

Notice of Meeting

Planning Committee – Advisory Meeting

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 20 May 2021, 6.30 - 9.30 pm
Zoom Meeting



Agenda

Recommendations arising from this meeting will be considered in accordance with the delegations approved by Council on 28 April 2021.

| Item | Description | Page |
|------|---|--------|
| 1. | Apologies for Absence | |
| | To receive apologies for absence. Reporting: ALL | |
| 2. | Minutes | 3 - 20 |
| | To approve as a correct record the minutes of the meetings of the Committee held on 22 and 28 April 2021. Reporting: ALL | |
| 3. | Declarations of Interest | |
| | Members are asked to declare any disclosable pecuniary or affected interests in respect of any matter to be considered at this meeting. 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. 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. Reporting: ALL | |
| 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. Reporting: Hannah Stevenson | |

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Planning Applications

(Head of Development Management)

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

| | | |
|----|---|---------|
| 5. | PS: Application No 20-01063-FUL - Crown Land East of Swinley Road, Ascot | 25 - 48 |
| | Application for temporary planning permission for use of land for filming purposes. Works to include construction of film set and use of associated land for parking and storage purposes for a period of 12 months. Reporting: Jo Male | |
| 6. | PS: Application No 20-00714-FUL - Land Rear of Eggleton and Poplar Cottages, Chavey Down Road, Winkfield | 49 - 64 |
| | Erection of detached 3 bedroom dwelling with associated access and parking. Reporting: Basia Polnik | |
| 7. | PS: Application No 21-00018-COND - Conyngwood, Mushroom Castle, Winkfield | 65 - 72 |
| | Details pursuant to conditions 3 (materials), 4 (obscure glazing), 5 (access), 8 (site organisation) and 15 (onsite renewables) of planning permission 18/00639/FUL. Reporting: Basia Polnik | |
| 8. | Application No 20-00585-FUL - Land South Of Foxley Lane, Binfield | 73 - 92 |
| | Full planning application for a residential development of one 4 bedroom dwelling with associated carport, parking and landscaping. Reporting: Basia Polnik | |

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: 10 May 2021

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**PLANNING COMMITTEE
22 APRIL 2021
6.30 - 9.26 PM**

Present:

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

Apologies for absence were received from:

Councillors Mrs Mattick and Skinner

Also Present:

Councillors Ms Gaw and Turrell.

103. Minutes

The apologies of Councillor Mrs McKenzie would be added to the minutes of the Committee on the 18 March 2021.

RESOLVED that the minutes of the meeting of the Committee held on 18 March 2021 be approved as a correct record and signed by the Chairman.

104. Declarations of Interest

There were no declarations of interest.

105. Urgent Items of Business

There were no urgent items of business.

106. 20/00263/TRTPO Land Adj To 18 Lyon Oaks, Warfield, Bracknell

TPO 89 - Application to fell 4 trees

The Committee noted:

- The supplementary report tabled at the meeting.
- The 56 representations received as summarised in the agenda.
- The additional representation as detailed in the supplementary report.

RESOLVED that the application be **REFUSED** 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.

107. PS 21/00012/FUL White Gates, Mushroom Castle, Winkfield Row

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).

The Committee noted:

- The objection from Winkfield Parish Council as detailed within the report.
- The objections received by 10 addresses as summarised in the agenda.
- The representations from the public speaker who joined the meeting.

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 21/00012/FUL be **REFUSED** for the following reason:

1. The development by reason of its position and orientation in relation to the neighbouring properties has an unduly overbearing impact and results in unacceptable levels of overlooking to private homes and gardens. The proposed development is therefore contrary to Saved Policy EN20 of the Bracknell Forest Borough Local Plan, Policy CS7 of the Core Strategy Development Plan Document, BFBC Design Supplementary Planning Document, and the National Planning Policy Framework.

108. **20/00077/FUL Former St Margaret Clitherow Roman Catholic Church, Ringmead, Hanworth**

Construction of 15 No. apartments together with associated basement and surface car parking, access roads/paths and site landscaping.

The Committee noted:

- The supplementary report tabled at the meeting.
- That Bracknell Town Council raised no objection to the proposed development.
- The objections received by 6 addresses as summarised in the agenda.
- The 2 letters of support as summarised in the agenda.
- The 2 further objections and 1 addition letter of support as detailed in the supplementary report.

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

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

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

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

an appropriate scale plan showing where construction activities are restricted;

- details of protective measures to avoid impacts during construction;
- a timetable to show phasing of construction activities; and
- 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 spaces
have 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: -

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

In addition to the protection measures specified above,

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

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

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

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

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

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

[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]
29. The internal road layout within the development up to and including the turning head shall be constructed to adoptable standards, compliant with the Bracknell Forest Council Highways Guide for Development.
REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]

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.

109. **20/01046/FUL 6 Shaftesbury Close, Bracknell, Berkshire**

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

The Committee noted:

- The supplementary report tabled at the meeting.
- The objections of Bracknell Town Council as detailed in the agenda.
- The objections received by 5 addresses as summarised in the agenda.
- The further comments received from the existing objectors as detailed in the supplementary report.

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

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

RESOLVED that the Head of Planning be authorised to APPROVE 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 ce 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 and 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]

110. **20/01054/3 Oakengates, Bracknell, Berkshire**

Conversion of grassed amenity land into 12 no. residents parking spaces in various locations.

The Committee noted:

- That Bracknell Town Council raised no objection.
- That one letter of support had been received.

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

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

111. **21/00030/3 Swaledale, Bracknell, Berkshire**

The Committee noted:

- That Bracknell Town Council raised no objection.
- That no letters of representation had been received.

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

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

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

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

Layout – Received 26.03.2021

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]

CHAIRMAN

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**PLANNING COMMITTEE
28 APRIL 2021
8.00 - 8.01 PM**



Present:

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

1. **Election of Chair**

RESOLVED that Councillor Dudley be elected Chair of the Planning Committee for the municipal year 2021-2022.

2. **Appointment of Vice-Chair**

RESOLVED that Councillor Brossard be appointed Vice-Chair of the Planning Committee for the municipal year 2021-2022.

CHAIR

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

**PLANNING COMMITTEE
20th May 2021**

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

| | | Case Officer | Reporting Officer |
|---|---|-------------------------|------------------------------|
| 5 | <p>20/01063/FUL Crown Land East Of Swinley Road Ascot (Ascot Ward) Application for temporary planning permission for use of land for filming purposes. Works to include construction of film set and use of associated land for parking and storage purposes for a period of 12 months. Recommendation: Refuse.</p> | Trevor Yerworth | Jo Male |
| 6 | <p>20/00714/FUL Land To Rear Of Eggleton Cottage and Poplar Cottage Chavey Down Road Winkfield Row (Winkfield And Cranbourne Ward) Erection of detached 3 bedroom dwelling with associated access and parking. Recommendation: Approve Subject To The Completion Of Planning Obligation(s).</p> | Sarah Horwood | Basia Polnik |
| 7 | <p>21/00018/COND Conyngwood Mushroom Castle Winkfield Row (Winkfield And Cranbourne Ward) Details pursuant to conditions 3 (materials), 4 (obscure glazing), 5 (access), 8 (site organization) and 15 (on site renewable's) of planning permission 18/00639/FUL. Recommendation: Approve.</p> | Sarah Fryer | Basia Polnik |
| 8 | <p>20/00585/FUL Land South Of Foxley Lane and West Of Murrell Hill Lane Binfield (Binfield With Warfield Ward) Full planning application for a residential development of one 4 bedroom dwelling with associated carport, parking and landscaping. Recommendation: Approve Subject To The Completion Of Planning Obligation(s).</p> | Sarah Fryer | 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.

Unrestricted Report

ITEM NO: 05

Application No.
20/01063/FUL
Site Address:

Ward:
Ascot

Date Registered:
21 December 2020

Target Decision Date:
15 February 2021

Crown Land East Of Swinley Road Ascot Berkshire

Proposal:

Application for temporary planning permission for use of land for filming purposes. Works to include construction of film set and use of associated land for parking and storage purposes for a period of 12 months.

Applicant:

Ms E PILL

Agent:

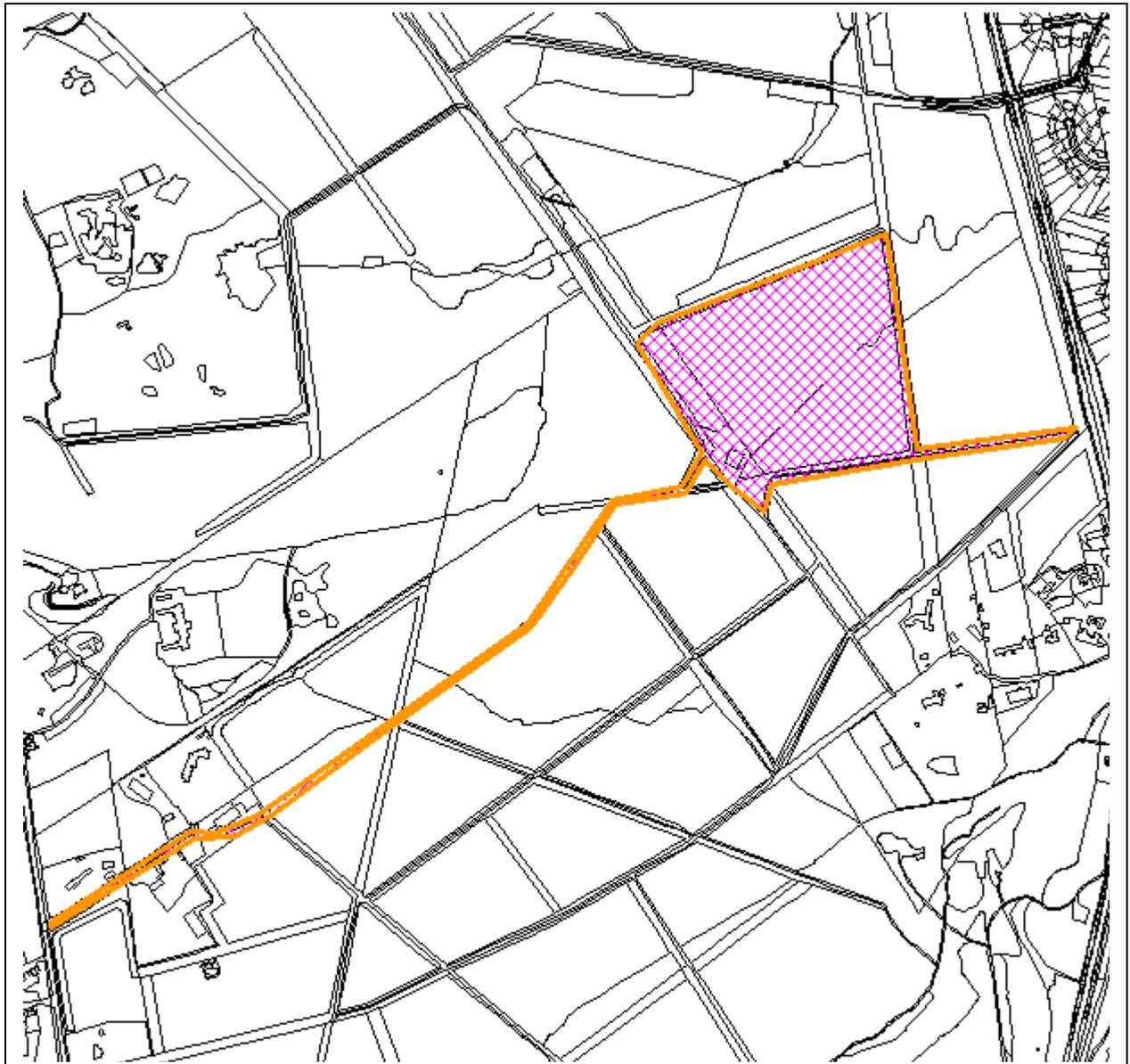
Ms J Long

Case Officer:

Trevor Yerworth, 01344 352000

Development.control@bracknell-forest.gov.uk

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



1. SUMMARY

1.1 The proposed development relates to a site within the Green Belt. It proposes an inappropriate form of development which is 'by definition' harmful to the Green Belt. Furthermore, it would result in harm to the openness of the Green Belt and to the character and appearance of an area which is valued locally as a place for tranquil informal recreation. It is not considered that 'very special circumstances' exist that clearly outweigh the harm to the Green Belt and any other harm.

1.2 In addition, the proposal as it stands would result in an unacceptable impact on highway safety. The applicant is proposing that part of the parking requirement be met off-site, but has not demonstrated that feasible or available parking can be secured.

1.3 The applicant has not demonstrated that the proposed development would not have a detrimental impact on biodiversity.

| |
|-----------------------|
| RECOMMENDATION |
|-----------------------|

| |
|---|
| Planning permission be refused for the reasons set out in Section 11 of this report |
|---|

2 REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 This application is reported to committee at the request of Councillor Brunel-Walker.

3. PLANNING STATUS AND SITE DESCRIPTION

| |
|------------------------|
| PLANNING STATUS |
|------------------------|

| |
|------------|
| Green Belt |
|------------|

| |
|---------------------------------|
| Outside the settlement boundary |
|---------------------------------|

| |
|---|
| Sited within 5km of the Thames Basin Heaths SPA |
|---|

| |
|-------------------------------|
| Biodiversity Opportunity Area |
|-------------------------------|

| |
|--------------------------------------|
| SSSI 500m buffer (access track only) |
|--------------------------------------|

3.1 The 12.9ha site is located within the south eastern part of the over 200ha Swinley Forest which lies between the A332 Swinley Road to the west and the Ascot to Bagshot railway line to the east. The site is an open area of land that has been recently cleared and which forms part of a large commercial forest that benefits from permissive public access.

3.2 The vehicular access to the site would be from the west, off the private Buttersteep Rise and Swinley Road. Within the site, forest tracks would provide access to the film set and support area.

3.3 Swinley Forest Golf Course and residential properties on Bodens Ride are approximately 320 metres away to the south.

4. RELEVANT SITE HISTORY

4.1 12/00642/T Validation Date: 15.08.2012

Two year temporary permission for the holding of a family based Christmas Event to be open to members of the public between 1st December and 24th December 2012, and 22nd November and 24th December 2013, with set up and dismantling between 10th October and the opening of the event and 27th December and 31st January each year respectively, together with ancillary works to improve the existing access arrangements onto Swinley Road (A332) and in the formative year to strengthen existing forest access routes and

pathways with the removal of all structures from site and the reinstatement of the land in the intervening periods.

WITHDRAWN 12.09.2012

5. THE PROPOSAL

5.1 Planning permission is sought for the temporary use of land for film making including the creation of a film set on the land, to allow for the filming of a television series for a US Production company. Filming use of the land is required for a 12-month period, with filming proposed to occur over 30 days within a four-month period following the required preparation period. Following the conclusion of filming, the land will be reinstated to its former appearance.

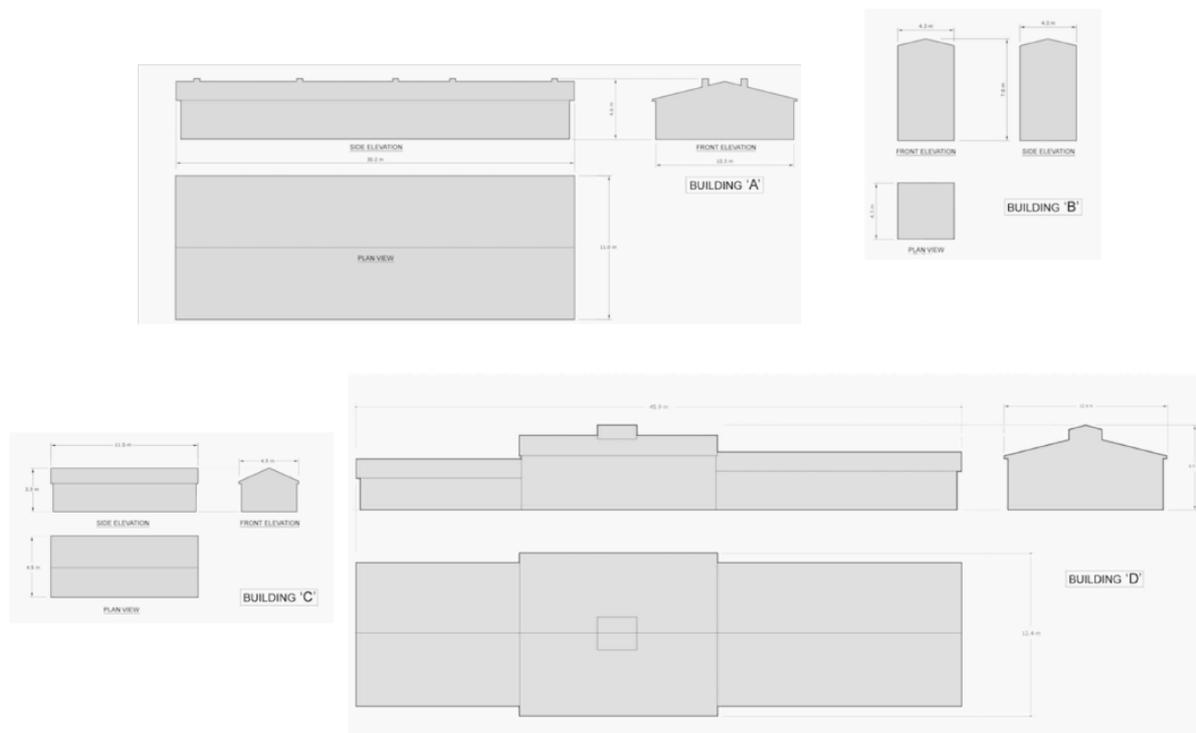
5.2 In addition to the construction of the film set, adjacent areas will be used for the creation of a unit base, and for parking on filming weeks. The built film set would be created in the northern section of the application site and would involve the construction of temporary buildings and fencing. In addition, the proposal would require associated activities including parking and a Unit Base including portacabin site office; toilet facilities; technical vehicles including power supply generators; waste water and fresh water bowers; storage containers; two marquees for costume/dining (during the filming period) and construction and general waste skips. The Unit Base would be located to the south west of the main set. It would also include areas of hardstanding to accommodate up to 20-25 vehicles, typically in the range from 7.5 tonnes to 18 tonnes.



Set layout – showing approximate location of temporary set structures

5.2 There are no permanent or fixed structures proposed to be built. Set structures would not exceed 7.8m in height and would be made and constructed in situ and removed at the

end of the filming period. Overnight accommodation would be provided on the site for security reasons during the construction and filming phases.



Examples of set structures

6. REPRESENTATIONS RECEIVED

Winkfield Parish Council

6.1 Winkfield Parish Council supports the proposals subject to submission by the applicant of an acceptable highways report and a comprehensive traffic management plan.

CPRE Berkshire

CPRE Berkshire objects to this application on a number of grounds including:

- inappropriate development in the Green Belt resulting in encroachment and visual and spatial loss of openness to the Green Belt. Does not accept the very special circumstances put forward as the site is isolated, and unlikely to benefit local businesses some miles distant. Overall, there would be few if any benefits, and these are outweighed by the harm to the Green Belt.

- Several SSSIs are nearby, the nearest Swinley Park and Brick Pits SSSI, and the application site is in proximity to the Thames Basin Heaths SPA, a network of heathland sites that provide habitat for important ground-nesting bird species, for which it was designated. The filming schedule could impact particularly on nesting birds and young fledged birds, potentially reducing breeding success and populations.

- There is no assessment of the access route, which traverses the Forest from the west. The Habitats Study considered parking areas, but not potential disturbance from cars, buses and other heavy vehicles traversing the Forest during filming. The route goes through some of

the alternative breeding/foraging areas that the report suggests will mitigate the proposal. There is also no consideration of potential vehicle pollution on the Forest and nearby vulnerable habitats. In addition no consideration is given to wider disturbance of the Forest in terms of potential (recreational) footfall from up to 350 extra people. These are significant gaps in the ecological assessment.

- The study did not cover other species of conservation concern in the Forest, yet potential impacts could be significant. Both Woodcock and Nightjar are seriously affected by night-time light and noise. While the report concludes that viable Woodlark and Nightjar habitat will be restored onsite from 2022 onwards, intervening seasons may be critical.

- There is inadequate consideration of whether the proposed access route is safe or adequate, or of impact on the quiet residential area. The proposal indicates that site traffic would turn off and exit onto the fast (60mph limit) and busy A322. There is no evidence safety has been adequately assessed.

- It is proposed the site would then be accessed via a residential road and a forest track. These are not intended or capable of the estimated volume or types of traffic. Heavy vehicles would be in use throughout construction/removal and the filming period. While forest tracks are undoubtedly suitable for forestry vehicles, such vehicles are few in number and are also designed for the terrain. Buttersteep Rise is a small, quiet road. Consideration does not seem to have been given to whether it is adequate for the traffic, or of adverse impact on residents. Multiple heavy-vehicle movements during the construction/ removal phases and an overwhelming number of vehicles during filming is more than the road can cope with and would be severely disruptive to the tranquil community.

- The site is accessed via roads passing through or near the TBH SPA. There are other European sites in the vicinity. We are not clear whether this development, given the traffic volume including heavy traffic (albeit sporadic and temporary), needs to be considered under the Habitats Regulations.

The Society for the Protection of Ascot & Environs (SPAЕ)

6.3 SPAЕ objects to this application on a number of grounds including:

- The set pieces would remain in situ for the whole of the year. They therefore would have a high degree of permanence, physically changing the character of the site for the elapsed duration. They would be visually intrusive, and the proposal would represent encroachment into the countryside. In spatial and visual terms, the proposal would cause substantial harm to the openness of the Green Belt. It is inconceivable that such use of this land would not have major adverse impact on the Green Belt and so would amount to inappropriate development.

- The case put forward for very special circumstances has an emphasis on the economic benefits that may be derived. However the nearest locations for retail and other services are in Ascot Centre (2.8 miles away and in the Royal Borough) and Bagshot (2.9 miles away and in Surrey Heath BC). SPAЕ considers that there would be little economic and financial impact on the local area. Further, there would be little employment gain in the set-up and take-down for the set pieces. Employment would inevitably come from outside the area and it is also very doubtful that acting talent and support staff would be drawn from the local community. As such, the proposal is highly unlikely to outweigh the detrimental harm that would result from development in the Green Belt.

- The proposed development is in an area of high biodiversity value and is located adjacent to the Swinley Park and Brick Pits SSSI. The proposal is therefore likely to have a direct

adverse and harmful impact on the habitat and wildlife. The proposal should contribute to minimising impacts on and providing net gains for biodiversity. If significant harm to biodiversity resulting from the proposal cannot be avoided (through locating on an alternative site with less harmful impacts), then adequate mitigation should be provided.

- The proposal would adversely affect the character and appearance of the land, it would damage its landscape quality and it would injure the visual amenity of the Green Belt.

- The proposed access is from the A332 which has a 60mph speed limit. We would expect Thames Valley Police to be satisfied that the additional traffic would not result in safety concerns. Further, car movements, light and noise within the site would seriously disrupt those residents who live within the Green Belt land on Swinley Road.

Creative England (CE)

6.4 CE supports this application. CE is the national agency that provides support to the creative industries in England, outside London. It supports international and domestic film and TV production to shoot in England and works to improve the environment for filming in England. It works in close collaboration with the British Film Commission, to attract inward investment from film and TV production. CE states that the film and TV industry in the UK generates significant value for the UK economy. In 2019, film production in the UK generated a total spend of £1.95 billion.

Creative England estimate the average amount a production spends when filming on location per day is in excess of £42,000 on a major feature film and in the region of £22,000 for a high-end television drama. The impact to both the national and local economy is clear to see.

High-end UK productions create outstanding content in demand by audiences globally and generating much-needed expenditure and support more than 180,000 jobs to drive the UK's economic and social recovery. Despite the UK's success in attracting international productions in film and high-end TV, the supply of studio and alternative build space is not in-step with demand. This temporary planning application directly responds to the shortage of studio and alternative build space in the UK that Creative England have seen over the last number of years. Temporary planning permission would also ensure that the UK remains internationally competitive by ensuring sufficient infrastructure to support inward investment.

Given Berkshire's proximity to the M3, M4, Central London, Heathrow and the largest Studios in the UK its unsurprising that the County has been home to some of the biggest productions to shoot in the UK over recent years such as Netflix' The Crown and Bridgerton, Universals' Fast and Furious 9, MGM's No Time To Die and Sony's Cinderella to name but a few. This validates Berkshire's importance as a filming destination in the UK and the opportunity to ensure communities across the County enjoy the profile, job opportunities and economic benefits that the sector generates.

Other Representations

6.4 78 letters of objection have been received, the vast majority of these from local residents living in Ascot and Bracknell. They raise the following concerns:

Transport

- Buttersteep Rise, is a small road, barely wide enough for two cars to pass each other. 300 cars on this per day will not only block our entrance, but there is no provision in the application for restoring the road surface once production is completed (that number of heavy vehicles will destroy it).

- additional traffic would further impact already busy routes. The junction of the A322/A332 is already notorious and often leads to incidents which then cause a gridlock on the M3 junction 3 roundabout. Furthermore, traffic destined for Ascot Race Course and Sunningdale/ Wentworth Golf courses often lead to horrendous traffic issues for local residents.
- Traffic leaving the A322 to enter the tight Buttersteep Rise track will create another accident danger spot on entry and exit.

Green Belt/ Harm to character of area

- The woods are used by thousands of walkers, dog walkers and ramblers everyday. It is an attractive and unspoilt area of land providing a quiet, secluded area of peace and tranquility for local residents. In addition, many people pay a substantial membership fee to park at Buttersteep in order to have a safe place to exercise and walk their dogs. If this goes ahead it will be unsafe for walkers using the forest, and will impact on the ability to park, unload/load dogs safely, and reduce the area of forest people can access, due to a large area being closed off, which will push all the dog owners/walkers onto a smaller space.
- By any standards, the proposed development is huge. A total of 15 buildings (Types A, B, C and D) each ranging between about 18sq.m and 570sq.m, is massive. The potential is for in excess of 4,000sq.m, or more.
- Although the application is for a 'temporary' development of one year, experience shows that these types of applications get extended over time and may become permanent, which would be totally unacceptable. Furthermore, any temporary development approval would set a dangerous precedent for potential future development.

Environment and Ecology

- The proposed development is incredibly unsustainable in terms of land use, impact on the environment and ecology, use of high carbon materials, use of power generation (assumed diesel and associated pollution), lack of public transport links etc. Developments of this type should be built on brownfield or regeneration sites with existing infrastructure.
- This Application has not addressed biodiversity aspects at all. The area is known for endangered species, including ground nesting birds and rare reptiles.

Economic benefits

- Whilst any assistance to the local economy is very welcome especially in today's climate, it queries what proportion of this is going to be brought to BFC.
- will have a significant negative impact to dog walking businesses.

6.5 42 letters of support received. The vast majority of these are not from local addresses and include support from across the country including London, Bedford and Leeds. The supporting letters highlight the economic benefits of this proposal.

7. SUMMARY OF CONSULTATION RESPONSES

Highway Officer

7.1 Objection for the reasons set out in the report.

Biodiversity Officer

7.2 To demonstrate how the application protects and enhances biodiversity, further information is required to address the following points:

1. Local records and survey information
2. Ecological Impact Assessment
3. Potential impacts and mitigation

The application in its current state does not demonstrate that it protects and enhances biodiversity in accordance with EN1, CS1, CS7, NPPF, Circular 06/05, NERC Act 2006 and Conservation of Habitats and Species Regulations 2017 (as amended). Therefore, it should be withdrawn or refused unless such information can be provided within the timeframe of the application.

Parks & Countryside Officer

7.3 There are almost no public rights of way in the Crown Estate land that falls within the Bracknell Forest area. All access for recreation and leisure is by permission, which could be withdrawn at any time. (The exception is Crowthorne Woods which the Crown Estate took over from the Forestry Commission, so different rights were already in place there.)

The Crown Estate website for Buttersteep Forest and Swinley Park refers to the fact that these are working forests where large machinery operates, and areas are clear felled and replanted in a sustainable method of commercial timber production. It is considered that this sets the recreational access in context. It is not a static landscape with inalienable rights of public access; rather a working forest where the public are allowed to have permissive access. There is no open access land in this area of the Crown Estate.

Would not recommend refusal based on loss of access to the countryside as:

- 1 It is a relatively small area compared to the total area that the public are allowed to use and explore.
- 2 It is used by permission, not by right.
- 3 The area of land will have been forest plantation in the past and probably will be again in the future.
- 4 The application is for temporary use, and the land will be restored after 12 months
- 5 The forest tracks are primarily for forest operations, maintenance, timber extraction, and the public access is a by-product of the layout of tracks and parcels of forest.

It may well be possible to create an alternative path to the west of the film set, connecting Buttersteep Hill northward to Passmore's Plantation.

Environmental Health Officer

7.4 No objection.

Lead Local Flood Authority

7.5 No comments received.

SPA Officer

7.6 This proposal is not located on the SPA or SANG. It also does not involve a net increase in dwellings and the filming area lies approximately 2km from the SPA. Therefore, it is not considered that this proposal requires an Appropriate Assessment.

Royal Borough of Windsor & Maidenhead

7.7 No comments received.

7.8 No comments received.

8. DEVELOPMENT PLAN

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

| | Development Plan | NPPF | Weight to be attributed, with reference to para. 213 of NPPF |
|---------------------------------------|---|--|---|
| Sustainable development principles | SALP Policy CP1 | Para. 11(d) refers to 'policies which <u>are most important for</u> determining the application are out-of-date'. CP1 wording differs to this. | Limited (policy not used in planning application decision-making) |
| | CSDPD Policy CS1 | Furthermore, the PPG states that there is no need for a policy to directly replicate para. 11. Consistent (Paras. 7, 8, 11, 12, & 117 - 119) | Full |
| Principle of development – Green Belt | BFBLP 'Saved' Policies GB1 and GB2 | Elements are acknowledged to not be fully consistent (para.145 & 146) however the thrust of these policies remains consistent | Not fully consistent therefore not full weight |
| | CSDPD Policy CS9 and BFBLP 'Saved' Policy EN8 | Elements are acknowledged to not be fully consistent (para. 170 a) and b) however the thrust of these policies remains consistent (paras. 78-79, 103, 104a, 117 & 170) | Not fully consistent therefore not full weight |

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|---|--|--|------------------|
| Design & Character | CSDPD Policy CS7 BFBLP 'Saved' Policy EN20 | Consistent (Chapter 12) “ | Full Full |
| Trees & Landscape | CSDPD Policies CS1 & CS7 BFBLP 'Saved' Policies EN1, EN2 & EN20 | Consistent (paras. 127 & 170) “ | Full Full |
| Residential Amenity | 'Saved' Policies EN20 & EN25 of BFBLP | Consistent (paras. 127, 170 & 180) | Full |
| Transport | CSDPD Policies C23 BFBLP 'Saved' Policy M9 | Consistent (Chapter 9) “ | Full Full |
| Biodiversity | CSDPD Policies CS1 & CS7 BFBLP 'Saved' Policies EN1, EN2 & EN20 | Consistent (paras. 170 & 175) “ | Full Full |
| Noise and Pollution | CSDPD Policy CS1 BFBLP 'Saved' Policies EN15 & EN25 | Consistent (paras. 118, 170, 178 & 180) “ | Full Full |
| Other publications: | | | |
| National Planning Policy Framework (NPPF) (2019) National Planning Policy Guidance (NPPG) (2019) Bracknell Forest Borough Landscape Character Assessment (LUC) (2015) | | | |

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- (i) Principle of the Development – Green Belt issues
- (ii) Impact on the character and appearance of the area
- (iii) Transport Implications
- (iv) Impact on residential amenity
- (v) Biodiversity
- (vi) Planning Balance

i. Principle of Development

9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, which is supported by the NPPF (paras. 2 and 12). Policy CP1 of the Site Allocations Local Plan sets out that a positive approach should be taken to considering development proposals (which reflects the presumption in favour of sustainable development set out in the NPPF), and that planning applications that accord with the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise.

9.2 The proposed film set would be located in an area of countryside designated by the Bracknell Forest Borough Policies Map as Green Belt. National Planning Policy, (set out in the NPPF 2019), states “The Government attaches great importance to Green Belts” and that “the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

9.3 The NPPF states that “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, (paragraph 143). It goes on to state, in paragraph 144, “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

9.4 Paragraph 145 states that “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt”, with the exception of the certain types of buildings. Paragraph 146 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, and these include material changes in the use of land.

9.5 In order to make a more robust assessment of the harm to the Green Belt the Government has provided additional guidance on how to assess the impact of a proposal on the openness of the Green Belt. This states:

“Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.”

9.6 The proposed change of use of the land for the construction of a film set and associated activities, for a 12 month period involves a set build of a number of temporary buildings, rising to a maximum height of 7.8m, and fencing covering an area of

approximately 9.7ha (although the majority of the buildings would be confined to a core area of approximately 1.6ha). In addition, the proposed unit base, would cover a further area of approximately 0.63ha, and would accommodate parking, a portacabin site office, power and water supplies, storage containers, marquees for costumes and dining, technical vehicles and generators and construction and general waste skips.

9.7 While an argument could be made that the duration of the development and its remediability count in favour of the proposed development, it is considered that, on balance, the proposed development would cause substantial harm to the openness of the Green Belt taking into account the following spatial and visual impacts:

- the fact that the site is currently completely undeveloped;
- the scale and number of the proposed structures, plant and parking areas comprising the set and unit base;
- the fact that this is clearly a popular area for public outdoor recreation and thus would be readily perceived in public views;
- the degree of activity that would be generated.

9.8 Cumulatively these factors would result in a significant loss of openness albeit for a limited period of time. This would conflict with one of the five purposes of Green Belts, namely that of assisting in safeguarding the countryside from encroachment. As such the proposed development is considered to constitute inappropriate development within the Green Belt. The NPPF makes clear that inappropriate development is 'by definition' harmful and should not be approved except in very special circumstances and that these will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

9.9 The principle of development is unacceptable unless there exist any "very special circumstances" which clearly outweigh the harm to the Green Belt, and any other harm. These are considered within the 'Planning Balance' section of this report.

ii Impact on character and appearance of area

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

9.11 The Bracknell Forest Borough Landscape Character Assessment (2015) (LCA) provides a comprehensive landscape character assessment for all land outside defined settlements. It identifies different landscape character areas, describes their key characteristics and features of value and suggests an appropriate landscape strategy for each character area. The application site is identified within the LCA as falling within landscape type A Forested Sands. This character area comprises a large expanse of forest plantation between the settlements of Bracknell to the north, Crowthorne and Sandhurst to the west, Camberley to the south and South Ascot to the east. Key characteristics of this landscape type relevant to the application site include:

- Large areas of forestry plantation interspersed with broadleaf woodland and limited areas of open heath, giving a sense of enclosure and remoteness.
- Typically short views, contained by trees, with occasional distinctive long views along historic, straight rides through the trees and glimpsed views from more elevated areas. Where areas have been felled or trees lost to forest fires, views open out to enable appreciation of the undulating landform and the scale of the landscape

- A very low settlement density and few transport corridors.
- Well-used recreation areas valued by the local community. Substantial parts of the forest are owned by the Forestry Commission and Crown Estate, with public access allowed in most of these areas.
- Despite the non-native land cover and presence of forestry operations the area has a sense of remoteness; a sense of removal from the surrounding urban settlements and a connection to the history of Windsor Forest.
- Used as a film location - Swinley Forest was used as a film location for Harry Potter and the Deathly Hallows in 2009.

9.12 This is an area characterised by extensive forest which provides a continuity of character as well as a large sense of scale. The influence of the suburban development at its edges is limited. The area is an important recreation resource for the adjacent settlements of Bracknell and Ascot and includes large areas of publicly accessible land where provisions are made for a range of activities, including biking and walking.

9.13 The report identifies the following valued features and characteristics of this landscape area which are considered of particular relevance to the application site:

- The extensive areas of forest and woodland where an undeveloped character predominates, providing opportunities for recreation and enjoyment of the landscape as well as a wooded setting to the surrounding settlements and forming a physical and visual separation between Crowthorne and Bracknell.
- The forest and the historic rides are particularly important, providing associations with the historic Royal Forest of Windsor created in the 11th century by William the Conqueror. The woodland and undeveloped areas are key to Bracknell Forest borough's character as a whole; and areas of Swinley Forest have more recent film and literary associations, having been used as a location for the filming of Harry Potter and the Deathly Hallows in 2009.
- Mosaics of broadleaf and mixed woodland, remnant heathland and grasslands which provide important habitats as well as contribute to the visual diversity of the area (a variety of colours and textures and changing seasonal interest).
- The undeveloped character, sense of naturalness and remoteness provided by the lack of built development and the remaining deciduous and mixed woodlands and heathlands. This sense of remoteness and escape is highly valued so close to dense urban parts of the borough.
- Heavily enclosed character with distinctive long but framed views opening out along historic, straight rides through the trees.
- Recreational areas of open access land (although this is in part controlled due to the Thames Basins Heath SPA).

9.14 The report proceeds to identify a detailed landscape strategy for this landscape character area, including the protection of the valued attributes identified above, and in particular to protect the undeveloped nature, sense of remoteness and dark skies in the interior areas of forest, which provide an escape from the settled parts of the borough.

9.15 The application site comprises an open clearing within an area of generally forested countryside and lies at the intersection of two of the straight rides characteristic of this area. It is evident from numerous of the objections from local residents that the informal recreational function of this area of countryside is a highly valued feature. The siting, scale and design of the proposed development would therefore be incongruous and harmful to the rural character and appearance of the area. The weight attributed to this harm is set out in the Planning Balance section of this report.

9.16 It is also significant that one of the identified characteristics is that areas of Swinley Forest have recent film and literary associations. It is therefore considered that the small scale and temporary use of the land for filming would not in itself be harmful to the character of this area. However, it is considered that there is a substantial difference between using this site as a film location and developing a substantial film set with all the associated activities over an extended period of time. It is the proposed erection of set buildings and the scale and duration of the proposed activity here as evidenced by the amount of traffic that would be generated and length of time involved, that are considered to be the main causes of harm to the character and tranquillity of this remote countryside location.

9.17 On balance, it is therefore considered that the proposal would result in harm to the character and appearance of the area and is therefore considered to be contrary to CSDPD Policy CS7, and, 'Saved' Policy EN20 of the BFBLP.

iii Transport Implications

Access

9.18 The site would be accessed via Buttersteep Rise, which is a private road which serves several residential properties and provides access to Crown Estate land and car park at its eastern end. It is understood this car park is there to cater for the wider public who pay to use it whilst walking in the surrounding woodland. Buttersteep Rise has been improved over the years and now has bollards on one side and a low post and wire fence on the other, both of which are located close to the edge of the road and therefore provide very little room for vehicles to get close to the edge of the road. The road is around 4.5m wide and this coupled with proximity of the bollards and fence provide very little room for cars and larger vehicles to pass.

9.19 The junction with Swinley Road is relatively informal with limited kerbing and the junction will need to be tracked for the expected vehicles to ensure that the safety of motorists both on Buttersteep Rise and on Swinley Road is not compromised. Visibility in both directions is good but as Swinley Road has a 60mph speed limit it is imperative that the junction into and out of the site can operate safely.

9.20 The applicant has submitted a Transport Assessment that sets out the likely trips and types of vehicles expected from the intended use of the site and provides information on the tracking of delivery vehicles that will access Buttersteep Rise during the site set up and take down (strike) events. The original proposal indicated that all vehicles would be expected to come from the south and exit southwards through the junction. Whilst it is understood that deliveries may be advised to use this route, this cannot be guaranteed and as the strategic local road network also exists to the north of the site it is quite possible for such deliveries to arrive and exit in this direction.

9.21 In relation to the tracking that has been provided it is clear from the movements executed that the largest vehicles will overrun the centre line of Swinley Road on exit and this gives rise to safety concerns. Large goods vehicles by their very nature are heavy and slow moving from a standing start. This coupled with the speed limit and straight alignment of Swinley Road means that the potential for conflict between turning vehicles is greater. Should a vehicle try to turn earlier to avoid overrunning the centre line then the adjacent ditch and headwall are likely to be overrun and thus could lead to damage to the highway. It is also noted that any vehicles turning right into Buttersteep Rise take up a lot of the road space and so with a vehicle waiting at the junction to exit this would restrict the ability for a HGV to turn in easily, or if already turning and a vehicle is exiting the potential for such a vehicle to stop suddenly and be partially on Swinley Road could occur also leading to conflict.

9.22 As stated above the Transport Assessment does not consider the potential harm that might arise from vehicles accessing from the north of the junction, which could not be precluded. Tracking for minibuses from either direction into and out of the junction should also be undertaken for the maximum size of vehicle expected to be used. This could include smaller buses that are commonly used to serve businesses that have private shuttle bus contracts and hold approximately 30 - 40 passengers.

9.23 In response to these concerns the applicant has reviewed the situation and is now proposing that vehicles enter from and exit to the north of Buttersteep Rise. However the tracking that has been provided still raises concerns as the amount of road space needed is excessive for the size of the junction and existing vehicles along Buttersteep Rise would not be expecting a HGV so would not naturally stop over 25m from the junction to allow it to pass. This in reality is likely to lead to the incoming HGV to suddenly stop potentially overhanging Swinley Road which could lead to conflict.

9.24 In addition, visibility for exiting vehicles would be restricted by a waiting HGV and with its indicators on an approaching vehicle from the north may choose to try and overtake as forward visibility would be good and this could lead to conflict with an emerging vehicle from the junction. The swept paths submitted have considered the manoeuvre, but this has not considered such vehicles waiting at the stop line. The current tracking would require vehicles to make such turns without being able to see oncoming traffic. This is unacceptable and should be carried out with vehicles appropriately waiting at the stop line and then turning out.

9.25 It is also expected that the larger HGVs will overrun the edge of Swinley Road leading to highway safety issues and damage to the highway adjacent. In order to safely allow such operations to occur, alterations to the northern kerb line on Swinley Road and on Buttersteep Rise would be required to allow sufficient space at the junction for vehicles to enter the site safely as well as provide sufficient room for exiting vehicles as well. An increase in junction radii and compound curve or splay arrangement are expected to be required to facilitate safe access. It is anticipated that such changes would be required over the first 25-30m of the junction. There appears to be a T service chamber that could be affected by such changes as well as a headwall but this would need proper investigation. Such changes would be expected to be carried out under a S278 agreement.

9.26 Alterations to the northern kerb line may be possible within the ancient highway and it is assumed that the Crown Estate has control of Buttersteep Rise and the verge areas adjacent. However the applicant has not carried out the required investigations or submitted acceptable proposals for the required highway improvements. It should also be noted that while signage and instructions can be provided this would not completely preclude some deliveries either arriving from or exiting to the south. For the above reasons it is considered that the applicant has not demonstrated that a safe access can be provided onto Swinley Road.

9.27 Furthermore Buttersteep Rise itself is limited in width when considering the potential for HGV's and cars to pass each other and alterations to the current bollards or fence adjacent to the road edge would be required to widen the road nearer the junction and provide passing places along the road. However, this would not address the form of the junction and the safety issue relating to increased use by this proposal.

Parking

9.28 The Transport Assessment also outlines the trips associated with the day to day operation of the site when filming is in progress and sets out that a large proportion of the site staff and crew as well as cast members and extras will be collected by mini busses from local rail stations or from off-site car parking to be secured elsewhere. The applicant has stated that two off-site parking options are being looked at which could also accommodate

parking for delivery vehicles to wait until they are permitted to enter the site. As both options are located off-site the Council would need to be satisfied that such off-site parking was feasible and that the applicant had secured control of such parking.

9.29 One option is at Lapland. However, this option would appear to conflict with the extant planning permission for Lapland which is limited to LUK only and to specified time periods. In addition, it would appear that this site may not be suitable for the HGVs required for this development. It would therefore appear that in order to pursue this suggestion a further planning permission will be required on the Lapland site. Furthermore the junction arrangements at Lapland are limited and the use of the site by HGVs would need to be carefully controlled and the applicant has not set out which access to that site would be used, this would be required to ensure the highway is not damaged leading to safety issues. It should also be noted that there is a narrow railway bridge on the section of Swinley Road south of Lapland and increasing the amount of traffic from cars but more specifically HGVs could create an enhanced risk of conflict in this area from those directed to wait at this location. It is therefore not considered that Lapland would be a feasible option and would not be a suitable location for vehicles to wait off site.

9.30 The second option suggested is Ascot Racecourse. If Lapland is unavailable for the reasons set out above then the use of the racecourse could have significant implications if it displaced parking for racecourse functions. The applicant has also failed to demonstrate that this would be a feasible or suitable option or that it has secured the necessary control required to implement this.

9.31 Overall without certainty over the off-site arrangements it is considered very likely that more parking will be drawn onto the main site and this will impact on the use of Buttersteep Rise and could further increase the impact on the surrounding area and potentially the junction with Swinley Road.

9.32 Pedestrian access from the car parking for walkers into the areas of woodland will also have to be managed to reduce any conflict with vehicles entering or exiting the site. However, it is considered that this could be secured by condition.

Traffic impact

9.33 The impact of the development will be impacted by the extent of what occurs on site and how people arrive at the site. Due to the uncertainty over the off-site parking arrangements the full impacts of this proposal cannot be fully assessed as they could be different from what has been outlined.

Pedestrian safety

9.34 There is a potential conflict between vehicles and pedestrians using the forest routes between Buttersteep Rise and the unit base/ film set. However, the routes within the wooded area are predominantly straight with verge areas to the side of them. In that regard, with mitigation measures such as suitable alternative routes for pedestrians and advisory signage on speed and of potential users along the route so that both vehicles and pedestrians are made aware of each other such matters could be addressed by a suitable condition.

iv Residential Amenity

9.35 Saved Policy EN20, criterion vii considers that new development should not adversely affect the amenities of neighbouring residents.

9.36 The nearest residential dwellings to the proposed film set are on Bodens Ride, approximately 320 metres away to the south. It is considered that this distance is adequate

to prevent undue noise or light impacts on these properties and no objection has been raised by the Environmental Health Officer.

9.37 There are also residential properties on Buttersteep Rise. Although there are unlikely to be any direct impacts on the amenities of these properties, some inconvenience in accessing these properties may arise as a result of the additional traffic, narrow width and any issues entering or leaving from Swinley Road as set out above. Although it is not considered that this would result in sufficient grounds upon which to refuse the application in its own right, it adds weight to the highway concerns about the suitability of the access arrangements.

9.38 The proposal is therefore considered to comply with 'saved' Policy EN20 vii) of the BFBLP.

v Biodiversity

9.39 The application in its current state does not demonstrate that it protects and enhances biodiversity in accordance with EN1, CS1, CS7, NPPF, Circular 06/05, NERC Act 2006 and Conservation of Habitats and Species Regulations 2017 (as amended). In particular the insufficient information has been submitted on the following matters:

Local records and survey information

9.40 The Habitat Survey does not provide sufficient information to determine the existing value of the site for biodiversity. The proposed site is located within an area that shares characteristics of the Thames Basin Heaths SPA and Swinley Brick Pits SSSI. Therefore, it is likely to support a range of notable and protected species that could be affected by the proposed film set.

9.41 The UK Guidelines for Accessing and Using Biodiversity Data (CIEEM, 2016) explain that for ecology surveys supporting a development application "The sources consulted for the background data search may vary depending on the location of the proposed development, but must always include the LERC where one exists." The Habitat Survey does not include any local records search, and this leads to a lack of information about the potential impacts of the proposals on protected and notable species. Local records are required to provide an indication as to the potential for species that may be present on the site and could require further assessment.

9.42 The Habitat Survey provides information about the habitat structure on the site but no habitat map to show the distribution of differing habitat types or structures. The report comments on the rides and suggests "They are largely poorly vegetated with any species richness confined to the margins." The rides in this area provide margins of short heather and acid grassland up to 3 metres in width and in many areas these margins occur on both sides (particularly on the south side of the site). These rides are known to support reptiles and invertebrates such as Silver Studded-Blue butterfly. Therefore, this value should be recognised and included in an ecological impact assessment.

9.43 The Habitat Survey does provide detailed consideration of the three Schedule 1 birds Nightjar, Woodlark and Dartford Warbler but does not refer to any survey data to support the statements in the report. It is highly likely that these birds are present but unclear how important this site may be in the local context to assess whether the loss of a breeding season could be compensated by the extended provision of young plantation habitat (i.e. setting back the restocking to allow a longer period of open habitats). This area is regularly surveyed, and survey information is held by the Crown Estate which should be included as an evidence base.

9.44 Strict adherence to Standing Advice from Natural England would require further surveys for schedule 1 birds, reptiles, amphibians, and notable invertebrates. However, given the short-term nature of the proposals and the good potential for site restoration it should be possible to use a thorough ecological impact assessment based on survey information to address the potential impacts of the proposals.

9.45 Paragraph 43 of the NPPF explains “The right information is crucial to good decision-making; particularly where formal assessments are required”. The Habitat Survey provided with this application does not provide sufficient information for the council to conclude that the proposals will protect biodiversity and requires revision to include a local records search and survey information.

Ecological Impact Assessment

9.46 The Habitat Survey does not follow recognised methodology and provides limited consideration of the potential impacts of the proposals on biodiversity. The report does not follow guidelines for Ecological Impact Assessment (CIEEM, 2018) which results in an inconsistent approach to assigning the ecological value of the site, identifying potential impacts, and recommending appropriate mitigation.

9.47 The report focuses mainly on the schedule 1 birds (Nightjar, Woodlark and Dartford Warbler) and considers some short-term impacts during site set-up and long term impacts on their habitat. However, it does not systematically identify potential impacts through the different stages of the film set and it does not consider other species. The report identifies a ditch and seasonal pond at the site but does not make any further comment as to their suitability for great crested newts which are known to be present at the Swinley Brick Pits SSSI.

9.48 The area is likely to be suitable for reptiles such as Adder (*Viperus berus*), which may also use hibernacula of particular importance for population that would need to be protected from any clearance or human activity. In particular, there is a potential hibernaculum on the ride to the west of the site (Kings Ride). The local area also has records of Silver-studded Blue (*Plebejus argus*) which has poor dispersal and could be using heather on the rides. Adder, Silver-studded Blue and several other species recorded in this area are Species of Principal Importance (SPI). Under section 40 and 41 of the NERC Act 2006, the Council must have regard to the conservation of listed habitats and species of principal importance.

9.49 Therefore, further information is required to assess how species will be affected by the proposals and what mitigation will be implemented to avoid, reduce and compensate for these effects. Paragraph 99 of the ODPM Circular 06/2005 states “It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”

Potential impacts and mitigation

9.50 As mentioned above, the Habitat Survey report does not provide an ecological impact assessment which means that potential impacts are not readily identified. There is little information about the activities during the lifetime of the film set in the Supporting Statement which leads to uncertainty regarding the potential impacts of the proposals. Therefore, further information and a precautionary approach to assessing impacts will be needed. A number of potential impacts are described below. These need to be considered and addressed through the mitigation hierarchy in an ecological impact assessment. While it is recognised that the Crown Estate will continue management works in agreement with Natural England that may affect habitats and species in this area, this application has to be

considered on its own merits against planning policy and guidance and in a consistent manner with other planning applications.

i) Direct habitat loss – temporary/permanent

9.51 Section 3.10 of the Support Statement provides a schematic diagram of the site with various blocks on an aerial photo but it is not clear whether all vegetation within the site would be removed. The potential impacts of the scheme including direct habitat loss and potential disturbance of schedule 1 birds depends on the extent of vegetation removal. The Habitat Survey does not provide any details of the remediation of the site following the strike of the film set except to mention “an assumed forestry restocking regime”. While the Crown Estate will have a stocking regime and standard working practices to replace vegetation at the site, the presence of a film set is additional to their original stocking plan. To demonstrate that biodiversity will be protected and enhanced by these proposals, the ecological impact assessment should identify specific mitigation and compensation which could take the form of a restoration plan.

9.52 It would appear that the ditch line and ponded area are outside the area required for the film set but there is no confirmation of this in the Habitat Survey. These areas should be specifically protected from any vehicles or vegetation clearance. There are four ride areas which appear to be marked for parking and facilities which may have differing habitat and impacts. There is no information to show how these areas would function. Some of these rides include heathland that could be lost to parking and temporary buildings. In the first instance, consideration should be given to avoiding rides with heathland margins or fencing off areas of this habitat. As a second measure, protective matting could be used to preserve the existing habitat. If protection is not possible or fails, a restoration plan should be outlined as compensation in the ecological impact assessment. There is a risk that some activities on the site could result in permanent habitat loss through compaction of the soil, impounding of the ditch lines and importing materials, particularly if ground conditions are poor.

ii) Killing, injury or disturbance of protected species/species of principal importance

9.53 Depending on the timing of the site clearance, breeding birds, reptiles and invertebrates could be killed, injured or disturbed. The Habitat Survey suggests that clearance will be outside the bird breeding season in February but depending on the extent of the clearance and the activity at the site, schedule 1 birds may still nest close to the site and be disturbed by later activities. In addition, there is no consideration of clearance methods that will protect reptiles which could be active in February depending on weather conditions. In addition, Kings Ride located adjacent to the west of the site includes a pile of partially buried logs and wood chippings which could be used by reptiles as a hibernaculum that appears to be in a parking area. This feature should be protected from physical clearance and fenced off for the duration of the site activities.

iii) Disturbance – temporary

9.54 Due to the lack of information regarding filming activities, there are a range of potential impacts that may need to be considered. If Schedule 1 birds attempt nesting on any remaining areas of heathland near the film set before filming begins, they could still be disturbed. This would depend on the frequency and severity of human presence, animals, vehicles, noise, vibration, explosions or lighting. Lighting at night could have impacts beyond the immediate site depending on the lighting being used. Security and film lighting could have impacts on a wide range of species such as bats, nightjars and invertebrates depending on its intensity, duration and type.

iv) Air Quality

9.55 There could be localised temporary impacts from particulates emissions caused by generators or running vehicles. These could smother some areas of vegetation which may not be an issue within the cleared area of the site but it may be a potential impact in parking

areas where there is presence of heathland/acid grassland and some priority species. This could be remedied by using parking areas close to conifer rather than more open habitats and/or using renewable energy and electric vehicles.

9.56 In the absence of adequate information in respect of local records and survey information; Ecological Impact Assessment and potential impacts and mitigation, the application in its current state does not demonstrate that it protects and enhances biodiversity in accordance with saved Policy EN1 of the BFBLP, Policies CS1 and CS7 of the CS, and national policy contained in the NPPF, Circular 06/05, NERC Act 2006 and Conservation of Habitats and Species Regulations 2017 (as amended).

vi Other material considerations

Permitted Development Rights

9.57 Schedule 2 Part 4 Class E of the Town and Country Planning (General Permitted Development) Order 2015 specifies that the temporary use of any land or buildings for a period not exceeding 9 months in any 27 month period for the purpose of commercial film-making ; and the provision on such land during the filming period of any temporary structures, works, plant or machinery required in connection with that use is permitted development, i.e. does not require planning permission. Class E development is permitted subject to the condition that (a) any structures, works, plant or machinery provided under the permission must, as soon as practicable after the end of each filming period, be removed from the land; and (b) the land on which any development permitted by Class E has been carried out must, as soon as reasonably practicable after the end of the filming period, be reinstated to its condition before the development was carried out.

9.58 However, development is not permitted by Class E where the land in question is more than 1.5 hectares or the use of the land is for overnight accommodation. Furthermore development is only permitted subject to the condition that before the start of each new filming period the developer must apply to the LPA for a determination as to whether prior approval of the authority will be required for the dates and hours of operation of the filming period; the transport and highway impacts of the development; the noise and lighting impacts of the development, in particular the effect on any occupier of neighbouring land and the flooding risks of the site.

9.59 Accordingly and theoretically, the applicant could erect a substantially smaller film set on a smaller site up to 1.5ha (including any base unit and parking), with no overnight accommodation and film for no more than 9 months without requiring planning permission subject to the prior approval process. Due to the size of the site being restricted to 1.5 hectares, a film set and base unit of a comparable size to that proposed under the current application could not be provided under permitted development. The set would also have to be removed from the land after each filming period and the land reinstated to its original condition.

9.60 If the applicant chose to take the permitted development route they would need to apply to the Council for prior approval. It is important to note that the relevant permitted development rights criteria do not require any consideration to be given to the impact of the proposal on the Green Belt, character of the area in which the site is located, or biodiversity. However, they do include a consideration of transport and highway impacts and, in view of the highway concerns discussed above it is unlikely that prior approval would be granted for a development of the scale of that proposed.

9.61 The Permitted Development Rights available to the applicant are a material consideration in the assessment of this planning application and the weight given to this is set out in the Planning Balance below. In particular it demonstrates Government support for

the film industry. It is also considered relevant in that it establishes a fallback position for the applicant whereby some form of film making may be acceptable on this site in principle albeit on a much smaller scale. The highway safety issues would still have to be assessed, but a much smaller scale proposal would be likely to have reduced the highway impacts, and subject to any required mitigation, could potentially be deemed acceptable.

Economic benefits

9.62 Paragraph 80 of the NPPF states that planning decisions “should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.” Para.82 states: Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for...creative or high technology industries...”

9.63 The applicant has submitted a ‘Statement of Very Special Circumstances’, which sets out the economic benefits of the proposal. These benefits are supported by the letter submitted by Creative England (CE). CE states that the film and TV industry in the UK generates significant value for the UK economy, and that in 2019, film production in the UK generated a total spend of £1.95 billion. 2019 also saw the second highest level of spend by international filmmakers ever recorded, reaching £1.77 billion. CE claims that this highlights the confidence international filmmakers have in the UK’s creativity, the expertise of our crews, and world-class production facilities combined with the generous UK film tax relief. On a more local level, CE estimate the average amount a production spends when filming on location per day is in excess of £42,000 on a major feature film and in the region of £22,000 for a high-end television drama.

9.64 The applicant claims that this proposal would provide both direct and indirect benefits to the local economy resulting from local spend in the immediate surrounding area on staffing, hotel, transport, cleaning, security, catering and waste requirements along with spending in nearby restaurants, shops and petrol stations. During the period of construction and filming the staff and the production company will use local facilities and services. This will bring a boost to the local economy and provide local employment and use of local services. This will feed directly into the local economy. It should however be noted that in view of the remoteness of the site from Bracknell the nearest local centres are Bagshot and Ascot, both outside the Borough.

9.65 The economic benefits of the proposal are material considerations relevant to the assessment of the proposal and the weight given to this is set out in the Planning Balance section below.

Lack of suitable and available alternative sites

9.66 In its supporting letter, Creative England states that “despite the UK’s success in attracting international productions in film and high-end TV, the supply of studio and alternative build space is not fully in-step with demand.” It adds that “temporary planning permission for the proposal would ensure that the UK remains internationally competitive by ensuring sufficient infrastructure to support inward investment.”

9.67 It is therefore considered that there is evidence that there is a demand for additional film studios and filming locations, especially within the local area on account of its proximity to the M3, M4, Central London, Heathrow and the largest studios in the UK. Indeed, this is recognised by this Council’s support for the industry, including the promotion of filming locations within the Borough, and its work with the Berkshire Film Office.

9.68 However, the applicant has not demonstrated that any alternative sites were considered during the site selection process, in particular it has not been demonstrated why a Green Belt site is necessary. Notwithstanding this, the applicant has submitted details of a number of sites within the region where planning permission has been granted for filming, including previously developed and non-Green Belt sites. The demand for and availability of suitable film sites are material considerations relevant to the assessment of the proposal and the weight given to this is set out in the Planning Balance section below.

Precedent and cumulative impact

9.69 It is established practice that each application must be determined on its own merits and concerns about setting a precedent must be treated very cautiously. However, a common feature in several other similar proposals submitted by the applicant is the multiple number of applications made for temporary film sets on these sites. Once a temporary permission has been granted this establishes the acceptability of the principle of creating a film set on a site, and as can be seen in other cases, further similar applications, either on different parts of the general site or at different points of time may be made.

9.70 A 'very special circumstance' will not normally be considered to create a precedent where a particular development, site characteristic or planning history is unique to an area. However if there is a possibility that the very special circumstances relied upon could be replicated, leading to a number of subsequent similar permissions on a site that would cumulatively, or through repeated operations over an extended period of time result in a recurring loss of openness to the Green Belt, this may be a potent reason for rejecting a proposed development. Even if individually a proposal would be relatively inconspicuous or have a limited effect on the openness of the Green Belt, if such arguments were to be repeated, the cumulative effect of many permissions could destroy the very qualities which underlie Green Belt designation.

9.71 Precedent and cumulative impact are considered material considerations relevant to the assessment of the proposal and the weight given to this is set out in the Planning Balance section below.

vii Planning Balance

9.72 As set out in paragraph 9.3 above, inappropriate development in the Green Belt is, by definition harmful and should not be approved except in very special circumstances. Local Planning Authorities are required to give substantial weight to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

9.73 In addition, while the NPPF specifies the amount of weight to be given to certain issues, for example, any harm to the Green Belt is to be given substantial weight, there are other material considerations where the weight given is a matter for the decision-maker, having regard to the information before them. Accordingly, the 'weighing-up' exercise outlined below is an Officer recommendation and the weight, for issues in favour or against, could be varied according to the Committee's judgement of the proposal.

9.74 In this case, the proposal is considered to constitute inappropriate development in the Green Belt, would lead to loss of openness in the Green Belt and would lead to encroachment of development in the countryside. This harm to the Green Belt is given substantial weight, albeit that it would be limited to one year. Given the undeveloped and rural nature of the land, harm to the character and appearance of the area would also be caused and this is also given significant weight. Highway safety is also very important and in view of the advice from the Highway Authority that the proposed access has not been

demonstrated to be safe, and the uncertainty that remains about any off-site parking, this issue is also given significant weight. The Council has a statutory duty in regard to protected species and their habitats and, as the potential harm to these are unknown due to lack of information, this is also given significant weight.

9.75 The proposed development would have a negative impact on the current informal recreational use of the land as evidenced by the very large number of objections to this application from local users. The urbanising nature of the film set, supporting base facilities and traffic would be very evident to forest users both visually and audibly, especially given the central location of the film set within the publicly accessible area of Swinley Forest. Furthermore, many more people may choose to come and walk in Swinley Forest to have a look when there are sets being built or filming activity going on than at other times. This would all detract from the tranquil rural experience that existing users currently enjoy. This harm is considered to have moderate weight as opportunities to mitigate this impact may exist, and public access would be maintained. However, this issue further adds to the cumulative concerns about this site. It is not considered that the proposal would directly harm the living conditions of any residents living within the vicinity of the application site so this is considered to have a 'neutral' impact and therefore no weight is given to this issue.

9.76 In favour of the proposal, the site benefits from Permitted Development Rights (PDR) which allows the temporary use of any land or buildings for a period not exceeding 9 months in any 27 month period for the purpose of commercial film-making; and the provision on such land during the filming period of any temporary structures, works, plant or machinery required in connection with that use. However the application site area and the development proposed far exceeds the amount that could be provided under permitted development and would be permanently in place for 12 months, as opposed to being removed from the site after each filming period as required by the PDR. Furthermore, it is far from clear that prior approval would be granted in view of the transport and highways impact of the proposal. Accordingly, this consideration is given limited weight. Based on the limited information submitted, only limited weight is given to the lack of alternatives to the application site.

9.77 Having regard to the supporting information provided, significant weight is given to the economic benefits arising from the proposal, (as required by paragraphs 80 and 82 of the NPPF). The claimed economic benefits may be limited by the remoteness of the site to Bracknell, although closer centres at Bagshot and Ascot may benefit. These benefits would be limited due to the temporary nature of the proposal, although it may result in long term benefits by securing further investment into the UK's Film and TV Industry. It is also a possibility that despite the temporary nature of this application, should it be permitted, further similar applications may be made in the future as an expectation of a successful outcome would have been created. Should this happen, the economic benefits may become recurring.

9.78 Given the weighting attributed to the other considerations set out above and, as the test requires that for 'very special circumstances' to exist the harm to the Green Belt and any other harm must be clearly outweighed by other considerations, it is not considered that this test has been met in this case. Therefore the proposed development is considered to result in harm to the Green Belt by reason of inappropriateness and that this harm and other harm identified is not clearly outweighed by any other considerations. In addition, the proposal as it stands would result in an unacceptable impact on highway safety, would result in harm to the character and appearance of the area and has not demonstrated that it would not have a detrimental impact on biodiversity. For these reasons refusal is recommended.

10. RECOMMENDATION

That the Head of Planning be authorised to refuse the application for the following reasons:

1. The proposed development constitutes inappropriate development within land designated as Green Belt, and as such is contrary to Saved Policies GB1 and GB2 of the Bracknell Forest Borough Local Plan; Policy CS9 of the Core Strategy Development Plan Document and paragraphs 143-146 of the National Planning Policy Framework. The applicant has not demonstrated that any very special circumstances exist that would outweigh the potential harm to the Green Belt by reason of inappropriateness or any other harm.

2. The proposal, by reason of its siting, design and scale, would detract from the rural character and appearance of the area and be detrimental to the enjoyment of its recreational value. This is contrary to Saved Policy EN20 of the Bracknell Forest Borough Local Plan and paragraph 170 of the NPPF.

3. The proposal fails to provide a safe access to the site from Swinley Road. This will result in an unacceptable detrimental impact to highway safety. The proposed development is therefore contrary to Saved Policy M4 of the Bracknell Forest Borough Local Plan and Core Strategy Policy CS23 and paragraphs 108, 109 and 110 of the NPPF.

4. The applicant has not demonstrated that off-site parking options are available or feasible. In the absence of secured off-site parking the proposed amount of car parking on site is insufficient which is likely to lead to overspill parking or parking obstructing the highway to the detriment of road safety and/or biodiversity. The proposed development is therefore contrary to Saved Policies EN20 and M9 of the Bracknell Forest Borough Local Plan and Core Strategy Policies CS1, CS7 and CS23.

5. It has not been demonstrated that biodiversity can be adequately protected and enhanced. As such, the development would be contrary to Policy EN20 of the Bracknell Forest Borough Local Plan and Policies CS1 and CS7 of the Core Strategy Development Plan Document and paragraphs 170 and 175 of the NPPF.

Informative(s)

01. The Local Planning Authority has acted positively and proactively in determining this application. However, given the fundamental concerns with the proposal it has not been possible to negotiate a satisfactory way forward, and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.

02. This refusal is based on the following plans:

- PL-010-Site Location Plan
- PL-100-Proposed Block Plan
- PL-200-Proposed Structures - Plans and Elevations

Unrestricted Report

ITEM NO: 06

Application No.
20/00714/FUL

Ward:
Winkfield And
Cranbourne

Date Registered:
14 September
2020

Target Decision Date:
9 November 2020

Site Address:

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

Proposal:

Erection of detached 3 bedroom dwelling with associated access and parking

Applicant:

S Powell

Agent:

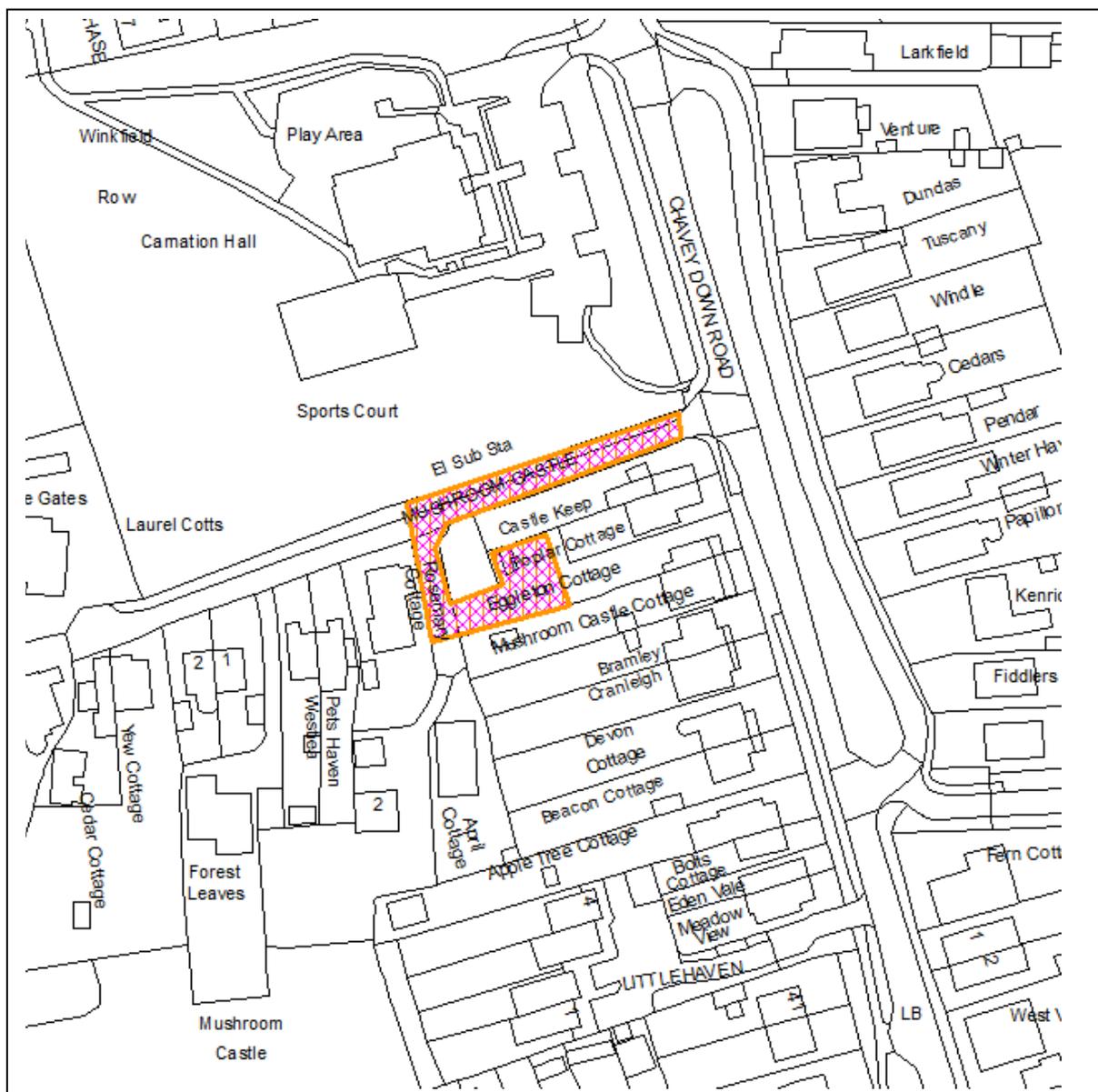
Mr David Lomas

Case Officer:

Sarah Horwood, 01344 352000

Development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

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

1.2 The proposal would not adversely affect the residential amenities of neighbouring occupiers and acceptable living conditions would be provided for future occupiers of the proposed dwelling. The dwelling as proposed due to its revised design, reduction in height and bulk and placement of windows overcomes the reasons for refusal of previous application 19/01031/FUL relating to overlooking and impact on the character of the area.

1.3 The proposal would not adversely impact upon the character and appearance of the surrounding area. Sufficient on-site parking can be provided along with cycle and bin storage.

1.4 A legal agreement will secure contributions for SPA mitigation.

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

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

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

3. PLANNING STATUS AND SITE DESCRIPTION

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|------------------------|
| PLANNING STATUS |
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|--------------------------------------|
| Within a defined settlement boundary |
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|--|
| Within 5km of the Thames Basin Heath SPA |
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|--|
| Located within Area D: Winkfield Row South (Northern Villages Study Area) of Character Area Assessments Supplementary Planning Document. |
|--|

3.1 The application site currently consists of part of the rear garden of residential dwellings known as Eggleton Cottage and Poplar Cottage. Both these dwellings face on to Chavey Down Road. The application site also adjoins an electrical substation.

3.2 The surrounding area is residential, comprising predominately semi-detached and detached dwellings of differing architectural design.

4. RELEVANT SITE HISTORY

4.1 Application, LPA ref: 19/01031/FUL was refused at Planning Committee in June 2020 against officer recommendation for the erection of no1. two storey, 3 bedroom dwelling including soft and hard landscaping with access from Mushroom Castle for the following reasons:

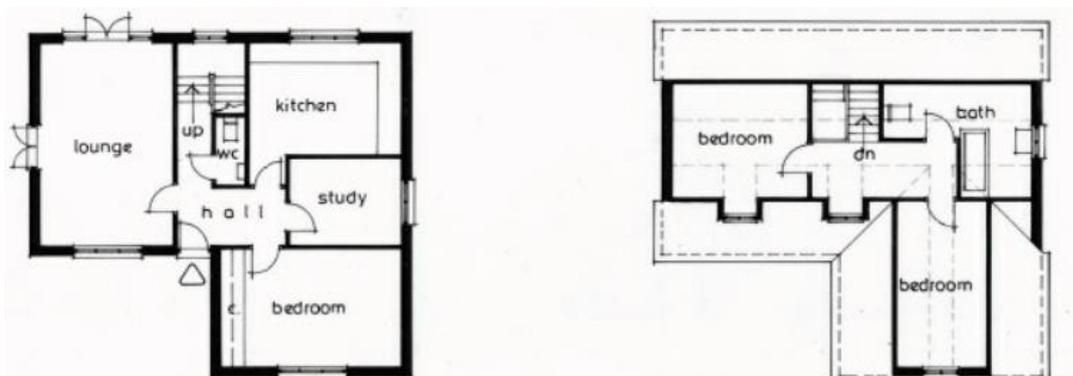
1. The proposed development, by means of its siting, overall height and bulk, would have an adverse impact on the character and appearance of Mushroom Castle. The proposal would therefore be contrary to Saved Policy EN20 of the Bracknell Forest Borough Local Plan and Policy CS7 of the Core Strategy Development Plan Document and the National Planning Policy Framework.
2. The proposed development would have an unacceptable degree of overlooking towards the rear gardens of the immediate neighbouring properties facing onto Chavey Down Road. The proposal would therefore result in an adverse impact on amenity of neighbouring occupiers, contrary to 'Saved' Policy EN20 of the BFBLP and the NPPF.
3. The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impacts in this respect. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and the Thames Basin Heaths Special Protection Area Supplementary Planning Document (2018).

5. THE PROPOSAL

5.1 Full permission is sought for the erection of a 3 bedroom dwelling with associated access and parking.

5.2 The proposed dwelling would be a maximum of 10.4m wide and range between 6.1m and 9.4m in depth, with an eaves height of 2.4m and ridge height of 6m. The proposed dwelling would be accessed from Mushroom Castle. On-site parking would be provided for 2no. vehicles. A private side/rear garden would be provided, along with bin and cycle storage.

5.3 The proposed dwelling would comprise the following layout:
 Ground floor: hallway, WC, kitchen, living room, study, bedroom;
 First floor: 2no. bedrooms, bathroom.



5.4 This revised proposal differs from refused application 19/01031/FUL in that the eaves height of the dwelling has been reduced from 4.9m to 2.4m (-2.5m) and the ridge height reduced from 6.75m to 6m (-0.75m). The dwelling as proposed would be one and a half storeys high, with rooms in the roofspace and dormer windows, as opposed to a full height

two storey dwelling. As a result of the change in the design of the dwelling from that previously refused, there are no longer windows proposed at first floor level on the eastern elevation facing towards the rear gardens of dwellings on Chavey Down Road (only windows at ground floor level) and a window proposed at first floor level on the southern elevation serving a bathroom will be obscure glazed and fixed shut to a height of 1.7m above internal floor level.

6. REPRESENTATIONS RECEIVED

Winkfield Parish Council

6.1 Recommend the application for refusal for the following reasons:

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

Other representations

6.2 18no. letters of objection (summarised) as follows:

- Impact to neighbours, including overlooking, unneighbourly, disruption during build works, light/noise pollution.
- Impact to character of area, including overdevelopment, cramped, too many infill developments in the area, impact to trees/vegetation.
- Highway concerns relating to construction, access, increased traffic, insufficient parking, risk of accidents, affect emergency services access.
- Impact to highway and pedestrian safety.
- No need for extra housing in this area. Council has a 5 year housing land supply. Other developments approved in area.
- Mushroom Castle is a private lane.
- Financial gain to developer/landowner.
- Impact on Thames Basin Heath Special Protection Area.
- Pressure on sewer system.
- Unsustainable location.
- Scheme almost identical to that refused previously.

6.3 2no. letters of support received:

- New house will be a pleasant addition to area.
- There is a range of house types and heights in the area.
- Houses on Mushroom Castle are infill sites.
- Objections have been addressed.
- Building materials and deliveries can take place in a safe and considerate manner.

- Proposal is not overdevelopment.

7. SUMMARY OF CONSULTATIONS RESPONSES

Highways Officer

7.1 Full comments will be provided in the supplementary report.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO DECISION

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

| | Development Plan | NPPF |
|--|---|--|
| General policies | CS1 & CS2 of CSDPD | Consistent |
| Design | CS7 of CSDPD, Saved policy EN20 of BFBLP | Consistent |
| Residential Amenity | 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. |
| Transport | CS23 of CSDPD | Consistent |
| Trees, biodiversity and landscaping | Saved policy EN1, EN2 and EN3 of BFBLP, CS1 of CSDPD. | Consistent |
| SPA | SEP Saved Policy NRM6, CS14 of CSDPD | Consistent |
| Supplementary Planning Documents (SPD) | | |
| Design SPD | | |
| Parking Standards SPD | | |
| Character Area Assessments SPD | | |
| Thames Basin Heath Special Protection Area (SPD) | | |
| Other publications | | |
| National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) | | |
| CIL Charging Schedule | | |

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of development
- ii. Impact on residential amenity
- iii. Impact on character and appearance of surrounding area
- iv. Impact on highway safety
- v. Trees and Biodiversity

- vi. Thames Basin Heath SPA
- vii. Community Infrastructure Levy (CIL)
- viii. Energy sustainability
- ix. Drainage/SuDS

i. Principle of Development

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

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

9.4 The site is located with the Defined Settlement as designated by 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. Residential amenity

9.5 The proposed dwelling would result in the sub-division of part of the rear gardens serving both Poplar Cottage and Eggleton Cottage to the east, which face onto Chavey Down Road. The depth of the rear gardens for the retained dwellings at Poplars and Eggleton Cottages following the sub-division of part of the rear gardens would be between 11.8m and 17.5m which would be acceptable. The rear (eastern) elevation of the proposed dwelling would be set 8.5m from the proposed boundary of its rear garden, with a separation distance of 20.3m to the rear elevations of Poplars and Eggleton Cottages at the closest points. Given these separation distances and the height and design of the proposed dwelling, it would not appear overbearing, or result in loss of daylight or overshadowing to the occupiers of the cottages. Further, due to the separation distances and that there will be windows only at ground floor level on the rear elevation, no overlooking will result to the rear gardens or rear elevations of the retained cottages. Windows on the rear elevations of the retained cottages would also not result in significant overlooking to the proposed garden of the dwelling. A planning condition is recommended removing permitted development rights for any windows (rooflights or dormers) on the rear (eastern elevation) of the roofslope of the dwelling.

9.6 The application site adjoins the rear gardens of Mushroom Castle Cottage to the south and Castle Keep to the north. There is a detached garage and parking area sited within the rear most part of the garden of Mushroom Castle Cottage. There would be views of the proposed dwelling from the rear gardens of Mushroom Castle Cottage and Castle Keep, however due to the height of the dwelling at 1.5 storeys, and that there would be approximately 25m separation distance between the rear elevations of these dwellings and the rear elevation of the proposed dwelling, it would not appear overbearing or result in overshadowing to the rear gardens of these adjoining dwellings.

9.7 A window is proposed on the side (southern) elevation of the dwelling at first floor level which will serve a bathroom. A planning condition is recommended to secure that this window is obscure glazed and fixed shut to a height of 1.7m above internal floor level to ensure that no overlooking and loss of privacy results to the garden of Mushroom Castle Cottage. A further condition is recommended to remove permitted development rights for any

additional windows at first floor level on the southern elevation of the dwelling in the interests of the occupiers of Mushroom Castle Cottage. On the rear (eastern) elevation of the proposed dwelling, there will be windows only at ground floor level and as such, no overlooking will result to the rear gardens of Mushroom Castle Cottage and Castle Keep. No windows are proposed at first floor level on the northern elevation facing the garden of Castle Keep and this will again be controlled by planning condition.

9.8 A planning condition is recommended to secure details of boundary treatments along the northern, eastern and southern boundaries of the new plot in the interests of both future occupiers of the proposed dwelling and adjoining dwellings.

9.9 One of the reasons for refusal of application 19/01031/FUL was on the grounds of overlooking towards the rear gardens of the immediate neighbouring properties facing onto Chavey Down Road. Given the height and design of the dwelling subject to this current application have been revised when compared to the refused application; the placement of proposed windows, and planning conditions which are recommended to restrict windows on the northern, eastern and southern elevations/roofslope of the proposed dwelling and ensure a first floor window on the southern elevation is obscure glazed, it is considered that this revised scheme would address one of the reasons for refusal of application 19/01031/FUL and no adverse level of overlooking and loss of privacy would result to dwellings on Chavey Down Road.

9.10 To the south-west and west of the site lie April Cottage and Rosemary Cottage, both of which are accessed off Mushroom Castle. The front elevation of Rosemary Cottage is orientated 90 degrees to that of the front elevation of the proposed dwelling. The proposed dwelling would face onto the side elevation of Rosemary Cottage and its rear garden. The front elevation of the proposed dwelling would be set 14m-15m from the side boundary with Rosemary Cottage, with the parking area/front garden of the proposed dwelling and the access drive of Mushroom Castle as intervening features between. In view of this separation distance and the height and design of the proposed dwelling, it would not result in an adverse level of overlooking/loss of privacy or appear unduly overbearing to the occupiers of Rosemary Cottage. The front elevation of April Cottage is orientated 90 degrees to that of the front elevation of the proposed dwelling, with an approximate 20m separation distance. In view of this separation distance and the orientation of the April Cottage relative to the proposed dwelling, the proposal, whilst it would appear visible to the occupiers, would not result in an overbearing impact or unacceptable overlooking/loss of privacy.

9.11 In relation to the residential amenities of future occupiers of the proposed dwelling, all habitable rooms would be served by windows for natural daylight and ventilation, sufficient on-site parking would be provided, along with a private garden.

9.12 As such, the proposal would not be considered to significantly affect the residential amenities of neighbouring occupiers and acceptable residential amenity will be provided for future occupiers of the proposed dwelling. As such, the proposal would be in accordance with Saved policy EN20 of the BFBLP and the NPPF.

iii. Impact on character and appearance of surrounding area

9.13 The site is located within Area D: Winkfield Row South of the Character Area Assessments Supplementary Planning Document. The SPD states that the area is varied in terms of landscape and architecture with the most significant characteristic being the ribbon development on both sides of Chavey Down Road and along Locks Ride. The SPD recommends that the strongly defined frontage along Chavey Down Road is important and

that proposed backland development should ensure that it does not impact negatively on the existing street scene.

9.14 The Council's Design SPD sets out a number of recommendations that are relevant to the proposed development. Of particular relevance are the following recommendations:

Backland development should:

- not harm the existing character of the local area;
- maintain the quality of environment for existing residents;
- create a satisfactory living environment for the new home owners and existing surrounding properties;
- relate to a site of sufficient size and suitable shape to accommodate the number of dwellings proposed when compared to the existing grain of development in the area, together with their external space, access and parking requirements;
- not be taller than the existing buildings nor be highly visible from the main street frontage.



9.15 The proposed dwelling would constitute backland development. The rear gardens of Eggleton and Poplar Cottages on Chavey Down Road would be sub-divided, reducing the size of the rear gardens of each of the retained dwellings, and creating a new plot for the proposed dwelling, its associated garden and on-site parking. Backland development is evident in the local area and therefore the principle of backland development is acceptable. The proposed dwelling would be accessed from and face onto a driveway on Mushroom Castle which currently provides access for 3 other dwellings. The proposed dwelling would be sited in excess of 40m from Chavey Down Road to the east and some 11m from Mushroom Castle to the north. Due to its height and design, appearing as a chalet style dwelling with rooms in the roofspace, it would not appear visually intrusive when viewed from either Chavey Down Road or Mushroom Castle. Views of the proposed dwelling from Mushroom Castle would be further mitigated by an existing substation and trees/hedging outside of the application site. The proposed dwelling would be set back between 8.6m and 9.6m from the access drive off Mushroom Castle which the proposed dwelling would be accessed from. The proposed dwelling would be visible when viewed from this access drive, however, due to its setback, with parking and a garden area in-between, and its height and design, the proposal would also not appear visually intrusive from this viewpoint or harm the visual amenities of the area. The front elevation of the dwelling would be sited in a broadly similar location to a detached garage directly to the south at Mushroom Castle Cottage and would be sited with a similar setback from the access drive as April Cottage to the south-

west of the site. The proposed dwelling would therefore not adversely impact the existing street scene on Chavey Down Road or Mushroom Castle (including the access drive from which it would be accessed), in accordance with the Character Area Assessments SPD and the Design SPD.

9.16 Mushroom Castle and Chavey Down Road are characterised by a mix of styles and heights of dwellings. Two existing dwellings at April Cottage and Inglewood Cottage, situated along the section of Mushroom Castle from which the new dwelling would be accessed, are detached bungalows, along with Rosemary Cottage directly to the west of the site. Other dwellings along Mushroom Castle are two storeys high, along with dwellings on Chavey Down Road which immediately adjoin the application site. The dwelling proposed by this revised application has been reduced in height and now takes the form of a 1.5 storeys high dwelling with rooms in the roofspace, as opposed to a full two storeys high dwelling refused by previous application 19/01031/FUL. The reduction in the height and bulk of the dwelling when compared to that of the previous scheme would ensure that the dwelling as proposed would not appear unduly prominent in the streetscene and would better reflect the scale of dwellings in the immediate area which addresses one of the reasons for refusal.

Refused application 19/01031/FUL



As proposed:



9.17 The proposed dwelling would comprise a pitched roof, with front facing gable on the western elevation and 2no. proportionately sized front facing dormer windows. It would be of a cottage style appearance. The proposed dwelling would reflect design features of existing dwellings in the surrounding area and it would therefore assimilate well into the streetscene.

There are a mix of brick types, render and roof tiles in the immediate area and a planning condition is recommended for details of materials for the proposed dwelling to be submitted to the LPA for approval.

9.18 The level of development proposed is not considered to represent overdevelopment of the site. The proposal would result in the net gain of 1no. dwelling within the settlement, with adequate space retained between the proposed dwelling and adjoining buildings, along with appropriately sized gardens for both the retained dwellings at Eggleton and Poplars Cottages and the proposed dwelling. The size of the development plot is comparable with other plot sizes in the area. The plot would accommodate on-site parking provision for the dwelling, along with bin and cycle storage, and sufficient space for soft landscaping and a private rear garden. The NPPF refers to the effective use of land and it is considered that this proposal would comply with this objective with the net gain of 1no. dwelling on a site located within the settlement boundary.

9.19 As such, the proposal would not adversely affect the character and appearance of the surrounding area, in accordance with 'Saved' policy EN20 of the BFBLP, Policy CS7 of CSDPD, the Character Area Assessments and Design SPDs, and the NPPF.

iv. Highway implications

9.20 A 3 bedroom dwelling is proposed and 2 car parking spaces are shown, compliant with the Parking Standards SPD (March 2016).

9.21 A covered cycle store is proposed to accommodate 3 cycles, in accordance with the Parking Standards SPD.

9.22 A bin store will be provided on site. On collection day, the bins would be taken to the end of the driveway that serves the proposed dwelling and two other existing dwellings to the south-west of the application site, to be collected as the refuse truck does not enter down the access drive, but passes along Mushroom Castle itself. An informative is recommended to address this.

9.23 Further comments relating to access and construction vehicles, including swept path details (and any additional conditions relating to these matters), will be reported in the supplementary report. The decision on the previous application on this site (refused application 19/01031/FUL did not include any reasons for refusal on highway grounds. Subject to the imposition of conditions, the proposal is considered to be in accordance with CS23 of the CSDPD, Saved Policy M9 of the BFBLP, the Parking Standards SPD and the NPPF and would not result in adverse highway safety implications.

v. Trees and Biodiversity

9.24 There are no trees within the application site which are protected by a Tree Preservation Order and the site is also not located within a Conservation Area.

9.25 The application site forms part of the residential gardens of the existing dwellings at Eggleton Cottage and Poplar Cottage and is therefore of low ecological value.

9.26 As part of the proposal, a planning condition is recommended to ensure biodiversity enhancements are provided on site, including the provision of bird and bat boxes and planting of native/wildlife friendly species of landscaping. Subject to this condition, the

proposal would not adversely impact upon biodiversity and would be in accordance with Policies CS1 and CS7 of the CSDPD and the NPPF.

vi. Thames Basin Heaths Special Protection Area (SPA)

9.27 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.

9.28 This site is located approximately 4.6km from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

9.29 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.

9.30 In this instance, the development would result in a net increase of a single 3-bedroom dwelling which results in a total SANG contribution of £6,112.

9.31 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which will also be calculated on a per bedroom basis. Taking account of the per bedroom contributions this results in a total SAMM contribution of £711.

9.32 The total SPA related financial contribution for this proposal is £6,823. The applicant must agree to enter into a S106 agreement to secure this contribution and a restriction on the occupation of each dwelling until the Council has confirmed that open space enhancement works to a SANG is completed. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA.

vii. Community Infrastructure Levy (CIL)

9.33 Bracknell Forest Council introduced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the Borough and the type of development.

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

9.35 The site lies within the charging zone of the Northern Parishes. The proposal is CIL liable.

viii. Energy sustainability

9.36 Policy CS10 of the CSDPD requires the submission of a Sustainability Statement in relation to water usage, aimed at achieving an average water use in new dwellings of 110 litres/person/day. A planning condition is recommended in relation to the submission of a Sustainability Statement to satisfy the requirements of Policy CS10 of the CSDPD.

9.37 Policy CS12 requires the submission of an Energy Demand Assessment in relation to 10% offset by renewable energy source. A planning condition is recommended in relation to the submission of an Energy Demand Assessment to satisfy the requirements of Policy CS12 of the CSDPD.

ix. Drainage/SuDS

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

10. CONCLUSION

10.1 The proposed development relates to a site within the settlement boundary and is therefore acceptable in principle.

10.2 The proposal would not adversely affect the residential amenities of neighbouring occupiers and acceptable living conditions would be provided for future occupiers of the proposed dwelling. The proposal would also not adversely impact upon the character and appearance of the surrounding area. Due to its revised design, reduction in height and bulk and placement of windows, the revised proposal overcomes the reasons for refusal of previous application 19/01031/FUL relating to overlooking and impact on the character of the area.

10.3 No adverse highway safety implications would result, with sufficient on-site parking provision, cycle and bin storage.

10.4 A legal agreement is required to secure contributions for SPA mitigation. This will overcome the holding reason for refusal on previous application 19/01031/FUL relating to the SPA.

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

11. RECOMMENDATION

11.1 **Following the completion of planning obligation(s) under Section 106** of the Town and Country Planning Act 1990 relating to measures to avoid and mitigate the impact of residential development upon the Thames Basins Heath Special Protection Area (SPA);

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

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

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

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

Drawing no. 19.067.6 received 14 September 2020

Drawing no. 19.067.7A received 10 May 2021

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

3. The development hereby permitted shall not be begun until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

[Relevant Policies: BFBLP EN20, CSDPD CS7]

4. The development hereby permitted shall not be begun until details showing the finished floor levels of the dwelling hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

[Relevant Policies: BFBLP EN20, CSDPD CS7]

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

REASON: To prevent the overlooking of neighbouring properties

[Relevant policies: BFBLP EN20]

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

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

7. The dwelling hereby permitted shall not be occupied until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule. All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the occupation of any part of the approved development, whichever is sooner. All hard landscaping works shall be carried and completed prior to the occupation of any part of the approved development. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well formed specimens of a minimum quality that is compatible with British

Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved. The areas shown for soft landscaping purposes on the approved plans shall thereafter be retained as such.

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

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

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

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

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

10. The development hereby permitted shall not be begun until an Energy Demand Assessment demonstrating how 10% of the development's energy requirements will be met from on-site renewable energy generation has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the Assessment, as approved, and retained as such thereafter.

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

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

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

12. The dwelling hereby permitted shall not be occupied until secure and covered cycle parking has been provided in accordance with the approved plans. The facilities shall thereafter be retained.

REASON: In the interest of accessibility of the development to cyclists.
[Relevant Policies: BFBLP M9, CSDPD CS23]

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

REASON: To prevent increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage scheme.
[Relevant Policies: BFBLP EN25, CSDPD CS1]

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

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

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

REASON: In the interests of amenity and highway safety.

[Relevant Policies: BFBLP M9, CSDPD CS23]

15. The dwelling hereby permitted shall not be occupied until a scheme for the provision of biodiversity enhancements including a plan or drawing showing the location of these enhancements has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be performed, observed and complied with prior to the occupation of the dwelling hereby approved and retained as such thereafter.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

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

The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impacts in this respect. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Regulation 63(5) of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2017 (as amended), 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, the Thames Basin Heaths Special Protection Area Supplementary Planning Document (2018).

Informatives

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

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

- 1. Time limit
- 2. Approved plans
- 5. Obscure glazing
- 6. Restrictions on windows
- 11. Parking
- 12. Cycle parking
- 13. SuDS

The following conditions require discharging prior to commencement of development:

3. Materials
4. Slab level
9. Sustainability Statement
10. Energy Demand Assessment
14. Site organisation

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

7. Landscaping
8. Boundary treatment
15. Biodiversity enhancements

3. Future occupiers of the dwelling will need to carry their bins/refuse to the end of the driveway onto Mushroom Castle on bin collection day.

Doc. Ref: Uniform 7/DC/Agenda

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

Unrestricted Report

ITEM NO: 07

Application No.
21/00018/CON

Ward:
Winkfield And
Cranbourne

Date Registered:
11 February 2021

Target Decision Date:
8 April 2021

D

Site Address:

**Conyngwood Mushroom Castle Winkfield Row
Bracknell Berkshire RG42 7PL**

Proposal:

Details pursuant to conditions 3 (materials), 4 (obscure glazing), 5 (access), 8 (site organisation) and 15 (onsite renewables) of planning permission 18/00639/FUL.

Applicant:

Mr Samson Omonua

Agent:

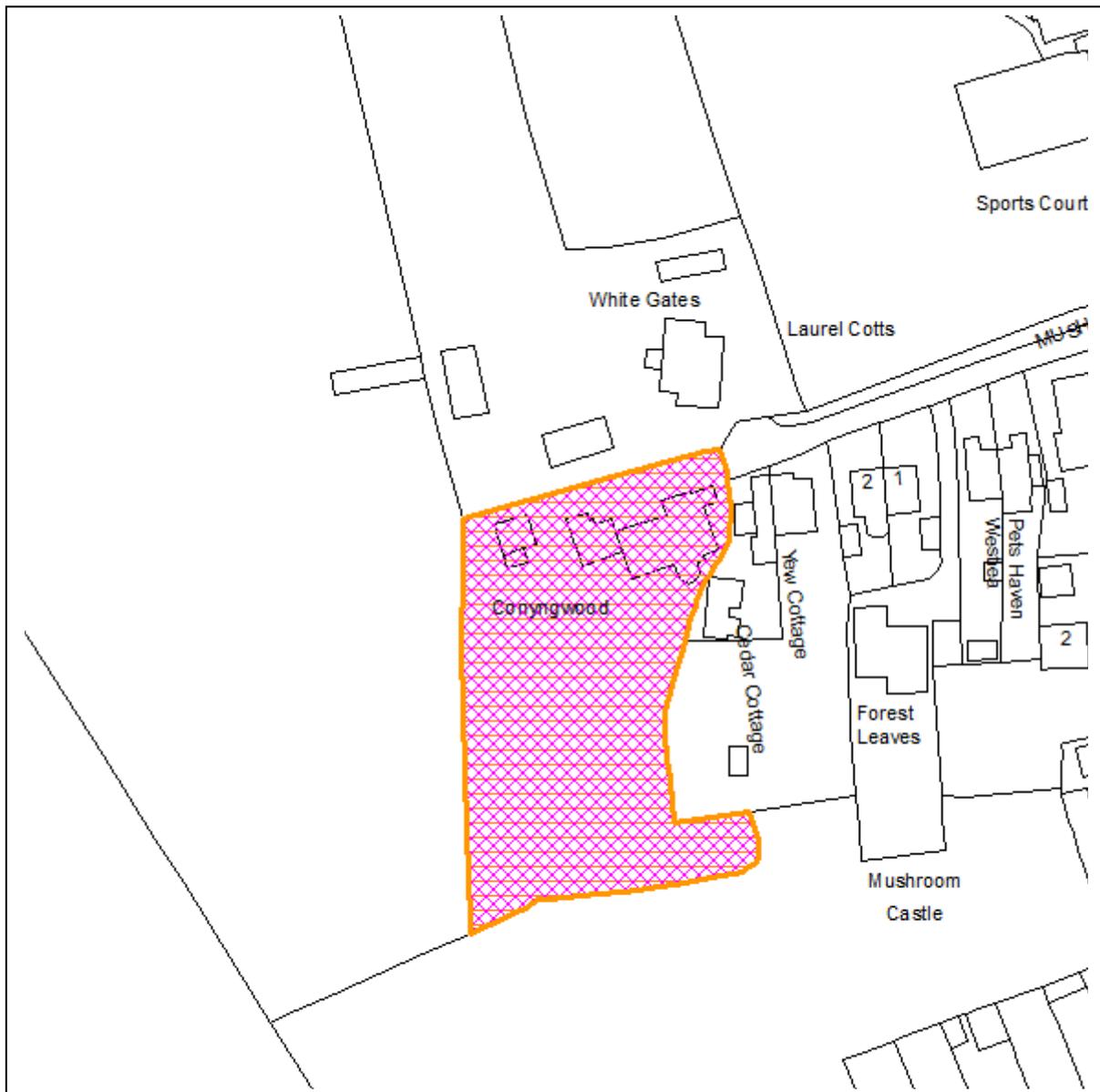
(There is no agent for this application)

Case Officer:

Sarah Fryer, 01344 352000

Development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

1.1 The details submitted in relation to the pre-commencement conditions are considered acceptable. There would be no adverse highway safety implications, the proposal would not adversely affect the residential amenities of neighbouring properties or future occupiers of the approved dwellings and would not have an unacceptable impact upon the character and appearance of the surrounding area.

| |
|---|
| RECOMMENDATION |
| Details relating to conditions 3, 4, 5, 8 and 15 be approved as set out in Section 10 of this report. |

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

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

3. PLANNING STATUS AND SITE DESCRIPTION

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

3.1 Conyngwood is located at the western end of Mushroom Castle and was granted planning permission on the 30th April 2020 for the demolition of the existing dwelling and construction of 5 dwellings, resulting in a net gain of 4 dwellings.

3.2 Mushroom Castle is a private road serving 12 dwellings with access from Chavey Down Road. It is of compressed gravel with a mixed hedge bordering the northern side. Conyngwood is located at western end of the driveway, and is a detached single storey building with outbuildings. The land slopes down to a watercourse located along the southern boundary of the site. There are 2 trees subject to TPO located adjacent to the northern boundary of the site.

3.3 The surrounding area is predominantly residential, characterised by detached, semi-detached and terraced dwellings.

4. RELEVANT SITE HISTORY

4.1 18/00639/FUL

Erection of 1 no. 5 bed detached dwelling, 2 no. 4 bed detached dwellings and 2 no. 3 bed semi-detached dwellings following demolition of existing dwelling.
Approved following completion of S106 agreement 30th April 2020

4.2 Permission 18/00639/FUL was decided at the Planning Committee in August 2019 where it was resolved to approve the application subject to conditions and a section 106 agreement relating to mitigation measures for the SPA. The Section 106 Agreement was completed and permission issued in April 2020.

5. THE PROPOSAL

5.1 This application seeks the approval of details connected to the following conditions of planning permission 18/00639/FUL for the redevelopment of the site for 5no. dwellings following demolition of existing bungalow:

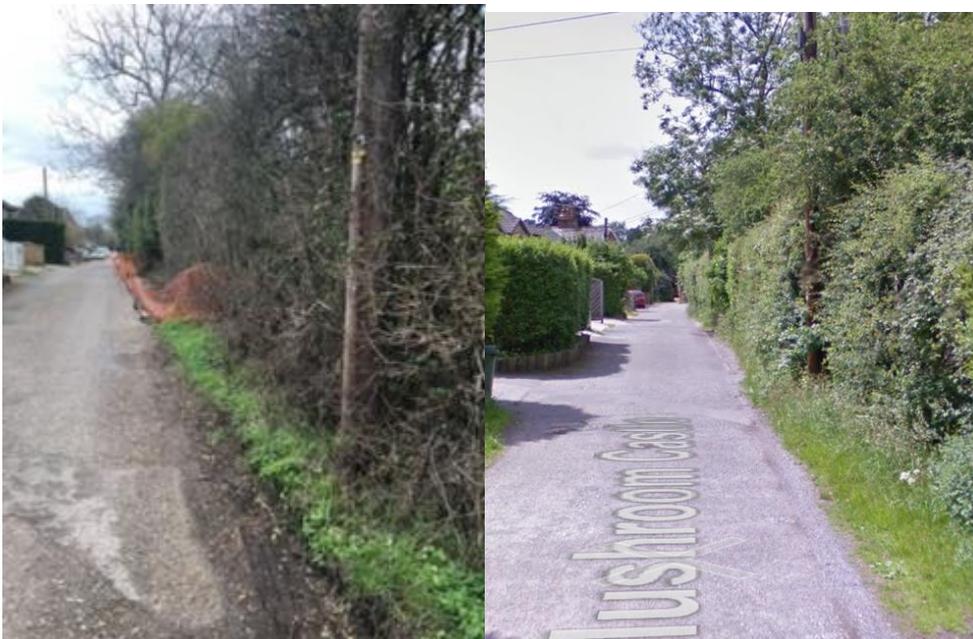
- Condition 3 (Materials),
- Condition 4 (Windows to be obscurely glazed and non-opening),
- Condition 5 (Means of access)
- Condition 8 (Site Organisation),
- Condition 15 (Renewable Energy)

6. REPRESENTATIONS RECEIVED

6.1 Objections were received from 10 postal addresses which raise the following points (summarised) and are addressed in this section of the report:

- The hedge has been cut back beyond the area designated as the passing place, resulting in destruction of wildlife habitats.

Officer Comment: The council has been sent photograph which show that the hedge has been cut back level with the telegraph pole as it has historically been. To maintain access it would have been necessary for the hedge to be cut back. Below is the photograph submitted with the representation (on the left) and a snapshot from Google Streetview (on the right). In both photographs the branches of the hedge are level with the front of the telegraph pole.



- Developer has started work ahead of planning permission

Officer Comment: The developer began works to Mushroom Castle prior to discharging conditions attached to the approved planning permission. Upon being asked to stop, works have ceased pending the determination of this application.

- Surface of the lane is not strong enough to handle the proposed site traffic or on going traffic volumes.

Officer Comment: The principle of the proposal has already been established under application 18/00639/FUL. These matters were considered at this stage.

- Access to Mushroom Castle from driveway will be much more dangerous with the increased traffic volumes.

Officer Comment: See above; the principle of the application has already been considered and approved. This application merely seeks to agree the details reserved by condition.

- No notification or consultation regarding the work

Officer comment: This is an application for the approval of details of planning conditions on a planning permission. There is no statutory requirement to consult neighbours on such applications. Planning application 18/00639/FUL was approved on the 30th April 2020 following a resolution to approve by the Planning Committee following full consultation with the neighbours, parish and interested parties.

- The proposed width of the work will open it up to random parking, making it unsafe for pedestrians and residents.

Officer Comment: Refer to the Officer comments above, the principle of the works to the lane, the safety implications and impacts were considered at the time of approving the parent application.

- Lane is maintained by the residents and is incapable of accommodating the building of further dwellings.

Officer Comment: The ownership is a civil matter. The correct notices were served at the time of the parent application. Land Registry records show the lane as unregistered but it is understood that residents have right of access and take responsibility for the maintenance of the section outside their properties.

- Bollards proposed will encourage parking on Chavey Down Road itself.

Officer Comment: Bollards were initially proposed but have since been removed from the proposal as the highway officers did not deem them necessary.

- Lane has been left in a dangerous state

Officer Comment: Works were stopped following complaints from residents. It is noted that the situation is not ideal, however it is not a factor which would affect the determination of this application.

- Will spoil the peace and tranquillity

Officer Comment: See comment below.

6.9 Some of these objection comments (principle of the additional units, number of vehicle movement and widening of Mushroom Castle) relate to the original application which has already been granted permission following assessment of any impacts on highway safety, trees and ecology. The details submitted as part of this condition's

application do not vary the scheme considered and approved by planning permission 18/00639/FUL in terms of siting of dwellings, height, vehicular parking and access, etc.

7. SUMMARY OF CONSULTATIONS RESPONSES

Highways Officer

7.1 No objection to the discharge of conditions

Sustainable energy officer

7.2 No objection to the discharge of conditions

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO DECISION

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

| | Development Plan | NPPF | Weight to be attributed with reference to para. 213 of NPPF |
|--|--|---|--|
| Design | CS7 of CSDPD, Saved policy EN20 of BFBLP | Consistent (chapter 12) | Full |
| Parking | Saved policy M9 of BFBLP | NPPF refers to LAs setting their own parking standards for residential development, this policy is considered to be consistent. | Full |
| Transport | CS23 and CS24 of CSDPD | Consistent (chapter 9) | Full |
| Energy Sustainability | CS10 & CS12 of CSDPD | Consistent (para . 149) | Full |
| Supplementary Planning Documents (SPD) | | | |
| Design SPD Parking standards SPD | | | |
| Other Publications | | | |
| National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) | | | |

9. PLANNING ASSESSMENT

Condition 3 - Materials

9.1 The applicant proposes to construct the dwellings using Ibstock Ashdown Funton Multi Second Hand Stock, with plinth, cills and soldier course picked out in Wienberger Cassandra Multi brick. The roof and vertical hanging tiles to the dormers would use a HF Weathered Clay tile in red/brown colour.

9.2 Mushroom Castle contains a variety of materials including red brick, render and stock brick. As such the proposed materials work well together and would be appropriate to maintain the character of the area.

9.3 As such, details in relation to condition 3 can be approved accordingly.

Condition 4 - Windows Obscurely Glazed

9.4 This condition did not require details to be submitted merely that windows in the east elevation of plot 1 should be glazed with a minimum of Pilkington level 3 obscure glass (or equivalent).

Condition 05 - Means of Access

9.5 This condition required details of widening works to Mushroom Castle as detailed within the transport statement submitted with the parent application. The principle of the proposed works to create a passing place and formalise the access point to Chavey Down Road was considered and accepted at this point.

9.6 In considering application 18/00639/FUL it was established that the proposed widening could be accommodated within the existing width of Mushroom Castle, and would formalise where vehicles had gone beyond the original hard surfacing area as seen from the photo below. It was established when considering the application that the works would not damage the hedgerow to the north of Mushroom Castle. The principle of this work was therefore approved under application 18/00639/FUL.

9.7 The details on drawing 17046-03 rev. C show that Mushroom Castle would be formally widened to a width of 4.8m for a distance of 50m from the junction with Chavey Down Road and at a point opposite Rosemary Cottage. This is in accordance with details agreed at the application stage.

9.8 The submitted drawing, reference 17046-03 rev. C reflects the agreed Section 278 agreement, and as such the Highway Authority has no objection to agreeing the details required by Condition 5.

Condition 08 - Site Organisation

9.9 The site organisation proposed during the construction works accounts for:

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

9.10 The applicant has submitted Plan MC/001 and at a request from the Highways Officer further information on swept paths for a 11m long vehicle turning within the site and departing in a forward gear were provided.

9.11 Sufficient space is shown within the site for parking of personnel, storage of materials, loading and unloading of plant and materials, wheel cleaning and staff welfare facilities. It is therefore considered that the "submitted to and approved in writing" requirement of Condition 08 (Site Organisation) of application 18/00639/FUL can be discharged.

9.12 As such, details in relation to condition 8 can be approved accordingly.

Condition 15: Energy Demand Assessment

9.13 Condition 15 required an energy demand assessment to be submitted which demonstrates that a proportion of the development's energy requirements shall be provided from on-site renewables. The revised energy demand statement dated 16th April 2021 demonstrates that the proposal would achieve 33% of the energy requirements from on-site renewables, which is in excess of the policy requirement.

9.14 The details within the Energy Demand Statement dated 16th April 2021 are acceptable and condition 15 can be approved accordingly.

10. CONCLUSION

10.1 The details submitted in relation to:

- Condition 3 (Materials),
- Condition 4 (Windows to be obscurely glazed and non-opening),
- Condition 5 (Means of access)
- Condition 8 (Site Organisation),
- Condition 15 (Renewable Energy)

are considered acceptable. The proposals are considered acceptable in terms of highway safety, would not have any unacceptable impact upon the character and appearance of the surrounding area, ecology and comply with the councils policies relating to renewable energy provision.

11. RECOMMENDATION

11.1 That the Head of Planning be authorised to APPROVE the details submitted in respect of conditions 3, 4, 5, 8, and 15 of planning permission 18/00369/FUL, and as listed below:

01. The use of the following materials, as detailed within the 'External materials Images' document are acceptable:
- Wienerberger Cassandra Multi Brick
 - Ibstock Ashdown Funton Multi Second hand stock
 - HF Weatherd Clay Tile (Red/ Brown)
 - Square paving slabs (sandstone)
 - Permeable block paving (red/brown)

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

02. This condition did not require any details to be submitted, the developer needs to comply with the condition.
03. The access works shall be carried out in accordance with details shown on drawing 17046-03 rev. C
04. The details shown on drawing MC/001 rev A are acceptable.

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

the site, other than those in the approved scheme shall be used for the approved purposes.

05. Details within Energy Demand Statement (ref: S2004-Energy Demand) dated 16th April 2021 are acceptable.

The proposal should be carried out in accordance with the approved details

Doc. Ref: Uniform 7/DC/Agenda

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

ITEM NO: 08

Application No.
20/00585/FUL
Site Address:

Ward:
Binfield With Warfield

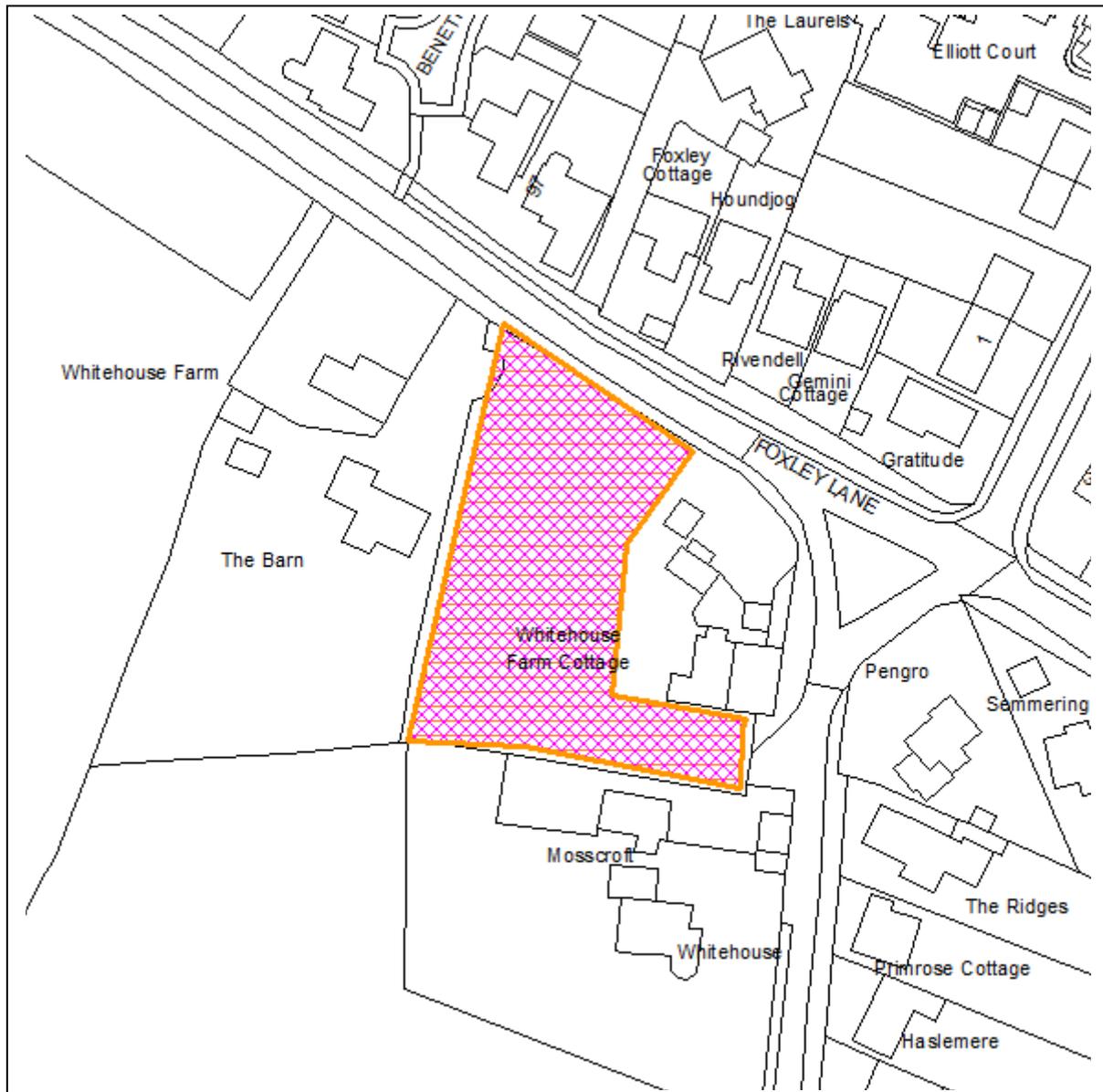
Date Registered:
31 July 2020

Target Decision Date:
25 September 2020

Land South Of Foxley Lane and West Of Murrell Hill Lane Binfield Bracknell Berkshire RG42 4BY

Proposal: **Full planning application for a residential development of one 4 bedroom dwelling with associated carport, parking and landscaping.**
Applicant: Mr & Mrs W A & D C Palmer & Palmer
Agent: Mrs Hannah Price
Case Officer: Sarah Fryer, 01344 352000
development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

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

2 REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 This application is reported to committee as more than 5 objections have been received.

3. PLANNING STATUS AND SITE DESCRIPTION

| |
|---|
| PLANNING STATUS |
| Outside the settlement boundary |
| Sited within 5km of the Thames Basin Heaths SPA |

3.1 The site is a greenfield site outside of the defined settlement boundary of Binfield, located within the countryside with the site area measuring 0.30ha. It is bounded to the north by the southern edge of Foxley Lane. On the northern side of Foxley Lane is residential development which falls within the settlement boundary.

3.2 The access to the site would be from the east, which is bounded by the western side of Murrell Hill Lane. The eastern side of Murrell Hill Lane comprises residential development within the settlement boundary. To the east of the site itself is Whitehouse Farm Cottage, which is a Grade II Listed Building; to the south is Mosscroft and to the west is The Barn. These are residential properties.

3.3 The site is a former farmyard and comprises unmaintained grass and scrub. The boundaries consist of hedgerow and timber fence to the west, hedgerow to Foxley Lane to the north, and a brick wall to the west separating the site from Whitehouse Farm Cottage.

3.4 The site is within 5km of the SPA.

4. RELEVANT SITE HISTORY

4.1 There is no recent planning history relevant to the site. However, the following application was dismissed at appeal in 2018 on land south of Foxley Lane, to the west of the application site:

16/01196/OUT: Outline planning application in respect of up to 350 residential dwellings, land for a one-form entry primary school, a medical centre including pharmacy (1,200 sq m), a sports pavilion (140 sq. m), open space, landscaping, Suitable Alternative Natural Greenspace (SANG) and drainage on land to the south of Foxley Lane, Binfield with vehicular access from Foxley Lane (means of access into the site to be considered, all other matters reserved).

5. THE PROPOSAL

5.1 Planning permission is sought for the erection of one, 'barn style' dwelling. The proposal would be located to the southern side of the site, with access from Murrell Hill Lane. The dwelling would be orientated east west with the rest of the site used for private amenity space. A double carport would provide 2 parking spaces with space for a more vehicles and turning space upon the driveway.

5.2 The proposed dwelling would be a simple rectangular form with a footprint measuring 15.5m by 7.9m and a height of 7.1m. to the ridge. The car port would be sited to the south of the dwelling, facing the access and proposed gravel driveway.

5.3 The original application was submitted for two dwellings, but has been subsequently amended to the single, simplified dwelling and carport using the existing field access point off Murrell Hill.

6. REPRESENTATIONS RECEIVED

Binfield Parish Council

6.1 Binfield Neighbourhood Plan Policy BF1 states that: development proposals shall:

4. have a similar form of development to properties in the immediate surrounding area; (this is particularly the case for applications for two or more dwellings on a site currently or previously occupied by a single property);

6.2 The committee does not feel this proposal is consistent with the setting of neighbouring properties in both scale and choice of materials indicated in the documentation.

6.3 The scale of the dwellings is overdevelopment of the site and will affect the area for all users of Foxley Lane/Murrell Hill Lane.

Other Representations

6.4 5 letters of objection have been received raising the following concerns:

- i) The site is out of settlement. It has been offered for inclusion within the next local plan but not been taken up.
- ii) It is important that the height and position of the buildings do not overwhelm White House Farm Cottage and The Barn - whose roofline was lowered to avoid detracting from White House Farm Cottage.
- iii) Although this site is classified as low flood risk, properties surrounding the site have had to mitigate recurring high-water table and surface water problems by installing pumping systems.
- iv) The plain brick elevations and angular glazed areas seem out of place in this rural setting. [Officer notes: this comment refers to the proposal as originally submitted and not the revised scheme]
- v) The position of gateway to unit 01 does not allow access to the side of WHFC for maintenance. [Officer notes: the access to unit 1 is the access from Murrell Hill Lane which remains within the proposal].
- vi) The land is immediately adjacent to a Grade II Listed Building and it is not felt that this proposed design is consistent with the setting of neighbouring properties in both scale and specifically the choice of materials.
- vii) Not happy to see more buildings in such an already developed part of the village and to see listed and older properties destroyed. Does the village heritage count for nothing?
- viii) The proposal would result in overlooking and loss of light to the surrounding properties. [Officer Note: The design and position of the proposed dwelling and windows have been amended since the comments were received].
- ix) The Heritage statement which deems a 'low impact' does not take into account that the visibility of the proposed site, and impact with regards to this Grade II Listed Building, is limited by a recently constructed boundary wall. If there is any question regarding its planning, listed buildings requirements, curtilage, and heights - the survey and analysis is flawed, and its accuracy should be considered very carefully

- x) Taking Whitehouse Farm Cottage above (Grade II listed), the Barn and Whitehouse Farm- the proposed buildings do not appear to be subservient to the surrounding buildings in terms of height and construction
- xi) There appear to be a number of trees and hedging that provide significant cover from the ground floor views at Whitehouse Farm, and would need to be maintained to maintain the character and appearance.
- xii) The area is subject to regular flooding – with the pond at the Barn providing a balance during the wet seasons and the driveway regularly flooding. It is a significant concern that the runoff from a built area will negatively affect these issues further, resulting in impact on the neighbouring properties.

7. SUMMARY OF CONSULTATION RESPONSES

Highway Officer

7.1 No objection subject to conditions

Bio-diversity Officer

7.2 No objection subject to conditions

Principal Conservation Advisor

7.3 No objection subject to conditions.

8. DEVELOPMENT PLAN

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

| | Development Plan | NPPF | Weight to be attributed, with reference to para. 213 of NPPF |
|------------------------------------|------------------|--|---|
| Sustainable development principles | SALP Policy CP1 | Para. 11(d) refers to 'policies which <u>are most important for determining the application are out-of-date</u> '. CP1 wording differs to this. Furthermore, the PPG states that there is no need for a policy to directly replicate para. 11. | Limited (policy not used in planning application decision-making) |
| | CSDPD Policy CS1 | Consistent (Paras. 7, 8, 11, 12, & 117 - 119) | Full |

| | | | |
|---|---|--|--|
| Principle of development - outside settlement | CSDPD Policy CS2 | Consistent (Para. 17 & 117 -119) | Full |
| | CSDPD Policy CS9 and BFBLP 'Saved' Policy EN8 | Elements are acknowledged to not be fully consistent (para. 170 a) and b) however the thrust of these policies remains consistent (paras. 78-79, 103, 104a, 117 & 170) | Not fully consistent therefore not full weight |
| | BFBLP 'Saved' Policy H5 | Generally Consistent (paras. 79, 103, 117, 170, 213) | Limited, but relevant |
| Housing Provision | CSDPD Policy CS15 | Inconsistent – utilises now outdated evidence base as basis for policy requirements. | None (policy not used in planning application decision-making) |
| Design & Character | CSDPD Policy CS7 | Consistent (Chapter 12) | Full |
| | BFBLP 'Saved' Policy EN20 | “ | Full |
| Trees & Landscape | CSDPD Policies CS1 & CS7 | Consistent (paras. 127 & 170) | Full |
| | BFBLP 'Saved' Policies EN1, EN2 & EN20 | “ | Full |
| Residential Amenity | 'Saved' Policies EN20 & EN25 of BFBLP | Consistent (paras. 127, 170 & 180) | Full |
| Transport | CSDPD Policies C23 | Consistent (Chapter 9) | Full |
| | BFBLP 'Saved' Policies M8 & M9 | “ | Full |
| Drainage | CS1 of CSDPD | Consistent (paras. 163 & 165) | Full |
| Biodiversity | CSDPD Policies CS1 & CS7 | Consistent (paras. 170 & 175) | Full |
| | BFBLP 'Saved' Policies EN1, EN2 & EN20 | “ | Full |

| | | | |
|---|----------------------------|--|------|
| SPA | SEP 'Retained' Policy NRM6 | Consistent (paras. 170, 171, 173, 175, 176, 177) | Full |
| | CSDPD Policy CS14 | " | Full |
| | BFBLP 'Saved' Policy EN3 | " | Full |
| Noise and Pollution (including Land Contamination) | CSDPD Policy CS1 | Consistent (paras. 118, 170, 178 & 180) | Full |
| | BFBLP 'Saved' Policy EN25 | " | Full |
| Sustainability of build (Renewable Energy and Water Use) | CSDPD Policies CS10 & 12 | Consistent (para. 149) | Full |
| Heritage | CSDPD Policies CS1 & CS7 | Consistent (paras. 189 to 197) | Full |
| Securing Necessary Infrastructure | CSDPD Policy CS6 | Consistent (para. 54 to 56, 92 and 94) | Full |
| Supplementary Planning Documents (SPD): | | | |
| Character Area Assessments SPD (2010) Design SPD (2017) Parking Standards SPD (2016) Planning Obligations SPD (2015) Streetscene SPD (2011) Sustainable Resource Management SPD (2008) Thames Basin Heaths SPA SPD (2018) | | | |
| Other publications: | | | |
| National Planning Policy Framework (NPPF) (2019) National Planning Policy Guidance (NPPG) (2019) Bracknell Forest Borough Landscape Character Assessment (LUC) (2015) Landscape Sensitivity Appraisal of Potential Housing and Employment Sites in Bracknell Forest (2018) (including Executive Summary) | | | |

8.2 In addition, the Binfield Neighbourhood Plan was adopted in 2016. The relevant policies from this which are considered consistent with the NPPF are:

Policy CO1: High Speed Broadband
Policy BF1: Infill and Backland Development
Policy BF2: Protection of Heritage Assets

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) Heritage matters
- (iv) Impact on residential amenity
- (v) Transport Implications
- (vi) Thames Basin Heaths SPA
- (vii) Biodiversity
- (viii) Drainage
- (ix) Community Infrastructure Levy??
- (ix) Planning Balance

i. Principle of Development

9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, which is supported by the NPPF (paras. 2 and 12). Policy CP1 of the Site Allocations Local Plan sets out that a positive approach should be taken to considering development proposals (which reflects the presumption in favour of sustainable development set out in the NPPF), and that planning applications that accord with the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise.

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

9.3 The proposed dwelling would be located outside of a defined settlement in an area of countryside as designated by the Bracknell Forest Borough Policies Map. Development in the countryside is contrary to the provisions in saved BFBLP policies EN8 and H5 which relate to development on land outside of settlements and new dwellings outside settlements. This is also contrary to CSDPD Policies CS2 and CS9 (relating to locational principles and development on land outside of settlements). Policy CS9 of the CSDPD seeks to protect land from development that would adversely affect the character, appearance or function of the land. 'Saved' Policy EN8 seeks to permit development only where it would not adversely affect the character, appearance or function of the land. 'Saved' Policy H5 seeks to restrict the development of new dwellings unless it can be demonstrated that it would cause no harm to the character of the area.

9.4 The above policies effectively seek a blanket restriction of new housing in the Countryside. The NPPF at para 170 aims to protect and enhance valued landscapes and recognises the intrinsic character and beauty of the countryside, however it is acknowledged it does not specifically preclude residential development in the countryside.

9.5 The Inspector for appeal decision APP/R0335/W/18/3206527 (application reference 17/01123/OUT) at Beaufort Park found that:

"LP Policies EN8 and H5 and CS Policy CS9, in expressing that the countryside is to be protected for its own sake is, in that regard, inconsistent with the National Planning Policy Framework. As such the weight to be attached to these policies is reduced. In the absence of any harm, the benefits of this proposal outweigh the limited conflict with the development plan."

9.6 The implications of this appeal decision are that the acceptability of the proposed new dwelling in the countryside falls to be determined through a planning balance of the benefit of the

proposal against the harm to the countryside and the character and appearance of the area and other material planning considerations including the impact on the Grade II Listed Building.

9.7 In this case, the proposal would provide an additional dwelling on a greenfield site. The site is surrounded on all sides by residential properties and is largely screened from views from the surrounding area due to the existing Whitehouse Farm Cottage buildings and the vegetation to the northern boundary.

9.9 While the Council is able to demonstrate a five year Housing Land Supply (5.2 years as of 1 April 2020), as set out above this does not preclude new housing within the countryside. The site is bounded by residential development and provides a natural infilling between the development on Murrell Hill Lane and Foxley Lane. While the developments to the eastern side of Murrell Hill Lane and northern side of Foxley Lane are within the settlement boundary, development on the proposed site would not be out of context with the pattern of development in the area. Furthermore, there are residential dwellings to the east, west and south of the site and therefore development on this site would not lead to further spread of development on to areas of open countryside.

9.10 The site is within the grounds of White Farm Cottage, which is a Grade II Listed Building. The acceptability of the principle of development therefore also depends on the impact on the Listed Building as a material planning consideration.

9.11 It is therefore concluded that the principal of infilling with one residential unit is acceptable in this location, subject to the material planning considerations set out below.

ii Impact on character and appearance of area

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

9.13 Policy BF1 of the Binfield Neighbourhood Plan sets out criteria for infill and backland development, stating that it shall reflect the scale, mass, height and form of neighbouring properties. It also sets out that it should not lead to over-development of a site and avoid the appearance of cramming and should retain historic buildings.

9.14 It is considered that there are limited views into the site from both Foxley Lane and Murrell Hill Lane and that the site is relatively well screened to the boundaries through existing vegetation as well as by Whitehouse Farm Cottage itself.

9.15 There is residential development to the north of Foxley Lane and east of Murrell Hill Lane, which is within the settlement boundary. However, there is also small-scale residential development to the east and west of the site. Small scale residential development is therefore considered to be in keeping with the general character of the area. The pattern of development in the immediate locality i.e. on the southern side of Foxley Lane and west of Murrell Hill Lane, is loose grain and spacious.

9.16 It is therefore considered that one dwelling on this site respects the loose pattern of development and would be in keeping with the character of the area.

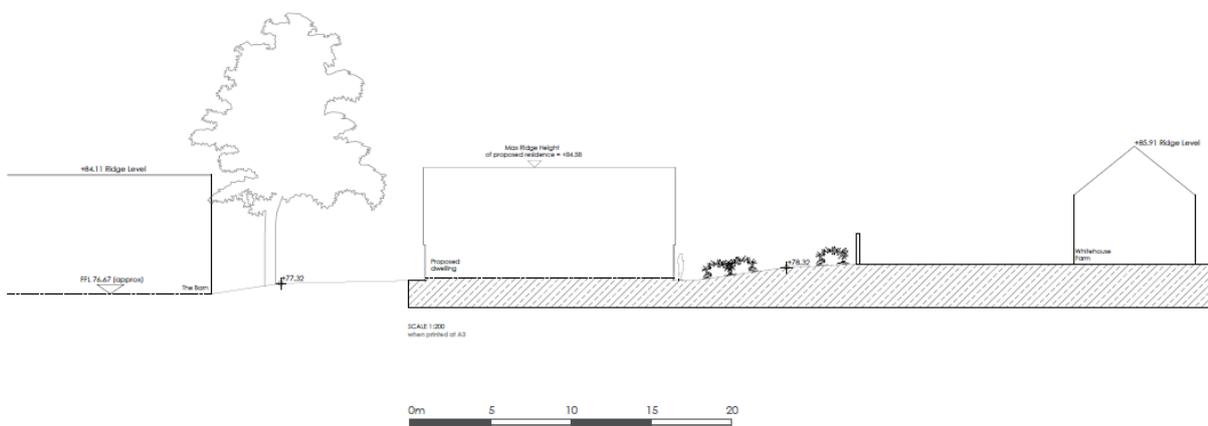
9.17 The proposal has been designed as a simple 'barn' with limited window openings and horizontal timber cladding. It is therefore of simple form, of modest height (7.1m to the ridge) and understated design which is considered to be in keeping with the loose urban grain, low density,

scale and mass of the surrounding area. Whilst comments have been received objecting to the mass, scale, design and ultimately over development of the site, these were received in response to the original scheme of two suburban estate type dwellings. Whilst a full re-consultation was undertaken on the single dwelling scheme, these comments were not withdrawn and therefore have to be reported. However, it is not considered that the proposal now would result in over development, the reduction in height means it is comparable with the neighbouring properties, and lower than Whitehouse Farm Cottage. The proposal is therefore considered to reflect the scale, mass and height of neighbouring properties.



9.18 Objections have been raised regarding the height restrictions imposed upon the neighbouring property, The Barn, when it was constructed in the 1980's.

9.19 The proposal would have a higher ridge height than The Barn of 0.47m, but a lower ridge height than Whitehouse Farm by 1.33m. The proposal therefore sits between the two buildings. The only restriction on the height would be due to the impact upon the settling of the listed building. There is no objection from the Conservation Consultant and no request to reduce the height further (the height has been reduced by 0.9m).



9.20 The proposal is therefore considered to be acceptable and in line with CSDPD Policy CS7, 'Saved' Policy EN20 of the BFBLP and BF1 of BNP.

iii Heritage Matters

9.21 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBA 1990) provides that when considering whether or not to grant planning permission for development that affects a listed building or its setting, the local planning authority (LPA) is required to have special regard to the desirability of preserving any of the following:

- The building itself.
- The building's setting.
- Any special architectural or historic features.

9.22 Working methodically through the relevant sequence of paragraphs in the NPPF (paragraphs 193 to 196), in accordance with their terms, is the approach recognised in **Jones v. Mordue and others** [2015] EWCA Civ 1243 at [28] (per Sales LJ) as giving effect to the statutory regard in Section 66(1).

9.23 The underlying statutory obligation is that the decision maker must pay “*special regard to the desirability of preserving the building or its setting*”. ‘Preserving’ in this context means doing no harm. If it is judged that harm to the heritage asset would arise from the proposed development, the decision maker must attribute considerable importance and weight to that harm in the decision, in order to comply with the statutory duty.

9.24 The proposed site is located to the west of the Grade II Listed Whitehouse Farm Cottage which comprises a garden area formed from a former farmyard with a wall running around it. Whitehouse Farmhouse and Whitehouse Barn are located to the west of the proposed site. The Whitehouse and the attached modern house with a barn and Mosscroft are located to the south the proposed site.

9.25 The Grade II Listed Whitehouse Farm Cottage was built as a farmhouse in the late 16th century, altered and extended 17th century and 18th centuries, and restored in c1980; the entrance (east) front faces onto Murrell Hill Lane.

9.26 The Listed Building is two storeys high with an attic and cellar and is built of exposed timber frame with brick infill under a plain tile gabled roof. The plan was originally rectangular of two framed bays with a 1 x 2 framed bay extension on south, a pent and stair turret added on west elevation. It has one large ridge chimney near the centre with cornice and clay pots and with date 1687 carved into one brick. There are 19th century and 20th century casement windows.

9.29 The entrance (east) front faces Murrell Hill Lane and has a single bay gable on left with two-light window on first floor and three-light window on ground floor. There is a two-bay gable on right with two, two-light windows on first floor, three-light window and two-light window on ground floor. The small centre section has small two-light window above 20th century wooden door in plain surround, to the left of centre.

Setting of Whitehouse Farm Cottage

9.30 Whitehouse Farm Cottage is located immediately adjacent to the proposed site’s eastern boundary at the junction of Foxley Lane with Murrell Hill Lane. The Listed Building faces onto Murrell Hill Lane with a small front garden and mature tree planting to the rear garden plot. There is a great deal of inter-visibility between from the Listed Building to the proposed site even though a wall has been built to the rear of the property.

9.31 To the north of Foxley Lane there is a mix of suburban estate housing dating from the 1980’s through 2000’s. The centre of Binfield village in general has a mix of architectural styles which are predominately two-storey domestic housing of red brick, with plain red clay tiled roofs.

9.32 The amended proposals consist of a development for 1 dwelling, which would infill the area between the Grade II Listed Whitehouse Farm Cottage and the newer dwellings to the west of it; the total area of the site is 0.3ha. The proposed site is currently an area attached to Whitehouse Farm Cottage which formed part of its garden and which is bounded by a hedgerow to the north along Foxley Lane. A wall has been built to the west of Whitehouse Farm Cottage.

9.33 The design for the proposed dwelling shows a large, rectangular, 2 storey 'barn-like' building with single storey separate carport.

9.34 The proposed building has a 'multi-red' brick ground floor with a first floor clad in 'engineered timber' under a plain tile roof. The separate single storey car port would have a similar design with brick and timber cladding.

9.35 The proposed windows would be powder coated aluminum (PPCA) material throughout, with PPCA rainwater goods. A gravel entrance would link the dwelling to Murrell Hill Lane, running alongside the side of Whitehouse Farm Cottage.

9.36 The ridge height would be below the height of the existing Whitehouse Farm and c.20m from the Listed Building at its closest point. The building would be approximately 8m wide x 15.5m x 8m high with a double garage c.6m x 6m x 5m high.

9.37 A previous iteration under this application proposed 2, four bedroom houses on this site, which was considered to detract from the open and rural character of the setting thereby damaging the significance of the Listed Building.

9.38 The proposed site is within the grounds of Whitehouse Farm Cottage, a Grade II Listed Building, and this part of its setting makes a strong contribution to its significance. It provides spacious grounds which, in addition to the garden area, has a semi-rural character which makes the Listed Building's former historic function as the centre of an agricultural land-holding, more legible.

9.39 The proposed development is for 1 house, which whilst relatively large, would be seen as a more natural and less cramped development of the available land within the site. The footprint of the proposed building has been restricted and regularised to a more vernacular and 'barn-like' appearance and the separate single storey car port has reduced the appearance of multiple 'extensions'. The reduction of paved areas and use of gravel for the driveway further reduces the suburbanising appearance of the building.

9.40 Based on the design and the reduction in the number of proposed dwellings and a design more sympathetic to the character of the Listed Building, there would be 'less than substantial harm' as defined in the NPPF, to the Listed Building from development within the setting. Within the category of 'less than substantial harm', the harm would be of a low order within that category.

9.41 There would therefore no longer be an objection in principle to the proposed development, although any harm must be given 'great weight' in the decision making process (Paragraph 193 of the NPPF) Great weight should be given to the asset's conservation, with any harm weighed against the public benefits of the proposal, including securing its optimum viable use (para. 196).

9.42 Conditions are therefore recommended to control the external materials of the proposal to ensure that they are sympathetic to the setting of the Listed Building.

iv. Residential Amenity

9.43 Saved Policy EN20, criterion vii states that new development should not adversely affect the amenities of neighbouring residents.

9.44 The nearest residential dwellings are The Barn, located to the west; Whitehouse Farm Cottage, located to the east and Moss Croft to the south.

9.45 The Council's Design SPD provides guidance on what are considered acceptable distances between rear facing windows to secure acceptable levels of privacy. Para. 3.9.31 of this document states that;

'For two storey houses a minimum back to back distance of 22m between facing windows is accepted as providing a reasonable degree of privacy for the occupants of both dwellings'.

9.46 It goes on to state that; 'overlooking impacts can be mitigated by oblique siting relationships...'

9.47 Through the planning process, a number of windows have been removed from the plans and some replaced with high level roof lights, where natural light is required to a room.

9.48 Whitehouse Farm Cottage is located to the East with an elevation to elevation distance of 20m at the nearest point, increasing to 24m. There are no first-floor windows proposed on the eastern elevation of the proposal which would directly face the rear elevation of Whitehouse Farm Cottage. Views from the ground floor windows would be obscured by the 1.8m wall between the two properties.

9.49 There is an outbuilding within the grounds of Whitehouse Farm Cottage, which does not have a separate address point, parking or separate curtilage. It is therefore assumed that this is part of Whitehouse Farm. The distance to this building is 22m, and therefore is considered to be an acceptable relationship.

9.50 The Barn is located to the west of the site. The property has a side facing bedroom window on its eastern elevation which would be approximately 17m from the nearest window to the rear of the proposal. However, there would be an acute angle of approximately 20 deg. Given this it is considered that this relationship is at such an angle as to reduce overlooking between windows significantly, and therefore is considered to be an acceptable relationship.

9.51 This side bedroom window of The Barn would overlook the private rear amenity patio area of the proposed dwelling. Whilst this relationship is not ideal, there are mitigating circumstances in this instance. There are other areas close to the proposed dwelling which cannot be overlooked and therefore can be private, and future residents will occupy the proposal aware of the existing situation and therefore will have an element of choice in the situation. These are not considered sufficient grounds upon which to refuse the application.

9.52 Moss Croft is located to the south at a distance in excess of 22m and therefore it is not considered that the proposal would detrimentally affect the residents of this dwelling.

9.53 As the relationship between the application site and neighbouring properties could result in a detrimental effect in amenities should other window openings be inserted, permitted development rights for the insertion of new window openings are proposed to be removed by condition. Subject to the implementation of the condition to prevent the insertion of new window openings, the proposal would not detrimentally affect the amenities of neighbouring residents sufficiently to warrant a refusal of planning permission. The proposal is considered to comply with 'saved' Policy EN20 iv) of the BFBLP.

v. Transport Implications

9.54 The site is located on land that fronts both Foxley Lane and Murrell Hill Lane. Foxley Lane is subject to a 30mph speed limit at this stretch of the road.

9.55 The proposal to serve one dwelling off Murrell Hill Lane utilises a historic field gate access. Murrell Hill Lane appears to be subject to national speed limit due to the lack of any formal system of street lighting and no formal signage. However, speeds are not expected to that high due to the varying width of the road and only a limited number of properties being served off this half of the lane. A submitted speed survey confirmed this and also counted the number of daily movements along the road. This was found not to be a significant number, which is to be expected for the amount of properties served off this half of the Murrell Hill Lane.

9.56 The scheme will add about 6 movements per day to Murrell Hill Lane with around 1 movement expected in each of the peak hours. Again, this is not considered to be significant.

9.57 The existing access is very informal but sightlines from it when exiting are reasonable. The existing field gate access will be periodically used and with the introduction of a new dwelling the intensity of use will increase.

9.58 In relation to the access arrangements for the site and the adjacent driveway the changes made have addressed concerns raised and the Highway Authority is content with the proposal in principle but details of the exact design and drainage for the access will need to be agreed by a pre-commencement condition as the access (even in a temporary form) will need to be in place for the development to safely be constructed.

9.59 The proposed car port is slightly below the expected width, however, there do not appear to be any internal walls (just pillars) and thus access between parked cars will be easier. There is also space within the site to accommodate further parking and turning and as such there is no objection with regard to off street parking provision.

9.60 In conclusion subject to relevant conditions to secure details of the site access, secure cycle parking, gates set back, site organisation and retention of the carport for parking the proposal is considered not to result in a highway danger, provides adequate off-street parking and accordingly complies with Policy CS23 of the CSDPD and 'saved' Policy M9 of the BFBLP.

vi Thames Basin Heath SPA

9.61 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.

9.62 This site is located approximately 4.6 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.

9.63 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.

9.64 In this instance, the development would result in a net increase of a single 4-bedroom dwelling which results in a total SANG contribution of £7,645.

9.65 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which will also be calculated on a per bedroom basis. Taking account of the per bedroom contributions this results in a total SAMM contribution of £807.

9.66 The total SPA related financial contribution for this proposal is £8,452. 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.

vii Biodiversity

9.67 The Ecological Appraisal has identified the pond and boundary vegetation as being of local value for biodiversity. In addition, the site is likely to support some grass snakes, breeding birds, foraging bats and hedgehogs. The report does consider the potential for Great Crested Newts (GCN) but concludes their absence on the basis of pond condition and a negative eDNA result. However, this species is known to exist in meta-populations that do not occupy all ponds simultaneously. GCN are prevalent in the surrounding area and the pond on the site could be used in future years depending on its management.

9.68 The recommendations of the report are basic and the proposed boundary and landscaping plan lacks detail to demonstrate that biodiversity would be protected and enhanced. Annotations have been made on the plan to include areas of wildflower meadow and native shrubs to provide replacement habitat for reptiles and a range of biodiversity.

9.69 However, there is no objection raised from the biodiversity officer providing conditions are imposed to secure, protect and enhance biodiversity in line with policies CS1 and CS7.

viii Drainage

9.70 Objections have been received in relation to drainage and surface water flooding which occurs within the area.

9.71 The site is not within the flood zones 2 or 3 as defined by the Environment Agency and therefore there is no statutory reason to request a Flood Risk Assessment (FRA). In accordance with the council procedures, there is no requirement to consult with the Lead Local Flood Authority.

9.72 In light of the objections the Council's Engineer (Flood Risk and Drainage) has reviewed the drawings. It is recognised that the area suffers from flooding caused by surface water run-off, in part due to the predominant clay soil in the area and limited or slow infiltration. The Council's Engineer noted the large amount of space around the proposed dwelling and proposed gravel driveway, both of which will assist the surface water drainage. It is requested that the applicants are informed of the poor infiltration and therefore in addition to the standard SuDs condition, an informative is included.

ix. Community Infrastructure Levy

9.73 Bracknell Forest Council introduced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the Borough and the type of development.

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

9.75 The site lies within the charging zone of the Northern Parishes. The proposal is CIL liable.

x. Planning Balance

9.76 The policies of the development plan most relevant to this application should be considered up to date for the purposes of para. 11 of the NPPF and the application should be determined on the basis of a 'straight' planning balance, i.e. in accordance with the development plan unless material considerations dictate otherwise. Any conflict with the policies within the development plan should be given appropriate weight according to their consistency with the NPPF.

9.77 In this instance the application proposes new residential development within the countryside, the principle of which is contrary to the development plan. However, due to the reduced conformity these policies have with the NPPF, as explained above, reduced weight is attributed to these policies. The proposal is considered to replicate the pattern of development around the site, which is a lone greenfield site sandwiched between developed plots and well screened by existing vegetation and built form. It is therefore not considered that the proposal would harm the character and appearance of the site. It is therefore concluded that the proposal does not result in a detrimental impact upon the character of the area and would maintain the intrinsic beauty of the countryside.

9.78 The proposal would affect the setting of Whitehouse Farm Cottage a Grade II Listed Building. It was concluded that this would result in 'less than substantial harm' to the significance of the Listed Building, from development within the setting. Within the category of 'less than substantial harm', the harm would be of a low order. However, and in accordance with Paragraph 193 of the NPPF, any harm must be afforded 'great weight' to the heritage asset's conservation in the decision-making process. Paragraph 196 goes on to say that where a development proposed would lead to less than substantial harm, as in this case, the harm should be weighed against the public benefits.

9.79 In this case the benefits would be the additional dwelling and contribution to the Council's housing land supply, and associated social and economic benefits that brings.

9.80 The proposal would result in an additional dwelling which would contribute to the Local Authority's 5 year Housing Land Supply (HLS). It is the government objective to significantly boost housing supply and as such the contribution towards the HLS carries significant weight in favour of the proposal. Additional housing also brings associated social and economic benefits including creation of jobs and input into the local economy, and together they are considered to outweigh the less than substantial harm to the significance of the designated heritage asset.

9.81 In light of this assessment, the application is considered to be acceptable in terms of highway safety, character and appearance of the area and amenities of neighbouring properties. The low order of harm identified to the setting of the listed building is considered to be outweighed by the contribution to the housing land supply and other associated public benefits. Subject to the completion of the S106 agreement to secure SPA mitigation, and relevant conditions the application is therefore recommended for approval.

11. RECOMMENDATION

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

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

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

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

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

02. The development shall be carried out in accordance with the following plans and details received by the Local Planning Authority:

Site location plan (018456-90 Rev. C) received 11.01.21

Proposed block plan (108456-135 Rev. B) Received 11.01.21

Proposed boundary and landscaping plan (108456-195 Rev. D) received 11.01.21

Proposed elevations (108456-253 Rev B) received 21.03.21

Proposed floor plans (108456-254 Rev C) received 21.03.21

Proposed site plan (108456-190 Rev. E) received 31.03.21

Car barn and cycle store (108456-1000) received 06.005.21

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

03. The following, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development:

a) Sample panel of all facing brickwork which demonstrates the brick type, colour, texture, face bond, mortar mix and pointing, to be erected on site and maintained there during the course of construction;

b) Samples and/or manufacturer's details of the roof materials;

c) Plan and elevation drawings, with materials annotated, of all new windows and window openings (including surrounds) at a minimum scale of 1:10;

d). Plan and section drawings, with materials annotated, of all new doors at a minimum scale of 1:10;

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

REASON: In order to safeguard the special architectural and historic interest of the neighbouring building.

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

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

REASON: To safeguard the setting of the adjacent listed building and the residential and visual amenities of the occupiers and adjoining properties.

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

05. The development shall not be begun until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be at least 10%). The buildings thereafter constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith.
REASON: In the interests of the sustainability and the efficient use of resources.
[Relevant Plans and Policies: CSDPD Policy CS12]
06. 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]
07. The development shall incorporate surface water drainage that is SuDS compliant and in accordance with DEFRA "Sustainable Drainage Systems - Non-statutory technical standards for sustainable drainage systems" (March 2015). The surface water drainage works shall be completed before occupation of the dwellings/buildings hereby permitted and shall be operated and maintained as such thereafter.
REASON: To prevent increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage scheme.
[Relevant Policies: CSDPD CS1, BFBLP EN25]
08. All ecological measures and/or works shall be carried out in accordance with the details contained in QUANTS Ecological Appraisal and Great Crested Newt eDNA Survey May 2020 as already submitted with the planning application
REASON: In the interest of bio-diversity.
[Relevant Policy: CSDPD CS1, CS7, BFBLP EN1, EN2, EN20]
09. 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.
REASON: In the interest of bio-diversity.
[Relevant Policy: CSDPD CS1, CS7, BFBLP EN1, EN2, EN20]
10. An ecological site inspection report shall be submitted prior to occupation of any dwelling hereby approved to confirm that the works required by conditions 8 and 9 above have been undertaken.
REASON: In the interest of bio-diversity.
[Relevant Policy: CSDPD CS1, CS7, BFBLP EN1, EN2, EN20]
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and re-enacting that order, no external lighting shall be installed on the site or affixed to any buildings on the site except in accordance with details set out in a lighting design strategy for biodiversity that has first been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

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

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

REASON: In the interest of bio-diversity.

[Relevant Policy: CSDPD CS1, CS7, BFBLP EN1, EN2, EN20]

12. Notwithstanding the submitted plans the dwelling hereby permitted shall not be occupied until hard and soft landscaping, including boundary treatments and other means of enclosure, has been provided for that dwelling in accordance with a scheme submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule.

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

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

Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the next planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.

REASON: In the interest of bio-diversity.

[Relevant Policy: CSDPD CS1, CS7, BFBLP EN1, EN2, EN20]

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

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

14. Before any other part of the development hereby permitted is commenced, the proposed vehicular access shall be formed and provided with visibility splays, in accordance with details as shown on the approved plans. The land within the visibility splays shall be cleared of any obstruction exceeding 0.6 metres in height measured from the surface of the adjacent carriageway and maintained clear if any obstruction exceeding 0.6 metres in height at all times.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

15. The dwelling shall not be occupied until the associated vehicle parking and turning space has been surfaced and 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]

16. Notwithstanding the approved plans, any gates provided shall open away from the highway and be set back a distance of at least 10 metres from the edge of the carriageway of the adjoining highway.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

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

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

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

REASON: In the interests of amenity and road safety.

In the event of the S106 planning obligations not being completed by 22 July 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 Avoidance and Mitigation Supplementary Planning Document (2018).

Informative(s)

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

02. The applicant is advised that the following conditions require discharging prior to commencement of development:

- 03. Materials
- 05. Energy Demand
- 06. Sustainability Statement.
- 09. Ecology Enhancements
- 13. Access
- 14. Visibility Splays
- 17. Site organization

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

- 10. Ecology Site Inspection Report
- 12. Landscaping
- 15. Surfacing

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

- 01. Time limit
- 02. Approved plans
- 04. Removal of Permitted Development Rights
- 07. SuD's
- 08. Ecology
- 11. No lighting
- 16. Gates set back.

03. 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 (S278) 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.

04. Please note the clay soil may result in surface water infiltration rates being low. Site specific drainage solutions may be required.