

**LOCATION:** 69-73 JAMES ROAD, CAMBERLEY, GU15 2RH  
**PROPOSAL:** Erection of 10 three bedroom dwellings and associated ancillary works following demolition of existing commercial buildings. (Add'l information recv'd 22/6/15), (Additional info rec'd 24/06/15).  
**TYPE:** Full Planning Application  
**APPLICANT:** Mr & Mrs Lawton  
**OFFICER:** Michelle Fielder

## **RECOMMENDATION: REFUSE**

### **1.0 SUMMARY**

- 1.1 Full planning permission is sought for the erection of 10x 3 bed 2 storey dwellings on land at 69 – 73 James Road. The existing use of the land and buildings is B1c / B8 supporting the site's lawful use as an operating centre for the hire of plant and equipment.
- 1.2 This report finds that the loss of the existing employment site has not been justified, nor has the ecological impact of the development been fully assessed through detailed ecological surveys. An objection is also raised to the character and layout of the proposed development and its potential impact on trees and, it is considered, this falls short of the requirements of the Western Urban Character Area Appraisal SPD 2012 and Policy DM9. An objection to the proposal has also been raised in respect of flood risk and in this regard the applicant disputes the advice received from the Environment Agency. Officers are seeking clarification on this point, however at the time of writing this report this objection is also taken forward as a reason for refusal.
- 1.3 A final reason for refusal is also included as a SAMM contribution has not yet been secured. While this could be resolved by either the submission of a unilateral undertaking or payment of the contribution prior to the committee meeting there is no indication that the applicant intends to provide this.

### **2.0 SITE DESCRIPTION**

- 2.1 The application site is located to the south side of James Road, in a settlement area of Camberley. The site has an area of approximately 0.3ha and is laid to hardstanding used for parking and external storage. The site also houses a large commercial /industrial looking building. The M3 lies to the south of the site while to the other boundaries is residential development. Approximately 30% of the application site is shown as being within flood zone 3 (i.e high risk).
- 2.2 The application site is viewed in context of the two storey post war dwellings and the application site lies in the Post War Council Estate character area as defined by the Western Character Area SPD 2012 .

### **3.0 RELEVANT HISTORY**

- 3.1 There is no relevant planning history relating to the current application.

## 4.0 THE PROPOSAL

- 4.1 Full planning permission is sought for the erection of 10x3 bed dwellings. The properties would be sited in 5 pairs of semi-detached dwellings and the proposal provides three different house types. Type A would be 5m to the eaves and 8m to the ridge. This property would have a square footprint measuring 7 by 7m.
- 4.2 The other two types are very similar to one another with Type B and B2 being of the same dimensions, 8.6m to the ridge and 5.1m to the eaves with a gable projection to the front elevation standing 6.5m to the ridge and having a footprint of 10.4m deep 5.2m wide. The only real difference between the two dwellings is in the layout at first floor which changes the window arrangement.
- 4.3 Two pairs of dwellings (Type B2) would be sited to the east of the proposed access and set back from the frontage of James Road by a minimum of 3.2m. The properties would be afforded a rear garden of approximately 9m deep. To the west of the access would be sited a mixed pair of semi detached dwellings comprising house types A and B. This pair would be sited at an angle to the main road and a minimum of 8.2m back from it.
- 4.4 A further 2 pairs of mixed semi-detached dwellings would then be sited, at approximately a 90 degree angle, behind the gardens of the pair of semi's described above.
- 4.5 The proposal would provide 18 parking spaces grouped within the body of the site to the rear, side and front of the proposed dwellings. Turning and access for the parking spaces would be provided along the southern boundary.
- 4.6 The application is supported by the following documents:
  - Contamination report
  - Noise report
  - Air quality assessment
  - Biodiversity statement
  - Drainage Strategy
  - Planning, design and access statement.
- 4.7 Regard will be had to the submissions made in the documents mentioned above as relevant throughout this report.

## 5.0 CONSULTATION RESPONSES

- |     |  |   |
|-----|--|---|
| 5.1 | Surrey County Council<br>Highway Authority | No objection is raised.   |
| 5.2 | SCC LLFA                                   | Comments awaited.   |
| 5.3 | Surrey Heath Drainage<br>Officer           | Submitted information is not sufficiently detailed : verbal objection raised.                                     |
| 5.4 | Arboricultural Officer                     | Objection – insufficient information provided to enable an assessment of the proposals impact has been submitted. |

- 5.5 SHBC EHO No objections on grounds of contamination, noise or air quality subject to conditions.
- 5.6 Surrey Wildlife Trust Comment that further work in respect of badgers is required before the LPA can reasonably assess the proposals impact on this species.
- 5.7 Environment Agency Objection.

## **6.0 REPRESENTATION**

- 6.1 At the time of preparation of this report no representations have been received.

## **7.0 PLANNING CONSIDERATION**

- 7.1 The National Planning Policy Framework (NPPF); Policies CP1, CP2, CP8, CP14, DM9, DM13 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); the Infrastructure Delivery SPD; the Thames Basin Heath Special Protection Area Avoidance Strategy SPD; and, Policy NRM6 of the South East Plan are material considerations in this application. Design Guidance is also provided by the Western Urban Character Area SPD 2012.
- 7.2 It is considered that the main issues to be addressed in determining this application are:
- The principle of the development and the loss of the employment space;
  - Impact on the character of the area, including trees;
  - Impact on residential amenities;
  - Whether the development is acceptable in terms of parking and highway safety;
  - Flood risk and sustainable drainage;
  - Impact on local infrastructure;
  - Impact on Thames Basin Heaths SPA and wider ecological matters; and,
  - Housing mix and affordable housing.

### **7.3 The principle of the development including the loss of employment land**

- 7.3.1 Paragraph 22 of the NPPF 2012 advises that long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for the allocated employment use should be avoided and applications for alternative uses of land and buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 7.3.2 The application site is not designated as a core employment area as defined by the CSDMP 2012, however Policy CP8 seeks to afford a level of protection to all employment sites and advises that their loss from employment use will only be permitted where wider benefits to the community can be shown.

This objective is also echoed in Policy DM13 which advises that the loss of such sites is only permissible where it does not adversely affect the overall sustainability or employment opportunities of the settlement where the loss occurs and, as is relevant to this proposal, the loss of units capable of use by small businesses.

- 7.3.3 The applicant submits that the proposal is compliant with the aim of the NPPF and would deliver sustainable development as described by para 14 of the NPPF. It is further submitted by the applicant that the proposal does not give rise to conflict with Policies CP8 or DM13 on the basis the site has historically fulfilled a local trade function and does not meet a strategic need in addition to there being high vacancy levels in nearby designated employment sites (Frimley Industrial Estate and York Town Industrial Estate including Wilton Road). On this basis it the applicant argues that the application site is not needed to meet a local employment or commercial need. Reference is also made to the Council's use of windfall sites to meet the 5 year housing land supply and the planning statement asserts that the application should be approved as if the Council does not have a five year housing land supply.
- 7.3.4 The Council can demonstrate an eight year housing land supply and this does include an allowance for windfall sites, however the applicant's submission that this somehow negates the requirements of Policies CP8 and DM13 is not supported by officers. In addition the application is not supported by any tangible evidence to show that the site is not needed or attractive to the market for employment purposes. It is also noted that the site remains in employment use. Moreover, the applicant's assertion that industrial and employment sites in the area have a high vacancy rate is not supported by any comparative information to demonstrate that this sized employment site, offering this range of facilities would not be attractive to the market or that in the event the existing occupiers vacate, that it would not be re-let in a reasonable period of time. It is therefore considered the applicant has not demonstrated why the loss of the site from employment use would be acceptable and therefore the proposal does not comply with the aims and objectives of Policies CP8 and DM13 or para 22 of the NPPF.

#### **7.4 Impact on the character of the area, including trees**

- 7.4.1 The NPPF has a presumption in favour of sustainable development and to secure high quality design, as well as taking account of the character of different areas. However, the NPPF rejects poor design that fails to take the opportunity to improve the character and quality of an area. Paragraph 59 of the NPPF requires design policies to concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area generally.
- 7.4.2 Policy CP2 (Sustainable Development and Design) of CSDMP 2012 is reflective of the NPPF as it requires development to ensure that all land is used effectively within the context of its surroundings and to respect and enhance the quality of the urban, rural, natural and historic environments. Policy DM9 (Design Principles) of CSDMP 2012 also promotes high quality design that respects and enhances the local environment, paying particular regard to scale, materials, massing, bulk and density.
- 7.4.3 The application site lies with an area designated as having a Post War Council Estate Character within the WUAC SPD. The application site is also closely sited to the Historic Route character area which runs along the Frimley Road (just 50m to the east of the application site). In addition, the Industrial Estate Character area lies to the southern boundary as does the M3.
- 7.4.4 The form of residential development along James Road is reflective of its character designation in so far the dwellings are formed by pairs of semi-detached dwellings in regular plot formation and siting with strong front and rear build lines. Front gardens are

present and semi enclosed by, in the main, low forms of enclosure and low level planting. Parking has developed from being principally on road to a mix of this and on site. There are two main house types in the area, the first is a simple rectangular dwelling which has little in the way of elevation articulation and sits wide in its plot with a hipped roof, the other is an equally wide red brick dwelling which has two storey front gable projection. The properties appear as matching pairs. In addition to this fairly ridged form of development they are blocks, each containing 4 dwellings, directly opposite the site. In addition, to the west of the application site are bungalows (67, 65a, 65b and 65). These have different built form from the wider area, however the deep set backs and space about provides visual unity to the character area. While the application site adjoins other character areas it is clearly read against the Post War Council Estate and this area must provide the character framework for the application's assessment.

- 7.4.5 Guiding principles for development proposals in the area include the requirement that development be 2 storey, feature red brick and be reflective of the simple post war architecture with new plots being required to reflect the rhythms and rectangular form of the existing estate. Guiding principle PC4 advises that development which erodes this character and design is unacceptable.
- 7.4.6 The proposed dwellings fronting James Road would have a staggered siting and be set back from the highway by between 3m and 8m. The proposed dwellings would be served by a shared footpath(s) running between the site access with James Road and as such the set back and pedestrian means of access would not lead themselves to the provision of low red brick front walls which characterise much of the estate, and the loss of which is cited as being a pressure on the character area.
- 7.4.7 The loss of visual gaps between existing dwellings is also cited as being a pressure on the character area and the proposal would compound this by failing to retain any meaningful space between the dwellings and instead would present three pairs of tightly spaced semi-detached dwellings to the site frontage punctuated only by the vehicular access to serve the development. This arrangement would give a clear line of sight into the body of the site. Visually this arrangement would give rise to an expanse of hardstanding for use as a parking and turning area and little if any meaningful landscaping could be undertaken to soften a stark and cramped form of development. This would be at odds with the open rhythm of development in the area which is described as being an important characteristic of the character designation.
- 7.4.8 The four properties to be sited in the south west corner of the site would be visible from James Road with the most obvious view being obtained when standing or walking past the east side boundary of no.67. This part of the site is currently fairly open and while glimpsed views of backland development in urban areas is not uncommon, the tight urban grain of the proposal, coupled with views of the lack of space to the frontage dwellings proposed, would result in a loss of the open texture of the area and a loss of open views currently available to the rear of the site.
- 7.4.9 The design of the dwellings themselves are not particularly reflective of the surrounding area with the detailing and widths of these being relatively uninspiring, however, other than for the provision of a mismatched pair of semi-detached dwellings to the site frontage it is not considered the dwelling in themselves would appear significantly out of character with the area.
- 7.4.10 The proposed layout has been assessed by the Arboricultural Officer as there are trees on and within influencing distance of the proposal. This Officer comments that of the 14 trees present a number would be lost to facilitate the development. However, no information has been submitted on the number, category or condition of the trees to be lost, nor has any information on root protection and associated tree and ground protection measures been

provided. On this basis it is not possible to ascertain whether the proposal would give rise to harm to any vegetation of merit.

7.4.11 In summary, the applicant's design rationale for the proposed development appears to be that any residential development would be more in keeping than the existing commercial use of the site with its mix of buildings and extensive hardstanding. While the quantum of development proposed seems to be driven by achieving maximum land values. However, the Council's Adopted SPD is explicit in its aspirations for delivering high quality development in all areas of the Borough and this approach is supported by the NPPF. For the reasons set out above it is not considered the proposal meets these aspirations and fails to comply with the aims and objectives of Policy DM9 and guiding principles PC1 – 4 of the WUCA SPD 2012.

## **7.5 Impact on residential amenities**

7.5.1 The NPPF seeks a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 (Design Principles) ensures that the amenities of the occupiers of the neighbouring properties and uses are respected.

7.5.2 The properties sited to the front of the application site, facing the main highway would be sited at their closet point, 3m back from the highway and this would result a fairly standard separation distance of 18m between the principal elevations of existing (116 and 118) and the proposed dwellings. This is considered to be acceptable and sufficient to prevent any significant loss of privacy or overbearing relationship arising. The proposed properties in this location would also share boundaries with 286, 288 and 290 Frimley Road to the east and 67 James Road to the west.

7.5.3 Dealing first with the properties on Frimley Road, a separation distance of 2m would be retained between the side elevation of the nearest proposed dwelling and the site boundary at which point a flat roof garage building is sited, the rear elevation of 286 Frimley Road is set a further 14m away from this point. The proposed dwelling in this location (B2) does not contain any first floor side facing windows and as such this relationship would not give rise to loss of privacy and it is considered would there not be any significant overbearing relationships or loss of light. A similar relationship would arise between 288 Frimley Road. The rear garden of 290 Frimley Road would abut the proposed communal parking area and four spaces would be provided in this location. The garden to 290 Frimley Road is approximately 25m long and considering the existing use of the site and this depth, it is not considered this would be harmful to this neighbour's residential amenity as a result of noise generation.

7.5.4 No 67 James Road would share a side boundary with the dwelling sited to the far west of the access and approximately 6m would be retained between the flank elevations of these properties. No 67 has a side facing window at first floor, however the proposed dwelling here (Type B) does not contain any first floor side facing windows and as such no loss of privacy would arise. In addition, the separation distances between the respective flanks would be sufficient to prevent any significant harmful impacts from loss of light or overbearing arising. The rear boundary of this property would also form the side boundary of a further dwelling proposed (one of four) to south west portion of the site. The proposed dwelling (Type B) would not contain any side windows and as such no overlooking would arise.

7.5.5 The same proposed dwelling would be set approximately 10m from the shared boundary with No.65b James Road. No.65b has a modest rear garden and the proposed dwelling would provide two rear facing first floor windows (one of which would be an en-suite) overlooking the rear most part of the garden. This relationship is relatively constrained, however, it is not unusual in urban areas, moreover the overlooking which would arise

would be to the rear most part of the garden and not a primary amenity area. In addition, the window arrangement in the proposed dwellinghouse would not result in any direct window to window views. The separation distance between the two dwellings would be approximately 13m with the proposed dwelling set to the south east of No.65b. The eaves height of the proposed dwelling is approximately 5.1m which is considered to be acceptable and would not result in significant overbearing or overshadowing to that neighbour given the separation distance and orientation of the respective properties.

- 7.5.6 The rear most proposed property in the south west corner would share an oblique relationship with 3 Pond Close to the south west of the application site. The garden to 3 Pond Close cuts in around part of the rear elevation of the property at a distance of 3m and as a consequence the garden to this property steps in and narrows. The part of the garden lost to the stepping in forms part of the application site and the dwelling proposed (Type A) in this location would be set approximately 13.5m from the corner boundary with 3 Pond Close giving a separation distance of approximately 16.5m at an oblique angle and no direct overlooking between windows would arise. The proposed dwelling would stand 5m to the eaves and would not result in an overbearing relationship or give rise to significant concerns in terms of loss of light to that property.
- 7.5.7 The proposed development would alter the pattern and nature of movements and use arising from the site, however it is not considered this would be harmful to the amenities of neighbouring properties and in many regards the removal of the commercial use in a residential area and its replacement with a residential use would give rise to a more favourable pattern of development.
- 7.5.8 Each of the proposed dwellings would be provided with private amenity space of varying sizes. The smallest rear garden area proposed is circa 45m<sup>2</sup> and this is at the lower end of what would ordinarily be considered acceptable for a 3 bed dwellinghouse. The siting of the respective dwellings is considered to be acceptable and no un-neighbourly relationships between the proposed units are apparent.
- 7.5.9 The southern boundary of the site abuts the M3 and the noise and air quality environment that future residents will be exposed to is a material consideration. The applicants have sought to address this via the submission of technical reports and these have been reviewed by the Senior Environmental Health Officer and no objections is raised. In terms of noise, the EHO agrees that a suitable internal noise level can be achieved for the proposed dwellings by use of windows with a glazing specification of 32dB RTRA and suitable ventilation. This can be controlled by planning condition. In terms of air quality, the EHO is satisfied that the submitted layout drawings will give rise to a development which would not suffer from an exceedance of the quality objectives. A land contamination desktop study has also been provided and subject to the imposition of a standard planning condition no objection is raised.
- 7.5.10 In light of the above assessment it is considered the proposal would not result in significant harm to the amenities of neighbouring properties and would provide an acceptable level of amenity to future occupiers. No objection is therefore raised in terms of the amenity considerations of Policy DM9.

## **7.6 Whether the development is acceptable in terms of parking and highway safety**

- 7.6.1 Policy DM11 (Traffic Management and Highway Safety) seeks all development ensures that no adverse impact on the safe and efficient flow of traffic movement on the highway network results. The submitted transport statement indicates that the proposal would generate 50 two way vehicle movements a day (of which 6 would be during the am peak, an increase from 4 movements (0800 to 0900hrs)).

This is considered to be a negligible increase from the existing baseline and would, in fact amount to a decrease of 1 movement across the entire day.

- 7.6.2 The County Highway Authority has reviewed this information and does not raise objection to its findings or to the provision of 18 parking spaces to serve the 10.no. 3 bed dwellings proposed. County Highways is therefore satisfied that the traffic generation, access arrangements and parking provision are acceptable and conclude that the application would not have a material impact on the safety and operation of the adjoining public highway. In the absence of evidence to the contrary no objection is raised in respect of Policies CP11 and DM11.

## **7.7 Impact on local infrastructure**

- 7.7.1 Surrey Heath's Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council on the 16th July 2014 and this 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 floor area. The proposal would give rise to a loss of internal floor area (existing 969m<sup>2</sup> and 913m<sup>2</sup> proposed) and as a consequence the development is CIL not liable.

## **7.8 Impact on the Thames Basin Heaths Special Protection Area**

- 7.8.1 Policy NRM6 of the South East Plan (Thames Basin Heaths Special Protection Area) seeks to protect the ecological integrity of the TBH SPA, Policy CP14B of the Core Strategy builds on this as does adopted the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD (2012). This SPD 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.
- 7.8.2 The application site is located within the 5km zone of influence to the SPA wherein Natural England advises that new residential development has the potential to significantly adversely impact on the integrity of the SPA through increased dog walking and an increase in general recreational use. The application proposes a net increase of 10.no 3 bed dwellinghouses giving rise to an increase in occupancy of 25 persons and as such has the potential, in combination with other development, to have a significant adverse impact on the protected site. From 1<sup>st</sup> December 2014, a financial contribution towards the provision of SANG is included within the CIL payment.
- 7.8.3 In addition to the financial contribution towards the mitigation on likely effects of the proposed development on the TBH SPA in terms of SANG, Policy CP14B requires that all new residential development contributes toward SAMM (Strategic Access Management and Monitoring) measures. As this is not included within the CIL, a separate financial contribution towards SAMM is required. In this instance a payment of £6,580 is needed and has to be secured by way of a legal agreement, if not paid in full prior to the determination of the application. At the time of writing of this report, no such payment or the satisfactory legal agreement was received by the Council. Accordingly this must form a reason for refusal.
- 7.8.4 Planning Guidance advises LPA's to fulfil its statutory obligations in respect of Section 40 of the Natural Environment and Rural Communities Act 2006 in a way that minimises delays and burdens while delivering the NPPF's aim of moving away from a year on year loss of biodiversity to achieving net gains. The applicant has sought to address this by providing a biodiversity statement. This indicates that bats are unlikely to be located within the vicinity and that with careful lighting to the north and south western boundaries light spill would not be harmful to foraging or commuting individuals. The submitted report



does, however, indicate that two mammal holes are present in the vicinity of the site and recommends that further survey work be undertaken to establish the nature of their use (evidence suggest this may be badgers). The submitted report has been reviewed by Surrey Wildlife Trust as the Council's retained ecological specialist who recommend that these works be undertaken prior to the application being approved. This is because it is considered the impact of the proposal on a protected species cannot be assessed if it is not clear what species are present, in what numbers and the nature of their use of the site or the surrounding area. This approach is consistent with Government guidance which is clear that the extent that a species are affected by a development must be established before planning permission is granted. An objection is therefore raised to the proposal on ecological grounds.

## **7.9 Flooding and sustainable drainage**

- 7.9.1 Approximately 30% of the application site is considered by the EA to lie in Flood Zone 3 (i.e at high flood risk) and this includes the site access. The information depicted on the Council's own GIS system concurs with this. However, the more detailed Strategic Flood Risk Assessment 2008, prepared as part of the Council's evidence base to the LDF, indicates that the application site lies in Flood Zone 1.
- 7.9.2 The existing use of the site is a less vulnerable and is acceptable in the flood zone. However, the NPPF advises that development for 'more vulnerable' uses, such as residential, should be directed to areas with a lower probability of flooding. In addition para 103 of the NPPF advises that development in one area should not displace flood waters and give rise to a problem, or increase problems, experienced elsewhere. An application for residential development in flood zone 3 can be approved; however this can only be done following the receipt of a site specific flood risk assessment and when the Sequential Test and Exception Tests have been passed.
- 7.9.3 The Sequential Test is essentially a means of directing development to areas with a lower probability of flooding, where this is not possible, the Exception Test requires the development proposal to demonstrate wider sustainability benefits to the community that outweigh the flood risk associated with development, in addition to the development being safe for its lifetime.
- 7.9.4 The application is supported by a short Flood Risk Assessment and the content of this has been reviewed by the Environment Agency and an objection raised. There are two elements to this objection, firstly that the submitted statement does not comply with the requirements set out in para's 101 and 103 of the NPPF. This is because the submitted FRA is considered to be inadequate and the applicant has not applied the Sequential Test and demonstrated that there are no other sites suitable for the proposed development and which do not have a lower probability of flooding.
- 7.9.5 The applicant, via his agent, has challenged the EA's response and the reliance upon the JFlow modelling, which the applicant considers is less reliable than the Strategic Flood Risk Assessment undertaken in 2008 by the Council as part of the evidence to the LDF. Officers have sought clarification on this and further comments are awaited, however at the time of writing this report the EA's objection still remains in place and must, it is considered, be given substantial weight. The EA's concerns are therefore taken forward in reason for refusal 6. Irrespective of this, the applicant has failed to demonstrate safe access and escape routes and emergency planning. It is however accepted that these concerns may be withdrawn before committee and if this occurs, it will be detailed in an update.

7.9.6 From 6<sup>th</sup> April 2015 a development of this scale is required to demonstrate that a sustainable drainage system for the management of water run off can be put in place. A drainage strategy has been submitted, however the Drainage Officer has advised that the submitted information is not sufficiently detailed to enable an assessment to be made, and, on this basis that Officer has recommended that the application be refused. This concern is taken forward as reason for refusal 7.

## **7.10 Proposed housing mix and affordable housing provision**

7.10.1 Following the Ministerial Statement from November 2014, affordable housing is not sought from developments giving rise to a net gain of 10 units or less. Accordingly the provisions of Policy CP5 of the CSDMP 2012 are not being applied to this application.

7.10.2 Policy CP6 of the CSDMP 2012 requires development to provide mix of unit sizes (10% 1 bed, 40% 2 bed, 40% 3 bed and 10% 4 + bed) to meet a wide range of housing needs in the Borough. The proposed development does not comply with this mix. However, no objection is being raised to this deviation from policy. This is because the units themselves, while all 3 bed, are at the smaller end of what is commonly presented as a three bed dwelling. In addition, the site lies in the settlement of Camberley wherein there have been numerous large scale office to residential prior notifications approvals, many of which have been, are or being, implemented. These applications have predominately proposed 1 and 2 bed units. On this basis no objection is raised.

## **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:

- 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 For the detailed reasons set out in the report, it is recommended that the application be refused.

## **10.0 RECOMMENDATION**

REFUSE for the following reason(s):-

1. The proposal fails to demonstrate that the loss of the existing business use on the application site would not adversely affect the overall sustainability or employment opportunities in Camberley; and that it would not result in the loss of a unit capable of use by small business or industry. As such, without evidence of an appropriate marketing exercise and identification of a lack of demand, the Local Planning

Authority cannot satisfy itself that the loss of this business unit would not result in harmful impact on the local economy. The proposed development is therefore contrary to the aims and objectives of Policy DM13 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2012.

2. The application site lies within the Post War Council Estate character area as defined by the Western Urban Area Character Area SPD. The valued characteristics of this area include an open texture, gaps between the side elevations of properties and front garden enclosed by low red brick walls. The proposal by virtue of its tight plan form, lack of space about the proposed properties, shared pedestrian footpaths, shallow sets back, expanse of hardstanding, lack of landscaping and loss of views would result in a cramped form of development at odds with, and visually harmful to, the established pattern of development and would directly add to the stated development pressures faced by the character area.

The proposed development would therefore fail to comply with the aims and objectives of para 17, 56 and 59 of the NPPF. Policy DM9 (ii) of the Core Strategy and Development Management Policies 2012 and guiding principles PC1, 2, 3 and 4 of the Western Urban Character Area Appraisal 2012.

3. It has not been demonstrated, though the submission of a BS complaint 2012:5837 Trees in relation to design, demolition and construction report, that the proposal can be undertaken without harm to, or the loss of, trees of visual merit and accordingly the proposal does not comply with the aims and objectives of Policy DM 9 (ii) and (iv).
4. In the absence of a completed legal agreement under section 106 of the Town and Country Planning Act 1990, or payment of the SAMM payment in advance of the determination of this application, 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. It has not been demonstrated that the proposed development would not give rise to harm to a protected species and as such the LPA cannot be assured it has discharged its statutory function in relation to the aims and objectives of the National Planning Policy Framework, Planning Practice Guidance, Policy CP14 of the Core Strategy and Development Management Policies 2012, Section 40 of the Natural Environment and Rural Communities Act 2006 and Circular 06/05 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System.

6. Approximately 30% of the application site (including its access) lies in Flood Zone 3 and the application has not demonstrated, through the submission of a robust and NPPF compliant Flood Risk Assessment, that the development is appropriately flood resilient and resistant, would provide safe access and escape routes and that residual risk can be safely managed or that flood plain compensation can be provided. In addition it has not been demonstrated, through the application of the Sequential Test, that the development cannot be accommodated in an area with a lower probability of flooding.

The application is therefore considered to be contrary to the aims and objectives of the NPPF, the PPG and Policy DM10 of the Core Strategy and Development Management Policies 2012.

7. In the absence of a satisfactory 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. In addressing reason for refusal 6, the applicant is advised to review the EA's consultation response dated 8 July 2015. The applicant is also advised that in the event the Sequential Test is passed, it would also be necessary to address the requirements of the Exception Test as defined by the PPG and para 103 of the NPPF.