

LOCATION: LAND AT THE QUAYS, COLEFORD BRIDGE ROAD,
MYTCHETT, CAMBERLEY, GU16 6DS

PROPOSAL: Erection of 4 detached three bedroom dwellings (for staff) with revised pedestrian access and car parking. (Amended Plans & Additional Information - Rec'd 16/01/2018.)

TYPE: Full Planning Application

APPLICANT: Mr Ben Britten
BB Design

OFFICER: Duncan Carty

This application would normally be determined under the Council's Scheme of Delegation, however, it has been called in for determination by the Planning Applications Committee at the request of Cllr Deach.

RECOMMENDATION: REFUSE

1.0 SUMMARY

- 1.1 This application relates to land north of the Quays, a restaurant/bar located adjacent to a boating lake in the defined countryside to the west of the settlement of Mytchett. The proposal would provide four dwellings which it is understood are required for staff at the restaurant/bar. The site falls within the functional floodplain.
- 1.2 The proposal would provide a development which would increase the number of dwellings within the functional floodplain (Zone 3b i.e. land where water has to flow or be stored in times of flood) and introduce dwellings which would have an adverse impact on the countryside character. The proposal would not provide an acceptable level of SAMM contribution. As such, the proposal is recommended for refusal.

2.0 SITE DESCRIPTION

- 2.1 The application site is located on an open piece of land to the north of the Quays a restaurant/bar with access onto the lake. The site lies to the east of the dual carriageway A331 Blackwater Valley Road and Blackwater river. The site falls within the Countryside beyond the Green Belt, a Site of Nature Conservation Importance (SNCI) and within the functional floodplain (in Zone 3b) of the Blackwater River to the west. The site is on a former gravel pit. There is a watercourse (drain) to the north edge of the site, linking the Blackwater river with the lake.
- 2.2 The site is located along a long access road which runs underneath the raised roundabout junction over the A331 at Coleford Bridge and alongside the Blackwater river with its access onto the public highway network at Coleford Bridge Road. The Farnborough to Woking rail line lies further to the north, beyond woodland.

3.0 RELEVANT PLANNING HISTORY

3.1 There is no relevant planning history.

4.0 THE PROPOSAL

4.1 The proposal is to provide four dwellings at the site; proposed to be used by staff. Each unit is single storey with a gable roof to a ridge height of 4.5 metres, reducing to 2.2 metres at the eaves with a width of 7 metres and a depth of 11.7 metres; with a front door in the side elevation. Each dwelling would provide three bedrooms and the units would be arranged so that two units face the lake (east) and two units, set further from the lake, facing woodland to the north.

4.2 In support of the application, the applicant has provided a flood risk assessment, design and access statement, a preliminary ecological assessment, noise assessment and an arboricultural report. Amended drawings have been received which re-position the dwellings on the site and remove the raised platform upon which the dwellings, and pedestrian access, would be positioned.

5.0 CONSULTATION RESPONSES

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| 5.1 | County Highway Authority | No objections. |
| 5.2 | Environment Agency | An objection is raised on flooding grounds. |
| 5.3 | Surrey Wildlife Trust | No comments received to date. Any formal comments will be reported to the Planning Applications Committee. |
| 5.4 | Rushmoor Borough Council | No objections are raised subject to appropriate measures being provided to mitigate the impact in relation to the SPA, flood risk, biodiversity, landscape and loss of parking. |
| 5.5 | Arboricultural Officer | No objections. |
| 5.6 | Scientific Officer | No objections, subject to the imposition of a condition. |
| 5.7 | Senior Environmental Health Officer | No comments received to date. Any formal comments will be reported to the Planning Applications Committee. |

6.0 REPRESENTATION

6.1 At the time of preparation of this report, no representations have been received in support and four representations received raising an objection on the following grounds:

- Staff accommodation (two flats already provided within the building) and the need for this accommodation has not been demonstrated [*Officer comment: A manager's flat is provided within the restaurant/bar building. In addition, see paragraph 7.3*]
- Need for accommodation to support existing business (and watersports business on the lake) has not been demonstrated. It is not known how many staff are employed and need these facilities [*See paragraph 7.3*]

- Adverse impact on view from a residential property [*Officer comment: See paragraph 7.5*]
- Precedent [*Officer comment: Each application is determined on its own merits*]
- Impact on sewage system [*Officer comment: The sewage system would be a matter for the utility services*]
- Impact on drainage [*Officer comment: The proposal falls under the threshold for the involvement of the Local Lead Flood Authority. However, if recommended for approval, the approval of details for drainage could be considered by condition*]
- Noise and disturbance during the construction process [*Officer comment: This would be considered under a construction method statement, by condition, if recommended for approval*]
- Impact on traffic generation and reduction in car parking [*See paragraph 7.7*]
- Loss of trees which act as a buffer for noise/pollution for the A331 [*Officer comment: The proposal would not resulting the loss of any significant trees*]
- Impact on residential amenity [*See paragraph 7.5*]
- Impact on wildlife and loss of habitat [*See paragraph 7.8*]
- Impact on the environment [*See paragraphs 7.4 and 7.8*]
- Stability/contamination of land [*Officer comment: The stability of the land would be a matter for the Building Regulations. However, in relation to land contamination, see paragraph 7.5*]
- Use of restrictive covenants to limit occupation of new dwellings (to permanent staff) [*Officer comment: This is not met the Govt. tests for legal obligations*]

7.0 PLANNING CONSIDERATION

7.1 The application proposed is considered against Policies CP1, CP2, CP3, CP5, CP11, CP12, CP14, DM9, DM10 and DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP), Policy NRM6 of the South East Plan 2009 (as saved) and the National Planning Policy Framework (NPPF). Advice, within the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012 (SPAAS) and the Residential Design Guide 2017 (RDG); the Housing Land Supply 2017-2022 (December 2017) and the national Planning Practice Guidance (PPG), is also a relevant consideration.

7.2 The main issues to be considered are as follows:

- Need for the development;
- Impact on countryside character;
- Impact on residential amenity;
- Impact on flood risk;

- Impact on highway safety and parking;
- Impact on biodiversity;
- Impact on local infrastructure and the SPA; and
- Impact on affordable housing provision.

7.3 Need for the development

7.3.1 The Housing Land Supply Paper 2017-2022 (December 2017) confirms that a five year housing land supply (plus buffer) cannot currently be identified within the Borough and therefore there is a requirement to provide more housing within the Borough to meet the identified need. The applicant has also indicated that there is a need for housing to support staff for the restaurant/bar and security needs of the restaurant/bar, noting its rural location. It is acknowledged that bar staff would have relatively low earnings and the benefits for such staff of subsidised accommodation. In addition, it is considered, that the most likely occupants, noting its location, would be staff for the restaurant/bar or the water sports operations on the lake.

7.3.2 However, the needs to provide more housing (and more specifically for the restaurant/bar staff) would not be sufficient reason, in itself, to justify the proposal in this instance. Most businesses rely on staff who live within settlement areas, with Mytchett and Farnborough in particular in relative proximity, and it is not considered that this would make a specific justification in this case. Limited weight is therefore afforded to the need for the development.

7.4 Impact on countryside character and trees

7.4.1 Policy CP1 of the CSDMP indicates that new development will come forward largely through the redevelopment of previously developed land within the western part of the Borough. In this case, whilst the site falls within the western part of the Borough it is not within previously developed land and falls within the countryside. Policy CP1 also indicates that development in the countryside should not result in the coalescence of settlements. The site lies between Mytchett and Farnborough but with significant barriers (A331 dual carriageway and Blackwater river to the west and lake to the east) and some distance which would not, in itself, result in a coalescence of settlements.

7.4.2 Paragraph 17 of the NPPF indicates that development should recognise the intrinsic character and beauty of the countryside and should always seek to secure high quality design. Policy DM9 of the CSDMP indicates that development should respect and enhance the local or natural character of the environment. Paragraph 5.6 of the CSDMP, supporting Policy CP1, also states that inappropriate development within the Countryside will include proposals that cause harm to its intrinsic character and beauty, landscape diversity and wildlife.

7.4.3 The application site has a rural character and the siting of the proposed dwellings would be against a backdrop of woodland to the north and front onto the restaurant/bar car park. The views to the west would be curtailed by the Blackwater Valley Road. However, views of the dwellings would be noticeable from across the lake and would appear as a significant increase in development in the area of The Quays, which would be exacerbated by the provision of boundary treatments (see paragraph 7.4 below) and other domestic paraphernalia. This noticeable increase in development form and intrusion/spread into the undeveloped open countryside to the north of the restaurant/bar would have an adverse visual impact on the countryside in this location.

- 7.4.4 Policy DM9 of the CSDMP indicates that development should protect trees and other vegetation worthy of retention. The provided tree report indicates that significant trees around the site would be retained and protected during the construction process. The Arboricultural Officer has raised no objections to the proposal and it is acceptable in this regard.
- 7.4.5 As such, the proposal would not have a significant impact on the countryside character of this site, thereby failing to comply with Policies CP1 and DM9 of the CSDMP and the NPPF in this respect.

7.5 Impact on residential amenity

- 7.5.1 Paragraph 17 of the NPPF states that development should provide 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.
- 7.5.2 The proposed dwellings would provide residential accommodation which exceeds the Government's minimum technical standards for dwelling size, thereby complying with Principle 7.6 of the RDG.
- 7.5.3 Principle 8.4 of the RDG indicates that for each three bedroom dwellings, minimum standards of 55 square metres (for predominantly south facing amenity space) should be provided and should be screened to provide privacy. The proposal would provide about 700 square metres of private amenity accommodation although this appears to be shared space. No details of boundary treatments are shown but it would be expected that, at the very least, fencing or other means of enclosure would need to be provided to secure privacy from users of the restaurant/bar car park.
- 7.5.4 The application site lies close to the A331 Blackwater Valley Road and the Farnborough to Woking rail line; and the restaurant/bar. In this location, a higher level of background noise would be expected. A noise assessment has indicated that the use of double glazing and acoustic trickle ventilation (to ensure that windows do not need to be opened for ventilation reasons) would mitigate any impact from noise sources and the comments of the Council's Senior Environmental Health Officer are awaited. Subject to their comments, no objections are raised on these grounds.
- 7.5.5 The application site is located on a former gravel pit and the nature of any resulting land contamination on the site is not known. The Council's Scientific Officer has raised no objections subject to the provision of a survey and mitigation strategy by condition. Under these circumstances no objections are raised on these grounds.
- 7.5.6 There are no residential properties in close proximity to the application site and no adverse impact on amenity to any such properties is therefore envisaged. As such, the proposal is considered acceptable on these grounds, complying in this instance with Policy DM9 of the CSDMP and the NPPF.

7.6 Impact on flood risk

- 7.6.1 Paragraph 100 of the NPPF indicates that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Paragraph 101 of the NPPF indicates that a Sequential Test is required to steer new development to areas with the lowest probability of flooding. Development should not be

allocated for the proposed development if there are readily available sites appropriate for the proposed development in areas with a lower probability of flooding. A sequential approach should be used in areas known to be at risk from any form of flooding.

- 7.6.2 Paragraph 102 of the NPPF confirms that if following the application of a Sequential Test it is not possible for the development to be located within an area with a lower probability of flooding, the Exception Test can be applied. For the Exception Test to be passed, it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall.
- 7.6.3 Paragraph 103 of the NPPF indicates that flood risk should not be increased elsewhere by development and only consider development appropriate in areas at risk of flooding where, following the Sequential Test and, if required, the Exception Test, it can be demonstrated that within the site, the most vulnerable development is located in areas of lowest flood risk and development is appropriately flood resilient and resistant; including safe access and escape routes where required and that any residual risk can be safely managed.
- 7.6.4 Policy DM10 of the CSDMP indicates that within the floodplain, i.e. Zones 2 and 3 (a or b), development will not be supported where a proposal would reduce risk both to and from the development and flood resilient and resistant design and appropriate mitigation and adaptation can be implemented so that the level of risk is reduced to acceptable levels.
- 7.6.5 The Environment Agency objects to the application as the site lies in the functional floodplain i.e. land at the highest risk from flooding where water has to flow or be stored in times of flood. National guidance is clear that within the functional floodplain 'more vulnerable' development such as this proposal should not be permitted (Table 3 of the Planning Practice Guidance refers). The Sequential and Exception Tests do not, therefore, apply and no further assessment is required.
- 7.6.6 However, even if the Sequential Test was applied then the submitted flood risk assessment has not provided evidence to inform the sequential approach. This is because the applicant has considered that the site specific needs for the development (i.e. to provide residential accommodation for staff close to the restaurant/bar) has overridden the need to provide the development in areas of lower risk of flooding. In the officer's opinion this argument has limited weight and it is considered unlikely that the Sequential Test would be passed given the nearby settlements located within Zones 1 or 2 (medium or low risk).
- 7.6.7 Similarly, if the Exception Test was applied to this proposal then the originally submitted drawings indicated the provision of dwellings and access on a raised platform, but these features of the development have been removed by amended drawings. The proposal would not provide safe access and egress in times of flood and it has not been demonstrated that the development has been located in the least vulnerable location on the application site. The proposal would not provide any substantive measures to reduce flood risk for future occupiers and, neither are there any identified wider sustainability benefits for the community. The provision of flood compensation measures to increase floodplain capacity and reduce flood risk elsewhere, by reducing an existing embankment to the west of the site, would not be sufficient benefits. In the officer's opinion the proposal would therefore fail the Exception Test and the requirements of paragraph 103 of the NPPF.

7.6.8 As such, an objection is therefore raised on these grounds with the proposal failing to comply with Policy DM10 of the CSDMP and the NPPF.

7.7 Impact on highway safety and parking

7.7.1 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 CP11 states that all new development should be appropriately located in relation to public transport and the highway network and comply with the Council's car parking standards. DM11 states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce such impacts to acceptable levels can be implemented.

7.7.2 The County Highway Authority has been consulted and raised no objections having undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the proposal would not have a material impact on the safety and operation of the nearby public highway.

7.7.3 As such, no objections are raised to the proposal complying with Policies CP11 and DM11 of the CSDMP and the NPPF.

7.8 Impact on biodiversity

7.8.1 The application submission has been supported by a preliminary ecological assessment. The ecological assessment indicates that the watercourse at the north boundary of the site does not provide a habitat for voles, but could be used as a commuter route between the lake and river, and although the site does not provide a suitable habitat, there are records of four reptiles (grass snake, adder, common lizard and slow worm) in the local area.

7.8.2 The recommendations of the ecological appraisal is for a buffer zone to be provided between the development and the watercourse and lake edge so safeguard the recognised water edge habitat, provision of hedgerows to the south and west boundaries of the site to provide wildlife habitat, and limitations on light spillage to the woodland to the north, which could be controlled by condition if minded to approve. Subject to the comments of the Surrey Wildlife Trust, no objections are raised on these grounds, with the proposal complying, in this regard, with Policy CP14 of the CSDMP and the NPPF.

7.9 Impact on local infrastructure and the Thames Basin Heaths Special Protection Area

7.9.1 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.

7.9.2 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. This development would be CIL liable, and CIL would be payable on commencement. An informative regarding CIL will be added. It is therefore considered that the proposal would be in accordance with Policy CP12, the Infrastructure Delivery SPD and the NPPF in this regard.

- 7.9.3 All of Surrey Heath lies within 5 kilometres of the Thames Basin Heaths SPA and this site is approximately 1.2 kilometres from the SPA. The SPAAS was adopted in 2012 to mitigate effects of new residential development on 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. In this case there is sufficient SANG and the development is CIL liable.
- 7.9.4 The development would also be liable for a contribution towards SAMM (Strategic Access Monitoring and Maintenance) of the SANG, which is a payment separate from CIL and would depend on the sizes of the units proposed. This proposal is liable for a SAMM payment of £2,632. To date a completed legal agreement to secure this sum, or an upfront payment received, has not been received and as such the proposal fails to comply with Policy CP14 of the CSDMP, Policy NRM6 of the SEP, and the SPAAS.

7.10 Impact on affordable housing provision

- 7.10.1 Policy CP5 states that developments of 3-4 units should secure a contribution towards affordable housing provided elsewhere in the Borough. The Ministerial Written Statement (MWS), and following the Court of Appeal decision requires a minimum threshold for affordable housing in excess of 10 dwellings or 1000 square metres. This proposal would fall under these thresholds and an affordable housing contribution is not required. As such, no objections are raised with the development proposal complying with Policy DM5 of the CSDMP and the MWS.

8.0 CONCLUSION

- 8.1 The current proposal is considered to be acceptable in terms of its impact on countryside character, the SPA and flood risk. The application is recommended for refusal.

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.

10.0 RECOMMENDATION

REFUSE for the following reason(s):-

1. The proposal by reason of its siting, use of land, and quantum of built form would represent inappropriate development spreading into an undeveloped part of the Countryside beyond the Green Belt. This would have an urbanising effect, visually harming openness and the countryside's intrinsic character and landscape. The

proposal would therefore fail to respect and enhance the area and be contrary to Policies CP1 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

2. The Planning Authority, following an Appropriate Assessment and in the light of available information and the representations of Natural England, is unable to satisfy itself that the proposal (in combination with other projects) would not have an adverse effect on the integrity of the Thames Basin Heaths Special Protection Area (SPA) and the relevant Site of Specific Scientific Interest (SSSI). In this respect significant concerns remain with regard to the adverse effect on the integrity of the Special Protection Area in that there is likely to be an increase in dog walking, general recreational use and damage to the habitat and the protected species within the protected areas. Accordingly, since the planning authority is not satisfied that Regulation 62 of the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations) applies in this case then it must refuse the application in accordance with Regulation 61 (5) of the Habitats Regulations and Article 6 (3) of Directive 92/43/EE. For the same reasons the proposal conflicts with the guidance contained within the National Planning Policy Framework and Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and Policy NRM6 of the South East Plan 2009 and the Thames Basin Heaths SPA Avoidance Strategy Supplementary Planning Document.
3. The proposed development would provide a more vulnerable form of development within the functional floodplain (Zone 3b) within which such development is not acceptable as it would introduce such development to high flood risk, without safe access and egress, and leading to increased flood risk elsewhere, failing to comply with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012, the National Planning Policy Framework and advice within the Planning Practice Guidance.

Informative(s)

1. Advise CIL Liab on Appeal CIL3