



Surrey Heath Borough Council

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**Service:** Regulatory Services  
**Our Ref:** 20/0752/FFU  
**Officer:** Miss Patricia Terceiro  
**Direct Tel:** Contact Centre: 01276 707100  
**Email:** development.control@surreyheath.gov.uk

Mr Nicholas Cobbold  
Bell Cornwell Chartered Town Planners  
Bell Cornwell  
Unit 2 Meridian Business Park  
Osborn Way  
Hook  
RG27 9HY

**Date of Decision:** 24th March 2021

**TOWN & COUNTRY PLANNING ACT 1990**  
**Town & Country Planning (Development Management Procedure)**  
**(England) Order 2015**

**Application Number:** 20/0752/FFU

**Proposal:** Erection of 3no two storey detached dwellings (1x 3bed and 2x4bed) with private amenity area, parking and access.

**Location:** Land Between Larchwood Glade And Devonshire Drive, Camberley, Surrey, GU15 3UW

In pursuance of their powers under the above-mentioned Act and Order the Council, as the Local Planning Authority, hereby **REFUSE** permission for the above development for the following reason (s):

- 1 The proposed development would erode the tree compartment located between Larchwood Glade and Devonshire Drive and result in the loss of a significant number of trees that make a positive contribution both as a group and individually to the surrounding environment. The harm to this part of the defined Wooded Hills Character Area, for which its soft and green character is a key characteristic, could not be mitigated through replacement planting. The proposed development is therefore contrary to Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012, Guiding Principles WUA2, WUA3, WH1, WH3 and HE3 of the Western Urban Area Character Supplementary Planning Document 2012 and the National Planning Policy Framework.

- 2 The proposed development, by virtue of the plot sizes and closely set buildings, would give rise to a cramped form of development that would fail to respond to the layout that can be seen on surrounding cul-de-sacs and be contrary to the prevailing spacious character of the area. As such, the proposal would fail to integrate into its surrounding context, respect and enhance the character and quality of the area, including the Wooded Hills Character Area and would be contrary Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and Guiding Principles WH1, WH2, HE1 and HE2 of the Western Urban Area Character Supplementary Planning Document 2012 and Principles 6.6 and 7.4 of the Residential Design Guide Supplementary Planning Document 2017 and the National Planning Policy Framework.
- 3 The proposal would fail to provide an acceptable level of usable amenity space to its future occupiers due to the significant overshadowing of the garden area which would arise due to proximity and size of retained trees covered by a Tree Preservation Order (TPO 7/71) located on the site. Moreover this arrangement would be likely to give rise to pressure for the pruning or felling of these trees, which would add to the identified harm to the character of the area (reason for refusal 1). The proposal would therefore be detrimental to the residential amenities of its future occupiers, contrary to Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012, Principle 8.4 of the Residential Design Guide Supplementary Planning Document 2017 and the National Planning Policy Framework.
- 4 In the absence of a payment or a completed legal agreement under section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan in relation to the provision of contribution towards strategic access management and monitoring (SAMM) measures, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (2019).

#### **Informatives:**

1. This Decision Notice is a legal document and therefore should be kept in a safe place as it may be required if or when selling your home. A replacement copy can be obtained, however, there is a charge for this service.
2. 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.
3. The applicant is advised that any future re-submission of a residential scheme on this site should clarify that there will be a measureable

biodiversity net gain at the site secured as a result of the proposed development. The applicant may wish to use an appropriate metric such as the DEFRA Biodiversity Metric 2.0 to demonstrate how the site will provide biodiversity net gain.

4. The decision has been taken in compliance with paragraphs 38-41 of the NPPF to work with the applicant in a positive and proactive manner. Please see the Officer's Report for further details.

Handwritten signature of J. Rickard in black ink.

Executive Head - Regulatory  
Duly authorised in this behalf  
(ATTENTION IS DRAWN TO THE NOTES ATTACHED)

## NOTES TO APPLICANTS

### Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice, unless your decision relates to the following:

- For a Householder Planning Application you must appeal within 12 weeks of the date of this notice.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, then you must appeal within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application then you must appeal within: 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.
- For a minor commercial application you must appeal within 12 weeks of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

### Further advice

- If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out any development which has been or would be permitted, the owner may serve a Purchase Notice on Surrey Heath Borough Council. This Notice will require the Council to purchase his interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990.
- In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 120 of the Town and Country Planning Act 1990.
- This decision notice refers only to the application made and does not convey any other consent or permission. Applicants should satisfy themselves that any other relevant consent is obtained before any work commences. For example: approval under the Building Regulations; consent under the Environment Agency byelaws; the release of any restrictive covenants on the land or permission of any landowners. Attention is drawn to Section 20 of the Surrey Act 1985 which requires that when a building is erected or extended proper provision shall be made for the fire brigade to have means of access to the building and any neighbouring building.

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