

## Unrestricted Report

### ITEM NO: 05

Application No.  
**20/00571/FUL**

Ward:  
Winkfield And  
Cranbourne

Date Registered:  
13 August 2020

Target Decision Date:  
8 October 2020

Site Address:

**Land R/O 89 Locks Ride Ascot Berkshire**

Proposal:

**Construction of 7no. dwellings (1no. three-bedroom and 6no. four-bedroom detached houses) with associated garages, parking, access and landscaping.**

Applicant:

Mr Wesley Mc Carthy

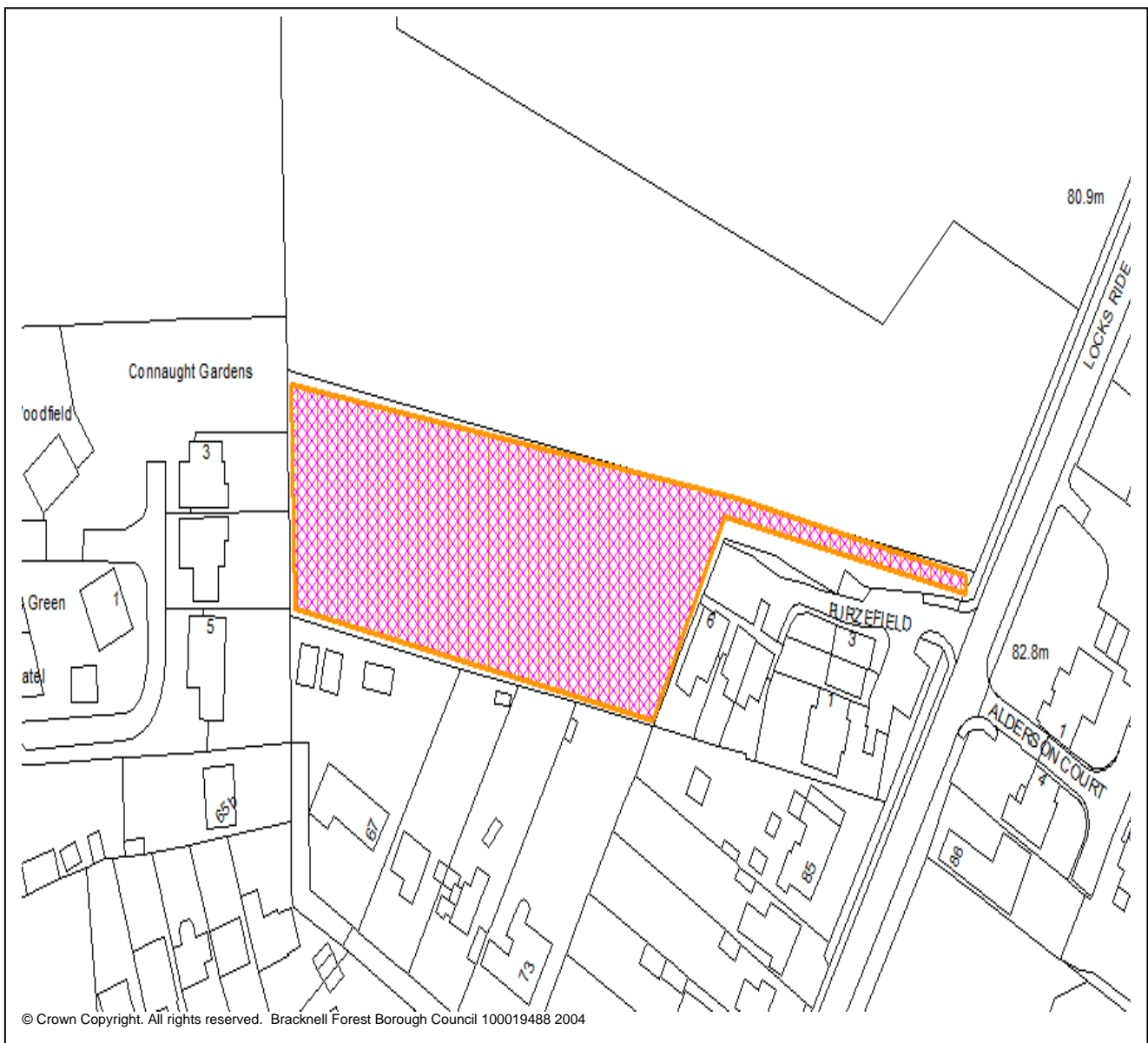
Agent:

(There is no agent for this application)

Case Officer:

Paul Corbett, 01344 352000

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## 1. SUMMARY

1.1 This application seeks permission for the construction of 7no. dwellings (1no. three-bedroom and 6no. four-bedroom detached houses) with associated garages, parking, access and landscaping on land to the rear of former 89 Locks Ride. Six new dwellings have already been constructed to the front of the site by the same applicant. The proposal will utilise the existing access road by extending it to the rear of the site

1.2 The site is located within the Countryside, whereby the principle of developing such a site is normally unacceptable, however the Council currently has a 5 Year Housing Land Supply (5YHLS) shortfall and therefore a 'tilted' planning balance is applied in which permission should only be refused where the adverse impacts of the development would significantly and demonstrably outweigh the benefits. After a full assessment it is considered that the proposal would not result in significant harm to the character of the area, trees, amenities, highway safety, biodiversity or drainage. The development provides benefits, particularly by contributing towards the supply of housing, and it is considered that, when applying the 'tilted balance', the proposal can be supported.

1.3 The proposal results in a net increase in new dwellings within 400m - 5km of the SPA and therefore will need to secure the identified SPA Mitigation via a S106 Legal Agreement. The development is also CIL Liabile.

### RECOMMENDATION

Planning permission be granted subject to the prior completion of a s106 legal agreement and conditions set out in Section 11 of this report

## 2. REASON FOR REPORTING TO PLANNING COMMITTEE

2.1 The application has been reported to the Advisory Planning Committee due to the number of objections received.

## 3. PLANNING STATUS AND SITE DESCRIPTION

### PLANNING STATUS

Land outside settlement - Countryside

3.1 The site comprises an enclosed field to the rear of 6no. newly erected dwellings now addressed as 'Furzefield' off Locks Ride.



3.4 The site is covered by Tree Preservation Orders TPO 81, TPO 1254 and TPO 1230 which relate primarily to perimeter trees enclosing the site

## 4. RELEVANT SITE HISTORY

4.1 The most relevant applications affecting this site are as follows:

### 4.2 **2018: 18/00249/OUT - REFUSED 2019**

Erection of 13no. dwellings, with associated access, parking and landscaping following demolition of existing dwelling (all matters reserved for subsequent approval).

#### Reasons for refusal:

01. As part of the site falls outside of the settlement boundary, development on this part of the site is not acceptable in principle in this countryside location and would result in an unacceptable urbanising impact which would harm the intrinsic character and beauty of the countryside. The proposal would therefore be contrary to Policies EN8 and H5 of the Bracknell Forest Borough Local Plan and Policy CS9 of the Core Strategy Development Plan Document.

02. 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).

03. In the absence of a planning obligation to secure a SuDS specification, management and maintenance plan and monitoring contribution; the adoption of the estate road; and contribution towards off-site public open space in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Policy CS6 of the Core Strategy Development Plan Document and the Planning Obligations SPD (2016).

4.3 The 2018 refusal remains directly comparable as it amounted to 7 dwellings to the rear of the site (within the countryside) and 6 dwellings to the front of the site (within the settlement). The 6 dwellings to the front of the site were approved under a separate planning permission 17/00160/OUT which have since being constructed and occupied. The current amended scheme amounts to 7 dwellings.

4.4 2017: 17/00160/OUT Approved (with Legal Agreement) 2018

Erection of 6 no. dwellings with associated access, parking and landscaping following demolition of existing dwelling and outbuilding.

4.5 2018: 18/00458/REM Approved

Submission of Reserved Matters relating to scale, appearance, layout and landscaping pursuant to Outline Planning Permission 17/00160/OUT for erection of 6 dwellings.

## 5. THE PROPOSAL

5.1 The applicant is seeking to extend the existing access road into the enclosed field behind the recently built properties at Furzefield to construct a further 7no. dwellings (1no. three-bedroom and 6no. four-bedroom detached houses) with associated garages, parking, and landscaping.

5.2 The proposal also incorporates a landscaped buffer to the northern boundary.

## **6. REPRESENTATIONS RECEIVED**

### **6.1 Winkfield Parish Council**

Recommend refusal of the application for the following reasons:

Recommend refusal:

This is an overdevelopment which will result in a dramatic adverse effect on the character of the area, contrary to CS9 of the CSDPD, saved policies EN8 and H5, particularly when taken within the context of other applications on the site specifically and more generally within the area. Additionally, WPC has concerns about the impact of development on drainage and flooding and highways.

[The scheme has since been reduced from 9 to 7 dwellings since this comment was made. Winkfield Parish have been notified of this revision.]

### **Other Representations**

6.2 A total of 89 objections have been received in respect of the application and these are summarised as follows:

- Out of settlement countryside development
- Overdevelopment
- Out of Character to the wider area
- Highway and Pedestrian Safety concerns, limited visitor parking will lead to on street parking
- Impact on the drainage system
- Ecological and environmental damage that would be caused to this current greenfield site. Damage to trees , hedgerow and wildlife
- Not a sustainable location - not in reasonable walking distance of key community amenities e.g shops , doctors , dentist , post office and very irregular bus service

These are addressed within subsequent sections of this report.

## **7. SUMMARY OF CONSULTATION RESPONSES**

### **7.1 Highways**

Conditional Approval

### **7.2 Tree Service**

Conditional Approval

### **7.3 Landscape**

Conditional Approval

### **7.4 Biodiversity**

Conditional Approval

### **7.5 Environmental Health**

No objection.

### **7.6 Waste & Recycling**

No objection

- 7.7 Renewable Energy Officer  
Conditional Approval
- 7.8 Environmental Policy Officer (SPA)  
Approve subject to securing SPA Mitigation
- 7.9 Berkshire Archaeology  
Conditional Approval
- 7.10 Lead Local Flood Authority  
Conditional Approval

## 8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

- 8.1 The primary strategic planning considerations applying to the site and associated policies are:

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CS1 and CS2 of the CSDPD	Consistent
Land Outside Settlement (Countryside)	'Saved' policy EN8 of the BFBLP, CS9 of CSDPD	Not fully consistent
Character	CS7 of CSDPD, Saved policies EN2 and EN20 of BFBLP.	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Residential Amenity	Saved policies EN20 and EN25 of BFBLP	Consistent
Highways	'Saved' policy M9 of the BFBLP CS23 of the CSDPD	Consistent
Trees, biodiversity and landscaping	Saved policy EN1, EN2 and EN3 of BFBLP, CS1 of CSDPD.	Consistent
Sustainability	CS10 & CS12 of CSDPD	Consistent
SPA	SEP Saved Policy NRM6, CS14 of CSDPD	Consistent
Archaeology	CSDPD Policy CS1 'Saved' Policy EN7	
<b>Supplementary Planning Documents (SPD)</b>		
Thames Basin Heath Special Protection Area (SPD)		
Design SPD		
Parking standards SPD		
<b>Other publications</b>		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		

## **9. PLANNING CONSIDERATIONS**

9.1 The key issues for consideration are:

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

### **i. Principle of Development**

9.2 The site is located on land outside of a defined settlement and within the Countryside, as shown on the Bracknell Forest Borough Policies Map (2013).

9.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration.

9.4 The NPPF confirms that decisions should apply a presumption in favour of sustainable development. Paragraph 11 sets out that for decision takers this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

9.5 Footnote 8 indicates that for the purposes of para. 11(d) in relation to applications involving the provision of housing, the policies which are most important for determining the application should be considered out of date in instances including where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years, with transitional arrangements applying.

9.6 The Council currently is unable to demonstrate a five-year supply of deliverable housing sites (4.2 years as at April 2021). The proposed residential development of this predominantly greenfield site within the countryside therefore needs to be assessed on a 'tilted balance' whereby the Council's countryside policies are considered out of date and permission should be granted unless the adverse impacts of doing so would

significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.

- 9.7 CSDPD Policy CS1 states that development will be permitted which makes efficient use of land, is located so as to reduce the need to travel, promotes a mix of uses, and protects and enhances the character and quality of local landscapes and the wider countryside. CSDPD Policy CS2 states that land will be allocated for development on a sequential basis, which includes previously developed land and development as extensions to defined settlements with good public transport links to the rest of the urban area. The above policies are considered to be fully consistent with the NPPF.
- 9.8 CSDPD Policy CS9 states that land outside settlement will be protected for its own sake, particularly from development that would adversely affect the character, appearance or function of the land.
- 9.9 BFBLP 'Saved' Policy EN8 again states that the countryside will be protected for its own sake, and that outside the defined settlement boundaries development will only be permitted where it would not adversely affect the character, appearance or function of the land, or would not damage its landscape quality. 'Saved' Policy EN8 contains a (non-exhaustive) list of development types which may be permitted in the countryside, which does not include new housing development except where required in connection with agriculture and forestry
- 9.10 BFBLP 'Saved' Policy H5 states that outside the defined settlement boundaries the erection of new dwellings will not be permitted unless it would cause no harm to the character of the area, or to the relationship between the settlement and the surrounding landscape.
- 9.11 Policies CS2, CS9, EN8 and H5 are considered to be the most important policies to the determination of this application. However they are not considered to be consistent with the NPPF and, in combination with the Council not having a five years' supply of housing, are considered out of date. Accordingly, the 'tilted' balance set out in para. 11d) of the NPPF is triggered. This balancing exercise is carried out in Section 10 of this report.

## **ii. Impact on character and appearance of surrounding area**

- 9.12 The layout of the current application reflects the layout of the existing development to the front of the site, and the seven remaining dwellings provide a continuation of this development. This layout would allow for the protected trees to the northern boundary of the site to be retained.
- 9.13 The Design SPD sets out that new buildings should have a coherent design approach that influences the whole development from its form to the elevations, including use of materials and detailing. The layout and elevations have been provided, demonstrating that the proposed development would reflect the dwellings that have been permitted to the front part of the site.
- 9.14 The proposed dwellings would all have gable features to the front, reflecting the houses on the opposite side of Locks Ride and providing consistency throughout the development. The dwellings would be brick built with tiled roofs with design features to distinguish them from each other such as tile hanging, bay windows and decorative ridge tiles and contrasting window detailing to add visual interest to the elevations.

- 9.15 The proposals would comprise seven detached houses and when compared with the already built dwellings would contribute to creating a varied street scene while the common features retain a sense of place.
- 9.16 The introduction of new dwellings on the greenfield part of the site that is in the countryside would in itself alter the character and appearance of the land to the rear of the site. However, the site is developed on three sides and the proposal seeks to incorporate a landscape strip to the northern edge which abuts the wider countryside and seeks to preserve the northern boundary screening comprising a number of protected trees. The development would therefore lead to a minor extension of the existing settlement.
- 9.17 The proposal seeks to maintain much of the existing boundary screening and where this can't be maintained such as where a number of large trees have died it will be supplemented with new tree and understorey planting.
- 9.18 The applicants supporting Landscape and Visual Impact Assessment (LVIA) concludes in the nontechnical summary that –

*“1.1.4 The site has an overall assessed low landscape sensitivity and will be subject to a medium magnitude of landscape impact. The significance of landscape character is moderate/minor adverse (i.e. not a material change) as a worst case.*

*1.1.5 The visual impact assessment identified that the visual baseline would not be subject to material adverse visual effects during the construction phase due to the similar site context.*

*1.1.6 Following mitigation measures, vegetation growth and weathering, visual impacts would be ameliorated from the local landscape.*

*1.1.7 With the implementation of a successful mitigation strategy, the overall residual impact on the landscape is considered to have a negligible neutral overall effect on the surrounding landscape character and negligible neutral residual visual effects. It should be considered that this type of development is not out of character within the receiving landscape.”*

- 9.19 The Councils Landscape Officer has reviewed the applicants LVIA and raises no objection and recommends approval subject to the submission of a scheme of full hard and soft landscaping and boundary treatment. Such details can be secured by condition and will help preserve a balance of hard/soft landscaping to avoid adversely impacting upon the character of the area.
- 9.20 It is therefore considered that the development would not result in an adverse impact on the character and appearance of the area, in accordance with CSDPD Policy CS7, CS9, BFBLP 'Saved' Policies EN8, and EN20, the Design SPD, and the NPPF, subject to the recommended conditions.

### **iii. Impact on Residential Amenity**

- 9.21 The new dwellings back onto existing residential gardens to the south (67-73 Locks Ride) and west (3-5 Connaught Gardens).
- 9.22 Reasonable levels of privacy can be achieved by considering the distance between windows on different plots. For two storey houses as proposed, 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. The intervening distances between the proposed dwellings and the existing dwellings to the south measure out at approximately 46m and to the west at approximately 29m respectively as illustrated below:



9.23 The applicants Landscape Master Plan also seeks to maintain existing boundary trees and vegetation with proposals to enhance this where practical, which reinforces the common boundaries and maintains a sense of enclosure.

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

#### iv. Highways Implications

##### Access

9.25 The proposed development utilises the existing access that serves the newly erected 6no. dwellings to the front of the site.

##### Parking

9.26 The development proposes 4no, visitor car parking spaces equally spaced out along the northern side of the vehicular access road. Parking standards require 1 space per 5 units.

9.27 Plot 11 has 2 car parking spaces which is in accordance with the Council's Car Parking Standards for a 3 bedroomed dwelling.

9.28 Plots 7, 8, 9, 10 & 13 have 3 car parking spaces each which is in accordance with the Councils Car Parking Standards for 4 bedroomed dwellings. 1 space is provided for within the attached single garages which are shown to have minimum dimensions of 6m (length) by 3.5m (width) by 2.4m (height) including a storage element of a minimum of 1.5m (length) by 3.5m (width) by 2.4m (height). The garage doors are also at least 2.4m wide excluding the frame.

9.29 Plot 12 makes provision for 4 car parking spaces, 2 within a detached double garage. This is 1 space over the Councils Car Parking Standards.

9.30 Secure covered cycle parking can easily be accommodated on each plot as the proposed garages all include a storage area within the proposed garages except for plot 11 as this plot does not include a garage. Cycle storage is shown to be provided

for on plot 11 by incorporating a small cycle store within the rear garden as shown in the applicants cycle store details. A cycle parking condition is imposed to ensure the necessary details of cycle parking provision can be secured for each plot before occupation.

#### Trips

9.31 7no. dwellings are likely to generate around 3 two way trips in either peak hour and daily levels of around 35 two way movements per day.

9.32 The site is some distance from facilities, and it is understood that the local bus service has more recently changed in the area and now does not run along Locks Ride but on Chavey Down Road to the south of the development. Therefore the walk to any bus stop now has increased making it a less attractive modal choice; therefore the majority of trips are likely to be by car.

#### Refuse collection and servicing

9.33 Bin store locations are shown on the revised site layout plan which are located away from the street frontage within the rear enclosed gardens for each dwelling which all benefit from access gates. The access road and the Y-turning head have all being designed to accommodate servicing by the Council's Refuse Vehicle as demonstrated by Refuse Vehicle Tracking Plan 22248-01E.

9.34 The Highway Authority proposes to include specifically worded clauses into the S106 legal agreement controlling the status of the road as private to ensure there is no future obligation on the Council to adopt it whilst maintaining suitable access for refuse collection.

9.35 A site organisation condition will be required to ensure access and safety for existing residents to the properties at the front of the site is not compromised during the construction phase.

9.36 To conclude, with suitable conditions, the proposal is not considered to result in any unacceptable highway safety implications and is therefore considered to comply with BFBLP Policies M4, M9 and CSDPD Policies CS23 and CS24 and the NPPF.

#### **v. Tree and Landscaping implications**

9.37 Policy EN1 of the BFBLP seeks to protect tree and hedgerow cover which is important to the retention of a clear distinction between built up areas and the countryside, and the character and appearance of the landscape. Policy EN20 confirms that in determining planning applications, the Council will have regard to retaining beneficial landscape features and avoid the loss of natural features, such as trees, which it is desirable to retain. Policy CS7 of the CSDPD requires development proposals to build on local rural character and enhance the landscape.

9.38 The site is covered by a number of Tree Preservation Orders as follows:  
TPO 81 - T13 & T14 (both Oaks) are applicant's trees T23 and T4 respectively  
TPO 1254 - T1 (Oak) is applicants' tree T25  
TPO 1230 – trees T1 – T10 (1-4 are Oaks; 5 & 6 are Birch; 7-10 are Oaks) are applicant's trees 31, 32, 34 & 35; 36 & 37; 38, 40, 41 & 46 respectively.

9.39 The applicants Tree Protection Plan identifies which trees are to be retained and shows how the protected trees and other vegetation shown to be retained can be safeguarded throughout the construction phase.

- 9.40 A dedicated 0.5m service strip is identified to the northern side of the access road which avoids the root protection areas of the northern boundary trees.
- 9.41 The Landscape masterplan proposes new planting comprising predominantly native and wildlife friendly species, with retained and enhanced hedgerows on the northern and southern boundaries. New tree planting along the western boundary will include heavy standard trees, to provide an instant screen.
- 9.42 The level of landscaping and useable amenity space on site is considered to be acceptable and overall there is an adequate balance between hardstanding, and landscaping for this site.
- 9.43 It is considered that with suitably worded conditions with regard to matters relating to the safeguarding of the existing trees and proposed hard and soft landscaping, that this proposal would not conflict with BFBLP Policies EN1 and CSDPD Policies CS1 and the NPPF.

#### **vi. Biodiversity**

- 9.44 An Ecological Impact Assessment (Nov 2020) was undertaken on the site by Grass Roots Ecology which concluded that the development proposals 'would not result in any significant habitat loss'.
- 9.45 The Council's Biodiversity Officer has reviewed the updated ecology report and notes that revising the turning head assists in providing a better corridor along the northern boundary which should allow badgers to continue to move through the site and occupy the identified setts in the long term. It is recommended that permitted development rights are removed for extensions and hardstanding on plot 13 as this particular plot was identified as sensitive due to its proximity to badger setts. It is also recommended that before any commencement of any works onsite, further surveys will be required for the presence of badgers.
- 9.46 A repeat ground level and climbed tree inspection also concluded that the trees do not currently support a bat roost. The report did comment that "It is however recommended that the northern, western and southern boundaries are retained as dark corridors and that any new street and external lighting is designed to ensure that these areas are not illuminated." A condition is therefore recommended to ensure any external lighting is controlled.
- 9.47 The scheme also proposed to use close-boarded fences with hedgehog friendly gravel boards, where close-boarded fencing is needed, the provision of bird and bat boxes on and around the new houses and log/habitat piles in the ecological corridor.
- 9.58 As such subject to conditions, the development would accord with Policies CS1 and CS7 of the CSDPD and the NPPF.

#### **vii. Thames Basin Heath SPA**

- 9.49 The Council, in consultation with Natural England, has formed the view that any net increase in residential development between 400m - 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 therefore been carried out including mitigation requirements.

- 9.50 This site is located approximately 4.5km 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.
- 9.51 The total SPA related financial contribution for this proposal is £52,693. The applicant has agreed to enter into a S106 agreement to secure this contribution.
- 9.52 In the event the application is supported by the Advisory Planning Committee the applicant has agreed to proceed to secure the SPA mitigation and enter into a Section 106 Agreement to secure the measures. Should this not be the case the application will need to be refused as this would lead to an adverse effect on the integrity of the SPA and would not comply with SEP Saved Policy NRM6, Saved policy EN3 of the BFBLP and CS14 of CSDPD, the Thames Basin Heaths Special Protection Area SPD, the Planning Obligations SPD and the NPPF.

#### **viii. Community Infrastructure Levy (CIL)**

- 9.53 Bracknell Forest Council commenced charging for its Community Infrastructure Levy (CIL) on 6th April 2015.
- 9.54 CIL applies to any new build (except outline applications and some reserved matters applications) including those that involve the creation of additional dwellings. CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the borough and the type of development.
- 9.55 This proposal is CIL liable.

#### **ix. Energy sustainability**

- 9.56 CSDPD Policy CS10 requires the submission of a Sustainability Statement demonstrating how average water use in new dwellings would be restricted to 110 litres/person/day. This is consistent with section 15 of the NPPF. As no details of the above have been submitted for consideration, it is recommended that a condition be imposed to secure this.
- 9.57 For residential developments of more than five dwellings CSDPD Policy CS12 requires the submission of an Energy Demand Assessment demonstrating how the development's potential carbon dioxide emissions will be reduced by at least 10% and how 20% of the development's energy requirements will be met from on-site renewable energy generation. This is again consistent with section 15 of the NPPF. Again, as no details of the above have been submitted for consideration, it is recommended that a condition be imposed to secure this.

#### **x. Drainage**

- 9.58 A revised Drainage Strategy was submitted to demonstrate that the site can be adequately drained and as such the Lead Local Flood Authority (LLFA) is satisfied that in this case and on the basis of the recent reduction in the number of dwellings now proposed, the development can be supported in principle, subject to the submission of a detailed drainage design; this can be secured by conditions before the commencement of development.

9.59 Therefore it is not considered that development would result in increased flood risk off site and as such is considered to comply with paragraph 163 of the NPPF.

## **Xi Archaeology**

9.60 The Council's Archaeological Advisor has been consulted and concludes that, on the basis of the size and location of the site and its consistency with the adjacent development the site could have archaeological implications, and these can be mitigated by an appropriate programme of archaeological work, should the proposal be permitted. The following condition is therefore recommended:

Condition:

9.61 No development shall take place until the applicant or their agents or successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the planning authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition. Reason: The site lies in an area of archaeological potential. The potential impacts on the buried archaeological heritage can be mitigated by a programme of archaeological work so as to record and advance understanding of any heritage assets in accordance with national and local planning policy.

## **10. PLANNING BALANCE AND CONCLUSIONS**

Tilted balance

10.1 The "tilted balance" refers to the presumption in paragraph 11(d) ii of the NPPF that, where the presumption applies, planning permission should be granted unless there are "adverse impacts which would significantly and demonstrably outweigh its benefits."

10.2 The "tilted balance" is triggered where an authority is unable to demonstrate a five-year supply of housing land. The Council's current 5 Year Housing Land Supply stands at 4.2 years as of April 2021.

10.3 As set out in the various sections of this report, the proposed development is considered to comply with the following Development Plan Policies; CSDPD Policies CS1, CS7, CS14, CS23 and CS24, BFBLP 'Saved' Policies EN20, EN25 and M9, SEP 'Saved' Policy NRM6, the Design SPD, the Parking Standards SPD and the Thames Basin SPA SPD, and the NPPF. Whilst there is conflict with Policies CS9, EN8 and H5, this can be given limited weight given that they are considered 'out of date' as a result of footnote 8 of the NPPF.

10.4 Benefits from the scheme come in the form of delivery of new housing and both economic and social benefits, including in terms of job creation and contributions towards the local economy. The proposal will also generate CIL receipts.

10.5 While the proposal would result in some harm to the intrinsic value and beauty of the countryside, through the loss of this greenfield site, this harm is considered minor, especially in the context of the weight to be applied to the Council's countryside policies. By contrast, the proposal offers significant benefits in the form of additional housing when the Council has a shortfall. Furthermore, it is not considered that the development would result in harm to the amenities of the residents of the neighbouring properties, highway safety, biodiversity, trees or drainage, subject to the recommended

conditions. A legal agreement will secure the SPA mitigation, and the scheme is CIL liable.

- 10.6 The application is therefore recommended for approval subject to conditions and the completion of a s106 agreement to secure the necessary SPA mitigation.

## 11. RECOMMENDATION

- 1.1 **Following the completion of planning a obligation under Section 106** of the Town and Country Planning Act 1990 relating to:-

01. Mitigation of impacts on the Thames Basin Heaths SPA; and
02. Clause controlling the status of the road as private to ensure no future obligation on the Council to adopt it whilst maintaining suitable access for refuse collection.

That the Assistant Director: Planning be recommended to **APPROVE the** application subject to the following conditions amended, added to, or deleted as the Assistant Director: 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 (as amended).
02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority.

20-J3186-LP Location Plan - Received 31-8-21  
20-J3186-201 Coloured Site Layout - Received 30-9-21  
20-J3186-201 Proposed Site Plan - Received 30-9-21  
20-J3186-202 Plot 7 Floor Plans - Received 31-8-21  
20-J3186-203 Plot 7 Elevations - Received 31-8-21  
20-J3186-204 Plot 8 Floor Plans - Received 31-8-21  
20-J3186-205 Plot 8 Elevations - Received 31-8-21  
20-J3186-206 Plot 9 Floor Plans - Received 31-8-21  
20-J3186-207 Plot 9 Elevations - Received 31-8-21  
20-J3186-208 Plot 10 Floor Plans - Received 31-8-21  
20-J3186-209 Plot 10 Elevations - Received 31-8-21  
20-J3186-210 Plot 11 Floor Plans - Received 31-8-21  
20-J3186-211 Plot 11 Elevations - Received 31-8-21  
20-J3186-212 Plot 12 Floor Plans - Received 31-8-21  
20-J3186-213 Plot 12 Elevations - Received 31-8-21  
20-J3186-214 Plot 13 Floor Plans - Received 31-8-21  
20-J3186-215 Plot 13 Elevations - Received 31-8-21  
20-J3186-216 Plot 12 Garage - Received 31-8-21  
20-J3186-218 Fencing Details - Received 31-8-21  
Secure Bicycle Storage Details -Received 30-9-21  
22248-01e Refuse Vehicle Tracking - Received 26-11-20  
Tree Protection Plan - TPP - Rev I - Sept 2021 Received 22-9-21  
Landscape Masterplan NKH1135-10 rev B Received 21-9-21

GS Ecology Ecological Assessment November 2020  
GS ecology email dated 15.01.2021

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

03. Prior to any development above slab level, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The submitted samples shall include details of bricks, roof tiles, windows, doors, boundary enclosures and other hard surfaces. The development shall be constructed in accordance with the approved details.

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

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 to the dwellings hereby permitted.

REASON: The site is located outside settlement where there is presumption against development where controls over the form, scale and nature of development are required to control overdevelopment within countryside and safeguard protected trees that provide an important visual enclosure to the site and safeguard badger setts.  
[Relevant Policies: BFBLP EN8, Core Strategy DPD CS9]

05. No hard surfaced area of any description within the minimum Root Protection Areas of any trees to be retained (calculated in accordance with Section 4 of British Standard 5837:2012 or any subsequent revision) shall be constructed until a detailed site specific construction method statement has been submitted to and approved in writing by the Local Planning Authority. Details shall be based on a porous 'No-Dig' principle of construction, avoiding any excavation of existing levels in all areas concerned, and shall include:-

- a) an approved development layout plan identifying all areas where special construction measures are to be undertaken; and
- b) materials including porous surface finish; and
- c) construction profile(s) showing existing /proposed finished levels together with any grading of levels proposed adjacent to the footprint in each respective structure; and
- d) a programme and method of implementation and arboriculture supervision.

The hard surfaced areas shall be constructed in full accordance with the approved scheme, under arboricultural supervision, prior to the first occupation of the development. The approved surfacing shall be retained thereafter.

REASON: In order to alleviate any adverse impact on the root systems and the long term health of retained and protected trees, in the interests of the visual amenity of the area.

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

06. No dwelling/ building hereby permitted shall be occupied until hard and soft landscaping works have been completed in full accordance with a landscaping scheme that has been submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall include:-

- a) comprehensive planting plans of an appropriate scale and level of detail that provides adequate clarity including details of ground preparation and all other

operations associated with plant and grass establishment, full schedules of plants, noting species, and detailed plant sizes/root stock specifications, planting layout, proposed numbers/densities locations; and

b) details of semi mature tree planting; and

c) comprehensive 5 year post planting maintenance schedule including any ecological management requirements; and

d) underground service and external lighting layout (drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.), both existing reused and proposed new routes; and

e) means of enclosure (walls and fences etc); and

f) paving including open spaces, paths, steps and ramps, patios, cycle routes, driveways, parking courts, play areas etc. with details of proposed materials and construction methods; and

g) recycling/refuse or other storage units; and

h) play equipment; and

i) other landscape features (water features, seating, trellis and pergolas etc).

Where a development is to be phased a landscaping scheme for each phase shall be submitted which, in addition to those items listed above, shall include details of the landscaping to be provided within that phase, including structural landscaping and landscaping for communal areas. No dwelling shall be occupied within a Phase until all the structural and communal landscaping for that Phase has been completed in addition to the landscaping associated with that dwelling

All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, As a minimum, the quality of all 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 next planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.

REASON: In the interests of good landscape design and the visual amenity of the area.

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

07. No part of the development hereby permitted shall be begun until details showing the finished floor levels of the building/s in relation to a fixed datum point in the surrounding area 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 and to protect the amenities of neighbouring properties.

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

08. 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]

09. No dwelling shall be occupied until a means of access for pedestrians has been constructed in accordance with the approved plans (20-J3186-201 Proposed Site Plan).  
REASON: In the interests of accessibility and to facilitate access by pedestrians.  
[Relevant Policies: BEBLP M6, Core Strategy DPD CS23]
10. No dwelling shall 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/carriageway. The dimensions shall be measured along the edge of the drive and the back of the footway/ edge of the carriageway 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]
11. The development shall not be occupied until:  
(a) details of the location of 4 visitor car parking spaces, and  
(b) details of the signing for the visitor car parking spaces  
have been submitted to and approved in writing by the Local Planning Authority. The visitor car parking spaces shall be provided and signed in accordance with the approved details and the spaces and signage shall thereafter be retained.  
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.  
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
12. No dwelling shall be occupied until the car parking areas as shown on the approved plan have been drained and surfaced in accordance with details submitted to and approved by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking of vehicles.  
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.  
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
13. No dwelling shall be occupied until the garages hereby permitted comprising a separately accessed storage area shall be thereafter retained as such. The remainder of the garage accommodation shall have minimum dimensions of 6m (length) by 3.5m (width) by 2.4m (height) and shall be permanently retained for the use of the parking of motor vehicles.  
REASON: To ensure that the development is provided with adequate parking in the interests of highway safety.  
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
14. No dwelling shall be occupied until secure and covered cycle parking spaces (3 spaces for 3 beds/ 4 spaces for 4 beds) have been provided in accordance with the approved cycle store details. 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]
15. No gates shall be provided at the vehicular access to the site.  
REASON: In the interests of highway safety.  
[Relevant Policies: Core Strategy DPD CS23]

16. No development (including demolition and site clearance) 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.  
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS23]
17. No development [including demolition and site clearance] shall take place until a Construction Environmental Management Plan (CEMP) to control the environmental effects of the demolition and construction work has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include measures for:
- the control of dust, odour and other effluvia
  - the control of noise (including noise from any piling and permitted working hours)
  - the control of pests and other vermin (particularly during site clearance)
  - the control of surface water run-off)
  - The control of noise from delivery vehicles, and times when deliveries are accepted and when materials can be removed from the site
  - The control of waste from the site so that NO BURNING will commence.
- Construction activity shall be carried out in accordance with the approved CEMP.
- REASON: In the interests of the amenities of the area.  
[Relevant Policies: BFBLP EN25]
18. No development shall take place until a full surface water drainage scheme (SWDS) for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include BRE365 Compliant Infiltration tests to establish whether infiltration is viable on the site. The SWDS shall be informed by the geotechnical investigation and demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm with a suitable allowance for climate change and allowances for urban creep included (results for 1 in 1, 1 in 2, 1 in 30, 1 in 100 and 1 in 100 + 40%), will not exceed the run-off rates and volumes from the existing site and that flood risk will not be increased elsewhere. The SWDS should include detailed levels design to demonstrate exceedance routing throughout the development in the event of a failure of the pumping station, and calculations demonstrating sufficient water quality treatment times are provided within the SUDS scheme.
- REASON: To ensure that the site is properly drained and does not increase the risk of flooding  
[Relevant Policies: Core Strategy DPD Policy CS1]
19. No development shall take place until full details of the surface water drainage scheme (SWDS) have been submitted to and approved in writing by the Local Planning Authority. These shall include:
- Full details of all components of the proposed drainage system including
- dimensions, locations, gradients,
  - invert and cover levels,
  - headwall details,

- collector pipes,
- catchpit locations and filter specifications,
- Services locations in private areas
- Constructions details for permeable paving, including check dam locations and service crossings,
- Surface water pumping station specification and measures securing long term ownership and responsibility for maintenance.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding. [Relevant Policies: Core Strategy DPD Policy CS1]

20. The development shall not be occupied until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new residential units (that form part of the approved development) 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]
21. The development shall not be begun until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate:-  
(a) that before taking account of any on-site renewable energy production the proposed development will reduce carbon dioxide emissions by at least 10% against the appropriate Target Emission Rate as set out in Part L of the Building Regulations (2006), and  
(b) that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be at least 20%).  
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]
22. The development (including site clearance and demolition) shall not be begun until:-  
(i) the site has been further surveyed for the presence of badgers  
(ii) the survey has been submitted to and approved by the Local Planning Authority, and  
(iii) a scheme to minimise disturbance to badgers during the construction of the development, to mitigate the impact of the development upon them, and to improve their habitat has been submitted to and approved by the Local Planning Authority.  
No dwelling shall be occupied until the scheme is performed, observed and complied with.  
REASON: In the interests of nature conservation  
[Relevant Plans and Policies: BFBLP EN2]
23. All ecological measures and/or works shall be carried out in accordance with the details contained in the GS Ecology Ecological Assessment November 2020 and maintained as such thereafter.  
REASON: In the interests of nature conservation  
[Relevant Plans and Policies: CSDPD CS1, CS7]
24. 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, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed.

REASON: In the interests of nature conservation  
[Relevant Plans and Policies: CSDPD CS1, CS7]

In the event of the S106 agreement not being completed by 14th January 2022, the Assistant Director: Planning be authorised to either extend the period further or refuse the application for the following reasons: -

- 01 In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017 (as amended), Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and the Thames Basin Heaths Special Protection Area 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. Compliance with conditions:  
The applicant is advised that the following conditions require discharging prior to commencement of development: 3, , 5, 7, 8, 16, 17, 18, 19, 21, 22

The following conditions require discharge prior to the occupation of the dwellings hereby approved: 6, 9, 10, 11, 12, 13, 14, 20

No details are required to be submitted in relation to the following conditions; however they are required to be complied with: 1, 2, 4, 15, 23, 24

02. This planning permission contains certain conditions that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site (including any initial clearance works). Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice. If the conditions have not been subsequently satisfactorily discharged within the time allowed to implement the permission then the development will remain unauthorised. This may be highlighted in any subsequent search carried out on the property/ properties.
03. Trees on and adjacent to this site are protected by a Tree Preservation Order. In simple terms, detailed written consent must 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.
04. The Tree Preservation Order legislation protecting trees on and adjacent to the site overrides any Permitted Development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification). Prior written consent must therefore be obtained from the Council's Tree Service before undertaking any works which require the removal and/or pruning of a protected tree or may affect/cause damage of any description to its canopy, trunk or root system and subsequent health, stability and survival in any way. Typically such works include but are not limited to the laying of hard surfaces of any description (parking bays, driveways footpath, patios etc.), foundations for garden structures, construction of retaining walls, topsoil stripping, excavation/ alterations to existing ground conditions of any other description, construction of outbuildings (sheds, greenhouses, summerhouses etc.) or building extensions not requiring planning permission near trees. Any pruning, removal of a protected tree as a result of such works, without the necessary written consent or any damage caused above or below ground arising from non-compliance with this requirement can be liable to legal action by the Council which can include prosecution, a substantial fine and incur a criminal record.