

ITEM NO: 08

Application No.
20/00585/FUL
Site Address:

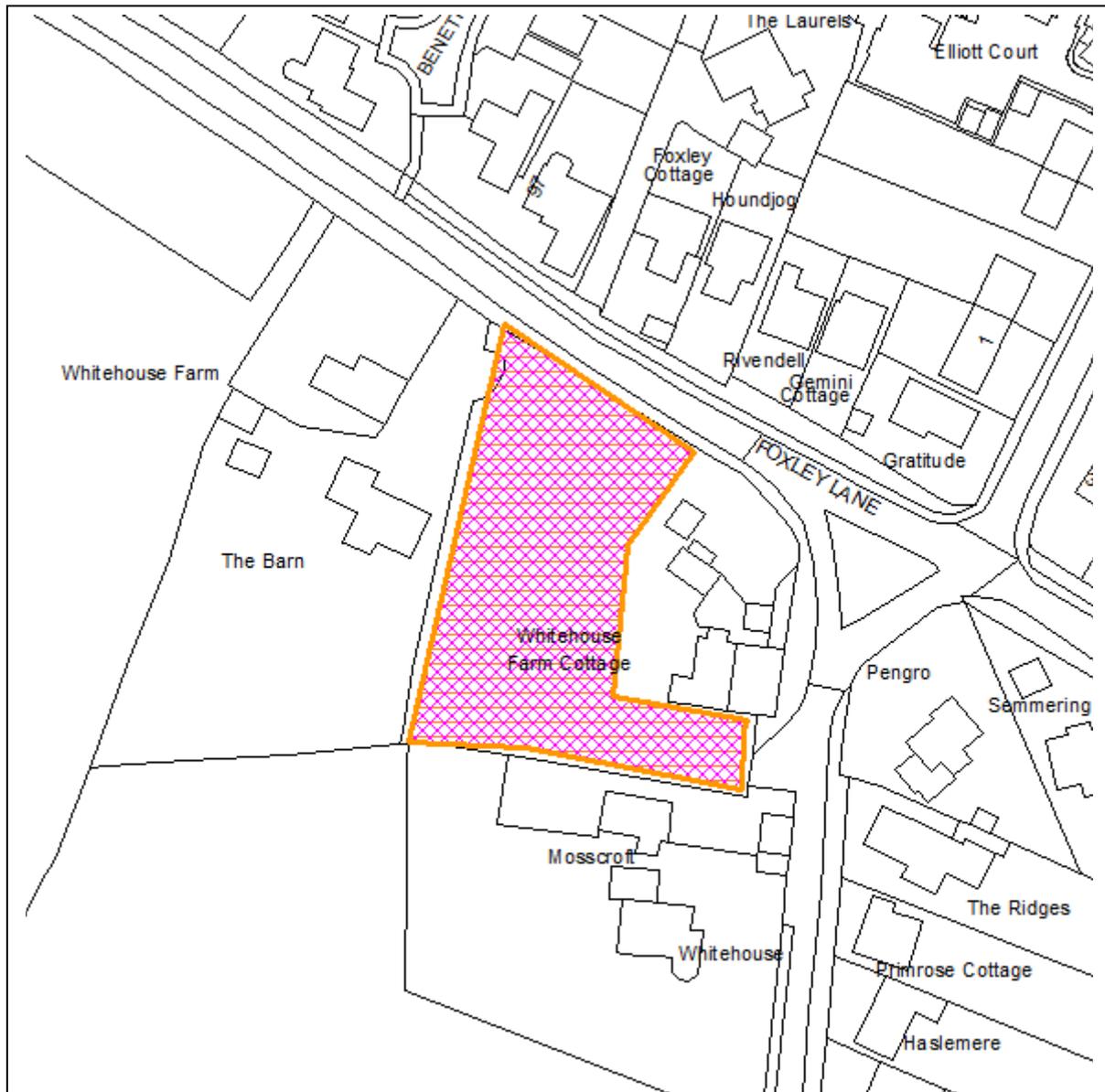
Ward:
Binfield With Warfield

Date Registered:
31 July 2020

Target Decision Date:
25 September 2020

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

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

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

OFFICER REPORT

1. SUMMARY

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

2 REASON FOR REPORTING APPLICATION TO COMMITTEE

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

3. PLANNING STATUS AND SITE DESCRIPTION

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

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

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

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

3.4 The site is within 5km of the SPA.

4. RELEVANT SITE HISTORY

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

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

5. THE PROPOSAL

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

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

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

6. REPRESENTATIONS RECEIVED

Binfield Parish Council

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

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

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

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

Other Representations

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

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

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

7. SUMMARY OF CONSULTATION RESPONSES

Highway Officer

7.1 No objection subject to conditions

Bio-diversity Officer

7.2 No objection subject to conditions

Principal Conservation Advisor

7.3 No objection subject to conditions.

8. DEVELOPMENT PLAN

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

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

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

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

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

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

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- (i) Principle of the Development
- (ii) Impact on the character and appearance of the area
- (iii) Heritage matters
- (iv) Impact on residential amenity
- (v) Transport Implications
- (vi) Thames Basin Heaths SPA
- (vii) Biodiversity
- (viii) Drainage
- (ix) Community Infrastructure Levy??
- (ix) Planning Balance

i. Principle of Development

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

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

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

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

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

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

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

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

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

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

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

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

ii Impact on character and appearance of area

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

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

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

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

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

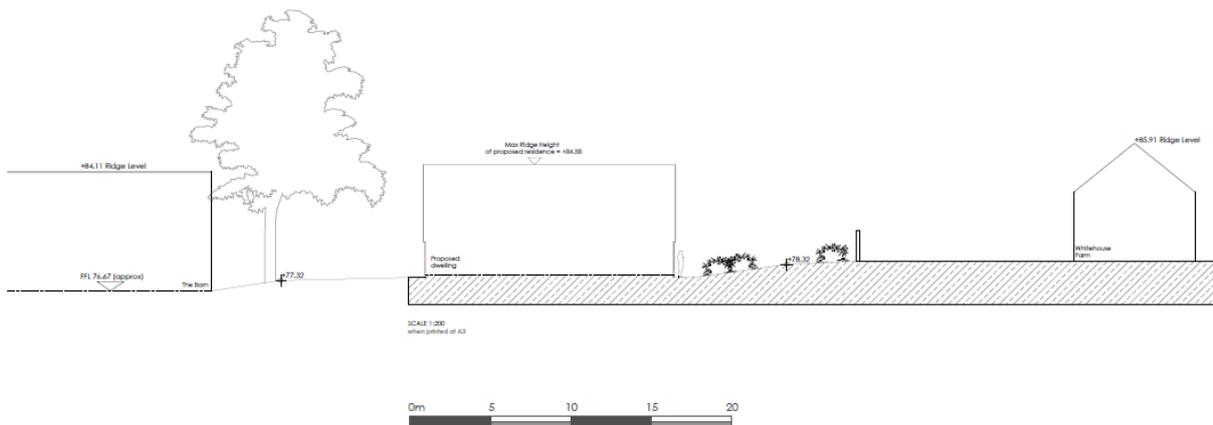
9.17 The proposal has been designed as a simple 'barn' with limited window openings and horizontal timber cladding. It is therefore of simple form, of modest height (7.1m to the ridge) and understated design which is considered to be in keeping with the loose urban grain, low density,

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



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

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



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

iii Heritage Matters

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

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

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

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

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

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

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

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

Setting of Whitehouse Farm Cottage

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

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

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

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

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

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

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

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

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

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

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

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

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

iv. Residential Amenity

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

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

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

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

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

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

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

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

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

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

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

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

v. Transport Implications

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

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

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

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

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

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

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

vi Thames Basin Heath SPA

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

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

9.63 On commencement of the development, a contribution (calculated on a per-bedroom basis) is to be paid to the Council towards the cost of measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Council's Thames Basin Heaths Special Protection Area Supplementary Planning Document (SPD). The strategy is for relevant developments to make financial contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the SPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures.

The Council will also make a contribution towards SANG enhancement works through Community Infrastructure Levy (CIL) payments whether or not this development is liable to CIL.

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

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

9.66 The total SPA related financial contribution for this proposal is £8,452. The applicant must agree to enter into a S106 agreement to secure this contribution and a restriction on the occupation of each dwelling until the Council has confirmed that open space enhancement works to a SANG is completed. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP Saved Policy NRM6, Saved policy EN3 of the BFBLP and CS14 of CSDPD, the Thames Basin Heaths Special Protection Area SPD and the NPPF.

vii Biodiversity

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

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

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

viii Drainage

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

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

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

ix. Community Infrastructure Levy

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

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

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

x. Planning Balance

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

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

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

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

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

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

11. RECOMMENDATION

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

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

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

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

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

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

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

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

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

Proposed elevations (108456-253 Rev B) received 21.03.21

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

05. The development shall not be begun until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be at least 10%). The buildings thereafter constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith.
REASON: In the interests of the sustainability and the efficient use of resources.
[Relevant Plans and Policies: CSDPD Policy CS12]
06. The development shall not be begun until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day, has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the Sustainability Statement, as approved, and retained as such thereafter.
REASON: In the interests of sustainability and the efficient use of resources.
[Relevant Policy: Core Strategy DPD CS10]
07. The development shall incorporate surface water drainage that is SuDS compliant and in accordance with DEFRA "Sustainable Drainage Systems - Non-statutory technical standards for sustainable drainage systems" (March 2015). The surface water drainage works shall be completed before occupation of the dwellings/buildings hereby permitted and shall be operated and maintained as such thereafter.
REASON: To prevent increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage scheme.
[Relevant Policies: CSDPD CS1, BFBLP EN25]
08. All ecological measures and/or works shall be carried out in accordance with the details contained in QUANTS Ecological Appraisal and Great Crested Newt eDNA Survey May 2020 as already submitted with the planning application
REASON: In the interest of bio-diversity.
[Relevant Policy: CSDPD CS1, CS7, BFBLP EN1, EN2, EN20]
09. No development shall commence until a scheme for the provision of biodiversity enhancements (not mitigation), including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the Local Planning Authority.
REASON: In the interest of bio-diversity.
[Relevant Policy: CSDPD CS1, CS7, BFBLP EN1, EN2, EN20]
10. An ecological site inspection report shall be submitted prior to occupation of any dwelling hereby approved to confirm that the works required by conditions 8 and 9 above have been undertaken.
REASON: In the interest of bio-diversity.
[Relevant Policy: CSDPD CS1, CS7, BFBLP EN1, EN2, EN20]
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and re-enacting that order, no external lighting shall be installed on the site or affixed to any buildings on the site except in accordance with details set out in a lighting design strategy for biodiversity that has first been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

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

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

REASON: In the interest of bio-diversity.

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

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

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

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

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

REASON: In the interest of bio-diversity.

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

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

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

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

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

15. The dwelling shall not be occupied until the associated vehicle parking and turning space has been surfaced and provided in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.

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

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

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

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

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

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

REASON: In the interests of amenity and road safety.

In the event of the S106 planning obligations not being completed by 22 July 2021 , the Head of Planning be authorised to extend this period or REFUSE the application on the grounds of:-

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

Informative(s)

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

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

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

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

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

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

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

03. The Highways and Transport Section should be contacted at Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 352000 or via email at Highways.Transport@bracknell-forest.gov.uk , to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 12 weeks prior to when works are required to allow for processing of the application, agreement of the details and securing the appropriate agreements (S278) and licences to undertake the work. Any work carried out on the public highway without proper consent from the Highway Authority could be subject to prosecution and fines related to the extent of work carried out.

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