

**LOCATION:** THE RIDGEWOOD CENTRE, OLD BISLEY ROAD, FRIMLEY, CAMBERLEY, GU16 9QE

**PROPOSAL:** Residential development of 100 dwellings (comprising 9 one bed, 27 two bed, 49 three bed, 11 four bed and 4 five bed units) with garaging/parking, access roads, other ancillary development and landscaping following the part demolition/part conversion of existing building. (Additional info rec'd 08/10/2014)

**TYPE:** Full Planning Application

**APPLICANT:** Mr Robin Pearmain  
Linden Homes

**OFFICER:** Duncan Carty

**RECOMMENDATION: Defer and Delegate for a legal agreement then GRANT subject to conditions**

## 1.0 SUMMARY

- 1.1 The application site relates to a hospital site within the settlement of Frimley. The site is located on the north side of Old Bisley Road with residential properties predominantly to the north, west and east boundaries of the site, with a golf course (in the defined countryside) to the south (on the opposite side of Old Bisley Road). The site has been used for hospital (and related) uses with some buildings on the site now vacated.
- 1.2 Planning permission is sought for the redevelopment of the site to include the demolition of most of the buildings on the site with the part conversion, part demolition and extension of the main building with the erection of new dwellings to provide a total of 100 dwellings with internal roads, footways, parking, landscaping, open space with other associated works. The existing access onto the site would be retained and a pedestrian link to the north boundary provided. A linked application to provide a SANG (Suitable Alternative Natural Greenspace) to support this proposal is proposed under application SU/14/0802 on land at Frimley Fuel Allotments (located nearly opposite the application site), separately being reported elsewhere on this agenda.
- 1.3 This report concludes that the principle of the development is acceptable. The proposal would deliver needed housing in the Borough. It would make improved use of previously developed land. The loss of the hospital use on this site is also justified.
- 1.4 Subject to the attached conditions, the development would not result in any adverse traffic generation, highway safety implications, access arrangements or inadequate parking provision and subject to a satisfactory legal agreement the proposed development would not result in any adverse impact on the local infrastructure. It would not result in any adverse loss of residential amenities to the existing residents or the future occupiers of the development, or have any adverse impact on trees, biodiversity, drainage, flooding or character of the wider surrounding area.

- 1.5 Subject to a satisfactory legal agreement to secure affordable housing provision; a contribution towards playspace improvements and a footpath link across open space adjacent to the application site; and SANG provision (proposed under application SU/14/0802) prior to first occupation of the proposed development. The proposal is considered to be acceptable and is recommended for approval.

## 2.0 SITE DESCRIPTION

- 2.1 The application site is located within the settlement of Frimley, falling within an area as having a "Main Thoroughfares" character as defined in the Western Urban Area Character Supplementary Planning Document 2012. It extends to about 3.7 hectares in area, irregular in shape, and comprises buildings currently (or previously) used for hospital (or related) use. The site was originally known as the Brompton Hospital Sanatorium built in 1904 and provided convalescence for chest infections, such as Tuberculosis. Treatment for such infections included outdoor access for patients and this has influenced the original building and landscape design of the site.
- 2.2 The main building is located in the southern half of the site and was designed in the form of a butterfly plan, having four two storey ward wings radiating from a central three storey block which included the main entrance hall, and a day room to the south with a bow window overlooking a sunken garden, immediately to the rear (south) of this building. The main building is typically Edwardian in style. It is an attractive brick building with tile hanging and painted woodwork, some leaded windows including some stained glass lights, semi-circular dormers in the roof, a clock tower and verandahs, balconies and corner towers. The main building is locally listed. The sunken garden remains in place and is to be retained as a part of the proposal.
- 2.3 The hospital use developed during its life and other twentieth buildings provided across the site with the a collection of currently vacant buildings, including former assembly hall, kitchen and dining rooms and staff accommodation, predominantly to the north of the main building between, and to the rear of, which is the main car parking area for the site. More recent changes have included an extension to provide a main entrance in one of the butterfly wings. One of the wings of the original main building was replaced with a linked extension to a modern single storey health care facility located towards the south east corner of the site. The former chapel, although not locally listed, is of interest architecturally with a cupola and some stained glassed lights. However, this building is in a poor condition.
- 2.4 The site is predominantly bounded by residential properties to its east, north and west. Properties to the east of the application site are pre-dominantly detached dwellings located in Ridgewood Close. Properties to the north boundary include detached dwellings in Theobolds Way with properties to the west boundary in Maguire Drive comprising a mix of detached, semi-detached and terraced dwellings . The land towards the north west corner includes open space including a playspace, towards which a pedestrian link is proposed. Land to the south of the application site, lying opposite the application site, falls within the Countryside (beyond the Green Belt) and forms a part of the Pine Ridge Golf Course. The Golf Course is a part of the wider Frimley Fuel Allotments, part of which is the subject of a linked application SU/14/0802 being reported elsewhere on this agenda. Part of the southern boundary is adjacent to the new residential development of Vardon Place, which used to form part of the Ridgewood Centre site.
- 2.5 The site slopes slightly down from the north to the south of the site by a maximum of 2 metre height difference, with a low point on the site towards the west boundary where there is a former reservoir on the site (to a depth of about 8.5 metres below the maximum land level on the site). The site is bound principally by close boarded fencing (typically to a height of

1.8 metres) with some mature hedging and trees to some parts of the site boundaries. Residential properties to the north (in Maguire Drive and Theobolds Way) are on land higher than the application site. There are also a number of major trees, some protected under a Tree Preservation Order (No. 16/02), close to parts of the site boundaries, particularly the north and south boundaries. Further trees are located on the open space to the north west corner of the site. Some site clearance work was undertaken during mid-2014 including the removal of some trees and other vegetation.

### **3.0 RELEVANT HISTORY**

There is no relevant planning history concerning the hospital facility. However, related development proposals include:

- 3.1 SU/12/0239 – Erection of 11 detached dwellings following the demolition of existing buildings, along with the retention of existing gate house building on land at the Ridgewood Centre. Approved in December 2012 and now built.

*This is the residential development of Vardon Place indicated in Paragraph 2.4 above recently completed and occupied and adjoins the application site.*

- 3.2 SU/14/0802 – Change of use of land from informal recreational use to a Suitable Alternative Natural Greenspace (SANG) and associated development, reported elsewhere on this Agenda.

### **4.0 THE PROPOSAL**

- 4.1 The application seeks full planning permission for the redevelopment of the site to include the demolition of most of the buildings on the site with the part conversion, part demolition and extension of the main building; with the erection of new dwellings to provide a total of 100 dwellings with internal roads, footways, parking, landscaping, open space with other associated works. The existing access onto the site would be retained and a pedestrian link to the north boundary provided to the open space off Maguire Drive/Theobolds Way. The predominantly three storey central part of the main building is to be retained (Plots 75-84), with the three remaining ward wings demolished. Two of these wings are to be replaced with development at a two storey height with accommodation in the roof (Plots 70-74 and 85-89). The proposed new dwellings to be built around the site would be predominantly two storey in height, with some flatted units at a three storey height at the site entrance (Plots 18-30) and in the south east corner of the site (Plots 1-7).
- 4.2 The new development within the north part of the site would predominantly be detached residential properties in the form of a cul-de-sac pattern of development. A mix of flatted and terraced properties would be provided to the main (partly retained) building with two further three storey flatted buildings proposed; one adjacent to the main access road, close to the site access, and one in the south east corner of the site, with a mix of two storey terraced, semi-detached and terraced dwellings, predominantly in the form of a cul-de-sac layout, to the south part of site, arranged around the retained sunken garden.
- 4.3 There would be opportunities for tree and other planting around the site, particularly to the site access, to a proposed area of open space towards the west boundary and close to the retained tree belts to the site edges, particularly to the north boundary of the site, and close to the proposed pedestrian link to the north.
- 4.4 The mix and tenure of the proposed dwellings are shown in the table below:

	<b>Affordable units</b>	<b>Market units</b>	<b>Total</b>
<b>1-bedroom</b>	9 (30%)	0	9
<b>2-bedroom</b>	15 (50%)	12 (17%)	27
<b>3-bedroom</b>	6 (20%)	43 (61%)	49
<b>4-bedroom</b>	0	11 (16%)	11
<b>5-bedroom</b>	0	4 (6%)	4
<b>Total</b>	30	70	100

4.5 In addition, the proposal is supported by the following documents, which will be referred to where applicable in Section 7 of this report:

- Arboricultural Implications Report and Tree Survey Schedule;
- Archaeological Desk Based Assessment;
- Design and Access Statement;
- Ecological Constraints and Opportunities Assessment;
- Energy Statement;
- Flood Risk Assessment;
- Framework Residential Travel Plan;
- Geo-Environmental Assessment;
- Landscape Statement/Report and Plan;
- Phase 1 Desk Study, Site Reconnaissance & Phase 2 Geo-Environmental Site Investigation Report;
- Planning Statement;
- Statement of Community Involvement;
- Separate Survey Reports for Great Crested Newts, reptiles and bats;
- Transport Assessment including Transport Statement;
- Utilities and Drainage Assessment; and
- Viability report.

4.6 In accordance with the requirement of the Localism Act 2011, the applicant carried out a public consultation and submitted a 'Statement of Community Involvement' advising on the method of consultation used; who was consulted and the level of involvement; and, how the matters raised in the consultation were addressed by the applicant. The public exhibition took place on 19/06/2014 with 14 responses providing feedback via the available forms. Along with the feedback received, the residents highlighted regret at the loss of some trees on the site and raised concern about the fate of the remaining trees, the desire to see

infrastructure improvements prior to the construction, the future of the reservoir and the level of existing traffic on Old Bisley Road.

## 5.0 CONSULTATION RESPONSES

- |      |  |   |
|------|--|---|
| 5.1  | County Highway Authority                     | No objections (verbal).   |
| 5.2  | Natural England                              | No objections subject to the provision of a SANG to support this development ( <i>see Application SU/14/0802 being reported elsewhere on this Agenda and Paragraph 7.9 below</i> ). |
| 5.3  | Environmental Agency                         | No objections.  |
| 5.4  | Surrey Wildlife Trust                        | No objections.  |
| 5.5  | West Surrey Badger Group                     | No objections.  |
| 5.5  | SHBC Historic Buildings Adviser              | No objections.  |
| 5.6  | SHBC Drainage Engineer                       | Made comments about drainage requirements for the site.   |
| 5.7  | SHBC Housing Manager                         | No objections (verbal).   |
| 5.8  | SHBC Tree Officer                            | No objections.  |
| 5.9  | SHBC Valuer                                  | No objections.  |
| 5.10 | Surrey County Council Heritage (Archaeology) | No objections.  |
| 5.11 | Surrey Police (Crime Prevention)             | Suggested amendments including the deletion of rear parking courts and footpath link. [ <i>See Paragraphs 7.6 and 7.7</i> ].  |
| 5.12 | SHBC Leisure Department                      | No comments.  |
| 5.13 | SHBC Environmental Health Officer            | No objection, subject to conditions.  |

## 6.0 REPRESENTATION

- 6.1 At the time of preparation of this report 9 letters of objection and 2 letters of support (including one from the Surrey Gardens Trust) have been received. The main issues raised can be summarised as follows:
- 6.2 Impact of new pedestrian access on residents of Theobolds Way, such as unsocial or criminal behaviour [*See Paragraph 7.6*]
- 6.3 Overlooking and loss of privacy [*See Paragraph 7.6*]
- 6.4 Impact on traffic congestion and highway safety [*See Paragraph 7.7*]
- 6.5 Over-estimation of existing/historic traffic movements at the site and therefore flawed

- assessment of impact of proposal on traffic [See Paragraph 7.7]
- 6.6 Impact on noise [See Paragraph 7.6]
  - 6.7 Impact on pollution [See Paragraph 7.6]
  - 6.8 Lack of community benefit [*Officer comment: This would not be a reason to refuse this application*]
  - 6.9 Lack of confidence in developer due to tree and plant loss at pre-application stage [*Officer comment: The loss of trees and other vegetation from the site at the pre-app stage is noted but the confidence in the developer because of this loss would not be a reason to refuse this application*]
  - 6.10 If approved, the developer should only be allowed to demolish buildings during the winter [*Officer comment: Whilst a method statement, to include a method of demolition, would be required by condition (if approved), the Council would not be in a position to limit demolition to the winter only on residential amenity grounds*]
  - 6.11 Loss of trees and screening and the amount of replanting is not sufficient to compensate for this loss [See Paragraph 7.4]
  - 6.12 Impact on bats [See Paragraph 7.9]
  - 6.13 Merging of housing estates with no buffer between and resulting impact on residential amenity [See Paragraph 7.4]
  - 6.14 Impact on school places [See Paragraph 7.12]

The two letters of support indicate:

- 6.15 Welcome the retention of the formal (sunken) garden
- 6.16 Suggest long-term retention and maintenance of the garden be secured by condition
- 6.17 Confirmation that the existing facilities are surplus to NHS's requirements
- 6.18 Development is sympathetic to the environment
- 6.19 Regeneration proposal would provide a more appropriate use of the site.

## **7.0 PLANNING CONSIDERATION**

- 7.1 The main policies to be considered under this application include Policies CP1, CP2, CP3, CP5, CP6, CP8, CP11, CP12, CP14, DM9, DM10, DM11, DM14, DM16 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012; Policy NRM6 of the South East Plan 2009 (as saved) and the National Planning Policy Framework (NPPF). In addition, the following documents and legislation are also relevant: the Infrastructure Delivery Supplementary Planning Document 2014; the Western Urban Area Character Supplementary Planning Document 2012; Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document 2012; Infrastructure Delivery SPD 2014 and the Interim Procedural Guidance for Core Strategy & Development Management Policies DPD (Affordable Housing Policies CP5 & CP6) 2012, the Crime and Disorder Act 1998 (as amended), the Localism Act 2011 and

the national Planning Policy Guidance (PPG).

7.2 It is considered that the main issues to be addressed in determining of this application are:

- Principle of development including loss of hospital use and the provision of residential development;
- Impact on the local listed building, character of the area and trees;
- Housing mix, affordable housing and viability;
- Impact on residential amenities;
- Impact on parking and highway safety;
- Impact on Thames Basin Heaths Special Protection Area;
- Impact on biodiversity;
- Impact on local infrastructure;
- Impact on playspace provision; and
- Other matters including sustainable design and construction, archaeology, land contamination & pollution; and designing out crime.

**7.3 Principle of development including loss of hospital and the provision of residential development**

Loss of hospital use

7.3.1 The application site is currently partly in hospital use with a part of the site currently vacant. Paragraph 6.91 of the Surrey Heath Core Strategy and Development Management Policies 2012 confirms that healthcare facilities are defined as community facilities to which Policy DM14 would apply.

Policy DM14 indicates that:

*“The loss of existing community and cultural facilities will be resisted unless:*

- (i) Demand can be met from alternative provision in the local area whether through new or co-located facilities; or*
- (ii) There is no demand for such facilities and no other community or cultural service can make use of the facilities.”*

7.3.2 The existing hospital facility is not openly available to the public and admissions are undertaken through doctor referrals only from a wide catchment. This facility is to be replaced by a bespoke facility, currently under construction at Farnham Road Hospital, Guildford, and due to complete in 2016. It is also understood that a marketing exercise was been undertaken in 2013 to assess if there was any interest in re-use for community facilities during which no such interest came forward. As such, the loss of the hospital use is accepted in this context and no objections are raised on these grounds, complying with Policy DM14 of the Surrey Heath Core Strategy and Development Management Policies 2012.

Provision of residential development

- 7.3.3 The application site falls within the defined settlement area where housing is generally acceptable, subject to other material planning considerations. There is a strong need for new housing in the Borough. Paragraph 17 of the NPPF indicates the requirement to meet local housing needs and also to make the effective use of previously developed land which this proposal supports. This is a material consideration which weighs strongly in favour of this development proposal.
- 7.3.4 In the light of the above comments in connection with the potential retention of the hospital use of the site, the Council considers that the principle for residential redevelopment is acceptable subject to the wider assessment set out below.

#### **7.4 Impact on the locally listed building, character of the area and trees**

- 7.4.1 The NPPF seeks a presumption in favour of sustainable development and to secure high quality design, as well as taking account of the character of different areas. Paragraph 58 of the NPPF states that developments are visually attractive as a result of good architecture and appropriate landscaping and Paragraph 59 advises that the local planning authorities should 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. Paragraph 131 advises that should take account of the sustaining and enhancement of heritage assets and putting them to viable uses consistent with their conservation. Policies DM9 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 indicates that development should respect and enhance local character and take into account the significance of any heritage asset (such as the locally listed buildings), respectively.
- 7.4.2 The Western Urban Area Character SPD 2012 indicates that new development in "Main Thoroughfare" character areas should maintain the open textured green character with gaps between buildings, the retention of good quality Edwardian buildings will be strongly encouraged and, where it is not viable to retain, replacements would be expected to be of a high quality and reflect historical references.

##### Impact on the locally listed building

- 7.4.3 Policy DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 indicates development which affects any heritage asset should first establish and take into account its individual significance and seek to promote the conservation and enhancement of the asset and its setting.
- 7.4.4 The heritage assessment provided by the applicant concludes that it is the central part of the main building which is the most important building on the site, as a part of the original building, and has the highest degree of architectural detailing. The assessment indicates:

*"[The central block] is the most significant element of the locally listed building and is capable of standing alone as a distinct block, both in terms of architectural and aesthetic distinction and in terms of legibility of its historic function. The retention and conversion of this block is a crucial element of the scheme as, together with the retained and restored sunken garden to its rear, it will form the focal point of the new development and will be responsible for giving the scheme a sense of place and deriving from its historic character. This is important, not only as it will put the building to a viable new use consistent with its conservation, but it will also be instrumental in enabling the development as a whole to contribute positively to local character and distinctiveness.*

*While the central block has been subject to a degree of...alteration to both of its principle elevations, the quality of the architecture and the robust nature of its construction are*



*such that the building retains sufficient of its original character to enable it to make a significant contribution to the redevelopment in 'place shaping'; this is a contribution to be enhanced by the conservation works, most significantly by the reinstatement of the central entrance. In the north elevation and by the reinstatement of first-floor balconies to the south elevation.*

*The three surviving of the four original ward blocks [i.e. the wings] are proposed to be demolished as a part of the scheme. Whilst of some historic interest in that they form part of the [original] hospital complex, the architectural significance of these blocks is less than that of the central block, and the loss of the fourth wing of the group has spoilt the original symmetry of the butterfly plan form, leaving the southern elevation unbalanced in terms of architectural composition. The wings are of a repetitive form and appearance and [due to their limited depth] do not lend themselves to easy conversion.*

*The design of the replacement [extensions] for the ward wings (which are each, appropriately designed, as a long terrace) draws substantially on the form and architectural motifs and materials found in the existing buildings. This includes the incorporating of two towers with pyramidal roofs terminating the outer ends of the two ranges, the use of first floor balconies, and the use of tile hanging to the upper floors. In this way, the existing architectural character of the site is clearly respected and effective extension of the central block is achieved in a way that preserves its own historic and architectural character and visual dominance."*

This approach has been considered to be acceptable by the Council's Historic Adviser. This retention of and enhancement of this principle building, as well as the opportunity this proposal provides to extend its life, with the forthcoming closure of this hospital facility, is a material consideration which weighs in favour of this development.

7.4.5 The current proposal would also result in the loss of a number of other buildings on the site which are predominantly modern in age with no architectural interest. However, although not locally listed, the former assembly hall and flanking dining rooms lying opposite the main building are of more historic interest but are in such a poor condition that are not considered worthy of retention and conversion. The replacement buildings in this location which are up to two storeys in height and would have a traditional character, would improve the visual setting of the locally listed building. Some of the detailing, such as a cupola, would reflect the design of the buildings to be lost. A new access road with parking to either side would be provided within the space between these buildings. There would be some opportunity for landscaping but the parking areas would be clearly visible in this streetscene. Presently, the approach to the main building is tarmaced and its setting would therefore be improved, particularly with soft landscaping proposed either side of the footpath to its principle entrance.

7.4.6 The proposal is considered to be acceptable in terms of its impact on the locally listed building complying with Policy DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 and, in this respect, the NPPF.

#### The character of the surrounding area

7.4.7 The residential development around the application site is relatively new cul-de-sac development built in the 1980's or early 1990's (Maguire Drive and Theobolds Way) and early 2000's (Ridgewood Drive). The properties in Maguire Drive are red brick dwellings, many with half dormers to the front, bay windows and front canopies to add interest to these properties. The properties in Theobolds Way are predominantly detached properties, some with front gable details and contrasting brick courses and detailing, front canopies and bays. The properties have a range of brick colours (in varying shades of red and brown) and some with a contrasting upper floor finish (render, tile hanging, wood

framing). The properties in Ridgewood Drive are mainly red brick with contrasting materials (render, flint) and include front bays and canopies. Each development has its distinct style with, in particular the properties in Theobolds Way and Ridgewood Drive, a distinct variety of house type, style and finish in each streetscene. These developments are suburban in nature and provide a spacious and verdant appearance due to the open spaces provided within these development (including the open space and play spaces) and gaps between dwellings.

#### Proposed design and layout

- 7.4.8 The proposed new dwellings would be traditional in design, featuring a range of different features including a mix of front bays, front projecting gables, tile hanging, stone courses, front canopies (flat and pitch roofed), some with front balconies or Juliet balconies, and front dormers. The different house styles have been “pepper-potted” around the site. The range of differently sized and designed properties and their distribution through the site would add interest to the development.
- 7.4.9 The proposal would provide two storey dwellings around the north part of the site and predominantly to the site edges, which would reflect the height of residential properties around the application site. The larger (three storey and two storey with accommodation in the roof) buildings are either to the centre of the site (i.e. the main building), in the south east corner or adjacent to the site entrance.
- 7.4.10 The proposal would provide gaps between buildings and to site boundaries. Trees are to be retained at and close to the site boundaries, with larger groups to the north boundary and adjacent to the development access, with opportunities for further landscaping, would provide a relatively sylvan setting for the development to reflect its suburban location.
- 7.4.11 The three storey flatted block (Plots 18-30) has been orientated with a dual frontage facing the development access providing a feature building. However, the main focus of the development, and its primary asset, is the main building the front of which would provide a more courtyard appearance which is considered appropriate for this part of the development with the retained sunken garden to the rear.

#### Impact on crime risk

- 7.4.12 Section 17 of the Crime and Disorder Act 1998 (as amended) indicates that a local authority *“needs to do all it reasonably can to prevent crime and disorder in its area”*. Paragraph ID26 of the Planning Policy Guidance also considers that *“crime should not be seen as a stand alone issue, to be addressed separately from other design considerations. That is why guidance on crime should be embedded throughout the guidance on design rather than set out in isolation”*.
- 7.4.13 Some limited parking is to be provided in a rear court to the north of the main block (Plots 47-56). This would reduce the amount of parking visible in the streetscene which is to the benefit of the character of the area and the setting of the locally listed building. It is noted that Surrey Police raise concerns about crime that could potentially emanate from these parking courts due to reduced natural surveillance.
- 7.4.14 A footpath link close to the stand of trees (to be retained) to the north boundary would provide an area of informal open space, and would be viewed as an extension to the adjoining open space in Maguire Drive/Theobolds Way. Surrey Police raise concerns about crime risk relating to this link from a lack of natural surveillance. It is considered that the link is an important part of the application proposal, providing a better integration of this development with the adjoining residential development (for the sustainable reasons set out in Paragraph 7.7 below) and the extended open space would enhance

the appearance of the development.

- 7.4.15 It is therefore considered prudent to suggest the agreement of measures (such as lighting) to reduce the likelihood of crime from the footpath link and rear parking court. The current proposal is therefore considered to be acceptable on these grounds, subject to suitably worded conditions (See Conditions 19 and 20 below).

#### Impact on trees

- 7.4.16 An Arboricultural Report comprises a Tree Survey and Arboricultural Impact Assessment. It is BS5837:2012 compliant and includes a Tree Protection Plan for both the demolition and construction phases. There is a Tree Preservation Order (16/02) for a number of individual trees (and one small group across the site) including Scots Pine, Western Red Cedar, Oak, Horse and Sweet Chestnut, Wellingtonia, Maple, Acacia and Beech trees. These protected trees are spread out across the application site, with groups immediately east of the access and along the south boundary of the site and a group of predominantly Scots Pine trees to the north boundary (adjacent to the Maguire Drive/Theobolds Way open space and proposed footpath link).
- 7.4.17 As indicated in Paragraph 2.5 above, the site was the subject of some tree and vegetation removal before the application was received. None of the protected trees (under TPO 06/02) were lost but the level of vegetation loss has undeniably altered the appearance of the north part of the site. Whilst the current proposal would also include the removal of a number of other trees, some protected, none that are proposed to be removed are either substantial in size or of any significant quality. Their removal along with some replacement tree planting, with details to be agreed and provided through landscaping conditions, is considered to be acceptable.
- 7.4.18 In conclusion, based on the above considerations, the proposed layout, access, scale, massing, height and density are considered to respect and integrate into the established character of the area. In addition, in terms of the proposed scale, massing and overall design, the proposed development is considered to enhance the local character. The proposed development would therefore comply in this respect with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012, Western Urban Area Character SPD 2012, the NPPF and the PPG.

### **7.5 Housing mix, affordable housing and the viability**

- 7.5.1 Policies CP5 and CP6 of the Surrey Heath Core Strategy and Development Management Policies 2012 contains policies that require a particular housing mix and type on larger development sites. Policy CP5 seeks a target of 35% of all net additional housing as affordable, split evenly between social rented and intermediate. This is to be achieved by affordable housing being provided on all schemes proposing three and more net additional units in the form of a financial or on site provision. The proposed development, as it is for more than 15 units (net), is required to provide 40% on site affordable housing provision. Policy CP6 will encourage market housing and unless evidence of housing need or viability suggests otherwise, generally expects intermediate affordable and social rented units to be provided in accordance with the Strategic Housing Market Assessment (SHMA) or other subsequent assessments.
- 7.5.2 A viability report has been provided to support this application and its conclusions have been agreed with the Council's Valuer. This report identifies that the site can only provide a 30% affordable housing provision (evenly split between social rented and intermediate), taking into consideration the CIL, SANG and other requirements indicated elsewhere in this report and the higher build costs, such as the part demolition, conversion and rebuild for the main building, which affects funding. This level of

provision has been considered to be acceptable by the Council's Housing Officer.

- 7.5.3 The current SHMA, the 'North West Surrey and North East Hampshire, Strategic Housing Market Assessment, Final Report 2009' identifies the projected net shortfall of dwellings in relation to their size, which is reflected in Policy CP6 in percentage values.

Policy CP6 indicates that the market housing should be of the following mix:

- 10% of 1 bed units;
- 40% of 2 bed units;
- 40% of 3 bed units; and
- 10% of 4 bed units.

Paragraph 4.4 above provides the size ratio for the proposed 70 market units. Whilst the proposed mix is not in accordance with the policy, having regard to the requirement for housing development as explained in Paragraph 7.3.3 above, officers consider that this requirement warrants a departure from this housing policy and is therefore acceptable.

- 7.5.4 Policy CP6 also indicates that the affordable housing should be of the following mix:

- 27.5% of 1 bed units;
- 35% of 2 bed units;
- 30% of 3 bed units; and
- 7.5% of 4 bed units.

Paragraph 4.4 above provides the size ratio for the proposed 30 affordable units. The affordable housing mix, although not in accordance with the policy, has been reviewed by the Housing Manager and is considered to be acceptable.

- 7.5.5 The intermediate and social rented ratio of the affordable residential units shall be secured by way of a legal agreement. The applicant expressed willingness to complete a legal agreement to secure this provision. However, if a satisfactory legal agreement is not received by 12 February 2015, this must be added as a reason for refusal due to the failure to deliver a development, which would meet the housing requirement of all sectors of the community.

## **7.6 Impact on residential amenities**

- 7.6.1 The NPPF seeks a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 ensures that the amenities of the occupiers of the neighbouring properties and uses are respected.

- 7.6.2 It is considered that the neighbours adjacent to the boundaries of the application site would be most affected by the proposed development and therefore the impact on these residents is assessed at a greater length in the following paragraphs.

Impact on dwellings to the west (including odd Nos. 3-12 and 19-20 Maguire Drive)

- 7.6.3 The closest of these dwellings to the application site is 3 Maguire Drive. The flank wall of this dwelling would be set a minimum of about 11 metres from the main rear wall of the dwelling to be provided for Plot 35 with the orientation as such that the rear wall of this dwelling predominantly faces towards the front of this property (and hammerhead of the cul-de-sac). This relationship would limit any overlooking of the rear garden of this property and this relationship is considered to be acceptable.
- 7.6.4 The rear walls of 9-12 Maguire Drive face the application site. A minimum separation distance of 23 metres would be retained to the rear corner of the dwelling to be provided for Plot 34, with the rear wall of this proposed dwelling angled away from the rear wall of 9-12 Maguire Drive. Noting the orientation, this level of separation is considered to be acceptable.
- 7.6.5 Nos. 19 and 20 Maguire Drive would be located about 32 metres from the rear corner of the dwelling to be provided for Plot 34. This level of separation is considered to be acceptable, and with any impact reduced by the presence of retained trees on the mutual boundary between these properties.
- 7.6.6 The front walls of 6-8 Maguire Drive would face towards the application site. The minimum level of separation is 32 metres (between the main rear wall of the dwelling to be provided for Plot 36 and the front wall of 6 Maguire Drive) and this level of separation is considered to be acceptable. These properties are also on higher land than the application site, reducing the impact further. The remaining properties are located further and no material harm is envisaged to these properties.

Impact on dwellings to the north (including Nos. 46, 47, 47a and 48a Theobolds Way)

- 7.6.6 The rear wall of 47a Theobolds Way would be positioned a minimum of about 16 metres from the rear corner of the dwelling to be provided for Plot 64. This dwelling would be orientated predominantly away from this property and this relationship is considered to be acceptable.
- 7.6.7 The rear corner of 47 Theobolds Way would be positioned a minimum of about 16 metres from the rear wall of the dwelling to be provided for Plot 64. The rear wall of this proposed dwelling would be orientated towards the rear of this existing property. A minimum separation distance of 22.5 metres would be retained between these properties, a level of separation which is considered to be acceptable. A garage in the rear garden of 47 Theobolds Way reducing the impact further. 46 Theobolds Way would be located further from the application site than this proposed property and the relationship between these properties is also considered to be acceptable.
- 7.6.8 The flank wall of 48a Theobolds Way would be positioned about 31 metres from the front corner of the dwelling to be provided for Plot 63, with the front wall of this dwelling facing away from this existing dwelling. This level of separation is considered to be acceptable. The impact is reduced further by the orientation of the existing and proposed properties and the retained trees in between.

Impact on dwellings to the east (including Nos. 3-7, 11, 15, 38-42 Ridgewood Drive)

- 7.6.9 The rear wall of 40 Ridgewood Drive would be located about a minimum of 17 metres from the rear wall of the dwelling to be provided for Plot 67. This level of separation, noting that planting is to be provided at the rear boundary is considered to be, on balance, acceptable.
- 7.6.10 The rear corner of 38 Ridgewood Drive would be located a minimum of 23 metres from the rear wall of the proposed dwelling to be provided for Plot 66. Also, the rear wall of 38

Ridgewood Drive is orientated away from the rear wall of this proposed dwelling. This level of separation is considered to be acceptable. The impact is reduced by the orientation of the existing and proposed properties.

- 7.6.11 The flank wall of 5 Ridgewood Drive would be positioned a minimum of 8 metres from the flank wall of the dwelling to be provided for Plot 96. This level of separation is considered to be acceptable. The flank wall of 3 Ridgewood Drive would be positioned a minimum of 11 metres from the flank wall of the dwelling to be provided for Plot 97. This level of separation is considered to be acceptable.
- 7.6.12 The front corner of 7 Ridgewood Drive would be positioned a minimum of 22.5 metres from the flank wall of the dwelling to be provided for Plot 90. This level of separation is considered to be acceptable. The flank wall of 42 Ridgewood Drive would be located a minimum of 20 metres from the rear wall of the dwelling to be provided for Plot 68. This level of separation is considered to be acceptable.

Impact on dwellings to the south (including 4, 7 and 8 Vardon Close)

- 7.6.13 The flank walls of 7 and 8 Vardon Close is to be positioned a minimum of 18 and 19 metres, respectively, from the three storey flats (Plots 18-30). These flats would have windows which face these properties and would be separated by the main access road to the application site. It is considered that whilst the proposal would provide a new pattern of overlooking towards these properties, and the rear garden of 7 Vardon Close, the level of separation would minimise these impacts. In all other respects, the relationship is considered to be acceptable.
- 7.6.14 The rear wall of 7 Vardon Close is to be positioned about 14.5 metres from the flank wall of the dwelling to be provided for Plot 31. This level of separation is considered to be acceptable.
- 7.6.15 The flank wall of 4 Vardon Close is to be positioned about 11 metres from the rear corner of the dwelling to be provided for Plot 33. This dwelling is orientated so that it faces towards the rear garden of this existing dwelling, with the distance from the main rear wall of this proposed dwelling to be set between 11 and 18 metres for the rear boundary of this new dwelling. As such, it is considered that this relationship is considered to be acceptable.
- 7.6.16 The proposal would provide a footpath link to the open space to the north of the application site. This link improves the connectivity of the site and sustainability of the proposal, as indicated in Paragraph 7.7 below, as well as providing access to local play facilities in Maguire Drive. Concerns are raised about the likelihood of noise, disturbance and crime but it is not considered that this would necessarily result for this provision of this access and an objection is not raised to this part of the proposal on these grounds.
- 7.6.17 The proposal would intensify the use of the site, particularly in the north part of the site which is currently being used for car parking purposes for the site (with the buildings on this part of the site vacant). However, noting the twenty four hour operation of the existing use and resulting activity around the site as well as background ambient noise levels, including traffic from Old Bisley Road, it is not considered that the provision of residential development on the site would significantly increase noise or disturbance on this site. In addition, it is considered that the proposed residential use of the site is unlikely to create significantly higher levels of pollution (car fumes, and light) than the levels of the existing use. As such, no objection is raised on these grounds.
- 7.6.18 As indicated in Paragraph 7.4 above, it was noted that the proposal is relatively spacious in form with gaps between dwellings and soft landscaping integral to the layout design. Each proposed house is allocated an adequate amount of rear amenity space with flatted

units either having private amenity space close to the units or, in the case of the converted main building (Plots 78-83), would make use of the retained sunken garden. The level of separation between proposed and existing residential units (as indicated in Paragraphs 7.6.3-7.6.15 above) and between proposed residential units is sufficient to limit any impact on light or privacy to future occupiers of the development.

- 7.6.19 In conclusion, the proposed development is not considered to result in any detrimental loss of residential amenities to the existing residents or the future occupiers of the development, complying in this respect with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

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

- 7.7.1 Paragraph 32 of the NPPF indicates that plans and decisions should take account of whether: the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy CP11 of the Surrey Heath Core Strategy and Development Management Policies 2012 supports proposals to improve public transport in the Borough. New development that will generate a high number of trips will be directed toward previously developed land in sustainable locations or will be required to demonstrate that it can be made sustainable to reduce the need to travel and promote travel by sustainable modes of transport. All new development should be appropriately located in relation to public transport and the highway network and comply with the Council's car parking standards. Policy DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 seeks all development to ensure that no adverse impact on the safe and efficient flow of traffic movement on the highway network results.

### Sustainability of development

- 7.7.2 The current proposal would provide residential development within the settlement area and in a location relatively close to local facilities (Heatherside) . it is considered that the proposal is relatively sustainable. The footpath link would improve pedestrian links through adjoining housing estates and to the local centre to the north. The access to the site would be from Old Bisley Road, and taking into consideration the existing use of the site, it is considered that the proposal would not have an adverse impact on the local highway network. Whilst the formal comments of the County Highway Authority are awaited, it is acknowledged that an objection will not be raised by that Authority on these grounds.

### Parking provision

- 7.7.5 'Vehicular and Cycle Parking Guidance' published by the Surrey County Council in January 2012 informs the level of parking requirements for various developments within the County. All parking levels in terms of residential use relate to the size of dwellings and their location and are recommended as a maximum unless otherwise stated. The application site lies within the suburban edge/village/rural location, as identified by the Guidance. The required parking provision is as follows:

*'1 & 2 bed flats – 1 space per unit;*

*1 & 2 bed houses – 1.5 + spaces per unit (note 1);*

*3 bed houses – 2+ spaces per unit (note 1); and*

*4+ bed houses – 2+ spaces per unit (note 1).*

*Note 1: Where space permits, it may be appropriate to consider increased provision.’*  
(see Figure 1 – Recommended Guidance for Residential Parking on page 9)

In terms of the above figures, the parking provision of 249 spaces on the application site at average allocation of about 2.5 spaces per dwelling exceeds the maximum required by the Guidance. As such, it is not considered that the parking provision on site would be inadequate and the County Highway Authority have verbally advised that the proposed level of parking is acceptable.

- 7.7.6 In conclusion, the Local Planning Authority is satisfied that the proposed development would not result in any adverse traffic generation, highway safety implications, detrimental access arrangements or inadequate parking provision in compliance with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

## **7.8 Impact on Thames Basin Heath Special Protection Area**

- 7.8.1 The site lies approximately 500 metres linear distance from the nearest part of the boundary of the Thames Basin Heath Special Protection Area (SPA). The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012 outlines principles for avoidance of harm to the SPA. Paragraph 5.7 of the SPD indicates that major or large new developments are expected to provide bespoke on-site SANG rather than relying on the suite of SANGs being developed by the Borough Council. Developments of more than 100 dwellings will generally be expected to provide on-site SANG. In addition to SANG, contributions towards SAMM are required by Policy CP14 that states that all new residential development shall contribute toward SAMM measures. In addition, it states that the effective avoidance of any identified adverse effects must be demonstrated and secured prior to approval of the development.
- 7.8.2 The applicant has actively engaged in discussions with the site owner of the Frimley Fuel Allotments, regarding the use of land opposite the application site as a SANG. At the time of submission of the current application, the applicant was confident that SANG proposal could meet the necessary requirements set out in the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012 and would provide a SANG solution immediately adjacent to the site. The proposed development requires a 7.8ha site as a SANG. There has been ongoing discussions between the developer, the site owner and Natural England as to this land's acceptability. This is considered under application SU/14/0802 being considered elsewhere on this Agenda.
- 7.8.4 The applicant expressed willingness to complete a legal agreement to secure the required SAMM contribution (£61,779) under application SU/14/0802.

However, if a satisfactory legal agreement is not received by 12 February 2015 to provide



this contribution (in an agreement for SU/14/0802) and to ensure that this development is not first occupied until the SANG proposal under SU/14/0802 is provided, this must be added as a reason for refusal due to its failure to comply with the requirements of the Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012; Policy NRM6 of the South East Plan; and, Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012 in relation to the provision of contribution towards strategic access management and monitoring (SAMM) measures.

## **7.9 Impact on biodiversity**

- 7.9.1 Paragraph 109 of the NPPF requires the planning system to aim to conserve and enhance the natural and local environments by minimising impacts on biodiversity. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around development should be encouraged. Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 seeks to conserve and enhance biodiversity within the Borough. The applicant has identified that development in such locations may impact on bats, badgers, reptiles and Great Crested Newts. There was no evidence of the presence of newts or reptiles was found at the site. It is the impact on bats and badgers, as set out below, which has been assessed. However, ecological mitigation and enhancement measures have been set out in the ecological and bat reports provided with this application.

### Impact on bats

- 7.9.2 The bat survey provided to support this application indicated the presence of three species of bats at the site, including common pipistrelle, brown long eared bat and serotine bats. Evidence of roosting activity was identified for the common pipistrelle bat within two of the vacant buildings north of the main building. These buildings support a limited use by bats. Further activity on the site was predominantly related to commuting and foraging around the vacant buildings and the tree-line towards the north boundary. The report confirms that a European Protected Species Mitigation Licence would be required from Natural England and that the mitigation would include roosting opportunities incorporated into the new development with bat boxes provided within retained trees during construction.
- 7.9.3 Surrey Wildlife Trust raise no objections to the proposal in terms of its impact on bats. However, the Trust consider that an assessment of bat roosting opportunities within trees to be removed should be provided. As indicated in Paragraph 7.4 above, the proposal would result in the loss of some further trees, most of which would be insignificant in size. However, a small number of larger trees are to be removed and it is considered appropriate to request a method statement, by condition, in relation to considering any potential bat activity in any of the significant trees to be removed.

### Impact on badgers

- 7.9.4 The ecological report to support this application indicated no badger activity on the site. The Surrey Wildlife Trust and West Surrey Badger Group have confirmed that there are two outlier setts on the site (probably connected to main setts some distance from the application site), which appear to be currently unused but may become used in the spring months. The WSBG suggest that these outlier setts are closed by Natural England licence, following further ecological assessments. These would be provided under such licensing procedures.
- 7.9.5 With the requirements set out above, it is considered that the current proposal would not have an adverse impact on protected species and no objections are raised to the proposal on ecological grounds, complying, in this respect, with Policy CP14 of the

Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

## **7.10 Impact on infrastructure**

- 7.10.1 The Infrastructure Delivery SPD 2014 and the Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council in July 2014. There are a number of infrastructure projects which would be funded through CIL (The Regulation 123 list) which would include open space, local and strategic transport projects, pedestrian safety improvements, play areas and equipped play spaces, indoor sports and leisure facilities, community facilities, waste and recycling, and flood defence and drainage improvements. These projects need not be directly related to the development proposal. As the CIL Charging Schedule came into effect on 1 December 2014, an assessment of CIL liability has been undertaken. This Council charges CIL on residential and retail developments where there is a net increase in floor area (of such uses). In this case the amount for this proposal is about £201,327. CIL is a land charge that is payable at commencement of works. An informative advising of this would be added.
- 7.10.2 The CIL scheme does not include the provision of education facilities. The impact of the proposal on local education and whether a contribution towards such improvements has to be separately assessed. In this case, Surrey County Council have advised a payment of £323,706 is required for primary education (none for secondary education) but, to date, no justification or details regarding the project to which this proposal should contribute has been provided. In addition, the viability of the proposal would be affected by the proposal and it is not considered that there is sufficient justification to provide a contribution particularly where the viability of the proposal would be critically affected. It is therefore considered that the proposal would not have an adverse impact on infrastructure delivery and complies with Policy CP12 of the Surrey Heath Core Strategy and Development Management Policies 2012, the Infrastructure Delivery SPD 2014 and the NPPF.

## **7.11 Impact on playspace provision**

- 7.11.1 Paragraph 58 of the NPPF seeks that planning policies and decisions ensure that development optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses including incorporation of green and other public space as part of the development.
- Policy DM16 of the Surrey Heath Core Strategy and Development Management Policies 2012 indicates that new residential development will be expected to provide or contribute towards open space, equipped playspaces including teen facilities and outdoor sports facilities.
- 7.11.2 The proposal would provide a natural play area within the site (adjacent to Plot 32). The future management, including its maintenance, would be secured via condition. In addition, the requirement for a financial contribution towards improvements to the Maguire Drive playspace (a Local Area of Equipped Play or LEAP) is included in the proposed legal agreement. The level of contribution, which also includes the provision of the footpath link, is £70,000. This is a site specific enhancement for this development proposal which would be provided outside of the CIL scheme. As such and subject to a legal agreement, it is considered that the proposed development complies with the requirements of Policy DM16 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

## 7.12 Other matters

- 7.12.1 Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 indicates that development should not increase flood risk. The application site falls within Zone 1 (low risk) and the submitted flood risk assessment concludes that with SuDS features provided to attenuate surface water (up to the 1 in 100 year event plus 30% climate change storm event across the site, that there will be a reduction in surface water run-off and that the site is at a low risk of flooding. The Environment Agency raise no objections to the proposal on flood risk grounds, with the Council's Drainage Engineer making suggestions only regarding the required drainage system. As such, no objections are raised on these grounds, complying with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.
- 7.12.2 Paragraph 96 of the NPPF advise that the local planning authorities should expect new development to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. Policy CP2 of the Surrey Heath Core Strategy and Development Management Policies 2012 requires the development to be sustainable and incorporates design. The Energy Statement document submitted with the application estimates to deliver a 25% reduction in carbon emissions, equivalent to the energy efficiency requirements of Level 3 of the Code for Sustainable Homes. This is considered in line with the requirements of the NPPF as well as Policy CP2 of the Surrey Heath Core Strategy and Development Management Policies 2012.
- 7.12.3 Paragraph 128 of the NPPF seeks that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Policy DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 requires the applicants for any major development site of 0.4ha or greater, to undertake prior assessment of the possible archaeological significance of the site and the implications of their proposals, and may be required to submit, as a minimum, a desk-based assessment to accompany the application. The 'Archaeological Desk-Based Assessment' and the 'Archaeological Evaluation Report' were submitted by the applicant. Subject to condition, the SCC Heritage (Archaeology) Officer raised no objections to the proposed development.
- 7.12.4 The applicant submitted the Geo-Environmental Assessment that provides the assessment of any geotechnical or contaminative issues associated with the existing land use. The Council's Environmental Health Officer reviewed the methodology of the submitted document and subject to conditions raised no objections to the proposal.
- 7.12.5 It is considered prudent to remove some permitted development rights by condition (see Condition 9) for some of the new dwellings (house extensions, roof extensions, including other alterations to the roof, and provision of outbuildings/garages) to reduce any potential impact from the use of such rights (post-completion of this development) on residential amenity (for Plots 33-41 inclusive, Plots 44-60 inclusive, Plots 64-69 inclusive and Plots 91-100 inclusive), trees (for Plots 8-17 inclusive, 32, 34, 37-41 inclusive, 90 and 97-100 inclusive) and the setting of the locally listed building (for Plots 70-75 inclusive and 84-89 inclusive). For this reasoning, and in the officer's opinion, the removal of these rights accords with the tests stated at Paragraph 206 of the NPPF i.e. *"planning conditions shall only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects"*.

## **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.*

The applicant has entered into pre-application discussions with the officers. Two meetings, prior to the submission of the application took place, whereby officers outlined both the 'in principle' and also detailed layout matters that had to be addressed to achieve support of the scheme, as well as the validation requirements of the future planning application.

*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.*

The agent was notified on receipt of the application of inaccuracies and deficiencies within the number of submitted documents. Once the required amended details were submitted, the application was validated.

*c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.*

Due to the pre-application process undertaken by the applicant prior to the submission of the application, no amending of the scheme was deemed necessary.

*d) Have pro actively communicated with the applicant through the process to advise progress, time scale or recommendation.*

Officers kept in touch with the agent during the course of the application on regular basis and two meetings were held during this process. This was to advise on progress of the application, particularly to monitor the development of the SANG, site visit arrangements, communication with the consultees and their feedback. Primarily to allow more time to resolve the SANG issue, officers suggested extension of time for the determination of the application on two occasions.

## **9.0 CONCLUSION**

9.1 This report concludes that the principle of the development is acceptable. The proposal would deliver needed housing in the Borough. It would make use of the previously developed land and therefore would not be inappropriate development within the Green Belt. The loss of employment use is also justified.

9.2 Subject to the attached conditions, the development would not result in any adverse traffic generation, highway safety implications, detrimental access arrangements or inadequate parking provision and subject to a satisfactory legal agreement the proposed development would not result in any adverse impact on the local infrastructure. It would not result in any adverse loss of residential amenities to the existing residents or the future occupiers of the development, in any adverse impact on trees, biodiversity, drainage, flooding or character of the wider surrounding area. The proposal is also considered in line with the requirements of

the national and local policies in terms of the proposed sustainable measures to be implemented within the scheme. In addition, subject to a satisfactory legal agreement, the proposal would satisfy the local plan requirements in terms of its impact on local infrastructure, affordable housing and SAMM. In conclusion, the proposed development accords with the adopted development plan and the NPPF.

## 10.0 RECOMMENDATION

The Executive Head of Regulatory to be authorised to GRANT permission subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To prevent an accumulation of unimplemented planning permissions and in accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. No construction 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 the locally listed building and to accord with Policies DM9 and Dm17 of the Surrey Heath Core Strategy and Development Management Policies 2012, the Western Urban Area Character SPD 2012 and the National Planning Policy Framework.

3. No construction shall take place until full details of surface water drainage systems and foul water drainage system are submitted and approved in writing by the LPA. The surface water drainage system details to include attenuation of 1:100 year event at 30% climate change. Once approved the details shall be carried out prior to first occupation in accordance with the approved scheme.

Reason: To ensure a satisfactory development and to accord with Policies CP2 and DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

4. No construction shall take place on site until details of the proposed finished ground floor slab levels of all building(s) and the finished ground levels of the site including roads, private drives, etc. in relation to the existing ground levels of the site and adjoining land, (measured from a recognised datum point) shall be submitted to and approved by the Local Planning Authority. Once approved, the development shall be built in accordance with the approved details.

Reason: In the interests of the visual and residential amenities enjoyed by neighbouring occupiers and the occupiers of the buildings hereby approved in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

5. 1. Details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be

carried out as approved, and implemented prior to first occupation. The submitted details should also include an indication of all level alterations, hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, together with the new planting to be carried out and shall build upon the aims and objectives of the supplied .

2. All hard and soft landscaping works shall be carried out in accordance with the approved details. All plant material shall conform to **BS3936:1992 Parts 1 – 5: Specification for Nursery Stock**. Handling, planting and establishment of trees shall be in accordance with **BS 8545:2014 Trees: from nursery to independence in the landscape**
3. A landscape management plan including maintenance schedules for all landscape areas other than small, privately-owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority before first occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The schedule shall include details of the arrangements for its implementation. The landscape areas shall be managed and maintained thereafter in accordance with the agreed landscape management plan for a minimum period of ten years.

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.

7. In this condition 'retained tree' means an existing tree or hedge which is to be retained in accordance with the approved plan; and clauses a) and b) below shall have effect until the expiration of 5 years from the first occupation of the development.
  - a) No retained tree shall be cut down, uprooted or destroyed, nor any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without further planning permission being granted by the Local Planning Authority. Any topping or lopping shall be in accordance with BS 3998 (tree works) and in accordance with any supplied arboricultural method statement.
  - b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in a similar location and that tree shall be of such size and species, and shall be planted at such time, as approved by the Local Planning Authority.
  - c) Following the completion of any arboricultural works but before any equipment, materials or machinery are brought onto the site in connection with the development protective fencing and ground protection in accordance with **BS5837:2012 – Trees in Relation to Design, Demolition and Construction** and shall be installed around all the retained trees in accordance with details set out in the Arboricultural Implications Report dated August 2014 by Simon Jones Associates unless varied in writing with the Local Planning Authority. Such protection shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Nothing shall be stored or placed in the fenced protective areas nor shall any fires be started, no tipping, refuelling, disposal of solvents or cement mixing carried out and ground levels within those areas shall not be altered, nor shall any excavation or vehicular accesses be made within the protected areas without planning permission.

- d) Prior to the commencement of works on site and after the installation of the tree protection in accordance with c) above the Council's Arboricultural Officer shall be notified and a site meeting arranged to allow a full inspection of the protection measures and agree the arboricultural site supervision.

Reason: This permission was only granted on the basis that the 'retained trees' would remain on site to mitigate the impact of the development and to preserve and enhance the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath.

8. Before first occupation of the development hereby approved the first floor window(s) in the flank elevation of the dwelling for Plot 96, as indicated on the approved site plan drawing 14018/C101J, shall be completed in obscure glazing and any opening shall be at high level only (greater than 1.7m above finished floor level) and retained as such at all times in accordance with details to be submitted to and approved by the Local Planning Authority in writing. No additional openings shall be created at first floor level or above in this elevation, nor the flank elevation of the dwelling for Plot 31, without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of the amenities enjoyed by neighbouring residents and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

9. Notwithstanding the provisions of Classes A, B, C and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no further extensions, garages or other buildings shall be erected within the Plots 8-17 inclusive, Plots 32-41 inclusive, Plots 44-60 inclusive, Plots 64-75 inclusive and Plots 84-100 inclusive (as shown on Drawing no. 14018/C1901J), without the prior approval in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the enlargement, improvement or other alterations to the development in the interests of local character, residential amenity, trees and the setting of the locally listed building and to accord with Policies DM9 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012.

10. No development shall take place until a Method of Construction Statement, 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
- (f) hours of construction
- (g) confirmation that there will be no on site burning of material during site clearance, demolition or construction phases

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

Reason: The condition above is required in order that the development should not prejudice residential amenities, highway safety nor cause inconvenience to other highway users and to accord with Policies DM9, CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

11. The garages hereby permitted shall be retained for such purpose only and shall not be converted into living accommodation without further planning permission from the Local Planning Authority.

Reason: To ensure the provision of on-site parking accommodation and to accord with Policy CP11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

12. The parking spaces shown on the approved plans shall be made available for use prior to the first occupation of the development and shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: To ensure the provision of on-site parking accommodation and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

13. Prior to the demolition of any part of the main building, a demolition method statement shall be submitted to and approved by the Local Planning Authority. The demolition method statement shall incorporate details of the method of demolition and how the part of the main building to be retained will be protected during this process. In addition this statement will include a schedule of retained and removed elements of this building. Once approved, the development shall be implemented in accordance with the approved details.

Reason: In the interests of the locally listed building and to accord with Policy DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

14. No tree removal, shall take place until a method statement has been submitted to and approved by the Local Planning Authority. This statement should include the identification of any trees to be removed which would be capable of roosting by bats and a schedule of mitigation works and a time management plan to secure the protection of bats during and following the tree removal. Once approved, the mitigation measures shall be implemented in accordance with the approved details. In all other respects, the proposal shall be implemented in accordance with the wider ecological mitigation and enhancement measures set out in Part 4 of the Ecological Constraints and Opportunities Assessment (July 2014) by ENIMS and Part 4 of the Bat Roost Survey Report (September 2014) by ENIMS.

Reason: To ensure the protection of protected species in accordance with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

15. The proposed development shall be built in accordance with the following approved plans: C101J, C102, P101Z, P102B, P110C, P111C, P112E, P113E, P114C, P115B, P116E, P117E, P118E, P119D, P120D, P121D, P122E, P123D,



P124E, P125E, P126F, P127E, P128E, P129E, P130B, P131B, P132A, P133A, P134, P135A, P13E, P137E, P138 and P139, unless the prior written approval has been obtained from the Local Planning Authority.

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

16. Prior to the first occupation of the development hereby approved the details of cycle and refuse storage area(s) shown on Drawing Nos, C101J, P138 and P139 shall be provided and thereafter retained.

Reason: To ensure visual and residential amenities are not prejudiced and to accord with Policies DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

17. No development shall take place until a programme of archaeological work with a written scheme of investigation has been submitted to and approved by the Local Planning Authority. The development hereby approved shall be implemented in accordance with the approved details.

Reasons: In the interest of historic environment and to comply with Policy DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

18. No construction shall take place until a detailed remediation scheme for any land contamination of the site has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that risks from and contamination to the future users of the land and neighbouring land are minimised and to comply with the National Planning Policy Framework.

19. Measures to reduce the risk of crime from the rear parking court to the rear of Plots 50-54 (as shown on layout plan 14018/C101J) shall be submitted to and approved by the Local Planning Authority. The approved details shall be provided prior to the first occupation of the dwellings to be provided for Plots 47-56 inclusive (as shown on layout plan 14018/C101J).

Reason: To reduce the risk of crime and to comply with Paragraph ID26 of the Planning Policy Guidance and Section 17 of the Crime and Disorder Act 1998 (as amended).

20. Measures to reduce the risk of crime from the proposed footpath link to the north boundary of the site (as shown on layout plan 14018/C101J) shall be submitted to and approved by the Local Planning Authority. The approved details shall be provided prior to the first occupation of the dwellings to be provided for Plots 39-46 inclusive (as shown on layout plan 14018/C101J).

Reason: To reduce the risk of crime and to comply with Paragraph ID26 of the Planning Policy Guidance and Section 17 of the Crime and Disorder Act 1998 (as amended).

21. Details of external lighting shall be submitted to and approved by 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, nature conservation and to reduce the risk of crime and to accord with Policies DM9 and CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012, Paragraph ID26 of the Planning Policy Guidance and the Crime and Disorder Act 1998 (as amended).

Informative(s)

1. Decision Notice to be kept DS1
2. Building Regs consent req'd DF5
3. Party Walls (etc) Act 1996 DE3
4. CIL Liab CIL1
5. The applicant is advised that this permission is linked, by the requirements of the legal agreement pursuant to this permission, to the provision of a Suitable Area of Natural Greenspace under separate planning permission SU/14/0802.
6. The applicant is advised that European Protected Species Mitigation Licence is likely to be required for required mitigation works and in this respect the applicant is advised to contact Natural England direct.

**In the event that a satisfactory legal agreement has not been completed by the 12<sup>th</sup> February 2015, the Executive Head of Regulatory be authorised to REFUSE for the following reasons:**

1. 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 Policies CP11 and DM16 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 in relation to the provision of playspace improvements and a footpath link, the proposal would not provide adequate playspace provision nor contribute towards the choice of sustainable modes of transport failing to comply with Policies CP11 and DM16 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.
2. The proposal fails to provide an adequate provision of affordable housing, and as such would not deliver a development, which would meet the housing requirement of all sectors of the community. The application is therefore contrary to the aims and objectives of Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012.
3. 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 CP14 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 2012.

4. The Planning Authority, in the light of available information, is unable to satisfy itself that the proposal (in combination with other projects) would not have an adverse effect on the integrity of the Thames Basin Heaths Special Protection Area (SPA) and the relevant Site of Specific Scientific Interest (SSW). In this respect, significant concerns remain with regard to the adverse effect on the integrity of the Special Protection Area in that there is likely to be an increase in dog walking, general recreational use and damage to the habitat and the protected species within the protected areas. Accordingly, since the planning authority is not satisfied that Regulation 62 of the Conservation of Habitats and Species Regulation 2010 (The Habitats Regulation) applies in this case, it must refuse permission in accordance with Regulation 61 (5) of the Habitats Regulations and Article 6 (3) of Directive 92/43/EE. For the same reasons the proposal conflicts with guidance contained in the National Planning Policy Framework and Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and Policy NRM6 of the South East Plan 2009 and Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (2012).