

## Unrestricted Report

### ITEM NO: 6

Application No.  
**13/01037/FUL**  
Site Address:

Ward:  
Ascot

Date Registered:  
10 December 2013

Target Decision Date:  
4 February 2014

**The Gold Cup 102 Fernbank Road Ascot Berkshire  
SL5 8JN**

Proposal:

**Erection of 5 new dwellings following the demolition of the former  
Gold Cup Public House.**

Applicant:

Dibbo Limited

Agent:

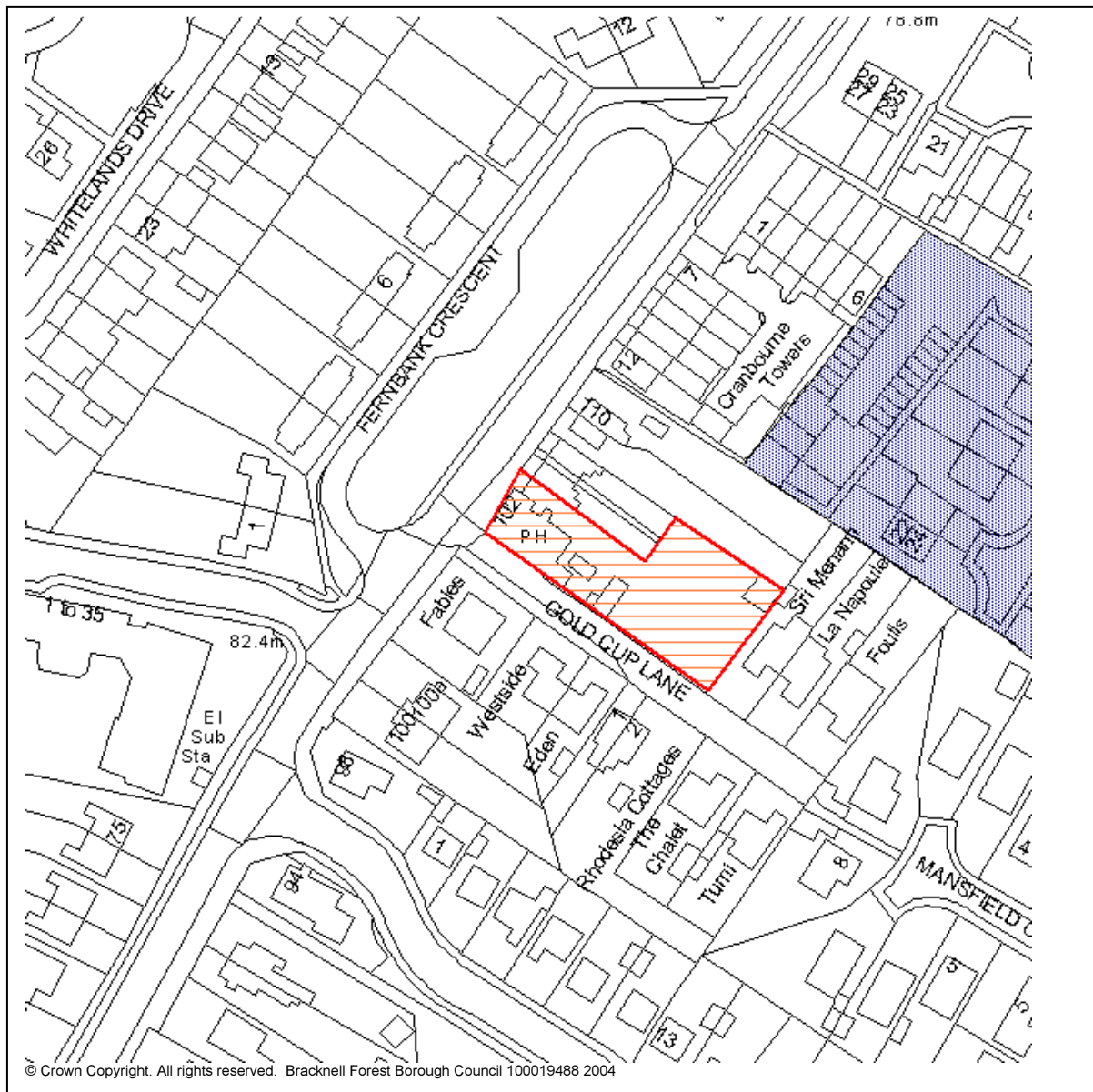
Ascot Design

Case Officer:

Katie Parsons, 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. REASON FOR REPORTING APPLICATION TO COMMITTEE**

The application is reported to Committee because more than three objections have been received.

### **2. SITE DESCRIPTION**

The site lies within the defined settlement of North Ascot as shown on the Bracknell Forest Borough Policies Map (2013). It is located on the eastern side of Fernbank Road, immediately north of its junction with Gold Cup Lane, in a predominantly residential area. Vehicular access to the site is via Fernbank Road, in between the public house building and 104 Fernbank Road.

The site covers approximately 0.11 hectares and contains a public house (Use Class A5) and associated outbuildings, although the site has been vacant since December 2011. The site is broadly rectangular but it widens out to the rear, extending across the back of gardens serving 104 and 106 Fernbank Road. Most of the curtilage of the site has been converted to hard standing for car parking.

The public house building is two storey (the first floor providing residential accommodation ancillary to the public house) with single storey rear extensions and is located in the south-west corner of the site, with the site access running along its northern side and Gold Cup Lane running along its southern side. Gold Cup Lane is a private cul-de-sac of dwellings.

Adjoining the site along its northern boundary are the residential plots of 104, 106 and 108 Fernbank Road, which all contain two storey dwellings. To the rear and perpendicular to the site is the residential plot of Sri Menanti, a bungalow fronting Gold Cup Lane. On the opposite side of Gold Cup Lane facing the side of the site are residential plots of Fables, Westside, Eden and 1 and 2 Rhodesia Cottages. On the opposite side of Fernbank Road, separated by a large highway verge as well as the carriageway, are further dwellings along Fernbank Crescent.

### **3. RELEVANT SITE HISTORY**

13/00780/FUL - Erection of 4no. three bedroom and 1no. two bedroom dwellings following the demolition of existing building - withdrawn.

12/00971/FUL - Erection of 2 no. 3 bedroom dwellings and detached car ports and 2 no. 2 bedroom dwellings with access via Gold Cup Lane, including alterations to access and the surface of Gold Cup Lane, following demolition of outbuildings and public house - withdrawn.

12/00734/FUL - Erection of 2 no. 3 bedroom dwellings and detached car port and 2no. 2 bedroom dwellings with access via Gold Cup Lane, including alterations to access following demolition of outbuildings, existing public house and integrated dwelling - withdrawn.

### **4. THE PROPOSAL**

#### **SUMMARY OF KEY ASPECTS OF PROPOSAL**

Proposed site area (ha): 0.11

Proposed number of parking spaces: 10

Proposed number of residential units: 5

Proposed density (residential): 43dph

The proposed development is the demolition of the existing public house and associated outbuildings and the construction of five new dwellings, with associated gardens, landscaping and parking/turning space. The existing access from Fernbank Road would be widened to provide two-way access to the site and a parking area would be provided approximately in the centre of the site.

Plots 1 and 2 would be semi-detached dwellings fronting Fernbank Road, and would be two and a half storeys containing three bedrooms. Plots 3-5 would be located towards the rear of the site, facing towards Fernbank Road but fronting into the site. These dwellings would be two storeys, with each end unit containing three bedrooms and the middle unit containing two bedrooms.

The application is a resubmission of 13/00780/FUL, which was withdrawn. The current application is substantially the same as the withdrawn application but with some minor amendments to address various concerns raised and submission of additional supporting information. There have been two other previous applications for residential redevelopment of the site made by a different applicant (the previous landowner).

The proposals have been amended during the course of the application to address concerns raised by the case officer.

## **5. REPRESENTATIONS RECEIVED**

Winkfield Parish Council has recommended refusal of the application, and raised the following concerns:

- Insufficient car parking for visitors
- Loss of parking for existing residents
- Bollards should be reconsidered and access relocated via Gold Cup Lane
- Overdevelopment of site
- Pressure on local infrastructure
- Impact on streetscene due to bulk and height proposed

Objections were raised from 14 local residential addresses, raising the following concerns (summarised):

- House numbering incorrect (*since addressed by amended plans*)
- Parking and access issues - additional houses would compound existing parking problems in the local area; bollards would prevent 104 and 106 Fernbank Road residents parking outside their homes and would displace parking elsewhere, including Fernbank Crescent; parking for existing neighbours should be provided within the site or a layby provided across the site frontage or access to site should be via Gold Cup Lane as proposed access would increase congestion and risk of accidents and this would remove the need for the bollards and allow the Lane to be resurfaced
- Fernbank Road is already overdeveloped and has too many accesses
- Overdevelopment of the site
- Increased traffic on an already-busy road
- Overbearing and overlooking (104 and 106 Fernbank Road and 'Sri Menanti' and 'Fables', Gold Cup Lane)
- Size and height proposed out of character with surrounding buildings; previous proposals in 2012 were more appropriate; bungalows would be more suitable
- Plans should be amended to address all comments from neighbours before the application is determined
- Insufficient school places and other infrastructure in local area

Assessments of the planning issues raised are covered in the relevant sections of this report.

At the time of writing this report, a public re-consultation on the amended plans is ongoing and closes on Friday 11 April. If any additional letters are received these will be reported to the Committee as a Supplementary Report.

## **6. SUMMARY OF CONSULTATION RESPONSES**

### Natural England:

No objection in relation to impact on Thames Basin Heaths Special Protection Area provided the application complies with the SPA SPD. Advised that the Englemere Pond Site of Special Scientific Interest does not represent a constraint in determining this application. Also provided advice to the LPA in relation to assessing other potential ecological impacts of the proposal.

### Highway Authority:

The Highway Authority initially raised some matters of clarification and asked for some minor amendments to the scheme. Upon review of the amended plans the Highway Authority has confirmed they have no objection to the proposals subject to imposition of recommended conditions. The comments of the Highway Authority are more fully detailed in the main body of the report.

### Tree Service:

Arboricultural matters related to this application do not warrant detailed comments as there are no TPOs within the application site or on adjoining property and trees within the application site and adjoining land do not merit protection by a TPO.

### Landscape Officer:

No objection. Conditions recommended.

### Biodiversity Officer:

The site is of low ecological value so no objection. Conditions recommended.

### SUDS Engineer:

Concerns raised about the lack of drainage details provided but advised this could be dealt with by conditions.

### Environmental Health:

Recommended condition relating to hours of work.

## **7. DEVELOPMENT PLAN**

The Development Plan for this Borough, as relevant to this proposal, includes the following:

'Retained' Policies of the South East Plan 2009 (SEP)  
Site Allocations Local Plan 2013 (SALP)  
Core Strategy Development Plan Document 2008 (CSDPD)  
'Saved' Policies of the Bracknell Forest Borough Local Plan 2002 (BFBLP)  
Bracknell Forest Borough Policies Map 2013

## **8. PRINCIPLE OF DEVELOPMENT**

The site lies within the defined settlement of North Ascot as shown on the Bracknell Forest Borough Policies Map (2013). The site was formerly used as a public house and is therefore categorised as 'previously developed land'.

SALP Policy CP1 sets out that a positive approach to considering development proposals which reflects the presumption in favour of sustainable development as set out in the National Planning Policy Framework (NPPF) should be taken. It states that the Development Plan is the statutory starting point for decision making and that planning applications that accord with the policies in the Development Plan for Bracknell Forest will be approved without delay, unless material considerations indicate otherwise. It further states that where there are no policies relevant to the application or relevant policies are out-of-date at the time of making the decision, then permission will be granted unless material considerations indicate otherwise, taking into account whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies in the NPPF indicate that development should be restricted.

CSDPD Policy CS15 sets out the overall housing provision target for the Borough of 11,139 dwellings over the plan period, and states that deliverable and developable sites will be allocated and phased to meet this provision in accordance with the sequential order set out in CSDPD Policy CS2. SALP is an integral part of delivering the housing requirement set out in CSDPD Policy CS15. Following the adoption of SALP, the Council is able to demonstrate a five-year housing land supply (including a 20% buffer) based on the figure provided in CSDPD Policy CS15. As such it is considered that, in relation to paragraphs 47 and 49 of the NPPF, the Council is able to demonstrate a five year housing land supply and Development Plan policies relevant to the supply of land for housing are up to date. The site is not allocated for future development in the SALP but the dwellings proposed by this application would contribute to the small sites windfall allowance within the calculated five year housing land supply.

CSDPD Policy CS1 states that development will be permitted which makes efficient use of land, buildings and infrastructure and is located so as to reduce the need to travel. CSDPD Policy CS2 states that development will be permitted within defined settlements and on allocated sites, where it is consistent with the character, accessibility and provision of infrastructure and services within that settlement.

CSDPD Policy CS21 (paragraph 240) refers to the loss of retail units that perform an important community role only being allowed if they do not conflict with other elements of the Council's Strategy. The supporting text explains that pubs are to be considered within this context due to their community role.

These policies are considered to be consistent with the aims of the NPPF, including the following core planning principles: to ensure that decisions are genuinely plan-led; to proactively drive and support sustainable economic development to deliver the homes, business and infrastructure that the country needs; to take account of the different roles and character of different areas; to encourage the effective use of land by reusing land that has been previously developed; to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling; and to seek positive improvements in the quality of the built and natural environment.

As the site comprises previously developed land within a settlement, close to services and facilities, it is considered to be a sustainable site and suitable for residential development. Due to policy considerations relating to the potential loss of use performing a community role, the applicant has submitted information evidencing the marketing efforts that were made to sell the pub as a going concern by the current agent from January 2013 (having previously

been marketed by a different agent during 2012 at the same time as making planning applications exploring the possibility of redeveloping the site for an alternative use). A viability report has also been submitted which concludes that a public house in this location is unlikely to be viable, for a number of reasons. These include the impact on drinks-led public houses from the smoking ban and the current economic climate, the poor assessment of likely profitability at the site even if the public house were to become more food-oriented, the level of investment required to bring the site up to the necessary standards to be competitive and attractive to customers, the fact that there are two other public houses in the local area (both within 1km of the site) serving the same neighbourhood, demographics of customers, and the fact that the site has no unique appeal or attraction to make it a destination venue. The fact that the pub itself is relatively small on a large site is also cited as a constraint. In view of the above, including the presence of other public houses serving the same community (The Royal Hunt and The Royal Foresters are both within 1 km of the site), together with the length of time the pub has been vacant (since December 2011), and the fact that the site is not located with a defined town- or retail-centre, it is concluded that there is no objection to the loss of the public house on this site.

It is therefore considered that the principle of development is acceptable in accordance with the Development Plan and the NPPF, subject to its impacts being acceptable in all other respects. All relevant material planning considerations are assessed in the following sections of this report.

## **9. IMPACT ON CHARACTER AND APPEARANCE OF AREA**

CSDPD Policy CS7 states that the Council will require high quality design for all development in the Borough and requires that developments build on the local character, respect local patterns of development and provide high quality useable open spaces and public realm. BFBLP 'saved' Policy EN20 sets out that development should be in sympathy with the appearance and character of the local environment and be appropriate in scale, mass, design, materials, layout and siting, both in itself and in relation to adjoining buildings, spaces and views. It further requires that the design of development promotes local character, provides adequate space for private use and visual amenity, has an appropriate layout to improve security, and does not adversely affect the amenity of surrounding properties and the adjoining area. The adopted Streetscene SPD (2010) provides further guidance.

These policies are considered to be consistent with the core planning principles of the NPPF to seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and to take account of the different roles and character of different areas.

Section 7 of the NPPF contains policies requiring good design. Paragraph 56 sets out that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Paragraph 58 sets out that planning decisions should aim to ensure that developments add to the overall quality of the area, respond to local character and reflect the identity of local surroundings and are visually attractive as a result of good architecture and appropriate landscaping. Paragraph 61 also requires development to integrate into the natural and built environment.

The site lies in a predominantly residential area with a mix of housing age, type and style. Immediately adjacent to the site on Fernbank Road are two pairs of two-storey semi-detached dwellings, with a row of 2-3 storey terraced dwellings beyond. The house on the corner of Fernbank Road on the opposite side of Gold Cup Lane is a detached dwelling, with a pair of two-storey semi-detached dwellings beyond. To the rear of the site, fronting Gold Cup Lane, is a pair of semi-detached bungalows, whilst other dwellings fronting Gold Cup Lane are a mix of detached and semi-detached, including bungalows and two-storey

dwellings. The dwellings on the opposite side of Fernbank Road fronting Fernbank Crescent are two storeys, set well back from the highway by a deep verge. Therefore whilst the area is residential in character there is no predominant pattern of development or housing style in the local area.

The land levels in the local area rise gently along Fernbank Road, so the application site is higher than 104 Fernbank Road but lower than Fables, Gold Cup Lane. Levels fall gently towards the rear of the site and Sri Menanti is set at a lower level than the rear of the application site.

A pair of semi-detached dwellings is proposed on the site frontage, in a similar position to the existing public house. These dwellings would be 2.5 storeys. A terrace of three two-storey dwellings is proposed within the site. The density of the proposal would be 43 dwellings per hectare which is considered to be an efficient use of land whilst retaining a similar density to the local area. The level of development proposed is not considered to represent overdevelopment of the site.

In terms of the pattern of development in the local area, Plots 1 and 2 would sit within the established building line fronting Fernbank Road. Plots 3-5 would constitute backland development but have been sited to broadly align with the building line of Gold Cup Lane. Plot 5 would be double fronted so that it would face onto Gold Cup Lane, and a significant length of the boundary along Gold Cup Lane would have railings rather than close-boarded fencing, to provide an active frontage and integration into the local area. All of the dwellings would have 10m deep gardens, which is considered proportionate to the size of the dwellings

Plots 1 and 2 would be broadly in the same position as the existing pub building and would have a similar depth to the existing two-storey element. However they would be set 300mm further back than the pub building to better align with 104 Fernbank Road, and they would be narrower than the existing pub building. These dwellings would have small front gardens with soft landscaping contained by railings which would be in keeping with the character of the streetscene. The dwellings would be gable ended, with a front gable feature to Plot 1 and small dormer window to Plot 2, and a ridge height of 8.9m (0.8m higher than the existing pub building). The dwellings would have architectural detailing in the form of string courses, window sills and soldier courses. Due to the rise in levels along the street scene, the ridge line of Plots 1 and 2 would be 400mm higher than that of 104-106 Fernbank Road, and the separation distance between the dwellings would be approximately 5m (due to the access road). Given the topography of the site, this increase in height is considered to be acceptable within the streetscene and the design of the dwellings would be sympathetic to the character of the area and the appearance in the streetscene, as the form of the dwellings would be similar to the adjacent dwellings and also draws on design features from elsewhere in the streetscene. The flank elevations of the dwellings would be fairly simple but the string courses and window details would be repeated to provide some interest to these elevations, although fenestration has been kept to a minimum given that vehicular accesses would run alongside both flank elevations.

A bin collection point would be provided part way along the access road, adjacent to the garden of Plot 1, screened either side by soft landscaping. The garden wall to plot 1 would be exposed to the internal streetscene therefore a wall is proposed rather than close-boarded fencing. Car parking would be provided in the centre of the site, with Plots 3-5 towards the rear of the site. These dwellings would be set back by a footway and some areas of soft landscaping, although they would not have formal front gardens. Plots 3-5 are designed as a terrace, with an attached garage to the side serving Plot 3. These dwellings would have very similar design detailing to Plots 1 and 2, although the roof form would be partly-gabled and partly-hipped to provide better visual transition to the bungalow to the rear of the site. Where Plot 5 would face onto Gold Cup Lane, a half-hipped roof form would be visible together with the entrance door and primary windows, to give the appearance of the dwelling fronting onto

Gold Cup Lane. Given the roof form and the separation distance it is considered that this dwelling would appear acceptable in the street scene notwithstanding that the adjacent dwelling at Sri Menanti is a bungalow. The rear site boundary would have 1.8m high fencing topped with 300m trellis, with boundary screen planting in front.

It is considered that the number of units, their siting, form, architectural detailing and treatment of communal areas of the site would not be harmful to the character and appearance of the local area and overall the development would integrate well into the surrounding area.

No details have been provided for the proposed materials. As such it is recommended that a condition be attached to any grant of planning permission requiring materials details and hard and soft landscaping plans, for approval prior to implementation. A further condition is recommended requiring details of proposed finished floor levels to be submitted for approval prior to commencement to ensure a satisfactory form of development within the streetscene. Subject to these conditions it is considered that the design of the proposal and its impact on the character and appearance of the local area would be acceptable and in compliance with the Development Plan and the NPPF.

## **10. RESIDENTIAL AMENITY**

BFBLP 'saved' Policy EN20 sets out that development should not adversely affect the amenity of surrounding properties. The adopted Streetscene SPD (2010) provides further guidance. These are consistent with the core planning principle of the NPPF to seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

The layout of the proposed dwellings is considered to provide adequate residential amenity to future occupiers in terms of outlook, privacy and layout, and as a new-build the development would be required to comply with current Building Regulations in relation to matters such as sound proofing and ventilation.

In relation to neighbouring properties, the following properties adjoin the application site and have been considered:

104 Fernbank Road - This two-storey property is adjacent to the site access therefore its side and rear boundaries adjoin the application site and Plot 1 would be parallel to this dwelling, on the other side of the access road. The boundary treatments surrounding this plot belong to the occupier and would therefore remain unchanged by the proposals. There are no windows in the flank elevation of this dwelling and there would be a separation distance of 5.6m between the dwellings at No.104 and Plot 1, therefore no direct overlooking would occur from the side-facing windows proposed in Plot 1. The access road and car park are existing and the proposed use would generate fewer traffic movements per day than the existing use, therefore the use of the access and provision of a car park to serve five dwellings is not considered likely to result in any significant increase in noise and disturbance to occupiers of No.104. The garden serving No.104 is approximately 21m long and Plots 3-5 would be 7m from the rear boundary, therefore it is not considered that the proposals would result in significant detriment to occupiers of No.104 through overlooking or loss of privacy. Whilst the proposed dwellings at Plots 1 and 2 would be 0.8m taller than the existing building, as they would be in similar position to existing and given the orientation of the buildings relative to one another and the width of the access road, it is not considered that any additional significant loss of light or overshadowing of No.104 would occur and the building would not be overbearing on those occupiers.

106 Fernbank Road - This two-storey property adjoins the application site only along its rear boundary, which belongs to the occupier therefore the boundary treatment would be unchanged by the proposal. In common with No.104, this dwelling has a garden of



approximately 21m length and Plots 3-5 would be some 7m beyond the rear boundary. Furthermore Plots 3-5 would not be directly behind this dwelling so any views would also be oblique. The dwelling is considered to be sufficiently far away from the proposed dwellings that no significant overlooking, loss of privacy, overshadowing, overbearing or loss of light would occur. The use of the land to the rear of the site for access and car parking is existing and the proposed use would generate fewer trips.

108 Fernbank Road - This two-storey property adjoins the application site only along the rear part of its garden; approximately 32m length of the plot adjoins No.106 with the rear 26m adjacent to the rear part of the access road and Plot 3. The boundary treatment belongs to the landowner and as such would be unchanged by the proposals. As with Nos 104 and 106 it is not considered that the vehicular access and car parking would lead to a greater impact than existing. The garage serving Plot 3 would be closest to No.108 and would be single storey. The flank wall of Plot 3 would be approximately 4.2m from the boundary of No.108 and would contain a ground floor window serving a kitchen, which would be obscured by the existing boundary treatment, and a first floor window serving a bathroom. It is recommended that conditions be attached to any grant of planning permission to ensure that the bathroom window is obscure glazed and that no other windows may be inserted into the flank elevation at first floor or roof level, to prevent overlooking and loss of privacy to No.108. Due to the separation distance of the dwelling from the proposed development it is not considered that any significant overbearing, overshadowing or loss of light would result from the proposals.

Sri Menanti, Gold Cup Lane - This bungalow runs perpendicular to the application site along its rear boundary, and fronts onto Gold Cup Lane. Plots 3-5 would all back on to Sri Menanti. These plots would have rear gardens of 10m length, which is considered to be the minimum required to minimise overlooking and overbearing when dwellings have a rear-to-side relationship. The rear boundary treatment would be a total of 2.1m high (1.8m close boarded fence topped by 0.3m trellis) with new screen planting within the application site. The applicant has provided a section drawing (13-P899-15) which demonstrates that anyone looking out from the first floor windows of the proposed dwellings at Plots 3-5 (at an eye-line height of 1.7m) would have a view only of the eaves and roof of Sri Menanti (which does not contain any windows on the roof slopes facing the application site), therefore no loss of privacy due to direct looking into windows would occur. Furthermore Plots 3-5 have been sited so that they primarily overlook the sides and front of Sri Menanti. Overlooking of the roof and front driveway is not considered to result in significant detriment to residential amenity. Plot 3 would have an oblique view into the rear garden of Sri Menanti but this would be mitigated by the presence of an outbuilding adjacent to the site boundary at Sri Menanti, therefore any overlooking would be minimal and would not be significant across the area to the immediate rear of the dwelling, which is generally the most used part of residential amenity space in most cases. Due to the garden length it is not considered that the proposed dwellings would appear overbearing to occupiers of Sri Menanti and due to the orientation of the dwellings relative to one another, together with the separation distance and presence of the outbuilding, it is not considered that any significantly detrimental overshadowing or loss of light would occur.

Fables, Westside, Eden and 1 and 2 Rhodesia Cottages - these dwellings all front Gold Cup Lane and so are separated from the application site by a minimum of 8m to their site frontages and 11m to the front elevation of the dwellings. Due to the siting of the proposed dwellings within the plot and the separation distance, and the side-to front relationship between proposed and existing dwellings, it is not considered that any significant detriment to residential amenity would occur through overlooking, loss of privacy, overbearing, overshadowing or loss of light.

Fernbank Crescent properties - these dwellings are all at least 35m away from the application site due to the carriageways and highway verge, and are therefore considered to

be too far away from the application site to be subject to any detrimental loss of amenity as a result of the proposals.

As such it is considered that the proposals would not have an unacceptable impact on residential amenity.

The Council's Environmental Health Officer has recommended that conditions should be attached to any grant of planning permission to restrict the hours of work to 0800-1800 Monday - Friday, 0800-1300 on Saturdays and not at all on Sundays and Bank Holidays, to protect the residential amenity of nearby occupiers. A further condition requiring submission of a Construction Method Statement is also recommended.

Subject to the recommended conditions it is considered that the proposals would be acceptable in relation to residential amenity and in compliance with the Development Plan and the NPPF.

## **11. TRANSPORT IMPLICATIONS**

CSDPD Policy CS7 requires development to aid movement through accessibility and connectivity. CSDPD Policy CS23 states the Council will use its planning powers to reduce the need to travel, increase the safety of travel and promote alternative modes of travel. CSDPD Policy CS24 sets out that development will be permitted where mitigation against the transport impacts which may arise is provided.

'BFBLP 'saved' Policy M5 states that development will be expected to provide adequate off-street servicing provision. BFBLP 'saved' Policy M6 sets out that development should provide or allow safe, direct and well signed cycle and pedestrian routes. BFBLP 'saved' Policy M7 requires developments to be accessible to all in relation to highway and footway networks, car parking and public transport links. BFBLP 'saved' Policy M8 states that development will not be permitted that does not facilitate and promote the use of public transport, including improved links between transport modes and safe and convenient access to the nearest bus stop. BFBLP 'saved' Policy M9 requires development to provide satisfactory parking provision for cycles and vehicles. This is set out in the adopted Parking Standards SPD (2007). The adopted Streetscene SPD (2010) provides further guidance.

In relation to impacts on highway safety, these policies are considered to be consistent with the core planning principles of the NPPF to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable.

Section 4 of the NPPF contains policies relating to promoting sustainable transport. Paragraph 32 states that developments should take up opportunities for sustainable transport modes, provide safe and suitable access to the site and undertake improvements within the transport network to limit the significant impacts of the development. Paragraph 34 states that developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximized. Paragraph 35 sets out that developments should give priority to pedestrian and cycle movements and have access to high quality public transport facilities and should be designed to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

The applicant has submitted a transport statement to support the application.

The site is accessed off Fernbank Road, which is a well used, C-classified, local distributor road subject to a 30mph speed limit. Fernbank Road is an ancient carriageway which is deemed to be public. In the vicinity of the site there are traffic calming measures in the form

of chicanes along Fernbank Road to control speeds, the nearest of which is 55m north of the site. Gold Cup Lane, which runs along the southern boundary of the site, is a private road. Fernbank Road has footways on both sides, street lighting, and is served by bus stops within 120m of the site.

The current access to the site, which runs alongside the public house building to serve the car park to the rear, would be retained and widened to 4.8m for the first 15m of the access, reducing to 4.1m after this point. 450mm service margins would be provided on either side of the access road. The design of the access road is considered acceptable for the proposed scale of development and given that this is an existing access serving a use that would have generated more vehicle movements than the proposed dwellings, re-use of this access is considered acceptable. The proposals would improve the width of the access point to allow two cars to pass one another at the entrance to the access, which is an improvement on the existing situation. The footway running across the front of the site is wide which would provide adequate visibility of pedestrians for vehicles exiting the site. However boundary treatments across the site frontage would need to be kept below 1m to maintain visibility, which is recommended to be controlled by condition.

Some of the existing dwellings in the vicinity of the site do not have off-street parking therefore on-street parking occurs along Fernbank Road within the public highway, and parking partly on the footway (rather than entirely on the road) has been observed in the vicinity of the site. Due to the spacing of accesses and traffic calming measures along Fernbank Road, cars which park on-street are likely to do so in close proximity to access points. This could affect vehicle movements into and out of the site, particularly when such parking occurs partially on the footway rather than fully on the road, as visibility of both pedestrians and cars already on the highway would be restricted. Parking on the footway in this location is therefore considered to be detrimental to pedestrian safety. Whilst the previous use of the site as a public house would have generated a greater number of vehicle movements each day than the proposed use, vehicle movements associated with the public house would have been very limited in peak hours, whereas five dwellings would generate peak time traffic movements. As such, at the request of the Highway Authority, the application proposes bollards across the site frontage to ensure that on-street parking is contained within the carriageway and cannot take place on the footway. This would ensure safer vehicle movements, protect pedestrian safety and maintain sight lines behind parked cars in both directions along Fernbank Road, and is considered to be an essential component of the proposals in terms of highway safety. This would not remove any on-street parking spaces for local residents as on-street parking would remain available on the carriageway; it would only restrict cars from parking in a manner which blocks the footway. The presence of on-street parking also helps to reduce vehicle speeds along Fernbank Road. The Highway Authority has advised that the only alternative that would be acceptable to them would be a traffic regulation order to prevent parking either side of the site access and the Gold Cup Lane access but this would remove on-street car parking spaces and as such, given the objections from residents, bollards are considered preferable to a TRO as the on-street parking would be retained. Due to the objections received from residents, the applicant indicated a willingness to remove the bollards from the proposal but if this were to happen the Highway Authority advised that they would object to the application. As such the bollards remain part of the application as proposed although the applicant remains willing to remove them from the proposals. Furthermore it is noted that on previous applications where access was proposed via Gold Cup Lane, the Highway Authority still requested bollards across the entire site frontage (i.e. in the same positions as those proposed by this application) for the same reasons as stated above.

Previous applications have sought to achieve access to the site via Gold Cup Lane and to close the existing access. However Gold Cup Lane is not adopted or maintained by the Highway Authority and is privately owned. The applicant has rights of access over the Lane but does not have any rights to construct new accesses onto it. As such the applicant is not

proposing access via Gold Cup Lane, hence the revised proposal to carry out works to improve and utilise the existing site access. It is assumed that previous applicants were not aware of this or were hoping to be able to secure rights to construct new accesses onto the Lane.

Some objectors to the proposals have requested that parking be provided for existing residents at the application site. However the properties in question do not benefit from any existing private parking and as set out above the available parking on the public highway would not be reduced as a result of the proposal. Therefore should any resident wish to seek parking on the application site, or access through the application site to provide vehicular access to their gardens, this would be a private matter between landowners as there is no planning reason for the Local Planning Authority to seek any additional parking on the application site or access through the site to existing properties.

The site layout has been amended to provide rear access to Plot 4 via a pathway around the edge of Plot 5 to allow cycle and bin storage in the garden. The other plots all have direct side access to gardens to facilitate cycle and bin storage. As the applicant is not intending to offer the access road for adoption, a bin collection point has been provided within 25m of the public highway (the details of which are recommended to be secured by condition).

Ten parking spaces are proposed to provide two spaces per dwelling, which is in accordance with the guidance contained within the adopted Parking Standards Supplementary Planning Document. Plot 3 would have a garage with a parking space in front of it and the other plots would be provided with parking spaces within the central parking court. One of the spaces has been amended to be suitable for a disabled user. Due to the number of units provided, visitor car parking is not required to be provided on site in accordance with the Parking Standards SPD. It is also noted that the access road would be wide enough to permit occasional visitor parking without restricting access to the site. Furthermore there are numerous on-street parking spaces available in the local area where parking is not restricted.

The access road and parking area would need to be appropriately lit therefore a condition relating to external lighting is recommended.

The proposed development would generate about 30 trips per day, which would be significantly fewer than the number of movements generated by the previous use of the site as a public house. However the proposed use would generate more trips in peak hours than the previous use of the site. As no overall daily increase in vehicle movements would occur on the local road network, it is not reasonable to seek impact mitigation contributions in this respect.

Conditions are recommended to be attached to any planning permission to secure:

- Construction Method Statement and site organisation
- Provision of new access
- Off site highway works
- Provision of pedestrian and vehicular access within the site
- No gates to be erected across the access
- Provision of pedestrian sightlines
- Gradient of private drives
- Provision of parking and turning
- Parking for disabled people
- Retention of garages
- Provision of bin collection point
- External lighting scheme to include access and parking area
- Drainage prior to commencement

Subject to the imposition of these conditions it is not considered that any detrimental traffic or highway implications would result from the proposal and the proposal would be in compliance with the Development Plan and the NPPF.

## **12. TREES AND LANDSCAPING**

CSDPD Policies CS1 and CS7 require development to protect and enhance the quality of natural resources and landscapes. BFBLP 'saved' Policy EN2 sets out the standards for additional tree, hedge and plant provision. BFBLP 'saved' Policy EN20 includes a requirement that developments provide adequate space for private use and visual amenity. The adopted Streetscene SPD (2010) also provides further guidance. These policies are considered to be consistent with the NPPF's aims to conserve and enhance the natural environment.

There are no trees or other notable vegetation on the site. There are some trees on neighbouring sites and along Gold Cup Lane but none are protected by TPO or merit such protection. Any non-protected tree overhanging the site boundaries could be trimmed back to the boundary under common law. As such there are no trees present which are considered to present a constraint to development and no tree protection measures are required to be secured by condition.

However the proposals present an opportunity to improve the soft landscaping on the site and the proposed site plan includes communal soft landscaped areas in addition to the private front and rear gardens of the proposed dwellings. As such conditions are recommended to secure submission of a soft landscaping plan and maintenance proposals for approval prior to implementation, and for the retention of the soft landscaped areas. Boundary treatments are also recommended to be secured by condition.

Subject to the recommended conditions, it is considered that the proposals would be acceptable in relation to landscaping and impact on trees and in compliance with the Development Plan and the NPPF.

## **13. BIODIVERSITY AND ECOLOGY**

CSDPD Policies CS1 and CS7 and BFBLP 'saved' Policy EN20 encourage development to protect and enhance biodiversity. These policies are considered to be consistent with the NPPF's aims to conserve and enhance the natural environment.

The applicant has submitted an ecology survey which found no evidence of bats or nesting birds using the buildings on site. The site in general is considered to have very little ecological value. The Council's Biodiversity Officer has recommended a number of conditions which would enhance biodiversity on the site, such as an updated bat survey, the installation of bird and bat boxes, submission of details of an external lighting scheme to minimise impacts on bats, and a landscaping scheme designed to enhance the ecological value of the site.

Subject to these conditions, the proposals are considered to be acceptable in relation to impacts on biodiversity and ecology and in compliance with the Development Plan and the NPPF.

## **14. DRAINAGE AND FLOOD RISK**

The NPPF encourages developers to take full account of flood risk. Paragraph 103 states that Local Planning Authorities should ensure that flood risk is not increased elsewhere as a result of development, and only consider development appropriate in areas at risk of flooding, informed by a site-specific flood risk assessment.

The site is located within Flood Zone 1 (low probability of flooding). The application form states that foul sewage would be disposed of via connections to the mains sewer and that surface water would be disposed of by sustainable drainage systems including soakaways. The Design and Access Statement also refers to the use of soakaways and permeable driveway surfaces.

The Highway Authority has raised concerns as to whether all necessary drainage connections could be accommodated either within the red line of the site or within the public highway, given that Gold Cup Lane is a private road and this is where the nearest available surface water sewer is located.

The Council's Sustainable Drainage Engineer has advised that the underlying bedrock geology in the vicinity of the site is London Clay. No details of the superficial geology have been provided by the applicant. Experience from other sites with the same geology in the local area has demonstrated that soakaways may not be suitable for this geology as the infiltration rate into London Clay is too low. Therefore there is concern that, without any testing being carried out on the site, the proposal to use soakaways may not be possible without extensive use of surface water storage facilities, which could necessitate significant changes to the proposed site layout. Due to the number of dwellings proposed it is possible that the drainage system would be adopted so it is crucial that the design of the drainage system meets adoptable standards.

The applicant has provided a letter from Thames Water which confirms that the public foul sewer has sufficient capacity to accommodate the proposed foul flows from the development and that surface water sewers are available in both Gold Cup Lane and Fernbank Road, and that a connection to either of these would be acceptable. The applicant has advised that a pumped system to Fernbank Road could be installed if connections via Gold Cup Lane are not possible due to land ownership issues. As various options are available, the Council's SUDS Engineer has advised that this matter could be dealt with by way of condition.

Subject to the recommended conditions, it is considered that the development would be acceptable in relation to flood risk and in accordance with the NPPF.

## **15. SUSTAINABILITY AND ENERGY DEMAND**

CSDPD Policy CS1 promotes sustainable development in relation to conserving resources and CSDPD Policies CS10 and CS12 relate to sustainability and energy demand. These policies are considered to be consistent with the NPPF's aims to support the transition to a low carbon future in a changing climate and encourage the reuse of existing resources and use of renewable energy.

CSDPD Policy CS10 requires the submission of a Sustainability Statement demonstrating how the proposals meet current best practice in the sustainable use of natural resources, i.e. Code for Sustainable Homes Level 3. Formal assessment of dwellings against the Code for Sustainable Homes must be carried out by an accredited assessor (accredited by BRE). The assessment has several stages: Pre-assessment Estimator, Design Stage Assessment, and Post Construction Review. All stages should be covered, and the assessments submitted to the Local Planning Authority.

The applicant has not submitted a Sustainability Statement or Pre-Assessment Estimator, although the Design and Access Statement refers to the possible use of air source heat pumps, solar thermal panels, heat recovery systems, under-floor heating, water-saving devices and rainwater harvesting devices. As a new build development it is capable of being designed to meet the requirements of Policy CS10. Therefore conditions are recommended to secure submission of a Sustainability Statement and Pre-Assessment Estimator and to

ensure that the development is implemented in accordance with the documents once approved. A further condition is recommended requiring submission of a Post Construction Review Report to confirm Code Level 3 has been met.

CSDPD Policy CS12 requires the submission of an Energy Demand Assessment demonstrating how at least 10% of the developments' energy demand would be met from on-site renewable energy generation.

The applicant has not submitted an Energy Demand Statement, although the Design and Access Statement refers to the possible use of insulated roofs, walls and floors, double glazed windows, ventilation systems, energy efficient lighting, natural day-lighting to all habitable rooms, use of on-site renewable technologies and installation of energy efficient home appliances. A condition is therefore recommended to secure submission and implementation of appropriate measures to comply with Policy CS12.

Subject to these conditions it is considered that the proposals would be acceptable in relation to sustainability and energy demand and in compliance with the Development Plan and the NPPF.

## **16. ACCESSIBILITY**

BFBLP 'saved' Policy EN22 sets out that the provision of convenient access, parking spaces and facilities for people with disabilities is a material consideration in assessing planning applications. BFBLP 'saved' Policy H14 requires that new dwellings should be accessible to all. BFBLP 'saved' Policy M7 requires access for people with disabilities in relation to highway and footway networks, parking facilities and public transport facilities. Guidance is provided in the adopted Designing for Accessibility SPD (2006) and the adopted Streetscene SPD (2010). These policies are considered to be consistent with the NPPF's aims to promote inclusive design.

As new-builds the dwellings would also be required to comply with Part M of the Building Regulations for mobility standards.

It is considered that the external site layout would facilitate inclusive access and parking for people with disabilities, in compliance with the Development Plan and the NPPF.

## **17. IMPACT ON THAMES BASIN HEATHS SPECIAL PROTECTION AREA**

The site is located within 400m - 5km of the Thames Basin Heaths Special Protection Area and the proposal would increase the number of residential units on the site.

SEP 'retained' Policy NRM6 sets out that new residential development which is likely to have a significant impact on the ecological integrity of the Thames Basin Heaths Special Protection Area will be required to demonstrate that adequate measures may be put in place to avoid or mitigate any adverse impacts. CSDPD Policy CS14 and BFBLP 'saved' Policy EN3 carry this objective into local policy. The Council's assessment of when avoidance and mitigation measures may be required and what measures may be constituted acceptable are set out in the adopted Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD (2012) (SPA SPD). These policies are considered to be consistent with the NPPF's aims to conserve and enhance the natural environment.

The Council, in consultation with Natural England, has formed the view that that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath SPA is likely to have a significant effect on the SPA, either alone or in combination with other plans or projects. This site is located approximately 4km 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.

In line with the SPA SPD, the development as proposed would not adversely impact on the integrity of the SPA provided that prior to planning permission being granted the applicant enters into a s106 agreement based upon the Council's standard template.

The SPA SPD requires a contribution which is calculated on a per bedroom basis to be paid to the Council towards the cost of works and measures to avoid and mitigate the effect upon the Thames Basin Heaths SPA ('SANG' contribution for Suitable Alternative Natural Greenspace). In this instance, 4no 3-bedroom and 1no 2-bedroom dwellings would replace a four-bedroom dwelling therefore the SANG contribution required is £8,640.

The open space works at Englemere Pond are the most appropriate to this proposal (although it may be necessary to allocate the contribution to another SANG). The SPA SPD also requires occupancy to be restricted until the works and measures are in place. The occupation restriction is necessary to ensure that the SANGs works are in place before occupation thereby giving the certainty required to satisfy the Habitats Regulations and in accordance with South East Plan Policy NRM6 (iii) and the SPA SPD paragraph 4.4.2.

The Council has also signed a legal agreement to secure financial contributions towards Strategic Access Management and Monitoring (SAMM) which is calculated on a per bedroom basis and also forms part of the requirements of the SPA SPD. For this proposal the SAMM contribution required is £2,563.

Natural England was consulted on the application and confirmed no objection provided the application complies with the SPA SPD.

The applicant has indicated a willingness to enter into a s106 in full compliance with the requirements of the SPA SPD. Subject to completion of a satisfactory agreement, the LPA would be satisfied that planning permission could be granted as any adverse impacts on the SPA would be prevented, therefore the proposal would be in accordance with the Development Plan and the NPPF in these respects once the s106 agreement has been completed.

## **18. PLANNING OBLIGATIONS**

CSDPD Policy CS6 sets out that development should contribute to the delivery of infrastructure needed to support growth in the Borough and will mitigate adverse impacts on communities, transport and the environment through sufficient on- and/or off-site provision of (or contributions towards) appropriate infrastructure and facilities reasonably related and needed to serve the development and make it more sustainable, proportionate to the scale and nature of the development proposed and its impacts. CSDPD Policy CS8 states that development will be permitted which either improves existing recreational facilities or provides new recreational facilities. CSDPD Policy CS24 sets out that development will be permitted where mitigation against the transport impacts which may arise is provided. The Council's adopted 'Limiting the Impact of Development' SPD sets out the planning obligations likely to be required for different development types.

Developments are required to comply with the above policies and guidance, to offset the impacts of the development and make the development acceptable in planning terms.

The planning obligations considered necessary in relation to the application are considered to be in accordance with the tests set out in the Community Infrastructure Regulations 2010 (Regulation 122) and paragraph 204 of the NPPF in that they are (a) necessary to make



development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

In the case of this proposal, the following planning obligations are considered to be necessary to mitigate the impacts of the development, in accordance with the CIL Regulations, the Development Plan and the NPPF:

- i) Local open space/recreational facilities - contribution of £8,000
- ii) Local library facilities - contribution of £880
- iii) Primary educational facilities - contribution of £7,815
- iv) Thames Basin Heaths SPA - contribution of £11,203 comprising £2,563 SAMM and £8,640 SANG (see separate section of report)
- v) An obligation to enter into a s278 Highways Act agreement is also required to undertake the works to form the new access and installation of bollards on the Public Highway.

The applicant has indicated a willingness to enter into a s106 agreement to secure the obligations sought. Subject to completion of a satisfactory agreement, it is considered that the proposals are in accordance with the Development Plan and the NPPF in these respects.

## **19. CONCLUSION**

The proposal is acceptable in principle and would not have an adverse impact on the streetscene, the character and appearance of the local area or the amenity of nearby occupiers. The transport implications of the proposal would be acceptable and the development would not have a significantly adverse impact on trees, landscaping, ecology or biodiversity. Drainage and flood risk, sustainability and energy demand have been considered and would be secured by condition. The development would be accessible and would mitigate its impacts through planning obligations, including impacts on the Thames Basin Heaths SPA. It is therefore considered that the proposals would be in accordance with the Development Plan and the NPPF. Whilst objections to the proposal were received, it is not considered that any of the matters raised indicate that the planning application should be refused. All relevant material considerations have been taken into account and it is concluded that the application should be recommended for conditional approval, subject to completion of a satisfactory s106 agreement, as it accords with the Development Plan and the NPPF.

## **RECOMMENDATION**

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

- 01. - Local open space/recreational facilities contribution of £8,000
- Local library facilities contribution of £880
- Primary educational facilities contribution of £7,815
- Thames Basin Heaths SPA contribution of £11,203 comprising £2,563 SAMM and £8,640 SANG
- An obligation to enter into a s278 Highways Act agreement is also required to undertake the works to form the new access and installation of bollards on the Public Highway.

That the Head of Development Management be authorised to **APPROVE** the application subject to the following condition(s) or such amendments, additions and alterations thereto as may be 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:

13-P899-10 Rev C 'Proposed Site Plan' received on 24 March 2014

13-P899-11 Rev A 'Proposed Houses Plots 3 -5' received on 13 February 2014

13-P899-12 Rev B 'Proposed Houses Plots 1-2- received on 24 March 2014

13-P899-13 Rev B 'Street Scenes' received on 24 March 2014

13-P899-15 'Part Section Through Site' received on 13 February 2014

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 details of the materials and colours to be used in the construction of the external surfaces of the development hereby permitted, to include plans, schedules and samples provided for inspection on site if so requested, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and completed in accordance with the approved details prior to first occupation of the development.

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

[Relevant Policies: BFBLP EN20, CSDPD CS7]

04. No demolition or construction work shall take place outside the hours of 0800 - 1800 Mondays to Fridays and 0800 - 1300 on Saturdays, and not at all on Sundays and Bank Holidays.

REASON: In the interests of the amenity of the area and neighbouring residents.

[Relevant Policies: BFBLP EN20]

05. Any windows at first floor level in the northern side-facing elevation of Plot 3 facing towards 108 Fernbank Road shall be glazed at all times with a minimum of Pilkington Level 3 obscure glass (or equivalent). Such windows shall at all times be fixed shut with the exception of a top hung openable fanlight.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

06. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and/or 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 northern side-facing elevation and roof slopes of Plot 3 facing towards 108 Fernbank Road, except for those shown on the approved drawings.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

07. No development shall take place until a measured survey of the site and a plan, prepared to a scale not less than 1:500 showing details of existing and proposed finished floor levels of the dwellings hereby permitted in relation to a fixed datum point and the nearest buildings on adjacent sites, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details prior to first occupation of the development.

REASON: In order to ensure a satisfactory form of development relative to surrounding buildings and the local landscape.

[Relevant Policies: BFBLP EN20, CSDPD CS7]

08. No development shall take place until details of a scheme for the disposal of foul sewage has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until all works that form part of the approved scheme have been completed.

REASON: In order to ensure the provision of adequate sewage works to the development.  
[Relevant Policy: CSDPD CS1, BFBLP EN25]

09. No development shall take place until details of the design, implementation, maintenance and management of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, have been submitted to and approved in writing by the local planning authority. Those details shall include:

(a) Information about the design storm period and intensity (1 in 30 and 1 in 100 plus 30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;

(b) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution;

(c) Flood water exceedance routes, both on and off site;

(d) A timetable for implementation;

(e) Site investigation and field results to confirm infiltration rates according to BRE 365; and

(f) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the drainage scheme throughout its lifetime. The approved drainage scheme shall thereafter be implemented, retained, managed and maintained in accordance with the approved details.

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

[Relevant Policies: CSDPD CS1, BFBLP EN25]

10. No development, including initial site clearance, demolition and ground preparation, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the demolition and construction phases and any facility provided shall be retained throughout the course of the 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 below. The scheme shall provide for:

(a) Parking of vehicles of site personnel, operatives and visitors

(b) Loading and unloading of plant, materials and vehicles

(c) Storage of plant and materials used in constructing the development

(d) The erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate

(e) Wheel washing/cleaning facilities

(f) Temporary portacabins and welfare for site operatives

(g) Proposed method of piling for foundations

(h) Measures to control the emission of dust and dirt, noise, smell, other effluvia and surface water run-off during construction

(i) A scheme for recycling/disposing of waste resulting from construction works

(j) Hours of working including hours when vehicles may deliver or take materials from the site

(k) Program and method of implementation, including any proposed phasing.

REASON: In the interests of residential and local amenity, highway safety and control of the environmental impacts of development.

[Relevant Policies: CSDPD CS7, CS23, BFBLP EN25, M9]

11. No development, other than the construction of the access, shall take place until the access road has been constructed, surfaced and drained in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

[Relevant Policies: CSDPD CS23]

12. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for off-site highway works on Fernbank Road to form the access to the site and provide bollards as indicated in principle on drawing 13-P899-10 Rev C 'Proposed Site Plan' received on 24 March 2014. The development shall not be occupied until the off site highway works have been completed in full accordance with the approved scheme.

REASON: In the interests of highway safety.

[Relevant Policies: BFBLP M4]

13. The development shall not be occupied until the means of pedestrian and vehicular access(es) to and within the site have been drained, constructed, surfaced and marked out (where required) in accordance with details which have first been submitted to and approved by the Local Planning Authority; the means of access for pedestrians and vehicles shall be retained thereafter.

REASON: In the interests of highway safety.

[Relevant Policies: CSDPD CS23]

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

REASON: In the interests of highway safety.

[Relevant Policies: CSDPD CS23]

15. The development shall not be occupied until a visibility splay of 2.0 metres by 2.0 metres has been provided on the southern side of the junction of the access and the adjacent footway (i.e. outside Plot 1). The dimensions shall be measured along the edge of the access and the back of the footway from their point of intersection. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 1.0 metres measured from the surface of the carriageway.

REASON: In the interests of highway safety.

[Relevant Policies: CSDPD CS23]

16. The gradient of private drives shall not exceed 1 in 12.

REASON: To ensure that adequate access to parking spaces and garages is provided.

[Relevant Policies: CSDPD CS23]

17. The development shall not be occupied until the vehicle parking and turning spaces have been drained, constructed, surfaced and marked out (where required) in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the vehicle parking and turning spaces shall be retained for vehicle parking and turning only and no other use and, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking or re-enacting that Order with or without modification), no structure or gate shall be erected so as to prevent vehicular access to the parking space(s).

REASON: To ensure that the development is provided with adequate parking and turning space in the interests of highway safety.

[Relevant Policies: BFBLP M9, CSDPD CS23]

18. The development shall not be occupied until the vehicle parking space indicated on the approved plans as vehicle parking for people with disabilities has been drained, constructed, surfaced, marked out and signed in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the vehicle parking space for disabled users shall be retained for vehicle parking only and no other use and, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking or re-enacting that Order with or without modification), no structure or gate shall be erected so as to prevent vehicular access to the parking space.

REASON: To ensure that people with disabilities have adequate access to the development.  
[Relevant Policy BFBLP M7]

19. The development shall not be occupied until the garage accommodation has been provided as shown on the approved plans. The garage shall thereafter be retained for the use of the parking of vehicles and storage of cycles at all times, and, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking or re-enacting that Order with or without modification), no enlargements, improvements or other alterations shall be made to the garage internally or externally, and no structure or gate shall be erected so as to prevent vehicular access to the garage.

REASON: To ensure that the development is provided with adequate parking space in the interests of highway safety.

[Relevant Policies: BFBLP M9, CSDPD CS23]

20. The development shall not be occupied until facilities for refuse storage have been provided in the location identified as 'bin collection point' on the approved plans, in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Once provided, the refuse storage area shall be retained in accordance with the approved details and shall not be used for any purpose other than the storage of refuse awaiting disposal.

REASON: To ensure the provision of satisfactory waste collection facilities in the interests of amenity.

[Relevant Policies BFBLP EN20, CSDPD CS7]

21. No development, including initial site clearance, demolition and ground preparation, shall take place until comprehensive details of both hard and soft landscaping works, including a programme for the phasing of works, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to protect and enhance biodiversity at the site and the submitted details shall include:

- (a) Comprehensive planting plans of an appropriate scale and level of detail that provides adequate clarity including details of ground preparation and all other operations associated with plant and grass establishment, full schedules of plants, noting species, and detailed plant sizes/root stock specifications, planting layout, proposed numbers/densities locations.
- (b) Comprehensive 5 year post planting maintenance schedule.
- (c) Underground and above ground service and external lighting layout (drainage, soakaways, gas, electricity, communications cables, pipelines, manholes, external lighting columns etc), both existing reused and proposed new routes - all services and drainage should be routed outside soft landscaped areas.
- (d) Means of enclosure (walls and fences etc) to include low knee rails to protect all areas of soft landscaping and between boundary treatments and car parking spaces where applicable.
- (e) Paving and areas of hard standing including pedestrian open spaces, paths, patios, proposed materials and construction methods, cycle routes, parking courts, play areas etc.
- (f) Recycling/refuse or other storage units

Once approved, all planting comprised in the approved soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (01 October to 31 March inclusive) to the completion of the development or prior to first occupation of the development, whichever is sooner.

Once approved, all approved hard landscaping works shall be carried and completed in full accordance with the approved scheme prior to the first occupation of the 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 works shall be healthy, well formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees and Shrubs' and British Standard 4043 (where applicable) (or any subsequent revision).

Any trees or other plants which, during the course of the development or within a period of 5 years from the completion of the development, die, are removed, uprooted, destroyed, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (01 October to 31 March inclusive) with others of the same size, species and quality as approved and shall be planted in the same place.

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

[Relevant Policies: BFBLP EN2, EN20, CSDPD CS7]

22. Any areas shown for soft landscaping purposes on the approved plans shall be retained as such and shall not be removed or used for any other purpose.

REASON: In the interests of nature conservation, biodiversity retention, good landscape design and the visual amenity of the area.

[Relevant Policies: BFBLP EN2, EN20, CSDPD CS1, CS7]

23. No construction works shall take place until details of a scheme for the provision of all walls, fences, gates and any other means of enclosure on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full accordance with the approved details before occupation of the development and shall be retained as such thereafter. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and/or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure other than those shown on the approved drawings shall be erected on the site.

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

[Relevant Policies: BFBLP EN20, CSDPD CS7]

24. No development, including initial site clearance, demolition and ground preparation, shall take place until an updated bat survey has been carried out by a suitably qualified ecologist and a report confirming the results and implications of the assessment, including any revised mitigation measures, has been submitted to and approved in writing by the Local Planning Authority. Furthermore no development, including initial site clearance, demolition and ground preparation, shall take place until details of a scheme to for the installation of bird and bat boxes, including a plan showing the location of the boxes, and any revised mitigation measures recommended by the updated bat survey report, has been submitted to and approved in writing by the Local Planning Authority. Development shall take place only in accordance with the approved scheme. Within three months of the first occupation of the development, an ecological site inspection shall be carried out and a report shall be submitted to the Local Planning Authority confirming that the approved mitigation measures have been implemented. Any mitigation measures included in the approved scheme shall be retained in accordance with the approved plans and details and shall not be used for any other purpose.

REASON: In the interests of nature conservation and to ensure that the status of bats on site has not changed since the last survey.

[Relevant Policies: BFBLP EN3, EN20, CSDPD CS1, CS7]

25. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination, light spill, wavelengths and hours of use. As a minimum, external site lighting should be provided to the access road and car parking area. The scheme should be designed to minimise the potential impacts on wildlife, ensuring that lighting is directed downwards and inwards by the use of hoods or cowls. Development shall be carried out in accordance with the approved scheme prior to first occupation of the development and the approved lighting shall be retained thereafter. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that order with or without modification), no external lighting shall be installed on the site or affixed to any buildings on the site except in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of residential amenity for nearby residents and the character of the local area, nature conservation and highway safety.

[Relevant Policies: BFBLP EN3, EN15, EN20 and EN25, CSDPD CS1, CS7 and CS23]

26. No development shall take place until a Sustainability Statement demonstrating how the development would meet current best practice standards in the sustainable use of natural resources has been submitted to and approved in writing by the Local Planning Authority. The Sustainability Statement shall include either a Design Stage Report and Interim Certificate or a Pre-Assessment Estimator, carried out by an independent assessor licensed by the Building Research Establishment, demonstrating that the development would meet a minimum standard of Level 3 of the Code for Sustainable Homes. The development shall be constructed in accordance with the approved Sustainability Statement and shall be operated and retained in accordance therewith,

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

[Relevant Policies: CSDPD CS10]

27. Not later than one month following the first occupation of the development, a Post Construction Review Report shall be carried out by an independent assessor licensed by the Building Research Establishment and a Final Code Certificate demonstrating that the development has been constructed to meet a minimum standard of Level 3 of the Code For Sustainable Homes shall be submitted to the Local Planning Authority.

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

[Relevant Policies: CSDPD CS10]

28. No development shall take place until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. The Energy Demand Assessment shall demonstrate that a minimum of 10% of the development's energy requirements would be provided from on site renewable energy production. The development shall be constructed in accordance with the approved Energy Demand Assessment and shall be retained in accordance therewith.

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

[Relevant Policies: CSDPD CS12]

#### Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning

permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

02. The applicant should note the following in respect of the conditions set out above:

The following conditions require discharging prior to commencement of development:

- 03 Materials
- 07 Floor levels
- 08 Sewage disposal
- 09 Surface water drainage
- 10 Construction Method Statement
- 11 Construction of access
- 12 Off site highway works
- 21 Hard and soft landscaping scheme
- 23 Boundary treatments
- 24 Bat survey and mitigation
- 25 Lighting scheme
- 26 Sustainability Statement
- 28 Energy Demand Statement

The following conditions require discharge prior to first occupation:

- 13 Pedestrian and vehicular accesses
- 15 Visibility Splays
- 17 Vehicle parking and turning
- 18 Parking for disabled users
- 19 Garages
- 20 Refuse storage

The following conditions require discharge within a certain period of first occupation:

- 27 BREEAM Final Code Certificate

The following conditions either do not require submissions or have ongoing requirements once initial details have been discharged:

- 01 Time period for implementation
- 02 Approved plans
- 04 Hours of work on site
- 05 Obscure glazing to Plot 3
- 06 Permitted development rights removed in relation to windows Plot 3
- 14 No gates at site access
- 16 Gradient of private drives
- 17 Permitted development rights removed to ensure parking and turning spaces remain accessible
- 18 Permitted development rights removed to ensure parking and turning spaces remain accessible
- 19 Permitted development rights removed to ensure garage remains accessible
- 22 Retention of soft landscaping
- 23 Permitted development rights removed in relation to means of enclosure
- 25 Permitted development rights removed in relation to external lighting



In the event of the S106 planning obligation(s) not being completed by 30 June 2014 the Head of Development Management be authorised to **REFUSE** the application on the grounds of:-

01. The proposed development would unacceptably increase pressure on open space and recreational facilities, local library facilities and primary educational facilities and would fail to mitigate its impacts on the highway network by undertaking to enter into a s278 Highways Act agreement to undertake required works to form the new access and installation of bollards on the Public Highway. In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which secure contributions towards the provision of open space and recreational facilities, local library facilities and primary educational facilities and undertakes to enter into a s278 Highways Act agreement to undertake off-site highway works, the proposal is contrary to Policies CS6, CS8, and CS24 of the Core Strategy Development Plan Document, the Limiting the Impact of Development Supplementary Planning Document and the NPPF.

02. 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 section 106 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 retained Policy NRM6 of the South East Plan, Policy CS14 of the Core Strategy Development Plan Document, 'Saved' Policy EN3 of the Bracknell Forest Borough Local Plan, and the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document.

Doc. Ref: Uniform 7/DC/Agenda

The application file to which this report relates can be viewed at the Council's Time Square office during office hours or online at [www.bracknell-forest.gov.uk](http://www.bracknell-forest.gov.uk)