

LOCATION:	Land Between Larchwood Glade And Devonshire Drive, Camberley, Surrey, GU15 3UW,
PROPOSAL:	Erection of 3no two storey detached dwellings (1x 3bed and 2x4bed) with private amenity area, parking and access.
TYPE:	Full Planning Application
APPLICANT:	Mr Arran Atkinson
OFFICER:	Miss Patricia Terceiro

This application would normally be determined under the Council's Scheme of Delegation. However, it has been called in by Cllr Shaun Garrett, due to concerns over the proposal's detrimental impact on the environment, wildlife and biodiversity of the area.

RECOMMENDATION: REFUSE

1.0 SUMMARY

- 1.1 The application site comprises a wooded piece of land which is covered by an area Tree Preservation Order. It is located in the settlement area of Camberley, between Devonshire Drive and Larchwood Glade. The proposal is to erect three detached dwellings on this land, with associated garden space and parking. The southern sector of the site would be retained as a woodland. The application site lies within the Wooded Hills Character Area.
- 1.2 The proposal would result in the loss of a significant number of trees and, as a consequence, the amenity value of the woodland would be significantly reduced. The loss of a substantial proportion of trees would fragment the current woodland and depart from the verdant character of the area. Further objections are raised in regards of the proposed layout, which would appear cramped with the dwellings clustered in the central area of the site. The proposal would also fail to provide adequate private amenity space for its future occupiers, as the rear gardens would be heavily overshadowed and this would lead to future pressure to prune and fell trees in favour of light and usable space. The financial contribution towards SAMM has not been paid for and therefore the proposal has failed to mitigate against its impacts on the Thames Basin Heaths SPA. For these reasons, the proposal is recommended for refusal.

2.0 SITE DESCRIPTION

- 2.1 The application site is located south of the A30 within the defined settlement area for Camberley. The site is bordered on most sides by residential properties. Devonshire Drive is located to the west of the site and Larchwood Glade to the east. Directly to the south of the site there is a railway line.
- 2.2 The site currently comprises a wooded piece of land which is covered by an area Tree Preservation Order (TPO 7/71, A7). The site lies within the Wooded Hills Character Area.

3.0 RELEVANT HISTORY

3.1 FRI 2460. Outline application to erect 14 dwellings. Refused, 1958.

4.0 THE PROPOSAL

4.1 Full planning permission is sought for the erection of 3 no two storey detached dwellings (1x 3bed and 2x4bed) with private amenity area, parking and access.

4.2 The main material for the new buildings would be a buff / natural stock brick with pre-weather timber details to the walls with the roofs to be finished in natural slate arranged in a diamond pattern. The windows would be powder coated aluminium.

4.3 The proposed dwellings would be located in the central area of the site and be accessed off Devonshire Drive. There would be one visitor parking space provided near the site entrance.

4.4 Plots 1 and 2 would be of a similar design. Both dwellings would have a pitched roof design with a front gabled projection. They would be provided with 2 no parking spaces each (one garage space and one driveway space), as well as a private garden. Each dwelling would measure 12m in width, 12.5m in depth, 5.7m in height to the eaves and 9.3m in ridge height. The internal layout would comprise the following:

- Ground floor: study, coats, WC, hallway, open plan kitchen / living / dining, single garage;
- First floor: 4 no bedrooms (2 no of which with en-suite), family bathroom and landing.

4.5 Plot 3 would have a pitched roof design. It would be provided with two tandem driveway parking spaces and a private garden. It would measure 10.7m in width, 7.5m in depth, 5.7m in height to the eaves and 9.3m in ridge height. Its internal layout would comprise the following:

- Ground floor: utility, open plan kitchen / dining area, coats, hallway, WC, study, living room;
- First floor: 3 no bedrooms (one of which with en-suite), family bathroom and landing.

4.6 The applicant has submitted a number of documents in support of this application as follows and reference will be made to these in Section 7 of the report where relevant:

- Design and Access Statement
- Planning Support Statement
- Technical Transport Note
- Daylight, Sunlight And Overshadowing Assessment
- Tree Report
- Landscape Strategy Plan
- Bat Report
- Ecological Report
- Foul Water Drainage and Utilities Assessment

5.0 CONSULTATION RESPONSES

5.1 Surrey County Highway Authority No objections, subject to planning conditions (see Annex A for consultation response)

5.2	Tree Officer	<p>The former Tree Officer responded in October 2019 and had no objection subject to conditions, including securing an agreeing a Woodland Management Plan for 15-20 years in advance of works, and placing a Woodland Tree Preservation Order on the retained trees.</p> <p>The current Tree Officer was also consulted and raised objection. He comments that a landscaping scheme would not adequately replace the trees lost, the proposal does not provide biodiversity net gain and a detailed Woodland Management Plan would not mitigate the significant loss of tree coverage nor the urbanising effect to any great degree. He also raises concerns about post development pressures on trees (see Annex B for both consultation responses).</p>
5.3	Surrey Wildlife Trust	Advises regarding planning conditions, should the application be recommended for approval
5.4	Joint Waste Solutions	No objections
5.5	Environmental Health	No objections

6.0 REPRESENTATION

6.1 At the time of preparation of this report 122 no representations have been received which raise the following summarised issues:

Impact on the character of the area [See section 7.4]

- The design of the proposed dwellings is modern would not be in keeping with the local housing;
- The loss of 46 trees and the introduction of a new access road off Devonshire Drive would fail to respect the character and appearance of the area;

Nature Conservation (trees and biodiversity) [See sections 7.4 and 7.7]

- the Ecological Report submitted does not convey the importance of the woodland to the support of Biodiversity in the part of Old Dean Ward that is South of the A30. The loss of a large central segment to this development would effectively form a barrier to movement with a significant loss of biodiversity;
- the development would result in a lit area forming a barrier to movement by bats;
- the proposed development would form a significant barrier to movement of badgers and hedgehogs;
- Newts, slow worms, owls and population of Willow Tits (a Red List species) are present in the area;
- Threat to local wildlife and birds through removal of trees;
- The proposal makes no clear commitment to replace the trees to be felled or to the level of maturity of the replanting;
- The proposal would result in the removal and destruction of a substantial number of well-established trees and would impact on any natural wildlife;
- The applicant has not proposed any mechanism to secure the biodiversity measures outlined in the Ecological Report;
- The trees on site have been damaged on purpose;
- There is no clear plan to ensure the future of the woodland;
- There should be a Woodland TPO covering the entire woodland area on all four sides of the proposed development;

- The A30 traffic creates multiple pollutants and removing any forest equates to a loss of a 'green lung' to absorb said traffic pollutants;
- There is no lawful and effective mechanism to secure the ongoing woodland maintenance regime.

Residential amenity [See section 7.5]

- The proposal would generate noise, dust and fumes;
- The proposed development would fail to secure an adequate quality of private amenity space for future occupiers without losing yet further trees;

Highways [See section 7.6]

- The proposal would increase the volume of traffic leading to Middleton Road and threaten the safety of pedestrians using this road;
- The proposed development above would lead to further increases in traffic in and around the Glade and down Gibbet Lane and be detrimental to pedestrian safety;
- The above proposal would definitely lead to an increase in the number of cars driving up and down Larchwood Glade, which would increase the chances of accidents;
- Should Larchwood Glade and Devonshire Drive be joined together it would create a rat run from the A30 via Gibbet Lane down to Camberley centre [*Officer Comment: this is not a part of the current proposal*];
- There should be no vehicular access to the development through Larchwood Glade;
- There is mention that the woodland will benefit the community and provide a possible place of interest for scouts and guides. However, there is no parking provision for this;
- There is insufficient access for a refuse vehicle to enter, turn and exit the development. In order to do so the lorry would go over newly planted trees and front lawns;
- The entrance to the development is less than that deemed necessary for fire trucks;
- The provision for vehicle parking, including visitors parking, is insufficient;
- Vehicle parking during construction;
- Matters related to poor visibility and sight lines.

Thames Basin Heath SPA [Section 7.9]

- The proposed development falls within the 5km Zone of Influence of the Thames Basin Heaths Special Protection Area ("SPA"), without a lawful and effective mechanism to avoid an adverse effect on the integrity of the SPA.

Other matters

- The applicant does not own the access point from Devonshire Drive [*Officer Comment: the applicant has signed Certificate B of the Application Form, so the LPA is satisfied in regards to this matter. Any matters relating to access would constitute civil matters that fall outside the remit of planning*];
- This proposal would impact on the local community;
- There is no public access provided from Larchwood Glade which would substantially reduce the value to the community of the woodland space proposed;

- The proposal would result in a potential significant increase in number of properties to be built on the site [*Officer Comment: each application is assessed on its own merits and, as such, future planning applications which may or not be forthcoming would not be of consideration*];
- The documents suggest that the proposed woodland area is to be retained as public access but there is no mention of who will own it and manage it in the long term [*Officer Comment: in the event of an approval, this could be considered under a Section 106 agreement*];
- The ownership of the woodland should be transferred into an arrangement which provides for long term management [*Officer Comment: in the event of an approval, this could be considered under a Section 106 agreement*];
- The proposal would lead to additional routes in and out of Larchwood Glade and Devonshire Drive and create a number of escape routes for any criminals thus putting the nearest houses at enhanced risk of burglary/petty crime [*Officer Comment: there is no proposed access off Larchwood Glade*];
- Removing the woodland would create an enhanced risk of flooding [*Officer comment: the proposal is located within Flood Zone 1, at low risk of flooding*].

Matters that fall outside the remit of planning

- It is not clear from the proposal how the utilities and drainage for the proposed properties will be provided [*Officer comment: for a minor development this matter would fall under building regulations*];
- The proposal would result in the devaluation of the surrounding housing;
- Middleton Road is an un-adopted Road and maintained by the residents. The proposal would give rise to additional traffic and in particular construction vehicles making use of the road for passage and lead to unnecessary damage of this road;
- Damage to property during construction works;
- Matters related to typo's on the details submitted with the application;
- Financial viability of the proposed development;
- Matters related to inconsiderate parking.

6.2 At the time of preparation of this report one representation has been received in support of the application, as the development would benefit the area and define a service management company with a clear ownership and accountability of the land.

7.0 PLANNING CONSIDERATION

7.1 The application site is located in a residential area within a defined settlement, as set out in the Proposals Map of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP). In this case, consideration is given to Policies CP1, CP2, CP3, CP6, CP12, CP14B, DM9 and DM11 of the CSDMP. The Residential Design Guide (RDG) SPD 2017 as well as the Western Urban Area Character (WUAC) SPD 2012 also constitute material planning considerations.

7.2 The main issues to be considered within this application are:

- Principle of development
- Impact on character and appearance of the surrounding area, including trees
- Residential amenity
- Transport and highways considerations
- Ecology

- Impact on infrastructure
- Impact on the Thames Basin Heaths SPA

7.3 Principle of development

- 7.3.1 Policy CP1 of the Surrey Heath Core Strategy and Development Management Policies Document (CSDMP) 2012 seeks sustainable development within the Borough. This Policy states that Camberley has scope for residential development across the area. Policy CP3 sets out the overall housing provision targets for the Borough for the period 2011-2028 and Policy CP6 promotes a range of housing types and tenures.
- 7.3.2 The site is located in a residential area that is within a defined settlement. The proposal would provide three additional dwellings to contribute to the housing supply within the Borough and, in addition, the site is located in an accessible location near public transport links. Furthermore, the Council cannot demonstrate a five year housing supply. As a result, the proposed development is considered acceptable in principle, subject to no adverse impact on the character and appearance of the surrounding area, amenity of neighbouring occupiers, highway safety etc. These matters are assessed below.
- 7.3.3 It is therefore considered that the proposal would be acceptable in principle and would be in line with Policies CP1, CP3 and CP6 of the CSDMP.

7.4 Impact on character of area

- 7.4.1 Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document (CSDMP) 2012 promotes high quality design. Development should respect and enhance the character of the local environment and be appropriate in scale, materials, massing, bulk and density. This Policy further states that development should be designed to protect trees and other vegetation worthy of retention and provide high quality hard and soft landscaping where appropriate. Policy CP2 states that new development should use the land efficiently within the context of its surroundings and respect and enhance the quality of the urban, rural, natural and historic environments.
- 7.4.2 The RDG provides further guidance relating to the design of residential developments. In particular, Principle 6.6 states that new residential development will be expected to respond to the shape and rhythm of surrounding plot layouts. Principles 6.7 and 7.8 support, respectively, high quality parking layouts and good architectural design. Principle 7.4 goes on to say that new residential development should reflect the spacing, heights and footprints of existing buildings.
- 7.4.3 The Guiding Principles for development within the Wooded Hills Character Area as defined within the WUAC 2012 seek to protect its spaciousness and verdant character. Guiding Principle WH1 advises that new development should be set in spacious, irregularly shaped plots which provide for extensive space and maintenance of a verdant character. Guiding Principle WH2 seeks to resist development with closely set buildings, cramped appearances and minimal provision of side gardens. Guiding Principle WH3 advises against development that erodes the soft green semi-rural character of the area. Guiding Principle WH6 supports high quality design that reflects the wooded character of the area and welcomes contemporary design. The SPD further identifies a key pressure on this character area as being the urbanisation of the semi-rural character through the loss of the dense vegetative cover. This is particularly damaging where the green enclosure is eroded or lost and Guiding Principle WUA3 seeks to resist development that adds to the existing pressures. The soft green character of the area is identified as a positive feature of the Wooded Hills which Guiding Principle WUA2 aims to protect.
- 7.4.4 The application site belongs to a ribbon of the Wooded Hills Character Area, which is adjacent to the Hedged Estates to the west (i.e. Devonshire Drive) and to the Post War Open Estate to the east (i.e. Larchwood Glade). Given the siting of the proposal, it would be more visible in the context of the Hedged Estates. Guiding Principle HE1 states that new development in this area should be set in spacious plots, which provide for space between and around buildings. Guiding Principle HE2 goes on to say that developments with closely

set buildings, cramped or overly prominent appearances will be resisted. Guiding Principle HE3 seeks to protect the soft, green character of the area. Notwithstanding this context, it is considered that although surrounded by different character areas, the site's character as a part of the Wooded Hills still needs to be protected as such.

- 7.4.5 The proposal would create a cul-de-sac type of development with access off Devonshire Drive. Other cul-de-sacs can be found in the vicinity. However, it is considered that the proposed arrangement, with the closely set buildings directly facing each other would appear tight and would fail to respond to the layout that can be seen on surrounding cul-de-sacs. The proposed plot size would be much smaller than those to the north which form part of the Wooded Hills. This would also be the case when compared to the closest plots at Devonshire Drive, which belong to the Hedged Estates. As such, it is considered that the proposed plot size would appear out of context with the surrounding character, including both the Wooded Hills and Hedged Estates character areas.
- 7.4.6 The flank walls of plots 2 and 3 would retain a short separation distance of about 1.8m. Plot 1 would directly face plot 2 and the distance between both dwellings would be of approximately 6.4m at its closest point. The dwellings would cluster within the site's central area and, given the short separation distances between themselves and absence of meaningful side gardens, it is considered that the development would give rise to a cramped appearance, out of keeping with the spacious character of the area, including both character areas.
- 7.4.7 Despite standing at 9.3m in ridge height, the proposed dwellings would be traditional in form and broadly in keeping with the surrounding vernacular. The proposed design response would use contemporary detailing and materials, which would create a modern appearance. The proposed amount of hardstanding would cover only the necessary space for access and parking and there would be some space within the property's frontages to provide for soft landscaping, which would soften the proposed built form. These aspects of the proposal, in isolation, would therefore be considered acceptable.
- 7.4.8 The application site is currently occupied by a localised compartment of trees that has attained over many years a wooded characteristic. There are several trees which are particularly prominent in the streetscape, mainly those that occupy the site's boundaries and can be seen from Devonshire Drive and Larchwood Glade. Other trees on the interior of the woodland are not so easily distinguishable in the public view. Nevertheless, as a group, by reason of their size and spread across the application plot, the trees on site are considered to make a strong and positive contribution to the verdant and sylvan character of the area.
- 7.4.9 The application has been accompanied by an Arboricultural report, which advises that a significant number of trees (46 trees) would be removed to facilitate the proposals. Of these, nine are 'C' category and two 'U' category classification. Although these would be considered poor specimens individually, the majority of trees marked for removal are considered B class trees. It is acknowledged that many of the visually more important trees are around the edge of the site and are intended for retention. However, despite their location within the interior of the site, these trees also make an important contribution to the group. However, the loss of tree stock is significant with and the wooded compartment would be significantly fragmented, with bands remaining only to the perimeters of the site and to the southern section. It is considered that the site's appearance would change from that of a dense block of vegetation to a semi-wooded residential plot as a result of the proposal. The loss of these trees would reduce the positive contribution that this wooded compartment has on the verdant and mature local landscape.
- 7.4.10 As part of the pre-application process the former Tree Officer visited the site and met with the applicant's consultants. He stated in his response (see Annex B) that the woodland has suffered from a lack of past management and failure to start to offset and minimise the progressive deterioration will result in its terminal decline. The development of the northern section would provide an opportunity to retain the woodland in a managed state, albeit in a reduced form. He therefore recommended securing a Woodland Management Plan of 15-20 years if approval is given.

- 7.4.11 The current Tree Officer does not agree with this approach and raises objection stating that this would not mitigate the significant loss of tree coverage nor the urbanising effect to any great degree. In the case officer's opinion just because this land has suffered from poor management in the past this is not a justification for housing to facilitate this, particularly when the urbanisation of woodland is one of the main pressures on the character area. It has not been explained why housing is the only solution to manage this land. Even if it is accepted that housing is needed to manage the woodland, then concerns remain over the deliverability of any plan. As noted by a representation, although this could be secured by a Section 106, such planning obligation requiring ongoing maintenance of the woodland to be borne by the three residential properties would likely be too onerous to be successfully delivered. In this case, the Woodland Management Plan would no longer be effective, which would negate any benefits to the trees by permitting this proposal.
- 7.4.12 The applicant also proposes additional planting. However, it is not considered that the number of trees lost to this development could be adequately replaced through such a measure, nor has it been demonstrated that the proposal would provide a biodiversity net gain for the site (as discussed in Section 7.7 below). The former Tree Officer suggests that a Woodland TPO is put on the retained trees on site, should planning consent be granted for the proposal. However, this would not account for the significant amount of tree loss with this proposal (also potential post development pressures on the remaining trees, see Section 7.5 below) which would fragment this wooded compartment, be detrimental to the visual amenities of the area and add to the identified pressures on the Wooded Hills Character Area by harming its verdant character.
- 7.4.13 In summary, it is considered that the proposal would be harmful to the character of the area. The proposed cul-de-sac would be tight and give rise to a cramped development that would fail to relate to the spacious character of the area. More importantly, the loss of tree cover associated with the proposal would be unduly harmful to the amenity value of this protected pocket of trees and the character of the area. Trees and greenery are an important feature of the Wooded Hills Character Area and this is recognised in the WUAC SPD. Whilst each proposal is assessed on its own merits, the Council has recently experienced pressure for releasing woodland sites elsewhere within the Wooded Hills. These applications have been resisted, as releasing this land would harm the integrity of the Character Area, a position that has been successfully defended at appeal. The proposal would be accessed off Devonshire Drive and the loss of trees would also erode the verdant character of the Hedged Estates. For these reasons, the proposal would be considered contrary to Policies CP2 and DM9 of the CSDMP, Principles 6.6 and 7.4 of the RDG and Guiding Principles WUA2, WUA3, WH1, WH2, WH3, H1, H2 and H3 of the WUAC SPD and Policies CP2 and DM9 of the CSDMP.

7.5 Impact on residential amenity

- 7.5.1 Policy DM9 of the CSDMP 2012 states that development should respect the amenities of the adjoining properties and uses. Principles 8.1 and 8.3 state that new development should seek to protect the privacy and light levels that current neighbours currently enjoy. Principle 7.6 advises that new housing developments should comply with the national internal space standards, whereas Principle 8.4 sets out the outdoor space standards. Principle 8.2 goes on to say that habitable rooms in new developments should be provided with adequate outlook.
- 7.5.2 Plot 1 would be adjacent to no 16 Devonshire Drive to the rear. At its closest point there would be a separation distance of approximately 11.7m between Plot 1's rear elevation and the common boundary with no 16, which would increase to about 27.7m to no 16's rear elevation. Section 8 of the RDG advises that a separation distance of 20m is a generally accepted guideline for there to be no material loss of privacy between the rear elevation of two buildings and the proposal would comply with this. At this distance, and given Plot 1's size and scale it is not considered it would be unduly overbearing or overshadow these residents.

- 7.5.3 At its closest point Plot 1 would retain a separation distance of about 24.4m to the dwelling at no 15 Devonshire Drive. Owing to this distance, as well as to the relationship between both dwellings, it is not considered Plot 1 would unacceptably impact on the residential amenities currently enjoyed by these residents.
- 7.5.4 The rear elevation of Plot 2 would be sited at about 28.8m from the rear boundary of no 27 Larchwood Glade, whereas the rear elevation of Plot 3 would retain a distance of approximately 30.1m from this same boundary. At these separation distances, it is not considered the proposal would significantly erode the residential amenities currently enjoyed by these neighbours.
- 7.5.5 The side elevation of Plot 1 would retain a separation distance of approximately 27.3m to the common boundary with no 29 London Road, whereas Plot 3's flank wall would retain a separation distance of about 17.5m to the common boundary with this neighbouring property. At this distances, the proposal would be considered to sufficiently respect the residential amenities currently enjoyed by the occupants of no 29.
- 7.5.6 Turning into the residential amenities of the development's future occupiers, the gables belonging to Plots 1 and 2 would retain a separation distance of about 6.5m between them. These gables would contain first floor flank windows facing each other, however these would be secondary sources light to the rooms they serve and could be secured to remain obscure glazed and fixed shut below an internal height of 1.7m, in the interests of privacy. The other front windows would retain a separation distance of about 15.8m between themselves, and this distance would be considered sufficient to avoid overbearing, overshadowing or privacy impacts.
- 7.5.7 Plot 2 and Plot 3 would retain a separation distance of about 1.8m between their flank elevations. Their window position is such that there would not be mutual overlooking between both properties and, giving the side by side relationship of both dwellings, they would also be considered acceptable in terms of overbearing and overshadowing impacts.
- 7.5.8 All dwellings would be provided with an internal space in excess of the national standards and the habitable rooms of each dwelling would be provided with adequate outlook. The application site is adjacent to a railway to the south. The Environmental Health Officer has been consulted on the proposal and advises that the railway noise is unlikely to breach any noise standards due to the distance from the proposed, the noise of the trains, and the line being within a cutting. The proposal is therefore considered acceptable in this regard.
- 7.5.9 The 'Daylight, Sunlight and Overshadowing Assessment' submitted in support of this application notes that there would be sufficient daylight within each room throughout the development. However, this assessment also concludes that due to the presence of the retained trees and their orientation in relation to the sun, the garden areas to the east of the site would fail to receive adequate sunlight. Plot 2, for instance, would not receive any direct sunlight on 21 March. This is reflected on page 13 of the report, which concludes that *'Figures 13-14 show that some of the proposed garden/amenity areas on site will receive sunlight above the BRE criteria on the 21st March with the Development in place. Due to the presence of the retained trees and their orientation in relation to the sun, garden/ amenity areas to the east of the site will be below the recommended criteria, however all gardens will receive some sunlight'*.
- 7.5.10 In terms of their size, screening and access, the size of the proposed gardens would comply with the standards recommended by the RDG. However, Guiding Principle 8.4 recommends that gardens receive direct sunlight and are not heavily overshadowed by trees and tall hedges. The number of trees shown on the proposed site plan to be retained within the rear gardens of the proposed dwellings would render them virtually unusable from an amenity perspective.

- 7.5.11 Considering the size of the rear gardens, the retained trees would cast a heavy semi-permanent shadow across them and limit the private outdoor garden space where future occupiers could sit out and have direct access to sunlight. This would be considered to lead to post development pressure to detrimentally prune or even remove trees to increase amenity space, allow more sunlight into the buildings/gardens, reduce or remove any perceived over-dominance as well as fear of tree/branch failure and to abate minor seasonal nuisances such as falling debris (twigs, leaves, bird droppings etc). As such, it is considered that the proposal would fail to provide adequate and private amenity space for the future occupiers.
- 7.5.11 Concerns have been raised in regards to noise, dust and fumes that would be generated by the proposal. It is noted that the Environmental Health Officer did not raise any concerns in regards of this matter. In any event, as the proposed development would be minor in nature the construction phase would not be expected to last for a significant period of time. The proposal would therefore be considered acceptable in this regard.
- 7.5.12 The proposal would not be considered to affect the residential amenities of the neighbouring properties. However, it would fail to provide adequate garden space to the dwellings' future occupiers and, as such, the proposal would not comply with Policy DM9 of the CSDMP and Principle 8.4 of the RDG, which states that private outdoor gardens space should, amongst other things, not be heavily overshadowed by trees.

7.6 Parking and access

- 7.6.1 Policy DM11 states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be supported by the Council, unless it can be demonstrated that measures to reduce such impacts to acceptable levels can be implemented.
- 7.6.2 The submitted Technical Transport Note has demonstrated using the approved TRICS methodology that the proposed development of 3 dwellings would generate a daily total of 13 additional car trips with 2 of these being in the AM peak hour and 1 in the PM peak. The County Highway Authority (CHA) accepts that such an increase is very small in the context of the wider highway network and would not constitute a severe impact in terms of capacity and congestion. The CHA is satisfied that safe access for 3 dwellings can be provided from Devonshire Drive.
- 7.6.3 The CHA notes that vehicle tracking for a refuse vehicle indicates the swept path would pass outside of the area of carriageway and potentially into areas of planting and amenity. However, an alternative would be for refuse collection to take place from the end of Devonshire Drive, with a bin collection point created within the site enabling the refuse collection vehicle to get within 25m of the collection point, in accordance with Manual for Streets guidance. The provision of such collection point could be secured by planning condition.
- 7.6.4 The swept path drawings have shown that each of the proposed parking spaces, including the additional visitor parking bay, can each be accessed and allow for vehicles to turn within the site. The CHA is satisfied that a Fire tender could access to within 45 metres of the entrance to each of the proposed dwellings as required. The CHA therefore raises no objection to the proposal, subject to planning conditions. One of these conditions requires the submission of a Construction Transport Management Plan, which would address concerns raised in respect of vehicle parking during construction.
- 7.6.5 The proposal is therefore in line with Policy DM11 of the CSDMP.

7.7 Ecology

- 7.7.1 Policy CP14A of the CSDMP states that the Council will seek to conserve and enhance biodiversity within Surrey Heath. Where appropriate, new development will be required to contribute to the protection, management and enhancement of biodiversity.

- 7.7.2 The Surrey Wildlife Trust has been consulted on the proposal and advises that the site is identified by Natural England as Deciduous Woodland Habitat of Principal Importance (HPI) for the purpose of conserving biodiversity in England, in line with the provisions of Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. However, the Trust advises that it would appear from the arboricultural report and ecological report that this is not in fact the case as the site is dominated by Scots Pine, albeit there are broadleaf trees present on site. Notwithstanding this, the wooded compartment would be significantly fragmented as a result of the proposal and it is not considered that the mitigation measures would adequately compensate for this loss of this area.
- 7.7.3 The Trust further recommends that, should permission be granted for the development, the provision of a Woodland Management Plan is secured by planning condition. However, as discussed in Section 7.4 above, it is not considered that this would adequately mitigate against the loss of trees.
- 7.7.4 An Ecological Report and Supplementary Bat Report have been submitted with the current application. The site is well-treed, making it suitable for foraging and commuting Bats. The Arboricultural report assessed the site as having hundreds of trees which in accordance with the ecology report have negligible or low roost suitability. Four Scots Pine trees were considered to have moderate roost suitability and it is understood that these trees would be felled as part of the current proposals. The Supplementary Report, recommends a precautionary approach to felling. Accordingly a planning condition securing construction works to be undertaken in accordance with the Supplementary Bat Report could be added in the event planning permission is granted for the proposal. A Sensitive Lighting Management Plan could also be secured by planning condition, should planning permission be granted for the proposal.
- 7.7.5 The Trust further advises that invasive species should be eradicated using qualified and experience contractors. In respect of reptiles, the Trust recommends that works should cease immediately should these be found on site. Construction activities on site should have regard to the potential presence of Badger and other mammals to ensure that such species do not become trapped in trenches, culverts or pipes. Development activities such as vegetation or site clearance should be timed to avoid the Bird nest season of early March to August inclusive. This is all detailed within section 4.0 Discussion and Recommendations of the Ecological Report and therefore a planning condition could be added to any granted consent securing works to be undertaken fully in accordance with the Ecological Report.
- 7.7.6 The Trust further notes that if closed fencing is to be erected as part of the proposals, this should include 13cm x 13cm holes for Hedgehog and 20cm x 20 cm for Badger in the base to allow the free movement of mammals over the development site. This could be requested as a part of the landscaping condition, should planning permission be granted for the development.
- 7.7.7 The Surrey Wildlife Trust is generally supportive of the Ecological Report and of the Supplementary Bat Report submitted with this application and considers that the proposal would offer opportunities to restore or enhance biodiversity on site in accordance with para 175 of the NPPF. The Trust further advises that the application should demonstrate a measureable biodiversity net gain at the site secured as a result of the proposed development. Whereas this has not been demonstrated during the live period of this application, the Trust did not recommend refusal of this application. As such, an informative has been added to this recommendation advising the applicant that any future re-submission of this scheme should demonstrate that a biodiversity net gain can be achieved on site.
- 7.7.8 A representation received in respect of this application notes that newts, slow worms and population of Willow Tits (a Red List species) are present in the area. It is, however, noted that the Surrey Wildlife Trust did not raise any concerns in respect of these.
- 7.7.9 It is therefore considered that the proposed development would be fail to comply with policy CP14A of the CSDMP.

7.8 Impact on infrastructure

- 7.8.1 Policy CP12 states that the Borough Council will ensure that sufficient physical, social and community infrastructure is provided to support development. In the longer term, contributions will be via the Community Infrastructure Levy (CIL) charging schedule, in order to offset the impacts of the development and make it acceptable in planning terms. The Council's Infrastructure Delivery Supplementary Planning Document (2014) sets out the Council's approach to delivering the infrastructure required to support growth.
- 7.8.2 Surrey Heath's Community Infrastructure Levy (CIL) Charging Schedule was adopted on 16 July 2014 and the CIL Charging Schedule came into effect on 1 December 2014. Regulation 123 CIL sets out the list of infrastructure projects that may be funded (either entirely or in part) through CIL. These include, for example, open spaces, community facilities or play areas. It is noted that these projects do not have to be directly related to the proposed development.
- 7.8.3 As the proposed development would involve the provision of three additional residential units totalling 506.7m² of floorspace, the development would be CIL liable. The site falls within the Western Charging Zone, for which the charge is £180 per m², for residential development that does not provide its own SANG. As such, an informative has been added to this recommendation, should planning permission be granted for the proposal.
- 7.8.4 It is therefore considered that the proposal would be in accordance with Policy CP12 of the CSDMP.

7.9 Impact on Thames Basin Heaths SPA

- 7.9.1 Policy CP14B of the CSDMP states that the Council will only permit development where it is satisfied that this will not give rise to likely significant adverse effect upon the integrity of the Special Protection Area (SPA) and Special Areas of Conservation (SAC) sited within the Borough. Furthermore, it states that no new net residential development will be permitted within 400m of the SPA. Proposals for all new net residential development elsewhere in the Borough should provide or contribute towards the provision of SANGs and shall also contribute toward strategic access management and monitoring (SAMM) measures.
- 7.9.2 The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD (2019) identifies Suitable Alternative Natural Green Space (SANGS) within the Borough and advises that the impact of residential developments on the SPA can be mitigated by providing a financial contribution towards SANGS.
- 7.9.3 The proposed development would lie within the 5km buffer of the Thames Basin Heaths SPA. Provided that sufficient SANG capacity is available in the Borough, it can be allocated to minor development proposals and the financial contribution towards SANG is now collected as a part of CIL. There is currently sufficient SANG available and this development would be CIL liable, so a contribution would be payable on commencement of development.
- 7.9.4 Following an Executive resolution which came into effect on 1 August 2019, due to the currently limited capacity available for public SANGs in parts of the Borough, applications for development which reduce SANG capacity, as in the case of this application will be valid for one year (rather than three years).
- 7.9.5 The development would also be liable for a contribution towards SAMM (Strategic Access Monitoring and Maintenance) of the SANG, which is a payment separate from CIL and would depend on the sizes of the units proposed. This proposal is liable for a SAMM payment of £2325 which has not been paid by the applicant.
- 7.9.6 It is therefore considered that the proposal would fail to comply with Policy CP14B of the CSDMP and with the Thames Basin Heaths SPD.

7.10 Other third party comments

- 7.10.1 Given the size of the proposed development and considering it falls within Flood Zone 1, there is no requirement for drainage details to be provided. This matter will be assessed under building regulations.

8.0 POSITIVE/PROACTIVE WORKING

- 8.1 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.
 - d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

9.0 CONCLUSION

- 9.1 The proposal would seek to boost the supply of housing in the context that the Council cannot currently demonstrate a deliverable five-year supply of housing land. However, the proposal is for only three new dwellings. Consequently, the modest contribution that the proposal would make in housing supply terms is a matter that weighs in its favour to only a limited degree.
- 9.2 One of the main pressures on the Wooded Hills Character Area is the urbanisation of the semi-rural character through the loss of woodland. In recent years, the Council has successfully defended this happening on appeal, for other sites within the Wooded Hills. Similarly, development on this site would result in the loss of a valuable tree pocket, erode the soft and green character of the area and harm the overall integrity of the Wooded Hills. It is also considered that the proposed cul-de-sac would fail to respect surrounding pattern of development, not provide adequate living conditions for future occupiers, and has failed to mitigate against its adverse effect upon the integrity of the Thames Basin Heaths SPA.
- 9.3 Although the proposal would be acceptable in terms of its impact of the residential amenities of the adjacent neighbours and highway safety, it is not considered that the identified adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.
- 9.4 The application is therefore recommended for refusal.

10.0 RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development would erode the tree compartment located between Larchwood Glade and Devonshire Drive and result in the loss of a significant number of trees that make a positive contribution both as a group and individually to the surrounding environment. The harm to this part of the defined Wooded Hills Character Area, for which its soft and green character is a key characteristic, could not be mitigated through replacement planting. The proposed development is therefore contrary to Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012, Guiding Principles WUA2, WUA3, WH1, WH3 and HE3 of the Western Urban Area Character Supplementary Planning Document 2012 and the National Planning Policy Framework.

2. The proposed development, by virtue of the plot sizes and closely set buildings, would give rise to a cramped form of development that would fail to respond to the layout that can be seen on surrounding cul-de-sacs and be contrary to the prevailing spacious character of the area. As such, the proposal would fail to integrate into its surrounding context, respect and enhance the character and quality of the area, including the Wooded Hills Character Area and would be contrary Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and Guiding Principles WH1, WH2, HE1 and HE2 of the Western Urban Area Character Supplementary Planning Document 2012 and Principles 6.6 and 7.4 of the Residential Design Guide Supplementary Planning Document 2017 and the National Planning Policy Framework.
3. The proposal would fail to provide an acceptable level of usable amenity space to its future occupiers due to the significant overshadowing of the garden area which would arise due to proximity and size of retained trees covered by a Tree Preservation Order (TPO 7/71) located on the site. Moreover this arrangement would be likely to give rise to pressure for the pruning or felling of these trees, which would add to the identified harm to the character of the area (reason for refusal 1). The proposal would therefore be detrimental to the residential amenities of its future occupiers, contrary to Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012, Principle 8.4 of the Residential Design Guide Supplementary Planning Document 2017 and the National Planning Policy Framework.
4. 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 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 (2019).

Informative(s)

1. This Decision Notice is a legal document and therefore should be kept in a safe place as it may be required if or when selling your home. A replacement copy can be obtained, however, there is a charge for this service.
2. The applicant is advised that if this application had been acceptable in all other respects, the scheme would be Liable to the Community Infrastructure Levy (CIL) Schedule which came into effect on 1st December 2014. Therefore, if this decision is appealed and subsequently granted planning permission at appeal, this scheme will be liable to pay the Council's CIL upon commencement of development.
3. The applicant is advised that any future re-submission of a residential scheme on this site should clarify that there will be a measureable biodiversity net gain at the site secured as a result of the proposed development. The applicant may wish to use an appropriate metric such as the DEFRA Biodiversity Metric 2.0 to demonstrate how the site will provide biodiversity net gain.
4. The decision has been taken in compliance with paragraphs 38-41 of the NPPF to work with the applicant in a positive and proactive manner. Please see the Officer's Report for further details.