

## Unrestricted Report

### ITEM NO: 05

Application No.  
**20/00001/FUL**  
Site Address:

Ward:  
Ascot

Date Registered:  
2 January 2020

Target Decision Date:  
27 February 2020

## The Royal Hunt 177 New Road Ascot Berkshire SL5 8PU

Proposal: **Erection of 8no. 1 bedroom flats with associated parking following demolition of existing buildings.**

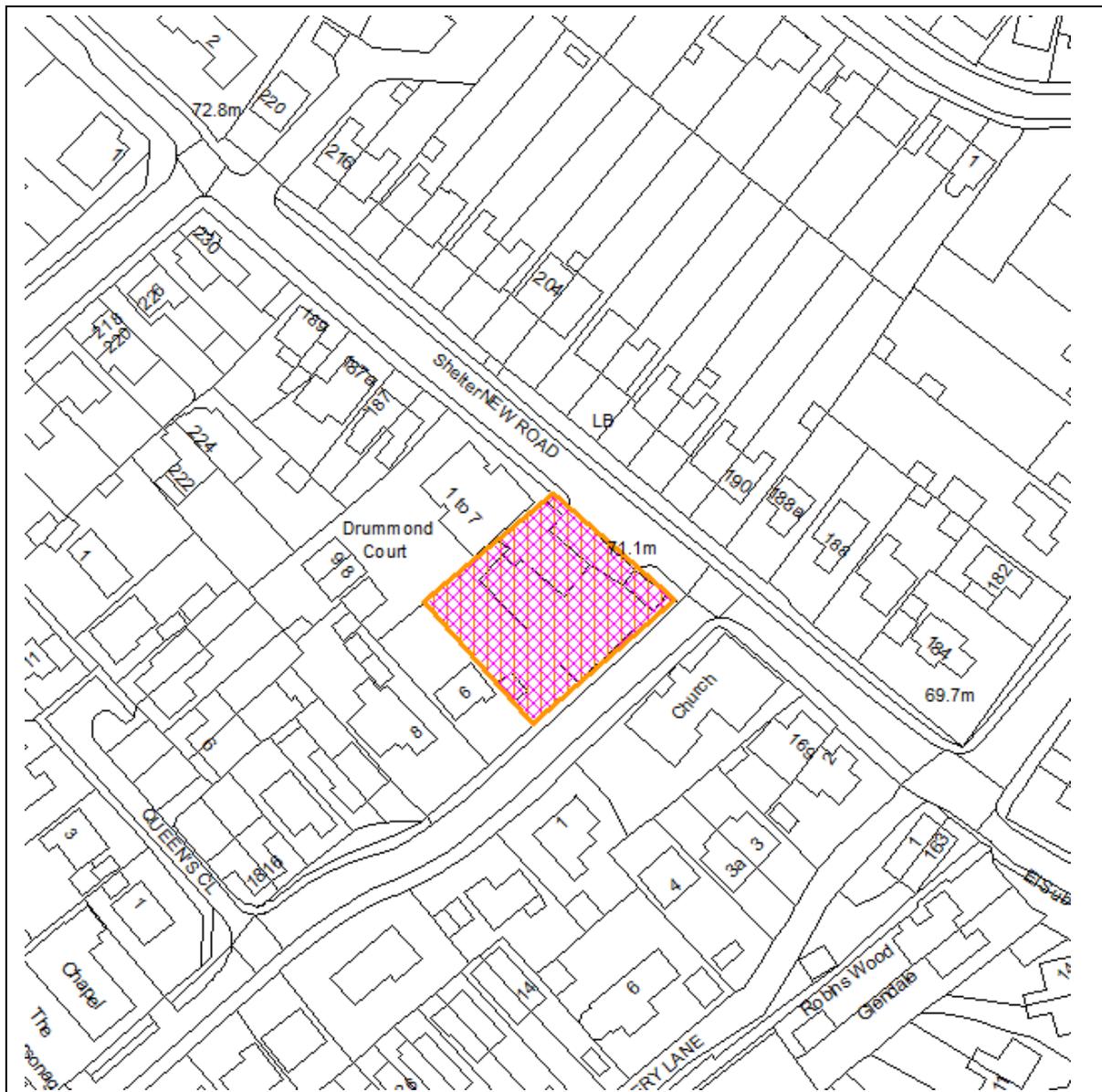
Applicant: Patrick Ruddy Homes

Agent: Mr Warren Joseph

Case Officer: Sarah Horwood, 01344 352000

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

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



## **OFFICER REPORT**

### **1. SUMMARY**

1.1 The proposed development relates to a site within the settlement boundary and is therefore acceptable in principle.

1.2 The reduction in the number of residential units proposed and subsequent changes to the proposed parking area when compared to previous applications would ensure that the development would not adversely impact upon protected trees within the site.

1.3 The loss of the public house is not unacceptable where it has been proven that there are "exceptional circumstances".

1.4 The proposal would not adversely affect the residential amenities of neighbouring occupiers and acceptable living conditions would be provided for future occupiers of the proposed flats. The proposal would also not adversely impact upon the character and appearance of the surrounding area.

1.5 No adverse highway safety implications would result, with sufficient on-site parking provision, cycle and bin storage. Conditions are recommended in relation to biodiversity and energy sustainability.

1.6 A legal agreement is required to secure contributions for SPA mitigation and highway requirements.

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

2.1 The application has been reported to the Planning Committee as more than 5 objections have been received.

### **3. PLANNING STATUS AND SITE DESCRIPTION**

<b>PLANNING STATUS</b>
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Within a defined settlement boundary
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Within 5km of the Thames Basin Heath SPA
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TPOs – Ref: 552 and 1192
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3.1 The Royal Hunt lies to the south of New Road and to the west of King Edwards Road. It comprises a vacant public house which is two storeys high and finished in white render. There is a detached single storey outbuilding located in the north-eastern corner of the site.

3.2 Parking lies to the front and rear of the existing buildings on site. A grassed area lies along the southern boundary, used formerly as a beer garden.

3.3 To the north are existing residential dwellings and to the east lies Ascot Life Church. There are further residential dwellings to the south on King Edwards Road and to the west

lies Drummond Court - a flatted development facing onto New Road with a pair of semi-detached dwellings to the rear of the site.

3.4 There are existing trees on site, some of which are subject to Tree Preservation Orders.

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

4.1 There have been 2 previous applications refused at the site for residential redevelopment.

4.2 17/00672/FUL refused March 2018 for erection of a three storey building forming 9 no. flats with associated parking following demolition of existing buildings for the following reasons:

*1. The proposed development will have an adverse impact on protected trees which make an important contribution to the landscape character and appearance of the area. As such, the development would be contrary to Saved Policies EN1 and EN20 of the Bracknell Forest Borough Local Plan, CS7 of the Core Strategy Development Plan and the National Planning Policy Framework.*

*2. 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, Saved Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document, the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (2012) and the Planning Obligations Supplementary Planning Document (February 2015).*

4.3 18/00552/FUL refused December 2018 for erection of 9 no. 1 bedroom flats with associated parking following demolition of existing buildings for the following reasons:

*1. The proposed development would have an adverse impact on protected trees which make an important contribution to the landscape character and appearance of the area. As such, the development would be contrary to Saved Policies EN1 and EN20 of the Bracknell Forest Borough Local Plan, CS7 of the Core Strategy Development Plan and the National Planning Policy Framework.*

*2. The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impacts in this respect. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and the Thames Basin Heaths Special Protection Area Supplementary Planning Document (2018).*

4.4 An appeal was lodged against the refusal of the application which was dismissed by decision letter dated 14 August 2019 on the grounds of impact to a protected Oak Tree located in the north-western corner of the site which the Inspector commented as being "extremely prominent" and making an "important contribution to the character and appearance of the area". The Inspector considered that the development would change the

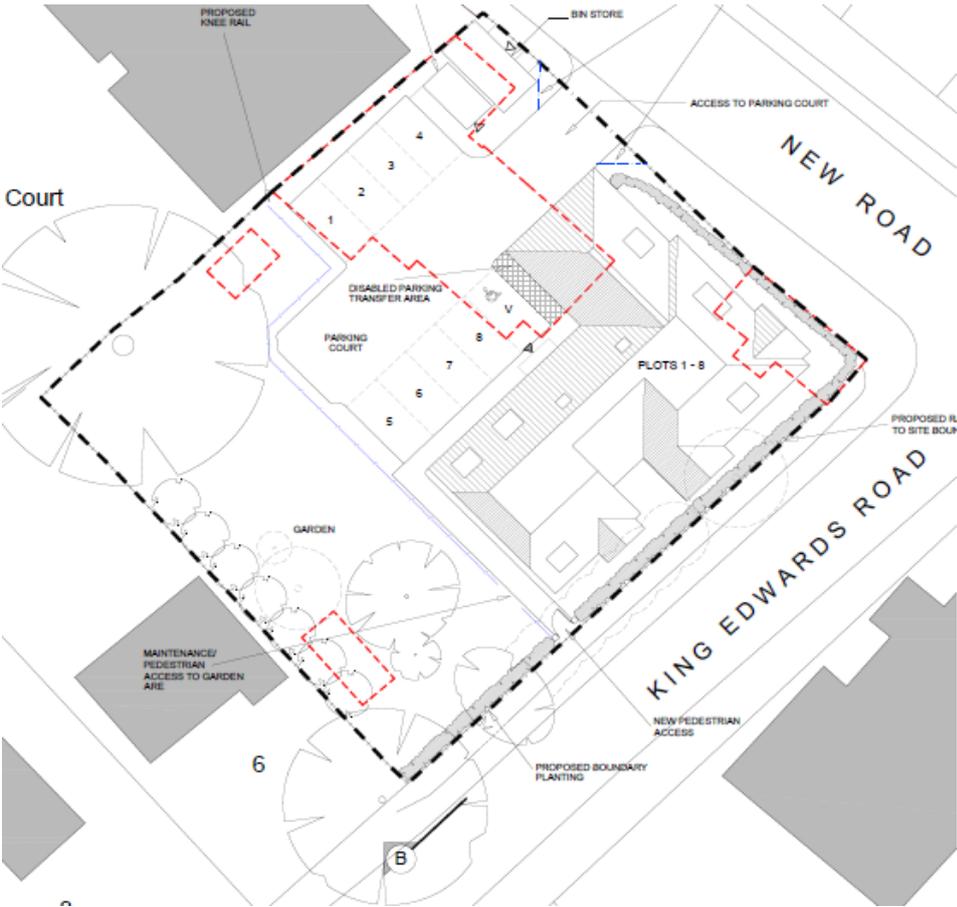
ground conditions within the root protection area of the protected Oak which would be likely to compromise the long-term health of the tree.

### 5. THE PROPOSAL

5.1 Full permission is sought for the erection of a 2.5 storey building forming 8no. 1 bedroom flats with bin and cycle store, parking and communal amenity area following demolition of the existing buildings (used previously as a public house).

5.2 The proposed building would be 2.5 storeys high, with a dual frontage facing north onto New Road and east onto King Edwards Road. The building would have an eaves height of 6m and a maximum ridge height of 9.4m. The building would have a part hipped, part half hipped roof. 6no. dormer windows are proposed in the roof slope to provide second floor accommodation.

5.3 Vehicular access to the proposed development would be taken from New Road, leading to a communal parking area with 9no. parking spaces (8no. spaces for residents and 1no. visitor parking space). A detached building forming a bin and cycle store is proposed facing onto New Road. A pedestrian access is proposed from King Edwards Road. Soft landscaped areas are proposed to the north, east and south of the building, along with a parking court.



5.4 The building would comprise the following layout:  
GROUND FLOOR: entrance hall, staircase, 3no 1 bedroom flats;  
FIRST FLOOR: lobby, staircase, 3no. 1 bedroom flats;

SECOND FLOOR: landing, staircase, 2no. 1 bedroom flats.

5.5 Each flat would comprise open plan kitchen, dining room and lounge, some with utility/store-room, and 1no. bedroom - some of which would have dressing area/wardrobe, and separate bathroom.

5.6 The proposal has been amended during the course of the application, with a reduction in the number of residential units from 9 to 8, reduction in length of the building facing onto New Road, provision of a detached bin/cycle store and changes to the size of the parking area so as to avoid any hard surfacing within the root protection area of a protected Oak tree in the south-western corner of the site.

## **6. REPRESENTATIONS RECEIVED**

### Winkfield Parish Council

6.1 Recommend refusal of the application for the following reasons:

1. Despite conformity to BFC's parking standards, in practical terms the lack of accessible parking or visitor spaces will create parking on New Road and King Edwards Road, causing dangerous and disruptive highways situations.
  2. Due to its location between two closely sited roundabouts in close proximity to bus stops, any development of the site which causes an increase in traffic movement will be detrimental to the safety of the highway.
  3. WPC remains concerned as to the protection of trees on the site, insufficient mitigation of which is contained within the arboricultural report. It is noted that no comment or report from the Tree Officer is as yet provided and WPC would wish to see this.
  4. The local area cannot sustain the impact of construction required to carry out the proposal (which will far exceed that required to restore the existing building), which will cause significant disruption and loss of amenity.
  5. WPC is concerned as to the impact upon local infrastructure (sewerage, drainage, schools, doctors, etc.) which will result from the extra residential units.
  6. WPC feels that the proposal is an overdevelopment of the site (especially given the proximity of the buildings to the road on two sides) which is out of character with the local area.
  7. There is no commitment contained within the proposals to provide 10% renewables, providing WPC cause for further concern regarding sustainability.
  8. WPC notes the exceptionally high level of local support for the preservation of this local amenity, the loss of which WPC does not wish to see.
- WPC would take this opportunity to remind Bracknell Forest of its core strategies (particularly CS21, CS23 and CS24) and the elements of sympathetic development to which they allude. WPC does not feel that this proposal is supported by the Core Strategies.

### Other representations

6.2 50no. letters of objection received which can be summarised as follows:

- Loss of public house should be resisted - need a community facility.
- Impact on character of area.
- Impact on neighbours.
- Highway safety issues including congestion, parking, pedestrian safety issues.
- Impact on trees
- Impact on services such as doctors, schools, roads, etc.
- Is too small a plot of land to accommodate 9 flats and parking
- Already considerable housing development in North Ascot. Area is overdeveloped
- Realistic possibility building could be brought back into use as a pub
- Area not meeting the social and community needs of the area

- Previous applications for residential development have been refused on this site
- Is a historic building
- Profit driven development.
- Council has a housing land supply met with other developments
- Wish to make a new Asset of Community Value nomination. Monies have been raised to fund a freehold purchase of the site
- The site lies within 5km of the Thames Basin Heath SPA. An Appropriate Assessment is required. The development would place extra pressure on the Thames Basin Heath SPA.

## 7. SUMMARY OF CONSULTATIONS RESPONSES

### Highways Officer

7.1 No objection subject to conditions.

### Tree Officer

7.2 No objection subject to conditions.

### Biodiversity Officer

7.3 No objection subject to conditions.

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

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

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CS1 & CS2 of CSDPD	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Residential Amenity	Saved Policy EN20 of BFBLP	Consistent
Parking	Saved policy M9 of BFBLP	Consistent NPPF refers to LA's setting their own parking standards for residential development, this policy is considered to be consistent.
Transport	CS23 of CSDPD	Consistent
Trees, biodiversity and landscaping	Saved policy EN1, EN2 and EN3 of BFBLP, CS1 of CSDPD.	Consistent
SPA	SEP Saved Policy NRM6, CS14 of CSDPD	Consistent
<b>Supplementary Planning Documents (SPD)</b>		
Design SPD		
Parking Standards SPD		
Thames Basin Heath Special Protection Area (SPD)		
<b>Other publications</b>		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		

## **9. PLANNING CONSIDERATIONS**

9.1 The key issues for consideration are:

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

### **i. Principle of Development**

9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, which is supported by the NPPF (paras. 2 and 12).

9.3 Core Strategy Policies CS1 (Sustainable Development) and CS2 (Locational Principles) are relevant and consistent with the objectives of the NPPF. In particular, Policy CS2 permits development within defined settlements.

9.4 The site is located within the Defined Settlement as designated by the Bracknell Forest Borough Policies Map (2013). As a result, the proposed development is considered acceptable in principle, subject to no adverse impact on the amenity of the neighbouring occupiers and upon the character and appearance of the area, highway safety, trees, etc.

### **ii. Loss of public house**

9.5 Para 235 of the CSDPD refers to community functions. It states that "many retail units are hubs of the community...Units that perform an important community role including post offices, convenience stores, chemists and pubs will be protected. Planning applications involving their loss by redevelopment or change of use will not be allowed unless exceptional circumstances have been proven and an equivalent or better replacement facility has been secured".

9.6 Section 8 of the NPPF refers to promoting healthy and safe communities. Para 92 states: To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

(a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments:

(c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

9.7 When previous application 17/00672/FUL was under consideration, a Marketing Report by Savills (UK) Ltd dated September 2016 and a Viability Study by Savills (UK) Ltd dated September 2017 was submitted at that stage. These documents have been re-submitted as part of this current application.

9.8 As part of considering previous application 17/00672/FUL, the Council instructed an independent review of the marketing and viability information that was submitted by the applicant. This review was undertaken by Fleurets Limited, a firm of Chartered Surveyors that deals with the sale and valuation of licensed and leisure premises.

9.9 The review by Fleurets remains applicable to this application and the following comments from the review are replicated below:

9.10 The Royal Hunt was acquired by Hawthorn Leisure from Greene King in May 2014. At the time of purchase, the pub was tenanted by an independent operator under a rolling tied agreement due to expire. Hawthorn Leisure sought to secure an A1 retail use at the premises via a Certificate of Lawfulness, LPA ref: 15/00432/LDC which was refused by the Council in October 2015. It was subsequently dismissed at appeal by decision letter in August 2016. Because of the failure to secure an A1 use on the site, Hawthorn Leisure disposed of the site.

#### Marketing Report

9.11 Savills marketed the premises from 2 September 2014 and approximately 4 months later, it was placed under offer to a purchaser that was conditional to planning permission being secured. This was not secured, and subsequently the offer was withdrawn. The premises remained advertised by Savills during this period but was shown as Under Offer. Interested parties at this time were able to still obtain sales particulars and make offers. Following withdrawal of the offer, the premises was re-marketed from 11 January 2016 and sold to Patrick Ruddy Homes on 30 December 2016.

9.12 Savills circulated sales particulars to those registered on their database which included restaurant/public house operators. Fleurets consider that the marketing report was not "conducive to enticing interest from the public house sector" given it was marketed as a 'development/investment opportunity', not as a public house which could have impacted upon securing a public house operator. Notwithstanding this, the premises was still marketed for over 12 months, exposed to the public house sector/hospitality sector.

9.13 It was considered that there were constraints to the premises and interest in it as a public house:

- There was a premises licence however it was for sale of alcohol off the premises only, held by Southern Co-Operative Ltd;
- The premises is located in a fairly quiet residential area, therefore limiting daytime trade, restricting it to evenings/weekends;
- The premises has small trade areas and no commercial kitchen, restricting trade potential further. An extension would be required to create a trade kitchen at the expense of parking (officer comment: application, LPA ref: 14/01203/FUL for a ground floor extension to the existing Public House including internal alterations, and reconfiguration of parking area following the demolition of single storey side element and ancillary kitchen outbuilding was refused in January 2015 on parking grounds which re-enforces this view).
- The premises was in poor repair/condition. The existing small dated kitchen wouldn't have been capable of providing even modest food offerings. Therefore investment was required in the premises for it to operate as a viable public house.

9.14 Managed pub companies have site requirements to enable turnover and profit, with desired turnover levels being £20,000/week. This would require a prominent road location, a

site of  $\frac{3}{4}$  to one acre, a built area of 7000-8000sqft and customer area of 2500-3500sqft; none of which the Royal Hunt has.

9.15 Further, in general, beer volumes have declined. Managed pubs have evolved becoming more food driven. For premises unable to do this, trade has become more difficult, particularly for wet sales led pubs (which the former Royal Hunt PH was).

#### Viability Report

9.16 Barrelage volumes were falling considerably in the run up to the sale of the premises. The applicant's report states it was a fall of 48.9% whereas Fleurets calculated a fall of 32.6%.

9.17 No commercial kitchen at the premises meant it was wet sales led and given there was no commercial kitchen, this would restrict trade potential as only nominal food sales would be achieved and therefore stay periods in the pub would be shorter.

9.18 The refurbishment and reopening of the Royal Foresters (London Road, Ascot under planning permission 17/00555/FUL) has large trading areas and parking and is prominently positioned which would create additional pressures on the Royal Hunt (if trading). Oakman Inns who now operate the Royal Foresters are experienced, successful operators who create destination venues. Prospective purchasers would therefore be cautious and this would put strain on the trading potential of the Royal Hunt.

9.19 Fleurets undertook their own trade assessment for the Royal Hunt which concluded that the premises (after all property costs, repairs, etc) would not make a financial return (there would be a net loss) and would therefore not be financially viable as a public house.

9.20 In summary, the premises is small with limited trading potential and would require considerable investment, however it is financially unviable. As per the test under para 235 of the CSDPD, these factors are considered to constitute "exceptional circumstances" and with alternative pubs in the area, including the Royal Foresters, this would lead to strain on trading potential on the Royal Hunt (if operational).

#### Asset of community value

9.21 The Community Right to Bid was established under the Localism Act 2011. It allows communities and parish councils to nominate buildings or land to the council as being of community value. A building or other land is an Asset of Community Value if its main use has recently been, or is currently used, to further social wellbeing and interests of the local community, and could continue to do so in the future.

9.22 The Royal Hunt was listed as an Asset of Community Value (ACV) in November 2017 after being nominated by the Campaign for Real Ale - CAMRA. However, the premises was subsequently de-listed on 19 March 2018 following an internal review. A further nomination to list the building was made in June 2018; however, this was rejected in July 2018 for failure to satisfy criteria set out in the Localism Act 2011.

9.23 As the premises is not listed as an ACV, this is not currently a material planning consideration to the determination of this revised application. Notwithstanding this, the LPA sought independent advice on the loss of the public house as a community facility at the time of assessing previous application 17/00672/FUL and it was concluded that the loss of the facility was not unacceptable.

### iii. Residential amenity

#### 188A to 196 New Road

9.24 The northern elevation of the building would be set a minimum of 25m from the front elevations of dwellings to the north/north-east of the site at nos. 188A to 196 New Road. This front elevation facing New Road would be part two storey, part two and a half storeys high with 2no. dormer windows proposed on the northern roof slope. There would be sufficient separation distance between the front elevation of the proposed building and the front elevations of nos. 188A to 196 New Road to ensure that no adverse overlooking or loss of privacy would result. There would be a 25m separation distance between the northern elevation of the proposed building and existing dwellings at no. 188A to 196 with the highway as an intervening feature between. The proposed building would therefore not appear overbearing, nor would it result in loss of daylight or overshadowing to the occupiers of nos. 188A to 196 New Road.

#### 6 King Edwards Road

9.25 The proposed building would be set 13.4m from the boundary with no. 6 King Edwards Road with a 14.2m separation distance to the flank wall of no. 6 at the closest point. In view of these separation distances and the siting and layout of the building as proposed, it would not appear unduly overbearing to the occupiers of no. 6. There are ground and first floor windows proposed in the southern elevation of the building facing the flank wall of no. 6 at the closest point, including a Juliet Balcony. However, given there are no windows in the flank wall of no. 6 at first floor level facing the application site and there would be some 14m separation distance between the flank wall of no. 6 and the proposed building at the closest point, no adverse level of overlooking would result to no. 6.

9.26 The furthest staggered rear elevation of the building would be set 25m from the boundary with no. 6 and the first floor windows proposed on this section of the building would not result in undue overlooking to the rear garden of no. 6. The side (western) elevation of the building would comprise ground and first floor windows with 2no. dormers and 2no. rooflights proposed on the roof slope. These windows would be set 13.4m from the boundary with no. 6 at the closest point and given the positioning of the windows relative to the rear garden of no. 6, would have oblique views over the rear garden and would not result in an adverse level of overlooking or loss of privacy.

9.27 The proposed parking spaces would be set approximately 12m from the boundary with no. 6 at the closest point. In view of this separation distance, this would not result in adverse noise and disturbance to no. 6. The vehicular movements associated with a residential use compared to the former public house would be significantly reduced. The area of land abutting the boundary with no. 6 was formerly utilised as a beer garden when the public house was operational. A communal garden is proposed along the boundary with no. 6 which would be beneficial to the residential amenities of no. 6 when compared to the former use of the land as a beer garden.

#### Drummond Court

9.28 The proposed building would be set out in an L-shaped formation in the site. There would be a 12.4m separation distance between the proposed building and the flank wall of Drummond Court (the flatted development at 1-7) at the closest point, increasing to a separation distance of 19.2m. 5no. Windows (2 of which are dormers), 2no. rooflights and a door are proposed in the side elevation of the building which will be set 19.2m from Drummond Court. At ground floor level, a door is proposed serving an entrance hall and a window serving a bathroom which would be obscure glazed; at first floor level, 2no windows are proposed - 1 serving a lobby and 1 serving a bathroom which would be obscure glazed and at second floor level, there are 2no. dormer windows - 1 which would serve a bedroom and 1 a bathroom which would be obscure glazed and 2no. rooflights serving a landing and

hallway. Given the positioning of these windows relative to Drummond Court, the side to side relationship between the existing building at Drummond Court and the proposed building, and the separation distance of 19.2m between the flank wall of the proposed building and the flank wall of Drummond Court at the closest point, no unacceptable level of overlooking or loss of privacy would result to the occupiers of Drummond Court.

9.29 Due to the siting of the proposed building and separation distances between the proposed building and Drummond Court, there would be no adverse loss of daylight or overbearing impact to the occupiers of Drummond Court.

9.30 Part of the communal parking area would be sited close to the boundary with Drummond Court, providing 4no. parking spaces. This would not result in undue noise and disturbance to occupiers of Drummond Court and details of boundary treatment and landscaping will be secured by condition to provide screening to the parking spaces.

9.31 There is a pair of semi-detached dwellings to the rear of the flatted development at nos. 1-7 Drummond Court - nos. 8 and 9 Drummond Court along with a detached double garage serving these dwellings. The proposed building would be set some 35m from nos. 8 and 9 Drummond Court at the closest point. In view of these separation distances, the proposed development would not result in loss of daylight or overlooking, or appear overbearing to the occupiers of nos. 8 and 9 Drummond Court.

9.32 The proposed building would be set approximately 12m from the church/church hall to the east of the site, with the highway as an intervening feature between. The proposed flatted development would follow similar building lines to that of the church hall. Given the church/hall is not in residential use and the separation distances between the buildings, no adverse impacts would result to users of the church/hall.

#### Future occupiers of proposed flats

9.33 In relation to the residential amenities of future occupiers of the proposed dwellings, each unit would have windows serving habitable rooms, the provision of on-site parking and cycle storage, along with communal amenity areas.

9.34 Previous applications for the residential redevelopment of the site have not included reasons for refusal on impact to residential amenities of surrounding dwellings. As such, the proposal would not be considered to have such an adverse effect on the residential amenities of neighbouring properties and acceptable living standards would be provided for future occupiers of the proposed flats, in accordance with Saved Policy EN20 of the BFBLP and the NPPF.

#### **iv. Impact on character and appearance of surrounding area**

9.35 The Council adopted the Design SPD in March 2017 which seeks to secure good design and high quality development. The Design SPD sets out a number of recommendations that are relevant to the proposed development. Of particular relevance are the following recommendations:

- The form of new buildings, including roofs, should relate well to those found in the local context;
- Frontages should relate to the context of the area, in particular the relationships between existing building lines, set backs, landscaping and the continuity of the frontage;
- Buildings on corners should respond to their position and should have two front elevations. Apartments should be placed on plots where a good balance between built form, parking and useable amenity space can be achieved.

9.36 The site lies in a predominantly residential area with a mix of housing ages, types and styles. To the north are two storey semi-detached dwellings of traditional appearance with hipped roofs; immediately to the west lies Drummond Court, a 2.5 storey high flatted development comprising hipped roofs, gables and dormer windows; and to the south on King Edwards Road are a mix of bungalows, chalet bungalows and two storey dwellings. Therefore, whilst the area is residential in character, there is no predominant pattern of development or housing style in the local area.

9.37 A flatted development is proposed on site that would be 2.5 storeys high, containing 8no. residential units following demolition of the existing public house and ancillary outbuilding. The existing building is neither listed, nor locally listed. The density of the development would be similar to the density of development on the adjoining site at Drummond Court and would be considered an efficient use of land, promoted by the NPPF, on a previously developed site located in the settlement boundary, with a net gain of 8no. 1 bed units.

9.38 Drummond Court to the west is 2.5 storeys high and the development as proposed would also be 2.5 storeys high with rooms in the roofspace. The proposed development would be lower in height than the adjoining development to the west when viewed from New Road and would therefore relate well to surrounding built form. Further, the staggered roofline of the building as proposed, roof form, gable features and dormers, along with a brick and render finish, would reduce the bulk and massing of the building when viewed in the street scene.

9.39 There would be some 12m separation distance between the flank wall of the flatted development and the flank wall of Drummond Court to the west, where the northern elevation of the building facing New Road has been reduced in length following the removal of one of the residential units originally proposed. The single storey bin and cycle store would be set close to the boundary with Drummond Court. Given the separation distances between the flank wall of the proposed flatted development and Drummond Court, with the single storey building forming bin/cycle store between, there would be good visual and physical separation between the buildings, along with opening up views into the site, particularly towards prominent protected Oak tree located in the south-western corner of the site.

9.40 The proposed building facing onto New Road would project beyond the building line of the adjoining building at Drummond Court but would not project beyond the building line of the Church/hall opposite the site also facing onto New Road. The building frontage facing onto King Edwards Road would project beyond the building line of the dwellings at nos. 6 and 8 King Edwards Road. However, the proposed building would be sited in a similar position to that of the church/hall opposite the site. The proposed building, along with the bin and cycle store, parking court and communal amenity area would not represent overdevelopment of the site, with sufficient space for soft landscaping around the northern and eastern elevations of the building addressing the roads, and within the communal amenity area. The proposed layout would not be dissimilar to that at Drummond Court. As such, the siting and layout of the building would be acceptable when viewed in the context of the surrounding area.

9.41 The proposed building would be dual frontage with the northern and eastern elevations addressing New Road and King Edwards Road, with the addition of projecting gables and windows overlooking both roads, creating a well-designed, active street frontage in accordance with the Council's Design SPD (2017).



9.42 The design of the building would replicate that of the flatted development to the north-west of the site at Drummond Court in relation to a similar roof design comprising hips, gables and dormer windows and materials comprising a mix of render and brick. Architectural detailing would include soldier courses above windows and doors and brick stringcourse to add design interest to the building.

9.43 A flat roofed bin store is proposed facing onto New Road, with a cycle store located to the rear. The bin store would project beyond the front elevation of the proposed flatted development by approximately 1m, however, due to its size and design, with a flat roof, it would not appear unduly prominent in the streetscene. There is an existing flat roofed outbuilding which is larger in size than the bin store proposed which is sited on the corner of New Road/King Edwards Road closer to New Road than that of the proposed bin store. The bin store would also not project beyond the building line of the Church to the east.

9.44 Soft landscaping is proposed to the front of the building facing onto both New Road and King Edwards Road, including boundary planting which would help soften the built form on its frontages. The proposed parking area would be sited to the side and rear of the building so it

would not appear readily visible in the street scene. Railings are proposed to enclose the land to the front and side of the building along with planting, which would be acceptable, seen elsewhere in the streetscene. Full details of landscaping and means of enclosure will be secured by planning conditions.

9.45 Previous applications for the residential redevelopment of the site have not included reasons for refusal on design/impact on character of the area. As such, the proposal would not harm the character and appearance of the surrounding area and would be in accordance with Saved Policy EN20 of the BFBLP, Policy CS7 of CSDPD, the Design SPD and the NPPF.

## **v. Transport**

### **Access**

9.46 Access for vehicles is proposed within a 20mph section of New Road, which changes to 30 mph to the east, close to the junction with King Edwards Road. Visibility splays of 2.4 x 25m (Manual for Streets 20mph) are shown on the submitted Site Layout plan, though greater than this is available to the right, with at least 2.4 x 43m (Manual for Streets 30mph) into the 30 mph speed limit area.

9.47 The proposed access location should not conflict with the adjacent bus stop to the north-west. 2m x 2m visibility splays to the back of the footway appear to be available to either side of the car park egress and these should be secured via planning condition.

9.48 A 4.8m wide access road into the site is proposed, alongside a footway area around the bin and cycle store to the north-west. There is a solid wall to the south-eastern edge of the access road, though there are no windows or other openings proposed within it which would conflict with the highway operation

9.49 A separate pedestrian access is proposed onto King Edwards Road to the south-east.

9.50 There is currently a long dropped kerb along the New Road frontage. The applicant will need to enter into a S278 legal agreement with the Highway Authority to create the new access and reinstate full-height footway in areas where dropped-kerb is no longer needed. There may also be a requirement to extend the double-yellow lines on the site frontage through amendment to the Traffic Regulation Order, to reduce the likelihood of vehicles parking in the visibility splay to the right of the access.

### **Car Parking**

9.51 9no. parking spaces are to be provided within a communal car park, which would provide 8no. residents parking spaces to comply with the Council's Parking Standards SPD (March 2016) for 8no. one bed flats; plus one visitor parking space. The Parking Standards SPD states that 1 visitor space should be provided per 5 units (over 5 units) which would be provided on site.

9.52 The proposed parking spaces will be 2.4m by 4.8m with 6m of aisle space which complies with the current standards and nib beyond space 6 is provided to ease movement into and out of this end space. A transfer area to the proposed disabled space (numbered 10) is shown, compliant with Annex B of the Parking Standards SPD.

### **Cycle Parking**

9.53 The proposed cycle store can accommodate 8 cycles, as required by the Parking Standards SPD. However, having the door on the end of the cycle store may make access

difficult. It is recommended that a sliding door is used on the south-western elevation instead, facing the car park. This can be secured by condition.

#### Refuse Collection

9.54 A bin store is proposed fronting New Road and refuse collection would be undertaken from New Road. The Council's Waste and Recycling Team have confirmed that the bin store is of sufficient size to serve the development.

#### Trips

9.55 The previous use of The Royal Hunt as a pub could have generated in the region of 200 trips per day based on survey data from similarly-sized pubs. The proposal for 8no. 1 bed flats would generate significantly fewer vehicular movements when compared to the former use of the building as a public house.

#### 9.56 Construction Management

The development site is in a very sensitive location for pedestrian movements and parking associated with Ascot Heath Infant and Junior School.

9.57 Construction deliveries should not be undertaken during the defined Traffic Sensitive time periods for New Road; currently defined as 0700 to 0930 hours and 1430 to 1900 hours daily. A Construction Management Plan is recommended to be secured by condition.

9.58 Previous applications for the residential redevelopment of the site have not included reasons for refusal on highway grounds. Subject to the imposition of conditions, the proposal is considered to be in accordance with CS23 of the CSDPD, Saved Policy M9 of the BFBLP, the Parking Standards SPD and the NPPF and would not result in adverse highway safety implications.

### **vi. Trees**

9.59 There are 3no. trees on site which are covered by Tree Preservation Orders (TPOs).

9.60 An Oak (Survey ref: T7) is protected by confirmed Tree Preservation Order 552 (Ref T1).

A Scots Pine (Survey Ref: T5) and Sycamore (Survey Ref: T3) are protected by confirmed Tree Preservation Orders 1192 (Ref T1 & T2).

9.61 These TPOs are significant trees which represent a material planning constraint on this site and need to be retained and fully safeguarded. Based on BS5837 (2012) guidance these trees fall into the following categories:

- Survey T7 Oak – (T1~ TPO 552) and Survey T3 Pine (T5~ TPO 1192) are A1 grade trees.
- Survey T3 Sycamore – (T2~ TPO 1192) is a grade B1 specimen.

9.62 A1 and B1 category specimens are described in the Standard as:

*Trees of high quality with an estimated remaining life expectancy of at least 40 years –  
A1: Trees that are particularly good examples of their species, especially if rare or unusual;  
or those that are essential components of groups or formal or semi-formal arboricultural  
features (e.g. the dominant and/or principal trees within an avenue).*

*B1: Trees that might be included in category A, but are downgraded because of impaired  
condition (e.g. presence of significant though, remediable defects, including unsympathetic*

*past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation*

9.63 The Oak (TPO 552) is a landmark specimen that can be viewed from all major approaches to the site. It makes an extremely prominent and significant contribution to the landscape character and appearance of the area. This quality is further enhanced by the general small number of other mature specimens in the immediate vicinity.

[Officer comment: The importance of T7 is acknowledged by para 4 of the appeal decision dated 14 August 2019 which states: *T7 has been described by the Council as a landmark specimen. It was apparent from inspection that it is considerable in size and readily visible from a variety of different viewpoints. It significantly exceeds the height of the vacant public house that sits before it in the New Road street scene such that a substantial extent of its crown is widely visible. T7 is extremely prominent and makes an important contribution to the character and appearance of the area*].

9.64 The Oak has good overall form and based on the significant amount of new growth being produced within the canopy has continued to progressively adapt to the radical change to its original rooting environment, caused in part by development pressures from the redevelopment of the site to the west at Drummond Court. The tree has a long remaining lifespan and this is heavily reliant on avoiding any further loss, disturbance or other pressures on its remaining rooting environment. The minimum rooting area and natural growing environment of the protected Oak is heavily impaired/pressured on multiple sides by the existing tarmac parking areas within the application site and on the adjacent site to the west located within approximately 5 metres of the trunk.

9.65 Based on its size this tree it requires a minimum RPA of 684sqm. Taking into account the existing constraints, the areas beyond the footprints of existing structures on site, forms the tree's primary/minimum rooting area on which it will very heavily reliant, to sustain its long term health and vigour. Any encroachment into the minimum RPA of the Oak (an area of 684sqm) or changes to the present ground conditions in this area (regardless of the proposed design) potentially has significant implications for its health and retention.

9.66 In relation to the 2 other TPO trees on site:

- T5 - Semi mature Scots Pine is a healthy, well-formed tree with prominent views from outside the site. The tree has significant future growth potential and has a remaining life expectancy of well in excess of 40 years. This is considered to be an important long-term feature on this site. Any development needs to make allowance for its ultimate size.

- T3 –Sycamore (T2~TPO 1192) is a healthy semi mature specimen which divides into 3 main stems. Based on its prominent location on the boundary, contribution to the street scene and perfectly sustainable and manageable form, this remains an important feature to retain and safeguard.

9.67 The scheme has been amended during the course of the application, and the proposed layout now respects the minimum root protection area around the TPO trees on site, particularly the mature Oak.

9.68 The reduction in the number of residential units on site and alterations to the parking court to serve the development are now located outside the minimum RPA of the Oak.

9.69 A knee rail fence is proposed between the parking court and the adjoining soft landscaping to prevent use for overspill parking. Additional tree planting can be provided within the communal amenity area to the rear of the building/parking court. There is also scope for new hedge planting along the northern and eastern boundaries.

9.70 In summary, the amendments to the scheme submitted during the course of this application, with the reduction in the number of residential units proposed and changes to the parking area to ensure that all hard surfacing would be located outside of the minimum RPA of the protected Oak tree, overcome the main reason for refusal of application 18/00552/FUL and the subsequent dismissed appeal. Subject to the imposition of conditions, including details of tree protection, hard and soft landscaping and details of service layout, the proposed development, as amended, would not result in adverse impacts to protected trees which make an important contribution to the landscape character and appearance of the area. As such, the proposal would be in accordance with Saved Policies EN1 and EN20 of the BFBLP, CS7 of the CSDPD and the NPPF.

## **vii. Biodiversity**

9.71 The application is accompanied by the findings of an Ecological Impact Assessment (ACD Environmental; November 2019). This was originally undertaken in April 2017 and updated in November 2019. The updated survey confirmed conditions on site largely remain the same.

9.72 The Assessment sets out the findings of a Phase 1 habitat survey, preliminary bat roost assessment and bat emergence survey. The Assessment takes into account the findings of a search of data held by the Thames Valley Environmental Records Centre (TVERC).

9.73 The survey has shown that the site comprises the former public house, outbuilding and surrounding hardstanding with areas of improved grassland, introduced shrubs and scattered mature trees on the boundaries. The preliminary roost assessment found no evidence of bats within any of the buildings. The former pub (Building 1) and one outbuilding (Building 2) had features of low bat roost potential. The trees were considered to be of negligible bat roost potential. Emergence survey covering Buildings 1 & 2 recorded no evidence of the presence of bats. The site is not designated for its wildlife interest and considered to be of negligible value for protected and notable species.

9.74 The report sets out precautionary measures for bats during demolition and measures to avoid nesting birds during vegetation clearance. Opportunities to minimise the ecological impact of development e.g. use of sensitive lighting and allowing wildlife e.g. hedgehogs free movement are set out. Measures to enhance the ecological value are proposed including the provision of integral bat boxes, use of native planting, provision of bird and hedgehog boxes.

9.75 The Ecological Impact Assessment has been completed in accordance with good practice guidance by appropriately qualified ecologists and the conclusions that the proposals are unlikely to have any impact on habitats and species of conservation importance are considered to be appropriate. The report makes recommendations for measures to protect and enhance the ecological value of the site. These matters can be dealt with by condition, including biodiversity enhancements and no site clearance (including demolition) during the bird nesting season.

9.76 Subject to the imposition of conditions, the proposal would not adversely impact upon biodiversity and would be in accordance with Policies CS1 and CS7 of the CSDPD and the NPPF.

### **viii. Thames Basin Heath SPA**

9.77 The Council, in consultation with Natural England, has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath Special Protection Area (TBH SPA) along with any larger developments comprising over 50 net new dwellings within the 5 - 7km zone is likely to have a significant effect on the integrity of the TBH SPA, either alone or in-combination with other plans or projects. An Appropriate Assessment has been carried out for this proposed development in accordance with Conservation of Habitats and Species 2017 (as amended).

9.78 This site is located approximately 4.3km from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

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

9.80 In this instance, the development would result in a net increase of 8 x 1-bedroom dwellings replacing a single 3-bedroom dwelling within the 400m – 5km TBH SPA buffer zone which results in a total SANG contribution of £29,112.

9.81 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) of £2,481 which is also calculated on a per bedroom basis.

9.82 The total SPA related financial contribution for this proposal is £31,593. The applicant must agree to enter into a S106 agreement to secure this contribution and a restriction on the occupation of each dwelling until the Council has confirmed that open space enhancement works to a SANG is completed. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would overcome the holding reason for refusal of previously refused application, 18/00552/FUL.

### **ix. Community Infrastructure Levy (CIL)**

9.83 Bracknell Forest Council commenced charging for its Community Infrastructure Levy (CIL) on 6th April 2015.

9.84 CIL applies to any new build (except outline applications and some reserved matters applications) including those that involves the creation of additional dwellings. CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the borough and the type of development.

9.85 The application site lies within the zone of the Northern Parishes.

**x. Energy sustainability**

9.86 Policy CS10 of the CSDPD requires the submission of a Sustainability Statement in relation to water usage (average water use of 110 litre/person/day). A planning condition is recommended to secure the submission of a Sustainability Statement to satisfy the requirements of Policy CS10 of the CSDPD.

9.87 Policy CS12 requires at least 20% of energy requirements for 5 or more net additional dwellings to be generated from on-site renewables, as well as a reduction in carbon emissions of at least 10% through the submission of an Energy Demand Assessment. A planning condition is recommended to secure the submission of an Energy Demand Assessment to satisfy the requirements of Policy CS12 of the CSDPD.

**xi. Drainage/SuDS**

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

**10. CONCLUSION**

10.1 The proposed development relates to a site within the settlement boundary and is therefore acceptable in principle.

10.2 The reduction in the number of residential units proposed and subsequent changes to the proposed parking area to ensure that all hard surfacing would be located outside of the minimum RPA of the protected Oak tree, overcome the main reason for refusal of application 18/00552/FUL and the subsequent dismissed appeal. As such, the proposal would not adversely impact upon protected trees which make an important contribution to the landscape character and appearance of the area.

10.3 The loss of the public house is not unacceptable as it has been demonstrated that there are "exceptional circumstances" to justify its removal.

10.4 The proposal would not adversely affect the residential amenities of neighbouring occupiers and acceptable living conditions would be provided for future occupiers of the proposed flats. The proposal would also not adversely impact upon the character and appearance of the surrounding area.

10.5 No adverse highway safety implications would result, with sufficient on-site parking provision, cycle and bin storage. Conditions are recommended in relation to biodiversity and energy sustainability.

10.6 A legal agreement is required to secure contributions for SPA mitigation and highway requirements.

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

## 11. RECOMMENDATION

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

- i. Measures to avoid and mitigate the impact of residential development upon the Thames Basins Heath SPA
- ii. (a) ensure a Highways Act S278 agreement is entered into for:
  - (i) the vehicular access formation onto New Road, including reinstatement of sections of dropped-kerb which are no longer required back to full-height kerb;
  - (ii) the pedestrian access formation onto King Edwards Road; and
- (b) for the applicant to pay legal costs associated with reviewing and advertising amendment of the parking restrictions Traffic Regulation Order, to extend double yellow line provision across the site frontage onto New Road, and paying the costs of implementing the revised Traffic Regulation Order subject to this being successful.

the Assistant Director: Planning be authorised to **APPROVE** the application subject to the following conditions amended, added to or deleted as the Assistant: Director: Planning considers necessary:

1. 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.

2. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority:

Drawing no. 17-J1703-201 Rev D received 1 July 2021

Drawing no. 17-J1703-202 Rev A received 9 February 2021

Drawing no. 17-J1703-203 Rev B received 24 May 2021

Drawing no. 17-J1703-204 Rev B received 24 May 2021

Drawing no. 17-J1703-209 received 9 February 2021

Drawing no. 17-J1703-210 received 9 February 2021

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

3. The development hereby permitted shall not be begun until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

[Relevant Policies: BFBLP EN20, CSDPD CS7]

4. The development hereby permitted shall not be begun until details showing the slab level and finished floor levels of the building in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved drawing.

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

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

5. The windows shown on the approved drawings as having obscured glazing shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent) to a height of 1.7m from floor level. The windows shall at all times be fixed shut to a height of 1.7m from floor level.

REASON: To prevent the overlooking of neighbouring properties.  
[Relevant Policies: BFBLP EN20]

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no additional windows, similar openings or enlargement thereof shall be constructed in the southern and western elevations (side and rear elevations) of the building hereby permitted except for any which may be shown on the approved drawings.

REASON: To prevent the overlooking of neighbouring properties.  
[Relevant Policies: BFBLP EN20]

7. The development hereby permitted shall not be begun until comprehensive details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These 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) Paving including paths, patios, proposed materials and construction methods, parking courts, etc.
- d) Location, site specific design (including foundation requirements), and implementation method statement for permanent low barriers to prevent vehicle parking access onto retained soft landscaping areas forming part of the Root Protection areas of protected trees affecting the site.

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, or as may otherwise be agreed in writing by the Local Planning Authority. 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 BS 8545:2014 - Trees: from nursery to independence in the landscape - Recommendations or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well-formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved. The areas shown for soft landscaping purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose

REASON: In the interests of the visual amenities of the area.  
[Relevant Plans and Policies: BFBLP EN20, CSDPD CS7]

8. The development hereby permitted shall not be occupied until details of boundary treatments have been submitted to and approved in writing by the Local Planning Authority. All boundary treatments should provide for the free movement of wildlife to and from the site. The approved scheme shall be implemented in full before the occupation of any of the flats approved in this permission.

REASON: In the interests of the visual amenities of the area and in the interests of biodiversity.

[Relevant Plans and Policies: BFBLP EN20, CSDPD CS1, CS7]

9. The development hereby permitted shall not be begun until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day, has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the Sustainability Statement, as approved, and retained as such thereafter.

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

[Relevant Policy: CSDPD CS10]

10. The development hereby permitted shall not be begun until an Energy Demand Assessment demonstrating that:

(a) the proposed development will reduce carbon dioxide emissions by at least 10% against the appropriate Target Emission Rate as set out in Part L of the Building Regulations (2006), and

(b) a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 20%)

has been submitted to and approved in writing by the Local Planning Authority. The building shall thereafter be constructed in accordance with the approved assessment and retained as such thereafter.

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

[Relevant Plans and Policies: CSDPD CS12]

11. The development hereby permitted shall not be occupied until the existing access to the site from New Road is closed and the footway/verge is reinstated in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The reinstatement shall be retained thereafter. The approved scheme shall be implemented in full before the occupation of any of the flats approved in this permission.

REASON: In the interests of highway safety.

[Relevant Policies: CSDPD CS23]

12. The development hereby permitted shall not be occupied until means of access for pedestrians onto New Road and onto King Edwards Road have been submitted to and approved in writing by the Local Planning Authority. The accesses shall thereafter be constructed in accordance with the approved plans. The approved scheme shall be implemented in full before the occupation of any of the flats approved in this permission.

REASON: In the interests of accessibility and to facilitate access by pedestrians.

[Relevant Policies: BFBLP M6, CSDPD CS23]

13. The development hereby permitted shall not be occupied until the proposed vehicular access has been formed onto New Road in accordance with the approved plans and provided with visibility splays of at least 2.4m x 25m in each direction with the detailed access design and visibility splays to be submitted to and approved in writing by the Local Planning Authority. Thereafter the land within the visibility splays shall be cleared of any obstruction exceeding 0.6 metres in height measured from the surface of the adjacent carriageway and maintained clear if any obstruction exceeding 0.6 metres in height at all times.

REASON: In the interests of highway safety.

[Relevant Policies: CSDPD CS23]

14. The development hereby permitted shall not be occupied until visibility splays of 2.0 metres by 2.0 metres have been provided at the junction of the access and the adjacent footway. The dimensions shall be measured along the edge of the access and the back of the footway from their point of intersection. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the carriageway.

REASON: In the interests of highway safety.

[Relevant Policies: CSDPD CS23]

15. The development hereby permitted shall not be occupied until the associated vehicle parking and turning space for 9 vehicles has been surfaced with a bound or bonded material and marked out in accordance with the approved plans. The spaces shall thereafter be kept available for parking and turning at all times.

REASON: To ensure that the development is provided with adequate car parking to prevent the

likelihood of on-street car parking which would be a danger to other road users.

[Relevant Policies: BFBLP M9, CSDPD CS23]

16. The development hereby permitted shall not be occupied until secure and covered cycle parking for 8 cycles has been provided in the location identified 'Cycle Store' on the approved plans within the development. The store shall thereafter be retained. The doors to the cycle store hereby approved shall be on the south-westerly elevation and of a sliding design. Any replacement or repair shall only be with a sliding door.

REASON: In the interests of accessibility of the development to cyclists.

[Relevant Policies: BFBLP M9, CSDPD CS23]

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

REASON: In the interests of highway safety.

[Relevant Policies: CSDPD CS23]

18. The development (including demolition and site clearance) hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:

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

(B) Loading and unloading of plant and vehicles

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

(D) Wheel cleaning facilities

(E) Temporary portacabins and welfare for site operatives

(F) Swept path plans demonstrating that the largest anticipated construction vehicle can arrive in a forward gear, turn around on site and depart in a forward gear onto the adopted highway

(G) crane location (if required)

(H) timing and control of vehicle arrivals and departures, including:

(i) how timing will be controlled to avoid ensure that there is sufficient space on side for construction vehicles to enter the site, turn around and leave the site in a forward gear;

(ii) timing of vehicle arrivals and departures to avoid the defined traffic sensitive time periods on the neighbouring adopted highway network;

(iii) routes of construction vehicles to / from the site and how these will be monitored and controlled.

(iv) details of proposed banksman arrangements, in particular if reversing movements of construction vehicles are anticipated;

(I) visibility splays available at the site access onto New Road during construction; and

(J) details of any temporary traffic management or signage proposed.

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 (J) above.

REASON: In the interests of amenity, trees and road safety.

[Relevant Policies: BFBLP EN1, EN20, CSDPD CS23]

19. The development shall incorporate surface water drainage that is SuDS compliant and in accordance with DEFRA "Sustainable Drainage Systems - Non-statutory technical standards

for sustainable drainage systems" (March 2015). It shall be operated and maintained as such thereafter.

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

[Relevant Policies: CSDPD CS1, BFBLP EN25]

20. The demolition shall not be begun until a scheme for the provision of biodiversity enhancements (not mitigation), 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.

REASON: In the interests of nature conservation

Relevant Plans and Policies: CSDPD CS1, CS7]

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and re-enacting that order, no external lighting shall be installed on the site or affixed to any buildings on the site 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. Under no circumstances should any other external lighting be installed.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

22. 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 in writing by the Local Planning Authority. The approved scheme shall be complied with during construction.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

23. The development hereby permitted shall not be begun until a detailed scheme for the protection of existing trees, hedgerows and groups of mature shrubs to be retained, in accordance with British Standard 5837 (2012) 'Trees In Relation To Construction Recommendations' (or any subsequent revision), has been submitted to and approved in writing by the Local Planning Authority. Protection measures shall be phased as necessary to take into account and provide protection during demolition/site clearance works - all construction works - hard landscaping works. Details shall include an approved development layout plan at a minimum scale of 1:200, showing the following:

- a) Accurate trunk positions and canopy spreads of all existing trees within the site and on adjoining land adjacent to the development within influencing distance of the development.
- b) Positions and spreads of existing hedgerows and groups of mature shrubs.
- c) All proposed tree, hedge or shrub removal. Shown clearly with a broken line.
- d) Proposed location/s of 2m high (minimum) protective barrier/s, supported by a metal scaffold framework, constructed as a minimum in accordance with Section 6 (Figure 2), to include appropriate weatherproof tree protection area signage (such as "Keep Out -

Construction Exclusion Zone") securely fixed to the outside of the protective fencing structure at regular intervals.

- e) Illustration/s of the proposed protective barriers to be erected.
- f) Proposed location/s and illustration/s ground protection measures within the main root protection areas of retained trees, designed as necessary for pedestrian light traffic or heavy plant machinery, as necessary to prevent contamination and ground compaction.
- g) Annotated minimum distances between protective barriers and trunks of retained trees at regular intervals.
- h) All fenced off areas clearly annotated as Tree Protection Areas/Construction Exclusion Zones.
- i) Notes regarding restrictions which apply to Tree Protection Areas/Construction Exclusion Zones.

The development shall be carried out in accordance with the approved details.

REASON: In order to safeguard existing trees and other vegetation considered worthy of retention.

[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

24. The protective fencing and other protection measures specified by condition 23 shall be erected in the locations agreed in writing by the Local Planning Authority prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site (unless agreed otherwise in writing by the Local Planning Authority). Where phased protection measures have been approved, no works shall commence on the next phase of the development until the protective fencing barriers and other protective measures have been repositioned for that phase in full accordance with the approved details. No activity of any description must occur at any time within these areas including but not restricted to the following: -

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

In addition to the protection measures specified above,

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

REASON: In order to safeguard existing trees and other vegetation considered worthy of retention.

[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

25. The development hereby permitted shall not be begun until the following details have been submitted to and approved in writing by the Local Planning Authority:

- (i) details of all proposed alterations to the ground levels within the site within 5 metres of the minimum 'Root Protection Areas' calculated in accordance with BS 5837 (2012) recommendations (or any subsequent revision), for all existing retained trees within the site and on neighbouring land adjacent to the approved development. The details shall include:

- a) Existing and proposed finished levels.
  - b) Any proposed soil level re-grading in relation to existing retained trees, hedges and other vegetation.
  - c) Proposed retaining structures required to address level differences adjacent to retained trees and hedges and other vegetation, and
- (ii) a programme and method of implementation.

The development shall be carried out in accordance with the approved details.

REASON: In order to safeguard existing trees and other vegetation considered worthy of retention.

[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

26. The development hereby permitted shall not be begun until a site specific method statement for the removal of all existing hard surfaced areas and/or structures of any other description, located within the minimum Root Protection Areas (RPA's) of trees to be retained, has been submitted to and approved in writing by the Local Planning Authority.

Details shall include: -

- a) A site plan at a minimum scale of 1:200, identifying all areas where such work is to be undertaken.
- b) Reinstatement to soft landscape area including proposed ground de-compaction works.
- c) Timing and phasing of works.

The development shall be carried out in accordance with the approved details.

REASON: In order to safeguard tree roots and thereby safeguard existing trees.

[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

27. The development hereby permitted shall not be begun until:

(i) a site layout plan at a minimum scale of 1:200 showing the proposed layout of all underground services and external lighting and

(ii) a programme for the phasing and timing of works

have been submitted to and approved in writing by the Local Planning Authority. Details of the site layout plan shall include: -

- a) Accurate trunk positions and canopy spreads of all retained trees/hedgerows and mature groups of shrubs.
- b) Surface water/ foul drainage and associated inspection chambers (existing reused and new)
- c) Soak-aways (where applicable)
- d) Gas, electricity, telecom and cable television.
- e) Lighting columns and all associated ducting for power supply.
- f) Phasing and timing of works.

The development shall be carried out in accordance with the approved details.

REASON: In order to safeguard tree roots and thereby safeguard existing trees and other vegetation considered worthy of retention.

[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

28. The development hereby permitted shall not be begun until a detailed site specific programme of supervision/monitoring for all arboricultural protection measures has been submitted to and approved in writing by the Local Planning Authority. Details shall include: -

- a) Induction and personnel awareness of arboricultural matters.
- b) Identification of individual responsibilities and key personnel.
- c) Statement of delegated powers.
- d) Timing and methods of site visiting and record keeping. To include routine site visits at maximum 4 week intervals
- e) Procedures for dealing with variations and incidents.

The programme of arboricultural monitoring shall be undertaken in full compliance with the approved details. No variation of the approved monitoring program shall take place without

the prior written agreement of the Local Planning Authority. A copy of the signed inspection report shall be sent to the Local Planning Authority following each visit.

REASON: In order to safeguard trees and other vegetation considered to be worthy of retention.

[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

**In the event of the S106 agreement not being completed by 29<sup>th</sup> October 2021, the Assistant Director: Planning be authorised to either extend the period further or refuse the application on the grounds of:**

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 Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017 (as amended), Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and the Thames Basin Heaths Special Protection Area Supplementary Planning Document (2018).

### Informatives

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

3. Materials

4. Slab level/finished floor level

7. Landscaping

9. Sustainability Statement

10. Energy demand assessment

18. Site organisation

20. Biodiversity enhancements

23. Tree protection

25. Ground levels

26. site specific method statement for the removal of all existing hard surfaced areas and/or structures within RPAs

27. Services

28. Programme of supervision/monitoring for all arboricultural protection measures

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

8. Boundary treatment

11. Closure of existing access

12. Pedestrian access

13. Visibility splays

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

1. Time limit

2. Approved plans
5. Obscure glazing
6. Restrictions on additional windows
14. Visibility splays
15. Parking
16. Cycle store
17. Restrictions on gates
19. SUDS
21. No external lighting (unless proposed then details need to be submitted to the LPA)
22. No clearance during bird nesting season (Unless proposed then details need to be submitted to the LPA)
24. Tree protection

3. The Highways and Transport Section should be contacted at Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 352000 or via email at [Highways.Transport@bracknellforest.gov.uk](mailto:Highways.Transport@bracknellforest.gov.uk), to agree a Section 278 agreement in relation to the vehicular and pedestrian access construction and reinstatement details and any off-site highway works. Permission must be granted by the Highway Authority through S278 of the Highways Act before any work is carried out within the highway. A formal application should be made allowing at least 12 weeks prior to when works are required to allow for processing of the application, agreement of the details and securing the appropriate agreements and licences to undertake the work. Any work carried out on the public highway without proper consent from the Highway Authority could be subject to prosecution and fines related to the extent of work carried out

4. This planning permission contains certain conditions that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to any development activity taking place on site (including any initial clearance works). Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice. If the conditions have not been subsequently satisfactorily discharged within the time allowed to implement the permission then the development will remain unauthorised. This may be highlighted in any subsequent search carried out on the property/ properties.

5. Trees on and adjacent to this site are protected by Tree Preservation Orders. In simple terms, detailed written consent must be therefore obtained from the Council's Tree Section before undertaking any form of work to such trees (including any work affecting their root systems), unless detailed works to such trees have been specifically approved in writing as a part of this planning permission. Any pruning or removal of trees without the necessary consent or any damage arising from non-compliance with other conditions of this permission or otherwise may be liable to prosecution by the Council. This may be in addition to any enforcement action deemed appropriate for non-compliance with relevant planning conditions. Property owners, developers and/ or any other relevant persons are therefore advised to take appropriate measures to ensure that all persons responsible for overseeing works approved under this permission are suitably briefed on this matter.

Doc. Ref: Uniform 7/DC/Agenda

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