

Unrestricted Report

ITEM NO: 06

Application No.
21/00460/FUL
Site Address:

Ward:
Binfield With Warfield

Date Registered:
4 May 2021

Target Decision Date:
3 August 2021

Fines Bayliwick House Hotel London Road Binfield Bracknell Berkshire RG42 4AB

Proposal: **Proposed conversion, extension and alteration of existing hotel to provide 11 no. 2 bed apartments.**

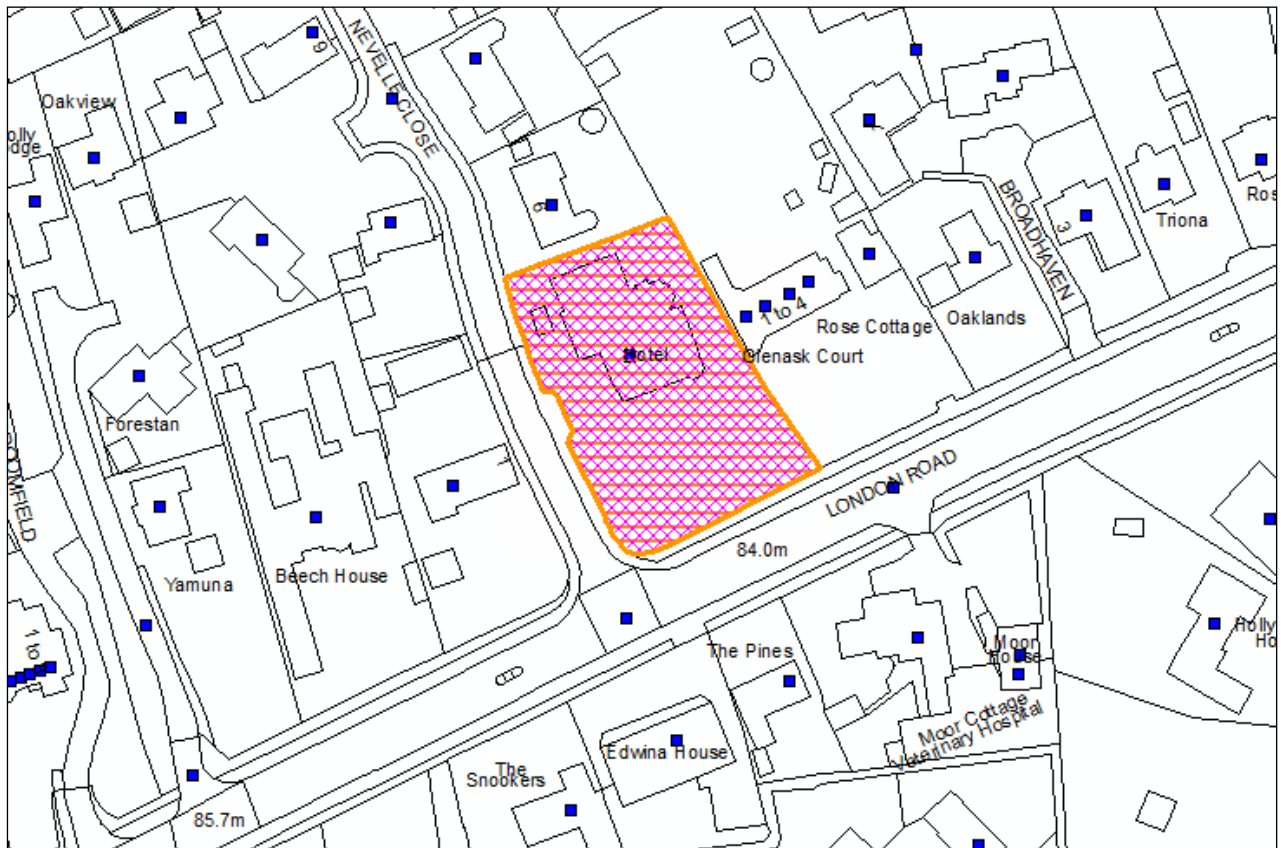
Applicant: Mr Nath

Agent: Mr Alistair Lloyd

Case Officer: Margaret McEvit, 01344 352000

Development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

1.1 This full application seeks the conversion of the existing hotel to residential use and the erection of extensions to provide 11no. two bed apartments together with the provision of 25 parking spaces, bin store and cycle store. The site is within the settlement area, within an Area of Special Housing Character and lies within the Binfield and Popeswood Study Area (Area C, Popeswood South) as defined within the Character Area Assessments Supplementary Planning Document.

1.2 Trees on the site are protected by Tree Preservation Orders 198 and 745. It is considered that the proposed development would have an adverse impact on trees that make an important contribution to the landscape character and appearance of the area.

1.3 The proposal results in a net increase in new dwellings within 400m - 5km of the SPA and therefore will need to secure the identified SPA Mitigation through a S106 Legal Agreement.

1.4 The development is also CIL Liable.

RECOMMENDATION

The Assistant Director Planning be recommended to refuse permission for reasons set out in Section 11 of this report
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2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application has been reported to the Advisory Planning Committee at the request of Cllr. Harrison.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Land within the settlement area.

3.1 Fines Bayliwick House is a guest house within an Area of Special Housing Character the subject of Policy H4 of the Bracknell Forest Borough Local Plan (BFBLP) and lies within the Binfield and Popeswood Study Area (Area C, Popeswood South) as defined within the Character Area Assessments Supplementary Planning Document. Trees within the site are protected by Tree Preservation Orders TPO 198 and 745.

3.2 The site is located off the north side of London Road on the corner with Nevelle Close. London Road is a classified road and Nevelle Close is a private cul de sac. The pedestrian and vehicular access is off Nevelle Close. The area is primarily residential, with residential units in all four directions, including common boundaries with 6 Nevelle Close and the apartments at Glenask Court. The property at the site was also originally a family dwelling house which received planning permission for conversion to a guest house. There is also a Veterinary Practice on the opposite side of London Road.

3.3 Planning permission was allowed on appeal in 2019 for the erection of a residential care home at the site of Holly Cottage on the south of London Road opposite the junction with Nevelle Close.

3.4 There is a belt of thick, high hedging on the northern boundary of the site which screens it from the newer residential dwellings beyond in Nevelle Close.

3.5 The site is located within an Area of Special Housing Character (BFBLP Policy H4).

4. RELEVANT SITE HISTORY

App. Ref. 613005

Change of use from private dwelling to an 8 bed guest house.

Approved, 1988

App. Ref. 615626

Two storey side extension owners flat in roof relaxation of cond. 2 of 613005, enlarge car park.

Approved, 1989

App. Ref. 617097

Erection of conservatory for use as a breakfast room for guests.

Approved, 1991

App. Ref. 08/00919/FUL

Section 73 application to vary condition 2 of planning permission 613005 (this states that the premises shall be used only as a guest house. Any ancillary facilities provided shall ensure only for the benefit of the resident guests and shall not be used for any public function or entertainment). Formation of five additional parking spaces.

Refused, 2008

Appeal Dismissed

App. Ref. 10/00360/FUL

Section 73 application to vary condition 2 of planning permission 613005 (this states that premises shall be used only as a guest house. Any ancillary facilities provided shall ensure only for the benefit of the resident guests and shall not be used for any public function or entertainment) to enable the hotel restaurant to be used by members of the general public and the formation of additional parking spaces.

Refused, 2010

Appeal dismissed

5. THE PROPOSAL

5.1 This full application proposes the conversion, extension and alteration of the existing hotel to provide 11no. 2 bed apartments. The application proposes a two and a half storey side extension and extensions to the roof. No increase to the roof height is proposed. The existing car park will be extended to provide a total of 25 car parking spaces.



6. REPRESENTATIONS RECEIVED

Representations

6.1 Four letters of objection have been received raising the following planning considerations:

- concerns that overspill parking would take place in Nevelle Close, a private road with covenants preventing obstruction of driveways and footways in Nevelle Close.
- vehicular access could be secured from London Road to allow Nevelle Close to enforce its own parking restrictions on the private road.
- flat 4 would overlook 1 Nevelle Close. Existing trees between the site and 1 Nevelle Close should remain to maintain privacy.
- the development would increase light pollution in the area.

7. SUMMARY OF CONSULTATION RESPONSES

Tree officer

7.1. Objects to the proposed development on the grounds that the parking layout, bin and cycle storage and relationship to the existing trees along London Road and Nevelle Close will result in unjustified further encroachment into already heavily pressured rooting areas and will adversely affect the future health of protected trees.

The proposed layout will not retain sufficient sustainable planting space for the replacement TPO Beech, which is a statutory requirement on this site.

Highways officer

7.2 Advises that two of the parking spaces are very close to a balcony and to the proposed bin store. No objection on the grounds of access or traffic impact have been made.

Biodiversity Officer

7.3 No objection subject to conditions.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

8.1 The primary strategic planning considerations applying to the site and the associated policies are:

	Development Plan	NPPF	Weight to be attributed, with reference to para. 213 of NPPF
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Sustainable development principles	SALP Policy CP1	Para. 11(d) refers to 'policies which <u>are most important for</u> determining the application are out-of-date'. CP1 wording differs to this. Furthermore, the PPG states that there is no need for a policy to directly replicate para. 11.	Limited (policy not used in planning application decision-making)
	CSDPD Policy CS1	Consistent (Paras. 7, 8, 11, 12, & 117 - 119)	Full
Housing	BFBLP "Saved" Policy H4 Areas of Special Housing Character		Full
Design & Character	CSDPD Policy CS7	Consistent (Chapter 12)	Full
	BFBLP 'Saved' Policy EN20	"	Full
Trees & Landscape	CSDPD Policies CS1 & CS7	Consistent (paras. 127 & 170)	Full
	BFBLP 'Saved' Policies EN1, EN2 & EN20	"	Full
Residential Amenity	'Saved' Policies EN20 & EN25 of BFBLP	Consistent (paras. 127, 170 & 180)	Full
Transport	CSDPD Policies C23	Consistent (Chapter 9)	Full
	BFBLP 'Saved' Policy M9	"	Full
Biodiversity	CSDPD Policies CS1 & CS7	Consistent (paras. 170 & 175)	Full
	BFBLP 'Saved' Policies EN1, EN2 & EN20	"	Full

Sustainability of build (Renewable Energy and Water Use)	CSDPD Policies CS10 & 12	Consistent (para. 149)	Full
Supplementary Planning Documents (SPD):			
Parking Standards SPD (2016)			
Other publications:			
National Planning Policy Framework (NPPF) (2019)			
National Planning Policy Guidance (NPPG) (2019)			

9. PLANNING CONSIDERATIONS

9. 1 The key issues for consideration are:

- i Impact on the character and appearance of the area
- ii Tree Issues
- iii Highways Issues
- iv Biodiversity Issues
- v CIL
- vi Thames Basin Heath SPA

i. Impact on the character and appearance of the area.

9.2 The site is within a settlement area where the principle of redevelopment for residential use is acceptable. Any building should maintain the character of the Popeswood Triangle Area by replicating a large dwelling in extensive grounds. Policy H4 of the BFBLP also states that residential development will only be permitted where it will not result in a material loss of trees, other vegetation, natural features and wildlife habitats. Any increase in the footprint of building on the site should not result in the loss of trees protected by TPOs.

9.3 The Character Areas Assessment SPD Binfield Popeswood Study Area includes the site within Area C Popeswood South. This area is characterised by important roadside trees along London Rd and Nevelle Close and streets tend to have a fairly consistent building line and set-backs. Properties are sited in good sized front gardens. It will be important to retain trees along the boundaries with London Road and Nevelle Close which make an important contribution to the character of the area and to maintain reasonable building setbacks along these boundaries to allow for good sized garden areas.

9.4 The conversion of the existing hotel to residential use is considered to be acceptable and in keeping with the character of the area. The site is within a predominantly residential area, where the use of the building as apartments will be appropriate and reflect the original use of the building as a dwelling.

9.5 The existing building is predominantly two and a half storeys in height with a two storey element and two attached single storey conservatories. The proposed extensions would result in a two and a half story building to accommodate 11 apartments. The resulting building will maintain the set back from London Road shared

with other properties on the northern side of London Road and will have the appearance of a large residential property set within a good sized front garden. Trees along the boundary with London Road are shown to be retained.

9.6 The proposed extensions would provide gable features to the building and dormers will be more consistent in design than the current building which gives the impression of having been extended over time in a more piecemeal fashion.

9.7 The extension to the eastern side of the building will bring the building within 1.5-2.6m of the boundary with Glenask Court, an apartment building. Glenask Court is sited a similar distance from this boundary and has one first floor window along the boundary. The proposed plans show that windows will be provided along this boundary, however this is not considered to raise issues of privacy as the Glenask Court boundary is predominantly a blank wall with one small window.

9.8 Concerns have been expressed that the proposed flat 4 would overlook 1 Nevelle Close. However, there is a distance of approximately 24m between the properties, with an intervening road and it is considered that the relationship between the two properties is relatively unchanged over the current position.

9.9 In terms of the effect of the proposal on the character of the area, the proposals are considered to be acceptable. The conversion of the building into apartments is acceptable in this residential area and the extension will give a more cohesive design to the property. The building will not extend further forward towards London Road than nearby properties and the trees along the boundary are shown to be retained.

ii. Tree Issues

9.10 Trees on this site are protected by confirmed Tree Preservation Orders 198 and 745. Tree Service records indicate that a Copper Beech Ref T1 - TPO 745 collapsed in the earlier part of 2020. This was formerly a major constraint in relation to all previous development proposals on this site, specifically applications in 2008 and 2010. Both of these applications were refused at appeal partly for arboricultural reasons due to their impact on this and other trees. The previous appeals included proposals to extend car parking into the area in front of the property.

9.11 The collapse of the Beech was dealt with under the Tree Preservation Order legislation. Under this process, the site owners have a statutory duty to replace the tree. The replacement tree is automatically protected under the legislation and all original restrictions apply.

9.12 Statutory replacement planting for the Beech T1 is particularly relevant in relation to any proposed development on this site. Sufficient space must be retained to allow the planting of this tree and sustain its long-term growth and ultimate average size (which will be in excess of 20-25m in height with a crown spread in excess of 10-11m). As such, whilst the original tree no longer exists, the replacement must be factored in as a material arboricultural constraint based on its future average size.

9.13 The site was the subject of dismissed planning appeals 08/00935/FUL & 10/00360/FUL that included extensive alterations to and loss of the green space in front of the property to accommodate additional parking. This area forms a substantial part of the minimum Root Protection Areas (RPAs) of the existing trees. Impact on these was part of the reason for their dismissal at appeal.

9.14 At the time of the most recent appeal in 2010, photographs submitted to the inspectorate indicated that the area in front of the property was lawned. The extension of car parking into this lawned area was dismissed by both inspectors and the car parking currently taking place in this area does not appear to have the benefit of planning permission. The inspector considering the appeal for planning application 10/00360/FUL stated that:

“11. The Council and the appellant have produced differing assessments of the likely impact of the proposed car parking and manoeuvring arrangements on the health of these trees. In many cases the health of the trees is already compromised to a degree by the proximity of their rooting areas to the hard surfaced roads and pavements or to buildings. It is important therefore that their rooting areas should not be further compromised. I appreciate that the appellant intends to use a porous surface for the car parking and manoeuvring areas and that most of the new parking bays would be outside of the rooting areas where oil and fuel spillages would have less effect. However, I am concerned that the increase in the areas over which vehicles would be parked and would drive and the increase in number of traffic movements could cause root compaction which could be harmful to the trees’ health.”

9.15 Any impact on these areas is therefore relevant and previous appeal decisions are a material planning consideration when determining this current planning application. Since these appeal decisions, some of this previously lawned area has been surfaced for use as an extended parking area consisting of shallow plastic matting infilled with a gravel finish. This covers a significant proportion of the accurate RPAs of existing trees including those protected on site.

9.16 The current treatment of the area described above is considered to be an informal, inappropriate shallow surfacing over an existing soft landscaping area. This is likely to be causing damage in terms of ground compaction in RPAs and should not be viewed as a permanent formal parking area that justifies the construction of new widespread permanent parking over the majority of this area as proposed in this application. This structure can be easily removed to reinstate the original soft landscaping underneath to ensure trees are properly safeguarded and RPAs fully respected. Its presence also does not justify construction of a formal extensive parking area on arboricultural grounds at the expense of causing pressure to and safeguarding RPAs or preventing sustainable replacement tree planting. Works to provide this parking area appear to have been carried out subsequent to the two appeal decisions that considered and dismissed proposals to provide additional car parking within this area.

Submitted Method Statement

9.17 The submitted Method Statement does not contain any comprehensive impact assessment in accordance with BS 5837 guidance. Conclusions regarding development impact are also based on inaccurately represented RPAs and an incomplete survey. Consequently, it is not considered to take adequate account of the existing pressures already being placed on the rooting environment of the protected trees in particular and is considered unrealistic and inconsistent with good arboricultural practice.

9.18 The suggested use of a No Dig structure is not supported by any compelling evidence including a site-specific design. Recommendations consist of generic guidance based on a concept. This does not reliably demonstrate certainty of outcome.

9.19 The Method Statement makes only brief references to the removal of hard standing. This is not considered to constitute a comprehensive method statement and is not specific to the ground conditions in all areas of the site where works would be required so they are considered to constitute generic guidance notes and do not support the specific proposals on this site.

9.20 The proposed Cellular Confinement System (CCS), a no dig installation, is not based on any site-specific engineered design and the Method Statement does not address how ground level differences on site and level changes between structures would be addressed. It constitutes generic guidance and implies that it can be used in any situation to construct within the RPA of trees regardless of the circumstances or the extent of encroachment. If this is being implied, this is not the case. Industry standards (i.e. BS 5837) do not advocate its use in any situation and advises that the default position should be that structures are located outside the RPAs of trees to be retained. However, where there is an overriding justification for construction within the RPA, technical solutions might be available that prevent damage to the trees.

“7.4.1 General

Where permanent hard surfacing within the RPA is considered unavoidable, site-specific and specialist arboricultural and construction design advice should be sought to determine whether it is achievable without significant adverse impact on trees to be retained. NOTE Specialist arboricultural advice includes, for example, advice on the tolerance of a tree species to the installation of a permanent hard surface within the RPA or tolerance of salt damage (see 7.4.2.4)”.

9.21 It is considered that there is no overriding justification and hard surfacing within the RPA is avoidable. Parking to meet parking standards is dictated by the scale of the proposed extension which could reasonably be reduced in size to reduce the parking requirement and therefore the need to accommodate parking spaces within RPAs. The proposed CCS only helps to mitigate impact compared to standard construction methods. It does not avoid it altogether. It should therefore only be used where encroachment has been fully justified.

9.22 The Method Statement also specifies the use of herbicide treatment prior to laying the CCS which is considered to be unnecessary and potentially damaging to rooting area of trees.

Root Protection Areas

9.23 The minimum RPA distributions shown on the submitted Tree Protection Plan are not considered an accurate representation. These do not take sufficient account of existing structures and the effect these are likely to have on natural root growth in certain areas. These are shown as simplistic circles. This implies they are surrounded by entirely natural ground conditions where there are no structures that might influence normal growth. This is not considered to be the case.

9.24 The protected Limes around the boundaries are situated next to boundary walls with the areas beyond being predominantly covered by the adopted footpaths and roads. The footings of the walls will already be limiting natural root growth beyond the site to a certain degree. The adopted roads and footpaths are highly compacted, impermeable structures that are constructed to a significant depth below typical rooting depth to meet adoptable standards. The public footpath along London Rd was widened

relatively recently. This included reducing the width of the already narrow grass verge between the path and boundary wall to just 1.6m. Lighting was also placed with underground ducting along the edge of the widened path within the grass verge. These works will have removed significant root growth in this area.

9.25 Combined with other issues including the anaerobic conditions within and below these structures and the significant heat variations they can generate (which also limits root growth), they represent a significant constraint to the natural rooting environment of the Limes. Root growth beyond the walls and within and underneath them is therefore likely to be substantially reduced or in the case of the road almost non-existent compared to the surrounding more natural rooting environments and shallower structures that exist within the application site. Consequently, these areas cannot reasonably be factored in as a primary rooting area sufficient to sustain normal long-term vitality and vigour. They would also not be sufficient to offset the damage and pressures that will occur by the extension of parking into the undisturbed RPA that remain within the site. The RPAs shown in these areas should be represented as polygons and predominantly offset within the application site where growing conditions are likely to be more conducive. This will extend the RPA further within the application site than shown. The importance of a realistic assessment of the RPA distribution, including allowance for existing constraints is supported by advice in sections 4.6.2 & 4.6.3a of BS 5837 which advises as follows.

“The RPA for each tree should initially be plotted as a circle centred on the base of the stem.

Where pre-existing site conditions or other factors indicate that rooting has occurred asymmetrically, a polygon of equivalent area should be produced. Modifications to the shape of the RPA should reflect a soundly based arboricultural assessment of likely root distribution.

Any deviation in the RPA from the original circular plot should take account of the following factors whilst still providing adequate protection for the root system:

- a. the morphology and disposition of the roots, when influenced by past or existing site conditions (e.g. the presence of roads, structures and underground apparatus);
- b. topography and drainage;
- c. the soil type and structure;
- d. the likely tolerance of the tree to root disturbance or damage, based on factors such as species, age, condition and past management.”

9.26 Advice in BS 5837 sets clear boundaries that should not be crossed without clear justification. It also heavily influences the tolerance of trees to any further loss of natural rooting environment caused by unjustified construction encroachment into undisturbed areas or areas which are likely to still contain significant root growth even where informal shallow structures may exist. Any impact assessment based on inaccurately represented RPAs is therefore considered unreliable and misleading as they are a fundamental consideration in relation to any development.

Layout Concerns



9.27 The proposed layout does not acceptably address key issues. No consideration is made of the need for maintenance of adequate undeveloped green space to accommodate and sustain the replacement protected Beech in its required location. The layout does not allow for the sustainable planting of the replacement TPO Beech. The proposed planting of the tree in close proximity to the proposed structure and within the competing zones of the adjacent un-surveyed Holly and Lime is impractical and unsustainable given the tree's future growth and ultimate scale.

9.28 Beech will attain an average ultimate height and radial spread of 22-23m + and 10-11m respectively. The trunk will attain an average diameter of between 900mm and potentially in excess of 1m. This requires significant construction free green space around it to sustain it in the long term and mitigate the risk of direct physical conflict with any adjacent structures. This is not provided by the current parking layout. This would require substantially scaling back to achieve and can only realistically be achieved by reducing the scale of the building extension.

9.29 The proposed parking layout does not make provision for the maintenance of minimum undisturbed rooting area around the Limes along the front boundary factoring in accurate minimum RPAs. The proposed parking layout (in particular parking bays 23 and 24) shows parking located closer to the Lime trees on the front and side

boundaries than the existing structure. Although informal hard standing may already exist here, this area is not a designated parking area and does not justify the construction of formal parking spaces from an arboricultural perspective. What exists already has an adverse impact on the rooting environment of T2, T3 and T4. Continued use and formal parking bays in close proximity to these trees will exacerbate pressures to severely prune or remove trees. T4 in particular has been the subject of such applications in the past. The provision of parking spaces in such proximity to protected trees would be contrary to best practice and is unacceptable in principle. The current distance between structures and protected trees on the front boundary of the site has been measured on site as 8m from inside the boundary wall. Given the constraints already imposed on the rooting environments of the Limes along the front boundary, no construction closer than 8m from the wall is considered acceptable regardless of technical design as it would have a detrimental impact on the health and long-term management of these important trees and be contrary to good arboricultural practice and BS 5837 guidance. This is supported by the following guidance in Section 5.3.2 of British Standard 5837 (2012) 'Trees in relation to design, demolition and construction- Recommendations'.

“5.3.2 The cumulative effects of incursions into the RPA, e.g. from excavation for utility apparatus, are damaging and should be avoided. Where there is evidence that a tree has been previously subjected to damage by construction activity, this should be taken into account when considering the acceptability of further activity within the RPA.”

9.30 The bin and cycle storage would also be located unacceptably close to Limes T2 and T3. This area of the site should be reverted back to soft landscaping.

Conclusion

9.31 The parking layout bin and cycle storage and relationship to the existing trees along London Road and Nevelle Close will result in unjustified further encroachment into already heavily pressured rooting areas. Regardless of technical design this is considered to constitute overdevelopment that will adversely affect their health.

9.32 The proposed layout will not retain sufficient sustainable planting space for the replacement TPO Beech, which is a statutory requirement on this site that must be complied with irrespective of this planning application. The application would be contrary to Policies EN1, EN20 & CS7.

iii Highway Issues

Access

9.33 The site is currently a small scale hotel and the access is located off B3408 London Road via a private road known as Nevelle Close. The existing access appears to be reused for this proposal which is acceptable in principle. The proposal makes some slight alterations to the existing boundary wall near to the junction with London Road to provide access to the proposed bin store. Refuse bins can be wheeled along the footway to the rear of the refuse vehicle. The cycle store provision is adequate and could be controlled by conditions. The larger main store will also be conditioned.

Parking

9.34 A total of 25 parking spaces have been provided which meets adopted car parking standards and includes 3 visitor parking spaces and 2 disabled parking spaces close to the main entrance to the building. Only 1 flat will need to have tandem parking which is considered to be acceptable.

9.35 Conditions will be required to ensure that parking spaces will be marked out and that spaces are signed where necessary to ensure that all cars use the spaces as intended to reduce the potential for overspill parking. The car park is proposed to include gravel as part of the CCS so it will be important to ensure that spaces are adequately marked out and signed. Concerns have been raised in representations that parking from this site will take place outside the site in Nevelle Close. However, parking has been provided to meet parking standards and includes visitor parking.

9.36 The applicant has suggested 20% active and 20% passive electric vehicle parking provision which is acceptable. However due to the sensitive tree lined nature of the site and the changes in the level of use of electric vehicles in the future it will be necessary for details to demonstrate how the impact of suitable infrastructure such as ducting can be provided for the entire parking area to ensure future changes can be made without detriment to the surrounding trees or the access road.

iv Biodiversity Issues

9.37 A Bat Survey Report has been submitted with the application and concludes that there are no roosting bats within the existing building though the trees and the vegetation around the site is considered to be of "high" suitability for commuting and foraging bats and should be retained where possible.

9.38 The report does not address concerns about other species which may be present on the site, particularly badgers which are recorded in the area and anecdotally known to cross London Road at this location. As a minimum, the boundary treatments for this site should be made permeable by provide gaps approx. 20cm square. This can be subject to a condition.

v Community Infrastructure Levy (CIL)

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

9.40 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.

9.41 CSDPD Policy CS6 states that development is expected to contribute to the delivery of:-

- (a) infrastructure needed to support growth and;
- (b) infrastructure needed to mitigate impacts upon communities, transport and the environment.

9.42 Guidance in the Planning Obligations SPD, is relevant. Bracknell Forest Council

Community Infrastructure Levy (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.

vi Thames Basin Heath SPA

9.43 The Council, in consultation with Natural England, has formed the view that any net increase in residential development between 400m - 5km straight-line distance from the Thames Basin Heath Special Protection Area (SPA) is likely to have a significant effect on the integrity of the SPA, either alone or in-combination with other plans or projects. An Appropriate Assessment has therefore been carried out including mitigation requirements.

9.44 This site is located within 5km of 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.

9.45 The total SPA related financial contribution for this proposal is £64,438. A S106 agreement will be required to secure this contribution. This has not yet been secured.

10. CONCLUSIONS

10.1 This full application proposes the change of use of the existing building from hotel to residential use and the erection of a two and a half storey extension to provide 11 no two bed apartments.

10.2 The change of use of the building from hotel to residential is considered to be acceptable in this predominantly residential area. The proposed extension and external changes to the building are also acceptable in terms of their impact on the character of the area and amenities of adjacent properties. Parking has been provided to meet parking standards and adequate bin store and cycle store provision has been provided.

10.3 Trees on the site are protected by Tree Preservation Orders 198 and 745. Trees on site are shown in submitted plans to be retained, however it is considered that the removal of the existing temporary parking area and replacement with a larger parking area will result in further encroachment into already heavily pressured rooting areas. The area proposed for car parking in front of the property has been considered and dismissed by two previous inspectors and the current parking in this area does not appear to have planning permission for such use..

10.4 The proposed No Dig method of providing the parking spaces does not avoid construction impact on tree root protection areas (RPAs) and advice in British Standard 5837 (2012) "Trees in relation to design, demolition and construction- Recommendations" is that any structures should be located outside RPAs unless there is overriding justification for such works. The proposed cycle store and bin store are also proposed within close proximity to protected trees along the boundaries of the site on London Road and Nevelle Close.

10.5 The proposed layout does not make adequate provision for the replacement of a Beech tree covered by TPO which was previously removed on site.

10.6 The proposed development is considered to have an adverse impact on trees protected by TPOs 198 and 745 which make an important contribution to the landscape

character and appearance of the area and would therefore be contrary to Policies EN1 and EN20 of the BFBLP and policy CS7 of the CSDPD.

10.7 The proposal results in a net increase in new dwellings within 400m - 5km of the SPA and therefore will need to secure the identified SPA Mitigation through a S106 Legal Agreement. In the absence of the completion of a satisfactory S106 the application is 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).

11. RECOMMENDATION

That the Assistant Director: Planning be recommended to REFUSE the application for the following reasons:

01. The proposed development will have an adverse impact on trees which make an important contribution to the landscape character and appearance of the area and as such would be contrary to Policies EN1 and EN20 of the Bracknell Forest Borough Local Plan & Policy CS7 of the Core Strategy Development Plan Document.

02. 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).

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