

## 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 16 July 2020, 6.30 - 9.30 pm**  
**Online Only**

### Agenda

Item	Description	Page
1.	<b>Apologies for Absence</b>	
	To receive apologies for absence.	
2.	<b>Minutes</b>	3 - 30
	To approve as a correct record the minutes of the meeting of the Committee held on 18 June 2020.	
3.	<b>Declarations of Interest</b>	
	<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.	<b>Urgent Items of Business</b>	
	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)

### **EMERGENCY EVACUATION INSTRUCTIONS**

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

5.	<b>PS 20-00202-FUL Waitrose, 390 Yorktown Road, College Town, Sandhurst, Berkshire GU47 0HL</b>	35 - 46
	Part change of use from A1 (retail) to D2 (gym) involving the sub-division of existing unit.	
6.	<b>PS 19-00857-FUL Don Beni Restaurant, Winkfield Row, Bracknell, Berkshire RG42 6NH</b>	47 - 70
	Redevelopment of the site to the rear of Don Beni to form 1 detached 4 bedroom dwelling with associated parking and amenity space.	
7.	<b>20-00296-FUL Land Adjacent To Hill Rise, 1 Heathway, Ascot, Berkshire SL5 8NX</b>	71 - 84
	Erection of 1 no. 4 bedroom detached dwelling following demolition of existing garage	
8.	<b>20-00185-FUL Waitrose, 390 Yorktown Road, College Town, Sandhurst, Berkshire GU47 0HL</b>	85 - 94
	Proposed external alterations and amendments to site layout in association with a proposed foodstore	
9.	<b>20-00249-FUL Tally Ho Farm Shop, Crouch Lane, Winkfield, Windsor, Berkshire SL4 4RZ</b>	95 - 108
	Erection of a single storey building for use as a cafe.	

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.

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**PLANNING COMMITTEE  
18 JUNE 2020  
6.30 - 9.20 PM**

**Present:**

Councillors Dudley (Chairman), Brossard (Vice-Chairman), 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

**Also Present:**

Councillors Atkinson, Finch, Ms Gaw and Turrell

**12. Minutes**

**RESOLVED** that the minutes of the meeting of the Committee held on 21 May 2020 be approved as a correct record and signed by the Chairman.

**13. Declarations of Interest**

Councillor Bhandari declared an affected interest in agenda item 5 as the property belonged to a friend.

It was therefore agreed that this item would be taken at the end of the meeting and Councillor Bhandari would leave the meeting prior to its consideration.

**14. Urgent Items of Business**

There were no urgent items of business.

**15. PS Application No 19/01031/FUL - Land To Rear Of Eggleton Cottage and Poplar Cottage, Chavey Down Road, Winkfield Row, Bracknell**

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

The Committee noted:

- The additional information contained in the supplementary report of the Head of Planning tabled at the meeting.
- Winkfield Parish Council's objections, as detailed in the agenda papers.
- A total of 9 objections from neighbouring properties as summarised in the agenda papers.
- The representations from a speaker on behalf of the objectors and the applicant who joined the meeting.

The Committee noted that the officer's recommendation was to approve the application subject to a section 106 agreement, but having discussed the representations, it opted to support the concerns being raised regarding the proposal.

**RESOLVED** that the application be refused for the following reasons:

1. The proposed development, by means of its siting, overall height and bulk, would have an adverse impact on the character and appearance of Mushroom Castle. The proposal would therefore be contrary to Saved Policy EN20 of the Bracknell Forest Borough Local Plan and Policy CS7 of the Core Strategy Development Plan Document and the National Planning Policy Framework.
2. The proposed development would have an unacceptable degree of overlooking towards the rear gardens of the immediate neighbouring properties facing onto Chavey Down Road. The proposal would therefore result in an adverse impact on amenity of neighbouring occupiers, contrary to 'Saved' Policy EN20 of the BFBLP and the NPPF.
3. 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).

16. **Application No 20/00022/FUL - 39 Yorktown Road, Sandhurst**

**Change of use from use Class A2 to mixed-use Class A1/A3 (sui generis) bakery.**

The Committee was advised that this item had been deferred for the submission of additional information.

17. **Application No 20/00155/FUL - Wyevale Garden Centre, Forest Road, Binfield**  
**Erection of 20 no. dwellings with associated landscaping, open space and car parking following the demolition of existing buildings**

The Committee noted:

- The additional information contained in the supplementary report of the Head of Planning tabled at the meeting.
- Binfield Parish Council's objections, as detailed in the agenda papers.
- Two letters containing objections and one in support as summarised in the agenda papers.

**RESOLVED** that following the completion of planning obligations under Section 106 of the Town and Country Planning Act relating to:

- A contribution towards community facility improvements at Farley Hall Community Centre
- Management and maintenance plan for on-site open space (and commuted sum if developer wishes to transfer open space to Council for future maintenance and management)
- Contribution towards Active OSPV for improvements to tennis facilities at Farley Wood Centre

- SuDS specification and Maintenance and Monitoring Scheme including monitoring contribution
- S278 agreement to secure minor improvements to pedestrian footway on the northern side of Forest Road and improved road markings along Forest Road in the immediate vicinity of the site access.

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 3 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 in accordance with the following approved plans:

20-J3173-LP Location Plan received 02.03.2020  
 20-J3173-EBST200D External Boundary and Surface Treatment Plan received 01.06.2020  
 20 – J3173-100A Streetscenes AA and BB received 7.05.2020  
 20 – J3173-100A Streetscenes AA and BB received 7.05.2020  
 20-J3173-01B Proposed Site Layout received 07.05.2020  
 20-J3173 - 02 Plot 1 and 2 Elevations received 02.03.2020  
 20-J3173 - 03 Plot 1 and 2 Floor Plans received 02.03.2020  
 20-J3173-04A Plot 3 Elevations received 07.05.2020  
 20-J3173 - 05 Plot 3 Floor Plans received 02.03.2020  
 20-J3173 - 06 Plot 4 Elevations received 02.03.2020  
 20-J3173 - 07 Plot 4 Floor Plans received 02.03.2020  
 20-J3173 – 08A Plot 5 Elevations received 17.04.2020  
 20-J3173 – 09A Plot 5 Elevations received 17.04.2020  
 20-J3173 – 10 Plot 6 and 7 Elevations received 02.03.2020  
 20-J3173 – 11 Plot 6 and 7 Floor Plans received 02.03.2020  
 20-J3173 – 12A Plot 8 Elevations received 17.04.2020  
 20-J3173 – 13A Plot 8 Elevations received 17.04.2020  
 20-J3173 – 14A Plot 8 Floor Plans received 17.04.2020  
 20-J3173 – 15 Plot 8 Floor Plans received 02.03.2020  
 20-J3173 – 16 Plot 9 Elevations received 02.03.2020  
 20-J3173 – 17 Plot 9 Floor Plans received 02.03.2020  
 20-J3173 – 18 Plot 10 Elevations received 02.03.2020  
 20-J3173 – 19 Plot 10 Floor Plans received 02.03.2020  
 20-J3173 – 20 Plot 11 Elevations received 02.03.2020  
 20-J3173 – 21 Plot 11 Floor Plans received 02.03.2020  
 20-J3173 – 22A Plot 12 Elevations received 17.04.2020  
 20-J3173 – 23A Plot 12 Floor Plans received 17.04.2020  
 20-J3173 – 24 Plot 13 Elevations received 02.03.2020  
 20-J3173 – 25 Plot 13 Floor Plans received 02.03.2020  
 20-J3173 – 26 Plot 14 Elevations received 02.03.2020  
 20-J3173 – 27 Plot 14 Floor Plans received 02.03.2020  
 20-J3173 – 28 Plots 15 and 16 Elevations 02.03.2020  
 20-J3173 – 29 Plots 15 and 16 Floor Plans 02.03.2020  
 20-J3173 – 30 Plots 15 and 16 Floor Plans 02.03.2020  
 20-J3173 – 31A Plot 17 Elevations received 17.04.2020  
 20-J3173 – 32A Plot 17 Floor Plans received 17.04.2020

20-J3173 – 33A Plot 18 Elevations received 17.04.2020  
20-J3173 – 34A Plot 18 Floor Plans received 17.04.2020  
20-J3173 – 35A Plot 20 Elevations received 17.04.2020  
20-J3173 – 36A Plot 20 Floor Plans received 17.04.2020  
20-J3173 – 37A Car barns to Plots 1, 2 and 5 received 17.04.2020  
20-J3173 – 38A Car barns to Plots 3-4 and 17-18 received 17.04.2020  
20-J3173 – 39 Single garages to Plots 13 and 14 received 02.03.2020  
20-J3173 – 40 Double Garage to Plot 9 received 02.03.2020  
20-J3173 – 41 Double Garage to Plot 10 received 02.03.2020  
20-J3173 – 42 Plot 19 Elevations received 17.04.2020  
20-J3173 – 43 Plot 19 Floor Plans received 17.04.2020  
20-J3173- FM200A Facing Materials Plan received 17.04.2020  
20-J3173-FBT200 Feature Boundary Treatments received 02.03.2020  
20-J3173-POS200A Public open space plan received 17.04.2020  
18-154/200 D General Arrangement received 17.04.2020

REASON: To ensure that the development is carried out only as approved.

03. Notwithstanding the information indicated on the Facing Materials Plan 20-J3173- FM200, no structure hereby permitted shall be built above damp-proof course level until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

04. The development hereby permitted shall not commence until details showing the finished floor levels of the dwellings hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details. Finished floor levels shall be set no lower than 47.60 metres above Ordnance Datum as shown in Appendix A of the Flood Risk Addendum 1.

REASON: In the interest of the character of the area, to ensure level access for future occupiers and to reduce the risk of flooding to future occupants in accordance with para. 163 of the NPPF.

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

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

REASON: The site is located in a countryside location where strict controls over the form, scale and nature of development are required to preserve the intrinsic character and beauty of the countryside. Furthermore, the site is subject to a Tree Preservation Order where strict control over future development is required in order to ensure future protection of valued trees.

06. Notwithstanding the provisions of Part 1 Class F of the Second Schedule 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 hard surface shall be provided for any purpose within the curtilage of any dwellinghouse.

REASON: In the interest of the health of nearby trees.

07. 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 windows at first floor level or above shall be installed on the following elevations of the dwellings hereby approved, with the exception of those shown on the approved plans: i) Eastern side elevation of Plots 2 and 10 ii) Western side elevation of Plot 4 iii) Both side elevations of Plots 3, 8, 12, 13, 14, 15, 16 and 18 iv) North-facing elevations of Plots 5, 7, 17 and 20, and iv) South-facing side elevations of Plots 6, 9, 11 and 19.

REASON: In the interests of the amenity of future occupiers.

08. The following first-floor windows of the dwellings hereby permitted, shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent). They shall at all times be fixed with the exception of a top hung openable fanlight: i) South-facing elevation to Plots 5, 8, 14 and 16 ii) East and west elevations to Plot 10, iii) North-facing elevation to Plot 15. Any replacement windows shall be glazed and fixed to this standard, and retained as such.

REASON: In the interests of the amenity of future occupiers.

09. No dwelling hereby permitted shall be occupied until details have been submitted to the Local Planning Authority confirming that provision has been made and implemented for the installation of superfast broadband (fibre optic) internet connections for the entire development.

REASON: In the interests of the amenities of future occupiers.

10. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4, and part 5 if required, of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 4 has been complied with in relation to that contamination.

#### 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).  
This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

## 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

## 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

## 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part 3.

If required by the approach identified in the approved remediation scheme:

## 5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with Local Planning Authority, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.



Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

11. There shall be no built development or raising of existing ground levels on site within the 1% annual exceedance probability flood extent with an appropriate allowance for climate change.

REASON: To prevent an increase in flood risk elsewhere and to reduce the risk of flooding to the proposed development and future occupants in accordance with para. 163 of the NPPF.

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

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

13. The development hereby permitted shall be implemented in accordance with the submitted Energy Statement prepared by JSP Ltd Sustainability dated February 2020 and thereafter the buildings constructed by the carrying out of the development shall be operated in accordance with the submitted Energy Statement. No dwelling hereby permitted shall be occupied until the renewable energy has been installed in accordance with the approved Energy Statement and thereafter it shall be retained and maintained as approved.

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

14. No dwelling shall be occupied unless and until an interpretation board identifying the heritage interest of the retained walled-garden feature has been erected in accordance with details which have been submitted to and approved by the Local Planning Authority. The Interpretation board shall thereafter be maintained in a good condition and retained.

REASON: In the interests of understanding the historic environment.

15. No work shall be undertaken to the historic wall until the following details have been submitted to and approved in writing by the local planning authority:

- a) Sample panels of all facing brickwork which demonstrates the brick types, colours, textures, face bonds, mortar mixes and pointing styles, are to be erected on site, to be maintained there during the course of construction and may be incorporated in the approved works;

- b) Samples and/or manufacturer's details of the roof materials are to be provided;  
The repair of the historic wall shall be completed prior to the first occupation of any dwelling hereby permitted and shall not be carried out otherwise than in accordance with the details thus approved.

No dwelling hereby permitted shall be occupied until the historic wall has been repaired in accordance with the details thus approved.

REASON: In order to safeguard the settings of the Listed Buildings and the non-designated heritage asset in accordance with the requirements of national and development plan policy.

16. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority, for off-site highway works comprising:
- (a) Minor improvements to pedestrian footway on the northern side of Forest Road, including provision of tactile paving dropped-kerb crossing of the site access and edge protection to the rear of the footway along the site frontage, to improve safety for pedestrians; and
- (b) Improved road markings along Forest Road in the immediate vicinity of the site access.
- The dwellings provided by the carrying out of the development shall not be occupied until the offsite highway works have been completed in accordance with the approved scheme, and in accordance with a s278 agreement to be completed with the Local Highway Authority.

REASON: In the interests of highway safety.  
[Relevant Policies: BFBLP M6, Core Strategy DPD CS23]

17. No development shall take place until a plan has been submitted to and approved in writing by the Local Planning Authority which shows the area between the forward visibility curve and highway boundary to the north of the approved public open space. The area between the forward visibility curve and highway boundary to the north of the approved public open space shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the adjacent carriageway.

REASON: In the interests of highway safety.  
[Relevant Policies: BSP T1, Core Strategy DPD CS23]

18. No development shall take place until a plan showing visibility splays between the shared accessway serving plots 15, 16, 17 and 18 and the access road through the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the adjacent carriageway.

REASON: In the interests of highway safety.  
[Relevant Policies: BSP T1, Core Strategy DPD CS23]

19. No dwelling shall be occupied until the visibility splays and forward visibilities shown on the General Arrangement Plan (drawing 18-154/200 revision D) have been provided. These areas shall thereafter be kept free of all

obstructions to visibility over a height of 0.6 metres measured from the surface of the adjacent carriageway.

REASON: In the interests of highway safety.  
[Relevant Policies: BSP T1, Core Strategy DPD CS23]

20. No dwelling shall be occupied until that part of the access road which provides access to the dwelling and its parking, along with adjacent footways, margins and street lighting, has been constructed in accordance with the approved plans.

REASON: In the interests of highway safety.  
[Relevant Policies: BSP T1, Core Strategy DPD CS23]

21. Dwellings on plots 1, 2, 3, 4, 5, 6, 7, 8, 9, 15, 16, 17 and 18 shown on the approved plans shall not be occupied until that part of the shared accessway or shared footpath which provides access to the dwelling and its parking, along with adjacent margins and street lighting placed within these margins, has been constructed in accordance with the approved plans.

REASON: In the interests of highway safety.  
[Relevant Policies: BSP T1, Core Strategy DPD CS23]

22. No dwelling shall be occupied until the associated vehicle parking and turning space has been surfaced and marked out in accordance with the approved drawing. 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: BSP T1, BFBLP M9, Core Strategy DPD CS23]

23. The car barns hereby approved for plots 1, 2, 3, 4, 5, 15, 16, 17, 18 and 19 on the approved plans shall be retained for the use of the parking of vehicles at all times and, notwithstanding the provisions of the Town and Country (general Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no enlargements, improvements or alterations shall be made to the car barn, and no gate or door shall be erected to the front of the car barn.

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]

24. Within the garage accommodation hereby approved for plots 8, 9, 10, 12, 13, 14 and 20 on the approved plans, an area of at least 6.0m back from the garage door by 3.5m in width shall be retained for the use of the parking of vehicles at all times.

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

25. 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 thereafter.

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

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

REASON: In the interests of highway safety.  
[Relevant Policies: BSP T1, Core Strategy DPD CS23]

27. Bollards to restrict vehicular movement, or a suitable alternative submitted to and approved in writing by the Local Planning Authority, shall be provided in the following locations within the development, and thereafter retained:

- (a) at all of the locations indicated on the approved Proposed Site Layout plan (drawing number 20-J3173-01 revision A);
- (b) at the western end of the permeable block paved access, south of the car parking for plot 12 and north of the front garden for plot 13 shown on the approved plans, to the east service margin alongside the access road; and
- (c) at the northern and southern ends of the footpath which forms the western boundary of the public open space shown on the approved plans.

REASON: In the interest of highway safety, to prevent vehicles from driving along or parking in unsuitable locations, which would be a danger to pedestrians and other road users.  
[Relevant Policies: BFBLP M6, Core Strategy DPD CS23]

28. No development shall take place until:

- (a) details of the location and proposed construction of 5 visitor car parking spaces, and
- (b) details of the signing for the visitor car parking spaces, including how any electric vehicle enabled visitor spaces will be signed so as to make clear that spaces are available to all vehicle types have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the visitor car parking spaces have been provided and signed in accordance with the approved details and the spaces and signage shall thereafter be retained.

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: BSP T1, BFBLP M9, Core Strategy DPD CS23]

29. The access road shall be constructed to adoptable standards from its junction with Forest Road up to and including the full extent of the turning head to the west of Plot 12 and south of Plot 10 shown on the approved plans, including carriageway suitable to accept a 26 tonne waste collection vehicle and adjacent footways, verges and margins.

REASON: In order to accommodate refuse collection using Bracknell Forest Council's refuse vehicle.

30. Dwellings 1, 2, 8, and 9 shall not be occupied until the associated bin collection point has been provided in the location shown on the approved plan:

- (a) south of Plot 3, for use by dwellings on Plots 1 and 2; and
- (b) south-west of Plot 10, for use by dwellings on Plots 8 and 9;

for residents to place bins for collection on the relevant collection day.

REASON: To ensure that refuse collection can be undertaken for the development.

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

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

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

REASON: In the interests of highway safety and to mitigate and control environmental effects during the demolition and construction phases.  
Relevant Policies: BFBLP EN20, EN25, M9; Core Strategy DPD CS1, CS7, CS23.

32. No dwellings hereby permitted shall be occupied until hard and soft landscaping works have been completed in full accordance with a landscaping scheme that has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:

- (a) Comprehensive planting plans of an appropriate scale and level of detail that provides adequate clarity including details of ground

- preparation and all other operations associated with grass and plant establishment, full schedules of plants, noting species and detailed plant sizes/root stock specifications, planting layout, proposed numbers/ densities, location.
- (b) Details of semi-mature tree planting including large native trees in the central area of open space,
  - (c) Comprehensive 5 year post planting maintenance schedule,
  - (d) Underground service and external lighting layout (drainage, power communications cables, pipelines etc. indicating lines, manholes etc.) both existing, reused and proposed new routes
  - (e) Samples of the materials to be used in the hard surfacing of the areas shown on the Surface Treatment Plan 20 – J3173-EBST200D
  - (f) Recycling/refuse or other storage units, play equipment
  - (g) Other landscape features

All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved details in the nearest planting season (1<sup>st</sup> 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, or as may otherwise be agreed in writing by the Local Planning Authority. All hard landscaping works shall be carried out and completed prior to the occupation of any part of the approved development. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of Practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well-formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1<sup>st</sup> 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.

33. The protective fencing indicated on the Tree Protection Plan SPIT2195-03G (Appendix 3 of the Arboricultural Impact Assessment and Method Statement received by the Local Planning Authority on 02.03.2020), shall be erected in the locations indicated prior to the commencement of the development, including any initial site clearance, and shall be maintained fully intact and upright. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, other than the removal of existing hardstanding in accordance with the techniques set out in the submitted Method Statement. The fencing shall be retained in its agreed location during the course of construction works, noting that this involves some re-siting of the protective fencing post-demolition. The development shall be carried out in accordance with the submitted Method Statement which includes other protective measures such as no dig construction areas and sensitive demolition.

REASON: In order to safeguard trees and other vegetation in the interest of the character and amenity of the area.

34. All boundary treatments (fencing, hedges, walls) shall be implemented on each plot prior to its occupation, in accordance with the approved details as shown on Drawing 20-J3173-EBST200D External Boundary and Surface Treatment Plan received 01.06.2020, and thereafter permanently retained.

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

35. If more than 2 years elapse between the previous phase 1 and phase 2 ecological surveys and the due commencement date of works, an updated survey shall be carried out by a suitably qualified ecologist. A report confirming the results and implications of the assessment, including any revised mitigation measures, shall be submitted to the Local Planning Authority before construction works commence on site.

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

36. No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging development activities
- b) identification of "biodiversity protection zones"
- c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during development (may be provided as a set of method statements)
- d) the location and timing of sensitive works to avoid harm to biodiversity features
- e) the times during development when specialist ecologists need to be present on site to oversee works
- f) responsible persons and lines of communication
- g) the role and responsibilities on site of an ecological clerk of works or similarly competent person
- h) the use of protective fences, exclusion barriers and warning signs.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the development period strictly in accordance with the approved details.

REASON: To protect biodiversity throughout construction works.

37. No dwelling hereby permitted shall be occupied until a landscape and ecological management plan (LEMP) has been submitted to, and approved in writing by, the local planning authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed
- b) Ecological trends and constraints on site that might influence management
- c) Aims and objectives of management
- d) Appropriate management options for achieving aims and objectives
- e) Prescriptions for management actions
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)

- g) Details of the body or organization responsible for implementation of the plan
- h) On-going monitoring and remedial measures

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

No dwelling hereby permitted shall be occupied until the LEMP has been implemented in accordance with the approved details.

REASON: In the interests of Biodiversity.

38. No dwelling hereby permitted shall be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for external site lighting, including details of lighting units, and levels of illumination and hours of use. No lighting other than domestic security or garden lighting installed in individual dwellings shall be provided at the site other than in accordance with the approved details. The development shall be carried out in accordance with the approved scheme.

REASON: In the interests of Biodiversity.

39. No development shall commence until a scheme for the provision of biodiversity enhancements (not mitigation), including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the local planning authority.

The approved scheme shall be performed, observed and complied with. An ecological site inspection report shall be submitted within six months of the first occupation of any dwelling hereby approved.

REASON: In order to ensure biodiversity enhancement in accordance with the NPPF.

40. 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 in accordance with the rates set out in the Odyssey FRA dated February 2020, FRA Addendum 1 dated February 2020, and FRA Addendum 2 dated May 2020. These shall include:

- Results of intrusive ground investigations demonstrating the depth of the groundwater table with suitable allowances for seasonal variation.
- Full details of all components of the proposed drainage system including dimensions, locations, gradients, invert and cover levels, geocellular unit and distributor unit design (including guarantees of structural performance) headwall details, planting (as necessary), silt control measures and drawings as appropriate taking into account the groundwater table.



Confirmation of the gully spacing calculations to demonstrate they are capable of conveying the rainfall volumes to tanks as set out in the Approved Drainage strategy.

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.

41. No dwelling hereby permitted shall be occupied or the use commenced until the sustainable drainage scheme for this site has been implemented in accordance with the submitted details. The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. Written confirmation of agreements for the management and maintenance of the drainage scheme shall be submitted and approved by the local planning authority.

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

42. No dwelling hereby permitted shall be occupied until a verification report, appended with substantiating evidence demonstrating the agreed/approved construction details and specifications have been implemented, has been submitted to, and approved in writing by, the Local Planning Authority. This will include photos of excavations demonstrating depths, and soil profiles/horizons, any placement of tanking, crating, connecting pipe work, hydrobrake, cover systems etc.

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.

43. No development shall take place until details of the locations and infrastructure which will be provided to enable at least 20% (1 in 5) of all residential and visitor parking spaces to be readily adaptable to provide electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the electric vehicle enabling infrastructure has been provided in accordance with the approved details. The electric vehicle enabling infrastructure shall thereafter be retained.

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: Parking Standards SPD, BFBLP M9, Core Strategy DPD CS23]

## INFORMATIVES

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the applicant, acceptable amendments to the proposal to address those concerns. The proposal has been assessed against all relevant material considerations, including planning policies and any representations that may have been received. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the

National Planning Policy Framework.

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

- 01. Commencement
- 02. Approved Plans
- 05. Permitted Development Rights (Extensions)
- 06. Permitted Development Rights (Hardstanding)
- 07. Permitted Development (Additional Windows)
- 08. Obscure Glazing
- 11. Raising of Land Levels
- 13. Energy Statement
- 19. Provision of visibility splays
- 20. Construction of access
- 21. Construction of shared access
- 22. Provision of parking
- 23. Retention of car barns for parking
- 24. Retention of garages for parking
- 26. No gates
- 27. Provision of bollards
- 33. Tree Protection
- 34. Boundary treatments
- 41. Completion of sustainable drainage scheme

03. Details will be required in respect of the following conditions before the commencement of the development;

- 04. Finished floor levels
- 10. Contamination Investigation and Risk Assessment
- 12. Sustainability Statement
- 16. Off-site highway works
- 17. Details of visibility splays
- 18. Details of visibility Splays (2)
- 25. Cycle parking
- 28. Visitor car parking
- 29. Construction of access road
- 30. Provision of bin collection points
- 31. CEMP
- 36. CEMP (Biodiversity)
- 39. Biodiversity Enhancements
- 40. Drainage scheme details
- 43. Electric vehicle charging

04. Details will be required in respect of the following conditions before the commencement of above slab works:

- 3. Materials

05. Details will be required in respect of the following conditions before the occupation of dwellings (and in the case of condition 15 prior to any work being undertaken to the historic wall):

- 09. Broadband
- 14. Interpretation Board
- 15. Works to Historic Wall

- 32. Landscaping
  - 37. LEMP
  - 38. Lighting
  - 42. Verification report (sustainable drainage scheme)
06. Additional information will only be required to be submitted pursuant to condition 35 (Ecological Surveys) in the event that 2 years elapses between the previous phase 1 and phase 2 ecological surveys and commencement of the development.
  07. The applicant is reminded that Tree Preservation Order No. 1299 protects a large number of the existing trees on site. It is an offence to willfully damage or destroy a protected tree and this permission does not grant consent for the removal of any of the protected trees.
  08. A Travel Plan has been submitted, though the application size falls below the threshold for this to be secured through a s106 obligation, as set out in Table 6 of the Parking Standards SPD and Appendix 1 of the Planning Obligations SPD. Nevertheless, the Local Planning Authority and the Highway Authority would welcome the implementation of the Travel Plan.
  09. The applicant's attention is drawn to the fact that the information required by Condition 36 which requires the submission and approval of a CEMP (Biodiversity) can be provided within the general CEMP document (required by Condition No. 31).

Should the applicant fail to complete the required s106 agreement by 18<sup>th</sup> September 2020, the Head of Planning be authorized to REFUSE the application for the following reasons:

1. The proposed development would unacceptably increase the pressure on community facilities and open space of public value. In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which makes appropriate contributions to local community facilities and the provision of off-site active open space of public value, and secures the on-site provision and maintenance of open space of public value, the proposal is contrary to Policies R4 of the Bracknell Forest Borough Local Plan, Policy CS8 of the Core Strategy Development Plan Document and the Planning Obligations Supplementary Planning Document (adopted February 2015).
  2. It has not been demonstrated that the proposed development would incorporate a sustainable drainage system (SuDS) for the management of surface water run-off which would be maintained for the lifetime of the development. This is contrary to the House of Commons: Written Statement (HCWS161) Sustainable Drainage Systems 18/12/20144, the Flood Risk and Coastal Change PPG updated 15/04/2015, and the NPPF.
18. **Application No 20/00195/FUL - 2 The Close, Ascot**  
**Erection of part two storey, part single storey side and rear extension, single storey front extension, formation of two rear dormer windows, four front rooflights and one side rooflight.**

The Committee noted:

- A proposed amendment in the supplementary report of the Head of Planning.
- The objections of Winkfield Parish Council detailed in the agenda papers.
- The letters of objection received from eight households which were summarised in the agenda papers along with a further letter of representations seeking clarification on a number of points.

The Committee noted that the officer's recommendation was to approve the application, but, having discussed the issues raised in the representations, it opted to support the objections.

**RESOLVED** that the application be **REFUSED** for the following reasons:

- 1 The proposal by reason of its bulk and massing would constitute an obtrusive and incongruous addition within the streetscene to the detriment of the character and appearance of the dwelling and the visual amenities of the surrounding area, and would result in a cramped form of development reducing availability of parking and bin storage to the front of the property.
- 2 The proposed extensions would therefore be contrary to "Saved" Policy EN20 of the Bracknell Forest Borough Local Plan, CS7 of the Core Strategy Development Plan Document and Bracknell Forest Design Supplementary Planning Document (March 2017).

19. **Application No 20/00250/3 - Westmorland Park Pavilion, Westmorland Drive, Warfield**

**Baseball netting /scaffolding poles to be raised by 2 metres, to provide better screening for the adjacent tennis club.**

The Committee noted that there had been no objections from Warfield Parish Council or any representations received from neighbours:

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details, received 6 April 2020 by the Local Planning Authority:

Photo of Poles & Netting 06.04.20  
Pole and Netting Photos Enclosed  
Block Plan  
Elevations  
Site Plan 6.4.2020  
Site Location Plan

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

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. 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. The applicant should note that this permission does not convey any authorisation to enter onto land or to carry out works on land not within the applicant's ownership.
4. 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.

20. **Application No 20/00266/FUL - Sunnymead, Jocks Lane, Bracknell**

**Erection of no4 dwellings, revised access, on site car parking, private amenity space and landscaping following the demolition of existing dwelling.**

The Committee noted:

- The amendments to proposed conditions in the Head of Planning's supplementary report.
- The objections from Bracknell Town Council summarised in the agenda papers.
- Details of the three objections received from neighbouring properties summarised in the agenda papers.

The Committee concluded that the objections were insufficient to justify refusing the application, but requested that an additional condition withdrawing permitted development rights be added to the planning permission.

**RESOLVED** that 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);

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 received by the Local Planning Authority on 6 April 2020:

10-0-1 LOCATION PLAN  
10-0B-2 PROPOSED SITE PLAN  
10-0B-3 BLOCK PLAN  
10-0B-4 PROPOSED FINISHED FLOOR LEVELS AND SITE LEVELS  
10-0B-5 PROPOSED BOUNDARY TREATEMENTS  
10-0B-6 HARD LANDSCAPING  
10-0B-7 SOFT LANDSCAPING  
10-0B-8 OFF-SITE HIGHWAY WORKS  
10-0B-9 REFUSE VEHICLE SWEEP PATH ANALYSIS  
10-1B-1 PLOT 1 FLOOR PLANS  
10-1B-2 PLOT 1 ELEVATIONS  
10-2-1 PLOT 2 FLOORPLANS  
10-2-2 PLOT 2 ELEVATIONS  
10-3-1 PLOT 3 FLOORPLANS  
10-3-2 PLOT 3 ELEVATIONS  
10-4-1 PLOT 4 FLOORPLANS  
10-4-2 PLOT 4 ELEVATIONS  
10-5-1A PROPOSED SHED/SECURE CYCLE STORAGE  
REV A TREE PROTECTION PLAN  
REV B TREE CONSTRAINTS PLAN  
ENERGY DEMAND ASSESSMENT  
PLANNING STATEMENT 02.04.20  
ARBORICULTURAL AND PLANNING INTEGRATION REPORT BY GHA  
TREES DATED 25 NOVEMBER 2019  
CONSTRUCTION METHOD STATEMENT by MERRITT HOMES  
PRELIMINARY ECOLOGICAL APPRAISAL REPORT BY CALYX  
ENVIRONMENTAL LTD. DATED NOVEMBER 2019  
ENERGY DEMAND STATEMENT by EAC Ltd. dated 17 March 2020  
PROPOSED EXTERNAL MATERIALS BY MERRITT HOMES  
SOFT LANDSCAPING SPECIFICATION AND MAINTENANCE  
SUSTAINABILITY STATEMENT WATER EFFICIENCY REPORT BY  
MERRITT HOMES  
10-0B-11 PROPOSED STREET SCENE ELEVATION  
10-0B-10 CONSTRUCTION MANAGEMENT PLAN

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

03. The proposed development shall be built in accordance with the materials submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with these materials:

Cedral (Marley Eternit) Cedral Lap Wood Weatherboard in Silver Grey  
Marley Acme single camber clay plain tile in mixed brindle.  
Vandersanden Maltings antique (135) bricks

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

04. The ground floor bathroom window in the east facing side elevation and the first floor en-suite window in the west facing elevations of Plot 1 hereby permitted shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent). They shall at all times be fixed shut to a height not less than 1.7m above internal floor level.

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

05. 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 west or east facing side elevations of the dwellings hereby permitted except for any which may be shown on the approved drawings.

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

06. No dwelling shall be occupied until a means of vehicular access has been constructed in accordance with the approved drawings 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]

07. No dwelling shall be occupied until the vehicle parking and turning space for the new dwellings has been set out in accordance with the approved drawing. The spaces shall be retained as such thereafter and shall not be used for any purpose other than parking and turning.

REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.  
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

08. No dwelling shall be occupied until secure and covered parking for bicycles and storage for refuse has been provided in accordance with the approved drawings. The facilities shall be retained as such thereafter.

REASON: In order to ensure bicycle facilities and refuse storage are provided.  
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

09. 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]

10. No dwelling shall be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for off-site highway works or lane widening to the front of the site. The dwellings shall not be occupied until the off-site highway or lane widening to the front of the site have works have been completed in accordance with the scheme. The development shall be carried out in accordance with the approved details.

REASON: In the interests of highway safety.  
[Relevant Policy: CSDPD CS23]

11. The development hereby permitted shall be carried out in accordance with the approved construction management plan which has 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]

12. The development hereby permitted shall be carried out in accordance with the tree protection measures as set out on plan GHA Trees Tree Protection Plan received by the Local Planning Authority on 20 December 2019.

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

13. The development hereby permitted shall be carried out in accordance with the mitigation measures contained in the Preliminary Ecological Appraisal Report (Calyx Environmental Ltd - November 2019 - Ref: MD19001)

REASON: In the interests of nature conservation.  
[Relevant Policies Core Strategy CS1, CS7]

14. The development shall incorporate surface water drainage that is SuDS compliant and in accordance with DEFRA "Sustainable Drainage Systems - Non-statutory technical standards for sustainable drainage systems" (March 2015). 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]

15. No dwelling hereby permitted shall be occupied until hard and soft landscaping, including boundary treatments and other means of enclosure, has been provided for that dwelling/ building in accordance with the approved landscaping plan (10-0B-7 and 10-0B-6) and soft landscaping specification and maintenance document.

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]

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

REASONS: To prevent overdevelopment of this plot.

[Relevant Policies: BEBLP EN20]

Informatives:

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission subject to conditions, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:
1. Commencement
  2. Approved Plans
  3. Materials
  4. Obscure glazing
  5. Obscure glazing
  6. Side facing windows
  7. Means of access
  8. Parking
  9. Cycle parking
  10. Gates
  11. Construction management
  12. Tree protection
  13. Mitigation
  14. SuDS
  15. Landscaping
  16. PD Rights for Plot 1

The applicant is advised that the following conditions require discharging prior to the occupation of any dwelling:

11. Off-site highway works
03. The applicant should note that this permission does not convey any authorisation to enter onto land or to carry out works on land not within the applicant's ownership.
04. This is a planning permission. Before beginning any development you may also need separate permission(s) under Building Regulations or other

legislation. It is your responsibility to check that there are no covenants or other restrictions that apply to your property.

05. The applicant is advised of the need to enter into a Section 278 Agreement under the 1980 Highway Act before any work can be undertaken within the public highway.
06. The applicant should note that the Bracknell Forest Council's Street Works Team 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.
07. Under the terms of the Land Drainage Act 1991 and the Floods and Water Management Act 2010, the prior consent of the Lead Local Flood Authority is required for any proposed works or structures, in the watercourse.

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

1. The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impacts in this respect. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and the Thames Basin Heaths Special Protection Area Supplementary Planning Document, and the NPPF.
21. **Application No 20/00284/3 - A3095 Crowthorne Road, North Of Golden Retriever, Bracknell**  
**Erection of 2.44m high wooden acoustic fence**

The Committee noted:

- Amendments detailed in the Head of Planning's supplementary report to the information contained in the agenda papers.
- That there had been no objections from Bracknell Town Council or any of the neighbouring properties.
- The fence was being erected on only one side of the road as the properties on that side were considered to be those most likely to be affected by the roadworks, but a further application may follow in respect of the other side of the road.

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

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

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

- Fencing Layout Plan Sketch
- Image of a Timber Acoustic Fence
- Landscaping Scheme

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

3. No works shall take place until details of the materials to be used in the construction of the fence 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]

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

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

#### 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. 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
  4. Soft landscaping

The applicant is advised that details of the following condition are required to be submitted prior to the commencement of development:

3. Materials

3. The applicant should note that this permission does not convey any authorisation to enter onto land or to carry out works on land not within the applicant's ownership.
4. This is a planning permission. Before beginning any development, you may also need separate permission(s) under Building Regulations, the Party Wall Act or other legislation. It is your responsibility to check that there are no covenants or other restrictions that apply to your property.

22. **Application No 19/00900/FUL - Brackworth, Broad Lane, Bracknell**

**Section 73 application to vary condition 2 (approved plans) of planning permission 16/00230/FUL for the "Erection of 6 x 2 bedroom and 2 x 1 bedroom dwelling units with associated parking, cycle shed, amenity space and bin store following demolition of existing dwelling (amendment to planning permission reference 15/00855/FUL)" (for clarification: addition of dormer windows, rooflights, roof lanterns, external alterations to building, changes to parking layout, increase in size of bin/cycle store).**

The Committee noted:

- Proposed amendment detailed in the Head of Planning's supplementary report.
- The objections from Bracknell Town Council detailed in the agenda papers.
- The seven letters of objection from five properties and a further letter of representations which were summarised in the agenda papers.

The Committee noted that it was being recommended to approve the application, but having discussed the scale of the proposal believed that it constituted an overdevelopment and could not be supported.

**RESOLVED** that the application be **REFUSED** for the following reason:

1. By reason of the proposed amendments to the design of the building, the proposed development would result in an overdevelopment of the site to the detriment of the character and visual amenities of the area. The proposal would therefore be contrary to 'saved' Policy EN20 of the Bracknell Forest Borough Local Plan and to Policy CS7 of the Core Strategy Development Plan Document.

23. **Application No 20/00329/PAV - 295 Yorktown Road, College Town, Sandhurst**

**Application for Prior Approval for the change of use from Shops (Class A1), Financial and Professional Services (Class A2), Takeaways (Class A5), Betting Offices, Pay Day Loan Shops or Launderettes (Sui Generis Uses); or a Mixed Use combining use as a Dwellinghouse (Class C3) with a Shop (Class A1) or Financial and Professional Service (Class A2), Betting Office, Pay Day Loan Shop or Launderette (Sui Generis Uses) to Dwellinghouses (Class C3) and for building operations reasonably necessary for the conversion.**

The Committee noted that this item had been withdrawn as no objections had been received to the proposal, thereby enabling the Head of Planning to determine the application under delegated powers.

**CHAIRMAN**

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**PLEASE NOTE PLANS FOR ALL OF THE APPLICATIONS ON THIS  
AGENDA CAN BE FOUND ON OUR WEBSITE  
[www.bracknell-forest.gov.uk](http://www.bracknell-forest.gov.uk)**

**PLANNING COMMITTEE  
16th July 2020**

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

		<b>Case Officer</b>	<b>Reporting Officer</b>
5	<p>20/00202/FUL Waitrose 390 Yorktown Road College Town (College Town Ward) Part change of use from A1 (retail) to D2 (gym) involving the sub-division of existing unit. Recommendation: Approve.</p>	Alys Tatum	
6	<p>19/00857/FUL Don Beni Restaurant Winkfield Row Bracknell (Winkfield And Cranbourne Ward) Redevelopment of the site to the rear of Don Beni to form 1 detached 4 bedroom dwelling with associated parking and amenity space. Recommendation: Approve.</p>	Sarah Fryer	Basia Polnik
7	<p>20/00296/FUL Land Adjacent To Hill Rise 1 Heathway (Ascot Ward) Erection of 1 no. 4 bedroom detached dwelling following demolition of existing garage. Recommendation: Approve Subject To The Completion Of Planning Obligation(s).</p>	Olivia Jones	Basia Polnik
8	<p>20/00185/FUL Waitrose 390 Yorktown Road College Town (College Town Ward) Proposed external alterations and amendments to site layout in association with a proposed foodstore Recommendation: Approve.</p>	Alys Tatum	Basia Polnik
9	<p>20/00249/FUL Tally Ho Farm Shop Crouch Lane Winkfield (Winkfield And Cranbourne Ward) Erection of a single storey building for use as a cafe. Recommendation: Refuse.</p>	Sarah Horwood	

### Background Papers

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



## **PLANNING COMMITTEE - POLICY REFERENCES**

Key to abbreviations used in the following planning reports.

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

SPG Supplementary Planning Guidance  
SPD Supplementary Planning Document

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

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

## **SITE LOCATION PLAN**

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

## **THE HUMAN RIGHTS ACT 1998**

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

Those rights include:-

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

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

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

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

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

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

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

detailed consideration of any Convention Rights affected.

**Unrestricted Report**

**ITEM NO: 05**

Application No.  
**20/00202/FUL**  
Site Address:

Ward:  
College Town

Date Registered:  
25 March 2020

Target Decision Date:  
20 May 2020

**Waitrose 390 Yorktown Road College Town  
Sandhurst Berkshire GU47 0HL**

Proposal: **Part change of use from A1 (retail) to D2 (gym) involving the sub-division of existing unit.**

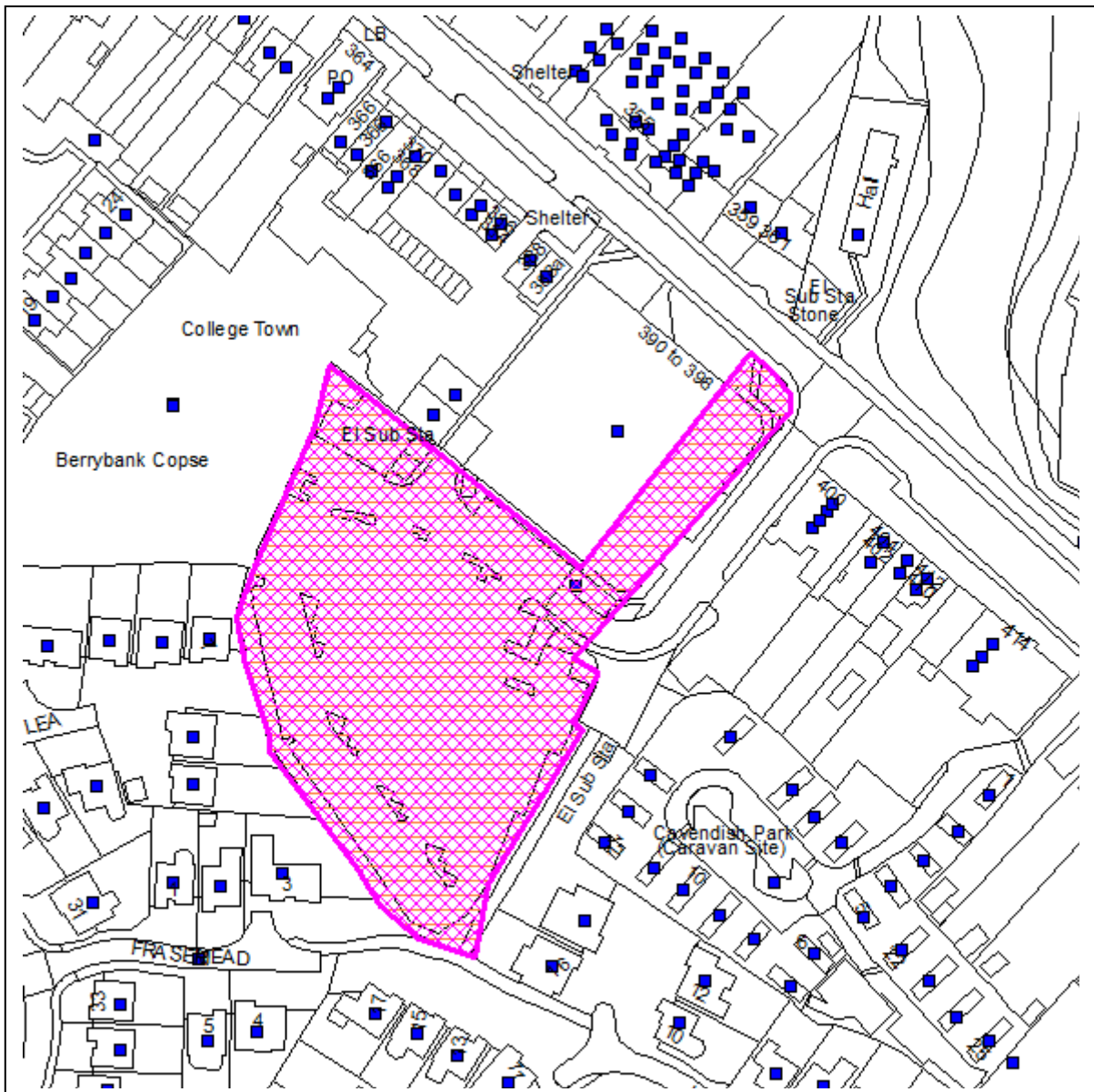
Applicant: Energie Property (UK) Ltd

Agent: Mr Sam Deegan

Case Officer: Alys Tatum, 01344 352000

[Development.control@bracknell-forest.gov.uk](mailto:Development.control@bracknell-forest.gov.uk)

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



## **OFFICER REPORT**

### **1. SUMMARY**

1.1 The proposed development relates to a site within the settlement boundary and within a local shopping parade and is therefore acceptable in principle.

1.2 The proposal would not adversely impact upon the character and appearance of the surrounding area. The proposal would not adversely affect the residential amenities of neighbouring residential units. There would be no adverse highway safety implications.

1.3 Relevant conditions will be imposed. The scheme is not CIL liable.

<b>RECOMMENDATION</b>
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Planning permission be granted subject to the conditions in Section 11 of this report
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### **2. REASON FOR REPORTING APPLICATION TO COMMITTEE**

2.1 The application has been reported to the Planning Committee as it has received more than 5 objections.

### **3. PLANNING STATUS AND SITE DESCRIPTION**

<b>PLANNING STATUS</b>
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Within a defined settlement boundary
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Within local shopping parade of Yorktown Road (College Town)
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3.1 The proposal site is located to the south west of Yorktown Road and currently comprises an A1 unit, previously occupied by Waitrose. Parking to serve the existing A1 use is located to the south west of the unit.

3.2 The site is situated within the settlement boundary of Sandhurst and forms part of the local parade within the small retail centre as identified under policy CS21 of the CSDPD.

### **4. RELEVANT SITE HISTORY**

4.1 The most recent applications relating to the site are:

20/00185/FUL - Proposed external alterations and amendments to site layout in association with a proposed foodstore. Pending consideration.

09/01089/A – Display of non-illuminated directional signs within the car park area. Approved 24.04.2009

08/00205/FUL – Installation of roller shutters. Approved 02.05.2008

07/01240/FUL – Retrospective application for the siting of 2 no. ambient storage units. Approved 22.01.2008

07/1017/A – Display of illuminated and non-illuminated wall mounted and free-standing signage. 19.12.3007

07/01016/FUL – Alterations to emergency exits and main entrance. Installation of ATM and air conditioning units. Approved 10.12.2007

03/00675/FUL – Section 73 application to allow for the deliveries between 0700 hrs and 2030hrs Mondays to Fridays, 0730 hrs to 1930 hrs Saturdays and Bank Holidays and 0900 hrs to 1200hrs Sundays without compliance 1 of planning permission 624293 (current permitted hours are 0700 to 1930 Mondays to Fridays (not Bank Holidays), 0730-1930 on Saturdays and Bank Holidays and 0930-1130 on Sundays). Withdrawn 26.02.2004

02/00675/FUL - Section 73 application to allow for deliveries between 0700 and 2030 Mondays to Fridays, 0730 and 1930 Saturdays and Bank Holidays and 0930 and 1200 on Sundays without compliance with condition 1 of planning permission 624293 (current permitted hours are 0700 to 1930 Mondays to Fridays (not Bank Holidays), 0730-1930 on Saturdays and Bank Holidays and 0930-1130 on Sundays). Part PD removed. Approved 24.10.2003

02/00027/FUL - Section 73 application to allow service yard to be used for storage purposes without compliance with condition 11 of planning permission 608527. Withdrawn 01.03.2002

624293 – Section 73 application to allow goods deliveries to the store between 0700 and 1930 hours Mondays to Fridays, between 0730 and 1930 hours on Saturdays and between 0930 and 1600 hours on Sundays. Approved 01.01.1999

623041 - ADVERT Upgrading of existing signage comprising display of 2 no. internally illuminated name signs (max. height of letters 760mm) and 1 no. internally illuminated box sign on building a. Approved 05.11.1997

620102 - Installation of 1.8m diameter roof mounted satellite antenna for the purpose of two-way data communications. Approval 27.09.1994

611374 – For the provision of an additional 16 spaces one existing car parking. Approved 28.07.1987

608527 – Construction of new supermarket with car parking to the rear and loading/unloading bay. Approved 04.04.1984.

607397 – Application for erection of 29,000 sq ft of supermarket and ancillary works. (outline). Refusal 21.01.1983

607250 - Demolition of existing building and erection of retail supermarket with ancillary storage and car parking and construction of access. Approval 17.05.1983

607239 - Dem of existing buildings and erection of supermarket with ancillary offices and storage with access road and car park. Refusal 01.01.1982

## **5. THE PROPOSAL**

5.1 Full planning permission is sought for the change of use of part of the existing A1 retail unit, approximately 646.46sqm, to D2 gym use. The remainder of the A1 unit will remain in A1 use.

5.2 The proposed D2 use would accommodate a gym with proposed opening hours of:

Monday to Friday: 06:00hrs till 23:00hrs  
 Saturday, Sundays and Public Holidays: 08:00hrs till 22:00hrs

5.3 Parking would be accommodated in the existing car park, which would be serving both the existing retail unit and the proposed D2 unit.

## 6. REPRESENTATIONS RECEIVED

### Sandhurst Town Council

6.1 No comments received.

### Other Representations

6.2 23 objections have been received from neighbouring properties. The concerns raised can be summarised as follows:

- Noise and disturbance caused to other shop keepers and residents
- Result in anti-social behaviour
- Insufficient parking for customers
- Harm other local businesses
- Insufficient waste capacity
- Impact traffic on surrounding road network
- Opening hours

## 7. SUMMARY OF CONSULTATIONS RESPONSES

### Highways Officer

7.1 The Highway Authority has requested that amendments are made to the application which includes separating the parking for the existing retail and the proposed gym, a barrier to close the car park when not in use, and alterations to the proposed layout of the carpark to provide a pedestrian/cycle link.

### Environmental Health

7.2 No objection

## 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:

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CS1 & CS2 of CSDPD E5 and E11 of the BFBLP	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Amenity	'Saved' policy EN20 and 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
<b>Supplementary Planning Documents (SPD)</b>		
Design SPD		
Parking standards SPD		
<b>Other publications</b>		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		

## 9. PLANNING CONSIDERATIONS

9.1 The key issues for considerations are:

- i. Principle of development
- ii. Impact on the character and appearance of surrounding area
- iii. Impact on residential amenity
- iv. Impact on highway safety
- v. Community Infrastructure Levy (CIL)
- vi. 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 (para. 2).

9.3 SALP Policy CP1 refers to the presumption in favour of sustainable development as outlined within the National Planning Policy Framework (NPPF). SALP Policy CP1 states that the Council will act proactively and positively with applicants to seek solutions which mean that proposals can be approved wherever possible, and to improve the economic, social and environmental conditions within the area. Planning applications that accord with the policies in the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise.

9.4 Policy CS1 of the CSDPD sets out a number of sustainable development principles including making efficient use of land and buildings where it protects the character and quality of local landscapes. This is consistent with the NPPF and as such can be afforded full weight.

9.5 Policy CS2 of the CSDPD states that development will be permitted within defined settlements and on allocated sites. Development that is consistent with the character, accessibility and provision of infrastructure and services within that settlement will be permitted, unless material considerations indicate otherwise.

9.6 Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. It states that significant weight should be placed on the need to support economic growth and productivity, taking

into account both local business needs and wider opportunities for development. Paragraph 85 of the NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

9.7 Yorktown Road, College Town, Sandhurst is identified under policy E5 of the CSDPD as a local parade and states that development proposals should generally be consistent with the role of the centre having regard to the hierarchy of shopping centres. Whilst the NPPF excludes local parades from the definition of Town Centres, it should be noted here that in order to be consistent with the NPPF and to prevent development that would undermine the function of this shopping centre, emerging local plan policy is re-designating this shopping centre as a local centre to fit within the NPPF's definition of a town centre. This is so that the centre can be considered against policies in the NPPF ensuring that vitality of town centres. As the NPPF has changed the way that town centres are defined, policies SA13 of the SALP and E5 of the BFBLP cannot be afforded full weight.

9.8 Policy E11 of the BFBLP states that within village and neighbourhood centres; and local parades; the change of use of existing shops or the occupation of new premises for non-retail uses will only be permitted where the proposal:

- i) would result in a change to uses within use classes A1 (financial and professional services) or A3(food and drink) and
- ii) would not adversely affect the standard of local retail provision; and
- iii) would not adversely affect the amenities of neighbouring residents.

9.9 In the supporting text for policy E11 it is noted that the change of use of shops to non-retail uses will be resisted in the centres defined in this policy, where this would adversely affect the level and standard of local shopping provision. Policy E11 can however be afforded limited weight, as the NPPF provides for greater flexibility for changes of use in town centres, stating that 'Planning policies and decisions should support the role that town centres play at the heart of the local communities, by taking a positive approach to their growth, management and adaptation. The NPPF goes on to state that allowing them to grow and diversify is a way that can respond to rapid changes in the retail and leisure industries.

9.10 The local centre currently provides a wide variety of services and historically has suffered from low vacancy rates; therefore, it is considered to be a centre in 'good health'. Prior to the closure of Waitrose, the 20 units included A1: 10 (50% of total), A2: 1 (5%), A3: 1 (5%), A5: 4 (20%) D2:1 (5%), Sui Gen:1 (5%), and vacant unit: 2 (10%).

9.11 The proposal would result in a reduction in the amount of A1 floorspaces however the proposal would not result in a material reduction in the centre's A1 retail offering. The addition of another unit has the potential to positively add to the diversity of services available at the centre that could increase footfall and further the centre's vitality and viability.

9.12 As such, due to the proposal consisting of additional units, the proposed subdivision and change of use to D2 would not undermine the existing services on offer. The proposed D2 gym use would also help to meet the NPPF's objective for promoting healthy lifestyles and increasing accessibility to this service.

9.13 A number of the objection letters received raised concern over the fact that there is already a gym within the shopping parade and that an additional gym would impact on the business of the existing gym. As outlined above, from a planning policy perspective, the introduction of an additional D2 use is not considered to undermine the existing services on



offer. The potential impact that the new proposed gym might have on an existing business and the competition between these businesses is not a material planning consideration.

9.14 Based on the above assessment, the proposal is considered to be acceptable in principle subject to no adverse impact on highway safety, character of the area and neighbouring amenities which will be assessed as follows.

#### ii) Impact on Character and Appearance of Surrounding Area

9.15 '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.

9.16. No alterations are proposed to the external appearance of the building under this change of use application. Under application 20/00185/FUL, alterations are proposed to the entrance of this unit which includes replacement doors. The introduction of the D2 use in this location is not considered to be harmful to the character of the area as the site is situated within a retail compound. Any proposed signage to facilitate the change of use would need to be applied for under a separate advertisement consent.

9.17 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

9.18 '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.

9.19 Policy EN25 of the BFBLP states that development will not be permitted if it would generate unacceptable levels of noise, smoke, gases, fumes, effluent, vibration, dust or other environmental pollution which would adversely affect the amenities of the occupiers of building, or persons using outdoor space.

9.20 The building subject of the change of use, does not adjoin any residential units however there are nearby residential units. The residential units situated close the building include those situated above commercial units along Yorktown Road, dwellings situated on the opposite side of Yorktown Road, and mobile homes situated within Cavendish Park Caravan Site. The entrance to the proposed D2 unit would be situated on the south western corner of the building, in the same location as the entrance to the previous foodstore that occupied the site. This would be the only entrance into the facility and the nearest residential uses to this entrance are those situated within Cavendish Park Caravan site with a separation distance of 25m when measured from the entrance of the gym to the nearest point of the boundary of Cavendish Park Caravan Site.

9.21 An Acoustic Survey, produced by dBc Consultation Ltd, has been submitted to support the application. An Environmental Health Officer has reviewed the survey and based on the

findings of the noise assessment as well as taking into consideration that nearby residential dwellings are detached from the building, the Officer has come to the conclusion that it is unlikely that local residents would be adversely impacted by noise breakout from the gym premises. This is subject to the development being carried out in accordance with the measures outlined in the survey which can be conditioned.

9.22 The proposed opening hours for the gym are:

Monday to Friday: 06:00hrs till 23:00hrs

Saturday, Sundays and Public Holidays: 08:00hrs till 22:00hrs.

9.23 Environmental Health has not raised an objection to these proposed opening hours and whilst there are nearby residential uses, it is not considered that the coming and going of the customers of the proposed gym from this existing car park would have a significant impact in terms of noise and disturbance which would warrant a refusal on this basis. The nearest parking spaces do not directly adjoin Cavendish Park and are set back by approximately 15m. The car park does adjoin the rear garden of dwellings situated along Cruikshank Lea to the west. However it is not anticipated that the number of coming and goings that the proposed gym would generate later in the evenings would on its own cause an unacceptable level of disturbance to these nearby residents, in particular when taking into consideration the overall size of the car park and subsequent availability of parking spaces.

9.24 The agent has also confirmed that the windows of the proposed gym are non-opening as there is an existing ventilation system in place. A condition can be included to ensure that the windows remain non-opening. The entrance doors would be fitted with a self-closing device which ensures that the doors close as soon as someone enters or leaves the gym.

9.25 It should also be noted that a proposal for a 24-hour gym at 414 Yortkown Road, reference 17/00888/FUL, was refused but was later allowed at appeal. The Inspector concluded that, in view of the mitigation measures put forward by the appellant, the proposal had sufficient safeguards, controllable by planning conditions, to ensure that the relaxation of hours would not cause undue noise and disturbance.

9.26 Some of the objection letters received have raised concern regarding anti-social behaviour occurring on the site. The Environmental Health team has confirmed that it has not received any complaints regarding anti-social behaviour on this site. It is not considered that the proposed introduction of a gym would significantly increase the opportunity for anti-social behaviour to occur on site. Furthermore, the proposed openings hours of the gym would facilitate a greater level of natural surveillance in the area during these hours from the gym users.

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

#### iv) Impact on Highways Safety

9.28 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.

9.29 Parking for the proposed D2 use is to be provided within the existing carpark serving the existing A1 use. The Bracknell Forest Council Parking SPD, March 2016, provides parking and cycle parking requirements for proposed developments. Based on the proposed floorspace of 646sqm, the proposed D2 gym use would be required to provide 30 spaces (1:22sqm). Combined with the parking requirement for the remainder of the A1 unit, which is approximately 1232sqm in floorspace, 72 spaces (1:17sqm) would be required resulting in a total of 102 spaces.

9.30 The existing car park has 189 space which would be sufficient to accommodate both the proposed D2 use and the remaining A1 use. Another material consideration is the planning application pending determination, reference 20/00185/FUL, which proposes to amend the layout of the existing car park. The proposed alterations under 20/00185/FUL would result in a reduction of 12 spaces bringing the total of remaining spaces to 177. Therefore, if approved and implemented, the amended layout would also provide sufficient parking spaces for both uses combined, in accordance with the Parking Standards SPD. The remaining 75 surplus spaces would be available to serve a wider function in terms of providing parking for the neighbouring shopping parade.

9.31 20 cycle parking spaces will also be provided on site which would be sufficient to accommodate both the existing retail use and the proposed D2 use as they have a combined total requirement of 19 cycle parking spaces in accordance with the Parking Standard SPD. It has been confirmed that the proposed gym will share the bin store with the existing A1 unit and a private waste collection service will be arranged.

9.32 In terms of the number of trips generated by the proposed use, this would not be dissimilar to the existing A1 use. No alterations are proposed to the vehicular or pedestrian access to the site. The Highway Authority have requested that the pedestrian routes to the site are included in the red outline on the location plan so that conditions ensuring free and unobstructed access along these routes can be included. The Highway Authority have also requested that amendments are made to the site layout to improve the pedestrian link. Advice was sought from the Legal Department on this matter in which they confirmed that the Council cannot make the applicant change the red line of the application unless it agrees to do so, especially if no works are proposed on the relevant area. Furthermore, the car park is privately owned meaning that the Council cannot insist on a wider pedestrian access if there are no Highway Safety reasons for doing so.

9.33 The agent has clarified that the existing barrier at the entrance of the site would not be retained as the car park would need to be kept open after closing to provide access to staff to service the A1 unit as well as to allow use of the car park to serve the proposed D2 use. The Highways Authority have requested that the parking for the A1 and D2 use is separated and that the barrier is retained to close off the carpark for the A1 use outside of opening hours as they have concerns regarding anti-social behaviour occurring at the site. Firstly, whilst there is an existing barrier, there is no evidence to show that this was previously being used to close off the car park. Furthermore, as already mentioned above, the Environmental Health team has confirmed that they have no record of any complaints being made to them regarding anti-social behaviour occurring on the site. It is not therefore considered reasonable to insist that the barrier to the site is retained as there is no highway safety reason to support this request.

9.34 Based on the above, the proposed change of use is not considered to result in highway safety issues and therefore complies with 'Saved' Policy M9 of the BFBLP, Policy CS23 of the Core Strategy, and the NPPF.

vi) Community Infrastructure Levy (CIL)

9.35 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.

9.36 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 not therefore CIL liable as no new floorspace is proposed.

## **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 EN5 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.

## **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:

Location Plan, drawing no. 2906-001 Rev C, received 01.07.2020

Proposed ground floor plan, drawing no. 2906-002, received 25.03.2020

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

3. The use hereby permitted shall not be open to customers outside the following times:

- Monday to Friday: 06:00hrs till 23:00hrs
- Saturday, Sundays and Public Holidays: 08:00hrs till 22:00hrs

Reason: in the interests of the amenities of the occupiers of nearby residential premises. [Relevant Policies: BFBLP EN25]

4. The development hereby approved shall not be implemented until all the works and measures contained in the acoustic survey (dBc, 26 February, reference dBc 10123) have been implemented in full. Any subsequent alteration or repair to the building shall be in compliance with this report.

Reasons: In the interest of the amenities of the occupiers of nearby residential premises. [Relevant Policies: BFBLP EN25]

5. All windows serving the gym hereby approved shall be fixed shut at all times.

Reasons: In the interest of amenities of the occupiers of nearby residential premises.  
[Relevant Policies: BFBLP EN25]

#### 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. 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. Opening hours
5. Windows

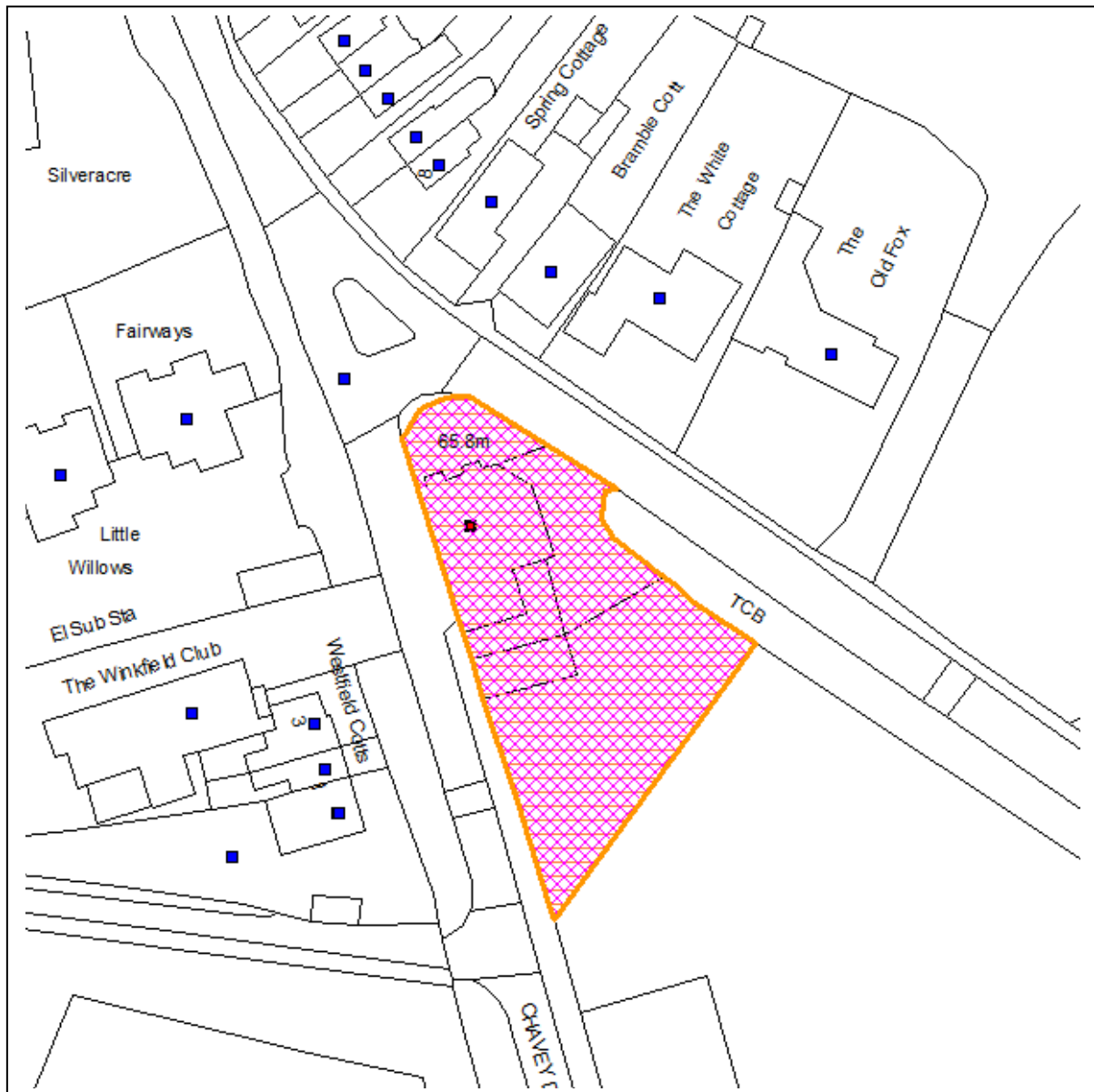
The following condition requires discharge prior to the occupation of the development hereby approved:

4. Acoustic measures

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<b>ITEM NO: 06</b>	Ward:	Date Registered:	Target Decision Date:
Application No. <b>19/00857/FUL</b>	Winkfield And Cranbourne	25 September 2019	20 November 2019
Site Address:	<b>Don Beni Restaurant Winkfield Row Bracknell Berkshire RG42 6NH</b>		
Proposal:	<b>Redevelopment of the site to the rear of Don Beni to form 1 detached 4 bedroom dwelling with associated parking and amenity space.</b>		
Applicant:	Mr & Mrs Beni		
Agent:	Mr Bimal Ruparelia		
Case Officer:	Sarah Fryer, 01344 352000 <a href="mailto:development.control@bracknell-forest.gov.uk">development.control@bracknell-forest.gov.uk</a>		

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



## 1. SUMMARY

1.1 This application relates to a site within the settlement boundary so the principle of development is acceptable. The application for a single dwelling is considered to respect the character and appearance of the conservation area, be appropriate in design and appearance, and not adversely affect the amenities of either existing or future residents.

1.2 The proposal would reduce the area of the car park serving the Don Beni restaurant, to 21 off-street parking spaces for cars. The Inspector in dismissing the appeal relating to application 18/00832/FUL accepted that the site could accommodate approximately 22 cars. Given this, and the benefits of a properly laid out car park, a designated disabled parking space and that the parking can be secured in connection with the use of the restaurant, on balance officers consider that the car parking provision would not result in an unacceptable highway danger and the application is recommended for approval.

<b>RECOMMENDATION</b>
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Planning permission be granted subject to the recommendation and conditions in Section 11 of this report
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## 2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application has received more than 5 objections.

## 3. PLANNING STATUS AND SITE DESCRIPTION

<b>PLANNING STATUS</b>
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Within Settlement Boundary.
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Winkfield Conservation Area.
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Character Area C- Winkfield Row North.
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Within 5km SPA
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3.1 The application relates to a site located within the junction of Chavey Down Road and Winkfield Row, Winkfield. The site is currently in use as a carpark associated with the Don Beni Restaurant which occupies the building at the junction between Chavey Down Road and Winkfield Row. This is a two-storey painted brick building with a pitched slate roof with outside seating to the front, ancillary outbuildings and a compressed gravel car park to the rear.

3.2 To the south the site borders the King George V Playing field and a mature hedgerow marks the boundary which is interspersed with trees. To the boundary with Winkfield Row the site is separated by a grass verge, post and rail fence and hedge with a ditch to the front. The boundary to Chavey Down Road consists of a wooden fence with ivy covered trees which have been cut back at lower level and are multi-stemmed.

3.3 The site is surrounded by residential properties to the north and west; is located within the settlement boundary defined by the Bracknell Forest proposals map, and within the Winkfield Row Conservation Area. The site is also within the Character Area C Winkfield Row North.

## 4. RELEVANT SITE HISTORY

4.1 The relevant site history can be summarised as follows.



18/00832/FUL Erection of 2 no. detached 3 bedroom dwellings to rear of existing restaurant following demolition of existing outbuilding with associated parking and amenity space. Refused 12.07.2018 Appeal (APP/R0335/W/19/3237448) Dismissed 28.01.2020.

00/00781/OUT Outline application for the erection of 1 no. House with detached garage. Refused 20.11.00

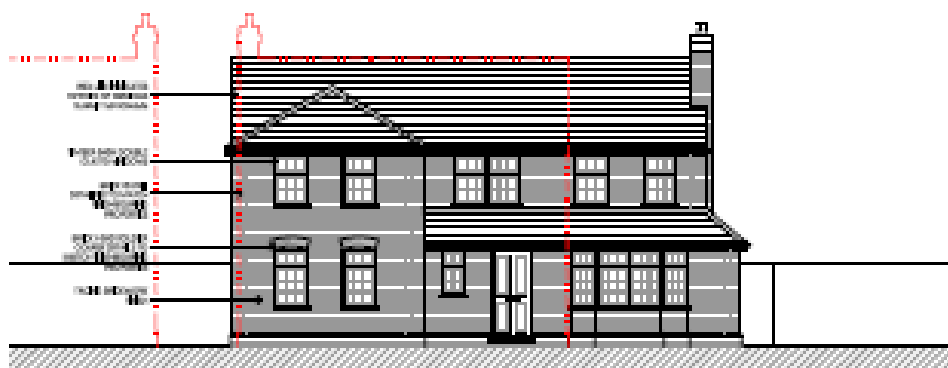
01/00876/FUL Erection of part single storey part two storey rear extension with associated parking. Erection of a single storey front extension forming porch. Erection of 1.8 metre high close boarded fence along the site frontage with Chavey Down Road. Approved 27.02.2002

(Various older applications for extensions and alterations to pub/ restaurant)

## 5. THE PROPOSAL

5.1 Planning permission is sought for the erection of a single detached dwelling to be constructed on part of the existing car park to the Don Beni restaurant. The carpark consists of a hardsurfacing, and some outbuildings provide ancillary storage. One of these buildings would be modified to provide a covered carport to accommodate 3 cars for the dwelling. A new vehicle access would be created off Chavey Down Road to serve the new property, whilst vehicular access to the Don Beni would remain as existing from Winkfield Row.

5.2 The dwelling would be a two-story detached dwelling with a projecting two-storey gable feature, bay window and chimney breast. The four bed-roomed dwelling would have a height to the ridge of 6.24m, and amenity area to the rear and right-hand side. A timber storage building located to the north of the proposed dwelling would be converted into a carport to contain 3 off-street parking spaces to serve the dwelling.



Note: The dashed red line indicates the extent of the refused 2 dwelling scheme dismissed at appeal.

5.3 The Inspector in the 2019 appeal accepted that the Don Beni car park could accommodate approximately 22 cars, and a revised layout providing 21 spaces, including one disabled has been submitted for consideration with this application. The access for the Don Beni would remain as present and a bin storage area for the restaurant has been shown.

## 6. REPRESENTATIONS RECEIVED

### Winfield Parish Council

6.1 Winkfield Parish Council object to the proposal on the grounds that it would significantly reduce the available parking for customers which would substantially increase on-road parking.

6.2 The suggested parking on the recreation ground is not feasible as this site (owned by WPC) is locked shut at dusk (4pm on Winter months). The Winkfield Row lay-by is the only parking provision for residents and does not have any capacity to accommodate customer parking.

6.3 The proposed housing would be overdevelopment of the site which is even more inappropriate given the site's proximity to a conservation area.

### Other representations

6.4 13 representations have been received from different addresses, raising the following objections:

- Concerns about the huge impact upon parking
- Deliveries and refuse collection ha an impact as roads surrounding the site are narrow.
- Proposal would reduce parking for customers forcing vehicles to park on the limited spaces that are used by residents.
- If approved the dwellings should be of red brick to match the surrounding Victorian Cottages and dwellings and no bigger than the restaurant.
- Reducing on site parking to the restaurant by any amount will exacerbate the off-site parking problems which already exist.
- The site is within the conservations area and there is no rationale for single modern house in this area.
- Ludicrous to build on this Green Belt site [Officers Note: This is not part of the Green Belt]
- Concerned about the time it will take to build.
- Proposal does nothing to enhance or preserve the historic value of the area and will overdevelop and urbanise the area.
- Proposed car park looks congested and would result in vehicles being left upon the road rather than struggling to park.
- Would result in loss of parking which would exacerbate an existing parking problem, increasing the amount of on-street parking and lead to highway safety concerns.
- Important to maintain the settlement boundary and rural gap.
- Don Beni building is a focal point of Winkfield Row Village. This development would harm the setting of the Don Beni building, surrounding historic buildings and conservation area in general.
- Proposal would be over development of the site.
- Consideration should be given to the local parents and school children as more on-street parking would affect their safety.
- On street parking is already an issue within this area.
- Noise generated from people leaving the restaurant late at night will be dispersed over a larger area due to customers having to park further afield resulting in increased noise and disturbance.

## **7. SUMMARY OF CONSULTATION RESPONSES**

### Conservation Consultant

7.1 Revised application is acceptable.

### Bio-diversity Officer

7.2 Following the submission of an Emergence and Re-emergence survey, the Bio-diversity objection is withdrawn and conditions recommended,

### Highways Officer

7.3 Cannot support the application as parking for the restaurant is below standards when it is known that on-street parking already occurs at peak time for the restaurant and no indication is given in the Inspectors report of the 2019 appeal as to the level of parking for the restaurant which the Inspector would have found acceptable, but instead leaves it for a planning balance to be made.

## **8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION**

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CP1 of SALP,  CS1 & CS2 of CSDPD	Limited (policy not used in planning application decision-making)  Consistent
Housing	H5 of BFBLP	Partially out of date but weight can be attached where the policy aligns with the tests of policy GB1.
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Parking	Saved policy M9 of BFBLP	Consistent NPPF refers to LA's setting their own parking standards for residential development, this policy is considered to be consistent.
Trees & Landscaping	CSDPD Policies CS1 & CS7  BFBLP 'Saved' Policies EN1, EN2 & EN20	Consistent (paras. 127 & 170)
Heritage	CSDPD Policies CS1 & CS7	Consistent (paras. 189 to 197)
Drainage	CS1 of CSDPD	Consistent (paras. 163 & 165)
Biodiversity	CSDPD Policies CS1 & CS7  BFBLP 'Saved' Policies EN1, EN2 & EN20	Consistent (paras. 170 & 175)
Noise and Pollution (including Land Contamination)	CSDPD Policy CS1  BFBLP 'Saved' Policy EN25	Consistent (paras. 118, 170, 178 & 180)
Sustainability (Renewable Energy and Water Use)	CSDPD Policies CS10 & 12	Consistent (para. 149)

Securing Necessary Infrastructure	CSDPD Policy CS6	Consistent (para. 54 to 56, 92 and 94)
<b>Supplementary Planning Documents (SPD)</b>		
Parking standards SPD Planning Obligations SPD (2015) Thames Basin Heath SPA SPD Character Area Assessments SPD Design SPD		
<b>Other publications</b>		
National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG) Winkfield Row Conservation Area Appraisal		

## 9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i Principle of development
- ii Impact upon the character or appearance of the Conservation Area.
- iii Impact on character and appearance of the area
- iv Trees
- v Residential Amenity
- vi Transportation Implications
- vii Bio-diversity
- viii Drainage
- ix Sustainability and Energy
- x Thames Basin Heaths
- xi Community Infrastructure Levey/ CIL

### i. Principle of Development

9.2 The site is located within the settlement boundary defined by the Bracknell Forest Borough Policies Map. Policy CS2 of the CSDPD sets out the locational principles of development and seeks to support new development in existing settlements which contain the majority of infrastructure, services, employment and transport facilities reducing the need to travel. The principle of residential development within this site is therefore acceptable.

### ii. Impact upon the character or appearance of the Conservation Area.

9.3 The site is located within the Winkfield Row Conservation area which was designated in 2006. The Winkfield Row Conservation Area boundary runs down Winkfield Row and along the west side of the former White Horse public house (Don Beni restaurant), along Chavey Down Road, before heading to the south of the restaurant, and south along Winkfield Row. The proposed development site is therefore within the Conservation Area.

9.4 The houses in the Conservation Area generally date from the late 19th century, with the dominant architectural style of the area being the late Victorian period, making extensive use of different coloured brickwork in its many forms. The rows of terraced houses and the Methodist Chapel date from this period, as do the brick buildings of Grove Farm. Timber framing is also evident in the village at White Cottage, built in timber framing with extensions in brickwork and Old Farm, formerly known as Box Farm.

9.5 The Don Beni restaurant is described within the Winkfield Row Conservation Area Appraisal as being situated in the point of the fork in Winkfield Row. There is a small front garden filling the point of the triangle, bordered by short wooden posts with chains between. A parking area is located to the south-east side of the building, accessed from Winkfield Row, with a further garden behind that bordering the recreation ground to the south.

9.6 The building was formerly known as the White Horse public house, but has in recent times been converted to a restaurant. The building appears on the first edition OS map, minus the front ground floor bay windows.

9.7 The building is visible from the north and south approaches to the village, from both branches of the forked road, as it is situated in the centre of the fork.

9.8 The proposed development consists of a two-storey detached dwelling, located to the rear of the Don Beni restaurant on land currently occupied partly by a single-storey timber outbuilding and the existing restaurant car park, with some screening from along Chavey Down Road from an overgrown hedgerow.

9.9 The proposed dwelling would face directly onto Chavey Down Road with a rear garden area. The dwelling would be set-back from the Chavey Down Road with a small front garden and vehicle access from the road with parking within a side area of hard standing.

9.10 The proposed site is considered an important location within the Conservation Area, as it is visually prominent at the entrance/exit to the Conservation Area. The amended design has reduced the number of houses to 1, two-storey dwelling which is more appropriate to the character of the Conservation Area.

9.11 The design incorporates a small front garden with the proposed building being set back from Chavey Down Road and off-street car parking on a hard standing forming a side yard. The surrounding properties in the Conservation Area largely have on-street parking and this forms part of the character of the Conservation Area.

9.12 The proposed dwelling would borrow some historic architectural features from buildings along Winkfield Row, including timber sashes, brick arches over windows, gable-end chimney and brick quoin detailing. The size, mass and design of the proposed building is therefore considered to be appropriate to the Conservation Area as it would preserve its character and appearance.



9.15 Having regard to Section 72(1) of the Act and the NPPF, the proposed development is considered to preserve the character and appearance of the Conservation Area.

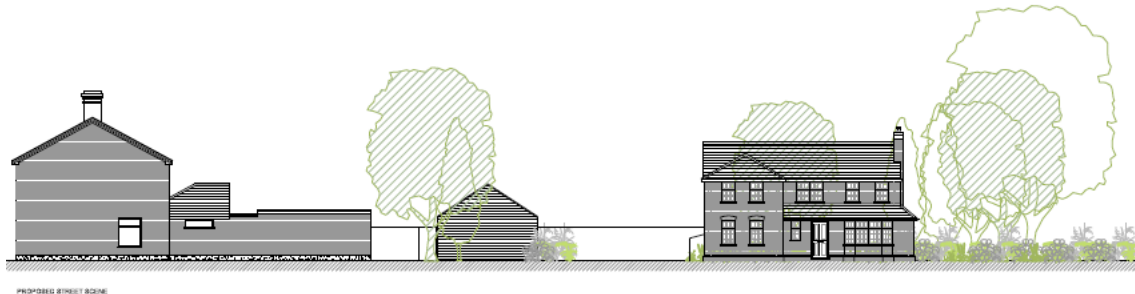
**iii. Impact on the character and appearance of the area**

9.16 Policy CS7 of the CSDPD and EN20 of the BFBLP seek development which complements and enhances the existing character by having regard to materials, scale, siting and layout. The site falls within the Winkfield Row North, Character Area as defined by the Character Areas SPD.

9.17 The character area appraisal, like the Conservation Area Appraisal, recognises the importance of the location of the application site, at the centre of the village within the triangular open space creating a strong focal point. This recommends that new developments should be in line with the existing tight grain of development centred at the junction of Winkfield Row and Chavey Down Road. Whilst this would not be a tight form of development, it is away from this central nodal point and located on the edge of the settlement boundary. The proposed dwelling would be located opposite the Westfield Cottages and given this and the edge of settlement location a looser and less dense form of development is acceptable.



9.18 The Character Area assessment defines the built form of the area consisting of predominantly small Victorian Houses and large detached houses. The detached houses vary in style, build date and height. The proposal is a modern dwelling which takes cues from the surrounding properties. Whilst higher than the cottages opposite, it would be no taller than the Don Beni restaurant and is considered to be acceptable in terms of height and given the separation, is not considered to be overbearing on neighbouring properties.



9.19 It is considered that the proposal would complement the existing character by having regard to materials (the details of which would be conditioned), scale and layout of the surrounding built form. Accordingly, it is considered that the proposed dwelling is considered to comply with Policies CS7 of the CSDPD and EN20 of the BFBLP.

#### iv. Trees

9.20 There are several trees located to the front of the site. Whilst these do contribute in part to the character of the area they do not have much space and their growth and development has been hindered. An Arboricultural report has been submitted which clarifies that these are either dead or C category trees with moderate life expectancy. A couple are assessed as being in decline.

9.21 As a result, none of the trees to the frontage are considered to be fine specimens. The proposal has been designed to incorporate planting to the front of the dwelling. There

will also be a condition to secure appropriate enhanced planting to the green edge which contributes to the semi-rural character. Given these circumstances the loss of the trees to the front is considered acceptable. Other significant trees are located outside the site within the recreational ground.

9.22 The submitted Arboricultural report defines the RPAs. The proposal would be located outside these and therefore, subject to conditions requesting tree protection details during construction, the proposal is considered to be acceptable with regard to Policy EN1 of BFBLP.

#### **v. Residential Amenity**

9.23 Policy EN20 criterion g of the BFBLP stipulates that in considering proposals, regard will be had to the amenity of surrounding properties which should not be adversely affected. The amenities of existing residents and future occupiers is therefore a material consideration in considering an application.

##### Existing residents.

9.24 The nearest properties to this application are Westfield Cottages located to the west of the proposal across Chavey Down Road. There is a separation distance of approximately 23m between the front elevations. As this is across a public highway, this separation distance is considered acceptable and the proposal is not considered to detrimentally affect the amenities of the occupiers of Westfield Cottages.

##### Future Occupiers

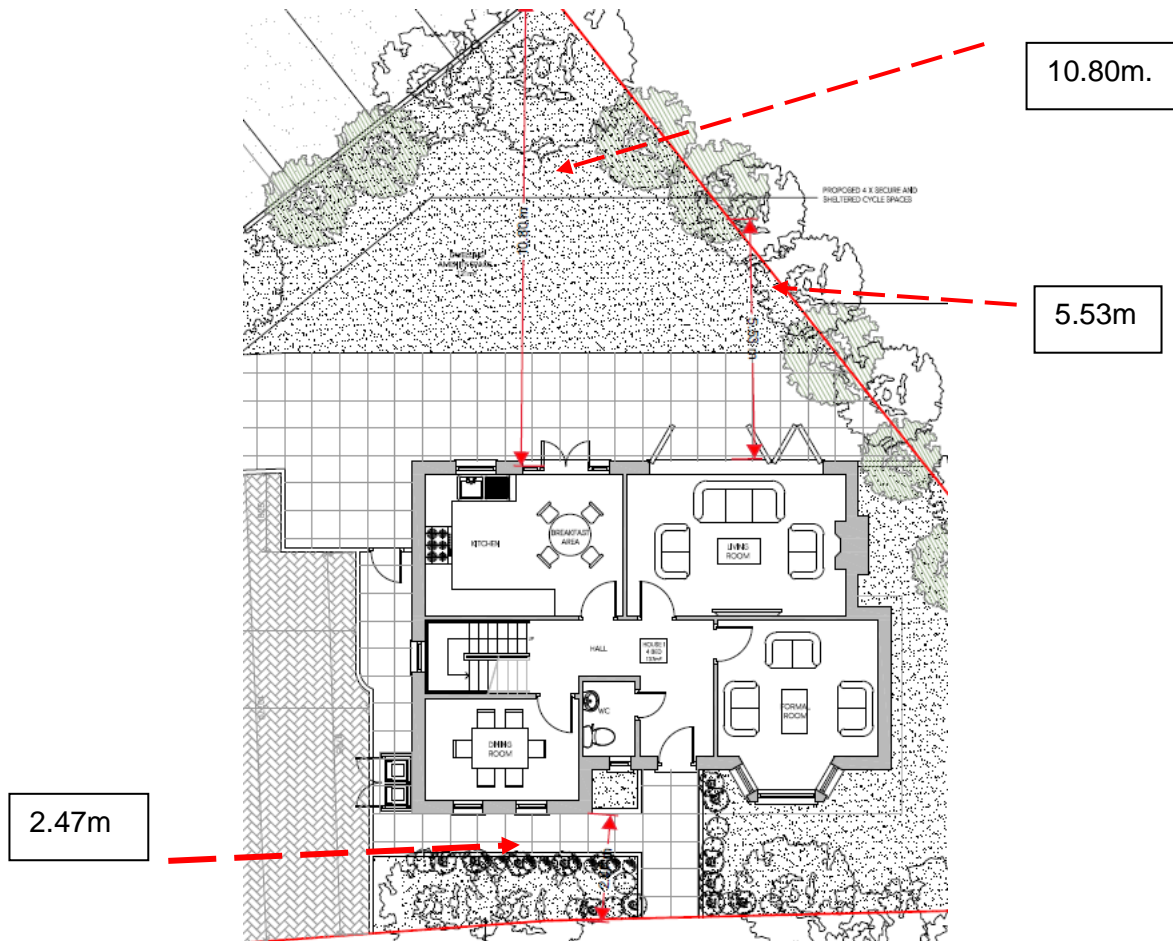
9.25 The amenity of future occupiers is also a consideration. The Design SPD aims that all new dwellings should have easy access to useable outdoor space which in the case of gardens should be able to accommodate playing, drying clothes, cycle and waste and recycling storage (pg. 28, par. 3.93).

9.26 The property would be set back from the road and has a designated bin store and bike store. The rear garden has a maximum depth of 10m but due to the shape this decreases either side. However, the proposed dwelling sits comfortably within the plot with space either side. Therefore, there is considered to be ample space for playing, hanging washing and storage of bins. As such the dwelling is considered to have an appropriate level of external amenity space to serve future occupiers of the proposed dwelling.

9.27 The proposal would be located adjacent to an existing restaurant which may create noise and odours. The area in which the restaurant sits is residential in nature. The seating area to the restaurant is located on the opposite side of the restaurant to the dwellings and is closer to properties located to the north of the site.



9.28 The restaurant is an existing use and other residential properties are located within 20m of it. The proposals would be located closer to the restaurant, but equally new occupiers would be aware of the use before purchasing the dwelling. The flue is positioned so it discharges away from the dwellings. No objections have been received from Environmental Health and should there be any issues in the future, there is legislation to protect future occupiers from consistent and persistent noise and disturbance.



9.29 Accordingly, the proposal is considered to preserve the amenities of existing and future occupiers and comply with Policy EN20 (g) of the BFBLP.

#### vi. Highway Safety

9.30 With regard to the proposed dwelling, the submitted revised plans show sufficient car parking (3 spaces, using a converted barn as a car port) and turning space for the proposed dwelling, meeting the requirements within the Bracknell Forest Council's Parking Standards SPD. Appropriate cycle parking is acceptable and to standard.

9.31 Turning to the restaurant. Revised plans demonstrate how 21 spaces could be accommodated, including one disabled space. The Parking Standards SPD has a requirement for 24 spaces for the restaurant. Within the existing restaurant car park, spaces are not currently marked out. The Inspector in consideration of the appeal accepted evidence that approximately 22 vehicles were typically accommodated within the car park of the restaurant.

9.32 A subsequent exercise carried out by Highways Officers has demonstrated that the site could accommodate 25 spaces if cars parked efficiently, but it is accepted that this is

unlikely unless spaces were formally marked out and there is no formal requirement for the Don Beni to do this at present.

9.33 In considering the appeal, (reference APP/R0335/W/19/3237448), against the refused two dwelling scheme, the Inspector described the then shortfall of 11 spaces against the appellant's current position of 22 spaces as a 'significant reduction', and would "compromise highway safety for all road users. The proposal would therefore conflict with Policy CS23 of the Councils Core Strategy Development Plan Document (CS), Saved Policy M9 of the Bracknell Forest Borough Local Plan (LP) and the Parking Standards, which notably seek to increase the safety of travel and require development proposals to provide an adequate level of off-street parking provision. By causing unacceptable harm to highway safety, the proposal would also fail to accord with paragraph 109 of the National Planning Policy Framework (the Framework)."

9.34 The planning history of the site is relevant in terms of parking provision.

1. 00/00781/OUT sought permission for the erection of one dwelling with detached garage. This application sought outline permission for the erection of a single dwelling with access from Winkfield Row and retained restaurant parking to accommodate 16 vehicles.

2. 01/00876/FUL Extensions to the restaurant which were approved but not implemented. This application included a parking layout showing 24 spaces. A condition was attached that these spaces should be laid out and made available for use.

9.35 The resulting position is a proposal for 21 spaces against the following background:

- A Parking Standards requirement for 24 spaces.
- Highways mark-up shows that 25 spaces can be achieved in the existing car park however this is unlikely to ever occur in practice.
- The accepted position by the Inspector that the current car park accommodated 22 cars.
- The Inspector concluded that 11 spaces was insufficient and represented a "significant reduction" in off-road parking spaces.
- Application 00/00781/OUT was refused on the basis of insufficient parking with 16 spaces.

9.36 The proposed restaurant parking is 1 space (4.5%) below the 22 spaces accepted as the current parking provision by the Inspector. It is 3 spaces (12.5%) below the Parking Standards SPD requirement of 24 spaces.

9.37 It is noted that demand for parking already exceeds available parking on-site, as identified within the appellant's appeal statement, on Friday evenings, Saturday and Sunday when demand exceeded the existing capacity by 11, 6 and 6 vehicles respectively.

9.38 It is also noted that many of the neighbouring properties on Winkfield Row do not have off-street parking and that overnight parking for these dwellings is likely to coincide with peak parking demand for the restaurant use. The further loss of between 1 and 3 spaces (depending upon the assessment made) would result in demand exceeding capacity by between 14 and 7 spaces at peak times.

9.39 No indication is given in the Inspector's report as to the level of parking for the restaurant which the Inspector would have found acceptable.

9.40 The test set out in paragraph 109 of the NPPF must be borne in mind. “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”. Nevertheless, the Highway Authority must act to maintain the safe and expedient operation of roads in its jurisdiction. Whilst it cannot be accepted that the proposed on-site car parking is now acceptable, being below Parking Standards SPD requirements in the knowledge that overspill parking is already occurring at peak times. The impact of the development on parking demand (for an additional 1 to 3 vehicles) has to be considered against the NPPF paragraph 109 test. In this instance it is difficult to say whether the additional parking overspill to cause an “unacceptable impact on highway safety”.

#### Refuse collection and Deliveries.

9.41 The swept path analysis indicates that a refuse vehicle would require the use of areas marked as parking in order to turn around and depart the site in a forward gear. The same type of manoeuvre is likely for large delivery vehicles. Accordingly, refuse collection and deliveries will need to be undertaken during time periods when the restaurant is not open to customers, when parking spaces are not in use. This can be controlled by a condition.

#### Conclusion

9.42 The Highway Authority cannot support the application, as it cannot accept definitively that the proposal on-site car parking is now acceptable, being below parking standards. Nevertheless, it is accepted that the scheme is one space below the number of spaces currently that can be accommodated upon the site as accepted at the appeal by the Inspector. As such it is difficult to argue that this impact would be considered ‘significant’ in the way that the Inspector considered the loss of 11 spaces within the appeal decision would be. Approval could ensure that the parking provision is maintained for the restaurant, which would be a benefit of the scheme. It should be noted that at present there is no requirement for the restaurant to provide parking.

### **vii. Bio-diversity**

9.43 The application was accompanied by a Preliminary Roost Assessment (PRA) dated March 2018 by Middlemarch Environmental, which considered the bat roost potential of the building and trees. The building had features capable of supporting roosting bats that could not be explored fully during the survey. The building was considered to be of high bat roost potential and the report included a recommendation for further survey work comprising three dusk emergence and/or dawn re-entry surveys to be carried out in accordance with good practice guidelines (BCT 2016) to determine if it supports bats. The trees were considered to be of low to negligible bat roost potential and therefore considered unlikely to support bats.

9.44 The findings of the Preliminary Bat Roost Assessment alone were not sufficient to allow the Local Authority to determine if bats will be affected by the proposals, and if present, the extent to which they would be affected. Accordingly, a dusk emergence and dawn re-entry survey report was requested and has now been submitted which confirms that no roosting bats were recorded emerging from or entering the building or trees assessed as having high potential to support roosting bats. The report made recommendations around lighting, habitat enhancement which have been incorporated into the recommended conditions.

9.45 As it has now been demonstrated that the proposal would not harm a protected species and bio-diversity gains can be secured by condition the application is considered to comply with policy CS1 of the CSDPD.

## **viii. Drainage**

9.46 To reduce the causes and impacts of flooding surface water drainage is a material consideration in the determination of applications. The surface water drainage element should incorporate SuDs and a condition will be imposed to secure this.

## **ix. Sustainability and Energy**

9.47 The NPPF outlines how the impacts of climate change and the delivery of renewable and low carbon energy and associated infrastructure is central to the economic, social and environmental dimensions of sustainable development. Para 153 of the Framework states that in determining planning applications, LPAs should expect new development to comply with adopted Local Plan policies on local requirements for decentralised energy supply, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

9.48 This application has been considered against the objectives of the NPPF and in the context of the Borough's energy and sustainability policies (set out below) which are considered to be consistent with the NPPF.

9.49 Policy CS10 of the Core Strategy requires the submission of a sustainability statement demonstrating how the proposals meet current best practice standards.

9.50 Policy CS12 of the Core Strategy requires the submission of an energy demand assessment demonstrating how the development's potential CO2 emissions will be reduced by at least 10% and how 20% of the development's energy requirements will be met from on-site renewables.

9.51 Whilst no specific details have been submitted, it is acknowledged that this could be overcome via condition if the application was recommended for approval.

## **x. Thames Basin Heaths Special Protection Area**

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

9.53 This site is located approximately 4.09 km from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

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

9.55 In this instance, the development would result in a net increase of a single 4 bedroom dwelling which results in a total SANG contribution of £6,838.

9.56 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 £807.

9.57 The total SPA related financial contribution for this proposal is £7,645. The applicant must agree to enter into a S106 agreement to secure this contribution and a restriction on the occupation of each dwelling until the Council has confirmed that open space enhancement works to a SANG is completed. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP Saved Policy NRM6, Saved policy EN3 of the BFBLP and CS14 of CSDPD, the Thames Basin Heaths Special Protection Area SPD, the Planning Obligations SPD and the NPPF.

9.58 An Appropriate Assessment has been carried out for this development in accordance with the Habitats Regulations 2017. Without any appropriate avoidance and mitigation measures the Appropriate Assessment concludes that the development is likely to have a significant effect upon the integrity of the SPA with the result that the Council would be required to refuse a planning application.

9.59 Provided that the applicant is prepared to make a financial contribution towards the costs of SPA avoidance and mitigation measures, the application will be in accordance with the SPA mitigation requirements as set out in the relevant policies above.

9.60 The Council is convinced, following consultation with Natural England, that the above measures will prevent an adverse effect on the integrity of the SPA. Pursuant to Article 6(3) of the Habitats Directive (Council Directive 92/43/EEC) and Regulation 63(5) of the Conservation of Habitats and Species Regulations (2017), and permission may be granted.

9.61 If the applicant does not agree with the above mitigation and enter into a Section 106 Agreement to secure the measures then the application must be refused. A monitoring fee of £480 is also required in addition to any other obligation fees.

#### **xi. Community Infrastructure Levy (CIL)**

9.62 Bracknell Forest Council has an adopted Community Infrastructure Levy (CIL). CIL is applied as a charge on each square meter of new development. The amount payable varies depending on the location of the development within the borough and the type of development.

9.63 CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted) including new build that involves the creation of additional dwellings.

9.64 In the event of planning permission being granted, a CIL Liability Notice (CLN) will be issued for the development.

### **10. CONCLUSIONS**

10.1 The application seeks planning permission for the erection of a detached two storey dwelling which would result in the loss of part of the car park which currently serves the Don Beni Restaurant.

10.2 The application site is within the settlement boundary defined by the Local Plan Policies Map and therefore acceptable in principle.

10.3 The proposal is considered acceptable in terms of the design, appearance, siting and scale and there are considered to be no adverse impacts on the character and appearance of the Winkfield Conservation Area.

10.4 The proposal would not have a detrimental impact upon the amenities of existing or future occupiers which would sustain a reason for refusal. The proposal is also acceptable in terms of impact upon trees.

10.5 Further bat surveys have demonstrated that the wooden outbuilding to be altered to form a car port is not a bat roost and therefore there would be no detrimental impact upon this protected species.

10.6 Whilst the proposal is considered acceptable in terms of off-street parking, access and trips for the proposed dwelling the remaining carparking for the restaurant does not meet the standard for off-street parking for a restaurant as defined by the Council's Parking SPD. The applicant can provide 21 spaces including one disabled space, whereas the Council's parking standard requires 24 spaces, and accordingly the proposal falls 3 short of this measure.

10.7 However, during the appeal against the council's refusal of the previous application for two dwellings, the Inspector accepted that the current site provides approximately 22 spaces based upon photos taken showing the carpark full. This is the existing situation and if 22 spaces were to be provided it would not be possible to demonstrate any loss of parking as a result of the proposal. Accordingly, this should be considered as the starting point. The proposal now being considered is therefore one less than the current capacity.

10.8 Paragraph 109 of the NPPF states "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". Officers are aware of the existing on-street parking capacity problems in the area, created by most properties not having off street parking. .

10.9 It is important therefore to assess whether the reduction in off-street parking by one space would result in an unacceptable impact on highway safety, and whether any benefits from the scheme outweigh any harm caused by it.

10.10 Approving the scheme would enable the Local Planning Authority to secure the parking in perpetuity. At present there is no requirement upon the restaurant to provide parking. The existing car park could therefore be turned into a garden or seating area for customers. In approving the proposal the Local Planning Authority would also be able to condition better surfacing and marking out of bays to ensure the area is used more efficiently. Whilst these are benefits, they are accorded limited weight as it is unlikely that the business would remove car parking for their clients.

10.11 Also, in favour of the application is the provision of a dwelling. Moderate weight would be attributed this aspect as although this is one of the key government priorities. However the weight of this benefit is reduced as the single dwelling proposed would have limited impact upon the overall housing supply.

10.12 In conclusion it is considered that, given the proposal is short of the accepted existing capacity by one parking space, the benefits of the scheme outweigh any harm and the proposal is therefore recommended for approval.

## 11. RECOMMENDATION

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

- Contribution towards mitigation against the impact upon the 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:-

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 shall be carried out in accordance with the following plans and details received by the Local Planning Authority:  
  
Location Plan P101  
Block Plan P102 Rev D  
Proposed ground floor plan P201 Rev D  
Proposed first floor plan P202 D  
Proposed Roof Plan P203 Rev D  
Plans and Elevations P204 Rev D  
  
REASON: To ensure that the development is carried out only as approved by the local Planning Authority.
03. No development other than works connected with the resurfacing and laying out of the carpark to the restaurant shall take place until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. These details shall include details of the brick type, colour, face, bond, mortar mix and pointing. The development shall be carried out in accordance with the approved details.  
REASON: In the interests of the visual amenities of the area and preserving the character and appearance of the Conservation Area.  
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]
04. No development other than works connected with the resurfacing and laying out of the carpark to the restaurant shall take place until details showing the finished floor levels of the dwelling and surrounding hard surfaces hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
REASON: In the interests of the character of the area.  
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]
05. No development other than works connected with the resurfacing and laying out of the carpark to the restaurant shall take place until, detailed elevation drawings, of all

new windows and doors at a minimum scale of 1:20 are submitted to and approved in writing by the Local Planning Authority. Details shall include materials, and any brick detailing over the openings. The proposal shall be constructed in accordance with the approved details.

REASON: To ensure a high quality of design to preserve the character and appearance of the conservation area.

[Relevant Policies: Core Strategy DPD CS1, CS7]

06. No development other than works connected with the resurfacing and laying out of the carpark to the restaurant shall take place until samples of the materials for the hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The proposal shall be implemented in accordance with the approved details and thereafter retained.  
REASON: To ensure a high quality of design to preserve the character and appearance of the conservation area.  
[Relevant Policies: Core Strategy DPD CS1, CS7]
07. 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.  
Each facility listed above shall be retained throughout the course of construction of the development, free from any impediment to its designated use. The approved scheme shall be performed, observed and complied with. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (e) above.  
REASON: In the interests of amenity and road safety.  
[Relevant Policies: Core Strategy DPD CS23, BFBLP M9]
08. The dwelling shall not be occupied until visibility splays of 2.0 metres by 2.0 metres have been provided at the junction of the driveway and the adjacent footway. The dimensions shall be measured along the edge of the drive and the back of the footway from their point of intersection. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the carriageway.  
REASON: In the interests of highway safety.  
[Relevant Policies: Core Strategy DPD CS23]
09. The dwelling shall not be occupied until the associated vehicle parking and turning space has been surfaced and provided in accordance with the approved plans (drawing number 1641/P201 revision. 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]
10. The car port 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 port, and no gate or door shall be erected to the front of the car port.

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

[Relevant Policy: BFBLP M9]

11. The dwelling shall not be occupied until 4 secure and covered cycle parking spaces have been provided in the location identified for cycle parking on the approved plans (drawing number 1641/P201 revision D) 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]
12. No gates shall be provided at the vehicular access to the dwelling with access from Chavey Down Road or the restaurant accessed from Winkfield Row.  
REASON: In the interests of highway safety.  
[Relevant Policies: Core Strategy DPD CS23]
13. The dwelling shall not be occupied until the footway along the Chavey Down Road frontage of the has been widened to at least 2m from the edge of carriageway, in accordance with a Section 278 agreement that has been completed with the Highway Authority.  
REASON: In the interests of accessibility and to facilitate access by pedestrians.  
[Relevant Policies: BFBLP M6, Core Strategy DPD CS23]
14. No development (other than the construction of the parking and turning space for the restaurant) shall take place until the parking spaces have been clearly marked out within the restaurant car park area of the site in accordance with the approved plan (drawing 1641/P102 revision D ) for 21 cars to be parked, vehicles to turn, and for the loading and unloading of refuse and delivery vehicles. The spaces shall not thereafter be used for any purpose other than parking for the restaurant.  
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]
15. Deliveries or refuse collection for the restaurant, or any subsequent land use on the restaurant site in perpetuity, using vehicles larger than 7.5 tonnes or exceeding 6m in length shall NOT be undertaken between the following time periods:  
(a) between 08:15 and 09:15 hours on a weekday;  
(b) between 15:00 and 17:00 hours on a weekday;  
(c) during the opening hours for the restaurant, or any subsequent land use on the restaurant site in perpetuity; or  
(d) within 30 minutes prior to the opening hours for the restaurant, or any subsequent land use on the restaurant site in perpetuity.  
REASON: To avoid deliveries or refuse collection coinciding with demand for parking within the restaurant car park, resulting in obstruction to turning space and causing refuse and delivery vehicles being unable to turn around and leave the site in a forward gear, which would be a danger to other road users.  
[Relevant Policies: Core Strategy DPD CS23]
16. Notwithstanding the approved plans, prior to the construction of the dwelling, details of the appearance and location of any fencing to be erected around the restaurant bin store shall be submitted to and approved in writing by the Local Planning

Authority. The boundary treatment shall be erected in accordance with the approved details prior to the first use of the car park, and thereafter retained.

REASON: In the interest of visual amenity and vehicle safety.

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

17. Tree protective fencing, in locations to be agreed in writing with the Local Planning Authority, shall be erected in accordance with the relevant British Standard 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.

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

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

18. The dwelling shall not be occupied until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule.

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

REASON: In the interests of good landscape design, bio-diversity enhancement, and the visual amenity of the area.

[Relevant Policies: BFBLP EN2 and EN20, CSDPD CS1 and CS7]

19. 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.

20. If more than 12 months elapse between the previous bat survey and the due commencement date of works, an updated bat survey shall be carried out by a suitably qualified ecologist, unless otherwise agreed in writing by the Local Planning Authority. A report confirming the results and implications of the assessment, including any revised mitigation measures, shall be submitted to the Local Planning Authority before construction works commence on site.

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

[Relevant Policies: BFBLP EN2 and EN20, CSDPD CS1 and CS7]

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

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

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

All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy, and these shall be maintained thereafter in accordance with the approved strategy. Under no circumstances should any other external lighting be installed.

REASON: In the interest of protecting bio-diversity.

[Relevant Policies: BFBLP EN2, Core Strategy DPD CS1]

22. No development shall commence on the dwelling house until a scheme for the provision of biodiversity enhancements (not mitigation), including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved prior to the first occupation.

REASON: In the interest of protecting bio-diversity.

[Relevant Policies: BFBLP EN2, Core Strategy DPD CS1]

In the event of the S106 planning obligations not being completed by 01.12.2020, the Head of Planning be authorised to extend this period or REFUSE the application on the grounds of:-

1. The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impacts in this respect. In the absence of a planning obligation to secure suitable avoidance and

mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and the Thames Basin Heaths Special Protection Area Supplementary Planning Document (2018).

### **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 commencement of ANY development:

- 07. Site organisation
- 17. Tree protection details

The following conditions require discharge prior to the commencement of the dwelling:

- 03. Materials
- 04. Finished Floor Level
- 05. Window Detail
- 06. Hard Landscaping
- 14. Marking out of the restaurant parking.
- 20. Updated Bat Survey.
- 22. Bio-diversity enhancements

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

- 08. Visibility splays
- 09. Turing and parking provided
- 16. Details of bin storage fencing
- 18. Soft landscaping
- 21. External Lighting Strategy

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

- 01. Time
- 02. Plans
- 10. Retention of car port
- 11. Provision of cycle store
- 12. No gates
- 13. Footpath widening
- 15. Delivery times
- 19. Drainage

04. Trees on and adjacent to this site are/may be protected by Tree Preservation Orders and/ or Conservation Area legislation. Written consent must/ may 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.

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**Unrestricted Report**

**ITEM NO: 07**

Application No.  
**20/00296/FUL**

Ward:  
Ascot

Date Registered:  
17 April 2020

Target Decision Date:  
12 June 2020

Site Address:

**Land Adjacent To Hill Rise 1 Heathway Ascot  
Berkshire SL5 8NX**

Proposal:

**Erection of 1 no. 4 bedroom detached dwelling following demolition of existing garage.**

Applicant:

Ms Michelle Sachs

Agent:

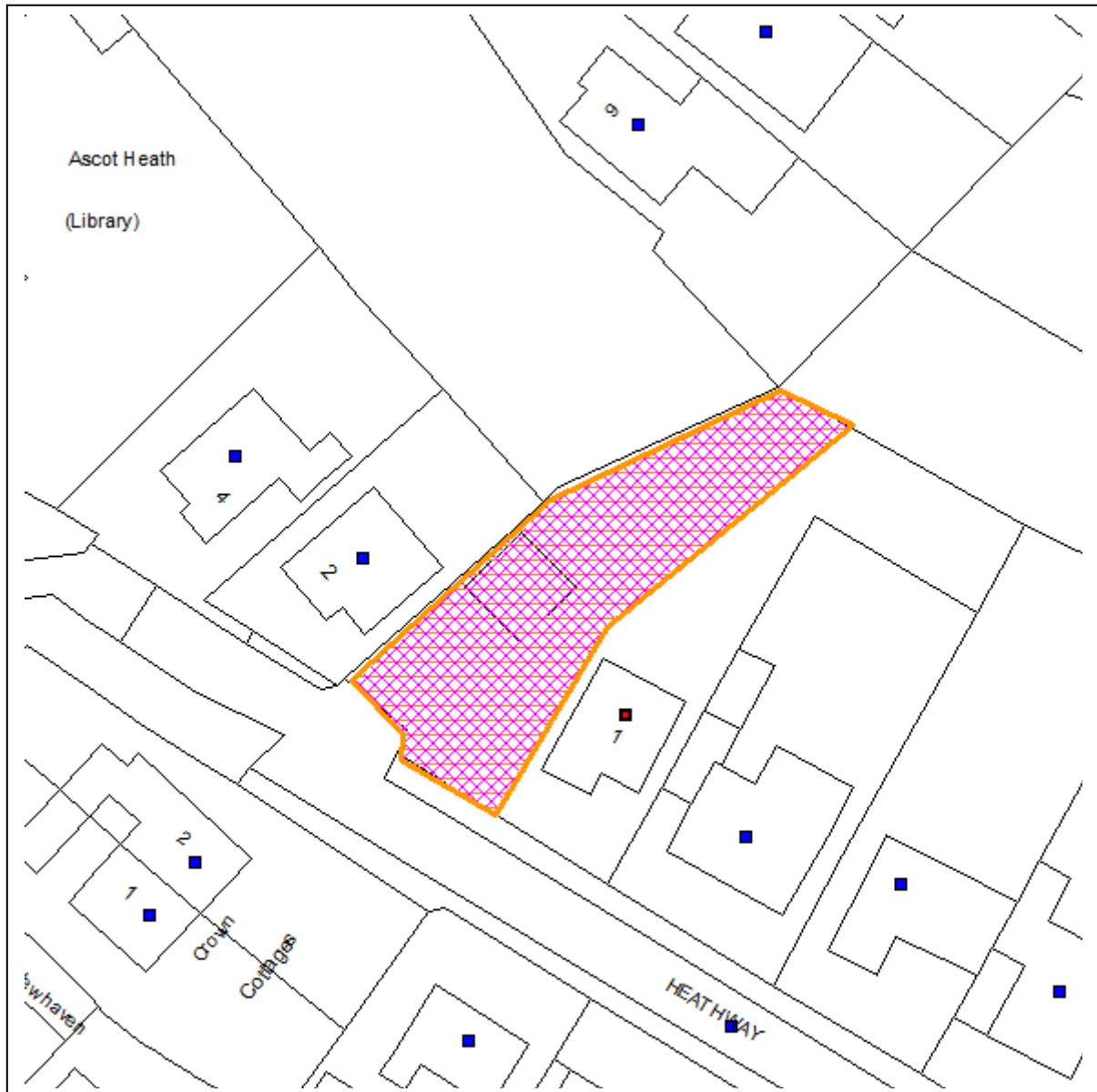
Paul Edwards Architecture

Case Officer:

Olivia Jones, 01344 352000

[Development.control@bracknell-forest.gov.uk](mailto:Development.control@bracknell-forest.gov.uk)

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



## 1. SUMMARY

- 1.1 The proposed development is for the erection of a detached dwelling to the side of Hill Rise following the demolition of the existing garage and outbuilding with associated parking and landscaping.
- 1.2 The proposed development relates to a site within the settlement boundary. It is not considered that the development would result in an adverse impact on the streetscene or the character and appearance of the area. The relationship with adjoining properties is acceptable and it is not considered that the development would result in an unacceptable impact on highway safety or trees, subject to conditions. Relevant conditions will be imposed in relation to sustainability. A Section 106 legal agreement will secure contributions for SPA mitigation and the scheme is CIL liable.

<b>RECOMMENDATION</b>
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Delegate to the Head of Planning to Approve the application subject to the conditions in Section 11 of this report and the completion of a Section 106 Agreement.
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## 2. REASON FOR REPORTING APPLICATION TO COMMITTEE

- 2.1 The application is reported to the Planning Committee as more than five objections have been received.

## 3. PLANNING STATUS AND SITE DESCRIPTION

<b>PLANNING STATUS</b>
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Within Defined Settlement
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Within 5km of the SPA
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TPO trees within and adjoining the site
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- 3.1 Heathway is a residential cul-de-sac that is accessed along King Edwards Road. Pedestrian access is available to Fernbank Road to the north west via School Lane. The existing site of Hill Rise consists of a detached two storey dwelling with an access onto Heathway in front of the dwelling and a second access to the north of the dwelling leading to a detached garage and outbuilding. The site is bordered to the sides by No.2 Heathway to the north west and No.3 Heathway to the south east, and to the rear by No.60a King Edwards Road.
- 3.2 The application site relates to the area of land to the north west side of the existing dwelling where a detached garage and outbuilding are currently located. The submitted location plan set out the application site edged in red and the remainder of the site that is within the ownership of the applicant edged in blue. The application site is set at an approximately 1m higher level than the site of the existing dwelling, and at an approximately 1.1m lower level than No.2 Heathway.
- 3.3 Planning permission was granted in 2019 for the erection of a 3-bedroom property on this site, following a resolution to approve by the Planning Committee in October 2018. This permission remains extant.
- 3.4 Trees within the garden sited towards the rear boundary are covered by an area Tree Preservation Order (TPO) reference TPO 374 and a birch tree within the rear garden of the neighbouring property at No.2 Heathway is protected by TPO 334A.



#### **4. RELEVANT SITE HISTORY**

4.1 Relevant planning history for the site is summarised as follows:

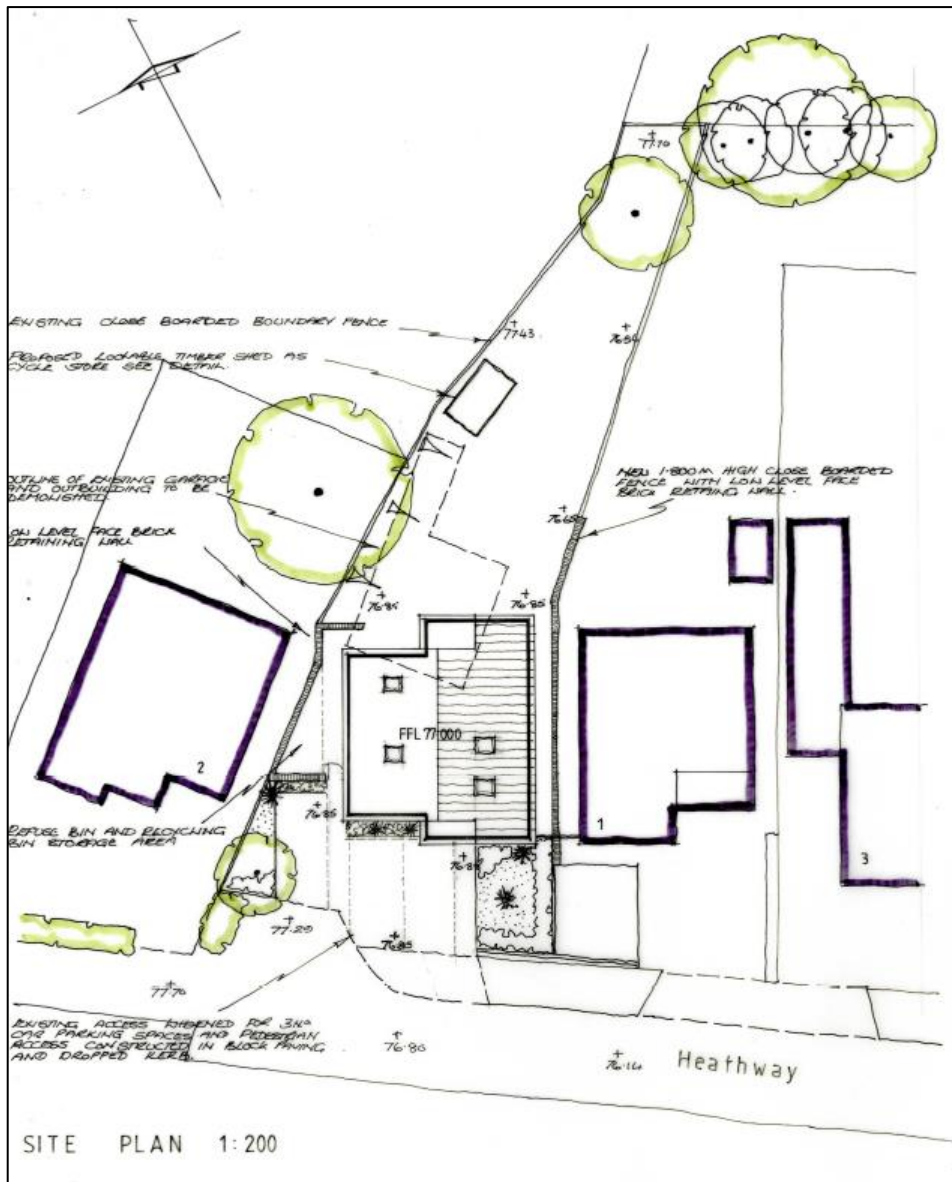
18/00538/FUL

Erection of a 3no. bed detached dwelling following the demolition of existing garage and outbuilding

Approved 2019

#### **5. THE PROPOSAL**

- 5.1 The proposed development is for the erection of a detached dwellinghouse on land to the side of Hill Rise, 1 Heathway following the demolition of an existing garage and outbuilding. The dwelling would have a maximum depth of approximately 10.25m, a maximum width of approximately 8.3m and a maximum height of approximately 9.2m. The dwelling would have a pitched roof design with gables projecting to the front and rear.
- 5.2 The dwelling would provide a living room, study and open plan kitchen/dining/family room at ground floor level with three bedrooms, an en suite and a bathroom being provided at first floor level and a fourth bedroom in the roof space.
- 5.3 The dwelling would be constructed adjacent to the side of the existing dwelling on land that is currently used as parking, with a driveway leading to a detached garage. As such, a vehicular access is provided in this location as existing. It is proposed to widen this access to provide three parking spaces. There is a driveway serving the existing dwelling located to the front of this property which would be retained.
- 5.4 A gap of 2m would remain between the new dwelling and the existing dwelling, with a 1m set off on either side. To the eastern boundary with No.2 Heathway the dwelling would be set 3.8m off the boundary at the front with the gap narrowing to 1.2m at the rear with a small retaining wall constructed between the two properties due to the levels difference. A bin storage area would be sited in this location. A shed for cycle storage with a height of 3m is proposed to the rear of the new dwelling, in a similar position to the existing outbuilding. A rear garden with a depth of approximately 22m would be provided for a new dwelling, with a large garden area remaining for the existing dwelling.
- 5.5 Compared to extant permission 18/00538/FUL, the proposal would have the same footprint. It would include a fourth bedroom in the loft space and would be approximately 1 metre taller. The approved scheme provided a dual pitched roof with one gable projection to the front and rear, the proposed dwelling would instead have an open gable ended roof with rooflights, with one gable projection to the front and rear. An additional driveway space would be provided to the front.



## 6. REPRESENTATIONS RECEIVED

### Winkfield Parish Council

- 6.1 No objection, however WPC observed that the proposal may result in an overdevelopment of the site resulting in a loss of amenity to neighbours, specifically with regard to parking issues.

### Other representations

- 6.2 Seven letters of objection were received in respect of the proposed development. The reasons for objection can be summarised as follows:
- The proposal would be a cramped overdevelopment of the site.
  - The dwelling would appear out of character with other properties in the street, and would be the only 3 storey dwelling on Heathway.
  - Insufficient parking provided.
  - Impact on highway safety due to additional traffic. There are already sufficient properties on this road.

- Impact on the amenities of neighbouring properties through loss of light, overlooking and view [Officer comment: The loss of a view is not a material planning consideration.]

## 7. SUMMARY OF CONSULTATION RESPONSES

### Highways Officer

7.1 No objection subject to planning conditions.

### Tree Officer

7.2 Conditional approval recommended on 18/00538/FUL [Officer Note: The proposed scheme would provide the same level of tree protection as approved scheme 18/00538/FUL and therefore re-consultation was not considered necessary.]

## 8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
General policies	CS1 & CS2 of CSDPD	consistent
Design and Character	CS7 of CSDPD, Saved policy EN20 of BFBLP	consistent
Residential Amenity	Saved policy EN20 of BFBLP	consistent
Highway Safety	CS23 of CSDPD, Saved policy M9 of BFBLP	consistent
Effect on Trees	CS7 of CSDPD, Saved policies EN1 and EN20 of BFBLP	consistent
Sustainability	CS10, CS12 of CSDPD	consistent
SPA	SEP Saved Policy NRM6, Saved policy EN3 of the BFBLP, CS14 of CSDPD	consistent
<b>Other publications</b>		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG), Design SPD, Parking Standards SPD, Thames Basin Heaths Special Protection Area SPD		

## 9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of the Development
  - ii. Impact on character and appearance of the area
  - iii. impact on residential amenity
  - iv. Transport implications
  - v. Effect on Trees
  - vi. Sustainability
  - vii. SPA
  - viii. Community Infrastructure Levy
- 
- i. Principle of the development

9.2 The site is located within a defined settlement as designated by the Bracknell Forest Borough Policies Map. Due to its location and nature, the proposal is considered to be acceptable in principle and in accordance with CSDPD CS1 (Sustainable Development), CS2 (Locational Principles) and the NPPF subject to no adverse impacts upon the character and appearance of the surrounding area, residential amenities of neighbouring properties, highway safety, trees etc. These matters are assessed below.

ii. Impact on the character and appearance of the area

9.3 The proposed dwelling would infill a gap between No.1 and No.2 Heathway and as such would be visible in the streetscene. As existing there is a gap of between 12m - 15m between the side elevation of No.1 Heathway and the boundary with No.2. At present this area consists of a driveway and detached garage serving the existing dwelling which is not considered to be 'open space' as it is part of the residential curtilage of the existing dwelling. As such the siting of a dwelling in this location would not result in a change of use, and the loss of this area is not considered unacceptable. Furthermore, the suitability of this site for a residential dwelling has been established under extant permission 18/00538/FUL.

9.4 The dwelling would be set off the side boundaries by a minimum of 1m and gaps of at least 2m would remain between buildings. It is considered that the gaps are sufficient for the proposal not to appear cramped and it is considered that there is sufficient space for the dwelling along with its parking and amenity areas to fit comfortably into the site. The spacing between the dwellings is considered acceptable and would not appear out of keeping with the pattern of development in this area. Furthermore, the proposal would be sited on the same footprint approved under 18/00538/FUL, and therefore the acceptability of the siting has been established.

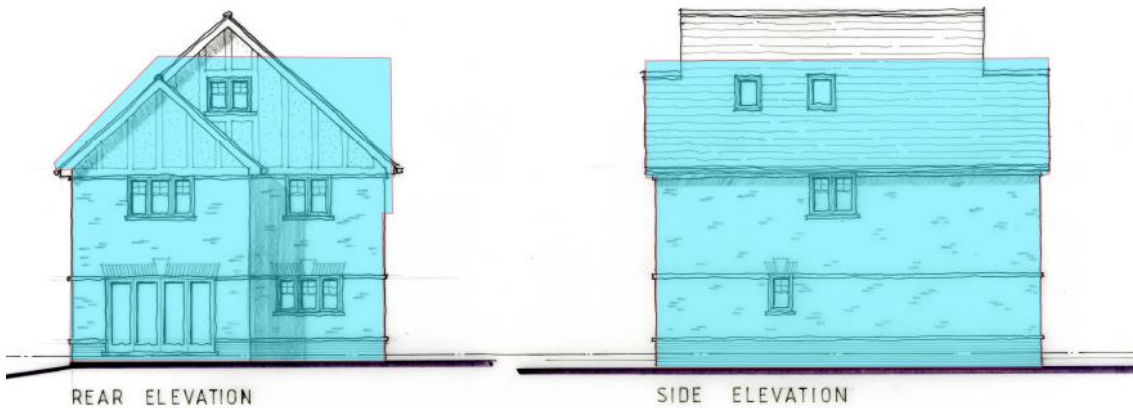
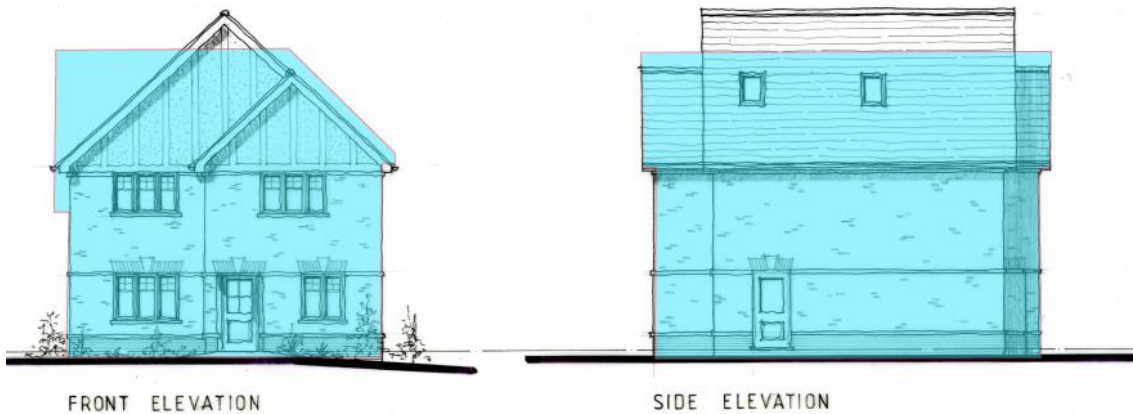
9.5 With regard to its design, the proposal to include gables to the front and rear which would incorporate features of existing dwellings on Heathway and as such would not appear out of keeping with the streetscene. The overall size of the dwelling is not considered excessive and its height would reflect the levels difference between the sites. While the proposed dwelling would be approximately 1m taller than the dwelling approved under 18/00538/FUL, it would remain at a higher level than No.1 Heathway and a lower level than No.2, being approximately 0.35m shorter than No.2.



9.6 The application proposes multi stock red facing brickwork to the walls and plain dark clay tiles to the roof as the primary materials. A variety of materials are used on the neighbouring dwellings on Heathway including red brick, yellow brick and white

render. Tiles tend to be dark clay tiles. As such it is considered that the proposed materials would be in keeping with the streetscene and shall be secured by condition.

- 9.7 The proposed floor levels are set out on the site plan and are considered acceptable. The only new boundary treatment is a 1.8m high close boarded fence with a low level brick retaining wall which is acceptable. These elements shall be secured by condition. In respect of the site frontage, soft landscaping areas are proposed which would break up the hard standing parking areas and this is considered acceptable. The bin storage area and cycle shed would have minimal impact on the character of the area.
- 9.8 There are a number of considerations within the Council's Design SPD that are relevant to this proposal. The SPD states that the design of built form should be specific to the location and that building heights should respond to existing heights and degree of variation in height in the local context. The design of roofs and elevation should relate well to the local context and materials should have a clear role in the design. It is not considered that the design of the proposed dwelling would be contrary to the recommendations of the Design SPD.
- 9.9 Finally, consideration must be given to the extant planning permission 18/00538/FUL. This permission can be implemented within the next two years and is therefore a viable fall-back position for the applicants and is a material planning consideration. The following plans show the extension applied for (black and white plans) compared with the approved extension (blue polygon).



9.10 As such it is not considered that the proposed development would result in an adverse impact on the character and appearance of the area. It would therefore not be contrary to CSDPD Policy CS7, BFBLP 'Saved' Policy EN20 or the NPPF.

iii. Impact on residential amenity

9.11 The proposed dwelling would project less than 1m beyond the rear elevations of the two neighbouring dwellings at No.1 and No.2 Heathway. Such a rear projection would not result in an unacceptable loss of light to the rear facing windows of either property, or an unduly overbearing effect on the private amenity area to the rear of either property.

9.12 There are no side facing windows facing towards the application site at No.2 Heathway that would be affected. Three side facing windows at No.1 Heathway faced towards the site that could be affected. The ground floor windows serve a living room and family/dining room both of which are also served by front or rear facing windows which are considered the primary source of light to the room. The first-floor window serves a bathroom and is therefore not classed as habitable accommodation. As such a loss of light to these windows would not warrant refusal of the application.

9.13 Side facing rooflights are proposed, however these will be high level and therefore would not be considered to enable adverse overlooking. This would be secured by condition. A side facing window would face towards No.1 however this would serve a staircase which is not a habitable room. A condition will be imposed to ensure that this window is glazed with obscure glass and fixed shut below 1.7m from internal floor level to ensure no overlooking. A further condition will restrict first floor windows in the side elevations.

9.14 Considering the location of the bin storage area, it is common for such areas to be located to the side of dwellings. It is not considered that the use of this area as bin storage for a single family dwellinghouse would result in such an unacceptable level of disturbance that refusal of the application would be warranted. In any case the location of the bin storage area is not adjacent to any side facing windows or private amenity areas at No.2 Heathway. The cycle shed would not be located adjacent to the boundary with the neighbouring property and as such would have minimal impact.

9.15 The proposal would ensure sufficient amenity areas are provided for both the existing and proposed dwellings, and as such would provide an acceptable level of amenity for future occupiers of these properties.

9.16 It is therefore not considered that the development would result in a detrimental effect on residential amenity. It would therefore not be contrary to BFBLP 'Saved' Policy EN20 or the NPPF.

iv. Transport implications

9.17 A 4-bedroom dwelling is proposed. The proposed Site Plan (drawing ref 2545 / Dwg. 03) shows three parking spaces, to comply with the Parking Standards SPD, March 2016, along with a pedestrian path to the front door of the new dwelling, and rear access for rear bin storage and cycle parking.

9.18A wider dropped kerb for the new dwelling will need to be implemented for the southern 2 car parking spaces. The northern car parking space abuts an existing access onto a turning-head.

9.19As such the proposed development would not result in an adverse impact on parking provision or highway safety. The proposal would not be contrary to CSDPD Policy CS23, BFBLP 'Saved' Policy M9 or the NPPF.

v. Effect on Trees

9.20Trees to the north of the site, some of which are within the rear garden of the property, are protected by TPO 374 however these trees are not in a location that could be readily affected by construction.

9.21The birch tree to the west (T19 of TPO 334A) within the adjoining property of No.2 Heathway, overhangs the application site and the proposed construction zone. However, the new dwelling would not significantly encroach into the Root Protection Area (RPA) of the tree. As existing the site where the dwelling would be located includes a garage and driveway, whereas to the north, west and east of the tree are softer garden and wooded areas. As such the site of the new dwelling is not considered to be the primary rooting area of the tree it is therefore considered that only a minor part of its RPA would be affected.

9.22The application has been accompanied by an Arboricultural Impact Assessment which was assessed by the Tree Service during the consideration of 18/00538/FUL. It is comprehensive and judged to be accurate and representative of the issues affecting the trees. The proposed protective fencing is acceptable, as is the method statement to demolish the existing garage building adjacent to the birch. A retaining wall to be built between the two properties is acceptable. The recommendations of the AIA, such as protective fencing and the method statement, shall be secured by condition.

9.23No bedroom windows would face directly towards the tree. As such the tree would not overshadow habitable windows which would lead to pressure to prune. Although the new dwelling would somewhat obscure views of the tree from Heathway, the loss of a view is not a material planning consideration. It has been demonstrated to the satisfaction of the Local Planning Authority that there would be no adverse impact on the health of the tree subject to the measures outlined in the AIA. The proposal would therefore not be contrary to BFBLP 'Saved' Policies EN1 and EN20 or the NPPF.

vi. Sustainability

9.24CSDPD Policy CS10 requires the submission of a Sustainability Statement demonstrating how the proposals meet current best practice standards for water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day. No such statement has been submitted, therefore a condition is recommended requiring the submission of a Sustainability Statement prior to the occupation of the development in accordance with CSDPD Policy CS10 and the NPPF.

9.25CSDPD Policy CS12 requires the submission of an Energy Demand Assessment demonstrating how 10% of the development's energy requirements will be met from on-site renewable energy generation. An Energy Demand Assessment has been

submitted which is considered acceptable, and the recommendations will be secured by planning condition.

vii. SPA

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

9.27 This site is located approximately 4.3 km from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

9.28 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.

9.29 In this instance, the development would result in a net increase of a single 4-bedroom dwelling which results in a total SANG contribution of £6,838.

9.30 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 £807.

9.31 The total SPA related financial contribution for this proposal is £7,645. The applicant has agreed to enter into a S106 agreement to secure this contribution and a restriction on the occupation of each dwelling until the Council has confirmed that open space enhancement works to a SANG is completed. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA.

viii. Community Infrastructure Levy

9.32 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.

9.33 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 development involves a net increase in dwellings and as such is CIL liable.



## 10. CONCLUSIONS

10.1 The proposed development relates to a site within the settlement boundary and is therefore acceptable in principle. It would not adversely affect the character and appearance of the surrounding residential area or the residential amenities of neighbouring properties. It is not considered that the development would result in an adverse impact on highway safety or protected trees, subject to conditions.

## 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:

- 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 20/00296/FUL subject to the following conditions amended, added to or deleted as the Head of Planning considered 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:

- Floor Plans (01) – Received 17<sup>th</sup> April 2020
- Elevations (02) – Received 17<sup>th</sup> April 2020
- Site Plan (03) – Received 17<sup>th</sup> April 2020
- Block Plan (04) – Received 17<sup>th</sup> April 2020
- Arboricultural Impact Assessment & Method Statement – Received 17<sup>th</sup> April 2020
- Energy Demand Assessment – Received 7<sup>th</sup> May 2020
- Proposed Materials – Received 24<sup>th</sup> June 2020

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

3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those outlined on the approved Proposed Materials.

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

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

4) The development shall be carried out in accordance with the finished floor levels as set out on the approved Site Plan (03).

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

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

5) The development shall be carried out in accordance with the scheme of means of enclosure set out on the approved Site Plan (03).

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

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

- 6) The development shall be carried out in accordance with the soft landscaping details set out on the approved Site Plan (03).

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

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

[Relevant Policies: BFBLP EN20, CSDPD CS7]

- 7) The first floor staircase window in the south east facing side elevation of the dwelling hereby permitted shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass or equivalent. It shall at all times be fixed shut below 1.7m from the internal floor level.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

- 8) No part of the rooflights on the development hereby permitted shall be positioned lower than 1.7 metres above the finished floor of the room in which the rooflights are installed.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

- 9) 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 side elevations of the dwelling hereby permitted except for any which may be shown on the approved drawings.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

- 10) No part of the dwelling shall be occupied until a plan showing the means of vehicular access, with dropped kerbs serving each of the parking spaces, has been submitted to, and agreed in writing by, the Local Planning Authority. The means of access shall be implemented prior to occupation of the new dwelling and retained as such thereafter.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

- 11) The dwelling shall not be occupied until the associated vehicle parking has been surfaced and provided in accordance with the approved Site Plan (03). 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]
- 12) The dwelling shall not be occupied until 4 secure and covered cycle parking spaces have been provided in the location identified for cycle parking on the approved Site Plan (03). The cycle parking spaces and facilities shall thereafter be retained.  
REASON: In the interests of accessibility of the development to cyclists.  
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
- 13) The tree/ vegetation protection measures shall be undertaken in accordance with the approved Arboricultural Impact Assessment & Method Statement.  
REASON: In order to safeguard trees considered to be worthy of retention in the interests of the visual amenity of the area.  
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]
- 14) No part of the dwelling shall 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]
- 15) The dwelling shall be constructed in accordance with the approved Energy Demand 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) The development shall incorporate surface water drainage that is SuDS compliant and in accordance with DEFRA "Sustainable Drainage Systems - Non-statutory technical standards for sustainable drainage systems" (March 2015). It shall be operated and maintained as such thereafter.  
REASON: To prevent increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage scheme.  
[Relevant Policies: CSDPD CS1, BFBLP EN25]

Informative(s):

- 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) 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. Finished floor levels
5. Means of enclosure
6. Landscaping
7. First floor side window
8. Rooflights
9. Future side windows
11. Vehicular parking
12. Cycle parking
13. Tree protection
15. Energy demand assessment
16. SuDS

The applicant is advised that the following conditions require discharging prior to the occupation of development:

10. Vehicular access
  15. Sustainability Statement
- 3) This planning permission does not grant consent for a dropped kerb. The applicant should note that the Bracknell Forest Council's Transport and Highways Team should be contacted at the Place, Planning and Regeneration Department, Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 352000, to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks notice to obtain details of underground services on the applicant's behalf.

**In the event of the S106 agreement not being completed by 17<sup>th</sup> December 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.

**Unrestricted Report**

**ITEM NO: 08**

Application No.  
**20/00185/FUL**

Site Address:

Ward:  
College Town

Date Registered:  
6 March 2020

Target Decision Date:  
5 June 2020

**Waitrose 390 Yorktown Road College Town  
Sandhurst Berkshire GU47 0HL**

Proposal: **Proposed external alterations and amendments to site layout in association with a proposed foodstore**

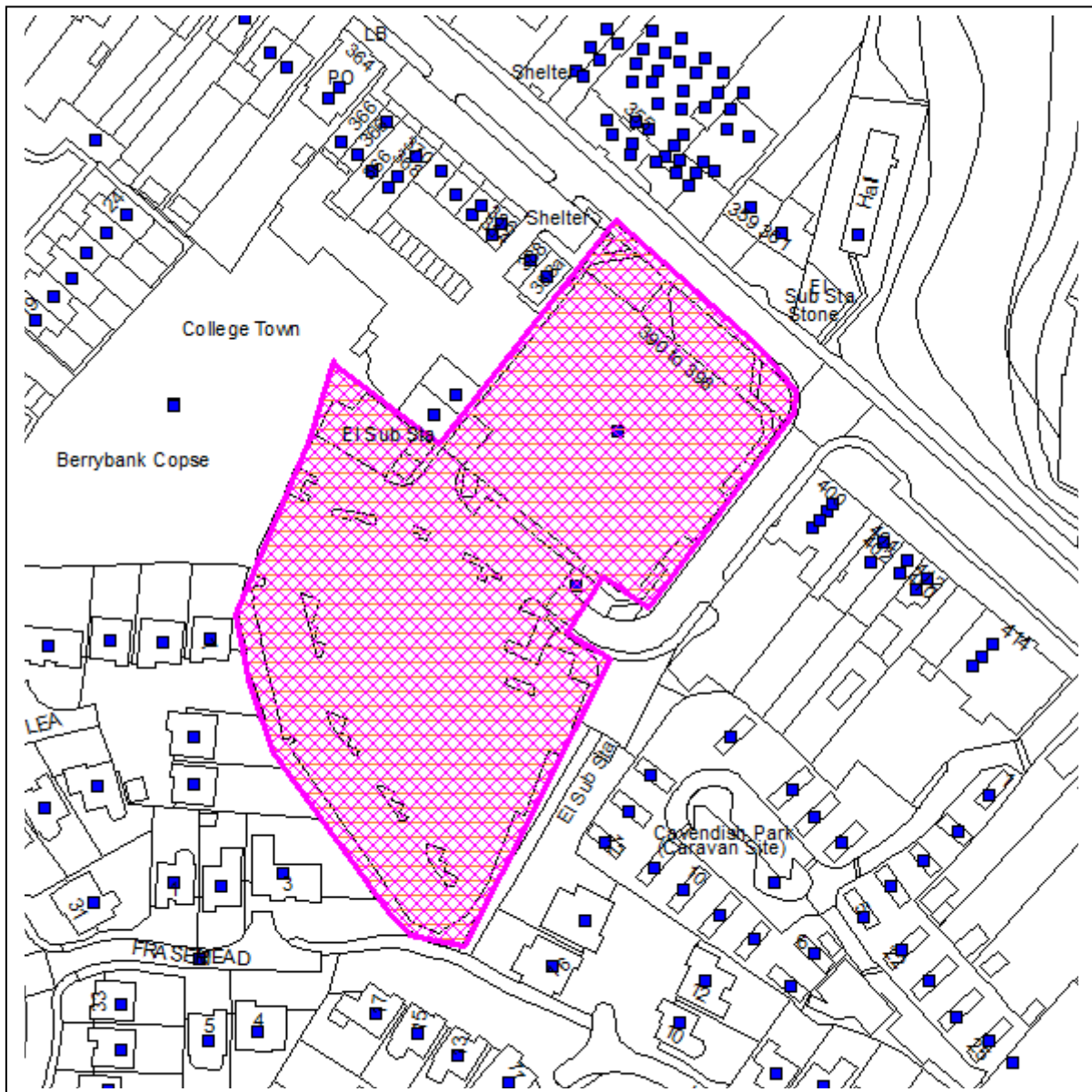
Applicant: Aldi Foodstores Limited

Agent: Miss Emily Roberts

Case Officer: Alys Tatum, 01344 352000

[Development.control@bracknell-forest.gov.uk](mailto:Development.control@bracknell-forest.gov.uk)

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



## **OFFICER REPORT**

### **1. SUMMARY**

1.1 The proposed development relates to a site within the settlement boundary and within a local shopping parade and is therefore acceptable in principle.

1.2 The proposal would not adversely impact upon the character and appearance of the surrounding area. The proposal would not adversely affect the residential amenities of neighbouring residential units. There would be no adverse highway safety implications.

1.3 Relevant conditions will be imposed. The scheme is not CIL liable.

<b>RECOMMENDATION</b>
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Planning permission be granted subject to the conditions in Section 11 of this report
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### **2. REASON FOR REPORTING APPLICATION TO COMMITTEE**

2.1 The application has been reported to the Planning Committee at the request of Councillor Dudley due to concerns relating to parking provision.

### **3. PLANNING STATUS AND SITE DESCRIPTION**

<b>PLANNING STATUS</b>
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Within a defined settlement boundary
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Within local shopping parade of Yorktown Road (College Town)
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3.1 The proposal site is located to the south west of Yorktown Road and currently comprise of an A1 unit, previously occupied by Waitrose. Parking to serve the existing A1 use is located to the south west of the unit.

3.2 The site is situated within the settlement boundary of Sandhurst and forms part of the local parade within the small retail centre as identified under policy CS21 of the CSDPD.

### **4. RELEVANT SITE HISTORY**

4.1 The most recent applications relating to the site are:

20/00202/FUL – Change of use of part of the existing A1 retail unit, to D2 gym use. Pending consideration.

09/01089/A – Display of non-illuminated directional signs within the car park area. Approved 24.04.2009

08/00205/FUL – Installation of roller shutters. Approved 02.05.2008

07/01240/FUL – Retrospective application for the siting of 2 no. ambient storage units. Approved 22.01.2008

07/1017/A – Display of illuminated and non-illuminated wall mounted and free-standing signage. 19.12.3007

07/01016/FUL – Alterations to emergency exits and main entrance. Installation of ATM and air conditioning units. Approved 10.12.2007

03/00675/FUL – Section 73 application to allow for the deliveries between 0700 hrs and 2030hrs Mondays to Fridays, 0730 hrs to 1930 hrs Saturdays and Bank Holidays and 0900 hrs to 1200hrs Sundays without compliance 1 of planning permission 624293 (current permitted hours are 0700 to 1930 Mondays to Fridays (not Bank Holidays), 0730-1930 on Saturdays and Bank Holidays and 0930-1130 on Sundays). Withdrawn 26.02.2004

02/00675/FUL - Section 73 application to allow for deliveries between 0700 and 2030 Mondays to Fridays, 0730 and 1930 Saturdays and Bank Holidays and 0930 and 1200 on Sundays without compliance with condition 1 of planning permission 624293 (current permitted hours are 0700 to 1930 Mondays to Fridays (not Bank Holidays), 0730-1930 on Saturdays and Bank Holidays and 0930-1130 on Sundays). Part PD removed. Approved 24.10.2003

02/00027/FUL - Section 73 application to allow service yard to be used for storage purposes without compliance with condition 11 of planning permission 608527. Withdrawn 01.03.2002

624293 – Section 73 application to allow goods deliveries to the store between 0700 and 1930 hours Mondays to Fridays, between 0730 and 1930 hours on Saturdays and between 0930 and 1600 hours on Sundays. Approved 01.01.1999

623041 - ADVERT Upgrading of existing signage comprising display of 2 no. internally illuminated name signs (max. height of letters 760mm) and 1 no. internally illuminated box sign on building a. Approved 05.11.1997

620102 - Installation of 1.8m diameter roof mounted satellite antenna for the purpose of two-way data communications. Approval 27.09.1994

611374 – For the provision of an additional 16 spaces one existing car parking. Approved 28.07.1987

608527 – Construction of new supermarket with car parking to the rear and loading/unloading bay. Approved 04.04.1984.

607397 – Application for erection of 29,000 sq ft of supermarket and ancillary works. (outline). Refusal 21.01.1983

607250 - Demolition of existing building and erection of retail supermarket with ancillary storage and car parking and construction of access. Approval 17.05.1983

607239 - Dem of existing buildings and erection of supermarket with ancillary offices and storage with access road and car park. Refusal 01.01.1982

## **5. THE PROPOSAL**

5.1 Full planning permission is sought for proposed external alterations and amendments to site layout in association with a proposed foodstore. The changes are required to accommodate a change in tenant who is proposing to operate from a subdivided area, measuring 1,232sqm of the original store footprint. The change of use of the other subdivided unit, measuring 625sqm has been applied for under a separate planning application, reference 20/00202/FUL.

5.2 The amendments to the site layout include:

- Adjustment to car park layout to facilitate HGV deliveries to the store including removal of 2 no. planting beds and trees,
- Reduction in parking numbers from 189 to 177 spaces,
- New external trolley bay,
- Removal of external generator enclosure; and
- Formation of new loading ramp.

5.3 The amendments to the elevations include:

- New external lobby to the store measuring 19.5sqm,
- New shopfront to car park area including canopy above,
- Removal of mansard roof above new shopfront and introduction of new flat panel cladding; and
- New louvres to north east and north west elevation.

5.4 The submitted drawings include the proposed signage, however, all details of proposed signage will be dealt with via a separate advertisement consent application.

5.5 It should be noted that the proposed retailer could occupy the existing site without the need to apply for planning permission as the current use of the site is A1 retail. This application for external alterations and amendments to site layout are proposed to accommodate the needs to the potential new tenant.

## **6. REPRESENTATIONS RECEIVED**

### Sandhurst Town Council

6.1 No comments received.

### Other Representations

6.2 3 objections have been received from neighbouring properties. The concerns raised can be summarised as follows:

- Disturbance during construction,
- Disturbance by delivery lorries,
- Objection to a gym in the store,
- Parking provision,
- Active frontage should be provided on to Yorktown Road.

## **7. SUMMARY OF CONSULTATIONS RESPONSES**

### Highways Officer

7.1 The Highway Authority has raised concern and requested amendments to the application which include the inclusion of the surrounding pedestrian routes in the red outline of the site, separate parking for the retail and proposed gym, a barrier to close the car park when not in use, alterations to the proposed layout to provide a pedestrian/cycle link, and lighting for the pedestrian routes.

### Environmental Health



7.2 No objection.

## 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:

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CS1 & CS2 of CSDPD E5 and E11 of the BFBLP SA13 of SALp	Consistent Policy E5 and SA13 not afforded full weight as not entirely consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Amenity	'Saved' policy EN20 and 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
<b>Supplementary Planning Documents (SPD)</b>		
Design SPD		
Parking standards SPD		
<b>Other publications</b>		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		

## 9. PLANNING CONSIDERATIONS

9.1 The key issues for considerations are:

- i. Principle of development
- ii. Impact on the character and appearance of surrounding area
- iii. Impact on residential amenity
- iv. Impact on highway safety
- v. Community Infrastructure Levy (CIL)
- vi. 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 (para. 2).

9.3 SALP Policy CP1 refers to the presumption in favour of sustainable development as outlined within the National Planning Policy Framework (NPPF). SALP Policy CP1 states

that the Council will act proactively and positively with applicants to seek solutions which mean that proposals can be approved wherever possible, and to improve the economic, social and environmental conditions within the area. Planning applications that accord with the policies in the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise.

9.4 Policy CS1 of the CSDPD sets out a number of sustainable development principles including making efficient use of land and buildings where it protects the character and quality of local landscapes. This is consistent with the NPPF and as such can be afforded full weight.

9.5 Policy CS2 of the CSDPD states that development will be permitted within defined settlements and on allocated sites. Development that is consistent with the character, accessibility and provision of infrastructure and services within that settlement will be permitted, unless material considerations indicate otherwise.

9.6 Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. It states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 85 of the NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

9.7 Yorktown Road, College Town, Sandhurst is identified under policy E5 of the CSDPD as a local parade and states that development proposals should generally be consistent with the role of the centre having regard to the hierarchy of shopping centres. Whilst the NPPF excludes local parades from the definition of Town Centres, it should be noted here that in order to be consistent with the NPPF and to prevent development that would undermine the function of this shopping centre, emerging local plan policy is re-designating this shopping centre as a local centre to fit within the NPPF's definition of a town centre. This is so that the centre can be considered against policies in the NPPF ensuring vitality of town centres. As the NPPF has changed the way that town centres are defined, policies SA13 of the SALP and E5 of the BFBLP cannot be afforded full weight.

9.8 The local centre currently provides a wide variety of services and historically has suffered from low vacancy rates; therefore, it is considered to be a centre in 'good health'. Prior to the closure of Waitrose, the 20 units included A1: 10 (50% of total), A2: 1 (5%), A3: 1 (5%), A5: 4 (20%) D2:1 (5%), Sui Gen:1 (5%), and vacant unit: 2 (10%).

9.9. The existing A1 use would be retained and therefore the proposal would not result in a material reduction in the centre's A1 retail offering. As such, the proposal is acceptable in principle subject to no adverse impact on highway safety, character of the area and neighbouring amenities which will be assessed as follows.

#### ii) Impact on Character and Appearance of Surrounding Area

9.10 '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.

9.11 The alterations proposed to the external appearance of the building are not considered to be harmful to the character of the area. The appearance of the building when viewed from Yorktown Road would not be materially altered as the majority of the alterations are proposed on the shop front which is not visible from the street scene of Yorktown Road. The proposed alterations are not considered to be obtrusive and would not appear out of character within this local shopping parade.

9.12 The alterations to the site layout would result in the removal of two existing trees and two planting bays to facilitate the improved delivery area. The trees proposed to be removed are not subject to a Tree Preservation Order and neither the trees or the planting bays are considered to have a significant contribution to the character of the area and as such there would be no objection to their removal. The existing trees and landscaped areas situated along the boundaries of the site would be retained.

9.13 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

9.14 '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.

9.15 Policy EN25 of the BFBLP states that development will not be permitted if it would generate unacceptable levels of noise, smoke, gases, fumes, effluent, vibration, dust or other environmental pollution which would adversely affect the amenities of the occupiers of building, or persons using outdoor space.

9.16 The building itself does not adjoin any residential units however there are residential units surrounding the site. It is not considered that the proposed alterations to the unit and to the site layout would have any greater impact on the amenities of these neighbouring dwellings when compared to the existing situation on site.

9.17 A lighting strategy has been submitted with the application and the Environmental Health Team has confirmed that, following a comparison of the isolux contour modelling with maps, the levels are within guideline post curfew levels appropriate to the character of the area at the façade of neighbouring properties. They therefore raise no objection to the lighting scheme submitted.

9.18 In the letters of objections, neighbours have raised concern regarding the opening hours and the hours of delivery. As the site is an existing A1 use, the opening hours and hours of delivery that were agreed when the A1 use was initially approved on this site will apply. Having reviewed the planning history of the site, under planning permission reference 608527, there does not appear to be any restrictions on the opening hours of the site. It would not be possible to condition these under the current application as the site is an existing A1 use and could operate as such without the need to apply for any planning permission. The delivery hours are however conditioned, under planning permission 02/00675/FUL, to be carried out between the hours of 07.00-20.30 Mondays to Fridays, 07.30-19.30 Saturdays and Bank Holidays and 09.30-12.00 on Sundays.

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

#### iv) Impact on Highways Safety

9.20 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.

9.21 The existing car park serving the A1 unit has 189 spaces. The proposed alterations to the site layout would result in a reduction of 12 spaces, bringing the total number of spaces to 177. The retail unit has a floorspace of 1,232sqm which, in accordance with the Parking Standards SPD, would require 72 spaces (1:17sqm). Even with the loss of 12 spaces, there would be sufficient spaces to serve the existing A1 use. The Highway Authority has raised concern that some of the spaces on site are substandard in length however these are existing spaces which do not appear to have impacted on the operation of the site previously.

9.22 The car park is also proposed to serve the new unit which is a result of the subdivision. Whilst the change of use of this section of the building to D2 gym is being considered under a separate application, whether sufficient parking is provided to serve the proposed retail unit along with the proposed D2 use is a material planning consideration. Based on a floorspace of 646sqm, the proposed D2 use would be required to provide 30 parking spaces (1:22sqm). Combined with the parking requirement of 75 spaces for the remaining A1 unit, a total of 102 spaces would be required. The remaining 177 parking spaces would therefore be sufficient to serve both the existing retail use and the proposed D2 use combined. The remaining 75 surplus spaces would be available to serve the wider function in terms of providing parking for the neighbouring shopping parade as well.

9.23 20 cycle parking spaces will also be provided on site which would be sufficient to accommodate both the existing retail use and the proposed D2 use as they have a combined total requirement of 19 cycle parking spaces in accordance with the Parking Standard SPD.

9.24 No alterations are proposed to the vehicular or pedestrian access to the site. The Highway Authority have requested that the pedestrian routes to the site are included in the red outline on the location plan so that conditions ensuring free and unobstructed access along these routes can be included. The Highway Authority have also requested that amendments are made to the site layout to improve the pedestrian link. Advice was sought from the Legal Section on this matter in which they confirmed that the Council cannot make the applicant change the red line of the application unless it agrees to do so, especially if no works are proposed on the relevant area. Furthermore, the car park is privately owned meaning that the Council cannot insist on a wider pedestrian access if there are no highway safety reasons for doing so. In this case, the site is already in A1 use and has been operating as such for many years and to reiterate, this application is to amend the layout to suit the needs of the new potential occupier. The site therefore could continue to be used as A1 with the existing layout without needing to apply for any amendments.

9.25 The agent has clarified that the existing barrier at the entrance of the site would not be retained as the car park would need to be kept open after closing to provide access to staff to service the A1 unit as well as to allow use of the car park to serve the D2 use. The

Highways Authority have requested that the parking for the A1 and D2 use is separated and that the barrier is retained to close off the carpark for the A1 use outside of opening hours as they have concerns regarding anti-social behaviour occurring at the site. Firstly, whilst there is an existing barrier, there is no evidence to show that this was previously being used to close off the car park. Furthermore, the Environmental Health Team has confirmed that they have no record of any complaints being made to them regarding anti-social behaviour occurring on the site. It is not therefore considered reasonable to insist that the barrier to the site is retained as there is no highway safety reason to support this request.

9.26 Based on the above, the proposed change of use is not considered to result in highway safety issues and therefore complies with 'Saved' Policy M9 of the BFBLP, Policy CS23 of the Core Strategy, and the NPPF.

vi) Community Infrastructure Levy (CIL)

9.27 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.

9.28 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 not therefore CIL liable as no new floorspace is proposed.

## **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 EN5, 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.

## **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 06.03.2020 and 13.05.2020:

Proposed site plan (demolition), drawing no 2906 COR 110 Rev G

Proposed site plan, drawing no 2906 COR 111 Rev G

Proposed ground floor plan, drawing no 2906 COR 112 Rev B

Proposed first floor plan, drawing no 2906 COR 113

Proposed elevations, drawing no 2906 COR 115 Rev C

Proposed elevations (demolition), drawing no 2906 COR 114 Rev B

Proposed roof plan, drawing no 2906 COR 116 Rev A

Proposed lighting strategy, drawing no P186-449-A

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

#### 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. 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. The applicant is reminded that the delivery hours of the site should comply with those approved under planning permission 02/00675/FUL.
4. This permission does not cover the approval of any new signage that might be outlined in the approved plans. Separate Advertisement Consent will be required for these.

**Unrestricted Report**

**ITEM NO: 09**

Application No.  
**20/00249/FUL**

Ward:  
Winkfield And  
Cranbourne

Date Registered:  
15 April 2020

Target Decision Date:  
10 June 2020

Site Address:

**Tally Ho Farm Shop Crouch Lane Winkfield Windsor  
Berkshire SL4 4RZ**

Proposal:

**Erection of a single storey building for use as a cafe.**

Applicant:

Mrs Julia Thomas

Agent:

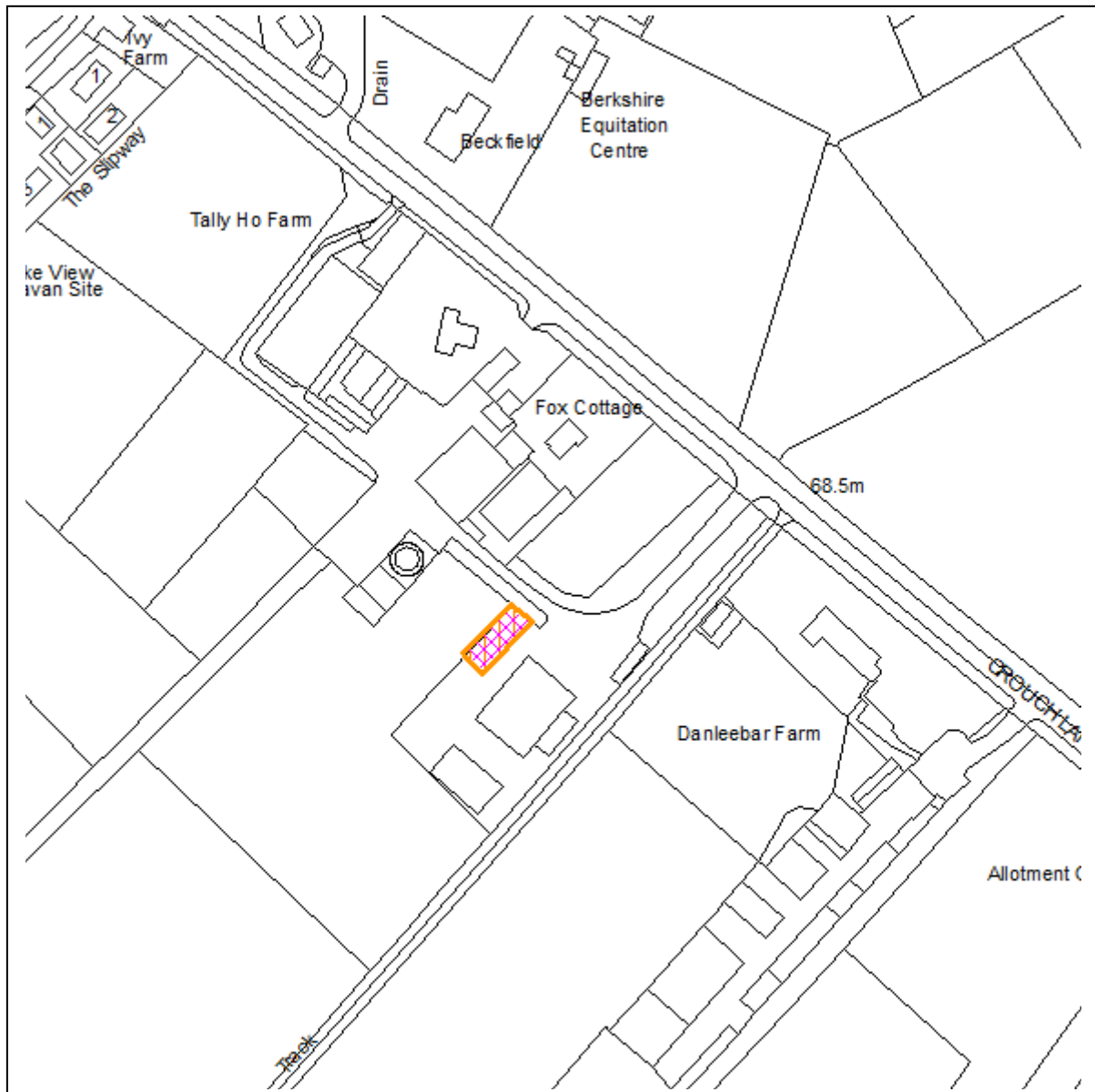
Mrs Fiona Jones

Case Officer:

Sarah Horwood, 01344 352000

[Development.control@bracknell-forest.gov.uk](mailto:Development.control@bracknell-forest.gov.uk)

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



## **OFFICER REPORT**

### **1. SUMMARY**

1.1 The erection of a new building for use as a café constitutes inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It has been suggested by the applicant that the proposal is not inappropriate development, but this case is not accepted. A case has also been put forward with the application that there are very special circumstances. However, the case put forward is not considered to amount to very special circumstances or to outweigh the harm to the Green Belt by inappropriateness.

1.2 The development would not result in an adverse impact on the amenities of the neighbouring occupants, character of the area or highway safety. However, this does not outweigh the harm to the Green Belt by reason of its inappropriateness.

<b>RECOMMENDATION</b>
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Planning permission be refused in line with the reason in Section 11 of this report
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### **2. REASON FOR REPORTING APPLICATION TO COMMITTEE**

2.1 The application has been reported to the Planning Committee at the request of Councillor Virgo who is supportive of the proposed rural business.

### **3. PLANNING STATUS AND SITE DESCRIPTION**

<b>PLANNING STATUS</b>
------------------------

Land within the Green Belt
----------------------------

3.1 The site comprises part of Tally Ho Farm which is sited to the south of the highway on Crouch Lane. The application site comprises a tack shop, a barn and associated parking and turning area.

3.2 Within the wider landholding is a residential dwelling known as Fox Cottage, stables and other associated equestrian paraphernalia and fields.

### **4. RELEVANT SITE HISTORY**

4.1 There is an extensive planning history relating to the wider site, including applications for stables and equestrian development. There is also an existing tack shop operating on site, approved by permission 619619 - retrospective application for relocation of farmshop from building 2 to building 8A.

4.2 The most recent application for Tally Ho Farm is: 12/00878/FUL approved for the erection of 43 no. stables/foaling boxes and associated tack room/feed stores, ménage with fencing and hay barn following demolition of existing 51 no. stables, feed stores and hay barn.

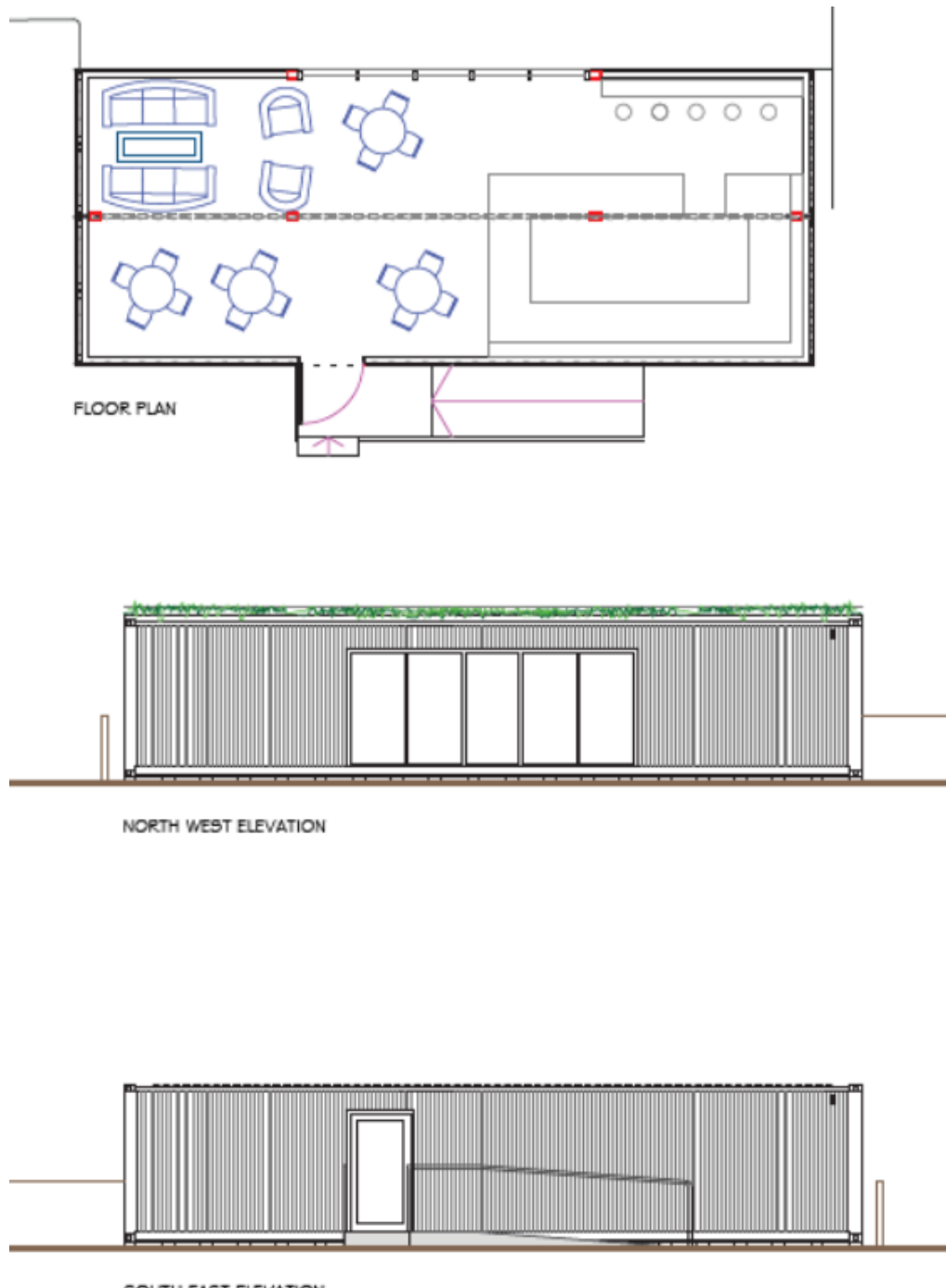


## 5. THE PROPOSAL

5.1 Full permission is sought for the erection of a single storey building at Tally Ho Farm for use as a café selling hot drinks and cold food.

5.2 The proposed building would be 12m wide x 5m long, with a height of 2.9m. It would take the form of a green metal structure with a sedum roof and would be sited on an area of existing hardstanding. The proposed building would comprise doors and glazing, with the addition of an access ramp and step on the front elevation.

**Floor plan and some of the elevations showing the sedum roof, access ramp and steps**



5.3 According to the planning statement submitted with the application, the proposed café would support local agricultural workers, equestrians, polo players, grooms, local residents and shoppers who visit Tally Ho tack shop. It would provide a 'grab and go' service for local workers to eat off-site. The proposed café would operate between 09.00 hours and 17.00 hours Monday to Saturday and 10.00 hours and 16.00 hours Sundays, employing 3 full-time and 2 part-time staff.

5.4 The application form states that the proposed café would constitute an A1 use. The proposed floor plan shows the building would have seating areas with tables and chairs for people to have the option to eat at the premises and there is also a counter assumed to be for the serving of sandwiches and hot and cold drinks. The floor layout submitted shows that the majority of the floorspace would be given over to seating areas for consumption on the premises, although it is noted that the applicant refers to the café providing a 'grab and go' service. The building could be classed as a mixed A1/A3 use, or more an A3 use based on the floorspace given over to tables and chairs to encourage people to eat at the premises.

5.5 For clarification, the application as applied for is for the erection of a new, permanent building. Case law has established that structures can be buildings as opposed to chattels (simply placed on the land) based on three primary factors: size, permanence and degree of attachment to the ground. Whilst the building may have some element of the appearance of a shipping container when viewed side on, the front and rear elevations would comprise glazing, along with the addition of an access ramp and steps on the front elevation. A sedum green roof is also proposed. These factors would all indicate permanence and that the building could not be moved around the site without having to demolish or remove the access ramp and steps and remove all connected utilities (indicating physical attachment). Due to these factors, along with the size of the structure (it would be 12m x 5m), and its sheer weight due to its size, these factors all indicate the structure is a building. Accordingly, the application will be assessed as such.

## **6. REPRESENTATIONS RECEIVED**

### Winkfield Parish Council

6.1 The Parish Council made the following observation on the application: WPC supports rural business growth and has no objection to the application provided it is in compliance with Green Belt legislation.

### Other representations

6.2 58no. letters of support received (some from the same postal addresses). In summary, the comments support the provision of a café on site.

## **7. SUMMARY OF CONSULTATION RESPONSES**

### Highways Officer

7.1 No objection subject to conditions.

## **8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION**

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

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CS1 and CS2 of CSDPD	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Green Belt	CS9 of CSDPD, Saved Policy GB1 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
<b>Supplementary Planning Documents (SPD)</b>		
Design SPD		
Parking standards SPD		
<b>Other publications</b>		
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. Community Infrastructure Levy (CIL)

### i. Principle of development

9.1 The site is located in the Green Belt as designated by the Bracknell Forest Policies Maps (2013).

9.2 The following policies are therefore of relevance:

9.3 Section 13 of the NPPF (2019) refers to protecting Green Belt land.

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:

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

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do 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 development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

146. 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 Policy CS9: Development on Land Outside Settlements:

"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:

Saved Policy GB1: Building in the Green Belt

Sets out 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:

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

9.9 In addition to the Green Belt policies, paras 83 and 84 of the NPPF refer to supporting a prosperous rural economy.

Para 83 states: Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;

Para 84 goes onto state: Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.

9.10 As the site is located within the Green Belt, the policy considerations are:

1. Whether the proposed development constitutes appropriate development in the Green Belt;
2. The effect of the proposal on the openness of the Green Belt.

#### Whether the proposal constitutes appropriate development in the Green Belt

9.11 The proposal would result in the erection of a new building for either a mixed A1/A3 use, or more an A3 use at the site.

9.12 The planning statement submitted with the application states that the café would be associated with the existing tack shop and would be “used in connection with the existing use of land for those involved with outdoor sport (polo) and outdoor recreation (walking, horse riding, cycling) as well as those working on the farm and local farmers and should therefore be considered appropriate development within the Green Belt”. It goes onto state that the café would constitute appropriate development in the Green Belt under para 145 b) of the NPPF as it would provide appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport or outdoor recreation.

9.13 The red line of the application site as shown on the location and block plan submitted with the application encompasses land which includes a vehicular access and access road, the existing tack shop, a parking area and a barn. Within the wider ownership of the site is a dwelling, stables and open fields. There are equestrian uses on the site, along with agricultural uses based on the planning history of the site.

9.14 The proposed café building would not be considered to provide a facility connected to outdoor sport or outdoor recreation (nor cemeteries and burial grounds and allotments) as stated at para 145 b) of the NPPF. The recreational uses referred to in the planning statement are uses which occur outside of the site and not just exclusively within the wider land ownership of this site (where there are lawful agricultural and equestrian uses). The application site depicted by the red line includes the tack shop, a barn and parking and therefore these are not outdoor sport or recreational uses.

9.15 Further, the case of the applicant is that the café would also be associated with the existing tack shop. However, the café would be a physically detached building separate to the existing tack shop. It would also be in a different use class to the existing tack shop with the café classed as either a mixed A1/A3 use or an A3 use. The planning statement refers to the proposed café supporting local agricultural workers, equestrians, polo players, grooms, local residents and shoppers who visit Tally Ho tack shop, so therefore it would not be used exclusively by visitors to the tack shop, but would be aimed at attracting passing trade, local rural workers and local residents. This is corroborated by the significant numbers of letters of support for the application.

9.16 The erection of new buildings for use as either mixed A1/A3 use or A3 use is not listed as development that is appropriate in the Green Belt. In principle, the proposal is therefore considered to constitute inappropriate development in the Green Belt. In accordance with para 143 of the NPPF, inappropriate development is, by definition, harmful to the Green Belt. Para 144 goes on to state that substantial weight should be given to harm to the Green Belt.

9.17 Whilst the Local Planning Authority consider the proposal to be for the erection of a new building for the reasons outlined at para 5.5 of this report, if the proposal were considered to be for the siting of a modular building which constituted a change of use of land, this would also be considered inappropriate development in the Green Belt. Para 146 d) allows for changes of use of land (such as for outdoor sport or recreation, cemeteries and burial grounds. However, the siting of a building for either mixed A1/A3 use or A3 use would not be appropriate in the Green Belt and would harm openness.

#### Effect on openness

9.18 The NPPF states that openness is one of the essential characteristics of the Green Belt. Openness is generally considered to be the absence of built development.

9.19 The proposal is for a new building in the Green Belt. This would harm the openness of the Green Belt, albeit on a localised level but it would still result in the erection of a new building where one currently does not exist.

9.20 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (VSCs). A 'Very Special Circumstances Case' has been put forward as part of the application which is considered below.

#### Very special circumstances case

9.21 The planning statement puts forward the following VSCs case:

- 1) There are no other cafes/eateries in the local area so the agricultural and equestrian community have to drive 5 miles away to either Ascot or Windsor to buy food and drink.
- 2) The development would support local polo players, agricultural workers, equestrian community (800 during peak polo season), cycling community, ramblers, shoppers at the Tally Ho tack shop (50-100 customers per day depending on the season)
- 3) It would encourage others to make sustainable travel choices in the interests of reducing car trips to the local towns and thus promoting wellbeing. The 800 polo personnel who move to the local area for the summer months (6 months of the year) would be able to walk from the local polo grounds or drive a much shorter distance.
- 4) It would enhance the local economy within BFBC rather than these users supporting cafes within the Royal Borough of Windsor and Maidenhead in Ascot or Windsor.
- 5) The very special circumstances are unique to this site because of the combination of the farm shop setting, its relationship with the nearby farms and polo grounds and the

benefit to the immediate surrounding local community which is devoid of eating establishments.

9.22 In response to the VSCs listed above:

- 1) The VSC of there being no other cafes/eateries in the local area is not accepted in principle. The fundamental characteristic of Green Belt is its openness, and it includes extensive areas of countryside within which a significant density of cafes would not be expected. The lack of such facilities is therefore what would be expected in much of the Green Belt and is not relevant as a VSC. The evidence provided in support of this VSC has also been found to be incorrect. There is a café at the Royal Berkshire Fishery on North Street which is less than 1 mile from Tally Ho Farm as the crow flies. There is also a café at Oaktree Nursery, Bracknell Road, Maidens Green which is 1.2 miles away as the crow flies. It is apparent that despite the site being located in a rural Green Belt area, there are already 2 facilities within an approximate 1.2 mile radius from which food and drink could be purchased.
- 2) It is acknowledged that the café could appeal to a range of visitors, however the café would have a localised benefit to those either visiting the tack shop or living or working locally, for example.
- 3) The location of the café at the site could reduce some car trips from the area, due to the location of the site. However, it is likely that there would still be a reliance on private car to travel to the site. It is acknowledged that local farm workers, equestrians and local residents could walk to the site, however there are no footpaths or street lighting columns which run the whole length of Crouch Lane so it would not be attractive for all users to walk to site, therefore some reliance on private car journeys would be expected.
- 4) The proposed café would have some economic benefit, generating income and providing employment. However, such benefits would be very small-scale and localised, given the location of the café building and then it would be 60sqm in floor area.
- 5) It is acknowledged that the proposed café would be sited close to the existing tack shop and the site is in a rural area where there is an active agricultural and equestrian community. Para 83 of the NPPF relates to supporting a prosperous rural economy. However, this does not outweigh that the café as proposed is inappropriate development in principle in the Green Belt. It is also noted that there could be alternative solutions to provide a café on site that could be appropriate to the Green Belt setting of the site (these are discussed below).

It is also noted that the provision of a café anywhere in the locality would achieve all the claimed VSCs apart from catering for those already using the existing tack shop on site. This further demonstrates that these are not very special circumstances applying only to this application site.

9.23 The applicant's case for VSC is further undermined by the lack of evidence of any attempt to explore alternative means of providing a café on-site that would not constitute inappropriate development, either through a pre-application enquiry or within the supporting planning statement. The applicant could provide a café on site that could be considered appropriate development in the Green Belt (subject to other material planning considerations). Para 145 c) of the NPPF permits 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. Alternatively, para 146 d) of the NPPF supports the re-use of buildings where they are of permanent and of substantial construction so there could also be an option to change part of the existing building where the tack shop operates from or part of an existing barn to the rear of the tack shop to use as a café. Such alternatives would require

the submission of a new application to be considered on their own merits, however these alternatives could overcome the in-principle objection to the current proposal.

9.24 In conclusion, a new building for use as either mixed A1/A3 use or A3 use is not listed as development that is appropriate in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para 144 of the NPPF states that substantial weight should be given to any harm to the Green Belt. The proposed building would have an adverse impact on the openness of the Green Belt by introducing a new building where one currently does not exist.

9.25 The VSC case put forward with the application does not withstand scrutiny and is not considered to outweigh the harm to the Green Belt by reason of inappropriateness. As such, the development is in principle contrary to Saved Policy GB1 of the BFBLP, CS9 of the CSDPD and Section 13 of the NPPF. The remainder of this report will consider whether there are any other material considerations which indicate that this application should not be refused as being contrary to the development plan. These matters are discussed below.

## **ii. Residential amenity**

9.26 The proposed building would be in excess of 70m from the closest adjoining buildings outside of the ownership of the site. In view of these separation distances, along with the modest height of the building, it would not appear visually prominent to adjoining buildings.

9.27 The proposed use of the building as a café would result in increased vehicular movements to and from the site if the café attracted workers from the surrounding area, local residents and passers-by for example. However, due to the separation distances to adjoining dwellings and the proposed operational hours of the café, it is not considered that this would result in increased levels of noise and disturbance that would be harmful to adjoining residential dwellings.

9.28 As such, the proposal would not be considered to affect the residential amenities of neighbouring properties in accordance with Saved Policy EN20 of the BFBLP and the NPPF.

## **iii. Impact on character and appearance of the area**

9.29 The proposed building would be sited some 90m from the highway on Crouch Lane at the closest point. Due to the setback of the building from the highway, its positioning within the application site, its design and modest height at under 3m, it would not appear readily visible from the public highway.

9.30 The proposed building would comprise a green coloured metal finish with sedum roof which would be appropriate to the rural character of the area.

9.31 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**

9.32 Crouch Lane is ancient highway and the assumed highway boundary is the roadside edge of a ditch or fence/wall on the site boundary. The overall site takes access from Crouch



Lane circa 80m from the proposed café building location and the existing access onto the adopted highway network is considered to be acceptable for the proposed development.

#### Parking

9.33 A plan showing proposed car and cycle parking for the existing retail use and proposed café is requested. The number of spaces should be compliant with the Parking Standards SPD, March 2016, for both A1 retail and A3 café uses. The space sizes should accord with the SPD (minimum 2.4m x 4.8m) and turning depth should accord with paragraph 8.3.51 and Figure 8.18 of Manual for Streets.

[Officer comment: there is a large parking and turning area on site to accommodate parking for both uses. A plan has been requested from the agent to address this].

9.34 Subject to the provision of a parking plan, the proposal would not result in highway implications and would be in accordance with Saved Policy M9 of the BFBLP, CS23 of the CSDPD and the NPPF.

### **v. Community Infrastructure Levy (CIL)**

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

9.36 CIL applies to any new build (except outline applications and some reserved matters applications) including those that involves 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. The application site lies within the zone of Northern Parishes.

9.37 The proposal is not CIL chargeable.

## **10. CONCLUSION**

10.1 The proposal constitutes inappropriate development in the Green Belt and would result in some loss of openness through the erection of a new building. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

10.2 The proposal would not result in adverse impacts to the residential amenities of neighbouring properties or the character of the area. It is also acknowledged that 58 letters of support have been received (and no objections).

10.3 Para 144 of the NPPF states that substantial weight should be given to any harm to the Green Belt. The very special circumstances case put forward is not accepted and is not considered to outweigh the harm to the Green Belt by inappropriateness. The factors outlined above (no adverse impact to residential amenity or character of area and support comments) are neutral considerations and as such do not outweigh the identified harm. The proposal would therefore be inappropriate development in the Green Belt and harm the openness of the Green Belt. Very special circumstances have not been demonstrated to outweigh the harm to the Green Belt by reason of inappropriateness.

10.4 The development is therefore contrary to 'Saved' Policy GB1 and EN20 of the Bracknell Forest Borough Local Plan, Policy CS1, CS2 and CS9 of the CSDPD, and the NPPF.

10.5 The application is therefore recommended for refusal.

## 11. RECOMMENDATION

11.1 That the application be **REFUSED** for the following reason:

The proposal is considered to be inappropriate development within the Green Belt. There are no very special circumstances which outweigh the harm to the Green Belt by reason of inappropriateness. The proposed development is therefore contrary to Policy CS9 of the Core Strategy Development Plan Document, 'Saved' Policy GB1 of the Bracknell Forest Borough Local Plan and the National Planning Policy Framework.



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