



**BRACKNELL TOWN NEIGHBOURHOOD PLAN
PUBLIC HEARING 14 MAY 2019**

**BRACKNELL FOREST COUNCIL'S
RESPONSES TO EXAMINER'S QUESTIONS
(dated 17 April 2019)**

10th MAY 2019

Bracknell Forest Council
Responses to questions raised by the Examiner for the Public Hearing

Bracknell Forest Council (BFC) has prepared the following expanded responses but wishes to point out that many of these matters were highlighted in its response to Bracknell Town Council (20th August 2018) at the Pre-Submission Consultation stage (Regulation 14) as well as at the Submission Stage (Regulation 16).

Question 1

Does the way that the plan has been presented, meet the expectations of the Secretary of State, as set out in the Planning Practice Guidance that plans should be “as focussed, concise and accessible as possible”?

No.

The document is not focussed and concise in that it includes historical references and quotes from documents/individuals that are not relevant to the policies e.g. page 2 of the Transport and Infrastructure Section. Information of a strategic nature is also included at various points, which is not relevant to a Neighbourhood Plan e.g. the first few pages of Section 7 Economy and Employment in Bracknell Town. Much of the supporting text and information could be included in a separate accompanying document.

The Plan (especially the supporting text) needs to focus more on providing information that supplements the policies, and the link between the policies and the evidence base needs to be made clearer.

The terminology used in the Plan needs to be more clearly defined to ensure that policies are implemented in a consistent way. To assist this, the Neighbourhood Plan would benefit from having a glossary that defines terms used.

Formatting of the document could be improved through the use of consistent, and consecutive page, paragraph, table, and figure numbering throughout the document. Furthermore, there are variations in the font and size of font within the document e.g. Section 4 Heritage in Bracknell Town. Whilst some text is set out in columns, other text flows across the width of the page. Many of the links to documents do not work.

The Council does not currently have an editable version of the document. If it was necessary to make modifications to the Plan, currently, it would not be possible to amend the text.

Is all the evidence presented in the document relevant to the policy and is it specific to the plan area?

No.

There are several instances in the Plan where there are references to studies/evidence that is not 'local', but produced by other Local Authorities. For example, in Section 5 Housing and Character, there are references to the Barnet Design Guidance and Hillingdon's guidance under policy justification. In Section 3 Environment and Community there are references to the West Berkshire Core Strategy and Great Aycliffe Neighbourhood Plan.

Do the provisions of the plan only relate to land within the plan area?

This is not clear in all cases. For example, Policy EV8, point 3 refers to the possibility of alternative allotment provision being made “adjacent to the defined settlement of Bracknell

Town". It is assumed that this refers to land in the countryside (outside the defined settlement boundary). The supporting text (page 34) also refers to allotments in neighbouring parishes. Due to the built up nature of Bracknell Town, it contains a limited amount of 'countryside', the main area being to the west of the settlement of Bracknell Town (i.e. west of Jennetts Park and Great Hollands). Equally, this could be taken to mean countryside which is adjacent to the defined settlement, but within another Parish. Another example relates to the areas of open space shown on the Policy Map relating to Policies EV1 and EV2 (Section 2 Environment and Community page 2) – this shows some areas of open space which are located outside the boundary of the Bracknell Town Neighbourhood Area.

Can the way that the information is portrayed on maps be presented in a way that is “fit for purpose”, so that land covered by the specific policies can be identified?

The Neighbourhood Plan needs a clear useable 'Policies Map' to show the geographical extent of certain policies set out in the Plan. It is important that those who will need to apply policies, are clear how a development proposal relates to the boundaries of these areas and therefore whether or not the policy is applicable. For example, in Section 3 Environment and Community in Bracknell Town, the Policy Map for Policy EV3 (page 14) and the Policy Map for Policy EV4 (page 19) are of such a scale, that the precise boundaries are not clear. In some cases (such as Local Green Spaces) , further maps are provided in appendices/ supporting information but it is not clear what the status of these is in relation to the various 'Policy Maps'.

It would be preferable, if a composite map was produced clearly showing the areas that the policies apply to and the relationship between them , with separate inset maps of an appropriate scale, as required, showing the precise boundaries of specific designations such as the extent/location of individual allotment sites. This would provide the detail needed to enable decision makers to apply the policies in a consistent manner, without any ambiguity.

Question 2

What is the value of differentiating in policy terms, between land used for active and passive recreation as set out in Policies EV1 and EV2 which are almost identical, or should there be a single policy for a combined open space category? How would the LPA be able to assess whether there is a “sufficient quantity of existing provision” as referred to the second paragraph of the policy? Should any replacement open space be within the same vicinity or neighbourhood as the area from where it is lost?

Response not required from BFC.

Question 3

Can the LPA elaborate on their concerns that the policies needing to reflect the need as set out in the recent NPPF to be making efficient use of land, in terms of how and where open space is to be protected?

The comments contained on page 5 of our response (dated 15 February 2019) to the Submission consultation were related to the 'Policy Intent' of Policy EV1 (Section 3 Environment and Community page 4), and its application to any future developments. The policy intent states:

“To maintain its character and use the standard first implemented the development of Bracknell as a New Town to create residential areas of high environmental quality”

It is not clear if this means maintaining the quality of existing residential areas, or the quality of any future developments. If there is an unduly high open space requirement for new developments, not consistent with the standards set out in local policy, this could mean that efficient use of land may not be achieved which could conflict with section 11 of the NPPF.

It is also unclear on the 'standard' being referred to within the Policy Intent. The Council uses a standard of 4.3hectares per 1,000 population (and the evidence base for the emerging Bracknell Forest Local Plan demonstrates that this standard continues to be justified. This is set out in the Play, Open Space and Sports Study 'POSS'). The Council also seeks to maintain a flexible approach to open space provision, either on-site, or through enhancements to existing open space (through requiring financial contributions from development to go towards projects which are off-site but can reasonably serve the development). This approach is set out in the POSS.

What is the relationship between efficiency of land use with references made to “low quality amenity land” referred to in the Councils representation as corporate landlord.

BFC as corporate landlord of the area known as Jubilee Gardens have for many years held this site as part of the strategic regeneration of the whole of the town centre area.

BFC takes very seriously the need to protect public open spaces and meets these responsibilities throughout the Borough to the high satisfaction of its residents.

This site is not considered (by BFC) to be of significant material benefit to the public as it is a very narrow edge of town centre site with poor access, low amenity and quality of space. Its long and narrow form creates security concerns for the public using the space.

BFC owns, and has invested approximately £500,000 in, the new open space at Station Green (circa 250yards from Jubilee Gardens) resulting in the creation of an open, inviting additional high quality amenity space. The proximity of this space to Jubilee Gardens means there is limited merit in adding additional protection to this area through the Neighbourhood Plan.

BFC is promoting other green and useable spaces in the town as part of the ongoing regeneration of the town centre and these will be incorporated in any future plans as part of the continuing development and vision for the town centre.

BFC believes there are better and more economic uses of this space that will release further spaces to support public facilities and open spaces within the core town centre area.

BFC's published planning policies, set out in the development plan (in particular Proposal PE1ii of the Bracknell Forest Borough Local Plan) for the town centre make it clear that Jubilee Gardens could be redeveloped subject to the re-provision of open space (on or off site). The new Station Green has fulfilled this requirement and as such Jubilee Gardens should be available for redevelopment and not restricted by the proposed designation in the Submission Version of the Neighbourhood Plan.

Question 4

Will the designation of the whole of Easthampstead Park and South Hill Park Arts Centre, including the buildings and their immediate curtilage, as Local Green Space preclude any development of these facilities

In relation to Policy EV3, yes, unless (in line with national policy) exceptional circumstances are justified. The Policy as worded states that built development will not be permitted unless it is demonstrated that it is required to enhance the role and function of that Local Green Space. Therefore as worded, proposals may only be acceptable if justified as a function related to the Green Space and not other possible roles.

Is there any inconsistency with Policy EV12?

There is considered to be an inconsistency in relation to South Hill Park (EV3) and EV12. One policy seeks protection of the area and would prohibit new development unless it relates to the function of the Local Green Space. The other strongly supports development proposals that help retain the existing use as an arts centre/theatre (which may not relate to green space functions, so would be contrary to Policy EV3).

Question 5

When considering the relocation of lost community facilities, should their replacement be within the vicinity of the area from which it is lost or can it be anywhere in the plan area?

Response not required from BFC.

Question 6

How would the policy affecting air quality Policy EV11 apply to all development or just development within or adjacent to the Air Quality Management Area?

The wording of the policy is considered to be unclear in terms of what development proposals the policy would relate to. As worded, this policy could lead to the need for an air quality assessment for every application within the neighbourhood area (for example small scale applications such as extensions or signage). Traffic is the most significant contributor to air pollution in Bracknell Forest; built development in any part of the neighbourhood area which results in an increase in traffic, has the potential to impact on air quality within the AQMA (and has the potential to impact on biodiversity).

On what basis would a decision maker be able to decide whether a particular proposal met Policy EV11 or breached EU or UK legislative limits on air pollution?

This is not made clear and in practice would be very difficult. It is also unclear whether the policy relates to the impacts upon human health, and/or biodiversity (only human health is referred to in the policy intent; however both are referred to in UK legislation and national policy). In relation to breach of limits, it is unclear how this applies in Air Quality Management Areas (AQMA) where limits are already not met, or at risk of not being met; and to biodiversity. Developments would be expected to reduce the existing air pollution in order to be able to proceed.

Question 7

To what extent do HMOs constitute a major issue in Bracknell if only 23 properties are registered and what role do HMOs play in meeting housing need in the town?

In April 2019, there were 67 properties registered as HMOs with Environmental Health in Bracknell Town. However, this is less than 1% of the total housing stock. The largest concentration of HMOs appears to be to the east of Bracknell Town Centre in a relatively small area off Larges Lane (The Oaks, Farnham Close, Tebbit Close, Drayton Close). Elsewhere, they are more scattered.

The definition of an HMO is however different in respect of Licensing¹ to Planning. Residential uses fall within Class C of the Town & Country Use Classes Order 1987 (as amended) with dwellinghouses being within Class C3. Of relevance here is Class:

C3(b): up to six people living together as a single household and receiving care

C3(c): allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.

HMOs fall within 2 categories either a Class C4 use (normally referred to as a small HMO) or a large HMO which falls within a 'sui generis' category (meaning a use not falling within a particular use class).

Class C4 Houses in multiple occupation - small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

Large HMO (sui generis use) is a dwelling occupied by 7 or more unrelated individuals, as their main residence, sharing basic amenities such as a kitchen or bathroom.

Under current planning legislation, planning permission is not required to change the use of a property that is categorised as a C4 use (small HMO) to a single dwelling (C3 use) and vice versa. Planning permission is only required for a change of use to a large HMO (sui generis use).

A search of planning records, suggests that most of the applications received over the last 5 years have been for Lawful Development Certificates. It appears that only a couple of planning applications have been submitted for large HMOs – these are therefore the only proposals that have been subject to planning policy considerations. At a local level, Saved Policy H3 of the Bracknell Forest Borough Local Plan would be applied to such proposals.

Whilst HMOs contribute to the housing needs of the area, they are not considered to be a major issue in Bracknell Town.

¹ Licensable definition of HMO: <https://www.bracknell-forest.gov.uk/housing/letting-your-home/houses-multiple-occupation-hmos/getting-licence>

How does their impact on an area differ from large Class C3 uses, where up to 6 persons can live together as a household?

Depending on the scale of a proposal, site and access considerations, HMOs have the potential to add to parking problems and traffic in an area. Any need to make additional parking provision through the laying of hardstanding might also have character implications. They might also lead to lack/loss of amenity space and noise/disturbance in terms of adjoining properties. As mentioned above, only large HMOs are subject to planning control in terms of change of use from a C3 use. Another consideration in Bracknell Forest, is the impact on the Thames Basin Heath Special Protection Area. Where a site falls between 400m and 5km of the Thames Basin Heath Special Protection Area mitigation will be required

What is the rationale of treating a situation of 2 HMOs in a sequence of 20 properties as an “overconcentration” and how defensible is in in the context of the type of neighbourhoods found in Bracknell.

This definition is not derived from existing policy or evidence held by BFC and therefore, the rationale cannot be explained by BFC.

Question 8

Do the policies in Policy HO8 only relate to development within existing neighbourhoods or is it relevant to areas where new neighbourhoods are being formed?

Response not required from Bracknell Forest Council.

Question 9

Would there be benefits if the tree policies set out in Policies ECV 5, 6 and 7 were consolidated into a single tree policy?

Since the policy intent of these policies is very similar, it is considered that there would be benefit in merging them.

The justification stresses how trees help define the landscape and character of Bracknell, reflecting principles followed in the building of the New Town (no mention seems to be made of biodiversity benefits or climate change). They should therefore be regarded as an integral and historic component of Bracknell Town’s townscape. All three policies are effectively seeking to both protect existing trees and encourage the planting of new trees in association with development with the aim of enriching the current treed landscape and character of the area and its tree heritage.

The health of trees on proposed development sites is to be assessed through arboricultural surveys and appropriate new planting (native species/longevity) is to be incorporated in plans. Consideration should be given to planting appropriate trees at strategic points, particularly along street frontages/gateways where they will have an impact on the public realm and act as landmarks.

In view of the above, it is considered that the highlighted issues, could be covered in a single policy, which would be beneficial to decision makers, as only one consolidated policy would need to be referred to, therefore avoiding any ambiguity regarding which of the policies may be relevant. This would also avoid unnecessary duplication within the Plan, providing a clearer purpose on matters relating to trees.