



Appeal Decision

Inquiry Held and Site visit made on 22 October 2019

by S R G Baird BA (Hons) MRTPI

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

Decision date: 29TH October 2019

Appeal Ref: APP/R0335/W/18/3206527

Beaufort Park, South Road, Bracknell, Berkshire RG40 3DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by JPP Land Limited & Hodge Developments (Beaufort Park) Limited against the decision of Bracknell Forest Borough Council.
 - The application Ref 17/01123/OUT, dated 23 October 2017, was refused by notice dated 25 April 2018
 - The development proposed is the demolition of an existing vacant office building (Beaufort Park) and the redevelopment of the site for up to 68 dwellings, plus associated parking, landscaping, highway improvements and ancillary works.
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Preliminary Matters

1. The application was submitted in outline with all matters other than means of access reserved and accompanied by illustrative site layout and landscape strategy plans. The local planning authority (lpa) and the appellants requested that the Building Heights Parameter Plan (Drawing No. 02D) be considered as an application plan. No party would be prejudiced by its consideration.
2. The lpa resolved not to pursue Reason for Refusal 1 (RfR), withdrew evidence on landscape impact and the planning balance and confirmed that RfR 2 and RfR 3 are addressed by the completion of a S106 Agreement and Unilateral Undertaking. The lpa's position is that on a straightforward planning balance, it is appropriate to grant planning permission. The lpa submits that any conflict with the development plan is outweighed by the benefits arising from the redevelopment of this largely previously developed site.
3. The appellant and the lpa agree that the appeal should be determined applying the unweighted planning balance; I have no reason to disagree. On this basis, the appellants' and the lpa's housing supply and planning policy evidence were made as written submissions.

Decision

4. The appeal is allowed and outline planning permission is granted for the demolition of an existing vacant office building (Beaufort Park) and the redevelopment of the site for up to 68 dwellings, plus associated parking, landscaping, highway improvements and ancillary works at Beaufort Park, South Road, Bracknell, Berkshire RG40 3DN in accordance with the terms of the application, Ref 17/01123/OUT, dated 23 October 2017, subject to the conditions contained in the attached Schedule of Conditions.

Main Issue

5. The effect on the function and character of the Bracknell/Crowthorne Strategic Gap.

Reasons

6. The site is in the countryside outside the settlement boundary. Local Plan¹ (LP) Policy EN8 says that the countywide will be protected for its own sake. Development may be permitted where it would not adversely affect the character, appearance or function of the land and the policy lists 5 categories of development, which do not include major housing development, that may be permitted. LP Policy H5 says that new dwellings outside the settlement boundary will not be permitted unless: there is a need connected to the uses listed in Policy EN8; there would be no harm to the character of the area or the environment; or result in inconvenience/danger on the public highway. Core Strategy² (CS) Policy CS9 repeats the objective of LP Policy EN8 and indicates that the Bracknell/Crowthorne Strategic Gap will be protected from development that would harm the physical and visual separation of the settlements.
7. Comprising a modern 2-storey office block, parking and service areas, the site is previously developed land. The Strategic Gap is extensive and includes large areas of dense mature woodland. The site is bounded by dense woodland on its northern, eastern and southern edges. Albeit planting on the western side of the site is less dense, the separation to the limited number of public vantage points and the filtering effect of the planting ensures that the existing building is barely visible. The proposed development would be similarly screened and what views are obtained could be screened/filtered by additional planting. Thus, the housing scheme would have no material impact on the character or appearance of the gap. Given the site is already developed and development would be contained within the envelope of the existing site there would be no material impact on the function of the gap in terms of the physical and visual separation of settlements.

Other Considerations

8. Although the site does not currently contribute to traffic on surrounding roads, its lawful use as offices has the potential to generate significant vehicle movements. The application was supported by a robust Transport Assessment (TA), which identifies that an office use could generate some 98 and 87, 2-way movements in the morning and evening peaks. The residential development would generate materially less vehicle movements with some 39 and 40, 2-way trips in the morning and evening peaks. The assessment that the housing scheme would have less impact on the surrounding highway network during peak travel periods than an office use is not disputed by the highway authority. I have no reason to disagree. Accordingly, the scheme would not have an unacceptable impact on the safety and free flow of traffic on the surrounding highway network.
9. The Statement of Common Ground identifies that the site is well located in relation to education facilities that are accessible on foot and by cycle. Bus routes on Nine Mile Ride provide regular links to Bracknell, Wokingham and Reading for access to employment and services. The S106 Agreement provides for the new households to be provided with Travel Packs to maximise and encourage alternatives to the private car. I have no reason to dispute the lpa's conclusion that the site is in a sustainable location.
10. The site is some 0.65km from the boundary of the Thames Basin Heaths Special Protection Area (SPA) and as such the scheme is likely to result in an adverse effect either in combination or alone on the integrity of the SPA unless it is carried

¹ Bracknell Forest Local Plan 2002.

² Core Strategy Development Plan Document 2008.

out together with appropriate avoidance and mitigation measures³. The adopted mitigation strategy is for developments to provide financial contributions towards Suitable Alternative Natural Greenspaces (SANG) to provide alternative recreation locations and Strategic Access and Monitoring Measures (SAMM). Appropriate sums have been included in the S106 Agreement and as such the lpa and Natural England have concluded that the development would not have an adverse effect on the integrity of the SPA. I have no reason to disagree.

11. Concern is expressed regarding the loss of an office building in which a local employer has shown interest, but who is unable to agree terms with the owners. Whilst the concern is understandable, the employment use is not protected by either local or national planning policies. I agree with the lpa's conclusion that it is not the role of the planning system to influence market outcomes.
12. The S106 Agreement provides for travel packs, affordable housing and financial contributions to public open space, primary education, SANG and SAMM mitigation measures. The S106 UU clarifies when the obligations are triggered. A compliance schedule produced by the lpa shows that these obligations accord with the requirements of CIL Regulation 122 and I have taken them into account.

Planning Balance & Conclusions

13. Redevelopment of the site would have no material effect on the function and character of the Strategic Gap. The impact of the development can be appropriately mitigated using planning conditions and the S106 Agreement. Accordingly, conflict with the development plan is that the site lies outside the settlement boundary. The social and economic benefits associated with this proposal, particularly the re-use of previously developed land and boosting the supply of homes including affordable homes, attract significant weight.
14. LP Policies EN8 and H5 and CS Policy CS9, in expressing that the countryside is to be protected for its own sake is, in that regard, inconsistent with the National Planning Policy Framework. As such the weight to be attached to these policies is reduced. In the absence of any harm, the benefits of this proposal outweigh the limited conflict with the development plan. Accordingly, the appeal is allowed.

Conditions

15. For the avoidance of doubt and in the interests of proper planning, a condition specifying the plans is imposed. Conditions relating to: internal access/parking; boundary fencing; biodiversity enhancements: tree protection; construction management; surface water drainage; ground contamination and energy/water efficiency are reasonable and necessary in the interests of the appearance of the area, highway safety and the protection of living conditions. The site is some 600m from a sewage works with the potential for odour to impact on future residents. Here, I consider a condition requiring the submission of an odour modelling exercise and if necessary, a mitigation scheme is reasonable and necessary in the interests of protecting the living conditions of future residents. Where necessary in the interests of precision and enforceability, several of the suggested conditions have been reworded.

George Baird

Inspector

³ Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document and Planning Obligations Supplementary Planning Document.

APPEARANCES

FOR THE APPELLANT

Christopher Boyle QC instructed by Boyer.

He called:

Silke Gruner BL(Hons) CMLI.
Associate Landscape Architect and Urban Designer, CSA Environmental.

FOR THE LOCAL PLANNING AUTHORITY

Melissa Murphy of Counsel instructed by the Head of Legal Services, Bracknell Forest Borough Council.

DOCUMENTS SUBMITTED AT AND AFTER THE INQUIRY

Doc 1 - S106 Unilateral Undertaking dated 21 October 2019.

Doc 2 - Revised list of suggested conditions.

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 04B Site Location Plan and 02D Building Heights Parameter Plan.
- 5) No dwelling shall be occupied until the associated means of vehicular access has been constructed in accordance with details which have been submitted to and approved in writing by the local planning authority.
- 6) 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.
- 7) No dwelling shall be occupied until covered and secure cycle parking facilities serving it have been provided in accordance a scheme that has been submitted to and approved in writing by the local planning authority. The facilities shall thereafter be retained as approved.
- 8) No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority, to accommodate:
 - a) parking of vehicles of site personnel, operatives and visitors;
 - b) loading and unloading of plant and vehicles;
 - c) storage of plant and materials used in constructing the development;
 - d) wheel cleaning facilities;
 - e) temporary portacabins and welfare for site operatives and each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use.

No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (e) above.
- 9) The development hereby permitted shall not be begun 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 and demolition phase, when delivery vehicles or vehicles taking materials can enter or leave the site.

The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the local planning authority.

- 10) Before development commences, the applicant shall carry out a contamination risk assessment of the site commencing with a preliminary risk assessment (desk top study and walk-over survey) followed if necessary by intrusive sampling. The applicant shall, prepare and submit to the local planning authority for written approval a remediation scheme that follows the guidelines set out in BS10175 'Code of Practice for the Investigation of Potentially Contaminated Sites' and CLR11 Model procedures for the management of Land Contamination or a report as to why a remedial scheme is not required, prior to the commencement of development.
- 11) Before buildings on the site are occupied, the remediation works to make the land suitable for its intended use, as set out in the approved remediation scheme submitted to comply with condition 10 shall be completed and a validation report shall be submitted to and approved in writing by the local planning authority.
- 12) No dwelling shall be occupied until a report detailing the external lighting scheme and how this will not adversely impact upon wildlife has been submitted to and approved in writing by the local planning authority. The report shall include the following figures and appendices:
- a layout plan with beam orientation;
 - a schedule of equipment;
 - measures to avoid glare;
 - an isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of importance for commuting and foraging bats. The approved lighting plan shall thereafter be implemented as agreed prior to the occupation of the first dwelling and retained as such thereafter.
- 13) No development shall commence until details of biodiversity enhancements, to include bird and bat boxes, tiles or bricks on and around the new buildings and native and wildlife friendly landscaping has been submitted and approved in writing by the local planning authority. The measures shall thereafter be implemented in accordance with the approved plans and retained as such thereafter.
- 14) No dwelling shall be occupied until a scheme showing the boundary treatments both around and within the site has been submitted to and approved in writing by the local planning authority. The scheme shall include:
- heights and materials of the boundary treatments;
 - locations and sizes of gaps to allow hedgehogs and other small animals to traverse the site;
 - signage to discourage residents from accessing adjoining land.

The approved details measures shall be implemented prior to the first occupation and retained as such thereafter.

- 15) The development shall not be begun until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new 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 be implemented in accordance with the approved Sustainability Statement and retained as such thereafter.
- 16) The development shall not be begun until an Energy Demand Assessment has been submitted to and approved in writing by the local planning authority. This shall demonstrate:
 - a) that before taking account of any on-site renewable energy production the 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
 - b) that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be at least 20%).

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

- 17) All existing trees, hedgerows and groups of shrubs shown to be retained on the approved drawings shall be protected by 2.3m high (minimum) protective barriers, supported by a metal scaffold framework, constructed in accordance with Section 6.2 (Figure 2) of British Standard 5837:2012, or any subsequent revision.
- 18) The protective fencing and other protection measures specified by condition 17 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.
- 19) No development shall take place until a surface water drainage scheme (SWDS) for the site, based on the principles of the Clive Onions Drainage strategy 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 results of full BRE365 Compliant Infiltration Testing shall be submitted to support the design. The hydrogeological setting of the site will also be confirmed via ground water monitoring the findings of which will inform the design of the system. The drainage strategy shall demonstrate that there will be no discharge of water off-site up to the 1 in 30 years critical storm, and that the rate of runoff during the 1 in 100 year including 40% allowance for climate change and allowances for urban creep included, will not exceed the 1 in 2-year greenfield run-off rates. The levels design will ensure that there is no surcharging of the outfall from the system.

- 20) 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.
- 21) No dwelling shall be occupied until the sustainable drainage scheme for its phase has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan in perpetuity. Written confirmation of agreements for the management and maintenance of the drainage scheme shall be submitted and approved by the local planning authority.
- 22) No dwelling shall be occupied until a verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved in writing by the local planning authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and control mechanism.
- 23) No development shall commence until an odour modelling assessment has been submitted to and approved in writing by the local planning authority. If necessary, the assessment should include an odour mitigation measures strategy which shall be implemented prior to the first occupation of any dwelling.