

2018/0033

Reg Date 22/06/2018

Town

**LOCATION:** KINGS COURT & LAND TO FRONT OF KINGS COURT, 91-93 HIGH STREET, CAMBERLEY, GU15 3RN

**PROPOSAL:** Change of use of existing building to provide 23 x 1-bed and 7 x 2-bed apartments and extensions to existing building to provide a further 32 x 1-bed and 17 x 2-bed apartments and 2 retail units, with associated parking, access and layby, roof garden, bin and cycle storage, following part demolition of existing building. (Amended plan rec'd 04/07/2018, 21/12/2018 & 11/02/2019.) (Amended information recv'd 19/11/18).

**TYPE:** Full Planning Application

**APPLICANT:** IPM Estates

**OFFICER:** Duncan Carty

**RECOMMENDATION: GRANT subject to a legal agreement and conditions**

#### **UPDATE**

- (i) The application was reported to the Planning Applications Committee meeting on 15 November 2018, where it was deferred to allow for negotiations with the County Highway Authority to address the original reasons for refusal (Reasons 1 and 2). The wider impact of the amendments to the proposal, that have been provided to address these concerns, are addressed below as well as the other original reasons for refusal (Reasons 3, 4 and 5). The original officer report is set out at the end of this update report.
- (ii) The amendments to the scheme has reduced the amount of proposed residential accommodation (reflected in the revised title of the development proposal above); including the reduction in number of units from 81 to 79, as well as varying the number of one and two bed units, see paragraph (iv) below.

#### **Impact on highway safety**

- (iii) Following the deferral of this application, officers of the Council have met with the County Highway Authority and the applicant/agent and a revised scheme has subsequently been provided. The principal issue related to the safeguarding of a road widening scheme, for the length of the road frontage, for Portesbery Road. This road widening forms a part of the highway network improvements to the Camberley Town Centre as required by Policy TC8 of the Camberley Town Centre Area Action Plan SPD 2014.
- (iv) The revised scheme proposes the following amendments:
  - A setback of 1.6 metres from the Portesbery Road frontage;

- A corresponding widening of the highway to include an increase in the size of the highway (carriageway width increase to up to 8.4 metres with a footway of up to 2.6 metre width), as a part of the road widening scheme for this highway;
  - A resulting reduction in the residential accommodation level to 55 no one bedroom and 24 two bedroom flats (from 48 no one bedroom and 33 no two bedroom flats, as originally approved); and
  - Associated internal and fenestration alterations and deletion of some balconies on the north elevation.
- (v) The County Highway Authority has raised no objection to the revised proposal, with the amendments overcoming their original objections (as set out on original refusal reasons 1 and 2).

Impact on residential amenity

- (vi) The proposal, by reducing the depth of the building would reduce the amount of amenity accommodation provision (at fourth floor level) by 38.8 square metres. The level of such accommodation (302 square metres) would be acceptable in terms of the level of provision in this town centre location.
- (vii) The minor increase in separation to the north boundary of the site, and removal of the nearest balconies, would lead to minor improvements to residential amenity for future residents of the flats that are to be provided in the mixed use development (under permission SU/16/0949 (or as amended by SU/18/0212) at Hayward House, now under construction. The original scheme would have had an acceptable residential amenity relationship; and so, no objections are raised to the amended proposal.

Impact on drainage and flood risk

- (viii) Following the deferral of this application, the applicant provided revised drainage details which include changing to existing impermeable areas to permeable/porous areas; creating a new central courtyard where SuDS can be incorporated; and, providing oversized SuDS storage restricting outflow to 2 litres per second.
- (ix) The Local Lead Flood Authority has considered that, on the basis of these details, they can support the application proposal, subject to conditions, overcoming their original objection (as set out on original refusal reason 3).

Impact on affordable housing provision and the SPA

- (x) The proposal would require the provision of a legal agreement to provide contributions towards affordable housing provision elsewhere in the Borough and SAMM, to overcome original refusal reasons 4 and 5.
- (xi) The proposal has amended the level of accommodation (i.e. the number/size of dwellings); such that a reduced SAMM contribution of £31,928 would now be required for this proposal.
- (xii) As such, subject to the completion of the required legal agreement (including the revised SAMM contribution), no objections are raised on these grounds.

## Conclusion

- (xiii) Subject to the completion of a legal agreement relating to a contribution towards the delivery of affordable housing elsewhere in the Borough and a (revised) SAMM contribution, the application is considered to be acceptable.

## **RECOMMENDATION**

**GRANT, subject to the completion of a Section 106 legal agreement for the provision of a contribution towards the delivery of affordable housing elsewhere in the Borough and a SAMM contribution by 8 April 2019, or any longer period as agreed with the Executive Head of Regulatory, and the following conditions:-**

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

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

2. The proposed development shall be built in accordance with the following approved plans: 17.17-D-101 Rev B, 17.17-D-103 Rev A, 17.17-D-210 Rev F, 17.17-D-211 Rev D, 17.17-D-212 Rev D, 17.17-D-213 Rev D, 17.17-D-214 Rev C, 17.17-D-310 Rev E, 17.17-D-311 Rev D, 17.17-D-312 Rev B, 17.17-D-313 Rev C, 17.17-D-315 Rev B, and 17.17-D-316 Rev A received on 11 February 2019, 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.

3. 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.

4. No development shall take place until a Method of Construction Statement, 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 keep the public highway clean  
has been submitted to and approved in writing by the Local Planning Authority.  
Only the approved details shall be implemented during the construction period.

Reason: The condition above is required in order that the development should not prejudice highway safety or residential amenity; nor cause inconvenience to other highway users and to accord with Policies CP11, DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2018.

5. The development hereby permitted 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. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. the required drainage details shall include:

(a) the results of infiltration testing completed in accordance with BRE Digest: 2365 and confirmation of groundwater levels;  
(b) evidence of the proposed solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of development (pre, post and during), associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 2 litres/sec (as per SuDS pro-forma or otherwise as agreed by the Local Planning Authority);  
(c) detailed drainage design drawings and calculations to include: a finalised drainage layout detailing location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers, etc.);  
(d) details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational;  
(e) details of management responsibilities and maintenance regimes for the drainage system; and  
(f) a plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.

Only the approved details shall be implemented during the construction period.

Reason: To ensure that the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on and off the site and to comply with Policies CP2 and DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2018.

6. Prior to the occupation of the development hereby permitted, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This report must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of the management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restrictions and outfalls).

Reason: To ensure that the design meets the national Non-Statutory Technical Standards for SuDS and to comply with Policies CP2 and DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2018.

7. No development shall take place until details of the specific acoustic glazing and ventilators for both inward and outward facing facades of the development have been submitted to and approved by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

Reason: In the interests of the residential amenity of the future occupiers of the development and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

8. No development shall take place until a scheme to deal with contamination of the site has been submitted to and approved by the Local Planning Authority. This scheme shall include:

- (a) a contaminated land desk study and suggested site assessment methodology;
- (b) a site investigation report based upon (a);
- (c) a remediation action plan based upon (a) and (b);
- (d) a "discovery strategy" dealing with unforeseen contamination discovered during construction;
- (e) a "validation strategy" identifying measures to validate the works undertaken as a result of (c) and (d); and
- (f) a verification report appended with substantiating evidence demonstrating the agreed remediation has been carried out.

The development shall be carried out and completed wholly in accordance with the agreed details unless otherwise agreed by the Local Planning Authority.

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment generally in accordance with Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2018.

9. The amenity area, with the layout as shown on Drawing No. 17.17-D-212 Rev D received on 11 February 2019, shall be provided prior to the occupation of the extension to the building hereby approved unless the prior written approval has been obtained from the Local Planning Authority. Once approved this area shall be retained for this purpose in perpetuity.

Reason: in the interest of the amenities of the future occupiers of the development hereby approved and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

10. The car parking and servicing area, and access thereto and road widening, shown on Drawing No. 17.17-D-210 Rev F received on 11 February 2019 shall be

provided prior to the occupation of the extension to the building hereby approved unless the prior written approval has been obtained from the Local Planning Authority. Once approved these areas shall be retained for the purposes of the use as indicated on this approved drawing in perpetuity.

Reason: In the interest of highway safety and to comply with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2018.

**If the Section 106 legal agreement is not completed, the application is to be REFUSED for the following reasons:**

1. In the absence of a payment or 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 2009 (as saved) 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).
2. The proposal fails to provide a satisfactory legal agreement under section 106 of the Town and Country Planning Act 1990 to secure a contribution towards the delivery of affordable housing elsewhere in the Borough. The proposal therefore does not satisfactorily address the requirements of Policy DM5 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2018.

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**ORIGINAL COMMITTEE REPORT PRESENTED TO THE PLANNING APPLICATIONS COMMITTEE ON 15 NOVEMBER 2018**

**RECOMMENDATION: REFUSE**

**1.0 SUMMARY**

- 1.1 This planning application relates to the conversion of the existing building and extension to provide a flatted development with two retail units and associated car parking, service bay, roof garden and cycle storage, following the part demolition of the existing building. The site is on the south side of Portesbery Road and east side of High Street in Camberley Town Centre including Kings Court and land to the front (the site of the former Magistrates Court), close to the rail and bus stations.
- 1.2 The application proposal has been considered through the Design Review process, at the pre-application stage, for which revisions have overcome the

concerns from the Panel. The proposal is acceptable in terms of its principle and the impact on local character, residential amenity, infrastructure, housing mix and land contamination.

1.3 However, the proposal would prejudice the delivery of a road widening scheme to the frontage onto Portesbery Road for which an objection has been raised by the County Highway Authority. Sufficient surface water drainage details have not been provided and an objection on these grounds has been made by the Local Lead Flood Authority. To date, no legal agreement to secure contributions towards SAMM and the provision of affordable housing elsewhere in the Borough has been provided.

1.4 As such, the application is recommended for refusal.

## **2.0 SITE DESCRIPTION**

2.1 The site is an area of 0.23ha which sits on the corner of Portesbery Road and the High Street in Camberley Town Centre. The site is currently occupied by a four-storey building which was formerly offices, and has now been internally converted to residential use under permitted development, following several years of being vacant. The front of the site, which relates to the former Magistrates' Court site, is currently open and mostly surrounded by timber hoarding, and is laid to hardstanding. There are eight marked parking bays along part of the existing frontage of the site.

2.2 The site abuts the railway line to the rear (south), with two commercial properties to the east and residential units beyond along Portesbery Road. To the west is the High Street and the station, and to the north Portesbery Road and beyond this the shops of the High Street. The property lies within Camberley Town Centre and is the site of the former Magistrates Court.

## **3.0 RELEVANT PLANNING HISTORY**

3.1 The site formerly housed the Magistrates Court to the front of the existing building. The most relevant applications are listed below:

3.2 SU/06/0930 – Outline application for redevelopment of site with commercial ground floor use and erection of flats above 13 residential units, layout and access to be considered [at the Magistrates Court].

*Refused for reasons related to the SPA*

3.3 SU/13/0768 – Erection of fifth floor (roof level) extension to office building (B1a use) and refurbishment of building including balconies.

*Granted but never implemented*

3.4 SU/14/0336 – Prior notification under Class J, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995 as amended for the change of use of the building to provide 30 residential flats.

*Approved and expired*

- 3.5 SU/17/0717 – Prior notification under part 3, Class O of the General Permitted Development Order for conversion of ground, first, second, third and fourth floors from B1 (office) to C3 (dwelling) to provide 23 x one-bed flats, and 7 x two-bed flats.

*Approved*

## **4.0 THE PROPOSAL**

- 4.1 The proposal is for the change of use of the existing building to provide 23 x 1-bed and 7 x 2-bed apartments and extensions to existing building to provide a further 25 x 1-bed and 26 x 2-bed apartments and 2 retail units, with associated parking, access and layby, roof garden, bin and cycle storage, following part demolition of existing building. The new building would have between four and six storeys, and would have extensions to the existing building to the front and on both sides. The six storey elements would be on the southern side, on top of the existing building, and the western corner. A courtyard area would be created in between the blocks, which would be used for parking, with a new access and layby created from Portesbery Road.
- 4.2 The height of the building would be between 14m and 20m, compared to 13-18m for the existing building. The new build elements would include four infill units on the ground floor, two retail units on the northern/western sides and a bin store on the northern side. There would be 18 spaces in the courtyard and on the eastern side under the building, with a large bike store on the south-east corner. On the first to third floors, there would be nine additional units on each, to the east, west and north of the existing building. The new fourth floor would house 10 units and a communal roof garden on the eastern side, and there would also be 10 units on the fifth floor. The main pedestrian entrances to the building would be on the north-west corner on the roundabout, and on the western side in a similar location to existing. The new layby and vehicular access would be on the northern side.
- 4.3 In support of the application, the applicant has provided the following information, and relevant extracts from these documents will be relied upon in Section 7 of this report:
- Planning Statement;
  - Affordable Housing Statement and Viability Report;
  - Design and Access Statement;
  - Flood Risk Assessment and SuDS Strategy report;
  - Contaminated land desk assessment;
  - Internal Daylight analysis;
  - Daylight, Sunlight and Overshadowing Report;

- Noise Impact Assessment.

5.1	County Highway Authority	Objection – The proposed development does not make provision for the proposed highway improvements as set out in the Camberley Town Centre Area Action Plan Policy TC8 of the AAP or Policy CP10 of the CSDMP. As such the development would prevent the implementation of future highway improvements in this part of the town, restricting the free flow and efficient use of the highway contrary to Policy CP11 of the CSDMP.
5.2	Environment Agency	No comments on this application.
5.3	Local Lead Flood Authority	Recommend refusal because insufficient information has been provided/significant issues have been identified regarding the proposed surface water strategy.
5.4	Environmental Health	No objection subject to conditions in respect of noise and asbestos. The Council's Scientific Officer recommends contamination condition.
5.5	Surrey Police	Recommend that it achieves secured by design accreditation.
5.6	Network Rail	No response received.

## **6.0 REPRESENTATION**

- 6.1 At the time of preparation of this report 3 letters of objection have been received, which raise the following issue:
- Insufficient parking for residents vehicles; would support the application if there was adequate parking.

## **7.0 PLANNING CONSIDERATION**

- 7.1 The application proposed is considered against Policies CP1, CP2, CP5, CP6, CP11, CP12, CP14A, CP14B, DM9, DM10, DM11, DM16 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); Policy NRM6 of the South East Plan 2009 (as saved) (SEP); and the National Planning Policy Framework 2018 (NPPF). It will also be considered against advice within the Surrey Heath Residential Design Guide Supplementary Planning Document 2017 (RDG); and the Camberley Town Centre Area Action Plan SPD 2014 (AAP) and the Camberley Town Centre Masterplan and Public Realm Strategy SPD 2015 (PRS).

7.2 The main issues to be considered are as follows:

- Principle of the development;
- Impact on the character and appearance of the townscape;
- Impact on residential amenity;
- Highways, parking and access;
- Impact on infrastructure;
- Impact on the Thames Basin Heaths SPA ;
- Flooding and Drainage;
- Affordable Housing and Housing Mix.

### **7.3 Principle of the Development**

7.3.1 Policies CP1, CP3 and CP10 of the CSDMP all identify residential development within the town centre as key to meeting the Borough's housing needs. Surrey Heath is currently under performing on its housing supply and so, in principle, delivery of housing at a highly sustainable town centre location, such as this, that is within walking distance of the train station and bus links is supported. By providing 81 dwellings (51 new dwellings and 30 already approved), this application would result in a significant contribution to the borough's housing numbers.

7.3.2 It is not considered necessary to address the loss of the office use, given that a permitted development application exists in any case for conversion to residential use, and prior to that the building stood vacant for some time. Policy CP10 also supports development that contributes towards retail uses and meeting the borough's housing needs.

7.3.3 Paragraph 85 of the NPPF recognises that residential development often plays an important role in ensuring the vitality of centres, and states that residential development should be encouraged on appropriate sites. Policy TC19 of the AAP for this particular site states that redevelopment of the site should comprise one or more town centre uses which include residential and retail. Policy TC1 of the AAP requires development to be appropriate in terms of use, and make the best of redevelopment opportunities, and Policy TC2 of the AAP encourages retail development in the town centre. By providing a mixture of residential and retail on this site, it is considered that the proposal is in principle, in accordance with the development envisaged for the town centre and this site in particular, and will support the ongoing vitality of the centre. Although the site is outside the primary and secondary retail frontages, it is immediately adjacent to the secondary retail frontage of the High Street and as such it is not considered that two units in this location would harm the vitality of the town centre.

7.3.4 It is therefore considered that the principle of the residential and retail use on this site is acceptable and in accordance with the relevant policies.

## **7.4 Impact on the character and appearance of the townscape**

7.4.1 Paragraph 127 of the NPPF states that developments should be visually attractive as a result of good architecture, layout, and appropriate and effective landscaping, and be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing change such as increased densities. Paragraph 128 states the importance of early engagement with the LPA and the community in terms of the design.

7.4.2 Policy CP2 of the CSDMP states that land should be used efficiently within the context of its surroundings and respect and enhance the quality of the urban, rural, natural and historic environments. Policy DM9 states that development should achieve high quality design that respects and enhances the local character, paying regard to scale, materials, massing, bulk and density. Trees and other vegetation worthy of retention should be protected and high quality hard and soft landscaping provided. Policy CP10 of the CSDMP states that development should create a high quality, well designed environment.

7.4.3 The AAP states that a redevelopment scheme on this site ought to include the adjacent Kings Court office block as this would allow for an improved gateway to the town centre from the south. Policy TC19 (Former Magistrates Court) of the AAP states that any redevelopment of this site should be in accordance with the following principles:

- (i) One or more town centre uses comprising retail, housing, offices, leisure or community facilities;
- (ii) That part of the building on the junction of High Street with Portesbery Road should pay due regard to views down the High Street; and,
- (iii) Be no more than 3-5 storeys high, subject to respecting its locality and impact on neighbouring properties as appropriate.

This policy also advises that the site is located on a gateway to the town centre and the quality of new buildings should reflect this role and respect the adjoining High Street Character Area.

7.4.4 Principle 6.2 of the RDG states that residential developments should create a legible hierarchy of streets based on character and form, use layouts that make walking and cycling more attractive, design strongly active frontages, use vegetation to create a strong, soft green character, and include small amenity spaces. Principle 6.4 of the RDG states the highest density possible should be achieved without adversely impacting on the amenity of neighbours or compromising local character.

7.4.5 The proposals were subject to scrutiny by Design South East at pre-application stage, and many of their suggestions have been incorporated into the scheme, as

follows:

<b>Design South East recommendations</b>	<b>How they have been incorporated</b>
More active ground floor along Portesbery Road; need to find a solution for the refuse lorries such as a layby	A layby is now proposed and along Portesbery Road at ground floor level. A second retail unit is now proposed along Portesbery Road creating a more active frontage.
Change the existing unattractive atrium entrance to Kings Court, should not still be visible	The building now wraps around to join up with the existing entrance rather than having a gap here, so there will be a new entrance.
Building should wrap around the corner by the roundabout to create strong built form and should consider six storeys on this corner like Ashwood House, to address the larger scale Pembroke Broadway	Building now wraps around the corner instead of there being a gap on the western side. It goes to six storeys on the corner by the roundabout.
Cannot see case for outdoor space on corner of Portesbery Road and High Street	This has been removed, with the new building now joining the existing building and wrapping around the corner, as suggested.
Uncomfortable contrast between the height on the eastern end and buildings on Portesbery Road	This related to the indicative street scenes provided to Design South East, though appearance will be a reserved matter. The layout has been loosened with more space between buildings in the southern parcel than previously proposed. Some dwellings have been replaced with water features instead.
Support the use of brick as the primary elevation material, should be warm red reflecting use throughout Camberley	Red brick is proposed for the vast majority of the elevations other than the top two storeys on the corner and to the rear.
Should step back the building line from Portesbery Road	At ground floor the bin storage has been stepped back with pillars close to the road.

7.4.6 The site is currently constrained by its size and shape, the railway line, the existing building and the juxtaposition between higher buildings on Pembroke Broadway, and the lower heights on Portesbery Road and opposite on the High Street. While Policy TC19 (iii) suggests 3-5 storeys on this site, there have since been proposals at Ashwood House for six storeys and Design South East's view was that at the time the policy was written, there was less national pressure for higher densities

near transport hubs. The six storey elements are on the corner, western elevation, and on top of the existing building only. Given the higher buildings on Pembroke Broadway, it is considered that six storeys on this side would not be harmful to the townscape. The upper top two storeys have been stepped back from the edge of the building which softens the impact somewhat. Moreover, the combination of glazing, and use of recesses in the brickwork with balconies, assists in providing interest to the overall building. The fact that the building turns the corner also assists in ensuring that the building would not give the impression of a monolithic development. Unlike Ashwood House, however, which would utilise lightweight glazing on the upper floors to reduce the perception of massing, this development's use of cladding for the upper floors would appear more bulky in built form.

- 7.4.7 Half of the northern elevation, and the eastern elevation along Portesbery Road are both four storeys. While this is still higher than most of the 2-3 storey buildings within close proximity to the site, it is noted that Hayward House opposite has permission for a four storey building which is currently under construction. The northern elevation of the building on this side has also been stepped back such that it is approximately in line with the adjacent buildings on Portesbery Road. The site is surrounded by commercial properties on Portesbery Road and given the variety in architecture and the existing spacing of buildings, it is not considered that the building would appear significantly out of place, and it signals the change from residential uses on the edge of the centre to the higher density, town centre buildings.
- 7.4.8 Kings Court currently does not contribute positively to the character of the area, being of fairly poor architectural design and having been neglected externally for some time. The existing tarmac area to the front also provides particularly poor impacts on visual amenity and a poor gateway into Camberley town centre from the east or south. The proposed new extensions would utilise the existing tarmac area, and while taking some design cues, for example in terms of windows shape and spacing from existing, would sufficiently blend with the existing building while providing a significantly more attractive elevations. Red brick would be used, which is used throughout Camberley and can be seen on buildings opposite. The glass atrium part of the building which was of particularly poor design will be removed and a higher quality designed entrance provided. The views down the High Street towards the Conservation Area will not be compromised, as the building's elevations are not forward of those in the High Street and are set back at the corner.
- 7.4.9 It is considered that the high density of development would be appropriate to this town centre location, adjacent to the train station and bus routes. While no landscaping is proposed to the exterior of the building, it is accepted that there is very limited space to do so while still achieving the necessary spacing between the elements of the building, and that given the size of the building, a small amount of landscaping along the pavement edge is not likely to add significant benefits in terms of character. Other nearby properties do not have landscaping externally. Landscaping is proposed on the roof garden at fourth floor, and the details for this can be secured by condition.
- 7.4.10 It is therefore considered that the proposal has been through a rigorous design

process and has adapted to suit the characteristics of the site and the design advice received. It is considered that the proposal would create a strong entrance to Camberley in this important location and that its design and density is appropriate to the location. It will be a significant improvement on the current Kings Court, which does not contribute positively to the character of the area. The proposal is therefore considered to be acceptable in character terms, subject to conditions, thereby complying with Policy DM9 of the CSDMP.

## **7.5 Impact on residential amenity**

- 7.5.1 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 8.3 of the RDG states that the occupants of new dwellings should be provided with good quality daylight and sun access, and that developments should not result in occupants of neighbouring dwellings suffering from a material loss of daylight and sun access. Principle 8.1 states that new development should have a degree of privacy and should not have a significant adverse effect on the privacy of neighbouring properties. Principle 8.4 sets out the minimum amenity space standards, and Principle 7.6 that all new dwellings should conform to the National Minimum Space Standards.
- 7.5.2 The nearest properties to the site to the east are both commercial properties, and as such the nearest residential property on this side is 9 Portesbery Road. The garden of this property is approximately 29m from the proposed eastern side elevation of the building, and given this distance, no significant overbearing or overshadowing impacts are considered to arise. The existing building is approximately 38m from the garden boundary of this dwelling, and has windows on all floors facing towards the garden. The proposed building would have bedroom windows on the southern side of the eastern elevation, which would be 9m closer to the garden. However, given the separation distance, the existing situation, and the fact that they would look towards the end of the rear gardens and not the rear elevations, it is considered that these are acceptable in terms of overlooking. The eastern elevation would also have windows along the remainder of the elevation, which may give rise to views further towards the rear elevation of the properties, however these will serve the corridors internally and as such could be obscure glazed by condition. At the front of the eastern elevation, again there are windows serving living accommodation, however given that these will overlook the front of properties in Portesbery Road only, they are considered to be acceptable. The communal roof garden on the 4<sup>th</sup> floor will also have views towards these properties, however landscaping along the eastern boundary could prevent any significant views arising and given the height, the views are likely to be mostly of roofs.
- 7.5.3 The northern elevation on Portesbery Rd would be 11m approximately from the properties opposite. However 85 High Street is a commercial property and most of the windows are adjacent to the north-western side corner of the new building rather than being directly in front. Given the use of this property is not considered that there would be any significant adverse impacts. Hayward House is currently in the process of being redeveloped, and it is noted that application SU/16/0949 would provide residential accommodation with balconies on the upper floors. The

windows of the residential accommodation would be set back from the edge of the pavement such that the separation distance of just under 15m between the two elevations is likely to be achieved, although less to the balconies. There are no balconies on the northern side of the proposed building which prevents any mutual overlooking between balconies. While the proposal will cause some impacts on the privacy of the new occupiers of Hayward House, particularly on the balconies, balconies are not completely private in any case as they are facing Portesbery Road and as such, this is considered, on balance, to be acceptable.

- 7.5.4 To the rear, the nearest residential properties are the flats on Upper Gordon Road, known as Camberley Towers. The flats are approximately 38m from the rear of the building with the railway line in between. The existing windows on Kings Court face towards the rear of this building and will not be any closer as part of the proposal, though there will be additional storeys and additional windows to the east of the existing building. However, given the separation distance, it is not considered that any significant adverse impacts on amenity would arise from the proposal for these properties. To the west is Camberley station and as such it is not considered that there are any residential properties to the west close enough to be affected.
- 7.5.5 The proposal would provide accommodation which would meet the requirements for minimum unit sizes to comply with Principle 7.6 of the RDG. The proposal would provide a minimum gap of about 15 metres between the south wall of the existing building and the north wall of the proposed extension which would be acceptable as the new residential units face away from these elevations.
- 7.5.6 The proposal has been supported by a noise report which indicates recommended window attenuating properties being adequate to satisfy internal BS:8233 standards. The Council's Environmental Health Officer has raised no objections to the proposal on these grounds. The proposal would provide urban living in this location which are considered to provide an acceptable level of amenity for the future occupiers of the building.
- 7.5.7 As such, no objections are raised on residential amenity grounds, in terms of its impact on residential properties (existing and approved) on nearby and adjoining sites and for future occupiers of the development, with the proposal complying with Policy DM9 of the CSDMP and the RDG.

## **7.6 Highways, Parking and Access**

- 7.6.1 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 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 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.

- 7.6.2 Policy TC8 of the AAP indicates that land required for junction and highway improvements will be safeguarded. This includes land to the front of the application site and the County Highway Authority has indicated that up to a 4 metre depth within the application site is required. The current proposal would infringe this safeguarded land and the County Highway Authority has raised an objection on this basis. This part of Portesbery Road forms an important part of the road network as a town centre gateway location and its improvement will secure wider town centre benefits (e.g. assisting in the High Street pedestrianisation). This junction improvement is key objective of the public realm strategy as outlined in the PRS. In addition, the proposal would result in the partial obstruction of the footway along Portesbery Road which would be prejudicial to highway safety. Policy TC8 also seeks a financial contribution towards highway improvements but given that costings have not been provided by County in the officer's opinion it would not meet the NPPF tests for securing obligations. In any event CIL includes highway infrastructure which is likely to include monies going towards town centre public realm works.
- 7.6.3 The proposal would provide 19 car parking spaces which equates to a 0.23 provision per flat. This level of provision is considered to be acceptable in this location because of its highly sustainable location, centrally located and close to rail and bus stations and public car parks and the County Highway Authority has raised to objections to this level of provision. The proposal would also provide a servicing area and refuse vehicle layby to reduce the impact on traffic congestion and highway safety noting the more limited width of the highway on Portesbery Road, and its location close to the rail crossing, which results in intermittent tail backs on this highway. There are also no objections to this element of the proposal on highway safety grounds.
- 7.6.4 Given that this proposal would conflict with the junction improvements in the vicinity the proposal therefore fails to comply with Policies CP11 and DM11 of the CSDMP and Policy TC8 of the AAP.

## **7.7 Impact on infrastructure and the Thames Basin Heaths SPA**

- 7.7.1 The Council charges CIL on residential and retail developments where there is a net increase in floor area of 100 square metres or more. This development would be CIL liable and be charged at £180 per square metre in this location being payable on commencement of development.
- 7.7.2 In addition to CIL the development proposed will attract New Homes Bonus payments and as set out in Section 70 of the Town and Country Planning Act (as amended by Section 143 of the Localism Act) these are local financial considerations which must be taken into account, as far as they are material to the application, in reaching a decision. If it has been concluded that the proposal accords with the Development Plan, whilst the implementation and completion of the development will result in a local financial benefit this is not a matter that needs to be given significant weight in the determination of this application.
- 7.7.3 All of Surrey Heath lies within 5km of the Thames Basin Heaths SPA and this site is approximately 1.5km from the SPA at its nearest point. The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD was adopted in 2012 to

mitigate effects of new residential development on the SPA. Sufficient SANG can be allocated to this development. The proposal is also liable for a SAMM payment which has to be received (or a legal agreement finalised) prior to the decision being issued. The applicant has stated that they intend to provide a legal agreement, and as long as this is received and signed prior to the decision then this will be acceptable. The proposal is therefore considered to be acceptable in terms of its impact on the Thames Basin Heaths SPA, subject to the legal agreement for SAMM, complying with Policy CP14 of the CSDMP, Policy NRM6 of the SEP and the NPPF.

## **7.8 Flooding and Drainage**

- 7.8.1 Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 163 states that when determining planning applications, LPAs should ensure that flood risk is not increased elsewhere, and that development should only be allowed in areas at risk of flooding where it is appropriately flood resistant and resilient, incorporates sustainable drainage systems, residual risk can be safely managed and safe access and escape routes are included. Policy DM10 of the CSDMP reflects this advice.
- 7.8.2 The proposal has been supported by a flood risk assessment and SuDS strategy concludes that there is the possibility of a significant betterment for the existing un-attenuated 100% impermeable site with significant SuDS oversizing possible. However, the Local Lead Flood Authority (LLFA) has considered that insufficient information has been provided regarding the surface water strategy to comply with the requirements under the Technical Standards and recommend the refusal of this application on this ground. Further details have not been provided.
- 7.8.3 It is considered that the proposal has not demonstrated that it can be built without an adverse impact on surface water drainage failing to comply with Policy DM10 of the CSDMP and the NPPF.

## **7.9 Housing Mix and affordable housing provision**

- 7.9.1 Policy CP5 requires 40% on site provision of affordable housing, for sites in excess of 15 units. In this case, the viability analysis has concluded that a contribution of £666,000 should be sought in lieu of on-site provision. A legal agreement to seek these contributions and without this secured the application would be refused on these grounds. To date, the contribution is not secured and as such, the application proposal fails to comply with Policy CP5 of the CSDMP.
- 7.9.2 Policy CP6 sets out the need for housing sizes across the whole of the Borough, which is different for market and affordable housing, however indicates a strong need for 2 and 3-bed properties for both sectors. For social rented housing there is a stronger need for 1-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, and for affordable housing the need for 1, 2 and 3 beds is similar. In this case, the proposal provides a larger properties of smaller units which reflects its town centre location, with larger units provided in less central locations, and there no objections raised on this ground, with the proposal complying with Policy CP6 of the CSDMP.

## **8.0 CONCLUSION**

- 8.1 The proposal is acceptable in terms of its principle and the impact on local character, residential amenity, infrastructure, housing mix and land contamination.
- 8.2 However, the proposal would prejudice the delivery of a road widening scheme to the frontage onto Portesbery Road for which an objection has been raised by the County Highway Authority. Sufficient surface water drainage details have not been provided and an objection on these grounds has been made by the Local Lead Flood Authority. To date, a legal agreement to secure contributions towards SAMM and the provision of affordable housing elsewhere in the Borough has also not been received.

## **9.0 POSITIVE/PROACTIVE WORKING**

- 9.1 In assessing this application, officers have worked with the applicant in a positive, creative and proactive manner consistent with the requirements of paragraphs 38-41 of the NPPF. This included 1 or more of the following:-
- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
  - b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.
  - c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
  - d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

## **10.0 RECOMMENDATION**

REFUSE for the following reason(s):-

1. The proposed development would not make provision for the proposed junction highway improvements and as a result would prevent the implementation of future highway improvements in this part of the town restricting the free flow and efficient use of the highway; and, would conflict with the aims and objectives of improvements to the public realm within the Pembroke Broadway Opportunity Area and wider town centre. As such the proposal would be contrary to Policy TC8 of the Camberley Town Centre Area Action Plan Supplementary Planning Document 2014, the Camberley Town Centre Masterplan and Public Realm Strategy Supplementary

Planning Document 2015 and Policies CP10, CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2018.

2. The proposed development would result in the partial obstruction of the footway along the site frontage of Portesbery Road, as a result the development would impede the flow of pedestrians causing them to step out into the road on this busy thoroughfare between the east of the town and the railway station leading to conditions prejudicial to highway safety, and at conflict with the improvements to the public realm, contrary to the Camberley Town Centre Masterplan and Public Realm Strategy 2015 and Policies DM11 and CP11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2018.
3. It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposal could be provided with an acceptable surface water design strategy including: no plans to show existing and impermeable areas; information on existing drainage arrangement and existing discharge rates; insufficient evidence to demonstrate that the discharge from the site would be as close as reasonably practicable to greenfield run off rates; no management and maintenance information; and, no indicative exceedance routing plan. The proposal would therefore fail to comply with Policies CP2 and DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012, the National Planning Policy Framework 2018 and the accompanying Planning Practice Guidance and Technical Standards.
4. The proposal fails to provide a satisfactory legal agreement under section 106 of the Town and Country Planning Act 1990 to secure a contribution towards the delivery of affordable housing elsewhere in the Borough. The proposal therefore does not satisfactorily address the requirements of Policy DM5 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2018.
5. In the absence of a payment or 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 2009 (as saved) 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).