

<b>LOCATION:</b>	45 And Land To The Rear Of 43 And 47, Station Road, Frimley, Camberley, Surrey, GU16 7HE,
<b>PROPOSAL:</b>	Outline application for the erection of a three storey building to provide 19 no one and 6 no two bedroom flats together with associated parking and access, following the demolition of the existing house.
<b>TYPE:</b>	Outline
<b>APPLICANT:</b>	C/O Agent
<b>OFFICER:</b>	Mr Duncan Carty

**This application is being reported to the Planning Applications Committee because it is a major development. The application is subject to a non-determination appeal and so the Planning Inspectorate is now the determining authority.**

## **RECOMMENDATION: WOULD HAVE REFUSED**

### **1.0 SUMMARY**

- 1.1 This application relates to a non-determination appeal for the erection of a three storey building to provide 25 flats following the demolition of an existing dwelling. The application is in outline with all matters reserved. However, schematic details of layout only have been provided. The proposal would be located on 45 Station Road and land to the rear of 43 and 47 Station Road.
- 1.2 The proposal would provide housing in a settlement location where there is a presumption in favour of sustainable development and the proposal would provide a significant amount of housing towards the housing supply position where a 5 year supply of housing (currently 4.85 years supply) is not currently being achieved across the Borough.
- 1.3 However, it is considered that the proposal would result in an overdevelopment of the site with an adverse visual impact on local character, residential amenity, and highway safety. It is also considered that insufficient information has been provided to consider if the proposal would have an adverse impact on flood risk, drainage, ecology and trees. The proposal would not provide sufficient affordable housing or secure sufficient mitigation against the harm to the integrity of the Thames Basin Heaths Special Protection Area. The recommendation is that the Council would have refused this proposal if it had been the determining authority.

### **2.0 SITE DESCRIPTION**

- 2.1 The site is located on the west side of Station Road in the settlement of Frimley. The 0.09 hectare, T-shaped site incorporates part of the rear garden of No. 43 and part of the former rear garden of No. 47 Station Road (which now forms part of the rear garden of 45 Station Road), as well as No. 45 Station Road. No. 45 Station Road is vacant and the land associated with that property is in an overgrown, unkempt condition. There are a small number of small trees within this overgrown garden.

- 2.2 Land associated with the Lyon Way Business Park lies to the north and west boundary including a wooded area to the north and the rear of a business unit to the west boundary. Major trees are also located close to the rear of the site, within the business park. A brook lies to the north of this wooded area. No. 41 Station Road lies to the south flank with other residential properties in Station Road lying opposite the site. Station Road is a narrow cul-de-sac, ending to the immediate north of No. 47 Station Road without a turning head, and is accessed from Frimley High Street. The site is sustainable, being fairly close to the Frimley centre and rail station. The nearest public car park is in Burrell Road, located about 300 metres to the south of the application site.
- 2.3 Station Road is typified by dwellings (predominantly pre-war) set forward on narrow plots with longer rear gardens. Station Road is bisected by the elevated Frimley flyover, which is the principal route which connects Frimley with Farnborough.
- 2.4 The existing dwelling at No. 45 Station Road is a pre-war detached dwelling, similar in style and size to the adjoining dwellings, Nos. 43 and 47 Station Road, but in itself not worthy of retention. This part of the site has now been vacated.
- 2.5 The site lies within Flood Zones 2 and 3 (medium and high risk) and is a minimum of about 2 kilometres from the nearest part of the Thames Basin Heaths Special Protection Area (Hawley Common). The site falls within the Victorian/Edwardian Subdivisions of the Historic Route Character Area as defined by the Western Urban Area Character SPD 2012.

### **3.0 RELEVANT HISTORY**

The relevant planning history includes:

- 3.1 21/0716/OOU – Outline application for the erection of a three storey building to provide 19 one bedroom and 6 two bedroom flats together with parking and access, following the demolition of existing house

*This application is currently under consideration. This application relates to a similar proposal to the current proposal. This proposal has included alterations to the parking and access arrangements but in all other respects is identical to the current proposal.*

### **4.0 THE PROPOSAL**

- 4.1 This application relates to the erection of a three storey building to provide 19 no one bedroom and 6 no two bedroom flats. The schematic layout indicates that the proposed building would be arranged in a U-shape located towards the rear of the plot. The schematic site layout and second floor layout plan indicates that the front part of the south wing to be two storey with the remainder of the building proposed at a three storey height. The proposed building would be built close to the flank and rear boundaries of the site with a separation of about 22 metres from the rear wall of the retained dwellings (43 and 47 Station Road). An amenity area of about 92 square metres is shown which would be provided to the immediate front of the building, with parking arranged further forward with its access direct onto Station Road.
- 4.2 The schematic drawings indicate that the proposed building would have a maximum depth of 24.1 metres and a maximum width of 24.1 metres. The schematic floor layout of the building indicates that a number of flats would be provided with habitable rooms facing the flanks and rear boundaries of the site, with minimum distances of about 1.2 metres from the south flank, 1.6 metres from the rear boundary and 2 metres from the north boundary of the site. A total of 16 parking spaces are shown on the schematic layout to be provided including 4 spaces immediately in front of the amenity area, 2 spaces within the building (undercroft/garage parking) and 3 spaces opposite, and the remainder provided off the access road and set at an angle to it. The existing dwellings at 43 and 47 Station Road would be retained with garden depths of about 10 and 20 metres, respectively.

4.3 The application is also supported by the following documents:

- Design and Access Statement;
- Biodiversity survey/assessment;
- Flood risk assessment;
- Noise report;
- Drainage details; and
- Land contamination assessment.

Reference will be made to these documents in section 7 of this report, where applicable.

## 5.0 CONSULTATION RESPONSES

- |     |                                     |  |
|-----|-------------------------------------|--|
| 5.1 | County Highway Authority            | An objection has been raised on highway safety, capacity/impact and parking grounds. <i>Their comments are provided at Annex A.</i>                                  |
| 5.2 | Arboricultural Officer              | An objection is raised on the basis of a lack of information on tree matters.  |
| 5.3 | Senior Environmental Health Officer | No objections on land contamination and noise and to mitigate any impacts from noise sources (road/rail).  |
| 5.4 | Natural England                     | No objections, subject to appropriate mitigation being secured to offset any harm to the SPA.  |
| 5.5 | Local Lead Flood Authority          | An objection is raised on the grounds that insufficient information has been provided and significant issues have been identified regarding drainage and flood risk. |
| 5.6 | Surrey Wildlife Trust               | An objection is raised on the grounds that the report gives no indication of the conductor of the report and their level of experience.                              |
| 5.7 | Environment Agency                  | No comments – refer to standing advice.  |

## 6.0 REPRESENTATION

- 6.1 A total of 9 no. neighbouring properties were notified of this application on 16 February 2021. A press notice was published in a local newspaper on 24 February 2021. At the time of preparation of the report, 2 no. representations were received in support and 16 objections have been received raising objections for the following reasons:
- 6.2 Impact on character and trees [See section 7.4]
- Out of keeping with the character of the area
  - Overdevelopment
  - Height of development/too high
  - Density of development – does not reflect the prevailing character
  - Loss of trees
  - Loss of amenity
  - Exacerbate an already congested area
  - Close to adjoining properties
  - More space needed on development

- Fails to respect existing spaciousness and broadly linear pattern of development
- Siting, depth, proximity, height, massing would be inappropriate in this location
- Layout and density of building
- Design, appearance and materials
- Landscaping
- Not previously developed land (NPPF definition)
- Effect on listed buildings and conservation area [*Officer comment: There is no nearby listed building or conservation area which would be affected*]

### 6.3 Impact on residential amenity [See section 7.5]

- Loss of privacy/overlooking of gardens and properties
- Loss of light/overshadowing
- Impact on/increase in pollution
- Noise nuisance and disturbance from comings/goings/cars
- Illumination of rear gardens
- Disturbance from car headlights leaving site
- Visual amenity
- Noise impact during construction [*Officer comment: This could be controlled by a construction management plan by condition*]
- Loss of view [*Officer comment: This is not a material planning consideration*]
- Impact from smells [*Officer comment: This is normally controlled under Environmental Health legislation*]

### 6.4 Impact on highway safety [See section 7.6]

- Impact on narrow, residential cul-de-sac
- Insufficient on-site parking and increase in on-street parking
- Loss of parking
- Increase in traffic
- Impact on emergency services and refuse vehicle access
- Inadequate access
- Affect ability to park outside property
- Disabled persons' access
- Impact of construction traffic during construction [*Officer comment: This could be controlled by a construction management plan by condition*]
- Limited height restriction for traffic on Station Road (12'6") under Frimley flyover limiting commercial vehicle access
- Impact compounded by development at 42 Station Road [*Officer comment: This This site was the subject of a refused scheme*]

### 6.5 Other matters

- Impact on flood risk [*See section 7.7*]
- Affect local geology [*Officer comment: No further explanation of this impact has been made*]
- Strain on existing community facilities [*See section 7.8*]

- Increase risk of flooding elsewhere [See section 7.9]
- Potentially contaminated land [See section 7.9]
- Impact on archaeology [*Officer comment: With the site area of 0.089 hectares, the proposal falls under the 0.4 hectare threshold (in Policy DM17 of the CSDMP) where an archaeological report would be required to support this proposal*]
- Impact on wildlife (bats, badgers, hedgehogs, foxes and birds) [See section 7.7]
- Previous refusals on SPA grounds – what has changed? [See section 7.7]
- Impact on solar panels [*Officer comment: No further explanation of this impact has been made*]
- Conflict with local plan [*Officer comment: No further explanation of this impact has been made*]
- General dislike of proposal [*Officer comment: No further explanation of this impact has been made*]
- Previous planning and appeal decisions [*Officer comment: None have been specified*]
- Decrease in property value [*Officer comment: This is not a material planning consideration*]
- Most recent supporter does not now live in Station Road [*Officer comment: This is not a material planning consideration*]
- Other properties, e.g. commercial, could be used to provide housing instead [*Officer comment: Each application has to be considered on its own merits*]
- Information missing from plans/insufficient details provided/where are the detailed drawings [*Officer comment: There is more limited information provided as this relates to an outline application*]
- Wrong information on plans (e.g. 49 Station Road does not exist), existing layout is not up-to-date and there are errors in the design and access statement [*Officer comment: This is noted. It is understood that this relates to the siting of a bungalow which was demolished in the 1990's*]

6.6 The representations in support have made the following comments:

- Excellent development, aesthetically pleasing, great use of land
- Provide much needed housing/affordable accommodation
- Parking objection is hollow and meaningless
- 67 parking spaces available in Station Road to serve 22 homes, which is adequate
- Presumption for development
- Number of businesses being run on Station Road [*Officer comment: None have been specified*]
- Surrounded by industrial development so no loss of amenity
- This is not a sleepy Surrey neighbourhood
- Most of objections are around parking wishing to preserve a way of life and make the Council and public pay for it
- Close to amenities – including Frimley Park Hospital, doctors' surgery, rail station
- Safer access and much needed turning point for Station Road

## **7.0 PLANNING CONSIDERATION**

7.1 The site falls within the settlement of Frimley. The proposal is to be assessed against the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance (PPG); as well as Policies CP1, CP2, CP5, CP6, CP8, CP9, CP11, CP12, CP14, DM9, DM10, DM11, DM13 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); and Policy NRM6 of the South East Plan 2009 (as saved) (SEP). In addition, advice in the Residential Design Guide SPD 2017 (RDG); the Western Urban Area Character SPD 2012 (WUAC); the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2019 (TBHSPA) and the Planning Practice Guidance (PPG) are also material.

7.2 The main issues in the consideration of this application/non-determination appeal are:

- Principle of the development;
- Impact on the character and appearance of the area;
- Impact on highway safety;
- Impact on residential amenity;
- Impact on the Thames Basin Heaths Special Protection Area;
- Impact on flooding and drainage; and
- Impact on housing mix and affordable housing provision.

Other matters include:

- Impact on local infrastructure;
- Impact on land contamination; and
- Impact on energy sustainability.

### **7.3 Principle of the development**

7.3.1 Policy CP1 of the CSDMP states that new development will be directed in accordance with the spatial strategy which provides the most sustainable approach to accommodating growth within the borough, that new development will come forward largely through the redevelopment of previously developed sites in the western part of the borough. Frimley is acknowledged as being a sustainable location but notes that it has limited potential for housing growth. In this regard it is noted that in the glossary to the NPPF, residential gardens are excluded from the definition of previously developed land.

7.3.2 It is acknowledged that this Council can only demonstrate 4.85 years supply of housing (i.e. below the 5 year (plus buffer) requirement). Whilst the Council cannot currently demonstrate a 5 year housing land supply, and recognising that the site is in a sustainable location, the release of this site for housing should not automatically be accepted, nor be at the expense of the established residential context; the impacts of which are fully considered below.

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

7.4.1 Paragraph 130 of the NPPF indicates that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development; and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Decisions should avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. Paragraph 119 of the NPPF indicates that planning decisions should promote an efficient use of land in meeting the need for homes and other uses. Paragraph 126 of the NPPF indicates that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what planning and development processes should achieve. Good design is a key aspect of sustainable development, creates better places in which to live. Paragraph 131 of the NPPF indicates that trees make an important contribution to the character and quality of urban environments.

- 7.4.2 Policy CP2 of the CSDMP states that new development should be ensure that all land is used efficiently within the context of its surroundings and respect and enhance the quality of the urban, rural, natural and historic environments. Policy DM9 of the CSDMP indicates that development will be acceptable where they respect and enhance the local or natural character of the environment be it in an urban or rural setting, paying regard to scale, materials, massing, bulk and density. Policy DM9 also indicates that development will be acceptable where it protects trees and other vegetation worthy of retention and provides high quality hard and soft landscaping schemes.
- 7.4.3 The WUAC and RDG also emphasise the need for new development to respect, enhance and have regard to distinctive patterns of development and take opportunities to add to the positive features of the area. Principle 6.6 of the RDG states:
- “New residential development will be expected to respond to the size and rhythm of surrounding plot layouts*
- Fine residential plot divisions will be supported and encouraged particularly in intensifying urban areas. Loss of fine grain plots layouts will generally be resisted.*
- Plot boundaries to the front, side and rear will be expected to be clearly and strongly defined. Proposals with weak or absent plot definition and plot layouts that are out of context with the surrounding character will be resisted”*
- 7.4.4 The Guiding Principles of the Victorian/Edwardian subdivisions sub area of the Historic Routes Character Area state that new development should pay particular regard to the need to reflect historic plot divisions, architectural detailing and scale and massing in all development. It also states that buildings with large footprints that include large areas of flat roof will be resisted with the massing of building and roof elevation being broken down to avoid this problem. Positive features of the character area include the retention of many properties from the Victorian/Edwardian era, concentrations of buildings with original Victorian/Edwardian architectural features, plot layouts and building scale and massing and attractive streetscenes with strong enclosure and repetitive rhythms of building proportions, materials and colours. The RDG also sets out standards for new development including guidance on architectural detailing, use of natural light, window design, internal space standards, density and layout.
- 7.4.6 The Station Road streetscene in the vicinity of the site is generally characterised by detached houses with regular spacing and similar building relationships to the street. There are significant separation distances between the dwellings and the Lyon Way Core Employment Area, located to the west and east, of these properties, which is provided by long rear gardens. This gives a feeling of openness and a defined visual break between residential and commercial development which are defining features of this part of Station Road. There is minimal development beyond the rear house elevations. This together with the frontage relationship to Station Road result in strong front and rear building lines which are typical of this part of Station Road.
- 7.4.7 The schematic proposal would be provided in a backland position, set close to the rear of the site, and would provide development across three back gardens. The proposal would provide an access and parking to the front of the site which would dominate the frontage to the street. This does not reflect the frontage development which is characteristic of Station Road, nor the size, shape and rhythm of surrounding plot layouts. The rear position of the development fails to reflect or respect the strong front and rear building lines typical of this area. In addition, the shorter rear garden (and plot) depth for 43 Station Road that would be created by this development would also out of character. The proposal would be completely out of character with the established pattern of development and would result in an incongruous form of development.

- 7.4.8 The proposal would provide a density of development of 280 dwellings per hectare which compares with the prevailing density in the area of 15-20 dwellings per hectare. This uplift in density, even taking into account that the proposal relates to flats, is a good indicator that the proposal would provide an overdevelopment of the site.
- 7.4.9 Whilst the proposed building would be set further back on the plot, it would be visible from the street between the retained houses, 43 and 47 Station Road. The width and depth of this block would be far larger than any of the residential properties in Station Road. In addition, it would appear as a three storey block, which would be one storey higher than the more modestly scaled dwellings on Station Road. The schematic layout plan would indicate that the roof form would include a mix of ridged roofs and crown roofs. The crown roofs would be needed to span the widths of the proposed building, which will add to the massing of development form. The proposal would be likely to over-dominate, and introduce a form of development which is out of character with this streetscene.
- 7.4.10 The proposal has not been supported by a tree report and there would be trees close to the siting of the proposed building, close to the rear boundary and northern flank boundary of the site. These trees, especially to the north of the site, whilst not being protected through a Tree Preservation Order, are visible from a number of locations and positively contribute to the local character, and act as a physical buffer between the residential properties in Station Road and the business park to the north. It is difficult to understand how the development could be built without the loss of some significant trees and is likely to lead to future pressure to reduce/remove further trees where many flats would face these trees and have limited views, if any, beyond. Without details of how the proposal could be provided without harm to retained trees, it is considered that an understanding of such impacts and how this can be mitigated cannot be made. There also appears to be very little space available to plant any replacements. The Council's Arboricultural Officer has raised an objection on these grounds.
- 7.4.11 Noting the location, size and density of the development, it is considered that it would lead to a proposal which would have an adverse visual impact on the character of the area and streetscene. The proposal is considered to be unacceptable and an objection raised on its impact on local character and trees failing to comply with Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

## **7.5 Impact on residential amenity**

- 7.5.1 Paragraph 127 of the NPPF states that planning decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses. 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 garden space standards.
- 7.5.2 The proposal would provide a three storey form which would face the rear of the retained dwellings, 43 and 47 Station Road, and be close, for its maximum depth, to the flank boundary with 41 Station Road. The likely form would lead to an overbearing and overshadowing impact on the gardens of these properties and, with all of the required habitable room windows in all elevations, result in an overlooking of, and loss of privacy to, these gardens.

- 7.5.3 The proposal would provide a large proportion of habitable rooms with principal (or only) windows being located close to and facing the flank and/or rear site boundaries of the application site. This would provide a poor outlook for future residents, with ground floor windows being located to boundary fencing and upper floor windows facing, in the rear and north flank, elevations facing the rear of a business unit and trees.
- 7.5.4 The schematic layout would indicate that an area of amenity space would be provided for future residents of the scheme. This area would have an area of about 92 square metres in area. However, this level of provision may not meet the requirements of the RDG, particularly in that it would not represent private amenity being at the front of the development, and also whether it would allow sufficient accommodation to allow, in addition, private, separate outside space for ground floor flats.
- 7.5.5 The background noise level at the site is raised due to the proximity of the M3 Motorway, A322 Blackwater Relief Road, Frimley flyover and business park, but the Council's Environmental Health Officer considers that the use of standard double glazing units would minimise noise impacts from within the proposed units. However, the schematic internal layout would include providing windows in the flank and rear elevations with a poor outlook from a large number of habitable rooms (with views towards trees or the business park) which would provide poor living conditions for any future occupants.
- 7.5.6 The proposal would include the provision of an access road and parking close to the flank walls of the retained dwellings, 43 and 47 Station Road. The schematic layout indicates parking and the access road provided close to the flank walls of these retained dwellings. It is noted that there are no windows in the flank wall of 43 Station Road facing the proposal and the flank wall of 47 Station Road is set-in from the flank boundary. Noting the higher background noise levels, and with landscaping shown on the schematic layout, it is not considered that this would, in itself, result in adverse amenity conditions to the occupiers of 43 and 47 Station Road.
- 7.5.7 An objection is therefore raised to the impact of the proposal on residential amenity grounds, with the proposal failing to comply with Policy DM9 of the CSDMP and the NPPF.

## **7.6 Impact on highway safety**

- 7.6.1 Policy DM11 of the CSDMP indicates that development which would adversely impact the safe and efficient flow of the highway network will not be permitted unless it can be demonstrated that measures to reduce or mitigate such impacts to more acceptable levels can be implemented. All development should ensure that safe and well-designed vehicular access and egress is provided. Policy CP11 of the CSDMP indicates that development shall comply with parking standards. The County Highway Authority has raised an objection to the proposal and their comments are set out in Annex A.
- 7.6.2 The proposal would access onto Station Road. This road has a carriageway width of 7.8 metres but suffers from high levels of car parking, due to a lack of off-street parking within the residential plots on Station Road. It is also a cul-de-sac without a turning head which exacerbates traffic issues with this site. The parking provision of this development is 16 parking spaces which provides about one space per two flats. The site is in a sustainable location, being 300 metres from the nearest public car park, and the Frimley centre, and the 400 metres from Frimley rail station.
- 7.6.3 The SCC parking guidelines sets the minimum level of parking for one and two bed flats at one parking space, in all locations. As such, the proposal would provide insufficient levels of parking which would lead to increased pressure on Station Road, prejudicial to highway safety.

7.6.4 The County Highway Authority has confirmed that they accept that the site is in a sustainable location that may allow future residents, if the development is allowed and built, to walk to local facilities and may reduce the need for residents to travel by car. However, Frimley is not a major centre and it is likely that future residents would still have ownership of a private vehicle and undertake a proportion of journeys by car.

7.6.5 Due to the narrowness of Station Road and the high levels of on-street parking, the parked cars effectively reduce the carriageway to a single lane and there are few spaces to allow vehicles travelling in the opposite direction to pass. Much of the on-street parking is partly on the footway, reducing the footway width and causing a hazard to pedestrians. The proposed development is likely to exacerbate these existing road conditions and increase traffic generation which could interfere with the free flow of traffic along Station Road, and the low level of parking could result in injudicious parking on the adjacent highway and footway, potentially causing danger and inconvenience to pedestrians and other highway users.

7.6.6 As such, an objections is raised to the proposal on these grounds with the proposal failing to comply with Policies CP11 and DM11 of the CSDMP and the NPPF.

## **7.7 Impact on the Thames Basin Heaths Special Protection Area and ecology**

7.7.1 Policy CP14 of the CSDMP indicates that the Council will only permit development where it is satisfied that this does not give rise to likely significant adverse effect on the Thames Basin Heaths Special Protection Area (SPA). All net residential development within 5 kilometres of the SPA is considered to give rise to the possibility of likely significant effect. No (net) residential development will be permitted within 400 metres of the SPA and proposals for development between 400 metres and 5 kilometres will be required to provide appropriate measures to avoid adverse effects on the SPA, in accordance with the THBSPA. The site lies about 540 metres from the SPA. Policy CP14 confirms that appropriate measures include contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) and Strategic Access Management and Monitoring (SAMM) measures. Policy NRM6 of the SEP and the NPPF reflects this policy.

7.7.2 Contributions towards SANG are normally delivered through CIL and it is noted that there is a limited SANG capacity available in this part of the Borough. However, with SANG capacity available, no objections on these grounds are raised.

7.7.3 SAMM provision falls outside of CIL and therefore has to be provided by an upfront payment or secured through a legal agreement. In this case, SAMM contribution would be £9,933. However, the SAMM contribution has not been secured to date. An objection is raised to the proposal on SPA grounds with the proposal failing to comply with Policy CP14 of the CSDMP; Policy NRM6 of the SEP; the NPPF and guidance within the TBHSPA.

7.7.5 Policy CP14 of the CSDMP indicates that the Council will seek to conserve and enhance biodiversity within the Borough and developments that result in harm to or loss of features of interest for biodiversity will not be permitted. Development will where appropriate be required to contribute to the protection, management and enhancement of biodiversity. The site lies close to a wooded area and watercourse.

7.7.6 The ecological report provided with the application confirms that there was no evidence of suitable habitat for protected species. The Surrey Wildlife Trust has indicated that the report does not disclose who conducted the surveys, when the survey was undertaken, and the level of experience of the surveyor in conducting ecological surveys. As such, insufficient evidence has been provided to be able to conclude that there would be no harm to ecology from the proposal and an objection is raised on this ground.

7.7.7 An objection is raised on biodiversity grounds with the proposal failing to comply with Policy CP14 of the CSDMP and the NPPF.

## **7.8 Impact on flooding and drainage**

- 7.8.1 Policy DM10 of the CSDMP indicates that in order to manage flood risk, a sequential approach to determining planning applications and that development will be expected to reduce the volume and rate of surface water run-off through the incorporation of appropriately designed Sustainable Drainage Systems (SuDS) at a level appropriate to the scale and type of development.
- 7.8.2 The site falls within an area of medium and high flood risk (Zones 2 and 3). In terms of flood risk vulnerability classification in the PPG [Paragraph: 065, Ref Id: 7-065-20140306], residential dwellings are classified as “more vulnerable.” This means that whilst, in principle, residential properties can be located within Zone 2, these are not accepted in Zone 3 under the sequential test set out in the PPG. It is not considered that, if a sequential test were to be applied, that this site should be developed because other less vulnerable sites would be available. It certainly has not been demonstrated that such less vulnerable sites are not available to warrant supporting this scheme on this ground.
- 7.8.3 The Flood Risk Assessment has not taken into consideration its position in the floodplain including its proximity to the brook, which is defined as a main river, and in an area of a high risk of surface water flooding. As such, the groundwater is likely to be shallow in this location, so close to the brook. The Local Lead Flood Authority has advised that the proposal has, in addition and noting the siting within the floodplain, not provided sufficient drainage details, to suggest that a drainage strategy that would not lead to increased flood risk on the site or elsewhere can be achieved at the site.
- 7.8.4 As such, objections to the proposal are raised on these grounds with the proposal failing to comply with Policy DM10 of the CSDMP and the NPPF.

## **7.9 Impact on housing mix and affordable housing provision**

- 7.9.1 Policy CP6 of the CSDMP requires developments should be provided with a range of housing which reflect the demand for market housing, across the Borough. The proposed housing mix provides 76% one bedroom and 24% two bedroom units which compares with 10% one bedroom, 40% two bedroom, 40% three bedroom and 10% four bedroom units required across the Borough, as set out in the table which supports Policy CP6. Noting the site location, the proposed mix is considered to be acceptable.
- 7.9.2 Policy CP5 of the CSDMP requires developments of this scale to provide 40% affordable housing. This level of provision has not been secured and as such an objection on these grounds is raised.
- 7.9.3 With no securing of the required on-site affordable housing provision, an objection is raised with the proposal failing to comply with Policy CP5 of the CSDMP and the NPPF.

## **7.10 Other matters**

- 7.10.1 Policy CP12 of the CSDMP indicates that sufficient infrastructure will be provided to support the development proposal. Where funding gaps for infrastructure have been identified, the Council will require developers to make a contribution towards the shortfall in funding. Most of this to be provided through the Council's CIL scheme. This is funded through a levy system and is secured outside of the application process. The current proposal is CIL liable and a charge is to be provided outside of the application process.
- 7.10.2 Policy CP2 of the CSDMP indicates that development will be required to provide measures to improve energy efficiencies and sustainability. The application is at an outline stage and no such details have been provided. As such and if the scheme is allowed, these details can be requested by condition.

- 7.10.3 Paragraphs 183 and 184 of the NPPF indicates that planning decisions should ensure that account is taken of ground conditions and any risks arising from contamination and where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or land owner. The Senior Environmental Health Officer that, notwithstanding the historic business uses on the adjoining site, there are no land contamination issues with the application site.
- 7.10.4 As indicated in Paragraph 7.3.2 above, the Council cannot currently demonstrate a five year (plus buffer) supply of housing for the Borough. The provision of 25 (net 24) dwellings, in assisting to improve the housing supply, would be seen as a benefit of the proposal. However, to provide such accommodation which is unacceptable for a number of reasons would not, in the planning balance, outweigh the identified harm.
- 7.10.5 This relates to a non-determination appeal for which the decision is to be made by the Planning Inspectorate. The recommendation set out below relates to the decision that would have been made if the Council had been the determining authority.

## **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 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.
- 8.2 Under the Equalities Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment or victimisation of persons by reason of age, disability, pregnancy, race, religion, sex and sexual orientation. This planning application has been processed and assessed with due regard to the Public Sector Equality Duty. The proposal is not considered to conflict with this Duty.

## **9.0 CONCLUSION**

- 9.1 The current proposal is considered to be unacceptable in terms of its impact on character, residential amenity and highway safety, with acceptable levels of SAMM and affordable housing not secured to date. In addition, insufficient information has been provided in relation to trees, drainage, flood risk and ecology. It is considered that the proposal is unacceptable and an objection to the non-determination appeal be raised to it.

## **10.0 RECOMMENDATION**

WOULD HAVE REFUSED on the basis of the following reasons:

1. This part of Station Road is characterised by a sense of spaciousness and a linear pattern of development with typically detached dwellings, deep, narrow rear gardens and strong front and rear building lines. The proposed erection of a building with associated amenity spaces in a backland location across the rear of three former gardens having regard to the resulting plot subdivision, likely siting, quantum/density, massing, depth and height of development would result in a harsh and incongruous pattern and form of development, being intrusive, imposing and forming poor

relationships with the neighbouring properties. As such, the proposal would fail to respect and enhance the character, appearance and quality of the area including the Victorian/Edwardian subdivisions of the Historic Routes Character Area, contrary to Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012, Guiding Principles VS1 and VS3 of the Western Urban Area Character Supplementary Planning Document 2012, Principles 4.1, 6.2, 6.6, 7.1, 7.4, 7.5, 7.8 and 7.9 within the Residential Design Guide Supplementary Planning Document 2017 and the National Planning Policy Framework

2. By virtue of its siting, proximity, depth, height, massing and orientation the proposed building is considered to have a likely unacceptable overbearing and overshadowing impacts on the rear gardens of 41, 43 and 47 Station Road. Furthermore, the proposed windows in the side elevation facing 41 Station Road and the first and second floor windows in the front elevation facing 47 Station Road are considered to give rise to a sense of overlooking and loss of privacy to the residents of these properties. In addition, the likely layout including habitable room windows on all floors located close to site boundaries would lead to a poor outlook for future residents. The schematic layout would provide no meaningful private amenity space for future residents which would lead to unacceptable conditions for future residents. As such, the proposal would result in a material loss of amenity to adjoining residents and would result in unacceptable conditions for future residents that they may reasonably expect to enjoy. The proposal is therefore considered to conflict with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the Residential Design Guide SPD 2017.
3. It has not been demonstrated how the proposal could be provided without harm to, or loss of, major trees close to the flank and rear boundaries of the site, and how any loss of trees could be mitigated through this development. In addition, noting the likely proximity of a large number of habitable rooms within the development to these trees, it is likely that pressure to reduce/remove further trees will be required in the future. As such, the proposal would be unacceptable due to its likely to harm to trees failing to comply with Policy DM9 of the Surrey Heath Core Strategy and development Management Policies 2012 and the National Planning Policy Framework.
4. It has not been demonstrated that the proposed development would not lead to overspill parking on Station Road adding to existing parking stress and causing conflict with highway users, including pedestrians. The proposed development could therefore prejudice highway safety contrary to Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.
5. It has not been demonstrated that the proposed development would allow for safe vehicular access to and from the site particularly for emergency and refuse vehicle collection vehicles. The proposed development would therefore prejudice highway safety contrary to Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.
6. It has not been demonstrated that the proposal has not taken into consideration any potential impact of the development on biodiversity and how any such impacts can be mitigated. As such, the proposal fails to comply with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012, the National Planning Policy Framework and the ODPM Circular 01/2005: Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System.
7. The site is located within Flood Zones 2 and 3. In the absence of an acceptable detailed drainage proposal and flood mitigation scheme, it has not been adequately demonstrated that the proposal would be acceptable in flood risk terms in relation to the site and neighbouring properties. It has not been demonstrated that the proposal

has not taken into consideration any potential impact of the development on flood risk, including fluvial risk and risk from surface water and how any such impacts can be mitigated. As such, the proposal fails to comply with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

8. The Local Planning Authority, following an Appropriate Assessment and in the light of available information, is unable to satisfy itself that the proposal (in combination with other projects) would not have an adverse effect on the integrity of the Thames Basin Heaths Special Protection Area (SPA) and the relevant Site of Specific Scientific Interest (SSSI). In this respect significant concerns remain with regard to the adverse effect on the integrity of the SPA in that there is likely to be an increase in dog walking, general recreational use and damage to the habitat and the protected species within the protected areas. Accordingly, since the Local Planning Authority is not satisfied that Regulation 62 (of the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations) applies in this case then it must refuse the application in accordance with Regulation 61(5) of the Habitats Regulations and Article 6(3) of Directive 92/43/EE. For the same reason the proposal conflicts with the guidance contained within the National Planning Policy Framework and Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and Policy NRM6 of the South East Plan 2009 (as saved) and the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2019.
9. In the absence of a completed legal agreement under Section 106 of the Town and Country Planning Act 1990, the proposal fails to provide an adequate provision for affordable housing. The application is therefore contrary to the aims and objectives of Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.