

ITEM NO:

Application No.

16/00159/FUL

Site Address:

Ward:

Harmans Water

Date Registered:

2 March 2016

Target Decision Date:

27 April 2016

The Blue Lion Broad Lane Bracknell Berkshire RG12 9DB

Proposal:

Mixed use redevelopment comprising a retail unit (A1) and five flats (C3) (comprising five 2 bedroom units), together with associated plant, cycle and vehicle parking, refuse storage and landscaping following demolition of existing public house and outbuildings.

Applicant:

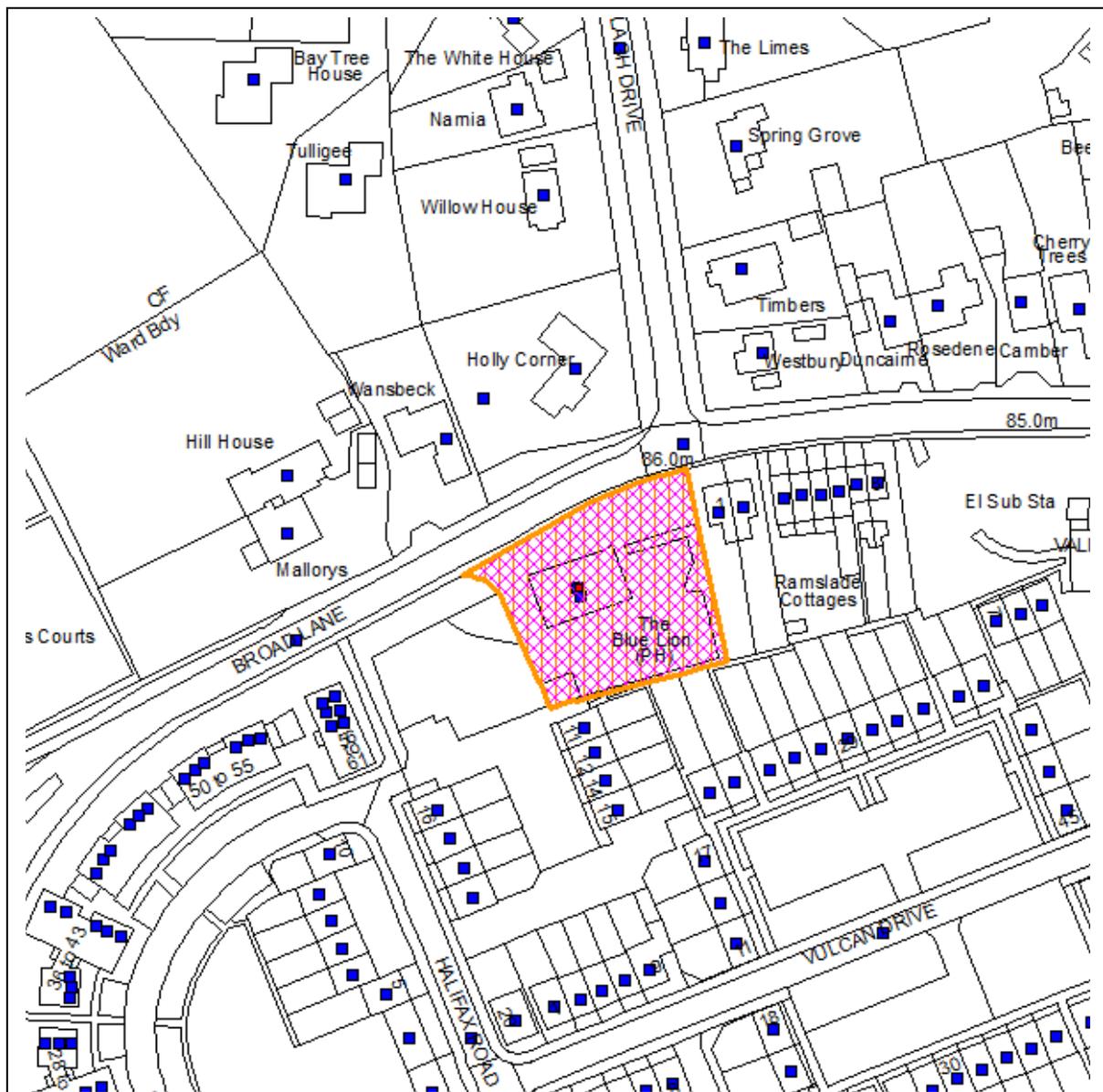
FPC (Bracknell) LLP

Agent:

Mr Jacob Goodenough

Case Officer:

Michael Ruddock, 01344 352000

development.control@bracknell-forest.gov.uk**Site Location Plan** (for identification purposes only, not to scale)

OFFICER REPORT

1. SUMMARY

1.1 The proposal is for a mixed use redevelopment of the site comprising of the erection of a two storey building that would contain a retail unit (A1 use) and five two bedroom residential flats (C3 use) together with associated plant, cycle and vehicle parking, refuse storage and landscaping following the demolition of the existing public house and outbuildings.

1.2 The proposed development relates to a site within the settlement boundary. It is not considered that it would result in an adverse impact on the character and appearance of the area or residential amenity. The proposed access, parking, delivery and servicing arrangements are considered acceptable, and the development would not result in an adverse impact on significant trees.

RECOMMENDATION

Planning permission be granted subject to the completion of a Section 106 Agreement and the conditions in Section 11 of this report

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application is reported to the Planning Committee as more than five objections have been received.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within Defined Settlement

Within 5km of the Thames Basin Heath SPA
--

3.1 The Blue Lion is a vacant public house located on Broad Lane, approximately 0.5km south of Bracknell Town Centre. The site is close to the entrance to Ranelagh Drive on the opposite side of the road, and is bordered by The Parks development to the rear and properties fronting Broad Lane to the east. The closest buildings to the west are flats fronting Broad Lane that are part of The Parks development, the closest of which is approximately 34m from the site boundary.

3.2 The site has an area of 0.05 hectares and comprises of a two storey building with a public house use at ground floor level and residential use for the managers flat at first floor level, with an associated car park serving the site at the rear. Access to the car park is to the west of the existing building. An ancillary outbuilding is located in the south west corner of the site.

3.3 The site itself is not within a Character Area, however the land to the north of Broad Lane, opposite the site, is within Area B (Broad Lane) of the Character Area Assessments SPD.

4. RELEVANT SITE HISTORY

4.1 Application 4358 - Application for proposed extension of car park - APPROVED 1957

4.2 Application 18418 - New toilets, bar extension and living accommodation alterations - APPROVED 1972

4.3 Application 608706 - Extension to rear car park and erection of fence - APPROVED 1984

4.4 Application 615952 - Single storey side extension forming enlarged bar and toilets - APPROVED 1989

4.5 Application 02/01221/FUL - Erection of a single storey side extension a single storey rear extension and a single storey front extension forming porch - REFUSED 2003 for the reasons that inadequate parking would be provided, and the development would result in the increased use of a substandard access.

4.6 Application 14/01150/FUL - Erection of ground floor extension to existing Public House and external alterations following partial demolition - REFUSED 2014 due to concerns with regard to vehicle parking and increased noise and disturbance.

4.7 Application 15/00406/FUL - Change of use application from class A4 Public House to class A1 Convenience Store. Rear and side extensions with installation of associated plant equipment. Conversion of first floor into accommodation to form 1 x two bed apartment – REFUSED 2015 due to highway safety concerns with regard to the proposed delivery and servicing arrangements. A subsequent appeal against this decision was dismissed.

5. THE PROPOSAL

5.1 The proposal is for a mixed use redevelopment of the Blue Lion site following the demolition of the existing two storey building comprising a public house and managers flat, and outbuilding to the rear. To the front of the site a two storey building would be constructed with a maximum width of approximately 28m and a maximum depth of approximately 16m. It would have a height of 8m with a hipped roof design and two gables to the front elevation.

5.2 The building would comprise of a commercial element at ground floor level and a residential element at first floor level. The commercial element would be a retail unit (Use Class A1) which is proposed with a 'retail sales area' of 235 square metres and a 'back of house' area of 115 square metres. It would also have a plant area and bin storage area to the south west of the building. Pedestrian access to the retail unit would be both through the front and the rear.

5.3 Twelve full time and twelve part time employees would be employed by the retail unit. The proposed opening hours are 07.00 to 23.00 on Monday to Saturday, Sundays and Bank Holidays.

5.4 The residential element would comprise of five two bedroom flats at first floor level. Pedestrian access would be to the east of the building via a staircase, separate to the retail element, and would be available at the front of the building and the rear through a cycle store. A bin storage element would also be included with access from the front elevation.

5.5 The vehicular access would be to the west of the building, similar to the existing, and would lead to a parking area to the rear. Nineteen spaces would be provided which include twelve for the retail element and seven for the residential element with one disabled space for each. The residential spaces would be secured for use for residents by bollards.

5.6 The existing access would be widened to approximately 13m at the junction which would narrow to a 7.1m wide access road leading to the car park. As well as customers and residents, this access would also be utilised by delivery vehicles with a dedicated delivery zone provided in the south west corner of the car park.



6. REPRESENTATIONS RECEIVED

Bracknell Town Council

6.1 Object to the development proposal which is out of character with the area in design, represents an overdevelopment of the site and is out of scale with surrounding buildings. Road access is dangerous at this point. There is a loss of amenity for neighbouring properties and parking provision appears inadequate.

Other representations

6.2 Fifteen letters of objection and one letter of representation were received. The reasons for objection can be summarised as follows:

- Impact on highway safety due to an unsafe access by reason of the narrowness of Broad Lane and the bend to the east of the Blue Lion site.
- Pedestrian safety due to proximity of the site to Ranelagh Drive, and Ranelagh School.
- Insufficient parking is proposed.
- Inadequate arrangement for deliveries to a retail unit.
- The proposed building would be out of character with the lane.
- Impact on sunlight into the gardens of the neighbouring properties, and loss of privacy through overlooking.
- Overdevelopment of the site.
- Noise and disturbance through gatherings, noise, litter and crime.
- Bin store would be in close proximity to the neighbouring property.
- The building should be used for its intended purpose rather than being redeveloped and a retail unit is unnecessary. Development would result in the erosion of a community gathering place. Building identified as a 'Building of Note' in the Bracknell Town Council Neighbourhood Plan currently being drafted.

[OFFICER COMMENT: The need for such a store is not a material planning consideration. The public house has not been registered as an Asset of Community Value and the building is not listed.]

The letter of representation requested that conditions be imposed with regard to delivery/refuse collection times and demolition/construction hours. Parking issues were also raised.

[OFFICER COMMENT: A condition with regard to demolition and construction hours would duplicate statutory noise legislation that can be enforced by the Council's Environmental Health Team, therefore this is not necessary. The other matters are assessed below.]

7. SUMMARY OF CONSULTATION RESPONSES

Highways Officer

7.1 Recommend conditional approval.

Biodiversity Officer

7.2 A bat survey is required.

[OFFICER COMMENT: This was subsequently submitted, and is assessed below.]

Environmental Health Officer

7.3 Recommend conditional approval.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

8.1 The key policies and associated guidance applying to the site are:

	Development Plan	NPPF
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP.	consistent
Residential Amenity	Saved policies EN20 and EN25 of BFBLP	consistent
Highway Safety	CS23 of CSDPD, Saved policy M9 of BFBLP	consistent
Trees	Saved policies EN1 and EN20 of BFBLP	consistent
Biodiversity	CS1 and CS7 of CSDPD	consistent
Sustainability	CS10, CS12 of CSDPD	consistent
SPA	NRM6 of SEP, CS14 of CSDPD, Saved policy EN3 of BFBLP	consistent
Other publications	National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). Parking Standards SPD, Thames Basin Heath SPA SPD, CIL charging schedule.	

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i Principle of the Development
- ii Impact on character and appearance of the area
- iii Impact on residential amenity
- iv Transport implications
- v Effect on Trees
- vi Biodiversity Considerations

vii	Sustainability
viii	SPA
ix	Community Infrastructure Levy

i. Principle of the development

9.2 The site is located within a defined settlement as designated by the Bracknell Forest Borough Policies Map. Due to its location and nature, the proposal is considered to be acceptable in principle and in accordance with CSDPD CS1 (Sustainable Development), CS2 (Locational Principles) and the NPPF subject to no adverse impacts upon the character and appearance of the surrounding area, residential amenities of neighbouring properties, highway safety, trees, biodiversity etc. These matters are assessed below.

ii. Impact on the character and appearance of the area

9.3 The site is in a prominent location along Broad Lane therefore the development would have a visible impact on the streetscene. The building would be set further forward than the existing and would be set between 3m-4m back from the highway. The existing building is set approximately 8m-10m back from the highway, therefore the new building would be a more prominent feature in the streetscene than the existing.

9.4 However, the neighbouring dwellings to the east are set much further forward than the existing building, and the new building would not project significantly forward of these. Broad Lane curves to the left from east to west, and the front elevation of the building would follow this curve to the west. Furthermore the new flats to the west of the site that are part of The Parks development and front Broad Lane are also set much further forward than the existing building. As such it is not considered that the siting of the new building would appear out of keeping or overly prominent in the streetscene in this location.

9.5 In respect of its size, the new building would have a height of approximately 8m which would be 1.5m higher than the existing building. However this would not be significantly higher than the dwelling to the east, and the flats to the west of the site fronting Broad Lane are three storey buildings that are all of a greater height than the proposed building. Although individually these buildings are not as wide as the proposed buildings, two three storey buildings each with an approximate width of 19m front Broad Lane with a gap of 5m between the buildings, and it is considered that collectively these buildings are a more prominent feature than the proposed building. It is therefore not considered that the size of the building would be out of keeping with the streetscene in this location.

9.6 With regard to its design, the building would have a hipped roof with two gable features fronting the highway, constructed from red and buff facing brickwork. Due to the depth of the building there would be a significant flat roof element. Broad Lane has a varied streetscene with a mixture of dwelling designs which include hipped roofs, pitched roofs and dormers. As such it is not considered that the design of the building would appear out of keeping with the streetscene on Broad Lane. Furthermore it is not considered that the existing building is particularly in keeping with the streetscene and has fallen into a state of disrepair. It is considered that the redevelopment of the site would be beneficial to the overall character of the area. Although the site is not within the Character Area, it is worth noting that the Character Areas Assessments SPD states that there is no consistent architectural approach along Broad Lane. Full details of materials will be secured by condition.



9.7 In terms of the rest of the site, no further buildings are proposed and the access and parking areas are in similar locations to the existing. An existing outbuilding to the rear would be removed. The acceptability of the access and parking from a highways perspective is assessed under Section (iv) of this report however it is considered that with regard to character it is considered that the size of the parking area would be commensurate to the size of the building. It is considered that the building would sit comfortably in the site and that the proposal would not constitute an overdevelopment of the site. Boundary treatment is shown to be a 1.8m close boarded fence to the sides and the rear, which is acceptable.

9.8 As such it is not considered that the development would result in an adverse impact on the character and appearance of the area. The proposal would therefore not be contrary to BFBLP 'Saved' Policy EN20 or the NPPF.

iii. Impact on residential amenity

9.9 No dwellings border the site to the west, therefore the dwellings most likely to be affected by the development are Ramslade Cottages to the east and dwellings on The Parks to the south.

9.10 The site is bordered to the east by No.1 Ramslade Cottages, however as the building would not project significantly forward of the neighbouring dwelling it would not result in an unacceptable loss of light to the front facing windows of that property. Although a side facing first floor window does face towards the site, this is not the primary source of light to a habitable room and as such a loss of light to this window would not be unacceptable.

9.11 The building would project to the rear of No.1 Ramslade Cottages which has previously been extended to the rear at single storey level. A 45 degree line drawn on the horizontal plane from the midpoint of the nearest ground floor window at the neighbouring property would not intersect the building, and although a 45 degree drawn on the horizontal plane from the midpoint of the nearest first floor window would intersect the building as 45 degree line drawn on the vertical plane from the point of intersection would not overshadow any part of the window. As such it is not considered that the development would result in an unacceptable loss of light to the rear facing windows of the neighbouring property. Furthermore it is not considered that the building would appear unduly overbearing when viewed from the rear of the neighbouring property.

9.12 No windows are proposed in the side elevation facing towards No.1 Ramslade Cottages and as such there would not be an unacceptable loss of privacy to that property through overlooking. Flats do not have 'Permitted Development' rights, therefore it is not necessary to impose a condition to remove these.

9.13 To the rear, the closest neighbouring dwelling is No.11 Halifax Road and the side elevation of this dwelling faces towards the application site. There are no windows in the elevation that would be affected and as such the development would not result in an unacceptable loss of light to this property. The closest building to the rear with windows

facing the site is No.19 Vulcan Drive, however as there would be a gap of over 30m between the new building and that dwelling the development would not result in an unacceptable loss of light to that property.

9.14 The building would be set over 14m from the rear boundary and as such it is not considered that it would appear unduly overbearing when viewed from the neighbouring properties on The Parks to the rear of the site. Furthermore the separation distances would ensure that there would be no unacceptable loss of privacy to the neighbouring properties through overlooking.

9.15 In respect of noise, the proposed opening hours of 07.00-23.00 are considered acceptable and will be controlled by condition. Given the close proximity of the site to residential dwellings, deliveries outside these hours would likely result in an increase in noise and disturbance which would not be acceptable and as such these will also be controlled by condition. Although plant equipment is shown, details have not been submitted regarding noise levels to demonstrate that this would not prejudice the enjoyment of neighbouring occupiers of their properties. A condition is therefore recommended requiring further details to be submitted in this regard.

9.16 Concerns have been raised with regard to the location of the bin store and the likelihood of disturbance to the neighbouring properties through large gatherings outside the store and litter. The Environmental Health Officer has not raised any concerns with regard to the location of the bin store, and it is not considered that issues in respect of litter or gatherings would be so significant that refusal of the application would be warranted. It should be noted that the extant use of the site is a public house which would likely result in more disturbance at noise sensitive times later in the evening than a retail unit.

9.17 With regard to the amenities of future occupiers of the flats, a condition is recommended requiring adequate insulation to the flats above to ensure that noise from the commercial unit is mitigated against. Two of the flats would have balconies, however these would be enclosed and it would therefore not be possible to overlook another flat from either of these balconies. Furthermore as the balconies would face towards Broad Lane they would not result in an unacceptable loss of privacy to neighbouring properties.

9.18 As such it is not considered that the development would result in a detrimental effect on the amenities of the residents of the neighbouring properties or future occupiers of the flats. The proposal would therefore not be contrary to BFBLP 'Saved' Policy EN20 or the NPPF.

iv. Transport implications

Access

9.19 The Blue Lion takes access off Broad Lane, a local distributor road that is subject to a 30mph speed limit. Broad Lane is busy throughout the day and is well used by school children accessing Ranelagh School and St Josephs Primary School to the north.

9.20 The existing vehicular access is to be reconfigured to provide an access to a rear car park for retail customers and residents of the flats, and visibility splays of 2.4m by 43m can be achieved in either direction in line with the requirements for Broad Lane. Deliveries and servicing of the retail unit is to take place within the rear car park, and the car park access is shown on Drawing SP19 (below) as 10m wide across the bell mouth with suitable radii to enable delivery vehicles to enter and exit the site adequately and pass cars waiting to access and exit the site. The access would include a hatched area in the centre of the access road to provide comfort for pedestrians crossing the access.



9.21 The car park access is 7.1m further into the site which would enable two vehicles to pass. The roadway is to be separated by 200mm to either side from the new building and the boundary fence to the west of the site. A rear door to the retail unit is proposed, therefore pedestrians accessing the store having parked in the car park would not need to use the access road.

9.22 The verge at the front of the site would be replaced to widen the existing footway across the front of the site to 2m and as such part of the application site close to the boundary with No.1 Ramslade Cottages will need to be dedicated as public highway to deliver the scheme. This would improve visibility to the right for vehicles exiting the car park and improve pedestrian access to the store and for existing pedestrians, including children who currently use this narrow footway. These footway works can be secured by condition.

9.23 The applicant will need to enter into a Section 278 Agreement with the Highway Authority to undertake the footway widening works, as well as the access works to a Highways specification. These works would include alterations to reinstate the existing dropped kerb fronting the site to full height which would minimise the potential for customers to pull up at the front of the site, which would result in highway safety risks. The Highway Authority requires parking/loading restrictions to be implemented across the Broad Lane frontage to prevent indiscriminate parking and deliveries from the road. This will be secured by a Traffic Regulation Order (TRO) through a Section 106 Agreement.

9.24 Pedestrian access to the first floor flats is proposed from Broad Lane across the paved area and another door is to be provided to the rear for access from the car park via the cycle store.

Deliveries and Servicing

9.25 The applicant has stated that a 10m rigid vehicle would carry out a morning delivery 6 days a week, an afternoon delivery 3-4 days a week and a bread delivery 2-3 times a week. The maximum deliveries in one day would therefore be three.

9.26 Deliveries to the store would be carried out within the rear car park, and the car park access has been suitably designed to accommodate 10m rigid vehicles. The vehicle tracking

shown on drawing SP19 for a 10m rigid vehicle indicates that vehicles would enter the site from Bagshot Road and then exit heading west along Broad Lane towards Bagshot Road avoiding residential estates. A delivery zone is proposed in the south west corner of the car park and vehicle tracking demonstrates that a 10m rigid vehicle can access and turn within the car park. The size of the vehicle and routing can be included within a Service Management Plan that will be secured by condition.

9.27 A bin store for the flats is to be provided on the ground floor of the building accessible from the Broad Lane and this would enable collection of residential waste by the Council, in the same way as the adjacent cottages.

Parking

9.28 Nineteen parking spaces are proposed overall, which would include twelve spaces for the retail unit and seven for the residential flats. The provision of twelve spaces complies with the Council's Parking Standards for 235 square metres of retail floor space. Drawing 14-2049-120-P11 shows a commercial unit of 350 square metres overall including 235 square metres of sales area and 115 square metres 'back of house'. The Highway Authority accept that back of house is not active retail space which would generate trips and parking demand. Although the Parking Standards do not distinguish between such areas, they should be applied flexibly and the size of the sales area can be controlled by planning condition to be no more than 235 square metres.

9.29 On street parking on Broad Lane is not restricted, however parking restrictions that would be secured through the TRO would ensure no on street parking at the front of the site. The parking restrictions would need to cover the site frontage commencing around 10m west of the car park access and extending eastwards to the boundary with No.1 Ramslade Cottages. It may be necessary for parking restrictions to cover both sides of Broad Lane and the exact details would be determined through consultation via the TRO.

9.30 A convenience store would create demand for staff parking over longer periods and while this would reduce the available parking stock for customers with a quicker turnaround, the parking standards take this into account applying floor area rather than customer and staff numbers. The site is relatively close to a rail and bus station and there is a wide residential catchment as a potential pool of employees which could access the site by non-car modes. One disabled space is to be provided for the convenience store which would comply with the Parking Standards and would have flush access to the convenience store.

9.31 Seven parking spaces, including one disabled space, are proposed to serve five two bedroom flats. This is below the Parking Standards, which require ten spaces for the flats plus one visitor space however the Parking Standards should be applied flexibly. The Highway Authority is of the view that seven spaces, secured for residential use by bollards, is acceptable based on site accessibility to Town Centre shops, facilities and the railway and bus stations, and the most recently available Census data (2011) for the local area which recorded an average car ownership per household of 1.17 vehicles. Hampden Crescent, to the south of the site within The Parks, has a ratio of around 1.3 parking spaces per dwelling which indicates that there is scope for flexibility. Also it is reasonable to consider that occasional visitors, especially overnight visitors, might use a retail space as the store will be likely to have a lower parking demand in the evening and none overnight when it is closed.

9.32 The proposed parking spaces are shown on drawing 14-2049-120-P12 (above) as 2.4m by 4.8m with 6m of aisle spaces to comply with the Parking Standards. The parking area should be marked out, surfaced, drained and lit and this can be secured by condition.

9.33 A covered cycle store would be provided on the ground floor of the building and ten spaces are shown on the above drawing which complies with the Parking Standards for residents of the flats. Sheffield Stands should also be provided to the front of the store for customers and these could also be used by residents visitors. The covered cycle store could also be made available for staff, or the back of house area used, and as such a condition is recommended requiring further details of cycle parking provision.

Trips

9.34 The extant use of the Blue Lion as a Public House could generate in the region of 200 two way trips per day on the basis of surveys from similar sized pubs. The proposal would increase trips and the applicant's original Transport Statement provided trip rates based on surveys of convenience stores. This store is likely to generate in the region of 620 two way trips per day, peaking at 66 two way trips between 6pm and 7pm. Also, such a store is likely to be particularly busy between 3pm and 6pm when there would be considerable movements associated with local schools and the typical network peak. Research indicates that 30% of trips would be pass-by trips or diverted trips already using the network and while these are likely to be by car, there is a nearby residential catchment which could readily access the store on foot or by bike. In any case, as the proposal provides acceptable access for all users, including deliveries and servicing, such an increase in trips would not be unacceptable.

9.35 As such it is not considered that the development would result in an adverse impact on highway safety. The proposal would therefore not be contrary to CSDPD Policy CS23, BFBLP 'Saved' Policy M9 or the NPPF.

v. Effect on Trees

9.36 The proposal would result in the loss of trees to the east of the site, however these are not protected by Tree Preservation Orders nor is it considered that they would merit a Tree Preservation Order. As such it is not considered that their removal would be unacceptable.

9.37 However trees are a feature of the streetscene in this location and it is therefore considered that the removal of these trees should be mitigated by replacement planting. Planting is shown to the front and the side of the building on the site plan however it is considered that further details of this should be submitted to ensure that the loss of trees is adequately mitigated. As such a landscaping condition is recommended. Subject to compliance with this condition it is not considered that the development would be contrary to BFBLP 'Saved' Policy EN1 or the NPPF.

vi. Biodiversity Considerations

9.38 The main Blue Lion building and associated outbuildings have the potential to support roosting bats and the demolition of these building could have an adverse impact upon a bat roost if present. As such a bat survey was required to be submitted in support of the application.

9.39 A Bat Roost Assessment identified low potential for roosting bats, and a subsequent Emergence Survey recorded no emergence activity from either the main building or the associated outbuilding. A low amount of foraging and commuting activity was recorded in the survey area, and the majority of bat activity was observed within the residential gardens south of the site.

9.40 As no bats were recorded emerging from either building, a European Protected Species Mitigation licence is not required from Natural England. To enhance roost provision in the

area it is recommended to put up one external bat box on the new structure. The enhancement would comply with CSDPD Policies CS1 and CS7 and will be secured by condition.

vii. Sustainability

9.41 CSDPD Policy CS10 requires the submission of a Sustainability Statement demonstrating how the proposals meet current best practice standards for water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day. No such statement has been submitted, therefore a condition is recommended requiring the submission of a Sustainability Statement prior to the occupation of the development in accordance with CSDPD Policy CS10 and the NPPF.

9.42 CSDPD Policy CS12 requires the submission of an Energy Demand Assessment demonstrating how 10% of the development's energy requirements will be met from on-site renewable energy generation. As highlighted in the Council's Sustainable Resource Management Supplementary Planning Document (<http://www.bracknell-forest.gov.uk/srm>), an energy demand assessment should be submitted and include the following:

- A prediction of the energy demand (in kWh) and carbon emissions (in kg/CO₂) for the site;
- List of assumptions used i.e. whether these have come from Building Regulations or benchmarks;
- Details of energy efficiency measures;
- A prediction of the energy demand and carbon emissions for the site taking into account energy efficiency measures;
- A feasibility study for all relevant renewable energy technologies;

The choice of renewable energy systems proposed and the associated energy and carbon savings.

9.43 No such assessment has been submitted in support of the application, therefore a condition is recommended requiring the submission of an Energy Demand Assessment prior to the commencement of development in accordance with CSDPD Policy CS12 and the NPPF.

viii. SPA

9.44 The Council, in consultation with Natural England, has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath Special Protection Area (SPA) is likely to have a significant effect on the integrity of the SPA, either alone or in-combination with other plans or projects. This site is located approximately 2.25km from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

9.45 On commencement of the development, a contribution (calculated on a per-bedroom basis) is to be paid to the Council towards the cost of measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Council's Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPD) and the Planning Obligations SPD. The strategy is for relevant developments to make financial contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the SPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures which Natural England will spend upon the SPA land. The Council will also make a contribution towards SANG enhancement works through Community Infrastructure Levy (CIL) payments whether or not this development is liable to CIL.

9.46 In this instance, the development would result in a net increase in four residential units with five two bedroom flats replacing one two bedroom flat which results in a total SANG contribution of £6,404. The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which is also calculated on a per bedroom basis. Taking account of the per bedroom contributions this results in a total SAMM contribution of £2,104.

9.47 The total SPA related financial contribution for this proposal is therefore £8,508. A draft Section 106 agreement to secure this contribution and a restriction on the occupation of each dwelling until the Council has confirmed that open space enhancement works to a SANG is completed will be submitted. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP 'Saved' Policy NRM6, 'Saved' Policy EN3 of the BFBLP and CS14 of CSDPD, the Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD, the Planning Obligations SPD and the NPPF.

ix. Community Infrastructure Levy

9.48 Bracknell Forest Council introduced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the borough and the type of development.

9.49 CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted) including new build that involves the creation of additional dwellings. The proposed development involves a net increase in residential units, and the development is therefore CIL liable.

10. CONCLUSIONS

10.1 It is not considered that the development would result in an adverse impact on the character and appearance of the local area or the amenities of the residents of the neighbouring properties. The proposed access, delivery and parking arrangements are considered acceptable and it is not considered that the development would result in an unacceptable impact on trees or biodiversity.

10.2 The previous scheme was refused and dismissed appeal due to highway safety concerns with regard to how delivery vehicles would access the site and the potential for conflict between vehicles and pedestrians using the site. The alterations to the access and the proposed delivery arrangements in the car park, along with the location of the store entrances and the layout of the car park have overcome these concerns.

10.3 It is therefore considered that the proposed development complies with Development Plan Policies SALP Policy CP1, CSDPD Policies CS1, CS2, CS7, CS14 and CS23, BFBLP 'Saved' Policies EN3, EN20, EN25 and M9, SEP Policy NRM6 and the NPPF.

11. RECOMMENDATION

11.1 **Following the completion of planning obligation(s) under Section 106** of the Town and Country Planning Act 1990 relating to:-

- Measures to avoid and mitigate the impact of residential development upon the Thames Basin Heaths Special Protection Area (SPA).
- A financial contribution to advertise and implement parking/loading restrictions along the Broad Lane frontage by way of a Traffic Regulation Order.

That the Head of Planning be authorised to **APPROVE** the application subject to the following conditions amended, added to or deleted as the Head of Planning considers necessary:-

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990

02. The development hereby submitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 18.01.17 and 20.01.17:

14-2049-120-P12

14-2049-121-P4

14-2049-122-P8

REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

03. No construction works shall take place until brick and tile samples to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of the visual amenities of the area.

[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]

04. No construction works shall take place until details showing the finished floor levels of the building hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of the character of the area.

[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]

05. The retail unit hereby permitted shall not be open to customers outside 07:00 hours to 23:00 hours Monday to Sunday.

Reason: In the interests of the amenities of the occupiers of nearby residential premises.

[Relevant Policies: BFBLP EN20, EN25]

06. No deliveries shall be taken at or dispatched from the site outside the hours of 07.00 hours to 23.00 hours Monday to Sunday.

REASON: In the interests of the amenities of the occupiers of nearby residential premises.

[Relevant Policies: BFBLP EN20, EN25]

07. The net retail sales area of the store shall not exceed 235 square metres.
REASON: To ensure that the development is provided with adequate car parking in the interests of highway safety.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
08. No element of the development shall be occupied until details of plant and equipment noise insulation (including plant room, store ceiling insulation, air conditioning) or equivalent have been submitted to and approved in writing by the Local Planning Authority. The noise generated from the plant and refrigeration systems whilst in operation shall not cause the existing background level to increase whilst in operation. The plant and equipment shall be installed and operated in accordance with the approved scheme.
REASON: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties.
[Relevant Policies: BFBLP EN20, EN25]
09. The residential flats should be adequately insulated in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
REASON: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties.
[Relevant Policies: BFBLP EN20, EN25]
10. No part of the development shall be occupied until a means of vehicular access has been constructed in accordance with the approved plans (reference 14-2049-120-P12, 14-2049-122-P8).
REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]
11. No part of the development shall be occupied until the associated vehicle parking 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 scheme shall include details of drainage and lighting. The spaces shall not thereafter be used for any purpose other than parking and shall be drained and lit as approved.
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
12. No part of the development shall be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for covered and secure cycle parking facilities (including shower facilities and lockers for employees). The facilities shall be retained thereafter.
REASON: In the interests of accessibility of the development to cyclists.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
13. No part of the development shall be occupied until a 2.0m wide footway has been constructed across the site frontage to the north in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]
14. The development hereby permitted shall not be begun 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.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

15. No part of the development shall be occupied until a delivery and service management plan to include the size of delivery vehicles and routes has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

16. The development shall incorporate surface water drainage that is SuDS compliant and in accordance with DEFRA "Sustainable Drainage Systems - Non-statutory technical standards for sustainable drainage systems" (March 2015). It shall be operated and maintained as such thereafter.

REASON: To prevent increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage scheme.

[Relevant Policies: CSDPD CS1, BFBLP EN25]

17. No construction works shall commence until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule. 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. 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.

REASON: In the interests of good landscape design and the visual amenity of the area.

[Relevant Policies: BFBLP EN20, CSDPD CS7]

18. The development hereby permitted shall be carried out in accordance with the mitigation measures outlined in the Bat Emergence Survey dated 9 May 2016.

REASON: In the interests of nature conservation.

[Relevant Policies: CSDPD CS1, CS7]

19. No flat shall be occupied until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day, has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the Sustainability Statement, as approved, and retained as such thereafter.
REASON: In the interests of sustainability and the efficient use of resources.
[Relevant Policy: Core Strategy DPD CS10]
20. No construction works shall take place until an Energy Demand Assessment demonstrating that at least 10% of the development's energy requirements will be provided from on-site renewable energy production, has been submitted to and approved in writing by the Local Planning Authority. The dwelling as constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith.
REASON: In the interests of the sustainability and the efficient use of resources.
[Relevant Plans and Policies: CSDPD Policy CS12]

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:
1. Commencement
 2. Approved Plan
 5. Opening hours
 6. Delivery hours
 7. Retail area
 10. Access
 16. SuDS
 18. Bat Mitigation

The following condition requires discharge prior to the commencement of any development on site:

14. Site Management Plan

The applicant is advised that the following conditions require discharging prior to commencement of construction works:

3. Materials
4. Finished Floor Levels
8. Plant/equipment noise insulation
9. Insulation
11. Parking
12. Cycle Parking
13. Footway Widening
15. Delivery/Service Management Plan
17. Hard/Soft Landscaping
19. Sustainability Statement
20. Energy Demand Assessment

03. Before retailing operations commence the Food Business Operator will be required to Register details with Bracknell Forest Council and have them placed on a Public Register, in accordance with Article 6 (2) of Regulation (EC) No 852/2004. Details relating to registration can be found at <http://www.bracknellforest.gov.uk/registrationfoodbusinesses>. You may request a copy of the Application by ringing our Customer Service Centre on 01344 352000, which is open from 8.30am to 5.00pm, Mondays to Fridays, or by emailing Environmental.Health@bracknell-forest.gov.uk Information on starting a food business can be found at <http://www.food.gov.uk/business-industry/caterers/startingup/> Alternatively you may request a copy by ringing our Customer Service Centre or by emailing [Environmental Health@bracknell-forest.gov.uk](mailto:Environmental.Health@bracknell-forest.gov.uk) Should the appellant be successful discussions relating to the proposed layout, fittings and finishing's to the food handling facilities within the proposed premises' are welcomed, prior to the undertaking of any works, in order to minimise the risk of non compliance with the relevant food hygiene legislation. Bracknell Forest Council are the responsible Authority for the regulation of Health and Safety in catering and retailing establishments. Further information on Employer duties and responsibilities can be found to the Health and Safety Executive website, available at <http://www.hse.gov.uk>
04. The applicant is advised of the need to enter into a Section 278 Agreement under the 1980 Highway Act before any work can be undertaken within the public highway.

In the event of the S106 agreement not being completed by 31 May 2017, the Head of Planning be authorised to either extend the period further or refuse the application on the grounds of:

01. The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impacts in this respect. 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 Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (2012).