

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 23 April 2020, 6.30 - 8.30 pm
Online Only



Agenda

Item	Description	Page
1.	Apologies for Absence	
	To receive apologies for absence.	
2.	Minutes	3 - 12
	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.

EMERGENCY EVACUATION INSTRUCTIONS

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5.	PS 19-00753-FUL Unit C Cookham Road	17 - 26
	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	27 - 52
	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	53 - 76
	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 19-01031-FUL Land To Rear Of Eggleton Cottage and Poplar Cottage, Chavey Down Road, Winkfield Row, Bracknell, Berkshire RG42 7PN	77 - 90
	Erection of no1. two storey, 3 bedroom dwelling inc. soft and hard landscaping with access from Mushroom Castle	

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: 15 April 2020

EMERGENCY EVACUATION INSTRUCTIONS

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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, Arboricultural Impact Assessment, Tree protection Plan and Arboricultural 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
23rd April 2020**

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

		Case Officer	Reporting Officer
5	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).	Olivia Jones	Basia Polnik
6	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: Approve.	Sarah Horwood	Basia Polnik
7	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.	Sarah Fryer	Basia Polnik
8	19/01031/FUL Land To Rear Of Eggleton Cottage and Poplar Cottage Chavey Down Road Winkfield Row (Winkfield And Cranbourne Ward) Erection of no1. two storey, 3 bedroom dwelling inc. soft and hard landscaping with access from Mushroom Castle Recommendation: Approve Subject To The Completion Of Planning Obligation(s).	Alys Tatum	Basia Polnik

Background Papers

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

PLANNING COMMITTEE - POLICY REFERENCES

Key to abbreviations used in the following planning reports.

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

SPG Supplementary Planning Guidance
SPD Supplementary Planning Document

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

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

SITE LOCATION PLAN

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

THE HUMAN RIGHTS ACT 1998

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

Those rights include:-

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

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

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

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

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

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

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

detailed consideration of any Convention Rights affected.

ITEM NO: 05

Application No.
19/00753/FUL

Site Address:

Ward:
Binfield With Warfield

Date Registered:
20 August 2019

Target Decision Date:
15 October 2019

Unit C Cookham Road Bracknell Berkshire RG12 1RB

Proposal: **Change of use from office (B1) to Islamic community centre (D1).**

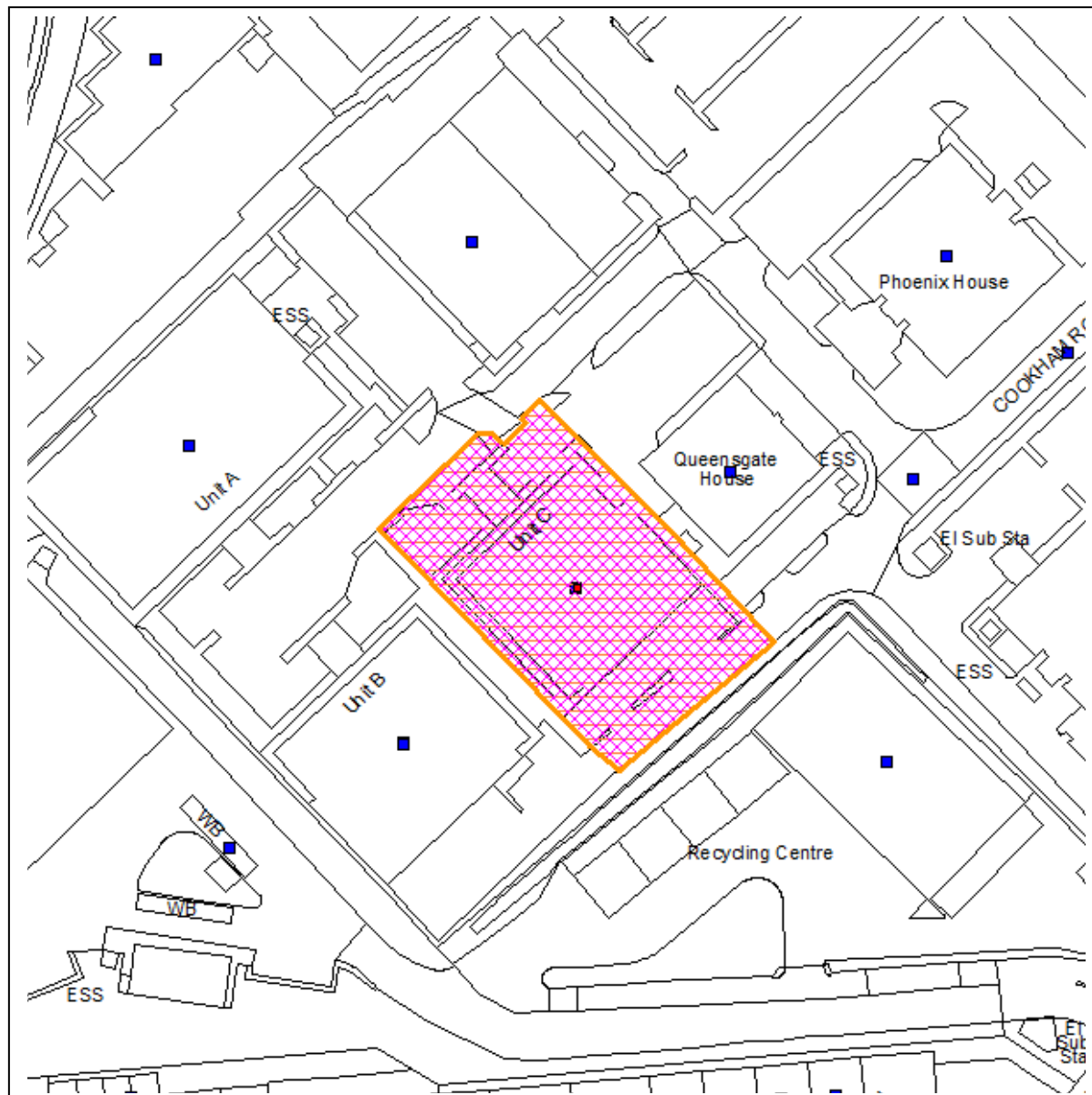
Applicant: Mr Ebrahim Walele

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

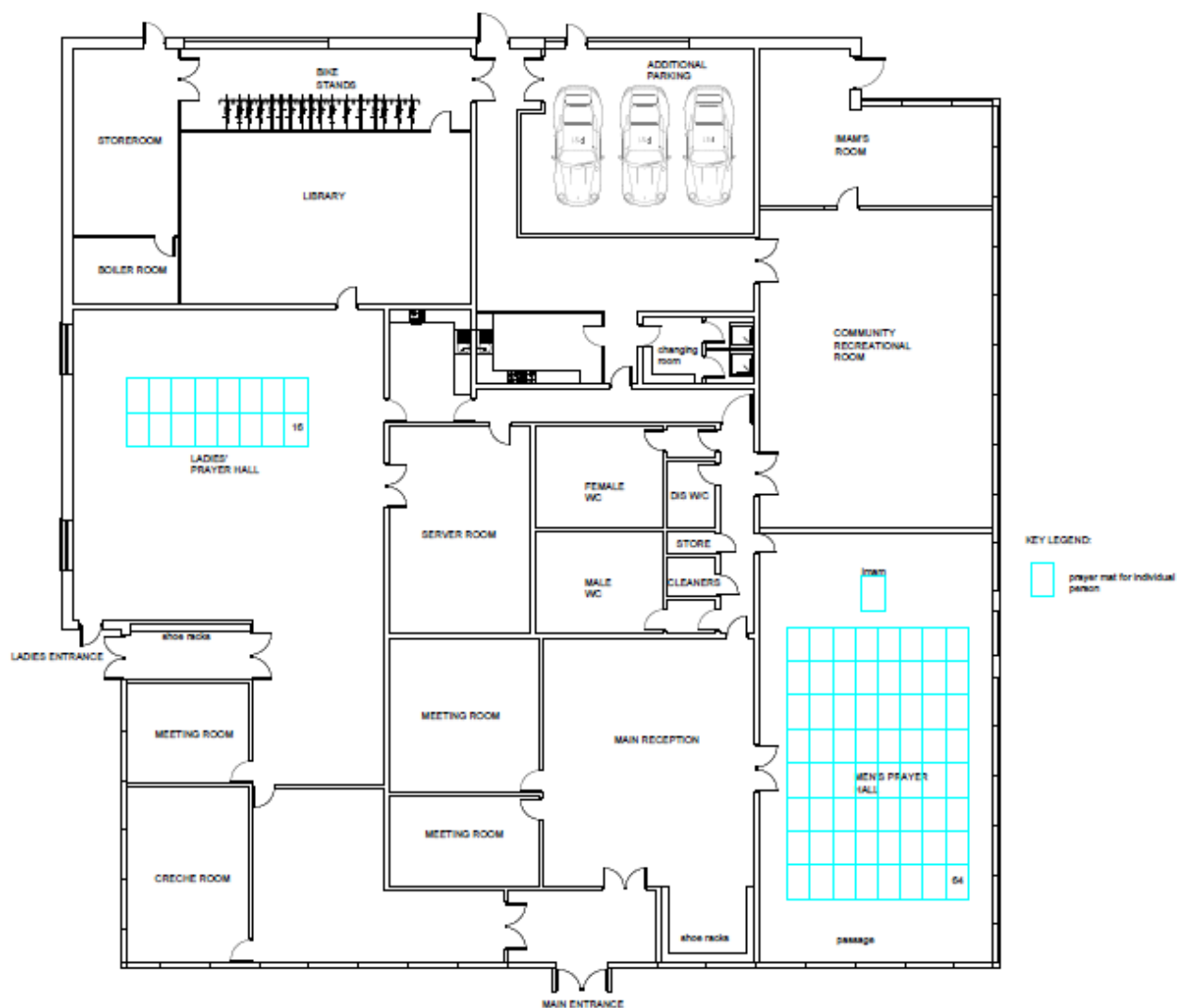
614343

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

6.2 192 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

6.3 685 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

9.13 A 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 'Jummah' 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 - Drawing Number: 004 - Received 9th March 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 in accordance with the approved details.

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 23rd October 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:

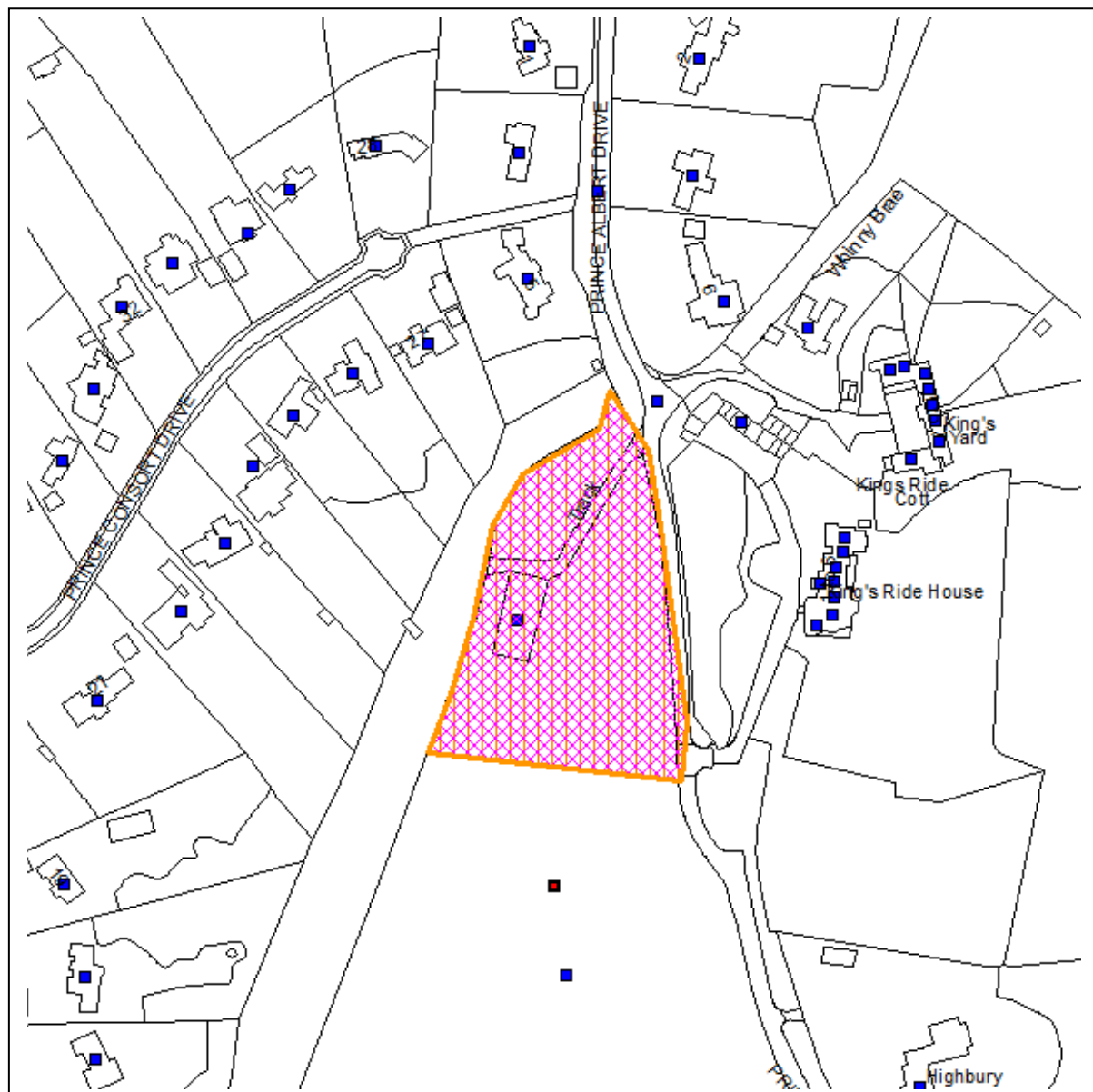
Mrs Emily Temple

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
Tree Preservation Orders 277 and 395.

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

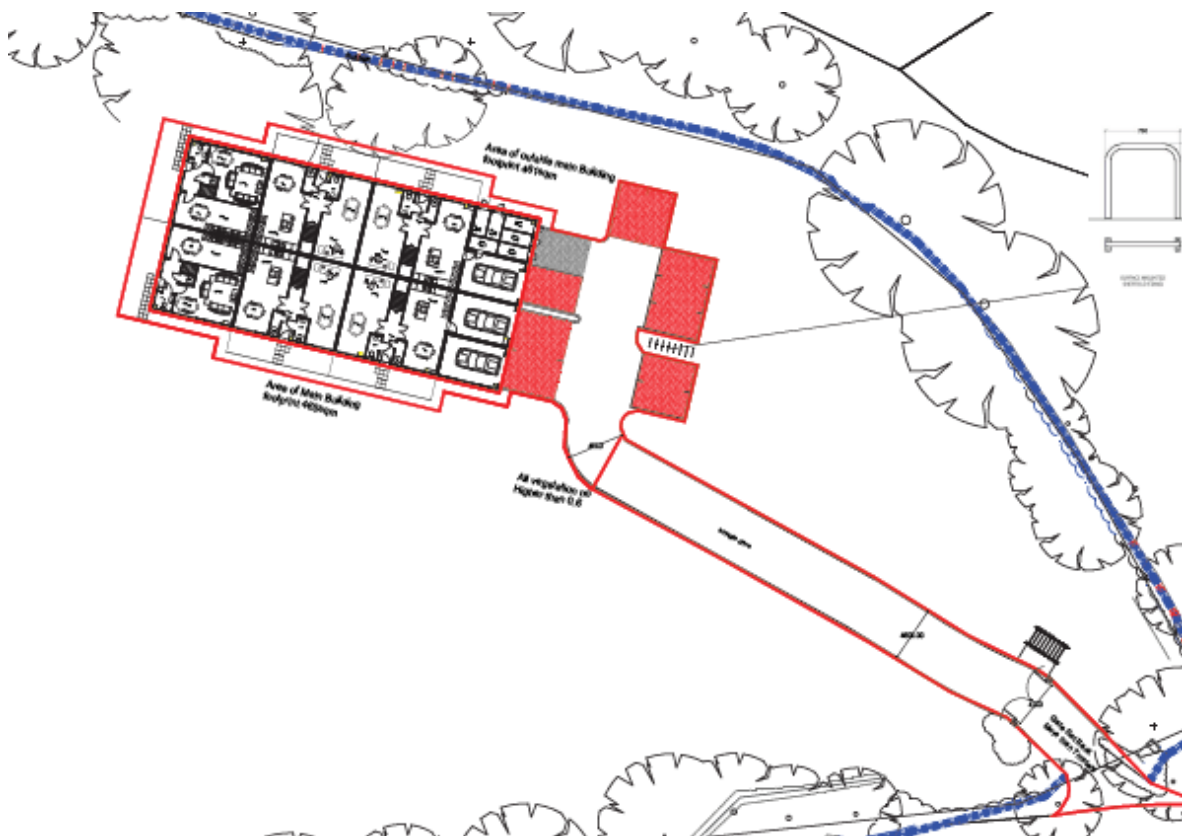
5.1 Full permission is sought for the conversion of an existing agricultural barn to 6no. dwellings, external parking areas and access drive and a change of use of land to residential curtilage.

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 37 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
- Any further intensification of the use of this site which would increase the demand on the land and exacerbate the harm from the conversion of this rural building should be resisted.
- The proposed floorspace is going to nearly double over the existing floorspace. This will have a significant and material impact on the surrounding curtilage of the building.
- The scheme is not permitted development and would be harmful to the purposes of the Green Belt. Strict control should be exercised over the extension and re-use of buildings and the associated land around them as it conflicts with the open, rural and undeveloped character of the Green Belt.
- Whilst this revised site plan shows a path running around the entire site at a distance of 4 metres and would therefore have a material adverse impact on this land, over-and-above the five units already approved.

[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.

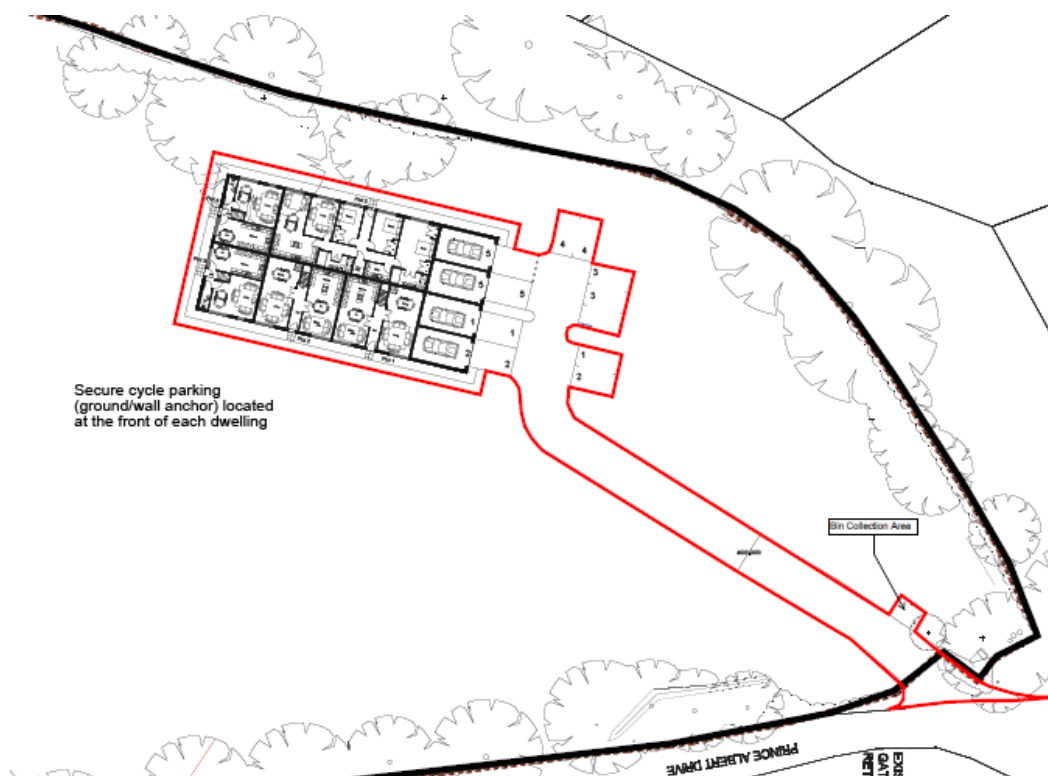
9.26 When considering the fallback position, the relevant tests are:

- 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 town 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 5 no. 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 dwellings 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 dwellings 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 13 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).

ITEM NO: 07

Application No.
19/00930/FUL

Ward:
Winkfield And
Cranbourne

Date Registered:
31 October 2019

Target Decision Date:
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:

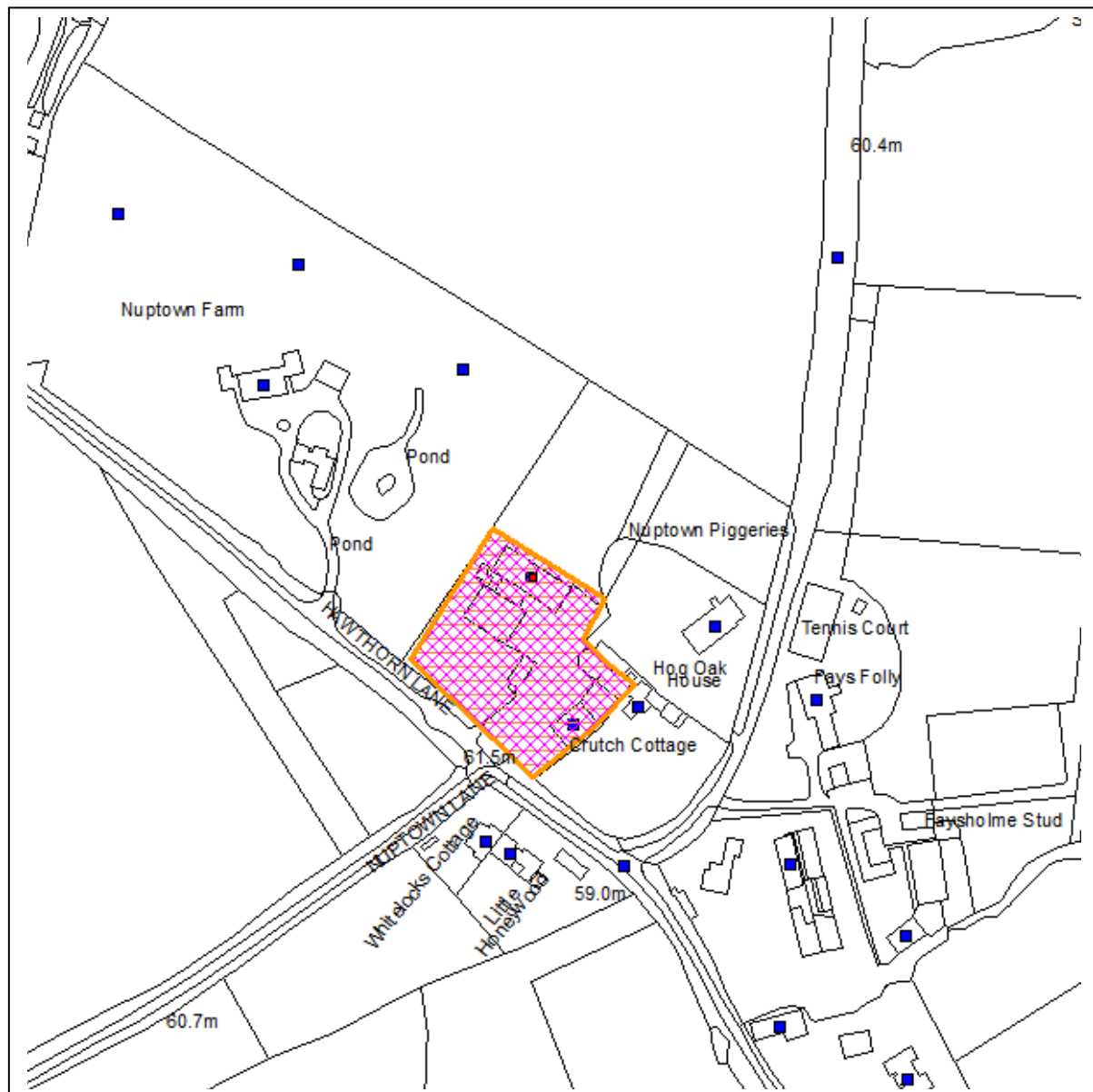
Mr Nick Kirby

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.

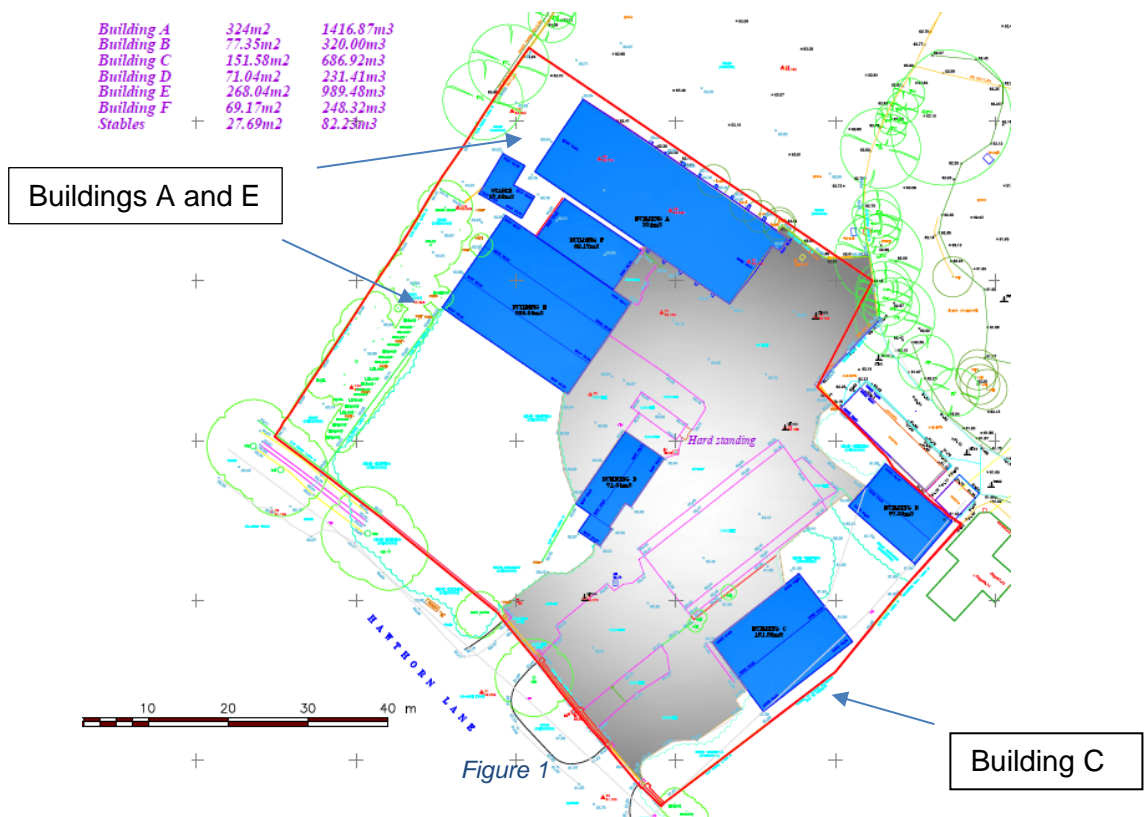
3.2 The site contains 6 buildings in agricultural use and is covered in hardstanding. Figure 1 below shows the current site layout and labels key buildings.

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 16/00689/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

17/01377/PAF 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 bedrooomed, 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 along with a remediation strategy 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 CSDPD Policy CS1	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. 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)	Limited (policy not used in planning application decision-making) Full
Principle of development - outside settlement	CSDPD Policy CS2 CSDPD Policy CS9 and BFBLP 'Saved' Policy EN8 BFBLP 'Saved' Policy H5	Consistent (Para. 17 & 117 -119) 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)	Full 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 BFBLP 'Saved' Policy EN20	Consistent (Chapter 12)	Full Full

		“	
Trees & Landscape	CSDPD Policies CS1 & CS7 BFBLP ‘Saved’ Policies EN1, EN2 & EN20	Consistent (paras. 127 & 170) “	Full Full
Residential Amenity	‘Saved’ Policies EN20 & EN25 of BFBLP	Consistent (paras. 127, 170 & 180)	Full
Transport	CSDPD Policies C23 & CS24 BFBLP ‘Saved’ Policies M4, M6, M8 & M9	Consistent (Chapter 9) “	Full 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
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
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)			

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
 - x Contamination

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 taking this means:
- approving development proposals that accord with an up to date development plan without delay, or
 - Where there are no relevant development plan policies or the policies which are most important in determining the application 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 or
 - 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.

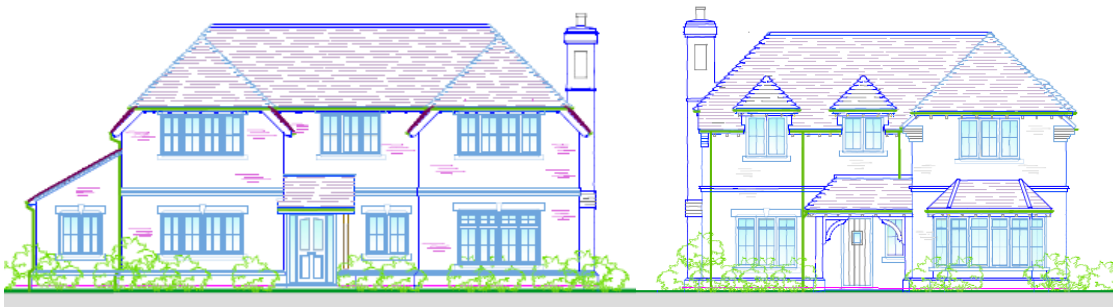
9.38 Accordingly, subject to a condition to secure landscaping within appropriate areas, the proposal would tidy up a currently dilapidated site which contains a collection of ad-hoc rural buildings. The proposal is considered not to detrimentally affect the character or appearance of the area and complies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

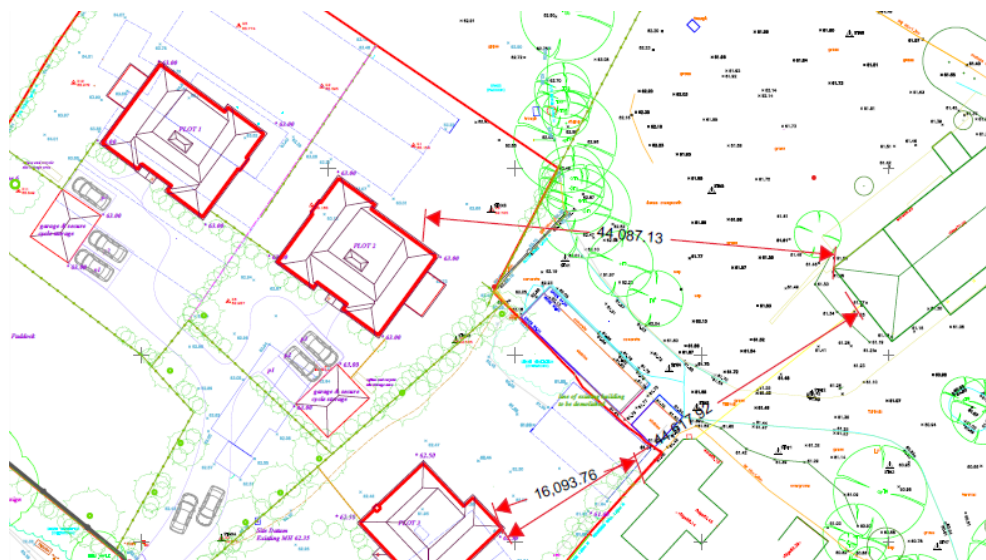


9.42 The design and appearance of the dwellings and associated garages is considered to comply with Policy CS7 of the CSDPD and Policy EN20 of the BFBLP.

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.

x. Contamination

9.75 The application was accompanied by a Phase 1 contamination report. The Councils' Environmental Health Officer considered that this was acceptable as it suggested a Phase II report to establish exactly what contamination is present upon the site to inform the remediation measures.

9.76 Following initial comments the applicant commissioned the required Phase II and Remediation Strategies, both of which have been examined by Environmental Health Officers and have been considered acceptable. Concerns have been raised regarding asbestos on the site and the Phase II report includes an Appendix upon Asbestos. Notwithstanding this asbestos is controlled by the Control of Asbestos Regulations 2012 and enforced by the Health and Safety Agency. As such how it will be removed and by whom will be controlled by this legislation and not the planning controls.

9.77 Accordingly the submitted reports are considered to adequately deal with the

contamination upon the site and as such the proposal will not result in unacceptable environmental pollution and is considered to comply with Policy EN25 of the BFBLP.

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 24 January 2020
GS Ecology Ecological Assessment dated February 2020
GS Ecology Bio-diversity Enhancements Plan dated February 2020
Remediation and Verification Strategy by Santec dated 24 February 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. 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]

6. 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]

7. 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]

8. 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]

9. 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]

10. During construction the site shall be laid out and operated in accordance with the Site Organisation Plan dated 18.02.20. 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 annotated.

REASON: In the interests of amenity and road safety.

[Relevant Policy: BFBLP M9]

11. 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.

12. 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]

13. 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 nature conservation.

[Relevant Policies: CSDPD CS1]

14. All ecological measures and/or works shall be carried out in accordance with the details contained in GS Ecology Ecological Assessment dated February 2020 and GS Ecology Biodiversity Enhancements Plan dated February 2020 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. An ecological site inspection report shall be submitted, and agreed in writing by the Local Planning Authority, prior to occupation of any dwelling hereby approved.

REASONS: In the interest of nature conservation.

[Relevant Policies: CSDPD CS1]

15. 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]

16. 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]

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

04. Boundary treatments

06. Landscaping

07. Vehicle access

08. Parking

14. Ecology

17. Remediation Report confirmation

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

01. Time limit

02. Approved plans

03. Materials

05. By-way returned to current state

09. Cycle parking

- 10. Site organisation
- 11. Drainage
- 12. Permitted development rights
- 13. Bat roosts
- 15. Lighting.
- 16. Site clearance during bird nesting

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. The Street Care Team Highways and Transport Section should be contacted at 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.

06. 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.

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ITEM NO: 08

Application No.
19/01031/FUL

Ward:
Winkfield And
Cranbourne

Date Registered:
19 December 2019

Target Decision Date:
13 February 2020

Site Address:

**Land To Rear Of Eggleton Cottage and Poplar
Cottage Chavey Down Road Winkfield Row Bracknell
Berkshire RG42 7PN**

Proposal:

**Erection of no1. two storey, 3 bedroom dwelling inc. soft and hard
landscaping with access from Mushroom Castle**

Applicant:

S Powell

Agent:

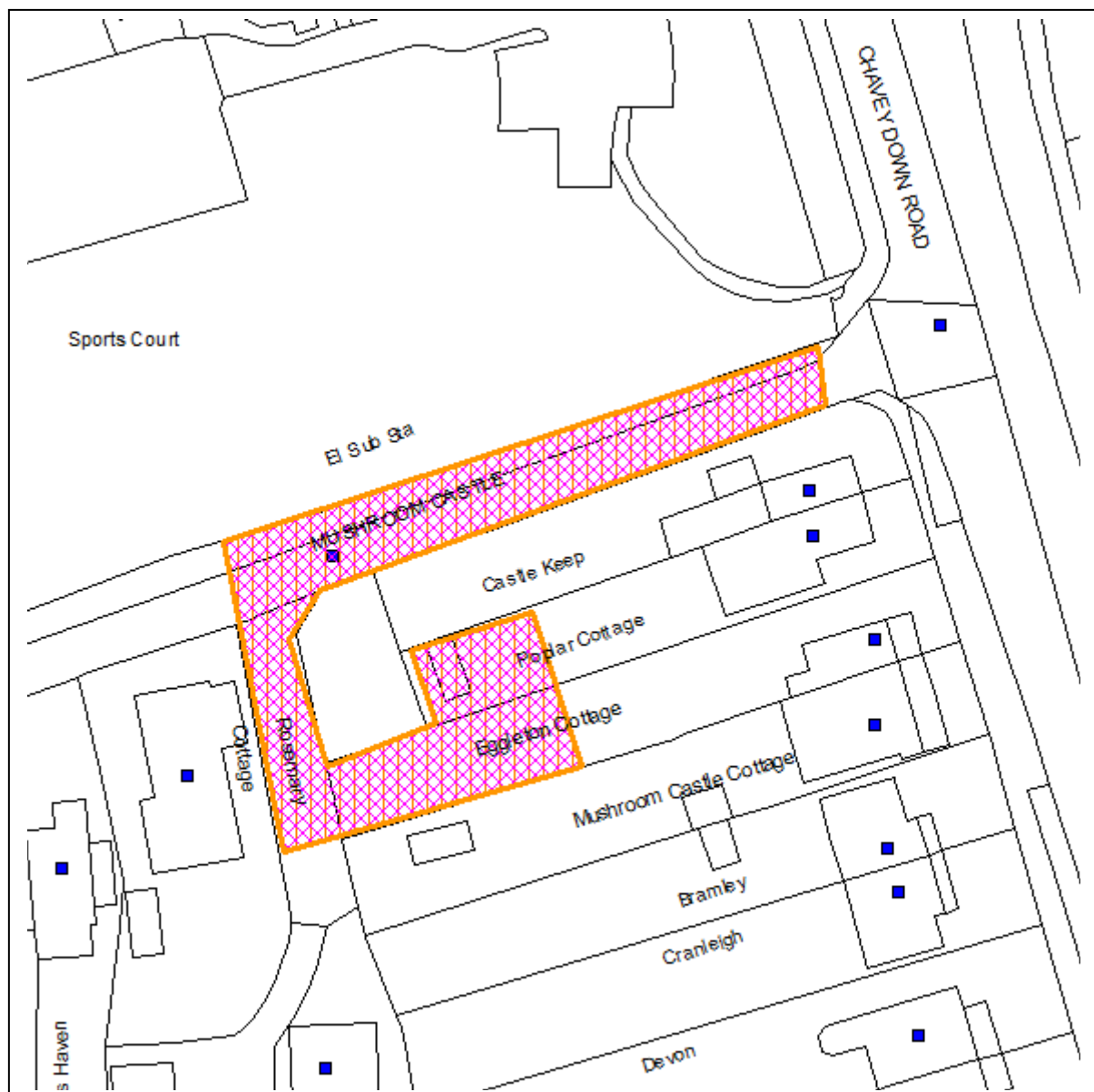
Mr David Lomas

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 The proposal is for the erection of one new detached two storey dwelling in the rear garden of Eggleton Cottage and Poplar Cottage, Chavey Down Road, with access from Mushroom Castle.

1.2 The proposed development relates to a site within the settlement boundary and is therefore acceptable in principle. The proposal would result in a net increase of 1 no. dwelling to contribute to the Council's housing supply.

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 occupiers and acceptable living conditions would be provided for future occupiers of the proposed dwelling. There would be no adverse highway safety implications.

1.4 Relevant conditions will be imposed. The scheme is CIL liable.

1.5 The site is located approximately 4.6km 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 which can be secured through a S106 agreement.

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 as it has received more than 10 objections.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Within a defined settlement boundary
Within 5km of the Thames Basin Heath SPA

3.1 The site currently consists of residential rear garden serving Eggleton Cottage and Poplar Cottage. Both these dwellings face on to Chavey Down Road.

3.2 The site, that is approximately 0.035 hectares (excluding the access road), is situated within a defined settlement boundary and is located within Area D: Winkfield Row South of Chapter 4: Northern Villages Study Area within the Character Area Assessments Supplementary Planning Document. This area is varied in terms of landscape and architecture and the most significant characteristic is the ribbon development on both sides of Chavey Down Road and along Locks Ride.

4. RELEVANT SITE HISTORY

4.1 Eggleton Cottage

19/01027/FUL - Part Two and single-storey side and rear extension. Pending Consideration

4.2 Poplar Cottage

07/00677/FUL -- Erection of single storey rear extension and two storey side extension.
Approved 28.08.2007

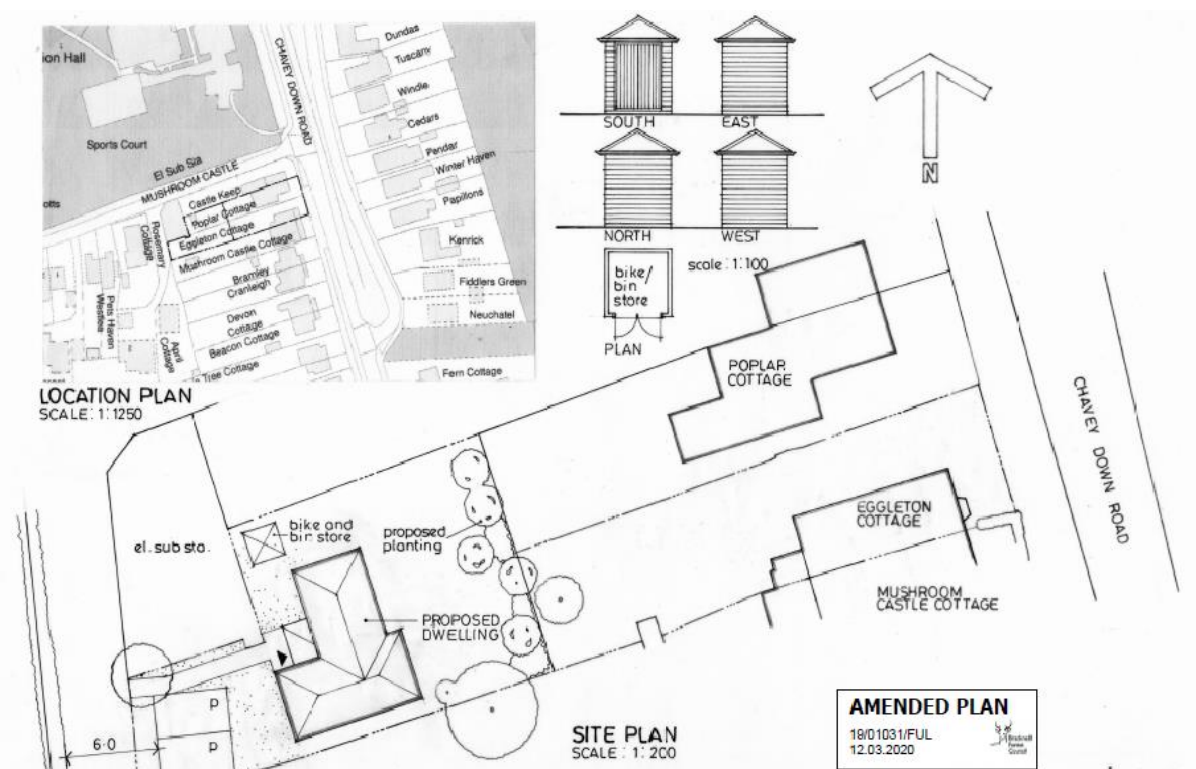
5. THE PROPOSAL

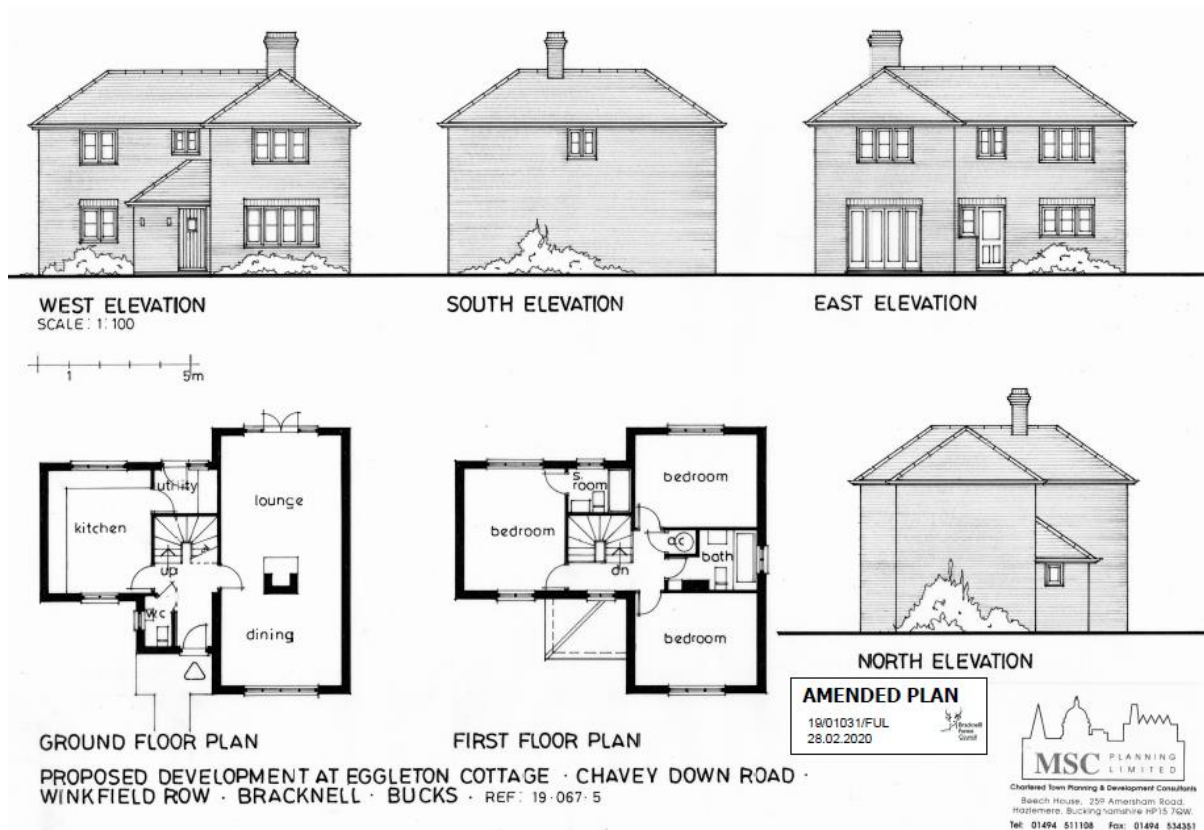
5.1 Full planning permission is sought for the construction of a new detached two storey 3-bedroom dwelling.

5.2 On the ground floor, the dwelling would consist of a kitchen, utility, lounge, dining room and w.c. On the first floor there would be three bedrooms, one with ensuite, and a family bathroom. The dwelling would be accessed from Mushroom Castle, an unadopted road. Off-street parking spaces would be provided to the front of the dwelling for two cars and a private garden to the rear/side.

5.2 The proposed dwelling would incorporate a hipped roof with a ridge height of 6.75m and an eaves height of 4.9m. At its widest and deepest points, the dwelling would measure 10.3m wide and 8.8m deep.

5.3 Amended plans were submitted during the course of the application to reduce the number of bedrooms from 4 to 3, resulting in some amendments to the scale and design of the dwelling. Amendments were also made to the parking layout to the front of the dwelling.





6. REPRESENTATIONS RECEIVED

Winkfield Parish Council

6.1 Recommend refusal. The proposal is an overdevelopment of the site which will have a detrimental impact on the character of the area by way of the height and bulk of the structure and will result in loss of amenity to the surrounding properties. Furthermore access to the site is insufficient and the impractical parking arrangements will cause loss of access to adjoining properties which currently use the single track lane.

Officer comments: These comments related to the scheme as originally submitted.

Other Representations

6.2 9 objections have been received from the neighbouring properties. The concerns raised can be summarised as follows:

- Statutory declaration is in place for the access road giving unhindered access to April Cottage and Inglewood, and development will hinder right of access to these properties
- Impact on the character of Mushroom Castle
- Impact on safety along Mushroom Castle
- Overdevelopment of the plot
- Style and scale of dwelling not in keeping with the area
- Dwelling would be visible and overbearing from neighbouring properties
- Mature trees and foliage will be removed
- Loss of privacy
- Restrict sunlight, causing overshadowing to rear garden of Mushroom Castle Cottage
- Fails to meet requirements of BFC Parking Standards SPD as only two spaces provided

- Proposed dwelling close to public sewer
- Hard standing will produce water runoff to Mushroom Castle
- Cause light and noise pollution
- Loss of wildlife habitat
- Disruption during construction period
- Reduction in number of bedrooms has not overcome concerns in relation to overdevelopment of the site.

7. SUMMARY OF CONSULTATIONS RESPONSES

Highways Officer

7.1 Parking layout acceptable. Request that swept path analysis is provided.

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	CP1 of SALP, 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. Trees and Biodiversity
- v. Impact on highway safety
- vi. Community Infrastructure Levy (CIL)
- vii. Thames Basin Heath 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 Area D: Winkfield Row South of the Northern Villages Study Area within the Character Area Assessments SPD. The summary outlines that this area is varied in terms of landscape and architecture with the most significant characteristic being the ribbon development on both sides of Chavey Down Road and along Locks Ride. The SPD recommends that the strongly defined frontage along Chavey Down Road is important and that proposed backland development should ensure that it does not impact negatively on the existing street scene, i.e. minimise gaps that allow access to rear.

9.6 The proposed detached dwelling would be two storey and would constitute a form of backland development, located at the bottom end of the garden of two dwellings that face on to Chavey Down Road. The proposed dwelling would face on to Mushroom Castle meaning that it would have a back to back relationship with dwellings along Chavey Down Road. The proposed dwelling would not be readily visible from Chavey Down Road and would only be seen at a distance in between dwellings. As the access to the dwelling would be situated down Mushroom Castle, it is not considered that the proposal would negatively impact on the existing street scene of Chavey Down Road. Furthermore, the reduction in the size of the plot of Eggleton and Poplar Cottages as a result of the proposal would not be noticeable

from the street scene of Chavey Down Road. There are also other examples of backland developments in vicinity of the site.

9.7 Mushroom Castle is characterised by dwellings of a variety of architecture, form and materials. The two existing dwellings, April Cottage and Inglewood Cottage, situated along the section of Mushroom Castle where the new access is proposed, consist of detached bungalows. The proposed two storey dwelling would therefore differ from the height of these existing dwellings however there are other examples of two storey dwellings along Mushroom Castle and dwellings facing onto Chavey Down Road are also two storey. It is not therefore considered that a two-storey dwelling would appear unduly prominent within the context of Mushroom Castle.

9.8 The size of the plot would be comparable with other plot sizes in the area. Sufficient space would be provided to the front of the site to accommodate off-street parking along with some opportunity for soft landscaping. The garden to the rear would be 10m deep, providing sufficient amenity space for future occupiers whilst also allowing a sufficient distance from the neighbouring dwellings along Chavey Down Road. As such, it is not considered that the proposal would constitute 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 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 would adjoin the new rear boundary of the gardens of both Poplar Cottage and Eggleton Cottage to the east, which face onto Chavey Down Road. The separation distance between the rear elevations of these two storey dwellings and that of the proposed new dwelling would be at its maximum, 21.5m. This back to back distance is considered acceptable in terms of both preventing any undue overlooking, loss of light and obtrusive appearance. Sufficient private garden space would also be retained for these existing dwellings with a depth of between 11m and 17m.

9.12 The proposal site would also adjoin the flank boundaries of the rear gardens of the dwellings known as Mushroom Castle Cottage to the south and Castle Keep to the north. A garage and parking exists on the bottom end of the garden of Mushroom Castle Cottage. The proposed new dwelling would be visible from the private rear amenity areas of these two dwelling due to being two storeys in height. However, the proposed dwelling would be set back from the shared boundaries by 1m to the south and 4m to the north, and due to its location towards the bottom end of the neighbouring properties gardens, its not considered that the proposal would have an overbearing appearance. The dwelling also incorporates a hipped roof, reducing its bulk and has a relatively low height of 6.8m for a full two storey dwelling. Whilst the dwelling will inevitably cause some overshadowing, due to the size and in particularly the depth of the gardens of these neighbouring properties, it is not considered that the overshadowing would be to a degree that would warrant refusal on this basis.

9.13 One window is proposed on the southern flank elevation of the dwelling at first floor level. As this is shown to be serving a bathroom, a non-habitable room, it can be conditioned to be obscurely glazed and non-opening below 1.7m above floor level. A condition can also be included to prevent any further additions of windows on the flank elevations of the

dwelling without prior approval, so as to prevent any direct overlooking. The outlook of the rest of the proposed windows would be directed towards the front and rear amenity space of the proposed dwelling.

9.14 In terms of the neighbouring dwellings situated along Mushroom Castle, the two nearest properties are April Cottage to the south west, and Rosemary Cottage to the west. The proposed dwelling would be set back from Mushroom Castle by approximately 10m and therefore, whilst its front elevation would be facing towards the rear garden of Rosemary Cottage, the set back of the proposed dwelling from the shared drive itself would be sufficient to prevent any direct overlooking or obtrusive appearance. The orientation of the proposed dwelling would differ to that of April Cottage resulting in a side to front relationship. However, as April Cottage sits further west than the proposed dwelling, it would not have any impact on its outlook. Again, whilst the proposed dwelling would be visible from April Cottage, due to the degree of separation and also the orientation of both dwellings, there would be no significant impact on its amenity areas.

9.15 Based on the above assessment, the proposal would not be considered to significantly adversely affect the residential amenities of neighbouring occupiers and would be in accordance with 'Saved' policies EN20 and EN25 of the BFBLP and the NPPF.

iv) Trees and Biodiversity.

9.16 There are no protected trees on site. Some existing vegetation would need to be removed along the western boundary of the site. It is not considered that an ecology report is required as the site is not heavily vegetated and does not form part of any notable green corridor. A condition can be included on any permission to request the submission of a landscaping scheme.

v) Impact on Highways Safety

9.17 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.

9.18 The access to the proposed dwelling is via a private drive, with circa 3m effective width between vegetation which links to Mushroom Castle to the north. Mushroom Castle is an unadopted road. The Highway Authority has requested that a swept path analysis is provided for construction vehicles, showing that these can be accommodated, and that larger vehicles can manoeuvre along Mushroom Castle, allowing them to enter and leave the adopted highway, Chavey Down Road, in forward gear. Taking into consideration that there are already existing dwellings along Mushroom Castle, meaning that vehicles such as delivery lorries and vans are likely to already be using and manoeuvring along this road and taking into consideration that this is an unadopted road, it is not considered necessary in this instance to request a swept path analysis. A condition requiring the submission of a site construction plan can however be included on any permission which will cover details such as the loading and unloading of plant etc.

9.19 Car parking for 2 vehicles is required for a 3-bedroom property and these spaces are provided to the front of the dwelling and therefore accords with Table 6 of the Parking Standards SPD. The parking is provided perpendicular to the shared driveway with a 6m turning depth available (from the existing planting which restricts available width). Provision for the secure storage of 3 bikes has also been provided on site.

9.20 A bin store has been provided on site. On collection day, the agent has confirmed that the bins would be taken to the end of the driveway that serves the proposed dwelling and the existing two dwelling to be collected as the refuse truck does not enter down the access drive, only along Mushroom Castle itself.

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. The proposal is therefore CIL liable.

vii) Thames Basin Heaths Special Protection Area (SPA)

9.23 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 Heaths 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.

9.24 This site is located approximately 4.6km 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.

9.25 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.

9.26 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 the 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 Heath Special Protection Area SPD, the Planning Obligations SPD and the NPPF.

10. CONCLUSIONS

10.1 It is considered that the development would be acceptable in principle. 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 and the NPPF.

10.2 Therefore the application is recommended for conditional approval subject to the completion of a S106 agreement to secure the necessary SPA mitigation.

11. RECOMMENDATION

11.1 Following completion of planning obligations 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 application 19/01031/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 12.03.2020 and 28.02.2020:

Site Plan, drawing no. 19-067-4D

Proposed elevations and floor plans, drawing no. 19-067-5

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. The first floor window in the southern side elevation of the dwellinghouse hereby permitted shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent). They shall at all times be non-opening unless the parts of the windows that can be opened are more than 1.7m above the floor of the room they serve.

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

06. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no additional windows, similar openings or enlargement thereof shall be constructed at first floor level or above in the northern side elevation of the extension hereby permitted except for any which may be shown on the approved drawing(s).

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

07. The dwelling hereby approved shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

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 in accordance with the approved plans. 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 development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:

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

REASON: In the interests of amenity and highway safety.
[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 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]

13. The development shall incorporate surface water drainage that is SuDS compliant and in accordance with DEFRA "Sustainable Drainage Systems - Non-statutory technical standards for sustainable drainage systems" (March 2015). The surface water drainage works shall be completed before occupation of the dwellings 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 30 September 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. Site organisation
- 12. Energy Demand Assessment

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

- 07. Access
- 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. Obscure glazed
- 06. No further windows
- 13. Suds

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