

Unrestricted Report

ITEM NO: 7

Application No.
22/00868/FUL

Site Address:

Ward: Sandhurst
Date Registered: 7 November 2022
Target Decision Date: 2 January 2023
34 The Broadway Sandhurst Berkshire GU47 9AB

Proposal:

Proposed erection of a two-storey, four bedroom dwelling with associated garden, parking area and vehicular access from Gibbons Close.

Applicant:

Emma Winder

Agent:

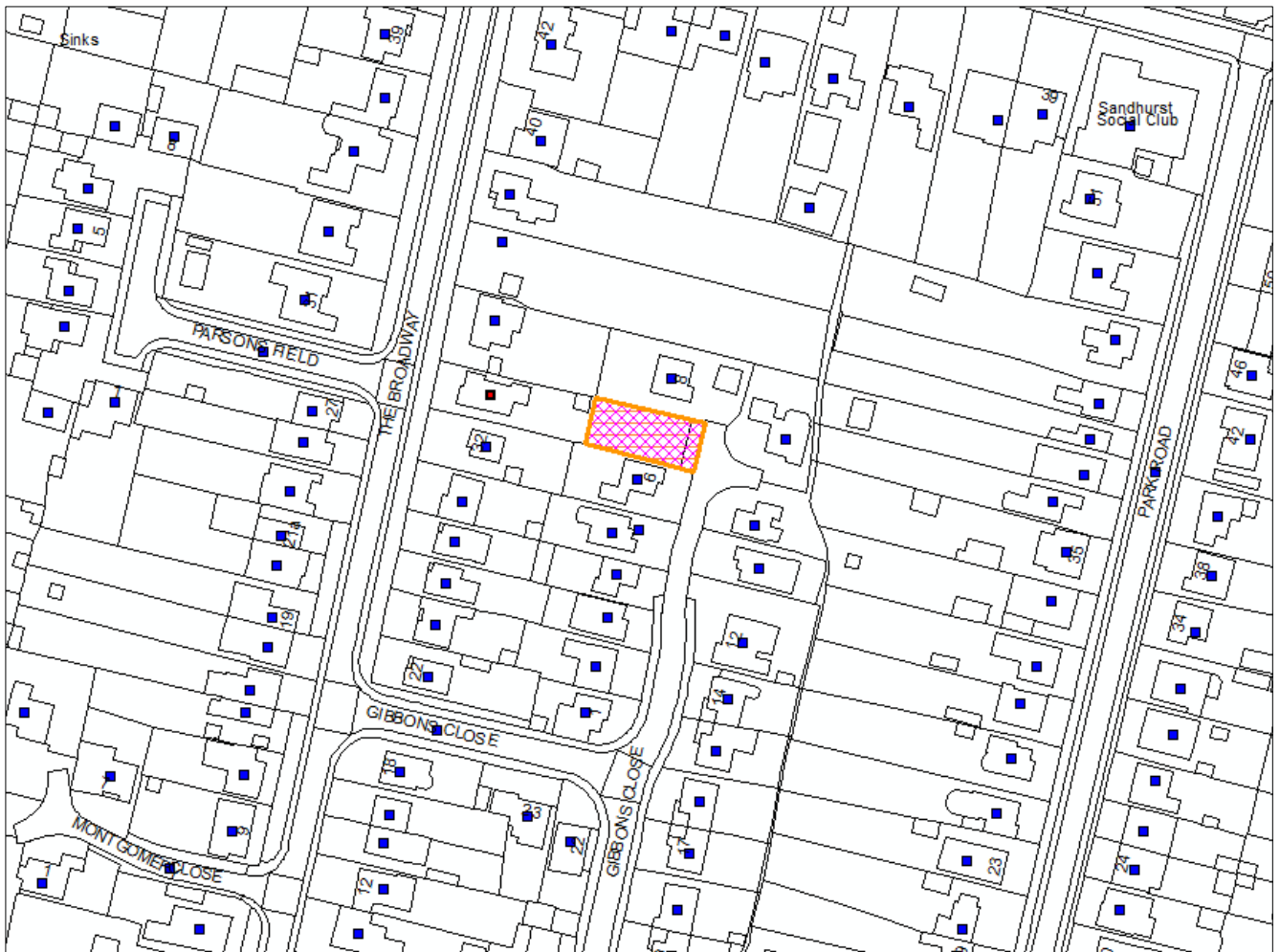
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Case Officer:

Shelley Clark, 01344 352000

Development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

- 1.1 The proposal is for the erection of a new 4-bedroom dwelling on land to the rear of no. 34 The Broadway and between nos. 6-8 Gibbons Close.
- 1.2 The proposed development relates to a site within the settlement boundary and is therefore acceptable in principle. It is considered that the proposal would not have a detrimental impact on the character and appearance of the area and can be accommodated on site without any adverse impact on neighbouring amenity, trees or highway safety.

RECOMMENDATION
That the Assistant Director: Planning be authorised to approve the application subject to the conditions in Section 11 of this report and the completion of a section 106 agreement relating to mitigation measures for the SPA.

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

- 2.1 The application has been reported to the Planning Committee at the request of Ward Councillors Zahuruddin, Eberle and Forster. Concerns relate to highway safety and that the proposal will exacerbate flooding in the area.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Within the defined settlement boundary
Area TPO (339)
Within 5km of SPA
Area D (Central Sandhurst) of the Sandhurst study area within the Character Area Assessments SPD.

- 3.1 The application site lies between 6 and 8 Gibbons Close. The site is situated within a defined settlement boundary and is located within Area D (Central Sandhurst) of the Sandhurst study area within the Character Area Assessments SPD.

4. RELEVANT SITE HISTORY

- 4.1 There is no relevant site history.

5. THE PROPOSAL

Full planning permission is sought for the erection of a new 4-bedroom dwelling on land to the rear of no. 34 The Broadway and between nos. 6-8 Gibbons Close.

6. REPRESENTATIONS RECEIVED

Sandhurst Town Council

6.1 Sandhurst Town Council offers no objection.

Other responses received

6.2 5 objections have been received, 3 support letters and a general comment. The issues raised can be summarised as follows:

- Overshadowing/loss of light to neighbouring properties
- Out of character with street in terms of the fact that there is no garage, no front garden, a full width dropped kerb
- Highway safety issues from potential reversing vehicles
- Impact on trees
- Impact on the mature Bay tree that provides screening to the rear of the garden
- Increase in flooding due to additional development
- No details of ridge height

7. SUMMARY OF CONSULTATION RESPONSES

Highway Authority

No objection subject to conditions.

Trees

Objection raised as the proposed development will have an adverse impact on a protected tree which makes an important contribution to the landscape character and appearance of the area.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	Development Plan	NPPF
General policies	CP1 of SALP	Not fully consistent
	CS1, CS2 of CSDPD	Consistent
Residential amenity	Saved policy EN20 of BFBLP	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Trees	'Saved' policy EN1 of the BFBLP	Consistent
Biodiversity	CS1 and CS7 of the CSDPD	Consistent
Parking	Saved policy M9 of BFBLP	Consistent
Transport	M9 of BFBLP, CS23 of CSDPD	Consistent
Supplementary Planning Documents (SPD)		
	Design SPD	
	Parking Standards SPD	

Thames Basin Heath Special Protection Area SPD
Other publications
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i Principle of development
- ii Impact on character and appearance of the area
- iii Impact on residential amenity
- iv Transport implications
- v Impact on trees
- vii Sustainability implications
- viii Thames Basin Heaths Special Protection Area
- ix Community Infrastructure Levy

Principle of development

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

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

9.4 The site is situated within the settlement boundary; therefore, the proposed development would be acceptable in principle, provided that it would be in keeping with the character of the area and would not be harmful to the amenities of neighbouring occupiers or any other interests of acknowledged importance.

Impact on character and appearance of the area

9.5 'Saved' policy EN20 of the BFBLP states that development should be in sympathy with the appearance and character of the local environment and appropriate in scale, mass, design, materials etc. Policy CS7 of the CSDPD states that the council would require high quality design for all development in Bracknell Forest. Development proposals would be permitted which build on the urban local character, respecting local patterns of development. Paragraph 130 of the NPPF emphasises the importance of good design as key to making places better for people to live. Additionally, paragraph 130 of the NPPF states that the design of development should help improve the character and quality of an area and the way it functions.

- 9.6 The site is located within Area D (Central Sandhurst) of the Sandhurst study area within the Character Area Assessments SPD. The assessment states that small infill development is acceptable and may not be detrimental to the character of this area. The proposed development is considered to be infill development between 6 and 8 Gibbons Close and to be in keeping with the area’s existing pattern and density of development.
- 9.7 The proposed design and materials are considered in keeping with neighbouring properties, and as such, are not considered detrimental to the character and appearance of the area. A streetscene elevation has been submitted showing the proposed house in relation to neighbouring properties. There are ground level differences within the application site (which can also be seen at the adjacent property), where the land slopes down from the road. The change in levels is reflected on the streetscene elevation. The proposed ridge height of the new dwelling is not considered incongruous with the streetscene, taking into consideration levels and the pattern of development within the immediate area (with varying ridge heights and some properties being set further back from the street).



- 9.8 Since the original application, the proposed site layout has also been amended to show an area of soft landscaping to the front, which is more in keeping with the frontages of other properties within the street. Details of hard and soft landscaping can be secured by means of a planning condition.
- 9.7 Plots for new development should be large enough to accommodate the proposed dwelling and the requirements associated with it (such as parking and space for cycles, waste, recycling collection and amenity space). The proposal is considered to have sufficient private amenity space for the future occupiers of the house. The amount of private amenity space is comparable to that of neighbouring properties. The

submitted layout demonstrates how parking for the 4-bedroom property can be provided to meet parking standards and adequate cycle storage/refuse collection can be secured by way of a condition.

- 9.8 It is considered that the proposal would not result in an adverse impact on the character and appearance of the area, in accordance with CSDPD Policy CS7, BFBLP 'Saved' Policy EN20, and the NPPF.

Impact on Residential Amenity

- 9.9 'Saved' policy EN20 of the BFBLP states that development will not adversely affect the amenity of surrounding properties and adjoining area. Paragraph 130 of the NPPF states that the Local Planning Authority should ensure high quality amenity for all existing and future occupants of land and buildings.
- 9.10 Neighbouring properties are 6 and 8 Gibbons Close and 34 The Broadway to the rear. The proposed dwelling is aligned with both front and rear building lines of adjacent properties. The proposal will not result in an adverse loss of light to these properties. No windows are proposed on either side elevation of the new dwelling, therefore there will be no unacceptable loss of privacy.
- 9.11 With regards to any impact on no. 34 The Broadway, the new dwelling meets standards provided within the Design SPD with regard to acceptable back-to-back distances for 2-storey dwellings, which is 22 metres.
- 9.12 The proposal is considered to provide acceptable living conditions for future occupiers, with sufficient amenity space. The proposal would therefore be in accordance with 'Saved' policy EN20 of the BFBLP and the NPPF.

Flooding

- 9.13 A general comment has been made about how further development will increase flooding in the area, however, the siting of the dwelling is not known to be at risk from any source of flooding either now or in the future and accordingly a sequential test is not required to be applied. Due to concerns raised, however, the Local Lead Flood Agency has been consulted and these comments will be reported in the Supplementary Report.

Transport implications

- 9.14 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.15 Policy CS23 of the CSDPD states that the council will use its planning and transport powers to reduce the need to travel, increase the safety of travel, promote alternative modes of travel and promote travel planning. 'Saved' policy M9 of the BFBLP states that development will not be permitted unless satisfactory parking provision is made for vehicles and cycles. The supporting text to this policy also states that the standards set out in the Bracknell Forest Borough Parking Standards can be applied flexibly in certain circumstances.
- 9.16 Following the submission of the original application, amended plans have been received that show sufficient parking and pedestrian access can be provided to meet

the Council's Parking Standards. No details of refuse storage have been set out, however, there is a 900mm gap down the side of the dwelling that will allow for access for bins to be wheeled from the rear of the house. Adequate cycle storage can be secured by condition.

Impact on Trees

- 9.17 'Saved' policy EN1 of the BFBLP states that planning permission will not be granted for development which would result in the destruction of trees and hedgerows. Trees and hedgerows are important to the retention of the character and appearance of the landscape or townscape of the area.
- 9.18 The application site is covered by an area TPO (339). The Council's Tree Service has expressed concern at the impact of the proposal on the protected Birch tree in the garden of no. 6 Gibbons Close and has objected to the proposal. Concerns relate to the proximity of the Birch tree and issues of shade cast by the tree over the new property's garden. The Tree Service considers that the proposal is likely to place pressure on the Birch tree to be pruned or removed. There are also concerns that any proposed underground services, additional hardstanding or vehicles/machinery used during the construction of the dwelling, will encroach into the root protection area of the tree.
- 9.19 The proposed development will be outside the root protection area of the tree and Birch species have an acknowledged reduced shading consideration due to the lower density of their foliage. In terms of pruning and tree removal, any pruning or removal of the protected tree will first require the approval of the Council. In terms of any encroachment into the root protection area of the tree, further details of underground services as well as the location of constructors' vehicles can be secured through conditions. It is not considered that any refusal on these grounds could be supported were the application to go to appeal. Tree protection during construction will be secured by condition.
- 9.20 It is therefore considered that the proposed development would comply with 'Saved' policy EN1 of the BFBLP, in that it could be accommodated without any the destruction of trees that are important to the character and appearance of the landscape or townscape of the area.

Sustainability Implications

- 9.21 In respect of proposed new 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. This can be conditioned.

Thames Basin Heath Special Protection Area

- 9.22 The Council, in consultation with Natural England, has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath Special Protection Area (SPA) is likely to have a significant effect on the integrity of the SPA, either alone or in-combination with other plans or projects. This site is located within the 400m – 5km Thames Basin Heaths Special Protection Area (TBH SPA) buffer zone and therefore is likely to result in an adverse

effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

- 9.23 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 (SPASPD) (2018).
- 9.24 In this instance, the development would result in a net increase of 1 dwelling which will result in the need for a financial contribution towards SANG and SAMM depending on the number of bedrooms. Provided that the applicant is prepared to make a financial contribution towards the costs of SPA avoidance and mitigation measures, 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 SPASPD and the NPPF.

CIL

- 9.25 Bracknell Forest Council introduced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the Borough and the type of development.
- 9.26 CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted) including new build that involves the creation of additional dwellings. The proposal is therefore CIL liable.

10.0 CONCLUSIONS

- 10.1 It is considered that the proposed dwelling would be acceptable in principle. The submitted plans show how it can be accommodated on site without any adverse impact on the character and appearance of the area, on trees, on highway safety or on the amenities of neighbouring properties. It is therefore considered that the proposed development complies with 'Saved' policy EN1, EN20 and M9 of the BFBLP, Policies CS1, CS2, CS7 and CS23 of the CSDPD and the NPPF.
- 10.2 The application is therefore recommended for conditional approval.

11.0 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;
- avoidance and mitigation of the impact of residential development upon the Thames Basin Heaths Special Protection Area (SPA);
- the Assistant Director: Planning be authorised to APPROVE the application 22/00868/FUL subject to the following conditions amended, added to or deleted as the Assistant Director: Planning considers necessary:

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

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

02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 7th November 2022 and 30th March 2023:

PL-02-02 (revision F) received 7th November 2022

PL-02-03 (revision D) received 7th November 2022

PL-02-04 (revision B) received 30th March 2023

PL-02-01 (revision H) received 30th March 2023

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

03. No structure hereby permitted shall be built above existing 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 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.

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

04. The protective fencing and other protection measures set out in the Arboricultural Assessment and Tree Protection Plan received 4th January 2023 shall be erected and implemented in full 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 areas including but not restricted to the following: -

a) No mixing of cement or any other materials;

b) No storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description;

c) No installation of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, portable-toilets, storage compounds or hard standing areas of any other description;

d) No soil/turf-stripping; raising or lowering of existing levels; excavation or alterations to the existing surfaces/ground conditions of any other description;

e) No installation of any underground services, temporary or otherwise, including; drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting;

f) No parking or use of tracked or wheeled machinery or vehicles of any description;

g) No fires shall be lit within 20 metres of the trunks of any trees or the centre line of any hedgerow shown to be retained;

h) No signs, cables, fixtures or fittings of any other description shall be attached to any part of any retained tree.

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

05. A photograph showing the erected protective fencing and other tree protection measures shown on the Tree Protection Plan received 4th January 2023 shall be submitted to the Local Planning Authority prior to the commencement of development. In order to ensure its appropriate monitoring and implementation, photographs shall thereafter be submitted at 4-week intervals until the completion of all building operations on the site.

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]

06. No development shall commence until:

(i) a site layout plan at a minimum scale of 1:200 showing the proposed layout of all underground services and external lighting and

(ii) a programme for the phasing and timing of works

have been submitted to and approved in writing by the Local Planning Authority.

Details of the site layout plan shall include: -

a) Accurate trunk positions and canopy spreads of all retained trees/hedgerows and mature groups of shrubs.

b) Surface water/ foul drainage and associated inspection chambers (existing reused and new)

c) Soak-aways (where applicable)

d) Gas, electricity, telecom and cable television.

e) Lighting columns and all associated ducting for power supply.

f) Phasing and timing of works.

The development shall be carried out in full accordance with the approved site layout and the approved programme.

REASON: - In order to safeguard tree roots and thereby safeguard existing trees and other vegetation considered worthy of retention and to ensure new soft landscape planting areas are not adversely affected and can be used for their approved purpose, in the interests of the visual amenity of the area.

07. The new dwelling shall not be occupied until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule. All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the parking spaces being brought into use, whichever is sooner. All hard landscaping works shall be carried and completed prior to the parking spaces being brought into use. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well-formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest

planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.

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

[Core Strategy DPD CS7, BFBLP 'Saved' Policies EN2 and EN20]

08.

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

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

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

REASON: In the interests of amenity and road safety.

[Relevant Policies: BFBLP EN20, Core Strategy DPD CS23]

09. The new dwelling shall not be occupied until the associated vehicle parking for three cars has been surfaced and provided in accordance with the approved drawing PL-02-01 Revision H. The spaces shall thereafter be retained and kept available for parking at all times.

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

10. Notwithstanding the "Cycle Storage" location shown on the approved plan, the new dwelling shall not be occupied until a scheme has been submitted to the Local Planning Authority for covered and secure cycle parking facilities with one secure, covered cycle parking space per bedroom within the property. The covered and secure cycle parking facilities shall be located to the front of the property and not obstructing parking or pedestrian access. The dwelling shall not be occupied until the approved scheme has been implemented. The facilities shall thereafter be retained.

REASON: In the interests of accessibility of the development to cyclists. [Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

11. The new dwelling shall not be occupied until a scheme has been submitted to the Local Planning Authority for refuse storage for at least three bins with a sufficiently wide route that bins can be wheeled to the roadside for collection without obstructing parking or pedestrian access. The dwelling shall not be occupied until the approved scheme has been implemented. The refuse storage areas shall thereafter be retained.

REASON: In order that the dwelling is served with refuse storage and collection.

12. The new dwelling shall not be occupied until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110

litres/person/day, has been submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the Sustainability Statement, as approved, and retained as such thereafter.

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

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

REASON: To prevent increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage scheme. [Relevant Policies: CSDPD CS1, BFBLP EN25]

14. No construction works shall take place until details showing the finished floor levels of the dwelling hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

Should the applicant fail to complete the required S106 agreement by 15 September 2023, the Assistant Director: Planning be authorised to either extend the period further or refuse the application for the following reasons:

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 Highways and Transport Section should be contacted at Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 352000 or via email at Highways.Transport@bracknell-forest.gov.uk, to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 12 weeks prior to when works are required to allow for processing of the application, agreement of the details and securing the appropriate agreements and licences to undertake the work. Any work

carried out on the public highway without proper consent from the Highway Authority could be subject to prosecution and fines related to the extent of work carried out.

03. Notwithstanding the wording of Bracknell Forest Council's Parking Standards SPD, the Building Regulations part S "Infrastructure for the charging of electric vehicles" 2021 edition took effect on 15 June 2022 for use in England. The applicant should familiarise themselves with, and comply with, the requirements of this document with regard to provision of electric vehicle charging infrastructure.
04. The applicant should note that this permission does not convey any authorisation to enter onto land or to carry out works on land not within the applicant's ownership.
05. This is a planning permission. Before beginning any development you may also need separate permission(s) under Building Regulations or other legislation. It is your responsibility to check that there are no covenants or other restrictions that apply to your property.