

LOCATION: LAND AT FORMER SPARKS GARAGE, 2 LONDON ROAD, CAMBERLEY, GU15 3UZ
PROPOSAL: Variation of condition 11 of Planning Permission 16/0536 so as to allow change to location of proposed access.
TYPE: Relaxation/Modification
APPLICANT: Mr Charles Seville Developments Ltd
OFFICER: Emma Pearman

This application should be read in-conjunction with application 17/0503 reported elsewhere on this agenda.

RECOMMENDATION: GRANT subject to conditions

1.0 SUMMARY

- 1.1 This application seeks to vary the location of the access, approved under outline permission 15/0385 (later replaced by 16/0536). It is proposed to move the access just over 7m north of the previously approved location, and widen it by approximately 0.4m. The County Highway Authority has been consulted and has not objected. The minor change in location would cause no significant highway or amenity impacts, and as such the application is recommended for approval.
- 1.2 This application will replace the outline permission and as such all the outstanding conditions on the outline permission will again be imposed. It should also be noted that should Members decide to refuse this application, it will not be possible to grant permission for application 17/0503 which is also being reported to this Committee, because the plans for 17/0503 are based on the new access location.

2.0 SITE DESCRIPTION

- 2.1 The application site is located on the junction of the A30 London Road, just outside Camberley Town Centre, and the Maultway North, opposite the Jolly Farmer roundabout, and lies within the settlement area of Camberley and Frimley and the Historic Routes (Main Thoroughfares) Housing Character Area. The site is approximately 0.1ha in size, and the derelict garage buildings which were on the site at the time of the original application have now been demolished and the site is enclosed by a fence and is somewhat overgrown by vegetation. There is a red brick wall to the front which is in a state of disrepair. There are steps up to the site from the A30, as the site is in an elevated position compared to this road. The site is accessed by vehicles from Maultway North.

- 2.2 The application site slopes up from the A30 to the north, and behind the application site there are residential properties on the western side of Maultway North, with open land opposite to the east. To the west of the application site on the A30, there is a residential building comprising 12 flats (Pear Tree Court) with parking to the rear, which is also accessed from Maultway North.

3.0 RELEVANT PLANNING HISTORY

- 3.1 17/0503 – Approval of the reserved matters (appearance, landscaping, layout, scale) pursuant to condition 1 of SU16/0536 for the erection of 9 x 2 bed flats with associated parking and landscaping.

Application under consideration and also being reported to this Committee.

- 3.2 16/0536 – Application to remove condition 19 (relating to affordable housing provision) of outline planning permission SU15/0385 for the demolition of existing buildings and erection of up to 10 residential apartments, access, parking provision and associated landscaping with access to be considered only.

Granted 24/08/2016

Officer comment – This application replaces 15/0385 as the relevant outline permission. Conditions 13-15 of this permission, relating to land contamination, have also been discharged.

- 3.3 15/0385 – Outline application for the demolition of existing buildings and erection of up to 10 residential apartments, access, parking provision, and associated landscaping, with access to be considered only.

Granted 21/08/2015

4.0 THE PROPOSAL

- 4.1 This application proposes moving the location of the access that was agreed at outline stage, further north than previously proposed, by 7.2m. It would be 6.6m south of the access to Pear Tree Court, rather than 13.8m as previously proposed, however would be 0.4m wider. The change in the location of the access has allowed for a different parking arrangement with spaces to the north and south rather than most of them situated along the boundary with Pear Tree Court.

5.0 CONSULTATION RESPONSES

- 5.1 Surrey County Highway Authority No objection - the variation from the approved plans by this amount is not considered to have a significant impact on the highway network.

6.0 REPRESENTATION

6.1 At the time of preparation of this report one letters of representation has been received. The issues raised are as follows:

- Highly unlikely there will only be 9 cars associated with the development and any more vehicles will increase parking issues which are especially bad during school drop off times *[Officer comment: Parking is being considered as part of the reserved matters application 17/0503 and as such this issue will be discussed in the Officer's report to that application]*
- Maultway North at this proposed point of access is the narrowest part of the lane *[Officer comment: see section 7.3]*
- This is a very busy route for parents to drop off their children and becomes very congested early mornings and afternoons *[Officer comment: see section 7.3]*
- Pear Tree Court has limited vision to get out onto Maultway North. Increasing entry and access vehicles in this area will be even more dangerous *[Officer comment: see section 7.3]*
- The police use this area to survey A30 traffic and park at this point *[Officer comment: Not a planning consideration]*
- Frost and snow causes extreme difficulties for residents to get out onto the A30 as becomes dangerous as it is sloping *[Officer comment: see section 7.3]*

7.0 PLANNING CONSIDERATION

7.1 The application proposed is considered against the policies within the Surrey Heath Core Strategy and Development Management Policies Document 2012, and in this case the relevant policy is Policy DM11 (Traffic Management and Highway Safety). It will also be considered against the National Planning Policy Framework (NPPF).

7.2 The outline approval granted permission for residential development at this site for up to 10 units, and agreed the location of the access. The main issue to be considered therefore is whether moving the access would have any highway or amenity impacts.

- Highway safety and amenity impacts

7.3 Highway safety and amenity impacts

7.3.1 Paragraph 32 of the NPPF states that planning decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policy DM11 states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce such impacts to acceptable levels can be implemented.

- 7.3.2 The access point was already granted permission at outline stage under application 15/0385 (superseded by 16/0536), just further south of where it is now proposed. At the time of the outline application, the applicant's Transport Assessment compared the existing use (as a car repair garage) to the proposed residential use, and found that the amount of traffic associated with the site would reduce for its use as residential. It is noted that Sparks Garage had an access onto Maultway North for many years, which was slightly further towards the A30 than is proposed. As such the residential development at this site, together with the access being moved away from the A30, is likely to result in highway safety benefits compared to the previous situation.
- 7.3.3 Given that the applicant already has permission for an access onto Maultway North, for residential development of up to 10 units (though now proposes 9 units), it is necessary to consider whether moving that access further north, away from the A30, is likely to result in a significant variation in highway safety or amenity issues such that this application should be refused. The County Highway Authority has been consulted and has not objected, noting that the relative small change in location is not considered to have any significant impacts in highway safety terms. It is noted and accepted that Maultway North can get congested at drop off and pick up times for Collingwood College, however this has been the case for many years and it is not considered that this proposal will have any effect on, or worsen this situation. As stated above, compared to the previous garage use, the residential use is not likely to generate as many cars.
- 7.3.4 The narrowest part of the lane does indeed appear to be the stretch between the A30 and the access to Pear Tree Court. However, it does not appear that the road is narrower in the region of the new location, when compared to the approved location, or indeed the location of the old access to Sparks Garage. The road only appears to widen north of the application site, where the residential dwellings are located, and as such it does not appear that there is a wider point adjacent to the application site from which the access could be located. The road also slopes up from the A30 towards the north, right along Maultway North, and the steepest part appears to be in the vicinity of the application site between the junction with the A30 and where the residential dwellings begin to the north. This slope only seems to be more gradual further along Maultway North, past the application site. Again, it does not appear to be any steeper at the point of the new access, compared to the previously approved location, nor is there another point where it is clearly less steep which is adjacent to the application site.
- 7.3.5 The adjacent vehicular access to Pear Tree Court has a boundary wall belonging to the neighbouring dwelling on the northern side with tall vegetation above, and is presently open on the southern side (given that the buildings, vegetation and boundary fencing which was formerly part of Sparks Garage have been removed). However, when Sparks Garage was in use the entrance to Pear Tree Court had boundary fencing and significant tall vegetation on the southern side, restricting the view significantly more than the current situation. The issue of the boundary fence and access to Pear Tree Court has been discussed in the reserved matters application 17/0503 as this application considers boundary treatments.

- 7.3.6 The new access would be 6.6m south of the access to Pear Tree Court, rather than 13.8m as previously approved. The County Highway Authority has not raised concern with regard to the change in location nor the proximity to Pear Tree Court. It is noted that by moving the access further north, it is away from the A30/Maultway North junction which is far busier than the Pear Tree Court/Maultway North junction which serves 12 flats only. The County Highway Authority has not raised any visibility concerns with regard to either access. There is a condition on the outline permission for visibility splays with regard to the new access and this condition would be imposed again.
- 7.3.7 Given the location of the proposed access from other residential properties, it is not considered that there would be any other impacts on amenity. The issue of parking is not part of this application and is discussed in the report to application 17/0503. It is therefore considered that the proposed change in location is considered to be acceptable and in line with Policy DM11.

8.0 CONCLUSION

- 8.1 It is therefore considered that the change in location of the access to the development is acceptable and is not likely to cause any highway safety or amenity issues. It is therefore considered that permission can be granted.

9.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT) ORDER 2012 WORKING IN A POSITIVE/PROACTIVE MANNER

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included the following:

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.
- c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
- d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

10.0 RECOMMENDATION

APPROVE

1. Approval of the details of the scale, appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.(a) Application for approval of the reserved matters shall be made to the Local Planning Authority by 21st August 2018.(b) The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To prevent an accumulation of unimplemented planning permissions and to comply with Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (or any order revoking and re-enacting that Order) and Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 (2) of the Planning and the Compulsory Purchase Act 2004.

2. No development shall take place until details and samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Materials to be agreed will include the proposed brick, tile, guttering and fenestration. Once approved, the development shall be carried out using only the agreed materials.

Reason: In the interests of visual amenities of the area and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

3. The development hereby approved shall not be first occupied unless and until the proposed vehicular/pedestrian access to Maultway North has been constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the visibility zones shall be kept permanently clear of any obstruction above 1.05m high.

Reason: In order that the development should not prejudice highway safety nor cause an inconvenience to other highway users, in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

4. The development hereby approved shall not be occupied unless and until the existing accesses from the site to Maultway North and London Road have been permanently closed and any kerbs, verge, footway fully reinstated.

Reason: In order that the development should not prejudice highway safety nor cause an inconvenience to other highway users, in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

5. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking/turning area shall be retained and maintained for that designated purpose.

Reason: In order that the development should not prejudice highway safety nor cause an inconvenience to other highway users, in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

6. The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for the secure parking of bicycles within the development site. Thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause an inconvenience to other highway users, in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

7. No development shall commence until a Construction Transport Management Plan, to include details of: a) parking for vehicles of site personnel, operatives and visitors b) loading and unloading of plant and materials, c) storage of plant and materials, d) programme of works (including measures for traffic management), e) provision of boundary hoarding behind any visibility zones, f) measures to prevent the deposit of materials on the highway; has been submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented in full during the construction of the development.

Reason: In order that the development should not prejudice highway safety nor cause an inconvenience to other highway users, in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

8. No development including demolition shall take place until a Tree Survey/Report has been submitted and approved in writing by the Local Planning Authority. This Report shall be in compliance with BS5837:2012 Trees in Relation to Design, Demolition and Construction, and shall include an Arboricultural Impact Assessment and Arboricultural Method Statement

and Tree Protection Plan. This report should be prepared by a qualified Arboriculturalist possessing Professional Indemnity Insurance. All trees on or immediately adjacent to the development either within the application site or on the edge of the site should be accurately shown on a scaled site/block plan. The species, position of trees and canopy spread should be accurately shown. Existing trees should be retained wherever practicable and protected during the construction of the development.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

9. Prior to commencement of development, details of all hard and soft landscaping works shall be submitted and approved in writing by the Local Planning Authority. These shall include details of species, which should be in accordance with the 'Enhancements' section of the submitted Ecological Assessment report by PJC Ecology dated March 2015. The details shall also include a Landscape Management Plan, which should incorporate long term design objectives, management responsibilities/timescales and maintenance schedules for all landscape areas. All hard and soft landscaping works and the Landscape Management Plan shall be carried out in accordance with the approved details.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 the National Planning Policy Framework.

10. Prior to commencement of development, details of biodiversity enhancements to be carried out in accordance with the Enhancements section of the submitted Ecological Assessment written by PJC Ecology dated March 2015 shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to minimise impacts upon and provide gains in biodiversity in accordance with paragraph 109 of the National Planning Policy Framework.

11. The proposed access to the development shall be built in the location as shown on the Proposed Site Plan SG-101 received 25.5.17.

Reason: For the avoidance of doubt and in the interest of proper planning and as advised in ID.17a of the Planning Practice Guidance.

12. No development shall take place until details of external lighting are to be submitted to the Local Planning Authority. Once approved the lighting shall be constructed in accordance with the approved details and implemented prior to first occupation of the development and thereafter retained in perpetuity. The details shall include full details of the lighting supports,

posts or columns, a plan showing the location of the lights and full technical specification.

Reason: In the interests of residential and visual amenities and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

13. If, during development, contamination not previously identified in the approved Phase I Desk top study report 14778/DS dated February 2015, Phase II Contamination report dated July 2015 and Soil Gas Monitoring dated 24th September 2015 is found to be present at the site then the Local Planning Authority shall be notified immediately and no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has carried out an investigation and risk assessment; and submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with; and this strategy has been approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved. Following completion of measures identified in the approved remediation strategy a verification report detailing the effectiveness of those measures shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with risks to controlled waters, property and ecological systems, and to ensure that development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy CP2 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

14. No infiltration of surface water drainage into the ground at this site is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution of the water environment due to possible migration of contaminants from within the contaminated land, in accordance with Policy CP2 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

15. The development hereby permitted shall not commence until details of the design, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. Those details shall include: Information about the design storm period and intensity (1 in 30 & 1 in 100 (+30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods

employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters; Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);c) Flood water exceedance routes, both on and off site;d) A timetable for implementation;e) Site investigation and test results to confirm infiltration rates.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off the site resulting from the proposed development, in accordance with Policy DM10 of the Surrey Heath Core Strategy and Development Management Proposals Document 2012.

Informative(s)

1. CIL Liable CIL1
2. Form 1 Needs Submitting CIL2
3. Building Regs consent req'd DF5
4. The drainage details required by Condition 18 above should include full details of all foul water systems, to include cover levels, invert levels, pipe and chamber sizes, to be annotated upon a drainage layout plan. Details to indicate all connection points to buildings and to provide levels of any rodding eye or inspection point.