

**LOCATION:** SPARKS GARAGE, 2 LONDON ROAD, CAMBERLEY, GU15 3UZ

**PROPOSAL:** Outline application for the demolition of existing buildings and erection of up to 10 residential apartments, access, parking provision and associated landscaping with access to be considered only. (Additional information rec'd 10/07/2015).

**TYPE:** Outline

**APPLICANT:** North Maultway Limited.

**OFFICER:** Emma Pearman

**RECOMMENDATION: GRANT subject to conditions**

## **1.0 SUMMARY**

- 1.1 This outline proposal is for the erection of up to 10 residential apartments, following the demolition of existing buildings on the site, with matters of access only to be considered at this stage. The reserved matters include scale, appearance and landscaping. The site is located on the junction of the A30 London Road and Maultway North, which is very close to the Jolly Farmer roundabout on the A30.
- 1.2 The principle of residential development on the site and the access is considered to be acceptable. Impact on local character and residential amenity would be considered at the reserved matters stage, however subject to additional amenity space being provided no concerns are raised at this stage. Details of proposed parking would be required by condition. The land is likely to be contaminated, however, and further work will be necessary before any development takes place to ensure that the land is remediated to a satisfactory standard. The proposal is CIL liable and will also attract a SAMM payment once details of the property sizes are known. The proposal is considered to be acceptable, subject to conditions.

## **2.0 SITE DESCRIPTION**

- 2.1 The application site is located on the junction of the A30 London Road just outside Camberley Town Centre, and the Maultway North, opposite the Jolly Farmer roundabout, and lies within the settlement area of Frimley and Camberley, as identified on the Proposals Map of the Surrey Heath Core Strategy and Development Management Policies 2012. The site is approximately 0.1ha in size and comprises derelict garage buildings to the front which are two single storey tin roofed sheds, with hardstanding and scrub land behind. The site is open on all boundaries other than a low post and rail fence to the front, on top of a red brick wall which is in a state of disrepair. There are steps up to the site from the A30, as the site is at an elevated position compared to the road.
- 2.2 Behind the application site to the north, there are residential properties on the western side of Maultway North, with open land opposite to the east. To the west of the application site is a residential building comprising 12 flats, with parking to the rear. The application site borders the A30 to the south. The site is currently accessed from Maultway North with a pedestrian access from the A30.

### **3.0 RELEVANT HISTORY**

- 3.1 SU90/0447 - Land to the rear of Sparks Garage - Outline application for the erection of one chalet bungalow and creation of a new access

*Granted 09/08/1990 - not implemented*

### **4.0 THE PROPOSAL**

- 4.1 The proposal is an outline application for the erection of up to 10 residential apartments, with associated parking, and vehicular access from Maultway North which will be a new access, with existing accesses removed. All matters except access to be reserved.
- 4.2 The proposal would include the demolition of the existing buildings, closure of the existing London Road pedestrian access and creation of new pedestrian access to the front. Illustrative drawings indicate that the development is anticipated to be similar to Pear Tree Court next door in terms of height and scale, with a landscaped frontage along London Road, and would have parking to the rear of the building, with amenity space surrounding the building. However, only matters relating to access can be considered as part of this application with all other matters reserved for a future application and as such, these details do not form part of the assessment set out in section 7 below.
- 4.3 The following documents have been submitted with the application which will be relied upon in Section 7 of this report:
- Planning, Design and Access Statement
  - Preliminary Ecological Assessment
  - Transport Statement
  - Phase 1 Desk Study (Land contamination)
  - Drainage Assessment.

### **5.0 CONSULTATION RESPONSES**

- |     |                                              |                                      |
|-----|----------------------------------------------|--------------------------------------|
| 5.1 | Surrey County<br>Highway Authority           | No objection, subject to conditions. |
| 5.2 | Council's<br>Environmental Health<br>Officer | No objection, subject to conditions. |
| 5.3 | Surrey Wildlife Trust                        | No objection, subject to conditions. |
| 5.4 | Environment Agency                           | No objection, subject to conditions. |
| 5.5 | Council's Drainage<br>Officer                | Response awaited.                    |
| 5.6 | Local Lead Flood<br>Authority                | Refer to standing advice.            |

## 6.0 REPRESENTATION

- 6.1 At the time of preparation of this report 13 objections have been received, and 54 letters in support of the application. The objections raise the following issues:
- Lack of parking and potential congestion on Maultway North *[see section 7.4]*
  - Proposed landscaping may impede driver visibility *[see section 7.4]*
  - Road safety/access issues *[see section 7.4]*
  - High number of dwellings on small plot *[see section 7.5]*
  - Disruption to residents during construction *[Officer comment: disruption during construction is not a planning issue that can be taken into consideration]*
  - Restriction of light and view to Pear Tree Court *[see section 7.6]*
- 6.2 The letters of support raise the following issues:
- More affordable housing is needed *[see section 7.7]*
  - Will improve look of site especially with new planting *[see section 7.5]*
  - Some support letters still raise concern about parking *[see section 7.4]*

## 7.0 PLANNING CONSIDERATIONS

- 7.1 The application proposed is considered against the policies within the Surrey Heath Core Strategy and Development Management Policies Document 2012, and in this case the relevant policies are Policies CPA, CP2, CP3, CP5, CP6, CP11, CP12, CP14, DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP); the Guiding Principles of the Main Thoroughfares Sub-Character Area set out in the Western Urban Area Character Supplementary Planning Document, Policy NRM6 of the South East Plan 2009 (as saved); the Thames Basin Heaths Special Protection Area Supplementary Planning Document 2012, and the National Planning Policy Framework.
- 7.2 As this is an outline application, the main issues to be considered are:
- Principle of the development; and,
  - Highways and Access.
- Other considerations are as follows:
- Character, trees and landscaping;
  - Residential amenity;
  - Affordable housing and housing mix;
  - Contaminated land and drainage;
  - Ecology;

- Impact on the Thames Basin Heaths SPA; and,
- Impact on local infrastructure.

### **7.3 Principle of the development**

- 7.3.1 Policy CP8 states that the loss of employment land on other employment sites outside the Core Employment Areas will only be permitted where wider benefit to the community can be shown. Policy DM13 states that the loss of employment sites outside Core Employment Areas and Camberley Town Centre may be permitted provided that it would not adversely affect the overall sustainability or employment opportunities of the settlement where the loss occurs; it would not result in the loss of a strategically important sector for regional, national or global competitiveness; and it would not result in the loss of units capable of use by small business or industry unless it can be demonstrated that there is no longer a need for such units.
- 7.3.2 The site has historically been used as a garage for car repairs and as such is classified as 'sui generis' and not a Class B employment use. Paragraph 6.84 of the supporting text to Policy DM13 states that there may be occasions where the Council would allow the loss of an employment site due to long term vacancy. The garage has been vacant for some time and has never generated significant employment and when the site was last in use it only provided employment for one person. The applicant argues that the potential to continue the garage use is limited by its small size, lack of potential space to expand, dilapidated condition, limited built footprint, lack of amenities and availability of other alternative sites elsewhere. They also argue that given its current dilapidated state, it would require an application for further built form even if its use continued as a garage. Whilst a marketing exercise has not been provided with this submission, given the employment history of the site and lengthy period of vacancy, in the officer's opinion these are strong indicators that there is not demand for business use here. On this basis officers are satisfied that the loss of this use is aligned with the intent of Policy DM13 and would not be harmful to the local economy.
- 7.3.3 The garage is surrounded by residential development. Policy CPA states that new development should come forward largely through redevelopment of previously developed land in the western part of the Borough, and that employment growth will be largely focused on the town centre and nearby Core Employment Areas such as Yorktown and off Frimley Road, so as such this site is not included within those areas. Policy CP3 states that new dwellings will be provided by promoting the use of previously developed land in settlement areas and ensuring the most effective use of that land. One of the core planning principles of the NPPF under paragraph 17 states that planning should encourage the effective use of land that has been previously developed, provided that it is not of high environmental value. Paragraph 22 of the NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose; and this site is not allocated for employment use as shown on the Proposals Map of the CSDMP.
- 7.3.4 As such, it is considered that the likelihood of this site generating any employment in the future is low, and the site would in any case not be suitable for significant employment due to its limited size and the surrounding residential development. It is considered, therefore, that the redevelopment of the site for a residential use would be in line with the NPPF and the CSDMP and would be more compatible than the current use of the site with the surrounding residential development.

## **7.4 Highways and access**

- 7.4.1 Paragraph 32 of the NPPF states that planning decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policy DM11 states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce such impacts to acceptable levels can be implemented. Policy CP2 states that development should be sustainable and have easy access to a range of high quality services and Policy CP11 states that new development that will generate a high number of trips will be directed towards previously developed land in sustainable locations and that all new development should be appropriately located in relation to public transport and the highway network and comply with the Council's car parking standards.
- 7.4.2 The current site has its main access from Maultway North, with a smaller access and pedestrian access from London Road. A new access from Maultway North and pedestrian ramped access to London Road is proposed as part of this development and the existing accesses would be removed. The County Highway Authority has been consulted and has not objected, though has recommended conditions to ensure that the development would not be occupied until the new accesses have been constructed with visibility zones, in accordance with a scheme to be submitted and approved by the Local Planning Authority in advance, and to ensure existing accesses are removed.
- 7.4.3 Concern has been raised by local residents with regard to the proposed amount of parking and potential overspill onto Maultway North. This application is outline and parking would be considered at the reserved matters stage. At present, the mix of dwelling sizes is not known, so it is not possible to confirm the amount of parking needed, however the illustrated plans show a layout of 10 spaces which would be in line with Surrey County Council's Vehicular and Cycle Parking Guidance 2012 if 1 or 2 bed apartments are proposed, as this Guidance requires 1 space per 1 or 2 bedroom flat. The County Highway Authority has requested a condition that would require a scheme to be submitted and approved in advance of the development which shows how vehicles would be parked and the layout of turning space so that they may enter and leave the site in forward gear. It is therefore considered that the issue of parking will be considered at a later date with the submission of the reserved matters application and these further details as required by condition.
- 7.4.4 The proposed location is close to bus routes on The Maultway, Portsmouth Road and London Road, with most stops within 300m of the site. The nearest train station is approximately 3km away at Camberley, with these buses stopping at the station and Camberley town centre which is approximately 2.4km away. Shops in Bagshot are also accessible at approximately 2km away. It is considered, therefore, that the proposed development is in a sustainable location in terms of access to amenities and public transport, which would enable future occupants to travel without using the car. Cycle spaces are also proposed, and the County Highway Authority has recommended a condition to ensure the provision for secure bicycle parking within the site.
- 7.4.5 It is therefore considered that the proposed development is acceptable in terms of highway and access matters, and in accordance with Policies DM11, CP2 and CP11, and the NPPF in this regard.

## **7.5 Impact on local character**

- 7.5.1 Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment. Paragraph 58 goes on to say that planning decisions should aim to ensure that developments respond to local character and history, reflect the identity of local surroundings and materials, and are visually attractive as a result of good

architecture. Paragraph 61 states that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

- 7.5.2 Policy DM9 states that development should respect and enhance the local, natural and historic character of the environment, paying particular regard to scale, materials, massing, bulk and density. It also states that trees and other vegetation worthy of retention should be protected and high quality hard and soft landscaping should be provided where appropriate.
- 7.5.3 The application site is located within the Main Thoroughfares Sub-Character Area of the Historic Routes Housing Character Area, as outlined in the Western Urban Character Area Supplementary Planning Document. The Guiding Principles of this Sub-Character Area include the guidance that new development should consist principally of two-storey detached or semi-detached buildings set close to the street; maintain the open textured green character with visual gaps through to vegetation behind; include the provision of space for planting of hedges, large trees and shrubs; and front gardens should be enclosed by walls, hedges or mature vegetation. It also states that continued development of the mixed character in terms of uses and architectural styles will be encouraged, as will measures to minimise the impact of car parking on the streetscene.
- 7.5.4 This application is in outline form, and as such the details at this stage are illustrative, and further detail of the proposals and landscaping would be submitted at reserved matters stage. Currently there are two dilapidated tin roofed buildings on the site, with a mixture of hardstanding and scrub land behind. The applicant proposes a two-storey building surrounded by amenity space, with new planting on the borders especially to the site frontage where it is visible on the A30. Parking would be behind the building, and would also have landscaping around its borders.
- 7.5.5 Surrounding development is residential and as such, the proposed residential use of the land would integrate well into its context. Nearby residential development is mixed in character. On Maultway North, dwellings are mostly detached though there are some terraced cottages. Dwellings are largely hidden from the road by vegetation to the front boundary. On the A30 London Road, the proposal would be adjacent to Pear Tree Court, which is a two storey building comprising residential flats with parking and access to the rear, as is proposed here. The illustrative proposals show that the proposed two-storey building would be similar in height and scale to Pear Tree Court, and would be set back a similar distance from the A30, though given the narrower shape of the plot, it may extend further to the rear. Concern is raised, however, about the size of the building in comparison to the size of the plot, and it is considered that the proposals in their current form may not provide sufficient amenity space around the building to the detriment of local character. However, it is considered that this matter can be addressed in detail at the reserved matters stage and an informative can be added advising the applicant of this.
- 7.5.6 The elevated position of the building and its location on a busy roundabout makes it a prominent site in terms of visibility, and as such the proposed residential development would be a considerable improvement from the existing site, as the existing buildings are in a poor state and are detrimental to the local landscape. Although the height, scale and design of the building are reserved matters, the layout indicates that it is likely to reflect the adjoining Pear Tree Court in terms of height and scale, and would also provide landscaping to the boundaries which would provide an additional benefit to in terms of character.
- 7.5.7 There are a number of large trees located on the boundary with adjacent Pear Tree Court, and as such a Tree Survey would have to be submitted at the reserved matters stage, in order to ensure that these trees would not be harmed by the proposal or during

construction. A landscaping scheme would also be necessary to ensure that the proposed landscaping is of high quality.

- 7.5.8 It is therefore considered that the proposed development would make a positive contribution to the character of the area, subject to details to be considered at reserved matters stage, and at this stage is considered to be in accordance with Policy DM9, the Guiding Principles of the Main Thoroughfares Sub-Character Area, and the NPPF in this regard.

## **7.6 Residential amenity**

- 7.6.1 Paragraph 17 of the NPPF states that planning decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses. It is necessary to take into account matters such as overlooking, overshadowing, loss of light and an overbearing or unneighbourly built form.
- 7.6.2 The current layout shows that the building would be situated to the front of the plot adjacent to Pear Tree Court. Pear Tree Court is located approximately 4m from the boundary with the application site, and has windows at both levels on its nearest flank boundary. The illustrative layout shows that the building would be a minimum of 4m from the boundary, so approximately 8m away from Pear Tree Court. This distance is not likely to give rise to any overbearing impact or loss of light from habitable windows on the adjoining property if the building was at the height and scale that is currently indicated. However, consideration of the placement of any flank windows would have to be given careful consideration at the reserved matters stage to ensure that there was no overlooking or loss of privacy arising from the development.
- 7.6.3 To the rear, the site adjoins The Bungalow on Maultway North, which also has an upper floor window with views of the application site, however The Bungalow itself is set back from the road and as such its flank windows are adjacent to the boundary of the site and Pear Tree Court. The proposal as currently laid out shows the building would be at least 25m from the boundary with this property with parking in between, so although the design is yet to be finalised, if the building is in the approximate position as shown it is not likely to give rise to any harmful impacts on amenity to this neighbouring property. There is a proposed bin/cycle store which is at this stage shown closer to the property, but this would be of limited height.
- 7.6.4 The proposed development will give rise to a higher number of car trips than is currently the case, as the site is vacant. The numbers of car trips generated by the site when it was in use is not known, however as a garage is likely to have been in excess of the numbers proposed by this development. However, this permission is for up to 10 units and as such, the proposed numbers of cars are not likely to give rise to harm in terms of noise impacts. As stated above, the impact of parking will be considered at a later stage.
- 7.6.5 The proposed amenity space is of concern to the Local Planning Authority which is not considered enough for the future occupiers of the development. However this matter will be considered in more detail at the reserved matters stage.
- 7.6.6 It is therefore considered that, subject to the detail of the proposals including amount of amenity space being considered at a later stage, it is not likely that the proposed development would give rise to significant adverse impacts upon residential amenity and as such, is in accordance with Policy DM9 and the NPPF in this regard.

## **7.7 Affordable housing and housing mix**

- 7.7.1 Policy CP5 of the CSDMP concerns the provision of affordable housing, however since November 2014 Planning Practice Guidance now states that developments of 10 units or less which have a maximum combined gross floorspace of less than 1000 sq m should not be required to provide any affordable housing contributions. As such, this development would not be liable for any contributions in respect of affordable housing.
- 7.7.2 Policy CP6 concerns dwelling size and type and states that market housing should comprise 10% 1-bed, 40% 2-bed, 40% 3-bed and 10% 4+-bed units. The proposal is likely to be a mix of 1 and 2-bed units, however the mix is not yet known. Given the limited size of the application site, it is accepted that larger units are unlikely to be able to be provided while maximising the use of the available space. However, housing mix will be considered in more detail at the reserved matters stage.

## **7.8 Land contamination, flooding and drainage**

- 7.8.1 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 103 states that when determining planning applications local planning authorities should ensure flood risk is not increased elsewhere. Policies CP2 and DM9 require new development to respect and enhance the quality of the natural environment. Policy DM10 states that development within Flood Zones 2 and 3 or on sites of 1ha or greater within Flood Zone 1 or other sites at risk of flooding will not be supported unless it can be demonstrated that the development is compatible with the level of risk, that flood risks can be reduced to acceptable levels.
- 7.8.2 This application site is within Flood Zone 1 and is not over 1 ha, and as such a Flood Risk Assessment was not required. However the application has been accompanied by a Drainage Assessment stating that a drainage strategy incorporating sustainable urban drainage will be implemented as part of the development to manage the increase in surface water runoff as a result of the development, such that it will not place properties on the site or elsewhere at risk of surface water flooding. It is proposed that the car park area will drain via permeable paving to ground and that the roof drainage will discharge to ground via designed soakaways. The Local Lead Flood Authority have been consulted who have stated that there are no significant implications for surface water management on the site and no records of the area having been flooded, though there is a record of flooding nearby. The Council's Drainage Officer has been consulted and comments are awaited.
- 7.8.3 A Phase 1 Desk Study also accompanied the application which addresses potential land contamination at the site. This report advised that potential contamination sources at the site were fuel tanks, fuel supply lines, interceptors and hydrocarbon spillages. The groundwater vulnerability was shown to be on a Secondary Aquifer and the groundwater may be at risk of contamination from on-site and nearby sources of pollution. The report also said that there may be land instability at the site. It concludes that a Phase II Intrusive Investigation and Geotechnical Site Investigation is required.
- 7.8.4 The Environmental Health Officer has been consulted who has recommended a number of conditions to cover this issue. The Environment Agency has also been consulted and has stated that as contamination may have been caused by the use as a garage, further investigation is required to establish the nature and extent of any contamination. Therefore they have recommended conditions to secure this further investigation.



7.8.5 It is considered therefore that, subject to the advice of the Drainage Officer, that the proposed development is acceptable in terms of flooding, drainage and land contamination, with the proposed conditions relating to land contamination.

## **7.9 Ecology**

7.9.1 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the local and natural environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Policy CP14A of the SHCS states that the Borough Council will seek to conserve and enhance biodiversity within Surrey Heath, and that development that results in harm to or loss of features of interest for biodiversity will not be permitted.

7.9.2 The application site is adjacent to a Site of Nature Conservation Importance, which is the other side of Maultway North, approximately 21m to the north-east at its nearest point. The Thames Basin Heaths Special Protection Area (SPA) is located approximately 550m to the north, as is Broadmoor to Bagshot Woods Site of Special Scientific Interest. The application is accompanied by a Preliminary Ecological Assessment, and as part of this assessment the potential for any protected species to exist or be supported was considered, and evidence of any species recorded, including the existing buildings being surveyed for bats.

7.9.3 The Ecological Assessment found no evidence of bats and furthermore that the existing buildings could not support bats as there were no roof voids, or areas that they could hang on to, and during the day the areas were lit up or open to the elements. However it did consider that bats could be present in the woodland opposite the site and therefore careful consideration should be given to the use of lighting. No other protected species were found during the survey nor did the site contain habitats likely to support these species, which were described as having negligible ecological value.

7.9.4 The Ecological Assessment recommended that some biodiversity enhancements could be provided as part of the scheme, including landscaping which should be comprised largely of native species and aim to create a strong diversity of species and habitats. Bird boxes, feeders, water baths for wildlife, bat bricks and habitat piles such as logs/vegetation were also recommended.

7.9.5 The Surrey Wildlife Trust has been consulted and has recommended that the actions in the Enhancements section of the Ecological Assessment as detailed above be undertaken and that consideration is given to the proposed lighting.

7.9.6 It is therefore considered that the proposed development will not result in any harm in terms of ecology and could be designed so as to provide biodiversity benefit. It is considered that at the reserved matters stage the applicant can provide detail of how the site will provide biodiversity enhancements and minimise light spillage towards the woodland. As such, it is considered that the proposal is in accordance with CP14A and the NPPF in terms of ecology.

## **7.10 Impact on Thames Basin Heaths Special Protection Area (SPA)**

7.10.1 The Thames Basin Heaths SPA was designated in March 2005 and is protected from adverse impact under UK and European Law. Policy NRM6 of the South East Plan 2009 states that new residential development which is likely to have a significant effect on the ecological integrity of the SPA will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Policy CP14B of the SHCS states that the Council will only permit development where it is satisfied that this will not give rise to likely significant adverse effect upon the integrity of the Thames Basin Heaths

SPA and/or the Thursley, Ash, Pirbright and Chobham Common Special Area of Conservation (SAC).

- 7.10.2 All of Surrey Heath lies within 5km of the Thames Basin Heaths SPA and this site is approximately 550m away from the SPA and 1.7km away from the SAC. The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD was adopted in 2012 to mitigate effects of new residential development on the SPA. It states that no new residential development is permitted within 400m of the SPA. All new development is required to either provide SANG on site (for larger proposals) or for smaller proposals such as this one, provided that sufficient SANG is available and can be allocated to the development, a financial contribution towards SANG provided, which is now collected as part of CIL. This development would be CIL liable, and the exact contribution is based on floorspace, so would be determined at the reserved matters stage.
- 7.10.3 The development would also be liable for a contribution towards SAMM (Strategic Access Monitoring and Maintenance) of the SANG, which is a payment separate from CIL and would depend on the sizes of the units proposed. As such, this payment again would be determined at the reserved matters stage.
- 7.10.4 It is therefore considered that, subject to the payment of SAMM or a satisfactory legal obligation to secure a SAMM contribution, the proposal complies with Policy CP14B and Policy NRM6, and the Thames Basin Heaths SPD. Informatives relating to CIL would also be imposed.

#### **7.11 Impact on local infrastructure**

- 7.11.1 Policy CP12 states that the Borough Council will ensure that sufficient physical, social and community infrastructure is provided to support development and that contributions in the longer term will be through the CIL Charging Schedule. Paragraph 153 of the NPPF states that supplementary planning documents should be used where they can aid infrastructure delivery. The Council's Infrastructure Delivery SPD was adopted in 2014 and sets out the likely infrastructure required to deliver development and the Council's approach to Infrastructure Delivery.
- 7.11.2 The CIL Charging Schedule came into force on 1 December 2014 and details of infrastructure projects that are to be funded through CIL are outlined in the Regulation 123 list, which includes open space, transport projects, pedestrian safety improvements among others. These projects do not have to be related to the development itself.
- 7.11.3 This development would be CIL liable, and CIL would be payable on commencement. However as the charge depends on amount of new floorspace it cannot be worked out at this stage, and will be determined at the reserved matters stage. An informative regarding CIL will be added.
- 7.11.4 It is therefore considered that the proposal would be in accordance with Policy CP12, the Infrastructure Delivery SPD and the NPPF in this regard.

### **8.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT)**

**ORDER 20**

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

## 9.0 CONCLUSION

- 9.1 The proposed development is considered to be acceptable at this stage with regard to the principle of the development on this site, and the access. The impact on character and residential amenity will have to be considered at the reserved matters stage but no concerns are raised at this stage other than the need for additional amenity space. The proposal is CIL liable and an informative to that effect is proposed, as well as conditions to cover the outstanding details. It is therefore considered that the proposal is acceptable.

## 10.0 RECOMMENDATION

GRANT subject to the following conditions:-

1. Approval of the details of the scale, appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
  - (a) Application for approval of the reserved matters shall be made to the Local Planning Authority within three years of the date of this permission.
  - (b) The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To prevent an accumulation of unimplemented planning permissions and to comply with Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (or any order revoking and re-enacting that Order) and Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 (2) of the Planning and the 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.

3. The development hereby approved shall not be first occupied unless and until the proposed vehicular/pedestrian access to Maultway North has been constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the visibility zones shall be kept permanently clear of any obstruction above 1.05m high.

Reason: In order that the development should not prejudice highway safety nor cause an inconvenience to other highway users, in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

4. The development hereby approved shall not be occupied unless and until the existing accesses from the site to Maultway North and London Road have been permanently closed and any kerbs, verge, footway fully reinstated.

Reason: In order that the development should not prejudice highway safety nor cause an inconvenience to other highway users, in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

5. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking/turning area shall be retained and maintained for that designated purpose.

Reason: In order that the development should not prejudice highway safety nor cause an inconvenience to other highway users, in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

6. The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for the secure parking of bicycles within the development site. Thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause an inconvenience to other highway users, in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

7. No development shall commence until a Construction Transport Management Plan, 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 behind any visibility zones
- f) measures to prevent the deposit of materials on the highway

has been submitted to and approved in writing by the Local Planning Authority.

The details as approved shall be implemented in full during the construction of the development.

Reason: In order that the development should not prejudice highway safety nor cause an inconvenience to other highway users, in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

8. No development including demolition shall take place until a Tree Survey/Report has been submitted and approved in writing by the Local Planning Authority. This Report shall be in compliance with **BS5837:2012 – Trees in Relation to Design, Demolition and Construction**, and shall include an Arboricultural Impact Assessment and Arboricultural Method Statement and Tree Protection Plan. This report should be prepared by a qualified Arboriculturalist possessing Professional Indemnity Insurance. All trees on or immediately adjacent to the development either within the application site or on the edge of the site should be accurately shown on a scaled site/block plan. The species, position of trees and canopy spread should be accurately shown. Existing trees should be retained wherever practicable and protected during the construction of the development.

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.

9. Prior to commencement of development, details of all hard and soft landscaping works shall be submitted and approved in writing by the Local Planning Authority. These shall include details of species, which should be in accordance with the 'Enhancements' section of the submitted Ecological Assessment report by PJC Ecology dated March 2015. The details shall also include a Landscape Management Plan, which should incorporate long term design objectives, management responsibilities/timescales and maintenance schedules for all landscape areas. All hard and soft landscaping works and the Landscape Management Plan shall be carried out in accordance with the approved details.

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 the National Planning Policy Framework.

10. Prior to commencement of development, details of biodiversity enhancements to be carried out in accordance with the Enhancements section of the submitted Ecological Assessment written by PJC Ecology dated March 2015 shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to minimise impacts upon and provide gains in biodiversity in accordance with paragraph 109 of the National Planning Policy Framework.

11. The proposed access to the development shall be built in the location as shown on the Proposed Illustrative Layouts Plan Drawing number YI/15.12/HCN/P-APP.01 received 28.04.15.

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. No development shall take place until details of external lighting are to be submitted to the Local Planning Authority. Once approved the lighting shall be constructed in accordance with the approved details and implemented prior to first occupation of the development and thereafter retained in perpetuity. The details shall include full details of the lighting supports, posts or columns, a plan showing the location of the lights and full technical specification.

Reason: In the interests of residential and visual amenities and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

13. Prior to commencement of development, a scheme that includes the following components to deal with the risks associated with the contamination of the site shall be submitted to and approved in writing by the Local Planning Authority.

a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- sources of contamination that may have originated off-site
- potentially unacceptable risks arising from contamination at the site.

b) A site investigation scheme, based on a) above, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site. This must include risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwater and surface water, ecological systems, archaeological sites and ancient monuments.

c) The results of the site investigation and detailed risk assessment referred to in b) above and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in c) above are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with risks to controlled waters, property and ecological systems, and to ensure that development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy CP2 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

14. Prior to commencement of development, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be submitted and approved by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

The remediation scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with risks to controlled waters, property and ecological systems, and to ensure that development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy CP2 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

15. Prior to commencement of development (other than that required to carry out remediation) the remediation scheme approved under Condition 14 above must be carried out in accordance with its terms and following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority. This report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (long-term monitoring and maintenance plan) for longer-term monitoring and reporting (at least 5 years) of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason: To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with risks to controlled waters, property and ecological systems, and to ensure that development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy CP2 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

16. If, during development, contamination not previously identified is found to be present at the site then the Local Planning Authority shall be notified immediately and no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has carried out an investigation and risk assessment; and submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with; and this strategy has been approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved. Following completion of measures identified in the approved remediation strategy a verification report detailing the effectiveness of those measures shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with risks to controlled waters, property and ecological systems, and to ensure that development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy CP2 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

17. No infiltration of surface water drainage into the ground at this site is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution of the water environment due to possible migration of contaminants from within the contaminated land, in accordance with Policy CP2 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

#### Informative(s)

1. The development hereby permitted is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations (as amended).

In accordance with CIL Regulation 65, the Council will issue a Liability Notice in respect of chargeable development referred to in this decision as soon as practicable after the day on which the approval of the last reserved matter(s) first permits development. The Liability Notice will confirm the chargeable amount calculated by the Council in accordance with CIL Regulation 40 (amended) and in respect of the relevant CIL rates set out in the adopted Surrey Heath Charging Schedule. Please note that the chargeable amount is a local land charge.

Failure to pay CIL in accordance with the CIL Regulations and Council's payment procedure upon commencement of the chargeable development referred to in this decision may result in the Council imposing surcharges and taking enforcement action. Further details on the Council's CIL process including the assuming, withdrawing and transferring liability to pay CIL, claiming relief, the payment procedure, consequences of not paying CIL in accordance with the payment procedure and appeals can be found on the Council's website.

2. Decision Notice to be kept DS1
3. Building Regs consent req'd DF5
4. In relation to Condition 1 and the submission of reserved matters the applicant is advised that the provision of amenity space may be insufficient for the new occupiers in relation to the quantum of built form proposed.
5. The applicant is advised that the development will be liable for a payment in respect of SAMM (Strategic Access Monitoring and Maintenance) at the reserved matters stage when details of the numbers and sizes of dwellings is known.