



Mr Warren Joseph  
Berkshire House  
39-51 High Street  
Ascot  
SL5 7HY  
United Kingdom

26th March 2018

Dear Sir/Madam

**Town and Country Planning Act 1990**

**APPLICATION NUMBER:** 17/00672/FUL/RFULZ

**PROPOSED DEVELOPMENT:** Erection of a three storey building forming 9 no. flats with associated parking following demolition of existing buildings.

**LOCATION:** The Royal Hunt 177 New Road Ascot Berkshire SL5 8PU

**CASE OFFICER:** Sarah Horwood, direct line 01344 351130

Please find enclosed your decision notice in respect of the above proposal.

Should you wish to discuss the contents of the notice, please contact me.

You may also wish to discuss whether or not it would be possible to overcome the reason(s) for refusal by submitting a revised application with modified proposals.

If you decide that you wish to appeal, there is guidance on the reverse of the decision notice.

Yours faithfully

**Sarah Horwood**

Senior Planning Officer  
email [Sarah.Horwood@Bracknell-Forest.gov.uk](mailto:Sarah.Horwood@Bracknell-Forest.gov.uk)  
Direct Line 01344 351130

**ENVIRONMENT, CULTURE AND COMMUNITIES**

Bracknell Forest Borough Council, Time Square, Market Street, Bracknell, Berkshire RG12 1JD  
T: 01344 352000 F: 01344 352555 Minicom: 01344 352045 [www.bracknell-forest.gov.uk](http://www.bracknell-forest.gov.uk)

Enc.

**Town and Country Planning Act 1990**

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**REFUSAL OF PLANNING PERMISSION**

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Mr Warren Joseph  
Berkshire House  
39-51 High Street  
Ascot  
SL5 7HY  
United Kingdom

**APPLICANT:** Patrick Ruddy Homes

**DESCRIPTION:** Erection of a three storey building forming 9 no. flats with associated parking following demolition of existing buildings.

**LOCATION:** The Royal Hunt 177 New Road Ascot Berkshire SL5 8PU

**APPLICATION NO:** 17/00672/FUL

**DECISION DATE:** 26th March 2018

The Bracknell Forest Borough Council as the Local Planning Authority hereby give notice that, in pursuance of the Town and Country Planning Act 1990, permission has been **REFUSED** for the carrying out of the development referred to above for the following reason(s):-

01. 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.
02. The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impacts in this respect. In the absence of a 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).

Informative(s)

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.
02. This refusal is in relation to drawing nos:

17-J1703-01 Rev B  
17-J1703-02 Rev A  
17-J1703-03  
17-J1703-04

received 4 July 2017 and 22 February 2018 by the Local Planning Authority;

and documents:

Ecological Impact Assessment received 4 July 2017 by the Local Planning Authority;  
Arboricultural Impact Assessment received 4 July 2017 by the Local Planning Authority;  
Marketing Report received 4 July 2017 by the Local Planning Authority;  
Viability Study received 19 September 2017 by the Local Planning Authority;



*Max Baker*  
*Head of Planning*

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This decision refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation. A statement of the Applicant's rights is set out overleaf.

### Appeals to the Secretary of State

. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development, to grant it subject to conditions, or to refuse a submission pursuant to a condition(s), then you can appeal to the Secretary of State for Communities and Local Government under section 78 of the Town and Country Planning Act 1990. If you want to appeal, then you must do so within a specified period (see <https://www.bracknell-forest.gov.uk/planning-and-building-control/planning/planning-decisions-and-appeals> for guidance). Appeals must be made using a form which can be obtained from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (This form cannot be obtained from the local planning authority), or on line at [www.planningportal.co.uk/pcs](http://www.planningportal.co.uk/pcs).

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

### Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Borough Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

#### **1. Consent to Display Advertisements or Refusal of Consent to Display Advertisements**

- a) The regulations provide that *every* grant of express consent shall be for a fixed period which shall be no longer than *five* years from the date of grant of the consent and, if no period is specified, the consent shall have effect as consent for five years.
- b) A person who displays an advertisement in contravention of the regulations will be liable, on summary conviction, of an offence under section 224(3) of the Town and Country Planning Act 1990 (as amended), to a fine of an amount not exceeding level 3 on the standard scale and, in the case of a continuing offence, one tenth of level 3 on the standard scale for each day during which the offence continues after conviction.
- c) The regulations provide that *every* grant of express consent shall be for a fixed period which shall not be longer than five years from the date of grant of consent and, if no period is specified, the consent shall have effect as consent for *five* years.

#### **2. Listed Building Consent or Refusal of Listed building Consent**

### Appeals to the Secretary of State

- a) If you are aggrieved by the decision of your local planning authority to refuse consent for the proposed development or to grant it subject to conditions, then you appeal to the Secretary of State for Communities and Local Government under section 20 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1991. An appeal must be lodged within 6 months of the date of this notice.

### Purchase Notices

If either the local planning authority or the Secretary of State refuses Listed Building Consent or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any works which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Borough Council. This notice will require the Borough Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of an appeal