

LOCATION: LAND REAR OF, THE PARADE, FRIMLEY, CAMBERLEY
PROPOSAL: Outline application for the erection of 7 No. residential dwellings, with vehicular access, car parking with alterations/reduction to existing public car park/servicing areas (all matters reserved). (Additional information rec'd 23/11/2016).
TYPE: Outline
APPLICANT: Mr Richmond-Dodd
Laimond Property Investment Company Ltd
OFFICER: Duncan Carty

This application would normally be determined under the Council's scheme of delegation, However, it is being reported to the Planning Applications Committee at the request of Councillor Sams.

RECOMMENDATION: REFUSE

1.0 SUMMARY

- 1.1 The proposal is an outline application, with all matters reserved, for seven residential dwellings with a vehicular access and landscaping. The proposal relates to a site to the south of The Parade in Frimley. The site includes a triangular piece of unkempt land and part of the car park serving The Parade, and the wider Frimley centre.
- 1.2 The proposal is considered to be unacceptable in terms of its impact on local character and ecology. The applicant has also provided a contribution towards SAMM. No objections are raised on residential amenity, highway safety, SPA grounds or tree grounds. As such, the proposal is considered to be unacceptable and the application is recommended for refusal.

2.0 SITE DESCRIPTION

- 2.1 The application site lies on land to the south of The Parade in Frimley. The site includes a triangular piece of unkempt land, for which permission has previously been granted to extend the adjoining public car park and part of this car park which serves The Parade, and the wider Frimley centre. The land lies within a "Commercial Nodes" character area as defined within the Western Urban Area Character SPD 2012.

3.0 RELEVANT PLANNING HISTORY

- 3.1 SU/01/0132 Change of use of land ancillary to electricity sub-station to surface car park with ancillary works. *Approved in June 2001.*
- 3.2 SU/06/0122 Renewal of planning permission SU/01/0132 for the change of use of land ancillary to electricity sub-station to surface car park with ancillary works. *Approved in May 2006.*
- 3.3 SU/15/0083 Change of use of land to provide a car park extension with associated development. *Approved in May 2015.*

4.0 THE PROPOSAL

- 4.1 The proposal is an outline application, with all matters reserved, for seven residential dwellings with a vehicular access and landscaping. The access to the proposed dwellings is proposed from Cedar Lane, and across the car park. Schematic drawings have been provided to indicate a layout with some elevation details, indicating a cul-de-sac development proposal with two storey detached dwellings. The schematic drawing indicates that the scheme would provide 5 no two bedroom and 2 no three bedroom units.
- 4.2 The application has been supported by a drainage strategy, transport statement, design, access and sustainability statement, planning statement, ecology report and flood risk assessment. Further details including addenda to the transport statement (including a swept path drawing for the servicing arrangements for the retail units on The Parade) and the design, access and sustainability statement have been provided.

5.0 CONSULTATION RESPONSES

- 5.1 County Highway Authority No objections.
- 5.2 Economic Development Officer Comments awaited.
- 5.3 Tree Officer Comments awaited.
- 5.4 Surrey Wildlife Trust Objects as insufficient appropriate ecological information to ensure that the proposal will not resulting a loss of biodiversity nor achieve a net gain.
- 5.5 West Surrey Badger Group No objections.

6.0 REPRESENTATIONS

6.1 At the time of the preparation of this report, one representation had been received in support:

- Preferred to the car park extension already granted and subject to the following:
- Reductions to some of the retained trees required;
- Boundary fencing provided to replace (historic) gate access onto the site; and
- Sufficient drainage measures put in place.

6.2 At the time of the preparation of this report, nine objections have been received, including one for the Frimley Business Association, raising the following objections:

- Impact on local health services [*Officer comment: Not a reason to refuse this application*]
- Noise, dust and fumes from construction process [*Officer comment: Not a reason to refuse this application*]
- Noise disruption from construction at the weekends [*Officer comment: Not a reason to refuse this application*]
- Parking of construction traffic during construction including the use of nearby residential streets (already affected by a nearby construction site) [*Officer comment: Not a reason to refuse this application*]
- Loss of privacy and overlooking of property [*See Paragraph 7.4*]
- Impact on, and loss of, trees/woodland [*See Paragraph 7.3*]
- Impact on wildlife habitat [*See Paragraph 7.7*]
- Impact of noise, light, dust and air pollutants from future occupation [*Officer comment: it is not considered that such pollution would result from the proposal*]
- Reduction in public car park, which will result in loss of car parking capacity within Frimley centre (already affected by a nearby construction site) and increase in parking on nearby residential streets [*See Paragraphs 7.5 and 7.6*]
- Impact on traffic and limited access from Cedar Lane, particularly for emergency vehicles, and mini-roundabout access from the High Street [*See Paragraph 7.5*]
- Impact on slow worms, badgers, bats, birds and foxes [*See Paragraph 7.7*]
- Tree Preservation Order required for mature oak trees on the site [*See Paragraph 7.3*]
- Impact on property value [*Officer comment: This is not a material planning consideration*]]

- The proposal is proposed for the developer to recoup the money spent on the site [*Officer comment: This is not a material planning consideration*]
- Previous car park extension proposal was submitted on need which is not true. The current car park regime deters users [*See Paragraphs 7.5 and 7.6*]
- Over development of the site [*See Paragraph 7.3*]
- Impact on local shops from reconfigured car park which would restrict service access [*See Paragraphs 7.5 and 7.6*]
- Local community would be better served with car park extension [*See Paragraphs 7.5 and 7.6*]
- There should be no infringement of tenancy rights and compensation provided, for shop units in The Parade during the development period [*Officer comment: This is not a material planning consideration*]
- Loss of peaceful green space [*See Paragraph 7.3*]
- Impact on drainage; localised flooding occurs on adjoining land has not been recognised in the report. The site is on former marsh land with a drainage pipe running across the site (where a former stream once flowed) [*Officer comment: The proposal relates to a scale of development which falls outside of the remit of the LLFA. However, if minded to approve, it may be appropriate to attach a condition to agree details*]
- Impact of stress from continuing application submissions on local residents [*Officer comment: This is not a material planning consideration*]

7.0 PLANNING CONSIDERATIONS

- 7.1 The application site falls within the settlement of Frimley. The current proposal is to be assessed against Policies CP1, CP2, CP3, CP11, CP14, DM9, DM10 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP) and the National Planning Policy Framework (NPPF) and advice within the Western Urban Area Character SPD 2012 and the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document 2012.
- 7.2 The main issues in the consideration of this application are:
- Impact on local character and trees;
 - Impact on residential amenity;
 - Impact on highway safety;
 - Impact on the viability of the local centre;
 - Impact on ecology;

- Impact on local infrastructure;
- Impact on the SPA; and
- Impact on the delivery of affordable housing.

7.3 Impact on local character and trees

- 7.3.1 Policy DM9 of the CSDMP indicates that development will be acceptable where it provides high quality design and respects and enhances the local, natural or historic character of the environment. Paragraph 6.56 indicates that *“high quality design plays an essential role in the functioning of places. It can add to distinctiveness but also the ability to integrate well within existing build patterns and forms.”* Policy CP2 also indicates that development should *“ensure that all land is used efficiently within the context of its surroundings and respect and enhance the quality of the urban,..., natural...environments;...”* This reflects Paragraph 61 of the NPPF which indicates that planning decisions should *“address the connections between people and places and the integration of new development into the...built...environment.”* Paragraph 64 of the NPPF indicates that *“permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.”*
- 7.3.2 The Western Urban Area Character SPD 2012 indicates that the “Commercial Nodes” character area is defined as having *“a dominance of the retail and business activities in a form of strip development. The buildings in these small centres reflect a small scale character which is in line with their local/neighbourhood function.”* New development should reflect historic plot widths. Whilst the application site falls within this character area, it lies at the very periphery of this character area, in a corner, and in a transitional location adjacent to a neighbouring character area.
- 7.3.3 Whilst the proposal is in outline only (with all matters to be determined at the reserved matters stage), it has not been demonstrated that the proposal could be sufficiently integrated into this local environment and particularly with the proposed vehicular approach to the site through the public car park. This forms a very poor approach to this development site and the proposal would, under these circumstances, appear incongruous in this setting, failing to integrate into the local environment.
- 7.3.4 The adjoining residential properties to the south and east of the site are located within a “Post War Council Estate” character area. In such areas, *“housing estate patterns were distinguished by “long regular street and plot patterns and...[predominantly]... semi-detached and terraced dwellings.”* New development is expected to maintain space between and around the buildings and new plots should reflect the rhythm of the existing plots in the estate with the shape and size of the rectangular plots being a distinctive characteristic of the character area. It is considered that by providing cul-de-sac residential development in a corner location with two principal boundaries with this character area, it has more characteristics with this character area and, as such, should be assessed against this character area and, in particular, its immediate area.

- 7.3.5 The schematic layout indicates that the proposed units are likely to have much smaller gardens than the nearest residential plots in Burleigh Road and Sheridan Road. It is acknowledged that in the wider character area there are some residential properties more densely provided with shorter rear gardens. Nevertheless, in close proximity to the application site, these larger plots are provided. It is also acknowledged that the scheme is in an outline form (with all matters reserved), the schematic layout indicates that the rear gardens for the new dwellings to be between 80 and 120 square metres in area and between 6 and 25 metres in depth. As a comparison, the size of the rear gardens of the nearest residential properties to the site are typically between 200 and 300 square metres in area, and 15 to 30 metres in depth. The proposal is very likely to provide a cramped pattern of development which does not reflect the character of these adjoining properties and so this proposal would form a poor relationship with the neighbouring buildings.
- 7.3.6 There are a number of large trees located predominantly to the site edges. However, the schematic layout indicates that the proposed dwellings would be located close to these trees and, in some cases (particularly Plots 6 and 7 on the schematic layout), restricting the size of the rear gardens which would have an open aspect, i.e. which are not under the tree canopies. The Arboricultural Officer has not commented to date and any formal comments received will be provided on the update.
- 7.3.7 It is therefore considered that it has not been demonstrated that the proposed development can be accommodated without detriment to the character of the area, failing to comply with Policy DM9 of the CSDMP and the advice within the Western Urban Area Character SPD 2012.

7.4 Impact on residential amenity

- 7.4.1 Whilst the proposal is in outline, the schematic layout indicates that the rear gardens for the new dwellings to be between 6 and 25 metres in depth, with the rear gardens of surrounding properties between 15 and 30 metres. The development would appear to provide two storey dwellings, and in most locations, it would appear that the proposal could be provided without detriment to residential amenity. However, the rear garden for Plot 7 is particularly shallow (at about 6 metres) and the garden depth beyond (for 10 and 12 Leonard Close) at about 15 metres, there could be some impact on the residential amenity of these properties. The impact will be subject to the siting and the articulation of the rear elevation facing these properties, and as such, ahead of the receipt of these details at reserved matters stage, no objections are raised on residential amenity grounds. As such, the proposal would comply with Policy DM9 of the CSDMP.

7.5 Impact on highway safety

- 7.5.1 The proposal would provide parking to support the proposal. The amount of parking would be provided at the reserved matters stage, and it is not considered that the site is so cramped that parking standards could not be met by the proposal (at reserved matters stage). The site is also highly sustainable, being close to the Frimley centre and rail station. The County Highway Authority has not raised any objections to the proposal on highway safety grounds. As such, no objections are

raised on highway safety grounds, with the development complying with Policies CP11 and DM11 of the CSDMP.

7.6 Impact on the viability of the local centre

- 7.6.1 The proposal would result in the re-configuration of the public car park to the rear of The Parade. This car park is a strategic public car park which supports the retail and service functions of the Frimley local centre. The car parking provision is currently 85 spaces. The proposal, by re-configuration, would re-provide 85 spaces. Twelve of these spaces would be provided in an area currently provided as a service yard area for the shop units in The Parade. The service yard area would be reduced in area, but no objections to this loss are raised by the County Highway Authority who consider that provided swept path analysis demonstrates that larger delivery vehicles are able to turn within the car park and exit onto the public highway. As such, with no loss in the number of car parking spaces at the public car park, no objections are raised on the impact to the local centre.
- 7.6.2 The proposal would not result in any adverse impact on the viability of the local centre, complying with Policy DM12 of CSDMP.

7.7 Impact on ecology

- 7.7.1 Paragraph 109 of the NPPF indicates that *"the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity."* The proposal would remove the piece of partly tree'd, unkempt land on the site, which is an informal wildlife habitat. The earlier car park extension approval would have reduced the habitat area, but landscaping to the south corner of the site, providing an area of about 300 square metres, with shrub planting to the east and west site boundaries which, along with the rear gardens beyond, would have provided wildlife corridors, including a link to the remainder of the electricity sub-station site to the north. This would have provided a compensatory measure to off-set the loss of this habitat.
- 7.7.2 The Surrey Wildlife Trust has indicated that the proposal, as submitted, *"does not provide sufficient appropriate ecological information to ensure that the proposed development will not result in a net loss of biodiversity resource on the site and does not seek to achieve a net gain."* However, it is noted that permission was granted for a reduction in this habitat by the car park extension under SU/15/0083, for which the Trust, although consulted, did not formally comment. Nevertheless, the earlier permission SU/15/0083 would have retained some landscaping which would provide a reduced habitat area. This reduced habitat area could not be provided under the current proposal, noting the limited size of the site and the schematic layout. As such, an objection is raised to the impact of the proposal on ecological grounds, with the proposal failing to demonstrate compliance with Policy CP14 of the CSDMP and the NPPF.

7.8 Impact on local infrastructure

- 7.8.1 Surrey Heath's Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council on the 16th July 2014. As the CIL Charging Schedule came into effect on the 1st December 2014 an assessment of CIL liability has been

undertaken. Surrey Heath charges CIL on residential and retail developments where there is a net increase in floor area of 100 square metres or more. This development would be CIL liable and the final figure would need to be agreed following the approval of reserved matters and the subsequent submission of the necessary forms. However, on the basis of the information submitted to date, the amount of CIL payable would be in the region of £113,760. An Informative would be added to the decision advising the applicant of the CIL requirements.

7.9 Impact on the SPA

7.9.1 In January 2012 the Council adopted the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD which 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. As SANGS is considered to be a form of infrastructure, it is pooled through CIL. The Council currently has sufficient SANGS capacity to mitigate the impact of the development on the SPA.

7.9.2 Policy CP14B requires that all net new residential development provide contributions toward Strategic Access Management and Monitoring (SAMM) measures. For the current proposal, as outlined on the schematic drawing, this amounts to £3,919, which has been paid. If outline permission were to be granted, any shortfall arising from a different mix of dwellings which increases the number of bedrooms, can be provided at the reserved matters stage. As such, the proposal would accord with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the CSDMP.

7.10 Impact on the delivery of affordable housing

7.10. Paragraph 174 of the NPPF states that local planning authorities should set out
1 their policy on local standards in the Local Plan, including requirements for affordable housing. Paragraph 50 states that where local planning authorities have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial equivalent of broadly equivalent value can be robustly justified. Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012 requires, for the proposed quantum of development, a contribution towards affordable housing provided elsewhere in the Borough.

7.10. In November 2014, the Government issued a Written Ministerial Statement (WMS)
2 indicating that affordable housing contributions should not be sought on developments of 10 units or less (provided that the gross floor space of any such development does not exceed 1,000 square metres). Whilst the aim of this was to assist small and medium housebuilders, the statement effectively applied to all housebuilders. The WMS was subject to a successful legal challenge by West Berkshire District Council and Reading Borough Council, but the decision by the High Court was subsequently reversed by the Court of Appeal on 11th May 2016. As a result, the WMS was reinstated from the 11th May 2016. Updated guidance was then issued in the Planning Practice Guidance (paragraph ID23b-013-20160519).

7.10.3 The WMS is therefore a material planning consideration in the determination of planning applications and it is necessary to determine how much weight should be attached to this. Since the issuing of the WMS there have been a number of appeal decisions whereby some common themes have become evident. This includes the need to produce evidence to continue to apply local policy; and, any such evidence is insufficient to outweigh the WMS unless it is demonstrated that the affordability issues are atypical compared to national, regional and local circumstances. On the basis of this officers are of the opinion that Surrey Heath's affordability issues are not atypical to regional and local circumstances and that there is not a tested argument to justify outweighing the WMS.

7.10.4 As the starting point, each application that triggers the threshold for affordable housing must continue, therefore, to address the requirements of Policy CP5. Hence, an Affordable Housing Statement in addition to any viability information will continue to be required. In this case, the applicant has not provided a statement outlining why the WMS should be given greater weight than Policy CP5 and no information in terms of viability of the scheme has been provided. Surrey Heath is currently performing poorly against its policy objectives for affordable housing with the situation likely to worsen, and provision on smaller sites is required to help the Council endeavour to meet its targets. Given that no viability information has been provided, while significant weight is given to the WMS, it is not considered that the applicant has sufficiently demonstrated that this should be given greater weight than local policy. As such, the proposal is considered to be unacceptable on these grounds failing to comply with Policy CP5 of the CSDMP.

7.11 Financial considerations

7.11.1 In addition to CIL the development proposed will attract New Homes Bonus payments and as set out in Section 70 of the Town and Country Planning Act (as amended by Section 143 of the Localism Act) these are local financial considerations which must be taken into account, as far as they are material to the application, in reaching a decision. It has been concluded that the proposal accords with the Development Plan and whilst the implementation and completion of the development will result in a local financial benefit this is not a matter that needs to be given significant weight in the determination of this application.

8.0 CONCLUSION

8.1 The proposed development is considered to be acceptable in relation to its principle, as well as its impact on residential amenity and highway safety. However, the proposal is considered to be unacceptable in terms of its impact on local character and ecology. As such, the proposal is considered to be unacceptable and is recommended for refusal.

9.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT) ORDER 2012 WORKING IN A POSITIVE/PROACTIVE MANNER

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of Paragraphs 186-187 of the NPPF. This included the following:-

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

10.0 RECOMMENDATION

REFUSE for the following reason(s):-

1. The proposal by reason of its access through a public car park and rear site location without a road frontage, together with the plot sizes and shape and configuration of the layout would result in a cramped, contrived and incongruous form of development that would fail to integrate with its neighbouring buildings and local area including the distinctive shape, size and rhythm of existing plots in the Post War Council Estate Character Area. The proposal would not respect or improve the character and quality of the area and therefore be contrary to guiding principle PC1 of the Western Urban Area Character Supplementary Planning Document 2012, Policies CP2 (iv) and DM9 of the Surrey Heath Core Strategy Development Management Policies Document 2012 and the National Planning Policy Framework.
2. Insufficient appropriate ecological information has been submitted to demonstrate to the satisfaction of the Local Planning Authority that the development would not result in a loss of biodiversity, contrary to Policy CP14A of the Surrey Heath Core Strategy and Development Management Policies 2012 and Paragraph 109 of the National Planning Policy Framework.
3. It has not been demonstrated to the satisfaction of the Local Planning Authority that the provision of affordable housing at this site would not be financially viable and as such the proposal is considered to be contrary to Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012.

Informative(s)

1. Advise CIL Liable on Appeal CIL3