

BRACKNELL FOREST COUNCIL
PLACE DIRECTORATE
Time Square, Market Street, Bracknell, Berkshire RG12 1JD Jo
Male Assistant Director: Planning

Town and Country Planning Act 1990 (As Amended)

REFUSAL OF PLANNING PERMISSION

Mr Ian Hann
The Planning Bureau Ltd.
Prospect Place,
85 Great North Road Hatfield
Herts
AL9 5DA
United Kingdom

APPLICANT: McCarthy Stone

DESCRIPTION: Redevelopment of the Site to Provide 46 One and Two Bedroom Retirement Living Units for Older People with Associated Parking, Landscaping and Communal Facilities (C3 Use Class), following the demolition of the existing building.

LOCATION: Floringham Lodge, Old Bracknell Lane East, Bracknell, Berkshire, RG12 7AJ

APPLICATION NO: 25/00456/FUL

DECISION DATE: 26/02/2026

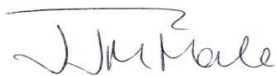
The Bracknell Forest Council as the Local Planning Authority hereby give notice that, in pursuance of the Town and Country Planning Act 1990 (as amended), permission has been **REFUSED** for the carrying out of the development referred to above for the following reason(s):-

Reason	Description
1	It has not been demonstrated that the proposed vehicular and pedestrian access would provide safe and suitable access for all users nor prioritise sustainable modes of transport without an unacceptable impact on highway safety contrary to BFLP policies LP 25 and LP 26.
2	A robust evidence base for reduced parking compared with the Council's parking standards has not been submitted nor has it been demonstrated that the sufficient parking would be provided on site to avoid displacement of vehicles onto surrounding roads, increasing the risk of illegal, inconsiderate or obstructive parking, which would in turn worsen highway safety and have an adverse effect on the safe and efficient

operation of the public highway network contrary to BFLP policies LP 25 and LP 62.

- 3
The proposed development does not create a high quality living environment by reason of habitable rooms in apartments 14 and 28 not receiving suitable outlook due to the inclusion of obscure glazed windows which are required to reduce opportunities for overlooking adjacent properties and gardens. This is contrary to BFLP Policy LP 50, the Design SPD and the NPPF.
- 4
The proposed development would result in an overdevelopment of the site, which is evidenced by the proximity of the proposed building to existing residential properties including gardens south of the site which will result in overshadowing and overbearing. This is contrary to BFLP Policy LP 50, the Design SPD and the NPPF.
- 5
The proposed development fails to provide adequate wheelchair accessible housing to meet the Part M4(3)(2)(a) standard for wheelchair adaptable dwellings as required for specialist housing for older people. This is contrary to policy LP 18 of the BFLP.
- 6
In the absence of a planning obligation to secure affordable housing and a late-stage review in relation to an affordable housing contribution in terms that are satisfactory to the Local Planning Authority, the development would be provided with inadequate affordable housing and the proposal would be contrary to Policy LP 16 Bracknell Forest Local Plan and the National Planning Policy Framework.
- 7
In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017 (as amended), Policy NRM6 of the South East Plan, Policies LP 31 and LP 32 of the Bracknell Forest Local Plan, and the Thames Basin Heaths Special Protection Area Supplementary Planning Document (2018).
- 8
The proposed development would unacceptably increase the pressure on open space of public value and off-site community facilities. In the absence of planning obligations in terms that are satisfactory to the Local Planning Authority, and which secure contributions towards open space of public value and off-site community facilities, the proposal would be contrary to Policies LP 3, 24, LP 44 and LP 45 of the Bracknell Forest

Local Plan, the Planning Obligations SPD and the National Planning Policy Framework.



Jo Male
Assistant Director: Planning

On behalf of Bracknell Forest Council

Informative	Description
1	The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal – which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.
2	The plans /documents used in consideration of this application are: LSE-3045-03-AC-0100 Rev P01 LSE- 3045 - 03 - AC - 0120 - REV P09 LSE-3045-03-AC-0121 Rev P05 LSE-3045-03-AC-0200 Rev P06 LSE-3045-03-AC-0201 Rev P07 LSE-3045-03-AC-0202 Rev P07 LSE-3045-03-AC-0203 Rev P06 LSE-3045-03-AC-0204 Rev P05 LSE-3045-03-AC-0300 Rev P05 LSE-3045-03-AC-0301 Rev P05 LSE-3045-03-AC-0302 Rev P06 LSE-3045-03-AC-0303 - REV P01 LSE-3045-0-LA-MCS72-Drg 01 P4 2411-KC-XX-YTREE-TCP01 RevA

2411-KC-XX-YTREE-TPP01 Rev0

PP/4155/BRACKNELL/F1

PP/4155/BRACKNELL/F2

PP/4155/BRACKNELL/F2

PP/4155/BRACKNELL/F2

External Lighting Layout

LSE-3045-03-AC-3000 LSE-3045-03-AC-3001

Planning Statement

Design and Access Statement

Transport Statement

Drainage and Flood Risk Strategy

Preliminary Ecology Assessment

Planning Statement

Biodiversity Net Gain Report

Biodiversity Net Gain Assessment Metric

BNG Baseline Plan

Tree Survey

Daylight and Sunlight Report

Energy and Climate Change Statement

Built Heritage Statement

Statement of Community Involvement

Ground Condition Desk Study

Viability Assessment

Archaeology Desk Based Assessment

Air Quality Assessment

Noise Assessment

Notes for Applicants

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development, to grant it subject to conditions, or to refuse a submission pursuant to a condition(s), then you can appeal to the Secretary of State for Communities and Local Government under section 78 of the Town and Country Planning Act 1990. If you want to appeal, then you must do so within a specified period (see note 1 below). Appeals must be made using a form which can be obtained from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (This form cannot be obtained from the local planning authority), or on line at www.planningportal.gov.uk/pcs.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Borough Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

1. Consent to Display Advertisements or Refusal of Consent to Display Advertisements

- a) The regulations provide that *every* grant of express consent shall be for a fixed period which shall be no longer than *five* years from the date of grant of the consent and, if no period is specified, the consent shall have effect as consent for five years.
- b) A person who displays an advertisement in contravention of the regulations will be liable, on summary conviction, of an offence under section 224(3) of the Town and Country Planning Act 1990 (as amended), to a fine of an amount not exceeding level 3 on the standard scale and, in the case of a continuing offence, one tenth of level 3 on the standard scale for each day during which the offence continues after conviction.
- c) The regulations provide that *every* grant of express consent shall be for a fixed period which shall not be longer than five years from the date of grant of consent and, if no period is specified, the consent shall have effect as consent for *five* years.

2. Listed Building Consent or Refusal of Listed building Consent

Appeals to the Secretary of State

- a) If you are aggrieved by the decision of your local planning authority to refuse consent for the proposed development or to grant it subject to conditions, then you appeal to the Secretary of State for Communities and Local Government under section 20 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1991. An appeal must be lodged within 6 months of the date of this notice.

Purchase Notices

If either the local planning authority or the Secretary of State refuses Listed Building Consent or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any works which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Borough Council. This notice will require the Borough Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Note 1:

If this is a decision to refuse planning permission for a householder application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

In all other cases if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice. Appellants seeking an inquiry are asked to give the Planning Inspectorate and local planning authority at least 10 days' notice that they intend to submit an inquiry appeal.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of an appeal.

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Bracknell Forest Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not ‘major development’ (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024; ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
 - 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).
 - 4.5 Self and Custom Build Development, meaning development which:
 - i) consists of no more than 9 dwellings; ii) is carried out on a site which has an area no larger than 0.5 hectares; and
 - iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Selfbuild and Custom Housebuilding Act 2015).
 - 4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.