

2014/0609

Reg Date 27/08/2014

Parkside

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

PROPOSAL: Outline application for the erection of 2 detached buildings, each to contain 9 two bedroom flats following the demolition of the existing buildings (Matters of access, layout and scale to be considered.) (Additional info rec'd 21/10/2014)

TYPE: Full Planning Application

APPLICANT: Avakas Developments Ltd

OFFICER: Paul Sherman

RECOMMENDATION: REFUSE**1.0 SUMMARY**

- 1.1 The outline planning permission 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. The proposed buildings would front onto the highway boundary and would be approximately 4m from this site boundary with the entrances to the buildings in the front elevations. The buildings would have a height of approximately 10.5 metres and would be sited side by side with an access road running between the buildings giving access to a car parking area to the rear of the site containing 24 car parking spaces.
- 1.2 The report concludes that the development proposed, by virtue of the scale and urban layout of the development, would be harmful to the character and the appearance of the area. Furthermore, it has not been demonstrated that the development would not adversely impact on protected species within the site. In the absence of a completed legal agreement the development would adversely impact on the Thames Basin Heaths Special Protection Area, would adversely impact on local infrastructure provision and would fail to deliver the required level of affordable housing units.

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 There is no planning history for the site which is relevant to the current application.

4.0 THE PROPOSAL

4.1 The outline planning permission 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. The development would have a density of 90 dwellings per hectare.

4.2 The proposed buildings would front onto the highway boundary and would be approximately 4m from this site boundary with the entrances to the buildings in the front elevations. The buildings would have a height of approximately 10.5 metres and would be sited side by side with an access road running between the buildings giving access to a car parking area to the rear of the site containing 24 car parking spaces. This parking area would also include bin stores and cycle parking would be provided adjacent to the amenity space to the rear of each block.

5.0 CONSULTATION RESPONSES

- 5.1 County Highway Authority No comments to make in respect of the proposed development.
- 5.2 Surrey Wildlife Trust Comments awaited and will be reported at the meeting.
- 5.3 Council's Arboriculturist Raises no objection subject to conditions relating to soft landscape details and pre-commencement meeting for supervision of tree works.

6.0 REPRESENTATION

6.1 At the time of the preparation of this report 1 letter of objection had been received. This raises the following issues:

- Impact on the character of the area *[see para 7.5]*
- Impact on traffic / parking *[see para 7.7]*
- Impact of wildlife *[see para 7.9]*
- Increase noise and disturbance *[see para 7.6]*

6.2 There had also been 1 general letter of support received.

7.0 PLANNING CONSIDERATION

7.1 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 and DM11 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.

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

- The principle of the development;
- The size and tenure mix of the dwellings proposed;
- 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 on the Thames Basin Heaths Special Protection Area;
- The impact of the development on protected species and biodiversity; and,
- The impact of the development on local infrastructure provision.

7.3 The principle of the development

7.3.1 Within the settlement area the principle of residential development is generally acceptable. The National Planning Policy Framework seeks to direct development to previously developed land (PDL) and states that garden land does not constitute PDL. The application site currently comprises the residential properties and curtilages of Brook Green and Tinybrook and accordingly the site cannot be considered to be PDL.

7.3.2 While the NPPF encourages the use of PDL it is accepted that in areas of poor housing supply, such as Surrey Heath, the use of some non PDL may be required to meet housing delivery requirements. It is also noted that new housing should be directed to sustainable locations with good access to jobs, services and infrastructure. It is considered that the proposal would be a sustainable form of development and such no objection is raised to the principle of the development notwithstanding that the application site is not PDL.

7.4 The size and tenure mix of the dwellings proposed

7.4.1 The application site proposes a development of 18 two-bedroom flats. Policy CP6 seeks to ensure that developments deliver a range of property sizes and sets out the desired mix of property sizes in new developments. In this instance the development does not reflect this property mix, however, it is noted that the development would deliver exclusively smaller two-bedroom units which the supporting text of Policy CP6 identifies as being under provided within existing housing stock. It is therefore considered that while the development would not include a range of property sizes it would contribute to the provision of smaller units and would contribute to addressing the current imbalance in property mix in the Borough. Accordingly no objection is raised to the mix of the units proposed.

7.4.2 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. 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.

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

7.5.1 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. This recognises these areas 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.

7.5.2 The site currently comprises two detached dwelling 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 application proposes the demolition of these dwellings and the erection of 2 large detached buildings fronting the street on either side of an access running between the buildings to a formal parking area to the rear. Each of the buildings would be 10.5m high and 17m wide and would be of significantly greater scale than the existing buildings which characterise Waverley Close. Moreover, the scale and siting of the buildings with its from access drive running between the buildings and formal parking arrangement would give rise to a form of development which was overly urban in development and would appear significantly at odds with the existing development in Waverley Close. While there is limited opportunity for new landscaping to the front of the buildings this would not overcome the harm arising. In contrast, while Ashley House on the opposite side of Waverley Close is a flatted development, unlike the application proposal this existing development maintains spaciousness characteristic of the Character Area.

7.6 The impact of the development on residential amenities

7.6.1 The application site is bounded to the southeast by a residential property known as South Lodge which is set within a large curtilage. Block 1 would be sited approximately 2.4m from the common boundary with this property and would be approximately 20m from the flank elevation of the dwelling. While the development would be visible from this property the separation distances between the development and this dwelling and its primary garden areas are sufficient to ensure that the development would not appear overbearing or unneighbourly. Furthermore, while the appearance of the building is a reserved matter, it is considered that the building could be designed to ensure that no habitable room windows were provided in this elevation and therefore an obscure glazing condition could ensure that the privacy of this property could be protected.

7.6.2 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 distances from the development for it not to materially impact on the amenities the occupants of these properties currently enjoy.

- 7.6.3 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 any subject to conditions to secure noise mitigation for the building it is considered that the unacceptable noise levels within the building could be prevented. Accordingly no objection should be raised to the proposals on these grounds.
- 7.6.4 Having regard to all of the above the development would meet the relevant objectives of Policy DM9 of the Core Strategy and Development Management Policies 2012 and accordingly no objection should be raised on these grounds.

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

- 7.7.1 The development proposes the creation of a parking area to the rear of the site, parallel to the rear boundary, which would provide 24 car parking spaces at a ratio of 1.3 spaces per unit. Surrey County Council's parking standards require a minimum of 1 car parking space per two-bed flat and the development proposed would exceed this minimum standard. 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.
- 7.7.2 Access to the site would be from Waverley Close in the location of the existing access to Tinybrook which would lead to 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.

7.8 The impact on the Thames Basin Heaths Special Protection Area

- 7.8.1 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.
- 7.8.2 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. In this instance a contribution of £79,019 would be required.

7.8.3 In the absence of completed planning obligation it cannot be concluded that the development would not impact on the SPA and accordingly it is contrary to the objectives of Policy CP14 of the Core Strategy and Development Management Policies 2012 and fails to meet the requirements of the Habitat Regulations. From 1st December 2014 the Council's Community Infrastructure Levy (CIL) Charging Schedule takes effect and this will replace the existing mitigation requirements for development impacting on the SPA. An informative will therefore be added relating to this.

7.9 The impact of the development on protected species and biodiversity

7.9.1 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 submitted an extended Phase 1 Bat Report and Ecological Survey which concludes that the building includes access points and areas suitable for roosting bats, however, the report advises that it was not possible to fully inspect the building. The report concludes that further survey work is required to confirm the presence / absence of roosting bats within the building and accordingly it is not possible to assess the impact of the development on this protected species.

7.9.2 Surrey Wildlife Trust's comments are awaited but in the absence of sufficient survey work to assess the impact on bats it cannot be demonstrated that the development would not impact on this protected species. Accordingly the development is contrary to the objective of Policy CP14 of the Core Strategy and Development Management Policies 2012, ODPM Circular 06/2005 and the National Planning Policy Framework.

7.10 The impact of the development on local infrastructure provision

7.10.1 The Council adopted the Developer Contributions SPD in October 2011 and financial contributions are now required for any development providing new dwellings or commercial floorspace; levels of contributions have been drawn from work carried out by the Surrey Collaboration Project and the amount payable will be dependent on the scale of the development and its location.

7.10.2 In this instance the development proposes the erection of 18 (market) residential units following the demolition of the two existing dwellings. As such a total contribution of £57,799.04 is required which would be put towards primary education, transport, libraries, equipped playspace, community facilities, indoor sports, and recycling, and would ensure that the infrastructure impact of the development is mitigated.

7.10.3 In the absence of completed planning obligation to secure this mitigation the development, in combination with other proposals, would give rise to a deterioration of the local infrastructure and accordingly fails to meet the objectives of Policy CP12 of the Core Strategy and Development Management Policies 2012 and fails to meet the requirements of the Developer Contributions SPD. Again from 1st December 2014, CIL takes effect and this will replace the current infrastructure tariff and so an informative advising of this will be added.

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

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

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.

9.0 CONCLUSION

- 9.1 Having regard to the above it is concluded that the development proposed, by virtue of the scale and urban layout of the development, would be harmful to the character and the appearance of the area. Furthermore it has not been demonstrated that the development would not adversely impact on protected species within the site. In the absence of a completed legal agreement the development would adversely impact on the Thames Basin Heaths Special Protection Area, would adversely impact on local infrastructure provision and would fail to deliver the required level of affordable housing units.

10.0 RECOMMENDATION

REFUSE for the following reason(s):-

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. 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. It has not been demonstrated that the development proposed would not significantly adversely impact on protected species, in particular bats, which are likely to be present on the site. Accordingly the development would be contrary to the objectives of Policy CP14 and would conflict with ODPM Circular 06/2005 and the objectives of the National Planning Policy Framework
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 CP12 of the Surrey Heath Core Strategy and Development Management Policies 2012 in relation to the provision of infrastructure contributions towards primary education, transport, libraries, equipped playspace, indoor sports, community facilities and recycling in accordance with the requirements of Surrey Heath Borough Councils Developer Contributions SPD.

5. The Planning Authority, following an Appropriate Assessment and in the light of available information and the representations of Natural England, 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 (SSSI). In this respect, significant concerns remain with regard to 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 protection of 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 Planning Policy Statement 9 (Biodiversity and Geological Conservation).

Informative(s)

1. In respect of reasons for refusal 4 and 5 please note that the Council's Community Infrastructure Levy Charging Schedule is scheduled to take effect on 1st December 2014 at which point a legal agreement securing a contribution towards transport, libraries, community facilities and recycling under the Surrey Heath Developer's Contributions SPD 2012 and a legal agreement to provide SANG under the Thames Basin Heath SPA Avoidance Strategy SPD will no longer be required as CIL will replace this.

However, it will be necessary to meet the requirements of Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012, Policy NRM6 of the South East Plan 2009 (as saved) and the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations). In this respect, an objection by the Council on SPA grounds will only be removed where there is available SANG capacity at the point of the validation of any subsequent appeal.

In addition, a contribution towards SAMM (Strategic Access Management and Monitoring) would still be required and secured through a legal agreement.

Therefore, if this decision is appealed and subsequently granted planning permission at appeal after the Council's CIL Charging Schedule has taken effect, this scheme will be liable to pay the Council's CIL upon commencement of development. CIL will therefore in all other respects overcome these reasons for refusal.