

LOCATION: BROOK GREEN & TINYBROOK, WAVERLEY CLOSE,
CAMBERLEY, GU15 1JH

PROPOSAL: Outline application for the erection of two blocks of flats each containing 9 residential flats following demolition of two existing dwellings. Appearance and landscaping reserved.

TYPE: Full Planning Application

APPLICANT: Avakas Developments Ltd

OFFICER: Chenge Taruvinga

RECOMMENDATION: REFUSE

1.0 SUMMARY

- 1.1 The outline application proposes the erection of 2 detached three-storey buildings each to contain 9 two-bedroom flats following the demolition of the existing dwellings. Matters of access, layout and scale are to be considered with appearance and landscaping to be reserved. This application is a revision to the scheme refused under SU/14/0609.
- 1.2 The report concludes that the revised scheme fails to overcome the reasons for the refusal of SU/14/0609. The proposed development would have an adverse impact on the established character of this setting by reason of its cramped and visually prominent appearance within the plot. In addition Block A would give rise to an overbearing and unneighbourly built relationship with the neighbouring dwelling to the south, South Lodge. In the absence of a SuDS compliant drainage strategy and a legal agreement securing contributions in respect of affordable housing additional reasons for refusal in respect of these matters have been included.

2.0 SITE DESCRIPTION

- 2.1 The application site is located on the south side of Waverley Close and currently comprises two detached dwellings known as Brook Green and Tinybrook respectively. Brook Green is a modest detached two-storey dwelling while Tinybrook is a bungalow. Both front the highway, each with an access to Waverley Close and both have defined front gardens. To the rear each property currently benefits from good sized rear gardens.
- 2.2 The site is bounded to the rear by a flatted development known as Tides End Court which comprises two detached buildings each containing 6 flats with associated amenity space and parking. The rear boundary of the site also adjoins a very small section of 50 Portsmouth Road. To the south side of the site is a detached residential property known as South Lodge while the north side boundary adjoins the M3 Motorway. The front boundary is marked by the public highway at Waverley Close. The site is generally level and includes a number of trees and landscape features which are mostly located on the boundaries of the site.

3.0 RELEVANT HISTORY

3.1 A recent outline application (SU/14/0609) for the erection of 2 detached buildings containing 9 two bedroom flats following the demolition of the existing buildings was considered by the Planning Applications Committee in November 2014. It was refused for the following reasons:

1. The development proposed, by virtue of the scale and massing of the buildings and the formal layout of the development including the introduction of large areas of hardstanding, would result in an incongruous, dominant and overly urbanised pocket of development which would fail to respect and enhance the character and appearance of the surrounding area, including the semi-rural and verdant character of the Wooded Hills Character Area.
2. It had not been demonstrated that the proposal would not have an adverse impact on protected species

3-5. Standard reasons for refusal pertaining to planning infrastructure contributions; affordable housing contributions; and SANG provision/ SPA mitigation respectively.

A copy of the Committee report and the decision notice pertaining to this application are provided as Annex A to this report.

4.0 THE PROPOSAL

4.1 The outline application proposes the erection of 2 detached three-storey buildings each to contain 9 two-bedroom flats following the demolition of the existing dwellings. Matters of access, layout and scale are to be considered with matters of appearance and landscaping to be reserved.

4.2 The proposed buildings would be to a height of approximately 10.5 metres and would be sited adjacent to each other. There would be an access road running between the buildings providing access to parking areas to the side and rear of the site.

4.3 The main differences between the current scheme and that refused under SU/14/0609 are set out below:

- In a similar way to 14/0609 the buildings proposed would each provide 9 flats and would be to a maximum height of approximately 10.5 metres.
- The proposal would measure approximately 5.8 metres at the eaves under the current scheme. The buildings under 14/0609 measured approximately 6.6 metres at the eaves.
- Under the current proposal the two buildings would be of an 'L' shaped barn hip/gable character. The proposals under 14/0609 were characterised by two front and rear facing 3 storey gable elements.
- At their widest, each of the buildings would measure approximately 17 metres in width (narrowing to 8.5 metres). Under 14/0609 the two flatted blocks measured approximately 17 metres in width.
- The depth of the proposed built forms measures approximately 24 metres under the current application. Under 14/0609 the depth of the built forms was 17.5 metres.

- The closest building to the street frontage is set approximately 7.8 metres away under the current application. Under 14/0609 the buildings were set approximately 4.2 metres from the street frontage.
- Under the current proposal, only 20 parking spaces are proposed. Under 14/0609 a total of 24 car parking spaces were to be provided.
- The parking layout under the current scheme is more informal with spaces interspersed to the front and rear of the site. Under 14/0609 the parking area was of a linear layout and sited to the rear of the application site.
- Bin stores are now proposed to the front of the site. Under 14/0609 they had been sited to the rear of the buildings.
- The separation distances from side boundaries remain largely similar in both schemes.

5.0 CONSULTATION RESPONSES

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| 5.1 | Surrey County Council
Highway Authority | No objections subject to conditions. |
| 5.2 | Surrey Wildlife Trust | No objections subject to conditions. |
| 5.3 | SHBC Drainage Engineer | Objection. |
| 5.4 | SHBC Tree Officer | No objections. |

6.0 REPRESENTATIONS

- 6.1 At the time of the preparation of this report 6 letters of objection had been received. This raises the following issues:
- Parking provision is insufficient [See para. 7.4]
 - Potential overbearing impact [See para. 7.3]
 - Congestion problems are likely to arise [See para. 7.4]
 - The development would be inappropriate development in a semi-rural location [See para. 7.2]
 - There would be an adverse impact on local amenities and utilities [*Officer comment: This may relate to the proposal's impact on local infrastructure which is covered in para.7.8; it could also relate to residential amenities which is covered in para.7.3*]
 - Development is too large for the plots and would appear over dominant [See para. 7.2]
 - Potential for excessive noise impact given the number of units proposed [See para. 7.3.4]
 - Japanese Knotweed may grow at Brook Green [See para. 7.10]

- Too many flats on Waverley Road [*Officer comment: There is no policy against the provision of flats on this site. However the impact of the development on the character of the area is covered in para. 7.2*]
- A significant degree of landscape features have been removed prior to the submission of the application and the proposal would only serve to exacerbate this [See para. 7.2]
- The development continues to reflect a very urbanising character [See para. 7.2]
- There is a need to potentially relocate sewage pipe [*A drainage strategy has not been provided; see para. 7.9*]
- Adverse impact on highway safety given the limited area for turning heads [See para.7.3].

7.0 PLANNING CONSIDERATION

7.1.1 The application site is located in the settlement area of Camberley as identified by the Proposals Map and accordingly it is considered that policies CP2, CP5, CP6, CP12, CP14, DM9, DM10 and DM11 and the NPPF are relevant to the consideration of this application. The guidance contained in the Western Urban Area Character SPD, the Developer Contributions SPD and the Thames Basin Heath Special Protection Area Avoidance Strategy SPD is also a material consideration.

7.1.2 In light of the reasons for refusal of 14/0609 and the development plan detailed above, the primary considerations in the determination of this application are:

- The impact of the development on the character of the area;
- The impact of the development on residential amenities;
- The level of parking and the impact of the development on highway safety;
- The impact of the proposal on the delivery of affordable housing;
- The impact on the Thames Basin Heaths Special Protection Area;
- The impact of the development on protected species and biodiversity;
- The impact of the development on infrastructure provision; and,
- The impact on Sustainable Drainage.

7.1.3 This means that the following matters remain unchanged and were considered to be acceptable in the determination of application 14/0609:

- The principle of residential development on the site; and
- The size and tenure mix of the dwellings proposed.

7.2 The impact of the development on the character of the area

- 7.2.1 The NPPF seeks a presumption in favour of sustainable development securing high quality design, as well as taking account of the character of different areas. Paragraph 59 of the NPPF requires design policies to concentrate on guiding the overall scale and density of new development in relation to neighbouring buildings and the local area more generally. Policy DM9 of the Core Strategy is reflective of this, requiring development proposals to respect and enhance the local environment.
- 7.2.2 The application site is located at the northern end of Waverley Close which is a small cul-de-sac on the north side of the Portsmouth Road. The site is located within the Wooded Hills Character Area as identified by the Western Urban Area Character SPD (WUAC SPD). The SPD recognises the Wooded Hills area as being characterised by predominantly large irregular plots, winding roads/lanes, heavy vegetation and a scattering of Victorian/Edwardian buildings. The positive features of the area are identified as its soft green character and extensive tree cover, green tunnels along road corridors, buildings set in generous heavily vegetated plots which all help to create a low density verdant character. The negative features of the area are the small pockets of development with an urban character which have more formal layouts, have lower levels of vegetative cover, lack enclosure and have large areas of hard surfacing and bulky buildings. Principle WH1 of the Wooded Hills Character Area advises that development should be set in spacious, irregularly shaped plots which provide for extensive space between, and around buildings and which allows for the maintenance and development of a verdant character. Principle WH2 advises that development forms with closely set buildings, cramped appearances, and minimal provision of side gardens are considered to be out of keeping with the soft enclosed semi-rural character and will be opposed. Principle WH6 advises that high quality contemporary designs will be welcomed where they are respectful of the surroundings of the area.
- 7.2.3 The site currently comprises two detached dwellings set on good sized plots. While the existing properties do not share the Victorian/Edwardian characteristics of some of the buildings in the Character Area the modest scale of the dwelling along with the spacing and landscaping around the dwellings does contribute to the low density, verdant character of the area. The current application proposes the demolition of these dwellings and the erection of 2 large detached 'L' shaped buildings with entrances to the side of either building and an access running between. In a similar fashion to the refused scheme the proposed buildings would measure 10.5 metres in height and 17 metres in width.
- 7.2.4 Although the applicant advises that the current proposal addresses concerns raised under SU/14/0609 in respect of the urban layout of the development by employing a 7.8 metre set back from the street frontage, it is not considered that this alleviates the perception of an overly urban layout and the excessive scale proposed. The height of the built forms, along with the siting of parking areas and refuse stores to the front of the buildings, and the retention of an access through the site all combine to erode the green, verdant, and spacious character of the area. To the rear, the applicant has sought to overcome concerns raised in respect of the hard urban landscape by interspersing parking areas with areas of soft landscaping. However, this in turn, gives rise to a contrived layout within the site with parking spaces sited awkwardly adjacent to side elevations and building corners.
- 7.2.5 The design response of the buildings combines the use of gable features and barn hip roof elements which creates a complex mix of architectural features which, when combined with the overall height of the built forms, appear wholly out of scale and visually discordant along this street frontage. In combination with the proposed parking and bin storey layout, the overall development significantly erodes the pleasant semi –rural quality of this setting.

- 7.2.6 As part of the submission, the applicant draws a comparison between the height of Ashley House, located across the road, and the proposed built forms advising that the height of the building is in character with the existing locale. However, although Ashley House measures 10.5 metres in height, it is set 16.5 metres away from the Waverley Close street frontage. The significant setback in combination with its solitary nature on the site allows for a greater sense of spaciousness and the perception of a more modest scale when viewed in the context of the wider street scene. In contrast, given that two flatted blocks are proposed on the application site within closer proximity to the street frontage, the proposal would appear cramped and out of scale within this context.
- 7.2.7 As such, despite the revisions to the scheme, the proposed development would give rise to a contrived and incongruous form of development that continues to give rise to an overly urban layout that is out of scale and fails to integrate with the semi-rural character of this setting. The development therefore fails to accord with the design principles contained within Policy DM9 of the Core Strategy and the guiding principles of the Wooded Hills Character Area as set out within the WUAC SPD.

7.3 The impact of the development on residential amenities

- 7.3.1 The NPPF seeks a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 of Core Strategy advises that in the consideration of development proposals, the amenities of the occupants of neighbouring properties are respected.
- 7.3.2 The application site is bounded to the southeast by a residential property known as South Lodge which is set within a large curtilage. Block A would be sited approximately 2.4 metres from the common boundary with this property and would be approximately 20 metres from the flank elevation of the dwelling. Unlike the previous proposal which projected 5 metres beyond the rear wall of South Lodge, Block A would project up to 20 metres beyond this. While the separation distances between the development and this dwelling remain similar, the proposed flatted block would appear overbearing and unneighbourly to the rear garden area of South Lodge by virtue of its height and rear projection. Notwithstanding that the appearance of the building is a reserved matter, it is considered that the building's siting and footprint in the current location would be harmful to the amenities that the occupants of South Lodge enjoy.
- 7.3.3 To the rear the application site shares common boundaries with the flatted development at Tides End Court and with 50 Portsmouth Road. However, it is considered that the intervening distances and the screening on the boundaries would be sufficient to ensure that the development would not materially impact on the amenities the occupants of these properties currently enjoy. Similarly, while there are residential properties across the street at the front of the site these are also sufficient distance from the development for it not to materially impact on the amenities the occupants of these properties currently enjoy.
- 7.3.4 The development would increase the number of units and people on the application site and this is likely to result increase activity including vehicle movements. However, it is not considered that the resulting intensity of use on the site would be such as to give rise to unacceptable noise and disturbance to the occupiers of the adjoining properties. The application site is located adjacent to the M3 Motorway and as such the future occupants of the development may be subject to noise disturbance from the Motorway. The site is bounded by an acoustic barrier which has improved the noise environment within the site and it is considered that unacceptable noise levels within the building could be prevented by mitigation measures to be secured by condition. Accordingly no objection should be raised to the proposals on these grounds.

7.4 The level of parking and the impact of the development on highway safety

- 7.4.1 The County Highway Authority have undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The County Highway Authority therefore has no highway requirements. The proposed development therefore complies with Policy DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.
- 7.4.2 The development proposes the creation of a parking area to the rear of the site, parallel to the rear boundary, which would provide 20 car parking spaces at a ratio of 1.2 spaces per unit. Surrey County Council's parking standards recommend 1 car parking space per two-bed flat and the development proposed would exceed this guidance. Given the size of the units, location of the site and the public transport links available it is considered that the level of parking is appropriate to meet the parking demand of the development. Furthermore, it is noted that cycle parking is also to be provided and the provision of this should be a condition in any permission granted for the development of the site.
- 7.4.3 Access to the site would be from Waverley Close with an access drive running between the buildings to the rear of the site. The County Highway Authority has considered the application and has advised that it has no objection to the development on highway safety, policy or capacity grounds. Accordingly it is not considered that the development would give rise to conditions prejudicial to highway safety and accordingly the development would meet the objectives of Policy DM11 of the Core Strategy and Development Management Policies 2012.

7.5 The impact of the proposal on the delivery of affordable housing

- 7.5.1 The application proposes a net increase of 16 dwellings and Policy CP5 requires that 40% of the proposed units are affordable, split evenly between social rented and intermediate units.
- 7.5.2 The development should deliver 6 affordable units; however, in the absence of a completed planning obligation there is no mechanism to secure the provision of these units as affordable housing. Accordingly the development is contrary to the aims and objectives of Policy CP5 of the Core Strategy and Development Management Policies 2012 and is contrary to the objectives of the National Planning Policy Framework.

7.6 The impact on the Thames Basin Heaths Special Protection Area

- 7.6.1 The application site is located within 1km of the Thames Basin Heaths Special Protection Area (SPA). Natural England are currently advising that new residential development within 5km of the protected site has the potential to significantly adversely impact on the integrity of the site through increased dog walking and an increase in general recreational use. The application proposes a net increase of 16 residential units and as such has the potential, in combination with other development, to have a significant adverse impact on the protected site.
- 7.6.2 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 financial contribution towards SANGS. The Council's Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full

Council on the 16th July 2014. As a SANGS is considered to be a form of infrastructure, it

is pooled through CIL. The Council currently has sufficient SANGS capacity to mitigate the impact of the development on the SPA.

- 7.6.3 Policy CP14B requires that all net new residential development provide contributions toward strategic access management and monitoring measures. In the absence of a payment received in respect of SAMM or the completion of a legal agreement to secure this contribution, the proposal fails to accord with Policy CP14B of the Core Strategy and the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document.

7.7 The impact of the development on protected species and biodiversity

- 7.7.1 The application site and surrounding areas include a number of mature trees and the form and current condition of Brook Green make the building potentially suitable for roosting bats. The applicant has now submitted a Phase 2 Bat report in addition to the previously submitted Phase 1 report by P V Ecology. Surrey Wildlife Trust has advised that the development would not have a harmful impact on protected and important species on the site. As such, if the LPA were minded to approve the application conditions in respect of biodiversity enhancements on the site would be applied. As such the current proposal overcomes reason 2 of the refusal of 14/0609 and accords with Policy CP14 of the Core Strategy.

7.8 The impact of the development on infrastructure provision

- 7.8.1 Surrey Heath's Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council on the 16th July 2014. As the CIL Charging Schedule came into effect on the 1st December 2014 an assessment of CIL liability has been undertaken. Surrey Heath charges CIL on residential and retail developments where there is a net increase in GIA floor area of 100 square metres or more.
- 7.8.2 The current proposal would result in a net increase in GIA floor space of approximately 622 square metres. Accordingly the development is liable for an estimated contribution of £111,960.00 towards community infrastructure in accordance with the Council's CIL Charging Schedule. The final total will be stated in the CIL notices that will be served on the liable party(s).
- 7.8.3 In accordance with the requirements of the CIL Regulations 2010 (as amended) and the Council's Infrastructure Delivery Supplementary Planning Document, should this application be approved, a land charge will be levied on the land to which this application relates, with payment required prior to commencement of development.

7.9 The impact on Sustainable Drainage provision

- 7.9.1 The Government in April 2015 changed requirements for major developments for sustainable drainage systems (SuDS). Under these requirements the Council must be satisfied during determination of the application that SuDS can be designed into a proposal, unless demonstrated to be inappropriate. A drainage strategy has not been provided to support the current application. As such, it has not been demonstrated that the proposal would accord with the Government's requirements in respect of sustainable drainage for major developments.

7.10 Other matters

- 7.10.1 The Council's Tree Officer has indicated that the trees to be removed as part of the proposed works are of low grade and therefore no objection is raised in this respect. However, it should be noted that there is evidence of a re-emergence of Japanese Knotweed to the rear of Brook Green. This must be controlled and prevented from spreading into adjacent land. Japanese Knotweed is subject to legal constraint under the Weeds Act 1959 and failure to exercise control measures could lead to Natural England serving an enforcement notice.

8.0 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:

- 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 communicated with the applicant through the process to advise progress, timescale or recommendation.

9.0 CONCLUSION

- 9.1 The revised scheme fails to overcome the reasons for the refusal of SU/14/0609. The proposed development would have an adverse impact on the established character of this setting by reason of its cramped and visually prominent scale within the plot. In addition Block A would give rise to an overbearing and unneighbourly built relationship with the neighbouring dwelling to the south, South Lodge. In the absence of a SUDs compliant drainage strategy and a legal agreement securing contributions in respect of affordable housing additional reasons for refusal in respect of these matters have been included.

10.0 RECOMMENDATION

REFUSE for the following reason(s):-

1. The development proposed by virtue of the scale and massing of the buildings, and contrived layout including the introduction of large areas of hard standing, would result in an incongruous, dominant and overly urbanised pocket of development which would fail to respect and enhance the character and appearance of the surrounding area, including the semi-rural and verdant character of the Wooded Hills Character Area. Accordingly the development would be contrary to Policy DM9 of the Core Strategy and Development Management Policies 2012 and would conflict with the objectives of the Western Urban Area Character SPD and the National Planning Policy Framework.

2. The development proposed, as a result of the depth of Block A beyond the rear elevation of South Lodge, in combination with the proximity to the shared boundary would give rise to an overbearing and unneighbourly impact on the amenities that the occupants of this neighbouring property enjoy and therefore would fail to accord with the amenity principles contained in policy DM9 of the Surrey Heath Core Strategy and Development Management Policies.
3. The proposal fails to contribute to the provision of affordable housing and as such would not deliver a development which would meet the housing requirement of all sectors of the community. The application is contrary to the aims and objectives of policies CP5 and CP6 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.
4. In the absence of a completed legal agreement under section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012; and, Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan in relation to the provision of contribution towards strategic access management and monitoring (SAMM) measures, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (Adopted January 2012).
5. In the absence of a drainage strategy the applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the development is appropriately flood resilient and resistant and whether a sustainable drainage system for the management of run-off is appropriate. As such the development fails to comply with Schedule 3 of the Flood and Water Management Act 2010, paragraph 103 of the National Planning Policy Framework and associated guidance in the Planning Practice Guidance and Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

Informative(s)

1. Advise CIL Liable on Appeal CIL3