

LOCATION: PEMBROKE HOUSE, 148 FRIMLEY ROAD, CAMBERLEY, GU15 2QN

PROPOSAL: Demolition of existing building and erection of a four storey building to comprise flexible commercial floorspace (Use Class A1/A2/A3/B1/D1/D2) at ground floor level and 25 residential apartments (100% affordable housing comprising 12 no. 1 bed and 13 no. 2 bed) at part ground and upper levels, together with associated car parking (25 residential spaces and 11 commercial spaces), cycle provision, communal rear amenity space and private garden for flat 1, refuse storage, landscaping and other associated works. (Amended Information - Rec'd 07/09/2017.)

TYPE: Full Planning Application

APPLICANT: C/O Agent
Surrey Heath Borough Council

OFFICER: Jonathan Partington

This application needs to be read in conjunction with Ashwood House (17/0669) reported elsewhere on this agenda.

RECOMMENDATION: GRANT subject to a legal agreement and conditions

1.0 SUMMARY

- 1.1 The site lies within the settlement area of Camberley, on the western side of Frimley Road adjacent to Frimley retail parade and St. George's Industrial Estate. The existing commercial building on site has been vacant for over 10 years. The proposal is for a mixed use redevelopment for demolition of the existing building and erection of a replacement building up to four storeys, comprising flexible commercial floorspace (Use Class A1/A2/A3/B1/D1/D2) at ground floor level and a total of 25 affordable housing apartments at part ground and upper levels. Residential parking and a communal amenity area would be provided to the rear of the site. For a full description of this proposal see section 4 of this report.
- 1.2 In 2014, following refusal of 13/0336, an appeal was dismissed for redevelopment of this site for a three storey building to comprise retail use (Class A1) on ground floor with 14 two bedroom flats. This appeal decision is a material consideration, a copy of which is attached as Annex A, whereby the Inspector dismissed the appeal due to concern over the design and the effect on the character and appearance of the area. Section 7 of this report has regard to this decision explaining why this design's attributes would combine to integrate into its context and improve the environment. The building has been designed to stand out and be a landmark but has equally been designed to respect the traditional features of the area.

- 1.3 The Inspector's design concerns included the insufficiency of the amenity space and the quality of residential environment being provided and the retail and traffic effect, albeit these were not essential to his conclusions. This proposal has now provided amenity space and no objections are raised on grounds of residential amenity. The retail parade is currently performing well with no vacancies and this proposal would support vitality and viability. The County Highways Authority has reviewed the submission and raised no objections on highway grounds.
- 1.4 As such the proposal is in accordance with adopted policy and the NPPF and is recommended for approval subject to resolving the LLFA's objection and recommended conditions and a legal agreement to secure the affordable housing and SAMM, to be tied with the Ashwood House submission (17/0669). In the event that Members refuse this application then in the officer's opinion this would have a direct effect on supporting the Ashwood House redevelopment.

2.0 SITE DESCRIPTION

- 2.1 The site lies within the settlement area of Camberley and is within the Historic Routes – Commercial Nodes character area, but adjoins the Industrial Estate and Infrastructure character area to the west, as defined under the Western Urban Area Character Supplementary Planning Document (WUAC SPD). The site is part of the St. Georges Industrial Estate, a designated Core Employment Area. Immediately to the north of the site is the designated Frimley Local Centre retail parade. The designated parade is limited to part of the west side of Frimley Road but there are other retail units elsewhere in the vicinity. The site bounds Wilton Road to the west and the Wilton Road/Frimley Road/Park Road roundabout is south of the site.
- 2.2 The site comprises 0.25 hectares and the existing building has a floorspace of approximately 1,138 sq m (GIA). The building has been vacant for more than 10 years and is currently boarded up and the site is surrounded by hoarding. Its last use was as light industrial storage i.e. Class B1(c). The existing building is two-storey, reducing to single storey to the rear. It is flat roofed with a principal height of approximately 7.4 metres. The main frontage is set further back by approximately 5.5 metre from the retail parade's building line to the north. Cypress trees are in front of the building, highway footpath with phone box and bench, cycleway and on-street parking bays. The site's main vehicular access is from Wilton Road with parking spaces predominantly at the rear of the building. There is also a Frimley Road access, i.e. opposite Murrells Lane, serving the northern part of the site.
- 2.3 To the south the site is bounded by Brandon Tool Hire (no. 23 Frimley Road) which is a flat roofed, two-storey building with a maximum height of approximately 7.3 metres. To the north, the site is bounded by no. 146 Frimley Road. No. 146 is a two storey, detached building with retail on the ground floor and residential above. No. 146's maximum hipped ridge height is approximately 8.8 metres, but this building has a lower crown hipped roof fronting Frimley Road with a height of approximately 6.2 metres. Beyond no. 146 the retail parade of Frimley Road is terraced (nos. 144-132, respectively). This terraced row is two-storey and pitched roofed with gable ends but is notably higher than no. 146 with a ridge height of approximately 10.5 metres. The terrace has a rhythm with front elevation central gable features. Further north there is a mix of two and three storey buildings included flat roofed buildings.

- 2.4 Opposite the site is no.143 a three storey commercial premises and Clearglen House a two storey, hipped roofed commercial terraced block. The surrounding area to the south and the east is predominantly residential, characterised by two storey semi-detached dwellings. Camberley Health Centre is located approximately 150 m to the south of the site and Krooner Park sports ground is approximately 100 m to the northwest of the site.

3.0 RELEVANT HISTORY

- 3.1 SU/13/0336 Erection of a three storey building to provide retail use (Class A1) on ground floor with 14 two bedroom flats above along with alterations to existing access following the demolition of existing building.

Refused August 2013 due to poor design, the loss of employment opportunities, inadequate rear amenity space for future residential occupiers and impacts on local character and the adjoining retail parade.

An appeal was dismissed July 2014. A copy of the Inspector's Decision is appended as Annex A, of which relevant extracts will be relied upon in section 7 of this report.

- 3.2 SU/13/0967 Erection of a three storey building to comprise retail use (Class A1) on ground floor with 14 two bedroom flats above along with alterations to existing access following demolition of existing building.

This scheme sought to address the reasons for refusing 13/0336 with the main changes being a reduction in height by 0.6 m and increased architectural detailing. Refused March 2014 for the same reasons as 13/0336.

4.0 THE PROPOSAL

- 4.1 This is a full planning application for the demolition of the existing building and erection of a four storey building to comprise flexible commercial floorspace (Use Class A1/A2/A3/B1/D1/D2) at ground floor level and 25 residential apartments (100% affordable housing comprising 12 no. 1 bed and 13 no. 2 bed) at part ground and upper levels, together with associated car parking (25 residential spaces and 11 commercial spaces), cycle provision, communal rear amenity space and private garden for flat 1, refuse storage, landscaping and other associated works.
- 4.2 A total of three commercial units are proposed with a gross internal floor area of 492 m², with unit 1 having a floor area of 162 m², unit 2 (i.e. the central unit) an area of 143 m² and unit 3, an area of 187 m². Each commercial unit would have a Frimley Road frontage. Whilst there would be 13 no. 2 bed units, these units would have a mix of size with 5 of these units having a smaller floor area with double/single bedrooms, and the remaining 8 having two double bedrooms. The applicant proposes that all of the 25 units would be intermediate housing i.e. shared ownership.

- 4.3 The proposed building would be sited to have the same building line as the parade. It would be sited a distance of approximately 1 metre away from the northern boundary. The frontage width of the building would be approximately 32.3 m. The depth of the building would vary but its maximum depth would be approximately 29.5 m; 19.1 m adjacent to 146 Frimley Road; and, 15.3 metres on its southern end.
- 4.4 The proposed building would be part single storey, adjacent to no. 146 Frimley Road and then step in height towards the southern boundary; rising to three storeys, with a fourth storey setback, and four storeys in height on the southern corner adjacent to Brandon Tool Hire. The lowest height of the building would be approximately 4 metres, with a three-storey height of approximately 10.3 metres and maximum height of approximately 13.9 metres on the southern corner.
- 4.5 Vehicular access for both residential and commercial elements would be from Wilton Road to the rear. The existing Frimley Road access i.e. opposite Murrells Lane would be closed to enable the building frontage to extend along the back footway. The commercial spaces would be provided at the southern end of the site with the residential spaces at the rear of the building. Refuse collections and service deliveries for both the commercial and residential elements would be take place from the Wilton Road access, with the exception of the commercial unit 3 which would be serviced by a proposed layby on Frimley Road, to be secured via a S278 legal agreement. For this, kerbside line marking is proposed and a sign to state its legal use (i.e. Mon-Sat, 8am-6pm, 1 hour, No return within 2 hours). In order to control parking the residential spaces would be signed and marked as private and rising bollards or a gated barrier may be installed to prevent unauthorised use.
- 4.6 Pedestrian access to the residential use of the building would be at the rear, with access from either Frimley Road or Wilton Road. The applicant's intention is to have a distinct residential entrance to separate from the commercial elements of the proposal and to avoid any conflict in uses. A communal garden area with area of approximately 210 m² is proposed at the rear, plus private amenity space including private balconies, terraces and garden (totalling approximately 73 m²). The existing trees on the site would be replaced by new planting within the amenity area.
- 4.7 The following documents have been submitted in support of the application of which relevant extracts will be referred to in Section 7 of this report:
- Planning Statement (including a Statement of Community Involvement),
 - Design and Access Statement (DAS);
 - Transport Statement and Travel Plan plus a Delivery and Service Management Plan and Construction Method Statement;
 - Air Quality Assessment; Phase 1 Environmental Site Assessment; Acoustic Assessment;
 - Daylight, Sunlight and Overshadowing Assessment;
 - Drainage Assessment;
 - Energy Strategy and, Utilities Assessment; and,
 - Financial Viability Report (FVR).

5.0 CONSULTATION RESPONSES

5.1	Surrey County Highway Authority	No objection on safety, capacity and policy grounds and recommend conditions. See section 7.6 of this report for further information.
5.2	Council's Housing Service Manager	Recognition that this development is linked to Ashwood House and raises no objection to 100% affordable, subject to all being affordable rented.
5.3	Surrey Police (Crime Prevention)	No objections and recommends Secured by Design accreditation.
5.4	Lead Local Flood Authority	Objection, see section 7.9 of this report.
5.5	Council's Viability Consultant	See 17/0669.
5.6	Council's Environmental Health Officer	No objections in respect of air quality, contamination and noise. Conditions are recommended in respect of contamination and noise.
5.7	Council's Tree Officer	No objections to felling of existing trees and landscaping condition recommended.

6.0 REPRESENTATION

At the time of preparation of this report three letters of representation have been received including 2 letters of objection, summarised below:

- Fails to address the Inspector's design concerns (re. paras 20-28 of Annex A) representing overdevelopment, inappropriate height and scale, and lack of creativity. The proposal would be an eyesore, out of keeping with the parade [See section 7.4]
- Fails to comply with DCLG Technical Housing Standards – nationally described space standards, 2015 [Officer comment: *Whilst guiding Principle 7.6 of the RDG 2017 expects new development to comply, these standards can only be insisted upon where there is a local plan policy based on evidenced local need and where the viability of a development is not compromised. The 1 bed flats, in particular, are slightly below the standard but this is only because they have been proposed for 2 persons, rather than 1 person*]
- Lack of amenity space with some flats occupied by young children and unsafe routes to nearby recreation grounds (re. para 31 of Annex A) [See section 7.5]
- Lack of space for comprehensive and high quality landscaping
- Failure to address Inspector's highway safety reservations [See section 7.6]
- Will set dangerous precedent for development elsewhere along Frimley Road in the future [Officer comment: *Every proposal must be determined on its own merits*]
- Will result in the loss of 20-25 existing car parking spaces and displace the cars onto Wilton Road [See section 7.6]

- Will result in the loss of a vital public bench *[Officer comment: The applicant is willing to relocate this bench and this could be secured by condition]*
- Conflict of interest with the Council behind the application and therefore local businesses have not objected as they consider their concerns will be ignored *[Officer comment: The Planning Authority is duty bound to act impartially having regard to all material planning considerations]*
- The application process must have regard to the rights of way of no. 148 Frimley Road which runs over the rear of the site *[Officer comment: Whilst covenants fall outside the remit of the Planning Authority the proposed parking arrangement would retain this right of way]*.

7.0 PLANNING CONSIDERATION

- 7.1 Policies CP1, CP2, CP5, CP6, CP8, CP9, CP11, DM9, DM11, DM12 of the adopted Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP) and saved policy NRM6 of the South East Plan 2009 are relevant to the consideration of this application. In addition, supplementary advice in the Thames Basin Heaths Special Protection Area Supplementary Planning Document 2012 (TBHSPD); the Western Urban Area Character SPD 2012 (WUAC); the Surrey Heath Residential Design Guide SPD 2017 (RDG); and, the Interim Procedure Guidance Note for Affordable Housing 2012 are relevant. Regard must also be had to government guidance in the NPPF and the associated Planning Practice Guidance (PPG).
- 7.2 The dismissed appeal 13/0336, appended to this report as Annex A, is also a material consideration relevant paragraphs of which will be referred to. On this basis the following matters need to be considered:
- Loss of employment use and impact on the retail parade;
 - Impact on the character and appearance of the area;
 - Impact on residential amenities (including living conditions for occupants of the proposed flats);
 - Highways, parking and access;
 - Housing type and mix;
 - Infrastructure and Thames Basin Heath SPA; and,
 - Other matters (including sustainable drainage).

7.3 Loss of employment use and impact on the retail parade

- 7.3.1 The site is located within, albeit on the edge of, a Core Employment Area (CEA). Within a CEA, Policy CP8 of the CSDMP seeks to retain employment use, resists the overall loss of industrial floorspace and only permits alternative uses where these support the integrity of CEAs and their employment function. Policy CP8 is not fully in accordance with the NPPF which advises that local policies should avoid the long term protection of sites where there is no reasonable prospect of a site being used for that purposes (paragraph 22 refers). The Inspector took account of this policy context; had regard to the length of time the building had been vacant despite extensive marketing; took into account the site's edge of CEA context whereby it also relates to retail development along Frimley Road; and, the fact that

the CEA appeared to be thriving. On this basis he concluded that there would not be an overriding objection to the loss of employment use which was otherwise acceptable and supported a sustainable local community. Since 2013 the building has remained vacant and there would appear to be no reason to come to a different conclusion with this proposal.

- 7.3.2 The application site directly adjoins a designated neighbourhood parade. Policy CP9 of the CSDMP sets out the hierarchy of retail centres and positions neighbourhood parades at the bottom of the hierarchy. Policy DM12 of the CSDMP encourages development that offers environmental improvements and supports and enhances viability, vitality and retail function of a neighbourhood parade. Non Class A1 uses are not normally permitted at ground floor, although development for community uses and sui generis uses (i.e. outside any specific use class) will be permitted provided that (i) the size and scale is appropriate to the centre's hierarchy; and (ii) provided that there is not an over proliferation of Class A2, A3, A4 or A5 uses such that less than 50% of the total shopping area contains non-retail uses. However, paragraph 6.79 of the policy's supporting text recognises that where units have been vacant for a long period it would be better to bring them into use, subject to evidence; and, paragraph 6.80 does not preclude opportunities to extend the boundaries of a parade.
- 7.3.3 A lot of the public opposition to the 2013 refusals centred over the provision of a Tesco store and the effect upon the vitality and viability of the retail parade. This included no need for another store and concern that the proposal would lead to the loss of existing shops of an important community role. Traders also feared for their livelihoods but the Inspector was clear that the planning system does not protect existing businesses from competition from others. The Inspector also took account of the size of the store concluding it to be modest that would only serve its local catchment area.
- 7.3.4 The Inspector considered there was a consistent pattern of vacancies over a period of almost two years which represented about 10% of the total units in the parade. He did not share the appellant's view that this vacancy rate and variety of uses indicated a vibrant and healthy centre; with there being only a modest number of genuine retail uses and a high proportion of cafés, restaurants and takeaways. He did not consider that the effect on vacancies would be short lived or benign and not lead to a diversion of trade. Neither was the Inspector convinced by the Council's view that the Tesco store would have adversely harmed the footfall along Frimley Road. The Inspector was of the opinion that a scheme that attracted more shoppers without resulting in an unacceptable level of vacancies would be consistent with Policy DM12 of the CSDMP. Furthermore, it would improve sustainability by reducing trips.
- 7.3.5 The Council is currently (September 2017) in the process of carrying out an updated Retail Assessment of its retail centres and parades. The most recent assessment of the Frimley Road Neighbourhood Parade surveyed a zero percent vacancy rate. With no vacancies, and 44% of the units in A1 use, the draft 2017 Retail Assessment demonstrates that overall the parade is performing well, albeit slightly below the optimum level of 50% units in A1 use, as stated in Policy DM12. Moreover, unlike the appeal this proposal would provide smaller units and a greater flexibility of use. The potential uses are wide ranging and could include, for example: a shop, hairdressers, restaurant/café, office/ business use, a doctor's surgery, dentists or gym. Thus, this mix of uses and smaller sized units are less likely to cause trade diversion than a larger store such as Tesco, but rather provide greater choice. On this basis this effective enlargement of the parade could improve its overall vitality and vibrancy, in accordance with the objectives of Policy DM12. However, it is considered

necessary to impose a condition to prevent the amalgamation of the units, in the interests of retail health. Similarly, it is considered necessary to impose conditions to remove permitted development rights to change the units to residential and to extend the units. This is also in the interests of highway considerations, see 7.6 below.

7.4 Impact on the character and appearance of the area

7.4.1 The site is located in one of the commercial nodes sub-areas of the Historic Routes character area. Amongst other things the WUAC SPD states that the negatives features of this area include the poor design quality and run down character of many commercial buildings; and, flat roofed large scale commercial buildings which do not reflect the historic plot divisions and buildings scales. This description is true of the existing building on site and so in principle there is no objection to its replacement.

7.4.2 However, in dismissing the 2013 refusal the Inspector was highly critical of that design. The Inspector concluded that it would have caused serious harm to the character and appearance of the area for the following inter-related and summarised reasons (paragraphs 22 – 28 of Annex A refers):

(i) Number of storeys

(ii) Flat roof design

(iii) Bulk and form

(iv) Height

(v) Architectural detailing

(vi) Overall design quality i.e. combined effect of (i) – (v)

Given the materiality of the Inspector's decision, these design criticisms are discussed in turn below, with reference also made to the applicant's commentary in the DAS. However, since this appeal decision the Residential Design Guide SPD (RDG) has been issued and so the guiding principles within this document have weight.

(i) Number of storeys

7.4.3 Development along Frimley Road is characterised by traditional two storey housing. However, the application site lies within one of the commercial node sub-areas which the WUAC SPD describes as including a mix of retail and other uses. Older buildings here tend to be traditional and two storeys high whilst those from the 1960s and 1970s are often flat roofed and two or three storeys. Despite the fact that there are a number of three-storey high, flat roofed buildings in this commercial node sub-area the Inspector commented that *'...although these form part of the character of the area they are not the dominant feature. Moreover, they are generally somewhat undistinguished structures that detract from rather than enhancing the streetscene. They include the existing building on site though in my view it is not the most harmful.'* He therefore concluded that the proposed three storey high building did not reflect the predominance of two storey buildings along Frimley Road.

- 7.4.4 This approach was consistent with guiding principle CN1 (a) of the WUAC SPD that states that new development should pay particular regard to buildings up to 3 storeys but principally of 2 storeys with pitched roofs. Given that this latest proposal is up to 4 storeys, of which there are no immediate comparisons in the area, on this basis this development would seemingly be at odds with the existing context. However, this proposal is not 4 storeys for the entirety of the building but rather seeks to create design interest by a staggering of storeys across the build and aims to reflect its very differing relationships with neighbouring buildings. For example, alongside no. 146 the development would drop down to be part single storey. The frontage 3 storey part of the build would have a separation distance of approximately 7 m from no. 146 and the top floor of the building would have a greater separation distance of approximately 11.4 m and also be setback from the front elevation by approximately 1.4 m. These graduations would help to minimise the impact of the upper storeys. The proposed 4 storey corner feature at the southern end seeks to respond to a different more open visual context being adjacent to Brandon Tool Hire and then beyond this the roundabout and petrol filling station. The site is also on the edge of the St. George's Industrial Estate. As such, in the officer's opinion, the contrasting relationships of adjoining neighbouring buildings and the unique positioning of this site, means that the site can accommodate more storeys than the predominant character of the area.
- 7.4.5 Moreover, paragraph 7.10 of the RDG encourages residential buildings of 3 storeys or more in urban local locations, subject to impacts on the street and residential amenities being satisfactorily resolved. The rationale for four storeys is closely related to the roof design of the build, explained in reason (ii) below.

(ii) Flat roof design

- 7.4.6 The Inspector commented that several of the larger and more recent developments in the vicinity having genuine pitched roofs, or roofs that simulate a pitch even if they are flat in part, and he was of the opinion that these buildings sit more comfortably in their surroundings than the flat roofed ones. He was therefore of the opinion that in this context the appeal proposal represented a backward step. The Inspector did not name which buildings he was referring to. However, in the officer's opinion there is a diverse roof scape in the parade. The DAS provides a useful site appraisal of existing buildings highlighting that there is a mix from traditional pitches to gables, to mansard roofs and genuine flat roofed buildings. Examples of flat roofed buildings on the western side of Frimley Road include the white rendered modernist designed building at no. 130 (Brendas) and a row of two and three storey flat roofed buildings from the corner of Bridge Road to no. 114 Frimley Road.
- 7.4.7 The applicant argues that the aim of this proposal is to create a landmark structure by creating a focal point with its prominent corner feature of which the flat roof is a positive feature because it allows the new building to work as recognition of the mixed architectural character of the area. In contrast, the applicant argues that the appeal proposal was not designed to be a landmark but resembled a conversion and background building with the DAS stating the following:
- '...The "background" building (unlike the "landmark" structure) is in a way more "indebted" to the surroundings and has to follow the prevalent traditional forms (i.e. pitch roof); whereas the currently proposed building uses a contrasting and complimentary approach. As such, it is considered that the connotation of a flat roof in these two proposals (the 2013 scheme and the currently proposed one) varies greatly. If in the appeal scheme the flat roof "argues" with its surroundings, in the newly proposed scheme it emphasises its individuality within that context.'*

- 7.4.8 Whilst guiding principle CN2 of the WUAC SPD encourages a mixed character, the SPD does not make direct reference to a landmark structure. However, promoting a gateway or a landmark building is a widely supported design principle on corner or highly visible sites. Principle 7.4 of the RDG even supports occasional taller buildings acting as visual focal points in suburban and rural locations; and, RDG principle 7.5 only permits a divergence from an area's prevailing roof forms if it can be demonstrated that it would make a positive contribution to the streetscape.
- 7.4.9 There are few sites within this commercial node sub-area that have the same prominence or site characteristics to accommodate such a building, but this site can. The applicant argues that the arrangement of flat roofs within the building would create an interesting silhouette as seen from Frimley Road on approach to the area, and this is considered to be a reasonable assertion. By association, a statement building at this location may also provide the catalyst for future development. For example, improve the overall perception and image of the parade and so encourage investment or facilitate the redevelopment of neighbouring poor quality buildings.
- 7.4.10 In the officer's opinion a rigid insistence of a pitched roof design at this location would stifle innovation, originality and initiative (paragraph 60 of the NPPF). The site is not an area of special control, for example is not sited within a conservation area where there might be greater need to replicate existing roof form. Unlike the appeal proposal, the design of this flat roofed contemporary building would promote local distinctiveness. A reinforcement of local distinctiveness can equally be achieved by taking other design cues from traditional neighbouring buildings, as further discussed in reason (iii) below.

(iii) Bulk and form

- 7.4.11 The WUAC SPD describes small scale local development as a positive feature of the area and guiding principle CN3 resists proposals that seek to introduce bulky, flat roof buildings with front elevations that ignore historic plot divisions and building scales. The SPD also states that the small scale character of the commercial notes is lost unless the rhythms of the buildings and plots are maintained in the façade of the new buildings. Principle 7.4 of the RDG also requires development to reflect historic patterns of scale. The Inspector described the appeal proposal as being relatively bulky with a 'boxy' appearance that was not satisfactorily overcome by the balconies and limited articulation. That proposal made no attempt to respect historic plot divisions and rhythms.
- 7.4.12 In contrast, this development's bulk and form seeks to overcome this harm with the reasoning provided in the DAS and summarised below:
- The proposed bays along Frimley Road replicate the old land plot size and help to break down the overall mass of the building;
 - The articulation of the street facade in the current proposal is far more pronounced than in the 2013 scheme and, unlike the 2013 scheme which was rendered in one material, the incorporation of two different materials further assist with the creation of an appropriate rhythm;
 - The proposal is less boxy in appearance as the mass is split by the unique corner balcony feature bay elements, and by the use of two distinct materials. The set back of the top floor also helps with breaking down the overall mass; and,
 - The current proposal favours vertical divisions over horizontal which made the appeal building appeared more as a horizontal slab. The vertical divisions help to introduce small scale elements which replicate the historic land plot sizes and the proposal appears as the assembly of structures rather than an undivided form.

- 7.4.13 In the officer's opinion these elements would cleverly combine to reduce the impression of bulk. Whilst this proposal has an unapologetic size there are sufficient visual references in its appearance that would tie it to its neighbours and complement the parade. The artist impressions provided by the applicant assist in understanding how the divisions to the building would appear but it vitally importance that high quality materials of a sufficient contrast are used to achieve this, to be secured by condition, as otherwise the overall effect would be compromised.

(iv) Height

- 7.4.14 The Inspector was of the opinion that the height of the appeal building (at 10.9 metres) would have emphasised the poor form of design with an appropriate comparison with the neighbouring buildings to the north being the relative heights of the front walls, not the ridge heights. He further commented that no.146 provides the immediate site context with the building being noticeably lower than the main parade, and that despite the setback of the appeal building (approximately 15 m from the building line of the parade) it would have rose above this neighbour in an unsympathetic manner.
- 7.4.15 The front elevation of the majority of the development would remain significantly higher than other buildings front walls along the Parade, for example the heights of nos. 144-132 to the eaves is 5.6 metres and no. 146's eaves are even lower. The maximum height of the proposal would also be higher at 13.9 m compared with 10.5 metres for nos. 144-132. Moreover, unlike the appeal, the footprint of this proposal has no setback and follows the same building line as the parade, so from street level giving the impression of rising even higher. Hence, during this submission the officer requested that the architect reviewed the heights of the development.
- 7.4.16 However, the architect considered that any reductions in the floor to ceiling heights of the residential accommodation would compromise the proportions of the rooms and the very high standard of internal spaces. The applicant's aim is to be a benchmark and raise the standard for affordable housing. Furthermore, it has already been explained under (i) – (iii) above, the design rationale for this and why compared to the appeal the design is improved with its height emphasising its high quality design i.e. the applicant is of the view that the height is a positive feature, recognising the site's strategic location and that unlike the appeal this development is focussed on making an urban statement. The appeal scheme had no variance in height, but the height of this proposal is staggered ranging from 4 m - 13.9 m i.e. single storey closest to no. 146 and increases to the southern end of the building where the neighbouring relationships differ from the parade. As such given these design differences the height impact would not be unsympathetic to its context.

(v) Architectural detailing

- 7.4.17 The WUAC SPD describes the current architectural detailing within the character area as mixed building ages and styles ranging from pre-Victorian to current day with design generally being mediocre. Guiding principles CN1 (c) (d) and (e), respectively, requires architectural detailing to reflect the local neighbourhood role of the area; to be high quality on publicly visible elevations; and, to address the public space with active frontages and attractive, articulated architecture including decorative features and openings. Principle CN2 also encourages a mixed character of architectural styles.

7.4.18 In addition to the appeal building's boxy slab appearance not overcome by its limited articulation, the Inspector also criticised the incoherent window positioning and pattern. In contrast, this proposal's vertical divisions; use of different materials; balcony recesses; and, a logical rhythm of fenestration would result in a building that is not mediocre but one that would complement the mix of architectural styles in the area whilst equally taking design cues from the historic plot divisions. There was officer concern over the elevational treatment of the northern elevation facing no. 146 that lacked articulation and would have appeared as a blank wall. However, this elevation has now been amended with an oblique window on the first floor added.

(vi) Overall design quality

7.4.19 Overall the appeal proposal represented poor design. For the reasoning given in (i) – (v) above, this proposal whilst being of a scale that would be atypical to neighbouring buildings, has been designed in such a manner as to not cause harm to the character and appearance of the area. It would sympathetically stand out in its setting. As such this proposal would genuinely improve the quality of the area, in compliance with Policy DM9 (ii) of the CSDMP, the supporting guiding principles of the RDG and WUAC SPDs, and the NPPF. By association, this environmental improvement would have a positive knock-on effect by supporting and enhancing the vitality and viability of the retail parade, consistent with Policy DM12 of the CSDMP.

7.5 Impact on residential amenities

7.5.1 Policy DM9 (iii) of the CSDMP requires new development to provide sufficient private and public amenity space and to respect the amenities of occupiers of neighbouring properties and uses. The perceived lack of amenity space formed part of the reasoning in refusing the 2013 schemes. The Inspector expressed concerns over the quality of the built environment being provided for future occupiers, which added to his concerns that the appeal proposal did not represent high quality design, but he was clear that this matter would not have necessarily been decisive by itself and would not have ruled out any residential development on the site. In coming to this view he noted that the Council had no adopted design guidance on external amenity space; that the two bed flats might be occupied by young children and that access to nearby public recreation space, or playing in the car park could be unsafe; that the balconies would be an unattractive environment to play or relax in being subject to traffic noise or noise and disturbance and smells from the employment area; and, that non-opening bedroom windows for acoustic reasoning would be unsatisfactory.

7.5.2 Since this appeal the RDG has been adopted. RDG principle 8.5 expects flatted development to have communal open space that is connected to the building; easily accessible to all residents; screened from public view; free of vehicles; located to receive sunlight for a substantial part of the day; and, actively overlooked to provide surveillance and sunlight. In the officer's opinion this proposal's communal rear garden would legibly relate to the building and be accessible to all residents. The size of this area at 210 m² would not be a token space but genuinely provide a usable area. The applicant's DAS explains the following:

'Only one entrance point to the green space is envisaged - a wide opening next to the entrance lobby. This will ensure that the amenity space is as private as possible, and belongs solely to the Pembroke House residents. The access point to the residential path leading to the main building entrance is marked with hedge plants. There is potential here, to introduce colourful species. Although there is no gate, we intend these hedges to highlight the "residents only" entrance, and thus minimise conflict with commercial users and retail at back of house. Another line of hedge planting separates Flat 1's private garden and entrance path. This path, lined with hedges on both sides, will create another

enjoyable feature. Carefully crafted minimal lighting will further improve its design and the perception of safety. Also, a fruit tree is proposed within flat 1's garden. This will greatly contribute to the overall enjoyably domestic feel, soften the boundary with the car park, and become a visual amenity for several other flats.'

Subject to a landscape condition and ensuring that the southern boundary is screened from public view, it is considered that this space would fulfil principle 8.5.

- 7.5.3 Principle 8.6 of the RDG also expects private amenity space for all flats, with well-defined outdoor private amenity space for ground floor units; and, balconies for all flats on upper levels which are usable in respect of size, privacy and siting. Flat 1 is the only ground floor unit and would have its own private garden. Balconies would only be provided for three units i.e. flats 4, 13 and 22 on the first, second and third floors, respectively. These balconies all form part of the southern corner of the building, would have a size of 1.2 m deep by 2.6 m width, and be recessed into the elevational design. Whilst not all flats would have balconies, in the officer's opinion those provided would be sufficiently usable; albeit that the depth of these balconies would be marginally below the minimum 1.5 deep threshold recommended by principle 8.6. In the officer's opinion providing balconies for every flat at this location would not work with the likelihood of poor outlooks created, traffic noise and air pollution.
- 7.5.4 The EHO has assessed the Air Quality Assessment and concludes that the site is suitable for residential development. The Acoustic Assessment has also been assessed which identifies that the internal noise requirements can be achieved on the worst case residential properties, i.e. those facing Frimley Road, by the use of suitable laminated double glazing. The EHO comments that mixed industrial and residential uses do not mix well and the adjacent industrial estate has recently been given permission to operate earlier in the morning; and at unsocial hours with waste collections from the site, including the civic amenity site. However, he considers that the worst noise impacts could be mitigated by the imposition of a condition controlling window design.
- 7.5.5 Even though the appeal proposal was located in close proximity to no. 146 it was not refused on a loss of residential amenity to this neighbour, or any other neighbour. Nevertheless, this submission includes a Daylight and Sunlight Assessment. This document provides a technical assessment concluding that there would be a negligible impact. The first floor of no.146 is occupied as a flat with two rear two windows serving an open plan living/kitchen area and two windows serving bedrooms on its flank elevation. One of these windows serves a dual aspect bedroom, which benefits from a window on the front elevation. The staggered height of the proposal with the development being part single storey closest to no.146 seeks to mitigate the harm to this neighbour. It is considered that this would be sufficient and on this basis there would be no adverse impact on this neighbour.
- 7.5.6 As such it is considered that the proposal would not harm existing or proposed residential amenities and comply with Policy DM9 (iii) of the CSDMP including guidelines within the RDG.

7.6 Highways, parking and access

- 7.6.1 The 2013 refusals were not refused on highway grounds despite this being a major concern of many local residents. The Inspector also did not dismiss on these grounds even though he had uncertainties over the traffic effects on the basis of the evidence submitted. This is because the Transport Statement (TS) submitted for the appeal proposal made no meaningful assessment of existing traffic conditions. He had reservations about the proportions of 'linked' or 'pass by' trips to be made that were discounted by the TS; and, that the analysis of traffic generation had not been made against the existing situation but

against what would occur if the lawful use of the site resumed, when there was no reasonable prospect of that lawful use resuming. He also noted a further complication insofar as he witnessed between 25-30 vehicles parked on the site and that no consideration had been given to the effects of displacing this parking.

- 7.6.2 The TA with this submission re-uses the trip rates submitted in 2013 to establish the likely traffic generation for when the commercial unit was occupied. This is because the commercial unit is no longer occupied and so, notwithstanding the Inspector's comments, it is argued that no traffic surveys could be undertaken to inform the existing trip generation. This TA acknowledges that trip generation would be dependent on the type of commercial use implemented. The TA has therefore assessed Class A1 as the 'worst case' land use generator of vehicle trips. When compared to the established use the TA concludes that there would be a reduction in the am peak hour movements (between 8 am – 9pm) but an increase in pm peak movements (between 5 pm -6pm) equating to one vehicle every 2 minutes during this period. Only 13% (or six two-way movements) of the total traffic in the pm peak (or one every 10 minutes) would be associated with the residential element of the development.
- 7.6.3 The TA has had regard to pass-by or linked trips, but states that it is not possible to quantify this proportion, given that there has been no retail impact assessment undertaken and because of the proposed flexibility in commercial land use. On the basis, however, of the Class A1 use scenario most of these movements would be pass-by or linked i.e. vehicles already on the highway, and so the applicant concludes that there would be an immaterial change in peak period vehicle movements on the local highway network. The CHA supports the view that the vehicular impact of the development is likely to be relatively low and that a non- A1 use may generate less total trip generation than the existing use.
- 7.6.4 The proposed 25 parking spaces for the residential development, equating to 1 flat per unit, is in accordance with Surrey County Council's maximum parking guidelines. In respect of the commercial uses SCC have varying guidelines dependent on the type of commercial use. The TA has assumed the guidelines for non-food retail Class A1 uses, given the site's surrounding context, i.e. maximum of 1 space per 30 m² of development, which would equate to 17 spaces. However, the SCC guidelines enable a 50% reduction for edge of centre sites, based on location. Given the sustainable location of the site the applicant has applied this reduction, so reducing the requirement to 9 spaces. County agree with this methodology and the provision of 11 spaces is therefore deemed to be appropriate (By way of contrast the appeal proposal provided 16 parking spaces for 572 m² retail floor space). County's recommends a condition to ensure that dedicated parking is retained and that the parking/turning area is used for its designated purpose.
- 7.6.5 The issue of displaced parking onto Wilton Road that was raised by the Inspector has again been raised by an objector. A response to this has been provided by the applicant summarised below:
- The site is privately owned and that the public has no parking rights on the land. There is therefore no legitimate loss of parking and there is no obligation for the developer to replace this.
 - Whilst there is currently limited parking for Brandon Tool Hire the proposal would retain the rights of way through the application site. It would appear the spaces marked by Brandon Tool Hire (3 adjacent to Brandon Tool Hire and 4 along the northern elevation) that cross into the existing right of way have only been facilitated by the fact that the site has been vacant for some time, but this does not mean that these spaces are legitimate.

- The creation of an additional car parking/loading bay along Frimley Road would benefit Brandon Tool Hire and the commercial parade.

Members will also recall application 17/0500 reported to the October committee for the change of use of the St George's Industrial Estate to include Class B8 use (warehousing and distribution) whilst retaining the current Class B1(c) (Light Industrial) and B2 (General Industrial) approved uses which may reduce parking on Wilton Road in the future. The officer's report noted the applicant's position that Class B8 uses could reduce the number of vehicle movements in and out of the site, with industrial warehousing not generally employing large workforces. To support this claim reference was also made to SCC parking guidelines, which advise that Class B1 office/B2 general industrial uses need up to one car parking space per 30m² of floor area, whereas a B8 storage/distribution use as proposed needs a lower provision of one car parking space for every 70-100m².

- 7.6.6 The submission includes a Travel Plan, Construction Management Plan and Delivery and Servicing Management Plan. County supports the content of these plans and recommend conditions tying the development to these documents. County also recommend conditions in respect of closure of the existing Frimley Road access and proposed layby, controlling bulk movement of materials to prevent dangerous conditions for road users, and electric charging points. Subject to conditions the proposal would not prejudice highway safety or the highway network and would consider the needs of all highway users. As such the proposal would accord with Policy DM11 of the CSDMP. Principles 6.7 – 6.9 of the RDG also considers parking and the scheme would be consistent with these guidelines.

7.7 Housing type and mix

- 7.7.1 The provision of 100% affordable housing units is supported, of which there is a shortfall, and this development considered on its own would exceed the requirements of Policy CP5 of the CSDMP that seeks a 40% contribution. The applicant proposes intermediate/shared ownership housing. This could be secured via the legal agreement. However, this provision is partly higher to offset the development at Ashwood House. The Council's Housing Manager has considered the dual implications of this and whilst this does not affect the determination of this application this matter is fully addressed, including viability considerations, under 17/0669 elsewhere on this agenda. In brief the applicant's Financial Viability Report is robust and the proposed type and tenure of affordable housing is justified on viability grounds under Policy CP5 of the CSDMP.
- 7.7.2 There is a particular need for smaller units and a mix of one and two bedroom units is supported by the Council's Housing Manager. In this respect the proposal would comply with the aims and objectives of Policy CP6 of the CSDMP. The mix of housing, which was all 2 bedroom units, did also not form a reason for refusal with the 2013 proposals. The Inspector's only comment was in relation to one bedroom units potentially reducing the need for external amenity space.

7.8 Infrastructure and Thames Basin Heath SPA

- 7.8.1 All of Surrey Heath lies within 5km of the Thames Basin Heaths SPA, which was designated in March 2005. In line with Policy NRM6 of the South East Plan 2009 and Policy CP14B of the CSDMP, the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD was adopted in 2012 to mitigate effects of new residential development on the SPA. All new development beyond 400 m of the SPA 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. There is currently sufficient SANG available.

- 7.8.2 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 CIL, a separate financial contribution towards SAMM is required. In this instance a payment of £10,747 would be needed. In order to comply with the TBHSPD, this would have to be paid by the applicant before full planning permission can be granted and with this proposal will be secured via a S106 legal agreement.
- 7.8.3 Surrey Heath's Community Infrastructure Levy (CIL) Charging Schedule was adopted on 16 July 2014 and came into effect 1 December 2014. Surrey Heath charges CIL on Class C3 residential uses and retail uses (A1-A5) only. However, this proposal is for 100% social housing and the CIL regime excludes social housing provided that it meets the relief criteria set out in regulation 49 or 49A (as amended by the 2014 Regs). On the assumption this criteria is met there would therefore be no residential CIL charge. Insofar as the retail use this would be liable for CIL and is estimated to be £55,212. However, as CIL is a land charge that is only payable at commencement of works, should full permission be granted an informative would be added to the decision notice.
- 7.8.4 Any development proposal for new residential development attracting New Homes Bonus payments as set out in Section 70 of the Town and Country Planning Act (as amended by Section 143 of the Localism Act) is a local financial consideration which must be taken into account, as far as they are material to an application, in reaching a decision. It has, however, been concluded this proposal accords with the Development Plan and whilst the implementation and completion of the development will result in a local financial benefit this is not a matter that needs to be given significant weight in the determination of this application.

7.9 Other matters

- 7.9.1 At the time of writing the LLFA maintains an objection to the proposal due to evidence required from Thames Water that they are satisfied with the outfall rate into the sewer of 2 l/s. This matter is not considered to be insurmountable and subject to this agreement the LLFA recommends conditions including a SuDS maintenance plan, flow plan map and construction phasing plan. Any updates on this matter will be provided at the meeting.
- 7.9.2 The applicant has submitted an Energy Strategy demonstrating how the development would exceed Part L Building Regulations energy performance standards. Consistent with paragraph 58 of the NPPF, Policy DM9 (v) also expects design to reduce the potential for crime and fear of crime. Part Q of the Building Regulations builds upon the aims of the NPPF. The police have considered the design and raise no objection but have made recommendations. The police recommend that the development achieves the Secured by Design award and the applicant has already responded to points raised by the police. In the officer's opinion an informative recommending this accreditation would be a proportionate response.

- 7.9.3 In addition to removal of the public bench the proposal would necessitate the removal/relocation of the existing public phone box. These are situated on highway land and the CHA raises no objection to their relocation. BT has also been consulted and any comments received will be reported at the meeting. A condition is recommended to consider the details of any necessary relocation and an informative is recommended so that any necessary consent is obtained from BT.

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

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included 1 or more of 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.

9.0 CONCLUSION

- 9.1 The principle of the development providing much needed affordable housing is acceptable. The design of the proposal would integrate into its existing context and improve the character and quality of the area. By association, the proposal would support the vitality and vibrancy of the retail parade and not conflict with highway safety or capacity. The proposal would provide sufficient amenity space and living conditions and not cause harm to neighbouring amenities.
- 9.2 The proposal complies with adopted policy within the CSDMP and supporting WUAC and RDG SPDs. The proposal is therefore recommended for approval subject to conditions and a legal agreement to secure SAMM and the affordable housing, to be tied to the development at Ashwood House (17/0669).

10.0 RECOMMENDATION

Subject to a legal agreement to secure 100% affordable housing tied to Ashwood House (17/0669) and a SAMM payment of £10,747

GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To prevent an accumulation of unimplemented planning permissions and in accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
4236-A-00-01A, 02A, 03A, 04A, 05B, 06B, 07A, 08A; 4236-A-01-02A, 03A; 4326-A-02-01B, 03A, 04B, 05B, 06A
unless the prior written approval has been obtained from the Local Planning Authority.

Reason: For the avoidance of doubt and in the interest of proper planning and as advised in ID.17a of the NPPG.

3. No development, with the exception of the demolition and ground works, 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.

4. The development hereby approved shall not be occupied unless and until the existing access from the site to Frimley Road has been permanently closed and any kerbs, verge, footway, fully reinstated.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework

5. The development hereby approved shall not be occupied unless and until the proposed lay-by on Frimley Road shown on drawing no. 16-036/302 produced by Odyssey has been constructed in accordance with a detailed design to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework.

6. The development hereby approved shall not be occupied unless and until space has been laid out within the site in accordance with the approved plans for a maximum of 36 cars to be parked of which 25 of these spaces are to be dedicated to residents parking and 11 for commercial parking and a minimum of 30 cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The parking/turning area shall be used and retained exclusively for its designated purpose.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework.

7. The Delivery and Servicing Management Plan dated April 2017 produced by Odyssey hereby approved shall be brought into use upon first occupation of the development and thereafter monitored and reviewed and permanently maintained, unless an alternative Plan has been submitted and approved in writing by the Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework.

8. The development hereby approved shall be constructed in accordance with the April 2017 document titled 'Construction Management Plan' by Odyssey, unless an alternative Plan has been submitted and approved in writing by the Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework.

9. No operations involving the bulk movement of [earthworks] materials to or from the development site shall commence unless and until facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority to so far as is reasonably practicable prevent the creation of dangerous conditions for road users on the public highway. The approved scheme shall thereafter be retained and used whenever the said operations are undertaken.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework.

10. 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: 20% of the car parking spaces for the flats to be equipped with EV charging points (current minimum requirement is for 'Mode 3.7kw Type 2 Connector Fast Charge Points') and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 4 'Promoting Sustainable Transport' in the National Planning Policy Framework 2012 and to meet the requirements of the Surrey Heath Core Strategy and Development Management Policies.

11. The Travel Plan Statement hereby approved dated April 2017 by Odyssey shall be implemented prior to first occupation and for each and every subsequent occupation of the development, thereafter maintain and develop the Travel Plan Statement to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 4 'Promoting Sustainable Transport' in the National Planning Policy Framework 2012 and to meet the requirements of the Surrey Heath Core Strategy and Development Management Policies.

12. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until 1) to 4) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until 4) has been complied with in relation to that contamination.

1) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2) Submission of Remediation Scheme

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 prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The 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.

3) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with 3).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

13. All window openings at the proposed development are to be fitted with acoustic laminated double glazing achieving a minimum laboratory sound reduction performance of R_w 40 dB. Background ventilation to be of window trickle or through the wall type achieving a minimum laboratory sound reduction performance of $D_{n,e,w}$ 39 dB. Thereafter these acoustic measures shall be retained.

Reason: In the interests of the residential amenities of the proposed occupiers of the flats hereby permitted and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

14. Prior to commencement of work on site, the assessment of noise levels under British Standard 4142: 2014 that is produced from building services plant are to be submitted to and agreed in writing by the Planning Authority.

Reason: To limit noise and disturbance in the interests of the local neighbourhood's amenities and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

15. No development, with the exception of demolition and ground works, shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved, and implemented prior to first occupation. The submitted details should also include an indication of all level alterations, hard surfaces, walls, fences, access features, the existing trees and hedges to be retained. This shall include details on how the amenity area will be screened from public view. All plant material shall conform to BS3936:1992 Parts 1 – 5: Specification for Nursery Stock. Handling, planting and establishment of trees shall be in accordance with BS 8545:2014 Trees: from nursery to independence in the landscape.

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.

16. Prior to first occupation a landscape management plan, relating to condition 15 above, including maintenance schedules for all landscape areas other than small, privately-owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape areas shall be managed and maintained thereafter in accordance with the agreed landscape management plan for a minimum period of 5 years.

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.

17. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order) the use of the ground floor commercial premises hereby permitted shall only be used for Classes A1 - A3, B1 or D1 - D2 as defined by the Town and Country Planning (Use Classes Order) 1987 (as amended).

Reason: In order to safeguard the vitality and viability of the neighbourhood parade, and the parking and amenity arrangements, to comply with Policies DM9, DM11 and DM12 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the NPPF.

18. Notwithstanding the provisions of Schedule 2, Part 7, Classes A -G of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order) there shall be no extensions or alterations to the commercial retail space (defined by the above condition) hereby permitted.

Reason: To ensure that there is no conflict with the approved layout and in the interests of residential amenities and the appearance of the building, to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

19. The three commercial units hereby approved shall not be subdivided or amalgamated to create larger units without the prior written approval of the Local Planning Authority.

Reason: In order to safeguard the vitality and viability of the neighbourhood parade, and the parking and amenity arrangements, to comply with Policies DM9, DM11 and DM12 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the NPPF.

20. Prior to commencement of the development hereby permitted an alternative location for the public bench and the phone box shall be agreed or, evidence that the bench and/or phone box is no longer required; details of which shall be submitted to and approved in writing by the Planning Authority. Any agreed relocation shall be implemented before first occupation of the development, unless otherwise timetabled in the details provided.

Reason: To ensure that services for the public are retained and in the interests of all highway users, to comply with Policy DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

Informative(s)

1. The applicant is reminded that a TRO will be required for the use of the lay-by for servicing and deliveries and any associated lining and signing and also for any extended yellow lining parking restrictions.
2. Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Planning Division of Surrey County Council.
3. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice.
4. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
5. When a temporary access is approved or an access is to be closed as a condition of planning permission an agreement with, or licence issued by, the Highway Authority Local Highways Service will require that the redundant dropped kerb be raised and any verge or footway crossing be reinstated to conform with the existing adjoining surfaces at the developers expense.
6. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
7. The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
8. The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:
8.00am- 6.00pm Monday to Friday
8.00 am - 1.00 pm Saturday
and not at all on Sundays and Bank Holidays

9. CIL Liable CIL1

10. In respect of Social Housing Relief, the applicant is advised that you will need to complete and have agreed CIL Form 2 -'Claiming Exemption or Relief', and submitted a Commencement (of development) Notice to the Charging/Collecting Authority, which the Authority must receive prior to the commencement of your development, in order to benefit from relief from the levy. You will also need to complete CIL Form 2 if you think you are eligible for discretionary charitable relief, or exceptional circumstances relief, if this is available in your area. Please check the Charging Authority's website for details.

The Planning Authority will notify you in writing as soon as practicable, confirming the amount of relief granted. If the development commences before the Planning Authority has notified you of its decision on the claim, the levy charge must be paid in full within the time period specified by the Planning Authority.

Before commencing the development, you must submit a CIL Commencement Notice to the Planning Authority. This must state the date on which the development will commence, and the Planning Authority must receive it on or before that date. Failure to submit the Commencement Notice in time will immediately mean the development is liable for the full levy charge.

11. The applicant is reminded that for the apartments hereby permitted there are no permitted development rights.
12. In respect of condition 20 above the applicant is advised to provide evidence of the necessary consents from British Telecom for the phone box's relocation or removal.
13. The applicant is advised to seek a Secured by Design accreditation in addition to the requirements under Part Q of the Building Regulations.