

Unrestricted Report

ITEM NO: 5

Application No.
21/00141/FUL
Site Address:

Ward:
Binfield With Warfield

Date Registered:
10 March 2021

Target Decision Date:
5 May 2021

Land North Of Tilehurst Lane Binfield Bracknell Berkshire

Proposal: **Erection of 9 no. dwellings, including 2no. affordable dwellings, with associated landscaping and access to Tilehurst Lane (access as approved under APP/R0335/W/19/3231875 LPA Ref: 18/00758/FUL)**

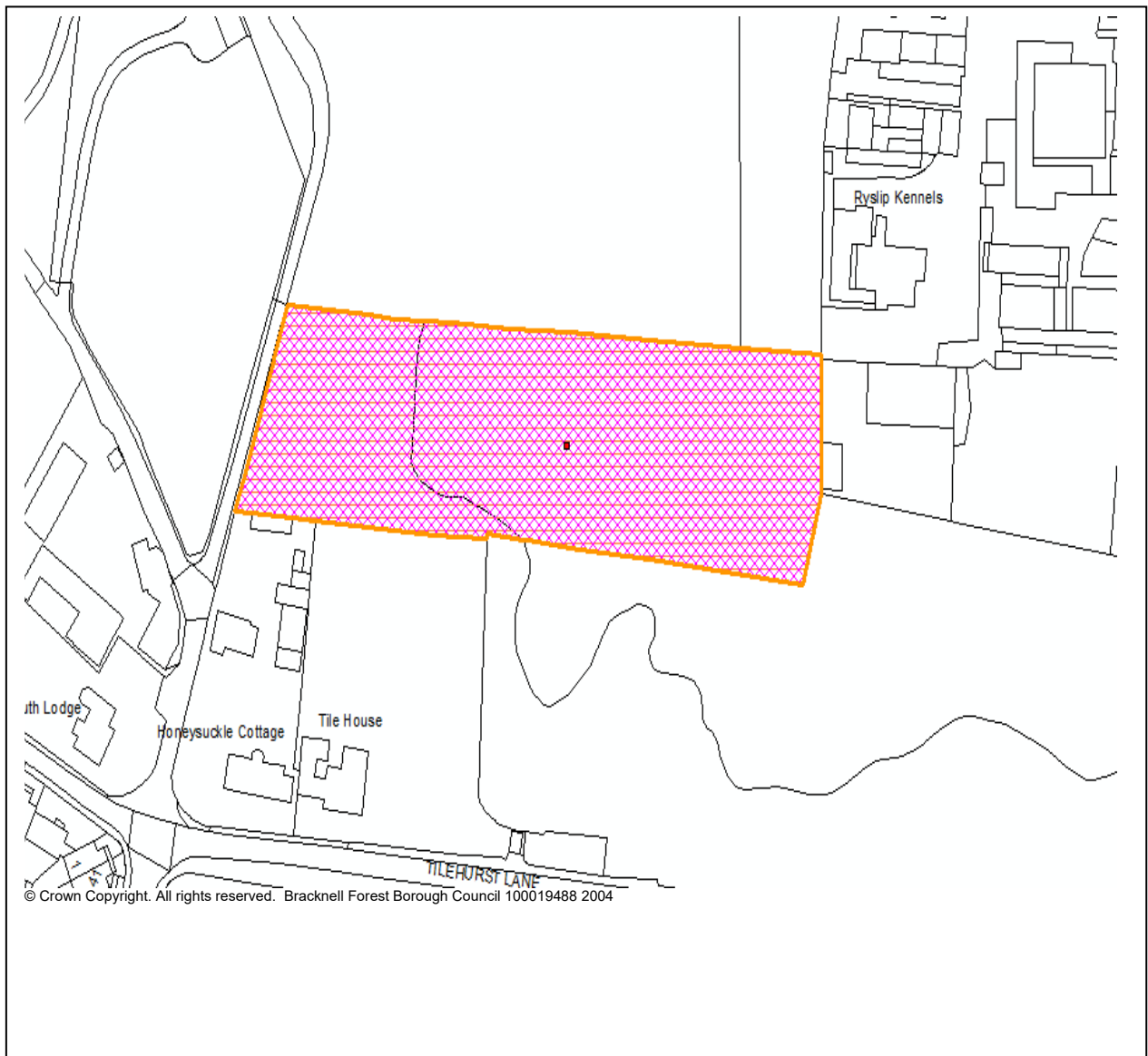
Applicant: JPP Land Limited

Agent: Mr Douglas Bond

Case Officer: Jo Male, 01344 352000

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



OFFICER REPORT

1. SUMMARY

- 1.1 The application represents a re-submission of a previous scheme for 9 units which was refused and dismissed on appeal. The application is accompanied by revised drainage information and includes minor changes in dwelling sizes and layout.
- 1.2 The comments of the previous Inspector are material considerations in the determination of the current application. He concluded that the development would have only a slight adverse effect on the character and appearance of the countryside and that the less than substantial harm to the significance of the Grade II listed Honeysuckle Cottage would be outweighed by the public benefits of the scheme. However, he dismissed the appeal on the basis that there were no material considerations sufficient to outweigh the harm resulting from the scheme's failure to show that the site could be adequately drained and flood risk avoided.
- 1.3 The information accompanying the current application includes detailed hydraulic modelling which allows an accurate assessment of the flood risk at the site to be made and robust mitigation to be developed. On the basis of this additional modelling information and the amended drainage scheme submitted, the LLFA is now satisfied that the site can be adequately drained and will not result in an increased risk of flooding elsewhere. The 'tilted balance' set out in para. 11d of the NPPF is applied as the Authority is currently unable to demonstrate a 5 year Housing Land Supply.
- 1.4 In this instance, it is not considered that the adverse impacts of approving the development would significantly and demonstrably outweigh its benefits in terms of delivering 9 units of residential accommodation including 2no. affordable dwellings, and approval is recommended.

RECOMMENDATION

The Assistant Director: Planning be recommended to approve the application subject to a s106 Agreement and the conditions set out in Section 12 of this report.

2. REASON FOR REPORTING THE APPLICATION TO THE ADVISORY PLANNING COMMITTEE

- 2.1 The application was previously reported to the Advisory Planning Committee on 11th November following receipt of more than 5 objections. At this time, the Officer's recommendation was not accepted, primarily due to the lack of information provided in relation to the proposed drainage strategy and how it addresses the previous drainage reason for refusal on application 18/00765/FUL. Further information in relation to this issue is included in Section 9 of this report.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

The site lies outside the settlement boundary

Sited within the 5km – 7km buffer zone of the Thames Basin Heaths SPA

- 3.1 The developable area of the site extends to 0.65ha and comprises

undeveloped grazing land with scattered shrubs and small trees. The application site includes the route of the access road approved by virtue of application 18/00758/FUL, which was allowed on appeal, which links the site to Tilehurst Lane, resulting in a total application site area of 0.9ha. The application proposes a further extension to the approved development of 53 houses which is currently under construction along part of the site's southern and eastern boundaries.

- 3.2 To the west of the site lies a private access driveway serving Binfield Park Farm, beyond which lies an area of undeveloped land and then the site of the development known as 'land to the north of Tilehurst Lane and west of South Lodge', where outline permission has been granted, also on appeal, for the construction of 40 dwellings.
- 3.3 Beyond the site's northern boundary lies further, undeveloped land, with Binfield Park Farm to the north and the Grade II* Listed Binfield Park to the north-west. Ryslip Kennels, Church Lane, is located to the immediate northeast. Residential properties known as Tile House and Honeysuckle Cottage, border the site to the south, with the aforementioned residential development permitted by virtue of application 18/00758/FUL currently under construction along the remainder of the site's southern and eastern boundaries.
- 3.4 A number of listed buildings are located within the vicinity of the site; Honeysuckle Cottage and Tile House which border the site on its southern edge are both Grade II Listed. To the west of Honeysuckle Cottage lie the Gate Piers at the South Entrance to Binfield Park and South Lodge which are also Grade II Listed. The site also lies within what would have originally been the parkland to Binfield Park, a Grade II* Listed Building.
- 3.5 The site undulates gently, with the land generally falling to the north. None of the trees on site are protected, with a single tree subject to a tree preservation order (TPO 1172) being sited beyond the site's eastern boundary.
- 3.6 The site is located beyond the settlement boundary of Binfield which is shown on the Policies Map as running along the southern edge of Tilehurst Lane.

4. RELEVANT SITE HISTORY

- 4.1 The following application is relevant to the consideration of the current application:

18/00765/FUL - Erection of 9no. dwellings with associated landscaping and access from Tilehurst Lane. Refused (2019), Appeal Dismissed (2021).

- 4.2 The reasons for refusal can be summarised as impact on character and appearance of countryside; impact on significance of heritage assets; failure to provide an acceptable surface water drainage strategy; failure to demonstrate that the proposed development would not have an adverse impact on biodiversity; failure to provide an acceptable management scheme for surface water run-off; failure to mitigate the impacts of the proposed development on open space and community facilities.
- 4.3 During the course of the appeal, additional information was submitted which led to the withdrawal of the reason for refusal relating to biodiversity. Furthermore, it was

agreed that an appropriately worded legal agreement could be completed to address reasons relating to a scheme for the management of surface water run-off and to secure contributions towards open space and community facilities. The appeal was dismissed predominantly on drainage grounds and reference to the Inspector's decision will be made later within this report.

- 4.4 To the south and south-east of the current application site, lies a site which is currently under construction to provide 53 dwellings. This permission was granted on appeal (LPA ref: 18/00758/FUL, PINS ref: APP/R0335/W/19/3231875) and takes access from Tilehurst Lane. The current application is presented as an extension to this development.

5. THE PROPOSAL

- 5.1 The application is submitted following the refusal of a similar application which also proposed the erection of 9no. dwellings on this site with access through the adjacent development onto Tilehurst Lane. This previous application (18/00765/FUL) was refused in 2019 under delegated powers and the subsequent appeal dismissed following its consideration at an informal hearing.
- 5.2 The proposed development is the erection of nine residential units, with associated landscaping and access, on greenfield land north of Tilehurst Lane. The dwelling mix would consist of 3no. three bedroom dwellings, and 6no. four bedroom dwellings. Of these, 1no. three bedroom and 1no. 4 bedroom dwelling would be affordable housing, representing 22.2% of the total dwellings.
- 5.3 The proposed dwellings would consist of two storey detached and semi-detached dwellings, each with rear gardens. Parking to the dwellings would be provided mainly by parking bays, although detached and attached garages are proposed to serve the detached dwellings.
- 5.4 The proposed drainage scheme shows a swale to cope with existing surface water that drains across the site being provided along part of the site's southern boundary under the access road and returning northwards towards the undeveloped land to the north. A drainage attenuation pond is shown in the north-eastern corner of the site and run-off from the roofs and roads of the development would connect into an existing sewer that traverses the site.
- 5.5 Access to the site from Tilehurst Lane is achieved by means of a link through to the access road serving the 53 unit scheme granted on appeal (ref:18/00758/FUL).
- 5.6 The scheme differs from that previously considered for the site primarily in that it changes the dwelling mix from 4No. 3 bedroom and 5no. 4 bedroom units to provide 3no. 3 bedroom and 6no. 4 bedroom units; it replaces the 2no. detached units on Plots 3 and 4 with 'link-detached' dwellings; and it provides details of a revised drainage strategy which results in minor changes to the layout.

6. REPRESENTATIONS RECEIVED

Binfield Parish Council

6.1 Binfield Parish Council recommends refusal of the application, stating:

Binfield Parish Council wishes to RECOMMEND REFUSAL on the basis that there is no plan for surface water run off. The application shows this as being onto land which is privately owned and permission has not been given by the owner.

Therefore it is a concern of whether this development has a suitable and sufficient drainage plan. This is a major concern. The Parish Council would also wish to reiterate the original objections to this proposal, copied below:

Binfield Parish Council strongly objects to this application (18/00758/FUL) for the following reasons:

1. The land north of Tilehurst Lane is outside of the settlement boundary for Binfield and forms an important link to Binfield's historic and agricultural past.
2. This development - both 00765 and 00758 - would have a detrimental impact on the setting of a number of listed buildings, including Binfield Park (Grade II*), Gate Piers South entrance Binfield Park (Grade II), Honeysuckle Cottage (Grade II), Tile House (Grade II)
3. Tilehurst Lane is a rural route, a designated bridlepath and not capable of taking the traffic from an additional 69 properties as well as additional pedestrian movement when there is only pavement along part of the lane. This development would be detrimental to road safety.
4. The density of the proposed development is completely out of keeping with the character of the area. The Binfield Landscape Character Assessment states that "Tilehurst Lane retains remnants of its rural character, partially bounded by hedgerows and roadside ditch/stream. These dense hedgerows and tree belts limit views providing strong containment to the built edge of Binfield". Should this planning application be granted this is an absolute urbanisation of a rural area.
5. In the recent appeal which allowed for 28 properties, the Inspector stated that "if outline permission were granted for 28 dwellings, any reserved matters application could not exceed that number". This is a speculative attempt to turn the Inspectors decision into a high density development totally unsuited to the location and with little regard for the character, heritage, or rurality of the area or the wishes of local residents.
6. The cumulative effect of the nearby development which has been granted permission but has not yet been completed (including Blue Mountain and nearby Cabbage Hill/Harvest Rise) is not yet clear but will certainly be significant. Adding further pressure on the roads and infrastructure before the cumulative effect is known will exacerbate any problems.

Representations from Members of the Public

6.2 19no. objections have been received. The concerns expressed are summarised below:

- Site lies outside of any settlement and is not allocated within the new Local Plan
- Urbanising impact due to spread of development away from road frontage
- Binfield already taking more than fair share of development with consequent impacts in terms of noise and dirt
- Binfield losing its identity as a village
- Refers to Council's adopted and emerging policies in support of objection
- Tilehurst Lane has huge amount of houses planned which impacts on its character as a lane and causes highway safety issues to road users and pedestrians/horses
- Impact on wildlife

- Damage to hedgerow that screens site from Tilehurst Lane
- Queries consideration given to tree protection order on the site [Officer Note: the trees on site are immature/self-seeded and are not considered worthy of a TPO]
- Access point is in dangerous location with inadequate visibility
- Last remaining undeveloped, green land in Binfield so should be retained as such
- Further development will exacerbate existing flooding issues
- New traffic controls would require infill of ditches along Tilehurst Lane
- Re-submission of previous application but serious issues with surface water flooding remain
- Endorses concerns of Parish Council
- Impact on Ryslip Kennels from new residents complaining about noise
- Acoustic fencing proposed must be fully specified and secured
- Impact on listed buildings; Binfield Park, Tile House and Honeysuckle Cottage
- Cumulative impact of traffic on Tilehurst Lane due to development within vicinity
- Developer keeps applying and appealing and eventually wins so locals feel worn down and the level of objections received won't reflect true feelings
- Proposed swale runoff onto land to the north
- Objection to retention of gate onto private driveway to Binfield Park Farm
- Loss of privacy and overlooking to Binfield Park Farm
- Light pollution and noise
- Lack of details of means of enclosure
- The proposed drainage strategy fails to take into account the future building works at the western end of Tilehurst Lane and the works currently under construction at the eastern end, pointing out that the drainage of the site changes with every foundation laid, a situation which is exacerbated by climate change
- Scheme has already been dismissed on appeal
- Overdevelopment
- Concern that drainage officer's comments do not provide any detailed analysis to support conclusions which should be provided so interested parties have the opportunity to critique the analysis and conclusion

7. SUMMARY OF CONSULTATION RESPONSES

Highway Officer

No objection subject to conditions.

Biodiversity Officer

No objection based on additional information received, recommends conditions.

Tree Officer

Comments provided in respect of previous application which raise no objection on arboricultural grounds, stating that the submissions clearly show the protected tree's RPA to be outside the application site and even then some distance away from proposed structures & features. It is also noted that the submissions clearly show the limited number of trees within this site (and adjoining) and that all RPAs are not impinged by any part of this proposal.

Landscape Officer

Accepts that impact on character and countryside were considered acceptable by appeal Inspector and recommends imposition of a landscape condition.

Lead Local Flood Authority (LLFA)

Following the receipt of detailed hydraulic modelling and a revised drainage strategy, no objection subject to details which can be secured by planning condition.

Principal Conservation Advisor

Inspector's previous finding of harm is a material consideration and should be considered in the planning balance against any perceived public benefits as required by para. 202 of the NPPF, taking into account para. 199 of the NPPF which requires great weight to be given to an asset's conservation irrespective of whether any potential harm is substantial or less than substantial.

Archaeology

Council's Archaeological Advisor recommends condition requiring programme of archaeological field evaluation prior to the commencement of development and submission of a mitigation strategy (if required).

Environmental Health Officer

Findings of previous noise report accepted. No objection subject to conditions relating to the control of environmental effects during construction, working hours and unforeseen contamination.

Waste

No issues with storage of bins for individual properties as there is back gate access for all, so bins can be stored in the gardens. All bins must be presented to the nearest adopted road on collection day and stored within the property boundary at all other times. As plots 8 & 9 are on private drives, they will need to present their bins to the kerbside of the main road.

Implementation Officer

Full details of the contributions required to mitigate the impact of the development are set out in Section 12 below.

Thames Water

No objections recommend informative.

8. DEVELOPMENT PLAN

8.1 The Development Plan for the Borough includes the following:

Site Allocations Local Plan (2013) (SALP)
Core Strategy Development Plan Document (2008) (CSDPD)
'Saved' Policies of the Bracknell Forest Borough Local Plan (2202) (BFBLP)
'Retained' Policies of the South East Plan (2009) (SEP)
Bracknell Forest Policies Map (2013)

The application site also lies within the designated Binfield Neighbourhood Plan area such that the Binfield Neighbourhood Plan (2016) also applies.

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of Development
- ii. Impact on Character and Appearance
- iii. Impact on Heritage Assets
- iv. Design
- v. Impact on Residential Amenity
- vi. Transport and Highways Considerations
- vii. Drainage Implications
- viii. Biodiversity Implications
- ix. Sustainability Implications
- x. Thames Basin Heaths Special Protection Area (SPA)
- xi. Securing Necessary Infrastructure

i. Principle of Development

9.2 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.

9.3 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.

9.4 Footnote 7 confirms that policies in the Framework that protect areas or assets of particular importance include those relating to habitat sites, designated heritage assets and flooding. As set out later within this report, it is not considered that the relevant policies in the NPPF provide a clear reason to refuse the development on grounds of any harm caused to the significance of heritage assets, habitat sites or flood risk. As a result, Officers do not consider that the 'tilted balance' set out in para. 11(d) is precluded from applying by virtue of footnote 7.

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.

- 9.6 The Council is not currently able to demonstrate a five year supply of deliverable housing sites (4.2 years as at April 2021) and as a result, it is accepted that the ‘tilted balance’ applies and that planning permission should be granted for the proposed development unless ‘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’.
- 9.7 Whilst the application site lies beyond any settlement boundary in land designated as countryside, the NPPF (2021) does not seek to protect the countryside for its own sake and instead requires its intrinsic character and beauty to be recognised. Therefore there can be no ‘in principle’ objection to the proposed development due to its countryside status and instead an assessment of the development’s impact upon the character and beauty of the area has to be undertaken and weighed in the planning balance, taking into account the ‘tilted’ weighting applied in this instance for the reasons set out above.
- 9.8 The remainder of the report considers the impact of the development on the character and appearance of the area, and in relation to other material considerations and concludes matters in the planning balance.

ii) Impact on Character and Appearance

- 9.9 The application site is located beyond the settlement boundary of Binfield as shown on the Policies Map 2013. It lies north of the Binfield Study Area within the Character Area Assessments SPD 2010. This SPD identifies that the landscape setting of Binfield is heavily influenced by the surrounding open rural landscape including that to its north which includes the appeal site. It refers to the strong contrast between the urban form of Tilehurst Lane and the open landscape around it. In its recommendations for this area, the assessment states: *‘The open landscape either side of Binfield, together with the open character of Popeswood North, should be retained to maintain a rural setting and the distinctive character of Binfield’.*
- 9.10 The appeal site is included within the Landscape Character Area C1 Binfield and Warfield Clay Farmland within the Landscape Character Assessment. Valued features for this area include the parkland landscapes associated with old country manor houses including Binfield Park, and the open and rural character of the landscape which provides a rural buffer to the settlements of Binfield and north Bracknell, and provides a sense of separation between Binfield and the allocation at Blue Mountain.
- 9.11 The Landscape Sensitivity Appraisals Additional Sites Addendum (September 2018) which forms part of the evidence base to the emerging Local Plan specifically assesses the landscape value of this site (BIN17) and makes reference to its relationship with the adjacent site which is currently being developed to provide 53 units which is referred to as BIN3. It describes its landscape character as:
- “A flat site, comprising a small unmanaged field of grassland and scrub with many young trees (mainly oaks). Although not distinctive in landscape terms, the trees and openness contribute positively to rural landscape character and increase sensitivity to development.*

The site is located between Binfield Park (a Grade II listed house with outbuildings and extensive parkland) and barns and other buildings at Ryslip Kennels but is*

separated from both by mature trees on the western and eastern boundary. It is bound by post and wire fences, separating it from a rectilinear field immediately to the north, with more undulating arable farmland extending further north. Planned residential development north of Tilehurst Lane (BIN3 Tilehurst Lane) will lie immediately south of the site”.

- 9.12 The overall assessment of landscape sensitivity concludes that the site is of medium landscape sensitivity and that:

“The site is rural in character and the trees and openness contribute positively to rural landscape character and play some part in the rural setting of Binfield. However, the proposed extension of the settlement edge north of Tilehurst Lane (BIN3) reduces sensitivity in terms of settlement form”.

- 9.13 The study assesses the cumulative issues as follows:

“BIN17 lies adjacent to BIN3, and in close proximity to BIN1 and BIN2. Both BIN3 and BIN1 lie adjacent to the settlement edge but separated from it by Tilehurst Lane, a rural wooded roadway, which provides a strong settlement boundary. The planned development of BIN3 will extend the built edge of Binfield north of Tilehurst Lane, weakening this boundary edge.

The more elevated position of BIN1 and BIN2 make them more sensitive to development however, the development of all 3 sites would have a greater cumulative impact on the landscape and setting to the north of Binfield”.

- 9.14 In determining the previous application for 9no. units on this site (ref: 18/00765/FUL), Officers considered that the site’s open and undeveloped nature contributed to the rural setting of Binfield and the provision of a rural buffer around the settlement. It also has some landscape value in forming part of the parkland landscape to Binfield Park although it was acknowledged that it does not contain any distinguishing parkland features.

- 9.15 The proposed development was considered to have a harmful impact upon the character and appearance of the site and the application was refused for the following reason:

‘The proposed development would have a harmful urbanising impact on the character and appearance of the countryside. The proposal is therefore contrary to ‘Saved’ Policies EMN8, EN20 and H5 of the Bracknell Forest Borough Local Plan, Policies CS1, CS2, CS7 and CS9 of the Core Strategy Development Plan Document, and the NPPF’.

- 9.16 At the subsequent appeal against the refusal of this application, the Inspector assessed the development’s effect on the countryside in the following terms:

13. The site makes some positive contribution to an appreciation of Binfield by being an open, undeveloped piece of land that, even in its unkempt state, adds to some degree to the settlement’s countryside setting.

14. Balanced against this, the site is relatively small and contains little appreciable landscaping, much of which could be retained in the development. It also lies in a partially constrained context with a block of woodland to the north and an extensive complex of buildings to the east, so its contribution to the expansive openness of the wider character area is limited. Moreover, it

would be set against the scheme subject of the adjacent appeal (with a condition suggested to say what is before me could not be developed in isolation), would be of a relatively low density, and would maintain a 'softer' edge to the neighbouring field than the scheme subject of the adjacent appeal with there being no intention or need for lengthy solid fencing or hard development close to its northern boundary. Having regard to the wording of Local Plan Policy EN20, it has not been shown this is part of a '*beneficial landscape*'. Therefore, taking these points together, the site at present makes little contribution to the character and appearance of the countryside or its function. As such, while the scheme would cause some harm to the countryside as a consequence of its loss, in the light of the above factors I consider this would be limited in its extent and nature.

15. In coming to this view, I accept that many countryside sites are against housing development. I also appreciate that given their broad nature there will be pockets and corners of any LCA that do not fully accord with their overall character, whilst its current state is an issue of maintenance rather than arising because of any specific agricultural inadequacies. Therefore, these aspects have not been decisive of themselves, but they have nonetheless added weight to my findings above.

16. I also accept that from the public domain views of the scheme would be limited, being restricted primarily to the cul-de-sac to be formed in connection with the adjacent appeal. Honeysuckle Cottage, Tile House with its boundary fence and the development associated with the adjacent appeal, would together significantly restrict and impeded views of the scheme from Tilehurst Lane itself and from the houses on the south side of that road. However, I consider the countryside should not be protected from the public domain only, and the development would be apparent to varying degrees in private views from Honeysuckle Cottage and Tile House, as well as from the field to the north and from the new houses built as part of the adjacent appeal.

17. Accordingly, I conclude there would be some slight adverse effect on the character and appearance of the countryside and so the scheme would conflict with Local Plan Policies H5, EN8 and EN20, Policies CS1 and CS7 in the Core Strategy and the Framework'.

9.17 There has been no change in circumstance since the Inspector came to this conclusion. The Landscape Officer has been consulted in respect of the current application, however in light of the Inspector's conclusions she does not make any further comments on the landscape impact of the development.

9.18 Accordingly, it is accepted that the proposed development would cause only limited harm to the character and appearance of the countryside resulting in conflict with the relevant countryside policies. This level of harm and policy conflict is required to be weighed in the planning balance against any benefits arising from the scheme, a process which is undertaken in Section 11 of this report.

iii. Impact on Heritage Assets

9.19 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the decision maker when considering whether to grant planning permission for development which affects a listed building and its setting to "have special regard to the desirability of preserving the building or its setting or any other features of special or architectural interest which it possess".

- 9.20 Para. 199 of the NPPF states: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".
- 9.21 Para. 200 indicates that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification....'.
- 9.22 Para. 202 states that: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.
- 9.23 There are a number of designated heritage assets within the vicinity of the application site as detailed in para. 3.4 above. At the informal hearing held in respect of the appeal against the refusal of the previous application, the Council presented evidence to support its view that the development, in combination with the consented development, would result in harm to the setting of neighbouring Grade II listed Buildings (Honeysuckle Cottage and Tile House) including in terms of their historic visual and functional relationship to the surrounding open countryside.
- 9.24 In considering this issue, the Inspector concluded that the development 'would have a very minor adverse effect on the slight contribution this open area of countryside makes to the setting of [Honeysuckle] cottage. As such, it would cause harm, albeit less than substantial, to its significance'. In terms of its impact upon Tile House he concluded 'the scheme would not harm the significance of the property as a designated heritage asset or compromise its setting'. He did not find harm to the significance of any other heritage assets.
- 9.25 In undertaking the 'heritage balance' set out in the NPPF, which is accepted as being consistent with the application of the s66 duty, the Inspector stated:
- '27. I have found less than substantial harm to the significance of Honeysuckle Cottage only, due to the effect on its setting, and I have given this considerable importance and weight. However, assuming the development was acceptable in other respects, the scheme would be boosting the supply of housing in line with Government guidance, and would be delivering additional affordable accommodation. I appreciate these contributions would be numerically small. Despite that, I consider them to be public benefits sufficient to represent a clear and convincing justification for the harm to the significance of Honeysuckle Cottage, given the nature and extent of that harm.
28. Accordingly, having regard to both the 1990 Act and the Framework, I conclude that although there is less than substantial harm to the significance of Honeysuckle Cottage that harm is outweighed by the public benefits. Moreover, I also conclude that the proposal would not fail to preserve the settings of other listed buildings or cause harm to their significance. As such, the proposal would not be in conflict with Policy BF2 in the Neighbourhood Plan, which seeks to resist schemes that would have a harmful effect on the setting of a listed building that is not justified by public benefits, or the Framework'.

- 9.26 The Council's Conservation Advisor has raised concern that the Inspector's report did not identify or discuss any cumulative impact on heritage assets arising from the proposed development in conjunction with the consented scheme for 53 units, despite the fact that this issue was raised at the appeal hearing and that cumulative impacts are part of the assessment that should be made in *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets* (Historic England, 2015b). However, this issue was considered at the time that the Inspector's decision was received and was not considered sufficient grounds on which to seek a Judicial Review of the decision. The Inspector's assessment of harm in relation to the designated heritage assets is accepted and it is recommended that this harm should be considered in the planning balance against any perceived public benefits, as required by paragraph 202 of the NPPF.

Heritage Balance

- 9.27 The Inspector's view that the proposed development of 9 units would cause less than substantial harm to the significance of Honeysuckle Cottage is accepted and that no harm to the significance of other heritage assets would result. Whilst considerable importance and weight is given to this identified harm, Officers also accept the Inspector's view that the public benefits of providing 9 additional units of housing, two of which would be affordable, is sufficient to outweigh the harm identified given the extent and nature of this harm. Accordingly, it is concluded that the proposed development does not conflict with Policy BF2 of the Binfield Neighbourhood Plan or Policies CS1 and CS7 of the CSDPD and that its approval would be consistent with the statutory requirement set out in s66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* (the 1990 Act) for the decision-maker to have regard to the desirability of preserving the setting of any listed buildings.

iv. Design

- 9.28 The application proposes the erection of a mix of detached and semi-detached two storey dwellings. The individual units have pitched roofs and employ a traditional palette of materials including brick and stained timber weatherboarding with plain clay tiled roofs. Their design is similar to that employed on the adjacent scheme, currently under construction and would not appear out of keeping with the prevailing character of the area.

v. Impact on Residential Amenity

Impact on occupants of neighbouring properties

- 9.29 It is considered that due to the siting and layout proposed, along with the relevant separation distances, the development would not result in a material adverse impact on the amenities of the nearest neighbouring properties, Honeysuckle Cottage or Tile House. Both of these properties have back gardens in excess of 44 metres which contain planting that will assist in screening the development from view.
- 9.30 Although a letter of objection raises concern about a loss of privacy/ overlooking caused to Binfield Park Farm, this property is set in excess of 70 metres to the north of the application site and any overlooking would only occur over an area of grass beyond the dwelling's immediate curtilage.

Impacts on prospective residents of the development

- 9.31 The proposed layout and design would provide acceptable separation distances and orientations of dwellings in order to avoid any potential adverse loss of light or loss of privacy impacts between future occupiers.

Conclusion on impact to residential amenity

- 9.32 It is not considered that the proposal would give rise to any materially adverse impacts on the amenities of neighbouring properties, or prospective occupants, and as such accords with 'saved' BFBLP policy EN20 and the NPPF.

vi. Transport and Highways considerations

- 9.33 The Highway Authority has been consulted throughout the development of the application scheme. Its response notes that the layout appears to be very similar to that previously submitted and taken to appeal and in that respect previous commentary made on the suitability of the access and parking has already been made with suitable conditions suggested. In light of amendments made to the site layout as a result of the revised drainage scheme, additional information on tracking has been requested. This has been considered by the Highway Authority who consider that the highway implications of the scheme are acceptable and recommend conditions be imposed in the event that permission is granted.

vii. Drainage Implications

- 9.34 At the time of the previous appeal application, there was a dispute between the parties as to the capacity of the proposed drainage proposals to deal with peak flows arising from off-site surface water flooding, particularly given the absence of information in relation to diverted overland flows from upstream of the site. In the absence of this information, the application was refused on grounds that it had not been demonstrated that the development could be adequately drained and would not increase flood risk elsewhere.
- 9.35 The Inspector accepted the LPA's position, that insufficient information was available to demonstrate the effectiveness of the proposed drainage scheme, highlighting the lack of clarity relating to sewer capacity and that of the proposed swale in his comments which state:

'6. The appellant had calculated the drainage requirements of the identified catchment for a 1 in 100 year event plus an allowance for climate change, and then, knowing the capacities of the sewers, proposed a swale to carry the rest through the site and around the houses to the point of existing discharge on the northern boundary. However, I was told the sewers do not serve this catchment alone, but also drew an unknown amount of water from elsewhere. Therefore, they would be carrying additional run-off to that of this catchment, which, as its amount is not known at this stage, has not been included in the calculations. Consequently, putting aside any debate as to whether the sewers and the swale together would be adequate to drain the identified catchment, I cannot be confident that the combined capacity of the existing sewers and the proposed swale would be large enough to take the drainage from the identified catchment plus whatever the sewers brought in from elsewhere. Therefore, it has not been shown the appellant's drainage strategy would be sufficient to avoid on-site flooding.

7. In coming to this view, I accept that not all the water from the identified catchment that cannot now be accommodated in the sewers drains across the middle of the site, but some appears to flow along the drive to Binfield Park and then runs across the

site's north-west corner. Again though, I have no evidence to show that alternative flow allows for sufficient spare capacity in the sewers and proposed swale to accommodate the unknown amount of additional water from outside of the identified catchment.

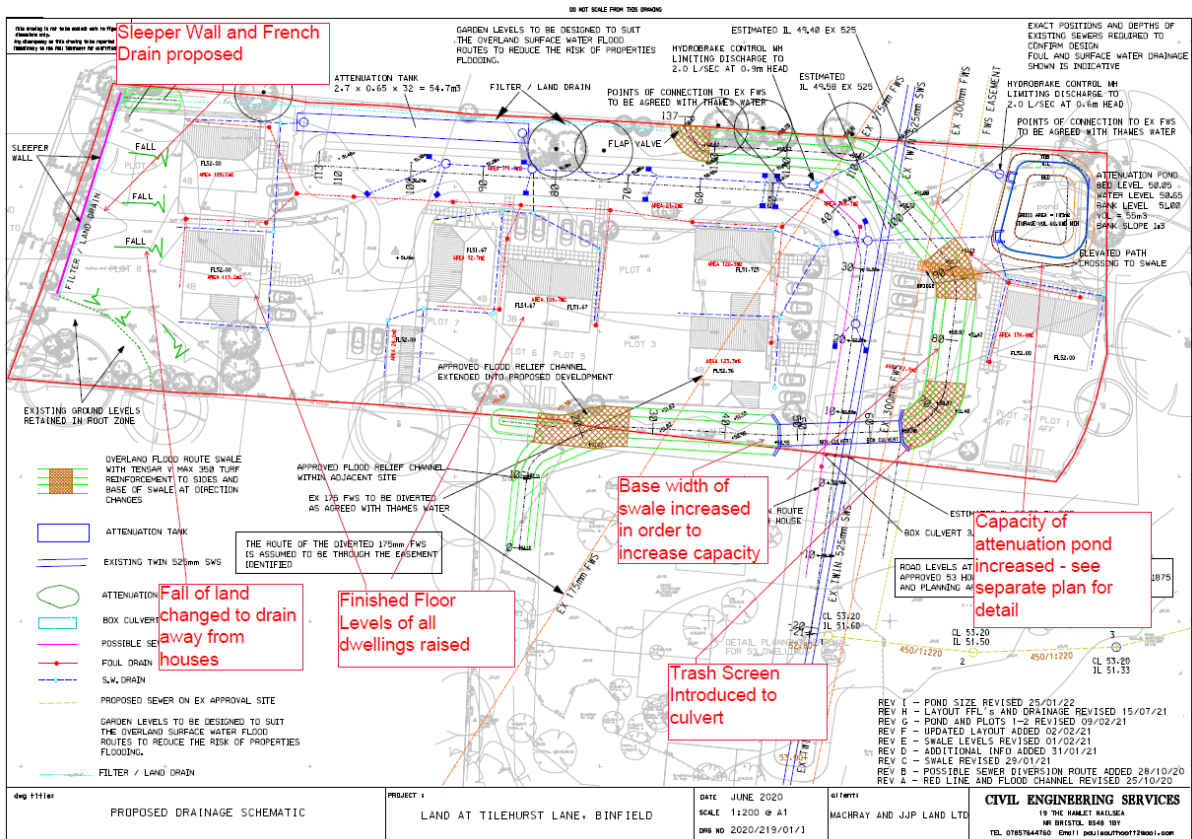
8. Accordingly, I conclude it has not been demonstrated that this would not be an inappropriate development in an area of flood risk, and so it would conflict with Policy CS1 in the Council's Core Strategy Development Plan Document and the National Planning Policy Framework (the Framework)'.

9.36 The current application has been accompanied by detailed hydraulic modelling work undertaken in accordance with industry best practice, which is accepted as accurately quantifying the risk of surface water flooding in and around the site. The conclusions of this modelling work have been used to re-design the drainage strategy. The Drainage Consultants have set out the following reasons why they are now confident that the proposed drainage works will adequately deal with surface water drainage on and around the site:

'The primary change was the completion of detailed hydraulic modelling which more accurately assessed the risk of flooding at the site and meant a more robust mitigation scheme could be developed. However, as a result of this hydraulic modelling, the applicant made changes to the development proposals to improve the management of flood risk. We have listed these changes below based on the letter from the applicant dated 16 November 2021 as well as our own assessment:

- Finished floor levels of proposed units have been increased by an average of 200mm to ensure that they are above the design flood level;
- The gardens Plots 8 and 9 have been landscaped to ensure that surface water drains away from the houses to a French drain at the rear of the gardens which will ensure that the standing water will be efficiently removed;
- A sleeper wall has been introduced to the western side of Plots 8 and 9 to reduce the likelihood of water entering the development from the west;
- The area of the SuDS basin to the east of the housing has been increased to provide opportunity for greater attenuation volume – this was not required but is an additional benefit;
- The size of the flood mitigation swale has been increased from a base width of 1m to a base width of 2m to the north of the site and 3m base width through the site to provide more capacity; and
- A trash screen has been introduced at the upstream end of the culvert to reduce the risk of a blockage in the culvert'.

9.37 The changes referred to above are shown notated on the following plan:



9.38 In response to concerns raised about the future maintenance of the SuDS features, the applicant has provided additional information which has been reviewed by the Council’s Drainage Consultant and who confirms:

‘In principle, we consider that the proposals are acceptable subject to conditions requiring the submission of additional information.

In terms of the proposed box culvert, we do consider this would be challenging to maintain. However, with the addition of access chambers, this could be managed. This could be considered as part of the detailed design. We would want to see the culvert length minimised as far as possible too which would assist with maintenance.

We would want to see a robust maintenance and management plan covering the entire drainage and features design to mitigate flood risk (i.e. the swales, culvert and French drain). This would need to consider access to carry out maintenance activities’.

9.39 These issues could be addressed through the imposition of appropriately worded conditions as set out at section 12 below.

9.40 It is noted that a local resident raises concern that the swale run-off will outflow onto land to the north. The Drainage Consultant has advised that the swale directs existing flows which cross the site, in a controlled way. The submitted hydraulic modelling demonstrates that there will be no increase in these flows and all drainage from roofs and roads within the development will be discharged into an existing sewer that crosses the site. Since the proposed swale deals only with existing surface water run-off and the development will not impact on this flow, no additional permissions are understood to be required.

9.41 Thames Water have been consulted in respect of the application and confirm, 'Thames Water would advise that with regard to waste water network and sewage treatment works infrastructure capacity, we would not have any objection to the above planning application, based on the information provided'.

9.42 Another letter of representation raises concern that the proposed drainage strategy fails to take into account other permitted development in Tilehurst Lane. As previously reported to the Advisory Committee, the Drainage Consultants have responded:

'Individual developments are required to manage surface water to ensure that the discharge from the site is not greater than the undeveloped situation. The current Tilehurst Lane application was assessed against this criteria and the preceding applications would have applied the same. Sustainable Drainage Systems (SuDS) are used on each of the sites to attenuate excess flows during extreme rainfall events. In terms of the increasing frequency of more extreme rainfall events, developers are obliged to allow for the predicted increase in rainfall intensity over the lifetime of the development'.

9.43 To conclude on the issue of drainage, the current application differs from the previous scheme dismissed on appeal in that detailed hydraulic modelling has been provided in accordance with industry best practice, which satisfactorily identifies peak levels of surface water run-off that will be experienced across the site. The submitted drainage strategy has been reviewed in light of this information and amended to ensure that its capacity is sufficient to accommodate the identified flows and on this basis the Council's Drainage Consultants have advised that the scheme is now acceptable, subject to specific details being secured by conditions as set out in section 12 of this report.

viii Biodiversity Implications

9.44 The application is accompanied by an Ecological Appraisal which reconfirms the previous conclusions of survey work originally undertaken in 2017, albeit recognising that over time the site is developing areas of scrub and young trees which could change the habitat type over a longer period of time.

9.45 The report makes tentative recommendations which suggest that the site design has not involved the ecologist. However, the Council's Biodiversity Officer has confirmed that, owing to the requirement for SuDS, the proposed layout provides some areas of habitat not within private gardens that could be of value in the future. In addition, various measures can be secured to protect mammals, birds, reptiles, amphibians.

9.46 It is recommended that any permission granted is subject to conditions seeking to protect and enhance biodiversity including those relating to the impact of site clearance works, a Landscape and Ecological Management Plan, external lighting, control over invasive species and securing an ecological enhancement scheme.

ix. Sustainability Implications

9.47 In respect of the proposed additional dwellings, Policy CS10 requires the submission of a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day. Policy CS12 requires the submission of an Energy Demand Assessment demonstrating how 10% of the development's energy requirements will be met from on-site renewable energy generation.

- 9.48 The application is accompanied by a Sustainability and Energy Statement prepared by Blue Sky Unlimited. This provides evidence of how the development could achieve the required level of water efficiency. It also proposes the use of either photovoltaic panels or air source heat pumps to meet the required level of on-site renewable energy generation.
- 9.49 The Council's Renewable Energy Officer has confirmed that either of these options would be appropriate and if the photovoltaic panels are chosen, a plan indicating their proposed location should be provided. This can be covered by an appropriately worded condition.

x. Thames Basin Heaths Special Protection Area (SPA)

- 9.50 The Council, in consultation with Natural England, has formed the view that any larger development comprising over 50 net new dwellings within 5km – 7km straight-line distance from the Thames Basin Heath Special Protection Area (TBHSPA) 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.
- 9.51 This site is located within the 5km – 7km TBHSPA buffer zone, and represents an extension to the 53 unit development currently under construction through which this scheme will be accessed. Therefore it is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.
- 9.52 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.
- 9.53 The SANG contribution payable for affordable units is lower than that for market units and since the development is located within the 5km – 7km TBHSPA buffer zone, the SANG costs are 1/4 of what they would be in the 400m – 5km zone.
- 9.54 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which is also calculated on a per bedroom basis, with the SAMM contribution being 1/3 of that applied to development within the 400m – 5km zone due to its relative distance from the SPA.
- 9.55 The applicant has agreed to enter into a S106 agreement to secure these contributions 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 Avoidance and Mitigation SPD, the Planning Obligations SPD and the NPPF.

xi. Securing Necessary Infrastructure

Affordable Housing

- 9.56 The site is considered to be an extension of the adjacent development and as such meets the affordable housing threshold. The Housing Enabling Officer has confirmed that the 2 affordable dwellings (plots 1 and 2, 1x3 bed 5 person and 1x4 bed 6 person) are acceptable for affordable housing provision. These are to be provided at social rent to ensure the housing need is met. Subject to this provision being secured by s106 Agreement, the development is considered to comply with Policy H8 of the BFBLP, Policy CS17 of the CSDPD, the decision of the Council Executive dated 29th March 2011 and the Planning Obligations SPD.

Community Facilities

- 9.57 Due to the added pressure on community facilities from additional residential use on site, the Council will seek through a planning obligation to secure funds towards community facility improvements. The Council is currently in the design and planning phase of the Community and Healthcare Hub at Blue Mountain. The total cost of the project is estimated at £2.4m, the funding gap for the proposal is currently between £1.35 and £1.5m. The Council has predicted that a further c. 400-450 dwellings in the Binfield and north Bracknell area are likely to come forward that can contribute to the proposal. This gives a contribution range between £3000 and £3750 per dwelling. In this instance, the Council are seeking £3000 per dwelling index linked from 4Q 2020 to date of payment (BICS all-in TPI). However, this may change slightly going forward with indexation and project costs becoming more detailed.

Open Space of Public Value (OSPV) and Biodiversity

- 9.58 As the proposed development only provides a limited amount of OSPV the Council will seek a financial contribution towards the provision of, or an increase in capacity of off-site active and passive open space. The Council has a number of Active OSPV projects at Farley Wood Centre which is well located to serve the development. On the basis of up to date costings for the project and the predicted number of dwellings likely to be served by the works and which would be able to contribute to the project, it is considered that a contribution of £2750 per dwelling would be appropriate.
- 9.59 The NPPF (Para 175d, 2018) states that: "opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity". If the Biodiversity enhancements do not amount to a net gain over the site (guidance can be taken from our Biodiversity Officer) the Council may consider offering a mitigation option off-site, however the mitigation hierarchy should be followed in the first instance.

Transport

- 9.60 As previously agreed in relation to the last proposal on this site, a contribution towards the off-site highway works to improve the Church Lane/Forest Road Junction in Binfield will be required. The costs were first considered in 2018 and as such indexation will be applied.

9.61 A planning obligation will be required to secure, prior to commencement, submission of a plan to show which accesses/footways etc are to be privately maintained and which are to be adopted. PAF obligations will apply to privately maintained roads/foot/cycleways. The obligation will also secure entry into Highways agreements for any accesses/off site works in kind and/or highways to be adopted where these are not already entered into in relation to previous permissions.

SuDS

9.62 A planning obligation will be required to ensure approval of the SuDS specification and a long term Management and Maintenance Plan prior to commencing development on site. An obligation will also be required to secure a SuDS monitoring contribution to monitor SuDS for their lifespan. As the proposals include SuDS infrastructure, prior to Commencement the Council will require submission and approval of a final SuDS Specification and Management and Maintenance plan to secure management of the SuDS for the lifetime of the development. A monitoring sum of £8000 will be sought through a planning obligation to enable the Council to monitor/inspect SuDS for their lifetime.

Community Infrastructure Levy (CIL)

9.63 Bracknell Forest Council commenced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL applies to any new build that involves the creation of additional dwellings. The site falls within the 'Northern Parishes' charging area, for which the charge is £448.27 per square metre for schemes of fewer than 15 dwellings (2021 figures).

10. DIFFERENCES FROM APPLICATION 18/00765/FUL

- 10.1 The application proposes a development which is nearly identical to a previous scheme which was refused and dismissed on appeal and it is clearly necessary to set out the reasons for a different recommendation being made in this instance.
- 10.2 The Inspector's decision is a material consideration in the determination of the current application and this alternative recommendation has been made in light of his findings of harm in relation to heritage and landscape issues, the submission of a revised drainage strategy and a change in circumstance in relation to the Council's ability to demonstrate a 5 year HLS which results in the application of the tilted balance.
- 10.3 In determining the previous application under delegated powers, Officers had considered that the proposed development would have a harmful urbanising impact on the character and appearance of the countryside contrary to development plan policy. It would also, in combination with the consented scheme on the adjacent site, result in significant harm to the setting of neighbouring listed buildings. Furthermore, it had not been demonstrated that an acceptable surface water run-off mitigation strategy could be provided to avoid an adverse increase in surface water run-off. An additional reason for refusal on biodiversity grounds was overcome prior to the appeal through the submission of additional information. It was acknowledged that other reasons for refusal relating to SuDS maintenance and pressure on open space and community facilities could be overcome by means of an appropriately worded legal agreement which the applicant offered.
- 10.4 In applying the 'straight' planning balance as was appropriate at that time, the Local Planning Authority did not consider that any material considerations

justified the approval of the scheme which was considered to conflict with development plan policies and cause material harm as identified in the reasons for refusal

- 10.5 However, and as set out previously in this report, the Inspector did not support the Council's finding of harm in countryside or heritage terms and considered that the advantages of the scheme were sufficient to override the identified level of harm/policy conflict. He concluded that the development's 'slight adverse effect on the character and appearance of the countryside' and consequential conflict with the development plan, together with the less than substantial harm to the significance of Honeysuckle Cottage, would be outweighed by the benefits of the scheme in boosting the supply of housing. However, he did not consider that any of the identified benefits constituted 'material considerations sufficient to outweigh the harm resulting from the failure to show the site could be adequately drained and flood risk avoided'. For this reason he concluded that the appeal should be dismissed.
- 10.6 In light of the advice of the Drainage Officer in respect of a revised scheme, Officers are satisfied that the current application does not raise the same concerns in drainage terms and consider that an appropriate drainage strategy can be secured by condition.
- 10.7 In all other respects, the application is very similar to the previous scheme and Officers accept the Inspector's conclusions that the provision of 9 housing units, 2 of which would be affordable, together with other economic benefits identified, are sufficient to outweigh:
- the harm to the significance of heritage assets as part of the heritage balance conducted under para. 202 of the NPPF; and,
 - the conflict with the development plan resulting from the development's impact on the character and appearance of the countryside.
- 10.8 The recommendation made in Section 12 below is made in light of the change in circumstances since the determination of 18/00758/FUL resulting from the submission of an acceptable drainage scheme, the Inspector's findings in relation to a nearly identical scheme and the application of the tilted balance as is now required.

11. THE PLANNING BALANCE

- 11.1 Given the Authority's current inability to demonstrate a 5 year Housing Land Supply, the application falls to be determined against the 'tilted balance' set out in para. 11d of the NPPF. This means the development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
- 11.2 In light of the Inspector's findings, it is accepted that the development will cause only minor harm to the character and appearance of the countryside and less than substantial harm to the significance of Honeysuckle Cottage, due to the effect on its setting. No other adverse impacts have been identified. These impacts are not considered to significantly and demonstrably outweigh the significant benefits of the scheme due to its contribution to boosting the supply of housing, including the provision of 2no. affordable dwellings, and its moderate economic benefits.
- 11.3 The application is therefore recommended for conditional approval, subject to the completion of a section 106 agreement.

12. RECOMMENDATION

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

- avoid and mitigate the impact of residential development upon the Thames Basin Heaths Special Protection Area (SPA);
- provision of the 2 units of affordable housing;
- provision of, and contribution towards, areas of OSPV;
- contributions towards the provision and maintenance of community facilities;
- securing off-site biodiversity enhancement as necessary;
- securing a contribution towards the off-site highway works to improve the Church Lane/Forest Road Junction;
- entering into appropriate agreements with the Highway Authority in respect of the future maintenance of the highways within the site; and
- securing an appropriate SuDS Specification and Management and Maintenance plan to secure management of the SuDS for the lifetime of the development including appropriate monitoring.

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 3 years from the date of this permission.

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

02. The development hereby permitted shall be carried out in accordance with the plans hereby approved which were received and validated by the Local Planning Authority:

Proposed Site Layout Dwg. 01K

Plots 1 and 2 (Affordable) Plans and Elevations Dwg.02A

Plots 3 and 4 Plans and Elevations Dwg. 03A

Plots 5 and 6 Plans and Elevations and Cycle Store Details Dwg. 04A

Plot 7 Plans and Elevations Dwg. 05

Plot 8 Plans and Elevations Dwg. 06

Plot 9 Plans and Elevations Dwg. 07

Location Plan Dwg. 09B

Tree Protection Plan JPP21401-03C

General Arrangement EVY0919-01 P5

Proposed Drainage Schematic Dwg: 2020/219/01/L

Drawing ITB 13320-SK-006 Rev A Site Layout Amendments and Swept Path Analysis Attenuation Pond and Swale Improvements Dwg: 2020/219/03

03. No structure hereby permitted shall be built above ground level until 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 development shall be carried out in accordance with the approved details.

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

04. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that order with or without modification), no windows at first floor level or above shall be installed on the side-facing elevations of the following dwellings hereby approved, with the exception of those shown on the approved plans: i) Both side-facing elevations: Plots 3 and 8, ii) South-facing side elevations: Plots 4 and 9, iii) East-facing side elevations: Plots 5 and 7 iv) West-facing side elevations: Plot 6
REASON: In the interests of the amenity of future occupiers.

05. The window on the first-floor side elevation of the following dwelling hereby permitted, shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent). It shall at all times be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed: i) East-facing side elevation: Plot 7.

REASON: In the interests of the amenity of future occupiers.

06. If more than 2 years elapse between the previous ecological appraisal survey and the commencement of development, an updated ecological appraisal survey shall be carried out by a suitably qualified ecologist. A report confirming the results and implications of the assessment, including any revised mitigation measures, shall be submitted to the Local Planning Authority before construction works commence on site.

REASON: In the interests of minimising the impacts of the development on biodiversity.

07. No development shall commence until a scheme for the provision of biodiversity enhancements (not mitigation), including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the Local Planning Authority. An ecological site inspection report shall be submitted prior to occupation of any dwelling hereby approved confirming the installation of the biodiversity enhancements thereby approved.

REASON: In the interests of providing net gains for biodiversity.

08. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the practical completion of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed
- b) Ecological trends and constraints on site that might influence management
- c) Aims and objectives of management
- d) Appropriate management options for achieving aims and objectives
- e) Prescriptions for management actions
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- g) Details of the body or organisation responsible for implementation of the plan
- h) On-going monitoring and remedial measures

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

REASON: In the interests of protecting biodiversity.

09. No retained tree, hedgerow or group of shrubs specified as to be retained on the approved drawings shall be cut down, uprooted or destroyed. Any trees, hedgerows or groups of shrubs shown to be retained on the approved plans which die, are removed or irreparably damaged during the course of the development, or within a period of 5 years of the completion of the development, shall be replaced with another tree, hedgerow or group of shrubs of the same species and size as that originally planted.

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

10. 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:
- 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
 - 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 on the site.

REASON: In the interests of minimising the impacts of the development on biodiversity.

11. No development (including demolition and site clearance) shall take place, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include as a minimum:
- Location of the access for demolition and construction vehicles;
 - Routing of construction traffic (including directional signage and appropriate traffic management measures);
 - Details of the parking of vehicles of site operatives and visitors;
 - Areas for loading and unloading of plant and materials;
 - Areas for the storage of plant and materials used in constructing the development;
 - Location of any temporary portacabins and welfare buildings for site operatives;
 - Details of any security hoarding;
 - Details of any external lighting of the site;
 - Details of the method of piling for foundations;
 - Measures to control the emission of dust, dirt, noise and odour during construction;
 - Measures to control rats and other vermin;
 - Measures to control surface water run-off during construction;
 - Measures to prevent ground and water pollution from contaminants on-site;
 - construction and demolition working hours and hours during which delivery vehicles or vehicles taking materials away are allowed to enter or leave the site;

(xv) Details of wheel-washing facilities;
 (xvi) Measures to minimise, re-use and re-cycle materials and waste arising from demolition;
 (xvii) Measures to minimise the pollution potential of unavoidable waste;
 (xviii) Measures to dispose of unavoidable waste in an environmentally acceptable manner;
 (xix) details of measures to mitigate the impact of demolition and construction activities on ecology; and
 (xx) Details of a monitoring regime to demonstrate compliance with the CEMP including timings for reports to be submitted to the Local Planning Authority.
 The approved Construction Environmental Management Plan shall be adhered to throughout the demolition and construction period.
 REASON: To mitigate and control environmental effects during the demolition and construction phases.

12. The development hereby permitted shall not be begun until comprehensive details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:-

- (a) Comprehensive planting plans of an appropriate scale and level of detail that provides adequate clarity including details of ground preparation and all other operations associated with grass and plant establishment, full schedules of plants, noting species and detailed plant sizes/root stock specifications, planting layout, proposed numbers/ densities, location.
- (b) Details of semi-mature tree planting.
- (c) Comprehensive 5 year post planting maintenance schedule
- (d) Underground service and external lighting layout (drainage, power communications cables, pipelines etc. indicating lines, manholes etc.)
- (e) Paving including pedestrian open spaces, paths, patios, proposed materials and construction methods, parking courts etc.
- (f) Means of enclosure (walls and fences etc.)
- (g) Other landscape features

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

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

13. The protective fencing indicated on the Tree Protection Plan JPP21401-03C, shall be erected in the locations indicated prior to the commencement of the development, including any initial site clearance, and shall be maintained fully intact and upright.

Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. The fencing shall be retained in its agreed location during the course of construction works. The development shall be carried out in accordance with the submitted Method Statement.

REASON: In order to safeguard trees and other vegetation in the interest of the character and amenity of the area.

14. No development (other than the construction of the vehicular access) shall take place until the vehicular access from Tilehurst Lane has been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of highway safety.
15. No dwelling shall be occupied until the primary west-to-east pedestrian footpath as identified on drawing 2409 01 Rev.D submitted to the LPA on 21st March 2019 in connection with planning application 18/00758/FUL, allowed on appeal (ref: APP/R0335/W/19/3231875), has been implemented in full.
REASON: In the interests of pedestrian safety.
16. No dwelling shall be occupied until the off-site pedestrian and highway improvements as identified on drawings ITB13632-GA-002 Rev C and ITB13632-GA-017 submitted to the Local Planning Authority on 21st March 2019 in connection with planning application 18/00758/FUL that was allowed on appeal (ref: APP/R0335/W/19/3231875), has been implemented in full.
REASON: In the interests of highway and pedestrian safety.
17. No dwelling shall be occupied until the associated vehicle parking and turning space has been surfaced and marked out in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The spaces shall not thereafter be used for any purpose other than parking and turning. Visibility splays to the parking spaces shall thereafter be kept free of all obstructions to visibility between a height of 0.2 metres and 0.6 metres measured from the surface of the carriageway.
The relevant dwellings hereby permitted shall not be occupied until their corresponding garages have been completed and made available for parking, in accordance with the approved drawing. The garages, and their accesses, shall thereafter be kept available for vehicular 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.
18. Notwithstanding the approved plans, no dwellings hereby permitted shall be occupied until their associated cycle store and access has been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority in respect of all of the dwellings. The stores and accesses shall thereafter be kept available for cycle parking at all times.
REASON: To ensure that appropriate cycle storage is provided.
19. No development above ground level shall take place until details showing 20% of all vehicle parking spaces designed and constructed to be readily adaptable to provide electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

REASON: To ensure that appropriate provision is made for the charging of electric vehicles.

20. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:
- (a) Parking of vehicles of site personnel, operatives and visitors
 - (b) Loading and unloading of plant and vehicles
 - (c) Storage of plant and materials used in constructing the development
 - (d) Wheel cleaning facilities
 - (e) Temporary portacabins and welfare for site operatives.
- 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.

21. Prior to the commencement of development, including any site preparation works, the applicant will implement a programme of archaeological field evaluation in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The results of the evaluation will inform the preparation of a mitigation strategy which will be submitted by the applicant and approved in writing by the Local Planning Authority prior to the commencement of the development. The mitigation strategy shall be implemented in accordance with the approved details.

REASON: A programme of archaeological field evaluation is required to identify any required mitigation of the impact of development on buried heritage assets and to record any surviving remains so as to advance our understanding of their significance in accordance with Paragraph 199 of the NPPF and local plan policy.

22. No dwelling shall be occupied until the measures for water efficiency and renewable energy generation set out in the Sustainability and Energy Statement dated 1st February 2021 have been implemented in full accordance with the approved scheme. In the event that it is intended to use photovoltaic panels (Option 1) to meet the renewable energy generation target, prior to their installation a plan shall be submitted to, and approved in writing by, the Local Planning Authority indicating the location of the panels. The water efficiency and renewable energy generation measures thereby installed shall thereafter be retained and maintained.

REASON: In the interests of sustainability.

23. No dwelling shall be occupied until the noise mitigation measures set out in the WSP Noise Assessment Report No 70038722-001 dated February 2021, have been implemented. The noise mitigation measures shall thereafter be retained and maintained.

REASON: To ensure that the amenities of the future residents are not adversely affected by noise.

24. No demolition or construction work shall take place outside the hours of 8:00 am and 6:00 pm Monday to Friday; 8:00 am and 1:00 pm Saturday and not at all on Sundays and Public Holidays.

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

25. Prior to the commencement of development, a scheme for the specific control and removal of bamboo from the site (an invasive non-native species) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of timings of all initial and follow-up works. The scheme thereby approved shall thereafter be implemented in full.
REASON: To control the spread of this invasive non-native species in the interests of biodiversity.
26. No development shall take place until full details of the Drainage System 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, planting and drawings as appropriate; and
Further details of the proposals for the proposed mitigation measures for managing surface water flood risk within the site.
REASON: To ensure that the site is properly drained and does not increase the risk of flooding in accordance with policy CS1 of the Core Strategy.
27. No development shall commence until details of how the Drainage System (inclusive of flood mitigation measures) shall be maintained and managed after completion have been submitted to and approved in writing by the Local Planning Authority. The details shall include confirmation of the required maintenance activities with expected frequency, with site specific assessments included to demonstrate that health and safety has been fully considered in the design and that access and egress for future residents will be maintained during any operations to repair or replace drainage features.
REASON: To ensure that the site is properly drained and does not increase the risk of flooding In accordance with policy CS1 of the Core Strategy.
28. No dwelling hereby permitted shall be occupied until the Drainage System for this site has been completed in accordance with the approved details. No dwelling shall be occupied until written confirmation of agreements for the management and maintenance of the Drainage System have been submitted to and approved by the Local Planning Authority. The Drainage System shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
REASON: To ensure that the site is properly drained and does not increase the risk of flooding In accordance with policy CS1 of the Core Strategy.
29. No dwelling hereby permitted shall be occupied until a verification report, appended with substantiating evidence demonstrating that the approved construction details and specifications of the Drainage System have been implemented, has been submitted and approved (in writing) by the Local Planning Authority. This shall include photos of excavations and soil profiles/horizons, any placement of tanking, crating, connecting pipe work, hydrobrakes or control mechanisms and cover systems.
Reason: To ensure that the site is properly drained and does not increase the risk of flooding in accordance with policy CS1 of the Core Strategy.
31. When carrying out the approved development if any contamination that was not previously identified is found it must be reported immediately in writing to the Local Planning Authority and development work must immediately cease. Site work can only commence once Local Planning Authority authorisation (in writing) is given. This will be subject to satisfying all requirements as stipulated by the Local Planning Authority

being completed and signed off in writing. These requirements will be specific to the nature of the contamination in question.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

[Relevant Policies: BFBLP EN25]

32. No dwelling shall be occupied until details have been submitted to and approved by the Local Planning Authority confirming that provision has been made for the installation of superfast broadband (fibre optic) internet connections for the entire development.

REASON: In the interests of the amenities of future occupiers.

33. No dwelling shall be occupied until the 21m Forward Visibility Splay indicated on Drawing ITB 13320-SK-006 Rev A has been provided. This area shall at all times thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the adjacent carriageway.

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

In the event of the S106 agreement not being completed by 24th May 2022, the Assistant Director: Planning be recommended to either extend the period further or refuse the application for the following reason:

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).

Informatives:

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. The applicant is advised that the following conditions require discharging prior to commencement of development: 7, 11, 12, 13, 14, 20, 21, 25, 26, 27.
The following conditions require discharge prior to the occupation of the dwellings hereby approved: 15, 16, 17, 18, 22, 23, 28 and 32.
The following conditions require discharge prior to any above ground works being commenced: 3 and 19.
The following conditions require discharge prior to the practical completion of the development: 8 and 29.

No details are required to be submitted in relation to the following conditions; however they are required to be complied with: 1, 2, 4, 5, 6, 9, 10, 24, 31 and 33.

03. The details submitted pursuant to Condition 12 of this permission should include details of hedgehog access points as recommended in the Ecological Appraisal March 2021.
04. The details of the Ecological Enhancements submitted pursuant to Condition 07 of this permission should consider the relocation of the collapsed willow tree (T10) in the northwest corner of the site (as identified within the Ecological Appraisal) which could provide value as deadwood.
05. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via Thames Water's website. Please refer to the Wholesale; Business customers; Groundwater discharges section.
06. With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water they would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to the Thames Water website.
07. There are public sewers crossing or close to the approved development. If the developer is planning significant work near Thames Water sewers, it's important that the developer minimises the risk of damage. Thames Water will need to check that the development doesn't limit repair or maintenance activities, or inhibit the services they provide in any other way. The applicant is advised to read Thames Water's guide on working near or diverting pipes which is available from the Thames Water website.