

ITEM NO: 6

Application No.
22/01047/FUL

Ward:
Binfield North and
Warfield West

Date Registered:
23 December 2022

Target Decision Date:
24 March 2023

Site Address:

**Land North Of Newhurst Gardens Newhurst Gardens
Warfield Bracknell Berkshire RG42 6AW**

Proposal:

Section 73 application to vary condition 4, 6 and 7 of planning permission 16/01004/OUT for the erection of up to 50 residential units and associated works. [For clarification this application seeks permission to change the access arrangements for the development].

Applicant:

Ms Sarah Howell

Agent:

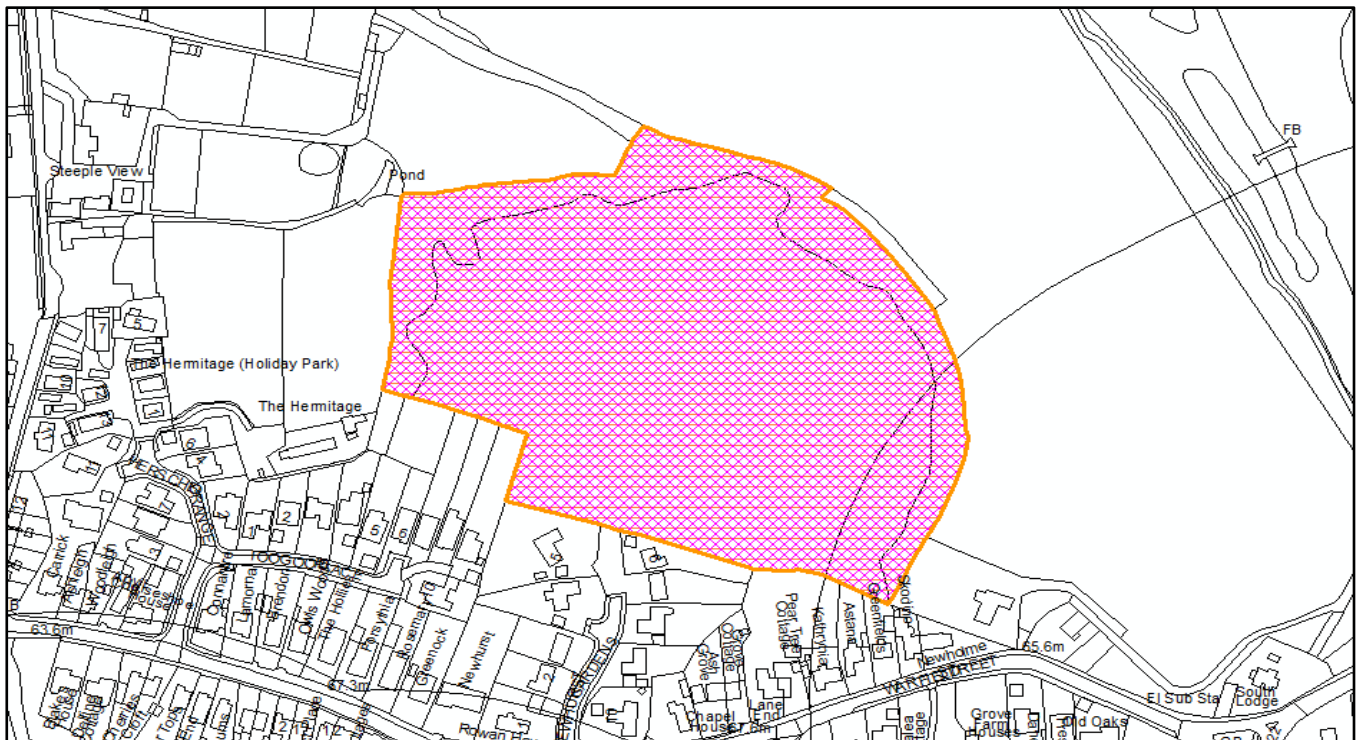
(There is no agent for this application)

Case Officer:

Sarah Fryer, 01344 352000

development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

1.1 This is an application submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) which seeks to amend conditions attached to a previous planning permission, in this instance, this application seeks to amend condition 4 which list the plans approved under the original application 16/01004/OUT, and 6 and 7 which seeks details of highway construction and visibility spays, effectively discharging these conditions. This application seeks approval for substitute amended plans relating to the access of the original outline planning permission.

1.2 Careful consideration has been given to both the highway safety aspect of the proposal and the impact of constructing a road on the two flanking trees. Both the Highway Authority and Council's Tree Service are satisfied that there will be no harm to highway safety and that the proposal would not detrimentally affect the health of the trees within the curtilage of numbers 5 and 6 Newhurst Gardens.

RECOMMENDATION

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

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application is reported to the Planning Committee due to the number of objections received.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Outside Settlement Boundary

Tree Preservation Orders (TPO)

4. RELEVANT SITE HISTORY

4.1. The relevant planning history can be summarised as follows:

16/01004/OUT

Outline planning application for the erection of up to 50 residential dwellings (including up to 25% affordable housing), parking, open space and landscaping with access from Newhurst Gardens. All matters reserved apart from access details.

Allowed at appeal.

22/00244/REM

Submission of details of Appearance, Landscaping, Layout and Scale pursuant to Outline Permission APP/R0335/W/17/3182713 (erection of up to 50 residential dwellings (including up to 25% affordable housing), parking, open space and landscaping with access from Newhurst Gardens)

Approved 16.12.23

21/00017/COND

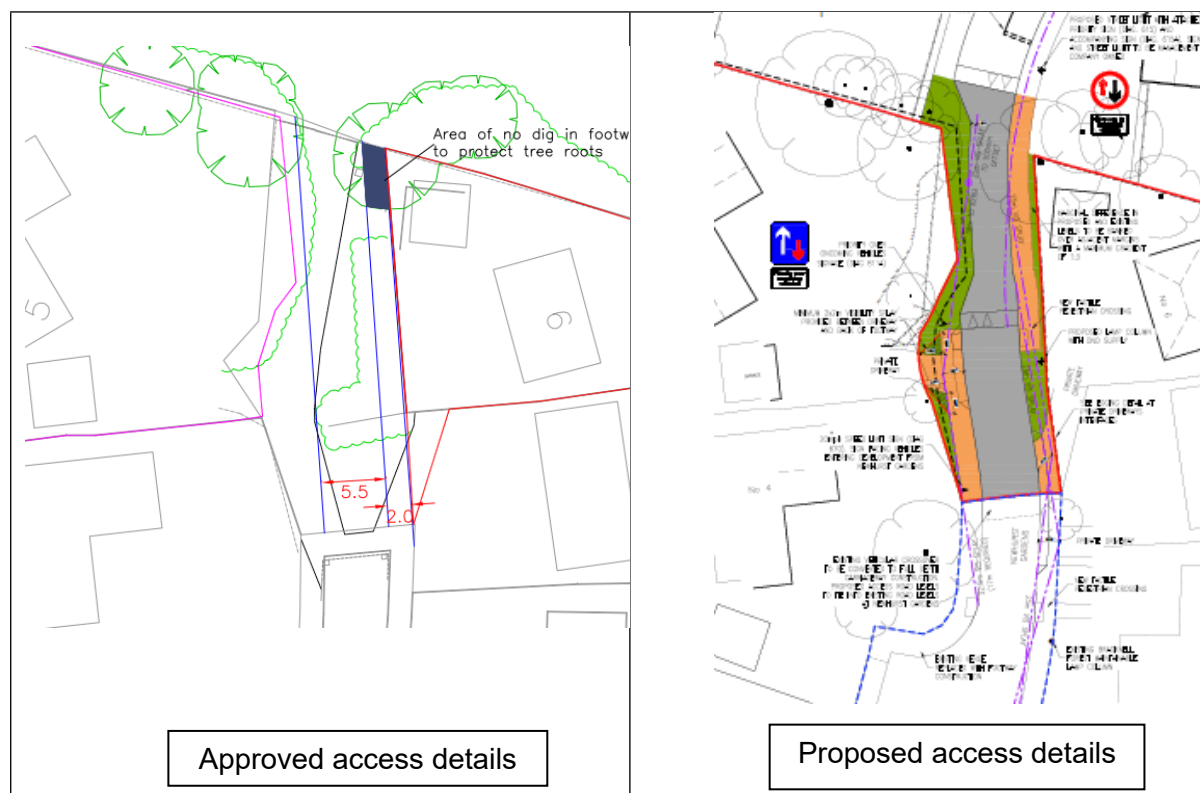
Details pursuant to condition 19 (archaeological investigation) of planning permission 16/01004/OUT (allowed on appeal APP/R0335/W/17/3182713).

Pending consideration

5. THE PROPOSAL

5.1 This application seeks to amend the approved plans relating to the access to the proposed residential scheme from Newhurst Gardens, and supply details required by conditions relating to highway construction and visibility splays.

5.2 The application seeks permission to change the access details as approved under 16/01004/OUT. The approved scheme included a 2-way carriageway of a width of 5.5m with a footpath along the eastern side which would have had a width of 2.0m.



5.3 The application now proposes the 5.5m carriageway where it joins the top of the turning head at Newhurst Gardens, narrowing to a width of 3.7m, approximately 20m further north. A footpath with a width of 2m is proposed along the eastern side. At the narrowing, the carriageway would be single lane with priority given to vehicles entering the site from the south (Newhurst Gardens) and cars exiting the site having to wait at a point 44m north of the existing turning head.

6. REPRESENTATIONS RECEIVED

Warfield Parish Council

6.1 Objects to the proposal on the grounds that the proposal is contrary to the permission granted at appeal. The Parish Council is concerned that the proposed changes will have a negative effect on the local area. The proposal to reduce the highway will impact upon traffic movements which will impact upon existing neighbouring properties, particularly for access via the private driveway for No. 5 Newhurst Gardens and its visibility splay.

Other responses

6.2 21 objections have been received with the following comments:

- a. The proposed single lane road access to 50 houses i.e. 100 cars + utility vehicles and delivery vans is totally impractical.
- b. There will be traffic queuing both sides causing air pollution and frustration.
- c. The junction of Newhurst Gardens onto Warfield Street is already dangerous without there being extra cars.
- d. The volume of traffic these houses will create is serious issue. 50 properties is a minimum of 100 cars or more in many cases. All the vehicles entering and exiting through one narrow single lane is not feasible or practical.
- e. The issue should be treated as a priority, and this flawed development should be cancelled.
- f. Lots of demolition and groundwork is going to cut through established and old oak trees.
- g. Dates on the planning portal are incorrect and should be amended to reflect the correct dates. [*Officer comment: this is not a material planning consideration and all residents have had opportunity to comment on the amended plans*].
- h. The visibility splays are inaccurate and insufficient and, if implemented, will put greater danger not only the residents, visitors, and commercial vehicles accessing properties in Newhurst Gardens, but also on all and any vehicle entering the development site.
- i. Insufficient consultation time has been granted to enable residents to comment fully on the application
[*Officer comment: Since comments submitted further consultations have taken place.*]
- j. Newhurst Gardens was originally designed as a quiet cul-de-sac street with a single lane access road to the field beyond to facilitate infrequent access. This was recognised at the appeal hearing by making the approval conditional upon providing details for the access road to ensure suitability for accommodating both the existing and the 50 new properties.
- k. The single lane "give way" solution now proposed does not seem appropriate for a development of this size. This appears to be a result of the land ownership constraints, which prevents the originally approved two lane road being provided.
- l. The plans submitted attempt to illustrate the visibility splays, however from the view from the driveway at no. 7 is clearly blocked by a mature conifer tree. This makes it impossible to see traffic approaching from the north. Although there is priority given to Northbound traffic you could have cars approaching the narrowing removing the ability of the Southbound traffic to take evasive action should No. 7 pull out from behind the blind spot.
- m. The single lane "give way" arrangement proposed will only work if the two lanes on the approach can remain clear at all times. As there are currently no parking restrictions on Newhurst Gardens and cars are often parked in the road blocking one of the lanes, this could cause road safety issues.
- n. The proposed tracking would go over the roots of an existing mature tree. Building the road without removing the tree as the excavation to construct the road will clearly impact on the roots of the tree. As highlighted the proposals as submitted are simply not appropriate for a development of this size and raise significant road safety concerns. The developer should revert to the two-way access road approved under appeal as this is the only way to resolve the issues in a satisfactory manner.
- o. Measures to protect the tree roots need to be clarified.
- p. There is no reason for new homes to be added to this land.
[*Officer Comment: This was considered at the time of the outline permission and is not a consideration for this application*].
- q. S73 is a new application which must be considered against the local plan and subject to an Environmental Impact Assessment (EIA).
[*Officer comment: The legalisation around a S73 is discussed below, however an EIA screening has been undertaken for this application.*]

- r. The proposal is contrary to previous comments by the Highway Officer and the Council's road adoption standards. Is the proposed access acceptable and compliant with the Council's standards?
- s. The Inspector stated that the access details as agreed at the appeal had to remain unchanged. So why are they are allowed to change it now?
- t. Residents will face daily noise from the ramps at the entrance to the development.
- u. What will happen if work is required to the narrow structure of the road.

7. SUMMARY OF CONSULTATION RESPONSES

Highway Authority

7.1 No objection subject to conditions.

Tree Service

7.2 No objection, conditions recommended.

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:

	Development Plan	NPPF
Principle of Development	CSDPD Policies CS1 and CS2	Consistent
Design & Character	CSDPD Policy CS7 and BFBLP 'Saved' Policy EN20	Consistent
Trees & Landscape	CSDPD Policies CS1 & CS7 BFBLP 'Saved' Policies EN1, EN2 & EN20	Consistent
Residential Amenity & Pollution	'Saved' Policies EN20 & EN25 of BFBLP	Consistent
Transport	CSDPD Policy CS23 and BFBLP 'Saved' Policy M9	Consistent
Biodiversity	CSDPD Policies CS1 & CS7 WNP13	Consistent
Sustainability (Renewable Energy and Water Use)	CSDPD Policies CS10 & 12	Consistent
SPA	CS14 of CSDPD BFBLP 'Saved' Policy EN3 SEP 'Retained' Policy NRM6	Consistent
Supplementary Planning Documents (SPD)		

Design SPD (2017)
Parking Standards SPD (2016)
Sustainable Resource Management SPD (2008)
Thames Basin Heaths SPA SPD (2018)
Other publications
National Planning Policy Framework (NPPF) 2021)
National Planning Policy Guidance (NPPG)
BFC CIL Charging Schedule

9. PLANNING CONSIDERATIONS

9.1. The key issues for consideration are:

- i. Legislative background
- ii. The effect of the changes on highway safety.
- iii. The effect of the proposed changes on the health of adjacent trees.
- iv. Other issues

i. Legislative Background

9.2 Section 73 of the Town and Country Planning Act 1990 enables conditions to be amended or removed. One use of this is to enable plans to be substituted, when details within a scheme have changed and there is a condition listing the approved plans. Another is a means by which details required by conditions can also be agreed.

9.3 The S73 application creates a new planning permission that sits alongside the original which remains unaltered. The developer can then choose which permission to implement.

9.4 Whilst a S73 application results in a new planning permission, in considering the application the Local Planning Authority must only consider the conditions which are the subject of the application (Paragraph 031. Reference ID: 21a-031-20180615 Planning Practice Guidance). It is not the intention of the legislation that the principle of the original permission should be reassessed. The changes are considered against the development plan and other material considerations, including any that had changed significantly since the original grant of planning permission.

9.5 S73 applications have certain limitations, for examples they do not have the power to increase the time limit requiring a development to be begun. In respect of conditions, Planning Practice Guidance clarifies that the S73 consent should *'set out all the conditions imposed on the new permission, and, for the purposes of clarity restate the conditions imposed on earlier permissions that continue to have effect'* (Paragraph: 015 Reference ID: 17a-015-20140306).

9.6 The nature of the development must remain the same and so it is not possible to change the description of development.

9.7 In this instance, the proposal remains for a development of up to 50 dwellings with the access from the same points. The nature, amount and hence the description of the development remains the same. Accordingly, it is considered acceptable as a S73 application.

9.8 Amendments to the original permission are sought to the access which was approved under the outline consent. In addition, the applicant seeks to discharge conditions 6 and 7 as these require further details regarding visibility and road construction details.

9.9 In this instance, since the outline planning permission was granted the Warfield Neighbourhood Plan has been adopted and where necessary it will be referred to.

ii. The effect of the changes on highway safety.

9.10 Revised plans for access and visibility splays have been submitted. The plans are accompanied by a Stage 1 Road Safety Audit along with the designer's response to this, as is standard practice.

9.11 It is noted that the S106 agreement which was originally secured as part of the outline appeal approval will need to be varied to update the approved plans as there would be inconsistency with the plans under the S73 application.

Access

9.12 The proposed vehicular access arrangement comprises a narrowing to a 3.7m metre wide carriageway on a raised table for traffic calming and speed reduction, over a short section of circa 25m in length. This accords with the Council's Highways Guide for Development (Streetscene SPD Annex 1) at paragraph 2.2.6. Single-way operation through the narrowing would be signed with Traffic Signs Regulations and General Directions compliant signage (diagrams 615/615A and 811A) and associated road markings. Accesses to driveways for neighbouring existing properties would be maintained in their current locations and a condition is requested to ensure that the gradients of the connections between the driveways and the carriageway of the access road are not steeper than 1:12 over a length of no more than 2.0 metres or not steeper than 1:15 over a length of not more than 5.0 metres (complying with the Designing for Accessibility in Bracknell Forest SPD).

9.13 The proposed vehicular access is accompanied by a footway to one side of the access road and a planted margin on the opposite site. The applicant proposes that the footway crosses the access road south of the raised table and has committed to providing a footway where there is currently adopted highway verge at the north-western end of Newhurst Gardens, connecting with the footway into the access road. The surfacing of the adopted highway verge to form footway can be undertaken under an agreement under Section 278 of the Highways Act 1980 and is outside of the planning application process. The proposed footway (both adjacent to the access road and at the north-western end of Newhurst Gardens would have permeable surfacing in the vicinity of trees). A condition requiring planting within the margins to be maintained at below 0.6 metres in height for visibility purposes is requested.

9.14 A utilities margin would run along the western side of the access road, connecting with the existing utilities in Newhurst Gardens to the south and development to the north. For the majority of the length, this utilities margin would be beneath the footway or planted margin, with the exception of a circa 13 metre stretch at the northern end of the narrowing and raised table, which would be beneath the carriageway to avoid a tree root protection area. The applicant has set out on drawing 186/305 how access would be maintained, especially for emergency vehicles, in the event that the 13 metre stretch beneath the carriageway needs to be excavated for maintenance.

9.15 The carriageway is proposed to be surfaced with a permeable asphalt construction, except for the circa 13 metre stretch where there are utilities below, where a typical asphalt concrete construction is proposed. A 450mm construction for sub-base, base and binder is

proposed for carriageway areas, meeting the Highway Authority's minimum specification for adoption. The access road is not proposed to be adopted beyond the current limit of adoption of Newhurst Gardens and would be maintained by the development and/or any subsequent management company in perpetuity. Nevertheless, carriageway construction to adoptable standards is requested to be secured, to ensure its suitability for the Council's refuse collection vehicle.

9.16 Dropped-kerb tactile-paving crossing points are also proposed across Newhurst Gardens and Warfield Street and signage is proposed on Forest Road for pedestrians and cyclists, to accord with the Section 106 legal agreement plan 3. These dropped-kerb tactile-paving crossing points and signage are within existing adopted highway areas and can be undertaken under an agreement under Section 278 of the Highways Act 1980, which is outside of the planning application process.

Visibility

9.17 A number of different visibility splays have been considered and are set out on: drawing 186/307 for the junction of Newhurst Gardens with Warfield Street; and drawing 186/301 B (left-hand panel) for the access road.

9.18 The visibility splays shown on drawing 186/307 for the junction of Newhurst Gardens with Warfield Street of 2.4m x 43m are considered acceptable and comply with Manual for Streets table 7.1 for the 30mph speed limit on Warfield Street (including addition for bonnet length).

9.19 The visibility splays for the access road have a number of components, and are considered as follows:

1) Visibility to oncoming traffic through the narrowing (to know whether a vehicle must wait at the give-way line) is provided at 25m around the curve (including addition for bonnet length), consistent with Manual for Streets table 7.1 for the 20mph speed limit on approach to the narrowing.

2) Visibility to existing driveways. The inclusion of a raised table and narrowing is likely to reduce speeds below 20mph, nevertheless for the most part 2.0m x 25m (including addition for bonnet length) visibilities consistent Manual for Streets table 7.1 for a 20mph speed limit can be achieved for the existing driveways where they connect to the proposed access road alignment. The only exception to this is the right-hand visibility splay for the driveway for no. 5 which is provided at 22.5m, relating to a speed of around 19mph in Manual for Streets Table 7.1 (including addition for bonnet length); in a location circa 4 metres from the raised table and narrowing this is very unlikely to result in any reduction in safety and there are no issues identified in the Road Safety Audit with regard to this.

3) Visibilities between driveways and the back of the proposed footway. Visibility of at least 2.0m x 2.0m is provided, according with the Council's requirements.

9.20 Overall visibility splays are considered acceptable subject to condition requiring that planted margins are be maintained at below 0.6 metres in height for visibility purposes.

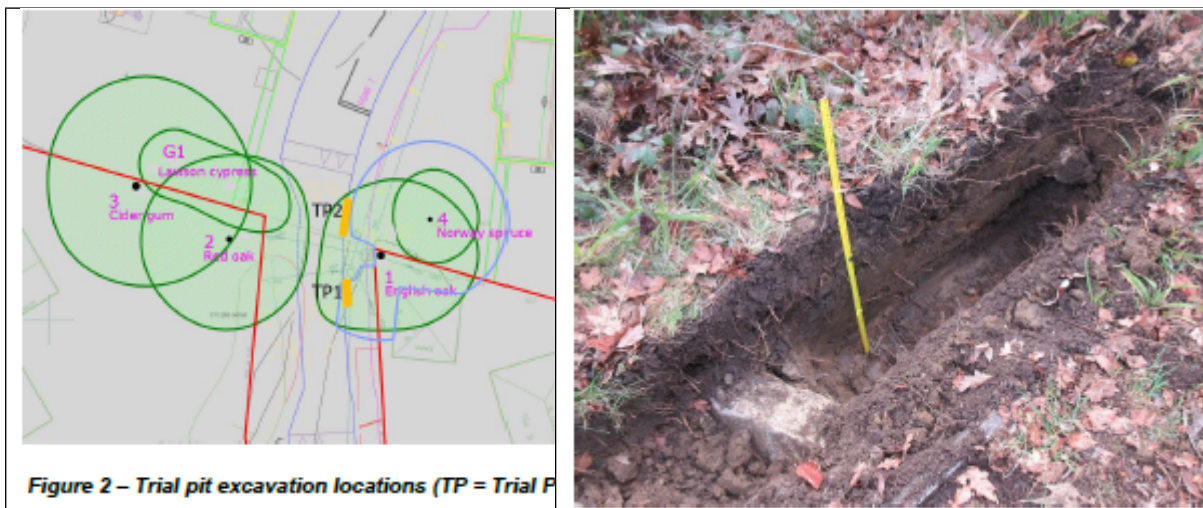
iii. The effect of the proposed changes on the health of adjacent trees.

9.21 The detail surrounding the proposed access arrangements has been assessed for impact upon trees to be retained during development.

9.22 The main trees affected by the access are those within the front gardens of numbers 5 and 6 Newhurst Gardens. The oak tree to the front of 6 Newhurst Gardens is now protected by a Tree Preservation Order (TPO 1394).

9.23 The submitted designs provide for a carriageway narrowing at the point of passing the trees, which maximises the distances between trees and the highway structures that can be achieved. The challenging proximity of trees in relation to the access is noted, particularly the potential for impact upon the oak tree in the front garden of 6 Newhurst Gardens, herein referenced “the oak”. The oak is a significant and attractive tree capable of providing future landscape amenity and biodiversity value, provided it does not create unmanageable conflict with underground utilities. The tree grows over the top of underground pipes, and the main stem is in close proximity to existing drainage infrastructure.

9.24 Within the submitted documents the application shows the likely location of oak tree roots, with reference to the relevant British Standard, using a modified root protection area (RPA). The shape of the area recognises the impact of the inspection chamber which has deflected roots either side, the likely effect of the garage building in the garden to deter root growth beneath, and the likely effect of the existing tarmac access way, which would also be less desirable for root growth than other areas. The location of roots shown on the diagram has been further explored and verified by careful soil removal along trenches. The RPA shown on the plans is accepted as an appropriate representation of the RPA for the oak.



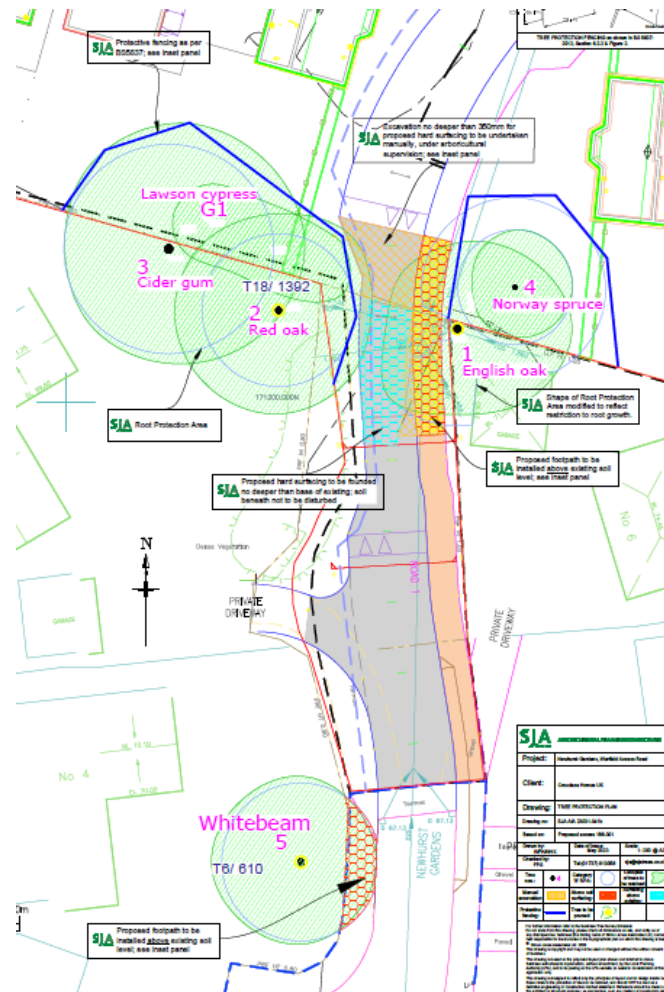
Root protection areas and location of trial pits

Photo of trial pit 1.

9.25 The carriageway design and construction proposed is considered to meet highway requirements while minimising impact on the RPA.

9.26 The vehicular access construction minimises excavation requirements which all lie outside of the RPA and where the footway has to encroach within the RPA, this construction methodology is proposed as ‘no-dig’ which preserves the established soil rooting environment as fully as possible. In the absence of the established drainage and sewer pipes, a different construction methodology to suspend the road and footway above the existing soil levels might have been considered reasonable in this location. On balance, in this situation, it is considered that the logistics of maintaining the utility access beneath a deck construction, coupled with the existing inspection chamber and trackway having acted to divert and deter root growth in the road location, makes a requirement to suspend part of the access above the ground unreasonable. The vehicular access is outside the RPA with a

minimal requirement to excavate, and the footpath is within the RPA but has no requirement to excavate.



Tree Protection Plan

9.27 The application puts a utility margin within the carriageway for a short section of the narrowing, which is fully supported on tree grounds, in order to avoid the RPA of the adjacent trees. It is also noted that the margin width will be kept to a minimum and services will be ducted where possible to allow for maintenance to take place ‘remotely’ (i.e. in an area where the road width is greater) and these measures are also valuable for protecting root areas from disturbance in the future and minimising likelihood that vehicles would need to straddle the footway during utility works.

9.28 The application identifies a measure of tree pruning required to the canopy of the oak. In part the pruning is required to ensure appropriate access of emergency vehicles, including at times where potentially the utility margin is being accessed.

9.29 This pruning work is specified within the application documents (SJA AIA 23031-041B) so the maximum amount of pruning which is reasonable to enable adjacent land uses is defined. The approval of a planning application would over-ride the protection of a Tree Preservation Order (TPO) so it is important that any works required to trees are clearly stated within the application documents. Therefore, completion of above ground pruning beyond that specified by the application would constitute an offence.

9.30 For clarity, work in accordance with the approved documents during the construction of the access is deemed to have consent under any TPO.

9.31 It is noted that sketch 186-305 illustrates that a single lane closure can allow emergency vehicle passage and future considerations of TPO applications to prune the oak, will need to consider all scenarios. There is no arboricultural reason why access cannot reasonably be maintained through pruning.

9.32 Vehicles may be required to straddle the Cellweb footway, and it is noted that an upgraded specification has been included. This still meets the requirements for construction in the RPA to be no-dig.

9.33 A small additional section of no-dig footpath is specified alongside the Whitebeam and this is considered appropriate for the purposes of root preservation. The proposed pruning to create access is also reasonable and will have no long-term impact on the tree.

9.34 In summary, the Tree Service is satisfied that all reasonable steps have been taken to minimise the impact upon the trees and as such has no objection to the proposals.

iv Other issues

9.35 In accordance with the PPG, condition 2 is also removed as this is no longer required. All other conditions have been re-numbered accordingly.

9.36 In addition, condition 19 (archaeology) has been agreed and in accordance with the guidance this condition is now amended to reflect the approved details.

10. CONCLUSIONS

10.1 This is an application under Section 73 of the Town and Country Planning Act 1990 which enables conditions attached to a planning permission to be amended, including conditions listing plans.

10.2 As stated above, in considering a S73 application, the decision maker should only consider the conditions being changed.

10.3 In this instance, plans have been proposed seeking amendments to the proposed access arrangements. These have been scrutinised by both the tree service and the highways authority.

10.4 The S106 attached to the outline permission approved at appeal, requires the highways to be constructed to adoptable standards, which the applicant has been able to do with minimum disruption to the trees. The applicant, by carefully excavating test trenches, has demonstrated that the rooting system of the oak trees in the gardens of nos. 5 and 6 Newhurst Gardens have been influenced by the existing constraints including the nearby Thames Water sewer, associated inspection chambers and a former hard surface serving the site. The latter formed the maximum depth of excavation with the proposed new surface to be constructed, to adoptable standards, above this level. This will minimise disruption to the ground surface as much as possible in this sensitive location. The Tree Service is therefore satisfied that minimal disruption would be caused within the RPA which would preserve the health of the trees.

10.5 The geometry of the proposed access is considered acceptable with priority given to vehicles entering the access site from Newhurst Gardens and therefore eliminating the blocking of driveways by queuing vehicles waiting to visit the site. The proposal complies

with the Council's highway policies and those contained within Manual for Streets. The proposal would not therefore detrimentally affect highway safety.

10.6 Therefore the application is recommended for approval subject to the completion of a variation to the S106 to update the plan within the S106.

11. RECOMMENDATION

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

- update the access plan within the S106 to correspond with the plans approved under this application;

the Assistant Director: Planning be authorised to APPROVE the application 22/01047/FUL subject to the following conditions amended, added to, or deleted as the Assistant Director: Planning considers necessary:

01. Approval of the details of the scale of the buildings, the layout, appearance and landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced. The plans and particulars in relation to the reserved matters shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990.
02. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990.
03. The development hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details:-
 - o Site Location Plan (approved under 16/01004/OUT)
 - o Access Plan Overview (186/301 B)
 - o Warfield Street (186/307)
 - o Schedule of Tree Works (SJA stw 23031-01 May 2023)
 - o Tree Protection Plan (SJA AIA 23031-041b)
 - o Vehicular Access Scenarios (186/305)
 - o Road Safety Audit Stage 1 (ref: BN/CH/23-124)
 - o Proposed Pedestrian Arrangement for Existing Junction - Newhurst Gardens / Warfield Street (SCP/1627)REASON: To define the permission.
04. No development shall take place until details showing the finished floor levels of the buildings hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out strictly in accordance with the approved details.
REASON: In the interests of the character of the area.
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]
05. The access road and its associated footways and margins hereby approved shall be constructed in accordance with the approved drawings and Road Safety Audit with the carriageway construction to meet Bracknell Forest Council's adoptable

standards. The margin on the eastern side of the access road north of the driveway for no. 6 Newhurst Gardens shall be planted with species with a height of between 0.2 metres and 0.6 metres.

The connections between the access road and existing driveways shall have a less than 1:15 gradient over a length of no more than 5.0 metres.

REASON: In the interests of highway safety and to allow for the efficient delivery of goods and access by service and emergency vehicles including the Council's waste and recycling collection vehicles.

[Relevant Policies: BFBLP 'Saved' Policies M4, M6 and M7; Core Strategy DPD CS23]

06. Visibility splays shall be provided and maintained in accordance with drawing 186/307 for the junction of Newhurst Gardens with Warfield Street and drawing 186/301 B (left-hand panel titled Proposed General Arrangement - Access) for the access road and the driveways which connect to it. No planting or other obstruction to visibility over 0.6 metres in height shall be placed within or allowed to grow within the visibility splay areas with the exception of the signage for the road narrowing & speed limit and street lighting, which shall be positioned as indicated on the approved drawings.

REASON: In the interests of highway safety.

[Relevant Policies: BFBLP 'Saved' Policies M4 and M6; Core Strategy DPD CS23]

07. No dwelling shall be occupied until the associated vehicle parking and turning space has been surfaced and marked out in accordance with a scheme to be 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.

REASON: In the interests of highway safety.

[Relevant Policies: BFBLP 'Saved' Policies M4 and M6; Core Strategy DPD CS23]

08. No dwelling shall be occupied until covered and secure cycle parking facilities serving it have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be retained as approved.

REASON: In the interests of highway safety.

[Relevant Policies: BFBLP 'Saved' Policies M4 and M6; Core Strategy DPD CS23]

09. No development shall take place (including any ground works or vegetation clearance) 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
- (f) Details of the access during construction

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 (f) above.

REASON: In the interests of highway safety.

[Relevant Policies: BFBLP 'Saved' Policies M4 and M6; Core Strategy DPD CS23]

10. No development shall take place (including any ground works or vegetation clearance) until details of a scheme (Working Method Statement) to control the environmental effects of the construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-
- (i) control of noise
 - (ii) control of dust, smell and other effluvia
 - (iii) control of surface water run off
 - (iv) site security arrangements including hoardings
 - (v) proposed method of piling for foundations
 - (vi) construction working hours
 - (vii) hours during the construction phase when delivery vehicles or vehicles taking materials are allowed to enter or leave the site
- The development shall then be carried out strictly in accordance with the approved scheme.
- REASON: To protect the amenities of nearby residents.
11. No development shall take place until a surface water drainage scheme 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 scheme shall then be implemented strictly in accordance with the approved details before the development is completed. The scheme shall include:
- (a) Results of BRE 365 compliant infiltration tests to inform the drainage strategy
 - (b) Discharge Rates
 - (c) Discharge Volumes
 - (d) Confirmation from Thames Water of agreement to proposed discharge rates
 - (e) Maintenance and management of SUDS features
 - (f) Sizing of features - attenuation volume
 - (g) Detailed drainage layout with pipe numbers
 - (h) Full details of the SUDS Balancing Ponds, and conveyance swales as set out in the drainage strategy
 - (i) Network drainage calculations
 - (j) Phasing plans
- REASON: In order to ensure the provision of adequate foul and surface water drainage to serve the development; to prevent the increased risk of flooding; and improve and protect water quality, habitats and amenity.
- [Relevant Policies: BFBLP EN25, CSDPD CS1]
12. All ecological measures and/or works shall be carried out in accordance with the details contained in Grassroots Ecology Ecological Impact Assessment dated September 2016 as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
- REASON: In the interests of nature conservation
- [Relevant Plans and Policies: Core Strategy DPD CS1, CS7]
13. No development shall take place (including any ground works or vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) risk assessment of potentially damaging development activities
 - b) identification of "biodiversity protection zones"
 - c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during development (may be provided as a set of method statements)

- d) the location and timing of sensitive works to avoid harm to biodiversity features
 - e) the times during development when specialist ecologists need to be present on site to oversee works
 - f) responsible persons and lines of communication
 - g) the role and responsibilities on site of an ecological clerk of works or similarly competent person
 - h) the use of protective fences, exclusion barriers and warning signs
- The approved CEMP (Biodiversity) shall then be adhered to and implemented throughout the development period strictly in accordance with the approved details.
 REASON: In the interests of nature conservation
 [Relevant Plans and Policies: Core Strategy DPD CS1, CS7]

14. No part of the development shall be first occupied until an ecological management plan has been submitted to and approved by the Local Planning Authority. The plan shall include:

- i) description and evaluation of the features to be managed
- ii) description of target habitats and species
- iii) ecological potential and constraints on the site
- iv) aims and objectives of management
- v) appropriate management options including location and method statements
- vi) prescriptions for management actions
- vii) preparation of a work schedule indicating the timing of works
- viii) personnel responsible for implementation of the plan
- ix) monitoring and remedial measures triggered by monitoring

The ecological management plan shall then be fully observed, performed and complied with.

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

15. No part of the development shall be first occupied until a scheme for the provision of biodiversity enhancements (not mitigation), including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be fully performed, observed and complied with.

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

16. No development shall take place until a Sustainability Statement covering water efficiency aimed at achieving an average water use in the dwellings of 110 litres/person/day, as required under optional Building Regulation Part G, has been submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out strictly in accordance with the Sustainability Statement as approved and retained as such at all times thereafter.

REASON: In the interests of sustainability and the efficient use of resources.
 [Relevant Policy: Core Strategy DPD CS10]

17. The development hereby permitted shall be implemented in accordance with the recommendations of the submitted Energy Statement and, the dwellings hereby permitted shall be operated in accordance with the submitted Energy Statement at all times thereafter.

REASON: In the interests of the sustainability and the efficient use of resources.
 [Relevant Plans and Policies: CSDPD Policy CS12]

18. Prior to the occupation of the first dwelling, the applicant will comply with the details contained within the Archaeological Evaluation (ref:237590.02) and Written scheme of Investigation (ref:237591.01) approved under application 21/00017/COND. The mitigation strategy shall then be implemented strictly in accordance with the approved details.
REASON: In order to safeguard a site that is of historic/archaeological interest
[Relevant Policies: BFBLP EN6, EN7]
19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting that order, no freestanding external lighting shall be installed on the site except in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority
REASON: In the interests of the character of the area and biodiversity.
[Relevant Policies: BFBLP EN20 and EN25, Core Strategy DPD CS1 and CS7, WNP12]
20. All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the first occupation of any part of the approved development, whichever is sooner. All hard landscaping works shall be carried out and completed prior to the first occupation of any part of the approved development. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code of Practice for General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications for Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.
REASON: In order to assess the impact of the development upon existing vegetation, landform and other site landscape features.
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]
21. All existing trees, hedgerows and groups of shrubs shown to be retained on the approved drawings shall be protected by 2.3 metres high (minimum) protective barriers, supported by a metal scaffold framework, constructed in accordance with Section 9 (Figure 2) of British Standard 5837:2005, or any subsequent revision. The development shall then be carried out strictly in accordance with the approved drawings
REASON: In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area.
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]
22. The protective fencing and other protection measures specified by the previous condition shall be erected in the locations agreed in writing by the Local Planning Authority prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site. No activity of any description must occur at any time within these protected areas including but not restricted to the following:-
a) No mixing of cement or any other materials.

- b) Storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description.
 - c) Siting of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, porta-loos, storage compounds or hard standing areas of any other description.
 - d) Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ground conditions of any other description.
- REASON: In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area.
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

23. No part of the development shall be occupied until the arrangements for the future management of the public open space on the site in perpetuity have been put in place in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- (a) the long term design objectives of the public open space
 - (b) maintenance schedules for all public open space areas within the development
 - (c) management responsibilities
 - (d) details of the ongoing funding arrangements
- The approved arrangements shall then be observed and performed at all times thereafter.
- REASON: In the interests of the visual amenity of the area.
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

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. No details are required to be submitted in relation to the following conditions; however, they are required to be complied with:
- 01. Approval of Reserved Matters
 - 02. Implementation time constraint
 - 03. Plans considered
 - 05. Highway construction
 - 06. Visibility splays
 - 12. Ecological measures
 - 17. Energy Statement
 - 18. Archaeology
 - 19. External Lighting
 - 20. Landscaping
 - 21. Tree protection

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

- 04. Finished Floor Levels
- 09. CEMP

- 10. Environmental CEMP
- 11. Surface Water Drainage
- 13. CEMP bio-diversity
- 16. Sustainability statement
- 22. Tree Protection details.

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

- 07. Vehicle parking
- 08. Cycle parking
- 14. Ecological management plan.
- 15. Bio-diversity enhancements
- 23. Open space management plan.