

## Unrestricted Report

### ITEM NO: 7

Application No.  
**15/00426/FUL**  
Site Address:

Ward:  
Ascot

Date Registered:  
18 May 2015

Target Decision Date:  
13 July 2015

### Land Rear Of Royal Hunt House Fernbank Road Ascot Berkshire

Proposal: **Erection of 2no 3 bed semi-detached dwellings with car parking.**

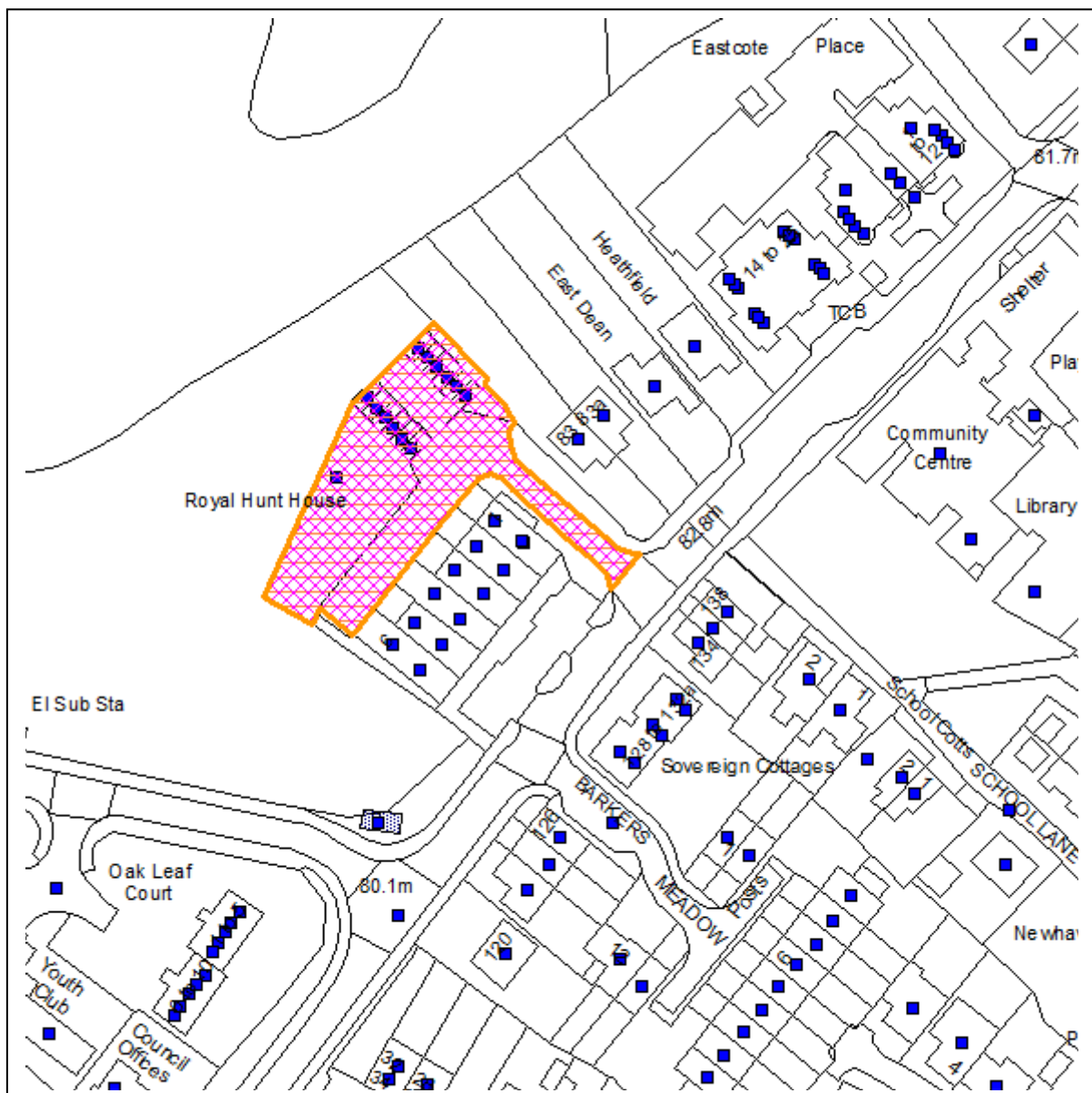
Applicant: W.J Channing

Agent: Mr Stephen Harrison

Case Officer: Sarah Fryer, 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**

This application is being reported to committee as more than 3 objections have been received.

### **2. SITE DESCRIPTION**

The application relates to a site to the rear of Royal Hunt House, Fernbank Road, Ascot. Royal Hunt House is a three storey detached building with commercial units (shops, restaurants, travel agents) on the ground floor with maisonettes above. Access to the service yards to the rear is via a road sited to the north of the building which also provides shared access to a garage court. The site is located to the north west of Royal Hunt House across the shared service road and south of the garage court. The land is enclosed by a 2m close boarded fence and is overgrown with vegetation and several large trees to the south-western and north-western boundaries of the site.

To the west, the site borders the Mill Ride Golf and Country Club and is undeveloped. This area of Fernbank Road is mainly residential in character with small local service centres. The majority of the built form consists of two storey properties.

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

14/00259/FUL Erection of two storey building comprising of 4 no. two bed flats with associated parking and communal area with bin store- Application withdrawn

12/00170/FUL Erection of two storey building comprising of 4 no. two bed flats with associated parking and communal area with bin store- Application withdrawn

10/00027/FUL Erection of a two storey building comprising of 5 no. one bed flats and 4 no. two beds flats with associated parking and communal areas with bin store. Refused and appeal dismissed

Whilst the appeal was dismissed, with the Inspector finding that the proposal would result in overdevelopment of the site and that there was insufficient space for the required off -street parking and service vehicles to be accommodated, he did consider that the access drive was wide enough to allow two cars to pass and visibility splays at the junction of Fernbank Road were adequate.

### **4. THE PROPOSAL**

Planning permission is sought for the erection of two semi-detached three bedroomed dwellings, with associated off street parking and private amenity areas.

Amended plans have been received, extending the red line to the highway to provide access, rotating the dwellings by 90 degrees and amending the layout of the parking area to reduce the required amount of hard surfacing, following comments from the case officer.

The dwellings would be two storey in height with a hipped roof and enclosed projecting porch to the front, with a covered canopy extending across the width of the dwelling. The front of the proposed dwellings would face the rear of Royal Hunt House, with enclosed rear gardens. A shared parking area is proposed to be provided to the south of the dwellings with access from the service driveway to the rear of Royal Hunt House.

## 5. REPRESENTATIONS RECEIVED

### Winkfield Parish Council

Winkfield Parish Council objects to the proposal for the following reasons:

Over development on an unsuitable site for housing

The proposed 'tarmac' parking area would be impermeable and would affect trees behind the site and drainage

Deliveries to the shops would be adversely affect the access and egress to the houses

The development would cause damage to the badger and newt population.

### Other Representations

A total of 7 representations from different addresses have been received objecting to the proposal on the following grounds:

- There has been too much development in recent times without increasing local amenities. The local infants and junior schools and GP surgery are all at capacity.
- Proposal would result in conflicts between cars and service vehicles throughout the day.
- The land is used as a soakaway for the 6 flats and shops- has this been checked [*Officer comment; this is not a planning consideration and can be overcome with an engineering solution*].
- Parking in the area is already a problem
- The access road is not within the ownership of the applicant who only has a right of access on the service road and therefore the plans are misleading [*Officer Comment: the applicant has signed certificate 'B' on the application form stating that they do not own the whole of the site*].
- Disruption and noise from the building work
- Could the new houses overlook our garden?
- Access is too narrow and often blocked by lorries and cannot support further traffic.
- Proposal could result in traffic waiting within the highway to enter the site.
- Development could negatively impact on the local businesses and is considered to be unneighbourly
- Development would have a negative impact upon protected wildlife and ecology in the area.
- Restaurants within close proximity to the flats expel odours resulting in an unpleasant living environment.
- Waste bins used by the businesses are left on the access road as there is no where else to put them. The position of these has not been taken into account by the applicant.

## 6. SUMMARY OF CONSULTATION RESPONSES

### Environmental Health

No objection subject to conditions covering dust during construction, working method statement, hours of construction and external lighting.

### Bio-diversity Officer

No objections subject to conditions concerning mitigation strategy for great crested newts, reptile mitigation strategy, method statement to prevent disturbance to the nearby badger sett during works, and no works during bird nesting period.

### Tree Officer

There do not appear to be any trees within the application site or on adjacent land that merit protection and therefore no comments to make.

### Highways Officer

The Local Highway Authority suggests that a scheme to improve the access on the private road be sought which would involve the parking layby located to the north of the access road. As this is outside the red line of the site, it cannot be conditioned. However should the LPA be minded to approve this planning application conditions and informatives are recommended.

## **7. DEVELOPMENT PLAN**

The Development Plan for this Borough includes the following:

Site Allocations Local Plan 2013 (SALP)  
'Retained' Policies of the South East Plan 2009 (SEP)  
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**

SALP Policy CP1 refers to the presumption in favour of sustainable development as outlined within the National Planning Policy Framework (NPPF). SALP Policy CP1 states that the Council will act proactively and positively with applicants to seek solutions which mean that proposals can be approved wherever possible, and to improve the economic, social and environmental conditions within the area. Planning applications that accord with the policies in the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise.

The site is located in within the Settlement Boundary as defined on the Bracknell Forest Borough Policies Map (2013).

CSDPD Policy CS2 states that development will be permitted within defined settlements and on allocated sites. Development that is consistent with the character, accessibility and provision of infrastructure and services within that settlement will be permitted, unless material considerations indicate otherwise.

The Inspector on the Tilehurst Lane appeal concluded that Bracknell Forest Council are unable to demonstrate a 5 year supply of housing land. Therefore relevant policies relating to the supply of housing should not be considered up to date and the weight afforded to them reduces. Of particular relevance is the presumption against development in the countryside which can no longer be applied to housing development. However since the application is located within the settlement boundary, the principle of residential development is generally acceptable and therefore the 5 year housing land issue is not a significant factor in the determination of this application.

This site is located within the settlement boundary, close to services, amenity and the public transport network, and therefore the principle of development is acceptable, subject to the proposal complying with other relevant policies of the development plan.

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

Policy CS7 of the CSDPD considers the design of development and supports that which builds on urban, suburban and rural local character of the site, enhances the landscape, promotes bio-diversity and enables a mix of uses. 'Saved' Policy EN20 requires proposal to be in sympathy with the appearance and character of the local environment and be appropriate in scale, mass, design, materials, layout and siting. The NPPF sees good design as a key aspect of sustainable development, and therefore both Policy CS7 and EN20 are considered to conform with the NPPF and can be afforded full weight.

The proposal would result in the erection of a two storey pair of semi-detached dwellings, on a site to the rear of Royal Hunt House, which is overgrown with vegetation and enclosed by a 2m close boarded fence and a block of garages. The site is private and therefore has limited amenity value. Whilst on the edge of the built form, the site is within the settlement boundary and therefore the principle of its development for housing is acceptable. The dwellings have been carefully sited and the amount of hardsurfacing minimised to assist with the transition between the built form and more open character of the Green Belt immediately to the west of the application site. The dwellings have been sited away from the south western boundary and group of trees along this boundary, and therefore limiting the impact of the proposal on these trees.

The siting of the dwellings has been re-orientated so that they are on the same alignment as Royal Hunt House and therefore are considered to be in keeping with the form of surrounding developments. The dwellings would have a hipped roof with the front elevations broken up with a projecting porch and canopy over the window to the front. Fernbank Road contains a mix of styles of properties, including dwellings with hipped roofs. The two storey scale of the proposal is considered to be in keeping with the scale of the domestic dwellings on Fernbank Road.

Accordingly the proposal is considered to have been appropriately designed, to reflect the surrounding area and therefore is considered to accord with Policy CS7 of the CSDPD and 'Saved' Policy EN20 of the BFBLP.

## **10. RESIDENTIAL AMENITY**

'Saved' Policy EN20, criterion vii, seeks to protect the amenities of surrounding properties and the adjoining area. Paragraph 17 of the NPPF seeks a 'good standard of amenity for all existing and future occupants of land and buildings' and therefore 'Saved' Policy EN20, criterion vii, is considered to be consistent with the NPPF and can be afforded full weight.

The nearest residential dwellings to the proposal are the maisonettes within Royal Hunt House and no. 83 Fernbank Road, located to the north of the shared driveway into the site.

The rear of Royal Hunt House has a shared terrace area, serving as outdoor amenity space and giving access to the maisonettes located above the commercial units. Access to this is via a brick staircase located at the northern end of the block. The forward most edge of this would be located 13m from the front elevation of the dwellings, and 18m from the first floor windows. At this distance it is not considered that the proposal would result in overlooking and consequentially lead to a loss of amenity to the residents of the maisonettes.

No. 83 Fernbank Road is located to the northeast of the proposed dwellings with access from Fernbank Road. The proposal has been amended to include a side facing bedroom window at first floor level. The boundary to No. 83 would be located in excess of 20m from this side facing window, considered sufficient distance to protect the amenities of occupiers of no 83. Views between the existing rear windows of No 83 and the proposed window would be at a greater distance and at an obscure angle reducing significantly the possibilities of overlooking and a loss of privacy. It is not considered that the proposal would adversely affect the privacy of occupiers of no. 83 Fernbank Road.

The proposed dwellings have been designed with private amenity space to the rear of the dwellings. Objections have been received raising concerns about the proximity to the restaurants within the Royal Hunt House. However, there are residential units above these uses and therefore closer than the proposed dwellings. Given this existing relationship, it is not considered that it would be possible to refuse the application on the harm to amenities of future occupiers, adjoining uses would have on this area, and consequentially there is no objection from Environmental Health.

In light of the above it is considered that the proposal would not detrimentally affect the amenities of existing occupiers and provides sufficient amenity space for future occupiers and therefore, complies with 'Saved' Policy EN20 of the BFBLP.

## **11. TRANSPORT IMPLICATIONS**

Policy CS23 of the CSDPD seeks to reduce the need to travel and increase the safety of travel. 'Saved' Policy M9 of the BFBLP seeks adequate vehicle and cycle parking within new development. Both policies are considered to be consistent with the NPPF that seeks a safe and suitable access to the site for all. However, the NPPF notes that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe' (paragraph 32 pt. 3).

The site would have access from a private road that serves as a service road to the rear of the retail units, and joins Fernbank Road to the north of Royal Hunt House. This road to the north of Royal Hunt House, has a layby along the northern kerb and informal parking along the southern kerb. This road is hard surfaced and to the rear of Royal Hunt House has a width of over 7m. Objections have been received on highway safety grounds that the proposal would result in conflicts between delivery lorries and cars and the private road cannot support any more vehicle movements.

The Bracknell Forest Parking Standards 2007 (SPD), require a three bedroom dwelling to have access to two off street parking spaces. The proposal includes the provision of four off street parking spaces and turning area sited to the south west of the proposed dwellings, which would be overlooked by both the flats above the shops and the side facing windows to the left hand of the two plots. The proposal provides adequate off street parking in accordance with the current adopted parking standards and therefore it can not be demonstrated that the proposal would result in additional on street parking to the detriment of highway safety.

The site has a long history of applications mostly seeking a more intensive form of development. In 2010 (10/00027/FUL) a proposal for 9 flats was refused and dismissed at appeal. However, in considering highway issues the Inspector found that the 'drive was wide enough for two cars to pass and visibility splays at the junction with Fernbank Road appear to be adequate. Traffic speeds on Fernbank Road are relatively low as the road is traffic calmed'. The inspector found that the proposal did not provide adequate parking and due to the parking layout would result in 'unacceptable conflict

between the delivery vehicles servicing the commercial units', the scheme now under consideration is for considerably fewer units resulting in a significant reduction in the number of trips (a three bedroomed dwelling is expected to result in 8 trips per day) when compared with the appeal scheme. In addition the scheme now proposes one access which vehicles can exit in a forward gear. However, the appeal decision is now 4 years old and parking pressures in the area may have increased, although there is no evidence to support this.

It has been observed through various visits to the site by the Highways Officer and Planning Officer that the access road to the north of Royal Hunt House has parking along both the southern and northern edges, restricting the width to the extent that two cars would find it difficult to pass. Concern has been expressed by the Highways Officer that at busy times this could result in cars reversing back on to Fernbank Road to enable a car to exit. However Fernbank Road at the point of the junction is subject to yellow lines restricting parking and these restrictions extend into the radii of the junction. As such parking within these radii can be dealt with via enforcement of the existing parking restrictions providing more space for vehicles to pull clear of Fernbank road to enable another car to exit.

The service road to the rear of the units is 7.5m wide at its narrowest point. At the time of the site visit, rubbish bins were located to the rear of the commercial units and a skip was positioned against the fence. Even with these obstacles there was sufficient space for vehicles to access the rear of the commercial units.

Whilst there is an issue with vehicles parking along the access road and sometimes close to the junction with Fernbank Road, the NPPF states that development should only be refused if the residual cumulative impacts of development are severe.

There is a parking problem within the private road, however due to adequate off street parking being provided, the proposal would not increase this. The two dwellings would result in an additional 16 trips spread out over the course of a day. The service road already serves 6 commercial units and 6 flats above which are likely to result in 48 trips per day. It is considered that it would not be possible to demonstrate that the increase in trips to and from the site would result in a 'severe' impact on highway safety. Accordingly it is considered that it would not be possible to sustain a reason for refusal on highway grounds, and the proposal is considered to comply with Policy CS23 of the CSDPD and 'Saved' Policy M9 of the BFBLP.

## **12. BIODIVERSITY**

Policy CS1 of the CSDPD seeks development that protects and enhances the quality of natural resources including bio-diversity (criterion vii). Policy CS7 seeks a high standard of design, that enhances the landscape and promotes bio-diversity. The NPPF seeks to conserve the natural environment (paragraph 17) by minimising impacts on bio-diversity and providing net gains in bio-diversity (paragraph 109). The policies are considered to be consistent with the NPPF and therefore can be afforded full weight.

The application was submitted with a Badger and Reptile Surveys and a Great Crested Newt Survey. These have been reviewed by the Councils Biodiversity Officer. Great Crested Newts have been found to be present in two ponds within the adjacent golf course and it is likely that they use the site during their terrestrial phase. As such the site clearance will need to take place under license from Natural England. The reptile report shows a good population of slow worms and a small population of grass snakes.

A badger sett has been identified within the area, however disturbance from the proposed development is likely to be minimal. Accordingly it is recommended that conditions are imposed requiring the following;

- Mitigation strategy for Great crested Newts and a copy of the licence to Natural England,
- Reptile mitigation Strategy, including habitat enhancement)
- Method statement for works to avoid disturbing the badge sett.
- No site clearance during bird nesting season
- Hard and Soft Landscaping
- Bat and bird boxes

A condition has been requested to secure an external lighting scheme to control the light spill onto the bat foraging grounds. The proposal is located in close proximity to other developments which are not controlled, to the front of the dwellings. However, to the rear the proposals would face towards tree cover and possible foraging grounds and it is considered necessary and reasonable to control the lighting to this elevation.

### **13. THAMES BASIN HEATHS SPECIAL PROTECTION AREA (SPA)**

The site is located 4.3km from the boundary with the SPA and therefore is likely to have an adverse impact on the SPA unless it is carried out together with appropriate avoidance and mitigation.

Therefore, a Habitats Regulations Assessment must consider whether compliance with conditions or restrictions, such as a planning obligation, can enable it to be ascertained that the proposal would not adversely affect the integrity of the SPA.

The following policies apply:

South East Plan (May 2009) Policy NRM6 (Thames Basin Heaths Special Protection Area)

'Saved' Policy EN3 of BFBLP sets out the approach the Council will take in order to protect European nature Conservation sites.

CS14 of the CSDPD Thames Basin Heaths SPA.

The Thames Basin Heaths SPA Avoidance and Mitigation SPD is also relevant and sets out the Council's strategy for dealing with development in this area.

The development will result in a net increase of two, 3 bedroom dwellings. Accordingly the level of SANG payments are set out as follows:

Total SANG Contribution	£4,342
Total SAMM Contribution	£1422
Total contribution required	£5,764.00 (i.e. £4342+ £1422)

This should be secured through a legal agreement. Without such an undertaking in place the proposal would result in harm on the SPA and therefore would be contrary to Policies CS14 of the CSDPD and 'Saved' Policy EN3 of the BFBLP.

### **14. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

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



CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted) including extensions of 100 square metres of gross internal floor space, or more, or new build that involves the creation of additional dwellings.

The application site lies within the Northern Parishes charging zone. In the event of planning permission being granted, a CIL Liability Notice (CLN) will be issued for the development.

## **15. SUSTAINABILITY**

Policy CS10 of the CSDPD requires the submission of a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/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.

Policy CS12 requires an Energy Demand Assessment to be submitted. No Assessment has been submitted and therefore a planning condition is recommended requiring an Energy Demand Assessment to demonstrate that 10% of the developments energy demands would be off set as a result of implementing renewable energy measure.

## **16. CONCLUSIONS**

The application site is located within the defined settlement boundary, close to services and public transport routes. The proposal is not considered to detrimentally affect the character of the area, the amenities of nearby residents or the bio-diversity value of the site. It is acknowledged that there is an existing parking problem in the area. However, the scheme provides sufficient off-street parking and therefore would not result in additional on street parking worsening the situation. It is considered that the trips created by the proposed two dwellings would not be sufficient to demonstrate that the residual cumulative impacts of development are severe and therefore a sustainable reason for refusal. The proposal is therefore considered to be acceptable and in conformity with Policies CS2, CS7, CS23, CS14, CS10 and CS12 and CS23 of the CSDPD and 'Saved' Policies EN20 and M9 of the BFBLP.

## **RECOMMENDATION**

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

01. 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 condition(s):-

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:  
Site location plan (received 09.07.2015)  
1A (Plans and elevations) received 09.07.2015  
2A (Block Plan) received 09.07.2015  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
03. No development shall take place until samples 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. No dwelling shall be occupied until the associated vehicle parking and turning space has been surfaced and marked out in accordance with the approved drawing 2A received 09.07.2015. The spaces shall thereafter be kept available for parking at all times.  
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.  
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
05. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for covered and secure cycle parking facilities. The building shall not be occupied until the approved scheme has been implemented. The facilities shall be retained as approved.  
REASON: In the interests of accessibility of the development to cyclists.  
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
06. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:  
(a) Parking of vehicles of site personnel, operatives and visitors  
(b) Loading and unloading of plant and vehicles  
(c) Storage of plant and materials used in constructing the development  
(d) Wheel cleaning facilities  
(e) Temporary portacabins and welfare for site operatives  
and each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (e) above.  
REASON: In the interests of amenity and road safety.  
[Relevant Plans and Policies: CSDPD CS23]
07. The development 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]
08. The development shall not be begun until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This

shall demonstrate that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be at least 10%). The buildings thereafter constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith.

REASON: In the interests of the sustainability and the efficient use of resources.  
[Relevant Plans and Policies: CSDPD Policy CS12]

09. No site clearance 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 the construction of the development has been submitted to and approved by the Local Planning Authority. The proposed development shall be implemented in accordance with the approved details.  
REASON: In the interests of nature conservation  
[Relevant Plans and Policies: BFBLP EN3 CS1, CS7]
10. The development (including site clearance and demolition) shall not be begun until:-  
(i) the site has been surveyed for the presence of badgers  
(ii) the survey has been submitted to and approved by the Local Planning Authority, and  
(iii) a scheme to minimise disturbance to badgers during the construction of the development, to mitigate the impact of the development upon them, and to improve their habitat has been submitted to and approved by the Local Planning Authority .  
The scheme shall be performed, observed and complied with.  
REASON: In the interests of nature conservation  
[Relevant Plans and Policies: BFBLP EN2]
11. The development (including site clearance and demolition) shall not begin until a scheme to mitigate the impact of the development on reptiles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:  
o measures to avoid harm to biodiversity  
o features provided to mitigate the loss of habitat (e.g. ponds, hibernacula)  
o habitat enhancements (not mitigation)  
o on-going management of new features/habitat  
The mitigation scheme shall be implemented in accordance with the approved details. An ecological site inspection report shall be submitted for approval within three months of the first occupation of any dwelling hereby approved.  
REASON: In the interests of nature conservation  
[Relevant Plans and Policies: CSDPD CS1]
12. The development (including site clearance and demolition) shall not begin until a scheme to mitigate the impact of the development on Great Crested Newts has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:  
o measures to avoid harm to biodiversity  
o features provided to mitigate the loss of habitat (e.g. ponds, hibernacula)  
o habitat enhancements (not mitigation)  
o on-going management of new features/habitat  
The mitigation scheme shall be implemented in accordance with the approved details. An ecological site inspection report shall be submitted for approval within three months of the first occupation of any dwelling hereby approved.  
REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1]

13. The development, including site clearance, shall not in any circumstances commence unless the local planning authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity to go ahead; or
  - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity will require a licence.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 or any Order revoking and re-enacting that order, no external lighting shall be installed within the parking area or affixed to the northwestern, or south western elevation of the dwellings hereby permitted except in accordance with details set out in a lighting design strategy for biodiversity that has first been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those area/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

15. The development shall not be begun until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule.

All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the occupation of any part of the approved development, whichever is sooner.

All hard landscaping works shall be carried and completed prior to the occupation of any part of the approved development. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest

planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.

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

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

16. The development shall not be occupied until a scheme for the provision of bird and bat boxes (and other 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 be performed, observed and complied with prior to the occupation of the dwellings.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

17. Demolition and construction work shall take place at the site only between 08:00hrs and 18:00hrs Monday - Friday, between 08:00hrs and 13:00hrs on Saturdays, and not at all on Sundays or Bank Holidays."

REASON: To safeguard the amenities of the area and the occupiers of neighbouring properties

[Relevant Policies; BFBLP EN20, EN25]

18. Should evidence of any land contamination be discovered at any point during the construction, then work will cease until a scheme to deal with the contamination has been submitted to and approved in writing by the Local Planning Authority. The development shall continue in accordance with the approved mitigation scheme.

REASON: To protect the amenities of future occupiers.

[Relevant Policies: BFBLP EN25]

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. Your attention is drawn to the conditions attached to this application. You are advised that all conditions must be complied with and that conditions 3, 4, 6, 7, 8, 9, 11, 12, 13, and 14 require further details to be submitted.

In the event of the S106 planning obligation(s) not being completed by 25 August 2015 the Head of Planning be authorised to **REFUSE** the application on the grounds of:-

01. The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impacts in this respect. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (2012).

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)