



Appeal Decision

Hearing held on 11 & 12 June 2019

Site visit made on 12 June 2019

by Jonathon Parsons MSc BSc DipTP (Cert Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2019

Appeal Ref: APP/R0335/W/18/3210759

White Gates, Long Hill Road, Ascot SL5 8RD

- The appeal is made under section 78 of the Town and Country Planning Act (TCPA) 1990 against a refusal to grant planning permission.
 - The appeal is made by JPP Land Ltd against the decision of Bracknell Forest Borough Council.
 - The application Ref 18/00336/FUL, dated 26 March 2018, was refused by notice dated 25 June 2018.
 - The development proposed is the erection of 13 dwellings, together with access to Long Hill Drive, via the drive to the Warfield Park Home site, following the demolition of the existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 13 dwellings, together with access to Long Hill Drive, via the drive to the Warfield Park Home site, following the demolition of the existing dwelling at White Gates, Long Hill Road, Ascot SL5 8RD in accordance with the terms of the application, Ref 18/00336/FUL, dated 26 March 2018, subject to the following conditions on the attached Schedule A.

Procedural Matters

2. A s106 agreement dated 6 June 2019 details mitigation measures for the Thames Basin Heaths Special Protection Area (TBHSPA) and the implementation of suitable drainage measures. Given this, the Council confirmed that related reasons for refusal have been overcome and this will be commented upon later in the decision.

Main Issues

3. The main issues are (a) the effect of the proposal on the character and appearance of the area and (b) future residents' accessibility to services and facilities.

Reasons

Character and appearance

4. The appeal site is long and rectangular shaped containing a frontage bungalow, extensive garden and woodland to the rear. The garden has interspersed trees, a former stable outbuilding and hardstanding, whilst the woodland trees are protected by a Tree Preservation Order. The frontage has vegetation either side of an access. It lies within designated countryside under the Bracknell

Forest Core Strategy Development Plan Document (CS) 2008 and the Bracknell Forest Local Plan (LP) 2002.

5. Woodland adjoins one side boundary whilst the remaining side boundary contains significant landscaping alongside a neighbouring bungalow. To the rear of this bungalow, there are outbuildings and a long garden which is similarly framed by dense vegetation. Beyond it, there is an extensive mobile home park at Warfield Park. It comprises numerous single storey units above brick plinths, with low profile roofs over, detached garaging, and domesticated gardens within a landscaped setting. Opposite the appeal site, there is currently open fields/paddocks framed by woodland and mature planting.
6. Part of the appeal site lies within Area B - West of Long Hill Road of the Council's East of Bracknell Study Area of the Character Area Assessments SPD 2010 which indicates that the area has very low density housing set in generous gardens wrapped around by mixed and deciduous woodland extending into plots. The site also lies within Landscape Character Area F1: Chavey Down Wooded Sands which identifies areas of natural, undeveloped character providing physical and visual separation or gap between the urban area of Bracknell and suburban areas of North Ascot and smaller settlements such as Chavey Down and Winkfield Row.
7. Recently 82 mobile homes, along with open space, access improvements, landscape and biodiversity measures, were permitted on appeal on the fields/paddocks opposite. Approval of details pursuant to all pre-commencement conditions has been sought which includes approval of surfacing for a new footway opposite along Longhill Hill Drive. The site is also identified as a deliverable site within the Council's 5 Year Housing Land Supply Position Statement (PS) February 2019. Thus, there is a commitment and strong likelihood that this development will take place and consequently, the immediate context of the appeal site will change. In this regard, the character and appearance will become less rural than that identified by an Inspector in an earlier dismissed proposal for 15 dwellings on the appeal site.
8. The proposed dwellings would have high steep roofs, first floor dormers and projecting two-storey gable bays in a formal cul-de-sac development. Plots would have fencing and inevitably domestic paraphernalia, such as sheds, and there would also be increased activity in and out of the site. This would contrast with the Warfield Park and recently permitted mobile home developments which have /will have smaller scale dwellings and a more informal layout with units being dispersed around a meandering network of roads with limited footways. In the case of the recently permitted mobile home development, the homes will be sited within extensive landscaped areas, including public open space.
9. However, existing and proposed landscaping would ensure external views of the appeal development would be restricted to those from immediately in front of the site. From Warfield Park, there would probably be glimpses of the development in winter. A curve in the spine road, along with a landscaped belt across the site behind the frontage dwellings, would further restrict views into the rear of the site. The frontage dwellings on plots 1-4 and 12 (located centrally adjacent to the spine road behind), would also be of a scale and design roughly matching the mobile homes in Warfield Park. Most trees on the site, including the woodland to the rear, would be retained, and the

development would have a spacious layout which would enable landscaping to take place within and outside plots.

10. Drawing all these considerations together, there would be a loss of an undeveloped site but the harm to the character and appearance of the area would be significantly reduced due to its landscaped context, frontage dwelling design and future development context. In terms of character, the change would not be significant given the area has developments set within landscaped surroundings. Consequently, the level of harm arising would be small. Nevertheless, there would still be conflict with policies CS1, CS2, CS7 and CS9 of the CS and policies EN8, EN20 and H5 of the LP, which amongst other matters, require protection and enhancement of the character and quality of local landscapes, and surrounding area, high quality design and protection of the countryside for its own sake. The proposal would also conflict with LP policies EN8 and H5 in that the proposed housing does not meet the restrictive criteria for permitting only certain rural based developments in the countryside.

Accessibility to services and facilities

11. A suggested condition would require a travel pack to be provided to encourage sustainable transportation. Cycle parking spaces would be provided for each of the dwellings equivalent to their number of bedrooms. The development would provide a footway along part of the frontage which would link up with that being provided for the mobile home development opposite. This footway would lead up to nearby Long Hill Road and Locks Ride which have footways with street lighting. The access road through Warfield Park has a shared surface leading to Harvest Ride and Westmorland Drive. Ambiguity exists over access rights through this private estate but a local hairdressers and beautician attracts wider custom and therefore, access by foot/cycle through this area cannot be ruled out.
12. Bus stops are located on Locks Road and Westmorland Drive, about 810-820m and 1200m from the site respectively. A rail station is located about 2.5km from the site. The Locks Road bus stops offer one hourly services to Reading, Bracknell and Slough, and another service to smaller settlements on a less frequent basis, whilst the Westmorland Drive bus stop provides more frequent services. The train station provides frequent services between Reading and London.
13. The National Travel Survey identifies about 80% of all trips of up to 1 mile (about 1610m) are undertaken on foot whilst for the distance between 1 and 2 miles, the corresponding trip rate would be a third. DMTB TA 91/05 also indicates that cycling is used for a variety of different destinations. However, such conclusions do not take into account local circumstances.
14. The new footway along Long Hill Drive would be unlit and on an uphill gradient which would be unattractive to many pedestrians, especially during poor weather. Whilst vehicle frequency may be low, there would also be no footways or lighting within Warfield Park. It is possible to cycle from Warfield Park to a local food retail store and town centre along traffic-free routes. However, Long Hill Road and Locks Ride have difficult junctions and varying topography and thus, they would be unattractive to cyclists.
15. In the mobile home appeal, the Inspector concluded that the development would be reasonably well located in terms of facilities and services. However,

these mobile homes will have significantly lower average car trips than built dwellings given the generally older age profile of residents. Additionally, it was found that the residents will be adjacent to facilities in Warfield Park, such as community hall, hairdresser, beautician and launderette, and these will probably be used by the residents. The appeal proposal would provide housing of a different nature and age profile. Thus, there are material differences between this proposal and this mobile home development in terms of accessibility.

16. For all these reasons, future residents would be likely to travel by private vehicle for the majority of trips to facilities and services because accessibility by non-private vehicle means would not be great. Accordingly, there would be conflict with policies CS1, CS2 and CS23 of the CS, which encourages development in accessible locations to reduce the need to travel, promote alternative modes of travel, and conserve the use of resources.

Other matters

17. The site lies with Flood Zone 1 but the site is subject to medium to high surface water flood risk. Since the refusal of the application, the appellant has undertaken further drainage analysis to support the drainage strategy of containing run-off within the site through infiltration, the provision of swales, a reconfigured ditch and ponds. The s106 agreement sets out a requirement for approval and implementation of a Sustainable Drainage System, including maintenance by a management company. Such provision would meet the tests within the NPPF and statutory CIL tests. For all these reasons, the adverse risk of flooding to property and people would be limited. Such a view is supported by the Council in raising no drainage objections. For these reasons, the proposal would comply with national policy in paragraph 165 of the Framework.
18. The appeal site is located approximately 3.74km from the SPA which holds internationally important populations of heathland bird species. The Council's TBHSPA Avoidance Strategy Supplementary Planning Document (SPD) 2018 details the adverse effects of urbanisation, especially recreational disturbance, on the nesting of these birds. Residents from the new development would be able to access the SPA, including for recreation such as dog walking. Therefore, the proposal would have a significant effect, either alone or in combination with other plans or projects on the SPA. The nature conservation objectives of the SPA include maintaining favourable conditions for populations of these birds protected under Annex 1 of the Birds Directive. Thus, it cannot be ascertained that the proposal would not affect the integrity of the SPA.
19. The SPD sets out avoidance and mitigation measures, Suitable Alternative Natural Spaces (SANG) and Strategic Access Management and Monitoring (SAMM). In respect of SANG, the infrastructure part of the SANG provision would be funded from the Community Infrastructure Levy (CIL). The s106 SANG contribution would include maintenance, administration, and facilitation costs of those spaces. The s106 SAMM contribution would be for the promotion of SANGs for recreation, wardens, the provision of volunteers, and visitor monitoring and best practice.
20. The s106 obligates the Council to carry out the implementation of mitigation works in accordance with the SPD. I will give considerable weight to Natural England comments raising no objection because they are a statutory ecological consultee and have been consulted in drawing up the SPD. On this basis, the

contributions would meet the statutory tests of the Community Infrastructure Regulations 2010 (as amended) and the proposal would not adversely affect the integrity of the SPA based on the mitigation/avoidance measures. For all these reasons, the proposal would comply with policy NRM6 of the South East Plan (SEP) 2006, policy EN3 of LP and policy CS14 of the CS.

21. Future residents would need to make use of existing health, school and transport facilities but there is no detailed evidence, such as from providers, that any adverse impact would arise. Similarly, there are no objections from any sewer utility provider regarding foul disposal. Although there will be additional vehicle generation, the evidence in the form of the appellant's Transport Statement indicates the level would not be significant even at peak times taking into account the road network and the existing volume of traffic. Furthermore, there have been no statutory highway consultee objections to the proposal. In the absence of any evidence, it has not been demonstrated that air pollution would be adverse for a development of this scale in this location. Ecological appraisals have shown no adverse effect on protected species and wildlife, subject to appropriate conditions, which I have no reason to disagree with.

Planning balance

22. There would be some harm to the character and appearance of the area and residents would not have great opportunities to access services and facilities by means other than private vehicle which would harm sustainable transport objectives. The proposal would conflict with the referenced policies in respect of these issues and the proposal would conflict with the development plan as a whole.
23. Nevertheless, a key benefit of the proposal would be the boost to housing supply in accordance with the Framework. The Housing Delivery Test shows that housing delivery has been 75% of the Councils' housing requirement over the past 3 years. The emerging draft Bracknell Local Plan February 2018 indicates a housing requirement greater than that used in the 5YHLS assessment. Within this context, the net additional dwellings would make a modest but worthwhile contribution to housing supply even taking into account the Council's higher 5YHLS figure.
24. The development would also create construction jobs in the short term and would create added expenditure from residents benefitting the local economy. Taken together, these benefits along with the housing supply benefit would weigh significantly in favour of the proposal.
25. The impact on the character and appearance of the area would be small given the scheme's design and context. As to future residents' accessibility to services and facilities, the Framework states opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Additionally, the development would be located close to Bracknell and Ascot for vehicle use and such journeys would be short and local, and journey lengths would be small thus reducing the adverse environmental and social impacts associated with residents' accessibility to services and facilities.
26. For all above reasons, the material considerations indicate that the decision should be made other than in accordance with the development plan because

the identified harms would be outweighed by the significant benefits. The appellant has argued that many of the policies which are most important for determining the application to be out-of-date on various grounds. Even if I had agreed, the comments that I have made on the adverse impacts and benefits of the proposal would have indicated a presumption in favour of sustainable development under the Framework. Such a material consideration would have further confirmed the acceptability of the proposal within the planning balance assessment and as such, would not have changed my overall conclusion.

27. In reaching this decision, I have considered the previous dismissed appeal for housing on the site. However, there are material differences between that appeal and that before me in terms of scheme design and the evidence put to me in respect of accessibility and facilities, and housing supply matters. This evidence is referenced above in my planning balance assessment. Consequently, different conclusions have arisen and illustrates that every proposal has to be considered on its own particular planning merits.

Conditions and obligation

28. Suggested conditions have been considered in light of the advice contained in Planning Practice Guidance and party's comments. Some have been amended and amalgamated in the interests of clarity and precision taking into account the guidance.
29. To provide certainty, a condition is necessary specifying the approved drawings. In the interests of character and appearance of the area, conditions are necessary setting out the requirements for external materials, site levels, landscaping and trees. Conditions are necessary setting out the requirements for access including visibility splays, off-site highway works, construction method statement, vehicle parking/turning facilities, cycle parking and travel packs in the interests of highway safety and sustainable transportation.
30. Given consultee responses and particular site circumstances, conditions are necessary setting out the requirements for an archaeological watching brief, contamination and landfill gas assessment. In the interests of ecology and biodiversity, respective conditions covering such matters including the restriction on external lighting are necessary. A condition setting out a proportion of the development's energy to be renewable is necessary based on planning policy. To accord with the Council's drainage officer's comments on specific flooding issues, drainage conditions for surface and foul disposal are necessary. Some conditions require details to be submitted and approved before the development commences where it is fundamental to the way construction proceeds.
31. Under the s106, obligations set out monitoring fees for the checking of the implementation of the SPA mitigation and avoidance, and drainage measures. The drainage fee covers monitoring of the maintenance measures over a long period of time on a site with specific drainage issues. The fee for SPA mitigation and avoidance measures also covers implementation monitoring over a significant period of time. For all these reasons, the statutory tests of the CIL Regulations would be satisfied in this respect.

Conclusion

32. For the above reasons, having regard to all other matters raised, I conclude that the appeal should be allowed.

Jonathon Parsons

INSPECTOR

Richborough Estates

Schedule A

- 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: Dwg 100; Dwg 101 (plot 1); Dwg 102 (plot 2); Dwg 103 (plot 3); Dwg 104 (plot 4); Dwg 105 (plot 5 and the plans and elevations of all detached garages); Dwg 106 (plot 6); Dwg 107 (plot 7); Dwg 108 (plot 8); Dwg 109 (plot 9); Dwg 110 (plot 10); Dwg 111 (plot 11); Dwg 112 (plot 12); Dwg 113 (plot 13); Dwg 114 (context plan); Dwg 115A (location plan); Dwg 01A (site survey as existing); Dwg 02A (site Survey as existing); Dwg ITB13412-GA-003-REVA (site access arrangement); Dwg 2016/C0200/01B (drainage concept plan) and CSA/3642/105B (illustrative landscape strategy).
- 3) No development above slab level shall commence until details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development above slab level shall commence until details of the finished floor levels of the dwellings hereby permitted 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 dwelling shall be occupied until the means of access, including for pedestrians and cyclists has been constructed in accordance with the details shown on drawing ITB13412-GA-003-REVA contained within the Transport Statement received by the local planning authority on 27 March 2018.
- 6) No dwelling shall be occupied until the visibility splays shown on drawing ITB13412-GA-003-REVA in the Transport Statement received by the local planning authority on 27 March 2018 have been provided. These areas shall at all times thereafter be kept free of all obstructions to visibility over a height of 0.6m measured from the surface of the adjacent carriageway.
- 7) The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority for off-site highway works including the following: Anti-skid measures at the Warfield Park/Long Hill Road Junction and bus stop improvements along Locks Ride. The dwellings hereby permitted shall not be occupied until the off-site highway works have been completed in accordance with the approved scheme.
- 8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing, by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for the:
 - (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; and
- (f) Temporary Portacabins and welfare for site operatives.

Each facility will be retained throughout the course of construction of the development, free from any impediment to its designated use.

- 9) No dwelling shall be occupied until the vehicular parking and turning space associated with that dwelling has been surfaced and marked out in accordance with the approved plans. The spaces shall thereafter be kept available for vehicle parking at all times.
- 10) No dwelling shall be occupied until secure and covered parking for bicycles has been provided in accordance with the approved drawings.
- 11) 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 (which may comprise more than one phase of work) in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the planning authority.
- 12) No development shall take place until a Contaminated Land Phase I report (Desk Top Study) has been carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The Desk Top Study shall be submitted to, and approved in writing by, the local planning authority.

The Desk Top Study must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

Following approval of the Desk Top Study, a Phase II report (site investigation) may be necessary, depending on the findings of the Phase I report. This should be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The method and extent of this site investigation shall be agreed with the local planning authority prior to commencement of the work and shall then proceed in strict accordance with the measures approved.

The Desk Top Study must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

Any remedial or mitigating measures recommended by the findings from the Phase II report shall be approved by the local planning authority and implemented before the dwellings are inhabited. This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

- 13) No development shall be commenced until a landfill gas risk assessment has been submitted to and approved in writing by the Local Planning Authority. Where a risk from migrating gas is identified, appropriate works to mitigate the effects of gas shall be incorporated in detailed plans to be approved in writing by the Local Planning Authority. In the event

mitigation is required, approved works shall be implemented prior to the first occupation of the permitted housing.

- 14) No dwelling shall be occupied until details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details, to be based on the approved Illustrative Landscape Strategy, 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).
- f) Paving including pedestrian open spaces, paths, patios, proposed materials and construction methods, cycle routes, parking courts, play areas etc.
- g) Other landscape features (water features, seating, trellis and pergolas etc).

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 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.

- 15) The tree protection measures identified on Drawing JPP20309-03A shall be implemented prior to the commencement of development and shall thereafter be retained during the course of construction works. Nothing shall be stored or placed in any area fenced in accordance with this

condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.

- 16) Any demolition and site clearance shall not begin 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 be implemented prior to the occupation of the penultimate dwelling of the housing hereby permitted.

- 17) 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.
- 18) A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions;
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period); and
 - g) Details of the body or organization responsible for implementation of the plan; and
 - h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

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

- 19) No demolition or site clearance or construction shall take place until a reptile mitigation and enhancement strategy has been submitted to and approved in writing by the Local Planning Authority. The content of the strategy shall include:-
- details and location of reptile exclusion fencing.
 - details of approach to capture and translocation.

- details of the location and type of reptile enhancement measures.
- confirmation that the works will be undertaken under the supervision of an appropriately qualified ecologist.

The agreed strategy shall be carried out in full, and a report including details of the reptiles translocated and enhancement measures created, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of demolition and site clearance.

- 20) 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 shall any other external lighting be installed without prior consent from the Local Planning Authority.
- 21) If more than two years between the previous protected species surveys and the due commencement date of works has expired, an updated protected species survey shall be carried out by a suitably qualified ecologist. A report confirming the results, and implications of the assessment, including any revised mitigation measures, shall be submitted to the Local Planning Authority before any site clearance or construction works commence on site.
- 22) The development hereby permitted 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 that:
- (a) 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
 - (b) a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 20% unless otherwise agreed in writing by the Local Planning Authority).

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

- 23) The development hereby permitted shall not be begun until full details of a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme design shall accord with the strategy set out in the Drainage Strategy document dated August 2018. The details to be submitted shall include:
- a) Details of the swale / pond design and construction;
 - b) Construction and planting details of the bioretention areas;
 - c) Details from the connection of the sustainable drainage system to the final outfall; and
 - d) Full maintenance plan for the Sustainable Drainage System.

The approved details shall be implemented prior to the first occupation of the permitted housing.

- 24) No dwelling shall be first occupied until a verification report, (appended with substantiating evidence demonstrating the approved construction details has 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.
- 25) No dwelling shall be first occupied until details of a Travel Information Pack to residents providing information on sustainable travel opportunities has been submitted to and approved in writing by the local planning authority. The approved Travel Information Pack shall thereafter be distributed to all first occupiers of the dwellings.

APPEARANCES

FOR THE APPELLANT:

D Bond	Wolf Bond Planning
G Ritchie	Wolf Bond Planning
A Smith	CSA Environmental
T Wall	i-Transport

FOR THE LOCAL PLANNING AUTHORITY:

J Male	Bracknell Forest Borough Council
N Hird	Bracknell Forest Borough Council
S Scott	Bracknell Forest Borough Council
M Miller	Bracknell Forest Borough Council

OTHER INTERESTED PARTIES

Mrs D Hayes MBE Local Councillor

DOCUMENTS SUBMITTED AT HEARING

1. Section 106 agreement dated 6 June 2019.
2. Legal and General Homes, Design Code, Former TRL site, Crowthorne April 2017.
3. Approved Warfield Park Mobile Home Park illustrative masterplan and site plan.
4. Appeal decision, APP/U1105/A/12/2180060, Land east of Butts Road, Higher Ridgeway, Ottery St. Mary, Devon, EX11 1EP.
5. Appeal decision, APP/X0360/W/15/3130829, Land West of Park Lane, Reading RG10 9TS.
6. Screenshot extract: Non-Material Amendment to reserved matters approval 17/00401/REM to re-orientate the roof design of plots 19,111, 120, 185 and 199 and change the external appearance of plots 70-77 to provide modular construction, approved 6 August 2018.
7. Secretary of State's summary grounds of defence in the Stanbury House s288 claim.
8. Supreme Court Judgement, *Suffolk Coastal v Hopkins Homes Ltd and another, Richborough Estates Partnership LLP and another v Cheshire East Borough Council*, [2016] EWCA Civ 168 EWDC 132 (Admin) and [2015] EWDC 410 (Admin).
9. Council set of suggested planning conditions.

10. High Court Order quashing Appeal decision APP/N1730/W/17/3185513.
11. Appeal decision, APP/J0405/W/18/3203307, Land north of Leighton Road (Easting 490025, Northing 226098).
12. Letter dated 3 June from Examiner to Warfield Neighbourhood Plan to Warfield Parish Council.
13. Press Release, Legal and General Leads Modular Revolution with Silva Homes Deal in Bracknell, Legal and General Capital, dated 14 December 2018.
14. Map and list of prior approvals as of March 2018.
15. High Court Judgements, *Canterbury City Council v Secretary of State for Housing, Communities and Local Government Holllamby Estates (2005) Limited, and Crondall Parish Council v Secretary of State for Housing, Communities and Local Government and Crondall Developments Limited*, [2019] EWDC 1211 (Admin).
16. Copy of Article 4 Direction withdrawing permitted development rights from uses falling within Class 3 (dwelling houses) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 from a use falling within Class B1(a) (offices) of that Schedule being development comprised within Class O of Part 3 of Schedule to said Order and prior approval summary, with map, March 2018.
17. Reading Borough Local Plan Proposed Minor Modification June 2019, briefing note.
18. High Court Judgement, *R(oao Matthew Davison) v Elmbridge Borough Council*, [2019] EWDC 1409 (admin).
19. Pooling Restrictions – SAMM (11/06/19) Briefing Note.
20. Official copy of title -Title number BK1805 -Edition date 20.03.2019.
21. SANGS Pooling Restrictions note for 18/00336/FUL, White Gates, Longhill Road, 11/06/19.
22. Additional proposed condition relating to Travel Information Pack.
23. Council Planning Report 3 June 2019; Erection of 53 dwellings with associated landscaping and access from Tilehurst Lane.
24. Confirmation letter from agent on pre-commencement conditions dated 12 June 2019.