

**ITEM NO: 5**

Application No.  
**17/01273/FUL**  
Site Address:

Ward:  
Crowthorne

Date Registered:  
17 November 2017

Target Decision Date:  
12 January 2018

**The Mango Tree 63 Church Street Crowthorne  
Berkshire RG45 7AW**

Proposal:

**Erection of three storey building providing 5no. 2 bed flats over 3 floors with private shared amenity space and car parking following demolition of existing building.**

Applicant:

Weston House Mango Tree Ltd

Agent:

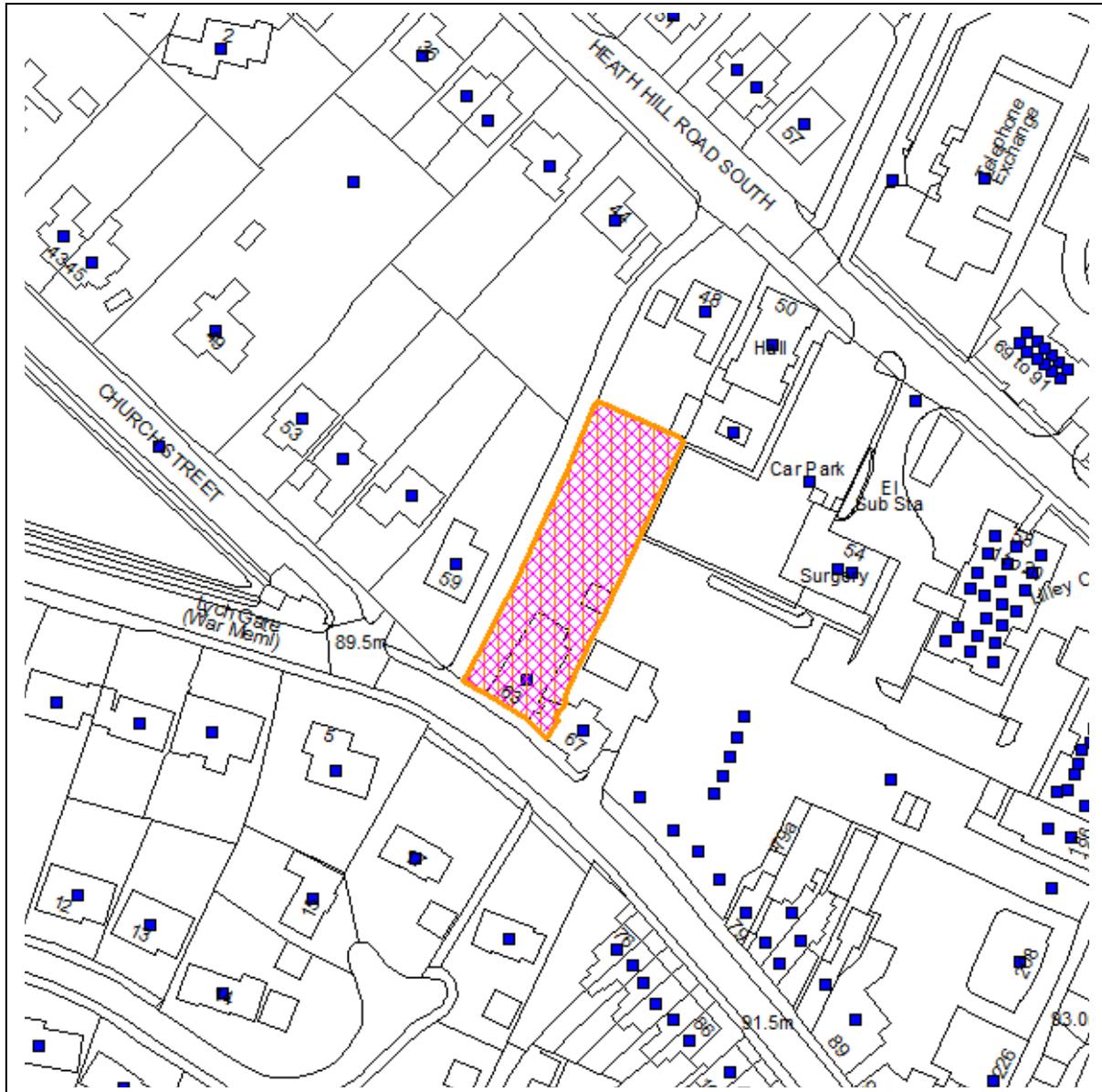
Richard Addison

Case Officer:

Michael Ruddock, 01344 352000

[development.control@bracknell-forest.gov.uk](mailto:development.control@bracknell-forest.gov.uk)

**Site Location Plan** (for identification purposes only, not to scale)



## **OFFICER REPORT**

### **1. SUMMARY**

1.1 The proposed development is the erection of a two storey building with a basement following demolition of the existing building. The new building would provide 5no. two bedroom flats over three floors. Shared amenity space and parking would be provided to the rear.

1.2 The proposed development relates to a site within the settlement boundary. It is not considered that the development would result in an adverse impact on the streetscene or the character and appearance of the area within Crowthorne Conservation Area. The relationship with adjoining properties is acceptable and it is not considered that the development would result in an unacceptable impact on highway safety or protected species.

<b>RECOMMENDATION</b>
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Planning permission be granted subject to the conditions in Section 11 of this report
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### **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**

<b>PLANNING STATUS</b>
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Within Defined Settlement
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Within 5km of the SPA
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Within Crowthorne Conservation Area
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3.1 As existing, the Mango Tree is a detached building forming a restaurant with A3 use at ground floor level and a three bedroom flat at first floor level. The site has an existing access to the side which leads to a parking area at the rear.

3.2 The site is located close to Crowthorne High Street but is not within Crowthorne Village Centre as defined by the Bracknell Forest Borough Policies Map, which borders the site to the east. It is located within the Crowthorne Conservation Area which extends to High Street to the east and along Church Street around St John the Baptist Church to the west.

3.3 The site is bordered by No.59 Church Street to the west and No.67 Church Street to the east. It is noted that No.67 Church Street was granted planning permission in February 2015 for the change of use of a ground floor fish and chip shop (A5 use) and first floor flat to a single family dwellinghouse. This permission has been implemented.

### **4. RELEVANT SITE HISTORY**

4.1 Relevant planning history for the site is summarised as follows:

Application 15/01269/FUL - Change of use from a restaurant with residential flat over to residential flats providing 2no. two bedroom units at the ground floor level and 1no. two bedroom unit and 1no. one bedroom unit at first floor level with shared amenity space - APPROVED (with Legal Agreement) 2016

Application 16/00074/FUL - Change of use from a restaurant (A3) with residential flat to single family dwelling (C3) - APPROVED 2016

Application 16/01236/FUL - Change of use from A3 restaurant with residential flat over to C3 residential providing 5no. 2 bed flats over 3 floors with private shared amenity space and car parking. This includes alterations and extensions to the existing building including a basement. (Note: This application is an amended scheme to planning permission 15/01269/FUL) – APPROVED (with Legal Agreement) 2017

## **5. THE PROPOSAL**

5.1 The proposed development is for the demolition of the existing building and the erection of a new detached two storey building with a basement. It would provide five flats over three floors with shared amenity space and parking to the rear.

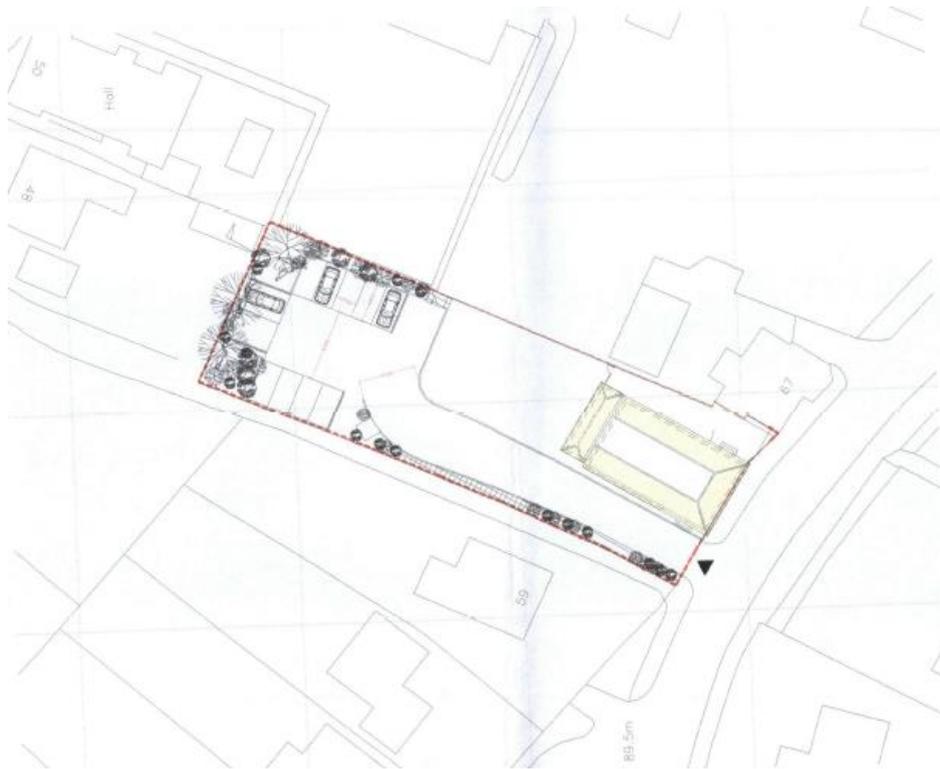
5.2 The new building would be similar to that approved under application 16/01236/FUL. This application was for the change of use of the existing building with the addition of a basement below ground level an extension to the rear. The new building would have the same dimensions as the previous building and extension, with a depth of 18.5m, a width of 8.9m and a height of 7.7m. The basement would project 2.7m below ground level.

5.3 The internal layout of the building would also remain similar to the approved. The two ground floor flats at the front of the building (Flat 1 and Flat 2) would also include the basement element and would be accessed from front doors leading onto Church Street. Flat 3 would be located at ground floor level to the rear of the building and would be accessed from a door to the side. Flats 4 and 5 would be located at first floor level and would have a shared access door to the side.

5.4 The application has been submitted as when stripping out of the building was undertaken in accordance with permission 16/01236/FUL it became apparent that the fabric of the building is in poor condition with the walls at first floor level bowing inward. As such permission 16/01236/FUL could not be implemented due to the structural instability of the building and the contractor could not guarantee the safety of his workforce during the construction process.

5.5 In light of these issues it is now proposed to demolish and rebuild the building as approved under application 16/01236/FUL. The building would be taken down brick by brick, with the existing bricks cleaned and reused in the construction of the new building.

5.6 As with the previous application, access would be provided in the same location as the existing to the side of the building, with parking to the rear. Eleven spaces are shown. A bin store would be provided adjacent to the access at the side, with a cycle store adjacent to the car parking area. A shared amenity area with a depth of 18m would be provided to the rear of the building.



## 6. REPRESENTATIONS RECEIVED

### Crowthorne Parish Council:

6.1 Recommend refusal. Crowthorne Parish Council is against the demolition of The Mango Tree building which is located within the conservation area in Crowthorne. The Parish Council does not accept the proposal to demolish the building completely and would like the developer to seek other alternatives in line with previous planning applications.

6.2 In response to this the applicant wrote to Crowthorne Parish Council on 9 February 2017 to provide further information and clarification about the development. As a response to this letter Cllr Wade (Chairman of Crowthorne Parish Council) stated that the Parish Council's major concern in the above response was to ensure that the Conservation Area was not impacted by the demolition process. On the basis of the assurances provided in the letter from the applicants, the Parish Council state that they trust that the outcome of the development will reflect the intent not have an adverse impact on the area.

### Other representations:

6.3 Twenty two letters of objection have been received from local residents concerning the proposals. The reasons for objection can be summarised as follows:

- The building is in a conservation area and therefore cannot be demolished.
- Loss of a historic building, impact on the character of the area as a result.
- Five flats are too many for the site. Proposal is an overdevelopment.
- Risk that the developer may demolish the building and not proceed to the rebuild.
- No bat survey submitted.

*[OFFICER COMMENT: Whilst the building is in a Conservation Area, it is not a listed building. The location of the building in a Conservation Area means that planning permission*

*is required for its demolition and a planning application is then assessed on its own merits. The Conservation Area status does not necessarily mean that demolition is unacceptable. A bat survey was not initially submitted however this has now been received and is assessed below.]*

6.4 Following receipt of these objections the applicant wrote to the Council in response with this letter published on the Council’s website. The applicant also met with the Crowthorne Village Action Group who subsequently have responded to state that they no longer have an objection to the application as if permission is given to demolish the building will be rebuilt in accordance with the original planning permission.

## **7. SUMMARY OF CONSULTATION RESPONSES**

### 7.1 Principal Heritage Officer

Recommend conditional approval.

### 7.2 Urban Design Officer

No objection, minor amendments to elevations suggested.

## **8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION**

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

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	consistent
Design and Character	CS7 of CSDPD, Saved policy EN20 of BFBLP	consistent
Conservation Area	CSDPD CS1, CS7	consistent
Residential Amenity	Saved policy EN20 of BFBLP	consistent
Highway Safety	CS23 of CSDPD, Saved policy M9 of BFBLP	consistent
Biodiversity	CS1 and CS7 of CSDPD	consistent
Sustainability	CS10 of CSDPD	consistent
<b>Other publications</b>	National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). Design SPD, Character Area Assessments SPD, Parking Standards SPD, Thames Basin Heaths SPA Avoidance and Mitigation SPD, Planning Obligations SPD, Conservation Area Appraisal.	

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 Crowthorne Conservation Area
- iv Impact on residential amenity
- v Transport implications
- vi Biodiversity Considerations

- vii Sustainability
- viii Impact on Thames Basin Heath 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, the Crowthorne Conservation Area residential amenities of neighbouring properties, highway safety etc. These matters are assessed below.

### **ii. Impact on the character and appearance of the area**

9.3 The building as it appears in the streetscene would not be significantly altered. The shop front would be replaced with doors and windows, with the building appearing more residential in character than as existing. Given that all of the surrounding properties are now residential and the site is not located within the Crowthorne Village Centre retail area it is not considered that the proposed building would appear out of keeping with the streetscene in this location. In terms of its size and design, it would remain as approved under application 16/01236/FUL which was considered acceptable.

9.4 As before, the replacement building would be larger than the existing one to the rear however much of the additional development would be at first floor level with only a small infill element at ground floor level. As such the footprint of the building would not be significantly extended. It is not considered that the extension would appear out of character with the existing building.

9.5 The parking would be to the rear of the property as with the site as existing, which is acceptable. Cycle and bin stores are proposed, however these would not be prominent features in the streetscene. Given the extant use of the site as a restaurant with one flat above, it is not considered that the development would result in the intensification or an overdevelopment of the site.

9.6 The Character Area Assessment for this area states that it has a high quality townscape setting with high architectural quality. Building materials are predominantly red brick, with the occasional use of yellow brick and render. The application proposes to reuse the existing bricks, although it is acknowledged that some new bricks will be required as the new building would be larger than the existing. Any new bricks should match the existing and these will be secured by condition. The brick bond should also match the existing (Flemish Bond) as this is an important characteristic of the existing property.

9.7 It is therefore 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 CSDPD Policy CS7, BFBLP 'saved' Policy EN20, the Character Area Assessments SPD or the NPPF.

### **iii. Impact on Crowthorne Conservation Area**

9.8 The Mango Tree is in quite a prominent position within the Crowthorne Conservation Area, at the junction of Church Street and Waterloo Road. Therefore the area is considered to have special architectural and historic interest. Any proposals would need to be of high quality and be seen as preserving or enhancing the Conservation Area. The Planning

(Listed Buildings and Conservation Areas) Act 1990 (as amended) requires under Section 72 that special attention be paid in the exercise of planning functions in a Conservation Area, to the '*desirability of preserving or enhancing the character or appearance of the area*'.

9.9 As part of the designation of the conservation area in Crowthorne, an appraisal of the area was undertaken by Jacob's consultancy which is titled "Conservation Area Appraisal, Church Street, Crowthorne". With regard to The Mango Tree, paragraph 7.5.21 of the appraisal report sets out the character and importance of No.63 Church Street within the Conservation Area streetscene and details the existing building as of "*red brick construction in Flemish bond and hipped roof finished with tiles. The front elevation is symmetrical with a shop front style entrance central door flanked by plate glass of vertical emphasis fixed between timber mullions. The shop front design appears chunky in relation to the design of the building but the fascia is of appropriate proportions and is painted. Green glazed tiles relating to the earlier shop front survive below the black paint. The first floor windows are casements with a vertical emphasis.*"

9.10 Comments were received from the Council's Principal Heritage Officer in respect of the application, who considers that the Mango Tree is of local historic interest and a non-designated heritage asset in accordance with the NPPF which states at Paragraph 135 '*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*'

9.11 The application has been accompanied by a 'Building Survey Façade Report' from Andrew Harris, a Chartered Surveyor which identifies the building as being in a poor structural condition and a further letter supporting demolition on the grounds of structural defects from David Baker of Narvik Design Consultants. The Local Planning Authority has taken the advice of the Council's Building Control Team with regard to these documents, and the Building Control Surveyor is in agreement with the assessments that have been submitted.

9.12 Due to its status as a non-designated heritage asset, the Principal Heritage Officer considers that retaining the building should be the first priority. However it is acknowledged that this cannot be achieved due to the instability of the structure. However it is considered that a similar quality of building should take its place. In order to ensure that the replacement building matches the quality of the existing, it is considered necessary to apply detailed conditions requiring matching materials to ensure that the character and appearance of the Conservation Area is preserved.



9.13 It is noted that in respect of application 16/01236/FUL, the Principal Heritage Officer commented that the removal of the existing large shop front window on the front elevation and its replacement with brickwork and windows would reinforce the residential character of the Crowthorne Conservation Area. Furthermore the consultant considered that a wholly residential use would enhance the Conservation Area. The extension to the rear was considered acceptable as it would not be visually prominent from outside the site, and it was considered a benefit that the scheme would regularise the outline of the building into a more coherent form.

9.14 As such the development would not be contrary to the Jacobs Conservation Area Appraisal and would comply with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). It would enhance the residential character of the Conservation Area and would remain in keeping with the description of the building within the Appraisal, the only exception being the removal of the shop front which is acceptable. It is therefore not considered that the development would be contrary to CSDPD Policies CS1 and CS7 or the NPPF.

#### **iv. Impact on residential amenity**

9.15 The proposal would result in additional built form to the rear when compared to the existing, however given the size of the existing building and the size of the additions proposed it is not considered that this would result in a significant impact on the neighbouring properties. It is noted that an extension to the rear was considered acceptable under application 16/01236/FUL. Given the existing use of the ground floor as a restaurant, it is not considered that a wholly residential use would result in an unacceptable level of noise and disturbance that would warrant refusal of the application, when compared with the existing situation.

9.16 Additional windows are proposed in the side elevations. With regard to the east elevation facing No.67 Church Street, one side facing bedroom window faces towards the Mango Tree. However none of the main windows on this elevation would directly face towards this window. Three rooflights would face towards the bedroom window. To ensure that there would not be a loss of privacy to the neighbouring property a condition will be imposed to ensure that these remain high level windows of not less than 1.7m from floor level. Finally, there are no private amenity areas that would be overlooked. The windows proposed in this elevation are in the same location as approved under 16/01236/FUL.



9.17 Windows in the west elevation would face towards the front of No.59 Church Street which is acceptable. In any case there are a number of first floor windows in this elevation as existing, and the situation would not be significantly different.

9.18 The five flats would either be served by front, rear or side facing windows which would provide an acceptable level of light to all five flats. A shared amenity area would be provided to the rear which is considered acceptable for five flats.

9.19 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, and the level of amenity for future occupiers is considered acceptable. The development would therefore not be contrary to BFBLP 'saved' Policy EN20 or the NPPF.

## **v. Transport implications**

9.20 The site takes access off Church Street which is subject to a 30mph speed limit. There is a footway fronting the site and an adopted footpath to the side leading to Heath Hill Road South. The existing vehicular access off Church Street on the western side of the building is to be retained for car and cycle parking for the five flats.

9.21 The access measures 4.5m wide adjacent to the building and while two vehicles would be unable to pass, the extant use of this access for the restaurant is likely to have generated similar use by customers, staff and for deliveries. Furthermore five flats could generate in the region of 20 trips per day, therefore the number of instances where this would occur would likely be low. It is therefore considered that vehicles being unable to pass would not present a significant highway safety issue and a vehicle could pass a pedestrian and cyclist at low speed along the access road. To reduce the potential for conflict within the site and with the adopted highway, it is considered necessary to impose a condition restricting gates on the access.

9.22 Eleven parking spaces are proposed which complies with the Parking Standards SPD for 5no. two bedroom flats and also provides a visitor space. The parking spaces measure as 2.4m by 4.8m and at least 6m of access space is provided to comply with the Parking Standards SPD. A cycle shed is shown in the parking area, and both the vehicle and cycle parking can be secured by condition.

9.23 The parking and access arrangements are similar to those proposed under 16/01236/FUL, and the development would not result in any traffic generation over that previous approval. It is therefore not considered that the development would result in an adverse impact on highway safety. The proposal would therefore not be contrary to 'saved' Policy M9 or the NPPF.

## **vi. Biodiversity Considerations**

9.24 Previous applications concerning the internal alteration and extension of the building have had no impact on protected species. However the demolition of the building could potentially have an adverse impact on bats which are a European Protected Species, therefore the document 'Bat Roost Assessment Report' by Aspect Ecology (dated February 2018) has been submitted.

9.25 The report sets out that internal and external inspection surveys and tree inspection surveys for bats were carried out. No evidence of roosting bats was recorded, and the on site buildings have been assessed as providing negligible suitability to support roosting bats. No evidence of roosting bats were found within the on site trees which in any case are proposed to be retained.

9.26 As such it is not considered that the development would result in an adverse impact on protected species. A condition is recommended requiring a further bat survey to be submitted if more than two years elapse between the date of the planning permission and the commencement of works.

#### **vii. Sustainability**

9.27 CSDPD Policy CS10 requires the submission of a Sustainability Statement demonstrating how the proposals meet current best practice standards, cover water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day. This is considered to be consistent with the NPPF which states in para 95 "To support the move to a low carbon future, local planning authorities should actively support energy efficiency improvements to existing buildings.

9.28 No such statement has been submitted in support of the application, 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.

#### **viii. Impact on the Thames Basin Heath SPA**

9.29 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 0.65km 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.

9.30 The previous two applications at the site, references 15/01269/FUL and 16/01236/FUL have secured appropriate avoidance and mitigation measures in the form of contributions towards the cost of measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA. These contributions have been paid in full, and no further SPA mitigation is required.

#### **ix. Community Infrastructure Levy**

9.31 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.

9.32 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 development involves a net increase in dwellings and as such is CIL liable.

### **10. CONCLUSIONS**

10.1 It is not considered that the development would result in an adverse impact on the streetscene or the character and appearance of the area within Crowthorne Conservation Area, residential amenity, highway safety or biodiversity subject to conditions. As such the development would not be contrary to CSDPD Policies CS1, CS7 and CS23, BFBLP 'Saved' Policies EN20 and M9 or the NPPF.

## 11. RECOMMENDATION

11.1 That the application be **APPROVED** subject to the following conditions:-

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 28th November 2017:

791/901, 791/902, 791/905, 791/908, 791/909, 791/050/F

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 the following have been submitted to and approved in writing by the Local Planning Authority:

- a) Sample panel of the brickwork which demonstrates brick type, colour, texture, face bond, mortar mix and pointing;
- b) Samples and/or manufacturer's details of the roof materials for the proposed works;
- c) Plan and elevation drawings, with materials annotated, of new windows and window openings at a minimum scale of 1:10;
- d). Elevation drawings, with materials annotated, of all new doors at a minimum scale of 1:10.

The relevant part of the works shall be carried out in accordance with the approved details.

REASON: In order to safeguard the special architectural and historic interest of the Listed Building.

[Relevant Policy: CSDPD CS1, CS7]

04. The three central first floor windows in the east facing side elevation of the building shall at all times be high level windows having a sill height of not less than 1.7 metres above internal floor level.

REASON: To prevent the overlooking of neighbouring property.

[Relevant Policies: BFBLP EN20]

05. 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 with or without modification) no additional windows, similar openings or enlargement thereof shall be constructed at first floor level or above in the east facing side elevation of the first floor flats hereby permitted except for any which may be shown on the approved drawings.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

06. No dwelling shall be occupied until the associated vehicle parking has been surfaced and marked out in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.

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]

07. No dwelling shall be occupied until secure and covered parking for bicycles and storage for refuse has been provided in accordance with the approved drawings. The facilities shall thereafter be retained.

REASON: In order to ensure bicycle and refuse storage facilities are provided.

[Relevant Policies: BFBLP M9]

08. No gates shall be provided at the vehicular access to the site.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

09. If more than 2 years elapse between the previous bat survey and the due commencement date of works, an updated bat survey shall be carried out by a suitably qualified ecologist. A report confirming the results and implications of the assessment, including any mitigation measures, shall be submitted to the Local Planning Authority before works commence on site.

REASON: To ensure the status of bat on site has not changed since the last survey.

[Relevant Plans and Policies: CSDPD CS1, CS7]

10. No part of the dwelling hereby approved 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]

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission subject to conditions, 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:

01. Commencement
02. Approved Plans
04. High level windows
05. Side facing windows
06. Parking
07. Cycle Parking and Refuse Storage
08. Gates
09. Bat Survey

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

03. Materials

The applicant is advised that the following conditions require discharging prior to the occupation of any flat:

10. Sustainability Statement