

**LOCATION:** 21-25 TEKELS PARK, CAMBERLEY, GU15 2LE  
**PROPOSAL:** Erection of 4 two storey detached dwellings with accommodation in the roof space, two with double detached carport, with associated car parking and landscaping works. (Additional plans rec'd 12/12/14)  
**TYPE:** Full Planning Application  
**APPLICANT:** Peta Homes Ltd  
**OFFICER:** Aneta Mantio

## **RECOMMENDATION: REFUSE**

### **1.0 SUMMARY**

- 1.1 The full application proposes the erection of 4 two storey detached dwellings with accommodation in the roof space, two with a double detached carport, with associated car parking and landscaping works.
- 1.2 The report concludes that the proposed development would be out of character with the surrounding area and would be detrimental to the character and appearance of this part of Tekels Park. In addition, the applicant has failed to make a financial contribution or provide a legal agreement in terms of SAMM.

### **2.0 SITE DESCRIPTION**

- 2.1 The application site of approximately 0.5ha is located within the southern section of Tekels Park close to the M3 motorway. The site comprises of three currently unoccupied and dilapidated detached dwellings and a single detached garage. The site includes a significant number of mature trees mostly located on the front boundary and in a woodland belt to the rear of the dwellings.
- 2.2 The site shares the east/side boundary with No. 26 Tekels Park. There are no dwellings directly adjoining the north/rear or the west/side boundaries. The site is accessed from the south/front boundary. The ground levels change significantly with the differences of up to 4m within the site and raise from the front and side boundaries to the centre and the rear of the site. The site is subject to statutory controls in the form of an area Tree Preservation Order (TPO) ref. TPO 05/00.
- 2.3 The character of the locality reflects that of the 'Wooded Hills' character area, as identified in the Western Urban Area Character Supplementary Planning Document (SPD).

### **3.0 RELEVANT HISTORY**

- 3.1 The most recent relevant planning history includes the application 14/0621 for the erection of 3 detached dwellings and a detached building to provide 4 duplexes that was refused in September for the following reasons:

1. The development proposed, by virtue of the scale and massing of the buildings, the level changes within the site, the removal of boundary screening and the formal layout of the development including the introduction of large areas of hardstanding, would result in an incongruous, dominant and overly urbanised pocket of development which would fail to respect and enhance the character and appearance of the surrounding area, including the semi-rural and verdant character of the Wooded Hills Character Area. Furthermore, the proximity of the proposed dwellings to the retained mature trees would likely lead to post development pressure for further tree removal which would accentuate the harm identified.
2. The proposal fails to provide an adequate mix unit sizes and fails to contribute to the provision of affordable housing and as such would not deliver a development which would meet the housing requirement of all sectors of the community.
3. The development proposed would result in a severe loss of privacy to the occupants of No.26 Tekels Park and would create an overbearing and unneighbourly building relationship when viewed from this property. Accordingly the development would seriously adversely impact on the residential amenities the occupants of this property currently enjoy.
4. Impact on the Thames Basin Heath SPA; and
5. Impact on local infrastructure.

#### **4.0 THE PROPOSAL**

- 4.1 The full application proposes the erection of 4 two storey detached dwellings with accommodation in the roof space, two with a double detached carport; and the associated car parking and landscaping works.
- 4.2 The current proposal is the amendment to the previously refused scheme. The amendments include the following:
  - Plot 1 - is a handed version on the previously considered Plot 1, with a minor reduction in the depth (by 1m) of the single storey rear element and increase in eaves height by 0.15m. The front gable design, front dormer window, as well as its height and width remain unchanged.
  - Plot 2 - would be slightly lower (by 0.2m), 0.25m wider and its depth and eaves height would be reduced by 0.9m and 0.5m respectively. The roof design includes two front dormer windows and a front projecting gable element with hipped roof over.
  - Plot 3 - omits the lower ground floor level and the large access ramp. It is of the same design as the previously considered dwelling on Plot 2 with minor reductions in width (by 0.25m) and in depth (by 0.65m), however increasing its ridge and eaves heights by 0.4m. Its roof contains two front dormers, a front gable element and a porch design.
  - Plot 4 - a significant change to the previous Plot 4 has been made in terms of a number of units, reducing the four flats to a single residential unit. As such, dimensions of the building have been also reduced, particularly its depth by almost 6m, albeit its eaves height has been increased by 0.3m.
  - The areas of hardstanding have been reduced.

- The majority of the front boundary landscaping would remain intact; however removal of 13 trees is proposed.

4.3 A comparison in terms of measurements between the refused and the current schemes is outlined in the following table:

		Maximum height (m)	Eaves height (m)	Maximum width (m)	Maximum depth (m)
Plot 1	Refused	9.3	6.45	11.8	15
	Current	9.3	6.6	11.8	14
	<b>Difference</b>	<b>0</b>	<b>+ 0.15</b>	<b>0</b>	<b>-1</b>
Plot 2	Refused	9.3	6.5	13.4	13.4
	Current	9.1	6	13.65	12.5
	<b>Difference</b>	<b>-0.2</b>	<b>-0.5</b>	<b>0.25</b>	<b>-0.9</b>
Plot 3	Refused	8.9	6.1	13.4	13.4
	Current	9.3	6.5	13.15	12.75
	<b>Difference</b>	<b>+ 0.4</b>	<b>+0.4</b>	<b>-0.25</b>	<b>-0.65</b>
Plot 4	Refused	9.35	5.8	15.1	18.4
	Current	8.95	6.1	13.1	12.45
	<b>Difference</b>	<b>-0.4</b>	<b>+0.3</b>	<b>-2</b>	<b>-5.95</b>

## 5.0 CONSULTATION RESPONSES

- 5.1 County Highway Authority No comment on the proposed development.
- 5.2 Surrey Wildlife Trust No comments received at the time of the preparation of this report.
- 5.3 Tree Officer Raise objection.

## 6.0 REPRESENTATION

- 6.1 At the time of preparation of this report no letters of representation have been received.

## 7.0 PLANNING CONSIDERATION

- 7.1 The National Planning Policy Framework (NPPF); Policies CP1, CP2, CP14, DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); the Western Urban Area Character Supplementary Planning Document (WUACSPD); and, Policy NRM6 of the South East Plan are material considerations in this application.

- 7.2 Having regard to the above it is considered that the main issues to be addressed are:

- Impact on the character of the area;
- Impact on residential amenities;

- Whether the development is acceptable in terms of parking and highway safety;
- Impact on local infrastructure; and
- Impact on Thames Basin Heaths SPA and on protected species.

### 7.3 The impact on the character of the area

- 7.3.1 The NPPF has a presumption in favour of sustainable development and to secure high quality design, as well as taking account of the character of different areas. However, the NPPF rejects poor design that fails to take the opportunity to improve the character and quality of an area. Paragraph 59 of the NPPF requires design policies to concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.
- 7.3.2 Policy CP2 (Sustainable Development and Design) of CSDMP 2012 is reflective of the NPPF as it requires development to ensure that all land is used effectively within the context of its surroundings and to respect and enhance the quality of the urban, rural, natural and historic environments. Policy DM9 (Design Principles) of CSDMP 2012 also promotes high quality design that respects and enhances the local environment, paying particular regard to scale, materials, massing, bulk and density. The Western Urban Area Character SPD reiterates achieving good design that respects and enhances the character of the area as a key objective.
- 7.3.3 Tekels Park is part of the 'Wooded Hills' character area as defined by WUACSPD. The Wooded Hills is characterised by hilly areas, large irregular plots, winding roads/lanes, heavy vegetation and a scattering of Victorian/Edwardian buildings, this area has a semi-rural residential character, despite its proximity to Camberley Town Centre. Dense vegetation is one of the key characteristics. Large trees, hedges and dense mature vegetation give the area a dominant soft, green character.
- 7.3.4 The application site is located at the southern end of Tekels Park and currently comprises three modest detached dwellings on a large wooded site. The area is characterised by detached dwellings set on well landscaped plots; and the built form is subservient to the landscaping gives the area a semi-rural character.
- 7.3.5 All the proposed dwellings include crown roofs with rooms within. The first reason for refusal of the previous scheme relates to the proposed scale and massing of buildings. The comparison between the schemes in connection with their ridge and eaves heights, the width and the depth is indicated in table in para 4.3. Plot 4, which represents the greatest reduction in the overall scale and mass is due to the reduction in number of residential units within. The remaining Plots 1, 2 and 3 would maintain very similar dimensions to the refused scheme, with only limited variations to their overall scale and massing. In terms of the proposed design with front gable elements in combination with the increased eaves height, the proposed development would result in greater vertical emphasis, which is considered as harmful as the previously refused scheme.
- 7.3.6 The Planning Statement states that *'the ridge level of the houses are as formed for standard large 2 storey detached housing.'* This might be appropriate in some other locations, based on the topography and the existing built form, however, in this instance it is considered that due consideration has not been given to the topography of the application site.

- 7.3.7 Spacing between the proposed dwellings has increased with the separation distances between the dwellings being maintained between 6.6m and 12m. Minor changes to the massing and scale of the proposed buildings have been made, which are most obvious on Plot 4. Spacing between the dwellings is considered appropriate within this location. Overall, the proposed changes to the scale and massing of the development when compared with the refused scheme are not considered sufficient to overcome the first reason for refusal. The proposed development fails to take into account the significantly higher land of the application site when compared with its surroundings and therefore its scale and massing is considered to result in the adverse overbearing visual impact within the street scene.
- 7.3.8 In the wider context, the area has verdant character. The site is covered by an area TPO (ref 05/00) designated in 2000. The surrounded areas of the site are also covered by TPOs. As such, the application was accompanied by an arboricultural report that includes an Impact Assessment, Method Statement and a Tree Protection Plan. The report advises that a total of 13 trees would be removed to facilitate the development, including T367 and T369, both category C trees, located to the frontage of the application site. The existing frontage screening is characteristic to the 'Wooded Hills' location, as identified in the WUACSPD. The loss of screening would increase the prominence of the dwellings and combined with the formal parking areas in the form of driveways; this would contribute to the creation of a development that would be overly urban and out of character with the surrounding development.
- 7.3.9 A previous application (ref. 13/00303) for works to protected trees to clear the original domestic garden areas of unsuitable vegetation on the application site was granted on 31 October 2013. These works also included a removal of a number of the adjacent trees of poor form/condition. This consent conditioned a replacement planting schedule to restock the woodland area adjacent to the garden areas. This has to date not been carried out and a request to extend the completion date was agreed and amended to 31 March 2015. Although a note on the submitted landscaping scheme drawing suggests 120 transplants within the wooded part of the application site to the rear, these are not indicated on the plan. As such, the provided landscaping plan presents an erroneous impression of the current and future tree cover. It should be noted that these new transplants would be protected under the woodland order and cannot be removed without the prior approval of the local authority. The applicant could be advised of this via informative.
- 7.3.10 In conclusion, having regard to the above, it is considered that the scale and massing of the buildings coupled with the level changes within the site, the removal of trees and boundary screening, would result in an overly urbanised pocket of development which would be out of character with the surrounding area and would harm the special character of the Wooded Hills Character Area.

#### **7.4 Impact on residential amenities**

- 7.4.1 The NPPF seeks a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 (Design Principles) ensures that the amenities of the occupiers of the neighbouring properties and uses are respected.
- 7.4.2 The only residential property that directly adjoins the application site is No. 26 Tekels Park to the east. The side wall of Plot 4, the closest of the proposed development to the east boundary, would be located in a minimum distance of 12m from the flank wall of the above neighbouring dwelling. The proposed east/side openings of Plot 4 include ground floor utility and plant room windows and a door; first floor bathroom and en-suite windows; and a rooflight serving office/playroom. Although Plot 4 would be on a higher ground level than the neighbouring dwelling, giving that there would be a boundary hedge planted to the east boundary, due to the separation distance and due to the non-habitable nature of the

proposed fenestration details, the ground floor openings are not considered to result in any adverse overlooking and loss of privacy to the above neighbour. However, the first floor windows would have direct views of the amenity areas of No. 26 and therefore should be obscurely glazed. This could be secured by condition. The lower edge of the rooflight within the east roofslope would be located at the approximate height of 1.7m above the floor level and therefore it is not considered to give rise to any adverse loss of privacy to the above neighbour.

7.4.3 It is considered that due to the separation distance between Plot 4 and No. 26; and a substantial reduction in depth of Plot 4 when compared with the previous scheme, the proposed development would not result in any adverse overbearing impact on this immediate neighbour.

7.4.4 The proposed dwellings are not considered to result in any adverse impact on residential amenities of each other due to their layout, and as the side openings above the ground level would serve non-habitable spaces which could be conditionally obscurely glazed.

## **7.5 Whether the development is acceptable in terms of parking and highway safety**

7.5.1 Policy DM11 (Traffic Management and Highway Safety) seeks all development ensures that no adverse impact on the safe and efficient flow of traffic movement on the highway network results.

7.5.2 Each of the proposed dwellings would be provided with car parking spaces in the form of a private driveway. In addition, Plots 3 & 4 would have a double carport each. This level of parking provision is considered in line with the 'Vehicular and Cycle Parking Guidance' published by the Surrey County Council in January 2012. The County Highway Authority has no comments to make on the application given that it is served by a private road.

## **7.6 Impact on local infrastructure**

7.6.1 Surrey Heath's Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council on the 16th July 2014. As the CIL Charging Schedule will come into effect on the 1st December 2014 an assessment of CIL liability has been undertaken. Surrey Heath charges CIL on residential and retail developments where there is a net increase in floor area. As the proposal relates to a net increase in residential floor area, the development is CIL liable. CIL is a land charge that is payable at commencement of works. An informative advising of this would be added.

## **7.7 Impact on the Thames Basin Heaths SPA and on protected species**

7.7.1 Policy NRM6 of the South East Plan (Thames Basin Heaths Special Protection Area) seeks to protect the ecological integrity of the TBH SPA, Policy CP14B of the Core Strategy builds on this as does adopted the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD (2012). This SPD identifies Suitable Alternative Natural Green Space (SANGS) within the Borough and advises that the impact of residential developments on the SPA can be mitigated by providing a financial contribution towards SANGS.

7.7.2 The application site is located approximately 1900m from the Thames Basin Heaths Special Protection Area (SPA). Natural England are currently advising that new residential development within 5km of the protected site has the potential to significantly adversely impact on the integrity of the site through increased dog walking and an increase in general recreational use.

The application proposes a net increase in occupancy and as such has the potential, in combination with other development, to have a significant adverse impact on the protected site. From 1<sup>st</sup> December 2014, a financial contribution towards the provision of SANG is included within the CIL payment.

7.7.3 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 the CIL, a separate financial contribution towards SAMM is required. In this instance the payment has to be secured by way of a legal agreement, if not paid in full prior to the determination of the application. At the time of writing of this report, no such payment was or a satisfactory legal agreement was received by the Council and therefore council raises objection on this basis.

7.7.4 The application site includes large areas of woodland and has the potential to support protected species. The applicant has commissioned a Habitat Survey that concludes the site has the potential to support bats and a further bat survey has established the presence of bats within No. 21. This survey has also recommended mitigation measures for the loss of this roost and a methodology for undertaking the development. It is considered that subject to compliance with this mitigation the development would not have an adverse impact on protected species and this should be controlled by condition in the event that planning permission is granted. This will also be subject to the controls of the European Protected Species Licensing system and will be subject to agreement from Natural England.

## **7.8 Other matters**

7.8.1 The second reason for the previously refused scheme relates to affordable housing. As the current scheme proposes only a net increase in a number of dwellings by one, in line with Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the Government advice published on 1<sup>st</sup> December 2014, an affordable housing contribution is not required.

7.8.2 Reasons 4 & 5 for the previous refusal relate to the financial mitigation towards the impact of the development on the Thames Basin Heath SPA and the local infrastructure. These contributions have been since 1<sup>st</sup> December 2014 collected in Surrey Heath via CIL, as outlined in paragraphs 7.6.2 and 7.7.2 above.

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

8.1 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.

## 9.0 CONCLUSION

- 9.1 The proposed development would be out of character with the surrounding area and would be detrimental to the character and appearance of this part of Tekels Park. In addition, the applicant has failed to make financial contribution or to secure a legal agreement in terms of SAMM contribution.

## 10.0 RECOMMENDATION

REFUSE for the following reason(s):-

1. The proposal by reason of the scale and massing of the buildings coupled with the substantial level changes within the site would result in an incongruous, dominant and overly urbanised pocket of development form of development that would fail to respect and enhance the character and appearance of the surrounding area including the semi-rural and verdant character of the Wooded Hills Character Area. Furthermore, the layout of the proposed development would likely lead to the post development pressure for further tree/planting removal that would accentuate the identified harm to the character of the locality. As such the proposal fails to integrate, respect and improve the character and quality of the area, contrary to Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012; the Western Urban Area Character Supplementary Planning Document 2012; and, the National Planning Policy Framework.
2. In the absence of 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. The applicant is advised that if this application had been acceptable in all other respects, the scheme would be Liable to the Community Infrastructure Levy (CIL) Schedule which came into effect on 1st December 2014. Therefore, if this decision is appealed and subsequently granted planning permission at appeal, this scheme will be liable to pay the Council's CIL upon commencement of development. In respect of 2nd reason for refusal, in addition to SAMM contribution, CIL is the only mechanism for collecting Suitable Natural Green Space (SANG) monies. Therefore if there is SANG capacity at the time of appeal then capacity will be assigned.