

2018/0616

Reg Date 13/08/2018

Town

LOCATION: 18 & 18A TEKELS PARK, CAMBERLEY, GU15 2LF
PROPOSAL: Erection of a detached three storey building to comprise 10 two bedroom apartments, associated parking, access, stores and landscaping. All following demolition of existing semi-detached dwellings. (Amended plan rec'd 28/11/2018.)
TYPE: Full Planning Application
APPLICANT: Lux Homes Ltd
OFFICER: Mr N Praine

RECOMMENDATION: GRANT subject to conditions and completion of a legal agreement.

1.0 SUMMARY

- 1.1 This application seeks planning permission for the erection of a detached part three storey / part two-storey building to comprise 10 two bedroom apartments with associated parking, access, stores and landscaping, following demolition of the existing semi-detached dwellings.
- 1.2 The principle of residential development in this location is supported and established through previous planning applications. The layout, scale, form, density and design would be appropriate for this location, particularly recognising the importance of the site to respond to the spaciousness and verdant attributes of the Wooded Hills Character Area and its immediate setting within the street scene. The amenity of surrounding neighbours and future occupiers are considered acceptable and the parking and highway arrangements are also considered acceptable.
- 1.3 There is a need for smaller households and the housing mix is policy compliant. Following submission of a viability report, which has been subject to independent review, a financial contribution of £26,960 in lieu of on-site affordable housing has been agreed. Therefore and subject to a legal agreement to secure the affordable housing and SAMM payments, the application is recommended for approval.

2.0 SITE DESCRIPTION

- 2.1 The linear shaped application site relates to a piece of pocket woodland located within the settlement of Camberley. The 0.4 hectare site is located to the southern end of Tekels Park and backs on to the M3 motorway. It measures approximately 150 wide at the front of the site increasing to nearer 180m wide to the rear of the site and approximately 80m deep on the western side slowly decreasing to approximately 20m deep on its eastern side. The site lies within the Wooded Hills Character Area as defined in the Western Urban Area Character SPD 2012. The land rises from south to north and the trees within the site are protected under woodland Tree Preservation Order 05/00.

- 2.2 The site currently comprises a two storey building (pair of semi-detached properties) with outbuildings. These existing buildings are run down and have suffered from vandalism and arson. The existing dwellings measure approximately 21m in width and 8m in height. To the north, 2 storey dwellings (with accommodation in the roof space exist) and to the south is the M3 motorway. To the west two storey residential dwellings in Tekels Park can be found and woodland with the dwellings in Castle Road beyond is located to the east.

3.0 RELEVANT PLANNING HISTORY

- 3.1 SU/16/1115 Erection of two, 2 storey buildings with accommodation in the roofspace to comprise one detached dwelling house and two semi-detached dwelling houses with associated parking, access and works. Following demolition of existing semi-detached dwellings.

Approved 04/04/2017, extant but not implemented. (With this approved scheme, plot 1 had a maximum footprint of 12m by 12.75m with a maximum height of the dwelling at 9.2 metres. Plots 2 and 3 as a semi-detached pair had a maximum footprint of 11m by 18m with the maximum height of the dwellings at 8 metres.)

4.0 THE PROPOSAL

- 4.1 Permission is sought for the erection of a detached part three storey / part two storey building to comprise 10 two bedroom apartments, associated parking, access, bin / cycle stores and landscaping. Following demolition of the existing semi-detached dwellings.
- 4.2 The proposed building would be contemporary in design with materials featuring contrasting Corten Steel Panel and Siberian Larch panels and a flat roof. The Corten steel is a weathered steel façade that has the appearance of natural rust, producing a bronze oxide finish. The Siberian Larch contrasts this steel with a muted grey tone. Due to the changes in land levels from north to south the proposed building would read primarily as a two storey building from the streetscape and public vantage points but would have the appearance of a three storey building to the rear.
- 4.3 Vehicular access is proposed from Tekels Park to the immediate north east of the proposed building with a formal parking area for 12 vehicles. External balconies or private terrace areas are proposed and the proposed building would have a width of approx. 38m and depth of approx. 15m. The height of the building would be approx. 9.5m at its highest points. In addition a single storey bin and cycle store of approximately 2m high, 6m wide and 5m deep is also proposed to the eastern side of the proposed building. Existing trees and other landscape features around the boundaries of the site are to be retained and new landscaping is also proposed to enhance the appearance of the development across the site.

5.0 CONSULTATION RESPONSES

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| 5.1 Council Senior Environmental Health Officer (EHO): | No objection, subject to condition [See Paragraph 7.4] |
| 5.2 County Highway Authority: | No objection [See Paragraph 7.5] |
| 5.3 Viability Consultant: | Comments [See Paragraph 7.8] |
| 5.4 Arboricultural Officer: | No objection, subject to condition [See Paragraph 7.3] |
| 5.5 Surrey Wildlife Trust | No objection, subject to condition [See Paragraph 7.9] |
| 5.6 Thames Water | No objection subject to informative. |
| 5.7 Housing Needs Officer | No objection subject to a financial contribution toward affordable housing provision. |

6.0 REPRESENTATION

- 6.1 At the time of preparation of this report, 32 representations of objection and no letters of support have been received. The letters of objection raise the following concerns:
- Negative impact upon the safe flow of traffic in Tekels Avenue / Tekels Park [Officer comment: see paragraph 7.5 below]
 - Negative impact upon pedestrians using Tekels Avenue / Tekels Park [Officer comment: see paragraph 7.5 below]
 - Negative impact of construction traffic on Tekels Avenue / Tekels Park [Officer comment: see paragraph 7.5 below]
 - Lack of parking [Officer comment: see paragraph 7.5 below]
 - Out of keeping with the established character of Tekels Park and Wooded Hills Character Area [Officer comment: see paragraph 7.3 below]
 - There is no demand for 2 bed units [Officer comment: see paragraph 7.8 below]
 - Negative impact upon local wildlife [Officer comment: see paragraph 7.9 below]
 - Loss of trees [Officer comment: see paragraph 7.3 below]
 - Loss of Privacy [Officer comment: see paragraph 7.4 below]
 - Over development [Officer comment: see paragraph 7.4 below]

- Negative impact on neighbouring amenity [*Officer comment: see paragraph 7.4 below*]
- The proposal breaches planning guidance in respect to density at this site [*Officer comment: see paragraph 7.2 below*]

7.0 PLANNING CONSIDERATIONS

7.1 In this case the relevant policies are CP1, CP2, CP3, CP5, CP6, CP14, DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP). It will also be considered against the Western Urban Area Character SPD 2012 (WUAC), the Residential Design Guide Supplementary Planning Document (RDG) SPD 2017, and the National Planning Policy Framework (NPPF) 2018. The Infrastructure Delivery Supplementary Planning Document (2014), Thames Basin Heaths SPA Avoidance Strategy (2012) and saved Policy NRM6 of the South East Plan are also material considerations to the determination of this application. The extant approval SU/16/0115 (see paragraph 3.1 above), is also a material consideration and this is considered in more detail below at paragraphs 7.2 and 7.3. The main planning issues, therefore, in the determination of this application are:

- The principle of the development;
- The impact on the character of the area including trees;
- The impact on amenities of neighbouring properties and future occupiers;
- The impact on highway safety and parking;
- The impact on local infrastructure;
- The impact on Thames Basin Heaths SPA;
- Affordable housing and housing mix, and:
- Other matters.

7.2 Principle of the development

7.2.1 The principle of residential redevelopment has been established through the extant approval SU/16/115 (see paragraph 3.1 above). Therefore given the absence of a demonstrable 5 year housing supply, and Policy CP1 of the CSDMP which promotes housing in the western end of the Borough and CP3 which promotes the effective use of land including previously developed land in settlement areas, it is considered that the principle of the housing development is acceptable subject to the detailed consideration and balanced assessment of the issues as set out below.

7.3 Impact on character of the area including trees

- 7.3.1 Policy CP2 (iv) of the CSDMP states that development should ensure that all land is used efficiently in the context of its surroundings. 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. Both of these policies are reflective of section 12 of the NPPF which seeks to achieve well designed places.
- 7.3.2 Tekels Park is part of the Wooded Hills Character Area as defined by WUAC SPD. The Wooded Hills is characterised by hilly areas, large irregular plots, winding roads/lanes, heavy vegetation and a scattering of Victorian/Edwardian buildings, the SPD identifies that this area has a semi-rural residential character, despite its proximity to Camberley Town Centre. Dense vegetation is one of the key characteristics, large trees, hedges and mature vegetation give the area a dominant soft, green character. The SPD also sets out that the Character Area has a number of mixed pockets which include post war and contemporary designs which gives a mixed character of the area. Existing buildings are substantial and they broadly sit in generous plots.
- 7.3.3 Principle WH1 of the WUAC SPD states that, new development should be set in spacious, irregularly shaped plots which provide for extensive space between, and around the buildings and which allows for the maintenance/ development of a verdant character. WH1 continues to advise that development should consist principally of 2 storey detached buildings set in individual plots enclosed by verdant vegetation. WH1 seeks to also retain existing large trees and mature vegetation with the provision of substantial new landscape features in the form of large trees, shrubs and tall hedges.
- 7.3.4 The SPD continues to state that proposals with closely set buildings, minimal side gardens, or cramped appearances are considered to be out of keeping with the rural character (WH2). Guiding Principle WH2 also discourages net densities above 9 dwellings per ha. Hard urban landscapes through the introduction of large areas of hard surfacing, will also be resisted (WH3) and high quality contemporary designs will be welcomed where it respects its surroundings (WH6).

Layout and scale

- 7.3.5 The extant permission (SU/16/115, see paragraph 3.1 above) complied with these guiding principles of the WUAC. It is therefore reasonable to compare this proposal to the extant permission, summarised in the following table:

	Maximum Height	Maximum Width	Maximum Depth	Distance From Boundaries
Extant permission (SU/16/1115)	9.2m	41m (with an 11m gap) (Plot 1, 12m wide Plots 2 and 3, 18m wide)	13.5m	5.75m to the west 10.5m from the northern 100m from the east 38m (average to the southern boundary)
Current Proposal	9.5m	38m main building (+ 6m for the single storey bin and cycle store)	15m	7m to the west 10.5m from the northern 100m from the east 36.5m (average to the southern boundary)

7.3.6 It is evident that this current proposal's layout has comparable separation distances to the boundaries and in this respect would maintain the same spaciousness as the extant permission. The parking area is provided to the side, consistent with RDG principles 6.7 and 6.8, and is broken up into smaller clusters reducing the areas of hardstanding and further respecting the verdant character of the area. Likewise generous separation of approximately 12.5m exists between the proposed building and the dwelling house 16a Tekels Park to the west (approximately 1.2m further away than the extant scheme) and over 100m to any buildings sited beyond its eastern boundary. The set back from the road frontage is retained as are the existing mature trees and woodland character to the front and additional landscaping would be introduced (as part of the landscaping scheme, which if minded to approve can be controlled via condition). This spacious, irregularly shaped plot is considered to provide appropriate space between, and around the building and allows for the maintenance (and further development) of the verdant character in accordance with Principle WH1 of the WUAC.

7.3.7 Similarly, in terms of scale this proposal has been designed to primarily read as a two storey building from the street facing public vantage points, therefore respecting the height of adjoining buildings. The massing of the proposal would be greater, given that the 11m gap which was shown between the plot 1 and plots

2 / 3 of the extant scheme is not carried forward to the current proposal. However, the provision of a detached building on a single plot will reinforce the character of the area which is defined by large plots with generous spacing to the side, and the setback assists in reducing its perceived impact. Moreover, this proposal avoids the need for plot subdivision unlike the extant permission for three independent dwellings, which included long narrow plots for some of the properties, and wider buildings like the guest house are also already established in the local area.

- 7.3.8 Whilst the proposal would be of a higher density than the extant permission and guiding Principle WH2 of the WUAC discourages net densities above 9 dwellings per ha (with this scheme closer to 20dph), density is only one indicator of whether a development promotes local distinctiveness. In this case it has already been demonstrated how the layout and scale would be comparable to the extant permission and integrate into the spacious and verdant character of the Wooded Hills. It is also important to note that principle 6.4 of the RDG seeks to achieve the highest possible density without compromising local character and paragraph 6.13 advises that it is important to not prescribe acceptable maximum densities for the borough, instead relying on good design to improve living standards and reflect the character of the area.

Design, form and detailing

- 7.3.9 The NPPF is clear that variation in architecture is not a reason to refuse when a development integrates into its context. Paragraph 127 of the NPPF states that although planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, this should not prevent or discourage appropriate innovation or change. Similarly, Principle WH6 of the WUAC welcomes high quality contemporary designs provided they respect their surroundings. To facilitate this, the proposal has been subject to pre-application process and this has sought to ensure that any design response utilises high quality materials and architecturally detailing to respect the semi-rural character of its setting.
- 7.3.10 The choice in materials summarised in paragraph 4.2 of this report serves two purposes: firstly it responds to the woodland setting with the bronzed finished punctuated by the unassuming muted grey larch; and, secondly the contrasting materials break up the mass and physical appearance of the building. This choice in materials gives the building detailing and interest from views near and far. The frontage of the building is also articulated with setbacks and contrasting materials which include the glazed section to break up the visual bulk of the building, this is considered appropriate to avoid an over dominant or incongruous relationship with the surrounding area.
- 7.3.11 Principle 7.5 advises that proposals to introduce roof forms on residential development that diverge from the prevailing character of residential development will be resisted, unless it can be demonstrated that the proposals would make a positive contribution to the streetscape. Although the proposed building's contemporary design includes a flat roof, it is considered that the flat roof form would assist in softening its appearance. Instead of reading as an unrelieved block, the contrast in materials and detailed design provides relief to the eye and adds interest and variation when viewed from the streetscape. This, in the

officer's opinion, amounts to high quality contemporary design which responds to its setting and makes a positive statement within this mixed character area, therefore according with Principle WH6 of the WUAC. Given the significant importance of the materials to the success of this scheme, a planning condition can be imposed to ensure that the proposed external materials are appropriate.

Trees and landscaping

- 7.3.12 In the wider context, the area has verdant character. The site is covered by an area TPO (ref 05/00) designated in 2000. The surrounding areas of the site are also covered by TPOs. As such, the application is accompanied by Arboricultural Assessment, Method Statement and a Tree Protection Plan. The report advises that a total of 5 low category trees would be removed to facilitate the development and comprehensive replanting is proposed to compensate for the loss of these trees. The Tree Officer has considered the proposal and states that the trees to be lost are not prominent from any public viewpoints with very little potential to contribute to local character because of the backdrop of large trees to be retained. The Tree Officer raises no objections subject to a replacement planting condition and full compliance with the submitted tree protection reports. The retention and protection of the existing trees and additional planting will ensure the green and verdant character of the area is retained and enhanced.
- 7.3.13 It is therefore considered that the proposed development complies with the design requirements of the NPPF, Policies CP2 and DM9 of the CSDMP, Principles WH1, WH2, WH3 and WH6 of the WUAC and Principles 6.7, 6.8, 7.1, 7.4 and 7.5 of the RDG SPD.

7.4 Impact on amenities of neighbouring properties and future occupiers

- 7.4.1 Paragraph 127 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. Principles 8.1 and 8.3 of the RDG state that, developments which have a significant adverse effect on the privacy of neighbouring properties will be resisted and developments should also not result in occupants of neighbouring dwellings suffering from a material loss of daylight and sun access. Proposals should also not result in neighbouring dwellings suffering from any adverse overbearing impacts.
- 7.4.2 No. 16A Tekels Park to the west is sited approximately 12.5m from the side wall of the proposed building, the proposal is of a similar height to the SU/16/1115 approved plans when viewed from this neighbour and is sited approximately 1.2, further away than this extant scheme (see paragraph 3.1 above). Privacy screens are provided to all balconies and two facing windows above ground floor are proposed, these are secondary windows and subject to conditions to control glazing and openings the proposals are not considered to result in any adverse overlooking and loss of privacy to the above neighbour. The separation distances ensure no overshadowing or overbearing impacts will result from the proposed development to the occupants of number 16A Tekels Park.

- 7.4.3 Nos 21 and 23A Tekels Park are both sited over 30m away from the proposed development. This separation distance is considered to be appropriate to protect the residential amenities which include any overshadowing, overbearing impacts or loss of privacy at these neighbouring dwellings.
- 7.4.4 Given the remaining separation distances to all the other neighbouring dwellings in Tekels Park, it is considered that the proposed development, as a whole, would be sited at sufficient distance from other neighbouring boundaries and habitable windows to avoid adverse harm to residential amenity.
- 7.4.5 Principle 7.6 of the RDG advises that as a minimum, the Council will expect new housing development to comply with the national internal space standards. The overall floor space provision for each of the proposed flats would meet these minimum space standards.
- 7.4.6 Principle 8.2 of the RDG advises that all habitable rooms in new residential development should maintain at least one main window with an adequate outlook to external spaces where nearby man-made and natural features do not appear overbearing or visually intrusive. It is considered that sufficient outlook would be provided for future occupiers of all the proposed units. The proposal complies with this requirement.
- 7.4.7 Principle 8.5 of the RDG advises that developments should provide outdoor amenity space for each unit. In flatted developments, communal open space will be expected. This should be 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 security. Principle 8.6 of the RDG advises that unless conservation, privacy or heritage issues negate against the use of balconies, all flats above ground floor should be provided with balconies and ground floor flats should have access to private amenity space. The proposal complies with this requirement.
- 7.4.8 A noise survey has been provided. The Council's Environmental Health Officer (EHO) has commented that the southern (rear) side of the building faces the M3 motorway which is the dominant noise on site. A planning condition is therefore recommended to ensure that minimum specific acoustic performance is provided for windows, vents and balconies. The EHO also recommends a condition to ensure the submission of details of the mechanical ventilation plant to confirm that noise breakout from its operation does not cause nuisance to neighbours.

7.5 Impact on highway safety and parking

- 7.5.1 Paragraph 108 of the NPPF states that planning decisions should take account of whether safe and suitable access to the site can be achieved for all users. Policy DM11 of the CSDMP 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 of the CSDMP states that new development that generates a high number of trips should be in sustainable locations or be required to demonstrate that it can be made sustainable, and that it should be appropriately located in relation to public transport and the highway network. The proposal is approximately 1 mile from Camberley Town Centre by road.

- 7.5.2 A new access onto Tekels Park is proposed. The proposal provides for 12 no. parking spaces at a ratio of 1.2 spaces per dwelling. The Surrey County Council 'Vehicular and Cycle Parking Guidance' (January 2018) states that in suburban and suburban edge locations, the recommended provision is for 1 space per unit. However, footnote 5 states that visitor parking is 'encouraged' for flats and therefore the two additional spaces have been provided. The applicants also provide one cycle space per dwelling which is also in accordance with County Highway Standards. The County Highway Authority has raised no objections to the proposal, commenting that it has no objections in respect of the wider impact of the proposed development and considers that it would not have a material impact on the safety and operation of the public highway.
- 7.5.3 Given the number and size of the units proposed (10, net increase of 8) and the relative proximity to Camberley Town Centre (1 mile by road), the level of parking is considered appropriate and meets County Highway adopted standards. In respect of Tekels Park and the safe operation of the road, the officer notes that this road (as well as Tekels Avenue) is already well trafficked and in the absence of any compelling evidence of existing accident data or analysis of future harm to road safety, the uplift of 8 net additional dwellings is not considered to adversely impact on the safe operation of the highway network. A pre-commencement condition requiring a Construction Management Plan, however, would be appropriate during the construction period to ensure neighbour amenity is not unduly harmed. On this basis, the Local Planning Authority is satisfied that the proposal would not conflict with the aims of Policy DM11.

7.6 Impact on local infrastructure

- 7.6.1 Surrey Heath's Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council on 16 July 2014. As the CIL Charging Schedule came into effect on 01 December 2014, an assessment of CIL liability has been undertaken. Surrey Heath charges CIL on residential developments involving one or more new dwellings through new build. The development is CIL liable with the liability calculated as £151,560. CIL is a land charge that is payable at commencement of works, An informative advising of this will be added.

7.7 Impact on Thames Basin Heaths SPA

- 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. All of Surrey Heath lies within 5km of the Thames Basin Heaths SPA. The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012 states that no new residential development is permitted within 400m of the SPA. The application site is not within 400m of the SPA but 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.

- 7.7.2 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 £4,866 is needed. In order to comply with Policy CP14B and Policy NRM6 and the Thames Basin Heaths SPD, this would have to be paid by the applicant before full planning permission can be granted. This is to be secured in a Section 106 agreement between the applicant and the Council.

7.8 Affordable housing and housing mix

- 7.8.1 Policy CP5 requires 20% on site provision of affordable housing, for sites of 5 – 9 units (net). Policy CP6 sets out the need for housing sizes in the borough and indicates the strongest need for 2 and 3-bed properties. The Issues and Options Consultation Draft of the new Local Plan indicates that for market housing, there is still a strong need for 2-bed and 3-bed properties. While this should be given little weight at this stage, it is an indicator as to the ongoing need for certain housing sizes.
- 7.8.2 A viability appraisal report has been provided by the applicant, which concludes that the proposed scheme would be unviable if it provided Affordable Housing on site. The Council's Viability Consultant has formally reviewed this report and has identified a number of potential construction cost savings. Following negotiation, the applicant has offered to provide a financial contribution of £26,960 towards Affordable Housing. The Council's Housing Needs Officer considered that a financial contribution is most appropriate in this case and the figure is agreed by the Council's Viability Consultant. On this basis the contribution is considered acceptable and can be secured through a S106 legal agreement.

7.9 Other matters

- 7.9.1 A biodiversity survey, written by a qualified ecologist, has been submitted as part of this application and the methods of the survey accord with current good practice guidelines. Surveys of this type are valuable in terms of helping to determine whether or not wildlife particularly species with special legislative protection are likely to be present in the locality and if so whether they might be affected by development. The survey concludes that general wildlife including statutorily protected and notable species would not be adversely affected. In addition Surrey Wildlife Trust raises no objection to the proposal subject to the recommendations of the report which can be controlled via planning condition. No objections are therefore raised on these grounds.
- 7.9.2 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. 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.

8.0 WORKING IN A POSITIVE/PROACTIVE MANNER

8.1 In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 38-41 of the NPPF. This included:

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development;
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.

9.0 CONCLUSION

9.1 The principle of residential development in this location is supported and established through previous planning applications. The layout and scale is considered to make effective use of previously developed land with a design and density that would not be harmful to but successfully integrate into the wooded character and setting of the street scene. The amenity of surrounding neighbours and future occupiers are considered acceptable and the parking and highway arrangements are also considered acceptable.

10.0 RECOMMENDATION

GRANT subject to completion of a legal agreement to secure affordable housing and SAMM financial contributions, and the following conditions:

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. 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: 17-J2192-101 B, 17-J2192-100, 17-J2192-107, 17-J2192-102 B, 17-J2192-104 A and 17-J2192-103 B 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 Planning Practice Guidance.

4. The development shall not be occupied 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 also carried out as approved, and implemented prior to first occupation.

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.

5. With the exception of subsection 2 below, prior to first occupation the following will be implemented:

- 1) Window and door openings in elevations detailed within Table 6 of the submitted Paragon acoustic report (reference 20180709-4198) shall be fitted with acoustic glazing that achieves a minimum dB Rw + Ctr sound reduction stated therein.

- 2) Prior to commencement of the development hereby approved, details are to be submitted to and approved in writing by the LPA of the measures intended to be installed to achieve a level of no more than 55dB_{Leq} on balconies and on other private amenity areas within the development.

- 3) Self-generated noise from the mechanical ventilation system must meet the guidance given at paragraph 4.36 of Building Regulations Approved Document F (2010) - Means of ventilation. Attenuators should be incorporated to reduce external noise sources to appropriate internal levels. The ventilation system to be designed so that its overall noise level contribution in any living room is no more than 25 dB(A), and in any bedroom no more than 20 dB(A). This includes the combined, total noise levels due to self-generated noise from powered elements, aerodynamic noise, external noise ingress via the system itself and breakout noise levels.

- 4) Details of the mechanical ventilation plant to be submitted to and approved in writing by the LPA showing that noise breakout from its operation does not cause nuisance to neighbours. Note; submission of a BS4142:14 assessment may be required.

Thereafter the glazing and ventilation details shall be retained unless otherwise agreed in writing by the Planning Authority.

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

6. No development shall commence until a Construction Transport Management Plan, to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including measures for traffic management)
 - (e) provision of boundary hoarding
 - (f) hours of construction
 - (g) measures to prevent the deposit of materials on the highway

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

Reason: The condition above is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

7. Before first occupation of the development hereby approved the first and second floor side windows in the west elevation facing 16a Tekels Park shall be completed in obscure glazing and any opening shall be at high level only (greater than 1.7m above finished floor level) and retained as such at all times unless otherwise agreed in writing with 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.

8. The development hereby permitted shall be carried out wholly in accordance with the submitted Arboricultural Report prepared by Arboricultural assessment & method statement by Barrell Tree Consultancy dated 12th July 2018 reference 17317-AA-AS. 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.

9. The development hereby approved shall be undertaken in accordance with the recommendations as outlined in the submitted 'Biodiversity Appraisal', author Andrew McCarthy Ecology, dated November 2016 and 'Ecological Mitigation and Enhancement Plan', author AA Environmental Ltd, dated July 2018. Additionally:

- Any external lighting installed on this development should comply with the recommendations of the Bat Conservation Trusts' document entitled "Bats and Lighting in the UK – Bats and The Built Environment Series"
- If the proposed development involves the removal of dense shrubbery / vegetation, this should be done outside the main bird nesting season (March to August inclusive). If this is not possible and only small areas of dense vegetation are affected, the site could be inspected for active nests by an ecologist immediately prior to clearance works. If any active nests are found they should be left undisturbed with a buffer zone around them, until it can be confirmed by an ecologist that the nest is no longer in use.
- There are known badger setts in the Tekels Park area. The applicant should therefore ensure that construction activities on site have regard to the potential presence of badgers to ensure that badgers do not become trapped in trenches, culverts or pipes. All trenches left open overnight should include a means of escape for any animals that may fall in.

Reason: To ensure the protection of protected species in accordance with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

10. No trenches, pipe runs for services and drains shall be sited within the Root Protection Area as defined in British Standard 5837: 2012 "Trees in Relation to Design, Demolition and Construction" of any retained tree unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the retention of trees in the interests of the visual amenities of the area and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

11. No demolition, site clearance or building operations shall commence until tree and ground protection has been installed in accordance with British Standard 5837: 2012 "Trees in Relation to Design, Demolition and Construction" and as detailed within the submitted Arboricultural Report. Tree and ground protection to be installed and retained during the course of the development.

Reason: To ensure the retention of trees in the interests of the visual amenities of the area and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

Informative(s)

1. Building Regs consent req'd DF5
2. Decision Notice to be kept DS1
3. CIL Liable CIL1
4. There are public sewers crossing or close to the development. If you're planning significant work near Thames Water sewers, it's important that the risk of damage is minimised. Thames Water need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services they provide in any other way. The applicant is advised to read Thames Water's guide 'working near or diverting our pipes'. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.
5. With regard to surface water drainage, Thames Water advises that if the developer follows the sequential approach to the disposal of surface they have no objection. Where the developer, however, proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to their website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>
6. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read Thames Water's guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

Should you require further information please contact Thames Water.
Email: developer.services@thameswater.co.uk Phone: 0800 009 3921
(Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

7. With regard to water supply, this comes within the area covered by the South East Water Company. For your information the address to write to is - South East Water Company, Rocfort Road, Snodland, Kent, ME6 5AH, Tel: 01444 448200

In the event that a satisfactory legal agreement has not been completed by 28 February 2019, the Executive Head of Regulatory be authorised to REFUSE for the following reasons:

- The proposal fails to provide a satisfactory legal agreement under section 106 of the Town and Country Planning Act 1990 to secure the proposed financial contribution towards affordable housing. The proposal therefore does not satisfactorily address the requirements of Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2018.
- In the absence of a completed legal agreement under section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan in relation to the provision of contribution towards strategic access management and monitoring (SAMM) measures, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (Adopted January 2012).