

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 11 February 2021, 6.30 - 9.30 pm
Online Only - via Teams



Agenda

Item	Description	Page
1.	Apologies for Absence	
	To receive apologies for absence.	
2.	Minutes	5 - 24
	To approve as a correct record the minutes of the meeting of the Committee held on 21 January 2021.	
3.	Declarations of Interest	
	<p>Members are asked to declare any disclosable pecuniary or affected interests in respect of any matter to be considered at this meeting.</p> <p>Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Disclosable Pecuniary Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days.</p> <p>Any Member with an Affected Interest in a matter must disclose the interest to the meeting. There is no requirement to withdraw from the meeting when the interest is only an affected interest, but the Monitoring Officer should be notified of the interest, if not previously notified of it, within 28 days of the meeting.</p>	
4.	Urgent Items of Business	
	Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.	

Planning Applications

(Head of Planning)

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.	PS 19/00497/FUL Land North Of Herschel Grange, Warfield Street, Warfield	29 - 180
	Erection of 33 dwellings (including 10 affordable dwellings), with car parking, landscaping, open space and access from Herschel Grange, following demolition of 6 Herschel Grange.	
6.	PS 20/00698/FUL Waitrose, 390 Yorktown Road, College Town	181 - 190
	Section 73 application to vary delivery hours imposed under Condition 1 of planning permission 624293 and 02/00675/FUL	
7.	20/00031/COND 28 Meadow Way, Bracknell, Berkshire	191 - 200
	Details pursuant to Condition 03 (Materials), Condition 04 (Slab Levels), Condition 08 (Landscaping), Condition 09 (Boundary Treatments), Condition 10 (Sustainability Statement), Condition 17 (Site Organisation) and Condition 23 (Services) of planning permission 17/00929/FUL.	
8.	20/00722/FUL 42 Walsh Avenue, Warfield, Bracknell	201 - 212
	Erection of first floor side extension and single storey rear extension following demolition of existing conservatory.	
9.	20/00918/FUL Erin Lodge, Jigs Lane, South Warfield	213 - 218
	Erection of single storey rear extension	
10.	20/01061/RTD Calfridus Way Playing Fields, Calfridus Way, Bracknell	219 - 232
	Installation of 1 no. 25m high column, with 3 no. antennas, 2 no. 0.6m dishes, 2 no. ground-based equipment cabinets, and ancillary development enclosed by a 8.0m x 6.0m compound within 2.1m high palisade fence.	
11.	21/00020/PAC Countrywide House, 28 Wellington Business, Park Dukes Ride	233 - 240
	Prior approval change of use from B1 (office) to C3 (residential) to create 6 No. dwellings.	

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
21 JANUARY 2021
6.30 - 9.01 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, Gibson and Mrs Temperton

69. Minutes

RESOLVED that the minutes of the meeting of the Committee held on 17 December 2020 be approved as a correct record and signed by the Chairman.

70. Declarations of Interest

Councillor Gbadebo declared that he lived near agenda item 5 , 20/00573/FUL Land South Of Allotment Gardens and East Of Downshire Driving Range but had no prior involvement with the item.

71. Urgent Items of Business

Pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman notified the Committee that he had agreed that Confirmation of Tree Preservation Order – TPO 1339 - Land at 33 Isis Way, Bracknell, GU47 9RB would be heard as an urgent item of business.

72. PS 20/00573/FUL Land South Of Allotment Gardens and East Of Downshire Driving Range, South Road, Wokingham, Berkshire

Erection of new gymnastics centre with associated car parking, cycle storage, access and landscaping

The Committee noted:

- The supplementary report tabled at the meeting.
- That Bracknell Town Council recommended refusal.
- A total of 1237 representations had been received. 320 of these representations were in support of the application, with the remaining objecting to the application.
- A petition objecting to the proposal had been received containing 22 signatures.
- The representations from 2 public speakers who joined the meeting.

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

01. The proposed development would be situated on land outside of a defined settlement and the site has not been allocated in the Site Allocations Local

Plan. It would have an adverse impact on the character, appearance and function of this land as open space of public value and it has not been demonstrated to the satisfaction of the Local Planning Authority that there are no suitable preferable locations, including within a town centre or edge of town centre location. The proposed location has therefore not been justified, and the proposal is contrary to policies CS1, CS2, and CS9 of CSDPD, policies EN8 and R7 of the BFBLP, and the NPPF.

- 02 The proposal would result in the loss of existing open space at Great Hollands Recreational Park which is not proposed to be replaced. Whilst alternative sports and recreational provision is proposed, it has not been demonstrated that the benefits of the proposed development would clearly outweigh the loss of the current use. As outlined in the Bracknell Forest Open Space and Sports Study (August 2017), the site clearly serves its purpose as an open space that provides for sports and recreation. The proposal is therefore contrary to policy CS8 of CSDPD, 'Saved' policy EN8 of the BFBLP, policy EV3 of the Bracknell Town Neighbourhood Plan and the NPPF.
03. The proposed development, by virtue of its proposed scale, siting and prominence, as well as the loss of the existing trees subject to a TPO, would have a harmful urbanising impact on the character and appearance of this outside of settlement/countryside location, and would be contrary to 'Saved' policies EN8 and EN20 of the BFBLP, Policies CS7 and CS9 of CSDPD and the NPPF, which seek to protect the character and appearance of land situated outside of a settlement.
04. The application would require the removal of significant number of trees within a woodland area protected by TPOs which would result in loss of woodland priority habitat in conflict with the purposes of its conservation as a Habitat of Principal Importance under the NERC Act 2006. This would also result in a reduction of green infrastructure that would reduce the resilience of the ecological network at this location. The proposal is therefore contrary to policies EN1, EN3, EN8 & EN20 of the BFBLP and contrary to the NPPF.
05. The application does not demonstrate that it would achieve protection and long term conservation of Species of Principal Importance that are also protected species in line with the NERC Act 2006, Standing Advice from Natural England, saved BFBLP policy EN1 and CSDPD policies CS1 and CS7.
06. The application does not demonstrate that it would protect or achieve net gain for biodiversity in line with the NPPF, CSDPD policies CS1 and CS7.
07. The proposal, by reason of inadequate access, inadequate provisions for the efficient delivery of goods and access by service and emergency vehicles and inadequate parking, would give rise to highway safety issues and over-spill parking which would be contrary to policy M9 of the BFBLP and the NPPF.
08. The application fails to secure a Travel Plan which is required for a development of this scale, contrary to CSDPD policy CS23 supported by the paras. 108 and 111 of the NPPF and the Planning Obligations SPD
73. **19/00327/FUL Land At South West Of Abbey Place, Abbey Place, Warfield, Bracknell, Berkshire**
Erection of 9 dwellings with associated access, parking and landscaping.

The Committee noted:

- The supplementary report tabled at the meeting.
- Warfield Parish Councils objection to the application as detailed in the agenda papers.
- 3 additional representations had been received as result of the additional consultation of properties to the west of the site.
- That one comment of support had been received.
- Three additional objections received, as detailed in the supplementary report.

Following the completion of planning obligations secured by an agreement, under Section 106 of the Town and Country Planning Act 1990, relating to:

- The construction of affordable housing and an off-site contribution towards affordable housing.
- The construction of the pedestrian and cycle access within the site, and a financial contribution for the delivery of the section within the Redrow site to the west.
- A permissive right through the development by foot or bicycle.
- A contribution towards the ICT fit out of the Warfield West Primary School
- A financial contribution towards the Warfield Community Hub and new Neighbourhood Centre.
- A financial contribution for off-site open space provision to be used towards Priory Fields and/or the Warfield Memorial Ground Playing Field.
- The provision and long-term maintenance of sustainable drainage (SuDs).
- The Thames Basins Heaths SPA mitigation – Suitable Alternative Natural Greenspace (SANG) and contribution towards Strategic Access Management and Monitoring (SAMM).

RESOLVED that the Head of Planning be authorised to **APPROVE** the application subject to the following conditions amended, added to or deleted as the Head of Planning considers necessary and following the required consultation with the applicant in relation to pre-commencement conditions:

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

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

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

Block Plan AP-BP- 01 Site Layout AB-SL_9U-01C - Rec. 26.5.2020
Site Layout Coloured - AB-CSL_9U- 01 - Rec. 12.6.2020
Plot 1 - Plans and Elevations AB-PE_9U - 01 - Rec. 7.8.2020
Plot 2 - Plans and Elevations AB-PE_9U - 02 - Rec. 7.8.2020
Plot 3 - Plans and Elevations AB-PE_9U - 03 - Rec. 7.8.2020
Plots 4-9 - Plans and Elevations AB-PE_9U - 04A - Rec 12.6.2020
Streetscene - AB-SS - 01- 02 - Rec. 7.8.2020
Drainage Strategy C200 Rev 5 - Rec. 3. 8. 2020
Existing Ditch Engineering works BR- 533-0037 C203A - Rec. 29.1.2020
Flood Risk Assessment Calibro Report Ref BR-537-0037 Rev 02 - Rec 3.2.2020

Tree Protection Plan TMC - 13075 - L/C - Rec. 11.5.2020
Tree Survey and Constraints Plan TMC - 13075 - S/C - Rec 11.5.2020
Arboricultural Impact Statement 13075- AIA - C - Rec.11.5.2020
Phase 1 Geo Environmental Risk Assessment - Rec 8.4.2019
Sustainability Statement - Rec 30.4.2020

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

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

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

04. No part of the development hereby permitted shall be begun until details showing the finished floor levels of the building/s in relation to a fixed datum point 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.

REASON: In the interests of the character of the area and to protect the amenities of neighbouring properties. [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 reenacting that Order with or without modification) no additional windows shall be constructed at first floor level or above in the side elevations of the dwellings hereby permitted other than as shown on the approved drawings.

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

06. The following window(s) in the development hereby permitted or any replacement window shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent). They shall at all times be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Plot 1 - ground floor (west elevation) lounge Plot 2 – ground floor (east elevation) lounge.

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

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

REASON: To safeguard the character of the area and the amenities of adjoining properties. [Relevant Policies: BFBLP EN20]

08. The development shall not be begun 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 out and completed prior to the occupation of any part of the approved development. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well-formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.

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

09. No development shall commence until details of boundary treatments (fencing, hedges, walls) have been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied until its associated boundary treatments have been provided in accordance with the approved details.

REASON: In the interests of the appearance of the site [Relevant Plans and Policies: BFBLP EN20, CSDPD CS7]

10. No retained tree, hedgerow or group of shrubs specified as to be retained on the approved drawings shall be cut down, uprooted or destroyed. Any trees, hedgerows or groups of shrubs shown to be retained on the approved plans which die, are removed or irreparably damaged during the course of the development, or within a period of 5 years of the completion of the development, shall be replaced with another tree, hedgerow or group of shrubs of the same species and size as that originally planted.

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

11. All existing trees, hedgerows and groups of trees shown to be retained on the approved drawings shall be protected during the course of building works by 2m high (minimum) welded mesh panels, supported by a metal scaffold framework, constructed in accordance with Section 6.2 of British Standard 5837:2012 or any subsequent revision. The development shall be carried out in accordance with the approved drawings.

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]

12. No demolition shall be begun 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 and retained as such thereafter.

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

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and re-enacting that order, no external lighting shall be installed on the site or affixed to any buildings on the site except in accordance with details set out in a lighting design strategy for biodiversity that has first been submitted to and approved in writing by the Local Planning Authority. The strategy shall: a) identify those area/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed.

REASON: In the interest of protecting bio-diversity. [Relevant Policies: BFBLP EN2, Core Strategy DPD CS1]

14. The development hereby permitted shall be implemented in accordance with the submitted Sustainability Statement and shall be retained in accordance therewith.

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

15. No development shall commence until the details of the design, specification and location of the Solar PV as detailed in the Sustainability Statement have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the approved details and retained as such thereafter.

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

16. No development shall commence until details of the specification for the construction of the pedestrian and cycle link connecting the highway and the western boundary of the site as illustrated on drawing AB_SL_9U-01C shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling within the development hereby approved shall be occupied until the pedestrian and cycle link to the western boundary of the site has been constructed in accordance with the approved details.

REASON: In the interests of accessibility and to facilitate access by cyclists and/or pedestrians. [Relevant Policies: BFBLP M6, Core Strategy DPD CS23]

17. No development shall take place until a plan showing visibility splays at the junction of the turning head and the car parking area to the rear of plots 4 – 9 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: Core Strategy DPD CS23]

18. No dwelling shall be occupied until that part of the access road which provides access to it, along with adjacent margins and street lighting placed within these margins, has been constructed to an adoptable standard in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

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

19. 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: BFBLP M9, Core Strategy DPD CS23]

20. No development shall commence until: (a) details of the location of 2 visitor car parking spaces, and (b) details of the signing for the visitor car parking spaces have been submitted to and approved in writing by the Local Planning Authority. The visitor car parking spaces shall be provided and signed in accordance with the approved details before the occupation of any of the dwellings hereby approved 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: BFBLP M9, Core Strategy DPD CS23]

21. The garage accommodation for plot 3 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]

22. 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 and the facilities shall be retained as such thereafter.

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

23. 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]

24. No development (including demolition and site clearance) shall take place, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include as a minimum; (i) Routing of construction 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 construction; (x) Measures to control surface water run-off during 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; and (xiii) Areas for the turning of construction 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]

25. Should any unforeseen contamination be encountered during the development, the local planning authority shall be informed immediately. Any further investigation/remedial/protective works shall be carried out to agreed timescales and approved by the local planning authority in writing. A Site Completion Report shall be submitted to, and approved in writing by, the local planning authority. The report must detail the conclusions, actions taken and verification methodology at each stage of the works and shall include a sampling and analysis programme to confirm the adequacy of decontamination. An appropriately qualified person shall oversee the implementation of all remediation. The construction of buildings shall not commence until the investigator has provided a report, which shall include confirmation that all remediation measures have been carried out fully in accordance with the remediation scheme. The report shall also include results of the verification programme of post remediation sampling and monitoring in order to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report. This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

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

26. No development shall commence until: i) the exploratory archaeological work as set out in the 'Project specification for an archaeological evaluation' (dated 5th June 2018, ref. 14e218ev) has been implemented; ii) a further programme of archaeological mitigation has been submitted to and agreed in writing with the

Local Planning Authority should the results of the exploratory investigation justify it. The further programme shall be implemented in accordance with the approved details.

REASON: The site lies in an area of archaeological potential, particularly for prehistoric and Roman remains. The potential impacts on the buried archaeological heritage can be mitigated by a programme of archaeological work so as to record and advance understanding of any heritage assets to be lost in accordance with national and local planning policy. [Relevant Policies: BFBLP EN20, EN25, M9; Core Strategy DPD CS1, CS7, CS23]

27. No development shall commence until full details of the Drainage System(s) in accordance with the Calibro Report Ref BR-537-0037 Rev 02 with updated Drainage Strategy drawing (T4C drawing no. C200 Rev.5) provided by Josh Blackall's email dated 3rd August 2020 have been submitted to and approved in writing by the Local Planning Authority. Full details shall include all components of the proposed drainage system in accordance with the including dimensions, locations, gradients, invert and cover levels, headwall details, planting, fencing and drawings as appropriate together with confirmation of the gully spacing calculations to demonstrate they are capable of conveying the rainfall volumes 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.

28. No development shall commence until details of how the surface water drainage shall be maintained and managed after completion have been submitted to and approved in writing by the Local Planning Authority. The details shall include confirmation of the required maintenance activities with expected frequency, with site specific assessments included to demonstrate that health and safety has been fully considered in the design and that access and egress for future residents will be maintained during any operations to repair or replace drainage features.

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.

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

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

30. No dwelling hereby approved shall be occupied until a verification report, appended with substantiating evidence demonstrating the agreed/approved construction details and specifications have been implemented, will need to be submitted and approved (in writing) by the Council. This will include photos of excavations and soil profiles/horizons, any placement of tanking, crating, connecting pipe work, hydrobrakes, 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.

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

REASON: To ensure the provision of satisfactory waste storage facilities in the interests of amenity. [Relevant Policy: Relevant Policy: Core Strategy DPD CS13]

32. The hours of site clearance and construction shall be limited to: - between 8:00 am and 6:00 pm Monday to Friday - between 8:00 am and 1:00 pm Saturday There shall be no site clearance or construction undertaken on Sundays and Public Holidays.

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

74. **20/00599/FUL Snaprails Lodge, 2 Wellington Road, Sandhurst, Berkshire GU47 9AN**

Erection of replacement two storey dwelling following demolition of existing bungalow.

The Committee noted:

- The supplementary report tabled at the meeting.
- That Sandhurst Town Council raised no objection to the proposal.
- Three letters of objection from two addresses had been received as summarised in the agenda papers.

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

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

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

02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 20 November 2020:

Drawing no. 19.SL.P.102 Rev B

Drawing no. 19.SL.P.103 Rev B

Drawing no. 19.SL.P.104 Rev B

Drawing no. 19.SL.P.105 Rev C

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

03. The development hereby permitted shall not be begun until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local

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

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

[Relevant Policies: BFBLP EN20, CSDPD CS7]

04. The development hereby permitted shall not be begun until details of the finished floor levels 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 character of the area.

[Relevant Policies: BFBLP EN20, CSDPD CS7]

05. The first floor window in the side (west/north-western) 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) to a height of 1.7m from floor level. The window shall at all times be fixed to a height of 1.7m from floor level.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

06. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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]

07. The dwelling hereby permitted shall not be occupied until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3-year post planting maintenance schedule. All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the occupation of any part of the approved development, whichever is sooner. All hard landscaping works shall be carried and completed prior to the occupation of any part of the approved development. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard BS 8545:2014 - Trees: from nursery to independence in the landscape – Recommendations or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well-formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs'. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved. The areas shown for landscaping shall thereafter be retained.

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

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

08. The dwelling hereby permitted shall not be occupied until details of a scheme of walls, fences and any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. All boundary treatments should provide for the free movement of wildlife to and from the site. The approved scheme shall be implemented in full before the occupation of the dwelling hereby approved.

REASON: In the interests of the visual amenities of the area and in the interests of nature conservation.

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

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

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

[Relevant Policy: CSDPD CS10]

10. The dwelling hereby permitted shall not be occupied until the associated vehicle parking spaces and driveway have been surfaced in accordance with the approved drawings. The spaces shall thereafter be kept available for parking at all times.

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

[Relevant Policies: BFBLP M9, CSDPD CS23]

11. The dwelling hereby permitted 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. The cycle parking spaces shall thereafter be retained.

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

[Relevant Policies: BFBLP M9, CSDPD CS23]

12. No development (including demolition and site clearance) shall take place until the post and rail boundary fence along the southern and western boundaries has been reduced in height to a maximum of 0.6m within 2m of the back of footway of Wellington Road. The area within 2m of the back of footway of Wellington Road shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres.

REASON: In the interests of highway safety.

[Relevant Policies: CDPD CS23]

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

14. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:

- (a) Parking of vehicles of site personnel, operatives and visitors
- (b) Loading and unloading of plant and vehicles
- (c) Storage of plant and materials used in constructing the development
- (d) Wheel cleaning facilities
- (e) Temporary portacabins and welfare for site operatives
- (f) Swept path drawings demonstrating that the largest anticipated vehicle needed for construction can arrive in a forward gear, turn around, and depart the site in a forward gear

Each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the

site, other than those in the approved scheme shall be used for the purposes listed (a) to (f) above.

REASON: In the interests of amenity and road safety.

15. No demolition shall be begun 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 and retained as such thereafter.

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

16. 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 site except in accordance with details set out in a lighting design strategy for biodiversity that shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

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

All external lighting shall be installed in accordance with the approved details and maintained as such thereafter.

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

17. 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 enlargement, addition, improvement or other alteration permitted by Classes A, B and E of Part 1 of the Second Schedule of the 2015 Order shall be carried out.

REASON: The site is affected by a Tree Preservation Order/contains trees which are a feature of the site where strict control over development is required by the policies of the development to ensure their protection.

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

18. 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 hard surface as permitted by Class F of Part 1 of the Second Schedule of the Order shall be provided for any purpose incidental to the enjoyment of a dwellinghouse within the rear garden of the development hereby permitted (except for any shown on the approved plans).

REASON: The site is affected by a Tree Preservation Order/contains trees which are a feature of the site where strict control over development is required by the policies of the development to ensure their protection.

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

19. No development (including initial site-clearance) shall commence until a detailed scheme for the protection of existing trees, hedgerows and groups of mature shrubs

to be retained, in accordance with British Standard 5837 (2012) 'Trees In Relation To Construction Recommendations' (or any subsequent revision), has been submitted to and approved in writing by the Local Planning Authority. Protection measures shall be phased as necessary to take into account and provide protection during demolition/site clearance works - all construction works - hard landscaping works. Details shall include an approved development layout plan at a minimum scale of 1:200, showing the following:

- a) Accurate trunk positions and canopy spreads of all existing trees within the site and on adjoining land adjacent to the development within influencing distance of the development.
- b) Positions and spreads of existing hedgerows and groups of mature shrubs.
- c) All proposed tree, hedge or shrub removal. Shown clearly with a broken line.
- d) Proposed location/s of 2m high (minimum) protective barrier/s, supported by a metal scaffold framework, constructed as a minimum in accordance with Section 6 (Figure 2), to include appropriate weatherproof tree protection area signage (such as "Keep Out - Construction Exclusion Zone") securely fixed to the outside of the protective fencing structure at regular intervals.
- e) Illustration/s of the proposed protective barriers to be erected.
- f) Proposed location/s and illustration/s ground protection measures within the main root protection areas of retained trees, designed as necessary for pedestrian light traffic or heavy plant machinery, as necessary to prevent contamination and ground compaction.
- g) Annotated minimum distances between protective barriers and trunks of retained trees at regular intervals.
- h) All fenced off areas clearly annotated as Tree Protection Areas/Construction Exclusion Zones.
- i) Notes regarding restrictions which apply to Tree Protection Areas/Construction Exclusion Zones.

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

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

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

20. The protective fencing and other protection measures specified by condition 19 shall be erected in the locations agreed in writing by the Local Planning Authority prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site. No activity of any description must occur at any time within these areas including but not restricted to the following: -

- a) No mixing of cement or any other materials.
- b) Storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description.
- c) Siting of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, porta-loos, storage compounds or hard standing areas of any other description.
- d) Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ ground conditions of any other description.
- e) Installation/siting of any underground services, temporary or otherwise including; drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting.
- f) Parking/use of tracked or wheeled machinery or vehicles of any description.

In addition to the protection measures specified above,

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

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

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

21. The development hereby permitted shall not be begun until a detailed site-specific programme of supervision/monitoring for all arboricultural protection measures has been submitted to and approved in writing by the Local Planning Authority. Details shall include:

- a) Induction and personnel awareness of arboricultural matters.
- b) Identification of individual responsibilities and key personnel.
- c) Statement of delegated powers.
- d) Timing and methods of site visiting and record keeping. To include routine site visits at maximum 4 week intervals
- e) Procedures for dealing with variations and incidents.

The programme of arboricultural monitoring shall be undertaken in full compliance with the approved details. No variation of the approved monitoring program shall take place. A copy of the signed inspection report shall be sent to the Local Planning Authority following each visit.

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

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

22. The development hereby permitted shall not be begun until a detailed site-specific construction method statement for the proposed decking area at the rear of the approved house, has been submitted to and approved in writing by the Local Planning Authority. Details shall include: -

- a) An approved development layout plan identifying all areas where special construction measures are to be undertaken.
- b) Proposed foundation detail and materials.
- c) Construction profile/s showing existing /proposed finished levels together with any grading of levels proposed adjacent to the footprint of structure.
- d) Program and method of implementation

The development shall be carried out in full accordance with the approved details prior to the occupation of the dwelling hereby approved.

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]

23. Notwithstanding details submitted, the development hereby permitted shall not be begun until a detailed site-specific design and construction method statement for the proposed soakaway to the rear of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. Details shall include:

- a) A site layout plan at a minimum scale of 1:200 showing the proposed location of the soakaway and all associated drainage routes.
- a) Comprehensive, site specific design of the structure
- b) Construction profile showing existing /proposed finished levels together with the extent of any ground works / excavation required including any grading of levels proposed adjacent to its footprint and relative to retained trees.
- c) Method and timing of implementation
- d) Details of Arboricultural supervision where applicable

The development shall be carried out in full accordance with the approved details prior to the occupation of the dwelling hereby approved.
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]

24. No gates shall be provided at the vehicular access to the site.
REASON: In the interests of highway safety.
[Relevant Policies: CSDPD CS23]

75. **20/00629/FUL Nordx House, 4 The Western Centre, Western Road Bracknell, Berkshire RG12 1RW**

**Change of use of land and building from B1c (industrial processes) to D2*, forming an ice rink, including erection of first floor mezzanine, ramp to front elevation, and construction of a footpath and chiller to the rear of the building.
*From 1 September 2020 this will be a change of use from Class E to F.2.**

The Committee noted:

- The supplementary report tabled at the meeting.
- That the Parish Council raised no objection to the application.
- Eight objections had been received as summarised in the agenda papers.
- 336 letters of support had been received.

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

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

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

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

Block plan and site location plan 2803 002 REV P12 received 17 Nov 2020

Proposed ground floor plan 2803-005 REV P3 received 14 Aug 2020

Proposed first floor plan 2803-006 REV P3 received 14 Aug 2020

Proposed chiller cage 2803-007 REV P2 received 14 Aug 2020

Amended Framework Travel Plan received 08.12.2020

Sequential test dated received 14.10.2020

Sequential test addendum received 05.11.2020

Email re sequential test from D.Hay received 04.12.2020

Email re sequential test from D.Hay received 09.12.2020

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

03. The use hereby permitted shall be carried on only by DK Ice Enterprises Ltd and when the premises cease to be occupied by DK Ice Enterprises Ltd the use shall cease and all materials and equipment brought onto the site in connection with the use shall be removed.

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

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

04. The sound rating level (established in accordance with BS4142:2014) of any plant, machinery and equipment installed or operated in connection with this permission shall not exceed, at any time, the prevailing background sound level at the nearest residential or noise sensitive property. If the plant, machinery or equipment is to be enclosed, details of the enclosure shall be submitted to and approved in writing by the local planning authority, and the approved means of enclosure shall be installed prior to the development hereby permitted commencing.

REASON: To protect the occupants of nearby residential properties from noise

05. The development hereby permitted shall not be brought into use until a means of access for pedestrians including people with disabilities which links the northern pedestrian entrance door to the building with the existing southern footway/cycleway of Western Road has been constructed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of accessibility and to facilitate access by pedestrians and people with disabilities.

[Relevant Policies: BFBLP M6 and M7, Core Strategy DPD CS23, NPPF paragraphs 108 and 110]

06. The development hereby permitted shall not be brought into use until space has been laid out within the site in accordance with the approved block plan 2803 002 P12 received 17th November 2020, for cars and motorcycles to be parked and vehicles to turn. The spaces shall not thereafter be used for any purpose other than parking and turning.

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

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

07. The development hereby permitted shall not be brought into use until the 7 car parking spaces to the north of the building and to the south of Western Road shown on the approved plans have been re-surfaced and lengthened to at least 4.8m with at least 6.0m turning space beyond.

REASON: To ensure that the development is provided with safe and adequate car parking and turning, to minimise the scope for conflicts between pedestrians and vehicles, and 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, NPPF paragraph 110]

08. The development shall not be brought into use until a scheme has been submitted to and approved in writing by the Local Planning Authority showing the number and location of Sheffield stands to be provided both internally and externally within the building. The facilities shall be provided prior to the development being brought into use and thereafter be retained.

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

[Relevant Policies: BFBLP M9, Core Strategy DPD CS23, NPPF paragraph 108]

09. Within 3 months of the development being brought into use a Full Travel Plan in general accordance with the approved Framework Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. Within 1 month of its approval, the Full Travel Plan shall be implemented and monitored for at least a 5 year period following commencement of the development hereby permitted with travel surveys undertaken every 6 months, in summer and winter, throughout the 5 year period. The Travel Plan shall be developed and maintained to the satisfaction of the Local Planning Authority throughout this period.

REASON: To promote Travel Planning in the interests of encouraging sustainable alternative modes of travel.

[Relevant Policies: Core Strategy DPD CS23 and CS24, NPPF paragraph 111]

10. During the construction of the pedestrian path identified on dwg 2803 002 REV P12 the works described within the Technical Note produced by Landarb Solutions (ref LAS_182) dated 09.11.2020 shall be complied with in full.

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

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

76. **20/00722/FUL 42 Walsh Avenue, Warfield, Bracknell, Berkshire RG42 3XZ**

This application has been deferred pending the receipt of additional information.

77. **20/00742/3 Farley Wood Community Centre, Turnpike Road, Binfield, Bracknell, Berkshire RG42 1FW**

Installation of 8 No. floodlights on 6 No. 10 metre high lighting columns to light existing tennis courts.

The Committee noted:

- The supplementary report tabled at the meeting.
- That Binfield Parish Council raised no objection to the application.
- That no objections had been received.

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

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.
02. The development hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details, received 27.10.2020:
Location and Site Plans
Block Plan
Block and Elevation Plan (Rev 2)
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
03. The 6no. 10m high lighting columns and associated floodlights hereby permitted shall not be illuminated other than in accordance with the following approved plans and details, received 27.10.2020:
Amended Optivision LED GEN 3.5
Highlights Floodlighting Ltd Performance Results
REASON: In the interests of the neighbouring properties and biodiversity.
[Relevant Policies: BFBLP EN20 and EN15]
04. The lighting columns and associated floodlights hereby permitted shall not be illuminated before 8am or after 9:30pm on any day.
REASON: In the interests of the neighbouring properties and biodiversity.
[Relevant Policies: BFBLP EN20 and EN15]

78. **CONFIRMATION OF TREE PRESERVATION ORDER (TPO) - TPO 1339 - 'LAND AT 33 ISIS WAY, BRACKNELL, GU47 9RB - 2020**

TPO 1339 - 'LAND AT 33 ISIS WAY, BRACKNELL, GU47 9RB - 2020

The Committee noted:

- The urgent report which had been circulated prior to the meeting.
- The three representations (23, 25 & 27 Isis Way) to TPO 1339, which all objected to the TPO being confirmed.

RESOLVED that the Committee **APPROVES** the Confirmation of the Tree Preservation Order.

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

PLANNING COMMITTEE

11th February 2021

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

		Case Officer	Reporting Officer
5	<p>19/00497/FUL Land North Of Herschel Grange Warfield Street Warfield (Binfield With Warfield Ward) Erection of 33 dwellings (including 10 affordable dwellings), with car parking, landscaping, open space and access from Herschel Grange, following demolition of 6 Herschel Grange. Recommendation: Approve Subject To The Completion Of Planning Obligation(s).</p>	Jo Male	Jo Male
6	<p>20/00698/FUL Waitrose 390 Yorktown Road College Town (College Town Ward) Section 73 application to vary delivery hours imposed under Condition 1 of planning permission 624293 and 02/00675/FUL Recommendation: Approve.</p>	Sarah Horwood	Basia Polnik
7	<p>20/00031/COND 28 Meadow Way Bracknell Berkshire (Priestwood And Garth Ward) Details pursuant to Condition 03 (Materials), Condition 04 (Slab Levels), Condition 08 (Landscaping), Condition 09 (Boundary Treatments), Condition 10 (Sustainability Statement), Condition 17 (Site Organisation) and Condition 23 (Services) of planning permission 17/00929/FUL. Recommendation: Approve.</p>	Sarah Horwood	Basia Polnik
8	<p>20/00722/FUL 42 Walsh Avenue Warfield Bracknell (Warfield Harvest Ride Ward) Erection of first floor side extension and single storey rear extension following demolition of existing conservatory. Recommendation:</p>	Lucy Ormrod	Basia Polnik

- | | | | |
|----|--|---------------|--------------|
| 9 | <p>20/00918/FUL
Erin Lodge Jigs Lane South Warfield
(Warfield Harvest Ride Ward)
Erection of single storey rear extension.
Recommendation:</p> | Lucy Ormrod | Basia Polnik |
| 10 | <p>20/01061/RTD
Calfridus Way Playing Fields Calfridus Way
Bracknell
(Harmans Water Ward)
Installation of 1 no. 25m high column, with 3 no.
antennas, 2 no. 0.6m dishes, 2 no. ground-
based equipment cabinets, and ancillary
development enclosed by a 8.0m x 6.0m
compound within 2.1m high palisade fence.
Recommendation:</p> | Sarah Horwood | Basia Polnik |
| 11 | <p>21/00020/PAC
Countrywide House 28 Wellington Business
Park Dukes Ride
(Crowthorne Ward)
Prior approval change of use from B1 (office) to
C3 (residential) to create 6 No. dwellings.
Recommendation:</p> | Olivia Jones | Basia Polnik |

Background Papers

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

PLANNING COMMITTEE - POLICY REFERENCES

Key to abbreviations used in the following planning reports.

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

SPG Supplementary Planning Guidance
SPD Supplementary Planning Document

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

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

SITE LOCATION PLAN

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

THE HUMAN RIGHTS ACT 1998

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

Those rights include:-

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

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

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

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

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

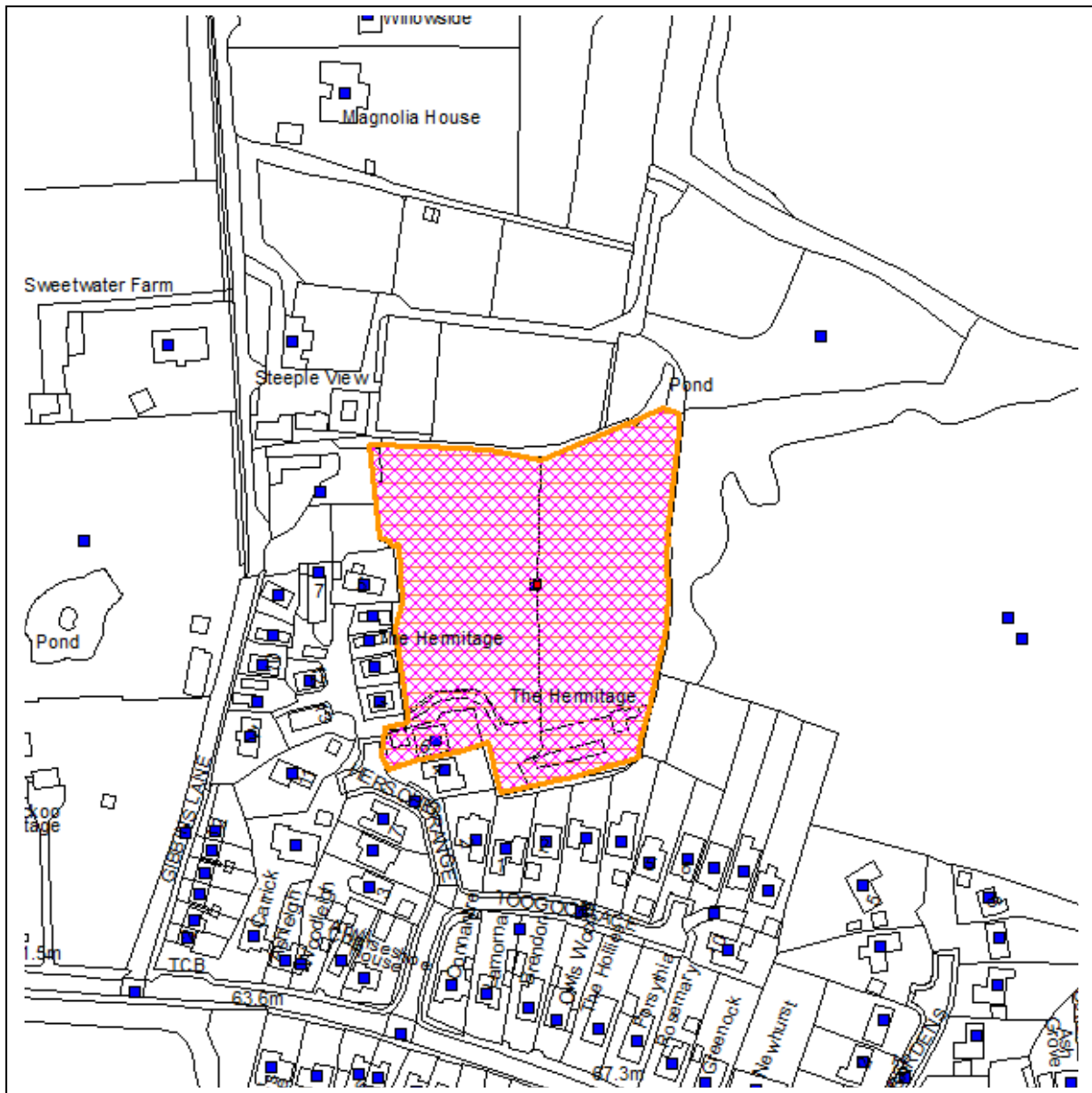
The provisions of the Human Rights Act 1998 have been taken into account in the preparation of the reports contained in this agenda.

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

detailed consideration of any Convention Rights affected.

ITEM NO:			
Application No.	Ward:	Date Registered:	Target Decision Date:
19/00497/FUL	Binfield With Warfield	6 June 2019	5 September 2019
Site Address:	Land North Of Herschel Grange Warfield Street Warfield Bracknell Berkshire		
Proposal:	Erection of 33 dwellings (including 10 affordable dwellings), with car parking, landscaping, open space and access from Herschel Grange, following demolition of 6 Herschel Grange.		
Applicant:	Mr Peter Reed		
Agent:	(There is no agent for this application)		
Case Officer:	Jo Male, 01344 352000 development.control@bracknell-forest.gov.uk		

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



1. Purpose of report

1.1 The purpose of this report is to:

- inform members of a legal issue that has arisen related to Planning Application reference 19/00497/FUL, Land North of Herschel Grange, Warfield Street, Warfield, which was previously considered by the Planning Committee on 16th December 2019. The Committee resolved that the application should be approved subject to the completion of a s106 planning obligation and appropriate conditions;
- explain to members the actions taken to assess and address the issues raised; and
- seek members' re-determination of application 19/00497/FUL on the basis of revised plans submitted by the applicant and the following report which recommends that the Head of Planning be authorised to approve the application subject to the completion of planning obligations and a set of planning conditions.

2. Recommendation

2.1 It is recommended that the Planning Committee:

- i. re-considers the planning merits of application 19/00497/FUL on the basis of the following report, which acknowledges and explains why the recommendation made, differs from that relating to the previous application 18/00650/FUL; and,
- ii. resolves that, following the completion of planning obligation(s) under Section 106 of the Town and Country Planning Act 1990 relating to the following measures:
 - avoid and mitigate the impact of residential development upon the Thames Basin Heaths Special Protection Area (SPA);
 - provision of the agreed standard of affordable housing;
 - provision of, and financial contribution towards, areas of OSPV;
 - contributions towards the provision and maintenance of community facilities;
 - contribution towards the provision of educational facilities,
 - securing the adoption of the highways within the site by the Council, and
 - securing an appropriate site drainage strategy;

the Head of Planning be authorised to APPROVE the application subject to the conditions and with the informatives as set out below, amended, added to or deleted as the Head of Planning considers necessary.

3. Reasons for Recommendation

- 3.1 The recommendation is made in order that members are fully informed of the reasons for the change in the recommendation between the current application and a previously refused application for the same site. The original resolution to approve the second application made in December 2019 has been the subject of a pre-action protocol letter which states a judicial review claim will be commenced in the event that a decision pursuant to the December 2019 resolution is issued. In light of the issues raised, amended plans have been submitted by the applicant and a revised report prepared which provides an up to date assessment of the application's merits in light of all consultation responses. It addresses the issue of why a different recommendation is being made in relation to subsequent applications. This is in order to ensure the legal robustness of the decision. Further information and reasoning is set out in Sections 5, 7 and 8 of this report.

4. Alternative Options Considered

- 4.1 The alternative option would have been to proceed to issue the decision in accordance with the decision made on 16 December 2019 without further recourse to the Planning Committee. However, based on legal advice, this course of action is likely to have resulted in a claim for judicial review having been made with the consequential risk of the decision being quashed and costs being awarded against the Council.

5. Introduction

- 5.1 On 16th December 2019, planning application 19/00497/FUL was considered by the Planning Committee. The application proposed the erection of 33 dwellings (including 10 affordable dwellings) with car parking, landscaping, open space and access from Herschel Grange following the demolition of 6 Herschel Grange.
- 5.2 The application was submitted following the refusal of application 18/00650/FUL which related to the same application site. This previous application ('the first application') had proposed the erection of 34 dwellings (including 8 affordable dwellings) with car parking, landscaping and open space and access from Herschel Grange, again following the demolition of No. 6. It had been refused under delegated powers in April 2019 on 5 grounds which can be summarised as:
- The proposed development would have a harmful urbanising impact on the character and appearance of the countryside contrary to development plan policy, the Design SPD and the NPPF;
 - The proposal failed to demonstrate that it would not have an adverse impact on biodiversity through its failure to address concerns relating to the presence of protected species and priority habitats;
 - The proposal failed to demonstrate that an acceptable surface water drainage strategy could be achieved;
 - In the absence of a planning obligation securing suitable avoidance and mitigation measures, the occupants of the development would put extra pressure on the Thames Basin Heaths SPA; and,
 - The occupants of the proposed development would unacceptably increase pressure on local open space and community infrastructure and failed to secure any mitigation of these impacts.
- 5.3 A copy of the Delegated Officer's Report and the decision notice relating to this application is attached as Appendix 1 to this report.

- 5.4 Application 19/00497/FUL ('the second application') was presented to the Planning Committee with a recommendation for approval. At the meeting, the Committee Report and a Supplementary Planning Report were considered. It was resolved that the Head of Planning be authorised to approve the application following the completion of an obligation under s106 of the Town and Country Planning Act 1990 relating to the following measures:
- avoid and mitigate the impact of residential development upon the Thames Basin Heaths Special Protection Area (SPA);
 - provision on site of 10 affordable dwellings;
 - provision of, and contribution towards, areas of OSPV;
 - contributions towards the provision and maintenance of community facilities;
 - contribution towards the provision of educational facilities;
 - securing the adoption of the highways within the site by the Council (excluding areas of shared surfacing); and
 - securing an appropriate site drainage strategy,
- and subject to the conditions set out in the agenda, the supplementary report and an additional condition agreed by the Committee preventing the installation of gates at the entrance to the development.
- 5.5 A copy of the Committee Report, Supplementary Report and printed minutes of the meeting are attached at Appendix 2.
- 5.6 The s106 Agreement has yet to be completed and as a result the application has yet to be approved and the decision has not yet been issued.
- 5.7 On 14th May 2020, a pre-action protocol letter was sent to the Director of Place, Planning, and Regeneration on behalf of the Warfield Village Action Group (WVAG). This alleged that the LPA had erred in resolving to approve the 2019 application, by failing to have sufficient regard to a 'very significant material consideration' i.e. the refusal of the first application, and to provide adequate reasons for its coming to a different conclusion on the second application. As such, it was alleged that any planning permission issued pursuant to this resolution would be unlawful and open to a legal challenge and a potential award of costs against the Council.
- 5.8 In order to avoid such a challenge, the Council was asked to take the application back to Committee for it to be redetermined. In the event that this action was not taken it was confirmed that a claim for Judicial Review would be made on behalf of a member of the WVAG, against the decision of Bracknell Forest Council to issue any planning permission pursuant to the Committee's resolution of 16th December 2020. An Order would be sought, quashing the permission granted and seeking payment of the claimant's costs. Under the terms of the Aarhus Convention, it would be sought to limit the claimant's costs to £5000 in the event of an adverse decision, with the Council's liability being capped at £35,000 plus VAT.
- 5.9 A full review was undertaken in respect of the consideration of both applications 18/00650/FUL and 19/00497/FUL and legal advice was taken from specialist planning counsel. Following this review, the Head of Planning considers it appropriate to return the application to the Planning Committee for re-determination.
- 5.10 As part of the thorough review process it became apparent that there were a number of failings in relation to the assessment of both planning applications. It was noted that there was an inconsistency between the applications in the assessment of the existing site's landscape character and the contribution it makes to the area of countryside within which it lies. That the first application report, failed to take account of or reflect the most recent landscape assessment of the site, namely the Landscape Sensitivity Appraisal of Potential

Housing and Employment Sites in Bracknell Forest, which forms part of the evidence base to the emerging Local Plan. An assessment of the existing character of the site is material to any assessment of the impact of development on this character which goes to the issue of the level of harm caused, a matter which is weighed within the planning balance. It was also noted that there were issues in relation to the second application in respect of obtaining and reporting consultation responses as well as the concern raised in the pre-action protocol letter which identifies that the Committee report fails to clearly identify why the application was being recommended for approval following the refusal of the first application. Accordingly, it is not considered appropriate to rely on the contents of the original Committee report for the re-determination of application 19/00497/FUL (the second application).

- 5.11 Following this review process, further consultation was undertaken in order to ensure that up-to-date responses were available in respect of the 2019 application. The Applicant has been made aware of all consultation responses and offered an opportunity to address them. As a result, revised plans have been submitted which indicate a number of amendments to the scheme since it was last considered by the Committee. Whilst the application still proposes the erection of 33 dwellings, 10 of which would be affordable, the most significant changes to the scheme are as follows:
- The pedestrian access arrangements at the site's entrance have been amended to provide a footpath around the proposed visitor parking to link with the shared surface serving Plots 23 – 33
 - The width of the access road is reduced over much of its length and a shared surface is introduced at the northern end of the site allowing the removal of formal footways in this area, reducing the amount of hardsurfacing required,
 - Plots 17 and 18 have been rotated and now take access from the northern shared surface, reducing the level of hardstanding and siting the dwellings at an angle to the site's eastern boundary,
 - A paved access is provided to the boundary of the site facilitating footpath and cycle access to the adjacent development north of Newhurst Gardens should this come forward,
 - Plots 9-16 are moved southwards, increasing rear garden depths and the separation to the northern boundary and the mature trees along it,
 - Plots 19-22 are moved southwards to maintain spaciousness and front to front separation with the units to the north (plots 9 – 16),
 - Plot 9's garage is moved rearwards to allow the insertion of side windows which will provide surveillance over the amenity space,
 - Minor changes are made to the siting of Units on Plots 6 – 8, 21, 22 and 23. This improves surveillance of the amenity space from the window to the projecting stairwell serving Plot 8,
 - The units on Plots 26 and 27 are handed and the garaging serving these units and Plot 25 is re-located to allow increased opportunities for landscaping,
 - The apartment building parking court is repositioned to increase its distance from the southern boundary,
 - The apartment building has been redesigned to remove the additional bulk/built form of the lift shaft at the rear,
 - The wildlife corridor has been extended into the site to incorporate tree T1, and,
 - Additional tree and shrub planting is proposed within the site.

- 5.12 An extract from the proposed site layout is included below:



5.13 The following report provides a complete assessment of the merits of the application as revised. It contains, within Section 13, an assessment as to why the recommendation in this instance differs from the decision taken in respect of application 18/00650/FUL.

6. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Majority of site is outside the settlement boundary
Sited within 5km of the Thames Basin Heaths SPA

6.1 The application site consists of 6 Herschel Grange, a two-storey detached house, and its curtilage together with a predominately undeveloped grass field to the north and east bounded by a combination of wooden fencing and planting, including tall hedging to the eastern boundary. A number of mature oak trees are located along the site's northern edge. Two dilapidated stable buildings are sited towards the southern boundary of the site. The site appears to have had historic equestrian use, its current use is as horse grazing and it was historically known as The Hermitage. Current access to the site is via a single gated track immediately north of 6 Herschel Grange.

6.2 The site is bordered by the housing development of Herschel Grange and Toogood Place to the south which comprise two storey detached dwellings. Along part of the site's western boundary lies the Hermitage Caravan Park. The area to its north, has

recently been the subject of a planning application (19/00536/FUL) for an extension to the existing caravan park for the siting of 7no additional mobile homes with associated vehicular access and parking. This was refused in July 2019 and is currently the subject of an appeal. This land is currently developed by means of a stable building and an area of hardstanding. The land to the north of the application site comprises Steeple View a detached dwelling with associated equestrian facilities including stables, paddocks and a sand school. The land to the east is currently undeveloped, however, it has outline planning permission for up to 50 dwellings, to be accessed from Newhurst Gardens.

- 6.3 The majority of the site is located outside a defined settlement, but adjoining the settlement boundary of Warfield (which links continuously to the Bracknell town urban area) to the south, as identified in the Bracknell Forest Borough Policies Map (2013). The settlement boundary includes the curtilage of 6 Herschel Grange and a sliver of land to its north which contains the existing access track.
- 6.4 The site has been identified as a site allocation for housing within both the Regulation 18 versions of the Draft Local Plan which have been subject to public consultation in February 2018 and October 2019. The proposed allocation, if ultimately adopted, would extend the settlement boundary around the extent of the application site.

7. RELEVANT SITE HISTORY

- 7.1 The site history of the application site is as follows:

5491 - Application for extension to existing caravan site. Refused (1959)

612413 - Erection of stable block, tack room, feed room and hay store. Approved (1987)

18/00650/FUL - Erection of 34 dwellings (including 8 affordable dwellings), with car parking, landscaping, open space and access from Herschel Grange, following the demolition of No.6 Herschel Grange. Refused (2019)

- 7.2 The existing housing development consisting of Herschel Grange and Toogood Place was permitted under multiple applications determined between 1995 and 2001. The existing caravan park to the west (The Hermitage) has been present since the early 1960s.
- 7.3 The land to the immediate east of the application site (land north of Newhurst Gardens) has outline planning permission granted on appeal (ref: 16/01004/OUT) for the erection of up to 50 residential dwellings (including up to 25% affordable housing), parking, open space and landscaping with access from Newhurst Gardens. All matters were reserved apart from access and, to date, no reserved matters application has been received.

8. THE PROPOSAL

- 8.1 The proposed development consists of the erection of 33no. dwellings (32no. net) on primarily undeveloped land to the north-east of the current housing at Herschel Grange, and north of the housing within Toogood Place. It would adjoin the existing mobile home site known as The Hermitage Caravan Park to the west. The proposal

would involve the demolition of the existing dwelling of 6 Herschel Grange to enable vehicular access to the site (from Warfield Street via Herschel Grange).

- 8.2 The proposed dwelling mix would consist of 4no. one bedroom, 10no. two bedroom, 10no. three bedroom, 6no. four bedroom (5 net in view of the demolition of 6 Herschel Grange), and 3no. five bedroom units. Ten of these dwellings are proposed to be affordable housing units, which represents 31.3% of the net total.
- 8.3 The dwellings would be a mix of detached, semi-detached and terraced houses, and a 2.5 storey apartment building on the south-eastern corner of the site. The majority of the houses would be 2 storey, with 8no. of the larger units providing an additional level of accommodation within the roofspace (Plots 13 – 18, 27 and 33). Parking to serve each of the units (other than the apartment block) would be provided within car ports either attached to the dwelling or free-standing. Each dwellinghouse is provided with a shed to provide secure cycle storage and the apartment block is provided with a detached bin and cycle store.
- 8.4 The proposal includes an amenity area, pumping station, detention basin, and a footpath and cycle connection to the approved Newhurst Gardens development.
- 8.5 During the course of the application, amendments have been made to the site layout, including the relocation of the proposed apartment building, the provision of drainage features, and provision of a future pedestrian/cycle access to the approved Newhurst Gardens development to the east. Since the consideration of the application by the Planning Committee in December 2019, further changes have been made which are summarised at para. 5.11 above.

9. REPRESENTATIONS RECEIVED

Warfield Parish Council

- 9.1 Warfield Parish Council recommends refusal of the application for the following reasons:
- this is outside of the existing settlement area
 - overdevelopment of the site and out of keeping with the area
 - concerns regarding additional traffic in the area following the approval of the land north of Newhurst Gardens
 - urbanisation of designated character area
 - impact on local open space
- 9.2 The Parish Council has been re-consulted in respect of the revised plans and any additional comments received will be presented to the meeting.

Representations from Members of the Public

- 9.3 41 no. objections have been received from 33 addresses. This includes a letter of objection sent on behalf of the Warfield Village Action Group. The concerns expressed are summarised below:
- the site is located outside the defined settlement boundary, and would not relate well to the existing settlement form or the wider rural setting,
 - the proposal is contrary to the Bracknell Forest Council Development Plan including Policy CS9 as it would adversely affect the character, appearance and function of the land,
 - no weight should be afforded the draft Local Plan

- priority should be given to allocation of previously developed sites and sites within the settlement before this site,
- the inspector's decision at Newhurst Gardens should be given no weight as the Council's Housing Land Supply position has changed and the sites have different characteristics,
- Bracknell Forest Council now has a Five Year Land Supply and so this cannot be used to justify the proposal, and there is no evidence that the proposal would meet the housing needs of the community as required by Policy CS16;
- a significant proportion of the Council's housing requirement has already been provided within Warfield,
- loss of landscape buffer between urban areas and to the north of Bracknell,
- impact on trees,
- the proposal would result in an adverse impact both on the countryside setting and on the existing character of development to the immediate south. It would result in a negative urbanisation of the area. Warfield Street is a designated Character Area and the proposal would have a negative impact on this,
- the proposal constitutes overdevelopment of the site,
- three storey development is inappropriate in this location,
- the application plans do not show the correct boundary line with 4 Toogood Place [Officer Note: the applicant has confirmed that the boundary line is accurate and that the correct certificates have been served],
- the tree locations are misrepresented,
- the proposal, in combination with the Newhurst Gardens development, and other development taking place further to the south of Warfield Street, would result in an unfavourable erosion of the countryside and a harmful net increase in traffic movements,
- the proposal would result in the loss of soft landscaping features including trees;
- high density of development would have a harmful urbanising effect and be out of character with the surrounding open countryside,
- impact on rural setting on adjacent agricultural land and loss of 'horsiculture' character,
- loss of amenity to users of PROWs,
- loss of habitat for endangered species and other animals such as deer which are currently present on site,
- the benefits of providing needed additional housing does not outweigh the harm of the proposal,
- conflict with Warfield SPD,
- lack of school places,
- landscape plan illegible
- amenity area inadequate
- noise and disturbance,
- the location of the proposal is not sustainable in relation to access to local amenities, and occupants would be reliant on personal vehicles,
- the proposal would result in an adverse impact on surrounding heritage assets (Listed Buildings),
- the proposed access to the site from Herschel Grange is not acceptable as there are 3 roads 'blending' on the corner as it enters the site
- the proposed development would result in an adverse impact on highway safety and cause danger to local children,
- the proposal would result in unacceptable levels of pollution generation,
- the proposal would result in additional on-street parking occurring within the existing highway of Herschel Grange,
- the proposal does not include a Construction Management Plan;
- impact on existing drainage system in an area already experiencing flooding,
- impact on Thames Basin Heaths SPA,
- insufficient plot sizes

- impact of construction traffic;
- the proposal would have an adverse impact on properties within The Hermitage, Toogood Place and Herschel Gardens as a result of loss of privacy and overlooking,
- the proposal does not make provision for sustainable energy features, e.g. solar panels;
- the proposal would result in an adverse impact on the residential amenities of occupants living within Toogood Place, through the loss of existing planting screening and the resulting overlooking and loss of privacy,
- traffic generation,
- overlooking and loss of privacy,
- failure to provide sufficient public open space,
- the proposal would result in adverse environmental impacts,
- the objections made to previous refused application 18/00650/FUL for this site have not been overcome,
- the proposed housing is not creative, beautiful housing as advocated by the Government
- attention is drawn to decisions made, either by the LPA or appeal Inspectors, in relation to sites at Scotlands House, Home Farm, Foxley Lane, Tilehurst Lane, Beaufort Park and Locks Ride,
- reasons for recommending approval are not robust and are inconsistent with existing planning evidence and in stark contrast with reasons given for refusing application 18/00650/FUL,
- contrary to Warfield Neighbourhood Plan,
- in light of pandemic development needs to increase garden space and provide allotments,
- latest version of plans represents little or no improvement on previous submission and represents too many houses on too small a plot of land.

9.4 In addition, a further letter of objection has been submitted on behalf of the Warfield Village Action Group by Richard Buxton Solicitors who also submitted the pre-action protocol letter referred to above. A copy of this letter is attached at Appendix 3. Its objections are summarised as:

- The application proposes development outside the settlement boundary and within the countryside contrary to Policy CS9,
- The scale and layout of the development conflicts with the Council's 'character' policies CS1, CS2, CS9, EN8, EN20 and H5. These policies are wholly consistent with the NPPF such that they attract full weight,
- The previous application which was refused, similarly proposed a form of development that conflicted with these character policies. This is a material consideration in the determination of the current application and no reason for this change in approach has been provided,
- The Council can demonstrate in excess of a 5 year Housing Land Supply (HLS) and a delivery record of 99% of its target which is a 'weighty material consideration in favour of upholding adopted policies',
- There are no material considerations that weigh in favour of the application and in light of the policy conflicts identified, the Council should refuse the application.

9.5 In claiming that the proposed development conflicts with the Council's character policies, the letter contains a detailed analysis of the scheme's character and design. This process raises specific objection on a number of grounds which can be summarised as: the appropriateness of the suburban character of the proposed development; the inadequacy of the on-site public open space; the height of the development failing to respond to the Hermitage caravan site and the open countryside to the north; the inappropriate use of

materials; the inappropriate location of car parking; and the inadequacy of landscaping. These issues will be dealt with in the following sections of this report.

- 9.6 The letter of objection also raises concern in relation to what is referred to as the 'erroneous approach to appeal decisions at Committee Meeting on 16th December 2019'. The solicitor was not present at the meeting but alleges that 'some members repeatedly expressed and gave weight to the view that planning inspectors give determining weight at appeals to the provision of housing. Notably, no details of any of the appeals where this is allegedly the case were provided or discussed'. The writer assumes that members here were referring to the public law principle that there should be consistency between decisions on similar planning applications and makes the point that there should be sufficient information in front of the decision maker to understand the main similarities and differences between the present application and any other application considered to have a 'precedent effect'.
- 9.7 The minutes of the meeting do not provide clarity on the nature of this discussion. However, it is noted that para. 10.4 of the original committee report states: 'While the Local Planning Authority is able to demonstrate a five years' supply of housing, Inspectors in recent appeal decisions have given significant weight to the benefit of additional housing in general. This includes both economic and social benefits, in terms of job creation and contributions towards the local economy and reflects the government's policy in the NPPF to significantly boost the supply of housing'.
- 9.8 This statement reflects para. 59 of the NPPF and no specific appeals were suggested as having a 'precedent effect' in this case. Members will be aware from their notifications of appeal decisions and quarterly updates on planning appeals performance that in recent years, Inspectors have taken a variety of approaches to new development beyond settlement boundaries within the Borough. The approach taken will in part depend upon their findings on the 5 year HLS and their assessment of whether countryside policies should be considered 'up to date' for the purposes of NPPF para.11 d.
- 9.9 Following the submission of amended plans, local residents have been notified and offered the opportunity to make further comments. At the time of writing, two further letters of objection had been received and are referred to within para. 9.3. Any further comments received will be presented to the meeting.

10. SUMMARY OF CONSULTATION RESPONSES

Highway Officer

No objection subject to conditions.

Biodiversity Officer

No objection based on additional information received, recommends conditions.

Tree Officer

The scheme has taken the trees to be retained into account in the layout and provides for protective measures.

Landscape Officer

Site has low-medium landscape sensitivity as established in landscape assessments that form part of the evidence base to the draft Local Plan. Agrees with the conclusions of these assessments and that of the applicant's Landscape and Visual Impact Assessment that, due to the site location adjacent to the settlement boundary and the existing and

proposed screening from the wider countryside, the proposed development would have limited impact on the local landscape character.

Lead Local Flood Authority (LLFA)

Following the receipt of amended and additional information, no objection subject to details which can be secured by planning condition.

Principal Conservation Advisor

In view of the lack of inter-visibility with designated heritage assets and the lack of any functional relationship with the proposed site, there is not considered to be harm to the significance of the closest Listed Buildings described from impacts on their settings or harm to the setting or character or appearance of the Conservation Area. There are therefore no objections in principle to the proposed development from a heritage perspective, subject to appropriate detailed design and materials.

Archaeology

The applicant submitted an Archaeological Desked Based Assessment prepared by Thames Valley Archaeological Services (TVAS) in support of application 18/00650/FUL. Berkshire Archaeology (the Council's advisors) broadly agreed with its assessments and conclusions that an initial programme of exploratory archaeological investigation would be appropriate and the results of this exercise would inform the need for and scope of any strategy to mitigate the impacts of development, which may include further archaeological investigation prior to or during construction. Such an investigation can be secured by an appropriately worded condition. It has been confirmed during the course of the current application that their previous response remains valid.

Environmental Health Officer

No objection subject to conditions relating to the control of environmental effects during construction, working hours and unforeseen contamination.

Waste

Plans show appropriate bin storage for individual properties and the flats are provided with a bin store, although no details are shown. Access to this bin store and some properties is shown from private roads. The Council's waste collection contractor may enter such roads at their discretion and if so will accept no liability for any damage. For the contractor to consider doing so the road must be constructed and thereafter maintained to an adoptable standard to allow for a 26 tonne waste collection vehicle. Residents will need to be made fully aware when they purchase their property in a private road or drive that unless they comply with the contractors requirements they will be required to bring their bins to an agreed collection point within 25 metres of the adopted highway for collection and then to return them to their property after collection.

Implementation

Comments provided in respect of application 18/00650/FUL still stand other than in respect of affordable housing and biodiversity. Full details of the contributions required to mitigate the impact of the development are set out in Section 12 below.

Thames Water

No objections recommend Informative (no. 04 of recommendation).

11. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO DECISION

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

	Development Plan	NPPF	Weight to be attributed, with reference to para. 213 of NPPF
Sustainable development principles	SALP Policy CP1	Para. 11(d) refers to 'policies which <u>are most important for</u> determining the application are out-of-date'. CP1 wording differs to this. Furthermore, the PPG states that there is no need for a policy to directly replicate para. 11.	Limited (policy not used in planning application decision-making)
	CSDPD Policy CS1	Consistent (Paras. 7, 8, 11, 12, & 117 - 119)	Full
Principle of development - outside settlement	CSDPD Policy CS2	Consistent (Para. 17 & 117 -119)	Full
	CSDPD Policy CS9 and BFBLP 'Saved' Policy EN8 BFBLP 'Saved' Policy H5	Elements are acknowledged to not be fully consistent (para. 170 a) and b) however the thrust of these policies remains consistent (paras. 78-79, 103, 104a, 117 & 170) Generally Consistent (paras. 79, 103, 117, 170, 213)	Not fully consistent therefore not full weight Limited, but relevant
Housing Provision	CSDPD Policy CS15	Inconsistent – utilises now outdated evidence base as basis for policy requirements.	None (policy not used in planning application decision-making)
Design & Character	CSDPD Policy CS7	Consistent (Chapter 12)	Full
	BFBLP 'Saved' Policy EN20	“	Full

Trees & Landscape	CSDPD Policies CS1 & CS7 BFBLP 'Saved' Policies EN1, EN2 & EN20	Consistent (paras. 127 & 170) “	Full Full
Residential Amenity	'Saved' Policies EN20 & EN25 of BFBLP	Consistent (paras. 127, 170 & 180)	Full
Transport	CSDPD Policies C23 & CS24 BFBLP 'Saved' Policies M4, M6, M8 & M9	Consistent (Chapter 9) “	Full Full
Drainage	CS1 of CSDPD	Consistent (paras. 163 & 165)	Full
Biodiversity	CSDPD Policies CS1 & CS7 BFBLP 'Saved' Policies EN1, EN2 & EN20	Consistent (paras. 170 & 175) “	Full Full
SPA	SEP 'Retained' Policy NRM6 CSDPD Policy CS14 BFBLP 'Saved' Policy EN3	Consistent (paras. 170, 171, 173, 175, 176, 177) “ “	Full Full Full
Noise and Pollution (including Land Contamination)	CSDPD Policy CS1 BFBLP 'Saved' Policy EN25	Consistent (paras. 118, 170, 178 & 180) “	Full Full
Sustainability of build (Renewable Energy and Water Use)	CSDPD Policies CS10 & 12	Consistent (para. 149)	Full
Archaeology	CSDPD Policy CS1 'Saved' Policy EN7	Consistent (para. 189) “	Full “
Heritage	CSDPD Policies CS1 & CS7	Consistent (paras. 189 to 197)	Full

Affordable Housing/Mix	CSDPD Policies CS16 & CS17 'Saved' Policy H8 of BFBLP	Consistent (paras. 61, 62, 64 of the NPPF). Definition of 'affordable housing' provided in Para. 5.59 of Policy is not consistent with the NPPF. However main thrust of policy is consistent with paras. 61, 62 and 64 of the NPPF.	Full Moderate
Open Space Provision	CSDPD Policy CS8 'Saved' Policy R4 of the BFBLP	Consistent (paras. 92 & 97 of the NPPF) “	Full Full
Securing Necessary Infrastructure	CSDPD Policy CS6	Consistent (para. 54 to 56, 92 and 94)	Full
Supplementary Planning Documents (SPD):			
Character Area Assessments SPD (2010) Design SPD (2017) Parking Standards SPD (2016) Planning Obligations SPD (2015) Streetscene SPD (2011) Sustainable Resource Management SPD (2008) Thames Basin Heaths SPA SPD (2018)			
Other publications:			
National Planning Policy Framework (NPPF) (2019) National Planning Policy Guidance (NPPG) (2019) Bracknell Forest Borough Landscape Character Assessment (LUC) (2015) Landscape Sensitivity Appraisal of Potential Housing and Employment Sites in Bracknell Forest (2018) (including Executive Summary)			

- 11.2 The application site has been identified as a potential housing allocation within both Regulation 18 versions of the Draft Bracknell Forest Local Plan which were the subject of public consultation in February 2018 and October 2019. The application site was considered suitable as an allocation for 33 dwellings, 12 of which would be affordable, and the draft Local Plan proposed an extension of the settlement boundary to include the application site. Objections were received in respect of the site's proposed allocation and in accordance with para. 48 of the NPPF, the site's potential allocation in the emerging Local Plan can currently be given only limited weight in the determination of the current application.
- 11.3 The application site is also within the area covered by the emerging Warfield Neighbourhood Plan 2013 - 2026 (WNP). The Policies Map for the Neighbourhood Plan defines a settlement boundary for Warfield Street which does not include the application site. The Pre-submission version of the WNP was subject to public consultation ending on 8th September 2017. The WNP was submitted to Bracknell Forest Council in January 2019

and has been subject to a 6-week public consultation in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended). An independent Examiner has been appointed to undertake the examination which has commenced but has not yet been completed. At this stage the Neighbourhood Plan can be given little weight.

12. PLANNING CONSIDERATIONS

12.1 The key issues for consideration are:

- i. Principle of Development
- ii. Impact on Character and Appearance
- iii. Impact on Heritage Assets
- iv. Impact on Residential Amenity
- v. Transport and Highways Considerations
- vi. Drainage Implications
- vii. Biodiversity Implications
- viii. Sustainability Implications
- ix. Archaeological Implications
- x. Thames Basin Heaths Special Protection Area (SPA)
- xi. Securing Necessary Infrastructure

The differences between this scheme and application 18/00650/FUL are set out in Section 13, with an overall planning balance being undertaken in Section 14.

i. Principle of Development

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

12.3 The NPPF confirms that decisions should apply a presumption in favour of sustainable development. Paragraph 11 sets out that for decision takers this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

12.4 Footnote 6 confirms that policies in the Framework that protect areas or assets of particular importance include those relating to habitat sites, designated heritage assets and flooding. As set out within this report, it is not considered that the development would harm the significance of any heritage assets, and impacts on habitat sites and flooding can be satisfactorily mitigated. As a result, the tilted balance is not triggered by virtue of footnote 6.

- 12.5 Footnote 7 indicates that for the purposes of para. 11(d) in relation to applications involving the provision of housing, the policies which are most important for determining the application should be considered out of date in instances including where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years, with transitional arrangements currently applicable.
- 12.6 The Council is able to demonstrate a five year supply of deliverable housing sites (5.2 years as at April 2020) and is satisfied that the Housing Delivery Test based on the most recent figures published in February 2020 has been met. As a result, it is maintained that the tilted balance is not triggered by virtue of footnote 7.
- 12.7 However, it is also acknowledged that the ‘tilted balance’ set out in para. 11 (d) is triggered where the most important policies for the determination of the application are ‘out of date’. The issue of what constitutes out of date for this purpose has been the subject of much litigation. The most recent judgment of the Court of Appeal on this issue was in the case of Peel Investments (North) Limited v SSHCLG and Salford City Council [2020] EWCA Civ 1175 in which it was confirmed:
- i. The decision on the matter of whether the policies of the development plan should be considered out of date for the purposes of para. 11 requires the assessment of a collection of policies – whether those most important for determining the application taken overall are out of date (see also Wavendon Properties v SSHCLG & Milton Keynes Council [2019] EWHC 1524 (Admin) at [55]);
 - ii. The decision is a matter of planning judgment (para. 71); and
 - iii. Restrictive policies whose boundaries have been set in accordance with out-of-date development requirements are not necessarily to be regarded as out-of-date, if the policy continues to be effective in delivering its original objectives (e.g. those of environmental protection) (para [7] in which the text of the policy is set out, [39-40] in which the Inspector’s reasoning and that of the High Court is considered, and [63-64]).
- 12.8 The LPA considers that those policies most important to the determination of an application for new residential development on land outside a defined settlement in the countryside are policies CS1, CS2, CS9, EN8 and H5.
- 12.9 CSDPD Policy CS1 states that development will be permitted which makes efficient use of land, is located so as to reduce the need to travel, promotes a mix of uses, and protects and enhances the character and quality of local landscapes and the wider countryside.
- 12.10 CSDPD Policy CS2 states that land will be allocated for development on a sequential basis, which includes previously developed land and development as extensions to defined settlements with good public transport links to the rest of the urban area.
- 12.11 CSDPD Policy CS9 states that land outside settlements will be protected for its own sake, particularly from development that would adversely affect the character, appearance or function of the land.
- 12.12 BFBLP ‘Saved’ Policy EN8 again states that the countryside will be protected for its own sake, and that outside the defined settlement boundaries development will only be permitted where it would not adversely affect the character, appearance or function of the land, or would not damage its landscape quality. It contains a (non-

exhaustive) list of development types which may be permitted in the countryside, which does not include new housing development except where required in connection with agriculture and forestry.

- 12.13 BFBLP 'Saved' Policy H5 states that outside the defined settlement boundaries the erection of new dwellings will only be permitted where it is required in association with a specific use and as long as it would cause no harm to the character of the area, or to the relationship between the settlement and the surrounding landscape.
- 12.14 It is acknowledged that Policies CS2, CS9, EN8 and H5 all refer to settlement boundaries established through development plans based on a strategic housing requirement that has since been superseded. However, in light of the principles established in Peel, it is not considered that this fact renders them automatically out of date but rather this assessment requires an analysis of the 'specific terms of the policy and of the corresponding parts of the NPPF when both are read in their full context'.
- 12.15 Both policies CS1 and CS2 are considered to be entirely consistent with the NPPF. Policies CS9 and EN8 are not wholly consistent with the NPPF, as they seek to protect the countryside for 'its own sake', which is not reflected in the NPPF. Para. 170(b) of the NPPF states that planning policies and decisions should contribute towards and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside and this requirement to recognise intrinsic character and beauty is consistent with the requirements of policies CS9 and EN8 for any development proposal's impact upon the character, appearance and function of the land to be assessed. Policy H5 has a lesser degree of consistency since it limits new dwellings beyond settlements to a closed list which is not reflected within the NPPF.
- 12.16 However, policies CS9 and EN8 both contain strong elements of environmental protection that are clearly intended to have a life beyond the plan period. Policy CS9 seeks to protect the countryside: *'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 wither within or adjoining the Borough, or ii. Maintain the Green Belt boundary within Bracknell Forest and protect the Green Belt from inappropriate development,'*. In the case of EN8, the long term objectives of the policy are evidenced by its reference to development only being permitted where it would: *'not adversely affect the character, appearance or function of the land, would not damage its landscape quality and, where conspicuous from the Green Belt, would not injure the visual amenities of the Green Belt'*.
- 12.17 When taken as a whole, the LPA is satisfied that those policies together, have sufficient congruency with the NPPF such that they should be considered up to date for the purposes of para. 11 of the NPPF. However, in assessing any conflict with these policies, weight should be given in accordance with their degree of consistency with the Framework as set out in para. 213 of the NPPF. In this context, limited weight should be given to the elements of CS9 and EN8 that seeks to protect the countryside 'for its own sake', with more weight being given to the requirement to undertake an assessment of any development's impact upon the character, appearance and function of the land.

Conclusion on Principle of Development

- 12.18 The application proposes new residential development on predominantly undeveloped land beyond existing settlement boundaries. The site is currently not allocated in an adopted development plan and only limited weight can be afforded to its proposed allocation in Regulation 18 versions of the emerging Local Plan. As such, the proposal is contrary to CSDPD Policy CS2. Any such development will inevitably have some impact upon the character and quality of the landscape which

Policy CS1 seeks to protect and enhance and some adverse impact on the character, appearance and function of the land, rendering it contrary to Policies CS9 and EN8. The development proposed does not require a countryside location and therefore is contrary to Policy H5. The weight to be accorded this policy conflict is in accordance with each policy's consistency with the NPPF.

- 12.19 It is concluded that the proposed development is contrary to policies in the development plan relevant to the construction of residential development on land outside existing settlements. Therefore, the application should be refused unless material considerations indicate otherwise. The remainder of the report considers these and concludes matters in the planning balance.

ii) Impact on Character and Appearance

Impact on Character and Setting of the Countryside

- 12.20 The application site is located beyond the settlement boundary of Warfield as shown on the Policies Map 2013. It lies on the southern edge of the Landscape Character Area C1 'Binfield and Warfield Clay Farmland as identified in the Bracknell Forest Landscape Character Assessment (2015). This document details that the southern part of the study area (which includes the application site) provides an important green space function, particularly Cabbage Hill and Popes Meadow, which form a strong transition between the urban edge and rural area to the north. The LCA identifies a number of valued features and characteristics of the area, some of which are present on the application site (see below).
- 12.21 The Local Landscape Appraisal Hayley Green, Newell Green and Warfield Street (2017) which was undertaken on behalf of Warfield Parish Council to inform the emerging Neighbourhood Plan refers to the land (para. 3.13) to the north of Warfield Street as 'attractive agricultural land to the north comprising large scale open fields defined by deep hedgelines with mature trees. Warfield House, a large Grade 2 listed country house set in landscaped grounds is situated to the north-east'.
- 12.22 The site was submitted for consideration as a potential housing allocation within the emerging Local Plan and was included in both Regulation 18 versions of the draft Local Plan as a proposed housing site with capacity to deliver 33 (net) units. Given the current stage of the emerging Local Plan, limited weight is given to the proposed allocation in the decision-taking process, however the landscape assessments that form part of the evidence base to the emerging Local Plan are relevant to an assessment of the site's existing character and capacity to accommodate new development.
- 12.23 A Landscape Sensitivity Appraisal of Potential Housing and Employment Sites in Bracknell Forest Borough was published in February 2018. This referred to the current application site as WAR 9, with the adjacent site to the east (known as land North of Newhurst Gardens) being referred to as WAR 10. In respect of the landscape character of the site, the assessment states:

The site is flat which indicates lower sensitivity in relation to landform. It comprises two small paddocks with overgrown hedgerows and mature hedgerows trees around much of the periphery. These features are representative of the wider clay farmland and the site contributes, to a degree, to the wider landscape character. However, the perceptual character of the site is influenced by its position on the edge of an area of 20th century housing at Warfield Street and adjacent to the Hermitage Caravan Park which imparts an urban influence.

12.24 In terms of its visual character it comments:

The site is enclosed by the settlement on its southern and western boundaries, and by mature hedgerows and hedgerow trees to the north and east which serve to filter views between the site and the rural farmed landscape beyond. Views of development could be further screened by strengthening this existing vegetation around the site.

12.25 It acknowledges that the site includes some features and characteristics that are valued in the Bracknell Landscape Character Assessment, namely:

- Clusters of trees which help to soften the boundary between adjacent urban areas providing a visual buffer between the northern edge of Bracknell and the rural farmed landscape;
- Hedgerows and hedgerow standard oak trees;
- The open and rural character of the landscape which provides a rural buffer to the settlements of Binfield and north Bracknell ;
- The quiet and rural character and sense of openness including the rural character of the villages. Some of these could be at risk if the site were to be developed indicating some sensitivity in terms of valued features.

12.26 Guidance is provided in the event that the site is considered for development, including the need to:

- Retain and manage trees and hedgerows within the site around the periphery as important wildlife habitats and landscape features;
- Strengthen these features with new planting as part of an integrated green infrastructure network connected to the surrounding landscape, to protect visual amenity and to help integrate any new development into its landscape setting;
- Reinstate native hedgerows in place of existing post and wire fencing where there are opportunities to do so;
- Ensure development responds to the character of the site, taking into consideration its setting in the wider landscape through use of architectural design and materials. Refer to Design SPD (2017) and the Northern Villages study area of the Character Area Assessment SPD (2010);
- Promote further opportunities to increase access and enjoyment of the landscape in association with any new development by encouraging links with open spaces provided within the Warfield development;
- Light pollution from new development should be minimised to maintain rural character and dark skies in this rural edge location.

12.27 The Landscape Sensitivity Appraisal assesses the cumulative impact of developing this site in conjunction with its neighbour, WAR10, which has since been granted outline planning permission for 50 dwellings and concluded:

“WAR 9 is a smaller site that is more embedded in the settlement edge than WAR10. Development of WAR10 would result in a greater impact than development on WAR9. The combined impact of developing both sites would be greater than developing WAR9 alone. If WAR 10 were to be developed WAR 9 could also be developed with little additional impact”.

12.28 The Housing Background Paper, published in October 2019, which also forms part of the evidence base to the draft Local Plan included a Site Suitability Assessment Summary which stated:

'In terms of the spatial strategy, whilst the site is located within greenfield land, the southern boundaries of the site adjoin the existing settlement boundary of Bracknell (Warfield Street). The site is in proximity to the allocation relating to Land at Warfield (Site Allocations Local Plan Policy SA9) and is therefore well located for access to basic services. The key constraint that impacts the suitability of the site is the ability to provide a biodiversity net gain, particularly in relation to loss of grassland on site. This is likely to require off-site provision to achieve a net gain. Retention and enhancement of the hedgerows and trees would increase suitability for allocation, to provide biodiversity, heritage and landscape benefits. There are other issues that need to be considered including maintenance of biodiversity connectivity through the site. The potential for noise from the nearby A road can be addressed through site specific requirements and is unlikely to reduce the capacity of the site. Based on the evidence, including the Sustainability Appraisal, and the considerations summarised above it is considered the site is suitable for allocation. It is therefore considered appropriate to revise the settlement boundary to allow for an extension of the settlement of Bracknell.'

12.29 In assessing the site's current contribution to the character of the area it is recognised that the site lies within a tract of predominantly open land to the north of Bracknell which has an important open space function and provides a visual buffer between the urban edge and the rural area to the north. It is recognised that the trees along the site's northern boundary contribute to this buffer. However, as recognised in the Landscape Sensitivity Appraisal, the site is flat and visually enclosed by the settlement on its southern and western boundaries and by mature hedgerows to the north and east, which are shown as being retained as part of the development. There are limited public views of the site, restricted to those from Gibbins Lane, a PROW, which are obtained above the existing development of the Hermitage Caravan Site or the stables building to its north.

12.30 The Landscape Officer has been consulted in respect of the development. Her comments, which were provided in respect of the scheme originally considered by the Committee, refer to the LUC report and Landscape Sensitivity Assessment referred to above and then continue:

As assessed above, the site is well screened by existing vegetation and enclosed by the settlement on its southern and western boundaries. The site is only visible when viewed from Herschel Grange right along the gated access to the fields.

There are private views from the Hermitage Caravan Park and the stables along Gibbins Lane. There are some filtered first floor views to the site from the adjoining dwellings on Toogood Place but ground floor views are screened by the fence along the site boundary. Views from Warfield Street are screened by existing large dwellings and garden trees and vegetation.

Along Gibbins Lane the north western part of the application site is only visible in the area between the Hermitage Caravan Park and Steeple View but there are no views to the site along Hermitage Caravan Park or from beyond Steeple View (located north west of the application site). There are views between Steeple View grounds and the application site through the gaps in the existing hedgerow vegetation.

A Landscape and Visual Impact Assessment has also been carried out for the application site although it was submitted for the earlier proposed layout. It concluded that:

'The assessment found that the Site is capable of accommodating development in line with the principles set out in Section 5 and on the accompanying Proposed Site Plan, without resulting in material harm to the surrounding countryside's landscape character and views from the wider area.'

As the assessment of the landscape and visual effects and proposed mitigation in the LVIA were carried out for an earlier layout, the results are not completely accurate but I agree

with both the LVIA and the LUC assessments in that, due to the site location adjacent to the settlement boundary and the existing and proposed screening from the wider countryside, the proposed development would have limited impact on the local landscape character.

The proposed layout has been revised from the earlier proposal where flats were proposed in the north western corner of the site to better work with the site constraints. The flats and larger dwellings are now located closer to the existing settlement boundary. The current proposal also includes a small open space with a detention basin and an amenity area in the north western corner that is visible from a public viewpoint from Gibbins Lane. The proposed wildlife corridor along the site boundaries and additional planting within the open space will help screen and filter views to the site.

- 12.31 The Landscape Officer has also been consulted on the revised layout submitted subsequently which was accompanied by a revised Landscape and Visual Impact Assessment, and the associated landscaping proposals for the site. She comments that the revised landscape scheme includes a good balance of native and ornamental species and creates structure to the scheme with proposed hedges and trees. She also notes, however, that it contains conflicting details and makes suggestions in respect of more long-living species choices and that tree planting should be provided within the wildlife corridor rather than in rear gardens in order to secure long-term retention. It is suggested that the submission of a revised landscaping scheme to address these issues could be secured by means of a condition (to which the applicant is amenable). A landscape management and maintenance plan is also required for the site and this should include details for the long term access and maintenance of the wildlife corridor.

Conclusion on impact on intrinsic character and setting of countryside

- 12.32 While any form of built development on a greenfield site will inevitably detract from the intrinsic value and beauty of the countryside, the extent of the contribution and influence of the site to the wider value and beauty of the countryside is an important factor. In light of the above assessments, it is considered that the character of the site is materially impacted on by surrounding development, an impact which will be compounded should the residential development to the north of Newhurst Gardens be built, and that the site's contribution to the wider character of the area is limited by reason of its visual enclosure and screening.
- 12.33 The development has been amended since the determination of application 18/00650/FUL to remove development from the most visually sensitive part of the site and to provide opportunities for landscape planting around its boundary which will further ameliorate the visual impact of the proposed development. The limited landscape sensitivity of the site is established by independent landscape assessments which form part of the evidence base to the Local Plan. The design of the scheme, particularly through the opportunity to provide boundary planting, seeks to limit any visual impact. In light of these factors, it is concluded that whilst the development would result in some harm to the countryside contrary to Policies CS1, CS9, EN8 and H5, in this instance the harm is considered to be limited. This policy conflict and the harm caused to the character of the countryside falls to be considered within the planning balance.

Impact on Character and Appearance of Warfield Street

- 12.34 The site lies to the north of the 'Warfield Street' (Area B1) study area of the Character Area Assessments SPD (2010), which begins on the southern side of Toogood Place. The

settlements included within this character area (Warfield Street, Hayley Green, Brock Hill and Lovel Road) are recognised as having distinct features but having an overall character of ribbon development with houses on both sides of the street. It refers to the fact that these villages have all been subject to backland infill in the form of cul-de-sacs. However, the pictorial assessment of Warfield Street indicates that 'Cul-de-sac developments do not form part of the overall character, but have relatively little influence on the area'. It also makes specific reference to the views out to the wider landscape e.g. from Toogood Place as well as Newhurst Gardens.

12.35 In making recommendations for future development within the character areas, the SPD states:

Settlement boundaries should be clearly defined to retain the character of these areas where new development areas are not proposed;

- *Infill development on backland sites in the form of cul-de-sacs must be designed, so that any impact on the street scene is minimised;*
- *Architecture may vary, although existing building lines should be maintained and boundary treatments provided;*
- *Retain close relationship between settlement edge and wooded setting;*
- *Rural gaps between individual settlements should be retained and reinforced with tree and hedgerow planting in keeping with the local landscape pattern;*
- *Alternative use of marginal farmland for recreational green infrastructure in areas close to Bracknell should be considered; and*
- *New development areas should retain and reinforce tree and hedgerow planting in keeping with the local landscape pattern.*

12.36 In considering the appeal development proposed north of Newhurst Gardens, the Inspector referred to objections made that the development would not respect the existing linear pattern of development that gives Warfield Street its character. He referred to the existing development at Herschel Grange, Toogood Place and Newhurst Gardens which have already compromised the layout and understanding of the settlement as simple ribbon development and stated that:

'The impact also needs to be seen in the light of the future development of the Policy SA9 site along the southern side of Warfield Street. This will encroach into the remaining open views between buildings on that side of the road, further eroding the rural setting of the settlement. In due course Warfield Street will take on a new role as the boundary of the expanded new town and the limited effect of the proposal would be minor in comparison to this future change. Once the scheme becomes fully established, like the existing cul-de-sacs, it would be seen as an integral part of the settlement rather than a part of the expanded new town immediately to the south. As a result, the proposal would not result in the 'encirclement' of Warfield Street by the new town, instead it would simply be an expansion of the current settlement'.

12.37 The current proposal, similarly would have limited visibility when viewed from Warfield Street. It has a close relationship with the settlement edge and includes landscaping proposals that seek to retain and reinforce tree and hedgerow planting including on the site's northern boundary. As a result it is not considered that the proposed development would have a significant adverse impact upon the character of Warfield Street.

Appropriateness of Layout and Design

12.38 Policy CS7 of the CSDPD requires development to build on urban, suburban and rural local character, respecting local patterns of development. Policy EN20 of the BFBLP indicates that it should 'be in sympathy with the appearance and character of the local environment and appropriate in scale, mass, design, materials, layout and siting, both in itself and in

relation to adjoining buildings, spaces and views'. Both policies are considered to be consistent with the NPPF.

- 12.39 The application proposes a mix of terraced, semi-detached and detached properties, together with the construction of a block comprising 5no. apartments. The proposed dwellings would be predominantly two storey in height, although a total of 8 plots would be provided with an additional floor of accommodation within the roofspace. The apartment building would similarly be 2.5 storey and following amendments, has been re-designed to remove the bulky external lift shaft and relocated to the south-eastern corner of the site. The dwellings propose a mix of building designs and external materials. It provides a modern design style, that does not seek to copy the design of adjoining development, particularly by making use of large amounts of glazing, while making use of traditional brick colours and timber cladding. An extract from the Proposed Street Scenes plan is included below. It shows Plots 1-3 on the left hand side of the access road with Plots 23 -27 on the right:



STREET SCENE - D

- 12.40 The Urban Design Officer has been consulted and made the following comments in respect of the scheme previously presented to the Committee:

Character is the key issue here. This is an edge of settlement site. Therefore, I would expect the proposed development to have a strong landscape strategy, be informal and "scattered" in terms of layout and respond to surrounding effectively.

1. I think it would be reasonable to have a more village feel to the proposal coming forward. The layout feels quite regimented, suburban, with the highway dominating.

2. This site should be accessed via a 4.8m shared surface (Streetscene SPD says this can be used for 35 – 50 units). This would mean that the service margins could be planted and not appear as footways. This would help with creating a more verdant character, appropriate for an edge of settlement site. There is plenty of potential to plant trees within the development, to add to creating a greener development. Some of these should be in front gardens, scattered, to visually enhance the streetscene more effectively and add to the assets on the site.

3. The built forms need generous set backs, and variation in the building line and boundary treatments. This would also create a softer streetscene and be more appropriate in terms of character.

4. The Design SPD also provides advice in relation to edge of settlement sites – see para 3.5.3 – 3.5.6.

5. I consider that a large 2 storey detached unit at the entrance to the site would be more transitional in terms of character than the linked 3 units proposed. Most units in the area are detached houses on large plots.

6. Any apartment block will need careful design and will need to be appropriate in terms of scale and massing. Is there an issue with the view from Gibbons Lane? This is referred to in the Character Area Assessments SPD as a point of concern. Is this the right location for apartments? The design of the block that I last saw had a large projection for the lift on the rear elevation. This appeared visually awkward in terms of design. And whilst a lift is

welcomed to improve accessibility, I am concerned about the height, which I presume is 3 storeys, if a lift is needed. This area is predominantly 1 and 2 storey in height. Dependent on levels, the height of the apartments could be an issue.

7. The plots on the northern edge of the site need longer gardens than elsewhere on the site. Firstly, to ensure there is a green buffer for countryside edge, and secondly, to ensure the gardens get good daylight and some sun in the winter months.

8. Does the layout respond sufficiently to TPO RPAs? The layout plans suggests not with plots 13 and 14 and access road to the apartment block in the south of the site.

9. Connections to surrounding development

10. Views into the site and along streets should be positively concluded either by structural planting (a tree of significance such as an oak) or by a built form.

11. Boundary treatments are key to informing character

12. Where is their Landscape strategy? This is so important for this site and should inform layouts on the site.

13. Variation in materials is needed. A contemporary design could be appropriate in terms of placemaking, but the visual success of the site will be very dependent on material choices, which should take their cues from the surrounding developments.

12.41 Since these comments, a number of amendments have been made to the scheme in an attempt to address the concerns raised. These include:

- The introduction of a shared surface to the northern part of the access road allowing a reduction in the level of hardstanding required by footways and allowing surface margins to be planted. [Officer Note: more extensive use of shared surfacing was not considered acceptable from a highways safety perspective]
- The plots on the northern boundary of the site have been re-orientated and moved forward by between 1.8 and 6.8m (approx.) to provide an increased buffer to the land to the north, provide more space around the mature oak proximate to Plot 13, and increase daylight and sunlight to these north-facing gardens in the winter months
- A paved connection is shown to the site's eastern boundary to link through to the Newhurst Gardens site if developed [Officer Note: this was indicated previously as a 'possible future access']
- The apartment block which has been re-located to the site's south-eastern corner and has been re-designed to remove the bulky lift shaft referred to.

12.42 In addition to these changes, confirmation has been sought from the Tree Service that the relationship between the RPAs of retained trees and the proposed dwellings is acceptable and it has been confirmed that it is. The issue of variation in materials can be addressed by condition. The revisions to the layout have allowed a greater degree of planting within the site. The Landscape Officer is satisfied that the proposed planting will create structure to the scheme with proposed hedges and trees although further details will be required by condition.

12.43 In light of these changes, the Urban Design Officer has been re-consulted, and makes the following comments:

1. Coloured site plan still showing grass verge on one side and footway on the other. Please can we have footways coming into the site on both sides of the road with the road

design changing to a shared street design in the vicinity of plots 3 and 23 with planted verges to green the internal streetscene. Please note, verges should be planted within the shared street element of the site in accordance with the planting stated in the Streetscene SPD as this will meet highway standards and reduce parking on verges which is a key problem with grass verges around the borough.

2. The parking arrangements for plots 2 and 3 have been amended as I had suggested and relate better to their plots.

3. The design of plots 1-3 has been amended. Whilst not amended as I recommended, plots 1 and 2 could read, in elevational terms, as one detached unit. Therefore, I feel the applicant has responded with a design solution that I feel comfortable with in this instance.

4. I remain very concerned about the relationship of the northern boundary trees and the closeness of units 12 – 14. The tree should be retained but the relationship as proposed means the future residents will experience shading within their north facing gardens, the loss of light to the rear of the properties and this could impact on usable private amenity space for these large family houses. New residents often place pressure on the Council to remove trees if loss of light and shading is being experienced. To lose this tree would have a negative impact on the biodiversity of the area, views from the countryside and the green backdrop to this new development site. Therefore, it is vital that mature trees such as this are retained within the landscape of the borough as set out in policy EN20 of the Bracknell forest Borough Local Plan (saved policies)..

5. Has the landscape report been amended? I note that I stated previously “The landscape report goes on to state at 3.5 that “The areas to the rear of the houses have been otherwise left alone to give future residents free rein to create their own landscaping spaces.” The layout plan clearly shows trees being planted in back gardens.“ Will the developer plant trees in rear gardens? This is important to green the development and create a more transitional landscape approach between development and countryside.

6. Trees appear in the front gardens of plots 4 – 7 now which is welcomed. However, what tree species is proposed for these small front gardens?

7. Do we have a boundary treatments plan to go with the layout? This must form part of any plans for determination.

8. Fences around the wildlife corridor obviously need to have access points for the wildlife such as hedgehogs holes and for foxes etc.. I am presuming details of this boundary treatment have been submitted?

9. We need to see materials and elevations to ensure that the more contemporary design of this parcel is visually integrated into the character of the area and surrounding streets. More contemporary designs rely on high quality, well chosen materials to complement and uphold the original design rationale for the site.

12.44 It is noted that the amended plans address some of the Urban Design Officer’s concerns but not all of them. In particular, she retains a preference for the access to be provided by a shared surface through most of the site with planted margins. The applicant had indicated a willingness to adopt this arrangement, however this was not deemed acceptable by the Highway Authority and accordingly the current layout is considered to strike an appropriate balance between competing requirements.

12.45 It is noted that in design terms the design of Plots 1 – 3 and their parking arrangements are now considered satisfactory (points 2 and 3). The Urban Design Officer remains concerned about the relationship between the closeness of boundary trees to Units 12 – 14. This issue is examined in detail below. The Tree Officer considers that this relationship is satisfactory and future maintenance

arrangements have been considered to secure the long-term survival and maintenance of these trees.

- 12.46 The remaining issues raised (points 5 – 9) relate to matters that can be controlled by conditions requiring the submission and approval of soft and hard landscaping, boundary treatments and materials and these are all included in the Recommendation set out below.
- 12.47 The revised scheme goes some way to address previous design concerns relating to the development although it is acknowledged that not all concerns have been overcome. In particular, the highway arrangement used for much of the site before it transitions to a shared surface, has a formalising impact on the character of the site, which impacts on its transitional character such that there is some level of conflict with development plan policies CS7 and EN20 and the NPPF. This limited conflict is required to be weighed in the planning balance.

Landscaping & Trees

- 12.48 No trees within the site or on its immediate boundary are subject to Tree Preservation Orders (TPOs). Accordingly, the Tree Service offered no comment in respect of the proposed development. However, in light of issues raised by the Urban Design Officer, their formal comments have been sought.
- 12.49 By way of background, the Tree Service confirms that prior to the submission of application 18/00650/FUL, it was made aware by the applicant's arboriculturist that a large oak tree was to be removed on the application site due to structural defects. At this time, it was concluded that it was not expedient to impose a TPO on the remaining trees as the Tree Service had reviewed the applicant's arboricultural submissions and had concluded that those suitable for retention were shown as being retained and protected by fencing to BS5837.
- 12.50 In respect of the current submission it is confirmed that the eight trees identified as suitable for retention are still shown for retention and protection. They confirm that the relationship between the Willow T1 and the nearest adjoining buildings is acceptable with the majority of new hard surfacing outside of the RPA of the tree. In the limited area where the access encroaches into the RPA, it is expected that the road surface would be constructed with permeable surfacing to enable the roots within that area to be retained and to continue to function to support the tree.
- 12.51 With regard to the relationship of oak T16 with the houses on Plots 13 & 14, it is noted that the oak is positioned to the North of these two houses so light & shade will not be an issue. The Tree Officer comments:
- “Although the nominal RPA is shown (on the Tree Protection Plan) to be 14.90 metres (co-incidentally reaching the rear elevation of the houses) the extent of encroachment by built form into the RPA is minor and in any event there are measures shown to minimise the potential for damage to the rooting area by installing ground protection measures for the duration of the construction period. The Tree Service is not unduly concerned by this situation as the remainder of the tree's RPA within the development is retained without any excavation or construction and the tree undoubtedly also enjoys access to the rooting environment in the field to the North of the application site.*
- The only issue is the future when the tree grows and extends its crown spread closer to the rear elevation of the two houses. Currently the distance is measured to be approximately 2.75 metres to the rear 'extension' with its rooflights and 5.0 metres to the rear wall elevation. Assuming the future residents appreciate their garden environment and the benefit the tree brings in terms of visual amenity and benefit to the character of the*

landscape, then routine pruning will easily manage the situation. This would be a similar situation with the Willow (T1).

The only concern the Tree Service has with these any of the trees on this development is who will they belong to and who will manage them in future; the boundary delineations of the Plots are unclear and the Willow (T1) is within an area that appears to be 'public amenity space'".

- 12.52 In response to these issues, the wildlife corridor has been extended to include both T1 and T16. As indicated above, a Landscape Management and Maintenance Scheme will be secured by condition on any approval granted and this will secure the future management of these trees.

Conclusions on Impact on the Character and Appearance

- 12.53 The application proposes the development of a predominantly greenfield site which will inevitably have some adverse impact on the character and appearance of the countryside. However, the site has limited sensitivity in landscape terms, resulting from its relationship with the settlement and visual containment. The design of the scheme keeps the most visually sensitive part of the site open and provides opportunities for boundary planting around the site. In light of these considerations, the level of harm caused has been assessed as minor.
- 12.54 The design and layout of the development has been revised to try and provide a more 'transitional feel' to this edge of settlement site, through a reduction in levels of hardstanding, which provides opportunities for structural planting within the site. It also allows for the retention of existing mature trees, particularly along the site's northern boundary. Due to its location, and lack of visibility from Warfield Street it is not considered that it would have an adverse impact on the character of the settlement as a whole and that it is generally consistent with the principles set out in the Character Area Assessments SPD.
- 12.55 The scale of development is considered to make efficient use of land (as required by the NPPF and Policy CS1) and broadly respects the local pattern of development, although it is noted from the Urban Design Officer's final comments that it fails to do this fully since it adopts a relatively formal highways layout rather than the more informal, 'scattered' layout that is considered more appropriate for this edge of settlement site. Within this context, it is noted that the highway layout is influenced by highway safety requirements but there remains some level of conflict with Policies CS7 and EN20 as a result of this. In conclusion, the scheme conflicts with Policy CS1, CS9, EN8 and H5 as it will cause some harm (assessed as being minor) to the character and appearance of the countryside, and there will also be some, limited conflict with Policies EN20 and CS7. This policy conflict and the resultant harm falls to be weighed in the Planning Balance.

iii. Impact on Heritage Assets

- 12.56 The development's impact on the significance of the following heritage assets has been considered in the assessment of this application:
- Warfield Hall, Forest Road (Grade II Listed)
 - Horseshoe House, Warfield Street (Grade II Listed)
 - Pear Tree Cottage, Warfield Street (Grade II Listed)
 - Newell Hall, Warfield Street (Grade II Listed)
 - Stable block and stable yard, walls and gate piers to Newell Hall (Grade II Listed)
 - Walls and gate piers to Newell Hall ((Grade II Listed)
 - Church of St. Michaels and All Angels (Grade II*)

- Warfield Church Lane Conservation Area

12.57 The Council's Conservation Advisor has commented:

The proposed site would not easily be visible from Warfield Street due to screening from the existing housing estate. Inter-visibility between the proposed development and the Grade II Listed Horseshoe House on Warfield Street, approximately 80m to the south, would be very limited.

Pear Tree Cottage approximately 200m to the east, Warfield Hall, which is approximately 0.7km east of the proposed site and Newell Hall, 200m to the west, would not be directly inter-visible with the proposed development.

The Warfield Conservation Area and associated Church of St Michael and All Angels (Grade II Listed) with associated Grade II graveyard monuments, Rectory and Parish Rooms are not within close proximity to the proposed site, being approximately 0.9km north.*

Due to dense screening along The Cut watercourse, to the south of the Conservation Area and Church, there are no views between the proposed site and the designated heritage assets which would be potentially harmed. Similarly, there are no historic or functional links between the proposed site and Warfield Conservation Area which would be harmed by the proposed development, which would be largely contained within an area of modern housing.

He therefore concludes:

In view of the lack of inter-visibility with designated heritage assets and the lack of any functional relationship between the proposed site, there is not considered to be harm to the significance of the closest Listed Buildings described from impacts on their settings or harm to the setting or character or appearance of the Conservation Area.

There are therefore no objections in principle to the proposed development, subject to appropriate detailed design and materials.

12.58 In view of the lack of inter-visibility with designated heritage assets and the lack of any functional relationship, there is not considered to be harm to the significance of the closest Listed Buildings in terms of impacts on their settings or significance or upon the setting or significance of the Warfield Conservation Area. The proposal is therefore considered to accord with CSDPD Policies CS1 and CS7 as they relate to heritage issues, and the NPPF. Furthermore, the approval of this application would not adversely impact on the statutory duties set out in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 for local planning authorities to have special regard to the desirability of preserving the setting of a listed building or to pay special attention to the desirability or preserving or enhancing the character and appearance of a Conservation Area.

iv. Impact on Residential Amenity

Impact on occupants of neighbouring properties

12.60 It is considered that due to the siting and layout proposed, along with the relevant separation distances, the development would not result in a material adverse impact

on the amenities of the nearest neighbouring properties in Herschel Grange or Toogood Place. This includes consideration of loss of light, loss of privacy and any overbearing impacts.

- 12.61 The unit on Plot 33 has a rear garden depth of 12.7m and would maintain a back to back distance of 24.6m with 2 Herschel Grange, 28.8m with 1 Toogood Place and 26m with 2 Toogood Place. This degree of separation accords with the guidance set out in the Council's adopted Design SPD and is considered sufficient to ensure an acceptable relationship and privacy between dwellings.
- 12.62 This proposed dwelling (No.33) would also maintain a minimum separation distance of 13m between its western (side) elevation and the closest part of the rear elevation of 4, Herschel Grange. No habitable windows are shown in the side elevation of the proposed dwelling (the proposed windows serve stairs) and it is considered that this separation distance is sufficient to ensure that the proposed development does not have a material adverse impact on the amenities of no.4. Conditions are recommended to restrict the formation of further windows in this side elevation, and to restrict the windows shown to obscure glazing with limited opening, thereby preventing any loss of privacy.
- 12.63 The proposed apartment building would have a separation distance of approximately 4.6 metres to the southern boundary of the site, and a total separation distance of approximately 27.9m to the rear of 2 Toogood Place, 23.6 metres to the rear elevation of 3 Toogood Place, and 24m between it and 4 Toogood Place, all of which are situated to the south of the site. Its bulk has been reduced by removing the rear lift shaft. These distances, and the location of the development due north of the existing dwellings, is considered sufficient to ensure that the proposals will not give rise to an adverse impact in terms of loss of light or overbearing impact on these dwellings. No windows, above ground floor level are shown on the side elevation of the apartment building as it faces towards Toogood Place and no permitted development rights exist, such that any additional window installed would require the benefit of planning permission (although this issue is also covered by condition).
- 12.64 It is noted that the separation distances between the proposed dwellings along the site's western edge and existing dwellings within The Hermitage caravan park do not comply with the standards set out in the Design SPD. These mobile homes are set on extremely limited plots with little separation between them. The outlook and light afforded to the windows on their rear (eastern) elevations already has the potential to be severely impacted on by the provision of any boundary fencing given their proximity to the site boundary. Furthermore, their design does not reflect that of 'standard' dwellings, which tend to have the main habitable rooms facing front and rear, but instead provides windows to main habitable rooms on all elevations. The degree of 'back to back' separation provided in respect of Nos. 3,4 and 5 The Hermitage ranges between 14.1m and 16.4m with the units on Plots 4-6. The unit on Plot 1 maintains a distance of 9.6m with the flank elevation of the unit on Plot 1, which would have a first floor bathroom window in this side elevation, which it is recommended is conditioned to be obscurely glazed with limited opening. The wildlife corridor provides an opportunity to introduce landscape planting within the boundary of the site that would provide an increased level of screening between the dwellings within The Hermitage and those currently proposed.
- 12.65 The relationship between the proposed and existing dwellings on each side of the site's western boundary does not meet the standards set out within the Design SPD. However, it is considered that their relationship is, given the existing limitations on outlook and light

provided to the rear of these dwellings, on balance acceptable and would not give rise to a material loss of amenity to occupiers of these dwellings.

- 12.66 With regard to the adjoining site to the East, the issue of layout was reserved for later consideration as part of application 16/01004/OUT. This application was granted permission on appeal for the erection of 50 dwellings, with access from Newhurst Gardens. However, the indicative layout submitted indicated a substantial undeveloped buffer to be provided between the proposed housing and the boundary with the current application site. The current application indicates all development set a minimum of 3.3m away from the site's eastern boundary with the intervening 2m wildlife corridor providing an opportunity for substantial planting. Accordingly, it is not considered that the design of the current proposal prejudices the layout of the adjacent scheme should this come forward.
- 12.67 The required construction works would inevitably give rise to some disruption to neighbouring occupants, especially in terms of noise. However, these works would be temporary, and would not constitute a reason for refusal of the application. The Environmental Health Officer recommends the imposition of conditions relating to the provision of details of a working method statement to control the impacts of demolition and construction works on the amenities of the area, as well as a restriction on the hours of works.

Impacts on prospective residents of the development

- 12.68 The proposed layout and design would provide acceptable separation distances and orientations of dwellings in order to avoid any potential adverse loss of light or loss of privacy impacts between prospective occupants. The apartment building contains habitable windows in its side elevation looking towards the front of Plot 26 at a distance of 12.8m, and this relationship is considered acceptable. Other dwellings' side-facing windows at first floor level or above which face onto neighbouring dwellings are recommended to be obscure-glazed and non-opening and secured as such by condition. These affected side windows would be to non-habitable rooms, mainly bathrooms.
- 12.69 Each dwelling, including the apartment building, would have private amenity space provided within enclosed rear gardens of reasonable size.

Conclusion on impact to residential amenity

- 12.70 It is not considered that the proposal would give rise to any materially adverse impacts on the amenities of neighbouring properties, or prospective occupants, subject to conditions, and as such accords with 'saved' BFBLP policies EN20 and EN25 and the NPPF.

v. Transport and Highways considerations

- 12.71 The Highway Officer has been consulted throughout the development of the application scheme. Their comments, based on multiple consultation responses, can be summarised as follows:

Access and Layout

- 12.72 Herschel Grange is a cul-de-sac which provides access to 8 dwellings, 12 mobile homes together with 11 dwellings along Toogood Place. Herschel Grange is 5.5 metres wide and provided with two 1.8 metre footways for the initial 50 metres to the junction with Toogood Place, where it becomes a 5.5 metre wide shared street with 1.8-metre-wide verges to the entrance to the mobile park.

- 12.73 It is proposed that the access will continue into the site at a width of 5.5m, with 2 metre wide footways, before reducing to a width of 4.8m with a footpath only on its western side as it runs north-south. The access will then give way to a shared surface at the northern end of the site serving Units 12 – 21 and at its southern end serving Units 23 – 33.
- 12.74 The proposed bend created by the new access road is located at the end of the current cul-de-sac and thus road speeds are expected to be low as vehicles approach the bend. Furthermore, on approach to the bend there is a large area of verge that will enable good forward visibility of any oncoming traffic and the road width in this location is sufficient for cars to pass each other safely. This will reduce the chance of sudden braking and the access arrangements are considered suitable for the development proposed.

Parking

- 12.75 The proposals consist of 4 x one bed units, 10 x two bed units, 10 x three bed units, 6 x four bed units and 3 x five bed units which according to the parking SPD requires 71 spaces. These are shown to standard. There is a requirement to provide a total of 6.6 visitor spaces, whilst there is a shortfall of 0.6 of a space (that would be rounded to one space) the Highways Authority is satisfied with this level of provision and comments that the spaces shown are well spread out across the development.
- 12.76 Parking is proposed in a mixture of car ports and driveways, and the sizes of these meet requirements. Cycle storage is proposed in cycle stores within the gardens of the houses and each dwelling is provided with a gate accessing either the driveway or street to facilitate off-street bin storage within rear gardens of individual dwellings. The flats are provided with a cycle store and bin store.

Traffic & Sustainability of Location

- 12.77 It is acknowledged by the applicant that the site is only served by a bus with a two-hour frequency and that most local services are over 1km away, however in the appeal on the site to the east at Newhurst Gardens (16/01004/OUT), the Inspector considered the implications of the sustainability of the area. He concluded that the site was not ideally placed in relation to services and facilities however that this position would greatly improve when the Policy SA9 site is developed. He stated that:

'Whilst the Policy SA9 site will take some time to be fully developed the appeal site will then be sustainably located in relation to services and facilities. The current conflict with Core Strategy Policy CS23 (and relevant parts of CS1 and CS2) should therefore be largely discounted in the overall planning balance.'

- 12.78 Whilst it is recognized that every site is to be considered on its own merits, in geographic terms, the current site is similar to the Newhurst Gardens site. It is also noted that there has been a recent resolution for approval subject to the completion of planning obligations in relation to an outline application for up to 305 dwellings (20/00214/OUT) on land east of Old Priory Lane and west of Maize Lane (the 'Warfield Central Consortium' application) which will secure access improvements along Maize Lane.
- 12.79A proposed condition seeks to secure off-site highway works comprising minor changes to Warfield Street to enable safer crossing to help pedestrians and to support integration with those improvements sought as part of the strategic housing developments.

Highway Adoption

- 12.80 The Council will also seek formal adoption of roads and footpaths within the site, including the proposed access to the Newhurst Gardens development. This will be secured via Section 106 Agreement.

Conclusion on Highway Safety

12.81 It is considered that the development would not result in an adverse impact on highway safety in accordance with Policy CS23 of the CSDPD, 'Saved' Policy M9 of the BFBLP, the Parking Standards SPD (2016), and the NPPF, subject to the recommended conditions and Section 106 obligation requirements.

vi. Drainage Implications

12.82 Following initial comments from the Lead Local Flooding Authority regarding the sustainability of the proposed drainage scheme, an alternative strategy has been submitted. The design involves re-laying a culvert over 90 metres of private land. The FRA states clearly that permission has been granted by the landowner to achieve these off-site works however they will need to be secured as part of the s106 obligation. The scheme also shows the provision of a detention basin in the site's north-western corner. Insufficient details are currently provided of its construction or of how vehicle access to the control manhole will be provided however these matters can be secured by condition.

12.83 The applicant will need to enter into a Section 106 Agreement to secure management of the proposed drainage solution, and this agreement will also need to secure the off-site arrangements as indicated above. In addition, various conditions are recommended to be imposed to secure further details and retention of the proposed drainage strategy.

12.84 Subject to the above, it is considered that the proposal would not result in an adverse impact on surface water drainage, in accordance with Policy CS1 of the CSDPD and the NPPF, and that the previous drainage reason for refusing application 18/00650/FUL has been addressed.

vii. Biodiversity Implications

12.85 The Biodiversity Officer advises that the updated ecology report dated August 2019 addresses previous biodiversity concerns by:

- Providing further details relating to mitigation/enhancement in relation to bats by using bat boxes on trees and new buildings,
- Providing general details of Great-crested newt mitigation through the use of a one-way GCN barrier during construction and adapted kerbs and gully pot positions, further details of which can be secured by condition,
- Providing details of stag beetle mitigation within the wildlife corridor, and
- Providing clarification of tree removal/green infrastructure provision in relation to the green corridor around the boundaries of the site.

12.86 In light of this submitted information, it is considered that the reason for refusing application 18/00650/FUL on biodiversity grounds has been addressed and that, subject to the recommended conditions being imposed, the proposed development would protect and enhance biodiversity, in accordance with CSDPD Policies CS1 and CS7, and the NPPF.

viii. Sustainability Implications

12.87 In respect of the proposed additional dwellings, Policy CS10 requires the submission of a Sustainability Statement covering water efficiency aimed at achieving an

average water use in new dwellings of 110 litres/person/day. Policy CS12 requires the submission of an Energy Demand Assessment demonstrating how 10% of the development's energy requirements will be met from on-site renewable energy generation.

- 12.88 No details of the above have been submitted for consideration, and therefore it is recommended that these be secured by way of planning condition.

ix. Archaeological Implications

- 12.89 The Applicant provided a desk-based archaeological assessment in support of application 18/00650/FUL. Berkshire Archaeology was consulted and advised the Council that it broadly accepted the assessment and conclusions of this report. The assessment of the site's archaeological potential was considered fair and acknowledged that current knowledge may under-represent the reality.
- 12.90 Berkshire Archaeology therefore agreed that an initial programme of exploratory archaeological investigation would be appropriate and the results of this exercise would inform the need for, and scope of, any strategy to mitigate the impacts of development. This may include further archaeological investigation prior to, or during, construction.
- 12.91 This programme of work is recommended to be secured by condition. Subject to this, the proposal would not be considered to result in an adverse impact on archaeological interests on the site, in accordance with the NPPF.

x. Thames Basin Heaths Special Protection Area (SPA)

- 12.92 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.
- 12.93 This site is located approximately 4.9 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.
- 12.94 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.
- 12.95 The SANG contribution payable for affordable units is lower than that for market units. As the exact mix of affordable units is to be a matter of negotiation as part

of any s106 obligation, it is not possible to specify the exact SANG contribution at this stage.

- 12.96 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which is also calculated on a per bedroom basis.
- 12.97 The applicant has agreed to enter into a S106 agreement to secure these contributions 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 Avoidance and Mitigation SPD, the Planning Obligations SPD and the NPPF.

xi. Securing Necessary Infrastructure

- 12.98 The following matters would be secured by means of a Section 106 legal agreement:

Affordable Housing

- 12.99 The application seeks to provide 31.3% of the total number of dwellings as affordable housing. This exceeds the Local Planning Authority's current policy requirement of 25%. Information provided with the application suggests that the affordable housing offered would comprise 5no. two bedroom houses, 1no. two bedroom flat and 4no. one bedroom flats. The original comments provided by the Implementation Officer in respect of the previous application confirmed that the Council seeks affordable housing to be reflective of the mix of market housing proposed and therefore, the Council would like to see an increase in the number of larger affordable units. Comments provided in respect of the current application confirms that the housing strategy has changed slightly and more flexibility could be demonstrated if the developer is willing to work with the Council's housing department to provide units for those with specific needs. The applicant has indicated a preparedness to work with the Council as part of negotiating the s106 obligation to secure an appropriate specification/mix of affordable accommodation.

Community Facilities

- 12.100 Due to the added pressure on community facilities from additional residential use on site, the Council will seek through a planning obligation to secure funds towards community facility improvements.

Education

- 12.101 The Local Education Authority (LEA) will seek, through a planning obligation, a contribution towards the improvement of facilities at Warfield Primary School.

Open Space of Public Value OSPV)

- 12.102 As the proposed development only provides a limited amount of OSPV the Council will seek a financial contribution towards the provision of, or an increase in capacity of off-site active and passive open space. In this instance the contribution would be applied to Active and Passive Open Space Improvements to Warfield Memorial Ground or other suitable alternative site capable of serving the development.

Transport

- 12.103 Off-site highway works to improve pedestrian safety crossing Warfield Street will be required by condition.

SuDS

- 12.104 Planning obligations will be required to ensure approval of the SuDS specification and a long term Management and Maintenance Plan prior to commencing development on site. A planning obligation will also be required to secure a SuDS monitoring contribution to monitor SuDS for their lifespan.

Biodiversity

- 12.105 The NPPF (Para 175d, 2018) states that: “opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity”. In instances where on-site Biodiversity enhancements do not amount to a net gain (guidance to be taken from our Biodiversity Officer) the Council will look for a contribution towards Biodiversity enhancements at an agreed off-site location capable of serving the development. In this instance, the Biodiversity Officer has indicated that, subject to recommended conditions, the scheme will provide sufficient biodiversity enhancement (see para. 12.86) and no contributions for off-site enhancement works are sought.

SPA

- 12.106 See section 12(x) of the report.

Community Infrastructure Levy (CIL)

- 12.107 Bracknell Forest Council commenced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL applies to any new build that involves the creation of additional dwellings. The site falls within the 'Northern Parishes' charging area, for which the charge is £281.77 per square metre for 15+ dwellings (2021 figures).

13. DIFFERENCES WITH APPLICATION 18/00650/FUL

- 13.1 It is acknowledged that the original report to Committee did not clearly set out the reasons why different recommendations were made in relation to applications 18/00650/FUL and 19/00497/FUL when both proposed the residential development of the site. It is considered that the differing recommendations resulted from the following factors, each of which are discussed below:

- i). Differences between the development proposed under each application
- ii). Assessment of the site's contribution to the character of the countryside
- iii). Assessment of the proposed development's impact on the character of the countryside
- iv). Consistency of policies with the NPPF and the weight they are given.

i). Differences between the development proposed under each application

- 13.2 The first application proposed the erection of 34no. dwellings, 8 of which would have been affordable (24.2%). The layout indicated a 2.5 storey apartment block in the site's north-western corner and an area of open space located on the site's southern boundary to the rear of Nos. 1 and 2 Toogood Place and 2 and 4 Herschel Grange. At the entrance of the site was a terrace of three units and 3no. detached units were shown facing the sites eastern boundary, served by a shared surface.

- 13.3 The application did not include sufficient information to demonstrate that the proposal would not result in an adverse impact on biodiversity or that an acceptable surface water drainage mitigation or Sustainable Drainage System (SuDS) scheme could be achieved.

- 13.4 The current application proposes 33no. dwellings and the provision of 10no. affordable housing units (31.3%). The 2.5 storey apartment building is shown sited in the site's south-eastern corner adjacent to the settlement, and the most visually sensitive part of the site in its north-western corner would be used to provide a foul water pumping station, SuDS detention basin and small amenity area. The units at the entrance of the site are broken up to provide a pair of semis and a link-detached unit in an arrangement considered appropriate by the Urban Design Officer. A reduction in the number of units fronting the site's eastern edge was initially shown as part of this application however in the most recent iteration of the scheme, none of the units now face towards the eastern boundary, reducing the amount of hardstanding required and the visual impact of the development when viewed from beyond this boundary. The current scheme also shows increased levels of shared surfacing with the resultant opportunities to secure additional landscaping within the site. A 'wildlife corridor' is also shown around the perimeter of the site.
- 13.5 This application was accompanied by an alternative drainage strategy which the LLFA has found acceptable. Additional information relating to the presence of protected species and priority habitats has also been submitted which demonstrates that the development would not have an adverse impact on biodiversity.
- 13.6 It is acknowledged that the character and layout of the two schemes remain similar. However, there are important differences between the two schemes which are relevant both in assessing the impact of the development on the character of the area and ultimately in weighing the planning balance. These can be summarised as follows:
- the total number of units proposed;
 - the higher proportion of proposed affordable housing;
 - changes in layout, in particular:
 - the reduction in the number of units,
 - relocation of apartment building removing substantial built form from most visually sensitive part of site,
 - amendment of design of units at the site's entrance,
 - reduction in impact of development on eastern boundary,
 - reduction in dominance of hardstanding, and,
 - potential for landscaping within the site and adjacent to its boundaries;
 - the provision of an acceptable drainage solution; and,
 - the provision of appropriate information demonstrating that the proposed development would not have an adverse impact on biodiversity.
- 13.7 These changes all related to the scheme originally considered by the Committee in December 2019, and additional changes have been made since then as detailed in Section 5. These further reduce the impact of the development on the landscape character of the area and provide additional opportunities for landscaping. The changes to the form of the proposed development are material and are sufficient in themselves to justify the LPA in coming to an alternative decision from the one taken in respect of application 18/00650/FUL.
- ii). Assessment of the site's contribution to the character of the countryside
- 13.8 It is also apparent that there is a different assessment contained within the delegated report on the first application (18/00650/FUL) and the previous committee report on the current application (19/00497/FUL). These differences are in terms of the site's existing character and its contribution to the character of the countryside. It is important for transparency that members should be aware of this, as any such assessment forms part of the baseline for

assessing the development's impact on this character as required by the application of the countryside policies as set out in the development plan.

- 13.9 Although both reports describe the site as being a predominantly undeveloped greenfield site, the delegated report suggests that the site makes a significant contribution to the character of the countryside, stating:

"It is considered that the site as a whole makes a significant contribution to the character of the countryside by providing an open, unmanaged area of greenery, which also forms a visual connection to the wider countryside to the north, through its absence of dense planting on its northern boundary, which provide across-site views. The impact of surrounding development on the character of the site is assessed and it is noted that the Hermitage Caravan Park to its west has a distinctly different character to a 'bricks and mortar' housing development and that land to the east (land north of Newhurst Gardens which has an extant planning permission for up to 50 units), is physically and visually separated from the Herschel Grange site by a 'tall, dense strip of planting on the shared boundary'.

- 13.10 However, this assessment does not reflect the comments of the Landscape Officer made in respect of this (the first) application at the time (which were not detailed within the delegated report) or the most recent Landscape Assessment that refers to this site and which forms part of the evidence base to the emerging Local Plan. The Landscape Officer's consultation in relation to the first application referred to the site's assessment as WAR 9 within the Executive Summary of the Landscape Sensitivity Appraisal of Potential Housing and Employment Sites in Bracknell Forest and its conclusion that:

"Seven sites were assessed as low-medium sensitivity to the proposed development (WAR7, WAR8, WAR9, WAR10, WAR11, WAR19 and WAR24). These sites have a good relationship with the existing settlement either at Bracknell Town or with the Warfield allocation or settlements contiguous with the Warfield allocation. The majority are visually enclosed by existing trees or woodland (which themselves will be protected alongside any development)."

- 13.11 As a result she stated: *"In principle development on the site is accepted in landscape terms but some of the details of the proposal do not reflect the rural character of the area and some changes to the layout would be required"*. She went on to specifically identify that the proposed apartment block was in a visually sensitive area, visible from Gibbins Lane and that it would appear out of character in the countryside setting. She also advised that additional space should be provided for tree and hedgerow planting along the site's western boundary in order to retain and enhance the rural character of Gibbins Lane and the local area, and that structural larger scale tree planting should be achieved within the development to better integrate it with the surrounding landscape.

- 13.12 The main report of the Landscape Sensitivity Appraisal of Potential Housing and Employment Sites in Bracknell Forest, provides a site-specific assessment of the landscape sensitivity of the site (WAR 9) which states:

'Despite the presence of some valued landscape features, such as hedgerows with mature trees and the rural setting the site provides to north Bracknell Town, the site is flat and visually enclosed, resulting in an overall sensitivity of low-medium'.

- 13.13 The original report presented to the Committee in respect of the second application relied upon the comments provided by the Landscape Officer in respect of the first application. It described the application site's contribution to the character of the countryside, in the following terms:

'while the site opens up to the north, there are limited public vantage points from this direction. From the west the site is again largely screened, except for a visual gap when viewed from Gibbins Lane immediately north of the Hermitage Caravan Park. This restricts its visual value'.

- 13.14 The report goes on *'The Landscape Officer has been consulted on the proposal and considers that the principle of the development on the site is acceptable in landscape terms. This is because the site is judged to have low to medium landscape sensitivity due to its relationship with the existing settlement, and the limited visibility of the site from public vantage points'.*
- 13.15 As indicated above, the Landscape Officer has been consulted in respect of the most recent submission and assesses the site as being well screened by existing vegetation, enclosed by the settlement on two sides and with limited visibility. As a result, it is considered that the assessment of the site's landscape sensitivity, undertaken in the original Committee report on the current application, is more accurate than that contained within the delegated report. This is because it reflects the up to date evidence base that underpins the emerging Local Plan. This landscape assessment and an up to date consultation response from the Landscape Officer provides the basis for the assessment of the site's existing character set out in Section 12 of this report.
- iii) Assessment of the proposed development's impact on the character of the countryside
- 13.16 The reports in respect of both applications found that the proposed development would impact on the semi-rural character of the site. The delegated report states:
'The proposed development does not achieve a semi-rural character due to the formal layout, and the relative lack of variety in building form and layout'.
- 13.17 The committee report states (para. 9.36): *'The proposal would be a clearly suburban form of development by virtue of its density, scale and design. As a result, the proposal would change the semi-rural character of the existing site'.*
- 13.18 However, the difference between the reports is the finding of harm in relation to this failure to replicate the semi-rural character of the existing site. The delegated report under Planning Balance and Conclusions states:

'the proposal would be out of character with the surrounding area by failing to achieve a semi-rural character that is appropriate to the context. Instead the proposal is suburban in layout and does not integrate well into its undeveloped countryside setting'.
- 13.19 The level of harm is not quantified, although earlier in the report it is stated:
'While expanded upon in section (b) of the report below, the layout and density of the proposal lends itself to an urban character and does not make attempts to achieve a more semi-rural feel. This is considered to negatively detract from the intrinsic character and beauty of the countryside'
- 13.20 By contrast, the committee report assesses the level of harm caused, stating:
'the proposal is considered to result in some harm to the intrinsic value and beauty of the countryside (para. 170b of the NPPF), as well as to the semi-rural character of the site. However, for the reasons explained in the report, this harm is considered to be minor in the context of the overall modest landscape value of the site combined with the fact that the proposal would relate well to the existing settlement and the site's limited inter-visibility with the wider landscape to the north'.

- 13.21 Any assessment of the level of harm of a development on the character of the area will, to an extent, be a function of the assessment of the value of that character. As set out above, the delegated report concluded that the site as a whole made a '*significant contribution to the character of the countryside*'. The level of harm resulting from any built development on a greenfield site is likely to be assessed as being greater on the basis of such a conclusion than if the site's contribution to the character of the countryside had been assessed as being more modest.
- 13.22 As indicated, the level of landscape sensitivity identified within the delegated report is considered to be incompatible with current evidence and to be more accurately expressed within this and the previous Committee report. Furthermore, the scheme has been amended since the consideration of application 18/00650/FUL in ways which specifically address its landscape impact as identified by the Landscape Officer. This is most notably through the re-location of the apartment building so that the visually sensitive north-western corner of the site remains undeveloped save for drainage infrastructure and the provision of a landscaped wildlife corridor around the majority of the site's boundaries.
- 13.23 When assessing a lesser level of harm resulting from the amended scheme, the subject of the current application, on a site which is more properly assessed as having a limited level of sensitivity, it is appropriate that both the recommendations made in both the original Committee report and this one identify that the proposed development will cause only limited harm to the character of the countryside.

iv). Consistency of policies with the NPPF and the weight they are given

- 13.24 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. The National Planning Policy Framework (NPPF) is a material consideration.
- 13.25 Paragraph 11 of the NPPF sets out that for decision takers this means:
c) approving development proposals that accord with the development plan without delay, or
d) where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole.
- 13.26 Footnote 7 of the NPPF confirms that for applications relating to housing provision, those policies which are most important for determining the application should be considered out of date where the local planning authority cannot demonstrate a five year supply of deliverable housing sites. The Council can currently demonstrate that it has a 5.2 year supply of deliverable housing sites. This is sufficient to ensure that the 'tilted balance' set out in para. 11 d of the NPPF is not triggered by virtue of footnote 7.
- 13.27 Para. 213 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework, but that due weight should be given to them in accordance with their degree of consistency with the Framework.
- 13.28 The reports in relation to both applications contain an assessment of the most important policies for the determination of the application and their consistency with the NPPF. In

both instances it is recognised that not all of the relevant policies are wholly consistent with the NPPF. However, it is concluded in both instances that the most important policies for the determination of the application should not be considered out of date for the purposes of para. 11d and what is referred to as the 'orthodox' planning balance is applied i.e. the application should be determined in accordance with the development plan unless material considerations dictate otherwise.

- 13.29 However, having determined that the policies are not 'out of date' for the purposes of para. 11, it remains necessary when applying the 'orthodox' planning balance, to give appropriate weight to any conflict with a development plan policy, in line with their consistency with the Framework. In weighing the planning balance in respect of the first application, the delegated report identified the conflict with the development plan, specifically Policies CS1, CS2, CS7, CS9, EN8, EN20 and H5. However, it did not specifically identify that any conflict with policies CS9, EN8 or H5 should not have been given full weight in the planning balance given that they were not fully consistent with the NPPF, for the reasons that had been set out in the report.
- 13.30 The committee report in relation to the second application identified conflict only with Policies CS9, EN8 and H5 and specifically identified that the weight to be attributed to this conflict should be reduced as they are not fully consistent with the NPPF.
- 13.31 It should be noted that, whilst para. 9.9 of the committee report identifies Policy CS2 as one of the most important policies to the determination of the application, it is not specifically referred to within the Planning Balance. Members are advised, that the provision of residential development beyond a defined settlement and not on an allocated site is contrary to Policy CS2, and that this policy is considered to be consistent with the NPPF such that it should be given full weight in the planning balance. Following a review of this application, it is also considered that there is some level of conflict with policies Policy CS1, CS7 and EN20 for the reasons set out in Section 12. This is reflected in the re-assessment of the planning balance for the current application as set out in Section 14.
- 13.32 In conclusion, it is acknowledged that in making different recommendations in respect of similar applications for the same site, it is necessary to set out clear reasons for coming to a different conclusion. In this instance, it is considered that there were some flaws in the assessment contained within the delegated report on the first application in respect of the site's existing contribution to the character of the countryside and the resulting harm caused by the development, together with the weight that should be afforded any conflict with countryside policies. These were subsequently corrected as part of the original Committee report on the second application. However, it is considered that a re-examination of the planning balance based on these corrections would not necessarily have led to a different recommendation on the delegated scheme, due to the nature and impact of the development proposed.
- 13.33 The site's contribution to the character of the countryside is more accurately reflected in both the previous and this Committee report on the current application. The scheme has been materially amended so as to specifically address elements of the scheme identified as having an adverse impacts on the character of the area. Accordingly, the resultant level of harm is reduced. The second application addresses previous concerns relating to drainage and biodiversity and proposes additional benefits in terms of above policy requirement levels of affordable housing. Both Committee reports also properly acknowledged that the conflict with countryside policies should be given less than full weight on the basis of their consistency with the Framework. For all of these reasons, the Committee is fully entitled to come to a different conclusion in relation to application 19/00497/FUL from the decision made in relation to application 18/00650/FUL.

14. THE PLANNING BALANCE

- 14.1 For the reasons set out in Section 12, the LPA considers that the policies of the development plan should be considered up to date for the purposes of para. 11 of the NPPF and the application should be determined on the basis of a 'straight' planning balance, i.e. in accordance with the development plan unless material considerations dictate otherwise. Any conflict with the policies within the development plan should be given appropriate weight according to their consistency with the NPPF.
- 14.2 In this instance the application proposes new residential development within the countryside, the principle of which is contrary to the development plan. It is also considered to result in some harm to the intrinsic value and beauty of the countryside and to adversely affect the character, appearance and function of this countryside site. However, for the reasons explained in the report, this harm is considered to be minor within the context of the overall modest landscape value of the site combined with the fact that the proposal would relate well to the existing settlement and the site's limited inter-visibility with the wider landscape to the north.
- 14.3 The application is considered acceptable in terms of its impact on heritage assets, residential amenity, highway safety and drainage subject to the imposition of appropriate conditions, for the reasons set out in this report. However, it is accepted that the scheme will result in some minor harm to the transitional character of this site as a result of its formal highway layout, although efforts to ameliorate this impact have been made through reductions in levels of hardstanding which provide opportunities for structural planting within the site. However, it is accepted that there is some limited conflict with policies CS7 and EN20 in this regard.
- 14.4 In light of this assessment, there is some limited conflict with Policies CS1, CS2, CS7, CS9, EN8, EN20 and H5 of the development plan. Full weight is given to the conflict with Policies CS1, CS2, CS7 and EN20 which are considered to be fully consistent with the NPPF but less than full weight is afforded to conflict with Policies CS9 and EN8, with that given to any conflict found in respect of Policy H5 being limited.
- 14.5 Material considerations to be weighed against this conflict with the development plan comprise the benefit of providing 32 (net) units of housing, consistent with the Government's objective of substantially boosting the supply of housing and the associated economic and social benefits that result from such provision. Furthermore, the scheme would provide a total of 10no. units of affordable housing. It should be noted that this is above current policy standards (although not above the policy level set out in the Regulation 18 versions of the emerging Local Plan) and it is considered that this should be given significant weight.
- 14.6 When weighing the planning balance, it is considered that the benefits of the scheme, most particularly the provision of an above policy level of affordable housing, in a location where the development would cause limited harm to the character of the countryside, is sufficient to outweigh the limited conflict with the development plan when taking account of the appropriate weight to be accorded these policies in light of their consistency with the NPPF.
- 14.7 The application is therefore recommended for conditional approval, subject to the completion of a section 106 obligation.

15. RECOMMENDATION

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

- avoid and mitigate the impact of residential development upon the Thames Basin Heaths Special Protection Area (SPA);
- provision of the 10 units of affordable housing;
- provision of, and contribution towards, areas of OSPV;
- contributions towards the provision and maintenance of community facilities;
- contribution towards the provision of educational facilities;
- securing the adoption of the highways within the site by the Council, and
- securing an appropriate site drainage strategy.

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

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

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

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

17-J2176-CP Rev B Site Location Plan
17-J2176-02 Rev R 'Proposed Site Plan'
17-J2176-13 Rev.A 'Car Barn Allocation / Plans And Elevations'
17-J2176-15 Double Car Barn
17-J2176-101 Rev.B 'PLOTS 1, 2 and 3 Floor Plans & Elevations'
17-J2176-102 Rev.D 'PLOT 4, 5, 9 & 10 Floor Plans & Elevations'
17-J2176-103 'PLOTS 6, 7 and 8 Floor Plans & Elevations'
17-J2176-104 Rev.C 'Apartments Plans & Elevations'
17-J2176-105 Rev.C 'PLOTS 11, 12, 24, 25 Floor Plans & Elevations'
17-J2176-106 Rev.C 'PLOTS 13, 14, 15, 16 Floor Plans & Elevations'
17-J2176-107 Rev.A 'PLOT 17 Floor Plans & Elevations'
17-J2176-108 Rev.B 'PLOT 18 Floor Plans & Elevations'
17-J2176-109 Rev.E 'PLOT 27 Floor Plans & Elevations'
17-J2176-110 Rev.C 'PLOT 19 & 20 Floor Plans & Elevations'
17-J2176-111 Rev.D 'PLOTS 21 & 22 Floor Plans & Elevations'
17-J2176-112 Rev.A 'PLOT 23 Floor Plans & Elevations'
17-J2176-113 Rev.E 'PLOT 26 Floor Plans & Elevations'
17-J2176-114 Rev.D 'PLOT 33 Floor Plans & Elevations'
17-J2176-115 'Individual Cycle Store Plans And Elevations'
17-J2176-116 Flats Cycle Store

WYG A108468 Rev.C 'Flood Risk & Drainage Assessment'

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

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

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

[Relevant Policies: BFBLP 'Saved' Policy EN20; Core Strategy DPD CS7]

04. No above-ground construction works shall take place 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.

REASON: In the interests of the character of the area, residential amenity, and surface water drainage

[Relevant Policies: BFBLP 'Saved' Policy EN20, Core Strategy DPD CS1, CS7]

05. No part of the development shall be occupied until details of a scheme of walls, fences, gates and any other means of enclosure has been submitted to and approved in writing by the Local Planning Authority. All boundary treatments should provide for the free movement of wildlife to and from the site. The approved scheme shall be implemented in full for each dwelling approved in this permission before its occupation and retained thereafter.

REASON: In the interests of the visual amenity of the area, and biodiversity

[Relevant Plans and Policies: CSDPD CS1, CS7; BFBLP 'Saved' Policy EN20]

06. Notwithstanding the information shown on the approved plans, the development shall not 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 plant and grass establishment, full schedules of plants, noting species, and detailed plant sizes/root stock specifications, planting layout, proposed numbers/densities locations; and
- b) details of semi mature tree planting; and
- c) comprehensive 5 year post planting maintenance schedule; and
- d) underground service and external lighting layout (drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.), both existing reused and proposed new routes; and
- e) means of enclosure (walls and fences etc); and
- f) paving including open spaces, paths, steps and ramps, patios, cycle routes, driveways, parking courts, play areas etc. with details of proposed materials and construction methods; and
- g) recycling/refuse or other storage units; and
- h) other landscape features (water features, seating, trellis and pergolas etc).

All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, As a minimum, the quality of all 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 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]

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 stated elevations of the following dwellings hereby approved, with the exception of those shown on the approved plans:

- Both side-facing elevations: Plots 18, 26, 28-32
- North-facing side elevations: Plots 5
- South-facing side elevations: Plots 4, 6
- East-facing side elevations: Plots 2, 10, 12, 14, 19, 21, 23, 25
- West-facing side elevations: Plots 1, 3, 11, 13, 15, 17, 20, 22, 24, 27, 33

REASON: In the interests of the residential amenity of the neighbouring properties within the development hereby approved.

[Relevant Policy: BFBLP 'Saved' Policy EN20].

08. The following windows on the first floor stated elevations 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:

- Both side-facing elevations: Plots 18, 26
- North-facing side elevations: Plots 5
- South-facing side elevations: Plots 4, 6
- East-facing side elevations: Plots 2, 10, 12, 14, 19, 21, 25
- West-facing side elevations: Plots 1, 3, 11, 13*, 15, 17, 20, 22, 24, 27, 33

*Excluding the second floor roof windows.

Any replacement windows shall be glazed and fixed to this standard, and retained as such.

REASON: In the interests of the residential amenity of the neighbouring properties within the development hereby approved.

[Relevant Policy: BFBLP 'Saved' Policy EN20].

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

The scheme shall include:

- (i) control of noise;
- (ii) control of dust, smell and other effluvia;
- (iii) control of surface water run off;
- (iv) site security arrangements including hoardings;
- (v) proposed method of piling for foundations;
- (vi) construction and demolition working hours, and
- (vii) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site.

The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the Local Planning Authority.

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

[Relevant Policies: BFBLP 'Saved' Policies EN20, EN25].

10. No demolition or construction work shall take place outside the hours of 8:00 am and 6:00 pm Monday to Friday; 8:00 am and 1:00 pm Saturday and not at all on Sundays and Public Holidays.

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

[Relevant Policies: BFBLP 'Saved' Policies EN20, EN25].

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

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

12. No dwelling on plots 13 to 18 (inclusive) shall be occupied until a footpath/cycleway link has been provided to the site boundary as shown on the approved site plan ('Future access point for footpath-cycleway to Newhurst Gardens') in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The link shall be retained and maintained in accordance with the approved details until such time that the land is required to provide access to the adjacent land.

REASON: To ensure that the land is made available to provide a link to the neighbouring site in the case of future redevelopment of that land in the interests of ease of movement for cyclists and pedestrians.

[Relevant Policies: BFBLP M6, CSDPD CS23]

13. No dwelling shall be occupied until a plan showing visibility splays to the access/egress to individual parking spaces and to the main site access 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 at all times thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the adjacent carriageway.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

14. The relevant dwelling hereby permitted shall not be occupied until that part of the access road which provides access to and egress from it, including the provision of turning heads within the development, has been constructed in accordance with the approved plans.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

15. The relevant dwellings hereby permitted shall not be occupied until their corresponding vehicle parking spaces (including parking courts), along with associated turning and access, have been surfaced and marked out in accordance with approved drawing 17-J2176-02 Rev.Q 'Proposed Site Plan', received by the Local Planning Authority on 22nd January 2021. The spaces shall thereafter be kept available for parking, along with access and turning (where relevant) 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]

16. The relevant dwellings hereby permitted shall not be occupied until their corresponding car ports have been completed and made available for parking, in accordance with approved drawings 17-J2176-13 Rev.A 'Car Barn Allocation / Plans And Elevations', received by the Local Planning Authority on 4 October 2019 and 17-J2176-02 Rev Q and 17-J2176-15 received by the Local Planning Authority on 22 January 2021. The car ports, and their access, shall thereafter be kept available for vehicular 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]

17. 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 enlargements, improvements or alterations shall be made to the car ports, and no gate or door shall be erected to the front of the car ports.

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]

18. The relevant dwelling hereby permitted shall not be occupied until their associated cycle store and access has been implemented in accordance with the approved details. The store and access shall thereafter be kept available for cycle parking at all times.

REASON: In order to ensure adequate bicycle facilities are provided, in the interests of highway safety.

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

19. The relevant dwelling hereby permitted shall not be occupied until their associated bin storage and access has been implemented in accordance with the approved details. The store and access shall thereafter be kept available for refuse storage at all times.

REASON: In order to ensure adequate bin storage facilities are provided, in the interests of the character of the area and highway safety.

[Relevant Policies: CSDPD Policy CS7 and CS23, BFBLP 'Saved' Policy EN20]

20. No development shall commence 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, and
- (e) Temporary portacabins and welfare for site operatives.

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

REASON: In the interests of amenity and highway safety.

[Relevant Policies: BFBLP 'Saved' Policy EN20, Core Strategy DPD CS23]

21. No development above slab level shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme. The development shall be carried out in accordance with the approved scheme and retained thereafter.

REASON: In the interests of the amenity of neighbouring properties & prospective occupants, the character of the area, highway safety, and nature conservation.

[Relevant Policies: BFBLP EN20 and EN25; CSDPD CS1, CS7, CS23]

22. All ecological measures and works shall be carried out in accordance with the details contained in the following documents received by the Local Planning Authority:

- Applied Ecology Ltd 'Ecology Version 4.0 Report August 2019' received on 22 August 2019
- Merewood 'Landscaping proposals and Green Mitigation Plan' received on 22 August 2019
- 'Merewood 'Arboricultural Implications Assessment and Method Statement' received on 2 September 2019

REASON: In the interests of nature conservation.

[Relevant Plans and Policies: CSDPD CS1, CS7]

23. The development hereby permitted (including any site clearance and demolition) shall not commence until a wildlife protection plan for construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- i) an appropriate scale plan showing where construction activities are restricted and protective measures;
- ii) details of protective measures to avoid impacts during construction;
- iii) a timetable to show phasing of construction activities, and
- iv) persons responsible for compliance with legal consents, planning conditions, installation of protective measures, inspection and maintenance.

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

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

24. The development hereby permitted shall not commence until a scheme for the provision of biodiversity enhancements (not mitigation), including a plan showing the location of these enhancements, has been submitted to and approved by the Local Planning Authority. The approved scheme shall be performed, observed and complied with.

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

25. No site clearance shall take place during the main bird-nesting period of 1st March to 31st August inclusive, unless a scheme to minimise the impact on nesting birds during the construction of the development has been submitted to and approved by the Local Planning Authority.

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

26. 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 external lighting shall be installed on the site or affixed to any buildings on the site except in accordance with the details provided in respect of Condition 21, or in details set out in a Lighting Design strategy for Biodiversity that has first been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

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

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

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

27. Prior to the occupation of any dwelling, the areas shown as a wildlife corridor on approved drawing 17-J2176-02 Rev.Q 'Proposed Site Plan', received by the Local Planning Authority on 22nd January 2021, shall be provided, retained and thereafter not be used for any other purpose.

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

28. An ecological site inspection report shall be submitted to the Local Planning Authority within three months of the first occupation of the first dwelling hereby approved. Any recommendations contained within this report and agreed in writing by the Local Planning Authority shall be performed, observed and complied with.

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

29. No development shall take place until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/ day, has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the Sustainability Statement, as approved, and retained as such thereafter.

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

30. No development shall take place until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 10%). The dwellings thereafter constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith.

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

31. No development shall to take place until a contaminated land Phase I report (Desk Top Study) has been submitted to, and approved in writing by, the Local Planning Authority. The study shall be carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site.

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

[Relevant Policies: BFBLP EN25]

32. Following approval of the Phase I, if a Phase II report (Site investigation) is required it shall be submitted to, and approved in writing, prior to the commencement of development. It shall be completed by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The method and extent of this site investigation shall then proceed in strict accordance with the measures approved.

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

[Relevant Policies: BFBLP EN25]

33. No development shall commence, including any demolition or site preparation works, until a programme of archaeological field evaluation has been undertaken in accordance with a written scheme of investigation has been submitted to and approved by the Local Planning Authority.

REASON: In the interests of historic archaeological features which may be present on site

[Relevant Policy: NPPF]

34. No development shall commence until any required archaeology mitigation strategy informed by the evaluation undertaken in Condition 32 has been submitted to and approved by the Local Planning Authority. The mitigation strategy shall be implemented in accordance with the approved details.

REASON: In the interests of historic archaeological features which may be present on site

[Relevant Policy: NPPF]

35. 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. These shall include:

- Detailed design of the pond to provide flood storage in accordance with document WYG A108468 Rev.C 'Flood Risk & Drainage Assessment', received on 30 September 2019;
- Details of vehicular access to all components of the drainage scheme for maintenance;
- Full details of all components of the proposed drainage system including exceedance areas, tanks, pipes, locations, gradients, invert and cover levels, headwall details, planting if necessary and drawings as appropriate taking into account the groundwater table;
- Supporting calculations demonstrating that the allowable discharge rates set out in the approved FRA are achieved together with confirmation of the gully spacing calculations to demonstrate they are capable of conveying the rainfall volumes as set out in the approved drainage strategy.

The approved details shall be implemented and thereafter retained.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding.
[Relevant Policy: CSDPD CS1]

36. No development shall take place until a drainage strategy detailing any on- and off-site drainage works, along with proposed points of connection, has been submitted to and approved by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding.
[Relevant Policy: CSDPD CS1]

37. No development shall take place until details of how the surface water drainage shall be maintained and managed after completion have been submitted to and approved in writing by the Local Planning Authority. The details shall include confirmation of the required maintenance activities with expected frequency, with site specific assessments included to demonstrate that health and safety has been fully considered in the design and that access and egress for future residents will be maintained during any operations to repair or replace drainage features. The approved details shall be implemented and thereafter retained.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding.
[Relevant Policy: CSDPD CS1]

38. The dwellings hereby approved shall be not occupied until the sustainable urban drainage (SuDS) scheme for this site has been completed in accordance with the approved details. The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. This shall include written confirmation of agreements for the management and maintenance of the drainage scheme shall be submitted and approved by the local planning authority.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding.
[Relevant Policy: CSDPD CS1]

39. The dwellings hereby approved shall not 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 by the Local Planning Authority. This shall include photographs of excavations and soil profiles/horizons, any placement of tanking, crating, connecting pipe work, aquaculdes or aquabrakes, cover systems, and any similar features/works required.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding.
[Relevant Policy: CSDPD CS1]

40. All existing trees, hedgerows and groups of shrubs shown to be retained on the approved drawings shall be protected for the duration of operational works to implement the development in accordance with the Arboricultural Implications Assessment and Method Statement submitted with the application.

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]

41. 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 to Herschel Grange and a tactile crossing point on Warfield Street.

The development shall not be occupied until these off-site highway works have been completed in accordance with the approved scheme.

REASON: In the interests of highway safety.

[Relevant Policy: BFBLP M4, CSDPD CS1 and CS23]

42. 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]

Informatives

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

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

1. Commencement
2. Approved Plans
7. Window Restrictions
8. Obscure-Glazing
10. Hours of Construction
12. Newhurst Gardens Pedestrian/Cycle Access
14. Dwelling Access
15. Vehicle Parking
16. Car Port Retention
17. Car Port Alterations
18. Cycle Parking
19. Bin Storage
22. Ecological Measures
25. Bird Nesting
26. External Lighting (biodiversity)
27. Green Corridor & Bat Roosts
32. Contaminated Land Phase II

Details will be required in respect of the following conditions before the commencement of above-ground works:-

3. Materials
4. Finished Floor Levels
21. Site Lighting

Details will be required in respect of the following conditions before the commencement of development:-

5. Boundary Treatments
6. Hard & Soft Landscaping
9. Construction Management (Working Method Statement)
11. Site Access
20. Construction Management (Highways)
23. Construction Management (Wildlife Protection Plan)
24. Biodiversity Enhancements
29. Water Usage
30. Energy Demand
31. Contaminated Land Phase I
33. Archaeological Preparation

- 34. Archaeological Mitigation
- 35. Drainage Systems
- 36. Drainage Works & Connections
- 37. Drainage Maintenance & Management

Details will be required in respect of the following conditions before the occupation of the dwellings:-

- 13. Visibility Splays
- 38. SuDS scheme
- 39. Drainage Verification Report

Details will be required in respect of the following condition within three months of the first occupation of any dwelling:-

- 28. Ecological Site Inspection

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. Thames Water has provided the following comments:

WASTE COMMENTS

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water would advise that with regard to SURFACE WATER network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

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

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

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

WATER COMMENTS

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

05. The drainage requires substantial off-site works within third party land to improve existing culverts. It has been agreed by the LPA that this be secured by Section 106 Agreement of which the third party must be included within. The Obligations must ensure that prior to any commencement on site the off-site improvement scheme details shall be submitted and approved in writing by the LPA and completed on site.

Should the applicant fail to complete the required S106 agreement by 11 May 2021 the Head of Planning be authorised to **REFUSE** the application for the following reasons: -

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 Avoidance and Mitigation Supplementary Planning Document (2012), and the NPPF.
2. In the absence of a planning obligation to secure affordable housing in terms that are satisfactory to the Local Planning Authority, the proposal is contrary to 'Saved' Policy H8 of the Bracknell Forest Borough Local Plan, Policies CS16 and CS17 of the Core Strategy Development Plan Document, the Planning Obligations SPD, the resolution on affordable housing made by BFC Executive on 29 March 2011, and the NPPF.
3. The proposed development would unacceptably increase the pressure on open space of public value and community facilities. In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which secures the on-site provision of open space of public value, the proposal is contrary to Policy R4 of the Bracknell Forest Borough Local Plan, Policies CS6 and CS8 of the Core Strategy Development Plan Document, the Planning Obligations SPD, and the NPPF.
4. It has not been demonstrated that the proposed development would incorporate a sustainable drainage system (SuDS) for the management of surface water run-off which would be maintained for the lifetime of the development. This is contrary to Policies CS1 and CS6 of the Core Strategy Development Plan Document, the House of Commons: Written Statement (HCWS161) Sustainable Drainage Systems 18/12/2014, the Flood Risk and Coastal Change PPG updated 15/04/2015, and the NPPF.

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BRACKNELL FOREST BOROUGH COUNCIL

DELEGATED REPORT

APPLICATION NO: 18/00650/FUL
OFFICER: Matthew Miller

DESCRIPTION: Erection of 34 dwellings (including 8 affordable dwellings), with car parking, landscaping, open space and access from Herschel Grange, following the demolition of No.6 Herschel Grange.

LOCATION: Land To The North Of Herschel Grange Warfield Street Warfield

Week No 27/2018	Registered 27.06.2018	Expiry 26.09.2018
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SITE VISIT NOTES (separate sheet attached? Y / N)	DATE UNDERTAKEN
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See case officer summary

CONSULTATIONS & REPRESENTATIONS RECEIVED

<u>Consultee(s)</u>	<u>Reply Date</u>	<u>Consultee Comments</u>
Thames Water	24.07.2018	<p>Waste Comments Thames Water would advise that with regard to Foul Water sewage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided</p> <p>Water Comments With regard to water supply, this comes within the area covered by the South East Water Company. For your information the address to write to is - South East Water Company, Rocfort Road, Snodland, Kent, ME6 5AH, Tel: 01444-448200</p> <p>Supplementary Comments Surface Water drainage will go to a watercourse and thus Thames Water have no concerns.</p>
Transport Development	23.08.2018	Refer to officer report.
Transport Development	22.10.2018	Refer to officer report.
Berkshire Archaeology	30.07.2018	Refer to officer report.
Transport Development	08.03.2019	Refer to officer report.
Lead Local Flood Authority	21.03.2019	Refer to officer report.
Parish-Town Council	13.07.2018	<p>Recommend refusal:</p> <ul style="list-style-type: none"> - Outside of the existing settlement area - Overdevelopment of the site and out of keeping with the area (3 storey buildings) - Concerns regarding additional traffic in the area following the approval of the land north of Newhurst Gardens application

Environmental Policy Officer (SPA)	30.07.2018	Refer to officer report.
Implementation	09.10.2018	Refer to officer report.
Tree Officer	09.10.2018	Refer to officer report.
Landscape Officer	22.08.2018	Refer to officer report.
Biodiversity Officer	30.07.2018	Refer to officer report.
Environmental Health and Safety	17.08.2018	Refer to officer report.
Education - Children, Young People and Learning		(See Implementation Comments)
Ellie Eghtedar - Interim Head Of Housing		(See Implementation Comments)
Jon Mullis	01.08.2018	Refer to officer report.
Renewable Energy Officer	09.10.2018	Refer to officer report.
Environmental Policy		(None received)
Lead Local Flood Authority	28.08.2018	Refer to officer report.
Planning Policy Section	10.07.2018	Refer to officer report.
Urban Design Officer	13.08.2018	Refer to officer report.
Waste and Recycling Manager	30.07.2018	Refer to officer report.

POLICIES:

CASE OFFICER'S SUMMARY:

PROPOSAL

The proposed development consists of the erection of 34no. dwellings (33no. net) on primarily undeveloped land to the northeast of the current housing development present within Herschel Grange, and north of the housing within Toogood Place. It would adjoin the existing mobile home site known as The Hermitage Caravan Park to the west. The proposal would involve the demolition of the existing dwelling of 6 Herschel Grange, to enable vehicular access to the site to be taken from this plot.

The proposed dwelling mix would consist of 4no. one bedroom, 8 no. two bedroom, 13no. three bedroom, 6no. four bedroom (5 net in view of the demolition of 6 Herschel Grange), and 3no. five bedroom units. Of these,

4no. one bedroom, 3no. two bedroom, and 1no. one bedroom units are proposed to be affordable housing units, which represents 24.2% of the net total.

The dwellings would be a mix of detached, semi-detached and terraced units, and with a 2.5 storey apartment complex on the northwestern corner of the site.

During the course of the application amendments have been made to the site layout, including in respect of highway safety and access matters, and clarifications as to the exact extent of ownership of the land (with slight reduction of the red line).

SITE DESCRIPTION

The application site consists of a predominately undeveloped grass field bounded by a combination of wooden fencing and planting, including tall hedging to the eastern boundary. Two dilapidated stable buildings are sited towards the southern boundary of the site. The site itself appears to have had historic equestrian use, in combination with the current use of the land which is as horse grazing, and was historically known as The Hermitage. Current access to the site is taken from a single gated track immediately north of 6 Herschel Grange.

The site is bordered by the housing development of Herschel Grange and Toogood Place to the south, the Hermitage Caravan Park to the east, and (currently) undeveloped land to the north and west.

The majority of the site is located outside a defined settlement, but adjoining the settlement boundary of Warfield (which links continuously to Bracknell proper) to the south, as identified in the Bracknell Forest Borough Policies Map (2013).

RELEVANT PLANNING HISTORY

- The application site:

5491

Application for extension to existing caravan site
Refused (1959)

612413

Erection of stable block, tack room and feed room and hay store.
Approved (1987)

- The land to the immediate east (land north of Newhurst Gardens) of the application site has planning permission for the following:

16/01004/OUT

Outline planning application for the erection of up to 50 residential dwellings (including up to 25% affordable housing), parking, open space and landscaping with access from Newhurst Gardens. All matters reserved apart from access details.

Appeal Allowed (2018)

- The existing housing development consisting of Herschel Grange and Toogood Place was permitted under multiple applications determined between 1995 and 2001.

REPRESENTATIONS RECEIVED

Warfield Parish Council object to the proposal on the following grounds:

- the site is located outside the defined settlement boundary;
- the proposal would constitute overdevelopment of the site and be out of keeping with the area, with particular attention drawn to the proposed apartment building, and
- concerns are raised as to increasing traffic levels across the local area resulting from the proposal combined with the extant permission for housing north of Newhurst Gardens, and the impact this would have on highway safety.

A total of 26 objections have been received from neighbouring residents within Herschel Grange, Toogood Place, Gibbins Lane and Warfield Street. They are summarised as follows:

- the site is located outside the defined settlement boundary, and would not relate well to the existing settlement form or the wider rural setting;
- the proposal is contrary to the Bracknell Forest Council Development Plan;
- Bracknell Forest Council now has a Five Year Land Supply and so this cannot be used to justify the proposal;
- the proposal would result in an adverse impact both on the countryside setting and on the existing character of development to the immediate south. It would result in a negative urbanisation of the area. Warfield Street is a designated Character Area and the proposal would have a negative impact on this;
- the proposal constitutes overdevelopment of the site;
- the proposal, in combination with the Newhurst Gardens development, and other development taking place further to the south of Warfield Street, would result in an unfavourable erosion of the countryside and a harmful net increase in traffic movement. Concerns have been raised with regards to existing levels of traffic;
- the benefits of providing needed additional housing does not outweigh the harm of the proposal;
- the proposed apartment building is excessive in height and inappropriate in location;
- the location of the proposal is not sustainable in relation to access to local amenities, and occupants would be reliant on personal vehicles;
- the proposal would result in an adverse impact on surrounding heritage assets (Listed Buildings);
- the proposed access to the site from Herschel Grange is not acceptable and would result in an adverse impact on highway safety;
- the proposal would result in unacceptable levels of pollution generation;
- the proposal would result in additional on-street parking occurring within the existing highway of Herschel Grange;
- the proposal does not include a Construction Management Plan;
- the proposal does not make provision for sustainable energy features, e.g. solar panels;
- there are discrepancies in the submitted layout plan and extent of ownership [Officer Comment: this has been resolved through the submission of amended plans];
- the proposal would result in an adverse impact on the residential amenities of occupants living within Toogood Place, through the loss of existing planting screening and the resulting overlooking and loss of privacy, and
- the proposal would result in adverse environmental impacts.

The above matters are considered in the full report below.

SUMMARY OF CONSULTATION RESPONSES

The Conservation Officer, Environmental Health Officer, Tree Officer and Berkshire Archaeology raise no objection, subject to the imposition of conditions.

Following the receipt of amended information, the Highway Officer raises no objection.

The lead Local Flood Authority (LLFA) and the Biodiversity Officer object to the proposal for the reasons stated in the full report below.

The Waste & Recycling Officer raised concerns over the initially submitted information. However it is considered that through amended information these concerns have been overcome.

DEVELOPMENT PLAN

The development plan for this Borough includes the following:

- Site Allocations Local Plan (2013) (SALP)
- 'Retained' Policies of the South East Plan (2009) (SEP)
- Core Strategy Development Plan Document (2008) (CSDPD)
- Bracknell Forest Borough Local Plan (2002) (BFBLP)
- Bracknell Forest Borough Policies Map (2013)

PLANNING CONSIDERATIONS

a) Principle of Development

(i) Policy context

The majority of the site is located on land outside of a defined settlement (but not within the Green Belt), as shown on the Bracknell Forest Borough Policies Map (2013). The exception to this is the proposed access point, which is sited within a defined settlement (due to it being sited on the plot of 6 Herschel Grange, which is to be demolished as part of the proposal).

CSDPD Policy CS1 states that development will be permitted which makes efficient use of land, is located so as to reduce the need to travel, promotes a mix of uses, and protects and enhances the character and quality of local landscapes and the wider countryside. CSDPD Policy CS2 states that land will be allocated for development on a sequential basis, which includes previously developed land and development as extensions to defined settlements with good public transport links to the rest of the urban area.

The above policies are considered to be fully consistent with the NPPF.

CSDPD Policy CS9 states that land outside settlement will be protected for its own sake, particularly from development that would adversely affect the character, appearance or function of the land.

BFBLP 'Saved' Policy EN8 again states that the countryside will be protected for its own sake, and that outside the defined settlement boundaries development will only be permitted where it would not adversely affect the character, appearance or function of the land, or would not damage its landscape quality. 'Saved' Policy EN8 contains a (non-exhaustive) list of development types which may be permitted in the countryside, which does not include new housing development except where required in connection with agriculture and forestry

BFBLP 'Saved' Policy H5 states that outside the defined settlement boundaries the erection of new dwellings will not be permitted unless it would cause no harm to the character of the area, or to the relationship between the settlement and the surrounding landscape.

The above policies are considered to be partly consistent with the NPPF insofar as they seek to protect and enhance the character of the countryside setting. Notably, Para. 170(b) of the NPPF states that Planning policies should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. Para. 170(a) also states that policies should seek to protect and enhance valued landscapes.

However, it must be acknowledged that elements of BFBLP 'Saved' Policies EN8 and H5 are not fully consistent with the NPPF, as the NPPF does not strictly prohibit the erection of new dwellings (or buildings in general) to the same extent as the aforementioned policies. This is not however to say that these policies are totally out-of-date.

The NPPF, does not apply the same blanket protection to the countryside but rather requires planning policies and decisions to contribute to and enhance the natural and local environment by (inter alia) 'recognising the intrinsic character and beauty of the countryside' (para. 170). Policies CS9 and EN8 are therefore not fully consistent with the NPPF and therefore the weight that should be accorded them is reduced in this respect.

The site contains a limited area of 'previously developed land' (PDL), as per the definition provided within Annex 2 of the NPPF. Para. 117 of the NPPF states that Planning policies and decisions should promote an effective use of land in meeting the need for homes. Para. 118(c) goes on to state that substantial weight should be given to the value of using suitable brownfield land for homes and other identified needs, although it is recognised that it gives explicit reference to this being brownfield land within settlements.

The application site is designated in the Draft Bracknell Forest Local Plan to be allocated as a housing development for 33no. dwellings, including 12 affordable dwellings (site designation 'War9'). However, the publication stage of the Plan is currently delayed with a revised timetable currently being considered given recent revisions to national policy and guidance, including housing land supply. As this forms a Draft Policy document, minimal weight is attributed to this document in view of its current status of progress for adoption. Furthermore its draft allocations were based on housing land supply figures which have since changed.

The Council is able to demonstrate (as of 20 February 2019) a Five Year Housing Land Supply, with a figure of 6.04 years relating to the monitoring period 2018/19. As a result of this and the above policies an 'orthodox' planning balance is applied, as per the provisions 85 paras.11 and 12 of the NPPF.

The site also lies in an area that is subject to the Draft Warfield Neighbourhood Plan. However, this Neighbourhood Plan is at an early stage and as such is given minimal weight.

(iii) Assessment

The site is located within the C1: Binfield Warfield Clay Farmland Landscape Area, as defined in the LUC Bracknell Forest Borough Landscape Character Assessment (2015). This document details that the southern part of the study area (which includes the application site) provides an important green space function between the urban edge of Bracknell to the south and the more fully rural area to the north. It further states that the study area as a whole, of which the site contributes towards, is characterised by gently undulating farmed fields with a lack of woodland cover overall, providing an open feel.

The two stable buildings within the south of the application site are classified as PDL, because whilst they are somewhat dilapidated, they are still of reasonable substantial construction, and contribute to the overall equestrian use of the site. In addition the existing dwelling of 6 Herschel Grange represents both PDL and land in defined settlement. That said, it is without argument that the proposed development would be of substantially greater footprint, floor area and volume than these buildings. As a result it is not considered that the presence of these buildings form any material justification to support the proposal as a redevelopment of brownfield land.

Even when including these buildings, and the section of the site in a defined settlement, the site is a predominately undeveloped greenfield site both in nature and appearance. It is considered that the site as a whole makes a significant contribution to the character of the countryside by providing an open, unmanaged area of greenery, which also forms a visual connection to the wider countryside to the north, through its absence of dense planting on its northern boundary, which provide across-site views.

Furthermore the equestrian use appears to be limited to horse grazing, and as such results in non-intensive activity along with a use that is both typical and accepted in the countryside.

The site is bordered by defined settlement to the south. However, The Hermitage Caravan Park to the west does not fall in defined settlement. This is also emphasized visually by the nature of a caravan park in comparison to a 'bricks and mortar' housing development, in terms of the intensity and impact of this site on the countryside setting.

The land to the east (Land North of Newhurst Gardens) is also designated as countryside, but has an extant outline planning permission for up to 50 dwellings. That said, the proposal would be physically and visually separated from this extant permission by a tall, dense strip of planting on the shared boundary, much of which lies outside the application site. Furthermore, the nearest siting of housing (based on the outline scheme) would have a separation distance of c.40 metres to the closest dwelling within the proposal.

In view of the above it is not considered that the proposal would form an infill of the existing settlement pattern, but rather a distinct northwards extension of it.

Furthermore, while the housing within Herschel Grange and Toogood Place, and to a lesser extent Newhurst Gardens to the southwest, have a suburban feel, this character quickly gives way to a rural character, development pattern, and setting to the immediate north of these roads, and this is also apparent within the more sparsely developed and heavily planted highway of Gibbins Lane to the west.

While expanded upon in section (b) of the report below, the layout and density of the proposal lends itself to an urban character, and does not make attempts to achieve a more semi-rural feel. This is considered to negatively detract from the intrinsic character and beauty of the countryside.

While ultimately every site is considered on its own merits, the extant outline planning permission for dwellings at Newhurst Gardens was approved under a 'tilted' planning balance exercise as at the time the Local Authority did not have a 5 year housing land supply. Therefore this is a key difference in the approach to this proposal, as it is to be considered under an 'orthodox' planning balance. Furthermore, there are clear differences in layouts between the Newhurst Gardens scheme and this proposal, notable by the lower overall housing density and the provision of large areas of soft landscaping and amenity space, which assists the Newhurst Gardens development to provide more of a semi-rural character, at least in comparison to the proposal.

As per section (a)(i) of the report above, it is acknowledged that the site is allocated for a housing development of 33 dwellings under the Draft Bracknell Forest Local Plan. However again it is emphasized that this draft policy, at time of writing, carries minimal weight and is subject to change. In any case, the draft plan also proposes 12 affordable dwellings which this proposal would fail to achieve.

The proposal therefore conflicts with elements of CSDPD Policy CS1 as it would not protect or enhance the (intrinsic) character and quality the wider countryside, in view of the amount of development proposed.

The proposal conflicts with elements of CSDPD CS2 in that when applying a sequential test, residential development would be more appropriate within current allocated sites and defined settlements, especially when the Council has a Five Year Supply of Housing.

In terms of conflict with CSDPD Policy CS9, the proposal would not protect the countryside from development that would adversely affect the (intrinsic) character and appearance of the land.

The creation of new dwellings in countryside also conflicts with elements of 'Saved' Policies EN8 and H5, however as mentioned in section (a)(i), these policies are not considered to be fully consistent with the NPPF in terms of advising a blanket restriction on dwellings in the countryside. That said, elements of these policies are still consistent with the NPPF (and thus remain 'Saved' policies) in terms of seeking to protect the intrinsic character and beauty of the countryside.

The principle of the development is therefore clearly contrary to the policies of the development plan. The remainder of the report therefore seeks to assess the appropriateness of the proposed development in relation to other policies of the development plan, the NPPF, and any material considerations, and then applies the planning balance in conclusion.

b) Impact on the Character and Appearance of the Area

CSDPD Policy CS7 states that development will be permitted which builds upon the local character of the area, provides safe communities and enhances the local landscape where possible. BFBLP 'Saved' Policy EN20 states that development should be in sympathy with the appearance and character of the local area. It further states that the design of the development should promote local character and a sense of local identity.

CSDPD Policy CS9 and BFBLP 'Saved' Policy EN8 both state that the countryside shall be protected from development which would adversely affect the character and appearance of the land, and this is consistent with the NPPF in respect of design principles.

BFBLP 'Saved' Policy EN1 states that planning permission should not be granted for development that would result in the destruction of trees and hedgerows which are considered to be important to the character and appearance of the landscape. BFBLP 'Saved' Policy EN20 states that development should retain beneficial landscape and ecological features, and where reasonable, enhance these features, and avoid the loss of important features such as trees and hedges which are desirable to retain.

The Design SPD (2017) supplements the above policies.

The site lies north of the 'Warfield Street' (area B1) study area of the Character Area Assessments SPD (2010), which begins on the southern side of Toogood Place. In view of the close vicinity, the principles and analysis of this study area do have influence on this site, and would in turn be affected by it to an extent.

These policies are considered to be consistent with the objectives set out within the NPPF, and as such can be afforded full weight. Para. 124 the NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people to live. Furthermore para. 127 of the NPPF states that planning policies should ensure that developments are sympathetic to the local character and add to the overall quality of the area. The NPPF further states that the planning system should contribute to and enhance the natural and local environment by protecting valued landscapes.

The consideration of the proposal's impact on the intrinsic character and beauty of the countryside has been reviewed as a matter of principle in section (a). This section therefore seeks to review the impact on the general character of the area, both in terms of the quality of design and layout of the development, and its impacts on the more immediate surroundings. 87

(i) Settlement pattern and context

In view of the geographic particulars of the proposal, it can be considered to form a substantial backland development. Drawing from the guidance of both the Design SPD (2017) and Character Area Assessments SPD (2010) this backland site on the settlement edge should be designed to minimise impacts on the existing street scene, to retain a close relationship with the settlement edge, and be reinforced with tree and hedgerow planting to integrate the housing into the rural setting.

The existing residential area to the south and along Warfield Street consists mainly of one and two storey dwellings. Whilst the character of the cul-de-sac, and particularly of Toogood Place, is suburban, the Character Assessment SPD notes that the wider context is of a semi-rural character. As a result further development should have a village feel with substantial green elements and a variety of dwelling types. It further advises that this should be arranged informally, with long gardens and generous set-backs.

The proposed development, particularly when considered with the extant outline planning permission to the east, represents a significant increase in the built footprint of the settlement along Warfield Street, within a semi-rural setting. The proposed development does not achieve a semi-rural character due to the formal layout, and the relative lack of variety in building form and layout.

While the proposal would have limited visibility from public vantage points to the south and east, it would be distinctly visible both from the west and to the north. The proposed dwellings would likely be notably bulkier and visually urbanising than the existing form present in the caravan park, and would also have visibility from Gibbins Lane to the north. A parcel of undeveloped land immediately north of the caravan park, accessed from Gibbins Lane, would give further clear views. There are limited publicly accessible vantage points from the north, but nonetheless from those that are present the proposal would appear as a clear enlargement of settlement and a significant increase in built form. Furthermore it is not considered that the character of an area is defined only by its public visibility.

(ii) Layout and design

Whilst there is some degree of variety in the building types, the design does not feature sufficient variety to create a semi-rural character. There is no clear hierarchy between the different buildings, their footprint is standardised, and whilst there is mixture of some houses addressing the street side-on and some front-on in order to provide active frontages, the formality of the relationship between frontages, boundary treatments, and hardstanding prevents the design achieving the organic character expected of semi-rural developments.

It is acknowledged that there are positives in the layout, including in terms of providing generous front gardens to some dwellings, with indicative planting. However, the open space has been limited into a corner of the development. The open space also has inactive frontages along the rear boundaries of the gardens on Toogood Place. The visitor car parking spaces to the west of the open space would also be quite dominant in the street scene.

The setting of the apartment building, with the prominent hardsurfaced car park, and limited provision of softening planting or other landscaping, does not positively contribute to a semi-rural character. While a balance has to be achieved between visual amenity and providing satisfactory parking provision, it is considered in this situation that the lack of additional open space or sufficient soft landscaping in this area proportionate to the hard landscaping and built form adversely detracts from the character of the area.

Furthermore, there is concern about the design and the visibility of the apartment building from Gibbins Lane, and this is particularly highlighted by the flank elevation with the protruding lift shaft. This lift shaft feature creates a very bulky and awkward appearance in relationship to the main building, especially when viewed from the side. It is noted that the submitted Landscape and Visual Impact Assessment (LVIA) did not consider the view from Gibbins Lane. It is considered that the apartment block would be very prominent in the landscape and present a notably bulky mass in this view.

Fundamentally, the development is considered to be excessively inwards-looking, and there has not been enough attempt to allow for views along the site and to the countryside beyond.

It is acknowledged that during the timeframe of the application some changes have been made to the layout and design of the proposal in an attempt to address some of the above concerns. This includes an increase in

distinct dwelling types. It is however ultimately considered that these changes do not go far enough to overcome the above matters, including in the overall planning balance.

It is acknowledged that, arguably in considering the above concerns singularly that they do not necessarily individually constitute reasons for refusal of an application. However in considering all these matters as a whole in terms of their cumulative impact on the character of the area, it is clear that they result in detrimental harm.

iii) Landscaping and trees

No trees within the site or on its immediate boundary are subject to Tree Preservation Orders (TPOs). The Tree Officer has no comment to make in view of this. It is acknowledged that a large unprotected tree on the northern border of the site was removed at the point of submitting the application.

A significant degree of planting is present to the southern and eastern borders of the site, and while this has a somewhat unmaintained appearance it is nonetheless contributes to the transition to a more rural setting. The site itself is mainly open pasture, and limited planting is present to the western and northern boundaries. That said, the planting that is present on these boundaries is of high quality, and includes significant trees.

It is proposed to retain the majority of the existing trees that are present on the northern and southern boundaries, and the applicant has provided evidence that this can be achieved in respect of the proposed building layout. There would however be some potential conflict between the proposed drainage works and the willow tree within the proposed open space section. This is discussed in section g) of the report below.

However, given the site's context on the settlement edge, with open countryside beyond, it is considered that the inclusion of built form in this location would require the introduction of additional planting across the development, and particularly along the northern boundary of the site so as to improve the containment of the development. The indicative planting shown on drawing 17-J2176-02 Rev.C 'Proposed Site Plan' does show a reasonable level of planting, including trees, and an increase to existing levels both on the boundaries and within the site. However, as mentioned above, this contribution becomes limited by the absence of dedicated open space beyond the play area in the south, and the formal layout of planting especially on building frontages within the site does not fully allow for a genuine semi-rural character.

(iv) Conclusions

It is considered that that the proposal would result in a detrimental impact on the character of the area, in view of the overly urban character of the proposal, various matters of layout and design which have been identified above, and concerns over the lack of acceptable soft landscaping proposed. In view of these facts, it is considered that the proposal would be contrary to CSDPD Policies CS7, CS9, BFBLP 'Saved' Policies EN8, EN20, the Design SPD, the Character Area Assessments SPD, and the NPPF.

c) Impact on Heritage Assets

CSDPD Policy CS1 states that development shall protect and enhance historic and cultural features of importance. CS7 states that development shall respect the historic environment. These policies are considered consistent with the NPPF for the reasons below.

Para. 189 of the NPPF states that in determining applications, applicants are required to describe the significance of any heritage assets affected, including any contribution made by their setting. The information provided should be proportionate to the assets' importance.

Para. 192 states that in determining application, Local Planning Authorities should take into account the desirability of sustaining and enhancing heritage assets, the positive contribution that heritage assets can make to sustainable communities, and the desirability of any new development in making a positive contribution to local character and distinctiveness.

Para. 193 states that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to its conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm.

Para. 195 states that where a development would lead to substantial harm (or total loss of significance of) a designated heritage asset, then consent should be refused, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Furthermore, Para 197 states that the effects of development on the significance of non-designated heritage assets should be taken into account.

The above tests are also supported by the supplementary guidance provided in the NPPG.

The following Grade II Listed buildings lie within the general vicinity of the application site:

- Warfield Hall, Forest Road - located 0.7 kilometres to the west of the application site;
- Horseshoe House, Warfield Street - located at the junction of Warfield Street with Herschel Grange;
- Pear Tree Cottage, Warfield Street - to the east of the application site, and
- Newell Hall, Warfield Street - to the west of the application site. This Listing includes the stable block and yard, walls and gate piers to Newell Hall.

The Conservation Officer has been consulted on the proposal.

The proposal would not be easily visible from the wider vantage points available from the entrance of Herschel Grange or from Warfield Street. There is not considered therefore to be any inter-visibility with the above-mentioned buildings.

The proposed design consists of a two storey mix of detached, semi-detached and terraced houses. Some of the larger houses would incorporate rooms in the roof space, with an apartment containing 5 apartments of two-storeys with an apartment in the roof space.

The houses and apartments would be predominantly clad in brick clad with two brick colours with a feature brick. A small number of gables will also include horizontal timber weatherboarding with roofs finished in dark grey roof tiles and windows and door frames in dark grey. Features of the houses and apartments would include gable features, French doors, tall windows, bay windows and Juliette balconies.

In view of the lack of inter-visibility with designated heritage assets and the lack of any functional relationship, there is not considered to be harm to the significance of the closest Listed Buildings in terms of impacts on their settings or significance. The proposal is therefore considered not to result in an adverse impact to the setting of the nearest heritage assets, in accordance with CSDPD Policies CS1, CS7, and the NPPF.

d) Impact on Residential Amenity

BFPLP 'Saved' Policy EN20 refers to the need to not adversely affect the amenity of the surrounding properties and adjoining areas, through ensuring that development would not result in an adverse impact on neighbouring properties through loss of light, loss of privacy or overbearing impacts. BFBLP 'Saved' Policy EN25 states that development will not be permitted where it would generate unacceptable levels of noise and pollution. The Design SPD supplements the above policies, including in respect of loss of light assessment tests.

The above policies are considered to be consistent the NPPF. Para. 127 of the NPPF states that planning policies should ensure that developments promote a high standard of amenity for existing and future users. Para. 180 of the NPPF states that planning policies should ensure that development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution (including light and noise pollution) on living conditions.

(i) Amenities of occupants of neighbouring properties

It is considered that due to the siting and layout of the proposed development, along with the separation distances it would not result in an adverse impact on the amenities of the nearest neighbouring properties in Herschel Grange, Toogood Place, The Hermitage Caravan Park, or potentially to the extant outline permission at land north of Newhurst Gardens, in terms of factors such as loss of light or loss of privacy. In terms of increased light, noise and air pollution that may be generated by the proposal, these would again not be considered to give rise to adverse harm, especially in the overall planning balance.

It is noted that the Design SPD provides guidance on back-to-back distances for dwellinghouses, stating that the distance between buildings at the rear should be 22 metres. This is not achieved between the dwellings on the west side of the proposal and the mobile homes of the caravan park. However, it must be acknowledged that this 22 metres test is based on having back-to-back rear gardens and being between two storey houses. The presence of mobile homes creates a different scenario, including due to the fact that the mobile homes do not have clear or large rear gardens. It is ultimately considered that the distances proposed, being between 13 and 17 metres, are acceptable in terms of overlooking and loss of privacy between the affected windows of these properties, and given the fact that boundary treatments would restrict views somewhat to the windows of the mobile home, which are all ground floor level.

The required construction works would inevitably give rise to some disruption to neighbouring occupants, especially in terms of noise. However, these works would be temporary, and would not constitute a reason for refusal of the application, especially where conditions can be imposed relating to construction management and hours of activity.

(ii) Amenities of prospective occupants of the development

The proposed layout and design would provide acceptable separation distances and orientations of dwellings in order to avoid any potential adverse loss of light or loss of privacy impacts between prospective occupants. Side-facing windows at first floor level or above, where necessary, could be obscure-glazed and non-opening, and secured by condition were permission to be granted. Most of these potentially affected side windows would be non-habitable, with the exception of the east-facing apartment building window on the first and second floors, which would be secondary windows serving a combined living, dining and kitchen room, and would be sited in the kitchen areas.

It is also noted that many side windows proposed would not need to be obscure-glazed etc. due to separation distances and orientations, where they also serve habitable rooms.

Each dwelling, including the apartment building, would have private amenity space provided both by enclosed rear gardens of reasonable size, and in some cases, generous front gardens as well to dwellings.

(iii) Conclusion

Were permission to be granted conditions would be recommended relating to providing a construction management plan as well as restricting hours of works, in the interests of avoiding any adverse noise or pollution impacts.

In view of the above it is therefore not considered that the proposal would give rise to adverse impacts on the amenities of neighbouring properties, or prospective occupants, subject to conditions, in accordance with BFBLP 'Saved' Policies EN20 and EN25, the Design SPD, and the NPPF.

e) Transport and Highways Considerations

CSDPD CS23 states that the Local Planning Authority will seek to increase the safety of travel. BFBLP 'Saved' Policy M9 states that development will not be permitted unless satisfactory parking provision is made for vehicles. To supplement the above policies the adopted Parking Standards SPD (2016) sets out the advised levels and size of parking spaces for various types of development.

These policies are considered to be consistent with the NPPF. Chapter 9 of the NPPF states that planning policies should promote sustainable transport, and that local parking standards should take into account the accessibility, type, mix and use of development, and local car ownership levels.

The Highway Officer objected to the initially submitted proposal. Various amendments have been provided in response during the application process, and as such the report below relates to the final set of amended plans and information.

(i) Access

Herschel Grange is a cul-de-sac which provides access to 8 dwellings, 12 mobile homes together with 11 dwellings along Toogood Place.

The Herschel Grange carriageway is 5.5 metres wide and provided with two 1.8 metre footways for the initial 50 metres to the junction with Toogood Place, where it becomes a 5.5 metre wide shared street with 1.8-metre-wide verges to the entrance to the mobile park. It is proposed that this length of shared street will remain and a new 5.5-metre-wide estate road with footways will commence at the end of the existing cul-de-sac. The original design, however, showed no footway along the existing shared street, between the footway on Herschel Grange and the new site access road. This has been addressed and a new 1.8 metre wide footway is proposed on the grass verge adjacent to the shared surface as shown on Drawing 67062-TA-003. Therefore, this issue has been overcome.

To enter the site, the extension of Herschel Grange will go through a 180 degree bend, and while this will curtail vehicle speeds, it is considered that adequate forward visibility would be provided. Forward visibility splays of 17 metres for vehicle speeds of 15 mph have now been shown on Drawing 67062-TA-002 Rev.C and these splays are in accordance with Manual for Streets and Manual for Streets 2. The road has been designed to a maximum speed of 20 miles per hour, however it is noted that the design of the bend should ensure vehicle speeds will likely be below this limit.

Within the site, forward visibility splays have been shown on all bends as detailed on Drawing 67062-TA-004 and this concern has also been overcome.

Swept path analyses have been provided for the full length of Herschel Grange and the new internal roads as shown on drawings 67062-TRK-007 Rev. A and 67062-TRK-008. While a refuse vehicle will cross over the centre line of the road on the two bends this is not uncommon on estate cul-de-sacs and given the requisite forward visibility splays are provided, this is not considered to be detrimental to road safety. Furthermore the likelihood of two large vehicles being on the road at the same time is low.

A turning head has been shown on drawing 67062-TRK-007 Rev. A for a refuse vehicle but the amended site plan drawing 17-J216-02 Rev. C does not clearly show one. It is considered acceptable however that such details could be provided by planning condition, were permission to be granted.

(ii) Parking

Parking to the residential units is proposed in a mixture of car barns and driveways and the size and numbers of, and access to these spaces, comply with the Parking Standards SPD requirements.

Various visitor parking spaces are provided throughout the site. Visitor parking along the private drives have been extended and Drawing 67062-TRK-009 details how these vehicles will be able to enter and leave in a forward gear and are therefore acceptable.

Cycle storage is proposed in cycle stores within the gardens of the houses and the apartment block. Each garden is provided with a gate accessing either the driveway or street.

The parking arrangements could be secured by planning condition were permission to be granted.

(iii) Trips

Trip generation using TRICS and a 'first principle' approach from traffic surveys has been undertaken. The TRICs data and first principle approach has been assessed by the Highway Officer and found to be acceptable and robust. The anticipated increase is circa 24 movements in the AM peak, 13 movements in the PM peak and 151 movements between 7am and 7pm. These, in NPPF terms, are not considered to result in adverse highway safety harm.

(iv) Sustainability of Location

It is acknowledged by the applicant that the site is only served by a bus with a two-hour frequency and that most local services are over 1km away, however in the decision notice on the site to the east at Newhurst Gardens (16/01004/OUT), the Inspector considered the implications of the sustainability of the area. They concluded that the site is sustainably located, and while every site is to be considered on its own merits, in considering the material and geographic implication for this site, a refusal on such grounds would be unreasonable.

Were the planning application to be granted it would be expected that greater linkage to the permitted land North of Herschel Grange (16/01004/OUT) be provided, through, for example, a pedestrian link.

(v) Conclusion

The Highway Officer raises no objection to the amended information, subject to the imposition of conditions relating to access, visibility splays, vehicle and cycle parking, footways, and construction management.

In view of the above, it is not considered that the proposal would result in an adverse impact on highway safety, subject to conditions. It is therefore considered that the proposal complies with CSDPD Policy CS23, BFBLP 'Saved' Policy M9, the Parking Standards SPD, and the NPPF.

f) Waste and Recycling

Bin storage would be available to the proposed dwellings via external access to rear gardens. Each garden is provided with a gate accessing either the driveway or street. The apartment building would also contain a dedicated cycle store which would not be prominent in the street scene. Such provision could be secured by planning condition.

The Waste & Recycling Officer raised concerns regarding the provision for such details within the initial submission. However, it is considered that through amendments to the proposal that these concerns have been overcome.

It is therefore considered that the revised proposal makes adequate accommodation for waste and recycling storage.

g) Drainage Implications

CSDPD Policy CS1 states that development shall protect and enhance the quality of natural resources including water. This is consistent with the NPPF, where para. 163 and 165 state that where appropriate, applications should be supported by flood risk assessments and incorporate sustainable drainage systems (SuDS).

The site is not located in Flood Zones 2 or 3, but does involve a major-scale development on what is predominately undeveloped land. Furthermore, Environment Agency data does indicate that the area where the access point to the site is proposed is at risk of surface water flooding.

The Lead Local Flood Authority (LLFA) has been consulted on the proposal, including in respect of amendments made.

Following initial comments from the LLFA querying the location and suitability of the watercourse the Applicant changed the drainage design to include a surface water pumping station discharging to a surface water sewer some distance away. There is no clear reason for this approach other than the statement that they were 'unable to locate the head wall of the ditch'. Thames Water's acceptance of the flows to the surface water sewer is conditional on it being demonstrated that there is no alternative means of draining the site. Without further evidence of the extent of investigation into the ditch line such as trial pits, clearance works and dye testing the LLFA will not support the proposal to pump surface water. The reasoning for this is set out below.

Pumping surface water is an unsustainable operation due to the volumes it is required to deal with during 1 in 100-year events.

It is unclear whether Thames have agreed to receive all the restricted runoff from the development up to the 1 in 100-year storm as opposed to the restricted runoff rates up to the 1 in 30 year event.

The Applicant is proposing to discharge at a rate which is approximately double the existing QBar rate, therefore the Applicant has not demonstrated that the impact of the increased volume of runoff from the site has been mitigated.

The LLFA believe this represents a significant change in natural drainage catchment as the existing site would drain in a westerly direction away from the proposed discharge point.

Notwithstanding the concerns above the proposed SuDS scheme does not provide any treatment to the runoff from the road network. The Thames Water sewer that the development is proposing to utilise discharges directly into the River Cut and as such it is imperative that treatment to the roads is provided.

The provision of a detention basin/pond within the site would not only provide a treatment stage but would also provide interception, and may provide an area for flow to be diverted in the event of a pump failure, should this remain the preferred approach. It is of note that the FRA has not assessed the risk of failure of the pumping station.

The drainage design must be run for the FEH Rainfall events and should include a 10% increase in impermeable area for urban creep. The calculations have only been tested for 30% climate change not 40%. This has not been demonstrated.

Levels and references between the drawings and calculations have not been shown: for instance Porous Paving area 17 which appears to relate to Porous Car Park Manhole 2 would appear to be over 1m deep in construction which is excessive, and likely to impact on the foundation design of the properties abutting the tanks. This may also cause issues with foul sewer connections and utilities crossings. The membrane depth has been set at zero which means no loss of storage has been accounted for in the construction layer. It is considered that the current design overestimates the amount of permeable paving that could be delivered by the scheme when services, falls and recommended construction depths are considered.

There would also be conflict with the proposed drainage strategy and the retention of a willow tree on the play area of the development. A 3m deep underground attenuation tank is shown directly adjacent to this tree, which would require significant excavation undermining the tree's retention, and is not practical in respect of the applicant's proposed landscape strategy.

In view of the above it has not been demonstrated that the proposal would not result in an adverse impact on drainage, and an adequate SuDS scheme has not been demonstrated. The proposal would therefore be contrary to CSDPD Policy CS1 and the NPPF.

h) Biodiversity Implications

CSDPD Policy CS1 states that development will be permitted which protects and enhances the quality of natural resources including biodiversity. CSDPD Policy CS7 states that development proposals will be permitted which promote biodiversity.

These policies are considered to be consistent with the NPPF which states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity.

The Biodiversity Officer has been consulted on the proposed development.

The submitted ecology report provides the findings of a Preliminary Ecological Appraisal and includes the findings of a Phase 1 habitat survey extended to consider the potential for protected/notable fauna. The report included the findings of a preliminary bat roost assessment of the buildings and trees on site also.

The Phase 1 habitat survey shows that the site is predominantly semi-improved neutral grassland with areas of dense scrub on the western, eastern and southern boundaries, a dry ditch on the northern boundary and scattered trees, including mature oak trees on the northern boundary also. Three of the four buildings on site were considered to be of negligible potential for bats; the stable (building 3) showed evidence of use by bats and was considered to be of moderate potential for roosting bats. Two oak trees on the northern boundary (Trees 1 & 2) were considered to be of moderate and low bat roost potential respectively. A Habitat Suitability Index (HSI) assessment of the pond (Pond 1) situated immediately to the north of the site showed that this was of 'average' suitability for great crested newt. Some rank areas of grassland were considered to provide habitats suitable for reptiles such as grass snake.

The report includes recommendations for further survey work, specifically: bat emergence and re-entry survey of Building 3; detailed above ground inspections of trees 1 & 2 prior to felling; great crested newt presence/absence surveys of ponds 1 & 2; and a reptile presence/absence survey.

Measures to protect habitats during construction, and incorporate biodiversity enhancements within the development are outlined and these include: retaining boundary scrub and mature trees, planting and

managing non-garden areas to maximise their biodiversity value, and incorporating features such as bat and bird boxes into new buildings. Additionally, the report outlines measures to mitigate ecological impacts during site clearance including avoiding clearance during the bird nesting season (March to August inclusive), maintaining a watching brief during clearance to check for badgers, and avoiding habitats suitable for stag beetles.

The Ecology Report includes recommendations for further surveys: to determine the status of bat activity within Building 3 and establish if bats roost within Trees 1 & 2; establish if great crested newts occupy ponds 1 & 2; and determine if reptiles are present or absent - the findings of these surveys have not been submitted to support the application.

In accordance with Government Circular 06/05, it is essential that the presence or absence of protected and/or notable species, and the extent to which they will be affected by development is established before planning proposals are determined, and without the findings of the surveys recommended with the Ecology Report, there is insufficient information to determine the impact of the proposals on protected and notable species. The findings of further survey carried out in accordance with good practice guidance, and any appropriate mitigation/compensation and enhancement proposals should be submitted to support the application.

The Phase 1 habitat survey has shown that the site is predominantly neutral semi-improved grassland, which could be classified as Lowland Meadow UK BAP Priority Habitat. The report concludes that the grassland habitat was of low ecological and nature conservation value; however, the survey was undertaken during the winter when botanical survey is restricted. Therefore, it is possible that plant species indicative of Lowland Meadow not visible during the winter may have been missed and therefore a botanical survey undertaken during the peak survey season (May to August; optimally during June/July) needs to be carried out and the findings, and any mitigation/compensation measures necessary, submitted to support a planning application.

As the required further information detailed above has not been provided, it is has not been demonstrated that the proposal would not result in an adverse impact on biodiversity. The proposal would therefore be contrary to CSDPD Policies CS1, CS7 and the NPPF.

i) Sustainability Implications

In respect of the proposed additional dwelling, Policy CS10 requires the submission of a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day. Policy CS12 requires the submission of an Energy Demand Assessment demonstrating how 10% of the development's energy requirements will be met from on-site renewable energy generation.

As highlighted in the Council's Sustainable Resource Management SPD (2008), an energy demand assessment should include the following:

- A prediction of the energy demand (in kWh) and carbon emissions (in kg/CO₂) for the site;
- List of assumptions used i.e. whether these have come from Building Regulations or benchmarks;
- Details of energy efficiency measures;
- A prediction of the energy demand and carbon emissions for the site taking into account energy efficiency measures;
- A feasibility study for all relevant renewable energy technologies;
- The choice of renewable energy systems proposed and the associated energy and carbon savings.

No details of the above have been submitted for consideration, and therefore it is recommended that these be provided by way of condition, were planning permission to be granted.

j) Archaeology Implications

Para. 189 of the NPPF states that where development has the potential to impact archaeological interests, developers should demonstrate that any impacts would not negatively impact these features.

As per the above requirements the Applicant has provided a desk-based archaeological assessment. Berkshire Archaeology have been consulted and advise that they are in broad agreement with the assessment and its conclusions. The assessment of the site's archaeological potential is fair and it acknowledges that current knowledge may under-represent the reality. It should be noted that the proposal covers a reasonable area (1.2ha) of largely undeveloped agricultural land.

Berkshire Archaeology therefore agrees that an initial programme of exploratory archaeological investigation would be appropriate and the results of this exercise would inform the need for and scope of any strategy to mitigate the impacts of development, which may include further archaeological investigation prior to or during construction.

This programme of work can be secured by an appropriately worded condition. This is in accordance with Paragraph 187 of the NPPF which states that local planning authorities should 'require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible'.

Therefore, were permission to be granted, a condition would be imposed to this effect. The proposal would therefore not be considered to result in an adverse impact on archaeological interests on the site, in accordance with the NPPF, subject to this condition.

k) Contaminated Land Implications

CSDPD CS1 states that development shall protect and enhance the health and safety of the local population. BFBLP 'Saved' Policy EN25 states that development will not be permitted if it would generate unacceptable levels of pollution. The above policies are consistent with the NPPF. Paras. 118 and 170 state that planning authorities should support appropriate opportunities to remediate contaminated land.

The Environmental Health Officer has been consulted on the proposal. It is not clear from available information regarding the site whether it may be contaminated. As a major-scale housing development is proposed, a precautionary approach is therefore recommended.

Were planning permission to be granted it is therefore recommended that conditions be imposed to undertake exploratory investigatory works, and if contamination is found, further appropriate measures to remediate this.

l) Thames Basin Heaths Special Protection Area (SPA)

Retained South East Plan Policy NRM6 and Core Strategy DPD Policy CS14 seek to avoid an adverse impact upon the integrity of the Thames Basins Heaths Special Protection Area. These policies are considered to be consistent with the NPPF, which states that the planning system should seek to protect and enhance the natural environment.

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.

This site is located approximately 4.9 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.

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

In this instance, the development would result in a net increase of 4 x one bedroom, 8 x two bedroom, 13 x three bedroom, 5 x four bedroom and 3 x five bedroom dwellings replacing the existing four bedroom dwelling which results in a total SANG contribution of £172,537.

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 £22,238.

The total SPA related financial contribution for this proposal is £194,775. 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.

As the application is recommended for refusal and a Section 106 Agreement has not been completed related to this proposal, the development would have an adverse effect on the integrity of the SPA and would comply with SEP 'Retained' Policy NRM6, Saved policy EN3 of the BFBLP and CS14 of CSDPD, the Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD, the Planning Obligations SPD and the NPPF.

m) Securing Necessary Infrastructure

CSDPD Policy CS6 states that development is expected to contribute to the delivery of infrastructure needed to support growth and infrastructure needed to mitigate impacts upon communities, transport and the environment.

The Planning Obligations SPD (2015) is also applicable.

If planning permission were to be granted, the following would be sought:

(i) Affordable Housing

CSDPD Policy CS16 states that development will be permitted which contributes to meeting the identified housing needs of all sectors of the community. The Planning Obligations SPD seeks sites of over 15 dwellings to provide up to 25% of dwellings as affordable, with 70% of these as affordable rents and 30% intermediate housing.

The applicant seeks to provide eight dwellings as affordable, which equates to 24.2%. The affordable houses would consist mainly of 1 and 2 bedrooms with a single 3 bedroom dwelling. While ideally a wider variety of dwelling sizes should be provided to reflect demand and the development as a whole, ultimately this does not constitute a reason for refusal under the planning balance.

The affordable housing contribution would be secured by Section 106 Agreement.

(ii) OSPV (Open Space of Public Value)

CSDPD Policy CS8 states that development will be improved which retains, improves or retains existing recreational facilities (including both passive and active spaces), and/or provides and maintains new facilities. BFBLP 'Saved' Policy R4 states that new residential developments will be expected to provide new areas of publicly usable open space.

Sites between 1ha and 2ha or over 30 dwellings should provide in-kind on site OSPV at a standard of 30sq m per dwelling = 990sq m plus a financial contribution towards improvements to capacity of off-site OSPV which would serve the development.

As the proposed site plan only appears to provide 0.05ha (500sqm) of OSPV the Council would seek a financial contribution towards the provision or increase in capacity to off-site active and passive open space. If the development were to be approved the Council would seek a contribution of c.£2600 per dwelling (index linked) towards Active and Passive Open Space Improvements to Warfield Memorial Ground or other suitable alternative site capable of serving the development would be made.

(iii) Community Facilities

The Council has identified the need for a new community hub located at the strategic Warfield development to serve new residential development in this area. The planned facility would also serve this development. However, due to the CIL Reg 123 pooling restriction, on a pro rata basis, this development would represent only a very small percentage (circa 1.7%) of the overall cost (circa £5m) of the facility. Therefore because this development would represent one of only five planning obligations permitted towards this project; so as not to

fetter the ability for the Council to deliver this project, the council is unable to seek a contribution from this development. Therefore the development is in effect unable to mitigate its impact on community facility infrastructure, and is therefore contrary to Policy CS6, and the Planning Obligations SPD.

(iv) SuDS

Were an acceptable Drainage Strategy to be provided, a planning obligation would be required to ensure approval of the SuDS specification and a long term Management and Maintenance Plan prior to commencing development on site. A planning obligation would also be required to secure a SuDS monitoring contribution to monitor SuDS for their lifespan.

(v) CIL

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

CIL applies to any new build that involves the creation of additional dwellings. The site falls within the 'Northern Parishes' charging area, for which the charge is £269.08 per square metre for 15+ dwellings (2019 figures).

THE PLANNING BALANCE AND CONCLUSIONS

The Local Planning Authority is able to demonstrate a five year housing supply (6.04 years) and therefore an 'orthodox' planning balance has been applied.

The proposed development would consist of residential development on undeveloped land within the countryside, which would detract from the intrinsic character and beauty of the countryside. Therefore the proposal gives rise to conflict with CSDPD Policies CS1, CS2, CS9 and BFBLP 'Saved' Policies EN8 and H5.

Furthermore, the proposal would be out of character with the surrounding area by failing to achieve a semi-rural character that is appropriate to the context. Instead the proposal is suburban in layout and does not integrate well into its undeveloped countryside setting. It has not been demonstrated that the proposal would not result in an adverse impact on surface water drainage, and has not provided an adequate SuDS scheme. Furthermore, it has not been demonstrated that the proposal would not result in an adverse impact on various elements of biodiversity. As such there is conflict with CSDPD Policies CS1, CS7, CS9, BFBLP 'Saved' Policies EN8 and EN20, the Design SPD, the Character Area Assessments SPD, and the NPPF.

It is acknowledged that matters of highway safety have been overcome during the application process, and that the proposal would provide to-standard affordable housing, which is in demand in the Borough. The provision of additional housing in general does also offer economic and social benefit, including in terms of job creation and contributions towards the local economy. However these benefits do not override the clear and distinct harm which has arisen.

It is noted that, further to section e)(iv) of the report, as it is currently presented the proposal does not provide a connection to the granted residential site of 16/01004/OUT (Land North of Herschel Grange).

Due to the absence of a completed Section 106 Agreement, the proposal is also to be refused on the grounds of failing to provide satisfactory mitigation against the Thames Basin Heaths SPA or an acceptable contribution towards OSPV, and therefore conflicts with SEP 'Retained' Policy NRM6, 'Saved' Policy EN3 of the BFBLP and CS6 & CS14 of CSDPD, the Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD, the Planning Obligations SPD and the NPPF

It is also the case that due to pooling restrictions the development cannot make a contribution towards community facilities, which forms a reason for refusal in view of conflict with CSDPD Policy CS6, the Planning Obligations SPD (2015), and the NPPF.

The proposal is therefore recommended for refusal on the above grounds.

CASE OFFICER'S CONCLUSION:

RECOMMENDATION:

Recommendation: **REFUSE for the following reason(s)**: Date of Recommendation: 29.04.2019

This report should be read in conjunction with the Draft Decision Notice

Note: Under the BFBC's scheme of delegation this application has been considered in accordance with the Human Rights Act 1998.						
Decision Notice to?	Parish Council	Compliance	LAO	Other	Specify	
Notes for WP Administrator:-				Date Legal Agreement Signed		
PI App Monitoring Check List	Yes / No	Temporary Register	Yes / No	Telecom Register	Yes / No	
CHECKED – Case Officer	DATE 29/04/19	Team Leader/ Section Head <i>M.C. Bay</i>	DECISION DATE 29/04/19			

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ITEM NO: 05

Application No.
19/00497/FUL
Site Address:

Ward:
Binfield With Warfield

Date Registered:
6 June 2019

Target Decision Date:
5 September 2019

**Land North Of Herschel Grange Warfield Street
Warfield Bracknell Berkshire**

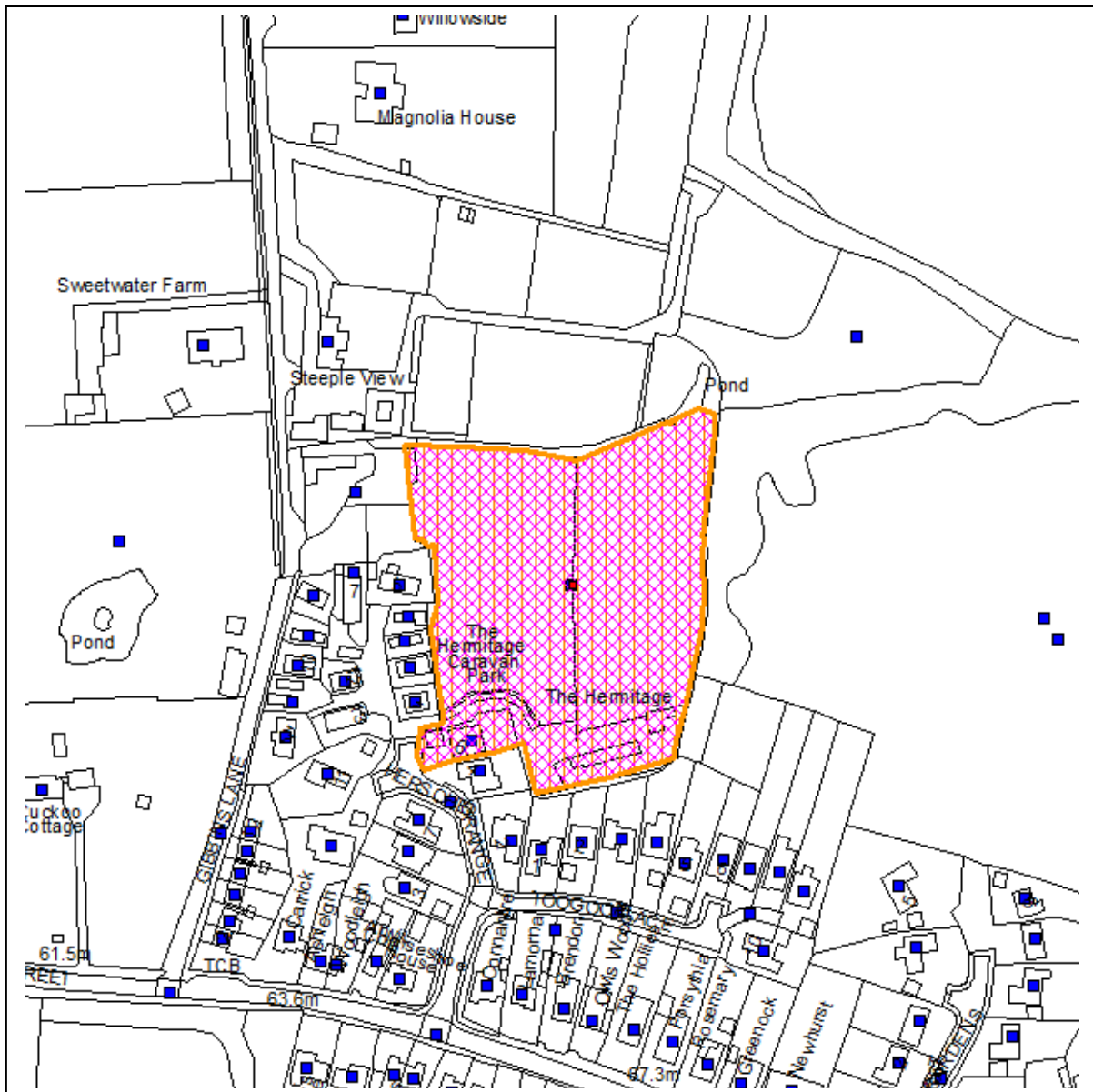
Proposal: **Erection of 33 dwellings (including 10 affordable dwellings), with car parking, landscaping, open space and access from Herschel Grange, following demolition of 6 Herschel Grange.**

Applicant: Mr Peter Reed

Agent: (There is no agent for this application)

Case Officer: Matthew Miller, 01344 352000
development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

- 1.1 The proposed development comprises the erection of 33 dwellings (32 net) on a site the majority of which comprises undeveloped land lying outside a defined settlement. The development would conflict with countryside policies in the development plan but the harm is considered to be minor. Accordingly, under the planning balance with appropriate weight given to countryside policies and a consideration of the benefits of the proposal, the application is recommended for approval.
- 1.2 The proposal would not adversely impact upon the character and appearance of the immediate area, nor would it adversely affect the residential amenities of the occupants of neighbouring residential dwellings. The proposal would also be acceptable in terms of highway safety and parking, subject to proposed conditions.
- 1.3 Relevant conditions will be imposed in relation to multiple matters, including surface water drainage and biodiversity. A legal agreement is required to secure contributions towards various required mitigation measures, and the scheme is CIL liable.

RECOMMENDATION
Delegate to the Head of Planning to grant planning permission following the completion of a Section 106 Agreement and subject to the conditions in Section 12 of this report.

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

- 2.1 The application is being considered by the Planning Committee following the receipt of 22no. objections.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Majority of site is outside the settlement boundary
Sited within 5km of the Thames Basin Heaths SPA

- 3.1 The application site consists of 6 Herschel Grange, a two-storey detached house, and its curtilage together with a predominately undeveloped grass field to the north and east bounded by a combination of wooden fencing and planting, including tall hedging to the eastern boundary. Two dilapidated stable buildings are sited towards the southern boundary of the site. The site appears to have had historic equestrian use, its current use is as horse grazing and it was historically known as The Hermitage. Current access to the site is via a single gated track immediately north of 6 Herschel Grange.
- 3.2 The site is bordered by the housing development of Herschel Grange and Toogood Place to the south, the Hermitage Caravan Park to the west, and (currently) undeveloped land to the north and east.
- 3.3 The majority of the site is located outside a defined settlement, but adjoining the settlement boundary of Warfield (which links continuously to the Bracknell town urban area) to the south, as identified in the Bracknell Forest Borough Policies Map (2013).

4. RELEVANT SITE HISTORY

- 4.1 The site history of the application site is as follows:

5491

Application for extension to existing caravan site
Refused (1959)

612413

Erection of stable block, tack room and feed room and hay store.
Approved (1987)

18/00650/FUL

Erection of 34 dwellings (including 8 affordable dwellings), with car parking, landscaping, open space and access from Herschel Grange, following the demolition of No.6 Herschel Grange.

Refused (2019)

The relationship between this proposal and the refused application 18/00650/FUL is considered in this report.

- 4.2 The land to the immediate east of the application site (land north of Newhurst Gardens) has planning permission for the following:

16/01004/OUT

Outline planning application for the erection of up to 50 residential dwellings (including up to 25% affordable housing), parking, open space and landscaping with access from Newhurst Gardens. All matters reserved apart from access details.

Appeal Allowed (2018)

- 4.3 The existing housing development consisting of Herschel Grange and Toogood Place was permitted under multiple applications determined between 1995 and 2001. The existing caravan park to the west (The Hermitage) has been present since the early 1960s.

5. THE PROPOSAL

- 5.1 The proposed development consists of the erection of 33no. dwellings (32no. net) on primarily undeveloped land to the north-east of the current housing at Herschel Grange, and north of the housing within Toogood Place. It would adjoin the existing mobile home site known as The Hermitage Caravan Park to the west. The proposal would involve the demolition of the existing dwelling of 6 Herschel Grange to enable vehicular access to the site (from Warfield Street via Herschel Grange).
- 5.2 The proposed dwelling mix would consist of 4no. one bedroom, 10no. two bedroom, 10no. three bedroom, 6no. four bedroom (5 net in view of the demolition of 6 Herschel Grange), and 3no. five bedroom units. Of these, 4no. one bedroom, 5no. two bedroom, and 1no. three bedroom units are proposed to be affordable housing units, which represents 31.3% of the net total.
- 5.3 The dwellings would be a mix of detached, semi-detached and terraced houses, and a 2.5 storey apartment building on the south-eastern corner of the site. The proposal includes an amenity area, pumping station, detention basin, and an indicative cycle and pedestrian connection to the approved Newhurst Gardens development. Various detached and attached car ports are also proposed.
- 5.4 During the course of the application amendments have been made to the site layout, including the relocation of the proposed apartment building, the provision of drainage

features, and provision for a future pedestrian/cycle access to the approved Newhurst Gardens development to the east.

6. REPRESENTATIONS RECEIVED

Warfield Parish Council

- 6.1 Warfield Parish Council objects to the proposal on the following grounds:
- the site is located outside the defined settlement boundary;
 - the proposal would constitute overdevelopment of the site and be out of keeping with the area;
 - concerns are raised as to increasing traffic levels across the local area resulting from the proposal combined with the extant permission for housing north of Newhurst Gardens, and the impact this would have on highway safety;
 - the proposal would result in an urbanisation of a defined Character Area, and
 - the proposal would adversely impact local open space.

Representations from Members of the Public

- 6.2 21no. other objections have been received. These are summarised as follows:
- the site is located outside the defined settlement boundary, and would not relate well to the existing settlement form or the wider rural setting;
 - the proposal is contrary to the Bracknell Forest Council Development Plan;
 - Bracknell Forest Council now has a Five Year Land Supply and so this cannot be used to justify the proposal, and there is no evidence that the proposal would meet the housing needs of the community;
 - the proposal would result in an adverse impact both on the countryside setting and on the existing character of development to the immediate south. It would result in a negative urbanisation of the area. Warfield Street is a designated Character Area and the proposal would have a negative impact on this;
 - the proposal constitutes overdevelopment of the site;
 - the proposal, in combination with the Newhurst Gardens development, and other development taking place further to the south of Warfield Street, would result in an unfavourable erosion of the countryside and a harmful net increase in traffic movement. Concerns have been raised with regards to existing levels of traffic;
 - the proposal would result in the loss of soft landscaping features including trees;
 - the benefits of providing needed additional housing does not outweigh the harm of the proposal;
 - the proposed apartment building is excessive in height and inappropriate in this location;
 - the location of the proposal is not sustainable in relation to access to local amenities, and occupants would be reliant on personal vehicles;
 - the proposal would result in an adverse impact on surrounding heritage assets (Listed Buildings);
 - the proposed access to the site from Herschel Grange is not acceptable and would result in an adverse impact on highway safety;
 - the proposal would result in unacceptable levels of pollution generation;
 - the proposal would result in additional on-street parking occurring within the existing highway of Herschel Grange;
 - the proposal does not include a Construction Management Plan;
 - the proposal does not make provision for sustainable energy features, e.g. solar panels;
 - the proposal would result in an adverse impact on the residential amenities of occupants living within Toogood Place, through the loss of existing planting screening and the resulting overlooking and loss of privacy, and
 - the proposal would result in adverse environmental impacts, and

- the objections made to previous refused application 18/00650/FUL for this site have not been overcome.

The above matters are considered below.

7. SUMMARY OF CONSULTATION RESPONSES

Highway Officer

No objection subject to conditions.

Biodiversity Officer

No objection based on additional information received, subject to conditions.

Tree Officer

No comment.

Landscape Officer

No objection to the principle of the site in landscape terms.

Lead Local Flood Authority (LLFA)

Following the receipt of amended & additional information, no objection subject to details which can be secured by planning condition.

Principal Conservation Advisor

No objection.

Environmental Health Officer

No objection subject to conditions.

Thames Water

Refer to Informative 04.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO DECISION

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

	Development Plan	NPPF	Weight to be attributed, with reference to para. 213 of NPPF
Sustainable development principles	SALP Policy CP1	Para. 11(d) refers to 'policies which <u>are most important for determining the application are out-of-date</u> '. CP1 wording differs to this. Furthermore, the PPG states that there is no need for a policy to directly replicate para. 11.	Limited (policy not used in planning application decision-making)

	CSDPD Policy CS1	Consistent (Paras. 7, 8, 11, 12, & 117 - 119)	Full
Principle of development - outside settlement	CSDPD Policy CS2	Consistent (Para. 17 & 117 -119)	Full
	CSDPD Policy CS9 and BFBLP 'Saved' Policy EN8	Elements are acknowledged to not be fully consistent (para. 170 a) and b) however the thrust of these policies remains consistent (paras. 78-79, 103, 104a, 117 & 170)	Moderate
	BFBLP 'Saved' Policy H5	Generally Consistent (paras. 79, 103, 117, 170, 213)	Limited, but relevant
Housing Provision	CSDPD Policy CS15	Inconsistent – utilises now outdated evidence base as basis for policy requirements.	None (policy not used in planning application decision-making)
Design & Character	CSDPD Policy CS7	Consistent (Chapter 12)	Full
	BFBLP 'Saved' Policy EN20	“	Full
Trees & Landscape	CSDPD Policies CS1 & CS7	Consistent (paras. 127 & 170)	Full
	BFBLP 'Saved' Policies EN1, EN2 & EN20	“	Full
Residential Amenity	'Saved' Policies EN20 & EN25 of BFBLP	Consistent (paras. 127, 170 & 180)	Full
Transport	CSDPD Policies C23 & CS24	Consistent (Chapter 9)	Full
	BFBLP 'Saved' Policies M4, M6, M8 & M9	“	Full
Drainage	CS1 of CSDPD	Consistent (paras. 163 & 165)	Full
Biodiversity	CSDPD Policies CS1 &	Consistent (paras. 170	Full

	CS7 BFBLP 'Saved' Policies EN1, EN2 & EN20	& 175) “	Full
SPA	SEP 'Retained' Policy NRM6	Consistent (paras. 170, 171, 173, 175, 176, 177)	Full
	CSDPD Policy CS14	“	Full
	BFBLP 'Saved' Policy EN3	“	Full
Noise and Pollution (including Land Contamination)	CSDPD Policy CS1	Consistent (paras. 118, 170, 178 & 180)	Full
	BFBLP 'Saved' Policy EN25	“	Full
Sustainability of build (Renewable Energy and Water Use)	CSDPD Policies CS10 & 12	Consistent (para. 149)	Full
Archaeology	CSDPD Policy CS1	Consistent (para. 189)	Full
	'Saved' Policy EN7	“	“
Heritage	CSDPD Policies CS1 & CS7	Consistent (paras. 189 to 197)	Full
Affordable Housing/Mix	CSDPD Policies CS16 & CS17	Consistent (paras. 61, 62, 64 of the NPPF).	Full
	'Saved' Policy H8 of BFBLP	Definition of 'affordable housing' provided in Para. 5.59 of Policy is not consistent with the NPPF. However main thrust of policy is consistent with paras. 61, 62 and 64 of the NPPF.	Moderate
Open Space Provision	CSDPD Policy CS8	Consistent (paras. 92 & 97 of the NPPF)	Full
	'Saved' Policy R4 of the BFBLP	“	Full
Securing Necessary Infrastructure	CSDPD Policy CS6	Consistent (para. 54 to 56, 92 and 94)	Full

Supplementary Planning Documents (SPD):	
Character Area Assessments SPD (2010) Design SPD (2017) Parking Standards SPD (2016) Planning Obligations SPD (2015) Streetscene SPD (2011) Sustainable Resource Management SPD (2008) Thames Basin Heaths SPA SPD (2018)	
Other publications:	
National Planning Policy Framework (NPPF) (2019) National Planning Policy Guidance (NPPG) (2019) Bracknell Forest Borough Landscape Character Assessment (LUC) (2015)	

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of Development
- ii. Impact on Character and Appearance
- iii. Impact on Heritage Assets
- iv. Impact on Residential Amenity
- v. Transport and Highways Considerations
- vi. Drainage Implications
- vii. Biodiversity Implications
- viii. Sustainability Implications
- ix. Contaminated Land Implications
- x. Archaeological Implications
- xi. Thames Basin Heaths Special Protection Area (SPA)
- xii. Securing Necessary Infrastructure

An overall planning balance is then undertaken.

i. Principle of Development

Housing Land Supply

9.2 The Council is able to demonstrate a 6.09 years' supply of housing (as of July 2019), relating to the monitoring period 2018/19. The Inspector at the recent appeal APP/R0335/W/18/3217574 (Scotlands House, Forest Road, Warfield, LPA ref: 18/00650/FUL) agreed that the Council could demonstrate a 5 year supply of housing land.

Relevant Development Plan Policies

The majority of the site is located outside a defined settlement in the countryside. The following policies in the development plan are relevant to development in such areas.

9.3 CSDPD Policy CS1 states that development will be permitted which makes efficient use of land, is located so as to reduce the need to travel, promotes a mix of uses, and protects and enhances the character and quality of local landscapes and the wider countryside. CSDPD Policy CS2 states that land will be allocated for development on a sequential basis, which includes previously developed land and development as extensions to defined settlements with good public transport links to the rest of the urban area. The above policies are considered to be fully consistent with the NPPF.

- 9.4 CSDPD Policy CS9 states that land outside settlements will be protected for its own sake, particularly from development that would adversely affect the character, appearance or function of the land.
- 9.5 BFBLP 'Saved' Policy EN8 again states that the countryside will be protected for its own sake, and that outside the defined settlement boundaries development will only be permitted where it would not adversely affect the character, appearance or function of the land, or would not damage its landscape quality. 'Saved' Policy EN8 contains a (non-exhaustive) list of development types which may be permitted in the countryside, which does not include new housing development except where required in connection with agriculture and forestry
- 9.6 BFBLP 'Saved' Policy H5 states that outside the defined settlement boundaries the erection of new dwellings will not be permitted unless it would cause no harm to the character of the area, or to the relationship between the settlement and the surrounding landscape.
- 9.7 It is acknowledged that CS9 and EN8 are not wholly consistent with the NPPF, as they seek to protect the countryside for 'its own sake', which is not reflected in the NPPF. Instead, para. 170(b) of the NPPF states that planning policies and decisions should contribute towards and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. However, with reference to para. 213 of the NPPF, the general thrust and purpose of these policies remain broadly consistent with the NPPF as their overarching aim involves an appreciation of the intrinsic value and beauty of the countryside, and as such they can be afforded moderate weight.
- 9.8 BFBLP 'Saved' Policy H5 is considered to have limited weight as it restricts the erection of new dwellings in countryside, which the NPPF does not state. However, it can be given some weight in view of its overarching aim which involves an appreciation of the intrinsic value and beauty of the countryside. This accords with para. 213 of the NPPF.
- 9.9 Policies CS2, CS9, EN8 and H5 are considered to be the most important policies to the determination of this application. For the reasons above, they are not considered to be out-of-date.
- 9.10 The application site is designated in the Draft Bracknell Forest Local Plan to be allocated as a housing development for 33no. dwellings (site designation 'War9'). The evidence base for the Local Plan indicates that the site is suitable for development when compared to the alternative sites available. However, as this is a Draft Policy document, only minimal weight can be attributed to it at present.
- 9.11 At present, the policies of the Warfield Neighbourhood Plan can be afforded little weight, although this weight will increase as the plan progresses towards adoption. Within this context it is noted that proposed Policy WNP1: A Spatial Strategy for the Parish indicates that development proposals beyond the identified boundaries of Newell Green, Warfield Street and Hayley Green will only be supported if they are 'appropriate forms of development and they are consistent with development plan policies relating to the historic environment, heritage assets, landscape character, protecting the natural environment and where they will not compromise the delivery of the green infrastructure network'.

Conclusion on Principle of Development

- 9.12 The proposal for building houses and flats on a primarily green field site would conflict with the Council's countryside policies. Giving those appropriate weight, as described above, the proposal is not considered acceptable in principle. This means that the application should be

refused unless material considerations indicate otherwise. The remainder of the report therefore considers these and concludes matters in the planning balance.

ii. Impact on Character and Appearance

Impact on the Character and Setting of the Countryside

- 9.13 The site is located within the C1: Binfield Warfield Clay Farmland Landscape Area, as defined in the LUC Bracknell Forest Borough Landscape Character Assessment (2015). This document details that the southern part of the study area (which includes the application site) provides an important green space function between the urban edge of Bracknell to the south and the more fully rural area to the north. It further states that the study area as a whole, and towards which the site contributes, is characterised by gently undulating farmed fields with a lack of woodland cover overall, providing an open feel.
- 9.14 The two stable buildings within the south of the application site are previously developed land (PDL) because, whilst they are somewhat dilapidated, they are still of reasonably substantial construction, and contribute to the overall equestrian use of the site. In addition the existing dwelling of 6 Herschel Grange represents both PDL and land in defined settlement. The proposed development would, however, have a substantially greater footprint, floor area and volume than these buildings.
- 9.15 The site is bordered by a defined settlement to the south. The Hermitage Caravan Park to the west does not lie within this defined settlement but its use as a caravan park needs to be taken into account in assessing the setting of the development proposed on the application site.
- 9.16 The land to the east (land north of Newhurst Gardens) also lies outside the defined settlement but has an extant outline planning permission for the erection of up to 50 dwellings. This development would be physically and visually separated from the application site by a tall, dense strip of planting located on the shared boundary. The proposed housing (based on the outline scheme) would have a separation distance of c.40 metres to the closest dwelling within this proposal.
- 9.17 Land lying outside the settlement at Gibbins Lane to the north-west comprises Steeple View: a number of buildings including a dwellinghouse, stables and various outbuildings and paddock land, and Fairacres: a dwellinghouse and a relatively large equestrian use, including a significant number of stables and other outbuildings, and a large amount of hardstanding.
- 9.18 As described above, the application site is a predominately undeveloped greenfield site, largely under grass. It contains some valued landscape features (as listed in the LUC Bracknell Forest Borough Landscape Character Assessment) in the form of hedgerows, with some scattered mature trees. However, the site is relatively flat and is visually enclosed by development to the south and west, and by mature hedging to the east with additional development approved to the east.
- 9.19 While the site opens up to the north, there are limited public vantage points from this direction. From the west the site is again largely screened, except for a visual gap when viewed from Gibbins Lane immediately north of The Hermitage caravan park. This restricts its visual value and contribution to the wider countryside.
- 9.20 The Landscape Officer has been consulted on the proposal, and considers that the principle of the development on the site is acceptable in landscape terms. This is because the site is

judged to have low to medium landscape sensitivity due to its relationship with the existing settlement, and the limited visibility of the site from public vantage points.

- 9.21 While any form of built development on a greenfield site has the potential to detract from the intrinsic value and beauty of the countryside, the extent of the contribution and influence of the site to the wider value and beauty of the countryside is an important factor. For the above reasons the proposal would result in some harm to the countryside, but in this instance the harm is considered to be no more than minor.
- 9.22 The proposal would conflict with elements of CSDPD Policy CS9, and BFBLP 'Saved' Policies EN8 and H5, however in view of the weight to be attributed to these policies, the overall harm arising is considered to be no more than minor.

Impact on Character and Appearance of Warfield Street



*The specific housing layout shown on the above plan has been amended.

- 9.23 The site lies north of the 'Warfield Street' (area B1) study area of the Character Area Assessments SPD (2010), which begins on the southern side of Toogood Place. In view of the close vicinity, it is reasonable to consider the proposal against the analysis and recommendations of this SPD.
- 9.24 The existing residential area to the south and along Warfield Street consists mainly of one and two storey dwellings. The character of the cul-de-sac, and particularly of Herschel Grange and Toogood Place, is suburban, the Character Assessment SPD notes that the wider context is of a semi-rural character.
- 9.25 The proposed development, particularly when considered with the extant outline planning permission to the east, represents a significant increase in the built footprint of the settlement along Warfield Street, within a semi-rural setting. However, it would form an extension to the existing 1990s suburban cul-de-sac developments of Herschel Grange and Toogood Place, which themselves largely fall outside the study area, and do not follow the linear frontage development form of the original Forest Road (including Warfield Street) settlements. The site would continue this suburban pattern and harmonise with the existing built form forming a sympathetic continuation of the settlement. Furthermore it would meet

the Character Area Assessment recommendation of being designed in the form of cul-de-sacs, minimising the impact on the street scene of Warfield Street.

Layout and Design



Example street scene:



- 9.26 The proposed layout and density of the development reflects a suburban form of development. This is also reflected in the standardised footprint of the proposed plots. The Character Area Assessment SPD allows for some flexibility in proposed architectural styles and the development therefore reasonably reflects this, although the site lies beyond this Character Area.
- 9.27 The applicant has stated that the design philosophy for the site is to seek to achieve its own architectural style. There is some degree of variety in building designs and external materials. Overall it is considered that the development seeks to provide a modern design style, particularly in making use of large amounts of glazing, while making use of traditional brick colours and timber cladding. It is considered that this gives rise to a development of good design quality with its own sense of place, which would sit comfortably with the 1990s residential development to the immediate south.
- 9.28 The proposed dwellings would be predominantly two storey in height, although various plots, mainly those on the eastern side, would also contain loft space accommodation. The

proposal includes a 2.5 storey apartment building which, following amendments, has been relocated to the south-eastern corner of the site.

- 9.29 A mix of driveways and parking courts are proposed, as well as attached and detached car ports. It is considered that, in combination with the proposed soft landscaped frontages, the parking mix enables some design variety and prevents an over-abundance of hardsurfacing.
- 9.30 It is also proposed to provide a cycle and pedestrian linkage to the approved housing development to the north of Newhurst Gardens. This would be of benefit to future residents potentially reducing car trips.
- 9.31 It is recommended that conditions be imposed to secure details of the external materials to be used on the development, as well as proposed boundary treatments, in the interests of the character of the area.

Landscaping & Trees

- 9.32 No trees within the site or on its immediate boundary are subject to Tree Preservation Orders (TPOs). The Tree Officer has no comment to make in view of this.
- 9.33 A significant degree of planting is present to the southern and eastern borders of the site and, while this has a somewhat unmaintained appearance, it nonetheless contributes to the landscape character. The site itself is mainly open pasture, and limited planting is present to the western and northern boundaries. The planting that is present on these boundaries is of high quality and includes trees of significant visual quality.
- 9.34 It is proposed to retain the majority of the existing trees that are present on the northern and southern boundaries, and the applicant has demonstrated that this can be achieved in respect of the proposed layout. This would accord with the recommendations of the Character Area Assessments SPD which states that new developments should retain and reinforce tree and hedgerow planting.
- 9.35 It is recommended that a condition be imposed to secure details of a proposed planting scheme, including the retention of relevant existing vegetation, in the interests of the character of the area.

Conclusions on Impact on the Character of the Area

- 9.36 The proposal would be a clearly suburban form of development by virtue of its density, scale and design. As a result the proposal would change the semi-rural character of the existing site. It would, however, accord with the character of Herschel Grange/Toogood Place to the immediate south. Both of these elements are given weight in the planning balance (section 10).

iii. Impact on Heritage Assets

- 9.37 The following Grade II Listed buildings lie within the general vicinity of the application site:
- Warfield Hall, Forest Road – located 0.7 km to the west of the application site;
 - Horseshoe House, Warfield Street – located at the junction of Warfield Street with Herschel Grange;
 - Pear Tree Cottage, Warfield Street – to the east of the application site, and
 - Newell Hall, Warfield Street – to the west of the application site. This listing includes the stable block and yard, walls and gate piers to Newell Hall.

- 9.38 The Principal Conservation Advisor has been consulted on the proposal.
- 9.39 The proposal would not be easily visible from the wider vantage points available from the entrance of Herschel Grange or from Warfield Street. There is not considered therefore to be any inter-visibility with the above-mentioned buildings.
- 9.40 The proposed design consists of a two storey mix of detached, semi-detached and terraced houses. Some of the larger houses would incorporate rooms in the roof space, with an apartment containing 5 apartments of two-storeys with an apartment in the roof space.
- 9.41 The houses and apartments would be predominantly brick clad with two brick colours with a feature brick. A number of gables will also include horizontal timber weatherboarding with roofs finished in dark grey roof tiles and windows and door frames in dark grey. The houses and apartments would include gable features, French doors, tall windows, bay windows and Juliette balconies.
- 9.42 In view of the lack of inter-visibility with designated heritage assets and the lack of any functional relationship, there is not considered to be harm to the significance of the closest Listed Buildings in terms of impacts on their settings or significance. The proposal is not considered to result in an adverse impact on the settings of the nearest heritage assets, and therefore accords with CSDPD Policies CS1, CS7, and the NPPF.

iv. Impact on Residential Amenity

Impact on occupants of neighbouring properties

- 9.43 It is considered that due to the siting and layout proposed, along with the relevant separation distances, the development would not result in an adverse impact on the amenities of the nearest neighbouring properties in Herschel Grange, Toogood Place, The Hermitage Caravan Park, or to any homes built under the extant outline permission at land north of Newhurst Gardens. This includes consideration of loss of light, loss of privacy and any overbearing impacts.
- 9.44 There would be a separation distance of 11.5 metres from the dwelling of Plot 33 to the rear boundary of 1 Toogood Place, and a 24 metre total back-to-back distance. There would be a 11.5 metre separation distance from the western side elevation of the dwelling of Plot 33 to the rear elevation of 4 Herschel Grange. While there would be limited separation from the dwelling to the rear boundary, it is not considered that such a separation distance gives rise to any adverse loss of light impacts, including to the rear garden of no.4.
- 9.45 The proposed apartment building would have a separation distance of approximately 5 metres to the southern boundary of the site, and a total separation distance of approximately 20 metres to the rear elevation of 3 Toogood Place to the south. This total separation distance, combined with the addition of built form only on the northern side, is not considered to give rise to an adverse loss of light impact or be overbearing.
- 9.46 The above-mentioned dwellings would contain side-facing windows directed towards properties in Herschel Grange and Toogood Place. However, these windows would serve bathrooms, and in the case of Plot 33, a landing on the second floor as well. Conditions are recommended to be imposed to restrict the formation of further windows on these elevations, and to restrict the windows shown to be obscure-glazed with limited opening, in the interests of preventing any adverse loss of privacy impacts. The apartment building would contain north-facing side windows however these would have acceptable separation distance to the front-facing windows of plot 26.

- 9.47 In terms of increased light, noise and air pollution that may be generated by the proposal, these would again not be considered to give rise to adverse harm, especially in the overall planning balance.
- 9.48 It is noted that the Design SPD provides guidance on back-to-back distances for dwellinghouses, stating that the distance between buildings at the rear should be 22 metres. This is not achieved between the dwellings on the west side of the proposal and the mobile homes of the caravan park. It is considered that the distances proposed, being between 14 and 17 metres, are acceptable given that the boundary treatments would screen views to the closest windows of the mobile homes, which are all at ground floor level. Furthermore, the windows in question would also be screened by the proposed addition of boundary fencing. As the windows are sited close to the boundary of the site these would provide effective screening.
- 9.49 Much of this existing vegetation lies within The Hermitage, and is therefore beyond the control of the application site. Additional soft landscaping to provide further screening and close existing gaps can be secured via the proposed landscaping condition, along with boundary fencing also being secured by condition. As a consequence there would be no unfiltered views created by the proposal.
- 9.50 The required construction works would inevitably give rise to some disruption to neighbouring occupants, especially in terms of noise. However, these works would be temporary, and would not constitute a reason for refusal of the application. The Environmental Health Officer recommends the imposition of conditions relating to the provision of details of a working method statement to control the impacts of demolition and construction works on the amenities of the area, as well as a restriction on the hours of works.

Impacts on prospective residents of development

- 9.51 The proposed layout and design would provide acceptable separation distances and orientations of dwellings in order to avoid any potential adverse loss of light or loss of privacy impacts between prospective occupants. Side-facing windows at first floor level or above which face onto neighbouring dwellings are recommended to be obscure-glazed and non-opening and secured by condition. These affected side windows would be to non-habitable rooms, mainly bathrooms.
- 9.52 Each dwelling, including the apartment building, would have private amenity space provided both by enclosed rear gardens of reasonable size, and in some cases, reasonably-sized front gardens as well to dwellings.

Conclusion on impact to residential amenity

- 9.53 It is not considered that the proposal would give rise to adverse impacts on the amenities of neighbouring properties, or prospective occupants, subject to conditions, in accordance with BFBLP 'Saved' Policies EN20 and EN25, the Design SPD, and the NPPF.

v. Transport and Highways considerations

- 9.54 The Highway Officer has been consulted on the proposal.

Access & Layout

- 9.55 Herschel Grange is a cul-de-sac which provides access to 8 dwellings, 12 mobile homes and 11 dwellings along Toogood Place.

- 9.56 The Herschel Grange carriageway is 5.5 metres wide and provided with two 1.8 metre footways for the initial 50 metres to the junction with Toogood Place, where it becomes a 5.5 metre wide shared street with 1.8-metre-wide verges to the entrance to the mobile park. It is proposed that this length of shared street will remain and a new 5.5-metre-wide estate road with footways will commence at the end of the existing cul-de-sac. An additional 1.8 metre footpath would be provided at the proposed access to connect to the existing footpaths.
- 9.57 To enter the site, the extension of Herschel Grange will go through a 180 degree bend, and while this will curtail vehicle speeds, adequate forward visibility should be provided. Forward visibility splays of 17 metres for vehicle speeds of 15 mph have been provided, and these splays are in accordance with Manual for Streets guidance. The road has been designed to a maximum speed of 20 miles per hour, however it is accepted the design of the bend will ensure vehicle speeds will likely be below this limit. Within the site, adequate forward visibility splays have been shown on all bends. It is recommended that the proposed visibility splays be secured by planning condition.
- 9.58 Swept path analysis has been provided for the full length of Herschel Grange and the new internal roads. While a refuse vehicle will cross over the centre line of the road on the two bends this is not uncommon on quiet estate cul-de-sacs and given the requisite forward visibility splays are provided, this will not be detrimental to road safety. Refuse collection is a weekly operation and therefore the likelihood of two large vehicles being on the road at the same time is very low.
- 9.59 Off-street bin storage would be provided by external access to the rear gardens of individual dwellings. A bin store has been provided for the apartment building. It is recommended that conditions be imposed to secure the bin storage for the dwellings and apartments.
- 9.60 A pedestrian and cycle route connecting this development to the land north of Newhurst Gardens development (16/01004/OUT) is proposed towards the northeastern corner of the site.

Parking

- 9.61 The proposal consists of 4 x one bed units, 10 x two bed units, 10 x three bed units, 6 x four bed units and 3 x five bed units. According to the parking SPD this requires 71 spaces with another 7 visitors spaces making a total of 78 spaces. 78 spaces are shown and therefore the parking is policy compliant.
- 9.62 Parking is proposed in a mixture of car ports and driveways, and the sizes of these meet requirements.
- 9.63 Cycle storage is proposed in cycle stores within the gardens of the houses and each dwelling is provided with a gate accessing either the driveway or street. The apartment building is provided with a dedicated cycle store.
- 9.64 In the interests of highway safety, it is recommended that conditions be imposed to secure and retain the proposed parking (including the car ports and cycle store).

Traffic & Sustainability of Location

- 9.65 It is acknowledged by the applicant that the site is only served by a bus with a two-hour frequency and that most local services are over 1km away. However, in the appeal decision on the site to the east at Newhurst Gardens (16/01004/OUT), the Inspector considered the implications of the sustainability of the area. They concluded that the site is sustainably

located, and while every site is to be considered on its own merits, the material and geographic implication for this site are similar.

- 9.66 It is also acknowledged that as the strategic Warfield development on the southern side of Forest Road/Warfield Street (SA9) continues to progress, the sustainability of this proposal will improve, particularly in respect of accessibility, and the provision of education and community facilities.
- 9.67 The Council will seek contributions towards improvements to footpaths along Forest Road, improvements towards public transport in the form of bus stop improvements, and capacity improvements along the Forest Road/Bracknell Road/Jigs Lane junction (Five Ways crossing). This is considered reasonable in view of the additional traffic that would be generated by the proposal.
- 9.68 The Council will also seek formal adoption of roads and footpaths within the site, including the proposed access to the Newhurst Gardens development, but excluding the areas of shared surface. This will also be secured via Section 106 Agreement.

Conclusion on Highway Safety

- 9.69 It is considered that the development would not result in an adverse impact on highway safety, in accordance with Policy CS23 of the CSDPD, 'Saved' Policy M9 of the BFBLP, the Parking Standards SPD (2016), and the NPPF, subject to the recommended conditions and Section 106 obligation requirements.

vi. Drainage Implications

- 9.70 Whilst the site is not located in Flood Zones 2 or 3, the proposal is a major-scale development on what is predominately undeveloped land. Furthermore, Environment Agency data indicates that sections of the site are at particular risk of surface water flooding.
- 9.71 Following initial comments from the Lead Local Flooding Authority regarding the sustainability of the proposed drainage scheme, an alternative strategy has been submitted. This strategy also addresses the drainage reason for refusal in previous application 18/00650/FUL.
- 9.73 The design involves re-laying a culvert over 90 metres of private land, along with the provision of a foul water pumping station and a detention basin. The surface water generated on the site would now flow with gravity instead of being required to be pumped. Furthermore, the detention basin would provide the opportunity to store and filter water, serving also to reduce pollution.
- 9.74 The applicant will need to enter into a Section 106 Agreement to secure management of the proposed drainage solution, and this agreement will also need to secure the off-site arrangements. In addition, various conditions are recommended to be imposed to secure further details and retention of the proposed drainage strategy.
- 9.75 Subject to the above, the proposal would not result in an adverse impact on surface water drainage, in accordance with Policy CS1 of the CSDPD, and the NPPF.

vii. Biodiversity Implications

- 9.76 The Biodiversity Officer advises that in order to demonstrate that the development would protect and enhance biodiversity, the following matters are required:
- mitigation for impacts on bats;

- mitigation for impacts on great crested newts;
- mitigation for stag beetles;
- tree removal details, and
- design of retained green infrastructure

9.77 Following the receipt of additional information, the above matters have been sufficiently addressed. The reason for refusal in the previous application 18/00650/FUL has also been addressed through this information.

9.78 Various conditions are recommended to be imposed in the interests of biodiversity, these include compliance with the submitted information, details regarding wildlife protection during construction works, biodiversity enhancements and boundary treatments, and also restrictions on external lighting (due to the presence of bats).

9.79 It is therefore not considered that the proposed development would result in an adverse impact on biodiversity, in accordance with CSDPD Policies CS1 and CS7, and the NPPF, subject to the recommended conditions.

viii. Sustainability Implications

9.80 In respect of the proposed additional dwellings, Policy CS10 requires the submission of a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day. Policy CS12 requires the submission of an Energy Demand Assessment demonstrating how 10% of the development's energy requirements will be met from on-site renewable energy generation.

9.81 No details of the above have been submitted for consideration, and therefore it is recommended that these be secured by way of planning condition.

ix. Contaminated Land Implications

9.82 It is not clear from available information whether the site may be contaminated. As a major-scale housing development is proposed, a precautionary approach is therefore recommended.

9.83 The Environmental Health Officer therefore recommends the imposition of conditions to undertake exploratory investigative works, and if contaminated land is found, further appropriate measures to remediate this.

x. Archaeological Implications

9.84 The Applicant has provided a desk-based archaeological assessment. Berkshire Archaeology has been consulted and advise that it is in broad agreement with the assessment and its conclusions. The assessment of the site's archaeological potential is fair and it acknowledges that current knowledge may under-represent the reality. It should be noted that the proposal covers a reasonable area (1.2ha) of largely undeveloped agricultural land.

9.85 Berkshire Archaeology therefore agrees that an initial programme of exploratory archaeological investigation would be appropriate and the results of this exercise would inform the need for and scope of any strategy to mitigate the impacts of development. This may include further archaeological investigation prior to, or during, construction.

9.86 This programme of work is recommended to be secured by condition. Subject to this, the proposal would not be considered to result in an adverse impact on archaeological interests on the site, in accordance with the NPPF.

xi. Thames Basin Heaths Special Protection Area (SPA)

9.87 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.

9.88 This site is located approximately 4.9 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.

9.89 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.

9.90 In this instance, the development would result in a net increase of 4 x one bedroom, 10 x two bedroom, 10 x three bedroom, 6 x four bedroom and 3 x five bedroom dwellings replacing the existing five bedroom dwelling which results in a total SANG contribution of £164,587.

9.91 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 £20,912.

9.92 The total SPA related financial contribution for this proposal is £185,499. 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 Avoidance and Mitigation SPD, the Planning Obligations SPD and the NPPF. The Applicant has agreed to enter into a S106 agreement to secure these contributions.

xii. Securing Necessary Infrastructure

9.93 The following matters would be secured by means of a Section 106 Legal Agreement :

Affordable Housing

- 9.94 The application seeks to provide 31.3% of the total number of dwellings as affordable housing (see para. 5.2). This exceeds the Local Planning Authority's policy requirement of 25%.

Community Facilities

- 9.95 Due to the added pressure on community facilities from additional residential use on site, the Council will seek through a planning obligation to secure funds towards community facility improvements.

Education

- 9.96 The Local Education Authority (LEA) will seek, through a planning obligation, a contribution towards the Woodhurst primary school.

Open Space of Public Value OSPV)

- 9.97 As the proposed development only provides a limited amount of OSPV the Council will seek a financial contribution towards the provision of, or an increase in capacity of off-site active and passive open space. This would be in the form of a contribution of c. £2600 per dwelling (index linked) towards Active and Passive Open Space Improvements to Warfield Memorial Ground or other suitable alternative site capable of serving the development.

Transport

- 9.98 See paragraph 9.79 of the report.

SuDS

- 9.99 As highlighted in para. 9.83 of the report, planning obligations will be required to ensure approval of the SuDS specification and a long term Management and Maintenance Plan prior to commencing development on site. A planning obligation will also be required to secure a SuDS monitoring contribution to monitor SuDS for their lifespan.

SPA

- 9.100 See section 9.(xi) of the report.

Community Infrastructure Levy (CIL)

- 9.101 Bracknell Forest Council commenced charging for its Community Infrastructure Levy (CIL) on 6th April 2015.
- 9.102 CIL applies to any new build that involves the creation of additional dwellings. The site falls within the 'Northern Parishes' charging area, for which the charge is £269.08 per square metre for 15+ dwellings (2019 figures).

10. THE PLANNING BALANCE

- 10.1 Para. 11(c) of the NPPF states that development shall be approved which accords with an up-to-date development plan (applying an 'orthodox' planning balance). However, para. 11(d) states that where the policies which are most important for determining the application are out of date, including where the Council cannot demonstrate a five years' supply of

housing land, development should only be refused where any adverse impacts would significantly and demonstrably outweigh the benefits. This is known as a 'tilted' planning balance.

- 10.2 The Council's countryside policies are not considered to be out-of-date because the Council can demonstrate a five years' supply of housing land, and for the reasons explained in paras. 9.3 to 9.9 of the report,. The 'tilted' balance set out in para. 11 of the NPPF is therefore not triggered. The proposal would conflict with CSDPD Policy CS9, and BFBLP 'Saved' Policies EN8 and H5, however the weight to be attributed to these policies is reduced as they are not fully consistent with the NPPF.
- 10.3 The proposal is considered to result in some harm to the intrinsic value and beauty of the countryside (para. 170b) of the NPPF), as well as to the semi-rural character of the site. However, for the reasons explained in the report, this harm is considered to be minor in the context of the overall modest landscape value of the site combined with the fact that the proposal would relate well to the existing settlement and the site's limited inter-visibility with the wider landscape to the north. Furthermore, matters concerning surface water drainage and biodiversity, which formed reasons for refusal in the previous application (18/00650/FUL), have now been overcome.
- 10.4 While the Local Planning Authority is able to demonstrate a five years' supply of housing, Inspectors in recent appeal decisions have given significant weight to the benefit of additional housing in general. This includes both economic and social benefits, in terms of job creation and contributions towards the local economy and reflects the government's policy in the NPPF to significantly boost the supply of housing.
- 10.5 The proposal would offer 31% of the dwellings as affordable housing. Whilst below the 35% which would be sought under the emerging Local Plan, this is above the Council's current policy requirement of 25%. This is considered to be a significant benefit.

11. CONCLUSION

- 11.1 While the proposal would result in some harm to the intrinsic value and beauty of the countryside, and to the semi-rural character of the site, this harm is minor, and the weight to be applied to the Council's countryside policies is reduced. The proposal offers benefits in the form of an above policy-compliant level of affordable housing , and the provision of housing generally. The development would not result in material harm to the amenities of the residents of neighbouring properties, highway safety, biodiversity or drainage, subject to the recommended conditions. A legal agreement will secure various contributions towards infrastructure and mitigation, and the scheme is CIL liable.
- 11.2 The application is therefore recommended for conditional approval, subject to the completion of a Section 106 Agreement and the issue of a CIL liability notice.

12. RECOMMENDATION

- 12.1 **Following the completion of planning obligation(s) under Section 106** of the Town and Country Planning Act 1990 relating to the following measures:
- avoid and mitigate the impact of residential development upon the Thames Basin Heaths Special Protection Area (SPA);
 - provision of the agreed standard of affordable housing;
 - provision of, and contribution towards, areas of OSPV;

- contributions towards the provision and maintenance of community facilities;
 - contribution towards the provision of educational facilities;
 - contribution towards off-site highway network improvements;
- securing the adoption of the highways within the site by the Council (excluding areas of shared surfacing), and
- securing an appropriate site drainage strategy.

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

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

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

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

- Received on 6 June 2019:

17-J2176-115 Rev.A 'Individual Cycle Store Plans And Elevations'

- Received on 30 September 2019:

WYG A108468 Rev.C 'Flood Risk & Drainage Assessment'

- Received on 4 October 2019:

17-J2176-13 Rev.A 'Car Barn Allocation / Plans And Elevations'

17-J2176-101 Rev.A 'PLOTS 1, 2 and 3 Floor Plans & Elevations'

17-J2176-102 Rev.A 'PLOT 4, 5, 9 & 10 Floor Plans & Elevations'

17-J2176-103 'PLOTS 6, 7 and 8 Floor Plans & Elevations'

17-J2176-105 Rev.A 'PLOTS 11, 12, 24, 25 Floor Plans & Elevations'

17-J2176-106 Rev.A 'PLOTS 13, 14, 15, 16 Floor Plans & Elevations'

17-J2176-107 Rev.A 'PLOT 17 Floor Plans & Elevations'

17-J2176-110 Rev.A 'PLOT 19 & 20 Floor Plans & Elevations'

17-J2176-112 Rev.A 'PLOT 23 Floor Plans & Elevations'

17-J2176-113 Rev.A 'PLOT 26 Floor Plans & Elevations'

17-J2176-102 Rev.A 'PLOT 33 Floor Plans & Elevations'

- Received on 18 October 2019:

17-J2176-02 Rev.H 'Proposed Site Plan'

- Received on 27 November 2019:

17-J2176-104 Rev.B 'Apartments Plans & Elevations'

17-J2176-108 Rev.B 'PLOT 18 Floor Plans & Elevations'

17-J2176-109 Rev.B 'PLOT 27 Floor Plans & Elevations'

17-J2176-111 Rev.A 'PLOTS 21 & 22 Floor Plans & Elevations'

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

03. No above-ground construction works shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have

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

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

[Relevant Policies: BFBLP 'Saved' Policy EN20; Core Strategy DPD CS7]

04. No above-ground construction works shall take place until details showing the finished floor levels of the buildings 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.

REASON: In the interests of the character of the area, residential amenity, and surface water drainage

[Relevant Policies: BFBLP 'Saved' Policy EN20, Core Strategy DPD CS1, CS7]

05. No part of the development shall be occupied until details of a scheme of walls, fences, gates and any other means of enclosure has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full for each building approved in this permission before its occupation.

REASON: In the interests of the visual amenity of the area, and biodiversity

[Relevant Plans and Policies: CSDPD CS1, CS7; BFBLP 'Saved' Policy EN20]

06. Notwithstanding the information shown on the approved plans, the development shall not be begun until a scheme depicting full details of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule.

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

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

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

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 stated elevations of the following dwellings hereby approved, with the exception of those shown on the approved plans:

- Both side-facing elevations: Plots 26, 28-32
- North-facing side elevations: Plots 5
- South-facing side elevations: Plots 6, 18
- East-facing side elevations: Plots 2, 10, 12, 19, 21, 23, 25
- West-facing side elevations: Plots 1, 11, 13, 20, 22, 24, 27, 33
- Rear-facing elevation: Plot 3

REASON: In the interests of the residential amenity of the neighbouring properties within the development hereby approved.

[Relevant Policy: BFBLP 'Saved' Policy EN20].

08. The following windows on the first floor stated elevations 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:

- Both side-facing elevations: Plots 26, 28-32
- North-facing side elevations: Plots 5
- South-facing side elevations: Plots 6, 18
- East-facing side elevations: Plots 2, 10, 12, 19, 21, 23, 25
- West-facing side elevations: Plots 1, 11, 13*, 20, 22, 24, 27, 33
- Rear-facing elevation: Plot 3

*Excluding the second floor roof windows.

Any replacement windows shall be glazed and fixed to this standard, and retained as such.

REASON: In the interests of the residential amenity of the neighbouring properties within the development hereby approved.

[Relevant Policy: BFBLP 'Saved' Policy EN20].

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

- (i) control of noise;
- (ii) control of dust, smell and other effluvia;
- (iii) control of surface water run off;
- (iv) site security arrangements including hoardings;
- (v) proposed method of piling for foundations;
- (vi) construction and demolition working hours, and
- (vii) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site.

The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the Local Planning Authority.

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

[Relevant Policies: BFBLP 'Saved' Policies EN20, EN25].

10. No demolition or construction work shall take place outside the hours of 8:00 am and 6:00 pm Monday to Friday; 8:00 am and 1:00 pm Saturday and not at all on Sundays and Public Holidays.

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

[Relevant Policies: BFBLP 'Saved' Policies EN20, EN25].

11. No further development (beyond the creation of the site access) hereby permitted shall commence until the means of vehicular and pedestrian access to the site has been provided in accordance with the approved plans.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

12. No dwelling on plots 13 to 18 (inclusive) shall be occupied until a footpath/cycleway link has been provided to the site boundary as shown on the approved site plan ('Possible future access point for footpath-cycleway to Newhurst Gardens') in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The link shall be retained and maintained in accordance with the approved details until such time that the land is required to provide access to the adjacent land.

REASON: To ensure that the land is made available to provide a link to the neighbouring site in the case of future redevelopment of that land in the interests of ease of movement for cyclists and pedestrians.

[Relevant Policies: BFBLP M6, CSDPD CS23]

13. The relevant dwellings hereby permitted shall not be occupied until visibility splays have been provided both to the access/egress to individual parking spaces and to the main site access in accordance with the approved plans. 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; BFBLP 'Saved' Policy M9]

14. The relevant dwelling hereby permitted shall not be occupied until that part of the access road which provides access to and egress from it, including the provision of turning heads within the development, has been constructed in accordance with the approved plans.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

15. The relevant dwellings hereby permitted shall not be occupied until their corresponding vehicle parking spaces (including parking courts), along with associated turning and access, have been surfaced and marked out in accordance with approved drawing 17-J2176-02 Rev.H 'Proposed Site Plan', received by the Local Planning Authority on 18 October 2019. The spaces shall thereafter be kept available for parking, along with access and turning (where relevant) 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]

16. The relevant dwellings hereby permitted shall not be occupied until their corresponding car ports have been completed and made available for parking, in accordance approved drawing 17-J2176-13 Rev.A 'Car Barn Allocation / Plans And Elevations', received by the Local Planning Authority on 4 October 2019. The car ports, and their access, shall thereafter be kept available for vehicular 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]

17. 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 enlargements, improvements or alterations shall be made to the car ports, and no gate or door shall be erected to the front of the car ports.

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]

18. The relevant dwelling hereby permitted shall not be occupied until their associated cycle store and access has been implemented in accordance with the approved details. The store and access shall thereafter be kept available for cycle parking at all times.

REASON: In order to ensure adequate bicycle facilities are provided, in the interests of highway safety.

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

19. The relevant dwelling hereby permitted shall not be occupied until their associated bin storage and access has been implemented in accordance with the approved details. The store and access shall thereafter be kept available for refuse storage at all times.

REASON: In order to ensure adequate bin storage facilities are provided, in the interests of the character of the area and highway safety.

[Relevant Policies: CSDPD Policy CS7 and CS23, BFBLP 'Saved' Policy EN20]

20. No development shall commence 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, and
- (e) Temporary portacabins and welfare for site operatives.

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

REASON: In the interests of amenity and highway safety.

[Relevant Policies: BFBLP 'Saved' Policy EN20, Core Strategy DPD CS23]

21. No development above slab level shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme. The development shall be carried out in accordance with the approved scheme.

REASON: In the interests of the amenity of neighbouring properties & prospective occupants, the character of the area, highway safety, and nature conservation.

[Relevant Policies: BFBLP EN20 and EN25; CSDPD CS1, CS7, CS23]

22. All ecological measures and works shall be carried out in accordance with the details contained in the following documents received by the Local Planning Authority:

- Applied Ecology Ltd 'Ecology Version 4.0 Report August 2019' received on 22 August 2019
- Merewood 'Landscaping proposals and Green Mitigation Plan' received on 22 August 2019
- 'Merewood 'Arboricultural Implications Assessment and Method Statement' received on 2 September 2019

REASON: In the interests of nature conservation.

[Relevant Plans and Policies: CSDPD CS1, CS7]

23. The development hereby permitted (including any site clearance and demolition) shall not commence until a wildlife protection plan for construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- i) an appropriate scale plan showing where construction activities are restricted and protective measures;
- ii) details of protective measures to avoid impacts during construction;
- iii) a timetable to show phasing of construction activities, and

iv) persons responsible for compliance with legal consents, planning conditions, installation of protective measures, inspection and maintenance.

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

REASON: In the interests of nature conservation.

[Relevant Plans and Policies: CSDPD CS1, CS7]

24. The development hereby permitted shall not commence until a scheme for the provision of biodiversity enhancements (not mitigation), including a plan showing the location of these enhancements, has been submitted to and approved by the Local Planning Authority.

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

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

25. No site clearance shall take place during the main bird-nesting period of 1st March to 31st August inclusive, unless a scheme to minimise the impact on nesting birds during the construction of the development has been submitted to and approved by the Local Planning Authority.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

26. 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 external lighting shall be installed on the site or affixed to any buildings on the site except in accordance with the details provided in respect of Condition 21, or in details set out in a Lighting Design strategy for Biodiversity that has first been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

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

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

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

27. Prior to the occupation of any dwelling, the areas shown for green corridor and bat roost purposes as shown on approved drawing 17-J2176-02 Rev.H 'Proposed Site Plan', received by the Local Planning Authority on 18 October 2019, shall be provided, retained and thereafter not be used for any other purpose.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

28. An ecological site inspection report shall be submitted to the Local Planning Authority within three months of the first occupation of the first dwelling hereby approved. Any recommendations contained within this report and agreed in writing by the Local Planning Authority shall be performed, observed and complied with.

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

29. No development shall take place until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day, has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the Sustainability Statement, as approved, and retained as such thereafter.

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

30. No development shall take place until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 10%). The buildings thereafter constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith.

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

31. No development shall take place until a contaminated land Phase I report (Desk Top Study) has been submitted to, and approved in writing by, the Local Planning Authority. The study shall be carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site.
authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
[Relevant Policies: BFBLP EN25]

32. Following approval of the Phase I, if a Phase II report (Site investigation) is required it shall be submitted to, and approved in writing, prior to the commencement of development. It shall be completed by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The method and extent of this site investigation shall then proceed in strict accordance with the measures approved.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
[Relevant Policies: BFBLP EN25]

33. No development shall commence, including any demolition or site preparation works, until a programme of archaeological field evaluation has been undertaken in accordance with a written scheme of investigation has been submitted to and approved by the Local Planning Authority.

REASON: In the interests of historic archaeological features which may be present on site
[Relevant Policy: NPPF]

34. No development shall commence until any required archaeology mitigation strategy informed by the evaluation undertaken in Condition 32 has been submitted to and approved by the Local Planning Authority. The mitigation strategy shall be implemented in accordance with the approved details.

REASON: In the interests of historic archaeological features which may be present on site
[Relevant Policy: NPPF]

35. 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. These shall include:

- Detailed design of the pond to flood storage in accordance with document WYG A108468 Rev.C 'Flood Risk & Drainage Assessment', received on 30 September 2019;
- Details of vehicular access to all components of the drainage scheme for maintenance;
- Full details of all components of the proposed drainage system including exceedance areas, tanks, pipes, locations, gradients, invert and cover levels, headwall details, planting if necessary and drawings as appropriate taking into account the groundwater table;
- Supporting calculations demonstrating that the allowable discharge rates set out in the approved FRA are achieved together with confirmation of the gully spacing calculations to demonstrate they are capable of conveying the rainfall volumes as set out in the Approved Drainage strategy.

The approved details shall be implemented and thereafter retained.

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

[Relevant Policy: CSDPD CS1]

36. No development shall take place until a drainage strategy detailing any on- and off-site drainage works, along with proposed points of connection, has been submitted to and approved by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

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

[Relevant Policy: CSDPD CS1]

37. No development shall take place until details of how the surface water drainage shall be maintained and managed after completion have been submitted to and approved in writing by the Local Planning Authority. The details shall include confirmation of the required maintenance activities with expected frequency, with site specific assessments included to demonstrate that health and safety has been fully considered in the design and that access and egress for future residents will be maintained during any operations to repair or replace drainage features. The approved details shall be implemented and thereafter retained.

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

[Relevant Policy: CSDPD CS1]

38. The dwellings hereby approved shall be not occupied until the sustainable urban drainage (SuDS) scheme for this site has been completed in accordance with the approved details. The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. This shall include written confirmation of agreements for the management and maintenance of the drainage scheme shall be submitted and approved by the local planning authority.

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

[Relevant Policy: CSDPD CS1]

39. The dwellings hereby approved shall not 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 by the Local Planning Authority. This shall include photographs of excavations and soil profiles/horizons, any placement of tanking, crating, connecting pipe work, aquacludes or aquabrakes, cover systems, and any similar features/works required.

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

[Relevant Policy: CSDPD CS1]

Informative(s)

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

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

1. Commencement
2. Approved Plans
7. Window Restrictions
8. Obscure-Glazing
10. Hours of Construction
11. Site Access
12. Newhurst Gardens Access
13. Visibility Splays
14. Dwelling Access
15. Vehicle Parking
16. Car Port Retention
17. Car Port Alterations
18. Cycle Parking
19. Bin Storage
22. Ecological Measures
25. Bird Nesting
26. External Lighting (biodiversity)
27. Green Corridor & Bat Roosts
32. Contaminated Land Phase II

Details will be required in respect of the following conditions before the commencement of above-ground works:-

3. Materials
4. Finished Floor Levels
21. Site Lighting

Details will be required in respect of the following conditions before the commencement of development:-

5. Boundary Treatments
6. Hard & Soft Landscaping
9. Construction Management (Working Method Statement)
20. Construction Management (Highways)
23. Construction Management (Wildlife Protection Plan)
24. Biodiversity Enhancements
29. Water Usage
30. Energy Demand

- 31. Contaminated Land Phase I
- 33. Archaeological Preparation
- 34. Archaeological Mitigation
- 35. Drainage Systems
- 36. Drainage Works & Connections
- 37. Drainage Maintenance & Management

Details will be required in respect of the following conditions before the occupation of the dwellings:-

- 38. SuDS scheme
- 39. Drainage Verification Report

Details will be required in respect of the following condition within three months of the first occupation of any dwelling:-

- 28. Ecological Site Inspection

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. Thames Water has provided the following comments:

WASTE COMMENTS

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water would advise that with regard to SURFACE WATER network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

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

WATER COMMENTS

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

Should the applicant fail to complete the required S106 agreement by 16 March 2020 the Head of Planning be authorised to **REFUSE** the application for the following reasons: -

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 Avoidance and Mitigation Supplementary Planning Document (2012), and the NPPF.
2. In the absence of a planning obligation to secure affordable housing in terms that are satisfactory to the Local Planning Authority, the proposal is contrary to 'Saved' Policy H8 of the Bracknell Forest Borough Local Plan, Policies CS16 and CS17 of the Core Strategy Development Plan Document, the Planning Obligations SPD, the resolution on affordable housing made by BFC Executive on 29 March 2011, and the NPPF.
3. The proposed development would unacceptably increase the pressure on open space of public value and community facilities. In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which secures the on-site provision of open space of public value, the proposal is contrary to Policy R4 of the Bracknell Forest Borough Local Plan, Policies CS6 and CS8 of the Core Strategy Development Plan Document, the Planning Obligations SPD, and the NPPF.
4. It has not been demonstrated that the proposed development would incorporate a sustainable drainage system (SuDS) for the management of surface water run-off which would be maintained for the lifetime of the development. This is contrary to Policies CS1 and CS6 of the Core Strategy Development Plan Document, the House of Commons: Written Statement (HCWS161) Sustainable Drainage Systems 18/12/2014, the Flood Risk and Coastal Change PPG updated 15/04/2015, and the NPPF.

Date Published: 17 December 2019



PLANNING COMMITTEE

16 12 2019

SUPPLEMENTARY PAPERS

TO: ALL MEMBERS OF THE PLANNING COMMITTEE

The following papers were circulated at the above meeting.

Kevin Gibbs
Executive Director: Delivery

Page No

Planning Applications

(Head of Planning)

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

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Agenda Annex

BRACKNELL FOREST BOROUGH COUNCIL
PLANNING COMMITTEE
16th December 2019
SUPPLEMENTARY REPORT

Correspondence received and matters arising following preparation of the agenda.

Item No: 5

19/00497/FUL

Land North Of Herschel Grange Warfield Street Warfield Bracknell Berkshire

CORRESPONDENCE RECEIVED

Five further objections have been received from residents of additional neighbouring properties, as well as various further objections from residents who have previously commented. This brings the total number of objections from members of the public up to 26.

The additional objections can be summarised in that already stated in para. 6.2 of the report, but also state that:

- the amended plans received during the process have not overcome the concerns raised, and
- Warfield Street experiences flooding, speeding traffic, parked cars, blind bends and regular horse riders.

An amended objection response from the Warfield Village Action Group (WVAG) has been received. Officer comments will be provided on this at the meeting, as appropriate.

ADDITIONAL INFORMATION

The Highway Officer is not now seeking contributions to public transport/improvements to junction capacity as these are covered by CIL/other development. A condition is recommended, however, to secure off-site works (see below)

An amended Site Layout Plan (17-J2176-02 Rev K 'Proposed Site Plan') has been received which adds additional sections of footpath on the northern side of the north section of internal road within the development. The purpose of this is to provide additional connection through the site to the proposed pedestrian and cycle way connection to the 'Land North of Newhurst Gardens' housing development (reference: 16/01004/FUL), in the interests of highway safety.

The design of the house on plot 33 has been amended to remove a rear-facing dormer window to reduce the impact on properties lying to the rear.

AMENDMENT TO RECOMMENDATION

Condition 02 amended to read:

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

- 17-J2176-115 Rev.A 'Individual Cycle Store Plans And Elevations'
- WYG A108468 Rev.C 'Flood Risk & Drainage Assessment'
- 17-J2176-13 Rev.A 'Car Barn Allocation / Plans And Elevations'
- 17-J2176-101 Rev.A 'PLOTS 1, 2 and 3 Floor Plans & Elevations'
- 17-J2176-102 Rev.A 'PLOT 4, 5, 9 & 10 Floor Plans & Elevations'
- 17-J2176-103 'PLOTS 6, 7 and 8 Floor Plans & Elevations'
- 17-J2176-105 Rev.A 'PLOTS 11, 12, 24, 25 Floor Plans & Elevations'
- 17-J2176-106 Rev.A 'PLOTS 13, 14, 15, 16 Floor Plans & Elevations'
- 17-J2176-107 Rev.A 'PLOT 17 Floor Plans & Elevations'

17-J2176-110 Rev.A 'PLOT 19 & 20 Floor Plans & Elevations'
17-J2176-112 Rev.A 'PLOT 23 Floor Plans & Elevations'
17-J2176-113 Rev.A 'PLOT 26 Floor Plans & Elevations'
17-J2176-114 Rev.B 'PLOT 33 Floor Plans & Elevations'
17-J2176-104 Rev.B 'Apartments Plans & Elevations'
17-J2176-108 Rev.B 'PLOT 18 Floor Plans & Elevations'
17-J2176-109 Rev.B 'PLOT 27 Floor Plans & Elevations'
17-J2176-111 Rev.A 'PLOTS 21 & 22 Floor Plans & Elevations'
17-J2176-02 Rev K 'Proposed Site Plan'
17-J2176-03 Rev F 'Proposed Housing Allocation Plan'

In accordance with advice from the Tree Officer an additional condition dealing with tree protection is recommended to be imposed:-

40. All existing trees, hedgerows and groups of shrubs shown to be retained on the approved drawings shall be protected for the duration of operational works to implement the development in accordance with the Arboricultural Implications Assessment and Method Statement submitted with the application.

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]

Additional condition recommended by Highway Officer:-

41. 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 to Herschel Grange and a tactile crossing point on Warfield Street.

The development shall not be occupied until these off-site highway works have been completed in accordance with the approved scheme.

REASON: In the interests of highway safety.

[Relevant Policy: BFBLP M4, CSDPD CS1 and CS23]

Matters to be secured by s106 agreement:-

Delete "- contribution towards off-site highway network improvements".

Item No: 6

19/00318/FUL

ALDI 136 Liscombe Bracknell Berkshire RG12 7DE

AMENDMENT TO RECOMMENDATION

Condition 04 to read:

The development hereby permitted shall be carried out in accordance with the details contained within the 'Assessment of noise from replacement fixed plant equipment' report produced by Sharps Redmore Acoustic Consultants and dated 21st October 2019 and the noise level when measured from the bedroom, with the window partially open, of no. 2 Temple Moore House, shall not exceed 35 dB daytime and 30 dB at night time as demonstrated within the report.

Reason: To protect the occupants of nearby residential properties from noise

[Relevant Policies: BFBLP EN25]

[To clarify, addition of 'with window partially open' added]

Item No: 7

19/00756/FUL

15 Windlesham Road Bracknell Berkshire RG42 1TY

AMENDMENT TO RECOMMENDATION

Condition 2 (approved plans) should be amended to include:

And the following plan received on 11 December 2019:
2594-PL-108 Typical Bin Store Plans and Elevations

Condition 17 (drainage) should be amended to read:

No development shall take place until a surface water drainage scheme (SWDS) for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall demonstrate that surface water run-off generated up to and including the 1 in 100 years critical storm, with a suitable allowance for climate change included, will not exceed the run-off from the undeveloped site following the corresponding rainfall event and that flood risk will not be increased elsewhere and that surface water run-off from the site over any other property will not increase as a result of the development. If infiltration is proposed as a means of drainage then the results of BRE365 compliant testing at the site must be provided to support the SWDS. The SWDS shall subsequently be implemented in accordance with the approved details before the development is completed. The SWDS shall include details of how the surface water drainage shall be maintained and managed after completion.

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

[Relevant Policy: Core Strategy DPD CS1]

Informative 2 (conditions) should be amended to read:

01. The following conditions requires details to be submitted:

3. Materials
4. Finished floor levels
5. Means of enclosure
- 7 Details of services
10. Hard and soft landscaping
11. Vehicular access
16. Construction Management Plan
17. Drainage details
18. Sustainability Statement
19. Energy Demand Assessment

The following conditions do not require details to be submitted but must be complied with:

1. Time limit
2. Approved plans
6. Trees to be protected
8. Permeable surfacing
9. Trees to be replanted within 5 years
12. Vehicle parking
13. Visibility splays new dwellings
14. Visibility splays new parking for 15 Windlesham Road
15. Cycle storage
20. Obscure glazed windows

ADDITIONAL CORRESPONDENCE RECEIVED

An additional objection was received, which sets out the following concerns:

Proposal will change view from neighbouring properties from country to looking at houses [Officer note: There is no right to a view and the site is within an urban area];
Impact on the value of neighbouring properties & ease to sell [Officer note: this is not a planning matter];

Additional traffic on an already busy road, which is a bus route. Shop and restaurant customers often park along the road causing congestion and meaning home owners having to park away from their house or on the pavement [Officer note: the proposal complies with parking standards and as such should not cause any additional on street parking issues. The Highway Authority raised no objection to the proposal].

Item No: 9

19/00864/3

Street Record Brooke Place Binfield Bracknell Berkshire

ADDITIONAL REPRESENTATIONS

One additional representation has been received from the neighbour at 9 Brooke Place advising that no additional disabled parking bay is required. There are two disabled residents but one parks in front of their garage therefore does not need a disabled bay. As such, the additional bay should not be restricted to disabled residents only in order to alleviate the parking issues in Brooke Place.

[Officer Note: The application is for two disabled bays and will be determined on this basis].

Item No: 10

19/00942/3

Land At Old Bracknell Close Bracknell Berkshire

AMENDMENT TO RECOMMENDATION

Condition 4 is amended to read:

Within 1 month of the completion of the installation of the fence hereby approved a scheme depicting soft landscaping shall be submitted to 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 scheme being approved by the Local Planning Authority. As a minimum, the quality of all 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.

[Core Strategy DPD CS7, BFBLP 'Saved' Policies EN2 and EN20]

Informative 2 is amended to read:

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
5. Excavation

The applicant is advised that details of the following condition are required to be submitted within 1 month of the date of this permission:

4. Soft landscaping

**PLANNING COMMITTEE
16 DECEMBER 2019
7.30 - 10.00 PM**



Present:

Councillors Dudley (Chairman), Brossard (Vice-Chairman), Dr Barnard, Bhandari, D Birch, Brown, Green, Mrs Hayes MBE, Heydon, Mrs McKenzie, Mrs McKenzie-Boyle and Parker

Apologies for absence were received from:

Councillors Angell, Gbadebo, Mossom, Skinner and Virgo

Also Present:

Councillors Atkinson, Ms Gaw and Harrison.

54. Minutes

RESOLVED that the minutes of the meeting of the Committee held on 14 November 2019 be approved as a correct record and signed by the Chairman.

55. Declarations of Interest

There were no declarations of interest.

56. Urgent Items of Business

There were no items of urgent business.

57. PS Application No 19/00497/FUL - Land North Of Herschel Grange, Warfield Street, Warfield

Erection of 33 dwellings (including 10 affordable dwellings), with car parking, landscaping, open space and access from Herschel Grange, following demolition of 6 Herschel Grange.

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- The comments of Warfield Parish Council objecting to the proposal.
- A total of 26 objections received, as summarised in the Agenda papers.

The criteria for public speaking had been met in respect of this application and the Committee was addressed by Maggie Stock, objecting to the application.

Arising from discussion of the application, the Committee proposed that an additional condition be imposed to prevent the installation of gates at the entrance to the development.

RESOLVED that following the completion of planning obligations under Section 106 of the Town and Country Planning Act 1990 relating to the following measures:

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

- provision on site of 10 affordable dwellings;
- provision of, and contribution towards, areas of OSPV;
- contributions towards the provision and maintenance of community facilities;
- contribution towards the provision of educational facilities;
- securing the adoption of the highways within the site by the Council (excluding areas of shared surfacing); and
- securing an appropriate site drainage strategy.

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:-

17-J2176-02 Rev K 'Proposed Site Plan'

17-J2176-03 Rev F 'Proposed Housing Allocation Plan'

17-J2176-13 Rev.A 'Car Barn Allocation / Plans And Elevations'

17-J2176-101 Rev.A 'PLOTS 1, 2 and 3 Floor Plans & Elevations'

17-J2176-102 Rev.A 'PLOT 4, 5, 9 & 10 Floor Plans & Elevations'

17-J2176-103 'PLOTS 6, 7 and 8 Floor Plans & Elevations'

17-J2176-104 Rev.B 'Apartments Plans & Elevations'

17-J2176-105 Rev.A 'PLOTS 11, 12, 24, 25 Floor Plans & Elevations'

17-J2176-106 Rev.A 'PLOTS 13, 14, 15, 16 Floor Plans & Elevations'

17-J2176-107 Rev.A 'PLOT 17 Floor Plans & Elevations'

17-J2176-108 Rev.B 'PLOT 18 Floor Plans & Elevations'

17-J2176-109 Rev.B 'PLOT 27 Floor Plans & Elevations'

17-J2176-110 Rev.A 'PLOT 19 & 20 Floor Plans & Elevations'

17-J2176-111 Rev.A 'PLOTS 21 & 22 Floor Plans & Elevations'

17-J2176-112 Rev.A 'PLOT 23 Floor Plans & Elevations'

17-J2176-113 Rev.A 'PLOT 26 Floor Plans & Elevations'

17-J2176-114 Rev.B 'PLOT 33 Floor Plans & Elevations'

17-J2176-115 'Individual Cycle Store Plans And Elevations'

WYG A108468 Rev.C 'Flood Risk & Drainage Assessment'

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

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

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

[Relevant Policies: BFBLP 'Saved' Policy EN20; Core Strategy DPD CS7]

04. No above-ground construction works shall take place until details showing the finished floor levels of the buildings 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.

REASON: In the interests of the character of the area, residential amenity, and surface water drainage

[Relevant Policies: BFBLP 'Saved' Policy EN20, Core Strategy DPD CS1, CS7]

05. No part of the development shall be occupied until details of a scheme of walls, fences, gates and any other means of enclosure has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full for each building approved in this permission before its occupation.

REASON: In the interests of the visual amenity of the area, and biodiversity
[Relevant Plans and Policies: CSDPD CS1, CS7; BFBLP 'Saved' Policy EN20]

06. Notwithstanding the information shown on the approved plans, the development shall not be begun until a scheme depicting full details of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule.

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

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

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

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 stated elevations of the following dwellings hereby approved, with the exception of those shown on the approved plans:

- Both side-facing elevations: Plots 26, 28-32
- North-facing side elevations: Plots 5
- South-facing side elevations: Plots 6, 18
- East-facing side elevations: Plots 2, 10, 12, 19, 21, 23, 25
- West-facing side elevations: Plots 1, 11, 13, 20, 22, 24, 27, 33
- Rear-facing elevation: Plot 3

REASON: In the interests of the residential amenity of the neighbouring properties within the development hereby approved.

[Relevant Policy: BFBLP 'Saved' Policy EN20].

08. The following windows on the first floor stated elevations 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:

- Both side-facing elevations: Plots 26, 28-32
- North-facing side elevations: Plots 5

- South-facing side elevations: Plots 6, 18
- East-facing side elevations: Plots 2, 10, 12, 19, 21, 23, 25
- West-facing side elevations: Plots 1, 11, 13*, 20, 22, 24, 27, 33
- Rear-facing elevation: Plot 3

*Excluding the second floor roof windows.

Any replacement windows shall be glazed and fixed to this standard, and retained as such.

REASON: In the interests of the residential amenity of the neighbouring properties within the development hereby approved.

[Relevant Policy: BFBLP 'Saved' Policy EN20].

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

- (i) control of noise;
- (ii) control of dust, smell and other effluvia;
- (iii) control of surface water run off;
- (iv) site security arrangements including hoardings;
- (v) proposed method of piling for foundations;
- (vi) construction and demolition working hours, and
- (vii) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site.

The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the Local Planning Authority.

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

[Relevant Policies: BFBLP 'Saved' Policies EN20, EN25].

10. No demolition or construction work shall take place outside the hours of 8:00 am and 6:00 pm Monday to Friday; 8:00 am and 1:00 pm Saturday and not at all on Sundays and Public Holidays.

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

[Relevant Policies: BFBLP 'Saved' Policies EN20, EN25].

11. No further development (beyond the creation of the site access) hereby permitted shall commence until the means of vehicular and pedestrian access to the site has been provided in accordance with the approved plans.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

12. No dwelling on plots 13 to 18 (inclusive) shall be occupied until a footpath/cycleway link has been provided to the site boundary as shown on the approved site plan ('Possible future access point for footpath-cycleway to Newhurst Gardens') in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The link shall be retained and maintained in accordance with the approved details until such time that the land is required to provide access to the adjacent land.

REASON: To ensure that the land is made available to provide a link to the neighbouring site in the case of future redevelopment of that land in the interests of ease of movement for cyclists and pedestrians.

[Relevant Policies: BFBLP M6, CSDPD CS23]

13. The relevant dwellings hereby permitted shall not be occupied until visibility splays have been provided both to the access/egress to individual parking spaces and to the main site access in accordance with the approved plans. 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; BFBLP 'Saved' Policy M9]

14. The relevant dwelling hereby permitted shall not be occupied until that part of the access road which provides access to and egress from it, including the provision of turning heads within the development, has been constructed in accordance with the approved plans.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

15. The relevant dwellings hereby permitted shall not be occupied until their corresponding vehicle parking spaces (including parking courts), along with associated turning and access, have been surfaced and marked out in accordance with approved drawing 17-J2176-02 Rev.H 'Proposed Site Plan', received by the Local Planning Authority on 18 October 2019. The spaces shall thereafter be kept available for parking, along with access and turning (where relevant) 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]

16. The relevant dwellings hereby permitted shall not be occupied until their corresponding car ports have been completed and made available for parking, in accordance approved drawing 17-J2176-13 Rev.A 'Car Barn Allocation / Plans And Elevations', received by the Local Planning Authority on 4 October 2019. The car ports, and their access, shall thereafter be kept available for vehicular 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]

17. 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 enlargements, improvements or alterations shall be made to the car ports, and no gate or door shall be erected to the front of the car ports.

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]

18. The relevant dwelling hereby permitted shall not be occupied until their associated cycle store and access has been implemented in accordance with the approved details. The store and access shall thereafter be kept available for cycle parking at all times.

REASON: In order to ensure adequate bicycle facilities are provided, in the interests of highway safety.

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

19. The relevant dwelling hereby permitted shall not be occupied until their associated bin storage and access has been implemented in accordance with the approved details. The store and access shall thereafter be kept available for refuse storage at all times.

REASON: In order to ensure adequate bin storage facilities are provided, in the interests of the character of the area and highway safety.

[Relevant Policies: CSDPD Policy CS7 and CS23, BFBLP 'Saved' Policy EN20]

20. No development shall commence 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, and
- (e) Temporary portacabins and welfare for site operatives.

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

REASON: In the interests of amenity and highway safety.

[Relevant Policies: BFBLP 'Saved' Policy EN20, Core Strategy DPD CS23]

21. No development above slab level shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme. The development shall be carried out in accordance with the approved scheme.

REASON: In the interests of the amenity of neighbouring properties & prospective occupants, the character of the area, highway safety, and nature conservation.

[Relevant Policies: BFBLP EN20 and EN25; CSDPD CS1, CS7, CS23]

22. All ecological measures and works shall be carried out in accordance with the details contained in the following documents received by the Local Planning Authority:

- Applied Ecology Ltd 'Ecology Version 4.0 Report August 2019' received on 22 August 2019
- Merewood 'Landscaping proposals and Green Mitigation Plan' received on 22 August 2019
- 'Merewood 'Arboricultural Implications Assessment and Method Statement' received on 2 September 2019

REASON: In the interests of nature conservation.

[Relevant Plans and Policies: CSDPD CS1, CS7]

23. The development hereby permitted (including any site clearance and demolition) shall not commence until a wildlife protection plan for construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- i) an appropriate scale plan showing where construction activities are restricted and protective measures;
- ii) details of protective measures to avoid impacts during construction;

- iii) a timetable to show phasing of construction activities, and
- iv) persons responsible for compliance with legal consents, planning conditions, installation of protective measures, inspection and maintenance.

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

REASON: In the interests of nature conservation.

[Relevant Plans and Policies: CSDPD CS1, CS7]

24. The development hereby permitted shall not commence until a scheme for the provision of biodiversity enhancements (not mitigation), including a plan showing the location of these enhancements, has been submitted to and approved by the Local Planning Authority.

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

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

25. No site clearance shall take place during the main bird-nesting period of 1st March to 31st August inclusive, unless a scheme to minimise the impact on nesting birds during the construction of the development has been submitted to and approved by the Local Planning Authority.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

26. 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 external lighting shall be installed on the site or affixed to any buildings on the site except in accordance with the details provided in respect of Condition 21, or in details set out in a Lighting Design strategy for Biodiversity that has first been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

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

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

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

27. Prior to the occupation of any dwelling, the areas shown for green corridor and bat roost purposes as shown on approved drawing 17-J2176-02 Rev.H 'Proposed Site Plan', received by the Local Planning Authority on 18 October 2019, shall be provided, retained and thereafter not be used for any other purpose.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

28. An ecological site inspection report shall be submitted to the Local Planning Authority within three months of the first occupation of the first dwelling hereby

approved. Any recommendations contained within this report and agreed in writing by the Local Planning Authority shall be performed, observed and complied with.

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

29. No development shall take place until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/ day, has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the Sustainability Statement, as approved, and retained as such thereafter.

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

30. No development shall take place until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 10%). The buildings thereafter constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith.

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

31. No development shall to take place until a contaminated land Phase I report (Desk Top Study) has been submitted to, and approved in writing by, the Local Planning Authority. The study shall be carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. authority.

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

[Relevant Policies: BFBLP EN25]

32. Following approval of the Phase I, if a Phase II report (Site investigation) is required it shall be submitted to, and approved in writing, prior to the commencement of development. It shall be completed by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The method and extent of this site investigation shall then proceed in strict accordance with the measures approved.

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

[Relevant Policies: BFBLP EN25]

33. No development shall commence, including any demolition or site preparation works, until a programme of archaeological field evaluation has been undertaken in accordance with a written scheme of investigation has been submitted to and approved by the Local Planning Authority.

REASON: In the interests of historic archaeological features which may be present on site

[Relevant Policy: NPPF]

34. No development shall commence until any required archaeology mitigation strategy informed by the evaluation undertaken in Condition 32 has been submitted

to and approved by the Local Planning Authority. The mitigation strategy shall be implemented in accordance with the approved details.

REASON: In the interests of historic archaeological features which may be present on site

[Relevant Policy: NPPF]

35. 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. These shall include:

- Detailed design of the pond to flood storage in accordance with document WYG A108468 Rev.C 'Flood Risk & Drainage Assessment', received on 30 September 2019;
- Details of vehicular access to all components of the drainage scheme for maintenance;
- Full details of all components of the proposed drainage system including exceedance areas, tanks, pipes, locations, gradients, invert and cover levels, headwall details, planting if necessary and drawings as appropriate taking into account the groundwater table;
- Supporting calculations demonstrating that the allowable discharge rates set out in the approved FRA are achieved together with confirmation of the gully spacing calculations to demonstrate they are capable of conveying the rainfall volumes as set out in the Approved Drainage strategy.

The approved details shall be implemented and thereafter retained.

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

[Relevant Policy: CSDPD CS1]

36. No development shall take place until a drainage strategy detailing any on- and off-site drainage works, along with proposed points of connection, has been submitted to and approved by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

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

[Relevant Policy: CSDPD CS1]

37. No development shall take place until details of how the surface water drainage shall be maintained and managed after completion have been submitted to and approved in writing by the Local Planning Authority. The details shall include confirmation of the required maintenance activities with expected frequency, with site specific assessments included to demonstrate that health and safety has been fully considered in the design and that access and egress for future residents will be maintained during any operations to repair or replace drainage features. The approved details shall be implemented and thereafter retained.

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

[Relevant Policy: CSDPD CS1]

38. The dwellings hereby approved shall be not occupied until the sustainable urban drainage (SuDS) scheme for this site has been completed in accordance with the approved details. The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. This shall include written confirmation of agreements for the management and maintenance of the drainage scheme shall be submitted and approved by the local planning authority.

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

[Relevant Policy: CSDPD CS1]

39. The dwellings hereby approved shall not 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 by the Local Planning Authority. This shall include photographs of excavations and soil profiles/horizons, any placement of tanking, crating, connecting pipe work, aquacludes or aquabrakes, cover systems, and any similar features/works required.

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

[Relevant Policy: CSDPD CS1]

40. All existing trees, hedgerows and groups of shrubs shown to be retained on the approved drawings shall be protected for the duration of operational works to implement the development in accordance with the Arboricultural Implications Assessment and

Method Statement submitted with the application.

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]

41. 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 to Herschel Grange and a tactile crossing point on Warfield Street. The development shall not be occupied until these off-site highway works have been completed in accordance with the approved scheme.

REASON: In the interests of highway safety.

[Relevant Policy: BFBLP M4, CSDPD CS1 and CS23]

42. 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]

Should the applicant fail to complete the required S106 agreement by 16 March 2020 the Head of Planning be authorised to **REFUSE** the application for the following reasons: -

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 Avoidance and Mitigation Supplementary Planning Document (2012), and the NPPF.

2. In the absence of a planning obligation to secure affordable housing in terms that are satisfactory to the Local Planning Authority, the proposal is contrary to "Saved" Policy H8 of the Bracknell Forest Borough Local Plan, Policies CS16 and CS17 of the Core Strategy Development Plan Document, the Planning Obligations SPD, the resolution on affordable housing made by BFC Executive on 29 March 2011, and the NPPF.

3. The proposed development would unacceptably increase the pressure on open space of public value and community facilities. In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which secures the on-site provision of open space of public value, the proposal is contrary to Policy R4 of the Bracknell Forest Borough Local Plan, Policies CS6 and CS8 of the Core Strategy Development Plan Document, the Planning Obligations SPD, and the NPPF.

4. It has not been demonstrated that the proposed development would incorporate a sustainable drainage system (SuDS) for the management of surface water run-off which would be maintained for the lifetime of the development. This is contrary to Policies CS1 and CS6 of the Core Strategy Development Plan Document, the House of Commons: Written Statement (HCWS161) Sustainable Drainage Systems 18/12/2014, the Flood Risk and Coastal Change PPG updated 15/04/2015, and the NPPF.

58. PS Application No 19/00318/FUL - ALDI 136 Liscombe, Bracknell

Installation of new exit plus alterations to entrance of existing foodstore and replacement of existing external plant and associated plant enclosure.

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- The comments of Bracknell Town Council recommending refusal of the application.
- A total of 9 objections received, as summarised in the Agenda papers.

The criteria for public speaking had been met in respect of this application and the Committee was addressed by Jean Hopper, objecting to the application, and James Taverner on behalf of the applicant.

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 received by the Local Planning Authority:

Paladin Fence Detail no. 1703-P1 (Amended 25.06.19)
Proposed elevations no. 1704-p2 (Amended 28.08.19)

Proposed site plan no. 1400-P5 (Amended 25.06.19)
Location Plan no, 1100-P4 (Amended 24.04.19)
Store Entrance Changes no. 1701-P5 (Amended 25.06.19)

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 consist of those outlined on the approved plans. The materials shall thereafter be retained as such.
REASON: In the interests of the visual amenities of the area.
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]
4. The development hereby permitted shall be carried out in accordance with the details contained within the 'Assessment of noise from replacement fixed plant equipment' report produced by Sharps Redmore Acoustic Consultants and dated 21st October 2019 and the noise level when measured from the bedroom, with the window partially open, of no. 2 Temple Moore House, shall not exceed 35 dB daytime and 30 dB at night time as demonstrated within the report.
REASON: To protect the occupants of nearby residential properties from noise
[Relevant Policies: BFBLP EN25]
5. Prior to the installation of the approved canopy, which shall be installed within 2 months of the date of this permission, details of a suitable adsorptive lining to line the underside of the canopy, in order to minimise noise reflection, shall be submitted to and approved in writing by the Local Planning Authority. It shall be maintained as such thereafter.
REASON: To protect the occupants of nearby residential properties from noise
[Relevant Policies: BFBLP EN25]

59. **Application No 19/00756/FUL - 15 Windlesham Road, Bracknell**

Erection of 4 No. dwellings with associated landscaping and parking.

A site visit had been held on Saturday, 14 December 2019, which had been attended by Councillors Bhandari, Brossard, Brown, Dudley, Green, Mrs Hayes and Mrs McKenzie-Boyle.

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- The comments of Bracknell Town Council recommending refusal of the application.
- A total of 11 objections received, as summarised in the Agenda papers.

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

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

RESOLVED that application 19/00756/FUL be **REFUSED** for the following reasons:

1. The proposed development, by means of its siting, bulk and massing, would have an adverse impact on the character of the Queensway Public Right of Way, which is an important feature in the locality. 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 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).

60. **Application No 19/00817/FUL - Kings Chase, Winkfield Lane, Winkfield
Erection of detached garage and swimming pool.**

The Committee noted:

- The comments of Winkfield Parish Council raising no objection to the application.
- A total of 6 letters of objection received, as summarised in the Agenda papers.

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

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

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

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

990-7-LP01 Rev A – Site Location Plan (Residential Curtilage) – LPA
Received 16.10.19

990-7-LP01 Rev A – Proposed Site Layout Plan – LPA Received 28.11.19

990-7-NG01 Rev A – Proposed Garage Plan and Elevations – LPA Received
28.11.19

Great Crested Newt Mitigation Plan dated 6 May 2019

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

03. No structure hereby permitted shall be built above existing ground level until 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 submitted samples shall include details of brickwork and roof tiles including hard surfaced areas. The development shall be carried out in accordance with the approved details. REASON: In the interests of the visual amenities of the area. [Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]

04. Notwithstanding the 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 development hereby permitted.

REASON: The site is located within the Metropolitan Green Belt where strict controls over the form, scale and nature of development are required to maintain the openness of the Green Belt.

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

05. No part of the development hereby permitted shall be begun until details showing the finished floor level and ridge heights of the garage building in relation to (i) a fixed datum point in the surrounding area and (ii) the finished floor levels and ridge heights of any adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of the character of the area

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

06. The development hereby permitted shall not be occupied until the associated vehicle parking spaces and turning area have been provided and surfaced in accordance with the approved drawing. The parking spaces and turning area shall thereafter be kept available for parking and turning at all times.

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

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

07. No trees, shrubs or hedgerows shall be removed during the main bird-nesting period of 1st March to 31st August inclusive unless in accordance with a scheme to minimise the impact on nesting birds which has been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: BFBLP EN3, Core Strategy DPD CS1, CS7]

08. The development hereby permitted shall not be begun until the approved scheme of boundary treatment as shown on the approved drawing has been implemented in full.

REASON: To ensure that the residential curtilage that was lawfully defined under Lawful Development Certificates 17/00043/LDC and 15/01057/CLPUD is easily distinguishable on the ground and continues to safeguard the Green Belt setting.

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

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

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

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

10. The development hereby permitted shall be carried out in accordance with the mitigation measures specified in the approved Great Crested Newt Mitigation Plan dated 6 May 2019, which shall thereafter be retained in accordance with the approved details. Within three months of occupation of the development an ecological site inspection report shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of nature conservation

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

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

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

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

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1, CS7]

**61. Application No 19/00864/3 - Street Record Brooke Place Binfield
Formation of two parking bays.**

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- The comments of Binfield Parish Council raising no objection to the proposal.
- Two letters of observation/ representation, as summarised in the Agenda papers.

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 11th December 2018 by the Local Planning Authority, received 18th December 2018: General Layout – Drawing Number: 4817/358
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
3. No parking bay shall be brought into use until hard and soft landscaping, including boundary treatments and other means of enclosure, has been provided in accordance with a scheme to be submitted to and approved

in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule.

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

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

Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the next planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.

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

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

62. **Application No 19/00942/3 - Land At Old Bracknell Close Bracknell**

Erection of acoustic fence ranging from 2 metres to 3.04 metres in height.

The Committee noted:

- The supplementary report of the Head of Planning tabled at the meeting.
- There were no objections from Bracknell Town Council.
- There were no objections from neighbouring properties.

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:

- Location Plan (Received 8th November 2019)
-
- Block Plan (Received 8th November 2019)
- Fence Details (Received 28th October 2019)

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 fence hereby permitted shall be similar in appearance to that on the approved 'Fence Details' document.

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

[Relevant Policies: BFBLP EN20, CSDPD CS7]

4. Within 1 month of the completion of the installation of the fence hereby approved a scheme depicting soft landscaping shall be submitted to 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 scheme being approved by the Local Planning Authority. As a minimum, the quality of all 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.

[Core Strategy DPD CS7, BFBLP 'Saved' Policies EN2 and EN20]

5. The excavation works for the proposed position of the posts which are located within the root protection area of existing trees on site shall be undertaken only by hand.

REASON: In order to safeguard tree roots and thereby safeguard trees considered worthy of retention in the interests of visual amenity of the area.

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

CHAIRMAN

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Ms Jo Male
Planning Case Officer
Bracknell Forest Council,
Time Square,
Market Street,
Bracknell RG12 1JD

By email only

15 June 2020

Dear Ms Male

**Land North of Herschel Grange, Warfield Street
Planning Application Reference 19/00497/FUL (the Application)**

1. I am writing on behalf of the Warfield Village Action Group to object to the above Application, which I understand will be taken back to the Bracknell Forest Council (the Council)'s planning committee for redetermination.
2. As I will explain, the Application proposes a 'common or garden' urban housing estate, unsupported by any particular positive material considerations, within an area which the Council itself characterizes as rural, and where the Council's own policies for the area as a whole (and in particular guidance for development of the land between Bracknell and Warfield Street contained in the Council's Warfield Supplementary Planning Document (2012)) either prohibit development, or require it to adopt no more than a semi-rural character.
3. The Application is clearly contrary to national and local development plan policy:
 - It proposes development outside the settlement boundary and in the countryside, contrary to Policy CS9.
 - The scale and layout of the development (which the Council itself recognises in its most recent committee report as 'sub-urban') conflicts with the Council's character policies CS1, CS2, CS9, EN8, EN20, H5 and the character requirements of the Bracknell Forest Design SPD.
 - There are fundamental flaws in the design of the scheme, including a failure to provide adequate and safe public open space, inappropriately located parking spaces, an arbitrary use of materials and inadequate edge of development landscaping which fails to effectively soften the impact of the development on the countryside. All of the above are contrary to policies CS7, CS8, and EN20 and the Council's Design SPD.

4. Although the prohibition on countryside development in Policy CS9 may not be wholly consistent with the Government's National Planning Policy Framework, the Council's policies on character and design are certainly consistent with Paragraphs 124, 127 and 170 of the NPPF and therefore attract full weight.
5. Particularly with respect to the assessment of character, it is no response to argue that this development takes its cue from Toogood Place. The Council's own various character assessments recognise that such cul-de-sac developments are currently sufficiently 'de-minimis' so as not to materially influence the rural village character of Warfield Street. The same cannot even remotely be said about an Application, which proposes a 30% increase in the existing size of Warfield Street.
6. Moreover, the Application falls to be determined at a time when the Council has a 6.9-year housing land supply and a delivery record of 99% of its target. That is a weighty material consideration in favour of upholding adopted policies.
7. In these circumstances and for these reasons which I will explain below in greater detail, this Application has no merit and should be refused.

Erroneous Approach to Appeal Decisions at Committee Meeting on 16 December 2019

8. As a final introductory point, I understand that when the Application was last considered at committee on 16 December 2019, some members repeatedly expressed and gave weight to the view that planning inspectors give determining weight at appeals to the provision of housing. Notably, no details of any of the appeals where this is allegedly the case were provided or discussed.
9. Officers will appreciate that the alleged approach of the planning inspectorate to appeals is not a material consideration. What members here were referring to (but evidently, without understanding the legal principle) is the public law principle confirmed in the case of *North Wiltshire District Council (1993)*¹ that there should be consistency between decisions on similar planning applications. In order for that consistency to be a material consideration, there must be sufficient information in front of the decision maker to understand the main similarities and differences between the present application and any application regarded as having a 'precedent effect', i.e. to be able to decide whether the facts of the previous decision really are 'on all fours' with the present case.
10. Equally, if there are contrary appeal decisions that suggest that inspectors do not give determining weight to the provision of housing above policy breaches, those also need to be explained to members. In that respect, I hope that officers will draw members' attention to the 6 November 2019 refusal on appeal of a proposal for 12 dwellings on land at Scotlands House, Forest Road, Newell Green, Warfield, Bracknell (Appeal Reference APP/R0335/W/18/3217574). This was a case where the inspector refused a similar, albeit, smaller application to the present, against the same policy background, and where the inspector agreed with the Council's assessment that it could demonstrate a 6.08 year housing land supply².

¹ The case of *North Wiltshire* and other relevant cases is briefly summarized in the annex to this letter.

² The Council is also referred to the list of refusals set out in my clients' objection letter to the present Application of 13 December 2019.

11. I have not addressed this point further in this letter. However, please note that if at the next committee meeting, the same unevidenced assumptions as to how planning inspectors are likely to address the present Application are given weight, I have advised my clients that it is likely to give rise to a successful judicial review. I would be grateful if this could be explained to members at the next committee meeting.

Background

12. As this matter has a complex history and raises complex issues as to policy compliance, I have taken the liberty of setting out the factual background in detail before analyzing the Application against the relevant policies. A detailed discussion of the relevant policy and legal context is contained in the annex to this letter.

The Application Site

13. As the Council will be aware, the Application Site (the Site) comprises a paddock, a small stables area and the land currently occupied by number 6 Herschel Grange (to be demolished), which together extend to 1.3ha.

14. The gardens to houses in Toogood Place and Herschel Lane comprise the southern boundary of the site. Toogood Place is a recent, cul-de-sac development of a sub-urban character which was promoted and developed by the present Applicant (Applicant's Planning Statement, para 2.1).

15. The land to the east of the Site benefits from Outline Planning permission reference 16/01004/OUT for a 50-unit, low density and substantially landscaped development (Newhurst Gardens). This is discussed further below. The two sites are divided by a substantial buffer of trees and a hedge.

16. The western boundary of the Site is made up of small single-storey mobile homes in the Hermitage Caravan Park and a property on Gibbins Lane. The caravans themselves are located close to the boundary of the Site and have only small gardens. Public Footpath 12 runs along Gibbins Lane and provides views into the Site.

17. To the north of the Site is a further field boundary which is much more sparsely planted, and beyond that, further fields and two isolated dwellings accessed from Gibbins Lane. Again, there are views into the Site from the North and west, in particular, from the public footpath in Gibbins Lane (as is implicit in the Appeal Inspector's comments in his report on application reference 16/01004/OUT) and as illustrated by the following recent photo of the site from Gibbins Lane.



View of Application Site from Gibbins Lane (the Site lies between the second line of fencing and the planting on the horizon).

18. The Council has proposed allocating the Site for 33 residential units (of which 12 should be affordable) under draft Policy LP3 of the emerging Bracknell Forest Local Plan. That draft policy has attracted substantial objection, and the emerging Local Plan has yet to be submitted for examination. The draft allocation therefore is only capable of carrying minimal weight.

Warfield Street

19. The Site is in the countryside, abutting the northern development boundary of the Warfield Street settlement that currently comprises approximately 100 dwellings. Warfield Street is an essentially linear village. That linear character “has been broken up by a small number of limited cul-de-sac infill developments. However, these do not impact on the overall character” (Bracknell Forest Character Area Assessments Supplementary Planning Document (adopted 2010), page 46).
20. Warfield Street and the Site fall within landscape character area C1 (Binfield and Warfield Clay Farmland) as identified in the Bracknell Forest Borough Landscape Character Assessment prepared by LUC and dated September 2015 (the LCA). The LCA identifies the key characteristics of this area as including its “[q]uiet and rural character with limited scattered settlements well integrated into the landscape” (LCA para 7.3). The overview section describes a “predominantly quiet rural area, characterised by [amongst others] scattered small villages and hamlets. The landscape and built features “together create an open feel. Its proximity to the northern edge of Bracknell town means that the landscape in the south of the area [which notably includes the Site] provides an important green space function which provides a strong transition between the urban edge and the rural area to the north” (LCA, at para 7.4).
21. The town of Bracknell lies to the south of Warfield. The land between Warfield Street and Bracknell (currently countryside) has been allocated for mixed-use development including 2,200 residential units under Policy SA9 of the Bracknell Forest Site Allocations Local Plan (2013).

22. The Warfield Supplementary Planning Document (2012) sets out design ambitions for the part of the urban extension known as Warfield Street South (which is directly south of Warfield Street). At paragraph 4.46 it states:

“This character area should reflect development in the existing Warfield Street community, in so far as it should have a village feel, with substantial green elements and a variety of dwelling types” (emphasis added).

23. The document goes on to require development in the Warfield Street South to demonstrate character principles including:

“The area should be informal and semi-rural and mainly consist of detached and semi-detached houses with long gardens and generous setbacks.”

24. An example of what the SPD intends is shown at Picture 28 of the SPD:



Picture 28 Illustrative bird's eye view of Hedge Lane and existing pond, with development set back

25. Warfield Street is located within Area B of the Bracknell Forest Character Area Assessments Supplementary Planning Document (adopted 2010). The townscape of the villages within Area B is described as “one of ribbon development with houses on both sides of the road, small to medium scale plots, becoming larger in modern developments, with generally consistent building lines”, and the recommendations include a requirement that future backland development must be designed to minimise any impact on the street scene.

26. The area as a whole falls within landscape character area C1 as identified in the *Bracknell Forest Borough Landscape Character Assessment 2015* which forms part of the evidence base to the emerging local plan. This document describes this area as a “predominantly quiet rural area, characterized by [amongst others] scattered small

villages and hamlets". The landscape and built features "together create an open feel. Its proximity to the northern edge of Bracknell town means that the landscape in the south of the area [which notably includes the Site] provides an important green space function which provides a strong transition between the urban edge and the rural area to the north".

27. The 'Forces for Change' section notes that the landscape is vulnerable to "[c]ontinued pressure of urban expansion to the north of Bracknell, while the 'Protect' section emphasises the need to "[c]onserve the natural and rural qualities of the landscape to the east of Binfield [including] the Cut river corridor [and to] [p]rotect the rural character of villages through appropriate planning and design of new development ... Avoid urbanizing features that will erode the rural character".

28. The Site is directly addressed in the *The Landscape Sensitivity Appraisal of Potential Housing and Employment Sites in Bracknell Forest 2018* which also forms part of the evidence base to the emerging Local Plan (under Reference WAR9). This document notes at Page 144 that:

- "The urban extension at Warfield (Policy SA9 SC4) will extend the settlement edge of the town of Bracknell north towards Warfield Street (B3034) blurring the demarcation between Bracknell and the village of Warfield Street.
- Development on this site will extend the built form further north into the countryside than the current settlement's edge;
- The valued open rural character would be put at risk if the site were to be developed."

Newhurst Gardens

29. The 4.4a site of the Newhurst Gardens proposal (Outline Permission reference 16/01004/OUT) (the Newhurst Permission) lies to the immediate east of the Site and was granted on appeal in 2018 at a time when the Council could only demonstrate a 4.1 year housing land supply.

30. The Newhurst Permission authorises a development of up to 50 units at a density of 11.3 units / hectare on a site which the appeal inspector described as "unusually well contained" by virtue of a continuous boundary of dense, mature trees. In addition, the proposal included a substantial collar of public open space between the proposed units and the boundary, which the inspector found would "act as a buffer between the housing and the countryside and enable further planting to strengthen the peripheral tree belt" (Inspector's report, para 12). The inspector also found that that landscaping would be "attractive in itself and form a defensible boundary for the built-up area in the long term" (Inspector's Report at para 37)".

31. Consequently, the inspector found that the appeal site was "unusually well contained and its development would have minimal visual impact on the surrounding open countryside, albeit, there would be glimpsed views of the tops of the houses from Gibbins Lane" (emphasis added) (para 13).

32. The extent of the peripheral planting and the landscaping collar of the Newhurst Gardens scheme is evident in the image below, which is taken from the present Applicant's Planning Statement. The Newhurst Gardens scheme is the eastern scheme, and the present Application is the denser scheme, which lies to its west.



The Proposed Development

33. The present Application seeks full planning permission to develop the Site with 33 dwellings (of which 10 will be affordable) and related infrastructure, representing a development density of 25.4 units / hectare.
34. The development will be laid out along both sides of the internal estate road, which describes three sides of a square (see attached drawing reference 17- J2176 – 02, revision K (the Site layout)). This arrangement results in four west-east aligned rows of development to the rear of Toogood Place, and a further two south-north aligned rows along the western and eastern boundaries. This is a typical layout for a modern urban estate.
35. The proposed buildings are 2-3 storeys high (the third storey being within the sloping roof). Scaling off the street scene images, the peak height of the tallest buildings including the apartment building appears to rise to 9.5 metres above current ground levels. The largest building is a block of flats, located in the south-eastern corner of the Site, presenting a largely blank and tall flank wall to No. 3 Toogood Place.
36. As the Applicant's Site Plan makes clear, the individual plots are relatively small, and the units front the estate road. Plots 1 – 8, & 22-19 have a minimal set back from the road. Car parking is for the most part to the side of the units (in the case of the apartment

building, the 7 related parking spaces are to the immediate rear of number 2 Toogood Place, and adjacent to the garden to Plot 33). The Site Plan shows a balancing pond and foul water pumping station in the north west corner of the Site, with a very small 'amenity' area (no larger than one of the gardens to one of the smaller units) to their immediate south, tucked behind four parking spaces. Neither the amenity space, nor the balancing pond are overlooked by any of the units.

37. The proposed material pallet is a mixture of two types of brick and horizontal wooden cladding (Applicant's Character Study document (the ACS), and Design and Access Statement, page 6). The ACS makes no bones about the intentionally 'modern' design, citing schemes by Crest Nicholson in Reading and elsewhere, and by SCD Architects in Guildford as exemplars. Notably, there is no information in the materials as to how the boundaries between the plots will be treated. It is assumed that some form of close-boarded fencing will be used to ensure privacy for the future residents.
38. Proposed landscaping is briefly described in the Applicant's 'Landscaping Proposals and Green Mitigation Plan' (August 2019) (the Landscaping Plan). Unfortunately, the plan attached to the Landscaping Plan, which can be accessed on the Council's planning portal, has been scanned at a low resolution, meaning that the notes on the plan are illegible. However, it is nonetheless clear that:
- That plan is the same as the plan for the refused application reference 18/00650/FUL and therefore does not reflect the revised site layout of the present Application.
 - Landscaping areas are limited to the verges of the estate roads, and some additional hedge planting to the boundaries of the site. In particular, no additional planting (other than a hedge) is proposed to strengthen the northern boundary of the Site, so it will not screen the proposed development as effectively as the existing and proposed planting praised by the Inspector at Newhurst Gardens.
39. Notably, in its committee report of 5 December 2019 for the planning committee meeting held on 16 December 2019 at which the Application was considered, officers considered the Application scheme to be 'sub-urban' in character (see para 9.25).

Planning History

40. The present Application is the second application for essentially the same form and scale of development of this Site.
41. The first (application reference 18/00650/FUL) (the Original Application) was refused by notice dated 1 May 2019, for a number of reasons. For ease of reference and comparison, I have attached to this letter a copy of the proposed Site Plan (drawing reference 17-J2176-02, Rev C) for the Original Application.
42. The delegated report to that refusal made the following findings:
- The proposal formed a "substantial backland development" which failed to minimise impacts on the existing street scene and retain a close relationship with the settlement edge.

- The urban character of the development failed to complement the semi-rural character of Warfield Street, and of the Site “due to the formal layout, and the relative lack of variety in building form and layout”.
- The design did not feature sufficient variety to create a semi-rural character.
- The proposed development would be “notably bulkier and visually urbanizing than the existing form present in the caravan park, would be distinctly visible from the west and north, and from Gibbins Lane”.
- The proposal would appear as a “clear enlargement of the settlement and a significant increase in built form”.
- The apartment building (which in that proposal was in the north west corner of the Site), would be “prominent in the landscape”, particularly visible from Gibbins Lane, and the visual impact would be exacerbated by the flank elevation with the protruding lift shaft, which created a “very bulky and awkward appearance in relationship (sic) to the main building”.
- The development was excessively inwards-looking, and there was not enough attempt to allow for views along the site to the countryside beyond.
- The built form in this location would require additional planting across the development, and particularly along the northern boundary so as to improve the containment of the development.
- The absence of dedicated open space beyond the play area in the south [of the Site] and the formal layout of planting especially on building frontages within the site does not fully allow for a genuine semi-rural character”.

43. As the Council will be aware, the present Application adopts essentially the same layout and form as the Original Application. The main differences between the two are:

(1) the play area originally proposed at the immediate entrance to the Site (at its south western corner) is replaced in the current Application with Plot 33 and car parking; and

(2) the Apartment Building, formerly in the north west corner of the Site has been moved to the south east corner of the Site. In its place, the present Application proposes a balancing pond, foul water pumping station, and a much reduced amenity area, beneath which is a below-ground attenuation tank.

44. As I will explain, it follows that the vast majority of the above reasons for refusing the Original Application apply with equal force to the present Application.

Planning Policy and Legal Background

45. The policies that are relevant to determining the Application are contained in the Government’s National Planning Policy Framework (2019) (the NPPF), the Council’s Core Strategy DPD (2008), the saved policies of the Bracknell Forest Borough Local Plan (2002), and the Bracknell Forest Design SPD (2017).

46. The Council has finished its non-statutory consultation on the draft Bracknell Forest Local Plan but has yet to submit the plan for examination. The policies in the emerging Local Plan should therefore not carry material weight in any decision on the Application.

47. For the sake of brevity, I have merely listed the relevant policies below. The Council is referred to the fuller description of both the relevant policies and of the Council's own guidance on those policies, in the Annex to this letter.

- NPPF Policies contained at paragraphs 124 and 127 (Design), 170 (Countryside), 11 (Presumption in Favour of Sustainable Development) and 130 (requirement to refuse development of poor design).
- Development Plan Countryside Policies: CS9, EN8 and H5, draft Policy LP11.
- Development Plan Character Policies: CS1, CS2, CS9, EN8, EN20, H5 and Section 2.1 of the Bracknell Forest Design SPD (2017).
- Design Policies: CS7, CS8, EN20, R4, Bracknell Forest Design SPD (2017).

48. As I will explain, in the present case, while Core Strategy CS9 appears to take an absolute position, saved Policies EN8 and H5 take a more nuanced approach, which is consistent with the approach advocated in the NPPF to balance development needs against the need to protect the countryside. Moreover, the approach advocated in Policies EN8 and H5 is largely mirrored in draft Policy LP11 of the emerging Local Plan, which the Council clearly considers is consistent with the NPPF (or else it would not be promoting the policy). These policies are therefore not out-of-date and should be given full weight.

49. The Council will be well aware of its legal duty to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise. I have set out in the Annex to this letter a very brief summary of relevant legal principles.

50. The Council's attention is drawn in particular to its legal duty to have regard as material considerations to the reasons for refusal of the Original Application which in form and layout is materially the same as the present Application (*North Wiltshire DC (1993)*). The Council is also reminded that should it decide to depart from its own assessment of the Original Application, it must give reasons for doing so (*Dover DC (2017)*).

Discussion

51. As a preliminary point, the emerging Local Plan has yet to be submitted to examination. Its policies, and in particular, the draft allocation of the Site in Policy LP3 (which has attracted significant and as yet unresolved objections) can carry only negligible weight. The following analysis is therefore based on adopted policies only, and their consistency with the NPPF.

52. It hardly needs saying that the Application is contrary to the requirement in Policy CS9 to protect the countryside for its own sake. In its determination of the Original Application, and in its committee report of 5 December 2019 for the committee meeting held on 16 December 2019, the Council considered that aspects of Policy CS9 were not consistent with the NPPF, and that the policy therefore attracted only moderate weight. My clients do not disagree with this assessment.

53. The more important question is whether the Application meets the requirements both in the NPPF and in development plan policy, that development should be sympathetic to the local character including the surrounding built environment and landscape, whether it

adds to the overall quality of the area, and whether it is visually attractive as a result of good architecture, layout and appropriate and effective landscaping as required by paragraphs 124 and 127 of the NPPF and by the character and design policies which form part of the Local Development Plan. For the reasons I will explain, the Application fails to meet these requirements.

54. Indeed, given the minimal changes to the Application from the refused Original Application, the majority of the reasons for refusal of the Original Application apply with equal force to the present Application. If the Council disagrees with this assessment, as a matter of law, it must explain why.

Character

55. The character of the wider area as identified in the Bracknell Forest Borough Landscape Character Assessment 2015 is one of a “predominantly quiet rural area, characterized by [amongst others] scattered small villages and hamlets”. The same assessment highlights the role of the area in providing “an important green space function which provides a strong transition between the urban edge and the rural area to the north” and goes on to identify the risk posed to that character by further development.
56. The character of Warfield Street as identified in the Bracknell Forest Character Area Assessments Supplementary Planning Document (adopted 2010) is one of “ribbon development with houses on both sides of the road, small to medium scale plots, becoming larger in modern developments”. There are a small number of cul-de-sacs that may depart from this character, but the same document notes that “*these do not impact on the overall character*”. That conclusion is reasonable given the limited scale of those cul-de-sacs.
57. In contrast to the open, loose-grained character of the predominantly linear Warfield Street, the Application proposes a dense, inward focused development, which turns its back both on the rest of Warfield Street and the surrounding countryside (see illustration of layout above). This ‘inward focus’ is not characteristic of Warfield Street as a whole and was a reason that the Original Application was refused. That reason applies equally to the present Application.
58. In terms of scale, the Application, comprising a 30% increase in the existing number of dwellings (laid out in a block of four rows north of Toogood Place) in Warfield Street, represents a significant development in the local context. That development takes the form of a substantial, sub-urban cul-de-sac development. The Bracknell Forest Character Area Assessments Supplementary Planning Document evidently considers that the present cul-de-sac developments are not consistent with the semi-rural / rural character of Warfield Street. However, it concludes that their small extent means that they do not impact the overall character of Warfield Street. That conclusion cannot be sustained if Warfield Street grows by 30% through a modern housing estate which is not linear in form.
59. In addition, the cumulative impact of the scheme and the existing cul-de-sac developments need to be understood. The scale and layout of the Application is such that taken together with existing modern cul-de-sacs, a significant proportion of development within Warfield will in future be cul-de-sac development. That in turn will fundamentally change the character of Warfield Street. It will no longer be a primarily linear, loose-grained village, but instead an indistinguishable piece of suburbia.

60. Moreover, the Application is situated outside the settlement on the edge of Warfield, in the countryside (and with countryside immediately abutting the Site boundary to the north). The character of that countryside (i.e. the setting of the development) as recorded in the Bracknell Forest Borough Landscape Character Assessment (2015) is “quiet and rural ... with limited scattered settlements well integrated into the landscape” (emphasis added). Into this setting, the Application introduces a modern, sub-urban housing estate, with bulky buildings up to 9.5 meters high positioned in the north east corner of the Site overlooking countryside. In stark contrast to the neighbouring Newhurst Gardens Scheme, there are only short gardens between the backs of these large buildings and the northern boundary of the Site (and the countryside beyond). Again, unlike the Newhurst Gardens Scheme, that boundary is only intermittently enclosed by mature trees, and the only attempt to screen or soften the impact of the development by the applicant is additional hedge planting, leaving these bulky buildings visible from the north and from Gibbins Lane. By no measure can this arrangement be described as “well integrated into the landscape”.
61. It is no excuse to argue (as officers attempt to do in the Report of 5 December 2019 to the Council’s planning committee held on 16 December 2019), that the development takes its cue from Toogood Place and Herschel Grange (notably also developed by the Applicant). Firstly, Toogood Place and Herschel Grange together provide less than half the amount of development proposed in the Application. Secondly, to the extent that Toogood Place and Herschel Grange are sub-urban in character, that character remains inconsistent with the semi-rural village character of Warfield Street, and adding a further 33 units in the same character, merely compounds that flaw and further dilutes the village character of Warfield Street. It is astonishing that the committee report in effect argues that “two wrongs make a right”.
62. Equally concerning is that the present scheme stands in such stark contrast to the Newhurst Gardens Scheme, from which it will be visible. Not only is it twice as dense as the Newhurst Gardens Scheme, but as the appeal inspector commented, the Newhurst Gardens site was “unusually well contained”, and in that case, the applicant also proposed a substantial landscape buffer to the boundary of the site which the inspector concluded “would form a defensible boundary for the built-up area in the long term” (see above). The same cannot be said of the Application scheme, as is self-evident from the side by side image of the two schemes above. In particular, the rear boundary of the Application scheme does not present a defensible settlement boundary, as the rear boundary of the Newhurst Gardens scheme did.
63. NB: If, as the Appeal Inspector found, the Newhurst Gardens scheme will be visible from Gibbins Lane, the present scheme, located so much closer to Gibbins Lane and without the benefit of similarly substantial peripheral landscaping as on the Newhurst Gardens site, will be all the more visible from Gibbins Lane (see photo above).
64. Adopting a yet wider perspective, Warfield Street will at some point in the future form the northern edge of the Policy SA9 urban extension to Bracknell. The Warfield Supplementary Planning Document (2012) sets out very clear ambitions for that development:
- “This character area should reflect development in the existing Warfield Street community, in so far as it should have a village feel, with substantial green elements and a variety of dwelling types” (emphasis added).

65. The SPD also recommends that development takes an “informal and semi-rural” character, “with long gardens and generous set backs”. An example of what the Council aims to achieve through these policies is given in the image taken from the SPD and provided above.
66. Instead of a development which preserves the “village feel”, with substantial green elements, which is informal and has generous setbacks, the Application scheme is an unashamedly dense and regimented piece of sub-urban development (the Council itself acknowledges this in its 5 December Committee Report), with all units being a variation on a modern standard (apparently inspired by a Crest Nicholson Scheme in Reading), with no substantial green elements and only limited setbacks.
67. Such a development is not only out of character with its immediate rural setting, with the neighbouring Newhurst Gardens Scheme, and with Warfield Street village (as explained above), it will also be out of character with the Council’s own ambitions for the Warfield Street South urban extension as an important transitional area. Particularly given that the Application will be on the edge of the urban expanse immediately abutting countryside, it should at least adopt the semi-rural character that the Council recommends for the Warfield Street South development. It does not do so and is therefore out of character with the Council’s own proposals for the Warfield Street South urban extension. Put simply, it “will stick out like a sore thumb”.
68. Furthermore, the fact that the Applicant appears to have been ‘inspired’ in its design choices by ‘run of the mill’ Crest Nicholson schemes in Reading and similar schemes in Guildford (see Applicant’s Character Study Document at page 6) underlines how the Applicant has failed to take its cue from the local character, and instead is imposing a standard urban approach that is more suited to the suburbs of a large city.
69. In the light of the above observations, the Application scheme cannot be described as “sympathetic to local character ... including surrounding built environment and landscape setting” as required by Paragraph 127 of the NPPF. Nor does it meet the character requirements of policies CS1, CS2, CS7, CS9, EN8, EN20 (NB. EN20 expressly requires each of its sub-criteria to be met in order for the policy to be satisfied), H5, or the expectations of Section 3.5 (Addressing Edges) of the Council’s Design SPD.
70. Nor is this a mere ‘technical’ or minor breach. The Council has set out very clear expectations as to the character both of the northern villages and the Warfield Street South development. Particularly given the likely changes which will result from the Warfield Street South expansion to Bracknell, it is all the more important that the Council’s ambitions for this area are followed through. This proposal flies in the face of those expectations and, if approved, will justify further departures from those policies in other developments in the area. For this reason alone, the Application should be refused.
71. Finally, on the question of character, the failure of this proposal to meet the Council’s policy requirements was a significant reason for the refusal of the Original Application. As a matter of law, those reasons for refusal are a material consideration in the Council’s determination of the present Application, and for the reasons I have explained, apply with equal force. Should the Council decide to depart from the reasoning set out in its report on the Original Application when it determines the present Application, it must (as a matter of law) provide clear reasons for doing so.

Design

72. There are several glaring conflicts between the proposed layout and the Council's design requirements.
73. Policy CS8 requires development to provide recreational facilities, comprising open space of public value and include active space for children's play. Policy R4 requires that space to amount to 4.3ha/1000 residents (i.e. circa 1ha for every 200 residents).
74. The Application scheme comprises 33 units, of which 28 units will be 2-5 beds and 5 1-2 bed units; the number of residents (assuming an average occupation of 3 people / unit will be around 100 people. Therefore, the development should provide in the region of half a hectare of on-site public open space (excluding balancing ponds, highway verges, residual and unusable landscape strips, and screening planting areas as per para 7.23 to Policy R4) of which 50% should be active open space. Moreover, the Council's Design SPD requires that open space to be overlooked by the development (Design SPD, para 3.5.4).
75. Instead, an obviously much smaller, but unspecified amount of land (no larger than one medium sized garden) is proposed as an amenity area in the north western corner of the site. That area is not overlooked by any windows of the development. Indeed, it is hidden behind car parking and boundary treatments. Moreover, it opens directly onto land that is used for a balancing pond, thereby presenting a potential safety risk to unsupervised children. This arrangement is clearly contrary to policy (including the requirement in Policy CS7 to provide safe and useable open space), and frankly, placing an area, which is very likely to be used by unsupervised children, right next to a balancing pond is contrary to common sense.
76. Contrary to the guidance at paragraph 3.7.2 of the Design SPD, the height of the buildings fails to respond to the height of the buildings in the Hermitage caravan site and fails to respond to the open countryside to the north of the Site. A well-designed scheme (as suggested by the Warfield SPD) would be expected to step down, not only in density as it reaches the edge of the settlement, but also in height. Instead, two of the tallest buildings are located in the north eastern corner of the Site, which will be visible from the north and east, including Grade II Listed Buildings St Michael's Church, Warfield, to the north and Warfield House to the east. Indeed, the whole bulky development will be visible from Gibbins Lane (see photo above). Again, this conflicts with the requirements of Policy CS7 and the requirements of the Council's Design SPD for developments on the edge of settlements.
77. The Applicant's Design and Access statement boasts of using a mixture of materials, including vertical timber cladding. Contrary to the SPD guidance set out at Paragraph 3.8.15, that use does not bear any relationship to the form of the buildings. See for example the illustration of poor material use from the Council's Design SPD below:

Materials



In these two examples the change in material appears random and adds unnecessary complications.

78. Moreover, in the British climate, wood cladding is notorious for discolouring and eventually rotting, thereby increasing maintenance costs to future residents and harming the visual amenity of the development should maintenance be neglected. Once more, this conflicts with Policy CS7 and the Design SPD.
79. The location of car parking at the rear of the garden to 2 Toogood Place and next to the rear garden to Plot 33 is also contrary to the guidance in supporting paragraph 2.124 to Policy EN20.
80. Moreover, the existing boundary planting is not sufficient to screen the Site and the proposed additional landscaping (a hedge) will not prevent any part of the development that rises above from being visible. This is contrary to the principles at section 3.5 of the Design SPD and, in particular, the guidance in paragraph 3.5.4 which requires development on the edge of settlements to incorporate sufficient landscaping to soften the impact and “to help integrate new housing into its rural setting”. This is a further conflict with Policy CS7 and the Design SPD.
81. Officers will appreciate that the hard edge of this development, is particularly obvious in comparison to the effective screening in the Newhurst Gardens Scheme which is a result not just of the existing planting and its proposed augmentation, but also of the generous areas of public open space that act as a buffer between the much less dense development and the surrounding countryside.
82. The design of the proposal is therefore significantly flawed. The proposed public open space is inappropriate and, in any event, inadequate. The designs of the buildings are generic modern designs, which the Applicant acknowledges are inspired by the major urban developers such as Crest Nicholson. The use of materials is arbitrary and not related to the form of the buildings, and the large concentration of such buildings with only very small gardens is not a positive characteristic for Warfield Street. The landscaping is equally totally inadequate. All of this conflicts with the Council’s design policies and its Design SPD (as set out in the attached Annex).

Conclusions

83. In summary, the Application proposes a 'common or garden' 33 unit housing estate, inspired by the likes of Crest Nicholson, outside of Warfield Street village, in the countryside. As such, the proposal conflicts with Policy CS9.
84. The sub-urban scale (a 30% increase in the existing number of homes in Warfield Street village) and layout of the development is wholly inconsistent with the rural/semi-rural character of the area. This represents a conflict with Council's character policies (Policies CS1, CS2, CS9, EN8, EN20, H5 and the character requirements of the Bracknell Forest Design SPD). Those policies are wholly consistent with Paragraphs 124, 127 and 170 of the NPPF and therefore attract full weight.
85. These same character flaws rightly justified the refusal of the Original Scheme and that in itself is a significant material consideration in determining the present Application and must be brought to the attention of the Planning Committee. There is no reason why these same flaws do not support a refusal of the present Application. If officers have changed their mind on this point since the Council refused the Original Application, as matter of law, they must explain that change of mind and the reasons for that change of mind to the planning committee.
86. In addition, the inadequate, un-overlooked and dangerously located public open space (squeezed between a balancing pond and car parking), the cramped layout, overly high and bulky buildings, the inappropriately located car parking, the arbitrary use of materials and the inadequate landscaping and screening also conflict with the Council's design policies (CS7, CS8, and EN20 and the Council's Design SPD).
87. It will be common ground that the Council's Character and Design policies are also amongst the policies that are most important for determining the Application. These policies are wholly consistent with the NPPF.
88. The Application is therefore in breach of up-to-date development plan policies, including policies which go to the very heart of the acceptability of the scheme. There are no particular material considerations that weigh in favour of the Application. By contrast, the Council can demonstrate a 6.9 year housing land supply, and a 99% delivery record, a material consideration that weighs heavily in favour of upholding the adopted character and design policies.
89. In light of the above policy conflicts, Sections 70 and 38(6) of the TCPA1990 and of the PCPA2004 and Paragraph 130 of the NPPF require the Council to refuse the development and it would be wholly reasonable to do so.
90. For these reasons, my clients urge the Council to uphold its own character and design policy expectations, and to refuse the Application.

Yours sincerely,



Simon Kelly
Richard Buxton Solicitors

Encl: Annex?
Site Layout, the Original Application (reference 18/00650/FUL)
Site Layout, Application reference 19/00497/FUL (the Application)

Annex: Planning Policy and Legal Background Summary

Policy Background

NPPF Policy

1. Paragraph 124 of the NPPF states that “[g]ood design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”. Paragraph 127 requires development to “add to the overall quality of the area”, to be “sympathetic to local character and history, including the surrounding built environment” and “[to] establish or maintain a strong sense of place”. Paragraph 170 of the NPPF requires planning decisions to contribute to and enhance the local environment by “recognizing the intrinsic character and beauty of the countryside”.
2. Notably, Paragraph 130 requires decision makers to refuse development of poor design that fails to take the opportunities available for improving the character and quality of an area.
3. Paragraph 11 contains the ‘presumption in favour of sustainable development’, which states that where the policies which are most important for determining the application are out-of-date, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the proposal. Paragraph 213 explains that policies are not out-of-date simply because they were made before the publication of the NPPF: “[d]ue weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given”.

Development Plan Policies

4. The policies that are most important to determining the Application relate to its countryside location, the impact of the proposal on the character of the receiving area and design.

Countryside Policies

5. Policy CS9 of the Council’s Core Strategy DPD (2008) states that:

“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”.
6. The supporting text explains that the policy will be implemented through subsequent policies and guidance in further local development documents (at para. 125).
7. Saved Policy EN8 of the Local Plan states that:

“The countryside will be protected for its own sake. Outside the defined settlement boundaries, development will be permitted only where it would not adversely affect the character, appearance or function of the land ...”
8. The policy is subject to a limited number of exceptions, none of which apply to the Application.

9. Local Plan Policy H5 prohibits new dwellings outside settlement boundaries unless (amongst other requirements) there is a need for the dwellings that cannot be met within the settlement, and it “would cause no harm to the character of the area, neighbouring land uses, or to the relationship between the settlement and the surrounding landscape”.
10. Draft Policy LP11 of the emerging Local Plan states bluntly; “[t]he Council will protect areas of countryside for their intrinsic character and beauty. A development proposal within the countryside will only be supported if it [meets exceptions i-viii]. None of the exceptions apply to the present Application.
11. Please note that:
 - Draft Policy LP11 is in essentially the same terms as saved policy EN8. Assuming that the Council considers draft Policy LP11 to be consistent with the NPPF (otherwise, why would it be promoting the policy as part of the emerging Local Plan?), it follows that saved policy EN8 is equally consistent.
 - Policy H5 is a flexible policy that allows residential development in the countryside that does not harm the character of the area. As such, it is consistent with paragraph 170 of the NPPF, and should in any event be given full weight.

Character Policies

12. The Core Strategy places a particular emphasis on preserving the character of an area:
 - Policy CS1 (Sustainable Development) supports development which (amongst other requirements) “[p]rotects and enhances ... the character and quality of local landscapes and the wider countryside”.
 - Policy CS2 (Locational Principles) promotes a sequential approach to development and requires development to be “consistent with the character, accessibility and provision of infrastructure and services within that settlement”.
 - Policy CS9 requires land outside settlements to be protected from development that would adversely affect the character, appearance or function of that land.
13. The saved policies of the Local Plan take a similar approach:
 - Policy EN8 prohibits development in the countryside that would adversely affect the character, appearance or function of land or damage the landscape quality.
 - Policy EN20 requires development to “be in sympathy with the appearance and character of the local environment” and to promote or create the local character and a sense of local identity.
 - Policy H5 prohibits new dwellings outside settlement boundaries that would harm the character of the area, or the relationship between the settlement and the surrounding landscape.
14. Section 2.1 of the Bracknell Forest Design SPD (2017) states that a “well designed development relates well to its surroundings. It should be integrated into its context and should respond positively to local character”.

Design Policies

15. Character aside, there are a number of adopted design-specific policies.
16. Policy CS7 (Design) requires a high-quality design for all development, and development to:
- i. build on the urban, suburban and rural local character, respecting local patterns of development and the historic environment; ...
 - ii. provide safe communities; ...
 - vi. provide high quality usable open spaces and public realm ...”
17. Policy CS8 (Recreation and Culture) requires development to either retain and improve existing Recreational Facilities and/or provide and maintain new Recreational Facilities. “Recreational Facilities are generically defined as including open space, ... and are of prime importance to improving and maintaining the quality of life in the Borough” (para 98), and include Open Space of Public Value (comprising active open space which includes children’s play area, and passive open space which is semi-natural open space). Para 101 of the document notes that “[t]he majority of new development will have an impact upon the provision of open space ... [and that] ... [t]he Council will seek to satisfy demand created by occupants of new development, by the provision of additional facilities.
18. Policy EN20 (Design considerations in new development), requires development to:
- “be in sympathy with the appearance and character of the local environment and appropriate in scale, mass, design ... layout and siting, both in itself and in relation to adjoining buildings, spaces and views”;
 - Promote or where necessary create, local character and a sense of local identity;
 - Provide appropriate layout and design features to improve personal and general security, including the natural surveillance of public spaces, including ... open space”.
19. Supporting paragraph 2.124 explains that each of the policy criteria must be satisfied for a proposal to be acceptable. Supporting paragraph 2.133 notes that adverse effects on the amenity of surrounding properties “will often occur ... where new driveways are constructed alongside rear garden boundaries [and] where new walls, particularly involving extensions of two storey or higher, are located along side rear garden boundaries”.
20. Policy R4 (Provision of open space of public value) requires development sites larger than one hectare to provide public open space equivalent to 4.3 ha / 1000 residents. Paragraph 7.23 explains that this open space will be divided (approximately 50/50) between active (sports grounds and children’s play areas) and passive (parks and planted habitats) recreation space. Paragraph 7.26 stresses that areas of balancing ponds, highway verges, residual and unusable landscape strips, and screening planting areas are excluded from the definition of public open space.
21. The Council adopted the Bracknell Forest Design SPD in 2017. This contains a number of policies that are relevant to the Application.

22. Section 3.5 (Addressing edges) requires development “on the edge of a settlement, on greenfield sites or in the countryside [to] respond to the unique character and setting of each site, taking into consideration a thorough understanding of the local pattern of settlement and its setting in the wider landscape...”(para 3.5.3). Paragraph 3.5.4 requires built up area edge locations to incorporate soft landscaping to soften the edge of the settlement and to help integrate new housing into its rural setting. It goes on to state that “[d]evelopment should face outwards onto all existing and proposed open spaces ... and provide active frontages to animate and overlook them ...” (para 3.5.6). With respect to backland development, it states that such development “should be subordinate” and “not harm the existing character of the local area, ... relate positively to the existing layout and existing urban form ... [and] not be taller than the existing buildings ...” (Paras 3.6.2 and 3.6.3).
23. The SPD sets out specific guidance as to the built form. Paragraph 3.7.2 comments “[t]he height of buildings should respond to a number of factors, including the “existing heights and degree of variation in height in the local context”. Paragraph 3.8.15 states: “[g]enerally, changes in material should relate to the form of the building and should have a clearly identifiable role in its design”. The following photographs from the SPD illustrate what the SPD considers to be a poor use of materials:



Legal Background

24. The Council will be well aware that planning applications must be determined in accordance with development plan policy unless material considerations indicate otherwise (Town and Country Planning Act 1990, s. 70(2) and the Planning and Compulsory Purchase Act 2004, s. 38(6)).
25. The mere fact that a policy predates the NPPF does not automatically mean that it is ‘out-of-date’. As Dove J commented in the case of *Peel Investments (North) Limited* [2020] JPL 279: “there is nothing in the relevant provisions of the Framework to suggest that the expiration of a plan period requires that its policies should be treated as out-of-date. Indeed, to the contrary, the provisions of para. 213 specifically contemplate that older policies which are consistent with the Framework should be afforded continuing weight”.

26. Whether or not a policy is consistent with the NPPF is a matter of reasonable planning judgement. With specific reference to countryside policies, some guidance on the application of Paragraphs 11 and 213 of the NPPF can be gleaned from the comments of Deputy Judge Rogers QC in the case of *Clive Gare v Babergh DC [2019] EWHC 2041 (Admin)*. In that case, the judge dismissed Babergh Council's argument that a 2014 Core Strategy Policy that prohibited development outside of settlement boundaries other than in exceptional circumstances and subject to a proven local need, was necessarily inconsistent with the NPPF:

"I am far from satisfied that Policy CS2 can properly be said to adopt a blanket approach. It can be contrasted with the policy considered by Lang J in *Telford & Wrekin BC v SSCLG [2016] EWHC 3073 (Admin)* at [45] – [46] ... which provided that development within the countryside "will be strictly controlled". Additionally, unlike that policy, CS2 post-dated the NPPF and its consistency with it had been considered as part of the independent examination conducted under section 20, Planning and Compulsory Purchase Act 2004. There had been no material change in the relevant parts of the NPPF since the policy was adopted in 2014 (although they had been re-arranged within the document). In particular, the distinction between valued landscapes (to be protected and enhanced), and other parts of the countryside (whose character and beauty is to be recognized) was already clear in the 2012 NPPF.

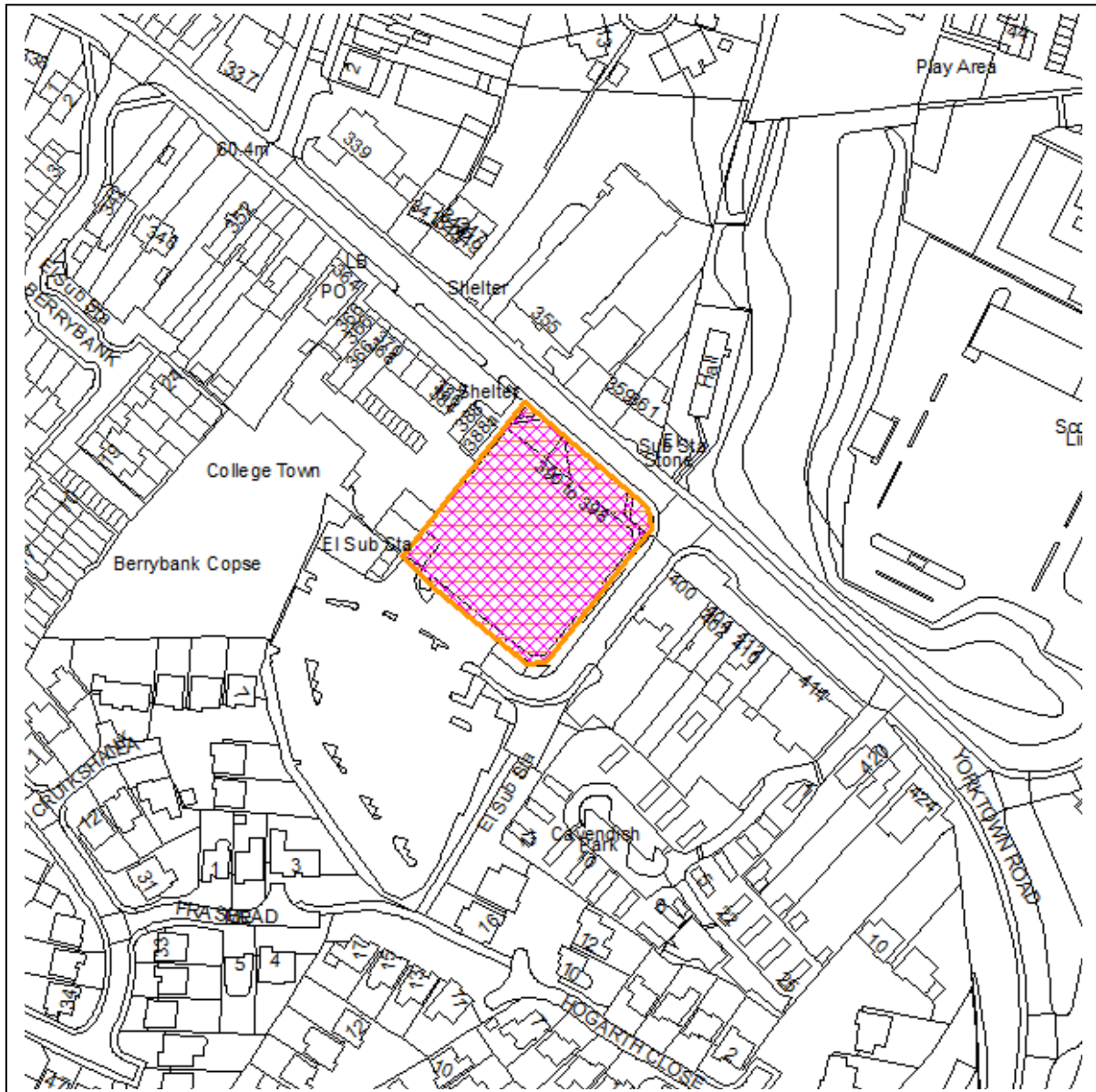
27. As I explained in my letter of 14 May 2020, the material considerations that must be taken into account include previous decisions on similar proposals. In the case of *North Wiltshire District Council v Secretary of State for the Environment and Clover (1993) 65 P. & C.R. 137* Mann LJ commented (at page 145):

"It was not disputed in argument that a previous appeal decision is capable of being a material consideration. The proposition is in my judgement indisputable ... I do not suggest and it would be wrong to do so, that like cases must be decided alike. An inspector must always exercise his own judgement. He is therefore free upon consideration to disagree with the judgement of another but before doing so he ought to have regard to the importance of consistency and to give his reasons for departure from the previous decision". (emphasis added)

28. While there is no statutory duty to provide reasons for approving a planning application, the Courts have repeatedly held that the particular circumstances of a case may require reasons to be given (*Oakley v South Cambridgeshire District Council [2017] EWCA Civ 71* at para 61, and *Dover District Council v CPRE Kent [2017] UKSC 79* at para 57). Those circumstances include in particular (as Mann LJ suggests above) the situation where, as here, a local planning authority having already refused a planning application on a particular site, subsequently resolves to approach what a substantially similar application.

ITEM NO:			
Application No.	Ward:	Date Registered:	Target Decision Date:
20/00698/FUL	College Town	9 September 2020	4 November 2020
Site Address:	Waitrose 390 Yorktown Road College Town		
	Sandhurst Berkshire GU47 0HL		
Proposal:	Section 73 application to vary delivery hours imposed under Condition 1 of planning permission 624293 and 02/00675/FUL		
Applicant:	N/a		
Agent:	Planning Potential		
Case Officer:	Sarah Horwood, 01344 352000 development.control@bracknell-forest.gov.uk		

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



OFFICER REPORT

1. SUMMARY

1.1 The delivery hours sought, and as amended during the course of the application (Monday to Friday weekdays 07:00 to 23:00 hours; Saturday 07:00 to 22:00 hours; Sunday 09:00 to 19:00 hours) are not considered to result in unacceptable adverse impacts to the residential amenities of neighbouring occupiers.

1.2 The proposal would not result in any adverse impacts to the character and appearance of the surrounding area or highway safety implications.

RECOMMENDATION

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 more than 5 objections have been received.

3. PLANNING STATUS AND SITE DESCRIPTION

Within the defined settlement boundary
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Within local shopping parade of Yorktown Road, College Town

3.1 The site is located to the south-west of Yorktown Road. The building is currently occupied by Aldi as a supermarket, falling within use Class E – commercial, business and service use within the Town and Country Planning (Use Classes) Order 1987 (as amended). The premises were previously occupied by Waitrose.

3.2 The site is served by a car park located to the south/south-west of the building, accessed from Yorktown Road.

3.3 The surrounding area is characterised by a mix of uses, with the Royal Military Academy to the north, commercial premises to the east and west, and housing, including Cavendish Park and Fraser Mead to the south-east, south and south-west of the site.

4. RELEVANT SITE HISTORY

4.1 The most recent planning permissions relating to the site are:

20/00185/FUL approved July 2020 for proposed external alterations and amendments to site layout in association with a proposed foodstore.

20/00202/FUL approved July 2020 for part change of use from A1 (retail) to D2 (gym) involving the sub-division of existing unit.

20/00550/A granted consent September 2020 for installation of 5 illuminated and 2 non-illuminated signs (relating to Aldi).

4.2 The most recent planning permission relating to delivery hours is:

02/00675/FUL approved October 2003 for Section 73 application to vary the delivery hours imposed under Condition 1 of planning permission 624293.

5. THE PROPOSAL

5.1 This is a Section 73 application to vary delivery hours to the existing retail store which are currently restricted by condition 1 of planning permission 02/00675/FUL which states:

No deliveries shall be taken at or dispatched from the site outside the hours of 0700-2030 Mondays to Fridays, 0730-1930 Saturdays and Bank Holidays and 0930-1200 on Sundays.

5.2 The delivery hours proposed by this application, connected to the retail store (currently occupied by Aldi and falling within Use Class E – commercial, business and service use within the Town and Country Planning (Use Classes) Order 1987 (as amended)) are:

Monday to Friday weekdays 07:00 to 23:00 hours;
Saturday 07:00 to 22:00 hours;
Sunday 09:00 to 19:00 hours.

5.3 This application would result in an extension to delivery hours to the store as follows:

- Mondays to Fridays: +2.5 hours in the evening (increasing from 20:30 hours to 23:00 hours);
- Saturdays: +0.5 hours in the morning (07:00 hours as opposed to 07:30 hours) and +2.5 hours in the evening (increasing from 19:30 hours to 22:00 hours);
- Sundays: +0.5 hours in the morning (09:00 hours as opposed to 09:30 hours) and +7 hours in the afternoon/evening (increasing from 12:00 to 19:00 hours).

5.4 The proposed delivery hours have been amended during the course of the application from that originally proposed which were - Monday to Saturday: 06:00 to 23.00 hours and Sunday 08:00 to 22:00 hours, after concerns were raised by the Council's Environmental Health Team about impact of noise to the residential amenities of neighbouring occupiers.

5.5 The covering letter submitted with the application states that the proposed increase in delivery hours would enable deliveries throughout the course of the day, including outside opening times, to allow the store to be restocked. The covering letter goes on to state that Aldi stores do not have conventional service yards and instead, use a level dock delivery process where vehicles reverse up to the loading bay with the HGV rear opening shielded by a surrounding curtain. This enables goods to be wheeled in cages directly off the lorry into the warehouse.

5.7 The loading bay at the premises is contained within part of the building on the western elevation.

6. REPRESENTATIONS RECEIVED

Sandhurst Town Council

6.1 Considered no objection to the application.

Other representations

6.2 17no. letters of objection received (from 14no. different postal addresses). The comments are summarised as follows:

- Increased noise and disturbance from lorry movements and unloading of goods;

- Increased pollution
- Impact to peoples' wellbeing
- Current delivery times are sufficient
- Requested delivery times are unreasonable for a site in a residential area
- Object to delivery vehicles on site before 7am on weekdays
- Supermarkets have operated in the location for years without extended hours
- Waitrose respected our neighbourhood and had been very community oriented.
- Lorries cause houses to shake

6.3 1no. letter of support received:

- Understand the importance of having the extra time for deliveries to be put out on shelves. Customers complain when the fresh fruit and veg is not out in time for opening and puts more pressure on staff. The times proposed are not unreasonable

[Officer comment: the letters of objection relate to the delivery hours as originally proposed. Due to an objection raised by the Council's Environmental Health Team relating to adverse levels of noise as a result of the original proposed delivery hours, the delivery hours have been revised and reduced].

7. SUMMARY OF CONSULTATION RESPONSES

Environmental Health

7.1 No objection subject to conditions.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
General policies	CS1 and CS2 of the CSDPD CP1 of the SALP	Consistent
Design and character of area	CS7 of the CSDPD, Saved policy EN20 of BFBLP	Consistent
Residential Amenity	'Saved' policies EN20 and EN25 of BFBLP	Consistent
Parking and highway safety	Saved Policy M9 of BFBLP, CS23 of CSDPD	Consistent
Other publications		
National Planning Policy Framework (NPPF) 2019 and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		
Parking Standards SPD		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of development
- ii. Impact on residential amenity
- iii. Impact on character and appearance of the area
- iv. Transport implications

v. Community Infrastructure Levy (CIL)

i. Principle of development

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

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

9.4 Core Strategy Policy CS21 relates to Retail Development in Town Centres and states Retail development will be directed to the identified Town Centres. The scale and nature of the retail uses will be consistent with the role and function of the centre.

9.5 Para 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.

9.6 Para 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 Saved Policy E5 of the BFBLP 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 that in order to be consistent with the NPPF and to prevent development that would undermine the function of this shopping centre, the Council's draft local plan is proposing to re-designate 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.

9.8 Given the site's location within a local parade, Saved Policies E7 and E11 could also be material considerations. These policies however relate to the change of use of ground floor retail units to B1 business use (Policy E7) and changes of use of existing premises/occupation of new premises for non-retail uses (Policy E11). As this application does not relate to a change of use of the building, these policies are not material considerations to this current application.

9.9 This application seeks an extension to the delivery hours of the existing premises (use class E) and does not propose a change to the use or extension of the existing building. As such, this application would not affect the designation of the site as a local parade, affect the viability and vitality of the parade or alter the provision of services. The proposed extension to delivery hours would allow the current operator Aldi to adapt its current operations and take into account their business needs, supported by para 80 of the NPPF. As such, the proposal is acceptable in principle subject to no adverse impact on residential amenity, character of the area, highway safety implications, etc which are discussed in the remainder of this report.

ii. Residential amenity

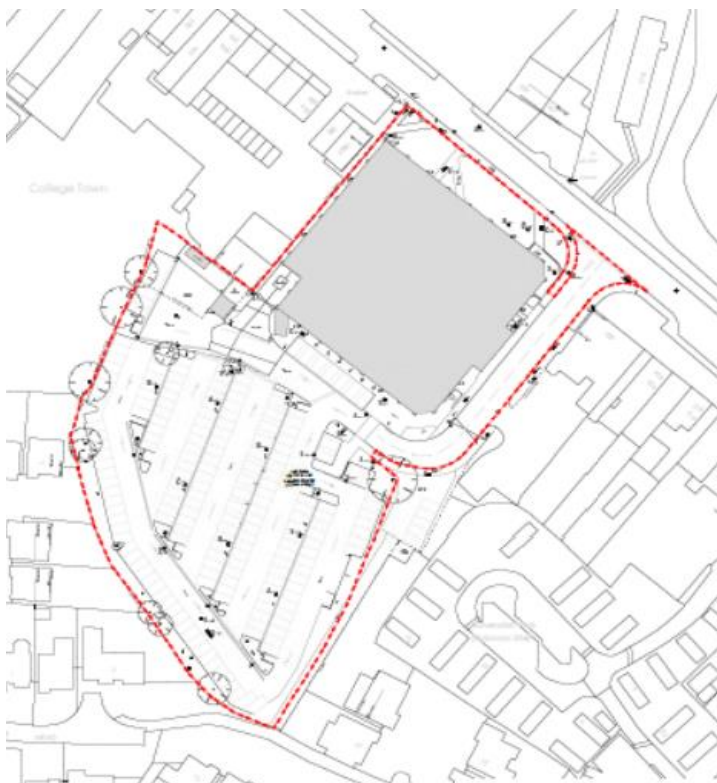
9.10 Saved Policy EN20 of the BFBLP states that development will not adversely affect the amenity of surrounding properties and adjoining area.

9.11 Saved 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.

9.12 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.

9.13 The primary consideration of this application is to weigh the impacts on the living conditions of occupiers of neighbouring dwellings against the operational needs of the retailer.

9.14 There are residential dwellings surrounding the application site, with residential units above existing commercial premises on Yorktown Road, Cavendish Park (a caravan site) to the south-east, and dwellings at Hogarth Close (to the south/south-east), Landseer Close, Fraser Mead and Cruikshank Lea (to the south/south-west).



9.15 The change to the delivery hours originally sought - Monday to Saturday: 06:00 to 23.00 hours and Sunday 08:00 to 22:00 hours, was considered by the Council's Environmental Health Team to result in unacceptable impacts to the living conditions of surrounding residential occupiers through noise and disturbance. For the purposes of assessing noise, 07:00 – 23:00 hours is classed as 'day' and 23:00 hours to 07:00 hours is 'night', being the time when the majority of adults would be reasonably likely to wish to sleep. The original delivery hours proposed included the period of 06:00-07:00 hours which would be considered night. A noise assessment submitted with the application using BS4142:2014 methodology. Based on the findings of the noise assessment, an objection was raised by the Council's Environmental Health Team to the delivery hours originally proposed.

9.16 As a result of this objection, the delivery hours have been revised to weekdays 07:00 to 23:00 hours; Saturdays 07:00 to 22:00 hours and Sundays 09:00 to 19:00 hours. A revised noise assessment has been submitted which was assessed by the Council's Environmental Health Team. The revised noise assessment concludes that the revised delivery hours, in accordance with the BS 4142:2014 initial assessment of impact would be below that defined as 'adverse' in the standard.

9.17 The Council's Environmental Health Team do not consider that the revised proposed delivery hours would result in unacceptable adverse impacts to adjoining residential occupiers. The revised proposed delivery hours would fall into the category of 'day' for the purposes of assessing noise. Giving weight to the advice of the Council's Environmental Health Team, the revised proposed hours are considered acceptable, striking a balance between the residential amenities of neighbouring occupiers and the needs of the current store operator.

9.18 In the event that the revised delivery hours result in a statutory noise nuisance in the future once introduced, this would be a matter that the Council's Environmental Health Team could enforce against using their statutory powers.

9.19 A planning condition is recommended to restrict the delivery hours to that proposed and amended during the course of this application – weekdays 07:00 to 23:00 hours; Saturdays 07:00 to 22:00 hours and Sundays 09:00 to 19:00 hours, in the interests of residential amenities of neighbouring occupiers. A further condition is recommended which will ensure that deliveries are undertaken in accordance with the submitted Delivery Management Plan.

9.20 The current opening hours of the Aldi store are 08:00 to 22:00 hours Mondays to Saturdays and 10:00 to 16:00 hours Sundays. Planning permission was granted in July 2020, ref: 20/00202/FUL for use of part of the former Waitrose building as a gym. The gym (once open), could lawfully operate between the hours of 6:00 to 23:00 hours Mondays to Fridays and 08:00 to 22:00 hours Saturdays, Sundays and public holidays. Whilst the delivery hours proposed would result in activity 1 hour before the store and gym open from larger delivery vehicles, the remainder of the time, the car park could reasonably be in use from visitors to the store or gym (once open) and the proposed revised delivery hours are therefore not considered unreasonable.

9.21 As such, the proposal would not result in unacceptable adverse impacts to the residential amenities of neighbouring occupiers and would be in accordance with Saved Policies EN20 and EN25 of the BFBLP and the NPPF.

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

9.22 The proposed extension to delivery hours to the premises would not result in any extensions/alterations to the existing building. Furthermore, the use of the unit would remain as existing (use Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended)).

9.23 Whilst the proposed extension to delivery hours to the premises would result in additional activity earlier in the morning and later in the evening compared to the current delivery hours, the site is located within a local parade where there are a mix of uses (including a gym (once operational), estate agents and surrounding residential dwellings) and any intensification of activity connected to the existing use would therefore not be unacceptable.

9.24 As such, the proposal would not result in any impact on the character and appearance of the area and would be in accordance with Saved Policy EN20 of the BFBLP, CS7 of the CSDPD and the NPPF.

iv. Transport implications

9.25 The proposed extension to delivery hours to the premises would not result in any highway safety implications.

9.26 The proposal would not alter the floorspace of the existing premises or alter the parking layout or vehicular/pedestrian accesses within the site.

9.27 As such, the proposal would not result in any impact to highway safety and would be in accordance with Saved Policy M9 of the BFBLP, CS23 of the CSDPD, the Parking Standards SPD and the NPPF.

v. Community Infrastructure Levy (CIL)

9.28 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.

9.29 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. This proposal would extend delivery hours to the premises only and as such this application would not be liable to any CIL charges.

10. CONCLUSION

10.1 The proposed extension to delivery hours would allow the current operator Aldi to adapt its current operations and take into account their business needs, supported by para 80 of the NPPF.

10.2 The delivery hours sought, and as amended during the course of the application are not considered to result in unacceptable adverse impacts to the residential amenities of neighbouring occupiers.

10.3 The proposal would not result in any adverse impacts to the character and appearance of the surrounding area or highway safety implications.

10.4 The application is therefore recommended for approval.

11. RECOMMENDATION

11.1 The application is recommended to be **APPROVED** subject to the following conditions:-

1. No deliveries shall be taken at or dispatched from the site outside the hours of:

Weekdays Mondays to Fridays 07:00 to 23:00 hours;

Saturdays 07:00 to 22:00 hours; and;

Sundays 09:00 to 19:00 hours.

REASON: In the interests of the amenities of the occupiers of nearby residential properties.

[Relevant Plans and Policies: BFBLP EN20, EN25]

2. The delivery hours hereby approved shall operate at all times in accordance with the Delivery Management Plan received 27 January 2021 by the Local Planning Authority.

REASON: In the interests of the amenities of the occupiers of nearby residential properties.

[Relevant Plans and Policies: BFBLP EN20, EN25]

3. The visibility splays shall be kept clear of all obstructions above a height of 0.6 metres.

REASON: In the interests of road safety.

4. The areas shown on the approved plans as parking, access, loading, unloading and manoeuvring areas shall be kept clear for these purposes and shall not be used for any storage, industrial or business purposes.

REASON: In order that adequate servicing space is provided to the satisfaction of the Local Planning Authority.

Informatives

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

1. Delivery hours
2. Delivery Management Plan
3. Visibility splays (from planning permission 608527)
4. Parking/access/loading/unloading/manoeuvring areas (from planning permission 608527)

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ITEM NO:			
Application No.	Ward:	Date Registered:	Target Decision Date:
20/0031/CON D	Priestwood And Garth	20 February 2020	16 April 2020
Site Address:	28 Meadow Way Bracknell Berkshire RG42 1UF		
Proposal:	Details pursuant to Condition 03 (Materials), Condition 04 (Slab Levels), Condition 08 (Landscaping), Condition 09 (Boundary Treatments), Condition 10 (Sustainability Statement), Condition 17 (Site Organisation) and Condition 23 (Services) of planning permission 17/00929/FUL.		
Applicant:	Mr Daniel Houghton		
Agent:	Hinton Cook Architects		
Case Officer:	Sarah Horwood, 01344 352000 development.control@bracknell-forest.gov.uk		

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



OFFICER REPORT

1. SUMMARY

1.1 The details submitted in relation to the pre-commencement conditions are considered acceptable. The proposal would not adversely affect the residential amenities of neighbouring properties or future occupiers of the approved dwellings and would not have an unacceptable impact upon the character and appearance of the surrounding area.

1.2 The development would achieve water usage of under 110 litres/person/day to satisfy sustainability requirements.

1.3 There would be no adverse highway safety implications and no adverse impact on protected/retained trees.

RECOMMENDATION

Details relating to conditions 3, 4, 8, 9, 10,17 and 23 be approved as set out in Section 10 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 following receipt of more than 5 objections.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Land within defined settlement

Within 5km of the Thames Basin Heath SPA
--

3.1 28 Meadow Way is located to the north of the highway. The site comprises a bungalow facing onto the highway and to the rear is a detached garage which is accessed from a narrow access road serving a Scout Hut and communal garages.

3.2 The surrounding area is predominantly residential, characterised by detached, semi-detached and terraced dwellings.

4. RELEVANT SITE HISTORY

4.1 600212 approved 1974 for extension to bungalow forming kitchen and bedroom.

4.2 17/00929/FUL approved December 2019 for the erection of 4no. dwellings following demolition of existing bungalow, including widening of existing vehicular access with associated parking, refuse and cycle storage following the completion of a Section 106 Agreement.

4.3 Permission 17/00929/FUL was decided at the Planning Committee in February 2018 where it was resolved to approve the application subject to conditions and a section 106 agreement relating to mitigation measures for the SPA. The Section 106 Agreement was completed and permission issued in December 2019.

5. THE PROPOSAL

5.1 This application seeks the approval of details connected to the following conditions of planning permission 17/00929/FUL for the redevelopment of the site for 4no. dwellings following demolition of existing bungalow:

- Condition 3 (Materials),
- Condition 4 (Slab Levels),
- Condition 8 (Landscaping),
- Condition 9 (Boundary Treatments),
- Condition 10 (Sustainability Statement),
- Condition 17 (Site Organisation), and
- Condition 23 (Services).

6. REPRESENTATIONS RECEIVED

6.1 Objections were received from 8 postal addresses which raise the following points (summarised) and are addressed in this section of the report:

- Concerns about removal of trees and impact on trees

6.2 Officer comment: There were 3 trees along the north-western/western boundary of the site facing onto the unadopted access road which were removed before application 17/00929/FUL was submitted. These trees were not subject to Tree Preservation Orders at the time of their removal. The site is also not in a Conservation Area and therefore the loss of these trees could not have been prevented at the time of their removal.

6.3 1no. additional tree was to be removed for visibility purposes and another category U tree was to be reduced in height and retained as standing deadwood for biodiversity value, as shown on the approved site layout drawings. The removal of these 2no. trees was considered at the application stage.

6.4 2 existing trees – an Oak and a Horse Chestnut along the western/south-western boundary of the site have been protected by Tree Preservation Orders (TPOs) and these 2 trees would be retained. A further tree was also protected by a Tree Preservation Order, however this particular tree was shown to be removed on the drawings considered by permission 17/00929/FUL before the tree was protected and therefore the LPA cannot resist its removal. An extended vehicular crossover to serve plots 3 and 4 was required for access to these plots and this layout was considered and the Planning Committee resolved to grant permission subject to the completion of a S106 agreement before the trees were protected. There are conditions on permission 17/00929/FUL which seek to protect the 2 retained trees subject to TPOs, which include the requirement for protective fencing during building works and any hard surfacing to be based on a porous 'No-Dig' construction. The Council's Tree Officer has scrutinised all arboricultural information that has been submitted during the course of this application and now considers that the submitted details (including an Arboricultural Method Statement which relates to matters including tree protection, installation of services and the no-dig cellular confinement system) are acceptable.

- Concerns about relocation of lamp column

6.5 Officer comment: An existing lamp column would be relocated from its current position to an alternative position as a one for one replacement. The relocation of the lamp column was shown on the approved site layout drawings considered at the application stage. The relocated lamp

column has been sited as close as possible to its original position and to the side of the parking spaces serving plot 4 so that it would be slightly closer to the scout hut.

- Impact on wildlife

6.6 Officer comment: impacts on biodiversity were assessed at application stage with ecological surveys submitted to the Council which the Council’s Biodiversity Officer reviewed. The development was not considered to adversely affect biodiversity subject to conditions. These included ecological enhancements such as the installation of bat and bird boxes, new tree planting and the retention of part of a tree to be retained as standing deadwood.

- Increase in traffic

6.7 Officer comment: As the development already has planning permission, this comment is not relevant to the conditions application.

- Why were neighbours not consulted on proposed plans?

6.8 Officer comment: This is an application for the approval of details of planning conditions on a planning permission. There is no statutory requirement to consult neighbours on such applications. Planning permission ref 17/00929/FUL was resolved to be approved at Planning Committee in February 2018, with permission being granted in December 2019 following completion of a Section 106 Agreement. This application is not re-assessing the redevelopment of the site but considering details relating to the conditions attached to the approval. This is also not an amended scheme to the original permission.

6.9 Some of these objection comments relate to the original application which has already been granted permission following assessment of any impacts on highway safety, trees and ecology. The details submitted as part of this conditions application do not vary the scheme considered and approved by planning permission 17/00929/FUL in terms of siting of dwellings, height, vehicular parking and access, etc.

7. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO DECISION

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

	Development Plan	NPPF
Design	CS7 of CSDPD, Saved policy EN20 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
Energy Sustainability	CS10 & CS12 of CSDPD	Consistent
Trees, biodiversity and landscaping	Saved policy EN1, EN2 and EN3 of BFBLP, CS1 of CSDPD.	Consistent
Supplementary Planning Documents (SPD)		

Design SPD
Parking standards SPD
Other publications
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)

8. PLANNING ASSESSMENT

Condition 3 – Materials

8.1 The materials which have been selected to be used in the external construction of the approved dwellings include facing brickwork, render (K-Rend - Silicone coloured render) and Redland plain concrete tiles. These materials are considered appropriate, reflecting materials seen elsewhere in the surrounding area, whilst identifying the dwellings as more modern additions within the street.

8.2 As such, details in relation to condition 3 can be approved accordingly.

Condition 4 – Slab level

8.3 A pair of semi-detached dwellings, 2.5 storeys high (plots 1-2) would face onto Meadow Way and to the rear, orientated at 90 degrees to plots 1-2, would be a pair of semi-detached dwellings, 2 storeys high (plots 3-4). The heights of the dwellings were approved by planning permission 17/00929/FUL.

8.4 Details relating to the finished floor levels also relate to the No-Dg cellular confinement system to ensure that levels within the site will marry up and there would be no requirement for excavations within the root protection area of protected/retained trees. As such, the submitted details are acceptable and condition 4 can be approved accordingly.

Condition 08 - Landscaping

8.5 New soft landscaping is proposed across the site, to enhance the visual amenities of the area, as well as providing ecological enhancements to the site. The proposed soft landscaping would include native hedges along the southern and western boundaries of the site, new lawn areas, ornamental shrubs and climbers.

8.6 In addition, 10no. new trees would be planted, 2 of which would be close to the southern boundary facing onto Meadow Way and 6 close to the western boundary facing onto the access road. The trunk of one tree which would be felled would be retained at a height of 3m as a monolith to provide biodiversity value. Whilst it is acknowledged that some mature trees were felled along the western boundary of the site prior to the submission of application 17/00929/FUL, the trees were not protected at the time of their removal. The proposed landscaping details provide an opportunity for replanting across the site, including trees and native hedging and would help mitigate for the loss of former trees.

8.7 There are an Oak tree and a Horse Chestnut tree on site which are now subject to Tree Preservation Orders and would be retained.

8.8 An acceptable maintenance and management plan for hard and soft landscaping has also be provided as required by condition 8.

8.9 Driveways and parking areas would be finished in block paving, with the parking bays finished in a contrasting material to the shared driveway to differentiate between the areas. Pedestrian access would be provided to the fronts of the 4 plots, along with access to the rear gardens and cycle stores located within each of the 4 plots.

8.10 A visitor parking space in the south-western corner of the site would be identified on the ground with a painted symbol for demarcation.

8.11 There is a pedestrian access path provided within the site which would link from plots 1 and 2 to plots 3 and 4. This would provide pedestrian links for any visitors using the visitor parking space, along with a pedestrian route for mail deliveries and access to the bin collection point for future occupiers of plots 3 and 4.

8.12 Plot 1 would have a bin store within the side/rear garden of the plot and a bin store area for plot 2 would be located to the rear of the 2no. parking spaces serving the plot. Future occupiers of plots 1 and 2 would move their bins to Meadow Way on collection day. Bin storage areas for plots 3 and 4 would be provided to the front/side of plots 3 and 4, along with a bin collection point, enclosed by palisade fencing. The size of the bin collection point has been reduced from that originally submitted as part of this conditions application so that the collection point serves only plots 3 and 4 (as opposed to serving all 4 plots as originally shown on the submitted details).

8.13 There is existing hedging and vegetation along the western boundary of the site facing onto the access road which would be retained and trimmed to create a boundary hedge. This boundary would be supplemented with a native hedge mix for a very small section (approximately 3.5m) to link up with the existing hedging/vegetation along this boundary.

8.14 As such, details in relation to condition 8 can be approved accordingly.

Condition 09 - Boundary Treatment

8.15 The rear gardens of all 4 plots will be enclosed by either existing 1.8m high close boarded fencing that is already in situ or new 1.8m high palisade fencing that will separate the individual rear gardens. There will be 1.8m high timber gates that will provide secure access to the rear gardens of each of the 4 plots.

8.16 It is considered that 1.8m high close boarded/palisade fencing and 1.8m high timber gates are appropriate forms of boundary treatment which are visible in the immediate area and commonplace as a means of enclosure in residential areas, at a height which will allow privacy to future occupiers of each of the 4 plots.

8.17 There is an existing boundary wall along the front (southern) boundary of the site facing onto Meadow Way. The wall is 0.628m high, with brick piers which are 0.825m high. Part of the existing boundary wall and piers will be retained, and a section will be re-built to the same height as existing, using bricks reclaimed from the existing wall. There will be 2no. new brick piers either side of the vehicular access serving plots 1 and 2 facing onto Meadow Way which will be the same height as the existing piers at 0.825m.

8.18 The retention in part of the existing boundary wall and piers is desirable as a low level means of enclosure that is seen elsewhere along the frontages of dwellings on Meadow Way.

8.19 There will be no gates at the vehicular accesses serving the 4 approved dwellings, as controlled by condition 16 of permission 17/00929/FUL.

8.20 There will be a bin collection point serving plots 3 and 4 which will be enclosed by 1.5m high palisade fencing which will be sited on an existing area of hardstanding. The means of enclosure for the bin collection point is considered acceptable (and would also be within 25m of the main highway on Meadow Way, providing an enclosure which would screen views of the bins.

8.21 As such, details in relation to condition 9 can be approved accordingly.

Condition 10 - Sustainability

8.22 It has been demonstrated that the proposal would achieve water usage of under 110 litres/person/day, in accordance with Policy CS10 of the CSDPD.

8.23 As such, details in relation to condition 10 can be approved accordingly.

Condition 17 - Site Organisation

8.24 The site organisation proposed during the construction works accounts for:

- (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

8.25 Delivery vehicles will enter and exit the site via the access road. This will lead to a drop off/turning area in a central location within the site. Details of tracking have been provided to demonstrate that there is sufficient space within the site to enable vehicles (including delivery vehicles) to enter and exit the site in a forward gear. A wheel wash facility is proposed adjoining the site entrance.

8.26 6no. site operative parking spaces are proposed in total. Whilst 4 spaces are in a tandem formation, this is considered acceptable in this instance to achieve maximum parking on site and minimise any overspill parking onto Meadow Way during the construction.

8.27 The site/welfare office and shelter would be provided in the south-eastern corner of the site. A storage area for materials is proposed along the eastern boundary.

8.28 The site will be enclosed by 2.4m high hoarding (or existing boundary fencing).

8.29 As such, details in relation to condition 17 can be approved accordingly.

Condition 23 - Services

8.30 The services for the new dwellings which follow 2 routes. The service routes for Plots 1 and 2 will be direct from Meadow Way, located under the approved access drive and parking area to the front of the dwellings. The service routes for Plots 3 and 4 will be directed along the existing access road (any works to the access road connected to the installation of services may also be subject to separate legislation, including requiring agreement with any other parties that have rights of access along this road). The service routes will be located outside of the root protection area of existing retained trees and under existing/approved hard surfacing in the interests of retained trees. These details are considered acceptable.

8.31 The Council's Tree Officer has scrutinised all arboricultural information that has been submitted and amended during the course of this application and now considers that the submitted details (including an Arboricultural Method Statement which relates to matters including the installation of services) are acceptable.

8.32 As such, details in relation to condition 23 can be approved accordingly.

9. CONCLUSION

9.1 The details submitted in relation to:

- Condition 3 (Materials),
- Condition 4 (Slab Levels),
- Condition 8 (Landscaping),
- Condition 9 (Boundary Treatments),
- Condition 10 (Sustainability Statement),
- Condition 17 (Site Organisation), and
- Condition 23 (Services)

are considered acceptable. The proposals would not adversely affect the residential amenities of neighbouring properties or future occupiers of the approved dwellings and would not have any unacceptable impact upon the character and appearance of the surrounding area.

9.2 The development would achieve water usage of under 110 litres/person/day to satisfy sustainability requirements.

9.3 There would be no adverse highway safety implications. Details relating to the installation of services, along with details relating to tree protection measures, including the installation of the cellular confinement system are considered acceptable and there would be no adverse impact on protected/retained trees.

10. RECOMMENDATION

10.1 That the details submitted in respect of conditions 3, 4, 8, 9, 10, 17 and 23 of planning permission 17/00929/FUL, and as listed below, are **APPROVED**:

Condition 3 - materials

The use of the following materials are acceptable:

- Roof tiles - Redland plain concrete tiles.
- Facing brickwork - Wienerberger multi-clay bricks.
- Feature diaper pattern brickwork - Wienerberger blue.
- Render - K-Rend (Silicone coloured render).
- Windows and doors - Eurocell UPVC in slate grey.
- Rainwater goods - gutters and downpipes in anthracite grey.

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

Condition 4 - slab levels

The details shown on drawing no. 17-03-PL-601-B received 20 February 2020 and drawing no. E02 Rev A received 12 January 2021 are acceptable in relation to the above condition.

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

Condition 8 - landscaping

The details shown on drawing nos. 17-03-WD-101 E, 10105.01 Rev A, 10105.02 Rev A and E02 Rev A received 26 May 2020, 8 September 2020 and 12 January 2021 and document entitled Maintenance and Management Plan - soft works and hard works received 20 February 2020 are acceptable in relation to the above condition.

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.

Condition 9 - boundary treatment

The details shown on drawing nos. 17-03-WD-101 E, and 10105.01 Rev A received 26 May 2020 and 8 September 2020 are acceptable in relation to the above condition.

The approved scheme shall be implemented in full before the occupation of the new dwellings and retained as such thereafter.

Condition 10 - sustainability

The details contained in document entitled "Appendix AA - Water Efficiency Calculator for new dwellings" received 20 February 2020 are acceptable in relation to the above condition.

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

Condition 17 - site organisation

The details shown on drawing nos. 17-03-PL-801-D and 17-03-PL-901-A received 16 December 2020 are acceptable in relation to the above condition.

Each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the approved purposes.

Condition 23 - services

The details contained in the document "Arboricultural Method Statement" (Rev C) by Barton Hyett Associates received 12 January 2021 and shown on drawing no. 404-S-01 Rev H received 15 December 2020 are acceptable in relation to the above condition.

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

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Unrestricted Report

ITEM NO:

Application No.
20/00722/FUL

Ward:
Warfield Harvest Ride

Date Registered:
28 September
2020

Target Decision Date:
23 November 2020

Site Address:

42 Walsh Avenue Warfield Bracknell Berkshire RG42 3XZ

Proposal:

Erection of first floor side extension and single storey rear extension following demolition of existing conservatory.

Applicant:

Mr Rob Kelly

Agent:

Cameron Lloyd

Case Officer:

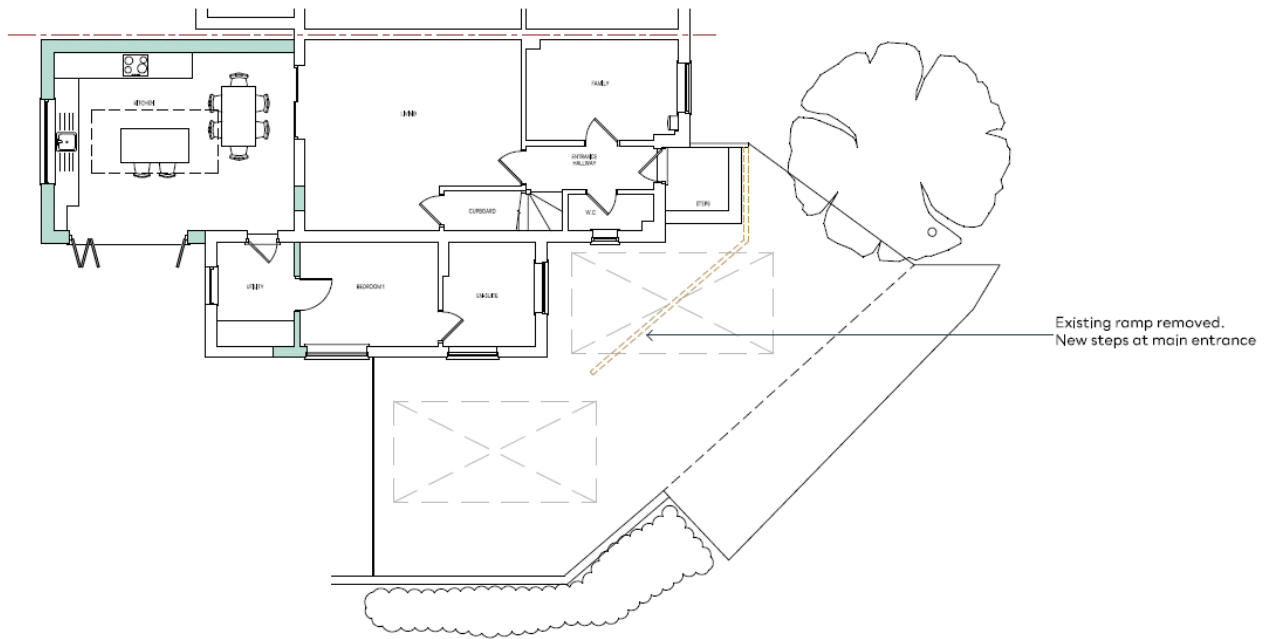
Lucy Ormrod, 01344 352000

Development.control@bracknell-forest.gov.uk

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



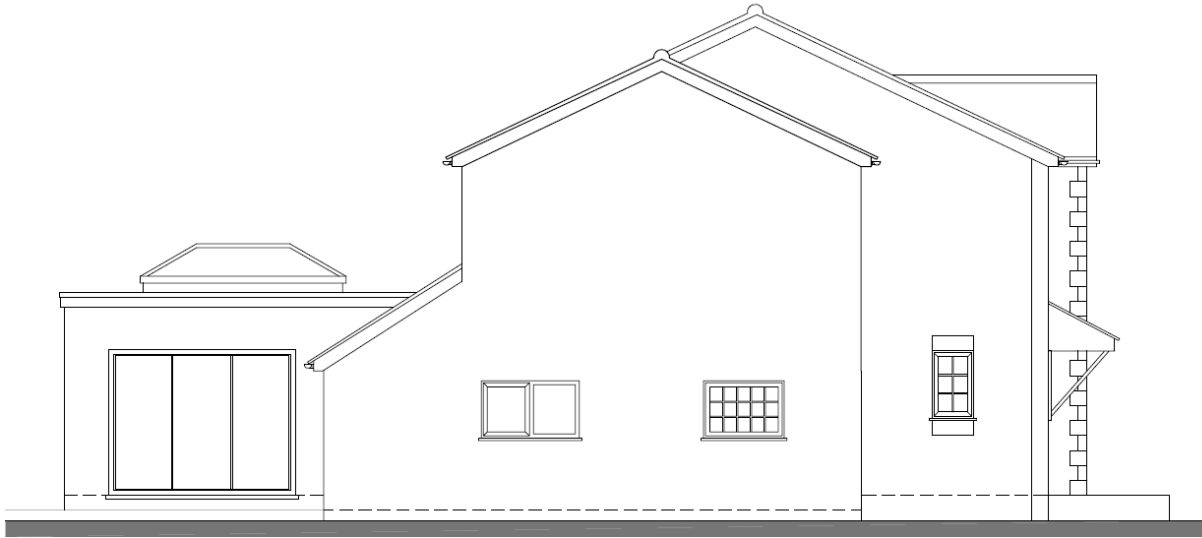
Proposed Parking Plan (for identification purposes only, not to scale)



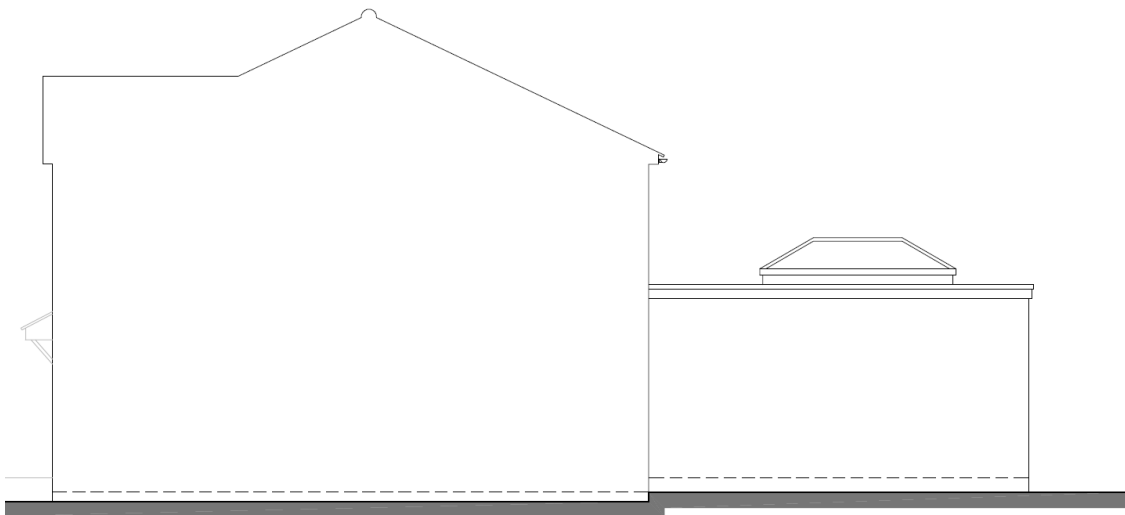
Proposed Front Elevation (for identification purposes only, not to scale)



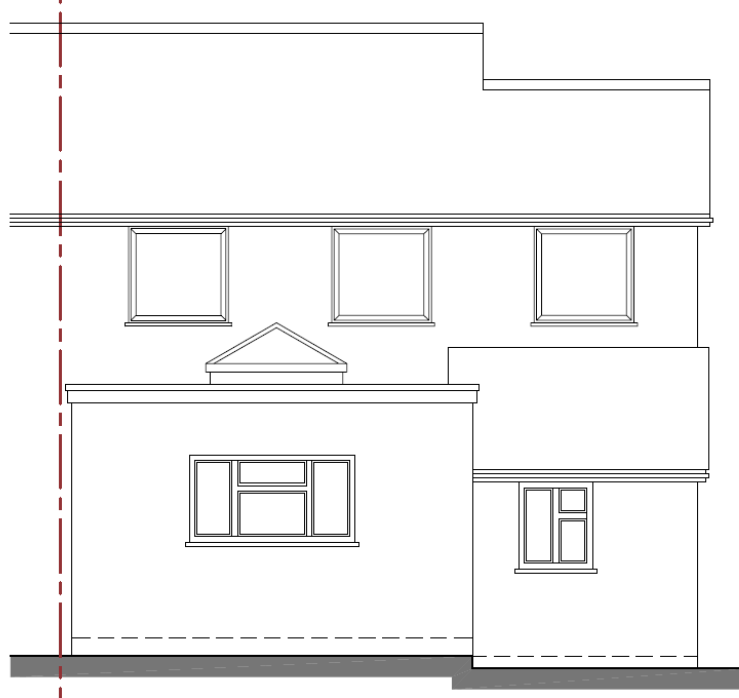
Proposed Side Elevation (for identification purposes only, not to scale)



Proposed Side Elevation (for identification purposes only, not to scale)



Proposed Rear Elevation (for identification purposes only, not to scale)



OFFICER REPORT

1. SUMMARY

- 1.1 Planning permission is sought for the erection of a first floor side extension and single storey rear extension following demolition of the existing conservatory at 42 Walsh Avenue, Warfield.
- 1.2 The development relates to a site within the settlement boundary. It is not considered that the development results 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 results in an unacceptable impact on highway safety or trees.

RECOMMENDATION

Planning permission be granted subject to the conditions set out in Section 11 of this report.
--

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

- 2.1 The application has been reported to the Planning Committee. at the request of Councillor Dudley, Councillor Barnard, and Councillor McLean due to concerns over: overlooking, overdevelopment, and times of operation of building.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Inside the settlement boundary

- 3.1 42 Walsh Avenue, Warfield, is a two storey semi-detached dwellinghouse located to the north of the highway. The property benefits from a driveway. The surrounding area is predominantly residential.
- 3.2 There is a group Tree Preservation Order (TPO 232) on trees adjacent to the rear boundary of the application site.

4. RELEVANT SITE HISTORY

4.1 The relevant planning history is summarised as follows:

00/00722/FUL: Conversion of existing attached garage to form self-contained annexe (without compliance with condition 06 of planning permission 618804) together with single storey front extension – Approved 2000.

Condition 4 of permission 00/00722/FUL states that “The conversion and extension shall not be occupied until vehicle parking has been surfaced and marked out in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.”

5. THE PROPOSAL

- 5.1 Planning permission is sought for the erection of a first-floor side extension and single storey rear extension following demolition of the existing conservatory.
- 5.2 The proposed first-floor side extension would have a maximum depth of approximately 6 metres, a maximum width of approximately 2.73 metres, a maximum height above ground level of approximately 7 metres and a maximum eaves height above ground level of approximately 5.5 metres.
- 5.3 The proposed single storey rear extension would have a maximum depth of approximately 6 metres, a maximum width of approximately 4.8 metres, a maximum height above ground level of approximately 3.23 metres, and a maximum eaves height of approximately 3.23 metres.
- 5.4 A ramp has been built on the driveway which is in breach of Condition 4 of permission 00/00722/FUL. However, this ramp has become lawful through the passage of time as it is visible on the Council’s GIS from 2010, and the agent has confirmed it was constructed in 2007.

6. REPRESENTATIONS RECEIVED

Warfield Parish Council

6.1 Warfield Parish Council commented on the application on 21st October 2020 and recommended refusal on the grounds that the proposed parking is unrealistic for three vehicles.

Other representations received

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

- (i) Parking spaces not used - An objector commented that a letter was sent by Mike Holmes, Borough Planning Officer to S Norman under reference 00/00722/FUL dated 3rd October 2000 referring to using parking spaces to prevent on street parking which would be a danger to road users.
- (ii) Inconsiderate parking and potential for builders to damage neighbour's cars and hinder access at 39 Walsh Avenue
- (iii) Not enough space for 3 vehicles on the driveway
- (iv) An increased number of rooms increases those eligible to drive
- (v) The pathway next to 41 Walsh Avenue is used by school children
- (vi) Dangerous parking
- (vii) Overlooking to 39 Walsh Avenue reducing privacy to their garden and house
- (viii) Already many cars parked on the road
- (ix) Building vehicles restricting access for residents and blocking the roads in the case of an emergency
- (x) Noise and disturbance
- (xi) Road safety as parents walk their children to school on this stretch of road
- (xii) The property is on a corner and has already been extended and if it were made larger with more vehicles parking it would have a detrimental effect on the surrounding area.

6.3 A number of other objections were received, however no name or contact details were given and therefore they cannot be counted as formal objections. Additionally, one property raised 2 objections and as they are from the same household only count as one objection.

7. SUMMARY OF CONSULTATION RESPONSES

Highways Officer:

7.1 The Highway Authority has no objection to the revised parking plan and recommends a condition to secure on-site parking.

Tree Service:

7.2 The Tree Service deemed a consultation was not necessary, however, they recommended an informative be appended to an approval to ensure the protection of the nearby protected trees.

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 the CSDPD	Consistent
Residential amenity	Saved policy EN20 of BFBLP	Consistent
Design and Character	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Parking	Saved policy M9 of BFBLP and CS23 of the CSDPD	Consistent
Supplementary Planning Documents (SPD)		
Design SPD (2017)		
Parking Standards SPD (2016)		
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i Principle of development
- ii Impact on character and appearance of the area
- iii Impact on residential amenity
- iv Transport implications

i. Principle of development

9.2 The application 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 Policies CS1 (Sustainable Development), CS2 (Locational Principles) and the NPPF subject to no adverse impacts upon character and appearance of surrounding area, residential amenities of neighbouring properties, highway safety, protected trees etc. These matters are assessed below.

ii. Impact on character and appearance of the area

9.3 The proposed rear extension would be subservient to the host dwelling. The bricks and fenestration would match the existing. The single ply membrane proposed for the flat roof of the rear extension is not considered to have a significantly adverse impact on the streetscene as it would be set back from the road in the rear garden, with few cars accessing the part of the road it would be visible from. Additionally, it is not considered to significantly adversely impact on the character of the area as it would be a subtle addition to the dwellinghouse.

9.4 The proposed side extension would be a subservient addition to the host dwelling with a lower ridge height than the existing roof ridge. It would also be set back by 3.4metres from the existing furthest forward front elevation and would be similar in appearance to the existing dwellinghouse. As such it is not considered to have a significantly adverse effect on the streetscene or surrounding area, even though located on a corner plot. Additionally, the proposed side extension would be in keeping with the character and appearance of the surrounding area as the external materials would match the existing external materials.

9.5 Additionally, the proposal would not look out of place as there are similar developments nearby. 43 Walsh Avenue received permission (09/00132/FUL) for the erection of a single storey rear extension in 2009. 51 Walsh Avenue received permission (17/00839/FUL) in 2017 for the conversion of the garage and erection of first floor side extension.

9.6 As such, it is not considered that the development proposals under consideration have a significantly detrimental impact on the character of the area or the host dwelling.

iii. Impact on Residential Amenity

Overlooking

9.7 The rear extension is not considered to result in adverse overlooking as it would be single storey and would partially cover the footprint of the existing conservatory that is to be demolished, and is by nature largely constructed from glass. This conservatory will be replaced by a single storey extension with less glass than the existing structure.

9.8 A side window is proposed on the western elevation of the single storey rear extension. It is acknowledged that a single storey rear extension with side windows could be built under

permitted development to the rear elevation of the existing ground floor bedroom which is located closer to 39 Walsh Avenue than the proposed rear extension. Although under permitted development rights it would not have as great a depth, if windows were inserted on a rear extension in that location under permitted development rights at the maximum depth, they would only be 0.2 metres shorter in depth than the windows on the proposed rear extension. As such, the overlooking is not considered adverse as an extension could be built under permitted development rights without requiring planning permission which would result in a similar level of overlooking. Additionally, windows could be inserted on the single storey rear extensions side elevations under permitted development, without requiring planning permission.

9.9 Furthermore, the Design SPD (2017) does not set out the relationship requirements between a rear extension and neighbouring property whose garden borders the side elevation of the host dwellings garden. However, the Design SPD (2017) does state that rear extensions should have a minimum distance of 10 metres to the rear boundary and a minimum of 22 metres to the rear elevation of the opposite dwelling. 39 Walsh Avenue is not directly opposite to 42 Walsh Avenue, but is to the north west of the application sites rear garden. With a separation distance of 10.8 metres from the proposed development to the boundary fence shared with 39 Walsh Avenue, and a separation distance of approximately 29 metres to the rear elevation of 39 Walsh Avenue, the proposed development is not considered to result in adverse overlooking.

9.10 The proposed first floor side extension is not considered to result in adverse overlooking as no side windows are proposed. The proposed window to the front elevation would be at the same height as the existing front elevation windows and would be set further back from the highway than the existing furthest forward front elevation.

9.11 The proposed rear elevation windows would look out onto the host dwelling's rear garden whereby the rear boundary of the application site is bordered and screened by trees.

Overbearing

9.12 Given that a conservatory is currently located where the rear extension is proposed, although constructed largely from glass compared to the proposed rear extension, the proposal is not considered to be unduly overbearing. The conservatory currently projects by approximately 3.75 metres, and the proposed rear extension would project by approximately 6 metres. Additionally, given that it will have a single storey it will be subservient to the host dwelling and is not considered an overly large addition to the dwellinghouse

9.13 Furthermore, the neighbouring property has a rear extension largely constructed from glass. The side elevation which would be adjacent to the proposed rear extension is constructed from brick and does not have any side windows.

The proposed first floor side extension is not considered to be unduly overbearing to neighbouring properties due to its separation distance from them and as it would be subservient to the existing dwellinghouse with a lower ridge height. It would be approximately 22.5 metres from 41 Wlsh Avenue, 25.4 metres from 39 Wlsh Avenue, and 19.5 metres from 49 Walsh Avenue.

Overshadowing

9.14 Given the amount of glazing on the neighbouring conservatory/rear extension of 43 Walsh Avenue, the proposed rear extension is not considered to result in a substantial loss of light.

9.15 Due to the separation distance to other nearby properties, the proposed side extension is not considered to result in a loss of light to those properties.

Lighting and Noise Concerns

- 9.16 Noise and disturbance from building works is not a planning consideration. Any noise and disturbance would be for a temporary period during the course of the build and not a permanent impact.
- 9.17 Once completed, it is not considered that the development would result in lighting or noise nuisance over and above what is expected in residential areas. If the occupants of 42 Walsh Avenue are producing unacceptable levels of lighting or noise nuisances this can be investigated under Environmental Health legislation.
- 9.18 It is therefore considered that the development would not result in an adverse impact on the amenity of neighbouring occupiers, and would also provide an acceptable level of amenity for future occupiers, in accordance with BFBLP 'Saved' Policy EN20 and the NPPF, subject to the recommended conditions.

iv. Transport implications

- 9.19 In line with the Parking Standards SPD (2016), as the proposal would result in an increase in the number of bedrooms from 4 to 5, there is no requirement to provide additional parking above what is existing as 4 and 5 bedroom dwellings require the same amount of parking spaces.
- 9.20 Condition 4 of permission 00/00722/FUL stated that the conversion and extension shall not be occupied until vehicle parking has been surfaced and marked out in accordance with the approved drawing, and that the spaces shall thereafter be kept available for parking at all times. The applicant is currently in breach of this condition as a ramp has been built on the driveway. However, this ramp has become lawful through the passage of time as it is evident on GIS that the wall has been there since at least 2010, and the agent has confirmed via email (received 18th November 2020) that the ramp was built in 2007. Therefore, the ramp is lawful. As the existing parking provision is lawful, requiring additional parking spaces cannot be justified in planning policy terms.
- 9.21 9.21 The Highway Authority objected to the original parking plan showing the provision of one parking space although the existing parking provision is lawful. The applicant has now provided an amended parking plan showing an increase in the parking provision by proposing to demolish the ramp and provide an additional parking space, resulting in 2 off-street parking spaces for the application site. The Highway Authority has withdrawn its objection following the receipt of this revised parking plan.
- 9.22 Residents cannot be forced to park their cars on their driveways. Whether a resident uses or does not use their driveway is not a planning consideration. The only planning consideration is whether they can provide the required parking. The existing driveway is lawful and the increase from a 4- to 5-bedroom dwelling does not require any additional parking to be provided under the Council's adopted standards. Whether the driveway is used for parking cannot be controlled through a planning condition.
- 9.23 The comment regarding the increase in the number of rooms increasing the number of people eligible to drive is not a planning consideration. The requirements for parking provision are set out in the Council's Parking Standards SPD (2016) based on number of bedrooms in an existing dwelling. As stated previously the proposed parking is lawful and acceptable in planning terms and the increase from 4 to 5 bedrooms does not require additional parking provision.

- 9.24 In terms of dangerous parking, the Council cannot require residents or visitors to park in particular places. Any indiscriminate parking causing an obstruction is a matter to be enforced by the local police/PCSO.
- 9.25 Any construction vehicles parking restricting access for residents and blocking the roads in the case of an emergency would also be a matter enforced by the local police/PCSO.
- 9.26 One objector stated that the pathway next to 41 Walsh Avenue is used by school children. This is not a planning issue. No car regardless of the proposed development should be driving down a footpath. Again, any indiscriminate parking causing an obstruction could be a matter enforced by the local police/PCSO.

v. Impact on trees

- 9.27 There is a group Tree Preservation Order (TPO 232) on trees adjacent to the rear boundary of the application site.
- 9.28 The Tree Service stated that it did not require a consultation but recommended an informative regarding works and storage of materials be appended to any approval.

10. CONCLUSIONS

- 10.1 It is considered that the development is acceptable in principle and would not result in an adverse impact on the character and appearance of the surrounding area, the residential amenities of the occupiers of the neighbouring properties or highway safety. It is therefore considered that the proposed development complies with 'Saved' policies EN1 and EN20 of the BFBLP, Policies CS1, CS2 and CS7 of the CSDPD, BFBC SPDs and the NPPF.

11. RECOMMENDATION

That the application be approved subject to the following conditions:

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

Existing and Proposed Roof Plan – Drawing Number 20.42WA.P05 – Received 28.09.2020
 Proposed Floor Plans – Drawing Number 20.42WA.P03 - Received 28.09.2020
 Proposed Elevations - Drawing Number 20.42WA.P04.01 – Revision 01 – Received 28.10.2020
 Proposed Parking Plan – Drawing Number 20.42WA.P06.02 – Revision 02 – Received 08.12.2020
 Proposed Site Location and Block Plans – Drawing Number 20.42WA.SITE.P01.02 – Revision 01 – Received 08.12.2020

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 Application Form, received 28th of September 2020 by the Local Planning Authority.

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

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

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

Informatives

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. The following conditions do not require details to be submitted, but must be complied with:
 1. Time limit
 2. Approved plans
 3. Details of materials
03. Care should be taken with any activity, storage of materials or mixing of materials that takes place in the rear of the application site bound by the group Tree Preservation Order (TPO 232), and if work is intended in this area an application should be submitted to the Tree Service.
04. 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.
05. This is a planning permission. Before beginning any development you may also need separate permission(s) under Building Regulations or other legislation. It is your responsibility to check that there are no covenants or other restrictions that apply to your property.

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ITEM NO:

Application No.
20/00918/FUL

Site Address:

Ward:
 Warfield Harvest Ride

Date Registered:
 4 December 2020

Target Decision Date:
 29 January 2021

**Erin Lodge Jigs Lane South Warfield Bracknell
 Berkshire RG42 3DR**

Proposal: **Erection of single storey rear extension.**

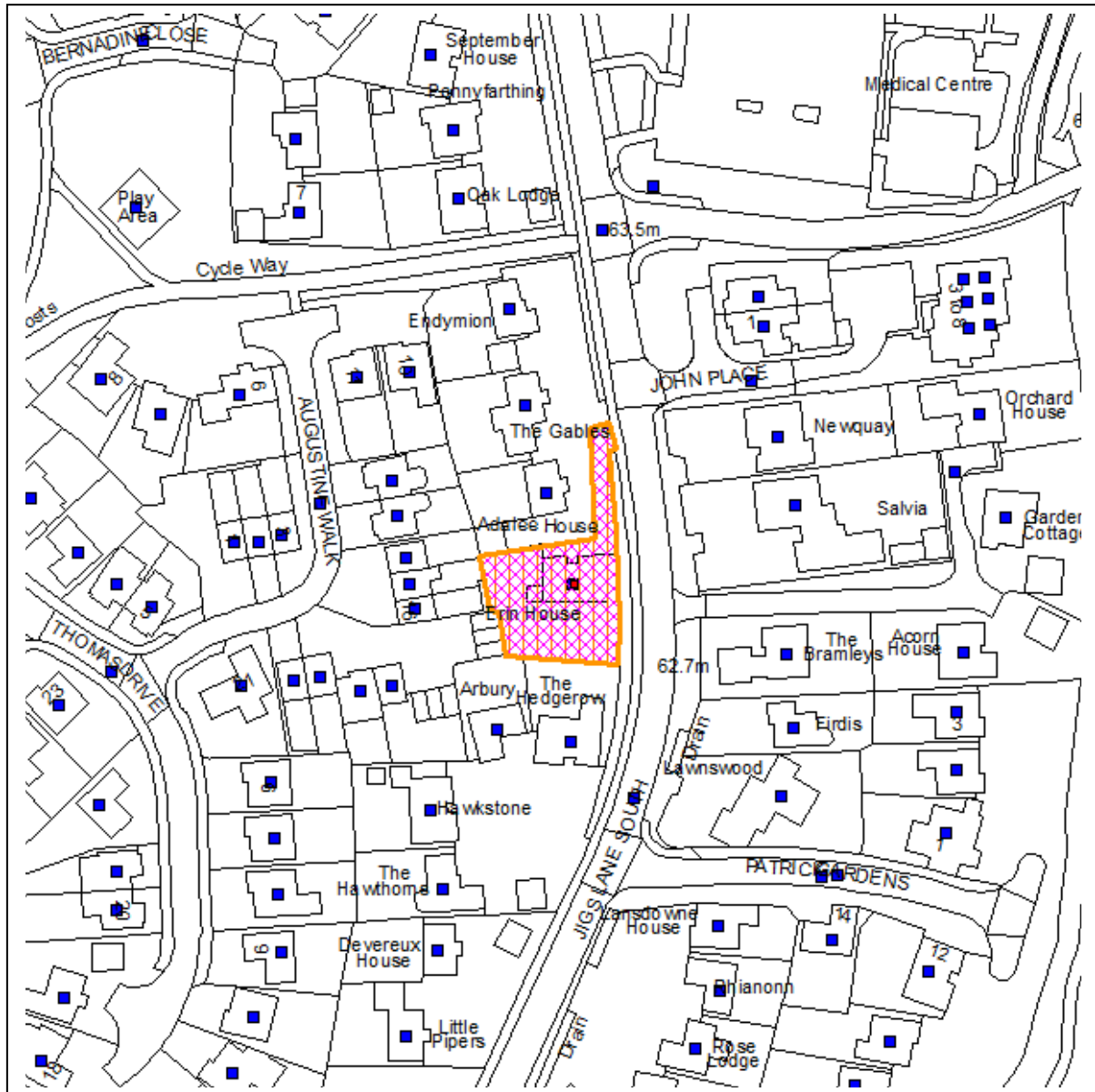
Applicant: Mr & Mrs Fulcher

Agent: Mr Alistair Lloyd

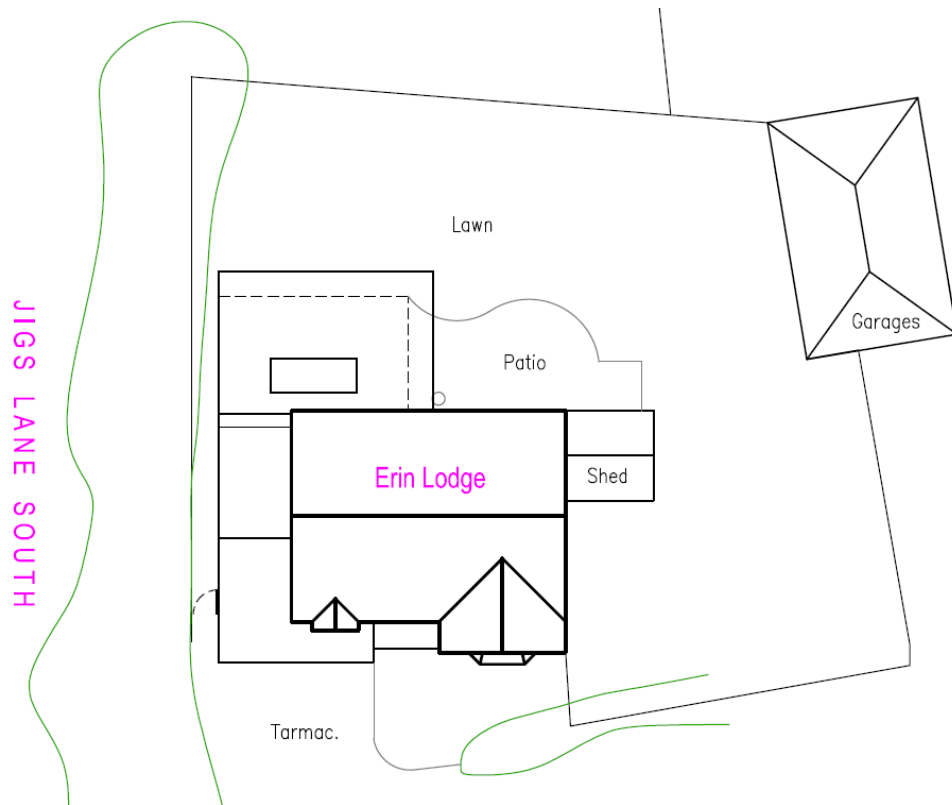
Case Officer: Lucy Ormrod, 01344 352000

development.control@bracknell-forest.gov.uk

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



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



Existing rear elevation (for identification purposes only, not to scale)



Proposed Rear Elevation (for identification purposes only, not to scale)



OFFICER REPORT

1. SUMMARY

- 1.1 The proposal is for the erection of a single storey rear extension at Erin Lodge, Jigs Lane South, Warfield, Bracknell, RG42 3DR.
- 1.2 The proposed development is within the settlement boundary.
- 1.3 It is not considered that the development results in an adverse impact on the streetscene or the character and appearance of the area. The relationship with adjoining properties is acceptable.

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

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

- 2.1 The application has been reported to the Planning Committee as the applicant is a member of staff in the Planning Department at Bracknell Forest Council.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Inside the settlement

- 3.1 Erin Lodge, Jigs Lane South, Warfield, Bracknell, RG42 3DR is a detached dwellinghouse located to the west of the highway. The property benefits from a driveway and the surrounding area is predominantly residential.

4. RELEVANT SITE HISTORY

4.1 There is no relevant planning history.

5. THE PROPOSAL

5.1 The proposal is for the erection of a single storey rear extension.

5.2 The proposed development would have a maximum depth of approximately 4.1 metres, a maximum width of approximately 6.6 metres, a maximum height of approximately 3metres, and a maximum eaves height of approximately 3 metres.

5.3 It is noted that a Certificate B was submitted due to the application site having a shared driveway.

6. REPRESENTATIONS RECEIVED

Bracknell Town Council

6.1 Warfield Parish Council commented on the application on 22nd December 2020 and raised no objection

Other responses received

6.2 There have been no representations received from neighbouring properties.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 No consultations were necessary.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
General policies	CS1 & CS2 of the CSDPD	Consistent
Residential amenity	Saved policy EN20 of BFBLP	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Supplementary Planning Documents (SPD)		
Design SPD (2017)		
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i Principle of development
- ii Impact on character and appearance of the area
- iii Impact on residential amenity

i. Principle of development

9.2 The application 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 Policies CS1 (Sustainable Development), CS2 (Locational Principles) and the NPPF subject to no adverse impacts upon character and appearance of surrounding area, residential amenities of neighbouring properties, etc. These matters are assessed below.

ii. Impact on character and appearance of the area

9.3 The proposed development would largely be obscured from view from the highway as it would be single storey and would largely be screened by a boundary fence with a height of 1.8 metres.

9.4 It is evident from the Council's Geographical Information System that there have been conservatories erected on the rear elevations of properties in the surrounding area, such as 'The Gables, Jigs Lane South' and 'The Hedgerow, Jigs Lane South'. Additionally, 'The Hawthorns, Jigs Lane South had permission (02/00773/FUL) approved in 2003 for the erection of a two storey front extension and a single storey rear extension forming a conservatory which has evidently been built out as shown on the Council's Geographical Information System. As such the proposed rear extension is not considered to be out of keeping with the character and appearance of the surrounding area.

9.5 The proposed extension is not considered to be out of keeping with the host dwelling as it would be subservient to it and the materials would largely be similar to the existing external materials as stated on the application form. It has been confirmed via email (received 18/01/2021 from the applicant) that the proposed extension would have a flat roof constructed from grey fibreglass. Although the existing roofs of the host dwelling are red/brown concrete interlocking roof tiles, grey fibreglass is not considered to adversely impact on the character of the area.

9.6 It is considered that the development would not result in an adverse impact on the character and appearance of the area or the host property, in accordance with CSDPD Policy CS7, BFBLP 'Saved' Policy EN20, and the NPPF.

ii. Impact on Residential Amenity

9.7 Given the separation distance to neighbouring properties, combined with boundary fences and the proposal being single storey, the proposed extension is not considered to result in adverse impacts on the residential amenity of neighbouring occupiers. Furthermore, although the proposal does not meet the criteria for permitted development due to the existing utility room being slightly set back from the rest of the rear elevation of the property, proposals along the rear elevations could still be built under permitted development which would be located as close to the neighbouring properties as the existing dwellinghouse.

9.8 It is therefore considered that the development would not result in an adverse impact on the amenity of neighbouring occupiers, and would also provide an acceptable level of amenity for future occupiers, in accordance with BFBLP 'Saved' Policy EN20 and the NPPF, subject to the recommended condition.

10. CONCLUSIONS

10.1 It is considered that the development is acceptable in principle and would not result in an adverse impact on the character and appearance of the surrounding area, or the residential amenities of the occupiers of the neighbouring properties. It is therefore considered that the proposed development complies with 'Saved' policy EN20 of the BFBLP, Policies CS1, CS2 and CS7 of the CSDPD, BFBC SPDs and the NPPF.

6 RECOMMENDATION

That the application be approved subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out only in accordance with the following approved plans and documents received by the Local Planning Authority on 4th December 2020:

GIS Plan

Location Plan

Existing & Proposed Plans & Elevations – Drawing Number FUL/01

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 extension hereby permitted shall be similar in appearance to those on the existing dwelling, with the exception of the flat roof which shall be constructed from grey fibreglass.

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

[Relevant Policies: BFBLP EN20, CSDPD CS7]

Informatives

01. The Local Planning Authority has acted positively and proactively in determining this application. 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 do not require details to be submitted, but must be complied with:

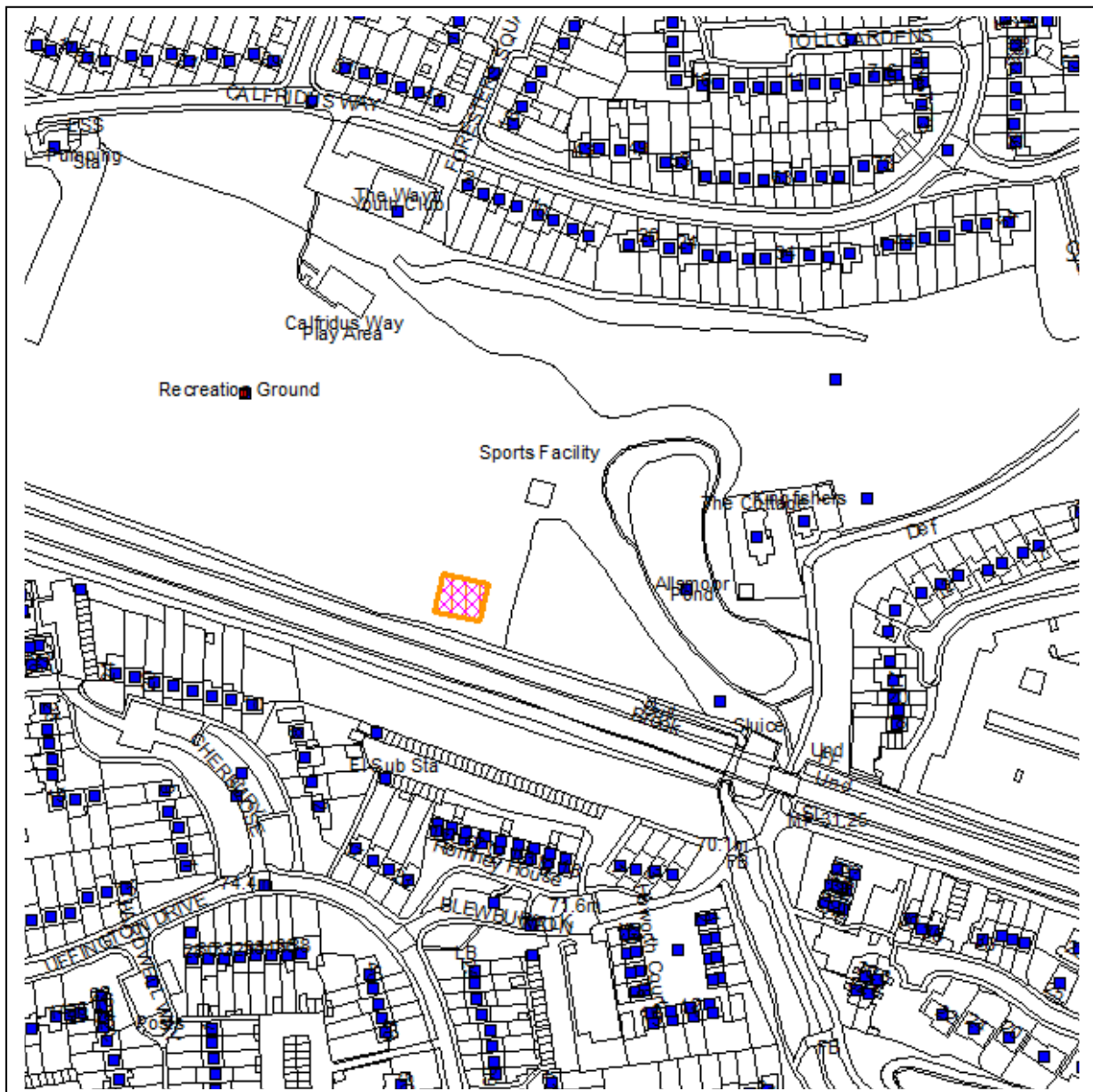
1. Time limit
2. Approved plans
3. Materials

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.

ITEM NO:			
Application No.	Ward:	Date Registered:	Target Decision Date:
20/01061/RTD	Harmans Water	6 January 2021	2 March 2021
Site Address:	Calfridus Way Playing Fields Calfridus Way Bracknell Berkshire		
Proposal:	Installation of 1 no. 25m high column, with 3 no. antennas, 2 no. 0.6m dishes, 2 no. ground-based equipment cabinets, and ancillary development enclosed by a 8.0m x 6.0m compound within 2.1m high palisade fence.		
Applicant:	EE Ltd		
Agent:	Mr Niall Kelleher		
Case Officer:	Sarah Horwood, 01344 352000 development.control@bracknell-forest.gov.uk		

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



OFFICER REPORT

1. SUMMARY

1.1 An assessment has been made as to whether the prior approval of the Local Planning Authority is required for the siting and appearance of the proposed development which comprises the installation of a 25m high Swann type A Column, with 3no. antennas, 2no. 0.6m dishes, 2no. ground-based equipment cabinets, installed within an 8m x 6m compound, enclosed by 2.1m high palisade fencing, in accordance with Class A, Part 16, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

1.2 The siting and appearance of the proposed development would not result in unacceptable impacts to the residential amenities of neighbouring dwellings or the character of the area. Furthermore, the siting of the proposal would not result in highway safety implications or adversely impact upon existing trees.

1.3 As the proposal is for the installation of a new mast and associated development, it must be assessed on its own merits against the relevant criteria and it is concluded that prior approval is required. It is recommended that prior approval is granted for the proposed development as its siting and appearance are considered acceptable.

RECOMMENDATION

Prior approval is required and prior approval is granted subject to conditions in Section 12 of this report.
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2. REASON FOR REPORTING APPLICATION TO COMMITTEE

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

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

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within the settlement boundary

Green space and area of Local Green Space

3.1 Calfridus Way is a public playing field located to the south of the highway at Calfridus Way and to the west of the highway at Ralphs Ride. The London-Waterloo railway line runs directly to the south of the site.

3.2 The site comprises sports pitches and play equipment. The Wayz Youth Club is sited to the north of the play equipment. The site perimeter is bounded by existing trees. There is an area of hardstanding along the western boundary which is used for parking.

4. RELEVANT SITE HISTORY

4.1 The most recent site history relating to Calfridus Way playing fields is:

20/00303/FUL refused at Planning Committee in November 2020 for Installation of a 27.5m high Swann Type A monopole telecommunications mast with 3no. antennas, 2no. 0.6m dishes, 2no. ground based equipment cabinets and ancillary development thereto. Installed within an 8.0m x 6.0m compound with a 2.1m palisade fence for the following reasons:

1. *By reason of its height and design, the proposed telecommunications mast would appear unduly prominent to the detriment of the character and visual amenities of the surrounding area. The proposed development would therefore be contrary to Saved Policies SC4 and EN20 of the Bracknell Forest Borough Local Plan, Policy CS7 of the Core Strategy Development Plan Document and the National Planning Policy Framework.*
2. *By reason of its siting within a proposed local Green Space, the proposed telecommunications mast would not enhance the role and function of the local Green Space. The proposed development would therefore be contrary to Policy EV3 of the Bracknell Town Neighbourhood Plan and the National Planning Policy Framework.*

12/00809/FUL approved February 2013 for retention of existing hardstanding to provide 36no. additional parking spaces including dropped kerb and new entrance gate.

5. PERMITTED DEVELOPMENT RIGHTS FOR ELECTRONIC COMMUNICATIONS APPARATUS

5.1 Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) covers development by electronic communications code operators.

5.2 Class A permitted development is:

Development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of—

- (a) the installation, alteration or replacement of any electronic communications apparatus,
- (b) the use of land in an emergency for a period not exceeding 18 months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or
- (c) development ancillary to radio equipment housing.

5.3 The proposed 25m monopole, cabinets and associated development would constitute the installation of electronic communications apparatus as set out above and be classed as "ground based equipment".

5.4 The caveats relating to ground-based equipment are set out at A.1 (1) of the GPDO 2015 (as amended) which states:

Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than on a building) is not permitted by Class A (a) if...

- (c) in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of—

- (i) 25 metres above ground level on unprotected land; or
- (ii) 20 metres above ground level on article 2(3) land or land which is on a highway;

5.5 The proposed mast at a height of 25m would be sited on unprotected land (that is land that is not article 2(3) land or highway land) and would satisfy the above caveats. As such, the proposal would be considered permitted development, subject to the following conditions set out at A.2 (3) of the GPDO 2015 (as amended):

- (3) Subject to sub-paragraph (5), Class A development...
- (c) on unprotected land where that development consists of—
 - (i) the installation of a mast...is permitted subject, except in case of emergency (in which case only paragraph A.3(12) applies), to the conditions set out in paragraph A.3 (prior approval).

5.6 The proposal consists of the installation of a mast which satisfies the criteria for permitted development set out in Class A, Part 16 of the GPDO 2015 (as amended). As such, the developer must apply to the Local Planning Authority for determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development, as set out under paragraph (4) A.3 of Class A, Part 16, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

5.7 The Code of Best Practice on Mobile Network Development in England (November 2016) provides some guidance as to what matters can be considered relating to siting and appearance. Siting can include existence of topographical features and natural vegetation, impact on skyline, site in relation to existing masts, structures and buildings. Design can include height in relation to surrounding area, appearance of the installation, material, colouration.

5.8 The Council has 56 days in which to consider RTD applications. If no decision is made within the timeframe, the application will be deemed as approved.

5.8 The proposed development due to its siting would not interfere with highway sightlines, or access for road users, and thus would not create a highway safety concern. The development would therefore not impact upon highway safety in accordance with Article 3, paragraph 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which states that:-

- (6) The permission granted by Schedule 2 does not, except in relation to development permitted by Classes A, B, D and E of Part 9 and Class A of Part 18 of that Schedule, authorise any development which requires or involves the formation, laying out or material widening of a means of access to an existing highway which is a trunk road or classified road, or creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons.

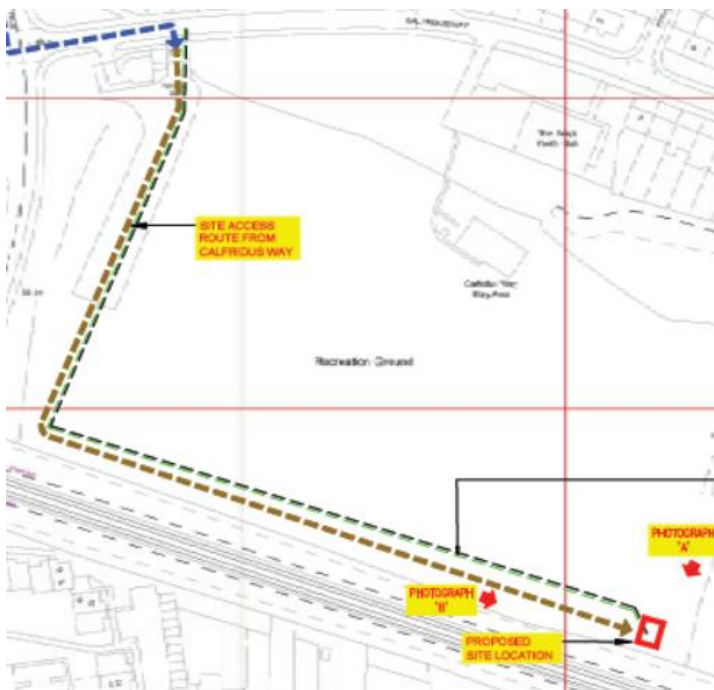
6. THE PROPOSAL

6.1 This is an application for determination as to whether the prior approval of the Local Planning Authority will be required for the siting and appearance of electronic communications apparatus in accordance with Class A of Part 16 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As the proposal is for the installation of a new mast, cabinets and compound, it is considered that prior approval is required. An assessment is required therefore as to the acceptability of the siting and appearance of the proposal.

6.2 The proposal comprises the installation of a 25m high Swann type A Column, with 3no. antennas, 2no. 0.6m dishes, 2no. ground-based equipment cabinets, installed within an 8m x 6m compound, enclosed by 2.1m high palisade fencing.

6.3 The mast subject to this prior approval application has been reduced in height by 2.5m to 25m from that subject to previous planning application, 20/00303/FUL. The development subject to this RTD application is permitted development, subject to the prior approval process to assess matters relating solely to siting and appearance. The previous refused application 20/00303/FUL for a 27.5m high mast required the submission of a full planning application as its height exceeded 25m.

6.4 The proposed development would be located within the south-eastern corner of the playing fields and would be operated by EE Ltd.



6.5 The applicant has submitted a certificate, which confirms that the proposed mast meets ICNIRP (International Commission on Non-Ionising Radiation Protection) guidelines.

Technical justification

6.6 The supporting information submitted as part of the application states:

- The requirement for a mobile phone base station in this area is to provide EE Ltd customers new 4G (and at a later date 5G) service when utilising rail services between Martins Heron and Bracknell stations.
- South Western Railway utilise EE's 4G network for the connectivity of the on board wi-fi on SWR services so it is vital that there is continuity of coverage in order for the Wi-Fi to operate.
- Following relevant signal testing on the railway line in the search for a new base station, it was found there was a significant black spot within this location of the railway line where the signal strength is inadequate to provide minimum acceptable levels of coverage.



- Within the National Infrastructure Commission Report published in December 2016, specific recommendations are made to help improvement in connectivity for mobile phone coverage for rail passengers and its importance for an open and accessible backhaul network fit for the future and the implantation of 5G technology.
- The National Infrastructure Commission reaffirmed the urgent requirement for vastly improved data and voice mobile phone coverage on trains in its July 2018 report. This proposal works towards this overarching aim by providing mobile phone coverage on commuter routes such as this one.
- It will provide enhanced coverage to the EE's network in this area.
- EE's Radio Engineer has confirmed that there are no similar structures to locate to or optimise in order to provide the required coverage to this section of the railway line as such a new cell is required to fill the coverage gap.
- The site will form part of the new 4G Emergency Services Network ("ESN") that will replace the existing Airwave TETRA radio service used by the emergency services (including the Police, Fire & Rescue and Ambulance services) to communicate.

Site selection process

6.7 Para 115 of the NPPF states that "applications for electronic communications development (including applications for prior approval) should be supported by the necessary evidence to justify the proposed development. This should include...for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met".

6.8 The technical need for the proposed installation to provide EE network coverage to SWR services and their on-board Wi-Fi service, Emergency Services Network coverage and EE coverage in this location has been demonstrated as part of this application. 9 alternative sites have been considered and discounted as part of the search process for a new base station.

6.9 The 9 alternative sites identified, considered and discounted in the area as being less appropriate sites are summarised below. The search area is small due to the coverage requirements.

Martins Heron Station Car Park

There is no space to effectively locate telecommunications equipment without considerable disturbance caused to the station's day-to-day operations in terms of access, egress and maintenance. It is also questionable whether the equipment would be close enough to the target coverage area to provide a technical solution. Any structure within this area would likely be overbearing and incongruous.

Streetworks, New Forest Ride

There would be insufficient space on the footway to accommodate telecommunications equipment.

Streetworks between Martins Lane and Whistely Close

Given the density of vegetation and lack of space to accommodate crane/plant machinery to install equipment, it would be difficult from a design perspective. It is also debateable whether the site would work from a technical perspective due to the vegetation. Access to the site is also difficult, likely affecting existing residential dwellings during construction, maintenance and upgrades.

Streetworks, Ralphs Ride

This site could be possible but would need to be a pole at a height of 20m due to the height of trees along the railway line. This would impact the visual amenities of the immediate area. The build perspective would also be difficult due to underground bridge footings and associated permissions surrounding interference with Network Rail signalling equipment in the area.

Streetworks, Ralphs Ride

This site could be possible but would need to be a pole at a height of 20m due to the height of trees along the railway line. This would impact the visual amenities of the immediate area and would be visible from residential dwellings. The build perspective would also be difficult due to underground bridge footings and associated permissions surrounding interference with Network Rail signalling equipment in the area.

Broad Lane Streetworks

This location could be considered but would be less appropriate impacting upon visual amenities of the area.

In or surrounding Uffington Drive

Due to lack of screening, an installation would appear prominent in the area and to adjoining residential dwellings.

Tesco superstore car park

Due to lack of screening, an installation would appear prominent in the area and to adjoining residential dwellings.

Land east of Mills Chase, The Parks

Further away from the heart of the search area from a technical perspective, and there is less screening available at this site.

6.10 All of the above sites were discounted. This site is considered by the operator to be the most appropriate from both a technical and planning perspective.

7. REPRESENTATIONS RECEIVED

Bracknell Town Council

7.1 Comments will be reported in the supplementary report.

Other representations

7.2 8 objections received which are summarised as follows:

- Inappropriate to site the proposal within playing fields
- The site is a designated green space.
- The site is well used community space.
- Overbearing and oppressive
- Impact on wildlife
- This proposal is in conflict with local planning policies and the EV3 Bracknell Town Neighbourhood Plan.
- There are other areas the mast could be sited.
- Mast will appear visible when trees within the playing fields lose their leaves
- There have been two previous failed attempts in 2020 to get planning permission for a such a mast in the same location (20/00139/FUL - withdrawn and 20/00303/FUL - refused). The reduction in height does not address previous objections.
- The previous application attracted 39 objections and these are still valid.
- How much longer is the planning process going to allow repeated applications for the same thing one after another, when there is a clear history of previous refusals.
- No issues with EE coverage whilst on SWT trains using the nearby railway.
- Service road will be required to construct the mast. This will result in highway safety issues
- This application if goes ahead will affect residents and the community.

7.3 Any further objections will be reported in the supplementary report.

8. SUMMARY OF CONSULTATION RESPONSES

Highways Officer

8.1 No objection subject to conditions.

Tree Officer

8.2 No objection subject to conditions.

9. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO DECISION

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

	Development Plan	NPPF
Design	Saved policy EN20 of BFBLP CS7 of the CSDPD	Consistent
Residential amenity	'Saved' policies EN20 and EN25 of the BFBLP	Consistent
Highway Safety	'Saved' policy M9 of the BFBLP CS23 of the CSDPD	Consistent
Trees	Saved Policy EN1 of the BFBLP, CS1 of the CSDPD	Consistent
Telecommunications development	Saved Policy SC4 of BFBLP	Consistent
Other publications		
National Planning Policy Framework (NPPF) 2019 Community Infrastructure Levy Charging Schedule (CIL) Bracknell Town Neighbourhood Plan		

10. PLANNING CONSIDERATIONS

10.1 The key issues for consideration relating to the proposed mast, cabinets and compound is whether the siting and appearance of the development is acceptable.

i. Principle of development

10.2 The principle of development is established by the GPDO 2015 (as amended). Consideration is given to any policies in the development plan or the NPPF only in so far as they are relevant to matters of siting and appearance as set out at paragraphs A.2 and A.3 of Class A, Part 16, Schedule 2 of the GPDO 2015 (as amended).

10.3 Under the prior approval process, the LPA has 56 days to make and notify its determination on whether prior approval is required as to siting and appearance of the proposed development and to notify the applicant of the decision to give or refuse such approval under Class A, Part 16, Schedule 2 of the GPDO 2015 (as amended).

ii. Residential amenity (siting and appearance)

10.4 The proposed mast and associated development would be sited some 120m from the nearest residential dwellings to the north, 100m from the nearest dwellings to the east, 60m from the nearest dwellings to the south and 200m from the nearest dwellings to the west. The proposed mast at a height of 25m would be visible above some of the mature trees which bound Calfridus Way which range in height from 22.5m to 26m. However, due to the separation distances to the closest residential dwellings, the proposed mast would not appear unacceptably overbearing.

10.5 The proposed cabinets would be enclosed within a 2.1m palisade fence compound and this element of the proposal would not appear readily visible to surrounding dwellings due to separation distances and existing screening.

10.6 As such, the siting and appearance of the proposed development would not be considered to adversely affect the residential amenities of neighbouring occupiers and would be in accordance with Saved Policy EN20 of the BFBLP and the NPPF.

iii. Impact on character and appearance of surrounding area (siting and appearance)

Siting within Calfridus Playing fields

10.7 The siting of the proposed development is within Calfridus Way Playing Fields which is designated as a green space and falls within the category of an area of active open space of public value where the site comprises sports pitches and play equipment.

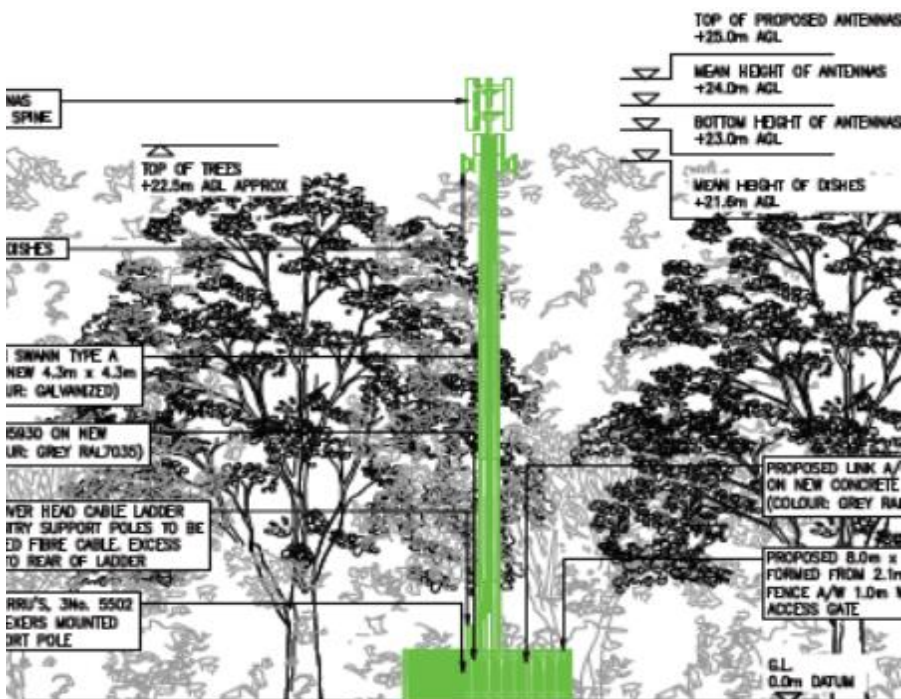
10.8 The Bracknell Town Neighbourhood Plan designates this open space as a Local Green Space. Policy EV3 states that any proposals for built development on these Local Green Spaces must be consistent with policy for Green Belts and will not be permitted unless it can be clearly demonstrated that it is required to enhance the role and function of that Local Green Space.

10.9 The proposed development would be located within the far south-eastern corner of the playing fields. Whilst the proposal would result in the very small loss of an area of open space (approximately 0.23% of the playing fields in total), the siting of the proposed development would not compromise the function of the open space overall and would not result in the loss of existing recreational facilities given its siting.

10.10 Sport England was consulted on previous application 20/00303/FUL. It is a statutory consultee for planning applications for development that affect or could prejudice the use of playing fields. The land at Calfridus Way comprises playing fields as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). Sport England raised no objection to the siting of the development on the previous application 20/00303/FUL as it did not affect the pitches or a 3m runoff area from the edge of the pitches. The same would apply to this application for prior approval as the proposed development is sited in the same location as that considered by 20/00303/FUL.

Other considerations relating to siting and appearance

10.11 The proposed development would be located in the corner of the playing fields, adjacent to the railway. Land levels decline from the highway at Calfridus Way southwards towards the railway line. The proposed 25m high mast and its associated compound would be viewed against the context of the railway embankment and its associated infrastructure, with mature trees providing a further backdrop. It is acknowledged that the proposed telecommunications equipment would result in some visual impact on the area due to its height and siting. However, the degree of harm is not considered unacceptable.



10.12 The proposed mast would be 25m high and would be taller than some surrounding trees which the mast would be viewed against (which range in height from 22.5m to 26m). For the mast to be fit for purpose, the antennas must have a clear line of sight, so the headframe of the mast slightly exceeds the surrounding tree canopy to provide the necessary coverage. The height of the mast has been reduced from that proposed by refused application, 20/00303/FUL by 2.5m.

10.13 The proposed mast would be a column design which is considered more appropriate than a lattice type tower in this location. The proposed mast and cabinets would be sited within a compound enclosed by 2.1m high palisade fencing which would screen the ground-based cabinets, whilst still maintaining views of the backdrop of trees behind to mitigate its visual prominence. The proposed mast and associated cabinets would be light grey in colour which would be acceptable (especially where the surrounding trees are deciduous, and the height of the mast would exceed the tree canopy from some viewpoints).

10.14 It is therefore considered that the siting and appearance of the proposed development would not result in significant adverse impacts on the character and appearance of the area in accordance with CSDPD Policy CS7, BFBLP 'Saved' Policies EN20 and SC4, and the NPPF.

iv. Impact on highway safety (siting)

10.15 The proposed location of the mast is away from the public highway. Visibility from the access onto Calfridus Way is sufficient.

10.16 Access will be needed for construction and occasional maintenance. An access route is shown on the drawings accompanying the application from Calfridus Way utilising an existing maintenance access to the playing fields. The route for construction vehicles between Calfridus Way and the telecoms apparatus location will require surface protection and Heras fencing, to ensure that vehicles do not stray into areas being used by the general public.

10.17 Sufficient space will need to be made available so that construction vehicles can enter the site in a forward gear, turn around and leave the site in a forward gear. Reversing of construction vehicles from or onto Calfridus Way will not be permitted. Wheel wash will need to be used for all vehicles before they return to Calfridus Way. Construction vehicles should avoid the defined traffic sensitive time periods for Calfridus Way and Ralphs Ride, which provide the access route to the site.

10.18 A planning condition is recommended in relation to a site organisation plan in the interests of highway safety. Subject to the imposition of this condition, the siting of the proposal would not result in adverse highway safety issues and would be in accordance with CS23 of the CSDPD and the NPPF.

v. Impact on trees (siting)

10.19 There are existing trees around the perimeter of the playing fields which are not subject to Tree Preservation Orders, however they have important amenity value within the area.

10.20 The proposed mast and cabinets would be sited outside the root protection areas (RPAs) of existing trees, with the exception of the southern end of the compound which would be enclosed by palisade fencing. Existing trees would be safeguarded with protective fencing during the installation, along with the use of ground protection measures where works would encroach in the RPAs. This will be secured by the necessary conditions.

10.21 The installation of all underground services to the proposed development would comply with the National Joint Utilities Group (NJUG) 'Guidelines for the planning, installation, and maintenance of utility services in proximity to trees' and BS5837 and there will be no encroachment into the root protection area of trees along the perimeter of the site.

10.22 The siting of the proposed development would not result in the lopping or removal of any existing trees which are important landscape features within the area.

10.23 Subject to the imposition of conditions, the siting of the proposal would not adversely affect existing trees and would be in accordance with Saved Policies EN1 and EN20 of the BFBLP, CS1 of the CSDPD and the NPPF.

Other matters

vi. Health

10.24 Paragraph 116 of the NPPF states that "local planning authorities must determine applications on planning grounds only. They should not...set health safeguards different from the International Commission guidelines for public exposure.

10.25 The applicant has submitted a certificate which confirms that the proposed mast meets ICNIRP (International Commission Non-Ionising Radiation Protection) guidelines.

10.26 As an ICNIRP certificate accompanies the application, there are no grounds for refusal based on perceived health risks.

vii. Need

10.27 BFBLP 'Saved' Policy SC4 refers to telecommunication development being permitted provided that there is a need for the development.

10.28 Paragraph 116 of the NPPF states that "local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure. The technical need for the proposed installation within this location has been demonstrated, along with other sites considered and discounted within the relevant search area.

viii. Community Infrastructure Levy (CIL)

10.29 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.

10.30 CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted), including extensions of 100 square metres of gross internal floor space, or more, or new build that involves the creation of additional dwellings. In this case the proposal is not CIL liable as it would not constitute the creation of internal floor space/a new dwelling.

11. CONCLUSION

11.1 An assessment has been made as to whether the prior approval of the Local Planning Authority is required for the siting and appearance of the proposed development which comprises the installation of a 25m high Swann type A Column, with 3no. antennas, 2no. 0.6m dishes, 2no. ground-based equipment cabinets, installed within an 8m x 6m compound, enclosed by 2.1m high palisade fencing, in accordance with Class A, Part 16, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

11.2 It is concluded that prior approval is required and should be granted for the proposed development.

11.3 Prior approval granted by Class A, Part 16, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) is subject to conditions set out in paragraphs A.3 (9), A.3 (11) and A.2 (2) which specify the development must:

- Begin no later than the expiration of 5 years beginning with the date on which the approval was given or in any other case, not later than the expiration of 5 years beginning with the date on which the local planning authority received the application;
- Be undertaken in accordance with the details approved or submitted with the application;
- Be removed from the land as soon as reasonably practicable after it is no longer required for electronic communications purposes; and the land restored to its condition before the development took place.

12. RECOMMENDATION

12.1 That prior approval is required and that prior approval is granted for the siting and appearance of the development subject to the following additional conditions:

1. The development hereby permitted shall be carried out only in accordance with the following approved plans dated 6 January 2021:

Drawing 01F
Drawing 02F
Drawing 06F
Drawing 07F

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

2. The mast hereby approved shall be finished in colour ref: galvanised; and the cabinets hereby approved shall be finished in colour ref: Grey RAL 7035.

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

3. No development shall take place until an access suitable for construction vehicles has been implemented in accordance with a site organisation plan to be submitted to and approved in writing by the Local Planning Authority. The site organisation plan shall include as a minimum:

- (i) Location and safe operation of the access for construction vehicles from Calfridus Way;
- (ii) Routing of construction traffic between Calfridus Way and the telecoms apparatus;
- (iii) Details of surface protection for the full length of the access route between Calfridus Way and the telecoms apparatus;
- (iv) Details of Heras fencing alongside the access route between Calfridus Way and the telecoms apparatus to avoid vehicles deviating from the agreed route, to protect the public from construction vehicles and protect adjoining trees;
- (v) Swept paths demonstrating that the largest anticipated construction vehicle can enter the site in a forward gear, turn around and leave the site in a forward gear;
- (vi) Details of wheel wash facilities for all vehicles associated with construction, before they re-join Calfridus Way;
- (vii) Details of the parking of vehicles for site operatives and visitors;
- (viii) Areas for loading and unloading of plant and materials;
- (ix) Location of any temporary portacabins or welfare buildings for site operatives;
- (x) Construction working hours and hours during which delivery vehicles or vehicles taking materials away are allowed to enter or leave the site, which shall avoid the traffic sensitive time periods defined for Calfridus Way and Ralphs Ride.

(xi) Timescales of works;

(xii) Reinstatement of land following removal of temporary access route connected to the development.

The approved site organisation plan shall be adhered to throughout the construction period.

REASON: in the interests of highway safety and in the interests of adjoining trees

[Relevant Policies: BFBLP EN1, EN20, EN25; CSDPD CS1, CS7, CS23].

4. The protective fencing shown on the approved drawings/documents shall be 2m high (minimum) welded mesh panels, supported by a metal scaffold framework, constructed in accordance with Section 6.2 of British Standard 5837:2012, or any subsequent revision. The development shall be carried out in accordance with the approved drawings.

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]

5. The protective fencing and other protection measures specified by condition 4 shall be erected prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site

. No activity of any description must occur at any time within these areas including but not restricted to the following: -

- a) No mixing of cement or any other materials.
- b) Storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description.
- c) Siting of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, porta-loos, storage compounds or hard standing areas of any other description.
- d) Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ ground conditions of any other description.
- e) Installation/siting of any underground services, temporary or otherwise including; drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting.
- f) Parking/use of tracked or wheeled machinery or vehicles of any description.

In addition to the protection measures specified above,

a) No fires shall be lit within 20 metres of the trunks of any trees or the centre line of any hedgerow shown to be retained.

b) No signs, cables, fixtures or fittings of any other description shall be attached to any part of any retained tree.

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

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

6. The ground protection measures shall be carried out in accordance with the approved drawings/documents, prior to the commencement of any development works, including any initial clearance, and shall be maintained in its approved locations at all times, until the completion of all building operations on the site.

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]

ITEM NO:			
Application No.	Ward:	Date Registered:	Target Decision Date:
21/00020/PAC	Crowthorne	8 January 2021	5 March 2021
Site Address:	Countrywide House 28 Wellington Business Park Dukes Ride Crowthorne Berkshire RG45 6LS		
Proposal:	Prior approval change of use from B1 (office) to C3 (residential) to create 6 No. dwellings.		
Applicant:	Mr Ben Coleman		
Agent:	Mr N Griffin		
Case Officer:	Olivia Jones, 01344 352000 development.control@bracknell-forest.gov.uk		

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



1. SUMMARY

- 1.1 Prior Approval is sought for the change of use of the detached building known as Countrywide House (28 Wellington Business Park) from an office (B1a) to 6no. flats (C3).
- 1.2 The proposal complies with the criteria set out in Paragraph O.1 of Class O, Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Subject to no adverse impact of noise from commercial properties on future occupiers' prior approval can therefore be granted.
- 1.3 For the purposes of the Town and Country Planning (Use Classes) (Amendment) (England) Regulation 2020 which came into force on 1st September 2020 the building is now classified under Class E. However, section 3(3) of these regulations specify that, in relation to applications subject to prior approval under Schedule 2 of the GPDO, reference to uses or use classes should be made to the Schedule to the Use Classes Order on 31st August 2020. As such, for this application the building will be referred to as being in B1a use.

2. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Within settlement boundary
Within 5km of the SPA

- 2.1 The building is in lawful use as an office. The application site comprises a two storey building located within Wellington Business Park, Crowthorne. The building faces onto a shared parking courtyard.

3. REASON FOR DETERMINATION AT PLANNING COMMITTEE

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

4. RELEVANT SITE HISTORY

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

00/00912/FUL

Installation of a satellite dish (1.2m in diameter) on south elevation.
Approved 2000

20/00836/PAC

Prior approval for change of use from B1(a) offices to 4no. C3 dwellings
Approved 2020

5. THE PROPOSAL

- 5.1 Prior approval is sought for the change of use of the existing building from Class B1(a) (office) to Class C3 (dwellinghouse) in accordance with Class O of Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Pursuant to paragraph W of the same legislation, the applicant is applying for prior approval for this change of use.

- 5.2 No external changes are proposed. It is proposed to provide 5no. 1-bedroom flats and 1no. 2-bedroom flat and retain the access and parking area to the front. 9no. parking spaces currently allocated to the office and would be retained for use of the flats.

6. REPRESENTATIONS RECEIVED

Crowthorne Parish Council

- 6.1 Comments to be reported in supplementary report.

Other representations

- 6.2 No representations received.

7. SUMMARY OF CONSULTATION RESPONSES

Highway Authority

- 7.1 Comments to be reported in supplementary report.

Environmental Health

No objection to approved scheme 20/00836/PAC.

8. PRINCIPLE OF DEVELOPMENT

- 8.1 In assessing this type of prior approval application, the Council can only assess whether the proposal is likely to result in transport and highway implications, contamination issues, flooding issues and any impacts of noise from commercial premises on the intended occupiers of the development.
- 8.2 If there are no implications associated with these matters, the development is considered to be permitted development.

9. RELEVANT LEGISLATION

- 9.1 Class O of Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) to a use falling within Class C3 (dwellinghouses) of that schedule.

- 9.2 Paragraph O.1 states that development is not permitted by Class O if:

- (b) The building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Class Order-
 - (i) On 29th May 2013, or
 - (ii) In the case of a building which was in use before that date but was not in use on that date, when it was last in use;
- (d) The site is, or forms part of, a safety hazard area;
- (e) This site is, or forms part of, a military explosives storage area;
- (f) The building is a listed building or is within the curtilage of a listed building; or
- (g) The site is, or contains, a scheduled monument.

- 9.3 Paragraph O.2(1) states that development under Class O is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to-

- (a) Transport and highways impacts of the development,

- (b) Contamination risks on the site,
- (c) Flooding risks on the site,
- (d) Impacts of noise from commercial premises on the intended occupiers of the development, and
- (e) the provision of adequate natural light in all habitable rooms of the dwellinghouses.

And the provisions of paragraph W (prior approval) apply in relation to that application.

9.4 Paragraph O.2(2) states that development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

9.5 Paragraph W sets out the procedure to be followed where a developer is required to apply for prior approval to the Local Planning Authority under any class falling within Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This paragraph states that the Local Planning Authority may refuse an application where, in the opinion of the authority, the proposed development does not comply with, or the applicant has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.

10. ASSESSMENT

10.1 With regard to the criteria set out in paragraph O.1:

- (b) The building was last used as an office falling within Class B1(a).
- (c) The site does not form part of a safety hazard area.
- (d) The site does not form part of a military explosives storage area.
- (e) The building is not Listed or within the curtilage of a Listed Building.
- (f) The site is not, and does not contain, a scheduled monument.

10.2 With regard to the conditions listed in paragraph O.2:

(a) Transport and Highways Impact of the Development

Access

Access to the proposed development site is via a private road shared with neighbouring commercial buildings Micron House, 24, 25, 29, 30 and 31 Wellington Business Park. The closest adopted highway is the unnamed access road to Wellington Business Park, the closest point on foot or vehicle being 45m from the front of the building to the south-east. This adopted access road has footways and street lighting to the western side. The site is circa 300m (4 minutes walk) from Crowthorne Station and less than this to existing local facilities and services on Dukes Ride.

Parking and Servicing

The proposed development is for five 1-bedroom dwellings and one 2-bedroom dwelling. Table 6 of the Parking Standards SPD (March 2016) states that 1 car parking space and 1 cycle parking space are required for a 1-bedroom dwelling and 2 car parking spaces and 2 cycle parking spaces are required for a 2-bedroom dwelling, in addition 1 visitor space per 5 units is required. This gives a total parking requirement of 8 spaces for the proposed development. 14 spaces are shown on the submitted site plan; even if two of these are removed to provide a bin store, as indicated, the car

parking provision is more than adequate for the proposed development. Details of cycle parking are requested by condition.

Refuse Collection

Bracknell Forest Council's refuse collection vehicle will not typically serve private roads and therefore the nearest adopted highway location from the development is on the unnamed access road, circa 45m from the building. The closest parking space to the site access could be re-purposed as a bin collection point (subject to relevant permissions), bringing refuse closer to the adopted highway for collection day, though still greater than the 25m set out in the Building Regulations part H6.

(b) Contamination Risks on the Site

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

(c) Flooding Risks on the Site

The Application site is within Flood Zone 1 and is generally at low risk of flooding.

(d) Impacts of Noise from Commercial Premises on the Intended Occupiers of the Development

The proposed use for residential is more sensitive to noise than the existing office use. The neighbouring buildings remain in commercial use as offices so the expected noise impacts from them would be expected to be relatively low. The main source of noise would be air conditioning units and vehicles arriving and departing which would be expected to during office hours only. Given the most noise sensitive times for residential dwellings are evenings, nights and weekends when the offices would typically be empty, adverse impact is not expected.

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

The majority of the habitable rooms either have light sources from two elevations, or double width windows. The only habitable room that has a single width window is south facing and therefore sufficient daylight is likely to be provided. Due to the position of the application site it is not considered that the light to these habitable rooms would be overly constrained by surrounding built form. As such, it is considered that adequate levels of natural light can be achieved.

11. CONCLUSION

11.1 An assessment has been made of the proposal and it is considered that prior approval is required for the change of use of the building from an office use (B1(a)) to a residential flat (C3).

11.2 The proposal complies with the criteria set out within Paragraph O.1 of Class O, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Subject to no adverse impact on highway safety or impact of noise from commercial properties on future occupiers prior approval can therefore be granted.

12. RECOMMENDATION

12.1 That Prior Approval be **GRANTED** subject to the following condition(s):

1. Development under Class O, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), must be completed within a period of 3 years starting from the prior approval date.
2. This development must be carried out in accordance with the following plans received by the Local Planning Authority, received 08.01.2021:
 - Site Location Plan
 - Block Plan
 - Proposed Ground Floor Plan
 - Proposed First Floor Plan
3. No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plan for at least 8 cars to be parked, and for vehicles to turn and leave the site in a forward gear. The spaces shall not thereafter be used for any purpose other than parking.
4. 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 for at least 7 cycles. No dwelling shall be occupied until the approved scheme has been implemented. The facilities save as otherwise agreed in writing by the Local Planning Authority shall be retained.

Informative(s):

1. Consent is not granted for the plant room/bin store shown on the approved plans. Separate consent would be required for the erection of an outbuilding in association with this development.
2. It is a condition of the consent given by the General Permitted Development Order that any development which is likely to have a significant effect upon a Special Protection Area cannot proceed unless the Local Planning Authority (the Council) has given written approval under the Habitats Regulations 2010. This Prior Approval Notice does NOT constitute approval under the Habitats Regulations. The Council and Natural England are of the view that any residential development between 400 metres and 5 kilometres of the boundary of the Thames Basin Heaths Special Protection Area or residential development of 50 or more dwellings between 5 kilometres and 7 kilometres of such boundary cannot be approved under the Habitats Regulations unless a planning obligation is entered into under Section 106 of the Town & Country Planning Act 1990 to ensure that the development has no adverse impact upon the Special Protection Area. Your development falls within one of the two types of development referred to in the heading above.
3. Any external alterations proposed would require the submission of a full planning application.
4. The applicant will need to investigate bin collection arrangements for the proposed residential use.
5. The layout and size of the dwellings created must be sufficient for the safe use of the amenities and must not result in over occupation, otherwise a Hazard under part 1 of the Housing Act 2004 may be created and as such could be subject to formal action under that legislation.

6. Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

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