

## Unrestricted Report

### ITEM NO: 5

Application No.  
**19/00009/OUT**

Ward:  
Winkfield and Warfield  
East

Date Registered:  
7 January 2019

Target Decision Date:  
8 April 2019

Site Address:

**White Gates Mushroom Castle Winkfield Row  
Bracknell Berkshire RG42 7PL**

Proposal:

**Outline application for the erection of up to 42no. dwellings, ancillary infrastructure and open space with vehicular access from Gardeners Road (all matters reserved except for details of access).**

Applicant:

Mr Andrew Yeardley

Agent:

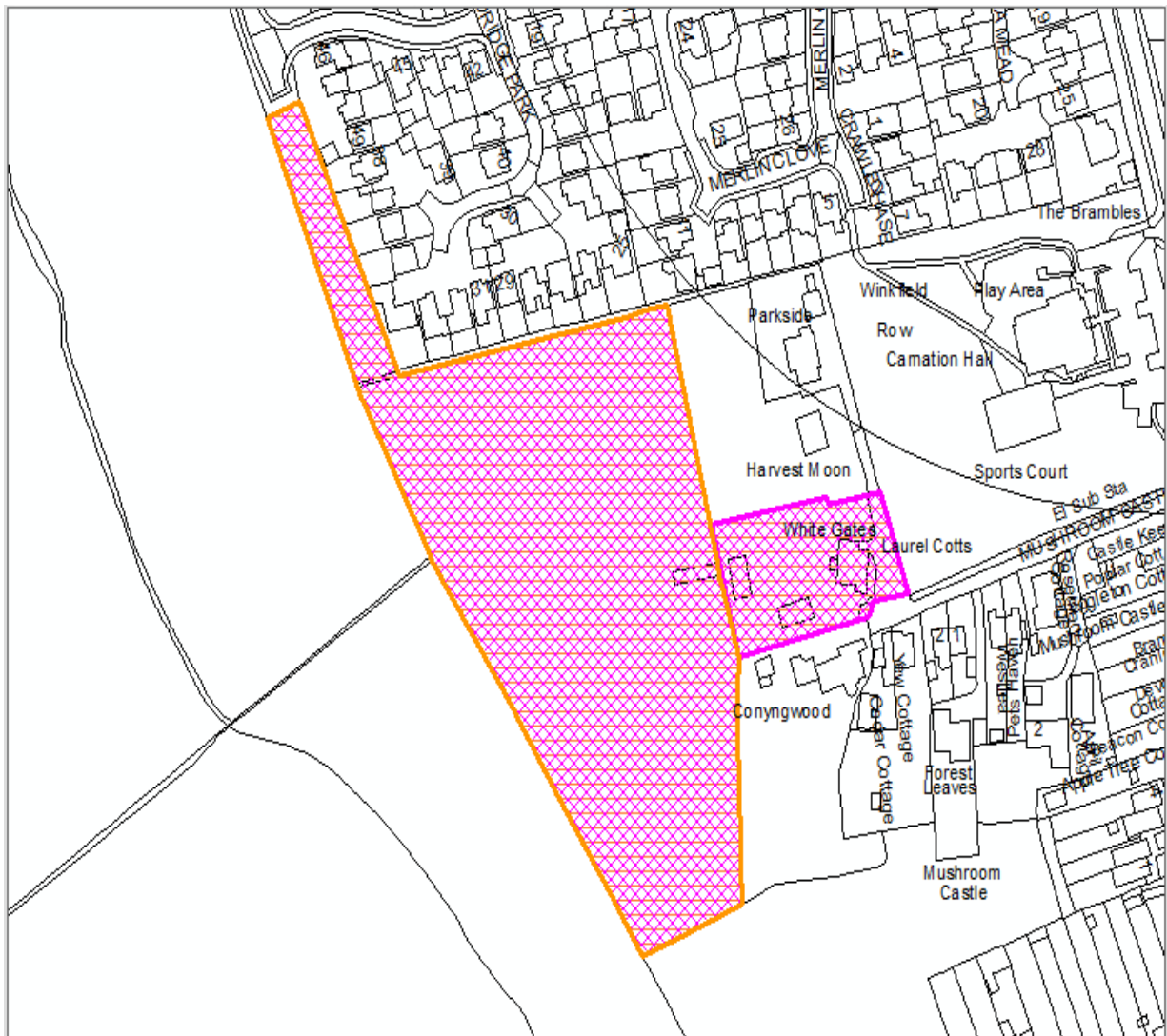
Mr Rupert Churchill

Case Officer:

Jo Male, 01344 352000

[Development.control@bracknell-forest.gov.uk](mailto:Development.control@bracknell-forest.gov.uk)

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



## **OFFICER REPORT**

### **1.0 Summary**

1.1 The site lies beyond the current settlement boundary in an area of countryside where new residential development is contrary to development plan policy. However, the site has been considered suitable for allocation within the emerging Local Plan and is identified as a potential housing site (WINK15) in Policy LP4 with a suggested dwelling capacity of 42 units. The site relates well to the existing settlement, adjoining it on 2 sides and benefits from a significant degree of containment provided by a mature tree screen located along the site's western boundary which is covered by a Tree Preservation Order.

1.2 The proposed development of this site offers an opportunity to provide additional housing (including affordable housing) in a manner which represents a natural rounding off of the settlement and which has the potential to provide pedestrian and cycle links through to Carnation Hall and Chavey Down Road, securing future residents' access to existing facilities. The application is submitted in outline form, however it is considered that safe and appropriate access can be provided to the site and that it is capable of development in a manner which would appropriately address drainage, amenity and biodiversity issues.

1.3 The Local Planning Authority cannot currently demonstrate a five year supply of deliverable housing sites such that the 'tilted balance' set out in para. 11(d) of the National Planning Policy Framework (NPPF) is triggered. The site has been identified as a proposed allocation within the emerging Local Plan and given its relatively advanced stage, this allocation can be given material weight.

1.4 On balance, it is considered that the advantages of the development, particularly in terms of the delivery of market and affordable housing, are not outweighed by the limited level of harm caused to the character of the site and surrounding area and the associated conflict with adopted development plan policy.

<b>Recommendation</b>
Planning permission be granted subject to the completion of a S106 agreement and the conditions contained within Section 11 of this report.

### **2.0 Reason for Reporting Application to Committee**

2.1 The application has been reported to the Planning Committee as more than 5 letters of objection have been received.

### **3.0 Planning Status and Site Description**

<b>Planning Status</b>
Outside Settlement Boundary
Within 5km of Thames Basin Heaths SPA
Allocated site WINK15 in emerging Local Plan
TPO 1265 covers both an individual oak located centrally within the site and also groups of trees along the site's boundaries.
TPO 142 is a woodland order which relates to land beyond the site's western boundary, north of Warfield Park

TPO 1284 relates to an oak (T1) and sycamore (T2) on the site's boundary with Conyngwood TPO 1241 relates to an oak outside the site's boundary on its south-eastern corner
--

3.1 The application site extends to 1.98 ha and contains a two storey detached dwelling (White Gates), associated outbuildings plus attendant land including some previously in agricultural use. A narrow strip of land links the site at its north-western corner to the turning head at the end of Gardeners Road.

3.2 Access to the existing dwelling is provided from Mushroom Castle which is an un-adopted private road leading onto Chavey Down Road. An informal path used by dog walkers runs along the western edge of the site connecting Gardeners Road to the north with Osmond Close to the south. This path also provides informal public access to Osman Close Woodlands and Big Wood.

3.4 The western boundary of the site is marked by a mature, native species tree screen, and the northern boundary, is screened by mature trees and a substantial hedgerow. The majority of the trees within and around the boundaries of the site are protected by Tree Preservation Orders (TPOs) Nos. 1265 and 1284. In addition, an Oak situated on the site's south-eastern corner within the grounds of the adjacent dwelling is covered by TPO No. 1241.

3.5 The site adjoins residential development on its northern and eastern boundaries. Immediately to the northeast are two new houses, Harvest Moon and Parkside (also within the original curtilage of Whitegates following an earlier subdivision), and beyond these to the east, lies Carnation Hall and its associated recreation space and sports court. To the south lies woodland managed by BFC (Osman Close Woodlands). The land to the west, beyond the tree screen, is undeveloped land, with planning permission having been granted on appeal (planning application ref: 15/00383/FUL) for its use as Suitable Alternative Natural Green Space (SANG) in association with an extension to the existing Warfield Park mobile home park for the siting of up to 82 additional mobile homes.

3.6 The site slopes down to the south and west with the lowest point being located within the southwestern corner.

3.7 The entirety of the site is currently designated as countryside for the purposes of the development plan, with the settlement boundary running along the site's northern and eastern edges. No specific landscape or nature conservation designation applies to it. The site is allocated within the emerging Bracknell Forest Local Plan as site WINK15 with an indicative capacity of 42 dwellings including 15 affordable units. Upon the adoption of the new Local Plan, the settlement boundary will enclose the developable area of the site, retaining land along the site's western boundary within the countryside.

#### **4.0 Relevant Site History**

4.1 Various previous applications relating to extensions and alterations to the existing dwelling have been submitted but none are directly relevant to this application as all existing buildings on the site would be demolished.

4.2 Of relevance is outline planning permission (ref: 17/00318/OUT), granted in January 2018, for the erection of 2no. detached dwellings and garages following the demolition of an existing outbuilding on land adjacent to the north-east part of this site which was also previously within the curtilage of Whitegates and which shares the same access as that property onto Mushroom Castle. Reserved matters applications for these two houses were approved in 2019. These dwellings have now been built out on site.

4.3 In April 2020, planning permission (ref: 18/00639/FUL) was granted for the construction of 5 dwellings following the demolition of the existing dwelling Conyngwood beyond the application site's south-eastern boundary. These dwellings have also now been constructed.

## **5.0 The Proposal**

5.1 This is an outline application for the erection of up to 42 dwellings, ancillary infrastructure and open space with vehicular access from Gardeners Road (all matters reserved except for details of access).

5.2 An outline planning permission allows for a decision to be made on the general principles of how a site can be developed. Outline planning permission would be granted subject to conditions requiring the subsequent approval of one or more 'reserved matters'.

5.3 Reserved matters are those aspects of a proposed development which an applicant chooses not to submit details of with an outline planning application, (i.e. they can be 'reserved' for later determination). These are defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as:

(i) 'Access' - the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

(ii) 'Appearance' - the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

(iii) 'Landscaping' - the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;

(iv) 'Layout' - the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

(v) 'Scale' - the height, width and length of each building proposed within the development in relation to its surroundings.

5.4 This application seeks outline consent for the erection of up to 42 dwellings on an allocated site (Site Allocation WINK15) of the emerging Bracknell Forest Local Plan with only the matter of access to be determined at this stage.

5.5 A reserved matters application, to be made at a later date, will then seek approval for details of the appearance, landscaping, layout and scale of the development.

5.6 An indicative layout has been submitted with the application to demonstrate how 42 dwellings could fit within the site. The indicative mix is 16no. 3 bedroom houses, 15no. 2 bedroom houses, 7no. 2 bedroom apartments and 4no. 1 bedroom apartments. The Design and Access Statement states that building heights are not intended to exceed 2.5 storeys

and would predominantly be 2 storey across the site. Car parking is to be provided for all units to meet the Bracknell Forest Parking Standards.

## **6.0 Representations Received**

6.1 Winkfield Parish Council made the following observation:

*It was proposed by Cllr Parkin, seconded by Cllr Warren and with eight for, four abstentions and one against RESOLVED that:-*

*WPC has several concerns in relation to infrastructure and sustainability which it would wish to see ameliorated:*

- 1. Drainage and sewage capacity.*
- 2. The proposals are detrimental to the Special Protection Area.*
- 3. The East Bracknell Area Character Assessment notes that the wooded gap to Bracknell is very vulnerable to erosion and should be protected. The proposals are contrary to this recommendation and actively erode the gap.*
- 4. The East Bracknell Area Character Assessment also recommends that development should be of low density, so that the existing landscape character is not disturbed. The proposals are contrary to that recommendation.*
- 5. No practical public transport is available, which will result in an increase of private car movement in the local area.*

6.2 72 letters of representation have been received which raise the objections indicated below. As set out above, the application is submitted in outline form, and issues relating to matters of layout, scale, external appearance and landscaping will be dealt with at the reserved matters stage. However, the principle of the development, the number of units proposed, its access arrangements, impact on the character of the area and biodiversity etc. are all matters relevant to the current application and Section 9 of this report addresses these issues.

Principle of Development, Design & Siting –

- Excessive number of dwellings proposed
- Local amenities already under pressure
- Layout should consider privacy
- Outside the defined settlement boundary
- Harm to local character of Winkfield Row
- Overdevelopment
- Flats are out of character
- Undesirable backland development
- Do not wish Winkfield Row to become a town
- Dwelling mix out of character
- Loss of land gap between settlements
- Dwellings don't appear affordable
- Loss of local heritage – ancient woodlands & fields
- No need for new dwellings (sufficient 5YHLS) given number of houses already under construction within the Borough
- No weight should be given to emerging policy
- Purely for profit
- Two applications refused on unsustainable development grounds
- Potential lighting likely unenforceable

- Contrary to CS7
- Overlooking
- Overshadowing
- Loss of daylight
- Close to children play area
- Contrary to Character Assessment SPD
- Pressure on local schools and doctors' surgeries
- No hospital
- Increased demand on local services

#### Environmental -

- Destruction of countryside
- Reduction in green space between Winkfield and Warfield
- Not sustainably located
- Impact on biodiversity including Osmans Close Woodlands
- Impact on local wildlife sites contrary to Policy EN4
- Traffic movements in Gardeners Road would impact on shift workers
- Increased air pollution
- Existing site is enjoyed by children and dog walkers
- Light pollution
- Existing site contaminated
- Increased noise
- Flooding would be worse
- Loss of trees and hedges
- Threats to wildlife
- Loss of medieval woodland
- Loss of ancient woodland/woodland habitat
- Within 5km to SPA with cumulative significant impact

#### Highways –

- Access should be from Mushroom Castle not Gardeners Road
- Tandem parking unfit for purpose and encourages street parking
- Increased traffic will be detrimental to the area
- No infrastructure improvements proposed
- Decrease in safety to pedestrians
- Not fit for delivery vans & delivery lorries
- No cycle network links
- Lack of public transport
- Transport statement not sufficient
- Impact of construction traffic
- Object to creation of footpath/cyclepath onto Mushroom Castle on pedestrian safety, loss of privacy and security grounds

## **7.0 Summary of Consultation Responses**

### Highways:

No objection subject to a legal agreement and conditions.

### Thames Water

No objection with regard to Foul Water sewage network infrastructure capacity or surface water network infrastructure capacity.

#### Archaeology

No objection subject to conditions.

#### Ecology/Biodiversity

No objection subject to conditions and legal obligations relating to reptile habitat mitigation and Biodiversity Net Gain (BNG).

#### Lead Local Flood Authority (LLFA)

No objection subject to conditions.

#### Environmental Health

No objection subject to conditions securing a Construction Environmental Management Plan (CEMP), an asbestos survey as recommended by the submitted Contaminated Land Risk Assessment, details of external lighting, restrictions on working hours and covering the eventuality that unexpected contamination is found.

#### Tree Officer

Initial concerns were raised regarding the potential impact of the development as shown on the indicative layout on protected trees. However, following the submission of a revised indicative site plan, the Tree Officer is satisfied that an appropriate layout which respects protected trees could be achieved on the site.

#### Natural England

Natural England has been consulted on an Appropriate Assessment for the application in accordance with Paragraph 63 (3) of the Conservation of Habitats and Species Regulations 2017. Natural England has no comments to make on this application, as long as the relevant avoidance and mitigation measures specified in the Appropriate Assessment are secured.

### **8.0 Main Policies and Other Documents Relevant to the Decision**

8.1 The following development plan policies are the most important to the determination of the current application:

Bracknell Forest Borough Local Plan (BFBLP), 2002

- EN1: Protecting tree and hedgerow cover
- EN2: Supplementing tree and hedgerow cover
- EN3: Nature conservation
- EN8: Development on Land outside settlements
- EN20: Design considerations in new development
- EN22: Designing for accessibility
- EN25: Noise and other pollution
- H8: Affordable housing
- M4: Highway measures expected in association with new development
- M9: Vehicle and cycle parking

Core Strategy (CS), 2008

- Policy CS1: Sustainable Development Principles
- Policy CS2: Locational Principles

- Policy CS6: Limiting the Impact of Development
- Policy CS7: Design
- Policy CS9: Development on Land Outside Settlements
- Policy CS10: Sustainable Resources
- Policy CS12: Renewable Energy
- Policy CS14: Thames Basin Heaths Special Protection Area
- Policy CS16: Housing Needs of the Community
- Policy CS17: Affordable Housing
- Policy CS23: Transport
- Policy CS24: Transport and New Development

#### Site Allocations Local Plan (SALP), 2013

- Policy CP1: Presumption in Favour of Sustainable Development

#### Emerging Bracknell Forest Local Plan (BFLP), 2021

The Council's Emerging Plan is at an advanced stage with the Stage 2 hearings completed in October 2022. In the Inspectors' post hearing letter received in January 2023, the Inspectors do not consider that any more hearings will be required and have been very clear on the major modifications required in order to make the plan 'sound'. These included the deletion of 3no. smaller sites previously identified for allocation by virtue of Policy LP4 and the extension of the settlement boundary around the existing development at Warfield Park and the land permitted as an extension to this mobile home park by virtue of 15/00383/FUL. In light of the Inspectors' comments, it is concluded that the 'direction of travel' of the plan has been clearly endorsed by the Inspectors as has the inclusion of the remaining sites proposed for future residential development. As such, policies within this emerging plan should now be given due weight in accordance with paragraph 48 of the NPPF. Relevant policies include:

- LP1: Sustainable development principles
- LP2: Sustainable locational principles
- LP4: Sites allocated for residential/mixed use development
- LP9: Affordable housing
- LP14: Transport principles
- LP15: Design Principles
- LP16: Green Infrastructure
- LP17: Thames Basin Heaths Special Protection Area
- LP18: Flood Risk
- LP22: Accessible and adaptable dwellings
- LP24: Housing mix
- LP32: Protection of community facilities and services
- LP33: Play, open space and sports provision
- LP34: Standards for Open Space of Public Value
- LP42: Design
- LP46: Biodiversity
- LP48: Protection and enhancement of trees and hedgerows
- LP49: Sustainable construction
- LP51: Sustainable Drainage Systems
- LP56: Travel Plans
- LP57: Parking

#### Winkfield Parish Neighbourhood Plan (WPNP), 2022-2037



The Winkfield Parish Neighbourhood Plan is emerging and has recently been subject to examination with the Examiner's report being received on 24<sup>th</sup> July 2023. The Examiner concluded that the Neighbourhood Plan met the 'basic conditions' set out in legislation and should proceed to referendum. This referendum has yet to take place.

The Neighbourhood Plan has been informed by the emerging Local Plan (para. 3.9 of WPNP) and recognises that the current application site is allocated for the provision of 42 units. Policies within the emerging Neighbourhood Plan should now be given weight in accordance with paragraph 48 of the NPPF.

Relevant policies include:

- Policy W1: A Spatial Plan for the Parish
- Policy W2: Promoting High Quality Design in the Character Areas
- Policy W4: Housing type, size and choice
- Policy W8: Biodiversity and Wildlife Corridors
- Policy W9: Local Gaps
- Policy W10: Dark Skies
- Policy W11: Local Green Spaces
- Policy W12: Pedestrian/Cycle Network

## **9.0 Planning Considerations**

9.1 The key issues for consideration are:

- i. Policy context
- ii. Principle of Development
- iii. Impact on character and appearance of the surrounding area
- iv. Impact on residential amenity
- v. Transport implications
- vi. Biodiversity and Landscaping
- vii. Trees and vegetation
- viii. Drainage
- ix. Affordable Housing
- x. Sustainability and Energy
- xi. Archaeology
- xii. Thames Basin Heaths SPA
- xiii. S106 Obligations
- xiv. Community Infrastructure Levy/CIL

### **i. Policy context**

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.

#### *Presumption in favour of sustainable development*

9.2 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.

9.3 Footnote 7 indicates that for the purposes of para. 11(d) in relation to applications involving the provision of housing, the policies which are most important for determining the application should be considered out of date in instances including:

- where the local planning authority cannot demonstrate a five year supply of deliverable housing sites; or
- where the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years, with transitional arrangements currently applicable.

9.4 The Council is currently unable to demonstrate a 5 Year Housing Land Supply (5YHLS) [4.74 years as at April 2023] and as a result the presumption in favour of sustainable development is applied. Therefore, development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme.

#### *Emerging plan weight*

9.5 The Council's emerging Local Plan is currently in an advanced position. The plan has been through its examination hearings and the Inspectors have been very clear on the major modifications required in order to make the plan 'sound'. None of the main modifications relate to the inclusion of WINK15 as a proposed allocation which means the Inspectors consider it should remain as an allocation when the plan is formally adopted.

9.6 The policies within this plan should now be given due weight in accordance with paragraph 48 of the NPPF. Paragraph 48 sets out:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

9.7 The application site is proposed for allocation for residential development by virtue of Policy LP4 of the Council's emerging Local Plan under allocation reference WINK15. Following the examination of the Local Plan the Inspectors have endorsed the spatial strategy for the plan and in relation to this specific site allocation have not recommended any

main modifications. Therefore, owing to the progress of the Local Plan, the lack of any modifications to this proposed allocation and its consistency with the NPPF, in terms of housing delivery, the Council is able to accord material weight to the proposed site allocation.

## **ii. Principle of development**

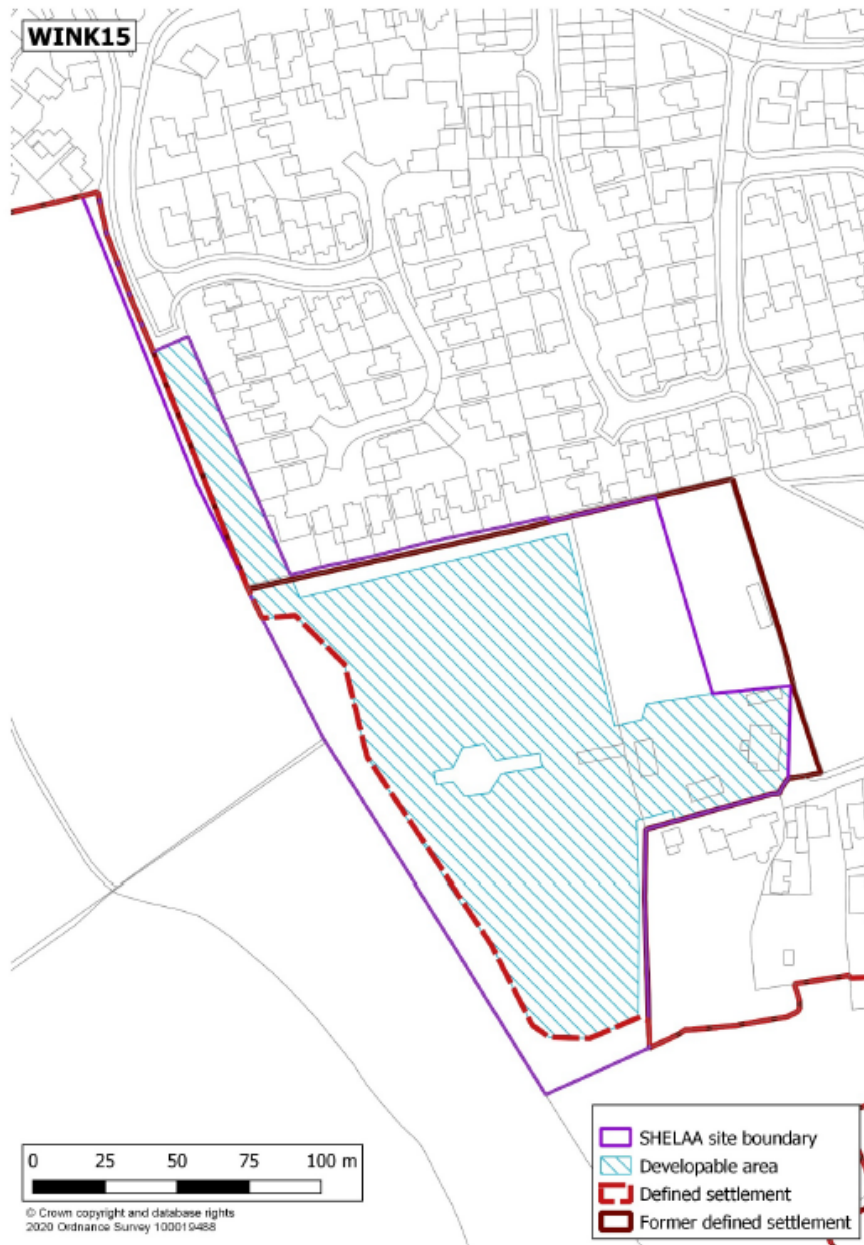
9.8 The site is located on land outside of a defined settlement as shown on the Bracknell Forest Borough Policies Map (2013) and is considered 'countryside'. CSDPD Policy CS1 indicates that development should be located so as to reduce the need to travel and should protect and enhance the character and quality of local landscapes and the wider countryside together with historic and cultural features of acknowledged importance. Policy CS2 provides locational principles for the allocation of land for development and confirms that development will be permitted within defined settlements and on Allocated Sites. Both of these policies are considered to be consistent with the principles of sustainable development and a plan-led approach as set out in the NPPF such that they should be accorded significant weight.

9.9 Policy CS9 of the Core Strategy indicates that land outside settlements will be protected from development that would adversely affect the character, appearance or function of the land. Policy EN8 of the Saved Local Plan confirms that outside the defined settlement boundaries, development will only be permitted where it will not adversely affect the character, appearance or function of the land or damage its landscape quality. Both of these policies contain reference to protecting the countryside 'for its own sake' and it is acknowledged that this is not wholly consistent with the terms of the NPPF which refers to the need for policies to recognise the 'intrinsic character and beauty of the countryside' (para. 170b).

9.10 However, the policies allow consideration of the effect of a proposal on the character and appearance of the area and this is consistent with the requirement to recognise 'intrinsic character and beauty' (para. 170b) and with the requirement of para. 127 of the Framework that policies and decisions should ensure that development is 'sympathetic to local character and history, including the surrounding built environment and landscape setting'. As a result, the Council maintains that there is a degree of consistency between these policies and the Framework such that they should be afforded weight in the decision-making process.

9.11 It is acknowledged that policies EN8 and H5 both include a list of development that may be permitted within the countryside, which does not include new residential development. In this respect, the policies are not fully consistent with Framework and the weight that should be accorded them is reduced in respect of this element of Policy EN8 and to the entirety of Policy H5 which should therefore be accorded only limited weight.

9.12 As part of the work on the site's proposed allocation, a landscape sensitivity appraisal was carried out. This identified that owing to the characteristics of the site, being visually enclosed by trees, the site had a sensitivity of low-medium for such a development. The site allocation will remove the land from the countryside and redraw the defined settlement boundary (as demonstrated in Figure 1).



**Figure 1: WINK15 Site Allocation Map**

9.13 Once the new Local Plan is adopted, the application site will lie within the settlement boundary and will be identified as a suitable site for residential development. While this stage has yet to be reached, the site's proposed allocation is afforded material weight in the decision making process as set out in the Planning Balance section below.

### **iii. Impact on character and appearance of the surrounding area**

9.14 Core Strategy Policy CS7 and BFBLP 'Saved' Policy EN20 relate to design considerations in new development and seek to ensure that developments are sympathetic to the character of the area. More detailed guidance is provided in the Design SPD (2017).

9.15 The proposed development is for the erection of up to 42 dwellings on the site with associated access. The application has been accompanied by an indicative layout plan to demonstrate how the 42 dwellings could fit on the site and then further details on potential

design and appearance are included within the Design and Access Statement. The detail on these matters will be agreed at reserved matters stage, however, as part of this outline assessment the LPA needs to be satisfied that the general quantum of development could fit within the site without causing material harm to the character and appearance of the surrounding area. In order to make this assessment, analysis of the site and its context is required.

9.16 Policy CS7 of the Core Strategy requires high quality design that “build[s] on the urban, suburban and rural local character, respecting local patterns of development”, “enhance[s] the landscape and promote[s] biodiversity”, aids movement through “accessibility, connectivity, permeability and legibility”, provides “high quality usable open spaces and public realm” and looks to “innovative architecture” which would be appropriate within the context of Bracknell’s new town heritage.

9.17 Saved Policy EN20 states that the Council will consider whether a proposal is “appropriate in scale, mass, design, materials, layout and siting, both in itself and in relation to adjoining buildings, spaces and views”; whether it “retains” and where appropriate “enhances” beneficial landscape; promotes “or where necessary creates, local character” and provides “adequate space for private use and amenity”.

9.18 The site abuts the boundary of Area D: Winkfield Row South of the Bracknell Study area of the Character Area Assessments SPD. The landscape character section of the assessment comments on Mushroom Castle: “Mushroom Castle dates back to the early 19<sup>th</sup> century and was at that time the only house on Chavey Down Road. This may account for the narrow and enclosed character of this lane which leads into the adjacent fields. The contrast between the ribbon development and open landscape is a feature of the area.”

9.19 The application site is located within the Type F1: Chavey Down Wooded Sands Landscape Character Area (LCA) as identified in the Council’s Landscape Character Assessments which forms part of the evidence base to the emerging Local Plan. This describes the area as being influenced by suburban and edge of town development which has fragmented the area, combined with a high percentage of tree cover. Blocks of mature woodland provide enclosure and integrate areas of housing, schools and other buildings into the landscape. The area forms a transitional edge between the sandy forests and heathlands to the south and lower lying open clay farmland to the north. The valued features and characteristics include: the continuous network of woodland; naturalistic land cover; natural and undeveloped character; remnant pastoral fields; views across small clearings; footpaths and areas of public access.

9.20 The application site is a parcel of land which is visually enclosed by trees particularly along its western boundary which will mark the edge of the new settlement boundary when the new Local Plan is adopted. As a result, any future development, dependent on its height which is to be assessed at reserved matters stage, would largely be screened from long distance views from the open land to the west. Due to seasonality some trees may offer less visual screening when their cover is reduced in winter, however, they would still represent a landscape buffer between the edge of settlement development and the countryside beyond. The indicative layout submitted with the application demonstrates that the dwellings can be accommodated on site with a green buffer left along the western edge of the site which would further ensure development is separated from the most sensitive edge of the site (see Figure 2 below):



Figure 2

9.21 The development of this land parcel would appear as an effective infill of land thereby respecting the existing settlement pattern. In the landscape sensitivity appraisal the site was considered to have a low-medium sensitivity to such development and it is considered that the proposal would not be harmful to the character of the site.

9.22 Mushroom Castle was noted in the Character Area Assessment SPD, as set out above, and consideration should be given to the visual impacts from Mushroom Castle and Chavey Down Road. At the junction of these two roads the linear development on the southern side of Mushroom Castle can be appreciated together with the landscaped boundary to the Carnation Hall site on the northern side. Longer views down the lane, terminate with

boundary fencing within the Conyngwood site with distant views of the trees along the application site's western edge, glimpsed beyond. Based on the indicative layout, the proposed development would introduce 2no. units within a direct line of sight along Mushroom Castle. However, given their position within the site and the fall of the land, they are likely to have a limited visual impact with the mature tree belt beyond, remaining visible over their roof line.

9.23 The boundary of the site with Carnation Hall is well screened, with only glimpsed views of the 3no. existing properties to its west being visible from within this public area. Save for the potential introduction of a pedestrian link through to the Carnation Hall site at this point, this boundary would remain unaffected by the development.

9.24 Access to the site from Gardeners Road would involve the removal of undergrowth (which could be done at any time) however, would not open up views of the development site from this location.

9.25 In conclusion, and consistent with the findings of the Council's Landscape Assessment which informed the allocation of this site for housing development within the emerging Local Plan, it is considered that the visual enclosure of the site and its relationship with the existing settlement pattern will ensure that the proposed development would not cause material harm to the character and appearance of the surrounding area.

#### **iv. The impact on residential amenity**

9.26 '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.

9.27 The impact of the proposal on the amenities of neighbouring occupiers would be dealt with in details via a subsequent reserved matters application should the outline application be approved. However, it is reasonable to have some consideration towards the neighbour impact in the assessment of the acceptability of a proposal. The indicative drawings demonstrate how the proposed dwellings could be accommodated on site and it is considered that an acceptable relationship could be achieved between the development and the neighbouring properties.

9.28 The application site is surrounded by residential development predominantly to the north with the closest dwellings being 25-34 Aldridge Park, Parkside and Harvest Moon to the east and more recent residential dwellings constructed to the south/south-east, off Mushroom Castle (formerly Conyngwood). The dwellings on Aldridge Park would be separated from the proposed development by a significant landscape buffer which includes protected trees. The indicative layout submitted with the application does not show any dwellings with rear gardens adjoining this boundary and instead maintains a good separation distance.

9.29 Proposed units 27-32, closest to Mushroom Castle, are shown to have their rear gardens facing towards the front of the newly constructed dwellings at Conyngwood. These units have a separation distance in excess of 21 metres and it is considered that both existing and proposed dwellings will be provided with sufficient privacy. Units 37 and 38 would address the neighbouring dwellings side on and as such would not cause any significant privacy issues with the neighbouring properties. Units 41 and 42 would have their rear gardens adjoining the side boundary of the neighbouring property at Mushroom Castle and as a result would not offer direct views into the rear garden of the neighbouring dwelling.

9.30 The residential dwellings Parkside and Harvest Moon would be screened from the majority of the development by the group of protected poplar trees running north-south.

9.31 The indicative layout submitted demonstrates that the site can accommodate up to 42 dwellings without detriment to existing adjoining occupiers. However, some of the relationships between proposed dwellings could potentially lead to a loss of privacy within the development (e.g. between Plots 37/38 and 39/40). This could be overcome by the re-orientation of these units and it is proposed that an informative be added to any decision notice, confirming that whilst the indicative layout demonstrates that up to 42 dwellings can be accommodated on site, some areas will require revision at the reserved matters stage. This is also relevant to a matter raised within the drainage section below.

9.32 As such, it is considered that the site could accommodate up to 42 dwellings without significantly compromising the amenity of neighbouring occupiers. The proposal would, therefore, be in accordance with policies EN20 and EN25 of the BFBLP, 2002, and the requirements of the NPPF, 2021.

## **v. Transport implications**

### *Primary Access onto Gardeners Road*

9.33 The site would take access from an existing (redundant) turning head where Gardeners Road joins Aldridge Park. The form of this priority junction could be to make Gardeners Road to/from the site the through route and Aldridge Park the minor (give way) arm or to retain the existing priority and make the site access the minor (give way) arm. The drawings at Appendix B to the Amended Transport Statement (June 2019) show that either of these arrangements can achieve visibility splays of 2.4 x 25m in each direction from the give-way line.

9.34 A Section 278 agreement with the Highway Authority will be needed to form the new access and the Highway Authority is satisfied that the exact form of priority arrangement and associated construction details can be agreed at S278 stage, secured through S106 with a parallel condition. The access for vehicles in this location will need to be formed as a first development operation, before any other demolition or construction activity on the site, in order that all construction and demolition traffic uses this route and is not routed via Mushroom Castle. A condition is therefore requested requiring details of this access to be submitted and this access to be constructed as a first development operation, prior to any other construction or demolition works on the site. An informative is also requested requiring a Highways Act Section 278 agreement with the Highway Authority and the S278 agreement should also be secured as part of the Section 106 agreement. A further condition is requested requiring vehicular access to the site to be from Gardeners Road only, there shall be no vehicular access (including during demolition and construction) from Mushroom Castle.

### *Pedestrian Access*

9.35 An appropriate, illuminated, pedestrian route to Chavey Down Road will need to be formed before first occupation. This will need to be a S106 obligation as the alternative options for pedestrian routes are outside of the red-line area. Some options are considered further below:

1. A pedestrian route via Mushroom Castle has been suggested by the applicants, however this is a private road without footways and the Highway Authority does not know whether the applicant has the right to allow public pedestrian access along it, nor whether they have rights to implement street lighting along the length of Mushroom Castle.

S106 requirements for public open space and play equipment in neighbouring Carnation Hall were requested as part of the previous consultation responses for this site. A route for pedestrians could also form part of this requirement within the land surrounding Carnation Hall,



with a number of options possible, each of which would need illumination to provide a safe and suitable pedestrian route:

2. (a) eastwards from the existing White Gates eastern red-line boundary through the public open space to connect with the existing pedestrian path which joins Chavey Down Road at the junction with Mushroom Castle;

2. (b) following the existing pedestrian route from Crawley Chase along the northern edge of the open space, north of Carnation Hall, providing a new short (circa 17m) connecting section of footway along the northern edge of the car park to allow a through-pedestrian route to Chavey Down Road.

2. (c) following the existing pedestrian route from Crawley Chase along the northern edge of the open space, north of Carnation Hall, then to the front (east) of Carnation Hall, providing an informal crossing south-east of Carnation Hall and a new short (circa 30m) connecting section of footway south of the crossing to link to the existing pedestrian path which joins Chavey Down Road at the junction with Mushroom Castle.

#### *Mushroom Castle refuse collection and access*

9.36 A turning head should be created at the end of Mushroom Castle, within the red-line of the application, for refuse vehicles. This should also ensure that the access route to the recently constructed dwellings west of Carnation Hall is improved.

#### *Site Roads, Footways, Margins and Street Lighting*

9.37 For a development of this scale, the Highway Authority requests that site roads, along with adjacent footways, margins and street lighting should be offered for adoption under Section 38 of the Highways Act 1980 up to and including any turning heads for refuse vehicles and fire tender; along with the pedestrian link to Mushroom Castle / land adjacent to Carnation Hall, dependent on the option taken forward (see comments above). The requirement for adoption of site roads will need to be included within the S106 agreement with any associated plans showing the areas to be adopted marked INDICATIVE, as the internal site layout is not a matter for determination at this stage. In addition, standard clauses relating to private accesses and footpaths (PAF) will be required for those not intended for adoption.

#### *Accidents*

9.38 Examination of collision data indicates that there have been only two 'slight' severity accidents reported to police within the last 5 years, one occurred close to the northern access to Carnation Hall in September 2020 and the other occurred at the junction of Forest Road with Chavey Down Road in November 2019. This does not indicate any pattern or cluster of accidents for which mitigation should be considered.

#### *Trips*

9.39 The proposed development is predicted to generate around 250 trips over the day as a whole, with around 25 trips in each of the morning and evening peak hours, based on the trip generation assessment within the submitted Amended Transport Statement. This is considered a robust assessment as it does not introduce any reduction for the demolition of the existing dwelling at White Gates, does not introduce any lower trip rate for affordable housing, and the trip rates used are higher than those within the Council's transport model.

9.39 On the basis of this assessment, the Highway Authority does not raise any objection to the proposed development and recommends approval subject to conditions and a legal agreement to secure:

- a Highways Act Section 278 agreement to cover the construction of the access onto Gardeners Road;

- a Highways Act Section 38 agreement for the adoption of the internal roads, including adjacent footways, margins and street lighting;
- a commitment to the creation of a pedestrian route through to Chavey Down Road and;
- a commitment to the construction of a turning head at the end of Mushroom Castle, within the red line of the application, for refuse vehicles.

A specification and Management and Maintenance Plan for all Private Accesses and Footpaths.

## **vi. Ecology and biodiversity**

9.40 An updated Ecological Assessment and Biodiversity Net Gain assessment has been undertaken and the key ecological issues raised are set out below:

### *Bats*

9.41 The main dwelling has been subject to surveys following best practice guidelines and has been identified as a roost for small numbers of brown long-eared and common pipistrelle bats. Therefore, a licence is required for its demolition. The mitigation measures required are described in Section 6.2.5.1. This includes a bat box to be installed on a tree ahead of works to provide a replacement roost during construction, and 5 bat boxes to be integrated into the new dwellings. Though the locations of these boxes have not been specified, given the scale of the development, the LPA can be confident that this can be achieved. A condition will secure a detailed bat mitigation plan which should include the location of roost features so these can be reviewed and approved, subject to amendments during the licencing process.

As bats use the site, and there are features suitable for commuting and foraging such as hedgerows, a sensitive lighting strategy should also be secured by condition.

### *Reptiles*

9.42 An updated reptile survey has been undertaken in 2023 and the results are in line with previous surveys (a 'good' population of slow worms is present on the site). A Reptile Mitigation Strategy has been provided (Appendix 7 of the Ecological Assessment), which provides a method for slow worms within the development area to be captured and released into a receptor area on site. This is considered to be the best approach as it is moving the slow worms within the same population. This receptor area will be enhanced with additional log piles, and links to adjacent habitat within the neighbouring SANG.

9.43 This approach is considered appropriate and mitigation in line with this plan should be secured by condition. However, there will be a loss of 1.22 ha of reptile habitat in terms of extent. Therefore, a financial contribution is also required, to be used for reptile mitigation projects in the borough. Based on estimated costs of the habitat enhancements required, reptile mitigation requires a contribution of £21,350 per ha. Therefore, the contribution required for this application is £26,047.

### *BNG*

9.44 The full Biodiversity Metric spreadsheet (in Excel format) has been submitted. There is to be a loss of -0.31 (-3.70%) area habitat units and a gain of 0.55 (+13.44%) hedgerow units. The baseline is made up of low and medium distinctiveness habitats, and the proposal has retained much of the medium distinctiveness habitat by retaining the majority of the native hedgerow around the site, in line with the mitigation hierarchy. It is noted that in the emerging local plan suitability assessment for this site, it was highlighted that offsite units are likely to be required. A financial contribution will be required to offset the remaining loss of area habitat units and achieve a 10% net gain.

9.45 To achieve 10% net gain 1.15 units are required. The Council is currently developing planning policy and associated costs of providing offsetting units. The current estimate,

based on Defra/eftec study (Biodiversity Net Gain: Market analysis study, February 2021) and further work internally, for offsetting with Bracknell Forest Council is £25k per unit. Therefore, it is suggested that a contribution of £28,750 would be required.

9.46 A LEMP is also required to deliver the management of the onsite net gains. A S106 obligation is required to secure the net gains for 30 years and a S106 contribution will be required for monitoring.

#### *Other ecological matters*

9.47 There are no badger setts on the site, but tracks suggest that badgers move through the site. Trees and shrubs are likely to support nesting birds during the breeding bird season. Precautionary measures are required to avoid impacts on birds and badgers during construction, and should be secured in a Construction Environmental Management Plan (CEMP).

9.48 The Ecological Assessment includes a number of suggested enhancements for biodiversity including bird boxes and log piles. An enhancement plan should be secured by condition.

9.49 The following comments were given in June 2020: "There is still concern regarding the impact of the access road on the Local Wildlife Site but this is no longer considered a reason for refusal. It should be subject to a stringent condition requiring a multi-disciplinary design and mitigation strategy for the access road." It is proposed that a requirement to take into account ecological and arboricultural considerations is included in the proposed condition regarding the design and construction of the access road.

9.50 The NPPF requires development to minimize impacts on, and provide gains for, biodiversity (para. 174 d)). It is considered that the proposed development can, through the use of appropriate conditions and s106 obligations as recommended by the Biodiversity Officer, meet these requirements and will therefore comply with policies CS1 and CS7 of the Core Strategy, 2008, and the Council's Interim Biodiversity Guidance.

#### **vii. Trees and vegetation**

9.51 The application site features many trees both within the site and along its boundaries. A large number of these trees are protected by a Tree Preservation Order (TPO). All protected trees are shown to be retained. The first indicative layout plan which was submitted with the application presented some arboricultural concerns as the siting of the dwellings shown would have caused unnecessary pressure on trees which could have led to applications for removal of TPO trees and would likely have resulted in any future reserved matters submission based on this indicative layout being objected to by the Council's Arboricultural Officers.

9.52 These concerns were raised with the applicant and during the process of the application, a revised indicative layout plan has been submitted. An updated Arboricultural survey was carried out this year to update the information due to the passage of time since the application was first received. Following consultation with the Council's Arboricultural Officer it has been confirmed that these former issues have been resolved. It has now been demonstrated that the protected trees can be retained whilst the site accommodates up to 42 dwellings and that the development would not prejudice their future growth.

9.53 Therefore, the proposal is found to be compliant with policy EN1 of the BFBLP, 2002, LP48 of the Emerging Local Plan and the requirements of Chapter 15 of the NPPF, 2021.

## **viii. Drainage**

9.54 The application was accompanied by the submission of a Flood Risk Assessment (FRA) and Development Drainage Strategy.

9.55 The site is defined as being within Flood Zone 1 under the Environment Agency's Flood Zone classification system and therefore is at the lowest risk of fluvial flooding. The majority of the existing site is also classified as having a 'very low' risk of flooding from surface water runoff with the exception of the southern tip of the site which has a 'high' classification. This equates to 2.3% of the site being at risk of surface water flooding during the 1 in 1000 year flood event. A sequential test was applied at the time of the site's proposed allocation and therefore there is no need to apply it again, although a sequential approach to site design is still required in order to ensure that any built form is steered away from the area at risk from surface water flooding, however limited.

9.56 The Lead Local Flood Authority (LLFA) initially raised concerns in relation to the original FRA and Drainage Strategy submitted with the application. These have been addressed through the submission of amended reports. The LLFA has noted that the indicative site layout plan does include a dwelling within the land to the south of the site which is at high risk of surface water flooding. The site allocation recommends that development is precluded from the areas at risk of surface water flooding. The LLFA Officer suggests it would be appropriate to manage this through the use of a condition (recommended Condition 31 with accompanying informative) and owing to the outline nature of the proposal and that the layout is not fixed, this is considered appropriate.

9.57 Therefore, subject to appropriate conditions, the proposal is found to be acceptable in this regard and would not create adverse conditions on site or exacerbate existing flood issues in the wider locality. The s106 Agreement will be required to include obligations relating to the final specification of any SuDS (Sustainable Drainage Systems) and to secure their future Management and Maintenance for the lifetime of the development, with an associated monitoring fee.

9.58 Thames Water have indicated that they have no objection to the development on grounds of the sewage network capacity and has confirmed that a Groundwater Risk Management Permit would be required for discharging any groundwater into the public sewer. Given the length of time that this application has been outstanding, this position has been reconfirmed as of August 2023.

## **ix. Affordable Housing**

9.59 The development would deliver 35% on site affordable housing provision in accordance with the emerging policy requirement under policy LP9 of the emerging Local Plan and is therefore acceptable. The precise number and mix of affordable units will be agreed at reserved matters stage. This affordable housing will be secured through a S106 agreement.

## **x. Sustainability and Energy**

9.60 Policies CS10 and CS12 of the Core Strategy apply with respect to sustainability.

### *Water efficiency*

9.61 Building Regulations Part G set two levels of water consumption targets, with the higher level being a 'best practice' scenario:

- Water consumption to be no greater than 125 litres/per person/per day.

- Water consumption to be no greater than 110 litres/per person/per day.

9.62 The Local Planning Authority can require a development to meet the higher standard of water efficiency (110 litres) in order to be consistent with Policy CS10 which requires development to be accompanied by a Sustainability Statement demonstrating how best practice in the sustainable use of natural resources has been adopted. A condition will be added to cover this requirement.

#### *Carbon emissions/renewable energy*

9.63 Policy CS12 requires:

*Development proposals for five or more net additional dwellings, or for 500 square metres (GEA) or more of floorspace for other development, will be accompanied by an energy demand assessment demonstrating how (potential) carbon dioxide emissions will be reduced by at least 10% and will provide at least 20% of their energy requirements from on-site renewable energy generation.*

9.64 This policy predates changes to the Building Regulations which occurred in 2022. The Building Regulations Part L were updated on 15<sup>th</sup> June 2022 to increase the carbon emission reduction target for new dwellings to 31%. Whilst this planning application was submitted in 2019, as no development started on site prior to 15<sup>th</sup> June 2022, then the development will fall under the requirements of the updated regulations. The Council's own policy now sets a lesser requirement than that of building regulations. As such to include the standard condition requiring submission of details to demonstrate compliance with CS12 would not be reasonable and therefore not meet the test for the use of planning conditions as set out in Paragraph 55 of the NPPF, 2021. In order for developers to comply with Building Regulations in this regard, the use of a fabric first approach and renewable energy generation will be required.

9.65 The Inspectors have proposed major modifications to the policy relating to Sustainable Construction (LP49) in the emerging Local Plan and these changes will be the subject of public consultation. If adopted, these will encourage major new residential development to contribute towards the target of net zero carbon regulated emissions unless it is clearly demonstrated that it is not viable to do so. However, this is not a policy requirement which would result in a condition being imposed on any permission.

#### **xi. Archaeology**

9.66 The application was supported by the submission of an Archaeological Desk-based Assessment carried out by Thames Valley Archaeological Services (TVAS). The assessment considers the archaeological potential of the site, the likely impacts of the development proposals and their impact on known and potential heritage assets within and adjacent to the site.

9.67 The Council's Archaeological Advisors have confirmed their view that the assessment is a fair account of the known and potential archaeological resource within and around the application site, in so far as little is currently known of the archaeological heritage of the area.

9.68 The TVAS assessment concludes: *'It is considered that it may be necessary to provide further information about the archaeological potential of the proposal site from field observations in order to draw up a scheme to mitigate the impact of development on any below ground archaeological deposits if necessary. If requested, a scheme for this evaluation will need to be drawn up...It could be implemented by an appropriately worded condition to any consent'*.

9.69 The Council's advisors, Berkshire Archaeology, concur with this conclusion, namely that the application area has an archaeological interest and that a programme of archaeological fieldwork will be required to mitigate the impacts of development should the scheme be permitted. This can be secured by an appropriately worded condition. This is in accordance with Paragraph 141 of the NPPF which states that: *'local planning authorities should 'require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible'*.

## **xii. Contamination**

9.70 The application was accompanied by a Contaminated Land Risk Assessment. This determined that no significant potential sources or contaminants were identified on, within or adjacent to the site with the exception of asbestos. It recommends that an asbestos survey should be undertaken of the existing buildings and any identified asbestos should be removed and disposed of in accordance with regulations. The Environmental Health Officer concurs with this recommendation and recommends the imposition of an appropriately worded condition.

9.71 The Risk Assessment does not identify any other potential source of contamination, however, the Environmental Health Officer has advised that a precautionary approach towards the possibility of contamination should be adopted where potentially sensitive development, such as residential, is proposed. Therefore, a condition is recommended that would secure appropriate investigation/remediation in the event that unexpected contamination is found during the course of the development.

## **xiii. Thames Basin Heaths SPA**

9.72 An Appropriate Assessment has been carried out for this proposed development in accordance with Conservation of Habitats and Species 2017 (as amended). Without any appropriate avoidance and mitigation measures the Appropriate Assessment concludes that the development is likely to have a significant effect upon the integrity of the TBH SPA with the result that BFC would be required to refuse a planning application. In this instance, the development would result in a net increase of up to 41 dwellings within the 400m – 5km TBH SPA buffer zone and is required to make a financial contribution towards SANG and SAMM (including SAMM monitoring) which will be calculated on a per bedroom basis once the mix of the development is determined taking account of any affordable housing delivered.

9.73 Sufficient SANG capacity has been safeguarded for this proposal. The Council will carry out SANG enhancement works as part of its on-going SANG enhancement programme and the remaining SANG contributions (for example, to fund in-perpetuity maintenance) will also be taken through Section 106 Agreement contributions. Provided that the applicant is prepared to make a financial contribution towards the costs of SPA avoidance and mitigation measures, the application will be in accordance with the SPA mitigation requirements as set out in the relevant policies above.

## **xiv. Open Space**

9.74 The proposed development (up to 42 dwellings) yields a passive Open Space of Public Value (OSPV) requirement of approximately 0.22ha according to the Council's OSPV standards. The indicative layout demonstrates that this can be accommodated within the site. A planning obligation will be required to secure submission of an OSPV specification prior to the commencement of development which details the provision and ongoing maintenance and management of the OSPV. If it is agreed that the open space will be transferred to the Council, a commuted sum to cover the maintenance in perpetuity will be required.

9.75 The submitted plans do not show provision of any active OSPV on the site. As a result, the development falls short of the Council's Active Open Space standard of 2ha per 1000 persons. Should the developer consider that off-site provision of active open space would be of greater value to future residents, there are projects which can be contributed to and in this event, the s106 obligation will be required to secure appropriate contributions towards these projects. If on-site active open space is proposed (0.19ha being required to meet the standard) obligations relating to its provision and ongoing maintenance would be required as per the passive OSPV.

#### **xv. S106 Obligations**

9.76 S106 Legal Agreement is required to secure the following:

- Measures to avoid and mitigate the impact of the residential development upon the Thames Basin Heaths SPA
- Affordable Housing: A minimum of 35% (15 dwellings) with a mix that generally reflects the type and size of market housing
- Requirement to enter into s278 and s38 agreements for construction of access road and subsequent adoption including commitment to the construction of a turning head at the end of Mushroom Castle, within the red line of the application site, for refuse vehicles.
- Provision of pedestrian/cycle access to Chavey Down Road through adjacent Carnation Hall land or along Mushroom Castle including financial contributions in-lieu of off-site works
- The development will place pressure for additional community facilities capable of serving the residents. The site is located adjacent to Carnation Hall and therefore in line with policy and guidance, financial contributions are required towards the provision and maintenance of community facilities
- On-site Biodiversity Net Gain maintenance obligations and monitoring fee
- Reptile mitigation contribution to compensate for loss in extent of habitat
- Contribution towards off-site BNG units
- SuDS maintenance obligations and monitoring fee
- Provision of a minimum of 0.22 hectares on-site Passive Open Space of Public Value (OSPV) and commuted maintenance sum if to be transferred to the Council and provision of or contributions towards Active OSPV
- Highways provisions for Private Access and Footways maintenance
- S106 Obligation monitoring fees

#### **xv. Community Infrastructure Levy/CIL**

9.77 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.

9.78 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 current application is therefore not CIL liable at this stage as it is an outline application, however the development will become CIL liable at the reserved matters stage.

## **10.0 Planning Balance and Conclusions**

10.1 The Local Planning Authority is unable to demonstrate a 5 year housing land supply (HLS) and as a result the tilted balance in favour of sustainable development must be applied. The proposed development would result in the construction of up to 42 dwellings in the countryside which would lead to conflict with adopted planning policy in this regard.

10.2 However, the site has been assessed as suitable for residential development within the emerging Local Plan. The Landscape Sensitivity Appraisal that forms part of the evidence base to this document concluded that although the site has a sense of semi-rural character, it is visually enclosed and if developed would fit relatively well with the existing settlement pattern. Therefore, it is concluded that the development of the site for residential purposes would have a limited adverse impact upon the character and appearance of the wider countryside.

10.3 Given the relatively advanced stage of the emerging Local Plan, material weight, in line with paragraph 48 of the NPPF, 2021, must be given to the proposed site allocation. Once the Plan is adopted, the site will be inset from the countryside and included within the defined settlement area thereby removing the policy conflict.

10.4 The proposal is compliant with development plan policy (both adopted and emerging) in other regards and the scheme would deliver benefits including the delivery of up to 42 dwellings and as part of this, the provision of 35% affordable housing. It is therefore considered that the conflict with the adopted policies of the local plan which cannot be given full weight, together with the limited level of harm caused to the character of the area from its development, do not significantly and demonstrably outweigh the benefits of the scheme. Therefore the proposal is recommended for approval.

## **11.0 Recommendation**

11.1 Following the completion of a planning obligation under Section 106 of the Town and Country Planning Act, 1990, relating to the following measures:

- A minimum of 35% (15 dwellings) with a mix that generally reflects the type and size of market housing
- A financial contribution towards improvement and maintenance of community facilities at Carnation Hall.
- Provision of pedestrian/cycle access to Chavey Down Road through adjacent Carnation Hall land or along Mushroom Castle including financial contributions in-lieu of off-site works
- On-site Biodiversity Net Gain maintenance obligations and Monitoring Fee.
- SuDS maintenance obligations and monitoring fee.
- Provision of a minimum of 0.22 hectares on-site Open Space of Public Value (OSPV) and commuted maintenance sum if to be transferred to the Council and provision or contributions towards Active OSPV
- SANG and SAMM contributions
- Requirement to enter into s278 and s38 agreements for construction of access road and subsequent adoption including commitment to the construction of a turning head at the end of Mushroom Castle, within the red line of the application site, for refuse vehicles.
- Reptile mitigation contribution to compensate for loss in extent of habitat
- Contribution towards off-site BNG units
- Highways provisions for Private Access and Footways maintenance
- S106 Obligation monitoring fees



11.2 That the Assistant Director: Planning be authorised to APPROVE the application subject to the following conditions amended, added to or deleted as the Assistant Director: Planning considers necessary:

01. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990.

02. 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.

03. 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.

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

Site location plan TOR-XX-ZZ-DR-A-SK007

Flood Risk Assessment & Development Drainage Strategy Rev B SS/18/0820/577 dated May 2019

Biodiversity Metric 4.0 received 16.08.2023

Ecological Impact Assessment Windrush Ecology, August 2023

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

05. No development (including demolition) other than the construction of the access shall take place until the vehicular access onto Gardeners Road has been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such details are required to be consistent with the access options set out in the Transport Statement Rev A 19/0245/5777/KRS dated 12<sup>th</sup> June 2019 and to take into account the arboricultural and ecological implications of its construction.

REASON: In the interests of highway safety and given the potential impact of the construction of the access road on the adjacent Local Wildlife Site.

06. The means of vehicular access and egress to the permitted residential development shall be from Gardeners Road only (including for demolition and construction traffic) and there shall not be any vehicular access (including during demolition and construction) via Mushroom Castle.

REASON: In the interests of highway safety.

07. No gates shall be provided at the vehicular access to the site.

REASON: In the interests of highway safety.

08. No development (including any demolition or site clearance) shall take place, until a Construction Environmental Management Plan (CEMP) to control the environmental effects of the demolition and/or construction work has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include as a minimum:

- (i) Routing of construction and demolition traffic (including directional signage and appropriate traffic management measures);
- (ii) Details of the parking of vehicles of site operatives and visitors;
- (iii) Areas for loading and unloading of plant and materials;
- (iv) Areas for the storage of plant and materials used in constructing the development;
- (v) Location of any temporary portacabins and welfare buildings for site operatives;
- (vi) Details of any security hoarding;
- (vii) Details of any external lighting of the site;
- (viii) Details of the method of piling for foundations;
- (ix) Measures to control the emission of dust, dirt, noise, odour and other effluvia during demolition and construction;
- (x) Measures to control surface water run-off during demolition and construction;
- (xi) Construction and demolition working hours and hours during which delivery vehicles or vehicles taking materials away are allowed to enter or leave the site;
- (xii) Details of wheel-washing facilities during both demolition and construction phases; and
- (xiii) Areas for the turning of construction and demolition vehicles such that the largest anticipated vehicle can turn within the site and leave the site in a forward gear;
- (xiv) Measures to control rats and other vermin

The areas proposed within the CEMP for the activities set out in (i) to (xiv) above shall be located so as to maintain access and sufficient parking for existing residents in the surrounding area at all times.

The approved Construction Environmental Management Plan shall be adhered to throughout the demolition and construction period.

REASON: In the interests of highway safety and to mitigate and control environmental effects during construction of the development.

09. No dwelling shall be occupied until:

- (a) a means of vehicular access; and
- (b) a means of access to it for pedestrians and cyclists; and
- (c) vehicle parking spaces and space for cycle parking;

have been constructed in accordance with details to be submitted and approved by the Local Planning Authority pursuant to condition 2 of this permission. Such access and parking spaces shall thereafter be retained.

REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking and in the interests of the accessibility of the site to pedestrians, cyclists and vehicles.

[Relevant Policies: BEBLP M6, Core Strategy DPD CS23]

10. Prior to the commencement of development, including any demolition or 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: In the interests of the archaeological and historical heritage of the Borough.

11. No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays and at no time on Sundays or public holiday.

REASON: To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period.

12. The development hereby approved shall not commence until an asbestos remediation method statement has been submitted to and approved in writing by the Local Planning Authority. The report should include details of:

- source and extent of asbestos across the site, and
- remediation measures to be taken

Works shall be carried out in accordance with the approved 'remediation method statement' and a final validation report shall be submitted to the Local Planning Authority before any dwelling on the site is occupied.

REASON: To protect future occupiers and users of the site from the harmful effects of asbestos.

13. If contamination is found at any time during site clearance, groundwork and construction the discovery shall be reported as soon as possible to the local planning authority. A full contamination risk assessment shall be carried out and if found to be necessary, a 'remediation method statement' shall be submitted to the local planning authority for written approval. Should no evidence of contamination be found during the development a statement to that effect shall be submitted to the local planning authority.

REASON: To protect future occupiers and users of the site from the harmful effects of contamination.

14. Works shall be carried out in accordance with the approved 'remediation method statement' (submitted to comply with condition 13) and a final validation report shall be submitted to the local planning authority before the first occupation of any dwelling hereby permitted.

REASON: To protect future occupiers and users of the site from the harmful effects of contamination.

15. Any application for the approval of landscaping as a Reserved Matter shall include full details of both hard and soft landscape works. These details shall include:

- i) proposed finished ground levels or contours,
- ii) comprehensive planting plans of an appropriate scale and level of detail that provides adequate clarity including details of ground preparation and all other operations associated with plant and grass establishment, full schedules of plants, noting species, and detailed plant sizes/root stock specifications, planting layout, proposed numbers/densities locations,
- iii) Details of tree planting,
- iv) Underground service and external lighting layout (drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.),

- v) Means of enclosure (hedges, walls and fences etc) which should provide for the free movement of wildlife to and from the site,
- vi) Paving including pedestrian open spaces, paths, patios, proposed materials and construction methods, parking courts, play areas etc. with details of proposed materials and construction methods,
- vii) The siting, layout and equipment proposed for any Open Space of Public Value
- viii) Furniture, play equipment, refuse or other storage units, signs, lighting etc.
- ix) The creation of new water features and associated habitats
- x) Any other landscape features
- xi) Comprehensive 5 year post planting maintenance schedule

All planting comprised in the soft landscaping works as may be approved under the relevant Reserved Matters applications shall be carried out and completed in full accordance with the approved details in the nearest planting season (1<sup>st</sup> October to 31<sup>st</sup> March inclusive) to the completion of the development or prior to the occupation of any part of the approved development, whichever is sooner, or as may otherwise be agreed in writing by the Local Planning Authority. 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 (1<sup>st</sup> October to 31<sup>st</sup> March inclusive) with others of the same size, species and quality as approved.

REASON: - In the interests of good landscape design and the visual amenity of the area. [Relevant Policies: BFBLP EN2 and EN20, CSDPD CS7]

16. Prior to commencement of any development above slab level, samples of the external materials to be used in the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved materials.

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

17. Prior to commencement of any development above slab level, a sustainability statement for water efficiency setting out measures to achieve an average water use in new dwellings of 110 litres/person/day shall be submitted to and be approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the approved details and an agreed programme and shall be maintained and retained thereafter.

REASON: In the interests of sustainability.

18. Prior to commencement of any development above slab level, details showing the finished floor levels of the buildings hereby approved in relation to a fixed datum point shall be 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]

19. No dwelling hereby permitted shall be occupied until their associated bin storage and access has been implemented in accordance with the details approved as Reserved Matters. All stores and accesses shall thereafter be kept available for refuse storage at all times.

REASON: To ensure the provision of satisfactory waste storage facilities in the interests of amenity.

20. Prior to the commencement of any development on site, details of Tree Protection based on the Draft Tree Protection Plan included at Appendix 4 of the submitted Tree Survey Report and providing a scheme for the protection of existing trees, hedgerows and groups of mature shrubs shown to be retained on the approved drawings, in accordance with British Standard 5837:2012 'Trees In Relation To Construction Recommendations' (or any subsequent revision), shall be submitted to and approved in writing by the Local Planning Authority. Details shall include an approved development layout plan at a minimum scale of 1:200 and show the following:-

- a) Accurate trunk positions and canopy spreads of all existing trees within the site and on adjoining land adjacent to the development within influencing distance of the development.
- b) Positions and spreads of existing hedgerows and groups of mature shrubs.
- c) All proposed tree, hedge or shrub removal; shown clearly with a broken line.
- d) Proposed locations of protective barriers, that are a minimum height of 2.0 metres and supported by a metal scaffold framework, constructed in accordance with Section 6 (Figure 2) and which include appropriate weatherproof signage (such as "Keep Out - Construction Exclusion Zone") affixed at regular intervals to the outside of the protective fencing structure.
- e) Illustrations of the proposed protective barriers to be erected.
- f) Proposed location and illustration of ground protection measures within the root protection areas of retained trees, designed as necessary for pedestrian light traffic or heavy plant machinery, as necessary to prevent ground compaction and contamination.
- g) Annotations at regular intervals, of the minimum protective distances between barriers and trunks of retained trees.
- h) All fenced-off areas clearly annotated as Tree Protection Areas/Construction Exclusion Zones.
- i) Notes regarding restrictions which apply to Tree Protection Areas/Construction Exclusion Zones.

Tree protection measures shall be phased as necessary to take into account and provide protection during demolition/site clearance works/building construction works/hard landscaping works.

The development shall be carried out in accordance with the approved scheme and programme.

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]

21. The protective fencing and other protection measures specified by condition 20 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. Where phased protection measures have been approved, no works shall commence on the next phase of the development until the protective fencing barriers and other protective measures have been repositioned for that phase in full accordance with the approved details. 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) 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.
- e) Installation/siting of any underground services, temporary or otherwise including; drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting.
- f) Parking/use of tracked or wheeled machinery or vehicles of any description.

In addition to the protection measures specified above;

- a) 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.
- b) 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. [Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

22. No dwelling hereby permitted shall be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for covered and secure cycle parking facilities. No dwelling shall be occupied until the approved cycle parking for that unit has been provided, in full accordance with the approved details, and the facilities thereby provided shall thereafter be retained.

REASON: In the interests of accessibility of the development to cyclists.  
[Relevant Policies: SEP T4, BFBLP M9, Core Strategy DPD CS23]

23. The development (including site clearance and demolition) shall not begin until a scheme to mitigate the impact of the development on bats has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

- methods to avoid killing, injury or disturbance to bats during development
- provision of temporary roosts during construction
- provision of replacement roosts
- habitat management and enhancement, e.g. suitable lighting and planting
- appropriate post construction monitoring

The mitigation scheme shall be implemented in accordance with the approved details, unless varied by a European Protected Species license subsequently issued by Natural England. In the interests of securing the maximum benefit for biodiversity any variation of the agreed mitigation required by Natural England must not result in the reduction in the quality or quantity of mitigation/compensation provided. Agreed features for roosting bats shall be permanently installed in accordance with the approved details. An ecological site inspection

report shall be submitted for approval within three months of the first occupation of any dwelling hereby approved confirming the implementation of the approved measures.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1]

24. If more than 3 years elapse between the previous protected species surveys and the due commencement date of works, updated protected species surveys 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. Any revised mitigation measures identified shall be implemented in full accordance with the approved report.

Reason: To ensure the status of protected species on site has not changed since the last survey.

25. 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) A final plan showing the type, quantity and location of biodiversity units to be delivered on site using UKHabs types. The plan should be substantially in accordance with the 'Habitats post development' plan within the Ecological Assessment (Windrush Ecology, August 2023) as already submitted
- b) A final Biodiversity Metric showing the calculations for the type, quantity and condition of habitats. The metric should be substantially in accordance with the Biodiversity Metric as already submitted
- c) Ecological trends and constraints on site that might influence management
- d) Aims and objectives of management including biodiversity net gain target habitat types and condition
- e) Appropriate management options for achieving aims and objectives
- f) Prescriptions for management actions
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- h) Details of the body or organization responsible for implementation of the plan
- i) 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 predicted biodiversity net gain of the originally approved scheme as shown in the biodiversity metric.

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

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1]

26. 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 within three months of the first occupation of any dwelling hereby approved.

The approved scheme shall be performed, observed and complied with.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

27. No development shall take place (including ground works and 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 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: CSDPD CS1]

28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and re-enacting that order, no external lighting shall be installed on the site or affixed to any buildings on the site except in accordance with details set out in a lighting design strategy for biodiversity that has first been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those area/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans with vertical calculation planes 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 without prior consent from the Local Planning Authority.



REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

29. Works shall be carried out in accordance with the details contained in Appendix 7. Reptile Mitigation Strategy within the Ecological Assessment (Windrush Ecology, August 2023) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. An ecological site inspection report shall be submitted prior to practical completion of any dwelling hereby approved confirming the implementation of the approved works.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1]

30. No development shall take place until full details of the Drainage System in accordance with Flood Risk Assessment & Development Drainage Strategy Rev B Ref SS/18/0820/5777 Dated May 2019 has been submitted to and approved in writing by the Local Planning Authority.

This shall include:

- i) Results of intrusive ground investigations demonstrating the depth of the seasonally high groundwater table.
- ii) Calculations demonstrating the drainage design can accommodate the design rainfall using FEH rainfall data
- iii) Full details of all components of the proposed drainage system including dimensions, locations, gradients, invert and cover levels, headwall details, planting (if necessary) and drawings as appropriate taking into account the groundwater table.
- iv) Where offsite discharge into public sewers is proposed, Thames Water consent to discharge at proposed discharge rate.
- iii) Confirmation of the gully spacing calculations to demonstrate that they are capable of conveying the rainfall volumes as set out in the Approved Drainage strategy.

The development shall be carried out in accordance with the approved details.

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. No development shall commence until full details of measures to protect all proposed dwellings from the risk of surface water flooding has been submitted to and approved in writing by the Local Planning Authority. Where natural flow paths would be affected as a result of the proposal, an assessment shall be made and full details of mitigation measures to protect affected proposed dwellings from risk of surface water flooding with due consideration to avoid increasing risk of flooding downstream, shall be submitted to and approved in writing by the Local Planning Authority.

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.

32. No development shall commence until details of how the surface water 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.

33. Development shall not commence (excluding demolition and site clearance) until a drainage strategy detailing any on- and off-site drainage works, along with proposed points of connection, has been submitted to and approved by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

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.

34. No occupation of any dwelling shall take place until a verification report by an independent body, appended with substantiating evidence demonstrating the agreed/approved construction details and specifications have been implemented to serve the particular property, has been submitted to and approved in writing by the local planning authority. This will include photos of excavations and soil profiles/horizons, any placement of tanking, crating, connecting pipe work, hydrobrakes, 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.

35. No dwelling hereby permitted shall be occupied until the sustainable urban drainage scheme for this site has been completed in accordance with the submitted details. The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. Written confirmation of agreements for the management and maintenance of the drainage scheme shall be submitted and approved by the Local Planning Authority.

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.

In the event of the S106 agreement not being completed by 31<sup>st</sup> December 2023, the Assistant Director: Planning be authorised to either extend the period further or refuse the application for the following reasons:

01. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017 (as amended), Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and the Thames Basin Heaths Special Protection Area Supplementary Planning Document (2018).

02. In the absence of a planning obligation to secure affordable housing in terms that are satisfactory to the Local Planning Authority, the proposal is contrary to 'Saved' Policy H8 of the Bracknell Forest Borough Local Plan, Policies CS16 and CS17 of the Core Strategy Development Plan Document, the Planning Obligations SPD, the resolution on affordable housing made by BFC Executive on 29 March 2011, and the NPPF.

03. The proposed development would unacceptably increase the pressure on highways and transportation infrastructure, community facilities and public open space. In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which secure contributions towards integrated transport and highway measures, open space, and community facilities, the proposal is contrary to Policies R5 and M4 of the Bracknell Forest Borough Local Plan and CS6, CS8, and CS24 of the Core Strategy Development Plan Document and to the Planning Obligations SPD and the NPPF.

04. In the absence of a planning obligation to secure a biodiversity net gain which would deliver measurable improvements for biodiversity by creating or enhancing habitats in association with the development the proposal is contrary to paras 8c and 170d of the NPPF.

05. It has not been demonstrated that the proposed development would incorporate a sustainable drainage system (SuDS) for the management of surface water run-off which would be maintained for the lifetime of the development. This is contrary to the House of Commons: Written Statement (HCWS161) Sustainable Drainage Systems 18/12/2014, the Flood Risk and Coastal Change PPG updated 15/04/2015, and the NPPF.

#### 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 02, 08, 10, 12, 20, 23, 26, 27, 30, 31, 32 and 33.

The following conditions require discharging prior to occupation: 09, 14, 19, 22, 34 and 35.

The following conditions require discharging prior to construction above slab level: 16, 17 and 18.

The following conditions require discharge prior to practical completion: 25 and 29.

The following condition requires discharge prior to the commencement of any development other than the construction of the access: 05.

No further details are required pursuant to the following conditions however they are required to be complied with: 01, 03, 04, 06, 07, 11, 13, 15, 21, 24 and 28.

03. The following indicative plans were considered in the determination of the application and are considered to demonstrate that 42 units can be accommodated on the site:

- Mix and Parking Allocation XX-ZZ-DR-A-SK005 Rev A
- Illustrative Masterplan XX-ZZ-DR-A-SK006 Rev A

However, some concerns are raised about the relationship between proposed units which could be resolved through changes to the layout. Furthermore, National Planning Policy Guidance indicates that a sequential approach to the location of development within areas at risk of flooding is preferred to providing mitigation measures. In line with this guidance, it is recommended that proposed dwellings are located outside flood risk areas. Consideration should be given to these issues in the submission of any reserved matter relating to the issue of layout.

04. In designing the layout of the approved development, the applicant should consider the location and space assigned for storage of domestic waste to avoid potential interference with neighbouring occupiers. Information and advice on refuse and recycling arrangements can be found at <https://www.bracknell-forest.gov.uk/sites/default/files/documents/guidance-notes-for-new-developments-waste.pdf>.

05. Notwithstanding the wording of the 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<sup>th</sup> June 2022 for use in England. The applicant should familiarise themselves with, and comply with, the requirements of this document with regard to the provision of electric charging infrastructure.

06. 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@bracknellforest.gov.uk](mailto:Highways.Transport@bracknellforest.gov.uk) , to agree the access construction details and to enter into an agreement pursuant to Section 278 of the Highways Act 1980 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.

07. 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. We 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 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)