

LOCATION: WYVERN HOUSE, 55 FRIMLEY HIGH STREET,
FRIMLEY, CAMBERLEY, GU16 7HJ

PROPOSAL: Second floor extension including dormer windows above and within existing roof space to facilitate conversion of existing offices (Class B1) to 48 flats (37 one bed, 10 two bed and 1 three bed) with associated parking, bin/cycle storage and access from Maybury Close. (Amended info rec'd 02/03/18), (Amended cil form rec'd 05/03/18), (Amedned plans rec'd 01/06/18 & 04/06/18).

TYPE: Full Planning Application

APPLICANT: Mr Kaplan
Wyvern Development Holdings Ltd

OFFICER: Ross Cahalane

RECOMMENDATION: REFUSE

1.0 SUMMARY

- 1.1 This application seeks planning permission for the erection of a second floor extension including dormer windows above and within the existing roof space to facilitate conversion of the existing offices (Class B1) to 48 flats (37 one bed, 10 two bed and 1 three bed) with associated parking, bin/cycle storage and access from Maybury Close. The existing building benefits from extant Prior Approval (17/1011) for full conversion of the existing building to 35 flats.
- 1.2 The current proposal would provide an additional 13 flats in a highly sustainable location. However, this development noticeably adds to the upper floor bulk of the building, which already sits taller than the surrounding dwellings. It is considered that the number of units, together with the proportion and quantum of built form and layout in relation to the size of the site, would result in a density of development that would unacceptably intensify and over develop the existing site, at odds with and harmful to the established character and appearance of the surrounding area. It is also considered that insufficient amenity space would be provided for future occupiers of the proposed additional flats, and that the additional proposed Unit 46 on the third floor would provide an unacceptably deficient level of outlook for future occupiers.
- 1.3 Although the applicant has expressed willingness to secure a provide a Section 106 legal agreement to secure a financial contribution towards Affordable Housing and SAMM, this has not been provided to date and therefore must form additional reasons for refusal as set out in Policies CP5 and CP14B of the CSDMP and Policy NRM6 of the South East Plan 2009.

2.0 SITE DESCRIPTION

- 2.1 The application site comprises a three storey office block located at the junction of Frimley High Street (B3411) and the residential cul-de-sac of Maybury Close. The building contains pitched and crown roof forms hipped at each side, with the lower two storey form (where the second floor extension is proposed) containing a flat roof form contained within parapet walls. The external elevations mainly contain sand-coloured brick and the overall design and layout is typical of office buildings built in the late 1980s/early 1990s. The site benefits from a parking area accessed via Maybury Close.
- 2.2 The site is within settlement area of Frimley. The surrounding area is mixed in character as although it is near to the High Street and District Centre area of Frimley containing shopping parades up to three storeys in height, Maybury Close is residential containing two storey detached and semi-detached dwellings and detached and semi-detached bungalows. Further piecemeal residential estates surround the other site boundaries - two storey/single storey terraced/mews dwellings are located to the northwest and to the southwest, and the layout changes to two storey semi-detached/detached to the south/southeast. More residential development is located across Frimley High Street, along with a public car park and recreation area. Frimley Rail Station is located further to the southwest.

3.0 RELEVANT PLANNING HISTORY

- 3.1 SU/1988/0626 Construction of a three-storey office building with associated highway improvements, car parking and landscaping.
Decision: Granted (implemented)
- 3.2 SU/2007/0014 Installation of front entrance lobby.
Decision: Granted
- 3.2 SU/2016/1131 Application for Prior Approval under schedule 2, part 3 (Class 0) of the General Permitted Development Order for the conversion of existing offices (Class B1 to 35 residential units with associated parking.
Decision: Granted
- 3.4 SU/2017/1011 Application for Prior Approval under Schedule 2, Part 3, Class (O) of the General Permitted Development Order for the conversion of existing offices (Class B1) to 35 residential units with associated parking.
Decision: Granted

4.0 THE PROPOSAL

- 4.1 Planning permission is sought for the erection of a second floor extension including dormer windows above and within the existing roof space to facilitate conversion of existing offices (Class B1) to 48 flats (37 one bed, 10 two bed and 1 three bed) with associated parking, bin/cycle storage and access from Maybury Close. The current proposal would contain 35 identical flat layouts as approved under 17/1011 across the existing ground, first and second floors. As before, no external alterations are proposed here.
- 4.2 The proposed second floor extension would include a crown roof form with dormer windows above and would have an integrated fenestration design, height and hipped side elevation, with an additional maximum height of approx. 5.1m (sited approx. 13.9m above adjacent ground level). This would provide four additional one-bed flats.
- 4.3 The proposed dormer windows across the building would all contain flat roof metal-clad external materials to contain enclosed balconies with front balustrades. They would all be flush to the eaves with surface height of approx. 2.9m set just below the existing maximum roof height. The dormer widths would range between approx. 2.7m-5.5 and would facilitate nine additional flats (one 3-bed, two 2-bed and six 1-bed).
- 4.4 All of the 48 proposed units would provide market housing. A viability appraisal report has been provided by the applicant, which seeks to demonstrate that the proposed scheme would be unviable if it provided Affordable Housing.
- 4.5 The two existing vehicular accesses to the site off Maybury Close (currently in/out) would be retained as part of a modified parking and circulation layout within the site. The supporting statement advises that this would provide 39 parking spaces for the proposed 48 flats, including 3 designated as disabled spaces. Storage space for 14 bicycles is also proposed, along with two communal bin storage areas. Grassed areas are proposed immediately around the building, some of which will replace the existing hardstanding area.
- 4.6 Amended plans have been received to alter the internal layout of Unit 43 and to provide three skylights and increase the south-west dormer window width serving Unit 46 (all on the third floor).

5.0 CONSULTATION RESPONSES

- 5.1 Surrey County Council Highway Authority: No objection raised, subject to conditions [See Section 7.6]
- 5.2 Environment Agency: No objection raised [See Section 7.7]
- 5.3 Council Environmental Health Officer: No objection raised [See Section 7.5]

5.4 Surrey County Council Lead Local Flood No objection raised [See Section 7.7]

6.0 REPRESENTATION

6.1 At the time of preparation of this report, 26 objections have been received, raising the following concerns:

- What is the demand for one-bed flats?
- Why not leave the space as offices?
- Number of flats should be reduced with increased number of bedrooms

[Officer Comment: See Sections 7.3 and 7.10]

- Overdevelopment of site
- Not in keeping with current style of housing
- Density in area is already high with recent flat conversions nearby

[Officer Comment: See Section 7.4]

- Loss of light from roof extension
- Proposed units are too small
- Impact on air quality
- Rooftop green space should be encouraged

[Officer Comment: See Section 7.5]

- Increased vehicle movement on and off the site
- Site unable to accommodate increased parking needs – overspill on to Maybury Close and surrounding areas. Children will not be able to play on street.
- Access from Maybury Close to Frimley High Street will be dangerous and increased pedestrians crossing – no traffic light or other controls in place and accidents have occurred. Junction needs to be improved.
- Space should be made for access from Station Road instead
- Maybury Close footpaths narrower than as stated on plans
- Transport Statement uses Census figures from 2011 – does it take into account recent surrounding development?
- Figures in Transport Statement are incorrect
- Actual number of office parking spaces used in recent years much lower

- Surrounding Infrastructure already overloaded
[Officer Comment: Refer to Section 7.6]
- What type of housing is proposed – private, social or for hospital employees?
[Officer Comment: See Section 7.10]
- Workers on site
[Officer Comment: The site has extant consent for conversion to 35 flats]
- Neighbouring property has Right to Light
[Officer Comment: This is a private civil matter outside of the remit of planning legislation]
- Insufficient neighbour notification
[Officer Comment: All surrounding neighbours were notified in accordance with the statutory requirement]
- Looks like an attempt to maximise profit with no regard to community or environment
- Site has parking agreed for 61 spaces so developer should be encouraged to provide more parking
[Officer Comment: Each application must be considered on its own planning merits).

7.0 PLANNING CONSIDERATION

- 7.1 The application site is located in Frimley, a settlement area as outlined in the Surrey Heath Core Strategy & Development Management Policies 2012 (CSDMP). The site is also within the “Intense Terrace” Character Area as defined under the Western Urban Area Character Supplementary Planning Document (WUAC SPD). The proposal is considered against the principles of Policies CP1, CP2, CP3, CP5, CP6, CP8, DM9, DM10 and DM11 of the CSDMP, the WUAC SPD and the NPPF. The Residential Design Guide Supplementary Planning Document (RDG SPD) was adopted in September 2017 and therefore forms an additional material consideration in the determination of this application.
- 7.2 The main issues to be considered are:
- Principle of development;
 - Impact on character of the host building and surrounding area;
 - Impact on amenities of neighbouring properties and future occupiers;
 - Impact on access, parking and highway safety;

- Impact on flood risk;
- Impact on local infrastructure;
- Impact on the Thames Basin Heaths SPA;
- Affordable Housing and;
- Other matters.

7.3 Principle of the development

7.3.1 At the heart of the NPPF is a requirement to deliver a wide choice of quality homes, and to boost significantly the supply of housing. The application site is within a defined settlement area of Frimley and it is considered that the proposal would be a sustainable form of development, being within this settlement area and very close to Frimley District Centre and its rail station and bus links. Although the proposal would lead to the loss of office accommodation, the site is outside of a Core Employment Area and benefits from extant Prior Approval (17/1011) for full conversion of the existing building to 35 flats.

7.3.2 The principle of additional residential development in this location is therefore considered acceptable, subject to the other planning considerations as outlined below.

7.4 Impact on character of the host building and surrounding area

7.4.1 Policy DM9 (Design Principles) promotes high quality design that respects and enhances the local environment, paying particular regard to scale, materials, massing, bulk and density (DM9 ii and iii). The National Planning Policy Framework also seeks to secure high quality design, that also takes account of the character of different areas. Development which fails to integrate into its context, promote or reinforce local distinctiveness and fails to take the opportunity to improve the character and quality of the area and the way it functions should be refused (paragraphs 59, 61 and 64 of the NPPF). Policy DM9 (iii) of the CSDMP also requires the provision of sufficient public and private amenity space.

7.4.2 The site is also within the “Intense Terrace” Character Area as defined under the WUAC SPD, which also covers the Bridgmead estate to the southwest. Guiding Principle IT1 for the ‘Intense Terraces’ character area states that new development should pay particular regard to the following criteria:

(a) Provision of high quality hard and soft landscaped space around buildings. Provision of large scale soft landscaping elements such as swathes of low level planting and, where practicable, mature trees will be expected. Particular attention should be paid to publicly visible space to the side and front of buildings.

(b) Use of high quality architectural design and detailing to articulate and break up the building mass and provide visual interest

(c) High quality hard and soft landscaping to be provided in parking areas

(d) Maintenance and retention of existing green space around buildings

Guiding Principle IT2 states that:

Development that intensifies the existing building mass without providing softening elements in the form of landscaping and articulation of facades will be resisted.

- 7.4.3 The site is also surrounded by other WUAC SPD Character Areas - Frimley High Street and the northern side of Maybury Close is within the Historic Routes Character Area (Commercial Nodes Sub-area) and the southern side of Maybury Close and the other estates beyond are within the Post-War Open Estates Character Area. The Guiding Principles of the Commercial Nodes Sub-area reflects the mixed function and historical context of Frimley High Street containing buildings of up to three storey, whereas the Guiding Principles of the Post-War Open Estates Character Area expect lower heights and retention of space between buildings to reflect the suburban scale and open characteristics of the area. This mix of character designations in the vicinity is reflective of the mixed character of the area and in such settings, development of the scale proposed is expected to respect all surrounding built form and character areas and not just the context of the Character Area in which the site sits in.
- 7.4.4 Principle 7.4 of the Residential Design Guide (RDG SPD) advises that new residential development should reflect the spacing, heights and building footprints of existing buildings. Principle 7.5 advises that proposals to introduce roof forms on residential development that diverge from the prevailing character of residential development will be resisted unless it can be demonstrated that the proposals would make a positive contribution to the streetscape and that where a building has been designed to reflect traditional forms and styles, a flat roof should not be used to span overly deep buildings.
- 7.4.5 The proposed second floor extension would be sited above an existing flat roof and parapet, which is flanked by the main three storey form to the north and an additional floor with a hipped roof along the southern side elevation. The maximum height and eaves level would be the same as these existing adjoining features and the crown roof form would span the same depth as the existing crown roof. It is therefore considered that the extension would integrate well within the form and articulation of the existing building to avoid an incongruous impact upon the surrounding area.
- 7.4.6 A number of third floor dormer windows are proposed along each elevation and whilst there are examples of dormers of varying design in the vicinity, there are no other examples at third floor level. However, no overall height increase is proposed and the smaller proposed dormer widths would be modest in comparison to the roof form of the building as a whole. The larger proposed dormers would be more prominent and bulky, but would still be set within the sides of the existing roof form. Given the proposed scale set within the existing roof form and the varied building heights and roof forms in the vicinity, in this instance it is considered that the proposed dormers would not lead to an over-dominant or incongruous addition to the host building and surrounding area. A planning condition could be imposed to ensure that the proposed external materials are appropriate for the character of the surrounding area.
- 7.4.7 Principle 6.4 of the RDG SPD advises that:

Housing development should seek to achieve the highest density possible without adversely impacting on the amenity of neighbours and residents or compromising local character, the environment or the appearance of an area. Residential developments in higher intensity locations (Camberley town centre and centres along the B3411) will be expected to be supported by generous green infrastructure provision.

Paragraph 6.12 further expands on this by stating that:

High quality, denser development at locations which are sustainably located will be encouraged, provided they are supported by adequate green infrastructure. This could include pocket parks, roof gardens, green walls, community gardens and communal amenity space. Such locations are likely to include Camberley Town Centre and the string of town and neighbourhood centres along the B3411 [this includes Frimley High Street].

- 7.4.8 Some of the existing parking area adjacent the southern side elevation would be replaced by an open grassed area, and the existing grassed and landscaping areas around the other building elevations and the highway boundaries would be retained. The applicant is willing to accept a landscaping condition to facilitate this. However, this proposed landscaping is limited to areas immediately adjacent the building and surrounding highways and is therefore not of sufficient size or layout to function as green infrastructure to relieve the additional development and intensity of use. Although no objections have been raised by the County Highway Authority in respect of the proposed provision of 39 spaces for 48 flats (see section 7.6 below), the lack of provision of a dedicated parking space for each flat (which include two and three-bed units) is another indicator of an over-intensive use of the site.
- 7.4.9 It is accepted that the 35 residential units are consented under 17/1011 and the individual designs of the proposed extension and dormers are considered acceptable. However, this development noticeably adds to the upper floor bulk of the building, which already sits taller than the surrounding dwellings and therefore widely visible from the surrounding mix of character areas which are all of a lower height and density. It is therefore considered that the proposed number of units, together with the site layout (with no communal amenity space and insufficient parking spaces) and the overall quantum of built form, would result in a density of development that would unacceptably intensify and over develop the existing site at odds with and harmful to the surrounding established character areas of the Western Urban Area Character Area.
- 7.4.10 As such, the proposal would fail to respect and improve the character and quality of the surrounding area, contrary to Policy DM9 (iii) of the CSDMP, Guiding Principles IT1 (a) and IT2 of the WUAC SPD and Principle 6.4 of the RDG SPD. It is not considered that the social and economic benefits of providing 13 additional units within a sustainable location would outweigh the harm to the character of the area and the living standards of future occupiers as identified above.

As outlined in Section 5 below, the proposal would also fail to provide sufficient private amenity space for the additional units, contrary to Principles 8.5 and 8.6 of

the RDG SPD and representing a further indicator of an over-intensive use of the site.

7.5 Impact on amenities of neighbouring properties and future occupiers

- 7.5.1 Policy DM9 (Design Principles) states that the amenities of the occupiers of the neighbouring properties should be respected by proposed development. Principle 8.1 of the Draft Residential Design Guide SPD states that new residential development should be provided with a reasonable degree of privacy to habitable rooms and sensitive outdoor amenity spaces. Paragraph 8.4 of the RDG SPD advises that a minimum distance of 20m is this Council's generally accepted guideline for there to be no material loss of privacy between the rear of two storey buildings directly facing each other (i.e. a back to back relationship). It is also stated here that extra separation may be needed where there are significant changes in level between buildings, or where new development is greater than 2 storeys in height.
- 7.5.2 The proposed second floor extension and dormers above would be sited approx. 21m from the rear elevations of the terraced bungalows of Nos 40-42 Bridgemoor to the southwest, with a public walkway from Frimley High Street and a drainage stream sited in between. This meets the minimum 20m separation quoted above, but there would be significant height difference between the proposed second/third floor development and these neighbouring bungalows. However, given the existing first and second floor elevations at same proximity which benefit from lawful residential use under 17/1011, it is considered that the proposed extension and dormers would not lead to adverse harm in terms of loss of privacy.
- 7.5.3 The siting of the proposed extension to Nos 40-42 Bridgemoor would restrict any potential loss of sunlight to early morning during the spring and summer months. It is considered that the orientation, existing built form and separation distances would be sufficient to avoid adverse harm in terms of loss of light, outlook or overbearing impact.
- 7.5.4 The proposed westernmost dormer would be sited approx. 15m from the side elevation of the two storey side elevation of the end-terrace dwelling of No. 38 Bridgemoor. However, this elevation contains no windows. The proposed north-western dormers would be sited at least 30m from the elevations of the maisonette dwellings of Burrell Road on the other side of Frimley High Street. The proposed northernmost dormer would be sited at a similar distance towards the Frimley High Street premises and not directly towards the two storey detached dwelling No. 1 Maybury Close to the northeast. The proposed eastern dormers facing the front elevations of the two storey semi-detached dwellings of Nos 2 & 3 Maybury Close would be at a distance of approx. 24m, which is considered sufficient to avoid adverse harm in terms of loss of privacy. Given the existing built relationships and separation distances, it is considered that no adverse impact would arise upon these neighbours in terms of loss of outlook, privacy or overbearing impact.
- 7.5.5 It is considered that the proposed development as a whole would be sited at sufficient distance from other neighbouring boundaries and habitable windows to avoid adverse harm to neighbouring amenity.

- 7.5.6 Principle 8.5 of the RDG SPD advises that flatted developments should provide outdoor amenity space for each unit. In flatted developments, communal open space will be expected. This should be: connected to the building; easily accessible to all residents; screened from public view; free of vehicles; located to receive sunlight for a substantial part of the day, and; actively overlooked to provide surveillance and security. No communal amenity space is proposed. It is accepted that the existing building can be lawfully converted to 35 flats and is within walking distance from Burrell Road recreation ground. However, this is on the other side of Frimley High Street and the lack of an assisted pedestrian crossing point in the vicinity would hamper accessibility for children. The Design and Access Statement highlights another area to the north as being a further amenity space. However, this land actually forms part of an Army Cadet training centre and is therefore not open to the public. Frimley Lodge Park is also highlighted to the southeast, but this is an approx. 35 minute walk from the application site. Although part of this walk is via public footpaths, the adjacent land comprises private fishing lakes and is therefore also not publically accessible.
- 7.5.7 Principle 8.6 of the RDG SPD advises that unless conservation, privacy or heritage issues negate against the use of balconies, all flats above ground floor should be provided with balconies which: are a minimum of 1.5m deep; are wider than their depth, and; provide for privacy – screens, recesses and orientation are potential design solutions to provide for this. None of the four proposed second floor one-bed flats (Units 36-39) within the side extension contain balconies, but all nine of the proposed third floor flats would be served by external balcony space served by the dormers. Principle 8.6 also advises that predominantly north facing balconies with no access to sunlight during the year, or balconies in close proximity to adjoining main roads which will be materially affected by noise and air pollution will not be considered to have fulfilled the obligation to provide outdoor amenity space for flat occupants. The four proposed balconies on the north and north-west elevations (facing B3411 Frimley High Street) serving one 3-bed (Unit 41) and two 1-bed flats (Units 40 and 48) therefore cannot be counted as private outdoor amenity space. This means that seven of the proposed 13 additional units do not meet the RDG private amenity space criteria.
- 7.5.8 The lack of appropriate amenity areas for the proposed additional development, being within a site constrained by the existing built form and limited surrounding open space, is considered to form an unacceptably intensive use of the site as it would fail to provide adequate amenity space for future occupiers.
- 7.5.9 Many of the proposed units do not comply with the national technical housing standards in terms of their internal living space. However, all these units already benefit from consent under 17/1011. The additional 13 proposed units on the second and third floors would all comply with the minimum floor areas as set out in the technical housing standards.
- 7.5.10 Principle 8.2 of the RDG SPD advises that all habitable rooms in new residential development should maintain at least one main window with an adequate outlook to external spaces where nearby man-made and natural features do not appear overbearing or visually intrusive. Amended plans have been received to alter the

internal layout of Unit 43 on the third floor which is now considered to provide sufficient outlook for future occupiers. The living area of Unit 46 (also on the third floor) is now served by three skylights and a 0.8m wide window opening in the corner. An identical opening serves the adjacent bedroom as the proposed dormer splits across these rooms. Although these alterations would improve natural light received to the living area and the outlook for the bedroom, it is still considered that the limited window size and its positioning within a corner alcove in relation to the overall living area depth, would lead to an unacceptably deficient level of outlook for future occupiers of Unit 46 contrary to Policy DM9 of the CSDMP and Principle 8.2 of the RDG SPD.

- 7.5.11 A noise report has been provided and the Council's Senior Environmental Health Officer (EHO) has raised no objection, commenting that the industrial and commercial sources have been adequately assessed and the impact upon future occupiers would be minimal. The EHO acknowledged the recommendation to provide windows that attenuate surrounding traffic noise, but has not recommended a planning condition as this was not a legislative requirement for the extant 17/1011 scheme. The EHO has raised no other objections to the proposal.

7.6 Impact on access, parking and highway safety

- 7.6.1 Policy DM11 (Traffic Management and Highway Safety) 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 and mitigate such impacts to acceptable levels can be implemented.
- 7.6.2 The transport statement advises that the proposed residential use includes the provision of 39 marked off-street parking spaces within the site. The existing separate vehicular access and egress vehicle access points from Maybury Close will be maintained to provide access for all cars, servicing and refuse vehicles. To quantify the anticipated trip provision arising from the proposed development, the TRICS database has been utilised to indicate the peak hour and daily person and vehicular trip rates. The Transport Statement concludes that the proposed residential development would lead to a reduction in both peak hour and daily traffic movements when compared to the potential office use capacity of the existing building.
- 7.6.3 Concerns have been raised by neighbours in respect of lack of parking provision, the data provided within the Transport Statement and the existing site access adjacent a junction with Frimley High Street and Station Road, and in the case officer's opinion these concerns have some validity. However, in the absence of evidence to dispute the findings of the transport statement, the County Highway Authority (CHA) has raised no objections on safety, capacity or policy grounds, subject to conditions including the pre-occupation provision of on-site car and cycle parking and electric vehicle charging sockets. No objections can therefore be raised on grounds of highway safety, capacity or policy.

7.7 Impact on flood risk

- 7.7.1 The majority of the application site falls within Flood Zone 1 and an area of low risk from surface water flooding, which are the lowest probability categories for flooding. However, the southern part of the site containing the parking area is located within

Flood Zones 2 and 3a and an area of high risk from surface water flooding.

- 7.7.2 A flood risk and drainage technical note has been provided by the applicant, which correctly identifies the above flood risks and concludes that flood compensation strategies will not be required. It is also stated that a dry access and egress route can always be maintained in all storm events up to a 1 in 1000 year return period, as the main entrance will be retained as existing and is situated within Flood Zone 1.
- 7.7.3 The Environment Agency and the Surrey County Council as the Lead Local Flood Authority have raised no objection. No land level alterations are proposed meaning that the ground floor finished floor levels of the building will remain above the 1 in 100yr flood extent plus appropriate allowance for climate change, and the proposed car parking will be in an area that is already a hard surface car park for the office.

7.8 Impact on local infrastructure

- 7.8.1 The Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council on 16 July 2014. As the CIL Charging Schedule came into effect on 01 December 2014, an assessment of CIL liability has been undertaken. Surrey Heath charges CIL on residential developments involving one or more new dwellings through new build. As the proposal includes additional dwellings and floorspace, the development is CIL liable. CIL is a land charge that is payable at commencement of works but does not apply to the consented 17/1011 scheme for 35 units as this does not involve any floorspace increase. An informative advising of this will be added, should an appeal be submitted to and allowed by the Planning Inspectorate.

7.9 Impact on the Thames Basin Heaths SPA

- 7.9.1 Policy CP12 states that the Borough Council will ensure that sufficient physical, social and community infrastructure is provided to support development and that contributions in the longer term will be through the CIL Charging Schedule.
- 7.9.2 The Thames Basin Heaths SPA was designated in March 2005 and is protected from adverse impact under UK and European Law. Policy NRM6 of the South East Plan 2009 states that new residential development which is likely to have a significant effect on the ecological integrity of the SPA will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Policy CP14B of the SHCS states that the Council will only permit development where it is satisfied that this will not give rise to likely significant adverse effect upon the integrity of the Thames Basin Heaths SPA and/or the Thursley, Ash, Pirbright and Chobham Common Special Area of Conservation (SAC).
- 7.9.3 All of Surrey Heath lies within 5km of the Thames Basin Heaths SPA. The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD was adopted in 2012 to mitigate effects of new residential development on the SPA. It states that no new residential development is permitted within 400m of the SPA. All new development is required to either provide SANG on site (for proposals of 100 units or above) or, provided that sufficient SANG is available and can be allocated to the development, provide a financial contribution towards SANG, which is now

collected as part of CIL. There is currently sufficient SANG available.

- 7.9.4 In addition to the financial contribution towards the mitigation on likely effects of the proposed development on the TBH SPA in terms of SANG, Policy CP14B requires that all new residential development contributes toward SAMM (Strategic Access Management and Monitoring) measures. As this is not included within CIL, a separate financial contribution towards SAMM is required. In this instance an estimated payment of £19,144 is needed for all proposed 48 units. Although the applicant has expressed willingness to secure a Section 106 legal agreement, the lack of financial contribution towards SAMM would be contrary to Policy CP14B and Policy NRM6 of the CSMP and the Thames Basin Heaths SPD, and therefore must form an additional reason for refusal.

7.10 Affordable Housing and housing mix and type

- 7.10.1 Policy CP5 of the CSDMP requires a 30% on-site provision of affordable housing for proposals of 10-14 net units such as that proposed (when discounting the extant 17/1011 Prior Approval scheme for 35 flats). This approach is applied because the applicant could lawfully implement this consent without any affordable housing provision. Therefore it is necessary to consider whether the additional 13 units should attract any affordable housing liability.
- 7.10.2 A viability appraisal report has been provided by the applicant, which concludes that the proposed scheme would be unviable if it provided Affordable Housing. The Council's Viability Consultant has formally reviewed this report and has identified a number of potential construction cost savings. Following negotiation, the applicant has offered to provide a financial contribution of £75,000 towards Affordable Housing. As the range of figures provided by both the applicant and the Council's Viability Consultants are finely balanced and sensitive to variation, in this instance the Viability Consultants have recommended that this offer be accepted and secured through a legal agreement.
- 7.10.3 Policy CP6 states that the Council will promote a range of housing types and tenures, and for market housing suggests that this should be approximately 10% 1-bed units, 40% 2-bed units, 40% 3-bed units and 10% 4+ bed units. This application proposes 37 one bed, 10 two bed and 1 three bed units. However, the extant 17/1011 consent would provide a similar flat size mix of 26 one bedroom flats, eight two bedroom flats and one three bedroom flat. Given this along with the sustainable location near to Frimley District Centre and rail station, no objection is raised in respect of the proposed housing mix.

8.0 CONCLUSION

- 8.1 It is considered that the proposed number of units, together with the proportion and quantum of built form and layout in relation to the size of the site, would result in a density of development that would unacceptably intensify and over develop the

existing site, at odds with and harmful to the surrounding established character areas of the Western Urban Area Character Area. It is also considered that insufficient amenity space for future occupiers of the proposed additional flats, and that the additional proposed Unit 46 on the third floor would provide an unacceptably deficient level of outlook for future occupiers. The proposed development is therefore contrary to Policy DM9 (iii) of the CSDMP, Guiding Principles IT1 (a) and IT2 of the WUAC SPD and Principles 6.4, 8.2, 8.5 and 8.6 of the RDG SPD. Although the applicant has expressed willingness to secure a Section 106 legal agreement to secure a financial contribution towards Affordable Housing and SAMM, this has not been provided to date and therefore must form additional reasons for refusal as set out in Policies CP5 and CP14B of the CSDMP and Policy NRM6 of the South East Plan 2009.

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

9.1 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:

- 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 amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.

10.0 RECOMMENDATION

REFUSE for the following reason(s):-

1. The proposal by reason of the number of units, together with the increased quantum of built form and low proportion of landscaping and amenity space in relation to the size of the site, would result in an unrelieved and hard urban form of development with a density that would unacceptably intensify and over develop the existing site, at odds with and harmful to the established character and appearance of the area including the Intense Terraces Character Area and adjoining character areas. As such, the proposal would fail to respect and improve the character and quality of the area, contrary to Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012, Guiding Principles IT1 (a) and IT2 of the Western Urban Area Character Supplementary Planning Document 2012, Principle 6.4 of the Residential Design Guide

Supplementary Planning Document 2017 and the National Planning Policy Framework 2012.

2. The proposal would provide no communal amenity space and for Units 40-41 and Unit 48, the balconies would be north facing and be a poor quality private amenity space. As such the proposal would fail to provide sufficient and usable amenity space for future occupiers, with limited alternative facilities in walking distance, contrary to Policy DM9 (iii) of the CSDMP, Principles 8.5 and 8.6 of the Residential Design Guide Supplementary Planning Document 2017 and the National Planning Policy Framework 2012.
3. The proposed Unit 46, by reason of its limited living area window size and its positioning within a corner alcove in relation to the overall living area depth, would provide an unacceptably deficient level of outlook for future occupiers contrary to Policy DM9 of the Surrey Heath Core Strategy & Development Management Policies 2012, Guiding Principle 8.2 of the Residential Design Guide Supplementary Planning Document 2017 and the National Planning Policy Framework 2012.
4. In the absence of a completed legal agreement under section 106 of the Town and Country Planning Act 1990, to secure affordable housing provision, the applicant has failed to comply with Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.
5. In the absence of a payment or a completed legal agreement under section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan in relation to the provision of contribution towards strategic access management and monitoring (SAMM) measures, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (Adopted January 2012).

Informative(s)

1. Advise CIL Liable on Appeal CIL3