

2016/0383

Reg Date 21/04/2016

Town

LOCATION: LAND ADJACENT TO LYNWOOD, HEATH RISE AND BETWEEN 9 AND 18 CHAUCER GROVE, CAMBERLEY, GU15 2ER

PROPOSAL: Creation of alternative access to 5-bedroom dwellinghouse approved pursuant to application SU10/0717. Access to be created off Chaucer Grove as opposed to Heathcote Road as originally approved. (Amended plan rec'd 15/06/16). (Additional information recv'd 16/6/16)

TYPE: Full Planning Application

APPLICANT: .
Lynwood Estates Ltd and The McKay and Chilton Grandchildren IIP

OFFICER: Emma Pearman

This application would normally be determined under the Council's Scheme of Delegation, however it is being reported to the Planning Applications Committee at the request of Cllr Brooks.

RECOMMENDATION: REFUSE

1.0 SUMMARY

- 1.1 This application is for the construction of a new access to a dwelling which is currently under construction and was permitted by a separate planning permission SU10/0717 in 2010. The original access to the dwelling was to be via Heathcote Road (an unadopted road) which has not been constructed, however an access is now sought instead from Chaucer Grove. The new proposed access would be much shorter than that previously proposed though would result in the loss of some trees at the boundary with the site, however this is considered to be offset by the retention of trees and understorey that would have been lost had the original access been constructed. The proposal is considered to be acceptable in terms of impact on character, residential amenity and highways, parking and access. However, insufficient information has been provided in respect of bats, and as such the application is recommended for refusal on this basis. This issue is not considered to be insurmountable and clarification has been sought from the applicant. Any updates will be reported to the meeting.

2.0 SITE DESCRIPTION

- 2.1 The application site comprises an area of land at the end of Chaucer Grove between the curtilage of 9 and 18 Chaucer Grove, and land within the curtilage of Lynwood, Heath Rise. The area currently comprises a grass verge and hardstanding at the end of Chaucer Grove, with a chain link fence across the boundary with mature trees and vegetation behind. The application site is covered by an area Tree Protection Order TPO 9/04.

3.0 RELEVANT PLANNING HISTORY

- 3.1 SU14/0120 – Lawful Development Certificate for an existing use or operation comprising the implementation of planning permission 10/0717 for the erection of a detached dwelling house

Agreed 16/05/2014

- 3.2 SU10/0717 - Erection of a five bedroom, two-storey detached dwelling with accommodation in the roof space to include an attached double garage with accommodation over. Access to be created off Heathcote Road.

Granted 10/11/2010 [under construction]

4.0 THE PROPOSAL

- 4.1 This proposal is for the creation of an access to the dwelling currently under construction, from the end of Chaucer Grove instead of from Heathcote Road (an unadopted road) as originally approved. This proposal would create an access of 3.6m in width and 11m in length approx. from the boundary, which would join up with the already approved area of hardstanding to the front of the dwelling. To facilitate the access, 5 Category C trees (low quality) would be felled.

5.0 CONSULTATION RESPONSES

- 5.1 Surrey County Highway Authority No objection.
- 5.2 Council's Arboricultural Officer No objection.
- 5.3 Surrey Wildlife Trust Further information requested in respect of the impact on bats.

6.0 REPRESENTATION

- 6.1 At the time of preparation of this report 8 separate letters of objection have been received and one petition with 13 signatures, and 3 letters in support of the application.
- 6.2 The issues raised in support of the application are as follows:
- Access to the site is safer than via Heathcote Road because of the mini-roundabout
 - Heathcote Road is a private road and the Heathcote Road residents association dispute the developers right of way over Heathcote Road
 - There will be a much shorter driveway to the property so there will be less impact on trees and wildlife / original driveway would have been at least 10 times longer
 - Chaucer Grove is a made up road built to serve considerably more houses than Heathcote Road

- The original access via Heathcote Road would have made it an unrealistic option particularly for large vehicles.

6.3 The reasons for objecting to the application are summarised below:

Character [see section 7.3]

- Would open up views of new house rather than it being screened from view and would face the blank side elevation of the garage/development is not of a high quality design
- If permission is granted permitted development rights for gates should be removed

Trees [see section 7.3]

- Trees at Chaucer Grove are of greater value than those at Heathcote
- Conclusions of the Tree Report are not correct as there are more trees that need to be removed than is stated and there are more high quality trees to be removed as a result of this access than Heathcote Road
- Previous application considered that the trees on this boundary were important in terms of screening

Highways and Traffic safety and amenity [see section 7.5]

- Road is narrow, has sharp blind bends, is already dangerous
- Not much space for safe parking of vehicles during construction/would prevent access by emergency vehicles
- Additional vehicles would cause too much traffic on Chaucer Grove, not designed to be a through road
- Limited parking on the road particularly with the proximity to the doctors surgery and town centre
- Would be damage to the road surface which is brick laid and not tarmac by the heavy vehicles
- Hazardous turning into Chaucer Grove when vehicles are exiting, safer with roundabout at Heathcote Road
- No pavement on the road
- Proposed new access would cause a danger to residents and children and occupiers of home for adults at end of Chaucer Grove
- May lead for a change in access request to serve other properties being built at Lynwood
- Often near-accidents with junction at Park Street
- Would appear that the proposed access would conflict with the garage and larger vehicles may not be able to visit the house leading them to park on the road

- May lead to vehicles blocking driveways and leaving engines running causing a noise impact
- Properties at Heathcote Road are screened from increased traffic whereas those in Chaucer Grove are not
- It is not the case that existing access is contrived and impacts more homes as developer suggests
- If permission is granted would need to control how it is constructed to prevent two accesses
- Should be a construction management plan if permission is granted
- Should be limits on hours of construction and a requirement to keep the road clean

Ecology [see section 7.6]

- Approved layout of the house in the ecology report is different to that of the approved scheme
- Does not appear that the trees identified for removal have been assessed for bats

Other matters

- Query over description of location *[Officer comment: it is considered that the description is accurate given the smaller application site that does not include the same site area as 10/0717]*
- Not contacted directly by the Council *[Officer comment: the Local Planning Authority notifies dwellings that are adjacent to the application site only and given the small red line area the number of properties was limited. However following concerns raised all the properties in Chaucer Grove and Heathcote Road were notified.]*
- Query whether construction of the house has commenced *[Officer comment: construction has commenced]*
- Development will contravene conditions of SU10/0717 *[Officer comment: It is not considered that this will be the case other than clearly condition 9 which relates to the Heathcote Road access and the approved plans condition but these can be updated with a variation of condition application if necessary]*
- Limited information to give clarity on why the original access is no longer suitable *[Officer comment: it is not a requirement for the applicant to explain; the planning authority must consider the proposal with the information provided]*

7.0 PLANNING CONSIDERATION

- 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 Policy DM9 (Design Principles) and Policy DM11 (Traffic Management and Highway Safety) and Policy CP14A (Biodiversity and Nature Conservation). It will also be considered against the National Planning Policy Framework (NPPF).

7.2 The main issues to be considered are:

- Impact on character and trees;
- Residential amenity;
- Highways, parking and access; and
- Ecology.

7.3 Impact on character and trees

7.3.1 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.

7.3.2 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. The Guiding Principles of the Wooded Hills Housing Character Area state that new development should consist of buildings set in spacious, irregularly shaped plots with extensive space between and around buildings, consist of two-storey detached buildings enclosed by verdant vegetation, a provision of a green character through retention of large trees, development that erodes the soft, green character will be resisted.

7.3.3 Chaucer Grove has a spacious feel with large detached dwellings, of similar but not identical architectural style, set back from the road. The proposal would create an access at the end of the road to one detached dwelling which would be set back from the road by 12m approx., with the side elevation of the garage facing the access with limited glimpses of the main side elevation likely to be visible beyond. While the side elevation of the garage facing the street is not ideal, and the other properties within the road face the street, due to the curved nature of Chaucer Grove the side elevations of some properties and their garages are also clearly visible. Additionally this property will be more screened from view, with the retained trees, than the other properties which have open front gardens. Properties within the road are set back by varying degrees and the set back of approx. 12m of this property is within the range of those of existing properties. Given the set back from the street and the fact that this property would only be visible from the end of the road around the last bend, it is not considered that this would cause any significant harm to the character of the road.

7.3.4 The proposal would result in the loss of 5 category C (low quality) trees (one of these five is a group of three very close growing counted as one within the Tree Report), two of which are on the boundary and three just behind these. It would, however, see the retention of five trees that were previously going to be removed as a result of the access approved under 10/0717. However, the new access will be a length of 10m approx. from the side boundary to the approved hardstanding at the front of the property, as the trees on the boundary at Chaucer Grove form a narrow strip. By contrast, the previous access however was approximately 70m in length from the front boundary to the hardstanding area. While the trees to be lost now are of higher quality, the previous access would have resulted in a considerably larger area of understorey being lost which is considered a valuable part of the wooded character. Given the retention of the understorey and the similar numbers of trees now being retained, the Council's Arboricultural Officer has not objected to the proposals, subject to a condition regarding the tree protection during construction.

- 7.3.5 While the Guiding Principles of the Wooded Hills seek the retention of mature vegetation, in this case it is considered that the loss of the trees at the boundary with Chaucer Grove is offset by the retention of a much larger area of trees and vegetation between the front boundary at Heathcote Road and the property. Many of the large trees and canopy spread visible from Chaucer Grove will remain, so it will retain much of its green character and some value in terms of screening the proposed property from the road. It is not considered that any of the other Guiding Principles of this character area would be compromised by the new access opening up views of the approved dwelling, given that the dwelling and its layout itself is of a style and type appropriate to this character area.
- 7.3.6 It is therefore considered that the proposal is acceptable in terms of its impact on character and trees, and in line with Policy DM9 and the Guiding Principles of the Wooded Hills Housing Character Area and the NPPF in this regard.

7.4 Residential Amenity

- 7.4.1 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.
- 7.4.2 The new access will be close to the front boundaries of 9 and 18 Chaucer Grove. It will be 8.6m approx. from the front elevation of number 9 and 21m approx. from the garage of 18 which is the nearest point, with the house itself approx. 28 metres away. Number 18 also has a high laurel hedge along the front boundary adjacent to the proposed access. It is not considered that the creation of the access at this point would cause any harm to the amenities of either property, though issues relating to highways are discussed in section 7.5 below. The impact of the house itself upon the amenities of these properties was already considered acceptable under permission 10/0717.
- 7.4.3 It should also be noted that the previous access would have been between Heathcote and Lothlorien in Heathcote Road, running along the length of their side boundaries, and additionally would have run along the length of the rear/side boundaries of 5 and 9 Chaucer Grove. The access once built in this location would not run along the boundary of any property and is considered therefore to be beneficial in terms of amenity than the access already approved.

7.5 Highways, parking and access

- 7.5.1 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.
- 7.5.2 The proposed new access is considered to be acceptable by the County Highway Authority, subject to a condition that the property should not be occupied until the access has been constructed in accordance with the approved plans.
- 7.5.3 Many objections to the proposed development have been received on highway grounds, which mainly seem to focus on the construction period. In the Officer's opinion, the addition of one dwelling to the road is very unlikely to result in a noticeable increase in the amount of cars using the road once the new access is constructed, nor have a noticeable impact upon the existing problems with the road raised by objectors, especially given that

the access is at the far end of the road away from the junction with Park Road, doctors, and town centre. While disruption during the construction period is not a material planning consideration, if the County Highway Authority felt that a Construction Management Plan was necessary this could be required by condition. In this case this has not been requested although given the number of objections, further clarification on this has been sought from the County Highway Authority and any update will be reported to the meeting. Hours of working are covered under separate Environmental Health legislation and, if minded to approve, an informative will be added reminding the applicant of this.

- 7.5.4 It is therefore considered that the proposal is acceptable on highway safety and amenity grounds and in line with Policy DM11 and the NPPF in this regard.

7.6 Ecology

- 7.6.1 Policy CP14A states that the Council will seek to conserve and enhance biodiversity within Surrey Heath and development that results in harm to or loss of features of interest for biodiversity will not be permitted. Paragraph 99 of the ODPM Circular 06/2005 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impact on biodiversity and providing net gains where possible.
- 7.6.2 The applicant has submitted an Ecological Assessment which has been considered by Surrey Wildlife Trust. They have stated that the risk to nesting birds and badgers is not likely to be significant given the information provided as long as the trees are felled outside of the bird nesting season. However, not enough information has been provided on bats and as such it is not clear whether they would be affected by the new proposals.
- 7.6.3 The previous application 10/0717 required that mitigation be undertaken in accordance with the Ecological Assessment submitted at that time. It appears that such mitigation could still be carried out as required by that condition and is not affected by this application.
- 7.6.4 Whilst Surrey Wildlife Trust acknowledges the protection secured under 10/0717, they have sought clarification on the risk to bats from the trees now to be felled. As the planning authority has a duty to assess the risk to protected species, due to the lack of up to date information on bats at present, the proposal is contrary to Policy CP14A, Circular 06/2005 and the NPPF in this regard. However, it is not considered that this issue is insurmountable to overcome, and clarification has been sought from the applicant on this issue. Any updates will be reported to the meeting.

8.0 CONCLUSION

- 8.1 It is therefore considered that the new proposed access to the site is acceptable in terms of character, trees, residential amenity and impact on highways, parking and access. However, while the proposal is considered to be acceptable in terms of its impact on birds and badgers, not enough information has been provided in respect of bats, although it is hoped that this issue can be resolved by the Committee meeting. At present therefore the proposal is considered to be contrary to Policy CP14A, Circular 06/2005 and the NPPF in this regard. Accordingly it is considered permission should be refused.

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

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

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.
- c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
- d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

10.0 RECOMMENDATION

REFUSE for the following reason(s):-

1. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority the presence or otherwise of protected species (in particular bats), and the extent that they may be affected by the proposed development, contrary to paragraph 99 of ODPM Circular 06/2005, Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.