

ITEM NO: 06Application No.
19/00857/FULWard:
Winkfield And
CranbourneDate Registered:
25 September
2019Target Decision Date:
20 November 2019

Site Address:

**Don Beni Restaurant Winkfield Row Bracknell
Berkshire RG42 6NH**

Proposal:

Redevelopment of the site to the rear of Don Beni to form 1 detached 4 bedroom dwelling with associated parking and amenity space.

Applicant:

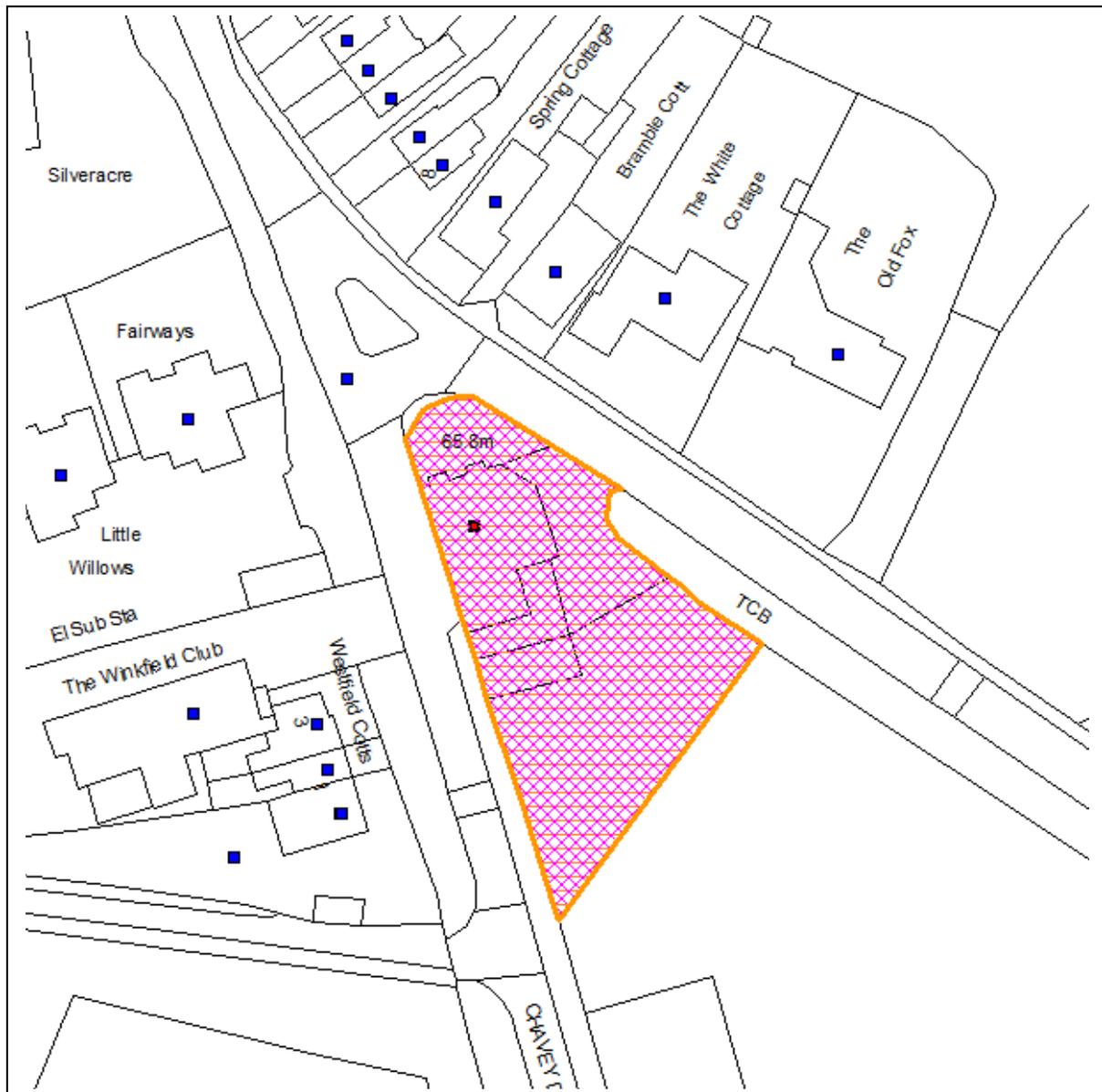
Mr & Mrs Beni

Agent:

Mr Bimal Ruparelia

Case Officer:

Sarah Fryer, 01344 352000

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

1. SUMMARY

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

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

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

2.1 The application has received more than 5 objections.

3. PLANNING STATUS AND SITE DESCRIPTION

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

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

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

4. RELEVANT SITE HISTORY

4.1 The relevant site history can be summarised as follows.

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

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

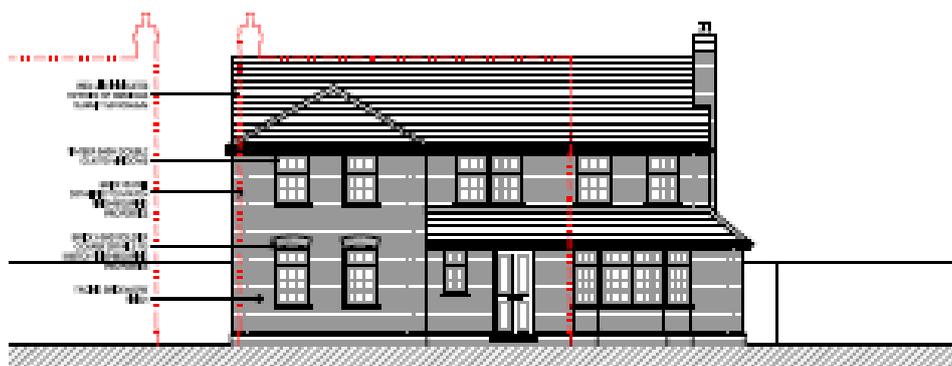
01/00876/FUL Erection of part single storey part two storey rear extension with associated parking. Erection of a single storey front extension forming porch. Erection of 1.8 metre high close boarded fence along the site frontage with Chavey Down Road. Approved 27.02.2002

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

5. THE PROPOSAL

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

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



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

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

6. REPRESENTATIONS RECEIVED

Winfield Parish Council

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

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

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

Other representations

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

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

7. SUMMARY OF CONSULTATION RESPONSES

Conservation Consultant

7.1 Revised application is acceptable.

Bio-diversity Officer

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

Highways Officer

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

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

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

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

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

i. Principle of Development

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

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

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

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

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

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

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

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

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

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

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

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



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

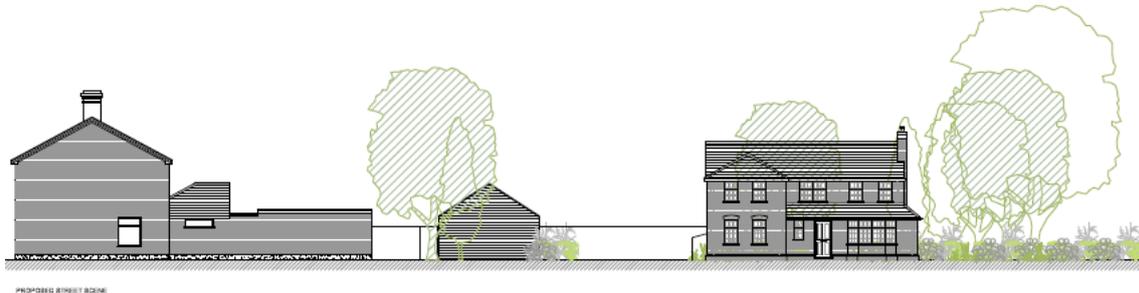
iii. Impact on the character and appearance of the area

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

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



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



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

iv. Trees

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

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

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

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

v. Residential Amenity

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

Existing residents.

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

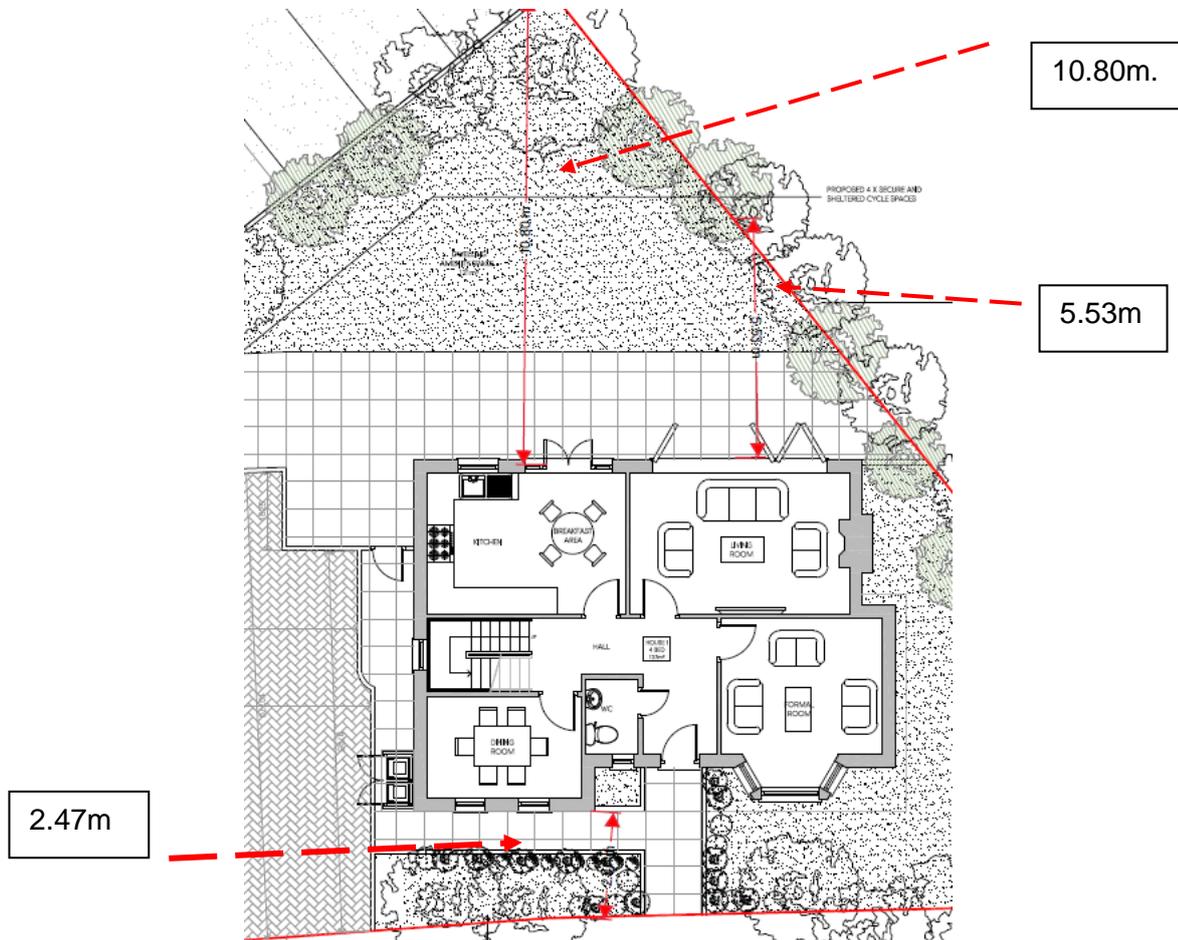
Future Occupiers

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

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

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

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



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

vi. Highway Safety

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Refuse collection and Deliveries.

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

Conclusion

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

vii. Bio-diversity

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

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

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

viii. Drainage

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

ix. Sustainability and Energy

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

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

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

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

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

x. Thames Basin Heaths Special Protection Area

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

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

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

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

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

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

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

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

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

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

xi. Community Infrastructure Levy (CIL)

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

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

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

10. CONCLUSIONS

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

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

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

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

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

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

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

10.8 Paragraph 109 of the NPPF states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". Officers are aware of the existing on-street parking capacity problems in the area, created by most properties not having off street parking. .

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

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

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

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

11. RECOMMENDATION

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

- Contribution towards mitigation against the impact upon the SPA.

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

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

Location Plan P101
Block Plan P102 Rev D
Proposed ground floor plan P201 Rev D
Proposed first floor plan P202 D
Proposed Roof Plan P203 Rev D
Plans and Elevations P204 Rev D

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

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

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

[Relevant Policies: Core Strategy DPD CS1, CS7]

06. No development other than works connected with the resurfacing and laying out of the carpark to the restaurant shall take place until samples of the materials for the hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The proposal shall be implemented in accordance with the approved details and thereafter retained.
REASON: To ensure a high quality of design to preserve the character and appearance of the conservation area.
[Relevant Policies: Core Strategy DPD CS1, CS7]
07. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:
(a) Parking of vehicles of site personnel, operatives and visitors
(b) Loading and unloading of plant and vehicles
(c) Storage of plant and materials used in constructing the development
(d) Wheel cleaning facilities
(e) Temporary portacabins and welfare for site operatives.
Each facility listed above shall be retained throughout the course of construction of the development, free from any impediment to its designated use. The approved scheme shall be performed, observed and complied with. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (e) above.
REASON: In the interests of amenity and road safety.
[Relevant Policies: Core Strategy DPD CS23, BFBLP M9]
08. The dwelling shall not be occupied until visibility splays of 2.0 metres by 2.0 metres have been provided at the junction of the driveway and the adjacent footway. The dimensions shall be measured along the edge of the drive and the back of the footway from their point of intersection. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the carriageway.
REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]
09. The dwelling shall not be occupied until the associated vehicle parking and turning space has been surfaced and provided in accordance with the approved plans (drawing number 1641/P201 revision. The spaces shall thereafter be kept available for parking at all times.
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
10. The car port hereby approved shall be retained for the use of the parking of vehicles at all times and, notwithstanding the provisions of the Town and Country (general Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no enlargements, improvements or

alterations shall be made to the car port, and no gate or door shall be erected to the front of the car port.

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

[Relevant Policy: BFBLP M9]

11. The dwelling shall not be occupied until 4 secure and covered cycle parking spaces have been provided in the location identified for cycle parking on the approved plans (drawing number 1641/P201 revision D) within the development. The cycle parking spaces and facilities shall thereafter be retained.
REASON: In the interests of accessibility of the development to cyclists.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
12. No gates shall be provided at the vehicular access to the dwelling with access from Chavey Down Road or the restaurant accessed from Winkfield Row.
REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]
13. The dwelling shall not be occupied until the footway along the Chavey Down Road frontage of the has been widened to at least 2m from the edge of carriageway, in accordance with a Section 278 agreement that has been completed with the Highway Authority.
REASON: In the interests of accessibility and to facilitate access by pedestrians.
[Relevant Policies: BFBLP M6, Core Strategy DPD CS23]
14. No development (other than the construction of the parking and turning space for the restaurant) shall take place until the parking spaces have been clearly marked out within the restaurant car park area of the site in accordance with the approved plan (drawing 1641/P102 revision D) for 21 cars to be parked, vehicles to turn, and for the loading and unloading of refuse and delivery vehicles. The spaces shall not thereafter be used for any purpose other than parking for the restaurant.
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
15. Deliveries or refuse collection for the restaurant, or any subsequent land use on the restaurant site in perpetuity, using vehicles larger than 7.5 tonnes or exceeding 6m in length shall NOT be undertaken between the following time periods:
 - (a) between 08:15 and 09:15 hours on a weekday;
 - (b) between 15:00 and 17:00 hours on a weekday;
 - (c) during the opening hours for the restaurant, or any subsequent land use on the restaurant site in perpetuity; or
 - (d) within 30 minutes prior to the opening hours for the restaurant, or any subsequent land use on the restaurant site in perpetuity.REASON: To avoid deliveries or refuse collection coinciding with demand for parking within the restaurant car park, resulting in obstruction to turning space and causing refuse and delivery vehicles being unable to turn around and leave the site in a forward gear, which would be a danger to other road users.
[Relevant Policies: Core Strategy DPD CS23]
16. Notwithstanding the approved plans, prior to the construction of the dwelling, details of the appearance and location of any fencing to be erected around the restaurant bin store shall be submitted to and approved in writing by the Local Planning

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REASON: In the interest of protecting bio-diversity.

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

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

REASON: In the interest of protecting bio-diversity.

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

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

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

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

Informatives

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

02. The following conditions require discharge prior to the commencement of ANY development:

- 07. Site organisation
- 17. Tree protection details

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

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

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

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

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

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

04. Trees on and adjacent to this site are/may be protected by Tree Preservation Orders and/ or Conservation Area legislation. Written consent must/ may be therefore obtained from the Council's Tree Section before undertaking any form of work to such trees (including any work affecting their root systems), unless detailed works to such trees have been specifically

approved in writing as a part of this planning permission. Any pruning or removal of trees without the necessary consent or any damage arising from non-compliance with other conditions of this permission or otherwise may be liable to prosecution by the Council. This may be in addition to any enforcement action deemed appropriate for non-compliance with relevant planning conditions. Property owners, developers and/ or any other relevant persons are therefore advised to take appropriate measures to ensure that all persons responsible for overseeing works approved under this permission are suitably briefed on this matter.

05. The Street Care Team Highways and Transport Section should be contacted at Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 352000, to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks notice to obtain details of underground services on the applicant's behalf.