



Appeal Decision

Hearing Held on 3 May 2022

Site visit made on 3 May 2022

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 June 2022

Appeal Ref: APP/R0335/W/21/3275530

Larkfield, Chavey Down Road, Winkfield Row, Bracknell, RG42 7PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Antler Homes against the decision of Bracknell Forest Borough Council.
 - The application Ref 20/00607/FUL, dated 6 August 2020, was refused by notice dated 16 April 2021.
 - The development proposed is demolition of 1 existing dwelling (Larkfield) and erection of 10 new dwellings together with vehicular and pedestrian access, car parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of 1 existing dwelling (Larkfield) and the erection of 10 new dwellings together with vehicular and pedestrian access, car parking and landscaping, at Larkfield, Chavey Down Road, Winkfield Row Bracknell in accordance with the terms of the application, Ref 20/00607/FUL, dated 6 August 2020, and the plans submitted with it, subject to the conditions included in the schedule to this decision.

Procedural Issues

2. The application form refers to 11 new dwellings but this was subsequently amended. The banner heading to this decision reflects the description of development on which the Council made its decision and what is referred to in the appeal form.
3. During the Hearing a draft S106 Agreement was discussed. Subsequently I received a completed Agreement, dated 13 May 2022 which includes financial contributions as mitigation for the impact of the appeal scheme on the Thames Basin Heaths Special Protection Area (SPA) and an obligation regarding the monitoring of the surface water drainage strategy.

Main Issues

4. The appeal raises the following issues:
 - The effect of the proposed scheme on the character and appearance of the area

- The recreational impacts of the proposed scheme on the Thames Basin Heaths Special Protection Area (SPA), and
- Whether or not the proposed scheme would lead to increased flood risk.

Reasons

Character and appearance

5. The Council's first reason for refusal relates to issues of urban form although its evidence base also includes reference to landscape character. I address both issues below.
6. The appeal site comprises Larkfield, a 2 storey detached residential property with an extensive rear garden which extends to the rear of 6 properties served by a slip road from Chavey Down Road to the south. The slip road is separated from the main carriageway of Chavey Down Road by a short belt of trees, identified as a linear landscape feature¹. The properties comprise detached bungalows with some extending to 1.5 storeys in height.
7. The surrounding landscape comprises paddocks and fields with boundaries comprising hedgerows and mature trees. Set within this landscape are linear belts of housing along the area's principal roads.
8. Development plan policies are consistent in seeking the protection of the countryside including trees and hedgerows and that the design of new development will be of high quality. These policies are supported by a range of Supplementary Planning Documents in respect of Design and Streetscene.

Urban form

9. The site lies in Area D of the Winkfield Row South Character Area² which identifies that there is a predominant linear form to development in the area which allows views to surrounding countryside.
10. Whilst this may have been an important aspect of the area at the time of the assessment this has been compromised during recent years with the development of small infill developments which break with the linear grain of this character.
11. The Statement of Common Ground (SoCG) includes a brief description of the area around the appeal site which identifies that both to its north and south at the Yard and Connaught Gardens new development has been recently approved which forms the character and pattern of development in the area.
12. The Council state that these 2 sites are not to be regarded as precedents as the Yard was developed on previously developed land and Connaught Gardens was granted planning permission on a greenfield site at a time when the Council could not demonstrate a 5 year housing supply. However, whilst it may regard these as 'exceptions' to its adopted policies, there are other similar schemes in the area. This type of development now forms part of the existing character of the area.

¹ HD6

² HD6

13. In this respect the appeal scheme adheres to the requirements included in the Councils' supplementary planning documents which require that new development on the edge of settlements should respond to its local character³ and settlement pattern.
14. The appeal site is included within WINK14b, for the purposes of site assessment for new housing allocations⁴ prepared for the emerging local plan. However, WINK 14b is an extensive area covering just over 15ha compared to the appeal site of around 0.83ha. The appeal site is not explicitly referenced within the assessment and for this reason the exclusion of WINK14b from further consideration as a housing allocation is not directly pertinent to the issues raised by this appeal. However, the assessment does identify that the area within which the appeal site lies is least sensitive (*to development*) and concludes that the area is departing from its traditional linear character. This reinforces the references in the SoCG in respect of the changing character of the area.
15. The existing form of development along the slip road to Chavey Down Road only allows intermittent views of the canopies of the tree belts surrounding the site. Despite the height of the individual houses within the appeal scheme they would not completely obscure views of the canopies given their separation distances and location around the site.
16. The proposed scheme would involve an access taken over the site of 'Larkfield', which would run between its neighbouring properties. The Design SPD requires that access points serving backland development should not harm the streetscene.
17. Larkfield lies by the northern entrance to the slip road but sits apart from the neighbouring housing. It neither reads as part of the low rise development along the slip road or part of the row of detached properties to the north lying on the east side of Chavey Down Road. For this reason, the proposed location of the access would not harm the streetscene contrary to the Council's design guidance.
18. For this reason, the location of the proposed access can be distinguished from that in the appeal scheme at Tuscany⁵, to the south of the appeal site, where according to an Inspector colleague, the loss of a single dwelling would have created a gap in the row of detached properties adversely impacting on the character and appearance of the area. In contrast, the location of the proposed access can be compared to that recently completed at Connaught Gardens which also sits apart from the housing to its north by the southern access to the slip road. In this sense the 2 site access points would 'bookend' the linear development of the properties along the slip road without interrupting or disrupting its linear form. The grain of existing development would not be harmed.
19. The appeal scheme comprises 3 groups of houses. These include 3 chalet bungalows incorporating rooms in the roof along its western edge and 2 groups of detached 2 storey residential properties lying along a short access road within the site.

³ HD 7 & HD 8

⁴ HD 6

⁵ APP/R0335/W/18/3216895

20. When viewed from the slip road these dwellings would only be partially seen, in the same way that the properties in Connaught Gardens are only partially seen between the gaps between the existing houses along the slip road. The resultant visual harm arising from the appeal scheme would be minimal.
21. I acknowledge that the appeal scheme represents back land development, but this has to be considered in the wider context of the pattern of development in the area. Whilst interested parties expressed concerns over the relative density of the appeal scheme compared to those recently granted, the critical issue is how the scheme would relate to its surroundings.
22. The arrangement and size of the individual plots is in keeping with surrounding development; a matter which distinguishes this appeal from that on land at Tuscany where the Inspector found that some of the plot sizes were cramped. The proposed scheme could be accommodated on this site in a way which would not have an adverse impact on the area's character and appearance.

Landscape

23. The majority of the site lies outside the settlement boundary in designated countryside but it does not lie within a valued landscape as defined by Paragraph 174a) of the National Planning Policy Framework (the Framework).
24. The appellants evidence included a Landscape and Visual Impact Assessment (LVIA). This identifies the site within Landscape Character Type F1, Chavey Down Wooded Sands⁶, characterised by fields and paddocks with boundaries of hedgerows and trees. The LVIA notes that whilst development has fragmented parts of the area it is held together by a wooded framework.
25. The Council states that the appeal site is a paddock and does not form part of the rear garden serving Larkfield. This was supported by the comments received from interested parties during the Hearing. From my visit, the site has the character of a very large domestic garden. I could not see evidence that the area had at one time been separated by a fence from the remainder of the rear garden located directly behind Larkfield. From the incidental and ornamental planting within the site it appears that it has been used as a garden for several years. Although the scheme involves the loss of 10 trees⁷, the strength of existing boundary planting, which forms such an important landscape feature would be retained in the appeal scheme.
26. The LVIA includes a series of viewpoints⁸ (VPs) of which 2 were from Chavey Down Road and 3 from Locks Ride and a single VP from the Locks Ride recreation and sports ground.
27. When looking into the site from the pedestrian walkway along Chavey Down Road the roof line of the property in plot 1 would just be visible, although the extent of planting proposed for the access road, could overtime hide this.
28. The site is self-contained by boundary trees and hedgerows. Accordingly, due to the extent of tree cover, from Lock's Ride it is likely that only the roof lines of the houses would be glimpsed. From the Locks Ride recreation and sports ground, the site would not be readily seen given the extent and depth of the

⁶ Bracknell Forest Landscape Evidence base 2015

⁷ Arboricultural Report

⁸ Landscape and Visual Impact Assessment

intervening hedgerow boundaries. This was also a conclusion of the Inspector for the previous appeal which included part of this site⁹.

29. The greater part of the appeal site lies beyond the settlement boundary and for this reason it is in conflict with Policies EN8 and H5 of the Bracknell Forest Local Plan and Policies CS1, CS2, and CS9 of the Core Strategy DPD which seek to focus development in existing settlements to protect the countryside. With regard to policies EN1 and EN20 of the Local Plan and Policy CS7 of the Core Strategy the level of harm arising on the character and appearance of the area would be limited given the changing pattern of development throughout the area and the scheme's limited visual impacts.

Thames Basin Heaths SPA

30. In 2018, the Court of Justice of the European Union ruled that the decision maker, when considering the effect that a proposal may have on a European Site, must consider mitigation within the Framework of an Appropriate Assessment (AA) rather than at the screening stage¹⁰. This responsibility now falls to me within this appeal.
31. The Habitats Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of European sites either alone or in combination with other plans or projects.
32. The Thames Basin Heaths SPA comprises a network of heathlands which together provide habitat for internationally important bird species including Dartford Warbler, Woodlark and Nightjar. The appeal site lies within the Zone of Influence of the SPA as set out in the Council's adopted SPD.
33. This area is used for public recreation and there was no dispute between the parties that it cannot be ruled out that the proposal, when considered alone or in combination with other schemes, would have likely significant effects on the aforementioned qualifying features of the SPA due to the increased recreational use. The appeal site lies within 5km of the SPA.
34. After carefully reviewing the evidence, I agree that this would be the case and therefore it is incumbent upon me to undertake an Appropriate Assessment. As part of this process, I may consider any conditions or other restrictions which could secure mitigation of this harm, and which would therefore allow development to proceed in the knowledge that the conservation objectives of the SPA would not be compromised.
35. Natural England and the Council have indicated that there is an agreed strategic solution to mitigate the effects of the proposal, in the form of contributions towards the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management Monitoring Measures (SAMMS). This strategy requires financial contributions from developments and allocates detailed and costed infrastructure and non-infrastructure projects to proposals dependent on their scale and location for sites lying within a 5km buffer zone of the SPA. In respect of this appeal Natural England have commented that it has no objection subject to appropriate mitigation being secured.

⁹ APP/R0335/W/18/3216895

¹⁰ People Over Wind and Peter Sweetman v Collite Teoranta ECJ (2018) C-323/17

36. The main parties agree that the mitigation can be delivered via the appellant entering into an agreement pursuant to Section 106 of the Town and Country Planning Act 1990. The appellant has supplied a completed agreement with all requisite signatories which addresses the appropriate tariff for the net additional dwellings included in the scheme.
37. The Council's Policies including NRM6 of the South East Plan, Policy CS14 of the Core Strategy and Policy EN3 of the Local Plan seeks to enhance the integrity of the Thames Basin Heaths SPA through the implementation of the SAMMS and SANG.
38. The Agreement, submitted with the appeal, includes covenants in favour of the Council requiring a contribution of £59,768.00 towards the SANG and £6,922.00 for the SAMM. These capital amounts would therefore serve to mitigate for the recreational impacts arising from the proposed 9 additional dwellings as required by Natural England.
39. On this basis, the required mitigation would be properly secured through the requirements of Schedule 1 of the Agreement, and accordingly the proposals would not have an adverse effect on the identified SPA either alone or in combination with other projects.
40. I conclude on this main issue that the appeal scheme does not conflict with policies NRM6 of the South East Plan, E3 of the Local Plan and CS14 of the CS. The obligations are consistent with both Paragraph 57 of the Framework and Regulation 122 of the CIL Regulations.

Flood risk

41. The submitted flood risk assessment and drainage strategy seeks to provide mitigation for both the increased surface water run off and the rate of run off arising from the scheme.
42. Originally, it was proposed that the surface water drainage strategy in line with the drainage hierarchy would be accommodated through a soakaway as part of a sustainable drainage strategy (SuDS) but soil testing indicated that this would not be suitable. The revised surface water drainage strategy requires run off to be attenuated on site, close to greenfield run off rates through non infiltrating permeable surfacing in the parking courts with a storage tank beneath the road access. This would allow discharge flows at a restricted rate to the Thames Water sewer in Chavey Down Road requiring a new point of connection in Carnation Drive to the west of the site.
43. Although this issue was a reason for refusal, the Councils decision letter includes an informative to the effect that the provision of long term management could be addressed through a planning obligation. A payment to the Council of £8,000 for monitoring of the SuDS is included in the S106 Agreement. This is in accordance with Policy CS6.
44. During the Hearing, the Council agreed that 5 additional conditions, requiring the submission of further details of the proposed scheme together with an obligation requiring its monitoring included in the S106 Agreement could resolve this matter.
45. On the basis of the completed S106 Agreement and the details required by the planning conditions, I am satisfied that these measures would comply with

Paragraphs 159-169 of the Framework which require that new development is steered away from areas of highest flood risk and that flood assessments provide wider sustainability benefits ensuring that there would be no increase in flood risks overall.

46. The obligation is consistent with both Paragraph 57 of the Framework and Regulation 122 of the CIL Regulations.

Interested parties

47. Interested parties have expressed objections to the proposed scheme based on a broad range of issues some of which I have addressed above. I address their outstanding matters below.
48. The appeal was accompanied by a Transport Assessment, based on the original scheme for 11 dwellings. This identified that the additional traffic generated in both the morning and afternoon peaks could be accommodated on the local highway network and would not compromise highway safety.
49. The 3 chalet bungalows would have a ridge height of around 9metres and whilst the Council does not regard them as bungalows it is not part of its case that they would result in adverse impact on the living conditions of surrounding occupiers. They would not have an adverse impact on the living conditions of surrounding occupiers.
50. I do not regard these figures as unduly conservative given the size of the appeal scheme. Additionally, the site is located within a mile of local schools and within 200m of a bus stop from which there are limited weekday and Saturday services. This would be an alternative mode of transport to the car allowing access to both Bracknell and Ascot where a range of services are available.
51. The Highway Authority has not identified concerns over highway safety arising from potential conflicts between traffic accessing the appeal scheme and users of Carnation Hall given the proximity of their junctions on Chavey Down Road. Given the limited amount of traffic generated by the proposed scheme, the additional traffic generated, would not undermine highway safety.
52. It is not my role to compare the submitted Transport Assessment with another prepared for the scheme on Neuchatal which led to the development of Connaught Gardens; this is not before me. The Transport Assessment for this scheme was accepted by the Highway Authority which did not recommend any changes to the layout or suggest planning conditions.
53. I have imposed a series of planning conditions which would address matters raised in respect of the site's biodiversity and ecology. These are designed to protect habitats and enhance biodiversity across the site.
54. The Council has a Housing Delivery Test 2022 of 217% demonstrating its past record in granting permissions. However, it currently has only 4.2 years supply of housing land required to meet future demand. This is below the target of 5 years supply required by the Government. The effect of this provision is that whilst decisions are still required to be taken against the policies of the development plan there is a presumption in favour of granting planning permission where development accords with the policies of the Framework when considered as a whole.

Planning balance

55. Both parties acknowledge that the Council cannot demonstrate a 5 year supply of deliverable housing. In these circumstances, paragraph 11d)i and ii and footnotes 7 and 8 of the Framework have to be considered.
56. Paragraph 11d)i and footnote 7, requires consideration of the impact of the proposal on the Thames Basin Heaths SPA, with regard to those policies within Chapter 15 of the Framework in respect of protected habitats.
57. The covenants included in the completed S106 Agreement in respect of the contributions towards the SANG and SAMM would ensure that the appropriate level of protection would be afforded to the SPA.
58. By reason of Paragraph 11dii) and footnote 8 of the Framework, the absence of a 5 year housing land supply renders the most important policies out of date.
59. However, the fact that policies have to be considered as out of date does not mean that they carry no weight. To carry weight policies must be consistent with the Framework, as explained in Paragraph 219 which amongst, other things, explains that the closer that policies in the plan are to policies in the Framework, the greater weight that may be given to them. As such it is perfectly possible for policies which are deemed out of date for reasons of an inadequate land supply to still carry significant weight.
60. Section 38(6) of the Planning and Compensation Act 2004 requires that applications for planning permission are determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Framework is a very important material consideration in the balance of this equation.
61. Whilst the Council's decision assessed the proposed scheme against a broad set of policies, both parties agreed during the Hearing, that the most important policies are CS2, CS7 and CS9 and EN8, EN 20 and H5. In my view these policies together with policy CS1 are central to the main issue on which my decision is based.
62. Policies CS1, CS2, CS9, H5 and EN8 seek to direct development towards existing settlements and in so doing protect the countryside for its own sake. Whilst the policy requirement that development should be within existing settlement boundaries reflects the general principles which underpin the Framework, the settlement boundaries relate to a housing target included in the Core Strategy which is no longer relevant. A common thread underpinning these policies is the protection of the countryside for its own sake. This does not reflect the more nuanced approach to the countryside reflected in Paragraph 174b) of the Framework.
63. For these reasons, I accord the conflict between these adopted policies requiring the protection of the area's character and appearance and appeal scheme only limited weight.
64. Policies CS7 and EN20 have regard to a range of design criteria including the retention of landscape and ecological features, the promotion of local character and protection of natural or built features. These policies are broadly consistent with Chapter 12 of the Framework. However, the appeal scheme reflects the

character of its surroundings and the extent of harm arising from the conflict between the policies and the appeal scheme is limited.

65. The scheme before me can be distinguished from that considered for the site at Tuscany in several ways. The proposed layout for this appeal does not have the same restrictions in plot sizes and garden areas as that scheme¹¹ nor would the loss of Larkfield have the same localised negative effects on the character and appearance of the area as the loss of Tuscany. Other harms arising from the potential flood risks associated with this proposal can be adequately addressed through the submission of further details required by planning condition.
66. The appeal scheme has a range of benefits which require balancing against its limited harm. These include the economic benefits arising from the creation of additional jobs during construction together with the increased spending power on local services arising from 9 additional households.
67. Other considerations include 9 additional units which could contribute to the shortfall in housing land in a location which would allow a choice of transport to access main service centres.
68. The limited harm arising from the appeal scheme on the area's character and appearance does not significantly and demonstrably outweigh the benefits arising from the appeal scheme.

Conditions

69. I have considered the suggested conditions which were discussed during the Hearing against the PPG¹² and Paragraph 56 of the Framework.
70. I have included a list of the plans on which this decision has been made for reasons of certainty. In order to protect the character and appearance of the area I have imposed conditions requiring the submission of full details of the finished floor levels for each dwelling, the submission of materials and details of proposed landscaping.
71. For reasons of highway safety, I have imposed a series of conditions requiring the submission of details, in advance of building works commencing, of the main access into the site from Chavey Down Road. Matters such as the construction of the pedestrian footway, the vehicle parking and turning areas within the site are required for completion before dwellings are occupied. A condition requiring completion of a legal agreement under Section 278 of the Highways Act 1980 is required to ensure the appropriate design standard is met.
72. To secure off street parking to enable the free flow of traffic on the road within the site, I have imposed conditions requiring that the garage forecourts should be retained for the parking of vehicles and that no gates should be located at the vehicle access. This latter measure would prevent vehicles backing up on to Chavey Down Road which could impact on the free flow of traffic.
73. I have included a condition requiring full details of the construction method to reduce the impact of construction works on the living conditions of surrounding occupiers.

¹¹ Plan No C-1005 Y

¹² Planning Practice Guidance

74. Given the landscape importance of the existing tree belts surrounding the boundaries of the site, I have included conditions requiring their protection during construction through the erection of protective fencing and the identity of underground services.
75. I have imposed conditions to protect and enhance the site's biodiversity. These include a requirement for additional badger surveys, provision of bat roosting and bird boxes throughout the site, a wildlife protection scheme during construction, a lighting design strategy to protect the night foraging habits of bats and a requirement that no clearance works shall take place during the main bird nesting season.
76. Given the comments of the LLFA regarding localised flooding issues, I have imposed conditions requiring the submission of a surface water drainage strategy and full drainage details to ensure that the site's development does not increase flood risk beyond its boundaries. An additional report requiring verification that these works have been constructed in accordance with the details submitted is required before construction commences.
77. In respect of broader environmental issues, I have imposed a planning condition requiring the submission of a report addressing energy demands and the use of water from the development hereby approved. Furthermore, a planning condition has been imposed requiring full details of cycle parking spaces within the scheme.
78. Finally, given the site's location on the edge of an existing settlement, I have imposed a planning condition requiring archaeological surveys proceeding in advance of building works commencing.
79. For these reasons, I allow the appeal and planning permission is granted.

Stephen Wilkinson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out only in accordance with the following approved plans: -

20.2012.010/A COLOURED SITE PLAN 14 Dec 2020
20.2012.100/F SITE PLAN 29 March 2021
20.2012.101/A BOUNDARY TREATMENT PLAN 14 Dec 2020
20.2012.102/A PARKING PLAN 14 Dec 2020
20.2012.103/A STOREY HEIGHTS PLAN 14 Dec 2020
20.2012.300 PROPOSED STREET ELEVATIONS 14 Dec 2020
20.2012.700 SITE CONTENT PLAN 14 Dec 2020
20.2012.HT1-01/B HOUSE TYPE 1 FLOOR PLANS PLOT 1 29 March 2021
20.2012.HT1-02/B HOUSE TYPE 1 ELEVATIONS PLOT 1, 29 March 2021
20.2012.HT2-01/A HOUSE TYPE 2 FLOOR PLANS PLOT 2, 14 Dec 2020
20.2012.HT2-02/A HOUSE TYPE 2 ELEVATIONS PLOT 2, 14 Dec 2020
20.2012.HT3-01/A HOUSE TYPE 3 FLOOR PLANS PLOT 3, 14 Dec 2020
20.2012.HT3-02/A HOUSE TYPE 3 FRONT AND REAR ELEVATIONS PLOT 3, 14 Dec 2020
20.2012.HT3-03/A HOUSE TYPE 3 SIDE ELEVATIONS PLOT 3, 14 Dec 2020
20.2012.HT4-01/B HOUSE TYPE 4 FLOOR PLANS PLOTS 4, 8, 9 AND 10, 29 March 2021
20.2012.HT4-02/B HOUSE TYPE 4 ELEVATIONS PLOTS 4, 8, 9 AND 10, 29 March 2021
20.2012.HT5-01 HOUSE TYPE 5 FLOOR PLANS PLOTS 5, 6 AND 7, 14 Dec 2020
20.2012.HT5-02 HOUSE TYPE 5 ELEVATIONS PLOTS 5, 6 AND 7, 14 Dec 2020
ANT1131-10/A REVISED LANDSCAPE PLAN, 14 Dec 2020
PRIMARY DRAINAGE STRATEGY 20-198/001/REV B July 2020

- 3) No superstructure works shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall not be begun until details showing the finished floor levels of the dwellings, garages, bin stores and the levels of the roads hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
- 5) No superstructure works shall take place until comprehensive details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: -

a) Comprehensive planting plans of an appropriate scale and level of detail that provides adequate clarity including details of ground preparation and all other operations associated with plant and grass establishment, full schedules of plants, noting species, and detailed plant sizes/root stock specifications, planting layout, proposed numbers/densities locations.

b) Details of semi mature tree planting.

c) Comprehensive 5 year post planting maintenance schedule.

d) Underground service and external lighting layout (drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.), both existing reused and proposed new routes.

e) Means of enclosure (walls and fences etc) including fencing that is permeable to wildlife.

f) Paving including pedestrian open spaces, paths, patios, proposed materials and construction methods, cycle routes, parking courts, play areas etc.

g) 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 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 (1st October to 31st March inclusive) with others of the same size, species and quality as approved, unless the Local Planning Authority gives written consent to any variation. The development shall be carried out in accordance with the approved details.

- 6) The development shall not be begun until a Sustainability Statement/ Energy Demand Assessment, either combined or in the form of separate documents, has been submitted to and approved in writing by the Local Planning Authority.

This shall demonstrate: -

- (a) water efficiency measures aimed at achieving an average water use in new dwellings of 110 litres/person/day,
- (b) that before taking account of any on-site renewable energy production the proposed development will reduce carbon dioxide emissions by at least 10% against the appropriate Target Emission Rate as set out in Part L of the Building Regulations (2006), and
- (c) that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 20%).

The buildings thereafter constructed by the carrying out of the development shall be in accordance with the approved statement/assessment and retained in accordance therewith.

- 7) No development (other than the construction of the access) shall take place until the access onto the service road has been constructed in accordance with the details to be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 8) No dwelling shall be occupied until the off-site highways works comprising amendments to kerb radii and improvements to pedestrian provision at to the junction of the service road and Chavey Down Road, to the west of the site access, have been constructed in accordance with details which have been submitted to and approved by the Local Planning Authority.
- 9) No dwelling shall be occupied until full details of a means of access for pedestrians, of at least 0.9m width, (distinct from parking), has been constructed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 10) No dwelling shall be occupied until that part of the access road which provides access to it has been constructed in accordance with the approved plans.
- 11) No dwelling shall be occupied until the associated vehicle parking and turning space has been surfaced and marked out in accordance with the approved drawing. An electric vehicle charge point shall be provided for each dwelling, with the output of each charge point being at least 7kw. The spaces and electric vehicle charge point shall thereafter be kept available for parking and electric vehicle charging at all times.
- 12) The front 6.0m of the garage accommodation shall be retained for the use of the parking of vehicles at all times, unless otherwise agreed in writing by the Local Planning Authority.
- 13) No dwelling shall be occupied until secure and covered cycle parking has been provided. The cycle parking spaces and facilities shall thereafter be retained.
- 14) No gates shall be provided at the vehicular access to the site.
- 15) No development (including demolition and site clearance) shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:
 - (a) Parking of vehicles of site personnel, operatives and visitors
 - (b) Loading and unloading of plant and vehicles
 - (c) Storage of plant and materials used in constructing the development
 - (d) Wheel cleaning facilities
 - (e) Temporary portacabins and welfare for site operatives

(f) Swept path plans demonstrating that the largest anticipated construction vehicle can arrive in a forward gear, turn around on site and depart in a forward gear onto the adopted highway and each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (f) above.

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

16) No development (including initial site-clearance) shall commence until a detailed scheme for the protection of existing trees, hedgerows and groups of mature shrubs to be retained, in accordance with British Standard 5837 (2012) 'Trees In Relation To Construction Recommendations' (or any subsequent revision), has been submitted to and approved in writing by the Local Planning Authority. Protection measures shall be phased as necessary to take into account and provide protection during demolition/site clearance works - all construction works - hard landscaping works. Details shall include an approved development layout plan at a minimum scale of 1:200, showing 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 its influencing distance.
- 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 2.4m high protective barriers, supported by a metal scaffold framework, constructed as a minimum in accordance with Section 6 (Figure 2), to include appropriate weatherproof tree protection area signage (such as "Keep Out - Construction Exclusion Zone") securely fixed to the outside of the protective fencing structure at regular intervals.
- e) Illustrations of the proposed protective barriers to be erected.
- f) Proposed locations and illustrations of ground protection measures within the main root protection areas of retained trees, designed as necessary for pedestrian light traffic or heavy plant machinery, as necessary to prevent contamination and ground compaction.
- g) Annotated minimum distances between protective barriers and trunks of retained trees at regular intervals.
- 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.
- j) Proposed protection method to prevent run off of toxic substances, liquids cement washings etc of any description from the construction area, into the construction exclusion zones approved around retained trees.

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

17) The protective fencing and other protection measures specified by condition 16 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.

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

18) No development shall commence until:

- (i) a site layout plan at a minimum scale of 1:200 showing the proposed layout of all underground services and external lighting and
- (ii) a programme for the phasing and timing of works have been submitted to and approved in writing by the Local Planning Authority.

Details of the site layout plan shall include: -

- a) Accurate trunk positions and canopy spreads of all retained trees/hedgerows and mature groups of shrubs.
- b) Surface water/ foul drainage and associated inspection chambers (existing reused and new)
- c) Soak-aways (where applicable)
- d) Gas, electricity, telecom and cable television.
- e) Lighting columns and all associated ducting for power supply.
- f) Phasing and timing of works.

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

19.) The development (including site clearance and demolition) shall not be begun until: -

- (i) the site has been surveyed for the presence of badgers
- (ii) the survey has been submitted to and approved by the Local Planning Authority, and

(iii) a scheme to minimise disturbance to badgers during the construction of the development, to mitigate the impact of the development upon them, and to improve their habitat has been submitted to and approved by the Local Planning Authority.

The scheme shall be performed, observed and complied with.

20.) 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, to include integrated woodcrete bird and bat boxes, 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 prior to practical completion of any dwelling hereby approved.

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

21) 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 areas/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 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.

22) No development hereby permitted (including site clearance and demolition) shall take place until a wildlife protection scheme for construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- i) an appropriate scale plan showing where construction activities are restricted;
- ii) details of protective measures to avoid impacts during construction;
- iii) a timetable to show phasing of construction activities; and
- iv) details of persons responsible for compliance with legal consents, planning conditions, installation of protective measures, inspection and maintenance.

The wildlife protection scheme shall be implemented and maintained in accordance with approved details during the duration of operational work.

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

23) No site clearance shall take place during the main bird-nesting period of 1st March to 31st August inclusive, unless a scheme to minimise the impact on nesting

birds during the construction of the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be complied with during construction.

24.) No development shall take place until full details of the Drainage System in accordance with Odyssey Drawing 20-198/001 Revision B 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) 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.
- 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.

25) 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.

26) No development shall commence until details of how the surface water drainage 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. The development shall be carried out in accordance with the approved details.

27) No building or use hereby permitted shall be occupied or the use commenced 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.

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

28) Prior to practical completion of any property, a verification report appended with substantiating evidence demonstrating the agreed/approved construction details and specifications have been implemented, will need to be submitted and approved (in writing) by the Council. This will include photos of excavations demonstrating depths and sizes of the SUDS structure are in accordance with the approved plans and soil profiles/horizons, any placement of tanking, crating, connecting pipe work, hydrobrakes, cover systems.

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

29) No development shall take place until the applicant or their agents or successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the planning authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition.

30) Before any development (other than construction of the access) commences the applicant shall enter into a legal agreement with the Council under Section 278 of the Highways Act 1980 for construction of a safe and suitable access for construction vehicles.

Richborough Estates

Documents received after the Hearing

HD 1	Housing background paper for the emerging local plan 2018
HD 2	Bracknell Forest recommendation report
HD 3	Completed S106 Agreement
HD 4	Final list of suggested planning conditions
HD 5	Bracknell Forest Landscape Evidence base 2015
HD 6	Bracknell Forest Character Area Assessment Supplementary Planning Guidance 2010
HD 7	Design SPD
HD 8	Streetscene SPD 2011

APPEARANCES

FOR THE APPELLANT:

Douglas Bond BA (Hons) MRTPI Woolf Bond Planning
Chris White BSc, MSc MRTPI Planning Advisor, Antler Homes
Andrew Farquhar BA(Hons) MSc Land Director, Antler Homes

FOR THE LOCAL PLANNING AUTHORITY:

Simon Roskilly BSc (Hons), MSc Principal Planning Officer

INTERESTED PERSONS:

Mrs R. Smith BA(Hons) MCIPS Resident
Mr R. Bodley Scott Chartered Resident
Engineer
Mrs T. McClurg Resident
Mr E. Radkoudki Resident