



Appeal Decision

Site visit made on 13 November 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024

Appeal Ref: APP/D3640/W/23/3319066

Land To The Rear Of 110A - 110E Frimley Road, Camberley GU15 2QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr K Gunbie (Lindback Limited) against the decision of Surrey Heath Borough Council.
- The application Ref 22/1318/FFU, dated 19 December 2022, was refused by notice dated 14 February 2023.
- The development proposed is the erection of 5 one bedroom apartments with associated access from Bridge Road, car parking and landscaping.

This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 4 December 2023.

Decision

1. The appeal is allowed and planning permission is granted for the erection of 5 one bedroom apartments with associated access from Bridge Road, car parking and landscaping at Land To The Rear Of 110A - 110E Frimley Road, Camberley, GU15 2QN in accordance with the terms of the application, Ref 22/1318/FFU, dated 19 December 2022, and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

Main Issue

2. The main issue in this case is the effect of the development on the character and appearance of the surrounding area.

Reasons

3. The appeal site comprises of a parking area, located to the rear of the Frimley Road facing parade of shops, which have flats above. The car park is accessed off Bridge Road, a cul de sac mostly made up of commercial/industrial units. With the nearby semi-detached residential units, the site's surroundings are therefore distinctly mixed in character, as is set out in the character appraisal for the area in the Western Urban Area Character SPD (WUAC SPD), which highlights the area's mixed nature, noting the variation in ages and architectural style of the buildings.
4. I note the recent approval¹ for a two storey 4 unit residential scheme in this location. This scheme remains extant and as such a realistic fallback position to which I give substantial weight. I also note the Council's updated Strategic Land Availability Assessment (SLAA) (Feb 2022) identifies the appeal site to be suitable for the delivery of up to five dwellings.

¹ Application reference 21/1108/FFU, allowed under appeal reference APP/D3640/W/22/3298468

5. The proposal before me would provide a 5th unit on the site by increasing the height of the building and adding two dormers, facilitating the additional unit on the second floor. Otherwise, the hipped roof design with gabled ends would remain similar to the approved scheme, as would the incorporation of horizontal brick banding with quoin detailing to the corners and a simple porch at the entrance to the property. As such, whilst there is additional bulk and vertical emphasis, particularly from the increased height of the east elevation gable, the building would retain the general form and design of the previously approved scheme. The spacing around the building and the separation distances to the neighbouring buildings would also remain consistent with the previously approved scheme.
6. There are visible examples of dormers in the vicinity of the site, such as on the rear of the Frimley Road parade of stores near the appeal site, and opposite the site on the corner of Frimley Road and Watchetts Road. In this context the proposed dormers would not appear out of place. The nearby dwellings are two storey in height, as are most surrounding buildings, however there are examples of three storey buildings, including directly neighbouring the appeal site fronting Frimley Road.
7. Again therefore, in this context, the proposed building would not appear overly dominant, nor overly prominent or incongruous. It would sit comfortably within the immediate mixed surroundings and varied architectural styles.
8. In light of the above, I conclude that the development would not harm the character and appearance of the area. The proposal would be consistent with Policy DM9 of the Council's Core Strategy & Development Management Policies 2011 – 2028 (CS), which seeks to ensure new development respects and enhances the existing character of an area, through high-quality design which is appropriate in terms of scale, materials, massing, bulk and density. The development would also reflect the overarching design principles set out in the Supplementary Planning Document Residential Design Guide (2017), the National Design Guide and the National Planning Policy Framework (2021) (Framework).

Other Matters

9. The appeal site is located within a 5km buffer zone of the Thames Basin Heaths Special Protection Area (SPA). The SPA has been identified as an internationally important breeding habitat for a number of rare species of bird. The proposed development has the potential to lead to increased recreational use of the SPA, owing to the additional residential units. In combination with other similar small-scale development, this means the proposal could result in increased disturbance to the protected habitats and species found in this area. As a result, it is not possible to rule out likely significant effects on the SPA.
10. Nonetheless, the Thames Basin Heaths SPA Avoidance Strategy SPD (2019) (SPA Avoidance Strategy), sets out measures to help mitigate against the potential effects from new housing. This mitigation is achieved through financial contributions towards the provision of Suitable Alternative Natural Green Space (SANGS) within the Council's borough, which is aimed at providing an alternative recreation location to the SPA. Further mitigation is also secured through financial contributions towards Strategic Access Management and Monitoring (SAMM), which helps monitor and manage the impact of people using the SPA.

11. In this instance, the Council has confirmed that there is sufficient SANGS capacity within its area to mitigate against the proposal. This financial contribution would be collected through the Community Infrastructure Levy, which would be payable prior to commencement of the proposed development. As with the previously approved scheme, the appellant has also made a separate payment of £2329.45 towards SAMM, which reflects the SAMM tariff set out in the SPA Avoidance Strategy. Natural England have set out that, subject to this mitigation being secured, they have no objection.
12. The proposed mitigation would meet the requirements of the SPA Avoidance Strategy. As the competent authority, I am therefore satisfied that with the proposed mitigation, the development would not have an adverse effect on the integrity of the SPA. The development would therefore comply with the Conservation of Habitats and Species Regulations 2017 (as amended).

Conditions

13. A list of suggested conditions has been provided that the Council consider to be appropriate. I have considered these in light of the PPG and the tests set out in the Framework. For clarity and to ensure compliance with the tests, I have amended some of the suggested wording.
14. In accordance with the Council's Executive resolution made in August 2019, the implementation period for the planning permission is limited to one year. This is to ensure that available SANGS capacity within the Council's area is not left artificially depleted due to unimplemented planning permissions. I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty.
15. Details of external surfaces must be submitted to and approved by the Council prior to commencement, to ensure materials integrate as far as possible with the surrounding area. A hard and soft landscaping scheme must also be approved prior to commencement, which will help secure a good level of visual amenity within the site and its surrounds.
16. To help minimise the impact of development on neighbouring amenity during construction, Construction Transport Management Plan must be approved prior to commencement. Given the brownfield nature of the site, a condition to deal with any risks posed by contamination is also necessary. Suitable access arrangements to the site must be completed prior to occupation of the new dwellings, to ensure highway safety is properly maintained as part of the development.
17. To provide residents with suitable facilities, car parking spaces, cycle parking and bin storage must also be completed prior to occupation. Finally, fast charge sockets must also be implemented prior to occupation of each dwelling, to help promote sustainable modes of transport within the Council's area.
18. The Council requested a condition requiring the existing access to the site to be permanently closed, with a corresponding requirement that any kerbs, verge and footway are properly reinstated. However, given that the existing access is shared with the neighbouring industrial premises, I do not consider such a condition is needed, nor appropriate. The submitted proposed site plan illustrating the parking spaces shows sufficient room for turning and as such, a separate condition requiring further details in this respect is also not necessary.

Conclusion

19. There are no material considerations that indicate the development should be determined other than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, the appeal is allowed.

B Phillips

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 1 year from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 2020/06/L201, 2020/06/P201, 2020/06/P202 2020/06/P203, 2020/06/P204, 2020/06/P205.
3. No above ground development shall take place until samples or details of the materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved samples or details and retained thereafter.
4. No development shall commence until there shall have been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include details of all walls, fences and boundary treatments, existing trees and hedges to be retained (as well as protection measures during construction if applicable) and new planting to be carried out. The approved scheme shall be implemented in accordance with the agreed details and timetable. Any trees or plants forming part of the approved scheme which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
5. No development shall commence until a Construction Transport Management Plan (CTMP) has been submitted to, and approved in writing by the Local Planning Authority. The CTMP shall provide for: • the parking of vehicles of site personnel, operatives and visitors; • loading and unloading of plant and materials; • onsite turning for construction vehicles; • storage of plant and materials; • programme of works (including measurement for traffic management); • provision of boundary hoarding; • condition surveys of the highway and a commitment to fund any damage caused during construction; • measures to control the emission of dust and dirt during construction; and • construction working hours. The approved CTMP shall be adhered to throughout the construction period of development.
6. No development shall commence until a scheme to deal with potential contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a contaminated land desk study and suggested site assessment methodology; a site investigation report; a remediation action plan; a discovery strategy to deal with unforeseen contamination discovered during construction; a validation strategy identifying measures to validate the works undertaken as a result of any remediation needed; and if necessary, a verification report with appropriate supporting evidence to demonstrate any agreed remediation has been carried out. The development shall be carried out wholly in accordance with the approved scheme.

7. No dwelling hereby permitted shall be occupied until the modified access to Bridge Road has been laid out in accordance with drawing 2020/06/P201 which shall include the pedestrian inter-visibility splays of 2m by 2m on either side of the access (with the depth measured from the back of the footway or verge and the widths outwards from the edges of the access). The access shall thereafter be permanently maintained, and the pedestrian visibility splays shall be kept free of any obstruction above 0.6m in height.
8. To facilitate access to the development, the existing parking bays to the front of the modified site access along Bridge Road shall be altered in accordance with a scheme to be submitted to and approved by the Local Planning Authority, which shall include details of any necessary Traffic Regulation Order amendments. The alterations to the parking bays shall be implemented in accordance with the approved scheme prior to occupation of the development.
9. No dwelling hereby permitted shall be occupied until the car parking spaces have been laid out in accordance with drawing 2020/06/P201. The car parking spaces shall thereafter be kept available at all times for those purposes.
10. No dwelling hereby permitted shall be occupied until the cycle parking and bin storage have been laid out in accordance with drawings 2020/06/P205 and 2020/06/P201. The cycle parking and bin storage shall thereafter be retained for their designated purpose.
11. No dwelling hereby permitted shall be occupied until a fast charge socket to serve each dwelling has been installed. Details of the fast charge sockets shall be submitted to and approved in writing by the Local Planning Authority before the sockets are installed, and retained thereafter.

End of Schedule