

LOCATION: HEATHERCOT YARD, EVERGREEN ROAD, FRIMLEY, CAMBERLEY, GU16 8PU

PROPOSAL: Erection of 4 x 2-bed terraced houses, 4 x 3- bed terraced houses, and 2 x four bed semi-detached houses with associated parking, landscaping and gardens, and creation of new access road onto Evergreen Road, on former builders yard following demolition of existing dwelling and outbuildings. (Additional information rec'd 03/10/2017) (Amended & Additional Plans - Rec'd 03/10/2017)

TYPE: Full Planning Application

APPLICANT: Mr D Nott

OFFICER: Emma Pearman

RECOMMENDATION: GRANT subject to conditions

1.0 SUMMARY

- 1.1 The application site is a disused builders' yard, surrounded by residential properties, within the settlement area of Frimley. The site currently contains one uninhabited residential dwelling and a number of outbuildings which are all in a dilapidated state, and is laid to hardstanding with mature trees on some of the boundaries. The proposal is for the erection of ten dwellings, which would be a mixture of 2, 3 and 4-bed, two-storey terraced and semi-detached dwellings, utilising the existing access to the site. All dwellings would have rectangular plots with rear gardens of an acceptable size, and the amount of parking provided accords with the County Highway Authority's standards.
- 1.2 The proposed dwellings would be similar in size and plot layout to those surrounding on Evergreen Road and Heathermead. The proposal has undergone a number of revisions prior to the current plans being submitted, including a previously withdrawn application for detached dwellings on the site, and a revision of plans during the course of this application. The proposal is now considered to be acceptable in character terms, and in all other regards. It is considered that the provision of housing in this location outweighs the loss of the builders' yard, which is considered likely to be undesirable for continuing commercial use, and given its position so close to residential housing, any new commercial use may cause amenity impacts. It is therefore considered that permission should be granted, subject to conditions.

2.0 SITE DESCRIPTION

- 2.1 The application site is a former builders' yard and residential dwelling, in Evergreen Road, Frimley, within the settlement area of Camberley and Frimley as identified on the Surrey Heath Proposals Map. The site comprises hardstanding, and a number of dilapidated buildings including the residential dwelling which is unoccupied, and currently there are also piles of concrete with much of the site to the northern side overgrown. The boundaries of the site mainly comprises close-boarded or chain link fencing, and there are some large trees on the boundaries also, particularly on the eastern and northern sides. The site borders the gardens of residential properties on all sides, with a

play area also adjacent to the western boundary of the site. The site is accessed via an entrance from Evergreen Yard. The site lies within the Contemporary Paved Estates Housing Character Area, though is adjacent to the Post War Council Estate Housing Character Area also which covers most of Evergreen Road.

3.0 RELEVANT PLANNING HISTORY

- 3.1 16/1173 – Erection of 5 x 4-bed detached houses with associated parking, landscaping and gardens, creation of new access road onto Evergreen Road on former builders yard, following demolition of existing dwelling.

Application withdrawn 26/04/2017

4.0 THE PROPOSAL

- 4.1 The proposal is for the erection of 4 x 2-bed and 4 x 3-bed terraced dwellings and 2 x 4-bed semi-detached dwellings, following the demolition of the existing dwellings and other buildings on the builders' yard. The access would be in the same place as existing. The dwellings would be laid out so that they are facing the eastern boundary of the site, on rectangular plots, with their gardens to the rear.
- 4.2 The dwellings would have a maximum height of 8.3m approx., with a 4.9m eaves height and gabled end roofs. The terraced dwellings would be around 5m in width, and between 10.2 and 11.3m in depth, and the semi-detached dwellings around 6m in width and 11.2m in depth, and they would feature small roofs over the front door and some would have a small gabled design to the roof.
- 4.3 The materials would be predominantly brick with some dwellings having render to the first floor on the front elevation and some having a front gabled element. Rear gardens would be 10.3-14.4m in depth approximately. 16 car parking spaces would be provided within the site, and each dwelling would have a bicycle shed in the rear garden and a pedestrian link is proposed to the play area to the rear, behind plots 7 and 8.

5.0 CONSULTATION RESPONSES

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| 5.1 | Surrey County Highway Authority | No objection, subject to conditions |
| 5.2 | Head of Environmental Services | No objection, subject to conditions regarding contaminated land |
| 5.3 | Surrey Wildlife Trust | No objection, subject to conditions |
| 5.4 | Local Lead Flood Authority | No objection, subject to condition |
| 5.5 | Council's Arboricultural Officer | No objection, subject to condition |

6.0 REPRESENTATION

6.1 At the time of preparation of this report one letter of representation has been received which raises the following issues:

- Any vegetation removed should be replaced with vegetation of the same height [Officer comment: Landscaping scheme will be required by condition. See section 7.4 for further information]
- Concerns about dust and noise during the construction period [Officer comment: This is not a material planning consideration and is covered by the Control of Pollution Acts, however dust could form part of the Construction Management Plan condition. Hours of working is covered by Environmental Health legislation.]
- Concerns about land ownership issues of footpath to rear of houses in Evergreen Road [Officer comment: This is not a material planning consideration, however the applicant has confirmed that the pathway referred to is not within ownership of applicant or application site .]
- Concerns about works having already been undertaken which has resulted in a view from nearby houses into yard/ Application form indicates work has not already started but there is building rubble on the site and windows removed from the house [Officer comment: It does not appear any works have been undertaken which would require planning permission. Buildings are still standing.]
- Concern about asbestos in existing buildings [Officer comment: This is covered by Environmental Health legislation, however the applicant has confirmed that legislation requires a qualified person to deal with this and would follow that practice. An informative can be added in this regard.]
- Query about whether there will be any street lighting [Officer comment: None is proposed as part of this application, and no lighting will be permitted without the details having been agreed by the Local Planning Authority, by condition.]
- Tree remaining (T10) should be pruned as causes leaves and twigs to drop onto neighbouring gardens [Officer comment: This is not a material planning consideration, this tree is not proposed for removal and any overhang onto neighbouring gardens can be cut down by the landowner. Applicant has advised that it has been pruned and they may do so again.]
- Q12 of the application regarding flood risk is not fully completed [Officer comment: Noted, however the site is in Flood Zone 1, a Drainage Strategy has been provided and reviewed by the Local Lead Flood Authority.]
- Do not agree that many trips will be made on foot [Officer comment: See section 7.6]
- Is access road to be made wider as Transport Statement contradictory [Officer comment: See section 7.6 – applicant has confirmed it is not to be made wider as is already sufficient for two cars to pass]
- HGV trips were not as regular as suggested [Officer comment: See section 7.6]
- Ecological assessment refers to five not ten dwellings [Officer comment: Surrey Wildlife Trust have been advised however it is very unlikely to make any difference as they are assessing the existing site for potential wildlife, and making recommendations for enhancements]

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 (CSDMP), and in this case the relevant policies are CP1, CP2, CP5, CP6, CP8, CP11, CP12, CP14A, CP14B, DM9, DM11, and DM13. It will also be considered against the Guiding Principles of the Contemporary Paved Estates Housing Character Area as set out in the Western Urban Area Character SPD, the Surrey Heath Residential Design Guide SPD 2017 (RDG), the Thames Basin Heaths SPA SPD and the National Planning Policy Framework (NPPF).

7.2 The main issues to be considered are:

- Principle of the development
- Impact on character;
- Residential amenity;
- Highways, parking and access;
- Impact on infrastructure;
- Impact on the Thames Basin Heaths SPA;
- Affordable housing; and
- Other matters – housing mix, contaminated land, ecology, flooding and drainage

7.3 Principle of the development

7.3.1 Policy CP1 states that new development will largely come forward through redevelopment of previously developed land in the western part of the borough. This policy considers Frimley to be a sustainable location with limited potential for housing growth. This site is within the settlement area and has historically been used as a builders' yard, and as such the proposal would be redevelopment of a previously developed site in the western part of the borough, which is currently in a derelict state and does not contribute positively to the character or economy.

7.3.2 Policy CP8 states that on other employment sites outside Core Employment Areas, the loss of employment land will only be permitted where wider benefits to the community can be shown. Policy DM13 states that the loss of employment sites may be permitted where it would not adversely affect the overall sustainability or employment opportunities of the settlement, or the loss of a strategically important sector, or the loss of units capable for use by small businesses unless there is no longer a need for such units.

7.3.3 The buildings are currently in a derelict state and would not be fit for occupation on a commercial or residential basis without significant investment. The applicant has submitted a brief market report with the application from a letting company, which indicates that similar sites in local areas have not been able to be let despite being marketed for over two years, and that in their view there would be very limited interest in this site. They also state that the likely rents achieved from redevelopment of the site, is not likely to make such a development sustainable. It is acknowledged that the site's location, surrounded by residential dwellings, may well give rise to a conflict with the residential dwellings and to amenity impacts such as noise, traffic and visual impacts, if it were in regular use as commercial premises.

- 7.3.4 The NPPF seeks to deliver a wide choice of high quality homes and to significantly boost the supply of housing and at present Surrey Heath does not have a five year housing land supply. This proposal would contribute ten dwellings to the supply. It is considered therefore that given the location of the site and the likely prospect of it coming forward for commercial use, the provision of ten dwellings in this location outweighs the loss of the employment site in this location. Additionally the use as residential would accord with the surrounding uses and not give rise to amenity impacts in the way that a commercial use might.
- 7.3.5 It is therefore considered that in principle, the redevelopment of the site for housing is acceptable and in line with the relevant policies and the NPPF in this regard.

7.4 Impact on character

- 7.4.1 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.
- 7.4.2 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, and that high quality hard and soft landscaping should be provided. Policy CP2 requires development to respect and enhance the character and quality of the area. The Guiding Principles of the Contemporary Paved Estates Housing Character Area state that new development should maintain space between and around buildings, should continue the use of designs that reflect the late 20th century architecture, should consist principally of two-storey detached buildings, and the provision of space to enable the retention of existing trees and vegetation. Principle 7.5 of the RDG states that roof forms should conform with the prevailing character and flat roofs should be avoided to span overly deep buildings, Principle 7.4 states that new development should reflect the spacing, heights and building footprints of existing buildings, and setbacks should complement the street scene, and allow for suitable landscaping.
- 7.4.3 The development proposes a mixture of semi-detached and terraced dwellings, which is not in accordance with the character area guidance. However it should be noted that the previous application proposed detached dwellings, and there was concern that despite the character guidance, this was out of character with surrounding development (which lies within the Post War Council estate Housing Character Area) which comprises mostly terraced and semi-detached dwellings on rectangular plots. As such, the layout now reflects much more closely the surrounding development. Although the design would result in a fairly tight urban character, the size, width and layout of plots is not dissimilar to those surrounding, with the terraced dwellings being of similar width to those on Heather Mead and the semi-detached dwellings being more similar to the sizes of properties on Evergreen Road. The existing vegetation on the boundaries is also proposed to be retained, with the exception of one tree and one group of vegetation on the western boundary, however a detailed landscaping plan to provide for additional planting can be required by condition.
- 7.4.4 The dwellings would be two-storey which is in line with the surrounding development, and the design has been revised to provide traditional dual-pitched roofs rather than the crown roofs as originally proposed. The applicant has responded to officer feedback with regard to the layout and the street now appears slightly curved; the view from the access road into the site would be of the front elevation of the dwellings; the dwellings have slightly staggered front elevations; and a footpath link to the rear has been provided, all of which

are welcomed. The dwellings are designed such that they would appear slightly different from each other and this can be enhanced through use of materials. Principle 8.4 of the RDG sets the minimum sizes and standards for outdoor amenity spaces for dwellings and they all comply with the standards in this regard.

- 7.4.5 There are trees on the boundary of the site, with particularly large trees on the north-eastern boundary with the rear of properties in Evergreen Road. A category U tree on the south-eastern corner of the site, along with a fir tree and a group of trees on the south-western boundary are to be removed, with the remaining trees protected. The Council's Arboricultural Officer has reviewed the submitted Arboricultural Report, and does not have any objections, subject to conditions. However, this will include a condition for de-compaction of the soils given the large amount of intrusion into the hardstanding of the trees on the north-western boundary. A full landscaping plan with details of boundary treatments would also be required by condition.
- 7.4.6 It is considered that permitted development rights should be removed for additions to the roof as this could comprise additions to the front, as the dwellings do not front an adopted highway, which could be harmful in character terms. A condition is proposed in this regard. It is therefore considered that the proposed development would sufficiently respect and enhance the character and quality of the area and is in line with the relevant policies in this regard.

7.5 Residential amenity

- 7.5.1 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. Principle 8.1 of the RDG states that new development should be provided with a degree of privacy and respect that of neighbouring properties, Principle 8.2 states that all habitable rooms should maintain one main window with adequate outlook, Principle 8.3 states that good quality daylight and sunlight should be provided and should not impact on sunlight for neighbours.
- 7.5.2 The site is surrounded by dwellings on all sides, to the north and east by dwellings on Evergreen Road, and to the south and part of the western boundary by properties on Heather Mead. The dwellings would face the rear of properties on Evergreen Road, however the properties are at an angle so they would not face them directly, and the row of large mature trees in between would remain, obscuring the view. The new dwellings would also all be in excess of 25m from the rear of these properties (1-12 Evergreen Road) and as such it is not considered that there would be any significant overbearing or overshadowing impacts or loss of privacy for these dwellings.
- 7.5.3 Plot 10 would be close to the rear boundaries of 13-16 Evergreen Road, and would be side-on to these dwellings, at a minimum distance of 14m approx. from the main rear elevation of the dwellings. The RDG suggests that 15m is the minimum in this regard and as such while this is not ideal, it is not considered to be harmful enough to warrant refusal of the application. In addition there is a small alley here so would be two boundary treatments in between the dwelling and these properties. There is currently a low fence/wall on this part of the boundary of the application site which can be strengthened when the landscaping details are received. There are also a number of large trees which are proposed to remain, including a row of cypress. Although the new dwelling is likely to cause some overbearing impacts and loss of light to these dwellings, it is not considered that the impacts would be materially harmful given the separation distances. The front and rear windows of Plot 10 will have some oblique views of the rear gardens, but again given

the angle and the distance between the dwellings, it is not considered that this would cause any significant harm to amenity. There would only be a high level letterbox type window on the side elevation of number 10 facing these rear gardens, which can be conditioned to be at high level only.

- 7.5.4 Plots 1-4 would face the rear of 1-3 Heathermead, however the minimum separation distance here would be approx. 23m. The RDG recommends 20m as a minimum and as such the development would comply in this regard, and is not likely to result in any significant loss of privacy, or overbearing and overshadowing impacts. Plot 1 would be close to the rear and side of 7 Heathermead. However, it would be 3m from the shared boundary and a minimum of approx. 7.5m from the nearest point of the dwelling. It would also be at an angle such that it would not interrupt views when looking straight out of rear or side windows. Loss of view is not a material planning consideration, and while it may appear overbearing to a degree, it is not considered to be close enough to cause any significant harm in terms of overbearing or overshadowing impacts. The views from the front windows of Plot 1 would be oblique and are not likely to cause any significant loss of privacy to 7 Heathermead, given that any views would look over the front garden which is visible from the road in any case. It appears that there used to be a line of evergreen trees along this boundary completely obscuring views from 7 Heathermead into the site. Again, the boundary can be strengthened here with planting improving the privacy and overbearing impacts for this dwelling. There would only be a high level letterbox type window on the side elevation of Plot 1, and as this would face the parking court and front garden of 7 Heathermead, it is not considered that a condition would be necessary in respect of this window's glazing or height. It is considered that permitted development rights should be removed for extensions for Plots 1 and 10, as this could exacerbate the overbearing impacts to neighbours at 7 Heathermead and 15-16 Evergreen Road. A condition is proposed in this regard.
- 7.5.5 In terms of amenities for the future occupiers of the building, all the primary living areas of the dwellings would have a good amount of daylight and sunlight given the amount and size of the windows proposed, and the amenity spaces are adequate in size, as set out above. Concern has been raised in terms of noise and dust for surrounding residents during construction. It is considered that the process for the management of dust can be added to the condition for a Construction Management Plan, given the proximity and number of dwellings surrounding the site. The issue of noise and working hours are controlled by Environmental Health.
- 7.5.6 It is therefore considered that the proposal is acceptable in terms of its impact on residential amenity, and in line with Policy DM9, the RDG and the NPPF in this regard.

7.6 Highways, Parking and Access

- 7.6.1 Paragraph 32 of the NPPF states that planning decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policy DM11 states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce such impacts to acceptable levels can be implemented. Policy CP11 requires all new development to be appropriately located in relation to public transport and comply with the Council's car parking standards.

- 7.6.2 The access to the site would be from the existing access off Evergreen Road. Within the site the road would be curved with one parking space to the front of each dwelling and six other spaces within the development. This accords with the SCC Vehicular and Cycle Parking Standards, which recommends a maximum of 1 space per 2-bed dwelling and 2 spaces per 3 or 4-bed dwelling. Cycle sheds would be provided for each dwelling. The site is also in a fairly sustainable location within the borough with bus stops within short walking distance, and the applicant's Transport Assessment concludes that there would be a decrease in vehicles to the site compared with if it were in use as a builders yard.
- 7.6.3 The County Highway Authority have not objected to the proposal, provided that conditions are imposed for a Construction Transport Management Plan and the parking and turning spaces to be set out and retained in accordance with the plans. The plans have been slightly revised during the course of the application and although it is considered unlikely that this would affect their comments, further confirmation of this is awaited from County Highways and will be reported to the meeting.

7.7 Impact on Infrastructure

- 7.7.1 Policy CP12 states that the Borough Council will ensure that sufficient physical, social and community infrastructure is provided to support development and that contributions in the longer term will be through the CIL Charging Schedule. Paragraph 153 of the NPPF states that supplementary planning documents should be used where they can aid infrastructure delivery. The Council's Infrastructure Delivery SPD was adopted in 2014 and sets out the likely infrastructure required to deliver development and the Council's approach to Infrastructure Delivery.
- 7.7.2 The CIL Charging Schedule came into force on 1 December 2014 and details of infrastructure projects that are to be funded through CIL are outlined in the Regulation 123 list, which includes open space, transport projects, pedestrian safety improvements among others. These projects do not have to be related to the development itself. The new dwellings would be CIL liable at the rate of £180 per m² of additional floorspace, with the final figure being agreed upon completion of the relevant forms, after the decision is made.

7.8 Impact on the Thames Basin Heaths SPA

- 7.8.1 The Thames Basin Heaths SPA was designated in March 2005 and is protected from adverse impact under UK and European Law. Policy NRM6 of the South East Plan 2009 states that new residential development which is likely to have a significant effect on the ecological integrity of the SPA will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Policy CP14B of the CSDMP states that the Council will only permit development where it is satisfied that this will not give rise to likely significant adverse effect upon the integrity of the Thames Basin Heaths SPA and/or the Thursley, Ash, Pirbright and Chobham Common Special Area of Conservation (SAC).
- 7.8.2 All of Surrey Heath lies within 5km of the Thames Basin Heaths SPA and this site is approximately 2km from the SPA. The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD was adopted in 2012 to mitigate effects of new residential development on the SPA. It states that no new residential development is permitted within 400m of the SPA. All new development is required to either provide SANG on site (for larger proposals) or for smaller proposals such as this one, provided that sufficient SANG is available and can be allocated to the development, a financial contribution towards

SANG provided, which is now collected as part of CIL. There is currently sufficient SANG available and this development would be CIL liable, so a contribution would be payable on commencement of development. Informatives relating to CIL will be imposed should the

application be granted permission.

- 7.8.3 The development would also be liable for a contribution towards SAMM (Strategic Access Monitoring and Maintenance) of the SANG, which is a payment separate from CIL and depends on the sizes of the units proposed. This proposal is liable for a SAMM payment of £5417.80, which has been paid by the applicant.
- 7.8.4 It is therefore considered that the proposal complies with Policy CP14B and Policy NRM6, and the Thames Basin Heaths SPD.

7.9 Affordable Housing

- 7.9.1 Paragraph 174 of the NPPF states that local planning authorities should set out their policy on local standards in the Local Plan, including requirements for affordable housing. Paragraph 50 states that where local planning authorities have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial equivalent of broadly equivalent value can be robustly justified. Policy CP5 states that developments of 10 units should secure 30% on-site provision of affordable housing.
- 7.9.2 In November 2014, the Government issued a Written Ministerial Statement (WMS) indicating that affordable housing contributions should not be sought on developments of 10 units or less (provided that the gross floor space of any such development does not exceed 1000 square metres). Whilst the aim of this was to assist small and medium housebuilders, the statement effectively applied to all housebuilders. The WMS was subject to a successful legal challenge by West Berkshire District Council and Reading Borough Council, but the decision by the High Court was subsequently reversed by the Court of Appeal on 11th May 2016, and the WMS reinstated from this date. Updated guidance was then issued in the Planning Practice Guidance (paragraph ID 23b-013-20160519).
- 7.9.3 The WMS is therefore a material planning consideration in the determination of planning applications and it is necessary to determine how much weight should be attached to this. Since the issuing of the WMS there have been a number of appeal decisions whereby some common themes have become evident. This includes the need to produce evidence to continue to apply local policy; and, any such evidence is insufficient to outweigh the WMS unless it is demonstrated that the affordability issues are atypical compared to national, regional and local circumstances. On the basis of this Officers are of the opinion that Surrey Heath's affordability issues are not atypical to regional and local circumstances and that there is not a tested argument to justify outweighing the WMS. The applicant has also provided evidence to suggest that they can be considered to be a small scale developer and that providing the affordable housing contribution would not be financially viable in this case, which reaffirms the Council's position.
- 7.9.4 Consequently, no financial contribution in lieu of affordable housing will be sought with this development. This application has been considered on its own merits and on the basis of the evidence available at the time of consideration. As the starting point, each application that triggers the threshold of affordable housing must continue, therefore, to address the requirements of Policy CP5. Hence, an Affordable Housing Statement in addition to any viability information will continue to be required.

7.10 Other matters – Housing Mix, Flooding, Ecology, Contaminated Land

- 7.10.1 Policy CP6 states that the borough council will promote a range of housing types and tenures, and for market housing suggests that this should be approximately 10% 1-bed

units, 40% 2-bed units, 40% 3-bed units and 10% 4+ bed units. This application proposes a mixture of 2, 3 and 4-bed units and as such no objection is raised on this basis.

- 7.10.2 Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. Policy DM10 states that the Council will expect development to reduce the volume and rate of surface water run-off through the incorporation of appropriately designed Sustainable Drainage Systems (SuDS) at a level appropriate to the scale and type of development. The application site is located within Flood Zone 1 but as it is a major application a Flood Risk and Drainage Strategy was provided. This has been reviewed by the Local Lead Flood Authority who has not objected, subject to conditions.
- 7.10.3 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and minimising the impacts on biodiversity and providing net gains in biodiversity where possible. Policy CP14A states that the Borough 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. The applicant has submitted an ecology report which found limited potential for biodiversity on the site. Surrey Wildlife Trust has reviewed this and has not objected, but has recommended biodiversity enhancements to be incorporated. This can be secured by condition.
- 7.10.4 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil pollution. Paragraph 120 of the NPPF states that to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The site is potentially contaminated due to its former builders yard use, however the Environmental Health Officer has not objected, subject to conditions for investigation and remediation prior to development commencing.

8.0 CONCLUSION

- 8.1 The proposal would provide dwellings on an area of previously developed land in the western part of the borough, which is currently a disused builders yard. The provision of dwellings in this location is considered to outweigh the loss of the builders yard, and the proposal is considered to be acceptable in terms of its impact on character, amenity, highways, parking, infrastructure, the Thames Basin Heaths SPA and other matters as set out above, subject to conditions. It is therefore considered that permission should be granted.

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

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. No development shall take place until details and samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Materials to be agreed will include the proposed brick, tile, guttering and fenestration. Once approved, the development shall be carried out using only the agreed materials.

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

3. The proposed development shall be built in accordance with the following approved plans:

- Location Plan DRN 1970 received 16.5.17
- Amended Block Plan DRN 1971A received 03.10.17
- Amended Elevations Plots 1,2,3 & 4 DRN 1972A received 03.10.17
- Amended Elevations Plots 5 & 6 DRN 1973A received 03.10.17
- Amended Elevations Plots 7,8,9 & 10 DRN 1974A received 03.10.17
- Amended Floorplans Plots 1,2,3 & 4 DRN 1975A received 03.10.17
- Amended Floorplans Plots 5&6 DRN 1976A received 03.10.17
- Amended Floorplans Plots 7,8,9 & 10 DRN 1977A received 03.10.17

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

4. Prior to commencement of development, full details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The submitted details should include an indication of all level alterations, hard surfaces, walls, fences, access features, any existing trees and hedges to be retained, together with the new planting to be carried out. All plant material shall conform to BS3936 Part 1: Nursery stock specification for trees and shrubs. Proposed planting shall comprise mainly native species of local provenance from seed collected, raised and grown only in the UK, and shall also include species that provide nectar-rich flowers and/or berries. Any trees or plants, which within a period of five years of commencement of any works in pursuance of the development die, are removed, or become seriously damaged or diseased

shall be replaced as soon as practicable with others of similar size and species. The planting shall be carried out after completion of the building programme and prior to first occupation and shall be carried out fully in accordance with the approved details.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

5. Prior to commencement of development, details of the proposed bicycle sheds shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent any harm to character or amenity in line with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 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 Amended Block Plan 1971A received 03.10.17 and plans within the Transport Statement received 16.5.17 for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking/turning areas shall be retained and maintained for their designated use.

Reason: In order that the development does not prejudice highway safety, nor cause inconvenience to other highway users, in accordance with Policy DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

7. No development shall commence until a Construction Management Plan, to include details of:

- a) parking of vehicles for site personnel, operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials
- d) measures to prevent the deposit of materials on the highway
- e) control of dust during the construction of the development

has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full during the construction of the development.

Reason: In order that the development does not prejudice highway safety, nor cause inconvenience to other highway users, in accordance with Policy DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

8. Prior to occupation of the development hereby approved, details of the proposed ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority. Enhancements shall include at least two bird boxes and at least two bat boxes/bat bricks or tiles on the new buildings, in a location as advised by a qualified ecologist.

Reason: To ensure that the development contributes to the enhancement of biodiversity, as required by Policy CP14A of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

9. The development hereby approved shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:
 - a) A design that is compliant with the national Non-Statutory Technical Standards for SuDS, National Planning Policy Framework and Ministerial Statement on SuDS
 - b) Details of how the Sustainable Drainage System will be protected and maintained during the construction of the development
 - c) Finalised drawings ready for construction to include: a drainage layout detailing the location of SuDS elements, pipe diameters and their respective levels and long and cross sections of each SuDS element
 - d) Details of management and maintenance regimes and responsibilities

Reason: To ensure the design meets the technical standards for SuDS and the final drainage design does not increase flood risk on or off site, in accordance with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

10. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer shall be submitted to and approved in writing by the Local Planning Authority. The report shall demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme.

Reason: To ensure the design meets the technical standards for SuDS and the final drainage design does not increase flood risk on or off site, in accordance with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

11. Prior to commencement of development, a scheme to assess the nature and extent of any contamination on site, whether or not it originates on the site, must be submitted to and approved in writing by the Local Planning Authority. Following approval of this scheme, an investigation and risk assessment must be undertaken by competent persons and a written report of the findings produced which must be approved in writing by the Local Planning Authority prior to commencement of development. The report shall 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
 - Groundwater and surface waters
 - Ecological systems

- Archaeological sites and ancient monuments.

iii) An appraisal of remedial options, and proposal of the preferred option.

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

Reason: To ensure that risks from land contamination to the future users of 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, in accordance with Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

12. Prior to commencement of development, if required by the Environmental Health Officer following the submission of details for Condition 11 above, 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 historical environment must be submitted to and approved in writing by 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 would 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. 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, and the Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason: To ensure that risks from land contamination to the future users of 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, in accordance with Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

13. Prior to commencement of development and following completion of measures identified in the remediation scheme approved under Condition 12 above, a Verification Report that demonstrates the effectiveness of the remediation scheme must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of 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, in accordance with Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

14. 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 at the earliest opportunity in accordance with the requirements of Condition 11, and where remediation is necessary a remediation

scheme prepared in accordance with the requirements of Condition 12, both of which should be submitted to the Local Planning Authority for approval in writing upon completion. Following completion of works identified in the approved remediation scheme, a verification report must be prepared and submitted to the Local Planning Authority for approval in writing, in accordance with Condition 13.

Reason: To ensure that risks from land contamination to the future users of 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, in accordance with Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

15. Before first occupation of the development hereby approved the first floor windows in the northern side elevation of the dwelling at Plot 10 facing the rear of 15 Evergreen Road shall be installed such that the bottom of the windows is at a minimum of 1.7m above the finished floor level, or completed in obscure glazing with any opening at high level only (greater than 1.7m above finished floor level) and retained as such at all times. No additional openings shall be created in this elevation without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of the amenities enjoyed by neighbouring residents and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

16. The development hereby permitted shall be carried out wholly in accordance with the submitted Arboricultural Report prepared by JN Tree Consultancy [Jamie Newman] and dated 03 May 2017. No development shall commence until photographs have been provided by the retained Consultant and forwarded to and approved by the Council's Arboricultural Officer. This should record all aspects of tree and ground protection measures having been implemented in accordance with the Arboricultural Report. The tree protection measures shall be retained until completion of all works hereby permitted.

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. Prior to commencement of development, a Scheme detailing the proposed post-demolition de-compaction and aeration of the subsoils of the retained trees along the north-western boundary of the site (to the rear of 1-11 Evergreen Road) using a system such as TerraVent, shall be submitted to and approved in writing by the Local Planning Authority. This shall include the timescale for carrying out the works. The development shall proceed only in accordance with the approved Scheme.

Reason: To negate the effects of long-term compaction of the tree given the proposed hardstanding, and 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.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no further extensions shall be erected under Schedule 2, Part 1, Class A of that Order on Plot 1 or Plot 10; and no additions or alterations to the roof under Schedule 2, Part 1, Class B of that order for all plots.

Reason: To enable the Local Planning Authority to retain control over the enlargement of the development and prevent any sub-division of the dwelling, in order to preserve the openness of the Green Belt, in accordance with the National Planning Policy Framework.

Informative(s)

1. CIL Liab CIL1
2. Form 1 Needs Submitting CIL2
3. Building Regs consent req'd DF5
4. 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: 8am to 6 pm Monday to Friday; 8am to 1pm Saturday; and, not at all on Sundays and Public Holidays. For the avoidance of doubt 'Public Holidays' include New Years Day, Good Friday, Easter Monday, May Day, all Bank Holidays, Christmas Day and Boxing Day.
5. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority (0300 200 1003) before any works are carried out on any footway, footpath, carriageway or verge to form a vehicle crossover or to install dropped kerbs. Please see www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs
6. 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.
7. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or cause damage to 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).
8. The applicant is reminded that all species of wild birds and their nests are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and therefore in order to avoid contravention of current legislation, site clearance and demolition works should be timed to avoid the main bird nesting season, which in general runs from March to August. If this is not possible, a check should be carried out prior to works being commenced to ensure there are no

active nests present.

9. Decision Notice to be kept DS1