
Appeal Decision

Site visit made on 5 June 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17th August 2017

Appeal Ref: APP/R0335/W/17/3168932

Land at The Yard (Brickfields), Chavey Down Road, Winkfield Row, Bracknell, Berkshire RG42 7NY

- 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 Howard Park Homes against the decision of Bracknell Forest Borough Council.
 - The application Ref 16/00707/FUL, dated 28 June 2016, was refused by notice dated 19 January 2017.
 - The development proposed is the change of use of the land for the siting of six residential park homes.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of the land for the siting of six residential park homes at land at The Yard (Brickfields), Chavey Down Road, Winkfield Row, Bracknell, Berkshire RG42 7NY in accordance with the terms of the application, Ref 16/00707/FUL, dated 28 June 2016 subject to the conditions set out in the schedule to this decision letter.

Application for costs

2. An application for costs was made by Howard Park Homes against Bracknell Forest Borough Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site is located to the east of Chavey Down Road. The site is accessed along an existing driveway between two bungalows. There are three other bungalows and a large detached house which utilise this driveway. Planning permission also exists for three dwellings to the south of the main part of the appeal site. The surrounding area also includes a number of bungalows. The site itself contains a large building with an associated area of hardstanding, beyond which is an area of undeveloped land with tree screening to the east.

5. The proposed development would result in a larger area of the site being used for the siting of residential park homes when compared to the footprint of the exiting building on site.
6. Notwithstanding this increase, the development would involve homes which would be lower in height than the existing building. They would also be significantly lower in height than the development which could be implemented under permission 15/00200/FUL. Consequently, the overall scale of the proposed development would more in keeping with the bungalows in the vicinity of the site and along Chavey Down Road.
7. Since the determination of the planning application, the Council have adopted a Design Supplementary Planning Document in March 2017 (DSPD). However, the DSPD does not specifically deal with the change of use of land. My attention has been drawn to paragraph 3.5.3 which deals with settlement edges. To my mind, the use of the land for the siting of six residential park homes does create a soft edge to the village with a low key development being proposed.
8. Furthermore, the proposal would include boundary hedgerows and other soft landscaping which would help soften the edge of the settlement and integrate the residential park homes into the rural setting of the site and its surroundings. Consequently, the development would accord with the aims of the DSPD.
9. Given the location of the site and its surroundings, and considering the above, the proposed development would not have an adverse impact on the rural character and appearance of the area. In coming to that view I acknowledge that the development would have an increase in the density of residential units when compared to the extant planning permission for the site.
10. For the above reasons the proposed development would not harm the character and appearance of the area and would accord with Policy EN20 of the Bracknell Forest Borough Local Plan (2002) (LP) and policy CS7 of the Core Strategy Development Plan Document (2008) (CS) which amongst other matters seek to ensure that new development is high quality design and in sympathy with the appearance and character of the local area. It would also accord with the design aims of the National Planning Policy Framework.

Other matters

11. As part of the appeal documentation the Appellant has provided a section 106 agreement which has been submitted to address the Council's second and third reasons for the refusal of planning permission (mitigation for the Thames Basin Heaths Special Protection Area and reptiles). The Council have subsequently withdrawn these reasons for refusal.
12. Notwithstanding that, I am required to consider the effect of the development on the Thames Basin Heaths Special Protection Area (TBHSPA), which is within 5km of the appeal site (and therefore within the 400m-5km zone of influence).
13. Policy CS14 of the CS, Policy EN3 of the LP and Policy NRM6 of the South East Plan (2009), together with the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (2012), outlines that mitigation is required for new residential development within the 5km influence zone.

14. Such mitigation can take the form of financial payments towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the TBHSPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures which Natural England will spend upon the TBHSPA land. Given the content of the section 106 agreement, I am satisfied that an appropriate level of mitigation is provided.
15. Turning to the proposed reptile mitigation, I agree with the Council that such mitigation is required and that the submitted planning obligation provides for a suitable mechanism for delivering the mitigation scheme.
16. In addition to the above, an issue over the boundary to the site has been raised. However, the completed section 106 agreement relates to the plans as determined by the Council. From the evidence before me, the potential discrepancy relates to the position of the northern and western boundaries of the main part of the site. However, I am satisfied that should any discrepancy arise in the respect of the land ownership it would not have a significant impact on the proposed development or the necessary landscaping around this part of the site.
17. I have also had regard to the concerns raised in the representations from the consultation periods on the application and appeal processes. Matters raised include access issues and congestion, increased noise and disturbance, the number of mobile home sites and extra pressure on local facilities such as educational and medical establishments.
18. In respect of highway matters, the site would be accessed along a driveway which would not allow two vehicles to pass in its current state. However, some improvements are proposed which would allow vehicles to pass. Concern has also been raised over the amount of traffic generated from the development. However, whilst the level of traffic would increase from the existing situation I consider that this would not be at a level which would give rise to any significant highway safety concern.
19. The increase in the number of residential properties, and the comings and goings from them along the driveway, would have some impact on the occupiers of the properties immediately adjacent to the access drive. However, this level of activity would not be excessive and as such I consider that the development would not result in any material harm.
20. Turning to the impact on local facilities, only very limited evidence has been provided to me. In the absence of compelling information that indicates that some form of mitigation may be required, I consider that the development would not have any significant impact on local services or facilities.
21. Finally, comments have been made in respect of the number of mobile home sites in the area. Whilst other sites have been drawn to my attention, this is not a sound reason to withhold planning permission.

Conditions

22. The Council has suggested a number of conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended

some of the Council's suggested wording and I have also removed the duplication of requirements.

23. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty.
24. In the interests of the character and appearance of the area, conditions are necessary in relation to landscaping and boundary treatments (including implementation) and to ensure that the existing trees and hedgerows are protected during the demolition and construction works.
25. To ensure that the site does not have an adverse effect on the character of the area and to safeguard the living conditions of future occupiers of the site, and the occupiers of surrounding residential properties, a restriction on the number of caravans (or mobile homes) is also required.
26. A condition relating to the provision of adequate refuse storage facilities is also necessary to ensure that adequate living conditions are provided for the future occupiers of the site.
27. In the interests of highway safety, a condition is required to ensure that a suitable access is provided for all users the driveway together with the internal access road and parking spaces. Provision of suitable cycle parking is also necessary to encourage use of alternative means of transport to the private motor vehicle.
28. For environmental reasons, conditions relating to the implementation of the recommendations of the ecological report and sustainable drainage are also necessary.
29. With the exception of the tree and hedgerow protection measures, it is not necessary for any of the above details to be agreed prior to the commencement of any site works. It is necessary that the protection measures are agreed prior to any site works as these would need to be installed before any other site works commence and remain in situ for the duration of the works on site.
30. The Council have also suggested conditions relating to future additions/extensions to the park homes, the timing of site clearance works (so that it is outside the main bird nesting period), a lighting design strategy for biodiversity (and that no other external lighting is provided), a demolition and construction working method statement (including parking and unloading of vehicles and site offices etc), finished floor and land levels, fencing in relation to the existing and proposed badger corridor, a habitat management plan, bird and bat boxes and an invasive non-native species protocol.
31. In respect of these conditions, the restriction in relation to additions/extensions (to the extent that it would fall outside the definition of the relevant Caravans Act) is not necessary as it would already be sufficiently controlled by that Act and the nature of the proposed development.
32. The conditions relating to ecological and biodiversity matters are either already controlled by the condition requiring works to be undertaken in accordance with the ecological report, or are not necessary to make the development acceptable in planning terms. In relation to the badger fencing, this is not

recommended in the ecological report, nor is this requirement sufficiently outlined in the Councils evidence.

33. A condition relating to the finished floor and site levels is also not necessary given the relatively flat nature of the site and the development proposed. The demolition and construction working method statement is not required given the spacious nature of the site relative to the proposed works and the low density nature of the immediate surrounding area. The requirement for an invasive non-native species protocol is not required as this would be dealt with by other legislation.

Conclusion

34. Taking all matters into consideration, for the reasons given above I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans – Site Location Plan (amended drawing received by the Council on the 28 September 2016) and 510 revision A.
3. No more than 6 caravans (or mobile homes) shall be sited on the site at any one time.
4. No caravans (or mobile homes) shall be brought onto the site until details of both hard and soft landscaping works (including boundary treatment around the site and between plots, the materials proposed for the access driveway, parking areas and any other hardsurfaced areas) have been submitted to and approved in writing by the local planning authority.
5. All planting comprised in the soft landscaping works shall be carried out and completed in 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 and completed prior to the first occupation of any caravans (or mobile homes). 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.
6. No site works shall take place until details of the type and location of tree and hedgerow protection measures have been submitted to and approved in writing by the local planning authority. The approved protection

measures shall be fully installed prior to the commencement of any site works and shall remain in situ for the entire demolition and construction period.

7. Prior to the first occupation of any of the caravans (or mobile homes) details of the storage of on-site refuse facilities shall be submitted to and approved in writing by the local planning authority. The details should include the method used to determine the size/capacity of the proposed covered bin store, and whether any additional bin storage areas will be required, and whether any such additional bin storage areas will be open air storage. Such facilities shall be provided in accordance with the approved details prior to the first occupation of any of the caravans (or mobile homes) and shall thereafter be retained for the life of the development.
8. The proposed development (including all site clearance, demolition and construction works) shall only be carried out in accordance with the recommendations outlined in the Biocensus Ecological Assessment, dated August 2015, unless alternative mitigation measures are first agreed in writing by the local planning authority.
9. No caravan (or mobile home) shall be occupied until the access driveway, the internal access road, and the parking spaces have been constructed in accordance with the approved details. The parking spaces shall be thereafter retained for their intended use for the life of the development.
10. Prior to the first occupation of any of the caravans (or mobile homes) details of secure and covered cycle parking serving the plot shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the first occupation of any of the caravans (or mobile homes) and shall thereafter be retained for the life of the development.
11. The development shall incorporate surface water drainage that is SuDS compliant and in accordance with DEFRA "Sustainable Drainage Systems - Non-statutory technical standards for sustainable drainage systems" (March 2015). It shall be operated and maintained as such thereafter for the life of the development.

*** END OF CONDITIONS ***