

2014/1041

Reg Date 02/01/2015

Town

LOCATION: 21-33 YORK ROAD, CAMBERLEY, GU15 4HS
PROPOSAL: Erection of 7 two/three storey houses with access and parking following the demolition of 1 dwelling with the refurbishment of 6 two storey houses. (Amended plan rec'd 23/02/15).
TYPE: Full Planning Application
APPLICANT: Mr W Dunphy
OFFICER: Duncan Carty

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

1.0 SUMMARY

- 1.1 The proposal relates to the erection of 4 no. semi-detached two/three storey and 3 no. detached two/three storey houses following the demolition of one dwelling with the refurbishment of 6 no houses with the new houses served by a new access and parking. The proposal relates to the reversion of houses which have more recently been used as unauthorised houses in multiple occupation (a Class C4 use) back to residential (Class C3) use. The application site is on the north side of York Road within the settlement of Camberley.
- 1.2 No objections are raised to the proposal on character, residential amenity and highway safety grounds.
- 1.3 The current proposal would be CIL liable and, in addition, would require the provision of a legal obligation to provide mitigation against the impact of the proposal on the SPA (in the form of a SAMM payment). Subject to the completion of a legal agreement prior to 9 April 2015, the application is considered to be acceptable.

2.0 SITE DESCRIPTION

- 2.1 The application site lies on the north side of York Road in Camberley. The 0.4 hectare site falls predominantly within a residential area, with residential properties (and a business) within Cromwell Road to the rear and residential properties to either flank and opposite the site. The site falls within a "Victorian/Edwardian subdivisions" character area as defined within the Western Urban Area Character Supplementary Planning Document 2012. The application site relates to seven detached 1930's residential properties which have more recently been used as unauthorised houses in multiple occupation (providing, it is understood, 35 bedrooms). The front garden areas of these dwellings are predominantly hardstanding, often gravel, and used for parking purposes. The rear gardens of these properties have become a shared area for use by the residents of these properties.

These residential properties have front drives. The land falls from east to west across the site and from the front to the rear of the site.

- 2.2 York Road and Cromwell Road predominantly comprise two and single storey detached dwellings. However, there are flatted developments at Minster Court and York Place, on York Road and to the west of the application site, and at Nutfield Court and Almond Court on Cromwell Road. The application site falls about 700 metres from the Thames Basin Heaths Special Protection Area (SPA) and about 200 metres from Camberley Town Centre.

3.0 RELEVANT PLANNING HISTORY

- 3.1 SU/13/0616 Erection of 12 no three storey 3 bedroom town houses with accommodation in the roofspace, a two storey building with accommodation in the roof to provide 12 no one bedroom flats and a two storey building with accommodation in the roof to provide 12 no two bedroom flats with associated parking, access and landscaping following the demolition of existing properties.

This application was withdrawn in August 2014 following officers' concerns about the quantum of development and impact on the established pattern and character of the streetscene and the local area.

4.0 THE PROPOSAL

- 4.1 The proposal relates to the erection of 4 no. semi-detached two/three storey and 3 no. detached two/three storey houses following the demolition of one dwelling (27 York Road) with the refurbishment of 6 no houses with the new houses served by a new access and parking. The proposal relates to the reversion of houses which have more recently been used as unauthorised houses in multiple occupation (a Class C4 use) back to residential (Class C3) use.
- 4.2 The proposed dwellings to the rear of the York Road frontage would be set back about 35 metres from the highway with rear garden depths of about 11 metres. These properties would be split level, having a two storey appearance to the front and a three storey appearance to the rear, with associated land raising (and lowering) to accommodate this level change. These properties are to be set at levels below the general ground level so that the maximum height of these units is less than the ridge height of the properties to the front. The residential properties would be set-in 7.4 metres from the west flank boundary and 5 metres from the east flank boundary of the site.
- 4.3 As indicated in Paragraph 4.2 above, the proposal would require some level changes across the site. The increase in levels (in the general vicinity of the access road and frontages to the rear properties) would occur, primarily in the west half of the site, with a maximum increase of 1.7 metres (for the front drive of Plot 1), tapering to no increase to the site boundaries.

The pitched roofs would have a maximum height of about 7 metres to the front (9.5 metres to the rear).

- 4.4 The proposal would provide 14 parking spaces for the new properties (two spaces per property), with an access road provided between 25 and 29 York Road which extends towards each flank boundary of the site forming the rear boundary of the reduced gardens, of about 11 metres, for the existing properties. Two parking spaces per property would be retained to the front of the existing properties.

5.0 CONSULTATION RESPONSES

- 5.1 County Highway Authority No objections.
- 5.2 Tree Officer No objections (verbal).

6.0 REPRESENTATIONS

At the time of the preparation of this report, one representation in support on the basis so long as the appearance of the existing properties are improved. Five representations raising an objection had been received summarised below:

- 6.1 Impact on privacy and overlooking of neighbouring properties and gardens [*See Paragraph 7.3*]
- 6.2 Overbearing impact of development, including height, scale and density, which is out of keeping with local character [*See Paragraph 7.2*]
- 6.3 Loss of privacy [*See Paragraph 7.3*]
- 6.4 Inadequate parking provision [*See Paragraph 7.4*]
- 6.5 Impact on trees [*See Paragraph 7.2*]
- 6.6 Impact on noise [*See Paragraph 7.3*]
- 6.7 Impact of increased traffic on local highway network [*See Paragraph 7.4*]
- 6.8 Impact on right to light [*Officer comment: This is a legal matter falling outside of planning law*]
- 6.9 Impact on wildlife and flora [*Officer comment: Noting the site location, it is not considered that there is any likely presence of any protected species*]
- 6.10 Backland form of development is out of character [*See Paragraph 7.2*]
- 6.11 Overbearing impact on neighbouring properties [*See Paragraph 7.3*]
- 6.12 More details on gas, water (including water pressure) and electricity supply, as well as drainage and appearance, required [*Officer comment: Gas, water and electricity supply are matters for the relevant utility company concerned. The*

matters relating to drainage could be considered by condition. There is sufficient information regarding appearance to determine this application]

- 6.13 The poor quality of the existing properties and the insistencies of anti-social behaviour emanating from the site and the improvements proposed to these properties should not be reasons to grant the proposal [*Officer comment: The current proposal is assessed on the merits of the proposal*]
- 6.14 Light pollution [*See Paragraph 7.3*]
- 6.15 Lack of ridge height defined on submitted drawings and developer could increase size of development at a later date [*Officer comment: the drawings are scaled and maximum heights for these dwellings can be provided (see Paragraph 4.2 above). Any requirement to increase the roof height, retrospectively or not, would require separate consent and would be assessed on its own merits*]
- 6.16 Impact on and loss of major tree on privacy [*See Paragraphs 7.2 and 7.3*]
- 6.17 Impact on third party trees [*Officer comment: the proposal would not have an adverse impact on major trees. Any impact on smaller trees (not worthy of retention) is a private matter*]
- 6.18 Concern about boundary creep if boundary fences are removed and potential damage to garage on site boundary [*Officer comment: These are private matters*]
- 6.19 The extent of refurbishment needs to be defined and delivery guaranteed [*Officer comment: These alterations would be undertaken by condition, if minded to approve*]
- 6.20 Impact on streetscene view from Cromwell Road [*see Paragraph 7.2*]
- 6.21 Loss of daylight and overshadowing of gardens [*see Paragraph 7.3*]
- 6.22 Impact of proposed (smaller) plot sizes on local character [*see Paragraph 7.2*]
- 6.23 Impact on important characteristic of 1930's detached housing with traditional back gardens [*see Paragraph 7.2*]
- 6.24 New houses would be intrusive, uncomfortably close and uncharacteristically close to neighbouring property [*see Paragraphs 7.2 and 7.3*]

7.0 PLANNING CONSIDERATIONS

- 7.1 The current proposal is to be assessed against Policies CP1, CP2, CP5, CP6, CP11, CP12, CP14, DM9, DM11 and DM12 of the Surrey Heath Core Strategy and Development Management Policies 2012; saved Policy NRM6 of the South East Plan 2009; and, the National Planning Policy Framework (NPPF). In addition, advice in the Infrastructure Delivery SPD 2014; Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012; Interim Affordable Housing Procedure Note 2012; and, the Planning Practice Guidance (PPG) should be relied upon. The lawful planning use of the site is as seven houses and the requirements for contributions, as set out below have been assessed on this basis.

The main issues in the consideration of this application are:

- Impact on local character and trees;
- Impact on residential amenity;
- Impact on highway safety;
- Impact on the Thames Basin Heaths Special Protection Area and CIL; and
- Impact on affordable housing provision.

7.2 Impact on local character and trees

- 7.2.1 The NPPF has a presumption in favour of sustainable development and to secure high quality design, as well as taking account of the character of different areas. However, the NPPF rejects poor design that fails to take the opportunity to improve the character and quality of an area. Paragraph 59 of the NPPF requires design policies to concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.
- 7.2.2 Policy CP2 of the Surrey Heath Core Strategy and Development Management Policies 2012 is reflective of the NPPF as it requires development to ensure that all land is used effectively within the context of its surroundings and to respect and enhance the quality of the urban, rural, natural and historic environments. Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 also promotes high quality design that respects and enhances the local environment, paying particular regard to scale, materials, massing, bulk and density. The Western Urban Area Character SPD reiterates achieving good design that respects and enhances the character of the area as a key objective.
- 7.2.3 The application site falls within a “Victorian/Edwardian subdivisions” character area as defined within the Western Urban Area Character Supplementary Planning Document 2012 within the settlement of Camberley. This character area is typified by attractive streetscenes with repetitive rhythms of building proportions, materials and colours. The SPD indicates that new development in such areas should pay particular regard to the historic plot dimensions, opportunities to soften closely set development with vegetation, high quality design (particularly of publicly visible elevations), and buildings to address the road frontage.
- 7.2.4 The proposed new dwellings would provide a form of backland development. Private residential gardens are excluded from the NPPF's definition of previously developed land and the NPPF encourages the effective use of land that has previously been developed. However, there is no impediment to the principle of the development of land that is not previously developed in such settlement locations. As such, it is the impact on the character of the area which has to be addressed in such cases.
- 7.2.5 In this location, backland development is limited to a small two storey block (which provides a flat over a garage block) to the rear of the nearby flatted development at York Court. The traditional pattern of development in the local area is predominated by detached dwellings with relatively long and generously sized rear

gardens. However, as indicated in Paragraph 2.2 above, there are some nearby flatted developments including two such developments in York Road. Minster Court, located to the west and much closer to the Kings Ride road junction was constructed in the 1960's and is a three storey frontage block of 12 flats with parking to the side and a rear amenity area. York Place located between the application site and Minster Court, is a part three storey, part two storey flatted development of 29 flats built in the 1990's. The more recent development of Almond Court lies to the rear of the application site, fronting Cromwell Road.

- 7.2.6 The proposed layout would provide shorter rear gardens depths, reducing from 40 metres for the existing properties to about 12.2 metres for the frontage dwellings and 10.8 metres for the new properties to the rear. Whilst, this does not reflect the traditional dwellings, and their plots sizes, in the local area, such garden lengths are typical of the newer houses in Cromwell Road, as a part of the Almond Court development to the rear. Smaller garden areas are also provided for the nearby flats (Minster Court, York Place and Almond Court). It is therefore considered that, with the mix of plot sizes and rear garden sizes in these nearby developments, the proposed plot dimensions for the current proposal are acceptable.
- 7.2.7 The existing vertical emphasis from the seven detached houses together with the adjoining properties provides a rhythm of development, including gable roofs (with ridges running from front to back) with gaps and levels of separation typical of the street and this rhythm of development contributes significantly to the local distinctiveness (referred to in Paragraph 7.2.2 above). The retention of six of the frontage dwellings would broadly retain this rhythm and would be partly replicated with the development to the rear.
- 7.2.8 The new properties would have a two storey form to the front and would include a number of features (such as the brick finish to ground floor and render finish above) which reflects the frontage properties. However, the proposed design of the front elevation would, in other respects, depart from the design of the frontage properties, including the half hipped roof form and different fenestration, including a single upper floor square window and ground floor slit (high level) window and glass blocks to the side of the front door, which give the dwellings a modern appearance which it is considered adds interest to these new dwellings. The proposal would provide 4no. semi-detached dwellings to the rear (with each pair to be located closest to the flank boundaries of the site) which, whilst attached, would retain the dwelling widths, proportions and roof form of the remainder of the new dwellings and would be acceptable in this location, set back and partly obscured by the frontage dwellings from York Road. In addition, one of these new detached dwellings has been deliberately aligned with the access road, so that its full width is clearly visible from York Road. The new properties would also be set, even with the proposed land raising, on lower land level than the frontage properties and, whilst noticeable between the retained dwellings to the site frontage, would not have an adverse visual impact from York Road.
- 7.2.9 The new properties would be split level, having a three storey form to the rear, with the lower level partly cut into the ground. However, development including the nearby York and Minster Courts and part of Almond Court to the rear, have a three storey form, which is much bulkier than the current proposal. Views of this part of the development from Cromwell Road would also be predominantly obscured by

existing properties, including the Almond Court development, fronting that highway.

- 7.2.10 It is therefore considered that the scale of the proposed development would result in a built form which would reflect the rhythm of development in the immediate area and would not be harmful to the character of the local area and streetscene.
- 7.2.11 There are two sycamore trees close to the rear boundary of the site which would be retained within the development scheme. No objections are raised by the Tree Officer to the proposal. The proposal would also give opportunity for some landscaping to the site frontage, which would be of benefit to the character of the area and streetscene.
- 7.2.12 As such, it is considered that the proposed development would be acceptable in terms of its impact on the streetscene, local character and trees, complying, in this respect, with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF, advice in the Western Urban Area Character Supplementary Planning Document 2012 and the PPG.

7.3 Impact on residential amenity

- 7.3.1 The proposed rear dwellings would be located close to the flank boundaries of Nos. 19 and 35 York Road. The proposal would provide a three storey form of development, although this impact is reduced by the lower finished floor levels and two storey form when viewed from the front. The land raising, particularly in closer proximity to the flank boundary with 19 York Road, would also taper down to this flank boundary to reduce its impact on this property. In addition, noting the level of separation of the proposed dwellings to each flank boundary (7.4 metres from the west flank boundary with 19 York Road and 5 metres from the east flank boundary of the site with 35 York Road) which would provide a significant landscaped buffer, it is not considered that the proposal would result in an adverse impact on these residential properties.
- 7.4.2 The proposed rear dwellings would be located about 11 metres from the rear boundary of the application site. The current proposal would provide rear facing windows which would look towards and partly over the rear gardens of residential properties in Cromwell Road. However, noting the level of separation (about 25 metres to the rear boundaries and 35 metres to the rear walls of these properties), it is not considered that the proposed development (even at a three storey height) would have an adverse impact on the amenity of the occupiers of these dwellings.
- 7.4.3 The front walls of the proposed dwellings would be set about 21 metres from the main rear walls of the frontage development and this level of separation would be acceptable and not have any detrimental impact on the amenity of the future occupiers of this development.
- 7.4.4 As such, no objections to the proposal are raised on residential amenity grounds, with the development complying, in this respect, with Policy DM9 of Surrey Heath Core Strategy and Development Management Policies 2012.

7.5 Highway safety and parking

7.5.1 The proposal would provide two parking spaces to serve each dwelling, Whilst it is noted that there are some on-street parking restrictions (which prevent parking on one side of much of York Road and would appear to provide on-street parking for a limited number of visitors to the town centre, set about 200 metres from the site), the current proposal is not considered to significantly add to the on-street parking demand. As such and with no objections raised by the County Highway Authority to the proposal, the proposed development is considered to be acceptable on highway safety and parking capacity grounds, complying with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7.6 Impact on the Thames Basin Heaths Special Protection Area and CIL

7.6.1 The application site lies approximately 700 metres from the Thames Basin Heaths Special Protection Area (SPA). In January 2012, the Council adopted the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD which identifies Suitable Alternative Natural Green Space (SANGS) within the borough and advises that the impact of residential developments on the SPA can be mitigated by providing a contribution towards SANG delivery/maintenance if there is available capacity (which is available for this proposal). The proposal is CIL liable and this provision would be provided under the CIL charging scheme.

7.6.2 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). CIL is a land charge that is payable at commencement of works. The proposed development is CIL liable and an informative advising of this would be added.

7.6.3 The current proposal would also be required to provide a contribution towards the SAMM (Strategic Access Management and Monitoring) project. This project provides management of visitors across the SPA and monitoring of the impact. The project is run through a steering group and aims to provide additional warden support across the SPA together with equipment and materials to support this. Alongside this is a monitoring of visitor numbers and behaviour. This project does not form part of the CIL scheme and a separate contribution of £3,945 is required through a planning obligation to secure this contribution.

7.6.4 As such, subject to the receipt of a completed planning obligation which secures this provision by 2 April 2015, the proposal complies with Policies CP12 and CP14

of the Surrey Heath Core Strategy and Development Management Policies 2012, Policy NRM6 of the South East Plan 2009, the National Planning Policy Framework and advice in the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012, and the Infrastructure Delivery SPD 2014.

7.7 Impact on affordable housing provision

7.7.2 The proposal would require the provision of 2 no. affordable housing units to comply with Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012. However, since November 2014, the national Planning Practice Guidance (PPG) now advises that residential development proposals of fewer than 10 dwellings (net gain) should be exempt from the provision of affordable housing. In the light of the above, therefore, no contributions are sought in respect of affordable housing.

7.8 Other matters

7.8.1 Paragraph 206 of the NPPF indicates that:

"Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and enforceable."

The landscape belts and general level of separation between the new dwellings (i.e. the rear plots) and the surrounding properties are considered to be acceptable but may be comprised by any future development which could be later provided through permitted development. As such, it is considered prudent to remove such rights for the new dwellings by a condition which would meet the government tests.

8.0 CONCLUSION

8.1 The proposed development is considered to be acceptable in relation to its impact on local character, residential amenity and highway safety. The proposal is CIL liable. Subject to the completion of a planning obligation to deal with the provision of a contribution towards the SAMM project by 9 April 2015, the application proposal is considered to be acceptable.

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

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

a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable

development.

b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.

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

d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

10.0 RECOMMENDATION

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 development shall take place until details and samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Materials to be agreed will include the proposed brick, tile, guttering and fenestration. Once approved, the development shall be carried out using only the agreed materials.

Reason: In the interests of visual amenities of the area and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the West Urban Area Character Supplementary Planning Document 2012.

3. No development shall take place in accordance with the proposed finished ground floor slab levels of all building(s) and the finished ground levels of the site including roads, private drives, etc. as indicated on Drawing No. 872-301 received on 19 February 2015 unless the prior written approval has been obtained for 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.

4. The parking spaces shown on the approved plan 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.

5.
 1. No development shall take place until full details of both hard and soft landscaping works have been 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 **BS5837:2012 – Trees in Relation to Design, Demolition and Construction** Arboricultural Method Statement [AMS].
 2. All hard and soft landscaping works shall be carried out in accordance with the approved details. 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**.

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.

6. All hard and soft landscaping works shall be carried out in accordance with the approved details. Arboricultural work to existing trees shall be carried out prior to the commencement of any other development; otherwise all remaining landscaping work and new planting shall be carried out prior to the occupation of the development or in accordance with a timetable agreed in writing with the Local Planning Authority. Any trees or plants, which within a period of five years of commencement of any works in pursuance of the development die, are removed, or become seriously damaged or diseased shall be replaced as soon as practicable with others of similar size and species, following consultation with the Local Planning Authority, unless the Local Planning Authority gives written consent to any variation.

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. The proposed access to York Road shall be provided with visibility zones in accordance with the approved drawings, all to be permanently maintained to a height between 0.6 and 2 metres above carriageway level and the visibility zones shall be kept permanently clear of any obstruction.

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

8. A refurbishment scheme for the frontage dwellings (currently known as 21, 23, 25, 29, 31 and 33 York Road) shall be submitted to and approved by the Local Planning Authority and shall be implemented prior to the first occupation of the new dwellings hereby approved.

Reasons: In the interests of the visual amenity of the surrounding area and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

9. Before first occupation of the development hereby approved the first floor window(s) in the flank elevations 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 in this elevation 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.

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) method of keeping mud off the highway
- (h) confirmation that there will be no on-site burning of material

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 amenity, highway safety nor cause

inconvenience to other highway users and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

11. The proposed development shall be built in accordance with the following approved plans: 872-11, 872-104, 872-203 and 872-204 received on 2 January 2015 and 872-301 received on 19 February 2015, 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.

12. Notwithstanding the provisions of Classes A, B 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 residential curtilages of the new dwellings hereby approved 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 visual and residential amenity and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

Informative(s)

1. Decision Notice to be kept DS1
2. Party Walls (etc) Act 1996 DE3
3. Building Regs consent req'd DF5
4. CIL Liable CIL1

In the event that a satisfactory legal agreement has not been completed by the 9 April 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 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.
2. 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).