

ITEM NO:Application No.
18/00382/FULWard:
Little Sandhurst And
WellingtonDate Registered:
9 April 2018Target Decision Date:
4 June 2018

Site Address:

**The Rose and Crown 108 High Street Sandhurst
Berkshire GU47 8HA**

Proposal:

**Erection of 2no. dwellings with associated access, parking,
landscaping and bin/cycle storage following demolition of existing
outbuildings to rear of existing public house**

Applicant:

Punch Partnerships (PML) Ltd

Agent:

Mrs Caroline Gould

Case Officer:

Sarah Horwood, 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 the erection of 2no. detached dwellings with associated access, parking, landscaping and bin/cycle storage following demolition of existing outbuildings to rear of existing public house.

1.2 The proposal for 2no. houses outside of the defined settlement boundary in the Countryside is not strictly in accordance with the development plan policies of CS9 of the CSDPD and Saved Policies EN8 and H5 of the BFBLP which seek new housing in the Countryside. However, these policies do not fully accord with the NPPF which seeks to protect the intrinsic character and beauty of the countryside and therefore the weight afforded to the development plan policies decreases. The NPPF supports both the effective use of land for new housing and the development of under-utilised land. In this instance, the 2no. dwellings would be sited on previously developed land (PDL); the 2no. dwellings would relate well to existing built form to the west, east and south-east of the site, all of which lies outside of the defined settlement boundary. The proposal would comprise the infilling of a gap between existing built form on High Street and Pinewood Close and approved built form at Alford Close. The 2no. dwellings do not detract from the designated landscape character of the area as defined by the Landscape Character Assessment, 2015 and planting is proposed along the southern boundary of plot 1 to provide screening to the development when viewed from the open countryside directly to the south. As such, in this instance, no demonstrable or significant harm would result to the intrinsic beauty of the countryside.

1.3 The proposal would not be considered to adversely affect the residential amenities of neighbouring properties. The existing pub would be retained as a community facility. No adverse highway safety implications would result. Relevant conditions will be imposed in relation to trees, biodiversity and sustainability. A legal agreement is required to secure contributions for SPA mitigation and the scheme is CIL liable.

RECOMMENDATION

Planning permission be granted subject to the conditions in Section 11 of this report and a section 106 agreement relating to mitigation measures for the SPA.
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2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application has been reported to the Planning Committee following receipt of more than 5 objections.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Party on land within defined settlement and outside defined settlement
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Within 5km of the Thames Basin Heath SPA
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3.1 The Rose and Crown PH lies to the south of the highway on High Street, Sandhurst. It is a part two storey, part single storey building which has been extended, including to the front and side of the building. It comprises a mix of brick and render and a clay tiled roof. The pub is served by a car park to the east of the building, accessed off of the High Street. To the front and rear of the building are external seating areas serving the pub. There are numerous structures sited in the rear beer garden including areas of decking, hardstanding and sheds.

3.2 There are residential dwellings to the north, east and west of the pub. Directly to the south-east of the pub, there are on-going works relating to the development of the land as a housing allocation (land at Alford Close).

4. RELEVANT SITE HISTORY

4.1 The most recent applications relating to the site are:

03/01002/FUL approved for erection of single storey side extension to public bar

09/00656/FUL approved for erection of single storey flat roofed extension to the side of the existing public house along with a timber decked area with pergola to rear of proposed extension.

5. THE PROPOSAL

5.1 Full permission is sought for the erection of 2no. detached dwellings with associated access, parking, landscaping and bin/cycle storage following demolition of existing outbuildings to rear of existing public house.

5.2 Plot 1 would range between 6.6m and 7.2m in width and would be 9.8m long. It would have an eaves height of 4.8m and ridge height of 7.8m. It would comprise a hallway, WC, store, kitchen, dining room and living room at ground floor level and at first floor level, there would be 3no. bedrooms, one with en-suite, family bathroom and store.

5.3 Plot 2 would be 6.6m wide and 9.8m long. It would have an eaves height of 4.8m and ridge height of 7.8m. It would comprise a hallway, WC, store, kitchen, dining room and living room at ground floor level and at first floor level, there would be 3no. bedrooms, one with en-suite, family bathroom and store.

5.4 Each plot would have 2no. parking spaces each, small front gardens and rear gardens.

5.5 For clarification, the existing public house at the Rose and Crown would be retained. No external alterations are proposed to the pub itself and the floor area of the pub will remain as existing. Further, no changes are proposed to the existing car park serving the pub. The siting of the proposed dwellings would however result in the sub-division of the existing beer garden to the rear of the building to accommodate the 2no. dwellings and associated amenity space, parking, etc. and the remainder of the land would be retained as an outdoor seating area connected to the pub. It is also proposed to demolish some existing outbuildings, areas of decking and hardstanding within the beer garden and to infill one of the existing ponds.

6. REPRESENTATIONS RECEIVED

Sandhurst Town Council

6.1 Considered no objection to the proposal.

Other representations

6.2 8no. letters of objection received which raise the following

- Increase in noise and disturbance to surrounding dwellings by reducing size of beer garden and resulting in increased use of front decking area;
- Rose and Crown PH is oldest pub in Sandhurst. 2 other pubs have been lost;
- Will be only remaining pub in vicinity of Alford Close housing;
- Pub is an important community facility, caters for different clientele to other pubs in area;
- 2 houses in rear garden poses genuine threat to future of pub and viability of the business;

- The proposal will leave the pub unable to cater for current customers and increased future custom;
- Pub will lose custom due to lack of beer garden;
- Views from beer garden will be ruined by 2 new houses;
- Beer garden very popular compared to other pub gardens in the wider area;
- Loss of beer garden could impact upon children playing outside and could result in unnecessary risk to children playing at front of site next to busy A road;
- Application could be a Trojan horse with ultimate goal to be the closure of the pub;
- Proposed access to dwellings would restrict parking for pub;
- Large vehicles/vans could restrict access to houses, including for emergency vehicles;
- Flaws with submitted transport statement;
- Traffic disruption onto High Street (A321);
- Increase in traffic;
- Any impact to parking serving the pub could lead to poor/illegal parking;
- Only pedestrian/vehicular access to proposed houses through pub car park;
- During construction of houses, pub car park will have to be reduced for construction traffic/materials, etc;
- Surface water runs off from New Road onto application site and pools close to plot 1;
- Will impact future occupiers.

6.3 1no. letter of support received which raises the following:

- Pub has a good sized car park and ample parking will be retained for the pub
- Development is proposed on what is currently a spare piece of large garden (officer note: beer garden connected to the pub)
- The tenants of the pub have engaged with Punch Taverns from the beginning and have reviewed the space that would remain for the pub to continue to trade in terms of both garden and parking and are confident the proposal will not materially impact the pub/business.

7. SUMMARY OF CONSULTATION RESPONSES

Environmental Heath

7.1 No objection.

Highways Officer

7.2 No objection subject to conditions.

Biodiversity Officer

7.3 No objection subject to conditions.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO DECISION

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

	Development Plan	NPPF
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Housing	CS15, CS16 of the CSDPD, H5 of BFBLP, SA6 of SALP.	Generally consistent The NPPF supports providing a range of homes (para. 8)

Countryside	CS9 of CSDPD, EN8 of the BFBLP	Not wholly consistent- NPPF does not support protecting the Countryside for its own sake instead 'protecting and enhancing valued landscapes' (para.) 170
Residential amenity	EN20 and EN25 of BFBLP.	Consistent
Parking	Saved policy M9 of BFBLP	Consistent NPPF refers to LA's setting their own parking standards for residential development, this policy is considered to be consistent.
Transport	CS23 and CS24 of CSDPD	Consistent
Sustainability	CS10 & CS12 of CSDPD	Consistent
SPA	SEP Saved Policy NRM6, CS14 of CSDPD	Consistent
Trees, biodiversity and landscaping	Saved policy EN1, EN2 and EN3 of BFBLP, CS1 of CSDPD.	Consistent
Supplementary Planning Documents (SPD)		
Thames Basin Heath Special Protection Area (SPD)		
Design SPD		
Parking standards SPD		
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		
Landscape Character Assessment		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of development
- ii. Impact on residential amenity
- iii. Impact on character and appearance of surrounding area
- iv. Impact on highway safety
- v. Trees
- vi. Biodiversity
- vii. Thames Basin Heath SPA
- viii. Community Infrastructure Levy (CIL)
- ix. Sustainability
- x. Drainage/SuDS

i. Principle of development

9.2 The application site is split into 2 designations – the existing pub, car park and some of the rear beer garden is sited on land within the settlement boundary and the remainder of the beer garden to south/south-west of the building is sited on land outside of the defined settlement, known as Countryside.

9.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.

9.4 Paragraph 11 of the NPPF sets out that for decision takers this means approving development proposals that accord with the development plan without delay, and where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits assessed against the policies in this Framework taken as a whole or specific policies indicate development should be restricted.

9.5 As of 20 September 2018, the Council is able to demonstrate a 5 year housing land supply (HLS) (presently 7.5 years) based on the latest household projections and land supply information. Subsequently this means that all relevant policies relating to the supply of housing are not out of date. In particular, policies relating to housing in the Countryside are therefore not out of date, including Policy CS9 of the CSDPD, Policy EN8 of the BFBLP and policy H5 of the BFBLP which relate to development on land outside of settlements and new dwellings outside settlements.

9.6 Policy CS9 of the CSDPD seeks to protect land from development that would adversely affect the character, appearance or function of the land.

9.7 'Saved' Policy EN8 seeks to permit development only where it would not adversely affect the character, appearance or function of the land.

9.8 'Saved' Policy H5 seeks to restrict the development of new dwellings unless it can be demonstrated that it would cause no harm to the character of the area.

9.9 The above policies effectively seek a blanket restriction of new housing in the Countryside. The NPPF at para 170 aims to protect and enhance valued landscapes and recognises the intrinsic character and beauty of the countryside (however it is acknowledged it does not specifically preclude residential development in the countryside). The development plan policies are not fully consistent with the NPPF and therefore the weight afforded to them in decision making therefore decreases. However the policies do refer to ensuring any development does not adversely affect the character or appearance of the area.

9.10 Para 12 of the NPPF states that where a planning application conflicts with an up to date development plan, permission should not usually be granted. However LPAs may take decisions that depart from an up to date plan only if material considerations in a particular case indicate that the plan should not be followed. This is considered to be the case in this application.

9.11 The following NPPF policies are relevant to the consideration of this application:

- Para 8 refers to achieving sustainable development, with 3 overarching objectives - economic, social and environmental objectives. The environmental objective states that proposals should protect and enhance the natural, built and historic environment, including making effective use of land;
- Para 117 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses;
- Para 118 (a) goes on to state that planning policies and decisions should encourage multiple benefits from both urban and rural land, including through mixed use schemes;
- Para 118 (d) promotes and supports the development of under-utilised land and buildings;
- Para 121 states that local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans;

- Para 122 again refers to planning policies and decisions which support development that makes efficient use of land.

9.12 The 2no. houses would be sited on land currently utilised as a beer garden serving the pub. The rear garden space is occupied by numerous permanent structures including areas of decking, timber sheds and hardstanding upon which picnic benches are sited on. As such, the land is considered to constitute previously developed land (PDL). The definition of PDL as given in Annex 2 of the NPPF states “land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure”.

9.13 The proposed development is considered acceptable in its impact on the character of the area as the application site itself is not considered to be open, undeveloped land that contributes significantly to the rural character of the open countryside. The 2no. houses would be sited on land that is PDL. The land does not have the visual attributes that would be associated with open countryside due to the coverage of existing structures connected to the use of the land as a beer garden. As such, the removal of the existing structures and their replacement with 2no. dwellings would not result in adverse harm to the intrinsic beauty of the countryside or result in a significantly urbanising impact on the land. It is acknowledged that the 2no. dwellings would be two storeys high and replace surface level structures such as decking and single storey outbuildings, however any environmental impact would be localised. Indicative planting is proposed along the southern boundary of plot 1 with hedgerow and tree planting to provide softening to the development when viewed from the open countryside directly to the south.

9.14 The application site falls within 2 designations, with the existing pub and car park sited within the settlement boundary and the rear beer garden designated as land sited outside the defined settlement. The 2no. proposed houses would be sited on land within the curtilage of an existing building located in the settlement boundary and would relate closely to the existing building. Further, the 2no. dwellings would follow the general pattern of backland development (some of which lies within the Countryside) at nos. 104 High Street to the east and nos. 112 and 114 High Street and 1-3 Pinewood Close to the west and would also relate to the development approved and under construction as part of a housing allocation on land at Alford Close to the south-east. The dwellings at nos. 112 and 114 High Street and nos. 1-3 Pinewood Close all lie on land outside of the defined settlement boundary as does part of the housing approved at Alford Close.

9.15 As part of the housing allocation at Alford Close, there would be a community hall building and associated car park sited directly to the south-east of the 2no. proposed dwellings. The 2no. proposed dwellings would not extend beyond the footprint of the community hall and associated car park directly to the south-east and would not extend beyond the housing to the east and south-east of the community hall. An extract of the housing allocation at Alford Close is shown below where the application site can be seen in the context of the community hall and housing approved at Alford Close (all of which on the extract below is sited on land in the Countryside, outside of the settlement boundary).



9.16 The proposed dwellings would relate well to existing built form to the west, east and south-east of the site, all development that lies outside of the defined settlement boundary and is infilling a gap between the existing dwellings at nos. 114 and 116 High Street and 1-3 Pinewood Close to the west and the approved housing allocation at Alford Close to the east/south-east.

9.17 Further, the site lies within the River Valley as designated by the Council's Landscape Character Assessment (LCA) document, dated September 2015. The LCA describes this area as influenced by flat valley bottom topography, areas of grassland, water bodies and well used recreation areas. The application site itself does not comprise any of the valued attributes identified in the LCA and therefore the proposal would not detract from the designated landscape character of the River Valley.

Loss of part of the existing beer garden

9.18 Para 235 of the CSDPD states that "many retail uses are hubs of the community...units that perform an important community role including post offices, convenience stores, chemists and pubs will be protected. Planning applications involving their loss by redevelopment or change of use will not be allowed unless exceptional circumstances have been proven". This is consistent with the NPPF which also seeks to protect community facilities/services.

9.19 Section 8 of the NPPF refers to promoting healthy and safe communities. Para 92 states that "to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should...guard against the unnecessary loss of valued facilities and services".

9.20 In accordance with para 235 of the CSDPD and Para 92 of the NPPF, the Rose and Crown PH itself will be retained and remain in operation. The proposal would result in the loss of some of the existing beer garden currently serving the pub to accommodate the 2no. proposed dwellings, however para 4.1 of the Design and Access Statement submitted with the application states that the size of the existing beer garden is surplus to the operational requirements of the pub and the reduced size of the beer garden will be sufficient to serve the pub. The pub itself would be retained and there would be external seating areas retained to the front of the premises and in part to the

rear, the proposal for 2no. dwellings sited on land currently in use as a beer garden. The proposal therefore conforms with paras 235 of the CSDPD and para 92 of the NPPF which protect community facilities and services.

9.21 The retained beer garden would be 24m wide and between 9m and 10m deep, along with an external area of decking abutting the side/rear elevation of the pub which is 9m deep and 6m-7m wide. Additional hedging is proposed along the 2.1m high acoustic fence to provide some softening to the new fenceline. There would be some views from the beer garden of the 2no. proposed dwellings, however there would also be unobstructed views in the main across the rear gardens of the proposed dwellings.

9.22 In summary, the proposal for 2no. houses outside of the defined settlement boundary in the Countryside is not strictly in accordance with the development plan policies of CS9 of the CSDPD and Saved Policies EN8 and H5 of the BFBLP which seek to restrict new housing in the Countryside. However, these policies do not fully accord with the NPPF which seeks to protect the intrinsic character and beauty of the countryside and therefore the weight afforded to them decreases.

9.23 The NPPF supports both the effective use of land for new housing and the development of under-utilised land. In this instance, it is therefore relevant that:

- the 2no. dwellings would be sited on land that is PDL;
- the 2no. dwellings would relate well to existing built form to the west, east and south-east of the site, all development that lies outside of the defined settlement boundary and is infilling a gap between existing built form on High Street and Pinewood Close and approved built form at Alford Close;
- the 2no. dwellings do not detract from the designated landscape character of the area as defined by the LCA, 2015;
- planting is proposed along the southern boundary of plot 1 to provide screening to the development when viewed from the open countryside directly to the south;

9.24 In light of the above, it is considered that no demonstrable or significant harm would result to the intrinsic beauty of the countryside. Further, the existing pub would be retained as a community facility.

ii. Impact on character and appearance of surrounding area

9.25 The Council's Design SPD sets out a number of recommendations that are relevant to the proposed development. Of particular relevance are the following:

- The form of new buildings, including roof should relate well to those found in the local context;
- Backland development should:
 - o not be highly visible from the main street frontage,
 - o not harm the existing character of the area,
 - o relate to a site of sufficient size and shape to accommodate the number of dwellings,
 - o not be taller than the existing buildings nor be highly visible from the main street frontage, create a satisfactory living environment for the new home and existing surrounding properties
- Plots should be large enough to accommodate the proposed built development and the requirements associated with it (such as amenity space, parking, etc.) in an arrangement that is practical and attractive. They should be configured to make sure that new development relates well to its neighbours.

9.26 The proposed dwellings would constitute backland development, sited to the rear of the existing public house, set back 42m from the highway at the closest point. Backland development is evident in the local area, including 2no. detached dwellings directly to the west of the application site at nos. 114 and 116 High Street which once formed part of the rear garden of the dwelling at no. 112 High Street, the development at Pinewood Close to the west of nos. 112 and 116 High Street and 104 High Street directly to the east. As such, the principle of backland development is acceptable. Further, the site directly adjoins the housing allocation site at Alford Close which is immediately to the south-east of the application site.

9.27 The proposed dwellings would be orientated 90 degrees to the front elevation of the building at the Rose and Crown. They would relate well to the orientation of the dwellings approved at Alford Close, facing onto the internal access road leading from the pub car park.

9.28 The proposed dwellings would have ridge heights of 7.8m. The ridge heights of the proposed dwellings would be lower than that of the existing public house which would be retained as part of the proposal. The proposed dwellings, due to their siting directly to the rear of the existing public house and their ridge heights being lower than the public house, they would not appear readily visible from the main street frontage. This accords with the Design SPD for backland development.



9.29 The dwellings would take a simple design form, comprising architectural detailing of canopies, stone window heads and cills and the use of red facing brickwork, slate and render. High Street is characterised by a non-uniform mix and style of houses, roof form and materials. The design of the dwellings would be sympathetic to the character of the area being similar in appearance to dwellings elsewhere in the streetscene. Further, the proposed palette of materials would reflect the brick and tile colours/types seen elsewhere in the streetscene.



9.30 The 2no. proposed new dwellings would not result in overdevelopment of the site, with adequate separation space between the proposed dwellings and adjoining buildings; adequate sized gardens; on-site parking provision, bin and cycle storage and the retention of external seating areas to serve the existing pub.

9.31 The proposed dwellings would have rear gardens proportionate to their size, ranging in length between 14.8m-15.2m for plot 1 and 13.6m-14m for plot 2. The bin/cycle stores would be located in the rear gardens of each plot, accessed by footpaths adjacent to the flank walls of the proposed dwellings. An indicative scheme of soft landscaping for the proposed dwellings has been submitted which includes new tree planting and mixed native hedging which would enhance the landscaping on site and would assimilate well with the open countryside directly to the south.

9.32 For the reasons given above, the development would not result in an adverse impact on the character and appearance of the area and would accord with Saved Policy EN20 of the BFBLP, Policy CS7 of CSDPD, the Design SPD and the NPPF.

iii. Residential amenity

9.33 The proposed dwellings would be sited in excess of 55m from the dwellings directly to the north at nos. 49 and 51 High Street. In view of this separation distance and siting of the dwellings directly to the rear of the existing pub, the dwellings would not appear visually prominent or result in overlooking or loss of daylight to existing dwellings to the north of High Street.

9.34 The proposed dwellings would be set 39m from no. 100/102/102A High Street to the north-east at the closest point. This building comprises a commercial unit at ground floor and residential accommodation above. In view of the separation distances and the siting of the dwellings, they would not appear visually prominent, result in overlooking or loss of daylight to nos. 100/102/102A High Street.

9.35 To the east lies no. 104 High Street which is a residential dwelling. The proposed dwelling closest to no. 104 is plot 2 which would be sited 22m from the rear elevation of no. 104 at the closest point. In view of the separation distance to no. 104 and the orientation of the proposed

dwellings relative to no. 104, the dwellings would not appear overbearing or result in loss of daylight to no. 104. Plot 2 would be set some 14m from the rear boundary of no. 104. There maybe oblique views from first floor windows on the front (east) elevation of plot 2 over the rear garden of no. 104, however these views would be oblique and over the rear most part of the garden of no. 104. As such, any overlooking would not be considered detrimental to no. 104.

9.36 There is a single storey building at no. 110 High Street to the north of the proposed dwellings. This building is not in residential use but commercial use. As such, the proposed dwellings would not adversely affect this commercial building.

9.37 The proposed dwellings would be sited some 35m from the rear elevation of no. 112 High Street at the closest point, with the existing building at no. 110 as an intervening building between along with the shared access road serving nos. 114 and 116 High Street. In view of the separation distance to no. 112, the proposed dwellings would not appear visually prominent, result in overlooking or loss of daylight to no. 112 High Street.

9.38 To the west lie nos. 114 and 116 High Street. No. 114 is sited closest to the application site and is a two storey dwelling with an existing conservatory to the rear. The proposed dwellings would be orientated at 90 degrees to nos. 114 and 116. Plot 1 would be sited between 14.8m and 15.2m from the boundary with no. 114, with a 17.6m separation distance to no. 114 at the closest point. Plot 2 would be sited between 13.6m and 14m from the boundary with no. 114, with a 15.2m separation distance to no. 114 at the closest point. In view of these separation distances between the rear elevations of plots 1 and 2 and no. 114 at the closest point, along with the orientation of the new dwellings relative to no. 114, they would not appear unduly overbearing to the detriment of no. 114. Further, in view of the separation distances between the proposed dwellings and no. 114 and the orientation of the proposed houses to the east/south-east, there would be no adverse loss of daylight or sunlight to the rear elevation and rear garden of no. 114.

9.39 The windows in the rear (west) elevation of plot 1 facing the rear garden of no. 114 serve the living room at ground floor level and at first floor level, there would be 2no. windows, one serving an en-suite and one serving a bathroom. The 2no. first floor windows would be obscure glazed and fixed shut with the exception of top opening fanlights to ensure that no loss of privacy results to the rear elevation and rear garden of no. 114. This will be secured by condition. The windows in the rear (west elevation) of plot 2 facing no. 114 also serve the living room at ground floor level and at first floor level, there would be 2no. windows, one serving the master bedroom and one serving a bathroom. The window serving the bedroom would look directly on the flank wall of no. 114 and would have oblique views over the rear garden of no. 114. This window would be set 15.2m to the flank wall of no. 114 at the closest point and as such would not result in an adverse level of overlooking to the detriment of no. 114 given the separation distance and the rear to side relationship between the proposed dwellings and no. 114. The proposed first floor bathroom window would be obscure glazed and fixed shut with the exception of top opening fanlights to ensure that no loss of privacy results to the rear elevation and rear garden of no. 114. This again will be secured by condition.

9.40 There is existing residential accommodation above the Rose and Crown at first floor level. The flank wall of plot 2 would be set 21m from the first floor accommodation and an existing rear facing window serving a bedroom. In view of the separation distance between plot 2 and the first floor flat, the dwellings would not appear overbearing to occupiers of the first floor flat. Further, the first floor rear facing window of the flat would be set 19.6m from the boundary of the proposed garden serving plot 2. In view of this separation distance, the existing first floor bedroom window of the flat would not result in undue overlooking and loss of privacy to the gardens of the proposed dwellings.

9.41 Works are on-going at Alford Close following its designation as a housing allocation and the subsequent grant of planning permission. The proposed dwellings would be sited in excess of 35m

from the approved community centre and over 45m from the nearest approved dwellings at Alford Close. In view of these separation distances, the proposed dwellings would not result in any impacts to future occupiers of the dwellings at Alford Close.

Noise to existing dwellings

9.42 Letters of objection raise the issue of noise disturbance resulting from the reduction in the size of the rear beer garden and the resulting pressures this may place on the front outside seating area serving the pub. The Council's Environmental Health officer was therefore consulted as part of the application. The reduction in the size of the beer garden to the rear of the premises would result in a change in noise environment for existing residential properties, some may experience lower noise levels and some could possibly experience an increase in noise levels, particularly those to the front of the premises. The licenced premises has an ongoing obligation to manage noise and this is also a condition of its premises licence. A noise survey has been undertaken and submitted as part of the application. The Council's Environmental Health officer is of the view that any additional noise as a result in the reduction in the size of the rear beer garden would not be to the extent that it would warrant refusal of the application.

9.43 Notwithstanding the above, if the issue of noise and disturbance were to become problematical in the future, this could be considered a Statutory Nuisance and could be dealt with by the Council's Environmental Health department under their statutory powers.

Future occupiers of proposed dwellings

9.44 Adequate residential amenity would be provided to future occupiers of the proposed dwellings. All habitable rooms would be served by windows, parking would be provided on-site to serve each plot and private rear gardens would be provided.

9.45 Plot 2 would be located adjacent to the retained beer garden serving the pub. A 2.1m high acoustic close boarded timber fence is proposed along the boundary of the beer garden with the rear garden of plot 2. This would provide some noise attenuation to future occupiers of the proposed dwellings. It should also be taken into account that future occupiers of the 2no. dwellings would be well aware of the siting of the dwellings relative to the existing pub. Further, as mentioned previously, should noise and disturbance become an issue to future occupiers of the dwellings, this could be dealt with by other statutory powers such as the Council's Environmental Health and Licencing departments.

9.46 As such, the proposal would not be considered to adversely affect the residential amenities of neighbouring dwellings and would be in accordance with Saved Policies EN20 and EN25 of the BFBLP and the NPPF.

iv. Transport implications

Access

9.47 The two new dwellings would utilise the existing access to a public house off the A321 High Street. Sight-lines of 2.4m by 43m are available to either side of this access in line with the 30mph speed limit, and there are parking restrictions (double yellow lines) along High Street which assists in protecting sight-lines. Additional use of this existing pub car park access for access to two houses would be acceptable.

9.48 A new shared driveway is proposed for access to these two new dwellings at the end of the pub car park. Gates are proposed and whilst vehicles waiting at the gates would block access to a couple of parking spaces within the pub car park; such conflict is likely to be low and away from the highway.

9.49 A residential refuse collection point is shown on the Proposed Site Layout, and this would be around 30m from the highway.

9.50 Pedestrian paths to the front doors of the new dwellings are proposed and side/rear access for rear bin storage and cycle parking. A small turning area is also proposed which would provide access and turning space for domestic delivery vehicles.

9.51 The proposal would not affect the existing pub access, including for deliveries/servicing, and also the existing parking provision.

Parking

9.52 Two parking spaces for each of the proposed 3 bed dwellings are shown which would comply with the Council's parking standards. These parking spaces measure off the drawing as 2.4m by 4.8m with 6m of access/turning space in line with the Council's requirements, and to enable vehicle to turn on-plot to exit (via the pub car park) onto this classified road in a forward gear for highway safety. The plan also includes some space for a visitor to park.

9.53 Cycle sheds are to be provided in rear gardens to comply with the parking standards.

Trips

9.54 Two new dwellings are likely to generate in the region of 12 two-way trips per day, including one or two movements in both peak periods.

Sustainability

9.55 The siting of the proposed dwellings would be within a sustainable location, within the preferred maximum walking distance to Sandhurst local centre (shopping parade near Newtown Road). The facilities at the Old Mills local parade are even closer. Sandhurst train station and bus services are also available at the junction of Crowthorne Road and Sandhurst Road.

9.56 Subject to the imposition of conditions, the proposal is considered to be in accordance with CS23 of the CSDPD, Saved Policy M9 of the BFBLP and the NPPF and would not result in highway implications.

v. Trees

9.57 There are no trees within the application site that are covered by Tree Preservation Orders. The land directly to the west of the application site is however covered by a woodland Tree Preservation Order (ref: TPO 1257) which abuts the far south-western corner of the application site.

9.58 The proposed dwellings and associated access/parking areas would not impact upon the woodland TPO.

9.59 There are some trees within the application site which are not covered by TPOs. The application is supported by an Arboricultural Implications Assessment and Method Statement. There would be some parking spaces and part of the internal access road which would be sited within the root protection area of 2 of the existing trees on site. The assessment and method statement however identifies that these works within the RPA of these existing trees would utilise a cellular confinement system. Ground protection measures and tree protection measures are also proposed.

9.60 Subject to the imposition of conditions to safeguard retained trees in accordance with the assessment and method statement, the proposal is considered to be in accordance with Policy EN1 of the Bracknell Forest Borough Local Plan and the NPPF and would not result in an adverse impact on trees.

vi. Biodiversity

9.61 The application site comprises a public house where it is proposed to demolish the existing outbuildings and erect 2 dwellings to the rear. The rear section of the site consists of a pub garden with improved grassland and shrubs and is unlikely to be of significant ecological value. The existing outbuildings comprise open structures (e.g. covered seating areas) and a shed, which, as per the ecological report (Ecosupport, April 2018), are unlikely to have features potentially suitable for use by roosting bats. Since bird nesting material was found in one of the structures, the works should be timed to avoid the bird nesting season – this can be secured by condition.

9.62 The proposals will result in the loss of one of two ornamental ponds on site. Both ponds have been assessed as having 'poor' suitability for use by Great Crested Newts (GCN) and it is therefore considered unlikely that the works will adversely affect GCN. The report states that the retained pond will be "re-profiled" into a wildlife pond, and that other enhancements on site will include bird and bat boxes and wildlife-friendly planting. These enhancements should be secured through a condition.

9.63 In summary, the site is of limited value to wildlife and the works are unlikely to adversely affect any protected species. Subject to the imposition of conditions, the proposal would not adversely impact upon biodiversity and would be in accordance with Policies CS1 and CS7 of the CSDPD and the NPPF.

vii. Thames Basin Heath SPA

9.64 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. An Appropriate Assessment has been carried out including mitigation requirements.

9.65 This site is located approximately 1.15 km 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.

9.66 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. 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.

9.67 In this instance, the development would result in a net increase of two three bedroom dwellings which results in a total SANG contribution of £12,224.

9.68 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which will also be calculated on a per bedroom basis. Taking account of the per bedroom contributions this results in a total SAMM contribution of £1,422.

9.69 The total SPA related financial contribution for this proposal is £13,646. The applicant must agree to enter into a S106 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. 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.

viii. Community Infrastructure Levy (CIL)

9.70 Bracknell Forest Council commenced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL applies to any new build including those that involve the creation of additional dwellings.

9.71 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. The charging schedule states how much CIL will be charged (in pounds per square metre of net additional floorspace) based on the development type and location within the borough.

9.72 The site lies within the CIL charging zone of Crowthorne/Sandhurst. The proposal is CIL liable.

ix. Energy Sustainability

9.73 Policy CS10 of the CSDPD requires the submission of a Sustainability Statement to secure water usage (average water use of 110 litre/person/day). No Sustainability Statement has been submitted. A planning condition is recommended in relation to the submission of a Sustainability Statement to satisfy the requirements of Policy CS10 of the CSDPD.

9.74 Policy CS12 requires the submission of an Energy Demand Assessment to secure on-site renewable energy production of 10%. No Energy Demand Assessment has been submitted. A planning condition is recommended in relation to the submission of an Energy Demand Assessment to satisfy the requirements of Policy CS12 of the CSDPD.

x. Drainage/SuDS

9.75 The application site is located within Flood Zone 1. A condition is recommended to ensure that the hard surfaced areas proposed for access and on-site parking/turning are SuDS compliant.

10. CONCLUSION

10.1 The proposal for 2no. houses outside of the defined settlement boundary in the Countryside is strictly not in accordance with the development plan policies of CS9 of the CSDPD and Saved Policies EN8 and H5 of the BFBLP which seek to restrict new housing in the Countryside. However, these policies do not fully accord with the NPPF which seeks to protect the intrinsic character and beauty of the countryside and therefore the weight afforded to the development plan policies decreases. The NPPF supports both the effective use of land for new housing and the development of under-utilised land. In this instance, the 2no. dwellings would be sited on previously developed land. The proposed dwellings would relate well to existing built form to the west, east and south-east of the site, all of which lies outside of the defined settlement boundary. The development would infill a gap between existing built form on High Street and Pinewood Close and the approved built form at Alford Close. The new dwellings would not detract from the designated landscape character of the area as defined by the LCA, 2015. Planting is proposed along the southern boundary of plot 1 to provide screening to the development when viewed from

the open countryside directly to the south. In light of these considerations it is concluded that no demonstrable or significant harm would result to the intrinsic beauty of the countryside.

10.2 The existing pub would be retained as a community facility. Further, the proposal is not considered to adversely affect the residential amenities of neighbouring properties. No adverse highway safety implications would result. Relevant conditions will be imposed in relation to trees, landscape, biodiversity, highway safety and sustainability.

10.3 A legal agreement is required to secure contributions for SPA mitigation and the scheme is CIL liable. All pre-commencement conditions have been agreed in accordance with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018.

10.4 The application is therefore recommended for approval, subject to the completion of a legal agreement.

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 Basins Heath Special Protection Area (SPA);

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 permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 9 April 2018, 5 October 2018 and 17 October 2018:

Drawing no. 17.2304.110 Rev P1
Drawing no: 17.2304.100 Rev P4
Drawing entitled ECO4. Tree Planting
Drawing no. 17.2304.101 Rev P4
Drawing no. 17.2304.102 rev P4
Drawing no. 17.2304.103. Rev P3

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

03. No superstructure works shall take place until details of the materials 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. The first floor windows on the rear (western) elevation serving the en-suite and bathroom windows on plot 1 and first floor window on the side (northern) elevation serving the en-suite bathroom and the first floor window on the rear (western) elevation serving the bathroom window on plot 2 dwellings shall not be glazed at any time other than with a minimum of Pilkington Level 3

obscure glass (or equivalent) to a height of 1.7m from floor level. The windows shall at all times be fixed to a height of 1.7m from 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, no additional windows, similar openings or enlargement thereof shall be constructed in the northern elevation of plot 1 and southern elevation of plot 2 of the dwellings 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. The finished floor levels of the buildings hereby approved shall be undertaken in accordance with the approved drawings.

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

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

07. No dwelling shall be occupied 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. The areas shown for landscaping shall thereafter be retained.

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

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

08. No dwelling shall be occupied until the boundary treatment has been implemented in accordance with the approved scheme. The boundary treatments shall thereafter be retained.

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

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

09. No dwelling shall be occupied until the 2.1m high acoustic fence along the southern boundary of the Rose and Crown beer garden has been implemented in accordance with the approved scheme. The acoustic fence shall thereafter be maintained and retained as such.

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

[Relevant Policies: BFBLP EN25]

10. The development hereby permitted shall not be begun 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]

11. The development hereby permitted shall not be begun until an Energy Demand Assessment demonstrating that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 10%) has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the Energy Demand Assessment as approved and retained as such thereafter.

REASON: In the interests of the sustainability and the efficient use of resources.

[Relevant Plans and Policies: CSDPD Policy CS12]

12. No dwelling shall be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

13. No dwelling shall be occupied until the associated vehicle parking and turning space has been surfaced and marked out in accordance with the approved drawings. The spaces shall thereafter be kept available for parking and turning 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, Core Strategy DPD CS23]

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

REASON: In order to ensure bicycle facilities are provided.

[Relevant Policies: SEP T4, BFBLP M9, Core Strategy DPD CS23]

15. 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 without the prior written permission of the Local Planning Authority.

REASON: In the interests of amenity and road safety.

16. The parking and turning areas 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 site clearance or demolition shall take place during the main bird-nesting period of 1st March to 31st August inclusive, unless a scheme to minimise the impact on nesting birds during development has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented as approved and thereafter retained.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

18. No dwelling shall be occupied until a scheme for the provision of biodiversity enhancements including a plan or drawing showing the location of these enhancements has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be performed, observed and complied with.

REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1, CS7]

19. All existing trees shown to be retained and protected in the document entitled "Arboricultural Implications Assessment and Method Statement" by Ecourban Ltd shall be protected by 2m high (minimum) welded mesh panels, supported by a metal scaffold framework, constructed in accordance with Section 6.2 of British Standard 5837:2012, or any subsequent revision. The development shall be carried out in accordance with the approved document/drawings.

REASON: In order to safeguard trees in the interests of the visual amenity of the area.
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

20. The protective fencing specified by condition 19 shall be erected prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site. No activity of any description must occur at any time within these areas including but not restricted to the following: -

- a) No mixing of cement or any other materials.
- b) Storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description.
- c) Siting of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, porta-loos, storage compounds or hard standing areas of any other description.
- d) Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ ground conditions of any other description.
- e) Installation/siting of any underground services, temporary or otherwise including; drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting.
- f) Parking/use of tracked or wheeled machinery or vehicles of any description.

In addition to the protection measures specified above,

- a) No fires shall be lit within 20 metres of the trunks of any trees or the centre line of any hedgerow shown to be retained.
- b) No signs, cables, fixtures or fittings of any other description shall be attached to any part of any retained tree.

REASON: In order to safeguard trees in the interests of the visual amenity of the area.
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

21. The cellular confinement system and ground protection measures shall be implemented in accordance with the document entitled "Arboricultural Implications Assessment and Method Statement" by Ecourban Ltd. These measures shall be observed, performed and complied with.

REASON: In order to safeguard trees in the interests of the visual amenity of the area.
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

Informatives

1. 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.

2.The applicant is advised that the following conditions require discharging prior to commencement of development:

- 10. Sustainability Statement
- 11. Energy Demand Assessment
- 15. Site organisation

The applicant is advised that the following condition requires discharging prior to commencement of superstructure works:

- 03. Materials

The following conditions require discharge prior to the occupation of the dwellings hereby approved:

- 07. Landscaping
- 18. Biodiversity enhancements

No details are required to be submitted in relation to the following conditions; however they are required to be complied with:

- 01. Time limit
- 02. Approved plans
- 04. Obscure glazing
- 05. Restrictions on windows
- 06. Slab levels
- 08. Boundary treatment
- 09. Acoustic fencing
- 12. Vehicular access
- 13. Parking
- 14. Cycle parking
- 16. SUDS
- 17. No site clearance
- 19-21. Trees

3.The Council's Licensing team should be contacted to discuss whether any variation to the premises licence will be required. They can be contacted via licence.all@bracknell-forest.gov.uk

In the event of the S106 agreement not being completed by 28 February 2019, 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 Supplementary Planning Document (2018).