

ITEM NO: 6Application No.
22/01047/FULWard:
Binfield North and
Warfield WestDate Registered:
23 December 2022Target Decision Date:
24 March 2023

Site Address:

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

Proposal:

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

Applicant:

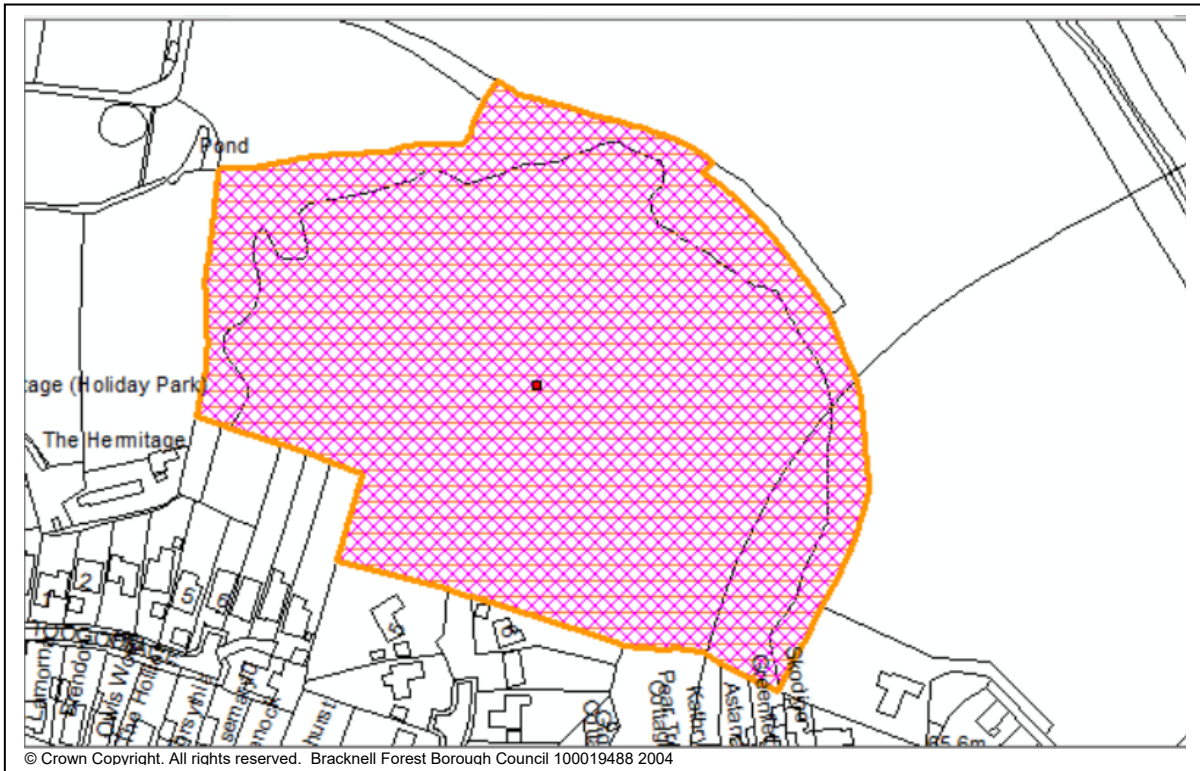
Ms Sarah Howell

Agent:

(There is no agent for this application)

Case Officer:

Sarah Fryer, 01344 352000

development.control@bracknell-forest.gov.uk**Site Location Plan** (for identification purposes only, not to scale)

OFFICER REPORT

1. SUMMARY

- 1.1 This is an application submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) which seeks to amend conditions attached to a previous planning permission. In this instance, this application seeks to amend condition 4 which list the plans approved under the original application 16/01004/OUT, and conditions 6 and 7 which seeks details of highway construction and visibility spays, effectively discharging these conditions. This application seeks approval for substitute amended plans relating to the access of the original outline planning permission.
- 1.2 Members will recall that this application was originally presented to the 15th June 2023 Planning Committee where members deferred the application so that specific questions and queries raised during debate could be answered. The specific queries and responses to them are contained in section 4 below.
- 1.2 Careful consideration has been given to both the highway safety aspect of the proposal and the impact of constructing a road on the two flanking trees. Both the Highway Authority and Council's Tree Service are satisfied that there will be no harm to highway safety and that the proposal would not detrimentally affect the health of the trees within the curtilage of numbers 5 and 6 Newhurst Gardens.

RECOMMENDATION

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

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

- 2.1 Members deferred the item at the June 15th 2023 Planning Committee meeting. The application was deferred so that the following questions and queries could be answered:

Impact of changes

- Assessment of the noise impact of road level-changes (ramps to/from raised table and impact of cars accelerating and slowing down)
- Level changes to the back of the footway (between footway and boundaries to existing properties) – risk of pedestrians falling from back of footway towards neighbouring property boundaries/ditch – do any safety issues arise?
- Additional risks from raised platform that need to be assessed (low kerb upstand between the vehicle carriageway and pedestrian footway), will the low kerb upstand increase the risk of vehicles mounting the footway and not waiting for a vehicle to pass through the narrowing?
- the low kerb height and potential for drivers to therefore drive onto the footway without realising.
- Drivers speed up to get through, conflict between people coming in and going out
- Road Safety Audit - comment by public speaker - have risks been adequately addressed?
- Large groups of children walking together and ignoring crossing points – will they be safe?
- How many heavy lorries will the carriageway be able to deal with and will the carriageway hold up?
- Narrow entrance – what happens if services need to be dug up and there is fire at the estate, how would a fire engine pass?
- Pavement sloping back, run off slope not owned by developer, does it extend into gardens of properties in Newhurst Gardens?

Trees

- Nature of protection of trees – permeable carriageway construction and cell web footway details, is it same as the Fines Bayliwick (2021) application that was considered not acceptable?
- There may be vehicle runover on that surface, therefore confirm, weight bearing rating of material to be used, likely life span, life span of raised bottleneck, will it develop potholes?
- How long do we expect the Oak tree to live?
- Oak tree roots radius, the trenches don't give a true picture of the spread of roots
- Can the tree roots be protected when used by heavy construction traffic?

S106 Obligations/Conditions

- Previous s106 – what are the obligations in it, with particular regard to whether maintenance and management of the road and footway is secured
- Construction and management and how it will be controlled including future maintenance and management

Drainage

- Drainage of carriageway and footway, permeability, any risk of water transferring overland to neighbouring gardens [SUDS Drainage team question].

Waste

- Waste collection – is the carriageway suitable for BFC waste collection vehicles?

Parking

- Are there any restrictions on parking in the vicinity?

2.2 It was originally before the Planning Committee due to the number of objections received.

3. REPRESENTATIONS RECEIVED

3.1 Three further representations have been received from addresses which have already commented, raising the following additional issues.

- a) Whilst the applicant responded to most of the questions noted at the June Planning Committee, they have not responded to all. The officer needs to insist on a full response by the applicant to these questions. [Officer Comment: The applicant would not have been able to answer all the queries raised by committee previously. All queries are addressed within this report.].
- b) Questions not answered by the applicant:
 - Road Safety Audit – comments by speaker- have risks been adequately addressed? [Officer comment: Yes they have.]
 - Large Groups of children walking together and ignoring crossing points – will they be safe? Not only large groups but could be ones or twos of young children who may get away from direct supervision by their parents and run into the development on the eastern side.
 - Nature of protection of trees – is it the same as the Fines Bayliwick (2021) application that was considered not acceptable?
 - Oak Tree radius, the trenches do not give a true picture of the spread of roots.
 - Can the tree roots be protected when used by heavy construction vehicles?

- Previous s106- what are the obligations in it, with particular regard to whether maintenance and management of the road and footway is secured. The applicant and BFC officers should provide an open report to committee members on the consequential changes to the underlying s106 agreement and the reasons for these changes.
- Construction and management and how it will be controlled including future maintenance and management.
- Drainage of carriageway and footway, permeability, any risk of water transferring overland to neighbouring gardens. No calculations have been provided for any of the existing run-off. Why are not swales being considered for the access roads when they have been incorporated into the rest of the site.
[Officer Comment: These are answered in Section 4 below].

c) Comments in respect of the questions answered:

- Assessment of noise impact from road levels changes- it would have been useful for a vehicle emissions test to be undertaken at the same time but this has not been included.
[Officer comment: Committee specifically requested information relating to noise and not emissions].
- Level changes between back of footway could result in a risk of pedestrians falling backwards. [Officer comment: the pavement is 2m wide, providing sufficient space for pedestrians to use without passing too close the edge. Whilst the risk cannot be completely removed, it is not sufficient to warrant a refusal of planning permission on highway safety grounds.]
- At the June meeting, the case officer stated that the pavement was 30cm high and the run-off slope approx. 80cm. Figures she must have received from the applicant. Drawing 186-325 now shows a run-off slope of 56cm, which would equate to a 1:2 slope. Why is the run-off slope now only 56cm long? Much steeper than the agreed 1:3 slope gradient? It would appear yet again that the applicant does not control the land required to construct even this convoluted solution, despite having assured the case officer that they did.
[Officer comment: Drawing 186-325 is additional information submitted and shows cross sections at various points. The land and boundary vary in width and height. This means that the slope will vary at different points.]
- Additional risks from raised platform that need to be assessed. Will the low kerb upstand increase the risks of vehicles mounting the footway and not waiting for a vehicle to pass. The cited example is cited in Crowthorne is on a normal width road. On a different development with a narrowing installed by the same developer a high containment kerb was used. This should be insisted upon here.
[Officer Comment: East application scheme is different and what works for one site may not be the solution for another, Equally there are a number of solutions. The low kerb is not a highway safety issues that would warrant a reason for refusal].
- Drivers speeding up to get through the narrowing. The applicant's response was highly subjective and not based upon fact.
[Officer comment: The number of expected trips of less than 1 per 2 minutes at peak time is based upon nationally used data set and would not lead to long wait times at the narrowing which would result in impatient and bad decision making on the part of the driver].
- How many heavy lorries will the carriageway be able to deal with and will the carriageway hold. The carriage way will be designed to BFBC adoptable specifications. This seems to have been upgraded since committee.
[Officer comment- The only difference is in the specification of the membrane used beneath the carriageway, and inclusion of painted fluorescent lines through the narrowing to assist drivers to stay within the carriageway. Theses changes are minor and do not alter the depth of construction. Prior to these changes the construction of the carriageway still complied with the Councils standards for an adoptable highway]

- What happens if services need to be dug up and there is a fire at the estate. The response that the sewers could be maintained using remote techniques is not evident in recent (possibly sewers) water works within the area.
 - Pavements sloping back, can the committee be assured that the water will not drain into neighbouring gardens? [Officers comment: Please see paragraph 4.49 regarding drainage. Residents believe that the banked earth will encroach on to land not owned by the applicant. The applicant has demonstrated that the works will be contained within the site boundary.]
 - There may be vehicle overrun on to that cell web. Please surface confirm, weight bearing rating of material, life span, specifically to the cell-web matting. In response the applicant has proposed an upgraded specification, implying that the original specification was in fact substandard. How will this be managed and maintained going forward?
[Officer Comment: The Cell web matting has not been increased since the previous committee. Please see paragraph 4.29 and 2.30 below for other questions raised].
- d) Misrepresentation of highways concerns to the members of the planning committee:
- The latest highways comments were not published upon the planning portal prior to the committee on 15th June.
The visibility splays are incorrect. From no. 5 southwards it says its 22m and 17m is needed but this is incorrect and 25m is needed for a 20mph speed limit.
 - the officers report of the 15th June committee makes no reference to many of the issues raised within the previous highways comments which objected to the proposal. These being:
 - Hatched areas on the plan with no clarification
 - No legal agreement has been sort and hatched areas disappear with no explanation.
 - Visibility splays at the junction to Warfield Street and Newhurst Gardens is a material consideration and have been reduced from 55m to 43m.
 - Previous highways comments claim that utilities running under the carriageway would not be acceptable, but then was accepted by officers at the meeting.
 - No details of drainage are provided.
- e) The applicant does not own sufficient land to facilitate the development including the visibility splays. [Officer Comment: Land ownership is a civil matter, however copies of the Land Registry title plans have been considered and officers are happy that the development, including site lines, lies within land over which the applicant holds the option and has served the relevant certificate.]

4. PROPOSAL

4.1 Following the Planning Committee on the 15th June 2023, members requested clarification on the points below. This report concentrates upon these points and the previous report and supplementary can be found at the following link: [Agenda for Planning Committee on Thursday, 15 June 2023, 6.30 pm | Bracknell Forest Council \(bracknell-forest.gov.uk\)](#) . The recording of this meeting should also be referred to including by any member who was not at the June Committee meeting. The recording is available on the agenda link above.;

4.2 **Impact of changes**

4.3 *Assessment of the noise impact of road level-changes (ramps to/from raised table and impact of cars accelerating and slowing down)*

4.4 The applicant submitted an assessment by specialist consultant RSK acoustics which used Transport Research Laboratory Data. This took measurements at a distance of 7.5m and 4.5m from the centre of each test site and a height of 1.2m above the carriageway. Test were conducted at a reference speed of 25km/h (16mph). For example at 25mph, on a level road the maximum Noise level (db(A)) was 64.4 whilst with a wide cushion the noise level was 64.0 (db(A)). The

Environmental health officer has no concerns regarding the noise and vibration impacts on existing and future occupants from the proposal.

4.5 For context the 60 dB(A) is equivalent to normal speech at 1m whilst traffic at a busy roadside is around 80 dB(A).

4.6 This has also been considered by the Council's Environmental Health Officer who commented that the noise report confirms that noise levels are likely to be lower with the proposed speed calming measures.

4.7 *Level changes to the back of the footway (between footway and boundaries to existing properties) – risk of pedestrians falling from back of footway towards neighbouring property boundaries/ditch – do any safety issues arise?*

4.8 The applicant has responded that additional cross sections have been provided that show that the level differences are minimal and do not pose an adverse safety risk. This was not raised as an issue within the Road Safety Audit.

4.9 *Additional risks from raised platform that need to be assessed (low kerb upstand between the vehicle carriageway and pedestrian footpath, will the low kerb upstand increase the risk of vehicles mounting the footway and not waiting for a vehicle to pass through the narrowing?*

4.10 The applicants have responded that low kerbs are found across the country and can be found in various locations including within the Borough (e.g. the table top at the junction between Buckler Ride and Goodwood Crescent, Crowthorne). The raised table would reduce speeds, which reduces the risk of drivers unintentionally mounting the kerb. To increase driver awareness particularly at night, the applicant is proposing thermoplastic white line marking along the channel line.

4.11 *The low kerb height and potential for drivers to therefore drive onto the footpath without realising.*

4.12 See response above.

4.13 *Drivers speed up to get through, conflict between people coming in and going out*

4.14 The forecast traffic volumes were confirmed at the time of the outline application and equate to around 234 two-way vehicle movements per day, including 25 movements in the morning peak hour and 23 movements in the evening peak hour. At peak times this equates to less than one vehicle movement every 2 minutes and therefore it is unlikely that drivers will be waiting for an unacceptable length of time with the result that they will get impatient and will try to squeeze through.

4.15 *Road Safety Audit - comment by public speaker - have risks been adequately addressed?*

4.16 The Road Safety Audit (RSA) is carried out by an independent Auditor who is independent and subject to a certification programme in order to undertake Road Safety Audits to GG119 of Design Manual for Roads and Bridges (DRMB). The job of the Road Safety Audit is to highlight potential issues for the designer to address. The Highways Authority believes all the issues identified within the Road Safety Audit have been adequately addressed within the 'Designers Response'.

4.17 *Large groups of children walking together and ignoring crossing points – will they be safe?*

4.18 Whilst there will be marked crossing points is it not considered unsafe for pedestrians to use other places to cross the highway. Whilst the layout can design out the risks, the planning system cannot account for the actions of each and every individual.

4.19 *How many heavy lorries will the carriageway be able to deal with and will the carriageway hold up?*

4.20 The applicant has responded that the carriageway has been designed in accordance with Bracknell Forest Council's adoptable standards. Details of the sub-base have been provided which has been designed to withstand the anticipated loadings. Accordingly, due to the number of variations (definition of heavy lorry) whilst the Council cannot specifically confirm how many heavy lorries the carriageway will be able to deal with, officers are satisfied that the carriageway will be able to hold up to the construction traffic.

4.21 *Narrow entrance – what happens if services need to be dug up and there is fire at the estate, how would a fire engine pass?*

4.22 The applicant has responded:

A utility margin is proposed to pass through the carriageway for a short section of the narrowing in order to avoid the root protection area of the adjacent trees. The margin width will be kept to a minimum and services will be ducted where possible to allow maintenance to take place 'remotely' (i.e. in an area where the road width is greater). However, infrequently, direct access to the services may be required and sketch 186-305, included in Appendix 5, illustrates how a single lane closure, whilst allowing emergency vehicle access, would be possible with traffic management measures which have been drawn in accordance with Chapter 8. Please note that often utility works in constrained accesses are completed overnight with advanced warning to residents to reduce disruption to only emergency situations. As vehicles may be required to straddle the Cellweb footway, an upgraded specification has been obtained from Geosynthetics which is reflected in the design and addressed in Point 9) below.

An additional point was raised in the objector's presentation surrounding concerns of a similar nature with regards to emergency access when/if the sewers require maintenance. It must be noted that remote techniques, such as sleeving pipes using the manhole nodes for access, are now commonly used to replace sewers when they are defective. Blockage clearance can also take place by jetting via the manhole access points and, through the narrowing, the manholes are located in the footway. For completeness, drawing ref. 186-327 has been provided in Appendix 5, illustrating to the location of the sewers, the routes of which have been traced by specialist surveyors.

4.23 *Pavement sloping back, run off slope not owned by developer, does it extend into gardens of properties in Newhurst Gardens?*

4.24 The slope abutting the back of the footpath will be permeable (so water can pass through the surfaces and into the soil before) and varies between 0.38m 0.22m in width. There is at least 0.44m between the back edge of the footpath and site boundary. The retaining slope therefore will not encroach on to neighbouring land.

Trees

4.25 *Nature of protection of trees – permeable carriageway construction and cell web footway details, is it same as the Fines Bayliwick (2021- 21/00460/FUL) application that was considered not acceptable?*

4.26 No, the Fines Bayliwick application was considered unacceptable on tree grounds as a cellular confinement system was not considered suitable for use within a parking area and not a footpath as in this instance.

4.27 *There may be vehicle runover on that surface, therefore confirm, weight bearing rating of material to be used, likely life span, life span of raised bottleneck, will it develop potholes?*

4.28 The applicant has confirmed that the footway has been designed to ensure that in the unlikely scenario that emergency vehicles need to mount the footway, the footway construction is strong enough to withstand the loading and design calculations have been provided.

4.29 The Cellweb system complies with BS5837:2012 (The British Standard "Trees in Relation to Design, Demolition and Construction to Construction - Recommendations") and APN 12 (The Arboricultural Association Guidance Note 12: the use of Cellular confinement systems near trees).

4.30 The proposed cellular system is manufactured by Geosynthetics and designed with a 40 year life span.

4.31 *How long do we expect the Oak tree to live?*

4.32 Oak trees have the potential to live for several hundred years but they are complex living organisms and the life span of an individual tree ultimately depends upon too many factors to provide an accurate answer.

4.33 *Oak tree roots radius, the trenches don't give a true picture of the spread of roots*

4.34 This question implies that the impact of the proposal on tree roots has *only* been assessed by digging trenches, which is not the case.

4.35 The full consideration of Root Protection Area, in accordance with the relevant British Standard, is included within the application documents and has been commented on in the existing tree comments.

4.36 The relevant British Standard (BS 5837) does not require the physical verification of the location of tree roots, in order to make reasonable determinations in the planning process. To do so would be impractical and disruptive to trees in the majority of cases.

4.37 The standard requires a non-invasive process to be used, and describes how minimum root protection areas (RPAs) can be calculated based on tree trunk diameter. This is initially represented as a nominal circle centred on the trunk of the tree. The standard then requires that modifications to the shape of the RPA should be made that reflect a soundly based arboricultural assessment of likely root distribution.

4.38 Specifically, section 4.6.3 states that "deviation in the RPA from the original circular plot should take account of the following factors whilst still providing adequate protection for the root system" and of particular relevance to the current application is the first factor:

"a) the morphology and disposition of the roots, when influenced by past or existing site conditions (e.g. the presence of roads, structures and underground apparatus)"

4.39 The rooting area of the tree in the front garden of 6 Newhurst Gardens is known to be above and adjacent to underground apparatus, including an inspection chamber, underground pipes, a garage building / driveway and an existing tarmac accessway. These site conditions have been considered when adjusting the likely area of rooting.

4.40 The final representation of tree protection area is considered a reasonable estimate of where the roots will likely be distributed, and it was this estimation of root distribution that was tested by completing some trench excavation. The areas of a nominal circle, where roots were not

expected to be found based on site conditions, were physically explored and this confirmed that root locations had followed expectations.

4.41 The excavation of trenches represents additional checks on the application of British Standard principles, they were not the sole information relied upon. The tree service can only state that it considers the treatment of the rooting area for trees would still be in line with British Standards if the additional validation provided by excavation of trenches had not been completed.

4.42 *Can the tree roots be protected when used by heavy construction traffic?*

4.43 Condition 5 was re-worded within the supplementary report to the 15th June committee meeting to ensure that the access was constructed first so that the tree roots would be protected during the construction period.

S106 Obligations/Conditions

4.44 *Previous s106 – what are the obligations in it, with particular regard to whether maintenance and management of the road and footway is secured.*

4.45 The previous legal agreement secured under s106 of the TCPA was a Unilateral Undertaking dated 15th January 2018. Section 1.1.18 defines the Highway Works and includes ...'and those works required to construct the proposed residential development street layout to adoptable standards in land over which the Owner has control'.

4.46 There are no obligations which relate to the maintenance and management of the proposed roads and footway.

4.47 Whilst Officers are negotiating with the applicant to include clauses which would secure management and maintenance information for the whole development this goes further than the scope of this application and would not be a defensible reason for refusal of this S73 application.

4.48 *Construction and management and how it will be controlled including future maintenance and management.*

4.49 See comments above.

Drainage

4.50 *Drainage of carriageway and footway, permeability, any risk of water transferring overland to neighbouring gardens.*

4.51 The Lead Local Flood Authority has looked at the plans. The impermeable surfaces of the footpath drain into the permeable carriageway. The carriageway is proposed to be of permeable construction, allowing water to drain through with any excess draining to the point where footpath and carriageway meet. Therefore, the only water which could possibly run into neighbouring gardens would fall outside the carriageway on the slope retaining the back edge of the footpath construction.

4.52 This strip is approximately 30cm wide, and would be soft landscaped and accordingly self-draining. Therefore, given that the catchment of the slope is so small any run off onto adjoining land would be minimal. It can therefore be concluded that the runoff from the slope would be very minimal, hence a minimal risk of water transferring overland to neighbouring gardens.

Waste

4.53 *Waste collection – is the carriageway suitable for BFC waste collection vehicles?*

4.54 Yes. The S106 states that the proposed roads and highways need to be constructed to adoptable standards and therefore suitable for BFC waste collection vehicles.

Parking

4.55 *Are there any restrictions on parking in the vicinity?*

4.56 No there are no on-street parking restrictions within Newhurst Gardens or Warfield Street, in the vicinity of Newhurst Gardens.

Site Visit

4.57 *Arrange site visit for planning committee members.*

4.58 A site visit can be arranged at the request of Councillors.

5.0 CONCLUSIONS

5.1 This is an application submitted under S73 of the Town and Country Planning Act which enables applications to be submitted to amend, or remove conditions attached to a valid planning application. This application specifically seeks to amend the details of the approved access between Newhurst Gardens into the already approved development site, and discharge conditions concerning visibility splays and construction of the access. It does not seek any other changes or alterations to the approved scheme.

5.2 The main issues which have been considered are the impact upon highway safety (i.e is the proposed access safe) and would the proposed changes detrimentally affect the protected trees. The Council's Highways and Tree officers have considered the application and raise no objection.

5.3 The application also seeks to discharge conditions related to the access, namely condition 6 on highway construction and condition 7 relating to visibility. The details submitted are considered sufficient to satisfy the requirements of these conditions.

5.4 The application is therefore before the committee recommended for approval.

6. RECOMMENDATION

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

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

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

01. Approval of the details of the scale of the buildings, the layout, appearance and landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced. The plans and particulars in relation to the reserved matters shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990.
03. The development hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details:-
 - o Site Location Plan (approved under 16/01004/OUT)
 - o Access Plan Overview (186/301 B)
 - o Schedule of Tree Works (SJA stw 23031-01 May 2023)
 - o Tree Protection Plan (SJA AIA 23031-041b)
 - o Vehicular Access Scenarios (186/305 rev. C)
 - o Road Safety Audit Stage 1 (ref: BN/CH/23-124)REASON: To define the permission
04. No development shall take place until details showing the finished floor levels of the buildings hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out strictly in accordance with the approved details.
REASON: In the interests of the character of the area.
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]
05. The access road and its associated footways and margins hereby approved shall be constructed in accordance with the approved drawings and Road Safety Audit, including Designers Response, with the carriageway construction to meet Bracknell Forest Council's adoptable standards prior to the commencement of development within the rest of the site. The margin on the eastern side of the access road north of the driveway for no. 6 Newhurst Gardens shall be planted with species with a height of between 0.2 metres and 0.6 metres.
- The connections between the access road and existing driveways shall have a less than 1:15 gradient over a length of no more than 5.0 metres.
- REASON: In the interests of highway safety and tree protection and to allow for the efficient delivery of goods and access by service and emergency vehicles including the Council's waste and recycling collection vehicles.
[Relevant Policies: BFBLP 'Saved' Policies EN1, EN20 M4, M6 and M7; Core Strategy DPD CS7, CS23]
06. Visibility splays shall be provided and maintained in accordance with drawing 186/301 C (left-hand panel titled Proposed General Arrangement - Access) for the access road and the driveways which connect to it. No planting or other obstruction to visibility over 0.6 metres in height shall be placed within or allowed to grow within the visibility splay areas with the exception of the signage for the road narrowing & speed limit and street lighting, which shall be positioned as indicated on the approved drawings.
REASON: In the interests of highway safety.
[Relevant Policies: BFBLP 'Saved' Policies M4 and M6; Core Strategy DPD CS23]
07. No dwelling shall be occupied until the associated vehicle parking and turning space has been surfaced and marked out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The spaces shall not thereafter be used for any purpose other than parking and turning.
REASON: In the interests of highway safety.
[Relevant Policies: BFBLP 'Saved' Policies M4 and M6; Core Strategy DPD CS23]

08. No dwelling shall be occupied until covered and secure cycle parking facilities serving it have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be retained as approved.
REASON: In the interests of highway safety.
[Relevant Policies: BFBLP 'Saved' Policies M4 and M6; Core Strategy DPD CS23]
09. No development shall take place (including any ground works or vegetation clearance) until a scheme has been submitted to and approved in writing by the Local Planning Authority to accommodate:
(a) Parking of vehicles of site personnel, operatives and visitors
(b) Loading and unloading of plant and vehicles
(c) Storage of plant and materials used in constructing the development
(d) Wheel cleaning facilities
(e) Temporary portacabins and welfare for site operatives
(f) Details of the access during construction
(g) Swept paths demonstrating that the largest anticipated construction vehicle can enter the site in a forward gear from the adopted highway, turn around on-site and depart the site in a forward gear back onto the adopted highway.
Each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (f) above.
REASON: In the interests of highway safety.
[Relevant Policies: BFBLP 'Saved' Policies M4 and M6; Core Strategy DPD CS23]
10. No development shall take place (including any ground works or vegetation clearance) until details of a scheme (Working Method Statement) to control the environmental effects of the construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-
(i) control of noise
(ii) control of dust, smell and other effluvia
(iii) control of surface water run off
(iv) site security arrangements including hoardings
(v) proposed method of piling for foundations
(vi) construction working hours
(vii) hours during the construction phase when delivery vehicles or vehicles taking materials are allowed to enter or leave the site
The development shall then be carried out strictly in accordance with the approved scheme.
REASON: To protect the amenities of nearby residents.
11. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be implemented strictly in accordance with the approved details before the development is completed. The scheme shall include:
(a) Results of BRE 365 compliant infiltration tests to inform the drainage strategy
(b) Discharge Rates
(c) Discharge Volumes
(d) Confirmation from Thames Water of agreement to proposed discharge rates
(e) Maintenance and management of SUDS features
(f) Sizing of features - attenuation volume
(g) Detailed drainage layout with pipe numbers
(h) Full details of the SUDS Balancing Ponds, and conveyance swales as set out in the drainage strategy

- (i) Network drainage calculations
- (j) Phasing plans

REASON: In order to ensure the provision of adequate foul and surface water drainage to serve the development; to prevent the increased risk of flooding; and improve and protect water quality, habitats and amenity.

[Relevant Policies: BFBLP EN25, CSDPD CS1]

12. All ecological measures and/or works shall be carried out in accordance with the details contained in Grassroots Ecology Ecological Impact Assessment dated September 2016 as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: Core Strategy DPD CS1, CS7]
13. No development shall take place (including any ground works or vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) risk assessment of potentially damaging development activities
 - b) identification of "biodiversity protection zones"
 - c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during development (may be provided as a set of method statements)
 - d) the location and timing of sensitive works to avoid harm to biodiversity features
 - e) the times during development when specialist ecologists need to be present on site to oversee works
 - f) responsible persons and lines of communication
 - g) the role and responsibilities on site of an ecological clerk of works or similarly competent person
 - h) the use of protective fences, exclusion barriers and warning signs
- The approved CEMP (Biodiversity) shall then be adhered to and implemented throughout the development period strictly in accordance with the approved details.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: Core Strategy DPD CS1, CS7]
14. No part of the development shall be first occupied until an ecological management plan has been submitted to and approved by the Local Planning Authority. The plan shall include:
- i) description and evaluation of the features to be managed
 - ii) description of target habitats and species
 - iii) ecological potential and constraints on the site
 - iv) aims and objectives of management
 - v) appropriate management options including location and method statements
 - vi) prescriptions for management actions
 - vii) preparation of a work schedule indicating the timing of works
 - viii) personnel responsible for implementation of the plan
 - ix) monitoring and remedial measures triggered by monitoring
- The ecological management plan shall then be fully observed, performed and complied with.
REASON: In the interests of nature conservation
[Relevant Plans and Policies: Core Strategy DPD CS1, CS7]
15. No part of the development shall be first occupied until a scheme for the provision of biodiversity enhancements (not mitigation), including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the

Local Planning Authority. The approved scheme shall then be fully performed, observed and complied with.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: Core Strategy DPD CS1, CS7]

16. No development shall take place until a Sustainability Statement covering water efficiency aimed at achieving an average water use in the dwellings of 110 litres/person/day, as required under optional Building Regulation Part G, has been submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out strictly in accordance with the Sustainability Statement as approved and retained as such at all times thereafter.
REASON: In the interests of sustainability and the efficient use of resources.
[Relevant Policy: Core Strategy DPD CS10]
17. The development hereby permitted shall be implemented in accordance with the recommendations of the submitted Energy Statement and, the dwellings hereby permitted shall be operated in accordance with the submitted Energy Statement at all times thereafter.
REASON: In the interests of the sustainability and the efficient use of resources.
[Relevant Plans and Policies: CSDPD Policy CS12]
18. Prior to the occupation of the first dwelling, the applicant will comply with the details contained within the Archaeological Evaluation (ref:237590.02) and Written scheme of Investigation (ref:237591.01) approved under application 21/00017/COND. The mitigation strategy shall then be implemented strictly in accordance with the approved details.
REASON: In order to safeguard a site that is of historic/archaeological interest
[Relevant Policies: BFBLP EN6, EN7]
19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting that order, no freestanding external lighting shall be installed on the site except in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority
REASON: In the interests of the character of the area and biodiversity.
[Relevant Policies: BFBLP EN20 and EN25, Core Strategy DPD CS1 and CS7, WNP12]
20. All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the first occupation of any part of the approved development, whichever is sooner. All hard landscaping works shall be carried out and completed prior to the first occupation of any part of the approved development. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code of Practice for General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications for Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.
REASON: In order to assess the impact of the development upon existing vegetation, landform and other site landscape features.
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

21. All existing trees, hedgerows and groups of shrubs shown to be retained on the approved drawings shall be protected by 2.3 metres high (minimum) protective barriers, supported by a metal scaffold framework, constructed in accordance with Section 9 (Figure 2) of British Standard 5837:2005, or any subsequent revision. The development shall then be carried out strictly in accordance with the approved drawings
REASON: In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area.
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]
22. The protective fencing and other protection measures specified by the previous condition shall be erected in the locations agreed in writing by the Local Planning Authority prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site. No activity of any description must occur at any time within these protected areas including but not restricted to the following:-
a) No mixing of cement or any other materials.
b) Storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description.
c) Siting of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, porta-loos, storage compounds or hard standing areas of any other description.
d) Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ground conditions of any other description.
REASON: In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area.
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]
23. No part of the development shall be occupied until the arrangements for the future management of the public open space on the site in perpetuity have been put in place in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
(a) the long term design objectives of the public open space
(b) maintenance schedules for all public open space areas within the development
(c) management responsibilities
(d) details of the ongoing funding arrangements
The approved arrangements shall then be observed and performed at all times thereafter.
REASON: In the interests of the visual amenity of the area.
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

Informative(s)

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. No details are required to be submitted in relation to the following conditions; however, they are required to be complied with:
01. Approval of Reserved Matters
02. Implementation time constraint

- 03. Plans considered
- 05. Highway construction
- 06. Visibility splays
- 12. Ecological measures
- 17. Energy Statement
- 18. Archaeology
- 19. External Lighting
- 20. Landscaping
- 21. Tree protection

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

- 04. Finished Floor Levels
- 09. CEMP
- 10. Environmental CEMP
- 11. Surface Water Drainage
- 13. CEMP bio-diversity
- 16. Sustainability statement
- 22. Tree Protection details.

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

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

03. Formation of access from Newhurst Gardens (in accordance with Outline permission) will require entering into a Highways Act Section 278 (and potentially S38) agreement with the Highway Authority. The Highways and Transport Section should be contacted at Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 352000 or via email at Highways.Transport@bracknell-forest.gov.uk , to agree the access construction details and to grant appropriate licences and/or agreements 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.