

BOROUGHWIDE PLANNING PANEL

22 August 2017

Item: 3

Application No.:	16/03825/FULL
Location:	Heatherwood Hospital London Road Ascot SL5 8AA
Proposal:	Enabling works in association with hybrid application (ref: 16/03115/Out) and change of use application (ref: 16/03824/Full) for the redevelopment of Heatherwood Hospital. Enabling works to be site clearance, drainage diversions, services diversions, earthworks, construction of retaining walls, advanced planting and creation of balancing pond.
Applicant:	Frimley Health NHS Foundation Trust
Agent:	Mr James Lacey
Parish/Ward:	Sunninghill And Ascot Parish/Ascot And Cheapside Ward

If you have a question about this report, please contact: Jenifer Jackson on 01628 796042 or at jenifer.jackson@rbwm.gov.uk

SUMMARY

- 1.1 The Frimley Park Hospital NHS Foundation Trust (FHFT) has applied for permission to redevelop their site at Ascot, to provide a new hospital within the existing woodland to the south of the existing Heatherwood Hospital, retaining Block 40 for use as an administrative hub and to redevelop the remaining existing hospital site for residential. The retained woodland would become SANG. The substantive development is the subject of a concurrent hybrid application (16/03115/Out) and a change of use of Block 40 application (16/03824/Full).
- 1.2 The existing Heatherwood Hospital is on the western edge of Ascot in East Berkshire, bounded to the north by Ascot High Street, A329 and to the Northwest by Kings Ride, A322. The existing Hospital buildings are sited to the north of land within the Frimley Health NHS Foundation Trust ownership. The southern half of the 18 ha site comprises steeply sloping woodland, bounded to the south by the main railway line between Reading and London Waterloo. The entire site is located within the Green Belt.
- 1.3 The proposed enabling works will result in the removal of a significant portion of the woodland priority habitat (3.66ha of 9.33ha or 38.6%) and existing trees on the hospital site.
- 1.4 The substantive developments the subject of concurrent applications, are not considered acceptable and are recommended for refusal. The proposed enabling works would result in the loss of woodland priority habitat. This constitutes significant harm to biodiversity which has not been adequately mitigated, or compensated for, and is therefore in conflict with planning policy.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 11 of this report):

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| 1 | The proposal would have an adverse impact on priority woodland habitat. It has not been demonstrated that the proposed development has adequately avoided, mitigated or compensated for the harm. |
| 2 | The proposal would result in the loss of trees, which are considered important landscape features and are covered by a Tree Preservation Order. Their loss would be harmful to the character and appearance of the area. |

2 REASON FOR PANEL DETERMINATION

The Borough wide implications of the proposal together with two other applications on the agenda warrant consideration and determination by the Panel.

3 DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site comprises the existing Heatherwood Hospital and the woodland to the south, land within the Frimley Health NHS Foundation Trust ownership. It is on the western edge of Ascot in East Berkshire, bounded to the north by Ascot High Street, A329 and to the Northwest by Kings Ride, A322. The south of the site is bound by the South West trains railway line. The western boundary of the site consists of deciduous woodland with some individual large residential properties / developments. Adjacent to the eastern boundary of the site are stables associated with Ascot racecourse as well as the Thames Valley Police and Ascot Police Station.
- 3.2 Private apartments and key worker / nurse residential accommodation is constructed along Brooke Avenue between the existing Hospital and the woodland to the eastern side of the site. These properties are excluded from the application site.
- 3.3 The existing Hospital buildings are sited to the north of the site. The site has been extensively developed over time. The original 1920s hospital buildings are predominantly single storey whilst later additions such as the 1960s main building in the north east corner of the site is 4 storeys. The existing hospital Block 40 building is part single and part 2 storeys. The site also contains large expanses of hard standing, providing 469 formal car parking spaces. The southern half of the site comprises a steeply sloping woodland area, bounded to the south by the main railway line between Reading and London Waterloo.
- 3.4 The entire 18 ha site is located within the Green Belt.
- 3.5 A designated Scheduled Ancient Monument (SAM) 'Bell Barrow on Bowledge Hill' is located within the existing hospital site. The SAM is a round barrow, a funerary monument, which often date back to the Early and Middle Bronze Age, with most examples belonging to the period 1500-1100 BC.
- 3.6 The site is located within Flood Zone 1 with a low probability of flooding

4 BACKGROUND INFORMATION

Frimley Park Hospital NHS Foundation Trust (FHFT)

- 4.1 The Heatherwood Hospital is one of three main sites within the Frimley Park Hospital NHS Foundation Trust (FHFT), created in 2014 by merging Frimley Health NHS Foundation Trust and Heatherwood and Wexham Park NHS Foundation Trust. FHFT provides NHS hospital services for around 900,000 people across Berkshire, Hampshire, Surrey and south Buckinghamshire. The new Trust delivers a wide range of healthcare services from the three main sites: Wexham Park Hospital in Slough, Frimley Park in Frimley and Heatherwood; as well as running outpatient and diagnostic services from Aldershot, Farnham, Fleet, Windsor, Maidenhead, Bracknell and Chalfont St. Peter.
- 4.2 Heatherwood Hospital was built in the 1920s for children of ex-servicemen from the 1914-18 war suffering from TB. It was designed with open corridors and "Victorian" style wards that remain today. Whilst adaptations have been made since then, it is argued by the Trust that the needs of modern health requirements cannot be met by the limitations of the building layout and the provision of a new purpose built, single integrated facility on the site would enable significant improvement to clinical quality compared to providing additional piecemeal facilities on both the Wexham Park and Frimley Park sites.
- 4.3 The Trust wishes to retain clinical services in a 'central site' (i.e. between Frimley and Wexham Park) to allow for better vertical integration into community and primary care. In addition the presence of a joint facility located mid-way between the two main hospital sites will act as a physical link between the two therefore facilitating integration of the two trusts. Heatherwood Hospital's future

is envisaged as a planned care centre, leaving the emergency care to take place at Wexham Park to the north and Frimley Park to the south.

Planning application amendments

- 4.4 The planning applications were originally made in December 2016. In summary comprising: a new replacement hospital building and an office building in the woodland to the south of the existing hospital site, the release for housing as enabling development of the current hospital site, and use of the retained woodland as 'suitable alternative natural green space' (SANG) in association with the new residential. On the 25th January 2017 the applicant was advised in writing of officers' preliminary assessment of the applications and invited to consider amendments in order to overcome significant concerns, principally relating to being able to justify locating the office building within the previously undeveloped woodland site in the context of Green Belt planning policy.
- 4.5 The application was formally amended through a submission made in late April 2017. The principal amendment comprises the removal of the office building from the woodland site. This use is to be provided in the existing hospital building, Block 40, which will now be retained permanently, and the overall housing will reduce from 250 to 230.
- 4.6 The reduction in woodland site allocated to the development as a result of the amendment is approximately 0.47ha i.e. the site area reduces from 4.13 to 3.66 ha, accounting for 38.6% of the woodland site. Along with the reduction of the site area to the north and east of the new hospital the site plateau has been lowered by 1.3m and the overall building height has been reduced by 0.6m.
- 4.7 The scope and detail of the enabling works have been amended to reflect the development proposals as amended.

5 DESCRIPTION OF THE PROPOSAL AND RELEVANT PLANNING HISTORY

Planning History

- 5.1 There are a number of applications which have been submitted in previous years in relation to Heatherwood Hospital for both medical and residential purposes. The notable applications are summarized in the table below.

Ref	Description	Decision and date
003/2017	TPO served to protect all the Woodland trees and subject to confirmation.	Served 13/02/2017
09/00390/ FULL	Consent for two modular buildings for use with the Hospital facilities	Permitted 03/03/2009
08/02283/ FULL	Revised siting of Block C5 (18 studio key worker units) retrospective amendment	Permitted 22/09/2008
06/00147/ CPU	Use of Heatherwood House as 14 flats rather than present 18 flats through internal works	Permitted 23/01/2006
04/00708/ FULL	Construction of 20x 3-bed terraced houses in 4 blocks and 108 keyworker bedsits in 6 blocks plus associated access, parking and landscaping following demolition of 2 existing buildings and part of	Permitted 27/08/2004

	Heatherwood House	
04/84861/ FULL	Erection of a single storey extension and alteration to existing X ray building	Permitted 17/02/2004
04/84826/ TEMP	Temporary consent to site four mobile units for doctor's surgeries	Permitted 09/02/2004

- 5.2 An EIA Scoping Opinion was sought in September 2016 for development: 1) Replacement hospital, office building including GP surgery, parking, associated development, future expansion area and access to Ascot Railway Station; 2) Suitable Alternative Natural Green Space; and 3) Residential development. Reference 16/20040/CNSULT dated 29.9.2016.

Concurrent related applications

- 5.3 The substantive development to which the proposed enabling works relate is the subject of two concurrent planning applications, described below.
- 5.4 There is a concurrent hybrid planning application reference 16/03115.
- 5.5 There is a concurrent application in respect of the existing hospital building, Block 40 (16/03824/FUL) for: Change of use from hospital accommodation (Use Class D1) to offices with associated IT hub and staff restaurant (Use Class B1a) and GP Practice (Use Class D1) with associated parking, landscaping, replacement roof top plant, external staircase, temporary car park and demolition of existing walkway.

Proposed Development

- 5.6 The works are essentially comprised of two key elements.
1. Tree removal, site clearance and earthworks operations for the new hospital,
 2. Preparation for the residential development, decommissioning of the existing hospital site and the refurbishment and occupation of the woodland offices.
- The scope of the works are summarised as follows:

Site Clearance

- 5.7 The new hospital development site and its new access road route needs to be cleared of trees. It is anticipated that the tree removal will be a two stage process, felling the trees is stage 1, the grubbing up and removal of the tree stumps and roots will be stage 2 and carried out as the first part of the earthworks. In addition to the tree removal, measures to improve visibility at the existing Kings Ride road access to the hospital are proposed. This will involve improving the visibility for vehicles entering and leaving the hospital at this junction which will involve the realignment of the existing boundary fence to the edge of the splay and the removal of vegetation above 1m within it.

Services Diversions

- 5.8 There are a number pieces of existing hospital below ground infrastructure that cross the new hospital site, a number of these stand in the way of the new development. These are comprised of an existing water main, a foul drain and a surface water drain. The drainage diversions will be carried out in sequence with the earthworks. As they are live drains, the Trust will need to carry out temporary diversions before the final drainage routes are in place or sequence the earthworks in such a way that leaves the drains in place until the final route is in place. The Trust will adapt the existing site below ground services to accommodate the new hospital as necessary.

Earthworks

- 5.9 The new hospital site has a significant slope across it in a north south direction with a change of level of some 15 metres. The proposed development requires a significant cutting and filling earthworks operation. It will also include the creation of a number of new retaining walls along with a number of embankments to the northern, eastern and southern edge of the plateaus which will be topsoiled and planted up with new woodland planting in advance of the main hospital build and bring forward visual impact mitigation measure. Prior to commencement of the earthworks all the existing trees to remain will need to be protected in accordance with the Arboricultural report.
- 5.10 The earthworks operation will include stripping the top 300mm of the site to remove soil, which is not suitable for reuse in the structural earthworks operation. It is envisaged that most of this will be topsoil suitable for reuse on the landscape banks after it has been screened to remove stones and tree roots and as far as possible will be stored for reuse in the landscape works. Surplus will be removed from site. Following on from the topsoil strip the main cutting and filling operation will commence which excavates subsoil from the higher areas of the site and move and fills it in the lower areas to gradually build the site up. The earthworks operation will build the site plateaus up to a formation level that will allow the main hospital contractor to build up with the imported construction materials for the roads and pavings and achieve the proposed finished levels in the next stage.
- 5.11 The formation site level has been chosen to balance the cut and fill operation and minimise the importation of material and associated lorry movements. Of the estimated 11,364 cubic metres of topsoil to be excavated, 6,000 will be reused and 7,069 removed from site. All of the 37,787 cubic metres of subsoil to be excavated will be retained on site.

Balancing Pond

- 5.12 The works include the replacement of the existing surface water storage concrete tank with a new landscaped balancing pond. Both are and will be integral parts of the whole site surface water drainage system. The works will therefore need to be carefully sequenced to ensure the storm water runoff is effectively attenuated at all times during the works. The excavations from the new pond will be reused in the main earthworks operations.

Preparation for residential development and utilities to supply the woodland offices and new hospital.

- 5.13 As part of a second phase of enabling works, the Trust will be bringing in new below ground utilities to service the woodland offices, allow the decommissioning of the existing hospital and supply the new hospital. A utilities corridor has been defined which will follow the route of the new cycle way due to be implemented as part of the main hospital access road improvements. The utilities will be laid in below ground ducts and incorporate root protection barriers to protect them from future tree planting. The Trust will install a borehole / well to verify the viability of using ground water in the energy strategy for the new hospital.

Other works outside the scope of the application

- 5.14 The site access and ecological mitigation to be undertaken in association with the enabling works do not constitute development and are not included within the scope of this application. These works are summarized for information purposes.

Site Access

- 5.15 The Trust will need to manage access along the existing hospital access road from Kings Ride. It is stated that they are in the process of agreeing with local residents that they will access their properties via the High Street entrance to the hospital. In terms of accessing the enabling works, a temporary access and haul road with a suitable width and gradient will need to be formed into the woodland site, possibly through the existing gateway on the northwest corner which will need to be widened.
- 5.16 A Technical Note and a provisional Construction Management Plan have been submitted which address construction vehicle access, routing and parking. Key provisions includes:

- i. there will be no parking on-site for contractors; and contractors will not be allowed to park within a 2km radius of the site.
- ii. the future contractor will have to arrange parking outside of this area and bus staff to the site.
- iii. there will be approximately 100 construction staff on-site during the course of the initial construction and that all of these staff will arrive on mini buses from outside the 2km radius during the AM and PM peak hours. It is assumed therefore that there will be 6 – 7 minibuses travelling to and from the site during these peaks.
- iv. only materials, plant and equipment will arrive directly to site.
- v. deliveries to the site will be focused between the hours of 10:00 till 16:00, Monday to Friday.
- vi. the primary access will be Gate 3 for the main works although periodic use of Gate 2 may be utilised to support the car park works only.
- vii. Brook Avenue Alternative Access: To reduce the impact of the construction process on the residents of Brook Avenue, it is proposed that existing emergency access barrier between Brook Avenue and the hospital is to be lifted to provide an alternative access to using the southern perimeter road of the site.
- viii. During this period the enabling works are expected 50 vehicles to attend the site, which will generate 100 two-way movements across the 6-hour period between 10:00 and 16:00. This equates to less than 20 two-way (in/out) movements per hour in that period.

Ecological Mitigation

5.17 The site has a number of existing ecological habitats, which will be lost as a result of the development. In mitigation the Trust will need to put in place a number of measures before the works start on site. These are addressed in the substantive application, 16/03115.

6 MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

6.1 The main strategic planning considerations applying to the site and the associated policies are set out here.

National Planning Policy Framework (NPPF) 2012

6.2 At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF relevant policy guidance references are listed below:

- Paragraph 14 Presumption in favour of sustainable development
- Paragraph 17 Core Planning Principles
- Paragraph 80 Purposes of the Green Belt
- Paragraph 87 Green Belt development in very special circumstances
- Paragraph 88 Weight given to any harm in the Green Belt
- Paragraph 111 Reuse of brownfield land
- Paragraph 118 Aim to conserve and enhance biodiversity
- Paragraph 139 Non-designated heritage assets of archaeological interest
- Paragraph 188 Good quality pre-application discussions

Local Plan 1999

6.3 The planning considerations applying to the site and the associated policies are:

Green Belt	Heritage	Highways and Parking	Trees and Ecology
GB1, GB2, GB8 and GB9	ARCH 1, 2, 3 & 4	P4, T5 & T8	N6 N9

These policies can be found at https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

- 6.4 The Royal Borough Local Plan submission version was published for consultation in June 2017 with consultation running between 30 June and 27 August 2017. It has only limited weight. The Heatherwood Hospital site has been allocated under Policy HA23 for approximately 250 homes in addition to retained health use. The allocation only incorporates the brownfield element of the site with the woodland falling outside the allocation.

Neighbourhood Plan 2014

NP/EN2	Trees
NP/EN4	Biodiversity
NP/DG4	Heritage assets
NP/SS4	Heatherwood site

- 6.5 Supplementary planning documents adopted by the Council relevant to the proposal are:

- 3 Interpretation of Policy R2 to R6 - Public Open Space provision 2005
- 4 The Interpretation of Policy NAP4 (Pollution of Groundwater and Surface Water) 2000
- 5 Sustainable Design and Construction 2009

More information on these documents can be found at:

http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

- 6.6 Other Strategies or publications relevant to the proposal are:

RBWM Strategic Flood Risk Assessment - view at:

http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

7 EXPLANATION OF RECOMMENDATION

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 is the legislative basis for the determination of planning applications and requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
- 7.2 In this case, the Development Plan comprises the saved policies of The Royal Borough of Windsor and Maidenhead Local Plan (adopted 2003, saved 2011), and the Ascot, Sunninghill and Sunningdale Neighbourhood Plan (2014). The National Planning Policy Framework (NPPF) 2012 is the Government's policy statement in relation to the Country's Planning System. All of the Borough's relevant development plan policies are broadly in line with the NPPF, so carry full weight. The Royal Borough Local Plan submission version was published for consultation in June 2017 with consultation running between 30 June and 27 August 2017. It has only limited weight.
- 7.3 The key considerations relate to the extent to which the proposed development is consistent with Development Plan Policies, taking into account the submitted application details, plans, technical studies.
- 7.4 The substantive developments the subject of concurrent applications, are not considered acceptable and are recommended for refusal. The proposed enabling works cannot therefore rely on the justification contained therein nor on proposals to mitigate harm. It is not considered that highway and traffic considerations raise significant issues, as these would be subject to construction management conditions attached to any approval. The key considerations are the impact of the proposed enabling works within the Green Belt, the loss of trees and impact on the woodland priority habitat.

Green Belt

- 7.5 The fundamental aim of Green Belt policy, as set out in paragraph 79 of the NPPF, is to keep land permanently open. The Green Belt serves five purposes (NPPF paragraph 80):
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict
 - and other urban land.
- 7.6 The enabling works are engineering operations and preserves the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. Therefore the proposed enabling works are not considered inappropriate development requiring a 'very special circumstances' justification.

Woodland and trees

- 7.7 The proposed enabling works will result in the removal of a significant portion of the woodland priority habitat (3.66ha of 9.33ha or 38.6%) and existing trees. It is to be noted that the reduction in woodland site allocated to the development as a result of the amendment is approximately 0.47ha i.e. the site area reduces from 4.13 to 3.66 ha, or from 44% to 38.6% of the woodland site.
- 7.8 The vast majority of the trees within the existing developed hospital site are also to be removed. These includes a number of visually prominent trees, particularly next to the main road, Kings Ride. According to our records two of these trees, an Alder and an Oak are on the adopted highway.
- 7.9 Paragraph 118 of the NPPF states out that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity and if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. It further states planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

Landscape Character

- 7.10 The Council's Landscape Character Assessment shows the site as 'Settled Woodland Sands'. Key characteristics include: *Strong framework of mature mixed woodland, some of ancient origin, which merge into the urban structure resulting in the absence of clear 'town and county' boundaries. Characteristic tree species: Oak, Birch, Scots pine, Beech, Sweet chestnut.* It is further described: *Woodland is the key landscape feature, in the type which is also often of historic and ecological interest. Its mature mixed structure forms a strong green framework which conceals built form from views and prevents wider views across the landscape from higher ground.*

Tree Preservation Order 003/2017

- 7.11 The woodland is protected by a 'woodland' designated TPO. The TPO was served earlier in the year to protect the woodland in response to development pressures at the site. Some recent work had resulted in damage to the woodland and the TPO is to deter further inappropriate works prior to the outcome of the current development applications and into the long-term.

BAP status

- 7.12 The woodland is listed on Defra's website as a priority habitat (Deciduous lowland woodland). UK BAP priority habitats are those that were identified as being the most threatened and requiring conservation action under the UK Biodiversity Action Plan. The UK list of priority habitats was drawn up in compliance with the requirements of the Natural Environment and Rural Communities

(NERC) Act 2006 (England) Section 41. It is noted that much less than 50% of woodland in the local area is priority habitat.

- 7.13 The result of the proposed development would be the loss of a significant part of the BAP woodland and likely ancient woodland on the site.
- 7.14 The physical construction of the development is likely to require an area of access and working space and this is likely to result in further loss of woodland and or damage to it. It has not been demonstrated by the applicant that additional harm will not be caused to the retained areas of woodland.

Previous planning consent and woodland management plan

- 7.15 Planning application 04/00708 was approved in 2006 for the 'Construction of 20 x 3-bed terraced houses in 4 blocks (A), 18 x 2-bed flats in 2 blocks (B) and 108 keyworker bedsits in 6 blocks (C) plus associated access, parking and landscaping following demolition of 2 existing buildings and part of Heatherwood House'. Many trees were removed to facilitate this development with the mitigation being the management of the woodland immediately to the south to be brought into favourable condition and managed in perpetuity. A Section 106 Agreement was signed to secure the management plan with provisions including to:
- Maintain and wherever suitable restore the natural and ecological diversity including the reduction and control of 'exotic' flora and fauna.
 - Maintain and where appropriate improve aesthetic value
- 7.16 The plan is required to contain details including: the ownership of the woodland; an assessment of the Woodland including its features and ecological condition; any and all special characteristics of the Woodland, including and inventory or flora and fauna; a statement of objectives and management priorities; a long term strategy setting out all desired future conditions of the Woodland and what methods will be used to achieve this, including provision for monitoring and reviews; fixed point photography.
- 7.17 A woodland management plan was agreed and a review is now overdue and this has been brought to the attention of the applicant.
- 7.18 The mitigation (management of woodland) is required to last for the lifetime of the development. The current outline proposal does not show any changes to the original 04/00708 scheme, which remains the same. Therefore the enabling works are in conflict with the obligations as it shows the removal of a significant part of the woodland, substantially undermining the important mitigation for the previous implemented scheme.

Ancient woodland classification

- 7.19 Ancient woodland is a woodland that has existing continuously since 1600. Before those dates, planting of new woodland was uncommon, so a wood present in 1600 was likely to have developed naturally. Because they have developed over such long timescales, ancient woods have unique features such as relatively undisturbed soils and communities of plants and animals that depend on the stable conditions ancient woodland provides, some of which are rare and valuable.
- 7.20 It is acknowledged that the central area had been cleared of trees in the past and small structures had been installed in this sector which may have been for the cultivation of plants. The land parcels surrounding this central area show up as woodland on all the OS plans post 1816, submitted by the applicant. These concur with the set of OS epoch plans the Council has access to on its QGIS system.
- 7.21 Thames Valley Environmental Records Centre (TVERC) undertook a desktop assessment of the woodland in the Borough to assess whether any were ancient. They describe the woodland as WB36: Lowland mixed deciduous woodland and stated that it was probably ancient, but there is some uncertainty. Therefore the Council must adopt a precautionary approach and assume it is ancient unless evidenced to the contrary. The NPPF states: *'planning permission should be*

refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;

- 7.22 The applicant has submitted an 'Opinion on woodland' which concludes that the woodland is not ancient. It is not considered that this is clearly evidenced and there are significant indicators to the contrary. This is addressed in more detail in the concurrent application 16/03115/Out.
- 7.23 It is considered that the detail submitted by the applicant would appear to support both antiquity and continuity and conforms to the definition of ancient woodland. Even where a woodland may throw up indications and counter indications, a precautionary principle should reasonably be applied.

Conclusion

- 7.24 Given the above, the scheme, if implemented, would result in the loss of a significant part of the important woodland and the vast majority of the trees within the existing developed hospital site. This would cause significant harm to the woodland priority habitat and harm to the amenity and landscape character of the area.

(v) Ecology

Priority Habitat

- 7.25 The entire woodland is listed as lowland mixed deciduous woodland, which is a priority habitat. Priority habitats are Habitats of Principal Importance for the Conservation of Biodiversity in England as required under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006. Priority habitats are further protected under the National Planning Policy Framework (NPPF), which states that '*council policies should, promote the preservation, restoration and re-creation of priority habitats.... the council should have regard for conserving this habitat*'.
- 7.26 The woodland contains a mixture of tree species associated with lowland mixed deciduous woodland including oak, birch, hazel, holly and sycamore and has at least five ground flora species associated with ancient or long established woodlands. It meets the criteria for being a priority habitat. The proposal will destroy this habitat, contrary to the NERC Act and NPPF, as the proposal is not preserving, restoring or re-creating priority habitats.
- 7.27 Planning policy and ecological best practice guidelines set out a "mitigation hierarchy" which states these steps should be followed in order:
- Anticipated biodiversity losses should first be avoided and reduced by using alternative sites and design.
 - Impacts considered unavoidable should be mitigated where the impact occurs if possible.
 - Remaining significant biodiversity loss should be compensated for, where possible by creating the same habitat type off-site.
- 7.28 The concurrent hybrid application 16/03115/Out for the substantive development includes the applicant's consideration of the mitigation hierarchy and a review of the habitat condition and assessment of the woodland at Heatherwood under the Defra Biodiversity Offsetting Metric. The consideration of this is set out in the Panel report on that application. In line with NPPF, as mitigation and compensation for the loss of priority habitat cannot be provided on site, it would therefore require off-site compensation, which has not provided as part of this development proposal.

Badgers

- 7.29 Nine badger setts were recorded within the area of woodland including a main sett. Five of these setts, which were classified as being outlier setts, are to be lost to facilitate development. Two of these setts were deemed active at the time of survey, with the remaining being classed as inactive. Badgers are protected under the Protection of Badgers Act 1992, which makes it illegal to

willfully kill, injure or take a badger or attempt to do so, or to recklessly damage, destroy or obstruct access to any part of a badger sett.

- 7.30 The details provided regarding the closure of the setts are mainly acceptable. However, the ecologist is proposing to close the sett within the breeding season and Natural England has asked for further information regarding the status of the sett prior to determining whether or not the closure of the outlier sett is acceptable. Further survey work would need to be submitted to the LPA in order to assess the impact on badgers during sett closure to ensure the protection of badgers during and post development.

Bats

- 7.31 Bat activity surveys and automated surveys were undertaken across the entire site including the existing developed area and the woodland. The developed site does not offer good foraging and commuting habitat and showed low bat activity during the surveys. There will be no loss of foraging habitat within this developed area. The woodland offers good foraging and dispersal opportunities for bats and a reasonable complement of species were recorded within the woodland. The new hospital is to be sited within the northern portion of the woodland, which is likely to increase levels of artificial light within the remainder of the woodland.

Breeding Birds

- 7.32 The site offers good opportunities for nesting birds in the form of trees, scrub and amenity planting particularly within the woodland. In addition, significant numbers of jackdaw were observed nesting within the soffits of several buildings on site. Breeding birds, their eggs and active nests are protected by the Wildlife and Countryside Act 1981, as amended. The ecology report makes reference to the protection of breeding birds during development including ensuring tree and scrub removal and building demolition is undertaken outside the breeding bird season (which spans from March to August inclusive) or any nesting bird habitat is removed under ecological supervision.
- 7.33 Policy NP/EN4.4 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan states, “*Significant development proposals which may result in the loss of bird nesting habitat must include by way of mitigation within the new development suitable alternative nesting habitat*”. Many trees are to be lost to facilitate the development, particularly within the woodland as well as buildings in which birds have been found to nest. The applicant’s ecologist has recommended bird boxes be installed onto retained trees and the incorporation of fruit bearing plants to compensate for this.

Invertebrates

- 7.34 The woodland offers opportunities for stag beetles and there are a number of records of stag beetles having been found within 1km of the proposed development site. No evidence of stag beetles was recorded during the ecology survey. The retention of deadwood on site would help maintain suitable habitat for stag beetles on site.

Great crested newts

- 7.35 Great crested newt surveys were undertaken in three ponds within the vicinity of the site, one being within the woodland on site. No great crested newts were recorded during any of the surveys and therefore the proposed development should not cause an adverse effect on great crested newts.

Hedgehogs

- 7.36 The vegetation on site could provide opportunities for hedgehogs and records of hedgehogs were highlighted within the local area. Hedgehogs are listed as a priority species, which makes them a conservation priority under Section 41 of the NERC Act 2006. The NPPF 2012 states, “*Planning policies should promote the protection and recovery of priority species*”.

Invasive Species

- 7.37 Rhododendron was recorded throughout the woodland. This plant species is listed under Schedule 9 of the Wildlife and Countryside Act 1981, as amended which makes it illegal to plant or cause it to grow in the wild.

Biodiversity Opportunity Area and Biodiversity Enhancements

- 7.38 The proposed development site lies within a Biodiversity Opportunity Area (BOA). BOAs identify where the greatest opportunities for habitat creation and restoration lie. Whilst BOAs do not represent a statutory designation or a constraint upon activities, they indicate areas where there are substantial opportunities to make positive changes for biodiversity, and should be used to inform conservation strategies and place planning.
- 7.39 Paragraph 109 of the NPPF states that: “*The planning system should contribute to and enhance the natural and local environment by [...] minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*”. In addition, Section 40 of the Natural Environment and Rural Communities Act 2006 states that “Every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”.

(vii) Heritage

Scheduled Ancient Monument - Bell Barrow on Bowledge Hill

- 7.40 The principal historic environment aspect of this proposal is the presence of a Bronze Age bell barrow (dated to c. 1,500 BC through radiocarbon dating) within the grounds of the Hospital, which is a Scheduled Monument and of national importance. The Scheduled Ancient Monument is not directly affected by the proposals. Historic England’s have advised that works associated with utilities may trigger the need for Scheduled Ancient Monument consent.

Soldier’s Pillar

- 7.41 The Scheduled barrow was one of possibly as many as four barrows, originally forming a cemetery, on Bowledge Hill. One of these barrows, notated as Soldier’s Pillar on historic mapping, has now been identified by the applicant’s consultant (TVAS) in exploratory archaeological investigations. Berkshire Archaeology have commented on the application and consider that it is inextricably linked to the hybrid planning application 16/03115/OUT and change of use application 16/03824/FULL at this site, and have provided more recent comments on these which are addressed in those Panel reports.

(xiii) Planning balance

- 7.42 Paragraph 14 of the NPPF states, “at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking. For decision-taking this means:
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when against the policies in the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted (i.e. land designated as Green Belt; designated heritage assets...)
- 7.43 It is considered that the woodland is probably ancient woodland, but it is also acknowledged that this is not certain. Adopting a precautionary principle is reasonable and in this instance lends further importance to the need to avoid the loss of the woodland.

- 7.44 The application has been amended to remove an office building from the woodland and as a result the site required reduces by approximately 0.47ha i.e. the site area reduces from 4.13 to 3.66 ha. However the substantive developments the subject of concurrent applications, are not considered acceptable and are recommended for refusal. The proposed enabling works would result in the loss of woodland priority habitat. This constitutes significant harm to biodiversity which has not been adequately mitigated, or compensated for, and is therefore in conflict with planning policy.
- 7.45 The proposal would also result in the loss of the vast majority of the trees within the existing developed hospital site resulting in harm to the amenity and landscape character of the area, in conflict with planning policy.
- 7.46 The proposals fail to comply with NPPF policy guidance and local policies DG1, N6, H10 and H11.

8 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 The proposal is not CIL liable.

9 CONSULTATIONS CARRIED OUT

Comments from interested parties

Approximately 150 neighbouring and local properties were notified directly of the application.

The application was advertised in the local press in January 2017. The planning officer posted site notices advertising the application at the site on 19th December 2016. The application was subject further notification and publicity undertaken in June 2016, following receipt of amendments.

A total of 1 representation was received in support of the application, summarised as:

Comment	Where in the report this is considered
1 The facility is needed in this area	7.8

A total of 4 representations were received objecting to the application, summarised as:

Comment	Where in the report this is considered
1 Loss of trees and Woodland	7.7 – 7.24
2 Impact on ecology and environment	7.25 – 7.39
3 Impact of car parking on Brooke Av	These issues relate to the concurrent application 16/03115/OUT and have been addressed in that report.
4 Impact of residential, lack of infrastructure, noise and disturbance	
5 Traffic noise and disturbance	

Statutory consultees

Comment	Where in the report this is considered
Historic England No objection but utilities may necessitate Scheduled Ancient Monument Consent	7.40 – 7.41

Other consultees and organisations

Comment	Where in the report this is considered
Berkshire Archaeology This application is inextricably linked to the hybrid planning application 16/03115/OUT and change of use application 16/03824/FULL. Given the uncertainty over the location of the three other barrows in close proximity to the Scheduled Bronze Age barrow, further information on the buried archaeological	7.40 – 7.41 Further information has been submitted in connection with 16/03115.

	heritage within this and the wider Hospital site and the impacts of the proposed enabling works upon any remains should be sought prior to the determination of this application. Any such remains, by virtue of their association with the Scheduled barrow, would be considered of high significance.	
Local Lead Flood Authority	The Enabling Works application states that car parking is included but no detailed plans of the proposed car parking or associated surface water drainage system is provided. Clarification is therefore required.	These issues relate to the concurrent application 16/03115/OUT and have been addressed in that report.
RBWM Ecologist	Objection	7.25 – 7.39
RBWM Tree officer	Objection	7.7 – 7.24
RBWM Environmental Protection Officer	Recommend conditions relating to contamination land.	Noted
Forestry Commission	Ancient woodland is an irreplaceable habitat. The Forestry Commission has prepared joint standing advice with Natural England on ancient woodland and veteran trees, which we refer you to in the first instance.	7.18 – 7.22
Sunninghill & Ascot Parish Council	Concerns raised - detail within response to concurrent application 16/03115	Set and addressed in concurrent application 16/03115/OUT report.
Runnymede Borough Council	No objection	Noted

10 APPENDICES TO THIS REPORT

Appendix A - Site location plan

Appendix B – Enabling Works Scope

Appendix C – Enabling Works General Arrangement

Appendix D - Trees removal plan

Appendix E – Landscape sections

Appendix F – Balancing Pond

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPFF.

In this case the issues have not been successfully resolved.

11 REASONS FOR REFUSAL

- 1 The proposed development will significantly reduce the woodland site, which is priority habitat. The extent of woodland and tree loss represents significant harm to biodiversity that has not been adequately mitigated, nor compensated for, and is therefore contrary to paragraph 118 of the National Planning Policy Framework (NPPF), the provisions of saved Policies GB2B of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003), to policy NP/EN2 and NP/EN4 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan (2014), and to emerging Borough Local Plan 2013-33 (Submission version 2017) policy NR2 and NR3.

- 2 The proposed development would result in the loss and the potential loss of trees, which are important landscape features and are covered by a Tree Preservation Order. Their loss would be harmful to the character and appearance of the area. The proposals will be contrary to Core Planning Principle Bullet Point 7 and paragraphs 61 and 118 of the National Planning Policy Framework and the provisions of saved policies DG1 and N6 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003), Policy NP/EN2 of the Hurley and Ascot, Sunninghill and Sunningdale Neighbourhood Plan (2014), and to emerging Borough Local Plan 2013-33 (Submission version 2017) policy NR2.