

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 22 April 2021, 6.30 - 9.30 pm
Via Zoom



Agenda

Item	Description	Page
1.	Apologies for Absence	
	To receive apologies for absence.	
2.	Minutes	5 - 10
	To approve as a correct record the minutes of the meeting of the Committee held on 18 March 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)

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

EMERGENCY EVACUATION INSTRUCTIONS

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5.	PS 20/00263/TRTPO Land Adj To 18 Lyon Oaks, Warfield, Bracknell	15 - 40
	TPO 89 - Application to fell 4 trees	
6.	PS 21/00012/FUL White Gates, Mushroom Castle, Winkfield Row	41 - 46
	Section 73 application for the variation of condition 1 of planning permission 18/01238/REM for submission of reserved matters relating to appearance, scale and landscaping pursuant to outline planning permission 17/00318/OUT for the erection of detached dwellings and garages following demolition of existing outbuilding. (Plot 2). (For Clarification: this application seeks to change the location of the 2 dormer windows on the garage to alternate side elevation).	
7.	20/00077/FUL Former St Margaret Clitherow Roman Catholic Church, Ringmead, Hanworth	47 - 72
	Construction of 15 No. apartments together with associated basement and surface car parking, access roads/paths and site landscaping.	
8.	20/01046/FUL 6 Shaftesbury Close, Bracknell, Berkshire	73 - 86
	Erection of 2 bedroom detached dwelling with associated parking following demolition of existing garages and store.	
9.	20/01054/3 Oakengates, Bracknell, Berkshire	87 - 92
	Conversion of grassed amenity land into 12 no. residents parking spaces in various locations.	
10.	21/00030/3 Swaledale, Bracknell, Berkshire	93 - 98
	Creation of no.7 parking spaces.	

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

Published: 13 April 2021

EMERGENCY EVACUATION INSTRUCTIONS

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**PLANNING COMMITTEE
18 MARCH 2021
6.30 - 8.00 PM**

Present:

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

Apologies for absence were received from:

Councillors Green, Mrs Mattick, Mossom and Skinner

Also Present:

Councillors Mrs Ingham

92. Minutes

RESOLVED that the minutes of the meeting of the Committee held on 11 February 2021 and the Special meeting of the Committee held on the 25 February 2021 be approved as a correct record and signed by the Chairman.

93. Declarations of Interest

There were no declarations of interest.

94. Urgent Items of Business

There were no urgent items of business.

95. PS 20/00812/FUL Bedfordshire Down, Warfield, Bracknell

Erection of part 2 storey, part first floor side/rear extension, single storey side and rear extensions, and extended driveway.

The Committee noted:

- The supplementary report tabled at the meeting.
- That Warfield Parish Council raised no objection to the proposed development.
- The objections received by 10 addresses as summarised in the agenda.
- The 3 further objections as detailed in the supplementary report.
- The representations from 2 public speakers who joined the meeting.

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 documents received by the Local Planning Authority:

Proposed Site Block Plan – 20.4BD.09 - Received 26.02.2021

Proposed Elevations – 20.4BD.06 – Revision A – Received 13.01.2021

Proposed First Floor Plans – 20.4BD.04 – Revision A – Received 18.02.2021
Site Location Plan/Site Block Plan – 20.4BD.07 – Revision A – Received 25.02.2021
Proposed Ground Floor Plans – 20.4BD.03 – Received 14.10.2020
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 extension hereby permitted shall be similar in appearance to those on the existing dwelling.

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

4. The development hereby approved shall not be brought into use until the associated vehicle parking for 2 cars to the front of the property has been surfaced with a bound or bonded material in accordance with the approved Block Plan (drawing reference 20.4BD.09). 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]

5. The garage accommodation shall be retained for the use of parking of a least 1 vehicle and 6 cycles 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, and in the interests of accessibility of the development to cyclists.

[Relevant Policy: BFBLP M9]

6. The first floor window in the rear elevation of the proposed development shall at all times be a high level window having a sill height of not less than 1.7 metres above internal floor.

REASON: To prevent the overlooking of neighbouring property.

[Relevant Policies: BFBLP EN20]

7. 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 windows, similar openings or enlargement thereof shall be constructed at first floor level or above in the side or rear elevations of the development hereby permitted except for any which may be shown on the approved drawing(s), unless they are glazed with a minimum of Pilkington Level 3 obscure glass (or equivalent) or the parts of the window, opening or enlargement which are clear glazed are more than 1.7 metres above the floor of the room in which it is installed.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

8. 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]

96. **20/00758/FUL The Managers Flat, Dial House Hotel, Dukes Ride**

Proposed front and side extension with increase in roof height, internal alterations and associated works, following demolition of existing attached shed.

The Committee noted:

- The supplementary report tabled at the meeting.
- The comments of Crowthorne Parish Council recommending refusal as detailed in the agenda.
- The 2 objections from neighbouring properties as detailed in the agenda.

A motion to approve the recommendation in the officer report was proposed but fell at the vote.

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

RESOLVED That application 20/00758/FUL be **REFUSED** for the following reason:

1. The proposal by reason of its increased height, bulk and massing would appear unduly prominent and have a detrimental overbearing impact to the occupiers of the neighbouring properties. The proposed development would therefore be contrary to Saved Policy EN20 of the Bracknell Forest Borough Local Plan, Policy CS7 of the Core Strategy Development Plan Document, the BFBC Design SPD and the National Planning Policy Framework.

97. **20/01034/3 Church Road, Owlsmoor, Sandhurst**

Convert grass amenity areas to provide 11 additional residents parking spaces in 3 locations

- The supplementary report tabled at the meeting.
- That Sandhurst Town Council raised no objection.
- The 2 letters of objection from 2 neighbouring properties as detailed in the agenda.
- The further letter of objection as detailed in the supplementary report.

RESOLVED that The application is **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:

Layout – Received 26.02.2021

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

3. 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 parking spaces being brought into use, whichever is sooner. All hard landscaping works shall be carried and completed prior to the parking spaces being brought into use. 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.

[Core Strategy DPD CS7, BFBLP 'Saved' Policies EN2 and EN20]

98. **20/01052/3 Rosedale Gardens, Bracknell, Berkshire**

Conversion of grassed amenity land into 10 no. residents parking spaces in various locations.

The Committee noted:

- The supplementary report tabled at the meeting.
- That Bracknell Town Council raised no objections.
- That no representations had been received.

RESOLVED that the application is 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:

Layout - Received 17.03.2021

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

3. 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 parking spaces being brought into use, whichever is sooner. All hard landscaping works shall be carried and completed prior to the parking spaces being brought into use. 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

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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]

99. **20/01053/3 Keldholme, Bracknell, Berkshire**

Conversion of grass amenity area into no.14 parking bays

The Committee noted:

- That Bracknell Town Council raised no objection.
- That no representations had been received.

RESOLVED that the application is **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:

Layout – Received 26.02.2021

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

3. 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 parking spaces being brought into use, whichever is sooner. All hard landscaping works shall be carried and completed prior to the parking spaces being brought into use. 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.

[Core Strategy DPD CS7, BFBLP 'Saved' Policies EN2 and EN20]

100. **20/01054/3 Oakengates, Bracknell, Berkshire**

This application was deferred.

101. **Exclusion of Public and Press**

RESOLVED that pursuant to Regulation 21 of the Local Authorities (Executive Arrangements) (Access to Information) Regulations 2000 and having regard to the public interest, members of the public and press be excluded from the meeting for the consideration of item 12 which involves the likely disclosure of exempt information under the following category of Schedule 12A of the Local Government Act 1972:

(5) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

102. **Information Item - Use of Urgent Decisions Procedure**

The Committee received a report which detailed the use of Urgent Decisions Procedure.

RESOLVED that the Planning Committee noted the content of the report.

CHAIRMAN

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

**PLANNING COMMITTEE
22nd April 2021**

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

		Case Officer	Reporting Officer
5	<p>20/00263/TRTPO Land Adj To 18 Lyon Oaks Warfield Bracknell (Warfield Harvest Ride Ward) TPO 89 - Application to fell 4 trees Recommendation: Approve.</p>	Phil Gritten	
6	<p>21/00012/FUL White Gates Mushroom Castle Winkfield Row (Winkfield And Cranbourne Ward) Section 73 application for the variation of condition 1 of planning permission 18/01238/REM for submission of reserved matters relating to appearance, scale and landscaping pursuant to outline planning permission 17/00318/OUT for the erection of detached dwellings and garages following demolition of existing outbuilding. (Plot 2). (For Clarification: this application seeks to change the location of the 2 dormer windows on the garage to alternate side elevation). Recommendation: Approve.</p>	Olivia Jones	Basia Polnik
7	<p>20/00077/FUL Former St Margaret Clitherow Roman Catholic Church Ringmead Hanworth (Old Bracknell Ward) Construction of 15 No. apartments together with associated basement and surface car parking, access roads/paths and site landscaping. Recommendation: Approve.</p>	Simon Roskilly	Jo Male
8	<p>20/01046/FUL 6 Shaftesbury Close Bracknell Berkshire (Harmans Water Ward) Erection of 2 bedroom detached dwelling with associated parking following demolition of existing garages and store.</p>	Olivia Jones	Basia Polnik

Recommendation:

- | | | | |
|----|--|--------------|--------------|
| 9 | 20/01054/3
Oakengates Bracknell Berkshire
(Hanworth Ward)
Conversion of grassed amenity land into 12 no.
residents parking spaces in various locations.
Recommendation: | Olivia Jones | Basia Polnik |
| 10 | 21/00030/3
Swaledale Bracknell Berkshire
(Wildridings And Central Ward)
Creation of no.7 parking spaces.
Recommendation: Approve. | 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.

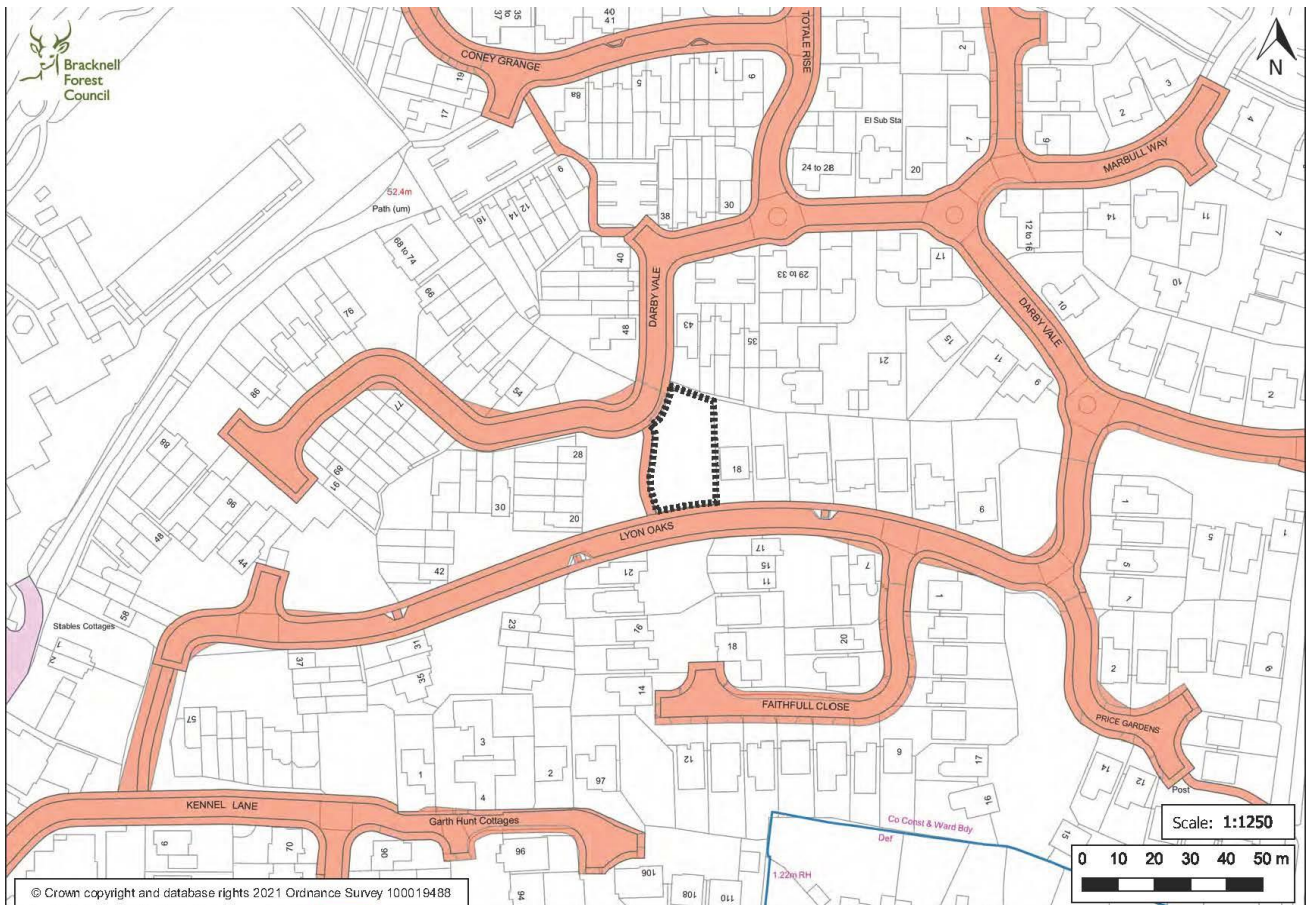
PLANNING COMMITTEE
22nd. April 2021

DETERMINATION OF TREE WORK APPLICATION 20/00263/TRTPO

ITEM NO:

Application No.	Ward:	Date Registered:	Target Decision Date:
20/00263/TRTPO	Warfield	29th September 2020	9 th November 2020

Site Address: **Land adjacent to 18 Lyon Oaks**
 Proposal: **Fell four trees**
 Applicant: Mr S Greener
 Agent: IG Environmental Services
 Case Officer: Jan Polnik, 01344 352000
tree.service@bracknell-forest.gov.uk



1. PURPOSE OF DECISION

1.1 This application is being heard by the Planning Committee at the request of the Head of Planning due to the potential liability for the Council if it is refused.

2. RECOMMENDATION

2.1. To approve the recommendation for refusal in Section 9 of this report.

3. BACKGROUND

- 3.1. When making a Tree Preservation Order, existing trees, that is individuals, groups, areas and woodlands are viewed and assessed for their amenity impact to evaluate the suitability of trees for a TPO. This evaluation is based on factors that assess: -
 - Their health & condition
 - Their remaining longevity
 - Their relative public visibility
 - Specialist considerations such as 'veteran' status, historical interest etc.
 - The known (or perceived) 'threat' to their health & condition or existence
 - The impact of the trees on the landscape
 - Special factors such as proximity and orientation to the nearest habitable structure.
- 3.2. How the Planning Authority should consider an application to prune or remove protected trees is set out in Government Guidance ([Tree Preservation Orders and trees in conservation areas - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/tree-preservation-orders-and-trees-in-conservation-areas))
- 3.3. In determining the application, the LPA must consider: -
 - If the proposal is exempt from the need to obtain LPA consent
 - The amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area
 - In the light of the amenity assessment, whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it
 - Whether any loss or damage is likely to arise if consent is refused or granted subject to conditions
 - Whether any requirements apply in regard to protected species
 - Other material considerations, including development plan policies where relevant; and ensure that appropriate expertise informs its decision.
- 3.4. The subject of this report is a group of Oak trees forming G3 of TPO 89 which is titled 'Land East and West of Quelm Lane, Warfield, Bracknell'. The TPO was served on 06/06/1991 and confirmed on 11/09/1991 (Appendix 1 – 'Plan extract from TPO 89').
- 3.5. The group G3 is formed of four Oaks and is but one of a number within the housing development. The TPO was made prior to development of the area and encompasses an original total of six individual trees: one woodland (now known as 'Piggy Wood') and seven groups. Of those seven groups, apart from G3, there are three other groups (G5, G6 & G7) containing mature Oaks and which are incorporated into the housing development formed of the roads Lyon Oaks, Darby Vale and Price Gardens (Appendix 2 & 3 – 'G3 in context of existing development').
- 3.6. The trees are growing on an amenity space immediately to the west of the residential property that is 18 Lyon Oaks (Appendix 4 – 7 'Photos of G3'). This amenity space is privately owned and is the responsibility of the Great Oaks Management Company Ltd. This organisation is a collective of residential property owners within the housing development; all of which are shareholders in the company. There are understood to be 93 residential shareholders and the company is overseen by its board of directors. The company employ the services of a property management company to carry-out maintenance of the various amenity spaces within the development.
- 3.7. An application to fell all four Oaks was made, by the insurance company representing the resident of 18 Lyon Oaks, on the 29th September 2020 with a target determination date of 9th November 2020. The applicant agreed to an extension of that deadline to enable further detailed consideration of the technical aspects and to enable the report to be presented to the Committee.

- 3.8. The application is to fell all four Oaks within 'G3' and is made on the basis that they are the cause of subsidence damage to the structure of the house at 18 Lyon Oaks. The application is supported by a range of technical reports typically carried-out when a householder reports damage to their property and their insurance company subsequently carries out investigations. The objective being to identify the cause, the extent of the damage and a quantification of costs required to repair any damage.
- 3.9. The application form states, should the trees remain, the total cost of repairs will be the superstructural repairs plus alternative method of repairs totalling £126,834.00. No details or schedule of costs is provided setting out how this figure is arrived at. The application form further states that in the event of a refusal a compensation claim will be sought through Section 202(e).

4. DETAILS OF RESIDENTS' OBJECTIONS

- 4.1. The application has generated 56 representations from the public and all but two, object to the removal of the trees. Of the objections, four were from outside of the Borough.
- 4.2. Summary of objections:
- Destruction of wildlife habitat and biodiversity
 - Loss of visual amenity and detriment to the quality of the landscape
 - Adverse effect on the existing privacy and screening that the trees afford between houses
 - Loss of historical context and value to the development and the landscape
 - Concerns that the decision is based on financial considerations rather than environmental impact
 - Too many trees have already been lost in the landscape
 - Potential for the loss of these trees to adversely affect the reputation of Bracknell Forest Council
 - The Council should seek an alternative solution to permitting tree removal
 - Loss of shelter & shade for users of the amenity space
 - Destruction of substantial and valuable carbon-sinks
 - The benefit of the trees outweighs the negative impact they are having on surrounding property
 - Prior to development, the planning considerations should have foreseen the possible effect of the trees on adjoining property.

5. SUPPORTING PLANNING INFORMATION

- 5.1. The subject trees were protected in 1991 by TPO 89 ahead of large-scale development applications in 1996 for 101 dwellings (Applications 621391 & 621880). In April of 1997 permission to develop the 101 dwellings was granted subject to the retention of a number of 'very important feature' trees identified in the Planning Authority's consideration of the development proposals. Within the 'very important feature' trees identified were the four Oaks identified as 'G3' of TPO 89 (Appendix 8 – 11 'Extracts of Planning Permission 621880').
- 5.2. The planning history of the affected property is as follows: -
- In 2020, Planning Enforcement investigated the erection of the outbuilding and concluded that it was Permitted Development as it is 2.5m high where the garden is at its highest.

- 13/00753/FUL - Conversion of garage to habitable accommodation and new pitched roof to front elevation – approved Oct 2013
- 13/00754/CLPUD - Application for a certificate of lawfulness for loft conversion with installation of 2no. rooflights to front elevation and 3no. rooflights to rear elevation – approved Oct 2013.

5.3. Relevant Planning Policies are: -

- Bracknell Forest Borough Local Plan ‘saved’ Policy EN1 – Protecting Tree and Hedgerow Cover

While this policy generally relates to the grant of planning permission it is a relevant statement of Council policy. It states that planning permission will not be granted for development which would result in the destruction of trees and hedgerows which are important to the retention, where applicable, of: inter alia:

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

- The National Planning Policy Framework (NPPF)

The NPPF at paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia:

- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the of the best and most versatile agricultural land, and of trees and woodland
- minimising impacts on, and providing net gains for biodiversity,...

6. ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

6.1. Borough Solicitor

6.1.1. The law on Tree Preservation Orders (TPO’s) is in Part VIII of the Town and Country Planning Act 1990 as amended and in the Town and Country Planning (Tree Preservation) (England) Regulations 2012 which came into force on 6 April 2012. Guidance on Tree Preservation Orders and their making, confirmation and management has been provided online at [Tree Preservation Orders and trees in conservation areas - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/123456/Tree_Preservation_Orders_and_trees_in_conservation_areas_-_GOV.UK.pdf).

6.1.2. The Town and Country Planning (Tree Preservation) (England) Regulations 2012 introduced a single set of procedures for all trees covered by tree preservation orders. Consequently:

- Orders made before 6 April 2012 continue to protect the trees or woodlands, they cover
- the legal provisions listed in Orders made before 6 April 2012 have been automatically cancelled and replaced by the provisions in the new regulations. Only the information necessary to identify these Orders and identify the trees or woodlands they protect is retained
- there is no need for Orders made before 6 April 2012 to be remade, amended or reissued.

6.1.3. The guidance advises that three factors in particular are of relevance, namely: -

- Visibility - the extent to which the tree can be seen by the public
- Individual impact -the Local Planning Authority (LPA) should assess a tree's particular importance by reference to its size and form, it's future potential as an amenity considering any special factors
- Wider impact - the significance of the tree in its local surrounding should be assessed

The law relating to TPOs provides an applicant with a right to make a claim for compensation for loss or damage arising from a LPAs, conditional consent, or refusal. Government Guidance states no claim can be made for loss or damage incurred before an application for consent to undertake work on a protected tree was made.

- 6.1.4. The application form states, should the trees remain the total cost of repairs will be the superstructural repairs plus alternative method of repairs totalling £126,834.00. No details or schedule of costs is provided setting out how this figure is arrived at. Furthermore, no account seems to have been taken of Government Guidance which states no claim can be made for loss or damage incurred before an application for consent to undertake work on a protected tree was made.
- 6.1.5. The Town and Country Planning (Tree Preservation) (England) Regulations 2012 state no compensation shall be payable to a person:
- Reg 24 (4) (c) for loss or damage reasonably foreseeable by that person and attributable to that person's failure to take reasonable steps to avert the loss or damage or to mitigate its extent
 - The application provides no information as to whether the applicant has considered the engineering solution available and if the applicant has considered the engineering solution available and rejected it, the reasons for this.
- 6.1.6. In determining applications, foreseeable loss or damage is a material consideration, alongside other material considerations, such as the amenity value of the tree, the justification for the proposed works, and whether there may be engineering solutions for structural damage to buildings. All these should be weighed before reaching a final decision.

6.2. Borough Treasurer

- 6.2.1. The Borough Treasurer has noted the report. Should the Planning Committee refuse the application, as recommended within the report, the Council will be liable for a material financial cost, the value of which it is not possible to ascertain at this point. There is no specific budget to support the costs which may arise from this obligation.

6.3. Equalities Impact Assessment

- 6.3.1. Not applicable

6.4. Strategic Risk Management Issues

- 6.4.1. Under Regulation 24 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 a person is entitled to compensation if they can establish that loss or damage (in excess of £500) has been caused or incurred in consequence of a refusal by the local planning authority to grant consent to fell a protected tree. This liability to pay compensation can encompass the reasonable cost of carrying out underpinning or other requisite remedial/preventative works to the affected property where, at the time of refusal, the material available to the local planning authority was sufficient to show, on the balance of probabilities, that there was a real risk of further subsidence.
- 6.4.2. If the Council were to refuse permission for the subject trees to be removed, then it is possible that a claim for compensation from the applicant would follow. However, the Council is only liable for damage caused to the property after the application was made for the removal of the trees. Any damage to the property caused prior to the

refusal of the planning application cannot be claimed against the Local Authority. It is for the residents of 18 Lyon Oaks to establish that such loss or damage was caused or incurred and that it was caused or incurred in consequence of the refusal of consent.

- 6.4.3. The Council is protected by its liability insurers against such claims but there would be a £200,000 excess applicable. Any claim agreed by insurers has the impact to affect future insurance premium charges for continuing insurance coverage.

6.5. Biodiversity Officer

- 6.5.1. The four oaks at this site are important in an ecological context as a 'green island' in the urban environment. This provides a steppingstone through the area for a wide range of species that would be lost if the trees are felled.

- 6.5.2. The English Oak (*Quercus robur*) is particularly valuable for biodiversity due to its ability to support a wide range of species and documented as supporting up to 400 species of invertebrates alone. At this site, the presence of four large trees is likely to provide habitat for a wealth of insects which in turn provide foraging for bats, feeding, shelter and nesting for birds. For example, the first photo of the trees in the Appendix, by chance shows a flock of Starlings in the canopy, a red-listed Bird of Conservation Concern. Large trees also provide a variety of ecosystem services such as urban cooling and carbon sequestration. The presence of these features is also likely to support the well-being of local residents by providing a natural greenspace as demonstrated by the number of objections to their removal.

- 6.5.3. The removal of these trees would eliminate all the ecological benefits they provide, and it is doubtful whether any new planting would achieve the same even after many decades.

7. TREE SERVICE CONSIDERATIONS

- 7.1. The application is for the removal of the four Oak trees as listed by the applicant as T3, T4, T5 & T6 (Appendix 12 – 'Location & distance of trees to property') on the basis that their continued presence and growth would subject the foundations of 18 Lyon Oaks to continuous movement resulting in damage to the foundations and superstructure of the house.

- 7.2. Tree induced subsidence occurs due to a variety of local and environmental factors. The principal ones are: -

- Lack of rainfall combined with the presence of a shrinkable soil (specific clay soils)
- Proximity of the vegetation to the foundations
- Depth of foundations and/or
- Species characteristics of the tree, such as its ultimate size and whether or not it is highly water dependant (i.e. 'thirsty').

If all those factors are present then, there is the possibility that more water is extracted from the clay-soil (that supports the foundations of the structure), than is replaced by rainfall etc. If such a soil 'shrinks', any foundation sitting on it or within it, also moves. The result is cracks in the brickwork, plastered rooms etc.

- 7.3. There is no British Standard that can be referenced in deciding the basis of such a claim of subsidence. Similarly, there is no (arboricultural or insurance) industry predictive model or calculation that can be applied to determine the likelihood that a tree (or trees) will, or are, causing subsidence damage to a nearby structure. It is a matter of

- investigation and evidence to determine the likelihood that a tree is the primary cause (or in the main) and is the reason the damage is occurring.
- 7.4. The industry standard technique to determine if a foundation is moving, by how much and when, is called 'level-monitoring'. This involves points around the base of the house structure being located and then any movement (up or down) is measured against a 'datum point' (typically a steel rod sunk into the ground). The measurements are typically taken at regular intervals over a period of time through a full cycle of winter and summer (being the dormant period and growth period of trees) to show if the trees are having an influence on the movement of a structure through the growing season of the tree.
 - 7.5. The applicant has submitted a range of technical reports and correspondence to support their application. They include: -
 - Letter - Summary of the claim and issues (Innovation Group)
 - Drainage Investigation
 - Tree Root identification
 - Soil analysis
 - Arboricultural Report
 - Geotechnical data
 - Site Visit correspondence (Innovation Property)
 - Engineers Addendum
 - Level Monitoring
 - 7.6. The range of reports is standard data typically associated with a subsidence-damage claim, which is the basis of this TPO application as the owner of 18 Lyon Oaks has made a claim on their building insurance. In considering data in such a claim, the objective is to determine if vegetation is implicated in the cause of the subsidence and ideally, which vegetation, so as to determine a course of action to abate that nuisance.
 - 7.7. The presence of live Oak roots in the trial/bore-hole closest to the four trees, 'TH/BH 1', is evidenced (Appendix 13 – 'Soil investigation plan') as is the maximum depth of Oak roots found at 2.3 metres. The soil-type at foundation level is shown to be of a shrinkable clay with the potential for 'movement' that is typically implicated in vegetation-induced subsidence damage. The results of the drainage report disallow the argument that underground water leakage/movement is compromising the structural integrity of the clay-soil and enabling the soil to move.
 - 7.8. The applicant provided level-monitoring results that appear to clearly evidence the seasonal, vegetation induced movement of the soil that is supporting the foundations (Appendix 14 & 15– 'Level monitoring data').
 - 7.9. When all the submitted technical reports were duly considered by the Council, the concluding assessment, on balance of probability, indicates that the species Oak is causing subsidence to the property at 18 Lyon Oaks. Based on the applicant's submissions, there is no evidence to suggest that there is any other causal reason for the subsidence. The term 'balance of probability' means that a court is satisfied an event occurred if the court considers that, on the evidence, the occurrence of the event was more likely than not.
 - 7.10. The application to remove the four Oaks is a typical final, emphatic solution frequently employed by the insurance industry, to subsidence being caused by vegetation. The premise being that once the trees are removed, then no more soil-moisture will be extracted from the soil supporting the house foundations. The soil around the foundations would therefore stop moving and eventually stabilise so that superficial repairs could be carried-out to the damaged part of the house; without the need for more

expensive structural repairs (e.g. underpinning the foundations). It is the role of an insurance company to not only act in the interests of its clients, but also to keep the costs of a claim to a minimum. On that basis it is the experience of the Tree Service, in dealing with subsidence damage claims against the Council, that it is often the applicant's preferred solution to remove all the vegetation that might be associated with the subsidence, because it is cheaper than the cost of underpinning or any other engineering solution.

- 7.11. Although Oak roots were found in the trial-pit dug as part of the investigations, it is conceivable that not all the four Oaks are implicated in the subsidence. There is indeed a DNA test that could be applied to possibly determine which Oak's roots were found in the trial-pit. This would imply that all four Oaks need not be removed; but there are potential problems with that approach because if the four Oaks are of the same (or very similar) genetic provenance then the DNA test is unlikely to differentiate between the four trees. Also, should the investigation have dug a number of trial-pits along the length of the flank wall of 18 Lyon Oaks, it would have likely as not, found a number of roots from any or all of the four Oaks. This is because roots of different trees can share the same soil environment and oak is quite capable of growing roots in excess of the distance between the trees and the flank wall of the house (measured at a maximum of 11.5 metres in the case of T4).
- 7.12. A grant of permission to remove the four Oaks would be conditional on the planting of new trees that would grow and eventually provide a landscape formed of mature trees. However, it is likely that given the history of subsidence and the likelihood that the damaged property will not have any substantial structural improvements to strengthen the foundations, that the Council would have to consider reducing the number and changing the species of trees to be planted. This would be to reduce the risk of the same situation occurring again in the future.
- 7.13. Apart from removing the trees, there are two other potential solutions to manage the effects of vegetation-induced subsidence, that are recognised by the insurance industry:
 1. An 'arboricultural' solution involving the pruning of the tree to remove a significant amount of foliage which would reduce the amount of water extracted from the soil around the foundations.
 2. An 'engineering' solution and involves the installation of a root-barrier between the area of damage and the trees, which stops the extraction of soil-water from the soil around the foundations.

Arboricultural Solution

- 7.14. The arboricultural solution is based on research carried-out under the auspices of the Building Research Establishment and titled as 'Horticulture LINK project 212'. That research tested the premise that reducing the size of a tree ('crown-reduction') would control the extent of soil-water extraction by the transpiration of the tree (in other words, make the tree smaller and it will need less water). In summary, the outcome of the research (HortLink May 2004) determined that pruning to reduce the effect of vegetation drying-out soils, was not necessarily a robust and appropriate solution. The principal points raised that are germane to the management of trees subject to a Tree Preservation Order (TPO) are: -
 - For meaningful soil moisture conservation, a severe crown-reduction of 70-90% of crown volume would have to be applied. Even a reduction of up to 50% of crown volume is not consistently effective for decreasing soil drying effect.

- To ensure a continued decrease in canopy leaf area and maximise the period of soil moisture conservation, crown reductions should be repeated on a regular managed cycle with an interval based on monitoring re-growth.

7.15. The primary purpose of a TPO is to protect trees because they provide public amenity by virtue of their inherent and intrinsic visual characteristics. If to manage the incidence of subsidence a protected tree has to be routinely and significantly reduced in size, then the purpose and value of that TPO and the sustainability of that pruning process is put into doubt. Not only would the pruning alter and diminish the appearance and amenity value of the group, but it would also significantly raise the risk of weakening the health and condition of the individual trees by creating a multitude of pruning cuts thereby risking infection by pathogens that cause decay; thereby shortening the potential lifespan of the tree. Repeated significant pruning would also reduce the ability of the trees to create and store energy (photosynthesis) required for the subsequent growth in the following growing seasons.

Engineering Solution

7.16. The engineering alternative would be to install a root-barrier which is a physical, impenetrable barrier preventing roots from growing into the soil around the foundations of a structure and functioning (i.e. transpiring and extracting moisture from within the soil). This entails excavating a trench and lining it with an impenetrable material. Early root-barriers consisted of concrete, whilst the current preferred system is the installation of a specialist, durable textile that is inserted along the length of the trench and to a depth at or below the depth of the foundations of the structure to be protected.

7.17. It is the opinion of the Tree Service that the environment and size of the grass area in which the four Oaks are growing does allow practicable consideration for the installation of a root-barrier. The grass area would allow for the ready excavation of a trench (some 28 metres along the side boundary of 18 Lyon Oak) on land where there are unlikely to be many underground services that might impede the excavation of the trench and installation of the barrier. In the event that services are encountered the membrane can be installed around the services and any holes sealed with specialist tape to prevent the ingress of roots.

7.18. It is evident from the insurance company investigations that there are roots along the boundary of 18 Lyon Oaks and that due to the proximity of the trees to the trench there would inevitably be damage to the trees' roots by severance as a result of the excavation. However, the impact of root severance on the health of the trees could be mitigated and minimised as long as the ground between the trench and the trees' stems is protected during the installation of the barrier to prevent soil compaction on the remaining live roots. With an appropriately specified root-barrier and associated method statement, under careful arboricultural supervision, the trees' chance of survival and their future viability after the installation, is significant. An application to the Council on that basis would not be unreasonably refused.

7.19. The Tree Service assessment of G3 is that it is a significant visual amenity for which TPO 89 is justified and that due consideration be given for the continued protection of the four oak that form the group. To give context to that assessment, two nationally recognised, arboricultural industry assessments have been made on the trees to provide a monetary value. The systems are the 'Helliwell System' and 'CAVAT' (Capital Asset Value for Amenity Trees). Both are methods of placing a monetary value on the visual amenity provided by individual trees and/or woodland.

7.20. The Helliwell System (developed in 1967) provided a value of £251,900 whilst the CAVAT method (developed in 2003) produced a value of £249,500. Both systems have been cited in numerous court cases and are an accepted methodology for valuing trees.

8. CONCLUSION

- 8.1. The four Oaks have been found to be in good health and condition and are showing normal vigour by virtue of observed shoot-extension growth of branch-ends and overall coverage throughout the canopy. No evidence was found of any pathogen or significant structural defects in any of the trees. The Oak, by virtue of inherent species characteristics is capable of achieving considerable age and in the right environment and with appropriate arboricultural management can still be growing after several centuries.
- 8.2. The four trees form the highly significant landscape feature that is G3 of TPO 89 which is but one of a number of groups of Oak trees that present a unique and significant landscape character within the housing development and provide substantial visual amenity.
- 8.3. In principle, a grant of permission to remove the oaks would be conditional on replacement trees being planted; but the number and choice of species would be affected by the Council's knowledge of the extant incidence of subsidence and therefore the foreseeability of a reoccurrence of subsidence. The implications of that consideration are that the number of trees to be planted would be reduced and the species chosen would not grow as sizeable as the current Oaks. This in turn, would change the character of the original tree-cover and quality of landscape that was previously identified as significant and was retained and protected (by TPO 89) as part of the Lyon Oaks housing development.
- 8.4. Removal of the four protected Oak trees is not the only practicable solution to the problem of subsidence. The installation of a root-barrier would provide a solution to the problem caused by the growth of roots near the foundations of 18 Lyon Oaks.
- 8.5. By choosing the alternative engineering solution of a root-barrier, the trees would be retained and the character of the landscape, and the high quality of visual amenity afforded to the public at large by the retention of the four Oaks would be protected.

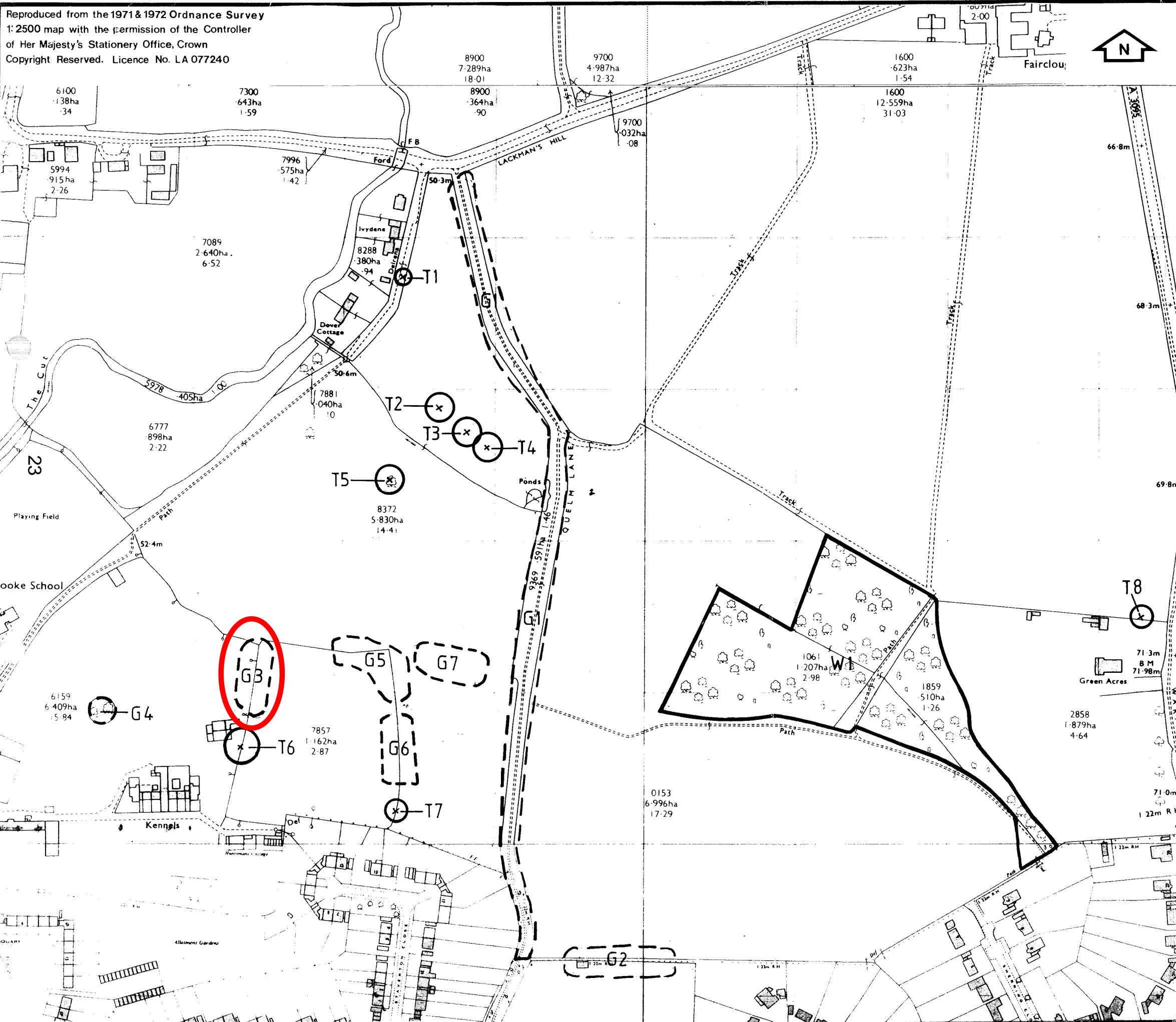
9. RECOMMENDATION

- 9.1. Refuse the application for the following reason: -
The removal of the four Oak trees that form G3 would be detrimental to the landscape character of the area; it would cause significant harm to the public visual amenity and townscape character and would result in the loss of wildlife and bio-diversity assets. The alternative engineering solution of a root-barrier would provide a solution to the problem of subsidence to 18 Lyon Oaks without the need to remove the four protected Oak trees.

APPENDIX

Appendix - 1 - Plan extract from TPO 89

Reproduced from the 1971 & 1972 Ordnance Survey
 1:2500 map with the permission of the Controller
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KEY

- [G1] Consisting of Oak, Ash, Field Maple, Elm, Willow, Sycamore, Holly and Hawthorn
- [G2] Consisting of Elm, Hawthorn, Ash, Field Maple, Oak + Willow
- [G3] 4 Oak
- [G4] Including Poplar, Willow + Ash
- [G5] 5 Oak
- [G6] 4 Oak
- [G7] 4 Oak

[W1] Consisting of mixed species including Willow, Ash, Oak, Birch, Elm, Holly, Malus, Aspen, Elder, Cherry and Poplar

- T1-T6 Oak
- T7 Ash
- T8 Oak

TREE PRESERVATION ORDER ON LAND EAST AND WEST OF QUELM LANE, WARFIELD, BERKSHIRE.

PLANNING DEPARTMENT



G A KINGSTON MA Dip TP MRTPI
 Borough Planning Officer

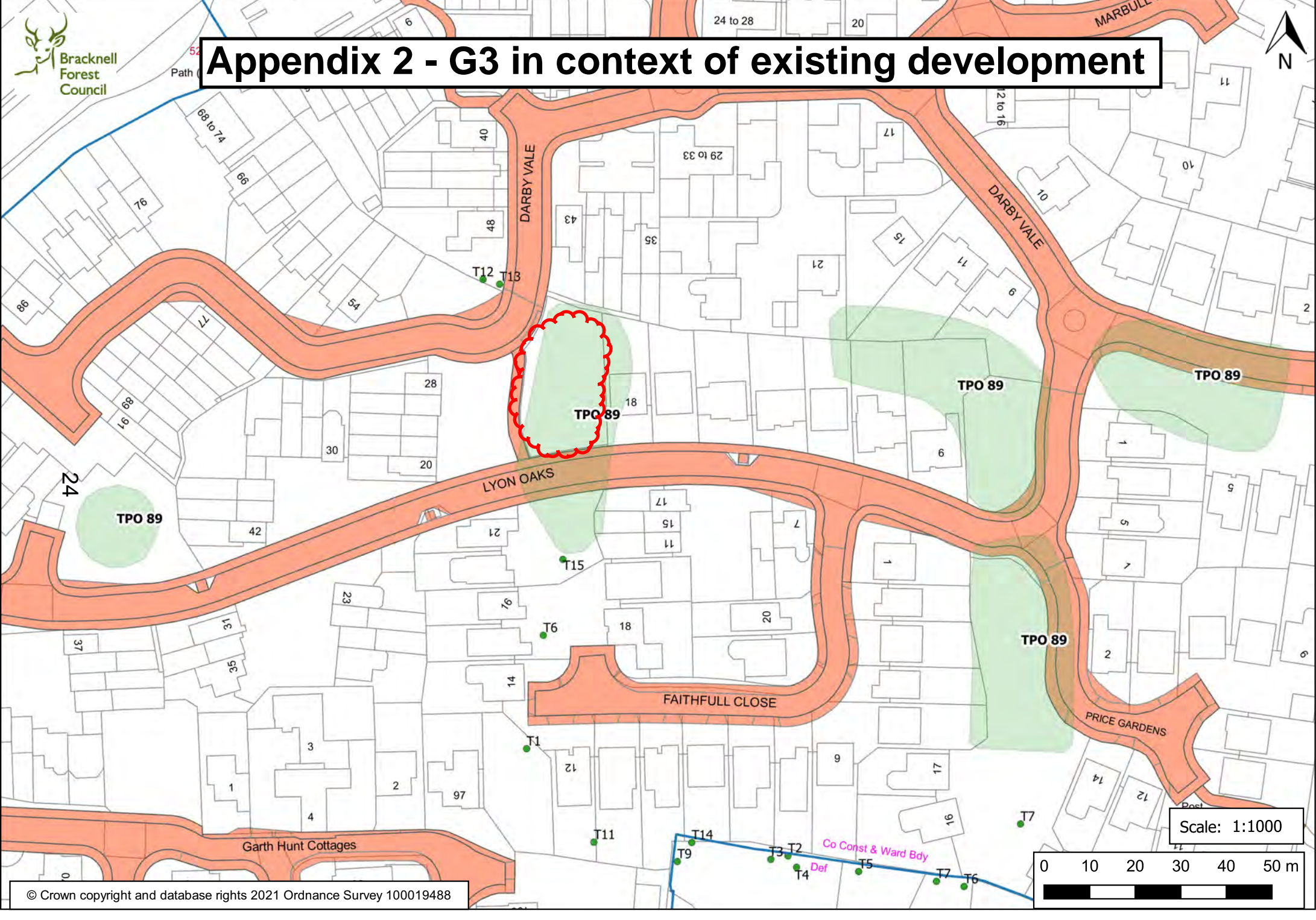
BRACKNELL FOREST BOROUGH COUNCIL

DRAWN BY	DATE	SCALE
RB	23.5.91	1:2500

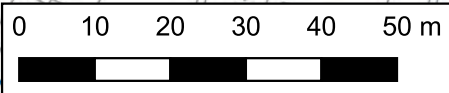
Extract from SU8670,8671,8770 & 8771

Drawing No. TPO 89

Appendix 2 - G3 in context of existing development



Scale: 1:1000

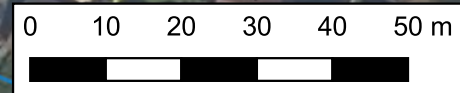


Appendix 3 - G3 in context of existing development



62.4m
Path (um)

Scale: 1:1000



Appendix 4 - View from the West of open space and the Oak trees



Appendix 5 - View from the West of open space and the Oak trees



18 Lyon Oaks

Appendix 6 - View from South of open space and the Oak trees.

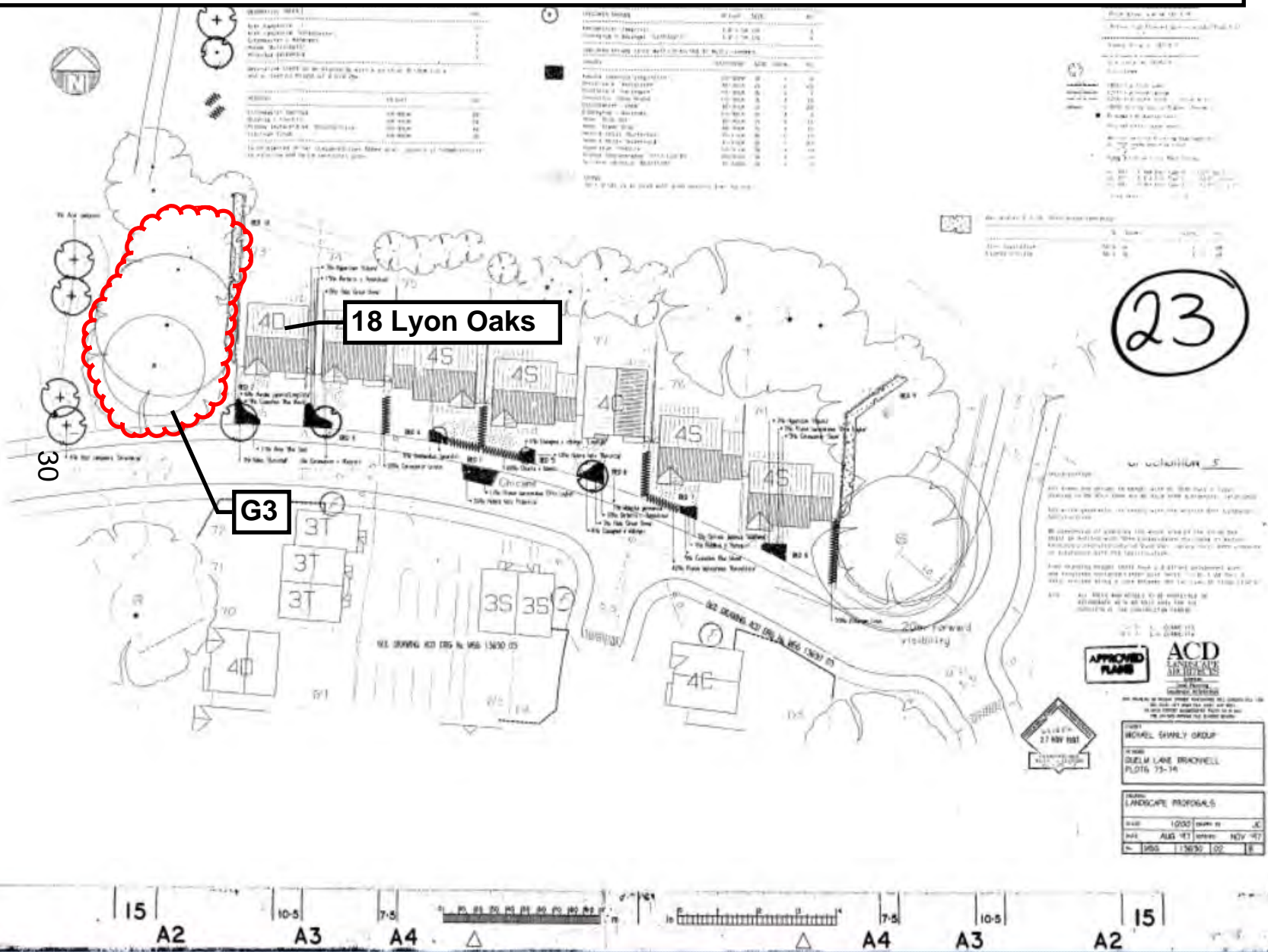


18 Lyon Oaks



Appendix 7 - View from West of open space (Note - Oak on far left of the photo is not implicated)

Appendix 8 - Extracts of Planning Permission 621880



Appendix 9 - Extracts of Planning Permission 621880

7.4 Trees and vegetation

The copse and the mature oak trees on the site are a very important feature and their retention will add considerably to the quality of the proposed development. The application has been amended to provide more space around them to reduce the scope for harm to them from the development proposed and to incorporate them nicely fully into the street scene.

A small number of trees which are dangerous or in poor health are proposed to be removed, including several in the copse on the western part of the site. New planting will be required by condition to replace these and to provide a landscaped setting for the development.

7.5 Services and Community Facilities

In 7.4 Trees & Vegetation

pl The copse and the mature Oak trees on site are a very important feature and their
br retention will add considerably to the quality of the proposed development. The
F4 application has been amended to provide more space around them to reduce the
scope for harm to them from the development proposed and to incorporate them
w fully into the streetscene.

pe A small number of trees which are dangerous or are in poor health are proposed to
re be removed, including several in the copse on the western part of the site. New
pl planting will be required by condition to replace them and to provide a landscaped
setting for the development.

8 Conclusions

The application is considered to be an acceptable form of development, in accordance with the guidance contained in the planning brief for the area.

9 RECOMMENDATIONS

That **SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT** under Section 106 of the Town and Country Planning Act 1990 containing a planning obligation relating to:

- contributions towards the provision of highways infrastructure in the North Bra-knell Local Plan area including:

- (i) the provision of a footpath/cycleway along Quelm Lane itself;

- (ii) the reservation of land for a bus link to Kennel Lane;

- the provision of a strip of landscaped open space to the west of Quelm Lane;

Telephone 01344 424642 Fax 01344 352241 DX 30611

Town & Country Planning Act 1990
PLANNING PERMISSION

Application Number: 621880
Decision Date: 30th April 1997

Decision Date 30/04/1997

The Micaland Study Group
Sutton
Aplebury End
Barnsfield
Berkshire

Appendix 10 - Extracts of Planning Permission 621880

APPLICANT: The Micaland Study Group
DESCRIPTION: Erection of 103 dwellings with associated garb, car parking and landscaping with access to Dairy Vale and reservation of land for a locally link to Rural Lane.
LOCATION: Land West of Quin Lane Warfield

The Bracknell Forest Borough Council as the Local Planning Authority hereby give notice that in pursuance of the Town and Country Planning Act 1990 that PERMISSION has been GRANTED for the carrying out of the development referred to above in accordance with the application and plans submitted subject to compliance with the following conditions:

01 The development permitted shall be begun before the expiry of five years from the date of this permission.

03 All existing trees, hedgerows and shrubbery shown to be retained on plan number 612-20 Rev A received on 20 November 1993 shall be protected by a 1-2 metre high chain-link or chestnut pale fence supported on a metal scaffold framework, constructed in accordance with Fig 4, Section 8 of British Standard 5837:1991. No storage or disposal of any soil or building materials, machinery, chemicals, fuel or waste residues shall take place within the protected areas around the trees, hedgerows and shrubbery. No fires shall be lit within 20 metres of the trunk of any trees or the centre-line of any hedgerow shown to be retained.

or any plan subsequently agreed to writing by the Local Planning Authority to be an attachment to the plan.

REASON: To comply with the decision that is carried out only as approved by the Local Planning Authority (LPA).

32

01 All existing trees, hedgerows and shrubbery shown to be retained on plan number 612-20 Rev A received on 20 November 1993 shall be protected by a 1-2 metre high chain-link or chestnut pale fence supported on a metal scaffold framework, constructed in accordance with figure 4, section 8 of British Standard 5837, 1991. No storage or disposal of any soil or building materials, machinery, chemicals, fuel or waste residues shall take place within the protected areas around the trees, hedgerows and shrubbery. No fires shall be lit within 20 metres of the trunk of any trees or the centre-line of any hedgerow shown to be retained.

REASON: To safeguard vegetation which is non-trivial worthy of retention in the interests of visual amenity (C3)

04
The protective fencing specified by the previous condition shall be erected in the location to be agreed in writing by the Local Planning Authority prior to the beginning of any material operation on site and shall be retained until the completion of all building operations on the site.

REASON: To safeguard vegetation which is considered worthy of retention in the interests of visual amenity (C4)

05
The development hereby approved shall not be begun unless and until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the visual amenity of the area (C5)

06
All planting first planted in connection with the scheme, any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, and the Local Planning Authority gives written consent to any variation.

REASON To safeguard vegetation which is considered worthy of retention in the interests of visual amenity.

REASON: To secure an appropriate setting for the development in the interests of the visual amenity and character of the area (C7)

07
The development hereby approved shall not be begun unless and until details of a scheme of screen walls and fences has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full within three months of the completion of any buildings approved in this permission.

REASON: In the interests of the visual amenity of the area (C8)

08
The areas shown for hard and soft landscaping purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose without the prior permission in writing of the Local Planning Authority and then only in accordance with any conditions as the Local Planning Authority may attach to the permission.

REASON: In the interests of the visual amenity of the area (C9)

09
Notwithstanding the provisions of Article 3 and Schedule 2 Part 2 and Class A of the Town and Country Planning (General Permitted Development) Order 1995, no wall, fence, gate, hedge, or other means of enclosure shall be erected or placed forward of the front wall of the dwellings hereby permitted or between the dwellings and any adjacent highway, driveway, footpath or no parking zone except such as may be provided for in the approved landscape scheme, without the prior written permission of the Local Planning Authority.

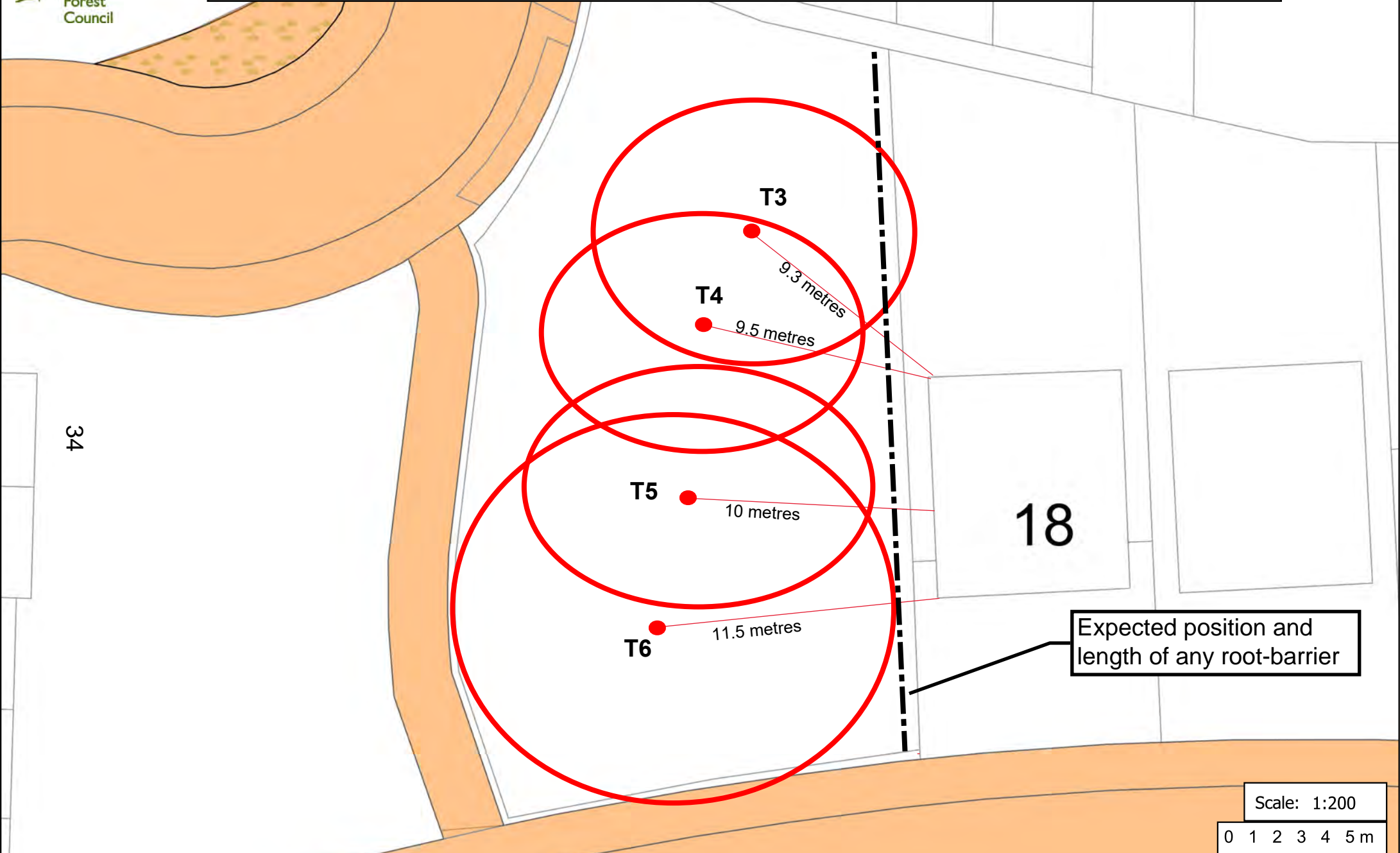
REASON: To retain the open character of the development in the interests of visual amenity (C10)

10
The first floor, side facing windows on the following plots shall be permanently glazed with wire glass - 51 (north), 52 (north), 53 (west), 54 (north), 55 (north), 56 (north), 57 (north), 58 (north), 59 (north and south), 60 (south) and 61 (north)

REASON: To prevent overlooking of the adjoining property (C11)

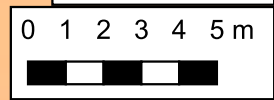
11
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Orders amending or replacing that Order, no advertisement shall be displayed on plot nos 1, 6 (north) and 11-61 (north) shall be constructed, without the prior written permission of the Local Planning Authority.

Appendix 12 - Location & distance of trees to property



Expected position and length of any root-barrier

Scale: 1:200



Appendix 13 - Soil investigation plan

T2

T1

T3

T4

Rear

TP/BH1

TP/BH2

T5

Insured's
Property

18

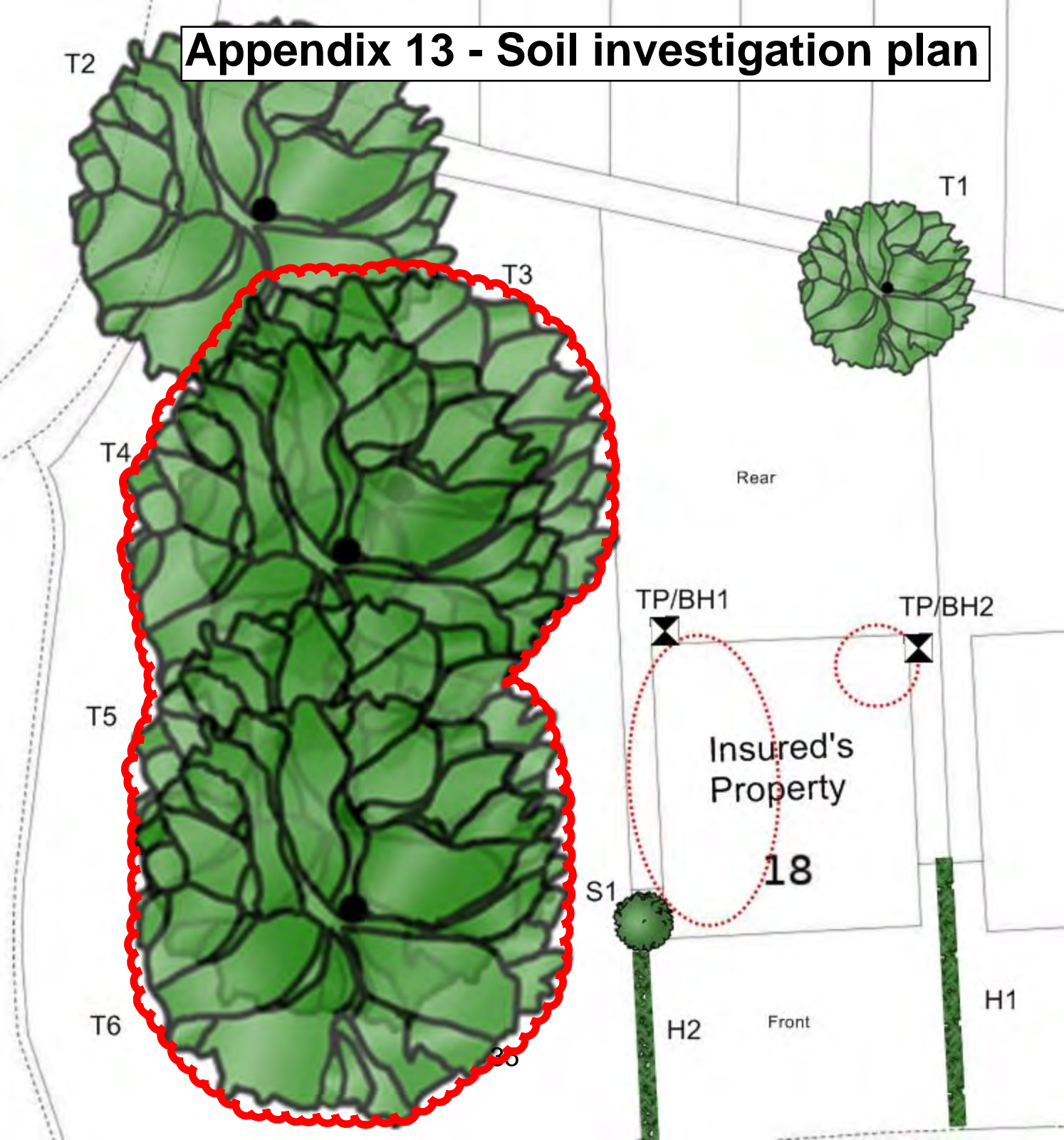
S1

H2

Front

H1

T6



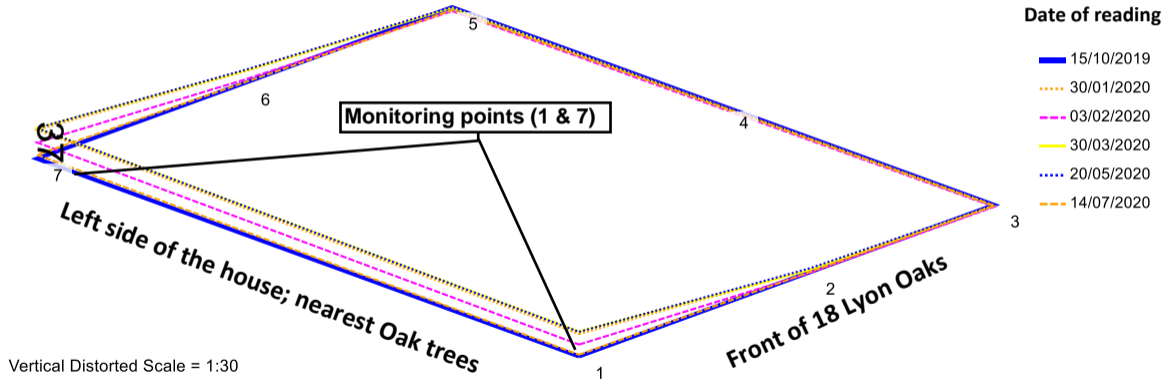
Level Monitoring Difference Graphs

The following graphs display the progressive movement that each Level Monitoring Station recorded at each separate site visit date to give an overall look at how much the property is moving.

Appendix 14 - Level monitoring data



Appendix 15 - Level monitoring data

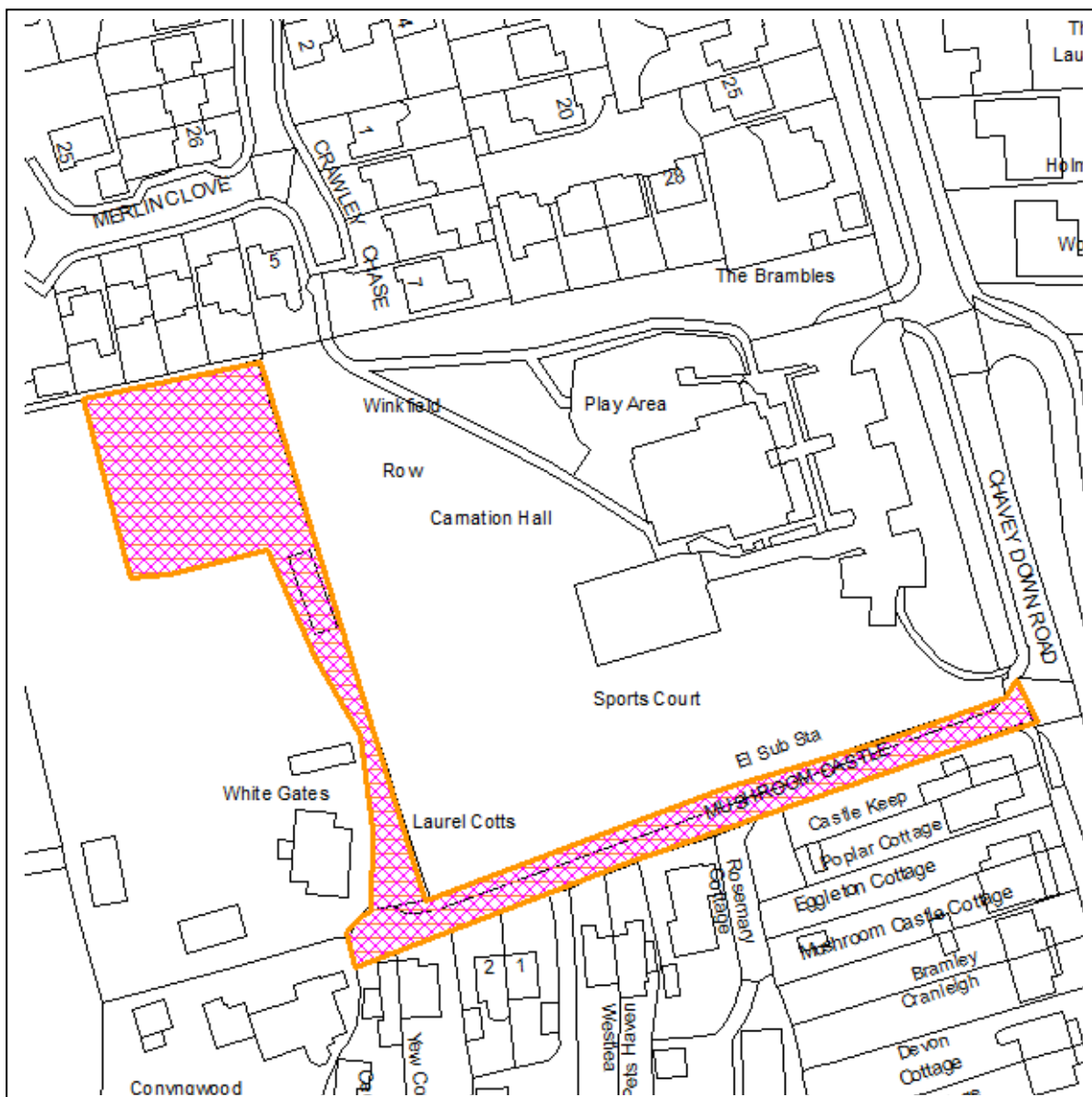


Footprint of house showing points of measurement and level changes

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ITEM NO:			
Application No. 21/00012/FUL	Ward: Winkfield And Cranbourne	Date Registered: 7 January 2021	Target Decision Date: 4 March 2021
Site Address:	White Gates Mushroom Castle Winkfield Row Bracknell Berkshire RG42 7PL		
Proposal:	Section 73 application for the variation of condition 1 of planning permission 18/01238/REM for submission of reserved matters relating to appearance, scale and landscaping pursuant to outline planning permission 17/00318/OUT for the erection of detached dwellings and garages following demolition of existing outbuilding. (Plot 2). (For Clarification: this application seeks to change the location of the 2 dormer windows on the garage to alternate side elevation).		
Applicant:	Kealay Construction Limited		
Agent:	(There is no agent for this application)		
Case Officer:	Olivia Jones, 01344 352000 development.control@bracknell-forest.gov.uk		

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



OFFICER REPORT

1. SUMMARY

- 1.1 The proposal concerns a Section 73 planning application to vary condition 1 of planning permission 18/01238/REM. This condition relates to the approved plans, and the proposed amendment relates to the relocation of dormer windows from the east side elevation of the approved garage, to the west side elevation. This application is retrospective.
- 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 considered acceptable.

RECOMMENDATION

Planning permission be granted subject to conditions in Section 11 of this report

2. REASON FOR REPORTING THE APPLICATION TO PLANNING COMMITTEE

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

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within Countryside

Area D of the Northern Villages Study Area within the Character Area Assessments SPD
--

Area F1 (Chavey Down Wooded Sands) of the Landscape Character Area Assessment

- 3.1 A property know as White Gates is a detached dwelling set in a spacious site which features a number of outbuildings. The site is accessed along Mushroom Castle, a private road with an access onto Chavey Down Road. The application site itself relates to one parcel of the wider site, to the north of the existing dwelling of White Gates. This borders Carnation Hall and its surrounding public open space to the east and the residential area of Merlin Clove to the north. To the west is the remainder of the wider site under the ownership of White Gates.

4. RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history is summarised as follows:

18/01238/REM

Submission of Reserved Matters relating to appearance, scale and landscaping pursuant to outline planning permission 17/00318/OUT for the erection of detached dwellings and garages following demolition of existing outbuilding. (plot 2)
Approved 2019

17/00318/OUT

Outline application for the erection of 2 no. detached dwellings and garages following demolition of existing outbuilding.
Approved 2018

600957
Erection of double garage and single storey store.
Approved 1975

600433
Construction of two storey detached agricultural store for machinery and dry foods.
Section 16 undertaking
Approved 1974

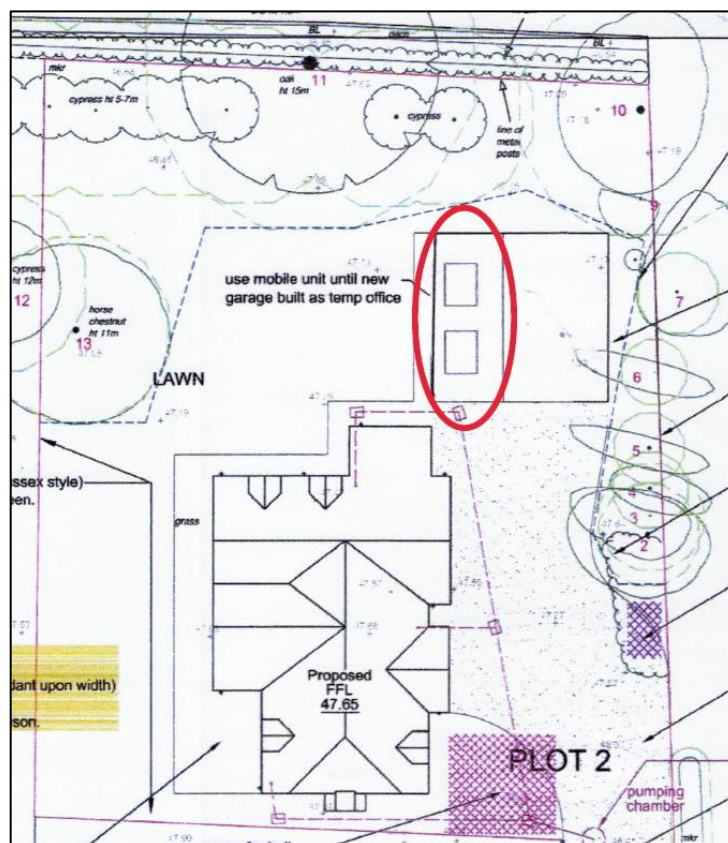
600414
Construction of General storage building for farm machinery etc., to replace existing defective structure.
Approved 1974

600229
Outline application for construction of 2 detached - 2 storey buildings providing in total 4 garages for cars, tractors and farm equipment combined with open stores and dried food stores.
Approved 1974

19363
Demolition of the existing bungalow and erection of a detached house. Section 16 undertaking
Approved 1973

5. THE PROPOSAL

- 5.1 This application seeks consent for the relation of 2no. dormer windows from the east roof slope of the approved detached garage, to the west roof slope.



6. REPRESENTATIONS RECEIVED

Winkfield Parish Council

- 6.1 Objection raised on the following grounds:
1) loss of amenity to neighbouring properties

Other Representations

- 6.2 Letters of objection have been received from the occupants of 10 properties, raising the following concerns:
1) Overlooking into neighbouring gardens and properties
2) The garage has not been built in accordance with approved plans
3) Development has resulted in flooding issues

Officer Comment: This application relates solely to the repositioning of the dormer window. As such, concerns such as flooding and drainage issues resulting from the development, and wider concerns regarding whether the development has been otherwise constructed in accordance with approved plans are not a consideration of this planning application.

7. SUMMARY OF CONSULTATION RESPONSES

- 7.1 No statutory or non-statutory consultations were deemed necessary.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
General policies	CS1 & CS2 of CSDPD	Consistent
Design and Character	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Residential Amenity	Saved policy EN20 of BFBLP	Consistent
Highways	CS23 of CSDPD, Saved policy M9 of BFBLP	Consistent
Supplementary Planning Documents (SPDs)		
Design (2017)		
Other publications		
National Planning Policy Framework (NPPF)		

9. PLANNING CONSIDERATIONS

- 9.1 The key issues for consideration are:

- (i) Principle of the Development
- (ii) Impact on the character and appearance of the area
- (iii) Impact on residential amenity

i. Principle of Development

- 9.2 The principle of the development was assessed and accepted under application 18/01238/REM. There have been no changes in national or local policy since this approval which would mean that the principle of development should be re-assessed.

ii. Impact in the character and appearance of the area

- 9.3 The proposed amendments would consist of relocating the approved dormer windows on the side elevation of the garage. The amendments would maintain the material palette and the design of the dormer windows. The relocation of the dormer windows would not increase the prominence of the development in the wider streetscene.
- 9.4 Based on the above, the proposed amendments would not be considered to adversely affect the character and appearance of the surrounding area. The Design SPD recommends that first floor windows are sited at least 10 metres from the boundary and 22 metres from the rear elevation of the nearest residential dwelling.

iii. Impact on residential amenity

- 9.5 The relocated dormer windows would face towards the west boundary. There are no residential dwellings on the land bordering the west boundary and no planning permission has been granted for new dwellings on this land.
- 9.6 It is acknowledged that the relocated dormer windows are visible from the dwellings and gardens of the properties to the north of the application site, Merlin Clove. This leads to a perception of overlooking.
- 9.7 The closer dormer window is sited approximately 12 metres from the rear boundary and 22 metres to the nearest first floor window on Merlin Clove. As such, the proposed dormer is considered to comply with the separation distances set out in the Design SPD. Furthermore, this measurement is taken from an angle 90 degrees from the centre of the window, a view that could not be achieved when standing inside the room in question. As such, the visibility from the dormer windows to the properties on Merlin Clove would be restricted due to the angle.
- 9.8 Given the separation distance of the proposed dormer windows to the properties to the north, as well as the oblique angle of the views from the dormer windows to these properties, it is not considered the dormer windows sufficiently overlook the neighbouring properties to warrant a refusal.

10. CONCLUSIONS

- 10.1 The amended scheme does not have a significant impact on the character of the area compared to the approved scheme and does not appear out of keeping with the area. The amended scheme does not result in any unacceptable impact on the residential amenity of the occupants of the neighbouring properties, highway safety or trees. The development is therefore considered to be in accordance with the CSDPD, 'Saved' Policies of BFBLP the BFBC SPDs, all in accordance with the NPPF.

11. RECOMMENDATION

That the application be **APPROVED** subject to the following condition:

01. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority:
T371/3D - Proposed Site plan - LPA received 07.01.21
T371/2A – Proposed Garage Plans and Elevations – LPA received 07.01.21

And the following plans approved under planning permission 18/01238/REM:

T371/A - Proposed Housed Plans and Elevations - LPA received 24.04.19

Energy Statement - LPA received 27.03.19

Bat Survey - LPA received 28.11.18

Design & Access Statement (materials) (December 2018) - LPA re-stamp date 16.01.19

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

Informative(s):

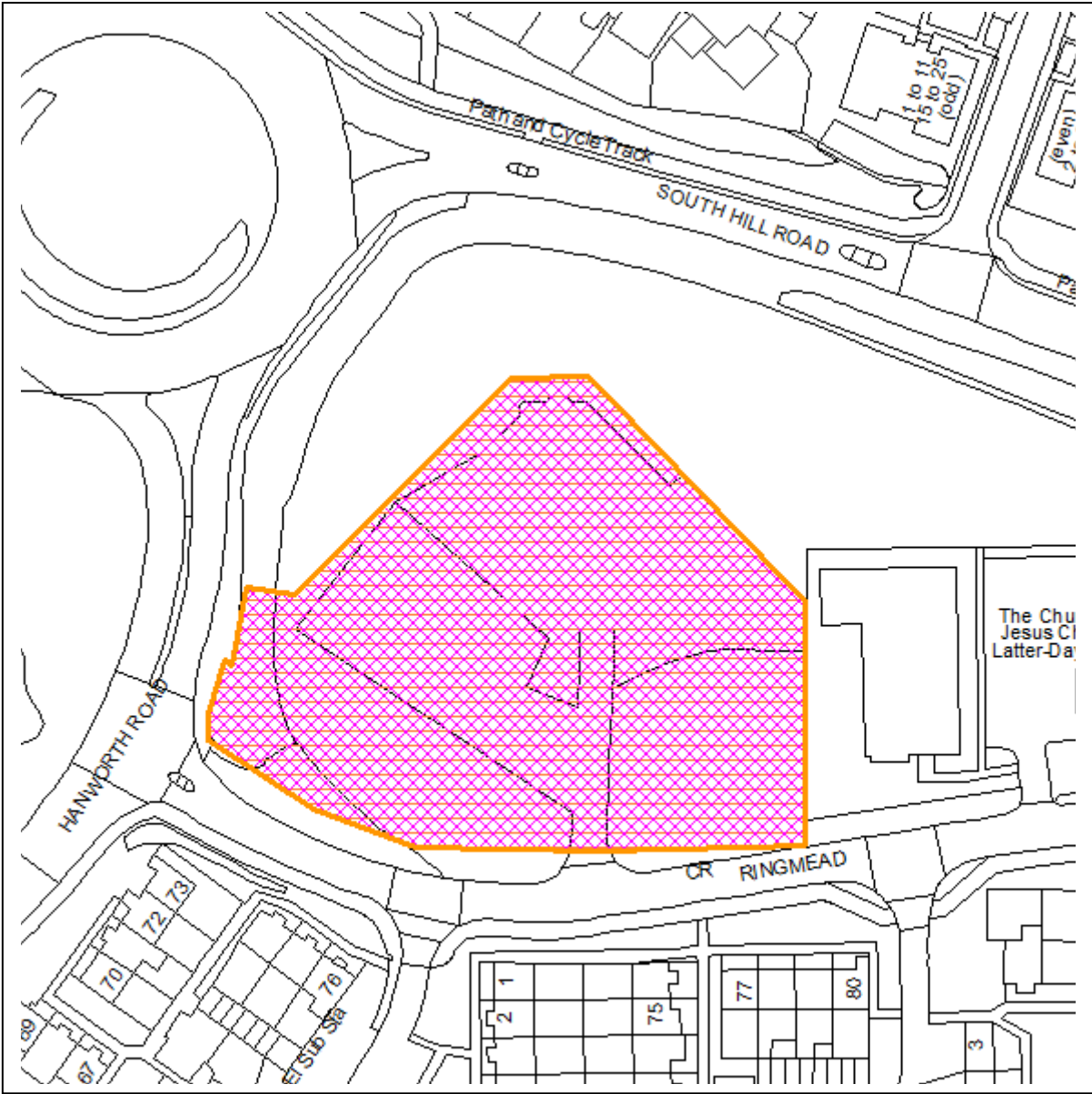
01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:
 - (1) Approved plans
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.

Doc. Ref: Uniform 7/DC/Agenda

The application file to which this report relates can be viewed at the Council's Time Square office during office hours or online at www.bracknell-forest.gov.uk

ITEM NO:			
Application No.	Ward:	Date Registered:	Target Decision Date:
20/00077/FUL	Old Bracknell	3 February 2020	4 May 2020
Site Address:	Former St Margaret Clitherow Roman Catholic Church Ringmead Hanworth Bracknell Berkshire		
Proposal:	Construction of 15 No. apartments together with associated basement and surface car parking, access roads/paths and site landscaping.		
Applicant:	Hilary Foley		
Agent:	Mr Alex Jones		
Case Officer:	Simon Roskilly, 01344 352000 development.control@bracknell-forest.gov.uk		

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



1. SUMMARY

- 1.1 This application relates to the former St. Margaret Clitherow Church located within the designated settlement. The application is for the erection of a 5-storey apartment block with associated basement and surface car parking, access roads/footpaths and landscaping.
- 1.2 The building would accommodate 6no. 1 bed and 9no. 2 bed apartments.
- 1.3 The proposal is considered to respect the character and appearance of the area, be appropriate in design and appearance, and not adversely affect the amenities of either existing or future residents.
- 1.4 The proposal also provides policy compliant parking as well as a safe functional vehicular access off Ringmead.

RECOMMENDATION

Planning permission be granted subject to the completion of a S106 Legal Agreement and conditions as set out in Section 11 of this report.
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2. REASON FOR REPORTING APPLICATION TO COMMITTEE

- 2.1 The application has received more than 5 objections.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within Settlement Boundary.

Within 5km SPA

- 3.1 The designated settlement site, as outlined in red, has an approximate area of 0.67 hectares. The site was once the location of the St. Margaret Clitherow Catholic Church; however the church has been demolished with the existing hardstanding now overgrown.
- 3.2 The site is located between Ringmead, Hanworth Road and South Hill Road and can be described as having overgrown hardstanding, where the church and carpark once were, surrounded by woodland on all sides apart from the existing vehicular access onto Ringmead.
- 3.3 East of, and adjoining, the site is the Church of Jesus Christ Latter-day Saints which is currently operating from the site with an area of plantation woodland to the north under the ownership of Bracknell Town Council.
- 3.4 Glimpses of the development site can be viewed from all three roads through the surrounding woodland within the winter months, although this is lessened somewhat within the summer months.
- 3.5 Trees to the front of the site on each side of the existing access are protected under TPO 638.
- 3.6 There is currently pedestrian access out of the site along Ringmead and Hanworth Road linking this site with estates such as Hanworth, Birch Hill and Easthampstead. These residential estates provide facilities such as schools, shops and medical facilities, accessible by both foot and cycle. Given this, the site is considered to be in a sustainable location.

4. RELEVANT SITE HISTORY

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

19/00142/FUL- Construction of 14no 3 storey, 3 bedroom dwellings with integral garage together with associated car parking, hard and soft landscaping, communal plant, building and site entrance modifications. WITHDRAWN BY APPLICANT.

5. THE PROPOSAL

5.1 The applicant seeks planning permission for the erection of a 5-storey apartment block together with associated basement and surface car parking, access roads/footpaths and associated landscaping. The building would contain 6no. 1 bed and 9no. 2 bed apartments.

5.2 The application has benefited from the submission of amended plans seeking to address early concerns.

5.3 The building consists of a core that is 5 storeys high supported on each side by two 3 storey wings, with each apartment provided with external balcony space.

5.4 The front of the building, facing south, is where the main pedestrian access will be located, although there is also pedestrian and vehicular access provided to the rear of the building. This main pedestrian access into the building is through a glazed communal foyer sited within the centre of the building's core, demarcated by a vertical white rendered framework that then runs up to the 4th floor and a glazed penthouse apartment. The two south facing wings are also demarcated by white vertical frames that run up to, and include, the 2nd floor.

5.5 Horizontally the building can be separated into 4 tiers consisting of the ground, first and second floor within the bottom tier, the 3rd floor within the second tier, the 4th floor within the third tier and a stair core within the final fourth tier. The tiers are noticeable from the front, rear and sides due to the setback and transitions in height.

5.6 The applicant has put forward elevations showing a pallet of external materials that will include, buff brickwork, vertical timber cladding, white render and dark grey powder coated aluminium grilles with associated frame surrounds.

5.7 14no. surface parking spaces, of which two would be for disabled parking, would be provided along the main access road into the site. There would also be an enclosed cycle store and external visitor cycle spaces off this main access road.

5.8 The main access road runs north and round to the rear of the building so that it connects to a ramped vehicular access to the basement and a further 13no. parking spaces again including 2no. disabled spaces. There would also be cycle and motorcycle storage along with access to the upper residential floor via a lift within the basement.

5.9 The building and access road will be surrounded by a transitional area of amenity space between the built form and the site's surrounding woodland.

5.10 The site will have a footpath from Ringmead into the site, into the building both to the front and rear and to an area of terrace patio to the side of the west wing.

5.11 The bin store would be to the rear corner of the building accessible from the main access road.

6. REPRESENTATIONS RECEIVED

Bracknell Town Council

6.1 No objection.

Other representations

6.2 6no. representations have been received from different addresses, raising the following objections: -

- Road safety concerns at a very busy and dangerous junction, with entrance and exit from a bend creating a potential accident blackspot due to lack of visibility. Inadequate parking. [Officer Comment: The Local Highway Authority do not object to this proposal and this is covered in Section 9(iv) Transportation Implications.]
- A five-floor development will be out of character and overbearing for this residential area. [Officer Comment: Issues regarding character and appearance are assessed in section 9(ii) Impact on character and appearance of the area.]
- Proximity of the development to existing neighbouring properties and loss of privacy. [Officer Comment: This has been assessed in section 9(iii) Residential Amenity]
- Loss of trees. [Officer Comment: Trees are covered in section 9(ii) Impact on character and appearance of the area, although the Council's Tree Officer has recommended conditional approval.]
- Additional risk of flooding to local homes. [Officer Comment: Surface water drainage is covered in section 9(vi) Drainage.]
- Adverse impact upon Wildlife. Officer Comment: Any potential for an adverse impact upon wildlife is covered in section 9(v) Biodiversity]
- Not all neighbours notified. [Officer Comment: Neighbours were notified in accordance with the Council's notification procedure which also included 1no. site notice being attached to a lamppost at the existing vehicular access and 1no. site notice also attached to a sign on Hanworth Road opposite the roundabout.]

6.3 2no. representations were also received making the following comments in support of the application: -

- The development is in-keeping with the area and would make good use of a brownfield site. The plan proposed is innovative and much needed.
- Natural England has no comments as long as suitable mitigation is secured and the Transport Assessment confirms that there are no concerns with regards to the site's access, delivery/servicing arrangements and car and cycle parking provision and design.

7. SUMMARY OF CONSULTATION RESPONSES

Highways Officer

7.1 The scheme would provide policy compliant parking provision and a safe vehicular and pedestrian access into and out of the site. Recommend conditional approval.

Environmental Health

7.2 Recommend conditional approval.

Tree Officer

7.3 No objection subject to conditions.

Bio-diversity Officer

7.4 Recommend conditional approval.

Waste & Recycling Officer

7.5 No objection to the scheme.

Lead Local Flood Authority

7.6 No objection to the scheme subject to conditions.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

	Development Plan	NPPF
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	Limited (policy not used in planning application decision-making) Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Parking	Saved policy M9 of BFBLP	Consistent NPPF refers to LA's setting their own parking standards for residential development, this policy is considered to be consistent.
Trees & Landscaping	CSDPD Policies CS1 & CS7 BFBLP 'Saved' Policies EN1, EN2 & EN20	Consistent (paras. 127 & 170)
Heritage	CSDPD Policies CS1 & CS7	Consistent (paras. 189 to 197)
Drainage	CS1 of CSDPD	Consistent (paras. 163 & 165)
Biodiversity	CSDPD Policies CS1 & CS7 BFBLP 'Saved' Policies EN1, EN2 & EN20	Consistent (paras. 170 & 175)

Noise and Pollution (including Land Contamination)	CSDPD Policy CS1 BFBLP 'Saved' Policy EN25	Consistent (paras. 118, 170, 178 & 180)
Sustainability (Renewable Energy and Water Use)	CSDPD Policies CS10 & 12	Consistent (para. 149)
Securing Necessary Infrastructure	CSDPD Policy CS6	Consistent (para. 54 to 56, 92 and 94)
Supplementary Planning Documents (SPD)		
Parking standards SPD Planning Obligations SPD (2015) Thames Basin Heath SPA SPD Character Area Assessments SPD Design SPD		
Other publications		
National Planning Policy Framework (NPPF) 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 Residential Amenity
 - iv Transportation Implications
 - v Biodiversity
 - vi Drainage
 - vii Affordable Housing
 - viii Sustainability and Energy
 - ix Thames Basin Heaths Special Protection Area
 - x Community Infrastructure Levy/ CIL

i. Principle of Development

Development Plan

- 9.2 The Development Plan for the 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)
 'Saved' Policies of the Bracknell Forest Borough Local Plan 2002 (BFBLP)
 Bracknell Forest Borough Policies Map 2013

Policy Context

9.3 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.

Other development plan policies relevant to the principle of development

9.4 Core Strategy Policy CS2 sets out a number of locational principles for new development within Bracknell Forest, including a sequence of allocation, directing development to the Town Centre first, followed by previously developed and other land within defined settlements, and lastly extensions to sustainable settlements. Policy CS2 states that development will be permitted within defined settlements.

Conclusion on the principle of development

9.5 The relevant Development Plan policies outlined above relating to the principle of the proposed development are considered to be up to date, and consistent with the NPPF. For the reasons set out above it is concluded that the proposed development is considered in accordance with Policy CS2 (insofar as it relates to locational principles).

9.6 Residential development of this settlement site is therefore considered acceptable in principle subject to other planning considerations as discussed below.

ii. Impact upon the character or appearance of the area.

9.7 CSDPD Policy CS7 requires high quality design which in this case should build on the local character, respect local patterns of development, enhance landscape and aid movement and accessibility. Policy EN20 of the Local Plan supports Policy CS7 and sets out how development should be in sympathy with its local environment and appropriate in terms of mass and scale, layout and materials amongst other criteria.

Development layout



9.8 Looking at the above proposed layout, development has been consolidated within the centre of the site with the existing access being utilised, albeit improved. There is a level of transitional open amenity space between the built form/hardstanding and the existing trees.

9.9 The Council's Tree Officer was consulted on the proposed scheme and is satisfied that, subject to appropriately worded conditions, the trees that surround the site can be retained in the long-term.

9.10 Overall the layout of the proposal is considered to make good use of previously developed land yet at the same time retain the site's main valued features which is that of the surrounding woodland.

9.11 Given that the proposed layout addresses the site's constraints in a sympathetic manner it is considered appropriate within this settlement location.

Design and visual appearance

The following images represent an artist's impression of how the site may look





9.12 As set out earlier in this report, horizontally the building can be separated into 4 tiers consisting of the ground, first and second floor within the bottom tier, the 3rd floor within the second tier, 4th floor within the final accommodation third tier and a stair core within the final fourth tier. The tiers would be noticeable from the front, rear and sides due to the setback and transitions in height. This approach is considered to reduce the bulk and massing of the building.

9.13 Elevations shown above demonstrate how the proposed pallet of materials will work. A mixture of buff brickwork, vertical timber cladding, white render and dark grey power coated aluminium grilles with associated frame surrounds would further aid in reducing the appearance of bulk and massing.

9.14 Glimpses of the site, although softened, will be viewed through trees especially during the winter months. However, the inclusion of vertical timber cladding on the central tiers that may be more prominent when viewed from outside the site are considered sympathetic to that of the site, given the wooded nature of the site surrounds.

9.15 The site, although located within the designated settlement, does not specifically relate to the nearby residential estates of Easthampstead, Hanworth and Birch Hill, mainly due to the roads that are present on three side of the site. The adjoining Church site is also considered to be of a design that is specific to its immediate surrounds. As such, the contemporary design of the proposed apartment building is not considered to adversely affect the character and appearance of the area and instead provides a character of its own, sympathetic to that of the valued features of the site.

Conclusion on Design, Character and Appearance

9.16 Given the above assessment of the proposal's siting, layout and design it is considered that the development responds well to site constraints such as the surrounding woodland. At the same time, it has its own identity and the design is considered sympathetic to that of the settlement location.

9.17 As such the proposed development is considered to comply with BFBLP policies EN1, EN20, CSDPD Policy CS7, and the NPPF.

iii. Impact upon Residential Amenity

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

Existing residents

9.19 The only building that adjoins the site, to the east, is that of the Church of Jesus Christ Latter-day Saints. All other residential properties are separated from this site by the existing road network with the closest property, 1 Claverdon, approximately 60m from the proposed building. This, combined with the fact that the apartment building will be sited within the center of a wooded site, means that no significant adverse impacts upon existing residential amenity could result.

Future Occupiers

9.20 The proposed layout provides suitable useable amenity space in the form of grassed areas, balconies and a communal terrace.

9.21 The layout of the building would not promote any loss of privacy and at the same time would provide acceptable living conditions for the occupants.

9.22 Given the above assessment the proposal would not result in any adverse impacts upon the amenity of any future occupants.

Conclusion on the impact upon residential amenity

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

iv. Transportation Implications

The following comments were provided by the Local Highway Authority: -

Latest Revisions

9.24 The Highway Authority is satisfied with the amendments made to the submitted drawings, which accord with discussions.

Access

9.25 The proposed residential development would take access from the northern side of Ringmead, a local distributor road (classified C road), which is subject to a 30mph speed limit. Approximately 80m to the west of the site access, Ringmead connects to Hanworth Road as the minor arm at a 'ghost island' priority junction. It is proposed to re-purpose and improve an existing access, which previously served the now demolished church. Visibility splays of 2.4m by 43m are stated in paragraph 3.15 of the applicant's Transport Statement as being achievable in either direction of the access, and this complies with Manual for Streets for the speed limit of Ringmead. A footway return is proposed to the west of the access along with a pedestrian crossing point to the footway on the southern side of

Ringmead, which will include dropped-kerbs and tactile paving. A S278 agreement with the Highway Authority will be needed to form the footway return and pedestrian dropped crossing with tactile paving.

9.26 At the access, a 4.8m wide access road is shown on the proposed plans, which is sufficient for two vehicles to pass, widening to 6.0m in the vicinity of parking for turning. In order that this access road can be served by Bracknell Forest Council's refuse vehicle, the road will need to be built to adoptable standards, sufficient to accept a 26 tonne refuse vehicle.

Parking

9.27 The Site Plan and Undercroft Parking Plan show 14 parking spaces on the surface and 13 spaces in the undercroft car park, giving 27 parking spaces overall, which complies with the Parking Standards SPD (March 2016) for the number and sizes of dwellings proposed; and provides 3 visitor spaces. Two of the car parking spaces (in the undercroft) are marked for disabled use from the outset. A further two spaces on the surface are of sufficient size to be changed to disabled parking if there is a defined need for a disabled resident within the development.

9.28 The undercroft parking area has been laid out with road markings and the doors to the motorcycle store and lift well open away from the car park aisle, for highway safety. Spaces adjacent to walls are 30cm wider than standard to improve the ability to enter and exit the vehicles parked in these spaces. Whilst there is a pillar to the rear of, and between, the two disabled parking spaces, the swept path drawings provided in the Highways Technical Note demonstrate that there is sufficient turning space that this would not cause an issue for access to the spaces.

9.29 The location of "20% (1 in 5) of all spaces to be designed and constructed to be readily adaptable to provide [electric vehicle] charging points" in accordance with paragraph 3.8 of the Parking Standards SPD should be required by condition.

9.30 The proposed cycle parking is in accordance with the Parking Standards SPD in terms of the number of cycle spaces, with an even split of cycle spaces between the undercroft and surface store. The three visitor cycle spaces have now been shown as Sheffield-style stands external to the stores, aiding accessibility to visitors and improving security for residents.

Trips

9.31 Using the TRICS database it is predicted that the 15 flats would generate 5 to 6 trips during each of the AM and PM peak hours and 50 to 60 trips over the day as a whole. The effect on Ringmead and the wider road network of these additional trips is likely to be minimal.

Conclusion

9.32 The Local Highway Authority recommend that the application be approved subject to suitably worded conditions.

Conclusion on Transportation Implications

9.33 Subject to conditions the development is considered not to result in any highway safety implications. As such the proposal is considered to comply with BFBLP Policies M4, M9 and CSDPD Policies CS23 and CS24 and the NPPF.

v. Biodiversity

The following comments were provided by the Council's Biodiversity Officer: -

9.34 The Ecological Appraisal submitted with the previous scheme highlighted the need for a reptile survey. The reptile survey concludes that reptiles are currently absent from the site although this was hampered by issues of vandalism and presence of wood ants at the site. Therefore, the report recommends a precautionary approach to vegetation clearance at the site and the provision of hibernacula within the final landscape at the site. This can be addressed through conditions.

9.35 The woodland surrounding this site forms an important part of green infrastructure connecting to South Hill Park in the east which was identified by the council's Green Infrastructure Review (TVERC, 2017). The woodland is already restricted by two busy roads and various other urban features. Therefore, it is important that this development supports the function of this area in terms of ecology and landscape. The same woodland is also identified by the ecological appraisal as Habitat of Principal Importance for Conservation.

9.36 The landscape proposals show a proposed new footpath/cycle link from the site to South Hill Road. This feature has not been assessed by the ecological appraisal and could have negative impacts on a locally important area of habitat. A footpath and cycleway could require a wide clearance, long term tree safety works and lighting which may further fragment the woodland. Serious consideration should be given to the use of existing footpaths in the area.

9.37 It is noted that the Tree Protection Plan shows the footpath cycleway as being 'no-dig construction' which may reduce the impact of the path on existing trees, the advice of the Tree Officer should take priority on this matter. It is assumed that this will not be an adopted path requiring further width, clearance or lighting which further reduces the impact but does not negate it. The landscape management plan does include measures to sensitively manage the woodland within the site boundary that may help to compensate by removing invasive non-native species, particularly in the woodland area on the south east corner of the site.

9.38 The landscape plan provides a range of native species planting that will help support biodiversity but does not include some features recommended by the reptile survey and the ecological appraisal. Therefore, a condition should be used to secure biodiversity enhancements listed:

- Nesting and Bat Boxes placed on the new building and suitable trees;
- Natural buffer areas in place along woodland boundaries;
- Wildlife planting incorporated into the design of the residential plots;
- Hedgehog gravel boards or gaps for any proposed fencing on site;
- Log piles retained on site;
- Installation of 'insect hotels/bug boxes'

9.39 On balance the application, subject to conditions, has the ability to protect and enhance biodiversity in accordance with policies CS1, CS7, NPPF, and the NERC Act 2006. As such the application is considered to comply with policy CS1 of the CSDPD.

vi. Drainage

The following comments were provided by the Lead Local Flood Authority: -

9.40 The site is located within Flood Zone One and within an area with a very low risk of surface water flooding according to Environmental Agency data.

9.41 The soil type is Host 15, 'Naturally wet very acid sandy and loamy soils' which, as the bore hole information within the FRA confirms, is not suitable to soakaways.

9.42 The proposed drainage design involves connecting to the existing surface water sewer in Ringmead, via an attenuation geotextile distribution tank within the access road, which will restrict outflow to the positive system within Ringmead to 5l/s.

9.43 In principle this approach is acceptable, however it is unclear if a 10% urban creep factor has been included and the FEH calculation method used within the drainage modelling. A high level assessment of the site using the HR Wallingford Surface Water Surface calculation using the FEH method, with 10% urban creep and taking the whole site area (permeable and impermeable), shows that the attenuation tank should have a capacity of 347m³ and not the 113m³ as proposed.

9.44 Therefore, the LLFA recommend a revised design is produced increasing the size of the attenuation tank, however as the principle is acceptable this could be covered by a condition.

9.45 As previously stated, the FRA assumes that the existing site drainage connects to the existing public drainage sewer within Ringmead but this has not been confirmed as a CCTV survey has not currently been undertaken. Therefore, there is no guarantee that the proposed connection can be made, or Thames Water will accept a connection. The applicant will need to provide evidence that Thames Water will support a connection to their sewer, however this can again be covered by a condition.

9.46 To conclude, subject to appropriate conditions, the LLFA recommends no objection to the proposals.

Conclusion on Drainage

9.47 Given the LLFA's comments the proposed drainage scheme is considered acceptable in principle subject to suitably worded conditions.

vii. Affordable Housing

9.48 CSDPD Policy CS17 and BFBLP Policy H8 seek the provision of 25% on-site affordable housing provision, taking account of the economics of provision. These policies are considered consistent with the NPPF.

The following comments were received from the Council's Housing Department: -

9.49 Having regard for policy, the Housing Department would agree with 4 units for Affordable housing (3 affordable housing for rent and 1 shared ownership). It is our requirement for 2x1bed (both rent) and 2x2bed (1rent and 1SO).

9.50 Due to demand, the Council requires Affordable rent capped at Local Housing Allowance rate for any of the affordable rented units) or Social Rent (as detailed in the NPPF 2019).

9.51 The Housing Team would need to secure the units through s106, and the Registered Providers would be required to complete an agreed Local Lettings Plan and Global Nominations Agreement with the Local Authority which meets the needs of our customers.

It is our requirement that the Developer engages with a listed Registered Social Landlord who operates in Bracknell to deliver the affordable housing. This list will be provided by the Council's Housing department, for communication between Developer/RSL. Should the Developer wish to approach an RSL outside of the list, evidence of engagement will need to be provided prior to agreement.

9.52 We would also like you to note that we have a legal obligation to secure dwellings for former rough sleepers and care leavers, who are engaging with the council/other agencies with regard to support needs. This is to promote the Councils Housing Let Model, that is currently being drafted.

Conclusion on Affordable Housing

9.53 Subject to suitable affordable housing being secured by way of a S106 Legal Agreement the proposal would comply with CSDPD Policy CS17, BFBLP Policy H8 and the NPPF.

viii. Sustainability and Energy

9.54 The NPPF outlines how the impacts of climate change and the delivery of renewable and low carbon energy and associated infrastructure is central to the economic, social and environmental dimensions of sustainable development. Para 153 of the Framework states that in determining planning applications, LPAs should expect new development to:

- a) comply with adopted Local Plan policies on local requirements for decentralised energy supply, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

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

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

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

9.58 Whilst no specific details have been submitted, this could be overcome via condition if the application was recommended for approval.

ix. Thames Basin Heaths Special Protection Area

9.59 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.

9.60 This site is located approximately 1.39 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.

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

9.62 In this instance, the development would result in a net increase of 15 dwellings which is required to make a financial contribution towards SANG and SAMM which will be calculated on a per bedroom basis once the mix of the development is determined.

9.63 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.

x. Community Infrastructure Levy (CIL) and S106 Contributions

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

9.65 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 application involves a net increase in dwellings and floorspace and would therefore be liable for CIL. This development lies within the Outer Bracknell charging zone.

9.66 In the event of planning permission being granted, a CIL Liability Notice (CLN) will be issued along with consent.

9.67 In terms of required S106 contributions, on top of the SPA contributions, the Council would also require contributions to go towards an identified Open Space of Public Value project.

9.68 For sites less than a hectare where no public open space can be secured on site, the Council will secure a contribution towards increasing capacity of public open space in the area which is capable of serving the site.

9.69 The Council has a project identified at Ludlow Play area to increase capacity (Page 116 Infrastructure Delivery Plan) the Council will look to secure £30,000 towards

improvements to the play area to increase capacity and serve residents generated as part of the scheme.

10. CONCLUSIONS

10.1 The application seeks planning permission for the erection of a 5 storey building housing 15no. apartments on a cleared brownfield site which once was the site of the former St Margaret Clitherow Church.

10.2 The site is a previously developed brownfield site located within the settlement and as such residential development is therefore considered acceptable in principle.

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

10.4 The proposal would not result in any unacceptable detrimental impacts upon the amenities of existing and/or future occupiers.

10.5 The development provides on-site amenity space along with an accepted drainage strategy.

10.6 The proposal is considered acceptable by the Local Highway Authority in terms of off-street parking and safe access to and from Ringmead.

10.7 The scheme, subject to conditions, would provide adequate biodiversity mitigation and enhancement.

10.8 The proposal, subject to an obligation in the S106 Legal Agreement, would provide on-site 25% affordable housing within a sustainable location.

10.9 In conclusion it is considered that the full application would deliver a well-designed residential scheme for 15 units on a previously developed site within the settlement.

11. RECOMMENDATION

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

- Contribution towards mitigation against the impact upon the SPA.
- Contributions towards OSPV.
- Monitoring Costs
- Affordable Housing

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

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.
02. The development hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details: -

P01 Location Plan 17.02.21
P02 G Site Plan 17.02.21
P03 C Apartment Block/Surrounding Site 17.02.21
P04 A Undercroft Parking Plan 17.02.21
P05 B Ground Floor Plan 17.02.21
P06 A First Floor Plan 17.02.21
P07 A Second Floor Plan 17.02.21
P08 A Third Floor Plan 17.02.21
P09 B Forth Floor Plan 17.02.21
P10 B Roof Plan 17.02.21
P11 B South East Elevation 17.02.21
P12 B North East Elevation 17.02.21
P13 B North West Elevation 17.02.21
P14 B South West Elevation 17.02.21
P15 B Section 17.02.21
P19 D Overall Site Sections 17.02.21

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

03. Prior to commencement of superstructure works, samples of the external materials to be used in that phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved materials.

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

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

04. Prior to commencement of superstructure works, details showing the finished floor levels of the buildings in each phase hereby approved in relation to a fixed datum point shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

05. No development hereby permitted (including site clearance and demolition) shall take place until a wildlife protection scheme 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;
- ii) details of protective measures to avoid impacts during construction;
- iii) a timetable to show phasing of construction activities; and
- iv) details of persons responsible for compliance with legal consents, planning conditions, installation of protective measures, inspection and maintenance.

The wildlife protection scheme shall be implemented and maintained in accordance with approved details during the duration of operational work.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: BFBLP EN3 CS1, CS7]

06. No development shall commence until a scheme for the provision of biodiversity enhancements (not mitigation), including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the local planning authority. An ecological site inspection report shall be submitted within three months of the first occupation and the development shall be carried out in accordance

with the approved details.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: BFBLP EN3 CS1, CS7]

07. No development shall commence until details of the boundary treatments (fencing, hedges, walls) have been submitted to and approved by the Local Planning Authority. All boundary treatments should provide for the free movement of wildlife to and from the site. The development shall be carried out in accordance with the approved details.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: BFBLP EN3 CS1, CS7]
08. The development hereby permitted shall not be begun until details of a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. Details shall include details of an attenuation tank with a capacity of 350m³ and confirmation from Thames Water that connections to the existing foul and surface water systems can be obtained. All works that form part of the approved scheme shall be carried out before the development or any part thereof is occupied.
REASON: In-order to ensure the provision of adequate foul and surface water drainage to serve the development.
[Relevant Plans and Policies: House of Commons: Written Statement (HCWS161) Sustainable Drainage Systems 18/12/2014, NPPF 2012 and the Flood Risk and Coastal Change PPG updated 15/04/2015.]
09. No development (other than the construction of the access) shall take place until the access, including footway return and pedestrian dropped-crossing with tactile paving, has been constructed in accordance with the details to be submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]
10. No development shall take place until visibility splays of 2.4m back from the carriageway of Ringmead by 43.0m along Ringmead in each direction have been provided at the site's vehicular access. These areas shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the adjacent carriageway of Ringmead.
REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]
11. No apartment shall be occupied until the associated vehicle parking and turning space has been surfaced and marked out in accordance with the approved drawing. The space shall thereafter be kept available for parking and turning at all times.
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
12. No development shall take place until
 - (a) details of the location of 3 visitor car parking spaces, and
 - (b) details of the signing for the spaceshave been submitted to and approved in writing by the Local Planning Authority. The car parking spaces shall be provided and signed in accordance with the approved details and the spaces and signage shall thereafter be retained.
REASON: To ensure that the development is provided with adequate car parking to

prevent the likelihood of on-street car parking which would be a danger to other road users.

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

13. No apartment shall be occupied until the details of the design, operation and ongoing maintenance regime for electric vehicle charging infrastructure with a minimum output of 7kW to be provided for 20% (1 in 5) of the parking spaces shown on the approved plan 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 sustainable transport.
[Relevant Policy: Local Plan Policy M9; NPPF paragraph 110 e); and Parking Standards SPD paragraph 3.8 part 1 supported by the NPPF at paragraph 105 e).
14. 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. The building shall not be occupied until the approved scheme has been implemented. The facilities provided shall be retained.
REASON: In the interests of accessibility of the development to cyclists.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
15. 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]
16. 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.

- j) Arboricultural site monitoring - Note confirming that all protection measures are to be routinely monitored by site visits undertaken by a project arboriculturalist (appointed by the land owners), at maximum 4 week intervals for the duration of all works on site to ensure full compliance with the approved tree protection and monitoring scheme. Copy of the signed report to be forwarded to the Local Authority following each site visit.

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

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

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

17. The protective fencing and other protection measures specified by condition 16 shall be erected in the locations agreed in writing by the Local Planning Authority prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site (unless agreed otherwise in writing by the Local Planning Authority). Where phased protection measures have been approved, no works shall commence on the next phase of the development until the protective fencing barriers and other protective measures have been repositioned for that phase in full accordance with the approved details. No activity of any description must occur at any time within these areas including but not restricted to the following: -
- No mixing of cement or any other materials.
 - Storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description.
 - 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.
 - Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ ground conditions of any other description.
 - Installation/siting of any underground services, temporary or otherwise including; drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting.
 - Parking/use of tracked or wheeled machinery or vehicles of any description.

In addition to the protection measures specified above,

- 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.
- 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]

18. No development (including initial site clearance) shall commence until a detailed site specific programme of supervision/monitoring for all arboricultural protection measures, has been submitted to and approved in writing by the Local Planning Authority. Details shall include: -
- Induction and personnel awareness of arboricultural matters.
 - Identification of individual responsibilities and key personnel.
 - Statement of delegated powers.
 - Timing and methods of site visiting and record keeping. To include routine site visits at maximum 4 week intervals
 - Procedures for dealing with variations and incidents.

The program of arboricultural monitoring shall be undertaken in full compliance with the approved details. No variation of the approved monitoring program shall take place without the prior written agreement of the Local Planning Authority. A copy of the signed inspection report shall be sent to the local Authority following each visit.

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

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

19. No development shall commence until a site specific method statement for the removal of all existing hard surfaced areas and/or structures of any other description, located within the minimum Root Protection Areas (RPA's) of trees to be retained, has been submitted to and approved in writing by the Local Planning Authority. Details shall include: -

- a) A site plan at a minimum scale of 1:200, identifying all areas where such work is to be undertaken.
- b) Reinstatement to soft landscape area including proposed ground de-compaction works.
- c) Timing and phasing of works.

The Construction Method Statement shall be observed, performed and complied with 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. No development shall take place until:

(i) details of all proposed alterations to the ground levels within the site within 5 metres of the minimum 'Root Protection Areas' calculated in accordance with BS 5837 (2012) recommendations (or any subsequent revision), for all existing retained trees within the site and on neighbouring land adjacent to the approved development. The details to include:

- a) Cross section diagrams showing existing and proposed and all /any proposed soil level re-grading in relation to existing retained trees, hedges and other vegetation.
- b) Proposed retaining structures required to address level differences adjacent to retained trees and hedges and other vegetation, and

(ii) a programme and method of implementation have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved site layout plan and the approved programme.

REASON: In the interests of safeguarding the long term health and survival of retained trees, hedges and other vegetation considered worthy of retention.

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

21. No development shall take place until comprehensive details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: -

- a) Comprehensive planting plans of an appropriate scale and level of detail that provides adequate clarity including details of ground preparation and all other operations associated with plant and grass establishment, full schedules of plants, noting species, and detailed plant sizes/root stock specifications, planting layout, proposed numbers/densities locations.

- b) Details of tree planting.
 - c) Comprehensive 5 year post planting maintenance schedule.
 - d) Means of enclosure (walls and fences etc)
 - e) Paving including pedestrian open spaces, paths, patios, proposed materials and construction methods, cycle routes, parking courts, play areas etc.
 - f) Recycling/refuse or other storage units, play equipment
 - g) Other landscape features (water features, seating, trellis and pergolas etc).
- REASON: - In the interests of good landscape design and the visual amenity of the area.
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

22. 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, or as may otherwise be agreed in writing by the Local Planning Authority. 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 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’ 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 EN1 and EN20, CSDPD CS7]
23. The areas shown for soft landscaping purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose. If within a 5 year period of the completion of the development any soft landscaped area which is removed, uprooted, or is destroyed or dies shall be replaced by plants of the same species and size as that originally planted at the same place.
REASON: - In the interests of good landscape design and the visual amenity of the area.
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]
24. If contamination is found at any time during site clearance, groundwork and construction the discovery shall be reported as soon as possible to the local planning authority. A full contamination risk assessment shall be carried out and if found to be necessary, a ‘remediation method statement’ shall be submitted to the local planning authority for written approval. Should no evidence of contamination be found during the development a statement to that effect shall be submitted to the local planning authority.
REASON: -To protect future occupiers and users of the site from the harmful effects of contamination.
Relevant Policies: BFBLP EN25
25. Works shall be carried out in accordance with the approved ‘remediation method statement’ (submitted to comply with condition 24) and a final validation report shall be submitted to the local planning authority before the site (or relevant phase of the development site) is occupied.
REASON: -To protect future occupiers and users of the site from the harmful effects of contamination.
Relevant Policies: BFBLP EN25

26. No development [including demolition and site clearance] shall take place until a Construction Environmental Management Plan (CEMP) to control the environmental effects of the demolition and construction work has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include measures for :-
- the control of dust, odour and other effluvia
 - the control of noise (including noise from any piling and permitted working hours)
 - the control of pests and other vermin (particularly during site clearance)
 - the control of surface water run-off)
 - the control of noise from delivery vehicles, and times when deliveries are accepted and when materials can be removed from the site.

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

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

Relevant Policies: BFBLP EN25

27. The development shall not be begun until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/ person/day, has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the Sustainability Statement, as approved, and retained as such thereafter.
- REASON: In the interests of sustainability and the efficient use of resources.
[Relevant Policy: Core Strategy DPD CS10]

28. The development shall not be begun until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate:
- (a) that before taking account of any on-site renewable energy production the proposed development will reduce carbon dioxide emissions by at least 10% against the appropriate Target Emission Rate as set out in Part L of the Building Regulations (2006), and
 - (b) that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 20%) or other measures as agreed with the LPA.
- 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]

In the event of the S106 planning obligations not being completed by 22.07.2021, the Head of Planning be authorised to extend this period or **REFUSE** the application on the grounds of: -

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

2. In the absence of a planning obligation securing Open Space of Public Value contributions and Affordable Housing, in terms that are satisfactory to the Local Planning Authority, the proposal is considered contrary to saved Policy H8 of the Bracknell Forest Borough Local Plan, policies CS6 and CS17 of the Core Strategy Development Plan Document, Bracknell Forest Council Planning Obligations SPD and the NPPF.

Informatives

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. The following conditions require discharge prior to the commencement of ANY development:
03. The following conditions require discharge prior to the commencement of development: 3, 4, 5, 6, 7, 8, 9, 10, 12, 14, 16, 17, 18, 19, 20, 21, 26, 27 and 28.
04. The following conditions require discharge prior to the occupation of the apartments hereby approved: 11, 13 and 22.
05. No details are required to be submitted in relation to the following conditions; however, they are required to be complied with: 1,2, 15, 23, 24 and 25.
06. The Street Care Team Highways and Transport Section should be contacted at Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 352000, to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks notice to obtain details of underground services on the applicant's behalf.

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ITEM NO:

Application No.
20/01046/FUL
Site Address:

Ward:
Harmans Water

Date Registered:
17 December 2020

Target Decision Date:
11 February 2021

6 Shaftesbury Close Bracknell Berkshire RG12 9PX

Proposal: **Erection of 2 bedroom detached dwelling with associated parking following demolition of existing garages and store.**

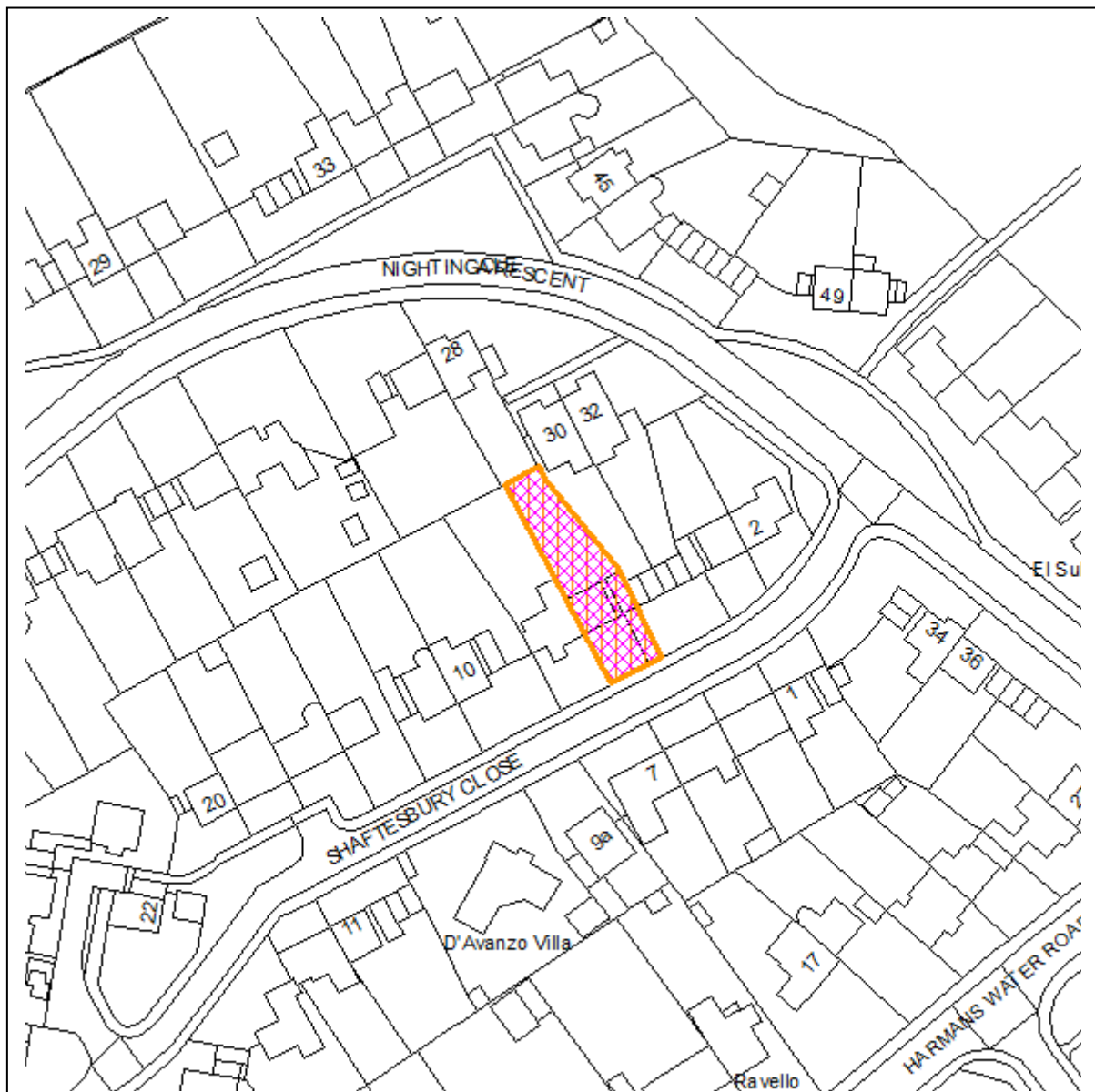
Applicant: Mr & Mrs Liddle

Agent: Mrs Judith Charles

Case Officer: Olivia Jones, 01344 352000

development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

- 1.1 Planning permission is sought for the erection of a detached 2-bedroom dwelling following the demolition of two existing garages and a store.
- 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 considered acceptable.

RECOMMENDATION

Planning permission be granted subject to conditions in Section 11 of this report

2. REASON FOR REPORTING THE APPLICATION TO PLANNING COMMITTEE

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

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within Defined Settlement

Between 400m and 5km of the Thames Basin Heath SPA
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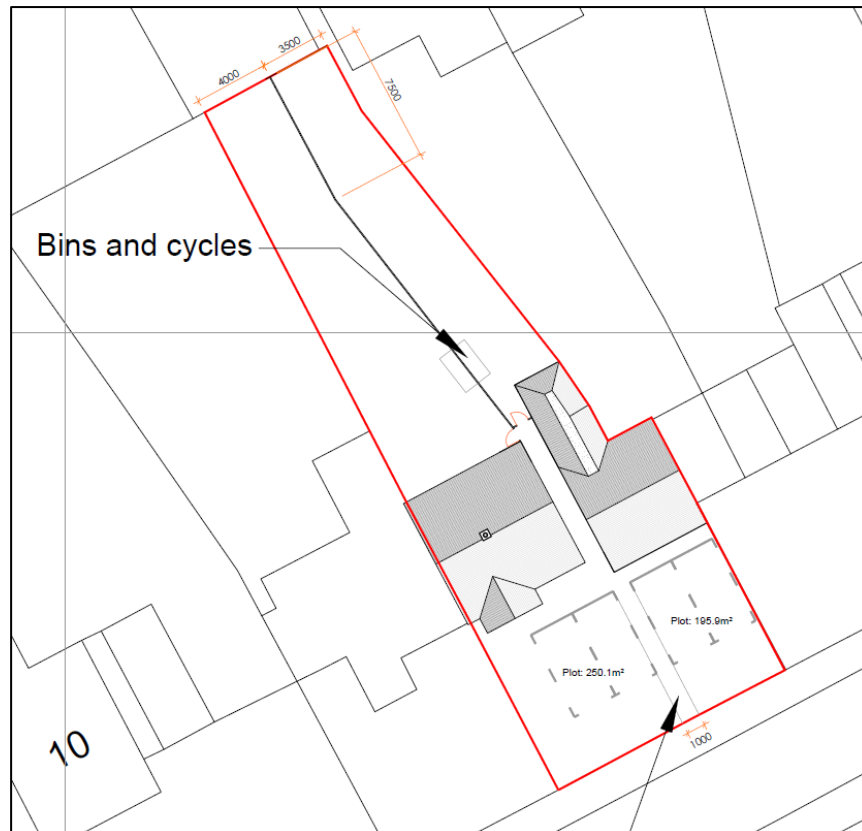
- 3.1 The proposed dwelling would be located to the north-east of 6 Shaftesbury Close, and the garden would consist of the rearmost part of the existing garden of 6 Shaftesbury Close. The dwelling would be located on land currently occupied by 2 attached garages, with a further 4 garages to the north-east.

4. RELEVANT PLANNING HISTORY

- 4.1 Shaftesbury Close was erected under the New Towns Act of 1965.
- 4.2 There is no planning history relevant to the proposed development.

5. THE PROPOSAL

- 5.1 Planning permission is sought for a detached 2 bedroom dwelling.
- 5.2 The proposed dwelling would have a maximum depth of approximately 11.5 metres, a maximum width of approximately 5.7 metres, a ridge height of approximately 7.75 metres and an eaves height of approximately 5.2 metres.
- 5.3 A driveway providing 2 parking spaces is proposed to the front, and a rear garden of approximately 86 square metres.



6. REPRESENTATIONS RECEIVED

Bracknell Town Council

6.1 Objection raised on the following grounds:

- 1) Overdevelopment of an extra dwelling being added to this plot.
- 2) Increased traffic congestion in a close that already has parking issues.
- 3) Out of character with the other properties in this close.

Other Representations

6.2 Letters of objection have been received from the occupants of 5 properties, raising the following concerns:

- 1) Loss of light into neighbouring gardens.
- 2) Impact on privacy.
- 3) Drainage concerns.
- 4) Parking concerns, including additional parking resulting in adverse noise pollution and pedestrian danger.
- 5) Adverse impact on the streetscene.
- 6) Insufficient bin and bicycle storage and lack of rear access.
- 7) Non-material planning considerations (including impact on value of properties, impact on private views, impact on sewage system and legal questions regarding the boundary)

7. SUMMARY OF CONSULTATION RESPONSES

Highway Authority

7.1 No objection subject to suitable conditions

Biodiversity Officer

7.2 No objection

SUDS Officer

7.3 No objection to the application, recommendation for flood proof construction

Tree Officer

7.4 No objection subject to suitable tree protection

SPA Officer

7.5 No objection subject to suitable mitigation

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
General policies	CS1 & CS2 of CSDPD	Consistent
Design and Character	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Residential Amenity	Saved policies EN1, EN2, EN20 and EN25 of BFBLP	Consistent
Highways	CS23 of CSDPD, Saved policy M9 of BFBLP	Consistent
Trees	'Saved' policy EN1 of the BFBLP	Consistent
SPA	NRM6 of the South East Plan, 'Saved' policy EN3 of the BFBLP	Consistent
Biodiversity	CS1 and CS7 of the CSDPD	Consistent
Sustainability	CS10, CS12 of the CSDPD	Consistent
Supplementary Planning Documents (SPDs)		
Design (2017) Parking Standards (2016) Streetscene (2010) Thames Basin Heath SPA (2018) Sustainable Resource Management (2008)		
Other publications		
National Planning Policy Framework (NPPF) Building Research Establishment: Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice 2011 (BRE SLPDS) CIL Charging Schedule (2015)		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- (i) Principle of the Development
- (ii) Impact on the character and appearance of the area
- (iii) Impact on residential amenity
- (iv) Highway safety consideration
- (v) Trees
- (vi) Biodiversity

- (vii) Drainage
- (viii) Sustainability
- (ix) Thames Basin Heath SPA
- (x) Community Infrastructure Levy

i. Principle of Development

- 9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, which is supported by the NPPF (paras. 2 and 12). Policy CS2 of the CSDPD states that development will be permitted within defined settlements. This is provided that the development is consistent with the character, accessibility and provision of infrastructure and services within that settlement. The above policy is considered to be consistent with the NPPF, and as a consequence is considered to carry significant weight.
- 9.3 The site is located in a residential area that is within a defined settlement on the Bracknell Forest Borough Policies Map (2013). As a result, the proposed development is considered acceptable in principle, subject to no adverse impact on the amenity of the neighbouring occupiers and upon the character and appearance of the area, highway safety etc.

ii. Impact on Character and Appearance of Area

- 9.4 The proposed dwelling would be located to the north-east of 6 Shaftesbury Close. It would project past the front elevation of this property by approximately 1.2 metres from the front elevation, and approximately 0.3 metres from the two storey bay projection of 6 Shaftesbury Close. Between 6 Shaftesbury Close and 2 Shaftesbury Close on the corner with Nightingale Crescent there is a well-defined build line, however given the modest projection past the two storey bay window it is not considered that the dwelling would appear unduly prominent in the streetscene to the detriment to the character of the area.
- 9.5 A material palette similar to that found on Shaftesbury Close is proposed, and the appearance, scale and position of the windows would be similar to those found on the surrounding dwellings.
- 9.6 Given the number of semi-detached and terraced properties in the area, it is not considered that the proximity of the proposed dwelling to 6 Shaftesbury Close would appear incongruous. The dwelling would be approximately 0.7 metres shorter than 6 Shaftesbury Close, and would therefore not appear overly prominent in the streetscene. This reduction in height would not appear incongruous, as the proposed dwelling would be located next to a row of single storey garages.
- 9.7 As the land to the existing garages is currently laid with hardstanding, the continued use of this land for car parking would be acceptable. As the proposed dwelling would reduce the view of greenery to the rear, an element of soft landscaping should be provided to the front to soften the appearance of the area, this soft landscaping scheme should be secured by planning condition.
- 9.8 As the front of the plot can accommodate both dwellings with a 1 metre access to the rear (albeit shared by both properties) and all the parking spaces required, it is not considered that the development would appear cramped from public view. However, the narrow land to the rear significantly reduces the land available for private garden areas. Overall, the rear garden space would cover approximately 86 square metres, furthermore, the narrowness of the garden would reduce its useability.

9.9 However, the scale of the proposed garden is similar to that approved at 7 Shaftesbury Close in 2019 (reference 18/00299/FUL). A comparative plan showing the scale of the proposed development in relation to the approved gardens at 7 Shaftesbury Close is shown below:



9.10 It can be seen from this plan that the proposed subdivision would result in plot sizes that have been approved in the immediate area. As such, it is not considered that the scale of the plot would appear sufficiently out of keeping with the character of the area to warrant refusal.

iii. Impact on Residential Amenity

Overlooking

9.11 The rear elevation of the proposed dwelling would be located on the boundary with 30 Nightingale Crescent. At its closest point there would be a separation distance of approximately 16.5 metres from the rear elevation of the proposed dwelling to the rear elevation of 30 Nightingale Crescent.

9.12 The Design SPD states that there should be a separation distance of 10 metres to the boundary and 22 metres between rear elevations to avoid adverse overlooking. Given the wider layout of the area, it would appear that the existing garages were located in order to enable sufficient garden area and privacy to the occupants of 30 Nightingale Crescent. It is therefore considered that any clear glazed opening upper storey rear windows on the proposed dwelling would be unacceptable, and therefore the glazing of windows to the first floor rear bedroom should be restricted by condition.

- 9.13 There are a number of side windows on 6 Shaftesbury Close which would face onto the proposed dwelling. Given the separation distance of 1 metre between the dwellings, it is recommended that any clear glazed opening upper storey west side windows facing towards 6 Shaftesbury Close on the proposed dwelling would be unacceptable and would be restricted by condition.
- 9.14 The proposed dwelling projects past the rear elevation of 6 Shaftesbury Close. As such, any west side facing window would look into the private garden space of this dwelling. This relationship would cause unacceptable levels of overlooking and would be unacceptable and would be restricted by condition.
- 9.15 There are a number of side windows on 4 Shaftesbury Close which would face onto the proposed dwelling. Given the separation distance of approximately 11 metres between the dwellings, it is recommended that any clear glazed opening upper storey east side windows on the proposed dwelling would be unacceptable and would be restricted by condition.
- 9.16 It is not considered that any front facing windows would result in adverse overlooking to neighbouring properties.

Overbearing

- 9.17 The proposed development would extend past the rear elevation of 6 Shaftesbury Close by approximately 2.8 metres and would be separated from the dwelling by approximately 1 metre. It is not considered that the rear projection of the proposed dwelling would appear sufficiently overbearing to the occupants of 6 Shaftesbury Close to warrant refusal.
- 9.18 The front projection would not be considered to appear adversely overbearing to the occupants of 6 Shaftesbury Close, and the proposed dwelling is sufficiently distant from all other surrounding dwellings to avoid appearing unduly overbearing to these occupants.

Overshadowing

- 9.19 The BRE SLPDS is used as a guideline for assessing potential loss of light and the acceptable levels of loss to light to the primary source of light of a habitable room.
- 9.20 For a window parallel to a new development a 45 degree line is drawn on the vertical plane from the highest nearest point of the roof towards this window. Then a 45 degree line is drawn on the horizontal plane from the end of the extension towards the window wall. If the centre of the window lies on the extension side of both of these 45 degree lines, it would be considered that the development would result in an adverse impact on the property with regards to loss of light.
- 9.21 The submitted plans show that there are no side facing windows on 6 Shaftesbury Close that are the primary sources of light to habitable rooms. Therefore, it is not considered that any loss of light to these windows should form a reason for refusal.
- 9.22 A loss of light assessment was undertaken for the rear facing windows on 6 Shaftesbury Close as set out above which determined no significant impact to these windows.
- 9.23 The BRE SLPDS recommends that at least half the garden receives at least 2 hours of sunlight on 21st March. A garden impact assessment as set out in the BRE SLPDS was undertaken which determined the proposed development would not reduce the levels of sunlight in the neighbouring gardens to unacceptable levels.

Amenity of Future Occupiers

9.24 Garden space is proposed to the rear of 6 Shaftesbury Close, accessed from a proposed path alongside the garden of 6 Shaftesbury Close. This garden would have a depth of approximately 20 metres and a width of between approximately 4.3 metres and 3.5 metres, resulting in a garden covering approximately 86 square metres. While the narrow width of the plot would reduce the useability of the area, it is still considered that the space would provide sufficient outdoor amenity such that a refusal would not be justified on these grounds.

iv. Highway Safety Considerations

9.25 This development is located on Shaftesbury Close, a 30mph no-through road. The proposal is for the construction of a detached property in place of the current garage, which will be demolished.

9.26 The existing property has 3 bedrooms, and this remains unchanged in the proposed development. The proposed plans show 2 parking spaces for this property, formed by converting the current front garden area into driveway space. The newly constructed property has 2 bedrooms and provides 2 parking spaces using the existing driveway space. This also meets the requirements of the Parking Standards SPD. A bin and cycle store is provided in the rear garden of both properties.

v. Trees

9.27 A tree protection plan has been submitted with this application which demonstrates the significant trees within and surrounding the application site would be safeguarded during the construction process. These trees, while not covered by a Tree Preservation Order (TPO) are important to the character of the area.

9.28 This tree protection is considered suitable, and it is recommended that a condition securing the protection is imposed.

vi. Biodiversity

9.29 The proposed development would result in the demolition of the existing garage. The existing building has a flat roof which makes it unlikely to support roosting bats. There are no notable features in the garden or immediately adjacent. As such, it is not considered the proposed development would adversely impact on the surrounding biodiversity.

vii. Drainage

9.30 Whilst the development does not appear to result in significant increase in footprint it is located within an area of significant risk of surface water flooding. There were acknowledged capacity issues on the neighbouring Nightingale Close during Winter 2020/21. As such it is recommended that conditions are imposed requiring SuDS compliant construction.

9.31 The garage itself is located above a Thames Water public surface water sewer and in close proximity to the Thames Water public foul sewer. An informative is recommended advising that a build-over-agreement will be required from Thames Water.

viii. Sustainability

9.32 In line with policies CS10 and CS12 of the CSDPD, a Sustainability Statement and Energy Demand Assessment should be required by planning condition.

ix. Thames Basin Heath SPA

9.33 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.

9.34 This site is located approximately 1.5 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.

9.35 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.

9.36 In this instance, the development would result in a net increase of a single 2-bedroom dwellings which results in a total SANG contribution of £5,193.

9.37 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which will be also calculated on a per bedroom basis. Taking account of the per bedroom contributions this results in a total SAMM contribution of £526.

9.38 The total SPA related financial contribution for this proposal is £5,719. The applicant must agree to enter into a S106 agreement to secure this contribution and a restriction on the occupation of each dwelling until the Council has confirmed that open space enhancement works to a SANG is completed. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP Saved Policy NRM6, Saved policy EN3 of the BFBLP and CS14 of CSDPD, the Thames Basin Heaths Special Protection Area SPD and the NPPF.

x. Community Infrastructure Levy (CIL)

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

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

9.41 The proposed development would involve the creation of an additional dwelling, as such it is CIL liable.

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, highway safety or the residential amenities of the occupiers of the neighbouring properties. It is therefore considered that the proposed development complies with 'Saved' policies of the BFBLP, Policies of the CSDPD, BFBC SPDs and the NPPF.

11. RECOMMENDATION

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

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

That the Head of Planning be authorised to **APPROVE** application 20/01046/FUL subject to the following conditions amended, added to or deleted as the Head of Planning considers necessary:

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

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

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

Proposed Floor Plans (100A) – Received 10.02.2021

Proposed Elevations (201D) – Received 10.02.2021

Roof Plans (202D) – Received 10.02.2021

Site Location and Block Plan (010C) – Received 06.04.2021

Tree Report – Received 10.02.2021

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

03. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be similar to those found on 6 Shaftesbury Close.

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

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

04. Notwithstanding that shown on the approved plans the first floor rear and side windows in the development hereby permitted shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent) unless the parts of the window which are clear glazed are more than 1.7 metres above the floor of the room in which the window is installed. 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.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 rear or side elevations of the development hereby permitted.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

06. The tree/ vegetation protection measures shown in the approved Tree Report shall be erected in accordance with BS 5837:2012 (or any subsequent revision) Section 6 prior to the commencement of development, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright 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.

07. 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 parking spaces being brought into use, whichever is sooner. All hard landscaping works shall be carried and completed prior to the parking spaces being brought into use. 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.

[Core Strategy DPD CS7, BFBLP 'Saved' Policies EN2 and EN20]

08. The development hereby approved shall not be occupied until the associated vehicle parking and turning space has been provided in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
09. The dwelling shall not be occupied until a plan showing the floor plan and elevation of the cycle store shown on the approved plans, showing 4 secure and covered cycle spaces, is submitted to an approved in writing by the Local Planning Authority. The cycle parking spaces and facilities shall thereafter be retained.
REASON: In the interests of accessibility of the development to cyclists.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
10. No part of the dwelling shall be occupied until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day, has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the Sustainability Statement, as approved, and retained as such thereafter.
REASON: In the interests of sustainability and the efficient use of resources.
[Relevant Policy: Core Strategy DPD CS10]
11. No construction works shall take place until an Energy Demand Assessment demonstrating that at least 10% of the development's energy will be provided from on-site renewable energy production, has been submitted to and approved in writing by the Local Planning Authority. The dwelling as constructed shall be carried out in accordance with the approved assessment and retained as such thereafter.
REASON: In the interests of sustainability and the efficient use of resources.
[Relevant Policy: Core Strategy DPD CS12]
12. The development shall incorporate surface water drainage that is SuDS compliant and in accordance with DEFRA "Sustainable Drainage Systems - Non-statutory technical standards for sustainable drainage systems" (March 2015). It shall be operated and maintained as such thereafter.
REASON: To prevent increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage scheme.
[Relevant Policies: CSDPD CS1, BFBLP EN25]

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:
- (1) Time limit
 - (2) Approved plans
 - (3) Materials
 - (4) Upper storey windows
 - (5) Future windows

- (6) Tree protection
- (8) Vehicle parking
- (12) SUDS

The applicant is advised that the following conditions are required to be discharged:

- (7) Hard and soft landscaping
- (9) Cycle parking
- (10) Sustainability Statement
- (11) Energy Demand Assessment

03. The applicant should note that this permission does not convey any authorisation to enter onto land or to carry out works on land not within the applicant's ownership.
04. This is a planning permission. Before beginning any development you may also need separate permission(s) under Building Regulations or other legislation. It is your responsibility to check that there are no covenants or other restrictions that apply to your property.
05. This planning permission does not grant consent for a dropped kerb. The Highways and Transport Section should be contacted at Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 352000 or via email at Highways.Transport@bracknell-forest.gov.uk , to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 12 weeks prior to when works are required to allow for processing of the application, agreement of the details and securing the appropriate agreements and licences to undertake the work. Any work carried out on the public highway without proper consent from the Highway Authority could be subject to prosecution and fines related to the extent of work carried out.
06. Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at www.thameswater.co.uk

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

07. As the proposed development it is located within an area of significant risk of surface water flooding the applicant is advised to use flood proof construction and ensure finished floor levels are set higher than surrounding ground levels.

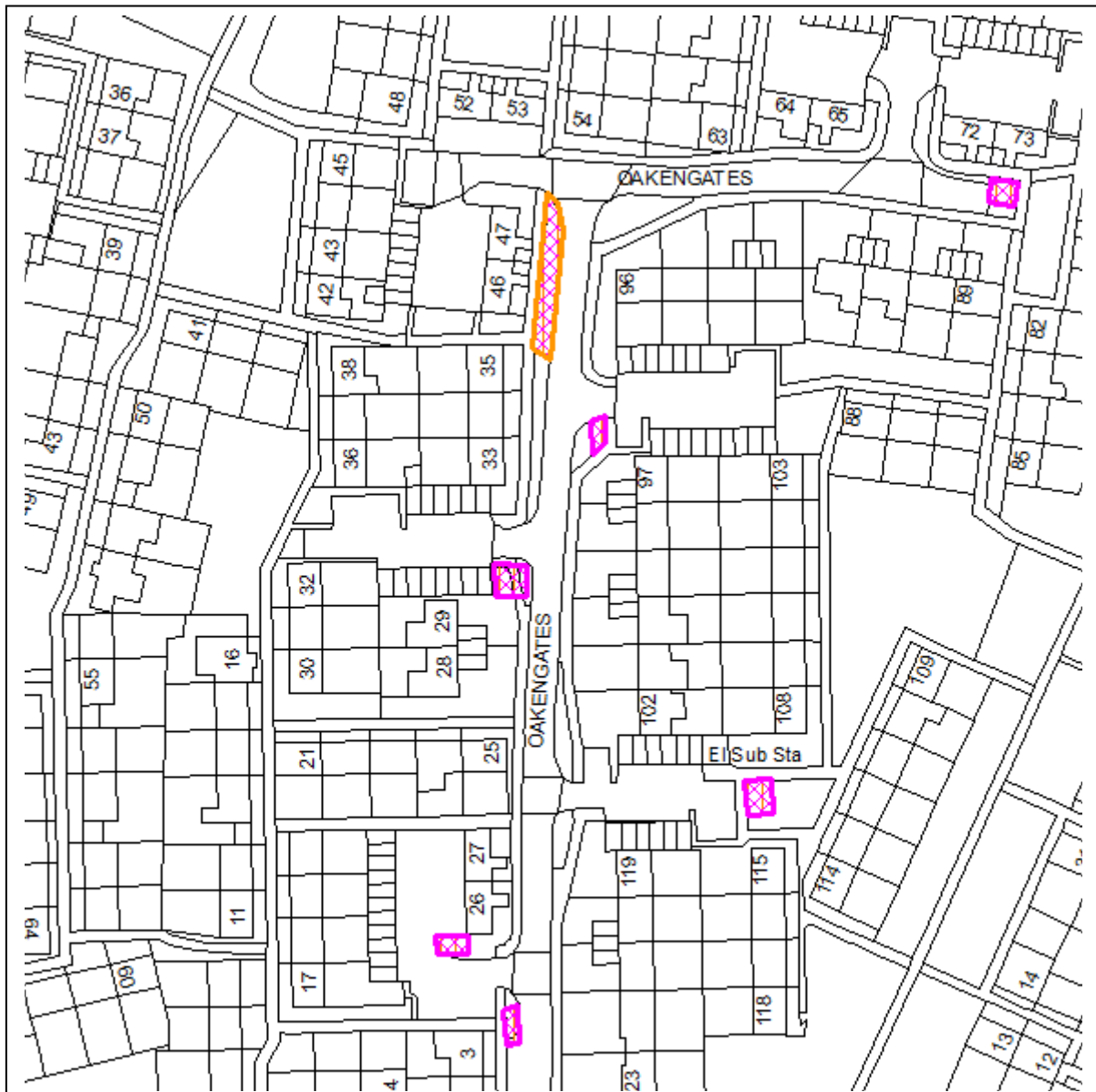
Doc. Ref: Uniform 7/DC/Agenda

The application file to which this report relates can be viewed at the Council's Time Square office during office hours

or online at www.bracknell-forest.gov.uk

ITEM NO: Application No. 20/01054/3 Site Address:	Ward: Hanworth	Date Registered: 7 January 2021	Target Decision Date: 4 March 2021
Proposal:	Oakengates Bracknell Berkshire		
Applicant:	Conversion of grassed amenity land into 12 no. residents parking spaces in various locations.		
Agent:	Bracknell Forest Council		
Case Officer:	(There is no agent for this application)		
	Olivia Jones, 01344 352000 development.control@bracknell-forest.gov.uk		

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



OFFICER REPORT

1. SUMMARY

- 1.1 Planning permission is sought for the formation of 12no. parking bays.
- 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 character and appearance of the area, residential amenity, or highway safety.

RECOMMENDATION

Planning permission be granted subject to conditions in Section 11 of this report

2. REASON FOR REPORTING THE APPLICATION TO PLANNING COMMITTEE

- 2.1 The application has been reported to the Planning Committee as it is a scheme which the Director for Place, Planning and Regeneration is responsible for promoting.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within Defined Settlement

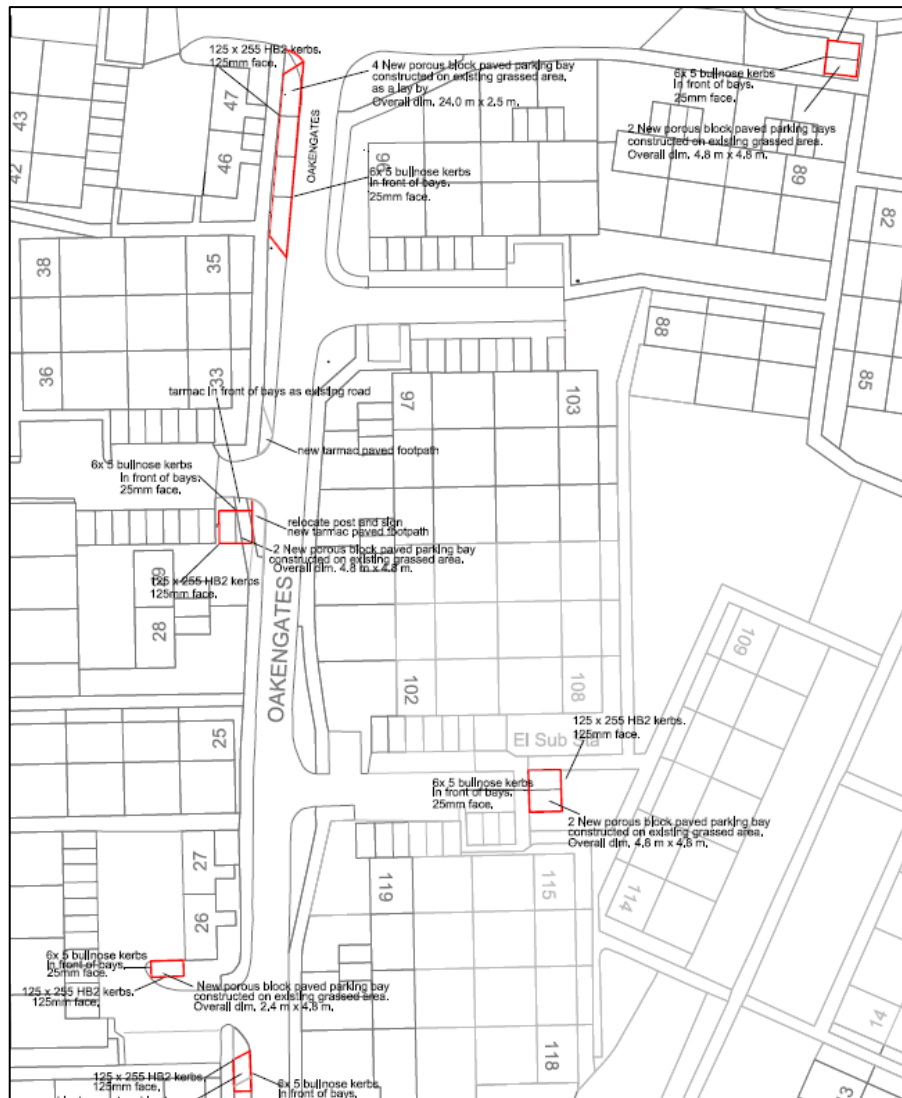
- 3.1 The proposed parking bays would be located in 5 areas of amenity land along the residential street, Oakengates.

4. RELEVANT PLANNING HISTORY

- 4.1 There is no planning history relevant to the proposed development.

5. THE PROPOSAL

- 5.1 It is proposed to form 12 parking bays in 5 areas within Oakengates.



6. REPRESENTATIONS RECEIVED

Bracknell Town Council

6.1 No objection

Other Representations

6.2 One letter of support has been received.

7. SUMMARY OF CONSULTATION RESPONSES

Highway Authority

7.1 No objection

Landscape Officer

7.2 No objection

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
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General policies	CS1 & CS2 of CSDPD	consistent
Design and Character	CS7 of CSDPD, Saved policy EN20 of BFBLP	consistent
Residential Amenity	Saved policy EN20 of BFBLP	consistent
Highways	CS23 of CSDPD, Saved policy M9 of BFBLP	consistent
Supplementary Planning Documents (SPDs)		
Streetscene (2010)		
Parking Standards (2016)		
Other publications		
National Planning Policy Framework (NPPF)		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- (i) Principle of the Development
- (ii) Impact on the character and appearance of the area
- (iii) Impact on residential amenity
- (iv) Highway safety considerations

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 etc. These matters are assessed below.

ii. Impact on the character and appearance of the area

9.3 The majority of the parking bays are to be located on grassed amenity land.

9.4 The proposed bays are not considered to have a significant detrimental impact on the streetscene subject to the provision of planting to mitigate the loss of soft landscaping. A condition requiring a landscaping plan prior to commencement is recommended.

iii. Impact on Residential Amenity

9.5 Due to the nature of the proposed parking spaces, they would not result in an adverse impact on the residential amenities of the occupiers of neighbouring properties in regards possible overlooking, overbearing or overshadowing. Furthermore, considering this is currently a built-up residential area and the presence of the existing parking spaces, it is not considered that the proposal would result in an adverse level of noise and disturbance to the local residents.

iv. Highway Safety Considerations

9.6 The proposed spaces are situated next to existing parking spaces, expanding into grass amenity areas. These are all acceptable to Highways Development Management. Some are located close to accesses, however, Oakengates is a no-

through road, so this is unlikely to present any highway safety issues as vehicle speeds should be low.

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, highway safety or the residential amenities of the occupiers of the neighbouring properties. It is therefore considered that the proposed development complies with 'Saved' policies EN20 of the BFBLP, Policies CS1, CS2 and CS7 of the CSDPD, BFBC SPDs and the NPPF.

11. RECOMMENDATION

11.1 The application is recommended for **APPROVAL** 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:

Layout – Received 09.04.2021

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

03. 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 parking spaces being brought into use, whichever is sooner. All hard landscaping works shall be carried and completed prior to the parking spaces being brought into use. 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.

[Core Strategy DPD CS7, BFBLP 'Saved' Policies EN2 and EN20]

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations,

including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

1. Time limit
2. Approved plans

The applicant is advised that the following condition requires discharging prior to the commencement of development:

3. Landscaping scheme

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.

Doc. Ref: Uniform 7/DC/Agenda

The application file to which this report relates can be viewed at the Council's Time Square office during office hours or online at www.bracknell-forest.gov.uk

ITEM NO:

Application No.

21/00030/3

Site Address:

Ward:

Wildridings And Central

Date Registered:

3 February 2021

Target Decision Date:

31 March 2021

Street Record Swaledale Bracknell Berkshire

Proposal:

Creation of no.7 parking spaces.

Applicant:

Mr David Humphrey

Agent:

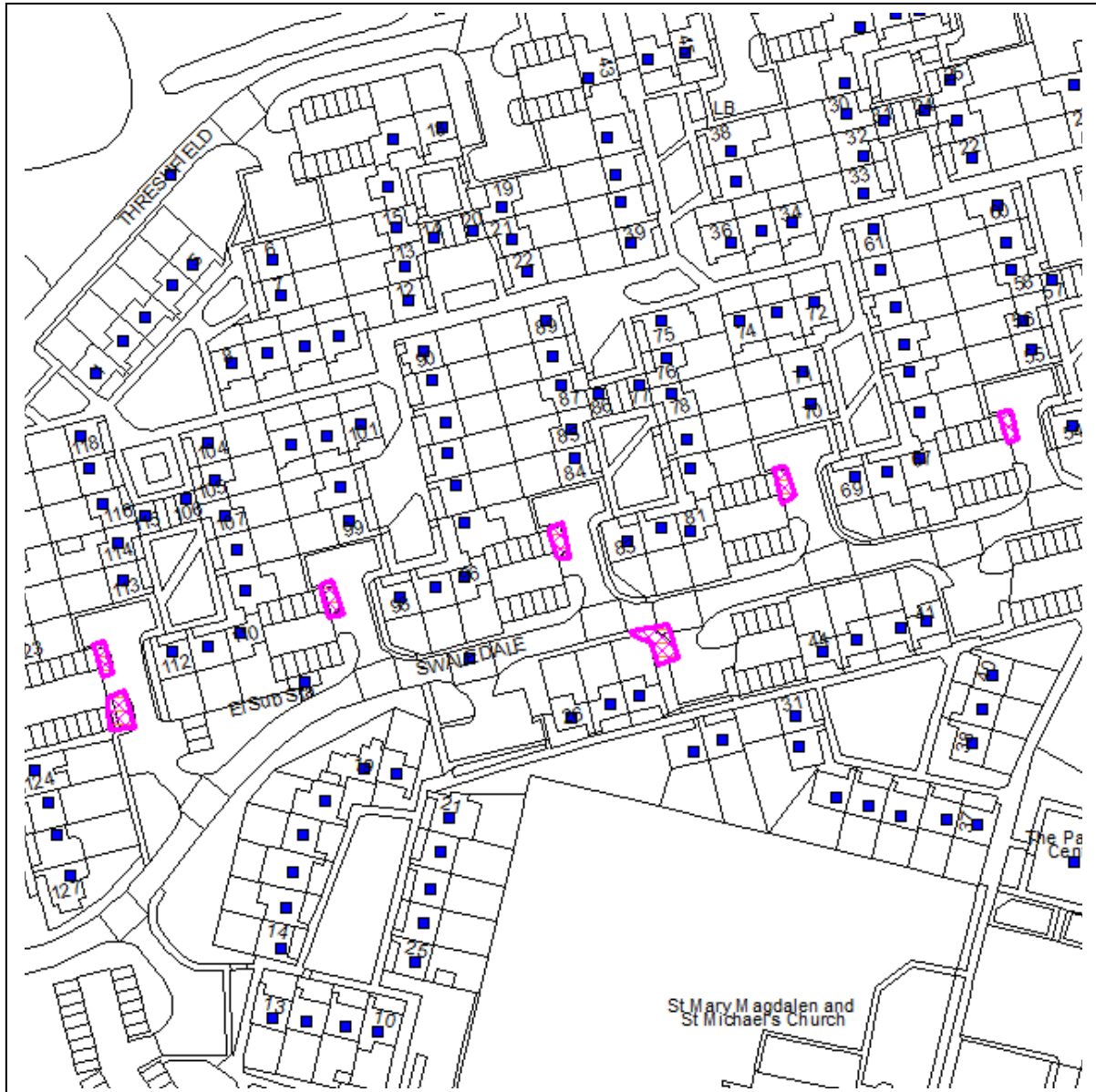
Mr David Humphrey

Case Officer:

Olivia Jones, 01344 352000

development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

- 1.1 Planning permission is sought for the formation of 7no. parking bays.
- 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 character and appearance of the area, residential amenity, or highway safety.

RECOMMENDATION

Planning permission be granted subject to conditions in Section 11 of this report

2. REASON FOR REPORTING THE APPLICATION TO PLANNING COMMITTEE

- 2.1 The application has been reported to the Planning Committee as it is a scheme which the Director for Place, Planning and Regeneration is responsible for promoting.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within Defined Settlement

- 3.1 The proposed parking bays would be located in 7 areas of amenity land along the residential street, Swaledale.

4. RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history is summarised as follows:

11/00797/3

Formation of 3 no. additional parking bays on grassed area adjacent to 26 Swaledale (Regulation 3 application).

Approved 2012

5. THE PROPOSAL

- 5.1 It is proposed to form 7 parking bays within Swaledale.



6. REPRESENTATIONS RECEIVED

Bracknell Town Council

6.1 No objection

Other Representations

6.2 No representations have been received from the occupants of neighbouring properties.

7. SUMMARY OF CONSULTATION RESPONSES

Highway Authority

7.1 No objection

Landscape Officer

7.2 No objection

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
General policies	CS1 & CS2 of CSDPD	consistent
Design and Character	CS7 of CSDPD, Saved policy EN20 of BFBLP	consistent
Residential Amenity	Saved policy EN20 of BFBLP	consistent
Highways	CS23 of CSDPD, Saved policy M9 of BFBLP	consistent
Supplementary Planning Documents (SPDs)		
Streetscene (2010)		
Parking Standards (2016)		
Other publications		
National Planning Policy Framework (NPPF)		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- (i) Principle of the Development
- (ii) Impact on the character and appearance of the area
- (iii) Impact on residential amenity
- (iv) Highway safety considerations

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 etc. These matters are assessed below.

ii. Impact on the character and appearance of the area

9.3 The majority of the parking bays are to be located on grassed amenity land.

9.4 The proposed bays are not considered to have a significant detrimental impact on the streetscene subject to the provision of planting to mitigate the loss of soft landscaping. A condition requiring a landscaping plan prior to commencement is recommended.

iii. Impact on Residential Amenity

9.5 Due to the nature of the proposed parking spaces, they would not result in an adverse impact on the residential amenities of the occupiers of neighbouring properties in regards possible overlooking, overbearing or overshadowing. Furthermore, considering this is currently a built-up residential area and the presence of the existing parking spaces, it is not considered that the proposal would result in an adverse level of noise and disturbance to the local residents.

iv. Highway Safety Considerations

9.6 The proposed spaces are situated next to existing parking spaces, expanding into grass amenity areas. The location of the bays is considered acceptable and there are no highway safety issues presented.

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, highway safety or the residential amenities of the occupiers of the neighbouring properties. It is therefore considered that the proposed development complies with 'Saved' policies EN20 of the BFBLP, Policies CS1, CS2 and CS7 of the CSDPD, BFBC SPDs and the NPPF.

11. RECOMMENDATION

11.1 The application is recommended for **APPROVAL** 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:

Layout – Received 26.03.2021

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Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
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