

ITEM NO: 06Application No.
19/00714/FUL

Site Address:

Ward:
AscotDate Registered:
13 August 2019Target Decision Date:
8 October 2019**Land West Of Prince Albert Drive Prince Albert Drive
Ascot Berkshire**

Proposal:

Conversion of existing barn to 6 dwellings, and associated access drive and car park. Change of use of land to residential curtilage.

Applicant:

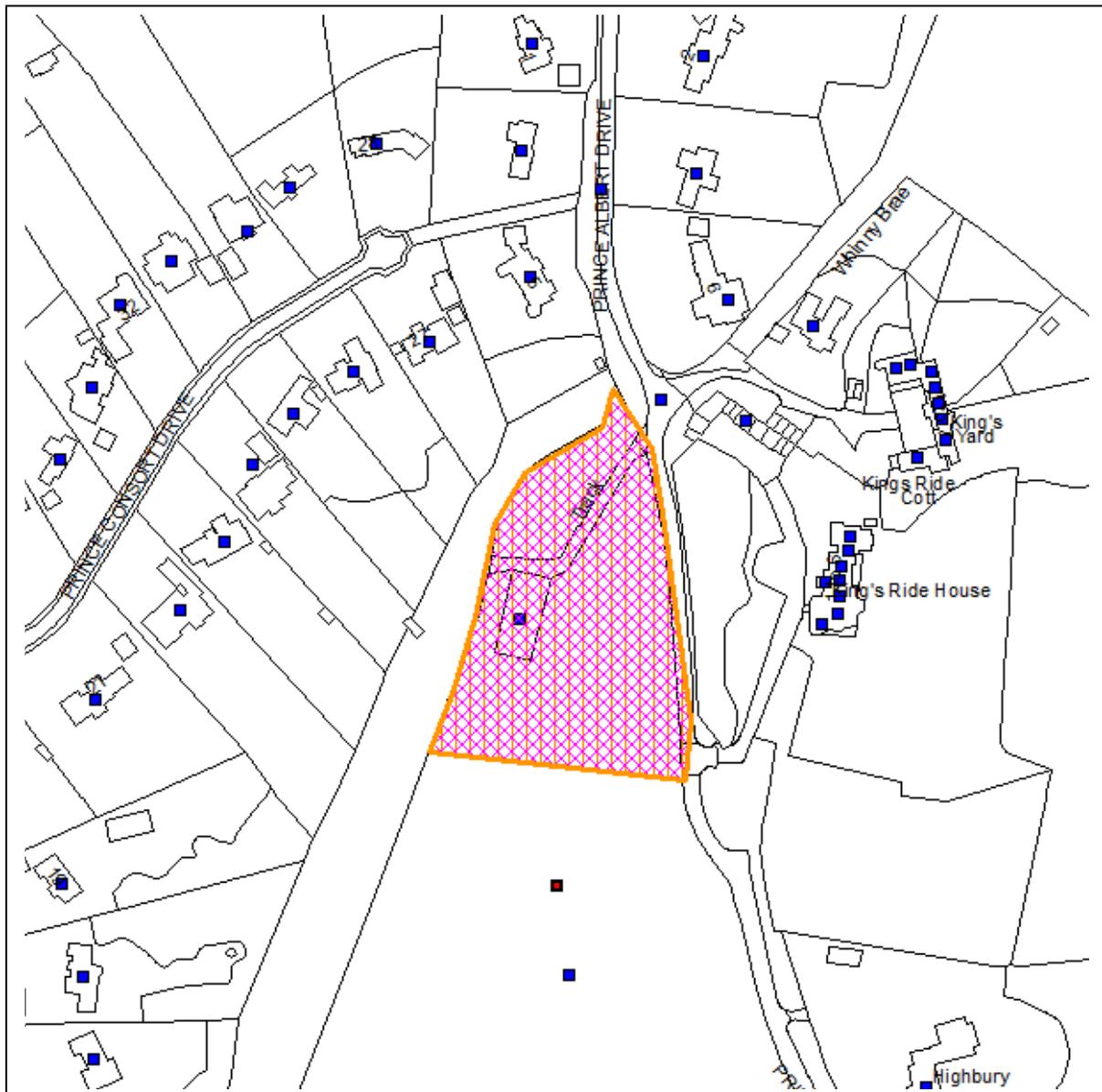
Ashley Homes Ltd

Agent:

Mrs Emily Temple

Case Officer:

Sarah Horwood, 01344 352000

development.control@bracknell-forest.gov.uk**Site Location Plan** (for identification purposes only, not to scale)

OFFICER REPORT

1. SUMMARY

1.1 The conversion of the barn to residential use is appropriate development in the Green Belt and therefore, subject to satisfying other policies and criteria, the proposal is acceptable in principle.

1.2 A survey submitted as part of this application and undertaken by a Chartered Member of the Royal Institution of Chartered Surveyors (RICS) confirms that the existing building is of permanent and substantial construction. Whilst the re-use of the building is appropriate development in principle, it is also a material consideration that prior approval was granted in 2018 for the conversion of the existing building into 5no. residential units which provides a lawful fallback position. This lawful fallback position of the 2018 prior approval application should be afforded significant weight in the determination of this application.

1.3 The change of use of agricultural land to residential garden maybe considered inappropriate development in the Green Belt, however what is permissible under a prior approval application (Class Q of the 2015 Order allows for change of use of buildings and land within its curtilage to residential use) forms a fallback position that comprises a very special circumstance to permit the change of use of land to garden. It is considered that there is a real prospect that the use granted by the 2018 prior approval could occur as it is clearly the intention for a residential use to be implemented on site. As such, the lawful fallback position should be afforded significant weight.

1.4 Whilst the development proposed by this application would result in the creation of 1no. additional residential unit of accommodation over and above that approved by the 2018 prior approval permission (the fallback position), the impact on the openness of the Green Belt would be similar to that if the fallback position of the 2018 prior approval if it were implemented.

1.5 The proposal would not adversely impact upon the residential amenities of neighbouring occupiers or the character and appearance of the surrounding area.

1.6 Taking into account the valid fallback position and that planning conditions can be imposed relating to highways, trees and ecology, there would be no adverse impacts to highway safety, trees or ecology.

1.7 A Section 106 agreement will secure SPA mitigation and the development is CIL liable.

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

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

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

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Green Belt
Within 5km of the Thames Basin Heath SPA
Tree Preservation Orders 277 and 395.

3.1 The site is located to the south-west/west of Prince Albert Drive. There is an existing single storey agricultural barn on the site located close to the western boundary. The building is open fronted with a pitched roof. The barn is accessed from a gate within the north east corner of the field and an informal track leads from the gate to the barn.

3.2 The perimeter of the site is bounded by trees which are subject to Area and Group Tree Preservation Orders (TPOs).

3.3 The site is bordered by dwellings and their gardens to the north and west, to the east by the highway on Prince Albert Drive and to the south by fields.

4. RELEVANT SITE HISTORY

4.1 The following history is relevant to this site:

08/00091/FUL refused 2008 for change of use from barn to B1 (Business) use with associated parking. An appeal against this decision was dismissed.

10/00481/FUL refused 2010 for change of use of redundant agricultural building to B1 use, including associated elevation changes and car parking.

17/00080/PAA granted 2017 for prior approval for the change of use of Agricultural Building to a dwelling house (C3).

18/00267/FUL refused 2018 for conversion of agricultural barn to 8no. duplex residential apartments (4no. x 4 bedroom and 4no. x 3 bedroom) with associated parking, bin store and cycle storage.

18/00961/PAA granted November 2018 for prior approval for the change of use of existing agricultural building to 5 no. residential properties.

19/00302/NMA agreed April 2019 for non-material amendment to change window shape and palette mix of external materials for prior approval 18/00961/PAA.

5. THE PROPOSAL

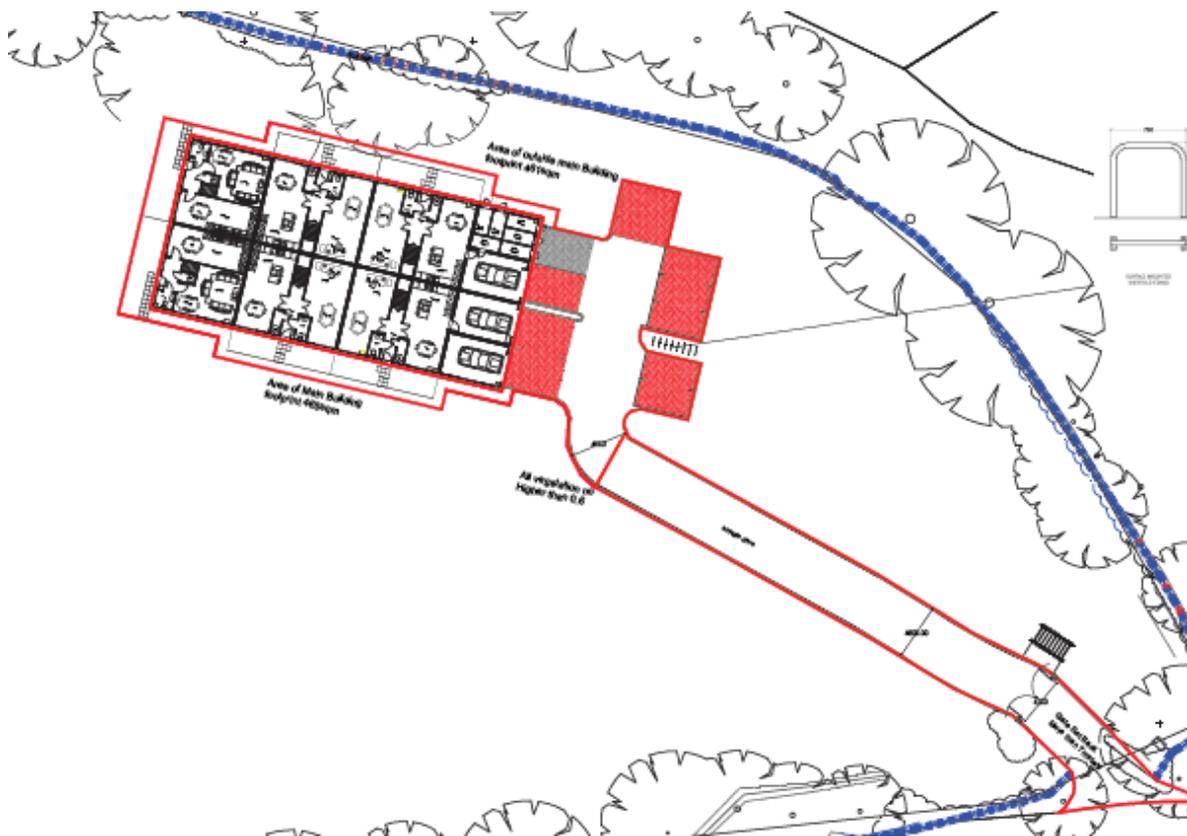
5.1 Full permission is sought for the conversion of an existing agricultural barn to 6no. dwellings, external parking areas and access drive and a change of use of land to residential curtilage.

5.2 Each unit would be located over two floors, comprising the following layout:
GROUND FLOOR: kitchen/breakfast area, living/dining area (including study on 4 of the units), WC, cupboard, hallway.
Additionally, 3no. car ports are proposed, along with 6no. stores.

FIRST FLOOR: 3no. bedrooms, en-suite bathroom to master bedroom, bathroom, family room (to 2 of the units), cupboard.

5.3 Each unit would have its own access at ground floor level, along with independent gardens and a communal parking area. The parking area would be sited to the north of the building. The remaining land edged in blue (currently under the same ownership as the rest of the site) would remain as agricultural land.

The site layout proposed by this application:



5.4 The size of the existing building would remain the same, with no extensions proposed to the building.

5.5 Externally, the building would be finished in a mix of Character Oak Feather edge shiplap, chalk render and structural green oak beams around full-length windows/patio doors, along with a natural Spanish slate roof. Fenestration is proposed on all four elevations with new doors and windows to serve each unit, along with rooflights proposed on the eastern and western elevations of the building.

6. REPRESENTATIONS RECEIVED

Winkfield Parish Council

6.1 Winkfield Parish Council has made the following observations:

The proposed change of use of the land to the residential curtilage will increase the urbanisation of this development and as such would ask the officer to ensure that this application complies with Green Belt Policy.

Other representations

6.2 37 letters of objection have been received from 28 separate postal addresses which can be summarised as follows:

- Urban sprawl
- Noise pollution
- Higher density housing than surrounding area
- Various applications refused in the past
- Impact to Green Belt
- Development unsuitable for area
- No justification to allow this development in the Green Belt
- Additional traffic
- Impact to highway safety
- Previous application for 5 dwellings erroneous
- Extension to residential curtilage detrimental to area and impact to openness of Green Belt
- Open land should be retained as a buffer to Swinley Forest
- Future pressure on surrounding land in the site to be developed
- Previous applications allowed under Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and specific legislation. This proposal does not qualify under Class Q or under local and national planning policies
- Development similar to that refused by application 18/00267/FUL
- Parking will be inadequate
- How will parking be enforced on site
- Parking in unsightly, prominent position
- Remaining agricultural land will be isolated
- Site is in an isolated position
- Prior approval 18/00961/PAA should be given limited weight in determining this application
- No structural survey submitted to demonstrate building is of permanent construction
- Proposal will conflict with purposes of including land within the Green Belt
- Access issues onto Kings Ride
- Application is a stepping stone for developing entire field
- Increased traffic emissions
- Development impractical
- No compatibility with local heritage
- Design is not exceptional quality
- No need for development which cannot be met in the settlement
- Extra pressure on the Thames Basin Heath Special Protection Area
- Removal of trees and impact to trees
- Extra refuse collection required
- Cramped development
- Does not conform to Character Area Assessments SPD for Prince Albert Drive
- Maybe contamination on land from storing skips
- Site subject to recent flooding
- Urbanising impact

- Development for financial gain
- Could set a precedent in the Green Belt
- No need for additional housing in semi-rural area
- No benefit to local community
- Intensification of residential use
- Introduction of hardstanding for driveway and parking
- Affidavits presented to the Council for previous prior approval 18/00961/PAA were ignored
- Any further intensification of the use of this site which would increase the demand on the land and exacerbate the harm from the conversion of this rural building should be resisted.
- The proposed floorspace is going to nearly double over the existing floorspace. This will have a significant and material impact on the surrounding curtilage of the building.
- The scheme is not permitted development and would be harmful to the purposes of the Green Belt. Strict control should be exercised over the extension and re-use of buildings and the associated land around them as it conflicts with the open, rural and undeveloped character of the Green Belt.
- Whilst this revised site plan shows a path running around the entire site at a distance of 4 metres and would therefore have a material adverse impact on this land, over-and-above the five units already approved.

[Officer comment: The majority of objection comments are discussed in this report].

6.3 It should however be noted that comments relating to matters such as the development being for financial gain or future pressures for development of the site are not material planning considerations.

7. SUMMARY OF CONSULTATION RESPONSES

Highways Officer

7.1 No objection subject to conditions.

Biodiversity Officer

7.2 No objection subject to conditions.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO DECISION

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

	Development Plan	NPPF
General policies	CS1 & CS2 of CSDPD	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Green Belt	CS9 of CSDPD, Saved Policy GB1, GB2, GB4 of the BFBLP	Consistent
Residential amenity	EN20 and EN25 of BFBLP.	Consistent
Parking	Saved policy M9 of BFBLP	Consistent NPPF refers to LAs setting

		their own parking standards for residential development, this policy is considered to be consistent.
Transport	CS23 and CS24 of CSDPD	Consistent
Sustainability	CS10 & CS12 of CSDPD	Consistent
SPA	SEP Saved Policy NRM6, CS14 of CSDPD	Consistent
Trees, biodiversity and landscaping	Saved policy EN1, EN2 and EN3 of BFBLP, CS1 of CSDPD.	Consistent
Supplementary Planning Documents (SPD)		
Thames Basin Heath Special Protection Area (SPD)		
Design SPD		
Parking standards SPD		
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of development
- ii. Impact on residential amenity
- iii. Impact on character and appearance of surrounding area
- iv. Impact on highway safety
- v. Trees
- vi. Biodiversity
- vii. Thames Basin Heath SPA
- viii. Community Infrastructure Levy (CIL)
- ix. Sustainability
- x. Drainage

i. Principle of development

9.2 The site is located within the Green Belt as designated by the Bracknell Forest Policy Maps.

9.3 The following policies are therefore of relevance:

- Section 13 of the NPPF (February 2019) refers to protecting Green Belt land.
- CSDPD policy CS9
- 'Saved' BFBLP policies GB1, GB2 and GB4

9.4 Para 133 states: "The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence".

9.5 Paras 143 and 144 state: "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances...When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations".

9.6 Paras 145 and 146 set out what may constitute appropriate development in the Green Belt: Para 146 sets out what may constitute appropriate development in the Green Belt in relation to existing buildings. It specifies that:

"Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order".

9.7 Core Strategy Development Plan Document (CSDPD) Policy CS9: Development on Land Outside Settlements states:

"The Council will protect land outside settlements for its own sake, particularly from development that would adversely affect the character, appearance or function of the land; and

i. Protect the defined gaps within or adjoining the Borough from development that would harm the physical and visual separation of settlements either within or adjoining the Borough.

or

ii. Maintain the Green Belt boundaries within Bracknell Forest and protect the Green Belt from inappropriate development"

9.8 Bracknell Forest Borough Local Plan (BFBLP) Saved Policy GB1 states that:

"approval will not be given, except in very special circumstances, for any new building in the Green Belt unless it is acceptable in scale, form, effect, character and siting, would not cause road safety or traffic generation problems and is for one of the following purposes:

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

9.9 Saved Policy GB2 of the BFBLP refers to the change of use of land within the Green Belt. The policy states there is a general presumption against change of use of land in the Green Belt unless the proposal relates to outdoor sport/recreation; cemeteries or other uses which protect the open, rural and undeveloped character of the area.

9.10 Saved Policy GB4 of the BFBLP allows for the re-use and change of use of buildings within the Green Belt:

"Within the Green Belt, the change of use and adaptation of existing buildings will only be acceptable where:

- (i) the impact of the proposal on the existing open, rural, and undeveloped character of the Green Belt will not be materially greater than that of the present use; and
- (ii) strict control is exercised over the extension of re-used buildings, and the associated land around them which might conflict with the existing open, rural, and undeveloped character of the Green Belt; and
- (iii) the building is of permanent construction and its scale, design, bulk and form are in keeping with its surroundings; and
- (iv) the proposed change of use or adaptation would not be detrimental to the character of the building, its surroundings and landscape setting; and
- (v) the proposed change of use, within any individual building or complex of buildings within a close proximity, would not result in a net increase of more than 500 square metres of business, industrial, distribution or storage (use Classes B1 to B8) floorspace; and
- (vi) the proposal would not cause significant environmental, road safety or traffic generation problems; and
- (vii) the proposed change of use of the building is small scale and appropriate to a rural area."

9.11 The NPPF at para 146 d) allows for the re-use of buildings provided that the buildings are of permanent and substantial construction, however Saved Policy GB4 goes further than the NPPF and includes the 7 criteria listed above that the proposal should be assessed against. As this policy is not entirely in conformity with the NPPF, the approach set out within the NPPF takes precedence.

9.12 As the site is located within the Green Belt, the main considerations from a policy perspective are:

1. Whether the proposed development constitutes inappropriate development in the Green Belt;
2. The effect of the proposal on the openness of the Green Belt.
3. Impact on purpose of including the land within the Green Belt.

1) Whether the proposal constitutes inappropriate development within the Green Belt

9.13 The application proposes the conversion or re-use of an existing agricultural building for residential use. Para 146 d) of the NPPF states that the re-use of buildings can constitute appropriate development provided that the buildings are of permanent and substantial construction and that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

9.14 The development applied for comprises the conversion of an existing agricultural building to 6no. residential units, with proposed internal and external alterations to the building to facilitate the re-use of the building.

9.15 The existing agricultural building on site is enclosed on three sides with an open frontage. The building internally is supported by a steel portal frame which sits on a concrete slab and is enclosed by corrugated sheeting with a roof which spans the whole width and depth of the frame. The proposed works would comprise replacing the existing roof and adding cladding to the existing frame of the building. Objectors have questioned whether the

building could structurally be converted and re-used from an agricultural building to residential use.

9.16 The tests set out in para 146 d) of the NPPF are whether the building to be re-used is of permanent and substantial construction. A site inspection of the existing building was undertaken in February 2020 by ACM (Developments) Ltd - a qualified Chartered Building Surveyor. The inspection concluded that given the method of building construction and the building's permanent retention on site since the 1980s without falling into dilapidation or disrepair, the existing building is, in the view of the Surveyor, considered to be of permanent and substantial construction.

9.17 The findings of this inspection are also corroborated by an inspection of the same building in October 2008 by Longman Developments Ltd related to application, LPA ref: 08/00091/FUL and a subsequent appeal lodged following the refusal of the application by the LPA. The aforementioned application was for the change of use of the existing barn to B1 (business) use. As part of the appeal, a structural survey was undertaken of the building where it was again concluded that the barn at that time was in good condition and the works to convert the building to B1 use would be "very straightforward". Although the appeal was dismissed, the Inspector at para 7 of the appeal decision dated 24 April 2009 states "*based on the evidence of qualified architects and a local builder, I accept that it should be possible to essentially convert the existing structure...albeit with significant internal and some external works*". Whilst it is acknowledged that there is a 12-year difference between the date of the inspection in 2008 and the inspection undertaken as part of this application in February 2020, the building remains in good condition and has not become dilapidated in this time.

9.18 As such, based on the survey inspection submitted as part of this application, it is considered that the existing building is of permanent and substantial construction and therefore capable of conversion to residential use with internal and external works proposed. As such, the proposed conversion of the building satisfies the criteria outlined in para 146 d) of the NPPF and is therefore appropriate development in principle in the Green Belt.

9.19 Whilst the Council accepts that the proposed conversion of the existing building is appropriate development in the Green Belt, it is also a material consideration that prior approval was granted in November 2018, LPA ref: 18/00961/PAA for the change of use of existing agricultural building to 5no. residential properties. This is a material consideration in the determination of this application which provides a fallback position. The weight to be afforded to the fallback position is discussed in greater detail at paragraphs 9.23 to 9.38 of this report.

9.20 As well as the tests set out in the NPPF, the proposal must be tested against the criteria contained in BFBLP Saved Policy GB4 and Policy CS9 in the CSDPD insofar as they are consistent with the NPPF to assess if it is acceptable development in the Green Belt.

9.21 The proposed change of use of the building to residential use is considered to be in accordance with Saved Policy GB4 as follows:

- The proposal does not increase the built form on site - no extensions are proposed to the building to facilitate the change of use to residential, along with no increase in the height of the building over that existing. The proposed parking/turning area would be similar to that granted by prior approval 18/00961/PAA.
- Adequate space exists on site to provide on-site parking and turning required connected to the proposed use of the building for C3 residential use along with provision of residential curtilage for each unit.
- The materials proposed for the external finish of the building would be appropriate to the rural setting of the site. Details of landscaping and means of boundary treatment around the

building could be secured by planning condition to ensure the use would not be detrimental to the character of the surroundings and landscape setting of the site

- The use would not be related to a business, industrial, distribution or storage use.
- The proposal is for 6no. residential units. 5no. residential units were granted by prior approval 18/00961/PAA. This scheme constitutes a fallback position of lawful development which has a real prospect of being implemented. This application proposes 1no. additional unit over and above that granted and which could be implemented by the 2018 prior approval. There are residential dwellings in the surrounding area on Prince Albert Drive and Prince Consort Drive and therefore the proposal would not be inappropriate in a rural area due to existing residential uses and also taking into account what could be implemented as part of the fallback position.

9.22 As stated previously, the tests under Saved Policy GB4 of the BFBLP go further when assessing if a proposed change of use of a building is appropriate in the Green Belt when compared to the test set out at paragraph 146 d) of the NPPF - that being whether the building is of permanent and substantial construction when assessing applications for change of use. Whilst the tests above in relation to Saved Policy GB4 have been undertaken, these are not consistent with the tests of the NPPF. It has been demonstrated that the building is of permanent and substantial construction in accordance with para 146 d) of the NPPF and therefore the conversion of the building to residential use is appropriate development in principle in the Green Belt.

9.23 The development subject to this application also proposes a change of use of land from agricultural land to private residential gardens for each of the 6no. residential units proposed and an on-site parking/turning area. Para 146 e) states that material changes in the use of land such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds can constitute appropriate development provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. It is noted that para 146 e) is not exhaustive in listing what material changes of use of land maybe appropriate in the Green Belt, subject to ensuring it preserves the openness of the Green Belt. It is acknowledged that the change of use of land for residential use would result in some urbanisation of the land around the building through the introduction of formal gardens, residential paraphernalia and use of land for parking of domestic vehicles. This would not preserve the openness of the Green Belt and is therefore not considered appropriate development in the Green Belt.

9.24 In order for this change of use of land to be acceptable, very special circumstances must exist. These circumstances are considered in the following paragraphs.

The fallback position

9.25 Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, a material consideration is the granting of a prior approval application in November 2018 for the change of use of existing agricultural building to 5no. residential properties, LPA ref: 18/00961/PAA.

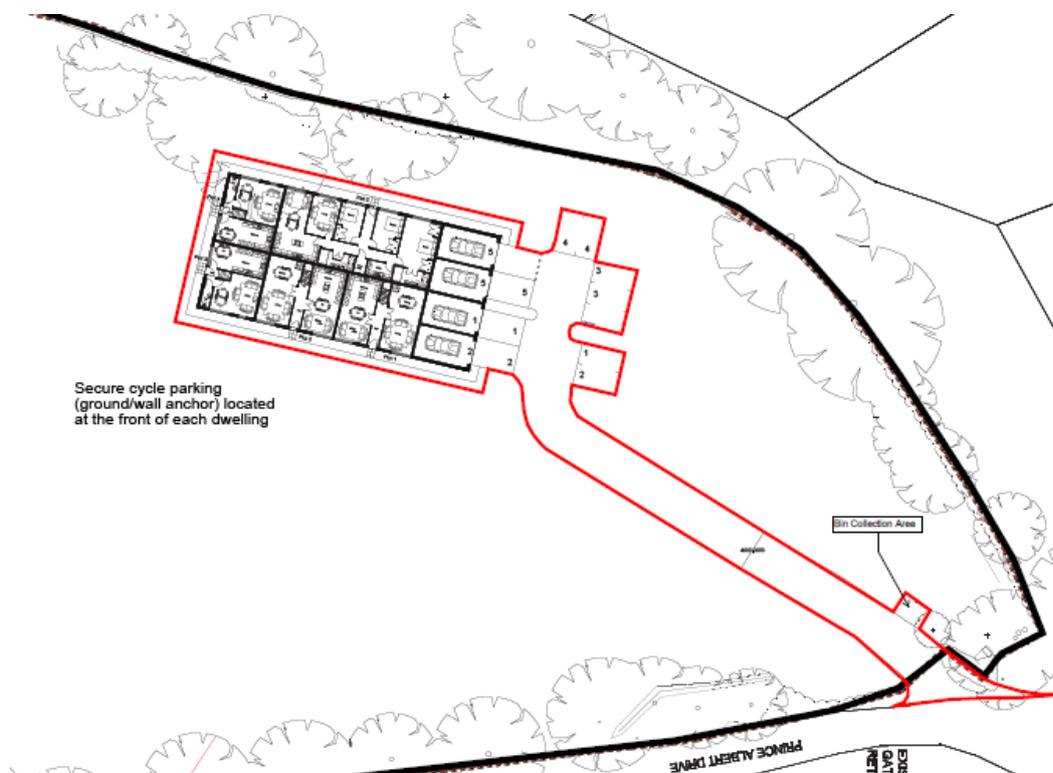
9.26 When considering the fallback position, the relevant tests are:

- whether there is a fallback position (that is a lawful ability to implement a certain use or development);
- secondly whether there is a likelihood or real prospect of such use/development occurring;
- thirdly, if there is a real prospect of such a use occurring, a comparison should be made between the proposed use/development and the fallback position.

In terms of these tests, the responses are as follows:

9.27 A prior approval application was granted for the change of use of an existing agricultural building to 5no. residential properties, LPA ref: 18/00961/PAA. The application was made and considered under Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As the proposal satisfied all of the caveats outlined in the aforementioned legislation, the prior approval application was granted and the development – the change of use of the existing agricultural building to 5no. residential properties is therefore a development that could lawfully be implemented on site. As such, this is a fallback position which should be attributed significant weight to the determination of this application. Whilst it is acknowledged that objector comments raise the issue that the Council were erroneous in granting prior approval applications 17/00080/PAA and 18/00961/PAA, the granting of these prior approval applications have not been formally challenged or revoked.

The prior approval granted by 18/00961/PAA.



9.28 Prior approval application ref: 18/00961/PAA provides a fallback position as it is an extant scheme which has been secured by a formal application in November 2018 (the prior approval application) and the development could be implemented on site. The building exists on site and would not require any demolition works; it would result in its conversion so there is no reason why the development could not realistically be implemented on site. There seems a clear intention to develop the site for residential use (as 2 prior approval applications have been granted for residential use granted by 17/00080/PAA and 18/00961/PAA and a previous planning application submitted for residential use, despite this being refused). The external appearance of the building as proposed would not be dissimilar to that granted by the 2018 prior approval application and amended by the non-material amendment application 19/00302/NMA. The parking arrangement would be similar to that granted by the 2018 prior approval application.

9.29 Appeal decisions and court judgements (a well-known court judgement being *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314) have established that significant weight should be afforded to the fallback position when considering new developments that require planning permission where there is a real prospect of the scheme (i.e. the fallback position) being implemented. Further, the real prospect of a fallback scheme being implemented does not necessarily require a prior approval/planning permission to have been granted. In this instance, a prior approval application (ref: 18/00961/PAA) has been granted for 5no. units (along with a previous prior approval application granted for the conversion of the building to 1no. residential unit). As such, it is the view of the LPA that there is a real prospect that the use granted by the 2018 prior approval could occur as it is clearly the intention for a residential use to be implemented on site.

9.30 Given there is a real prospect of the fallback position of the change of use of the existing agricultural building to 5no. residential properties granted by the 2018 prior approval being implemented, a comparison can be made between the development subject to this application versus the fallback position which is as follows:

9.31 The development subject to this application would not result in any extensions to the existing building; this was the same as the 2018 prior approval application. The development proposed by this application would result in the creation of 1no. additional residential unit of accommodation over and above that approved by the 2018 prior approval permission (the fallback position) but within the same building envelope with no increase in footprint or volume of the building. The development proposed by this application is for 6no. residential units as opposed to 5no. residential units granted by the 2018 prior approval application. However, the additional vehicular and pedestrian movements and additional residential activity associated with an additional residential unit would be minimal when compared to the extant fallback position established by the 2018 prior approval application.

9.32 Whilst it is noted that the existing barn is of utilitarian design and the proposed re-use of the building would significantly alter its external appearance, it would still retain a barn-like appearance with the use of shiplap cladding. The external finish of the building as proposed by this application would be very similar to that granted by prior approval 18/00961/PAA and the non-material amendment application 19/00302/NMA. The parking area serving the proposed 6no. units would be in a similar location to that approved by the 2018 prior approval application.

9.33 As referred to above, this application also proposes a change of use of land from agricultural land to private residential gardens which may not be considered appropriate development in the Green Belt. However, consideration must again be given to the fallback position granted by the 2018 prior approval.

9.34 The 2018 prior approval granted a residential curtilage of 419sqm around the building (this area included individual garden areas for each of the 5no. units and parking/turning areas).

9.35 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows a change of use of an agricultural building and land within its curtilage to residential use. The definition of curtilage in relation to the Order is found at Paragraph X of Part 3 which states:

"(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with or serving the purposes of the agricultural building; or

(b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser."

9.36 The curtilage proposed by this application would be 461sqm. This would be slightly less than the area of land occupied by the agricultural building which is 465sqm which would be permissible under a prior approval application (although it is noted this area of curtilage has not been secured formally by a prior approval application). As stated previously, the real prospect of a fallback position does not necessarily require prior approval/planning permission being granted. Whilst prior approval has been granted under Class Q of the GPDO 2015 (as amended) for a smaller curtilage than that proposed by this application, it is a fallback position that a curtilage of up to 465sqm could lawfully be created as part of a prior approval application. Therefore significant weight should be afforded to this factor. As such, whilst a larger residential curtilage is proposed by this planning application when compared to that granted by the 2018 prior approval, the area of the curtilage proposed could be secured by a further prior approval application and the 2018 prior approval has already been granted which included residential curtilage. While the change of use of the land comprises inappropriate development in the Green Belt, the fallback position described above provides the very special circumstances necessary to justify approval in this case.

9.37 The site is not considered to be in a sustainable location in that it would have to be accessed by private car, however the building subject to this application is in exactly the same location as the 2018 prior approval application and any harm caused by the additional unit in this respect would be minimal.

9.38 In summary, the fallback position which has been established by the most recent prior approval application (the 2018 prior approval application for 5no. residential units), should be afforded significant weight in the determination of this application.

9.39 It is noted that objectors state that the reasons for refusal of previous application, ref: 18/00267/FUL for the conversion of agricultural barn to 8no. duplex residential apartments (4no. x 4 bedroom and 4no. x 3 bedroom) with associated parking, bin store and cycle storage are relevant to the determination of this application. Whilst it is acknowledged that this application was refused, with one ground relating to the development being considered inappropriate development in the Green Belt; for the reasons set out above, the granting of the 2018 prior approval following the refusal of application 18/00267/FUL is considered as a fallback position and is clearly a material consideration which should be afforded significant weight in the determination of this application.

2. The effect of the proposal on the openness of the Green Belt.

9.40 Para. 133 of the NPPF indicates that 'openness' is an essential characteristic of the Green Belt. The term openness is not defined in the NPPF, however given the lack of definition; it could reasonably be interpreted as the absence of built development. Openness can be harmed by (among other things) new built form, external storage, extensive hard standing, car parking and boundary walls or fencing. Landscapes are very important to the openness and amenity of the Green Belt. The visual impact on landscape forms part of the consideration of harm and is not just associated with views from public vantage points.

9.41 The NPPF states that certain forms of development are not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purpose of including land within it. Para 146 d) states that the re-use of buildings provided that the buildings are of permanent and substantial construction can be considered appropriate development in the Green Belt subject to assessing impact on openness

9.42 The proposed change of use of the building to C3 residential use would not require any extensions to the building which would ensure the proposal would not harm the open,

undeveloped character of the Green Belt. The building is already in situ and would result in its re-use.

9.43 The proposed external alterations to the building which would include the addition of shiplap boarding, render, windows and roof tiles would also not in themselves harm the openness of the Green Belt.

9.44 The proposal includes the change of use of agricultural land to residential use with the introduction of residential gardens and communal parking areas and the associated impact on the openness of the Green Belt. The 2018 prior approval application granted both individual residential gardens and a communal parking area to serve the 5no. residential units. This application proposes a slightly larger residential curtilage around the building which would be allocated to each of the 6no. residential units, however the area of land that would be changed to residential garden and parking would be what is permissible under a prior approval application as a lawful fallback position and therefore comprises a very special circumstance to permit the change of use of land. As part of a planning application, the LPA would have more control over the use of land, with the ability to remove permitted development rights for extensions/outbuildings/hard surfacing, etc in the interest of protecting the openness of the Green Belt. A further condition requiring details of hard and soft landscaping and boundary treatment is recommended in the interests of protecting the openness and rural character of the site.

3) Impact on purpose of including the land within the Green Belt

9.45 The five purposes for including land within the Green Belt are set out in paragraph 134 of the NPPF. These are:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

9.46 The proposed development with the conversion and re-use of the existing building would not result in unrestricted sprawl or towns merging.

9.47 In terms of encroachment into the Countryside, the proposal is for the re-use of an existing building. In this instance (and as discussed previously), it is a material consideration that there is an extant prior approval, LPA ref: 18/00961/PAA which provides a lawful fallback position for the conversion of the building into 5no. residential units, along with a change of use of land around the building for parking and gardens. This current application is for the conversion of the building into 6no. residential units (a net increase of 1 unit over that granted by prior approval ref: 18/00961/PAA) and would result in the change of use of a larger area of land from that approved by the 2018 prior approval application. However, the proposed residential gardens and parking area would occupy just under the same area of land as the agricultural building which would be permissible under another prior approval application.

9.48 The setting and special character of historic towns would be unaffected as the site is not part of, and does not affect the setting of a historic town. In terms of urban regeneration, although this is a Green Belt site, it would result in the re-use of an existing building.

9.49 In summary, it has been demonstrated that the building is of permanent and substantial construction in accordance with para 146 d) of the NPPF and therefore the conversion of the building to residential use is appropriate development in principle in the Green Belt. It is a

material consideration that prior approval was granted in 2018 for the conversion of the existing building into 5no. residential units which provides a fallback position and should be afforded significant weight in the determination of this application. The change of use of agricultural land to residential garden maybe considered inappropriate development in the Green Belt. However what is permissible under a prior approval application as a fallback position comprises a very special circumstance to permit the change of use of land to garden. The impact of the current proposal on the openness of the Green Belt would be similar to that if the fallback position of the 2018 prior approval were implemented. Further, the development would not conflict with the purposes of including land within the Green Belt.

9.50 The proposal is therefore considered acceptable in principle, for the reasons given above and subject to other material considerations including impact on residential amenity, character and appearance of surrounding area, highway safety implications, etc.

ii. Residential amenity

9.51 There are residential dwellings on Prince Albert Drive and Prince Consort Drive which either share a boundary with the site or have some views across the site. These dwellings are set a minimum of some 90m from the existing building subject to the conversion. The proposed use of the building for C3 residential use would require external alterations to the existing building, including the addition of windows and doors. However these external alterations would not result in an adverse impact to surrounding dwellings through overlooking and loss of privacy in view of the separation distances between the application site and existing surrounding dwellings. Further screening is provided along the eastern, southern and western boundaries of the site by vegetation and protected trees.

9.52 Due to screening provided along the eastern, southern and western boundaries of the site by vegetation and protected trees, the changes to the building and creation of gardens and parking areas associated with the change of use of the building would not appear visually intrusive to surrounding properties.

9.53 Each of the proposed units would have its own on-site parking provision, along with private amenity space.

9.54 As such, the proposal would not be considered to adversely affect the residential amenities of neighbouring occupiers or the future occupiers of the proposed dwellings and would therefore be in accordance with Saved Policy EN20 of the BFBLP and the NPPF.

iii. Impact on character and appearance of surrounding area

9.55 The external changes proposed to the building to facilitate the change of use to residential, including the insertion of windows and doors would not be considered to detract from the host building or appear obtrusive when viewed from outside the application site. No external alterations are proposed to the building itself in relation to its size or height. The conversion of the building to residential use would retain a barn style form.



9.56 Externally, the building would comprise a mix of character oak feather edge shiplap boarding, chalk render, brick plinth and natural Spanish roof slates. The external finish of the building would be considered appropriate to the rural setting of the site. Internally a steel frame would be added to the building to provide accommodation at first floor level, however these works would be contained within the envelope of the building itself.

9.57 The site would be accessed from Prince Albert Drive via an internal access road which would lead to an on-site parking and turning area. Whilst the driveway and parking/turning area would have some urbanising impact upon the rural character of the area, the works would be limited at surface level and given the level of screening provided around the perimeter of the site, it would not appear readily visible outside of the site.

9.58 The extent of the hard surfacing to facilitate the parking/turning area for the proposed residential use would be similar to that granted by the lawful fallback position of the 2018 prior approval.

9.59 Existing trees and vegetation around the perimeter of the site would be retained and protected during the course of the development in the interests of the rural character of the area. 2no. birch trees would be removed close to the entrance of the site; however replacement planting could be secured by a landscaping condition.

9.60 A planning condition is recommended to remove permitted development rights for extensions/roof alterations/outbuildings/hard surfacing to protect the visual amenities and rural character of the area. A further planning condition is recommended relating to landscaping and means of enclosure in the interests of the rural character of the area.

9.61 As such, the proposal would not adversely affect the character and appearance of the surrounding area and would be in accordance with Saved Policy EN20 of the BFBLP, Policy CS7 of CSDPD and the NPPF.

iv. Transport implications

9.62 The proposed apartments would take access from Prince Albert Drive, which is an unadopted road. The revised site plan shows a proposed 4.8m wide access to serve the proposed residential units. This width would be sufficient for two vehicles to pass on the access road. This would be similar to prior approval application, ref: 18/00961/PAA which

also made provision for the existing access to be upgraded and to be widened to enable two vehicles to pass and pull clear of the road. The visibility to the north is limited to 2.4 x circa 20m but, given the slow speed of vehicles on Prince Albert Drive, this is not anticipated to present a road safety issue.

Parking

9.63 13 parking spaces are proposed - this would provide 12 parking spaces to comply with the residential requirements for 6no. 3-bed apartments (which require 2 spaces each), and one visitor parking space; in line with the requirement of one visitor parking space per 5 dwellings.

9.64 Three of the spaces are provided as car ports with measurements of 3.5m by 5.5m, which is in line with the Parking Standards SPD (March 2016). The parking spaces in front of the car ports measure 3.6m by 4.8m, which assists in providing pedestrian access to the apartments, and use by those with restricted mobility. The proposed courtyard parking spaces measure as 2.4m by 4.8m, with at least 6m of aisle width between, which complies with the Parking Standards SPD and Manual for Streets. Car parking, including courtyard parking spaces, and car ports should be secured via planning condition.

9.65 Each unit is to be provided with a storeroom which could be used for cycle parking, and some visitor cycle parking is shown near to the site access, to provide cycle parking to standard. The cycle visitor parking near to the site access is not ideal in terms of security and visitor cycle parking closer to the building would be preferred, but prior approval application, ref: 18/00961/PAA allowed visitor cycle parking in the same location. Cycle parking would be secured via planning condition.

Refuse Collection

9.66 Bracknell Forest Council's refuse vehicles would not enter the site and a refuse collection point is shown close to the site access onto Prince Albert Drive, in the same location as approved under 18/00961/PAA. This collection point cannot be moved to a location where it meets both carrying distances for residents and the refuse service and it makes sense for it to remain in the same location as that approved by the prior approval. The collection point is only for collection day as the rest of the time the bins will be stored in the individual stores within the building. An informative should be appended to permission to confirm that future residents will have to move bins to/from the collection point for bin collection day.

Trips

9.67 6 apartments are likely to generate 36 two-way trips per day, including three or four movements in both peak periods. However, prior approval has been granted for 5 no. apartments which is likely to generate 30 two-way trips per day, including two or three movements in both peak periods.

9.68 The site is around 2km from Ascot. There are no bus routes along Kings Ride. Whilst cycling is an option and Martin's Heron railway station is an acceptable cycling distance (within 5km), this is a relatively unsustainable location. Thus, the majority of trips are likely to be car. However, as discussed previously in this report, there is a lawful fallback position for the building to be converted into 5no. residential units and therefore the location/accessibility of the location would not be a reason to refuse the application.

9.69 Subject to the imposition of conditions, the proposal is considered to be in accordance with CS23 of the CSDPD, Saved Policy M9 of the BFBLP and the NPPF and would not result in adverse highway implications.

v. Trees

9.70 There are trees along the eastern, southern and western boundaries of the site which are protected by confirmed Tree Preservation Orders 277 and 395. The trees closest to the existing building which is subject of the current application comprise a mix of Oak, Birch, Pine and Beech.

9.71 The proposed individual garden areas located to the west of the existing building would be larger than that approved by the 2018 prior approval application and would be located directly under the crown of protected trees and within the main root protection areas of protected trees. It is considered that the introduction of gardens to the west of the existing building could place pressures on the protected trees to either prune them or remove them in the long term. However, again as outlined previously, significant weight should be afforded to the lawful fallback position which could be implemented by a prior approval application where a curtilage of up to 465sqm (the same footprint as the existing building) could be created on site. As part of the prior approval process, consideration is not given to impact to trees (whether they are subject to tree preservation orders or not) and therefore the use of the land to the west of the existing building could take place regardless of any resulting impact to protected trees. Notwithstanding this, any proposal to prune existing trees subject to Tree Preservation Orders would require consent from the Council's Tree Service and would be subject to separate legislation.

9.72 The size of the building subject to this application would not be increased and the private garden areas would be primarily soft landscaping. A planning condition removing permitted development rights relating to extensions/outbuildings/hard surfacing would safeguard protected trees.

9.73 It is proposed to remove Birch trees close to the existing access to the site, however there is no objection to this given the modest sizes of the trees. This would be subject to replacement planting with long term species such as English Oak or Hornbeam elsewhere on site which would be secured by planning condition.

9.74 Existing trees around the perimeter of the site (with the exception of the removal of 2no. Birch trees) would be retained and protected during the course of the development which would also be secured by planning condition.

9.75 Subject to the imposition of conditions and taking into account the lawful fallback position which could be implemented by a prior approval application, there would be no valid grounds to refuse the application on arboricultural grounds.

vi. Biodiversity

9.76 The application site comprises an agricultural barn set within a grassland field, bordered by woodland. The majority of the grassland to the south of the site will be retained, but areas of vegetation will be cleared.

9.77 The application has been accompanied by an ecological report which concludes that the proposed works are unlikely to adversely affect roosting bats. The surrounding habitats are of high suitability for use by commuting and foraging bats and any external lighting scheme should be designed to avoid any impact. External lighting and new roosting opportunities can be secured by condition.

9.78 A precautionary approach is proposed to cutting the vegetation under the supervision of a suitably qualified ecologist to ensure that reptiles are not affected, and they can disperse

into the surrounding habitat. This is considered sufficient to ensure that reptiles are displaced prior to further works affecting these areas and shall be secured by condition.

9.79 As such subject to conditions, the development would accord with Policies CS1 and CS7 of the CSDPD and the NPPF.

vii. Thames Basin Heath SPA

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

Appropriate Assessment

9.81 In accordance with The Conservation of Habitats and Species Regulations (2017) Regulation 63 a competent authority (in this case Bracknell Forest Council (BFC)), before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

- a. is likely to have a significant effect on a European site...(either alone or in combination with other plans or projects), and
- b. is not directly connected with or necessary to the management of that site.

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

9.82 A person applying for any such consent, permission or other authorisation must provide such information as BFC may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required.

9.83 BFC must for the purposes of the assessment consult Natural England (NE) and have regard to any representations made by that body. It must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate. In the light of the conclusions of the assessment, and subject to Regulation 64 (Considerations of overriding public interest), BFC may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.

9.84 In considering whether a plan or project will adversely affect the integrity of the site, BFC must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given. The Council have undertaken an Appropriate Assessment following consultation with NE.

SPA mitigation

9.85 This site is located approximately 3.3km from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

9.86 On commencement of the development, a contribution (calculated on a per-bedroom basis) is to be paid to the Council towards the cost of measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Council's Thames Basin Heaths Special Protection Area Supplementary Planning Document (SPD). The

strategy is for relevant developments to make financial contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the SPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures. The Council will also make a contribution towards SANG enhancement works through Community Infrastructure Levy (CIL) payments whether or not this development is liable to CIL.

9.87 In this instance, the development would result in a net increase of 6 x three-bedroom dwellings which results in a total SANG contribution of £36,672.

9.88 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which will also be calculated on a per bedroom basis. Taking account of the per bedroom contributions this results in a total SAMM contribution of £4,266.

9.89 The total SPA related financial contribution for this proposal is £40,938. The applicant has agreed to enter into a S106 agreement to secure this contribution. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP Saved Policy NRM6, Saved policy EN3 of the BFBLP and CS14 of CSDPD, the Thames Basin Heaths Special Protection Area SPD, the Planning Obligations SPD and the NPPF.

viii. Community Infrastructure Levy

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

9.91 CIL applies to any new build (except outline applications and some reserved matters applications) including those that involve the creation of additional dwellings. CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the borough and the type of development.

9.92 The application site lies within the zone of Northern Parishes. The development is CIL liable.

ix. Energy sustainability

9.93 With regards to the requirements of Core Strategy Policies CS10 and CS12 which relate to energy sustainability and renewable energy, the application converts an existing building to residential use.

9.94 Paragraph 2.6 of the Sustainable Resource Management SPD states that proposals to convert or change the use of a building are excluded from Core Strategy Policies CS10 and CS12. Therefore no submission is required with regard to Policies CS10 and CS12 of the CSDPD.

x. Drainage

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

10. CONCLUSION

10.1 Based on a survey inspection submitted as part of this application which is undertaken by a Chartered Member of the Royal Institution of Chartered Surveyors (RICS), it has been demonstrated that the existing building is of permanent and substantial construction and therefore its conversion to residential use is appropriate development in principle in the Green Belt. It is a material consideration that prior approval was granted in 2018 for the conversion of the existing building into 5no. residential units which provides a fallback position and should be afforded significant weight in the determination of this application. The change of use of agricultural land to residential garden maybe considered inappropriate development in the Green Belt. However, what is permissible under a prior approval application (Class Q of the 2015 Order allows for change of use of buildings and land within its curtilage to residential use) as a fallback position comprises a very special circumstance to permit the change of use of land to garden. The very special circumstance of the fallback position relating to the change of use of land outweighs the harm to the Green Belt by reason of inappropriateness and makes this element of the proposed development acceptable. Whilst the development proposed by this application would result in the creation of 1no. additional residential unit of accommodation over and above that approved by the 2018 prior approval permission (the fallback position), the impact on the openness of the Green Belt would be similar to that if the fallback position of the 2018 prior approval were implemented. Further, the development would not conflict with the purposes of including land within the Green Belt.

10.2 The proposal would not adversely impact upon the residential amenities of neighbouring properties and character and appearance of surrounding area.

10.3 Taking into account the valid fallback position and that planning conditions can be imposed relating to highways, trees and ecology, there would be no adverse impacts to highway safety, trees or ecology.

10.4 A Section 106 agreement will secure SPA mitigation and the development is CIL liable.

10.5 The proposal is therefore considered to comply with CSDPD CS1, CS7, CS9, CS14 and CS23, Saved Policies EN1, EN3, EN20, GB2, GB4, M9 of the BFBLP, Saved Policy NRM6 of the SEP and the NPPF.

10.6 The application is therefore recommended for conditional approval subject to the completion of a s106 agreement.

11. RECOMMENDATION

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

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

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

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

2. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 13 August 2019 and 27 February 2020:

drawing no. PAD/DEC/001
drawing no. PAD/DEC/002 Rev 7

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those shown on drawing no. PAD/DEC/001 received 13 August 2019.

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

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

REASON: To protect the openness of the Green Belt within which the site is located.
[Relevant Policies: BFBLP GB1, CSDPD CS9]

5. The dwellings hereby permitted shall not be occupied until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule. All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the occupation of any part of the approved development, whichever is sooner. All hard landscaping works shall be carried and completed prior to the occupation of any part of the approved development. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved. The areas shown for soft landscaping purposes on the approved plans shall thereafter be retained as such.

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

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

REASON: In the interests of the visual amenities of the area and to safeguard existing retained trees, hedges and shrubs.
[Relevant Plans and Policies: BFBLP EN20, CSDPD CS7]

7. The dwellings hereby permitted shall not be occupied until details of the construction of the internal access driveway (including materials) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the occupation of any of the dwellings approved in this permission.

REASON: In the interests of the visual amenities of the area, highway safety and accessibility

[Relevant Plans and Policies: BFBLP EN20, CSDPD CS7, CS23]

8. The dwellings hereby permitted shall not be occupied until the associated vehicle parking and turning space has been surfaced in accordance with the approved drawings. The spaces shall thereafter be kept available for parking and turning at all times.

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

[Relevant Policies: BFBLP M9, CSDPD CS23]

9. The car ports hereby approved shall be retained for the use of the parking of motor vehicles at all times and, notwithstanding the provisions of Part 1 Classes A and E of Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no enlargements, improvements or alterations shall be made to the car port, and no gate or door shall be erected to the front of the car port.

REASON: To ensure that the development is provided with adequate parking in the interests of highway safety.

[Relevant Policies: BFBLP M9, CSDPD CS23]

10. The dwellings hereby permitted shall not be occupied until secure and covered cycle parking spaces have been provided in the locations identified for cycle parking on the approved plans within the development. The cycle parking facilities shall thereafter be retained.

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

[Relevant Policies: BFBLP M9, CSDPD CS23]

11. Notwithstanding the provisions of Part 2 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), any gates or barriers provided for vehicular access shall open away from the highway and be set back a distance of at least 7 metres from the edge of the carriageway of the adjoining highway.

REASON: In the interests of highway safety.

[Relevant Policies: CSDPD CS23]

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

REASON: To prevent increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage scheme.

[Relevant Policies: CSDPD CS1, BFBLP EN25]

13. All existing trees shown to be retained and protected in the document entitled "Arboricultural Impact Assessment Addendum" by Landarb Solutions received 13 August 2019 shall be protected by 2m high (minimum) welded mesh panels, supported by a metal scaffold framework, constructed in accordance with Section 6.2 of British Standard 5837:2012, or any subsequent revision. The development shall be carried out in accordance with the approved document/drawings.

REASON: In order to safeguard trees in the interests of the visual amenity of the area.

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

14. The protective fencing specified by condition 13 shall be erected prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site. No activity of any description must occur at any time within these areas including but not restricted to the following: -

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

In addition to the protection measures specified above:

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

REASON: In order to safeguard trees in the interests of the visual amenity of the area.

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

15. The precautionary measures detailed in the Ecological Impact Assessment by Grassroots Ecology received 13 August 2019 shall be undertaken in accordance with the approved mitigation measures and retained as such thereafter.

REASON: To ensure that wildlife is not adversely affected by the proposed development.

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

16. The dwellings hereby permitted shall not be occupied until details of biodiversity enhancements, to include at least 3 kestrel nest boxes, bat boxes or bricks, reptile habitats and native and wildlife friendly landscaping has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

REASON: To ensure that wildlife is not adversely affected by the proposed development.

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

17. The dwellings hereby permitted shall not be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for external site lighting and how this will not adversely impact upon wildlife. No external lighting shall be installed on the site or affixed to any buildings on the site except in accordance with the approved details. The external lighting report shall include the following:

- A layout plan with beam orientation
- A schedule of equipment
- Measures to avoid glare
- An isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of importance for commuting and foraging bats.

The approved lighting details shall thereafter be implemented in accordance with the approved details and retained as such thereafter.

REASON: To ensure that wildlife is not adversely affected by the proposed development.

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

Informatives

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

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

1. Time limit
2. Approved plans
3. Materials
4. Restrictions on permitted development
8. Parking
9. Retention of car ports
10. Cycle parking
11. Gates
12. SuDS
- 13 and 14. Tree protection
15. Ecological measures

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

5. Landscaping
6. Boundary treatment
7. Access road construction
16. Biodiversity enhancements
17. Lighting

3. Future occupiers will need to carry their bins/refuse to/from the bin collection point on bin collection day.

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

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