maximum height would be 8.8m. This dwelling would be located roughly at the position of Building E, on the western side of the site, and adjacent to the TPO area.

5.3 Plot 2 is a 5 bedroomed, 2 storey property with timber detailing and two hipped gable features to the front. The maximum width and depth of the dwelling, would be 16m by 11m and with a height of 7.67m to the ridge. Plot 2 would have a detached double garage. This dwelling would be located centrally within the site on an area currently hard surfaced to the east of where building E currently stands.

5.4 Plot 3 is another 5 bedroom dwelling with a projecting hipped gable to the front and rear of the east side of the building. This building would have maximum dimensions of 12.95m by 10.78 and a height to the ridge of 7.63m. This dwelling is proposed to be located to the eastern side of the plot, in a similar position to the current location of building C.

5.5 Each dwelling would benefit from a detached double garage with a maximum height of 4.37m.

6. REPRESENTATIONS RECEIVED

Warfield Parish Council

6.1 Recommend refusal for the following reasons:
The development is not permissible under Schedule 2, part 3 class Q of the Town & Country Planning (General Permitted development) (England) Order 2015 on the grounds of floorspace exceeds 450 square metres and that the external dimensions of the buildings extend beyond the external dimensions of the existing buildings.

[Officer comment: This is a FULL application and not an application for Prior approval to which the parameters above relate. The application should be assessed in accordance with the Development Plan and any other material considerations].

Other representations:

6.2 16 objections have been received objecting to the proposal on the following grounds:

- a. Inappropriate development within the Green Belt
- b. Proposal would be out of keeping with the neighbourhood creating higher housing density and sub-urbanising effect.
- c. Harmful impact upon existing rural nature for residents and those using it for leisure
- d. Light pollution from houses would be detrimental to rural area
- e. In view of the refusal of 19/00721/PAA because the agricultural requirement was deemed not to have been met, how can the approved application for 2 houses stand and as a consequence there is no justification for this scheme to be allowed [Officer Note: see report at 9.20. Need for houses not justified as BFBC can demonstrate necessary allocation until 2036. [Officer Note: The council has consulted on the emerging Local Plan which covers the period until 2036, however as this is in its early stages, this carries little weight in the decision-making process. However, the Council can currently demonstrate housing land supply in excess of 6 years in accordance with the requirements of Chapter 5 of the NPPF].
- f. Proposal would generate extra traffic to the detriment of highway safety especially for pedestrians, cyclists, horse riders and others using narrow lanes.
- g. Supposed to be semi-rural and not suburban in character

- h. Application seeks to increase profit only
- i. Evidence from previous applications shows that there is asbestos on site which could pose a health risk to nearby residents. [Officer Note: Asbestos is controlled by the Control of Asbestos Regulations 2012 which is enforced by the Health and Safety Executive. This is not a determining factor, but can be addressed through the contamination conditions].
- j. Proposal would be detrimental to the openness of the Green Belt
- k. Nowhere within the application is change of use from agriculture to residential use mentioned or the curtilages of the proposed dwellings defined. The proposed site should retain agricultural restrictions.
- l. No demonstrated need for? agricultural dwellings.
- m. Inconsistencies within the submitted tree report especially concerning location of a Horse Chestnut Tree.
- n. Inconsistencies within supporting planning statement.

19 comments in support have also been received. These are summarised below:

- a. Would enhance and fit in with the surrounding area.
- b. Site has been an eyesore for years. Proposal would be an improvement.
- c. Will remove uncertainty on this site once and for all.
- d. The proposal constitutes brownfield development rather than greenfield development which should be encouraged.
- e. Good to see smaller properties rather than some millionaire's mansion.
- f. Like that the proposal maintains open views through to the countryside beyond.
- g. Supports the proposal providing:
 - i. no encroachment on to the Greenbelt outside the current built form
 - ii. No provision for business activities within the site
 - iii. Council nominated and approved specialist contractor used for site clearance
 - iv. Completion of the landscape as per plans.

7. SUMMARY OF CONSULTATION RESPONSES

Highways:

7.1 Considered acceptable subject to conditions

Drainage:

7.2 Information submitted considered acceptable subject to conditions.

Bio-diversity:

7.3 Acceptable ecological assessments. Recommends conditions

Rights of Way:

7.4 The application has access off a public byway open to all traffic. Damage to the surface from construction traffic is something we should deal with, in terms of reinstatement.

Trees:

7.5 No objection subject to conditions.

Environmental Health:

7.6 No objections in principle. A phase 1 contamination report has been submitted and further information can be secured with conditions.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF	Weight to be attributed, with reference to para. 213 of NPPF
Sustainable development principles	SALP Policy CP1	Para. 11(d) refers to 'policies which <u>are most important for determining the application are out-of-date</u> '. CP1 wording differs to this. Furthermore, the PPG states that there is no need for a policy to directly replicate para. 11.	Limited (policy not used in planning application decision-making)
	CSDPD Policy CS1	Consistent (Paras. 7, 8, 11, 12, & 117 - 119)	Full
Principle of development - outside settlement	CSDPD Policy CS2	Consistent (Para. 17 & 117 -119)	Full
	CSDPD Policy CS9 and BFBLP 'Saved' Policy EN8 BFBLP 'Saved' Policy H5	Elements are acknowledged to not be fully consistent (para. 170 a) and b) however the thrust of these policies remains consistent (paras. 78-79, 103, 104a, 117 & 170) Generally Consistent (paras. 79, 103, 117, 170, 213)	Moderate Limited, but relevant
Housing Provision	CSDPD Policy CS15	Inconsistent – utilises now outdated evidence base as basis for policy requirements.	None (policy not used in planning application decision-making)
Design & Character	CSDPD Policy CS7	Consistent (Chapter 12)	Full

	BFBLP 'Saved' Policy EN20	"	Full
Trees & Landscape	CSDPD Policies CS1 & CS7	Consistent (paras. 127 & 170)	Full
	BFBLP 'Saved' Policies EN1, EN2 & EN20	"	Full
Residential Amenity	'Saved' Policies EN20 & EN25 of BFBLP	Consistent (paras. 127, 170 & 180)	Full
Transport	CSDPD Policies C23 & CS24	Consistent (Chapter 9)	Full
	BFBLP 'Saved' Policies M4, M6, M8 & M9	"	Full
Drainage	CS1 of CSDPD	Consistent (paras. 163 & 165)	Full
Biodiversity	CSDPD Policies CS1 & CS7	Consistent (paras. 170 & 175)	Full
	BFBLP 'Saved' Policies EN1, EN2 & EN20	"	Full
Noise and Pollution (including Land Contamination)	CSDPD Policy CS1	Consistent (paras. 118, 170, 178 & 180)	Full
	BFBLP 'Saved' Policy EN25	"	Full
Sustainability of build (Renewable Energy and Water Use)	CSDPD Policies CS10 & 12	Consistent (para. 149)	Full
Green Belt	'Saved' Policy GB1	Consistent (para. 145)	Full
Supplementary Planning Documents (SPD):			
Design SPD (2017) Parking Standards SPD (2016) Planning Obligations SPD (2015) Streetscene SPD (2011) Sustainable Resource Management SPD (2008) Thames Basin Heaths SPA SPD (2018)			
Other publications:			
National Planning Policy Framework (NPPF) (2019) National Planning Policy Guidance (NPPG) (2019)			

9. PLANNING CONSIDERATIONS

- 9.1 The key issues for consideration are:
- i Principle of development
 - ii Impact upon the openness of the Green Belt
 - iii Impact on character and appearance of the area
 - iv Design
 - v Residential Amenity
 - vi Impact on Highway safety
 - vii Bio-diversity
 - viii Trees
 - ix Securing necessary infrastructure/ CIL

i. Principle of Development

9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration.

- 9.3 Paragraph 11 of the NPPF sets out that for decision takers this means:
- approving development proposals that accord with the development plan without delay, or
 - Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole.

9.4 Footnote 7 of the NPPF confirms that policies which are most important for determining the application within the local plan are considered out of date where the local authority cannot demonstrate a five year supply of deliverable housing sites.

9.5 Bracknell Forest Council is currently able to demonstrate that it has a 6.4 years supply of deliverable housing sites. This meets the requirement under the NPPF.

- 9.6 As the site is located within the Green Belt, the main considerations from a policy perspective are:
- a. Whether the proposed development constitutes inappropriate development in the Green Belt
 - b. The effect of the proposal on the openness of the Green Belt

9.7 The NPPF stresses the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open, and the essential characteristic of Green Belts are their openness and permanence (para. 133). The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para. 143), and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (para 144). The construction of new buildings in the Green Belt should be regarded as inappropriate, subject to certain exceptions (paras. 145 and 146)

9.8 Core Strategy Policy CS9 refers to the need to protect the Green Belt from inappropriate development and seeks to protect land outside the defined settlements for its own sake, particularly from development that would harm the character, appearance or function of the land.

9.9 The following paragraphs of the NPPF relating to the Green Belt are of specific relevance to this application:

9.10 Para 133 - the Government attaches great importance to Green Belts. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

9.11 Para 143 - makes it clear that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

9.12 Para 144- substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

9.13 Para 145 - A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

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

a. Whether the proposal represents inappropriate development within the Green Belt

9.14 Paragraph 143 of the NPPF makes it clear that inappropriate development within the Green Belt is by definition harmful. The proposal does not meet the criteria within paragraph 145. It fails to meet criterion g) because it is land that is occupied by agricultural buildings which means it is not defined as previously developed land. The proposal is therefore considered to be inappropriate development.

Consideration of any very special circumstances

9.15 Consideration may be given to any very special circumstances which exist in accordance with paragraph 143 of the NPPF.

9.16 Appeal decisions and court judgements have established that significant weight should be afforded to the fallback position when considering new developments that require planning permission where there is a real prospect of the scheme being implemented. Further, the real prospect of a fallback scheme being implemented does not necessarily require a prior approval/planning permission to have been granted.

The fallback position

9.17 Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, a material consideration is the granting of 18/00124/FUL.

9.18 When considering the fallback position, the relevant tests are:

- whether there is a fallback position (that is a lawful ability to implement a certain use or development);
- secondly whether there is a likelihood or real prospect of such use/development occurring;
- thirdly, if there is a real prospect of such a use occurring, a comparison should be made between the proposed use/development and the fallback position.

9.19 This site benefits from a full planning permission, granted in 2018 (ref: 18/00124/FUL), for the demolition of existing buildings and erection of two detached dwellings and associated garages. Weight must therefore be afforded to this extant permission on this site as this constitutes a fallback position.

9.20 Objections have been received questioning the status of the 2018 Full application since this application was granted on the basis of the fallback position of a prior approval consent ref: 16/00689/PAA, which has since time expired, and the unsuccessful attempt to seek further prior approval under reference 19/00721/PAA. Objections have commented that given the above the 2018 application should be revoked. Legal advice has been sought which has advised that there are no legal grounds under which to revoke application 18/00124/FUL. This application is still valid and capable of being implemented and therefore provides a legitimate fallback position to the application now under consideration.

9.21 In respect of the fallback position, planning permission has been granted and applications to discharge the conditions attached to that extent permission received, indicating a real prospect of this scheme being implemented. This is considered to satisfy the tests applied in appeals. Accordingly, significant weight should be given to the fallback position of the applicants on this site. In addition, building C can be changed to a flexible use under part R of the Town and Country Planning Act. This can be implemented following confirmation of the use submitted to the Council in writing. There is no expiry date for this notification.

9.22 In accordance with a number of recent appeal decisions, significant weight should be given to the 'fallback' position. In this instance the fallback position of the approved two dwellings on the site and the use approved by Class R are considered to be very special circumstances. They are therefore material considerations when considering the principle, design, appearance and layout of this proposal.

b. Impact on the openness of the Green Belt

9.23 Para. 133 of the NPPF indicates that 'openness' is an essential characteristic of the Green Belt. The term openness is not defined in the NPPF, however given the lack of definition, it could reasonably be interpreted as the absence of built development. Openness can be harmed by (among other things) new built form, external storage, extensive hard standing, car parking and boundary walls or fencing. Landscapes are very important to the openness and amenity of the Green Belt. The visual impact on landscape forms part of the consideration of harm and is not just associated with views from public vantage points.

9.24 Redevelopment of this site would only be acceptable providing there is no greater impact upon the openness of the Green Belt than the existing buildings. As the fallback position has been found acceptable, it is considered that this should be used as a bench mark.

9.25 Officers are of the view that, providing the applicant can demonstrate that the proposal would be similar in terms of volume of built form, area of hardsurfacing and footprint as the

approved 18/00124/FUL scheme for two dwellings, it would be difficult to argue that the current proposal would have a greater impact upon openness.

9.26 The extant scheme establishes the principle of residential use on the site, including paraphernalia, lighting and comings and goings. In considering the impact upon openness, factors such as massing, location and height of the proposed buildings, together with any increase in traffic are also considered.

9.27 The application now seeks three detached dwellings each with a detached double garage and driveway. Indicators of the openness include comparisons of volumes, hard standing and floor areas. These are considered below.

Volumes

9.28 The application would remove all buildings from the site. Table 1 is a comparison of the proposed dwellings against the extant scheme and the existing buildings within the site. The volume of built form across the site would reduce by 1238.46 m³ (3975.23-2736.77) a reduction of 31.15%, and a slight reduction of 5.91m³ (2742.68-2736.77) from the extant scheme.

As Existing		Extant Permission– 2 dwellings		Proposed – 3 Dwellings	
Building	Volume m3	Dwelling	Volume m3	Dwelling	Volume m3
Building A	1416.87	Dwelling 1	1433.22	Dwelling 1	858.95
Building B	320.00	Garage	259.40	Garage	107.50
Building C	686.92	Dwelling 2	872.16	Dwelling 2	858.95
Building D	231.41	Garage	177.90	Garage	107.50
Building E	248.32			Dwelling 3	696.37
Stables	82.23			Garage	107.50
Total	3975.23		2742.68		2736.77

Table 1.

Hard standing

9.29 The site has a large area of hardstanding between and around many of the buildings. This is proposed to be reduced by 1509.6 sqm. However, there would be an increase in hard surfacing than the already permitted scheme of 26.5m².

As Existing	1944m ²	Extant Permission – 2 dwellings	407.9m ²	Proposed – 3 dwellings	434.40m ²
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Table 2.

Heights.

9.30 Height is an obvious visual impact upon the openness of a site. The heights of all the buildings have not been provided, however the tallest dwellings would be 1.89m higher than the tallest existing building (building A). There is a reduction in height from the scheme with extant permission, in both the dwellings and garages.

As Existing	(Height to ridge or highest point) m	Extant Permission – 2 dwellings	(Height to ridge or highest point) m	Proposed- 3 dwellings	(Height to ridge or highest point) m
Building A	5.85m	Dwelling 1	8.82m	Dwelling 1	7.74
Building B	3.06m	Garage 1	5.05m	Garage 1	4.3
Building C	5.67m	Dwelling 2	8.02m	Dwelling 2	7.7
		Garage 2	5.03m	Garage 2	4.3
				Dwelling 3	7.64
				Garage 3	4.3

Table 3

Internal floor areas

9.31 This measurement compares the internal floor areas (GIA) of the existing and proposed. The proposal would still result in a reduction in internal floor area of 216.25sqm from the existing situation and a reduction of 30.67sqm, from the already permitted scheme.

As Existing	Sq.m.	Extant permission – 2 dwellings	Sq.m.	Proposed 3 dwellings	Sq. m.
Building A	273.96	Dwelling 1	392.26	Dwelling 1	257.63
Building E	175.86	Garage 1	61	Garage 1	31.11
Building C	146.59	Dwelling 2	254.24	Dwelling 2	257.63
Building D	67.88	Garage 2	41	Garage 2	31.11
Building E	175.86			Dwelling 3	202.51
Building F	65.31			Garage 3	31.11
Stables	28.62				
Total	934.08		748.5		717.83

Table 4

9.32 Conclusion

In summary, the proposal is considered to constitute inappropriate development in principle in the Green Belt. However, it is a material consideration that planning permission was granted in 2018 for the demolition of the existing buildings and construction of two residential dwellings. This provides a lawful fallback position. This lawful fallback position should be afforded significant weight in the determination of this application and is considered to provide very special circumstances which justify the granting of planning permission. The application is therefore considered to be acceptable in principle.

9.33 Like the 2018 approved scheme the proposal would result in an increase in height from the current built form, however, there is a small reduction in maximum height from the already permitted scheme. The proposal results in a slight reduction in built volume, floor area and maximum height from the scheme with an extant permission, and a significant reduction in these from the existing buildings on the site. Therefore given that permission was granted for a greater increase in height previously and there is now a reduction in building heights from the approved scheme, albeit with another two storey dwelling on the site, it is not considered that the current proposal would result in harm to the openness of the Green Belt above the current situation.

9.34 The proposal is therefore considered acceptable in principle due to the very special circumstances that exist, subject to other material considerations including impact on residential amenity, character and appearance of surrounding area, and highway safety implications.

iii Impact on character and appearance of the area, including landscape impact

9.35 Policy CS7 of the CSDPD seeks a high quality of design for all development in Bracknell Forest. This should be achieved by building upon the local character, respecting local patterns of development and enhancing the landscape.

9.36 Hawthorne Lane is a rural lane, which is heavily vegetated with buildings set back from the highway. The site would retain sufficient space to the frontage to enable the existing landscape buffer to be reinforced to maintain the character of the area. A paddock is proposed to the front of plot 1 and the re-planted oaks are retained, which reinforces this verdant character.

9.37 The area is characterised by groups of dwellings within large plots, set back from the highway behind substantial landscape buffers. The proposal would replace ad-hoc purpose-built agricultural buildings with three dwellings which respect the pattern and form of development within the surrounding area.

9.38 Accordingly, subject to a condition to secure landscaping within appropriate areas, the proposal would tidy up a currently dilapidated site which contains a collection of ad-hoc rural buildings. The proposal is considered not to detrimentally affect the character or appearance of the area and complies with Policies CS7 of the CSDPD and EN20 of the BFBLP.

iv Design

9.39 Policy CS7 of the CSDPD seeks a high quality of design for all development in Bracknell Forest. This should be achieved by building upon the local character, respecting local patterns of development and enhancing the landscape. Policy EN20 of the BFBLP seeks development to be in sympathy with the appearance and character of the local environment.

9.40 Nuptown is a small hamlet consisting of dwellings grouped around Nuptown Lane and Hawthorne Lane. Dwellings in this area are individual and of varied design.

9.41 The proposal is for three detached properties. Plots 1 and 2 have two projecting hipped gables to the front flanking the central doorway with external chimney stacks. Plot 3 has a single projecting two storey gable to the eastern side of the front elevation and first floor windows breaking the eaves line with hipped roof details with an external chimney stack to the western elevation. All properties have brick detail and appropriate fenestration details to the elevations.

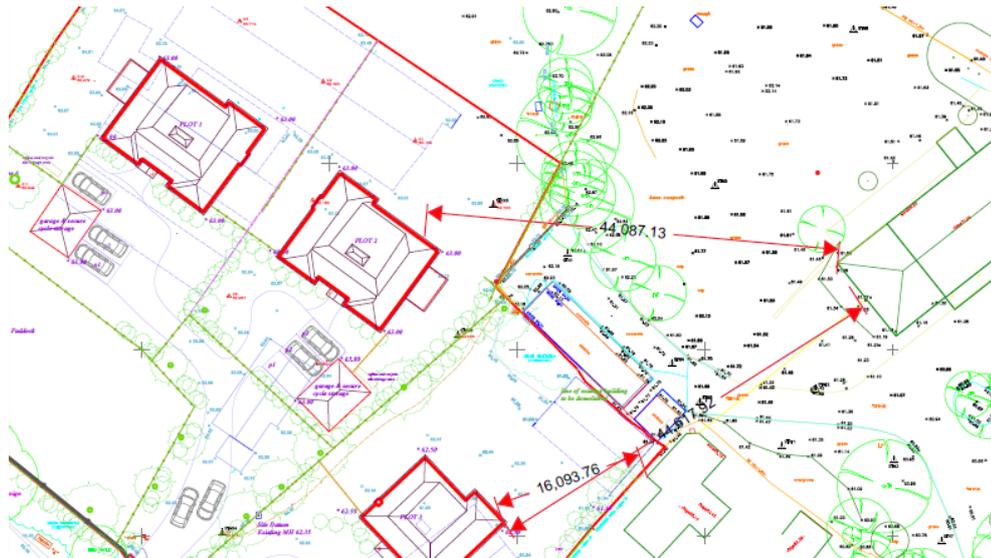


9.42 The design and appearance of the dwellings and associated garages is considered to comply with Policy CS7 of the CSDPD and Policy EN20 of the BFBLP.

v Residential amenity.

9.43 Policy EN20 of the BFBLP requires proposals not to adversely affect the amenity of surrounding properties (criterion g).

9.44 The nearest residential properties to the proposal are, Crutch Cottage, located to the southeast of the site and Hog Oak House located to the north east.



9.45 Crutch Cottage is located to the south west of the site and is currently shielded from the site by building B and separated by a 3m rendered wall. There is a distance at an oblique angle of 16m between the rear first floor windows of plot 2 and the rear elevation of Crutch Cottage. It is not possible to establish what windows are on this rear elevation, but even if they do serve habitable rooms, it is considered that the angle restricts direct overlooking and the relationship is considered acceptable.

9.46 Hog Oak House is located directly due north of plot 3. There is a separation distance of over 40m this relationship is considered acceptable.

9.47 With regard to future occupiers, the proposed properties have been sited so as to prevent unacceptable overlooking. Each property has an acceptable area of private amenity space and as such the amenities of future occupiers are considered to be acceptable.

vi Impact on Highway Safety

9.48 Access

One of the three proposed residential dwellings would utilise an existing access off the tarmacked section of Hawthorn Lane, which is ancient highway. The two other residential dwellings would utilise an existing access off the unmade section of Hawthorn Lane, which is a byway, and an existing traffic sign at the junction with Nuptown Lane notes that this byway is 'Unsuitable for Motors'. However, this byway currently serves a couple of existing residential properties, and it is noted that the approved access to one of the two dwellings approved via a previous planning consent at this site (18/00124/FUL) was off this byway, and thus would provide an adequate access to two additional properties. The lane is currently used for parking by walkers using the surrounding rights of way, though the parking does not obstruct access along this quiet low speed lane. Also, Nuptown Piggeries could generate some use of this byway by agricultural traffic at present; and the reduction in agricultural traffic may reduce pressure on the condition of the lane.

9.49 Visibility splays of 2.4m by 33m are provided to either side of these existing accesses, in line with likely low vehicle speeds along these country lanes, and these visibility splays are sufficient towards passing pedestrians, cyclists and horse-riders. The driveway access is sufficient for a domestic driveway access, and would enable a vehicle to pass a pedestrian. The means of access should be secured via planning condition to be provided prior to occupation of the dwellings, and further access details, including appropriate surfacing, should be provided, as part of this condition. The applicant will require the consent of the Highway Authority for works to alter

the access to plot 3, and should be advised of this by way of informative. The access to plots 1 and 2 is off a private lane/public right of way.

9.50 Entrance gates are proposed, and these are at least 6m back from the edge of the road/lane (measured off the Proposed Site Plan), which would enable a standard car to pull clear of passing traffic. A condition should be imposed for gates to be located as shown on approved plans. The shared driveway access of plots 1 and 2 is wider within the driveway, and two vehicles are shown to pass. The driveway accesses would provide acceptable access. Also, residents would be expected to bring their bins to the edge of the highway for roadside collection.

9.51 Construction access could well damage this byway, and provision for repairing the lane is to be secured via planning condition. A construction management plan to include details of access/deliveries should be secured via planning condition, and this could make provision for construction access via the southern access.

9.52 Hawthorn Lane, Nuptown Lane, and other surrounding country lanes are relatively narrow; though there are some passing opportunities for vehicles along these lanes, including field/driveway accesses. These country lanes are wide enough for vehicles to pass pedestrians, and cyclists; and vehicle speeds along these country lanes are likely to be low. These country lanes currently serve a number of residential properties, and working farms; and additional use of these lanes for access to three residential dwellings is not considered to give rise to highway safety concerns.

9.53 Parking

Each of these dwellings is to be provided with at least 3 on-plot parking spaces including a double garage, to comply with the Council's parking standards for a 5-bed dwelling. Garages are also intended for cycle parking. The parking including garages should be secured via planning condition to provide parking to standard, avoid over-spill parking and ensure sufficient access/manoeuvring is achieved. The proposed driveways provide some additional space for occasional visitor parking.

9.54 Trips

This proposal for three residential units could generate 18 two-way trips per day, including one or two movements in both peak periods, and given the site's location; the majority of trips are likely to be by car. However, it is noted that the site was previously granted planning consent (18/00124/FUL) for two residential dwellings, which could generate 12 two-way trips per day, which would generally be by car. Also, the proposal would result in a reduction in agricultural traffic, which could be generated by the site.

9.55 Hawthorn Lane, Nuptown Lane, and other surrounding country lanes currently serve a number of residential properties, and working farms. The additional traffic arising from the proposal would not represent a significant traffic increase along these country lanes.

vii Bio-diversity

9.56 Policy CS1 of the CSDPD seeks to protect and enhance the quality of natural resources which included biodiversity. This is supported by paragraph 175 of the NPPF.

9.57 The ecological assessment concludes that one building on site (referred to as E) supports a bat roost of common pipistrelle likely to be of relatively low conservation importance. The report outlines mitigation and provides a statement to address the three derogation tests under the habitats regulations.

9.58 The proposed mitigation is for a bat brick and two bat tiles within the new dwellings. Therefore, a condition is required to provide details of the specification and location of these features.

9.59 The report advises that vegetation clearance should be done outside the bird nesting season (March to August) or if this is not possible details of a scheme demonstrating how it can be done without harming nesting birds has been submitted.

9.60 The ecological assessment also makes two recommendations for biodiversity enhancements in line with the NPPF. First, the use of native or wildlife-friendly landscaping which is shown in the planting strategy drawing. This drawing should be added to the approved drawings list to ensure it is delivered.

9.61 Second, the provision of bird and bat boxes on and around the new houses. This can be secured by a condition for biodiversity enhancements.

9.62 Accordingly the proposal is considered not to detrimentally harm bio-diversity and appropriate enhancements can be sought in accordance with Policy CS1 of the Core Strategy DPD and paragraph 175 of the NPPF.

viii Trees

9.63 Policy EN1 of the BFBLP, seeks to retain trees and hedges which are important in either:

- The character and appearance of the landscape, or
- Habitats for local wildlife

9.64 Policy EN1 protects against the loss of trees and hedgerows where it is important for the retention of:-

- a clear distinction between built up areas and countryside,
- the character and appearance of the landscape or townscape,
- green links between open spaces and wildlife heritage sites,
- habitats for local wildlife, or
- areas of historical significance.

9.65 The application site contains an area covered by a TPO area order, reference TPO657A. The area within the application was permitted to be cleared under application 17/00279/TRTPO and this has since occurred. This application was subject to a condition that 6 oak trees are planted within the site within one year of the TRTPO decision. These trees have been planted in locations agreed with the Tree Service.

9.66 Since the last application, a TPO (Ref: TPO 1330) has been served which protects the Poplars along the eastern boundary of the site, a number of oak trees to the front of the site and young oaks planted as replacements to the north-western boundary of the site. Revised information has been submitted which takes account of the RPAs of these trees and amends the footprint of the garages to plots 1 and 3 further away from the trees.

9.67 The current built form and hardsurfacing encroaches within the RPAs of the now protected poplars. Whilst there would be some encroachment from the proposal into the RPAs, the proposal would reduce this and reinstate soft landscaping which would be of betterment to the trees. Therefore, providing there is suitable foundation design (i.e. pile and beam), to reduce the impact on the trees, and the existing hard surfacing and structures removed in an appropriate manner, the increase in soft landscaping within the RPAs will be of benefit to the health of these visually important trees. The methodology of the removal of the hardsurfacing and buildings, and of the construction can be secured by a condition.

9.68 Conditions are also recommended to secure additional, appropriate planting and protection of the existing trees during construction.

9.69 Subject to these conditions being imposed the proposal is considered to comply with Policy EN1 of the BFBLP.

iv Securing necessary infrastructure / CIL

9.70 CSDPD Policy CS6 states that development is expected to contribute to the delivery of:-
(a) infrastructure needed to support growth and;
(b) infrastructure needed to mitigate impacts upon communities, transport and the environment.

9.71 Guidance in the Planning Obligations SPD, which came into effect (with CIL) on 6 April 2015, is relevant.

9.72 Bracknell Forest Council introduced charging for its Community Infrastructure Levy (CIL) in April 2015. CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the borough and the type of development. It applies to any new build but in the case of outline applications is calculated when reserved matters are submitted.

9.73 If this application were to be approved, CIL payments would be collected following commencement of the development. CIL receipts could be spent on infrastructure projects or types of infrastructure identified in the Council's Regulation 123 list of infrastructure that it intends will be wholly or partly funded by CIL. These comprise:-

- Provision and enhancement of land to Suitable alternative Natural Greenspace (SANG) standard (part of Special Protection Area (SPA) Avoidance and Mitigation measures)
- specified Local Road Network capacity improvements.
- strategic road network improvement outside the borough
- specified footpath and cycle way improvements
- bus service subsidies
- specified educational projects
- libraries
- built sports facilities

9.74 CIL receipts could be spent on items not listed on the Regulation 123 list that meet the government criteria on CIL spending.

10. CONCLUSION

10.1 The application seeks planning permission for the replacement of all buildings within the site with three detached 2 storey dwellings and three detached garages. The site benefits from an extant consent for the demolition of the existing buildings and erection of two dwellings. The applicants have submitted applications to discharge the conditions, and therefore this should be given significant weight in the determination of this application. These are material considerations to the application.

10.2 The application is within the Metropolitan Green Belt. Paragraph 143 of the NPPF states that LPAs should regard the construction of new buildings as inappropriate development. As the proposal does not fall within the exceptions listed at paragraph 145 of the NPPF, it is considered to be inappropriate development.

10.3 However, the site benefits from an extant consent which establishes the re-development and residential use of the site. Significant weight should be given to this extant consent and officers consider that in this instance this can be considered as a very special circumstances.

10.4 The applicants have demonstrated that the proposal would still result in a reduction of built form and hardsurfacing across the site from the current situation and a small decrease from the extant permission. The proposal is therefore considered not to harm the openness of the Green Belt, despite the increase in height of the dwellings.

10.5 The additional planting and greening of the site and landscape improvements which can be secured by condition, would be of benefit to several trees surrounding the site.

10.6 The design and appearance of the proposed dwellings, highway safety, trees, impact upon amenities, impact upon bio-diversity and the public right of way have all been taken into account. These are all considered acceptable subject to appropriate conditions.

10.7 The application is therefore recommended for approval.

11. RECOMMENDATION

11.1 That the application be approved subject to the following conditions:

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

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

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

Location Plan: D1297-01

Site Location Plan: D1297-02p Rev. 4

Existing Site Layout Plan: D1297-12p Rev.5

Plot 1 Planning Proposals Floor Layout Plans: D1297-03 Rev.3

Plot 1 Planning Proposals Elevations: D1297-04p

Plot 2 Planning Proposals Floor Layout Plans: D1297-05p

Plot 2 Planning Proposals Elevations: D1297-06p

Plot 3 Planning Proposals Floor Layout Plans: D1297-07p

Plot 3 Planning Proposals Elevations: D1297-08p

Typical Garage Details: D1297-09p

Front Boundary Fence Details: D1297-14a

Tree Protection Details (demolition): D1297-02p Rev.3

Tree Protection Details (construction): D1297-02p Rev. 3

GS Ecology Scheme to Mitigate the impact on Nesting birds during construction. Dated January 24 2020

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

3. The dwellings hereby approved shall be constructed out of Vandersanden, Bromley and red multi stock bricks; Dark Antique Priory plain roof tile; oak wooden beams and white render.

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

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

4. No dwelling shall be occupied until details of the materials and height of walls, fences and any other means of enclosure 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 and retained as such. The approved scheme shall be implemented in full before the occupation of any of the dwellings approved in this permission.

REASON: - In the interests of the visual amenities of the area and bio-diversity

[Relevant Plans and Policies: BFBLP EN20, Core Strategy DPD CS1, CS7]

5. Works on the superstructure of the dwellings hereby approved shall not be begun until details showing the finished floor levels of the dwellings hereby approved in relation to the external land levels including a fixed datum point have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

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

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

6. Prior to the practical completion of any dwelling, the Warfield byway 20 shall be returned to its former condition, of which the council hold record.

REASON: To ensure that the byway remains in an acceptable state to be enjoyed by all users.

[Relevant Policies: Core Strategy DPD Policy CS24]

7. No dwelling hereby approved shall be occupied until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule.

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

REASON: In the interests of bio-diversity and visual amenity of the site

[Relevant Plans and Policies: CSDPD CS1, CS7]

8. No dwelling shall be occupied until a means of vehicular access has been constructed in accordance with details which have been submitted to and approved by the Local Planning Authority.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

9. Prior to the first occupation, the parking and turning areas shown on plan D1297-02P Rev 4 shall be constructed in accordance with details submitted to and approved in writing by the local planning authority. The area will be retained for parking thereafter.

REASON: To ensure adequate on-site parking is provided

[Relevant Policy: BFBLP M9]

10. The garages shall be retained for the use of the parking of cycles at all times.

REASON: To ensure that the Local Planning Authority's cycle parking standards are met.
[Relevant Policy: BFBLP M9]

11. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:

- (a) Parking of vehicles of site personnel, operatives and visitors
- (b) Loading and unloading of plant and vehicles
- (c) Storage of plant and materials used in constructing the development
- (d) Wheel cleaning facilities
- (e) Temporary portacabins and welfare for site operatives

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

REASON: In the interests of amenity and road safety.
[Relevant Policy: BFBLP M9]

12. The parking and turning areas shall incorporate surface water drainage that is SuDS compliant and in accordance with DEFRA "Sustainable Drainage Systems - Non-statutory technical standards for sustainable drainage systems" (March 2015). It shall be operated and maintained as such thereafter.

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

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

REASONS: The site is located within the designated Green Belt where strict controls over the form, scale and nature of development apply and the site is affected by a Tree Preservation Order/contains trees which are a feature of the site where strict control over development is required by the policies of the development to ensure their protection.

[Relevant Policies: BFBLP GB1, EN1, Core Strategy DPD CS9]

14. The development (including site clearance and demolition) shall not begin until a scheme to mitigate the impact of the development on bats has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

- Details of methods to avoid killing, injury or disturbance to bats during development.
- Details of the provision of temporary roosts during construction
- Details of the provision of replacement roosts
- Details of habitat management enhancement, e.g. suitable lighting and planting
- Details of appropriate post construction monitoring

The mitigation scheme shall be implemented in accordance with the approved details.

REASONS: In the interest of Bio-diversity.
[Relevant Policies: CSDPD CS1]

15. An ecological site inspection report shall be submitted and approved in writing by the Local Planning Authority prior to first occupation of any dwelling hereby approved.

REASONS: In the interest of Bio-diversity.
[Relevant Policies: CSDPD CS1]

16. No external lighting shall be installed on the site or affixed to any buildings on the site.

REASONS: In the interest of Bio-diversity.
[Relevant Policies: CSDPD CS1]

17. The areas shown for bat roost purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose.

REASONS: In the interest of bio-diversity and the protection of a statutory protected building.
[Relevant Policies: CSDPD CS1]

18. Should any trees, shrubs or hedgerows be removed during the main bird nesting period of 1st March to 31st August inclusive, the works shall be undertaken following the methodology contained within the GS Ecology 'Scheme to minimize the impact on nesting birds during construction' dated 24 January 2020.

REASONS: In the interest of Bio-diversity.
[Relevant Policies: CSDPD CS1]

19. The demolition shall not be begun until a scheme for the provision of biodiversity enhancements (not mitigation) has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to occupation.

REASONS: In the interest of Bio-diversity.
[Relevant Policies: CSDPD CS1]

20. Prior to commencement of development, following the submission of the primary land quality assessment, a Phase II report (Site investigation) is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The method and extent of this site investigation shall be agreed with the local planning authority prior to commencement of the work and shall then proceed in strict accordance with the measures approved.

REASON: The proposed development is located on a potentially contaminated site, due to its historic land use. To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas.
[Relevant Policies: BFBLP EN25]

21. Following completion site investigation (Phase II) required by the above condition, a remediation scheme to deal with any contaminants identified (including gas protection and asbestos if necessary) must be submitted to and approved in writing by the local planning authority. The scheme shall include an implementation timetable, monitoring proposals and a remediation verification methodology. The remediation scheme must be carried out before the development commences.

REASON: The proposed development is located on a potentially contaminated site, due to its historic land use. To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas.
[Relevant Policies: BFBLP EN25]

22. A Site Completion Report shall be submitted to, and approved in writing by, the local planning authority upon completion of the remediation/mitigation work in accordance with the agreed implementation timetables. The report shall include confirmation that all remediation measures have been carried out fully in accordance with the approved remediation scheme and detail the action taken and verification methodology used (including details of the sampling and analysis programme) at each stage of the remediation/mitigation works to confirm the adequacy of decontamination. The Site Completion Report must also include details of future monitoring and reporting if this is deemed necessary, or a statement to the effect that no future monitoring is required, with an explanation as to why future monitoring is not necessary. No dwelling shall be occupied until this report has been approved in writing by the Local Planning Authority.

REASON: The proposed development is located on a potentially contaminated site, due to its historic land use. To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas.
[Relevant Policies: BFBLP EN25]

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. Materials
- 05. Slab level
- 11. Site organisation
- 12. Bio-diversity
- 13. Bird nesting
- 15. Details of foundations
- 17. Tree protection

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

- 04. Boundary treatments
- 05. Landscaping

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

- 01. Time limit
- 02. Approved plans
- 06. By-way returned to current state
- 07. Landscaping
- 08. Oak replanting
- 09. Vehicle access
- 10. Cycle parking
- 14. Drainage
- 16. Removal of PD rights

04. Trees on and adjacent to this site are/may be protected by Tree Preservation Orders and/ or Conservation Area legislation. Written consent must be therefore obtained from the Council's Tree Section before undertaking any form of work to such trees (including any work affecting their root systems), unless detailed works to such trees have been specifically approved in writing as a part of this planning permission. Any pruning or removal of trees without the necessary consent or any damage arising from non compliance with other conditions of this permission or otherwise may be liable to prosecution by the Council. This may be in addition to any enforcement action deemed appropriate for non compliance with relevant planning conditions. Property owners, developers and/ or any other relevant persons are therefore advised to take appropriate measures to ensure that all persons responsible for overseeing works approved under this permission are suitably briefed on this matter.

05 Please note that trees on and/or adjacent to this site are protected by Tree Preservation Orders. The legislation protecting these trees overrides Permitted Development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification). Prior written consent must be obtained from the Council's Tree Service before undertaking any works which require the removal/ and or pruning of a protected tree or may affect / cause damage of any description to its canopy, trunk or root system and subsequent health, stability and survival in any way. Typically such works include but are not limited to the laying of hard surfaces of any description, foundations for garden structures, construction of retaining walls, topsoil stripping, excavation/ alterations to existing ground conditions of any other description near trees. Any pruning, removal of a protected tree as a result of such works, without the necessary consent or any damage arising from non-compliance with this requirement may be liable to prosecution by the Council.

06. The Street Care Team Highways and Transport Section should be contacted at the Environment, Culture and Communities Department, Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 352000, to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks notice to obtain details of underground services on the applicant's behalf.

07. Land contamination reports should be conducted in accordance with DEFRA and the Environment Agency's "*Model Procedures for the Management of Land Contamination, CLR 11*". and appropriately qualified person shall oversee the implementation of all remediation/mitigation works. Failure to do so may result in the applications to discharge conditions relating to land contamination being refused.

ITEM NO: 08	Ward:	Date Registered:	Target Decision Date:
Application No. 18/00620/FUL	Priestwood And Garth	19 June 2018	14 August 2018
Site Address:	Blocks A, B and C Christine Ingram Gardens Bracknell Berkshire		
Proposal:	Creation of six additional apartments following the internal reconfiguration of 4no. existing apartments in Blocks A,B and C, and utilisation of existing roofspace in Block A, installation of dormer windows and alterations to parking layout.		
Applicant:	Cover Homes Ltd		
Agent:	Nexus Planning		
Case Officer:	Sarah Horwood, 01344 352000 development.control@bracknell-forest.gov.uk		

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



OFFICER REPORT

1. SUMMARY

1.1 The proposal relates to the provision of 6no. additional residential units of accommodation on a site within the defined settlement. The proposal would not adversely affect the residential amenities of neighbouring dwellings and acceptable living conditions for future occupiers of the proposed units/reconfigured units would be provided. Further, the development would not result in adverse impacts to the character and appearance of the area.

1.2 It is considered that an acceptable level of parking provision would be provided (maintaining the accepted parking ratio of 1.5 spaces per dwelling on site) which would not give rise to on-street parking or highway safety issues.

1.3 Relevant conditions can be imposed in relation to landscaping, trees and highways.

1.4 A legal agreement is required to secure contributions for SPA mitigation and affordable housing.

RECOMMENDATION

Planning permission be granted subject to the conditions in Section 11 of this report and a section 106 agreement relating to mitigation measures for the SPA.
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2. REASON FOR REPORTING APPLICATION TO COMMITTEE

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

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Defined Settlement

Within 5km of the Thames Basin Heath SPA
--

Tree Preservation Order TPO ref: 577

3.1 Christine Ingram Gardens comprises 3no. buildings on site (referred to as Buildings A, B and C) which provide a total of 26no. residential units of accommodation. Building A is sited closest to the access road to the site from Lakeside whereas Buildings B and C are located to the west of Warfield Road. There is one vehicular access serving the site which leads from Lakeside.

3.2 The site is bounded to the north by residential gardens of properties at Lutterworth Close, to the east lies Warfield Road, to the south it is bounded by the residential gardens of properties at Cedar Drive. The site is accessed from a spur road leading off of Lakeside to the west.

3.3 Surrounding the existing buildings are parking spaces serving the development, along with communal amenity areas, bin and cycle stores.

4. RELEVANT SITE HISTORY

4.1 There is a very extensive planning history relating to this site.

Original permissions for the development:

03/01129/OUT refused March 2004 for outline application (including details of siting and means of access) for the erection of 2no. two storey buildings each accommodating 6 flats and 1no. building accommodating 12 flats with associated parking and access onto Lakeside. Allowed at appeal.

05/00069/REM approved May 2005 for submission of details of design, external appearance, landscaping and means of access for the erection of 2 x two storey blocks of 6 flats and 1 x block of 12 flats pursuant to outline planning 03/01129 approved under appeal.

4.2 Following the outline and reserved matters application, 5 applications to provide additional residential accommodation in the roof spaces of existing blocks were submitted:

- 05/00707/OUT Addition of 2no. additional flats in Building C with 2no. additional car parking spaces and revised bin store locations).

Allowed on appeal. Inspector did not consider that the proposal would result in overlooking of neighbouring properties or unacceptable increase in traffic.

- 08/00511/FUL Conversion of roof space of blocks A and B to provide 6no. additional flats (3no. one bedroom flats and 1no. two bedroom flat in Block A, 2no. one bedroom flats in Block B). Provision of 9 additional car parking spaces and 10 additional cycle spaces and relocation of visitor cycle store.

Dismissed on appeal. The inspector considered that there would be no harm to residential amenity as a result of the insertion of velux windows or dormer windows and that changes to the parking area would have little overall effect on the visual amenity of the area. The inspector considered that the additional 6 units would result in a net increase of 30 residential units on the site. This exceeds the threshold where affordable housing should be provided as part of the development and no affordable housing provision had been made.

- 08/00789/FUL Conversion of roof space of blocks A and B to provide 6no. additional flats (3no. one bedroom flats and 1no. two bedroom flat in Block A, 2no. one bedroom flats in Block B). Provision of 9 additional car parking spaces and 10 additional cycle spaces and relocation of visitor cycle store.

Application refused. The decision was made before the appeal decision for the previous application 08/00511/FUL and was on the basis of loss of landscaping on the site to accommodate additional car parking, failure to provide affordable housing on the site and failure to enter into a S106 Agreement to secure infrastructure contributions.

- 09/00180/FUL Conversion of roof space of blocks A and B to provide 6no. additional flats (3no. one bedroom flats and 1no. two bedroom flat in Block A, 2no. one bedroom flats in Block B). Provision of 9 additional car parking spaces and 10 additional cycle spaces and relocation of visitor cycle store.

Appeal dismissed. The inspector agreed with the inspector determining application 08/00511/FUL that there would be no harm to the character or appearance of the site or wider area and no significant overlooking or loss of privacy for neighbouring properties. The inspector considered that the contribution offered by the applicant towards affordable housing provision was inadequate

preferring the Council's approach to considering viability in assessing the proposal and the affordable housing requirement.

- 11/00015/FUL Conversion of roof space of blocks A and B to provide 6no. additional flats (3no. one bedroom flats and 1no. two bedroom flat in Block A - Nos 1 - 15 Inc, 2no. one bedroom flats in Block B - Nos 26 - 31 Inc). Provision of 9 additional car parking spaces and 10 additional cycle spaces and relocation of visitor cycle store.

Application refused by the Planning Committee on the basis of overdevelopment, failure to provide affording housing and failure to enter into a S106 Agreement to secure infrastructure contributions.

Block A

4.3 There have been further applications for the following works:

12/00536/CLPUD approved for application for a certificate of lawfulness for the proposed use of loft space for residential purposes ancillary to units 4, 6, 12 and 15 of Block A, installation of internal staircases and installation of 8 velux windows.

12/00871/FUL approved for creation of 1no. one bedroom flat in roof space of Block A (unit 8) and merging of Nos 1 and 2 to form 1 no. three bed flat (unit 1) in Block A and installation of dormer windows

12/00873/FUL approved for creation of 1no. one bedroom flat in roof space of Block A (unit 7) and merging of units 4 and 5 to form 1 no. three bed flat (unit 4) in Block A and installation of dormer windows.

12/00874/FUL approved for creation of 1no. one bedroom flat in roof space of Block A (unit 16) and merging of units 9 and 12 to form 1 no. three bed flat (unit 9) in Block A and installation of dormer windows

12/00583/FUL approved for installation of 11no. dormer windows in roof of Block A.

13/00505/FUL approved for creation of 1no. two bedroom apartment in roof space and merging of existing 2no. two bedroom apartments to form 1no. three bedroom apartment, with associated installation of 3no. dormer windows and alterations to car parking layout (total number of units to remain at 26). Note for clarification: This application is for an alteration to planning permission 12/00873/FUL to increase the number of bedrooms in the roof space apartment from one to two.

13/00506/FUL approved for creation of 1no. two bedroom apartment in roof space and merging of existing 2no. two bedroom apartments to form 1no. three bedroom apartment, with associated installation of 3no. dormer windows and alterations to car parking layout (total number of units to remain at 26). Note for clarification: This application is for an alteration to planning permission 12/00874/FUL to increase the number of bedrooms in the roof space apartment from one to two.

Block B

4.4 There have been further applications for the following works:

11/00630/CLPUD granted for certificate of lawfulness for the proposed use of roof space of Block B for residential purposes ancillary to Nos: 29 and 31 and the insertion of 4 velux windows.

12/00211/FUL approved for installation of 6no. dormer windows in roof of Block B - Nos 26 - 31 Inc.

12/00830/FUL approved for creation of 1no. one bedroom flat in roof space of Block B and merging of Nos 26 and 27 to form three bed flat and installation of dormer windows

13/00851/FUL approved for creation of 1no. two bedroom flat in roof space, with associated installation of 3no. dormer windows and alterations to car park layout (total number of units to remain at 26). Note for clarification: This application is for alterations to planning permission 12/00830/FUL, to change the number of bedrooms in the approved roof space apartment from one to two.

Affects Blocks A and C

4.5 There have been further applications for the following works:

12/00875/FUL approved for creation of 1no. one bedroom flat in roof space of Block A (unit 17) and merging of units 24 and 25 to form 1 no. three bed flat (unit 24) in Block C and installation of dormer windows.

Affects Blocks B and C

4.6 There have been further applications for the following works:

12/00958/FUL approved for creation of 1no. one bedroom flat in roof space of Block B with installation of 3 dormer windows and reduction of number of units in Block C by altering 3 no. two bedroom flats to 1 no. three bedroom and 1 no. two bedroom flat. Total number of units remains at 26.

5. THE PROPOSAL

5.1 Full permission is sought for the creation of six additional apartments following the internal reconfiguration of 4no. existing apartments in Blocks A, B and C, and utilisation of existing roof space in Block A, installation of dormer windows and alterations to parking layout.

Internal alterations:

5.2 Works which normally affect only the interior of a building are not considered development in accordance with Section 55 (2) of the Town and Country Planning Act 1990 (as amended). However, the works subject to this application result in the creation of additional residential units of accommodation which in itself requires planning permission.

5.3 At present, the 26 existing units on site in the 3 existing residential buildings on site known as Blocks A, B and C which comprise the following mix:

- 4no. 1 bedroom units;
- 18no. 2 bedroom units;
- 4no. 3 bedroom units,

5.4 This application proposes the creation of 6 additional flats across the site. 4 of the additional units would be created by altering the internal layout of 4no. existing 3 bedroom flats in the 3 buildings on site and changing them to be 2 bedroom flats; thus some of the remaining floor space of the existing flats then is given over to making 4 of the new units and then 2 units would be created in the roof void of one of the buildings.

5.5 The proposed development would:

- increase the number of units in Block A from 12 to 16 (net 4 units);
- increase the number of units in Block B from 7 to 8 (net 1 unit);
- increase the number of units in Block C from 7 to 8 (net 1 unit).

5.6 As such, the proposed development would result in the following:
A total of 32 units on site, comprising the following mix:

- 6no. 1 bedroom units;
- 26no. 2 bedroom units.

5.7 This application would create 2no. additional 1 bedroom units over the existing; 8no. additional 2 bedroom units over the existing and the loss of 4no. 3 bedroom units (which would be altered to 2 bedroom flats).

External alterations

5.8 External alterations are proposed to one of the existing buildings – Building A, with the addition of dormer windows to 3 of the 4 elevations of the building:

- 2no. additional dormer windows are proposed on the northern elevation;
- 1no. additional dormer window is proposed on the southern elevation;
- 1no. additional dormer window is proposed on the western elevation.

5.9 No external alterations are proposed to Buildings B and C.

5.10 It is also proposed to provide additional visitor parking at the site in the form of three parallel parking bays within a layby on the Lakeside spur road leading to Christine Ingram Gardens.

5.11 A new cycle store is proposed to the south of Building B.

6. REPRESENTATIONS RECEIVED

Bracknell Town Council

6.1 Bracknell Town Council recommend refusal for the following reasons:

- 1) Councillors are concerned that although apartments have previously been approved in these roof spaces the addition of more apartments within the them will be detrimental to overcrowding in this Cul-de-Sac.
- 2) Increased traffic flow, congestion and parking issues in an already vehicle heavy area that also has many other developments in progress locally.
- 3) Overdevelopment would impact on this already busy residential close.
- 4) Finally Councillors would like it noted that they are disappointed in the way the provision of any affordable housing has been avoided.

Other representations

6.2 11 objections (from 10 postal addresses) have been received which can be summarised to include the following matters:

- Why is development necessary other than to financially benefit the Applicant.
- Is no need for purpose built flats to undergo continual redevelopment.
- Additional building works will generate noise, dust, disturbance, impact on communal areas both on and off site.
- Description of development as applied for is incorrect (*officer comment: description has been amended to relate to converting existing flats, creating new flats in the roof space, along with external alterations to the building, reconfiguring parking*).
- Additional flats will make development more overcrowded and less pleasant place to live.
- Insufficient parking provision.
- Parking/traffic issues.
- Overlooking issues.
- Building works could result in ground movements and may cause damage to surrounding properties and affect existing trees.

- Issues around affordable housing provision on this site.
- Need more affordable housing in Bracknell.
- Would undo conditions imposed on previous planning permissions (officer comment: in the event of this permission being granted, any conditions imposed on this permission could override previous permissions and their conditions).

7. SUMMARY OF CONSULTATION RESPONSES

Highways Officer

7.1 No objection subject to conditions.

Tree Officer

7.2 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	NPPF
General policies	CS1 and CS2 of CSDPD	Consistent
Residential amenity	Saved policy EN20 of BFBLP	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP;	Consistent
Parking	Saved policy M9 of BFBLP	Consistent
Transport	CS23 of CSDPD	Consistent
Trees and biodiversity	CS1, CS7 of CSDPD, Saved policies EN1 and EN20 of BFBLP	Consistent
Energy Sustainability	CS10, CS12 of CSDPD	Consistent
SPA	SEP NRM6, CS14 of CSDPD and EN3 of BFBLP	Consistent
Affordable housing/mix	CSDPD Policies CS16 and CS17 Saved Policy H8 of the BFBLP	Consistent Definition of 'affordable housing' provided in Para. 5.59 of Policy is not consistent with the NPPF. However main thrust of policy is consistent with paras. 61, 62 and 64 of the NPPF.
Supplementary Planning Documents (SPD)		
Parking Standards SPD		
Design SPD		
Sustainable Resource Management SPD (2008)		
Thames Basin Heaths SPA SPD (2018)		
Planning Obligations SPD (2015)		

Other publications
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)
CIL Charging Schedule

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of development
- ii. Impact on residential amenity
- iii. Impact on character and appearance of the area
- iv. Transport implications
- v. Trees
- vi. Viability/affordable housing
- vii. Thames Basin Heath SPA
- viii. Community Infrastructure Levy (CIL)
- ix. Energy sustainability

i. Principle of development

9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, which is supported by the NPPF (paras. 2 and 12).

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

9.4 The application site is located within a defined settlement as designated by the Bracknell Forest Borough Policies Map. The site is located with the Defined Settlement as designated by the Bracknell Forest Borough Policies Map (2013). As such, the proposal is considered acceptable in principle subject to no adverse impact on residential amenities of neighbouring properties, character and appearance of surrounding area, highway safety implications, etc. These matters are discussed below.

ii. Residential amenity

9.5 Policy EN20 of the BFBLP states that developments should not adversely affect the amenity of surrounding properties. This is consistent with the NPPF.

9.6 Guidelines set out in the Council's Design SPD adopted March 2017 state that new windows at second floor level, including a dormer, should be no less than 30m from a neighbouring property and 15m from a boundary where it directly overlooks that boundary.

9.7 The 2no. additional dormer windows proposed in the northern elevation of Block A would be set 17m from the northern boundary of the site, backing onto the residential gardens of properties on Lutterworth Close. Directly to the north of the proposed additional dormer windows are nos. 9 and 10 Lutterworth Close, both of which have single storey rear extensions. There would be a 30m separation distance between the additional dormer windows and the rear elevations of nos. 8a, 9, 10 and 11 Lutterworth Close. In view of the separation distances to properties on

Lutterworth Close, it is not considered that the additional dormer windows on the northern elevation would result in a level of overlooking and loss of privacy that would be detrimental to the residential amenities of these properties.

9.8 The 1no. additional dormer window proposed in the southern elevation would be set 15m from the southern boundary and 30m from the rear elevations of nos. 17 to 21 Cedar Drive. There would be a 30m separation distance from the proposed dormer to High Cedars, Cedar Drive and 40m to Old Malt House, Cedar Drive at the closest points. In view of these separation distances to properties on Cedar Drive, it is not considered that the additional dormer window proposed on the southern elevation would result in a level of overlooking and loss of privacy that would be detrimental to the residential amenities of these properties.

9.9 The 1no. additional dormer window proposed in the western elevation would be set 20m from the western boundary of the site, with a separation distance of 50m to the rear elevation of no. 11 Lakeside. There would be in excess of 20m separation distance between the proposed dormer to the south-western boundary, with in excess of 30m separation distance between the proposed dormer and the rear elevations of nos. 9 and 11 Cedar Drive. In view of these separation distances to no. 11 Lakeside and nos. 9 and 11 Cedar Drive, it is not considered that the additional dormer window on the western elevation would result in a level of overlooking and loss of privacy that would be detrimental to the residential amenities of these properties.

9.10 Further, there are existing dormer windows on all 4 elevations of Block A and the additional dormer windows proposed by this application would not result in any additional overlooking/loss of privacy over and above that already approved by previous permissions.

9.11 The 4no. additional dormer windows due to their size and projection would not appear visually intrusive to adjoining dwellings to the north, south and west who have views over and across the site.

9.12 A new cycle store is also proposed to the south of Building B. This would not affect the residential amenities of flats at Christine Ingram Gardens or adjoining properties offsite.

9.13 The 6no. additional flats proposed, whether created by altering the internal layout of existing flats or utilising the roof void of Block A, would all be provided with acceptable living conditions. Each flat would have sources of natural light, along with proposed windows providing natural ventilation. As such, acceptable living conditions for future occupiers of the proposed units/reconfigured units would be provided.

9.14 Additional parking provision would be provided in the form of a layby for 3no. parking spaces on the spur road leading from Lakeside to Christine Ingram Gardens. These parking spaces would be located to the south of the spur road and adjacent to 2 blocks of garages which are accessed from Cedar Drive. The nearest adjoining residential dwellings would be nos. 9 and 11 Lakeside. It is not considered that the provision of layby parking for 3no. vehicles would result in adverse noise and disturbance to adjoining dwellings given the spur road is used by vehicular traffic travelling to and from Christine Ingram Gardens. Further, the proposed works to create the layby would be at surface level and would not appear visually intrusive to adjoining dwellings.

9.15 As such, the proposal would not be considered to adversely affect the residential amenities of neighbouring dwellings and acceptable living conditions for future occupiers of the proposed units/reconfigured units would be provided. As such, the proposal would be in accordance with Saved Policies EN20 and EN25 of the BFBLP and the NPPF.

iii. Impact on character and appearance of surrounding area

9.16 Policy EN20 of the BFBLP and Policy CS7 of the CSDPD relate to design considerations in new proposals and are relevant considerations. These policies seek to ensure that developments are sympathetic to the character of the area and are of a high design. This is consistent with the NPPF.

9.17 Para 118 e) of the NPPF states that planning policies and decisions should support opportunities to use the airspace above existing residential and commercial premises for new homes.

9.18 The Council's Design SPD (March 2017) provides design principles and best practice to guide design quality in the Borough. In terms of roof extensions, the SPD recommends that:

- dormers should be sized so they are subordinate elements at roof level, and do not extend across the full width of the roof;
- ensure that dormers do not rise above the ridge or hip of a roof;
- preferably align new openings with those on the lower levels.

9.19 4no. additional dormer windows are proposed on the roof slope of Block A. The additional dormer windows proposed would allow some of the existing roof space to be utilised for additional units of accommodation in accordance with para 118 e) of the NPPF. The provision of additional residential units within existing residential buildings within the settlement boundary within an existing residential area would not detract from the character of the area.

9.20 There are existing dormer windows on all 3 of the existing buildings on site (known as Buildings A, B and C) and the additional dormer windows proposed on Block A would replicate the design and appearance of existing dormer windows across all 3 of the existing buildings on site.

9.21 The proposed dormer windows would not involve raising the roof height of the building. They would be set approximately 0.7m lower than the existing ridge line of the building and would broadly align with existing windows at ground and first floor levels.

9.22 As such, the proposed dormer windows would not detract from the host building (block A) nor from the 2 other existing buildings (blocks B and C). Due to the existence of existing dormer windows, the additional 4no. dormer windows would not be considered visually prominent when viewed from within the development or from public vantage points of surrounding highways at Lakeside, Cedar Drive, Lutterworth Drive and Warfield Road.

9.23 A new cycle store is also proposed to the south of Building B. This would not appear visually prominent either within the site or offsite due to its siting.

9.24 Additional parking is proposed in the form of a layby for 3no. parking spaces on the spur road leading from Lakeside to Christine Ingram Gardens. The proposed layby parking would be created by converting part of an existing footway which is already hard landscaped and would be laid to a block paving finish. Additional planting is proposed to soften the proposed layby parking which would reinforce existing planting located to the south of the spur road. Given the nature of the proposed works and that additional planting can be secured by condition, it is not considered that the addition of off-site parking provision would detract from the visual amenities of the area.

9.25 As such, the development would not result in an adverse impact on the character and appearance of the area and would accord with Saved Policy EN20 of the BFBLP, Policy CS7 of CSDPD, the Design SPD and the NPPF.

iv. Transport implications

9.26 Policy M9 of the BFBLP ensures that development provides satisfactory parking provision for vehicles and cycles. A further material consideration for parking provision for vehicles and cycles is provided in the Council's adopted Parking Standards SPD. The NPPF refers to local authorities setting their own parking standards for residential development.

9.27 This application is accompanied by a Transport Statement; however Highway Technical Notes have been submitted during the course of the application to address matters relating to parking and cycle provision.

Access

9.28 Christine Ingram Gardens is a private residential development accessed off Lakeside, an adopted residential road which is subject to a 30mph speed limit. The adopted highway terminates at the gated access to Christine Ingram Gardens and the section of Lakeside (leading to Christine Ingram Gardens) is around 5.5m wide which can accommodate two-way traffic movements and has footways to either side. Acceptable sightlines can be achieved for vehicles exiting onto the main part of Lakeside.

Parking

9.29 Following extensive discussions relating to highways and trees, a revised parking layout of 46no. spaces are to be provided which all effectively exist on site. However these spaces are not necessarily all formally marked out as parking.

9.30 In addition to the 46no. parking spaces on site, an additional 3no. visitor car parking spaces are proposed. The 3no. proposed visitor parking spaces are proposed on a disused section of footway on the southern side of the spur road of Lakeside which provides access to Christine Ingram Gardens. In total, 49no. parking spaces are to be provided on site.

9.31 As a result of the proposed provision of 3no. parking spaces in this location outside of the site, the adjacent carriageway would be narrowed to 4.8m, however this would remain of sufficient width to allow two vehicles to pass in opposite directions and pass parked vehicles in the proposed layby.

9.32 The proposed layby parking can be secured by a S278 Agreement (separate to the planning process), however a condition is recommended to secure the layby parking as proposed.

9.33 It has been demonstrated through the submission of a Transport Statement that there is unused parking capacity available on site (car ownership data suggests a ratio of 1.5 spaces per unit is sufficient) as well as no on-street parking restrictions in the surrounding area which could accommodate some visitor parking. The site is also in a relatively sustainable location which would allow some flexibility in the parking standards. The total parking provision on site of 49no. parking spaces would equate to a parking ratio of 1.53 spaces per dwelling. Historically, parking provision on site has been provided at a ratio of 1.5 spaces per dwelling based on the Council's previous 2001 parking standards. To fully accord with current parking standards, the changes to unit sizes and additional units in the roof space would require 11 additional parking spaces (10 spaces for the units and 1 space for visitors). Based on the historically agreed parking ratio of 1.5 spaces per dwelling, 9 additional parking spaces would be required. In this instance 3 additional parking spaces are proposed (adjacent to the access road to the site off Lakeside) plus re-configuration of a turning-head area to mark out 2 further spaces, noting that these spaces are already being used for parking. Although the proposal could be considered a shortfall against the current parking standards, the applicant has already added five car parking spaces to the originally consented provision, from 39 approved under 05/00707/OUT to 44 spaces now. In order to fully assess the impact of this additional provision against demand, on-site observations by the Highway Authority at different times of day including before the morning peak hour and in the late evening, on a

number of occasions since September 2018 and up to March 2020, indicate that the car park is not typically fully occupied and this combined with the 3 proposed parking spaces, there would be sufficient capacity to accommodate the 6 additional units (new and reconfigured) and maintain a parking ratio of 1.5 spaces per unit over the development as a whole; consistent with that originally permitted for the site (03/01129/OUT & 05/00707/OUT).

9.34 Given a parking ratio of 1.5 spaces per dwelling has previously been accepted on this site, the revised parking provision for 49no. spaces in total (including the 3no. visitor parking spaces in the layby proposed) would maintain this 1.5 space per dwelling parking ratio and as such, would not worsen the existing parking situation. The provision of the 3no. visitor parking spaces in the proposed layby would not reduce the operation of the spur from Lakeside to single-way working.

9.35 Para 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Based on the evidence provided, it is considered that an acceptable level of parking provision would be provided on site. This would maintain the accepted parking ratio of 1.5 spaces per dwelling and would not give rise to on-street parking or highway safety issues. As such, it is the view of Council officers that the application should not be refused on highway grounds.

Cycle Parking

9.36 There are three existing cycle parking racks on site – 1 located to the north of Block A, 1 to the north-east of Block A and 1 to the south-east of Block A.

9.37 An additional cycle store is proposed as part of this application which will provide 8no. additional cycle parking spaces. The proposed cycle store would be covered and secure, located to the south of Block B.

9.38 The provision of additional cycle parking can be secured by condition.

Trips

9.39 6no. additional flats as proposed are likely to generate 24 two-way trips per day, including two or three movements in both peak periods; though not all trips would be by car bearing in mind the site's accessibility to local facilities and the bus route along Folders Lane.

9.40 Subject to the imposition of conditions and for the reasons set out above, the proposal is considered to be in accordance with Saved Policy M9 of the BFBLP, CS23 of the CSDPD and the NPPF. It maintains a parking ratio of 1.5 spaces per dwelling, along with the provision of additional cycle parking. It is therefore not considered that the Council could substantiate a reason for refusal on highway safety grounds.

v. Trees

9.41 The site is covered by an Area Tree Preservation Order, TPO ref: 577 made in 2003. It relates to all trees on site, including Ash and Yew Trees which are located along the northern boundary of the site.

9.42 The reconfiguration and renumbering of parking bays along the northern boundary of the site is acceptable as no excavation or additional hardstanding is proposed.

9.43 The additional parking provision proposed off-site adjacent to the main access (the layby parking) is acceptable in principle on the basis that it is located on top of the original footpath footprint as this is unlikely to have any significant arboricultural impact. This is subject to plotting

and showing the retention of existing vegetation and providing adequate protection measures to safeguard the existing trees and shrubbery along this boundary during the course of the works.

9.44 A detailed scheme of tree protection measures can be secured by condition, along with details of arboricultural site monitoring.

9.45 New tree planting will be required to offset the reduction of green space on-site which can also be secured by condition.

9.46 Subject to the imposition of planning conditions, the proposal would not result in an adverse impact to existing protected trees, in accordance with Saved Policy EN1 of the BFBLP and the NPPF.

vi. Viability/affordable housing

9.47 The original application for the site (03/01129/OUT) was for 22 dwellings (net) which was below the threshold of net 25 dwellings when affordable housing would be sought as set out in Policy H8 of the BFBLP.

9.48 This current application is for 6 additional units which on its own falls below the threshold for seeking affordable housing. However, the original design of the buildings allowed for further expansion without requiring substantial works or increasing the roof height of the buildings. In the appeal decision relating to refused application 09/00180/FUL, the Inspector considered the question of whether or not the addition of 6 units on the site would require the provision of affordable housing on the site and concluded that the 6 additional units were part of a larger development scheme which exceeded the threshold for the provision of affordable housing. Therefore, affordable housing should be sought as cumulatively the development as a whole exceeds the threshold. Accordingly, affordable housing is a material consideration for this proposal.

9.49 Policies CS16 and CS17 of the CSPD (in relation to housing needs and affordable housing) are relevant to this proposal. The Council's affordable housing policy applies to proposals involving 15 net dwellings or more. On such sites there is a requirement for 25% of the proposal to be affordable housing.

9.50 The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances of the case (as set out in the Planning Practice Guidance on Viability updated September 2019). The Council's Planning Obligations Supplementary Planning Document (February 2015) states that viability is a material planning consideration. Para 4.4 of the SPD goes onto state:

"Where a developer seeks the relaxation of normal planning requirements, the onus will be on them to demonstrate that the scheme would otherwise not be viable and that the relaxation sought is the minimum needed to make it viable...Such requests must be supported by clear tangible evidence of viability and costs in a transparent, thorough and robust study which stands up to scrutiny and independent expert review... If it can be demonstrated that a project is not viable; opportunities for flexibility may be considered, such as deferring certain requirements. Any relaxation of planning policy will be the minimum needed to make a scheme viable and be related to delivery and other planning objectives".

9.51 This application has been accompanied by a Viability Assessment undertaken by Whiteleaf Consulting Ltd. This assessment was independently reviewed and scrutinised by the DVS. The DVS considered whether there was a residential surplus for an affordable housing contribution to be made rather than on-site provision (the DVS concluded it was not viable to provide an affordable unit on site). It was concluded that there would be a surplus which could be used as an

affordable housing commuted sum. The Council's Housing team are in agreement with the commuted sum. The contribution that will be secured is not full compliant with Policy CS17 of the CSDPD and the decision of the Council Executive. However, as set out in the Council's Planning Obligations SPD, evidence has been submitted by the developer (and accepted by the DVS) to demonstrate that the scheme would be unviable if the Council sought a fully compliant scheme. As such, a more flexible approach has been taken as outlined in the Council's SPD and a contribution will be secured for affordable housing which will be secured by Section 106 Agreement.

9.52 It is acknowledged that previous applications and appeal decisions for additional residential units on site were refused/dismissed, including on the grounds of affording housing. However, it should be noted that these decisions were made prior to the introduction of the NPPF in 2012, along with the adoption of the Council's Planning Obligations SPD in 2015. A further difference between this current proposal and the previous applications/appeals is that this proposal relates to re-configuring 4no. existing units on site which would result in a loss in value of these existing units which is taken into account as part of the overall viability of the scheme.

9.53 In summary, the DVS consider that an affordable housing commuted sum can be secured and whilst this is not fully compliant with Policy CS17 and the decision of the Councils Executive, having regard to the Planning obligations SPD, it is considered that the application cannot be refused upon the ground of insufficient affordable housing.

vii. Thames Basin Heath SPA

9.54 The Council, in consultation with Natural England, has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath Special Protection Area (SPA) is likely to have a significant effect on the integrity of the SPA, either alone or in-combination with other plans or projects. An Appropriate Assessment has been carried out including mitigation requirements.

Appropriate Assessment

9.55 In accordance with The Conservation of Habitats and Species Regulations (2017) Regulation 63 a competent authority (in this case Bracknell Forest Council (BFC)), before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

- a. is likely to have a significant effect on a European site...(either alone or in combination with other plans or projects), and
- b. is not directly connected with or necessary to the management of that site.

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

9.56 A person applying for any such consent, permission or other authorisation must provide such information as BFC may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required.

9.57 BFC must for the purposes of the assessment consult Natural England (NE) and have regard to any representations made by that body. It must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate. In the light of the conclusions of the assessment, and subject to Regulation 64 (Considerations of overriding public interest), BFC may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.

9.58 In considering whether a plan or project will adversely affect the integrity of the site, BFC must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions

9.59 The Council have undertaken an Appropriate Assessment following consultation with NE.

SPA mitigation

9.60 This site is located approximately 4km from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

9.61 On commencement of the development, a contribution (calculated on a per-bedroom basis) is to be paid to the Council towards the cost of measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Council's Thames Basin Heaths Special Protection Area Supplementary Planning Document (SPD) and the Planning Obligations SPD. The strategy is for relevant developments to make financial contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the SPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures. The Council will also make a contribution towards SANG enhancement works through Community Infrastructure Levy (CIL) payments whether or not this development is liable to CIL.

9.62 In this instance, the development would result in a net increase of two X 1 bedroom and eight x 2 bedroom dwellings replacing four x 3 bedroom dwellings which results in a total SANG contribution of £25,902.

9.63 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which will also be calculated on a per bedroom basis. Taking account of the per bedroom contributions this results in a total SAMM contribution of £2,162.

9.64 The total SPA related financial contribution for this proposal is £28,064. The applicant must agree to enter into a S106 agreement to secure this contribution and a restriction on the occupation of each dwelling until the Council has confirmed that open space enhancement works to a SANG is completed. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP Saved Policy NRM6, Saved policy EN3 of the BFBLP and CS14 of CSDPD, the Thames Basin Heaths Special Protection Area SPD, the Planning Obligations SPD and the NPPF.

viii. Community Infrastructure Levy (CIL)

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

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

9.67 The new units would be created either by the sub-division of existing units into smaller units; or utilising existing roof voids in the buildings. The conversion of existing units into separate units is not considered CIL liable. The creation of new units in what is currently roof void would also not be considered CIL liable given the building as a whole is in lawful residential use for more than 6 months in the last 3 years.

ix. Energy sustainability

9.68 With regards to the requirements of Core Strategy Policies CS10 and CS12 which relate to energy sustainability and renewable energy, the proposal is for the creation of new residential

units of accommodation in 3no. existing residential buildings on site (proposed to be created either by the sub-division of existing units into smaller units; or utilising existing roof voids in the buildings).

9.69 Paragraph 2.6 of the Sustainable Resource Management SPD states that proposals to convert or change the use of a building are excluded from Core Strategy Policies CS10 and CS12. Therefore no submission is required with regard to Policies CS10 and CS12 of the CSDPD.

10. CONCLUSION

10.1 The proposal relates to the provision of 6no. additional residential units of accommodation on a site within the defined settlement.

10.2 The proposal would not adversely affect the residential amenities of neighbouring dwellings and acceptable living conditions for future occupier(s) of the proposed units/reconfigured units would be provided. Further, the development would not result in adverse impacts to the character and appearance of the area.

10.3 It is considered that an acceptable level of parking provision would be provided (maintaining the accepted parking ratio of 1.5 spaces per dwelling on site) which would not give rise to on-street parking or highway safety issues.

10.4 Relevant conditions can be imposed in relation to landscaping, trees and highways.

10.5 A legal agreement is required to secure contributions for SPA mitigation and an affordable housing commuted sum.

10.6 The application is therefore recommended for approval, subject to the completion of a legal agreement.

11. RECOMMENDATION

11.1 Following the completion of planning obligation(s) 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 Special Protection Area (SPA) and to secure an affordable housing commuted sum;

That the Head of Planning be authorised to **APPROVE** the application subject to the following conditions amended, added to or deleted as the Head of Planning considers necessary:-

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

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

2. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 19 June 2018 and 13 February 2020:

Drawing no. 3794/21F

Drawing no. 004 P1 – proposed parking layout found at Appendix 2 of Technical Note by PJA

Drawing no. 3794/22

Drawing no. 3794/23A

Drawing no. 3794/24
Drawing no. 3794/25
Drawing no. 3794/26
Drawing no. 3794/27
Drawing no. 3794/28
Drawing no. 3794/29
Drawing no. 3794/30

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

3. The materials to be used in the construction of the dormer windows hereby permitted shall match those of the existing buildings.

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

4. Following the reconfiguration of Flat 4 at first floor level in Block A, Christine Ingram Gardens into 2no. units, the new Flats 4 and 5 at first floor level in Block A as shown on drawing no. 3794/26 received 19 June 2018 by the Local Planning Authority shall thereafter each be retained as s 2 bedroom unit.

REASON: To prevent the creation of additional independent units of accommodation with additional bedrooms without advance planning permission in the interests of proper planning.

5. Following the reconfiguration of Flat 9 at ground/first floor level in Block A, Christine Ingram Gardens into 2no. units, Flat 9 at ground floor level and Flat 12 at first floor level in Block A as shown on drawing no. 3794/26 received 19 June 2018 by the Local Planning Authority shall thereafter each be retained as a 2 bedroom unit.

REASON: To prevent the creation of additional independent units of accommodation with additional bedrooms without advance planning permission in the interests of proper planning.

6. Following the reconfiguration of Flat 26 at ground floor level in Block B, Christine Ingram Gardens into 2no. units, the creation of new Flats 26 and 27 at ground floor level in Block A as shown on drawing no. 3794/27 received 19 June 2018 by the Local Planning Authority shall thereafter each be retained as 2 bedroom units.

REASON: To prevent creation of additional independent units of accommodation with additional bedrooms without advance planning permission in the interests of proper planning.

7. Following the reconfiguration of Flat 22 at first floor level in Block C, Christine Ingram Gardens into 2no. units, new Flats 22 and 23 at first floor in Block C as shown on drawing no. 3794/28 received 19 June 2018 by the Local Planning Authority shall thereafter each be retained as a 2 bedroom unit.

REASON: To prevent the creation of additional independent units of accommodation with additional bedrooms without advance planning permission in the interests of proper planning.

8. Flats 8 and 17 at second floor level in Block A, Christine Ingram Gardens as shown on drawing no. 3794/30 received 19 June 2018 by the Local Planning Authority shall each be retained as a 2 bedroom unit.

REASON: To prevent the creation of additional independent units of accommodation with additional bedrooms without advance planning permission in the interests of proper planning.

9. The number of residential units upon the application site shall not exceed 32 at any given time.
REASON: To prevent creation of additional independent units of accommodation without advance planning permission in the interests of proper planning.

10. The 6no. additional units hereby approved shall not be occupied until the associated vehicle parking spaces have been re-configured and marked out in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.

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

[Relevant Policies: BFBLP M9, CSDPD CS23]

11. The 6no. additional units hereby approved shall not be occupied until the associated visitor parking on the southern side of the stub of Lakeside has been surfaced and marked out in accordance with the approved drawing and details contained in a S278 agreement to be completed with the Highway Authority. The spaces shall thereafter be kept available for parking at all times.

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

[Relevant Policies: BFBLP M9, CSDPD CS23]

12. The 6no. additional units hereby approved shall not be occupied until 8 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/facilities shall thereafter be retained.

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

[Relevant Policies: BFBLP M9, CSDPD CS23]

13. 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, any of the buildings 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 Plans and Policies: BFBLP M9]

14. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:

- (a) Parking of vehicles of site personnel, operatives and visitors
- (b) Loading and unloading of plant and vehicles
- (c) Storage of plant and materials used in constructing the development
- (d) Temporary portacabins and welfare for site operatives

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

REASON: In the interests of amenity and road safety.

15. No development (including initial site-clearance) shall commence until a detailed scheme for the protection of existing trees, hedgerows and groups of mature shrubs 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 -

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) Positions and spreads of existing hedgerows and groups of mature shrubs.
- c) Any proposed tree, hedge or shrub removal. Shown clearly with a broken line.
- d) Proposed location/s of 2m high (minimum) protective barrier/s, 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.
- e) Illustration/s of the proposed protective barriers to be erected.
- f) Proposed location/s and illustration/s ground protection measures within the main root protection areas of retained trees, designed as necessary for pedestrian light traffic or heavy plant machinery, as necessary to prevent contamination and ground compaction.
- g) Annotated minimum distances between protective barriers and trunks of retained trees at regular intervals.
- h) All fenced off areas clearly annotated as Tree Protection Areas/Construction Exclusion Zones.
- i) Notes regarding restrictions which apply to Tree Protection Areas/Construction Exclusion Zones.
- j) Arboricultural site monitoring - Note confirming that all protection measures are to be routinely monitored by site visits undertaken by a project arboriculturalist (appointed by the land owners), at maximum 4 week intervals for the duration of all works on site to ensure full compliance with the approved tree protection and monitoring scheme. Copy of the signed report to be forwarded to the Local Authority following each site visit.

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

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

16. The protective fencing and other protection measures specified by condition 15 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 (unless agreed otherwise in writing by the Local Planning Authority). 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.

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

- a) Induction and personnel awareness of arboricultural matters.
- b) Identification of individual responsibilities and key personnel.
- c) Statement of delegated powers.
- d) Timing and methods of site visiting and record keeping. To include routine site visits at maximum 4 week intervals
- e) Procedures for dealing with variations and incidents.

The program of arboricultural monitoring shall be undertaken in full compliance with the approved details. No variation of the approved monitoring program shall take place without the prior written agreement of the Local Planning Authority. A copy of the signed inspection report shall be sent to the local Authority following each visit.

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

18. The 6no. additional units hereby approved shall not be occupied until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule. All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the occupation of any part of the approved development, whichever is sooner. All hard landscaping works shall be carried and completed prior to the occupation of any part of the approved development. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.

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

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

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

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

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

Informatives

1. 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.

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

1. Time limit
2. Approved plans
3. Materials
- 4 to 8. Number of bedrooms
9. Number of residential units
10. Parking spaces
11. Visitor parking spaces
12. Cycle parking
13. No restrictions on use of parking
16. Tree protection
19. Retention of soft landscaping

The applicant is advised that the following conditions require discharging prior to commencement of development:

14. Site organisation
15. Tree protection
17. Site specific programme of supervision/monitoring for all arboricultural protection measures

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

18. Landscaping

In the event of the S106 agreement not being completed by 31 July 2020, the Head of Planning be authorised to either extend the period further or refuse the application on the grounds of:

1. The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impacts in this respect. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and the Thames Basin Heaths Special Protection Area Supplementary Planning Document (2018).

2. In the absence of a planning obligation to secure an acceptable affordable housing commuted sum, the proposal is contrary to Policy H8 of the Bracknell Forest Borough Local Plan, Policies CS16 and CS17 of the Core Strategy Development Plan Document, the Planning Obligations SPD and the resolution on affordable housing made by BFC Executive on 29 March 2011.

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ITEM NO: 09

Application No.
19/00785/FUL
 Site Address:

Ward:
 Bullbrook

Date Registered:
 2 September 2019

Target Decision Date:
 2 December 2019

The Braccans London Road Bracknell Berkshire

Proposal:

Section 73 application for the variation to condition 02 (approved plans) to planning permission 18/00357/FUL for the addition of two storeys to accommodate 14no. apartments, following demolition of existing roof. [Note for clarification: this application seeks amendments to the parking layout and bin and cycle storage]

Applicant:

Mr Uri Eisenstein

Agent:

Mr Robert Burr

Case Officer:

Trevor Yerworth, 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 planning application to vary condition 02 of planning permission 18/00357/FUL which requires that the development be carried out in accordance with a list of approved plans. This application seeks to amend the approved details in respect to car and cycle parking, and bin stores.

1.2 The amendments sought include:

- retaining the existing bin store which serves the current residents and is positioned near the top of the ramp to the basement car park and extending this to accommodate the bins for the additional approved 14 flats;
- relocating the cycle parking by splitting this between the basement car park, the surface car park and the entrance area; and.
- associated changes to the layout of the basement car park.

1.3 The changes will result in the loss of one of the surface parking spaces to accommodate the extended bin store. It would also result in the loss of one of the basement parking spaces to accommodate cycle parking. Notwithstanding this it is considered that the development would provide adequate car and cycle parking. The Council's waste and recycling team has also confirmed that adequate bin storage would be provided for all the flats.

1.4 It is considered that the amendments would result in an improved position for the bin store and cycle parking provision compared to the approved layout and that these benefits would outweigh any harm resulting from the minor loss of car parking provision.

RECOMMENDATION

Planning permission be granted subject to conditions
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2. 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. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within Defined Settlement

Between 400m and 5km of SPA

3.1 The Braccans consists of two buildings, each three storey, located in a mixed use area due east of Bracknell town centre. This application relates to the western of these two buildings which has recently been converted from offices to flats under permitted development following the grant of a prior approval application. The site contains a surface car park to the rear (north) of the building and has a basement car

park. Soft landscaped areas are present to the front of the building and along the northern frontage to New Road.

3.2 The site is bordered by commercial properties to the east and west along London Road. Residential properties border the site to the north, and on the south side of London Road.

4. RELEVANT SITE HISTORY

17/00170/PAC - Prior approval change of use application for offices (Class B1a) to form 36 apartments. Prior Approval Granted (March 2017)

17/00174/FUL - External alterations including rendering of the building and new windows and roof lights. Approved (May 2017)

17/01331/PAC - Application for Prior Approval for change of use of roof level of existing building from office (B1) to residential (C3) [No net increase in number of apartments from 17/00170/PAC]. Prior Approval Granted (2018)

17/01336/FUL - External alterations to existing building involving installation of roof windows. Approved (2018)

18/00238/FUL - Erection of entrance lobby and associated alterations. Approved (2018)

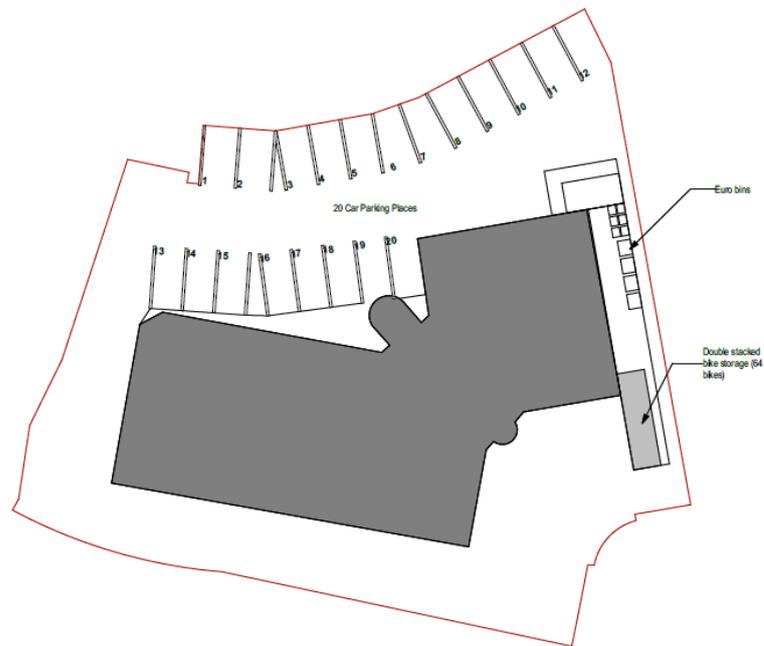
18/00445/PAC - Application for Prior Approval for change of use of building from office (Class B1) to form 33 apartments (Class C3). Prior Approval Granted (2018).

18/00357/FUL - Addition of two storeys to accommodate 14no. apartments, following demolition of existing roof. Approved with Legal Agreement 02.05.2019

5. THE PROPOSAL

5.1 This application seeks to vary condition 02 of planning permission 18/00357/FUL which requires that the development be carried out in accordance with a list of approved plans. It seeks to amend the approved details in respect to car and cycle parking, and the position of bin stores.

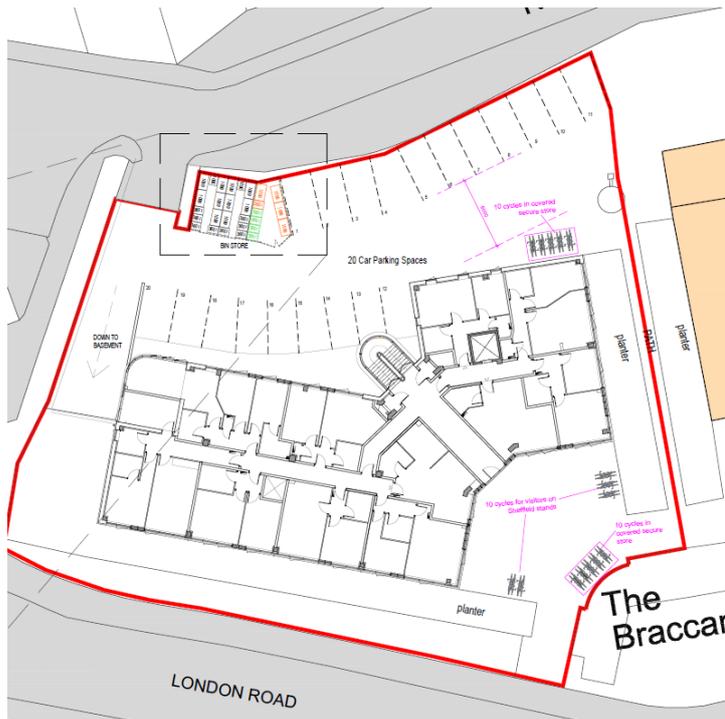
5.2 The approved scheme showed the bin stores next to the sloping path leading from the front of the building to the rear car park which is presently occupied by a brick planter. It also proposed to locate a double-stacked cycle store for 64 cycles near the main front entrance of the building.



1:200

PROPOSED SITE PLAN

5.3 The amendments seek to retain the existing bin store serving the current residents that is positioned near the top of the ramp to the basement car park and to extend this to accommodate the bins for the additional 14 flats approved under permission 18/00357. In order to avoid having a large double stacked cycle store adjacent the main entrance it is also proposed to rearrange the cycle parking by splitting this between the basement car park, the surface car park and the entrance area.



5.4 The application has been amended in the course of its consideration to address issues raised by the Highway Officer.

6. REPRESENTATIONS RECEIVED

6.1 Bracknell Town Council raise no objection.

6.2 Other representations:

Six letters of objection have been received from residents of the existing flats at 2 The Braccans. These raise the following issues:

- Inadequate parking for the additional residents will lead to parking issues in the area;
- Concerns about noise and disturbance during construction;
- Concerns about structural damage to building during construction [Officer comment: This is a private matter and does not constitute a material planning consideration];
- Will create an eyesore out of character with surrounding buildings [Officer note: This application seeks a variation to approved planning application 18/00357/FUL. Issues of principle and impact on the character of the area were considered under that application and no material changes in respect of these issues arise from the current application]

7. SUMMARY OF CONSULTATION RESPONSES

7.1 The Highway Officer raises no objection to the proposal, subject to conditions.

7.2 The Recycling & Waste Officer raises no objection to the proposal, 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	NPPF
General policies	CP1 of SALP	Limited (policy not used in planning application decision-making)
	CS1 & CS2 of CSDPD	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Parking	Saved policy M9 of BFBLP	Consistent NPPF refers to LA's setting their own parking standards for residential development, this policy is considered to be consistent.
Supplementary Planning Documents (SPD)		
Parking standards SPD		
Other publications		
National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG)		

9. PLANNING CONSIDERATIONS

9.1 As the principle of this development has already been established, the key issues for consideration are:-

- i Impact on character and appearance of the area
- ii Impact on highway safety
- iii Impact on residential amenity

Impact on character and appearance of the area

9.2 Policy CS7 of the CSDPD requires high quality design for all development within Bracknell Forest with development building on local character and respecting local patterns of development. Policy EN20 of the BFBLP requires new development to be in sympathy with the appearance and character of the local environment and appropriate in scale, mass, design, materials, layout and siting both in itself and in relation to adjoining buildings, spaces and views. The extended roof structure to accommodate the additional flats was approved under application 18/00357/FUL and no changes are proposed to the building itself in the current application. The proposed additional floors would have a contemporary design seeking to match the horizontal emphasis of the existing building and its fenestration. The proposed fourth floor would be set back slightly from the main side elevations of the building, enabling the provision of balconies and breaking up the bulk and mass of the building. The extension was considered to be in keeping with the character of the area, and although it would increase the height of the building this was considered acceptable as ground levels rise gently along London Road westwards.

9.3 This application relates solely to the design of the external environment of this building. In particular changes are proposed to the position and design of the bin stores and cycle parking, with corresponding changes to the parking layout. The approved scheme proposed to locate the bin and cycle storage along the eastern side of the building within an area containing existing landscape planters adjacent to a sloping footpath leading to the rear parking area. This would have resulted in the loss

of existing landscaping and as the proposed cycle store would be double-stacked, it would have resulted in a large and dominant structure visible from the main entrance to the building and the pedestrian route to the rear parking area.

9.4 The location of the bin store in the current revised layout is within the surface car park and would form an extension to the existing bin store that was approved as part of the prior approval application for the conversion of the existing building to flats. Cycle storage is now proposed to be split between secure storage in the basement car park, single-stacked covered and secure stores in the surface car and near to the main front entrance, and additional Sheffield stands for visitor cycle parking by the main entrance.

9.5 The proposed changes would not be readily viewed from public viewpoints and therefore would make minimal difference to the character and appearance of the surrounding area. However, it is considered that overall the changes would represent an improvement to the immediate environment of the building, providing a more attractive outlook for the existing and future residents of the flats as well as for the occupiers of the adjacent office building at 1 The Braccans. The proposals would not involve the loss of any areas of landscaping and would avoid the loss of existing landscaping that would result if the approved layout was implemented.

9.6 It is not considered that the proposal would adversely affect the character or appearance of the area and it would respect local patterns of development in compliance with CSDPD Policy CS7. It would be in sympathy with the appearance and character of the local environment and appropriate in scale, mass, design, materials, layout and siting both in itself and in relation to adjoining buildings, spaces and views as required by BFBLP Policy EN20.

Impact on Highway Safety

9.7 CSDPD Policy CS23 states that the Local Planning Authority will seek to increase the safety of travel. BFBLP 'Saved' Policy M9 states that development will not be permitted unless satisfactory parking provision is made for vehicles. To supplement the above policies the adopted Parking Standards Supplementary Planning Document (SPD) (2016) sets out the advised levels and size of parking spaces for various types of development.

9.8 The Braccans is located on the corner of London Road and Bay Road, and pedestrian access is from the London Road frontage. The car parking takes access off New Road, an adopted road, and there is an existing private footpath to the side of the building for access between the car park and the building. No changes are proposed to the existing access arrangements which are the same as the approved scheme.

9.9 The current proposal, together with the flats already existing on the site from the office conversion scheme, would result in total of 47 flats on this site, consisting of 34 no. one-bed units and 13 no. two-bed units. In order to comply with the Council's parking standards this dwelling mix would require 69 parking spaces, consisting of 60 spaces allocated to the units and 9 visitor spaces. The previous office use had 68 parking spaces (44 in the basement and 24 on the surface). The approved scheme would therefore result in a shortfall of one visitor parking space (it should be noted that the approved site plan, reproduced above, only shows 20 surface parking spaces. However, this is incorrectly drawn and does not reflect the actual number of spaces in the car park).

9.10 In order to achieve the claimed 68 parking spaces the parking layout in the approved scheme relied on the existing bin store forming part of the prior approval permission (which takes up two parking spaces) being relocated along the side of the building alongside the bin storage for the additional 14 flats. No details of this bin store were provided with the application, and on further consideration it is doubtful whether the area shown on the approved layout plan would in fact have been large enough to adequately accommodate all the bins required to serve these 47 flats. Furthermore, the Council's Waste and Recycling Officer was concerned that the proposed bin store would be very narrow, resulting in bins needing to be stored in a long line, which is not user or access friendly.

9.11 The applicant has also raised concerns about the proximity of the bin storage area to windows in the adjoining flats and noted that the new position proposed would make it easier for the bin lorries to access the bins on collection days from the road and avoid the potentially tricky sloping path when manoeuvring the bins. For all these reasons it is considered that the bin storage approved under 18/00357/FUL is far from ideal and could result in problems of noise and smells for adjacent flats, problems of inadequate capacity and difficulties of access, difficulties for manoeuvring the bins to the bin lorry as well as the loss of landscaping. Retaining some bin storage as shown in the prior approval permission is therefore preferable in this regard.

9.12 These problems with the location of bin storage in the approved scheme need to be weighed against the loss of parking spaces in the current proposal. In addition to the two spaces lost by retaining the bin store within the surface car park (now constructed in accordance with the prior approval scheme) two further spaces would be lost to allow for the extension of the bin store to accommodate the extra flats, and to accommodate cycle storage in the surface car park. A fifth space would be lost from the basement car park as the current proposal would also replace most of the cycle parking that had been taken out of the basement in the approved scheme, back into the basement car park with the loss of a further parking space. This would result in 43 spaces in the basement car park and 20 in the surface car park making a total of 63 spaces. As noted above in order to meet the Council's full parking standards a total of 69 spaces would be required, nine of which would be visitor spaces. This proposal would therefore result in a shortfall of six visitor spaces, compared to just one in the approved scheme.

9.13 It is acknowledged that the guidance provided by the Parking Standards SPD (2016) can be applied flexibly, taking into consideration the location and nature of the development proposed. In view of the site's location close to the town centre, and the flatted nature of the development, there would be less car ownership in comparison to standard housing or that in less sustainable locations. Furthermore, it would be difficult to demonstrate that a shortfall of six visitor parking spaces would result in severe highway impacts, given the sustainable location of the site. As a result, the Highway Authority raised no objection to the proposal subject to a condition requiring the allocation of parking spaces to each flat.

9.14 The Council's Parking Standards SPD also sets out requirements for cycle parking. For flats this requires secure storage at 1 space per bedroom together with additional visitor parking at 1 space per 5 units. The combined development for 47 flats would result in a total of no. 60 bedrooms therefore requiring secure cycle storage provision for 60 cycles. The applicant is proposing to meet this requirement through the provision of 40 secure spaces in the basement, ten in the rear car park and ten by the front entrance. In addition, it is proposing ten stands for visitors' cycles (1 per 5 units) adjacent to the front entrance. This provision fully complies with the Council's

cycle parking standards and exceeds that of the approved scheme that would have resulted in a shortfall of 5 cycle spaces.

9.15 Conditions are recommended that require the proposed parking layout and cycle parking arrangements to be implemented and retained in the interests of highway safety, as well as an additional condition requiring the allocation of parking spaces.

9.16 As a result it is not considered that the proposed development would result in an adverse impact on highway safety, in accordance with CSDPD Policy CS23, BFBLP 'Saved' Policy M9, the Parking Standards SPD, and the NPPF, subject to the recommended conditions.

Impact on residential amenity

9.17 BFBLP 'Saved' Policy EN20 seeks to ensure that development would not result in an adverse impact on neighbouring properties through loss of light, loss of privacy or overbearing impacts. This policy is consistent with the NPPF which states at para. 127 that planning policies should ensure that developments promote a high standard of amenity for existing and future users.

9.18 As the extension to the building would be the same as in the approved scheme, this s73 application would not have any greater impact on the amenities of neighbouring properties than the approved scheme.

9.19 Since the submission of the application for the approved scheme the applicant has completed the conversion of the office building to 33 flats approved under prior approval. These flats are now occupied, and concerns have been raised by the occupants about noise and disturbance during the construction of the roof extension as well as the use of part of the basement car park to store building materials.

9.20 While it is unfortunate that the roof extension works were not carried out at the same time as the conversion works prior to any occupations, the situation at the moment is that the applicant has a lawful permission to carry out these works. The extant permission includes a working hours condition and it is recommended that this be re-imposed on the current application. However, in view of the fact that the construction would be going on within an occupied residential site which was not the case previously it is considered reasonable to include an additional condition requiring the approval of a working method statement and site organisation plan. Should any excessive noise, dust or vibrations occur during construction such as to constitute a statutory nuisance this would be covered under Environmental Health legislation.

9.21 With respect to the concerns raised about the current loss of parking spaces for the storage of materials it should be noted that the temporary use of part of the basement car park for this purpose constitutes permitted development, and also that adequate parking spaces remain for the current 33 flats on this site. However, once the building works are completed all the 63 on-site parking spaces will be required and therefore a condition is suggested that secures the provision of all these spaces before the additional flats are occupied, and that they are thereafter retained.

9.22 It is also important to consider the residential amenities of the future occupiers of the new flats. Terraces are to be provided to the proposed flats on the fourth floor. The applicant is proposing to provide screens to separate the terraces that adjoin each, in order to prevent a loss of privacy between these terraces. The provision of these screens can be secured by condition.

9.23 It is therefore considered that, subject to the recommended conditions, the development would not result in an adverse impact on the amenity of neighbouring properties, existing residents, or prospective occupants, in accordance with BFBLP 'Saved' Policy EN20 and the NPPF.

Other Considerations

Waste and Recycling

9.24 It is considered that the revised layout currently proposed would represent an improvement over the approved layout with respect to the design and location of the bin store. The revised arrangements are acceptable in principle to the Council's Waste and Recycling Officer (WRO). However, based on recent observations of how the existing bin store is working, the WRO considers that better management of the bin store is required. To achieve this the applicant has agreed to provide a concierge service to regularly maintain the current bin store and be responsible for arranging the bins in an accessible layout and rotating the bins to ensure empty bins are always located to the front of the store. A condition requiring this concierge service is recommended. The Highway Officer has also requested that the doors on the proposed extension to the bin store are sliding like those on the existing store to avoid conflict with vehicles. A condition to this effect is also recommended.

Ecology

9.25 CSDPD Policy CS1 states that development will be permitted which protects and enhances the quality of natural resources including biodiversity. CSDPD Policy CS7 states that development proposals will be permitted which promote biodiversity. These policies are considered to be consistent with the NPPF which states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity.

9.26 While the proposal would involve the loss of an existing roof structure, it is considered that the roof layout of this building is unlikely to host roosting bats. However, in line with the above policies opportunities for wildlife should be incorporated in the development. The applicant has proposed biodiversity enhancements primarily including bird and bat boxes which are considered appropriate. A condition is therefore recommended to secure these enhancements. Subject to this condition, it is considered that the proposed development would not result in an adverse impact on biodiversity, in accordance with CSDPD Policies CS1 and CS7, and the NPPF.

Sustainability implications

9.27 CSDPD Policy CS10 requires the submission of a Sustainability Statement demonstrating how average water use in new dwellings would be restricted to 110 litres/person/day. This is consistent with section 15 of the NPPF. The applicant has provided details demonstrating that this will be achieved, and it is recommended that a condition be imposed to secure this.

9.28 For residential development of more than five dwellings CSDPD Policy CS12 requires the submission of an Energy Demand Assessment demonstrating how the development's potential carbon dioxide emissions will be reduced by at least 10% and how 20% of the development's energy requirements will be met from on-site renewable energy generation. This is again consistent with section 15 of the NPPF. The applicant has provided details demonstrating that this will be achieved, and it is recommended that a condition be imposed to secure this.

Thames Basin Heath SPA

9.29 Retained South East Plan Policy NRM6, Core Strategy DPD Policy CS14 and BFBLP 'Saved' Policy EN3 seek to avoid an adverse impact upon the integrity of the Thames Basins Heaths Special Protection Area. This is in accordance with both section 15 of the NPPF and the Conservation of Habitats and Species Regulations 2017.

9.30 The Council, in consultation with Natural England, has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath Special Protection Area (SPA) is likely to have a significant effect on the integrity of the SPA, either alone or in-combination with other plans or projects. An Appropriate Assessment has been carried out including mitigation requirements.

9.31 This site is located approximately 2.8 km from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

9.32 On commencement of the development, a contribution (calculated on a per-bedroom basis) is to be paid to the Council towards the cost of measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Council's Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPD) and the Planning Obligations SPD. The strategy is for relevant developments to make financial contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the SPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures. The Council will also make a contribution towards SANG enhancement works through Community Infrastructure Levy (CIL) payments whether or not this development is liable to CIL.

9.33 In this instance, the development would result in a net increase of 9 x one bedroom and 5 x two-bedroom dwellings which results in a total SANG contribution of £65,592.

9.34 The development is also required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which will be calculated on a per bedroom basis. Taking account of the per bedroom contributions this results in a total SAMM contribution of £6,221.

9.35 The total SPA related financial contribution for this proposal is £71,813. The applicant has already entered into a S106 agreement as part of the extant permission to secure this contribution and a restriction on the occupation of each dwelling until the Council has confirmed that open space enhancement works to a SANG is completed. Therefore, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP Saved Policy NRM6, Saved Policy EN3 of the BFBLP and CS14 of CSDPD, the Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD, the Planning Obligations SPD and the NPPF.

Open Space of Public Value

9.36 For sites less than 1ha a financial contribution is sought towards upgrading and enhancing OSPV which increases capacity in order to serve the development. The applicant has entered into legal obligations as part of a s106 agreement as part of the

extant permission to make a contribution of £10,000 towards improving the play area facility at The Elms Recreation Ground to the northwest of the site. This is in line with the requirements of the Planning Obligations SPD, which is consistent with para. 56 of the NPPF.

Drainage

9.37 The site is not located within Flood Zones 2 or 3 and is not in an area of critical drainage problems which has been notified to the Local Planning Authority by the Environment Agency. The nature of the proposal means that there is no increase in impermeable area and therefore the proposal would not materially affect flood risk on- or off-site.

Community Infrastructure Levy (CIL)

9.38 Bracknell Forest Council introduced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the borough and the type of development.

9.39 CIL applies to any new build that involves the creation of additional dwellings. However, as the site is located within the 'Central Bracknell' charging area, which is a nil CIL charging area this development is not CIL liable.

10. CONCLUSIONS

10.1 The development is considered acceptable in principle. It is not considered that the development would result in an adverse impact on the character and appearance of the host building or local area, the amenities of the occupants of the neighbouring properties or prospective occupants, or on highway safety, subject to conditions.

10.2 It is therefore considered that the proposed development complies with Development Plan Policies SALP Policy CP1, CSDPD Policies CS1, CS2, CS7, CS10, CS12, CS14, and CS23, BFBLP 'Saved' Policies EN1, EN3, EN20, EN25, and M9, Retained SEP Policy NRM6, the Design SPD, the Parking Standards SPD, the Planning Obligations SPD, and the NPPF.

10.3 The application is therefore recommended for conditional approval.

11. RECOMMENDATION

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

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

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

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

7734 50 'Proposed Ground Floor' received 12 April 2018

7734 51 Rev.A 'Proposed First Floor' received 12 April 2018

7734 52 Rev.A 'Proposed Second Floor' received 12 April 2018

7734 60 Rev.A 'Proposed Third Floor Plan' received 12 April 2018
7734 61 Rev.A 'Proposed Fourth Floor Plan' received 12 April 2018
7734 62 'Proposed Roof Plan' received 12 April 2018
7734 63 'Proposed West Elevation' received 12 April 2018
7734 64 'Proposed East Elevation' received 12 April 2018
7734 65 Rev.A 'Proposed North Elevation' received 12 April 2018
7734 66 Rev.A 'Proposed South Elevation' received 12 April 2018

7734 12D Basement Plan received 31st January 2020

7734 681 Proposed Bin Store received 31st January 2020

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

3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the following details:-

- External walls: Through colour render, colour white
- Windows: Aluminium, colour grey (RAL7015) to match existing
- Rain water goods: Aluminium, colour grey to match existing
- Balustrades: Glass with stainless steel handrails

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

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

4) No flats on the fourth floor of the development hereby permitted shall be occupied until terrace privacy screens to the fourth floor units have been provided in accordance with the following details:-

7734 61 Rev.B 'Proposed Fourth Floor Plan' received on 27 August 2019

7734 63 Rev.A 'Proposed West Elevation' received on 27 August 2019

7734 64 Rev.B 'Proposed East Elevation' received on 27 August 2019

7734 65 Rev.B 'Proposed North Elevation' received on 27 August 2019

7734 66 Rev.B 'Proposed South Elevation' received on 27 August 2019

Glass 360 Invoice received on 27 August 2019

Toughglaze Ltd - 10mm satin - Performance Calculator received on 27 August 2019

Terrace Screen Photograph received on 27 August 2019.

The screens shall be retained as such thereafter.

REASON: In the interests of the residential amenities of prospective occupants.

[Relevant Policy: BFBLP 'Saved' Policy EN20].

5) No demolition or construction work shall take place outside the hours of 8:00 am and 6:00 pm Monday to Friday; 8:00 am and 1:00 pm Saturday and not at all on Sundays and Public Holidays.

REASON: In the interests of the amenities of the occupants of neighbouring residential properties.

[Relevant Policies: BFBLP 'Saved' Policies EN20, EN25]

6) No part of the development hereby permitted shall not be occupied until space for 63 cars to be parked has been laid out within the site in accordance with the following plans:-

7734 12D Basement Plan received 31st January 2020

7734 681 Proposed Bin Store received 31st January 2020.

One space shall be allocated to each flat and there shall be no restrictions on the use of the remaining car parking spaces which shall be made available for the occupiers of, or visitors to, any of the flats hereby permitted. The spaces shall thereafter be retained as such and not used for any purpose other than parking.

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

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

7) No part of the development hereby permitted shall not be occupied until 60 secure and covered cycle parking spaces and ten visitor cycle parking spaces have been provided in the locations identified for cycle parking on the approved plans within the development. The cycle parking facilities shall thereafter be retained.

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

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

8) No part of the development hereby permitted shall be occupied until:-

(a) an on-site bin store for waste material awaiting disposal has been provided in accordance with drawing number 7734 681 "Proposed Bin Store"; and

(b) a contract has been entered into for the provision of a concierge service responsible for regularly maintaining the bin store, arranging the bins in an accessible layout and rotating the bins to ensure empty bins are always located to the front of the store.

The bin store and concierge service shall thereafter be permanently retained as such.

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

[Relevant Policy: Core Strategy DPD CS13]

9) The bin store hereby permitted shall be provided with sliding doors and thereafter be permanently retained as such.

REASON: To ensure that the doors do not open into the path of moving vehicles in the interests of highway safety.

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

10) No part of the development hereby permitted shall not be occupied until bird and bat boxes have been provided in accordance with the following details:-

Ecology Resources Ltd 'Bat and Bird Box Plan Report' received on 8 July 2019;

Drawing 7734 63 Rev.A 'Proposed West Elevation' [Annotated] received on 27 August 2019; and

7734 65 Rev.B 'Proposed North Elevation' [Annotated] received on 27 August 2019.

REASON: In the interests of nature conservation

[Relevant Policy: CSDPD CS1, CS7]

11) The development hereby permitted shall be carried out in accordance with DE/CC/P19-1771/01 Rev.A "Renewable Energy and Water Statement - Revision A" received on 27 August 2019 and thereafter retained in accordance with this Statement.

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

[Relevant Policy: Core Strategy DPD CS10]

INFORMATIVES

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern and negotiating, with the applicant, acceptable amendments to the proposal to address those concerns. The proposal has been assessed against all relevant material considerations, including planning policies and any representations that may have been received. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

1. Commencement
2. Approved Plans
3. Materials
4. Terrace privacy screens
5. Hours of construction
6. Car parking
7. Cycle parking
8. Waste and recycling measures
9. Bin store doors
10. Bird and bat boxes
11. Renewable Energy and Water Statement

03. The applicant is advised to give careful thought as to how the site will be organised and the work carried out so as to minimise any harm to existing residents while carrying out the works. In particular due care and consideration should be given to ensure the safety and convenience of the residents, particularly with respect to noise, dust, vibration and access. To this effect the applicant is encouraged to consider the following:

- (a) Parking of vehicles of site personnel, operatives and visitors;
- (b) Loading and unloading of plant and vehicles
- (c) Storage of plant and materials used in constructing the development;
- (d) welfare arrangements for site operatives;
- (e) measures for the control of noise, dust, vibration;
- (f) site security and safety arrangements;

It is advised that the existing residents be consulted on above arrangements before any work commences.

04. Thames Water as the local sewerage service have provided the following comments:

'Waste Comments:

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website, <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>.

Thames Water would advise that with regard to Foul Water sewage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments:

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'.

ITEM NO: 10

Application No.
19/00883/FUL

Ward:
Winkfield And
Cranbourne

Date Registered:
7 October 2019

Target Decision Date:
2 December 2019

Site Address:

**10 Aldridge Park Winkfield Row Bracknell Berkshire
RG42 7NU**

Proposal:

Conversion of garage to habitable accommodation.

Applicant:

Ms Katalin Roszik

Agent:

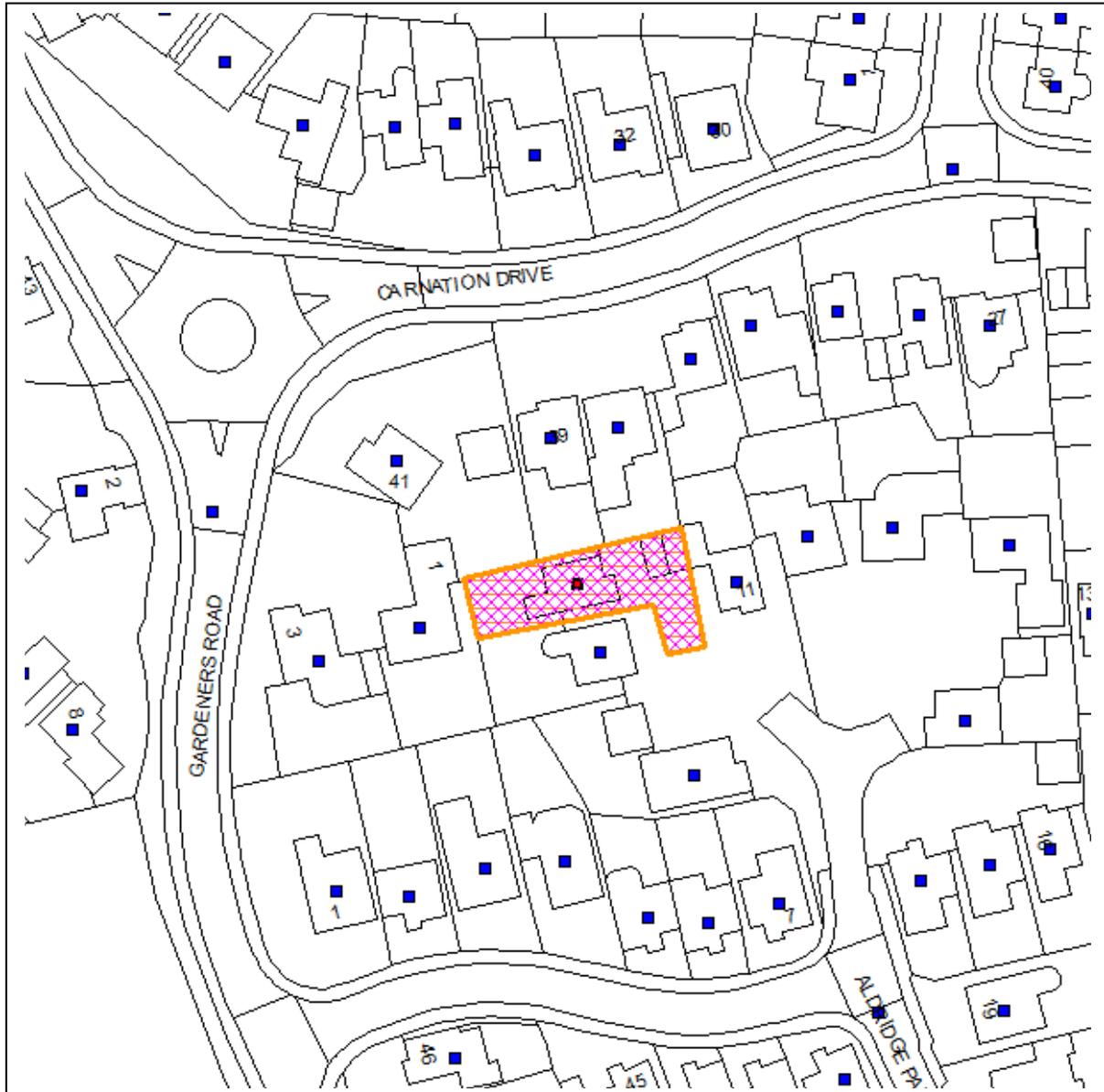
Mr Matyas Szalay

Case Officer:

Alexander Ralph, 01344 352000

development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

- 1.1 The proposal is for the conversion of a garage into habitable accommodation and would not have any adverse impacts on the character of the area, residential amenity or highway safety.

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

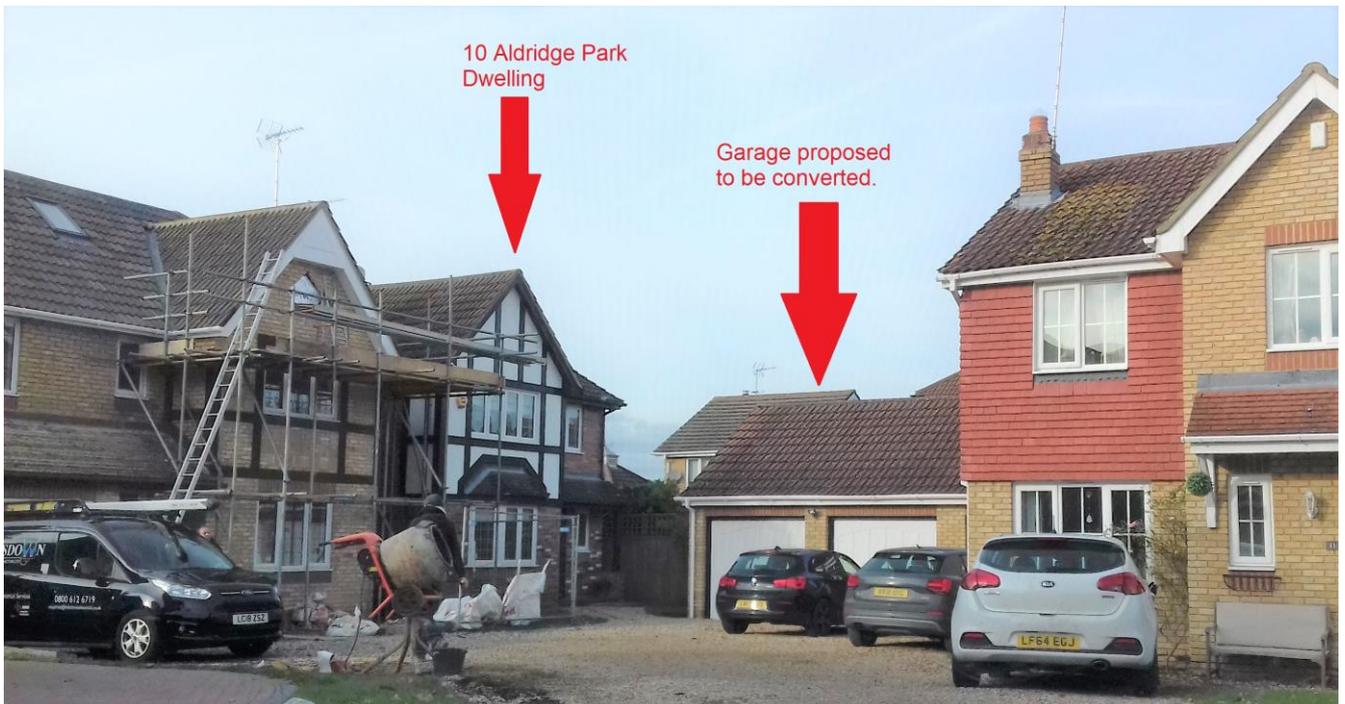
2. REASON FOR REPORTING APPLICATION TO COMMITTEE

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

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Within settlement boundary
Within 5km of SPA

- 3.1 The site is located to the north of the highway, Aldridge Park. 10 Aldridge Park is a four-bedroom dwelling with a detached double garage that is attached to a single garage belonging to 11 Aldridge Park. There are 2 parking spaces to front of the double garage. Whilst the original supporting statement states this is a three-bedroom property, the Local Planning Authority consider it to be four bedrooms and this is what it is being assessed as. This is because one bedroom is being used as a study.



4. RELEVANT SITE HISTORY

4.1 The relevant planning history is set out below:

618990 - Erection of 59 three and four bedroom detached houses with associated roads and sewers.

(Approved 1993)

Condition 15 of permission 618990 states "the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for the purpose"

5. THE PROPOSAL

5.1 The proposal is for the conversion of the double garage into habitable accommodation. The double garage currently measures approx 5.45 metres in width, and 5.33 metres in depth internally. A new window would be inserted in the side elevation and new doors with glass insets.

6. REPRESENTATIONS RECEIVED

Winkfield Parish Council

6.1 Winkfield Parish Council recommended refusal, stating that the loss of a garage parking space would not be supported.

Other responses received

6.2 7 objections have been received from 5 addresses. The issues raised can be summarised as follows:

- Concern that the garage would be used to run a business, and would not be a gym as stated on the application form.
- Issues regarding parking, mainly regarding that clients would be visiting the business, and that this would increase parking volume
- Concern regarding overlooking to neighbouring properties.

7. SUMMARY OF CONSULTATION RESPONSES

Highways:

7.1 The Highway Authority raised no objection.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
General policies	CS1, CS2 of CSDPD	Consistent
Residential	Saved policy EN20 of BFBLP	Consistent

amenity		
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Parking	Saved policy M9 of BFBLP	Consistent
Transport	CS23 of CSDPD	Consistent
Supplementary Planning Documents (SPD)		
Parking Standards SPD		
Design SPD		
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

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

i. Principle of development

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

9.3 Core Strategy Policies CS1 (Sustainable Development) and CS2 (Locational Principles) are relevant and consistent with the objectives of the NPPF, and can be afforded full weight. In particular, Policy CS2 permits development within defined settlements. The proposed garage conversion is within the settlement boundary and the principle of development is therefore acceptable subject to no adverse impact on highway safety etc.

ii. Impact on character and appearance of the area

9.4 The existing garage doors are intended to be replaced by insulated doors with glass insets, with an additional window inserted into the side elevation of the garage. Brick infills would remain similar to existing materials on the dwelling. Subject to appropriate materials, the changes to the frontage of the garage are considered to be minor and the garage would remain similar in appearance to the existing garage.

9.5 , It is therefore considered that the development would not result in an adverse impact on the character and appearance of the area or the host property, in accordance with CSDPD Policy CS7, BFBLP 'Saved' Policy EN20, and the NPPF.

iii. Impact on Residential Amenity

9.6 There is no change to the built form of the garage and therefore no overbearing impacts would result from the proposal. The only changes externally are the insertion of two doors with glass insets looking southward towards the highway of Aldridge Park, and a window facing west towards the dwelling itself. These would not result in any adverse overlooking over and above the existing situation.

9.7 It is therefore considered that the development would not result in an adverse impact on the amenity of neighbouring occupiers, in accordance with BFBLP 'Saved' Policy EN20 and the NPPF, subject to a condition to ensure that the accommodation remains ancillary.

iv. Transport implications

Access

9.8 This site takes access off Aldridge Park, located to the south of the dwelling, and this will remain unchanged.

Parking

9.9 The application form, and provided plans, show that three car parking spaces can be achieved on the site. Originally, this included one space in the garage and the Highway Authority deemed that the remaining space would be insufficient. A parking plan has since been received, demonstrating that three spaces can be accommodated on-site 2 spaces to the front of the existing double garage and another to the side of the garage. "Certificate B" has been completed and notice served on the occupiers of the shared driveway leading to the property.

9.10 As 3 parking spaces can be provided the proposal is acceptable in line with BFBLP Policy M9, CSDPD Policy CS23 and the parking standards SPD.

viii. CIL

9.11 The Council, in consultation with Natural England, has formed the view that any net Bracknell Forest Council introduced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the borough and the type of development.

9.12 CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted) the creation of additional dwellings.

9.13 In this case, the proposal would not be CIL liable as it does not comprise the creation of new dwellings.

10. CONCLUSIONS

10.1 The proposed development is within the settlement boundary where the principle of development is acceptable. The proposal would not have any adverse impacts on the character of the area, residential amenity or highway safety.

10.2 The application is therefore recommended for conditional approval.

11. RECOMMENDATION

11.1 That the application be approved subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out only in accordance with the following approved plans and documents received by the Local Planning Authority on 29.01.2020
Drawing Numbers: A.01/A, A.05/A, A/06A
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be similar in appearance to those of the existing dwelling.
REASON: In the interests of the visual amenities of the area.
[Relevant Policies: BFBLP EN20, CSDPD CS7]
4. The garage development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwellinghouse, known as 10 Aldridge Park and shall at no time form a separate dwelling.
REASON: The creation of a separate unit would require mitigation measures.
[Relevant Policies: Core Strategy DPD CD6].
5. The development hereby approved shall not be occupied until the associated vehicle parking has been provided in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

Informatives

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:
 1. Time limit
 2. Approved plans
 3. Materials
 4. Ancillary Use
 5. Provision of Parking
03. The applicant should note that this permission does not convey any authorisation to enter onto land or to carry out works on land not within the applicant's ownership.
04. This is a planning permission. Before beginning any development you may also need separate permission(s) under Building Regulations or other legislation. It is your responsibility to check that there are no covenants or other restrictions that apply to your property.

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ITEM NO: 11

Application No.
18/00935/FUL

Ward:
Ascot

Date Registered:
25 September
2018

Target Decision Date:
25 December 2018

Site Address:

Kingswood Kings Ride Ascot Berkshire

Proposal:

Erection of 22 dwellings, with associated parking, access, and landscaping. (Note for clarification: this application seeks permission for an alternative scheme for part of the site covered by planning permission 16/00732/FUL. That permission provides for the redevelopment of the wider site for a total of 59 dwellings. The current application provides for a net increase of 6 dwellings on the site as a whole).

Applicant:

Mr Richard Barter

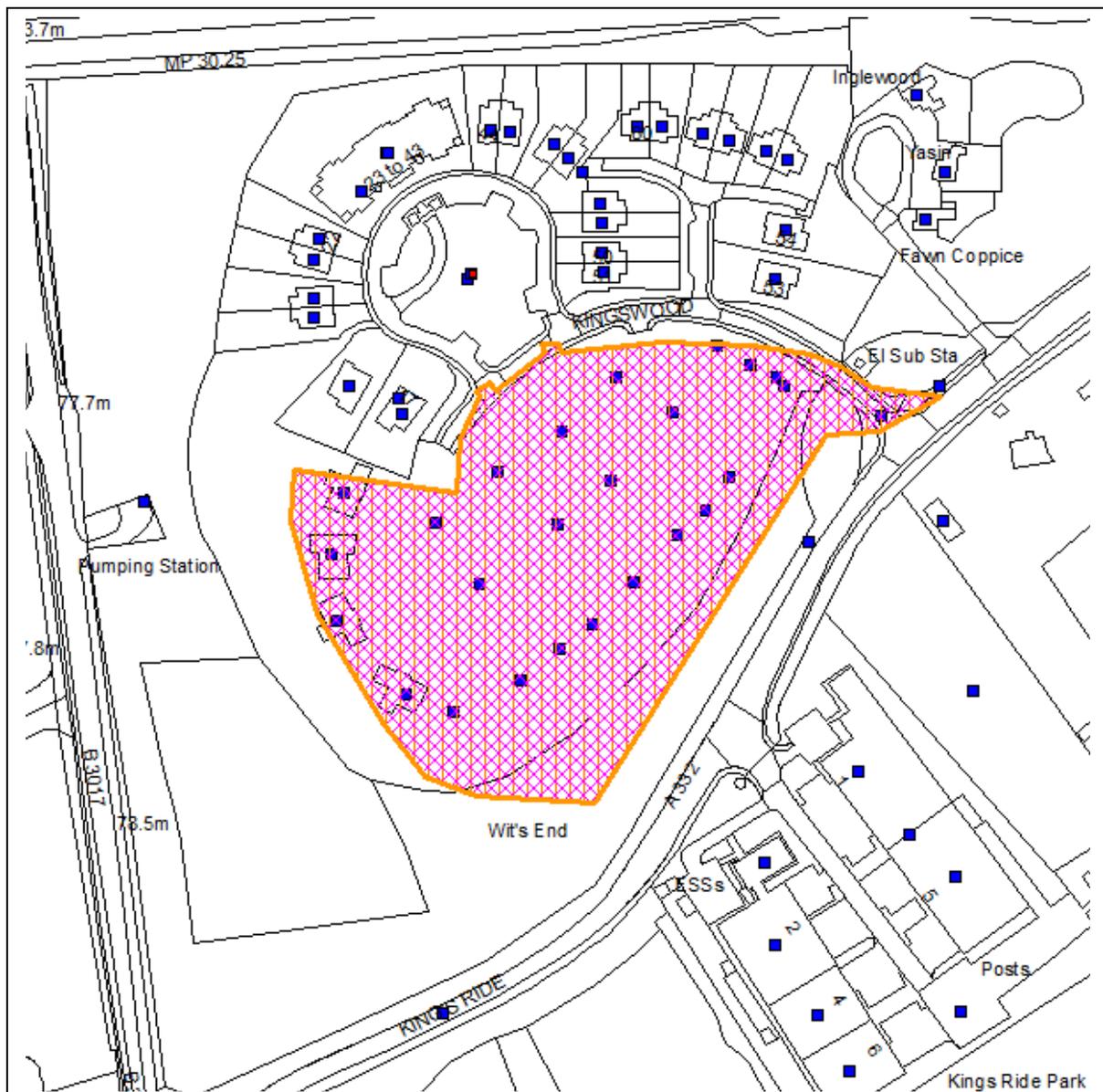
Agent:

(There is no agent for this application)

Case Officer:

Sarah Fryer, 01344 352000
development.control@bracknell-forest.gov.uk

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



1. SUMMARY

1.1 This application seeks consent for the re-plan of part of the approved development of this site.

RECOMMENDATION
Approve subject to S106 agreement

2. 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. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Green Belt
Outside Settlement
Previously Developed Land (PDL)

3.1 The 9.2ha application site is located to the north west of Kings Ride, east of Swinley Road and to the south of the Reading/Waterloo railway. The site is currently under construction for the demolition of existing office buildings and redevelopment to provide 59 residential units (Class C3), associated internal estate road, car parking, landscaping and open space, permitted under reference 16/00732/FUL.

3.2 Prior to the implementation of 16/00732/FUL, the site was occupied by three large, modern office buildings located around a circular feature located on the northern portion of the site. There were also three large carparks with floodlighting columns and a security building closer to the entrance. The rest of the site contains a mixture of deciduous and coniferous trees with two ponds within the wooded areas. The site is generally flat.

3.3 The site is located outside the settlement boundary, and within the designated Metropolitan Green Belt. The residential areas of Prince Consort Drive and Prince Albert Drive lie to the east of the site along with a small commercial estate known as Kings Ride Park. To the west and north lies Swinley Forest whilst the SANG and SSSI known as Englemere Pond lies to the north on the other side of the Reading/Waterloo railway line.

4. RELEVANT SITE HISTORY

18/00314/FUL Erection of 26 dwellings comprising 10 detached houses and 16 apartments, plus associated parking, access, and landscaping. (Note for clarification: this application seeks permission for an alternative scheme for part of the site covered by planning permission 16/00732/FUL. That permission provides for the redevelopment of the wider site for a total of 59 dwellings). Withdrawn

17/01283/FUL Section 73 application to vary condition 02 (approved plans) to planning permission 16/00732/FUL for the redevelopment of the site for 59 dwellings with associated infrastructure. (Note for clarification: permission is sought for internal and external amendments to the apartment building (plots 23-43) and to the parking serving it). Approved 19.02.2018

16/00732/FUL Demolition of existing office buildings and redevelopment to provide 59 residential units (class C3), associated internal estate road, car parking, landscaping and open space. Approved 03.04.2017

13/00858/FUL Demolition of existing office buildings and redevelopment to provide 38no residential units (class C3) together with garages, associated internal estate road, car parking, landscaping, open space and ancillary gym and swimming pool. Approved 12.08.2014.

612824 For the erection of a part two storey, part three storey building forming 98,000sq.ft of office floorspace (Class B1 use) associated parking service area and access road on land known as the Staravia site. Appeal Allowed: 07.05.1991.

5. THE PROPOSAL

5.1 This application seeks consent for a re-plan of part of the comprehensive site known as Phase 3 and 4 and incorporates the area occupied by plots 1-16 inclusive (as originally numbered) of the 2016 scheme. This proposal seeks to replace 16 of the approved plots with 22 units resulting in an increase on site of 6 units taking the cumulative total to 59 within the whole site.

5.2 This scheme proposes replacing the 5 detached dwellings within the central island created by the looping access driveway with 8 detached, but smaller, dwellings. Around the southern loop 11 dwellings would be replaced by 14 dwellings. This application does not propose to change plots 11-14 (Phase 3) which will remain as approved.

5.3 The proposal would not change the layout originally found acceptable within the proposed 2013 and subsequent 2016 application which concentrated the development on the existing areas of built form or hard surfacing.

5.4 The proposal seeks to retain the majority of the trees around the site to assist in screening the development and creating a wooded feel to the development. It is proposed to increase the screening along Kings Ride by an additional 70 trees.

5.5 The proposal also would provide additional pedestrian public access through the site improving the links to the walks within Swinley Forest.

6. REPRESENTATIONS RECEIVED

6.1 A total of 4 representations have been received from residents of nearby properties. The comments can be summarised as follows:

- Impact of the proposed buildings, associated hard standing, and related structures is considerably greater than the individual buildings in the approved scheme and as such are inappropriate in this green belt site.
- Would be against the objectives of the condition 22 of the approved 16/00732/FUL which seeks to remove permitted development rights of the proposed dwellings.
- For this to be acceptable there should be a requirement to provide a footbridge along Swinley Road, over the railway line for safe access.
- This application would introduce apartments outside the original built area of the apartments, resulting in further harm to the openness of the Green Belt.

Kings Ride Residents Association

6.2 Object on the following grounds:

- Continued densification of the site. This latest application nearly doubles the original scheme of 38 dwellings.
- The proposed buildings (and associated hard standing and related structures) are considerably greater than the individual buildings in the approved scheme as such are inappropriate within the

green belt. [Officer Note: this is not factually correct for example this scheme results in an overall reduction in GIA].

- The original offices were sympathetically designed to work with this green belt site, and while not to everyone's taste, were unobtrusive and virtually invisible from both Kings Ride and Swinley Road.

- The proposal does not promote sustainable transport as required under para 35 of the NPPF which adds to the traffic burden. Of specific concern is the railway bridge over Swinley Road.

[Officer Note: the NPPF reference is now out of date as the NPPF was re-published in 2019. Chapter 9, para 102 onwards promotes sustainable transport.].

Winkfield Parish Council

6.3 Strongly opposes this application for development within the Green Belt, given the density, character and overbearing nature of the proposals. The proposal is overdevelopment of the site which causes further loss of green space in close proximity to an SPA and places an unsustainable burden on local infrastructure. The proposal is of further detriment to the area due to its proximity to a known dangerous junction.

7. SUMMARY OF CONSULTATION RESPONSES

Archaeology:

7.1 No objection and no further archaeological works are required

Highways:

7.2 No objection subject to conditions. Comments are discussed in more detail below

Bio-diversity Officer:

7.3 No objection subject to conditions. Comments are discussed in more detail below.

Landscape Officer:

7.4 Raised questions regarding visibility from Kings Ride and additional landscaping. Comments discussed in more detail below.

Lead Local Flood Authority:

7.5 Following the submission of infiltration test, the LLFA is satisfied that the proposed drainage strategy works.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF	Weight to be attributed, with reference to para. 213 of NPPF
Sustainable development principles	SALP Policy CP1	Para. 11(d) refers to 'policies which <u>are most important for</u> determining the application are out-of-date'. CP1 wording differs to this.	Limited (policy not used in planning application decision-making)

	CSDPD Policy CS1	Furthermore, the PPG states that there is no need for a policy to directly replicate para. 11. Consistent (Paras. 7, 8, 11, 12, & 117 - 119)	Full
Principle of development - outside settlement	CSDPD Policy CS2	Consistent (Para. 17 & 117 -119)	Full
	CSDPD Policy CS9 and BFBLP 'Saved' Policy EN8 BFBLP 'Saved' Policy H5	Elements are acknowledged to not be fully consistent (para. 170 a) and b) however the thrust of these policies remains consistent (paras. 78-79, 103, 104a, 117 & 170) Generally Consistent (paras. 79, 103, 117, 170, 213)	Moderate Limited, but relevant
Housing Provision	CSDPD Policy CS15	Inconsistent – utilises now outdated evidence base as basis for policy requirements.	None (policy not used in planning application decision-making)
Design & Character	CSDPD Policy CS7	Consistent (Chapter 12)	Full
	BFBLP 'Saved' Policy EN20	“	Full
Trees & Landscape	CSDPD Policies CS1 & CS7	Consistent (paras. 127 & 170)	Full
	BFBLP 'Saved' Policies EN1, EN2 & EN20	“	Full
Residential Amenity	'Saved' Policies EN20 & EN25 of BFBLP	Consistent (paras. 127, 170 & 180)	Full
Transport	CSDPD Policies C23 & CS24	Consistent (Chapter 9)	Full
	BFBLP 'Saved' Policies M4, M6, M8 & M9	“	Full

Drainage	CS1 of CSDPD	Consistent (paras. 163 & 165)	Full
Biodiversity	CSDPD Policies CS1 & CS7 BFBLP 'Saved' Policies EN1, EN2 & EN20	Consistent (paras. 170 & 175) “	Full Full
SPA	SEP 'Retained' Policy NRM6 CSDPD Policy CS14 BFBLP 'Saved' Policy EN3	Consistent (paras. 170, 171, 173, 175, 176, 177) “ “	Full Full Full
Noise and Pollution (including Land Contamination)	CSDPD Policy CS1 BFBLP 'Saved' Policy EN25	Consistent (paras. 118, 170, 178 & 180) “	Full Full
Sustainability of build (Renewable Energy and Water Use)	CSDPD Policies CS10 & 12	Consistent (para. 149)	Full
Archaeology	CSDPD Policy CS1 'Saved' Policy EN7	Consistent (para. 189) “	Full “
Heritage	CSDPD Policies CS1 & CS7	Consistent (paras. 189 to 197)	Full
Affordable Housing/Mix	CSDPD Policies CS16 & CS17 'Saved' Policy H8 of BFBLP	Consistent (paras. 61, 62, 64 of the NPPF). Definition of 'affordable housing' provided in Para. 5.59 of Policy is not consistent with the NPPF. However main thrust of policy is consistent with paras. 61, 62 and 64 of the NPPF.	Full Moderate
Open Space Provision	CSDPD Policy CS8 'Saved' Policy R4 of the BFBLP	Consistent (paras. 92 & 97 of the NPPF) “	Full Full

Securing Necessary Infrastructure	CSDPD Policy CS6	Consistent (para. 54 to 56, 92 and 94)	Full
Green Belt	'Saved' Policy GB1	Consistent (para. 145)	Full
Supplementary Planning Documents (SPD):			
Design SPD (2017) Parking Standards SPD (2016) Planning Obligations SPD (2015) Streetscene SPD (2011) Sustainable Resource Management SPD (2008) Thames Basin Heaths SPA SPD (2018)			
Other publications:			
National Planning Policy Framework (NPPF) (2019) National Planning Policy Guidance (NPPG) (2019) Bracknell Forest Borough Landscape Character Assessment (LUC) (2015)			

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of development
- ii. Impact on Character and appearance of the area including landscape impact.
- iii. Residential amenity.
- iv. Highway safety
- v. Ecology
- vi. Drainage
- vii. Trees and Landscaping
- viii. Securing necessary infrastructure
- ix. Thames Basin Heaths Special Protection Areas (SPA)
- x. Affordable housing
- xi. Sustainability issues

i. Principle of Development

9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration.

9.2 Paragraph 14 of the NPPF sets out that for decision takers this means:

- approving development proposals that accord with the development plan without delay, and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits assessed against the policies in this Framework taken as a whole: or
 - specific policies in this Framework indicate development should be restricted.

9.3 Paragraph 49 of the NPPF states that 'relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'.

9.4 Bracknell Forest Council is currently able to demonstrate that it has a current supply of 6.4 years supply of deliverable housing sites. This meets the requirement under the NPPF and has been supported by recent appeal decision.

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

- a. Whether the proposed development constitutes inappropriate development in the Green Belt
- b. The effect of the proposal on the openness of the Green Belt

9.6 The NPPF stresses the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and the essential characteristic of Green Belts are their openness and permanence (para. 133). The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para. 143), and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (para 144). The construction of new buildings in the Green Belt should be regarded as inappropriate, subject to certain exceptions (paras. 145 and 146)

9.7 Core Strategy Policy CS9 refers to the need to protect the Green Belt from inappropriate development and seeks to protect land outside the defined settlements for its own sake, particularly from development that would harm the character, appearance or function of the land.

9.8 The following paragraphs of the NPPF relating to the Green Belt are of specific relevance to this application:

9.9 Para 133 - the Government attaches great importance to Green Belts. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

9.10 Para 143 - makes it clear that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

9.11 Para 144- substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

9.12 Para 145 - A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

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

a) Whether the proposal represents inappropriate development within the Green Belt

9.13 Paragraph 143 of the NPPF makes it clear that inappropriate development within the Green Belt is by definition harmful. Paragraph 145 of the NPPF lists exceptions to this which include at point g):

Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would:

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

9.14 The proposal is the re-development of a site which was formally an office building with large parking areas surrounding the built form. The site is therefore considered to be PDL and the construction of the dwellings meets one of the exceptions under para. 145. Accordingly, the proposal is not considered to be inappropriate development and the principle is acceptable.

Consideration of any special circumstances

9.15 Consideration may also be given to any special circumstance which exist in accordance with paragraph 143 of the NPPF.

9.16 Appeal decisions and court judgements have established that significant weight should be afforded to the fallback position when considering new developments that require planning permission where there is a real prospect of the scheme being implemented. Further, the real prospect of a fallback scheme being implemented does not necessarily require a prior approval/planning permission to have been granted.

The fallback position

9.17 Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, a material consideration is the granting of 16/00732/FUL.

9.18 When considering the fallback position, the relevant tests are:

- whether there is a fallback position (that is a lawful ability to implement a certain use or development);
- secondly whether there is a likelihood or real prospect of such use/development occurring;
- thirdly, if there is a real prospect of such a use occurring, a comparison should be made between the proposed use/development and the fallback position.

9.19 In this case application 16/00732/FUL approved the construction of 52 dwellings following the demolition of the existing office buildings. This scheme has been implemented and whilst work has currently stopped pending the outcome of this application, they could implement the remainder of the scheme. The application now under considerations follows the same layout as the scheme currently under consideration. Accordingly, significant weight should be given to the applicant's fall-back position on this site and can be considered to be very special circumstances and a material considerations when considering the design, appearance, layout of this proposal.

b) Impact on the openness of the Green Belt

9.20 Para. 133 of the NPPF indicates that 'openness' is an essential characteristic of the Green Belt. The term openness is not defined in the NPPF, however given the lack of definition, it could reasonably be interpreted as the absence of built development. Openness can be harmed by (among other things) new built form, external storage, extensive hard standing, car parking and boundary walls or fencing. Landscapes are very important to the openness and amenity of the

Green Belt. The visual impact on landscape forms part of the consideration of harm and is not just associated with views from public vantage points.

9.21 The re-design of this site would only be acceptable providing there is no greater impact upon the openness of the Green Belt than the existing buildings, however in this case as they have been removed, the scheme will also be assessed against the fallback position, which can be implemented.

9.22 Officers are of the view that providing the applicant can demonstrate that the proposal would be similar in terms of volume of built form, hard surfacing and footprint as the approved 16/00732/FUL scheme, it would be difficult to argue that the current proposal would have a detrimental impact upon the openness.

9.23 The extant scheme establishes the principle of residential use on the site, including paraphernalia, lighting and comings and goings. In considering the impact upon openness, factors such as massing, location and height of the proposed buildings, together with any increase in traffic are also considered.

9.24 The application has been compared to both the built form of the offices and of the extant 2016 permission in the table below.

	Original Offices	2016 scheme (16/00732/FUL)	Current proposal(18/00935/FUL)	Difference between two applications
Volume		53,377.4 m3	53,309.1 m3	-68.3m3
Hard surfacing	17,169.13m2	9,817.06m2	9,581.00m2	-236.06
Internal floor area (GIA)	9105.06m2	6400.32m2*	6203.28m2	-197.04
Built Footprint (GEA)	4305.03m2	7290.00m2	7481.00m2	+191.00sqm

* GIA of the 16 dwellings being replaced.

9.25 The table demonstrates that the current proposal results in a betterment in terms of volume, hard surfacing and internal floor area from the extant planning permission. Whilst there is an increase in built footprint of 191.00sq.m., on balance this increase is balanced by reductions within other indicators and therefore would not be possible to demonstrate harm to the openness of the Green Belt over the extant permission.

9.26 Any harm to the openness of the Green Belt would therefore be through the impact from the traffic movements, residential paraphernalia and noise and activity. This is more variable and harder to demonstrate. The traffic movements would increase from the extant scheme, but not significantly.

9.27 With an increase in dwellings comes an increase in the number of boundaries. However, there is a reduction in hard surfacing (i.e. driveways). Conditions can control the design and appearance of boundary treatments and restrict outbuildings and other forms of development. The

side by side layout images blow show how similar the schemes are.



9.28 Whilst the increase in the number of dwellings has some negative impact this is hard to quantify. In any case this is off-set by the benefits derived from the reduction in the quantitative analysis. It is considered that, taking account of the previously approved scheme and site history, it is not possible to demonstrate that the current proposal would have a greater impact upon the openness of the Green Belt.

9.29 The proposal is therefore considered to be acceptable in principle, as it is considered appropriate development by virtue of point g. of paragraph 145 of the NPPF, there is a fall-back position which can be considered as special circumstances, and would not result in a detrimental effect upon the openness of the Green Belt.

ii Impact on character and appearance of the area, including landscape impact

9.30 Policy CS7 of the CSDPD seeks a high quality of design for all development In Bracknell Forest. This should be achieved by building upon the local character, respecting local patterns of development and enhancing the landscape.

9.31 The site previously contains three office buildings located centrally within the northern part of the site. The existing buildings were three storeys and set within areas of woodland. Three car parking areas are provided within the site. The previous buildings are screened from Kings Ride but could be glimpsed from the railway line and are viewed through landscaping from the adjacent properties of Inglewood, Yasin and Fawn Coppice.

9.32 The office blocks have now been demolished and part of the extant scheme has been built out. The extant scheme sought to replicate the character of Prince Consort Drive as the closest development to the proposal. This area is described within the Character Area Assessments as being of low-density development of large houses set within generous plots. Houses are large, constructed out of brick and tile with some render. The dwellings here are set back from the highway, enabling substantial landscaping to be provided to the front reflecting the rural location of the development.

9.33 This proposal does not seek to change the character or appearance of the development from that already approved, maintaining a verdant and informal layout. Important gaps, and groups of trees would be retained. The proposed change from the extant scheme increases the density,

which is reflected in the increase in built footprint. It is not considered that the increase in density would result in such detrimental harm to the character and appearance of the character established by the 2016 proposal to warrant refusal.

9.34 Other changes to the layout include turning plots 1 and 2 to face onto the main access road, which makes the built form more prominent within the site. However, it does not bring the built form significantly closer to Kings Ride than that approved on the opposite side of the access road and accordingly is considered acceptable.

9.35 This application maintains a variety house types of 2.5 storeys with the 2nd floor within the roof. The range of house types provides variety and interest within the streetscene. All the dwellings are of brick and tile construction with chimneys, and front facing gables. Most dwellings incorporate integral garages with an area of off-street parking within the curtilages of the dwellings. All the dwellings are set back from the highway and within large plots incorporating woodland and space for planting to the front of the dwellings. In these regards the proposals replicate the extant scheme.

9.36 Objections have been received on the basis of introducing flats within the central area away from the position of the original flats. These were included within an early rendition of the proposal and have since been removed.

9.37 The proposed alternative scheme would create a layout that is similar in building footprint and volume to the previously consented scheme.

9.38 The revised layout proposes changes to the orientation of plots 1 and 2 which have been turned to face the main access road, thus bringing the building line closer to the site access and Kings Ride. Whilst this is in line with the built form opposite, and therefore not a reason for refusal, it is recommended that additional planting should be included to provide further screening between Kings Ride and the garden boundary fences.

9.39 The landscape proposals include native species tree and shrub planting along the southern boundary to provide screening and softening to the proposed development. Details can be submitted as a condition.

9.40 Overall it is therefore considered that the proposal maintains and respects the character of the site and would be of an appropriate design and appearance which complies with Policies CS7 of the CSDPD and 'Saved' EN20 of the BFBLP.

iii Residential amenity.

9.41 Saved Policy EN20 of the BFBLP seeks to protect the amenity of surrounding properties. It requires the Council to have regard to ensuring that new development does not adversely affect the amenity of surrounding properties and adjoining areas.

9.42 This application does not affect the nearest dwellings to the site, those being Inglewood, Fawn Coppice and Yasin which are located near phase 1 of the development. There is considered to be sufficient distances between the proposed properties to provide sufficient privacy to future residents.

9.43 Regarding future occupiers all facing windows on the private rear elevations have distances in excess of the 22m acceptable minimum distances suggested by the Design SPD. All properties have off street parking and private amenity areas.



9.44 Accordingly, the proposal is considered to be acceptable in terms of its impact on the residential amenities of existing residents and considered to be in accordance with Policy EN20 of the BFBLP.

iv Impact on Highway safety

9.45 Kingswood takes access off the A332 King's Ride which is an important distributor road between Bagshot, Ascot and Windsor. The existing access is a relatively wide bell-mouth with sight-lines of 2.4m by 120m (in line with the 40mph speed limit), and a right-turn lane. Kingswood takes access off the A332 King's Ride which is an important distributor road between Bagshot, Ascot and Windsor. The existing access is a relatively wide bell-mouth with sight-lines of 2.4m by 120m (in line with the 40mph speed limit), and a right-turn lane. This access was designed to serve the business park, and was considered acceptable for residential traffic, including Council refuse vehicles associated with 59 no. dwellings; and thus would be acceptable for a net increase of 6 no. dwellings.

9.46 The applicant's Transport Statement notes, 'In order to improve pedestrian facilities at the junction onto Kings Ride the development will provide a new section of footway on the north side of the access road junction to link the internal footways with the existing traffic island on the north side of the junction. These works were required as part of the 2014 consent and will be secured via a planning condition with the detailed design of the works being undertaken through a S278 Highways Agreement'. The Highway Authority notes that these highway works have recently been carried out. Also, the highway works include some alterations to reduce the width of the bell-mouth to improve pedestrian access.

9.47 It is acknowledged that Kingswood is in a relatively unsustainable location, as the nearest shops and facilities are in Ascot some 2km (1.2 miles) north-east of the site. This was assessed as part of the previous planning application for 59 no. dwellings (16/0732/FUL). Improvements to pedestrian facilities will improve site accessibility for an overall residential scheme of 65no. dwellings.

9.48 The Highway Authority comments for planning application 16/00732/FUL recognised that there are no footways over the railway bridge along Swinley Road, in the context that this was likely to make this walking route an unattractive proposition. However, the number of additional pedestrian movements across the railway bridge is likely to be low. The approved plans for 16/00732/FUL included the provision of an internal footpath within the Kingswood site, which connects to the eastern side of Swinley Road; to the south of the railway bridge. This has been provided in recognising there is likely to be a pedestrian desire line to Crown Estate Land on the western side of Swinley Road, and Englemere Nature Reserve. A net increase of 6 no. dwellings is unlikely to generate significant additional pedestrian movements.

9.49 The Highway Authority notes that a 4.8m wide shared surface could suitably accommodate an additional 6 no. units in line with the Council's Highways Guide for Development. The internal access road serving plots 1 to 14 is similar to that approved via 16/00732/FUL, and vehicle tracking was provided to demonstrate that a refuse vehicle could manoeuvre around the private access-way. Also, bin stores for the apartments are shown on the Phase III Site Layout (drawing P4-SL-001) adjacent to the access-way which would enable collection of waste from the access-way.

9.50 The Highway Authority would seek to adopt residential estate roads serving an overall residential scheme of 65 no. dwellings to ensure access, including for refuse collection; and this would require the estate roads to be constructed, drained and lit in line with the Council's adoption requirements. However, should the applicant not wish to do this this would not be a reason for refusal.

Parking

9.51 The Transport Statement indicates that garage sizes have been increased to 3.5m by 7.5m to comply with the latest standards for garage parking spaces; and that parking provision for the entire development, including 15 visitor spaces complies with the Council's parking standards (2016).

9.52 The Transport Statement indicates that cycle parking would be accommodated within garages.

Trips

9.53 The Transport Statement notes, 'the traffic flows from the current scheme remain significantly below the traffic activity from the previous offices and only marginally greater than the consented residential scheme'. Whilst a net increase of 6 no. dwellings is likely to result in an additional 34 movements per day compared with the consented residential scheme for 59 no. dwellings; an overall residential scheme for 65 no. dwellings is likely to generate in the region of 341 movements per day, which is less than the potential 1,334 movements which could be generated by the previous offices.

9.54 The applicant has provided a Traffic Management/Site Set-Up Plan (Drawing KW-A-902-E), which is similar to the approved plan for the houses currently being constructed. This plan includes the use of the existing access, provision of wheel-wash facilities, and on-site car parking which should minimise the highway safety impacts of construction.

v Ecology

9.55 Planning consent 16/00732/FUL has permitted the construction of 59 dwellings on site; phase 1 and 2 of the permitted development are underway. This application seeks to revise the permitted layout within Phase 4 of the development site increasing the number of dwellings on site from 59 permitted under 16/00732/FUL to 65 in total. The permitted scheme includes an approved Biodiversity Mitigation Plan (Viewpoint Associates LLP), which allows for the retention,

translocation and recreation of heathland habitat and details the locations of these areas, which are to be retained and not used for other purposes (as required by Condition 17 of 16/00372/FUL).

9.56 The application has been supported by an Ecology Update Report prepared by AAE Environmental Limited. The Update Report shows that there will be a loss of some of the heathland habitat approved under the existing consent (16/00732/FUL) but that the revised layout proposed will allow for an increase in the total area of heathland habitat created; a net gain of 495m². The report concludes that the revised scheme would have no significant adverse impact on wildlife as long as approved mitigation measures are implemented.

9.57 The revised proposals will lead to an increase in the total area of heathland habitat within the development. The areas of proposed heathland within the revised layout are small, which will make long term management more difficult, but on balance, the increase in the total area above that already permitted, means that the revised proposals are acceptable subject to implementation of a condition requiring the retention of the heathland and not using it for other purposes.

9.58 The conclusions of the Ecology Update Report are accepted that other significant adverse ecological impacts from the revised proposals are unlikely.

vi Drainage

9.59 The proposal was supported by a Flood Risk Assessment and a drainage strategy. A Sustainable Drainage System (SuDs) has been incorporated into the design which consists of permeable paving and geo-cellular soakaways. Surface water from the dwellings would be piped to the soakaways. Further information including infiltration testing was requested which was carried out earlier this year after a very wet winter. Information submitted demonstrates that the site is suitable for infiltration.

9.60 Following the submission of further details and clarification, the proposed drainage strategy is considered to be acceptable and would deal sufficiently with surface water. The management of the SuDs features for the lifetime of the development should be secured through a condition.

9.61 Subject to the imposition of conditions to secure full drainage details and implementation of the approved details, the proposal is considered to comply with the NPPF section 10 supported by the Ministerial statement on Sustainable drainage systems dated 18th December 2014.

vii Trees and Landscaping

9.62 The character of the site is defined by the trees that surround it and those within the site. This creates a wooded character, limiting views and enclosing the open areas of the site.

9.63 The scheme, like the extant 2016 scheme proposes the removal trees. None of the trees within the site are protected by a TPO. The trees to be lost are to be removed either because they are unsafe or dying, to enable the proposed development to be accommodated or to open up space to enable the creation of heathland. This was found to be acceptable previously and since this scheme does not propose the removal of any more trees this is considered acceptable.

9.64 It is considered that there is sufficient space to accommodate additional landscaping including tree planting, where it is necessary to increase the screening. A condition should be imposed to secure this.

9.65 The proposal could be considered contrary to Policy EN1, which seeks to protect tree and hedgerow cover; however given that the trees are not protected, and that the removal of some trees and scrub would enable the creation of additional heathland, a habitat of international importance, it is felt that any harm is outweighed by these benefits. Given the fallback position of

the approved scheme also removing a similar amount of trees, in this instance the proposed removal of trees is considered acceptable.

9.66 The proposal is therefore considered to comply with Policy EN1 of the BFBLP.

viii Securing necessary infrastructure / CIL

9.67 CSDPD Policy CS6 states that development is expected to contribute to the delivery of:-

- (a) infrastructure needed to support growth and;
- (b) infrastructure needed to mitigate impacts upon communities, transport and the environment.

9.68 Guidance in the Planning Obligations SPD, which came into effect (with CIL) on 6 April 2015, is relevant.

9.69 Bracknell Forest Council introduced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the borough and the type of development. It applies to any new build but in the case of outline applications is calculated when reserved matters are submitted.

9.70 If this application were to be approved, CIL payments would be collected following commencement of the development. CIL receipts could be spent on infrastructure projects or types of infrastructure identified in the Council's Regulation 123 list of infrastructure that it intends will be wholly or partly funded by CIL. These comprise:-

- provision and enhancement of land to Suitable alternative Natural Greenspace (SANG) standard (part of Special Protection Area (SPA) Avoidance and Mitigation measures)
- specified Local Road Network capacity improvements
- strategic road network improvement outside the borough
- specified footpath and cycleway improvements
- bus service subsidies
- specified educational projects
- libraries
- built sports facilities

9.71 CIL receipts could be spent on items not listed on the Regulation 123 list that meet the government criteria on CIL spending.

9.72 In addition a contribution is sought towards open space of public value. In this instance a contribution of £24,000 is sought to go towards Fernbank Road Play Area and Passive Open Space and enhancements at Englemere Pond as detailed within the Draft Infrastructure Delivery Plan 2017.

ix Thames Basin Heaths Special Protection Areas (SPA)

9.73 The Council, in consultation with Natural England, has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath Special Protection Area (SPA) is likely to have a significant effect on the integrity of the SPA, either alone or in-combination with other plans or projects. An Appropriate Assessment has been carried out including mitigation requirements.

9.74 This site is located approximately 2.58 km from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

9.75 On commencement of the development, a contribution (calculated on a per-bedroom basis) is to be paid to the Council towards the cost of measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Council's Thames Basin Heaths Special Protection Area Supplementary Planning Document (SPD). The strategy is for relevant developments to make financial contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the SPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures. The Council will also make a contribution towards SANG enhancement works through Community Infrastructure Levy (CIL) payments whether or not this development is liable to CIL.

9.76 In this instance, the development would result in a net increase of 6 X 5+ bedroom dwellings which results in a total SANG contribution of £47,316.

9.77 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which will also be calculated on a per bedroom basis. Taking account of the per bedroom contributions this results in a total SAMM contribution of £6,312.

9.78 The total SPA related financial contribution for this proposal is £53,628. The applicant must agree to enter into a S106 agreement to secure this contribution which is payable on completion of the s106 Agreement and a restriction on the occupation of each dwelling until the Council has confirmed that open space enhancement works to a SANG is completed. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP Saved Policy NRM6, Saved policy EN3 of the BFBLP and CS14 of CSDPD, the Thames Basin Heaths Special Protection Area SPD, the Planning Obligations SPD and the NPPF.

9.79 The applicant has agreed to enter into a S106 agreement with the Council to secure the mitigation and therefore the proposal is considered to comply with Policy CS14 of the CSDPD and Saved policy NRM6 of the South East Regional Plan.

x Affordable Housing

9.80 Policies CS16 and CS17 of the CSPD (in relation to housing needs and affordable housing) are relevant to this proposal. The Council's affordable housing policy applies to proposals involving 15 net dwellings or more. On such sites there is a requirement for 25% of the proposal to be affordable housing. For this development this equates to a requirement of 15 dwellings. This was determined by the Executive Committee and contained within the Planning Obligations SPD.

9.81 However, a viability report has been submitted to the Council for consideration which states that the proposal would not be viable if it provided affordable housing. In accordance with National Guidance and the Council's own SPD on Planning Obligations, this is a material consideration.

9.82 The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances of the case (as set out in the Planning Practice Guidance on Viability updated September 2019). The Council's Planning Obligations Supplementary Planning Document (February 2015) states that viability is a material planning consideration. Para 4.4 of the SPD goes on to state:

“Where a developer seeks the relaxation of normal planning requirements, the onus will be on them to demonstrate that the scheme would otherwise not be viable and that the relaxation sought is the minimum needed to make it viable...Such requests must be supported by clear tangible evidence of viability and costs in a transparent, thorough and robust study which stands up to scrutiny and independent expert review... If it can be demonstrated that a project is not viable; opportunities for flexibility may be considered, such as deferring certain requirements. Any

relaxation of planning policy will be the minimum needed to make a scheme viable and be related to delivery and other planning objectives”.

9.83 The viability report has been independently assessed and scrutinised by the DVS and it has been established that the proposal would be unviable to provide any further contribution to affordable housing. Given this it is considered that the application is acceptable with no further contribution to that secured under the extant 2016 scheme and cannot be refused on the grounds of lack of affordable housing.

9.84 In summary, the site cannot provide any contribution towards on or off-site affordable housing and whilst this is not compliant with Policy CS17 and the decision of the Councils Executive, having regard to the SPD on Planning obligations, it is considered that the application cannot be refused upon the ground of insufficient affordable housing.

xi Sustainability issues

9.85 CSDPD Policy CS10 requires the submission of a Sustainability Statement demonstrating how the proposals meet current best practice standards. Information regarding water usage has been submitted which demonstrates that the average water used per person per year would be 105 litres, below the 110 litres target.

9.86 CSDPD Policy CS12 seeks a reduction in the potential emissions and energy usage. The Sustainability and Energy Statement seeks to demonstrate how the development can achieve a 10% reduction in carbon dioxide emissions and provide at least 20% of energy requirements from on-site renewable energy generation. The same approach has been undertaken as on the extant 2016 scheme and therefore the proposal meets the requirements of CS12 of the CSDPD.

10. PLANNING BALANCE

10.1 This application is in the Green Belt, the primary aim of both local and national policy is to preserve the openness of. The site was formally 3 large office buildings with large car parks surrounding them. There have been application dating back to 2013 to re-develop the site for residential as the offices were left vacant since their construction. As the re-development seeks the re-development of a PDL site it meets the exceptions listed under para. 135 of the NPPF and is therefore not inappropriate development.

10.2 This application seeks a re-design, resulting in 6 additional units, to a scheme which is was granted planning permission in 2016 and is partially implemented. There is therefore a fallback position which, as appeal decisions and case law have established should be given significant weight in the determination of this application. This can be considered to be a special circumstance in the determination of this application.

10.3 The application has demonstrated through providing calculations on volumes, floor areas and amount of hard surfacing that there is a small reduction in built form that the extant scheme and weighed up against the additional harm derived from the additional units overall there is considered to be a neutral effect upon the openness of the Green Belt.

10.4 The application is considered to comply with policies which seek a good design, appearance and amenity. Matters concerning bio-diversity, landscape and drainage have been addressed and relevant conditions imposed.

10.5 Accordingly, subject to the completion of an agreement under S106 to secure SPA mitigation and contribution towards an off-site open space of public value, the application is recommended for approval.

11. RECOMMENDATION

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

- SPA mitigation measures; and.
- The payment of £24,000 towards off-site play and open space provision.

That the Head of Planning be authorised to APPROVE the application subject to the following conditions amended, added to or deleted as the Head of 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 plans:

LP-001 Rev. A Location Plan

P4_RP-PE-01 Phase 4 Island Re-Plan Plot 9 Plans and Elevations

P4_RP-PE-02 Phase 4 Island Re-Plan Plot 10 Plans and Elevations

P4_RP-PE-03 Phase 4 Island Re-Plan Plot 11 Plans and Elevations

P4_RP-PE-04 Phase 4 Island Re-Plan Plot 12 Plans and Elevations

P4_RP-PE-05 Phase 4 Island Re-Plan Plot 13 Plans and Elevations

P4_RP-PE-06 Phase 4 Island Re-Plan Plot 14 Plans and Elevations

P4_RP-PE-07 Phase 4 Island Re-Plan Plot 15 Plans and Elevations

P4_RP-PE-08 Phase 4 Island Re-Plan Plot 16 Plans and Elevations

P4_RP-PE-09 Phase 4 Island Re-Plan Plot 69 Plans and Elevations

14-P1053-119 B House Type 6B (Plot 71) Rev. B Plans and Elevations

14-P1053-118 B House Type 6A (Plots 70 & 73) Rev. B Plans and Elevations

14-P1053-117 B House Type 5A (Plot 72) Rev. B Plans and Elevations

P4_RP-GPE-01 Phase 4 Island Re-Plan Plots 13, 14, 15, 16 Garage Plans and Elevations

P4_RP-SL-001 Rev A. Phase 4 Island Re-Plan Site Layout

P4_RP-SL-001 Rev A Phase 4 Island Re-Plan Color Site Layout

KW-BTP_001 Rev C. (Boundary Treatments Plan)

Kingswood_Final_SC/TT_Feb20 Rev. Phase 3and4, inc. Island Re-Plan (A) (Landscaping details)

Energy Demand Assessment, Land at Kingswood, Kingsride Ascot (Phase 4; 16 Apartments changed to 8 houses) Blue Sky dated 14/05/2019

PBA Lighting Impact Assessment- Rev. A

KW-A-902-E (Site set up plan)

4585-110- Rev C1 (Phase 4 SuDs Exceedance Plan).

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

03. Prior to the commencement of development, samples of materials to be used on the external elevations of the approved dwellings shall be submitted to and approved in writing by the LPA. The development shall be implemented in accordance with the approved details.

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

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

04. No dwelling shall be occupied until a means of vehicular access to that dwelling 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 highway safety.
[Relevant Polices Core Strategy DPD CS23]

05. No dwelling shall be occupied until a means of access for pedestrians and cyclists has been constructed to serve that dwelling 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 by cyclists and pedestrians.
[Relevant policies: BFBLP M6, Core Strategy DPD CS23]
06. The gradient of private driveways shall not exceed 1 in 12.
REASON: To ensure that adequate access to parking spaces and garages is provided.
[Relevant policies: Core Strategy DPD CS23]
07. During construction the site will be managed and laid out in accordance with details shown on KW-A-902-E (Site set up plan). Each facility will be retained throughout the course of construction of the development, free from any impediment to its designated use.
REASON: In the interests of amenity and road safety
[Relevant policies: CSDPD CS23 CS7]
08. All ecological measures and/or works shall be carried out in accordance with the details contained in Viewpoint Associates Biodiversity Mitigation Plan dated December 2016 and Reptile Mitigation Plan and Bird and Bat Box Scheme dated December 2016 prior to the first occupation of the dwellings hereby approved.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1]
09. Each dwelling shall be provided with a copy of the approved 'Reptile Information Leaflet' supplied by AAe upon first occupation.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1 CS7]
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that order, no external lighting shall be installed on the site or affixed to any buildings on the site except in accordance with details set out in a lighting design strategy for biodiversity that has first been submitted to and approved in writing by the Local Planning Authority. The strategy shall:
 - a) identify those area/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1, CS7]
11. The areas shown for biodiversity mitigation purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose without the prior written permission of the Local Planning Authority.
REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

12. The development hereby permitted shall be implemented in accordance with the submitted Sustainability Statement and Energy Demand Assessment, Land at Kingswood, Kings Ride Ascot (Phase 4; 16 Apartments changed to 8 houses) Blue Sky dated 14/05/2019 and shall be retained in accordance therewith.
REASON: In the interests of sustainability and the efficient use of resources.
[Relevant Policy: Core Strategy DPD CS10]
13. All planting comprised in the soft landscaping works shown on drawing Kingswood_Final_SC/TT_Feb20 Rev_Phase 3 and 4, Inc. Island Re-Plan, shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the occupation of any part of the approved development, whichever is sooner. All hard landscaping works shall be carried and completed prior to the occupation of any part of the approved development. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well-formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.
REASON: In the interests of bio-diversity and visual amenity of the site
[Relevant Plans and Policies: CSDPD CS1, CS7]
14. The dwellings hereby granted shall not 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. The surface water drainage shall thereafter be maintained in accordance with the approved details.
REASON: To ensure that the site is properly drained and does not increase the risk of flooding.
[Relevant Plans and Policies: CSDPD CS1]
15. The dwellings hereby permitted shall not be occupied until a verification report in respect of the drainage works, appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented, will need to be submitted to and approved in writing by the Local Planning Authority. This will include photos of excavations and soil profiles/ horizons, any placement of tanking, creating, connecting pipe work, aquaculdes or aquabrakes, cover systems etc..
REASON: To ensure that the site is properly drained and does not increase the risk of flooding.
[Relevant Plans and Policies: CSDPD CS1]
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that order with or without modification) no enlargement, addition, improvement or other alteration permitted by Classes A, B, C, D and E of Part 1 of the Second Schedule of the 2015 Order shall be carried out.

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

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

In the event of the S106 planning obligations not being completed by 31st May 2020, the Head of Planning be authorised to extend this period or REFUSE the application on the grounds of:-

1. The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impacts in this respect. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and the Thames Basin Heaths Special Protection Area Supplementary Planning Document (2018).

2. The occupants of the proposal will put extra pressure on the surrounding areas of open space. Without an obligation to secure a contribution towards mitigation the impact of additional capacity at the Fernbank Road Play Area and improvements to the Passive Open space at Englemere Pond the application is contrary to Policies CS6 of the Core Strategy Development Plan Document, R4 of the Bracknell Forest Local Plan supported by Planning Obligations Supplementary Planning Document.

Informative(s)

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

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

- 01. Time
- 02. Plans considered
- 06. Gradient
- 08. Site organisation
- 09. Ecological Measures
- 10. Reptile leaflet
- 11. No lighting
- 12. Bio-diversity mitigation areas retained
- 13. Sustainability
- 14. Soft Landscaping
- 17. Permitted Development Rights

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

- 04. Vehicle Access
- 05. Pedestrian and Cycle Access
- 07. car parking
- 15. Surface Water Maintenance
- 16. Drainage verification

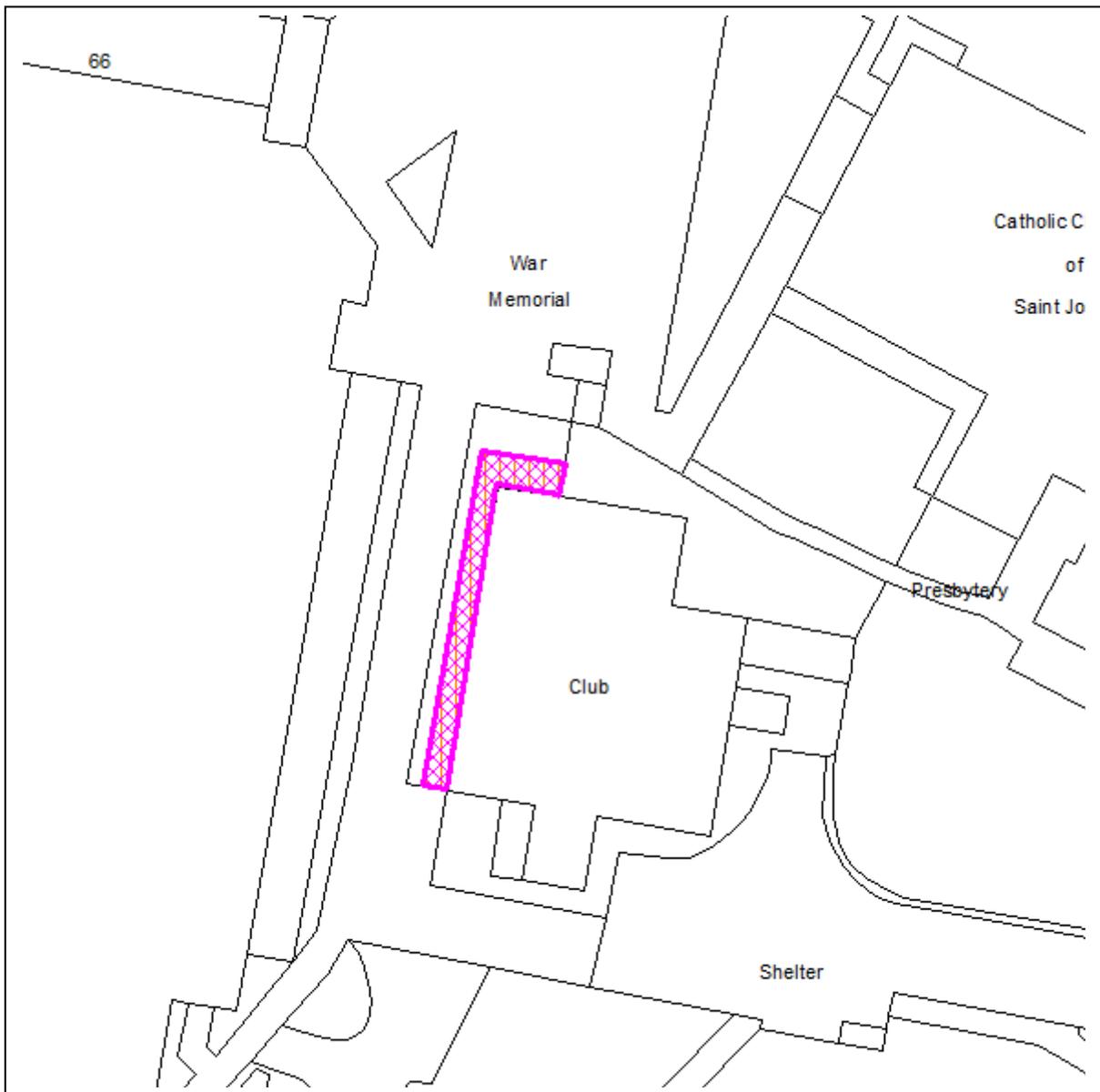
Unrestricted Report

ITEM NO: 12

Application No. 19/01059/3	Ward: Wildridings And Central	Date Registered: 3 January 2020	Target Decision Date: 28 February 2020
Site Address:	Royal British Legion Stanley Walk Bracknell Berkshire RG12 1HA		

Proposal: **Erection of a decorative hoarding**
 Applicant: Mr Christopher Mansfield
 Agent: (There is no agent for this application)
 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 The proposal is for the erection of hoarding along the boundary of the Royal British Legion site and Braccan Walk. It is proposed to retain the hoarding for a period of 3 years.
- 1.2 The development would not result in an adverse impact on the character or appearance of the surrounding area, the Listed Building, the amenities of the residents of the neighbouring properties or highway safety.

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

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

- 2.1 The application has been reported to the Planning Committee as it is a Regulation 3 application submitted by the Place, Planning and Regeneration Directorate.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Within settlement boundary
Within Bracknell Town Centre

- 3.1 The Royal British Legion building is faces onto Braccan Walk, an entry point to Bracknell Town Centre. The building is flanked to the south by Jubilee Gardens and to the north by the Catholic Church of Saint Joseph, and Braccan Walk Square, within which is located the Grade II Listed Bracknell War Memorial.

4. RELEVANT SITE HISTORY

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

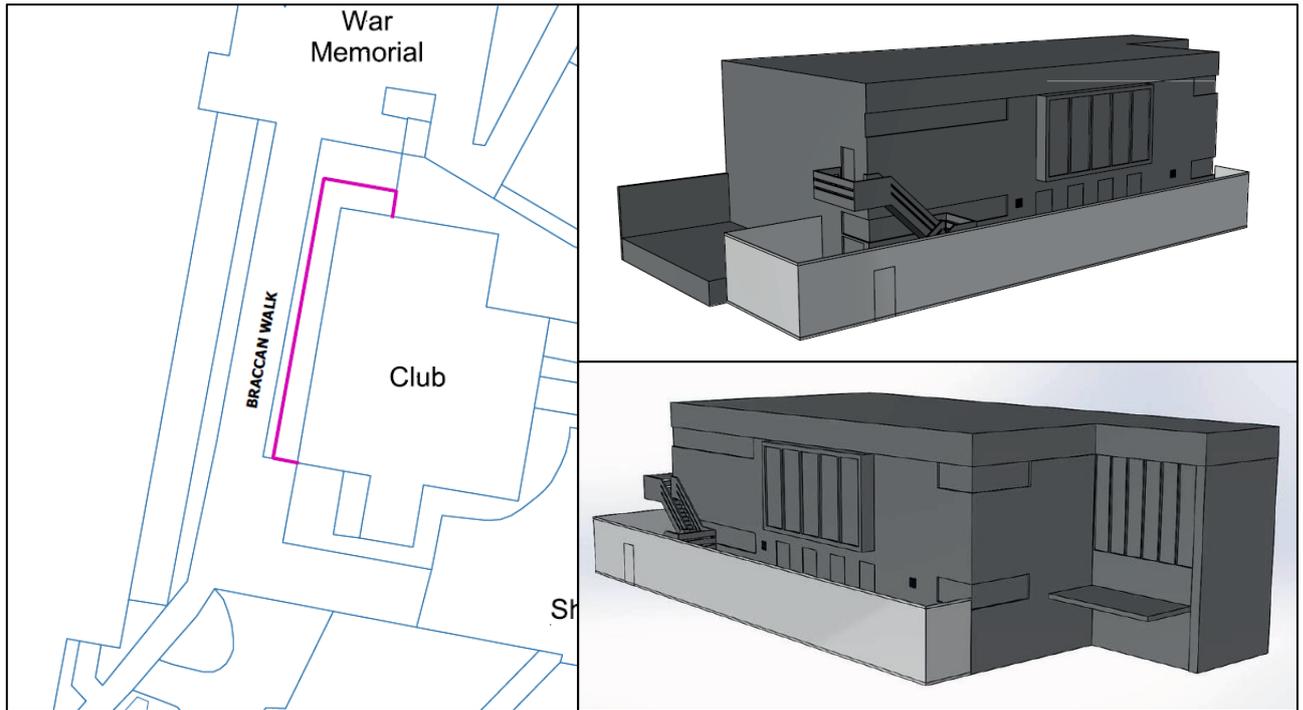
19/00873/FUL

Change of use of the ground floor of the former Royal British Legion building to retail (A1 use class), with associated changes to fenestration at ground floor level and the demolition of single storey rear additions.

Pending Consideration

5. THE PROPOSAL

- 5.1 The proposed hoarding will run along the west elevation and part of the north elevation of the Royal British Legion Building. It will have a height of 3.05 metres, the width of on the west elevation will be 27.34 metres, the width of the north elevation will be 6 metres, and the width on the south elevation will be 2.26 metres.
- 5.2 The hoarding is proposed to be installed for a temporary period of 3 years.



6. REPRESENTATIONS RECEIVED

Bracknell Forest Council

6.1 No objection

6.2 Other representations

1 letter of objection has been received raising the following concerns:

- (i) The presence of hoarding will prejudice the sale or lease of the property;
- (ii) The hoarding would adversely impact the War Memorial to the north, a Listed Building

7. SUMMARY OF CONSULTATION RESPONSES

Highway Authority

7.1 No objection

Heritage Officer

7.2 No objection

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
General policies	CS1 and CS2 of the CSDPD CP1 of the SALP	Consistent Not entirely consistent
Bracknell Town Centre	'Saved' Policy E1 of the BFBLP CS3 of the CSDPD	Consistent
Design	CS7 of the CSDPD	Consistent
Heritage	CS1 of the CSDPD	Consistent
Amenity	'Saved' policies EN20 of the	Consistent

	BFBLP	
Highway Safety	'Saved' policy M9 of the BFBLP CS23 of the CSDPD	Consistent
Supplementary Planning Documents (SPD)		
Bracknell Forest Parking Standards Supplementary Planning Document (2016)		
Other publications		
National Planning Policy Framework (NPPF) 2019		
Planning (Listed Buildings and Conservation Areas) Act 1990		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of Development
- ii. Impact on Character and Appearance of Area and Listed Building
- iii. Transport and Highway Considerations

i. Principle of Development

9.2 The application site is located within a defined settlement as designated by the Bracknell Forest Borough Polices Map. Due to its location and nature, the proposal is considered to be acceptable in principle and in accordance with SALP Policy CP1, CSDPD Policies CS1 (Sustainable Development), CS2 (Locational Principles) and the NPPF subject to no adverse impacts upon character and appearance of surrounding area, highway safety etc. These matters are assessed below.

9.3 The site is within Bracknell town centre where policy CS3 of the CSDPD seeks to permit development which contributes to the vision and function of Bracknell town centre by creating a high quality, distinctive well-designed environment.

ii. Impact on Character and Appearance of Area and Listed Building

9.4 The proposed hoarding would be installed for a temporary period of 3 years. Concern has been raised by the owners of the RBL building that the installation of the hoarding would prejudice the sale or lease of the building. However, the hoarding is proposed to avoid the detrimental visual impact caused by vehicles driving over or parking on the grass verge and the presence of the vacant RBL building.

9.5 The proposed hoarding would be decorated with a woodland scene, which is consistent with the treatment of other vacant units within the town centre. It is not considered that the hoarding would have a significant detrimental impact to the character of the area during this time, as it would be set in from Braccan Walk.

9.6 The proposed hoarding would be located approximately 6 metres to the south of the Bracknell War Memorial. The memorial is less sensitive to change given its location within a modern pedestrian precinct. Given the temporary nature of the hoarding, and this separation distance, it is not considered that the proposed hoarding would have a significant detrimental impact to this Listed structure.

9.7 A significant tree is located on the northern corner of the application site, on land owned by Bracknell Regeneration Partnership. It has been confirmed that there will be no impact on the tree canopy as a result of the hoarding. In order to ensure that this tree is not damaged by the proposed hoarding a condition is recommended requiring tree protection details prior to the commencement of development.

iii. Transport and Highway Considerations

9.8 The proposed hoarding would not be considered to result in a highway safety impact on pedestrians or vehicles.

10. CONCLUSIONS

10.1 The proposed hoarding would be for a temporary period only, which would be secured by condition. It is not considered that it would be out of keeping with the character of a construction site and the temporary nature of the proposal would ensure that it would not result in a permanent impact on the site once it has been completed. It is not considered that the proposal would result in any significant impacts on highway safety or the Listed Building.

11. RECOMMENDATION

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

01. The hoarding hereby permitted shall be removed and the land restored to its former condition on or before 13th February 2023.

REASON: To ensure that the development is carried out as approved by the Local Planning Authority in the interests of the visual amenities of the area.

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

Braccan Walk Hoarding – Received 3rd January 2020
Vehicle Tracking – Received 3rd January 2020
Proposed Elevations – Received 3rd January 2020
Hoarding Design – Received 10th January 2020

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

03. The hoarding hereby permitted shall not be installed until a scheme for the protection of existing trees in accordance with British Standard 5837:2012 'Trees In Relation To Construction Recommendations' (or any subsequent revision), has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

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

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

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

02. No details are required to be submitted in relation to the following conditions; however, they are required to be complied with:
1. Removal of hoarding
 2. Approved plans

ITEM NO: 13			
Application No. 20/00002/FUL	Ward: Central Sandhurst	Date Registered: 3 January 2020	Target Decision Date: 28 February 2020
Site Address: 12 Spring Woods Sandhurst Berkshire GU47 8PX			
Proposal: Erection of single storey detached outbuilding forming part garage part workshop.			
Applicant: Mr & Mrs Hughes			
Agent: Mr Dave Gill			
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 The proposal is for the erection of a detached garage and workshop.

1.2 The proposed outbuilding would not adversely impact the character or appearance of the surrounding area, the amenities of the residents of the neighbouring properties or highway safety.

RECOMMENDATION

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

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

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

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within settlement boundary

Within defined character area

3.1 The proposed outbuilding would be located within the rear garden of 12 Spring Woods. The rear garden faces onto Little Moor, a cul-de-sac serving 4 properties. The proposed outbuilding would be located to the north of 4 Little Moor, and to the east of the rear garden of 10 Spring Woods.

4. RELEVANT SITE HISTORY

4.1 The relevant planning history can be summarised as follows:

12112

Addition of dressing room

Approved 1966

19/00129/FUL

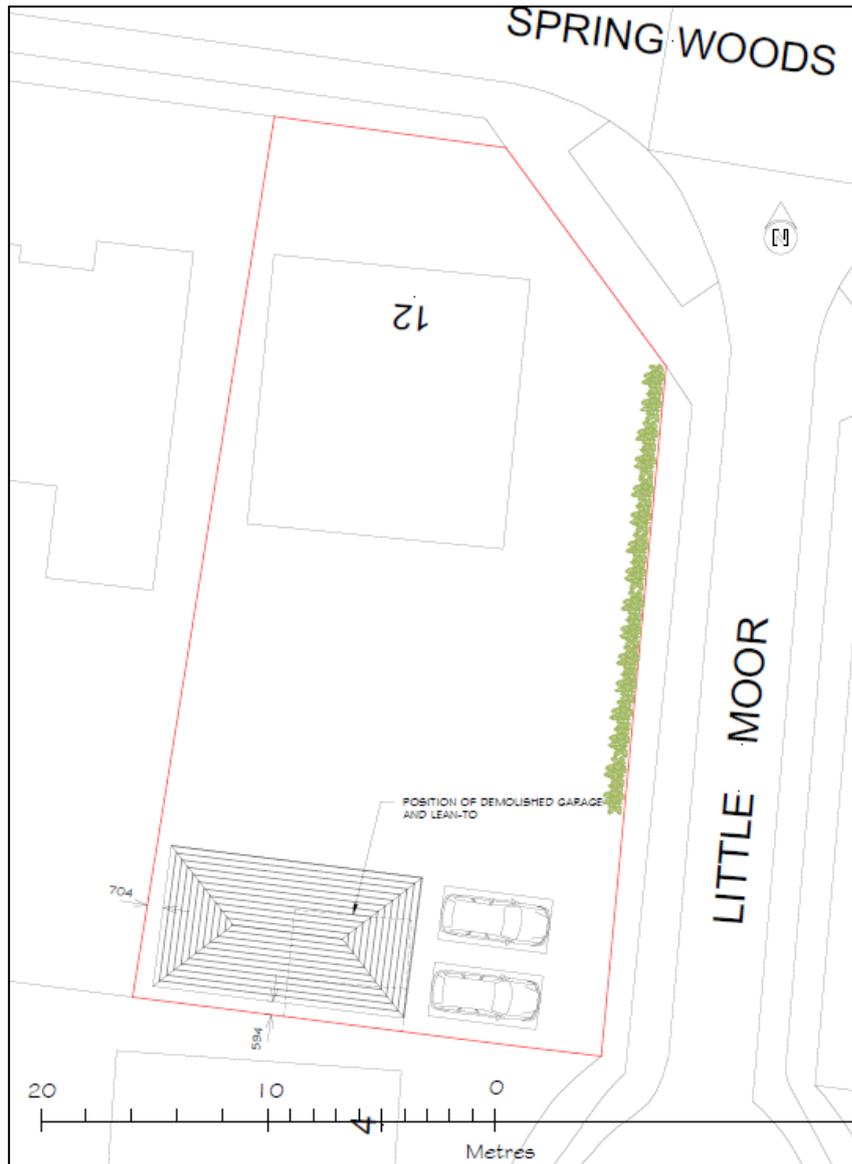
Erection of a single storey side extension, a single storey front extension, and a two storey side and rear extension and steps to the front.

Approved 2019

5. THE PROPOSAL

5.1 The proposed outbuilding would consist of a garage to the front and a workshop to the rear. The outbuilding would be constructed of brickwork and tiles similar to those used on the main dwelling, and have a roof hipped on all sides.

5.2 The outbuilding would be ancillary to the main dwelling. It would have a depth of 11.15 metres, a width of 6.3 metres, a maximum height of approximately 4.76 metres, and an eaves height of approximately 2.6 metres.



6. REPRESENTATIONS RECEIVED

Sandhurst Town Council

6.1 Object on the following grounds:

- (i) Cramped form of development due to proximity to rear and side boundaries
- (ii) Impact on residential amenity due to proximity to neighbouring boundaries

Other representations

6.2.9 letters of objection have been received raising the following material planning considerations:

- (i) Out of keeping with area
- (ii) Impact on residential amenity
- (iii) Noise impacts due to workshop use
- (iv) Concern over the use of the building due to its size.

6.3 One letter of support was received.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 No statutory or non-statutory consultations were undertaken.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
General policies	CS1 and CS2 of the CSDPD	Consistent
Design	CS7 of the CSDPD	Consistent
Amenity	'Saved' policies EN20 of the BFBLP	Consistent
Highway Safety	'Saved' policy M9 of the BFBLP CS23 of the CSDPD	Consistent
Supplementary Planning Documents (SPD)		
Bracknell Forest Parking Standards (2016) Character Area Assessments (2010)		
Other publications		
National Planning Policy Framework (NPPF) 2019 Building Research Establishment: Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice 2011 (BRE SLPDS)		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration area:

- i. Principle of Development
- ii. Impact on Character and Appearance of Area
- iii. Impact on Residential Amenity
- iv. Transport and Highways Considerations

i. Principle of Development

9.2 The application site is located within a defined settlement as designated by the Bracknell Forest Borough Polices Map. Due to its location and nature, the proposal is considered to be acceptable in principle and in accordance with CSDPD Policies CS1 (Sustainable Development), CS2 (Locational Principles) and the NPPF subject to no adverse impacts upon character and appearance of surrounding area, residential amenities of neighbouring properties, highway safety, etc. These matters are assessed below.

ii. Impact on Character and Appearance of Area

9.3 The proposed outbuilding has been reduced in height from the original submission, and a height of approximately 4.76 metres is proposed. While it is acknowledged that this will appear tall within the streetscene, it would remain shorter than the dwellings on either side (both 4 Little Moor and 12 Spring Woods have a height of approximately 7.2 metres). The roof is proposed to be hipped on all sides to reduce the bulk of the roof.

9.4 The proposed outbuilding would be set back from the highway by approximately 8.7 metres and would not project past the line of built form made by the front elevation of 4 Little Moor and the side elevation of 12 Spring Gardens. This would reduce the prominence of the outbuilding when viewed from the streetscene.

- 9.5 The Council's Character Area Assessments SPD sets out that the area has a distinctive character which cohesive architecture, materials and landscape. It is recommended that proposals should maintain the same architectural approach and use similar materials. There is no specific reference to outbuildings in this area. The proposed outbuilding would include a hipped roof similar to hipped roofs found in the estate, and the materials would be similar.
- 9.6 It is acknowledged that the proposed outbuilding would appear large in the streetscene, however planning permission has been sought for the garage in order to store the applicant's van and therefore a smaller garage would not be appropriate for this use.
- 9.7 It should be noted that a substantial outbuilding could be constructed under permitted development rights, which could be built to within 2 metres of the side and rear boundaries and have a height of 4 metres with an eaves height of 2.5 metres. While this is 0.76m lower than the proposed outbuilding, this fall-back position should be noted.
- 9.8 There is a large group of trees to the west of the application site which make a positive contribution to the character of the area. The application site is located approximately 20 metres away from these trees at the nearest point, and therefore it is not considered that these trees would be adversely impacted by the proposed outbuilding.
- 9.9 It is noted that the submitted Block Plan shows a hedgerow that has since been removed. The removal of this hedge is not part of this planning application, nor did its removal require planning permission. It is therefore not considered reasonable to require replacement landscaping by planning condition.
- 9.10 While the outbuilding would appear large in the streetscene, it is not considered sufficiently out of keeping with the character of the area to be refused on these grounds.

iii. Impact on Residential Amenity

- 9.11 The proposed outbuilding would be single storey. It is therefore not considered that it would result in adverse overlooking of neighbouring properties. A condition is recommended to restrict the installation of a mezzanine floor or first floor in the building to avoid overlooking as a result of this.
- 9.12 The proposed outbuilding would not project past the front or rear elevations of 4 Little Moor. In addition, the outbuilding would be single storey, and the roof would pitch away from 4 Little Moor above the eaves height of approximately 2.6 metres. While the outbuilding would be visible from the conservatory of 4 Little Moor, given the above and the separation distance of approximately 2.67 metres, it is not considered that the proposed outbuilding would appear significantly overbearing to this property.
- 9.13 The ground floor rooms of 4 Little Moor located closest to the boundary with 12 Spring Gardens consist of a living room to the front and a conservatory to the rear. The living room does not have any side windows and has a primary source of light to the front, with a secondary source of light through the conservatory to the rear.
- 9.14 The proposed outbuilding would be located to the north of 4 Little Moor. Therefore, as established under the BRE SLPDS the proposed outbuilding would not be considered to result in a significant overshadowing impact on 4 Little Moor.
- 9.15 Given the height of the proposed outbuilding and that the roof would pitch away from the boundary with 4 Little Moor, and the extent of glazing to the conservatory of 4 Little Moor, it is not considered that there would be a substantial loss of light to this room.

9.16 The primary source of light to the living room would not be affected by the proposed development. As it has been established there would be little overshadowing or loss of light to the conservatory, it is not considered that the proposed outbuilding would have a sufficient adverse impact to the rooms of 4 Little Moor to form a reason for refusal.

9.17 As the proposed outbuilding would be located below the window level of the first-floor windows, it is not considered these will be affected in terms of overshadowing or loss of light.

iv. Transport and Highway Considerations

9.18 The proposed outbuilding is proposed to be used for the storage of the applicant's van.

9.19 The proposal would not result in the loss of any parking spaces secured by planning condition. There would be a depth of approximately 8.7 metres from the garage door to the pavement, which is a sufficient depth for a vehicle to pull off the road while opening the garage door.

10. CONCLUSIONS

10.1 It is considered that the development is acceptable in principle and would not result in an adverse impact on the character and appearance of the host dwelling or surrounding area, highway safety, nor would the development result in an adverse impact on the residential amenity of the occupiers of the neighbouring properties.

11. RECOMMENDATION

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

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

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

02. The development hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details received 3rd January 2020:

Combined Plans and Local Plan – Drawing Number: 01 A

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

03. The materials to be used in the construction of the external surfaces of the outbuilding hereby permitted shall be similar in appearance to those on 12 Spring Woods.

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

[Relevant Policies: BFBLP EN20, CSDPD CS7]

04. The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of 12 Spring Woods.

REASON: A separate use may require mitigation measures.

[Relevant Policies: Core Strategy DPD CD6].

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and

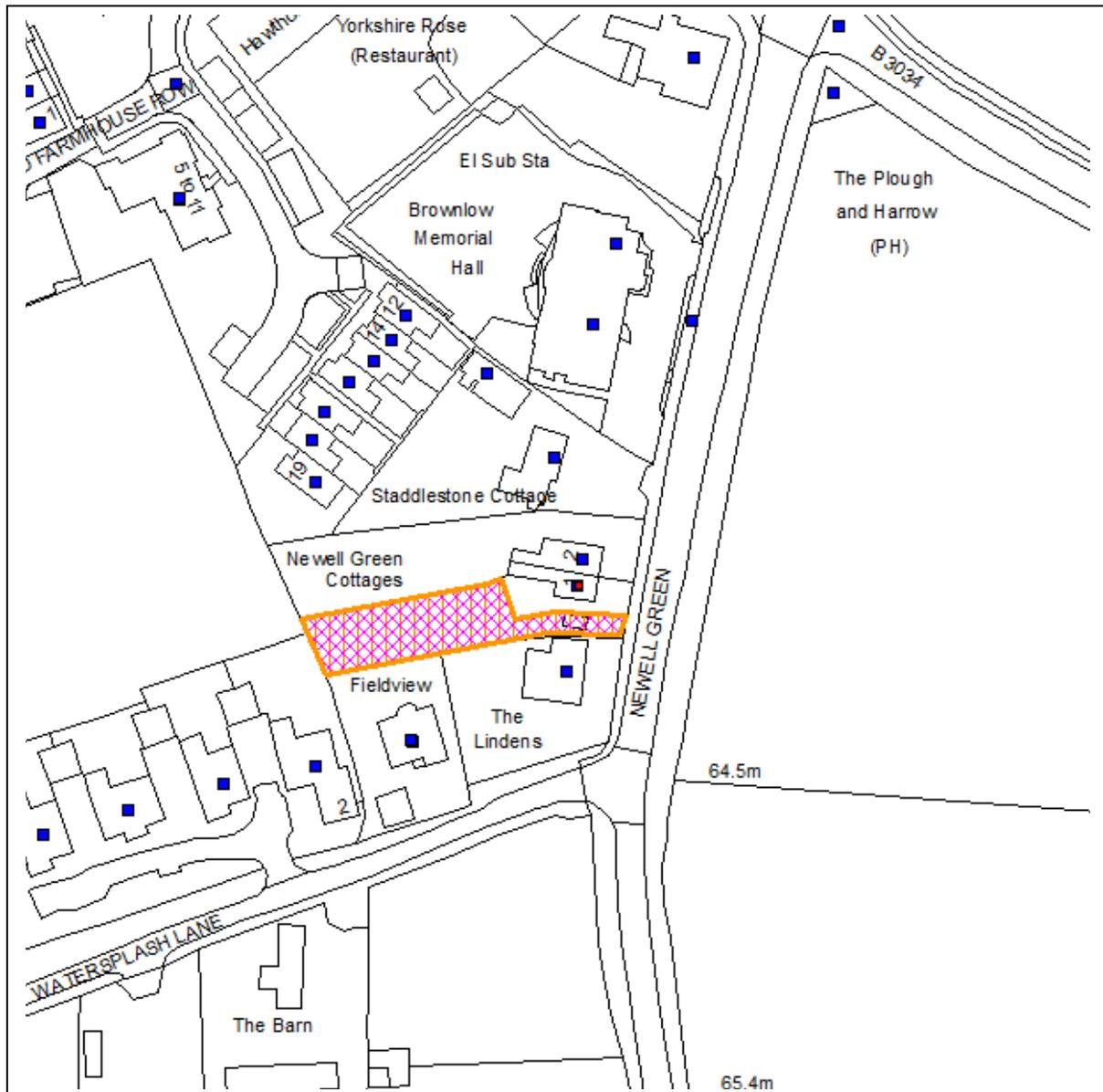
subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

02. No details are required to be submitted in relation to the following conditions; however, they are required to be complied with:
 1. Time Limit
 2. Approved Plans
 3. Materials
 4. Ancillary Use
03. The applicant should note that this permission does not convey any authorisation to enter onto land or to carry out works on land not within the applicant's ownership.
04. This is a planning permission. Before beginning any development you may also need separate permission(s) under Building Regulations or other legislation. It is your responsibility to check that there are no covenants or other restrictions that apply to your property.
05. This planning permission allows the approved outbuilding to be used as ancillary accommodation only. Should the outbuilding become occupied as an independent dwelling, planning permission would be required and would be refused as the creation of a new dwelling within 400m of the Thames Basin Heath Special Protection Area is unacceptable.

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ITEM NO: 14	Ward:	Date Registered:	Target Decision Date:
Application No. 20/00020/FUL	Binfield With Warfield	17 January 2020	13 March 2020
Site Address:	1 Newell Green Cottages Newell Green Warfield Bracknell Berkshire RG42 6AB		
Proposal:	Erection of dwelling with associated landscaping and access works following demolition of existing garage and outbuildings.		
Applicant:	Mr Ramlugan		
Agent:	Mr Rob Crolla		
Case Officer:	Alys Tatum, 01344 352000 development.control@bracknell-forest.gov.uk		

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



OFFICER REPORT

1. SUMMARY

1.1 Full planning permission is sought for the erection of a dwelling to the rear of 1 Newell Green Cottages with associated landscaping and access works following demolition of existing garage and outbuildings.

1.2 The proposed development relates to a site within the settlement boundary and is therefore acceptable in principle.

1.3 The proposal would not adversely impact upon the character and appearance of the surrounding area. The proposal would not adversely affect the residential amenities of neighbouring residential units. There would be no adverse highway safety implications.

1.4 Relevant conditions will be imposed. The scheme is CIL liable.

RECOMMENDATION

Planning permission be granted subject to the conditions in Section 11 of this report and a section 106 agreement relating to mitigation measures for the SPA.
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2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application has been reported to the Planning Committee as it has received more than 5 objections and is recommended for approval.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within a defined settlement boundary

Within 5km of the Thames Basin Heath SPA
--

3.1 The proposal site consists of a section of the existing rear garden of 1 Newell Green Cottage, a two-storey semi-detached dwelling. Access to Newell Green would be provided down to the side of the existing dwelling where a single detached garage currently exists.

3.2 The application site is located within the defined settlement boundary and the surrounding area is predominantly residential. The site is located within Character A: Newell Green of the Northern Village Study Area of the Character Area Assessment Supplementary Planning Document (SPD)

4. RELEVANT SITE HISTORY

4.1 No relevant planning history of the site.

5. THE PROPOSAL

5.1 Full planning permission is sought for the erection of a single storey dwelling with associated landscaping and access works following demolition of existing garage and outbuildings.

5.2 The dwelling would consist of three bedrooms, one with en-suite, a main bathroom and an open plan living, dining and kitchen area. Off street parking would be provided to the front of the dwelling and a private garden to the rear.

5.3 The proposed dwelling would be single storey and would incorporate a combination of dual pitched roof and flat roof. The ridge height of the dual pitched roof, which would provide a vaulted ceiling feature, would measure 5.9m and the eaves height would measure 3.6m. The dwelling would be 14.7m deep and 10.5m wide.

5.4 Amended plans were submitted during the course of the application to slightly amend the red line outline of the site.

6. REPRESENTATIONS RECEIVED

Bracknell Town Council

6.1 'Recommend refusal for the following reasons:

- Against BFC policy SA9
- Contrary to policy WNP3 of the emerging Warfield Neighbourhood Plan which says the significance of larger buildings set in large plots in establishing the settlement character whereby proposals for plot subdivision will not normally be appropriate; and development along Newell Green, Forest Road and Osborne Lane should seek to maintain the existing plot ratio and be in the form of semi-detached or small terraces and 2 storey in height.
- Considered to be overdevelopment of the area and will lead to further traffic accessing the already busy Newell Green
- Loss of trees (providing screening) are not replaced within the proposal.

[Officer Comments: The site is not located within the Site Allocation Plan of Warfield and therefore is not covered by policy SA9. Warfield Neighbourhood Plan has not been adopted and therefore carries limited weight in the assessment of the application.]

Other Representations

6.2 Six objections have been received and the concerns raised are summarised as follows:

- Overdevelopment of the site
- Small garden left for existing dwelling on site
- Chimney stack overbearing
- Dwelling will be visible from Newell Green following demolition of existing garage
- Detract from existing character of the area
- Precedent would be set for other similar form of backland development in the area
- Bin store would block public footpath
- Permitted development rights should be removed if approved
- Existing trees on site provide screening and privacy from new developments
- Detrimental to wildlife habitat
- New access to Newell Green would cause safety issues
- Proposal would, by virtue of its size, depth, width, height, massing and layout have an unacceptable impact on the amenities of immediate neighbours.
- No details on how the parking will be arranged for the existing property
- Site is not previously developed land as stated in the Planning Statement but is rather residential garden

[Officer comments: It is noted that some information contained within the Planning Statement are incorrect. The case officer has visited the site and has observed the site and the adjoining sites and therefore the inaccurate information provided does not affect the assessment of the application.]

7. SUMMARY OF CONSULTATIONS RESPONSES

Highways Officer

7.1 No objection subject to conditions

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO DECISION

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

	Development Plan	NPPF
General policies	CS1 & CS2 of CSDPD	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Noise	EN25 of BFBLP	Consistent
Parking	Saved policy M9 of BFBLP	Consistent NPPF refers to LA's setting their own parking standards for residential development, this policy is considered to be consistent.
Transport	CS23 of CSDPD	Consistent
Trees, biodiversity and landscaping	Saved policy EN1, EN2 and EN3 of BFBLP, CS1 of CSDPD.	Consistent
Supplementary Planning Documents (SPD)		
Design SPD		
Parking standards SPD		
Character Area Assessments SPD		
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		

9. PLANNING CONSIDERATIONS

9.1 The key issues for considerations are:

- i. Principle of development
- ii. Impact on the character and appearance of surrounding area
- iii. Impact on residential amenity
- iv. Impact on highway safety
- v. Biodiversity and Trees
- vi. Community Infrastructure Levy (CIL)
- vii. Thames Basin Heaths SPA
- viii. Other considerations

i) Principle of Development

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

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

ii) Impact on Character and Appearance of Surrounding Area

9.4 'Saved' policy EN20 of the BFBLP states that development should be in sympathy with the appearance and character of the local environment and appropriate in scale, mass, design, materials etc. Policy CS7 of the CSDPD states that the council would require high quality design for all development in Bracknell Forest. Development proposals would be permitted which build on the urban local character, respecting local patterns of development. Paragraph 124 of the NPPF emphasises the importance of good design as key to making places better for people to live. Additionally, paragraph 130 of the NPPF states that the design of development should help improve the character and quality of an area and the way it functions.

9.5 The site is located within Character Area A: Newell Green of the Northern Village Study Area of the Character Area Assessments SPD. Newell Green is a small settlement that is based around the Warfield Memorial Ground and remnants of a Victorian hamlet. The character is summarised as being distinct and fairly consistent. In the recommendations, it is noted that development along the main streets should be in the form of semi-detached or small terraces of houses, however infill development at the rear of plots could differ slightly in character without impacting negatively on the settlement. It is also noted that existing frontage conditions should be retained.

9.6 The proposal would constitute a form of backland development, located to the rear of 1 Newell Green Cottages, and would not therefore form part of any existing street scene. The dwelling would be visible from Newell Green, down the proposed access, however due to its set back and its single storey form, it would not appear unduly prominent from the existing street scene. The proposal would require the removal of existing hedging to the front of the site to accommodate for the proposed access and also to provide access to the remaining parking spaces for the existing property. The front of the site would therefore be open with no boundary treatment. Whilst the Character Area Assessments SPD encourages the retention of existing boundary treatment, in this case, the existing hedge could be removed without seeking permission and insisting on the retention of the hedge would result in insufficient parking for the existing dwelling.

9.7 Newell Green is characterised by a mixture of house types. The proposal is for the construction of a detached dwelling which would be acceptable in this location as there are other detached dwellings adjoining the site to the south. The proposed design of the dwelling is contemporary with materials consisting of red brick and roof tiles. Red brick is recognised as being a common material in this character area. The proposed pitch roof element of the dwelling would also be in keeping with design of existing properties in the vicinity. Whilst the contemporary style of the dwelling would differ from the more traditional houses in this location, this alone is not considered to be detrimental to the character of the area.

9.8 It is considered that sufficient space would exist on site to provide adequate amenity space to serve the proposed dwelling. The proposal does result in a significant reduction in size of the rear garden for the existing dwelling no.1 Newell Green Cottage, however this is still considered sufficient in terms of serving its purpose as an amenity area. Off-street parking is also accommodated for both dwellings and therefore it is not considered that the proposal represents an overdevelopment of the site.

9.9 Based on the above, the proposal would not adversely affect the character and appearance of the surrounding area and would be in accordance with 'Saved' policy EN20 of the BFBLP, Policy CS7 of CSDPD, Character Area Assessments SPD and the NPPF.

iii) Impact on Residential Amenity

9.10 'Saved' policy EN20 of the BFBLP states that development will not adversely affect the amenity of surrounding properties and adjoining area. Paragraph 127 of the NPPF states that the Local Planning Authority should ensure high quality amenity for all existing and future occupants of land and buildings.

9.11 The proposal site adjoins the rear garden of no.1 Newell Green Cottages to the north, no.2 Newell Green Cottages to the east, Fieldview and The Lindens to the south, and recent new developments to the west.

9.12 Due to a combination of its proposed design, being single storey, and also its positioning in relation to neighbouring properties, it is not considered that the proposal would impact on the level of light received by any of the above adjoining properties. Each adjoining dwelling is set back at least 8m from the proposed dwelling and adjoin the site by their rear gardens. The dual pitched roof of the dwelling would reach a height of 5.9m however as this would slope away from the shared boundaries with no. 2 Newell Green Cottage and Fieldview, the maximum ridge height of the dwelling would be located towards the centre of the site, away from the shared boundaries. The eaves height of the dwelling would be 3.6m meaning that it would protrude above the existing boundary features however not to an extent that would result in the dwelling appearing unduly prominent when viewed from neighbouring properties. Concerns have been raised from neighbouring properties regarding the prominence of the proposed chimney stack. Whilst it is acknowledged that this feature would be visible from surrounding properties due to its proposed height of 5.6m, taking into consideration its width and also the nature of this structure, it is not considered that it would cause harm to the amenities of neighbouring properties through appearing overbearing.

9.13 Due to being single storey, the proposed dwelling does not raise concern with regards to resulting in any direct overlooking towards the amenity areas of these neighbouring dwellings. There are rooflights proposed in the roofslope of the proposed dual pitched roof element of the dwelling, however the floorplans show that there are no habitable rooms proposed within this roofspace and that the rooflights would be a source of light to the ground floor living accommodation only. Based on this, it is not considered necessary to condition these windows to be obscurely glazed. It is however considered reasonable, due to the height of the roof, to condition that no mezzanine or permanent floor shall be installed in the area shown as a void on the approved plans in order to prevent overlooking.

9.14 Based on the above assessment, the proposal is not considered to affect the residential amenities of neighbouring properties and would be in accordance with 'Saved' policies EN20 and EN25 of the BFBLP and the NPPF.

iv) Impact on Highways Safety

9.15 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy CS23 of the Core Strategy states that development will be permitted where mitigation against the transport impacts which may arise from that development or cumulatively with other proposals is provided.

9.16 The proposal site would be accessed from Newell Green, A3095, an ancient highway with a 30mph speed limit. The proposed access would be 4.1m to 4.3m wide, running along the southern boundary of the site. The existing front boundary hedge would be removed and a double width dropped kerb proposed in order to cater for the new proposed access and also for the access to the parking spaces for the existing property, 1 Newell Green Cottages. This proposed new access layout would not interfere with the existing telegraph pole situated to the front of the site. A condition is recommended to ensure that the new access along with visibility splays are implemented prior to the occupation of the proposed new dwelling.

9.17 The proposed parking is compliant with the Bracknell Forest Parking Standards SPD as two spaces are proposed for the new 3 bedroom dwelling and two spaces would be retained for the existing 3 bedroom dwelling, 1 Newell Green Cottages. Sufficient space is proposed on site for the turning of vehicles, allowing them to enter and leave the site in forward gear along the new access road. A condition is recommended to ensure that the parking spaces are implemented prior to the occupation of the proposed new dwelling.

9.18 A secure cycle store is proposed to the front of the new dwelling which is conveniently located and of an appropriate scale. The bin storage area is also proposed to be located to the front of the dwelling with a bin collection point situated at the access for use on collection days. Details of the design and appearance of the bin and cycle store have been provided and are considered acceptable. The plans demonstrate that sufficient space would remain to the side/rear of the existing dwelling, 1 Newell Green Cottages, to accommodate for a bin and cycle storage area.

v) Biodiversity and Trees

9.19 The proposal would result in the removal of existing trees on site and a tree survey has been provided to support the application. These trees are not protected and are not considered worthy of protection in this instance. A landscaping scheme condition can be included on any permission to ensure that some soft landscaping is incorporated into the development to soften its appearance.

9.20 An ecology survey is not required as the tree survey shows the majority of trees within the garden are non-native. The outbuildings to be demolished are not considered to have any features of value for biodiversity.

vi) Community Infrastructure Levy (CIL)

9.21 Bracknell Forest Council introduced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the Borough and the type of development.

9.22 CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted) including new build that involves the creation of additional dwellings.

9.23 The proposal is therefore CIL liable in accordance with the Council's CIL charging schedule as the proposal results in a net increase of one dwelling.

vii) Thames Basin Heaths SPA

9.24 The Council, in consultation with Natural England, has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath Special Protection Area (SPA) is likely to have a significant effect on the integrity of the SPA, either alone or in-combination with other plans or projects. An appropriate assessment has been carried out including mitigation requirements.

9.25 The site is located approximately 4.75km from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

9.26 On commencement of the development, a contribution (calculated on a per-bedroom basis) is to be paid to the Council towards the cost of measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Council's Thames Basin Heaths Special Protection Area Supplementary Planning Document (SPD). The strategy is for relevant developments to make financial contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the SPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures. The council will also make a contribution towards SANG enhancement works through Community Infrastructure Levy (CIL) payments whether or not this development is liable to CIL. In this instance, the development would result in a net increase of 1 x 3-bedroom dwelling which results in a total SANG contribution of £6,112.

9.27 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which is also calculated on a per bedroom basis. Taking account of the per bedroom contributions, this results in a total SAMM contribution of £711.

9.28 The total SPA related financial contribution for this proposal is £6,823. The applicant must agree to enter into a S106 agreement to secure this contribution and a restriction on the occupation of each dwelling until the Council has confirmed that open space enhancement works to a SANG is completed. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP Saved Policy NRM6, Saved policy EN3 of the BFBLP and CS14 of the CSDPD, the Thames Basin Heaths Special Protection Area SPD.

viii) Sustainability

9.29 CSDPD Policy CS10 requires the submission of a Sustainability Statement demonstrating how the proposals meet current best practice standards for water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day. No such statement has been submitted in support of the application, therefore a condition is recommended requiring the submission of a Sustainability Statement prior to the occupation of the development in accordance with CSDPD Policy CS10 and the NPPF.

9.30 The Renewable Energy Officer has made reference to CSDPD Policy CS12, which requires, at paragraph 147, development proposals for less than five net additional dwellings to provide at least 10% of their energy requirements from on-site renewable energy generation. As highlighted in the Council's Sustainable Resource Management Supplementary Planning Document (<http://www.bracknell-forest.gov.uk/srm>), an energy demand assessment should be submitted and include the following:

- An assessment of the predicted energy demand of the proposed development including all on-site energy requirements, such as street lights, car park lighting, heating and lighting of communal areas and lifts;
- An assessment of the predicted CO2 emissions generated by the proposal;
- Key energy efficient design measures, including consideration of heating and cooling system;
- Choice of renewable energy technology;
- A summary of the above information.

9.31 No such assessment has been submitted in support of the application, therefore a condition is recommended requiring the submission of an Energy Demand Assessment prior to the commencement of development in accordance with CSDPD Policy CS12 and the NPPF

10. CONCLUSIONS

10.1 It is considered that the development which would result in a subdivision of a plot would be acceptable in principle due to the site being located within the settlement boundary. It would not result in an adverse impact on the character and appearance of the street scene or wider surrounding area, highway safety, nor would the development result in an adverse impact on the residential amenity of the occupiers of the neighbouring properties. It is therefore considered that the proposed development complies with 'Saved' policies EN1, EN8, and EN20 of the BFBLP, Policies CS1, CS2, CS7 and CS9 of the CSDPD, Character Area Assessments SPD and the NPPF.

10.2 Relevant conditions will be imposed in relating to landscaping, highway safety and sustainability

10.3 A legal agreement is required to secure contributions for SPA mitigation and the scheme is CIL liable.

11. RECOMMENDATION

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

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

That the Head of Planning be authorised to APPROVE the application 20/00020/FUL subject to the following conditions amended, added to or deleted as the Head of Planning considers necessary:

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

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

02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 17.01.2020 and 20.02.2020:

Proposed plan, drawing no. 2861 0101 Rev B
First Floor Plan and Roof Plan, drawing no 2861 0102 Rev B

Proposed Elevation, drawing no. 2861 0103 Rev B
Site and Location Plan, drawing no. 2861 0100 Rev H

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

03. No construction works shall take place until brick and tile samples to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

04. The dwelling hereby permitted shall not be occupied until hard and soft landscaping, including boundary treatments and other means of enclosure, has been provided for that dwelling in accordance with a scheme submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule.

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

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

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

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

05. No mezzanine or permanent floor shall be installed in the area shown as a void on the approved plans.

REASON: In order to avoid overlooking to the neighbouring properties.
[Policy: BFBLP EN20].

06. The dwelling hereby approved shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans '2861 0100-Site and Site location Plan H' and a widened dropped-kerb has been provided onto Newell Green.

REASON: In the interests of highway safety
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

07. The dwelling hereby approved shall not be occupied until visibility splays of 2.0 metres by 2.0 metres have been provided at the junction of the driveway and the adjacent footway. The dimensions shall be measured along the edge of the drive and the back of the footway from their point of intersection. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the carriageway.

REASON: In the interests of highway safety.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

08. The dwelling hereby approved shall not be occupied until the associated vehicle parking and turning space has been surfaced and marked out in accordance with the approved drawing 2861 0100 – Site and Site location Plan H'. The spaces shall be retained and kept available for parking at all times.

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

09. The dwelling hereby approved shall not be occupied until 3 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 interest of accessibility of the development to cyclists.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

10. No works shall commence until the parking for no.1 Newell Green Cottages has been surfaced and marked out in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.

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

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

REASON: In the interests of sustainability and the efficient use of resources.
[Relevant Policy: Core Strategy DPD CS10]

12. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:

- (a) Parking of vehicles of site personnel, operatives and visitors
- (b) Loading and unloading of plant and vehicles
- (c) Storage of plant and materials used in constructing the development
- (d) Wheel cleaning facilities
- (e) Temporary portacabins and welfare for site operatives

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

13. No construction works shall take place until an Energy Demand Assessment demonstrating that at least 10% of the development's energy will be provided from on-site renewable energy production, has been submitted to and approved in writing by the Local Planning Authority. The dwelling as constructed shall be carried out in accordance with the approved assessment and retained as such thereafter.

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

[Relevant Policy: Core Strategy DPD CS12]

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

REASON: To prevent increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage scheme. [Relevant Policies: CSDPD CS1, BFBLP EN25]

In the event of the S106 agreement not being completed by 31 July 2020, the Head of Planning be authorised to either extend the period further or refuse the application on the grounds of:

1. The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impacts in this respect. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and the Thames Basin Heaths Special Protection Area Supplementary Planning Document, and the NPPF.

Informatives

1. 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.

2. The applicant is advised that the following conditions require discharging prior to commencement of development:

03 Materials

04. Hard and soft landscaping

10. Parking for 1 Newell Green Cottages

12. Site organisation

13. Energy Demand Assessment

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

06. Access

07. Visibility splays

08. Parking layout

09. Cycle parking

11. Sustainability Statement

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

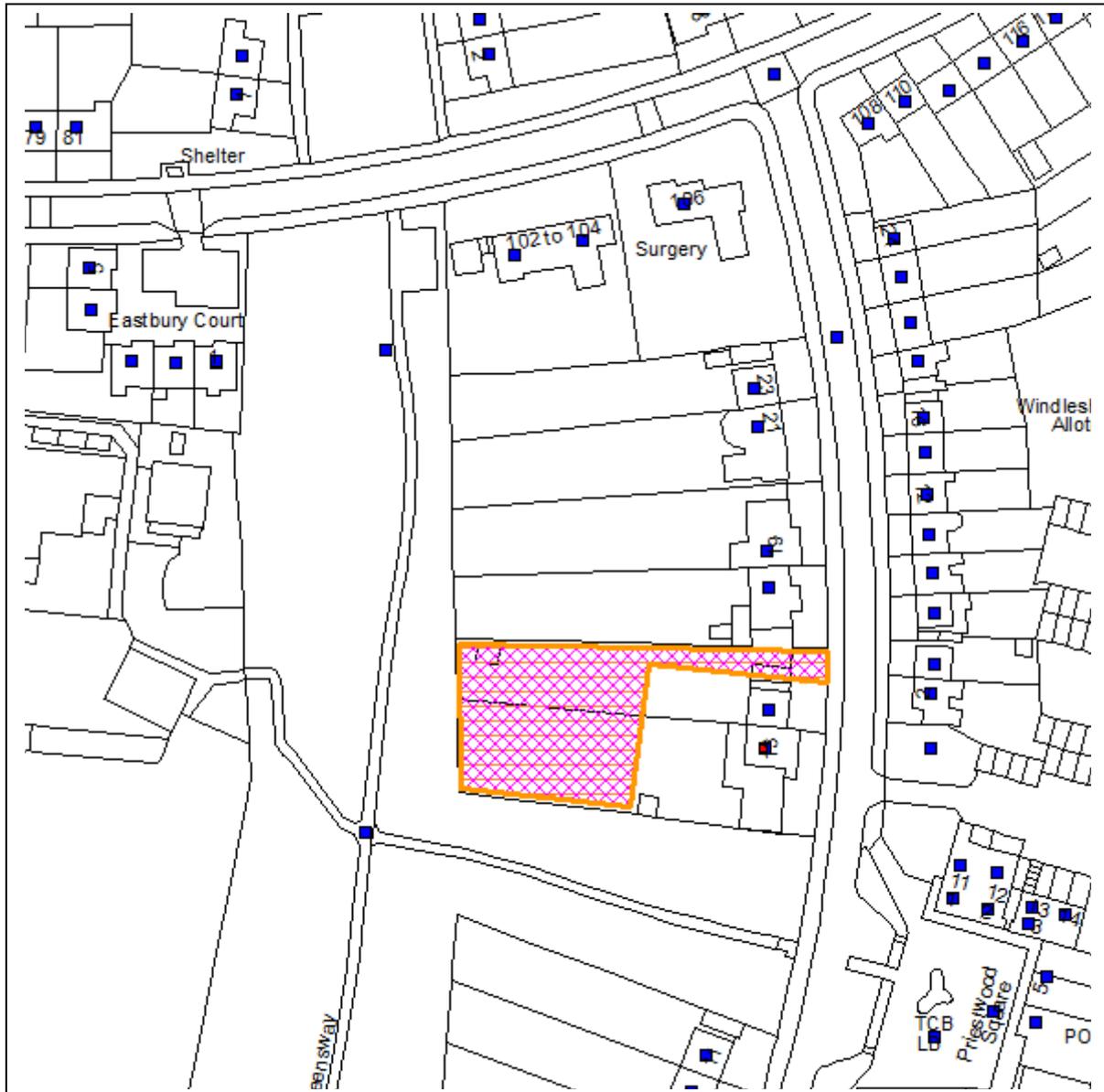
- 01. Time limit
- 02. Approved plans
- 05. No use of roof void
- 14. Drainage system(s)

3. Formation of the dropped-kerb will require an application to be made to the Highway Authority. More details are available at: <https://www.bracknell-forest.gov.uk/roads-parking-and-transport/parking/dropped-kerbs-vehicle-access/>

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ITEM NO: 15	Ward:	Date Registered:	Target Decision Date:
Application No. 20/00078/FUL	Priestwood And Garth	31 January 2020	27 March 2020
Site Address:	Land R/O 13 and 15 Windlesham Road Bracknell Berkshire RG42 1TY		
Proposal:	Erection of 4 No. dwellings with associated landscaping and parking.		
Applicant:	Mr Matt Taylor		
Agent:	(There is no agent for this application)		
Case Officer:	Katie Walker, 01344 352000 development.control@bracknell-forest.gov.uk		

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



OFFICER REPORT

1. SUMMARY

1.1 The proposal is for two pairs of semi-detached houses on land to the rear of 13 and 15 Windlesham Road in Bracknell. They would be accessed from a new access to the north of the site, created from the existing driveway and through the demolition of the existing garage at 15 Windlesham Road. This application represents a revised scheme from that refused at Planning Committee on 12 December 2019. The main changes comprise:

- Removal of roof accommodation
- Removal of rear dormers
- Reduction in height of dwellings by approximately 1 metre
- Change in design to remove hipped roof and reduce bulk
- Revised landscaping scheme to the rear of the site on the boundary with The Queensway comprising tall hedging.

1.2 The proposal would not adversely impact upon the character and appearance of the surrounding area, nor would it adversely affect the residential amenities of the occupants of neighbouring residential dwellings. The proposal would also be acceptable in terms of highway safety and parking, subject to proposed conditions.

1.3 Relevant conditions will be imposed in relation to multiple matters, including tree protection and surface water drainage. A legal agreement is required to secure contributions for SPA mitigation, and the scheme is CIL liable.

RECOMMENDATION
Delegate to the Head of Planning to grant planning permission following the completion of a Section 106 Agreement and subject to the conditions in Section 11 of this report.

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application has been reported to the Planning Committee as it received more than 5 objections.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Within settlement boundary
Within 5km of SPA

3.1 The site covers 0.1 hectares and is located on the western side of Windlesham Road. The land on which the dwellings would be sited comprises the rear gardens of 13 and 15 Windlesham Road. There is a parade of shops on the opposite side of the road. To the south of 13 Windlesham Road and to the rear of the site is a public right of way.

3.2 The site is within 5km of the SPA.

4. RELEVANT SITE HISTORY

4.1 The relevant planning history is set out below:

19/00756/FUL: Erection of 4 No. dwellings with associated landscaping and parking – refused 2019, Appeal in progress.

17/00745/FUL: Erection of a two-storey side extension & single storey front and rear extensions to 15 Windlesham Rd– approved 2017.

5. THE PROPOSAL

5.1 The proposal comprises the erection of two pairs of semi-detached houses to the rear of 13 and 15 Windlesham Road.

5.2 The dwellings would be accessed from Windlesham Road following the demolition of the existing garage and the internal access road would run to the northern boundary of the site. Gates are proposed at the entrance to the development.



5.3 Each dwelling would be two storeys with three bedrooms. The dwellings would have a single storey rear projection comprising part of the living space. Parking for each dwelling would be provided internally to the site and each dwelling would have a private rear garden, cycle store and bin store. One visitor parking space would also be provided.

5.4 The bulk and massing of the dwellings has been reduced from the previously refused application through the revision of the design. The accommodation in the roof space has been

removed and the overall height of the dwellings has been reduced. This can be seen in the elevations below:

Refused elevations for application 19/00756/FUL:



Front elevation (east)

Side elevation (south)



Rear elevation (west)

Side elevation (north)

Revised elevations for current application:



5.5 The proposal also includes the provision of two parking spaces on the current front garden of 15 Windlesham Road to compensate for the loss of the garage. This element of the proposal could be achieved under permitted development rights.

5.6 The proposals include tall hedgerow planting to the rear boundary of the site to provide screening of the development from The Queensway Public Right of Way.

6. REPRESENTATIONS RECEIVED

Bracknell Town Council

6.1 Bracknell Town Council recommend refusal of the application due to its impact on the Queensway; the pressure on the Thames Basin Heath Special Protection Area; and because the proposal is contrary to the policies in the Bracknell Forest Local Plan.

Other representations

6.2 Eight letters of objection have been received. The issues raised are summarised below:

- View from existing dwellings [Officer note: there is no right to a view and as such this is not a planning matter];
- Proposed tree screening is out of character with existing vegetation and would be an eyesore;
- Loss of late evening sun for proposed dwellings;

- Traffic concerns;
- Concerns over access;
- Parking concerns;
- Impact on character of Queensway;
- Flooding concerns;
- Concerns regarding refuse collection;
- Loss of privacy to existing dwellings;
- Security to neighbouring properties;
- Damage to trees;
- Proposed development would be out of keeping with character of the area;
- Disturbance from building works;
- Bulk and massing has not been significantly reduced;
- Impact on public open space.

6.3 One representation was received, neither objecting to or supporting the application. This set out that the contributor could see no detriment to the public enjoyment of the Queensway should the development go ahead and that the proposed trees would provide a benefit to the local bird population.

7. SUMMARY OF CONSULTATION RESPONSES

Highways Authority:

7.1 No objection subject to conditions.

Biodiversity:

7.2 No objection subject to conditions.

Tree Service:

7.3 No objection subject to conditions.

Lead Local Flood Authority:

7.4 Request details of drainage.

PROW Officer

7.5 No objection subject to condition.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
General policies	CP1 of SALP, CS1 and CS2 of CSDPD	Not fully consistent Consistent
Residential amenity	Saved policy EN20 of BFBLP	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP;	Consistent
Parking	Saved policy M9 of BFBLP	Consistent
Transport	CS23 of CSDPD	Consistent
Trees and biodiversity	CS1, CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Sustainability	CS1, CS10, CS12 of CSDPD	Consistent
Supplementary Planning Documents (SPD)		

Parking Standards SPD
Design SPD
Sustainable Resource Management SPD (2008)
Thames Basin Heaths SPA SPD (2018)
Other publications
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)
CIL Charging Schedule

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i Principle of development
- ii Impact on character and appearance of the area
- iii Impact on residential amenity
- iv Transport implications
- v Trees
- vi Biodiversity
- vii Flood Risk
- viii Sustainability implications
- ix Impacts on SPA
- x Community Infrastructure Levy

i. Principle of development

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

9.3 Core Strategy Policies CS1 (Sustainable Development) and CS2 (Locational Principles) are relevant and consistent with the objectives of the NPPF and can be afforded full weight. In particular, Policy CS2 permits development within defined settlements. The application site is located within a defined settlement as designated by the Bracknell Forest Borough Policies Map. Therefore, the principle of development on this site is acceptable.

ii. Impact on character and appearance of the area

9.4 The Council's Design SPD sets out a number of recommendations that are relevant to the proposed development. Of particular relevance are the following recommendations:

- The form of new buildings, including roofs should relate well to those found in the local context;
- Backland development should not be highly visible from the main street frontage, not harm the existing character of the area, relate to a site of sufficient size and shape to accommodate the number of dwellings, not be taller than the existing buildings nor be highly visible from the main street frontage, it should create a satisfactory living environment for the new home and existing surrounding properties.

9.5 While there are no other examples of similar backland development in the immediate locality, this does not automatically mean that the proposal gives rise to harm. The proposed dwellings would not be overly visible in the street scene, being approximately 47 metres from the back of the pavement of Windlesham Road. Plots 3 and 4 would be largely screened by the existing buildings at 13 and 15 Windlesham Road. While plots 1 and 2 would be visible from the street through the new access to be created following the demolition of the existing garage, the distance between the proposed dwellings and Windlesham Road would mean that they would not be overly prominent. There is also a variety in plot pattern in the wider area, including to the north and south of Windlesham Road, and opposite the site are shops with flats above and dwellings with smaller gardens. As such, it is not considered that the proposed dwellings would harm the existing character of the area.

9.6 The proposed dwellings would be approximately 7.7 metres at their tallest point, as opposed to 8.62 metres tall in the previously refused application. The existing dwelling at 15 Windlesham Road is also approximately 7.7 metres tall. However, land levels fall to the west, where the houses would be located. The applicant has provided a streetscene which demonstrates that, due to these changes in levels, the dwellings would read as approximately 2 metres lower than the main ridge height of 13 and 15 Windlesham Road.

9.7 The previous application was refused as the proposal was considered to have an adverse impact on the character of the Queensway Public Right of Way due to its siting, bulk and massing. The current proposal has sought to take this into account through removing the accommodation in the roof space and consequently lowering the overall height of the dwellings as well as reducing the bulk and massing. The removal of the bedrooms in the roof space has also resulted in the removal of the rear dormers, reducing the bulk on the elevation closest to the Queensway and also reducing perceived overlooking to the Public Right of Way. The width of the two storey element closest to the Queenway of each pair of semi-detached dwellings has been reduced from 12.4 metres to 10 metres, further breaking down the built form of the proposals and increasing the space between the buildings.

9.8 The proposals include landscaping in the form of tall hedging to the rear (western) boundary of the site to provide additional screening between the proposal and the Queensway Public Right of Way. The site section drawing (2594-PL-305) includes a pedestrian field of view which demonstrates that, with the reduced massing of the proposals and the additional planting, the proposal will be well screened from the Queensway.

9.9 The proposed dwellings would be brick built with tiled roofs and would have canopies over the porches. As set out above, plots 3 and 4 would be largely screened by the existing dwellings on Windlesham Road, although plots 1 and 2 would be partially visible from the access point. Examples of the architectural features can be seen in the wider area, and the existing dwellings on Windlesham Road are brick built with tiled roofs. The elevations indicate that the proposed dwellings would be of a high quality of design and a condition is recommended to secure details of materials.

9.10 The level of development proposed is not considered to represent overdevelopment of the site. The proposal would result in the net gain of 4 dwellings in the Borough, with adequate space retained between the proposed dwellings and adjoining buildings, along with appropriately sized gardens and on-site parking provision being provided for both the retained dwellings and proposed dwellings. The NPPF refers to the effective use of land and it is considered that this proposal would comply with this objective with the net gain of 4 dwellings on a site located within the settlement boundary.

9.11 Subject to the proposed condition, it is considered that the proposed amendments would not result in an adverse impact on the character and appearance of the area or the host properties, in accordance with CSDPD Policy CS7, BFBLP 'Saved' Policy EN20, and the NPPF.

iii. Impact on Residential Amenity

9.12 The Design SPD sets out that new development should be sited and designed to minimise any potential impacts on neighbouring properties.

9.13 At their closest point, the proposed dwellings would be in excess of 30 metres from nos. 13, 15, and 17 Windlesham Road.

9.14 The proposed development would be at an oblique angle from 17 Windlesham Road, with no direct overlooking to that property. The dwellings would be 7.7 metres tall, which is the same height as the existing dwelling at 15 Windlesham Road and the distance between the dwellings and 17 Windlesham Road would result in no undue overbearing impacts. In addition, 17 Windlesham Road has a generous garden and it is not considered that the proposed dwellings would result in undue overlooking or be overbearing on the most private part of that garden, being the area outside the rear doors of the house. There is only one side facing first floor window in plot 1 serving an en-suite. A condition is recommended to ensure that this is obscure glazed. A close boarded fence is shown on the proposed site plan between plot 1 and 17 Windlesham Road, and this would ensure that the ground floor side facing kitchen window in the proposed dwelling would not overlook the garden of the neighbouring property.

9.15 As a result of the proposed development, the gardens of 13 and 15 Windlesham Road would be reduced to approximately 17 metres long each. The resultant plot sizes are considered to be acceptable for the occupants of those properties. The rear gardens for the proposed dwellings would be approximately 66 sq.m. - 72 sq.m in size, which is considered to constitute an acceptable amount of amenity space for the potential future occupiers of the proposed three bedroom dwellings.

9.16 While concerns were raised in relation to the previously refused application regarding overlooking to the PROW, this is not considered to have an undue adverse impact on the users of the PROW. The two storey element of the proposed dwellings would be approximately 9.6 metres from the rear garden boundaries with the PROW and, as well as the existing trees on the Queensway, additional tall hedgerow planting has been proposed as part of the application to screen the proposal and a condition is recommended to secure this landscaping. As set out above, the removal of the dormer windows to the rear of the properties further reduces any perceived overlooking impacts from the proposed development. The Council's Parks and Countryside Officer has been consulted and raised no objection to the proposed development subject to ensuring that the rear gardens would not be accessed from the PROW during construction. This would be covered by the recommended condition requiring details of the site organisation.

9.17 It is therefore considered that the development would not result in an adverse impact on the amenity of neighbouring properties, in accordance with BFBLP 'Saved' Policy EN20 and the NPPF, subject to the recommended conditions.

iv. Transport implications

9.18 This proposed development of four 3-bedroom houses would be accessed from Windlesham Road, an adopted residential road which is subject to a 30mph speed limit with street lighting. Windlesham Road has footways to both sides and there are no parking restrictions.

9.19 A revised shared-surface accessway is shown on drawing 2594-PL-301 Rev A. This accessway would remain private.

9.20 A minimum 0.6m planted verge is shown to the south of the access road from the rear garden area of no. 15 and a condition requiring details of hard and soft landscaping is suggested to secure this.

9.21 The connection between the accessway and Windlesham Road has been amended to show radii kerbs, in accordance with paragraph 2.3.5 'Shared Surface Roads' of Bracknell Forest Council's Highways Guide for Development. The levels between the site and the carriageway of Windlesham Road will need to be smoothed to avoid a ridge on entry and exit to the site. The footway should show dropped-kerbs and tactile paving for crossing the site access. The new access, and access to replacement parking for dwelling no. 15 will require a Section 278 Legal Agreement with the Highway Authority to be agreed before access construction can take place.

9.22 Gates have been positioned on the new access road. While the Highways Authority raised concerns with this as part of application number 19/00756/FUL, the applicant has explained that the gates have been introduced specifically in response to concerns of the occupants of the neighbouring property regarding security. The gates are set back in excess of 6 metres from the edge of the footpath and as such, the gates are considered acceptable. The Highways Authority suggested a planning condition to set out the operation of the gates for visitors, deliveries and refuse collection. However, the elevations of the gate demonstrate an intercom panel, and it is considered that the operation of these gates is a private matter.

Pedestrian Access

9.23 A pedestrian route has now been shown between the front door of each new dwelling and the proposed accessway serving the site, separate from each dwelling's driveway. Similar provision is shown for no. 15 Windlesham Road.

Parking

9.24 Car parking of two spaces for each three-bedroom property is proposed, along with a visitor space. This provision accords with Bracknell Forest Parking Standards SPD, March 2016. Aisle widths of 6m are provided for turning into and out of parking spaces, in accordance with standards.

Refuse and cycle storage

9.25 Cycle parking and bin stores are shown on revised plan 2594-PL-301. A bin collection point is shown within 30 metres of the proposed dwellings and within 25m of the adopted highway, in accordance with the Building Regulations part H6.

Trips and Accessibility

9.26 The site is accessible to local facilities, including a shopping parade on the opposite side of the road which includes a small food store and pharmacy. Bus service 150 operates along Windlesham Road (with a stop south of Priestwood shops), along Priestwood Avenue to the south and along Moordale Avenue to the north. The site is within walking and cycling distance of employment areas south of Wokingham Road.

9.27 Four dwellings in this location are likely to generate around 32 total trips per day by all modes of travel, with circa 16 (50%) of these being by car. Within each of the morning and evening peak hours, around 4 trips by all modes of travel are predicted, with circa 2 (50%) of these being by car. Construction traffic, including site deliveries and contractor parking would be dealt with by planning condition.

9.28 Subject to the proposed conditions, the proposal is considered to be acceptable in terms of BFBLP Policy M9, CSDPD Policy CS23 and the Parking SPD.

v. Trees

9.29 There are no protected trees on the site. The trees within the application site are of various qualities and visual impact; but none are considered worthy of a TPO. They do however have value in terms of existing landscape and visual amenity for the new occupants. There are a number of trees shown to be retained and their successful retention relies not only in protecting their current nominal Root Protection Areas (RPAs) but also the soft landscaping areas that retained trees will need to flourish and for new tree planting to establish and grow to maturity. As such, details of surfacing and construction management are recommended to be secured by condition.

9.30 There are mature trees beyond the application site to the rear, on the public land. While these trees are not protected, they are visually prominent from the PROW. The rear gardens for the proposed dwellings would be approximately 7 metres long from the single storey element and would lie between the built form and the trees, on established garden land. Given the position of the trees on the public land and the distance between the proposed dwellings and the trees, the proposals are unlikely to result in a significant encroachment into the root protection areas of the trees.

9.31 The proposals are therefore acceptable with regard to trees subject to the proposed conditions, in line with CSDPD Policy CS1 and 'Saved' BFBLP Policy EN20.

vi. Biodiversity

9.32 The development site consists of two relatively open and well-maintained gardens of low ecological value. The proposed indicative landscaping includes trees to the rear boundary of the dwellings, including some native species. The plans for the previous application included the use of Cherry Laurel (*Prunus laurocerasus*) which is an invasive non-native species. However, this has been removed from the proposed landscaping plans for this application.

9.33 Subject to the recommended conditions securing the landscaping, the proposal is considered to be acceptable in accordance with Policies CS1 and CS7.

vii. Flood Risk

9.34 The site does not fall within a flood zone, although it is noted that land to the rear of the site, i.e. the public right of way, falls within Flood Zones 2 and 3 as this land comprises the culverted Bull Brook. As such, the Lead Local Flood Authority was consulted on the application.

9.35 The LLFA has confirmed that the site is located outside of the floodplain and is not within an area of critical surface water drainage concern. However, consideration should be given to the provision of a SUDS scheme, and it should be ensured that finished floor levels are set appropriately.

9.36 No details of the proposed drainage arrangements for the development have been submitted with the application. However, this is not usually required at application stage for minor developments that are not within a flood zone. While the LLFA has requested details of the drainage proposals prior to determination, from a planning perspective it is considered that this can be dealt with by planning condition. The LLFA has suggested that a gravity connection to the Thames Water sewer may not be possible, however this would be dealt with between the developer and Thames Water.

9.37 Subject to a condition requiring drainage details, the proposed development is considered to be acceptable in terms of flood risk in line with the NPPF and Core Strategy Policy CS1.

viii. Sustainability Implications

9.38 In respect of the proposed additional dwellings, Policy CS10 requires the submission of a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day. Policy CS12 requires the submission of an Energy Demand Assessment demonstrating how 10% of the development's energy requirements will be met from on-site renewable energy generation.

9.39 No details of the above have been submitted for consideration, and therefore it is recommended that these be secured by way of planning condition.

ix SPA

9.40 The Council, in consultation with Natural England, has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath Special Protection Area (SPA) is likely to have a significant effect on the integrity of the SPA, either alone or in-combination with other plans or projects. An Appropriate Assessment has been carried out including mitigation requirements.

9.41 This site is located approximately 2.7 km from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

9.42 On commencement of the development, a contribution (calculated on a per-bedroom basis) is to be paid to the Council towards the cost of measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Council's Thames Basin Heaths Special Protection Area Supplementary Planning Document (SPD). The strategy is for relevant developments to make financial contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the SPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures. The Council will also make a contribution towards SANG enhancement works through Community Infrastructure Levy (CIL) payments whether or not this development is liable to CIL.

9.43 In this instance, the development would result in a net increase of 4 X 3 bedroom dwellings which results in a total SANG contribution of £24,448.

9.44 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which will also be calculated on a per bedroom basis. Taking account of the per bedroom contributions this results in a total SAMM contribution of £2,844.

9.45 The total SPA related financial contribution for this proposal is £27,292. The applicant must agree to enter into a S106 agreement to secure this contribution and a restriction on the occupation of each dwelling until the Council has confirmed that open space enhancement works to a SANG is completed. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP Saved Policy NRM6, Saved policy EN3 of the BFBLP and CS14 of CSDPD, the Thames Basin Heaths Special Protection Area SPD and the NPPF.

ix. CIL

9.46 CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted) applications involving the creation of additional dwellings.

9.47 In this case, the proposal would be CIL liable as it comprises the creation of new dwellings. The dwellings fall within the outer Bracknell charging area, where CIL is charged at £91.73 per square metre of floorspace.

10. CONCLUSIONS

10.1 It is not considered that the development would result in an adverse impact on the character and appearance of the host buildings, local area, the amenities of the residents of the neighbouring properties or highway safety. It is therefore considered that the proposed development complies with Development Plan Policies SALP Policy CP1, CSDPD Policies CS1, CS2, CS7, CS23, BFBLP 'Saved' Policies EN20 and M9 and the NPPF.

10.2 The application is therefore recommended for conditional approval subject to the completion of a Section 106 Agreement and the issue of a CIL liability notice.

11 RECOMMENDATION

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

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

That the Head of Planning be authorised to **APPROVE** the application 19/00299/FUL subject to the following conditions amended, added to or deleted as the Head of Planning considers necessary:

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

02. The development hereby permitted shall be carried out only in accordance with the following approved plans and documents received by the Local Planning Authority on 31 January 2020:

2594-PL-301 Rev A: Proposed site plan and existing location plan

2594-PL-302: Proposed plans and elevations, plots 1 and 2

2594-PL-303: Proposed plans and elevations, plots 3 and 4

2594-PL-306: Entrance gate plan and elevation

2594-PL-308: Typical bin store plan and elevation

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

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

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

04. No part of the development hereby permitted shall be begun until details showing the finished floor levels of the building/s in relation to i.) fixed datum points in the surrounding area and ii.) the finished floor levels of adjacent dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

05. The development hereby permitted shall not be begun until details of a scheme of walls, fences and any other means of enclosure has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of any of the buildings approved in this permission.

REASON: - In the interests of the visual amenities of the area and to safeguard existing retained trees, hedges and shrubs.
[Relevant Plans and Policies: BFBLP EN20, Core Strategy DPD CS7]

06. All existing trees, hedgerows and groups of shrubs shown to be retained on the approved drawings shall be protected for the duration of operational works to implement the development hereby approved by 2m high (minimum) welded mesh panels, supported by a metal scaffold framework, constructed in accordance with Section 6.2 of British Standard 5837:2012, or any subsequent revision. No activity of any description must occur at any time within these areas including but not restricted to the following: -

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

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

07. No underground services or external lighting shall be installed until:-
- (i) a site layout plan showing the proposed layout of all underground services and external lighting and
 - (ii) a programme for the phasing and timing of works
- have been submitted to and approved in writing by the Local Planning Authority. The site layout plan shall include the following details:-
- a) accurate trunk positions and canopy spreads of all retained trees/hedgerows and mature groups of shrubs;
 - b) surface water/foul drainage and associated inspection chambers (existing reused and

- new);
- c) soakaways (where applicable);
- d) gas, electricity, telecom and cable television service runs;
- e) lighting columns and all associated ducting for power supply; and.

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

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

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

08. All hard surfacing around retained trees and areas near to soft landscaping areas should be constructed of permeable surfacing to allow for gaseous exchange and water infiltration to the rooting area.

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

09. No retained tree, hedgerow or group of shrubs specified as to be retained on the approved drawings shall be cut down, uprooted or destroyed.

Any trees, hedgerows or groups of shrubs shown to be retained on the approved plans which die, are removed or irreparably damaged during the course of the development, or within a period of 5 years of the completion of the development, shall be replaced with another tree, hedgerow or group of shrubs of the same species and size as that originally planted.

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

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

10. No dwelling hereby permitted shall be occupied until hard and soft landscaping has been provided for that dwelling in accordance with a scheme submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule.

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

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

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

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

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

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

REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]

12. No dwelling shall be occupied until the associated vehicle parking for the new development and the existing dwelling at 15 Windlesham Road has been provided in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.

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

13. No dwelling hereby permitted shall be occupied until visibility splays of 2.4 x 43 metres associated with access to those dwellings have been provided as shown on the approved plan 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: Core Strategy DPD CS23]

14. The dwellings hereby permitted shall not be occupied until visibility splays of 2.0 metres by 2 metres have been provided at the junction of the driveway for the new parking outside 15 Windlesham Drive and the adjacent footway. The dimensions shall be measured along the edge of the drive and the back of the footway from their point of intersection. The visibility splays shall at all times thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the carriageway

REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]

15. No dwelling shall be occupied until secure and covered parking for bicycles and bin storage have been provided in accordance with the approved drawings and shall be retained as such thereafter.

REASON: In order to ensure bicycle facilities and bin storage are provided.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

16. No development (including demolition and site clearance) shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:

- (a) Parking of vehicles of site personnel, operatives and visitors
- (b) Loading and unloading of plant and vehicles
- (c) Storage of plant and materials used in constructing the development
- (d) Wheel cleaning facilities

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

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

17. The development hereby permitted shall not commence until a drainage strategy based on sustainable drainage principles detailing any on- and off-site drainage works, along with proposed points of connection, has been submitted to and approved by the Local Planning Authority. No discharge of foul or surface water from the site shall take place until the drainage works referred to in the strategy have been completed.

The drainage strategy shall include:

- a) Full details of all components of the proposed drainage system including dimensions, locations, gradients, invert and cover levels, headwall details, planting (if necessary) and drawings as appropriate taking into account the groundwater table;
- b) Confirmation of the gully spacing calculations to demonstrate that they are capable of conveying the rainfall volumes as set out in the submitted details;
- c) a GIS shape file for the drainage and SUDS system serving the site

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

[Relevant Policy: Core Strategy DPD CS1]

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

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

[Relevant Policy: Core Strategy DPD CS10]

19. No development shall take place until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 10%). The dwellings thereafter constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith.

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

[Relevant Plans and Policies: CSDPD Policy CS12]

20. Those windows shown on the approved drawings as having obscured glazing in part or full shall at all times be glazed with a minimum of Pilkington Level 3 or equivalent and 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.

REASON: To prevent the overlooking of neighbouring property.

[Relevant Policies: BFBLP EN20]

INFORMATIVES

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission subject to conditions, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

02. The following conditions requires details to be submitted:

3. Materials
4. Finished floor levels
5. Means of enclosure
- 7 Details of services
- 10 Hard and soft landscaping
- 16 Construction Management Plan
- 17 Drainage details
- 18 Sustainability Statement
- 19 Energy Demand Assessment

The following conditions do not require details to be submitted but must be complied with:

- 1 Time limit
- 2 Approved plans
- 6 Trees to be protected
- 8 Permeable surfacing
- 9 Trees to be replanted within 5 years
- 11 Vehicular access
- 12 Vehicle parking
- 13 Visibility splays new dwellings
- 14 Visibility splays new parking for 15 Windlesham Road
- 15 Cycle storage
- 20 Obscure glazed windows

3. The Council's Street Works Team should be contacted Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 352000, to agree the access construction details and to grant a S278 before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks notice to obtain details of underground services on the applicant's behalf.

In the event of the S106 agreement not being completed by 19 September 2020, the Head of Planning be authorised to either extend the period further or refuse the application on the grounds of:

01. The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impacts in this respect. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and the Thames Basin Heaths Special Protection Area Supplementary Planning Document (2018).